

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
APRIL 8, 2008
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **APPROVAL OF AGENDA**
- IV. **CONSENT AGENDA**
A. **Approval of Minutes**
1. **March 11, 2008 Planning Commission Meeting**
- V. **PUBLIC FORUM**
- VI. **TYPE II PUBLIC HEARINGS**
A. **PLANNING ACTION: 2008-00182 *HEARING CLOSED - DELIBERATION CONTINUED***
SUBJECT PROPERTY: 500 Strawberry Lane
APPLICANT: McLellan, Robert & Laura
DESCRIPTION: *Request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project.*
COMPREHENSIVE PLAN DESIGNATION: *Rural Residential*; ZONING: *RR-.5-P*; ASSESSOR'S MAP #: *39 1E 08 AC*; TAX LOT: *201*
1. **Adoption of Findings**
- VII. **TYPE III PLANNING ACTION**
A. **PLANNING ACTION: 2007-01318**
APPLICANT: *City of Ashland*
DESCRIPTION: *Ordinance amendments to the Special Setback Requirements, Section 18.68.050 and to the Street Standards, Section 18.88.020.K. The proposed amendments to the Special Setback Requirements expand the exception from the 20-foot front yard requirement for properties abutting arterial streets to include all properties abutting Lithia Way. The current ordinance has an exception to the 20-foot front yard requirement for properties zoned C-1-D which applies to the lots on the south side of Lithia Way. Additionally, the proposed amendments to the Street Standards Handbook specify that the minimum width for a commercial tree well is five foot by five foot, and that the minimum required sidewalk width on arterials in the Downtown Design Standards Zone is ten feet.*
- VIII. **UNFINISHED BUSINESS**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

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IX. OTHER

X. ADJOURNMENT

CITY OF
ASHLAND



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**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MARCH 11, 2008
MINUTES

1. CALL TO ORDER

Chair John Stromberg called the meeting to order at 7:05 p.m. at the Ashland Civic Center, 1175 E. Main Street, Ashland, OR.

Commissioners Present:	Council Liaison:
John Stromberg, Chair	Cate Hartzell, Council Liaison, absent due to quasi-judicial items
Dave Dotterrer	
Michael Dawkins	
Mike Morris	Staff Present::
John Fields	Bill Molnar, Community Development Director
Pam Marsh	Derek Severson, Associate Planner
Melanie Mindlin	Richard Appicello, City Attorney
Absent Member: Tom Dimitre, excused	Sue Yates, Executive Secretary

2. APPROVAL OF AGENDA

Stromberg said the first item of business after Public Forum will be to adopt the change to the Planning Commission Rules.

It was announced at the Hearings Board that Planning Action 2008-00182, 500 Strawberry Lane, would be heard at tonight's meeting. Affected property owners and interested parties were contacted by phone and e-mail. The hearing is scheduled as the second public hearing this evening.

Fields/Dotterrer m/s to approve the agenda. Voice Vote: Approved.

3. ANNOUNCEMENTS

Molnar announced the Council will be deliberating on the Land Use Ordinance amendments at a special study session on Monday, March 17, 2008.

The next two public workshops for the Croman Mill Redevelopment site will be held Wednesday and Thursday, March 19th and 20th at the Bellview Grange at 7:00 p.m. Both are general meetings open to the public, however, on Thursday the Planning Commission and City Council have been invited to be first to ask questions of the consultants.

4. CONSENT AGENDA

- a. Approval of Minutes: February 12, 2008 Planning Commission Minutes
February 26, 2008 Planning Commission Study Session Minutes

Mindlin/Dotterrer m/s to approve the consent agenda. Voice Vote: Approved.

5. PUBLIC FORUM - No one came forth to speak.

6. TYPE II PUBLIC HEARINGS

- a. PLANNING ACTION: 2008-00053

SUBJECT PROPERTY: 201 South Mountain Avenue

APPLICANT: Ogden Roemer Wilkerson Architecture AIA

DESCRIPTION: Request for Site Review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School campus located at 201 South Mountain Avenue. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot main gym building; and a reconfiguration of the parking area located to the east of the existing gym building. The net increase in building area is 2,975 square feet. The application also includes a request for a Variance to the required sideyard setback along South Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required.

Ex Parte Contact/Bias/Conflict of Interest/Site Visit

Marsh walked through the campus a few times since the last meeting. Dotterrer and Fields had a site visit but no ex parte contacts. Morris attended a couple of basketball games in the gym since the last meeting. Dawkins has run through the area

since the last meeting, but had no ex parte contacts. Mindlin and Stromberg had no ex parte contacts. Stromberg viewed the existing building from S. Mountain Avenue.

There were no challenges of bias or conflict of interest.

STAFF REPORT

Severson reviewed the application and items from last month. The existing parking situation is an item that stood out to Staff. The Site Review Chapter looks at bringing a non-conforming situation (parking) into conformance proportionate to the building addition. The building addition is relatively small at 1.5 percent. The applicants have argued and Staff concurs that by reconfiguring the parking area to meet standards, by improving the landscaping, and the presentation of the building to the street, Staff's concerns have been met. The Staff Report discusses the amount of existing parking being less than the amount needed for the stadium and gym, however the use is not being intensified and there is no increase in parking demand so Staff is not requiring anything additional to address the parking.

Severson suggested removing Condition 4 requiring the stadium and gym not be used concurrently. However, Staff wouldn't want to preclude having a gym class in the gym and PE class on the stadium field. Is there a way to avoid conflicting peak demand situations while still allowing the facilities to be used?

The applicants submitted a site circulation plan since last month. They are showing accessible routes coming from the reconfigured parking area, bike access, additional bike parking, secondary and primary entries. They are proposing landscape upgrades including trees along Mountain Avenue.

Severson would also recommend removal of Condition 8E (duplicates 7G). With those changes, Staff would recommend approval with the attached Conditions.

Stromberg noted that there was an evidentiary public hearing held on February 12, 2008.

PUBLIC HEARING

Ken Ogden, Ogden Roemer Wilkerson Architecture, AIA, 2950 Barnett Road, Medford, OR 97504, stated the design came after several months of intensive input from teachers, administrators and community members. Ogden discussed all of the positive aspects of the application and how they feel they achieved spaces that exemplify and are conducive to the educational process.

JULI DICHIRO, Superintendent of Schools, 885 Siskiyou Boulevard, reiterated Ogden's comments. One of the criteria for the architects was to make the current gym a better educational space as well as a great place to see a game. The goal of the PE program is to promote lifelong fitness. She re-emphasized the amount of public input they have had throughout the process.

DiChiro added that they would feel comfortable not exceeding the capacity (3000 people) of the stadium with any combined usages. Currently, the stadium is used about five times a year for football games. If a turf field replaces the football field in the future, there would be a lot more use by community groups and high school functions. She could envision a Pop Warner football game going on at the same time as a play in the theater. She feels comfortable assuring the Commission that they would not exceed the stadium capacity they have now. They would like the flexibility to use a variety of venues as long as the capacity limit is not exceeded.

Marsh asked if the bus parking would be left right in front of the new door on Mountain Avenue. DiChiro said they could use the bus loop closer to the Administration Building. Marsh expected that a lot of the drop-off and pick-up would happen on Mountain Avenue in front of the new door. Are the three parking spaces adequate for the drop-off and pick-up? Ogden said they haven't had any input from the Staff. The campus entrance will be retained.

JEFF SCHLECT, 489 Friendship Street, Principal of Ashland High School, said he would like the buses to be parked further down the street (north) with pick up and drop off in front of the new Mountain Avenue space.

Schlect added that even with the combined theater and gym activities, they have not been anywhere near capacity. Typically, only the home football games would meet capacity. He assured the Commission they would not schedule anything on those days.

KATE KENNEDY, 495 Poplar, teacher at AHS, said she is interested in the front entrance too. She thinks it will be helpful being able to have people enter the building on both sides. .

Questions of Staff – There were no questions.

Rebuttal – No comment.

Stromberg closed the public hearing and the record.

Staff Comment – Molnar said, though the Staff Report can be dry as they try to identify applicable standards, Staff is excited about this project and believes it exemplifies the pride the community has in their academic and civic institutions. He commended the applicant, their team and community for putting forth a design for this building that it long deserved. It meets the community standards for orienting it toward the street as well as the internal parts of the campus, and is a going to be a great asset for many years to come. This is a design that has taken into account the City standards as well as the community process.

COMMISSIONERS' DELIBERATIONS AND DECISION

It was agreed that Condition 4 and 8E should be removed.

Marsh suggested a Condition 8E that the applicant shall present a plan for pick-up and drop-off on the Mountain Avenue frontage prior to occupancy. She would like something submitted to Staff before the building is used that says how the pick-up and drop-off will be used and where the buses are going to park. Molnar said it is part of “adequate transportation.”

Morris has an issue with maintenance of the landscaping. He thinks that Condition 7D would cover it, but wanted to bring it up as a concern. Dawkins agreed. Molnar said there is a standard in the Site Review Chapter that all landscaping be maintained in accordance with the applicant’s plan. The Commissioners agreed that a Condition should be added to re-state the landscape maintenance requirement.

Dotterrer/Morris m/s to approve 2008-00053 with the removal of Condition 4 and Condition 8E. Add a Condition that the plan for pick-up and drop-off on Mountain Avenue be provided for Staff review and approval prior to occupancy. Add a Condition 7D-4 that landscaping be installed prior to occupancy and maintained in perpetuity.

Adoption of Findings

Dotterrer/Morris m/s to approve the findings for PA2008-00053 with the removal of Condition 4 and 8E and in the inclusion of the new 8E (circulation) and the condition on landscape maintenance.

b. PLANNING ACTION: 2008-00182

SUBJECT PROPERTY: 500 Strawberry Lane

APPLICANT: McLellan, Robert & Laura

DESCRIPTION: Request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project.

Ex Parte Contact/Bias/Conflict of Interest/Site Visit

Marsh, Morris, Dawkins and Stromberg were a part of a site visit with Staff. Morris built a house for the current owners and worked for the Shostrom Brothers three or four years ago. Dawkins has been a friend of a neighboring property owner, Karen Darling, for 20 years. He runs in the area frequently and has talks with Darling about the development in her area. He called her to find out if she had signed off on all the items in the packet. She left a message for Dawkins that she was resigned to the fact that it was going to be developed. He’s comfortable with that and thinks his bias has been remedied. Mindlin had a site visit on her own, and walked the pedestrian trail on the property. Dotterrer and Fields had no site visit or ex parte contact.

Appicello asked if Morris and Dawkins are prejudice or if they have pre-judged this application based upon their prior contacts or involvement, and can they make the decision based upon the facts as applied to the law in this application? Morris said he could and Dawkins agreed

There were no challenges of bias or conflict of interest.

STAFF REPORT

Severson showed an aerial photo of the site containing the six lots. He reviewed the application as outlined in the Staff Report. The applicants are proposing to create six lots, five of which would contain homes. They are proposing to move the existing gate at the end of Hitt Road 30 to 40 feet to the south to accommodate a driveway. The applicants are proposing an Exception to Streets Standards to not improve the Hitt Road right-of-way to full City street standards all the way to the south property line. The applicant is also proposing an elevation height limit that the applicant will explain to the Commissioners.

Staff had two issues with the application. The application seems fairly straight-forward in terms of the subdivision in that the density of the site is not being exceeded. They are not requesting any kind of density bonus. The lots are generally larger than the minimum size. The applicants, of their own accord, identified Lot 6 on the steepest portion of the property to preserve in open space as commonly owned area to protect it from further development because of the slope.

The applicants had proposed some solar envelopes in designing the project. (See pages 4 and 5 of the Staff Report.) Some of the solar access envelopes may exceed the requirements for one or potentially two of their lots. Staff did not believe the ordinance gives leeway to do that without requesting a Solar Variance. Severson has included a Condition to state: "That all the lots will be subject to solar access standard "A" unless the applicant either provides evidence that they have a downward trending slope to the north of more than 15 percent (subject to Class "B") or that they request a Variance at the time of Final Plan approval.

The houses have been staggered and they have tried to minimize tree removal and driveway slopes, etc.

Another item for discussion is the Exception to Street Standards request. The applicants are proposing to remove the existing gate and place it about 30 to 40 feet up the road where they would install a driveway apron. Any necessary improvements up to the driveway would be completed, transitioning the street and sidewalk to the driveway. Beyond the driveway, the applicants are proposing to have the gate and no further improvements. The gate really restricts the use of the road to strictly vehicle access to the City owned water tower above. There are some fairly steep cut slopes along the road currently. Installation of further street improvements and sidewalk would necessitate significant impacts to that those areas when the applicants are trying to protect them from development with the sixth open space lot.

Morris was questioned the slope of Lot 6 (referring to it as a "tract"). Severson explained that outright open space is required on developments of less than ten units. Severson said the applicants could have potentially sought a density bonus to get an additional lot, but chose not to. The applicant has recognized that the steep slopes are a significant natural feature that they would like to see preserved.

Molnar said he recalled when Park Estates was developed on upper Morton, there were a few tracts that were unbuildable and they put them in open space. Generally, there are costs associated with fuel management over time and the tracts are put into common area in order to distribute the costs among home owners.

Severson said further development of other lots in the area would be to the south and would be severely limited due to the hillside grades.

Marsh asked where the Dimino property is located. Severson said they live directly across from Lot 1 at the intersection of Strawberry and Hitt Road.

PUBLIC HEARING

MARK KNOX, 700 MISTLETOE ROAD, Suite 204, introduced his clients, LAURA AND ROBERT MCLENNAN, LAURIE SAGER, Landscape Architect, and the rest of his team, Mark Amhrein, Geotechnical Engineer, and Mark Kamaranth, Civil Engineer.

Knox said they started with the following goals: 1) To create a subdivision that could be seen as a positive hillside development that meets the intent of the Hillside Ordinance, 2) what mistakes did others make in the neighborhood that they could improve upon, and 3) to create a subdivision that does not impact the existing neighborhood or each other.

Stromberg asked if they disagreed with anything Staff brought up. Knox said they are basically on the same page.

Knox said the applicants are proposing an average height of homes of about 28 feet or 25 percent less than what is required. They have capped the houses below each house from the houses above. They have tried to tone down the massive rooflines, hopefully make a more horizontal profile. They reduced the density, added some deed restrictions that were not required. They have addressed light and glare, the use of glaring materials and sprinklers.

Knox explained how they have increased the setbacks significantly. The zoning has a 20 foot front yard setback, five foot side yard and ten foot rear yard setback. The setbacks range from 24 to 40 feet in order to retain the views for the neighbors.

The Tree Preservation plan shows the building envelopes have been curbed all around the significant trees. Of the 72 trees over six inches in diameter, they will remove 13. The ordinance says if you show a tree in an envelope, you are supposed to say you are going to remove it. They are not, however, planning to remove any trees. They have tried to provide enough flexibility within the envelopes that they hope future homeowners/contractors will find ways to work around the trees. The only time trees will be removed, is if a property owner proposes to move a tree because their home is located in the envelope area and then they will have the option to do so.

Knox said the caps on the heights are somewhat self-imposed. They needed to know where the driveways would be cut and where they would end up. They wanted to make sure they were not creating an engineering nightmare or an impossible situation where they couldn't meet the requirements. The desire is not to have happen what happened at 360 Strawberry.

They have agreed to reduce additional fuels in the area. They have a plan approved by the Fire Dept.

Solar Access

They are basing everything on the location of the property line. The setback on the side of Lot 2 is showing a 30 foot setback. They plan to move the building envelope ten more feet, using Standard A, and giving the property owner more flexibility, perhaps forcing more earth disturbance.

