

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  
JULY 14, 2015  
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. June 9, 2015 Regular Meeting.  
2. June 23, 2015 Special Meeting.
- V. **PUBLIC FORUM**
- VI. **UNFINISHED BUSINESS**  
A. **Approval of Findings for PA-2015-00418, McNeal Pavilion.**  
B. **Approval of Findings for PA-2015-00825, Verde Village Subdivision.**
- VII. **TYPE II PUBLIC HEARING**  
A. **PLANNING ACTION: PA-2015-00422**  
**SUBJECT PROPERTY: 600-640-688-694-696 Tolman Creek Road, 2316 Hwy 66**  
**APPLICANT: City of Ashland**  
**OWNERS: Independent Printing Company, Inc., IPCO Development Corp.**  
**AGENTS: CSA Planning, Ltd.**  
**DESCRIPTION: A request for Site Design Review, Exception to Street Standards, Property Line Adjustment, Limited Use Permit/Water Resource Protection Zone Reduction for Construction in the Water Resource Protection Zone, Physical & Environmental Constraints Review Permit for Floodplain Development, and Tree Removal Permit approvals to allow the construction of a new public street "Independent Way" between Washington Street and Tolman Creek Road and associated changes to the lane configuration and on-street parking on Tolman Creek Road to its intersection with Ashland Street. (*The proposal also includes the review of driveway locations and associated circulation to allow the coordinated initial grading and utility installation on the adjacent private property in conjunction with the new street installation, however the development of the adjacent private properties will be subject to future Site Design Review as individual buildings are proposed.*)** **COMPREHENSIVE PLAN DESIGNATION: Employment;**  
**ZONING: E-1; ASSESSOR'S MAP: 39 1E 14BA; TAX LOTS: 500, 600, 601, 700, 800, 900 and 1000.**
- VIII. **ADJOURNMENT**

**CITY OF  
ASHLAND**



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

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
June 9, 2015

**CALL TO ORDER**

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

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton  
Lynn Thompson

**Staff Present:**

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

**Absent Members:**

Roger Pearce

**Council Liaison:**

Greg Lemhouse

**ANNOUNCEMENTS & AD HOC COMMITTEE UPDATES**

Community Development Director Bill Molnar reviewed upcoming agenda items. He stated the June special meeting will include the tree removal request for 380 Clay and a discussion on marijuana grows in residential areas. Additional items to come forward in the next few months include changes to the airport zone and the revised Normal Neighborhood Plan.

Council Liaison Greg Lemhouse provided an update on current council items, including the approval of Tighe O'Meara as police chief, an update on drought conditions, and the new ad hoc committee for climate action and energy plan.

*Councilor Lemhouse left the meeting at 7:15 p.m.*

**CONSENT AGENDA**

**A. Approval of Minutes**

1. May 12, 2015 Regular Meeting.

Commissioners Miller/Dawkins m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed unanimously.

**PUBLIC FORUM**

No one came forward to speak.

**TYPE II PUBLIC HEARING**

**A. PLANNING ACTION: PA-2015-00418**

**SUBJECT PROPERTY:** 1465 Webster Avenue

**APPLICANT:** Southern Oregon University

**AGENTS:** CSA Planning, Ltd.

**DESCRIPTION:** A request for Site Design Review for the renovation of McNeal Pavilion on the Southern Oregon University Campus. The application also includes requests for Conditional Use Permit approval to allow the construction of a new Student Recreation Center which was not identified in the 2010 SOU Campus Master Plan and which will exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater. (106,722 square feet of

*the existing 113,000 square foot building area will be demolished. With the proposed renovation and new construction the combined building area will consist of 104,891 gross square feet on three levels, a 7.17 percent reduction in the total building square footage.)* COMPREHENSIVE PLAN DESIGNATION: Southern Oregon University; ZONING: SO; ASSESSOR'S MAP: 39 1E 10 CD; TAX LOT: 100.

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

### Ex Parte Contact

Commissioners Brown, Dawkins, Miller, Mindlin, Norton, and Thompson declared site visits; no ex parte contact was reported.

### Staff Report

Associate Planner Derek Severson reviewed the applicant's proposal to demolish the majority of the existing McNeal structure, retain the existing footprint, and construct an approximately 100,000 sq.ft. stadium with office space and a student recreation center. The plan includes the removal of eight trees that are over 18-inches in diameter with the reason for removals stated as excavation, utility installation, demolition, and construction; and that all of the trees are in close proximity to the building area. Mr. Severson noted the applicant's are mitigating the tree removals beyond what is required by code, and reviewed the two building layout options submitted by the applicant.

Mr. Severson commented on the issues raised in the staff report. He stated the SOU master plan talked about a clear circulation to the pavilion and staff feels the Wightman corridor should be improved to provide additional refuge for pedestrians; additionally, staff is recommending the parking lot landscaping be improved and offered the following condition for the commission's consideration: *"That prior to the submittal of building permits, a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street shall be provided to address: at least six parking lot trees on the interior of the parking lot, additional parking lot trees on the parking lot perimeter, and sight-obscuring landscaping and at least two areas of paved pedestrian refuge in the buffer strip along Wightman Street."* Mr. Severson cited the Tree Commission's recommendations and clarified these are included in the recommended conditions of approval. He stated staff is recommending approval with the conditions as presented.

### Questions of Staff

Mr. Severson was asked to elaborate on tree #7. He responded that this is a Modesto Ash located on the corner and stated the existing underground utility tunnel will need to be extended and will cut through the root zone of this tree and a number of others. Staff was asked whether it is within the commission's purview to require the rerouting of the utilities in order to save the trees. Mr. Molnar clarified they would want to consult with the Fire Department on this as this structure also needs to meet the emergency vehicle access requirements.

Fire Marshall Margueritte Hickman was asked to come forward and she provided an overview of the Fire Department's requirements. She stated because of the height of the building a 26-foot wide fire access for an aerial apparatus is needed, and access is needed on more than just one side of the building. She added clearance is needed above the access way as well in order for the apparatus to work. Ms. Hickman clarified when the Fire Department reviewed this application it was under the assumption that the trees would be removed and they would need to reevaluate the plan before she could say yes or no to certain trees.

### Applicant's Presentation

**Drew Gilliland, Jay Harland, Dave Strauss, and Mira Theisen** addressed the commission. Mr. Gilliland spoke to the tree removals and noted he has consulted with Casey Roland from the Tree Commission and the Mulberry tree can be saved but likely won't survive for more than a few more years. He stated they did look into moving the utility tunnel however it would affect the fire lane access and shifting the tunnel would still impact the root zone of these trees. Regarding the trees on the east side, he stated they are diseased and does not believe there is value in saving them.

Mr. Harland stated there are six trees that could be saved and could help provide shade for some of the new plantings even if they ultimately don't survive; however 18 trees will likely not make it due to the amount of excavation required. He stated the only issue they have with staff's recommendations is the condition about improving the parking lot and stated this would significantly impact their project boundary area. He clarified the master plan does call for future improvements to the parking

lot, however this lot still has some useful life left. Mr. Harland stated they are willing to install some plantings to make this project work, but they do not want to redo the lot entirely. He requested flexibility on the six planting areas and asked that they be allowed to work with staff to develop a plan that accomplishes staff's objectives.

Ms. Theisen commented on the layout of the proposed structure. She called attention to the plaza area for the multiuse facility and clarified the west entry will be used for events in the McNeal gym and the southern entry will be the main entry to the student recreation center. She noted the two layout options and stated they are looking at two plans due to the costs involved. Ms. Theisen stated first plan is their preferred option but if they need a less expensive option the alternate plan relocates some of the second floor offices down to the shell space on the lower level. She clarified this affects only the building's interior and does not change the footprint. Ms. Theisen stated the design of the structure was influenced by the Hannon Library and this building will help tie north campus to south campus.

### **Questions of the Applicant**

Comment was made that the small trees installed in front of the new dining hall are not doing well and the applicant was asked how they will ensure the new trees flourish. Mr. Gilliland stated they have an arborist on campus and would be happy to also work with someone from the City on this issue. Mr. Molnar noted there is already a provision in the code that requires dead trees to be replaced.

Commissioner Miller voiced her disappointment with the number of trees proposed for removal and asked whether this plan addresses the parking need. Mr. Gilliland stated there are enough spots campus wide to meet the need and they have areas to handle overflow parking for men's basketball and football which get the most attendees. He added the university recently built a new parking lot but students tend to park where it is free, and stated they will continue to work with the city on this issue.

Commissioner Thompson stated the parking area is run down and the landscaping is not very nice, and stated she is struggling with the applicant's statement that this is not part of the site. Mr. Gilliland stated the parking lots are funded separately and need to have a separate plan, but agreed that this area will need to be addressed in the future. Mr. Harland added the university is willing to do some maintenance and specific improvements, but they believe this is outside the scope of this project. He added if the building size were increasing that would be different, but the square footage is going down and added this is not required under the master plan.

### **Public Input**

**Rick Vezie/446 Walker Ave**/Voiced his concerns with the lack of communication between the university and the surrounding residents, the increase in traffic, and the condition of the university's rental houses. He recommended a traffic study be completed, the three rental units be maintained and kept, and a maximum of 24-hour parking be implemented on the west side of Walker.

### **Questions of Staff**

Mr. Molnar clarified parking management has been looked at over the years and stated the overall number of spaces campus wide is consistent with the code. He added the locations might not be optimum and stated the City has met with the university to explore opportunities for a residential parking permit system to mitigate impacts on surrounding neighborhoods. Regarding the parking lot not being included in the application, he agreed that the university has performed isolated capital improvement projects but stated staff took the position early on that some effort needs to be made to bring the parking lot more into conformance with city standards. He added it would be a significant undertaking to bring it all the way up to city standards, but staff is looking for some middle ground.

### **Applicant's Rebuttal**

Mr. Harland stated the building size is being reduced and they are not expecting traffic to increase. Regarding the testimony on parking along Walker, he stated this is a City right-of-way and the university does not have the authority to limit parking durations as suggested. Mr. Gilliland commented on the family rental units and clarified they are in the process of renovating units, it's just a matter of priority, time, and money.

*Commissioner Mindlin closed the hearing and the record at 8:45 p.m.*

### Deliberations and Decision

Commissioners Dawkins/Brown m/s to approve PA-2015-00418 with the conditions presented by staff.

**DISCUSSION:** Dawkins voiced his support for minor upgrades to the parking lot and supports using container trees temporarily. Staff clarified the recommendations from the Tree Commission are included in the conditions of approval. Brown stated he supports the motion and is fine with negotiating the mitigation to the parking lot. Miller stated she would have liked a stronger statement about saving the trees. Norton stated he is comfortable with the motion and working on mitigating the parking lot. Mindlin stated her preference is for trees instead of smaller shrubs in order to create shade for the parking area, and encouraged the applicant to save the trees recommended by the Tree Commission. She added there is value in saving them even if they only last a few more years. **Roll Call Vote: Commissioners Dawkins, Brown, Norton, Miller, Thompson, and Mindlin, YES. Motion passed unanimously.**

#### **B. PLANNING ACTION: PA-2015-00825**

**SUBJECT PROPERTY:** 87 W. Nevada St., 811 Helman St. and 127 Alameda Dr.

**OWNER:** Wilma, LLC

**APPLICANT:** Urban Development Services

**DESCRIPTION:** A request for a modification of the previously approved Verde Village Subdivision for the properties located at 87 West Nevada Street, 811 Helman Street and 127 Alameda Dr. The proposed modifications include partitioning the property to be consistent with the approved phasing plan, to adjust the property lines for Lots #3-#9 and #15-#17, and to modify Exhibit E, Condition #30 of the approved Development Agreement as it relates to the construction and timing of street improvements for both Perozzi Street and Alameda Drive. **COMPREHENSIVE PLAN DESIGNATION:** Suburban Residential & Single Family Residential; **ZONING:** R-1-3.5, R-1-5 and R-1-7.5; **ASSESSOR'S MAP:** 39 1E 04B; **TAX LOTS:** 800, 1100, 1400 and 1418.

### Ex Parte Contact

Commissioners Dawkins and Norton declared site visits; no ex parte contact was reported.

### Staff Report

Associate Planner Derek Severson provided the background information on this residential subdivision and clarified the affordable housing units have already been built. He explained the applicant's propose to partition the property to be consistent with the approved phasing plan, to adjust the property lines of the units around the perimeter, and to modify the construction and timing of the street improvements for Perozzi Street and Alameda Drive. Mr. Severson clarified the property owners around the perimeter would be responsible for maintaining the landscaping adjacent to their unit, and stated staff has recommended a condition that makes it clear that as housing clusters fill in the open space needs to be completed. He added the last element of the request is to install a temporary drive instead of Perozzi St.

### Questions of Staff

Mr. Severson clarified the applicants would maintain responsibility for the installation of the plantings, and clarified they still meet the open space requirements.

When asked when Perozzi Street would be completed, Mr. Severson responded that a temporary drive would be installed to provide access to the dog park, and Perozzi St. would happen in Phase 2.

