

Council Business Meeting

June 5, 2018

Title: 475 E. Nevada St. Rezoning

From: Bill Molnar Director of Community Development
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Derek Severson Senior Planner
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Summary:

The application is a proposed Comprehensive Plan Map Amendment and Zone Change for the properties located at 475 East Nevada Street, and also includes Outline Plan and Site Review approvals for a 20-lot, 23-unit subdivision; Tree Removal Permit to remove ten trees, and Exceptions to Street Standards.

At the May 15, 2018 meeting the Council conducted the land use hearing and approved first reading of the ordinance for the requested Comprehensive Plan Map Amendment and Zone Change, including exceptions to the requirements that the affordable units be comprised of a comparable mix of unit types to the market rate units (as required in AMC 18.5.8.050.G.3.b), and that the affordable units not be distributed throughout the project (as required in AMC 18.5.8.050.G.5), for the properties located at 475 East Nevada Street.

Actions, Options, or Potential Motions:

The Council can choose to conduct second reading and adopt the ordinance and associated written findings, or could opt to postpone second reading to a later date. Staff recommends the first reading be conducted and findings adopted with the following motions:

- **“I move approval of the second reading by title only of “An Ordinance Amending the Comprehensive Plan Map Designation and Zoning for the Properties Located at 475 East Nevada Street” and adoption of the ordinance; and**
- **“I move to adopt written findings for approval of Planning Action #2017-02129.”**

Staff Recommendation:

Staff recommends that the Council approve second reading and adopt the ordinance rezoning the property, and adopt the written findings provided.

Resource Requirements:

Staff does not believe that approval would result in workload issues or adversely affect project prioritization.

Policies, Plans and Goals Supported:
Council Goals

- 5.2.a Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.*

Comprehensive Plan Elements: Element VI - Housing

- 6.10 Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland's population, consistent with preserving the character and appearance of the city.*
- 6.11.1.b Allow a wide variation in site-built housing types through the use of the City's Performance Standards Ordinance. The use of attached housing, small lots and common open spaces shall be used where possible to develop more moderate cost housing and still retain the quality of life consistent with Ashland's character.*

North Mountain Neighborhood Plan Purpose

18.3.5.010.A This district is designed to provide an environment suitable for traditional neighborhood living, working, and recreation. The NM district and Neighborhood Plan is a blueprint for promoting a variety of housing types, mixed-use developments, neighborhood oriented businesses, and community services in a manner which enhances property values and preserves open spaces and significant natural features. The purpose of the Neighborhood Plan is to provide a comprehensive set of design standards, policies, and regulations to guide future development within the identified area. Through the use of the standards a greater sense of neighborhood can be accomplished, as well as accommodating all forms of transportation, including walking, bicycling, and transit.

Background and Additional Information:

The application also includes Outline Plan and Site Review approvals for a 20-lot, 23-unit subdivision; Tree Removal Permit to remove ten trees, and Exceptions to Street Standards. The existing Comprehensive Plan designation is "Single Family Residential Reserve" and the existing zoning is "Rural Residential (RR-.5-P)". The proposal would change the Comprehensive Plan Map designation to "North Mountain Neighborhood Plan" and the zoning to "North Mountain Multi-Family (NM-MF)." The Planning Commission has reviewed and conditionally approved these elements of the application which fall under their purview, subject to the Council's approval of the requested re-zoning. The Planning Commission has also recommended that the Council approve the re-zoning request.

Written findings for the decision completing the land use portion of the re-zoning process are presented for Council adoption. These findings incorporate the Planning Commission's conditional approval as an attachment to the Council findings.

Attachments:

1. Ordinance
2. Ordinance Exhibit A Comprehensive Plan Map Amendment
3. Ordinance Exhibit B Zone Change
4. Written Findings approving Planning Action #2017-02129

ORDINANCE NO. 3152

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION AND ZONING FOR THE PROPERTIES LOCATED AT 475 EAST NEVADA STREET

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

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

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

WHEREAS, Tax lots #1100, 1200 and 1300 of Map 39 1E 04A and Tax Lot #100 of Map 39 1E 04AD are located at 475 East Nevada Street, and the portions of those properties presently within the city limits have a Comprehensive Plan Map designation of "Single Family Reserve" and a Zoning Map designation of "Rural Residential (RR-.5-P)."

WHEREAS, the owners of the properties have requested a Comprehensive Plan Map Amendment from "Single Family Reserve" to "North Mountain Neighborhood Plan" and Zone Change from "Rural Residential (RR-.5-P)" to "North Mountain Multi-Family(NM-MF)" for those portions of their properties at 475 East Nevada Street located within the city limits, as illustrated in the attached *Exhibit A* and *Exhibit B*.

WHEREAS, the City of Ashland Planning Commission considered the above referenced Comprehensive Plan Map Amendment and Zone Change at a duly advertised public hearing on January 9, 2018, and following deliberations recommended approval of the request by a vote of 7-0; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above referenced Comprehensive Plan Map Amendment and Zone Change at a duly advertised public hearing on March 20, 2018 and May 15, 2018; and

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

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to

amend the Ashland Comprehensive Plan Map and Zoning Map in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the Comprehensive Plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The officially adopted City of Ashland Comprehensive Plan Map, referenced in Ashland Comprehensive Plan Chapter II [PLAN MAP 2.03.04] is hereby amended to change the Plan Designation of the subject properties at 475 East Nevada Street from “Single Family Reserve” to “North Mountain Neighborhood Plan” as illustrated in *Exhibit A*, attached hereto and made a part hereof by this reference.

SECTION 3. The officially adopted City of Ashland Zoning Map, referenced in the Ashland Municipal Code Section 18.1.2.070, is hereby amended to change the Plan Designation of the subject properties at 475 East Nevada Street from “Rural Residential (RR-.5-P)” to “North Mountain Multi-Family(NM-MF)” as illustrated in *Exhibit B*, attached hereto and made a part hereof by this reference.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2018 and duly PASSED and ADOPTED this ____ day of _____, 2018

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2018.

John Stromberg, Mayor

Reviewed as to form:

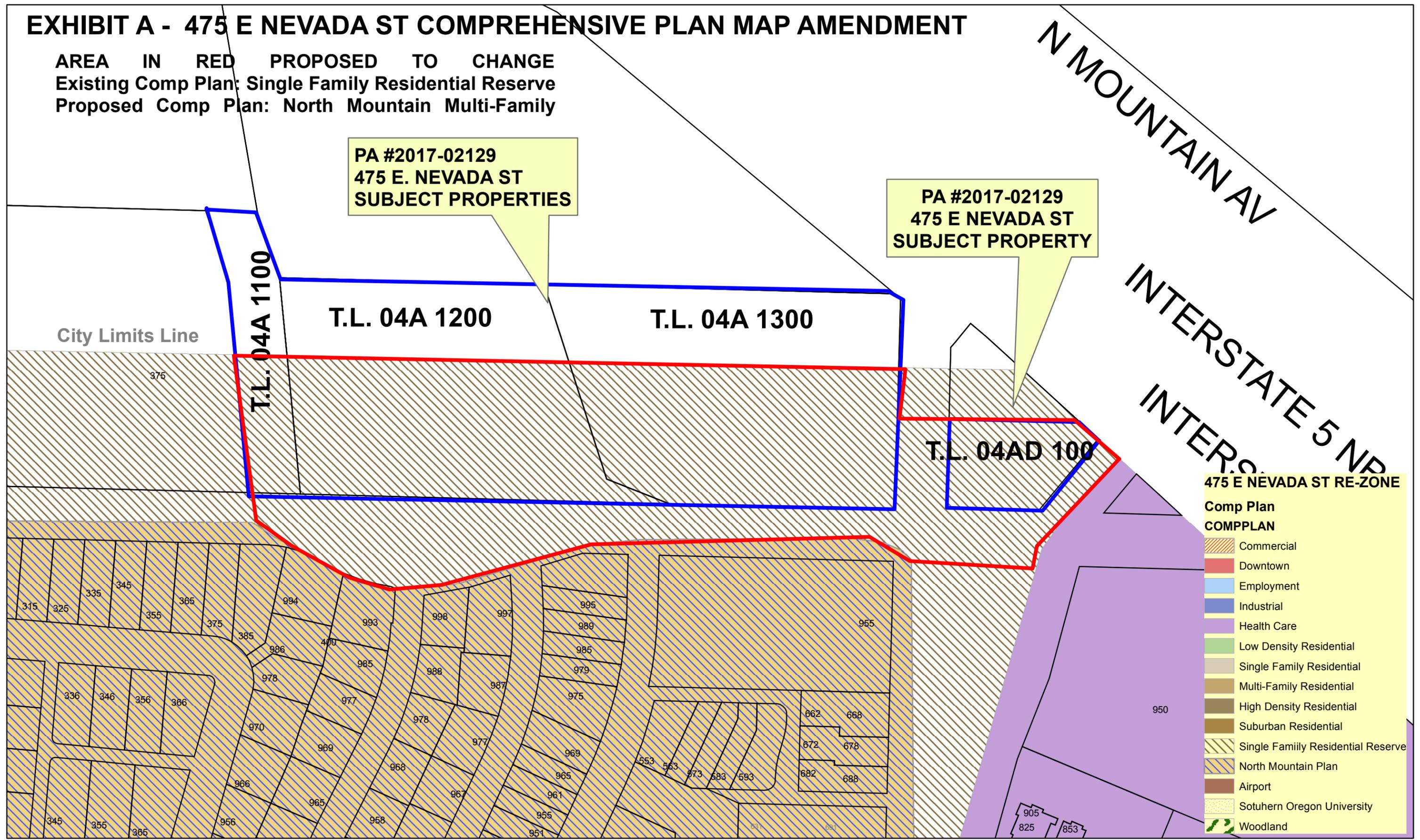
David H. Lohman, City Attorney

EXHIBIT A - 475 E NEVADA ST COMPREHENSIVE PLAN MAP AMENDMENT

AREA IN RED PROPOSED TO CHANGE
 Existing Comp Plan: Single Family Residential Reserve
 Proposed Comp Plan: North Mountain Multi-Family

PA #2017-02129
 475 E. NEVADA ST
 SUBJECT PROPERTIES

PA #2017-02129
 475 E NEVADA ST
 SUBJECT PROPERTY



475 E NEVADA ST RE-ZONE

- Comp Plan**
COMPLAN
- Commercial
 - Downtown
 - Employment
 - Industrial
 - Health Care
 - Low Density Residential
 - Single Family Residential
 - Multi-Family Residential
 - High Density Residential
 - Suburban Residential
 - Single Family Residential Reserve
 - North Mountain Plan
 - Airport
 - Sotuhern Oregon University
 - Woodland

1:1,200
 1 inch = 100 feet

Mapping is schematic only and bears no warranty of accuracy.
 All features, structures, facilities, easement or roadway locations
 should be independently field verified for existence and/or location.