Lot Coverage

The applicants are proposing 20 percent lot coverage based upon the entire property including the open space. Some lots may be over and some under. They are asking for the additional coverage to go to other lots. For example, recognizing one of the neighbor's (Darling) needs, the envelope will be pulled way back and the driveway will create more lot coverage.

Knox realizes that a neighboring property owner, Mrs. Dimino, has a couple of issues. The gate at the driveway is hugging the edge of the driveway. The applicant is proposing moving the gate an additional 20 to 25 feet up the road to allow for cars to turn around or park and not block the driveway.

Marsh asked Knox to respond regarding the Building 1 envelope. By compensating for Mrs. Darling's property, it pushes the building envelope within ten feet of Hitt Road. Ten feet is a much smaller setback than anyplace else in this area. Knox said the lot is a half acre and is still big enough to accommodate all sorts of designs and shapes of houses. They would not have a problem if the Planning Commission would like to adjust the setback.

Sager said she did a site visit with Jessie Blue, building designer that came up with the conceptual buildings for the site. Building envelope 1 is a gorgeous place for a home. It did not feel to her like the home would be sitting on a precipice.

PUBLIC COMMENT

CATHERINE DIMINO, 423 Strawberry Lane. Mrs. Dimino is using Lou Dimino's five minutes to speak. She submitted written materials that were distributed to the Commissioners. She said the building envelopes are too restricted. In general, the larger the building is, the more creativity the owners will have to build a more interesting design. A smaller envelope will restrict that ability.

Dimino believes it is unnecessary to give the various lots larger lot coverage. There is plenty of room to adjust the lines. She said the ordinance states 20 percent lot coverage for the lot, not the project.

She mentioned moving the gate. There are always people parking on the common driveway for Strawberry Meadows that won't be able to park there once it is developed.

Dimino is primarily concerned with Lot 1. The conceptual design pushes the design closer to Hitt Road. She would like to see the envelope along Hitt be moved to the West and a reduction in lot coverage. If the envelope is expanded, she doesn't necessarily mean she wants any trees removed.

Lou Dimino said the sidewalk should be extended to the new gate location and a small distance beyond because people use this for passage for hiking and it is always difficult to get around the gate.

ALEX KNECHT, 181 Birdsong Lane, stated he was a participant in the development of Strawberry Meadows. He does not oppose the development. He said a trail skirts the applicant's property and it is well used. He suggested a trail from a part of the property up to Hitt Road (approximately 50 feet) for those that don't want to hike up a very steep trail.

Since developing his property, Knecht believes the applicant is smart in trying to establish the 20 percent lot coverage from the beginning.

Questions of Staff

Dotterrer asked what the ordinance says regarding the 20 percent lot coverage for the entire property. Molnar read a portion of the definition of Lot Coverage. In practice, it has been an option for a development early on to look at the coverage of an entire site. Quail Haven is an example that calculated lot coverage based on the entire parcel. Molnar said it is important to look at the Purpose of the Performance Standards. There could be a situation where clustering of homes might be fine, or it might be less appropriate based on the development pattern in the neighborhood.

Severson asked the applicant has given a square footage allocation to each lot showing total coverage of the subdivision is 20 percent at Final Plan submittal.

Dotterrer asked what the argument is against making the building envelopes as large as possible. Molnar said in hillside areas where there is a concern for reducing the impact on trees, steep slopes, increasing driveway cuts, etc., it is more desirable to have a smaller building envelope. With regard to Lot 1, the main issue would be protecting trees in the area. It seems the applicant has worked with an adjoining neighbor to try to move the envelope. Molnar said the establishment of the building envelope generally falls under review of the natural features of the site. Has the applicant adequately preserved those? One way is by fine tuning of the placement of the envelopes. In this case, it seems there is some flexibility with moving the envelope on Lot 1 and a finding can still be made.

Severson said the height elevation limit of Lot 5, is misstated on the February 19th submittal. He believes the finished floor level is 2,449 feet, not 2,443 feet. He would like the applicant to comment

Dawkins/Fields m/s to extend the meeting to 10:00 p.m. Voice Vote: Approved.

Molnar said if the Commission believes it is an issue, they might want to find out how the applicant is planning to accommodate guest parking. Stromberg noted the public hearing is still open and it might be advisable to give people an opportunity respond to this potentially new information.

Fields asked if the access to Lot 1 committed to how it is shown on the subdivision plan. Severson said he believes the slopes are upwards of 35 percent for the road cut. It would be a bigger disturbance than following the contours and would have to be 35 feet from the intersection.

Marsh wondered if there is anyplace for hikers to park. Molnar thought Hitt Road is 20 feet wide. If it becomes problematic and a concern of the Fire Department and people are parking on a 20 foot wide street, there could be a request for No Parking signs.

Molnar said the remainder of the street past the gate has to be installed to City street standard that might allow some space for on-street parking. He is not certain if that deals with the issue. It's fair to look at a better option. If the majority of the Commission believes guest parking has not been addressed to their satisfaction to approve the Exception, they can ask for additional information. There might be allowances for guest parking on the individual lots. Dotterrer asked under what criteria is the applicant required to provide parking for hikers? Molnar had been speaking about guest parking. Additional homes off Hitt Road will draw more people possibly creating a situation where people will park on Hitt. They are requesting an Exception. The current Street Standards allow the Commission to require street improvements that allow for on-street parking that would speak to that concern.

Stromberg asked if there was anyone that participated in the hearing that would like to rebut any of the facts that were disclosed in the discussion.

KNECHT clarified that his development did not have the lot coverage for the entire parcel in place. They had to implement it after the fact because of the constraint the lot and 20 percent coverage. Parking at the top of Hitt is going to be a problem.

APPLICANT'S REBUTTAL – Knox said the lot envelopes are large enough to accommodate guest parking in the individual driveways. Bird Song Lane provides an opportunity to park and walk.

Lot 1 is extremely steep. The first design they did was unworkable.

Knox responded to Dimino's concerns. The building envelope for Lot 1 is more than adequate. The width of the envelope (east/west) is 50 feet and north to south is 110 feet. At the narrowest point closest to Mrs. Darling's house, is about 30 feet. He said the applicants are requesting only what has been allowed by adjacent subdivisions.

Dawkins/Dotterrer m/s to extend the meeting to 10:30 p.m. Roll Call: The motion carried with Dawkins, Morris, Marsh, Mindlin, Dotterrer and Stromberg voting "yes" and Fields voting "no."

Stromberg asked if anyone wished to request either the public hearing or record be kept open for seven days. The public hearing is continued to a date certain. Dimino asked the public hearing be left open for seven days. Stromberg said the Planning Commission has the option of keeping the public hearing or record open for seven days.

Knox asked the applicant be given seven days to respond if there additional written arguments submitted.

Fields/Morris m/s to close the public hearing and keep the written record open for seven days. Voice Vote: The motion carried with Morris, Marsh, Mindlin, Dotterrer, Stromberg and Fields voting "yes" and Dawkins voting "no."

The public record will be kept open until March 19, 2008 until 5:00 p.m. The applicant will have until March 26th, 2008, 5:00 p.m. to file a written argument – argument, not evidence.

Dotterrer/Mindlin m/s to continue deliberations to the April 8, 2008 Regular Planning Commission meeting to be held at 1175 E. Main Street, Ashland, OR at 7:00 p.m.

ADJOURNMENT – The meeting was adjourned at 10:20 p.m.

*Respectfully submitted by,
Sue Yates, Executive Secretary*



PLANNING ACTION: 2008-00182

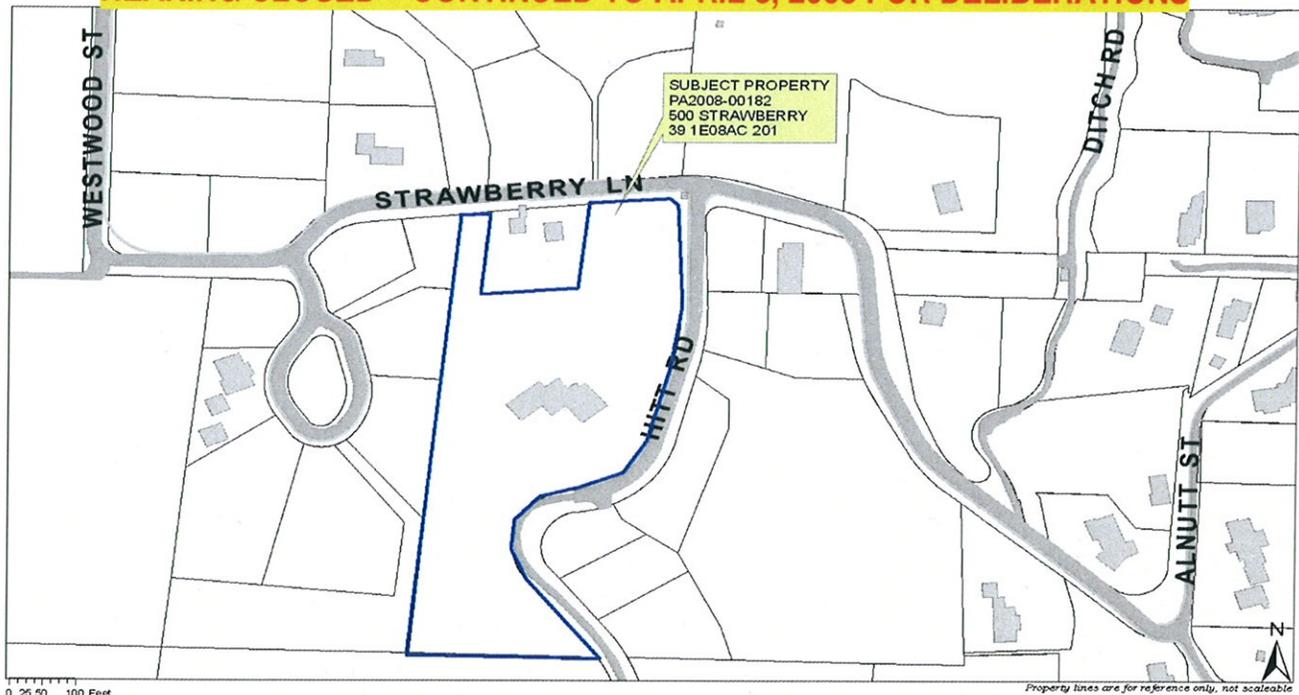
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NOTE: The Ashland Tree Commission will also review this Planning Action on **March 6, 2008 at 7:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

HEARING CLOSED – CONTINUED TO APRIL 8, 2008 FOR DELIBERATIONS



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

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

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

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

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Department, 541-488-5305.

OUTLINE PLAN APPROVAL, 18.88.030.A Criteria for Approval

The Planning Commission shall approve the outline plan when it finds the following criteria have been met:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
 - b. 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.
 - c. 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.
 - d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
 - e. 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.
 - f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards. (Ord 2836, S2 1999)

PHYSICAL & ENVIRONMENTAL CONSTRAINTS 18.62.040.I

I. Criteria for approval. A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance. (Ord 2834 S1, 1998) (Ord. 2834, Amended, 11/03/1998, Section 18.62.040 J "deleted"; Ord 2808, Added, 12/02/1997)

TREE REMOVAL 18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. 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; and
 3. 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. Nothing in this section shall require that the residential density 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 or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit. (ORD 2883 added 06/04/2002)

EXCEPTION TO STREET STANDARDS 18.88.050 F -- Exception to Street Standards

An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
 - B. The variance will result in equal or superior transportation facilities and connectivity;
 - C. The variance is the minimum necessary to alleviate the difficulty; and
 - D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.
- (Ord 2836, Amended, 02/02/1999)

ASHLAND PLANNING DEPARTMENT STAFF REPORT ADDENDUM

April 8, 2008

PLANNING ACTION: 2008-00182

APPLICANT: McLellan, Robert & Laura

LOCATION: 500 Strawberry Lane
39 1E 08 AC Tax Lot #201

ZONE DESIGNATION: RR-.5-P

COMPREHENSIVE PLAN DESIGNATION: Rural Residential

APPLICATION DEEMED COMPLETE: March 3, 2008

120-DAY TIME LIMIT: July 1, 2008

ORDINANCE REFERENCE: 18.16 R-R Rural Residential District
18.61 Tree Preservation and Protection
18.62 Physical & Environmental Constraints
18.88 Performance Standards Options

REQUEST: Planning Action #2008-00182 is a request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project.

I. Relevant Facts

1) **Background - History of Application:**

At the March 11, 2008 regular meeting of the Planning Commission the applicants presented their proposal and public testimony was taken. The discussion focused on elements including the application of lot coverage standards in Performance Standards subdivisions, the building envelope on Lot 1, and the issue of on-street parking demand on Hitt Road.

One of those participating in the hearing, neighbor Catherine Dimino who resides at 423 Strawberry Lane, requested that the record remain open for seven days to allow additional written submittals as allowed under the Oregon Revised Statutes, and the applicants requested that the record remain open for an additional seven days to allow their submittal of a written response. The meeting was continued to the April 8, 2008 meeting for deliberations and a decision.

There are no other planning actions of record for this site since its creation by land partition in 2004.

2) Issues Raised in Written Submittals:

Opponent Diminos' Submittals

Lou and Catherine Dimino have provided two submittals. In the first, they address concerns with the street standards and the need for connectivity and suggests that a common driveway or public alley would a more appropriate means to access the subdivision, and urges the Commission to require that Hitt Road be completed to the southern boundary of the development. The Diminos also provide supporting written comments from neighbor Debra Kutcher, who was not a participant in the original hearing. The Diminos request that lot coverage be applied on a lot by lot basis rather than to the subdivision as a whole, and that the building envelope on Lot 1 be modified.

In their submittals, the Diminos indicate that their research has determined that the McLellans did not participate in the Strawberry Lane Local Improvement District (LID) which had been a requirement of the land partition creating their lot. The Diminos request that the McLellans be required to participate in the LID and that a proportional refund be made to other participants.

Applicant McLellans' Submittals

Urban Development Services, as agent for the applicants, also provided additional materials during the period when the record was open for new information. Their submittals focus primarily on parking, noting that Hitt Road is 22 feet wide and will accommodate on-street parking on one side based on the Street Standards handbook and that in addition, the applicants are willing to provide one additional on-site guest space for each lot. In addition, these submittals formalize changes to the proposal which were made verbally during the hearing: 1) Adjusting the southern building envelope boundary on Lot 2 an additional ten feet to the south, to provide a 20-foot side yard rather than the 30-foot yard originally proposed, in order to better address solar access; and 2) Adjusting the building envelope on Lot 1 to provide a 15-foot setback from Hitt Road where a 10-foot setback was originally shown. The applicants also concur with a request made by the Diminos to relocate the gate further up Hitt Road beyond the driveway for Lot 5 in order to allow for better vehicular circulation. Condition #7c has been slightly revised to require street improvements be extended to the relocated gate.

II. Project Impact

Hitt Road Parking

As noted in the March 11, 2008 public hearing, Planning Staff believe that the question of addressing parking demand on Hitt Road merits consideration by the Planning Commission. With completion of the proposed development, the number of homes to be accessed from Hitt Road will increase from five to eight, increasing parking demand by sixty percent. In addition to the parking demand by residents, there appears to be parking demand generated by users of the trail system who presently park in the private driveway near the existing gate and along Hitt Road. Staff believe that the issue on Hitt Road parking can be looked at by the Commission both in terms of criteria requiring “adequate key City facilities...including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation...” and in terms of the criteria for the requested Exception to Street Standards which require a demonstration that “The variance will result in equal or superior transportation facilities and connectivity.” Granting of the requested Exception to Street Standards potentially reduces the amount of available on-street parking that would be available were the street fully improved to the southern extent of the development.