Staff was asked whether the temporary street would be one-way because of its width. Mr. Severson responded that the width would be 29 ft. (more than the standard street improvements require) and would be wide enough to accommodate parking on both sides of the street.

Commissioner Norton voiced his concern with the landscaping maintenance being shifted to the homeowners and recommended the CC&R's be strongly worded to prevent owners from removing or altering the landscaping.

### Applicant's Presentation

Mark Knox, Val Williams, and Greg Williams addressed the commission. Mr. Knox stated this is a very straight forward request and explained they would like to fence the backyards and make the landscaping maintenance a responsibility of the property owners. He stated the project side of the street will have a sidewalk, street trees, curbs and gutters, and they are asking to no install a curb on the opposite side in order to allow drainage to run off naturally into the Phase 2 area. Mr. Knox added the street will be 34 ft. in width when it is completed. He stated the interim street will connect to the dog park and stated the Fire Departments concern about address numbers will be remedied with the installation of a permanent sign.

### Questions of the Applicant

Commissioner Mindlin stated she does not understand the objection to installing curbs on both sides. Mr. Knox explained Phase 2 does not have storm drains yet and stated installing curbs could cause erosion issues. He added they will put down an extra edge of rock base to prevent the asphalt edge from deteriorating. Regarding landscaping, Mr. Knox clarified there is a guaranteed financial mechanism to make sure the landscaping is installed and added this is a requirement of the final certificate of occupancy.

Charlie Hamilton addressed the commission. He stated there is a huge amount of infrastructure for these small homes and stated they are asking for some flexibility. He explained there will be separate timeframes and interest payments on their bank loans and places extra pressure on them to move forward and sell these lots. He stated if the City places too much additional burden on this project they won't be able to make it work.

Commissioner Norton restated his concerns about the fences and maintaining the landscaping. He stated this would no longer be common area and is concerned about an enforcement problem down the road.

Ms. Williams explained that she worked closely with the attorney on drafting the CC&Rs. She stated because this is a passive solar community the plants and plantings are very defined and stringent, and there is a special committee of the homeowners association to oversee this element. She stated anyone buying into this community is going to know the requirements from the onset and stated the homeowners association will deal with any renegade homeowners who don't follow the rules.

Mr. Knox added one of the benefits of the fencing is to reduce the fees and make it more affordable for people.

### Public Input

No one came forward to speak.

### Questions of Staff

Staff was asked if they are concerned with the curbing. Mr. Severson stated he has spoken with the city's engineer and he was concerned with not having a final edge because the Public Works department will take over responsibility for this street after one year. Mr. Molnar stated having a curb would affect the way water is transferred and stated he would prefer for this decision to lie with the Public Works Director.

### Applicant's Rebuttal

Mr. Williams emphasized this is an extremely unique project and the CC&Rs speak in detail about the landscaping, as this can impact solar and water retention.

*Commissioner Mindlin closed the hearing and the record at 10:00 p.m.*

### Deliberations and Decision

Commissioners Brown/Dawkins m/s to approve the application with the recommended conditions of approval with a modification to Condition #5 to insert an 18-month timeframe, and for the Public Works Director to evaluate and approve of a plan for the curb. Roll Call Vote: Commissioners Dawkins, Brown, Norton, Miller, Thompson, and Mindlin, YES. Motion passed unanimously.

**ADJOURNMENT**

Meeting adjourned at 10:10 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
SPECIAL MEETING  
MINUTES  
June 23, 2015

**CALL TO ORDER**

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

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton

**Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

**Absent Members:**

Lynn Thompson  
Roger Pearce

**Council Liaison:**

Greg Lemhouse, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar announced the upcoming meeting schedule and stated there are several new bills being drafted at the state legislature of interest to the commission, including bee keeping regulations and an agriculture zoning bill.

**AD-HOC COMMITTEE UPDATES**

No updates were given.

**PUBLIC FORUM**

No one came forward to speak.

**TYPE II PUBLIC HEARING**

A. **PLANNING ACTION:** PA-2015-00928

**SUBJECT PROPERTY:** 380 Clay Street

**OWNER/APPLICANT:** City of Ashland

**DESCRIPTION:** A request for a Tree Removal Permit to remove a 72-inch diameter at breast height (d.b.h.)

Fremont Cottonwood tree from the property located at 380 Clay Street. (*This tree was previously identified to be preserved and protected as part of Planning Action #2009-00043.*)

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 11C; **TAX LOT:** 2500.

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

**Ex Parte Contact**

Commissioners Miller, Brown, and Norton declared site visits; no ex parte contact was reported.

**Staff Report**

Associate Planner Derek Severson stated the application before them is a request to remove a 72-inch diameter Fremont Cottonwood tree from the property the city owns at 380 Clay Street. He noted there is an existing 1890's farmhouse on the property and the Snowberry Brook affordable housing development is immediately to the north. He explained in 2008 the city purchased the parcel in cooperation with the Housing Authority of Jackson County and the Ashland Parks Department. A portion of the lot was reserved as wetland area, a portion was acquired by the Parks Department, three acres went to the

Housing Authority for the development of 60-units which are now complete, and the remaining section being discussed tonight is under consideration for sale to the Housing Authority to develop more affordable housing. Mr. Severson stated the request to remove the cottonwood would allow the maximum development potential for the lot for the creation of affordable housing. He noted this property originally had three cottonwood trees on the property, one fell in 2006 and the other was removed in 2009 as part of the Snowberry Brook project.

Mr. Severson stated staff believes this decision comes down to two criteria. Approval criteria #3 states: "*Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 ft. of the subject property. The city shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*" Mr. Severson stated while the Fremont Cottonwood species is unusual for the area, the Poplar Cottonwood genus is not and there is ample diversity of species within 200 ft. During the Tree Commission's review of this application they suggested the Fremont species is unusual and the specimen is likely the largest tree in the city and potentially one of the largest trees of this species in the state, and as such they stated its removal would have a significant negative impact on species diversity. He stated the Planning Commission must make a determination on this criteria and also consider if the tree is required to be preserved, does a reasonable alternative exist that would allow the property to be used as permitted within the zone.

Mr. Severson stated the second criteria the commission needs to consider is #4, which states: "*Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the city may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*" Mr. Severson explained the minimum density for this property is 10 units, base density is 12 units, and maximum density is 20 units. He stated the applicants assert that keeping the tree would limit development to its minimum density, while removal of the tree allows for maximum development of the site with affordable housing. Mr. Severson displayed the two conceptual illustrations submitted by the applicant showing possible development of the lot. One provides for 19 units and the necessary 33 parking spaces to serve those units, and the other preserves the tree and would allow for 10 units and associated parking to be built. Mr. Severson stated the Tree Commission recommended denial of the request and indicated they did not believe the applicants had adequately demonstrated that keeping the tree would require residential density below the permitted density of the zone. He explained the Planning Commission must determine if this criteria refers to the minimum, base, or maximum density; and analyze whether the applicant has met the burden of proof in demonstrating the permitted density cannot be obtained by retaining the tree.

### Questions of Staff

Staff was asked to comment on whether this tree was discussed during the approval process for Snowberry Brook. Mr. Severson stated when Snowberry Brook was approved conditions were placed to maintain the tree until something happened with this lot and to make the tree non-exempt from the tree removal permitting process. He added it was clear that this property was intended to be sold and developed at a later date for the creation of affordable housing.

Staff was asked about the purpose of the fence surrounding the tree. Mr. Severson remarked that in the past some limbs came down and the fence was erected to prevent any liability issues.

### Applicant's Presentation

**Dave Kanner, City Administrator**/Mr. Kanner stated this 10-acre parcel was purchased in 2008 for the specific purpose of providing affordable housing. He stated it was a joint purchase by the city and explained the Parks & Recreation Dept. acquired a little over 3-acres and the Housing Authority purchased 4-acres for the Snowberry Brook affordable housing development. Mr. Kanner stated the Housing Authority developed the 4-acres with 60-units, 2-acres were preserved as a wetland, and the remaining acreage was agreed to be transferred to the Housing Authority, at the city's cost, for additional affordable housing. Mr. Kanner stated that while the tree was identified to be preserved and protected as part of planning action #2009-00043, the preservation and protection was not in perpetuity, it was to protect the tree during the construction of Snowberry Brook. He explained the city would like to remove the tree to make way for its original purchase intent which is to allow for the full development density for affordable housing. He stated the main question is whether the community finds greater value in affordable housing or in a tree that has already reached its prime lifespan and is not appropriate to the location. Mr. Kanner explained Ashland has voted to not increase its urban growth boundary and the ultimate best use of

this property is to develop the maximum density allowable in the zone for an affordable housing project. He stated if the tree remains, 10 units can be built; if it is removed, 20 units can be built. Additionally, he stated the Housing Authority has indicated that in order for this project to be feasible they need to develop close to 20 units. Mr. Kanner noted the suggestion to designate this area as a park land and submitted a letter into the record from Parks Director Michael Black. The letter states the Parks Department is not interested in a trade or purchasing this parcel for park land (See Exhibit P-01, attached.) Mr. Kanner commented on the community's problem with affordable housing and submitted two charts into the record detailing the shortage of affordable rental housing in Ashland (See Exhibits P-02 & P-03, attached.) He also commented on the Tree Commission's decision and stated a number of the members based their decision on emotion rather than the criteria.

### Questions of the Applicant

Mr. Kanner was asked to comment on the proposal submitted by a neighbor that maintains the tree and provides for 15 units. Mr. Kanner stated this drawing has not been submitted to him and therefore he cannot comment on its feasibility.

Mr. Kanner confirmed that all of the units built by the Housing Authority would be rentals.

Mr. Kanner was asked if the city would feel safe removing the fence if the tree was properly maintained. He responded that this would be a question for the city council, however the fact that the lower limbs need to be supported with steel posts reinforces his concerns about this tree.

Mr. Kanner agreed that the exact age of the tree is not know; but stated the age of the tree is not a criteria.

### Public Testimony

**Norma Bowen/361 Engle/**Stated this tree was Tree of the Year and has been named "Hope". Ms. Bowen stated the residents have been meeting to create a plan that allows for the tree to remain and the creation of affordable units. She noted the Tree Commission voted unanimously to deny the permit and stated this land should be made enjoyable for everyone.

**Karen Smith/165 Jessica/**Called attention to Ashland being a Tree City USA and recommended they find an alternative that would both save the tree and provide housing.

**Kelly McNamara/659 Clay/**Stated the trailer park is very simple, but there are lots of trees, a pond, and ducks; and stated she views this tree as a living sculpture and asked that they keep living things of beauty in place.

**Bryan Holley/324 Liberty/**Stated he is a former Tree Commissioner and this tree was mentioned by a number of neighbors during the Snowberry Brook application, and the developer listened to the concerns and saved the tree. Mr. Holley stated the city is only concerned about money and stated it is untrue the Housing Authority would be content building 20 units. He stated they would need to build 50 units to make the project feasible and would need to find space for the remaining units elsewhere. Mr. Holley stated the neighbors have been meeting on their own to develop a plan and have met with the Housing Authority and their plan was acceptable to them. He asked that the Planning Commission deny the request.

**David Winn/2233 Villard #204/**Stated the proposal with 15 units is a win-win situation. He stated many old growth trees are being cut down and stated this tree provides lots of shade and cools the air. Mr. Winn stated he likes to go out in the morning and say his prayers around this tree, but has not been able to since the fence has gone up.

**Helene DeMartinez/231 Clay #6A/**Stated she is the homeowners association president for Wingspread mobile home park. Ms. DeMartinez commented that this tree is right behind her backyard and the beauty of the area is the reason she moved there over 11 years ago. She stated she is tired of seeing so many things considered old and out of the norm being disregarded and stated this tree is enjoyed by the whole community. Ms. DeMartinez asked the commission to look at all the options and make an intelligent decision.

**Carol Voisin/908 Fox/**Stated she is speaking as a citizen and not a city councilor. Ms. Voisin stated she served on the Housing Commission for five years and has always been committed to affordable housing. She reminded the commission

that the Normal Master Plan area with 500 new planned units is just a few blocks away, and 25% (or 100-125 units) will be required to be affordable. She added perhaps the five units that would be lost to save the tree may be inconsequential. Ms. Voisin stated according to the buildable housing inventory, studios and one bedroom units are the types of housing most needed, however it seems the types that are being planned by the Housing Authority would be larger units and do not meet Ashland's particular need. She asked the commission to look for a win-win situation, where they can save the tree and also build affordable housing.

**Gregg Trunell/400 Clay**/Stated he is chair of the Tree Commission but recused himself from this particular issue and is speaking tonight as a public citizen. Mr. Trunell stated the Tree Commission based their decision on the criteria, not emotion, and stated the application meets the minimum density requirement and therefore it was an easy decision. Mr. Trunell stated the application states the maximum age for this type of tree is 130 years, however his fact checking showed the correct verbiage is *more than* 130 years. He stated the 2013 arborist report says this is a healthy tree and questioned why the fence was put up. He added the arborist report identified in the application was an estimate from Beaver Tree Service and this is not the same as an arborist report. Mr. Trunell stated the land use code for tree preservation is intended to reduce development impacts by preserving healthy trees for soil stability, noise buffering, wind protection, temperature mitigation, and wildlife habitat as well as for the contribution to the character and beauty of Ashland.

