

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
DECEMBER 11, 2012
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. November 13, 2012 Regular Meeting
 - 2. November 27, 2012 Special Meeting

- IV. **PUBLIC FORUM**

- V. **UNFINISHED BUSINESS**
 - A. Approval of Findings for PA-2012-01321, 622 Drager.

- VI. **TYPE II PUBLIC HEARING**
 - A. **PLANNING ACTION: #2012-01414**
SUBJECT PROPERTY: 180 Nutley Street
APPLICANT: PowerPlus Building/Christer Chedderoth
DESCRIPTION: A request for a Minor Land Partition to create two parcels, the existing single family residence would remain at 180 Nutley Street and the new accessory guest house would be converted to a single family residence on Scenic. The request includes a Variance to the rear yard setback to reduce the required setback from 20-feet to 10 ½ feet. The applicant is also requesting an Exception to the Street Standards to not install sidewalks along Scenic Drive. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP #: 39 1E 08AD; TAX LOT #: 5600.

- V. **LEGISLATIVE AMENDMENT PUBLIC HEARING**
 - A. **PLANNING ACTION: #2012-01511**
APPLICANT: City of Ashland
DESCRIPTION: To adopt an updated Transportation System Plan (TSP) as a supporting document to the Ashland Comprehensive Plan, and to amend the Street Dedication Map.

- VI. **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
November 13, 2012

CALL TO ORDER

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

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Eric Heesacker
Pam Marsh
Debbie Miller
Melanie Mindlin

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Michael Pina, Assistant Planner
April Lucas, Administrative Supervisor

Absent Members:

Richard Kaplan

Council Liaison:

Mike Morris

ANNOUNCEMENTS

Commission Chair Mindlin announced the applicants for 180 Nutley (PA-2012-01414) have requested the public hearing be postponed. The hearing will take place on December 11, 2012.

Community Development Director Bill Molnar announced Councilor Morris is the Planning Commission's new council liaison. He also noted the City Council passed first reading of the Housing Needs Analysis and second reading will take place on November 20, 2012.

CONSENT AGENDA

A. Approval of Minutes.

1. September 25, 2012 Study Session.
2. October 9, 2012 Regular Meeting.

Commissioners Miller/Marsh m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 6-0.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Approval of Findings for PA-2012-00899, Ashland School District Properties.

Ex Parte Contact

No ex parte contact was reported.

Commissioners Marsh/Dawkins m/s to approve the Findings for PA-2012-00899. Roll Call Vote: Commissioners Brown, Dawkins, Heesacker, Marsh, Miller and Mindlin, YES. Motion passed 6-0.

TYPE II PUBLIC HEARING

A. **PLANNING ACTION:** #2012-01321

SUBJECT PROPERTY: 622 Drager

APPLICANT: Gil Livni

DESCRIPTION: A request for a Solar Access Variance for the property located at 622 Drager Street. The property to the north is under the same ownership and has agreed to the proposed shading. **COMPREHENSIVE PLAN**

DESIGNATION: Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP#:** 39 IE 14BB; **TAX LOT #:** 1300.

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

Ex Parte Contact

Commissioners Miller, Heesacker, Dawkins, Mindlin and Marsh reported site visits. Commissioner Dawkins stated he also reviewed the planning action files for this property.

Staff Report

Assistant Planner Michael Piña stated the proposal before the Commission is a solar variance request for the property located at 622 Drager. He explained in 2006-2007 the Planning Commission and City Council approved the outline plan for an 18-unit residential subdivision, and during that process a condition was added that stated all new parcels must be designed to meet solar setback standard 'A'. Following approval of the application, the subdivision was foreclosed upon and a new owner is now constructing the homes. Mr. Piña noted that while a solar variance can be approved at staff level, staff felt that because this condition was added by the Planning Commission the variance request should be brought before this group.

Mr. Piña reviewed the existing site conditions and displayed the elevation cross sections of home proposed for Lot 16. He clarified the lot is too narrow to comply with solar setback standard 'A' with the house as proposed, and the applicant's have requested a variance to this condition. He added in order to comply with the solar requirement as written, the applicant's would need to construct a single story home with a maximum eave height of 8.56 ft. and a roof peak of 16.96 ft. above natural grade.

Mr. Piña outlined the approval criteria for a solar variance request: 1) the variance does not preclude the reasonable use of solar energy on the site by future buildings, 2) the variance does not diminish any substantial solar access which benefits a habitable structure on an adjacent lot, and 3) there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere. He explained that while staff believes a single story home could be designed to accommodate the solar conditions placed on the lot, the proposed home does mitigate the impacts of the solar variance to the adjacent lot and will primarily shade the garage of the adjacent house.

Applicant's Presentation

Mark Knox, Applicant's Representative and Gil Livni, Property Owner/Mr. Knox handed out an illustration that depicts the shadow line on the adjacent home (Exhibit #2012-01). Mr. Knox explained Mr. Livni purchased this property in foreclosure and is trying to move forward with this subdivision, however mistakes were made when the subdivision was originally created. He went on to say that the previous applicants did not address all of the City's criteria and this particular lot was approved at only 51 ft. wide, and is also a corner lot which comes with greater setback requirements. Mr. Knox added the previous applicant's failure to present a shadow plan when this lot was first created has resulted in them needing to come back before the Commission for a solar variance.

Mr. Knox explained the street grade determines the foundation level of a house and since this particular lot slopes 2%, it has forced them to raise the foundation level and therefore impacts the height of the roof. He went on to explain that they have mitigated the solar variance impacts as much as possible by pushing the house as far to the south as possible, have adjusted the design and height of the roof, and have designed the adjacent house so that only the garage and a small amount of windowless living space is shadowed. Mr. Knox noted the code allows for solar waivers as long as the three criteria are met and stated: 1) their proposal does not preclude the reasonable use of solar energy on the site by future buildings because the design of the south facing wall is such that a large portion is non-habitable and the other portion does not have any windows, 2) the variance does not diminish any substantial solar access which benefits a habitable structure on an adjacent lot because the shadow does not go above the roofline and therefore solar panels can still be located on the roof, and 3) this is a unique or unusual circumstance because this is the narrowest piece of property in the area, it has an east-west orientation, and it is also a corner lot.

Mr. Knox brought attention to the self imposed Earth Advantage condition, which the new applicant is going above and beyond, and stressed that they have gone to great lengths to mitigate the solar access issue for this particular lot.

Questions of the Applicant

The applicant was asked whether they will experience this same problem with other lots in the subdivision. Mr. Knox clarified they do not foresee having a problem with the other lots, and Mr. Livni explained they have redesigned the homes to better fit the approved lots. He added the houses they are building are smaller than what was approved, and none of the previous designs would have worked with the exception of just a few lots.

The applicant was asked to comment further on how this narrow lot came to be. Mr. Knox clarified the design was done by the previous developer, who is no longer doing business in Ashland, and the City ultimately approved it.

Public Testimony

No one came forward to speak.

Commissioner Mindlin read aloud the email that was submitted by Jay Leighton, 260 Cambridge Street.

Applicant's Rebuttal

Mr. Knox briefly commented on Ms. Leighton's email and stated he is not sure she understands the depth of this application. In response to her density concern, he clarified the houses that are being built are much smaller than the houses that were approved. In regards to her comments on the solar variance, he stated they clearly meet the standards and this would not have been an issue if it would have been addressed up front when this lot was originally created.

Commissioner Mindlin closed the hearing and the record at 8:00 p.m.

Questions of Staff

Mr. Molnar commented on the solar requirement that was placed on this subdivision and stated it is too harsh to say the Planning Commission erred in approving this lot. He explained the solar ordinance asks applicants to make sure that when you are designing lots that the south to north dimension is long enough that based on the slope you can have a 21 ft. high shadow producing point in the middle of the lot. He added the ordinance does not require this, but it is strongly recommended. If an applicant chooses to not design a lot in this manner, the City can flag the lot to alert future property owners that they might have some difficulty designing a home on the lot, which is what was done in this case. Mr. Molnar stated it is not impossible to design a single story home that would meet the solar access requirements for this lot, but it could result in a home design that is not consistent with the others in the subdivision, or could require them to sink the finished floor level which could be undesirable. Mr. Molnar stated staff alerted the original applicants that this would be a difficult lot, and in the end they chose to keep it at 51 ft, and so in accordance with the ordinance this condition was added.

Staff clarified this variance request only applies to 622 Drager; it does not change the conditions of the entire subdivision. It was also clarified that approval of this solar variance would be listed on the deed of the home to alert future home buyers.

Commissioner Mindlin reopened the record and hearing to allow the applicant to rebut new information.

Mark Knox/Clarified the applicants are not requesting a blanket variance for the entire subdivision, just this particular lot, and stated a solar envelope could have been adopted with the original application that would have allowed the shadow to extend much further than what they are proposing. In terms of the future property owners, Mr. Knox clarified Mr. Livni already has buyers for these two lots; they are friends and are aware of this issue.

Commissioner Mindlin closed the record and the public hearing at 8:17 p.m.

Deliberations and Decision

Commissioners Brown/Miller m/s to deny the application. **DISCUSSION:** Commissioner Brown stated he is comfortable with the constraints as originally proposed and is uncomfortable taking away the solar rights for future property owners. He added it is possible to build a house that meets the solar requirements as originally imposed. Commissioner Marsh stated she will oppose the motion and believes the applicants meet the variance criteria. She added with small lot development, which the Commission endorses, these types of requests are inevitable. Commissioner Dawkins noted his concern that this issue will resurface with other lots in this development. Commissioner Mindlin voiced support for the denial and stated the applicant's proposal clearly shadows the adjacent home. She added just because the current buyer does not care does not mean future buyers would give their consent. **Roll Call Vote: Commissioners Brown, Miller, and Mindlin, YES. Commissioners Marsh, Heesacker, and Dawkins, NO. Motion failed due to tie.**

Commissioner Marsh commented that it is difficult to guess what the future home owners will want, and stated if this is an issue for them they can choose to purchase a different house. She recommended the commissioners focus their decision on the approval criteria for the application before them. Commissioner Heesacker agreed. He stated the current buyers understand and are comfortable with this, and if someone else has a problem they can move on and view another house. Commissioner Miller commented that if the property owner were to build a smaller house they would not be facing this problem. Commissioner Brown remarked that the applicant has not provided adequate information on the impacts to the adjacent lot. He added he would be willing to reconsider his vote if the applicant could provide an illustration showing the actual shadow produced on the south wall of the adjacent property to the north.

Commissioners Marsh/Dawkins m/s to continue this action to the November 27, 2012 Planning Commission meeting.
Voice Vote: all AYES. Motion passed 6-0.

B. PLANNING ACTION: #2012-01414

SUBJECT PROPERTY: 180 Nutley Street

APPLICANT: PowerPlus Building/Christer Chedderoth

DESCRIPTION: A request for a Minor Land Partition to create two parcels, the existing single family residence would remain at 180 Nutley Street and the new accessory guest house would be converted to a single family residence on Scenic. The request includes a Variance to the rear yard setback to reduce the required setback from 20-feet to 10 ½ feet. The applicant is also requesting an Exception to the Street Standards to not install sidewalks along Scenic Drive. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP#: 39 IE 108AD; TAX LOT #: 5600.

Per applicant's request, the public hearing was postponed to the December 11, 2012 Planning Commission meeting.

DISCUSSION ITEMS

A. Unified Land Use Ordinance Project – Part II: Zoning Regulations.

Planning Manager Maria Harris provided a presentation on Part II of the Unified Land Use Ordinance Project and reviewed the proposed amendments for this section.

- 1) **Accessory Residential Units.** Ms. Harris clarified the proposed language would make accessory residential units a permitted use in all zones. Site Review approval would still be required, but this amendment would remove the conditional use permit requirement.
- 2) **Manufactured Homes.** Ms. Harris stated staff has suggested a few changes to ensure our ordinance conforms with the Oregon Revised Statutes. Suggested changes include deleting the requirement that a home be 28 ft. in width, a change in wording for exterior building materials, and the maximum height above grade. The requirement to have a garage or storage building has also been removed and staff is recommended the setback requirements for manufactured housing developments be amended.
- 3) **Corner Lots in R-1 Zone.** Per the 2006 Land Use Ordinance Review recommendation, Ms. Harris stated the minimum width and lot size requirements for corner lots has been changed to the same standards for interior lots – a minimum width of 50 ft. and minimum lot size of 5,000 sq.ft.

- 4) **Minimum Lot Depth in R-1 Zone.** Ms. Harris stated the recommendation from the 2006 Land Use Ordinance Review is to reduce the minimum lot depth to match the minimum lot width.
- 5) **Front Porch Setback in R-1 Zone.** Ms. Harris stated per the 2006 Land Use Ordinance Review, the setback has been made 10 ft. across all zones.
- 6) **C-1 and E-1 Zone Setbacks from Adjacent Residential Zones.** Per the 2006 Land Use Ordinance Review, the setback has been changed to 5 ft. per story.
- 7) **Building Height in C-1 Zone.** Ms. Harris stated per the 2006 Land Use Ordinance Review, the height has been changed to allow structures greater than 40 ft. and less than 55 ft. where the building would be located more than 100 ft. from a residential zone.
- 8) **Solar Setback Exemption for C-1 Zone.** Ms. Harris stated the proposed amendment would exempt the C-1 Zone from solar setbacks, unless the property abuts a residential zone (per 2006 Land Use Ordinance Review recommendation).
- 9) **Vision Clearance Requirements for C-1-D Zone.** Ms. Harris stated currently the C-1, E-1, and CM Zones are exempted from the vision clearance area requirements. The proposed amendment would add the downtown zone (C-1-D) to that list.
- 10) **Temporary Uses.** Ms. Harris stated this recommended change comes from staff. Currently, temporary uses are allowed in all of the zoning districts with a conditional user permit, but this has been problematic. Staff's suggestion is to exempt temporary uses from the land use process when it is in the street right of way, and to make short term events on private property a ministerial permit.
- 11) **Affordable Housing Density Bonus.** Ms. Harris stated per the 2006 Land Use Ordinance Review, the affordable housing density bonus has been increased to 2%.

Ms. Harris commented on the work in progress items that are coming up, including: pervious pavement exemption, clarification of percentages for mixed-uses in multiple buildings, distance between buildings in multi-family zones, and the use table. She concluded her presentation by listing the next steps, and clarified this will come before the Commission again at their November 27, 2012 meeting.

Questions of Staff/Commission Discussion

Several questions were posted to staff, including:

- Why are duplexes only allowed in the R-1 Zone?
Ms. Harris clarified you can build a duplex in R-2 and R-3 Zones, and stated the uses table could better clarify this by indicating a "P" in those zones. Additional comment was made suggesting if a particular use is not allowed, there should be an "N" on the table instead of leaving it blank.
- Why are residential care facilities not allowed in the R-2 Zone?
Ms. Harris replied that this is how it is in our code now.
- Why are club lodges/fraternal organizations and daycares not allowed in employment districts?
Mr. Molnar stated his recollection was that uses in the commercial and employment zones should focus on businesses that have 10 employees or more per acre, and believes this is where this language stemmed from. He added now that these zones have been built out it could be appropriate to reconsider some of these uses.
- Why are private recreational uses and facilities not allowed in R-2 and R-3 Zones?
Ms. Harris clarified this is for the same reasons mentioned by Mr. Molnar; recreational facilities are typically large and do not have very many employees.

Ms. Harris commented that they could consider simplifying the uses table, however staff would like specific direction from the Commission if this is what they would like to do. She added if you have fewer uses and make them broader, this could raise concern among the general public that they are changing the uses to be too flexible. Several commissioners voiced their

support for retaining the longer list of uses. Staff directed the Commission to email their specific comments and suggested changes to staff so that they can be researched and considered.

Comment was made suggesting the following language be added to Drive-Up uses on page 2-24, "The number of drive up uses shall not exceed the 12 in existence" so that it is clear the City has a limitation on this.

Commissioners Heesacker/Marsh m/s to continue meeting to 10:00 p.m. Voice Vote: all AYES. Motion passed.

Ms. Harris was asked to bring the following three items back for further review and discussion at their next meeting: ARUs, C-1 and E-1 Zone Setbacks from Adjacent Residential Zones, and Building Height in C-1 Zone.

B. Proposed Changes to Unified Policies and Procedures for City Commissions and Committees.

Mr. Molnar briefly described the three options provided by the City Recorder and City Attorney and the Commission held general discussion. Several commissioners commented that the options presented do not appear to reflect the input they have provided.

Section 2.10.025: Meeting and Attendance

Several commissions voiced their support for Option 3. Per previous discussions on this topic, the Commission noted their support for an annual attendance rate (as opposed to a 6-month period); removing the excused versus unexcused language; and adopting a flat attendance percentage of 75% or 80%. The general consensus of the group was that since Options 1 and 2 does not reflect the Commission's desire, Option 3 would be the preferred choice and would allow them to adopt their own attendance standards each year.

Section 2.10.040: Quorum and Effect of Lack Thereof

The Commission voiced their support for Option 3, which defines a quorum as more than one-half of the current members of the body, not including any vacant positions.

Section 2.10.050: Election of Officers, Secretary and Subcommittees

It was clarified that this section contains the same language in all three options.

Commissioners Marsh/Heesacker m/s to recommend Council's adoption of Option 3. Voice Vote: all AYES. Motion passed 6-0.

ADJOURNMENT

Meeting adjourned at 10:00 p.m.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
November 27, 2012

CALL TO ORDER

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

Commissioners Present:

Michael Dawkins
Richard Kaplan
Pam Marsh
Debbie Miller
Melanie Mindlin

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Michael Piña, Assistant Planner
April Lucas, Administrative Supervisor

Absent Members:

Troy J. Brown, Jr.
Eric Heesacker

Council Liaison:

Mike Morris

ANNOUNCEMENTS

Commissioner Kaplan announced he has reviewed the meeting video and packet materials for the 622 Drager hearing and is prepared to participate in the continued hearing tonight.

Community Development Director Bill Molnar commented on the two handouts that were distributed: 1) a flyer from Rogue Valley Council of Governments (RVCOG) regarding Planning Commissioner Training on February 20, 2013, and 2) a booklet on Sustainable Street Network Principles.

Commissioner Marsh suggested the February study session be cancelled and for commissioners to attend the RVCOG training instead.

PUBLIC FORUM

No one came forward to speak.

TYPE II PUBLIC HEARING

A. **PLANNING ACTION: #2012-01321**
SUBJECT PROPERTY: 622 Drager
APPLICANT: Gil Livni

DESCRIPTION: A request for a Solar Access Variance for the property located at 622 Drager Street. The property to the north is under the same ownership and has agreed to the proposed shading. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5; ASSESSOR'S MAP#: 39 IE 14BB; TAX LOT #: 1300.

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

Ex Parte Contact

Commissioner Dawkins reported a site visit. No ex parte contact was reported.

