

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  
HEARINGS BOARD  
AGENDA  
SEPTEMBER 9, 2008  
Hearings Board Members: Morris, Dawkins, Stromberg**

- I. **CALL TO ORDER: 1:30 p.m.** Civic Center Council Chambers, 1175 East Main Street
  
- II. **APPROVAL OF MINUTES:** Hearings Board Minutes of August 12, 2008
  
- III. **TYPE II PUBLIC HEARINGS**
  - A. **PLANNING ACTION: 2008-00801**  
**SUBJECT PROPERTY: 960 Harmony**  
**APPLICANT: Bill Emerson for Jendrisak and Berry**  
**DESCRIPTION: Request for a Conditional Use Permit and Site Review approval for a 592 square foot Accessory Residential Unit above a proposed two-vehicle garage accessed from the alley for the property located at 960 Harmony.**  
**COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5;**  
**ASSESSOR'S MAP #: 39 1E 15AC; TAX LOTS: 1500**
  
- IV. **UNFINISHED BUSINESS**
  
- V. **ADJOURNMENT**

**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).

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
HEARINGS BOARD  
MINUTES  
AUGUST 12, 2008

**CALL TO ORDER**

Commissioner Stromberg called the meeting to order at 1:30 p.m. in the Civic Center Council Chambers, 1175 E Main Street.

**Commissioners Present:**

John Stromberg  
Michael Dawkins  
Michael Church

**Staff Present:**

Adam Hanks, Permit Center Manager  
Amy Anderson, Assistant Planner  
April Lucas, Administrative Assistant

**TYPE I PLANNING ACTIONS**

**A. PLANNING ACTION: 2008-01005**

**SUBJECT PROPERTY:** 637 / 649 East Main Street

**APPLICANT:** Donnan and David Runkel

**DESCRIPTION:** Request for a Conditional Use Permit and Site Review approval to construct two additional motel units for the two properties located at 637 & 649 East Main Street, Anne Hathaway's Cottages. The motel units will be located at the rear of the 637 E Main Street property. The application includes a request for a Tree Removal Permit to remove an 11-inch diameter at breast height Ash tree, a request for an exception to the Site Design and Use Standards to not install the required five-foot landscape buffer between property lines and an exception to Street Standards to not pave the alley.

**COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **ASSESSOR'S MAP #:** 39 1E 09 AC; **TAX LOTS:** 7700 & 7800

Assistant Planner Amy Anderson clarified the Applicant has seen the Historic Commission's recommendations and do not have any objections. She added these will be included in the conditions of approval.

Action stands as approved.

**TYPE II PUBLIC HEARINGS**

**A. PLANNING ACTION: 2008-00596**

**SUBJECT PROPERTY:** 165 W Fork Street

**APPLICANT:** Ashley Jensen

**DESCRIPTION:** Physical and Environmental Constraints Review Permit for the development of hillside lands including severe constraints land. The proposal is to construct a new single-family residential home, the associated excavation for utility installations and driveway construction. The application also includes an Administrative Variance for the height of the retaining wall along the north property line to exceed the allowed five-foot height limit. Property is located at 165 W. Fork.

**COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP #:** 39 1E 09BC; **TAX LOTS:** 3600

Stromberg read aloud the public hearing procedures for land use hearings.

**Declaration of Ex Parte Contact**

No ex parte contact was reported.

**Staff Report**

Assistant Planner Amy Anderson provided the staff report. She explained this application was administratively approved in June and it came before the Hearings Board in July. At that time, it was called up to a public hearing by the Hearings Board due to the Historic Commission's recommendations which would have changed the project. Since the July Hearings Board meeting, the Applicant has adjusted the project to respond to the Historic Commission's issues and when they took this back

before the Commission, they were fully satisfied. Ms. Anderson clarified the structure is no taller than what was previously administratively approved. She also noted Condition 8a regarding the fire prevention and control plan has been amended.

### Applicant's Presentation

**Kerry KenCairn/545 A Street/Representing Applicant/**Provided a brief explanation of how the application was adjusted to incorporate the recommendations from the Historic Commission. She added meeting condition 8a would not be a problem.

### Public Testimony

None

### Deliberations and Decision

The Hearings Board indicated they have no issues with the application. Stromberg closed the public hearing and the record at 1:50 p.m.

**Commissioners Church/Dawkins m/s to approve the application for the project at 165 W. Fork Street. Roll Call Vote: Commissioners Church, Dawkins, and Stromberg, YES. Motion passed 3-0.**

**Commissioners Dawkins/Church m/s to approve the Findings for PA 2008-00596. Roll Call Vote: Commissioners Dawkins, Church, and Stromberg, YES. Motion passed 3-0.**

### **B. PLANNING ACTION: 2008-00801**

**SUBJECT PROPERTY: 960 Harmony**

**APPLICANT: Bill Emerson for Jendrisak and Berry**

**DESCRIPTION: Request for a Conditional Use Permit and Site Review approval for a 592 square foot Accessory Residential Unit above a proposed two-vehicle garage accessed from the alley for the property located at 960 Harmony.**

**COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP #: 39 1E 15AC; TAX LOTS: 1500**

### Declaration of Ex Parte Contact

Commissioners Church and Dawkins indicated they performed site visits, but had no ex parte contact. Commissioner Stromberg also declared no ex parte contact.

### Staff Report

Assistant Planner Amy Anderson provided the staff report. She stated this application was preliminary approved in June for review at the July Hearings Board, but it was called up for a public hearing by a neighbor. Ms. Anderson noted the location of the property. She stated it is zoned single family residential and the parcel is roughly 10,500 sq. ft in size. Ms. Anderson stated the request is to construct a 592 sq. ft. accessory residential unit above a proposed two-vehicle garage that would be accessed from the alley.

Ms. Anderson clarified adequate public facilities are available. She also noted the original utility plan was adjusted to respond to the neighbor's concerns regarding storm water drainage and the revised plan includes the installation of a 6 in. storm drain with 4 in. stub-outs for each parcel below the subject lot that will run down the alley into an existing storm water catchment. She added the City's Engineering Department has reviewed this proposal and have recommended a grate be added at the end of the alley to further improve the storm water drainage.

Ms. Anderson noted the concerns raised by the neighbor regarding lack of paved access. She explained the structure is proposed to be accessed from an unimproved alley, which is off an unimproved road. She stated the applicant's proposal meets the intent of the City standards and to require this access to be paved would be disproportionate to the impact of the accessory unit. Ms. Anderson added the proposed unit is architecturally compatible and also complies with the lot coverage requirements. She noted a potential condition would be to require that the extra parking space be pervious. She clarified the Applicant is not required to, but are proposing to pave the parking spaces. Ms. Anderson clarified the existing garage is used for storage, however the Hearings Board could require that the Applicant sign a no kitchen agreement if they feel this is necessary.

