

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
OCTOBER 13, 2009
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. September 15, 2009 Planning Commission Minutes
 - 2. September 29, 2009 Planning Commission Minutes

- IV. **PUBLIC FORUM**

- V. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTIONS: 2009-01051**
 - SUBJECT PROPERTY: 514 Granite Street**
 - APPLICANT: Ron Rusnak & Lisa Zingarelli-Rusnak**
 - DESCRIPTION:** A request for a Conditional Use Permit to reconstruct an existing non-conforming structure for the property located at 514 Granite Street. A Conditional Use Permit is required because the existing lot coverage (impervious surfaces of the existing home, driveway and sidewalks) exceed the seven percent coverage allowed in the zoning district. With the proposal, overall lot coverage on the site is to be reduced by 23 square feet. **COMPREHENSIVE PLAN DESIGNATION:** Woodland Residential; **ZONING:** WR; **ASSESSOR'S MAP #:** 39 1E 17 AA; **TAX LOT:** 1105

- VI. **UNFINISHED BUSINESS**
 - A. **Comments on Proposed Council Rules Ordinance and Uniform Policies and Operating Procedures Ordinance.**

 - B. **Croman Mill District Plan.**

- VII. **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
REGULAR MEETING
MINUTES
SEPTEMBER 15, 2009

CALL TO ORDER

Chair Pam Marsh called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Larry Blake
Michael Dawkins
Dave Dotterer
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
Richard Appicello, City Attorney
Adam Hanks, Project Manager
April Lucas, Administrative Assistant

Absent Members:

Tom Dimitre

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Community Development Director Bill Molnar noted Jackson County has begun the process to update the Economic Element of their Comprehensive Plan. Additional information is available on their website at www.co.jackson.or.us. Mr. Molnar also announced the City Council will be reviewing two ordinances that deal with proposed changes to the Council Rules and adopting uniform policies and operating procedures for City commissions, committees, and boards. He stated the two ordinances were emailed to the commissioners earlier this week and the Council will hold first reading on October 6, 2009. Commissioner Marsh requested this topic be tentatively placed on an upcoming agenda and requested staff prepare a brief summary of the proposed changes.

CONSENT AGENDA

A. Approval of Minutes

1. July 28, 2009 Study Session Minutes
2. August 11, 2009 Planning Commission Minutes
3. August 25, 2009 Study Session Minutes

Commissioner Blake requested the following correction be made to the July 28, 2009 Study Session minutes: On Page 1 under Announcements, it should read: *"One neighborhood meeting has been scheduled for October and the Master Plan Update will likely return to the Planning Commission later this fall."*

Commissioners Dotterer/Morris m/s to approve the Consent Agenda with the noted correction. Voice Vote: All AYES. Motion passed 8-0.

PUBLIC FORUM

No one came forward to speak.

TYPE III PUBLIC HEARINGS

A. PLANNING ACTION: #2009-00784

SUBJECT PROPERTY: 615 Washington Street

APPLICANT: Ron Rezek

DESCRIPTION: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for the Site Review Approval for the 17,650 square foot warehouse building and associated parking areas and landscape installation. A Tree Removal Permit is requested to remove twelve trees greater than six inches diameter at breast height or greater.

COMPREHENSIVE PLAN DESIGNATION: Employment; PROPOSED ZONING: E-1; ASSESSOR'S MAP #: 39 1E 14 AC; TAX LOT: 200.

Commissioner Marsh read aloud the public hearing procedures for land use hearings.

Declaration of Ex Parte Contact

Commissioner Morris asked to be excused from the hearing. He stated he recently completed a project for the Applicant and also has ties with the business across the street. *Morris left the meeting at 7:13 p.m.*

Commissioners Blake, Dawkins, Dotterer, Marsh, Miller, Mindlin and Rinaldi all declared site visits; no ex parte contact was reported.

Staff Report

Associate Planner Derek Severson presented the staff report on the planning application. He explained this application is for an annexation and zone change which would bring the property into the City as E-1 employment zoning. The application also includes site review approval to construct a 17,650 sq. ft. warehouse building, and a tree removal permit to remove 10 of the site's 17 trees. Mr. Severson stated the property is located near the intersection of Washington St. and Jefferson Ave and noted the wetland area on the adjacent property to the north.

Mr. Severson reviewed the site plan and explained the proposed structure would be built to the north of the existing Modern Fan building. He noted landscaping will be installed between the building and the street, parking will be located along the north property line, and there will be a pass-through between the two buildings. In terms of parking, staff has observed that the existing parking lot, which has 18 spaces, is typically empty and are proposing the light manufacturing parking requirement be applied instead of the warehouse parking demand. This would allow for a reduction in the parking requirement from 18 spaces to 6 or 8 spaces. Mr. Severson clarified the Applicant's proposal does not involve adding additional employees.

Mr. Severson reviewed the Tree Removal and Protection Plan and commented on the wetland area to the north. He explained this wetland is fed by rainwater runoff from the drainage ditch adjacent to Washington Street. Staff has contacted the Department of State Lands regarding this and while they have indicated the piping of this drainage would not adversely affect the wetland, they want assurance that stormwater runoff flows are maintained in the ditch at the current levels in order to continue feeding the wetland. Mr. Severson noted staff has drafted a condition to address this.

Mr. Severson commented on the proposed street improvements and explained annexation requirements call for a half-street improvement to be provided. He stated Washington Street is classified as a commercial collector and a minimum right-of-way of 63 ft. is necessary to accommodate the improvements. As such, staff is recommending the Applicant dedicate an additional 9 ft. of right-of-way in order to accommodate these improvements. Mr. Severson suggested the Commission consider amending Condition 5b to allow the Applicant to bond for the required improvements along their frontage. He stated rather than having the Applicant install the improvements at this time, this would allow the City to comprehensively plan the street improvements along that frontage and the bond would support their installation at a later date once the issues on the street have been dealt with.

Mr. Severson noted questions were raised about possibly retaining the multi-trunked Elm tree that fronts Washington Street, and stated the Commission could consider modifying Condition 6a to require this tree be retained and incorporated into the final landscape/irrigation plan. He added if these condition modifications are made, Conditions 6b and 6d would also need to

be updated to keep the language consistent. Mr. Severson concluded his presentation and stated staff is recommending approval of the application with the conditions outlined.

Questions of Staff

In response to whether it is necessary to have a sidewalk on the side of the street nearest the drop-off, Mr. Severson clarified City standards call for this, but there may be a better way to address this in a comprehensive manner.

Commissioner Dotterrer commented on Condition 4 and suggested staff provide a clear definition for "office space." He also commented on Condition 6a and questioned why a certified arborist is required to prepare the Tree Preservation and Protection Plan. Mr. Severson explained the Applicant did not submit a typical tree inventory that identified the types of trees on the site and their condition, which is what staff uses to evaluate whether the condition of the tree merits its removal or whether the species or condition of the tree is sufficient to accommodate the proposed development. Because of this, both staff and the Tree Commission are recommending verification from an arborist that the trees can accommodate the proposed development and no additional measures are necessary to ensure their survival. Dotterrer asked about obtaining the solar setback calculation in Condition 6i and received clarification that it would not be difficult for the Applicant to demonstrate compliance with Solar Setback B. Mr. Severson also clarified Condition 6j was included at the request of the Building Division to ensure that any excavation to construct the new building would not undermine the footings for Modern Fan 1.

Commissioner Rinaldi suggested the arborist inspect the multi-trunk Elm tree at the front of the property and determine whether it is suitable for saving. He also suggested Condition 5b be clear that the entire parkrow needs to be irrigated, not just the trees.

Commissioner Mindlin asked whether the multi-trunk Elm tree and cattails would be in the public right-of-way and requested they include a condition requiring this area to be maintained.

Commissioner Blake asked about the Stormwater Drainage Plan listed in Condition 5a and asked how these are normally accomplished for commercial developments. Mr. Severson stated this is typically accomplished through engineering and noted the City's Engineering Division has asked for revised plans that will ensure post development peak flows do not exceed pre-development levels.

Applicant's Presentation

Bruce Abeloe/827 Alder Creek Drive, Medford/Applicant's Representative/Addressed the question about stormwater drainage and stated it is standard to meet pre-development flows with control structures. He stated the water will be stored in a pipe before it flows into the wetland and this enables them to have control over it. He acknowledged his submittal regarding this was preliminary and stated it will be taken care of when the engineering building plans for the project are finalized. Mr. Abeloe thanked staff for reducing the initial parking requirement, but stated he would like to hear from the City's Fire Marshall on whether this would affect fire truck access. He added given this change he would also like to move the trash area closer. Mr. Abeloe stated the Elm at the front of the property will need to be evaluated by an arborist and they will have the Oak tree in the back evaluated as well. He clarified the Landscape Plan will be modified to include the drainage swell and the Elm tree, and suggested some type of pathway be installed from the existing sidewalk to the front door and driveway. Mr. Abeloe concluded his presentation and voiced his support for staff's recommendations.

Public Testimony

None.

Advice from Legal Counsel & Staff

Mr. Severson noted he had spoken with Fire Marshall Margueritte Hickman about the fire truck access and she had indicated if the paved area is extended to the landscape bay, that would be sufficient for fire access as long as the landscaping did not impair a firefighter's ability to get through that area on foot. Mr. Severson stated the Fire Marshall's other concern was ensuring access via an easement to the rear parking lot of Modern Fan 1.

Applicant's Rebuttal

Bruce Abeloe/Voice his support for the conditions and modifications recommended by staff.

Commissioner Marsh closed the record and the hearing at 7:52 p.m.

Deliberations & Decision

Commissioner Dotterrer commented on the parking requirement and stated he is not convinced this project requires any additional parking. He suggested the Commission consider removing the parking requirement and include a condition that preserves the area in case it is needed at a future time. Staff clarified this type of amendment would require a variance approval.

Commissioner Marsh noted this application requires two motions: 1) approval of the site design proposal, and 2) a recommendation to the City Council on the annexation.

Commissioner Dawkins/Blake m/s to approve the site design proposal for Planning Action #2009-00784 with the modifications discussed. DISCUSSION: Mr. Severson recited the modifications that would be included in this approval:

- 1) Condition 5b – Modify to require the Applicant to post a cash deposit or similar approved security instrument for the outlined half-street improvements; for installation of the street improvements to be deferred in order to comprehensively plan the street system; and for the Applicant to provide a right-of-way dedication for the full 63 ft. necessary to improve the street to City standards.
- 2) Condition 6a – Modify to require the Applicant to provide a Tree Preservation and Protection Plan for all existing trees; and for the multi-trunk Elm tree nearest the Washington St. right-of-way be retained and incorporated into the final landscape/irrigation plan (subject to the arborist's recommendation).
- 3) Condition 6b – Modify the number of trees approved for removal if the Elm tree can be retained.
- 4) Condition 6d – Remove the language "to Washington Street and for future improvements". This would still require the Applicant to agree to participate in any future LID for improvements to the Ashland Street intersection.
- 5) Condition 6e – Modify to require the Landscape/Irrigation Plan to address the landscaping for the frontage, ditch or swale, and walkway to the street.
- 6) Condition 6a – Modify to require the arborist report address the Siberian Elm along Washington St.
- 7) Condition 5b – Modify to read "irrigated parkrows" instead of "irrigated street trees."

Mr. Severson clarified the fire access issues are addressed in Condition 6k, and he would add the relocation of the trash enclosure to the Landscape Plan on Condition 6a. **Roll Call Vote: Commissioners Rinaldi, Blake, Dawkins, Marsh, Dotterrer, Miller and Mindlin, YES. Motion passed 7-0.**

Commissioners Dawkins/Dotterrer m/s to recommend annexation of this project to the City Council. Roll Call Vote: Commissioners Dotterrer, Mindlin, Dawkins, Blake, Miller, Rinaldi and Marsh, YES. Motion passed 7-0.