The paved improvement on Hitt Road varies from a 20-foot width near Strawberry Lane to a 22-foot width near the existing gate. The Street Standards Handbook indicates that in hillside areas, a minimum 20-foot clear travel lane shall be provided to allow for adequate fire access and that ample parking shall be provided on street or in bays near the foot of steep hills. The Handbook also notes that streets in hillside areas require special accommodations to respond to and protect natural features while providing for adequate fire protection in wildfire prone areas. The Handbook notes that in certain situations, Exceptions should be granted, for instance to allow curbside sidewalks and sidewalks on only one side of the street where it will minimize negative impacts such as large hillside cuts.

Staff believe that there are options readily available to address the additional parking demand associated with the proposed development and to offset the requested Exception to Street Standards by providing for adequate fire protection and equal on-street parking facilities. The applicant has offered to provide an additional visitor parking space on each of the proposed lots. In addition to providing visitor parking on the individual lots, Staff believe that the Commission could require that the applicants provide for additional on-street spaces with parking bays between the driveways for Lots 2 and 4 and/or near the proposed relocated gate. A condition has been proposed below to require that the Final Plan submittal identify additional on-street parking spaces on Hitt Road.

Driveway Consolidation

The submittals provided by the Diminos argue that a shared driveway or public alley through the development would be more in keeping with city street standards. The

Diminos also indicate that this configuration would exclude the driveway from consideration in lot coverage calculations.

The Commission clearly has the authority within the land use ordinance to require consolidated access if it deems this necessary, however in Staff's view, the proposed lot lay-out and associated driveway configuration have been proposed in order to respond to site topography and preserve established trees in keeping with the purpose and intent of the Performance Standards Options chapter. The use of a common driveway or alley would likely create additional difficulty in responding to the natural features of the site while resulting in equal or greater overall disturbance.

Lot Coverage

The Performance Standards Options chapter provides for more flexibility than is permissible under conventional zoning codes; this flexibility is specifically intended to reduce the impacts of development on the natural environment. The Land Use Ordinance defines coverage in terms of a lot or site, and further goes on to define a lot to include contiguous units of land under single ownership. The flexibility inherent in the intent of the Performance Standards Options chapter can be applied to look at lot coverage in terms of the subdivision site as a whole in order to protect natural features of the site while providing for the architectural creativity and innovation that the chapter demands, and in Staff's view this application of lot coverage provides for the greatest protection of the natural environment.

Lot 1 Building Envelope

Dimino's submittal expresses concern that the building envelope on Lot 1 is on the steeper portion of the lot and close to Hitt Road and that this placement will result in an imposing presence from Hitt Road.

The applicants have proposed to pull the envelope an additional five feet back from Hitt Road, and in Staff's view the placement of the proposed envelope is intended to minimize the impact to immediately adjacent neighbor while preserving the established trees on the lot and on the neighboring lot while placing the driveway in the area of least slope disturbance to minimize the impact to the site and its natural features. The structure built within the proposed envelope will be limited by lot coverage, by the solar ordinance, and by the applicants' own proposed self-imposed elevation height limit.

Local Improvement District (LID)

Staff does not believe that participation in an already completed Local Improvement District (LID) can be found to be relevant to the applicable approval criteria for the current application. However, in Staff review of the final Strawberry Lane LID resolution, the McLellans were assessed and participated in the LID in an amount of \$8,280, which was based on the future development of two units on their property. This could not be adjusted through Planning Commission conditions as requested by the Diminos, and would require Council action to reopen the public hearing for that LID.

III. Procedural - Required Burden of Proof

The criteria for Outline Plan approval are described in 18.88.030.A as follows:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. 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.
- c. 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.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. 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.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

The criteria for a Physical Constraints Review Permit are described in 18.62.040.I as follows:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

The criteria for Issuance of Tree Removal are described in 18.61.080 as follows:

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
2. 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; and
3. 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. Nothing in this section shall require that the residential density 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 or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

The criteria for an Exception to Street Standards are described in 18.88.050.F as follows:

Exception to Street Standards. An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.

IV. Conclusions and Recommendations

As previously noted, in Staff's opinion, the application is a relatively straightforward one that is proposed in keeping with the purpose and intent of the Performance Standards Options chapter. Staff believes that the application is consistent with the approval criteria for a six-lot, five-unit Performance Standards subdivision; an Exception to Street Standards; a Physical Constraints Review permit; and the removal of 13 trees greater than six-inches in diameter at breast height (d.b.h.) including one significant tree, an 18-inch d.b.h. oak. Staff believe that the primary issue which remains to be resolved is for the Commission to determine to what degree any increase in on-street parking demand generated by the subdivision needs to be addressed in the final plan submittal. Planning Staff recommend approval of the application with the following conditions attached:

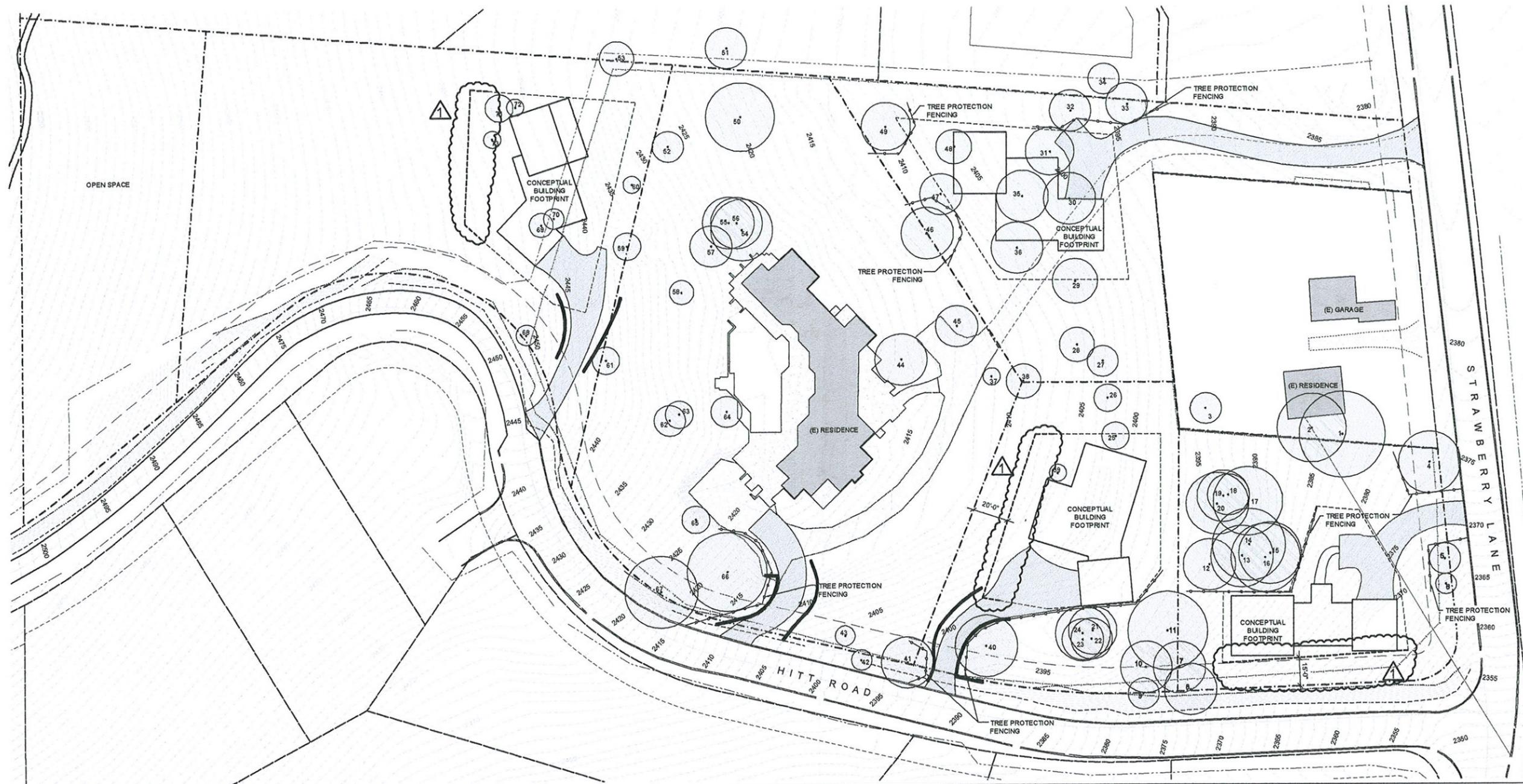
- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) All conditions of the geotechnical report prepared by Amrhein Associates, Inc. and dated October 12, 2007, including but not limited to the inspection schedule, shall be conditions of approval unless otherwise modified herein.
- 3) That all proposed lots shall be subject to Solar Access Standard A unless 1) materials are provided with the Final Plan submittal demonstrating that an individual lot has a negative north slope in excess of 15 percent which would render it subject to Solar Access Standard B; or 2) a Solar Access Variance is applied for and approved for the individual lots concurrently with Final Plan approval. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
- 4) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.62.089.B.7.

- 5) That prior to Final Plan approval:
- a) Engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.
 - b) An Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan submittal.
 - c) A drainage plan including necessary final engineering for the private lot stormwater detention systems and any off-site storm drain system improvements shall be provided.
 - d) The engineering for sidewalk improvements to complete sidewalk installation along the subject property's full Strawberry Lane frontage shall be provided with the Final Plan submittal.
 - e) The recommendations from the March 6, 2008 meeting of the Ashland Tree Commission, where consistent with applicable standards, shall be incorporated into the Final Plan submittal's Landscaping, Irrigation, and Tree Protection and Removal Plans.
 - f) A draft copy of the CC&R's and the applicants' proposed Deed Restrictions shall be provided. The CC&R's shall describe responsibility for the maintenance of all commonly-owned open space including but not limited to the implementation and maintenance of the approved fire prevention and control plan, and perpetual maintenance of required long term erosion control measures. The CC&R's shall note that any deviation from the approved Tree Removal and Protection Plan must receive written approval from the City of Ashland Planning Department. The CC&R's and Deed Restrictions shall be recorded concurrently with the final plat.
 - g) The overall lot coverage for the subdivision as a whole shall be limited to no more than 20 percent. At the time of final plan submittal, the applicants shall provide a breakdown, by square footage, of the allowed lot coverage allocated to each lot and demonstrating that the overall subdivision's lot coverage does not exceed the 20 percent allowed in the RR-.5 zoning district.
 - h) That written verification from the project geotechnical expert shall be provided with the Final Plan submittal indicating that the revised six-lot subdivision configuration and associated improvements are consistent with

- the original report.
- i) That a landscape and irrigation plan addressing the re-vegetation of cut and fill slopes required in the geotechnical report shall be provided with the Final Plan submittal.
 - j) That in addition to the third off-street parking space proposed to be provided on each of Lots 1-5 by the applicants, the Final Plat submittal shall also identify on-street parking spaces to be provided on Hitt Road either near the relocated gate or between the driveways of Lots 2 and 4.
- 6) That prior to the issuance of an excavation permit:
- a) A preconstruction conference to review the requirements of the Physical Constraints Review Permit shall be held prior to site work, storage of materials, or the issuance of an excavation permit. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts, landscape professional, arborist, and contractor. The applicants or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the trees to be removed and the installation of tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
 - c) That the temporary erosion control measures (i.e. fabric sediment fencing, straw bales, crushed rock pads, straw erosion control matting or plastic sheeting) shall be installed and maintained according to the approved plan prior to any site work, storage of materials, or issuance of an excavation permit. These measures shall be inspected and approved by the Staff Advisor prior to site work, storage of materials, or the issuance of an excavation permit.
 - d) The applicants shall provide a performance bond, letter of credit or other financial guarantee in an amount equal to 120 percent of the value of the erosion control measures necessary to stabilize the site.
- 7) That prior to the signature of the final survey plat:
- a) All easements for sewer, water, drainage, electric, streets or public pedestrian access shall be indicated on the final survey plat as required by the City of Ashland.

- b) Street trees, located one per 30 feet of street frontage, shall be installed along the Strawberry Lane street frontage as part of the subdivision infrastructure improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.
- c) Subdivision infrastructure improvements, including but not limited to utilities; driveways, driveway approaches and associated erosion control measures; the extension of curbs, gutters, paving and sidewalk improvements on Hitt Road between the end of the existing improvements and the relocated gate location; and sidewalks and street trees on Strawberry Lane shall be installed according to approved plans prior to the signature of the final survey plat.
- d) That the installation of driveway approaches shall be completed according to city standards under permit from the Public Works/Engineering Department and any necessary inspections approved.
- e) The existing sidewalk on Hitt Road shall be extended to the northerly edge of the Lot 5 driveway's approach.
- f) Electric services shall be installed underground to serve Lots 1-5. 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.
- g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed for Lots 1-5.
- h) That Amrhein Associates, Inc. shall inspect the site according to the inspection schedule of the engineering geology report dated October 12, 2007 provided with the application. Prior to signature of the final survey plat, Amrhein Associates, Inc. shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
- i) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to signature of the final survey plat. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
- j) The applicants shall sign an agreement to participate in the future cost of street improvements for Hitt Road, including but not limited to sidewalks, curbs, gutters, paving, and storm drains.

- k) That the applicants shall complete the relocation of the gate at the end of the improvements on Hitt Road to the southern extent of the street improvements. The relocation of the gate will be coordinated with the City of Ashland Water Department.
8. That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the lot coverage allocated to each lot. Building footprints, walkways, driveways including the flag drive for Lot 3, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
 - b) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
 - c) Building permit submittals shall clearly demonstrate compliance with the applicants' proposed "Elevation Height Limits" by providing cross-sections or elevation drawings with building heights and elevations above sea level clearly labeled.
 - d) That a Physical and Environmental Constraints Permit for Hillside Development shall be applied for and approved in accordance with 18.62.040 for the development of Lot 5 prior to submission or issuance of a building permit.
9. That prior to the issuance of a certificate of occupancy:
- a) That the requirements of the Fire Department, including that approved addressing shall be installed prior to combustible construction; that a fire prevention and control plan shall be implemented and maintained; and that fire apparatus access, fire sprinklers as proposed by the applicants, and a fire hydrant shall be installed, shall be addressed.
 - b) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
 - c) For Lot #3, the applicants shall provide mitigation for the removal of Tree #31 through on-site replanting, off site replanting, or payment in lieu of planting as provided for in AMC 18.61.084.
 - d) Driveways greater than 50 feet in length, which are considered by definition to be flag drives and thus subject to the flag drive standards, shall be constructed according to flag drive requirements that a 12-foot paved width and 15-foot clear width be maintained, and that parking spaces be configured so that vehicles can turn and exit to the street in a forward manner.



Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:
 Based on 3/11/08
 Planning Commission Comments

Drawn By:
 WMP
 Scale 1" = 30'-0"

HALF SCALE

MCLELLAN PROPERTY
 PROPOSED SUBDIVISION
 500 STRAWBERRY LANE
 ASHLAND, OREGON

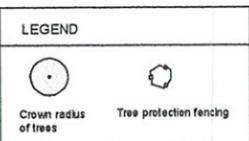
February 6, 2008

TREE PROTECTION DETAILS

TREE PROTECTION NOTES

A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved which are those identified on this plan.
 B. Trees that are shown to remain shall be protected with fencing as shown in Detail. Fencing shall be 6' tall temporary chain link panels installed with metal connections so that all panels are integrated, these fences shall be installed so that they do not allow passage of pedestrians and/or vehicles through it.
 C. Exceptions to the tree protection specifications may only be granted with written approval from owner's representative.
 D. Work within dripline of trees to remain may require disturbance of tree protection fences. Contractor shall obtain authorization from owner's representative prior to moving fences. Contractor shall remove the fences temporarily to complete work, and replace at the end of each work day. No storage of equipment or materials shall occur within dripline of trees. After the proposed work within dripline is completed, fencing shall be reinstalled. Note: Where protection fencing overlaps proposed construction, the following measures shall be followed:
 1) Hand dig to required depth of final work.
 2) Roots under 2" in diameter may be hand cut at a 90° angle.
 3) Where roots greater than 2" in diameter are encountered, contractor shall notify Landscape Architect or arborist for direction.
 E. Do not raise the soil level within the drip lines of existing trees.
 F. Trees to be preserved shall be deep watered throughout construction period as necessary - see detail.
 G. Inspection Schedule:
 1) Fencing locations and installation technique shall be approved by owner's representative before demolition or rough grading begins.
 2) Routine inspections of fencing and site conditions will occur randomly during construction. Work shall cease if fencing is damaged or moved without prior approval from owner's representative.
 3) Upon completion of project to determine condition of trees post construction.

Tree #	Species	DBH in inches	Height in feet	Crown Radius in feet	Condition	Species tolerance to construction	Tree Protection zone radius in feet	Notes
1	Acer saccharinum	34	38	25	poor	moderate	34	2 main leaders dead
2	Acer saccharinum	30	33	20	poor	moderate	30	central crotch rotting and cracked
3	Juglans nigra	7	20	8	good	poor	5.25	
4	Quercus garryana	20	38	18	far	good	15	
5	Quercus garryana	7	14	8	far	good	5.25	
6	Quercus garryana	8	12	8	good	good	4.5	
7	Quercus kelloggii	12	35	15	far	moderate	12	
8	Quercus kelloggii	10	32	15	far	moderate	10	multitrunk
9	Quercus kelloggii	7	12	8	far	moderate	5.25	multitrunk
10	Quercus kelloggii	12	32	15	good	moderate	12	multitrunk
11	Quercus kelloggii	16	38	23	good	moderate	16	multitrunk
12	Quercus kelloggii	11	23	15	good	moderate	11	
13	Quercus kelloggii	19	38	18	good	moderate	18	multitrunk
14	Quercus kelloggii	20	38	21	good	moderate	20	multitrunk
15	Quercus kelloggii	12	24	18	far	moderate	12	double-trunk
16	Quercus kelloggii	7	10	20	good	moderate	7	
17	Quercus garryana	17	29	20	good	good	12.75	
18	Quercus garryana	10	28	12	far	good	7.5	
19	Quercus garryana	12	30	15	good	good	9	
20	Quercus kelloggii	14	35	18	far	moderate	14	multitrunk
21	Quercus kelloggii	13	30	14	far	moderate	13	
22	Quercus kelloggii	11	28	12	far	moderate	11	double-trunk
23	Quercus kelloggii	12	28	12	good	moderate	12	
24	Quercus kelloggii	13	28	18	good	moderate	13	
25	Quercus kelloggii	7	20	8	far	moderate	5.25	
26	Quercus kelloggii	10	20	8	poor	moderate	10	trunk rot
27	Quercus garryana	8	23	9	good	good	8.75	
28	Quercus garryana	8	22	10	good	good	8	
29	Quercus garryana	8	25	8	good	moderate	4.5	
30	Quercus garryana	18	28	15	good	good	13.5	
31	Quercus garryana	18	18	14	good	good	13.5	
32	Quercus garryana	8	18	12	good	good	4.5	
33	Quercus garryana	8	18	12	good	good	8	
34	Quercus garryana	7	17	9	good	good	5.25	
35	Quercus garryana	8	17	9	good	good	5.25	
36	Quercus garryana	14	23	15	good	good	10.5	
37	Quercus garryana	11	22	15	good	good	8.25	
38	Quercus kelloggii	8	15	5	good	moderate	4.5	
39	Quercus garryana	11	17	10	good	good	8.25	
40	Quercus garryana	8	14	5	good	good	4.5	
41	Quercus garryana	15	27	18	far	good	11.25	multitrunk
42	Quercus kelloggii	10	28	15	far	moderate	10	
43	Quercus kelloggii	8	28	8	good	moderate	6	
44	Quercus kelloggii	8	25	8	good	moderate	4.5	
45	Quercus garryana	18	23	15	good	moderate	18	
46	Quercus garryana	8	25	12	good	good	8	
47	Malus domestica	8	12	12	poor	good	8	
48	Quercus garryana	8	20	14	far	good	8	multitrunk
49	Quercus garryana	8	21	10	far	good	4.5	multitrunk
50	Quercus kelloggii	16	32	18	far	good	16	double-trunk
51	Quercus garryana	8	24	15	far	good	8	multitrunk
52	Quercus garryana	8	24	15	far	good	8	multitrunk
53	Quercus garryana	8	20	12	good	good	8.75	multitrunk
54	Quercus garryana	8	20	12	good	good	4.5	multitrunk
55	Quercus garryana	8	19	7	far	good	4.5	
56	Quercus garryana	7	21	8	far	good	5.25	
57	Quercus garryana	8	22	5	far	good	4.5	
58	Quercus garryana	8	24	8	far	good	4.5	multitrunk
59	Quercus garryana	8	22	8	far	good	4.5	
60	Quercus garryana	8	22	5	far	good	4.5	
61	Quercus garryana	8	24	8	far	good	4.5	multitrunk
62	Quercus garryana	8	24	8	good	good	4.5	
63	Quercus garryana	8	22	8	far	good	4.5	
64	Quercus garryana	8	25	9	good	good	8	
65	Quercus garryana	8	20	8	far	good	4.5	
66	Quercus kelloggii	25	33	23	good	moderate	25	
67	Quercus kelloggii	15	35	21	good	moderate	15	multitrunk
68	Quercus garryana	8	14	6	far	good	4.5	
69	Quercus garryana	8	18	7	far	good	4.5	multitrunk
70	Quercus garryana	7	12	8	far	good	5.25	
71	Quercus garryana	7	14	8	far	good	5.25	
72	Carococcus ledifolia	8	12	5	far	moderate	4.5	
73	Quercus garryana	7	15	5	far			



NOTE:
 All trees shown within proposed building envelopes are subject to review and possible removal at time of individual lot development applications.

TREE REMOVAL AND PROTECTION PLAN

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MATERIALS SUBMITTED WHILE RECORD WAS OPEN

March 12 – March 19, 2008

Comments from Catherine & Lou Dimino

423 Strawberry Lane

PLANNING ACTION: 2008-00182

APPLICANT: McLellan, Robert & Laura

LOCATION: 500 Strawberry Lane
39 1E 08 AC Tax Lot #201

March 17, 2008

Meeting Street Standards

The character of upper Strawberry Lane has and continues to change. The City changed 1 lot into 4 across from Birdsong, and there is a proposal to partition the adjacent lot on Westwood into 3 lots. We understand there has been a discussion about trading the open space across from the City lots with some developer's lots on Clay Street. **There was a proposal to develop the property above the water tank under Proposition 37.** Now this applicant is proposing to subdivide 1 lot into 6 lots. When the neighborhood is fully developed, it will be much larger than many had expected, and look much different.

The first statement in City of Ashland Street Standards Handbook says "**Ashland's streets are some of the most important public spaces in the community.**" It is important that the applicant's subdivision proposal consider the impact the proposal has on the community. Some of the required Street Layout and Design principles are:

- Streets are important elements of the form and character of neighborhoods. Street layout and design are an integral part of neighborhood design.
- Neighborhood identity is largely influenced by the streets in the area.
- Streets should be designed to efficiently and safely accommodate emergency fire and medical services vehicles. The effects of decisions concerning turning radii and paths must be made with a full understanding of the implications of such decisions on the other users of the street.
- The following conditions (existing and projected) must be considered in order to design each street.
 - The volume of pedestrian, bicycle, and motor vehicle traffic each day and at peak hours
 - The speeds of motor vehicles, bicycles and pedestrians along the street as designed or redesigned.
 - The mix of pedestrian bicycle and motor vehicle traffic (including percentage of large trucks)
- Streets should be interconnected.
- Pedestrians, bicyclists and bus riders are considered primary users of all streets.
- Street trees should be planted on neighborhood streets to create attractive and healthy neighborhood environments, and to enhance the image of a street as a place with which residents can identify.

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1 of 9

Unless stated otherwise, quoted statements below are taken from City of Ashland Street Standards Handbook.

The applicant claims they comply with the Street Standards because they are not proposing new streets and that the proposed driveways are on Strawberry Lane and Hitt Road, which were recently upgraded. The proposal fails to even address whether a street, alley or common driveway is needed for the new subdivision. Three of the newly-proposed driveways are on Hitt Road, which is a steep road that appears to be built to hillside standards (i.e. width is 20 feet).

- 1) Connectivity Standards are important standards that provide alternate routes and enhance the neighborhood for pedestrians and bicyclists.

“Streets **shall** be interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utilities and emergency services and provide multiple travel routes.” [Page 11, Street Connectivity Approval Standards]

“All designs encourage pedestrian and bicycle travel.” [Page 1, Introduction]

Street Connectivity Approval Standards recommends using an alley where possible. Creating an alley between Strawberry Lane and Hitt Road has advantages. Extending the current driveway provides a much gentler way to exit Hitt Road when weather conditions are bad. It integrates the new subdivision into the neighborhood with a path for pedestrians and bicyclists. It allows travelers to choose from many routes, and it “lets the walker/cyclist match the route to their particular skills.” [Page 4 Basic Principles of Traditional Street Design].

It reduces the need for large driveways and the visual intrusion of garages. It can create positive space for neighbors, children and pedestrians. [Page 12, Alleys]

- 2) “The number of driveway intersections with streets **shall** be minimized by the use of shared driveways with adjoining lots where feasible.” [page 42, Driveway Apron and Curb Cut Standards] At least 2 driveways can easily be avoided on Hitt Road by converting the applicant’s current driveway to a common driveway that services lot 2, 3, 4, and maybe lot 1 and 5.

This could also eliminate the self imposed need to request more than 20% lot coverage for lots 2 & 3 by giving ownership of the common driveway to lot 4.

Please see Debra Kutcher’s comments about driveways on Hitt Road and the use of the applicant’s driveway as a common driveway.

- 3) People park on Hitt Road even though no lots are developed. Hitt Road is an access point to trails and beautiful vistas above the water tank. This proposal increases the number of homes on the road by 60% (from 5 to 8 homes). The handbook’s required

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street design principles say that neighborhood streets should provide access to major attractors.

Parking needs will only get greater when the lots are developed. Eliminating all parking on Hitt Road makes that street **community unfriendly**. It is unreasonable to expect people to use Strawberry Lane for parking. Not all potential visitors will walk up the steep street.

Hitt Road is a public road. There is less interference between community and neighborhood parking if the road and sidewalk is extended to the end of the subdivision, and the gate is moved to the end of the improved road. While we cannot control where members of the community park, it is the most logical parking place for people who are accessing the trails and vistas above the water tank.

- 4) Hitt Road needs a turnaround near the new gate.
- 5) "Sidewalks are shaded by trees for pedestrian comfort." The sidewalks should meet the 1 tree every 30 feet requirement on Hitt Road. In the steep park row it is possible to carve out an area for shade trees. We've seen this done in other towns with steep, almost vertical, slopes.
- 6) Birdsong Trail is very nice. However, it is unreasonable to substitute the trail as alternative connectivity to Hitt Road. It is designed for pedestrians, not cyclists. Some people are concerned about the poison oak. Expecting everyone to park on Birdsong puts a burden on a narrow street that contains a lot of curb cuts and common area in the middle of the road. It is difficult to navigate around the circle when cars are parked near the Birdsong common area. I see more cars parked on Hitt than on Birdsong.
- 7) Street Standards state "Exceptions should be allowed when physical conditions exist that **preclude** development of a public Street, or components of the street."
[Introduction, page 1]

If there is no demonstrable difficulty in meeting the Street Standards, an exception to Street Standards may not be granted [see 18.88.050].

The road above the gate is not steeper than the improved Hitt Road. I don't understand the applicant's argument for an exception to extending the gate to the end of the subdivision. The applicant states they want to protect the environment on one end of the subdivision, but on the other end of the subdivision they propose to create 3 lots that exceed the maximum lot coverage. The two requests are inconsistent. The applicant's unique setting with the beautiful sweeping yard and grove of trees will be irreversibly changed.

Putting the common space at the end of the subdivision without any place to park makes it difficult for some of the lot owners to access that space.

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While the applicant may find it undesirable to extend the street to the end of the subdivision, it is clear that street standards can be met. Staff's Conclusions and Recommendations 7(j) state "The applicants shall sign an agreement to participate in the future cost of street improvements for Hitt Road, including but not limited to sidewalks, curbs, gutters, paving, and storm drains." This indicates there aren't any exceptions that preclude the development of the street to the end of the subdivision. There is no demonstrable difficulty in meeting the Street Standards. It is desirable for future owners and the community. The work should be done now, not in the future.

- 8) The Exception to Street Standards needs to show that the variance will result in equal of superior transportation facilities and connectivity. The need for additional parking and owner access to their common area is missing in the current proposal.
- 9) The Exception to Street Standards needs to show that the variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter. The applicant claims that the exception to street standards reduces the impact of development on the natural environment and neighborhood.

It can just as easily be said that exception to the street standards has a negative impact on the neighborhood. In addition to losing a unique setting, the additional 3 driveways add a parking burden to Hitt Road, and the owners cannot park near the common area unless the road is extended to the end of the subdivision.

Extending the road to the end of the subdivision is far superior for travelers interested in accessing the trails above the water tank, especially in the summer when it is exhausting reaching the trail in the hot sun. It is also better for guests who don't want to compete with the travelers who park on Hitt Road.

CONCLUSION: Please require the applicant to provide an alley as this provides better connectivity and alternate route during bad weather. Alternatively, a common driveway reduces the number of driveways on Hitt Road, and it relaxes the need for the applicant to exceed the lot coverage requirements on lot 2 & 3. Hitt Road needs to be extended to provide access to the subdivision's common area. A turnaround needs to be added before the gate, and Hitt Road should have 1 tree every 30 feet.

Not Exceeding 20% Maximum Lot Coverage

Please disallow lot designs that exceed the 20% maximum coverage for individual lots.

I feel confident when you finish reading this and the last section, you will see that there is a flaw in the current interpretation of lot coverage. Please bear with the explanation. It isn't easy to see the flaw. This section states facts that you may or may not agree until you read the last section. The information in this section explains why lot coverage must not exceed 20%, and it sets the stage for reading the last section.

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- 1) Staff states "The **overall** lot coverage for the subdivision as a whole shall be limited to no more than 20 percent." 18.16.040 explicitly says

"Maximum lot coverage for ½ acre lots is 20%."

This states **lot coverage**. It does **not** state **lot or site coverage**, or **overall lot coverage**.

- 2) Unless exempt in the Performance Standards Options, all applicable sections of the Land Use Development Ordinance must be met. Lot coverage is not exempt from 18.88.100, nor is coverage mentioned anywhere else in Chapter 18.88.

Consequently, Staff should use the maximum lot coverage instead of applying the overall lot coverage rule.

- 3) Enforcement **18.112.070 Interpretation** states when conditions imposed by a provision are less restrictive than comparable conditions imposed by any other provision, the provisions which are more restrictive shall govern.