**Cynthia Moscaritolo/175 Wightman**/Stated the quantity of affordable housing was never discussed during the 2008 application and does not believe the intent was to blanket the area with back to back housing. Ms. Moscaritolo stated the city does not have to sell this property to the Housing Authority and recommended the Housing Authority purchase existing units and renovate them in order to increase affordable housing in Ashland. She asked that other properties in Ashland be considered for affordable housing and that all options be looked at for this property. Ms. Moscaritolo submitted a conceptual plan into the record (See Exhibits O-01 & O-02, attached.)

**Ron Roth/6950 Old 99 S**/Raised issue with the city's application not addressing the other trees on the property and claimed the city wants to cut down the largest diameter tree in the city so that they can sell the property for more money than they otherwise would be able to. Mr. Roth stated this is a non-native tree and its removal would extricate this species from the City of Ashland. He stated there are reasonable alternatives that could be considered that could save the tree, including three-story buildings for the affordable housing or a land swap with the Parks Department.

**Albert Pepe/321 Clay**/Asked that the tree be preserved and stated that in order to develop the property an old historic barn would also have to be removed. Mr. Pepe suggested this property be put to good use for the entire community and recommended a community garden. He stated lower Clay street is already crowded and asked that the city look outside the box regarding this parcel and consider other options for affordable housing in Ashland.

**Dominique Shelton/55 Brooks**/Stated the city wants income from the sale of this property in order to build a parking lot. Ms. Shelton asked the commission to look beyond the given set of variables and asked them to come together to find a solution for this. She stated this tree is not something that can be replaced and asked them to leave something for future generations.

**Casey Roland/659 Clay**/Clarified a statement he made at the Tree Commission hearing and stated if the only way to provide housing for people in need was to cut down this tree he would probably do it. Mr. Roland stated this tree is likely between 100-135 years old and believes the city council's decision to proceed with the tree removal application was based on misinformation. He stated all trees drop limbs and branches and stated it is a slippery slope to say this tree is past its prime. Mr. Roland stated he has killed more trees than any person in the room, however this tree is probably one of the first plantings in Ashland and is a tree that needs to be preserved. He stated this tree benefits the whole community and over 100 years of experience by professional arborists have said this tree should be maintained and preserved. He added this tree does not belong to the City of Ashland but rather belongs to the community, and believes with the right approach preserving the tree and building affordable housing is doable.

**Christine Menefee/321 Clay St. #8**/Ms. Menefee's written comment in opposition to the removal of the tree was read aloud by Commissioner Mindlin.

### Questions of Staff

Staff was asked to clarify which area will be a community park. Mr. Molnar identified the area acquired by the Parks Department but noted the Parks Commission has not made a determination on how the park land will be used. It is their land to plan and it could be a dog park, active fields, etc.

Staff was asked if the affordable housing element is a criteria in this application. Mr. Molnar stated supporting affordable housing is a broader policy decision of the city. He added a key consideration is criteria #4 that states *"nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone."* He stated the commission needs to determine how to apply this, and whether permitted density means the minimum, base, or maximum density permitted. He added this is a difficult decision and stated "permitted density" is not defined in the code.

### Applicant's Rebuttal

**Dave Kanner**/Emphasized that the Parks Department has already stated that they are not interested in this property as park land or a community garden. Additionally, they are not interested in swapping their parcel with the city. Mr. Kanner stated this property was acquired in 2008 and there have been six and a half years to find an alternative. He stated the degree to what level people love the tree is not a criteria and stated this application meets the criteria in the code. He stated its removal would not have a negative impact on erosion, soil stability, etc.; the removal would not significantly impact tree densities within 200 ft.; and though this tree is unique to our area it is not a unique tree. The issue is whether or not they can meet the minimum, base, or maximum density of the zone and this is what the commission needs to determine. Mr. Kanner stated the city is not trying to make money off this land and stated the city would make far more money if it sold the parcel at market value. He stated the amount of affordable housing would have to be reduced in order save the tree, and stated he does not agree with this approach when all of the criteria have been met.

### Deliberations & Decision

**Commissioners Dawkins/Miller m/s to deny PA-2015-00934. DISCUSSION:** Dawkins stated while he supports restricting the urban growth boundary he has repeatedly questioned the city's infill policy and believes they should be growing from the center out. He added he does not support any more development on Clay Street until there is a safe way to cross Ashland Street. Miller agreed with Dawkins on the issue of traffic on Clay Street. She added she does not believe criteria #3 and #4 have been met and would like to see other alternatives explored. Brown disagreed and stated the application meets the criteria in the code. He stated any potential traffic concerns would be addressed when a development proposal comes forward, and this application is about the tree and affordable housing. Brown stated personal preferences are not part of this decision and stated the application clearly meets the requirements in the code. Norton stated he does not support the motion to deny. He stated if the tree stays it will need room to continue to grow, and if you shoehorn in the development it will impact the health of the residents. He added he cannot support keeping the tree if it means the housing will not be adequately designed. Miller cited criteria #3 and stated a reasonable alternative does exist and if they define permitted density as minimum or base density this development could move forward with the tree staying. Brown noted the tree will continue to be preserved until an adequate plan is presented and at that time they can discuss traffic, number of units, etc. Mindlin stated affordable housing and its value it not an approval criteria and stated she does not believe the application satisfies the criteria in the code. Mindlin stated criteria #3 has not been met and regarding criteria #4 she does not believe this means they have to allow someone to build the maximum density without considering the other factors. She added she does not support pre-approving the tree removal before seeing alternate plans. **Roll Call Vote: Commissioners Dawkins, Miller and Mindlin, YES. Commissioners Brown and Norton, NO. Motion passed 3-2.**

### DISCUSSION ITEMS

#### **A. Discussion of Ordinance Amendments for Homegrown Recreational Marijuana.**

Planning Manager Maria Harris presented language that could be used as a starting point for regulations on recreational marijuana. She explained starting July 1, 2015 people are allowed to have up to four marijuana plants and explained the city has had some code compliance issues with marijuana grows, mostly on odor, lights and fans. Ms. Harris reviewed the draft language that would place limitations on outdoor grows and stated the intent it to minimize adverse impacts to neighbors. She requested the commission provide input on the number of plants that should be allowed, whether this should be per lot or per household, and whether requiring setbacks is the right direction to go. She noted the state will begin accepting licenses for commercial sale sites in January 2016, and clarified tonight's discussion is only about residences.

### Commission Discussion

Commissioner Brown asked if state law allows the city to restrict the number of plants and Ms. Harris replied that staff believes so, however they are not allowed to increase the number. It was asked how tall the plants can grow and Ms. Harris explained they can get up to 8-10 ft. tall. Brown suggested they consider limiting the height of the plants, since at this height they would be clearly visible over a fence.

Ms. Harris stated there are two moving parts and explained medicinal marijuana is loosely regulated by the state and allows six plants per card holder, however people have started growing for other card holders. She explained this ordinance would limit outdoor growing regardless of whether it is for medicinal or recreational use.

Commissioner Dawkins expressed concern with rental units being taken out of the housing stock and used as grow houses, and questioned if they should use electric bills to detect where indoor grows are happening.

Commissioner Mindlin asked if greenhouses would meet the screening requirements and staff indicated they could address this in the ordinance as a possible screening alternative.

City Administrator Dave Kanner addressed the commission and stated his recommendation is to place a limitation on the number of plants grown outdoors, and stated they may run into problems with legislation if they try to limit the number grown indoors. Regarding the height concern, he stated as long as it is not visible from any public place he is not concerned if the plants are visible over the top of a backyard fence. Mr. Kanner stated his main concern is regarding large grow sites consisting of 20 or more plants and explained the odor of a grow this size impacts entire neighborhoods. He explained he has spoken with the city's code compliance officer and his opinion was that four plants would create an odor, but it would not be so obnoxious that neighbors can't enjoy their outdoor spaces. He stated he is not concerned with whether they are growing for recreational or medicinal uses, but if they want to grow more than four plants they need to do it inside. He stated the electrical use component is interesting and stated while they cannot single out one type of business for higher rates, the city can establish excess of peak use charges and apply it to all commercial businesses. Regarding Dawkins concern, Mr. Kanner stated it is very expensive to rent a house in Ashland and there is a shortage of available rental properties, and he does not believe it will be worth someone's while to establish a grow operation in Ashland when there are far less expensive options elsewhere.

**Commissioners Brown/Dawkins m/s to direct staff to initiate the amendments and prepare an ordinance. Roll Call Vote: all AYES. Motion passed unanimously.**

### ADJOURNMENT

Meeting adjourned at 9:30 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

**From:** Michael Black [mailto:blackm@ashland.or.us]  
**Sent:** Thursday, February 12, 2015 4:28 PM  
**To:** 'Dave Kanner'  
**Subject:** The Tree

I think you know the tree I am talking about. I met with Carol today and (later) with the owner of the property adjacent to the tree. I was out there with our arborist admiring the tree when the neighbor walked up. Here is my take.

If the tree is worth saving, then the City Council can make that decision. I am not interested in a trade or purchase of that property. I don't feel like I need to take this to the Commission because it is not a priority property and if we were to acquire it, it would be a limited use property at best as long as the tree remained.

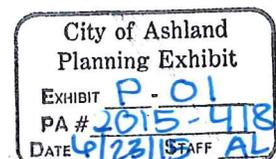
If somehow the Council decided that they wanted to save this tree then I think we could commit to maintaining it. I think it could be a nice feature that was ancillary to the park, but not part of it. I do not wish to champion this tree as an APRC project, but again if it somehow ended up a priority for the Council, we could maintain the tree to ensure it lives as long as it possible can in its current state. We would have to limit the use underneath the tree, and perhaps even exclude activity under it. As you can see, it is no use to APRC as a dog park or community garden.

Anyway, you will hear from the neighbor. My official stance is that the tree is "cool" but I will not promote the use of APRC funds or land trades to acquire it.

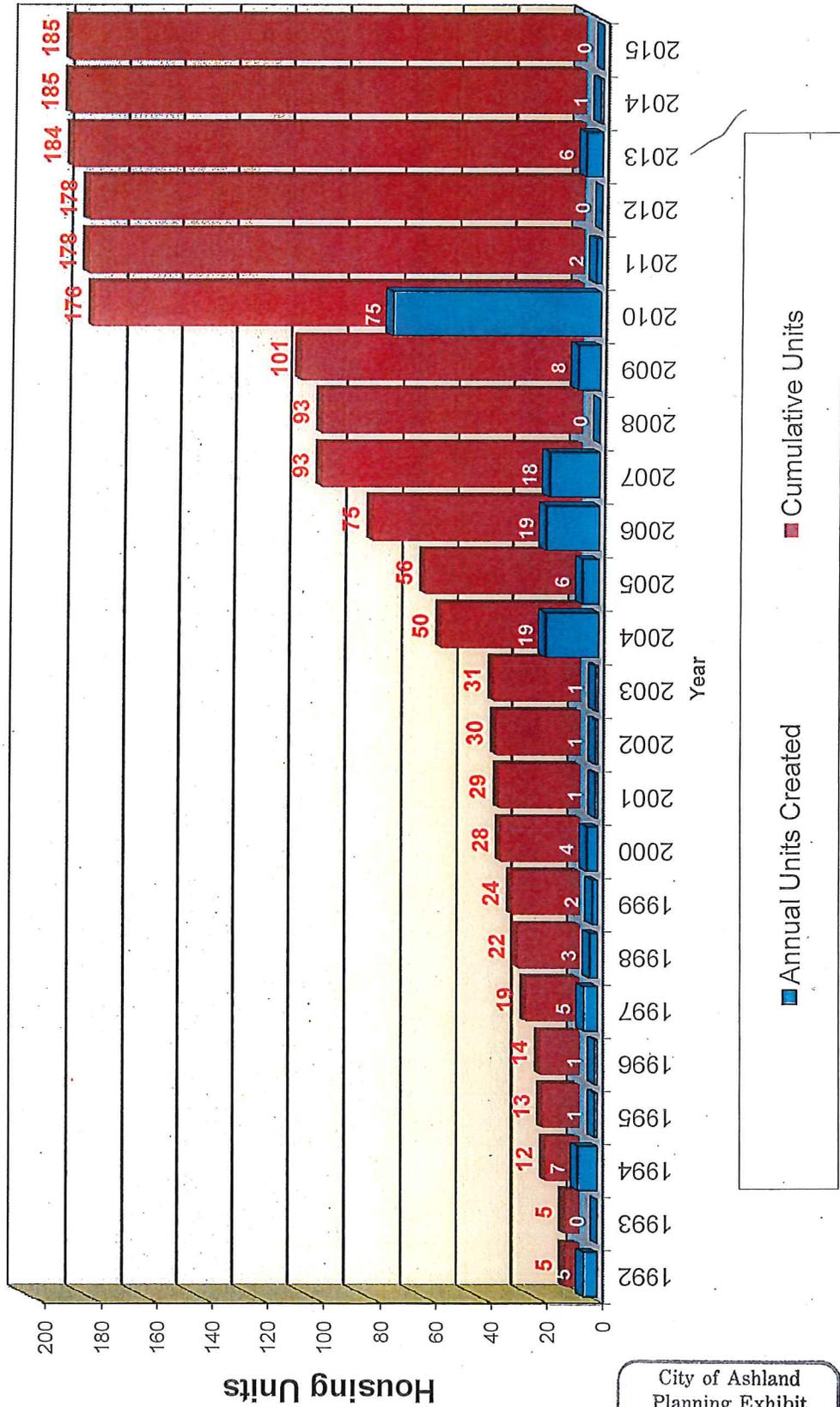
Best,

Michael A. Black, Director  
Ashland Parks and Recreation  
340 S Pioneer st, Ashland, OR 97520  
Direct 541-552-2251  
541-488-5314 fax

This email transmission is official business of the City of Ashland, and it is subject to Oregon public records law for disclosure and retention.  
If you have received this message in error, please contact me at 541-552-2251.  
Thank You.