EXHIBIT B - 475 E NEVADA ST ZONING MAP AMENDMENT

AREA IN RED PROPOSED TO CHANGE
 Existing Zoning: RR-.5-P (Rural Residential)
 Proposed Zoning: NM-MF (North Mountain Multi-Family)

PA #2017-02129
 475 E. NEVADA ST
 SUBJECT PROPERTIES

PA #2017-02129
 475 E NEVADA ST
 SUBJECT PROPERTY

N MOUNTAIN AV
 INTERSTATE 5
 INTERSTATE 5
 475 E NEVADA ST RE-ZONE

City Limits Line

T.L. 04A 1100

T.L. 04A 1200

T.L. 04A 1300

T.L. 04AD 100

City Zones	
ZONING	
	C-1
	C-1-D
	E-1
	HC
	M-1
	NM
	R-1-10
	R-1-3.5
	R-1-5
	R-1-7.5
	R-2
	R-3
	RR-.5
	RR-1
	SO
	WR
	WR-20



1:1,200
 1 inch = 100 feet

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BEFORE THE ASHLAND CITY COUNCIL
June 5, 2018

IN THE MATTER OF PLANNING ACTION #2017-02129, A REQUEST FOR)
COMPREHENSIVE PLAN MAP AMENDMENT; ZONE CHANGE; OUTLINE PLAN)
APPROVAL FOR A 20-LOT, 23-UNIT SUBDIVISION; SITE DESIGN REVIEW;)
TREE REMOVAL PERMIT TO REMOVE TEN TREES GREATER THAN SIX-)
INCHES IN DIAMETER AT BREAST HEIGHT; AND EXCEPTION TO STREET)
STANDARDS FOR THE PROPERTIES LOCATED AT 475 EAST NEVADA ST.)
THE EXISTING COMPREHENSIVE PLAN DESIGNATION IS “SINGLE FAMILY)
RESERVE” AND THE EXISTING ZONING IS “RURAL RESIDENTIAL (RR-.5-P)”.) **FINDINGS,**
THE PROPOSAL WOULD CHANGE THE COMPREHENSIVE PLAN MAP DES-) **CONCLUSIONS &**
IGNATION TO “NORTH MOUNTAIN NEIGHBORHOOD PLAN” AND THE ZON-) **ORDERS**
ING TO “NORTH MOUNTAIN MULTI-FAMILY (NM-MF)”. [**NOTE: PORTIONS**)
OF THE SUBJECT PROPERTIES ARE LOCATED OUTSIDE OF THE CITY LIMITS.)
THE CURRENT REQUEST INVOLVES ONLY THOSE PORTIONS WITHIN THE CITY)
LIMITS.])
)
)
OWNER/APPLICANT: Young Family Trust & City of Ashland)
)
)

RECITALS:

- 1) Tax lots #1100, 1200 and 1300 of Map 39 1E 04A and Tax Lot #100 of Map 39 1E 04AD are located at 475 East Nevada Street and are presently zoned RR-.5-P, Rural Residential.

- 2) The applicants are requesting Comprehensive Plan Map Amendment; Zone Change; Outline Plan approval for a 20-lot, 23-unit subdivision; Site Design Review; Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.) and Exception to Street Standards for the properties located at 475 East Nevada Street. The existing Comprehensive Plan designation is “Single Family Residential Reserve” and the existing zoning is “Rural Residential (RR-.5-P)”. The proposal would change the Comprehensive Plan Map designation to “North Mountain Neighborhood Plan” and the zoning to “North Mountain Multi-Family (NM-MF).” (**NOTE: Portions of the subject properties are located outside of the city limits; the current request involves only those portions within the city limits.**) The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Plan Amendments and Zone Changes are described in AMC 18.5.9.020 as follows:
 - A. **Type II.** *The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*

1. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
2. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
3. *Circumstances relating to the general public welfare exist that require such an action.*
4. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*

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

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

4) 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.*
- 5) The criteria for Site Design Review approval are described 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.*
- 6) The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B as follows:
1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
 - d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 - e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

- 7) The criteria for an Exception to Street Standards are described 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.*

8) The Planning Commission, following proper public notice, held a public hearing on January 9, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the Outline Plan for a 20-lot, 23-unit subdivision; Site Design Review; Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.) and Exception to Street Standards components of the application, contingent upon the City Council’s ultimate approval of the requested Comprehensive Plan Map Amendment and Zone Change, subject to conditions pertaining to the appropriate development of the site.

9) The City Council, following proper public notice, held a public hearing on March 20, 2018 at which time testimony was received and exhibits were presented. Prior to the closing of the public hearing, the matter was continued to a date certain. The public hearing continued on May 15, 2018 at which time testimony was received and exhibits were presented and the first Subsequent to the closing of the hearing, the City Council approved the Comprehensive Plan Map Amendment and Zone Change application, subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the City Council of the City of Ashland finds, concludes, and orders 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"

SECTION 2. FINDINGS & CONCLUSIONS

2.1 The City Council 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 City Council finds that the requested Comprehensive Plan Map Amendment and Zone Change meet the applicable criteria in AMC 18.5.9.020. The City Council further finds that the proposal for Outline Plan, Site Design Review, Tree Removal Permit and Exception to Street Standards approvals has been reviewed by the Planning Commission and found to meet all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review approval described in AMC 18.5.2.050; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for Exception to Street Standards as described in AMC 18.4.6.020.B.1. The Planning Commission's Findings, Conclusions, Orders and Recommendations are hereby adopted by reference in their entirety and attached as Exhibit A to these findings.

2.3 The City Council finds that, as detailed in AMC 18.5.9.020, Zone Changes may be processed as a Type II procedure when they are consistent with the Comprehensive Plan, however when a Zone Change is proposed that is inconsistent with the Comprehensive Plan designation as is the case here it requires a Type III procedure with a hearing before and recommendations from the Planning Commission, followed by decision through a hearing before the City Council in conjunction with the adoption of necessary ordinances and amended maps.

The approval criteria for a Type II Zone Change, where the Zone Change is consistent with the existing Plan designation, require that one or more of the following be demonstrated:

- 1) The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan;
- 2) A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances;
- 3) Circumstances relating to the general public welfare exist that require such an action;
- 4) Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G;
- 5) Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G; and
- 6) The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated

actions. In terms of these criteria, in staff's view #4 dealing with the provision of affordable housing seems the most relevant.

Where a Zone Change request is inconsistent with the Comprehensive Plan designation, the Land Use Ordinance calls for a Type III review, noting that, *"It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments."* Type III reviews typically involve *"large-scale implementation of public policy"* rather than looking at one owner's relatively small property, however because the current request requires not only a zone change for a relatively small group of properties but also an amendment to their Comprehensive Plan Map designation it triggers Type III review. In past applications involving what are essentially minor, property specific changes to the Comprehensive Plan, the City Council has looked for a compelling public need but have also relied upon the "Type II" criteria of AMC 18.5.9.020.A in considering the more property-specific aspects of the requests. The City Council's consideration here accordingly looks at the changes in circumstances or conditions which necessitate the request, but does so with the more property-specific criteria in mind as well.

The application explains that, *"There has been a significant change in the neighborhood development pattern since the North Mountain Neighborhood Plan's adoption in 1997. The subject properties were part of the large area of underdeveloped land on the north side of Bear Creek, accessed only by a gravel-surfaced North Mountain Avenue. Between 1997 and today, major public and private expenditures were made to bring paved streets, sewer and water service to this area. The current property owner sees the great value in working with the City and providing additional developable land consistent with the adjacent property zones and development pattern allowing for further the Comprehensive Plan with respect to urbanization."*

The application goes on to note that the *"primary change in circumstances is the development and build-out of the adjacent Meadowbrook Park II Subdivision properties (immediately) to the south. When the comprehensive plan designations were set, the properties to the north of East Nevada Street and the areas to the south were designated as Rural Residential. With the North Mountain Plan overlay, the zoning of the properties to the south of East Nevada Street was modified to correspond to the North Mountain Plan Overlay. The properties to the north of East Nevada Street were not included in the North Mountain Plan Overlay."*

The City Council finds that in the 1970's, prior to the adoption of the North Mountain Neighborhood Plan, the entire area - *including the subject properties* – was given residential half-acre zoning because it lacked key city facilities and had limited paved access. In the early 1990's, city services were extended and upgraded to serve the Mountain Meadows development on the east side of North Mountain Avenue. At that point, there began to be interest on the part of property owners in developing the west side of the street. The City was aware of the property owners' interest in developing the area, but there were concerns

about a piecemeal approach to development versus a more coordinated effort. This ultimately led to a grant-funded master planning process that began in January of 1994 and ended in May of 1997, with the City Council's adoption of the North Mountain Neighborhood Plan which included Comprehensive Plan and Zoning Map amendments in conjunction with new chapter in the Ashland Land Use Ordinance that set the zoning framework for the district and provided design standards for development within the approximately 75-acre North Mountain Neighborhood.

The City Council finds that, while we concur with the applicants' recounting of the changes in the area, these changes in and of themselves do not necessitate a change in the properties' zoning. However, the current housing shortage and the well-documented need for more land to accommodate moderately priced and affordable ownership and rental units is a change in circumstances which we believe necessitates the requested up-zoning, particularly in light of the city's commitment to more efficiently use lands within its existing boundaries under the Regional Problem Solving (RPS) process. The changes noted by the applicant in bringing city facilities to the area in conjunction with the North Mountain Neighborhood's development support this more efficient land use.

The applicant requests to rezone the properties to North Mountain, Multi-Family (NM-MF) zoning, which allows for up to 12 dwelling units per acre. The mix of units proposed includes townhouses, four single family units attached at the garages, and three detached single family residences with the possibility for three attached second units, and the application suggests that the proposed mixture of housing types and density is consistent with the adjacent North Mountain Neighborhood context and further cites the Townhouse Residential discussion in 2.04.04 of the Comprehensive which notes that this townhouses at a density of up to 12 units per acre "*encourage innovative residential housing to provide low-cost, owner-occupied housing in addition to lower density rental units.*"

The applicants had initially proposed partnering with non-profit affordable housing provider Rogue Valley Habitat for Humanity and dedicating the area for four units of deed-restricted affordable housing and associated street improvements, parking, private yard/setback areas, access to common refuse area and recreation space and full participation in the homeowners' association to Habitat. However, after Habitat looked closely at the city's parameters for required affordable housing, it became clear that a number of additional exceptions would be necessary for them to provide affordable units, and the applicants accordingly amended their proposal through the hearing process to provide four units of affordable housing themselves. These units are proposed to be deed restricted for sale or rent as affordable to those at 60 percent of the area median income for 60 years. The applicants propose to extend water, sewer, storm drain and electric facilities to and through the development with the Outline Plan approval, but hope to defer sidewalk, parkrow and irrigation for the new Franklin Street extension proposed until housing is developed by posting a bond for these improvements.

