

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
SEPTEMBER 9, 2014
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. August 12, 2014 Regular Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-2014-00710, 143 Nutley**

 - B. **Approval of Findings for PA-2014-00967, 572-582 Fair Oak Avenue**

- VII. **TYPE II PUBLIC HEARING**
 - A. **PLANNING ACTION: #2014-01354 & #2014-01355**
SUBJECT PROPERTY: 1016 Clear Creek Drive
APPLICANT: Rick and Judy Lindeman and Urban Development Services, representing Mark Newberger Exempt Trust
DESCRIPTION: A request for modifications of the Aleph Springs Subdivision approval (PA #2008-00183) which involved: a 12-lot, 15-unit Performance Standards Subdivision; Site Review approval for a two-story, six-unit residential building; an Exception to Street Standards; Tree Removal Permits; and Lot Line Adjustments. The modifications requested include: 1) partitioning the property at 1016 Clear Creek Drive into to two separate single family residential parcels; 2) Conditional Use Permit and Site Review to allow for an accessory residential unit approval for one of the newly created parcels. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 09AA; TAX LOTS: 1608 and 1702. of six residential units on the upper two floors and one commercial space, with the option for interim residential use on the ground floor along with five parking spaces. COMPREHENSIVE PLAN DESIGNATION: North Mountain, Neighborhood Central Overlay; ZONING: NM-C; ASSESSOR'S MAP: 39 1E 04 AD TAX LOTS: 5900.

**CITY OF
ASHLAND**



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

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VIII. OTHER BUSINESS

A. Identification of ULUO Key Amendments – Council Request

IX. ADJOURNMENT

**CITY OF
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**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
August 12, 2014

CALL TO ORDER

Chair Richard Kaplan 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
Richard Kaplan
Debbie Miller
Tracy Peddicord

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
Amy Gunter, Assistant Planner
April Lucas, Administrative Supervisor

Absent Members:

Melanie Mindlin
Lynn Thompson

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the City Council public hearing for the Unified Land Use Ordinance is scheduled for Tuesday, August 19. He also noted the upcoming Planning Commissioner training and directed interested members to contact staff.

AD-HOC COMMITTEE UPDATES

Downtown Beautification Committee: Commissioner Dawkins announced all of the improvements discussed at their last meeting have been approved.

SDC Review Committee: Commissioner Brown stated the committee completed their review of the water and wastewater SDCs and are moving on to streets and traffic. He added their next meeting will be in October.

CONSENT AGENDA

A. Approval of Minutes

1. June 24, 2014 Study Session.
2. July 8, 2014 Regular Meeting.
3. July 22, 2014 Special Meeting.

Commissioners Dawkins/Brown m/s to approve the Consent Agenda with a correction to the July 8 minutes: Page 3, the date listed in the first paragraph should read July 22. Voice Vote: all AYES. Motion passed unanimously.

PUBLIC FORUM

No one came forward to speak.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #2014-00710

SUBJECT PROPERTY: 143 Nutley Street

APPLICANT: Robert Baldwin

DESCRIPTION: A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Skidmore Academy Historic District for the addition to the existing 896 square foot residence on the property at 143 Nutley Street. The request is to exceed the allowed MPFA by 17.9 percent or 392 square feet.

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

Ex Parte Contact

Commissioners Brown, Dawkins, Kaplan, Miller and Peddicord declared site visits. No ex parte contact was reported.

Staff Report

Assistant Planner Amy Gunter provided a description of the property location and stated similar to other residential lots on this block, this property was created prior to current zoning regulations and is smaller than the minimum lot size of 7,500 sq. ft. As a result, the property is considered a legal, non-conforming lot. Ms. Gunter explained the applicant requests to exceed the Maximum Permitted Floor Area which is 2,292 sq. ft. and add 1,695 sq. ft. to the existing 896 sq. ft. home for a total of 2,591 sq. ft. She stated the applicant has proposed a two-story addition at the rear of the existing residence and the existing front façade will remain. Ms. Gunter noted the Historic Commission reviewed this proposal at their August meeting and found the proposed addition is compatible with the other residences in the vicinity, both in massing and scale, and recommended approval of the proposal.

Ms. Gunter called attention to the concerns raised by neighbors regarding lack of on-site parking and the impacts of the proposed relocated driveway to the two trees. Regarding parking, she stated this parcel has historically had a single parking space, although there is room to stack vehicles in the long driveway. She stated the proposal is not inconsistent with what has historically been happening in the neighborhood and noted the applicant is prepared to address this concern during their presentation. Ms. Gunter recited the current parking requirements for the Commission but noted because this is a conditional use permit the Commission does have discretion on this issue. Ms. Gunter commented on the concerns raised regarding tree impacts and stated the relocated driveway appears to require the removal of the maple tree and have impacts to the root zone of the cedar tree, both of which are on the adjacent property which is also going through a land use approval. She noted because the trees are not on this parcel, potential impacts will need to be addressed in the adjacent property's arborist report.

Applicant's Presentation

Gary Caperna/2908 Hillcrest, Medford/Mr. Caperna acknowledged the neighbors concerns and stated they have done their best to address their issues. He stated they have worked within the constraints of these two adjacent lots and stated this application goes hand in hand with the application for 135 Nutley. Mr. Caperna stated they wanted to reduce the impacts of garages on the street and have realigned the driveway to straddle the property line which will allow the garages for both homes to be placed at the rear of the properties. He stated the back out space will be utilized by both properties and will reduce impervious surfaces. Mr. Caperna stated they have worked closely with the Historic Commission to mitigate the mass of the home and noted the addition is at the back of the current structure. He pointed out that both lots are smaller than normal and stated 1/3 of the lots are undevelopable because of the slope. Mr. Caperna explained there are currently two curb cuts on Nutley and stated they are proposing a single driveway access for both properties which will provide more space to park on the street. Mr. Caperna suggested possible modifications that would increase the on-site parking, including retaining the location of the existing driveway (although this would exceed the maximum site coverage requirements), and shifting the location of the garage for 135 Nutley to create another parking space. Regarding the trees at 135 Nutley, Mr. Caperna clarified they are doing everything they can to preserve the cedar tree, however the maple tree is problematic and will likely not remain.

Questions of Staff

Ms. Gunter clarified the removal of the maple tree at 135 Nutley would not require a tree removal permit and is outright permitted in the code.

Public Testimony

No one came forward to speak. Staff noted the letter in the record submitted by Mr. Phil Cooper, which raised concerns with parking and trees, and the Commission confirmed that they had read this letter.

Commissioner Kaplan closed the record and the public hearing at 7:45 p.m.

Deliberations & Decision

Commissioners Brown/Dawkins m/s to approve the application as presented with the conditions of approval recommended by staff. DISCUSSION: Commissioner Brown commented that while it would be convenient to have two parking spots on each site, this is not what the code requires. Ms. Gunter stated Condition 2(d) needs to be corrected to read “no more than the 45% allowed in the R-1-7.5”. She also pointed out Condition 3 will address the tree protection and preservation at 135 Nutley, and Condition 5 will extend the curbside sidewalk to the west property line. Commissioner Brown asked if the term “substantial” could be removed from Condition 2(a) and Ms. Gunter agreed to make this change. Commissioner Dawkins indicated he will vote in favor of this motion but expressed his disappointment that entry level housing continues to be gentrified to make it bigger, and feels the City needs to do a better job of retaining smaller houses. **Roll Call Vote: Commissioner Brown, Dawkins, Miller, Peddicord and Kaplan, YES. Motion passed unanimously.**

B. PLANNING ACTION: #2014-00967

SUBJECT PROPERTY: 572-582 Fair Oaks Avenue

APPLICANT: Ayala Properties, LLC

DESCRIPTION: A request for Site Review approval to construct a three-story mixed-use 10,748 square foot building at the corner of Fair Oaks Avenue and Plum Ridge Drive. The building will consist of six residential units on the upper two floors and one commercial space, with the option for interim residential use on the ground floor along with five parking spaces. COMPREHENSIVE PLAN

DESIGNATION: North Mountain, Neighborhood Central Overlay; ZONING: NM-C; ASSESSOR'S MAP: 39 1E 04 AD TAX LOTS: 5900.

Ex Parte Contact

Commissioners Brown, Dawkins, Kaplan and Peddicord declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson explained this application is for a three-story mixed use building at the corner of Fair Oaks and Plum Ridge Drive, and noted the Planning Commission issued site review approval for this area back in August 2013. Mr. Severson briefly reviewed the proposal and stated the building will consist of six residential units on the upper two floors, one commercial space on the first floor with the option for interim residential use, and five on-site parking spaces. Mr. Severson stated staff has no issues with the design as proposed, but feels there are some small fine tuning elements that could be considered, including: 1) continuous awning coverage of the sidewalk, 2) for the store front windows to not be tinted, 3) a stronger sense of entry for the upstairs residential units, 4) a reduction in the landscape buffer in order to maintain a 5 foot sidewalk between the landscaping and the tree wells, 5) enhanced landscaping to soften the expanse of the garage wall, and 6) screening for the parking garage. Mr. Severson stated staff is recommending approval with the conditions as presented.

Questions of Staff

Commissioner Miller expressed concern with the increased traffic onto North Mountain and stated this will impact an already dangerous intersection. Mr. Severson clarified the previous approval included a condition for the applicant to meet with the Transportation Commission to discuss this issue. He stated these meetings did occur, although he does not have the outcomes.

Applicant's Presentation

Mark Knox/485 W Nevada, Rob Saladoff/508 Clinton, Tom Madara/2994 Wells Fargo Rd, Central Point.

Mr. Knox stated they are very excited about this project and noted this is part of the North Mountain Master Plan. He stated this parcel is planned for six units with the ground floor space to be flexible, and stated the ground floor will

convert to commercial once the neighborhood density can support commercial uses. Regarding the enhancements recommended by staff, Mr. Knox stated staff has been very supportive of this project and they welcome working with staff on further improvements. Mr. Knox stated the sidewalk modification is not an issue and clarified they never intended to tint the windows.

Mr. Saladoff voiced support for staff's suggestions to screen the garage and to enhance the residential entry and provided a few suggestions on how this could be accomplished, including: changing the ground level door and windows, using different surface texture on the sidewalk, and potentially creating a lobby space.

Mr. Knox commented on the continuous awning recommendation from staff and stated they understood this to mean creating places of refuge for pedestrians and they continue to walk, not a full awning wrapping around the entire building. He added you do not see this in downtown and there is not a continuous awning at Julian Square.

Public Testimony

No one came forward to speak.

Questions of Staff

Mr. Molnar read the awning standard aloud and agreed that the intention is not for a singular awning, but questioned if the plan put forward by the applicants provides adequate pedestrian refuge. Mr. Severson added there are opportunities to combine different treatments to provide increased refuge and believes this can be done without impacting the character of the buildings.

Mr. Knox acknowledged the awnings could extend more over the sidewalk, but noted they did not know staff was going to interpret this standard this way until the staff report was released last week.

Comment was made that there is a difference between continuous and contiguous and would like the condition to give this some flexibility. Mr. Severson recommended the language in Condition 7(j) be revised to read "revised treatments to provide continuous sidewalk coverage." He also clarified he would remove the term "substantial" from Condition 3 and would add trash enclosures to Condition 7(l).

Commissioner Kaplan closed the record and the public hearing at 8:40 p.m.

Deliberations & Decision

Commissioners Dawkins/Peddicord m/s to approve PA-2014-00967 with the conditions as stated by staff.

DISCUSSION: Commissioner Miller indicated she is still concerned with traffic. Mr. Molnar noted when this subdivision was approved there was a traffic analysis completed and it met the standards. He added the Public Works Department is aware of this location in terms of potential future safety improvements and staff will follow up on the results of the meeting with the Transportation Commission. **Roll Call Vote: Commissioners Brown, Dawkins, Miller, Peddicord and Kaplan, YES. Motion passed unanimously.**

ADJOURNMENT

Meeting adjourned at 8:45 p.m.

*Submitted by, April Lucas
Administrative Supervisor*

BEFORE THE PLANNING COMMISSION
September 12, 2014

IN THE MATTER OF A PUBLIC HEARING FOR PLANNING ACTION #2013-01421,))
A REQUEST FOR CONDITIONAL USE PERMIT APPROVAL TO EXCEED))
MAXIMUM PERMITTED FLOOR AREA (MPFA) IN THE SKIDMORE HISTORIC) **FINDINGS,**
DISTRICT FOR THE ADDITION OF 306 SQUARE FEET TO THE EXISTING) **CONCLUSIONS,**
RESIDENCE LOCATED AT 143 NUTLEY STREET) **& ORDERS**
))
APPLICANTS: ROBERT BALDWIN))

RECITALS:

- 1) Tax lot #2300 of Map 39 1E 08 AD is located at 143 Nutley Street, within the Skidmore Academy historic district, and is zoned Single Family Residential (R-1-7.5).
- 2) The application involves exceeding the Maximum Permitted Floor area by adding 306 square feet to the existing 896 foot residence. The request is for a 1,695 square foot addition. The proposed home requires a Conditional Use Permit (CUP) to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District by 13.29 percent or 306 square feet. The proposal, including the design for the new construction, is outlined on the plans on file at the Department of Community Development.
- 3) The criteria for a Conditional Use Permit are described in Chapter 18.104.050 as follows:
 - A. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
 - B. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.*
 - C. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:*
 1. *Similarity in scale, bulk, and coverage.*
 2. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 3. *Architectural compatibility with the impact area.*
 4. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
 5. *Generation of noise, light, and glare.*
 6. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 7. *Other factors found to be relevant by the Hearing Authority for review of the proposed use.*
- 4) The Planning Commission, following proper public notice, held a public hearing on September 12,

2014 at which time testimony was received and exhibits were presented. The Planning Commission approved the application for Conditional Use Permit to exceed Maximum Permitted Floor Area in the Historic District.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Commission finds that the property is rectangular with an area of 6,534 square feet. The Commission finds that the property was created prior to current zoning regulations and is smaller than the minimum lot size of 7,500 square feet. The Commission finds that the property is considered a legal, non-conforming lot.

2.3 The Commission finds that the proposed addition to an existing single family home in the R-1-7.5 zoning district complies with all applicable city ordinances with due exception of the request to exceed the Maximum Permitted Floor Area. The Commission finds that the proposed addition is in conformance with relevant Comprehensive Plan policies.

2.4 The Commission finds that sufficient public utilities are in place to service the proposed residential use, and exist on the site and within the adjacent public right-of-ways. There is overhead electric serving the site. The property is served by a four-inch water main; a six-inch sewer line and an 18-inch storm drain line. The existing services will continue to serve the site and the enlarged single-family home. The Public Works/Engineering Department has indicated that these facilities, which already serve the existing home, are adequate.

The Commission finds that Nutley Street is classified as a neighborhood street and is paved with curb, gutter and partial sidewalks. The four-foot, six-inch curbside sidewalk stops at the east property line. The Commission finds that extending the existing sidewalk along the frontage of the parcel will add to the available transportation facilities.

The Commission finds that proposed addition to the existing single family residential unit will not create any adverse environmental impacts such as dust, odors, air quality; or any additional generation of noise, light or glare.

The Commission finds the target use of the property is one residential unit. The Commission finds that additional square footage will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. The Commission finds generation of traffic from the residence is consistent with that of the target use of the zone.

The Commission finds that the proposed building is similar in scale, bulk and coverage when compared to the target use of the zone. The proposed site development will cover 45 percent of the lot area, which is the allowed maximum coverage.

The Commission finds that the proposed addition to the existing residence is architectural compatibility with the impact area. The Commission finds that the proposed addition complies with the Historic District Development Standards. The Commission finds that the scale (i.e. height, width and massing) is consistent with the residences found in the immediate vicinity and throughout the Skidmore Academy Historic District. The Commission finds that the proposed roof pitch and form varies the massing. The Commission finds that the proposed building design is demonstrates historic continuity by preserving a historic contributing resource while providing additional living area.

2.5 The Commission finds proposed shared driveway accessing a single vehicle garage at the rear of the property is supported by the code language from AMC 18.92.050 that states that the required off-street parking can be reduced through the application of an on-street parking credit. The Commission finds that the property has more than 22-feet of uninterrupted curb frontage and qualifies for an on-street parking credit. The Commission finds that the site layout does provide for an off-street parking space stacked behind the proposed garage.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Conditional Use Permit to exceed the Maximum Permitted Floor Area is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2014-00710. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2014-00710 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 here.
- 2) That building permit submittals shall include:
 - a) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify the Conditional Use

Permit approval shall be submitted and approved prior to issuance of a building permit.

- b) That all recommendations of the Historic Commission from their August 6th, 2014 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
 - c) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from the identified natural grade shall be provided with the building permit.
 - d) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas shall be submitted with the building permit. The lot coverage shall be limited to no more than the 45 percent allowed in the R-1-7.5 zoning district.
 - e) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Light fixture type and placement shall be clearly identified in the building plan submittals.
- 3) That a revised tree protection and preservation plan consistent with the requirements from AMC 18.61.200 and including the arborist recommendations shall be submitted for review and approval by the staff advisor.
 - 4) Prior to the issuance of the building permit and prior to any site disturbing activities and/or issuance of a building permit, the Tree Protection fencing in accordance with AMC 18.61.200 (six-foot chain link fence at the furthest extent of the dripline of the trees to not conflict with the area necessary for construction) shall be installed and inspected by the staff advisor.
 - 5) That the five foot curbside sidewalk shall be extended to the west property line. The sidewalk shall be installed under permit from the Public Works Department.
 - 6) That the new driveway curb cut shall be installed, under permit from the Public Works Department. The applicant shall obtain all necessary Public Works inspection approvals for work within the right-of-way prior to the issuance of a certificate of occupancy. The existing driveway curbcut shall be closed.

Planning Commission approval by
Richard Kaplan, *Chair*

Date

BEFORE THE PLANNING COMMISSION
September 9, 2014

IN THE MATTER OF PLANNING ACTION #2014-00967, A REQUEST FOR)
SITE REVIEW APPROVAL TO CONSTRUCT A THREE-STORY MIXED-USE)
10,748 SQUARE FOOT BUILDING AT THE CORNER OF FAIR OAKS)
AVENUE AND PLUM RIDGE DRIVE. THE BUILDING WILL CONSIST OF)
SIX RESIDENTIAL UNITS ON THE UPPER TWO FLOORS AND ONE) **FINDINGS,**
COMMERCIAL SPACE, WITH THE OPTION FOR INTERIM RESIDENTIAL) **CONCLUSIONS**
USE, ON THE GROUND FLOOR ALONG WITH FIVE PARKING SPACES.) **AND ORDERS**
)
APPLICANT: Ayala Properties, L.L.C.)
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RECITALS:

- 1) Tax lot 5900 of Map 39 1E 04AD is located at the intersection of Fair Oaks Avenues and Plum Ridge Drive and is zoned NM-C (North Mountain, Neighborhood Central Overlay).
- 2) The proposal involves a request for Site Review approval to construct a three-story mixed-use 10,748 square foot building at the corner of Fair Oaks Avenue and Plum Ridge Drive. The building will consist of six residential units on the upper two floors and one commercial space, with the option for interim residential use, on the ground floor along with five parking spaces. The site plan and building elevations are on file at the Department of Community Development.
- 3) The criteria for Site Review approval are described in AMC 18.72.070 as follows:
 - A. *All applicable City ordinances have been met or will be met by the proposed development.*
 - B. *All requirements of the Site Review Chapter have been met or will be met.*
 - C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
 - D. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.*
- 4) The general regulations for the North Mountain (NM) zoning districts are detailed in AMC 18.30.020 as follows:
 - A. ***Conformance with North Mountain Neighborhood Plan.*** *Land uses, streets, alleys and pedestrian/bicycle access ways shall be located in accordance with those shown on the North Mountain Neighborhood Plan adopted by Ordinance No. 2800.*

1. **Major and Minor Amendments.**

- a. *Major amendments are those which result in any of the following:*
- (1) *A change in land use.*
 - (2) *A change in the street layout plan that requires a street to be eliminated or to be located in such a manner as to not be consistent with the neighborhood plan.*
 - (3) *A change in the North Mountain Neighborhood Design Standards.*
 - (4) *A change in planned residential density.*
 - (5) *A change not specifically listed under the major and minor amendment definitions.*
- b. *Minor amendments are those which result in any of the following:*
- (1) *Changes related to street trees, street furniture, fencing, or signage.*
 - (2) *A change in the street layout that requires a local street, alley, easement, pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, as long as the change maintains the connectivity established by the neighborhood plan.*

2. **Major Amendment Type II Procedure.** *A major amendment to the neighborhood plan shall be processed as a Type II planning action concurrently with specific development proposals. In addition to complying with the standards of this section, findings must demonstrate that:*

- a. *The proposed modification maintains the connectivity established by the neighborhood plan;*
- b. *The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature;*
- c. *The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.*
- d. *The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.*

3. **Minor Amendment Type I Procedure.** *A minor amendment to the neighborhood plan may be approved as a Type I planning action concurrently with specific development proposals. The request for a minor amendment shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.*
 4. **Utilities shall be installed underground to the greatest extent feasible.** *Where possible, alleys shall be utilized for utility location, including transformers, pumping stations, etc...*
- B. Lots With Alley Access.** *If the site is served by an alley, access and egress for motor vehicles shall be to and from the alley. In such cases, curb openings along the street frontage are prohibited.*
 - C. Street, Alley and Pedestrian/bicycle Accessway Standards.** *The standards for street, alley, and pedestrian/bicycle accessway improvements shall be as designated in the North Mountain Neighborhood Design Standards.*
 - D. Minimum Density.** *Proposals resulting in the creation of additional parcels or greater than three units on a single parcel shall provide for residential densities between 75 to 110 percent of the base density for a given overlay, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations or similar physical constraints. (Proposals involving the development of neighborhood commercial businesses and services shall be exempt from the above requirements).*
 - E. Density Transfer.** *Density transfer within a project from one overlay to another may be approved if it can be shown that the proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types and architectural styles.*
 - F. Drive-Up Uses.** *Drive-Up uses are not permitted within the North Mountain Neighborhood Plan area.*
 - G. Performance Standards Overlay.** *All applications involving the creation of three or more lots shall be processed under the Performance Standards Option chapter 18.88.*
 - H. Fencing.** *No fencing exceeding three feet in height shall be allowed in the front lot area between the structure and the street. No fencing shall be allowed in areas designated as Floodplain Corridor.*
 - I. Adjustment of Lot Lines.** *As part of the approval process for specific development proposals, adjustments to proposed lot lines may be approved consistent with the density standards of the neighborhood plan zoning district.*
- 5) The requirements for the Neighborhood Central (NM-C) Overlay are detailed in AMC 18.30.030 as follows:
- A. Permitted Density.** *The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the answer shall not apply towards the total density. Base density for the Neighborhood Central Overlay shall be 20 units per acre, however, units of less*

than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.