NEW BUSINESS

A. Tolling and Extension Ordinance Initiation

Commissioner Rinaldi asked to be excused due to a financial interest in one of the projects that could be affected by these proposals.

Commissioner Marsh clarified this item was referred to the Commission by the City Council and asked that they not discuss the ordinance language, but deal with this on a conceptual level.

Mr. Molnar noted this issue went before the City Council in July and he provided a brief overview of the two proposals. He stated the questions before the Planning Commission are: 1) Should the Municipal Code include a provision that tolls or suspends approval timetables if a project is appealed to LUBA or Circuit Court, and 2) Due to the recent economic downturn, should the City enact legislation that extends the expiration date of land use applications that were approved between January 1, 2006 and July 1, 2009.

In regards to the first item, Mr. Molnar stated the Municipal Code is silent on this subject and when these situations occur staff has encouraged applicants to apply for an extension to protect themselves. He clarified site review approvals for commercial buildings are good for 12 months, and applicants can receive one 18 month extension. Approvals will expire if project construction has not commenced within that 30 month timeframe. Mr. Molnar noted LUBA appeals can take several months or more and an applicant's approval could expire even if they prevail in court.

Mr. Molnar explained the second item stems from comments made by applicants about their inability to obtain financing for approved projects due to the economic downturn. He stated a list of projects that are in jeopardy of losing their approval status was handed out at the beginning of the meeting and noted the City of Portland recently adopted a similar ordinance. Mr. Molnar stated Project Manager Adam Hanks and City Attorney Richard Appicello are here tonight and can provide further information on these two proposals.

Mr. Hanks came forward and commented on the proposal to extend the approval period due to the recent economic downturn. He asked the Commission to discuss whether the changes in the economy and the commercial credit problems warrant a one-time, date specific extension, or whether applicants should have to resubmit their projects and go back through the approval process.

City Attorney Richard Appicello stated the reason for development timetables is to not contract away the police power and stated timetables are necessary to ensure projects are built to the current laws. In regards to the proposal to extend timetables for projects that are appealed, he noted that he frequently gets calls about this and because our Municipal Code does not specifically speak to this, there is no such provision. He stated this is more of a policy question and stated if they agree with the tolling proposal, they may want to consider beefing up the timetable itself so it is more specific as to what is due when.

Comment was made questioning what would happen if the conditions for approval change. Mr. Hanks stated this is up for discussion, but currently in order to qualify for the 18 month extension, conditions must be the same or the applicant has to show how they meet the new conditions.

Comment was made that the extension for projects that are appealed to LUBA seems to be mixed in with the economic development timetable. Staff clarified this was not the intent and these are two separate proposals.

Philip Lang/758 B Street/Questioned where the timetable extension proposal originated from and stated it has nothing to do with LUBA appeals or residential construction. He stated this is a very bad idea and should be dropped from consideration. Mr. Lang stated in a year's time, major changes can happen to City standards and this proposal would allow developers to build to the lower and older standards. He stated if older plans are reviewed for compliance with new standards, where are the fees and staff to support such a review, and how does the public know this will be done. Mr. Lang stated this proposal constitutes an indirect giveaway to developers and it is bad public policy.

Colin Swales/143 Eighth Street/Stated when the Commission approves a planning action they assume the building will be built and this is not always the case. He stated developers often try to maximize what they can place on their land and soon after Planning Commission approval is received you will see a "For Sale" sign on the property. Mr. Swales acknowledged the economic downtown, but stated developers do not want an extension so they can build the project, they want an extension so they can continue to market it. He recommended these projects come back through the approval process in order to ensure the proposal is in line with the current economic environment, which may mean downsizing if necessary. In regards to the tolling proposal, Mr. Swales questioned how many planning actions this has really affected and questioned the need for this provision.

Commissioner Marsh requested the Commission separate their deliberations for the two proposals.

Tolling Ordinance (LUBA/Circuit Court Appeals)

The commissioners shared their opinions on the proposed tolling ordinance. Dawkins stated this proposal seems fair to him and it is common sense for those projects to receive an extension. Dotterrer was surprised that the City of Ashland did not already have a provision for this and stated he views this as a clean-up measure. Morris agreed that the City should adopt a provision. Blake stated this is a fairness issue and if it is out of the applicant's hands, there should be some adjustments to the timeframe. Miller stated it should be made clear to all parties what the situation is. Marsh agreed with the other comments that have been made and stated there is a fairness issue here and we should not punish the person who has been subject to the appeal. She stated there seems to be consensus from the Commission that the Council should proceed with this ordinance.

Extension due to Economic Downturn

The commissioners shared their opinions on the proposed extension ordinance. Dawkins stated does not know why they are considering this and does not see a problem with current process. Miller stated applicants should have their ducks in a row before they get started and feels the current 30 month timeframe is adequate. Dotterer disagreed and feels the Council should take this up. He stated this proposal identifies applications approved during a specific timeframe and does not agree with the argument that this is a subsidy. He stated applicants would still be subject to any changes in the code and voiced his support for the Council looking into this proposal. Morris stated he could go either way, but feels this proposal has some merit and should be looked at further. Blake stated there are compelling arguments on both sides and given the difficulty to obtain construction financing there may be cause for the City to provide some relief at this time. Mindlin stated she is on the fence. On one side she is sympathetic to applicants who are ready to build, but can't receive financing; but on the other side if an applicant has to go back through the City's approval process, the bulk of the work (and expense for preparing the documents) has already been completed and it is just a matter of checking the application for consistency with the current code requirements. Marsh stated she believes these are extraordinary times and feels the Council should look into some sort of additional extension process. She added a lot of details would need to be worked out, but feels this proposal is worth pursuing.

Mr. Molnar stated he would report back to the City Council on these two proposals, provide the Commission's comments, and get direction. Marsh clarified the Commission's support for the tolling ordinance and stated while there is not overwhelming support to pursue the extension ordinance, the Commission would be willing to look at this further if directed to do so by the Council.

ADJOURNMENT

Meeting adjourned at 8:56 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
SEPTEMBER 29, 2009

CALL TO ORDER

Chair Pam Marsh called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Larry Blake
Michael Dawkins
Tom Dimitre
Dave Dotterrer
Pam Marsh
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
April Lucas, Administrative Assistant

Absent Members:

Debbie Miller

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Community Development Director Bill Molnar announced Southern Oregon University will be holding a meeting on the Campus Master Plan Update on Monday, October 5th. He stated if the commissioners want to attend, they are free to do so but will have to declare it as ex parte contact. He added commissioners can go and observe, but they should not participate in the actual discussions.

Commissioner Marsh noted the Commission's annual retreat is scheduled for Saturday, October 31. It was noted that Commissioner Dotterrer will not be able to attend. Marsh stated they are still developing the agenda and encouraged the commissioners to submit their ideas to staff.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Approval of Findings for PA #2009-00784, 615 Washington Street.

Commissioners Morris and Dimitre stated they would abstain from voting since they did not participate in the hearing. No ex parte contact was declared by any of the commissioners.

Commissioners Dotterrer/Blake m/s to approve the Findings for PA #2009-00784. Roll Call Vote: Commissioners Blake, Dawkins, Dotterrer, Marsh, Mindlin and Rinaldi, YES. Motion passed 6-0.

DISCUSSION ITEMS

A. Croman Mill District Plan.

Commissioner Marsh provided a brief summary of Croman process thus far. She stated two years ago the City was awarded a state grant for the Croman Mill site and engaged with consultants Crandall & Arambula to develop the draft plan. The scope of work for the project included several goals, including: 1) to involve owners, residents, government, and others interested in the area in the process of developing a master plan, 2) to develop an identity and vision for the area, and 3) to maximize opportunities for business development and employment consistent with the Economic Opportunities Analysis (EOA). Marsh noted the public meetings that occurred during the plan development process and stated in February, 2008 the final draft was

submitted to the City. She noted the final draft included goals that were based on input that had been gathered throughout the process and included: 1) to provide for a large number of family wage jobs, 2) to allow for light industrial and manufacturing uses, 3) to create parcels with a flexibility to support local new businesses, business expansions, and large employers, and 4) to consider a range of housing options. Marsh stated this package went before the Council in February, 2009 and at that point Council directed staff to begin the process of adopting the Croman Mill Redevelopment Plan.

Commissioner Marsh stated tonight's meeting has been reserved for the Commission to put forward issues they feel warrant more discussion and her hope is for the Commission to get a clear sense of direction on the master plan elements. She stated as they work through the discussion outline they need to determine whether the Commission as a whole is supportive, whether they wish to make minor modifications, or whether they will recommend major changes that require City Council approval.

Mr. Molnar clarified at the end of this meeting, staff will distribute the draft AMC language and draft Site Design & Use Standards. He noted these two documents touch on some of the items to be discussed tonight and if necessary can be adjusted based on the outcome of tonight's discussion.

Commissioner Marsh clarified what tonight's deliberations will include and how they will proceed.

Commissioner Dawkins expressed his frustrations and questioned the ramifications of moving forward with the Croman Plan. He submitted an outline of his questions and concerns to the Commission and stated economic development should occur within the downtown area. Comment was made that if Dawkins wants to propose major changes to the plan he should make a motion and let the group vote on it. Mr. Molnar clarified if their interest is to ensure a certain amount of land will develop as manufacturing, a master plan is the only tool to ensure that occurs. He added right now there is no guarantee on what will occur on that land and two of the last three developments in that M-1 zone have been for professional offices.

Commissioner Marsh referred to the Discussion Outline that was included in the packet and suggested they begin with the Land Use issues.

Question: *Are the CMD land use designations of "Office Employment" and "Compatible Industrial" appropriately located?*

Commissioners Dotterrer and Rinaldi voiced their support for the proposed layout of uses. Blake quoted sections from the EOA and noted it says that the Croman site should be retained in an industrial designation. Mr. Molnar clarified the purpose of the EOA was to create a standardization for communities to look at their long term employment needs and ensure they have a 20-year supply of land within their UGB to accommodate this. He added this document talks about trends and where the community might have competitive advantages in certain industries, however it is up to the community to decide which direction they want to go. Mr. Molnar added the EOA and State Goal 9 are not suppose to be prescriptive to the community, but rather the EOA provides information and allows communities to make their own decision.

Council Liaison Navickas noted that the City Council unanimously approved the draft plan and suggested the Commission discuss the specifics within the plan and not these big picture items. Marsh agreed, but stated in order for the group to move forward they need to tackle this question and come to an agreement.

Commissioner Mindlin stated she has a lot of questions about whether this plan meets the goals of the EOA and presented a summary of her issues. She voiced her disagreement with the assumptions that rezoning from industrial to employment will create more jobs, that office jobs will be higher paying than industrial jobs, and that the new jobs would be held by Ashland residents. Mindlin also commented on the job sectors identified in the EOA for potential growth and recommended the City complete an economic development plan to guide this master plan. Comment was made that most of the uses Mindlin is recommending are currently located in E-1 zones, and disagreeing that the Croman site needs to be an industrial zone for these uses to occur.

Commissioner Morris shared his concerns with not having enough employment options available and stated when Ashland kids leave here and go to college, there is no place for them to work when they return. He stated Ashland needs this sector of employment and manufacturing jobs will not fill this void. Marsh agreed and voiced her support for office employment. She

stated the EOA was predicated on existing uses and it did not set out a vision for what kind of community we want and what we want to build. She voiced her support for providing family wage jobs that will allow more families to live in Ashland and stated she is comfortable with the layout of uses. Dotterrer agreed with Marsh and commented on keeping the plan flexible. He added there are a lot of industrial opportunities that would be allowed on the Croman site. Dimitre stated he agrees with the issues mentioned by Mindlin and stated he is concerned with the arrangement of uses and Plexis picking the site they want. Mindlin restated her position that this plan ignores the EOA and what it says are going to be Ashland's growth sectors. Morris disagreed and stated this plan would not preclude those activities from happening. Dawkins commented that the strict design standards would likely discourage these types of uses. Mr. Molnar noted that they will be discussing the design standards at an upcoming meeting and the Commission can determine how flexible they want them to be.