The criteria for affordable units calls for the units to be completed proportionally with the market rate units, distributed evenly throughout the project and to be constructed using comparable building materials and include equivalent amenities to the market rate units. The applicants have requested Exception to two of the affordability standards to allow the clustering of the units and that the units not be a comparable mix of unit types to the market rate units. AMC 18.5.8.050.G. provides for exceptions where an alternative mix of housing types, phasing or distribution would accomplish additional benefits and be completed in a

timely fashion. The applicants explain that the dedicated land must be located in one area to limit development costs, and that this further facilitates coordinated site planning so that the building placement, yard areas, play areas, parking, etc. can be planned as part of the initial development to further minimize development costs. They further suggest that attached wall, townhouse structures that are contiguous to one another with similar designs and floorplans minimize development and long-term maintenance costs and are thus beneficial to the affordable housing providers.

In considering the requested Exceptions, the Planning Commission found that while clustering the affordable units was contrary to the equal distribution requirements of AMC 18.5.8.050.G.5 it was acceptable in facilitating coordinated site planning and minimizing costs for a non-profit partner, but recommended that the project should remain subject to the other standards and requirements for affordability, including timely completion of the affordable units (AMC 18.5.8.050.G.4) and for the use of comparable materials and amenities (18.5.8.050.G.6). The Council finds that clustering of the four affordable units and providing them as four attached units, rather than a comparable distributed mix of attached and detached units spread through the development, was supported by the Planning Commission based on the efficiencies gained in providing affordable units by clustering them together, and further finds that given the number of units and size of the proposed subdivision, and the mix of unit types within the immediately surrounding North Mountain neighborhood, clustering of four attached units here will not have an adverse impact.

In addition, the city has proposed to include an adjacent, city-owned 0.35 parcel in the zone change in hopes that it may someday be made available for development as affordable housing to provide additional affordable units in the area.

A zone change to NM-MF, which differs from the property's current Comprehensive Plan Map designation, requires a legislative amendment of the city's Comprehensive Plan Map. This is a discretionary decision by the City Council, and in similar previous requests, the Council has looked for a compelling argument that such a change addresses a clear public need. In this instance, the Council finds that the compelling change of circumstance necessitating the requested change is the housing shortage and the need for more land to accommodate affordable and moderately-priced rental and ownership housing. The Council further finds that the extension of city facilities to the area, adoption of the North Mountain Neighborhood Plan, and subsequent development of the Meadowbrook Park II subdivision immediately to the south can be found to be significant changes in circumstances since the original zoning was established which further support the requested Zone Change and Comprehensive Plan Amendment. When considered in conjunction with the city's current commitment to maintain the existing Urban Growth Boundary for the foreseeable future as adopted in the Regional Plan Element (XIV) of the Comprehensive Plan, and to instead seek to accommodate anticipated growth with more efficient land use inside existing boundaries, the Council believes that that these circumstances necessitate the requested up-zoning, and we accordingly approve the requested Zone Change and Comprehensive Plan Amendment.

2.4 The City Council finds that Oregon state law requires that amendments to Comprehensive Plans to be in compliance with the Statewide Planning Goals & Guidelines (ORS 195.175(2)(a)). The proposed Comprehensive Plan Amendment would change the site Comprehensive Plan Map designation from "Single Family Residential Reserve" to "North Mountain Neighborhood Plan." Consistent with that state

law requirement, the City Council finds that the proposed Comprehensive Plan Map Amendment and the project proposed for the site under PA #2017-02129 comply with the Statewide Planning Goals & Guidelines as described below:

- **Goal 1: Citizen Involvement** - The Comprehensive Plan Amendment and rezone affect four parcels, so its impacts are not widespread. The City publicized the proposal as required by the City's Land Use Ordinance by posting the property, mailing notice to all property owners within 200 feet of the sites, and providing notice of the Planning Commission and Council hearings on the City's website and in the local newspaper.
- **Goal 2: Planning** - The sites are on the edge of the City immediately adjacent to the City's North Mountain Neighborhood District, which is a large planned district in the northern part of the Ashland. The proposed Comprehensive Plan designation and zoning effectively brings these parcels into the North Mountain Neighborhood District. Permits for the proposed development of the parcels will follow the City's existing land use permitting procedures.
- **Goal 3: Agricultural Lands** - The sites that are the subject of the Comprehensive Plan amendment and rezone are within both the City limits and the Urban Growth Boundary (UGB) of the City of Ashland. No Agricultural lands are affected by the proposed development of the site under the proposed amendments. Adjacent lands in Jackson County to the north are not designated Agricultural. To the extent this rezone allows for greater density within the City's UGB, there is less pressure for housing outside the UGB.
- **Goal 4: Forest Lands** - The sites that are the subject of the Comprehensive Plan amendment and rezone are within both the City limits and the Urban Growth Boundary (UGB) of the City of Ashland. No Forest lands are affected by the proposed development of the site under the proposed amendments. Adjacent lands in Jackson County to the north are not designated Forest. To the extent this rezone allows for greater density within the City's UGB, there is less pressure for housing outside the UGB.
- **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces** - No natural resources, scenic resources, or historic resources have been identified on the sites. The proposed development of the site under PA-2017-02129 has been determined by the Ashland Planning Commission to comply with the City's Site Design Review process, which requires eight (8) percent of the site to be dedicated to recreational open space.
- **Goal 6: Air, Water and Land Resources Quality** - The rezone sites are planned for residential development and this development is not anticipated to negatively impact air, water or land resources. The sites will be fully served by City utilities, which is not currently the case pre-rezone.
- **Goal 7: Areas Subject to Natural Hazards** - The sites are not within any flood, landslide or liquefaction-prone areas identified by the City's natural resources mapping.

- **Goal 8: Recreational Needs** - The sites are near City parks and other recreational resources. The proposed development of the site under PA-2017-02129 has been determined by the Ashland Planning Commission to comply, as conditioned, with City Land Use Code requirements for recreational open space on site.
- **Goal 9: Economic Development** - The City has adequate industrial and commercially zoned land elsewhere. The subject properties have been zoned residential reserve. The residential nature of the zoning will not change, but greater density will be allowed, and some affordable housing units will be provided.
- **Goal 10: Housing** - The Comprehensive Plan amendment and rezone will further the City's housing goals and policies by increasing zoned residential density in an area that is already developing with urban levels of housing density. The proposed development for the site will also provide some needed affordable housing in the City of Ashland.
- **Goal 11: Public Facilities and Services** - The City's Public Works Department has determined that there are adequate public facilities and services to serve the rezoned parcels and to serve the proposed development of the site under PA-2017-02129.
- **Goal 12: Transportation** - The street grid in the North Mountain Neighborhood area is adequate to handle the additional traffic from development of the subject parcels at the higher, rezoned density. The proposed project for the site under PA 2017-02129 will provide additional street parking and sidewalks for the area. The transportation study done for the proposed development found that it did not meet any of the thresholds to require a transportation impact analysis.
- **Goal 13: Energy Conservation** - Greater density on these sites within the City's Urban Growth Boundary and City Limits will promote the more efficient use of land and energy.
- **Goal 14: Urbanization** - The Urbanization Goal is furthered by greater residential density within the City's Urban Growth Boundary.
- **Goal 15: Willamette River Greenway** - Not applicable.
- **Goal 16: Estuarine Resources** - Not applicable.
- **Goal 17: Coastal Shorelands** - Not applicable.
- **Goal 18: Beaches and Dunes** - Not applicable.
- **Goal 19: Ocean Resources** - Not applicable.

State law also requires a change in City land use regulations to comply with the City's Comprehensive Plan (ORS 195.175(2)(b)). With approval of the Comprehensive Plan Map designation amendment to "North Mountain Neighborhood Plan," the zoning designation change to North Mountain Multi-Family (NM-MF)" will comply with the City's Comprehensive Plan. The NM-MF designation is one of the zoning designations approved by the City for adoption within the North Mountain Neighborhood District.

The City Council approves the proposed Comprehensive Plan Map Amendment to "North Mountain Neighborhood Plan" and rezone of the sites consistent with that Comprehensive Plan Map Amendment to NM-MF. The Council further adopts the Planning Commission's Findings, Conclusions, Orders and

Recommendations dated February 13, 2018 approving the Outline Plan, Site Design Review, Tree Removal and Exceptions to Street Standards components of Planning Action #2017-02129 in their entirety as Exhibit A of these findings.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the City Council concludes that the proposal for Comprehensive Plan Map Amendment, Zone Change, Outline Plan approval, Site Design Review approval for a 20-lot, 23-unit Performance Standards Option subdivision, and Tree Removal Permit is supported by evidence contained within the whole record.

For the Council, it is clear that the extension of city facilities to the area, adoption of the North Mountain Neighborhood Plan, and subsequent development of the Meadowbrook Park II subdivision immediately to the south represent a change in circumstances since the current zoning was established in the 1970's which supports the requested Plan Amendment and Zone Change, but for the Council the compelling changes in circumstance which *necessitate* the requested Plan Amendment and Zone Change are the well-documented housing shortage around the lack of rental and ownership units that are affordable to a broad spectrum of the community and the city's commitment through the Regional Problem Solving (RPS) process to accommodate anticipated growth with more efficient land use inside existing city boundaries. The extension of public facilities to support more dense development than was possible when the current zoning was established nearly 50 years ago sets the table for more efficient land use now, and given the current need for more housing, the City Council approves the requested Comprehensive Plan Amendment and Zone Change.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the City Council approves the requested Comprehensive Plan Map Amendment and Zone Change and further adopts the Planning Commission's Findings, Conclusions, Orders and Recommendations dated February 13, 2018 approving the Outline Plan, Site Design Review, Tree Removal and Exception to Street Standards components of Planning Action #2017-01059 in their entirety as Exhibit A of these findings. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2017-01059 is denied. The following are the conditions and they are attached to the approval:

1. That proposals of the applicant shall be conditions of approval unless otherwise modified herein.
2. That any new addresses or street names shall be assigned by City of Ashland Engineering Department.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way.
4. That tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work including demolition, staging, storage of materials or issuance of any permits. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and 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. The final Tree Protection Plan shall

incorporate the following requirements: 1) That all native species such as the Oaks to be removed shall be mitigated on a one-for-one basis with at least 2½-inch caliper trees of a comparable variety (i.e. one that will attain a similar size to the tree being removed at maturity); 2) That conifers to be removed such as the Juniper & Ponderosa Pine shall be mitigated on a one-for-one basis with conifers of a comparable variety, and that are at least six- to eight-feet tall at the time of planting; and 3) That the applicants shall not pave the driveway on the lower/western-most units (i.e. Tax Lot #1100) past the garage in order minimize the development impacts and benefit Trees #16 and #17.

