

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**  
**November 13, 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. October 9, 2018 Regular Meeting
    - 2. October 23, 2018 Study Session
- V. **PUBLIC FORUM**
- VI. **UNFINISHED BUSINESS**
  - A. Approval of Findings for PA-T2-2018-00003, 188 Garfield Street.
  - B. Approval of Findings for PA-T2-2018-00004, 1661 Ashland Street.
- VII. **TYPE II PUBLIC HEARINGS**
  - A. **PLANNING ACTION: PA-T2-2018-00005**  
**SUBJECT PROPERTY:** Kestrel Parkway  
**APPLICANT/OWNER:** KDA Homes, LLC/ Jacob Robert Ayala  
**DESCRIPTION:** A request for Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). *(Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development.)* **COMPREHENSIVE PLAN DESIGNATION/ZONING:** North Mountain Single Family (NM-R-1.7.5), North Mountain Multi-Family (NM-MF), and North Mountain Greenway (NM-G); **ZONING:** NM-R-1-7.5; NM-MF; and NM-G; **ASSESSOR'S MAP & TAX LOTS:** 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.
- VIII. **ADJOURNMENT**

**CITY OF**  
**ASHLAND**



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

**CITY OF  
ASHLAND**  
**ASHLAND PLANNING COMMISSION**  
**REGULAR MEETING**  
**MINUTES - Draft**  
**October 9, 2018**

**CALL TO ORDER**

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

**Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Alan Harper  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

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

**Absent Members:**

**Council Liaison:**

Dennis Slattery, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar explained City Council would hear the continuation of the Transit Triangle code at their meeting October 16, 2018. Staff presented drafts of the Regional Housing Strategy and Housing Element to Council at their Study Session October 1, 2018. The Oregon Department of Land Conservation and Development awarded the City a Housing Assistance Grant for the updates. The Planning Commission would present the annual commission report at the first Council meeting in December.

**AD-HOC COMMITTEE UPDATES** - None

**CONSENT AGENDA**

**A. Approval of Minutes**

1. September 11, 2018 Regular Meeting
2. September 25, 2018 Study Session

**Commissioners Mindlin/Dawkins m/s to approve the minutes of September 11, 2018. Commissioner Brown and Harper abstained. Voice Vote: all AYES. Motion passed 5-0.**

**Commissioners Mindlin/Brown m/s to approve the minutes of September 25, 2018. Chair Pearce abstained. Voice Vote: all AYES. Motion passed 6-0.**

**PUBLIC FORUM**

**Monika Neri/Ashland/Spoke on recreational space, open space, and community garden plots.**

**UNFINISHED BUSINESS**

**A. Approval of Findings for PA-T1-2018-00011, 294 Skycrest Drive.**

The Commission had no ex parte on the matter. Commissioner Harper abstained.

Commissioners Dawkins/Thompson m/s to approve the Findings for PA-T1-2018-00011, 294 Skycrest Drive. Commissioner Harper abstained. Voice Vote: all AYES. Motion passed 6-0.

## TYPE II PUBLIC HEARINGS

### A. 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 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.

Chair Pearce explained the record was closed. There were two public comment periods that ended September 18 and September 25, 2018. The applicant had an additional week to respond to all comments by October 2, 2018. The record and public hearing were closed. The Commission would discuss and consider the matter at this meeting.

Commissioner Brown and Commissioner Harper watched the City meeting video, reviewed the record and rebuttal evidence. Both were able to participate in the discussion and deliberation.

### Questions of Staff

Senior Planner Derek Severson explained staff recommended a revised Tree Protection Plan that included the trees adjacent to the site within 15-feet of the property line for Condition 90. The applicants would provide the revised plan prior to the applicant purchasing building permits.

Conditions on the Storm Drainage Plan would address peak flows after development and not exceed pre-development levels. The applicant had to provide final engineering details showing their stormwater plan met the Public Works Department standards. They were willing to take the water already coming into the catch basin and manage it in their system. There were no easements in place but the applicants would address it through this plan. Staff met with the Public Works Department and no concerns were raised.

The applicants would replace the existing fence to further screen the parking lot if necessary. The Planning Commission could add this as a Condition.

There were no criteria that spoke to particular housing needs. The code did not have a specific definition under dormitory. The definition of Group Living Facility included dormitories. However, that definition did not include kitchens. The proposed project had four bedrooms with a self-contained kitchen in the unit. It met the definition of a multi-family dwelling unit.

### Deliberations & Decision

Chair Pearce explained the applicant submitted new evidence that violated **ORS 197.763. Conduct of local quasi-judicial land use hearings (6)** and needed to be struck from the record. Commission comment thought the evidence should not have gone to them at all. Other comment thought it was appropriate to come to them first so they could officially strike it from the record.

**Commissioners Dawkins/Harper, m/s to put it aside and go on with Deliberation. DISCUSSION:** Commissioner Norton thought they should continue the matter for 2 weeks and have staff remove the parts that should not be in packet

then deliberate. Chair Pearce noted it was ten to eleven pages that should not have submitted. It violated both state and City law. Commissioner Dawkins clarified Discussion order after a motion was made. He did not think waiting two weeks would make a difference. Chair Pearce called for the question. The Commission clarified pages 2, 3, then page 8 through 19 would be struck from the record. **Voice Vote: ALL AYES. Commissioner Brown abstained. Motion passed 6-1.**

The Commission discussed the character of the use. It was a four-bedroom unit with a shared kitchen. How it was rented might be a different concept. It fit the definition of domicile. Parking requirements associated with dorm style housing might be different from a single family. The term dormitory was not accurate. The code set the definition and the number of bedrooms set the parking spaces. The project use was different from what the parking code addressed. The closest definition was a 3-bedroom apartment. Staff had recommended a Condition that reiterated the state's definition of family as not more than five persons who are not related by blood, marriage, legal adoption or guardianship. The Commission agreed it was multi-family.

Parking was set by the code and addressed three bedroom units, not four. A way to mitigate parking was possibly introducing a residential parking permit program. However, parking programs were very controversial. There was concern about the offset intersection and traffic already funneling down Park Street. Other comments did not think there was enough parking. They did not think there was any flexibility in the code regarding parking.

The Commission addressed transportation issues. Case law allowed them to only apply clear and objective standards because it was housing. Comment thought five peak hour trips with potentially 60 people did not make sense. Traffic studies indicated residential did not have many AM-PM peak hour trips. There were more trips during the day and the abutting streets were not as busy. Even if trip generation doubled.

Issues with drainage would occur on the applicant's property. It was up to them to ensure it worked well. The existing fence provided enough screening from lights.

Although traffic issues were not enough for a full realignment, there was enough right-of-way to accommodate a future turn lane. It would require a consent to dedication from the applicant as well as minor changes to the drainage plan.

Commission comment suggested a tradeoff that safer conditions be created at the intersection for a variance that allowed a curbside sidewalk. There was concern the drainage plan might not be adequate. However, reports from the applicant's engineers indicated they could satisfactorily manage the drainage.

Regarding the Exception to the Street Standards for the sidewalk, the Commission did not support meandering sidewalks. They wanted the sidewalk straight and on the street side. The Commission did not think the applicant needed to redo the existing asphalt walkway along Siskiyou Boulevard. They added a Condition where the applicant would sign a Local Improvement District (LID) for future sidewalk improvements along Siskiyou Boulevard.

**Commissioners Brown/Dawkins m/s approve PA-T2-2018-00002 880 Park Street with the Conditions stated by staff, including the definition of family as not more than 5 unrelated people, and the definition of fence for vision and light. DISCUSSION:** Commissioner Brown noted that during projects like this, people wanted to change code. In some cases, they should but this was not the time. The project met all the criteria the City demanded. The Commission had to follow the rules. **Roll Call Vote: Commissioner Norton, Dawkins, Brown, Pearce, Mindlin, Thompson, and Harper, YES. Motion passed 7-0.**

**B. PLANNING ACTION: PA-T2-2018-00003**

**SUBJECT PROPERTY: 188 Garfield Street**

**OWNER/APPLICANT: Rogue Panning & Development Services, LLC**

**DESCRIPTION: A request for Site Design Review approval to construct a 72-unit studio apartment community ("The MidTown Lofts") for the properties located at 188 Garfield Street. The application also includes requests for a Tree Removal Permit to remove 15 trees that are more than six-inches in diameter at breast height (d.b.h.);**

**an Exception to the Site Development and Design Standards to treat storm water run-off in a combination of bio-swales, underground treatment facilities and detentions ponds rather than in landscaped parking lot medians and swales; and for Exceptions to Street Standards to retain the existing curbside sidewalk system along the frontage of the property and for the location of the driveway curb cut on Quincy Street, which is proposed to be shared with the property to the east and which would exceed the maximum driveway curb cut width for residential developments. (All of the proposed units are studio units that are less than 500 square feet in gross habitable floor area and each counts as  $\frac{3}{4}$  of a unit for purposes of density calculation; density bonuses are requested for conservation housing, outdoor recreation space and major recreation facilities.)**

**COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; ZONING: R-3; ASSESSOR'S MAP: 39 1E 10CB; TAX LOT: 2100 & 2101.**

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

### **Ex Parte Contact**

Commissioners Brown, Thompson, Harper, and Norton declared no ex parte and one site visit. Commissioner Dawkins had no ex parte but many site visits. Chair Pearce declared no ex parte but was familiar with the site. Commissioner Mindlin had no ex parte and no site visit.

### **Staff Report**

Senior Planner Derek Severson explained there were additional submittals from the applicant and requests for a Continuance and keeping the record open for 14 days. He provided a presentation on the application. The subject property consisted of two lots at 2.1 acres. The application asked for a site design approval to construct a 72 studio apartment development. The applicant also wanted density bonuses for conservation housing, outdoor recreation space and major recreation facilities. All units would be built to Earth Advantage Standards. The project would remove 15 trees.

The applicant was requesting an Exception to Site and Design Standards to treat storm water run-off. They wanted to use a combination of bio swales, underground treatment facilities and detention ponds. An Exception to the Street Standards would retain the existing curbside sidewalk long the frontage of the property and the driveway curb cut on Quincy Street.

Mr. Severson described the layout of the projects and the Danish style used for the apartments. The property would consist of eight-plex buildings with four units on the bottom and four on top. Each unit would be under 500 square feet (sq. ft.).

A key issue was density. Base density for the R-3 zone was 20 units per acre. The subject property at 2.1 acres had a base density of 42 units. The applicant was requesting the following density bonuses; Conservation housing 15%, Outdoor Recreation Space 10%, and Major Recreation Space at 4% for a total density bonus of 29%.

The proposed studios counted as 0.75 units for density at 496 sq. ft. for 72.24 studio units. The code allowed major recreational facilities as a density bonus in exchange for tennis courts, swimming pools, playgrounds or similar facilities. The applicant's facility was a flexible outdoor activity space for lawn games. It also included a recreational space with a fire pit, barbecue kitchen area and covered seating. Staff was not clear it qualified as a major recreational facility.

Another issue was the driveway separation between the driveways on Quincy Street. There was a telephone pole between the two driveways and a substandard separation. With more than 3 units on a lot there needed to be a 50-foot separation and it was approximately 18-feet. The applicants proposed to mitigate the issue by combining the two driveways, widening the curb cut and retaining the circulation patterns. The applicants would relocate the telephone pole. Staff did not think the Exception was merited and preferred maintaining the driveways as they were.

The other Exception would maintain the existing sidewalks to preserve the street trees on Garfield Street. The applicants proposed removing the bushes on Quincy Street and the north end of Garfield Street. The sidewalk would transition to a standard park row. Staff recommended a curbside sidewalk along Iowa and Garfield Streets and a standard sidewalk configuration for the transition.

The Tree Commission would review the planning action Thursday, October 11, 2018 with a recommendation for the record if it remained open as requested.

Parking requirements for units less than 500 sq. ft. was one space per unit. The applicant was proposing 67 parking spaces in the parking lot and 5 on-street parking credits of the 30 credits that were available.

Staff supported the application and wanted guidance from the Commission on the recreational space. They recommended several Conditions.

#### **Questions of Staff** - None

#### **Applicant's Presentation**

**Amy Gunter/Rogue Planning & Development Services/Medford/Ray Kistler/Kistler, Small, and White/Ashland/Spoke** to the project. Ms. Gunter explained the Mid-Town lofts would be energy efficient, small scale, low impact housing. The building would have a community oriented design that supported sustainable, multi-modal transportation systems. The project met the housing needs noted in several City plans and analysis and state housing objectives. It also complied with the Ashland Municipal Code (AMC) Land Use Ordinances.

The applicants mailed 80 postcards to neighbors and received only one response.

The proposed multi-family complex would have the majority of units oriented to public streets. There were large open spaces. The parking lot would provide 67 parking spaces. There were 30 on-street parking spaces available to the property but they would only use five. Long-term, safe and secure bicycle parking could not be located outdoors. The applicant proposed bike closets in each unit. Outside, they would have two 12-space bicycle parking areas south of the walkway.

There were various parking management strategies in the code that reduced on-site parking. One way was allowing on-street parking spaces. The proposal requesting five on-street parking spaces created less than a 10% reduction. There were events in the area that might increase demand but it did not equate to the need for a parking study nor did it dictate parking.

The buildings would have a modern Danish style architecture and be built using energy efficient materials. She described the orientation and landscape. The Landscape Plan complied with the maximum lot coverage in the zone and had 49,727 sq. ft. of pervious surfaces exceeding the maximum coverage requirements. It also complied with more than 7% of the parking area landscaping. There was an issue with the planters along the property lines. According to their landscape architect, the trees selected would not create a growth barrier and the five-foot planter was more than adequate for large stature shade trees.

Ms. Gunter clarified the percentages provided in their submittals regarding open space were incorrect. Materially the numbers were the same. The architect's calculation resulted in slightly different outcomes. The project in general exceeded minimum requirements. A parcel at 91,474 sq. ft. required 7,318 sq. ft. of open space to meet the 8% open space requirement. This included patios and recreational areas. The applicants sought an additional 10% density bonus for open space that would add 9,147 sq. ft. for a total of 16,465 sq. ft. The combination resulted in 21,643 sq. ft. or 23.6%. Her numbers conflicted with the architect's because she excluded the 15.5 sq. ft. of entry areas for each unit. It reduced the total area but still exceeded the required 16,465 sq. ft.

The applicants were asking for a 4% bonus for the provision of a major recreational facility. The project would supply amenities that complied with the intent of the density bonus for major facilities. They were proposing a space that included lawn games, a barbeque area, built in outdoor kitchen, covered outdoor area, fire pit and seating areas. It would cost \$164,000, exceeding the 1% of total project budget. If they did not get the major recreation facility credit, they would reduce the units to 70 and not provide the courtyard amenities.

The proposed stormwater and detention facilities were superior to smaller dispersed bio swales in the parking lot. Per the City's Public Works Department, there was adequate capacity in the system for the development.

The applicant's traffic engineer determined the number and size of the units did not generate enough traffic to require a transportation analysis or traffic impact study. Average daily trips (ADT) in 2012 for Quincy Street were 182. On Garfield Street, between Iowa and East Main Streets the ADT was 610 in 2017. On Iowa Street between Garfield Street and California Street, the ADT was 2,187 in 2017.

The Sidewalk Exception pertained to a portion of the frontage.

### **Questions of the Applicant**

Mr. Kistler clarified if the proposal lost two units they would retain the structure but use the building for storage. The courtyard recreational improvements would cost \$164,000 to build. The remaining was land value. It would be an open air building with an outdoor kitchen. They originally discussed enclosing it and turning it into a gym but thought it would get more use this way. It would be a four season facility with a long linear fire pit and a barbeque outside. There was enough space to incorporate a garden as well. Seating included tables, chairs, and raised concrete seat walls.

The Commission asked about the driveway separation issue. Mr. Kistler explained this was the most land use efficient solution. There were other alternatives. They could not remove the easement from the property owner. They wanted an Exception to retain the driveway as it was instead of separating the drive 50-feet. It would create a dead space on the driveway due to the easement. They talked to the property owner about moving the easement slightly. Moving the access would cut into the recreational area. There would be one large curb cut. The driveways would be separate. Due to concerns regarding the curb cut and driveways, the applicant came up with some alternatives. However, having a wide curb cut was the better solution. They had talked to the neighbor about combining uses but their client did not want to do that. The client's driveway was 1,600 sq. ft. Retaining both driveways was a better solution.

