

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
September 11, 2018
AGENDA

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **AD-HOC COMMITTEE UPDATES**
- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. August 14, 2018 Regular Meeting
 - 2. August 28, 2018 Study Session
- V. **PUBLIC FORUM**
- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-T2-2018-00001, 449-459 Russell Street.**
- VII. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-T1-2018-00011**
 - SUBJECT PROPERTY: 294 Skycrest Drive**
 - APPLICANT/OWNER: Brian Smith & Diane S. Steffey-Smith / Piper Von Chamier for KenCairn Landscape Architecture**
 - APPELLANT: Mary Jane Chilton**
 - DESCRIPTION: The Planning Commission will consider an appeal of the Staff Advisor's approval of a request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North, and a Minor Modification to build the garage partly outside of the originally approved building envelope to minimize the driveway length and disturbance.**
 - COMPREHENSIVE PLAN DESIGNATION: Low-Density Residential; ZONING: RR-.5; ASSESSOR'S MAP #: 391E05DC; TAX LOT: 2802**
 - B. **PLANNING ACTION: PA-T2-2018-00002**
 - SUBJECT PROPERTY: 880 Park Street**
 - OWNER/APPLICANT: Tudor Properties, LLC/Kistler Small + White, LLC**
 - DESCRIPTION: A request for Site Design Review approval to construct a 15-unit apartment complex consisting of six apartment buildings, a separate 221 square foot laundry facility and a 30-space parking lot for the property at 880 Park Street. The application includes requests for Exception to the Street Standards to retain the existing asphalt multi-use path along Siskiyou Boulevard and to construct a meandering sidewalk along the subject properties Park Street frontage rather than installing new city standard sidewalks and parkrow planting strips, and for a Tree Removal Permit**

CITY OF
ASHLAND



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

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to remove five trees greater than six-inches in diameter at breast height (d.b.h.), including two Green Ash (*Fraxinus pennsylvanica*), one Modesto Ash (*Fraxinus velutina*), and two Redwoods (*Sequoia sempervirens*) including a multi-trunked cluster with five trunks of diameters ranging from eight- to 14-inches d.b.h. Note: *An existing approximately 895 square foot shop building on the southeastern portion of the property would be demolished as part of the proposal.*
COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; ZONING: R-3;
ASSESSOR'S MAP #: 391E39 1E 15AD; TAX LOT: 3402.

VIII. ADJOURNMENT

CITY OF
ASHLAND



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**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
MINUTES - Draft
August 14, 2018

CALL TO ORDER

Chair Roger Pearce called the meeting to order at 7:01 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Michael Dawkins
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Troy Brown, Jr.
Melanie Mindlin

Council Liaison:

Dennis Slattery, absent

ANNOUNCEMENTS

Senior Planner Derek Severson announced that October was National Community Planning Month. Community Development Director Bill Molnar provided background on the new City Administrator Kelly Madding. The City Council had a Study Session on the Wildfire Mitigation Ordinance August 6, 2018. First reading of the ordinance would occur at their Regular meeting August 21, 2018 with second reading September 4, 2018. The Planning Commission would consider an appeal of a Type I planning action and possibly a public hearing on one of three large apartment developments in September. The System Development Charge (SDC) Review Committee concluded with outcomes going to Council late November or December. Recommendations included raising the 25% discount on Transportation SDCs for smaller units to 50%. The Committee suggested reducing the SDC charge for cottage style units 25% and a potential 20% reduction for developments along transit routes. Commissioner Brown's participation on the Committee was instrumental.

AD-HOC COMMITTEE UPDATES - None

CONSENT AGENDA

A. Approval of Minutes

1. July 10, 2018 Regular Meeting
2. July 24, 2018 Special Meeting

Commissioners Thompson/Dawkins m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 4-0.

PUBLIC FORUM

Louise Shawkat/Ashland/The City was not incorporating climate change or water conservation into new buildings. She wanted the City to support and require green construction.

Huelz Gutcheon/Ashland/Spoke in favor of requiring solar panels and renewable energy for new construction.

UNFINISHED BUSINESS - None

TYPE II PUBLIC HEARINGS

PLANNING ACTION: PA-T2-2018-00001

SUBJECT PROPERTY: 449 Russell Street and 459 Russell Street

APPLICANT/OWNER: KDA Homes, LLC/Laz Ayala

DESCRIPTION: A request for Site Design Review approval to construct a 22,469 square foot mixed-use building on the properties located at 449 Russell Street and 459 Russell Street, Lots 1 and 2 of the Falcon Heights Subdivision. The application proposes to modify the original subdivision approval by consolidating the two lots into a single property. The proposed building will include a mix of office and light manufacturing space on the ground floor. The second floor is proposed to consist of ten two-bedroom residential condominiums ranging in size from 814 to 1,094 square feet. The application includes an Exception to the Site Development and Design Standards because the entrances along Russell Street are placed more than 20 feet back from the right-of-way. The space between the building entrances and the right-of-way is proposed to be an outdoor plaza space. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1, Detail Site Review Overlay; **ASSESSOR'S MAP:** 39 1E 09AA; **TAX LOT:** 2800 & 2801.

Chair Pearce read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

Commissioners Norton, Thompson, and Pearce declared no ex parte. Commissioner Dawkins declared no ex parte and one site visit.

Staff Report

Senior Planner Derek Severson provided a presentation (see attached) and background on the project. He described the project and the modification to consolidate the two lots. An Exception to the Site Development and Design Standards would allow some entrances to be more than 20-feet from the sidewalk to accommodate public plaza space. Staff supported the application and recommended approval with the conditions detailed in the draft Findings.

Questions of Staff

Commissioner Norton asked for clarification on trash placement. The application contradicted the location in two places. Mr. Severson thought the applicant's intent was to locate the trash away from the residential area.

Chair Pearce asked about the landscaping condition. Mr. Severson explained the landscaping had been in place since 2006 without the area being occupied. There were two ownership changes and the landscape languished. The applicant volunteered to upgrade and maintain that landscaping. This was added as a condition. A neighbor emailed requesting the landscape be maintained and suggested planting larger trees. The condition applied to Lot 1 and Lot 2 only.

Applicant's Presentation

Mark Knox/KDA Homes/Ashland/ and **Mark McKechnie/Oregon Architecture/Medford/Spoke** to the application. Mr. Knox confirmed the trash enclosure would be on left side of the property. Inadvertently, the change was not forwarded to the landscape architect.

Mr. McKechnie read a note on the landscape plan that the applicants would refurbish the landscape along the parameter. Mr. Knox addressed the email from the neighbor regarding landscaping and trees. The neighbor was approximately 240 feet away. There would be a similar building in between. The applicant was fine planting trees in strategic locations.

They moved the plaza space to the street. It would allow others to use the area. It also broke up the monotony. The main entrance was on the corner, one foot from the sidewalk. Other spaces were more

than 20 feet from the sidewalk. All of it would provide a ground floor that could adapt to market conditions over time.

Questions of the Applicant

Commissioner Thompson asked where the tenant entrances were located. Mr. McKechnie explained the tenants would have front doors along the plaza with an employee door in the back. The apartments would have a lobby in the back that would serve as the entrance for the employees as well. He confirmed they were pedestrian entrances only, there were no loading docks.

Mr. Molnar asked about the four-foot difference in finished floor levels between the ground floor and First Floor North and South. Mr. Knox clarified he was looking at a previous plan that had since changed. They initially planned on using the grade change to have an incubator manufacturing space with offices above. However, neighbors expressed concern about garage doors and noise. The applicant decided to consolidate the space into one level instead.

Chair Pearce questioned the commercial and light industrial use. Both had different requirements. Mr. Knox explained it was the flexibility of the E-1 Zone. It permitted residential in most cases but allowed a full life cycle of buildings, retail and manufacturing.

Mr. Severson further explained the applicant had proposed parking for office and light manufacturing. If it became a retail or medical office, staff would look at the parking based on the uses in place in total. If it intensified beyond what was proposed, it would have to come back. Mr. Knox added if it did change to office or light manufacturing, there was enough on street parking to allow that opportunity without major site disturbance.

Public Testimony

None

Rebuttal by Applicant

None

Deliberations & Decision

Commissioners Dawkins/Thompson m/s to approve PA-T2-2018-00001. DISCUSSION: Commissioner Dawkins addressed the landscaping. There had been one building responsible for everything. Ownership changes occurred and the landscape was changed twice to comply. He liked the mix of colors and the sky walk. The look would be consistent. Commissioner Thompson appreciated the applicant providing a complete packet. Chair Pearce liked how the new building related to Lot 3 and the plaza. The bump outs would break up the massing. **Roll Call Vote: Commissioners Thompson, Pearce, Norton, and Dawkins, YES. Motion passed 4-0.**

OTHER BUSINESS

A. Election of Officers

The Commission discussed changing the chair every two years and having the outgoing chair become the vice chair. Chair Pearce agreed to be chair for another year.

Commissioner Dawkins/Thompson m/s to keep the status quo. DISCUSSION: Commissioner Norton thought the chair could actually serve for three years. One year was not enough. He supported two year terms as chair. **Voice Vote: All AYES. Motion passed 4-0.**

Commissioner Dawkins wanted to discuss having a specific date for the Commission's annual retreat at the next meeting. Commissioner Thompson suggested the second Saturday in May.

ADJOURNMENT

Meeting adjourned at 7:53 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

449-459 Russell Street Falcon Heights Lot 1 & 2

CITY OF ASHLAND

Planning Commission Hearing
August 14, 2018



449-459 Russell Street Proposal

CITY OF ASHLAND

- Site Design Review approval to construct a 22,469 square foot mixed-use building at 449 & 459 Russell Street, Lots 1 and 2 of the Falcon Heights subdivision.
- Application proposes to modify the subdivision by consolidating the two lots into one.
- Ground floor includes a mix of office and light manufacturing space.
- Second floor consists of 10 two-bedroom residential condominiums ranging from 814 to 1,094 square feet.
- Application includes an Exception to the Site Development and Design Standards for entrances more than 20 feet back from the sidewalk. The space between the building entrances and sidewalk is proposed as outdoor plaza space.

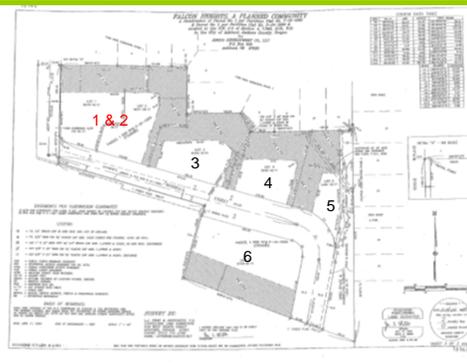
449-459 Russell Street Vicinity Map

CITY OF ASHLAND



449-459 Russell Street Falcon Heights Subdivision

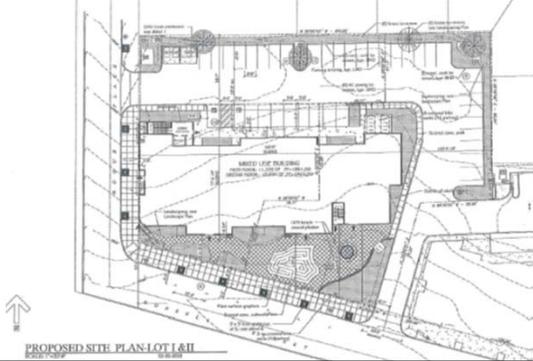
CITY OF ASHLAND





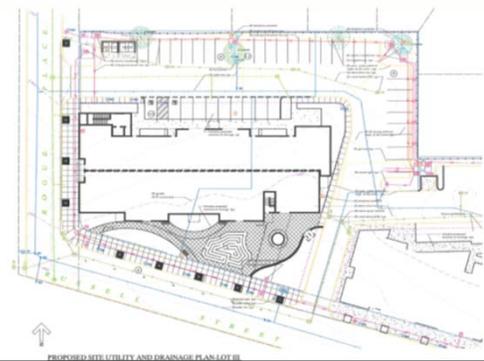
449-459 Russell Street Proposed Site Plan

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449-459 Russell Street Proposed Utility & Drainage Plan

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449-459 Russell Street Elevation Drawings

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449-459 Russell Street 3D Renderings

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449-459 Russell Street Solar Shadow Study

CITY OF ASHLAND

449-459 Russell Street Parking Calculation per 18.4.3.040

CITY OF ASHLAND

469 Russell Street – Mixed-Use

10 Two-bedroom residential units @ 1 1/4 spaces per unit	=	17.5 spaces
11,228 sq. ft. of general office @ 1 space per 500 sq. ft.	=	22.456 spaces
Total Parking Required	=	39.956 spaces

Total Parking Required:	40 spaces
Surface Parking Provided (Off-Street):	39 spaces
On-Street Parking Credit Requested:	1 spaces
Mixed-/Joint-Use Parking Credits Requested:	0 spaces

**Total Off-Street Parking Provided: 40 spaces with 1 credit
(A 2.39 % reduction)**

- 469 Russell received a 2-space on street credit and an 1.296-space mixed use credit. (A 15.48 % reduction.)
- 474 Russell received a 4-space on street credit and a 4.7-space mixed use credit (A 23.71% reduction.)
- 479 Russell received a 1-space on street credit and a 2-space mixed use credit. (A 16.5% reduction.)

449-459 Russell Street Proposed Landscape Plan

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449-459 Russell Street Staff Recommendations

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Staff Recommendation
Staff recommends that the application be approved with the conditions detailed in the attached draft findings.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES - *Draft*
August 28, 2018

CALL TO ORDER

Chair Roger Pearce called the meeting to order at 7:03 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Michael Dawkins
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Dana Smith, Executive Assistant

Absent Members:

Troy Brown, Jr.

Council Liaison:

Dennis Slattery

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the City Council passed First Reading of the Wildfire Mitigation Ordinance at their meeting August 21, 2018. Second Reading would occur September 4, 2018. The Planning Commission would hear an appeal on PA-T1-2018-00011 294 Skycrest Drive at their meeting September 11, 2018. They would also hear a proposal for an apartment complex off of Park Street. A Public Hearing on the Transit Triangle would happen at the City Council meeting September 18, 2018.

AD-HOC COMMITTEE UPDATES - None

PUBLIC FORUM

Joseph Kauth/Ashland/Spoke on the effects the Urban Heat Island was having on the Rogue Valley and wildlife. He thought Senate HB-100 needed to be rewritten.

DISCUSSION ITEMS

A. Planning Commission Report on Infill Strategy Ordinance Amendments for the Transit Triangle (PA-L-2018-00001)

Planning Manager Maria Harris explained the main change to the ordinance was removing draft language about maximum unit size and minimal residential density. On page 4, **Table 18.3.14.05 Transit Triangle Overlay Dimensional Standards** under **Residential Density (dwelling units/acre)**, staff added a minimum base for each of the zones in the Overlay. Staff also corrected typographical errors on page 3 under **C. Special Use Standards** that carried throughout the document.

The Planning Commission Report summarized key issues the Commission reviewed and how the ordinance evolved over time. It included draft findings in terms of why the legislative amendment was needed to respond to changing conditions. It addressed some policy language and summarized recommendations. It would go before the City Council September 18, 2018.

The Commission noted two non-substantial typographical errors on page 8 and page 10.

Commissioners Thompson/Mindlin m/s to accept the Planning Commission Report with corrections as the Commission's report to City Council on the Transit Triangle. Voice Vote: all AYES. Motion passed 5-0.

B. Regional Plan: Ashland Housing Strategies

Community Development Director Bill Molnar provided a presentation (see attached) that provided background on the Regional Housing Strategy. The objective was creating a regional plan for the Greater Bear Creek Valley area. It was intended to focus on key problem areas and identify Urban Reserve Areas (URA's) to address these problems.

Ashland focused on three areas. North Mountain and Interstate 5, a southeast quadrant east of upper Tolman Creek Road, and Bear Creek Terrace north of East Main Street. In 2003, the City Council passed Resolution 2003-037 not to designate URA's. In 2007, the City Council identified several issues that were ultimately addressed through the Regional Problem Solving (RPS) Plan. With housing costs rising, they wanted the regional plan to include a commitment that would address housing using a regional approach.

ECONorthwest, a land use consultant, was hired to prepare the Regional Housing Strategy. They conducted audits of each participating city. ECONorthwest reviewed comprehensive plans and land use ordinances to customize a specific approach for each participant. The strategies fell under one of five broader policies that included potential land use reforms. It targeted achieving specific levels of affordable housing. ECONorthwest determined the following land use reforms and affordable housing strategies:

1. Improve the efficiency of residential land use by increasing the concentration of housing under certain circumstances
2. Increase opportunity for development of housing types that are comparatively affordable
 - a. Missing middle housing types (duplexes, townhouses, cottage housing, or garden apartments); and
3. Increase land use efficiency and provide opportunities for development of comparatively affordable housing.

The draft had five policies:

Policy 1: Provide a variety of housing types in Ashland that are more affordable to middle-income households, as well as provide opportunities for development of housing affordable to moderate and low-income households.

The City could identify areas appropriate for up-zoning to develop moderate and higher density housing. It could allow manufactured home parks in the R-1-3.5 and R-3 zones and provide areas for mobile homes.

Policy 2: Encourage development of new multifamily in areas zoned for multifamily housing and commercial areas by increasing the amount and density of multifamily development.

ECONorthwest suggested implementing the zoning overlay from the Ashland Transit Triangle project. The City could evaluate opportunities to up-zone land in R-2 and R-3 zones by increasing base density and not setting a maximum density.

Policy 3: Monitor residential land development to ensure there is enough residential land to accommodate the long-term forecast for population growth.

The City could achieve this by updating the Buildable Lands Inventory every 2-3 years. The City currently did this but not within the recommended timeframe.

Policy 4: Develop policies to support affordable housing by lowering the costs of housing development for low-income affordable housing and/or middle-income affordable housing.

The City could evaluate a tax abatement program like the multiple-unit limited tax exemption and the vertical housing tax credit programs. Another suggestion was developing a program to finance or defer payments of Transportation

System Development Charges (SDCs) and other fees to support selected housing types. The City needed to evaluate Oregon's Inclusionary Zoning program. This applied to single owner multifamily structures with at least 20 units.

Policy 5: Develop a Construction Excise Tax (CET) on new development to pay for developer incentives, such as fee and SDC waivers, tax abatements or finance-based incentives.

Cities could adopt 1% of the permit valuation on residential, commercial, and industrial construction. Ashland could also look at urban renewal to contribute towards a portion of costs for housing and identify other sources of funding. Currently, the Housing Trust Fund received local tax from marijuana sales that supported affordable housing.

Now that each city had a tailored regional plan and strategy, next was ensuring implementation. ECONorthwest suggested cities formally acknowledged their specific strategies and revised policies. The Housing Element did not get into detail of specific strategies. The state was pushing cities to adopt it as part of their Comprehensive Plan and not set a timeline. Next steps were taking the strategies through the public hearing process.

Not all cities agreed on how the regional and local adoption process would occur. The Regional Plan took a long time to adopt and then five years transpired before developing the Regional Housing Strategy. The original commissions and councils had changed.

Planning Manager Maria Harris explained the Regional Plan was currently a chapter in the Comprehensive Plan adopted by the Planning Commission a while back. The discussion was adding general language describing the strategy and process for the whole region. Staff suggested adding the Ashland Housing Strategy as a technical appendix to the Comprehensive Plan that would get updated over time. The general language added for the Comprehensive Plan chapter on the Regional Plan had not been developed yet.

The City could handle it two ways. One by prioritizing and establishing timelines. Or it could be adopted with general language on how it would be prioritized in the future. It would require ordinance modifications by zone.

The Commission had already worked on three items that addressed the Regional Housing Strategy. The Transit Triangle, Accessory ARU's in the R-1 zone and Cottage Housing.

Mr. Molnar explained cottage housing was recommended but the City adopted that separately. The strategy involved land use code amendments and other programs not necessarily in the code. All code amendments had to be initiated by a majority vote of either the Commission then the Council.

Commission comment suggested prioritizing the strategies and bringing it to the Council. Concern was voiced that it may imply the City was supposed to do all of the items. Ms. Harris explained each strategy was probably implemented and used in every participating community differently. Through the regional planning process some identified urban reserve areas and were actively bringing them into their city limits for development. The Regional Housing Strategy would have cities consider some of the items on their list first. Ashland was not looking to bring in more land. The state wanted to ensure that land was used efficiently.

The Commission commented on the importance of character and livability in developments and provided examples. Other concerns were out of state buyers purchasing moderately affordable homes instead of locals due to wage disparity. Commission comment thought there needed to be a clear understanding of the goals. There was concern regarding manufactured home parks and the need to have a study. Mr. Molnar clarified a Housing Needs Study occurred in 2012 that showed Ashland's projected need. The difficulty was the areas manufactured home parks would go was so valuable it would not achieve affordable housing.

Another concern was the valuation of impact of these changes in the historic zones. The requirements on developers in **Action 2.c** were problematic. The Commission should evaluate how that worked in the Transit Triangle.

The Buildable Lands Inventory was in compliance although most of the land was not easy to develop. Affordable housing was not a justification for annexation. The Buildable Lands Survey indicated the City did not need single family housing. A suggestion would have annexation for a slate of small home strategies as a justification to annex land.

Mr. Molnar explained there was \$1.7 million in the Department of Land Conservation and Development (DLCD) for housing planning studies. The DLCD were giving priority to communities considered to have severely burdened rental housing. They defined that as a community having 25% or more renter households paying 50% or more of their monthly income for rent. In Ashland, 35% of renter households exceeded that mark. The state would fund additional work in the following four categories:

1. Buildable Lands Inventory
2. Housing Needs Analysis
3. Code audit
4. Specific implementation actions regarding rental housing

This was on a fast track and had to be completed by June 2019. The Housing Needs Analysis showed over the last 20 years that building permit data was heavily weighted towards issuing permits for single family ownership homes. It was lucrative building purchased homes and the market was not producing rental housing. Commission comment noted many single family homes were rented. Other comments supported applying for the funds to audit the code. One inquiry wanted to know the minimum required to meet state law and expressed concern regarding infrastructure.

One suggestion was determining how much low income housing and middle income housing the City wanted to create then setting targets and developing strategies to meet that volume. Another suggestion would have a volume ordinance with a stipulation that once land was purchased it could not be increased more than 10%.

The Commission was interested in discussing the matter in more detail.

C. Set a standard Planning Commission Retreat date

The Commission agreed to a standard retreat occurring the second Saturday of May. They tentatively scheduled May 11, 2019 for the next retreat. They would discuss it further when there was a full commission.

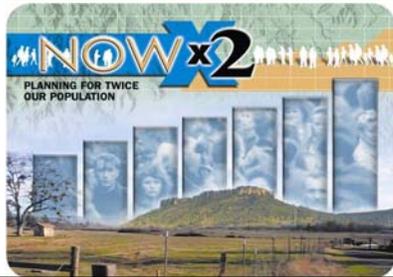
ADJOURNMENT

Meeting adjourned at 8:29 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Regional Problem Solving (RPS) CITY OF ASHLAND
Regional Housing Strategy

Planning Commission Study Session
August 28, 2018

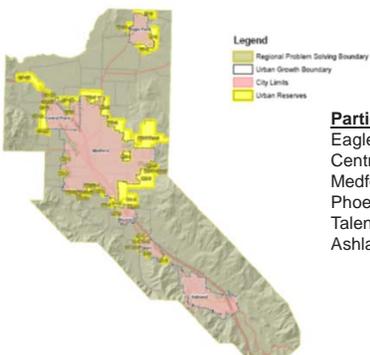


Regional Problem Solving (RPS) CITY OF ASHLAND
Purpose & Intent

Problems that the Regional Problem Solving (RPS) plan was meant to address through the identification of Urban Reserve Areas (URA's):

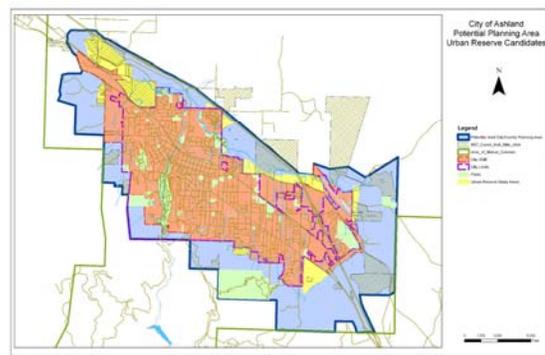
- The Region lacked a Mechanism for Coordinated Regional Growth Planning (*with a Doubling of Regional Population*).
- Loss of Valuable Farm and Forest Land Caused by Urban Expansion.
- Loss of Individual Community Identities.

Regional Problem Solving (RPS) CITY OF ASHLAND
Participating Communities



Participating Communities
Eagle Point
Central Point
Medford
Phoenix
Talent
Ashland

Regional Problem Solving (RPS) CITY OF ASHLAND
Urban Reserve Area (URA) Candidates



Regional Problem Solving (RPS) CITY OF ASHLAND

URA Candidates



Regional Problem Solving CITY OF ASHLAND

Council Decision

In 2003, the City of Ashland decided it would not designate Urban Reserve Areas.

- Planning Commission voted to not add Urban Reserve Areas (URA's).
- Housing Commission made no recommendation.

Regional Problem Solving CITY OF ASHLAND

Council Decision

Resolution #2003-37

- *“With more efficient land use strategies, the lands already within Ashland’s city limits and urban growth boundary could accommodate the city’s anticipated growth during the plan period without expansion.... The city will continue to identify and pursue opportunities for more efficient land use and transportation planning.”*

Regional Problem Solving CITY OF ASHLAND

RPS Issues Raised by the City of Ashland

- Efficient Land Use
- Transportation Planning & Implementation
- Loss of High Value Agricultural Lands
- Coordinated Population Allocations
- Regional Approach to Housing & Economic Development*

Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Land Use Reforms & Affordable Housing Strategies

- (1) Improve the efficiency of residential land use by increasing the concentration of housing under certain circumstances
- (2) Increase opportunity for development of housing types that are comparatively affordable
 - missing middle housing types (such as duplexes, townhouses, cottage housing, or garden apartments); and

Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Land Use Reforms & Affordable Housing Strategies

- (3) Increase land use efficiency and provide opportunities for development of comparatively affordable housing.

Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Policy 1: Provide a variety of housing types in Ashland that are more affordable to middle-income households, as well as provide opportunities for development of housing affordable to moderate- and low-income households.



Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Policy 2: Encourage development of new multifamily in areas zoned for multifamily housing and commercial areas by increasing the amount and density of multifamily development.



Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Policy 3: Monitor residential land development to ensure there is enough residential land to accommodate the long-term forecast for population growth



Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Policy 4: Develop policies to support affordable housing by lowering the costs of housing development for low-income affordable housing and/or middle-income affordable housing.



Regional Problem Solving

Regional Housing Strategy - Ashland

CITY OF ASHLAND

Policy 5: Develop a Construction Excise Tax (CET) on new development to pay for developer incentives, such as fee and SDC waivers, tax abatements, or finance-based incentives.



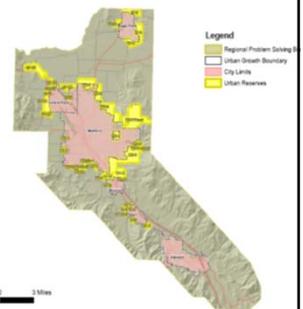
Regional Problem Solving

Regional Housing Strategy - Process

CITY OF ASHLAND

Regional Approach

- Each community completed a code audit focused on provision of need housing.
- EcoNW produced recommended policies/strategies
- Cities to adopt Housing Strategy appendix to the RPS Comprehensive Plan Element





PLANNING ACTION: PA-T1-2018-00011

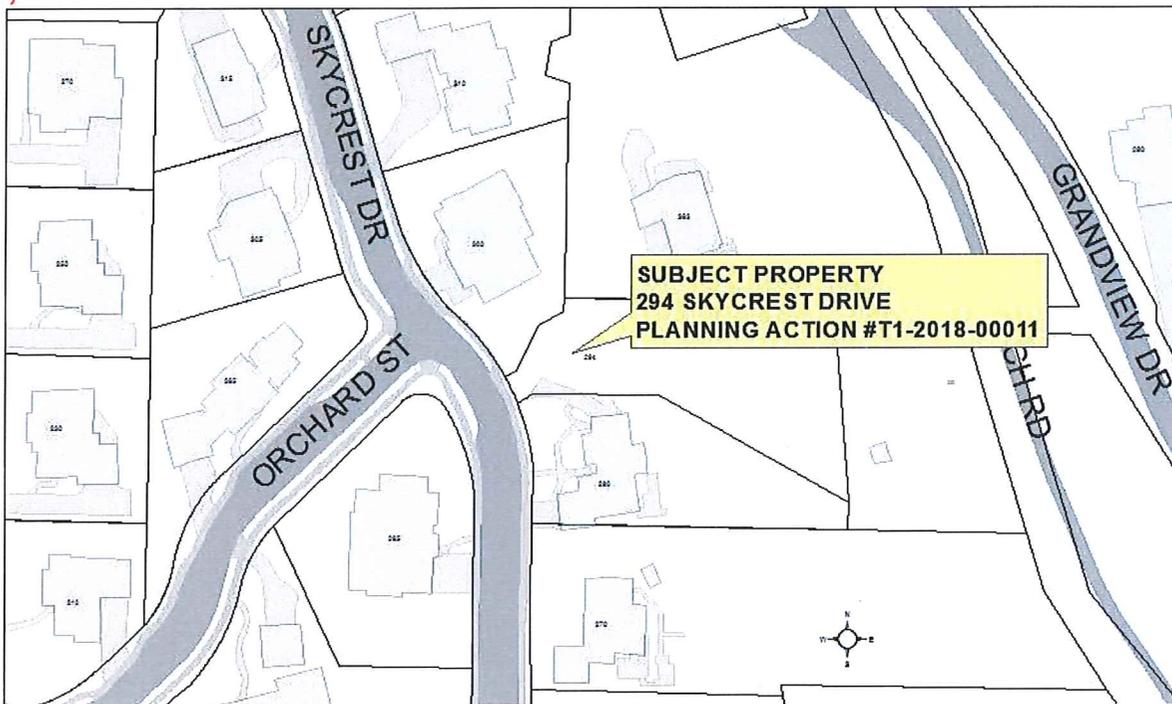
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OWNER/APPLICANT: Brian Smith & Diane S. Steffey-Smith / Piper Von Chamier for KenCairn Landscape Architecture

APPELLANT: Mary Jane Chilton

DESCRIPTION: The Planning Commission will consider an appeal of the Staff Advisor's approval of a request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North, and a Minor Modification to build the garage partly outside of the originally approved building envelope to minimize the driveway length and disturbance. **COMPREHENSIVE PLAN DESIGNATION:** Low-Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP #:** 391E05DC; **TAX LOT:** 2802

ASHLAND PLANNING COMMISSION MEETING: *Tuesday* September 11, 2018 *at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

VARIANCE

18.5.5.050

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

MINOR MODIFICATIONS

18.5.6.040

- C. **Minor Modification Approval Criteria.** A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.
 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

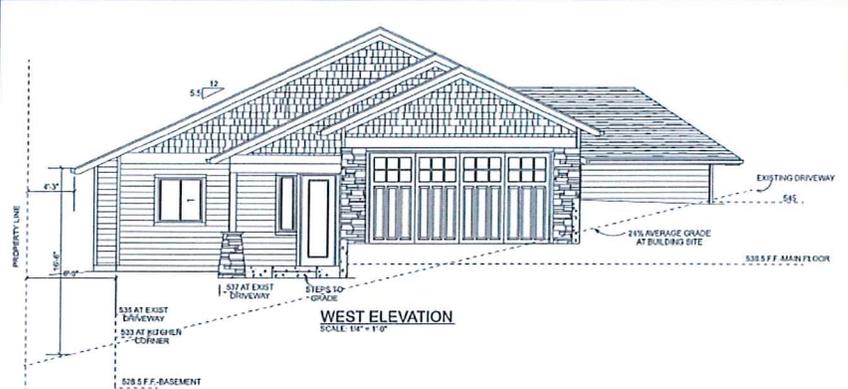
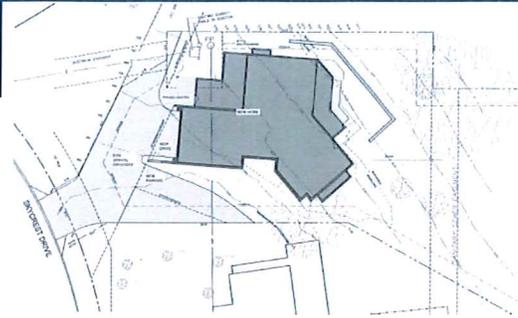
TREE REMOVAL PERMIT

18.5.7.040.B

1. **Hazard Tree.** A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. **Tree That is Not a Hazard.** A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.