Commissioner Marsh asked if there are members who are unable to move forward with the layout of uses plan as presented. She stated if they want to change the land use designation to all industrial this is a major shift and will need to be taken back to the City Council for approval. Councilor Navickas expressed his disappointment that there are commissioners who seem unwilling to compromise and stated there are still a lot of opportunities for adjustments. Comment was made that this land could be purchased today and almost anything could be built there, and then the City would have no choice but to build around what's there. Suggestion was made for someone to make a motion so they can move forward.

Commissioners Mindlin/Dawkins m/s to eliminate the employment zone and revert the entire plan to a modified M-1 zone that is meant to have flexibility, include employment uses, and exclude the heavier/dirtier manufacturing uses to be yet determined. DISCUSSION: Marsh clarified if this motion passes the plan will need to go back to the City Council because this is in direct conflict with what they were instructed to do. **Roll Call Vote: Commissioners Dawkins, Dimitre, and Mindlin, YES. Commissioners Blake, Dotterrer, Marsh, Morris and Rinaldi, NO. Motion failed 5-3.**

Commissioner Blake noted a suggestion made by the Croman Advisory Committee to possibly rezone the two blocks southwest of the park to industrial land and make the two blocks closest to the residential area office employment land. He stated this would create the potential for a larger industrial lot and might be a good compromise. Hearing no real support for this suggestion, Marsh stated the Commission will move forward with the current layout while keeping in mind that they will stay flexible and adjustments may be made as they move forward with the public hearing process.

Questions: Is the addition of "Mixed" land use designation that requires ground floor employment use while permitting some upper floor residential appropriately located? Should any limitations for upper story uses be considered? Is too much or too little area allocated to the "Mixed Use" designation?

Staff briefly reviewed the areas on the Croman site that have been allocated for mixed use. It was clarified the ground floor would be for an employment use, and the upper floors could be either residential or employment use. Mindlin stated she is hesitant about designating the area outside the city limits at the south end of the property for mixed use. Marsh stated they have yet to decide whether this area will be included in the master plan, and asked that Mindlin set aside this concern until they reach that point in the discussion. Dotterrer voiced his support for the mixed use area along the creek and stated it makes a lot of sense to allow for this flexibility.

Question: Should the most southerly portion of the CMD Plan area be annexed as part of the CMD Plan adoption process?

Mr. Molar clarified including this area in the Croman master plan may facilitate changes in this area quicker than they might like. Mindlin stated this area was not on the table for discussion during the plan development process with Crandall & Arambula. She recommended this area remain as is and not be included in the master plan. Several commissioners expressed agreement with Mindlin. Morris stated he supports including the portion that has the central boulevard passing through it. Marsh questioned the implications of having a city street pass through county land. Mr. Molnar clarified the street could still be constructed to City standards. He added the applicants are currently looking at grant opportunities to build this central boulevard and if they receive a grant, the road would likely be built all at once. Several comments were made about the farm currently located on that piece of property and expressing desire for it to remain. Marsh stated there does not seem to be support from the Commission to pursue annexation of this area as part of the master plan.

Questions: *What type, if any, night-time or evening uses should be allowed? Should land uses that are typically land are intensive and accommodate a relatively low number of employees per acre, such as lumber yards, sorting yards and recycling centers, be permitted within the CMD?*

Commissioner Marsh stated these issues would be pushed to their next meeting when they will be talking about kinds of uses and refinements.

Question: *How does the CMD Plan protect opportunities for utilizing future rail freight?*

Mr. Molnar noted the design standards, which will be addressed at their next meeting, includes a map and language that speaks to this issue and ensures land is reserved and this option remains viable.

Question: *Are the CMD's Plan assumptions related to "parking" appropriate?*

Mr. Molnar clarified the plan includes the City's standard parking requirements but also includes the ability for shared and mixed parking. He stated certain areas like the neighborhood commercial might have reductions in parking beyond the current parking standards and there is also a placeholder for a parking structure. Marsh asked for the Commission's general direction on the parking issue. Blake noted the LEED neighborhood program and commented on providing less than ample parking in hopes of encouraging people to use public and alternative transportation. Mindlin agreed with this and voiced support for looking at some of the suggestions in the LEED standards. Marsh agreed with the comments made and stated they should do everything they can to move in this direction.

Questions: *How will solar access be provided in the CMD Plan? What types of green building or sustainable development standards should be incorporated within the adopted plan implementation package?*

Mr. Molnar stated staff has been working under the assumption that this project will be subject to the City's solar setback standards and have also conducted research and held discussions with architects out of Portland that have a lot of experience in solar orientation. He explained what they have found is in terms of street orientation, there is a big distinction between residential and commercial/industrial developments. Mr. Molnar stated for industrial and employment buildings, street orientation is not so much of a consideration for passive heat gain, but is a major consideration for rooftop solar photovoltaic systems. He stated architects are often recommending industrial and employment buildings be elongated along an east-west access in order to limit the length of the west facing façade. He added the primary issue for these buildings is the energy costs to keep them cool, and the second major energy cost is lighting. Mr. Molnar explained staff is not looking at relocating the proposed streets, but rather are looking to protect access to rooftop solar collection systems and enacting standards that minimize west facing building facades.

Mr. Molnar commented on sustainable standards and listed possible methods that could be used to encourage green building. He commented on providing incentives for buildings built to LEED standards, or they could consider a "menu" of options and require developments to perform a certain number that would increase the efficiency of the building. Mr. Molnar added some communities are exploring fee reductions or an expedited permitting process for projects that meet a green standard. Mr. Goldman noted the draft plan also outlines several options for incorporating sustainability. Rinaldi suggested certain green attributes (such as rainwater catchment and solar orientation) be required, and then have a menu of options for applicants to choose from in order to qualify for incentives.

Commissioner Marsh questioned how green streets fit into this. Mr. Molnar explained the plan will show which streets are going to be designed as green streets, and clarified they are working with the Public Works Director to develop a green streets standard. Dawkins expressed concern with taking the cement on the site and grinding it up for road base, and stated he does not believe this meets the definition of sustainable. Mindlin commented that she is torn between requiring high standards and offering incentives. She explained she also feels they are doing a disservice with the proposed street orientation and feels they are making a major mistake by not pursuing an east-west layout. Dotterer questioned if it is possible in the Site Design & Use Standards to give applicants more flexibility in terms of setbacks to allow them to orient their building differently. Rinaldi voiced his support for this suggestion. Mr. Molnar stated if there is consensus from the Commission, staff can look into these issues further and bring back possible adjustments.

B. Comments on Proposed Council Rules Ordinance and Uniform Policies and Operating Procedures Ordinance.

Postponed to next meeting due to time constraints.

ADJOURNMENT

Meeting adjourned at 9:35 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**TYPE II
PUBLIC HEARINGS**



PLANNING ACTIONS: 2009-01051

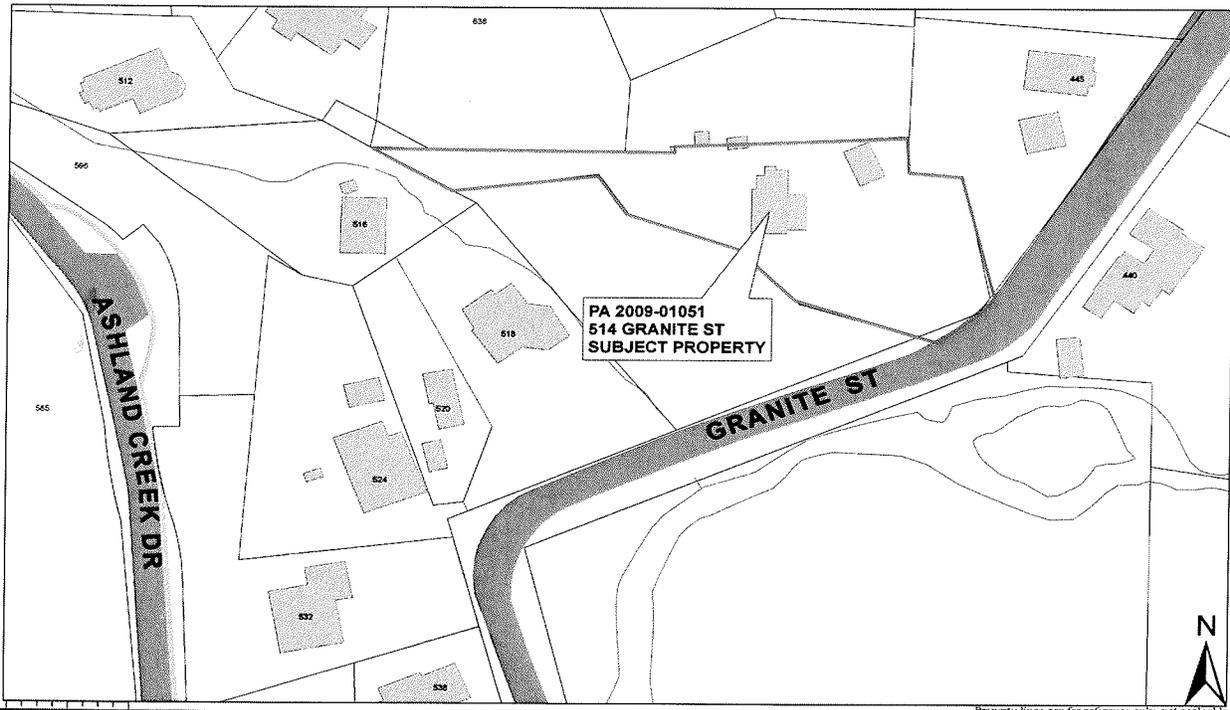
SUBJECT PROPERTY: 514 Granite Street

APPLICANT: Ron Rusnak & Lisa Zingarelli-Rusnak

DESCRIPTION: A request for a Conditional Use Permit to reconstruct an existing non-conforming structure for the property located at 514 Granite Street. A Conditional Use Permit is required because the existing 18.9 percent lot coverage (impervious surfaces of the existing home, driveway and sidewalks) exceeds the seven percent coverage allowed in the zoning district. With the proposal, overall lot coverage on the site is to be reduced by 23 square feet to 18.8 percent. **COMPREHENSIVE PLAN DESIGNATION:** Woodland Residential; **ZONING:** WR; **ASSESSOR'S MAP #:** 39 1E 17 AA; **TAX LOT #:** 1105

NOTE: The Ashland Tree Commission will also review this Planning Action on **October 8, 2009 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way

ASHLAND PLANNING COMMISSION MEETING: *October 13, 2009 at 7:00 PM, Ashland Civic Center*



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** 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 Division, 541-488-5305.

CONDITIONAL USE PERMITS

18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- 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.

ASHLAND PLANNING DEPARTMENT STAFF REPORT

October 13, 2009

PLANNING ACTION: 2009-01051

APPLICANT: Ron Rusnak & Lisa Zingarelli-Rusnak

LOCATION: 514 Granite Street
39 1E 17 AA Tax Lot #1105

ZONE DESIGNATION: W-R

COMPREHENSIVE PLAN DESIGNATION: Woodland Residential

APPLICATION DEEMED COMPLETE: October 4, 2009

120-DAY TIME LIMIT: February 1, 2010

ORDINANCE REFERENCE:

18.14	W-R Woodland Residential District
18.61	Tree Preservation and Protection
18.62	Physical & Environmental Constraints
18.68.090	Non-Conforming Uses & Structures
18.104	Conditional Use Permits

REQUEST: Planning Action #2009-01051 is a request for a Conditional Use Permit to construct a replacement house for an existing non-conforming structure to be demolished at 514 Granite Street. A Conditional Use Permit is required because the existing lot coverage (impervious surfaces of the existing home, driveway and sidewalks) exceeds the seven percent lot coverage allowed within the W-R zoning district. With the current proposal, the overall lot coverage on the site is to be reduced by 23 square feet.