5. That the applicants shall obtain necessary Demolition and Relocation Review Permits from the Building Division prior to the demolition of any buildings over 500 square feet as required in AMC 15.04, if deemed necessary by the Building Official.
6. The requirements of the Ashland Fire Department, including approved addressing, fire apparatus access and approach, fire flow, hydrant distance and clearance, and fire sprinklers where applicable, shall be complied with prior to issuance of the building permit or the use of combustible materials. Fire Department requirements shall be included on the engineered construction documents. If a fire protection vault is required, the vault shall not be located in the sidewalk corridor.
7. That prior to the Comprehensive Plan Map Amendment and Zone Change being formalized, the applicants shall sign in favor of a Local Improvement District for the future improvements to East Nevada Street including future bridge construction and street improvements, including but not limited to bike lanes sidewalks, parkrow, curb, gutter and storm drainage, prior to signature of the final survey plat. The agreement shall be signed and recorded concurrently with the final survey plat. Nothing in this condition is intended to prohibit an owner/developer, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.
8. That prior to Final Plan approval:
 - a. A revised plan to demonstrate that the open and recreation space requirements are met illustrating all areas to be counted towards open and recreation space and their placement, dimension and treatment, and shall include some form of pedestrian access (i.e. a path to a gazebo or other sitting area) to provide access for future residents to the vista here. Landscaped areas counted toward recreation space need to be placed and surfaced for recreational use and not include thoroughfares for pedestrian circulation, and individual patio, porch or deck areas need to have a minimum dimension of six feet in depth and eight feet in width exclusive of circulation routes, door swing areas, etc. to accommodate recreational use. Areas containing above-ground utility infrastructure such as transformers, vaults and cabinets are not to be included as open/recreational space. Common area and open space improvements (i.e. landscaping and irrigation, etc.) shall be installed according to the approved plan, inspected and approved prior to signature of Final Survey Plat.
 - b. A phasing plan be provided which details the proposed phasing/timing of the development with the final plan submittal.
 - c. Site Design Review approval for the final building designs shall be obtained concurrently with Final Plan approval for each phase. Site Designs shall be generally consistent with

that approved here, with the exception of final building designs.

- i. The Site Design Review shall address the two units on the west side of Camelot Drive which are at the corner of the alley and Camelot, and have an 18-foot wide driveway and a garage ten feet, rather than the required 15 feet, behind the façade of the units. The Site Design Review shall consider this both in terms of having a garage where alley access is available to at least one of the units, and in having the garage five feet closer to the façade than allowed and shall either adjust the design or request an Exception.
- d. Final Plan and Site Design Review submittals which include the city-owned property (Tax Lot #100) will need to include a tree inventory/protection plan and determination of wetland presence for this property.
- e. All requirements of the geo-technical expert's report, including that the geo-technical expert reviews grading and building plans for compliance with recommendations and that the geo-technical expert observes earthwork, foundation and drainage installation phases of construction and provides a written report of these observations certifying that all construction was consistent with recommendations shall be conditions of approval. The final plan submittals shall include written verification from the project geo-technical expert addressing the consistency of the grading and drainage plans with the report recommendations, and shall include a detailed inspection schedule addressing needed inspections and their timing associated with the project's development.
- f. Final Site lighting details. Street lights shall be consistent with the city's residential street lighting standard which calls for the "Eurotique" unless another lighting type is already deployed in the neighborhood.
- g. Final Trash enclosure placement and screening details.
- h. Final lot coverage calculations demonstrating how lot coverage is to be allocated to comply with the 75 percent lot coverage allowance in the NM-MF zoning district, including all building footprints, driveways, parking, circulation areas and other proposed lot coverage.
- i. The identification of all proposed easements for public and private utilities, fire apparatus access, and reciprocal utility, maintenance, access and parking shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
- j. That a final utility plan 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 lines, storm drain lines and electric services. The utility plan shall also address the issues raised by the Water Department relative to cross connections and premises isolation due to the grade difference between the water main in East Nevada Street and the residential units. The utility plan shall not include the stubbing out of future services connection to serve the applicants' properties outside the city limits/urban growth boundary.
- k. That the location and final engineering for all storm drainage improvements associated with the project, shall be submitted for review and approval by the Departments of Public

- Works, Planning and Building Divisions with the Final Plan application.
- l. That the applicant shall submit an 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 proposed units prior to signature of the final survey plat. 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.
 - m. That the engineered construction drawings for the proposed street improvements including East Nevada Street, the extension of Camelot Drive, the extension of the proposed new street (Franklin Street), and the intersection enhancements at Camelot Drive and East Nevada Street 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 rights-of-way or installation of improvements in the pedestrian corridor.
 - i. For the proposed 22-foot alley at the rear of the property, the alley shall be a private facility rather than a public alley.
 - ii. For East Nevada Street, the section which is to sidewalks shall include the minimum five-foot width, seven-foot park row planting strips (even where parking bays are proposed) required for an Avenue in the North Mountain Neighborhood Plan.
 - iii. For the Camelot Drive extension, a 15-foot queuing lane shall be provided with seven-foot parking bays on one side, with eight-foot park rows and five-foot sidewalks on both sides, and for the enhanced intersection treatment, revised drawings shall be provided which address the ramp and crossing placement to better align with ramps opposite so that the ramps are directly connected to those across the street with the shortest, most direct routes possible in compliance with the Americans with Disabilities Act (ADA).
 - iv. For the Franklin Street extension, a 15-foot queuing lane shall be provided with seven-foot parking bays on one side, with seven-foot park rows and five-foot sidewalks the west side.
 - n. Where necessary to accommodate city standard improvements or to align frontage improvements, necessary additional right-of-way shall be dedicated to the city or easements provided. All public improvements including but not limited to the sidewalk, park row planting strips with irrigated street trees, and standard Eurotique residential street lights shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.

- o. That 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 landscaping, driveways and parking areas, planting strips, shared garage spaces and street trees.
 - p. That all fencing shall be consistent with the provisions of the "Fences and Walls" requirements in AMC 18.4.4.060. The draft CC&Rs shall include stipulations on height limitations for front, side and rear yard, and shall note that fences adjacent to common open space areas shall not exceed four feet. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.
 - q. 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.
9. That prior to the Comprehensive Plan Map Amendment and Zone Change being formalized, the applicants shall sign and record a deed restriction on their parcels which requires that the affordability requirements of AMC 18.5.8.050, with the exceptions to the requirements that the affordable units be comprised of a comparable mix of unit types to the market rate units (as required in AMC 18.5.8.050.G.3.b), and that the affordable units not be distributed throughout the project (as required in AMC 18.5.8.050.G.5), be addressed in a manner generally consistent with that described in the current application for any future development of the property.

City Council Approval
John Stromberg, Mayor

June 5, 2018
Date

BEFORE THE PLANNING COMMISSION
February 13, 2018

IN THE MATTER OF PLANNING ACTION #2017-02129, A REQUEST FOR)
 COMPREHENSIVE PLAN MAP AMENDMENT; ZONE CHANGE; OUTLINE PLAN)
 APPROVAL FOR A 20-LOT, 23-UNIT SUBDIVISION; SITE DESIGN REVIEW;)
 TREE REMOVAL PERMIT TO REMOVE TEN TREES GREATER THAN SIX-)
 INCHES IN DIAMETER AT BREAST HEIGHT; AND EXCEPTION TO STREET)
 STANDARDS FOR THE PROPERTIES LOCATED AT 475 EAST NEVADA ST.)
 THE EXISTING COMPREHENSIVE PLAN DESIGNATION IS "SINGLE FAMILY)
 RESERVE" AND THE EXISTING ZONING IS "RURAL RESIDENTIAL (RR-.5-P)".) **FINDINGS,**
 THE PROPOSAL WOULD CHANGE THE COMPREHENSIVE PLAN MAP DES-) **CONCLUSIONS,**
 IGNATION TO "NORTH MOUNTAIN NEIGHBORHOOD PLAN" AND THE ZON-) **ORDERS &**
 ING TO "NORTH MOUNTAIN MULTI-FAMILY (NM-MF)". **[NOTE: PORTIONS) RECOMMENDATIONS**
OF THE SUBJECT PROPERTIES ARE LOCATED OUTSIDE OF THE CITY LIMITS.)
THE CURRENT REQUEST INVOLVES ONLY THOSE PORTIONS WITHIN THE CITY)
LIMITS.])
)
)
OWNER/APPLICANT: Young Family Trust & City of Ashland)
)

RECITALS:

- 1) Tax lots #1100, 1200 and 1300 of Map 39 1E 04A and Tax Lot #100 of Map 39 1E 04AD are located at 475 East Nevada Street and are presently zoned RR-.5-P, Rural Residential.
- 2) The applicants are requesting Comprehensive Plan Map Amendment; Zone Change; Outline Plan approval for a 20-lot, 23-unit subdivision; Site Design Review; Tree Removal Permit to remove ten trees greater than six-inches in diameter at breast height (d.b.h.) and Exception to Street Standards for the properties located at 475 East Nevada Street. The existing Comprehensive Plan designation is "Single Family Residential Reserve" and the existing zoning is "Rural Residential (RR-.5-P)". The proposal would change the Comprehensive Plan Map designation to "North Mountain Neighborhood Plan" and the zoning to "North Mountain Multi-Family (NM-MF)." *(NOTE: Portions of the subject properties are located outside of the city limits; the current request involves only those portions within the city limits.)* The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Plan Amendments and Zone Changes are described in AMC 18.5.9.020 as follows:
 - A. **Type II.** *The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*

1. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
2. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
3. *Circumstances relating to the general public welfare exist that require such an action.*
4. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*

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

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

4) 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.*
- 5) The criteria for Site Design Review approval are described 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.*
- 6) The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B as follows:
1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
 - d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 - e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

- 7) The criteria for an Exception to Street Standards are described 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.*

8) The Planning Commission, following proper public notice, held a public hearing on January 9, 2017 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application, contingent upon the City Council's ultimate approval of the requested Comprehensive Plan Map Amendment and Zone Change, subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes, orders 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, Site Design Review, Tree Removal Permit and Exception to Street Standards approvals meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review approval described in AMC 18.5.2.050; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for Exception to Street Standards as described in AMC 18.4.6.020.B.1. The Planning Commission further finds that the requested Comprehensive Plan Map Amendment and Zone Change meets the applicable criteria in AMC 18.5.9.020.

2.3 The Planning Commission finds that, as detailed in AMC 18.5.9.020, Zone Changes may be processed as a Type II procedure when they are consistent with the Comprehensive Plan, however when a Zone Change is proposed that is inconsistent with the Comprehensive Plan designation as is the case here it requires a Type III procedure with a hearing and recommendations from the Planning Commission followed by decision through a hearing before the City Council in conjunction with the adoption of necessary ordinances and amended maps.

The approval criteria for a Type II Zone Change, where the Zone Change is consistent with the existing Plan designation, require that one or more of the following be demonstrated:

- 1) The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan;
- 2) A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances;
- 3) Circumstances relating to the general public welfare exist that require such an action;
- 4) Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G;
- 5) Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G; and
- 6) The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions. In terms of these criteria, in staff's view #4 dealing with the provision of affordable housing seems the most relevant.