294 Skycrest Appeal

PA-APPEAL-2018-00003 – Appeal of staff's approval of a Physical & Environmental Constraints Review Permit, Exception to Development Standards for Hillside Lands, Modification, Variance and Tree Removal Permit for the property at 294 Skycrest Drive.



Proposal Details

Site Description/History

The subject property is an irregularly shaped 18,295 square-foot lot that is currently vacant. The subject site is located on the east side of Skycrest Drive near its intersection with Orchard Street, and is tucked in between 290 Skycrest and 300 Skycrest. The average slope of the lot is approximately 45 percent, with the steepest portions located outside of the home site and building envelope.

Proposal

An appeal of the Staff Advisor's approval of Planning Action #PA-T1-2018-00011, a request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land located at 294 Skycrest Drive. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North, and an Exception to the Development Standards for Hillside Lands and a Minor Modification to build portions of the house and garage partly outside of the originally approved building envelope and Severe Constraints Lands to place the garage nearer the existing driveway and minimize the driveway length and associated site disturbance.

Landscaping & Trees

The application identifies 14 trees in and around the envelope, including oaks, a pine and a madrone. Eight of these are proposed to be removed in conjunction with the proposed development, including six which were approved for removal in the 2005 partition creating the lot and two additional trees including a 20-inch d.b.h. Black Oak (Tree #1) and a nine-inch d.b.h. Madrone (Tree #5) that are proposed for removal with the current request. The Black Oak is noted as being in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by excavation. The Madrone tree is noted as being in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approved building envelope. The application proposes eight trees to mitigate the trees proposed for removal. The Tree Commission considered the request at its regular meeting on July 12, 2018 and recommended that the application be approved as submitted.

294 Skycrest Appeal

PA-APPEAL-2018-00003 – Appeal of staff’s approval of a Physical & Environmental Constraints Review Permit, Exception to Development Standards for Hillside Lands, Modification, Variance and Tree Removal Permit for the property at 294 Skycrest Drive.

Appeal Issues

Approval Based on Expired Building Permit

No record of any building permits since the lot was created. Land use approvals are not based upon building permits and would typically need to be approved before a building permit could be issued. Staff believes that the appellant is suggesting that the land use approval which created the subject property has expired. Staff have confirmed that Partition Plat #P-48-2006 creating the parcels approved in Planning Action PA #2005-01476 was signed by the Ashland Planning Department on May 24, 2006 and recorded by Jackson County. With recording of the final plat, the subject property was created as a legal lot for the development now proposed.

Standards to be Adhered to Without Differential Treatment

Regulations apply uniformly, but provide options for Variances or Exceptions. Variances and Exceptions are considered based on clear and object criteria, with decisions based on the specific circumstances of the site and proposal, irrespective of *“taxes assessed and paid.”* As to the assertion of *“differential treatment for tax lot size,”* the approval criteria for a Variance include consideration that, *“the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances.”* Lot coverage allowances are set by zoning district as a percent of the lot size, and individual zoning districts have a minimum lot size requirement. When a lot is significantly undersized for its district, lot size can be a consideration in considering the appropriateness of a coverage Variance to *“account for special or unique physical circumstances of the subject site.”*

Construction Inconvenience

There are existing driveway access easements in place which benefit the appellant’s property and it would be the applicant’s responsibility to honor these easements and maintain access to neighbors’ properties during and after construction. The approval required a construction staging and materials storage plan to delineate where materials would be stored, where construction would be staged, and where contractors would park to minimize potential adverse impacts. Construction noise is regulated in AMC 9.08.170.D.6 which sets specific parameters for noise as it relates to *“Construction or Repair of Buildings, Excavation of Streets and Highways.”* Construction outside city-wide parameters would be subject to Code Compliance action.

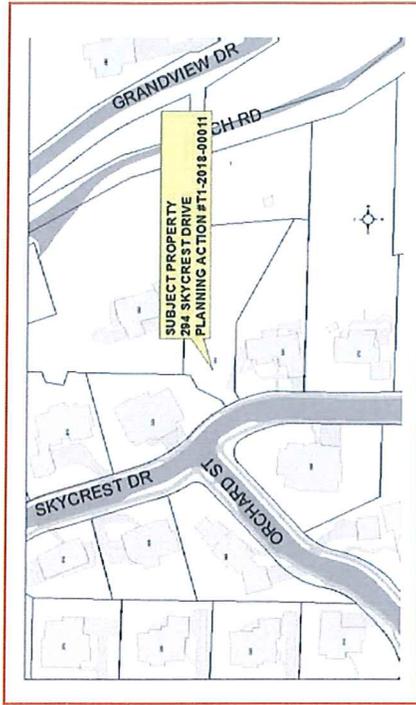
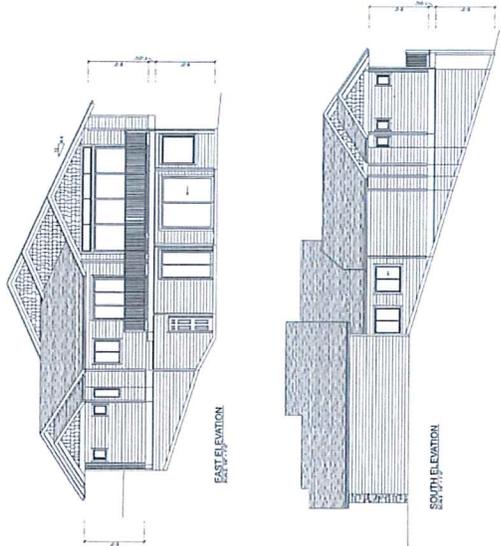
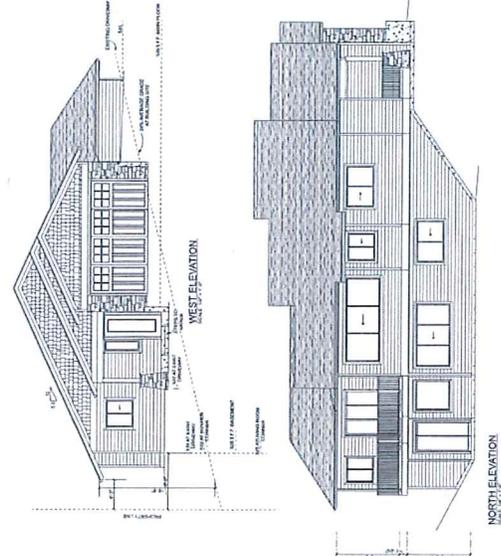
Steep Embankment

In reviewing the project, staff determined that the geotechnical analysis and recommendations provided by two experts, the requirement that the building plans be reviewed for consistency with these geotechnical recommendations, and the requirement that the geotechnical recommendations be directly conveyed to those working on site by the geotechnical engineer prior to construction adequately addressed the requirements of the code to consider and minimize adverse impacts or potential hazards.

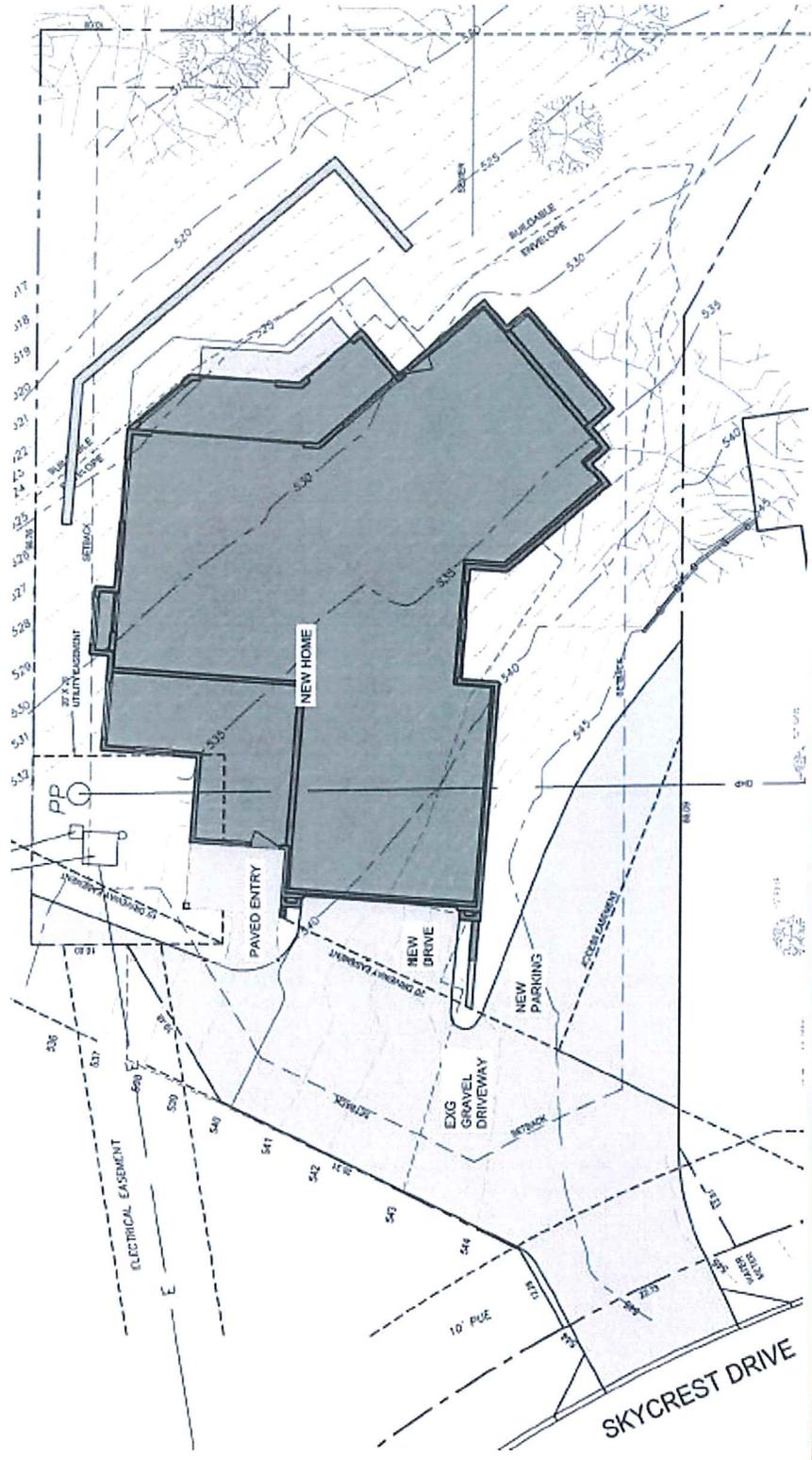
Staff Recommendation

Staff recommends that the appeal be denied and the application be approved with the conditions detailed in the attached draft findings.

294 Skycrest Drive



Vicinity Map



**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

September 11, 2018

PLANNING ACTION: PA-APPEAL-2018-00003

OWNER/APPLICANT: Brian and Diane Smith/Kerry KenCairn Landscape

APPELLANT: Mary Jane Chilton

LOCATION: 294 Skycrest Drive

ZONE DESIGNATION: RR-.5

COMP. PLAN DESIGNATION: Rural Residential

ORDINANCE REFERENCES:

Ashland Land Use Ordinance: <https://ashland.municipal.codes/LandUse>

9.08.170	Unnecessary Noise
18.2.4	General Regulations for Base Zones
18.2.5	Standards for Residential Zones
18.3.10	Physical and Environmental Constraints
18.4.3	Parking, Access and Circulation
18.4.5	Tree Preservation and Protection
18.4.8	Solar Access
18.5.1	General Review Procedures
18.5.5	Variances
18.5.6	Modifications to Approved Planning Applications
18.5.7	Tree Removal Permits
18.6.1	Definitions

APPLICATION DEEMED COMPLETE ON: June 20, 2018 / Appeal: August 27, 2018

REQUEST: An appeal of the Staff Advisor's approval of Planning Action #PA-T1-2018-00011, a request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land located at 294 Skycrest Drive. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North, and an Exception to the Development Standards for Hillside Lands and a Minor Modification to build portions of the house and garage partly outside of the originally approved building envelope and Severe Constraints Lands to place the garage nearer the existing driveway and minimize the driveway length and associated site disturbance.

I. Relevant Facts

1) Background - History of Application

In 2005, Planning Action #2005-01476, a request for a lot partition at 290 Skycrest Drive, was approved by the Planning Commission. The partition created the lots at 290 Skycrest, 294 Skycrest and the now City of Ashland-owned parcel to the east of 290 and 294 Skycrest from the 1.10-acre parent parcel. The approval involved a Physical and Environmental Constraints Permit, Tree Removal and a Variance to the minimum width and minimum lot size requirements in the RR-.5 zoning district.

The lots are 0.36 acres, 0.36 acres and 0.40 acres. The minimum lot width is 100 feet, and two of the lots are irregularly shaped with portions under 100 feet in width. The lot dimensions which necessitated the variance were considered not self-imposed. The Planning Commission found that despite the proposed parcels not meeting the dimensional requirements of the RR-.5 zoning district, the base density of one house per half-acre was met by the proposed partition and subsequent development. The Commission found there was a positive benefit for Ashland Parks to obtain an important link to the Ditch Road and to the Hald-Strawberry park and trail system by the creation of the easterly lot which was dedicated to the Ashland Parks Department. This parcel is comprised entirely of lands with slopes over 35 percent, and is considered to be unbuildable.

The Commission found the applicant demonstrated compliance for creating a buildable lot on the northern parcel (294 Skycrest Drive) and designated the eastern lot as open space to the Ashland Parks Department. The approval included the removal of three regulated Black Oak trees, which were assessed as in fair to poor health by a certified arborist and also appeared to be in or very close to the proposed building envelope.

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

2) Detailed Description of the Site and Proposal

Site Description

The subject property is an irregularly shaped 18,295 square-foot lot that is currently vacant. The subject site is located on the east side of Skycrest Drive near its intersection with Orchard Street, and is tucked in between 290 Skycrest and 300 Skycrest.

Current Proposal

The application is a request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land, and includes a Variance to surpass the allowed lot coverage, Tree Removal Permit to remove two trees (one Black Oak and one Madrone) in or near the building footprint, an Exception to the Hillside Standards and a Minor Modification to build a portion of the driveway and garage in an area with slopes over 35 percent and partly outside of the originally approved building envelope to minimize the driveway length and disturbance.

II. Project Impact

The current application was approved administratively on July 27, 2018 with a 12-day appeal period which extended through the end of business on August 8, 2018. On August 3, 2018 prior to the end of the appeal period, neighboring property owner Mary Jane Chilton timely filed a notice of land use appeal. Ms. Chilton resides in the noticing area for the application, and had previously submitted written comments to be considered during the public comment period and thus had standing to appeal. The notice of appeal identified four concerns:

- 1) That the 2018 decision to grant a Physical and Environmental Constraints Review Permit is not valid as it is based on a previous building permit that expired years ago.
- 2) That city codes require that RR-.5 standards be adhered to by all taxpayers without differential treatment for tax lot size and variances according to taxes assessed and paid by existing neighbors.
- 3) That as a neighbor, she will be subjected to the inconvenience of noise and intermittent blockage of our driveway;
- 4) That she has concerns about the steep embankment to the building site, and that these and other conditions are cause for anxiety and hence diminish her quality of life.

Ms. Chilton also asked that she be granted *“the same consideration for Variances that may be required in order for us to create a buildable tax lot that would benefit the city revenue base.”*

AMC 18.5.1.050.G. explains that appeal hearings on Type I decisions made by the Staff Advisor are *“de novo”* hearings before the Planning Commission and follow the standard Type II public hearing procedure except that the decision of the Planning Commission is the final decision of the City. Consideration of the appeal is not limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.

Physical and Environmental Constraints Review

As detailed in AMC 18.3.10.020.A, earth-moving activities or construction in Hillside or Severe Constraints lands are subject to a Physical and Environmental Constraints Review Permit.

The project involves the disturbance of lands with slopes of less than 25 percent where development is generally not regulated; on lands with slopes of between 25 and 35percent which are considered “Hillside Lands” and require Physical and Environmental Constraints Review; and on lands with slopes greater than 35percent slope which are considered to have “Severe Constraints” and have an additional level of review. The subject property is also classified as Wildfire Lands. The average slope of the property is 48 percent, but the vast majority of the Severe Constraints land is outside of the building envelope. The average grade of the building site is 24 percent. The lot slopes generally from west to east.

The application includes a total area of disturbance of 3,578 square-feet. Any alteration of Hillside Land that includes earth-moving activity disturbing a surface area greater than 1,000 square-feet requires a Physical and Environmental Constraints Review Permit, which is requested here.

The proposed residence has a main floor, daylight basement and a garage. The proposed home is 2,760 square feet with two stories. The majority of the site (80.4 percent) is proposed to be left in a natural state with limited excavation and areas of development limited to those immediately adjacent to the proposed residence. The building envelope and home site have been located on the western portion of the lot, near Skycrest Drive, and nestled within the existing tree canopy to minimize any views of the home from the neighboring properties. The home will be developed on the more level, lesser sloped portions of the lot. A stepped foundation is being utilized to reduce grading on the site.

The proposed building design reflects the Hillside Building and Design Standards found in AMC 18.3.10.090.E. The residence is designed to follow the curvature of the hillside. The roofline is broken into multiple gables mimicking the irregular shapes found in the surrounding hills. The deck extends over the daylight basement, and provides outdoor space for the upper level. The residence is configured in an upside-down “V” shape stepping up and down with the slope to avoid continuous horizontal planes. The proposed residence meets the setback requirements, and avoids the access easements to the west and south.

The proposed residence is stepped into the hill. The proposed residence is 19 feet tall from the downhill (east) side and 12½ feet tall on the uphill (west) side. The roof of the residence is proposed in shingles and will have a 5½:12 pitch. The main entrance is on the west side of the house, next to the garage, and has a covered porch. A deck is proposed on the main floor extending east from the house. The main floor is stepped back from the daylight basement floor beneath it with the deck extending over the difference. The parcel is subject to Solar Access “Standard B” as per Planning Action #2005-01476 which allows shading of the property to the north equivalent to the shadow that would be cast by a 16-foot tall fence constructed on the north property line. The submittal demonstrates compliance with this standard.

Geo-technical site evaluations performed by Mark J. Amrhein, PE, GE of Amrhein Associates, Inc. in 2008 and more recently by Robin Warren, PE of Applied Geotechnical Engineering & Geologic Consulting in late 2017 were provided with the application. The geo-technical experts conclude that the property is suitable for development with the proposed new home, and that if the geo-technical recommendations for development of the lot are followed, in the geo-technical expert’s opinion, there is no significant risk of slope instability. The geo-technical report identified the constraint issues listed in the Hillside Ordinance (seismic factors, erosion control, slope stability, storm water etc.), noting that the main considerations for development of the property were moderately steep slopes; the potential for shallow rock; and seasonally perched groundwater. The report specifically lists appropriate mitigation requirements for the construction, and provides recommendations for lot development and erosion control measures. A condition was included to require that foundation be designed by an architect or engineer with demonstrable geotechnical design

expertise, and reviewed by the project geotechnical expert to verify consistency with his recommendations.

Exception

The Development Standards for Hillside Lands include general requirements that development is to occur on lands defined as having a building area. Slopes greater than 35 percent are generally considered unbuildable. The application explains that a band of steepened land underneath the proposed home and garage appears to have been created during the grading of the uphill neighbor's driveway to the south and is not representative of the rest of the site which has a more consistent, slowly changing grade. Because the grade is inconsistent, this section of steeper slope is bracketed by gentle slopes. The portions of the lot that are under 25 percent slope are on the west side of the property and the shared driveway. The area under 25 percent slope would not allow enough space for the home site. The proposed building envelope takes advantage of less steep portions of the site. The proposed home is a vertical volume that steps with the topography. Locating the garage on the uphill and west side of the house minimizes the grading and paving necessary for the home and vehicular access, resulting ultimately in less disturbance and more protection of the hillside.

Minor Modification

The originally approved building envelope excluded slopes greater than 35 percent. The minor modification requested here would allow a portion of the garage to be built on the steeper portion of the site. 92 square-feet of the garage and a portion of the driveway is proposed to be located on slopes greater than 35 percent, which are outside of the originally approved building envelope. Placing the garage within the steeper area on the northwestern portion of the lot decreases potential grading by reducing the amount of driveway that would be needed if the garage were moved downhill or further to the east. Facing the opening of the garage to the west rather than the south allows circulation to the house at 290 Skycrest to remain undisturbed by circulation to and from the garage at 294 Skycrest, and the proposed location of the garage removes it from the views of the upper lot and from Grandview Drive above as well.

In addition, one tree outside the building envelope is requested for removal due to the location of the garage foundation. The application indicates the tree is a Black Oak (Tree #1) in fair condition but with evidence of root rot. The home site has been located to nestle within the existing tree canopy and to minimize views of the home from the neighboring properties. The building envelope modification supports the home's construction into the hill. The first floor steps down from the garage level, following the natural slope of the site. The basement below the first floor daylights on the downhill side. The proposed building envelope modification and proposed garage location allows the roofline to step with the hill and avoid roofline exposure.

Variance

The Variance Chapter AMC 18.5.5 provides for up to a ten percent increase in the maximum lot coverage percentage through a Type I administrative review.

Within the RR-.5 zoning district, which typically requires a ½-acre (21,780 square foot) minimum lot size, the maximum allowed lot coverage is 20 percent. The subject property here is under-sized for the zoning district at 18,295 square feet, and the district-maximum 20 percent

lot coverage would allow a maximum 3,659 square feet of coverage. The lot coverage proposed here is 4,350 square feet of 23.8* percent which exceeds the maximum allowed coverage and requires a Variance. (**Note: Some portions of the application refer to the requested coverage as 4,448 square feet or 24.3 percent, while the narrative description of the proposed Variance on page 16 of the application materials requests 4,350 square feet or 23.7 percent coverage. 23.7 percent coverage is the request considered and initially approved by staff.*)

In considering applications involving under-sized lots within the RR-.5 district in the past (e.g. Planning Action #2010-01622 for 163 Hitt Road) the Planning Commission and Council have previously found that allowing 4,356 square feet of coverage, which equates to the maximum 20 percent lot coverage allowed for the minimum ½-acre lot size in the district, was reasonable as this amount of coverage could be seen as the minimum coverage viewed as necessary to develop a lot within the district when the district and its coverage requirements were established.

Staff would also note that at the time of the lot creation in 2005, the Planning Commission considered the creation of lots smaller than the minimum size for the zone with the following finding (#2.3), *“The Planning Commission finds that the subject site is unusual in that it is an oversized parcel in the Skycrest Drive neighborhood that contains a buildable area under 35% slope and has not been previously divided. The subject property is 1.10 acres and the Commission finds that despite the proposed parcels not meeting the dimensional requirements of the RR-.5 zoning district, the based density of one house per half acre is met by the proposed partition and development. Though three lots are being created, one home site is being created on the northerly parcel which along with the existing home will ultimately result in two single-family homes on 1.10 acres. The Commission (finds that the) positive benefit of the proposal is that the Ashland parks system will obtain an important link to the Ditch Road and to the Hald-Strawberry park and trail system by the creation of the easterly lot which will be dedicated to the Ashland Parks Department. The Commission finds that the lot dimensions of the parent parcel which necessitate the variance were not self-imposed by the applicant and property owner.”* At the time, lot coverage on the under-sized lot being created was not addressed.

In considering similar requests (e.g. PA #2010-01622 for 163 Hitt Road and PA’s #2005-01477 and #2007-01215 for 510 Granite Street) involving driveways shared by adjacent properties, the Planning Commission has been generally supportive of the exclusion of a shared driveway’s coverage from a lot’s overall coverage when the driveway is required to serve other properties and the reduction or removal of the driveway to reduce coverage is beyond an applicant’s control because it would deprive adjacent property owners of legally-established rights of ingress and egress. In these instances, the Commission and Council have found that excluding shared driveway areas from lot coverage calculations for the subject property is appropriate in order to allow a reasonable degree of development on the subject property.

For the current request, staff noted that the subject property is under-sized for the district, that 20 percent coverage for a minimally-sized for the district ½ -acre lot would be 4,356 square-feet while the proposed total lot coverage is 4,350 square-feet, and that the subject

property includes private driveway access easements serving adjacent properties at 363 Grandview Drive and 290 Skycrest Drive. The application notes that these shared driveways comprise a total of 1,560 square feet of impervious surface on the subject property, which equates to approximately 8.5 percent lot coverage. If the shared driveway areas were excluded from coverage, the lot coverage proposed would consist of the house footprint, 335 square feet of new driveway and 150 square feet of paved walkways. With the exclusion of the shared driveways' coverage but including the approximately 860 square feet of coverage necessary for a driveway to serve the proposed residence, lot coverage for the subject property would be at 3,650 square feet and would comply with the lot coverage allowance for the zoning district.

Tree Removal

The application identifies 14 trees of six-inches or more in diameter and breast height (d.b.h.) including oaks, a pine and a madrone. Eight of these are proposed to be removed in conjunction with the proposed development, including six which were approved for removal in the 2005 partition creating the lot and two additional trees including a 20-inch d.b.h. Black Oak (Tree #1) and a nine-inch d.b.h. Madrone (Tree #5) that are proposed for removal with the current request.

The Black Oak is noted as being in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by excavation. The Madrone tree is noted as being in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approved building envelope. The application proposes eight trees to mitigate the trees proposed for removal. The mitigation trees identified include a mix of Oregon White Oak, Vine Maple, Coast Silktassel, and Cascara Sagrada.

The Tree Commission considered the request at its regular meeting on July 12, 2018 and recommended that the application be approved as submitted.

Staff Decision

Ashland's standards regulate the placement and appearance of building sites in areas sensitive to development and constrained by various natural features. The standards are intended to ensure that the visual, aesthetic, and slope impacts of construction on hillside and severe constraints lands are mitigated to the greatest extent possible.

In considering the Physical and Environmental Constraints Review Permit component of the current request, staff felt the application had taken into consideration potential impacts to the property and nearby areas. 80.4 percent of the lot is proposed to remain undisturbed. The building envelope is limited to the flatter areas of the site. The residence has been designed to minimize contrast between it and the surrounding landscape. Disturbance on the site is being kept to a minimum. The sole grading to occur on-site will be for vehicular access, parking, storm water control and the building pad, and the graded areas are to be revegetated.

In reaching an initial decision to approve the Variance request, staff believed a reasonable argument could be made that the minimum coverage viewed as necessary to develop a lot within the RR-.5 district when the district and its coverage requirements were established was 4,356 square feet. This amount equates to the allowed 20 percent coverage for the

minimum ½-acre lot size allowed in the zoning district, and past Planning Commission and Council decisions have supported this determination. The subject property is undersized for the district. The proposed total lot coverage of 4,350 square feet is just under the 4,356 square foot amount.

Staff determined that the application with the attached conditions, complied with applicable ordinances and met all standards and criteria for approval and as such Planning Action #T1-2018-00011 was approved.

III. Appeal Request

The current application was approved administratively on July 27, 2018 with a 12-day appeal period which extended through the end of business on August 8, 2018. On August 8, 2018 prior to the end of the appeal period, neighboring property owner Mary Jane Chilton timely filed a notice of land use appeal. Ms. Chilton resides in the noticing area for the application, and had previously submitted written comments to be considered during the public comment period and thus had standing to appeal. The notice of appeal identified four concerns:

- 1) That the 2018 decision to grant a Physical and Environmental Constraints Review Permit is not valid as it is based on a previous building permit that expired years ago.
- 2) That city codes require that RR-.5 standards be adhered to by all taxpayers without differential treatment for tax lot size and variances according to taxes assessed and paid by existing neighbors.
- 3) That as a neighbor, she will be subjected to the inconvenience of noise and intermittent blockage of her driveway;
- 4) That she has concerns about the steep embankment to the building site, and that these and other conditions are cause for anxiety and hence diminish her quality of life.

Ms. Chilton also asked that she be granted “*the same consideration for Variances that may be required in order for us to create a buildable tax lot that would benefit the city revenue base.*”

AMC 18.5.1.050.G. explains that appeal hearings on Type I decisions made by the Staff Advisor are “*de novo*” hearings before the Planning Commission and follow the standard Type II public hearing procedure except that the decision of the Planning Commission is the final decision of the City. Consideration of the appeal is not limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.

V. Staff Response

Physical & Environmental Constraints Review Permit Not Valid/Based on Expired Building Permit

The appeal notice suggests that the current approval is not valid because it is based on an expired building permit. In considering this appeal issue, staff would note:

- 1) Physical and Environmental Constraints Review Permits generally and this Physical and Environmental Constraints Review Permit specifically are not based upon building permits. Typically, land use approval would first be requested and once approval is obtained the applicants could then apply for a building permit. In this instance, if the current approval is not overturned on appeal, the applicants could apply for a Single Family Residence building permit once their land use approval is final. The building permit would be reviewed for consistency with the land use approval.
- 2) In reviewing City of Ashland building permit records under the current permitting system (EnerGov), the previous permitting system (Eden), and prior permits which are archived on paper, staff were unable to locate any building permit records for 294 Skycrest, which is currently a vacant parcel.
- 3) Staff believes that the appellant may in fact be suggesting that the land use approval which created the subject property, rather than a building permit, has expired. Partition Plat #P-48-2006 creating the parcels approved on January 10, 2006 by Planning Action #2005-01476 was signed by the Ashland Planning Department on May 24, 2006 and recorded by Jackson County as survey plat CS 19196. As detailed in AMC 18.5.3.090, *“Final plats require review and approval by the Staff Advisor and City Surveyor prior to recording with Jackson County. Within 18 months of the date of preliminary plat approval...the tract of land shall be surveyed, and the applicant shall submit the final plat.”*

AMC 18.5.3.100 further explains that, *“A new lot is not a legal lot for purposes of... development/land use until a final plat is recorded for the partition...”*

With recording of the final plat on May 24, 2006 the subject property was created as a legal lot for the development now proposed.

RR-.5 Standards to Be Adhered to Without Differential Treatment for Tax Lot Size and Variances According to Taxes Assessed and Paid

The Land Use Ordinance AMC Chapter 18 applies uniformly throughout the City of Ashland. The Ordinance specifically provides that where *“practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the ordinance may result from the strict application of certain provisions,”* a Variance may be granted. Variances are addressed in AMC Chapter 18.5.5, which includes specific review procedures and approval criteria. The ordinance also provides for exceptions to certain development standards (e.g., Exceptions to the Site Development and Design Standards, Solar Setback, Street Standards, Hillside Development Standards, Water Resource Protection Zone Standards) which in each case are considered in light of specific review procedures and approval criteria detailed in the relevant chapters. None of the approval criteria consider taxes assessed or paid. In each

case, the approval criteria are specific to the circumstances of the individual site and proposal, although as is the case here previous precedent may be considered relative to the review criteria where it provides some direction with regard to their application.

With regard to the specific assertion for “*differential treatment for tax lot size*,” the approval criteria for a Variance in AMC 18.5.5.050.A.1 include consideration that, “*the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances.*” In this instance, lot coverage allowances are set by zoning district as a percent of the lot size, and zoning districts also typically have a minimum lot size requirement. When a lot is significantly undersized for its district, lot size is an essential consideration in considering an appropriate Variance to coverage.

Ms. Chilton also asked that she be granted “*the same consideration for Variances that may be required in order... to create a buildable tax lot that would benefit the city revenue base.*” Ms. Chilton’s property at 363 Grandview Drive is oversized for the RR-.5 zoning district. In addition, she also owns a small, narrow, rectangular parcel approximately 1,014 square foot in area which is contiguous to her property and separates it from the subject property to the south. Her combined property area is more than one-acre and might accommodate further partitioning solely based on its size, however in preliminary analysis of geographic information system (GIS) data, nearly all of the undeveloped areas of the property appear to have slopes in excess of 35 percent. In addressing “Buildable Area”, the Development Standards for Hillside Lands in AMC 18.3.10.090.A.1.b dictate that, “*Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.*” Should a formal slope analysis confirm the city’s initial GIS data, an Exception to the Development Standards for Hillside Lands would be necessary in order to further partition her property. Ms. Chilton has discussed the potential for further partitioning her property with Planning staff, and has been advised that a pre-application conference would be the appropriate next step in considering her options. Should an application ultimately be submitted, Ms. Chilton would receive the same consideration – *consideration of the applicable criteria relative to the specifics of her request* – being granted the applicants here. However, benefit to the city revenue base is not a criterion for an Exception.

Construction Inconvenience: Noise and Intermittent Driveway Blockage

There are existing driveway access easements in place which benefit the appellant’s property at 363 Grandview Drive and the neighboring property to the south at 290 Skycrest Drive. It would be the applicant’s responsibility to ensure that these easements are honored and access to neighbors’ properties maintained during construction, and after. Condition #2b of the original staff decision now under consideration required that, prior to the submittal of a building permit, a construction staging and materials storage plan for the project be provided for staff review to delineate where materials would be stored, where construction would be staged, where contractors would park their vehicles during construction to minimize these impacts.