I. Relevant Facts

A. Background - History of Application

In April of 2003, a Boundary Line Adjustment between tax lot 1100 and 1105 was ministerially approved. At the time, there was a finding that while the subject properties were non-conforming in terms of the lot sizes, the boundary line adjustment was proposed in a manner that did not change either lot's pre-existing lot size and thus neither became more non-conforming as a result of the boundary line adjustment.

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

B. Detailed Description of the Site and Proposal

Site

The subject property is located at 514 Granite Street, on the west side of Granite Street between Lantern Hill Drive and Ashland Creek Drive. The property is irregularly shaped and has an area of approximately 26,741 square feet. The property currently contains an existing house, a detached guest cottage, and a shed. A shared 12-foot wide driveway serving the subject property and six additional properties traverses the site for a length of approximately 120 feet ; this driveway is paved and covers approximately 1,695 square feet (or 6.3 percent) of the subject property.

The application notes that the property is generally level at its west end, where the house, driveway and guest cottage sit, but slopes downward from west to east at approximately 15-35 percent. The portion of the property where the proposed replacement house is to sit is on slopes of less than 25 percent, with the exception of a small area of man-made cut slopes created with the construction of the existing house. A slope analysis prepared by project architect Carlos Delgado, has been provided with the application along with a letter from Surveyor Shawn Kampmann of Polaris Survey concurring with Delgado's analysis that the areas to be disturbed have a natural slope of less than 25 percent, and explaining that this analysis was based on *"catch points of the previously existing natural grade prior to the existing excavated cut and re-graded area that was done prior to construction of the existing house and driveway areas within the proposed building envelope."* Based on the slope information provided by Delgado and Kampmann, it appears that while a small area with slopes greater than 25 percent is to be disturbed, the slopes to be impacted were created through sitework associated with construction of the existing home and driveway, and the natural slopes in this area are less than 25 percent. As such, no Physical & Environmental Constraints Review Permit has been required.

The primary natural features of the site are its existing trees; a tree inventory prepared by local arborist Tom Myers has been provided with the application, and it identifies a total of 25 trees on or near the subject property six-inches in diameter-at-breast-height (d.b.h.) or greater. These include oak, pine, cypress, cedar, madrone, and fir. The application proposes to retain and protect all but two of these trees: a 12-inch d.b.h. Oak identified in the inventory as Tree #2 and a 22-inch d.b.h. Oak identified as Tree #5. Both trees are located so that their root zones are within the proposed building footprint. Because these removals are proposed for a single family residentially zoned lot occupied only by a detached dwelling and associated accessory structures and are not subject to a Physical & Environmental Constraints Review Permit, no tree removal permit is required.

Granite Street is considered to be a neighborhood street in this vicinity, and is paved with curbs and gutters in place. Sidewalks and park row planting strips are not in place on either side of Granite in this area.

The subject parcel and surrounding properties immediately to the north and west are zoned Woodland Residential (WR). Properties to the east along the west side of Granite Street are zoned Single Family Residential (R-1-10), while Lithia Park on the east side of Granite is zoned R-1-7.5. To the northwest, properties are zoned Rural Residential (RR-.5). Within

the Woodland Residential zoning district, minimum lot sizes are based on property slope, with those properties having an average slope of less than 40 percent required to have a minimum size of two acres, and those having greater slopes requiring greater minimum sizes so that those properties with average slopes over 60 percent are required to have a minimum size of ten acres, and those within the city limits but outside the urban growth boundary required to have a minimum size of 20 acres. Lot coverage allowances throughout the WR district are limited to no more than seven percent of the site.

Conditional Use Permit Proposal

The existing lot is only 0.61 acres, significantly less than the two-acre minimum lot size for the WR zoning district, and the existing development of the subject property including the house, guest house, shed, driveway, parking, patio and sidewalks already covers approximately 18.9 percent of the site while no more than seven percent coverage is allowed within the district. The existing lot coverage and the structures and impervious surfaces contributing thereto are thus considered to be non-conforming.

The WR zoning regulations provide for changes to non-conforming uses or structures through the Conditional Use Permit process, and refer to the additional requirements in AMC 18.68.090, where it is noted that “a non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered except as follows:”

1. *When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), a nonconforming use may be changed to one of the same or a more restricted nature, except that a Conditional Use Permit need not be obtained when the use is changed to a permitted use within the zoning district.*
2. *When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), nonconforming structure may be enlarged, extended, reconstructed or the footprint modified, except that a Conditional Use Permit need not be obtained when the addition or extension meets all requirements of this Title.*
3. *A non-conforming structure may be restored or rehabilitated if is not changed in size or shape, provided that the use of the structure is not changed except if in conformance with the procedures of Section 18.68.090.A.1 above.*
4. *Nothing in this section shall be deemed to prevent the normal maintenance and repair of a non-conforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting public safety.*
5. *A legal nonconforming structure or nonconforming use that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.*

With the current application, the applicants are proposing to demolish the existing house and construct a replacement house on the site. The application materials submitted describe the existing house as “inundated with mold” and as having “various other integrity issues”, and

explain that the type of mold found spread throughout the house is called *stachybotrys*, which can be toxic and dangerous to humans. It goes on to note that other types of toxic, but less immediately dangerous molds have also been found to be present. A Demolition/Relocation Review Permit was approved by the Building Official on August 7, 2009 to allow demolition of the existing structure. The replacement house proposed is not a reconstruction, as it will involve a new design with an expanded footprint.

To address the non-conforming lot coverage, the applicants propose to remove the existing 111 square foot shed, to reduce the area of the existing paved driveway from 1,653 square feet to 1,004 square feet, and to reduce the impervious surface dedicated to patio and sidewalk from 184 square feet to 37 square feet. While the footprint is proposed to increase from 1,156 square feet to 2,040 square feet this expansion is occurring in areas already covered by driveways or structures, and the net result of the proposal is that the overall lot coverage on the site is to decrease from 18.9 percent to 18.8 percent, a net reduction of 23 square feet which brings the subject property nearer to compliance with lot coverage limits.

II. Project Impact

The project requires a Conditional Use Permit because there is an existing non-conforming structure on the site which is being modified through the demolition of the existing house and the construction of a replacement house which includes changes to the size and shape of the structure. The application was scheduled for a public hearing before the Planning Commission due to ordinance requirements because the proposal involves a Conditional Use Permit for a new structure, and not out of any concern over the proposal itself.

A. Conditional Use Permit

Single family dwellings and associated accessory structures are permitted outright within the zoning district. The subject property already contains an existing house which is currently served by all necessary city facilities including water, sewer, paved access, electricity, and urban storm drainage. The issues to be considered are generally limited to the proposed construction of the replacement house on a property where the lot coverage already exceeds that allowed by ordinance, and the Conditional Use Permit process provides the means to consider the proposal in terms of any potentially adverse impacts on the livability of the impact area.

The application materials note that traffic impacts; the generation of noise, light and glare; air quality including the generation of dust, odors or other environmental pollutants; and the development of adjacent properties as envisioned in the Comprehensive Plan remain unchanged with the construction of the replacement house. The submittal materials focus on issues of similarity in bulk, scale and coverage, and upon architectural compatibility as the approval criteria most relevant to the proposal.

The applicants have provided conceptual elevations of the proposed house along with an analysis which addresses the average living space for houses in the vicinity (see applicants' Exhibit A). Based on this submittal, the average square footage of living area for homes in the neighborhood is 2,371 square feet with a range from 884 square feet to 3,866 square feet. This same submittal notes that the footprints of the homes, including living space and

garages ranges from 1,040 square feet to 2,900 square feet. The home proposed with the application has a 2,040 square foot footprint, placing it within the normal range for the area.

The application notes that the proposed home is of a contemporary design, stepped into the embankment, with an emphasis on a southern orientation to allow for natural heat gain, light and ambience, and suggests that while modern the design is not significantly different than the existing home or others found in the immediate vicinity.

Staff believe that the materials provided have adequately addressed the Conditional Use Permit approval criteria, and demonstrate that while the proposal involves modifications to a site with non-conforming lot coverage, the proposal itself will not adversely impact the surrounding neighborhood and in fact results in a slight reduction in the overall lot coverage of the subject property.

III. Procedural - Required Burden of Proof

The criteria for a Conditional Use Permit are described in 18.104 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 modification of a non-conforming use are described in 18.68.090 as follows:

- A. A non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered, except as follows:
1. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), a nonconforming use may be changed to one of the same or a more restricted nature, except that a Conditional Use Permit need not be obtained when the use is changed to a permitted use within the zoning district.
 2. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), nonconforming structure may be enlarged, extended, reconstructed or the footprint modified, except that a Conditional Use Permit need not be obtained when the addition or extension meets all requirements of this Title.
 3. A non-conforming structure may be restored or rehabilitated if is not changed in size or shape, provided that the use of the structure is not changed except if in conformance with the procedures of Section 18.68.090.A.1 above.
 4. Nothing in this section shall be deemed to prevent the normal maintenance and repair of a non-conforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting public safety.
 5. A legal nonconforming structure or nonconforming use that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.

IV. Conclusions and Recommendations

As noted above, the proposal involves the construction of a house to replace one that is to be demolished, and only requires a Conditional Use Permit because the existing lot coverage for the subject property exceeds that allowed by ordinance. In staff's view, the replacement home will have no more adverse impact on the livability of the area than does the existing home. The subject property is already developed within an established neighborhood and involves the construction of a replacement house in the location of the existing house, and the proposal has been planned in a way that will reduce the overall lot coverage on the site, if only slightly. As such, staff are supportive of the requested Conditional Use Permit and recommend approval with the following conditions attached:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified herein.
- 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) All conditions of the Tree Commission as detailed in their recommendations of October 8, 2009 shall be conditions of approval where consistent with applicable ordinances and standards and with the final approval of the Staff Advisor.
- 4) That prior to demolition of the existing home, the applicant shall obtain a Demolition Permit and the necessary inspections to verify that existing utilities are properly addressed during the demolition.
- 5) That the building permit submittal materials shall include:
 - a) Identification of all easements, including but not limited to public utility or access easements.
 - b) Lot coverage calculations including all building footprints, driveways, and vehicular and pedestrian circulation areas. Lot coverage on the property shall be limited to that approved with this application, and any increase in coverage would require a modification of this Conditional Use Permit approval.
 - c) Exterior building materials, paint colors and light fixtures shall be consistent with those approved as part of the application and compatible with the surrounding area. Exterior building color and material samples, and specifications of the light fixtures and any necessary shielding or shrouding, shall be provided with the building permit submittals for review and approval of the Staff Advisor.
- 6) That prior to the issuance of a building permit:
 - a) That a Tree Verification Permit shall be applied for and approved by the Staff Advisor prior to site work including building demolition, storage of materials, or permit issuance. The Verification Permit is to inspect the identification of the two Oaks to be removed and the installation of tree protection fencing for the other trees that are to be retained. The tree protection shall be chain link fencing six feet tall and installed in accordance with AMC 18.61.200.B and the approved Tree Protection Plan, and shall be inspected and approved by the Staff Advisor prior to site work including demolition, storage of materials or permit issuance.
 - b) The requirements of the Ashland Fire Department, including provisions for fire apparatus access and associated angle of approach, easements, turn-around, and identification of obstructions; firefighter access paths and work area; fire flow; hydrant distance; approved addressing; and wildfire hazard area fuel breaks shall be complied with prior to issuance of the building permit or the use of combustible materials, whichever is applicable. Fire Department requirements shall be clearly addressed in the building permit submittals.