Staff Report

Assistant Planner Michael Piña explained this is a continuation of the hearing from the November 13, 2012 Planning Commission meeting, at which the applicant was asked to submit a revised drawing showing the shadow produced by the proposed home to the south. Mr. Piña noted the requested illustration is included in the packet materials and depicts the shadow displayed on a summer solstice eve.

Applicant's Presentation

Mark Knox/485 W Nevada/Noted the additional drawings that were provided and stated if the Commission bases their decision on the criteria he is confident they will vote in favor of this request. Mr. Knox commented further on the criteria and stated: Criteria #1 - 18.70.060.B.2(a): No expansion of the buildings are planned and what they see is what will be built; Criteria #2: 18.70.060.B.2(b): The shadow falls on the garage wall, which is not heated space, and hits the back of the garage where there is an office with no windows. He added there will be no thermal loss whatsoever; and Criteria #3: 18.70.060.B.2(c): There are unique and unusual circumstances regarding this lot. It is a 50 ft. wide corner lot that has extra setback requirements, and they believe the creation of this lot was an error made at the original planning stage.

Patrick May/Stated he is the designer of the homes in the subdivision and displayed a 3D illustration for the homes. Mr. May explained this development was conceived as a cohesive project and a lot of attention was given to the massing and building envelopes and how they relate to each other. He noted where the shadow would hit the adjacent home and clarified the shadow will not impact the thermal performance of that house.

Mr. Knox concluded his presentation and urged the Commission to focus on the criteria for the request before them.

Questions of the Applicant

The applicant was asked to address the reason for the proposed roof height. Mr. May explained if they were to change the roof pitch any further it would be more of a ranch style home, instead of the craftsman style of the rest of the development. Mr. Knox stated this house is small and very limited on its lot, and added the roof would be at the same height even without a second story, but it would have been wasted attic space. Mr. May clarified they have lowered the roof pitch height as much as possible and stated they have done everything they can to make this work.

The applicant clarified the square footage of the house requesting the variance is just under 2,000 sq.ft.

Public Input

No one came forward to speak.

Questions of Staff

Staff was asked to comment on the applicant's assertion that a mistake was made in allowing this lot to be created. Mr. Molnar stated he does not agree with the claim that this was an error. He explained the solar access ordinance clearly states that lots shall be created that allow for a 21 ft. high shadow producing point in the middle. The next paragraph of the ordinance states if the applicant chooses not to do that, the City places an envelope on the property essentially flagging that this will be a difficult lot to build a two-story home on. Mr. Molnar briefly commented on the testimony and discussion that occurred at the original public hearing and clarified most of the testimony was regarding the bath house, geothermal inventories off the property, the wetlands area, traffic, and proximity to the elementary school.

Mr. Molnar clarified the option of pursuing a solar variance is always on the table. He also thanked the design team for their thoughtful consideration of the relationship between the homes.

Applicant's Rebuttal

Mark Knox/Commented that 21 units were allowed on this property and only 18 homes are proposed. He also commented that that the City should look into how to achieve density and creative design while still meeting market demand.

Patrick May/Thanked staff for the recognition that significant thought has been put into how these lots relate to each other, what the intent of the solar setback is, and how it affects the relationship of these houses. Mr. May stated they knew going in that this lot would be a difficult lot for the development and believes they have been successful in creating a family home that fits on the lots and fits in with the surrounding neighborhood. He clarified they are not trying to maximize the building footprint and instead are 10% under the maximum allowed footprint and did so in order to retain outdoor space for the homeowners.

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

Deliberations & Decision

Commissioners Dawkins/Marsh m/s to approve PA-2012-01321. DISCUSSION: Commissioner Dawkins voiced his opinion that this development does not fit in with the Quiet Village neighborhood and noted he raised this concern when this subdivision was first approved. Regarding the solar ordinance, he appreciates Commissioner Brown's argument that they should be considering future owners of the property, however that is not part of the approval criteria. He added he believes there will be a similar problem with another lot in this development. Commissioner Marsh stated there were a number of factors with the original proposal and in the end they got a lot that was oddly sized and they flagged it appropriately. In any instance, she stated the application for a solar variance is always an option and believes they have met the criteria and should be granted the variance. Commissioner Miller stated this is a good lesson for the Planning Commission that they need to do a better job of making sure lots meet the standards before they are approved. Commissioner Kaplan voiced his support for Marsh's comments. He stated their decision should be based on the criteria and he believes it has been met, and stated the other issues being discussed should not cloud their decision. Commissioner Mindlin voiced concern with the alternative interpretation of the solar ordinance being discussed and stated she does not believe only the roof matters and that solar capabilities should be maintained for south facing windows as well. She stated Commission Brown made a good point at the last hearing about protecting future buyers and stated it is disconcerting to her that people continue to design homes that do not take advantage of passive solar; however they do not have anything in place to discourage this at present time. **Roll Call Vote: Commissioners Dawkins, Kaplan and Marsh, YES. Commissioners Miller and Mindlin, NO. Motion passed 3-2.**

Commissioner Dawkins voiced his support for Mindlin's comments and stated it might be time to consider changing the criteria.

A short recess was held and Pam Marsh was acknowledged for her time on the Commission.

Commissioner Dawkins voiced support for cancelling the February study session and having the Commission attend the RVCOG training instead. Staff clarified there may be too many items on their docket to cancel and they will need to check the schedule.

DISCUSSION ITEMS

A. Unified Land Use Code Project.

Review of Part III: Special Districts:

Planning Manager Maria Harris provided a presentation on Part III of the Unified Land Use Ordinance Project and reviewed the proposed amendments for this section.

1) ***Affordable Housing Density Bonus.*** Ms. Harris stated per the 2006 Land Use Ordinance Review recommendations, the density bonus has been increased to 2%. She added staff will be attending the Housing Commission's January meeting and they will talk with them about this and see if they have any further input. Commissioner Marsh questioned if they should consult with the development community to make sure this incentive is adequate and Ms. Harris clarified they can bring this forward to the focus groups. Commissioner Dawkins expressed concern with only one-bedroom units being built as affordable units. Additional concern was raised that the ordinance that prohibits this practice only applies to annexations and not infill developments.

Ms. Harris clarified the remaining six amendments are technical adjustments.

2) ***Exception to the Street Standards.*** Ms. Harris stated this is an existing exception and staff is recommending the addition of performance measures for transit, bicycle, and pedestrian facilities to help the commission in their determination of whether "the exception will result in equal or superior transportation facilities and connectivity".

3) ***Lot Coverage in Subdivision Using the Performance Standards Option.*** Ms. Harris explained historically lot coverage is calculated for each individual lot or for the entire site, but this is not explicitly stated in the ordinance. The proposed amendment would make this practice clear.

4) ***Hillside Development Building Step-Back.*** Ms. Harris clarified the proposed amendment clarifies that decks that project out from the building do not qualify as the required building step back.

5) ***Upper Story Projections into Water Resource Protection Zone.*** Ms. Harris stated the proposed language specifies that the upper stories of the building, including decks, shall not project beyond the building footprint over the Water Resource Protection Zone.

6) ***Moving and Vegetation Thinning in Wetlands for Fire Prevention.*** Ms. Harris stated the proposed amendment allows going beyond the perimeter and into the wetland if the vegetation removal is part of an approved wetland mitigation plan or if it can be demonstrated that there will not be removal of native vegetation.

7) ***Tree Protection Fencing in Water Resource Protection Zones.*** Ms. Harris clarified the proposed language allows temporary fencing for tree protection when it is required in conjunction with a development.

The Commission held general conversation on Part III of the Unified Land Use Code. Commissioner Marsh suggested the zoning maps be included in this section since they are essential for comprehending the text. She also voiced support for the way the Croman land use regulations are listed and suggested this format be used elsewhere. Commissioner Mindlin questioned the building separation language on pg. 3-55 and whether this standard is meaningful and useful. She also commented on pocket neighborhoods and stated some minor changes to the performance standards code could provide the pathway to accomplishing this, specifically, extending the concept of pedestrian access into residential zoned lands and increasing density requirements in pedestrian access neighborhoods based on lot coverage. General support was voiced for pursuing Mindlin's suggestions to promote pocket neighborhoods.

Continued Discussion of Part II: Zoning Regulations:

Ms. Harris noted there were three issues from the last meeting that the Commission wanted to discuss further: 1) Accessory Residential Units, 2) C-1 Building Height, and 3) C-1 and E-1 Setbacks from Residential Zones.

Accessory Residential Units

Ms. Harris clarified the proposed amendment would make accessory residential units (ARUs) a permitted use in all zones. Site Review approval would still be required, but this amendment would remove the conditional use permit requirement. Commissioner Miller voiced concern that residents who were opposed to an ARU would have less opportunity to voice their concerns. Staff clarified residents would still be notified and given opportunity to comment before a decision is made. Commissioner Marsh stated the City desires these types of units and the site review process will give protection to neighbors. Commissioner Miller stated she is still hesitant to this change but no other opposition was voiced to the ARU amendment.

C-1 Building Height

Ms. Harris clarified the proposed amendment allows structures greater than 40 ft. and less than 55 ft. where the building would be located more than 100 ft. from a residential zone, and displayed a map of where this could occur. General support was voiced for this amendment.

C-1 and E-1 Setbacks from Adjacent Residential Zones.

Ms. Harris stated staff is recommending a standard side yard setback of 5 ft., and a rear yard setback of 10 ft. for the first floor and then a 10 ft. setback for everything above. Commissioner Mindlin suggested creating an exception based on underground parking, and Commissioner Dawkins voiced concern that underground water will pose a problem for those wanting to pursue underground parking.

ADJOURNMENT

Meeting adjourned at 9:35 p.m.

BEFORE THE PLANNING COMMISSION
December 11, 2012

IN THE MATTER OF PLANNING ACTION #2012-01321, A REQUEST FOR)
A SOLAR ACCESS VARIANCE FOR THE PROPERTY LOCATED AT 622)
DRAGER STREET. THE PROPERTY TO THE NORTH IS UNDER THE SAME) **FINDINGS,**
OWNERSHIP AND HAS AGREED TO THE PROPOSED SHADING.) **CONCLUSIONS**
) **AND ORDERS**
APPLICANT: Livni, Gil (*applicant*))
Mark Knox of Urban Development Services (*agent*))

RECITALS:

- 1) Tax lot #404 of Map 39 1E 04BC is located at 622 Drager Street and is zoned Single Family Residential (R-1-5). Tax lot #402 of Map 39 1E 04BC is located at 664 Drager Street and is zoned Single Family Residential (R-1-5)
- 2) The applicant is requesting a solar access variance to shade approximately seven feet above natural grade on the south facing wall of the adjacent property to the north. At the time of application, both properties are under the same ownership, and the owner has agreed to the proposed shading. The proposed building and the extent of the proposed shading are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for a Solar Setback Variance are described in Chapter 18.70.060.B.2 as follows:
 - a. The variance does not preclude the reasonable use of solar energy on the site by future buildings;
 - b. The variance does not diminish any substantial solar access which benefits a habitable structure on an adjacent lot;
 - c. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- 4) The Planning Commission, following proper public notice, held a public hearing on November 13, 2012 at which time testimony was received and exhibits were presented. Following discussion of the application, the Planning Commission continued the hearing at their November 27th study session. The Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the following index of exhibits, data and testimony is used:

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for a solar setback variance to allow shading of the adjacent lot to the north in excess of that allowed by ordinance meets all applicable criteria for a variance as described in Chapter 18.70.060.B.2

2.3 The Planning Commission finds that Ashland Municipal Code (AMC) 18.70.50 requires that all new residential parcels having a north facing negative slope of less than 15 percent, be designed with a north-south lot dimension which will accommodate development according to Solar Access Standard A. Solar Standard A allows a shadow to be cast on the property to the north no greater than that which would be cast by a six-foot fence constructed on the north property line. All new lots are required to be designed to permit a 21-foot high structure with a solar setback which does not exceed 50 percent of the lot's north-south dimension. If an applicant chooses not to design a lot so that it meets the two standards above, a "Solar Envelope" may be used to define the height requirements for construction on the lot which will protect required solar access for the lot to the north.

The subject property is Lot #16 in the Helman Springs subdivision. The Helman Springs subdivision did not demonstrate compliance with these requirements in the original application, and the solar envelope was added as a condition of approval by the Planning Commission to require that all new structures be designed to meet Solar Access Standard A. The subdivision's parent parcel was ultimately foreclosed upon, and the subdivision in its entirety has been acquired by the current applicant who is now constructing the homes.

2.4 The Planning Commission finds that the subject property was platted with a north-south lot dimension of approximately 19 feet less than would be required for a 21-foot high structure to accommodate Solar Access Standard A. The lot as created will not accommodate the proposed two-story home. The options available to the applicant are either to construct a single-story home complying with the solar access requirements and conditions of the original subdivision approval, or to request a Solar Setback Variance, which the applicant has done here.

The Planning Commission finds that the proposed home has a shadow producing point (roof peak) of approximately 21.33 feet in height, and as proposed, the shadow produced by the home will be approximately seven feet above natural grade on the south facing wall of the adjacent property to the north.

2.5 The Planning Commission finds that given the two percent slope to the north, there is an approximate two-foot grade change from the southern property line to the north. The grade of the proposed home site is based on the driveway's access points off Drager Street, which was required to be located on the elongated side of the lot in order to maintain access standards. But because the lot slopes approximately two percent to the north, the proposed home sits slightly taller than the north property line, and two feet

taller than the neighboring house to the north. The applicant's architect has located the majority of the internal second-story floor space onto the south side of the residence, and designed the roof form in order to mitigate the request to the degree possible and still maintain a house design that is consistent with the architectural characteristics and massing of the neighborhood.

The Planning Commission finds that the previous applicant's agreement to meet Solar Setback A on a lot with a limited north-south lot dimension is an unusual circumstance for which the current owner is not responsible. The application also notes that the applicants seek to have a finished floor elevation and subsequent garage approach that is as close to street grade as possible, and this design results in the home sitting approximately two feet above natural grade which adds to the difficulty already created by the substandard lot dimension in complying with the solar access standards.

2.6 The Planning Commission finds that the home to the north at 664 Drager has 21 linear feet in unheated garage, and 17 linear feet of office/media space with no windows on the south elevation. The proposed home at 622 Drager will shade approximately seven feet up the south facing wall of 664 Drager, but will not cast a shadow on the upper story or roof, which would still allow for passive solar access and roof mounted solar panels. The property's rear yard would also be available for ground mounted solar panels.

Given that the shaded portion of the home is an unheated garage and office space with no windows, the shadow being cast onto the adjacent lot is primarily shading non-heated areas or areas that already have limited solar benefits due to the floor plan. The Planning Commission therefore finds that the proposed shading will not diminish the solar access benefits to the habitable portion of the structure on the adjacent lot to the north.

2.7 The Planning Commission finds that since the proposed shading will be limited to the ground floor of the adjacent home, that substantial solar access is still available in the upper floor south facing windows. Building permit submittals for the adjacent home indicate that the south facing upper story has full windows which are stepped back between five-foot, two-inches, and eight-feet, four-inches from the face of the ground floor wall.

The City of Ashland's Solar Access Ordinance is designed to protect solar access to adjacent properties to the north at noon on December 21st, the shortest day of the year when the sun is at its lowest point in the horizon. Therefore, on any other day either before or after this time, more solar access will be available as the sun rises higher in the horizon.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a solar variance to amount of shading to the adjacent property for the property located at 622 Drager Street is supported by evidence contained within the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2012-01321. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2012-01321 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.

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 the Solar Setback Variance approval shall be submitted and approved prior to issuance of a building permit.
3. That the applicant's subsequent retaining wall on the north property boundary shall be limited to two feet above existing natural grade.

Planning Commission Approval

December 11, 2012

Date

**TYPE II
PUBLIC HEARING**

**PA-2012-01414
180 Nutley Street**

**ASHLAND PLANNING DIVISION
STAFF REPORT
November 13, 2012**

PLANNING ACTION: # 2012-01414

APPLICANT: Power Plus Homes LLC

LOCATION: 180 Nutley Street

ZONE DESIGNATION: R-1-7.5

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

APPLICATION DEEMED COMPLETE: October 24, 2012

120-DAY TIME LIMIT: February 22, 2012

ORDINANCE REFERENCE:

- 18.20 Single-Family Residential Districts
- 18.76 Partitions
- 18.88 Performance Standards
- 18.100 Variances

REQUEST: A request for a Minor Land Partition to create two parcels, the existing single family residence would remain at 180 Nutley Street and the new accessory guest house would be converted to a single family residence on Scenic. The request includes a Variance to the rear yard setback to reduce the required setback from 20-feet to 10 ½ feet. The applicant is also requesting an Exception to the Street Standards to not install sidewalks along Scenic Drive.

I. Relevant Facts

A. Background - History of Application

In April 1983, an application for a Minor Land Partition to divide the lot at 180 Nutley Street into two parcels was approved by the Planning Commission. The partition approval was not recorded and was extended in April 1984.

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

B. Detailed Description of the Site and Proposal

The subject site is located to the southwest of the intersection of Nutley Street and Scenic Drive. The parcel is 21,764 square feet in area. The site is zoned R-1-7.5, Single-Family Residential, 7,500 square foot minimum lot area. The properties to the north and east are also zoned R-1-7.5. The property to the west is zoned RR-.5, Rural Residential, ½ acre minimum. There are single family residential units across Nutley, to the west and south. Directly across Scenic is a small apartment complex. The subject site is located within the Skidmore Academy Historic District.

The subject property has a circa 1920, 989 square foot, Historic Contributing structure, the Robert L. Taylor house. The simple gable, single story bungalow is orientated towards Nutley and is setback 80 feet from the street. A recently constructed 957 square foot, two story guest house is behind the existing residence and is oriented towards Scenic Drive, setback 35-feet to the deck. A 170 square foot (10 X 17) arbor is located between the two structures.

There are two existing driveways on the parcel. One is along the west side yard of the parcel accessed off of Nutley; there is a shared access easement on this driveway for the neighboring property. The other is adjacent to the rear property line (south) accessed off Scenic Drive. A parking area off of Scenic Drive has been created on Parcel 1 a few feet off of the intersection of Nutley and Scenic.

The parcel has a downhill west to east slope ranging from 16 to 24 percent towards Scenic. Some areas have been terraced and exceed 25 percent; the applicant provided a slope analysis which demonstrates the natural slope of the property is not greater than 24 percent. There are a number of trees on the property. The trees are primarily along the two street frontages and are a mixture of deciduous and conifer. No trees are proposed to be removed as part of the partition proposal. There are no drainage swales, creeks or other natural features on the property.

1. Minor Land Partition –

The proposal is to partition the existing 21,764 square foot parcel into two parcels; Parcel 1 is proposed to be 12,326 square feet, oriented towards Nutley Street and will have the existing single family residence, Parcel 2 is proposed to be 9,438 square feet oriented towards Scenic Drive and will have the guest house converted to a single family residence. The two existing driveways accessing the parcel are to be retained one for Parcel 1 accessed off Nutley Street and the other for Parcel 2 accessed off of Scenic Drive. The parking area at the intersection of Nutley and Scenic is proposed to be decommissioned. No tree removal is proposed as part of the partition.