Construction noise is regulated in AMC 9.08.170.D.6 which sets specific parameters for noise as it relates to “*Construction or Repair of Buildings, Excavation of Streets and Highways.*” This section generally allows for construction and its associated noise city wide

between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 8:00 a.m. and 6:00 p.m. on weekends and holidays.

Steep Embankment

Ms. Chilton's notice of appeal expresses concern with the impacts of construction to the steep embankment to the building site. The application includes details of geo-technical site evaluations performed by Mark J. Amrhein, PE, GE of Amrhein Associates, Inc. in 2008 and more recently by Robin Warren, PE, GE of Applied Geotechnical Engineering & Geologic Consulting in late 2017. Mr. Warren's most recent report concludes that the property is suitable for development with the proposed new home, and that if the geo-technical recommendations for development of the lot are followed, in the geo-technical expert's opinion, there is no significant risk of slope instability. As conditions of the original staff approval, the home's foundation must be designed by an engineer or architect with demonstrable geotechnical design expertise as required in AMC 18.3.10.090.C (Condition #2a); written verification from Mr. Warren must be provided with the building permit submittal confirming that he has reviewed the building permit submittals (e.g. grading plan, storm drainage plan, foundation plan, etc.) and found them to be consistent with his recommendations (Condition #2g); and a preconstruction conference must be conducted which includes Mr. Warren and the general contractor, project landscape architect, and any excavation subcontractors to review the geotechnical requirements and specific requirements of this Physical and Environmental Constraints Review Permit as they relate to the site prior to any site work (Condition #3).

In reviewing the project, staff determined that the geotechnical analysis and recommendations provided by two experts, the requirement that the building plans be reviewed for consistency with these geotechnical recommendations, and the requirement that the geotechnical recommendations be directly conveyed to those working on site by the geotechnical engineer adequately addressed the requirements of the code in considering potential impacts and minimizing adverse impacts or potential hazards.

V. Procedural - Required Burden of Proof

The criteria for a Physical Constraints Review Permit are described in AMC Chapter 18.3.10.050 as follows:

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

The criteria for a Variance are described in AMC Chapter 18.5.5.050.A as follows:

1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
3. *The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
4. *The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

The criteria for a Tree Removal Permit are described in AMC Chapter 18.5.7.040, as follows:

1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *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.*
 - b. *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.*
 - c. *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.
- d. *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.*
 - e. *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 criteria for an Exception to the Development Standard for Hillside Lands are described in AMC Chapter 18.3.10.090.H, as follows:

H. *Exception to the Development Standards for Hillside Lands.* *An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.*

1. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
2. *The exception will result in equal or greater protection of the resources protected under this chapter.*
3. *The exception is the minimum necessary to alleviate the difficulty.*
4. *The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.*

The criteria for a Minor Modification are described in AMC Chapter 18.5.6.040, as follows:

C. *Minor Modification Approval Criteria.* *A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.*

1. *Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.*
2. *A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.*
3. *The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.*

IV. Conclusions and Recommendations

Staff initially determined that the application with the attached conditions complied with applicable ordinances and met all standards and criteria for approval and as such Planning Action #T1-2018-00011 was approved.

After staff initially approved the application, neighbor Mary Jane Chilton timely filed a notice of land use appeal. Ms. Chilton resides in the noticing area for the application, and had previously submitted written comments to be considered during the public comment period and thus had standing to appeal. The notice of appeal identified four concerns: **1)** That the 2018 decision to grant a Physical and Environmental Constraints Review Permit is not valid as it is based on a previous building permit that expired years ago; **2)** That city codes require that RR-.5 standards be adhered to by all taxpayers without differential treatment for tax lot size and variances according to taxes assessed and paid by existing neighbors; **3)** That as a neighbor, she will be subjected to the inconvenience of noise and intermittent blockage of her driveway; and **4)** That she has concerns about the steep embankment to the building site, and that these and other conditions are cause for anxiety and hence diminish her quality of life. Ms. Chilton also asked that she be granted “*the same consideration for Variances that may be required in order for us to create a buildable tax lot that would benefit the city revenue base.*”

With regard to the first issue, that the decision is based on an expired building permit, staff can find no record of a building permit being issued for the property since the lot was created. Physical and Environmental Constraints Review Permits are not typically based upon building permits and would typically need to be approved before a building permit could be issued. Staff believes that the appellant may in fact be suggesting that the land use approval which created the subject property, rather than a building permit, has expired. If that is the case, staff have confirmed that Partition Plat #P-48-2006 creating the parcels approved in Planning Action PA #2005-01476 was signed by the Ashland Planning Department on May 24, 2006 and recorded by Jackson County as survey plat CS 19196. With recording of the final plat, the subject property was created as a legal lot for the development now proposed.

With regard to the second issue of differential treatment based on lot size or variances being issued according to taxes assessed and paid, land use regulations apply uniformly to the entire city and provide the option to request Variances or Exceptions. Variances and Exceptions are considered based on clear and object criteria delineated in the land use and reviewed based on the specific circumstances of the site and proposal, irrespective of “taxes assessed and paid.” As to the assertion of “*differential treatment for tax lot size,*” the approval criteria for a Variance in AMC 18.5.5.050.A.1 include consideration that, “*the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances.*” In this instance, lot coverage allowances are set by zoning district as a percent of the lot size, and individual zoning districts have a minimum lot size requirement. When a lot is significantly undersized for its district, lot size can be a consideration in considering the appropriateness of a coverage Variance to “*account for special or unique physical circumstances of the subject site.*”

With regard to the third issue of the inconvenience of noise and driveway blockages during construction, there are existing driveway access easements in place which benefit the

appellant's property at 363 Grandview Drive and it would be the applicant's responsibility to ensure that these easements are honored and access to neighbors' properties maintained during and after construction. Condition #2b of the original staff decision now under review required that, prior to the submittal of a building permit, a construction staging and materials storage plan for the project be provided for staff review to delineate where materials would be stored, where construction would be staged, and where contractors would park their vehicles during construction to minimize potential adverse impacts. Construction noise is regulated in AMC 9.08.170.D.6 which sets specific parameters for noise as it relates to "Construction or Repair of Buildings, Excavation of Streets and Highways." This section generally allows for construction and its associated noise city wide between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 8:00 a.m. and 6:00 p.m. on weekends and holidays. Construction outside the parameters that apply citywide would be subject to Code Compliance action.

With regard to the final issue of construction impacts to the steep embankment, the original request included geotechnical reports from two registered professional engineers with geotechnical expertise who determined that the property is suitable for development with the proposed new home, and that there is no significant risk of slope instability. In reviewing the project, staff determined that the geotechnical analysis and recommendations provided by two experts, the requirement that the building plans be reviewed for consistency with these geotechnical recommendations, and the requirement that the geotechnical recommendations be directly conveyed to those working on site by the geotechnical engineer prior to construction adequately addressed the requirements of the code to consider and minimize adverse impacts or potential hazards.

In staff's assessment the application, with the conditions recommended below attached, satisfies the applicable approval criteria. Staff recommends that the Planning Commission deny the appeal request and uphold the original approval. Should the Commission choose to uphold the original approval as recommended, staff would recommend that the following conditions be attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That prior to the submittal of a building permit:
 - a. That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.3.10.090.C.
 - b. A construction staging / storage plan for the project shall be submitted for review and approval to delineate where materials will be stored and contractors will park.
 - c. That the driveway located on the subject property serving 290 Skycrest Drive to the south shall be maintained to the width and grade requirements of 18.5.3.060.
 - d. That the new paving and driveway shall meet requirements of 18.5.3.060.F.

- e. That the applicant 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 Department prior to the building permit submittal. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
 - f. That the storm drainage plan shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties in accordance with 18.62.080.C.1. The storm drainage plan shall be submitted for review and approval to the Ashland Engineering and Building Divisions prior to application for a building permit.
 - g. That written verification from the project geotechnical experts addressing the consistency of the building permit plan submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit submittals.
 - h. That exterior building materials and paint colors shall be compatible with the surrounding landscape to minimize contrast between the structure and the natural environment. Sample exterior building colors shall be provided with the building permit submittals for review and approval prior to the issuance of a building permit.
 - i. Solar setback calculations demonstrating that the proposed construction complies with the Solar Setback B along with elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from natural grade.
- 3) That a preconstruction conference be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The preconstruction conference should be included in inspection schedule final report and should be attended by the applicant's project team, including the project engineer, project geotechnical experts (i.e. Applied Geotechnical Engineering), the general contractor, landscape architect and their excavation subcontractors to review the requirements of the Hillside Development Permit and erosion control.
- 4) That prior to the issuance of a building permit:
- a. That the temporary erosion control measures (i.e. silt fence and bale barriers) shall be installed according to the approved plan prior to any site work, storage of materials, issuance of an excavation permit and issuance of a building permit. The temporary erosion control measures shall be inspected and approved by the Ashland Planning Division prior to site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.
 - b. That the 20' x 20' utility easement in the northwest corner of the lot be modified to be outside of the building footprint or the building footprint be modified to be outside the utility easement or some combination thereof to avoid locating building footprint in a utility easement.

- c. That all erosion control measures required by the project geotechnical expert including but not limited to erosion netting / fabric installed on the downhill side of the construction area shall be installed and inspected prior to issuance of a building permit and maintained throughout the duration of the construction.
 - d. That a Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, excavation, and/or storage of materials. The Verification Permit is to inspect the identification of the tree to be removed and the installation of tree protection fencing for the trees on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with project landscape architect proposal.
- 5) That prior to the issuance of a certificate of occupancy:
- a. All service and equipment installation shall be installed according to Ashland Electric Department specifications prior to certificate of occupancy.
 - b. The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to issuance of the certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
 - c. That a representative of Applied Geotechnical Engineering shall inspect the site according to the inspection schedule of the engineering geology report created by Applied Geotechnical Engineering, included in the application and date stamped June 2018. Prior to the issuance of the certificate of occupancy, Applied Geotechnical Engineering shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
- 6) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.3.10.090.B.4 - 6.

RECEIVED

AUG 08 2018

City of Ashland 

Notice of Land Use Appeal – Type I (Ashland Municipal Code § 18.5.1.050.G.)		
A. Name(s) of Person Filing Appeal:		B. Address(es):
1. MARY JANE CHILTON		363 GRANDVIEW DRV.; ASHLAND, OR.
2.		97520
Attach additional pages of names and addresses if other persons are joining the appeal.		
C. Decision Being Appealed		
Date of Decision:	Planning Action #:	Title of planning action:
9 TH AUG. 2018	PA-T1-2018-00011	PHYSICAL & ENVIRONMENTAL CONSTRAINTS PERMIT FOR #294 SYCREST
D. How Person(s) Filing Appeal Qualifies as a Party (For each person listed above in Box A, check the appropriate box below.)		
The person named in Box A.1. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input checked="" type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.	
The person named in Box A.2. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.	
Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.		
E. Specific Grounds for Appeal		
1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): THIS 2018 DECISION TO GRANT A P. & E. PERMIT IS NOT VALIDIFIED BY THE FACT THAT IT IS BASED ON A PREVIOUS PERMIT TO BUILD, THAT ALREADY EXPIRED YEARS AGO.		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.5.1.050 (G) or other law in 18.5.1.050 (G) § requires that (attach additional pages if necessary): CODE RR-05 BE ADHERED TO BY ALL TAXPAYERS WITHOUT DIFFERENTIAL TREATMENT FOR TAX LOT SIZE & VARIANCES ACCORDING TO TAXES ASSESSED AND PAID BY EXISTING NEIGHBOURS.		
2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary):		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § or other law in § requires that (attach additional pages if necessary):		
3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary):		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § or other law in § requires that (attach additional pages if necessary):		

ASHLAND, OR.
97520

PHYSICAL & ENVIRONMENTAL CONSTRAINTS PERMIT FOR #294 SYCREST DRV., ASHLAND, OR.
97520

TAXPAYERS WITHOUT DIFFERENTIAL TREATMENT FOR TAX LOT SIZE & VARIANCES ACCORDING TO TAXES ASSESSED AND PAID BY EXISTING NEIGHBOURS.

4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

Appeal Fee

With this notice of appeal I(we) submit the sum of **\$150.00** which is the appeal fee required by § 18.5.1.050 of the Ashland Municipal Code.

Date: 8TH AUGUST 2018

Signature(s) of person(s) filing appeal (attach additional pages if necessary):



SEE ADDITIONAL PAGE

Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the Community Development Department, Attn: Planning Commission Secretary, 20 E Main St, Ashland, OR 97520, telephone 541-488-5305, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.5.1.050.

RECEIVED
AUG 08 2018 
City of Ashland

363 GRANDVIEW DRIVE
ASHLAND, OREGON 97520

8th August 2018

City of Ashland Planning Dept.
51 Winburn Way
ASHLAND, OR 97520

It is our hope that we be treated with equal consideration regarding future development of our property with respect to any variances that may be required.

It appears that the owner, Smith of #294 Skycrest Drive will be granted permission in 2018 to build a house. This 2018 permit is based on a building permit that has expired.

The city has been most accommodating,

As a neighbor, we will be subjected to the inconvenience of noise, intermittent blockage of our driveway. We are also concerned about the close proximity of our steep embankment to the building site. These and other conditions are cause for anxiety and hence diminish our quality of life.

Mr Smith has gone to great lengths in order to be able to build on his lot that he created by virtue of the City's accommodation and therefore we ask that we be granted the same consideration for variances that may be required in order for us to create a buildable tax lot that would benefit the city revenue base.



MARY JANE CHILTON

RECEIVED
AUG 08 2018 
City of Ashland



NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2018-00011

SUBJECT PROPERTY: 294 Skycrest Dr

APPLICANT/OWNER: Piper Von Chamier/Brian and Diane Smith

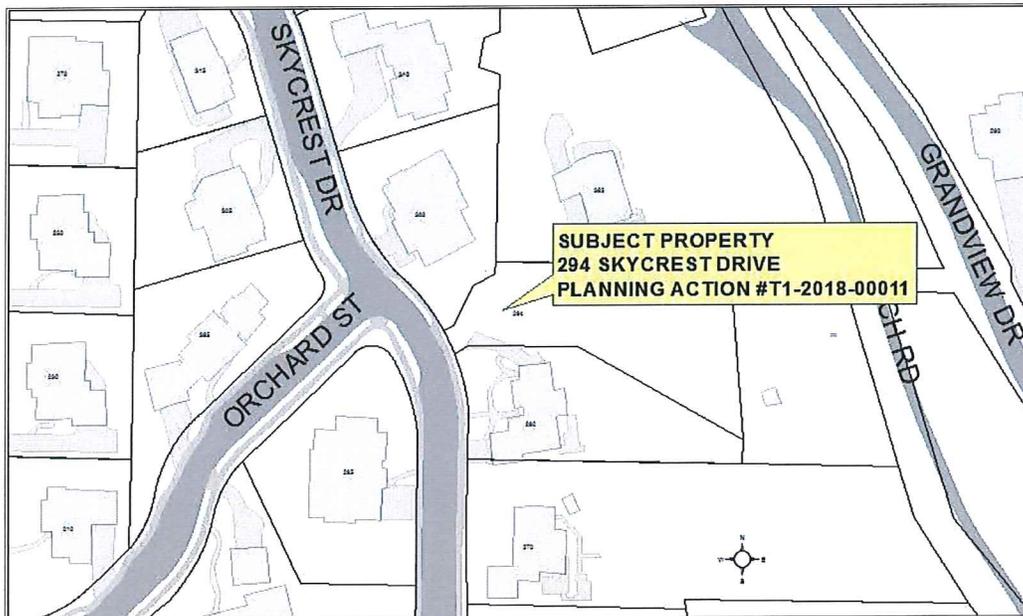
DESCRIPTION: A request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North and a Minor Modification to build the garage partly outside of the originally approved building envelope to minimize the driveway length and disturbance.

COMPREHENSIVE PLAN DESIGNATION: Low-Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 05DC; **TAX LOT:** 2802.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, July 5, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: June 20, 2018

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: July 5, 2018



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

VARIANCE

18.5.5.050

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

MINOR MODIFICATIONS

18.5.6.040

- C. *Minor Modification Approval Criteria.* A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.
 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

TREE REMOVAL PERMIT

18.5.7.040.B

1. *Hazard Tree.* A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. *Tree That is Not a Hazard.* A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.

July 27, 2018

Notice of Final Decision

On July 27, 2018, the Community Development Director approved the request for the following:

Planning Action: PA-T1-2018-00011

Subject Property: 294 Skycrest

Applicant: Piper Von Chamier – Kerry KenCairn Landscape

Description: A request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes a Variance to surpass the allowed lot coverage because of the shared driveways that serve the properties to the North and South, Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, and an Exception to the Hillside Standards and a Minor Modification to build a portion of the driveway and the garage in an area with slopes over 35 percent and partly outside of the originally approved building envelope to minimize the driveway length and disturbance. **COMPREHENSIVE PLAN DESIGNATION:** Low-Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 05DC; **TAX LOT:** 2802

The Community Development Director's decision becomes final and is effective on the 12th day after the Notice of Final Decision is mailed. Approval is valid for a period of 18 months and all conditions of approval identified on the attached Findings are required to be met prior to project completion.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

Prior to the final decision date, anyone who was mailed this Notice of Final Decision may request a reconsideration of the action as set forth in the Ashland Land Use Ordinance (ALUO) 18.5.1.050(F) and/or file an appeal to the Ashland Planning Commission as provided in ALUO 18.5.1.050(G). The ALUO sections covering reconsideration and appeal procedures are attached. The appeal may not be made directly to the Oregon Land Use Board of Appeals.

If you have any questions regarding this decision, please contact Maria Harris in the Community Development Department at (541) 488-5305.

cc: Parties of record and property owners within 200 ft



SECTION 18.5.1.050 Type I Procedure (Administrative Decision with Notice)

E. Effective Date of Decision. Unless the conditions of approval specify otherwise or the decision is appealed pursuant to subsection 18.5.1.050.G, a Type I decision becomes effective 12 days after the City mails the notice of decision.

F. Reconsideration. The Staff Advisor may reconsider a Type I decision as set forth below.

1. Any party entitled to notice of the planning action, or any City department may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the Staff Advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
2. Reconsideration requests shall be received within five days of mailing the notice of decision. The Staff Advisor shall decide within three days whether to reconsider the matter.
3. If the Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten days to affirm, modify, or reverse the original decision. The City shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.
4. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

G. Appeal of Type I Decision. A Type I decision may be appealed to the Planning Commission, pursuant to the following:

1. Who May Appeal. The following persons have standing to appeal a Type I decision.
 - a. The applicant or owner of the subject property.
 - b. Any person who is entitled to written notice of the Type I decision pursuant to subsection 18.5.1.050.B.
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal Filing Procedure.
 - a. *Notice of Appeal.* Any person with standing to appeal, as provided in subsection 18.5.1.050.G.1, above, may appeal a Type I decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the City and whose boundaries include the site. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded.
 - b. *Time for Filing.* A notice of appeal shall be filed with the Staff Advisor within 12 days of the date the notice of decision is mailed.
 - c. *Content of Notice of Appeal.* The notice of appeal shall be accompanied by the required filing fee and shall contain.
 - i. An identification of the decision being appealed, including the date of the decision.
 - ii. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - iii. A statement explaining the specific issues being raised on appeal.
 - iv. A statement demonstrating that the appeal issues were raised during the public comment period.
 - d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.
3. Scope of Appeal. Appeal hearings on Type I decisions made by the Staff Advisor shall be de novo hearings before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.
4. Appeal Hearing Procedure. Hearings on appeals of Type I decisions follow the Type II public hearing procedures, pursuant to section 18.5.1.060, subsections A – E, except that the decision of the Planning Commission is the final decision of the City on an appeal of a Type I decision. A decision on an appeal is final the date the City mails the adopted and signed decision. Appeals of Commission decisions must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.



ASHLAND PLANNING DIVISION
FINDINGS & ORDERS

PLANNING ACTION: PA-T1-2018-00011
SUBJECT PROPERTY: 294 Skycrest
APPLICANT: Piper Von Chamier – Kerry KenCairn Landscape
OWNER: Brian and Diane Smith
DESCRIPTION: A request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes a Variance to surpass the allowed lot coverage because of the shared driveways that serve the properties to the North and South, Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, and an Exception to the Hillside Standards and a Minor Modification to build a portion of the driveway and the garage in an area with slopes over 35 percent and partly outside of the originally approved building envelope to minimize the driveway length and disturbance.
COMPREHENSIVE PLAN DESIGNATION: Low-Density Residential; **ZONING:** RR-.5;
ASSESSOR’S MAP: 39 1E 05DC; **TAX LOT:** 2802

SUBMITTAL DATE:	May 15, 2018
DEEMED COMPLETE DATE:	June 20, 2018
STAFF APPROVAL DATE:	July 27, 2018
DEADLINE TO APPEAL (4:30 p.m.):	August 8, 2018
FINAL DECISION DATE:	August 9, 2018
APPROVAL EXPIRATION DATE:	February 10, 2020

DECISION

Subject Property

The subject property is a 18,295 square-foot lot and is currently a vacant parcel. The subject site is located on the east side of Skycrest Drive. The lot was created in 2005 by the current owners (PA-2005-01476). The parent parcel was 290 Skycrest and included this lot at 294 Skycrest and the City of Ashland owned land to the east of 290 and 294 Skycrest. The subject property is zoned RR-0.5.

Proposed Residence

The proposed residence has a main floor, daylight basement and a garage. The proposed home is 2,760 square-feet in two stories. The majority of the site (80.4-percent) is proposed to be left in a natural state with limited excavation and areas of development kept immediately adjacent to the proposed residence. The building envelope and home site has been located on the western portion of the lot, near Skycrest Drive, and nestled within the existing tree canopy to minimize any views of the home from the neighboring properties. The home will be developed on the more level portions of the lot. A stepped foundation is being utilized to reduce grading on the site.

The first geo-technical site evaluation was performed by Amrhein and Associates in 2008. That firm has since closed, and so Robin Warren, P.E., of Applied Geotechnical Engineering reviewed the previous evaluation in June 2018 and a geo-tech engineer and geologist visited the site in October 2017. They concluded that the property is suitable for the proposed construction. The report identified the constraint issues listed in the Hillside Ordinance (seismic factors, erosion control, slope stability, storm water etc.) and specifically lists the appropriate mitigation requirements for the construction. Applied Geotechnical Engineering’s report provides recommendations for lot development and erosion control measures. The report also discusses the need for periodic inspections in order to assure compliance with the

Geotechnical Expert's findings and recommendations. The findings and recommendations of the Geotechnical Investigation and Geologic Hazard Study dated June 12, 2018 by Applied Geotechnical Engineering and Geologic Consulting, are conditions of the Physical and Environmental Constraints Permit approval, and thus, must be instituted with the development of the lot. All grading, wall design, drainage and erosion control has been designed by a geotechnical engineer and reviewed by the project geotechnical expert.

Variance

The proposed lot coverage on this site is 4,350 square-feet, which exceeds the allowed 3,659 square-feet or 20% of the 18,295 square-foot lot. The lot includes a private access easement for the properties at 363 Grandview and 290 Skycrest. The shared driveway totals 1,560 square-feet of impervious surface on the lot or 8.5-percent lot coverage. Excluding the shared driveway from the lot coverage calculations for the lot seems appropriate since its reduction or removal would be beyond the applicant's control and would deprive adjacent property owners of their legally established rights of ingress and egress.

Excluding the existing driveway, the lot coverage consists of the house footprint, an additional 335 square-feet of new driveway and 150 square-feet of paved walkways, which is a relatively small footprint compared to other developments in the vicinity. With the exclusion of the driveways' square-footage, the lot coverage is 2,790 square-feet and the property would comply with lot coverage requirements. The intent of this proposal has been to keep as much land as possible in its natural and existing state, and 80.4-percent of the lot will remain undisturbed.

The lot is undersized for its zoning (0.42 acres instead of the minimum 0.5 acres). The 2005 partition resulted in a third City-owned lot of 0.40 acres. The City-owned lot is designated as open space and buildable because it is comprised entirely of slopes over 35 percent. This allowed the lots (290 and 294 Skycrest) to be configured below the minimum lot size since the combined area of the three lots would result in two houses with one house per half-acre.

Twenty-percent lot coverage of the standard minimum one-half acre parcel would be 4,356 square-feet. A reasonable argument can be made that this was the minimum coverage viewed as necessary to develop a lot within the district when the district and its coverage requirements were established, and the proposed total lot coverage of 4,350 square-feet falls under the standard minimum lot coverage allowed in the zone RR-0.5. The subject code provision of base zone requirements sets the lot coverage requirements and assumes the minimum lot size requirement will be met.

Environmental Constraints

The application includes a Physical and Environmental Constraints Permit to construct a driveway and residence in Hillside and Severe Constraints Land.

The project involves the disturbance of lands less than 25-percent slope, between 25-35-percent slope (Hillside Lands) and greater than 35-percent slope (Hillside and Severe Constraints land). The lot is also classified as Wildfire Lands. The average slope of the property is 48 percent, but the vast majority of Severe Constraints land is outside of the building envelope. The average grade of the building site is 24-percent. The lot slopes generally from west to east.

The application includes a total area of disturbance of 3,578 square-feet. Any alteration of Hillside Land that includes earth-moving activity disturbing a surface area greater than 1000 square-feet requires a Physical and Environmental Constraints Review Permit, which is requested here.

Grading

Disturbance on the site is being kept to a minimum. The sole grading to occur on-site will be for vehicular access, parking, storm water control and the building pad. All cut slopes will be faced by the building or

the use of versa-lok block walls. The graded areas will be revegetated with native hydro-seed mix or irrigated native adapted shrubs.

Storm Drainage

All storm-water is proposed to be collected and directed via a hard pipe to the existing storm stub. As part of the erosion control measures at the beginning of the project, the catch basins and hard pipe will be built early on. All storm flows are piped until they reach the storm stub, preventing erosion at cut faces or filled slopes.

Tree Protection and Removal

The application proposes to remove the six trees already approved in the 2005 approval. In addition to those six, the application proposes the removal of two more, one 20-inch DBH Black Oak and one 9-inch DBH Madrone. The Black Oak is in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by excavation. The Madrone tree is in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approved building envelope. The application proposes eight trees to mitigate each of the trees proposed for removal. The Tree Protection plan submitted with the application demonstrates compliance with Tree Conservation and Protection requirements. As a condition of this approval, Tree Protection fencing will be inspected prior to site work.

The Tree Commission reviewed this application and the tree protection plan at their monthly meeting on July 12, 2018. They recommended approval as submitted.

Building Design

The proposed residence is stepped into the hill. The proposed residence is 19-feet tall from the downhill side (east) and 12.5-feet tall on the uphill side (west). The roof of the residence is proposed with a roof with shingles and a 5.5 / 12 pitch. The main entrance is on the west side of the house, next to the garage, and has a covered porch. A deck is proposed on the main floor extending east from the house. The main floor is stepped back from the daylight basement floor beneath it with the deck extending over the difference. The parcel is subject to solar setback standard B, as per Planning Action 2005-01476, and submittal demonstrates compliance. Building permit submittal will also need to demonstrate compliance.

Building design reflects the Hillside Building and Design Standards in AMC 18.3.10.090.E. The residence is designed to follow the curvature in the hillside. The roofline is broken into multiple gables mimicking the irregular shapes found in the hills. The deck extends over the daylight basement, and provides outdoor space for the upper level. The residence is configured in an upside-down "v" shape stepping up and down with the slope to avoid continuous horizontal planes. The proposed residence meets setback requirements, and avoids the access easements to the West and South.

The property has been managed historically for fire protection and thus already has functional primary and secondary fuel breaks in place. The application states a small amount of limbing up will be necessary and the roof of the new home will be Class B roofing material or better. The application proposes new paving and expansion of the shared driveway to provide easier access to the residence.

Exception

Including slopes over 35-percent within the modified building footprint, requires an exception. The application states that this band of steepened land underneath the proposed home and garage appears to have been created during the grading of the uphill neighbor's driveway to the South and is not representative of the rest of the site which has a more consistent, slowly changing grade. Because its inconsistent, this steep slope is bracketed by gentle slopes. The portions of the lot that are under 25-percent slope are on the west side of the property and the shared driveway. the area under 25-percent

slope would not allow enough space for a home site. The proposed building envelope takes advantage of less steep portions of the site. The proposed home is a vertical volume that steps with the topography. Locating the garage on the uphill and west side of the house minimizes the grading necessary for the home and vehicular access, resulting ultimately in more protection of the hillside.

Minor Modification

The originally approved building envelope excluded slopes greater than 35-percent. The object of the minor modification is to allow a portion of the garage to be built on the steeper portion of the site. 92 square-feet of the garage and a portion of the driveway is proposed located on slopes greater than 35-percent, outside of the originally approved building envelope. Placing the garage within the steeper area on the northwestern portion of the lot decreases potential grading by reducing the amount of driveway that would be needed to move the garage downhill or further to the East. Facing the opening of the garage to the west rather than the South allows circulation to the house at 290 Skycrest to remain undisturbed by circulation to and from the garage at 294 Skycrest. The location of the proposed garage removes it from the views of the upper lot and Grandview Street above.

One additional tree outside the building envelope is requested for removal due to the location of the garage foundation. The application indicates the tree is in fair condition and has evidence of root rot. The home-site has been located to nestle within the existing tree canopy and to minimize views of the home from the neighboring properties. The building envelope modification supports the home's construction into the hill. The first floor steps down from the garage level, following the natural slope of the site. The basement below the first floor daylights on the downhill side. The proposed building envelope modification and proposed garage location allows the roofline to step with the hill and avoid roofline exposure.

Comments

The property owners of 290 Skycrest Drive and 363 Grandview Drive submitted written comments. The neighbors at 290 Skycrest Drive, the property to the South of the subject lot, expressed concern about the proposed home's location and its potential impact on access to and from the garage at 290 Skycrest. There is at least 35 feet between the garage to the South at 290 Skycrest and the proposed home. Solar Access requirements, the side setback and a utility easement prevent the building location at 294 Skycrest from shifting further north. Staff requested submittal of a Driveway Exhibit, which the property owners at 290 Skycrest subsequently reviewed. A condition is added to this approval that stipulates that the minimum driveway width shall be maintained for the access to 290 Skycrest.

Additional comments were received expressing dissatisfaction with the original 2005 partition, the acquisition of the lot to the east of 290 and 294 Skycrest by the City, the stability of the slope to the north and the location of the proposed residence near the access easement. The comments received from 363 Grandview expressed concern that the creation of the subject lot in 2005 precluded further development of 363 Grandview. The final decision for the partition that created the lot owned by the City as well as the subject lot was effective January 10, 2006. Subsequently, the subject lot was surveyed and officially recognized.

The proposed residence is located outside of the shared access easement. The steep slopes on the eastern portion of the subject lot limits the buildable area for the home site near the front or western portion of the lot. The geo-technical site evaluation submitted with the application includes recommendations for the design of the drainage, foundations, retaining walls, and the basement concrete slab-on-grade floor to secure the slope to the north of the proposed home. In addition, the geo-technical report includes erosion control measures for before, during and after this residence's construction to ensure slope

stability. The recommendations of the geo-technical site evaluation are required as part of this approval to be incorporated into the building permit submittals for the proposed home.

It is Staff's opinion that the proposal meets the requirements of the Physical and Environmental Constraints chapter for Hillside, Severe Constraints and Wildfire Development, a Variance, a Minor Modification of the building envelope and a Tree Removal Permit, as well as the conditions of the previous approval.

The criteria for a Physical Constraints Review Permit are described in AMC Chapter 18.3.10.050, as follows:

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

The criteria for a Variance are described in AMC Chapter 18.5.5.050, as follows:

- A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.*
 - 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
 - 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
 - 3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
 - 4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

The criteria for a Tree Removal Permit are described in AMC Chapter 18.5.7.040, as follows:

- 1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

- a. *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.*
- b. *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.*
- c. *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.*
- d. *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.*
- e. *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 criteria for an Exception to the Development Standard for Hillside Lands are described in AMC Chapter 18.3.10.090.H, as follows:

H. Exception to the Development Standards for Hillside Lands. *An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.*

- 1. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- 2. *The exception will result in equal or greater protection of the resources protected under this chapter.*
- 3. *The exception is the minimum necessary to alleviate the difficulty.*
- 4. *The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.*

The criteria for a Minor Modification are described in AMC Chapter 18.5.6.040, as follows:

C. Minor Modification Approval Criteria. *A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.*

- 1. *Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.*
- 2. *A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.*
- 3. *The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.*

The application with the attached conditions complies with all applicable City ordinances.