The more restrictive provision is maximum lot coverage for ½ acres lots is 20%.

- 4) The Planning Department interprets the definition of lot coverage to mean they may waive the lot coverage maximum and apply an overall lot coverage for the subdivision. **There are several problems with this.**

- a. What criteria must be met before Staff waives the lot coverage maximum and applies an overall lot coverage? It should **not** be arbitrary. Is the application of overall lot coverage always granted when the applicant requests it? Exception to Street Standards provides criteria that must be applied. What are the stated criteria for applying overall lot coverage?

In this proposal, the applicant's request for more lot coverage is self imposed. The lots can be made larger to accommodate the square footage the applicant wants for lots 1, 2, and 3. It isn't environmentally sensitive to cover more of the lot when there isn't a hardship.

Other alternatives are 1) adjust the location of the envelopes on lots 1 and 2 so they do not require large driveways; or 2) create lots that are accessed via a common driveway or alley which is recommended in the Street Standards Handbook.

- b. The definition of "18.08.160 **Coverage, lot or site**" is for 2 terms. The terms are "lot coverage" or "site coverage". If the definition isn't for 2 terms, then the department's interpretation of the definition has bizarre results that could allow for up to 100% lot coverage and significantly less than 20% site

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coverage in this district. See my explanation in "*Lot or Site Coverage Bizarre Results & Definition of Lot and Site.*" [I recommend you read this last, even though this is where the flaw is explained.]

- c. Maximum site coverage is not specified in the ordinances for this district.
 - d. The excess coverage is not distributed equally to all lots.
- 5) Allowing larger lot coverage is contrary to what we were told when we were in the process of purchasing our lot. What happened to us appears that waiving the lot coverage maximum is arbitrary.

The purchase of our lot was contingent upon changing the building envelope so we could build a one story home on the **level** portion of the lot. During this process we discovered that owning part of the common driveway meant we had to reduce the size of our home by approximately 1,000 sq. ft. **We were told we could not exceed the 20% lot coverage ordinance** that applied to our district. The owner applied for a lot line adjustment at our expense so we would not own any part of the common driveway when we finalized the purchase. [We could build a larger house on a smaller lot by giving the common driveway to the owner of a much larger lot.]

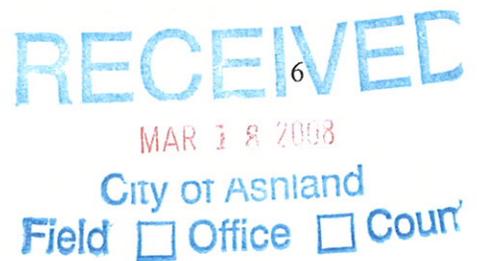
We designed our house and driveway to follow the lot coverage definition, not realizing that the *Coverage, lot or site* definition was incomplete. Late in the design, we discovered the roofline not the footprint of the house counted as part of the *total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration.* We reduced the size of our house and the roof overhang, but even that didn't get us to the 20% lot coverage. We researched and found a porous driveway that did not allow for normal water infiltration. We checked with the Planning Dept, and instead of approving the driveway they approved 23% lot coverage. We built a driveway that allowed for water infiltration and stayed within the 20% lot coverage requirement, even though we had approval for 23% lot coverage. [We asked the Planning Dept for approval of a porous driveway. Instead we were approved for additional lot coverage.]

Conclusion: Please change lot coverage for lot 1 to 20%. We believe all lots should be 20%, but lot 1 impacts us the most. If it is agreed that I've proved that maximum lot coverage is 20%, please require 20% maximum lot coverage for all lots. The applicant can modify the plan so this requirement is met.

Changing Building Envelope for Lot 1

While we believe it is desirable to change the building envelope for all of the lots, we respectfully request that you change it for lot 1, which greatly impacts us.

- 1) The Planning Dept Staff Report notes that the steeper portions of the site are along the roadside at the north and east of the site and at the south end. The applicant is proposing a building envelop for lot 1 in the steeper portions of the lot. This increases the amount of cut and fill, which the applicant wants to reduce by relocating



the driveway to Strawberry Lane. It is more natural to move the envelope to the center and closer to the Darling where the lot isn't as steep. A carefully placed envelope could preserve the Darling's view.

- 2) As I stated at the hearing, the conceptual design will be very imposing on Hitt Road. Not only does that ruin our view from our family room, it will have a major impact on the neighborhood. Being so close to Hitt Road where the lot is the steepest will give the house a castle keep appearance that affects not just us but the overall character of the neighborhood. This impacts people who drive through the neighborhood, people who walk the trails, and people who live near lot 1.
- 3) Our major concern when looking out of our family room is we'll see all house without any green space because the house is so close to the road. On smaller lots in other districts, it is understandable that a house would be closer to the road. However in ½ acre zoning, situating the house that close to the road disturbs the neighborhood architecture and proportions.
- 4) Another disturbing aspect of the placement of the envelope and request for more lot coverage is it increases the need for a larger driveway. Living in a rural residential area one hopes to look at green space rather than large driveways and cars. It is strange to put the driveway on Strawberry Lane and then treat the house as if is on ¼ acre lot (i.e. shifted to eastern most side of the lot). **Lot 1 envelope should not be approved.**
- 5) The driveway for lot 1 should be east of the 2 oak trees on Strawberry Lane. One drawing shows it west of the 2 oak trees and in the crosswalk. Another drawing shows the driveway with out the oak trees. While they are small trees, they are already established and should be preserved.

Lot or Site Coverage Bizarre Results & Definition of Lot and Site

The definition of Coverage is

18.08.160 Coverage, lot or site says "Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping which does not negatively impact the natural water retention and soil characteristics of the site shall not be deemed part of the lot or site coverage."

The title of this section is "**Coverage, lot or site.**" I contend this defines "**lot coverage**" or "**site coverage.**" The 2nd sentence says

"The **coverage** is expressed as a percentage of ... to the total gross area of the **lot or site.**"

This defines **coverage for a lot, or coverage for a site.**

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In the event I'm incorrect, the following illustrates what happens if 2 terms are not being defined.

1) The ordinances do not say a lot can take coverage from the overall coverage of the site. Instead Staff has interpreted this from the definition of "Coverage, lot or site." The Planning Dept's interpretation changes the meaning of the 2nd sentence to

"The lot coverage is expressed as a percentage of ... to the total gross area of the lot or site."

If the overall **lot coverage is 20% of the total gross area of the site**, it is possible to give 100% coverage to a ½ acre lot. For example, a fictional subdivision in a ½ acre district consists of:

- One ½ acre lot asking for more coverage
- Four ½ acre lots each using 20%
- One 5 acre lot with steep slopes

Four of the ½ acre lots use 20%. There is 5 acres that the ½ acre lot can use for computing 20% of the site. 20% of 5 acres is 1 acre, which gives the ½ acre lot the ability to ask for 100% coverage.

2) If the Planning Dept's interpretation is correct then the converse has to be correct. The converse is

"The site coverage is expressed as a percentage of ... to the total gross area of the lot or site."

Site coverage is 20% of the total gross area of the lot obviously doesn't make sense.

Definitions of Lot and Site

The definition of lot is:

18.08.350 Lot A unit of land **created by a partition or a subdivision**, or a unit or contiguous units of land under single ownership, which complies with all applicable laws at the time such lots were created. Any contiguous ownership of non-conforming lots will be considered one (1) tract of land. (Ord. 2097 S1, 1980)

There isn't a definition for site in the Definitions chapter. However, **Chapter 18.72 Site Design and Use Standards** contains the following information:

8.72.030 Application Site design and use standards shall apply to all zones of the city and shall apply to all development indicated in this Chapter, **except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).**

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Site Design and Use standards **do not apply** to subdivisions, partitions, etc., while a lot is **created by** partition or subdivision. Consequently it was necessary to have a coverage definition for a lot and a coverage definition for a site. This was done with "Coverage, lot or site."

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From: "debra allenkutcher" <seabiscuittravel@gmail.com> **To:** cdimino@jeffnet.org
Subject: Re: McLellan subdivision **Date:** Sun 03/16/08 10:29 AM

Priority: Normal



Dear Community Development,

Hikers, bikers and bears oh my...

In regards to the development of the McCullen's proposed development, I am quite concerned about the safety of the of the many, many hikers and mountain bikers as well as dogs and kids that take Hitt Road. With the development of three new driveways, which brings the total to eight driveways emptying out on Hitt Road, where in the world will people park or turn around. Is Hitt Road a standard size roadway for city standards? What are the liability and ethical responsibilities? Can a firetruck pass if there is a car parked? Being a high fire zone, I am concerned about the safety of my family, should a fire start above us off of Hitt Road.

I have never spoken to the McCullens in regard to the development. I thought that the access to the lots would, logically be, from his own long driveway, as we have seen in nearby development.

As a neighbor, these driveways would impact the traffic on Hitt Road. increasing noise, traffic and adding unnecessary danger. They would disrupt deer paths and patterns that cross Strawberry Lane walk up Hitt Road pavement about 100 yards, then veer to native land open space.

Years ago we were so pleased that with the McCullen's purchase of a large property with only one house was such a positive impact to the community. He encouraged us and other to do the same and try to have neighbors donate land to open space. Oh course, things change, development happens. I only hope that it can have the least impact on safety of the community.

I feel that driveway access from Hitt Road is a dangerous idea and I am opposed to it for the reasons mentioned above.

I am also in hopes that the 20% utilization will be followed, keeping lots as large as possible to lessen the footprint of new development.

Thank you,

Debra Allen Kutcher
400 Strawberry Lane
Ashland, Oregon

(541) 552-9332

On Tue, Mar 11, 2008 at 11:17 PM, Catherine Dimino <cdimino@jeffnet.org> wrote:
Debra,

The public record is being held open for another 7 days. You have until 5pm March 18th to submit more information to the Community Development Dept. It can more evidence or an argument for your requests.

-catherine

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From: "debra allenkutcher" <seabiscuittravel@gmail.com> **To:** cdimino@jeffnet.org
Subject: Fwd: Dimino Comments regarding McLellan subdivision **Date:** Sat 03/15/08 2:25 PM

Priority: Normal



----- Forwarded message -----

From: **debra allenkutcher** <seabiscuittravel@gmail.com>
Date: Tue, Mar 11, 2008 at 7:00 AM
Subject: Re: Dimino Comments regarding McLellan subdivision
To: Bill Kutcher <kutcher4@gmail.com>

Dear Catherine,
Your thoughts are very articulate. Thank you for writing and sending them to me. You may want to look into the history of the deal Robert had when he bought the property.

Dear Commissioners,
As I am unable to attend tonight's meeting, I would like to share my concerns regarding the lot one location.
From knowing Robert, I believe the spirit of open space is important to us all. The feel of the neighborhood is one of preservation of as much land as is possible.
I would like lot one not to be developed, rather designated as an open space. Lots higher up on Hitt road would afford better views to prospective owners.
Perhaps the city could afford Robert some sort of compensation for this consideration. I am aware that Robert has donated to open space in the past in the benefit to us all.
Thank you,

Debra Kutcher
400 Strawberry Lane

On Tue, 11, 2008 at 6:14 AM, debra allenkutcher <seabiscuittravel@gmail.com> wrote:

----- Forwarded message -----

From: **Catherine Dimino** <cdimino@jeffnet.org>
Date: Mon, Mar 10, 2008 at 8:29 PM
Subject: Dimino Comments regarding McLellan subdivision
To: seabiscuittravel@gmail.com

Debra, here's my comments. Lou took a copy to Community Dev Dept today, but it was too late to get into the Commissioners' packet. I'm bringing extra copies to the meeting for the Commissioners, and I will present my issues at the meeting. -catherine

Comments from Catherine & Lou Dimino
423 Strawberry Lane

PLANNING ACTION: 2008-00182
APPLICANT: McLellan, Robert & Laura
LOCATION: 500 Strawberry Lane
39 1E 08 AC Tax Lot #201

("I" refers to Catherine Dimino, and "we" refers to Lou & Catherine Dimino)

The comments made in the Planning Commission's March 11, 2008 packet are a misrepresentation of Mrs. Dimino's concerns. I told Mr. Knox that there was a density of 1.2 dwellings per acre for subdivisions and I suggested that lot 1 not be developed. I disagreed with his comment that not developing lot 6 was better for the neighborhood, but agreed that if lot 6 required to be developed under the hillside ordinances then developing lot 1 was better for the McLellans because the lot was more marketable.

I requested a copy of the plan so I could study the proposal and make comments. Mr. McLellan and separately Mr. Knox denied the request because it was a preliminary plan. I expected they would contact me and give me an opportunity to comment on a later plan.

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MAR 18 2008 3/16/2008 7:23 PM
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Planning Action - 2008-00182
Subject Property: 500 Strawberry Lane
Applicant: McLellan, Robert & Laura

Lon & Catherine Demino
423 Strawberry Lane
482-5422

City of Ashland, Oregon Agreements 94-08501
& 94-08502 state the owners of the
properties are required to participate
in the Strawberry Lane LID in
consideration of approval of the Minor
Partition that includes 490 & 500 Strawberry
Lane. We checked & found that
these tax lots did not participate.

Please make the participation in the
LID a condition of approval, so other
participants can receive a refund.

AGREEMENT

OWNER: Douglass Neuman
Rebecca Neuman

ADDRESS: 490 Strawberry Lane, Ashland, OR
490 Strawberry Lane, Ashland, OR.

PROPERTY: 39 1E 8 8AC 201 (Parcel 1)
TWP RANGE SECTION ASSESSOR'S MAP # TAX LOT # (s)

STREET ADDRESS: 490 Strawberry Lane, Ashland, OR.

PLANNING ACTION 93-083 Minor Land Partition (Type I) February 4, 1994
PA# TYPE 1 DATE

As the owner(s) of the property listed above, I/we hereby consent to the following improvements, dedication, or other actions as required by the City of Ashland, and agree to bear the proportionate payment of associated costs. This Agreement is to be binding upon myself/ourselves, my/our heir(s), executors, and assigns, and it is my/our express intention that this Agreement shall run with the land, so that fulfillment of the items listed below shall be binding upon future owners of the property. This consent is in consideration of APPROVAL OF A MINOR LAND PARTITION.

IMPROVEMENT, DEDICATION OR OTHER ACTION:

- 1) AGREE TO PARTICIPATE IN THE LOCAL IMPROVEMENT DISTRICT FOR THE FUTURE IMPROVEMENT OF STRAWBERRY LANE, INCLUDING CURB, GUTTER, PAVING, SIDEWALKS AND STORM DRAIN; AND AGREE NOT TO REMONSTRATE TO THE FORMATION OF SUCH LOCAL IMPROVEMENT DISTRICT; AND AGREE TO PAY ASSIGNED SHARE OF SUCH DESIGNATED IMPROVEMENT COSTS.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

9:54 MAR 07 1994 AM

KATHLEEN S. BECKETT
CLERK and RECORDER

Geraldine Gething Deputy

Douglass A. Neuman
SIGNATURE

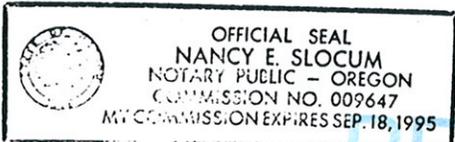
2/10/94
DATE

Rebecca Neuman
SIGNATURE

February 10, 1994
DATE

STATE OF OREGON
County of Jackson

On this 10 day of February, 1994, before me personally appeared, Douglass A Neuman
Rebecca R Neuman, whose identity was proven to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she)(they) executed the same.