2. Variance to Rear Yard Setback –

A variance is required because the guest house structure on Parcel 2 is a two story structure which necessitates a 20-foot rear yard setback and the structure is 10-feet, 6-inches from the rear property line.

3. Exception to Street Standards –

The applicant has requested an exception to the street standards to not install sidewalks along the Scenic Drive frontage of the parcel.

II. Project Impact

The project requires a Minor Land Partition approval to divide the existing parcel into two separate parcels. A Variance is required for the rear yard setback to be reduced from 20-feet to 10 ½ feet, and an Exception to the Street Standards is requested to not install sidewalks along the Scenic Drive frontage. The proposal has been scheduled for a public

hearing because Staff does not find that the proposal meets the criteria for the Variance to the rear yard setback.

A. Minor Land Partition –

The applicants propose to partition the site's 21,764 square foot lot area into two parcels. One parcel is proposed to be 12,326 square feet in area (Parcel 1) and will have the existing Single Family Residence. The other is proposed to be 9,438 square feet in area (Parcel 2) and will have the existing guest house which will be converted to a Single Family Residence. The proposed parcels meet the minimum lot area for the zone. Adequate public utilities are either in place to serve the existing and proposed parcel or are able to be installed. The applicant has requested a variance to the required setbacks and has requested an Exception to the Street Standards to not install sidewalk along Scenic Drive.

Lot Line Determination, Lot Dimensions and Setbacks – Lot lines are based on the street frontage. The lot line adjacent to the street is the front lot line, opposite of that is the rear and the remaining two are sides. ‘

Corresponding to the determination of the lot lines are the lot dimensions and the required yards or setbacks. According to Ashland Municipal Code (AMC) 18.32.040.C.no lots shall have a width greater than its depth. The setbacks for Single Family Residential Parcels are as follows:

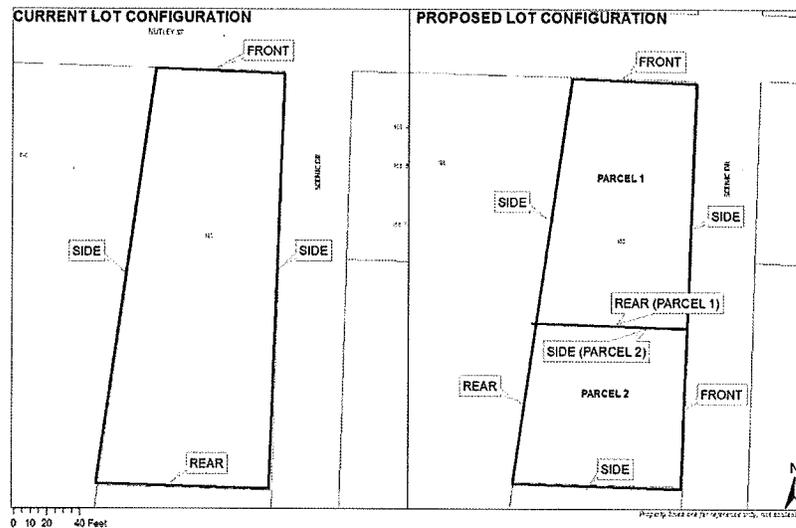
Front yards shall be a minimum of 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of eight feet or the width of any public utility easement, whichever is greater, from the front property line. All garages accessed from the front shall have a minimum setback of 20 feet from the front property line; side yards, six feet; side yard of a corner lot abutting a public street shall have a ten foot setback; rear yard, ten feet plus feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 19.70 which provides for Solar Access.

According to the proposal Parcel 1 complies with the dimensional requirements and the setback since Nutley Street is the front lot line (north), opposite is the rear (south) and the remaining two (east (Scenic) and west) property lines are the sides. Proposed Parcel 1 complies with the dimensional standards of the AMC with the minimum lot width exceeding 65-feet and the minimum lot depth of 80-feet. Additionally, the setback of the structure on Parcel 1 complies and exceeds the setbacks in the zone of 15-feet in the front yard, six feet along the west property line, 10-feet along the side yard abutting a public street and 10-feet per story along the rear property line.

Based on the proposal, the front lot line of Parcel 2 will be adjacent to Scenic Drive (east), opposite of that is the rear (west) and the remaining two (north and south) are the side property lines. The proposed average lot width of proposed Parcel 2 is 97.32-feet. The proposed average lot depth is 97.3, in order to comply with the dimensional standards from AMC 18.32.040.C; proposed Parcel 2 will

need to be decreased in width by .02 feet. A condition to this effect has been added.

Based on the location of the residential structure on proposed Parcel 2, the majority of the setbacks are complied with including the solar access standards. The rear yard setback is not met and the applicant has requested a variance discussion (see below). The arbor between the structures does not appear to meet the required minimum side yard setback of six feet and it is unclear if it complies with the solar access standards. The applicant's findings state that the structure is able to be modified in order to comply with the required setbacks. A condition to this effect has been added.



Driveway and Site Access – There is a driveway along the west property line which has a shared access easement for the adjacent property to the west. This driveway is the proposed access for Parcel 1. A parking area for two vehicles is proposed to be installed parallel to the existing driveway. Another driveway accessed off of Scenic Drive is along the south property line, this is the proposed access for Parcel 2. Additionally, there is a parking area that the property owner created about 19-feet from the intersection, accessed off of Scenic Drive. A curb cut was not created, the property owner drives over the curb. Due to the access management standards which require a 35-foot separation from driveways to intersections, this parking area cannot be permitted and has been proposed to be decommissioned.

B. Variance

The variance request is for the structure on Parcel B to be located at 10-feet, 6-inches from the rear property line where 20-feet are required for a two-story structure. The application identifies the unique and unusual circumstances as that the property is an oversized corner lot within the R-1-7.5 zone. Additionally the application finds that the creation of the new parcel makes the existing structure (Parcel 2 structure) non-conforming because the property line shifting from what was the side and the rear of the parent parcel become the front, rear and side of Parcel 2. The applicant states that the

second floor is a loft and that the structure could have ceiling heights just as tall without having the setback.

According to AMC 18.08.662 the definition of a story is: *That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the top story shall be the portion of the building between the upper surface of the top floor and the ceiling above...If the wall face of the upper most floor at the rear or side yard setback line is more than three (3) feet above the floor level below, the upper floor shall be considered a story for the purposes of setbacks.* The existing structure is a two story according to this definition. Further, under the definition of a mezzanine according to the Oregon Structural Specialty Code (OSSC), the loft space created cannot be more than a third (33.3 percent) of the space below, in this case the loft area is 35 percent of the space below, has more than seven feet of headroom and the wall faces are more than three-feet at the rear property line.

The application identifies the positive benefit of the proposal as the grade differential between the property to the west and the structure in question. The applicant states that the adjacent most properties structure is more than 70-feet away.

The application states that the placement of the structure was a mis-communication regarding how the property lines and corresponding setbacks would shift upon partition and therefore the setbacks would be affected as well.

The variance is the minimum necessary in the sense that the structure is built and cannot easily be modified. The property to the west does exceed minimum lot size and potentially a boundary line adjustment could be pursued in order to alleviate the variance request. Staff's primary concerns are that the variance criterion does not appear to be met. Typically, variance requests and approvals are based on unique or unusual physical conditions of the property which necessitate the placement of a structure in a certain location due to the constraints posed by the physical condition. For example the location of a large tree, stream, wetland or rock outcropping are typical examples of circumstances necessitating setback reductions. Additionally, since the structure was recently constructed, staff believes it is difficult to make a finding that the conditions were not self-imposed.

C. Exception to Street Standards

The applicant has requested an Exception to the Street Standards in order to not install sidewalk along Scenic Drive. The applicant's contend that there are grade issues which would require the installation of a fairly significant retaining wall, a number of trees would have to be removed and utility cabinets would need to be relocated or the sidewalk would have to route around them. As stated by the application, one the City's largest Local Improvement Districts did occur in the vicinity of this property resulting in sidewalks along Scenic across the street. There are no other sidewalks on this side of Scenic. A finding could be made that the slope of the property along the street frontage, the number of trees, the number and location of the utility cabinets are all unique circumstances which would make putting a city standard sidewalk in very difficult. Additionally, the sidewalk would not provide connectivity to any other sidewalks on the

uphill side of Scenic Drive and there are continuous sidewalks on the other side of Scenic Drive.

III. Procedural - Required Burden of Proof

The criteria for Minor Land Partition approval are described in 18.76.050 as follows:

An application for a preliminary partition shall be approved when the following conditions exist:

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options.
(Ord 2836 S8, 1999)
- F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.
(ORD 2951, amended, 07/01/2008)

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

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

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter. (Ord 2951, amended, 07/01/2008; Ord 2836, amended, 02/02/1999)

The criteria for a Variance are described in 18.100.020 as follows:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.

IV. Conclusions and Recommendations

The site is oversized and had partition potential without a variance prior to the placement of the structure. The parcels exceed the minimum lot size for the zone, the infrastructure is in place or can be installed which supports the additional parcel. Additionally the future uses of this parcel and the adjacent properties are not impeded by this partition.

Findings can also be made regarding the request for an exception to not install sidewalks due to the proximity of a very comprehensive Local Improvement District, the slope of the property along the frontage, the potential for connectivity of sidewalks along the remaining street frontages, and that there are a number of impediments to sidewalk installation.

As stated above, Staff's primary concerns are that the variance criterion does not appear to be met. Typically, variance requests and approvals are based on unique or unusual physical conditions of the property which necessitate the placement of a structure in a certain location due to the constraints posed by the physical condition. Additionally, since the structure was recently constructed, staff believes it is difficult to make a finding that the conditions were not self-imposed.

Should the Commission believe adequate information and facts are provided to approve the project, Staff recommends the following conditions:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That prior to final partition plat:
 - a) That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.

- b) All easements for public and private utilities, fire apparatus access, and reciprocal utility, maintenance, and access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - c) That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions prior to signature of the final survey plat. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants, sanitary sewer lines, storm drain lines and electric services.
 - d) The parking area adjacent to the intersection of Nutley Street and Scenic Drive shall be re-vegetated in accordance with the applicant's proposal.
 - e) That the parking spaces adjacent to the driveway for Parcel 1 shall be installed in accordance with the applicant's proposal.
 - g) That street trees, 1 per 30 feet of street frontage, shall be installed on the Scenic Drive frontage prior to the signature of final survey plat. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
- 3) That prior to the issuance of a certificate of occupancy:
- a) A modification of the building permit for the guest house on Parcel 2 will be necessary to allow for the wiring to install a range as required.
 - b) Payment of applicable system development charges (for a new residential unit) are required prior to the issuance of a certificate of occupancy for the residence on Parcel 2.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 148

Skidmore Academy Historic District, Ashland, OR

411.0

KATZEN, BARRY & LINDA HOUSE
29 SCENIC DR
Architect: Straus, David
Modern Period: Contemporary

1990
391E08AD 5303
Builder: Vitus Construction
Non-Historic, Non-Contributing

Located upon a flag lot occupying the center of this block and accessed via a narrow driveway off Scenic, this modernistic multi-story stucco-clad home was built by Vitus Construction and designed by Medford architect David Straus. (Ashland Building Permit 90-04093)

412.0 *Survey #636*

MILLS VICTOR HOUSE
155 STRAWBERRY LN
Architect: Clark Frank Chamberlain

1927
391E08AD 5400/5301
Historic Contributing

This dwelling was identified as the Victor Mills House in the inventory of architect Frank Chamberlain Clark's works. Mills purchased the property prior to 1926 according to Jackson County Assessors field books. (JCD 126:126) and had sold a portion of the property by that time. (JCD 135:320) No occupant during the 1940s could be identified and by 1964 the house was owned by Horace Badger.

The Mills House is a stucco-clad two story dwelling that exhibits a modest Spanish Colonial influence. It retains sufficient integrity to relate its period of construction.

413.0

SHERWOOD, IRVING HOUSE
35 SCENIC DR
Modern Period: Neo-Traditional [LOG]

1985c
391E08AD 5401
Non-Historic, Non-Contributing

This large log structure was built in 1985 and the earliest identified owner was Irving Sherwood.

414.0

JOST, GREG & VIRGINIA HOUSE
39 SCENIC DR
Modern Period: Neo-Traditional

1988c
391E08AD 5500
Non-Historic, Non-Contributing

This multi-story dwelling with natural siding and a complex roof was completed in 1988.

415.0 *Survey #870*

TAYLOR, ROBERT L. HOUSE
180 NUTLEY ST
20th Century American: Bungalow

1920s
391E08AD 5600
Historic Contributing

No specific information regarding the construction of this dwelling was located although Robert Taylor is shown living at this address in 1948 and the house appears to date from the 1920s era. A simple gable bungalow form with projecting gable porch, the structure is located facing Nutley, at the SW corner of the intersection of Scenic. The earliest identified owners are Edgar and Alberta Grahman, who



PLANNING ACTION: 2012-01414
SUBJECT PROPERTY: 180 Nutley Street
APPLICANT: PowerPlus Building

DESCRIPTION: A request for a Minor Land Partition to create two parcels, the existing single family residence would remain at 180 Nutley Street and the new accessory guest house would be converted to a single family residence on Scenic. The request includes a Variance to the rear yard setback to reduce the required setback from 20-feet to 10 ½ feet. The applicant is also requesting an Exception to the Street Standards to not install sidewalks along Scenic Drive. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential;
ZONING: R-1-7.5; **ASSESSOR'S MAP #:** 39 1E 08AD; **TAX LOT #:** 5600

ASHLAND PLANNING COMMISSION MEETING: *November 13, 2012 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.

MINOR LAND PARTITION CRITERIA

Section 18.76.050 Preliminary Approval

An application for a preliminary partition shall be approved when the following conditions exist:

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (ORD 2836, 1999)
- F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (ORD 2951, 2008)

VARIANCE

18.100.020 Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (ORD 2425, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed. (ORD 2775, 1996)

EXCEPTION TO STREET STANDARDS

18.88.050 F – Exception to Street Standards

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

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter. (ORD 2951, 2008; ORD 2836, 1999)

PROJECT DESCRIPTION AND FINDINGS OF FACT



SUBMITTED TO
CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON

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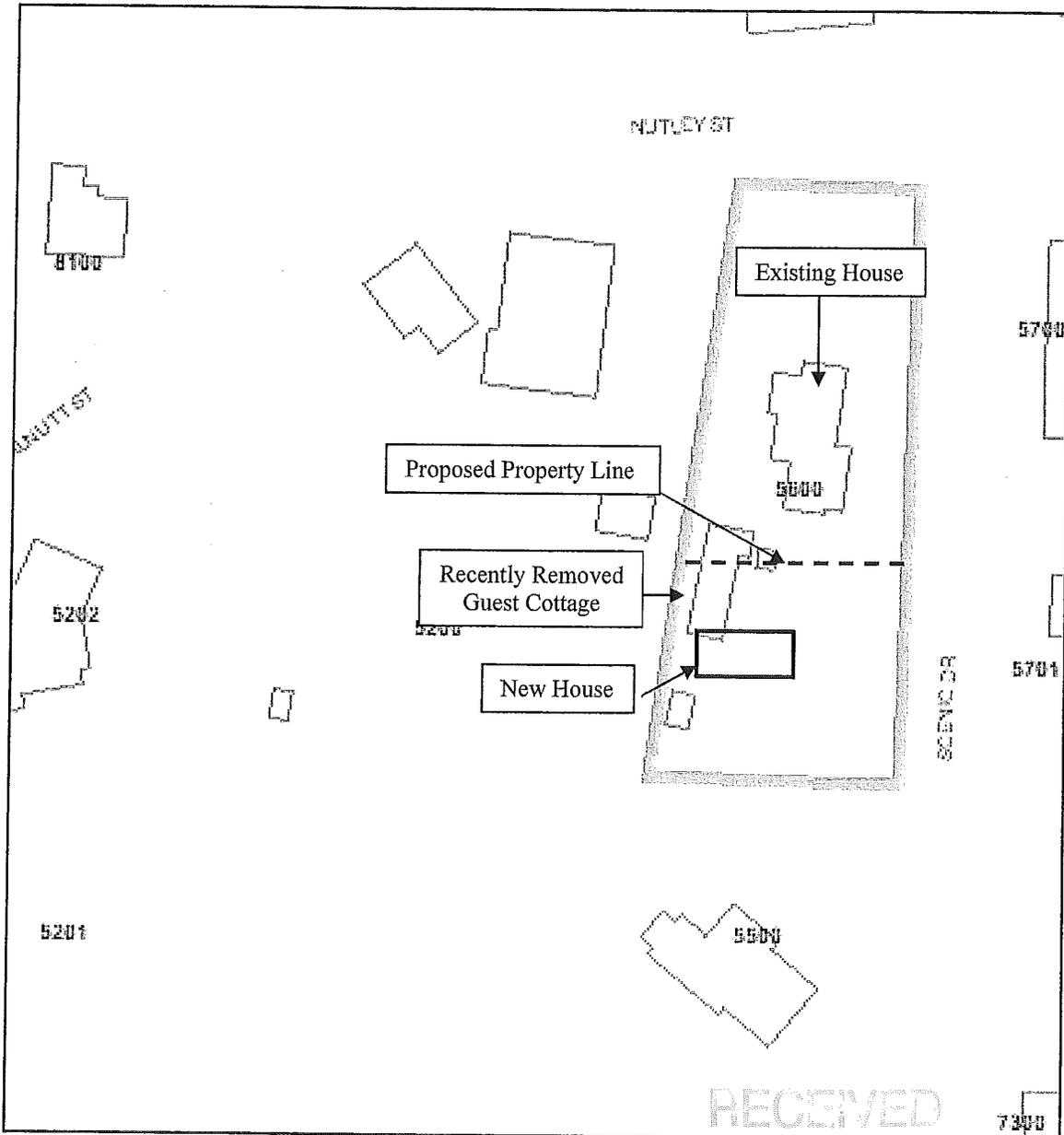
City of Ashland

SUBMITTED BY
URBAN DEVELOPMENT SERVICES, LLC.
485 WEST NEVADA STREET
ASHLAND, OR 97520

OCTOBER 5TH, 2012

I. PROJECT INFORMATION:

PLANNING ACTION: The property owner of 180 Nutley Street (see site plan below) is requesting a single Lot Partition to divide the half acre property at 180 Nutley Street into two parcels consisting of 12,326 and 9,438 square feet. The property owner is also requesting approval of a Variance in order to retain an existing accessory building that does not meet the rear yard setback if the parcel is partitioned and a Street Exception request to sidewalks along Scenic Drive.