Mr. Kistler addressed one of the options for off street parking. They had 30 on-street parking credits and had maximized onsite parking. Earlier that day there was only one car parked on the street for three units. Ms. Gunter further explained Option B was the preferred layout. It would retain the original plan and increase on-street parking from 5 to 7 spaces.

Mr. Kistler shared the project was originally designed for three bedroom apartments. They changed it to studio apartments due to demand and housing needs.

### **Public Testimony**

**Mary Scott/Ashland/**This was an area that had extensive college and residential parking. It was often difficult for visitors to find parking. Traffic on Iowa Street had been awful for the past two years. There was recently an accident involving two children that resulted in a stop sign and extended orange lines. Fifty-four units were more reasonable than 72. She wanted a Continuance on the issue. Another issue was light pollution.

**Michael Hitsky/Ashland/**Clarified the applicant's presentation. There were two cars and an RV parked on the street at 3:00 p.m. on Garfield Street between Iowa and Quincy Streets. He had not received the postcard or submittals from the meeting that night. He did not think the project was entitled to the major recreation facility density bonus and explained how it failed to meet minimum space requirements and other requirements. He opposed the project.

**Devin Huseby/Ashland/**Did not receive the postcard either and he lived across the street from the subject property. The applicant complied with Earth Advantage but failed to specify how they would attain the points needed to qualify. There was not sufficient evidence provided to warrant a Type II approval. He cited code on gross habitable area and challenged outdoor decks as potential rooms without walls. Parking was an issue already. Quincy Street was not wide enough and there were often events at SOU and the High School. He wanted a parking analysis. He was concerned with bicycle parking. Providing indoor parking did not meet the spirit of the code. The bio swales and underground detention did not comply and the applicant did not explain how they were better. He requested a seven-day Continuance or keeping the record open.

**Jan Christensen/Ashland/**Did receive the postcard. She supported studio apartments but 72 units did not fit in her neighborhood. It would impact the safety of children. Traffic issues would increase. The design was not compatible with the neighborhood that had a 1950s style.

**Shana Huseby/Ashland/**Had two children and was concerned about safety and happiness. Another concern was the inadequate sidewalk situation on Garfield, Iowa and Quincy Streets. Adding 72 residences was a huge safety concern. Two people could live in one unit. It would double the number of people and cars. This was a family neighborhood with a lot of kids and schools. The proposal was suitable for college students and could be a party scene. The fire pit was a safety concern. People not accustomed to children on the street were another concern.

**Gordon Longhurst/Ashland/**Over the years had walked his grandchildren to Walker School, and Ashland Middle School. He encouraged the Commission to see the bigger picture of the whole neighborhood. There was heavy traffic already. The area did not need another 200 trips per day.

**Sue Lereid/Ashland/**Walked her dog five to six times a day in the area. There were constantly 5-6 cars on Garfield Street from Quincy Street. The driveway to the complex would negatively affect her and her neighbor. Headlights would come in both their homes. People drove fast on the streets. The style of the buildings was not compatible to the rest of the area. She wanted the Commission to reconsider the matter and at least have the developers make the complex more cohesive with the neighborhood.

**Staci Antaya/Ashland/**Submitted a letter into the record. The proposal was not a perfect fit or a community oriented housing project. The 72 units would create traffic, congestion, and noise pollution. It would only fit the needs of one section of the population. She proposed decreasing the scale of the project so it did not deteriorate the integrity, beauty, and family quality in their neighborhood. Or, use all the Exceptions for maximum density bonuses and create a true multi-family housing development that served all of the community. The 72-unit development was maximum profit for the developer and not the community.

**Commissioners Dawkins/Thompson m/s to extend the meeting to 10:30 p.m. Voice Vote: ALL AYES.  
Motion passed 7-0.**

**Jesse Longhurst/Ashland/**The traffic increased exponentially on Garfield Street when Palm Street was closed off to Siskiyou Boulevard. Garfield and Iowa were neighborhood collector streets. The streets fed six schools. Her primary concern was traffic. There was not adequate sidewalks or infrastructure for pedestrians. The rental situation in Ashland was dire. But 72 units was far too many and she opposed the Exceptions. She requested a Continuance. Even though it did not trigger traffic analysis, she asked the Commission to request a formal traffic study.

**Monika Neri/Ashland/**Did the density calculations on the lot and the applicant could build 90 units. If the Commission had an issue with the parking for this project, they would need to rethink 880 Park Street. She supported the option that provided the most parking. The project met and exceeded the parking requirements. She liked the building design. The price of both land and building was really high and required density.

### **Rebuttal by Applicant**

Ms. Gunter explained people may not have received the postcard because they were not the property owner. They mailed them out to the property owners of record. She confirmed the application was signed by the property owner. There would be no direct lighting on the site per City code. Lighting would be shrouded downward.

She was not sure how public testimony was calculating the recreational facilities. There were 20,635 square feet of area between the porches and decks that were allowed by code to be included in recreation areas. The grass areas and the courtyard areas were extra space.

What they were proposing for the major recreational facilities met the intent of the density bonuses. There were many reasons they did not install tennis courts, basketball courts, or a pool. They wanted an alternative that was less noisy and would not disturb tenants or adjacent properties.

The project team met with a representative from Earth Advantage. A points list based on Earth Advantage specifications would be provided with the building permit submittals as required by code. The buildings were high performance design and potentially would not need individual HVAC air handling systems.

She disagreed with statements the proposal did not provide a housing need. It was factually inaccurate based on several City documents adopted and acknowledged by the Planning Commission and the City Council. Single family homes were inappropriate in multi-family zoned areas. That was where apartments were built.

Sidewalks would be provided around the perimeter of the site. There was no rationale to provide off-site sidewalk improvements with this project. On street parking spaces would be twenty feet from the corners. There were traffic calming measures in place. Additionally, there was no collusion with the former owners of the property.

### **Discussion**

Chair Pearce addressed the request for a Continuance and discussed options with staff and the Commission. The meeting was continued to a Special Meeting October 23, 2018 at 7:00 p.m. in Council Chambers. The Commission wanted the applicant to provide more information on the following:

- The driveway issue - include the 3 driveway alternatives presented at the meeting
- The major recreation facility
- A definition for the dedicated lawn area
- The outdoor recreational space, how it fit the definition of open space and how it would work on the property and the location
- Parking and Thoroughfares
- Additional detail on Earth Advantage
- Detail on how the stormwater plan was better

### **C. PLANNING ACTION: PA-T2-2018-00004**

**SUBJECT PROPERTY: 1661 Ashland Street**

**OWNER: Rogue Credit Union & Columbia Care Services, Inc.**

**APPLICANT: Columbia Care Services, Inc./Jerome White, KSW Architects**

**DESCRIPTION: A request for a Land Partition and Site Design Review to create three parcels from the parent property located at 1661 Ashland Street. Parcel 1 would be 33,278 square feet in area and would contain the proposed "Rogue Ridge" development consisting of 30 multi-family dwelling units including one resident manager's unit and 29 affordable housing units in a 26,146 square foot, three-story building in two connected wings; Parcel 2 would be 9,913 square feet in area and would contain a future two-story commercial building; and the third parcel would be 22,462 square feet and would contain the existing Rogue Credit Union building. (25 of the 30 proposed units are studio units that are less than 500 square feet in gross habitable floor area and each counts as  $\frac{3}{4}$  of a unit for purposes of density calculation; the five remaining units are two- and three-bedroom and**

count as full units for density purposes.) **COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 10DC; TAX LOTS: 8700 & 9201.**

### **Ex Parte Contact**

Commissioner Brown and Dawkins declared no ex parte contact and one site visit. Commissioner Harper and Thompson had no ex parte contact. Commissioner Mindlin, Norton, and Pearce had no ex parte contact but was familiar with the site.

### **Staff Report**

Senior Planner Derek Severson provided a presentation on the application. The proposal was for a Land Partition of the parent property for three lots that were currently two. Parcel 1 would consist of 30 multi-family dwelling units at 33,278 sq. ft. One of those units would be a resident manager's unit and the remaining 29 units would be affordable housing. This was part of Columbia Care's mental health agency. Parcel 2 would have a two-story commercial building along Ashland Street at 9,913 sq. ft. Parcel 3 was the existing Rogue Credit Union building at 22,462 sq. ft.

The proposal would remove tree #7, an Almond with a 13-inch diameter breast height (DBH). There was an Exception to the parking lot to reduce storm water drainage. The Exception would detain run-off in shallow surface ponds over three porous paver pads in the parking lot. They would pipe it to a hydro-dynamic separator before discharging to Parker Street via an easement.

He described the building, parking, and lot configuration. The sky bridge was tall enough to provide fire truck clearance. The project complied with the solar ordinance. There would be 25 studio units. The remaining units would have two or three bedrooms.

Density in a C-1 zone was 30 units per acre. The density for this proposal was 23.75 units. The applicants requested a reduction of parking spaces. Affordable housing developments tended to have half the parking demand. They proposed a mixed use joint credit with the commercial building on the front lot.

The traffic study conducted in the original Shadow Plan for Rogue Credit Union found there was a lesser impact for this project. The average daily trips were reduced by 21. The PM peak hour trips would be reduced by five.

Staff recommended a Condition the applicants include eight-foot sidewalks and a park row on Ashland Street to match the improvements on the street frontage made by the Credit Union.

The Exception for the parking lot stormwater treatment would accommodate larger planting bays not treated by bio swales.

### **Questions of Staff**

Theoretically, the affordable units could be sold at some time in the future. The City was not providing affordable housing density bonuses. There were restrictions on the funding sources.

Mr. Severson explained in terms of partitioning the lot and parking, they were allowed to park on other lots with the parking agreement they were proposing. The original Shadow Plan treated the partitions as contiguous parcels under the same ownership. The current proposal was working from the adopted Shadow Plan. With it, they met the floor area ratio (FAR) and the percentage of residential and commercial. The Shadow Plan did not envision a partition. The Commission discussed it at the time and recognized in the future the partition would happen and the parcels would be under the same Shadow Plan. City Council made the determination the Shadow Plan was adequate and were not concerned with the associated issues.

Parcels under the same ownership were considered one property. Similar to a sub-division lots, they could be partitioned and sold. The intention was Columbia Care owned the two parcels. Potentially they could sell the commercial lot at some point. If that happened, the site design review process would revisit the parking issues.

### **Applicant's Presentation**

**Clark Stevens Richards Stevens and Associates**/Explained the applicants were available in two weeks to continue the public hearing.

**Cindy Dyer/Columbia Care**/Noted there were several time sensitive grants attached to the project that required construction to be completed by the end of 2019.

**Jerome White/Kistler Small and White**/Confirmed Columbia Care currently owned the property. It was always intended to be subdivided. The applicants were following the Shadow Plan approved by City Council. It was appropriate to continue with the Shadow Plan even though it was no longer under Rogue Credit Union. Each lot provided a certain amount of residential and commercial and met the criteria.

### **Questions of the Applicant**

Ms. Dyer explained the units were not intended for families. Most of their clients were veterans or individuals and sometimes couples. The grant requirements were deed restricted and guaranteed affordability for no less than 30 years. The grants would only allow them to fund residential housing. Thirteen units were supportive housing. The other half was general affordable housing where people would live independently. Residents could live there as long as needed. Out of the 67 sites Columbia Care managed around the state, the clientele was very low income with less than 50% owning a vehicle.

The meeting was continued to a Special Meeting October 23, 2018 at 7:00 p.m. in Council Chambers.

### **ADJOURNMENT**

Meeting adjourned at 10:30 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**CITY OF  
ASHLAND**  
**ASHLAND PLANNING COMMISSION**  
**SPECIAL MEETING**  
**MINUTES - *Draft***  
**October 23, 2018**

**CALL TO ORDER**

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

**Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Alan Harper  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

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

**Absent Members:**

**Council Liaison:**

Dennis Slattery, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar announced the Wildfire Lands Ordinance went into effect October 18, 2018. It would not affect the building permit review issuance or inspection process. The public hearing for the system development charges revision would happen at the City Council meeting November 6, 2018. Council heard the continued public hearing on the Transit Triangle October 16, 2018. It was continued to the meeting November 20, 2018 in order to complete a transportation analysis regarding concerns from the Oregon Department of Transportation.

**PUBLIC FORUM**

**Huelz Gutcheon/Ashland/**Spoke on climate change, solar panels and whether having an ordinance on clean energy was effective.

**Monika Nera/Ashland/**Distributed a review of **Ashland Municipal Code Chapter 18.3.9.050.B.3.a** and spoke regarding major recreational facilities and density bonuses.

**UNFINISHED BUSINESS**

**A. Approval of Findings for PA-T2-2018-00002, 880 Park Street.**

The Commission declared no ex parte on the matter. Commissioner Thompson distributed proposed clarifications to the Findings.

**Commissioners Thompson/Dawkins m/s to approve the Findings for PA-T2-2018-00002, 880 Park Street with the modifications set forth and suggested amendments. DISCUSSION:** Chair Pearce offered an amendment to the motion that Condition 12 include the full definition of family. Commissioner Thompson accepted the amendment. There was a correction made to the second sentence on page 12 changing "water" to "watered" to read, "...trees be watered." **Voice Vote: all AYES. Motion passed 7-0.**

## **TYPE II PUBLIC HEARINGS**

### **A. PLANNING ACTION: PA-T2-2018-00003**

**SUBJECT PROPERTY: 188 Garfield Street**

**OWNER/APPLICANT: Rogue Panning & Development Services, LLC**

**DESCRIPTION: A request for Site Design Review approval to construct a 72-unit studio apartment community ("The MidTown Lofts") for the properties located at 188 Garfield Street. The application also includes requests for a Tree Removal Permit to remove 15 trees that are more than six-inches in diameter at breast height (d.b.h.); an Exception to the Site Development and Design Standards to treat storm water run-off in a combination of bio-swales, underground treatment facilities and detentions ponds rather than in landscaped parking lot medians and swales; and for Exceptions to Street Standards to retain the existing curbside sidewalk system along the frontage of the property and for the location of the driveway curb cut on Quincy Street, which is proposed to be shared with the property to the east and which would exceed the maximum driveway curb cut width for residential developments. (All of the proposed units are studio units that are less than 500 square feet in gross habitable floor area and each counts as ¾ of a unit for purposes of density calculation; density bonuses are requested for conservation housing, outdoor recreation space and major recreation facilities.)** **COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; ZONING: R-3; ASSESSOR'S MAP: 39 1E 10CB; TAX LOT: 2100 & 2101.**

Chair Pearce read aloud the public hearing procedures for land use hearings. This was a continued hearing. Evidence and legal argument would be accepted without limit at this hearing.

### **Staff Report**

Senior Planner Derek Severson noted the following Key issues:

- Driveway Separation. The applicants amended their original proposal with three options. They preferred Option B that would reduce parking by four spaces and retain the existing curb cut, power pole and guy-wire. The drive aisle would utilize the access easement.
- On-street parking. Slides from 2015, 2016 and 2018 showed very few cars parked on the street at 188 Garfield Street. The applicants were asking for five to nine on-street parking spaces depending on which driveway option the Commission chose. There were 30 on-street parking spaces available.
- Sidewalks. The applicants original plan submittals showed curbside sidewalks along the frontage and tree preservation. There were several trees partially along Garfield Street and up Quincy Street the applicants would remove. Staff thought it appropriate to add a park row to that area.
- Open Space. The plan presented a courtyard area and major recreation facility. The code provided density bonuses for tennis courts, a swimming pools, etc. Staff questioned if the lawn and BBQ areas were appropriate expressions of that density bonus.

### **Questions of Staff**

Mr. Severson addressed the driveway and explained the easement provided a constraint the applicants had to resolve. He was not sure how much negotiation had occurred with the neighbor. At the least, they had to maintain the present distance. It seemed reasonable to utilize the current driveway instead of making another.

Commission comment asked about bike routes on Iowa Street. Mr. Molnar clarified the street was not wide enough curb-to-curb to accommodate a bike lane without removing parking.

Mr. Severson addressed bicycle parking. The standards spoke to allowing bikes inside and specified racks. The only standard rack listed was a U-rack but was typically not an interior installation. The code did have interior bike parking

for employees. The applicant proposed a hanger in each unit to hang a bike on the wall. Commission comment wanted to review the code for bicycle parking at a future Study Session.

Mr. Severson confirmed staff recommended park rows and sidewalks on Quincy Street and northeast Garfield Street.

He clarified the definitions for open space versus recreational space, private and semi-private patio areas, common spaces and stacking open space. The general definition for open space under **AMC 18.6.1. AMC Section 18.4.2.030(H)** spoke to recreational requirements. Decks, patios and similar areas were a part of open space. Historically the Commission had accepted decks, patios and porches as open space whether or not it was a common area. Mr. Molnar added open space was not always consistent.