Where a Zone Change request is inconsistent with the Comprehensive Plan designation, the Land Use Ordinance calls for a Type III review, noting that, *"It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for*

annexation information), and urban growth boundary amendments.” Type III reviews typically involve “large-scale implementation of public policy” rather than looking at one owner’s relatively small property, however because the current request requires not only a zone change for a relatively small group of properties but also an amendment to their Comprehensive Plan Map designation and as such triggers Type III review. In past applications involving what are essentially minor, property specific changes to the Comprehensive Plan, the Planning Commission and Council have looked for a compelling public need but have also relied upon the “Type II” criteria of AMC 18.5.9.020.A in considering the more property-specific aspects of the requests. The Planning Commission’s consideration in making a recommendation here accordingly looks at the changes in circumstances or conditions which necessitate the request, but does so with the more property-specific criteria in mind as well.

The application explains that, “There has been a significant change in the neighborhood development pattern since the North Mountain Neighborhood Plan’s adoption in 1997. The subject properties were part of the large area of underdeveloped land on the north side of Bear Creek, accessed only by a gravel-surfaced North Mountain Avenue. Between 1997 and today, major public and private expenditures were made to bring paved streets, sewer and water service to this area. The current property owner sees the great value in working with the City and providing additional developable land consistent with the adjacent property zones and development pattern allowing for further the Comprehensive Plan with respect to urbanization.”

The application goes on to note that the “primary change in circumstances is the development and build-out of the adjacent Meadowbrook Park II Subdivision properties (immediately) to the south. When the comprehensive plan designations were set, the properties to the north of East Nevada Street and the areas to the south were designated as Rural Residential. With the North Mountain Plan overlay, the zoning of the properties to the south of East Nevada Street was modified to correspond to the North Mountain Plan Overlay. The properties to the north of East Nevada Street were not included in the North Mountain Plan Overlay.”

The Planning Commission finds that in the 1970’s, prior to the adoption of the North Mountain Neighborhood Plan, the entire area - *including the subject properties* – was given residential half-acre zoning because it lacked key city facilities and had limited paved access. In the early 1990’s, city services were extended and upgraded to serve the Mountain Meadows development on the east side of North Mountain Avenue. At that point, there began to be interest on the part of property owners in developing the west side of the street. The City was aware of the property owners’ interest in developing the area, but there were concerns about a piecemeal approach to development versus a more coordinated effort. This ultimately lead to a grant-funded master planning process that began in January of 1994 and ended in May of 1997, with the City Council’s adoption of the North Mountain Neighborhood Plan which included Comprehensive Plan and Zoning Map amendments in conjunction with new chapter in the Ashland Land Use Ordinance that set the zoning framework for the district and provided design standards for development within the approximately 75-acre North Mountain Neighborhood.

The Planning Commission finds that, while we concur with the applicants’ recounting of the changes in the area, these changes in and of themselves do not necessitate a change in the properties’ zoning. However, the current housing shortage and the well-documented need for more land to accommodate

moderately priced and affordable ownership and rental units is a change in circumstances which we believe necessitates the requested up-zoning, particularly in light of the city's commitment to more efficiently use lands within its existing boundaries under the Regional Problem Solving (RPS) process, and the changes noted by the applicant in bringing city facilities to the area in conjunction with the North Mountain Neighborhood's development support this more efficient land use.

The applicant requests to rezone the properties to North Mountain, Multi-Family (NM-MF) zoning, which allows for up to 12 dwelling units per acre. The mix of units proposed includes townhouses, four single family units attached at the garages, and three detached single family residences with the possibility for three attached second units, and the application suggests that the proposed mixture of housing types and density is consistent with the adjacent North Mountain Neighborhood context and further cites the Townhouse Residential discussion in 2.04.04 of the Comprehensive which notes that this townhouses at a density of up to 12 units per acre "*encourage innovative residential housing to provide low-cost, owner-occupied housing in addition to lower density rental units.*"

Planning staff had noted that in considering the need for low- and moderately-priced rental and ownership housing, the Planning Commission and Council may wish to consider requiring the applicant to construct the three small accessory units currently described as "optional" in the application, and also to consider requiring the applicants to look at other options to further increase the density of the development with the inclusion of more and/or smaller units that would be possible by using available density bonuses. The Planning Commission finds that requiring the applicant to provide additional residential units or smaller units as a condition of a Type III application approval would fall under the legislative authority of the City Council. The Planning Commission would however be open to considering an increase in the requested density by utilizing available density bonus options at the time of Final Plan, and in particular believes that the applicants should make the option of requesting available density bonuses utilizing the parent parcel density and available density bonuses to an affordable housing provider partner.

The application emphasizes that the property owner is committed to partnering with a non-profit affordable housing provider and has been in discussions with Rogue Valley Habitat for Humanity about dedicating the area for four units of housing and associated street improvements, parking, private yard/setback areas, access to common refuse area and recreation space and full participation in the homeowners' association. This portion of the development would be deed restricted as affordable to those at 60 percent of the area median income for 60 years. The applicants propose to extend water, sewer, storm drain and electric facilities to and through the development with the Outline Plan approval, but hope to defer sidewalk, parkrow and irrigation for the new Franklin Street extension proposed until housing is developed by posting a bond for these improvements.

The criteria for affordable units calls for the units to be completed proportionally with the market rate units, distributed evenly throughout the project and to be constructed using comparable building materials and include equivalent amenities to the market rate units. Because they propose to provide property directly to an affordable housing provider to be developed separately, the applicants have requested Exception to these standards. AMC 18.5.8.050.G. provides for exceptions where an alternative mix of housing types, phasing or distribution would accomplish additional benefits and be completed in a timely fashion. The applicants explain that the dedicated land must be located in one area to limit development

costs, and that this further facilitates coordinated site planning so that the building placement, yard areas, play areas, parking, etc. can be planned as part of the initial development to further minimize development costs. They further suggest that attached wall, townhouse structures that are contiguous to one another with similar designs and floorplans minimize development and long-term maintenance costs and are thus beneficial to the affordable housing providers. They conclude that in their discussions with Habitat, it has been indicated that the housing need for affordable units is critical, and they believe that with the zone change it would be possible to transfer title to the property, and complete Final Plan and Site Review in the very near future. In addition, the city has proposed to include an adjacent, city-owned 0.35 parcel in the zone change in hopes that it might be able to be incorporated into a future affordable housing development to provide for additional affordable units and allow the development of both sites with more efficient use of funds, labor and materials than would occur with the development of the same number of units on “scattered sites.”

In considering the requested Exceptions, the Planning Commission finds that while clustering the affordable units contrary to the distribution requirements of AMC 18.5.8.050.G.5 is acceptable in facilitating coordinated site planning as requested by the applicants, the project should remain subject to the other standards and requirements for affordability, including timely completion of the affordable units (AMC 18.5.8.050.G.4) and for the use of comparable materials and amenities (18.5.8.050.G.6). The Co

A zone change to NM-MF, which differs from the property’s current Comprehensive Plan Map designation, requires a legislative amendment of the city’s Comprehensive Plan Map. This is a discretionary decision by the City Council, and in similar previous requests, the Council has looked for a compelling argument that such a change addresses a clear public need. The Planning Commission finds that the compelling change of circumstance necessitating the requested change is the housing shortage and the need for more land to accommodate affordable and moderately-priced rental and ownership housing. The Commission further finds that the extension of city facilities to the area, adoption of the North Mountain Neighborhood Plan, and subsequent development of the Meadowbrook Park II subdivision immediately to the south can be found to be significant changes in circumstances since the original zoning was established which further support the requested Zone Change and Comprehensive Plan Amendment. When considered in conjunction with the city’s current commitment to maintain the existing Urban Growth Boundary for the foreseeable future as adopted in the Regional Plan Element (XIV) of the Comprehensive Plan, and instead seek to accommodate anticipated growth with more efficient land use inside existing boundaries, the Commission believes that that these circumstances necessitate the requested up-zoning, and we accordingly recommend that the City Council approve the requested Zone Change and Comprehensive Plan Amendment.

2.4 The Planning Commission finds 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 or can meet all applicable ordinance requirements, and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *“Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.”* The Commission finds that adequate public facilities for electricity, natural gas, telephone, television and internet are immediately available to the subject properties from the adjacent rights-of-way and these services will be placed underground to serve the property. With regard to specific facilities, the application materials note:

- **Sanitary Sewer:** Existing sanitary sewer lines are available in Camelot Drive approximately 30-feet south of the intersection of Camelot and East Nevada Street, and there is another line in East Nevada Street at its intersection with Patton. The application explains that the Engineering Division has indicated that the lines are in adequate condition and have capacity to support the proposed subdivision, and the applicants indicate that they will extend the sewer lines up East Nevada to service the subdivision.
- **Water:** An existing 15-inch water line is in place within East Nevada Street, and the application notes that extension of the line through the development with fire hydrant installation to meet Fire Code will have adequate capacity and availability to service the proposed residences. In discussing the proposal with Water Department staff, they have noted that because of the grade change between the curb and some developable areas of the property, there may be more than a 30-foot elevation gain between the water main and two-story buildings on the embankment above. This poses a potential cross-connection issue, as does an existing well in place on the property, and the Water Department has indicated that this cross-connection potential will need to be addressed for “premises isolation.”
- **Storm Drainage:** The application materials indicate that storm drainage on site will be controlled through an on-site detention system with a bio-swale at the terminus of Camelot Drive and the proposed new alley.
- **Streets & Transportation:** The application explains that the properties front on East Nevada Street and will have direct access by way of the proposed new street, the extension of Camelot Drive and a new proposed alley. The application notes that the proposed improvements are generally consistent with city street standards, and that based on the applicants’ analysis 23 new residential units will not trigger a Transportation Impact Analysis (TIA).

More specifically, with regard to East Nevada Street, a two-lane avenue, the application notes that there is a paving, curb and gutter in place along the property frontage. The applicants propose a five-foot sidewalk and seven-foot parkrow along the eastern section of the properties’ East Nevada Street frontage, with the parkrow planting strip proposed to be reduced to five-feet where eight on-street parking bays are proposed on Nevada Street. These eight on-street parking

bays will require relocation of the existing curb and gutter. In the area of the steep, rocky outcropping the applicants have requested an exception to the street standards to not extend sidewalks along the frontages of tax lots #1100 and #1200 due to the physically impenetrable rock and the difficulties associated with its excavation. The application suggests that they would be willing to post a bond in lieu of installing sidewalks on the flatter approximately 40-foot section of tax lot #1100 in order to allow its frontage to be completed in conjunction with the future development of the large adjacent property to the west at 375 East Nevada Street, rather than extending a short section of sidewalk that would not connect to adjacent properties at this time, particularly given that there are no crosswalks connecting to the sidewalks on the south side in this vicinity. The Commission finds that the sidewalk and parkrows proposed on East Nevada Street are consistent with the Avenue standard illustrated in the North Mountain Neighborhood Plan, and given the Exceptions requested elsewhere, the parkrow should be kept to their minimum seven-foot width detailed for an Avenue, even where parking bays have been proposed.