ADDRESS: 180 Nutley Street

LEGAL DESCRIPTION: 391E 08AD TL 5600

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City of Ashland

APPLICANT & OWNER:

Christer Cederroth
180 Nutley Street
Ashland, OR 97520

LAND USE PLANNING:

Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520

COMPREHENSIVE PLAN DESIGNATION:

Single Family Residential

ZONING DESIGNATION

R-1-7.5 (7,500 square feet minimum lot size)

TOTAL LOT AREA:

21,764 square feet (1/2 acre)

APPLICABLE ORDINANCES:

Single Family Residential District, Chapter 18.20
Partitions, Chapter 18.76
Variances, Chapter 18.100

ADJACENT ZONING/USE:

WEST: RR-.5; Rural Residential District
EAST: R-1-7.5; Single Family Residential
SOUTH: R-1-7.5; Single Family Residential
NORTH: R-1-7.5 & R-1-10; Single Family Residential
SUBJECT SITE: R-1-7.5; Single Family Residential

II. PROJECT DESCRIPTION:

The following information has been provided by the applicants and land use consultant to help the Planning Staff, Planning Commission and neighbors understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Criteria as outlined in the Ashland Municipal Code (AMC), Sections 18.76.050 and 18.100.020.

Property Description: The property is zoned R-1-7.5 and is located on the corner of Scenic and Nutley Streets. According to County records, the home on the property was constructed in 1900 and is a 989 square foot single story structure. The property is generally rectangular in shape measuring 75' along Nutley Street and 244' along Scenic Drive. The property slopes approximately 18% to the east and has a number of trees scattered around the property, none of which are proposed to be removed with this application.

To the south of the primary structure, a 957 square foot guest house was recently completed which replaced a small 540 square foot residential cottage (apparently rented by previous owners). The guest house is two-stories in height and sits 10'-6" from the side property line and 38' from the rear property line. A new driveway is to be installed with the guest house which will extend from Scenic Drive. Parking is also available on-street and within a new driveway

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along Scenic Drive, south of the existing house. A driveway, termed "private alley" does exist from Nutley Street, but that driveway is encumbered by an access easement serving the parcel to the west (Tax Lot 5200) and parked cars need to maintain clearance for access.

Recent History: The current property owner has recently replaced the small 540 square foot single-story residential cottage and replaced it with a new two story 989 square foot residential cottage (see photo below and attached Existing Conditions Survey and Partition Plan). Both plans identify prior conditions as well as current conditions and illustrate the old and new cottage's location, orientation and relationship with the site's property lines. During the permitting process for the removal and construction of the guest cottage, there apparently was a miss-understanding by the applicant's architect who apparently didn't understand that the city's setback requirements "change" with corner parcels if the corner parcel is ever proposed to be partitioned. Although this has caused some confusion and frustration among the various parties involved, it is the intent of this submittal to clarify that the miss-understanding was not purposefully done and was an honest mistake.

Partition: The property is zoned R-1-7.5 with a minimum lot size of 7,500 square feet. The property is 21,764 square feet and, according to the lot size standards, could easily be divided into two parcels. In the applicant's case, he desires to divide the property into one 12,326 square foot lot (Parcel 1) and a 9,438 square foot lot (Parcel 2), both of which exceed the zone's minimum 7,500 square foot lot size by approximately 65% and 25%, respectively. In fact, it should be noted that if the property had an additional 736 square feet, it could possibly be divided into three parcels (not the applicant's intention or desire).

Other than a Variance request for a rear setback exception as further discussed below, the proposed Partition request meets all of the R-1-7.5 zoning standards, including lot size, maximum building floor area, lot coverage, lot depth, lot width, solar access, hillside development, etc.

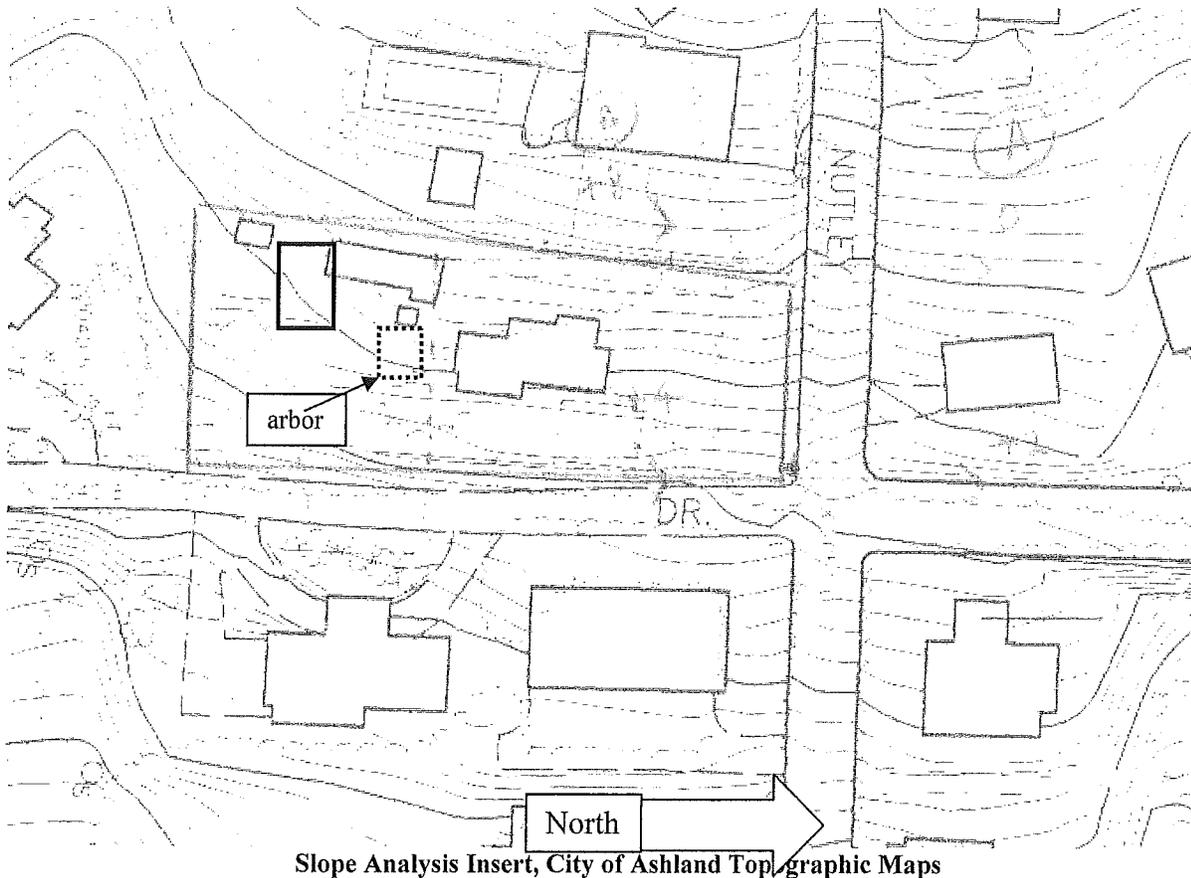
Variance: A rear yard setback exception is being requested in order to allow the second floor of the recently built two-story guest cottage to be within 20' of the "new" rear property line. Currently, the subject property line closest to the cottage building is considered the "side" property line and a 6' side yard setback is required, regardless of the number of stories or a building's overall height. In this circumstance, the cottage building is two stories and has a 10'-6" side yard setback and clearly meets the 6' minimum standard. However, as defined in the Ashland Municipal Code, once a property line is installed dividing a corner lot, the corner lot may continue to have the same "front lot line", but the interior lot will have a "new" front lot line and rear lot line. In this particular case, the front lot line on Parcel 1 remains Nutley Street, but the front lot line for Parcel 2 becomes Scenic Drive and what "was" the side property line for Parcel 2 is now a rear property line and thus its setback switches from a 6' side yard setback to a 10' *per story* rear yard setback. In this specific case, the first floor of the existing cottage at 10'-6" meets the rear setback standard of 10' per story, but the second floor of the structure does not as it is also 10'-6" from the property line.

Solar Access: The proposed lot partition complies with Section 18.70.050 A, as the proposed parcels meet Class "A" standards which allows a 21' tall structure to be built on either property

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that does not exceed 50% of the either lot's north-south lot dimension. The existing structures have heights of 12' and 24' respectively and based on each lot's respective slopes over a 150' in the north direction, Parcel 1 (Slope Analysis (A)) has a .006% positive slope requiring the lot's north-south dimension to be at least 96' and Parcel 2 (Slope Analysis (B)) has a slope of .06% positive slope requiring the lot's north-south dimension to be at least 82' (see Slope Analysis Insert below). As such, considering Parcel A's north-south dimension is 148' and Parcel B's is 97', the lots comply with the Class "A" Standard noted in Section 18.70.050 A.



Further, the recently constructed arbor on Parcel 2, near the proposed partition line, is approximately 6' from the proposed line. Based on this dimension as well as the slope analysis for Parcel 2, the arbor would have a solar setback of 4'. As such, the arbor also complies with the Solar Access Ordinance, Section 18.70.040 A. *Note:* based on the standard setbacks of the R-1-7.5 zone, the arbor, depending on the final survey, may need to be modified in order to comply with the 6' side yard setback requirement. However, this is to be determined at the time of the survey and any necessary modifications to the arbor or property line will occur prior to signature of the plat.

Lot Access: The subject property currently has two points of access, but once divided will have a single point for each lot. There is a small "temporary" parking area along Scenic Drive, near the intersection, where some excavation has occurred, but there is no apron or curb cut and is a 6" curb. This area will not be used for parking and will be blocked with landscaping to insure the

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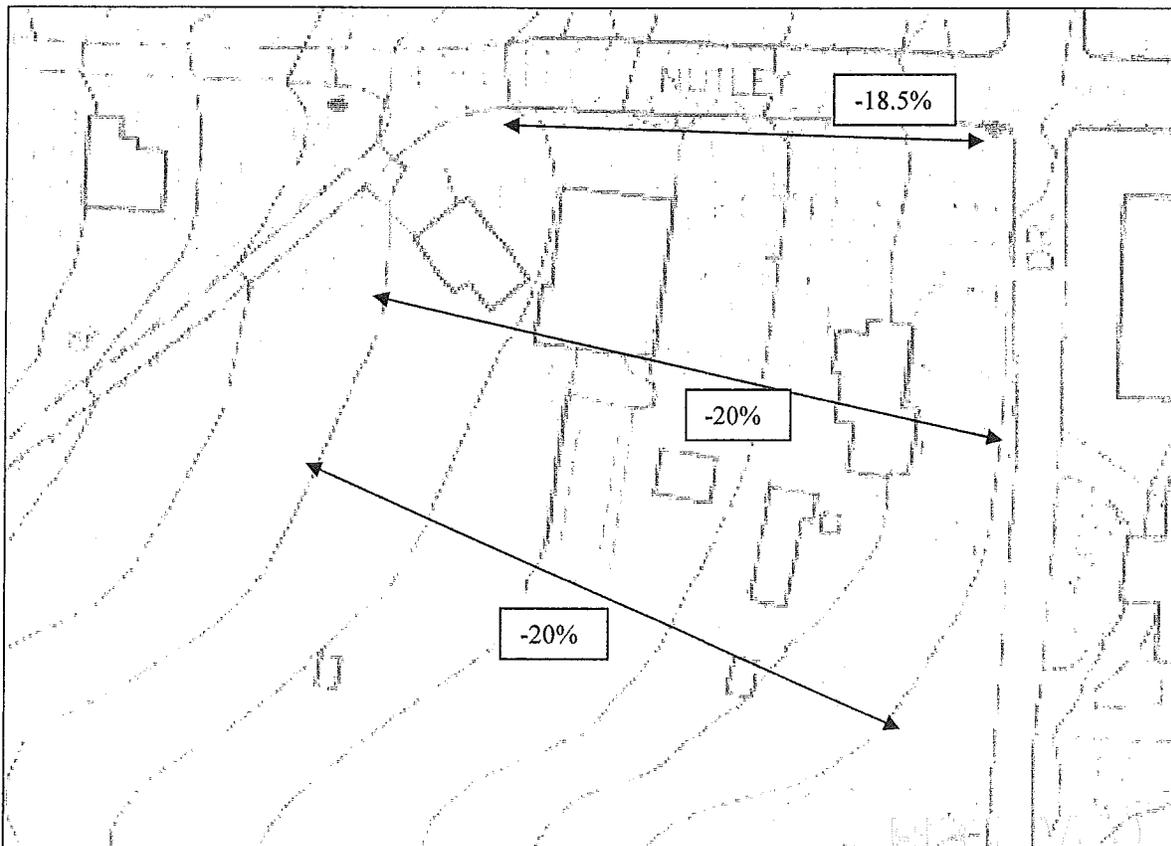
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area is not used. However, on-street parking is likely in this area as it does allow for passengers to comfortably exit a vehicle.

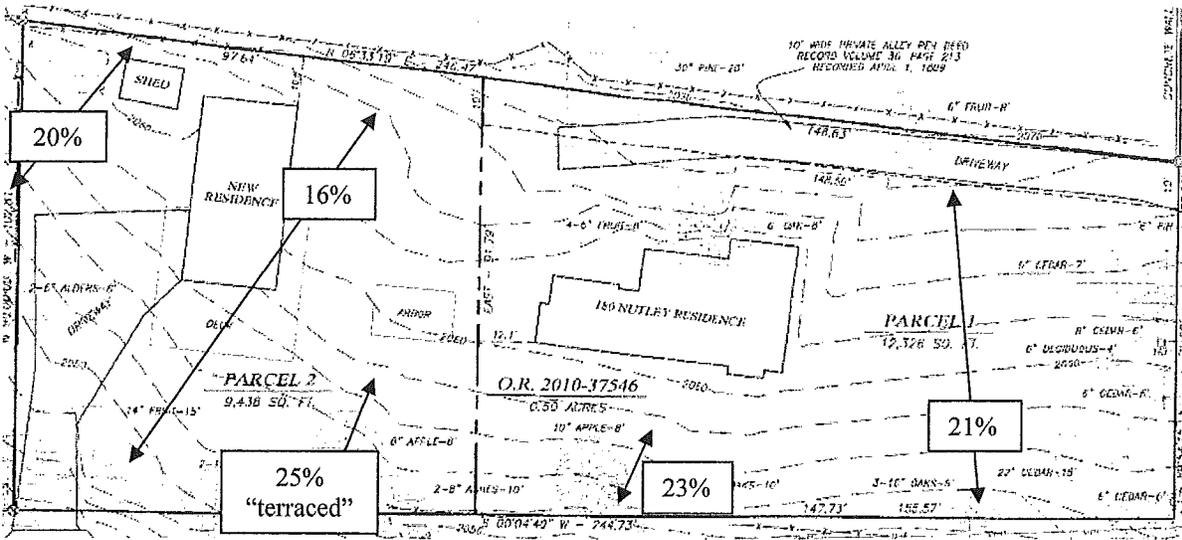
Hillside Lands: The subject property is subject to the City’s Hillside Lands classification, Section 18.62.050 B1, which requires a property to not only be within the Hillside Lands Overlay Map, but also have “natural” slope greater than 25% slope. In this parcel’s case, the property is within the Hillside Overlay area, but does *not* have any area of the property that is “naturally” greater than 25% slope. The property has been historically terraced as with a number of parcels in Ashland with older homes (c1900), but in this properties case, as evidenced in the insert below and identified in historical photos, the property has a natural slope between 18% and 20%.

Note: In 2004, the City Council of Ashland determined that the slope of property for the purposes of developing land under the Hillside Ordinance, the *natural grade* of the property (i.e., the grade before manmade disturbance) must be used (PA-2003-118). This is because hillside lands which have already been disturbed by manmade activities often contain terraces, retaining walls, and other built site features which, if measured in their existing state, would produce grades that differ significantly from the original natural grades which the Hillside Ordinance was designed to protect. Using existing manmade features to determine slope would make application of and compliance with the Hillside Ordinance infeasible on many properties, including the subject property.



Slope Analysis – Hillside Lands (based on natural slopes)

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Slope Analysis – Hillside Lands (slopes w/ terracing)

Maximum House Size Ordinance: The subject property is within the Skidmore Academy Historic District and subject to the Maximum House Size Ordinance 18.20.040 G.2, requiring Parcel 1 at 12,326 square feet to have a maximum permitted floor area of 2,904 square feet and Parcel 2 at 9,438 square feet to have a maximum permitted floor area of 2,689 square feet. As such, both of the parcels comply as the residence on Parcel 1 is only a 989 square foot single story house and the new building on Parcel 2 is a 1,057 square foot two-story house.

Lot Coverage: The maximum lot coverage (impervious surface) for the R-1-7.5 zone is 45% of the lot (house, driveway, sidewalks, etc.). The lot coverage on Parcel 1 allows for 5,546 square feet of lot coverage and it only has 2,289 square feet (+/-) or 18%. Parcel 2 allows for 4,247 square feet of lot coverage and it only has 2,600 square feet (+/-) or 27%. As such, both parcels comply.

Utilities: Considering structures exist on both parcels and all utilities have been installed under the permitting and review process of the Ashland Building Department, Ashland Electric Department and all other service agencies, not additional utilities are necessary once the partition is approved. All utilities are underground and will be identified in easements at time of the final plat.

Street Exception: The applicant is requesting an exception to the City’s Street Standards to not install standard sidewalks and parkrows due to the physical constraints of the property directly behind the abutting curbs (steep embankments, utilities, trees, etc) as well as the recent street improvements installed by the City of Ashland through a Local Improvement District (LID), called the Strawberry Local Improvement District, which included Strawberry Lane, Alnutt Street, Nutley Street, Scenic Drive and Westwood Street. The Strawberry LID was approved in 2005 and improvements began in 2006. The LID was the largest LID ever in the City of Ashland and cost over \$1,000,000.

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During the hearings for the LID, it was made clear the improvements planned in this area were the most sensitive possible, but still provided the necessary level of service to accommodate the areas future growth. The City's Council agreed because of the area's steeper slopes, trees, drainage basins, utilities and the limited development potential, that sidewalks would be on one side of the street, streets would not have planting strips, streets would have narrower pavement widths and in one case a one-way street (lower portion of Strawberry Lane) would be appropriate in order to minimize cuts, fills and excessive retaining wall conditions.

In this same vein of sensitivity and reasonableness by the Council and neighborhood, the applicant believes applying additional street improvements to an area that was recently planned, vetted and constructed just six years earlier, is not logical or keeping within the intent of the Council's decision. Nevertheless, the applicant is still willing to sign in favor of a future LID, as permitted under AMC 18.76.090, with the understanding that with it, it too will provide comprehensive analysis to the area's infrastructure and physical constraints.

Tree Preservation and Protection: All of the site's trees have been identified on the attached survey in accordance with Chapter 18.61. However, it should be understood no trees are proposed to be removed and all utilities have already been installed under permit from the City of Ashland. As such, no additional site disturbances are proposed and no trees, regardless of size, are planned to be removed and therefore Section 18.61.200 A.1. has been met. *Note:* If it is determined sidewalks, planting strips and/or additional parking bays along Scenic Drive are desired by the Planning Commission, approximately 17 trees would need to be removed.