# Affordable Housing Program



City of Ashland  
 Planning Exhibit  
 EXHIBIT P-02  
 PA # 2015-418  
 DATE 10/23/15 STAFF AL

Figure 6.2

Owner Occupied units by affordability

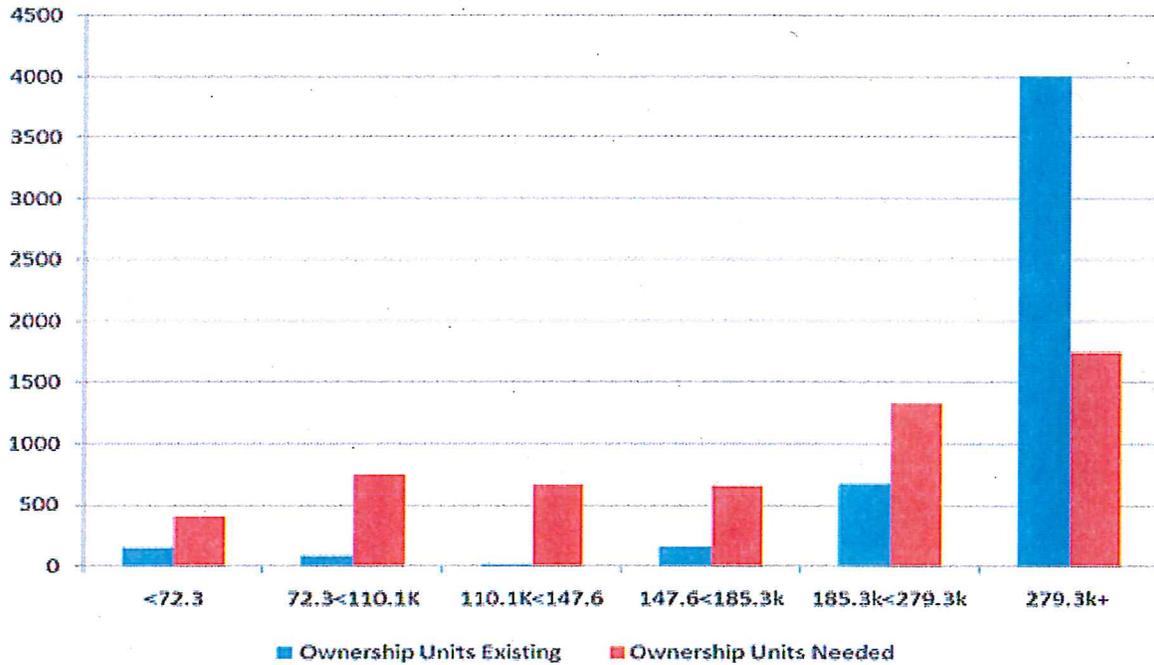
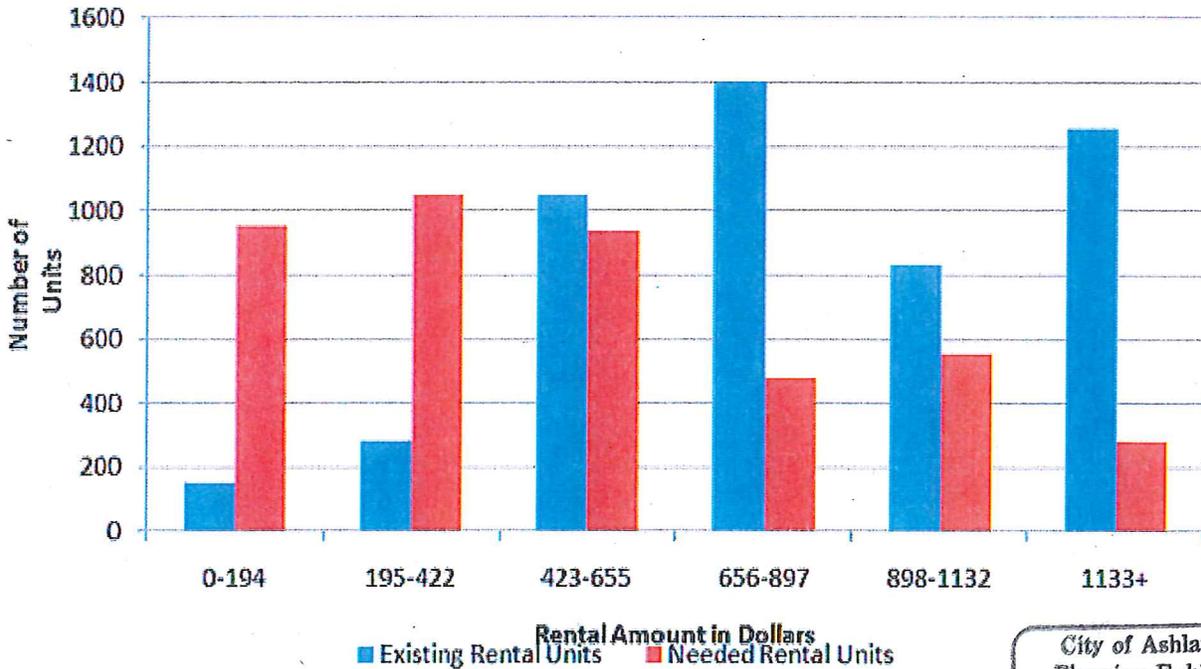


Figure 6.3

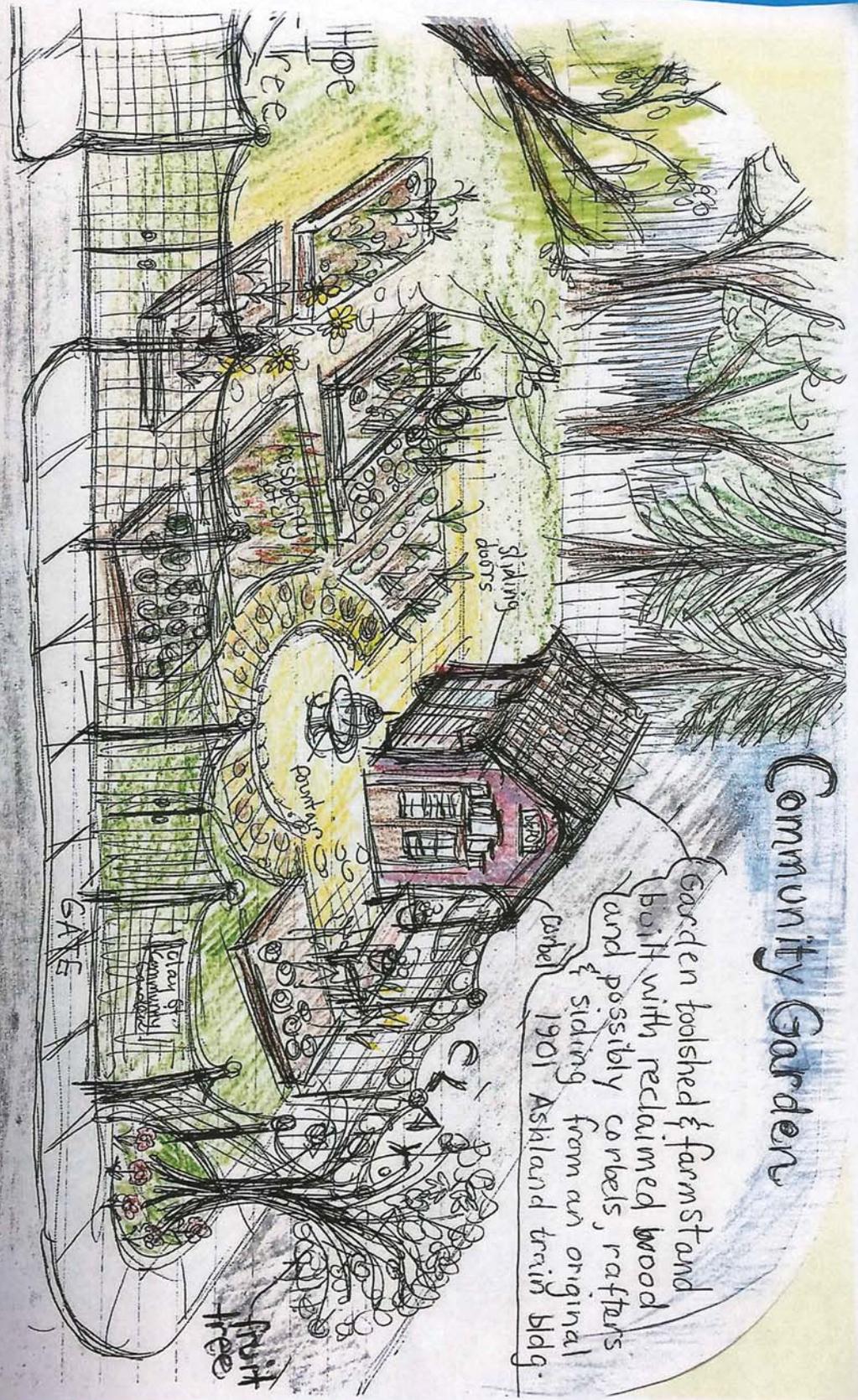
Rental Units needed by affordability



City of Ashland  
 Planning Exhibit  
 EXHIBIT P-03  
 PA # 2015-418  
 DATE 12/31/15 STAFF AL

# Community Garden

Garden toolshed & farm stand  
built with reclaimed wood  
& possibly carvels, rafters  
& siding from an original  
1901 Ashland train bldg.



VILLARD ST.



by Cynthia

Vine-covered Arbor

2-way benches

Log posts w/ Wisteria vines

Tree of the Year plaque

String of ball lights

Neighborhood News & Events

**BEFORE THE PLANNING COMMISSION**  
**July 14, 2015**

IN THE MATTER OF PLANNING ACTION #2015-00418, A REQUEST FOR )  
SITE DESIGN REVIEW APPROVAL FOR THE RECONSTRUCTION OF )  
MCNEAL PAVILION ON THE SOUTHERN OREGON UNIVERSITY CAMPUS )  
AT 1465 WEBSTER STREET. 106,722 SQUARE FEET OF THE EXISTING )  
113,000 SQUARE FOOT BUILDING WILL BE DEMOLISHED, WITH THE )  
EXISTING RAQUETBALL BUILDING RETAINED. WITH RECONSTRUC- )  
TION, THE COMBINED BUILDING AREA WILL BE 100,804 GROSS SQUARE )  
FEET ON THREE LEVELS, A 10.8 PERCENT REDUCTION IN THE TOTAL )  
BUILDING SQUARE FOOTAGE OVER THE EXISTING. THE APPLICATION )  
ALSO INCLUDES ONE ALTERNATIVE DESIGN CONCEPT WHICH WOULD RE- )  
LOCATE THE ATHLETICS OFFICE FROM THE UPPER LEVEL TO THE LOWER )  
LEVEL, INTO AN AREA THAT WAS TO BE RESERVED FOR FUTURE )  
PROGRAMS IN THE BASE CONCEPT. IF PURSUED, THIS ALTERNATIVE )  
WOULD FURTHER REDUCE THE TOTAL BUILDING SQUARE FOOTAGE TO )  
95,942 SQUARE FEET, A 15.09 PERCENT REDUCTION IN TOTAL SQUARE )  
FOOTAGE. THE APPLICATION ALSO INCLUDES REQUESTS FOR CON- )  
DITIONAL USE PERMIT APPROVAL TO ALLOW CONSTRUCTION OF A NEW )  
STUDENT RECREATION CENTER NOT IDENTIFIED IN THE 2010 SOU )  
CAMPUS MASTER PLAN AND WHICH WILL EXCEED THE 40-FOOT HEIGHT )  
ALLOWED IN THE SO ZONING DISTRICT, AND FOR TREE REMOVAL )  
PERMITS TO REMOVE NINE (9) TREES THAT ARE 18-INCHES IN DIAMETER )  
AT BREAST HEIGHT OR GREATER. )

) **FINDINGS,**  
) **CONCLUSIONS**  
) **AND ORDERS**

**APPLICANT:** Southern Oregon University (SOU), *owner* )  
CSA Planning, Ltd., *agents for owner* )

-----  
**RECITALS:**

- 1) Tax lot #100 of Map 39 1E 10 CD is located at 1465 Webster Street and is zoned SO, Southern Oregon University.
  