The Commission discussed open space and recreational open space. Mr. Severson explained that open space areas were not available for developing and did not include setbacks. The applicants plan showed 21%-23% open space.

### **Applicant's Presentation**

**Amy Gunter/Rogue Planning & Development Services/Medford/Ray Kistler/Kistler, Small, and White/Ashland/Spoke** to aspects of the project. Ms. Gunter explained the need for studio apartments in Ashland. She was waiting to hear back from Kim Parducci, a traffic engineer, on how many parking spaces were lost due to the yellow bars. A change to the driveway location would result in the loss of 3-4 on-site parking spaces. Mr. Kistler explained the property owner with the easement had agreed to move the driveway over 5-feet but would not relinquish the easement.

Ms. Gunter addressed average daily trips (ADT). The ADT for Quincy and Garfield Streets did not trigger analysis thresholds. Amended Findings addressed the driveway apron and how it complied with the Exception standards due to the easement.

The Open Space plan demonstrated that the 2.1-acre lot required 8% open space. They needed an additional 10% of the lot area for a project total of 16,453 sq. ft. to achieve the density bonus. In the event the major recreational amenities went away, they would use some type of turf for the sports court area. There were no thoroughfares included in the open space area. The applicants amended the plan and removed areas not considered open space. It left lawn areas that met open space requirements. There was now 18,361 sq. ft. of open recreational area. Of that, 6,600 sq. ft. was the decks. They exceeded the 16,465 sq. ft. of required open space.

They were now proposing 70-units. They would use the two units for maintenance storage and office space. They would not go forward with the major recreational facilities.

Mr. Kistler touched on the first plan for 43 2-3 bedroom units and compared it to the 70-unit project before the Commission. Studio apartments met a housing need in Ashland.

Ms. Gunter addressed outdoor bicycle parking and on-street parking credits. The bike closets appeared to meet the intent of the code. There would be two twelve space bicycle parking areas outside. Essentially, there was seven on-street parking credits and one mixed use credit for bicycle parking.

### **Questions of the Applicant**

Ms. Gunter clarified reducing the units from 72 to 70 would not change any of the numbers. The two units were based on receiving the major recreational facilities density bonus.

Mr. Kistler clarified the 30 on-street parking credits included the space taken by the driveway aprons. If the yellow striping was 20-30 feet, it would eliminate two parking spaces.

Patios and balconies were approximately 6x15 feet and excluded the 6 sq. ft. from the door area. The recent submission showing 5,616 sq. ft. of patios was part of the open space. Aside from the patios, there was 11,756 sq. ft. for a total of 17,372 sq. ft.

The indoor bike area was a closet without a door with a vertical bike rack on the wall. It was located by the front door.

### **Public Testimony**

**Jesse Walker/Ashland/**The applicant incorrectly calculated square footage by measuring habitable space from the interior instead of the exterior. The units were probably over 500 sq. ft. She was concerned with parking and opposed the number of units.

**Sue LeRoy/Ashland/**Explained how the design would not blend with the neighborhood. Ashland needed affordable housing that this project would not provide. Two people could live in a studio apartment. Where would they park?

**Michael Gutman/Ashland/**Understood the need for smaller units but this was not an infill project. He spoke to density.

**Devin Huseby/Ashland/**Encouraged the Commission to close the record and not deliberate. There was confusion with parking. The written submittal on Option B conflicted with what was stated verbally. Secure outdoor bike parking was lockers that locked. The applicant's presentation on open space was difficult to understand.

**Staci Antaya/Ashland/**Thought the code for open space and recreational space was being used at an advantage. They were not intended to create maximum occupancy. The project did not meet the housing needs of the community. They were being used for maximum profit.

**Eric Chandler/Ashland/**It was a high foot traffic location and there were many problems walking in the area. The streets needed more speed bumps and stop signs. The parking lot for the development was at the back of his house. He had five children and was concerned about parking accidents. He wanted a stone wall built that would prevent a moving vehicle from coming into his yard. Also, having two trees there would not provide an appropriate sound or light barrier.

### **Rebuttal by Applicant**

Ms. Gunter was not aware of the code requirement for exterior measurement to determine square footage. They fixed it in the plan. Due to the short turn around between meetings there was differing language on the number of parking spaces. Option B reduced on-site parking spaces by three for a total of 64 spaces. There was ample space to park bicycles outside and the applicant would provide it if needed. However, they would not remove the indoor bicycle parking. Ms. Parducci had responded to Ms. Gunter's message regarding the length of the yellow bars and thought it was 50-feet. This would reduce parking by two spaces. Ms. Gunter confirmed the units were rentals.

### **Questions of the Applicant**

Mr. Kistler explained compatibility had to do with mass and scale, not matching finished materials. The development was compatible regarding mass and scale.

### **Deliberations & Decision**

The Commission discussed the driveway Exception. Opposing comment did not think an easement rose to the level of an Exception. Nor did the applicant provide a basis for spacing the driveway. Other comment noted the existing curb cut presented an issue in the street right of way. It was an unusual aspect of the site to have a curb cut accessing the property. The City would not allow them to wall off the curb cut or do it themselves. It would be taking their access. That was the Exception that could be granted. Opposing comment thought the applicants needed to

design the project to meet the code. Concern was expressed that on-street parking could be taken up with similar projects in the future. The code was clear regarding driveway spacing

They discussed major recreational space next. The intent of the recreational space was suitable for adults. Recreation needs changed over time. It was antiquated to require a pool or tennis court to qualify. Opposing comment thought there should be a structured play area. The proposed structure could be an outdoor living room. Others thought the code was archaic. Supporting comment thought the recreation proposal was a great way to get people to build community. It was an adult playground, something that would be used. A gray area was the lack of structure for the grassy areas.

The Commission went on to discuss open space and using semi-private or private patios as open space. Comment did not think balconies should be included. Other comment thought it was a code issue and semi-private areas should be excluded.

For the bicycle parking, externally, they did not have enough space to meet the code. But having an area for bicycles in each unit was a better configuration than what the code required. The Commission directed staff to remove 11-H from the recommendation.

The Commission discussed the on-street parking credits. Supportive comment thought the application met the parking requirements off-site and on-site. One comment wanted a parking study where staff checked parking in the area four times a day for five to seven days to ensure everyone had the same data. Other comment noted public testimony stated available parking was adequate unless there was an event at the university or high school.

**Commissioners Brown/Dawkins m/s to approve Planning Action #PA-T2-2018-00003, 188 Garfield Street with the Conditions and the amendments discussed, the removal of 11-H, reframe less than 500 sq. ft. from outside walls instead of the inside walls, accept Option B, keep the sidewalk as described, approve the open space unit reduction from 72 to 70, and retain the proposed bicycle parking. DISCUSSION:** Commissioner Dawkins thought this project was exactly what Ashland needed. He had no problem with the design or the mix. Commissioner Thompson regretted losing the recreational amenity piece. It needed more definition. She thought it did meet the “or similar” portion of the requirement as an adult playground.

Commissioner Harper would not support the motion. The Commission’s role was to determine if it fit the code. He supported denying the application and having the applicants return with a better designed plan for 72-units that included an outdoor living room. Commissioner Norton also would not support the motion. The lawn area was not defined for recreation. They should have worked out the issues regarding the easement first. The easement and the recreational space were the reasons he was voting no. Commissioner Mindlin explained her biggest issue was the driveway. She was willing to let that go though. She thought the Commission was making a mistake on not acknowledging the value of the recreational facility the applicants were providing. She would not support the motion. Chair Pearce thought the existing curb cut created a unique situation. It would be better for transportation facility connectivity to have two curb cuts instead of three. **Roll Call Vote: Commissioners Pearce, Dawkins, and Brown, YES; Commissioners Mindlin, Harper, Norton, and Thompson, NO. Motion failed 3-4.**

**Commissioner Mindlin/Thompson m/s to approve the Planning Action #PA-T2-2018-00003, 188 Garfield Street with 72 two-units, accepting the plan for the major recreational facility, the alteration for exterior square footage calculations, accepting the interior bicycle parking by eliminating 11-H and granting the Exception for the Driveway using Option B, and requiring park rows per staff’s recommendation.**

**DISCUSSION:** Commissioner Norton would not support the motion and thought it was sending the wrong message to the public. **Roll Call Vote: Commissioners Brown, Thompson, Mindlin, Pearce, and Dawkins, YES; Commissioners Norton and Harper, NO. Motion passed 5-2.**

**B. PLANNING ACTION: PA-T2-2018-00004**

**SUBJECT PROPERTY: 1661 Ashland Street**

**OWNER: Rogue Credit Union & Columbia Care Services, Inc.**

**APPLICANT: Columbia Care Services, Inc./Jerome White, KSW Architects**

**DESCRIPTION: A request for a Land Partition and Site Design Review to create three parcels from the parent property located at 1661 Ashland Street. Parcel 1 would be 33,278 square feet in area and would contain the proposed "Rogue Ridge" development consisting of 30 multi-family dwelling units including one resident manager's unit and 29 affordable housing units in a 26,146 square foot, three-story building in two connected wings; Parcel 2 would be 9,913 square feet in area and would contain a future two-story commercial building; and the third parcel would be 22,462 square feet and would contain the existing Rogue Credit Union building. (25 of the 30 proposed units are studio units that are less than 500 square feet in gross habitable floor area and each counts as  $\frac{3}{4}$  of a unit for purposes of density calculation; the five remaining units are two- and three-bedroom and count as full units for density purposes.)**

**COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 10DC; TAX LOTS: 8700 & 9201.**

**Commissioners Dawkins/Thompson m/s to extend the meeting to 10:30 p.m. Voice Cote: ALL AYES. Motion passed 7-0.**

**Ex Parte Contact**

Commissioners Dawkins, Thompson, and Brown declared no ex parte and one site visit. Commissioners Norton, Pearce, Harper, and Mindlin had no ex parte.

**Staff Report**

Senior Planner Derek Severson explained the Commission could find the original Shadow Plan provided a phased development plan for the site to prevent piecemeal and uncoordinated development. Based on **AMC 18.2.3.130.B.1** and **Black's Law Dictionary, Site – C**, the Commission could consider the standards in terms of the original shadow-planned site instead of individual lots. The applicant proposed 20 parking spaces for 25 studio units. For future building parking, the applicants wanted a joint-use or mixed use credit for the remaining four spaces. Additionally, the project was subject to the 100-Day Rule per **ORS 197.311** because it was affordable housing.

**Questions of Staff** - None

**Applicant's Presentation**

**Jerome White/Kistler Small and White, Clark Stevens/Richards Stevens and Associates, and Cindy Dyer/Columbia Care/Spoke** to the application. Jerome White provided history on the Shadow Plan. It coordinated with the Rogue Credit Union. At the time of the appeal, Columbia Care was introduced as the developer of the property. They would exceed the floor area ratio (FAR) slightly by dividing Parcel 2 into two lots due to the proposed two story building. Clark Stevens further explained the original plan had 4 separate structures. Technically it was three because two structures were connected by the sky walk. It would be a multi-family structure with commercial below. The project was consistent with the Shadow Plan. They had less than 30 dwelling units per acre and met all the setbacks. The west side had a 20-foot side yard and a 10-foot setback.

They determined through a San Diego parking study that 47.5% of low income occupants did not own a vehicle. They used of the City of Eugene's parking at .67 spaces per dwelling unit. That would allow 17 parking spaces for 25 studios and 10 spaces for the 2 and three bedroom facilities. This was where the joint-use parking came into play. There was ample space that eliminated parking conflicts.

Mr. White explained the need for an Exception regarding storm water. They could not put in a bioswale without raising the parking lot two to three feet. Instead, they wanted to retain the water on the parking lot, filter it through porous paving and a hydro dam separator then send it to Parker Street.

The project team met with the neighbors. The neighbors were concerned with the present lighting used by the Rogue Credit Union. This project would shield parking lights on the north side to avoid spillage onto the adjacent properties. They would use 14-foot light poles that were lower than the standard. They wanted to use individual motion sensors as well.

They were planning on planting one tree every four parking spaces and adding peninsulas to help mitigate the impact to the neighbors. They would also plant an eight-foot hedge.

### **Questions of the Applicant**

The lot was fenced at the property and there was an access easement to the back of the property. There was a large tree the neighbors wanted protected. The sky walk was 14-feet above grade and a fire truck would clear the height.

Staff explained the original Shadow Plan went from 65%-35% to commercial-residential to 50%-50% due to the uses.

Mr. White clarified the alternative to the bio swale. A line went to Parker Street. The water would reach the curb and get metered. It was already approved and in place. Mr. Severson added the applicants received an easement at the time development began for the Rogue Credit Union.

### **Public Testimony**

**Karen Zenger/Ashland/**Explained Rogue Credit Union worked with the architects on this plan. The Credit Union supported the project and would continue to support affordable housing efforts.

**Jeff Westergaard/Ashland/**Shared a personal story regarding a homeless individual with mental health issues. He questioned whether this was the right location for this type of facility. There were current lighting issues with Rogue Credit Union. He did not trust the applicants would divert lighting with this project. Other issues were sewage and the slope.

**Tara Elder/Ashland/**Did not support the project and had safety concerns. There were concerns with building height, and Josephine County "dumping" thirteen people on Jackson County. Neighbors were already moving. The Credit Union and this project were taking away the feeling of community that existed in her neighborhood.

**Keith Henty/Ashland/**Lived right over the fence. There were issues with the lighting Rogue Credit Union was using. He had concerns on building height as well. Proximity was another concern along with the designated smoking area that would be too close to his fence. Other issues were septic, traffic, and the view.

### **Rebuttal by Applicant**

Cindy Dyer clarified Columbia Care served people with behavioral health issues and veterans. They had sites throughout state of Oregon. They were not importing people from Josephine County. The security was for the residents walking to their cars. Mr. White added lighting would be shielded. He wanted to install light monitors but it required installing one between each parking stall.

### **Questions of the Applicant**

The Rogue Credit Union had stated the current lighting system met state safety requirements. They would not meet that requirement if the lighting was in the middle of the parking lot.

### **Deliberations & Decision**

Commissioner Thompson was concerned about relying on a Shadow Plan that was no longer under common ownership. The Commission initially rejected Rogue Credit Union's plan because they could not develop the lot themselves with the Shadow Plan. The City Council overturned that decision and wanted the credit union to create exactly what they did. There were two issues. Whether the code permitted the Commission to rely on the Shadow Plan to satisfy FAR and the minimum residential versus commercial even though there was no longer common ownership. It could be considered a phased development plan. There were other examples where common ownership did not exist. The impact to the neighbors was understood. This project was exactly what City Council wanted to see happen here. It was a thoughtful design and she supported the project.

There were concerns regarding the storm water. However, the applicants had it designed by an engineer, the Commission reviewed the reports, and the Public Works Department would ensure it worked.

The Commission was concerned with the lighting used by the Rogue Credit Union. Mr. Molnar thought it was a potential code violation and would look into the matter.

**Commissioners Mindlin/Dawkins m/s to approve PA-T2-2018-00004,1661 Ashland Street with additional Findings with as stringent as possible lighting conditions. Roll Call Vote: Commissioners Thompson, Pearce, Dawkins, Brown, Harper, Mindlin, and Norton, YES. Motion passed 7-0.**

### **ADJOURNMENT**

Meeting adjourned at 10:20 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**BEFORE THE PLANNING COMMISSION**  
**November 13, 2018**

IN THE MATTER OF PLANNING ACTION #T2-2018-00003, A REQUEST FOR )  
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT A 72-UNIT STUDIO )  
APARTMENT COMMUNITY LOCATED AT 188 GARFIELD STREET. THE )  
APPLICATION ALSO INCLUDES REQUESTS FOR A TREE REMOVAL PERMIT )  
TO REMOVE 15 TREES THAT ARE MORE THAN SIX-INCHES IN DIAMETER AT )  
BREAST HEIGHT (D.B.H.); AN EXCEPTION TO THE SITE DEVELOPMENT AND )  
DESIGN STANDARDS TO TREAT STORMWATER RUN-OFF IN A COMBI- )  
NATION BIO-SWALES, UNDERGROUND TREATMENT FACILITIES AND DE- )  
TENTION PONDS RATHER THAN IN LANDSCAPED PARKING LOT MEDIANS )  
AND SWALES; AND FOR EXCEPTIONS TO STREET STANDARDS TO RETAIN )  
THE EXISTING CURBSIDE SIDEWALK SYSTEM ALONG THE FRONTAGES OF ) **FINDINGS,**  
AND FOR THE LOCATION OF THE DRIVEWAY CURBCUT ON QUINCY ) **CONCLUSIONS,**  
STREET, WHICH IS PROPOSED TO BE SHARED WITH THE PROPERTY TO THE ) **& ORDERS**  
EAST AND WHICH WOULD EXCEED THE MAXIMUM DRIVEWAY CURB CUT )  
WIDTH FOR RESIDENTIAL DEVELOPMENTS. ALL OF THE PROPOSED UNITS )  
ARE STUDIOS WITH LESS THAN 500 SQUARE FEET IN GROSS HABITABLE )  
FLOOR WHICH COUNT AS ¾ OF A UNIT FOR DENSITY CALCULATIONS; )  
DENSITY BONUSES ARE REQUESTED FOR CONSERVATION HOUSING, OUT- )  
DOOR RECREATION SPACE AND MAJOR RECREATION FACILITIES. )  
)  
**APPLICANT/OWNER:** ROGUE PLANNING & DEVELOPMENT SERVICES )  
SPARTAN ASHLAND RIVERGATE REAL ESTATE )

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**RECITALS:**

- 1) Tax lots #2100 and #2101 of Map 39 1E 10CB are located at 188 Garfield Street and are zoned R-3 (High-Density Multi-Family Residential).
  