Lot Width to Depth Ratio: In accordance with AMC 18.20.040 C., no lot shall exceed its depth. The subject property will clearly meet this standard, but as submitted, the surveyor accidentally placed the proposed property line approximately two and one-half inches (97'.3" required / 97'.32" submitted). At the time of the final plat, the surveyor will modify the line in order to insure this standard is met. *Note:* if it is determined the property line is two and one-half inches too close to the property's arbor, the arbors eaves will be reduced by two and one-half inches or the property line adjusted slightly to insure compliance.

Parking: There is a small "cut out" on Parcel 1 near the intersection of Nutley Street and Scenic Drive that would be ideal for vehicle parking, but due to its close proximity to the intersection (approximately than 30'), the applicant intends to instead slightly widen the driveway off of Nutley Street on Parcel 1 (see insert below on Page 18) to accommodate two on-site parallel parking spaces. The small cut-out along Scenic Street would be replaced with fill material and re-landscaped. The widening of the driveway will likely take less than 15 cubic yards of fill and result in a short retaining wall of approximately 4' in height.

Neighborhood Outreach: At the time of this writing, a neighborhood meeting has been scheduled to inform all adjacent neighbors of the proposal and any possible nuances, such as a possible sidewalk installation along the frontage, will be explained. The applicant does not expect there to be a concern with the neighbors as no changes to the property are proposed that do not already exist. However, there may be a concern as to the use of the access easement identified on Parcel 1, but the applicant has no intention to use the driveway any differently than how it's utilized now except to add a small amount of fill to ensure there is no parking interference with access to

the adjacent property (Tax Lot 5200). With previous owners, this has been a concern and with the slight widening, it should help resolve any concerns.

III. FINDINGS OF FACT:

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Partition criteria outlined in AMC 18.76.050 and Variance criteria outlined in AMC 18.100.020. *For clarity reasons, the following documentation 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, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

18.76.050 Preliminary Approval by the Planning Commission – Land Partition

An application for a preliminary partition shall be approved when the following conditions exist:

A. The future use for urban purposes of the remainder of the tract will not be impeded.

Although each parcel proposed will be larger than the zone's minimum 7,500 square foot lot size, neither is large enough to divide further. As such, the remainder of either parcel will not impede any urban purpose.

B. The development of the remainder of any adjoining land or access thereto will not be impeded.

There are no remainder areas of the parcels to be developed and adjacent land to the subject property already has access from the subject property. Further, all adjacent lands front onto public rights-of-way and can obtain access specifically from those public streets.

C. The tract of land has not been partitioned for 12 months.

The tract of land has not been partitioned in the previous 12 months.

D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.

To the best of the applicant's knowledge, the partitioning is not in conflict with any law, ordinance or resolution applicable to the land other than the requested Variance to the rear setback as further described below.

E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options.

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As noted, the applicant is requesting an exception to the street standards as noted above. The request is due to the physical constraints of the property directly behind the abutting curbs (steep embankments, utilities, trees, etc) as well as the recent street improvements installed by the City of Ashland through a Local Improvement District (LID), called the Strawberry Local Improvement District, which included Strawberry Lane, Alnutt Street, Nutley Street, Scenic Drive and Westwood Street. The Strawberry LID was approved in 2005 and improvements began in 2006. The LID was the largest LID ever in the City of Ashland and cost over \$1,000,000.

During the hearings for the LID, it was made clear the improvements planned in this area were the most sensitive possible, but still provided the necessary level of service to accommodate the areas future growth. The City's Council agreed because of the area's steeper slopes, trees, drainage basins, utilities and the limited development potential, that sidewalks would be on one side of the street, streets would not have planting strips, streets would have narrower pavement widths and in one case a one-way street (lower portion of Strawberry Lane) would be appropriate in order to minimize cuts, fills and excessive retaining wall conditions.

In this same vein of sensitivity and reasonableness by the Council and neighborhood, the applicant believes applying additional street improvements to an area that was recently planned, vetted and constructed just six years earlier, is not logical or keeping within the intent of the Council's decision. Nevertheless, the applicant is still willing to sign in favor of a future LID, as permitted under AMC 18.76.090, with the understanding that with it, it too will provide comprehensive analysis to the area's infrastructure and physical constraints.

Findings relating to the exception itself are below, in accordance with the Street Standards contained in Chapter 18.88, Performance Standards Options which are specifically spelled out within the Street Standards Handbook (March 1999), within Section V, Hillside Streets and Natural Areas.

F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.

Adequate public facilities do exist to serve the proposed parcels as they are "already" installed. At no time during the pre-application or during conversations with the service agencies was it determined additional facilities would be needed after the partition occurred. However, a second address will be needed for Parcel #2 as well as a second electrical meter on the structure itself at the time of the plat.

G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

1. *The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:*

a. *The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.*

b. *The centerline grade on any portion of the unpaved street does not exceed ten percent.*

2. *Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.*

Not applicable as both abutting streets are fully paved and include curbs and sidewalks on at least one side. As noted previously, the applicant is willing to sign in favor of a future local improvement district.

H. *Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.*

Not applicable as no alleys exist adjacent to the subject parcels.

18.100.020 Application Criteria Variance

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

The application includes a survey of the property which identifies the legal boundaries of the existing parcel as well as grades, trees, structures, utilities and driveways. Elevations and photos of the structures have been included within the application.

A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*

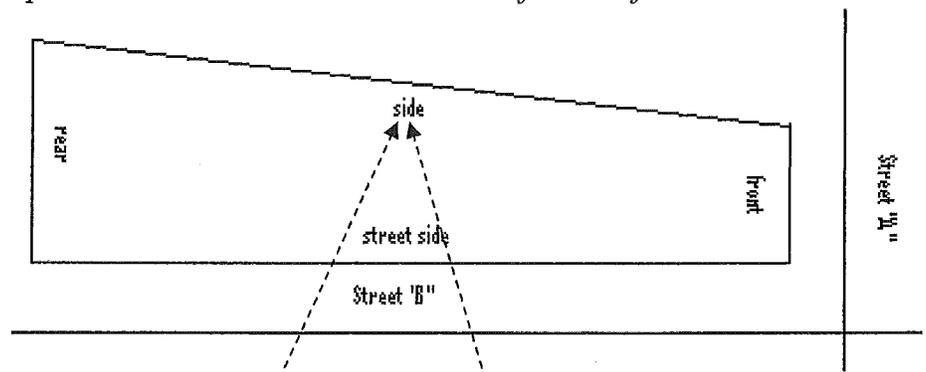
There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere as the subject property is an oversized parcel on a corner lot within the R-1-7.5 zone and by dividing the parcel in accordance with the standard parcel sizes and various dimensional requirements, existing structures on the site that are currently legal, become non-conforming based on the installation of a property line and the definition of what is considered the front, side

and rear yards and also combined with the definition of what constitutes a story (i.e. 1st floor, 2nd floor, etc.).

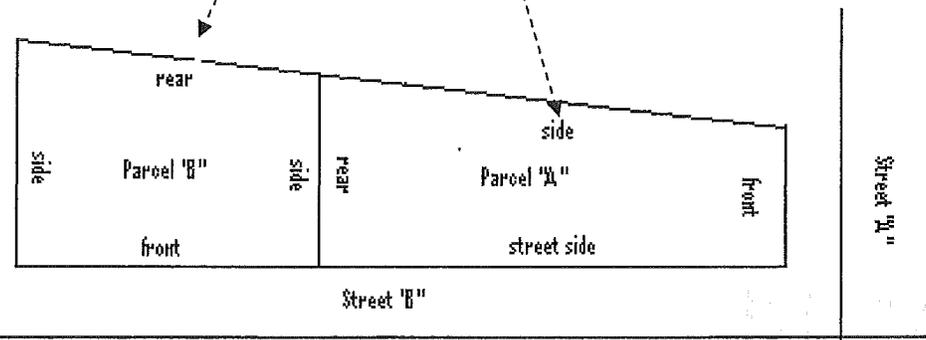
Specifically, a rear yard setback exception is being requested in order to allow the second floor of the recently built two-story guest cottage on Parcel 2 to be within 20' of the "new" rear property line. Currently, the subject property line closest to the cottage building is considered the "side" property line and a 6' side yard setback is required, regardless of the number of stories or a building's overall height. In this circumstance, the cottage building is two stories and has a 10'-6" side yard setback and clearly meets the 6' minimum standard. However, as defined in the Ashland Municipal Code, once a property line is installed dividing a corner lot, the corner lot may continue to have the same "front lot line", but the interior lot *will* have a "new" front lot line and "new" rear lot line. The definitions within the Ashland Municipal Code relating to the front lot line are noted in Sections 18.08.420 and 18.08.430 and state:

Lot Line Front, 18.08.420: In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot shall have one (1) street line considered the front lot line. The narrower street frontage shall be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical.

Lot Line Rear, 18.08.430: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.



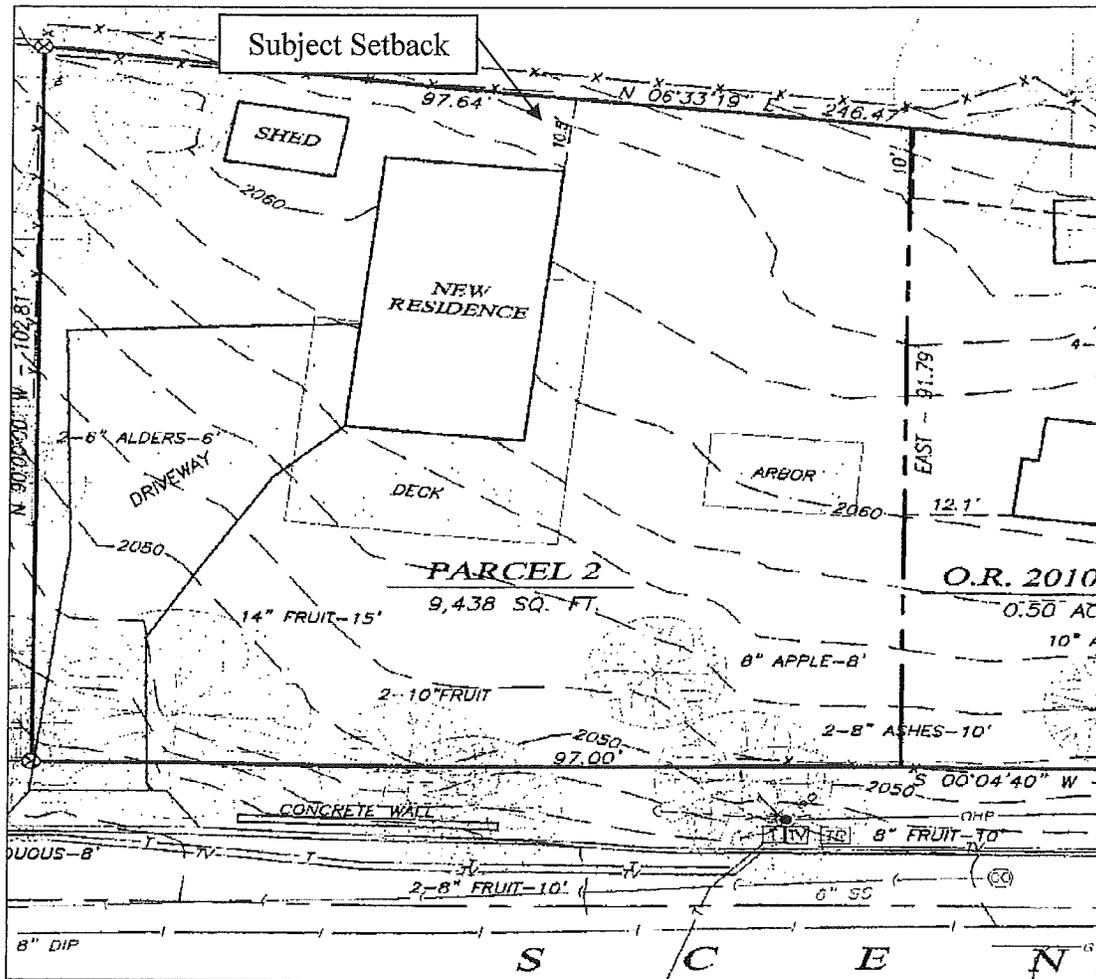
Example: Lot lines of a corner lot "prior" to a partition.



Example: Lot lines of a corner lot "after" a partition

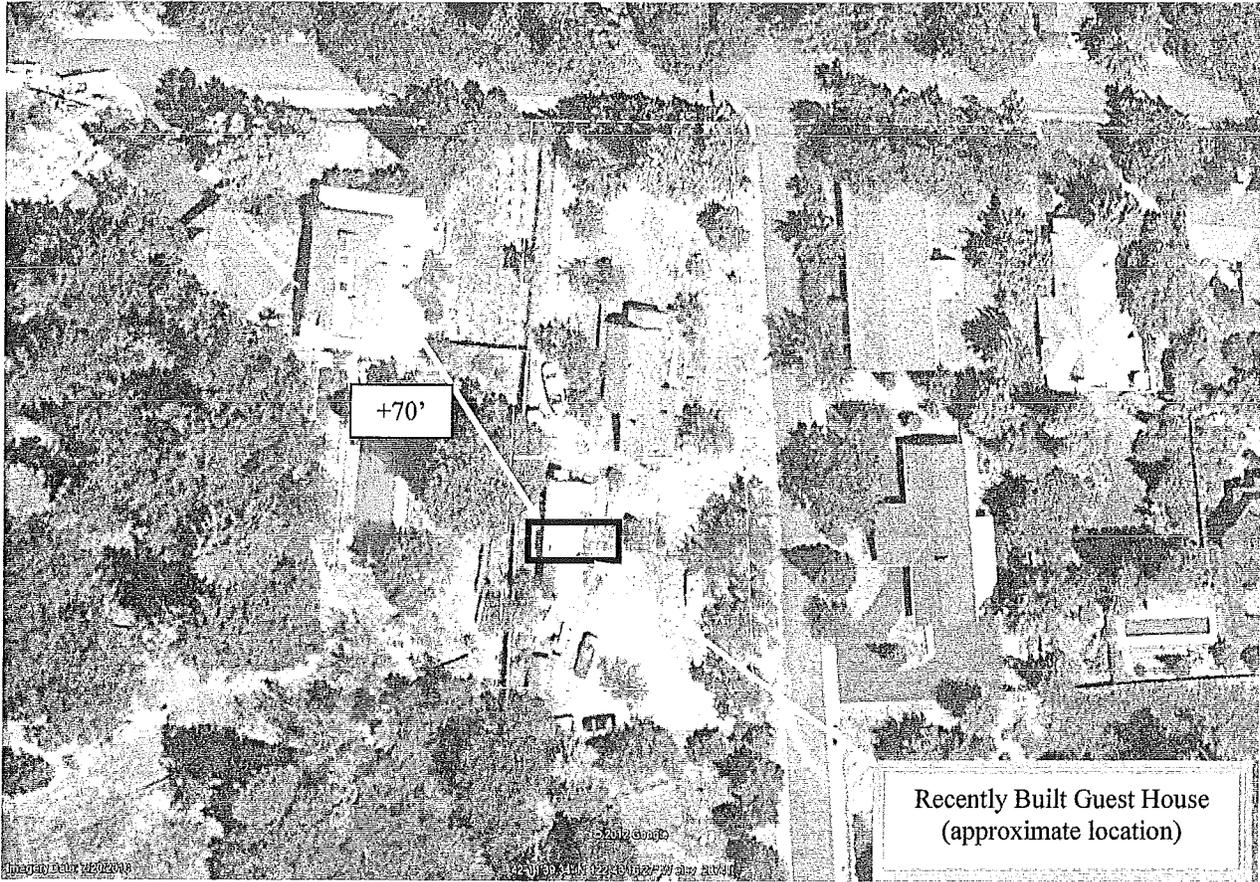
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In this particular case, the front lot line on Parcel 1 remains Nutley Street, but the front lot line for Parcel 2 becomes Scenic Drive and what “was” the side property line for Parcel 2 is now a rear property line and thus its setback switches from a 6’ side yard setback to a 10’ *per story* rear yard setback (see inserts below). In this specific case, the first floor of the existing cottage at 10’-6” meets the rear setback standard of 10’ per story, but the second floor of the structure does not as it is only 10’ from the property line.



Setback Area In Question

In the applicant’s opinion, the circumstances with this parcel are highly unusual for a number of reasons. First, the parcel is oversized and unusually wide (exceeds zones maximum lot depth of 150’) for the R-1-7.5 zone. Although the property has two “existing legal structures” that comply with all current code requirements, once partitioned, only the second floor of the unit on Parcel 2 becomes non-conforming whereas the first floor remains legal. However, if a second floor deck above the first floor in this same space existed, it would be legal, but clearly more impacting to the neighboring property to the west. In fact, as evidenced in the photo below, the second floor wall facing the rear property line only has a very small window (see photos below) and was purposefully designed to minimize visibility onto the neighboring property. *Note:* The closest habitable structure on the neighboring property is over 70’ in distance and 14’ in elevation (at base of house).



The adjacent property to the west also has a different zoning designation of Rural Residential ½ acre minimum lot size and a wide natural drainage swale traversing through the property creating a rural atmosphere which the structure, regardless of side or rear setback, has little impact on. In fact, it's imperative to explain that regardless of the outcome of the partition, the structure will remain and any perceived impact associated with the additional 10' per story setback will still remain.

Finally, another unique circumstance with this property is that the subject building's "second floor" is actually a very small 153 square foot "loft" space where the internal ceilings are floor to ceiling and the loft tucked into the rear portion of the building. If the loft was located to the front of the building, no Variance would be required. And, if the loft didn't exist at all, but the ceiling height remained the same (i.e., no external changes), no Variance would be necessary.

B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

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Internal “Loft Space” Window - Note: The above photo is of the window that faces the property to the west. The window is stained glass and is approximately two square feet in area. The window is in the “loft space” which is technically a second floor.

The applicant contends the proposal is greater than any negative impacts on the development of adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City due to the fact the subject building’s rear construction accomplishes the intent of the 10’ per-story setback standard as the building’s first floor is roughly six feet below the neighboring grade and the second floor’s rear wall is essentially a solid wall, but for a very small window. In this particular circumstance, the end result is far superior to a permissible design where the floor area in question is a second floor deck where congregation and noise could be generated from. Further, regardless of the decision, the subject building will continue to remain “as is” due to the fact without the partition, the building would sit along the side property line and remain conforming as it currently does, but with the Variance, the partition could move forward and the lot divided in accordance with the base densities and urban thresholds established by the City’s Zoning Codes, Comprehensive Plan and accompanying adopted elements thereof.

C. That the circumstances or conditions have not been willfully or purposely self-imposed.

There has been a significant amount of discussion between the City’s Planning Department staff, property owner, property owner’s assistant, contractor, architect and planning consultant

regarding the unfortunate circumstances surrounding the proposal and the background of the Variance request. Unfortunately there have been numerous miss-understandings by a couple of professionals who have been hired by the property owner to represent his interest, but have done a horrendous job which has led to a costly, unfortunate and irreversible error, but in no case should this particular circumstance ever be construed as a “willfully or purposefully self-imposed” act.