- B. Off-Street Parking.** *In all areas within the Neighborhood Central Overlay, all uses are not required to provide off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit. All parking areas shall comply with the Off-Street Parking chapter and the Site Review chapter.*
- C. Area, Yard Requirements:** *There shall be no minimum lot area, lot coverage, front yard, side yard or rear yard requirement, except as required under the Off-Street Parking Chapter or where required by the Site Review Chapter.*
- D. Solar Access:** *The solar setback shall not apply in the Neighborhood Central Overlay.*
- E. Permitted Uses.** *The following uses are permitted in the NM-C overlay subject to conditions limiting the hours and impact of operation;*

1. *Residential Uses, subject to the above density requirements.*
2. *Home Occupations.*
3. *Parks and Open Spaces.*
4. *Agriculture.*
5. *Neighborhood Oriented Retail Sales and Personal Services, with each building limited to 3,500 square feet of total floor area.*
6. *Professional Offices, with each building limited to 3,500 square feet of total floor area.*
7. *Restaurants.*
8. *Manufacturing or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet.*
9. *Basic Utility Providers, such as telephone or electric providers, with each building limited to 3,500 square feet of total floor area.*
10. *Community Services, with each building to 3,500 square feet of total floor area.*
11. *Churches or Similar Religious Institutions, when the same such use is not located on a contiguous property, nor more than two such uses in a given Overlay.*
12. *Neighborhood Clinics, with each building limited to 3,500 square feet of total floor area.*

F. Conditional Uses.

1. *Temporary Uses.*
2. *Public Parking Lots.*

G. Lot Coverage: *Maximum lot coverage shall be seventy-five (75) percent.*

- 7) The Planning Commission, following proper public notice, held a Public Hearing on August 12, 2014, at which time testimony was received and exhibits were presented. The Planning Commission approved the requested Site Review permit to construct a three-story mixed-use 10,748 square foot building consisting of six residential units on the upper two floors and one commercial

space, with the option for interim residential use, on the ground floor along with five parking spaces, subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Review approval to construct a three-story mixed-use 10,748 square foot building at the corner of Fair Oaks Avenue and Plum Ridge Drive meets all applicable criteria for Site Review approval described in Chapter 18.72.070.

2.3 The Planning Commission finds that the subject property, designated as Lot 73 in the "Meadowbrook Park II at North Mountain" subdivision, is located at the southwest corner of Fair Oaks Avenue and Plum Ridge Drive, to the west across Plum Ridge Drive from the development's central open space. The Commission further finds that the site is roughly rectangular, approximately 5,000 square feet in area, generally flat and is currently vacant. The property has 50.42 linear feet of frontage on Fair Oaks Avenue and 96.44 feet of frontage along Plum Ridge Drive. There are no trees or other significant natural features.

The Planning Commission finds that Outline Plan approval for the Meadowbrook Park II Subdivision was granted for Planning Action #2002-151 in May of 2003 as an 81-lot subdivision under the Performance Standards Options Chapter for the 16 acres located along the west side of North Mountain Avenue, east of the Bear Creek channel and south of the unimproved section of Nevada, including the subject parcel under consideration here.

In January of 2004, the Planning Commission granted Final Plan approval as PA #2003-158 for an 81-lot subdivision under the Performance Standards Options, located within the North Mountain

Neighborhood Plan area west of the North Mountain Avenue, east of Bear Creek channel and south of the unimproved section of Nevada, including the subject parcel under consideration here. That approval included 79 residential units within the residential zones, and an additional 13 residential units and 11 commercial spaces in the NM-C portion of the project. This Final Plan approval was granted two administrative one-year extensions as provided in AMC 18.108.030.A.5., one with PA #2005-99 and the other with PA #2006-264.

In July of 2005, the Planning Commission granted Site review approval as PA #2005-696 for four mixed-use buildings comprised of 10 commercial and 10 residential condominium units in the "Village Center" area of the subdivision, which included the subject property here.

The Planning Commission finds that lots were created and streets dedicated with recordation of the plat for this project. The bulk of the public infrastructure for the Meadowbrook Park Estates Phase II project, including curbs, gutters, paving, some sidewalks, street trees, and utility infrastructure was constructed shortly thereafter, and some houses were constructed before the developers sold the remaining parcels as the economy declined. The central common space and public improvements along the subject properties' frontages were to be completed as the NM-C lots developed, and the applicants have recently completed the central open space area as detailed on the approved civil plans, although a previously included water feature has been replaced with a hardscape plaza area surrounded by a low seating wall.

In August of 2013, the Planning Commission granted Site Review approval to construct a three-story mixed-use building, consisting of four commercial spaces and ten parking spaces on the ground floor and ten residential units on the second and third floors, on the vacant parcel at the corner of North Mountain and Fair Oaks Avenues as Planning Action #2013-806. The application included a Modification of the Outline and Final Plan approvals for the Meadowbrook Park II Subdivision (PA #2003-158) in order to adjust the number of residential units allocated to the subject properties based on the permitted densities within the North Mountain zone's Neighborhood Central (NM-C) overlay. As originally approved in 2003, the Outline Plan approval included a combined total of ten residential units on the four subject properties. The modification requested was to allow a total of 40 dwelling units to be constructed between the four subject properties, and to allow interim residential use of proposed ground floor commercial spaces as envisioned in the North Mountain Neighborhood Plan.

In January of 2014, the Planning Commission approved Planning Action #2013-1506 which modified Planning Action #2013-806 by: 1) clarifying density allocations, parking management, and the number of ground floor commercial spaces between the subject properties; 2) increasing the number of upper floor residential units on Tax Lot #700 from ten to 14; and 3) modifying the proposed building design for Tax Lot #700. The current application proceeds from the allocations of density, parking and commercial space approved with this application, which were as follows:

TAX LOT	ALLOCATED RESIDENTIAL DENSITY	PLANNED ON-SITE PARKING	PARKING ALLOCATION (PLUM RIDGE COURT)
5900 (Subject Property)	6	4	2
700 (Approved #2013-1506)	14	10	4
1500 (Octagon Building)	10	0	3
800 (Future Site Review)	10	8	2
TOTAL	40	22	11 (48% OF 23 AVAILABLE)

These allocations were based on the applicants being able to consider the 23 parking spaces on the private Plum Ridge Court to address the residential parking demand to accommodate the NM-C densities envisioned in the Neighborhood Plan subject to the allocations above and the stipulation that no more than 50 percent of the total residential parking requirements for the individual tax lots would be from parking located on the private street Plum Ridge Court (Tax Lot 1400).

The Planning Commission finds that the applicant is requesting Site Review approval to construct a three-story, mixed use building at the corner of Fair Oaks Avenue and Plum Ridge Drive. The building will be roughly 10,748 square feet in area, consisting of three residential units on each of the upper two floors, with one flexible (commercial, with interim residential use allowed) unit on the ground floor along with five enclosed parking spaces on the ground floor. The Commission finds that, as proposed, the application is consistent with the residential density allocated in Planning Action #2013-1506, however based on comments heard during previous Planning Commission hearings, the applicants have proposed to add a fifth on-site parking space to alleviate what they describe as “real or perceived parking issues,” where only four on-site parking spaces were required with the previous approval.

2.4 The Planning Commission finds the first criterion for Site Review approval is that, “*All applicable City ordinances have been met or will be met by the proposed development.*” The applicant asserts that to their knowledge, all city regulations are or will be complied with by the request, and emphasize that they are not requesting any Variances or Exceptions. The Planning Commission finds in support of these assertions.

2.5 The Planning Commission finds that the second criterion for Site Review approval is that, “*All requirements of the Site Review Chapter have been met or will be met.*” The applicant notes that all requirements of the Site Review Chapter have been or will be complied with as part of the proposal, including that the landscaping will be irrigated and maintained and that lighting and glare will be addressed with down lighting and shrouding of fixtures as necessary. The Planning Commission finds that with the satisfaction of the conditions included below, all requirements of the Site Review Chapter will be met.

2.6 The Planning Commission finds that the third criterion for approval of a Site Review permit is that, “*The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*” The applicant contends that all of the standards noted within the Site Design Standards are or will be complied with, including the Commercial, Employment and Industrial Standards of the Site Design and Use Standards Section II-C, Street Tree Standards, Water Conserving Landscape Guidelines and Policies, and the North Mountain Neighborhood Design Standards.

In describing the design, the applicants explain that the design does not emulate a residential appearance, but has the more traditional storefront appearance sought in the design standards, with simple, flexible forms. They note that the 45-degree angular volume facing the intersection and canted entry are intended to give the building a strong architectural identity, and further explain that given the lot’s north to south orientation, having the façade face the narrower frontage on Fair Oaks Avenue is fitting of a typical storefront. They also note that along the east elevation, facing the central open space across the street, the architect has elongated the building and added a vertical break near its center to give the building some balance and address the requirements of AMC 18.30.030 which calls for buildings spaces not to exceed 3,500 square feet. This vertical break is a different material and color from the main body to help distinguish the building volumes.

The application goes on to note that several architectural design measures have been employed to give the building a sense of depth and introduce some verticality. The building includes several vertical projections and recesses to each side’s façade including projecting vertical window bays and open-air balconies. In addition, the building has a pronounced vertical off-set where the stairwell and mechanical systems will be located which helps separate the building’s volume.

The application notes that the material and color palette has been selected to add variation and attractiveness, explaining that the building will be wood-frame construction and that the exterior materials will be similar to those employed in the existing neighborhood of single-family homes, townhomes and mixed-use buildings. The exterior materials are to include a ledge-stone base similar to that used on the “Octagon Building” across the street, base boards distinguishing floor heights, and an architecturally attractive cornice cap. Each element is noted as having either a different material or color to enhance the architecture with the main body being a brown stucco texture, the bay windows having horizontal wood siding and a lighter gray color, and the cap being light beige.

The application includes a proposal for landscaping treatment of the building frontage during interim residential use which would provide a four-foot landscape buffer behind the sidewalk along the Fair Oaks Avenue and Plum Ridge Drive frontages. With the ultimate commercial occupancy of the ground floor space, this landscape buffer would be removed and the sidewalk filled in from the entry to the upstairs residential units on Plum Ridge Drive, north to Fair Oaks Avenue, and along the full Fair Oaks Avenue frontage. A four-foot wide landscaped buffer would remain along the frontage of the parking garage along Plum Ridge Drive.

The application also explains that the applicants are proposing an alternative design treatment to the parking garage screens along the sidewalk on Plum Ridge Drive. Rather than simple screened mesh or something similarly industrial, or a blank wall, the applicants propose a more artistic treatment to provide some visual interest to the pedestrian streetscape.

Within the North Mountain neighborhood, in addition to the “Commercial, Employment and Industrial” standards found in Section II-C of the Site Design and Use Standards handbook, planning applications involving Site Review approval are required to demonstrate compliance with the applicable North Mountain Neighborhood Design Standards. These provide guidance in areas of transitional architectural designs which accommodate interim residential use of ground floor spaces while maintaining a traditional storefront streetscape character, with buildings generally built to the property line and arcades, awnings, bays or balconies used to provide a continuous covering of the sidewalk pedestrian corridor, and the encouragement of mixed-use development with bays or balconies for upper level residential units providing added visual interest to the streetscape. The underlying intent of the design standards for the neighborhood core is in creating a neighborhood scale commercial streetscape, with buildings broken into sizes, forms, massing and architectural elements which preserve a pedestrian scale typical of that seen in Ashland’s historic downtown core.

The Planning Commission finds that the key consideration with the design is in ensuring that the storefront character of the building and the pedestrian streetscape which form the backbone of the Neighborhood Central core are not lost with a building which is focused largely on providing for residential use. The Commission further finds that the building design effectively utilizes changes in massing and form, surface, finish, fenestration, and rhythmic divisions and associated variations in the façade to emphasize more vertical rhythms to keep the building to the pedestrian scale sought through the design standards. The Site Design & Use Standards look for buildings on corner lots to be oriented to the higher order street or the corner; the Commission finds that the design here proposes a strong orientation to the corner which is appropriate given the unique intersection treatment installed with the subdivision infrastructure, the importance of the central open space area, and the building’s placement relative to the NM-C core. The Commission further finds that the alternative treatment of the screens along the garage wall on Plum Ridge Drive not only benefits the pedestrian streetscape but provides a degree of visual interest which helps the building better relate to the central open space and to the gateway entry to the

development at North Mountain and Fair Oaks Avenues. However, the Commission finds that to fully address the standards, some of the finer details of the design as they relate to the pedestrian streetscape need to be fine-tuned as follows:

- **Awnings** – The Planning Commission finds that in “VII.B Neighborhood Central – Building Setbacks & Height,” the North Mountain Neighborhood Design Standards call for the use of “arcades, awnings, bays and balconies” to extend over the pedestrian corridor to provide a continuous covered walk. The Commission finds that the awnings shown do not provide the continuous coverage required in the standard, and would require an Exception to the Site Design and Use Standards as proposed. The Commission finds that to comply with the standards, the pedestrian corridor treatment must be modified to provide continuous sidewalk coverage from the residential entry on Plum Ridge Drive, north around the corner entry, and along the full Fair Oaks Avenue frontage through some combination of arcades, awnings, bays and balconies to be installed with the establishment of a ground floor commercial use.
- **Storefront Windows** – The Commission finds that the store front windows must be maintained without tinting for the full ground floor commercial space in keeping with the Site Design and Use Standards requirement in II-C-2a)3 that windows must allow views into internal areas.
- **Stronger Entry & Relationship to Open Space** – The Commission finds that in the interest of providing a sense of entry, a strong relationship to the central open space and a pedestrian friendly streetscape as called for in the Site Design and Use Standards II-C-1a)1 and 2, the Plum Ridge Drive frontage must be modified: to include a stronger entry for the upstairs residential units; to incorporate some combination of the benches, news racks, trash receptacles or other street furniture envisioned in the neighborhood design standards; to provide enhanced landscaping to soften the expanse of the garage wall; and to include pedestrian scale lighting details as required in VII.C.
- **Parking Garage Screening Details** – The Commission also finds that final design details of the alternative screening treatments for the openings in the Plum Ridge Drive wall of the parking garage consistent with those presented during the hearing must be provided for the review of the Staff Advisor with the building permit submittals.

The Commission finds that conditions requiring that the above items be addressed in revised plans provided with the building permit submittals for the final review and approval of the Staff Advisor shall be attached to this approval as fully detailed below.

2.7 The Planning Commission finds that the final approval criterion is, “*That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.*” The application asserts that all key facilities are available to

service the proposed building, and that all utilities to service the building were installed at the time of the subdivision and no major modifications are anticipated. The application goes on to note that the applicants have met with the various city utility departments to discuss capacity issues and have determined that adequate utilities are available to service the site.

The Planning Commission finds that, as previously noted in Planning Action #2013-01506, utility infrastructure installed with the original subdivision was sized to accommodate a lesser number of units proposed at the time. As noted before, utilities and infrastructure available include:

- **Water:** The subject property is currently served by an eight-inch water main in the Fair Oaks Drive right-of-way. The Planning Commission finds that because the water services were initially intended to serve ten residential units between the four NM-C properties where up to 40 units are now proposed, additional connections and services will need to be provided by the applicant to serve the additional units.
- **Sanitary Sewer:** Tax Lot #5900 is currently served by an eight-inch sanitary sewer main in the Fair Oaks Drive right-of-way. As with water, the Planning Commission finds that because the sewer lines provided were initially intended to serve ten residential units where up to 40 units are now proposed, additional connections and services will need to be provided by the applicant.
- **Storm Water:** Tax Lot #5900 is currently served by a 12-inch storm sewer main in Julian Court. The Planning Commission finds that with development the applicant will need to provide an engineered storm drainage plan demonstrating that post-development peak flows will be less than or equal to the pre-development peak flow, and which addresses storm water quality mitigation as part of the design.
- **Electric:** As with water and sewer, the electrical infrastructure was originally sized and installed to accommodate only ten total residential units between four properties, where up to 40 units are now proposed. The Planning Commission finds that the applicant will need to address the additional electric capacity and conduit to provide connections to serve all of the proposed units with development.
- **Streets & Transportation:** Curbs, gutters, paving, street lights and some sidewalks and street trees were installed with the subdivision infrastructure. However, the Planning Commission finds that frontage improvements for the four developable NM-C properties were not installed and will need to be completed in conjunction with the proposed development here.

The Planning Commission further finds that the application includes a proposal for an alternative sidewalk and landscaping treatment of the building frontages during interim residential use of the property which would provide a four-foot landscape buffer behind the sidewalk along the Fair Oaks Avenue and Plum Ridge Drive frontages, with the sidewalk width reduced to three to four feet between the landscape buffer plantings and the tree grates. With the ultimate commercial occupancy of the ground floor space, this landscape buffer would be removed and the sidewalk filled in from the entry for the upstairs residential units on Plum Ridge Drive, north to Fair Oaks Avenue, around the corner and along the full Fair Oaks Avenue frontage to create a 12-foot pedestrian corridor with street trees in four-foot square grates. The four-foot wide landscaped

buffer would remain along the frontage of the parking garage along Plum Ridge Drive, with an eight-foot sidewalk corridor.

The Planning Commission finds that within the North Mountain Neighborhood Design Standards, the required street cross-section for a “Neighborhood Commercial Street” calls for a minimum ten-foot wide sidewalk with street trees in grates. The neighborhood design standards further require that, “*Buildings shall be built up to the front and side property lines. Along the front, exceptions will be allowed to create courtyards, seating areas for cafes or other special uses. These areas should be designed to further the activity along the streets.*” The Planning Commission further finds that neither the City of Ashland’s adopted Street Standards handbook nor the North Mountain Neighborhood Design Standards’ street cross-section standards include any city standard sidewalk of less than five feet in width, and that an Exception to Street Standards of this magnitude to provide a temporary buffer for interim residential uses when it comes at the expense of the intended pedestrian streetscape character of the Neighborhood Central core is not merited. The Planning Commission has accordingly added a condition below requiring that the interim sidewalk and landscape treatment be adjusted by reducing the landscape buffer width to no more than three feet to ensure that a minimum sidewalk of at least five feet in width between the landscaping and the tree grate be provided even during interim residential use.