- 2) The applicants are requesting Site Design Review approval for the reconstruction of McNeal Pavilion on the Southern Oregon University Campus at 1465 Webster Street. 106,722 square feet of the existing 113,000 square foot building will be demolished, with the existing racquetball building retained. With reconstruction, the combined building area will be 100,804 gross square feet on three levels, a 10.8 percent reduction in the total building square footage over the existing. *(The application also includes one alternative design concept which would relocate the athletics office from the upper level to the lower level, into an area that was to be reserved for future programs in the base concept. If pursued, this alternative would further reduce the total building square footage to 95,942 square feet, a 15.09 percent reduction in total square footage.)* The application also includes requests for Conditional Use Permit

approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and which will exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater. Site improvements are outlined on the plans on file at the Department of Community Development.

3) The Southern Oregon University Campus SOU Plan Update (“the SOU Plan”) was adopted by the Ashland City Council in June of 2010 to achieve compliance with Oregon Statewide Planning Goal #2 (Land Use Planning) as well as Chapter 197 of the Oregon Revised Statutes which requires that the planning activities of Southern Oregon University be coordinated with the City of Ashland to ensure compatibility with the City’s Comprehensive Plan and local land use ordinances. The SOU Plan provides both a conceptual framework and design guidelines for the on-going development of the 164-acre Southern Oregon University campus, which is zoned SO (Southern Oregon University). Zoning regulations within this district are found in AMC 18.3.6, which generally provides that those uses which are directly related to the educational functions of SOU, which are indicated and located in conformance with the adopted SOU Plan, and which are greater than fifty (50) feet from privately owned property are permitted outright subject to Site Design Review approval, while allowing a measure of flexibility to the adopted SOU Plan where project-specific site planning varies from the larger conceptual framework by providing that any “*use, site design, or construction or alteration of same*” not agreed upon in advance is subject to discretionary review as a Conditional Use Permit.

4) The application involves the proposed demolition of the vast majority of the McNeal Pavilion structure and three houses in the vicinity. The demolition and relocation of structures is not regulated through Ashland’s Land Use Ordinance (AMC Chapter 18) or subject to land use approval, and must instead be reviewed and approved separately pursuant to AMC 15.04.210-218 which regulate the demolition and relocation of buildings within the city. The approval of Demolition/Relocation Review Permits is subject to review by the Building Official and/or the Demolition Review Committee.

5) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. ***Exception to the Site Development and Design Standards.*** *The approval authority may*

*approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
  2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 6) The criteria for Conditional Use Permit approval are described in AMC 18.5.4.050.A as follows:
1. *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.*
  2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
  3. *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, pursuant with subsection 18.5.4.050.A.5, below. 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.*
    - a. *Similarity in scale, bulk, and coverage.*
    - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
    - c. *Architectural compatibility with the impact area.*
    - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
    - e. *Generation of noise, light, and glare.*
    - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*



*District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*

1. *HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

7) The criteria for a Tree Removal Permit to remove a “Tree That is Not a Hazard” are described in Chapter 18.5.7.040.B.2 as follows:

1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
4. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
5. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The Planning Commission, following proper public notice, held a public hearing on June 9, 2015 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

## SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Review, Conditional Use and Tree Removal permit approvals meets all applicable criteria for Site Review approval as described in Chapter 18.5.2.050, for Conditional Use Permits as described in Chapter 18.5.4.050.A, and for Tree Removal Permits as described in Chapter 18.5.7.040.B.2.

2.3 The Planning Commission finds that the proposal meets all applicable ordinance requirements of the City of Ashland with the attached conditions of approval. The Site Plan provided delineates the proposed building location, design and associated site improvements. The Planning Commission further finds that the application involves requests for Site Design Review approval for the reconstruction of McNeal Pavilion on the Southern Oregon University Campus at 1465 Webster Street. 106,722 square feet of the existing 113,000 square foot building will be demolished, with the existing racquetball building retained. With reconstruction, the combined building area will be 100,804 gross square feet on three levels, a 10.8 percent reduction in the total building square footage over the existing. (*The application also includes one alternative design concept which would relocate the athletics office from the upper level to the lower level, into an area that was to be reserved for future programs in the base concept. If pursued, this alternative would further reduce the total building square footage to 95,942 square feet, a 15.09 percent reduction in total square footage.*) The application also includes requests for Conditional Use Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and which will exceed the 40-foot height allowed in the SO zoning district, and for Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater.

2.4 The Planning Commission finds that the primary request under consideration is for Site Design Review for the reconstruction of the McNeal Pavilion on the Southern Oregon University Campus at 390 Stadium Street and 351 Walker Avenue. The materials provided explain that after nearly 60 years of service, the McNeal Pavilion has come to the end of its useful life. The main structure suffers from

structural problems that are not repairable and as such, SOU has elected to replace McNeal Pavilion with new construction. The existing racquetball building is to remain in place and be connected to the new competition gymnasium. Concurrent with the McNeal Pavilion replacement, a new Student Recreation Center will be added. The Student Recreation Center will be attached to McNeal Pavilion but will operate independently of McNeal's academic and athletic uses.

The first approval criterion for Site Design Review is that, "*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*" The Planning Commission finds that the SOU District is not addressed through the underlying zone regulations in part 18.2 and is instead guided by the special district provisions in AMC 18.3.6 and the SOU Campus Master Plan, which provide specific guidance for the development of the campus through an adopted map detailing proposed developments as well as through specific site and building design standards applicable to the SOU District. Compliance with these standards is addressed under the next criterion.

The second Site Design Review approval criterion is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The Commission finds that the subject property is not within the boundaries of Site Development and Design Overlays such as the Detail Site Review Zone that covers some portions of the SOU campus and that no other overlay zone requirements exist for the property. The property is located within the Southern Oregon University (SOU) District, which is considered to be a special district as detailed in AMC 18.3.6.

The SOU district regulations provide that uses related to the educational functions of the University are considered outright permitted uses, provided that such uses are indicated and located in conformance with the adopted, city-approved SOU Campus Master Plan (see <http://www.ashland.or.us/comdevdocs>), and are greater than fifty (50) feet from privately owned property. In addition to the standards contained in the SOU Campus Master Plan, development on campus is also subject to the Site Review, Sign Regulations, Off-Street Parking and Tree Preservation & Protection chapters, as well as to the Conditional Use Permit chapter which applies to: any use, site design, or construction or alteration of same not agreed upon in advance by the city and the university in the SOU Campus Master Plan; any use, site design, or construction within 50 feet of privately-owned property; any construction over 40 feet in height; and wireless communication facilities. The applicant's Exhibit 3 responds to the SOU District requirements and those of the SOU Campus Master Plan.

The Planning Commission finds that the SOU Campus Master Plan details design guidelines for campus development seeking to provide buildings at a density appropriate both to a significant university and to the scale of Ashland; to ensure that the scale and articulation of buildings enhance the "sense of place" of the campus and support walking within the campus environment; and express the permanence and long-term role of the university in the community. These goals are addressed through standards for building massing and orientation which limit new construction to four stories, strongly discourages single-story buildings, limits academic buildings to a maximum length of 300 feet, and to a maximum footprint of 45,000 square feet, and provides articulation guidelines which call for design elements on buildings longer than 200 feet to prevent unbroken wall lengths greater than 150 feet to include offsets

or jogs in the plan or significant recessed entry or courts of at least 25 feet in width. Buildings facing major streets are to have significant, strongly articulated and clearly understandable entries to the street, and buildings facing both a significant street and a campus open space are to have entries provided to both. The SOU Campus Master Plan also includes standards calling for the use of materials and construction selected for long-term durability, with a preference noted for materials similar to the more significant buildings on campus which have typically used brick, concrete and stucco.

The Commission finds that while the SOU Campus Master Plan would allow four-story construction, only three stories are proposed here. The application suggests that because McNeal is neither a residential building nor strictly academic classrooms it should not be subject to the Maximum Building Size limitations of the SOU Campus Master Plan, which limit building lengths and footprints for academic and residential buildings and which include building articulation standards for buildings at certain thresholds. The Planning Commission finds that the SOU Campus Master Plan provides that buildings are either academic or residential, so buildings other than residence halls would be subject to the academic standards. The Commission further finds that, in this instance McNeal Pavilion is an existing building which is identified in the plan for renovations, and the renovations proposed appear to comply with the length and articulation guidelines while bringing the pre-existing footprint much closer to compliance with the Maximum Building Size limitations.

The Commission finds that the application address the articulation, entries, materials and character, and parking lots standards of the SOU Campus Master Plan, noting that the exterior layout is articulated so that the longest unbroken wall segment, on the east elevation, is 135 feet. The building will now have two significant entries, with the Student Recreation Center entered off of the Webster Street pedestrian mall facing the adjacent dormitories and dining hall. The two-story athletics and academic classroom entry faces Wightman Street providing a substantially more visible public face to the building than it has at present. The application explains that the proposed materials are intended to relate to the finishes used on the Hannon Library, one of the more significant buildings on campus as encouraged in the SOU Campus Master Plan. Primary exterior wall materials include light-colored brick masonry, grey and charcoal aluminum composite metal wall and fascia panels, light grey colored stucco, and grey aluminum storefront windows and framing system.

The third approval criterion is that, *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Commission finds that the Site Development & Design Standards generally seek to improve each project’s appearance; create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Buildings on corner lots are to orient to the higher order street or to the corner. Sidewalks and street trees are to be provided along subject properties’ frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

The Planning Commission finds that in responding to the design standards, the application notes that McNeal Pavilion is an existing athletic facility that is part of the larger SOU campus. The proposed project will be reusing part of the existing building, replacing the areas that cannot be renovated, and developing the adjoining Student Recreation Center. The application explains that McNeal Pavilion's relationships to Wightman Street, Webster Street and Stadium Street are long-established. The original building was oriented to Webster Street with a student parking area on the west side between the building and Wightman Street. The new Student Recreation Center is similarly oriented to Webster Street, which was recently closed to motor vehicle traffic to create a pedestrian mall between McNeal, the new dining hall and the new residence hall to provide for safer pedestrian circulation through the North Campus Village. The new athletics and classroom entrance faces Wightman Street, but the west side parking lot is proposed to remain between the building and Wightman. This entry is also connected to the Webster pedestrian corridor by a plaza area. The reconstructed building will front directly on both Webster and Stadium Streets, with the longer frontage along Webster Street. The existing entry for McNeal currently faces the Webster Street pedestrian mall. The Commission finds that in redesigning the building, a primary entry from Webster Street for the new Student Recreation Center is retained and a new distinct entrance for the athletics and classroom portion of the building has been created to face Wightman with a connection via sidewalk to Webster Street. Red pilasters, in keeping with the school colors, mark the primary entrance location.

The Commission finds that the Student Recreation Center entrance on Webster is within 20 feet of the right-of-way line. The athletics and classroom entrance, while facing Wightman, cannot be moved closer to Wightman as the building containing the entry is attached to an existing building located near the center of the site, and needs to be immediately adjacent to Raider Stadium. However, the taller entry element and articulated façade create a stronger, more welcoming presence that will be very visible from Wightman Street.

The Commission finds that the streets immediately adjacent to the project site are primarily private streets and part of the SOU campus, and the application notes that landscaping will be installed surrounding the building and along the streets. Refuse and recycle enclosures are to be provided along with the surrounding landscaping, and lighting is to meet the applicable city standards.

The application emphasizes that with the recent North Campus Village project, and as required in the SOU Campus Master Plan, prior to the construction of the residence halls an extensive parking study was conducted assessing the number and location of parking spaces available on- and off-street in the north campus area in light of existing and projected uses. The application materials emphasize that the Student Recreation Center will serve students already on campus and using the existing building, and will not increase parking demand; with the decrease in square footage the actual parking demand previously anticipated would likely decrease. Parking for the building is controlled through the University's campus parking plan, and a permit system is in place to control the types of users and time of use for each lot. McNeal and Student Recreation Center users are entitled to use of the surrounding lots per the campus parking plan rules.