The applicants propose enhanced intersection treatments at East Nevada Street and Camelot to include amenities such as street lighting, a seating area, and a widened crosswalk using contrasting color or material (i.e. scored or colored concrete) to provide connectivity between the proposed sidewalks and the sidewalks for the existing and future development in the North Mountain Neighborhood to the south. In discussions of the crosswalk treatment with Public Works, Engineering and Planning staff, they have noted that the ramp and crossing need to be placed to better align with ramps opposite so that the ramps are directly connected to those across the street with the shortest, most direct routes possible as this is an Americans with Disabilities Act (ADA) concern for visually-impaired pedestrians.

Camelot Drive is proposed to be extended onto the property as a neighborhood street with a proposed 48-foot right-of-way width providing a 15-foot travel surface, eight-foot planting strips and five-foot sidewalks on each side. Two seven-foot wide parking bays would be provided on the west side, with street improvements on this extension to generally match those on the existing street and enhanced crossing treatments with truncated domes and enhanced crosswalks provided at the Nevada Street intersection.

The application also proposes to extend half-street improvements from a newly named Franklin Street within existing right-of-way at the east end of the Young property. The applicants note that this would be a neighborhood street with a 60-foot right-of-way and improved with a five-foot sidewalk, seven-foot landscaped parkrow, seven-foot on-street parking bays and a 15-foot

travel lane. The application suggests that these improvements would be bonded and completion deferred until the residential units adjacent to the new street were developed.

The applicants also propose a 22-foot public alley extending from the proposed Franklin Street to the fire truck turn-around on the west side of the upper level of development. Parking for the proposed units would be accessed from this alley, eliminating the need for front yard driveways for units on East Nevada and Franklin Streets. Public Works and Engineering staff have indicated that given that this alley will function essentially as a private driveway serving the development without either a need for or benefit from public access, it should be a private driveway or private alley and not necessitate city maintenance responsibilities. In addition, Public Works and Engineering staff have expressed concern with what appears to be services stubbed out to serve the applicants' property outside the city limits and urban growth boundary and have asked that these be corrected in the final civil drawings to avoid the potential illegal extension of urban services outside of the urban growth boundary. Conditions to this effect have been included below.

The application includes preliminary civil drawings prepared by Thornton Engineering, and 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, and that these plans address the Water Department's comments regarding cross-connection concern and premises isolation; the Engineering Department's concerns about the alignment of the crossings at Camelot Drive, treatment of the alley as private, and extension of services outside the urban growth boundary; and that the civil infrastructure be installed, 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 Commission finds that there is an approximately 18,000 square foot steeply sloped area of the property associated with the large roadside outcropping which has been proposed for inclusion in the subdivision's open space. The Commission finds that the inclusion of this rock outcropping and the sloped area adjacent in common open space provides a significant amenity to the future residents of the development, and further finds that some form of pedestrian access (i.e. a path to a gazebo or other sitting area) should be provided to give future residents access to the vista here. A condition to this effect has been included below.

The applicants have provided a survey identifying 27 trees on the property which are greater than six-inches in diameter at breast height. Of these, ten are proposed to be removed in conjunction with the application including a 16-inch diameter at breast height (d.b.h.) Ponderosa Pine, a 16-inch d.b.h. Cedar tree, a nine-inch d.b.h. Pine, a 30-inch d.b.h. Ash tree, four seven-to-eight-inch d.b.h. Oak trees, and a six-inch and a ten-inch d.b.h. Walnut tree. The Commission finds that the trees proposed for removal are the

minimum necessary to permit the parcel to be developed as proposed under the requested zoning. The trees are noted as being located where streets, driveways and building envelopes are proposed to comply with the applicable standards while responding to the site's significant topographical constraints.

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 proposal, which seeks to include the city's adjacent tax lot #100 in the requested Plan Amendment and Zone Change, will enable this parcel to develop with four affordable housing units instead of the single family residence that would be possible under the current designation, and the properties to the west and south will not be prevented from developing according to its Comprehensive Plan designation, while properties to the north are outside of the city limits.

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 Commission finds that there will be provisions in the CC&R's to address the maintenance of the proposed open space and common areas. A condition has included below to require that a draft copy of the CC&R's be provided for review and approval of the Staff Advisor with the Final Plan submittal.

The sixth criterion is that, "*The proposed density meets the base and bonus density standards established under this chapter.*" The Planning Commission finds that the developable portion of the subject property is approximately two acres, and at the 12-dwelling unit per acre density of the requested NM-MF zoning, the base density of the subject properties is 24 units. The North Mountain Neighborhood Plan calls for a minimum density of between 75 and 110 percent meaning that at a density of between 18 and 26.4 dwelling units is required. As proposed, the applicants would develop at least 20 units, with three additional small units over the detached residences' garages reserved as optional putting the proposal within the requirements of the requested zoning district. Despite indications in the application that the proposal may qualify for density bonuses with regard to affordability and energy efficiency, no density bonuses are being requested. The Planning Commission finds that density bonuses not requested here may be available, and the Commission would be open to considering additional affordable units supported by a density bonus at the Final Plan should the applicants decide to pursue them.

The final Outline Plan approval criterion is that, "*The development complies with the Street Standards.*" The Planning Commission finds that the application generally complies with the Street Standards but has requested some Exceptions, discussed later in this document, to address the physical constraints posed by the large rock-outcropping.

2.5 The Planning Commission finds that the development of attached housing requires Site Design Review approval and is subject to the "Building Placement, Orientation and Design" standards for residential development found in AMC 18.4.2.030.

The Commission finds that the application includes the identification of building envelopes, site landscaping and open space, and required parking and circulation along with conceptual building elevations intended to illustrate that the property can and will be developed according to the applicable

standards under the requested zoning. The application explains that it is the applicants' intent that Site Design Review approvals for the specific buildings to be proposed will be delayed until each phase develops, and that these Site Design Reviews will include final building designs as well as final landscaping and irrigation details. Conditions of approval have been included below to require that Site Design Review approvals for buildings within each phase be obtained concurrently with Final Plan approval for each phase, and that these Site Design Reviews be *generally* consistent with the site lay-out and conceptual designs here, with the exception of final building designs.

The first criterion for Site Design Review is 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 proposed development will comply with all applicable provisions for the underlying zone.

The second approval criterion is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The Planning Commission finds that the property is proposed for inclusion in the NM-MF district within the North Mountain Neighborhood overlay zone, and that all applicable standards have been addressed.

The Commission further finds that the North Mountain Neighborhood Plan's "Supplemental Setback Requirements for Garages and Accessory Structures" in AMC 18.3.5.100.A.4 require that where no alleys are present, that garages be located a minimum of 15 feet behind the primary façade and a minimum of 20 feet from the sidewalk. The applicant notes that the garages which take access from a public street will be ten feet behind the primary façade. In assessing the site plan, it appears that the only units with a garage taking access from a public street are the two units on the west side of Camelot Drive. These units are at the juncture of the alley and Camelot, and have an 18-foot wide driveway and a garage ten feet (*rather than the required 15 feet behind the façade of the units*). This appears to conflict with the standard both in terms of having a garage from the street where alley access is available to at least one of the units, and in having the garage five feet closer to the façade than allowed. Given that the Site Review request is conceptual at this stage, the Commission does not believe an Exception is appropriate and have accordingly included a condition that this situation be addressed in the Final Plan/Site Design Review submittal to either meet the standard or request an Exception.

The third criterion for the Site Design Review approval is that, "*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E (which addresses Exceptions) below.*" The application materials assert that the proposal complies with Site Development and Design Standards and includes site layout plans, landscaping, irrigation and planting plans as well as conceptual elevations to supplement the written findings provided. In considering these standards, the Commission finds that multi-family residential property requires that eight percent (here 8,433 square feet) of the site be provided as recreational space, and the Performance Standards requires that at least five percent (here 5,270 square feet) of the site be provided in common open space. While the application indicates that approximately 22 percent of the site (or 23,305 square feet) is provided in multi-family open space, the landscape plan illustrates only approximately 4,533 in lawn area, with the remainder of the property planted with trees, shrubs and ground cover which are not suitable for recreational use. Some

of the lawn areas shown have depths as narrow as four feet, some are placed immediately adjacent to the parking area or street right-of-way, and one is within a required park-row planting strip. To demonstrate that the eight percent recreation space requirement is met, a plan clearly illustrating all areas to be counted towards open and recreation space needs to be provided. Landscaped areas counted toward recreation space requirements need to be outside of the right-of-way and placed where they are likely to be used recreationally, surfaced for recreational use, of sufficient depth to allow recreational use, and not include thoroughfares for pedestrian circulation, and individual patio, porch or deck areas need to have a minimum dimension of six feet in depth and eight feet in width (the minimum porch dimension as defined in AMC 18.6.1) exclusive of circulation routes, door swing areas, etc. to accommodate recreational use. Placement of utility infrastructure such as vaults, transformers or cabinets needs to be considered, and areas set aside for these items should not be counted as required open or recreational space. The Commission has accordingly included a condition requiring a revised plan fully addressing these issues be provided for review and approval with the Final Plan application.

The fourth approval criterion for Site Design Review addresses city facilities and requires 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.”* Public facilities requirements are addressed in detail in the Outline Plan section 2.4 earlier in these findings.

2.6 The Planning Commission finds that the application includes a request for an Exception to Street Standards to not extend sidewalks along the frontages of Tax Lots #1100 and #1200, west of the intersection of Camelot and East Nevada, due to the steep and rocky slope in this area, and to not install a multi-use path or other alternative to the sidewalk due to the same rocky slopes. The application asserts that the rock is impenetrable here, and has included a report by a geotechnical expert. The applicants note that they considered installing a multi-use path as an alternative, but the slopes were too steep to do so safely, and they further note anecdotally that when the subdivision to the south was installed a local backhoe operator broke many pieces of equipment trying to install street improvements here and the rock ultimately dictated the location of the existing curb. To provide for pedestrian connectivity, the applicants propose to install enhancements to the intersection of Camelot Drive and East Nevada so pedestrians using the north side sidewalk on the eastern portion of the proposed development can cross to the south side in the area where no sidewalks will be installed. These enhancements are to include amenities such as street lighting, seating, and a widened crosswalk using contrasting color or material (i.e. scored or colored concrete) to provide connectivity between the proposed sidewalks and the sidewalks for the existing and future development in the North Mountain Neighborhood to the south

After visiting the site, Planning staff had noted that they believed there were opportunities in the area at the base of the rock outcropping where sidewalks are not currently proposed to instead remove weeds and flatten an 18- to 24-inch area behind the curb and surface it in concrete or compacted decomposed granite in order to provide an area of refuge where pedestrians could step out of the roadway when cars pass to provide. Staff had recommended that the civil plans provided for Final Plan review include such a pedestrian refuge in this area. After consideration, the Commission finds that that this area is still constrained by the presence of the rock outcropping and that the presence of a small refuge area might

encourage pedestrians to that side of the street where there would be minimal facilities and very limited area to step out of the right-of-way to avoid cars. The Commission accordingly finds that the small pedestrian refuge is not an appropriate treatment here. The Commission further finds that the rock outcropping does pose a demonstrable difficulty in completing city standard frontage improvements on East Nevada Street, and that the proposed intersection enhancements will yield equivalent facilities and connectivity in terms of providing for the ability to safely and efficiently cross the roadway to the sidewalks on the opposite side. This exception is the minimum necessary to alleviate the difficulty posed by the rock outcropping and is consistent with the purpose and intent of the Street Standards.