- 2) The applicant is requesting Site Design Review approval to construct a 72-unit studio apartment community (“The MidTown Lofts”) for the properties located at 188 Garfield Street. All of the proposed units are studio units that are less than 500 square feet in gross habitable floor area and each counts as ¾ of a unit for purposes of density calculation; density bonuses are requested for conservation housing, outdoor recreation space and major recreation facilities. The application also includes requests for a Tree Removal Permit to remove 15 trees that are more than six-inches in diameter at breast height (d.b.h.); an Exception to the Site Development and Design Standards to treat stormwater run-off in a combination of bio-swales, underground treatment facilities and detentions ponds rather than in landscaped parking lot medians and swales; and for Exceptions to Street Standards to retain the existing curbside sidewalk system along the frontage of the property and for the location of the driveway curb cut on Quincy Street, which is proposed to be shared with the property to the east and which would exceed the maximum driveway curb cut width for residential developments. Site improvements are outlined on the plans on file at the

Department of Community Development.

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

- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
  - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
  - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

4) The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
  - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
  - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
  - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*

- c. *The exception is the minimum necessary to alleviate the difficulty.*
- d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

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

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

6) The Planning Commission, following proper public notice, held a public hearing on October 9, 2018 at which time testimony was received and exhibits were presented. Prior to the closing of the hearing, participants requested that the hearing or record remain open pursuant to ORS 197.763(6) to present additional evidence or argument. The Planning Commission continued the hearing until 7:00 p.m. on October 23, 2018 at the City Council Chambers at which time at which time testimony was again received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Design Review, Exception to the Site Development and Design Standards, Exceptions to Street Standards and Tree Removal Permit meets all applicable criteria for Site Design Review approval as described in Chapter 18.5.2.050; for Exception to the Site Development and Design Standards described in Chapter 18.5.4.050; for Exception to Street Standards described in Chapter 18.4.6.020.B.1; and for Tree Removal Permit described in Chapter 18.5.7.040.B.2; with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

The Planning Commission further finds that the application includes written findings which respond to the approval criteria for the Site Design Review, Exception the Site Development and Design Standards, Exceptions to Street Standards and Tree Removal Permit. These findings are adopted herein by reference as Exhibit A.

2.3 The Planning Commission finds that the first criterion for Site Design Review approval is that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”*

The Planning Commission finds that the application explains that the subject properties are zoned R-3 (High Density, Multi-Family Residential) and the 91,474 square foot, 2.1-acre parcel exceeds the minimum lot area and minimum dimensions for the zoning district. The application further details that the proposal is for nine groups of two-story, eight-plex units that consist of 496-square foot studio units. These units are proposed in a “modern, Danish inspired architecture” with a mix of wood, stucco and metal, and the design seeks to provide a strong orientation to the public street. Each unit has a semi-private patio, and while the patio doors are not intended as a primary entry the application emphasizes that they can function as a front entry and provide a strong orientation to the street. The application goes on to note that there are varying roof forms, pitches and heights to break up the massing, and that standard solar access will be met.

The Planning Commission further finds that the base density for the R-3 zone is 20 dwelling units (d.u.) per acre. The subject property is 2.1 acres and has a base density of 42 d.u. (2.1 acres x 20 d.u./acre = 42 d.u.). Density bonuses are requested for Conservation housing (15%), Outdoor Recreation Space (10%)

and Major Recreation Space (4%) for a total density bonus of 29%. This brings the property density to 54.18 d.u. ( $42 \text{ d.u.} \times 1.29 = 54.18 \text{ d.u.}$ ). All of the proposed units are less than 500 square feet and count as 0.75 units for purposes of density. As such, the density allows 72.24 studio units less than 500 square feet ( $54.18 \text{ d.u.}/0.75 = 72.24 \text{ d.u.}$ ). The Planning Commission finds that the proposed density is 72 units, with all proposed at less than 500 square feet, which is consistent with the density allowed by the zoning with the requested density bonuses. The Planning Commission further finds that the applicants made clear during the hearing that the units were proposed and intended to have less than 500 square feet of gross habitable floor area per unit to qualify as  $\frac{3}{4}$  units for density purposes, and indicated that the final units' sizes would be adjusted in the building permit submittals so that each unit has less than 500 square feet of gross habitable floor area. Gross habitable floor area is defined in AMC 18.6.1 as, "*The total area of all floors in a dwelling measured to its outside surfaces that are under the horizontal projection of the roof or floor above with at least seven feet of head room, excluding uninhabitable spaces accessed solely by an exterior door.*" A condition requiring that the units meet this definition prior to building permit approval has been included below.

The Planning Commission finds that AMC Section 18.2.5.080.F.3.c allows a density bonus for "major recreational facilities in exchange for the applicant providing *tennis courts, swimming pools, playgrounds or similar facilities.*" The bonus allowed is six percent additional density for each one percent of project cost, based on the *estimated sale price or market value of structures and land*, devoted to major recreational facilities. The facility proposed here is identified as a "flexible outdoor activity space... for 'lawn' games such as badminton, spike ball, cornhole, croquet, ladder golf, and others." Also included within the proposed recreation space are a fire pit, barbecue kitchen area, and covered seating area. The Planning Commission finds that the facilities proposed are "similar facilities" akin to a playground for the likely adult tenants of the development and that the combination of facilities proposed for lawn games, fire pit, barbecue, kitchen area and covered seating areas constitute *major* recreational facilities which will be heavily used by tenants and which will serve to building community within the development. The Commission finds that these facilities qualify for the requested bonus based both on the recreational functionality of the unique combination of facilities proposed for anticipated tenants, and based on the estimated value provided.

The second approval criterion is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The Planning Commission finds that the subject property is not located within any overlay zones.

The third criterion for Site Design Review approval is that, "*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*"

The Planning Commission finds that the application explains that all ground floor units will have a semi-private patio area with a clear entrance to the unit, while the upper floor units have a deck area that provides a visual connection and clear orientation to the public street. Parking is located to the side or behind the structures. Buildings are proposed to have a 19  $\frac{1}{2}$  foot width with a separation of approximately eight-feet between connected buildings and the required 12-foot separation between the connected eight-plexes. The applicant asserts that this is similar to the massing of structures in the vicinity. The application notes that the proposals comply with setbacks for the zone, and that while the buildings designs and materials are

modern they are compatible with the surrounding area and include clear-coated wooden siding, corrugated metal siding, standing seam metal roofing, metal railings and vinyl windows. The application also notes that while final paint colors have not been selected, they will not be bright primary or neon colors. Landscaping and recycling/refuse disposal containers are proposed to comply with AMC 18.4.4, with a common, screened refuse and recycling area to be provided adjacent to the parking area.

The Planning Commission finds that AMC 18.4.2.030.H requires that residential developments subject to Site Design Review are to provide recreation area equal to at least eight percent of the lot area dedicated to open space for recreational use by the tenants of the development. This area is to be surfaced suitably for human recreational use, and as considered in addressing the requirements of this section decks, patios and similar areas are eligible for consideration as open space. The applicants have also requested a density bonus for providing an additional ten percent of outdoor recreation space above the minimum requirement, for a total of 18 percent. Eighteen percent of the total lot area here is approximately 16,643 square feet and the applicants have provided a plan identifying approximately 21,643 square feet as recreation space including semi-private patio spaces. The Commission finds that the combination of open and recreation space provided satisfactorily addresses these requirements.

With regard to off-street parking requirements detailed in AMC 18.4.3, the Planning Commission finds that 72 studio units less than 500 square feet require 72 parking spaces. The applicant proposes to provide 64 off-street parking spaces in surface parking lots and have requested the remaining eight spaces be addressed through a combination of six on-street parking credits and two credits for the additional exterior covered bicycle parking to be provided on-site. The subject properties have more than 600 linear feet of frontage with roughly 30 on-street parking spaces available. The Planning Commission further finds that the applicants proposal to provide a bicycle closet with rack in each unit is consistent with the allowance in AMC 18.4.3.070.I to address bicycle parking by providing “a bicycle storage room, bicycle lockers or racks inside the building.” In addition, the applicants have proposed 12 covered bicycle parking spaces outside in requesting an alternative vehicle parking credit under AMC 18.4.3.060.B.2. The Planning Commission finds that the parking proposed satisfies the parking requirements for the proposed units.

The fourth criterion is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”*

- **Water:** The application notes that a water meter currently serves the property from Garfield Street, and that there is a fire hydrant in place at the intersection of Garfield and Iowa Streets and another is present on the opposite side of Quincy Street. The application further explains that there is a six-inch water main in Iowa Street, a four-inch water main in Garfield Street, and a four-inch water main in Quincy Street. The application proposes to provide a single water service for the proposed units, a service for the open space, and a fire connection on the north side of the driveway accessing the site from Garfield Street.
- **Sewer:** The application notes that there are six-inch sewer lines available in Iowa, Garfield and Quincy Streets, and indicates that these lines provide adequate capacity to serve the proposed units.

- **Electricity:** The applicant notes that there is overhead power present on the south side of Iowa Street, on the west side of Garfield Street, and along the property frontage on Quincy Street. There is a cobra head style streetlight on the south side of Iowa Street, near the intersection of Garfield and Iowa Streets. The application indicates that all electrical service on site will be served by a single transformer to be installed on the property from the primary poles across Garfield Street. This transformer is to be to the north of the relocated driveway, and the application goes on to note that while the exact location has not been determined there is adequate open space and lot coverage to allow for the placement. The application further notes that the power pole within the driveway on Quincy Street will be relocated to meet the needs of the Ashland Electric Department. A preliminary electric service plan is included with the application.
- **Storm Drainage:** The application explains that there are currently no storm drainage facilities on the subject property, but that there are 12-inch storm sewer mains in the rights-of-way for both Garfield and Quincy Streets.
- **Paved Access/Adequate Transportation:** Iowa Street is an avenue or major collector street as classified in the Transportation System Plan, while both Garfield and Quincy Streets are residential neighborhood streets. The application details that all street frontages are paved with curbs, gutters, curbside sidewalks and street trees in place, and an Exception to Street Standards has been requested (see 2.4 below) to retain the existing curbside sidewalks rather than providing standard parkrow planting strips with irrigated street trees between the curb and sidewalk.

The application materials include a trip generation analysis prepared by Sandow Engineering which explains that the anticipated trip generation from the proposed 72-unit studio apartment complex would be 33 trips during the A.M. peak hour and 40 trips during the P.M. peak hour. This analysis concludes that because the peak hour trips are less than 50, no new traffic controls or geometric improvements are proposed and fewer than 20 additional heavy vehicle trips per day will be generated, a full traffic impact analysis (TIA) is not warranted.

The Planning Commission finds that the application includes conceptual plans detailing grading, drainage and utilities proposed to serve the project. Conditions have been included to require that prior to the issuance of a building permit, revised civil drawings including final grading, drainage, erosion control, utility, and electric service plan with load calculations be provided for the review and approval of the Building, Planning, Public Works/Engineering and Electrical Departments.

The final criterion has to do with “*Exception to the Site Development and Design Standards,*” providing that, “*The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist: 1) There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or 2) There is no demonstrable difficulty in meeting the*

*specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.”*

The Planning Commission finds that the parking lot standards in AMC 18.4.3.080.B.5.b call for capturing run-off in a landscaped median or swale to mitigate parking impacts, reduce stormwater leaving the site and recharge groundwater. The applicant has instead proposed to detain run-off in a combination of underground treatment facilities, detention ponds and bio-swales as they assert that these methods are more efficient and cost-effective. The applicant suggests that light-colored paving with some of it pervious, and larger bio-swales separate from the parking lot are superior to parking lot median swales and allow for occasional pedestrian traffic and better landscape buffers in the parking lot medians. The Planning Commission finds that the measures proposed adequately mitigate the parking lot’s impacts while reducing stormwater leaving the site and serving to recharge groundwater.

2.4 The Planning Commission finds that the application includes two requests for Exceptions to Street Standards, one to retain the existing curbside sidewalk system along the frontage of the property and the other for the location of the driveway curb cut on Quincy Street, which is proposed to be shared with the property to the east and which would exceed the maximum driveway curb cut width for residential developments.

With regard to the sidewalks, the applicant’s narrative requests an Exception to retain the existing curbside sidewalks around the full perimeter of the site, arguing that the existing pedestrian environment is already established and that the Exception allows for the preservation of larger stature, existing, healthy street trees. The Planning Commission finds, however, that the plans provided illustrate removal of the trees along the northern Garfield frontage and all trees along Quincy Street, and further illustrate the installation of standard sidewalks and parkrows in those areas. Given that the project proposes to fully redevelop the site at well more than the base density, the Planning Commission finds that providing standard sidewalks with parkrows to safely support and encourage pedestrians is of particular importance and accordingly has included conditions to require that standard parkrows and sidewalks be provided on the northern portion of Garfield Street and the full Quincy Street frontage, and that the approved Exception to allow curbside sidewalks shall be limited to Iowa Street and the portion of Garfield Street necessary to preserve the existing Elm, Mulberry and Sweetgum street trees (#7, #9-#17, #19-23). The Commission finds that these existing, well-established trees are the barrier to providing standard sidewalks, and that their preservation and protection is beneficial both to the site and to the neighborhood streetscape, and that this partial exception would be the minimum necessary to alleviate the difficulty while providing the feeling of safety and quality of experience sought for the pedestrian facilities by the standards.

With regard to the driveway separation/curb cut width request, the Planning Commission finds that the existing driveway location on Quincy Street does not currently comply with the minimum 24-foot driveway separation requirements applicable for the lot as it currently contains less than three units. Distances from driveway standards are detailed in AMC section 18.4.3.080.C.3, and developments of three units or more per lot are required to provide a 50-foot separation between driveways on neighborhood streets like Quincy Street. To address the separation requirement, the application proposes to shift the driveway east toward the adjacent driveway, paving the area between to provide a wider, single curb cut to accommodate the two drives, noting that this may necessitate protection or relocation of an

existing power pole between the two drives. The application explains that this attempts to mitigate the lack of required separation by combining the curb cuts to improve the pedestrian and vehicular environment by reducing the number of curb cuts and better aligning with the driveways on the opposite side of Quincy Street. The application further explains that a recorded ingress/egress easement for 181 California Street, a flag lot which takes vehicular access through the subject property, must be retained and prevents the applicant from combining the two driveways to a single driveway or providing the required separation. The application notes that the proposed curb cut would be 36 feet in width, exceeding the maximum residential curb cut width of 18 feet and necessitating an Exception.

The Planning Commission finds that the requested Exception does not address the underlying intent of the driveway separation/controlled access requirements, which seek to reduce conflicts between vehicles entering or exiting to the street and vehicles, bicycles and pedestrians already using the street. The Commission further finds that having multiple driveways come together at the curb within a single, wider-than-normally-allowed curb cut, rather than combining circulation on-site to enter and exit from a single driveway within a single, standard curb cut has the potential to create more conflicts and add confusion as there continues to be multiple driveways using a single curb cut without any coordination of circulation to reduce conflicts. The Commission finds that this would only be exacerbated if a power pole, and any measures needed to protect it from vehicles, were to be retained in the middle of the curb cut. The Commission finds that absent a clear depiction of how turning movements with the adjacent driveway might be addressed, the Exception to combine driveways within a wider than normal curb cut is not merited. The Commission further finds that if the applicant is unable to combine driveways and circulation on site to provide a single driveway exiting from a single standard curb cut due to the existing ingress/egress easement for the neighbor, the most appropriate treatment for the driveway would be the alternative "Option B" presented by the applicant during the hearing which would retain the existing non-conforming separation between the driveways which has been in place for years, and which has served Rivergate Church and its large parking lot.