Nancy E Slocum
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 9-18-95

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MAR 18 2003

City of Ashland
Field Office Coun

94-08502

X CITY OF ASHLAND, OREGON

9:54

5.00

AGREEMENT

OWNER: Douglass Neuman, Rebecca Neuman ADDRESS: 490 Strawberry Lane, Ashland, OR 490 Strawberry Lane, Ashland, OR.

PROPERTY: 39 TWP, 1E RANGE, 8 SECTION, 8AC ASSESSOR'S MAP #, 201 (Parcel 2) TAX LOT # (s)

STREET ADDRESS: 490 Strawberry Lane, Ashland, OR.

PLANNING ACTION 93-083 PA# Minor Land Partition (Type I) TYPE 1 February 4, 1994 DATE



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Jackson County, Oregon Recorded OFFICIAL RECORDS

9:54 MAR 07 1994 A.M.

KATHLEEN S. BECKETT CLERK and RECORDER

Douglass A. Neuman Justice SIGNATURE

2/10/94 DATE

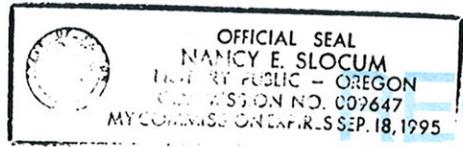
Geraldine Cettinger Deputy

Rebecca Neuman Justice SIGNATURE

February 10, 1994 DATE

STATE OF OREGON County of Jackson

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Nancy E Slocum NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES: 9-18-95

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MAR 18 1994

City of Ashland Field Office Court



URBAN DEVELOPMENT SERVICES, LLC
LAND USE PLANNING AND DEVELOPMENT SERVICES

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MAR 19 2008

City of Ashland

Field Office Coun

March 19, 2008

Ashland Planning Commission
Attn: Derek Severson, Senior Planner
51 Winburn Way
Ashland, OR 97520

Subject: 500 Strawberry Lane; Additional Testimony – No New Evidence

Based upon the comments heard by Commissioners and neighbors during the March 11th, 2008 Planning Commission meeting, the applicants have attempted to address a number of these concerns and would like to submit the following as part of the record of Planning Action #2008-000182.

Parking: Unlike the R-1 zones, one additional *on-street* parking is *not* required in the RR-.5 zone. This is likely due to the fact the parcel sizes in the RR-.5 zones are much larger and *on-site* parking on ½ acre parcels can easily be provided. In addition, areas zoned RR-.5 are typically located on physically constrained lands where density is low and wider streets are generally not acceptable as they can cause significant earth disturbances. This is the case in Hitt Road and parts of Strawberry Lane as their improvements are less than 4 years old, but there are areas that have 10'+ cuts and fills.

Regardless, these improvements, other than planting strips, “comply” with current City street standards. Specifically, Hitt Road is a Neighborhood Residential Street and is 22’ wide which allows parking on one side of the street as long as the daily volumes are less than 150 vehicle trips (See Ashland Street Standards Handbook, Page 20). As planned, there will only be eight single family homes (1 existing house, 2 proposed lots and 5 existing lots as part of the Strawberry Meadows Subdivision) for a total of 80 +/- vehicle trips. Again, Hitt Road complies with current standards and allows for parking on the applicants’ side of the street.

Nevertheless, the applicants would be willing to agree that *one* additional on-site guest parking space for each lot will be provided if desired by the Ashland Planning Commission. The applicants are willing to accept a condition of approval requiring the final Deed Restrictions, submitted with the Final Plan, include the third parking space to be identified on each lot’s building plans at time of submittal.

Building Envelope Adjustments: The attached “revised” site plan identifies two building envelope adjustments. Each adjustment was specifically mentioned during the March 11th, 2008 public hearing by either the neighbors, staff or Planning Commissioners. The adjustments are as follows:

1) Lot #2: During the hearing, the applicants proposed adjusting the southern building envelope boundary on Lot #2 an additional 10’ to the south in order to better accommodate Solar Access. Currently the proposal is 30’ and the applicants would like to adjust it to 20’. The actual side yard setback standard in this zone is 5’.

2) Lot #1: The original application plans show a 10’ side yard street setback along Hitt Road, but during the hearing Commissioner Marsh asked if the building envelope could be increased. The applicants agreed it could and the “revised” site plan now shows a 15’ setback in an attempt to solidify the applicant’s answer.

There was also a comment raised regarding the restrictive nature of Lot #1’s building envelope. Although the applicants concur the building envelope is restrictive due to the site’s trees, rock outcroppings and the adjacent neighbor’s views, the building envelope remains quite large and can easily accommodate a variety of house styles and sizes. Unlike in an R-1-5 (5,000 sq. ft. lot size minimum) or R-1-10 (10,000 sq. ft. lot size minimum) zone, both subject Lots #1 and #2 are ½ acre in size and therefore their building envelopes are significantly larger.

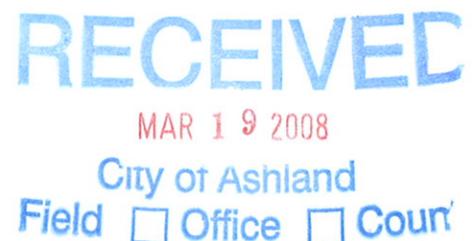
Hitt Road Gate: The applicants agree with Mrs. Domino’s request in her March 10th, 2008 letter the gate on Hitt Road needs to be relocated further up the street and away from Lot #5’s driveway in order to allow vehicular back-up and turn-around movements to occur. The applicants propose the gate be relocated an additional 20’ to the south in order to easily accommodate this possible movement.

In conclusion, the applicants and project consulting team appreciate the opportunity to clarify the issues raised during the March 11th, 2008 public hearing.

Sincerely,



Mark Knox, Project Planner



APPLICANTS' RESPONSE TO
MATERIALS SUBMITTED WHILE RECORD WAS OPEN

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URBAN DEVELOPMENT SERVICES, LLC

City of Ashland
Community Development

LAND USE PLANNING AND DEVELOPMENT SERVICES

March 24th, 2008

Ashland Planning Commission
Attn: Derek Severson, Senior Planner
51 Winburn Way
Ashland, OR 97520

Subject: 500 Strawberry Lane; Response – No New Evidence

The following is a response to Catherine & Lou Dimino's (423 Strawberry Lane) and Debra Kutcher's (400 Strawberry Lane) March 17th, 2008 written testimony regarding Planning Action #2008-00182, 500 Strawberry Lane, Robert & Laura McLellan, Applicants:

1) Assertions the application does not meet Ashland Street Standards (pages #1-4):

The subject property fronts onto two existing improved public streets that were designed and constructed in 2002 under the regulations and standards of the Ashland Street Standards Handbook. All civil engineering plans and the street's construction were monitored by the Ashland Public Works, Planning and Fire Department staff. To the applicant's knowledge, the street standards have not been amended since adoption.

- The application meets the street standards as it relates to street connectivity. Both Strawberry Lane and the portion of Hitt Road abutting the proposed lots of the subdivision provide direct access. An additional street or alley connecting Strawberry to Hitt is unnecessary and would be inconsistent with the other recently platted subdivisions in this area. The applicants are not aware of any other homes in the Strawberry Lane area that were required to have secondary ingress/egress where the home has direct access onto a public street.

- The application meets the street standards as it relates to sharing driveways where feasible. The applicants have attempted to design the subdivision in context with the sites natural features, man made surroundings and zoning regulations. This is most evident by the number of trees being preserved, the thoughtful placement of driveway locations, the lack of large cut and fill areas, the jockeying of building envelopes to preserve neighbor views, and the placement of open space to preserve views from Downtown Ashland. The



- There are variety of examples where the Ashland Planning Commission has based the overall site's lot coverage to be spread amongst the subdivided lots – including two of the adjacent subdivisions where Mrs. Demino recently constructed her home and also exceeded the 20% maximum lot coverage (23%).

The general principal behind this decision is the ability to create cluster housing in order to retain large sections of open space or preserve unique features of a property (i.e., wetlands, hilltop ridgelines, view sheds, etc.). In these cases, the homes are “clustered” on smaller lots even though the home’s general footprint and driveways generally remain the same. The alternative scenario would be planning applicants that do not designate common open space, but instead incorporate it into the private lots to create lots that are larger and provide more buffer between other homes that typically would be more profitable. Unfortunately, the end result would be suburban sprawl.

NOTE: It should be understood the subject application does not have to provide common open space nor are the applicants requesting a density bonus. Also, the application is being processed under the Performance Standards Options process, which “reduces” density instead of the Standard Subdivision process that allows significantly “more” density (4.65 acres / .5 acres = 9 developable lots with no common open space). The applicants are self-imposing only 5 developable lots with a common open space lot that is very visible from many areas of Ashland. Based upon preliminary conceptual designs, the common open space lot could easily be designated a home site, as suggested by Mrs. Dimino, but the applicants believe that it would have created a blight on Ashland’s picturesque backdrop. Finally, the designation of Lot #6 as a common lot vs. a private lot is a personal choice of the applicants that will likely result in less profitability for their property.

- The submitted site plans have both specific and conceptual information that may be creating confusion. The property lines, building envelopes, height restrictions and driveway locations are “specific”. The identified house footprints, house sizes and driveway turn around areas are “conceptual”. Each conceptual element is necessary to illustrate to the Planning Commission, Staff, Applicants, and the consulting team how all of the specific elements will likely work together. For example, the conceptual placement of a house on Lot #1 and how the proposed height restrictions may impact the ability to construct a typical home. Without these conceptual scenarios, the end result could be a home site that is either impossible to build on, is illogical, or requires significant site disturbances. The end result is a comprehensive plan with specific boundaries, much more regulated then the City’s minimum standards, but with enough flexibility to allow future home owners the right to build their home based upon their specific desires and needs.

- The definition of “coverage” is located under Section 18.08.160 of the Ashland Land Use Ordinance and is as follows:

18.08.160 Coverage, lot or site

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Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping which does not negatively impact the natural water retention and soil characteristics of the site shall not be deemed part of the lot or site coverage.

The applicants contend the definition of "coverage" clearly allows lot coverage to be based upon "lot" OR "site". Notwithstanding the general purpose and benefit as described above or the many decisions already made by the Planning Commission and City Council allowing coverage to be based upon the entire site of a subdivision, the definition is clear that lot coverage can consider the entire subdivision's site.

In conclusion, the applicants are aware of Mrs. Dimino's primary interest of limiting visual impacts from her new home. Although the applicants would like to have had the same opportunity to offer design advice to their new neighbors in order to minimize their view impacts, the reality is each future property owner will design their home based upon their own personal needs and values, similar to the opportunities Mr. and Mrs. Dimino recently enjoyed during the construction of their new home.

As such, the future home on Lot #1 will likely look much different than the "conceptual" footprint and "conceptual" driveway shown on the submitted site plans. The applicants have attempted to address each reasonable request of Mrs. Dimino and are willing to continue to do so.

Again, the applicants and project consulting team appreciate the opportunity to clarify the issues raised during the March 11th, 2008 public hearing as well as the letters submitted by Mrs. Dimino and Mrs. Kutcher on March 17th, 2008.

Sincerely,

Mark Knox, Project Planner

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City of Ashland
Community Development



DRAFT FINDINGS
PROPOSED FOR ADOPTION

BEFORE THE PLANNING COMMISSION
April 8, 2008

IN THE MATTER OF PLANNING ACTION #2008-00182, A REQUEST FOR)
OUTLINE PLAN APPROVAL UNDER THE PERFORMANCE STANDARDS)
OPTIONS CHAPTER (AMC 18.88) FOR A SIX-LOT, FIVE-UNIT SUBDIVISION)
FOR THE PROPERTY LOCATED AT 500 STRAWBERRY LANE.)
ALSO INCLUDED ARE REQUESTS FOR A PHYSICAL CONSTRAINTS)
REVIEW PERMIT FOR THE DEVELOPMENT OF HILLSIDE LANDS; A)
TREE REMOVAL PERMIT TO REMOVE 13 TREES SIX-INCHES IN) **FINDINGS,**
DIAMETER OR LARGER, INCLUDING ONE SIGNFICIANT TREE, AN 18-INCH) **CONCLUSIONS**
OAK; AND AN EXCEPTION TO STREET STANDARDS TO ALLOW THE) **AND ORDERS**
APPLICANTS TO END STREET IMPROVEMENTS AT THE DRIVEWAY OF)
THE PROPOSED LOT FIVE RATHER THAN EXTENDING THEM TO THE)
SOUTHERN BOUNDARY OF THE DEVELOPMENT.)

APPLICANT: McLellan, Robert & Laura

RECITALS:

- 1) Tax lot 201 of Map 39 1E 08 AC is located at 500 Strawberry Lane and is zoned RR-.5-P Rural Residential.
- 2) The applicants are requesting Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project. Site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval under the Performance Standards Options are described in Chapter 18.88 as follows:
 - a) *That the development meets all applicable ordinance requirements of the City of Ashland.*
 - b) *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.*

- c) *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.*
- d) *That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e) *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.*
- f) *That the proposed density meets the base and bonus density standards established under this Chapter.*

4) The criteria for a Physical Constraints Review permit are described in Chapter 18.62.040.I as follows:

- 1. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- 2. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- 3. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*

5) The criteria for a Tree Removal Permit are described in Chapter 18.61.080 as follows:

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
 - 1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*

2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*
1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
 2. *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; and*
 3. *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. Nothing in this section shall require that the residential density 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 or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- 6) The criteria for an Exception to Street Standards are described in 18.88.050.F 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 variance will result in equal or superior transportation facilities and connectivity;*
 - C. *The variance is the minimum necessary to alleviate the difficulty; and*
 - D. *The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.*

7) The Planning Commission, following proper public notice, held public hearings on March 11 and April 8, 2008 at which times testimony was received and exhibits were presented. The Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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 to develop a six-lot, five-unit subdivision meets all applicable criteria for Outline Plan approval and an Exception to Street Standards described in Chapter 18.88; that the proposed Physical Constraints Review permit meets all applicable criteria in Chapter 18.62; and that the proposed removal of 13 trees six-inches in diameter at breast height or greater, including one significant 18-inch oak, meets all applicable criteria for a Tree Removal permit in Chapter 18.61. The Commission further finds that the Performance Standards Options Chapter 18.88 provides for more flexibility than is permissible under conventional zoning codes in order to reduce the impacts of development on the natural environment, and that this flexibility can be applied to look at lot coverage in terms of the subdivision site as a whole in order to protect natural features of the site while providing for the architectural creativity and innovation that the chapter seeks to encourage.

2.3 The Planning Commission finds that adequate key City facilities can be provided to serve the project 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. Water, sanitary sewer,

storm water, and electric services are available from the Strawberry Lane and Hitt Road rights-of-way and will connect through the individual lot driveways. Storm drain facilities will include private detention systems on the individual lots. Paved access is available from both Strawberry Lane and Hitt Road.

The Planning Commission finds that development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan. The parcels to the north, east and west are similarly zoned and have recently been subdivided for development as part of the Strawberry Meadows subdivision. The undeveloped properties to the south are zoned WR Woodland Residential, and their further development is already severely constrained by the presence of slopes over 35 percent.

The Planning Commission finds the density meets the base density standards established under the Performance Standards Options for the Rural Residential (RR-5-P) zone. The site has a base density of five units (4.62 acres x 1.2 dwelling units per acre = 5.544 units), including the existing single family home already in place on the proposed Lot 4.

The Planning Commission finds that the significant natural features of the property are the existing trees and the steeply-sloped, heavily-wooded slopes on the southern end of the site. The Commission further finds that the proposed lot layout, common area and building envelope placements, and driveway locations have been selected in order to protect these natural features. 59 of the 72 trees on the site over six-inches in diameter at breast height are to be preserved, driveways are to be located in response to the site topography to minimize site and slope disturbances, and the applicants also propose to protect the most steeply sloped southern portion of the site in a commonly owned open space.