The Planning Commission finds that based on the infrastructure already in place; the modifications to the original approval proposed here; and the conditions included below to require that the applicant provides revised utility and storm drainage plans, revised plans of the frontage improvements, and a revised electrical service plan with load calculations prior to building permit submittals, that adequate capacity of City facilities can and will be provided with the proposal.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the application for Site Review approval to construct a three-story mixed-use 10,748 square foot building at the corner of Fair Oaks Avenue and Plum Ridge Drive has satisfied all relative substantive standards and criteria and is supported by evidence in the record.

The Commission finds that the proposed design is effective in keeping the building to the pedestrian scale sought through the design standards with changes in massing and form, surface, finish, fenestration, and rhythmic divisions and associated variations in the façade to emphasize vertical rhythms. The building is oriented to the corner, complimenting the unique intersection treatment installed with the subdivision infrastructure and recognizing the importance of the central open space area and the building’s placement relative to the NM-C core. The alternative treatment of the screens along the garage wall on Plum Ridge Drive benefits the pedestrian streetscape and provides a degree of visual interest which helps the building better relate to the

central open space and to the gateway entry to the development at North Mountain and Fair Oaks Avenues.

The Commission finds that the key consideration with the design is in ensuring that the storefront character of the building and the pedestrian streetscape which form the backbone of the Neighborhood Central core are not lost with a building which is largely focused on residential use. The Commission has accordingly added conditions relating to the finer details of the streetscape treatment to fully address the standards, including that continuous awning coverage of the sidewalk be provided; that the store front windows not be tinted for the full ground floor space; that in the interest of providing a sense of entry, a strong relationship to the central open space and a pedestrian friendly streetscape the final drawings be modified to include a stronger entry for the upstairs residential units, benches, news racks, trash receptacles or other street furniture envisioned in the neighborhood design standards, enhanced landscaping to soften the expanse of the garage wall, and pedestrian scale lighting details; and that the final design details for the parking garage screening be provided for review with the building permits. With these conditions to fine tune the streetscape treatment, the Commission is supportive of the application and finds that it satisfies all applicable approval standards.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action # 2014-00967. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2014-00967 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise modified herein.
- 2) That all applicable conditions of the Outline and Final Plan approvals and of Planning Actions #2013-00806 and #2013-01506 shall remain in effect unless otherwise modified herein.
- 3) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 4) That the applicants shall obtain necessary Public Works permits prior to any construction within the public rights-of-way.
- 5) That prior to conversion from ground floor residential use to commercial use, the applicants shall obtain any permits necessary to approve the proposed change in occupancy; interim landscape buffers shall be removed and full sidewalk improvements installed in their place; and awnings providing full sidewalk coverage shall be installed.
- 6) That the windows of the ground floor commercial space shall not be tinted so as to prevent views from outside of the building into the interior of the building
- 7) That prior to the issuance of a building permit:
 - a) The building permit submittals shall include identification of all easements, including any

public or private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements. As required in PA #2013-01506, an easement through Plum Ridge Court providing for public vehicular and pedestrian circulation and connectivity to the surrounding public streets shall be recorded, and evidence of recording provided prior to permit issuance.

- b) That the applicants shall provide a revised size- and species-specific landscape and irrigation plan for the review and approval of the Staff Advisor. Revisions shall include size and species-specific landscape details including interim buffer landscape plantings selected to soften the garage wall along Plum Ridge Drive and provide a temporary buffer for interim residential use of the ground floor space, and irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies.
- c) The requirements of the Building Department, including that the plans provide details addressing, but not limited to, accessible units, fire sprinklers, fire separation, ADA parking, and methods of compliance with the 3,500 square foot floor area limitation for each building, shall be satisfactorily addressed.
- d) That the applicant shall provide revised civil drawings detailing: 1) a revised final utility plan for the parcels to include the location of connections to all public facilities including the locations of water lines and meter sizes, sanitary sewer lines, storm drain lines, electric services to serve the proposed buildings including the added residential units; 2) revised details of the frontage improvements detailing both the transitional landscaping and sidewalk treatment proposed during interim residential use of the ground floor space, and the permanent sidewalk corridor treatment with street trees and street lights. The interim treatment design shall provide for at least a five-foot clear width of sidewalk between the landscaped area and tree grates, and with commercial use the landscape buffers adjacent to both frontage of the commercial unit shall be removed and a 12-foot sidewalk with street trees installed; 3) a storm drainage plan which demonstrates that post-development peak flow are less than or equal to the pre-development peak flow for the site as a whole, and which include any necessary storm water quality mitigation.
- e) That the applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment to serve the proposed development for the review and approval of the Electric, Building and Planning Departments. This plan shall clearly identify any additional services, conduit, etc. necessary to serve the additional units proposed here. All services shall be undergrounded and shall be provided from the alley where possible, and additional transformers and cabinets (if necessary) shall be located in those areas least visible to the public, while considering the access needs of the Electric Department.
- f) That the requirements of Ashland Fire & Rescue shall be adequately addressed, including that adequate fire apparatus access and firefighter access pathways, approved addressing, fire flow, fire hydrant clearance, fire department connection (FDC), fire extinguishers, and key box(es) shall be provided, and that any obstructions to fire access shall be clearly shown on

- the plans for review and approval by Ashland Fire and Rescue.
- g) That exterior building materials and paint colors shall be detailed in the building permit submittals, and shall be compatible with the surrounding area and consistent with the exterior building colors reviewed as part of this application.
 - h) That a plan identifying construction staging areas shall be provided for review and approval by the Building, Planning and Fire Departments.
 - i) That bicycle parking shall be shown in the building permit submittals. Inverted u-racks shall be used for the bicycle parking, and all bicycle parking shall be installed in accordance with the rack design, spacing and coverage standards in AMC 18.92.060.1 and J prior to the issuance of the certificate of occupancy. For bicycle parking to be provided within the garage, rack details and final interior dimensions of shall be detailed in the building permit submittals to insure adequate space is provided and that the racks proposed are consistent with the bicycle parking rack standards in AMC 18.92.
 - j) Drawings detailing revised treatments of the pedestrian corridor to provide continuous sidewalk coverage from the residential entry on Plum Ridge Drive, north around the corner entry, and along the full Fair Oaks Avenue frontage through some combination of arcades, balconies, bays and awnings shall be provided for the review and approval of the Staff Advisor. Pedestrian corridor treatments providing continuous sidewalk coverage are to be installed prior to the establishment of ground floor commercial use.
 - k) That final design details of the alternative screening treatments for the openings in the Plum Ridge Drive wall of the parking garage shall be provided for the review and approval of the Staff Advisor.
 - l) Revised drawings addressing the Plum Ridge Drive building elevation and street frontage treatment shall be provided to include a stronger entry for the upstairs residential units; benches, news racks, trash receptacles or other street furniture envisioned in the neighborhood design standards; size- and species-specific landscaping details with landscape materials selected to soften the expanse of the garage wall; trash enclosure placement and screening; and pedestrian scale lighting details shall be provided for the review and approval of the Staff Advisor.
- 8) That prior to the approval of the final building inspection or issuance of a certificate of occupancy:
- a) The applicants shall provide a copy of the proposed deed restriction making clear that the ground floor commercial space(s) are intended for commercial use, but may be used for residential use, for the review and approval of the Staff Advisor. These deed restrictions shall be recorded, and copies of the recorded copies provided, prior to the issuance of a final certificate of occupancy.
 - b) That all required landscaping, irrigation and hardscape surface improvements shall be installed according to the approved plans, inspected and approved by the Staff Advisor.
 - c) That all required frontage improvements including sidewalks, street trees and street lights along the full frontage of Tax Lot #5900 shall be completed according to the approved

plans, inspected and approved by the Staff Advisor. Street trees shall be selected from the Recommended Street Tree List and planted according to applicable standards.

- d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Lighting specifications and shrouding details shall be included in the building permits submittals and their installation site-verified prior to occupancy.

Planning Commission Approval

September 9, 2014

Date

**TYPE II
PUBLIC HEARING**

**PA-2014-01354 & PA-2014-01355
1016 Clear Creek Drive**

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
September 9, 2014**

PLANNING ACTIONS: 2014-01354 & 2014-01355

APPLICANT: Rick and Judy Lindeman and Urban Development Services LLC for the Mark Newberger Exempt Trust

LOCATION: 1016 Clear Creek Drive

ZONE DESIGNATION: R-1-5-P

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential

APPLICATION DEEMED COMPLETE: August 26, 2014

120-DAY TIME LIMIT: December 24, 2014

ORDINANCE REFERENCE:

18.20	R-1 Single-Family Residential District
18.88	Performance Standards Options
18.104	Conditional Use Permit

REQUEST: A request for modifications of the Aleph Springs Subdivision approval (PA #2001-0039 and #2008-00183) which involved: a 12-lot, 15-unit Performance Standards Subdivision; Site Review approval for a two-story, six-unit residential building; an Exception to Street Standards; Tree Removal Permits; and Lot Line Adjustments. The modifications requested include: 1) partitioning the property at 1016 Clear Creek Drive into to two separate single family residential parcels; and 2) Conditional Use Permit and Site Review to allow for an accessory residential unit approval for one of the newly created parcels.

I. Relevant Facts

A. Background - History of Application

The subject property is part of the Aleph Springs Subdivision. The first approval was for a 14-lot, 13-unit subdivision which received Outline Plan approval in 2006 (PA2006-01091). This approval subsequently expired.

In 2007, Outline Plan approval for a 12-lot, 15-unit Performance Standards Subdivision was obtained. This request included a Modification of the Site Review and Conditional Use Permit for the Havurah Jewish Synagogue (PA2001-0039). Additionally, the approval included a tree removal permit and boundary line adjustment (PA2007-01398).

The Final Plan for the 12-lot, 15-unit subdivision was approved in 2008 (PA2008-00183).

In 2014, a Subdivision Modification was approved which modified the approved open

space plan to eliminate the mitigation wetland which was previously proposed, and instead mitigating through an off-site mitigation bank, while retaining the site's natural wetlands.

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

B. Detailed Description of the Site and Proposal

The subject property is part of the Aleph Springs Subdivision which is located on the west side of North Mountain Avenue, directly north of the railroad right-of-way and south of Clear Creek Drive. The subject property is a 15,965 square foot, vacant flag lot (lot 10). The property is moderately sloped averaging approximately a four percent downhill slope to the north.

The subject property as well as the surrounding properties to the north and east are zoned the R-1-5 Single-Family Residential. To the south of the site, there is R-3 High Density Multi-Family Residential zoning, as well as E-1 Employment zoning in the area of the City's "B Street Yard."

1. Modification of the Outline Plan for Performance Standards Options Subdivision

The applicant is requesting to modify the 2008 subdivision approval. The original subdivision approval was for 15 units including eight new single-family homes, the existing residence and a six-plex. This proposal is to eliminate the six-plex and partition the flag lot to create two single family residential flag lots. One of the new lots would have an accessory residential unit discussed below. Conceptual elevations for the new parcels were submitted with the application.

2. Accessory Residential Unit

Proposed parcel 10B is requesting approval of a 494 square foot detached accessory residential unit (ARU) in conjunction with a 1,359 square foot single family residence.

II. Project Impact

The project requires a modification of the previous subdivision approval since it involves the partitioning of one of the subdivision lots. In accordance with Chapter 18.108, applications for amendment or modification to conditions of approval for Type II actions, where the modification involves changes to the conditions beyond tree removal and/or building envelopes, are required to be reviewed under the "Type II" process with a public hearing. The Conditional Use Permit for the ARU is also being heard because the municipal code requires that when multiple applications are occurring on one piece of property all of the necessary land use decisions are processed together.

A. Outline Plan for Performance Standards Options Subdivision

The proposal is to partition the existing 15,965 square foot flag lot (Lot 10) into two smaller parcels. One lot is proposed to be 7,943 square feet and the other 8,022 square feet. A conceptual elevation has been provided for proposed Lot 10A. Proposed lot 10B has a proposed building design for the primary residence and the ARU. The ARU is discussed in greater detail below.

The subdivision has a base density of 16 units (3.59 acres x 4.5 units = 16.155). In the 2007 application, 15 units were proposed. The criteria for density requirements of Chapter 18.88 are that the proposed density meets the base and bonus density standards. This application reduces the density to 12 units; the proposal satisfies this requirement.

The majority of the subdivision residences are built out and in compliance with the original approvals. Adequate City facilities were installed during the subdivision development and exist to service the new parcels and the proposed ARU. The original subdivision application showed the six-plex lot (subject site) using an electric vault on the Havurah property. Since submitting the application, the applicant learned the vault was not upgraded to service the six-plex since the plans for the building were not completed. Electric facilities exist in Clear Creek Drive and the lines are adequate to service the new lots according to the City of Ashland Electric Division.

There are no natural features on Lot 10. The wetland natural features which were part of the original subdivision were protected in the open space at the far west boundary of the subdivision. The proposed modification will not prevent adjacent land from being developed. All provisions for the maintenance of the open space and common areas from the original subdivision approval will not be impacted by the proposed modification. The subdivision Homeowner Association CC&Rs will require modification to address the new lots. A condition to this effect has been suggested.

The access to the subject properties is provided via a 20-foot wide paved flag driveway. There is an existing public pedestrian access easement that follows the driveway and turns east towards the Havurah, this easement will remain and the surface will be required to be completed to connect to the existing pavement on the driveway and the Havurah parking lot.

The applicant has proposed to have the perimeter of the development comply with the standards R-1 zoning district setbacks. The Performance Standards chapter requires that one half of the building height shall be required as the minimum width between the buildings. From the proposed site plan and elevations this standard appears to be met. A condition regarding compliance with the setback standard from 18.88 has been suggested.

B. Accessory Residential Unit

Proposed parcel 10B is requesting approval of a 494 square foot detached accessory residential unit in conjunction with a 1,359 square foot single family residence. Ashland Municipal Code (AMC) 18.24.030 limits the size of ARUs to 50 percent of the Gross Habitable Floor Area (GHFA) of the primary residence, and no greater than 1,000 square

feet. The proposal complies with this requirement.

The maximum lot coverage of the property will remain below 50 percent, and the proposal complies with solar setback requirements for both structures.

The ARU is proposed to be located to the side (west) and to the rear (south) of the proposed single family residence. The applicant has proposed an additional surface parking space for the ARU in conjunction with the three required for the single-family residence.

As stated above, adequate city facilities exist on site and in Clear Creek Drive to service the proposed residence and ARU.

The proposed single family residences and ARU are more contemporary than the adjacent residences in the subdivision which are a pseudo-craftsman. However, there are a variety of housing types and structures within 200-feet of the subject property. The Havurah and the City yards have commercial industrial buildings, and numerous architectural styles, in the form of both attached and detached residences, are across the railroad tracks to the south of the subject site.

The proposed ARU and the new single family residences will create less vehicle trips per day than the previously approved six-plex. Additionally, there is a pedestrian path down the driveway and to the east, and a public pedestrian / bicycle access easement is in place between the rear lot line and the railroad tracks for a future bike path on the north side of the railroad tracks. The Ashland Bike path is directly across the tracks and can be accessed via North Mountain. The combination of these pedestrian and bicycle provisions lessens the impacts from traffic generation.

The applicant states that a trash / recycle enclosure will be located to the side of the proposed residence. The findings also state that the required covered bicycle parking will be provided for under the eave. Demonstration of compliance with AMC 18.96.060 will be required at the time of building permit submittal.

III. Procedural - Required Burden of Proof

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

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

The criteria for Final Plan approval are described in 18.88.030.B.5 as follows:

- a. The number of dwelling units vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Title.
- c. The open spaces vary no more than ten (10%) percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten (10%) percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this Title and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.(Ord 2836, S3 1999)

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

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

Additionally, the criterion for Conditional Use Permit approval are described in 18.104.050 as follows:

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 - 1. Similarity in scale, bulk, and coverage.
 - 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

3. Architectural compatibility with the impact area.
4. Air quality, including the generation of dust, odors, or other environmental pollutants.
5. Generation of noise, light, and glare.
6. The development of adjacent properties as envisioned in the Comprehensive Plan.
7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

IV. Conclusions and Recommendations

Staff believes the proposal to modify the subdivision by partitioning the 15,965 square foot flag lot into two separate flag parcels complies with the requirements to modify the subdivision approval. The building footprints and proposed lot coverage are reduced with the development of the proposed lots as single family residential versus the approved six-plex condominium development. The proposal does not affect the open spaces. The applicant's conceptual building elevations are consistent with the purpose of the Performance Standards Chapter and are consistent with the building elevations proposed with the original outline plan approval.

In Staff's opinion, the proposed Accessory Residential Unit is consistent with the approval criteria for a Conditional Use Permit and Site Review approval. The unit is less than 50 percent of the square footage of the proposed primary residence. The unit will have a dedicated vehicle and bicycle parking spaces and, provisions for trash and recycling.

Staff recommends approval of the application with the following attached conditions.

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That all easements for sewer, water, electric and streets shall be indicated on the final survey plat as required by the City of Ashland.
- 3) That a revised copy of the CC&R's for the Homeowners Association shall be provided prior to final survey plat. CC&R's shall include the new lots into the description of responsibility.
- 4) The building permit submittals shall include:
 - a) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
 - b) That all new structures on shall meet Solar Setback A in accordance with Chapter 18.70 of the Ashland Land Use Ordinance. Solar setback calculations shall be submitted with each building permit and include the required setback with the formula calculations and an elevation or cross-section clearly identifying the height of the solar producing point from natural grade.
 - c) Individual lot coverage calculations including all impervious surfaces shall

be submitted with the building permits. Impervious driveway and parking areas shall be counted as pervious surfaces for the purpose of lot coverage calculations.

- d) A trash and recycling enclosure will be located be shown in accordance with screening standards of the Site Design and Use Standards.
 - e) The required covered bicycle parking space for the accessory residential unit shall be shown on the building permit submittal. The bicycle parking space shall demonstrate compliance with the spacing and coverage standards from AMC 18.92.060.
- 5) That prior to the issuance of a certificate of occupancy for the residence on lot 10B:
- a) That a separate electric service and meter for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements prior to issuance.
 - b) That a separate address for the accessory residential units shall be applied for approved by the City of Ashland Engineering Division.
 - c) Addressing shall meet the requirements of the Oregon building codes and shall be visible from the Public Right-of-Way.
 - d) That the public pedestrian access path shall be paved for the areas which are not currently surfaced or get damaged during construction of the residence and ARU.

OUTLINE PLAN APPROVAL

18.88.030. A.4 Criteria for Approval

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

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

(ORD 2836, 1999)

CONDITIONAL USE PERMITS

18.104.050 Approval Criteria

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

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

SITE DESIGN AND USE STANDARDS

18.72.070 Criteria for Approval

The following criteria shall be used to approve or deny an application:

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

ACCESSORY RESIDENTIAL UNITS

18.20.030.H Approval Criteria

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

AFFIDAVIT OF MAILING

STATE OF OREGON)
County of Jackson)

The undersigned being first duly sworn states that:

1. I am employed by the City of Ashland, 20 East Main Street, Ashland, Oregon 97520, in the Community Development Department.

2. On August 26, 2014 I caused to be mailed, by regular mail, in a sealed envelope with postage fully prepaid, a copy of the attached planning action notice to each person listed on the attached mailing list at such addresses as set forth on this list under each person's name for Planning Action #2014-01354 & 2014-01355, 1016 Clear Creek Drive.