Planning staff had noted that the street cross-section illustrated for the properties' East Nevada Street frontage were inconsistent with the standard improvements for an Avenue under the Street Standards, and had recommended that the civil drawings be updated to reflect the required park row and sidewalk width in the standards. The applicants asserted that the North Mountain Neighborhood Plan provided for an alternate Avenue standard within the North Mountain Neighborhood. Planning Commissioners find that there are differing street standards in the code with regard to Avenues. The standard Avenue cross-section described in AMC 18.4.6.040.F calls for a seven- to eight-foot park row planting strip and a six-foot sidewalk to be installed in residential areas; the cross section called out in the North Mountain Neighborhood Plan for North Mountain Avenue calls for a five-foot sidewalk with a seven-foot park row planting strip. Planning Commissioners find that the North Mountain Neighborhood Plan should govern in this case, and that a five-foot sidewalk and seven-foot park row planting strip are an appropriate Avenue treatment for East Nevada Street here.

The applicants have also requested an Exception to not install bicycle lanes on East Nevada Street because there are none elsewhere on this corridor, the rock slope limits the ability to expand the right-of-way, and the average daily trip counts are very low. Subsequent to the mailing of a notice of public hearing, neighbors Andrea Napoli and Don Morehouse who reside on nearby Stoneridge Avenue submitted written comments indicating that they believed that bicycle access was necessary for the neighborhood before a zone change could occur, noting that currently there is no real bicycle access between the North Mountain Neighborhood and the rest of town, describing the existing bicycle lanes on North Mountain Avenue as dangerous and disappearing, and noting that there is currently no bridge connection over Bear Creek to Oak Street or the Bear Creek Greenway and suggesting that they do not believe a finding of adequate transportation can be made with regard to bicycle access. As noted by the neighbors, there are bicycle lanes on North Mountain Avenue in some places, but they are not continuous and require cyclists to merge into traffic or use a variable width gravel shoulder. While properties in adjacent developments including Meadowbrook Park II immediately to the south have been required to sign in favor of a future Local Improvement District for East Nevada Street which would include construction of a bridge over Bear Creek, this bridge is not currently in place.

The Planning Commission finds that an Avenue is typically envisioned to accommodate between 3,000 and 10,000 average daily trips (ADT) as a design assumption. For lesser order streets, the Street Design Standards specifically note, "*Bike lanes are generally not needed on streets with low volumes (less than 3,000 ADT) or low motor vehicle travel speeds (less than 25mph). For over 3,000 ADT or actual travel speeds exceeding 25 mph, six-foot bike lanes [are required]; one on each side of the street moving in the same direction as motor vehicle traffic.*" While the design assumptions for an Avenue put the ADT within

the threshold which requires bike lanes, the most recent actual ADT counts for this section of East Nevada Street, taken by the Engineering Division in 2017, have the ADT at 107 trips. On nearby Fair Oaks Avenue, which likely is taking more of the traffic from the Meadowbrook Park II subdivision out to Mountain Avenue because it is a less circuitous route, ADT was only slightly over 400 trips in 2016, and Engineering staff indicated that it was doubtful even with additional construction completed in 2017 that the current ADT there would be over 500 trips now. The Planning Commission finds that the current ADT on East Nevada Street do not necessitate bicycle lanes, and could accommodate cyclists as shared users of the street without frequent conflicts due to vehicle cross traffic, although the Avenue classification typically requires them. The Planning Commission further finds that an Exception is merited, but that the applicants will be required to sign in favor of a future Local Improvement District (LID) for East Nevada Street as have others in the North Mountain Neighborhood. Such an LID could include both bicycle lanes and bridge construction.

2.7 The Planning Commission finds that the applicants have provided a survey identifying 27 trees on the property which are greater than six-inches in diameter at breast height. Of these, ten are proposed to be removed in conjunction with the application including a 16-inch diameter at breast height (d.b.h.) Ponderosa Pine, a 16-inch d.b.h. Cedar tree, a nine-inch d.b.h. Pine, a 30-inch d.b.h. Ash tree, four seven-to-eight-inch d.b.h. Oak trees, and a six-inch and a ten-inch d.b.h. Walnut tree. The Commission finds that the trees proposed for removal are the minimum necessary to permit the parcel to be developed as proposed under the requested zoning. The trees are located where streets, driveways and building envelopes are proposed to comply with the applicable standards while responding to the significant topographical constraints of the site.

The applicants further explain that the trees to be removed on the upper level of the development include the Cedar, Ponderosa Pine and Ash trees which are requested for removal to accommodate the extension of Camelot Drive, which must respond to the existing street location, topography, block length and fire truck turn-around standards.

The applicants go on to note that the majority of the trees to be removed are on the lower level of the property on tax lot #1100. These trees are described as being crowded together where the driveway will need to be located to access the proposed lower level units and to maintain vehicular access for the portion of the applicants' property which is outside the city limits while complying with driveway separation requirements.

The Commission finds that the removals will not have a significant negative impact on erosion or soil stability, noting that the development of the property will address erosion and soil stability. The applicants emphasize that there are no surface waters on the site, and that the trees proposed for removal are not part of any windbreaks. They also suggest that the removals will generally have no significant impact on tree densities, canopy size or species diversity, although they recognize that the Ponderosa and Cedar may have adverse impacts with regard to this criterion while suggesting that their removals could not be avoided. They explain that with shallow soil depths and significantly rocky soils, large conifers require wider spreading root structure and necessitate larger protection zones which would make it more difficult to preserve and protect them with the proposed development. The applicants propose to plant numerous deciduous trees that are more than 1½- inch caliper to mitigate the removals proposed, and that three

conifers will be planted on the applicants' property to the north to assist in buffering the freeway to mitigate the large conifers to be removed.

In reviewing the proposal at their regular meeting in January, the Tree Commissioners noted that the proposed planting list was generally well-selected. They further noted that they believed that Tree #1 identified in the tree inventory as a Cedar was actually a native Juniper, and that Tree #5 identified as an Ash was actually an Elm. The Tree Commissioners generally discussed that they would prefer to see Trees #1, #2, and #5 preserved and protected, but after discussions of the need for five- to eight-feet of grading near trees #1, #2, #3 and #5 to address access, infrastructure, drainage and home placement according to standards the Commissioners ultimately expressed support for the project subject to a recommendation that the trees proposed for removal being replaced with larger than normal mitigation trees as follows: 1) That all native species such as the Oaks to be removed shall be mitigated on a one-for-one basis with four-inch caliper native species that will attain a similar size to the tree being removed at maturity; 2) That conifers to be removed such as the Juniper & Ponderosa Pine shall be mitigated on a one-for-one basis with conifers that will attain a similar size to the tree being removed at maturity, and that are at least ten feet tall at the time of planting.

In considering these recommendations, the Planning Commission finds that smaller trees are generally better at quickly establishing themselves, and accordingly adjusts the Tree Commission recommendations to require that the native species be mitigated with at least 2 ½-inch caliper trees and that conifers be mitigated with six- to eight-foot tall replacement trees of a comparable variety. The Planning Commission further finds that the applicants should not pave the driveway on the lower/western-most units past the garage in order minimize the development impacts and benefit Trees #16 and #17.

2.8 The Planning Commission finds that Oregon state law requires that amendments to comprehensive plans to be in compliance with the Statewide Planning Goals & Guidelines (ORS 195.175(2)(a)). The proposed Comprehensive Plan Amendment would change the site Comprehensive Plan Map designation from "Single Family Residential Reserve" to "North Mountain Neighborhood Plan." Consistent with that state law requirement, the Planning Commission finds that the proposed Comprehensive Plan Map Amendment and the project proposed for the site under PA #2017-02129 comply with the Statewide Planning Goals & Guidelines as described below:

- **Goal 1: Citizen Involvement** - The Comprehensive Plan Amendment and rezone affect four parcels, so its impacts are not widespread. The City publicized the proposal as required by the City's Land Use Ordinance by posting the property, mailing notice to all property owners within 200 feet of the sites, and providing notice of the Planning Commission hearing on the City's website and in the local newspaper.
- **Goal 2: Planning** - The sites are on the edge of the City immediately adjacent to the City's North Mountain Neighborhood District, which is a large planned district in the northern part of the Ashland. The proposed Comprehensive Plan designation and zoning effectively brings these parcels into the North Mountain Neighborhood District. Permits for the proposed development of the parcels will follow the City's existing land use permitting procedures.

- **Goal 3: Agricultural Lands** - The sites that are the subject of the Comprehensive Plan amendment and rezone are within both the City limits and the Urban Growth Boundary (UGB) of the City of Ashland. No Agricultural lands are affected by the proposed development of the site under the proposed amendments. Adjacent lands in Jackson County to the north are not designated Agricultural. To the extent this rezone allows for greater density within the City's UGB, there is less pressure for housing outside the UGB.
- **Goal 4: Forest Lands** - The sites that are the subject of the Comprehensive Plan amendment and rezone are within both the City limits and the Urban Growth Boundary (UGB) of the City of Ashland. No Forest lands are affected by the proposed development of the site under the proposed amendments. Adjacent lands in Jackson County to the north are not designated Forest. To the extent this rezone allows for greater density within the City's UGB, there is less pressure for housing outside the UGB.
- **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces** - No natural resources, scenic resources, or historic resources have been identified on the sites. The proposed development of the site under PA-2017-02129 has been determined by the Ashland Planning Commission to comply with the City's Site Design Review process, which requires eight (8) percent of the site to be dedicated to recreational open space.
- **Goal 6: Air, Water and Land Resources Quality** - The rezone sites are planned for residential development and this development is not anticipated to negatively impact air, water or land resources. The sites will be fully served by City utilities, which is not currently the case pre-rezone.
- **Goal 7: Areas Subject to Natural Hazards** - The sites are not within any flood, landslide or liquefaction-prone areas identified by the City's natural resources mapping.
- **Goal 8: Recreational Needs** - The sites are near City parks and other recreational resources. The proposed development of the site under PA-2017-02129 has been determined by the Ashland Planning Commission to comply, as conditioned, with City Land Use Code requirements for recreational open space on site.
- **Goal 9: Economic Development** - The City has adequate industrial and commercially zoned land elsewhere. The subject properties have been zoned residential reserve. The residential nature of the zoning will not change, but greater density will be allowed, and some affordable housing units will be provided.
- **Goal 10: Housing** - The Comprehensive Plan amendment and rezone will further the City's housing goals and policies by increasing zoned residential density in an area that is already developing with urban levels of housing density. The proposed development for the site will also provide some needed affordable housing in the City of Ashland.
- **Goal 11: Public Facilities and Services** - The City's Public Works Department has determined that there are adequate public facilities and services to serve the rezoned parcels and to serve the proposed development of the site under PA-2017-02129.