Ms Anderson clarified this parcel fronts Harmony Lane, which is a paved road, and it is staff's position that the paved access requirement has been met.

### **Applicant's Presentation**

**Bill Emerson**/Clarified the property owner does concrete work for a living and uses the existing garage for the storage of his tools. He noted the current parking congestion along Harmony Lane and stated even though they are only required to provide 4 parking spaces, they are proposing 6. Mr. Emerson commented on the storm drainage and provided a brief explanation of their revised plan. He stated the existing residence is 1,234 sq. ft and they could construct a 1,491 sq. ft. addition without any conditional use permits; however, they are only proposing to construct a 592 sq. ft., one-bedroom unit above the garage.

The Hearings Board asked if the applicant would be willing to use pervious pavers for the parking spaces and they indicated "Yes."

Stromberg read aloud a statement from Cynthia Dion, which requested the Hearings Board deny the Applicant's request for a conditional use permit.

### **Public Testimony**

**Ronald Doyle/945 Hillview Drive**/Submitted written testimony into the record and asked that the Planning Commission keep the record open for 7 days. Mr. Doyle listed the following approval criteria that he feels have not been met: 1) AMC 10.104.050.A: Mr. Doyle stated there is no survey of the property or the alley and therefore it is not possible for staff to determine whether the proposed development complies with the required setbacks for structures or solar access. Additionally, it is not possible to determine whether the storm drain will lie within the public right of way or intrude onto private property. And 2)10.104.050.B: Mr. Doyle stated the address is on Harmony Lane, but the access to the proposed structure is off the alley and all of the vehicle traffic for this unit will be down the unpaved roadway. Mr. Doyle noted his written testimony outlines several other criteria that have not been met and restated his request to leave the record open so that the Hearings Board will have the opportunity to read his testimony.

**Jean Crawford/923 Harmony Lane**/Voiced her concerns regarding traffic and parking congestion. She stated the parking situation on Harmony Lane is impossible and stated there is no room for the current residents of the neighborhood to park, let alone additional tenants. Ms. Crawford stated the applicant's current garage has no vehicle entrance and to her knowledge it has never been used to park cars. Ms. Crawford asked that the proposed structure not have a Harmony Lane address and that there not be a path from Harmony Lane to the proposed unit.

### **Questions of Staff**

Permit Manager Adam Hanks clarified surveys are not required until the application reaches the building permit stage. He stated at that time if any errors are identified, the approval would have to come back and be modified. Ms. Anderson stated it is staff's position that the conditional use criteria can be met. Mr. Hanks added if there is paved access to the parcel, this satisfies the paved access criteria.

### **Rebuttal by the Applicant**

**Bill Emerson**/Commented on the plans that are included in the record and stated everything he has presented is accurate and does work with what has been proposed. Mr. Emerson stated the runoff issues on the alley are preexisting and have nothing to do with this property. He commented that there is a great storm drainage that is not being used and also commented on the parking situation. He added there will be 6 parking spaces for the parcel even though they are only required to provide 4.

### **Deliberations and Decision**

Stromberg closed the public hearing and announced the record would be left open for 7 days, after which the Applicant will have 7 days to submit rebuttal.

**Commissioners Church/Dawkins m/s to continue this application to the September 9, 2008 Hearings Board Meeting. Roll Call Vote: Commissioners Church, Dawkins, and Stromberg, YES. Motion passed 3-0.**

### **UNFINISHED BUSINESS**

None

**ADJOURNMENT**

Meeting adjourned at 2:55 p.m.

*Respectfully submitted,  
April Lucas, Administrative Assistant*

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT  
Addendum  
September 9, 2008**

**PLANNING ACTION:** 2008-00801

**APPLICANT:** Bill Emerson, Agent for Jendrisack and Berry

**LOCATION:** 960 Harmony Lane

**ZONE DESIGNATION:** R-1-7.5

**COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential

**APPLICATION DEEMED COMPLETE:** June 18, 2008

**120-DAY TIME LIMIT:** December 15, 2008 (with 60-day extension)

<b>ORDINANCE REFERENCE:</b>	18.20	Single-Family Residential
	18.72	Site Design and Use Standards
	18.104	Conditional Use Permits

**REQUEST:** Request for a Conditional Use Permit and Site Review approval to construct a new 592 square foot Accessory Residential Unit above a proposed two-vehicle garage accessed from the alley for the property located at 960 Harmony Lane.

**I. Relevant Facts**

**A. Background - History of Application**

At the August 12, 2008 regular meeting of the Planning Commission the applicants presented their proposal and public testimony was taken. The discussion focused on elements of the Conditional Use Permit including the paved access to the development, access to the proposed Accessory Residential Unit (ARU) off of the un-paved alley, storm water drainage and similarity of bulk, scale and coverage.

One of those participating in the hearing, neighbor Ronald Doyle, who resides at 945 Hillview Drive, requested that the record remain open for seven days to allow additional written submittals as allowed under the Oregon Revised Statutes. The meeting was continued to the September 9, 2008 meeting for deliberations and a decision.

There are no other planning actions of record for this site.

## **B. Issues Raised in Written Submittals**

### **Neighbor Submittals**

Ronald Doyle has provided two submittals. They address concerns with the proposals compliance with setbacks, the need for paved access from Harmony Lane to Ross Lane and down the alley to the proposed unit. Mr. Doyle also states that the additional vehicle trips will contribute to dust, noise, light and glare.

In his submittals, Doyle states that setbacks have not been determined by survey and that without a survey the proposed structures' compliance with setbacks cannot be determined; that the existing garage should be removed; and that by accessing the garage/accessory unit off of the alley, that the paved access to the development has not been met.

Another neighbor of the property, Cyndi Dion whom resides at 897 Hillview, is concerned about run-off. She states that the additional impervious areas and the generation of storm water drainage from this site will negatively impact the storm water pipe which crosses her property.

### **Applicant Submittals**

The applicant submitted a response to the neighbor's documents in which the applicant addressed where in their original submittal they felt the concerns raised by Doyle were addressed. A revised East elevation (elevation facing alley) in response to the neighbor's concerns regarding architectural compatability has been submitted. A letter of explanation regarding the utility trailer and the bobcat tractor parked on the site was submitted. The applicant states that the site is not used as part of the property owner's employment in the concrete trade.

## **II. Project Impact**

1. **Setbacks** – As evidenced in the first condition of approval for all Planning Action approvals, “that all proposals of the applicant shall be conditions of approval” requires that setbacks from property lines, solar setbacks, lot coverage, etc. as proposed in this application are required to be met at the time of building permit. Surveys are not required by Ashland Municipal Code for the identification of property lines for the purposes of planning action applications. Compliance with setbacks is required to be shown in the application and if the location of property lines is questionable or disputed, a survey may be required by the building division. There is no evidence to indicate that compliance with City setbacks will be a problem. If setbacks cannot be met as proposed the approval becomes void and must be modified.