**PROJECT DESCRIPTION FOR A PROPOSED
CONDITIONAL USE PERMIT TO REPLACE THE EXISTING
HOUSE LOCATED AT 514 GRANITE STREET.
THE CONDITIONAL USE PERMIT IS REQUIRED DUE TO THE
LOT'S EXISTING NON-CONFORMING LOT COVERAGE WHICH
IS CAUSED BY THE LOT'S NON-CONFORMING LOT SIZE.**



RECEIVED

AUG 08 2009

City of Ashland

**SUBMITTED TO
CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON**

BY

URBAN DEVELOPMENT SERVICES, LLC.

I. PROJECT INFORMATION:

ADDRESS & LEGAL DESCRIPTION: 514 Granite Street, 391E17AA Tax Lot #1105

PLANNING ACTION: A request for a Conditional Use Permit (CUP) to replace the existing house located at 514 Granite Street. The subject house is inundated with “mold” and is scheduled to be removed as soon as procedurally legal (Demolition Permit). The proposal is to replace the house with a new house that will generally sit within the old house’s footprint and generally be similar in size.

The CUP is necessary because the “existing” house’s lot coverage (impervious surface area for its footprint, driveway and sidewalk) exceeds the zone’s maximum allowed amount. This is predominately due to the fact the lot’s .61 acres (legally created) is three times less than the zone’s 2 acre minimum. As such, “any” ground floor expansion or even sidewalk improvement would be subject to a planning action and discretionary review.

OWNERS/APPLICANTS:

Ron Rusnak & Lisa Zingarelli-Rusnak
514 Granite Street
Ashland, OR 97520
541-482-2575

LAND USE PLANNING:

Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520
541-482-3334

ARCHITECT:

Carlos Delgado
545 “A” Street
Ashland, OR 97520
541-552-9502

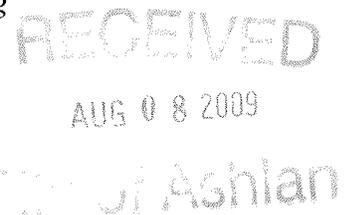
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

ZONING DESIGNATION: WR – 2 acre minimum lot size (87,120 sq. ft.).

LOT SIZE (per survey): .61 acres (26,741 sq. ft.) “*Legal-Non-Conforming*”

APPLICABLE ORDINANCES:

Chapter 18.14	W-R, Woodland Residential District
Chapter 18.62	Physical & Environmental Constraints
Chapter 18.68	General Regulations
Chapter 18.104	Conditional Use Permits



ADJACENT ZONING/USE:

West: WR
East: WR and R-1-10
South: R-1-7.5
North: RR.5
Subject Site: WR – Woodland Residential District

II. PROJECT BACKGROUND & DESCRIPTION:

Background: A pre-application meeting was held on June 10th, 2009, at which time comments, questions and observations were raised by the Planning and other City Staff. No other planning or historical information pertaining to these parcels appears within City records other than various Building Permits for the additions to the house and site’s accessory structures.

Property Description: The subject property is located at 514 Granite Street and has an existing house, guest cottage and shed. The property is .61 acres (26,741 sq. ft.) in size. It is trapezoidal in shape, size and slope - similar to its surrounding parcels. The property is generally level at its west end, where the house, driveway and guest cottage sit, but the slopes downward from west to east at approximately 15% - 35%. The portion of the property where the replacement house will sit is on slopes less than 25% grade, except for “cut slopes” that are “man made” and created with the construction of the existing house.

Traversing through the property is a “shared” driveway serving the subject property as well as six additional home sites (four with existing houses and two vacant). The driveway is now paved, but up until a few years ago was dirt and compacted gravel. The driveway is “T” shaped, measures 12’ in width and extends approximately 450’ in either direction. The shared driveway traverses through a number of the parcels via easements which include approximately 120’ of length and 1,695 square feet of area of the subject parcel. The portion of the driveway, solely on the subject property, is approximately 100’ in length, 10’ to 30’ in width and covers 1,653 square feet in impervious surface area.

Existing House Description: According to Jackson County Assessor Records, the existing home was constructed in 1950. The home is two-stories with a basement and is approximately 2,362 square feet in size. The home sits above Granite Street looking over Lithia Creek and neighboring houses. The house does not have a garage, but does include an extended driveway that can easily accommodate up to five vehicles.

As noted previously, the existing house is subject to demolition due to mold and various other integrity issues. The type of mold found spread throughout the house is called Stachybotrys which is very toxic and dangerous to humans. In addition, there were other types of mold found that are also considered toxic, but less immediate and dangerous as the Stachybotrys species.

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City of Ashland
514 Granite Street



West Elevation of House



Mold – Main Floor (prior to recent incasing)

Proposed House Description: The submitted plans illustrate the new home as being contemporary in style with an emphasis on southern orientation for natural heat gain, light and ambiance. Similar to the existing house, the new home will step within the property’s embankment with the ground floor being a basement garage accessed at the same level as the existing driveway. The main floor is the predominate volume providing the majority of the home’s living space, but with a smaller second floor recessed back from the downhill elevation minimizing the home’s mass. The home will sit generally within the location of the existing house as well as a portion of the existing driveway and sidewalk area. The home’s footprint will be 2,040 square feet in area and measure 34’ X 60’.

NOTE: Once the demolition decision occurs (application submitted 7/31/09) and the Conditional Use Permit (CUP) herein is approved, the applicants intend to finalize the new home’s architectural plans. The plans submitted with this CUP application identify the exact proposed footprint of the house, the revised driveway design and “generally” accurate elevations of the home’s exterior. However, due to costs associated with complete architectural plans (floor plans, footing designs, roof designs, mechanical systems, etc.) mixed with the discretionary process of a CUP, the applicants have submitted the minimum necessary in order for staff and neighbors to fully evaluate the “lot coverage” elements of the proposal.

Conditional Use Permit (CUP): The applicants are subject to a CUP process primarily due to the fact the parcel size (.61 acres) is significantly less than the WR zone’s minimum 2 acres which creates a non-conforming lot coverage issue. This is a significant discrepancy as the WR zone’s lot coverage allowance is 7% where as if this .61 acre parcel was in a ½ acres zone (RR-.5), the lot coverage would be 20% and the existing house, as well as the proposed house, would comply. This factor has caused numerous lot coverage problems for a number of the property owners within this area which also have undersized parcels within a large lot zoning designation. The history on the area’s zoning is unclear, but considering the number of parcels that are ½ acre in size or less is an indication the zoning’s initial designation wasn’t correctly applied (see Exhibit A). However, this is not surprising considering the technological limitations in that era compared to today’s advanced mapping abilities.

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Compounding the lot coverage issue is the long private driveway that serves a total of seven parcels. Because the driveway meanders through various parcels, each parcel having the driveway on their property must include its impervious surface area within the maximum lot coverage calculations. Although these are “definition” constraints within the Municipal Code, the resolution would be to convert the narrow driveway to a public street where lot coverage is not counted against the lot, but the end result would be far more earth disturbance and impervious surface coverage.

As such, when one considers the undersized lot compared to the zoning’s lot coverage requirement and the definition of lot coverage, any “modification” to the home’s footprint or impervious surface area is going to be subject to a CUP procedure. However, in this application’s case, significant effort has been put forth to not increase the lot coverage, but to work within the already existing non-conforming amount. The existing and proposed lot coverage is as follows:

<u>Existing Lot Coverage:</u>		<u>Proposed Lot Coverage:</u>	
Building Footprint:	1,156 sq. ft.	Building Footprint:	2,040 sq. ft.
Shed Structure:	111 sq. ft.	Shed Structure:	<i>removed</i>
Guest House:	262 sq. ft.	Guest House:	262 sq. ft.
Driveway to Residence:	1,653 sq. ft.	Driveway to Residence:	1,004 sq. ft.
Shared Driveway:	1,695 sq. ft.	Shared Driveway:	1,695 sq. ft.
Patio and Sidewalk:	184 sq. ft.	Patio and Sidewalk:	37 sq. ft.
Total Existing Coverage:	5,061 sq. ft.	Total Proposed Coverage:	5,038 sq. ft.
Percent (5,061 / 26,741)	18.9%	Percent (5,061 / 26,741)	18.8%

As evidenced in the above table, the applicants have been diligent in their efforts to not exceed the existing lot coverage which would add a “Variance” to the application which would be significantly more costly and add additional discretion which are both beyond the abilities of the applicants to absorb. As such, in order to accommodate the new house’s footprint, the applicants removed the small shed structure, shifted the house “over” the existing impervious driveway area and eliminated small portions of the driveway. These changes are best illustrated on the attached Site Plan (sheet AS1.0), but the overall impervious reduction is generally equal to the gain of the new house.

It’s important for the Planning staff and Planning Commission to understand that the shared driveway serving the other lots has been in place since the 1950’s and it alone absorbs 33% (1,695 sq. ft. / 5,061) of the total amount of lot coverage attributed to this parcel. When removed from the calculation, the lot coverage would be approximately 12.5%.

Finally, the subject parcel, as well as numerous other parcels in the vicinity, is far less than the WR zone’s minimum lot size of 2 acres. In the applicant’s case, the subject lot is only ¼ (26,741 sq. ft.) of the required minimum acreage, therefore allowing only 1,871 square feet of lot coverage. If the parcel was two acres, the 7% coverage would result in generous 6,084 square foot lot coverage. Conversely, if the subject ½ acre parcel was in a RR.5 zone (½ acre minimum), the lot coverage would be 20% and allow a lot coverage of

5,348 square feet which exceeds the applicants proposal – even with the unusual circumstance of the shared driveway.

III. APPLICABLE CRITERIA:

*NOTE: For clarity, the following has been formatted in “outline” form with the City’s approval criteria noted in **BOLD** font and the applicant’s response in regular font. Also, due to repetitiveness in the required findings of fact, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

18.104.050 Criteria for Conditional Use Permit:

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.

The residential use and residential structure are permissible outright and comply with all Comprehensive Plan policies. The CUP only relates to the “modification” of the non-conforming status of existing lot coverage which the house’s footprint is a part of. Section 18.68.090 #2 of the Municipal Code States:

A. A non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered, except as follows:

2) When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), nonconforming_structure may be enlarged, extended, reconstructed or the footprint modified, except that a Conditional Use Permit need not be obtained when the addition or extension meets all requirements of this Title.

The technical reality of this application is the fact the structure’s footprint, along with the shared driveway area, private driveway area and miscellaneous sidewalk and patio areas, exceed the maximum amount of lot coverage for the lot’s WR zoning designation which is only 7%. Any modification of the lot coverage (impervious surface area), because it is legal non-conforming, require CUP findings and approval.

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.

The proposed house will not have an increase on City facilities for water, sewer, access, electricity, urban storm drainage or transportation beyond what it currently has today with the existing house. Furthermore, there are no existing capacity issues with the City’s infrastructure in Granite Street.

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.

The proposed home is similar in scale, bulk, and coverage when compared to not only the target use of the zone (one residential unit), but also the homes within the immediate vicinity as described in the table above. The illustrations attached (sheets AS1.0 and A1.0) represent where the future home will sit (coverage) and generally what it will look like (scale and bulk). There is likely to be changes to the elevations, but these will primarily deal with window patterns, roof line orientation, exterior materials and possibly a minor wall adjustment, but nothing that would be constituted as a significant alteration from what has been submitted as part of this application.

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.

Again, the existing house will be replaced by a new house, primarily due to the fact of a significant mold issue. Nevertheless, the traffic generation will remain the same.

3. Architectural compatibility with the impact area.

The proposed home's architecture is slightly modern in appearance, but not too different that other homes found in the vicinity. As such, the home's architecture is compatible.

4. Air quality, including the generation of dust, odors, or other environmental pollutants.

Again, the existing house will be replaced by a new house. The air quality of dust, odors or other environmental pollutants will be no greater than what was typically generated by the existing house or any other typical single family residence.

5. Generation of noise, light, and glare.

No additional noise, light or glare will occur with the new house that is not normally generated by a typical single family residence.