Signature of Employee

PA-2014-01354 & 01355 391E09AA 1604
BRENNER LAWRENCE JOHN
1250 E PINE
STAYTON, OR 97383

PA-2014-01354 & 01355 391E09AA 1609
DECKER MARK LOREN/ANGELA
998 CLEAR CR DR
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2203
ERIKSSON EDWARD/VU-ERIKSSON
931 SAVERIEN DR
SACRAMENTO, CA 95864

PA-2014-01354 & 01355 391E09AA 1701
JEWISH COMMUNITY HAVURAH OF
SOUTHERN ORE
185 MOUNTAIN AVE N
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2108
MACRORY ANN K TRUSTEE ET AL
3666 TAKELMA WAY
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1702
NEWBERGER MARK ANDREW 1999
20 FARRAR ST
CAMBRIDGE, MA 02138

PA-2014-01354 & 01355 391E09AA 2110
SHAFFER SUSAN ELIZABETH
129 ALMOND ST
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1700
SPENCER NANCY S TRUSTEE FBO
167 N MOUNTAIN AVE
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2115
WARD JOYCE C ET AL
549 AUBURN ST
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2113
ZHEUTLIN JOAN S TRUSTEE ET AL
993 B ST
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1602
COHN STEVEN B/REBECCA W
9159 WANGER CREEK RD
TALENT, OR 97540

PA-2014-01354 & 01355 391E09AA 2202
EDMONDS SUSAN W TRUSTEE ET AL
282 NINTH ST ALY
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2116
HARDWICK CLAUDIA
2552 EDGEWATER DR
EUGENE, OR 97401

PA-2014-01354 & 01355 391E09AA 1606
LARKSPUR HOMES INC
1975 HOUSTON RD
PHOENIX, OR 97535

PA-2014-01354 & 01355 391E09AA 1300
MIX SARAH
3317 S HIGLEY ST 114-221
GILBERT, AZ 85297

PA-2014-01354 & 01355 391E09AA 1603
NEWTON JUDITH A
205 GRANITE ST
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1610
SILBIGER RUSSELL W
986 CLEAR CREEK DR
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2109
STEPHENS WILLIAM H TRUSTEE ET
204 BAY VISTA CIR
SAUSALITO, CA 94965

PA-2014-01354 & 01355 391E09AA 2112
WESTERMARK GEORGE D TRUSTEE
1269 SECOND AVE
SAN FRANCISCO, CA 94122

PA-2014-01354 & 01355
URBAN DEVELOPMENT SERVICES
485 W NEVADA ST.
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 8500
COLE MARY ELLEN/JOHN C
286 8TH ST
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1400
EDWARDS OREN RALPH JR
219 N MOUNTAIN
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 1601
JARRARD JAMES P TRUSTEE ET AL
1072 CLEAR CREEK DR
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2201
LUZ GEORGE A/SHELDON H
4910 CROWSON AVE
BATCHELOR, MD 21212

PA-2014-01354 & 01355 391E09AA 2107
MURPHY J SAMUEL/BETH R
975 B
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 2111
PENSCO TRUST COMPANY
PO BOX 173859
DENVER, CO 80217

PA-2014-01354 & 01355 391E09AA 2216
SMITH ALFORD R JR TRUSTEE
PO BOX 833
ASHLAND, OR 97520

PA-2014-01354 & 01355 391E09AA 6200
UNION PACIFIC RR CO
1400 DOUGLAS - STOP 1640
OMAHA, NE 68179

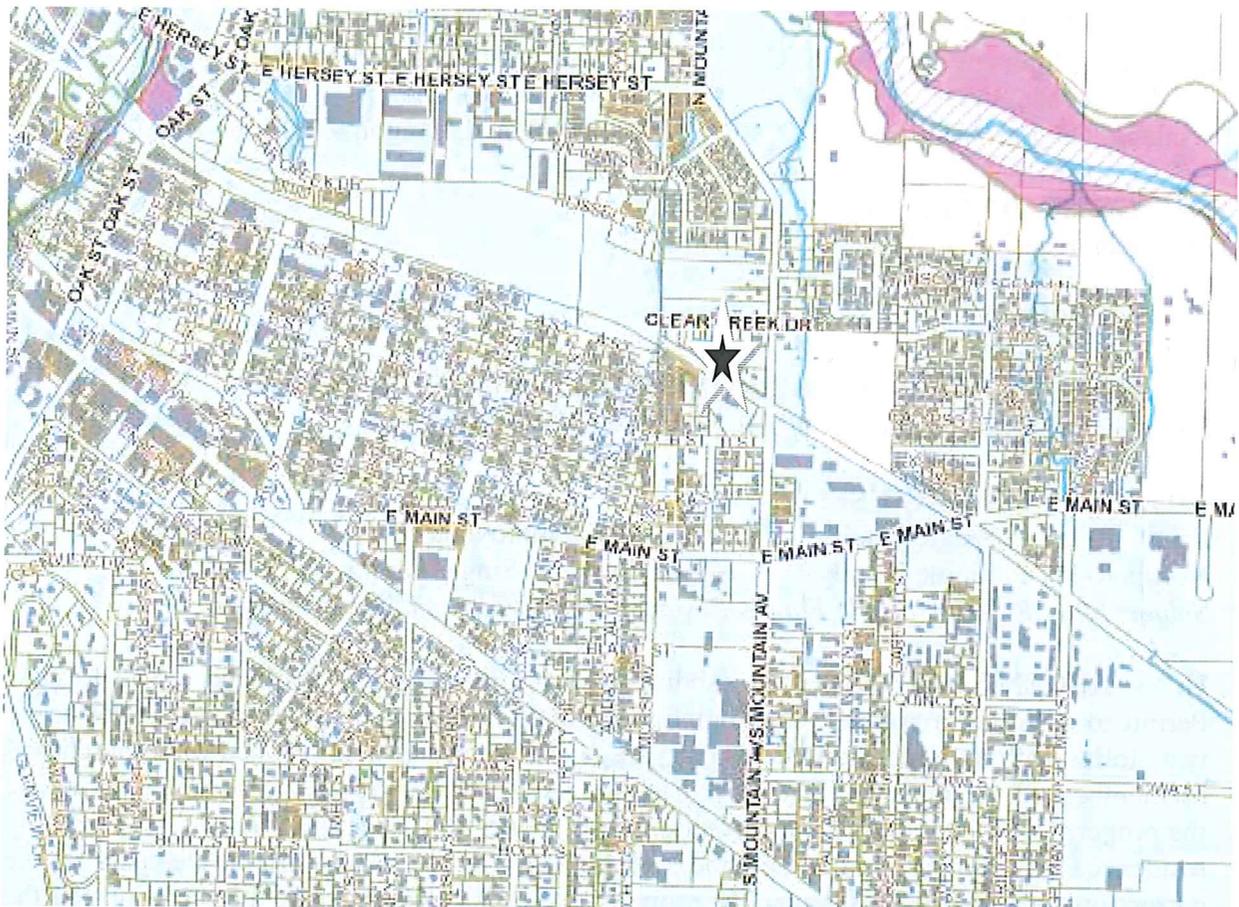
PA-2014-01354 & 01355 391E09AA 2114
ZALABAK SHERRY ET AL
402 VERMONT AVE
BERKELEY, CA 94707

PA-2014-01354 & 01355
LINDEMANN DESIGN, LLC
550 W NEVADA ST.
ASHLAND, OR 97520

PA-2014-01354 & 01355
POLARIS LAND SURVEY
P.O. BOX 459
ASHLAND, OR 97520

1999 Mark A. Newberger Exempt Trust
20 Farrar Street
Cambridge, MA 02138

**PROJECT DESCRIPTION AND FINDINGS OF FACT FOR A
MODIFICATION OF A PERFORMANCE STANDARDS OPTIONS
SUBDIVISION TO REDUCE THE SUBDIVISION'S OVERALL
DENSITY, DIVIDE A PARCEL INTO TWO AND REQUEST A
CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING
UNIT FOR THE PROPERTY AT 1016 CLEAR CREEK DRIVE.**



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

**SUBMITTED BY CO-APPLICANTS
Rick & Judy Lindemann and Mark A. Newberger, Exempt Trust**

August 2nd, 2014

AUG 01 2014

I. PROJECT INFORMATION:

APPLICANTS:

Rick & Judy Lindemann
1999 Mark A. Newberger Exempt Trust

ADDRESS & LEGAL DESCRIPTION:

1016 Clear Creek Drive
391E 09AA 1608 & 1702

LAND USE PLANNING:

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

SURVEYOR:

Polaris Land Survey
P.O. Box 459
Ashland, Oregon 97520

DESIGNER / DRAFTSMAN:

Lindemann Design, LLC
550 W. Nevada Street
Ashland, OR 97520

COMPREHENSIVE PLAN & ZONING DESIGNATION:

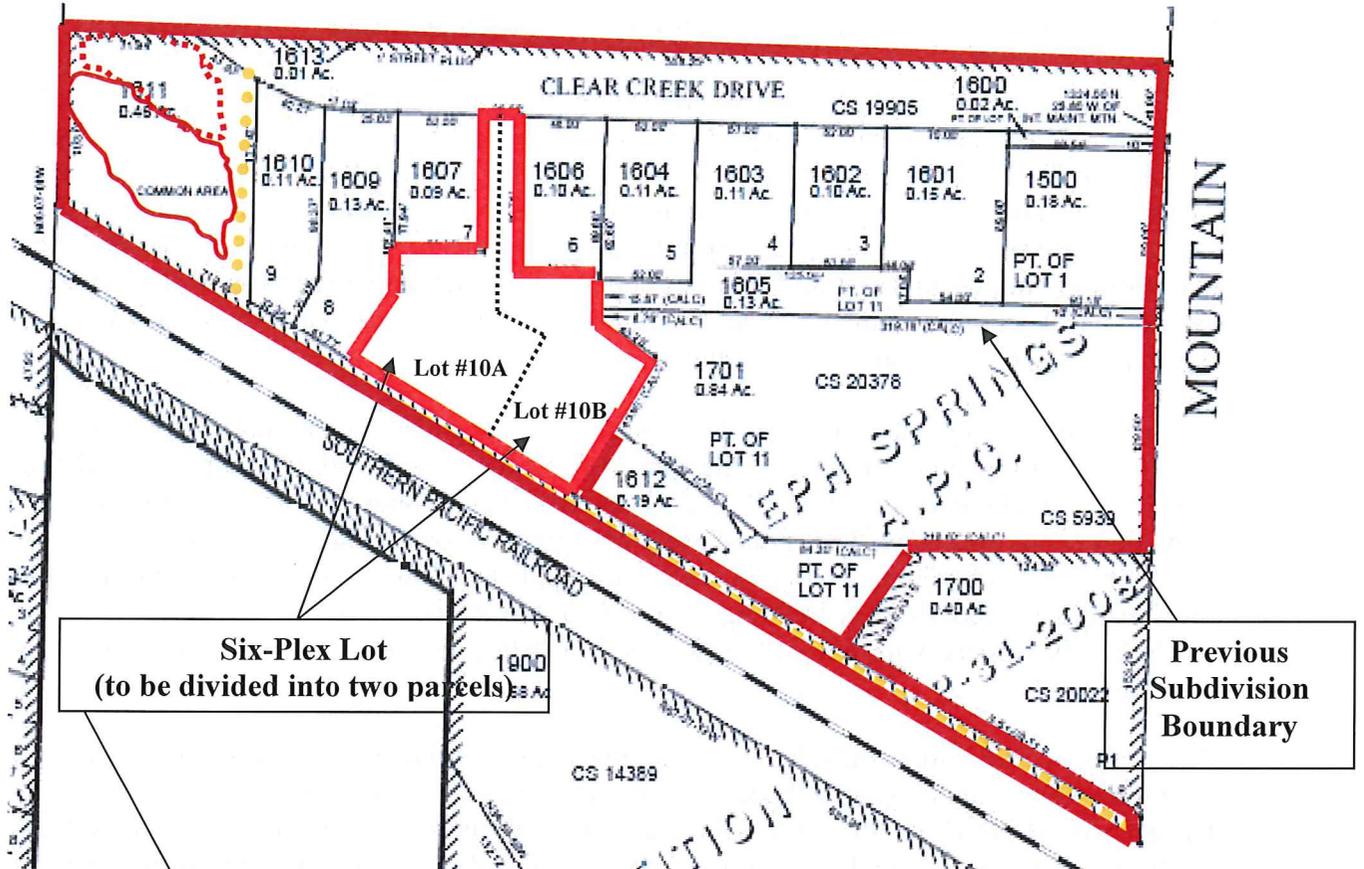
Single Family Residential & R-1-5-P; Single Family Residential

ADJACENT ZONING/USE:

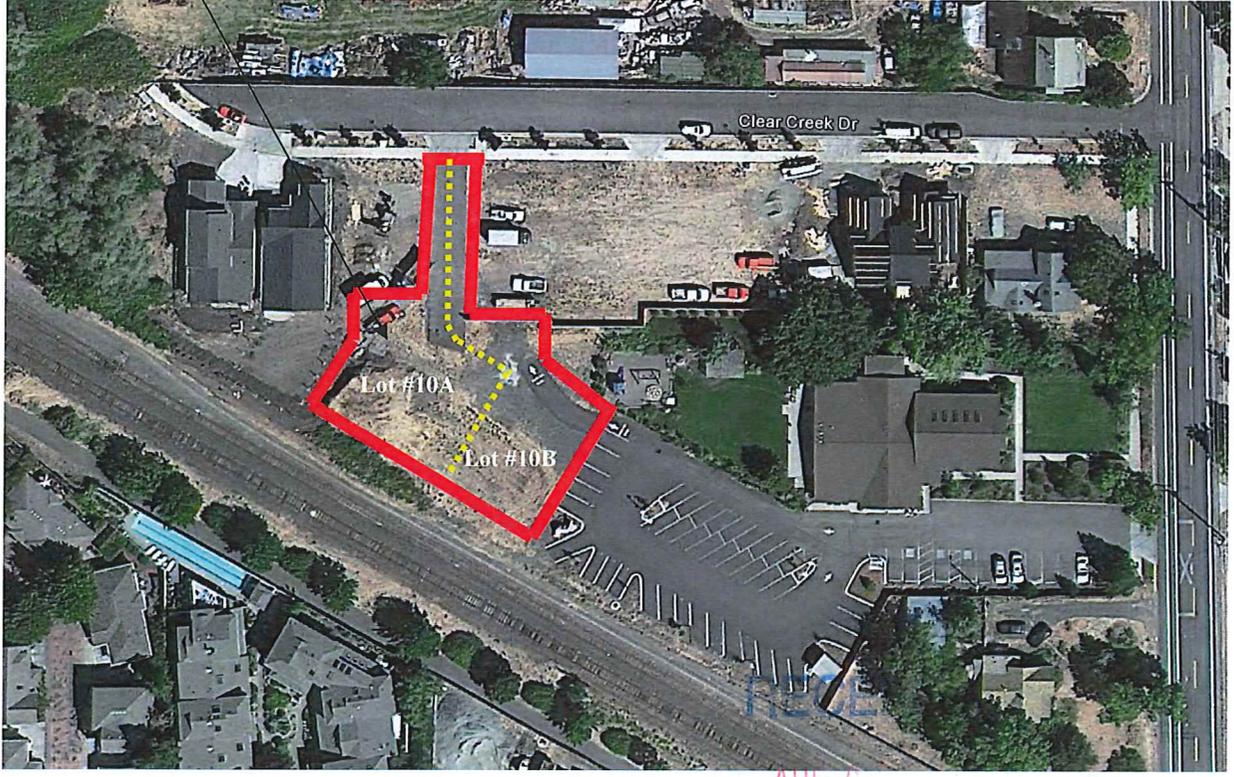
East: R-1-5-P, Single Family West: E-1, Employment
North: R-1-5-P, Single Family South: R-1-5-P, Single Family
Subject Site: R-1-5-P, Single Family Residential (partially under construction)

II. RECENT HISTORY: The subdivision's original approval included a Site Review Permit to construct a six-plex condominium building on Lot #10 which was intended to be two stories with an underground parking garage. The units were envisioned to be purchased by members of the adjacent Havurah Synagogue. However, due to poor economic conditions, the property was later sold to the current property owner who desired to build a single family residence. Unfortunately, after neighbors expressed concern as to various elements of the current owner's planned residence, the property owner decided to divide the property, sell the two parcels and eventually build/purchase his residence elsewhere. That said, the two subject lots are pending final approval and are already pre-sold.

III. PROPOSAL: The applicants desire to modify the original Aleph Springs Subdivision by dividing Lot #10, an existing large 15,965 square foot flag lot, into two single-family residential flag lots (7,943 sq. ft. and 8,022 sq. ft.) with one of the lots, referred to as Lot 10B, having an Accessory Residential Unit for the applicant's two elderly parents. In doing so, the application includes a request to modify a Performance Standards Options Subdivision for the lot's division and a Conditional Use Permit and Site Review Permit for the Accessory Residential Unit.



Existing Parcel Configuration and Aerial Photo of Subject Properties



City of...

(1) Performance Standards Option Subdivision - Modification:

The original Final Plan approval was granted in March of 2008 (PA-2008-00183) for the Havurah Friends Investment Group, LLC. The approval was to allow a 12-lot, 15-unit subdivision for the properties located at 167, 185 and 203 North Mountain Avenue (see Accessor Map insert above). The request included a Site Review approval to construct a two-story, six-unit residential building; a Tree Removal Permit for the removal of one nine-inch diameter pine tree from Tax Lot #1701; a boundary line adjustment with five odd shaped tax lots and an Exception to Street Standards to allow a private drive serving six units when they typically can serve no more than three units.

Again, the current proposal is to modify the original approval by reducing the subdivision's density from 15 units to 12 units. Originally, the approval was for 9 single family homes (one existing + eight new) and one larger six-plex building on the subject property (Lot #10). However, due to market conditions as well as multi-family construction costs (underground parking, multi-family insurance premiums, permit fees, etc.), the applicants propose to no longer consider the previously approved six-plex building on Lot #10, but instead to divide the parcel into two single family parcels, with one of the parcels, Lot #10B, also accommodating an Accessory Dwelling Unit.

The previous application included an exception request to have a private drive serve more than three units which included the six-plex building as well as the two abutting parcels along Clear Creek Drive (Lots #6 and #7) for a total of eight units served off a private driveway. With this proposal, the applicants propose to modify and reduce the number of units served off a private drive from eight to five units. *Note:* Due to access management practices, units fronting onto improved streets which also have alternative access via a private driveway or public alley are not included within this limitation and therefore the technical amount of units now served off the private drive would be three and in compliance with code.



Pedestrian Path Route (via flag driveway)

No other modifications to the subdivision are proposed. However, during the applications preliminary meetings with the Planning Staff, there was some concern the private pedestrian

path between Clear Creek Drive and the rear of the Havurah Temple's parking lot (see above photo) would be eliminated. The path is within the boundaries of a Public Utility Easement and is intended to remain (see attached site plan). This pathway is not intended to be gated nor will it be impacted by the proposal as evidenced on the site plan. The applicants concur with staff the private pathway helps facilitate pedestrian mobility and allows members of the Havurah to utilize Clear Creek Drive and thereby reduce parking demands along North Mountain Avenue during special events.

Other than the electric service lines, there are various utility lines that extend to and through the flag driveway area that were intended to serve the previously approved six-plex building. The applicants intend to leave the lines and any meter boxes "as is" due to their harmless existence. Further, the fire hydrant that sits at the end of the flag driveway will also remain. The hydrant most likely would not have been necessary with a two-family residence, but again, due to its existence and the added safety it presents to the property, it too will remain. As such, the three proposed units are easily accommodated by City and other utility services.

Electric is to be extended from the previously installed vault within the Havurah's rear parking lot. Conduit from the vault extending to Lot #10 already exist, however, during recent discussions with the Ashland Electric Department it was found the vault has no transformer. The applicant intends to install the transformer and install the electrical lines at the time of construction of the first home on either Lot 10A or 10B. *Note:* Although a portion of the electric service infrastructure has been installed, it's highly likely the transformer and cables were purposefully deferred due to the fact the previously approved six-plex was never fully designed and therefore electric demands unknown.

Lastly, due to the fact that Performance Standards Options Subdivision require conceptual house plans, the applicants have included "conceptual" house plans for Lot #10A and "actual" house and Accessory Dwelling Unit plans for Lot #10B. The conceptual plan for Lot #10A illustrates a more contemporary home to match the proposed plans for Lot #10B, but it should be understood the design is for conceptual illustration purposes and the future buyer of Lot #10A may choose to build the contemporary design or choose a design that is similar to the homes along Clear Creek Drive, which vary in architectural style. An "Architectural Statement" regarding the plans in relationship to the area is attached for reference. *Note:* The Subdivision is governed by a Home Owners Association (HOA) which reviews and approves proposed house plans. Included in the application is the approval letter from the HOA President, Russ Silbiger, for the proposed home and accessory residential unit on Lot 10B (referenced as Lot 11).

Overall, the site plan illustrate the lots' ability to accommodate two reasonably sized home, the accessory residential unit on Lot 10B, excess parking, turn around areas and compliance with all other City zoning requirements.

(2) Conditional Use Permit: The proposal includes a request for a Conditional Use Permit (CUP) for an Accessory Residential Unit (ARU) on Lot #10B as within the R-1-5 zone district, single family houses with ARU's require CUP approval.