**2. Utilities** – Existing public facilities and utilities are in place to service the project, and have been identified on a site plan and discussed in the narrative. Water, sewer, and electric are available in Harmony Lane. The accessory residential unit is required to have its own electric meter, but can access the existing sewer and water service from the primary residence.

**A. Storm water** – Storm water drainage is proposed to be piped down the alley to existing storm water catchments at the end of the alley. According to the City of Ashland Public Works Department, the existing storm water pipe which runs through an easement along the northern property line of 897 Hillview Drive has available capacity to withstand the addition of the storm water produced at the subject property. The storm drain line within the alley will be required to be engineered and all the civil drawings will be required to be reviewed and approved by the City of Ashland Public Works Department. There is currently a metal cover on the inlet of the storm drain line at the end of the alley. The solid metal cover currently limits the amount of storm water from entering that inlet and a grate will be required to be installed. All alley surface disturbances shall be kept to a minimum and the surface shall be replaced to its original state. Additionally, new impervious areas are not permitted to drain across property lines and on-site catchment will be required to be engineered.

**2. Trip Generation and Access** - Harmony Lane provides access to the subject site. Harmony Lane is a neighborhood street and is currently improved to 25-feet in width with a paved driving surface, curb and gutter. Large stature trees are currently in place and serve as the street trees. The Institute of Transportation Engineers estimates that a residential unit of 500 square feet or less will generate approximately 6.7 automobile trips per day and the proposed unit at 592 square feet will generate slightly more than that. Given the proximity of the site to a park, shopping, and Siskiyou Boulevard, non-motorized trips are a viable option.

The Mr. Doyle states that since the access to the new structure is off of the unpaved alley which intersects with Ross Lane, which is partially paved, the criterion requiring paved access to the site is not met. He also addresses the generation of dust from the unpaved street and alley in his objections.

Historically, the paving standard for access has been defined and applied by the City Council and the Planning Commission as the paved access to the subject site for providers of services such as the postal service, deliveries, visitors, etc., and Harmony Lane is the serviceable, addressable, legal frontage of the property. Additionally, the proportionality of the substantial public improvements suggested by the opponent must be weighed against the impacts of a relatively modest (592 square-foot) accessory residential unit. Approximately 275-feet of street improvements would be necessary to pave Ross Lane from the intersection of Harmony and Ross to the paved portion and pave the alley in comparison to the addition of approximately 7 vehicle trips per day generated by the accessory residential unit. In summary, 960 Harmony Lane was created with its legal access and frontage from Harmony Lane. Since Harmony Lane is an improve City street, the Commission can make a finding, as it has in past applications, that the approval criterion for “paved access” has been met.

There were at least two minor land partitions, which created four lots accessed off Ross Lane which have similar vehicle trips per day as the proposed accessory residential unit that were not required to pave Ross Lane. Statements were made at that time by the City Council that large trees would impact the future improvements of Ross Lane and keeping Ross unpaved in the future was desired. To require the paving of both Ross Lane and the alley would have significant implications on future Conditional Use Permit applications. If the Commission determines that there are significant negative impacts caused by the addition of ten vehicle trips per day onto the unpaved alley, such as generation of dust, which are directly related to the construction of the proposed accessory residential unit, paving of the alley could be required to off-set the negative impacts.

**3. Parking** – Four parking spaces are required for the proposed accessory residential unit and the primary residence, five are being provided on site. The applicant is proposing to reduce the width of the driveway curbcut which would provide for an on-street parking credit on Harmony Lane, for a total of six spaces. One space is provided in the existing driveway accessed from Harmony Lane, two spaces are to be provided in the lower level of the proposed garage, and two additional parking spaces are proposed to be provided outside of the garage, adjacent to the alley at the rear of the parcel. Testimony at the August 12<sup>th</sup> hearing indicated there is an on-street parking issue on Harmony Lane with sufficient demand for the on-street parking spaces. The applicant has proposed two additional parking spaces on their site which would alleviate some of the parking demand. The two additional parking spaces are not required. Based on the concerns raised by the neighbors pertaining to the amount of impervious area, the applicant agreed at the August hearing to construct the two extra parking spaces with a pervious material, a condition to this effect has been added.

**4. Architectural Compatibility** – The proposed accessory residential unit is above a proposed two-vehicle garage. Though this would be one of the first two-story structures located in this section of Harmony Lane, as long as the required 20-foot rear yard setback and Solar Setbacks can be complied with, a two-story structure is permitted. For the purposes of Conditional Use Permits, in the past, the architectural compatibility has been reviewed pertaining to style, design and material usage similarities and compatibility – not solely height or number of stories. In response to the concerns raised regarding architectural compatibility, bulk and massing, the applicant has provided an alternative East elevation (alley facing) which shows an additional roof line over the window on the south side of the elevation.

Mr. Doyle also expressed concerns regarding the generation of light and noise. It is not anticipated that the proposed use would create more dust, noise light and glare than the wide range of occupants that can reside in a larger single-family residence. Past planning approvals of accessory residential units have included conditions requiring screening of adjacent properties through fencing, lighting type and placement and door placement to mitigate or reduce potential noise and light impacts to adjacent properties. The level of mitigation requirements should be based on an evaluation of a comparison of the noise and light impacts of the proposal with the target use of the property, which is a single-family home.

### **III. Procedural - Required Burden of Proof**

**The criteria for a Conditional Use Permit are described in AMC Chapter 18.104.050, as follows:**

A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.
2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
3. Architectural compatibility with the impact area.
4. Air quality, including the generation of dust, odors, or other environmental pollutants.
5. Generation of noise, light, and glare.
6. The development of adjacent properties as envisioned in the Comprehensive Plan.
7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

**The criteria for an Accessory Residential Unit are described in AMC Chapter 18.20.030.H, as follows:**

H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:

1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
2. The maximum number of dwelling units shall not exceed 2 per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.

**The criteria for Site Review approval are described in AMC Chapter 18.72.070 as follows:**

- A. All applicable City ordinances have been met or will be met by the proposed development.

- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

#### **IV. Conclusions and Recommendations**

Accessory residential units provide a different housing type. Accessory residential units were added as a conditional use in the R-1 Single-Family Residential zoning district in 1991. This was based upon the recommendation from the “Affordable Housing in Ashland” report which was adopted by the City Council in May of 1990. Additionally the “Housing Needs Analysis” and the “Affordable Housing Action Plan”, adopted by the City Council in 2002 identified a need for accessory residential units. The addition of accessory residential units is consistent with several goals and policies of the Ashland Comprehensive Plan that follow.