2.5 The Planning Commission finds that the Tree Protection & Removal Plan provided identifies 30 trees on and adjacent to the subject property and requests Tree Removal Permits to remove 15 trees. Four of these 15 are noted as having been removed prior to the project, either as exempt/dead trees or in conjunction with the Rivergate Church demolition. The remaining 11 are proposed for removal to accommodate the buildings, driveways, parking and circulation areas and utility installations proposed.

The applicant's submittals indicate that the requested removals will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or existing windbreaks and further asserts that the removals will not have significant negative impacts to tree densities, sizes, canopies or species diversity within 200 feet of the subject property, and that replacement trees will be provided with one or more trees planted in the new landscape to mitigate each removal.

The Tree Commission reviewed the proposal at its regular meeting on October 11, 2018 and recommended that the application be approved, that every effort be made to preserve the existing trees, that they be pruned professionally, and that synthetic turf not be used. A condition has been included below to make the recommendations of the Tree Commission conditions of approval, where consistent with applicable standards and criteria, and with final approval by the Staff Advisor. A condition has also been added to

require a revised Tree Protection Plan be provided with the building permit submittal addressing a maintenance watering schedule for trees to be retained during construction and addressing Tree Protection any necessary tree protection measures for trees on adjacent properties within 15 feet of the property line.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review, Exception to the Site Development and Design Standards, Exceptions to the Street Standards, and Tree Removal Permits to construct a 72-unit studio apartment community is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #T2-2018-00003. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #T2-2018-00003 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein, including that the final units' dimensions shall be adjusted in the building permit submittals so that each unit has less than 500 square feet of gross habitable floor area which is defined in AMC 18.6.1 as, *"The total area of all floors in a dwelling measured to its outside surfaces that are under the horizontal projection of the roof or floor above with at least seven feet of head room, excluding uninhabitable spaces accessed solely by an exterior door."*
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Tree Commission from their October 11, 2018 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That the requirement of the Fire Department, including approved addressing; fire apparatus access including approach, turn-around, and any necessary easements; fire flow; hydrant distance and clearance; fire sprinklers where applicable; fire department connection; and provisions for "Knox Box" key boxes; shall be satisfactorily addressed.
- 5) That the building permit submittals shall include:
  - a) The identification of all easements, including but not limited to any required public or private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.

- b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design Standards, and the colors and materials selected shall be consistent with those identified in the application.
- c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These plans shall address: 1) Any recommendations of the Tree Commission from their October 11, 2018 meeting where consistent with the applicable Site Development and Design Standards and with final approval by the Staff Advisor; 2) The identification of replacement trees to mitigate the trees to be removed. The mitigation trees shall be planted and irrigated according to the approved plan, inspected and approved by the Staff Advisor prior to occupancy; 3) a maintenance watering schedule for trees to be retained; 4) Tree Protection details for trees on adjacent properties within 15 feet of the property line; 5) Clear demonstration that a pedestrian connection is provided from the sidewalk to each semi private patio entrance on the street-fronting units, without obstruction by landscape materials; and 6) The required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. The applicant shall also obtain the required plumbing permits and inspections for installation of any required double-check valve(s) associated with the irrigation system.
- e) Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals. A revised stormwater drainage plan, including any necessary on-site detention measures, shall be provided for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal. The drainage plan shall be designed to ensure that post-development peak stormwater flows are less than or equal pre-development levels as required by the Engineering Division.
- f) Final utility, grading, erosion and sediment control plans for the project shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes to accommodate necessary water and fire services, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense. Meters, cabinets, and vaults shall be located outside

of the pedestrian corridor in those areas least visible from streets, sidewalks and pedestrian areas, while considering vision clearance and the access needs of the utility departments.

- g) The applicant shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets, street lights, and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located outside of the pedestrian corridor in those areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service upgrades shall be completed by the applicant at applicant's expense.
- h) That the applicant shall provide engineered plans for the installation of a seven-foot width parkrow with irrigated street trees, five-foot sidewalk, and pedestrian scale street lighting on the property's full Quincy Street frontage and the section of the Garfield Street frontage north of Tree #23/Units 31-32 for the review of the Planning and Public Works/Engineering Departments. These plans shall detail the removal of any existing unused curb-cuts and the transition from the new sidewalks to the existing curbside sidewalks to the south, which are to be retained. If necessary to accommodate these street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
- i) Engineering construction drawings for the new driveway approaches on Quincy and Garfield Streets. The centerline of the driveway on Garfield Street shall align with the centerline of the alley across the street, and the driveway on Quincy Street shall be limited to a standard width in generally the current location (rather than combined with the driveway to the east) for the review and approval of the Public Works/Engineering and Planning Divisions. Driveway approach permits shall be obtained through the Public Works/Engineering Division, and new driveway approaches shall be installed, inspected and approved, and any unused curb cuts closed, inspected and approved, prior to the issuance of a certificate of occupancy.
- j) The building permit drawings shall include details demonstrating that the proposed parking area complies with the requirements of AMC 18.4.3.080.B.5 in providing a pervious pavement system for a minimum of 50 percent of the parking area surface.
- k) Final lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 75 percent as allowed in the R-3 zoning district.
- l) The building permit submittals shall verify that the bicycle parking is provided in accordance with 18.4.3.070 for the 72 required sheltered bicycle parking spaces. Bicycle

parking provided shall include the interior bicycle parking areas with hanging racks provided within each unit and the 12 spaces of exterior bicycle parking proposed by the applicants. Inverted u-racks shall be used for the exterior bicycle parking. All exterior bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070 and according to the approved plan prior to the issuance of the certificate of occupancy.

- m) Demonstrations that the conservation housing, additional recreation space and major recreational facilities requirements are satisfied to meet the requirements for the requested density bonuses.
  - n) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula  $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
  - o) A revised plan to demonstrate that the open and recreation space requirements are met illustrating all areas to be counted towards open and recreation space and their dimension and treatment. A minimum of 18 percent of the site must be provided in open/recreation space for the proposed density bonus. Landscaped areas counted toward recreation space need to be surfaced for recreational use and not include thoroughfares for pedestrian circulation. Individual patios or porch areas may be included provided that their dimensions are at least six-feet by eight-feet exclusive of any circulation areas. Areas containing above-ground utility infrastructure such as transformers, vaults and cabinets, bio-swale/detentions ponds are not to be included as open/recreational space.
- 6) That prior to the issuance of a building permit:
- a) That in lieu of providing city standard frontage improvements along the full frontages with the current application, the property owner shall sign in favor of local improvement districts for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Iowa and Garfield Streets prior to signature of the final survey plat. The agreement shall be signed and recorded prior to the issuance of a building permit.
  - b) That prior to the issuance of the building, excavation, staging, storage of materials or the commencement of site work, a Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of trees to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
  - c) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit,

and system development charges (SDC's) for water, sewer, storm water, parks, and transportation (*less any credits for previously demolished structures*) shall be paid.

- 7) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all open space areas and recreational facilities, landscaping and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
  - b) All hardscape improvements including courtyards, walkways, driveways, parking areas, fire apparatus and other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
  - c) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
  - d) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.
  - e) That the bicycle parking facilities including interior bicycle parking areas with hanging racks inside each unit and 12 sheltered exterior bicycle parking spaces shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking.
  - f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
  - g) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor.
  - h) The applicant shall provide evidence of Earth Advantage certifications necessary to satisfy the requirements for the conservation housing density bonus requested.

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Planning Commission Approval

November 13, 2018  
Date

Spartan Properties

# MidTown Lofts

**kistler+small+white Architects**  
**Covey Pardee Landscape Architects**  
**Rogue Planning & Development Services**



**RECEIVED**

AUG 23 2018

City Of Ashland



ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

**Site Design Review Approval  
for 72-unit loft apartment development**

**AMENDED FINDINGS**

**Property Address:** 188 GARFEILD STREET  
**Map & Tax Lots:** 39 1E 10CB Tax Lots: 2100 & 2101

**Property Owner:** Spartan Properties  
66 Water Street, Suite 200  
Ashland, OR 97520

**Architecture:** kistler + small + white Architects  
Raymond Kistler  
66 Water Street, Suite 101  
Ashland, OR 97520

**Landscape Architecture:** Covey/Pardee Landscape Architects  
295 East Main Street, # 8  
Ashland, OR 97520

**Engineering Services:** Marquess and Associates  
Jim Higday, Principal  
1120 E Jackson Street  
Medford, OR 97504

**Surveyor:** Polaris Land Surveying  
PO BOX 459  
Ashland, OR 97520

**Planning Consultant:** Rogue Planning & Development Services, LLC  
Amy Gunter  
33 North Central Ave. Suite 213  
Medford, OR 97520

**RECEIVED**  
AUG 23 2018  
City Of Ashland

**Request:**

The request is for Residential Site Design Review to allow for the development of the properties located at 39 1E 10CB #2100 and 2101; aka 188 Garfield Street as a 72-unit, studio apartment community. The MidTown Lofts.

A tree removal permit is requested to remove 15 trees that are more than six-inches in diameter at breast height.

An exception to Street Standards is requested to retain the existing curbside sidewalk system with established trees along the frontage of the property. A second exception to Street Standards for the relocation of the driveway apron accessing the site from Quincy Street is required. The proposed driveway apron is 40-feet wide.

**Property Description:**

The vacant, 2.10-acre property extends the entire block face on the west side of Garfield Street between Iowa Street and Quincy Street. The property has 414.09-feet of frontage on Garfield Street. The property extends 215.16-feet east along the south side of Quincy Street, and 150.80 of frontage on the north side of Iowa Street. See Figure 1 below.



Figure 1: Assessor's Map

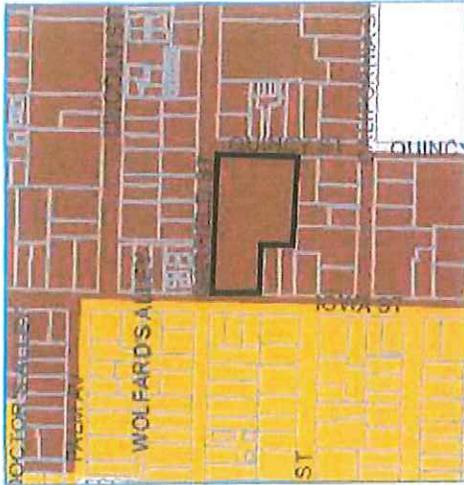


Figure 2: Zoning Map

The subject properties and the adjacent properties to the north, east and west are zoned R-3, High-Density Multi-Family Residential. The properties to the south, across Iowa Street are zoned R-2, Low Density Multi-Family Residential. Approximately 200-feet to the northeast, the property is zoned SO, Southern Oregon University.

The subject property had historically been the location of a large church, its parking area and other site improvements. The site is presently vacant of structures.

The adjacent properties are developed with single family residences, multi-family residences, apartment complexes and condominium developments.

There are 26-trees six-inches in diameter at breast height and larger on and directly adjacent to the property (there were 30-trees previously on the property, with four removed since the Tree Survey was completed). Of the 26 trees on site, 20 of the trees are directly adjacent too or near the existing curbside sidewalk, these established trees function as street trees. The other trees on the site consist of Spruce, Siberian elm, Mulberry, Sweet Gum, Purple Leaf Plum, Norway Maple, and Cherry.

The property has an approximately four percent average slope downhill from Iowa Street to Quincy Street.

The property is bound by Iowa Street along the south property line. According to the street classification from the Transportation System Plan (TSP), Iowa Street is a 2-Lane Avenue or Major Collector. Avenues have a required right-of-way (ROW) width of between 59 – 86 feet. Iowa Street has a 60-feet of ROW along the frontage of the property. Iowa Street is not improved to Avenue Standards, it has curb, gutter, sidewalk, but lacks parkrow and dedicated bike lanes.

Garfield Street is classified as a Neighborhood Street in the TSP. Neighborhood Streets that allow parking on both sides have a required ROW of 50 – 57 feet. Garfield Street has a 60-foot wide right of way. Garfield Street is improved with pavement, curb and gutter, there is an existing curbside sidewalk along the entire frontage of the property.

Along the south property line is Quincy Street. Quincy Street is also a Neighborhood Street. Quincy Street has a 50-foot wide ROW and is improved with pavement, curb, gutter, landscape park row and sidewalk along the frontage of the property.

The property has four existing driveway curb cuts, one accessing the property from Iowa, two on Garfield and one on Quincy.

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A vehicular access easement extends from Quincy Street, 140-feet along the west property line benefiting the property located at 181 California Street. The easement is generally 20-feet wide.

There is overhead power present along the south side of Iowa Street, on the west side of Garfield Street, and along the property frontage on Quincy Street. There is one cobra head style street light on the south side of Iowa Street, near the intersection of Garfield and Iowa Streets.

A water meter serves the property on Garfield Street. There is a fire hydrant at the intersection of Garfield Street and Iowa Street. Another fire hydrant is present across Quincy Street from the subject property. Water mains are present in Iowa Street (six-inch main), Garfield Street (four-inch main), and in Quincy Street where there is a four-inch main.

Sanitary sewer services are present in Iowa Street, Garfield Street and in Quincy Street. Each has a six-inch sanitary sewer main.

There are no storm drainage facilities on the subject property. There are 12-inch storm sewer mains present on Garfield Street and Quincy Street.

**Detailed proposal:**

The proposed development of the property is for the 72-unit, MidTown Lofts. This new, residential apartment development is proposed as nine, two-story, eight-plexes with four units per floor.

The MidTown Lofts are proposed to be an architecturally interesting, Danish inspired, modern apartment complex with extensive common and private outdoor space.

Each eight-plex is proposed to consist of 496-square foot habitable floor area, studio-bedroom units. There are four units on the ground level and four units above. Each group of four is connected via a covered central walkway that accesses the primary entrances of the ground level units and provides the access to the stairway leading to the entrances of second story units. As required by building codes, two of the ground level units are proposed as ADA accessible.

All units also have a semi-private patio or elevated deck area that also provides for a strong orientation for the structures towards the public streets and the open space. Each building has a prominent orientation towards the public street. With a recessed entry along the fronts of the units as well as the clearly defined walkway between the buildings leading to the entries.

The new, energy efficient units are proposed to be developed to the Earth Advantage Multi-Family Standards. High efficiency HVAC systems, Low E windows and insulation with high R values will be provided. The proposed thermal envelopes will provide for more comfortable and stable room temperature. LED lighting will be utilized both interior and throughout the property to further reduce energy consumption.

According to the City of Ashland Housing Needs Analysis, and the Rental Needs Analysis, the present needed housing type in Ashland are 500-square foot and less, apartment dwellings. The proposal provides for a much-needed housing type.

In addition to the individual, 80 – 100 square feet of semi-private open space area devoted to each unit, a large common courtyard area is proposed. Seven of the nine residential structures are adjacent to the courtyard area. Within the courtyard, elements intended to enhance the common area and encourage the use of the common area by the tenants are provided. These include a barbeque area, tables with chairs and/or benches, a large covered area with pathways connecting the units to the open space. To further enhance the recreational amenities of the courtyard, an active, flexible outdoor activity space is proposed. Designated area is provided in the courtyard for "lawn" games such as, badminton, spike ball, cornhole, croquet, ladder golf and others are proposed. The covered seating area, the fire pit, BBQ kitchen area, lawn games, substantial landscape buffers, all provide for an optimal apartment development layout while providing ample recreational opportunities that are appropriate for an urban, studio-unit development.

**Parking, Access, Circulation:**

The proposed development requires 72 parking spaces. The required parking is proposed as a combination of on-site parking in a 67-space surface parking lot. Along the more than 600-feet of street frontage, where 30, on-street parking spaces are available, the proposal seeks an on-street credit for five parking spaces.