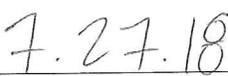
Planning Action T1-2018-00011 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action T1-2018-00011 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That prior to the submittal of a building permit:
 - a. That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.3.10.090.C.
 - b. A construction staging / storage plan for the project shall be submitted for review and approval to delineate where materials will be stored and contractors will park.
 - c. That the driveway located on the subject property serving 290 Skycrest Drive to the south shall be maintained to the width and grade requirements of 18.5.3.060.
 - d. That the new paving and driveway shall meet requirements of 18.5.3.060.F.
 - e. That the applicant 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 Department prior to the building permit submittal. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
 - f. That the storm drainage plan shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties in accordance with 18.62.080.C.1. The storm drainage plan shall be submitted for review and approval to the Ashland Engineering and Building Divisions prior to application for a building permit.
 - g. That written verification from the project geotechnical experts addressing the consistency of the building permit plan submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit submittals.
 - h. That exterior building materials and paint colors shall be compatible with the surrounding landscape to minimize contrast between the structure and the natural environment. Sample exterior building colors shall be provided with the building permit submittals for review and approval prior to the issuance of a building permit.
 - i. Solar setback calculations demonstrating that the proposed construction complies with the Solar Setback B along with elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from natural grade.
- 3) That a preconstruction conference be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The preconstruction conference should be included in inspection schedule final report and should be attended by the applicant's project team, including the project engineer, project geotechnical experts (i.e. Applied Geotechnical Engineering), the general contractor, landscape architect and their excavation subcontractors to review the requirements of the Hillside Development Permit and erosion control.

- 4) That prior to the issuance of a building permit:
- a. That the temporary erosion control measures (i.e. silt fence and bale barriers) shall be installed according to the approved plan prior to any site work, storage of materials, issuance of an excavation permit and issuance of a building permit. The temporary erosion control measures shall be inspected and approved by the Ashland Planning Division prior to site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.
 - b. That the 20' x 20' utility easement in the northwest corner of the lot be modified to be outside of the building footprint or the building footprint be modified to be outside the utility easement or some combination thereof to avoid locating building footprint in a utility easement.
 - c. That all erosion control measures required by the project geotechnical expert including but not limited to erosion netting / fabric installed on the downhill side of the construction area shall be installed and inspected prior to issuance of a building permit and maintained throughout the duration of the construction.
 - d. That a Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, excavation, and/or storage of materials. The Verification Permit is to inspect the identification of the tree to be removed and the installation of tree protection fencing for the trees on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with project landscape architect proposal.
- 5) That prior to the issuance of a certificate of occupancy:
- a. All service and equipment installation shall be installed according to Ashland Electric Department specifications prior to certificate of occupancy.
 - b. The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to issuance of the certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
 - c. That a representative of Applied Geotechnical Engineering shall inspect the site according to the inspection schedule of the engineering geology report created by Applied Geotechnical Engineering, included in the application and date stamped June 2018. Prior to the issuance of the certificate of occupancy, Applied Geotechnical Engineering shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
- 6) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.3.10.090.B.4 - 6.



Maria Harris, Planning Manager
Department of Community Development



Date

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW COMMENT SHEET
July 12, 2018

PLANNING ACTION: PA-TREE-2018-00011

SUBJECT PROPERTY: 294 Skycrest Dr

APPLICANT: Piper Von Chamier

OWNER: Brian and Diane Smith

DESCRIPTION: A request for a Physical and Environmental Constraints Permit to construct a 2,760 square-foot residence in Hillside and Severe Constraints Land. This application includes Tree Removal for two trees (one Black Oak and one Madrone) in or near the building footprint, a Variance to surpass the allowed lot coverage because of the existing flag driveway that serves the property to the North and a Minor Modification to build the garage partly outside of the originally approved building envelope to minimize the driveway length and disturbance.

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential; **ZONING:** RR-.5;

ASSESSOR'S MAP: 39 1E 05DC; **TAX LOT:** 2802

The Tree Commission recommends **approving** the application as submitted.

City of Ashland, Oregon
Community Development and Planning Dept.
51 Winburn Way
Ashland, Oregon 97520

May 30, 2017

290 Skycrest Drive
Ashland, Oregon 97520

Re: We request that this letter be lodged in the file for Tax Lot No. 2802. This pertains to our concerns regarding the pre-application development of Tax Lot No. 2802 in the event that we are away from home and unable to respond in a timely manner to any formal application that might be filed for construction of a house on that lot. We do not, however, waive in any respect our right to receive notice of any such formal application, or to comment in any respect on such formal application.

We are the owners of record of Tax Lot No. 2800, which we purchased from Brian and Diane Smith. At the time we were negotiating with them, we understood they eventually intended to build on Tax Lot 2802, but understood any house would be located further down the slope and further to the north of our common boundary. Recently, surveyors working, we believe for either the Smiths or their contractor, Steve Archer, staked-out what we understand to be the location of the house the Smiths intend to build. The location, as shown by the stakes, is much different than our prior understanding.

The location as staked is as close to our common boundary as we understand the town Zoning Code allows, five feet. And the intended location of the garage abuts directly on our easement in such a manner as to make ingress and egress from our downstairs garage extremely difficult. One of us recently had occasion to drive into the downstairs garage, and then to back out and was unable to do so without hitting the stake marking the southwest corner of the garage, even though careful, and using the rearview camera with which our car is equipped. To make it even worse, there is no room in the entry drive to the downstairs garage in which cars can be turned around, so that cars must be backed-out. And a car parked in the left-hand stall of the garage would be

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required to very carefully jockey back-and-forth in order to avoid the side wall of the garage as staked-out.

The location also abuts on a large black oak tree, which Steve Archer has said they intend to remove. Consideration should be given to preserving this tree consistent with the City Land Use Ordinance.

While the location is, as noted above, only five feet from our common boundary, there is at least twenty feet between the northern side of the house, as staked-out, and the northern boundary of Tax Lot No 2802. And there is no house close to that northern boundary, but only a gravel driveway. The closest house to the northern boundary of Tax Lot No. 2802 appears to be thirty feet from the northern boundary of Tax Lot No. 2802. Locating the proposed house further to the north would be more in keeping with the semi-rural atmosphere of our neighborhood. Once the houses on Skycrest Drive were set a spacious distance apart. Are new houses now to be sandwiched in between?

Locating the house as staked-out may also result in it being located within the shadow cast by our house and deck. We do not pretend to understand the Solar Access provisions of the City Land Use Ordinance, but believe locating the house further to the north in the lot will insure that it is not shaded by our house or deck, while at the same time not causing the proposed house to cast a shadow on the neighboring house to its north.

We do not mean to suggest that the Smiths should not be permitted to build any house on their lot. We do, however, believe that it would be better for its location to be moved substantially to the north. This would allow us more easy ingress and egress from our downstairs garage, and would have the added benefit of allowing the black oak tree to be preserved. Alternatively, a combination of moving the house to the north, and also further down the lot, in an easterly direction, would accomplish much the same. And I question whether the slope of the lot will not permit such a relocation. My visual inspection of the lot suggests there are no areas on the north that are steeper than there are on the south of the lot. As I view the lot, the steepest sections are those closest to the street.

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We encourage the staff to make a visual inspection of the Tax Lot and the proposed location of the house the Smiths intend to build, and ask that we be advised of any such inspection, so that we may participate.

Robert and Joan Hilton

*Robert Hilton
Joan Hilton*

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City of Ashland
Community Development and Planning Dept
51 Winburn Way
ASHLAND OR 97520

363 Grandview Drive
ASHLAND OR 97520



3/31/2017

RE: REQUEST TO HAVE THIS LETTER LODGED IN THE FILE FOR TAX LOT # 2802. THIS PERTAINS TO MY CONCERNS IN REGARD TO PRE-APPLICATION FOR DEVELOPMENT OF TAX LOT # 2802. IN THE EVENT THAT I AM AWAY FROM HOME AND UNABLE TO RESPOND IN TIME TO MEET THE DEADLINE NECESSARY FOR OBJECTION AND UNABLE TO RESPOND IN TIME TO A FORMAL APPLICATION FOR CONSTRUCTION OF A HOUSE ON TAX LOT # 2802.

PLEASE FIND ATTACHED LETTER SENT TO BRIAN AND DIANE SMITH, OWNERS OF TAX LOT #2802 STATING MY ATTEMPT TO START COMMUNICATION. I HAVE NOT RECEIVED ANY NOTICE, OR COMMUNICATION FROM THEM AS TO THEIR INTENTIONS.

I CAME HOME RECENTLY TO SURVEYORS DIGGING HOLES IN MY VULNERABLE AND STEEP DRIVEWAY. THEY WERE IN THE PROCESS OF STAKING OUT THE FOOTPRINT OF A BUILDING. THE STAKES WERE PLACED VERY CLOSE TO MY STEEP BOUNDARY-LINE WHICH ORIGINALLY WAS A 20-FOOT WIDE OPEN PUBLIC ALLEY. I SUBSEQUENTLY HAVE LEARNED THAT THIS ALLEY HAD BEEN ACQUIRED BY PETITION IN 2006, GRANTED BY THE CITY COUNCIL OF ASHLAND TO TAX LOT # 2802. THIS HAS RESULTED IN THIS NOW QUESTIONABLY-PLANNED PROXIMITY OF CONSTRUCTION. THE STAKES ARE AS CLOSE AS IS ALLOWED ON FLAT, STABLE TERRAIN. BUT IT IS DANGEROUSLY CLOSE TO THE EXCAVATION BANK OF LOOSE, SOFT DECOMPOSED GRANITE THAT RISES VERY STEEPLY FROM THE SITE OF MY FOUNDATION AND IS ABOVE MY ROOF LEVEL. THE SURVEYING STAKE IS WITHIN A FEW FEET OF THE TOP EDGE OF MY EXCAVATED EMBANKMENT SURROUNDING MY HOUSE WHERE THIS ALLEY WAS VACATED.

BRIAN AND DIANE SMITH DO NOT RESIDE ON THEIR TAX LOT 2802. THEY SOLD THEIR HOUSE ORIGINALLY RESIDING ON TAX LOT # 2800, SUBDIVIDED AND CREATED TAX LOT # 2802, WHICH IS STILL VACANT SOME TEN YEARS LATER SINCE THAT SUBDIVISION.

I WOULD LIKE TO BRING TO THE NOTICE OF THE PLANNING DEPARTMENT WHAT APPEARS TO BE POOR PLANNING THAT WAS ORIGINALLY ALLOWED IN ORDER TO CREATE THE SUBDIVISION OF THE PROPERTIES SURROUNDING TAX LOT # 2600. THIS EVENT HAS LEFT MY 1.41-ACRE LOT (#363 GRANDVIEW DRIVE) WITHOUT ACCESS TO MY HOUSE FROM GRANDVIEW DRIVE THAT COULD BE POSSIBLE BETWEEN DITCH ROAD AND SKYCREST DRIVE, BUT IS NOW BLOCKED OFF BY PRIVATE OWNERSHIP. I WOULD LIKE TO APPLY FOR AN EASEMENT / VARIANCE HERE AS MY HOUSE AND ENTIRE PROPERTY IS NOW ONLY ACCESSIBLE FROM SKYCREST DRIVE, VIA AN EASEMENT OVER THE ADJOINING TAX LOT # 2802 AND # 3016 THAT RESTRICTS USAGE TO TWO PARTIES.

IF THE SMITHS OBTAIN PERMISSION TO BUILD, THEY WILL BE MAKING USE OF OUR EASEMENT AS THEIR ENTRANCE. THIS WILL LIMIT THE ONLY ACCESS I HAVE TO MY 1.41-ACRE PARCEL AND HENCE NEGATIVELY IMPACT THE VALUE OF MY TAX LOT 2600 BY LIMITING THE OPTIONS FOR FUTURE USAGE, IMPROVEMENT TO, OR SUBDIVISION OF LOT # 2600, IF NO OTHER EASEMENT ENTRANCE CAN BE OBTAINED FOR MY TAX LOT 2600.

CONSTRUCTION OF A BUILDING OUTLINED BY THE RECENTLY SURVEYED STAKES ON TAX LOT # 2802 WOULD NOT HAVE BEEN ALLOWED UNLESS THE SMITHS MANAGED TO PERSUADE THEIR YOUNG, NEW NEIGHBORS, JUSTIN AND HEIDI LOFTUS WHO RESIDED ON TAX LOT # 2600 (NOW MINE) SINCE 2004, TO SIGN THEIR PETITION. THIS WAS OBVIOUSLY NOT IN THE INTEREST OF THE LOFTUS, NOW MY TAX LOT # 2600 TO DO SO. JUSTIN AND HEIDI APPEAR TO BE EAGER-TO-PLEASE, IN DEFERENCE TO THEIR ELDERS. MOSTLY ELDERLY RETIREES COMPRISE THE NEIGHBORS HERE.

P.T.O. /

THE SMITHS ALSO MANAGED TO PERSUADE THE CITY COUNCIL OF ASHLAND TO GRANT THE PETITION IN THE SMITH'S FAVOR, AS SOME OF THE NEIGHBORS WHO SIGNED THE PETITION, WERE CITY COUNCIL MEMBERS, ALSO WORKING TO INCREASE THE PARK SPACE IN ORDER TO CREATE MORE PUBLIC TRAILS. BY GIFTING TO THE CITY OF ASHLAND THE LOWER PORTION OF THEIR LOT THAT HAS THE DITCH ROAD PU EASEMENT FOR ACCESS, THE SMITHS CUT THEIR TAX OBLIGATION.

THIS MOMENTUM TO CREATE A WALKING TRAIL ON DITCH ROAD HAS RESULTED IN MANY CARS PARKING ON OUR TAX LOT 2600 ON A DAILY BASIS, AT TIMES BLOCKING DITCH ROAD OFF ENTIRELY ACROSS FROM THE DOGGY BIN AND PLASTIC BAG DISPENSER-POLE THAT HAS ALSO BEEN PUT ON OUR PROPERTY. THIS AUTOMOBILE TRAFFIC AND ACCESS THREATENS THE SAFETY OF OUR TAX LOT 2600 THAT CONTAINS THE PUE EASEMENT OF DITCH ROAD AND GOES DOWN TO GRANDVIEW DRIVE. WE ARE NOT ABLE TO KNOW WHETHER CARS ARE OWNED BY LOCAL NEIGHBORS AND ARE SOMEWHAT CONCERNED THAT THIS AREA MAY AT SOME POINT ATTRACT THOSE WHO DO NOT HAVE THE BEST OF INTENTIONS. MANY TIMES THESE CARS BLOCK THE ENTIRE ACCESS TO DITCH ROAD, TOTALLY NEGLIGENT OF THE FIRE-LANE POSTED AT THE ENTRANCE TO DITCH ROAD. THERE IS DANGER OF FIRE FROM NEGLIGENT LITTERING OF CIGARETTE BUTTS. WE HAVE AT TIMES NOTICED DOG FECES LEFT AROUND THE TRAIL ENTRANCE AND DIRTY DIAPERS, USED CONDOMS AND BAGS OF TRASH LEFT ON OUR PROPERTY. A FIRE TRUCK WOULD NOT BE ABLE TO GET PAST OUR PROPERTY ON DITCH ROAD THROUGH TO STRAWBERRY LANE. WE ARE ALSO CONCERNED ABOUT LIABILITY.

THIS GIFT OF THE SMITH'S LOWER PORTION OF THEIR LAND TO THE CITY OF ASHLAND AND THEIR PERMISSION TO TAKE POSSESSION OF THE UPPER PORTION OF THIS ALLEY HAS BENEFITTED THE SMITHS AND THE CITY OF ASHLAND ONLY. THE BOUNDARY RUNS ALONG OUR FENCE-LINE, CLOSE TO OUR STEEP, SOFT-EARTH BANK. DUE TO THE INCREASED THREAT OF LITTERING, FIRE, VANDALISM AND TRESPASSING IT ALSO HAS A NEGATIVE IMPACT ON ALL THE NEIGHBORS THAT ADJOIN THE DITCH ROAD ACCESS THROUGH STRAWBERRY HALD PARK. HENCE,THE VALUE OF OUR TAX LOT #2600 IS, IN ADDITION, IMPACTED DUE TO THE VACATING OF THE THE UPPER HALF OF THE ALLEY THAT THE SMITHS PETITIONED TO TAKE FOR THEIR SOLE BENEFIT. HAVING READ THIS PETITION PROCESS DD 17 JANUARY 2006 THAT WAS GRANTED BY THE CITY COUNCIL OF ASHLAND I UNDERSTAND THAT THEIR WAS A CONFLICT OF INTEREST IN THAT THE SMITHS SIGNED THEIR OWN PETITION AND ALSO THAT THEY MANAGED TO OBTAIN TWO SEPARATE SIGNATURES FROM OWNERS, JUSTIN AND HEIDI LOFTUS RESIDING AT THE SAME 363 GRANDVIEW DRIVE ADDRESS (IE THERE WERE ONLY 15 VALID SIGNATURES, NOT THE 17 TO MAKE UP THE QUORUM OF SIGNATURES REQUIRED).

I AM OPTIMISTIC THAT MY CONCERNS WILL BE TAKEN SERIOUSLY AND THAT STEPS WILL BE TAKEN TO RESOLVE THE IMPORTANT ISSUES I HAVE BROUGHT TO LIGHT.

THANK YOU,

A handwritten signature in black ink, appearing to read 'MJC', written in a cursive style.

MARY JANE CHILTON

Brian L Smith
Diane Steffey-Smith
PO Box 629
BELLEVUE IDAHO 83313-0629

Mary Jane Chilton
chiltonmj@gmail.com
cell: 805 689 1556
363 Grandview Drive
ASHLAND OREGON 97520

& Rick McGrath
rickmcgrathart@gmail.com
805 766 1475

31st March 2017

Dear Brian Smith and Diane Steffey-Smith

Rick and I bought and moved into the house at the address above. Upon returning home one day a couple of weeks ago we noticed a young man digging holes in our driveway just below the entrance area. This, along with the fact that it took place during a period of consistent rain after the heavy snow raised some concern. Our driveway is steep and can be challenging when these conditions are prevalent.

I asked the young man what he was up to, explaining the importance of the packed gravel surface that we rely upon for drainage. The use of blacktop or concrete would not be practical as it would cause a surplus of water flow or ice buildup. The gravel is imperative for every bit of traction and drainage as it prevents the driveway from being torn up when used.

The young man and his colleague were surveyors, pegging the outline of a building that comes very close to the steep loose-earth excavated slope around our house. This area is also vulnerable to any impact or disturbance. We are concerned about construction taking place near this slope. Our fence-line has been situated according to the variance you obtained in order to own what was originally intended to be left as an open alley for future access.

I enquired at the Ashland City Planning Dept., before buying our property, October 2016 and were told that there was no building allowed on the 25% and greater slopes that comprise your property and ours. I was also told that there were no applications submitted to build. Only now, March 2017, after arriving repeatedly in person at City Planning Dept. to express my concerns, was the information provided that you had submitted a pre-application September 2016 to build a house there.

Rick and I wondered why we received no communication as to your pre-application and now, your further process, before finding a surveyor digging for monuments or pegs in our driveway entrance area. The City Planning Dept. furnished me with your address and suggested that we ask you for the contact information of your engineers, etc. in order to address our concerns. We look forward to hearing from you. Please provide contact information at our mailing address which is the same as our physical address above. We would appreciate also knowing how to contact you by email, or telephone. Please feel free to phone and email me and copy Rick as above.

Thank you, Mary Jane Chilton & Rick McGrath

Application Submittal – New Home In Hillside Lands

Owner

Brian Smith
Diane S. Steffey-Smith
P.O. Box 629
Bellevue, ID 8331

Geotechnical Engineer

Robin Warren
Applied Geotechnical Engineering
1314-B Center Drive #452
Medford, Oregon 97501
541 226-6658

Landscape Architect and Planning

Kerry KenCairn
KenCairn Landscape Architecture
545 A Street Suite 3
Ashland, OR 97520
541 488-3194

Surveyor

Shawn Kampmann
Polaris Land Surveying LLC
P.O. Box 459
Ashland, OR 97520
541-482-5009

Building Design

John W. Turman
Design Residential
541-821-3365

Building Contractor

Asher Homes
1068 Elkader Street
Ashland, OR 97520
541-210-3027

Address: 294 Skycrest, Ashland, Or
391E05DC 2802

Zoning: RR-.5

Required Code Sections

- 18.2.4 General Regulations for Base Zones
- 18.2.5 Standards for Residential Zones
- 18.3.10 Physical and Environmental Constraints-Hillside
- 18.4.3 Parking, Access and Circulation
- 18.4.5 Tree Preservation and Protection
- 18.4.8 Solar Access
- 18.5.5 Variances
- 18.5.6 Minor Modifications
- 18.5.7 Tree Removal Permits

Project Description

This proposal involves the building of a new home, a portion of which is proposed in an area with slopes over 35%. The first floor and daylight basement span the gentlest portion of the homesite with varying slopes under 25%. A portion of the proposed garage is located on the steepest portion of the homesite which is 35% or more. The average slope of the lot is 45%, with the steepest portion of the lot located out of the home site and building envelope. It is clear that the steep slope

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under the proposed garage was created when a driveway to the adjacent garage and driveway above was created; the soil was pushed down hill in order to create a flat space for the driveway. The house location takes the best advantage of the existing topography and is designed to have the least amount of excavation possible by following the topography, therefore preventing the transfer of grade up or down the slope. There is an existing shared driveway and access easement running through the property with an average slope of 13.5%. This drive dictates the location of the vehicular access of the homesite as it passes by the existing steepened slope. There are many significant trees on the site that are being saved. In addition to the 6 trees previously approved for removal, one Madrone tree and one Black Oak tree are proposed for removal.

The proposed home is 2760 square feet in two stories. This project will require a variance for the lot coverage as the existing driveway, proposed house footprint, and new paved areas totals 24.3%, which surpasses the allowed lot coverage for the zone. Our discussion to support the additional lot coverage is focused on the existing lot size (.42 acre) which is less than the .5 acre minimum allowed in the zone. Furthermore, a large portion of the lot coverage is due to the existing driveway which serves to other residences.

This project will require one exception to the hillside building standard as the proposed modified building envelope will include a section of the site with slopes greater than 35%. (Building Envelope 18.3.10.090.A.1). Our discussion to support this design is that increasing the building envelope to include a steeper portion of the site places the proposed garage closer to the existing driveway and decreases the amount of driveway and paving if the garage was located further away from the existing driveway. Additionally, the steeper section of the proposed modified building envelope was artificially created when the uphill neighbor's driveway was created.

This proposal will require a Minor Modification for the proposed modification to the existing building envelope. The majority of the proposed home site falls within the previously approved building envelope. The garage portion of the proposed home lies outside the building envelope. By placing the garage in the proposed location, the length for a new driveway to the home is minimized. The location of the proposed garage also preserves most of the surrounding native tree species and removes it from the views of the upper lot and Grandview Street above.

18.2.4 – General Regulations for Base Zones

18.2.4.010 Access and Minimum Street Frontage

Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition or abuts a cul-de-sac vehicle turn-around area, the minimum width is 25 feet.

Planning action 2005-010476 created the lot at 294 Skycrest. At the time of approval, the criteria for Flag Partition stated as follows:

B. Except as provided in subsection 18.76.060.K, the flag drive for one flag lot shall have a minimum width of 15 feet, and a 12 foot paved driving surface. For drives serving two lots, the flag drive shall be 20 feet wide, with 15 feet of driving surface to the back of the first lot, and 12 feet, respectively, for the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface.

The flag drive is 22.73' wide and meets the criteria when the flag lot was created.

Chapter 18.2.5 – Standards for Residential Zones

Standards for the Rural Residential (RR) zones (RR-.5 Zone):

Minimum Lot Area and Maximum Density	Min lot size- 0.5 acre	Existing lot size- .42 acres (18,295.2 S.F.) The lot is pre-existing and does not meet the minimum lot size for the zone. The lot size was approved in 2005.
Lot Coverage	20% max	Existing lot coverage = 4448 S.F = 24.3% A variance is required for the additional lot coverage.
Lot Width	100 ft min	This lot is pre-existing and does not meet the minimum lot width for the zone. The lot size was approved in 2005.
Lot Depth	150 ft min	This lot is pre-existing and does not meet the minimum lot depth for the zone. The lot size was approved in 2005.
Standard Yards		The proposal meets minimum setbacks for structures to lot lines.
Max. building ht	35 ft or 2 ½ stories, whichever is less.	Maximum building height is 35'. The house is one story with a daylight basement.

LOT COVERAGE

EXISTING LOT - 391E17AA 1100

LOT SIZE:

HOUSE FOOTPRINT:

PROPOSED PAVED DRIVEWAY:

EXISTING DRIVEWAY

PAVED WALKWAYS

TOTAL LOT COVERAGE:

ALLOWABLE LOT COVERAGE

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18,295.2 SQUARE FEET

2305 SQUARE FEET

782 SQUARE FEET

1168 SQUARE FEET

150 SQUARE FEET

24.3% = 4448 SQUARE FEET

20% = 3659 SQUARE FEET

**LOT COVERAGE PER RATIONAL OF MINIMUM LOT SIZE AT .5 ACRES AND NO EXISTING DRIVE
TAX LOT - 391E17AA 1100**

LOT SIZE:	.5 ACRE = 21,780 SQUARE FEET
HOUSE FOOTPRINT:	2,305 SQUARE FEET
PROPOSED PAVED DRIVEWAY:	782 SUARE FEET
EXISTING DRIVEWAY	REMOVED FROM CALCULAITON
TOTAL COVERAGE	14.2% = 3,087 SQUARE FEET
ALLOWABLE LOT COVERAGE PER ZONE:	20.0% = 4,356 SQUARE FEET

18.3.10 - PHYSICAL AND ENVIRONMENTAL CONSTRAINTS PERMIT

18.3.10.020 Applicability

A. Physical Constraints Review Permit. A Physical Constraints Review Permit is required for the following activities in the land classifications in section 18.3.10.060.

1. Alteration of Land. The alteration of the land surface by any of the following activities in areas identified as Flood Plain Corridor Land, Hillside Land, or Severe Constraint Land.

This project is within the hillside lands area as identified by City of Ashland Maps.

- a. Earth-moving activities such as grading, filling, stripping, or cutting involving more than 20 cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 square feet on any lot.

This project will result in more than 20 cubic yards of earth movement and disturbs greater than 1,000 square feet of area.

- b. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 square feet to the existing building footprint shall not be considered development for section 18.3.10.090 Development Standards for Hillside Lands.

This project proposes a new home.

- C. Hillside Land and Severe Constraints Land. Tree removal, in areas identified as Hillside Land and Severe Constraint Land, except that a permit need not be obtained for tree removal that is not associated with development, and done for the purposes of wildfire management and carried out in accord with a Fire Prevention and Control Plan approved by the Fire Chief.

Six trees were previously approved for removal when the lot was created in 2005. In addition to those trees, one Black Oak and one Madrone tree are proposed for removal. The Black Oak is in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by the excavation. The Madrone tree is in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approve buildable envelope. This project protects all the native and high resource value trees in the site.

18.3.10.050 Approval Criteria

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

The building envelope and homesite has been located to nestle within the existing tree canopy and to minimize any views of the home from the neighboring properties. The applicant is interested in saving as many trees as possible, while looking to develop the more level portions of the lot. There is an existing shared drive that transects the lot. The portions of the lot that are under 25% slope are along the shared driveway and would not allow enough area for a home site. The driveway will be used for access with the home location taking advantage of less steep slopes of the site. A stepped foundation has been utilized to reduce grading on the site.

- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

There are eight trees to be removed, all of which are in poor to fair shape. These trees will be mitigated with new trees per the Tree Mitigation Plan. Erosion control measures will be used to prevent excess silt from entering neighboring properties.

- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

The building envelope and homesite has been located to nestle within the existing tree canopy and to minimize any views of the home from the neighboring properties. The applicant is interested in saving as many trees as possible, while looking to develop the more level portions of the lot. There is an existing shared drive that transects the lot. The portions of the lot that are under 25% slope are along the shared driveway and would not allow enough area for a home site. The driveway will be used for access with the home location taking advantage of less steep slopes of the site. A stepped foundation has been utilized to reduce grading on the site.

8.3.10.060 Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them.

- **Hillside Lands.** Hillside Lands are lands that are subject to damage from erosion and slope failure, and which include areas that are highly visible from other portions of the city. The following lands are classified as Hillside Lands: All areas defined as Hillside Lands on the Physical and Environmental Constraints Hillside Lands and Severe Constraints map and which have a slope of 25 percent or greater.

This is a Hillside Lands project

- **Wildfire Lands.** Lands with potential of wildfire. The following lands are classified as Wildfire Lands: All areas defined as wildfire lands on the Physical and Environmental Constraints Wildfire Lands Map.

This is a Wildfire Land Project

- **Severe Constraint Lands.** The following lands are classified as Severe Constraint Lands, which have characteristics that severely limit normal development.

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2. All lands with a slope greater than 35 percent.

This is a Severe Constraint Lands Project

18.3.10.090 Development Standards for Hillside Lands

A. General Requirements. The following general requirements shall apply in Hillside Lands.

1. **Buildable Area.** All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H. a.

- a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.

This is a lot that was created in 2005 along with an approved building envelope; it has a range of grades, with an average slope of 45%. The home site is located on a portion of the lote with an average of 26.3%, taking advantage of an area under 25%. Most of the home site and proposed driveway is located on slopes less than 25% (53% of home site). 43% of the home site and driveway is located on slopes ranging from 25% to 35%. Four percent of the home site and driveway is located on slopes greater than 35%. The steeper portion of the building area and driveway is bracketed by gentle slopes and was artificially created in the process of creating the neighbor's driveway. The majority of the slopes less than 25% occur along the existing shared driveway. The steepest portion of the property is the lower half of the lot. The medium sloped areas with an average grade of 23% are located in the center of the lot. The proposed building envelope and homesite is located in the center of the lot in order to minimize disturbance to the site. Moving the home site further up or down the lot creates more potential disturbance to the existing grade, trees and to the neighbor's view.

4. **Geotechnical Studies.** For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required: A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information.

A Geotechnical Study has been provided as part of this application.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

A Geotechnical Study has been provided as part of this application. All grading, wall design, drainage and erosion control has been designed by a geotechnical expert and reviewed by the project geotechnical expert.

2. **Timing of Improvements.** This proposal is for a single family home on a pre-existing lot.

4. **Grading - Cuts.**

- b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b

All cut slopes will be faced by the building or the use of versa lok walls. The maximum cut slope is 9' in height. The graded areas will be revegetated with native hydro-seed mix or irrigated native adapted shrubs with irrigation. Areas that are hydro-seeded are shown on the Erosion Control Plan L2.3.

- c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.c.

A stepped footing is proposed to minimize the visual bulk of the downhill elevation of the building. The proposed step back is six feet.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

The only grading occurring on this site is for vehicular access, parking, stormwater control and the building pad. Disturbance has been kept to an absolute minimum.

2. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards.

1. All facilities for the collection of stormwater runoff shall be constructed on the site and according to the following requirements:

- a. Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.

All stormwater on the site is collected and directed via a hard pipe to the existing storm stub, per the city's public works department maps.

- b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.
The catch basins and hard pipe will be built as part of the erosion control measures at the beginning of the project.

- c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.
All storm flows are piped until they reaching the existing storm stub, preventing erosion at cut faces or filled slopes.

- d. Existing natural drainage systems shall be utilized, as much as possible in their natural state, recognizing the erosion potential from increased storm drainage.

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The storm flows around the house site will be directed to the storm stub. The existing topography and natural drainage not disturbed during construction will remain.

e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.

All stormwater on the site is collected and directed via a hard pipe to the existing storm stub, per the city's public works department maps. Detention Ponds and Recharge Berms are not feasible with these kinds of slopes. An easement will be required for the portion of the pipe crossing through the neighbor's property.

f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.
All stormwater on the site is collected and directed via a hard pipe to the existing storm stub, per the city's public works department maps. The need for erosion control will be kept to a minimum as all the stormwater will be contained until reaching the culvert.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees.

Please see the project Tree Inventory Sheet L 1.1

2. Evaluation of Suitability for Conservation.

Please see the project Tree Inventory Sheet L 1.1

3. Tree Conservation in Project Design.

Six trees were previously approved for removal when the lot was created in 2005. In addition to those trees, one Black Oak and one Madrone tree are proposed for removal. The Black Oak is in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by the excavation, therefore severely compromised. The Madrone tree is in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approved buildable envelope. This project protects all the native and high resource value trees in the site.

4. Tree Protection.

Please see Sheet L 1.1, Tree Protection and Removal Plan.

5. Tree Removal.

The trees being proposed for removal are in the proposed building envelope and/or adjacent to the cut in grade required for the foundation wall of the home and would be threatened during excavation.