The Planning Commission finds that the development meets all applicable ordinance requirements of the City of Ashland with the attached conditions of approval. The Site Plan provided delineates the proposed building envelopes, setbacks, and driveway locations. The setbacks on the perimeter of the subdivision and for the front yards are required to meet the standard setback requirements of the Rural Residential zoning district, and the proposal meets or exceeds this requirement.

The Solar Access Ordinance in AMC Chapter 18.70 requires that newly created lots with north slopes less than 15 percent be configured so that the future homes will meet Solar Setback A, and that those lots with downward trending north slopes in excess of 15 percent meet Solar Setback B. Solar Setback A is the most stringent standard which requires that new structures can not shade the property to the north more than a six-foot fence would at the north property line, and Setback B allows additional shading comparable to that which would be cast by a 16-foot fence. While the lots proposed appear to be sized to accommodate these solar access requirements, the applicants have proposed to place the building envelopes and homes toward the northern portion of the lots and propose Solar Envelopes which do not appear to entirely protect the applicable Solar Access standards with Lots 2 and 5. The Planning Commission finds that the applicable

Solar Access standards must be protected, and further finds that if the applicants wish to exceed the applicable Solar Access standards, Solar Access Variances will be required to be applied for concurrently with the Final Plan application.

2.4 The Planning Commission finds that potential impacts and hazards have been considered and that adverse impacts will be minimized through the proposed subdivision's design and the associated mitigation measures recommended by the project geotechnical expert. The applicants have provided a geotechnical study which concludes that the proposed subdivision and associated site grading are considered to be feasible with respect to the stability of the subsurface and slope conditions observed on site. This report includes recommendations for necessary site preparation, retaining, and erosion control, and proposes an inspection schedule to insure that these recommendations are properly implemented during site work. The more steeply sloped areas at the southern end of the site will be preserved as commonly owned open space, and protected from future development, and development of the proposed Lot 5, which includes slopes in excess of 25 percent within its building envelope, will be subject to a separate Physical Constraints Review. The Commission finds that the applicants have taken all reasonable steps to reduce the adverse impacts of the development on the environment.

2.5 The Planning Commission finds the request for a Tree Removal Permit to remove 13 trees six-inches or larger in diameter at breast height (d.b.h.), including one significant 18-inch d.b.h. oak tree meets the applicable approval criteria in 18.61.080. These trees are located within the proposed building envelopes, and all other trees on site are to be preserved. The Commission finds that the removals have been requested in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards in attempting to minimize site disturbance associated with the subdivision, will not have significant negative impacts, and that the removal of the significant oak will be mitigated whether on- or off-site.

2.6 The Planning Commission finds that the proposed Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project meets the applicable criteria in Chapter 18.88. The installation of the full public street improvements including sidewalks would require that significant site disturbance along more than 300 feet of the Hitt Road right-of-way in a steeply-sloped and heavily-wooded area which the applicants have proposed to protect as one of the site's principal natural features. The future development of properties to the south is constrained by steep slopes, and the Exception requested aids in the preservation and protection of the sloped areas on the project site. An existing gate is in place on Hitt Road to control public access to a city-owned water tank on the property immediately south of the project site, and will be slightly relocated to accommodate the driveway for the proposed Lot 5. The application proposes to ensure adequate fire protection through the installation of fire sprinklers in all homes and the implementation of a fire prevention and control plan, and the applicants will install a new fire hydrant on Hitt Road. The applicants have previously provided easement access and trail improvements across the southern portion of the subject property to provide a pedestrian link between Hitt Road and the nearby Birdsong Lane, and have agreed to sign in favor of any future improvements to Hitt Road. The applicants have

proposed to provide a third off-street parking space for each of the proposed lots to address visitor parking demand, and the Commission also finds that additional on-street parking spaces should be identified on Hitt Road at the time of Final Plan submittal in order to ensure adequate fire access in the wildfire interface and to off-set on-street parking that would otherwise have been provided if Hitt Road were extended to the boundary of the proposed subdivision.

2.7 The Planning Commission finds that the issue of the applicants' participation in the completed Strawberry Lane Local Improvement District (LID) is not relevant to the approval criteria applicable to the current request.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan approval to develop a six-lot, five-unit subdivision; an Exception to Street Standards; a Physical Constraints Review permit; and removal of 13 trees greater than six-inches in diameter at breast height (d.b.h.) including one significant tree, an 18-inch d.b.h. oak, is supported by evidence contained within the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2008-00182. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2008-00182 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) All conditions of the geotechnical report prepared by Amrhein Associates, Inc. and dated October 12, 2007, including but not limited to the inspection schedule, shall be conditions of approval unless otherwise modified herein.
- 3) That all proposed lots shall be subject to Solar Access Standard A unless 1) materials are provided with the Final Plan submittal demonstrating that an individual lot has a negative north slope in excess of 15 percent which would render it subject to Solar Access Standard B; or 2) a Solar Access Variance is applied for and approved for the individual lots concurrently with Final Plan approval. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
- 4) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.62.089.B.7.
- 5) That prior to Final Plan approval:
 - a) Engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted. The utility plan shall include the

location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.

- b) An Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan submittal.
- c) A drainage plan including necessary final engineering for the private lot stormwater detention systems and any off-site storm drain system improvements shall be provided.
- d) The engineering for sidewalk improvements to complete sidewalk installation along the subject property's full Strawberry Lane frontage shall be provided with the Final Plan submittal.
- e) The recommendations from the March 6, 2008 meeting of the Ashland Tree Commission, where consistent with applicable standards, shall be incorporated into the Final Plan submittal's Landscaping, Irrigation, and Tree Protection and Removal Plans.
- f) A draft copy of the CC&R's and the applicants' proposed Deed Restrictions shall be provided. The CC&R's shall describe responsibility for the maintenance of all commonly-owned open space including but not limited to the implementation and maintenance of the approved fire prevention and control plan, and perpetual maintenance of required long term erosion control measures. The CC&R's shall note that any deviation from the approved Tree Removal and Protection Plan must receive written approval from the City of Ashland Planning Department. The CC&R's and Deed Restrictions shall be recorded concurrently with the final plat.
- g) The overall lot coverage for the subdivision as a whole shall be limited to no more than 20 percent. At the time of final plan submittal, the applicants shall provide a breakdown, by square footage, of the allowed lot coverage allocated to each lot and demonstrating that the overall subdivision's lot coverage does not exceed the 20 percent allowed in the RR-.5 zoning district.
- h) That written verification from the project geotechnical expert shall be provided with the Final Plan submittal indicating that the revised six-lot subdivision configuration and associated improvements are consistent with the original report.
- i) That a landscape and irrigation plan addressing the re-vegetation of cut and fill slopes required in the geotechnical report shall be provided with the Final Plan submittal.
- j) That in addition to the third off-street parking space proposed to be provided on each of Lots 1-5 by the applicants, the Final Plat submittal shall also identify on-street parking spaces to be provided on Hitt Road either near the relocated gate or between the driveways of Lots 2 and 4.

- 6) That prior to the issuance of an excavation permit:
- a) A preconstruction conference to review the requirements of the Physical Constraints Review Permit shall be held prior to site work, storage of materials, or the issuance of an excavation permit. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts, landscape professional, arborist, and contractor. The applicants or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the trees to be removed and the installation of tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
 - c) That the temporary erosion control measures (i.e. fabric sediment fencing, straw bales, crushed rock pads, straw erosion control matting or plastic sheeting) shall be installed and maintained according to the approved plan prior to any site work, storage of materials, or issuance of an excavation permit. These measures shall be inspected and approved by the Staff Advisor prior to site work, storage of materials, or the issuance of an excavation permit.
 - d) The applicants shall provide a performance bond, letter of credit or other financial guarantee in an amount equal to 120 percent of the value of the erosion control measures necessary to stabilize the site.
- 7) That prior to the signature of the final survey plat:
- a) All easements for sewer, water, drainage, electric, streets or public pedestrian access shall be indicated on the final survey plat as required by the City of Ashland.
 - b) Street trees, located one per 30 feet of street frontage, shall be installed along the Strawberry Lane street frontage as part of the subdivision infrastructure improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.
 - c) Subdivision infrastructure improvements, including but not limited to utilities; driveways, driveway approaches and associated erosion control measures; the extension of curbs, gutters, paving and sidewalk improvements on Hitt Road between the end of the existing improvements and the relocated gate location; and sidewalks and street trees on Strawberry Lane shall be installed according to approved plans prior to the signature of the final survey plat.
 - d) That the installation of driveway approaches shall be completed according to city standards under permit from the Public Works/Engineering Department and any

- necessary inspections approved.
- e) The existing sidewalk on Hitt Road shall be extended to the northerly edge of the Lot 5 driveway's approach.
 - f) Electric services shall be installed underground to serve Lots 1-5. 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.
 - g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed for Lots 1-5.
 - h) That Amrhein Associates, Inc. shall inspect the site according to the inspection schedule of the engineering geology report dated October 12, 2007 provided with the application. Prior to signature of the final survey plat, Amrhein Associates, Inc. shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
 - i) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to signature of the final survey plat. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
 - j) The applicants shall sign an agreement to participate in the future cost of street improvements for Hitt Road, including but not limited to sidewalks, curbs, gutters, paving, and storm drains.
 - k) That the applicants shall complete the relocation of the gate at the end of the improvements on Hitt Road to the southern extent of the street improvements. The relocation of the gate will be coordinated with the City of Ashland Water Department.
8. That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the lot coverage allocated to each lot. Building footprints, walkways, driveways including the flag drive for Lot 3, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
 - b) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
 - c) Building permit submittals shall clearly demonstrate compliance with the applicants' proposed "Elevation Height Limits" by providing cross-sections or elevation drawings with building heights and elevations above sea level clearly labeled.
 - d) That a Physical and Environmental Constraints Permit for Hillside Development shall be applied for and approved in accordance with 18.62.040 for the development of Lot 5 prior to submission or issuance of a building permit.

9. That prior to the issuance of a certificate of occupancy:
- a) That the requirements of the Fire Department, including that approved addressing shall be installed prior to combustible construction; that a fire prevention and control plan shall be implemented and maintained; and that fire apparatus access, fire sprinklers as proposed by the applicants, and a fire hydrant shall be installed, shall be addressed.
 - b) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
 - c) For Lot #3, the applicants shall provide mitigation for the removal of Tree #31 through on-site replanting, off site replanting, or payment in lieu of planting as provided for in AMC 18.61.084.
 - d) Driveways greater than 50 feet in length, which are considered by definition to be flag drives and thus subject to the flag drive standards, shall be constructed according to flag drive requirements that a 12-foot paved width and 15-foot clear width be maintained, and that parking spaces be configured so that vehicles can turn and exit to the street in a forward manner.

Planning Commission Approval

Date

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
April 8, 2008**

PLANNING ACTION: 2007-01318

APPLICANT: City of Ashland

ORDINANCE REFERENCE: 18.68.050 Special Setback Requirements
 18.88.020 Street Standards

REQUEST: An ordinance amending the Ashland Municipal Code, Land Use Ordinance concerning special setbacks for arterial streets on Lithia Way and associated street standards.

I. Relevant Facts

A. Description of the Proposal

At the January 22, 2008 Planning Commission meeting, the Planning Commission directed staff to prepare ordinance revisions to the arterial front yard setback for Lithia Way for a public hearing. Attached are draft revisions to the Ashland Land Use Ordinance (ALUO) relating to the Arterial Front Yard Setback in Section 18.68.050 for Lithia Way. Additionally, the package includes revisions to the street standards.

1. Summary of Draft Ordinance Revisions

The proposed amendments to the Special Setback Requirements expand the exception from the 20-foot front yard requirement for properties abutting arterial streets to include all properties abutting Lithia Way. The current ordinance has an exception to the 20-foot front yard requirement for properties zoned C-1-D which applies to the lots on the south side of Lithia Way. The proposed amendment would also include the lots on the north side of Lithia Way, which are zoned C-1, in the exception from the 20-foot front yard requirement. Additionally, the proposed amendments to the Street Standards Handbook specify that the required commercial parkrow width is a minimum of five feet to match the width of the street tree grates, the minimum width for a commercial tree well is five foot by five foot, and that the minimum required sidewalk width on arterials in the Downtown Design Standards Zone is ten feet.

2. Changes to January 22 Study Session Draft

Based on the comments and concerns raised at the January 22 Planning Commission Study Session, the attached ordinance revisions are more streamlined than the draft revisions reviewed at the January 22, 2008 study session. Specifically, the previous draft revisions included retaining the 20-front yard requirement for properties abutting arterials and providing a general exception to

the setback if the properties street frontage was improved to city standards. Concerns raised at the Planning Commission Study Session regarding the general exception approach included that the approach didn't remove the ambiguity in the planning application process that has been a problem in the past, that the approach was too complex and wasn't clear in identifying what was trying to be achieved, that the plaza requirements were unclear and too broad in nature, and the revisions to the Exception to the Street Standards were untested.

B. Background

1. Policy Background

Section 18.68.050 of the ALUO was established along with a new land use ordinance in 1964, and the requirement of a 20-foot front yard setback on arterials was added in 1979. The Site Design and Use Standards were first adopted in 1986. In 1992, the Site Design and Use Standards were replaced and included the Detail Site Review Standards. In 1998, the Site Design and Use Standards were revised to include the Downtown Design Standards. In 1996, the Transportation Element of the Ashland Comprehensive Plan was revised and adopted. Subsequently, the Ashland Transportation System Plan (TSP) was adopted in 1998 and the Ashland Street Standards were adopted in 1999.

The City's more recent policy documents and regulations include urban design principles that are intended to enhance a multi-modal street corridor. The Site Design and Use Standards place an emphasis on making streets key public spaces by requiring buildings to have a pedestrian orientation, to have pedestrian scale features and architectural elements and to relate buildings to the street. For example, the Downtown Design Standards require buildings to be adjacent to the sidewalk (see standard below).

“Except for arcades, alcoves and other recessed features, buildings shall maintain a zero setback from the sidewalk or property line. Areas having public utility easements or similar restrict conditions shall be exempt from this standard.”

Similarly, the City's transportation policies, plans and regulations emphasize balancing creating a transportation system that works for all types of travel (walking, bicycling, transit and cars) with making streets key public spaces. This theme is consistently reflected in the Transportation Element, TSP and Street Standards. For example, the Transportation Element contains the following policy.

“Design streets as critical public spaces where creating a comfortable and attractive place that encourages people to walk, bicycle and socialize is balanced with building an efficient travel corridor. Design streets with equal attention to all right-of-way users and to promote livability of neighborhoods.”

2. Project Time Line

The Arterial Front Yard Setback Review began in July 2007. The following is a list of the meetings to date.