6. The development of adjacent properties as envisioned in the Comprehensive Plan.

The City's Comprehensive Plan designation for this property as well as the neighboring properties is Woodland. The proposal does not propose to alter the Comprehensive Plan nor does it propose to impact adjacent lands in such away they would alter the designation. The proposal is simply to replace an existing house with a new house.

7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

If for any reason the Hearing Authority believes there are other factors to consider, the applicants are more than willing to participate in their resolution or mitigation. However,

as stated, the circumstances related to this proposal primarily relate to the fact the parcel, and its adjacent neighbors, were likely zoned incorrectly as the vast majority of the lots in this area are significantly less than the required size and to the applicant's knowledge, all of the lots pre-existed zoning.

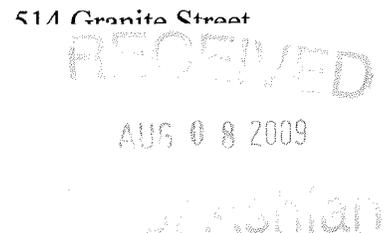
IV. CONCLUSION:

The applicants have met with most of the surrounding neighbors to explain the circumstances with the Conditional Use Permit and the Demolition. To the applicant's knowledge, none of the neighbors appeared to indicate a concern and welcomed the proposed changes.

The applicants look forward to taking the next few steps which include finalizing the architectural plans for the new house, demolishing the existing house, constructing their new house and living in Ashland.

V. ATTACHMENTS:

- Exhibit "A" Granite Street Lot / House Size Summary
- Exhibit "B" Granite Street Context Map
- Exhibit "C" Granite Street Zoning Designations
- Exhibit "D" Site Plan
- Exhibit "E" Preliminary Elevations

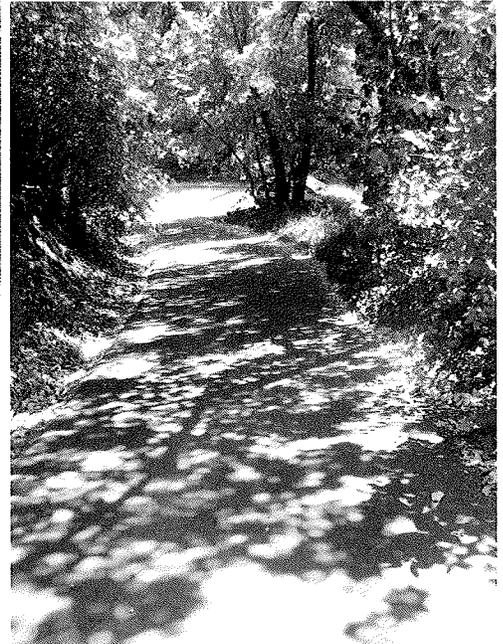


House & Driveway Photos:

Top of Shared Driveway looking Northeasterly

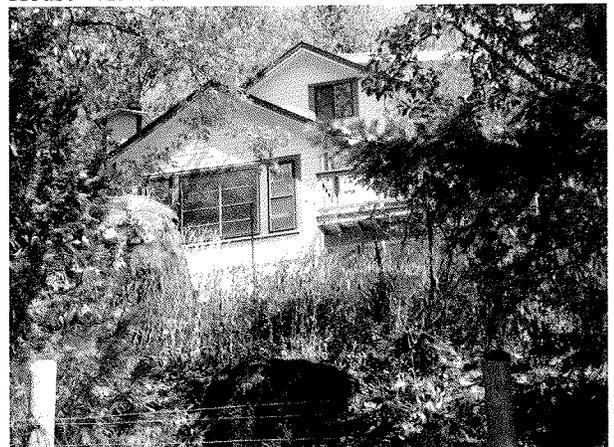


Shared drive down toward Granite St.



Mid point of shared driveway looking North Northeast

House viewed from Granite Street



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William Ashman



Small shed structure to be removed (Note: The tree in front of the shed is to remain and indicates where the front of the house will extend to.



Existing concrete and bricks to be replaced to eliminate tripping hazards.



view from back of house (looking south)

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J. Koshian

EXHIBIT A

Granite Street Lot Ratio & House Size Summary*

Lot Number	Acreage	Acreage in SQ Ft	City Zoning	County Info	Home Size Livable Sq ft only	Sq. Ft. Footprint Living plus garage**	Ratio of Lot Size to Living Space incl. garage (not incl. driveway)
1106	0.4	17,424	WR	RR-.5P	2,554	2,255	12.9%
1200	0.17	7,405	WR	RR-.5P	884	1,040	14.0%
1300	0.42	18,295	WR	RR-.5P	2,538	2,900	15.9%
1105	0.61	26,741	WR	RR-.5P	2,362	1,156	4.3%
400	0.58	25,265	WR	RR-.5P	1,848	1,949	7.7%
1133	0.5	21,780	RR-.5P	RR-.5P	2,566	2,400	11.0%
1109	0.26	11,326	RR-.5P	RR-.5P	3,866	2,200	19.4%
1108	0.2	8,712	RR-.5P	RR-.5P	2,295	1,600	18.4%
800	0.91	39,640	R-1-7.5	RR-.5P	3,502	2,808	7.1%
600	0.42	18,295	R-1-10	RR-.5P	1,831	1,924	10.5%
500	0.27	11,761	R-1-10	RR-.5P	2,111	1,246	10.6%
301	0.5	21,780	R-1-10	R-1-10	1,704	2,034	9.3%
1600	0.36	15,682	RR-.5P	RR-.5P	2,759	1,192	7.6%
				Average Livable Home Size in Neighborhood	2,371	WR Zone Avg. Ratio	11.0%
						Avg. Ratio of ALL	11.4%

* Data sourced from Jackson County, City Maps and site survey

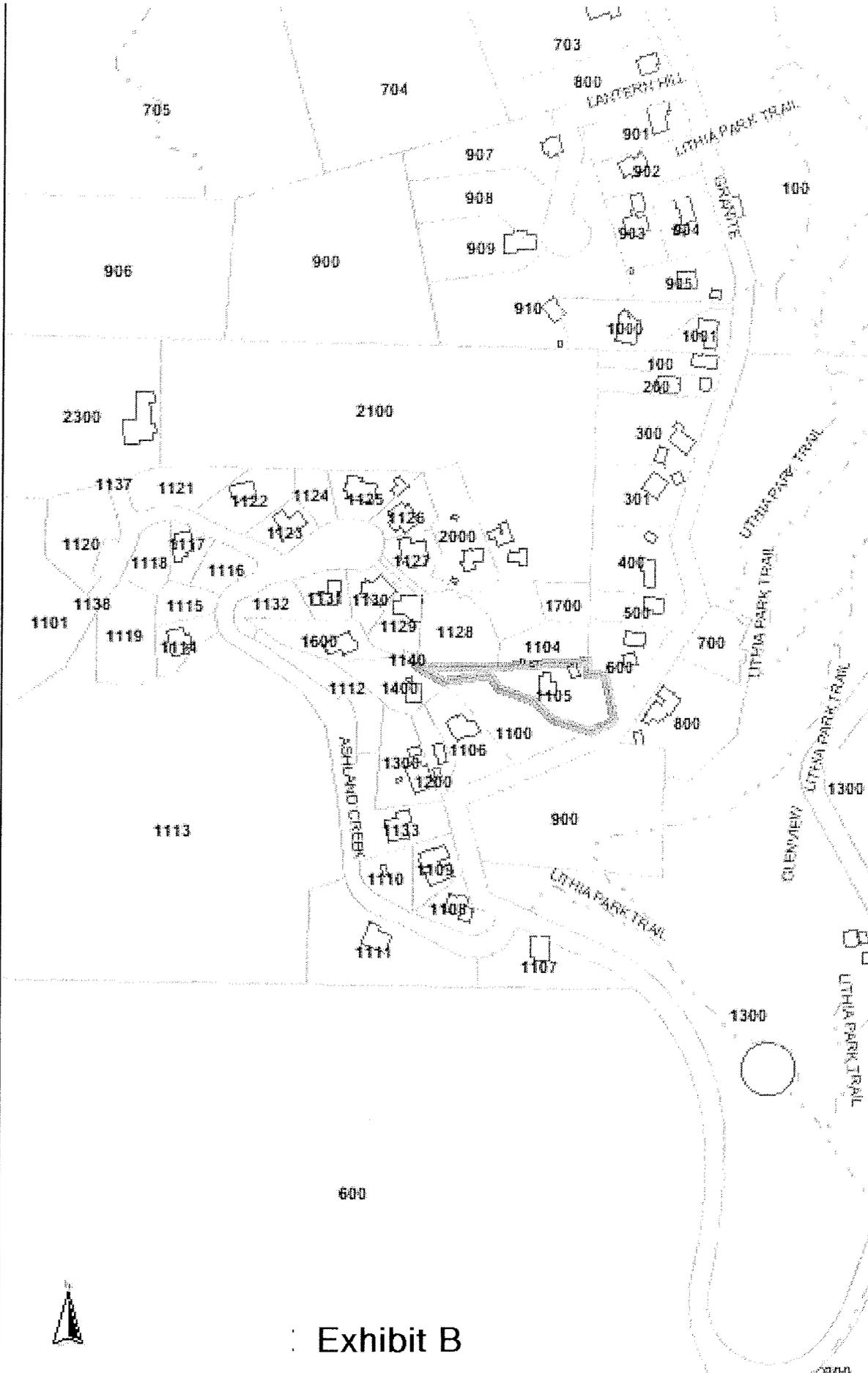
** Not including driveway impervious surface (data was not available)

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Map Maker Application

Front Counter Legend

-  Highlighted Feature
-  Tax Lot Outlines
-  Tax Lot Numbers
-  Buildings



RECORDED
 APR 8 2009
 1300



JACKSON COUNTY
 Oregon

This map is based on a digital database compiled by Jackson County From a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.



Exhibit B

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SEP 04 2009

City of Ashland

Field Office Cc



URBAN DEVELOPMENT SERVICES, LLC

LAND USE PLANNING AND DEVELOPMENT SERVICES

September 4th, 2009

City of Ashland
Attn: Derek Severson
59 Winburn Way
Ashland, OR 97520

Subject: 514 Granite Street; PA# 2009-01051; Addendum

In response to your August 19th, 2009 letter, regarding the application submittals for 514 Granite Street (Conditional Use Permit), attached is the requested information regarding Slope Analysis and Tree Inventory/Tree Protection Plan. Further, I've attempted to address staff's questions below and suggest this correspondence be included in the record as an addendum.

Slope Analysis: Although the property does exist within the boundaries of the Hillside Overlay District and there are portions of the property that "naturally" exceed the Overlay's 25% slope threshold (area near Granite Street), the area where the existing house sits and the area where the proposed home will be constructed are on lands that are naturally less than 25%. Of course this area does include a "man made" retaining wall and cut embankment when the house was originally constructed in 1950, but its original slope prior was *less* than 20%. These "man-made" cuts are fairly evident to see in the field (see pictures below), but as suggested in your letter, I've requested a licensed Surveyor, as well as the project Architect, to re-asses the slopes in question and they have both concluded the "natural" slope in the area of the new and proposed house is actually less than 20%.

A letter from the Surveyor, Shawn Kampman, Polaris Survey, dated August 24th, 2009, is enclosed and essentially states he concurs with the Slope Analysis prepared by the project Architect (see Exhibit D, Site Plan of 8/7/09 submittal) which identify cross slopes that, at the most, are only 20%. The Surveyor adds that his slope analysis was actually less than the Architect's 20% slope figure – all of which are based on surveyed topography and natural landmarks. Again, this is best illustrated on the submitted 8/7/09 Site Plan, although faint, where three random cross slopes have been provided which were delineated from a group of mature trees above the house to a group of mature trees below the house that show a 17%, 18% and a 20% slope – all of which are significantly less than the 25% threshold.