Accessible via driveways from Garfield Street and Quincy Streets, the 67-space, surface parking lot is proposed. The number of curb cuts is proposed to be reduced from four to two. The Garfield Street driveway is proposed to be realigned with a public alley on the west side of Garfield. The Quincy Street driveway is in generally the same location as the existing driveway curb cut. This driveway access is proposed to be shifted slightly towards the west property line where a driveway serving the adjacent property further west is located. The existing driveway location does not comply with minimum driveway separation standards. The proposed location attempts to mitigate the lack of separation by combining the curb cut with the adjacent curb cut to the north (power pole may require protection or relocation) but provides for a better pedestrian and vehicular environment by reducing the number of curb cuts on the street. This location also aligns the proposed driveway with the driveways accessing the properties to the north on Quincy Street, improving visibility for vehicles backing out of the properties across Quincy onto the street.

The 67-space parking lot provides for three, ADA accessible parking spaces. Half of the parking spaces are proposed as compact. The parking area is accessed via a 22-foot wide drive aisle. The proposed parking lot and drive isle is designed with the Vehicle Parking Area Design Standards in mind. The final engineering documents will demonstrate compliance with either the use of light colored paving

materials that has a high solar reflectance or by providing 50 percent of the parking surface area as porous solid surface such as brick, or open grid paving system.

Large canopy shade trees are provided in the landscape islands. The proposal requests to utilize permeable paving techniques and fewer, larger bioswale detention ponds versus utilizing bioswale technology in the parking lot landscape medians. comply with the Rogue Valley Stormwater Quality Design Manual Standards updated January 2018. The goal of the storm water management system is to mimic a natural hydrologic process during a rain event with minimal impact on local surface waters. According to the project engineer, Jim Higday, P.E., Marquess and Associates, the creation of a combination facility, with bioswale detention ponds and below grade detention vault is a substantially better project design for stormwater quality and quantity.

The larger surface area detention swales allow for initial lower upfront engineering cost, and lower lifetime system operation and maintenance. Additionally, the bioswale type of planter is less compatible in a parking lot area where the landscape medians is often utilized as a walkway or vehicle access point. The parking lot landscape plan provides for parking lot shade trees, one for every seven parking spaces, evenly distributed throughout the parking area. Additional landscape areas for the parking lot is along the east and south property lines (abutting adjacent residential property at 1273 Iowa). These trees will be planted in the required five-foot landscape buffer that will be provided against the adjacent property lines. The five-foot planter provides adequate planter dimensions to encourage the growth of large stature trees because there is not a physical barrier to growth of these trees on the adjacent properties which will also benefit from the shade created.

The parking area is divided into separate areas by a group of buildings, landscape areas and a five-foot wide walkway that connects the units fronting on Iowa Street across the parking area to the common courtyard area.

This walkway is part of the connected walkway system that leads through the development in order to provide a safe walking routes from the units too and through the parking areas, and to the public sidewalk that is present along all frontages of the property. The existing sidewalk system connects to the further expanded neighborhood sidewalk system.

The property is within walking distance of numerous destinations such as Southern Oregon University, Ashland Street Shopping Center, the bike path along the railroad tracks is approximately a quarter of a mile away. The property is less than a quarter mile away from the bike lanes and public transportation on Siskiyou Boulevard. The property is within a 20-minute walk or 10-minute bicycle ride of many of Ashland's commercial areas.

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**Density:**

The property is 2.10 acres. The R-3 zones allows for the development of the property with 20-dwelling units per acre. The proposed density of 72 units less than 500-square feet in area ( $72 \times .75 = 54$ ), with a proposed 29 percent increase, complies with the allowed density standards found in AMC 18.2.5.080. The proposed project requests a density bonus for Conservation Housing, for increased outdoor recreation space above the minimum eight percent required by the code and inclusion of major recreation facilities.

Allowed Density 18.2.5.080:  $2.1 \times 20 = 42$  units

When units are less than 500-square feet of gross habitable floor area, each unit is equivalent to .75 of a unit.

The following density bonuses are sought with the proposal.

Conservation Housing – max 15%:  $42 \times .15 = 6.3$

All of the units are proposed to have an energy efficient envelope. The units are proposed to have LED and low electric usage appliances. All of the proposed units will comply with Earth Advantage Multi-Family Standards.

Outdoor Recreation Space – max 10%:  $42 \times .10 = 4.2$

The required eight percent outdoor recreation space for the 91,549.78 square foot parcel is 7,323.924 square feet. The proposed outdoor recreation space for the property is a combination of semi-private patios and balconies and the larger open space with the lawn areas, large common patio area with table and chairs, community BBQ, propane fueled fire pit, and a shade structure. The recreational elements of the open space for the MidTown Lofts with the built-in areas and provided equipment for lawn games enhances the recreational amenities of the open space. The total lot area devoted to outdoor recreation area for the MidTown Lofts “community” is 21,643 square feet in area or 23.6 percent.

Each unit also has a semi-private outdoor space that is either a deck or a patio area which accounts for 5,616 square feet or 14.6 percent. The common outdoor recreation area accounts for 5,754 square feet or nine percent. The density bonus standard requires that a minimum open space area of 18 percent be provided to comply with the density bonus standards. The proposed 23.6 percent outdoor recreation area exceeds the minimum required outdoor recreation space and exceeds the minimum additional area to allow for the density bonus. The remaining landscape areas provide for 10,273 square feet of incidental open space areas that are not factored into the required outdoor recreation space.

Major Recreation Facility:  $42 \times .10 = 4.2$  (REQUESTED (.04 = 1.68)

For each percent of the total project budget devoted to major recreational facilities, a six percent density bonus is permitted. A four percent bonus is sought. The proposed the recreational lawn game areas, BBQ area, including built in outdoor kitchen, covered outdoor area, fire pit and seating areas around the



common outdoor recreational area account for more than one percent of the total project budget devoted to recreational facilities. The financial breakdown of the proposed recreational amenities and the project budget are attached. Open space area is a requirement, providing additional land area to obtain the openspace density bonus is achievable in many situations. That open space must be functional. Minimal lawn area and some walkways can achieve this standard. What is different with this proposal, is that its location allows for the numerous major recreation facilities that are found in public spaces less than ¼ of a mile from the property and a substantial amount of the project budget can be devoted to making the provided outdoor recreational space highly functional, desirable space.

There are increased construction, maintenance costs, and insurance ramifications for swimming pools that increase the rents to cover those costs. Basketball or tennis courts have the potential for generation of substantial noise and increase lot coverage greatly. The development is not intended for families so a playground was not considered.

The proposed large, functional, recreational area meets the needs of millennials, young professionals, active seniors, college students, etc. and the outdoor gathering areas combined with the activity spaces, foster a social environment for the tenants to gather or to have friends visit. The increased density requested is less than two, small units, but the return to the Mid-Town Lofts community with having the additional amenities provides for a comfortable, urban, modern, environmentally conscious development.

**Public Utilities:**

There are adequate public utilities provided in the adjacent public rights-of-way to service the proposed development. Areas for utility vaults are provided to allow for the undergrounding of the electric service for the development. The proposal demonstrates that the area for on-site detention and treatment of storm water facilities has been provided for on site. Sanitary sewer laterals have been provided on the civil plan. Water meter and fire department connection for sprinklers are shown on the plans.

Findings addressing the relevant criteria from the Ashland Municipal Code are provided herein. For clarity, the criteria is in Times New Roman font and the applicant's findings in Calibri font.

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**Site Development Design Standards Approval Criteria:  
Ashland Municipal Code 18.5.2.050**

**A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

**Applicant's Finding:**

*The subject property is zoned R-3, High Density Multiple Family Residential. The parcel is 91,474 square feet (2.1 ac) and exceeds minimum lot area and minimum lot dimensions in the R-3 zone.*

*The proposal for the property is to be developed with nine groups of two-story, eight plex units that consist of 496-square foot, studio-bedroom units. Four units on the ground level are proposed with four units above. The fourplexes will be connected via a stair and deck walkway. Through the incorporation of strong architectural elements, all of the units have designed to have a strong orientation to the public street.*

*The proposed dwellings are a modern, Danish inspired architecture. Interesting angles and mixtures of materials commonly found in the local environment such as wood, stucco, metal and concrete will bring an element of design reminiscent of when apartments were built for enjoyment and pride of tenancy, not just a place to live.*

*There are varying roof forms, pitches and heights to break up the mass of the structures. The walkway between the buildings is clearly defined with the strong roof form that invites residents and visitors into the walkways that provide entrance to the units. Each unit also has a clear sense of entry in the semi-private patio area that is oriented towards the public street frontages. The patio doors are not intended as the front entrance, with that provided off the common walkway. The proposed private patio access can function as a front entrance or as a secondary entrance while providing a strong orientation to the street.*

*The solar setback standards are met with the development because Quincy Street, which has a 50-foot wide right-of-way is to the north of the subject property. For the purposes of determining required solar setback, the structures on the subject property are allowed to shade the entire right-of-way. The proposed structural setback and height will not cast a shadow beyond the width of the Quincy Street right-of-way.*

**Density:** *The proposed density complies with the allowed density standards found in AMC 18.2.5.080. The proposed project also requests density bonuses for Conservation Housing, for increased outdoor recreation space above the minimum eight percent required by the code and inclusion of major recreation facilities.*

**Allowed Density 18.2.5.080:**  $2.1 \times 20 = 42$  dwelling units

**Maximum allowed density with density bonuses:**  $+60\% (42 \times .60 = 25.4)$

**Potential Density:** 67.2 dwelling units

**Proposed Density:** The proposal seeks density bonuses for Conservation Housing, Open Space and Major Recreational Facilities for a requested increase of 29 percent to allowed density ( $42 + 29\% = 54$  units). Per AMC 18.2.5.080.F., each unit when less than 500 square feet is .75 of a unit for the purposes of density. The proposal is for 72 units, with 496-square feet in floor area. This is equal to 54 dwelling units greater than 500 square feet ( $72 \times .75 = 54$ ).

**Conservation Housing – max 15%:**  $42 \times .15 = 6.3$

All of the units are proposed to have an energy efficient envelope. The units are proposed to have LED and low electric usage appliances. All of the proposed units will comply with Earth Advantage and Energy Star Requirements for new construction.

**Outdoor Recreation – max 10%:**  $42 \times .10 = 4.2$

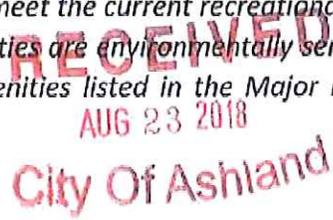
The required eight percent outdoor recreation space for a 91,549.78 square foot parcel is 7,323.924 square feet. The proposed outdoor recreation space for the property is a combination of semi-private patios and balconies and the larger open space with the lawn areas, large patio area with table and chairs, community BBQs and fire pit and a shade structure. The recreational elements of the open space for the MidTown Lofts with the built-in areas and provided equipment for lawn games enhances the recreational amenities of the open space. The total lot area devoted to outdoor recreation area for the MidTown Lofts “community” is 21,643 square feet in area or 23.6 percent.

Each unit also has a semi-private outdoor space that is either a deck or a patio area which accounts for 5,616 square feet or 14.6 percent. The common outdoor recreation area accounts for 5,754 square feet or nine percent. The density bonus standard requires that a minimum of 18 percent to comply with the density bonus standards. The remaining areas provide for 10,273 square feet of incidental openspace areas. The proposal exceeds the minimum required outdoor recreation space.

**Major Recreation Facility:**  $42 \times .10 = 4.2$  (REQUESTED (.04 = 1.68))

For each percent of the total project budget devoted to major recreational facilities, a six percent density bonus is permitted. A four percent bonus is sought with this proposal. The proposal is to have numerous recreational amenities including dedicated lawn game areas, built in outdoor BBQ kitchen, covered patio area, fire pit and extensive seating areas in the common outdoor recreational area. These amenities create a substantially more desirable outdoor area with major recreation areas. The provided amenities account for more than one percent of the total project budget devoted to recreational facilities.

The project team finds that the proposed recreational amenities meet the current recreational trends in new, studio-unit developments. The proposed recreational amenities are environmentally sensitive and have limited paved or concrete surfaces. There are limited amenities listed in the Major Recreation



*Facilities found in section AMC 18.2.5.080.F.3.c. The suggested facilities include tennis courts, swimming pools, or playgrounds, or similar. The major recreational facilities suggested in the code all generate or have the potential to generate significant noise impacts in addition to having negative environmental impacts from the required solid surface to accommodate court games. The small size of the units are not typically occupied by families or parents with child or children so a playground would not be a beneficial use of the space. The code does provide for the "or similar" use as a major recreational facility. The proposed amenities including the dedicated lawn game areas provides active area for the envisioned demographic. The proximity of the property to conveniently located off-site major recreational facilities further reduces the need for a tennis court or basketball court.*

*Within less than one quarter of a mile there are a number of public major recreational facilities provided. These include Garfield Park which is 620 feet to the north on Garfield Street, where basketball, volleyball, play structure, lawns and splash pad area are found. Roughly one quarter mile to the east on Quincy and Wightman Street, tennis courts, ballfields and wide open spaces are found on the SOU campus. Additional recreational area is found on Lincoln Street at the Lincoln Street ballfield. Within one mile of the property even more major recreational facilities are found at the Daniel Meyer Pool on Holmes Avenue in the Hunter Park.*

*The proposed lawn games, and substantial open space improvements, though not listed as major recreational facilities, the proposed unit size, demographics of Ashland and in particular, the demographic of Ashland that seeks a 496-square foot studio unit are not seeking basketball courts, swimming pools or tennis courts. Those type of amenities are less desirable than well designed, beautifully landscaped, comfortable, outdoor spaces with fun amenities. The finances of the project and the amount of the project budget devoted to the recreation facilities demonstrate that that AMC 18.2.5.080.F.3.c. The project team believe that the Planning Commission can find that the financial aspects of the proposal are met, that the amenities provided comply with the purpose and intent of the density bonus for major recreational facilities.*

**Lot Coverage:** *Proposed impervious areas including building footprints, pathways, parking areas, patios and decks is 41,747 SF, for a total lot coverage of 55.5 percent, substantially less than the maximum of 75 percent in the zone.*

**Parking:** *The proposed 67-space parking lot provides for three, ADA accessible parking spaces. Half of the parking spaces are proposed as compact. The parking area is accessed via a 22-foot wide drive aisle. The proposed parking lot and drive isle is designed in compliance with the Vehicle Parking Area Design Standards. The parking spaces will be clearly marked and where necessary, wheel stops will be provided. The final engineering documents will demonstrate compliance with either the use of light colored paving materials that has a high solar reflectance or by providing 50 percent of the parking surface area as*

porous solid surface such as brick, or open grid paving system. Landscape islands that have parking lot shade trees are proposed. More than seven percent of the area devoted to outdoor parking is landscaped areas that are uniformly distributed throughout the parking area. Irrigation, curbing, trees, shrubs, ground cover and mulch are provided in the parking area. A six-foot tall privacy fence will be provided along the property lines to screen the parking lot area from the adjacent properties to the south and east of the parking area.

One covered bicycle parking space is required for each unit. In order to provide for bicycle security, a hanging bicycle rack for a single bicycle will be provided within each unit except the two A-Type (ADA accessible) units. The hanging rack has a nook provided for the bike hanger, the A-type units require a larger bathroom and doorways that eliminate the area for the bike hanger. Outside of the units, in covered areas as stand-alone structures, found near the parking area that parallel Iowa Street, inverted U-racks in groups of six providing for 12 spaces for visitors, or tenants that chose to park outside of their unit.

The new development has a circulation system that accommodates expected traffic on-site. The layout has street-like features. Pedestrian connections through the site and to the adjacent sites.

**Energy Usage:** All of the units within the proposed development will be constructed to the Earth Advantage and Energy Star Standards. A detailed analysis of the actual energy consumption has not been determined but due to the high energy efficiency standards of the two programs the units will require substantially less energy to operate than typical construction. The units will be high performance, using the best practices and innovative construction technologies to gain efficiencies in design, energy systems, and materials for increased energy efficiency, superior indoor air quality, lower water usage and responsible use of natural resources.

**B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).

Applicant's Finding:

There are no applicable overlay zones for the subject property.