In the North Campus Village application, with regard to parking the Planning Commission found:

*...[T]hat because the application primarily involves a shifting of existing student population from one side of Siskiyou Boulevard to the other, it is appropriate that providing adequate parking within a reasonable proximity to the new halls and addressing pedestrian safety enhancements at the likely crossing points for residents be key areas of focus for the application, and that these are two issues are adequately addressed in the materials provided. However, the Commission must also note that without a more detailed explanation of the future Student Recreation Center addition to McNeal Pavilion including the nature of proposed uses and the number, type and frequency of potential events, a finding cannot be made at this time that the parking proposed now will be adequate to serve that future construction, and further finds that at the time that project is considered through Conditional Use Permit review, more aggressive parking management and transportation demand management measures such as neighborhood parking permit programs may be necessary to minimize vehicular impacts to the surrounding neighborhood from the combined demand of the currently proposed North Campus Village housing and future Student Recreation Center addition which is not part of the current request.*

The Planning Commission finds that given the proposal under consideration is a renovation resulting in a 10-15 percent net reduction in floor area and a commensurate reduction in parking demand rather than the substantial addition previously envisioned, and that parking demand for a University is considered in terms of the campus as a whole rather than on a building-by-building or site-by-site basis, the parking demand for the project is already adequately addressed at the campus level.

The Planning Commission further finds that the site currently contains an approximately 146 space parking lot between McNeal Pavilion and the Wightman Street. This parking lot lacks standard landscaping, parking lot trees, stormwater detention or pedestrian circulation called for under current standards; however the applicants have not proposed any modifications of the lot in conjunction with the proposed reconstruction of McNeal Pavilion. The Commission finds that a reconstruction of the scale being considered is significant enough that some upgrades are merited to bring the parking lot more into line with current city standards, and the SOU Campus Master Plan's own standards which call for, *"to the greatest degree feasible, parking lots shall be designed to include localized stormwater treatment and infiltration facilities. Whenever possible, these stormwater treatment facilities should be above ground structures that incorporate appropriate plantings for pre-treatment and filtering of particulates and pollutants (SOU Campus Master Plan, p. 59)."* A condition has been included to require that the applicants provide a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street prior to the submittal of building permits. This plan shall address at least six additional parking lot trees in the interior of the parking lot, potentially in containers; additional parking lot trees and sight-obscuring landscaping on the parking lot perimeter; and at least two areas of paved pedestrian refuge in the buffer planting strip along Wightman Street to aid in accommodating heavy pedestrian traffic during events.

The Commission further finds that with regard to bicycle parking, the application notes that two of the covered, double-decker bicycle parking structures typically used on campus will be installed here, one at the north side and one at the south side of McNeal. These units hold approximately 40 bicycles each. In addition, two other such structures are in place along the Webster Street pedestrian mall and individual, uncovered bicycle parking racks are to be placed near the entry to the Student Recreation Center.

The fourth approval criterion for Site Design Review is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Commission finds that the application materials provided note that the subject property and existing facilities are presently served by water, sewer, electricity, urban storm drainage, and paved access with the following details provided:

### **Water**

The project engineers note that survey information illustrates an existing six-inch main line within the Webster Street public utility easement, and further note that their research indicates that there is an existing six-inch water service currently piped from the Webster Street main to the McNeal Pavilion boiler with a four-inch meter. Preliminarily proposed modifications and additions to the existing water service configuration include: modifying the existing service tap to provide a new six-inch fire service with double check detector assembly and fire department connection; adding a new six-inch fire hydrant assembly adjacent to the fire service to serve the fire department connection; and adding a new four-inch water meter assembly off the new six-inch fire hydrant assembly to provide domestic water service. The engineers indicate that they’ve coordinated with the City Water Department and have preliminary confirmation of the assumptions underlying the proposed water system lay-out.

### **Sewer**

The application notes that an existing 12-inch sanitary sewer service exits McNeal near its northwest corner and discharges north through Raider Stadium before discharging into a 12-inch public main within Wightman Street. The project engineers indicate that they have confirmed it to be adequate to handle the reconstructed facility proposed here.

### **Electricity**

The application explains that with construction of the residence and dining halls as part of the North Campus Village project, future electrical infrastructure was installed to accommodate the anticipated expansion of McNeal Pavilion. The applicants’ engineering and electrical teams have been working with the Ashland Electric Department to design the power service reconfiguration to serve McNeal and the Student Recreation Center. The application points out that an existing sectionalized cabinet at the northwest corner of the McLoughlin residence hall will provide the point of connection for an upsized transformer to serve the project. The transformer will remain in the same northwest corner location of McNeal Pavilion with all new utility lines to run underground, and the existing overhead service from Wightman Street will be removed. The application emphasizes that the project’s engineers have been in contact with both the City of Ashland Electric Department and Avista, the local natural gas provider, and both have confirmed capacity for the proposed project.

### **Urban Storm Drainage**

The application notes that survey information identifies an existing 12-inch private storm line running along the north side of the existing building and draining east. As part of the North Campus Village project, a new 30-inch public main was provided within public utility easements in Webster and Stadium Streets, wrapping around the eastern side of the existing McNeal Pavilion building. The existing private 12-inch storm line connects to the 30-inch public storm main via a manhole located at the dead-end of

Stadium Street, and the 30-inch public storm main then continues north via an easement to Iowa Street. The project engineers note that building modifications and impervious area associated with the project may require stormwater detention. All stormwater within the limits of the improved tributary basin will sheet flow to open area inlets or vegetated conveyance swales. The storm system inlets will be collected by an underground pipe network that will, along with the conveyance swale, discharge into a proposed vegetated detention swale, as required, located at the northeast corner of the project boundary. The vegetated detention swale would be designed to match the recently constructed stormwater facility in the northwest corner of the parking lot to the east of McLoughlin Hall. If detention is required, stormwater would then be allowed to pass into the existing 30-inch public storm main through a pre-cast concrete discharge control structure. Stormwater discharge within the limits of the area being improved would be limited to 0.25 cfs/acre peak flow rate when modeled for a post-developed 25-year storm event, and stormwater release rates would also be controlled for the two-year event for pre-treatment purposes.

The application further details that the proposal will involve an increase of impervious surface of more than 2,500 square feet, and the project engineers have determined that the storm sewer should be adequate to handle the increased run-off because on-site detention and because no increased load on the system is anticipated from the reconstructed building. The application states that engineered drainage plans with stormwater calculations will be provided. If determined to be necessary after final analysis, formal stormwater calculations are to be provided with the final engineering submittals.

The Talent Irrigation District (TID) has also provided comments that the property contains a total of 5.9 irrigated acres and noted that water rights must be removed from any impervious surfaces through sale or transfer back to TID through the District's transfer process which involves both the federal Bureau of Reclamation and state Water Resources Department. TID has also indicated that the property may contain private facilities not managed by TID that may need to be maintained through the property to provide continued service to downstream users, and that no interruption to irrigation water deliveries will be allowed. TID further notes that no urban stormwater will be allowed into district facilities without going through the Bureau of Reclamation process. These comments have been provided to the applicants.

### **Paved Access**

The Planning Commission finds that the property takes access from Webster, Wightman and Stadium Streets. The application explains that a portion of Webster Street on the south side of McNeal Pavilion has been converted to a pedestrian mall for students between McNeal Pavilion and the adjacent dormitories. Wightman Street, a neighborhood collector, connects to Siskiyou Boulevard which is an arterial and local segment of Oregon Highway 99. Stadium Street connects to Webster Street which connects out to Walker Avenue, a collector which accesses Ashland Street, an arterial and local segment of Oregon Highway 66.

The application suggests that the project will enhance pedestrian routes around the building and improve connectivity to existing pedestrian paths. McNeal Pavilion pedestrian access to the proposed competition gym and Student Recreation Center will connect to the Webster Street pedestrian mall which connects to the campus pedestrian pathway system linking the dormitories, dining hall to the southern portion of the campus across Siskiyou Boulevard.

The Commission finds that the SOU Campus Master Plan noted a need to better articulate primary campus circulation routes as a way-finding element of the plan, and a significant new pedestrian route was shown extending diagonally from the Siskiyou/Wightman intersection to the planned entry plaza McNeal Pavilion with the notation to, "Form clear circulation to Athletics area with enhanced entry to McNeal Pavilion" (see **Staff Exhibit S-1**). As part of the North Campus Village application, this planned primary circulation route was modified with the dining hall placement, becoming a more defined north-south walkway from the intersection to the dining hall and then providing a route either west out to the Wightman Street sidewalk along the dining hall's frontage or east to the new residence halls (see **Staff Exhibit S-2**). At the time, the Planning Commission discussed the sidewalks on Wightman Street in the vicinity of the new dining hall, just south of the subject property here. The established narrow five-foot curbside sidewalk pattern on the east side of Wightman Street carried on from Siskiyou all the way to Iowa Street, with a number of large established trees planted very near the back of the sidewalk and only a few small, disconnected sections of sidewalk on the west side. The Planning Commission considered shifting to a standard parkrow configuration with wider sidewalks, and the University ultimately presented an alternative design to enhance the Wightman Street corridor along the dining hall's frontage to include city standard five-foot width commercial tree grates, new street trees, eight foot sidewalks, and widened pedestrian circulation routes and landscape treatments to strengthen and emphasize the importance of this primary pedestrian circulation route as a key entry point in the relationship between the proposed North Campus Village development and the broader community (see **Staff Exhibit S-3**). The Planning Commission finds that the frontage of the McNeal Pavilion site is part of the same key entry area from a primary pedestrian circulation route, but that the ultimate connection to a narrow curbside sidewalk in a more residential setting to the north and the presence of a number of established trees must also be considered. After thorough consideration, the Commission finds that the most appropriate treatment is that the applicants provide at least two areas of paved pedestrian refuge in the landscaped buffer strip along Wightman Street so that during periods of heavy pedestrian traffic after sporting events, there is room to pass or step out of the flow of pedestrian traffic and onto a small paved area of refuge. A condition to this effect has been included below.

The Planning Commission finds that the project engineers have provided evidence to conclude that the proposed redevelopment site appear to be adequately served by all major utilities without requiring the need for mainline utility extensions, and have provided a "Schematic Utility Routing and Site Grading Concepts" plan (see applicants Exhibit 9, Sheet 2) identifying the improvements they have determined to be necessary to serve the project. The Commission further finds that, to date, formal conceptual utility meetings with service providers have not been conducted although the applicant's team has consulted with each service provider individually in preparing the schematic designs to determine that adequate capacity can and will be provided. A condition has accordingly been included below to require that final engineered utility plans be provided for the review and approval of the Planning, Building and Public Works/Engineering Departments prior to submittal of building permit plans.

2.5 The Planning Commission finds that the application also includes requests for Conditional Use Permit approval to allow the construction of the new Student Recreation Center which was not specifically identified in the 2010 SOU Campus Master Plan and to allow the proposed building to exceed the 40-foot height allowed in the SO zoning district. The proposed building ranges from 20 feet

in height on the south elevation to 49.5 feet at the center of the north elevation where the larger performance gymnasium is located and the grade drops.

The first criterion for approval of a CUP is, *“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.”* As detailed in the Site Design Review section above, the Commission finds that the use conforms with the standards of the SOU district and to relevant Comprehensive Plan policies.

The second approval criterion for a CUP is, *“That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.”* The Commission finds that based upon the technical memo provided by project engineers ZCS Engineering as Exhibit 11, the subject property can be served with water, sewer, electricity, urban storm drainage and paved access to and throughout the development. The application further suggests that the nature of the Student Recreation Center use is to provide on-campus fitness opportunities for students, the vast majority of whom will already be present on campus and will therefore have no appreciable impact to the transportation system. The application also emphasizes that improvements to serve the north campus were studied and completed with the North Campus Village project which was approved by the Planning Commission in 2012.

The third criterion for CUP approval is, *“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, pursuant with subsection 18.5.4.050.A.5, below. 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: a) similarity in scale, bulk, and coverage; b) generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c) architectural compatibility with the impact area; d) air quality, including the generation of dust, odors, or other environmental pollutants; e) generation of noise, light, and glare; f) the development of adjacent properties as envisioned in the Comprehensive Plan; and g) other factors found to be relevant by the approval authority for review of the proposed use.”* The Commission finds that the project will have no adverse material impact on the livability of the impact area when compared to the development of another educational facility that might otherwise be permitted in this location. The proposed combined McNeal Pavilion and Student Recreation Center will be marginally smaller than the existing McNeal Pavilion and will be similar in scale, bulk, and coverage to the existing building and to athletic facilities at medium-sized universities around the country.

The applicants emphasize that no significant increase in traffic is expected from the combined new McNeal Pavilion and Student Recreation Center when compared to the existing McNeal Pavilion. The applicants further suggest that the architecture is compatible with other buildings on campus, is consistent with the architecture described in the adopted SOU Campus Master Plan, and is therefore

compatible with the impact area because it is consistent with the expectations for campus architecture. The application notes that no appreciable impacts related to air quality, noise or glare are anticipated, and that any lighting provided is expected to be consistent with light typically associated with night-time uses on the University campus. The application concludes that the proposal will have no appreciable impact on the development potential of adjacent properties.