Tree Inventory/Tree Protection Plan: A Tree Inventory and Tree Protection Plan are also attached per 18.61.200. The inventory and plan were completed by a licensed Arborist, Tom Myers,

Phone: 541-482-3334

Fax: 541-482-3336

who will be retained during the demolition and construction process as required. The Arborist will monitor the activities and recommend, if necessary, any special preservation techniques and mitigation suggestions where needed in order to ensure the survival and health of the trees. The applicants desire to retain the property's trees, but two trees are proposed to be removed based on their health or their direct location within the footprint of the proposed house. These two trees would likely have been removed already under the Municipal Code's exemption provision's 18.61.035 B. or 18.62.030 T., but the applicant's desire to retain them as long as possible and to verify that the Demolition Permit and Conditional Use Permit are approved.

Nevertheless, because the application does include the request for a Conditional Use Permit and desire to be thorough and help expedite the process in order to minimize seasonal construction issues, Findings have been provided below that address the two trees that are proposed to be removed with this application:

18.61.080 Criteria for Issuance of Tree Removal - Staff 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, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

The subject trees site very near the proposed home's new footprint. This footprint has essentially been determined due to the limitation of the lot coverage provisions and circumstances associated with the lot's existing impervious driveway. In an attempt to comply with the lot's coverage limitation, the applicants were forced to pull the new home towards the west and "sit" on top of the existing driveway in order to not "increase" the lot coverage more than what exists today. In doing so, the two trees in question are proposed to be removed due to their direct or close proximity to the new home.

As noted above, there are "exempt" tree removal activities in the Municipal Code that would allow the subject trees to be removed and therefore the proposal is consistent with the Site Design and Use Standards and the Physical and Environmental Constraints standards.

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

According to the project Arborist, the area is plentiful of tree canopy and existing vegetation to protect the site's soils and remaining tree's from excessive winds.

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.

Again, according to the project Arborist, the area is plentiful of tree canopy and existing vegetation to protect the site's soils and remaining tree's from wind or other possible negative impacts.

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.

As described above, the applicant's contend the proposal shouldn't be subject to mitigation (replacement or payment in lieu of) due to the fact the trees in question are permitted "outright" to be removed under the existing provisions of the Municipal Code. However, in order to minimize further delay, the applicants are willing to accept a condition of approval if it is deemed necessary based on the criteria and findings associated with the Conditional Use Permit.

If for any reason there are any questions relating to the above two matters or items relating to the previously submitted application materials, please do not hesitate to contact me at 541-821-3752.

Sincerely,



Mark Knox
Urban Development Services, LLC

cc: Applicants

LAND SURVEYING, LLC

August 24, 2009

Urban Development Services
585 West Nevada Street
Ashland, Oregon 97520

Attn: Mark Knox

Re: Rusak / Zingarelli – 514 Granite Street
Assessor's Map No. 39 1E 17AA, Tax Lot 1105

Dear Mark,

Per your request regarding the above referenced project, I have reviewed the slope analysis performed by licensed architect Carlos Delgado around the proposed building envelope on his plan dated August 8, 2009, and concur that the slopes shown on the plan are less than 20%. My analysis actually was less than one percent of the average slope that the architect denotes on his plan. The area of the slopes analyzed were between the catch points of the previously existing natural grade prior to the existing excavated cut and re-graded area that was done prior to construction of the existing house and driveway areas within the proposed building envelope.

Please don't hesitate to call if you have any questions or comments.

Yours truly,



Shawn Kampmann
Professional Land Surveyor

S:\surveys\546-09\Knox Slope analysis letter 2009-08.24.doc



Tom Myers

Certified Arborist

PO Box 881
Ashland, OR 97520
Phone: 541-601-2069

Mark Knox
485 W. Nevada St.
Ashland, OR 97520

9/03/09

Tree Protection Plan for 514 Granite Street

The Tree Protection Plan for 514 Granite Street is designed to address the needs of all existing trees within the project. The trees are identified by number on the plan as well as by numbered tag attached to the tree in the field. The specified tree protection zones (as stipulated in the enclosed tree inventory) will be drawn on the plans as well as delineated on the site by approved fencing. Two trees with protection zones that extend within the foundation lines of the building (tree # 2 and tree #5) will need to be removed. All other trees within the building project borders will need protection. The enclosed specifications detail exactly how the trees are to be protected. The building contractor and subcontractors will meet with a certified arborist before and during construction to insure that the correct measures are in place. A certified arborist must supervise any work done within the specified tree protection zone. A certified arborist will conduct an inspection of the trees during and after construction. If you have any questions regarding this tree protection plan please call me at 601-2069.

Tom Myers, Certified Arborist





**Upper Limb-it
Tree Service**

PO Box 881
Ashland, OR 97520
Phone 541-482-3667

Tree Inventory for 514 Granite St>

9/3/2009

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	<i>Quercus kelloggii</i>	23	48	25	good	moderate	23	
2	<i>Quercus kelloggii</i>	12	44	12	poor	moderate	12	remove, (trunk wound)
3	<i>Calocedrus decurrens</i>	12	38	9	fair	moderate	12	
4	<i>Quercus kelloggii</i>	15	40	16	fair	moderate	15	
5	<i>Quercus kelloggii</i>	22	50	30	fair	moderate	22	remove (inside building footprint)
6	<i>Quercus kelloggii</i>	20	45	24	good	moderate	20	
7	<i>Arbutus menziesii</i> copse	12	41	24	poor	poor	15	Multi trunk (1 stem dead)
8	<i>Quercus kelloggii</i> copse	17	40	24	fair	moderate	17	Multi trunk
9	<i>Pseudotsuga menziesii</i>	18	48	14	fair	moderate	18	
10	<i>Cupressus arizonica</i>	9	36	7	fair	good	6.75	
11	<i>Quercus kelloggii</i>	10	42	15	fair	moderate	10	
12	<i>Quercus kelloggii</i> copse	12	42	19	fair	moderate	12	Multi trunk
13	<i>Arbutus menziesii</i>	8	22	8	fair	poor	10	
14	<i>Pseudotsuga menziesii</i>	7	34	8	fair	moderate	7	
15	<i>Quercus kelloggii</i>	16	39	15	fair	moderate	16	
16	<i>Quercus kelloggii</i>	12	38	14	fair	moderate	12	
17	<i>Pseudotsuga menziesii</i>	9	36	8	fair	moderate	9	
18	<i>Pinus ponderosa</i>	10	30	9	fair	good	7.5	
19	<i>Pseudotsuga menziesii</i>	7	28	6	fair	moderate	7	
20	<i>Quercus kelloggii</i>	11	32	12	fair	moderate	11	
21	<i>Quercus kelloggii</i>	13	33	14	fair	moderate	13	
22	<i>Pinus ponderosa</i>	7	30	5	fair	good	5.25	
23	<i>Quercus kelloggii</i>	17	45	30	good	moderate	17	
24	<i>Pinus ponderosa</i>	8	32	5	good	good	6	
25	<i>Quercus kelloggii</i> copse	13	43	33	good	moderate	13	Multi trunk

Specifications for Tree Preservation During Construction

1. Before beginning work, the contractor is required to meet with the consultant at the site to review all work procedures, access routes, storage areas, and tree protection measures.
2. Fences must be erected to protect trees to be preserved. Fences define a specific protection zone for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without the written permission of the consultant.
3. Construction trailers and traffic and storage areas must remain outside fenced areas at all times.
4. All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree.
5. No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
6. Additional tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
8. If injury should occur to any tree during construction, the tree consultant should evaluate it as soon as possible so that appropriate treatments can be applied.
9. The consulting arborist must monitor any grading, construction, demolition, or other work that is expected to encounter tree roots.
10. All trees shall be irrigated on a schedule to be determined by the consultant. Irrigation shall wet the soil within the tree protection zone to a depth of 30 inches.
11. Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.
12. Before grading, pad preparation, or excavation for foundations, footings, walls, or trenching, any trees within the specific construction zone shall be root pruned 1 foot outside the tree protection zone by cutting all roots cleanly to a depth of 24 inches. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.
13. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
14. If temporary haul or access roads must pass over the root area of trees to be retained, a road bed of 6 inches of mulch or gravel shall be created to protect the soil. The road bed material shall be replenished as necessary to maintain a 6-inch depth.

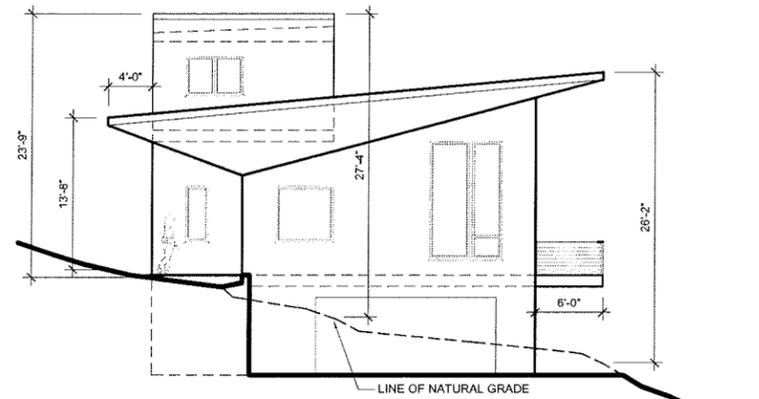
15. Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.
16. No burn piles or debris pits shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried within the tree protection zone.
17. Maintain fire-safe areas around fenced areas. Also, no heat sources, flames, ignition sources, or smoking is allowed near mulch or trees.

Specifications for Demolition and Site Clearing

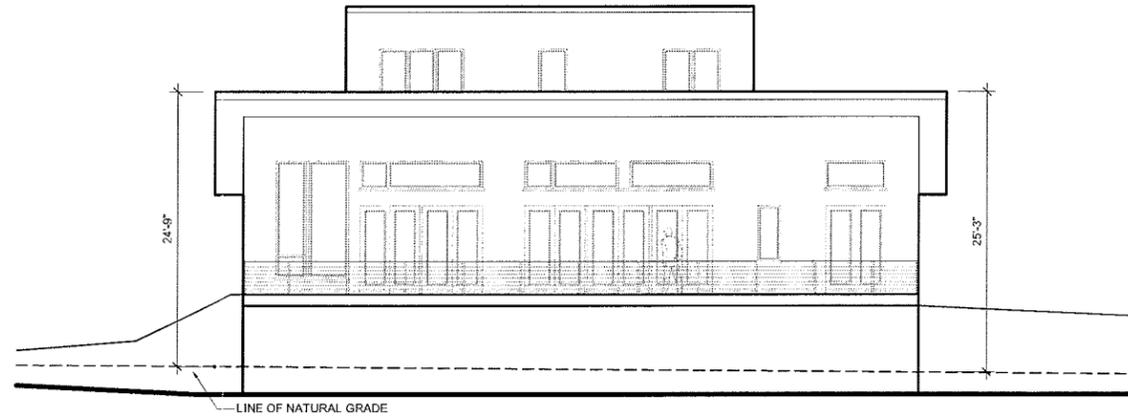
1. The demolition contractor is required to meet with the consultant at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.
2. The limits of all tree protection zones shall be staked in the field.
3. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by demolition or construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and under story to remain.
4. Any brush clearing required within the tree protection zone shall be accomplished with hand-operated equipment.
5. Trees to be removed shall be felled so as to fall way from tree protection zones and to avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees. This may be accomplished by cutting through the roots by hand, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.]
6. Trees to be removed from within the tree protection zone shall be removed by a qualified arborist. The trees shall be cut near ground level and the stump ground out.
7. All downed brush and trees shall be removed from the tree protection zone either by hand or with equipment sitting outside the tree protection zone. Extraction shall occur by lifting the material out, not by skidding it across the ground.
8. Brush shall be chipped and placed in the tree protection zone to a depth of 6 inches
9. Structures and underground features to be removed within the tree protection zone shall use the smallest equipment possible and operate from outside the tree protection zone. The consultant shall be on site during all operations within the tree protection zone to monitor demolition activity
10. All trees shall be pruned in accordance with the provided Pruning Specifications
11. A six-foot chain link fence with posts sunk into the ground shall be erected to enclose the tree protection zone
12. Any damage to trees due to demolition activities shall be reported to the consulting arborist within six hours so that remedial action can be taken. Timeliness is critical to tree health.
13. If temporary haul or access roads must pass over the root area of trees to be retained, a roadbed of 6 inches of mulch or gravel shall be created to protect the soil. The roadbed material shall be replenished as necessary to maintain a 6-inch depth.