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

“Strive to maintain a diversity of population groups in Ashland, especially if increased growth pressure leads to more expensive housing. Concentrate on population groups that are important to Ashland’s character, such as students, artists and actors, employees of the city, school district and college, service personnel who work in the tourism industry, hourly wage earners in local industries and local residents who have not retired and live on fixed incomes.” Policy V-4, Chapter V, Population

“It is the City of Ashland’s goal to maintain a compact urban form and to include an adequate supply of vacant land in the city so as not to hinder natural market forces within the city, and to ensure an orderly and sequential development of land in the city limits.” Goal, Chapter XII, Urbanization

In general, few complaints have been received once the accessory residential units are constructed and in use, and complaints tend to focus on units that are existing but did not go through the Conditional Use Permit process. In the Garden Way-Harmony Lane neighborhood, there are multiple approved accessory residential units located at 869 Garden Way (PA 2002-073), 904 Garden Way (PA2004-052 (has since been inactive)), 968 Garden Way (PA 2004-161). No complaints regarding these accessory units have been filed.

The applicant has agreed to a 60-day extension of the 120-day limit. This extends the time limit to December 16, 2008. The extended time line would allow for the Planning Commission to

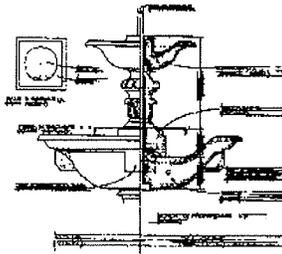
make a decision at the September 9 meeting, and sufficient time should the action be appealed to the City Council.

In Staff's opinion, the proposed accessory residential unit will have no greater adverse affect on the livability of the neighborhood than the target use of the property and Staff recommends approval of the application with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Conditional Use Permit approval shall be submitted and approved prior to issuance of a building permit.
- 3) That building permit submittals shall include:
  - a) Exterior lighting details demonstrating that the lights are appropriately shrouded, so there is no direct illumination of surrounding properties.
  - b) That the stormwater drain line installation, connection to catchment at end of alley, the installation of the grate and associated on-site catchment shall be designed by a licensed Engineer. The plans shall be reviewed and approved by the City of Ashland Engineering Division prior to the issuance of a building or excavation permit.
  - c) That the disturbed alley surface shall be restored to their original state following the installation of the storm drainage line.
  - d) Utility, drainage and grading plans shall be provided for the review and approval by the Building and Engineering Divisions.
  - e) That a revised landscaping, irrigation and tree protection plan to include: 1) irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies; 2) the expansion of the proposed landscape buffer strips adjacent to the rear parking spaces along the alley to a minimum of five feet in width as required in the Site Design and Use Standards Parking Lot Landscaping and Screening Standards shall be provided with the building permit submittals.
  - f) Solar calculations in the requisite formula demonstrating compliance with Solar Access Standard B, and a clear identification of all shadow producing points and their height to natural grade.
- 4) That prior to the issuance of a building permit:
  - a) The applicants shall sign in favor of a Local Improvement District (LID) for the future improvement of Harmony Lane and the alley.

- b) The applicants shall sign an agreement not to install kitchen facilities in the existing garage, or to utilize the existing garage as a separate unit. With this approval, the site is approved only for the primary residence and a single accessory residential unit.
  - c) All necessary building permits fees, including those for the new electrical service to the accessory residential unit, utility fees, and system development charges for water, sewer, storm water, parks and transportation shall be paid.
- 5) That prior to the issuance of a certificate of occupancy:
- a) That if garbage service is to be provided by the property owners, an opportunity to recycle site shall be located on the site, or an individual recycle bin shall be provided to all units in conformance with 18.72.040. Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards
  - b) A separate, underground electric service for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements.
  - c) A separate address for the accessory residential unit shall be applied for approved by the City of Ashland Engineering Division. Addressing shall be visible from the public street.
  - d) The requirements of the Fire Department for approved addressing and installation of smoke alarms complying with current O.R.S. requirements shall be addressed. Because the furthest point on the structures is greater than 150' from the street fronting the property, an alternative to fire apparatus access is required. Oregon Fire Code 503.1.1 allows a modification to this access requirement when fire sprinklers are installed.
  - e) All landscape improvements, including the pedestrian walkway from the proposed accessory residential unit to Harmony Lane and the irrigation system shall be installed in accordance with the approved plans, inspected, and approved by the Staff Advisor.
  - f) The parking spaces shall be installed with pervious paving and in accordance with the approved plan and the off-street parking standards, inspected, and approved by the Staff Advisor. A minimum of 22-feet of clear back-up space shall be provided behind each of the required parking spaces.
  - g) All necessary building inspections shall be approved prior to the issuance of a certificate of occupancy for the new accessory residential unit.
- 6) That the recommendations of the Tree Commission, where consistent with the applicable approval standards and with final review by the Staff Advisor, shall be conditions of this approval.

# Applicant's Rebuttal



RECEIVED

AUG 25 2008

# Emerson Design AND Drafting Service

PO Box 1343 . Ashland, OR 97520-0045 . (541) 482-3231 tele . emersondesign@hotmail.com

**DATE:** August 18, 2008

**TO:** Amy Anderson, City Planner and to the Ashland Planning Commission Hearings Board

**RE:** Planning Action 2008-00801 (Conditional Use Permit) Response to Ronald L. Doyle's first letter.

**Owner/Applicant:** Jendrisack and Berry

To whom it may concern,

This is a response to the letter of objection from Ronald L. Doyle. I will try to make my comments brief and to the point. The letter I am responding to listed the items by the designated section in the ordinance. I will list my comments in the same way.

3) Please see (18.104. A, B and C1 through C7) pages 14 and 15 of my FINDINGS.

4) Please see (18.72. A, B, C and D) pages 5 through 13 of my FINDINGS.

5) Please see (18.20. 1 through 4) pages 3 and 4 of my FINDINGS.

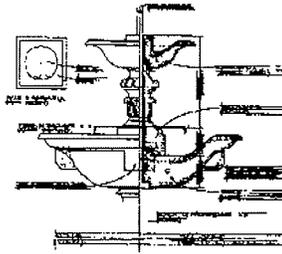
10.104.050 A.: This was covered in the meeting. There is a Topo map provided by "Terrasurvey" that shows the buildings and trees in relation to the property lines.

10.104.050 B.: The City of Ashland has always required there to be a pedesatrian access to and from the Assesory Unit to the main street on the property. The City has also always used the main street for the address because that is the way the Ashland City Fire Departments wants to see the unit addressed.

10.104.050 C.1: There are at least three or four two-story residences on Harmony Lane.

10.104.050 C.2: Two of the four required parking spaces are on the Harmony Lane side of the property. If the Planning Commission prefers, we will eliminate the additional two rear parking spaces that are not required.