6. Tree Replacement.

The applicant will plant one evergreen replacement tree and 7 deciduous replacement trees on the site, and will use native like species/variety to enhance the natural landscape of the site. See Sheet L 1.1 for the replacement tree location and specifics.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards.

1. Building Envelopes.

- a. The building envelope shall contain a buildable area with a slope of 35 percent or less. See Figure 18.3.10.090.E.1.a.

This is a lot that was created in 2005 along with an approved building envelope. The previously approved envelope did not contain sloped greater than 35%. This application contains a request for a modification to the existing building envelope, with the goal of creating a desirable location for the garage. This modification would include a portion of the site that is steeper than 35%. The proposed home site is located on a portion of the site with an average of 26.3% taking advantage of an area under 25%. Most of the home site and proposed driveway is located on slopes less than 25% (53% of home site). 43% of the home site and driveway is located on slopes ranging from 25% to 35%. Four percent of the home site and driveway is located on slopes greater than 35%, which is outside the originally approved building envelope.

The steeper portion of the building area and driveway is bracketed by gentle slopes and was clearly artificially created in the process of creating the neighbor's driveway. The majority of the slopes less than 25% occur along the existing shared driveway. The steepest portion of the property is the lower half of the lot. The medium sloped areas with an average grade of 23% is located in the center of the lot. The proposed building area is located in the center of the lot in order to create the least amount of disturbance to the site. Moving the home site further up or down the lot creates more potential disturbance to the soil, trees and to the neighbor's view.

The homesite has been located to nestle within the existing tree canopy and to minimize any views of the home from the neighboring properties. The applicant is interested in saving as many trees as possible, while looking to develop the flatter portion of the lot. There is an existing shared drive that transects the lot. The portions of the lot that are under 25% slope are along the shared driveway and would not allow for a home site. The driveway will be used for access with the home location taking advantage of less steep slopes of the site. A stepped foundation has been utilized to reduce grading on the site.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

a. Maximum hillside building height shall be 35 feet. See Figure
Complies - See building drawings, Sheet 3 and 4.

b. Cut buildings into hillsides to reduce effective visual bulk.

The basement of the proposed home has been cut into the hillside with the back portion of the basement being below grade and the uphill portion of the primary floor being at grade. On the

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downhill side of the home, the basement daylights and the primary floor presents as a second floor.

- c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

There are no vertical walls on the downhill elevation of the new building exceeding a maximum of 20 feet without a six foot step back. See Architectural Drawings, Sheet 3 and 4.

- d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

Building design meets these criteria; see building design plans and elevations. See Architectural Drawings, Sheet 3 and 4.

- e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted.

Building design meets these criteria; see building design plans, sections and elevations. See Architectural Drawings, Sheet 3 and 4.

- f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

Complies - See Architectural Drawings, Sheet 3 and 4.

- g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

Complies – The materials of the home will be selected to blend with the natural colors of the site.

- F. All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

Footings for this project have been designed by an engineer.

- G. All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

This is an existing lot. This application contains a request for a modification to the existing building envelope.

H. **Exception to the Development Standards for Hillside Lands.** An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria. **We are requesting one exceptions to the hillside building standards. A portion of the proposed homesite is located where slopes are greater than 35%,**

Exception 1 – Slopes over 35% in building footprint

The slopes over 35% within the modified building footprint are minimal, and bracketed both up and down hill by gentle slopes under 35%. The band of steepened land underneath the proposed home and garage appears to have been created during the grading of the uphill neighbor's driveway. This over steepened band is not representative of the rest of the site which has a more consistent, slowly changing grade. The home needs to be in the proposed location to take advantage of less steep portions of the site which is adjacent to this artificially created steep slope; this is the correct location to start the foundation of the home.

Taking advantage of less steep slopes, with the steepened band underneath the garage, and building a basically vertical volume protects the rest of the site from the creeping disturbance that occurs as one steps up or down the topography. Locating the building here minimizes grading for the home and the vehicular access.

Locating the home over this small band of steepened grade is specific and is the minimum needed to achieve the goals of the home. This exception is required to be able to fulfill the goals of the Physical and Environmental Constraints ordinance; it protects the site and its resources from disturbance.

18.3.10.100 Development Standards for Wildfire Lands

A. Requirements for Subdivisions, Performance Standards Developments, or Partitions.

Not applicable, this is a pre-existing single family lot.

B. Requirements for Construction of All Structures.

The property has been historically managed for fire protection. There are already functional primary and secondary fuel breaks in place. A small amount of limbing up will be necessary.

5. Roofing. All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code.

The roof of the new home will be Class B roofing material or better.

18.3.10.110 Development Standards for Severe Constraint Lands

D. Development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following information.

A Geotechnical Study has been provided as part of this application.

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Chapter 18.4.3 – Parking, Access, and Circulation

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

This project includes a single family home. There is a two car garage proposed with the home to satisfy the requirements for the single family dwelling. A single car parking area is also proposed to satisfy requirements for a flag lot.

18.4.3.080 Vehicle Area Design

A. Parking Location

1. **The proposed parking is directly associated with the dwelling unit.**
2. **The parking is not proposed within any setback.**
3. **Complies.**

B. Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

1. **Complies**
2. **NA**
3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.
The back -up for the garage is 29' or more.

C. Vehicular Access and Circulation. The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

NA

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060.
The existing paved driveway is 12 feet wide and 15 feet clear. The driveway is over the 50 foot standard maximum and therefore must comply with section 18.5.3.060 these findings will follow this section.
2. **NA**
3. **NA**
4. **NA**
5. **NA**
6. **NA**

- 7. NA
- 8. **The shared driveway is existing.**
- 9. OK
- 10. NA

Chapter 18.4.5 – Tree Preservation and Protection

18.4.5.030 Tree Protection

A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

B. Tree Protection Plan Submission Requirements.
See Sheet L 1.1 Tree Protection and Removal Plan. All trees on the site will be numbered to correspond with the plan; aluminum tree tags with numbers are on all the trees.

C. Tree Protection Measures Required.
Tree protection measures as identified on sheet L1.1 will be installed prior to any site or other work on the property.

D. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

Tree protection measures as identified on sheet L1.1 will be installed prior to any site or other work on the property. No work shall take place until the installed plan has been approved by City staff.

18.4.5.050 Verification Permit

A. If a site has received development approval through a planning action consistent with the standards of this chapter, then a Verification Permit shall be required for those trees approved for removal through that process. To obtain a Verification Permit, an applicant must clearly identify on the property the trees to be removed by tying pink tagging tape around each tree and submitting a site plan indicating the location of the requested trees. Vegetation four- to six-inches DBH that is to be removed shall also be marked with pink tagging tape. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The Staff Advisor will then verify that the requested trees match the site plan approved with the planning action. The City shall require the applicant to mitigate for the removal of each tree, pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the original development permit.

The trees to be removed will be marked with a pink surveyor's ribbon.

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Chapter 18.4.8 – Solar Access

Complies. See architectural drawing A101C

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

This driveway is considered a flag drive through ordinance definition, but the lot is not a flag lot.

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

- A. The criteria of section 18.5.3.050 are met.

- B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.
This is a pre-existing lot.

- C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.
The flag drive is within the lot where the new home is proposed.

- D. Except as provided in subsection 18.5.3.060.H, below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.
The shared drive is 20 feet wide clear with asphalt paving 15 wide. The drive serves 3 homes.

- E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.
There is no curb cut; the driveway is existing.

- F. Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances.
The driveway is graded at 15% or less

Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.

NA there are no adjacent public facilities.

- H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:
NA

- I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.
The driveway will be built to meet Fire Apparatus Access Road requirements.
- J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure 18.4.6.040.G.5). The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.
The flag drive is 61' long. Ashland fire and rescue has reviewed the plan and feel they can work with the driveway and home as designed.
- K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.
The back up for the garage and the additional space are adequate for a turnaround there is no need to back out of the driveway.
- L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance. **The proposed additional parking spot is not located within either entrance to the flag drive.**
- M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.
The proposed home will be fire sprinkled.
- N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or evergreen hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed at the extreme outside of the flag drive in order to ensure adequate fire access.
This property will have a site-obscuring screen along the western property line.
- P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.
The property far exceeds this requirement in natural open space.

18.5.5.050 Approval Criteria

- A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.
 - 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features,

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adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

This variance request relates to lot coverage. The existing problem as it relates to coverage is shown below:

LOT COVERAGE

TAX LOT - 391E17AA 1100

LOT SIZE:	18,295.2 SQUARE FEET
HOUSE FOOTPRINT:	2305 SQUARE FEET
PROPOSED NEW DRIVEWAY:	335 SQUARE FEET
EXISTING DRIVEWAY	1560 SQUARE FEET
PAVED WALKWAYS	150 SQUARE FEET
TOTAL LOT COVERAGE:	23.7% = 4350 SQUARE FEET
ALLOWABLE LOT COVERAGE	20% = 3659 SQUARE FEET

LOT COVERAGE PER RATIONAL OF MINIMUM LOT SIZE AT .5 ACRES AND NO EXISTING DRIVE

TAX LOT - 391E17AA 1100

LOT SIZE:	.5 ACRE = 21,780 SQUARE FEET
HOUSE FOOTPRINT:	2,305 SQUARE FEET
PROPOSED NEW DRIVEWAY:	335 SQUARE FEET
EXISTING DRIVEWAY	1,560 SQUARE FEET
PROPOSED PAVED WALKWAYS	150 SQUARE FEET
TOTAL COVERAGE :	14.2% = 4,350 SQUARE FEET
ALLOWABLE LOT COVERAGE PER ZONE:	20.0% = 4,356 SQUARE FEET

This lot was created during a lot division in 2005 when it was divided from a larger lot. During this process, an alley was vacated in exchange for the dedication of a portion of the larger lot for trails and open space. During this land division and property line adjustment, three lots were created (two private lots and one public lot). All lots that were created are below the .5 acre minimum of the RR-.5 zone. We propose that the lot coverage issue should be looked at as if this development were on .5 acre lot.

In addition to the non standard lot size, this lot has an existing driveway serving two additional homes, as well as an access easement for both adjacent homes. The existing driveway serving the adjacent lots totals 1560 square feet. The proposed development of this lot adds only 335 square feet of additional driveway.

This proposal has no negative impacts on the adjacent properties or adjacent uses. It has been designed to be sensitive to views from all surrounding properties and vehicular and pedestrian traffic. This proposal respects the intent of the hillside ordinance by tucking the home in to the hillside. The house has a relatively small footprint and disturbance area. The intent of this proposal has been to keep as much land as possible in its natural and existing state.

18.5.6.040 Minor Modifications

C. Minor Modification Approval Criteria. A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.

This is a modification to the existing building envelope of the site.

2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.

This is Minor Modification

3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

See below

Building Envelope Modification Request

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards:

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards:

- a. The building envelope shall contain a buildable area with a slope of 35% or less.

This is a lot that was created in 2005 along with an approved building envelope. The previously approved envelope did not have any slopes greater than 35%. This application contains a request for a modification to the existing building envelope, with the goal of creating a desirable location for the garage. This modification would include a portion of the site that is steeper than 35%. The steeper portion of the proposed building area and increased building envelope is bracketed by gentle slopes and was artificially created in the process of creating the upper neighbor's driveway. Placing the garage within the steeper zone improves access to the home and decreases potential grading by reducing the amount of driveway that would be needed to move the garage downhill and out of the steeper zone.

There is an existing shared drive that transects the lot. The portions of the existing building envelope that are under 25% slope are along the shared driveway and access easement and would not provide enough area a home site. The driveway will be used for access with the home location taking advantage of less steep slopes of the site and the garage built on the steeper portions of the site. Most of the home site and proposed driveway is located on slopes less than 25% (53% of home site). 43% of the home site and driveway is located on

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slopes ranging from 25% to 35%. Four percent of the home site and driveway is located on slopes greater than 35%, which is outside the originally approved building envelope.

b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.62.080.B.3.

This change to the building envelope does not affect the project potential to preserve or retain the lot in its natural state other than creating an easier grading response, as less grading will be necessary to access the structure. The proposed change to the building envelope may facilitate the retention of more of the lot in a natural state.

c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.62.080.D.3. while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

The homesite has been located to nestle within the existing tree canopy and to minimize any views of the home from the neighboring properties. The applicant is interested in saving as many trees as possible. The original approved building envelope provided approval for the removal of six trees. The applicant is requesting the removal of eight trees (six previously approved and two additional). One of the additional trees is within the previously approved building envelope. The second tree requested for removal is adjacent to the proposed garage foundation. It has evidence of root rot and is in fair condition.

d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline.

The proposed project sits below the ridgeline. The building envelope modification supports the ability to construct the garage into the hill. The first floor steps down from the garage level, following the natural slope of the site. And the basement is below the first floor which daylights on the downhill side. The proposed building envelope modification and proposed garage location allows the roofline to step with the hill and avoid roofline exposure.

18.5.7.040 Tree Removal Permit Approval Criteria

B. Tree Removal Permit.

1. Hazard Tree.

a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.

Six trees were previously approved for removal when the lot was created in 2005. In addition to those trees, one Black Oak (Tree #1) and one Madrone tree (Tree #5) are proposed for removal. The Black Oak is in fair condition with evidence of root rot. It is directly adjacent to the foundation wall of the house and would be impacted by the excavation. The Madrone tree (#5) is in poor condition with sparse foliage. It lies within the proposed footprint of the house and within the previously approved buildable envelope. This project protects all the native and high resource value trees in the site.

b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit. See L1.1 for mitigation tree locations.

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City Of Ashland



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June 12, 2018

Asher Homes
P.O. Box 3549
Ashland, OR 97520

**SUBJECT: Geotechnical Investigation and Geologic Hazard Study
 294 Skycrest Drive
 Ashland, Oregon**

At your request, Applied Geotechnical Engineering and Geologic Consulting LLC (AGEGC) has completed a geotechnical investigation and geologic hazard study for the proposed new single-family home to be located at 294 Skycrest Drive in Ashland, Oregon. The intent of our work is to provide design recommendations for design and construction of the new home, including erosion control. Our work included a review of available geotechnical and geologic information for the property and vicinity, a ground-level reconnaissance of the property and vicinity, and engineering analyses. Our report describes the work accomplished and provides our recommendations for the proposed new home.

We understand the home will be a single-family, wood-frame structure. The home will be a single story with a daylight basement. The basement will be constructed with a concrete slab-on-grade floor. Retaining walls will be required along the uphill side of the home to retain cut areas from excavation of the home's building pad.

A licensed geotechnical engineer and geologist provided by AGEGC completed a site visit to the property on October 23, 2017. The site slopes moderately down to the east. The slope is relatively uniform, indicating only minor fills at the site. Groundwater seepage was not observed in the proposed building area. The site is wooded with mature trees.

Geologic maps of the area indicate the site is underlain by granite. Test pits completed as part of the previous geotechnical investigation for this site encountered weathered (decomposed) granite at relatively shallow depths. The upper 1 to 3 ft of soils consist of loose silty sand that is underlain by the dense, decomposed granite.

There are no mapped active faults in the area of the site. Native slopes in the vicinity of the proposed home site are relatively uniform and no indications of deep-seated slope failures were observed.

CONCLUSIONS AND RECOMMENDATIONS

In our opinion, the property is suitable for development with the proposed new home. If our geotechnical recommendations for development of the lot are followed, in our opinion, there is no significant risk of slope instability on the lot. The main geotechnical considerations for development of the lot include moderately steep slopes, the potential for shallow rock, and seasonally perched groundwater. Geotechnical recommendations for lot development and erosion control for the proposed new home are provided below.

Lot Development

- 1) Final graded slopes on the lot should be no steeper than 2H:1V. Temporary cut slopes up to 12 ft high may be excavated at a slope of ½H:1V. Other than material used for backfilling against the foundations and retaining wall, no fills should be placed on the lot.
- 2) The disturbed silty sand soils are highly susceptible to erosion and should be revegetated as soon as practical.
- 3) The majority of the excavation spoils are not suitable for use as compacted fill and should be removed from the site. Given the steepness of the lot, we anticipate that the majority of the excavation spoils will need to be removed from the lot.
- 4) Fill placed within 2 ft of the home and concrete flatwork should consist of compacted, structural fill. Structural fill should consist of imported granular fill, such as ¾-in.-minus crushed rock. Structural fill must be compacted to at least 95% of the maximum dry density as determined by ASTM D 698, at a moisture content within 3% of optimum. The ground surface within all areas to receive fill should be stripped of surficial organics and benched prior to placement of the fill.
- 5) Structural loads may be supported on standard spread footing foundations founded on stiff native, undisturbed silt soils or on structural fill over undisturbed stiff native soils. Foundation excavations should be completed using a backhoe or trackhoe equipped with a smooth-lip bucket. Spread footing foundations may be designed for an allowable soil bearing pressure of up to 1,500 psf. This allowable soil bearing pressure assumes all footings will be founded as recommended in this report. The minimum width of any footing should not be less than 12 in., and footings should be established a minimum of 18 in. below the lowest adjacent exterior grade.
- 6) Where practical, foundations should be oriented perpendicular to the slope (oriented uphill/downhill).
- 7) Foundations should be setback a horizontal distance from downhill slopes of at least 10 ft. This setback may be obtained by embedding the foundation a greater distance below final grades (on a 3H:1V slope, foundations must be embedded about 3.5 ft below grades to provide the recommended setback).
- 8) The site should be graded to provide positive drainage away from footings and retaining walls. Subsurface drains (foundation drains) should be provided adjacent to the uphill side of all retaining walls foundations. Foundation drains should consist

of a 4-in.-diameter drain pipe, bedded in at minimum of 12 in. of angular drain rock. The drain rock should be wrapped in a non-woven geotextile drainage fabric. Downspouts should be hard-piped to drain at least 20 ft away from the house and away from moderate and steep slopes.

- 9) We understand that retaining walls will be constructed as part of the site grading for the improvements and for the daylight basement. The following embedded wall design recommendations assume that the wall backfill consists of clean granular material (sand or crushed rock) within at least 2 ft of the wall, the backfill is compacted to 90 to 95% of ASTM D 698, the backfill is level within 10 ft of the wall, and the embedded wall is fully drained, i.e., hydrostatic pressure cannot act on the wall. Drain rock should be separated from native soils by either a 12-in.-thick layer of ¾-in.-minus crushed rock or a non-woven geotextile filter fabric. The intent is to prevent migration of fines into the drain rock. Walls that are allowed to yield by tilting about their base (cantilevered retaining walls are typically considered yielding) should be designed using a lateral earth pressure based on an equivalent fluid having a unit weight of 35 pcf.

Horizontal shear forces can be resisted partially or completely by frictional forces developed between the base of spread footings and the underlying soil and by passive soil resistance. The total frictional resistance between the footing and the soil is the normal force times the coefficient of friction between the soil and the base of the footing. We recommend an ultimate value of 0.4 for the coefficient of friction; the normal force is the sum of the vertical forces (dead load plus real live load).

- 10) The basement concrete slab-on-grade floor will be founded below adjacent grades. To provide adequate support, the slab should be underlain by a minimum of 10 in. of crushed rock fill. Because the majority of the slab will be founded below adjacent grades, the slab should be constructed with an underslab drainage system to reduce the risk of hydrostatic pressures under the floor slab. The drainage system should consist of 4-in.-diameter perforated drain pipes placed on about 10 ft spacings under the floor slab, connected and hard-piped to drain away from the home. To reduce the risk of hydrostatic pressure under the slab, the lower 8 in. of the crushed rock layer under the slab should consist of clean (less than 2% passing the No. 200 sieve – washed analyses). A ¼-to-¾ in. angular drain rock is suitable for this purpose. The drain pipes should be bedded in the drain rock. A vapor resistant membrane should be placed on top of the compacted rock.
- 11) We estimate that relatively hard granite occurs at a depth of greater than 20 ft at the site. In our opinion, seismic design for the new home can be completed based on a Site Class C material.
- 12) The project geotechnical engineer should complete site visits on an intermittent basis to observe and evaluate 1) site stripping, 2) overexcavation of unsuitable soils, 3) fill placement and compaction (including the underslab drainage system), and 4) foundation excavations and subgrade for retaining walls foundations. The owner and/or project earthwork contractor should advise the geotechnical engineer when this work will be started and as it is ongoing.

Erosion Control

The site is located on a moderately steep slope that is underlain by granitic soils. Granitic soils are easily eroded when disturbed by construction activities. The intent of the erosion control plan is to decrease erosion and off-site migration of soils. This can be accomplished by decreasing surface water runoff by means of vegetation, hay bales and rock coverings or checkdams; holding the soil in place by establishing a vegetation cover as soon as practical; and by directing surface water flow away from areas disturbed by construction activities.

Downspouts and other drains should be connected (hard-piped) to the storm water system as soon as practical. This includes installation of temporary flex piping for downspouts to transport water away from disturbed areas of soil.

- 1) A portion of the property will be disturbed during construction of the proposed home and site grading including the grading (cuts and minor fills) for the backyard. Landscape areas on the lot where the vegetation is disturbed or removed should be revegetated or landscaped as soon as practical. The silty sand (decomposed granitic soils) is easily eroded when disturbed by construction activities. Mulch consisting of either straw, wood cellulose fiber or other similar materials can be placed in areas where landscaping will not be quickly established. Mulch should be applied at a rate of approximately 2,000 pounds per acre.
- 2) We recommend all exposed soil areas (all graded areas) be graded such that surface water upslope of the disturbed area is directed away from the exposed soil. Any surface water flow on the exposed soil should move as sheet flow rather than concentrated flow.
- 3) Runoff from the disturbed portion of the site will likely contain some soil material. To further reduce the risk of sediment leaving the site during periods of wet weather (typically winter and spring months), a small settling basin can be installed at the discharge end of graded areas. Straw bales and/or silt fence should be staked along the downhill edge of the settling basin. Water can be discharged from the settling basin using 4-in.-diameter flex pipe.
- 4) Straw bales or silt fencing should be installed along the downhill edge (east side) of the proposed construction. The silt fence should be embedded at least 4 in. into the ground and should be staked in place. The straw bales should be placed end-to-end and staked in place to prevent separation between the bales. The silt fence and straw bales should be placed to direct surface water runoff from the site towards the settlement basins.
- 5) During construction and prior to establishment of the site landscaping, the erosion control measures must be monitored and will require periodic maintenance. Maintenance may include removal of sediment from upslope of the straw bales or silt fence, removal of sediment from the settlement basin, and the placement of additional straw bales or sediment fence. The amount of required maintenance of the erosion control measures will decrease significantly as the landscaping becomes established.
- 6) The project geotechnical engineer or landscape architect (the person the owner designates as responsible for the erosion control measures) should evaluate the erosion control measures periodically during construction, including after storm events.

LIMITATIONS

This report has been prepared to aid the owner's design team in the design and construction of the proposed improvements on the referenced building lot. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the improvements.

The conclusions and recommendations submitted in this report are based on the information described above. It should be understood that variations in subsurface conditions may be present. If subsurface conditions different than those described in this report are encountered during construction, AGE GC should be notified to evaluate and change our recommendations as needed.

We have performed these services in accordance with generally accepted geotechnical engineering practices in southern Oregon at the time the study was accomplished. No other warranties, either expressed or implied, are provided.

Please contact AGE GC if you have any questions or require additional information.

Sincerely,
Applied Geotechnical Engineering and Geologic Consulting LLC



Robin L. Warren, G.E., R.G.
Principal



Renewal: June 2020

February 21, 2008
Project No. KC43-12.02

Brian & Diane Smith
290 Skycrest Drive
Ashland, Oregon 97520



Re: Geotechnical Engineering Recommendations
190 Skycrest Drive
Ashland, Oregon

Dear Mr. & Mrs. Smith:

This letter report presents Amrhein Associates, Inc. (AAI) recommendations for the design and construction of the proposed residence at the above referenced address. AAI previously conducted a site investigation and presented our findings and conclusion regarding partition of the lot in our letter dated February 23, 2005.

The subsurface conditions observed in our previous study generally consisted of a loose topsoil layer ranging in depth of 1.3 to 3.0 feet over dense, decomposed granite soils. Our test pits only extended to maximum depth of 5.0 and 5.5 feet, so the density of the decomposed granite at depth is not known at this site. We would expect the decomposed granite would become quickly become very dense with depth.

Project Description

We understand the proposed house will include a daylight basement with a tall retaining wall supporting the slope above. In addition, a shorter retaining wall will located above and behind the tall basement wall. Concrete slab-on-grade floors will be constructed in the basement, as well as for the shop area between the two retaining walls.

Site Preparation Recommendations

All loose soil under the house footings and concrete floor slabs should be over-excavated to at least medium dense, native decomposed granite soil. The tall retaining wall footings should be excavated to at least very dense, decomposed granite soils we expect to be found at depth. Any over-excavation necessary under the house footings or floor slabs, or retaining wall areas should be backfilled with crushed rock placed and compacted as "structural fill" as described below. All the loose soil should also be removed from beneath the driveway area. If the soil is non-organic, it can be recompacted in place as structural fill.

We recommend that the subgrade of the excavations be observed by the geotechnical engineer prior to the placement any structural fill or the building or retaining wall

footings. The site soils are silty and therefore are prone to disturbance and pumping in wet site conditions. The contractor should minimize traffic across prepared soil subgrade areas.

Temporary Cut Recommendations

Temporary excavation slope stability is a function of many factors including soil type, density, cut inclination, depth, the presence of groundwater and the length of time that the cut is to remain open. As a cut is deepened, or as the length of time the excavation is open increases, the likelihood of bank failures increases.

For planning purposes, we recommend the looser, weathered decomposed granite be cut to maximum temporary slope of 1H:1V, where practical, saving tree roots were necessary. If steeper temporary slopes are necessary in the upper weathered zone, temporary shoring, such as steel plates, must be employed that is properly supported and tied off with anchors or large trees. Below the weathered zone, we classified the very dense, decomposed granite as staple rock in accordance with OR-OSHA guidelines and it can be cut vertically. The cut angles and locations are shown on Figure 2, Soil Cut and Retaining Wall Configuration.

If seepage is observed exiting the slope face, flatter slopes will be necessary. For this reason, temporary slope safety should remain the responsibility of the contractor, who is present at the site and able to observe changes in the site soil conditions and monitor the performance of the excavation. Inspection of the cuts should be made on a daily basis. If any sign of slope movement, cracking above or within the slope, water seepage, or sluffing is observed, the geotechnical engineer should be called for an immediate review of the conditions.

The following measures should be employed to protect the excavation face and workers working above and below the excavation cut.

1. Materials should not be stockpiled above the excavation.
2. The temporary slope should be covered with sheet plastic to protect it from rainfall.
3. The top of the cut should be fenced to prevent falls.
4. All workers working under the cut face must wear hard hats.
5. Workers must be able to escape the area between the cut face and the new retaining wall within a lateral distance of 25 feet or have a ladder to climb out nearby.

Structural Fill Recommendations

All fill placed under the house footings, the concrete floor slabs, the driveway, and the backfill behind structural retaining walls or stacked block walls should be placed in accordance with the recommendations for structural fill. All surfaces to receive fill should be prepared as previously recommended.

The decomposed granite soils can be used for general site grading, the driveway grading and landscape purposes. We recommend that structural fill placed under the house footings, the concrete floor slabs, and the backfill behind structural retaining walls or stacked block walls consist of imported crushed rock. In all cases, site soils or soil imported to the site to be used for structural fill should have a maximum particle size on the order of 8 inches and be free of organics and other deleterious material.

The site soils are silty and should be considered moisture sensitive. Site work in the presence of water or during wet weather would disturb the bearing strata. The contractor should avoid disturbance of these soils and limit traffic across the building areas and foundation areas during wet weather.

Structural fill should be placed in loose lifts not exceeding 12 inches in thickness. Individual lifts should be compacted to a firm and non-yielding condition such that a density of at least 90 percent of the modified Proctor maximum dry density (ASTM D:1557 or AASHTO T:180) is achieved. We recommend that a representative of the geotechnical engineer be present during placement of structural fill to observe the work and perform a representative number of in-place density tests. In this way, the adequacy of the earthwork may be evaluated as grading progresses. However, if large crushed rock is used (e.g. 4-inch minus) the density of the fill will be difficult, if not impossible, to measure by means of a nuclear moisture/density gauge. Therefore, we recommend that the rock fill be spread, watered to an appropriate moisture content, and compacted with at least 3 passes of a heavy, vibratory compaction roller. The compacted fill should be a firm and non-yielding surface able to withstand proof-rolling with a loaded dump truck without significant deflection.

The suitability of soils used for structural fill depends primarily on the soil particle size gradation and moisture content of the soil when it is placed. As the amount of fines (that portion passing the U.S. No. 200 sieve) increases, the soil becomes increasingly sensitive to small changes in moisture content and adequate compaction becomes more difficult, if not impossible, to achieve. Soil containing more than about 5 percent fines by weight, when measured against the minus No. 4 sieve fraction, cannot be compacted to a firm and non-yielding condition when the moisture content is about 2 percent above optimum. If needed, the use of clean, granular soil would expedite wet weather construction.

If inclement weather occurs during grading, the upper wetted portion of the subgrade may need to be scarified and dried prior to further earthwork. If it is not practical to dry the wet, silty soils, it may be more expedient to remove the wet materials and replace them with dry soil.

Spread Footing Foundation Recommendations

The proposed house may be supported by conventional, shallow, spread footings and continuous wall footings, founded on undisturbed, native, medium dense, decomposed granite or compacted, crushed rock placed over those soils. The tall retaining wall footings should be founded on very dense, decomposed granite, so they can be designed with a higher maximum allowable bearing pressure. In addition the depth of the upper retaining wall footing should be modified to avoid the imposition of a surcharge load on the lower, tall retaining wall as discussed in Retaining Wall Recommendations.

Based upon these conditions, we recommend that the house footings be designed with a maximum allowable bearing pressure of 1,500 pounds per square foot (psf). The retaining wall footings that are founded in very dense, decomposed granite may be designed with a maximum allowable bearing pressure of 3,000 psf. These allowable loads may be increased by up to one-third to accommodate seismic or transient loads. The base of exterior footings should be located at least 16 inches below the lowest adjacent ground surface or top of floor slab, for frost protection. Interior footings may penetrate 12 inches below the lowest surrounding grade or slab surface. All footings should have a minimum width of 12 inches with minimum reinforcing steel as required by the residential building code for seismic and to control concrete shrinkage cracking.

The site excavation should be planned to create a horizontal bench in the native, decomposed granite for the upper retaining wall footing as shown on Figure 2, Soil Cut and Retaining Wall Configuration. The footings running perpendicular to the slope should be designed and constructed on horizontal benches with vertical step downs, if necessary. The footings should not be designed or constructed running down the slope at an angle.

As the site soils are silty and therefore are moisture sensitive, site work in the presence of water or during wet weather would disturb the bearing strata. The contractor should avoid disturbance of these soils and limit traffic across the building pad and foundation areas during wet weather. To minimize disturbance associated with form work and reinforcement bar placement, the use of a "mud mat" or crushed rock blanket may be required.

Assuming the foundation elements are founded on the prescribed bearing strata, we anticipate that the total settlements should be less than $\frac{3}{4}$ -inch with differential settlements on the order of half of that total. Most of the settlement should occur during the construction of the house. If any disturbed or loose materials are left within the footing areas prior to concrete placement, settlements may be increased. For that reason, the condition of the footing subgrades should be observed prior to concrete placement, to confirm the condition of the bearing soils are consistent with those assumed during design.

Concrete Floor Slab Recommendations

All concrete floor slab subgrades should be prepared in accordance with the Site Preparation Recommendations. The concrete floor slabs should be founded on undisturbed, at least medium dense, native soil or crushed rock, structural fill. We also recommend that the floor slabs also be underlain by a minimum of a 6-inch thickness of clean, free-draining, crushed rock or washed rock to serve as a capillary break and working surface. An outlet for the drainage layer should be provided through or under the concrete footings to allow for any water that may build up under the slab to drain.

A vapor barrier membrane should also be placed beneath the concrete floor slab. This vapor barrier should be at least 10 mils thick and comply with ASTM:E 1745, Class C vapor barrier.

Retaining Wall Recommendations

Backfilled retaining walls are categorized by the condition of restraint at the top of the wall at the time of backfilling. Retaining walls where the top of the walls are free to move laterally or rotate to at least 0.1 percent of the wall height during backfilling may be designed for an equivalent fluid unit weight of 35 pounds per cubic foot (pcf). If the walls are structurally restrained for lateral movements at the top of the wall at the time of backfilling, we recommend that they be designed for an equivalent fluid unit weight of 50 pcf. These values assume no buildup of hydrostatic water pressure behind the walls.

A value for the allowable passive earth resistance of 400 pcf may be assumed for each foot of penetration below the ground surface, neglecting the first foot. An allowable wall base friction value of 0.40 is recommended. This assumes that the concrete makes intimate contact with the soil.