Specifications for Tree Pruning

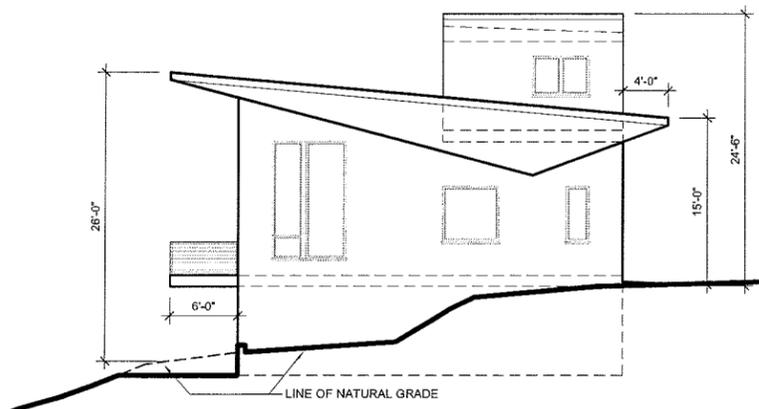
1. All trees within the project area shall be pruned to:
 - a) Clear the crown of diseased, crossing, weak, and dead wood to a minimum size of 1 1/2 inches diameter.
 - b) Provide 14 feet of vertical clearance over streets and 8 feet over sidewalks.
 - c) Remove stubs, cutting outside the woundwood tissue that has formed around the branch.
 - d) Reduce end weight on heavy, horizontal branches by selectively removing small diameter branches, no greater than 2 to 3 inches near the ends of the scaffolds.
 - e) Remove any mistletoe.
2. Where temporary clearance is needed for access, branches shall be tied back to hold them out of the clearance zone.
3. Pruning shall not be performed during periods of flight of adult boring insects because fresh wounds attract pests. Pruning shall be performed only when the danger of infestation is past.
4. All pruning shall be performed by a qualified arborist.
5. All pruning shall be in accordance with the *Tree-Pruning Guidelines* (International Society of Arboriculture) and/or the ANSI A300 Pruning Standard (American National Standard for Tree Care Operations) and adhere to the most recent edition of ANSI Z133.1.
6. Interior branches shall not be stripped out.
7. Pruning cuts larger than 4 inches in diameter, except for dead wood, shall be avoided.
8. Pruning cuts that expose heartwood shall be avoided whenever possible.
9. No more than 20 percent of live foliage shall be removed within the trees.
10. While in the tree, the arborist shall perform an aerial inspection to identify defects that require treatment. Any additional work needed shall be reported to the consultant.
11. Brush shall be chipped and chips shall be spread underneath trees within the tree protection zone to a maximum depth of six inches leaving the trunk clear of mulch.



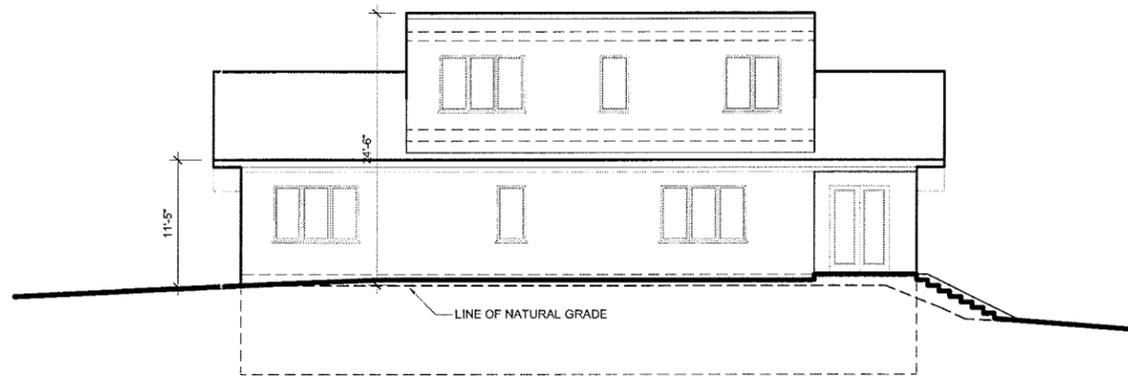
WEST ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"

PRELIMINARY
 REGISTERED ARCHITECT
 CARLOS DELGADO
 ASHLAND, OREGON 97132
 STATE OF OREGON

Carlos Delgado
 ARCHITECT
 545 A Street • Ashland Oregon 97520
 541.552.9512 fax
 carlos@mimind.net

DESCRIPTION	DATE



REPLACEMENT RESIDENCE
 LISA ZINGARELLI & RON RUSNAK
 514 GRANITE ST
 ASHLAND OR 97520
 ASSESSOR'S MAP NO. 391E 17AA TAX LOT NO. 1105

PRELIMINARY
 NOT FOR CONSTRUCTION

DRAWN : CHECKED:
 TS CD
 DATE :
 8-07-09
 PROJECT :
 ZINGARELLI_09

SHEET :
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RECEIVED
 AUG 08 2009
 [Signature]

Council Communication

Ordinance Amending AMC Chapter 2: Pt 1. Commissions Committees and Boards

Meeting Date:	October 6, 2009	Primary Staff Contact:	Richard Appicello
Department:	Legal	E-Mail:	appicelr@ashland.or.us
Secondary Dept.:	City Recorder	Secondary Contact:	Barbara Christensen
Approval:	Martha Bennett	Estimated Time:	20 minutes

Question:

Should the Council approve First Reading of an ordinance amending Council Rules Chapter 2.04.090, 2.04.100 and 2.04.110 to add Council Rules relating to commissions and liaisons, and move the ordinance on to Second Reading?

Staff Recommendation:

Staff recommends Council approve the First Reading of this ordinance.

Background:

In 2006 and 2007 the Council Rules Committee worked on Council rules concerning how the Council and Mayor act in relationship to appointed commissions, committees and boards. These rules concern matters such as the appointment and removal of members of regular boards as well as ad hoc entities, like task forces. The Council Rules Committee also worked on rules concerning the role and duties of the Council liaison. The attached ordinance [Part 1] is an expansion of the 5/29/07 draft created by the Council Rules Committee only as it concerns the relationship of the Mayor and Council to the Commissions, e.g. appointment, removal, and roles of the liaison. *[See attached 5/29/07 draft specifically numbered paragraphs 9 Commissions and 11 Liaisons which corresponds with the outline presently in AMC 2.04.090 and AMC 2.04.110.]* Another ordinance [Part 2] concerns establishment of uniform policies and operating procedures for all commissions, committees and boards. *[See attached 5/29/07 draft specifically numbered paragraph 10 regarding Uniform Rules which corresponds with the outline presently in AMC 2.04.100.]*

These ordinances [Part I and Part II] present some policy issues for the Council.

1. Power of Liaisons.

All Council liaisons shall be: (choose one)

- a. A voting member of the advisory commission, committee or board; or
- b. A non-voting ex officio member of the advisory commission, committee or board; or
- c. A non-member Liaison to the advisory commission, committee or board.

All advisory commissions need to be treated the same. The only exceptions concern bodies created under state laws and the Municipal Audit Committee. City Administration asked that this ordinance reflect that no Councilor or Mayor be a voting member of an advisory body. This change is included in this Part I ordinance and Part II. The Forest Lands Commission, Transportation Commission, Conservation Commission, Historic Commission, Airport Commission, and Tree Commission still



have non-voting ex officio Council members. Other Boards and Commissions have only the default non-member Council Liaison. [Part I - 2.04.100.A.] It is recommended that this be made uniform –i.e. all ex-officio non-voting Council liaison members or all non-member Council liaisons. The major difference is that ex-officio officers are members and thus can participate as a member (e.g. call a point of order) whereas non-member liaisons simply observe and periodically report at the discretion of the chair. This choice depends upon how strongly the Council feels Liaisons should not interfere with the debate. If you choose all non-member liaisons the Forest Lands Commission, Transportation Commission, Conservation Commission, Historic Commission, Airport Commission, and Tree Commission provision in Part II will be amended accordingly. If you choose all non-voting ex officio member Liaisons, the remainder of the Commissions will be amended.

2. Term Limits.

Part II [2.10.020] creates term limits for advisory body members. Currently the ordinance sets 3 year terms as standard (Planning Commission 4 years). No member may serve more than five terms on a single commission. (15 years and 20 years for PC). The Council should consider whether this is a real limitation (earlier drafts proposed three terms – 9 years). Also there appears to be no statutory reason why the Planning Commission needs to be 4 years. AN exception to term limits was added based on comments received to allow a unanimous council to override the limit.

3. Removal.

This ordinance has provision for removal. [Part I - 2.04.090.F]. The removal of an appointed officer is written as being authorized *with or without* cause. Only a simple majority of the Council is required. The only exception is for Planning Commissioners, based on a specific state law [ORS 227.030] which requires a hearing and a finding of misconduct or non-performance. Accordingly, while the Mayor and Council may be inclined to remove a Planning Commissioner, the statutes require a public hearing and a finding of cause. The ordinance requires these Planning Commission specific hearings be made non-political thus the delegation to the Administrator under AMC 2.30. To give the Council greater flexibility, the Code was written such that there is no requirement to have a hearing or find cause for all other commissions. The Council should consider if this hearing and cause requirement should be expanded.

4. Roberts Rules.

Part II [2.10.075] specifies that Roberts Rules shall be followed but failure to follow the rules is not fatal.

2.10.075. Robert' s Rules of Order. Roberts Rules of Order shall govern the conduct of all meetings of advisory commissions, committees and boards, when not in conflict with the Ashland City Charter and the Ashland Municipal Code. Failure to strictly follow Roberts Rules of Order shall not be cause to void or otherwise disturb a decision or action. The body will strive to be clear in its proceedings.

The existing Municipal Code states the following for Roberts Rules as regards Council actions:



2.04.020 H. Robert's Rules of Order.

Robert's Rules of Order shall be the authority for the government of the Council during its sessions, when not in conflict with the City Charter and these code rules. Failure to strictly follow Robert's Rules of Order shall not be cause to void or otherwise disturb a decision or action of the Council. The Council will strive to be clear in its proceedings.

These provisions are nearly identical. Does the Council wish to modify one or both of them to be more clear or to facilitate more informality.

5. Chair Participation.

Roberts Rules provides that on large Commissions the Chair should not make motions. There is no formal break, but on smaller boards the Chair is permitted to make motions. Does the Council wish to specify that the Chair: (a) can always make motions and participate regardless of the Commission; (b) may make motions and participate only on commissions of ___ size?

6. Progression from Vice Chair to Chair.

Apparently some Commissions have a history of always moving the Vice Chair to the Chair position after a year of vice chair service and apprenticeship. Does the Council wish to codify and unify this practice for all commissions and boards.

Related City Policies:

Ashland City Charter Article X, Ordinance Adoption Procedures

Council Options:

- (1) Move to approve First Reading of the ordinance and set second reading for October 20, 2009.
- (2) Postpone First Reading to a date certain.

Potential Motions:

Staff: *Conduct First Reading:*

AN ORDINANCE AMENDING ASHLAND MUNICIPAL CODE CHAPTER 2.04.090,
2.04.100 AND 2.04.110 RELATING TO COUNCIL RULES

Council: *Move to approve First Reading of the ordinance and set second reading for October 20, 2009.*

Attachments:

Proposed ordinance
5/29/07 draft