Based on conversations with the property owner, who speaks little English, it’s been deduced that everyone originally involved with the building’s design and construction understood the building’s placement met setback dimensions, as evidenced with the issuance of a Building Permit, but did not understand that if and when a partition of the property was ever proposed, it would cause the switch in setback regulations and thus create a need for a Variance. It’s a highly irregular list of circumstances, but there is no doubt that if the zoning regulations were truly understood, the placement of the building could have easily shifted an additional 10’ and thus eliminated the need for the request as there is plenty of space between the building and the front property line.

Further, this mistake could cost the property owner hundreds of thousands of dollars based on the value of the property being divided into two parcels with individual residences or a single parcel with a single residence and a guest house. Although the property owner understands this fact is not necessarily a basis for a decision, it clearly should overstate the fact that there was a miss-understanding of the City’s various codes relating to setbacks, which are obviously very complex and can be confusing based on staff’s own admission.

Section V, Ashland Street Standards, Exception (Criteria Outlined in AMC 18.88.050 F.)

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

A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

As noted, the applicant is requesting an exception to the City’s Street Standards due to the physical constraints of the property directly behind the abutting curbs (steep embankments, utilities, trees, etc) as well as the recent street improvements installed by the City of Ashland through a Local Improvement District (LID), called the Strawberry Local Improvement District, which included Strawberry Lane, Alnutt Street, Nutley Street, Scenic Drive and Westwood Street. The Strawberry LID was approved in 2005 and improvements began in 2006. The LID was the largest LID ever in the City of Ashland and cost over \$1,000,000.

During the hearings for the LID, it was made clear the improvements planned in this area were the most sensitive possible, but still provided the necessary level of service to accommodate the areas future growth. The City’s Council agreed because of the area’s steeper slopes, trees, drainage basins, utilities and the limited development potential, that sidewalks would be on one side of the street, streets would not have planting strips, streets would have narrower pavement

widths and in one case a one-way street (lower portion of Strawberry Lane) would be appropriate in order to minimize cuts, fills and excessive retaining wall conditions.

In this same vein of sensitivity and reasonableness by the Council and neighborhood, the applicant believes applying additional street improvements to an area that was recently planned, vetted and constructed just six years earlier, is not logical or keeping within the intent of the Council's final decision. Nevertheless, the applicant is still willing to sign in favor of a future LID, as permitted under AMC 18.76.090, with the understanding that with it, it too will provide comprehensive analysis to the area's infrastructure and physical constraints.

B. The variance will result in equal or superior transportation facilities and connectivity;

The applicant contends the result of the exception is equal to the transportation benefits of the area as originally master-planned and adopted with the Strawberry Local Improvement District as adopted by the Ashland City Council in 2005 (LID #83, Resolution 2005-029).

C. The variance is the minimum necessary to alleviate the difficulty; and

The applicant contends the request is the minimum necessary to alleviate the difficulty as the installation of additional transportation facilities would be create additional retaining walls and tree loss along the Scenic Drive frontage, an area that has its sidewalk on the opposite side of the street which has been determined by the Ashland City Council, through the Strawberry Local Improvement District, to have adequate transportation facilities.

D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.

The applicant believes the proposed street exception is consistent with the stated purpose and intent of the Performance Options Chapter as well as the stated "street exception language" found in the adopted Street Standards Handbook (adopted February 2, 1999) which is as follows:

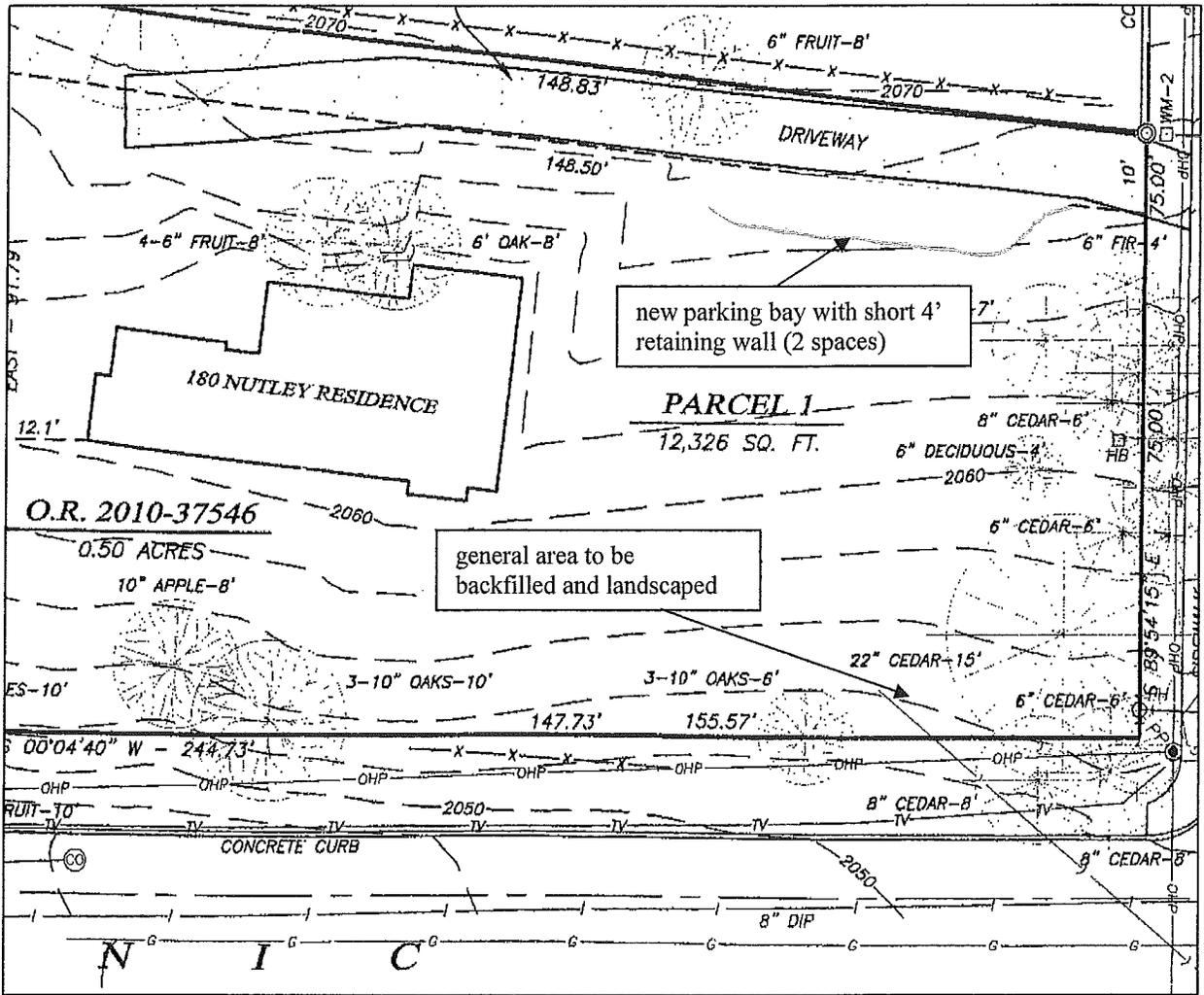
Performance Standards Options (AMC 18.88.010): The purpose and intent of this Chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity and innovation, use the natural features of the landscape to their greatest advantage, provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes, be aesthetically pleasing, provide for more efficient land use, and reduce the impact of development on the natural environment and neighborhood.

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and

Section V: Hillside Streets and Natural Areas - #4: Generally, the range of local street types makes it possible to construct or improve local streets in accordance with the street standards. In certain situations where the physical features of the land create constraints, or natural features should be preserved, exceptions may be made. Exceptions could result in construction of meandering sidewalks, sidewalks on only one side of the street, or curbside

sidewalk segments instead of setback walks. In limited situations where topography or natural features preclude the construction of a sidewalk, a pedestrian path may be substituted on one side of the street at the discretion of the Planning Commission. A pedestrian path is an area designated for walking which is constructed to a lesser standard than the standard concrete sidewalk (i.e. asphalt, crushed granite). Exceptions shall be allowed when physical conditions preclude development of a public street, or components of the street. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. Exceptions to the Street Design Standards shall be limited to situations where there is demonstrable difficulty in meeting the specific requirements due to the unique or unusual aspect of the site.



Parcel 1 – Off-Street Parking Improvements

OCT 05 2012

City of ...

Map Maker
Application

Property Data Online Legend

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

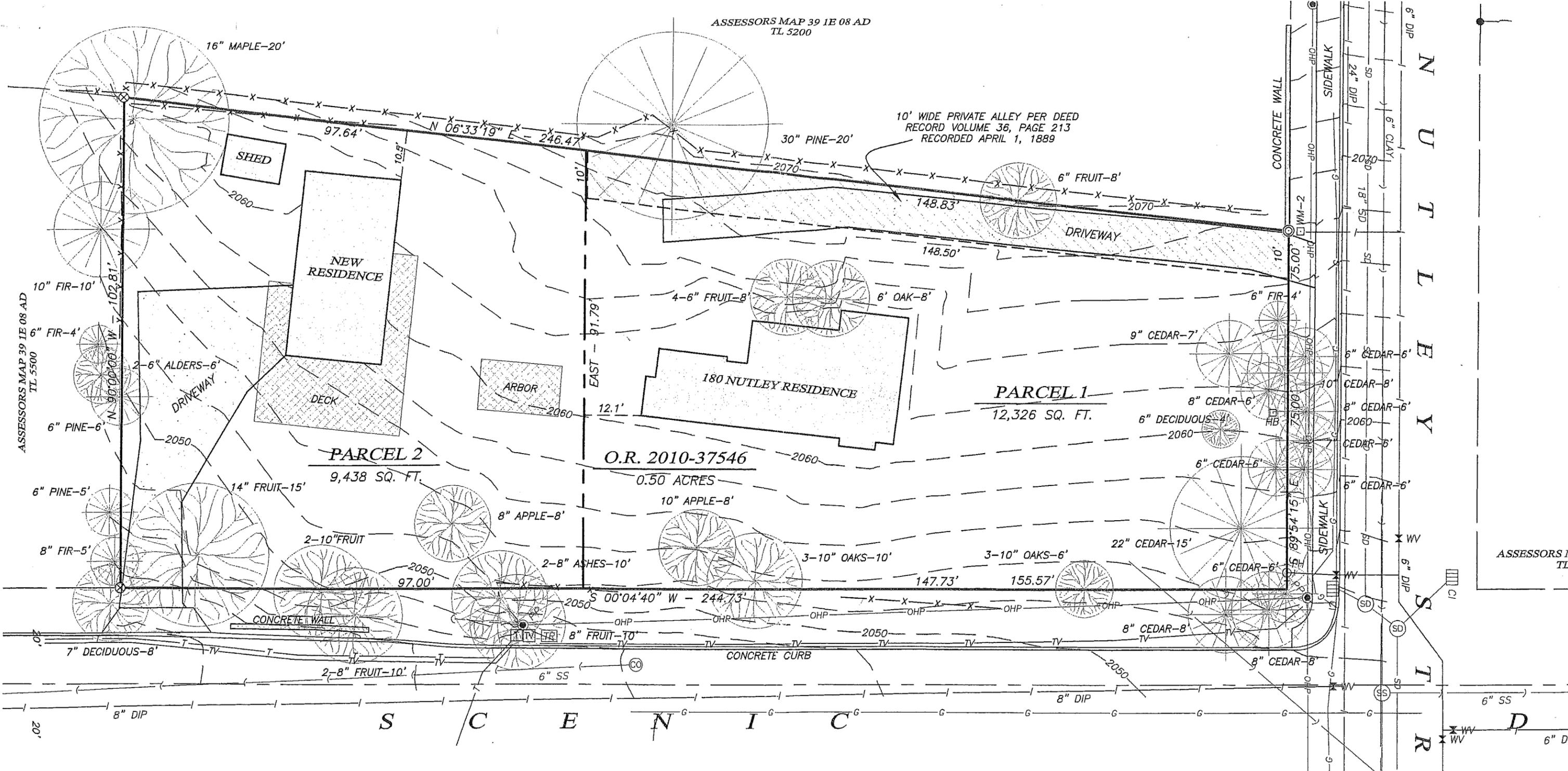


OCT 05 2012



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.



ASSESSORS MAP 39 1E 08 AD
TL 5500

ASSESSORS MAP
TL

ASSESSORS MAP
TL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

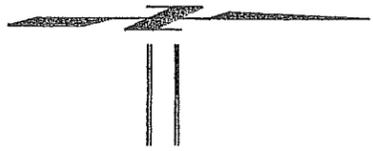
OREGON
JULY 14, 1898
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2013

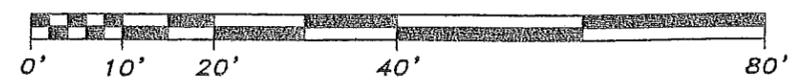
ASSESSORS MAP 39 1E 08 AD
TL 5701

ASSESSORS MAP 39 1E 08 AD
TL 5700

RECEIVED
OCT 05 2012
City of Ashland

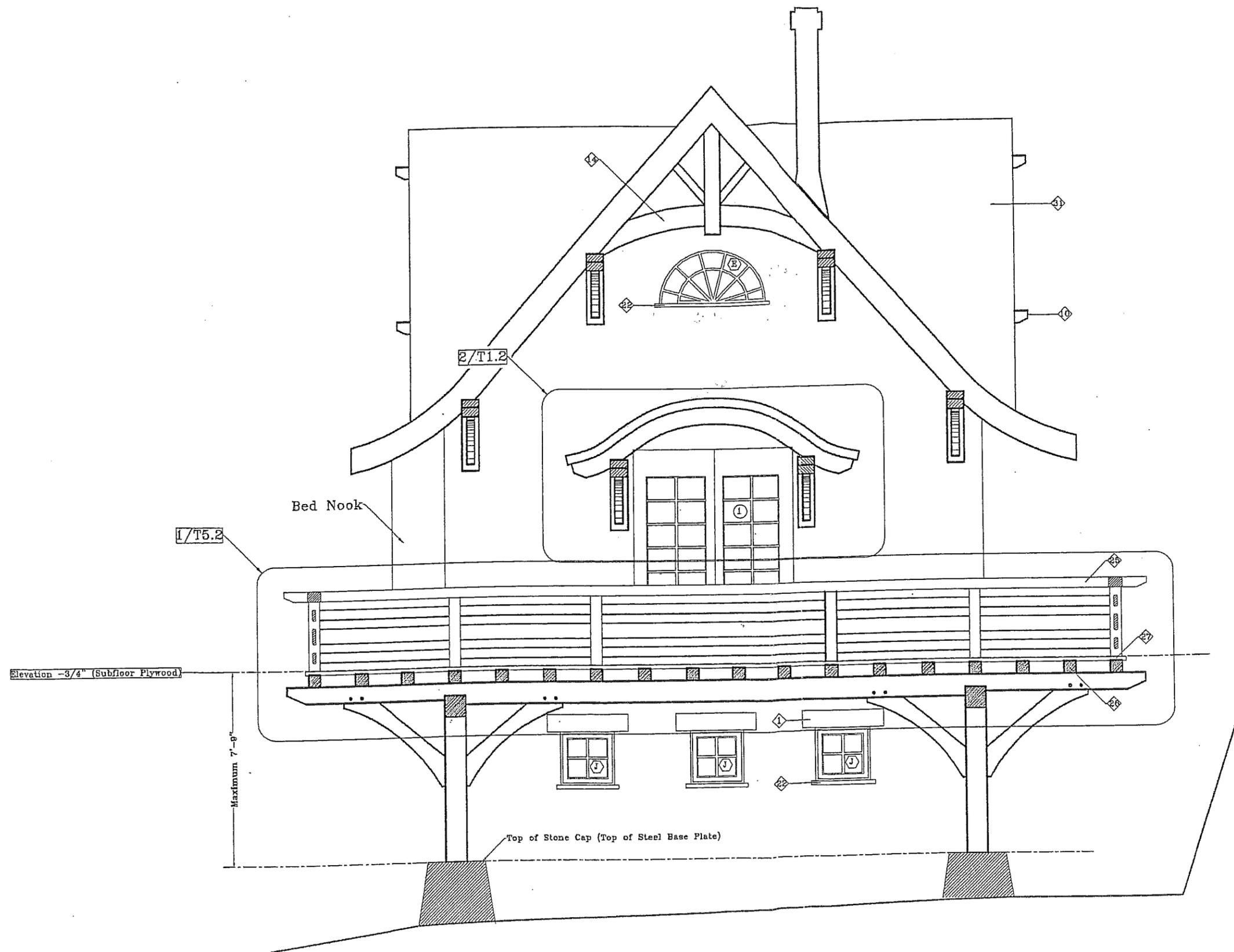


SCALE: 1" = 20'



ASSESSORS MAP 39 1E 08 AD
TL 7300

CONTOUR INTERVAL TWO FEET



East Elevation — (2)

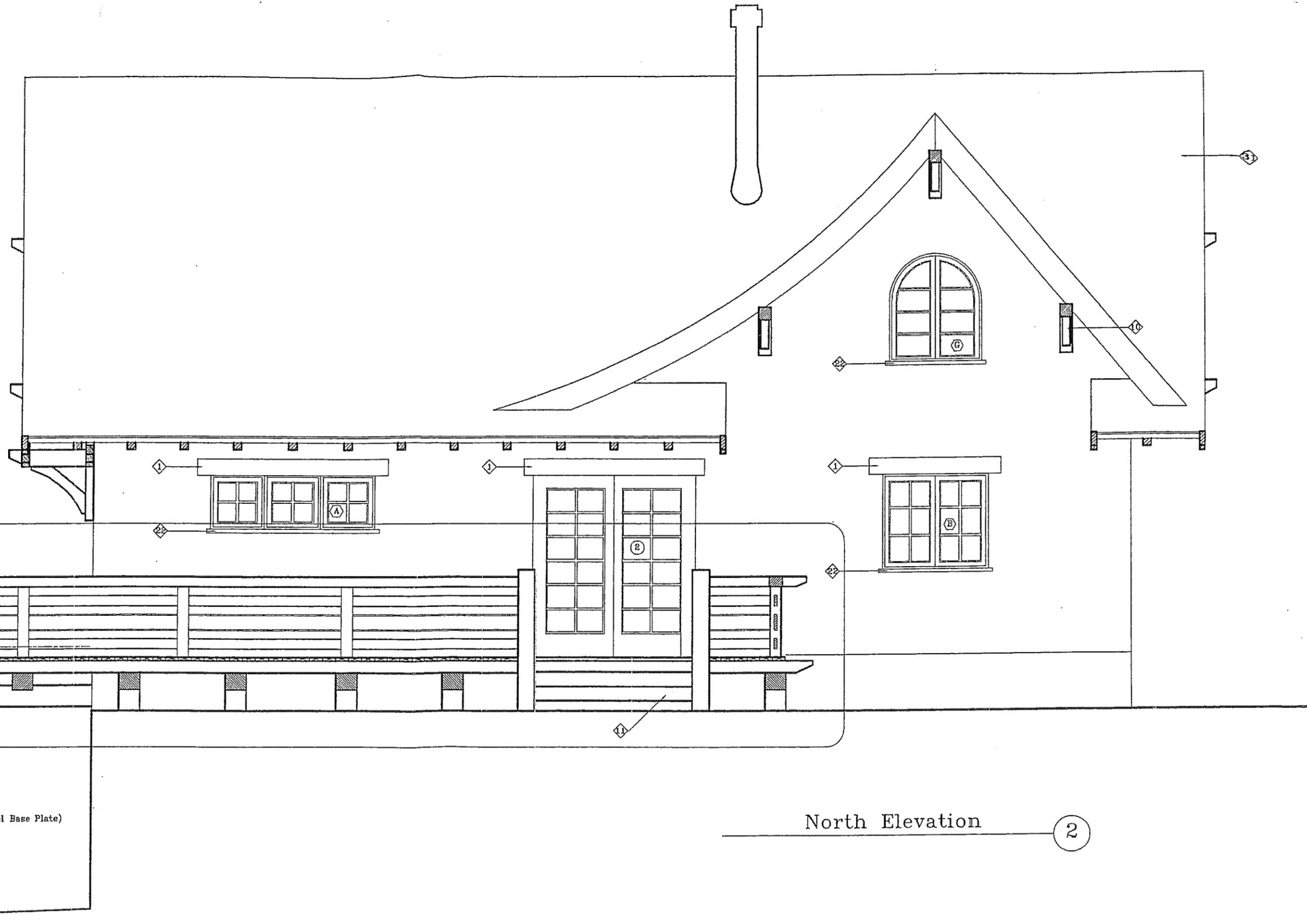
WELLS
 OCT 05 2012
 City of Ashland

Wi:
Labe
(A)