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AUG 01 2014

The main residence will be a 1½ stories and 1,359 square feet in size. The ARU is single story, 494 square feet in size and sits to the rear of the lot. A total of four parking spaces are required – two for the main residence, one for the ARU and one for guests, all of which are identified on the site plan. Rick Lindemann, co-applicant, and his wife will live in the main residence and Rick’s parents in the ARU. The design of the units has been thoughtfully considered by Rick who is also a Home Designer by trade.

In accordance with AMC 18.20.030 H., Accessory Dwelling Units are also subject to the following development standards:

1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.

Response: The R-1-5 zone allows for a 50% lot coverage threshold. However, with the original application in 2008, Lot #10 was granted 10,612 square feet of lot coverage due to the impervious surface of the flag driveway and the larger footprint of the six-plex building. The coverage was based on a re-allocation of impervious surface for the entire subdivision, including the subdivision’s open spaces and the Havurah’s parking lot (See adjacent table and attached exhibit from original application).

Regardless, the submitted Site Plan illustrates both lots will easily meet the maximum lot coverage as Lot 10A has a “hypothetical” coverage of 3,187 sq. ft. and an allocated coverage of 5,270 sq. ft. Actual lot coverage for Lot 10B will be 2,881 sq. ft., but allocated 5,323 sq. ft.

Lot #	Lot Area	Lot Coverage	
1	8944	2806	
2	6661	3303	
3	4266	2760	
4	4687	3034	
5	4806	3150	
6	4300	2453	
7	4041	2162	
8	5796	2986	
9	5263	2886	
10	15994	10612	
11	50510	29637	
12	19471	0	
Total Area	134739	65789	48.83%

The end result is Lot #10 was allocated 10,612 sq. ft. of coverage (66%), but the actual lot coverage will be closer to 6,068 sq. ft. (38%) and less than the 50% maximum allowed coverage in the R-1-5 zone.

2. The maximum number of dwelling units shall not exceed 2 per lot.

As proposed, only two units, the main residence and the accessory residential unit, are proposed on Lot 10B.

3. *The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.*

As proposed, the accessory residential unit is only 36% of the main residence as it is 494 square feet and the main residence is 1,359 square feet.

(3) **Site Review Permit:** The application also requires a Site Review Permit as there are two dwellings on one lot. In this case, the Site Review Permit is intended to evaluate the adequate number of parking spaces, setbacks, recycling, solar access, bike parking, lot coverage, etc. These development standards have been addressed previously and comply with the Ashland Land Use Codes.

IV. 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 requirements and procedures outlined in the Ashland Municipal Code (AMC) pertaining to the Performance Subdivision requirements in Chapter 18.88, Conditional Use Permits in Chapter 18.104 and Site Review Permits in Chapter 18.72.

*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.*

OUTLINE PLAN SUBDIVISION (18.88.030A)

a) That the development meets all applicable ordinance requirements of the City of Ashland.

All applicable City ordinances have been met with the submitted application. No exceptions or variances are being requested with this application.

b) That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

All key facilities are available to service the proposed project. The applicants have met with all of the utility departments to verify if there were any capacity issues and none were forthcoming. All utilities to service the two lots / three units were installed with the original subdivision in 2008. The majority of the infrastructure is in place for electric services,

however, a transformer will need to be installed within the existing vault located within the adjacent property's parking lot. Electrical lines will then be pulled through the conduit and service the proposed units. The transformer will be installed prior to any site construction on either lot.

c) That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.

The subject property is void of any natural features. There is a large mound of earth that was temporarily placed on the property when the infrastructure for the subdivision, specifically the road, was installed. The mound will be removed from the property prior to any construction.

d) That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

The proposed development will not prevent adjacent land from being developed as shown on the Comprehensive Plan.

e) That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

The original subdivision created a Home Owners Association (HOA) with Conditions, Covenants, and Restrictions (CC&R's) that provides the management structure to provide the necessary maintenance of the project's open spaces. The proposal has no relationship or impact whatsoever on the open space area.

f) That the proposed density meets the base and bonus density standards established under this Chapter.

The original application identified the subdivision area as 3.59 acres in size, zoned R-1-5 with a base density of 4.50 units per acre for an allowed density of 16 dwelling units. The applicants are proposing a reduction from the original 15 unit proposal to 12 units.

g) The development complies with the Street Standards.

The development complies with the Ashland Street Standards for a Neighborhood Collector Street. The street serving the lot has been installed and there are no alterations or changes proposed.

FINAL PLAN SUBDIVISION (18.88.030B)

Final Plan approval shall be granted upon finding of substantial conformance with the

outline plan. Nothing in this provision shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan shows that:

a) The number of dwelling units vary no more than 10% of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.

As noted, the proposal is for a modification of the Performance Standards Option Subdivision and specifically for the “reduction” of dwelling units from 15 to 12 and more specifically on Lot #10 from six units to three units.

b) The yard depths and distances between main buildings vary no more than 10% of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Title.

The yard depths and distances between buildings have actually been increased from the original application. Instead of one single mass, extending from lot-line to lot-line, the proposal is for various building footprints and building mass with setbacks that are greater than the subdivision’s new homes.

c) The open spaces vary no more than 10% of that provided on the outline plan.

As noted, no changes to the subdivision’s open space are proposed.

d) The building size does not exceed the building size shown on the outline plan by more than 10%.

The proposed modification includes a request for a modification of the Outline and Final Plan to significantly reduce the original six-plex building size and footprint. Therefore, the criterion is not applicable.

e) The building elevations and exterior material are in conformance with the purpose and intent of this Title and the approved outline plan.

As noted, the Performance Standards Options Subdivision require conceptual house plans and the applicants have included “conceptual” house plans for Lot #10A and “actual” house and Accessory Dwelling Unit plans for Lot #10B. The conceptual plan for Lot #10A illustrates a more contemporary home to match the proposed plans for Lot #10B, but it should be understood the design is for conceptual illustration purposes and the future buyer of Lot #10A may choose to build the contemporary design or choose a design that is similar to the homes along Clear Creek Drive, which vary in architectural style. An “Architectural Statement”

regarding the plans in relationship to the area is attached for reference. Overall, the planned building elevations and exterior material choices are in conformance with the purpose and intent of the Performance Standards Options Chapter.

f) That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.

No density bonus points are proposed with the application.

g) Any amendment to an approved final plan shall follow a Type I procedure.

The application will be processed in accordance with the Procedures section of the Municipal Code, Chapter 18.108.

CONDITIONAL USE PERMIT (18.104.050)

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

The proposal conforms to the overall maximum lot coverage and setback requirements as noted in Chapter 18.20.040 as well as relevant Comprehensive Plan policies. The maximum lot coverage in the R-1-5 zone is 50% and the proposed lot coverage is 36%. The request is for a 494 square foot accessory residential unit with the sole use of the space being utilized as a small residence with activities less impacting when compared to a larger single family home.

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

The applicants completed a pre-application and received feedback from the various City departments and private utility companies that provide utility services. At no time was it indicated to the applicants that any of the facilities were at capacity or could not be provided to the proposed accessory residential unit. Specifically, because the infrastructure was installed to accommodate a six-plex building of roughly 6,000 square feet, the proposed single family residence and accessory unit have significantly much less demand than originally planned and existing infrastructure installed for.

c) That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the

following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.

The applicant and designer have attempted to design an accessory unit where it does not overwhelm the proposed home, direct neighbors or neighborhood. By designing the accessory unit as a single-story structure with a low pitched roof, the applicant believes the structure's scale, bulk and coverage is similar to other dwellings found in the neighborhood. Further, because the property is on a flag lot recessed from the primary street frontage, the accessory residential unit has little to no impact on the neighboring properties, especially when one considers the previous approval was for a six-plex multi-family development. For further reference relating to contextual compatibility, please see the attached Architectural Statement.

2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

The Institute of Traffic Engineers (ITE) estimate that a single family residence generates 10 vehicle trips in a given 24 hour day and an attached accessory unit less than 500 square feet in size generates 6 vehicle trips – with the assumption that small units house less drivers. It is the applicant's contention the actual numbers are likely to be less than "a national average" as the subject property is close to the Downtown core and many day-to-day services, so there is likelihood the residents will have a more realistic opportunity to walk or ride a bicycle than typical "national" development and transportation patterns.

In addition, the subject property is adjacent to the pedestrian path connecting to the adjacent property (Havurah Synagogue) where a tenant could easily connect with North Mountain Avenue. Further, the original subdivision included not only a public pedestrian path within its open space area linking Clear Creek Drive to the railroad tracks and within close proximity to the Ashland Railroad District, but also dedicated a 10' swath along the property's rear perimeter to accommodate a future public bike path.

3. Architectural compatibility with the impact area.

The impact area is typically defined within the notice area or 200'. Most of the homes in the area are typically characterized as "pseudo Craftsman or traditional vernacular" and there is a mixture of housing styles, including multi-family housing directly across the railroad tracks to the south. It is the applicant's contention to construct a modest 1½ story 1,359 sq. ft. single family residence and single-story 494 sq. ft. accessory residential unit at the rear of a flag lot, adjacent to the railroad tracks and large parking lot, and roughly 130' from the closest right-of-way. The applicants contend the proposal is very compatible with the impact area.

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

The residential accessory unit will not generate dust, odors, or other environmental pollutants.

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The Conditional Use Permit is for a small residential unit and not a business or commercial operation that may have dust, odors or other environmental pollutants as part of their use. It's the applicant's opinion the accessory residential use will not have any air quality impacts.

5. Generation of noise, light, and glare.

As with the criteria noted above, the residential accessory unit will not generate noise, light or glare that typically isn't generated by a small single family home. The Conditional Use Permit is for a small residential unit and not a business or commercial operation that may have periods of noise, light or glare as part of their use. It's the applicant's opinion the accessory residential use will not have noise, light or glare impacts beyond what is typically found in a small residential home.

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

The proposed accessory unit does not affect the potential development of adjacent properties. The applicants have gone to significant strides to make sure the accessory unit not only fits nicely into neighborhood, but also provides a conceptual design and site layout for a future house on the adjacent property (Lot 10A).

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

The applicant believes the proposal is consistent with past decisions regarding accessory residential units. The applicant is not aware of other factors that may be of concern.

SITE REVIEW PERMIT (18.72.070)

a) All applicable City ordinances have been met or will be met by the proposed development.

To the best of the applicants' knowledge all City regulations are or will be complied with. The applicants are not requesting any exceptions or variances.

b) All requirements of the Site Review Chapter have been met or will be met.

All requirements listed in the Site Review Chapter (18.72) have or will be complied with. Specifically, the subject property's landscaping will be irrigated and maintained, the trash/recycling area will be screened and light and glare concerns will be addressed with down lighting and screening where necessary.

Similar to the single family residence, trash and recycling will be placed on the side of the residence. On the scheduled day, the cans will be rolled out to Clear Creek Drive. Bike parking will be made available at the rear of the unit under the eaves.

c) **The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.**

All requirements listed in the Site Design Standards have or will be complied with.

d) **That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.**

As noted, the applicants completed a pre-application and received feedback from the various City departments and private utility companies that provide utility services. At no time was it indicated to the applicants that any of the facilities were at capacity or could not be provided to the proposed accessory residential unit. Specifically, because the infrastructure was installed to accommodate a six-plex building of roughly 6,000 square feet, the proposed single family residence and accessory unit have significantly much less demand than originally planned and existing infrastructure installed for.

The majority of the infrastructure is in place for electric services, however, a transformer will need to be installed within the existing vault located within the adjacent property's parking lot (Havurah Synagogue). Electrical lines will then be pulled through the conduit in order to service the proposed units. The transformer will be installed prior to any site construction on either lot.

Conclusion: In conclusion, the subdivision will generally remain as planned and approved other than the less residential units and vehicle trips will be generated from Lot 10 as originally planned. Further, the zoning is single-family residential and although the six-plex building complied with the overall density provisions and would have created a unique opportunity for members of the synagogue to live and practice their religion in a close vicinity, the proposed two single family residences and one accessory dwelling unit is equally fitting to the zone's intended use. As designed, the primary residence and the accessory residential unit have been designed to be compatible with each other, but operating independently. Overall, request is relatively straight-forward and is based on circumstances that have changed due to market conditions, owner preference and neighborhood input.

Attachments:

Neighborhood & Site Photos
Aleph Springs HOA Approval Letter
Architectural Statement
Original Subdivision Plan
Original Subdivision Electric Plan
Lots #10 10A and 10B Site Plan, A-1

East End Aerial Elevation, A-2
North End Aerial Elevation, A-3
Lot #10B Front Elevation, A-4
Lot #10B Elevations, A-5
Lot #10A, Concept Elevation, A-6
Solar Study, A-7

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ALEPH SPRINGS HOMEOWNERS ASSOCIATION

To: Lindemann Design, LLC

07/25/2014

Rick,

The Aleph Springs Homeowners Association Board of Directors have approved your home design for the proposed lot 11 of the Aleph Springs subdivision. Please note that if the color palate and/or building materials deviate substantially from the approved plan as presented, approval will be required.

A handwritten signature in black ink, appearing to read "RWS", with a stylized flourish at the end.

Russell W. Silbiger, President
986 Clear Creek Dr.
AlephSpringsHOA@gmail.com
541-227-6606

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Architectural Statement

Subject Property: 1016 Clear Creek Dr, Ashland, OR 97520 Lot 10 Aleph Springs Subdivision

Project: Modify Proposed Development for Lot 10: Two residential lots and a C.U.P. for an Accessory Residential Unit (ARU)

Design Rationale:

Neighborhood Context: The subject property is a flag lot bounded on the north by rear yards (and fences) of the street-facing properties, on the east by the Havurah parking lot, on the south by HOA Common Property (pedestrian easement) and the railroad and on the west by a neighboring residential side yard. The HOA is still in development, with new houses under construction on Lots 5 & 6, immediately in front of the subject lot. The existing houses vary in size, scale and materials. The materials used on the existing dwellings range from lap siding and composition roofs to stucco and metal roof details.

Site Culture: The subject lot is relatively flat, with a short rise at the back (south) adjacent the railroad. The lot is very close to the railroad tracks. The Havurah parking lot to the east appears to abut the property line. The lot is situated behind the properties that front on Clear Creek Drive. There is view potential mostly from second stories due to the fences and roof heights of the front lots.

Project Goals: The overarching design goal is to maximize the potential of the lot for residential development that adds value to the property itself and to the HOA as a whole. This goal goes hand-in-hand with the focus on lifestyle-oriented architectural design, which objective is made more acute by the challenge of the flag lot's atypical shape and environs.

Design Thrust: The main theme of the design approach is a conscientious and deliberate adaptation to the site to capitalize on its assets, minimize its liabilities, and satisfy constraints such as lot coverage, easements and solar access. This level of customization requires a departure from standard "catalog" house plans.

Hybrid Architectural Program: Due to the circumstances surrounding current and future ownership of the divided lot, the program for each parcel will vary. The east parcel (Lot 10-B) is slated for development by the designer to be a multi-generational residence (main house and ARU). The west parcel will remain undeveloped until such time as the owner chooses to sell the lot (10-A).

Site Assets Addressed in the Design Solution:

- 1) Passive Solar Potential. The natural orientation of the two new lots allows for north by northeast exposure to natural light. Given that the rear elevations face the railroad, the need for privacy dovetails with a design that minimizes or shades southern glazing.
- 2) View Potential. Both of the proposed homes make use of second story design to capture views. The custom home on Lot 10-B places the main living area on the second level, facing the Cascade Range. The conceptual home on Lot 10-A offers views from a loft over the living space and from a bedroom over the garage. (Note: Lot 10-A is merely a conceptual at this time).
- 3) Floor Plan Potential. Though oddly-shaped, each lot has an adequate building envelope to configure living spaces for maximum efficiency, flow and features. The design for the custom home on Lot 10-B boasts a loft-like second-story open floor plan, windows on two sides of most rooms, and multiple outdoor zones. Furthermore, the site design for Lot 10-B provides a separate dwelling and

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identity for the ARU, with considerations for privacy between the adjacent structures. The floor plan on Lot 10-A offers single-level living with aging-in-place potential, while offering second story areas that could serve a multi-generational household.

4) Solar Orientation. Both house designs provide adequate south-facing roof planes to install solar panels. And, the window design uses eaves and fixed awnings/pergolas to minimize summer heat gain but access winter sun.

5) A Blend of Privacy and Community. Absent a true street front, it falls to the designer to provide connectivity of the flag lots to the community and to each other. The site design proposes blending front and side yards, as might occur along a parkrow, with both houses facing a common drive that connects to the main street (Clear Creek Dr.). The house on Lot 10-A presents a friendly and elegant façade closely aligned to the central axis of the flag pole drive. Upon approach, the properties open up to the left and to the right, with views toward layered landscaping rather than toward walls. Pedestrian access is available and will feel like a natural extension of the drive rather than an encroachment on private property.

Site Liabilities Addressed in the Design Solution:

1) Proximity to the Railroad and Parking Lot. With a train track in the backyard and a parking lot on the east perimeter it was important to address privacy and security in the design. Perimeter fencing provides the strongest link in the solution, but the orientation of the houses' living spaces, with emphasis toward Clear Creek Dr., also play into the perceived buffer from the high-traffic public areas.

2) Solar Access Setbacks. Both house designs employ low-pitched roof planes to keep the shade-producing points below maximum height for the "Standard A" solar access ordinance. The low-pitched roof designs are also less costly to install (fewer materials and easier to construct) and safer to navigate should repairs be required. The pitch, however, is high enough to meet prescriptive structural requirements for snow loads.

3) Pedestrian Easement. The house on Lot 10-B has its garage strategically placed so that the garage side wall becomes a natural, yet friendly, buffer to the potential pedestrian traffic along the easement. A fence could be added, but the future owner prefers to use landscaping and the natural lines of the building to flank the pedestrian corridor. Elevated windows at the garage will break up the mass on the outside while providing additional natural light and ventilation to the inside.

House Design and Materials

The homes proposed for the two lots were designed with livability, functionality and site-centricity in mind. Their elevation character both blends with, and departs from, each other and the street-facing homes. Most importantly, the architecture flows from a "truth in materials" approach, with minimal extraneous ornamentation in keeping with the Arts & Crafts ideal.

Summary: The proposed design will add value to the neighborhood, community and the City and offer each resident a chance to live in and enjoy Ashland to its full potential.