- **Goal 12: Transportation** - The street grid in the North Mountain Neighborhood area is adequate to handle the additional traffic from development of the subject parcels at the higher, rezoned density. The proposed project for the site under PA 2017-02129 will provide additional street parking and sidewalks for the area. The transportation study done for the proposed development found that it did not meet any of the thresholds to require a transportation impact analysis.
- **Goal 13: Energy Conservation** - Greater density on these sites within the City's Urban Growth Boundary and City Limits will promote the more efficient use of land and energy.
- **Goal 14: Urbanization** - The Urbanization Goal is furthered by greater residential density within the City's Urban Growth Boundary.
- **Goal 15: Willamette River Greenway** - Not applicable.
- **Goal 16: Estuarine Resources** - Not applicable.
- **Goal 17: Coastal Shorelands** - Not applicable.
- **Goal 18: Beaches and Dunes** - Not applicable.
- **Goal 19: Ocean Resources** - Not applicable.

State law also requires a change in City land use regulations to comply with the City's Comprehensive Plan (ORS 195.175(2)(b)). With approval of the Comprehensive Plan Map designation amendment to "North Mountain Neighborhood Plan," the zoning designation change to North Mountain Multi-Family (NM-MF)" will comply with the City's Comprehensive Plan. The NM-MF designation is one of the zoning designations approved by the City for adoption within the North Mountain Neighborhood District.

The Commission conditionally approves the proposed Outline Plan and Site Design Review for Planning Action PA #2017-02129, subject to City Council approval of the proposed Comprehensive Plan Map Amendment to "North Mountain Neighborhood Plan" and rezone of the sites consistent with that Comprehensive Plan Map Amendment to NM-MF. The Council may wish to adopt the Outline Plan and Site Design Review approvals prior to acknowledgment of the Comprehensive Plan Map Amendment by the Oregon Department of Land Conservation and Development (DLCD) by adopting these findings as well, or could alternatively send the Outline Plan and Site Design Review requests back to the Planning Commission for final approval following acknowledgment.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Comprehensive Plan Map Amendment, Zone Change, Outline Plan approval, Site Design Review approval for a 20-lot, 23-unit Performance Standards Option subdivision, and Tree Removal Permit is supported by evidence contained within the whole record.

For the Commission, it is clear that the extension of city facilities to the area, adoption of the North Mountain Neighborhood Plan, and subsequent development of the Meadowbrook Park II subdivision immediately to the south represent a change in circumstances since the current zoning was established in the 1970's which supports the requested Plan Amendment and Zone Change, but for Commissioners the compelling changes in circumstance which *necessitate* the requested Plan Amendment and Zone Change

are the well-documented housing shortage around the lack of rental and ownership units that are affordable to a broad spectrum of the community and the city's commitment through the Regional Problem Solving process to accommodate anticipated growth with more efficient land use inside existing city boundaries. The extension of public facilities to support more dense development than was possible when the current zoning was established nearly 50 years ago sets the table for more efficient land use now, and given the current need for more housing, the Commission recommends that the City Council approve the requested Comprehensive Plan Amendment and Zone Change.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the Planning Commission recommends in favor of the Council's approval of the requested Comprehensive Plan Map Amendment and Zone Change and we further approve the Outline Plan, Site Design Review, Tree Removal and Exception to Street Standards components of Planning Action #2017-01059 subject to the Council approval of the Comprehensive Plan Map Amendment and Zone Change. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2017-01059 is denied. The following are the conditions and they are attached to the approval:

1. That proposals of the applicant shall be conditions of approval unless otherwise modified herein.
2. That any new addresses or street names shall be assigned by City of Ashland Engineering Department.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way.
4. That tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work including demolition, staging, storage of materials or issuance of any permits. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and 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. The final Tree Protection Plan shall incorporate the following requirements: 1) That all native species such as the Oaks to be removed shall be mitigated on a one-for-one basis with at least 2½-inch caliper trees of a comparable variety (i.e. one that will attain a similar size to the tree being removed at maturity); 2) That conifers to be removed such as the Juniper & Ponderosa Pine shall be mitigated on a one-for-one basis with conifers of a comparable variety, and that are at least six- to eight-feet tall at the time of planting; and 3) That the applicants shall not pave the driveway on the lower/western-most units (i.e. Tax Lot #1100) past the garage in order minimize the development impacts and benefit Trees #16 and #17.
5. That the applicants shall obtain necessary Demolition and Relocation Review Permits from the Building Division prior to the demolition of any buildings over 500 square feet as required in AMC 15.04, if deemed necessary by the Building Official.
6. The requirements of the Ashland Fire Department, including approved addressing, fire apparatus access and approach, fire flow, hydrant distance and clearance, and fire sprinklers where applicable, shall be complied with prior to issuance of the building permit or the use of combustible materials. Fire Department requirements shall be included on the engineered construction documents. If a fire protection vault is required, the vault shall not be located in the sidewalk

corridor.

7. That prior to the Comprehensive Plan Map Amendment and Zone Change being formalized, the applicants shall sign in favor of a Local Improvement District for the future improvements to East Nevada Street including future bridge construction and street improvements, including but not limited to bike lanes sidewalks, parkrow, curb, gutter and storm drainage, prior to signature of the final survey plat. The agreement shall be signed and recorded concurrently with the final survey plat. Nothing in this condition is intended to prohibit an owner/developer, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.
8. That prior to Final Plan approval:
 - a. A revised plan to demonstrate that the open and recreation space requirements are met illustrating all areas to be counted towards open and recreation space and their placement, dimension and treatment, and shall include some form of pedestrian access (i.e. a path to a gazebo or other sitting area) to provide access for future residents to the vista here. Landscaped areas counted toward recreation space need to be placed and surfaced for recreational use and not include thoroughfares for pedestrian circulation, and individual patio, porch or deck areas need to have a minimum dimension of six feet in depth and eight feet in width exclusive of circulation routes, door swing areas, etc. to accommodate recreational use. Areas containing above-ground utility infrastructure such as transformers, vaults and cabinets are not to be included as open/recreational space. Common area and open space improvements (i.e. landscaping and irrigation, etc.) shall be installed according to the approved plan, inspected and approved prior to signature of Final Survey Plat.
 - b. A phasing plan be provided which details the proposed phasing/timing of the development with the final plan submittal.
 - c. Site Design Review approval for the final building designs shall be obtained concurrently with Final Plan approval for each phase. Site Designs shall be generally consistent with that approved here, with the exception of final building designs.
 - i. The Site Design Review shall address the two units on the west side of Camelot Drive which are at the corner of the alley and Camelot, and have an 18-foot wide driveway and a garage ten feet, rather than the required 15 feet, behind the façade of the units. The Site Design Review shall consider this both in terms of having a garage where alley access is available to at least one of the units, and in having the garage five feet closer to the façade than allowed and shall either adjust the design or request an Exception.
 - d. Final Plan and Site Design Review submittals which include the city-owned property (Tax Lot #100) will need to include a tree inventory/protection plan and determination of wetland presence for this property.
 - e. All requirements of the geo-technical expert's report, including that the geo-technical expert reviews grading and building plans for compliance with recommendations and that the geo-technical expert observes earthwork, foundation and drainage installation phases

of construction and provides a written report of these observations certifying that all construction was consistent with recommendations shall be conditions of approval. The final plan submittals shall include written verification from the project geo-technical expert addressing the consistency of the grading and drainage plans with the report recommendations, and shall include a detailed inspection schedule addressing needed inspections and their timing associated with the project's development.

- f. Final Site lighting details. Street lights shall be consistent with the city's residential street lighting standard which calls for the "Eurotique" unless another lighting type is already deployed in the neighborhood.
- g. Final Trash enclosure placement and screening details.
- h. Final lot coverage calculations demonstrating how lot coverage is to be allocated to comply with the 75 percent lot coverage allowance in the NM-MF zoning district, including all building footprints, driveways, parking, circulation areas and other proposed lot coverage.
- i. The identification of all proposed easements for public and private utilities, fire apparatus access, and reciprocal utility, maintenance, access and parking shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
- j. That a final utility plan 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 lines, storm drain lines and electric services. The utility plan shall also address the issues raised by the Water Department relative to cross connections and premises isolation due to the grade difference between the water main in East Nevada Street and the residential units. The utility plan shall not include the stubbing out of future services connection to serve the applicants' properties outside the city limits/urban growth boundary.
- k. That the location and final engineering for all storm drainage improvements associated with the project, shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions with the Final Plan application.
- l. That the applicant shall submit an 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 proposed units prior to signature of the final survey plat. 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.
- m. That the engineered construction drawings for the proposed street improvements including East Nevada Street, the extension of Camelot Drive, the extension of the proposed new

street (Franklin Street), and the intersection enhancements at Camelot Drive and East Nevada Street 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 rights-of-way or installation of improvements in the pedestrian corridor.

- i. For the proposed 22-foot alley at the rear of the property, the alley shall be a private facility rather than a public alley.
 - ii. For East Nevada Street, the section which is to sidewalks shall include the minimum five-foot width, seven-foot park row planting strips (even where parking bays are proposed) required for an Avenue in the North Mountain Neighborhood Plan.
 - iii. For the Camelot Drive extension, a 15-foot queuing lane shall be provided with seven-foot parking bays on one side, with eight-foot park rows and five-foot sidewalks on both sides, and for the enhanced intersection treatment, revised drawings shall be provided which address the ramp and crossing placement to better align with ramps opposite so that the ramps are directly connected to those across the street with the shortest, most direct routes possible in compliance with the Americans with Disabilities Act (ADA).
 - iv. For the Franklin Street extension, a 15-foot queuing lane shall be provided with seven-foot parking bays on one side, with seven-foot park rows and five-foot sidewalks the west side.
- n. Where necessary to accommodate city standard improvements or to align frontage improvements, necessary additional right-of-way shall be dedicated to the city or easements provided. All public improvements including but not limited to the sidewalk, park row planting strips with irrigated street trees, and standard Eurotique residential street lights shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.
- o. That 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 landscaping, driveways and parking areas, planting strips, shared garage spaces and street trees.
- p. That all fencing shall be consistent with the provisions of the "Fences and Walls" requirements in AMC 18.4.4.060. The draft CC&Rs shall include stipulations on height limitations for front, side and rear yard, and shall note that fences adjacent to common open space areas shall not exceed four feet. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.
- q. 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.

Rogn Aparicio, chair

Planning Commission Approval

February 13, 2018

Date