**C. Site Development and Design Standards.**

Applicant's Finding:

The proposed site development complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

The proposed parking is directly adjacent to the residential dwellings. There are short travel distances from the parking spaces to the entrances of the dwellings. The surface parking spaces are visible from

*the windows of the units and open space areas. The layout and design does not provide for vulnerable areas that are not visible from the units and open space. Low level landscape lighting for the paths will be provided throughout the open space. Each unit will have a shrouded yard light that provides down-lighting and security for the unit but will not directly illuminate adjacent properties. No plant materials are proposed that prevent surveillance of the open space or the semi-private patios and balconies.*

*The eight-plexes are proposed to have 21.5-foot separations between the two structures on Iowa Street, a 12-foot of separation between the eight-plexes on Garfield and Quincy Streets. This separation complies with the maximum required building separations. The area between the fourplex units that make up each half of the eight-plexes provide a visual division in the façade of the structure and a walkway through. In addition to this area, there is a 12-foot landscape buffer between the eight-plexes. This area provides a clear line of sight from the public right-of-way into the development with glimpses of the recreational open space visible from the streets.*

*The proposed 19.5-foot wide building with slight separation of nearly 8-foot for the walkway between the connected buildings and the 12-foot separation between the individual eight-plexes is similar to the massing of the structures in the vicinity. For example, the most recent development is a condominium development across Garfield Street from the southern half of the property that has more than 35-feet of structure with minimal open space, separation between the structures. Additionally, the developments to the south across Iowa Street are multi-family residentially zoned lots that are primary occupied by 20 – 30-foot-wide structures separated from the adjacent structure by 10 – 14 feet.*

### **Building Orientation.**

Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

### Applicant's Finding:

*All residential units that front upon the public street are oriented towards the street. All ground floor units are proposed to have a semi-private patio area that has a clear entrance to the unit. The upper story units will also have a deck area that provides additional visual interest and clear orientation to the public street. The actual primary entrances to the unit are within the semi-covered, connected walkway. With the large, marquee style awning extending beyond the façade of the eight-plex increases the building strong orientation to the public street. The apartments adjacent to the parking area are more than 20-feet from Iowa, Garfield or Quincy Streets and are generally oriented towards the common open space.*

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Limitation on Parking between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

Applicant's Finding:

*No parking is proposed between the buildings and the street. All parking is located to the side and rear of the structures.*

Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

Applicant's Finding:

*Both Iowa Street and Quincy Streets are treated as front facades with the front yard setback from Iowa Street at 21.5-feet to provide adequate protection for the preserved trees. The frontage along Quincy Street has a 16-foot front yard setback for the units. The ground floor patio and un-covered decks above extend six-feet into the front yard setbacks. Garfield Street is also treated like a front façade vs. a side yard and a 15-foot front yard setback to the façade of the structure and nine-feet to the patio and uncovered porches above. Substantial vision clearance triangles are provided at each street intersection.*

**Garages, Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

Applicant's Finding:

*There are no garages proposed.*

Setback for Garage Opening Facing Street. The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

Applicant's Finding:

*There are not garages proposed.*

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**Building Materials.** Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

Applicant's Finding:

*The building design and materials are more modern than the historical apartment complex development in Ashland, which has been largely non-existent for the past 30 years. The materials are commonly found in modern architectural and found in the Ashland's historic districts. The materials are compatible with the surrounding area. The units are proposed to have clear coated wood siding, corrugated metal siding, standing seam metal roofing, metal railings and vinyl windows. The exact paint colors have not been selected but they will not be bright primary or neon colors.*

**Streetscape.** One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

Applicant's Finding:

*There are some existing street trees that are to be preserved. In addition to the existing street trees, new street trees that comply with the City of Ashland Street Tree planting standards will be provided. The draft landscaping plan provide the species chosen for the street trees.*

**Landscaping and Recycle/Refuse Disposal Areas.** Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

Applicant's Finding:

*A common refuse area will be provided in a screened area adjacent to the parking area. The common refuse area will comply with the City's standards for screening and to meet the needs of Recology.*

**18.4.4.030 Landscaping and Screening**

Applicant's Finding:

*The proposed landscaping plan and the irrigation plan that will be submitted with the building permits complies with the Irrigation and Water Conserving Landscaping requirements of the City of Ashland and the standards to meet Earth Advantage point requirements. The conceptual landscaping plan submitted with the application has been designed so that plant coverage of 90 percent within five years of planting is met. Two-inches of mulch will be provided in all non-turf areas after planting. Turf areas are considered as synthetic lawn. The selected plan species include low to very low water usage plant materials. The landscaping in the Storm Water treatment facilities will be planted with water-tolerant species. The*

*proposed landscaping has been designed for crime prevention and defensible space to allow for natural surveillance.*

*The code requires five-foot landscape buffers along the property lines. The code also requires parking lot shade trees. There is not a barrier to growth and development of shade trees proposed to be planted in the five-foot wide landscape buffer. According to the Landscape Architect, appropriately sized and planted large canopy shade trees are proposed that are not known for their infrastructure destructing properties. There is not a substantial difference between five and seven feet of planting area with respect to tree growth, and that appropriate plant selection, correct planting and irrigation techniques is more important. The conceptual landscape plan demonstrates compliance with the standards.*

*The lighting is proposed in a manner that will provide for pedestrian safety, property identification, and crime prevention. The standards are such that no direct illumination onto adjacent residential properties is anticipated. Light poles of not more than 14-feet in height for the pedestrian facilities will be used within the development.*

### **Tree Preservation, Protection, and Removal**

#### **18.4.5.030 Tree Protection:**

##### Applicant's Finding:

*The trees shown on the proposed Tree Protection plan will be preserved with six-foot fencing, placed at the dripline of the trees, protected throughout the duration of construction. See the attached tree removal and tree protection plan. There are 30 trees shown on the Tree Plan due to the trees not appearing to have obtained permit for removal between the 2016/2017 Rivergate Church application and this proposal.*

#### **18.5.7 Tree Removal:**

##### **B. Tree Removal Permit.**

- 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 18.3.10.

##### Applicant's Finding:

*There were 30 trees greater than six-inches in diameter at breast height (DBH) on or directly adjacent to the property. Of these, 20 trees are proposed for removal. Four trees are included on the tree inventory that were previously removed.*

*The trees proposed for removal were carefully considered but their location or condition were not conducive to retaining the trees.*

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.

Applicant's Finding:

*The removal of the trees will not have impacts on erosion, soil stability, flow of surface waters, and protection of adjacent trees or existing windbreaks. The trees were primarily planted as landscape trees for the former property occupants, the Rivergate Church. The site will be fully developed upon removal and all surfaces will be manipulated and either constructed or landscaped as part of the development. All trees that are in preservable locations and that contribute to the streetscape and the property layout, desired densities and setbacks, have been preserved and the revised tree plan provides preservation details.*

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.

Applicant's Finding:

*There are a significant number of deciduous and conifer trees within 200-feet of the property. The removal of the three trees will not have a negative impact on the densities, sizes, canopies or species diversity.*

*The canopy increase on the property will replace the canopy removed as part of this request.*

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.

Applicant's Finding:

*The proposal complies with residential densities. The removed trees have no significant environmental benefits that will not be achieved in the near future with the proposed replacement trees.*

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.

Applicant's Finding:

*Numerous mitigation trees are proposed to be planted throughout the project site. Due to the nature of the development, high-density multi-family, no conifer trees are proposed. There are 12*

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*trees proposed in the open spaces. There are 15 parking lot shade trees proposed and 11 new street trees. The proposed number of deciduous trees, 38 total, is more than double the required mitigation ratio. The trees will be planted and maintained per the specifications of the Recommended Street Tree Guide.*

**D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

Applicant's Finding:

*Adequate city facilities exist to service the proposed development.*

**Water:** *A water meter serves the property on Garfield Street. There is a fire hydrant at the intersection of Garfield Street and Iowa Street. Another fire hydrant is present across Quincy Street from the subject property. Water mains are present in Iowa Street (six-inch main), Garfield Street (four-inch main), and in Quincy Street where there is a four-inch main. A single service for the units, a service for the openspace and fire connections are proposed on the north side of the driveway accessing the site from Garfield Street.*

**Sanitary Sewer:** *Sanitary sewer services are present in Iowa Street, Garfield Street and in Quincy Street. Each has a six-inch sanitary sewer main. There is adequate capacity in the lines to service the new units.*

**Electrical:** *There is overhead power present along the south side of Iowa Street, on the west side of Garfield Street, and along the property frontage on Quincy Street. There is one cobra head style street light on the south side of Iowa Street, near the intersection of Garfield and Iowa Streets. All electrical service on the site will be served by single electrical transformer installed on the property from the primary poles across Garfield Street from the subject property. The transformer will be to the north of the relocated driveway, the exact location has not been determined but, there is adequate open space and lot coverage area to allow for the placement without negative impacts to lot coverage areas.*

*The power pole within the proposed single driveway apron on the Quincy Street side will be relocated to meet the needs of Ashland electric dept.*

**Storm Sewer:** *There are no storm drainage facilities on the subject property. There are 12-inch storm sewer mains present on Garfield Street and Quincy Street.*

*All street frontages are paved with curb, gutter, sidewalk, street trees. The proposed development has paved driveway and parking areas and walkways connecting the units to the public sidewalks adjacent to the development.*

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

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

Applicant's Finding:

*An exception 18.4.3.080.B.5.b.to not have the parking lots designed in a way that captures and treats runoff with landscaped medians and swales. The proposed bioswales and underground treatment and detention ponds treat the hard surfaces and the parking lot surface. The proposed methods are a more efficient, cost effective stormwater detention and treatment facility.*

*Since the parking lot medians are often walked upon by tenants entering and existing vehicles, a traditional, walkable ground cover is a better use of the space than a variable grade, rocky and or sloped landscape buffer with a grate system and possibly filled with water.*

*It can be found that the proposal to include light colored, some pervious paving techniques, larger bioswales outside of the area where vehicle entry and exiting occurs, is a superior low impact development design than the parking lot median bioswales.*

*The parking lot landscape buffer and parking lot landscape peninsulas are provided that are sized and design with species selected that will do well in the parking lot while achieving the purpose and intent of the Site Design Standards as they relate to landscape buffers.*

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**Public Facilities**

**18.4.6.020**

**B. Exceptions and Variances.**

1. Exception to the Street Design Standards.

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

Applicant's Finding:

*The location of the public infrastructure, and street trees along the frontage and at the intersections, would require relocation of the sidewalk to create a parkrow at a high cost to the property owner. Installing street improvements that comply with the standards for sidewalk and park row width including curb return at the intersection are cost prohibitive and would require the removal of established street trees.*

*The widened curb cut is in generally the same location as the existing Quincy Street driveway accessing the site that is less than 24-feet than the adjacent property to the west. The shared curb cut is in more conformance with the standards for reduced curb cuts and requirements for shared access than requiring a 24-foot separation for a new, separate curb cut.*

*A recorded ingress / egress access easement for the property at 181 California Street (flag lot with vehicular access from subject property only). This lot does not have access through 1274 Quincy Street the proposed shared curbcut and access must be retained for the property at 181 California Street. The proposal retains that lot's legal access through the property and retains the existing driveway curbcut for the adjacent property.*

*The proposed combined curbcut is 36-feet (20-feet proposed, 16-feet existing). This is larger than the maximum of 18-foot cut with six-foot apron flares for a total of 24-feet. The proposed 36-feet combined is better than two separate cuts that total 48-feet. The enlarged cut allows for access to each property and doesn't put the burden of providing parking for in inadequate layout for the three units at 1274 Quincy Street.*

b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.

Applicant's Finding:

*The connectivity of the property and the neighborhood will have superior transportation facilities through the installation of additional street trees and an overall reduction in the number of curb cuts and accesses from the site to the public right-of-way.*

- i. For transit facilities and related improvements, access, wait time, and ride experience.  
*Not applicable*
- ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.  
*Iowa, Garfield and Quincy Streets are all 'shared' streets without dedicated bicycle lanes. The proposal will not have a negative impact on the bicycle facilities.*
- iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.



*The proposal is to retain the existing sidewalks and street trees along all the street frontages and to have a wider than standard, shared driveway curbcut. In addition to the larger stature street trees that exist and are proposed for preservation, new street trees are proposed on all street frontages. A truncated dome and accessible cross walk is proposed for the intersection of Garfield and Quincy Streets. The proposed improvements improve the comfort level of walking along the street and provides a safer crossing of Quincy Street.*

*The wider than standard driveway curbcut is better for the pedestrian environment because the total number of curbcuts is reduced and the width of a single curbcut is widened.*

c. The exception is the minimum necessary to alleviate the difficulty.

Applicant's Finding:

*The exception is the minimum necessary to alleviate the difficulty of improving to full city standards because the existing pedestrian environment is established, and the exception allows for the preservation of larger stature, existing, healthy street trees.*

*A single, larger than standard driveway curbcut and apron is the minimum necessary to alleviate the difficulty of having two, separate curbcuts.*

*Requiring a 24-foot separation prevents the property at 181 Garfield from having access via their existing access easement. A 24-foot separation places the curbcut on the subject property in line with proposed Units 1 – 4. This would create an island of virtually unusable area between the driveways. Placement of residence or open space on the east side of the driveway amongst the parking spaces would not be a good, efficient use of the land.*

d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection [18.4.6.040.A](#).

Applicant's Finding:

*The purpose and intent contain standards for street connectivity and design as well as cross sections for street improvements including installation of new streets and improvements to existing streets. The preservation of the existing sidewalk along the frontage while preserving a large number of existing, healthy shade producing street trees and maintaining connectivity is consistent with the standards.*

*The driveway width being wider than allowed by standards provides for a better pedestrian environment by reducing the number of curbcuts and the consolidation of the driveway allows for the driveway to be located across from existing driveways to the north of property on Quincy Street. There is access and parking for multiple modes of transportation. The driveway curbcut*

*does not decrease pedestrian safety and increases the amount of level sidewalk that is free of curbscuts. The proposal also retains the greatest amount of publicly available on-street parking.*

**Conclusion:**

In conclusion, the project team finds that the proposed development will be a welcome addition in the high-density, multi-family residential neighborhood. According to the City of Ashland Housing Needs Analysis and the Rental Needs Analysis, the present needed housing type in Ashland is 500-square foot and less, apartment dwellings.

It can be found that the parking lot layout, design and construction all complies with the purpose and intent of the Comprehensive Plan and the Ashland Municipal Code to achieve desired densities that promote the urbanization of the multi-family zone. That the provision of rental housing that complies with and exceeds energy efficiency standards is a needed development pattern in Ashland.

There are 72, small, energy efficient units combined with the generous site amenities including the large, open and inviting common area which will provide a unique recreational opportunity for the community of future tenants.

The applicant finds that all of the applicable City of Ashland requirements have been met or can be met through the imposition of conditions of approval.

**Attachments:**

- 1) Financial Document re. Major Recreational Space density bonus
- 2) Tree Removal Permit Request
- 3) Traffic Engineer, Trip Generation and TIA Applicability Letter
- 4) Street View: AP 0.0
- 5) Site Plan: AP 0.1
- 6) Preliminary Civil Engineering: C1
- 7) Landscape Plans: L 0.1 – 0.2
- 8) Tree Removal and Protection Plan: L 0.3
- 9) City of Ashland Electric Distribution Map

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66 Water St, Ste 101 kistlersmallwhite.com  
Ashland, OR email@kistlersmallwhite.com  
97520 541 488 8200

PA-T2-2018-00003 PC Findings Ex. A  
kistler + small + white  
architects

July 7, 2018

Value of Recreation Space for Ashland Urban Lofts

Amy,

Cost of Building Project \$10,800,000. x 1%	= \$108,000.
Est. Value of the recreation amenities (activity equipment and surfaces) w/ land value of dedicated rec space	= \$150,000.
Est. Value of BBQ / outdoor kitchen area/ Fire Pit	= \$ 28,000.
Est. Value of cover	= \$ 75,000.
Est. Value of seating areas	= <u>\$ 12,000.</u>
<b>Total Estimate of Recreation Amenities</b>	<b>= \$164,000.</b>

If you have any further questions regarding our planned Recreation Amenities, please don't hesitate to call.

Sincerely,

Raymond Kistler, Principal Architect

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# SANDOW ENGINEERING

160 MADISON STREET SUITE A EUGENE, OREGON 97402 541.513.3376

August 2, 2018

Karl Johnson, E.I.T., Associate Engineer  
 City of Ashland, Public Works/Engineering  
 20 East Main St  
 Ashland, Oregon 97520



RENEWAL 06/30/20

RE: Mid-Town Urban Lofts Trip Generation and TIA Applicability

Sandow Engineering has prepared an estimation of the anticipated vehicle trips generated by the proposed Mid-Town Urban Lofts located at the southwest corner of Garfield Street and Quincy Street in Ashland, Oregon.

## TRIP GENERATION

The applicant is proposing the construction of a 72-unit studio apartment complex. The trip generation for the development was estimated using information contained within the Institute of Transportation Engineers (ITE) Trip Generation Manual 10<sup>th</sup> Edition. The site trips are estimated using the data provided for Multifamily Housing Low-Rise (LUC 220). The site generated trips for the AM and PM peak hours are illustrated in Table 1.