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Neighborhood & Site Photos



Corner of Clear Creek Drive & N. Mountain Avenue (Lot #1)



1072 Clear Creek Drive (Lot #2)

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1058 Clear Creek Drive (Lot #3)



998 Clear Creek Drive (Lot #8)



986 Clear Creek Drive (Lot #9)



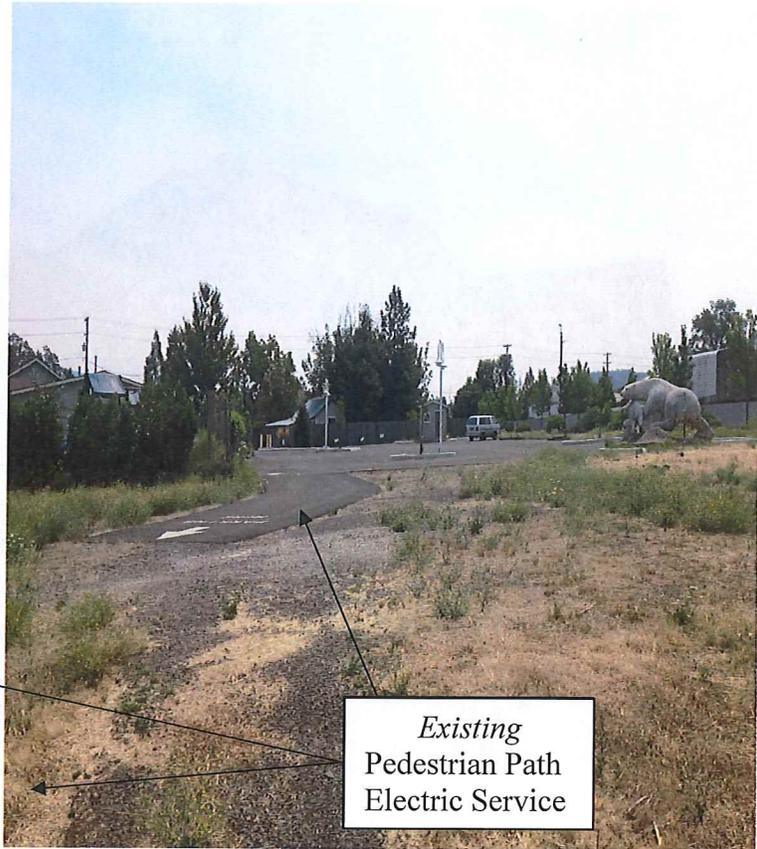
Lot #10 (looking southwest)

Storm
Sewer
Water Meters
Hydrant

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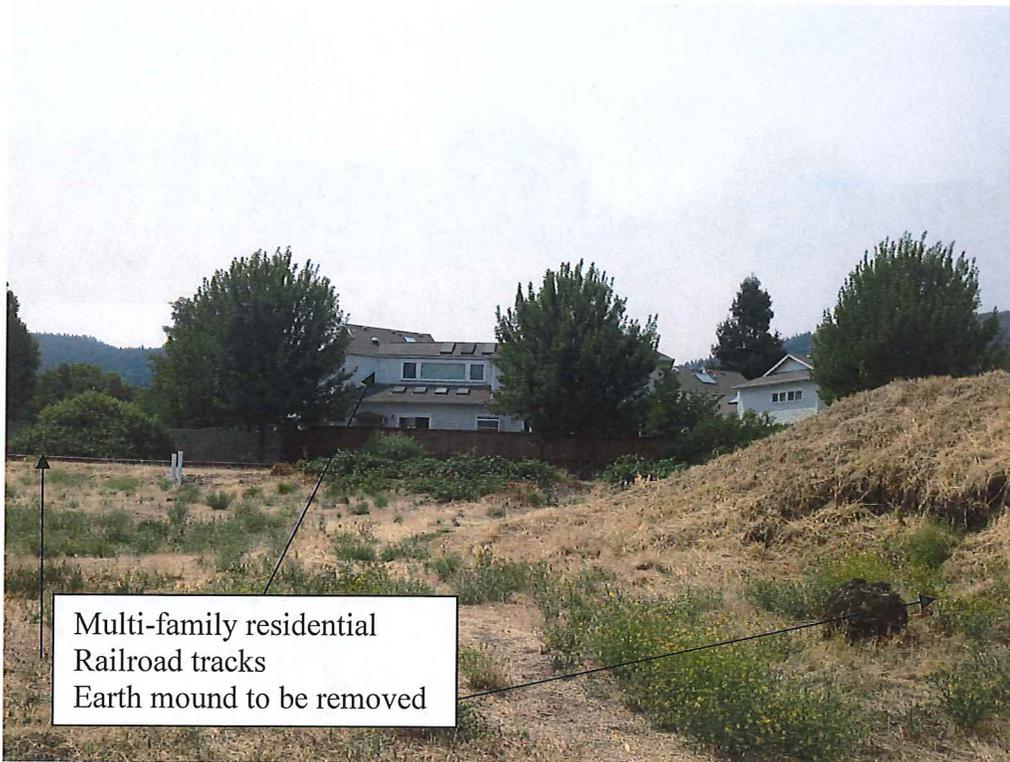
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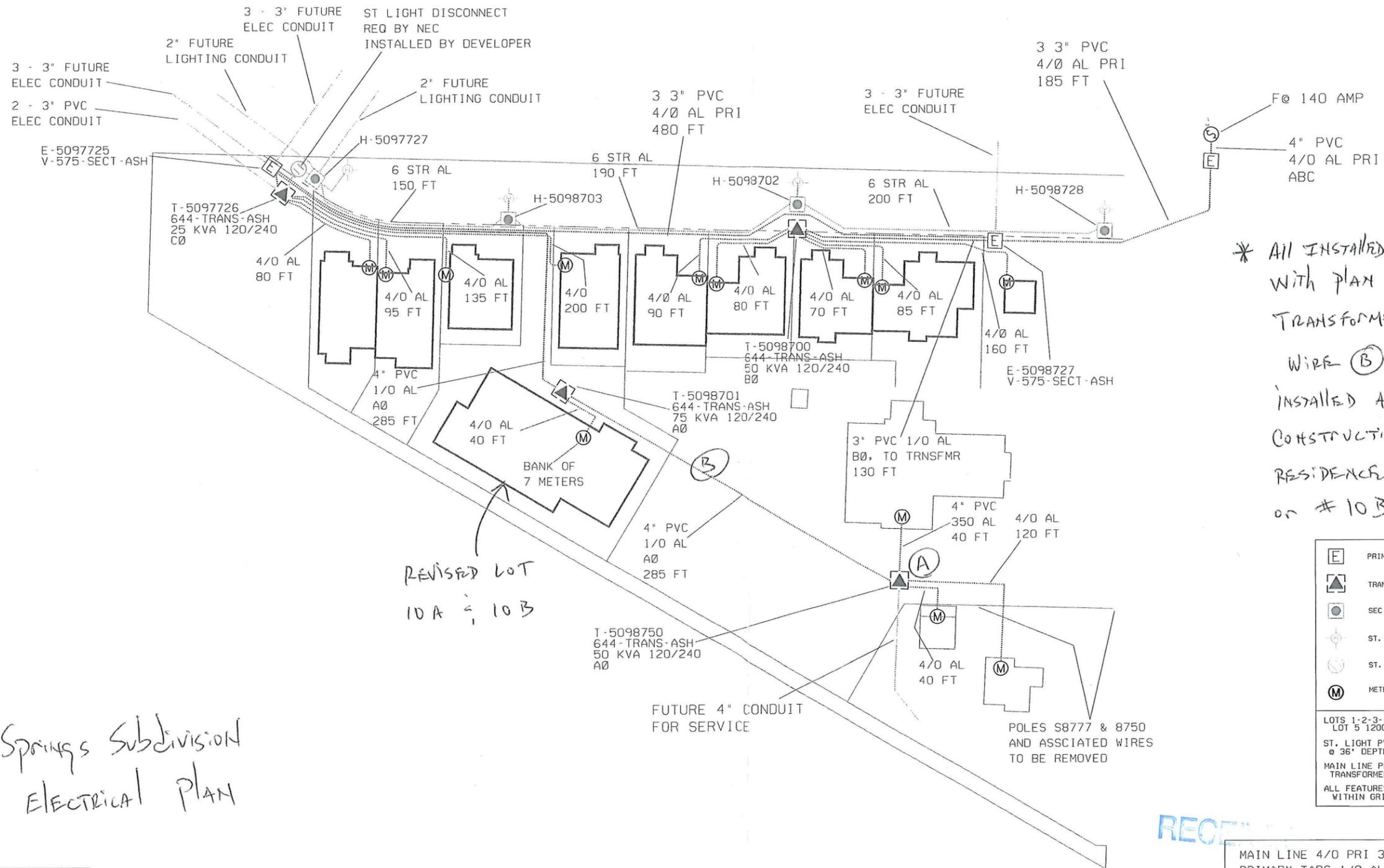
Existing
Pedestrian Path
Electric Service

Lot #10 (looking southeast)



Multi-family residential
Railroad tracks
Earth mound to be removed

Lot #10 (looking south)



* All installed in accordance with plan other than transformer (A) and wire (B). To be installed at time of construction of first residence. Lot # 10A or # 10B.

	PRIMARY CABINET
	TRANSFORMER
	SEC PED
	ST. LIGHT - EUROTIQUE
	ST. LIGHT DISC.
	METER

LOTS 1-2-3-4-6-7 800 SERVICE
LOT 5 1200 SERVICE
ST. LIGHT PVC 2"
@ 36" DEPTH 4STR AL
MAIN LINE PRIMARY 4/0 AL
TRANSFORMER LOOP FEED 1/0 AL
ALL FEATURES FALL
WITHIN GRID SQUARE 509

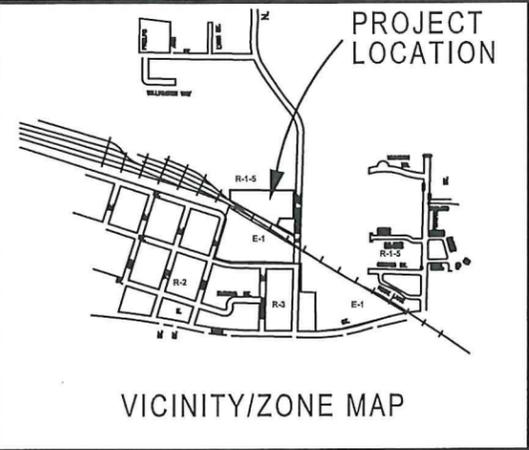
MAIN LINE 4/0 PRI 3Ø
PRIMARY TAPS 1/0 AL 1Ø
SEC. SVC'S 4/0 AL, 3" PVC
ALL HOUSE SERVICES 3" PVC, 4/0 AL
UNLESS OTHERWISE NOTED
ALL FEATURES WITHIN GRID SQUARE 509

Adolph Springs Subdivision
Original Electrical Plan

NOTE: THIS DRAWING IS SCHEMATIC ONLY
AND SHOULD NOT BE USED FOR LOCATING FEATURES

ADELPH SUBDIV
PRELIMINARY ELECTRICAL LAYOUT
SCALE: 1"=50'
0 16 32 48
008 JAN 2008
EPN 0000000.999
GISEPN2008.01.08

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PROJECT INFORMATION:

PROJECT NAME:
ALEPH SPRINGS SUBDIVISION
N. MOUNTAIN AVE. & CLEAR CK. DR.
ASHLAND, OREGON

PROPERTY OWNERS & APPLICANTS:
HAVURAH FRIENDS INVESTMENT GROUP, LLC.
JEWISH COMMUNITY HAVURAH OF SOUTHERN OREGON

LAND USE PLANNING
URBAN DEVELOPMENT SERVICES, LLC
700 MISTLETOE ROAD, SUITE 204
ASHLAND, OR 97520
TEL: 482.3334

WETLAND CONSULTANT:
NORTHWEST BIOLOGICAL CONSULTING
324 TERRACE STREET
ASHLAND, OR 97520
541.488.1061

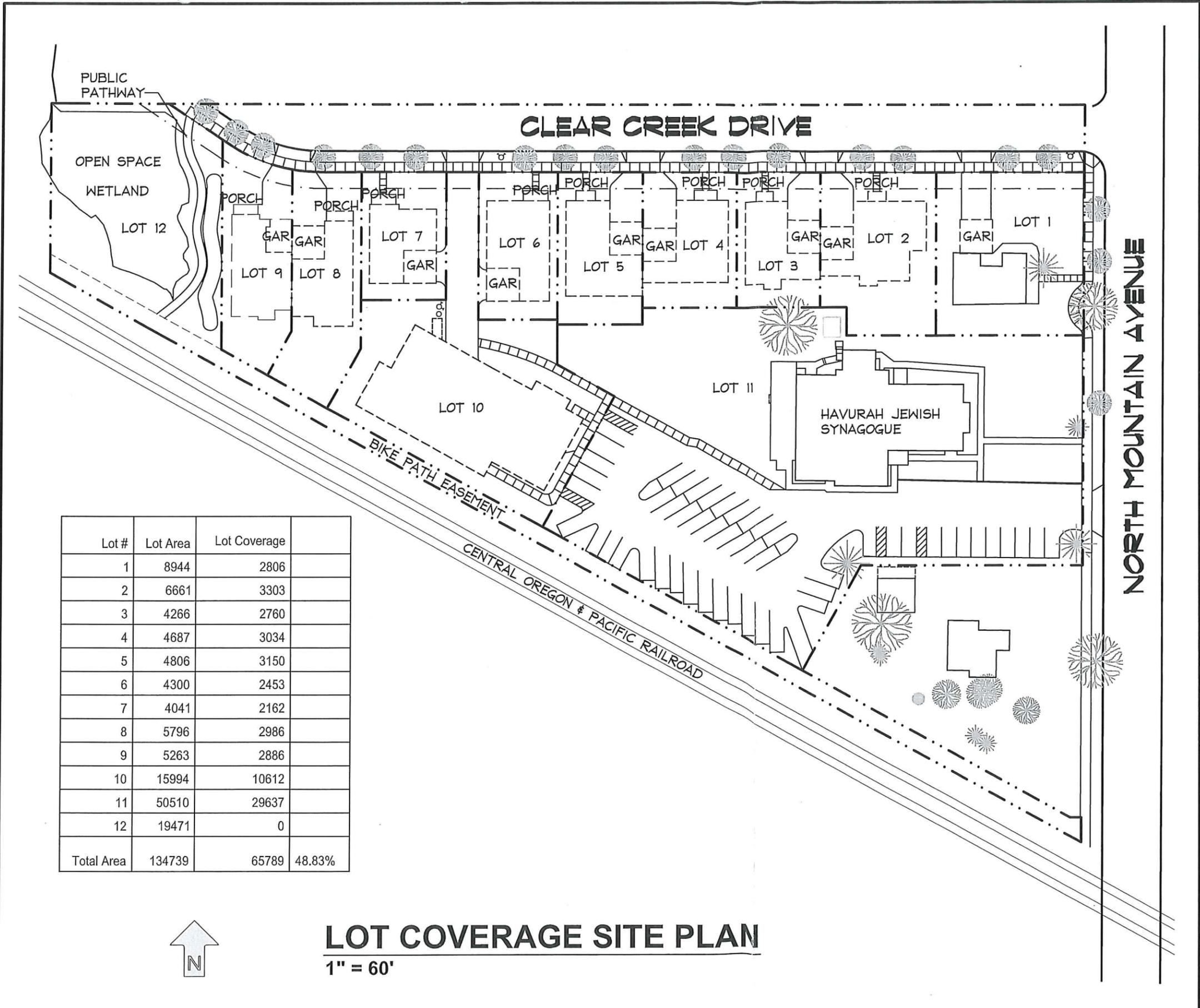
DRAFTING & DESIGN:
MEDINGER CONSTRUCTION COMPANY, INC.
PO BOX 702
ASHLAND, OR 97520
TEL: 482-3961

SURVEYOR:
POLARIS LAND SURVEY
P.O. BOX 459
ASHLAND, OREGON 97520
TEL: 482-5009

ARBORIST:
UPPER LIMB-IT TREE SERVICE
P.O. BOX 881
ASHLAND, OREGON 97520
TEL: 482-3667

CIVIL ENGINEER:
CONSTRUCTION ENGINEERING CONSULTANTS
132 W MAIN ST, SUITE 201
MEDFORD, OREGON
779-5268

DATE: 14-JANUARY-08



Lot #	Lot Area	Lot Coverage
1	8944	2806
2	6661	3303
3	4266	2760
4	4687	3034
5	4806	3150
6	4300	2453
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8	5796	2986
9	5263	2886
10	15994	10612
11	50510	29637
12	19471	0
Total Area	134739	65789 48.83%

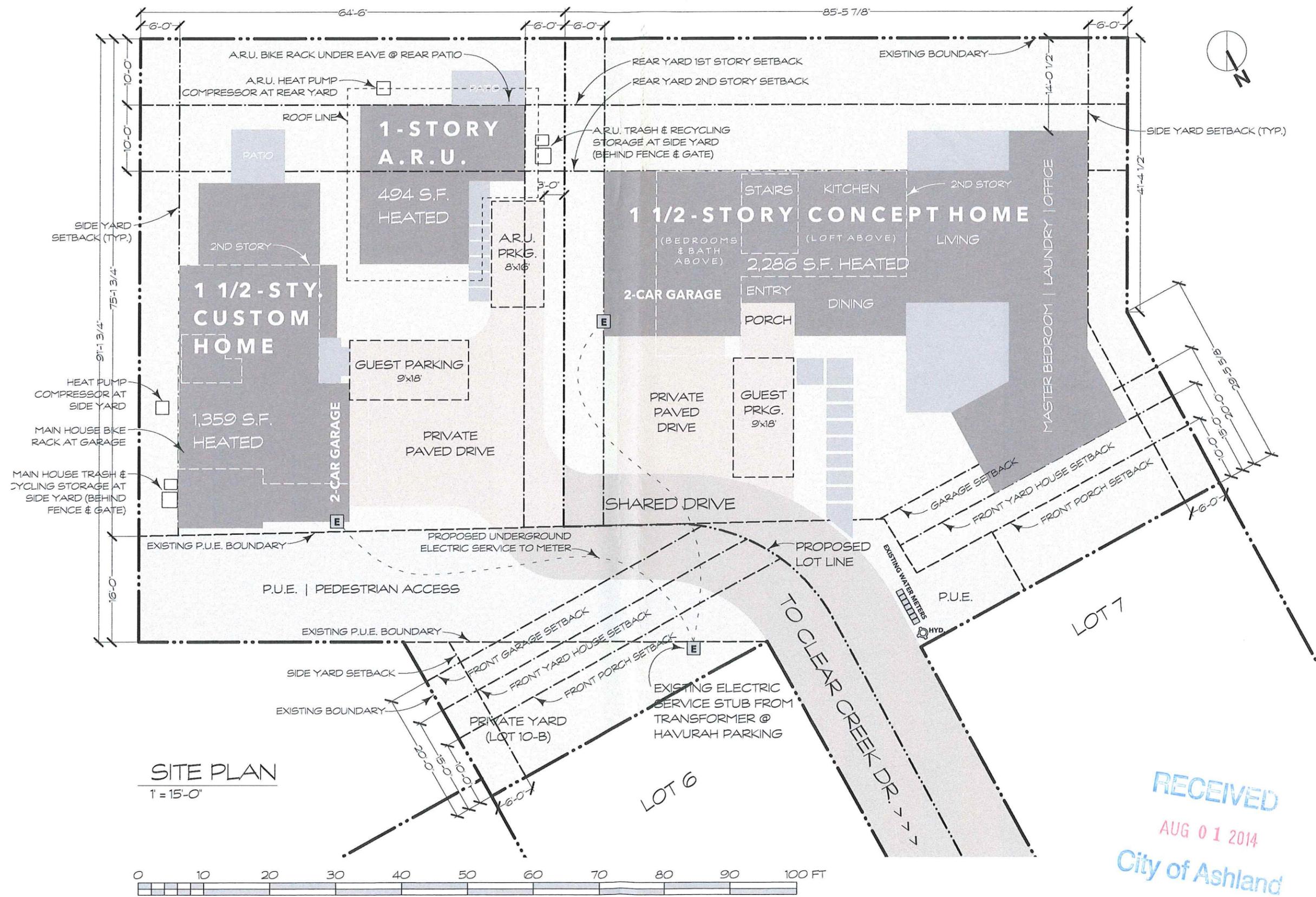


LOT COVERAGE SITE PLAN
1" = 60'

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LOT 10-B LOT AREA: 8,022 S.F.
 BUILDING ENVELOPE: 3,384 S.F.
 COVERAGE ALLOWED: 5,323 S.F. (66.35%)
 IMPERVIOUS: 2,881 S.F. (36%)