The retaining wall to be located behind the tall, basement wall should be deepened to avoid the imposition of a surcharge load on the lower, retaining wall. The toe of the upper footing should be located behind an imaginary line extending from the base of the lower wall up at a 30° angle as shown on the attached Figure 2, Soil Cut and Retaining Wall Configuration.

All backfill placed behind the walls or around foundation units should be placed in accordance with our recommendations for structural fill. The above lateral earth pressures, are based upon granular backfill and no buildup of hydrostatic pressure behind the wall. To minimize lateral earth pressure and prevent the buildup of hydrostatic pressures, the wall backfill should consist of free-draining, granular material with drainage provisions as discussed in the Drainage Considerations section presented below. All backfill behind the retaining walls should be free-draining rock or crushed rock. The back of all retaining walls should be waterproofed and the water proofing protected with fiber-board panels.

The backfill should be compacted to between 88 to 90 percent of the laboratory maximum dry density (ASTM:D 1557 or AASHTO T 180). Additional compaction adjacent to the wall will increase the lateral pressure while lesser degree of compaction could permit post construction settlements. If silty soils are used as backfill behind the wall, far greater lateral pressures can be expected to act on the wall. It is difficult to evaluate what lateral earth pressures will actually be imposed on the retaining wall due to the lower permeability silty backfill. The density of the soils, as well as the moisture content plays a significant role. If much of the soil material is loose, the soil will readily absorb and become a saturated mass, even further increasing wall pressures. Also, the fines can plug the footing drain itself that may allow full hydrostatic pressures to develop. The soil pressure and water pressure are additive and can approximately triple the total lateral pressure against the wall.

Permanent Cut and Fill Slope Recommendations

We recommend that permanent cut and fill slopes be designed for a maximum inclination of 1-½H:1V. Any slope steeper than 3H:1V must be covered with topsoil and erosion control matting installed in accordance with the manufacturer's recommendations. The maximum fill slope length should not exceed 20 feet in vertical height. The maximum cut slope should not exceed 15 feet in vertical height.

Permanent fill slopes should be constructed in accordance with our recommendations for structural fill. The surface of the fill slope should be compacted to the same 90 percent density (ASTM:D 1557) as the body of the fill. This may be accomplished by overbuilding the embankment and then cutting it back to its compacted core or compacting the surface of the fill as it is constructed.

Fill placed on slopes should be keyed and benched in as it is being placed. This can be accomplished by starting at the bottom of the slope cutting material horizontally from the slope to create a level bench. The material can be most effectively compacted on the level bench. As additional material is placed on the bench, the equipment should cut out the next bench into the slope, stair-stepping up the slope. The bottom key should be a horizontal cut at least 6 feet in width. Each horizontal bench should be cut at least 6 feet into the native granitic soil.

The top of all slopes greater than 10 feet in vertical height should be protected from runoff by diversion berms or swales. The surface of the slopes should be covered with topsoil and seeded.

Building Drainage Considerations

During periods of high precipitation, seepage zones may develop randomly in the cut faces. Any seepage should be routed away from the construction and building area as much as possible.

Site grades should be planned to slope away from the house. We recommend that the house be provided with a permanent footing drain system to collect any available water. The footing drains should consist of at least 4-inch diameter perforated pipe surrounded by at least 4 inches of washed rock or pea gravel on all sides. Roof and surface runoff should not discharge into the footing drain system; instead a separate tight line drain system should be installed. The footing drains and roof downspout drain pipes should be extended to the storm drain system.

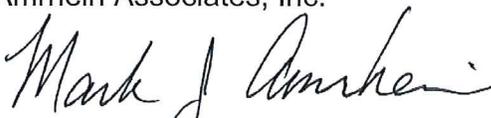
If at all possible during the winter months, we recommend the roof gutters be installed on the house as soon as the roof has been installed. This will prevent water from the roof saturating the soil immediately around the house and will control the greater quantity of water coming from the new roof.

Closure

The conclusions and recommendations presented in this letter are based on our understanding of the project and the previous explorations completed at the site. The integrity of the house foundation and retaining walls depends on proper site preparation and construction procedures. We recommend that a representative of the geotechnical engineer observe the foundation subgrades or any subgrade prior to the placement of structural fill. Our conclusions and recommendations have been prepared in conformance with generally accepted geotechnical engineering principles and practices. No other warranty, either expressed or implied, is made or intended. This report has been prepared for the exclusive use of the Smiths, and their agents, for specific application to this project.

We hope these recommendations assist you in the design and construction of the proposed retaining wall. Please feel free to ask any questions as the construction progresses.

Sincerely,
Amrhein Associates, Inc.



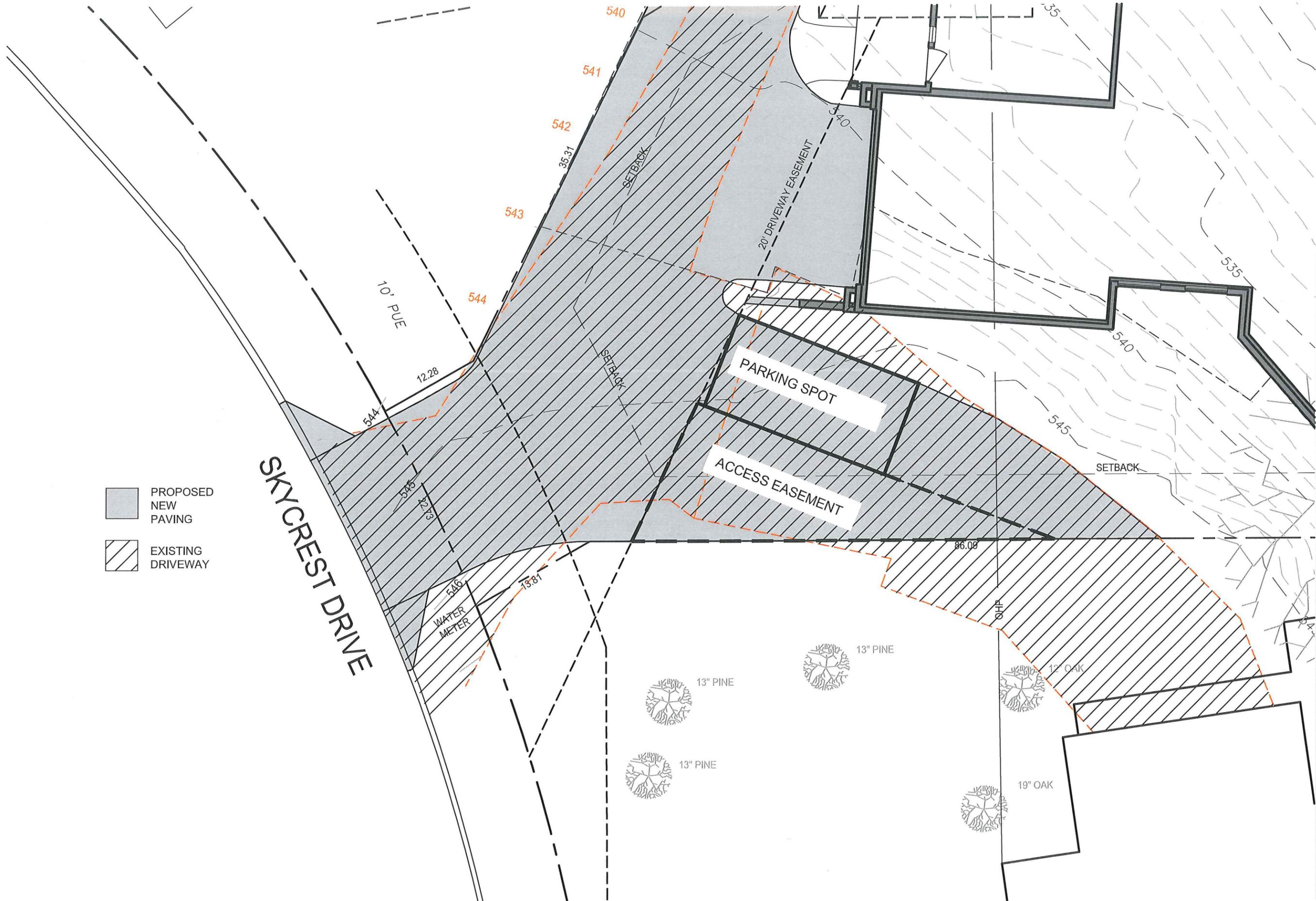
Mark J. Amrhein, PE, GE
President / Senior Engineer



RENEWAL DATE: 12/31/09

Att: Figure 2, Soil Cut and Retaining Wall Configuration

cc: Bob Voss, Medinger Construction
Kerry KenCairn, KenCairn Landscape Design
Barbara Ciota, Ciota Engineering



KenCairn
Landscape Architecture



www.KenCairnLandscape.com
545 A ST, STE 3, ASHLAND, OR 97520
541.488.3194



Drawn By:
PVC

1/8" = 1'-0"

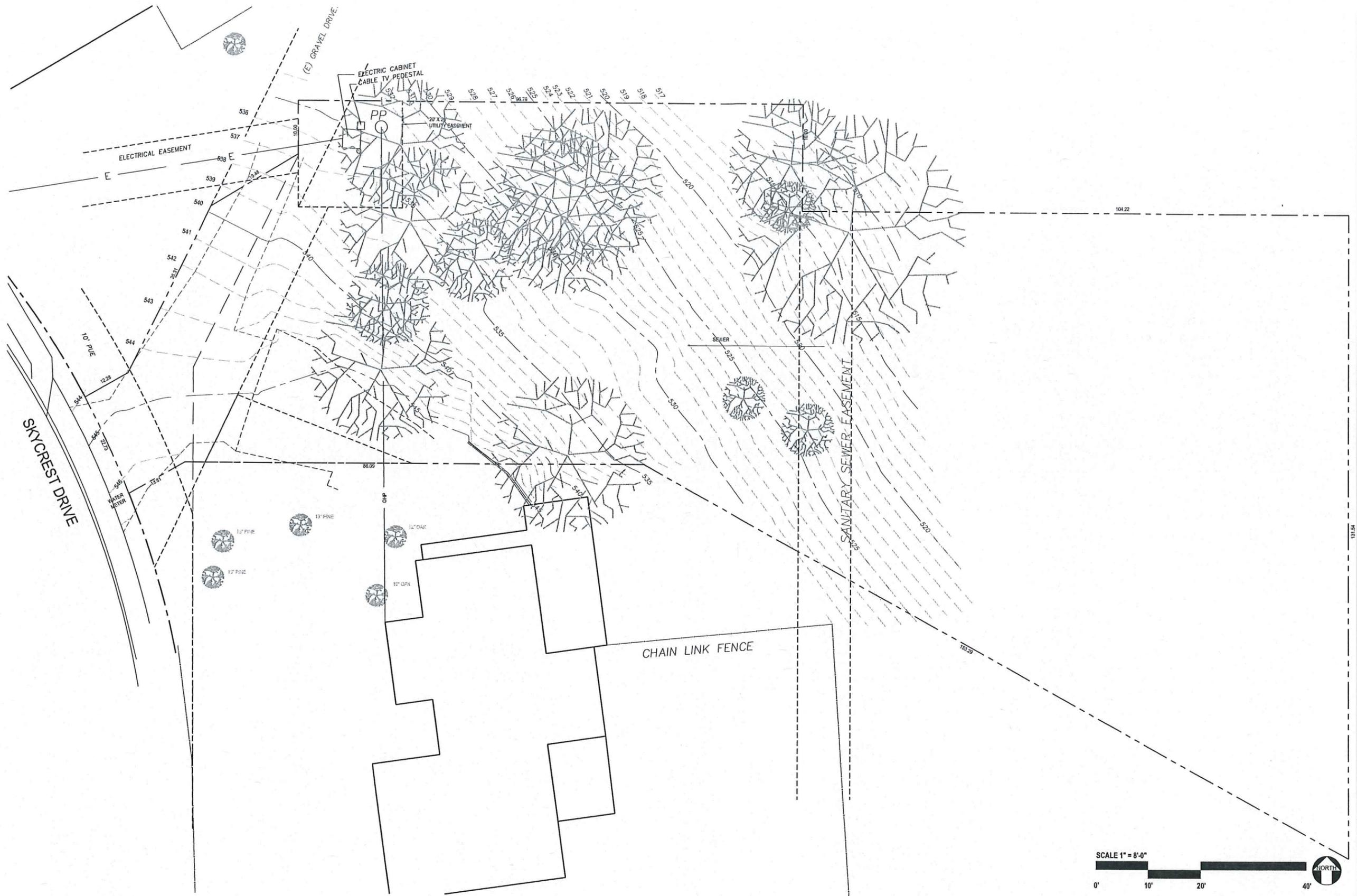
SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

**DRIVEWAY
EXHIBIT**

ISSUE DATE:
JULY 11, 2018

E1



KenCairn
Landscape Architecture

www.KenCairnLandscape.com

545 A ST, STE 3, ASHLAND, OR 97520
541.488.3194



Drawn By:
SGB

SCALE 1" = 8'-0"

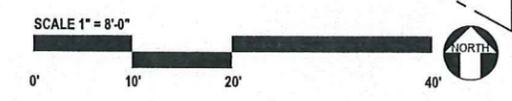
SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

SITE SURVEY

ISSUE DATE:
May 3, 2018

L 1.0





Drawn By:
SGB

SCALE 1" = 8'-0"

SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

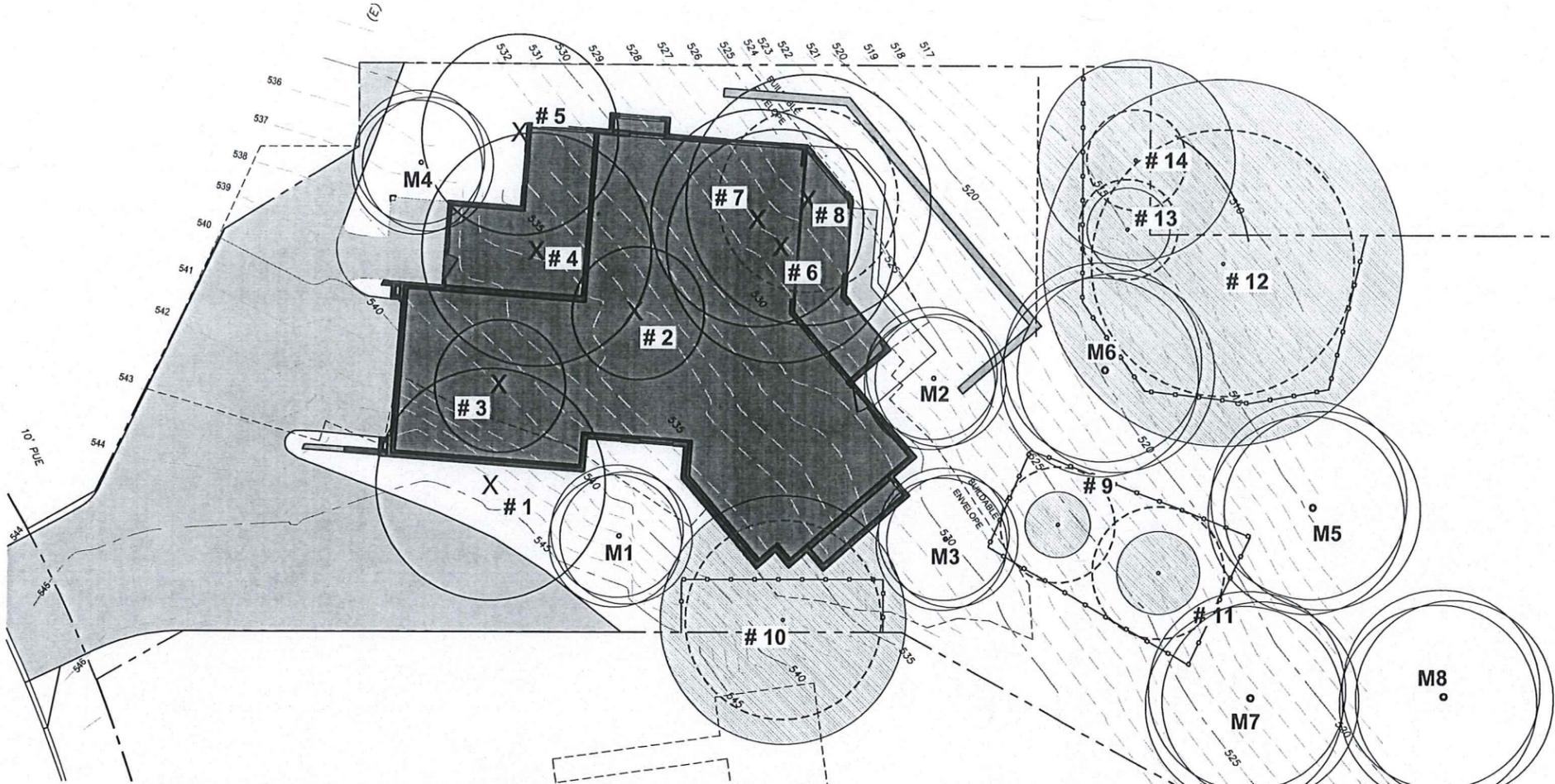
TREE PROTECTION PLAN

ISSUE DATE:
May 3, 2018

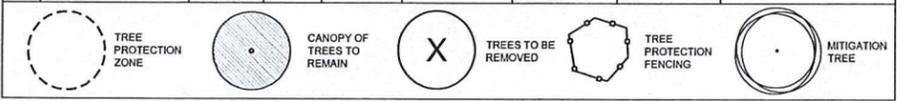
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TREE PROTECTION AND REMOVAL NOTES

- PRIOR TO DELIVERING EXCAVATION EQUIPMENT OR COMMENCING ANY CONSTRUCTION ACTIVITIES ON THE SITE, THE GENERAL CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR A PRE-CONSTRUCTION MEETING WITH THE LANDSCAPE ARCHITECT AND EXCAVATION SUPERVISOR PRIOR TO COMMENCING ANY WORK ON THE SITE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED BY THE CONTRACTOR 48 HRS. IN ADVANCE FOR ALL SITE VISITS REQUESTED. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FROM THE OWNER'S REPRESENTATIVE THAT CONSTRUCTION MAY BEGIN AFTER ALL OF THE DESCRIBED FENCING IS IN PLACE. FENCING SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETED.
- FENCES MUST BE ERRECTED TO PROTECT TREES TO BE PRESERVED AS SHOWN IN DIAGRAM. FENCING SHALL BE 6' TALL TEMPORARY CHAIN LINK PANELS INSTALLED WITH METAL CONNECTIONS TO ALL PANELS AREA INTEGRATED, THESE FENCES SHALL BE INSTALLED SO THAT IT DOES NOT ALLOW PASSAGE OF PEDESTRIANS AND/OR VEHICLES THROUGH IT. FENCES DEFINE A SPECIFIC PROTECTION ZONE FOR EACH TREE OR GROUP OF TREES. FENCES ARE TO REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED. FENCES MAY NOT BE RELOCATED OR REMOVED WITHOUT THE PERMISSION OF THE LANDSCAPE ARCHITECT.
- CONSTRUCTION TRAILERS, TRAFFIC AND STORAGE AREAS MUST REMAIN OUTSIDE FENCED TREE PROTECTION ZONES AT ALL TIMES.
- ALL PROPOSED UNDERGROUND UTILITIES AND DRAIN OR IRRIGATION LINES SHALL BE ROUTED OUTSIDE THE TREE PROTECTION ZONE. IF LINES MUST TRANSVERSE THE PROTECTION AREA, THEY SHALL BE TUNNELED OR BORED UNDER THE TREE ROOTS. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IF ANY PROJECT PLANS CONFLICT WITH THIS REQUIREMENT.
- NO MATERIALS, EQUIPMENT, SPOIL, OR WASTE OR WASHOUT WATER MAY BE DEPOSITED, STORED, OR PARKED WITHIN THE TREE PROTECTION ZONE (FENCED AREA).
- NOTIFY THE LANDSCAPE ARCHITECT IF TREE PRUNING IS REQUIRED CONSTRUCTION CLEARANCE.
- ANY HERBICIDES PLACED UNDER PAVING MATERIALS MUST BE SAFE FOR USE AROUND TREES AND LABELED FOR THAT USE.
- IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY. ALL DAMAGE CAUSED BY CONSTRUCTION TO EXISTING TREES SHALL BE COMPENSATED FOR BY THE OFFENDING PARTY, BEFORE THE PROJECT WILL BE CONSIDERED COMPLETE.
- WATERING SCHEDULE: WATERING PROTECTED TREES SHALL FOLLOW THESE STANDARDS, HOWEVER PERIODS OF EXTREME HEAT, WIND, RAINFALL OR DROUGHT MAY REQUIRE MORE OR LESS WATER THAN RECOMMENDED IN THESE NOTES.
 - MOST SPECIES: 1 TIME PER MONTH DURING IRRIGATION SEASON (USUALLY MARCH THROUGH SEPTEMBER)
 - QUERCUS/OAK: DEEP WATER IN MAY AND SEPTEMBER, DO NOT WATER DURING OTHER MONTHS. FOR OAKS ALREADY IN THE VICINITY OF IRRIGATED CONDITIONS, AUTOMATIC SPRINKLERS OR REGULAR WATERING SHALL NOT BE ALLOWED TO SPRAY ON OR WITHIN 3 FEET OF THE TRUNK. THE WATER SHALL NOT BE ALLOWED TO POOL OR DRAIN TOWARDS THE TRUNK.
 - WATERING METHOD: HAND WATERING SYSTEMS, RECOMMENDED FOR TREES THAT ARE PART OF A DEVELOPMENT PROJECT THAT MUST BE WATERED TO INSURE TREE SURVIVAL DURING THE COURSE OF CONSTRUCTION UNTIL AUTOMATIC IRRIGATION IS INSTALLED.
- EROSION CONTROL DEVICES SUCH AS SILT FENCING, DEBRIS BASINS, AND WATER DIVERSION STRUCTURES SHALL BE INSTALLED ON THE UPHILL SIDE OF THE TREE PROTECTION ZONE TO PREVENT SILTATION AND/OR EROSION WITHIN THE TREE PROTECTION ZONE.
- BEFORE GRADING, PAD PREPARATION, OR EXCAVATION FOR THE FOUNDATIONS, FOOTINGS, WALLS, OR TRENCHING, ANY TREES WITHIN THE SPECIFIC CONSTRUCTION ZONE SHALL BE ROOT PRUNED 1 FOOT OUTSIDE THE TREE PROTECTION ZONE BY CUTTING ALL ROOTS CLEANLY AT A 90 DEGREE ANGLE TO A DEPTH OF 24 INCHES. ROOTS SHALL BE CUT BY MANUALLY DIGGING A TRENCH AND CUTTING EXPOSED ROOTS WITH A SAW, VIBRATING KNIFE, ROCK SAW, NARROW TRENCHER WITH SHARP BLADES, OR OTHER APPROVED ROOT-PRUNING EQUIPMENT.
- ANY ROOTS DAMAGED DURING GRADING OR CONSTRUCTION SHALL BE EXPOSED TO SOUND TISSUE AND CUT CLEANLY AT A 90 DEGREE ANGLE TO THE ROOT WITH A SAW. PLACE DAMP SOIL AROUND ALL CUT ROOTS TO A DEPTH EQUALING THE EXISTING FINISH GRADE WITHIN 4 HOURS OF CUTS BEING MADE.
- IF TEMPORARY HAUL OR ACCESS ROADS MUST PASS OVER THE ROOT AREA OF TREES TO BE RETAINED, A ROAD BED OF 6 INCHES OF MULCH OR GRAVEL SHALL BE CREATED TO PROTECT THE SOIL. THE ROAD BED MATERIAL SHALL BE REPLENISHED AS NECESSARY TO MAINTAIN A 6 INCH DEPTH.
- SPOIL FROM TRENCHES, BASEMENTS, OR OTHER EXCAVATIONS SHALL NOT BE PLACED WITHIN THE TREE PROTECTION ZONE, EITHER TEMPORARILY OR PERMANENTLY.
- NO BURN PILES OR DEBRIS PILES SHALL BE PLACED WITHIN THE TREE PROTECTION ZONE. NO ASHES, DEBRIS, OR GARBAGE MAY BE DUMPED OR BURIED WITHIN THE TREE PROTECTION ZONE.
- MAINTAIN FIRE-SAFE AREAS AROUND FENCED AREA. ALSO, NO HEAT SOURCES, FLAMES, IGNITION SOURCES, OR SMOKING IS ALLOWED NEAR MULCH OR TREES.
- DO NOT RAISE THE SOIL LEVEL WITHIN THE DRIP LINES TO ACHIEVE POSITIVE DRAINAGE, EXCEPT TO MATCH GRADES WITH SIDEWALKS AND CURBS, AND IN THOSE AREAS, FEATHER THE ADDED TOPSOIL BACK TO EXISTING GRADE AT APPROXIMATELY 3:1 SLOPE.
- REMOVE THE ROOT WAD FOR EACH TREE THAT IS INDICATED ON THE PLAN AS BEING REMOVED.
- EXCEPTIONS TO THE TREE PROTECTION SPECIFICATIONS MAY ONLY BE GRANTED IN EXTRAORDINARY CIRCUMSTANCES WITH WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO ANY WORK COMMENCING.
- AS A PROTECTIVE MEASURE TO COMPENSATE FOR CONSTRUCTION IMPACTS, TWO TO SIX WEEKS PRIOR TO CONSTRUCTION, ALL RETAINED TREES SHOWN ON THIS PLAN SHALL RECEIVE AN APPLICATION OF MYCOAPPLY ALL PURPOSE SOLUBLE PER MANUFACTURER'S INSTRUCTIONS. THIS MYCORRHIZAE PRODUCT IS A SPECIALLY FORMULATED NATURAL ROOT BIOTIMULANT WHICH ENHANCES THE ABSORPTIVE SURFACE AREA OF THE TREES' ROOT SYSTEMS. THIS PROMOTES AND IMPROVES NUTRIENT AND WATER UPTAKE CAPABILITIES OF THE REMAINING ROOT STRUCTURE. DISTRIBUTE MYCOAPPLY EVENLY WITHIN THE ACTIVE ROOT ZONE OF RETAINED TREES. APPLY 30 GALS. OF SOLUTION PER TREE 6" DBH AND GREATER, A MINIMUM OF 4" BELOW SOIL SURFACE IN QUANTITIES OF 1/2 GALLON AT EACH POINT OF APPLICATION. LOCATE THE ACTIVE ROOT ZONES WITH LANDSCAPE ARCHITECT PRESENT. MYCOAPPLY IS AVAILABLE FROM MYCORRHIZAL APPLICATION, INC., PHONE (541) 476-3985.

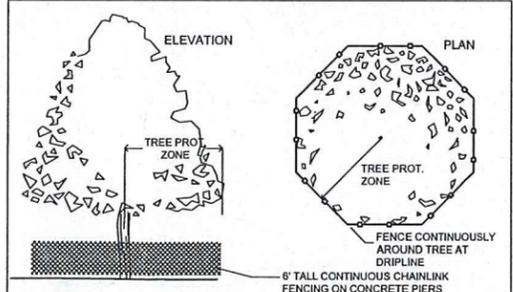


#	Species	DBH (inches)	Height in Feet	Crown Radius in Feet	Tree Protection Zone Radius in Feet	Tolerance to Construction	Condition	Notes
1	Quercus kelloggii	20	40	14	n/a	Moderate	Fair	REMOVE - Evidence of rot
2	Quercus kelloggii	13	32	14	n/a	Moderate	Poor	REMOVE - Central leader dead
3	Quercus garryana	7	25	8	n/a	Moderate	Fair	REMOVE
4	Quercus kelloggii	9	20	12	n/a	Moderate	Poor	REMOVE
5	Arbutus menziesii	9	23	14	n/a	Poor	Fair	REMOVE - Sparse foliage
6	Quercus kelloggii	11	40	13	n/a	Moderate	Fair	REMOVE - Sparse foliage
7	Quercus kelloggii	13	40	13	n/a	Moderate	Fair	REMOVE - 2 Dead leaders
8	Quercus kelloggii	11	27	15	11	Moderate	Poor	REMOVE
9	Quercus kelloggii	7	26	4	7	Moderate	Fair	Trunk Wound
10	Quercus kelloggii	12	40	15	12	Moderate	Fair	
11	Quercus kelloggii	8	23	5	8	Moderate	Fair	
12	Quercus kelloggii	16	24	22	16	Moderate	Good	
13	Pinus ponderosa	7	24	5	6	Good	Fair/Poor	Suppressed by Oak overstory
14	Quercus kelloggii	8	24	12	6	Moderate	Good	



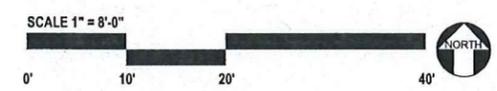
THE TREE PROTECTION ZONE FOR EACH TREE IS BASED ON THE GUIDELINES ESTABLISHED BY: Malway, N. & Clark, I. 1998. *Trees and Development: A Technical Guide to Preservation of Trees During Land Development*. p. 72.

#	MITIGATION TREES		
M1	Garrya elliptica	Coast Silk-tassel	4'-0"
M2	Acer circinatum	Vine Maple	2" CAL
M3	Acer circinatum	Vine Maple	2" CAL
M4	Acer circinatum	Vine Maple	2" Cal
M5	Quercus garryana	Oregon White Oak	2" Cal
M6	Quercus garryana	Oregon White Oak	2" Cal
M7	Quercus garryana	Oregon White Oak	2" Cal
M8	Rhamnus purshiana	Cascara sagrada	2" Cal



- NOTE:**
- TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO START OF CONSTRUCTION AND SHALL REMAIN IN PLACE THROUGH COMPLETION OF PROJECT.
 - ALL EXCAVATION WITHIN DRIPLINE OF TREES SHALL BE DONE BY HAND. IF ROOTS OVER 2" IN DIAMETER ARE ENCOUNTERED, CONTRACTOR SHALL CONSULT WITH LANDSCAPE ARCHITECT OR ARBORIST BEFORE PROCEEDING.
 - TREE ROOTS ENCOUNTERED DURING CONSTRUCTION, SHALL BE CUT CLEANLY AT A 90 DEGREE ANGLE AND PACKED WITH DAMP SOIL IMMEDIATELY.
 - DURING CONSTRUCTION ALL TREES TO REMAIN SHALL BE IRRIGATED ON A WEEKLY BASIS OR AS NECESSARY WITH LEAKY PIPE ENCIRCLING THE TREE FROM TRUNK OUT TO DRIP LINE.