T5.2

Maximum 7'-8"

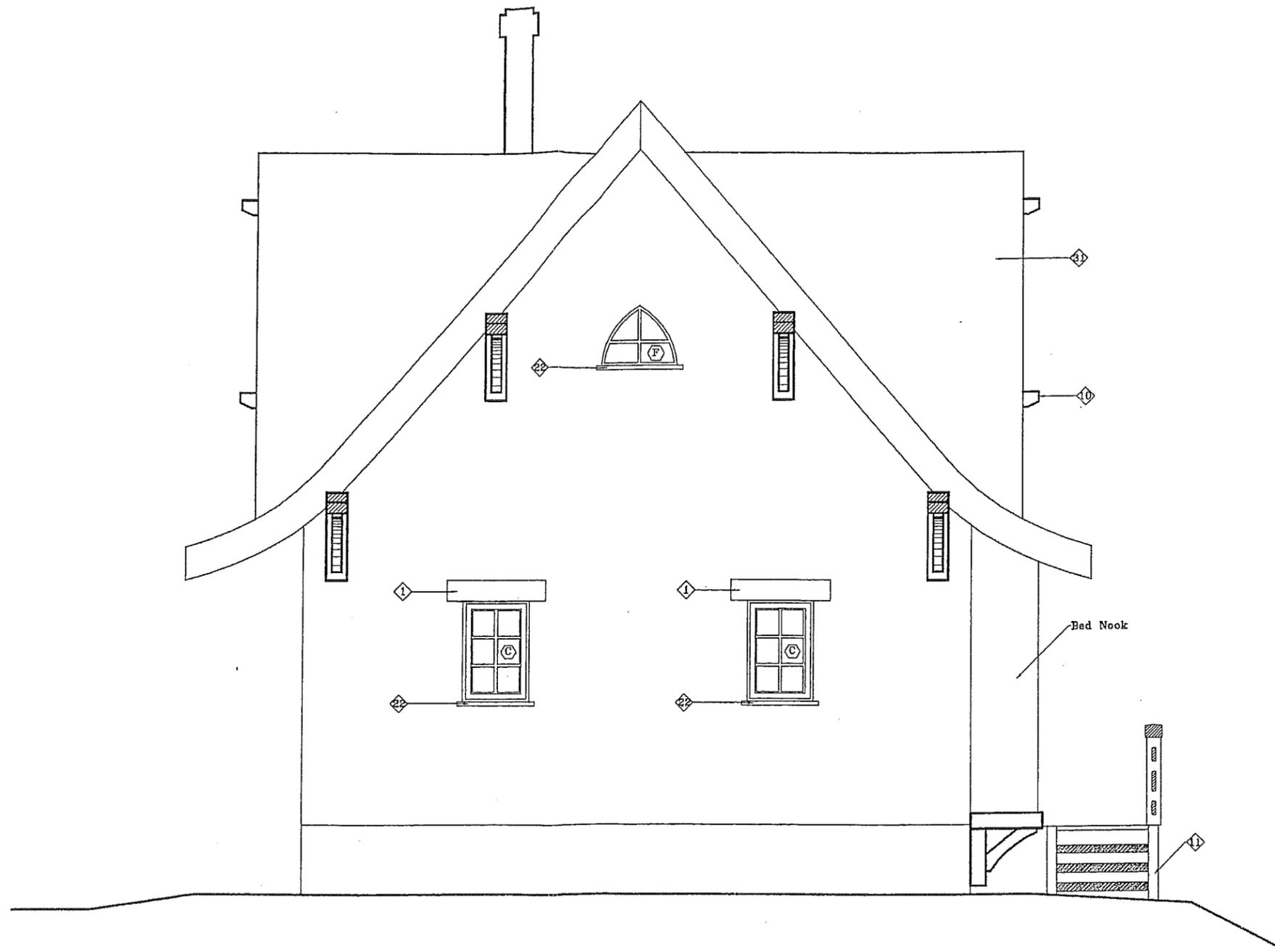
Top of Stone Cap (Top of Steel Base Plate)



North Elevation

2

OCT 05 2012
 City of Miami



West Elevation

1

OCT 05 2012
City of Honolulu

SURVEY NOTES

1. THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS CITY OF ASHLAND BENCHMARK #120, A 3 INCH DIAMETER BRASS CAP IN THE TOP OF A CONCRETE CURB, LOCATED AT THE NORTHWEST CORNER OF NUTLEY STREET AND WINBURN WAY. BENCHMARK ELEVATION = 1915.132 FEET, BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1956 (NGVD 29'56).
2. EXPOSED UTILITY STRUCTURES SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES, ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

(2008)

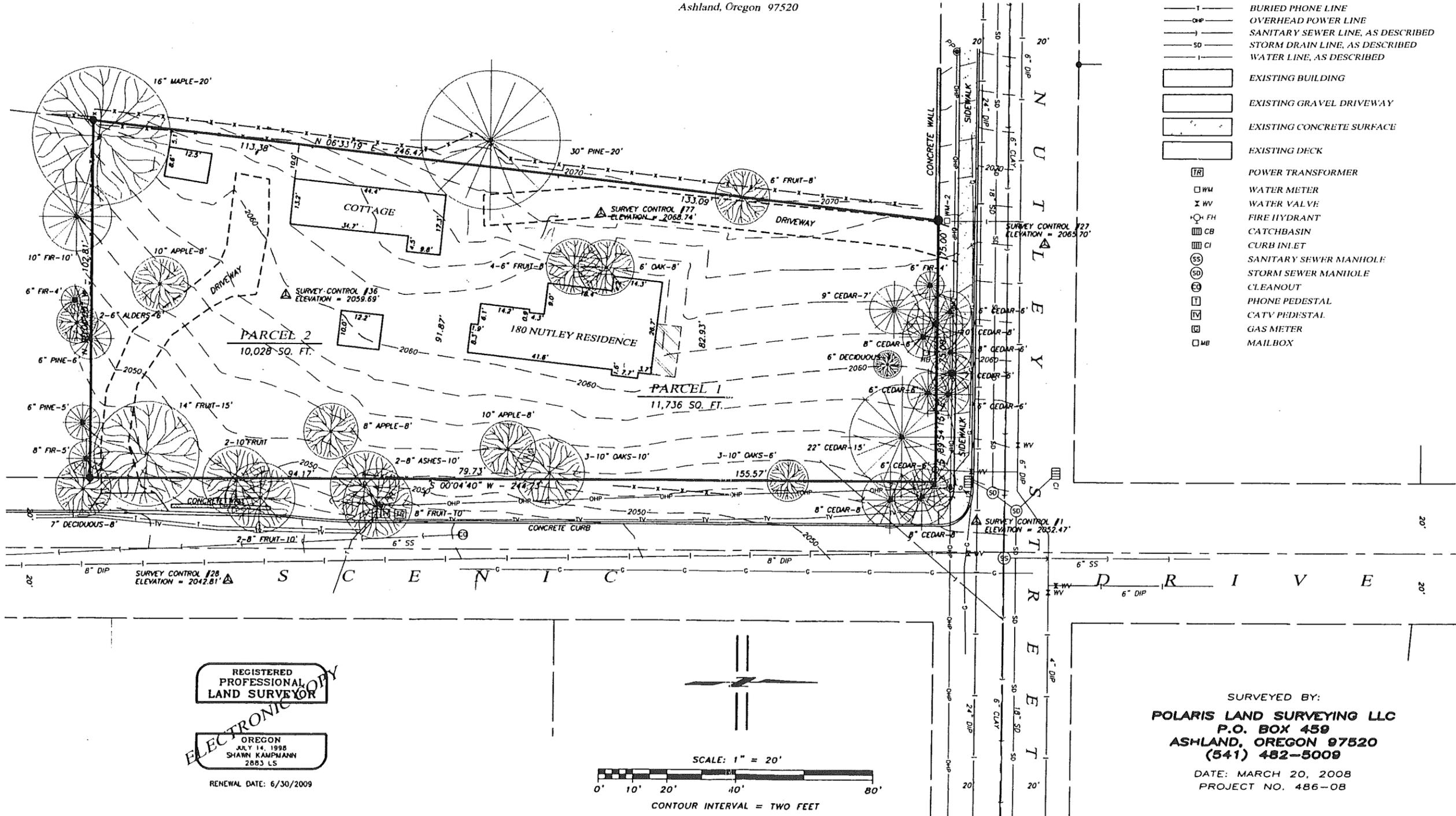
**EXISTING CONDITIONS SURVEY
MINOR LAND PARTITION**

LOCATED AT
**180 NUTLEY STREET
ASHLAND, OREGON**
LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
SUSAN POWELL
180 Nutley Street
Ashland, Oregon 97520

LEGEND

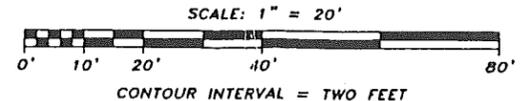
- SURVEY CONTROL POINT
- 1" IRON PIPE FOUND
- 1 1/2" IRON PIN FOUND
- 5/8" IRON PIN FOUND
- PROPERTY LINE
- BOUNDARY LINE
- CENTERLINE
- FENCE LINE
- BURIED CABLE TV
- BURIED NATURAL GAS LINE
- BURIED PHONE LINE
- OVERHEAD POWER LINE
- SANITARY SEWER LINE, AS DESCRIBED
- STORM DRAIN LINE, AS DESCRIBED
- WATER LINE, AS DESCRIBED
- EXISTING BUILDING
- EXISTING GRAVEL DRIVEWAY
- EXISTING CONCRETE SURFACE
- EXISTING DECK
- POWER TRANSFORMER
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- CATCHBASIN
- CURB INLET
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- CLEANOUT
- PHONE PEDESTAL
- CATV PEDESTAL
- GAS METER
- MAILBOX



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2009



SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: MARCH 20, 2008
PROJECT NO. 486-08

**LEGISLATIVE AMENDMENT
PUBLIC HEARING**

**PA-2012-01511
Transportation System Plan Update**

**ASHLAND PLANNING DIVISION
STAFF REPORT
December 11, 2012**

PLANNING ACTION: 2012-01511

APPLICANT: City of Ashland

ORDINANCE REFERENCE: Chapter 18.108 Procedures

STATEWIDE PLANNING GOALS: Goal 1 Citizen Involvement, Goal 2 - Land Use Planning, Goal 9 - Economic Development, Goal 10 – Housing, Goal 11 Public Facilities and Services, and Goal 12 - Transportation

OREGON REVISED STATUTES (ORS): Chapter 197 – Comprehensive Land Use Planning Coordination

OREGON ADMINISTRATIVE RULE (OAR): 660-012-0000 Transportation Planning

REQUEST: To adopt an updated Transportation System Plan (TSP) as a supporting document to the Ashland Comprehensive Plan, and to amend the Street Dedication Map.

I. Relevant Facts

A. Background

Project Timeline

The draft TSP document is the product of a two and a half year planning process that began in June 2010, with a general timeline as follows.

- **System Analysis and Evaluation of Options:** The first year was used for analysis of the existing system, projecting the transportation demand 20 years in the future, and developing a series of technical memos and white papers addressing the various needs and options for the different modes of transportation. During this time there was a concurrent series of meetings in which the Technical Advisory Committee (TAC), Transportation Commission (TC) and Planning Commission (PC) reviewed the technical memos and white papers.
- **Draft Preferred and Financially Constrained Plan:** The next three months involved compiling the draft plan, and joint meetings of the TC and PC to review the materials.
- **Plan Refinement:** The TC and PC held a series of joint meetings to review and refine the draft plan over the following year.
- **Final Edits and Application:** After the joint TC and PC meetings, the final edits were made, and the formal application was submitted on October 26, 2012.

Public Meetings

The project included four public meetings spaced throughout the project – a TSP Update Workshop in March 2011, a Temporary Road Diet TC Special Meeting in March 2011, a Temporary Road Diet Public Meeting in June 2011, and a Transportation Forum in October 2012. Three briefings were given on the TSP to the City Council, and these meetings were open to the public. Additionally, the joint TC and PC meetings were held throughout the project, and were open to the public including time for public participation and comments.

B. Description of the Proposal

TSP Document

The TSP includes the following components: 1) an inventory of the existing transportation system facilities and existing conditions; 2) an analysis of future transportation system demand and conditions; 3) projects, studies and programs by mode of transportation; 4) a sustainability plan and 5) recommended ordinance amendments. Also, the plan includes a future funding forecast and a “financially constrained plan.” The financially constrained plan outlines the highest priority programs, studies and projects that will be the focus of the projected funding resources through the planning period ending in 2034.

Street Dedication Map Amendments

The Comprehensive Plan includes a series of adopted official maps for long range planning purposes such as floodplains, water resources, hillside and severe constraints lands, wildfire lands and historic districts. The street dedication map is one of the official maps, and is intended to identify streets that will be needed in the future to connect the street network and provide access to undeveloped areas within the Urban Growth Boundary (UGB). The future or “planned streets” as shown on the map represent very conceptual street connections, and generally are not representing the specific location of the future streets. Typically, the streets are constructed when a property owner initiates development of a site.

The Transportation Element of the Comprehensive Plan includes the following policies addressing street dedications.

Development of a modified grid street pattern shall be encouraged for connecting new and existing neighborhoods during subdivisions, partitions, and through the use of the Street Dedication map. (10.09.02.32).

Street dedications shall be required as a condition of land development. A future street dedication map shall be adopted and implemented as part of the Land Use Ordinance. (10.09.02.34)

The TSP includes the updated street dedication map as Figure 10-1 on page 122. The map is largely the same as the existing adopted street dedication. There are a few amendments proposed which both add new streets and delete previously shown connections. The following description outlines the proposed amendments to the Street Dedication Map. The project numbers of the new streets are included, and refer to Table 10-3 Preferred Plan Intersection and Roadway Projects on page 136.

The neighborhood street networks for North Mountain Neighborhood, Railroad Property, and Croman Mill District were previously approved as amendments to the TSP Street Dedication Map, but were located in separate documents. Those are now identified and referenced on the revised Street Dedication Map.

Newly Identified Street Dedications:

- **Clay Street to Tolman Creek Road (Project R22):** Construction of a new east-west roadway to accommodate future development within the vicinity. The construction of this roadway would be a developer driven activity and its final location would be dependent upon future right of way acquisition opportunities.
- **Washington Street to Tolman Creek Road (Project R25):** An extension of a new roadway to connect two of Ashland’s existing and future major employment centers, and to be consistent with the Interchange Area Management Plan (IAMP) for Exit 14.
- **Hwy 66 to East Main Street (Project R26):** Construction of a new roadway from East Main Street to Ashland Street consistent with the Interchange Area Management Plan (IAMP) for Exit 14.
- **Wimer Street to Ashland Mine Road (Project R31):** This potential extension would be a developer driven activity in relation to the future annexation and development of the area into the City Limits.

Previously Identified Streets to be Removed:

- **Fourth Street Railroad Crossing:** The street crossing connecting the Railroad District to the undeveloped area north of the railroad tracks was deleted, thereby eliminating vehicular access from the south. The street dedication was replaced with an at-grade pedestrian and bike crossing.
- **Alta Street to Strawberry Lane:** This originally proposed new roadway was eliminated from the plan because the land it would have served has since been dedicated as the Strawberry-Hald Park. As a result, a road to accommodate future development will not be necessary.
- **Liberty Street Extension:** A segment of proposed road extending from the top of Liberty Street south to connect with Ivy Lane has been removed from the plan due to existing development and topographic constraints.
- **Forest Street to Connect with Weller Lane:** The proposed extension of Forest Street to connect with Weller Lane was modified to reflect an alternative connection that was approved through a subdivision approval in the area.

Future Ordinance Amendments

The TSP includes recommended amendments to the land use ordinance in three areas – Shared Roadway Street Classification, Access Management and Multimodal/Safety Based Development Review Process. The ordinance amendment language is not included in the package, and will be submitted for a separate public hearing process

subsequent to the TSP adoption. The following description summarizes the recommend changes.

- **Shared Roadway Street Classification:** Include a new street classification in the Ashland Street Standards for the Shared Street. The entire width of the street is shared by autos, bicycles and pedestrians. The shared street is intended in areas where the right-of-way is constrained by topography or historical structures, and as a result, limited width prevents the addition of the typical pedestrian and bicycle facilities.
- **Access Management:** Include a variety of measures such as locating driveways on lower order streets for developments with frontage on two streets, aligning opposing driveways, consolidating access points with neighboring properties, providing crossover easements with adjacent parcels to provide future access between parcels, dedicating future right-of-way and providing half-street improvements on property frontages.
- **Multimodal/Safety Based Development Review Process:** Require developments generating ten peak hour trips or more to prepare a transportation assessment addressing site circulation, safety, person trips generated by the development and the multimodal level-of-service (LOS) along the adjacent arterial and collector street corridors. At the same time, a new systems development charge (SDC) would be instituted that allows the SDC revenues to be used to fund capacity related improvements to the vehicular, pedestrian, bicycle and transit systems. The assessed SDC fee would be based on the number of person trips the proposed development is estimated to generate as identified in the required transportation assessment.