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City of Jackson  
Office of Planning & Development

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10.104.050. C.3: Please see the Alternate East Exterior Elevation for the Proposed Exterior design.

10.104.050 C.4: See 10.104.050 C.2 above. If a large family moved in with teenagers at the driving age, they could build an addition including a garage. This would be allowed and would generate far more traffic than this one additional small unit.

10.104.050 C.5: See 10.104.050 C.2 above.

18.72.070 A. See (18.72. A.) page 5 of my FINDINGS.

18.72.070 C.: Please see 10.104.050 A. above.

18.72.070 D.: Please see (18.72. D) page 12 of my FINDINGS.

18.20.030. H.1: See 10 104.050 A. above.

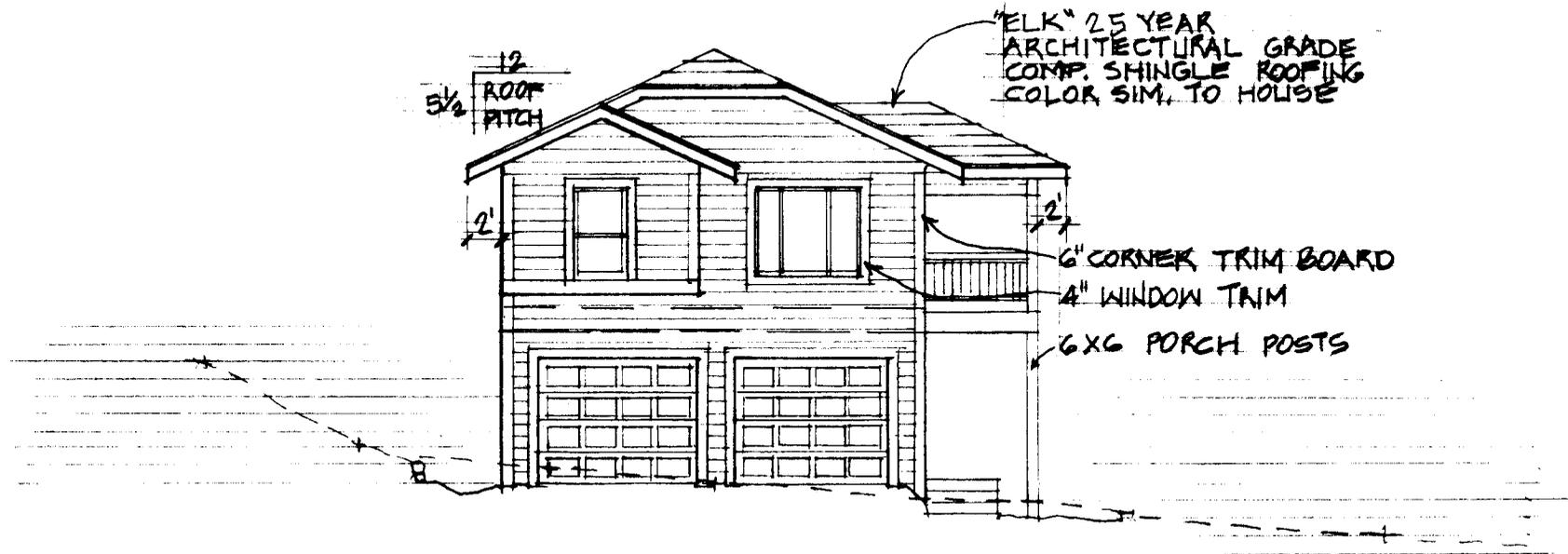
I had a neighborhood meeting, on July 31, 2008, with all of the property owners that I could find listed in the phone book or on the Jackson County website. This was mainly those property owners whos property fronted the alley. The objective of the meeting was to show the neighbor our proposal and let them know what I had found out about the alley drainage concerns and possible solutions.

Mr. Doyle came with his own list of concerns:

1. "Survey & Stake alley public right of way from Ross Lane to the point where storm drain water empties into city stormdrain." Porperty location was his first concern.
2. "Show both storm drain & sewage line plans." Both of these have been shown on the revised Utility Plan
3. "Flip building so that vehicle access is on Harmony Lane." I did listen to what he had to say, but the basic idea was to put another curb cut on Harmony Lane and run a driveway from Harmony Lane to the garage in the rear to avoid traffic down the alley.
4. "If vehicle access is from alley, then need to pave both Ross Lane & alley." I think it's a great alley the way it is.

Sincerely,

Bill Emerson  
Emerson Design



# ALTERNATE EAST EXTERIOR ELEVATION

SCALE: 1" = 10'-0"

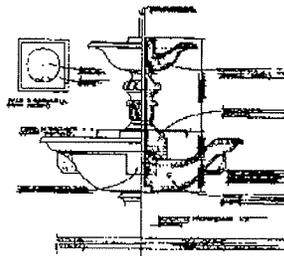
25, ALG. 08

HARMONY LANE ACCESSORY UNIT  
 JENDRISAK AND BERRY  
 960 HARMONY LANE, ASHLAND, OREGON 97520

EMERSON DESIGN  
 P.O. BOX 1343  
 ASHLAND, OREGON 97520-0045  
 1-541-482-3231







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City of Ashland  
Department of Planning & Development

# Emerson Design AND Drafting Service

PO Box 1343 . Ashland, OR 97520-0045 . (541) 482-3231 tele . emersondesign@hotmail.com

**DATE:** August 26, 2008

**TO:** Amy Anderson, City Planner and to the Ashland Planning Commission Hearings Board

**RE:** Planning Action 2008-00801 (Conditional Use Permit) response to Cyndi Dion letter.

**Owner/Applicant:** Jendrisack and Berry

To whom it may concern,

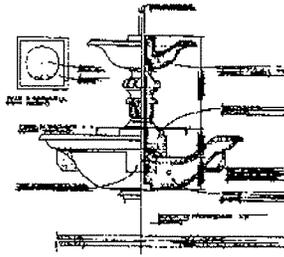
This is a response to the second letter of objection from Cyndi Dion dated 8-16-08.

1. The original proposal for draining all of the storm water from the owner's property, according to Jim Olson, is to pipe the storm water down the alley to the existing storm drain at the end of the alley. The existing storm drain empties into a catch basin at Hillview. All of the FINDINGS and all of my other responses refer to this solution. Until we no more I will not change my FINDINGS or other response letters. According to Cyndi Dion the City repaired the existing storm drain that runs from the alley to Hillview about three years ago.