The fourth criterion for the approval of a CUP is that, “*A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*” The Commission finds that the development of the Student Recreation Center adjoining the main physical education facilities on the SOU campus links two similar uses that are compatible with one another and the University’s broader educational mission. The application emphasizes that approval of the request would not have the effect of allowing any use which is prohibited or not permitted pursuant to the Land Use Ordinance. Within the SOU District, all uses which are directly related to the educational functions of the University are permitted outright, provided that such uses are indicated and located in conformance with the adopted SOU Campus Master Plan, and are greater than 50 feet from privately owned property. Any use, site design, or construction or alteration of same not agreed upon in advance by the City and SOU in the SOU Campus Master Plan is allowed conditionally. In this instance, while McNeal Pavilion is identified in the SOU Campus Master Plan, the proposed Student Recreation Center which is to adjoin McNeal and contain similar and compatible uses is not specifically identified in the Plan and thus requires a CUP.

The Commission finds that while the Student Recreation Center was not shown in the SOU Campus Master Plan, its placement is appropriate given the proximity to the McNeal Pavilion and other athletic facilities in the immediate vicinity and the concentration of students in the new North Campus Village area. The building’s proposed height is mitigated by its placement relative to the campus perimeter and separation from off-campus residences, the site’s topography, the comparative size of the existing building, and the design, which remains in keeping with the four-story limitation in the SOU Campus Master Plan.

2.6 The Planning Commission finds that the application includes a tree inventory (Exhibit 9, Sheet 3) identifying 32 trees in the vicinity of the proposed construction which are six-inches in diameter at breast height or greater. 23 trees of these trees are proposed for removal, of which nine are 18-inches in diameter at breast height (d.b.h.) or greater necessitating Tree Removal Permits. The applicants also indicated during the hearing that they wanted to add the removal of tree #15, a ten-inch diameter at breast height (d.b.h.) Raywood Ash, and a 20-inch d.b.h. Deodar Cedar not shown on the plan but just off the northeast corner which could require removal to accommodate the installation of on-site stormwater detention measures.

Tree Removal Permit approval requires that the following criteria be satisfied: 1) The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance

requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10; 2) Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; 3) Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone; 4) Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance; 5) The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

The Commission finds that the project's landscape architect, Alan Pardee of Covey Pardee Landscape Architects, notes that efforts were made in the University's planning process to accommodate the existing trees, however the large scale of the project requires the removal of eight trees with a diameter of 18-inches or greater. The Commission further finds that a ninth tree, #25, was previously removed without a permit and has been included here for review purposes. Additional trees, less than 18-inches in diameter and therefore exempt from Tree Removal Permit requirements, are also to be removed as part of the project. Pardee explains that the trees to be removed have been identified on the Tree Protection & Removal Plan (Sheet 3) and that required mitigation replacement trees are noted on the Site Review Planting Plan (Sheet 4). The individual trees proposed for removal are discussed in the applicants Exhibit 11. All are generally proposed for removal due to their locations being too near the proposed building construction and associated excavation for the building, access and utilities. Pardee indicates that the removals proposed will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and notes additionally that the removal of these trees will not have a significant negative impact on the tree densities, sizes, canopies and species diversity within 200 feet of the subject property. The application emphasizes that one or more trees are proposed to be planted in the new landscape as mitigation for each tree greater than six-inches in diameter that is removed for a total of 33 new trees in the proposed planting plan. Pardee emphasizes that the proposed new trees have been selected for hardiness, beauty and longevity and that they have been coordinated with the landscape plan for the recently completed North Campus Village project.

Pardee has also provided tree protection recommendations by identifying the radius of a protection zone to be fenced for each of the trees to remain on the property. The Commission finds that the applicant's proposed mitigation plan and tree protection measures are to be specific conditions of the project approval.

The Planning Commission further finds that the Tree Commission considered the request at its regular meeting on June 4, 2015 and had the following recommendations: 1) that the applicants consult an arborist on-site to determine whether trees can be retained with alternative measures such as directional boring for utility installation and provide a revised plan. The Tree Commission recommends that the

applicants at least temporarily retain trees #4-#7 and #19 so that the established tree canopy can provide shade to allow proposed new trees to establish themselves, and that those trees not shaded by existing canopy have their trunks protected with sun guards or other measures to protect them while they establish themselves; 2) That at least 50 percent of the mitigation trees proposed be of three-inch caliper or greater and planted near the south/west edge of the project site, as proposed during the Tree Commission meeting by the applicants; and 3) That the applicants consider incorporating additional locally-appropriate species in their planting plan including California Black Oak, Swamp White Oak and Green Mountain Linden. During the hearing, in discussing these recommendations the applicants' team indicated that they believed that tree #6, a Mulberry, could be saved at least temporarily and that tree #19, a Sycamore, was questionable. The Planning Commission finds that the Tree Commission's recommendations have merit in attempting to preserve as many healthy trees on the property as possible, in preserving existing canopy, and in attempting to insure that the trees to be planted on site will have the opportunity to establish themselves in and around paved areas of harsh southern and western exposure by utilizing existing canopy to provide shade while they establish themselves. The Planning Commission in particular finds tree #6 should be preserved, and that the applicants should make every attempt to preserve trees #7 and #19. The Tree Commission's recommendations have been added to the conditions of approval below.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval for the reconstruction of McNeal Pavilion, Conditional Use Permit approval to allow construction of a new Student Recreation Center not identified in the 2010 SOU Campus Master Plan and to allow a building which will exceed the 40-foot height allowed in the SO zoning district, and Tree Removal Permits to remove nine (9) trees that are 18-inches in diameter-at-breast-height (d.b.h.) or greater 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 #2015-00418. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-00418 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein, including but not limited to the requirement that the applicants shall submit materials to the US Green Building Council (USGBC) requesting certification of all buildings to at least a LEED® Silver status within 12 months of final occupancy, and receive final certification within 36 months.
- 2) 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 substantial conformance with those approved as part of this application, an application to modify the Site Review, Conditional Use and Tree Removal permit approvals shall be submitted and approved prior to the issuance of a building permit.

- 3) That prior to submittal of the building permit application, the applicants shall consult with Conservation Division staff to allow for the fine-tuning of energy conservation strategies for the proposed buildings and identify any available programs for technical or financial assistance.
- 4) That all recommendations of the Ashland Tree Commission from their June 4, 2015 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein, including:
  - a) That the applicants shall consult an arborist on-site to determine whether trees can be retained with alternative measures such as directional boring for utility installation and provide a revised plan. The Tree Commission recommends that the applicants at least temporarily retain trees #4-#7 and #19 so that the established tree canopy can provide shade to allow proposed new trees to establish themselves, and that those trees not shaded by existing canopy have their trunks protected with sun guards or other measures to protect them while they establish themselves.
  - b) That at least 50 percent of the mitigation trees proposed shall be of three-inch caliper or greater and planted near the south/west edge of the project site, as proposed by the applicants.
  - c) That the applicants shall incorporate additional locally-appropriate species in their planting plan including California Black Oak, Swamp White Oak and Green Mountain Linden.
- 5) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7) or the applicants shall obtain approval of a modification of the Conditional Use Permit approving a Campus Sign Program approved under Planning Action #2011-00530 to include signage for the reconstructed McNeal Pavilion and Student Recreation Center.
- 6) That prior to the submittal of building permits, a revised site plan reflecting parking lot upgrades for the lot between McNeal Pavilion and Wightman Street shall be provided to address: at least six parking lot trees on the interior of the parking lot, additional parking lot trees on the parking lot perimeter with sight-obscuring landscaping and at least two areas of paved pedestrian refuge in the buffer strip along Wightman Street.
- 7) That building permit submittals shall include:
  - a) The identification of all easements, including but not limited to public and private utility easements and fire apparatus access easements.
  - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design and Use Standards, and the colors and materials selected shall be consistent with those approved with the application.
  - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.

- d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. This plan shall address: 1) the recommendations of the Tree Commission from their June 4, 2015 meeting where consistent with the Site Design and Use Standards and with final approval by the Staff Advisor; and 2) the required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. The applicants shall also obtain the required plumbing permits and inspections for installation of the required double-check valve(s) associated with the irrigation system.
  - e) That a revised stormwater drainage plan, including any necessary on-site detention measures, shall be provided for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal. The drainage plan shall be designed to ensure that post-development peak stormwater flows are less than or equal pre-development levels as required by the Engineering Division.
  - f) That a final utility plan for the project shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense.
  - g) The applicant shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department.
- 8) That prior to the issuance of the building, excavation or demolition permits or the commencement of site work or storage of materials:
- a) A Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of trees to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
  - b) The approval of a Demolition/Relocation Review and associated permits and inspections shall be obtained from the Building Division prior to demolition of existing structures if deemed necessary by the Building Official.

- 9) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all hardscaping, landscaping and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
  - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
  - c) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.
  - d) The requirements of the Ashland Fire Department relative to approval of addressing and gates, fences or other obstructions; fire and aerial apparatus access, turn-around, angle of approach; fire flows; fire sprinklers; fire department connections; fire hydrant distance to structures and clearance; fire alarm system and voice evacuation; key boxes; emergency responder radio coverage and other fire code sections applicable to the final designs shall be satisfactorily addressed prior to issuance of a certificate of occupancy.
  - e) Wightman Street frontage improvements including but not limited to the installation of sidewalks and street trees shall be installed to City of Ashland standards under permit from the Public Works Department in accordance with the approved plan, inspected and approved by the Staff Advisor.
  - f) All hardscape improvements including entry plazas, fire apparatus and other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
  - g) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking as described in the application.
  - h) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

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Planning Commission Approval

July 14, 2015

Date



- b. *The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
- c. *The open spaces vary no more than ten 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 percent.*
- e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance 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.*
- h. *Nothing in this section 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.*

4) The criteria for Site Design Review are detailed in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. ***Exception to the Site Development and Design Standards:*** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
  - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the*

*minimum which would alleviate the difficulty.; or*

2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 5) The Planning Commission, following proper public notice, held a public hearing on June 9, 2015 at which time testimony was received and exhibits were presented. Following the close of the public hearing, the Planning Commission recommended that the City Council approve the requested modifications including partitioning the property to be consistent with the approved phasing plan; adjusting the property lines for Lots #3-#9 and #15-#17; modifying Exhibit E, Condition #30 of the approved Development Agreement as it relates to the construction and timing of street improvements for both Perozzi Street and Alameda Drive, and adding two additional conditions to Exhibit E dealing with the phasing of the installation of landscaping and irrigation (#32) and open space improvements (#33).

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 modifications of the Development Agreement for the Verde Village Subdivision including: partitioning the property to be consistent with the approved phasing plan; adjusting the property lines for Lots #3-#9 and #15-#17; modifying Exhibit E, Condition #30 of the approved Development Agreement as it relates to the construction and timing of street improvements for both Perozzi Street and Alameda Drive, and adding two additional conditions to Exhibit E dealing with the phasing of the installation of

landscaping and irrigation (#32) and open space improvements (#33); meets all applicable criteria for a modification of Final Plan approval described in Chapter 18.3.9.040.B and for the approval of Site Design Review described in Chapter 18.5.2.050. The Planning Commission further finds that the originally adopted findings for the Verde Village Subdivision and the associated Development Agreement and its subsequent modifications shall remain in effect except as specifically modified herein.

2.3 The Planning Commission finds that that the Development Agreement requires in 21.2 that, *“Amendment... of this agreement shall be made by adoption of an Ordinance.... The procedures and requirements for amendment... are the same as for approval of a Development Agreement, currently notice and hearing before the Planning Commission with a recommendation from the Planning Commission.”*

2.4 The Planning Commission finds that the first proposed modification involves partitioning the property to be consistent with the approved phasing plan. The application materials provided explain that the proposed modification would legally separate the subdivision’s two already-approved phases in order to obtain project financing for Phase I, as illustrated on the application Sheet #1 Minor Modification Plan. Phase I could then be sold to a third party whereas Phase II would remain under the original applicants’ ownership. Once the initial partition plat is recorded, construction financing to complete the necessary utility infrastructure, including both public and private streets within Phase I would be installed. Once the public street’s infrastructure is complete and prior to any vertical construction, the subdivision’s Phase I plat would be recorded and house construction within Phase I could occur. The application emphasizes that the ultimate number of lots in the development does not increase or decrease with the proposal, and that the modification proposed simply allows the already approved phases to be separated so that they can be sold to obtain financing and develop each according to the approved Development Agreement.

The application further notes that the proposed modification would correct an omission that occurred during the original platting of the Rice Park Townhomes from the larger subdivision. The application explains that Lot #25 is technically part of the Phase I area but when the northern portion of Alameda Drive was dedicated to the city, this parcel appears was separated.

In reviewing the original treatment of Lot #25 in Planning Action #2008-01853, the Commission finds that Lot #25 was included in the Final Plan approval for Phase I of the subdivision which also included Site Review approval for the 24 cottages, and it appears that with dedication of the right-of-way for Alameda Drive and Perozzi Street to the city, Lot #25 inadvertently became a separate tax lot. However, condition #9j of the Phase I final plan approval made clear, *“.... The single family lot (Lot #25) in Phase I and all single-family units in Phase II shall be included in the homeowners’ association and subject to all subdivision requirements.”*

The Planning Commission finds that there are no significant issues with the partitioning of the property to reflect the two approved phases and allow them to be sold to obtain financing and move the originally approved development forward. With regard to Lot #25, the Planning Commission finds that it is important to make clear that it is to remain part of Phase I, and to be included in the homeowners' association and subject to the CC&R's and all subdivision requirements as originally required in the final plan approval.