1 TREE PROTECTION



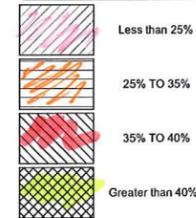


Drawn By:
SGB

SCALE: 1" = 16'-0"



SLOPE ANALYSIS LEGEND



LOT 391E05DC 2802	FEET ²	PERCENT
TOTAL LOT	18,295	
AREA OF SLOPE ANALYSIS	10,013	54.7%
SLOPE ANALYSIS		
LESS THAN 25%	2,776	27.7%
25% TO 35%	2,387	23.8%
35% TO 40%	2,314	23.1%
GREATER THAN 40%	2,543	25.4%
TOTAL	10,013	100.0%

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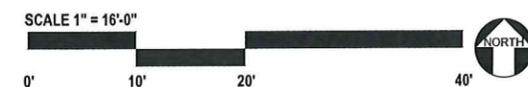
SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

SLOPE ANALYSIS PLAN

ISSUE DATE:
FEBRUARY 14, 2018

L 1.2





Drawn By:
SGB

SCALE: 1" = 8'-0"

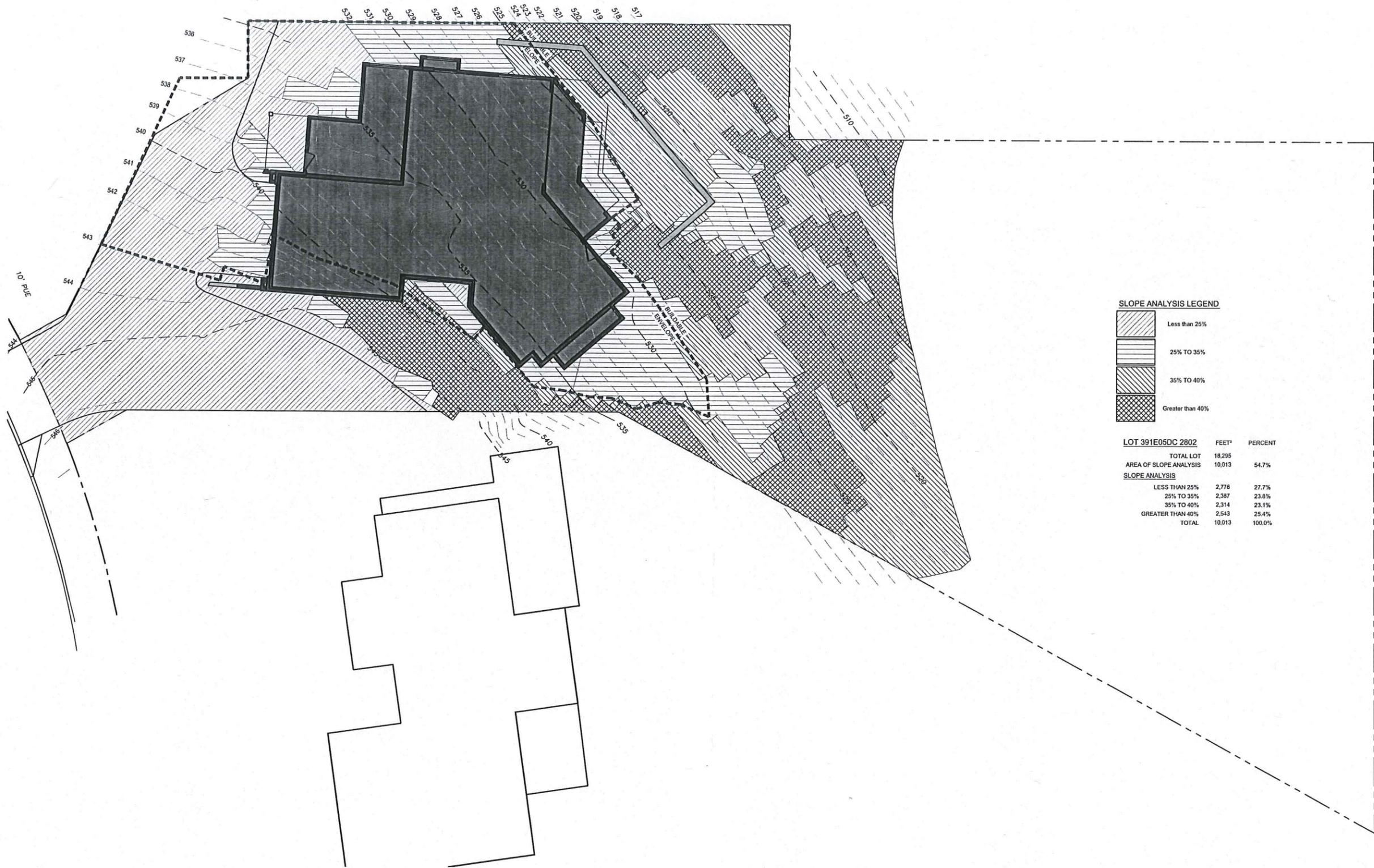
SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

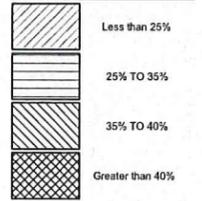
SLOPE ANALYSIS PLAN

ISSUE DATE:
May 3, 2018

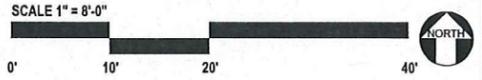
L 1.2



SLOPE ANALYSIS LEGEND



LOT 391E05DC 2802	FEET*	PERCENT
TOTAL LOT	18,295	
AREA OF SLOPE ANALYSIS	10,013	54.7%
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25% TO 35%	2,387	23.8%
35% TO 40%	2,314	23.1%
GREATER THAN 40%	2,543	25.4%
TOTAL	10,013	100.0%





GRADING LEGEND

— 2050 — 2051 — PROPOSED TOPOGRAPHY
 - - - - - EXISTING TOPOGRAPHY

GRADING NOTES

1. ALL SURFACES ADJACENT TO A BUILDING SHALL SLOPE AWAY AT A MINIMUM SLOPE OF 2% UNLESS OTHERWISE NOTED ON THE PLAN.
2. ALL STEPS SHALL HAVE A 2% SLOPE FROM BACK TO FRONT OF STEP.
3. SEE CIVIL DRAWINGS FOR GRADING INFO @ DRIVEWAY.

KenCairn
 Landscape Architecture

www.KenCairnLandscape.com
 545 A ST., STE 3, ASHLAND, OR 97520
 541.488.3194



Drawn By:
 PVC

SCALE 1" = 8'-0"

SMITH RESIDENCE
 294 SKYCREST DRIVE
 ASHLAND, OR, 97520

REVISION DATE

GRADING PLAN

ISSUE DATE:
 May 3, 2018

L 2.0





Drawn By:
SB

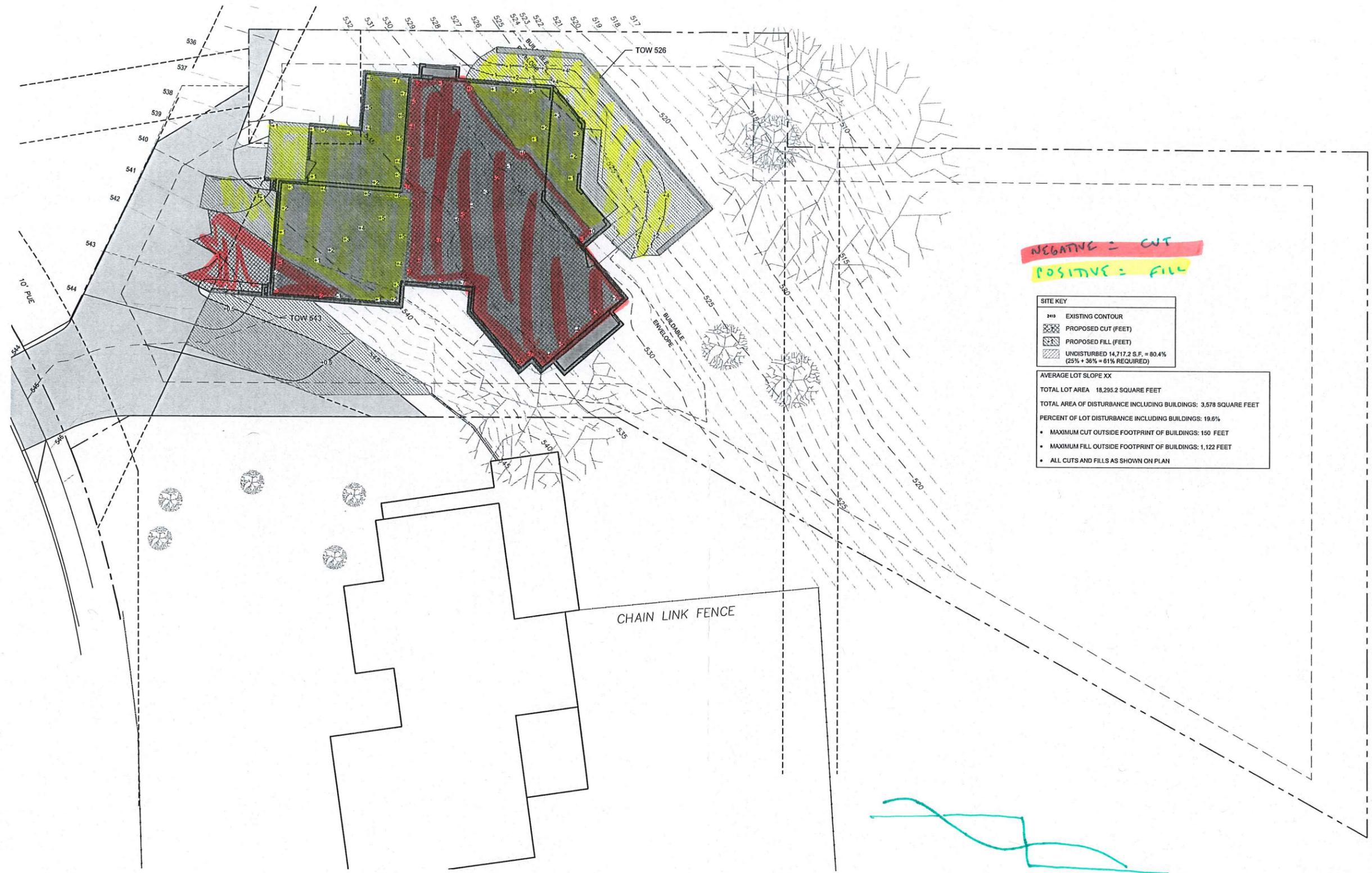
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294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

CUT/FILL ANALYSIS

ISSUE DATE:
May 3, 2018

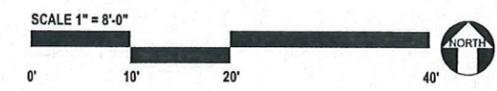
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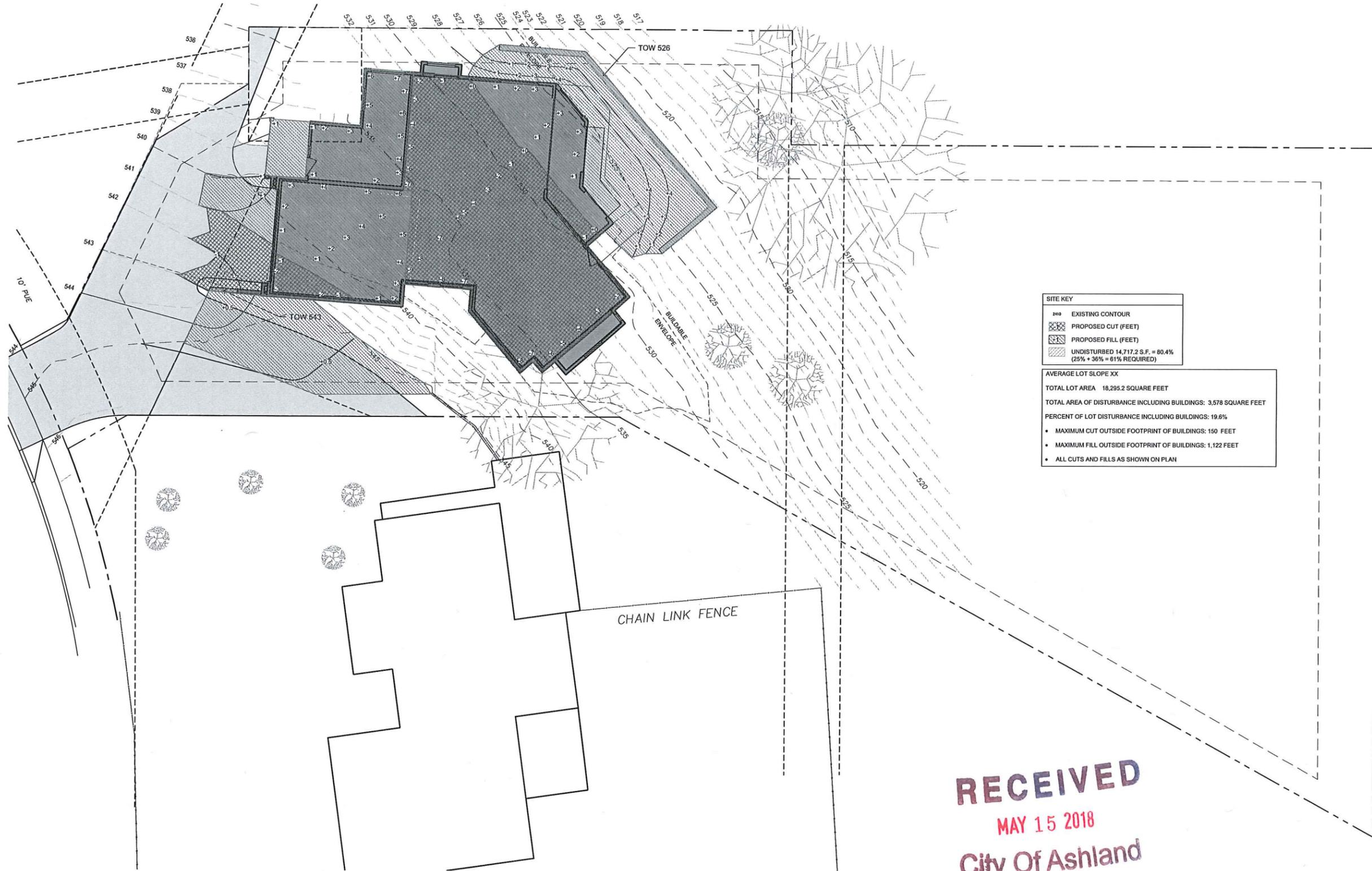


NEGATIVE = CUT
POSITIVE = FILL

SITE KEY	
	EXISTING CONTOUR
	PROPOSED CUT (FEET)
	PROPOSED FILL (FEET)
	UNDISTURBED 14,717.2 S.F. = 80.4% (25% + 36% = 61% REQUIRED)

AVERAGE LOT SLOPE XX	
TOTAL LOT AREA	18,295.2 SQUARE FEET
TOTAL AREA OF DISTURBANCE INCLUDING BUILDINGS	3,578 SQUARE FEET
PERCENT OF LOT DISTURBANCE INCLUDING BUILDINGS	19.6%
• MAXIMUM CUT OUTSIDE FOOTPRINT OF BUILDINGS	150 FEET
• MAXIMUM FILL OUTSIDE FOOTPRINT OF BUILDINGS	1,122 FEET
• ALL CUTS AND FILLS AS SHOWN ON PLAN	





SITE KEY	
	EXISTING CONTOUR
	PROPOSED CUT (FEET)
	PROPOSED FILL (FEET)
	UNDISTURBED 14,717.2 S.F. = 80.4% (25% + 36% = 61% REQUIRED)

AVERAGE LOT SLOPE XX
 TOTAL LOT AREA 18,295.2 SQUARE FEET
 TOTAL AREA OF DISTURBANCE INCLUDING BUILDINGS: 3,578 SQUARE FEET
 PERCENT OF LOT DISTURBANCE INCLUDING BUILDINGS: 19.6%
 • MAXIMUM CUT OUTSIDE FOOTPRINT OF BUILDINGS: 150 FEET
 • MAXIMUM FILL OUTSIDE FOOTPRINT OF BUILDINGS: 1,122 FEET
 • ALL CUTS AND FILLS AS SHOWN ON PLAN

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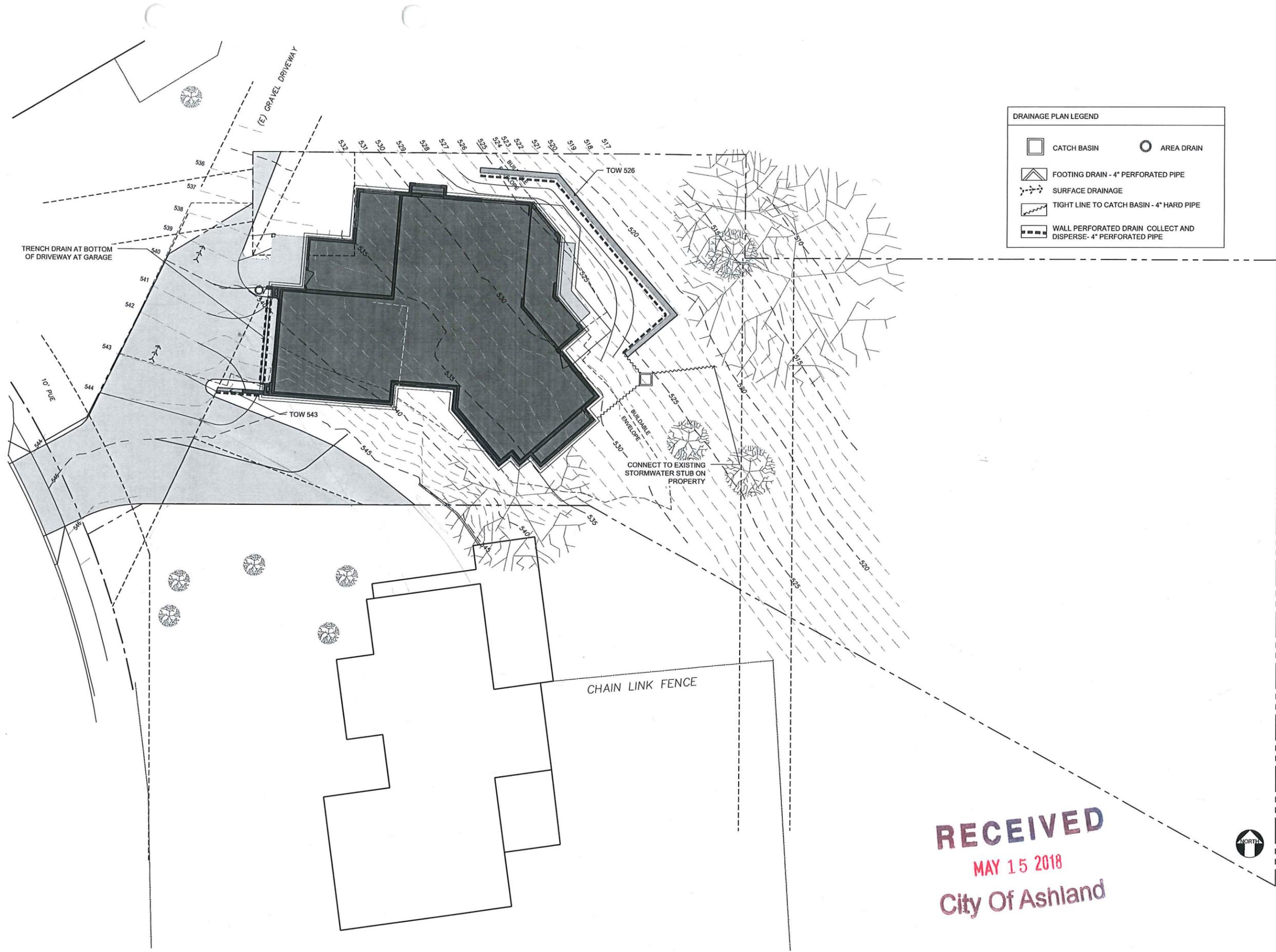
SMITH RESIDENCE
 294 SKYCREST DRIVE
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REVISION DATE

CUT/FILL ANALYSIS

ISSUE DATE:
 May 3, 2018

L 2.1



DRAINAGE PLAN LEGEND

	CATCH BASIN		AREA DRAIN
	FOOTING DRAIN - 4" PERFORATED PIPE		
	SURFACE DRAINAGE		
	TIGHT LINE TO CATCH BASIN - 4" HARD PIPE		
	WALL PERFORATED DRAIN COLLECT AND DISPERSE - 4" PERFORATED PIPE		

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541.488.3194



Drawn By:
PVC

SCALE
1/8"=1'-0"

SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

DRAINAGE PLAN

ISSUE DATE:
May 3, 2018

L 2.2

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Drawn By:
INITIALS

SCALE

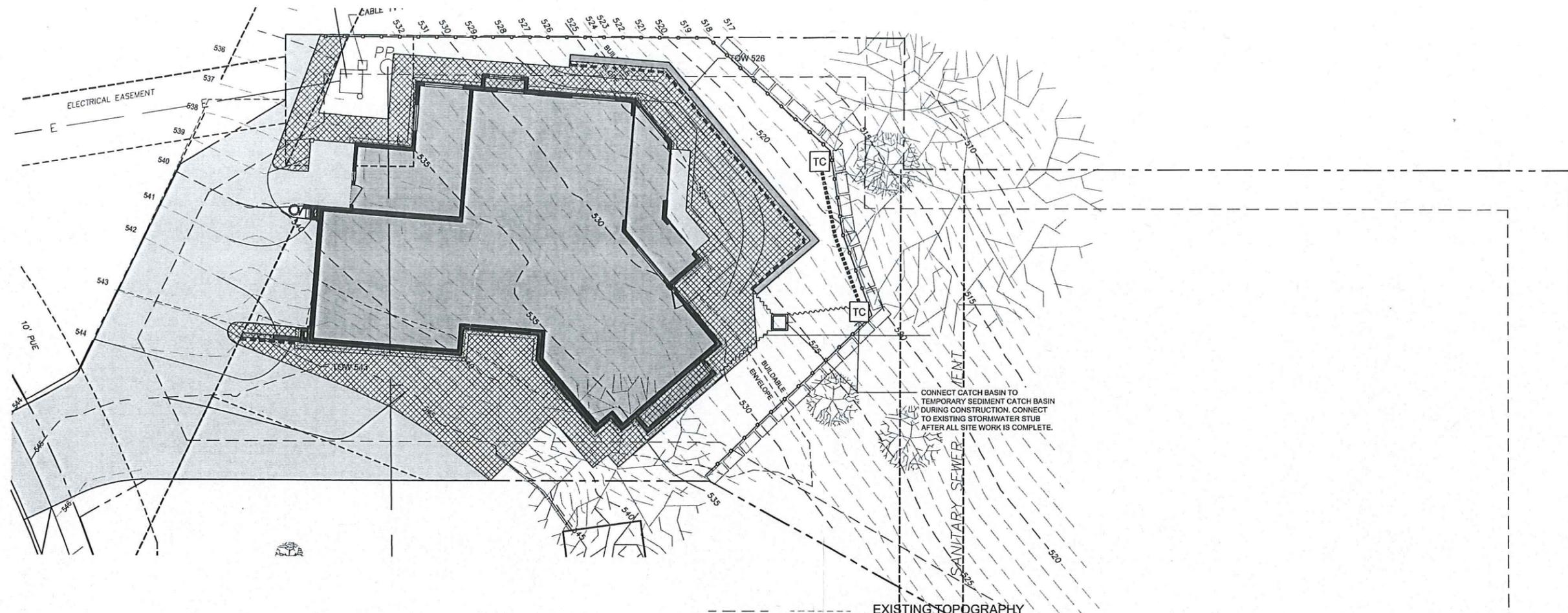
SMITH RESIDENCE
294 SKYCREST DRIVE
ASHLAND, OR, 97520

REVISION DATE

EROSION CONTROL PLAN

ISSUE DATE:
May 3, 2018

L 2.3

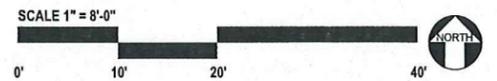
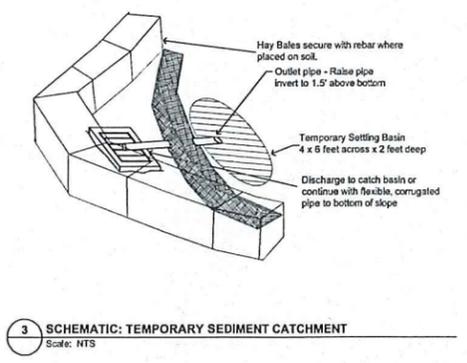
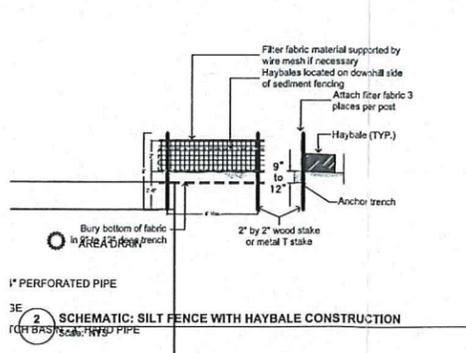
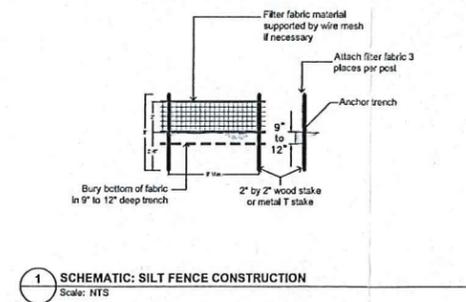


EROSION CONTROL LEGEND

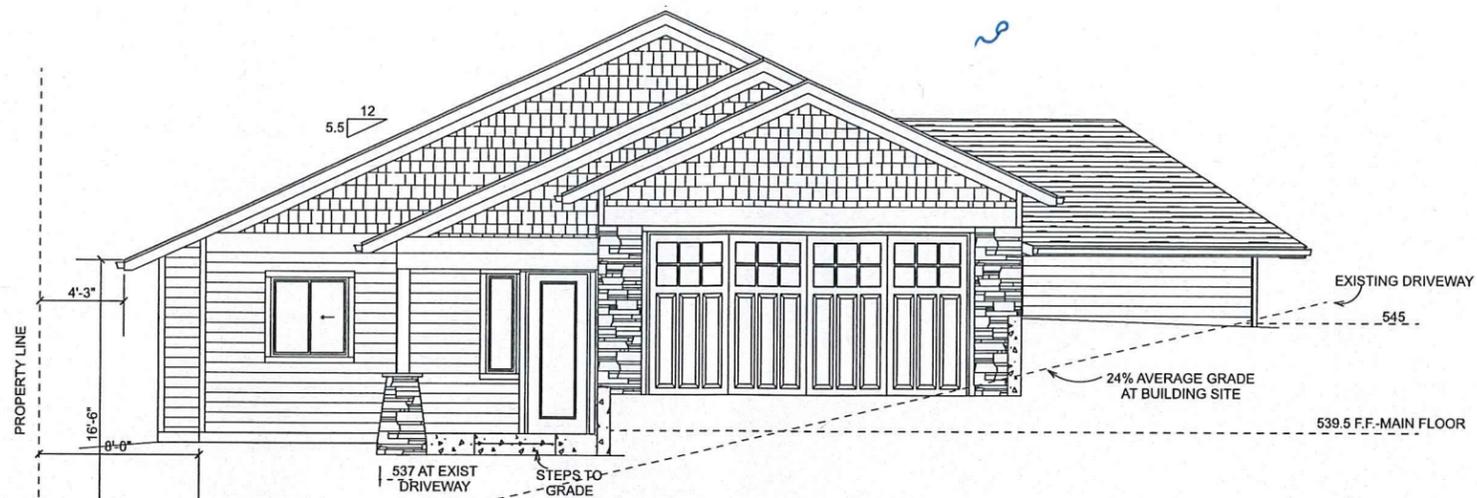
	PERMANENT HYDROSEED AREAS STANDARD HYDROSEED MIX: Hard Fescue, Micro Clover, Tall Fescue, White Yarrow, w/ wood fiber mulch, tackifier, slow-release fertilizer, & mycorrhizal inoculant
	SILT FENCE
	SILT FENCE WITH HAY BALES
	CATCH BASIN WITH SEDIMENT PROTECTION - SEE L 2.2 DRAINAGE PLAN
	TEMPORARY SEDIMENT CATCHMENT - SEE DTL. #2 THIS SHEET
	TEMPORARY CATCHMENT DELIVERY

NOTES:
1. AREAS NOT SHOWN AS HYDROSEEDING WILL NOT BE DISTURBED
2. INSTALL TEMPORARY CATCHMENT AT LOW POINT IN SILT FENCE LAYOUT

IRRIGATION NOTES:
1. Trees and ornamental landscape with irrigation will be designed prior to building permit application.
2. Hydroseed species have been selected to flourish without supplemental water.



SSB CALC:
 $16.5' - 16 / .259$ (18.6 AVERAGE NORTH GRADE) = 2'
 4'3" TO EVE ACTUAL
 8' TO BUILDING EDGE



WEST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

17' LIMIT

PROJECT, NEW S.F.D. @:
 294 SKYCREST DR.
 ASHLAND, OR 97520

CLIENT:
 ASHER HOMES
 CCB 56025
 541-210-3027

PROJECT OWNER:

design residential
 ARCHITECTURE INTERIOR DESIGN
 SCOTT VAN

DESIGN RESIDENTIAL, INC.
 P.O. BOX 8062
 MEDFORD, OR 97501
 541-608-3956
 www.designresidential.biz

A3.0 EXT ELEVATIONS

SCALE: 1/4" = 1'-0"
 DRAWN BY: JT
 CHECKED BY:
 DATE: 5/3/2018

DWG INDEX #:
 ASHER ELEVATIONS
 SHEET 3
 OF 7

FILE: C:\sfd\plan 2018\Project\New Project\Asher\Sheet



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT: NEW S.F.D. @:
294 SKYCREST DR.
ASHLAND, OR 97520

CLIENT:
ASHER HOMES
CCB 56025
541-210-3027

PROJECT OWNER:



DESIGN RESIDENTIAL, INC.
P.O. BOX 8062
MEDFORD, OR 97501
541-608-3956
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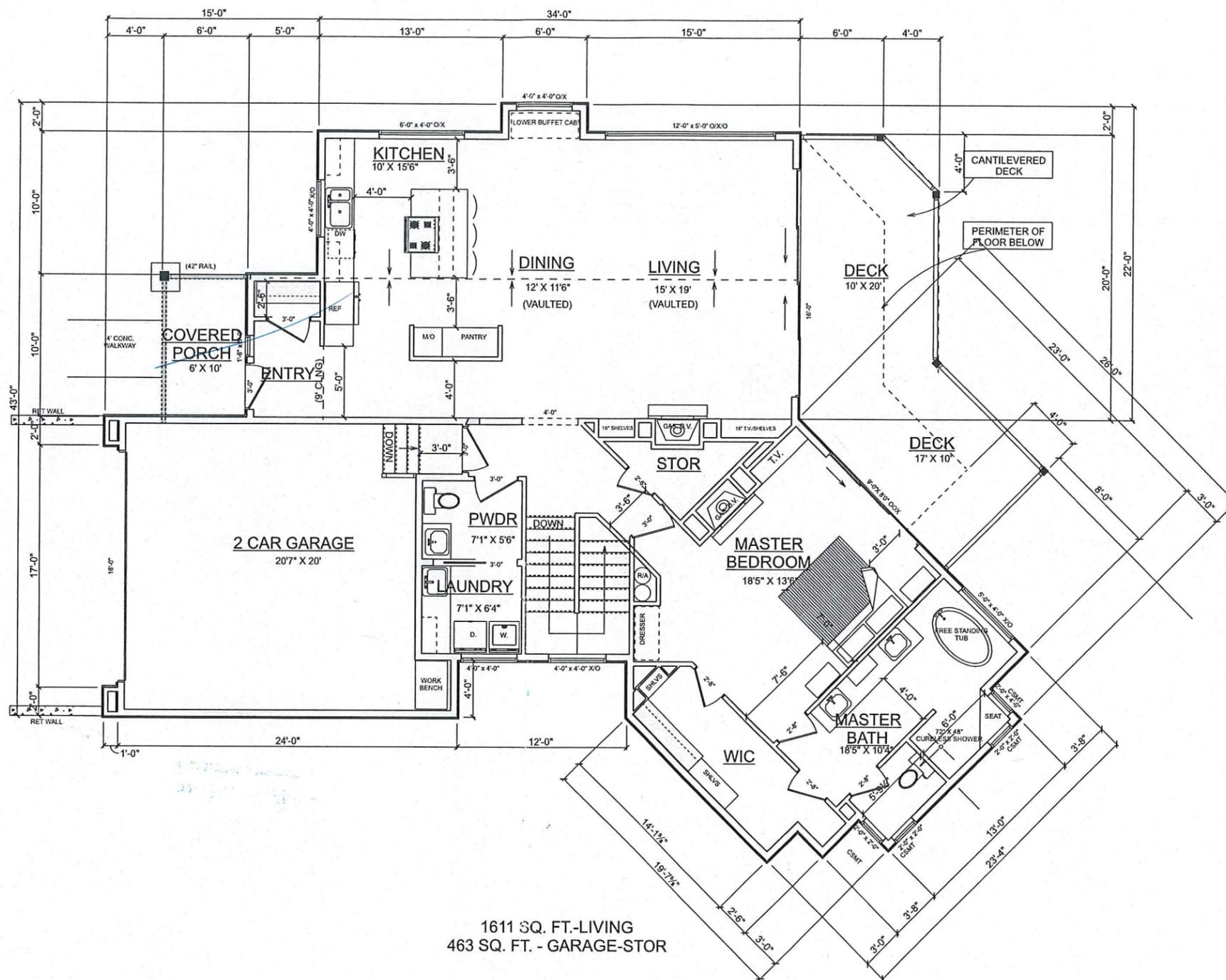
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CHECKED BY:
DATE: 5/8/2018