I called the City and met with John Peterson, Street Supervisor and Steve Burkhalter from the Street Department at the site and they said they had no record of any repairs ever being done to the existing Storm Drain. They thought it was possible that T.I.D. was using the storm drain for their old irrigation system. They called Roger Godard, Ditch Rider for the Talent Irrigation District and he said that T.I.D. has never used that drain pipe for anything.

I called Cyndi Dion and she said the person at the City she had talked to was Pieter Smeenk, Associate City Engineer. Peter suggested that we have the line tested for use as a storm drain. If it didn't work we would have to find another way. According to John Peterson, the other way would





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City of  
Council of Administration

## Emerson Design AND Drafting Service

- be to catch the storm water from the rear driveway of the property and pump the water up the alley through a private drain line and connect it to the existing 12" Storm Drain on Ross Lane.
2. Please Paving of the back: all paving will be drained to a catch basin on the owner's property. The proposed catch basin will use the existing City Storm Drain to remove all storm water to a Storm Drain on Hillview.
  3. It is not the owner's intention to "store trucks, RV's, etc." on the property. If the commission would prefer, we will eliminate the two extra parking spaces. It was a gesture of good will.
  4. This application should not have any adverse affects on Cyndi Dion's property.

Sincerely,

Bill Emerson  
Emerson Design

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City of Ashland Planning Department  
51 Winburn Way  
Ashland, OR 97520

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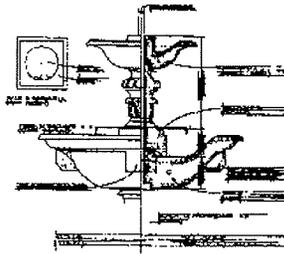
City of Ashland  
Planning Department

To Whom it May Concern,

Regarding 960 Harmony LN, Ashland Oregon. We have a bobcat on or property for landscaping. We are using it to remove dirt from our existing garden bed. We also have a cargo trailer on the property for personal use only. We will not be permanently storing any large construction equipment vehicles on our property.

Sincerely

Elizabeth Sevillo  
Steve Jendrisak



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City of Ashland  
Community Development

# Emerson Design AND Drafting Service

PO Box 1343 . Ashland, OR 97520-0045 . (541) 482-3231 tele . emersondesign@hotmail.com

**DATE:** August 18, 2008

**TO:** Amy Anderson, City Planner and to the Ashland Planning Commission Hearings Board

**RE:** Planning Action 2008-00801 (Conditional Use Permit) response to Ronald L. Doyle's second letter.

**Owner/Applicant:** Jendrisack and Berry

To whom it may concern,

This is a response to the second letter of objection from Ronald L. Doyle dated 8-18-08. I will try to make my comments brief and to the point. The letter I am responding to listed five items by number designation. I will list my comments in the same way.

1. There is a concrete pedestrian path from Harmony Lane to the new structure. Please consult staff on their on going established precedent for paving "to and through" the project.
2. As mentioned at the meeting, the applicant paid "Terrasurvey" to do a Topo of the property that showed the exact location of the property, the existing trees surrounding the project area and all the major existing structures.
3. Please see my last letter of response, page 2, item number 3.
4. Please see the explanation from the owner/applicants Steve Jendrisak & Elizabeth Sevillo. They are not, nor do they plan in the future to run any type of construction business from their home. Steve's work right now is in California. He is not even doing work in Oregon, yet. The "utility" trailer is their trailer for the own personal use. They use it when they go camping. The "front end loader" or "bobcat" is there for doing grading for landscape work on their back yard.
5. Since "the old Chet Corry house on Hillview Drive," the City of Ashland has more rescently incourrage small accessory units like the one we are proposing to use alleys for parking.

Sincerely,

Bill Emerson  
Emerson Design



## Materials Submitted during the 7-day Extension Period

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AUG 19 2008

Planning Commission Hearings Board  
City of Ashland  
Ashland, OR 97520

August 16, 2008

RE: Planning Action #2008-00801

Dear Commissioners;

In reviewing the video of the hearing for this action from August 12, 2008 I would like to make the following clarifications.

The City staff stated that the storm drain running along the north side of my property was recently upgraded. That is correct, approximately 3 years ago. However the drain was **not enlarged**, it was cleaned and made slightly **smaller**. The Public Works department was extremely mindful of my concerns and as such, inserted a smaller drainpipe into the existing culvert to repair the leak. They did this to avoid the need to backhoe the entire run of the line which would have severely jeopardized the health of my large trees in the front yard. I was so grateful for the careful treating of this drain by the City that I wrote a commendation letter of thanks to the Public Works supervisor.

I want to again remind you that the alley itself is an artificial fill of an old streambed. As you must realize, when streams are filled, raised, culverted, diverted, etc., the water does not go away but finds other means of draining. Because the alley itself is artificially well above the natural slope, any impervious paving would create more severe drainage problems downslope than currently (or historically) exist. Further, if the runoff from the proposed extensive paving of the back of the lot at 960 Harmony is funneled (by whatever means) to the alley, the drain at the end will not receive the runoff, the properties downslope will. There is a reason why there is no grate at the end of the alley. The water does not run that way.

Why is so much paving being proposed for this property with a single family home and a small ADU? Is it the owner's intention to store trucks, RV's, etc?

I urge you to strongly consider these points in your deliberation on September 9, 2008. I also urge you to deny this conditional use permit application unless you can see your way to require pervious pavers throughout the project.

Thank you,

Cyndi Dion  
897 Hillview Drive  
Ashland OR 97520

Planning Action 2008-00801 (Conditional Use Permit)  
960 Harmony Lane  
Ashland, Oregon

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AUG 18 2008

CITY OF ASHLAND

Field  Office  Coun

Further Record Objections by  
Ronald L. Doyle  
945 Hillview Drive  
Ashland, OR 97520  
(541) 488-1769

These objections dated 8-18-08 are entered into the record which was kept open for 7 days from the date of the Public Hearing on 8-12-08.

1. The staff interpretation that this project meets the paving requirements of 10.104.050 violates the language of the subsection, defies common sense, and is refuted by the city or applicant's own exhibit. At the public hearing, the site exhibit outlined the project area in orange. The area encompassed the new structure and parking area accessed from the alley. The exhibit showed no paved access from Harmony Lane to the project. The only vehicular access to the project is across unpaved Ross Lane and the unpaved alley. Staff's statement that paved frontage on Harmony Lane satisfies the paving requirement and that city precedent supports this conclusion is wrong. Staff has no legal authority to establish precedent, especially when the precedent violates the clear and objective approval criteria for a conditional use. There is no paving "to and through" the project. The project does not meet the code paving requirement and must be denied.