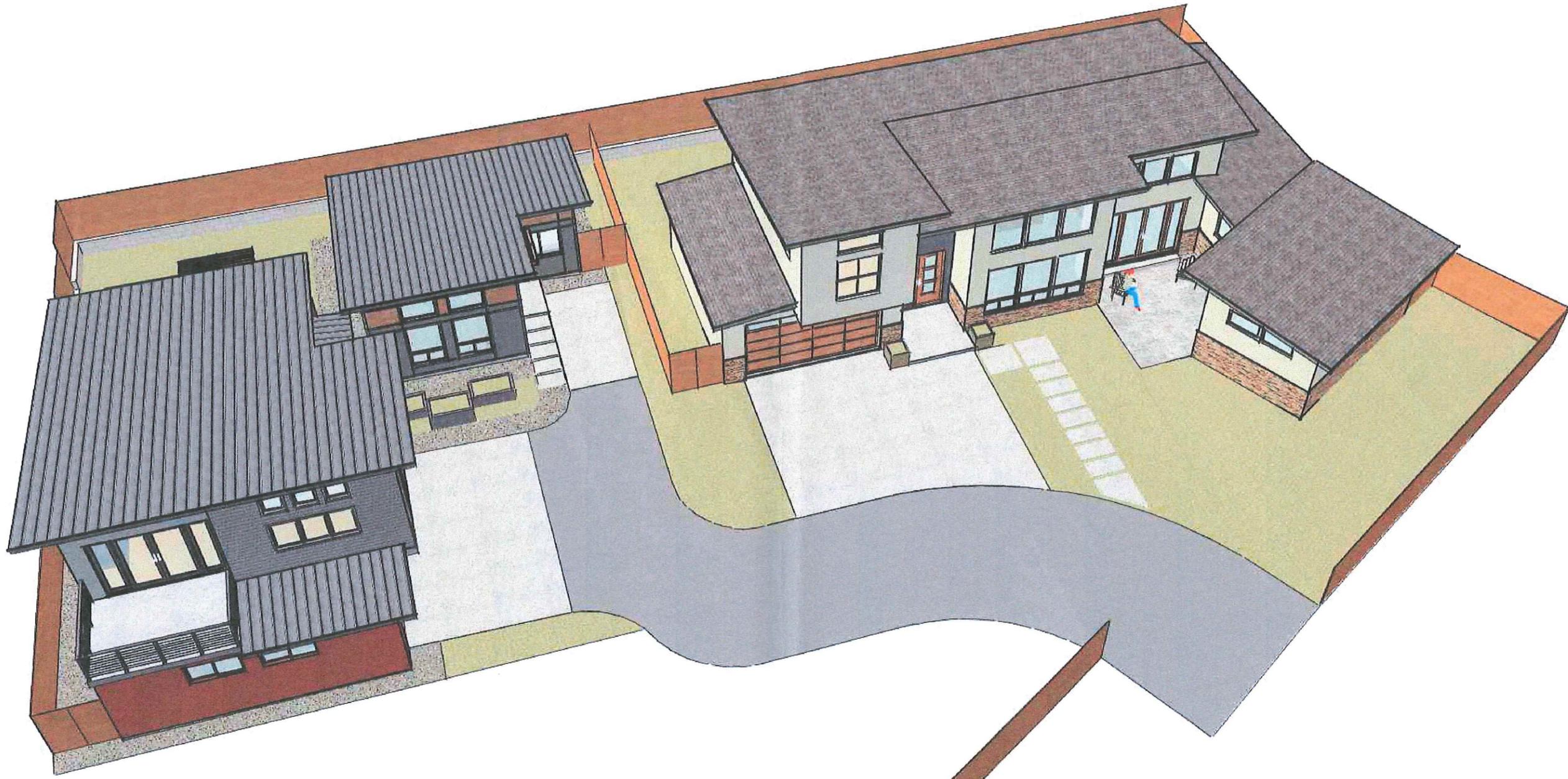
LOT 10-A LOT AREA: 7,943 S.F.
 BUILDING ENVELOPE: 4,596 S.F.
 COVERAGE ALLOWED: 5,270 S.F. (66.35%)
 POTENTIAL IMPERVIOUS: 3,187 S.F. (40%)



SITE PLAN
 1" = 15'-0"



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SHEET
A-2

EAST END AERIAL
CONCEPT VIEW

APPLICANT: URBAN DEVELOPMENT SERVICES
PROJECT #1405-C | CREATED 07-24-2014
VERSION 1.1, MODIFIED 07-31-2014
SHEET SIZE: 11X17 | SCALE: NA

PROJECT LOCATED AT
1016 CLEAR CREEK DR.
ASHLAND, OREGON

ALEPH SPRINGS LOT 10: MODIFICATION
OF OUTLINE & FINAL PLAN





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City of Astoria

SHEET
A-4

PROPOSED HOME AND
A.R.U. FOR LOT 10-B

APPLICANT: URBAN DEVELOPMENT SERVICES
PROJECT #1405-C | CREATED 07-24-2014
VERSION 1.1, MODIFIED 07-31-2014
SHEET SIZE: 11X17 | SCALE: NA

PROJECT LOCATED AT
1016 CLEAR CREEK DR.
ASHLAND, OREGON

ALEPH SPRINGS LOT 10: MODIFICATION
OF OUTLINE & FINAL PLAN



LINDEMANN DESIGN LLC



FRONT ELEVATION*
SCALE: 1/8" = 1'



WEST ELEVATION*
SCALE: 1/8" = 1'

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* NOTE: ACTUAL STREET-FACING ELEVATIONS WILL BE OBSCURED BY HOUSES AND FENCING BUILT ALONG CLEAR CREEK DRIVE



REAR ELEVATION
SCALE: 1/8" = 1'



EAST ELEVATION & BUILDING HEIGHTS
SCALE: 1/8" = 1'

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SHEET
A-7

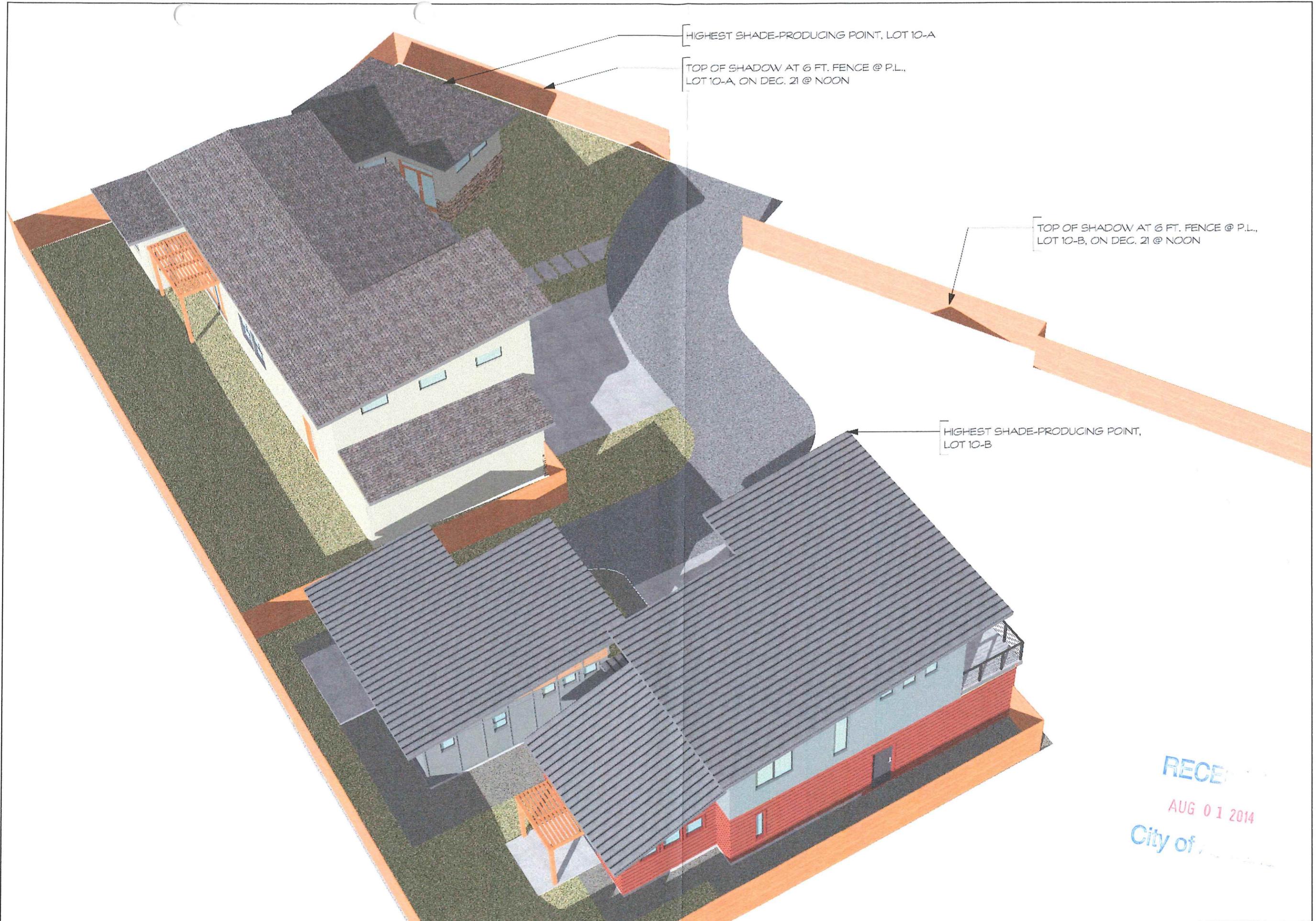
CONCEPT FOR A HOME
ON LOT 10-A

APPLICANT: URBAN DEVELOPMENT SERVICES
PROJECT #1405-C | CREATED 07-24-2014
VERSION 1.1, MODIFIED 07-31-2014
SHEET SIZE: 11X17 | SCALE: NA

PROJECT LOCATED AT
1016 CLEAR CREEK DR.
ASHLAND, OREGON

ALEPH SPRINGS LOT 10: MODIFICATION
OF OUTLINE & FINAL PLAN





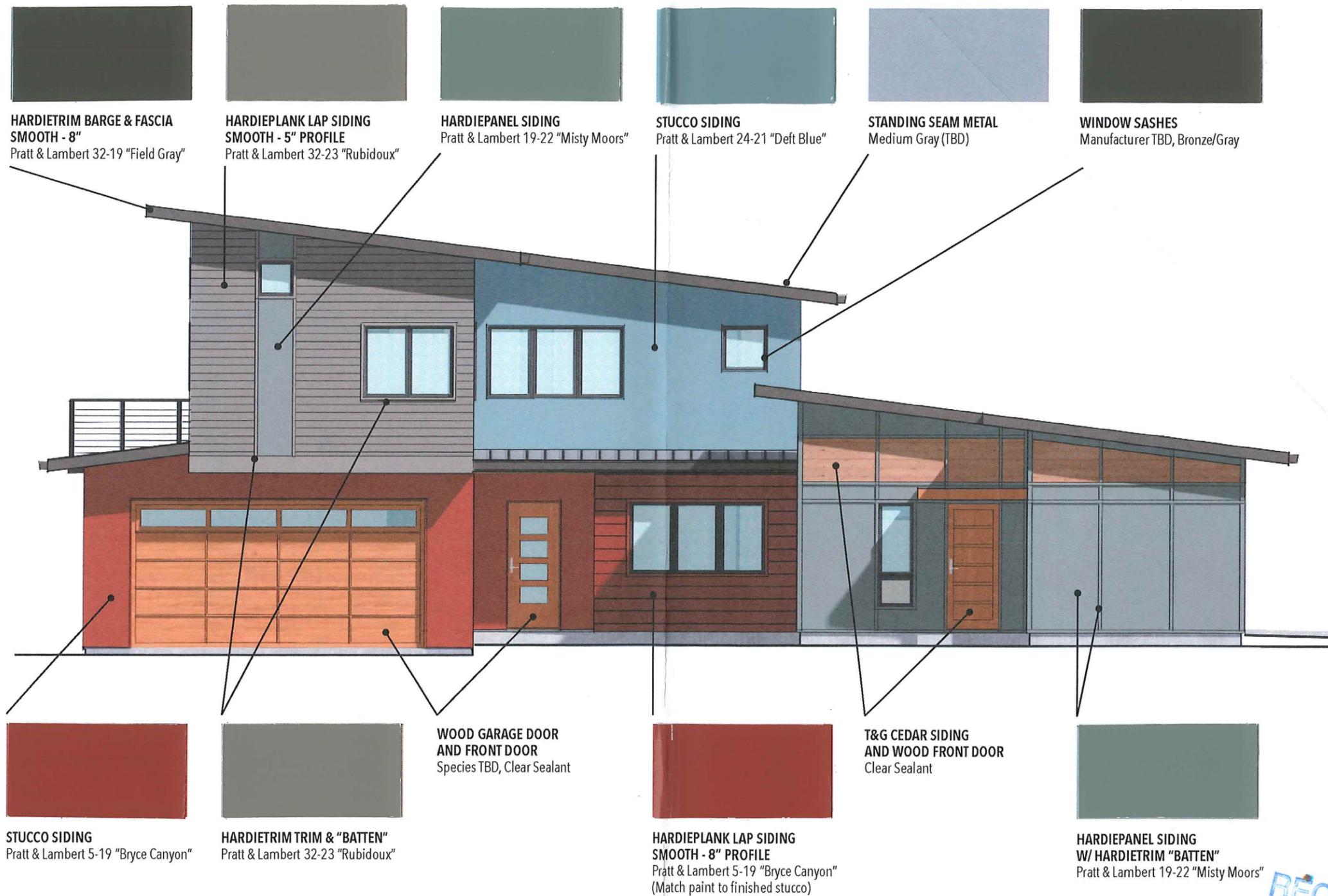
HIGHEST SHADE-PRODUCING POINT, LOT 10-A

TOP OF SHADOW AT 6 FT. FENCE @ P.L.,
LOT 10-A, ON DEC. 21 @ NOON

TOP OF SHADOW AT 6 FT. FENCE @ P.L.,
LOT 10-B, ON DEC. 21 @ NOON

HIGHEST SHADE-PRODUCING POINT,
LOT 10-B

RECEIVED
AUG 01 2014
City of Ashland



RECEIVED
AUG 01 2014
City of Ashland

Amy Gunter

From: Russ Silbiger [russ@zintech.org]
Sent: Wednesday, September 03, 2014 9:42 AM
To: guntera@ashland.or.us
Subject: PA 2014-01354 2014-01355 1016 Clear Creek

Planning Commission:

I am writing in support of PA 2014-01354 2014-01355 1016 Clear Creek Dr. It has been clear for many years that the originally proposed 6 unit condos were not viable. This proposed split, including the accessory unit gets us considerably further along in fulfilling the originally proposed density. I also appreciate that this proposal maintains the solar access requirements of the original planning action , as well as maintaining the pedestrian path for Havurah "overflow." The proposed removal of the unsightly dirt hill is also commendable.

--

Russ Silbiger
986 Clear Creek Drive
541-227-6606

OTHER BUSINESS

Identification of ULUO Amendments (Council Request)

Memo

DATE: September 9, 2014

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Identification of Key Amendments in Unified Land Use Ordinance (ULUO)

SUMMARY

The City Council requested that the Planning Commission identify six to twelve key amendments in the ULUO that the Commission believes have the most significant impact on the community. The Council began their review of the ULUO at the August 19, 2014 meeting, and has tentatively scheduled the October 7, 2014 meeting for the continued discussion. The issues identified by the Commission will be forwarded to the Council for the October 7 meeting.

BACKGROUND

Staff identified a list of key amendments in an effort to facilitate the Commission's discussion. The list is organized by the intended policy objective, and is offered as a starting point that can be added to or subtracted from as the Commission sees necessary. The page number for the table of land use of amendments, which was included in the Commission's July 22 meeting packet, is identified for each amendment.

Key Amendments by Policy Objective

A. Conserving Land and Resources

- Allow **cottage housing** in the single-family residential zones (pp 6-7)
- Add **solar orientation standards** for street and lot layout in residential zones (pp 7-8)
- Increase in **affordable housing density bonus** and in **maximum density bonus in multi-family zones** (pp 4-5 & pp 22-23)

Note: Staff identified the maximum density bonus as an outstanding issue - see attached Council Communication.

- Change in approval process for **accessory residential units** (p 1)
- **Building separation** standard for residential developments (p 2)
- **Porous pavement exemption** from lot coverage for residential zones (p 3)
- Change in **side yard setback abutting residential zone** for E-1 properties (p 3)
- Increase in allowed **building height in C-1 and C-1-D** zones (pp 3-4)

Note: Staff suggested the commercial building height increase may be an issue of community-wide interest, and could be deferred and combined with the future project on infill strategies along transit corridors. See attached Council Communication.



This set of amendments address the conservation of land and resources. Specifically, the amendments were discussed in terms of meeting the regional plan commitment to evaluate innovative land use strategies to accommodate future residential and employment uses in light of the City choosing not to identify future Urban Growth Boundary (UGB) expansion areas.

The intention was also to provide the flexibility to create developments that promote a variety of transportation choices (e.g., walking, bicycling) and increase the concentration of employment opportunities and residential units on transit corridors. The creation of smaller units, whether as part of a mixed-use building in a commercial zone or a small home in a cottage housing development, provides a different housing type. In addition smaller units are generally considered to be more energy and water efficient, and if located properly, can generate walking, bicycling and transit trips. The 2011-2012 City Council goals addressed some of the same issues by stating “Adopt land use codes, building codes, green building standards, and fee structures that create strong incentives for development that is energy, water and land efficient and supports a multi-modal transportation system.”

The Comprehensive Plan also addresses the efficient use of land and resources in a variety of chapters.

- Chapter 12 Urbanization: *“It is the City of Ashland’s goal to maintain a compact urban form and to include an adequate supply of vacant land in the city so as not to hinder natural market forces within the city, and to ensure an orderly and sequential development of land in the city limits.”*
- Chapter 10 Transportation: *“To support and encourage increased levels of walking and bicycling,” and “to create a public transportation system that is linked to pedestrian, bicycle and motor vehicle travel modes, and is as easy and efficient to use as driving a motor vehicle.”*
- Chapter 11 Energy, Air and Water Conservation: *“The City shall strive, in every appropriate way, to reduce energy consumption within the community.”*
- Chapter 6 Housing: *“Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population consistent with preserving the character and appearance of the city.”*

B. Improving the Planning Application Process

- **Building separation in large-scale** non-residential development (pp 11-12)
- Change in threshold for public hearing for **non-residential basic site review** applications (pp 9-10)
- Addition to **conditional use permit criteria** (pp 5-6)
- Revision of **variance criteria** (pp12-13)
- **Effective date of Type II** decision (p 9)
- Extending planning application approval **expiration and extension periods** (pp 8-9)

This set of amendments addresses the procedures involved in processing a planning application. The amendments were identified in the procedures evaluation completed with



the ULUO project, included in the 2006 Land Use Ordinance Review or were problematic in past planning actions. The 2011-2012 City Council Goals included a goal to “Increase the clarity responsiveness, and certainty of the development process.” Similarly, the Economic Development Strategy (July 2011) includes a top priority action to “manage physical development process to ensure understandable requirements with timely and predictable results while safeguarding and improving the quality of environment and the community.”

ATTACHMENTS

1. Minutes for the Regular Meeting of the Ashland City Council, August 19, 2014
2. Council Communication, August 19, 2014



**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
August 19, 2014
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Rosenthal, and Marsh were present. Councilor Slattery was absent.

MAYOR'S ANNOUNCEMENTS

Park Commissioner Chair Stefani Seffinger introduced Michael Black as the newly appointed Parks & Recreation Director.

Mayor Stromberg announced vacancies on the Airport, Wildfire Mitigation, Forest Lands, Historic, Public Arts, and Tree Commissions.

APPROVAL OF MINUTES

The minutes of the Study Session of August 4, 2014, Business Meeting of August 5, 2014 and Goal Setting of August 8, 2014 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

Members of the Conservation Commission and Chair Marni Koopman presented the annual report from the Conservation Commission. The Commission listed accomplishments from 2013-14 as the following:

- The City Operations Sustainability Framework is in place
- The Community Sustainability Framework (STAR) is ready for the September 15 Study Session
- Storm drain monitoring
- Implementation of "car wash kits"
- "Water Audits" for gardens on tour
- Worked with schools to support existing anti-idling ordinance
- Events for Fourth of July, Compost classes, leaf bags, Earth Day, All-Schools Sustainability Competition and collaborated with OSF "Green" Green Show
- Provided support for action by the City on divestment from fossil fuels
- Served on the Recycle Center Ad Hoc Committee
- Researched viability of the "Bring your own bag" program

Listed priorities for 2014-15 as the following:

- Continue supporting events, outreach and education
- Action on climate change
- Progress on sustainability planning for both City Operations and the Community
- Additional work on waste minimization, protecting water quality, and water conservation

CONSENT AGENDA

1. **Approval of commission, committee, and board minutes**
2. **Annual renewal of liquor licenses**
3. **Approval of an employment agreement with Michael Black as Director of Parks & Recreation**
4. **Class-Special Procurement - Day Wireless**

Councilor Rosenthal/Voisin m/s to approve Consent Agenda. Voice Vote: all AYES. Motion passed.

NEW AND MISCELLANEOUS BUSINESS

1. Approval of Memorandum of Understanding (MOU) between the Ashland City Council and the Ashland Parks and Recreation Commission

City Administrator Dave Kanner presented the staff report on the proposed MOU between the City and the Parks and Recreation Commission. He explained that the City's external auditor had noted the absence of an MOU between the Commission and Council that needed correcting.

Councilor Voisin/Rosenthal m/s to approve the MOU between the City Council and the Parks & Recreation Commission. Roll Call Vote: Councilor Voisin, Morris, Lemhouse, Rosenthal, and Marsh, YES. Motion passed.