DWG INDEX #:
A3.1 EXT ELEVATIONS
SHEET 4
OF 7

COPY

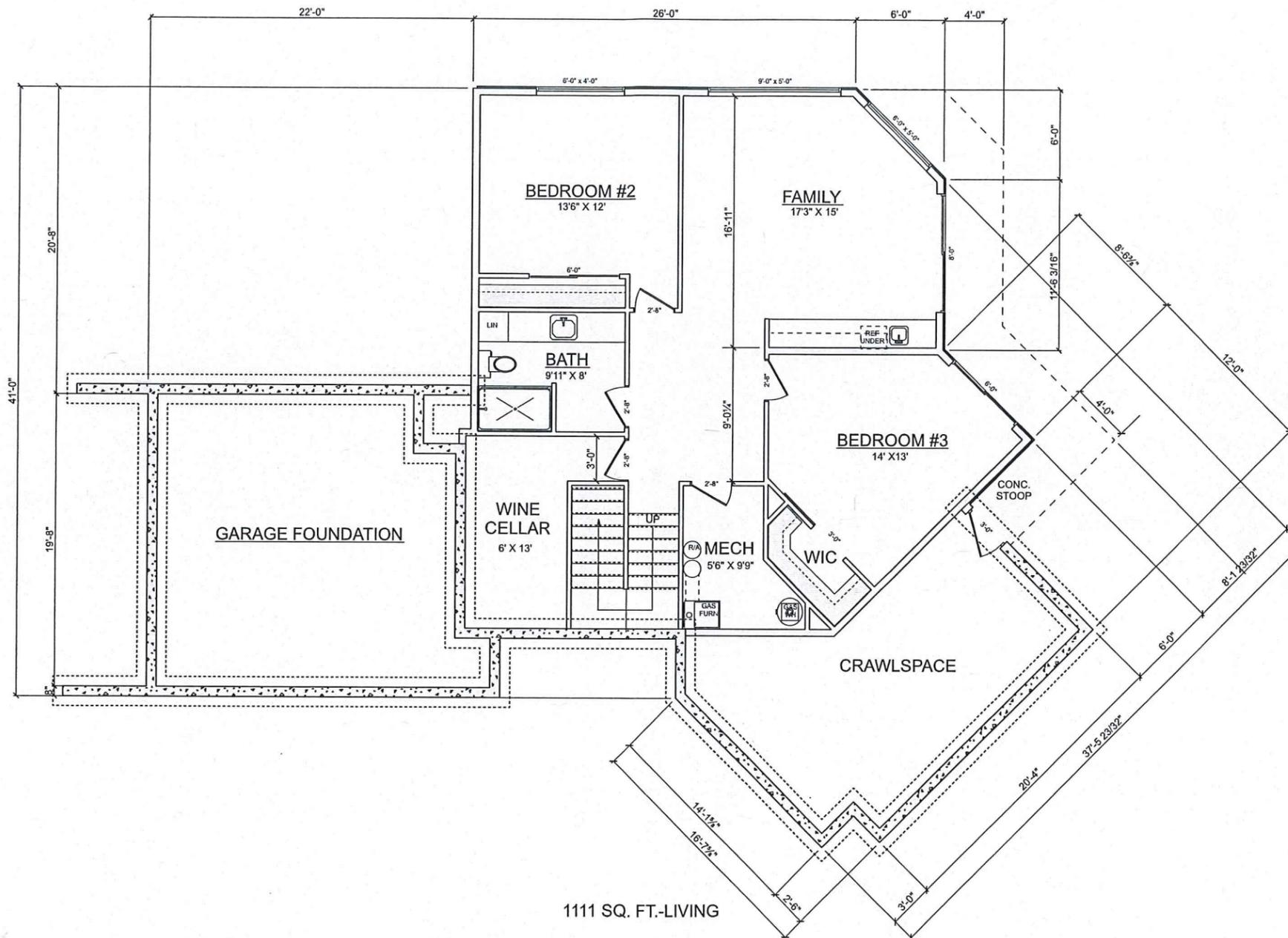
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1611 SQ. FT.-LIVING
463 SQ. FT. - GARAGE-STOR

MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROJECT NEW S.F.D. @: 294 SKYCREST DR. ASHLAND, OR 97520	CLIENT: ASHER HOMES CCB 56025 541-210-3027	PROJECT OWNER:	design residential INC. NEW HOME PROJECT DESIGN	DESIGN RESIDENTIAL, INC. P.O. BOX 8062 MEDFORD, OR 97501 541-608-3956 www.designresidential.biz	A1.0 MAIN FLOOR PLAN FILE: C:\SoftPlan\2018\Projects\LT New Project\Asher\Design	SCALE: 1/4" = 1'-0" DRAWN BY: JT CHECKED BY: DATE: 5/3/2018	DWG INDEX #: A1.0 MAIN FLOOR PLAN SHEET 1 OF 7
--	---	----------------	--	---	---	--	---



1111 SQ. FT.-LIVING

BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROJECT: NEW S.F.D. @:
294 SKYCREST DR.
ASHLAND, OR 97520

CLIENT:
ASHER HOMES
CCB 56025
541-210-3027

PROJECT OWNER:



DESIGN RESIDENTIAL, INC.
P.O. BOX 8062
MEDFORD, OR 97501
541-608-3956
www.designresidential.biz

A2.0 BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"
DRAWN BY: JT
CHECKED BY:
DATE: 5/9/2018

DWG INDEX #:
A2.0 BASEMENT FLOOR PLAN
SHEET 2
OF 7

FILE: C:\SoftPlan 2018\Projects\JT New Projects\Asher\Sheet.dwg

Survey Number 19196
P-48-2006

SURVEY NARRATIVE
TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

DATE OF SURVEY:

April 7, 2006

SURVEYED BY:

Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

SURVEY FOR:

Brian Smith
290 Skycrest Drive
Ashland, Oregon 97520

LOCATION:

Located in the Southwest Quarter of the Southeast Quarter of Section 5, Township 39 South, Range 1 East, Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE:

To partition one parcel and adjust a boundary with a neighboring parcel as approved by City of Ashland Planning Action No. 2005-01476.

BASIS OF BEARINGS:

True meridian at the north-south centerline of Section 5 as derived from the N.O.A.A. survey net on file in the office of the Jackson County Surveyor. The reference line for bearing control for this survey was taken from monuments found on the north line of Parcel 3, Partition Plat P-29-1998, as shown on Filed Survey No. 15747.

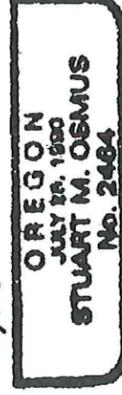
PROCEDURE:

The tract being partitioned has not been previously surveyed but all of the adjoining tracts, including the Ditch Road, have been surveyed and monumented. The corners that were found fit well with the previous map bearings and distances. The intersection of the map record bearings were held to replace the southwest corner of Parcel 2, Partition Plat P-12-2001, and the northwest corner of Lot 11, Skycrest Hills, Phase 2.

April 18, 2006



Stuart M. Osmus



Stuart M. Osmus, PLS 2464
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

APPROVAL:

[Signature] 5/24/2006
ASHLAND PLANNING DEPARTMENT DATE
PA # 2005-01476

APPROVAL:

EXAMINED AND APPROVED THIS 17th DAY OF
May, 2006
[Signature]
CITY SURVEYOR

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT BRIAN L. SMITH, DIANE S. STEFFEY-SMITH, HANS STROO, AND NICOLA D. STROO ARE THE OWNERS IN FEE SIMPLE OF THE LANDS HEREON DESCRIBED, AND BANK OF AMERICA IS THE BENEFICIARY OF A TRUST DEED RECORDED MAY 9, 2005, AS INSTRUMENT NO. 2005-027173, OFFICIAL RECORDS, JACKSON COUNTY, OREGON, AND SAID OWNERS AND OTHER PARTIES IN INTEREST HAVE PARTITIONED THE SAME INTO PARCELS AS SHOWN HEREON, AND THE NUMBER AND SIZE OF THE PARCELS AND THE LENGTH OF ALL LINES ARE PLAINLY SET FORTH, AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SAID PARTITION AND WE DO HEREBY DEDICATE TO THE CITY OF ASHLAND, FOR PUBLIC OPEN SPACE, PARCEL 4 AS SHOWN ON SHEETS 2 AND 3 OF THIS PLAT AND WE DO HEREBY DEDICATE TO THE CITY OF ASHLAND THE UNDERGROUND ELECTRIC AND TELECOMMUNICATIONS EASEMENT AND THE UTILITY EASEMENT AS SHOWN ON SAID SHEET 3 AND WE DO HEREBY CREATE THE PRIVATE ACCESS AND UTILITY EASEMENTS AS SHOWN ON SAID SHEET 3.

[Signature]
BRIAN L. SMITH

STATE OF OREGON s.s. }
COUNTY OF JACKSON

ON THIS, THE 16th DAY OF May, 2006, BEFORE ME APPEARED BRIAN L. SMITH, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.

[Signature]
DIANE S. STEFFEY-SMITH

STATE OF OREGON s.s. }
COUNTY OF JACKSON

ON THIS, THE 12th DAY OF May, 2006, BEFORE ME APPEARED DIANE S. STEFFEY-SMITH, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HER FREE ACT AND DEED.

[Signature]
HANS STROO

STATE OF OREGON s.s. }
COUNTY OF JACKSON

ON THIS, THE 16th DAY OF May, 2006, BEFORE ME APPEARED HANS STROO, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.

[Signature]
NICOLA D. STROO

STATE OF OREGON s.s. }
COUNTY OF JACKSON

ON THIS, THE 16th DAY OF May, 2006, BEFORE ME APPEARED NICOLA D. STROO, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HER FREE ACT AND DEED.

T 39 S, R 1 E, SEC 05DC, TL 2800 & TL 3016

LAND PARTITION SURVEY
AND PROPERTY LINE ADJUSTMENT

PARTITION PLAT NO. P-48-2006

LOCATED IN:

A PORTION OF LOTS 28, 29, & 30, WOOLENS ADDITION TO THE CITY OF ASHLAND AND LOT 11, SKYCREST HILLS, PHASE 2, IN THE CITY OF ASHLAND IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE BASE AND MERIDIAN, JACKSON COUNTY, OREGON

SURVEY FOR:
BRIAN SMITH
290 SKYCREST DRIVE
ASHLAND, OREGON 97520

SITE ADDRESS:
290 SKYCREST DRIVE
ASHLAND, OREGON 97520

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terrain@bisp.net

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL QUALITY MATERIALS AS REQUIRED BY ORS 209.250. SPECIFIC PRODUCTS USED ARE HEWLETT PACKARD INK #51640A ON COMSTOCK 130444 POLYESTER FILM.

[Signature]
STUART M. OSMUS, PLS 2464

THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING

[Signature]
STUART M. OSMUS, PLS 2464

DATE OF SURVEY: APRIL 7, 2006

TERRASURVEY JOB NO. 434-04

AFFIDAVIT OF CONSENT TO PLAT BY JACQUELINE M. PANARO, REPRESENTING BANK OF AMERICA AS THE BENEFICIARY OF TRUST DEED RECORDED MAY 9, 2005, AS DOCUMENT NO. 2005-027173 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON. AFFIDAVIT RECORDED AS DOCUMENT NO. 2006-027404 OF SAID OFFICIAL RECORDS.

** RECEIVED **
Date 5/25/06 By [Signature]
This Survey Consists of:
3 Sheets Map
1 Pages Narrative
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
[Signature]
OREGON JULY 20, 1993
STUART M. OSMUS
No. 2404
Expires 7/21/06

RECORDING:

FILED FOR RECORD THIS 25 DAY OF May 2006, AT 3:30 O'CLOCK, P.M. AND RECORDED AS PARTITION PLAT NO. P-48-2006 OF THE RECORDS OF PARTITION PLATS IN JACKSON COUNTY, OREGON. INDEX VOLUME 17 PAGE 48

[Signature] COUNTY CLERK
[Signature] DEPUTY

COUNTY SURVEYOR FILE NO. 19196

TAX STATEMENT:

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS REQUIRED BY O.R.S. 92.095 HAVE BEEN PAID AS OF MAY 25 2006
ASSESSOR [Signature], Deputy
TAX COLLECTOR [Signature], Deputy

SURVEYOR'S CERTIFICATE

I, STUART M. OSMUS, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, NO. 2464, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREON AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SAME, THE FOLLOWING BEING AN ACCURATE DESCRIPTION OF THE TRACT:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE TRACT DESCRIBED IN DOCUMENT NO. 98-34668 WHICH IS NORTH 65° 32' 58" EAST, 435.14 FEET (DEED RECORD IS NORTH, 180.0 FEET AND EAST, 397.0 FEET) FROM THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEING THE INITIAL POINT; THENCE ALONG THE EASTERLY LINE OF SKYCREST DRIVE IN THE CITY OF ASHLAND THE FOLLOWING COURSES AND DISTANCES; THENCE NORTH 00° 29' 09" WEST (DEED RECORD IS NORTH), 24.00 FEET; THENCE 146.44 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 171.00 FEET, A CENTRAL ANGLE OF 49° 03' 57", AND A LONG CHORD WHICH BEARS NORTH 25° 01' 08" WEST, 142.00 FEET; THENCE 70.88 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 128.00 FEET, A CENTRAL ANGLE OF 31° 43' 43", AND A LONG CHORD WHICH BEARS NORTH 33° 41' 15" WEST, 69.98 FEET; THENCE NORTH 17° 49' 24" WEST, 36.57 FEET TO THE SOUTHWESTERLY CORNER OF LOT 10, SKYCREST HILLS, PHASE 2; THENCE, LEAVING SAID WESTERLY LINE OF SKYCREST DRIVE, NORTH 72° 10' 36" EAST, 134.39 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 10; THENCE ALONG THE EASTERLY LINE OF LOT 11 OF SAID SKYCREST HILLS, PHASE 2, SOUTH 00° 29' 09" EAST, 125.33 FEET; THENCE SOUTH 89° 48' 14" EAST, 96.76 FEET; THENCE SOUTH 00° 11' 46" WEST, 20.00 FEET; THENCE SOUTH 89° 48' 14" EAST, 104.89 FEET; THENCE NORTH 00° 11' 46" EAST, 10.00 FEET TO THE CENTERLINE OF AN ALLEY VACATED BY CITY OF ASHLAND ORDINANCE NO. 2924; THENCE ALONG SAID CENTERLINE, SOUTH 89° 48' 14" EAST, 87.18 FEET TO THE WESTERLY LINE OF THE DITCH ROAD AS DESCRIBED IN VOLUME 109, PG. 153, DEED RECORDS, JACKSON COUNTY, OREGON; THENCE ALONG SAID WESTERLY LINE, SOUTH 21° 02' 24" EAST, 161.29 FEET TO THE SOUTH LINE OF SAID TRACT DESCRIBED IN DOCUMENT NO. 98-34668; THENCE ALONG SAID SOUTH LINE, WEST, 365.43 FEET (DEED RECORD IS 347.12 FEET) TO THE POINT OF BEGINNING.

[Signature] 5-16-06
STUART M. OSMUS, PLS 2464 DATE

LAND PARTITION SURVEY AND PROPERTY LINE ADJUSTMENT

PARTITION PLAT NO. P. 48-2006

LOCATED IN:

A PORTION OF LOTS 28, 29, & 30, WOOLENS ADDITION TO THE CITY OF ASHLAND
AND LOT 11, SKYCREST HILLS, PHASE 2, IN THE CITY OF ASHLAND
IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5,
TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE BASE AND MERIDIAN,
JACKSON COUNTY, OREGON

SURVEY FOR:
BRIAN SMITH
290 SKYCREST DRIVE
ASHLAND, OREGON 97520



SCALE: 1" = 30'

DATE OF SURVEY: APRIL 7, 2006

ALL DISTANCES ARE IN FEET
AND DECIMALS THEREOF

REGISTERED
PROFESSIONAL
LAND SURVEYOR

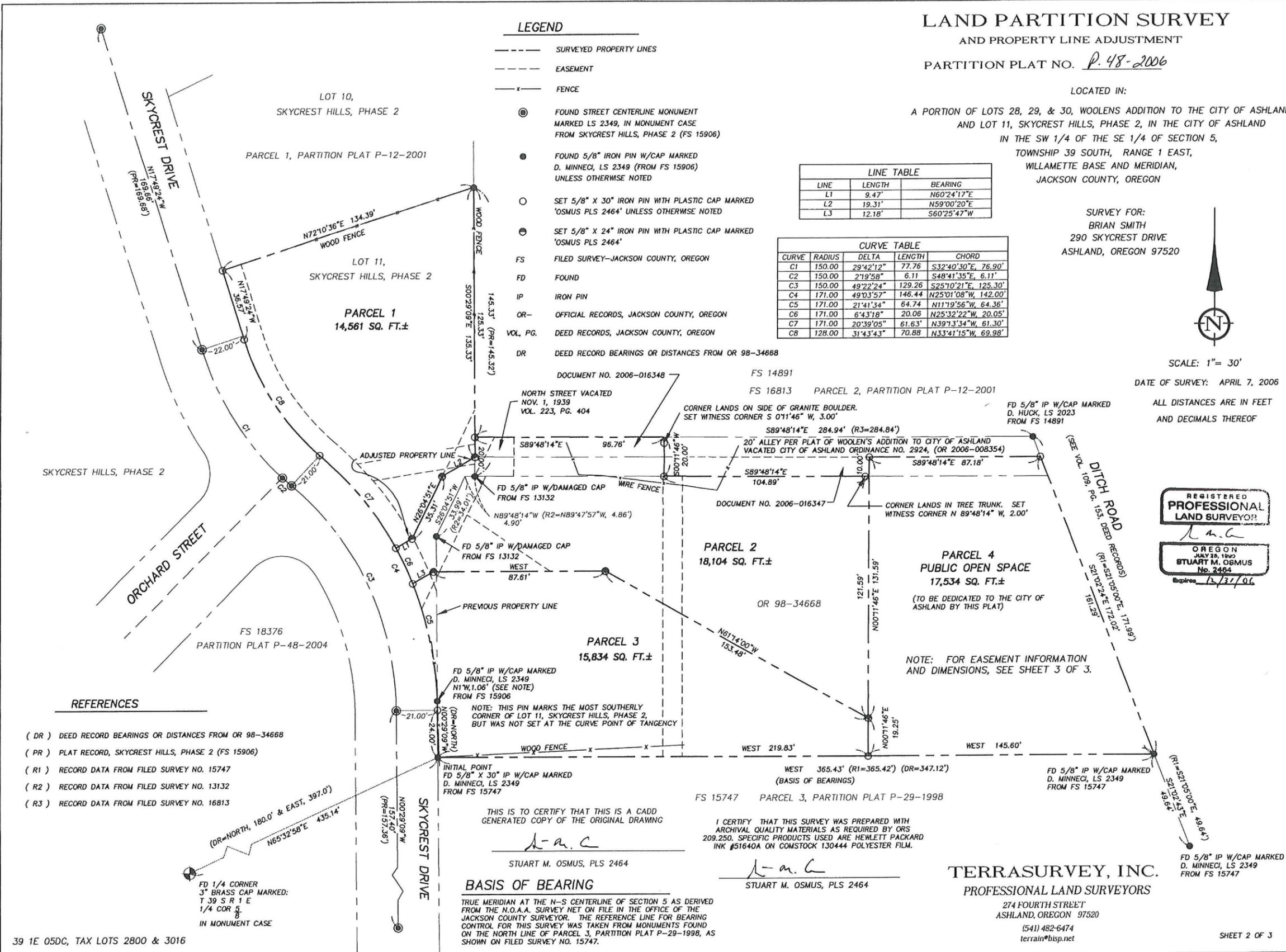
OREGON
JULY 28, 1993
STUART M. OSMUS
No. 2464
Expires 7/31/06

LEGEND

- SURVEYED PROPERTY LINES
- - - EASEMENT
- x - FENCE
- ⊙ FOUND STREET CENTERLINE MONUMENT MARKED LS 2349, IN MONUMENT CASE FROM SKYCREST HILLS, PHASE 2 (FS 15906)
- FOUND 5/8" IRON PIN W/CAP MARKED D. MINNECI, LS 2349 (FROM FS 15906) UNLESS OTHERWISE NOTED
- SET 5/8" X 30" IRON PIN WITH PLASTIC CAP MARKED 'OSMUS PLS 2464' UNLESS OTHERWISE NOTED
- ⊙ SET 5/8" X 24" IRON PIN WITH PLASTIC CAP MARKED 'OSMUS PLS 2464'
- FS FILED SURVEY--JACKSON COUNTY, OREGON
- FD FOUND
- IP IRON PIN
- OR-- OFFICIAL RECORDS, JACKSON COUNTY, OREGON
- VOL. PG. DEED RECORDS, JACKSON COUNTY, OREGON
- DR DEED RECORD BEARINGS OR DISTANCES FROM OR 98-34688

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.47'	N60°24'17"E
L2	19.31'	N59°00'20"E
L3	12.18'	S60°25'47"W

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	150.00	29°42'12"	77.76	S32°40'30"E, 76.90'
C2	150.00	2°19'58"	6.11	S48°41'35"E, 6.11'
C3	150.00	49°22'24"	129.26	S25°10'21"E, 125.30'
C4	171.00	49°03'57"	146.44	N25°01'08"W, 142.00'
C5	171.00	21°41'34"	64.74	N11°19'56"W, 64.36'
C6	171.00	6°43'18"	20.06	N25°32'22"W, 20.05'
C7	171.00	20°39'05"	61.63	N39°13'34"W, 61.30'
C8	128.00	31°43'43"	70.88	N33°41'15"W, 69.98'



REFERENCES

- (DR) DEED RECORD BEARINGS OR DISTANCES FROM OR 98-34688
- (PR) PLAT RECORD, SKYCREST HILLS, PHASE 2 (FS 15906)
- (R1) RECORD DATA FROM FILED SURVEY NO. 15747
- (R2) RECORD DATA FROM FILED SURVEY NO. 13132
- (R3) RECORD DATA FROM FILED SURVEY NO. 16813

THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING

S.M.
STUART M. OSMUS, PLS 2464

BASIS OF BEARING

TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 5 AS DERIVED FROM THE N.O.A.A. SURVEY NET ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR. THE REFERENCE LINE FOR BEARING CONTROL FOR THIS SURVEY WAS TAKEN FROM MONUMENTS FOUND ON THE NORTH LINE OF PARCEL 3, PARTITION PLAT P-29-1998, AS SHOWN ON FILED SURVEY NO. 15747.

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL QUALITY MATERIALS AS REQUIRED BY ORS 209.250. SPECIFIC PRODUCTS USED ARE HEWLETT PACKARD INK #51640A ON COMSTOCK 130444 POLYESTER FILM.

S.M.
STUART M. OSMUS, PLS 2464

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520

(541) 482-6474
terrain@bisp.net

LEGEND

- SURVEYED PROPERTY LINE
- EASEMENT
- PUE PUBLIC UTILITY AND CABLE TELEVISION EASEMENT
- OR- OFFICIAL RECORDS, JACKSON COUNTY, OREGON
- VOL., PG. DEED RECORDS, JACKSON COUNTY, OREGON

LAND PARTITION SURVEY
AND PROPERTY LINE ADJUSTMENT
PARTITION PLAT NO. P-48-2006

LOCATED IN:
A PORTION OF LOTS 28, 29, & 30, WOOLENS ADDITION TO THE CITY OF ASHLAND
AND LOT 11, SKYCREST HILLS, PHASE 2, IN THE CITY OF ASHLAND
IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5,
TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE BASE AND MERIDIAN,
JACKSON COUNTY, OREGON

SURVEY FOR:
BRIAN SMITH
290 SKYCREST DRIVE
ASHLAND, OREGON 97520



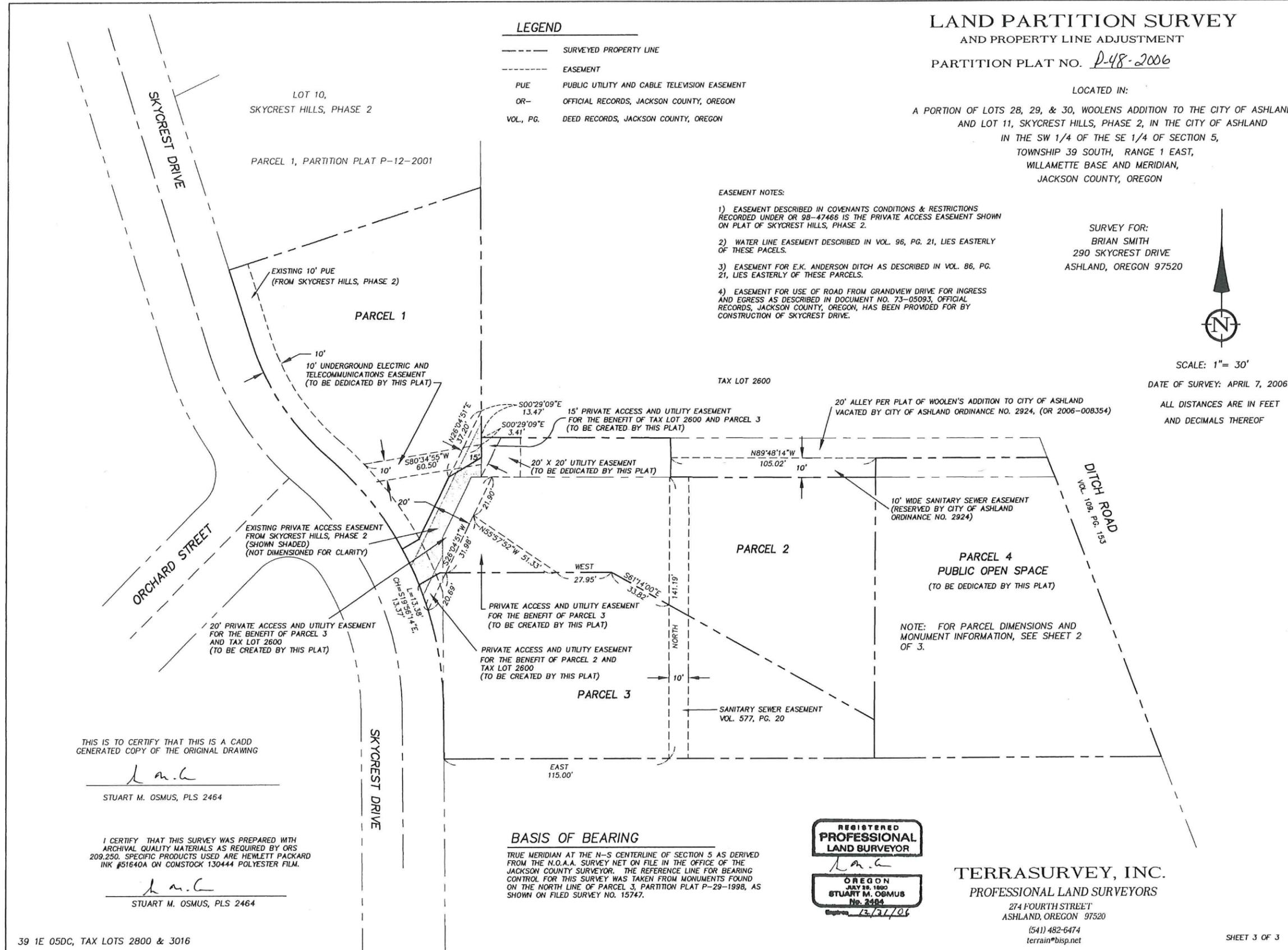
SCALE: 1" = 30'

DATE OF SURVEY: APRIL 7, 2006

ALL DISTANCES ARE IN FEET
AND DECIMALS THEREOF

EASEMENT NOTES:

- 1) EASEMENT DESCRIBED IN COVENANTS CONDITIONS & RESTRICTIONS RECORDED UNDER OR 98-47466 IS THE PRIVATE ACCESS EASEMENT SHOWN ON PLAT OF SKYCREST HILLS, PHASE 2.
- 2) WATER LINE EASEMENT DESCRIBED IN VOL. 96, PG. 21, LIES EASTERLY OF THESE PARCELS.
- 3) EASEMENT FOR E.K. ANDERSON DITCH AS DESCRIBED IN VOL. 86, PG. 21, LIES EASTERLY OF THESE PARCELS.
- 4) EASEMENT FOR USE OF ROAD FROM GRANDVIEW DRIVE FOR INGRESS AND EGRESS AS DESCRIBED IN DOCUMENT NO. 73-05093, OFFICIAL RECORDS, JACKSON COUNTY, OREGON, HAS BEEN PROVIDED FOR BY CONSTRUCTION OF SKYCREST DRIVE.



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GENERATED COPY OF THE ORIGINAL DRAWING

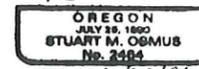
Stuart M. Osmus
STUART M. OSMUS, PLS 2464

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH
ARCHIVAL QUALITY MATERIALS AS REQUIRED BY ORS
209.250. SPECIFIC PRODUCTS USED ARE HEWLETT PACKARD
INK #51640A ON CONSTOCK 130444 POLYESTER FILM.

Stuart M. Osmus
STUART M. OSMUS, PLS 2464

BASIS OF BEARING

TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 5 AS DERIVED
FROM THE N.O.A.A. SURVEY NET ON FILE IN THE OFFICE OF THE
JACKSON COUNTY SURVEYOR. THE REFERENCE LINE FOR BEARING
CONTROL FOR THIS SURVEY WAS TAKEN FROM MONUMENTS FOUND
ON THE NORTH LINE OF PARCEL 3, PARTITION PLAT P-29-1998, AS
SHOWN ON FILED SURVEY NO. 15747.



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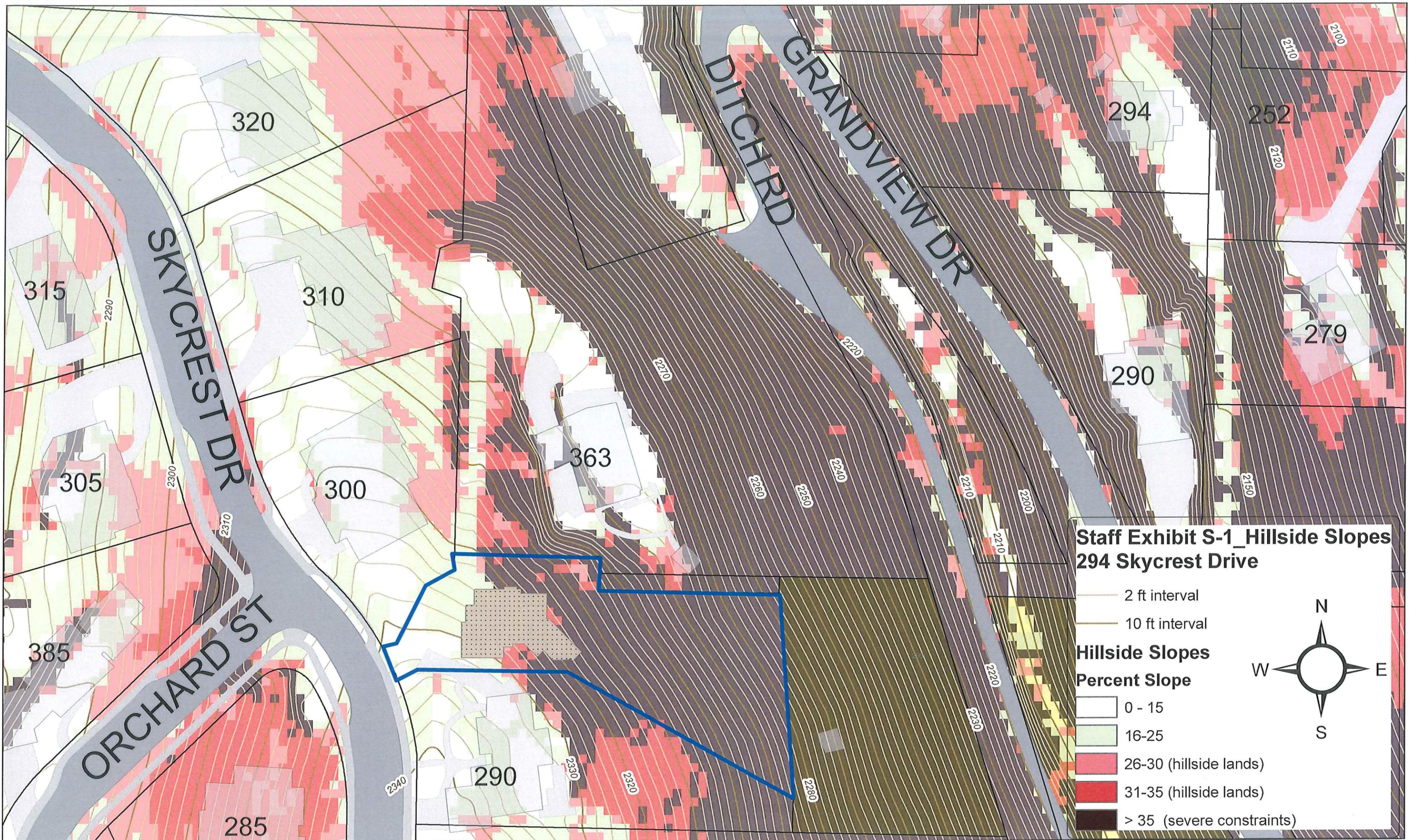
**Aerial Photo
294 Skycrest Drive**



1:600
1 inch = 50 feet

*Mapping is schematic only and bears no warranty of accuracy.
All features, structures, facilities, easement or roadway locations
should be independently field verified for existence and/or location.*

**CITY OF
ASHLAND**



1:600
1 inch = 50 feet

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All features, structures, facilities, easement or roadway locations
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