2. The applicant's agent stated that the setback issue will be determined at the time the applicant seeks a building permit; and that at that time all will be fine. The applicant misinterprets the approval criteria for a conditional use. There is nothing in the plain language of 10.104.050, 18.72.070 or 18.20.030, the approval criteria, that permits the applicant to wait until a further ministerial proceeding like a building permit to show that the application meets the conditional use criteria. Setbacks are a code standard. The conditional use permit must show that the application meets all of the code standards. Absent a survey with established property lines, this application cannot show it meets the code setback standards for a conditional use and must be denied.

3. The applicant's agent stated that the applicant is a concrete contractor and uses the existing garage structure for storing contractor tools and materials. This was his response to my suggestion that the existing garage be removed, the proposed structure flipped to face a paved Harmony Lane, and a paved driveway take access from Harmony Lane to the new garage/residential structure, thereby keeping all of

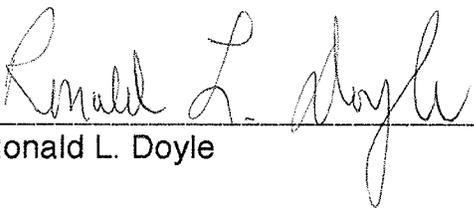
the adverse traffic impacts contained on the applicant's site and avoiding those adverse traffic impacts on the alley neighbors. The applicant has so far refused to consider this alternative. His objections have been that he needs the old garage for storage, access from Harmony Lane would cause the removal of three trees to allow vehicles to drive onto the property, and that he didn't want to do it. His proposal is to place all of the adverse impacts on his neighbors and none on his own property. The only evidence in the record so far is that this project will cause adverse impacts on the neighbors: traffic noise, glare, dust, light, storm drain run-off, incompatible structure, and possible setback violations. There is no evidence in the record to refute the facts of these specified adverse impacts and the project must be denied.

4. I am troubled by the applicant's intention to run a concrete contractor's business from this residential site. The code home occupation criteria requires that any home occupation must maintain the residential character of the site. No contractor with any sense is going to store concrete tools and materials in the existing garage. He would need to access it on foot, hand carry heavy and bulky materials a distance of 50-100 feet across lawn because there is no vehicle access to that garage. I am very familiar with the building trades and list just a few of the tools and materials used in the concrete trade: Hand trowels, floats with 8-10-12 foot long handles, metal rebar in 10-16 foot lengths, rolls of metal reinforcing mesh, wood and metal stakes, forming lumber (2x4 through 2x12 in various lengths), plywood sheets, metal wall forming sheets, wire ties, air compressor, pneumatic tools, earth tamper, etc. This is only a partial list. Common sense tells me that these tools and materials will be stored in the proposed double garage facing the alley or in those extra parking spaces; and that he will be loading and unloading them so as to further increase the adverse noise, dust and traffic impacts on the alley neighbors. A utility trailer and front end loader are being stored outside on the property and visible from the adjacent alley right of way, already in violation of the city's home occupation standards.

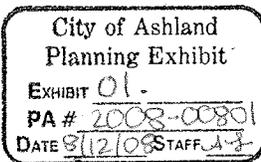
5. In order for the commission to approve this application, it must find that the project complies with all of the code approval criteria. In reaching that decision, it must find that there is substantial evidence in the record to support the approval. In this project, not only does the application fail to meet the approval criteria, but there is no substantial evidence in the record to conclude that it does so. All of the evidence in the record describes significant adverse impacts on the neighbors if this application is approved as presented. There is a right way and a wrong way to do projects like this proposal. Those deep lots on Harmony Lane and Hillview Drive are a magnet for developers to put something in those big beautiful back yards. The right way to do it is found in the old Chet Corry house on Hillview Drive. That accessory dwelling structure is in the back yard; the parking is in the front, taking access from paved Hillview Drive, and all of the impacts of that project are confined to the site. This applicant can follow the same model and come up with a revised project that will comply with the code criteria, minimize the significant adverse impacts on the neighbors, and obtain this commission's approval. The

project, as currently presented must be denied.

Respectfully submitted this 18th day of August, 2008.

  
\_\_\_\_\_  
Ronald L. Doyle

**Materials Submitted at the  
August 12, 2008 Public Hearing**



Planning Action 2008-00801 (Conditional Use Permit)  
960 Harmony Lane  
Ashland, Oregon

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Objection to Application by  
Ronald L. Doyle  
945 Hillview Drive  
Ashland, OR 97520  
(541) 488-1769

AUG 12 2008

City of Ashland  
Community Development

The proposed accessory dwelling unit development does not comply with the relevant sections of the Ashland Code and must be denied.

1. I have standing to appear as I live within 100 feet of the proposal, received notice of this application, and will be adversely affected if this proposal is approved.

2. This proposal is a conditional use within the underlying zoning district, not a permitted use. A conditional use is a two-step process: first the project must meet the conditional use approval criteria; if it complies with those criteria, then the applicant may obtain building permits to construct the project.

3. The conditional use criteria are found in Ashland Code Section 10.104.050. This project does not comply with subsections A, B, or C1 through C5.

4. The site design and use standards criteria are found in Ashland Code Section 18.72.070. This project does not comply with subsections A, C, or D.

5. The accessory residential unit criteria are found in Ashland Code Section 18.20.030.H. This project does not comply with subsection 1.

10.104.050 A.: The project must show that it meets the code required setbacks (setbacks are a standard to be met in the single family residential zoning district). The applicant's agent at a recent neighbors meeting stated that the property had not been staked by a surveyor, therefore it is impossible to tell where the property line and where the public alley right of way is. Absent a survey of the property and the alley, it is impossible for city staff to determine whether or not the proposed development complies with the code required setbacks for structures or solar access. The application proposes to run a storm line down the alley, however, it is impossible to determine without a survey of the alley whether or not the storm line will lie completely within the public right of way or will intrude onto private property without the proper private easements to do so.

-The project cannot be found to comply with the city's setback standards and must be denied.

10.104.050B.: This project has a Harmony Lane street address, not a Ross Lane

or Hillview Drive street address. People looking for this address would stop at or drive by 960 Harmony Lane, then drive their motor vehicles down an unpaved stretch of Ross Lane, then down an unpaved alley to arrive at the project. This subsection requires "paved access to and through the development." No paving of either Ross Lane or the alley is included in this proposal.

-The project does not comply with the paving requirements and must be denied.

10.104.050C.1: This proposal is for a two story structure, garage below and living quarters above. There are no other two story residential structures fronting on the alley; and there are no other residential structures of any kind fronting on the alley. No permitted uses in the zoning district would be able to place a two story residential structure like this proposal so close to the alley.

-The project is not similar in scale or bulk to permitted uses and must be denied.

10.104.050C.2: Current access to 960 Harmony Lane is on a paved city street. The proposal seeks to construct 4 parking spaces (2 open and 2 in a garage) with access from the unpaved alley, in essence moving existing vehicle traffic and parking from a paved Harmony Lane onto unpaved surfaces, with all of the resulting additional dust, headlight glare, and vehicle noise from 4 vehicles, twice as many vehicles and trips than a single family residential use would generate.