2.5 The Planning Commission finds that the application also requests to modify the property lines located at the side and rear of Lots #3-9 and #15-17, adjacent to the existing residences within the Quiet Village Subdivision. The application emphasizes that the landscaping plan and house footprints are to remain as is, however the yard areas around the cottages are proposed to become private landscaped yard areas. The application explains that the adjustment as proposed will not reduce the available land originally set aside as open space, which will remain unchanged.

In addition, the application notes that due to the style of the subdivision with multiple integrated and shared amenities such as shared private sidewalks, open parking spaces, open common areas, shared garden beds, etc., the applicants are also requesting some flexibility with regard to the timing of each home's landscaping and irrigation installation in order to avoid damage and unnecessary expense. The applicants explain that in a typical subdivision where each unit abuts on a public street, construction can be staged from the street or the private lot and the home's landscaping, irrigation and sidewalks are installed prior to occupancy. However, as proposed here, staging and construction may need to occur from a shared common area that could damage landscaping and irrigation if the units were built at different times. The applicants are therefore asking that a new condition (#32) be added to the Development Agreement stating, *"That prior to the issuance of a Certificate of Occupancy for any particular unit, the landscaping and irrigation plan as identified in Exhibits CL-1 and CL-2 shall be installed for that particular unit. However, at the written request of the applicants, the Staff Advisor may allow for a temporary Certificate of Occupancy if it is determined that particular unit's landscaping is likely to be damaged during construction of the adjacent unit. If a temporary Certificate of Occupancy is granted by the Staff Advisor, the applicants shall post a Performance Guarantee bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a survey or financial institution acceptable to the City, cash or other form of security acceptable by the Staff Advisor. At the time of the adjacent units Certificate of Occupancy, the landscaping and irrigation for the original unit shall be completed and Performance Guarantee returned or cancelled."*

The applicants also explain that they intend to complete the majority of the private street's infrastructure within the initial phase of construction, including the adjoining curbing, lighting and parking lot striping. However, some areas likely to be damaged by heavy equipment including private paths and some curbs are proposed to remain temporarily unfinished to allow for equipment access. The application indicates that prior to occupancy of 50 percent of the

units, 50 percent of the open space area shall be complete as approved and prior to completion of 100 percent of the units, 100 percent of the open spaces within Phase I, including any remaining private walkways and curbs adjacent to the private street or elsewhere within the first phase of the development and any remaining land landscaping or irrigation will be completed. The application concludes that this proposed modification will not increase or decrease the number of parcels, alter the subdivision boundaries or change building locations, sizes or envelopes, and only involves adjustments to the lot lines for a portion of the lots to improve the homes' livability for future occupants.

The Planning Commission finds no significant issues with allowing the requested adjustment of property lines for these units or the allowance for some flexibility in the timing of completion of landscaping and irrigation improvements to allow for the construction of adjacent units. However, the Commission finds that there needs to be a clearer correlation between the completion of the individual open space areas and the units surrounding them, and the Commission accordingly recommends that the applicants' proposal be modified somewhat to require that the open space areas and associated common improvements between units #1-3, units #4-13, and #14-20 be completed with the completion of each cluster of units. Language to this effect is reflected in recommended Condition #33 below.

2.6 The Planning Commission finds that the existing Condition #30 reads as follows:

- 30) **Phasing.** That Phase I and Phase II refer to specific portions of the development, and the applicants shall have the ability to construct Phase II prior to Phase I, or to construct both phases at the same time. If the project is built in a single phase, 24 lots (50 percent of the total number of lots in Phase I and Phase II) would need to meet the timetable for Phase I. If the project is built in phases, whichever phase is constructed first shall include: the construction of Alameda Drive from its current terminus out to Helman Street, and the construction of Perozzi Street (formerly 'Canine Way') from Alameda Drive to the Dog Park. Both streets shall be completed according to the approved plans (including paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any homes for either phase.

The Planning Commission further finds that the applicants propose that this condition be modified to read as follows:

- 30) **Phasing.** That Phase I and Phase II refer to specific portions of the development, and the applicants shall have the ability to construct Phase II prior to Phase I, or to construct both phases at the same time. If the project is built in a single phase, 24 lots (50 percent of the total number of lots in Phase I and Phase II) would need to meet the timetable for Phase I. If the project is built in phases, whichever phase is constructed first shall include: the construction of Alameda Drive from its current terminus out to Helman Street, ~~and the construction of Perozzi Street (formerly 'Canine Way') from Alameda~~

~~Drive to the Dog Park. Both streets shall be completed according to the approved plans (including paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any homes for either phase.~~ If completed in phases, Alameda Drive shall be completed according to the approved plans, but allowed to be constructed to a ½ street + 12' street standard which includes paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on the phased side, with the street's remaining paving, curbs, gutters, sidewalks and parkrow planting strips and street trees to be built with the remaining phase.

Perozzi Street from Alameda to the Dog Park, shall be constructed with Phase II according to the approved plans (including paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any home. If Phase I is completed first, temporary street connections to both the Dog Park and Rice Park Townhomes shall be completed in the Preliminary Layout, Thornton Engineering, Sheet 2.

The application emphasizes that this modification would not alter the approval, but would instead clarify or address elements of real estate planning that are necessary to obtain real estate financing and provide a more logical infrastructure timeframe. If both streets were required to be completed with Phase I as currently conditioned, it would necessitate the installation of all necessary utility infrastructure for Phase II in the street corridor before completing the street improvements, and would burden the first phase financially to a degree that obtaining project financing could be difficult or impossible to obtain, compromising the ability to complete the subdivision.

The Commission finds that the basis for the current Condition #30 was to insure both that city standard street improvements would be installed as approved and that paved access to the Rice Park affordable housing and Dog Park would be provided so that neither was in the position or relying on limited, temporary access measures should a second phase be delayed.

The Commission further finds that a phased installation of street improvements is consistent with standards and in keeping with the original approval, however the description of a 'half-street plus 12 feet' is somewhat confusing as a half-street improvement has typically meant sidewalks, park rows, curbs, and gutters on one side, with at least 20 feet of paving. An additional 12 feet of paving would approach the originally approved full paved width of the street. Given the potential length of time provided in the Development Agreement for completion of the project, drainage and maintenance issues, and the need to accommodate required on-street parking and circulation for the subdivision, park and surrounding neighborhood, the Commission recommends that the improvement be the full paved width of the street, with curbs on both sides of Alameda Drive for its full extent (unless the Public Works Director will accept an alternative curb treatment on the Phase II side) with sidewalks, parkrows and street trees to be completed on the other side with the second phase. Language to this effect has been added in the conditions

below, modifying the applicants' proposed language for Condition #30.

The Commission similarly finds that the proposed paved driveway connection from the new installation of Alameda Drive to the current Dog Park access drive and the connection between this access and the Rice Park driveway to provide ingress, egress and emergency vehicle access address the underlying intent of the original condition. However, the Commission finds that the Municipal Code requires a width of at least 20 feet for driveways serving seven or more parking spaces to accommodate the potential for two-way traffic as well as emergency vehicle access, and the Commission has accordingly recommend that the paved width be increased to a minimum of 20 feet in the condition language below.

The Commission further finds that it is worth noting that the original land use approval included the original applicants being responsible for utilities which were connected through both phases and served adjacent properties as well, including the undergrounding of an existing overhead three-phase electrical line which also feeds the city's wastewater treatment plant, and there is the potential that the infrastructure installation associated with Phase I may trigger some utility improvements which go beyond its boundaries. The applicants have been made aware of this issue and advised to coordinate with the utility providers. Final engineered utility plans were under review some time ago detailing the required infrastructure improvements, however these plans never received final approval before the development stalled, and the Commission accordingly recommends that revised engineered drawings clearly detailing the subdivision improvements necessary and proposed phasing of their installation be resubmitted for final review.

### **SECTION 3. RECOMMENDATION**

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the application for modification of the Development Agreement for the Verde Village Subdivision including partitioning the property to be consistent with the approved phasing plan; adjusting the property lines for Lots #3-#9 and #15-#17; modifying Exhibit E, Condition #30 of the approved Development Agreement as it relates to the construction and timing of street improvements for both Perozzi Street and Alameda Drive, and adding two additional conditions to Exhibit E dealing with the phasing of the installation of landscaping and irrigation (#32) and open space improvements (#33); has satisfied all relative substantive standards and criteria and is supported by evidence in the record.

The Verde Village project envisioned a unique mix of housing types and energy conserving housing that Ashland has not seen before in a subdivision, and included connectivity improvements to better serve the now constructed affordable housing in Rice Park, the Dog Park, the Bear Creek Greenway and the surrounding community. The merits of the project remain years following its approval and it is unfortunate that the economic downturn of the "Great Recession" has jeopardized realization of the applicants' original vision for the development. The Commission has previously expressed support for modifications of the approved timetable of development to give the applicants as much opportunity as

allowed under city and state regulations to make the project happen, and are pleased that there is renewed interest in the project. The Commission is supportive of the modifications proposed, and would recommend that the Council approve the request with the following conditions:

- 1) All conditions of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) All conditions of the previous land use approvals and the approved Development Agreement and subsequently approved modifications shall remain conditions of approval unless otherwise specifically modified herein, including but not limited to the requirement that safe and free public access, and associated temporary public access easements, to the Dog Park and Bear Creek Greenway be maintained during development; and that the final engineered drawings detailing the installation and phasing of public utility and street, sidewalk and private drive improvements shall be approved prior to the issuance of an excavation permit or commencement of any construction.
- 3) The single-family zoned Lot #25 in Phase I shall be included in the homeowners' association and subject to the CC&R's and all subdivision requirements as required in the original Final Plan approval.
- 4) That the wording of the existing Condition #30 of the Development Agreement's "Revised Revised Exhibit E, Verde Village Special Conditions" shall be modified to read as follows:

***Phasing.*** *That Phase I and Phase II refer to specific portions of the development, and the applicants shall have the ability to construct Phase II prior to Phase I, or to construct both phases at the same time. If the project is built in a single phase, 24 lots (50 percent of the total number of lots in Phase I and Phase II) would need to meet the timetable for Phase I. If the project is built in phases, whichever phase is constructed first shall include: the construction of Alameda Drive from its current terminus out to Helman Street., ~~and the construction of Perozzi Street (formerly 'Canine Way') from Alameda Drive to the Dog Park. Both streets shall be completed according to the approved plans (including paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any homes for either phase.~~ If completed in phases, Alameda Drive shall be completed according to the approved plans, but allowed to be constructed to a  $\frac{1}{2}$  street + 12' street standard which includes include full-width paving, curbs and gutters on both sides (unless an alternative curb and gutter treatment on the Phase II side is approved by the Public Works Director), sidewalks and parkrow planting strips with street trees on the phased side, with the street's remaining ~~paving, curbs, gutters, sidewalks and parkrow planting strips and street trees to be built with the remaining phase.~~*

***Perozzi Street from Alameda to the Dog Park, shall be constructed with Phase II according to the approved plans (including street signs, paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any home. If Phase I is completed first, temporary street connections to both the Dog Park and Rice Park Townhomes shall be completed in the Preliminary Layout, Thornton Engineering, Sheet 2. These***

**temporary connections shall be a minimum of 20 feet in width to accommodate two-way traffic and emergency vehicle access.**

- 5) That a new Condition #32 be added to the Development Agreement's "Revised Revised Exhibit E, Verde Village Special Conditions" to read as follows:

*That prior to the issuance of a Certificate of Occupancy for any particular unit, the landscaping and irrigation plan as identified in Exhibits CL-1 and CL-2 shall be installed for that particular unit. However, at the written request of the applicants, the Staff Advisor may allow for a temporary Certificate of Occupancy (not to exceed 18 months) if it is determined that particular unit's landscaping is likely to be damaged during construction of the adjacent unit. If a temporary Certificate of Occupancy is granted by the Staff Advisor, the applicants shall post a Performance Guarantee bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a survey or financial institution acceptable to the City, cash or other form of security acceptable by the Staff Advisor. At the time of the adjacent units Certificate of Occupancy, the landscaping and irrigation for the original unit shall be completed and Performance Guarantee returned or cancelled.*

- 6) That a new Condition #33 be added to the Development Agreement's "Revised Exhibit E, Verde Village Special Conditions" to read as follows:

That the open space areas and associated common improvements between units #1-3, units #4-13, and #14-20 shall be completed prior to the issuance of a final occupancy permit for the final unit in each cluster, and prior to completion of 100 percent of the units, 100 percent of the open spaces within Phase I, including any remaining private walkways and curbs adjacent to the private street or elsewhere within the first phase of the development and any remaining land landscaping or irrigation will be completed.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date