II. Project Impact

The existing Transportation Element of the Comprehensive Plan established a vision of retaining Ashland’s small-town character by planning for “a transportation system that is integrated into the community and enhances Ashland’s livability, character and natural environment.” To this end, the element identifies the use of a “new land use and transportation planning paradigm,” and establishes implementing goals and policies around a four-pronged approach. The approach is summarized below.

- Developing a multi-modal system that shifts the focus of streets to providing a variety of travel options.
- Concentrating on spatial relationships by continuing a compact development pattern which keeps the distances between destinations short and manageable, which is especially important for walking, transit and bicycling.
- Continuing to use site and building design standards to create destinations adjacent to the streets that are interesting, attractive and inviting.
- Redefining the street as part of our public spaces by creating well-designed streets providing a setting for commerce and social interaction as well as travel.

The TSP is one of several tools used to implement the vision, goals and policies embodied in the Transportation Element along with the Ashland Land Use Ordinance (ALUO), Site Design and

Use Standards, Street Standards and official adopted maps such as the Street Dedication, Comprehensive Plan and Zoning maps. The TSP identifies the physical improvements to the transportation system and related studies and programs that will need to be funded and built in the 20-year planning period. The Street Standards address connectivity of neighborhood streets and paths, and the design requirements for new streets and street improvements. Finally, the relationship of the site and buildings adjacent to the street is addressed in the ALUO and Site Design and Use Standards (e.g. building orientation and scale, building entrance articulation, permitting mixed-use buildings and developments, minimum density requirements, level of street improvements required, internal circulation requirements, bicycle parking, driveway location and placement, etc.).

Ashland's approach to an integrated land use and transportation system is based on the collective wisdom of the community, as well as successful approaches throughout the country. Ashland is a community which prides itself on pressing for positive change, and in 1990, community leaders formally began discussions involving a need to shift the transportation and land use planning policies towards a balanced focus on all types of travel and recognizing the connection between land use and transportation. Shortly thereafter, federal and state legislation passed which brought forward these same ideals. Specifically, the Oregon Transportation Planning Rule (TPR) was adopted in 1991 to implement Statewide Planning Goal 12 (Transportation). The TPR states in the purpose "... coordinated land use and transportation plans should ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices and make more efficient use of the existing transportation system."

The Planning Commission has an important role and complex job in overseeing much of the implementation of the vision described in the existing Transportation Element. The TSP addresses the first prong of the approach described above by identifying a series of projects and the necessary funding through the planning period ending in 2034 to improve the multi-modal transportation system. After adoption of the TSP, the Planning Commission will primarily interact with the implementation of the TSP when projects identified in the document are a component of a current development proposal. At the same time, the Commission works on long range plans and policies (e.g. Normal Neighborhood Plan) that affect the concentration, location and mix of uses, which ultimately impacts the distances people travel between uses. Additionally, the Planning Commission routinely applies the ordinances and standards to evaluate the critical details in current development proposals related to site, building and street design.

A. Recommended Revisions and Ordinance Amendment Discussion Items

The draft TSP was reviewed for consistency with existing City policy and ordinance requirements, as well as potential procedural issues. The following discussion divides the issues that were identified into three categories – the TSP document, the Street Dedication Map amendments, and the future ordinance amendments. Staff believes the recommended revisions to the TSP document and Street Dedication Map are fairly minor, and those items have been addressed with suggested conditions of approval for the Planning Commission recommendation to the City Council.

TSP Document

Staff recommends the following revisions to the TSP for procedural consistency with the

1. **Coordination with Comprehensive Plan:** In the discussion of the purpose of the TSP on page 2, there is a discussion of the relationship of the TSP with the Comprehensive Plan. While the TSP is a supporting document of the Comprehensive Plan, it does not replace the existing Transportation Element in the Comprehensive Plan. As a result, this language should be removed from the document.

The TSP is one of several tools, along with the ALUO, Site Design and Use Standards, Street Standards and official adopted maps such as the Street Dedication, Comprehensive Plan and Zoning maps, used to implement the vision, goals and policies embodied in the Comprehensive Plan. The TSP identifies the physical improvements to the transportation system and related studies and programs that will need to be funded and built in the 20-year planning period. The Street Standards address connectivity of neighborhood streets and paths, and the design requirements for new streets and street improvements. Finally, the relationship of the site and buildings adjacent to the street is addressed in the ALUO and Site Design and Use Standards (e.g. building orientation and scale, building entrance articulation, permitting mixed-use buildings and developments, minimum density requirements, level of street improvements required, internal circulation requirements, bicycle parking, driveway location and placement, etc.).

For example, the Transportation Element contains policies requiring street dedications in conjunction with land development and the adoption of a street dedication map, and encouraging a connected street network pattern including off-street pathways. The TSP includes a street dedication map that identifies the major street connections that need to be made through undeveloped areas, (e.g. the north-south and east-west connections through the railroad property), the cross section for the future major road connections consistent with the Street Standards, and a project discussion which identifies the funding for those streets as the developer's responsibility. At the time of the development of property such as the railroad property, the Street Standards will address the connectivity of the major road connections, smaller streets and pathways, and provide the street design requirements for each street type or classification. Finally, the ALUO and Site Design and Use Standards will address the concentration and mix of uses in the development, as well as the integration of the land uses adjacent to the street through site and building design standards, the level and phasing of required street improvements, and other transportation issues such as access management, driveway locations and spacing and internal site circulation.

2. **Population Projection:** As discussed at the Regional Problem Solving (RPS) hearings, Jackson County revised and adopted a population projection which is consistent with the Ashland Comprehensive Plan projection. The graph depicting the adopted County, Comprehensive Plan and historic population projections (Exhibit 2-3 on page 7) is outdated and does not reflect the amended projections. The updated graph better depicts the similarity between

the County and Comprehensive Plan projections. Staff recommends replacing the graph with the updated version.

3. **Street Standards Consistency:** The sections on Facility Types in the Pedestrian and Bicycle Plans refer to the Oregon Department of Transportation (ODOT) standards, but do not include information on the Ashland Street Standards requirements. The Ashland Street Standards govern street width requirements for streets in Ashland, and Figure 2-5 on page 11 shows that the majority of streets located in Ashland are under the City's jurisdiction. For example, the discussion of sidewalks on page 94 describes the ODOT sidewalk standard as six feet with a minimum of five feet acceptable on local streets, but does not include a reference to the adopted city requirements for sidewalk widths. Similarly, bicycle lane width requirements are discussed for ODOT on pages 102 and 103, but the city standard for bicycle lanes is not referenced. In both cases, the facility requirements differ between the state and city standards.

Street Dedication Map Amendments

The Street Dedication Map is Figure 10-1, and is located on page 122. As discussed earlier, the amendments to the adopted Street Dedication Map are minimal in number and scope. There are two areas staff identified as potential issues.

1. **Removal of Fourth Street Crossing:** The Fourth Street crossing has been included in the adopted Street Dedication Map as far back as November 1982 when the original Comprehensive Plan was adopted. In addition, the Street Dedication Map was amended in June 2002 to include the street network developed in the Railroad Master Plan which includes the Fourth Street Crossing. While the draft Railroad Master Plan was not adopted in its entirety, several pieces of the plan were adopted individually – the zoning was changed from industrial to employment, the area was included in the Detail Site Review Zone to implement community design objectives, and the street dedication map was amended to include the plan's street network.

The railroad property street network was designed to be similar in block size, spacing and pattern to the historic street network found to the south of the railroad tracks in the Railroad District. The reasoning behind the network design was to create many choices for traveling from one location to another, and for connecting to the surrounding neighborhoods including the Railroad District and downtown.

Participants in Railroad Master Plan process expressed concern that additional development would generate excessive traffic in all directions that would be funneled past their homes. There was concern about vehicle traffic impacts on the surrounding residential neighborhoods along Hersey and Mountain, as well as the Railroad District. The solution was to provide as many connecting streets as possible to ensure a broad distribution of traffic patterns so that no particular location is significantly impacted. Providing at least one street connection at each edge of the property in all directions was emphasized to address concerns from participants in the process so that no one street bears

the burden of the new traffic and so that the area became “seamlessly part of Ashland’s city fabric.” The parallel east-west collector (i.e. Clear Creek Drive) was included to take pressure off A and B Streets.

The new Fourth Street crossing of the railroad tracks was identified as providing access from the new district to the Historic Railroad District and Downtown Ashland. The core of the plan area is identified as a retail and civic center roughly in the middle of the development and near the crossing at Fourth Street. By design, the new commercial area directly on the north side of the tracks was intended to create a bookend to the existing commercial area located on Fourth Street. and A Street. The crossing was identified as necessary to make the retail development viable and vibrant by presenting an open and inviting face to A Street. There was discussion at that time concerning the importance of vehicle access in making retail and restaurant development flourish. Fourth Street was chosen as the location to cross the tracks because the street has historically been the commercial street in the area, and as a result is wider than the surrounding residential streets.

2. **Tolman Creek-Mistletoe Road Streetscape Enhancements (Project R44), Table 10-3 Preferred Plan Intersection and Road Projects, page 138:** The project location includes the northern portion of Mistletoe Road. This section of road was indentified for limited upgrades (e.g. six-foot sidewalk on one side, two 11-foot wide travel lanes, and the addition of a left-turn pocket) as Phase I in the Croman Mill District Standards. In contrast, the section of Tolman Creek Road from the railroad tracks to Ashland Street seems to better fit the project description for R44 of widening and reconstruction sidewalks with street trees stormwater planters and bus shelters. Additionally, it is likely the two different sections of street will be required in different stages of the development. Staff recommends revising or dividing R44 into two projects for consistency with the Croman Mill District Standards.

Future Ordinance Amendments

The TSP includes recommended amendments to the land use ordinance in three areas – Shared Roadway Street Classification, Access Management and Multimodal/Safety Based Development Review Process. The ordinance amendment language is not included in the package, and will be submitted for a separate public hearing process subsequent to the TSP adoption. The following discussion identifies areas that staff believes will need refinement, and is presented for discussion purposes only.

1. **Shared Roadway Street Classification:** The recommendation mentions allowing the use of a shared street in residential and commercial settings. Because commercial and mixed use buildings are typically in higher traffic areas and are often located on Boulevards and Avenues, these developments are required to have sidewalks along the frontage of the property. Staff recommends limiting the shared street option to residential settings. In addition, the issue of allowing pedestrians an area to step into should they feel uncomfortable sharing the paved portion with a motorist was discussed at a joint TC and PC meeting. Staff recommends including a graded, level

shoulder as part of the shared street cross section in order to provide refuge to pedestrians seeking to get out of the paved travel routed.

2. **Multimodal/Safety Based Development Review Process:** The initial recommendation included in the TSP appears to indicate that the multimodal/safety based development review process relates will add a transportation assessment requirement to development applications. Because there has been discussion and a Council goal regarding the clarity, responsiveness and certainty of the development process over the past several years, staff believes it is important to understand the scope of the multimodal review process and how it will impact the applicants, the application requirements and the development process.

The land use ordinance currently does not require a transportation impact study or transportation assessment for all applications because many planning actions are relatively small (e.g. land partitions, accessory residential units, small subdivisions and multi-family projects). In contrast, the initial recommendations appear to suggest all applicants may have to perform engineering analysis to determine if the process will apply, and that potentially more planning applications will have to prepare a transportation assessment.

The recommendation outlined in the TSP identifies two triggers or thresholds for requiring the transportation assessment for the multimodal/safety based development review process - developments that produce ten or more peak hour trips, or developments that produce trips expected to travel through any of the City's safety focus intersections (see page 176).

Staff anticipates issues with applicants being able to determine if their proposed development will create ten or more peak hour trips, or will travel through a safety focus intersection. Many applicants prepare their applications themselves, or with limited help from paid professionals (e.g. architects, engineers, planners). The average applicant may not easily be able to determine the number of peak hour trips the development will generate, or if the development will impact a safety focus intersection. As a result, applicants could be faced with in hiring a transportation engineer to make this determination.

As the ordinance amendment language is developed, staff recommends that the thresholds for requiring the multimodal/safety based development review process and the associated transportation assessments be defined in a way that is easily understood by the average applicant. Rather than using ten peak hour trips as a threshold for requiring the multimodal development review process, staff recommends considering common development sizes that would trigger the additional transportation assessment. Size could be defined in easily understood measurements such as a number of detached residences, number of multi-family units, and specific square footages for common commercial uses (e.g. general office, medical office, retail, restaurants). This would provide a method for an applicant to determine by himself/herself if an

assessment is necessary. Similarly, a specific and clear measurement that determines if there is impact on the safety focus intersections should be addressed.

B. Approval Process and State Land Use Planning Goal Requirements

The proposed TSP is consistent with local planning goals and policies, as well as with the Statewide Planning Goals.

The application involves a legislative amendment to adopt an updated TSP as a supporting document to the Comprehensive Plan, and to amend the Street Dedication Map. The Planning Commission is required to hold a public hearing, and makes a recommendation on the two items to the City Council. Subsequently, the City Council is required to hold a public hearing, and makes the final decision on the actions. The TSP and amended Street Dedication Map are required to be adopted by ordinance.

The noticing requirements for the December 11, 2012 public hearing have been satisfied by sending the Oregon Department of Land Conservation a notice to amend the Comprehensive Plan text and maps (e.g. Street Dedication Map), publishing a notice of the hearing in the newspaper ten days before the hearing, and by sending a notice to the 13 property owners having properties in which the new future streets identified in the Street Dedication Map are shown on the property.

Chapter 18.108 allows for legislative amendments “in order to conform with the comprehensive plan or to meet other changes in circumstances or conditions” and for Comprehensive Plan Map changes or changes to other official maps.

Statewide Planning Program

The following discussion demonstrates the adoption of the updated TSP and amended Street Dedication Map is consistent with relevant Statewide Land Use Planning Goals.

Oregon Statewide Planning Goal 1 – Citizen Involvement requires a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Joint TC and PC meetings that were open to the public were held throughout the TSP update and included public comment. Three briefings were given on the TSP to the City Council, and these meetings were also open to the public. A public workshop was held in March 2011, a Transportation Forum was held in October 2012, as well as two public meetings on the temporary road diet for North Main Street. A project website was in place throughout the duration of the project and was updated with the latest project news, meetings and documents. Additionally, comments could be submitted electronically via this site throughout the project.

Oregon Statewide Planning Goal 2 – Land Use Planning requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. Through Technical Advisory Committee meetings, representative from the City, County, State (ODOT) and other stakeholders conducted a review and evaluation of existing plans, policies, standards and laws that are relevant to local transportation planning. In addition, a variety of data

and projections including population and employment data and forecasts, buildable lands information and transportation data was used in the development of the plan.

Oregon Statewide Planning Goal 9 – Economic Development requires cities and counties to address providing adequate opportunities for a variety of economic activities for residents. The TSP includes projects and system adjustments to serve existing and planned commercial and employment uses.

Oregon Statewide Planning Goal 10 – Housing requires cities and counties to provide for the housing needs of citizens of the state, including a range of types and price/rent levels, and allowing for flexibility of housing location, type and density. Existing and planned population density and land use patterns were taken into consideration when developing the TSP to plan for transportation facilities for future development of housing. The TSP was developed accounting for growth in future residential trips, and the implementation measures were created to benefit all users in the city.

Oregon Statewide Planning Goal 11 – Public Facilities and Services requires cities and counties to provide for and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for development. The TSP documents existing conditions and future needs for the transportation system in Ashland, and proposed improvements and implementation measures are tailored to meet those future needs.

Oregon Statewide Planning Goal 12 – Transportation, as well as OAR 660-012-0000 the “Transportation Planning Rule,” require cities and counties to provide a safe, convenient and economic transportation system, and requires transportation planning to be in coordination with land use planning. The TSP is an important component in the set of tools used to integrate land use and transportation planning because the plan identifies the physical improvements to the transportation system along with supporting studies and programs that will need to be funded and built in the planning period ending in 2034. Existing and future conditions were analyzed to create the final plan which addresses safety, mobility and accessibility as they relate to various modes of transportation available in Ashland.

III. Procedural – Required Burden of Proof

18.108.170 Legislative Amendments

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

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

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

SECTION 18.08.345. Legislative amendment.

An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in section 18.82.050, for land involving numerous parcels under diverse ownerships.

IV. Conclusions and Recommendations

The updated TSP represents a new era advocating a balanced city wide transportation system, with an emphasis on active transportation, improving pedestrian and bicycle facilities, and enhancing transit service. The plan continues Ashland's tradition of pressing for positive change, and represents the hard work of many people in the community.

The TSP is a key component of implementing the vision of retaining Ashland's small-town character by planning for "a transportation system that is integrated into the community and enhances Ashland's livability, character and natural environment" from the existing Transportation Element of the Comprehensive Plan. The TSP is an important resource that outlines the physical improvements to the transportation system along with supporting studies and programs that will need to be funded and built in the planning period ending in 2034. Other key implementation tools used for integrating land use and transportation are routinely used by the Planning Commission in review of current development proposals including the ALUO, Site Design and Use Standards, and Street Standards, as well as official maps and long range neighborhood and area plans addressing concentrations and mix of uses.

Staff recommends approval of the updated TSP and the associated amendments to the Street Dedication Map, and suggests the following conditions be attached to the recommendation.

The following recommended revisions to the final TSP document shall be made prior to the second reading of ordinances adopting the TSP.

1. That references to the TSP serving as the Transportation Element of the Comprehensive Plan shall be deleted from the document. The following sentence in the introduction on page 2 of the plan shall be amended as follows: It also serves **as the transportation element, and** as a supporting document, of the Ashland Comprehensive Plan as required by state law." The following sentence under Ashland Comprehensive Plan on page 34 of the plan shall be amended as follows:

The Comprehensive Plan ~~was~~ is the bedrock of goals, policies, and land use designation for updating the TSP.

2. That Historical and Projected Ashland Populations in Exhibit 2-3 on page 7 shall be replaced with the graph depicting the recently updated and adopted Jackson County coordinated population projection.
3. That the Population Density by Census Block Group in Figure 2-4 on page 8 shall be update to include the 2010 Census information.
4. That the descriptions of pedestrian facility types on page 94 and bicycle facility types on pages 102-103 shall be revised to reference the adopted Ashland Street Standards.
5. That the Updated City of Ashland Street Functional Classification Map in Figure 6-1 on page 87 shall be corrected to include a Neighborhood Street classification consistent with the Ashland Comprehensive Plan and Street Standards (i.e. green lines appear to be mislabeled in legend as Neighborhood Street).
6. That the Street Dedication Map in Figure 10-1 on page 122 shall include a notation that the location of the connection from Clay Street to Tolman Creek Road shall be determined at the time of development.
7. That Project (R44) Tolman Creek-Mistletoe Road Streetscape Enhancements in Table 10-3 Preferred Plan Intersection and Road Projects on page 138 shall be revised to reflect the improvements to Mistletoe Road described in the Croman Mill District Standards.

**The draft Transportation System Plan and Appendices
are available online at:**

http://ashlandtsp.com/statics/draft_documents