PUBLIC HEARINGS

1. Public Hearing and first reading of an ordinance titled, "An ordinance replacing Title 18 Land Use of the Ashland Municipal Code with a reformatted and amended Land Use Ordinance"

Community Development Director Bill Molnar, Planning Commission Chair Rich Kaplan, and Planning Manager Maria Harris presented the staff report on the proposed ordinances. Mr. Molnar explained the existing format of the land use ordinance was outdated. In 2006, staff hired consultant Scott Siegel to audit the land use code. Mr. Siegel produced a report that identified a number of phases to assess and ultimately reformat the code. Over the past two years staff worked with the Planning Commission to look at a new format and bring all the standards into one unified document. They created a matrix divided into six sections of proposed amendments to the land use code they would review periodically.

Chair Kaplan added the Planning Commission unanimously recommended Council adopt the reformatted and amended land use ordinance. The Commission indicated additional changes listed in the Council Communication and recommended further public input on commercial building height in areas greater than 100-feet from residential zones.

Ms. Harris explained this was a two-part project. One part was restructuring, reformatting, and combining the ordinance into one document. The second part was the proposed amendments. Staff based the structure on the state's model code and grouped the ordinance into six parts:

- Part 1 – Introduction and General Provisions
- Part 2 – Zoning Regulations
- Part 3 – Special Districts and Overlay Zones
- Part 4 – Site Development and Design Standards
- Part 5 – Application Review Procedures and Approval Criteria
- Part 6 - Definitions

The Planning Commission suggested the following revisions:

- E-1 Side and Rear Yard Abutting Residential Zone – 10-feet for the side yard and 10-feet per story for the rear yard
- Residential Uses in C-1, C-1-D, and E-1
- Parking and Street Frontage Standards – make is consistent with the conceptual plans
- Vision Clearance – leave as is
- Minimum Corner Lot Size – leave single family R-1-5 Zone at 6,000-feet

One of two outstanding issues was the proposal to allow four story buildings in the C-1 and C-1-D zones at least 100-feet from a residential zone and retain the conditional use permit to go up to 55-feet in the C-1-D zone in the 100-foot buffer.

Mayor Stromberg and Council discussed how they would process the changes in information and decided to have the Planning Commission and staff determine the amendments that had the most significant impact on the community. Council would also send questions and items to the Mayor and City Administrator to discuss in

special or regular Council meetings.

Ms. Harris continued the presentation. The second issue was density caps. Currently there were maximum density caps and the total density bonus on affordable housing allowed in multi-family developments and subdivisions. The maximum density bonus for affordable housing in R-2 and R-3 multifamily zones was 25% and 35% for subdivisions. The maximum total bonus for R-2 and R-3 multifamily was 40% and 60% for subdivisions. Conservation was 15% and additional open space could go up to 15%. The intention was encouraging utilization of multiple density bonuses. Affordable housing density bonuses increased the number of units. Conservation housing affected the type of unit.

Another substantive amendment was the affordable housing density bonus calculation. The current calculation allowed an additional affordable housing unit. The recommended amendment would allow an extra market rate unit if the project included an affordable unit.

Changes that affected commercial and employment zones would allow building separation on the same parcel for large-scale development. Another recommendation would update the definitions for motels and hotels. The state evaluated planning application procedures and green development. Both areas functioned well with few improvement suggestions.

The state compared City code with the LED-ND or Earth Advantage neighborhood model and had two recommendations. One would provide more cottage housing. Parameters would allow cottage housing in the R-1 and R-3.5 zones and be part of a performance standards options subdivision with a density bonus for every single-family unit done. The base density was two cottages for one single-family size each at 800 square feet. The maximum for cottage housing was 16. Cottage housing had reduced parking requirements as well.

Another recommendation from green development was building separation in multifamily zones that could prevent cottage housing. The recommendation would take half the height of the tallest building where the two buildings met and use that for building separation with a maximum of 12-feet.

An amendment to accessory residential units would make them subject to site review and eliminate the conditional use permit requirement.

A Planning application procedures evaluation compared the land use ordinance and procedures to all the minimum statutory requirements. Procedures did well with a recommendation to extend planning approval expirations and extensions. Currently planning approval expiration was 12-18 months. The recommendation would make all of them 18 months. Every planning application was good for one renewal and extension at 18-months and the recommendation would extend that to 24-months.

Also recommended was changing the effective date of a Type 2 decision from 13 days to 10 days. The amendment would not count the day mailed and change the deadline for appeals that fall on the weekend or holiday to the next business day.

Another recommendation would provide a more expedited process for land use review on economic development projects. Currently, a business with a 10,000 square foot building, or an addition more than 20% of the square footage required a public hearing. The amendment increased building size to 15,000 square feet and an additional building 50% of the square footage.

Public Hearing Open: 8:24 p.m.

Colin Swales/95 Coolidge Street/Suggested adding hyperlinks to the document and update references to AMC 18 in chapter 12 of the Comprehensive Plan. He shared what he liked and that the definition for flag lots needed to change.

Public Hearing Closed: 8:29 p.m.

PUBLIC FORUM - None

UNFINISHED BUSINESS - None

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of a resolution titled, "A resolution of the City Council establishing tax rates for the sale of marijuana, medical marijuana and marijuana-infused products in the City of Ashland"

City Administrator Dave Kanner provided background and explained the resolution proposed a 5% tax rate on medical marijuana and 10% for recreational marijuana if it passed in the November election. Staff based the tax on cities that were taxing medical and recreational marijuana. The tax would compensate the City for the impacts of medical marijuana dispensaries in town. However, he did not want to establish a tax rate that was unpunitive on the people who purchased medical marijuana. Theoretically under state law dispensaries were not supposed to make a profit, only recover costs.

The 10% tax on recreational marijuana was slight in comparison to tax imposed on alcohol. The wholesale mark up on alcohol charged by the Oregon Liquor Control Commission (OLCC) was 107%. He clarified Colorado had a statewide sales tax, a 2.9% sale tax applied specifically to marijuana, along with local jurisdiction general sales taxes and an additional marijuana tax on top of that.

City Attorney Dave Lohman thought there were two questions, one was what tax amount a court could find punitive and therefore invalidate a tax. The second question was what the legislature would conclude as inappropriate. No one would know what the preemptive language in the ballot measure meant until it passed. The City wanted to be in a position where they could tell the legislature the City's tax was reasonable and wanted the legislature to support the City even if it meant passing a piece of legislation that made it clear that it is not retroactive.

Mr. Kanner explained the ballot measure established specific taxes the OLCC would be responsible for administering. This was a statute the public would vote on and the legislature had unlimited discretion to modify it. Currently OLCC would impose a tax that included local jurisdictions but would not provide much revenue. OLCC had a task force already in place to determine how they would handle legalization and what their administrative structures would be. The proposed tax in the statute was an excise tax based on several things that included weight, number of flowers, and could potentially raise \$19,000,000-\$36,000,000 in revenue for the state. The state tax structure was not the same as the gross receipts tax proposed to Council. Mr. Kanner thought the ordinance would allow Council to adjust the tax amount if needed.

Councilor Voisin/Rosenthal m/s to approve a resolution of the City Council establishing tax rates for the sale of marijuana, medical marijuana and marijuana-infused products in the City of Ashland.

Councilor Lemhouse/Marsh m/s to split the question into two parts, one regarding medical marijuana and the other regarding recreational marijuana. Voice Vote: all AYES. Motion passed.

Question #1: Motion to approve a resolution of the City Council establishing tax rates for the sale of recreational marijuana. DISCUSSION: Mr. Kanner clarified that marijuana infused products could fall under medical or recreational. Councilor Voisin supported the motion. Councilor Rosenthal noted taxing both medical and recreational marijuana was appropriate and the tax amount met industry standards. Councilor Lemhouse agreed there should be a tax. Legalizing marijuana would become an added expense to the City and noted areas in Colorado dealing with accidental overdoses in children consuming marijuana infused products. Councilor Marsh supported a tax on recreational marijuana. If legalized, the City could easily classify it as a luxury item like alcohol and supported the 10% tax.

Councilor Lemhouse motioned to amend the motion to make tax on recreational marijuana 20%. Motion

died for lack of a second.

Roll Call Vote on first question of motion: Councilor Lemhouse, Rosenthal, Voisin, Marsh, and Morris, YES. Motion passed.

Question #2: Motion to approve a resolution of the City Council establishing tax rates for the sale of medical marijuana. DISCUSSION: Councilor Lemhouse was unaware of local taxation on prescription drugs. He did not think taxing medical marijuana was right and would oppose the motion. Councilor Marsh also opposed the motion. Currently the City did not tax medications or supplements. There was no purpose taxing medical marijuana other than the City thinking it could. This was a punitive tax and punished the end user. She had an issue with the earlier statement the tax would cover the cost of the dispensaries. The City had a permit process and protections in place and there was no need to take those costs from the actual user.

Councilor Voisin agreed but did not think this was punishment. The majority of medical marijuana issues dealt with minor pain. Dispensary owners would most likely absorb the tax. No one knew the impact dispensaries would have on the community and the protections in the current ordinances were not enough. She would support the ordinance. Councilor Rosenthal noted medical marijuana was not a prescription medicine and routinely taxed in several states. He supported the staff recommendation. Councilor Morris commented there was most likely a high percentage of users not using it medicinally but there were also people who did use it medicinally and it was truly a medicine. He would not support the motion.

Mayor Stromberg agreed the City should not tax medical marijuana. It was premature to make a judgment on dispensary impact as well. It was the Council's job to make taxes appear reasonable and consistent. The City could always adjust the tax down to zero. Councilor Marsh clarified Council could go from a zero tax to 5%. She supported the template for potentially taxing medical marijuana that Council passed through an ordinance at the last meeting. Mayor Stromberg was concerned the state might seize on rates set now through the grandfathering process. Mr. Lohman confirmed the tax structure was set at zero. Councilor Lemhouse did not think the state legislative would tell cities how to tax marijuana, and would allow them to do it based on how they allowed jurisdictions to handle medical marijuana. **Roll Call Vote: Councilor Rosenthal, and Voisin, YES; Councilor Lemhouse, Marsh, and Morris, NO. Motion failed 2-3.**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Lemhouse announced Saturday August 23, 2014 Ashland High School would have a football scrimmage along with a food drive.

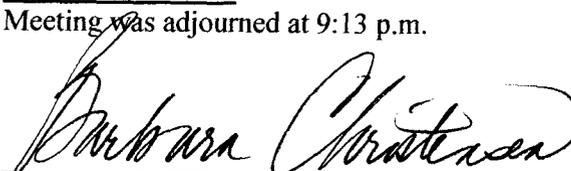
Councilor Marsh invited the community to attend a Family Fest sponsored by the Ashland Resource Center and the Emergency Food Bank, August 27, 2014 4:00 p.m.-7:00 p.m. at the Ashland Resource Center.

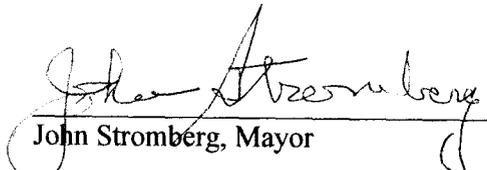
Councilor Voisin thanked City staff and the Chamber of Commerce for the Drought Summit.

City Administrator Dave Kanner explained staff mailed postcards to specific water customers possibly affected by the upcoming test of the TAP line the week of August 25, 2014.

ADJOURNMENT

Meeting was adjourned at 9:13 p.m.


Barbara Christensen, City Recorder


John Stromberg, Mayor

Council Communication

August 19, 2014, Business Meeting

Public Hearing and First Reading of an Ordinance Replacing Title 18 Land Use of the Ashland Municipal Code with a Reformatted and Amended Land Use Ordinance

FROM:

Maria Harris, Planning Manager, harrism@ashland.or.us

SUMMARY:

The Planning Commission held a public hearing on July 22, 2014, and recommended approval of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code (AMC) with a reformatted and amended land use ordinance, also referred to as the Unified Land Use Ordinance (ULUO). City Council approval is required because a change to the text of the land use ordinance is a legislative action (AMC 18.108.170).

The revised land use ordinance combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting and graphics. In addition, amendments are proposed to: address recommendations of the 2006 Land Use Ordinance Review, the planning application procedure evaluation, and green development evaluations; improve standards and procedures; standardize chapters; and address inconsistencies and clarify wording.

BACKGROUND:

A detailed description of the project background and revised land use ordinance is provided in the attached [staff report](#).

The development of the revised land use ordinance involved a series of more than 30 meetings with the Planning Commission, advisory commissions, focus groups, and an open house. The [project web page](#) was created at the beginning of the project and updated with draft documents, a meeting schedule, and meeting packets and videos. A topic is posted on [Open City Hall](#) asking for feedback on the format and proposed amendments, and at the time of writing, 102 participants reviewed the topic. In addition, a panel from the focus group of design and development professionals is scheduled to meet before the Council meeting for a final discussion of the revised land use ordinance.

Approximately 250 postcards announcing the Planning Commission and City Council public hearings were mailed to design and development professionals, contractors, advisory commissions, and past planning applicants. In addition, newspaper notices were published for both hearings as required by AMC 18.108.170.D.



PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on July 22, 2014, and recommended approval of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code (AMC) with a reformatted and amended land use ordinance. The Commission suggested several changes, and these edits are incorporated in the draft document before the Council. The changes made by the Commission are described below.

- Leave the existing vision clearance standard in place, delete proposed amendment to exempt the C-1-D zone along with the existing exemption for C-1, E-1, and CM zones. (See 18-2.4.040.B on page 2-42 and 2-43.)
- Leave existing minimum corner lot size in R-1-5 zone at 6,000 sq. ft., delete proposed amendment to make corner lot size 5,000 sq. ft. (See Table 18-2.5.030.A on page 2-45.)
- Revise setback for side and rear yard of E-1 properties abutting a residential zone to 10' for side yards and 10' per story for rear yards. (See Table 18-2.6.030 on page 2-59.) E-1 properties currently require a 10' per story for side and rear yards abutting a residential zone. The Planning Commission revision makes the setback abutting residential zones consistent in the C-1, C-1-D, and E-1 zones.
- Wording in sections 18-2.3.130.B.1 (page 2-26) and 18-3.13.010.C.1 (page 3-169) is unclear, reword for clarity. This section covers the amount of a building and a site that can be used for residential uses in the C-1, C-1-D, and E-1 zones.
- Revise Basic Site Review Standards for Non-Residential Development (18-4.2.040.B.1.a and b on page 4-10) to reflect site layout depicted in existing Basic Site Review Conceptual Site Plan (page 4-12) and Detail Site Review Conceptual Plan (page 4-15). The existing ordinance graphics show buildings, rather than parking areas and related vehicle maneuvering areas, taking up most of the street frontage of the lot.

In addition to the Planning Commission's revisions, the recently passed medical marijuana dispensary use and requirements were added to the draft document before the Council.

OUTSTANDING ISSUES:

Proposed Commercial Building Height Amendment

One of the proposed amendments allows increased building height in the C-1 and C-1-D zones where buildings are located more than 100 feet from residential zones. If the amendment is approved, building heights that are more than 100 feet from residential zones could increase from the current maximum building height of 40 feet to 55 feet, or from three to four stories. An additional story could be used for permitted commercial uses or for residential units. While new commercial buildings or additions require a planning application and approval (i.e., site design review), the building height increase would be permitted outright and would not require additional approvals.

The proposed 100-foot buffer from residential zones is approximately the depth of a typical residential lot in the R-1-5 and R-1-7.5 single-family zones. Another example is the Siskiyou Boulevard street right-of-way is 100 feet in width. Examples of buildings that are 40 feet in height are the new buildings on either side of Lithia Way between Pioneer and First streets (e.g., 150 Lithia Way, 175 Lithia Way, 180 Lithia Way). An example of a 55-foot tall building in Ashland is the Elks Lodge at 247 E. Main St. The amendment would potentially allow four-



story buildings on sites such as the vacant parcel across from the Wendy's restaurant on Ashland Street or the vacant lots fronting Lithia Way across First St. from the post office.

The proposed commercial building height amendment is based in part on a recommendation of the 2006 Land Use Ordinance Review. Specifically, the recommendation suggested allowing greater building height in the commercial zones for portions of sites that are oriented away from residential zones to encourage mixed-uses and structured parking. Examining an increase in the downtown building height standard as an incentive for new development and re-development was also identified in the 2013-2015 City Council Goals.

The Planning Commission discussed the amendment in terms of providing the flexibility to increase the concentration of employment opportunities and residential units on transit corridors in the context of sustainable growth. The Commission also discussed the amendment as meeting the regional plan commitment to evaluate innovate land use strategies to accommodate future residential and employment uses in light of the City choosing not to identify future UGB expansion areas.

Cities in Oregon plan for growth 20 years in the future by including a sufficient amount of land to accommodate the projected land needs for employment and population increases. The City's studies show there is enough land for the next 20 years, but beyond that time frame there may be inadequacies. The Economic Opportunity Analysis (EOA) completed in April 2007 identified a deficit of six acres of vacant land designated for employment, especially in small sites under an acre in size and in large sites over ten acres in size. Based on an analysis of past employment growth and projected economic trends, the EOA found that Ashland will need to plan for a modest amount of new employment and the land to accommodate the employment. Similarly, the Buildable Lands Inventory (BLI) found that there is adequate residentially designated for 20 years of growth. The BLI includes residential units in mixed-use developments in the commercial and employment zones as part of meeting the projected residential demand.

Staff believes the proposed commercial building height amendment may be an issue of community-wide interest. If there is concern about moving forward, one approach could be to defer making the proposed amendment and discuss the issue in the future project on infill strategies along transit corridors. Issues such as the size of the buffer, the appropriate height, mitigation through architectural design, and the three-dimensional form of commercial areas could be further researched and discussed as part of that public process.

Affordable Housing and Total Density Bonuses

One issue that was discussed by the Planning Commission during their deliberations was the maximum affordable housing bonus and total density bonus. Currently, the maximum bonuses are different for projects in the multi-family zones and single-family zones.

In the multi-family zones, the maximum affordable housing density bonus is 25% and the total density bonus allowed is 40%. In subdivisions in the single-family zones, the maximum affordable density bonus is 35% and the total density bonus allowed is 60%. The proposed amendment is to make the density bonuses for the multi-family and single-family zones



consistent so that the maximum affordable density bonus is 35% and the total density bonus allowed is 60%.

The Planning Commission discussed the issue of whether the density bonuses in multi-family zones should remain lower because a greater number of residential units are permitted in these zones. In staff's review of amendments to the density bonuses, it is not clear whether the difference in the bonuses between the multi-family and single-family zones was intentional or an oversight. After their discussion, the Commission did not change the proposed amendment.

If the Council believes the maximum affordable housing and total density bonus should remain as currently written, staff does not anticipate problems. The bonuses that were approved in the past did not approach the maximum allowed under either scenario.

PROCEDURE:

Oregon Statewide Planning Goal 2 – Land Use Planning, as well as Chapter 197 of the Oregon Revised Statutes, requires a land use planning process and policy framework as a basis for all decision and actions related to the use of land. Specifically, plans and implementation measures such as land use ordinances and development standards are permitted measures for carrying out acknowledged Comprehensive Plans.

The adoption of the revised land use ordinance is a legislative amendment which is defined in AMC 18.08.345 as “*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.*”

AMC 18.108.170 allows for legislative amendments “*in order to conform with the comprehensive plan or to meet other changes in circumstances or conditions.*” The Planning Commission is required to hold a public hearing and make a recommendation to the City Council. The Council is also required to hold a public hearing and makes the final decision.

FISCAL IMPLICATIONS:

N/A

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends approval of the first reading of the ordinance replacing Title 18 Land Use of the AMC with a reformatted and amended land use ordinance. Should the Council decide the proposed commercial building height amendment needs further review, staff recommends continuing the discussion of the issue to the project on infill development on transit corridors.

If there are other proposed amendments that are of concern to the Council, staff recommends Council directing staff to remove those items from the draft and bring back a revised draft for a continued public hearing and first reading at a future meeting. Potential items of concern could then be separately reviewed and incorporated into the land use ordinance at a later date while the reformatted and amended land use ordinance moves forward.



SUGGESTED MOTION:

I move to direct staff to remove the proposed commercial building height amendment allowing buildings more than 100 feet from residential zones to be up to 55 feet in height, and to approve first reading of an ordinance titled, “An ordinance replacing Title 18 Land Use of the Ashland Municipal Code with a reformatted and amended land use ordinance.”

ATTACHMENTS:

1. An Ordinance Replacing Title 18 Land Use of the Ashland Municipal Code with a reformatted and amended land use ordinance.
2. Exhibit A – City of Ashland Land Use Ordinance
3. Table of Land Use Ordinance Amendments
4. Record for Planning Action 2013-01862