- **February 2007 Planning Commission Meeting:** Planning Commission includes the Arterial Front Yard Setback on a list of short-term plan and code amendments to work on.
- **July 24, 2007 Planning Commission Study Session:** Review of Background, History and Objectives of Arterial Setbacks
- **September 20, 2007 Fitting Roadways to Community Needs: Arterial Streets for Walkable Communities:** General Interest Workshop
- **September 25, 2007 Planning Commission Study Session:** Review of Street Frontage Improvement Methodology, Analysis and Recommendation
- **December 11, 2007 Planning Commission Meeting:** Review of Street Frontage Improvement Approach as Applied to Lithia Way
- **January 22, 2008 Planning Commission Study Session:** Review of Draft Ordinance Revisions concerning Arterial Front Yard Setbacks, Site Design and Use Standards and Ashland Street Standards Handbook

3. Why is the Setback Revision Being Considered?

In February 2007, the Planning Commission created a list of short-term plan and code amendments to work on, and the Arterial Front Yard Setback was one of the items on that list. Over the past several years, applying the Arterial Front Yard Setback has presented difficulties because of inconsistencies with other sections of the Ashland Land Use Ordinance (ALUO) such as the Downtown Design Standards and Historic District Design Standards. Additionally, there is disagreement in the community as to where and what degree the Arterial Front Yard Setback should be applied and the purpose and intent of the regulation. These issues have come up in several applications at the Planning Commission public hearings such as the "North Light" development proposal at the former Copeland Lumber property.

II. Project Impact

A. Arterial Setback Requirement

The proposed amendment to the Special Setback Requirements expands the exception from the 20-foot front yard requirement for properties abutting arterial streets to include

all properties abutting Lithia Way. As a result, buildings on both sides of the street could be located up to the private property side of the sidewalk. The street cross sections below are examples of what redevelopment of the parking lot and old Rocket Photo Building at Lithia Way and Second Street would look like under the existing arterial setback requirement, and under the proposed amendment.

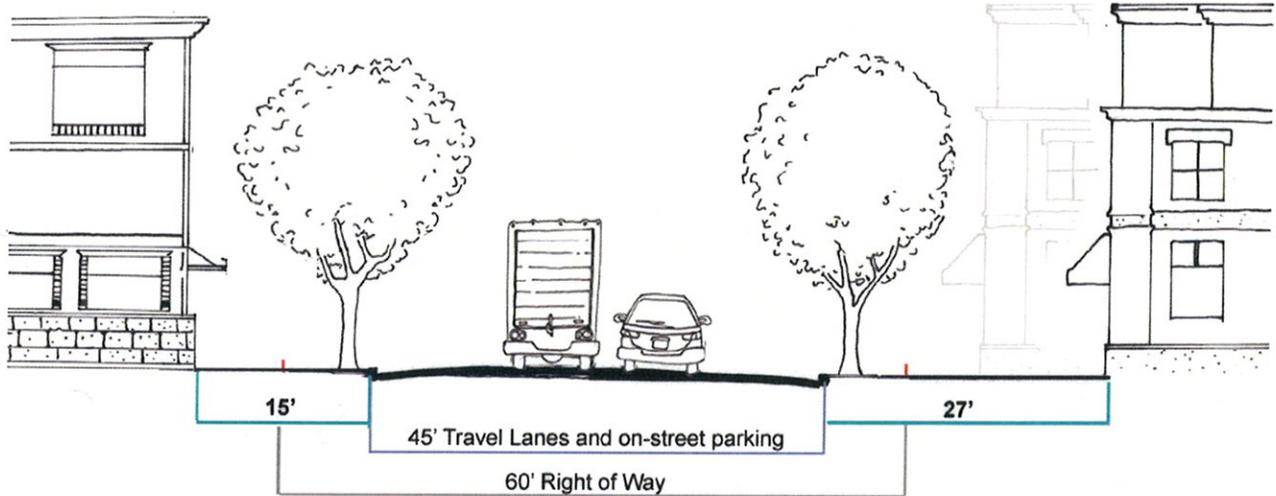


Figure 1: Lithia Way at Second St. Redevelopment under Existing Arterial Setback Requirements

Note: Left side of cross section is the south side of Lithia Way and right side of cross section if north side of Lithia Way. Faint gray outline of building on right side of screen is location of building developed under proposed amendment (same as graphic below).

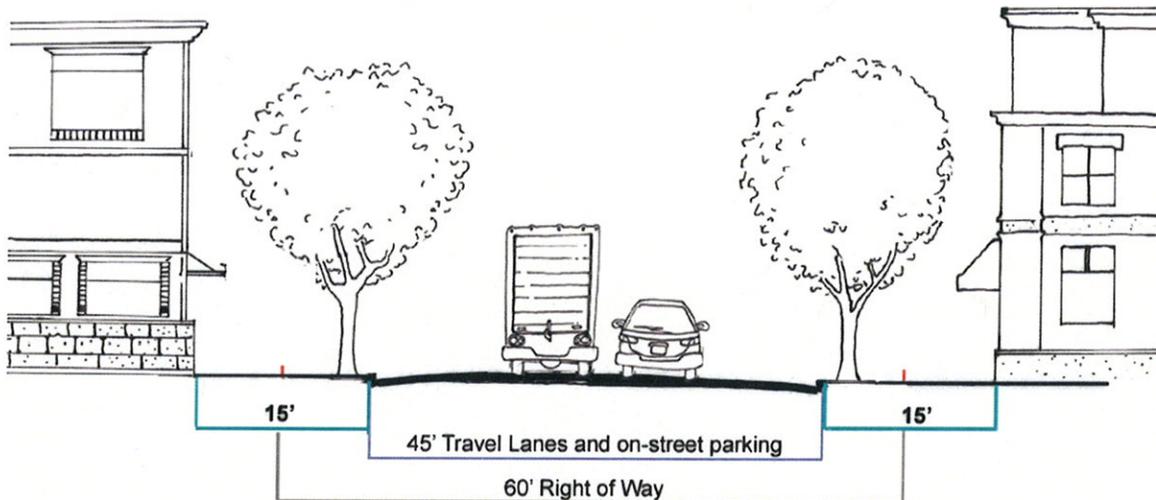


Figure 2: Lithia Way at Second St. Redevelopment under Proposed Arterial Setback Revision

Note: Left side of cross section is the south side of Lithia Way and right side of cross section if north side of Lithia Way.

In Staff's opinion, the redevelopment of Lithia Way under the proposed amendment will result in a main street or downtown street development pattern on the north side of Lithia Way. Both sides of Lithia Way are identified in the downtown boundary in the adopted Downtown Plan (1988), and are also included in the boundary of the Downtown Design Standards (1998) Zone.

A. Arterial Setback Requirement

The proposed amendments to the Street Standards Handbook specify that the required commercial parkrow width is a minimum of five feet to match the width of the street tree grates, the minimum width for a commercial tree well is five foot by five foot, and that the minimum required sidewalk width on arterials in the Downtown Design Standards Zone is ten feet.

The parkrow and tree well width will provide clarification on the requirements of commercial parkrow requirements. In terms of the sidewalk width for arterials in the Downtown Design Standards Zone, it will result in redeveloped portions of the sidewalk being constructed at ten feet in width or applicants requesting an exception to this standard. Currently, the range for sidewalks on arterials in commercial zones is eight to ten feet in width.

III. Procedural

The procedure for a legislative amendment is described in 18.108.170 as follows:

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

IV. Conclusions and Recommendations

Staff recommends the Planning Commission recommend approval of the draft ordinance revisions concerning arterial setbacks on Lithia Way and the street standards to the City Council.

Staff believes expanding the exception from the required 20-foot front yard setback to the north side of Lithia Way will be beneficial for the following reasons.

- Support the urban design principles and policies included in the Ashland Comprehensive Plan and Site Design and Use Standards which focus on making streets key public spaces by requiring buildings to have a pedestrian orientation, to have pedestrian scale features and architectural elements and to relate buildings to the street.
- Preserve downtown character by maintain continuity of the established building-up-to-the-sidewalk development pattern.
- Provide consistency with the Site Design and Use Standards.

- Create consistency with the goals and policies of the Transportation Element of the Ashland Comprehensive Plan, Transportation System Plan (TSP) which identify the need to “design streets as critical public spaces where creating a comfortable and attractive place that encourages people to walk, bicycle and socialize is balanced with building an efficient travel corridor.”
- Provide clear direction to applicants, Staff, Planning Commission and City Council for developments involving properties adjacent to arterial streets.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE,
LAND USE ORDINANCE CONCERNING SPECIAL [ARTERIAL] SETBACKS AND
ASSOCIATED STREET STANDARDS ADOPTED IN ORDINANCE 2836**

Annotated to show deletions and **additions** to the code sections being modified.
Deletions are **bold lined through** and additions are **in bold underline**.

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, Section 18.68.050 of the City of Ashland Municipal Code currently provides for a special 20 foot setback on Arterial Streets; and

WHEREAS, Planning staff sent notice to the DLCD in accordance with ORS 197.610 on _____ ...

WHEREAS, the Planning Commission considered the proposed amendment at a duly advertised hearing on _____ and recommended _____ of the ordinance by a vote of _____; and

WHEREAS, the City Council considered the proposed amendment at a duly advertised hearing on _____ and following review of the staff report, and after considering public input and the evidence in the record as a whole, the Council

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 modify this setback as regards certain arterial streets; namely Lithia Way, and

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

SECTION 1. Section 18.68.050 of the Ashland Municipal Code is amended to read as follows:

18.68.050 Arterial Street ~~Special-Setback~~ Requirements.

To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width, to protect arterial streets, and to permit the eventual widening of hereinafter named streets, every yard abutting a street, or portion thereof, shall be measured from the special base line setbacks listed below instead of the lot line separating the lot from the street.

<u>Street</u>	<u>Setback</u>
East Main Street, between City limits and Lithia Way	35 feet
Ashland Street (Highway 66) between City limits and Siskiyou Boulevard	65 feet

Also, front yards for properties abutting all arterial streets shall be no less than twenty (20) feet, with the exception of the C-1-D district **and properties abutting Lithia Way in the C-1 district.**

SECTION 2. Section 18.88.020. K [Definitions – Street Standards] of the Ashland Municipal Code is amended to read as follows:

18.88.020 Definitions

* * *

K. Street Standards. **All standards under 18.88.050 and all All standards in the City of Ashland Street Standards Handbook as adopted in Ordinance 2836 and as amended by Ordinance [May 2008] are specifically incorporated herein and made a part hereof by this reference. and standards under 18.88.050.**

SECTION 3. The Ashland Street Standards Handbook, Table 1, as adopted by Ordinance 2836 is hereby amended to read as follows:

75'-8'¹

Table 1: City of Ashland Street Design Standards

TYPE OF STREET	ADT	R.O.W. WIDTH	CURB-TO-CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PARK-ROW on both sides	SIDE-WALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANES on both sides	PARK-ING in 8' bays			
2-Lane Boulevard	8,000 to	61'-87'	34'	11'	none	2 at 6' each	in 8' bays	6"	75'-8' ¹	6'-10' ²
3-Lane Boulevard	30,000	73'-99'	46'	11'	12'	2 at 6' each	in 8' bays	6"	75'-8' ¹	6'-10' ²
5-Lane Boulevard	ADT	95'-121'	68'	11'	12'	2 at 6' each	in 8' bays	6"	75'-8' ¹	6'-10' ²
2-Lane Avenue	3,000 to	59'-86'	32'-33'	10'-10.5'	none	2 at 6' each	in 8' bays	6"	75'-8' ¹	6'-10' ²
3-Lane Avenue	10,000 ADT	70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	2 at 6' each	in 8' bays	6"	75'-8' ¹	6'-10' ²
<i>Neighborhood Collector, Residential</i>	1,500 to				NA	NA ³				
No Parking	5,000	49'-51'	22'	11'			none	6"	8'	5'-6'
Parking One Side	ADT	50'-56'	25'-27'	9'-10'			one 7' lane	6"	7'-8'	5'-6'
Parking Both Sides		57'-63'	32'-34'	9'-10'			two 7' lanes	6"	7'-8'	5'-6'
<i>Neighborhood Collector, Commercial</i>										
Parallel Parking One Side		55'-65'	28'	10'			one 8' lane	6"	75'-8' ¹	6'-10' ²
Parallel Parking Both Sides		63'-73'	36'	10'			two 8' lanes	6"	75'-8' ¹	6'-10' ²
Diagonal Parking One Side		65'-74'	37'	10'			one 17' lane	6"	75'-8' ¹	6'-10' ²
Diagonal Parking Both Sides		81'-91'	54'	10'			two 17' lanes	6"	75'-8' ¹	6'-10' ²
<i>Neighborhood Street, Residential</i>	less than				NA	NA ³				
Parking One Side	1,500	47'-51'	22'	15' Queuing			one 7' lane	6"	7'-8'	5'-6'
Parking Both Sides	ADT	50'-57'	25'-28'	11'-14' Queuing			two 7' lanes	6"	7'-8'	5'-6'
Alley	NA	16'	12' paved width, 2' strips on both sides	NA	NA	NA	none	none	none	none
Multi-Use Path	NA	10'-10'	6'-10' paved width, 2'-4' strips on both sides	NA	NA	NA	none	none	none	none

¹ hard scape parkrow with tree wells shall be used in commercial areas

² 6' sidewalk shall be installed in residential areas, 8'-10' sidewalk shall be installed in commercial areas

³ bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (Less than 25mph) streets

¹ *hardscape parkrow with tree wells shall be used in commercial areas. The width of hardscape parkrows in commercial areas shall be a minimum of 5 feet in width to coincide with the tree grate width. The minimum tree grate width shall be 5 feet by 5 feet square. Structural soil shall be installed in hardscape parkrows and the surrounding area in accordance with city specifications. The minimum width of landscaped parkrows without tree wells, regardless of residential or commercial zoning, is 7 feet.*

² *6' sidewalk shall be installed in residential areas, 8'-10' sidewalk shall be installed in commercial areas. A 10' sidewalk shall be required on Boulevards (arterial) streets in the Downtown Design Standard Zone.*

³ *bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (Less than 25mph) streets*

SECTION 4 Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses, or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. Savings Clause. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement or other land use actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or actions commenced during the times said ordinance(s) or portions thereof were operative.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 4-6) need not be codified.

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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 _____, 2008, and duly PASSED and ADOPTED this _____ day of _____, 2008.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2008

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, City Attorney

Maria Harris - ODOT notice acknowledgement: #2007-01318 (Municipal Code Amendment re: special arterial setbacks)

From: "PYLES David" <David.PYLES@odot.state.or.us>
To: <harrism@ashland.or.us>
Date: 3/25/2008 5:23 PM
Subject: ODOT notice acknowledgement: #2007-01318 (Municipal Code Amendment re: special arterial setbacks)
CC: "FLETCHER David A * ODOT" <David.A.FLETCHER@odot.state.or.us>, "HUGHES Ronald H * Ron" <Ronald.H.HUGHES@odot.state.or.us>, "ALLEMAND Roger B" <Roger.B.ALLEMAND@odot.state.or.us>, "STALLSWORTH Adam O" <Adam.O.STALLSWORTH@odot.state.or.us>

Maria:

The Oregon Department of Transportation appreciates the opportunity to review the noticed City of Ashland proposed ordinance amending the Ashland Municipal Code, Land Use Ordinance concerning special arterial setback and associated street standards (#2007-01318). We understand the proposed amendments to the Special Setback Requirements expand the exception from the 20-foot front yard requirement for properties abutting arterial streets to include all properties abutting Lithia Way. The Lithia Way (and N. Main Street) couplet is an ODOT jurisdiction facility. No major projects are planned or programmed along this segment of highway system.

We have no comment on the proposed city ordinance amendments within #2007-01318. Please enter this correspondence into the ordinance amendment's public hearing record, and copy me on the city's final decision. Thank you for noticing ODOT Development Review. We look forward to working with the city of Ashland on future projects.

Kind regards,

David J. Pyles | Development Review Planner III

The ODOT Region 3 / District 8 | 100 Antelope Rd. | White City, OR 97503

☎: (541) 774 . 6399 | 📠: (541) . 774 . 6349 | ✉: David.Pyles@odot.state.or.us