-The project will generate twice as much traffic as a permitted use, adversely affecting the neighbors, and must be denied.

10.104.050C.3: The proposed structure is an unattractive tract home design lacking any architectural features that would blend in with the surrounding residences. The proposal would present to any pedestrians in the alley two garage doors, one small window on a high wall, and two more parking spaces, hardly an esthetically pleasing view to anyone in the alley.

-The project is not architecturally compatible with the impact area and must be denied.

10.104.050C.4: During the dry months, Ross Lane is a dust bowl. Only two weeks ago some neighbors applied oil to Ross Lane to help contain some of the dust; but the oil lasts only a short time, and during most of the year a choking cloud of dust is raised by any motor vehicle that drives on Ross Lane. This proposal will go from zero vehicle trips taking access onto the project to 4 vehicle parking spaces. The ITE trip generation manual used by most traffic engineers assigns ten vehicle trips per day for single family residential uses; therefore this project would generate a minimum of twenty additional vehicle trips down two unpaved rights of way, since it is in essence moving the vehicle trips from the home on Harmony Lane back across Ross Lane and the alley, generating even more dust than any permitted use.

-The project will generate more traffic than any permitted use worsening an already adverse dust impact on neighbors, and must be denied.

10.104.050C.5: 4 vehicle parking spaces will accommodate at least 4 vehicles

with all of the resulting dust, headlight glare, and vehicle noise that comes with them. Vehicles turning left into the alley would cast their headlight glare directly into the bedroom of 1755 Ross Lane. A quiet pedestrian oriented alley would be turned into a full time access for a new residential unit and its double dose of vehicle impacts.

-The project will generate noise, light, and glare that will adversely impact the neighbors and must be denied.

18.72.070A.: As stated above, the project does not comply with the approval criteria for a conditional use, the directly applicable city ordinances.

-The project does not comply with the applicable city ordinances and must be denied.

18.72.070C.: As mentioned above, the project lacks any property line identification for either the proposed development or for the alley right of way. Failure to establish those property lines makes it impossible for the city to determine whether or not the project complies with the code required setbacks, part of the site design standards of the city.

-The project does not comply with the city's site design standards and must be denied.

18.72.070D.: One of the criteria for approval requires "paved access to and through the development." As stated above, the proposal does not show any paved access to and through the development, but proposes vehicular access across an unpaved public street and an unpaved alley.

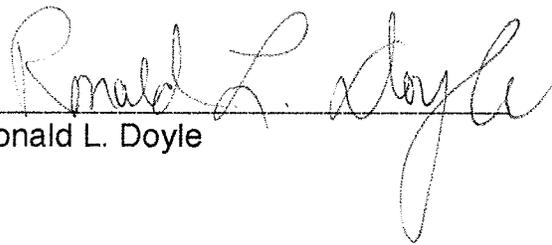
-The project does not comply with this subsection and must be denied.

18.20.030.H.1: It is impossible to tell where the property lines are and where the alley right of way lines are. Absent this information, the application is incomplete at best and needs to be revised. As presented, the city will not be able to confirm that the project would comply with the legal setbacks of the code.

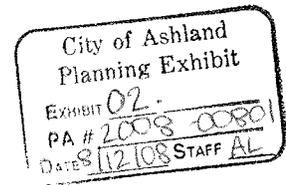
-The project cannot meet the approval criteria requiring compliance with the city's setback requirements and must be denied.

The applicant's agent met with a few neighbors and seemed reluctant to deal with our concerns. I proposed that the applicant simply flip the proposed garage/residential unit so that all of the traffic generated by the proposal would take access from a paved Harmony Lane and have zero traffic impacts on the neighbors. That solution would contain the traffic on the site and eliminate the neighbors' objections to the dust, noise and glare problems. A survey to establish the property lines and the right of way lines would satisfy the setback problems. Slight changes to the architectural features, adding a pedestrian friendly entryway from the alley, and replacing the alley parking features with landscaping would eliminate the bulk, scale, and architectural features objections, and would most likely result in a project that the neighbors could accept and the city could approve.

Respectfully submitted this 12<sup>th</sup> day of August, 2008.

  
Ronald L. Doyle

City of Ashland  
Planning Commission  
Ashland, OR 97520



August 11, 2008

RE: Planning Action #2008-00801 960 Harmony Lane

Dear Commissioners;

Please enter this letter into your record for the public hearing on this action for tomorrow, August 12, 2008, as I am unable to attend in person.

I am asking the commission to deny a conditional use permit for this action for the following reasons:

1.) The requirements for additional parking to be in conformance with the off-street parking provisions for single family dwellings create a situation in which a great deal of paving is required.

I do not have a problem with the additional dwelling unit as proposed per se, but the City requirements for extensive paving of the parking area will create a run-off burden on all down-slope properties in the area. These are all properties that had flooded basements and crawl spaces during the 1997 flood event. Further, the alley itself is a result of fill artificially elevating an old stream corridor which diverts (in a 90 degree-turn drain and culvert) onto Hillview through my property. The alley was filled sometime in the '60's. This culvert also failed in the past, creating a pond in my yard, and a flood in my next door neighbors yard, the City public works department had to repair it. Further, if the City proposes to increase the size of this culvert through my property, I stand to lose all of my large conifers growing along its run.

Due to the fact that the City does not require pervious pavers instead of asphalt, the run-off from this area would be extensive, especially with the required 22 feet of clear back up space. The result of this provision then requires an extensive engineering job to deal with the run-off. Why can't we require pervious material for the parking spaces so that the run-off will percolate instead of washing down-slope? More percolation, less need of engineered drains sluicing polluted water straight into other's yards and eventually Bear Creek. DEQ would approve of this as well I might add.

2.) The requirement for the property owner to sign in favor of a future LID for the "improvement" of the alley is misdirected. What are the future "improvements" proposed? Does the property owner know what s/he is agreeing to? Is there a maximum dollar value? Does it mean that the City can pave the alley to further our storm water runoff directly into creeks and streams without treatment? If so, I would not sign that document, nor would I believe a number of my neighbors.

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City of Ashland  
Community Development

My property is fully two feet below the artificial slope of the alley, and many more feet below the level of the proposed ADU uphill. We know that water runs downhill, we know that culverts are not the answer, there is much research available on this subject. Why then do we continue with these outdated requirements? If the City required all storm water runoff to be caught onsite by means of pervious pavers and bioswales (again onsite) for this planning action, I would agree to the approval.

Thank you,

Cynthia V. Dion  
897 Hillview Drive  
Ashland, OR 97520

**RECEIVED**

AUG 12 2008

City of Ashland  
Community Development