TABLE 1. TRIP GENERATION ESTIMATE

ITE Land Use	Size	Units	Trip Generation Rate	Trips
<b>AM Peak Hour</b>				
220 – Multifamily Housing Low-Rise	72	DU	0.46	33
<b>PM Peak Hour</b>				
220 – Multifamily Housing Low-Rise	72	DU	0.56	40

As demonstrated, the proposed development is anticipated to generate 33 trips during the AM Peak Hour and 40 trips during the PM Peak Hour.

## TIA APPLICABILITY

Ashland Code Requires a Traffic Impact Analysis when one of the following occurs:

- 1) Addition of 50 newly generated vehicle trips during the adjacent street peak hour

The expansion is anticipated to generate 40 vehicles trips in the PM peak hour and 33 vehicle trips in the AM peak hour. This criterion is not met for warranting a TIA.

- 2) Installation of any traffic control device and/or construction of any geometric improvements that will affect the progression or operation of traffic traveling on, entering, or exiting the highway



From: Kelly Sandow PE Sandow Engineering  
RE: Mid Town Lofts-Trip Generation and TIA applicability  
Date: 8/2/18  
Page 2

The applicant is not installing any traffic control devices or constructing any geometric improvements within the ROW. This criterion is not met for warranting a TIA.

3) *Addition of 20 newly generated heavy vehicle trips during the day.*

The proposal is for a studio apartment complex. There are a limited number of heavy vehicles that will access this site. The development is not expected to not generate more than 20 additional heavy vehicle trips during the day. This criterion is not met for warranting a TIA.

#### FINDINGS

As demonstrated, the proposed development of the Mid-Town Loft is not anticipated to generate more than 40 trips during any peak hour. The proposal does not meet any fo the criteria for warranting a Traffic Impact Analysis.

Please feel free to contact me if you have any questions or if you need any additional information.

Sincerely,



Kelly Sandow PE

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August 15, 2018

City of Ashland  
**Tree Commission**  
 20 East Main Street  
 Ashland, OR 97520

Re: **Tree Removal Permit Request**  
 Mid-Town Urban Lofts  
 188 Garfield Street

Dear Tree Commission Members,

Efforts were made in the planning process of the Mid-Town Urban Lofts project to accommodate existing trees, particularly the large stature trees in the public right of way on Garfield and Iowa Street. All trees 6" diameter breast height (dbh) and larger are indicated on the Tree Protection & Removal Plan. Replacement trees will be provided as part of the standard development process in accordance with City of Ashland's Municipal Code. Removal of these trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. Additionally, the removal of these trees will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. One or more trees will be planted in the new landscape as mitigation for each tree with a dbh of 6" or larger that is removed.

**Tree #1** 12" Redbud. Located within the proposed new driveway, this tree needs to be removed to allow for construction.

**Tree #2** 54" Black Locust (5 stems @ 10-12" ea). This tree is located on the adjacent property to the east and will be retained. A portion of the existing asphalt pavement on the property within the drip line of the tree will be removed and replaced with a new landscape planter.

**Tree #3** 30" Black Locust (3 stems @ 10" ea). This tree is located on the adjacent property to the east and will be retained. A portion of the existing asphalt pavement on the property within the drip line of the tree will be removed and replaced with a new landscape planter.

**Tree #4** 11" Norway Maple. Located within a proposed building footprint, this tree needs to be removed to allow for construction.

**Tree #5** 60" Leyland Cypress. This tree died recently and has already been removed.

**Tree #6** Leyland Cypress. This tree was removed prior to this project.

**Tree #7** 40" Siberian Elm. Located within a proposed landscape area, this tree will be retained.

**Tree #8** 14" Mulberry. This tree is located within the proposed mid-block, continuous pedestrian walkway. Since more than half of this tree's root zone will be impacted by walkway construction, it is not likely to survive and is proposed to be removed.

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*Tree Removal Permit Request  
Mid-Town Urban Lofts  
August 15, 2018*

- Tree #9** 15" Mulberry. Located within a proposed landscape area, this tree will be retained.
- Tree #10** 12" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #11** 14" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #12** 12" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #13** 10" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #14** 12" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #15** 10" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #16** Maple. This tree was removed prior to this project.
- Tree #17** 12" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #18** 12" Sweetgum. Located within the proposed new driveway, this tree needs to be removed to allow for construction.
- Tree #19** 12" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #20** 8" Cherry. This tree, located close to a proposed building footprint, is in poor health and needs to be removed to allow for construction.
- Tree #21** 19" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #22** 17" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #23** 11" Sweetgum. Located within a proposed landscape area, this tree will be retained.
- Tree #24** 19" Spruce, double leader. This tree, located within a proposed building footprint, is in poor health and needs to be removed to allow for construction.
- Tree #25** 19" Spruce. This tree was removed prior to this project.
- Tree #26** 8" Redbud. Located within the proposed new public sidewalk, this tree needs to be removed to allow for construction.
- Tree #27** 10" Cherry. Located within the proposed new public sidewalk, this tree needs to be removed to allow for construction.
- Tree #28** 9" Redbud. Located within the proposed new public sidewalk, this tree needs to be removed to allow for construction.
- Tree #29** 7" Redbud. Located within the proposed new public sidewalk, this tree needs to be removed to allow for construction.
- Tree #30** 6" Crabapple. Located within a proposed paved area, this tree needs to be removed to allow for construction.

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*Tree Removal Permit Request  
Mid-Town Urban Lofts  
August 15, 2018*

The Mid-Town Urban Lofts project will include new trees selected for hardiness, beauty, and longevity, and will be coordinated with the City of Ashland's landscape requirements.

Respectfully submitted,



Greg Covey  
Covey Pardee Landscape Architects

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October 16, 2018

Ashland Planning Division  
Attn: Planning Commission  
20 E Main Street  
Ashland, OR 97520

Subject: Additional information regarding the request for Site Design Review approval to construct a 72-unit, studio apartment community on the vacant, 2.10 acre lot located at 188 Garfield Street. The request included tree removal permit approval to remove 15 trees, an exception to the design standards for storm water treatment, exception to street standards to maintain the majority of the properties non-conforming, existing curb-side sidewalk, and the relocation of the existing, non-conforming driveway curbcut on Quincy Street to consolidate with the adjacent property and provide a wider than standard curbcut. The request included density bonuses for Conservation Housing, Outdoor Recreation Space that exceeds the required minimum area and Major Recreational Facilities.

Dear Staff and Planning Commissioners,

Please accept the additional information regarding the Site Design Review application for the MidTown Lofts in your consideration of the proposal.

According to the City of Ashland Rental Need Analysis from 2007, there was a substantial demand for studio units (1,039) and in 2007, a supply of 392. The net need at the time was 647 units. That study went on to state that "the lack of rental property production is due to basic market economics. It is simply more profitable to build and sell a multi-family unit as a condominium than it is to rent it as an apartment." *Rental Needs Analysis, City of Ashland: Ferrarini & Associates: 2007*. Table 3. Pg. 11 of 54.

The proposal is to provide for this clearly documented need in an apartment format and not in the condominium or townhouse development patterns that have been more commonly utilized in the multi-family residential zoning district.

A condominium proposal was previously considered for the property. That development would have resulted in 36 units with three bedroom, two bath, 1,600 square feet with attached garages. This proposal would have resulted in substantially more bedroom spaces, more need for on-street parking credits, less open space area, 75 percent lot coverage, and added a housing type that is substantially available in the Ashland market according to the Rental Needs Analysis (net need noted as 54 units). Following discussions with staff regarding housing needs, the property owner changed course to provide a needed housing type and not replicate an over-utilized development pattern.

Below is additional information regarding the items of concern raised at the October 9, 2018, Planning Commission Public Hearing.

**Density and Density Bonus:**

The property is 2.10 acres. The R-3 zones allows for the development of the property with 20-dwelling units per acre. The proposed density of 72 units that are less than 500-square feet in habitable floor area ( $72 \times .75 = 54$ ), complies with the allowed density standards found in AMC 18.2.5.080.

**Allowed Density 18.2.5.080:**  $2.1 \times 20 = 42$  dwelling units  
**Maximum allowed density with density bonuses:**  $+60\% (42 \times .60 = 25.4 + 42 = 67.4)$

**Proposed Density:** The proposal seeks density bonuses for Conservation Housing, Open Space and Major Recreational Facilities for a requested increase of 29 percent to allowed density ( $42 + 29\% = 54$  units). Per AMC 18.2.5.080.F., each unit when less than 500 square feet is .75 of a unit for the purposes of density. The proposal is for 72 units, with 496-square feet in floor area. This is equal to 54 dwelling units greater than 500 square feet ( $72 \times .75 = 54$ ).

**Conservation Housing – max 15%:**  $42 \times .15 = 6.3$

All of the units are proposed to have an energy efficient envelope. The units are proposed to have LED and low electric usage appliances. All of the proposed units will comply with Earth Advantage and Energy Star Requirements for new construction. Specifically, points from the Earth Advantage® Multifamily Homes 2012 Standard Measures Resource Guide (Modified) will be implemented on site. Due to the proximity to transit, community services, retail, schools; the small footprints, the amount of proposed open space areas, low water consuming landscaping, solar orientation, etc. the proposal will greatly exceed the minimum standards for compliance. This will be demonstrated on the building permit submittals.

**Outdoor Recreation – max 10%:**  $42 \times .10 = 4.2$

The required eight percent outdoor recreation space for a 91,474 square foot parcel is 7,318 square feet. In order to obtain an outdoor recreation area credit an additional 9,147 square feet in area for outdoor recreation is required (16,465.32 square feet).

The proposed outdoor recreation space for the property is a combination of semi-private patios and balconies and the larger open space with the lawn areas, large patio area with table and chairs, community BBQs and fire pit and a shade structure. There are substantial lawn areas that are also outdoor recreation areas.

The total lot area devoted to outdoor recreation area for the MidTown Lofts “community” is 21,643 square feet in area or 23.6 percent.

Each unit also has a semi-private outdoor space that is either a deck or a patio area which accounts for 6,624 square feet. The courtyard area and lawn area (evidence by a hashed line on AP.1.1 attached) 15,019 square feet. These areas total 21,643 square feet in area of the property devoted to outdoor recreation space.

To be consistent with Staff and Commission's previous decisions regarding the 'usable' area of the outdoor recreation area, approximately 15.5 square feet of area from each unit was excluded for entry areas (findings state 5,616 this is the area of the patio excluding the entry are in front of each door). This reduces the total provided area to 20,635 which still exceeds the required area of 16,465.32 square feet in area.

**Major Recreation Facility:**  $42 \times .10 = 4.2$  (REQUESTED (.04 = 1.68))

For each percent of the total project budget devoted to major recreational facilities, a six percent density bonus is permitted. A four percent bonus is sought with this proposal. The proposal is to have numerous recreational amenities including dedicated lawn game area for Badminton, Spike ball and Horseshoes. A built-in outdoor BBQ kitchen, covered patio area, fire pit and extensive seating areas in the common outdoor recreational area.

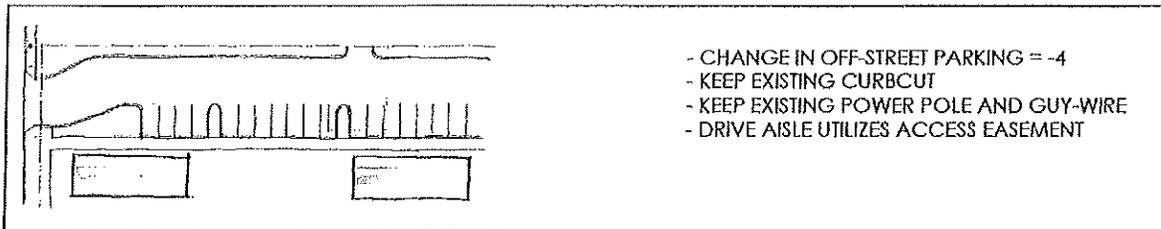
These amenities create a substantially more desirable outdoor area with major recreation areas. The provided amenities account for more than one percent of the total project budget devoted to recreational facilities. This is not an area measurement but an additional amenities issue. The financial breakdown of the proposed recreational amenities and the project budget is attached.

There are limited amenities listed in the Major Recreation Facilities found in section AMC 18.2.5.080.F.3.c. The suggested facilities include tennis courts, swimming pools, or playgrounds, or similar. The major recreational facilities suggested in the code all generate or have the potential to generate significant noise impacts in addition to having negative environmental impacts from the required solid surface to accommodate court games. The small size of the units are not typically occupied by families or parents with child or children so a playground would not be a beneficial use of the space. The code does provide for the "or similar" use as a major recreational facility. The proposed amenities including the dedicated lawn game areas provides active area for the envisioned demographic. The proximity of the property to conveniently located off-site major recreational facilities further reduces the need for a tennis court or basketball court.

**Exception to Street Standards for Driveway Curbcut:**

The original application requested an exception to street standards for the location of the driveway curb cut accessing the site from Quincy Street. It was proposed to be shared with the driveway to the east of the subject property that exceeds the maximum driveway curb cut width for residential developments is also requested.

The application proposal modifies this portion of the request. The modification retains the existing driveway curb cut location, preserves a healthy street tree and preserves the existing street pattern. The existing driveway curb cut is 16-feet from the east property line and is 28-feet wide. The driveway will be reduced in overall width to 24-feet. The graphic below demonstrates the change in the site plan, depicting the driveway in its present location. Revised findings regarding the modified exception are provided.



#### **Parking, Access, Circulation:**

The proposed development requires 72 parking spaces. The required parking was proposed as a combination of on-site parking in a 67-space surface parking lot and a request for five on-street parking credits. The shift of the driveway from a consolidated driveway to the existing curb-cut requires the elimination of five of the on-site parking spaces. This translates to an increase in on-street credits requested from five to seven. With the provision of 12-bicycle parking spaces above the 72 required, two vehicle parking credits are possible from the Parking Management Strategies found in AMC 18.4.3.060. With the approval of seven on-street credits, the revised 63-space parking area and on-site bicycle parking complies with the minimum parking standards for the proposed development.

Attached are photographs of the on-street parking from 2012, 2015, and 2018. In all photos, there is ample on-street parking present along the more than 600-feet of street frontage abutting the property. On average over the past six years, there have been between six to ten cars on Garfield Street, zero to two on Iowa Street and two – five on Quincy Street. There are newly painted yellow curbs that restrict parking within the vision clearance of triangle of Iowa and Garfield Streets. With more than 30 available on-street credits, the request for seven is de minimis and should be allowed to off-set the increases in on-site pavement, and reductions in landscaping.

Thank you for your consideration on this project.

#### **Attachments:**

Photos of on-street parking

Neighborhood aerial with development shown

Major Recreational Facilities statement from Architect

Civil Engineer Jim Higday statement regarding the exception to not provide bio-swales in the parking lots

Rogue Valley Stormwater Quality Design Manual excerpt

Site Plan (A.1.1)

**Public Facilities**

**18.4.6.020**

**B. Exceptions and Variances.**

**I. Exception to the Street Design Standards.**

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

Applicant's Finding:

*The existing curb cut is 16-feet from the adjacent curbcut to the east. The revise proposal will retain the location of the curbcut and reduce it from 28-feet in width to 24-feet in width, closer to the standards. This allows for the existing street pattern to be retained, retain the existing access easement for an adjacent property that shares the sites curb-cut. The curbcut is generally aligned with the curb cuts across Quincy Street instead of off-set where the standard separation would necessitate the relocation.*

b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.

Applicant's Finding:

*The connectivity of the property and the neighborhood will have superior transportation facilities through the installation of additional street trees and an overall reduction in the number of curb cuts and accesses from the site to the public right-of-way.*

- i. For transit facilities and related improvements, access, wait time, and ride experience.  
*Not applicable*
- ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.  
*Iowa, Garfield and Quincy Streets are all 'shared' streets without dedicated bicycle lanes. The proposal will not have a negative impact on the bicycle facilities.*
- iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.  
*The proposal is to retain the existing driveway curbcut. The proposed improvements sidewalk improvements increase the comfort level of walking along Quincy Street.*

*The existing driveway curbcut is better for the pedestrian environment because the driveway is more narrow than existing and retains the existing street pattern.*

c. The exception is the minimum necessary to alleviate the difficulty.

Applicant's Finding:

*The exception is the minimum necessary to alleviate the difficulty of relocating the curbcut nearly 25-feet to the west .*

d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection [18.4.6.040.A](#).

Applicant's Finding:

*The purpose and intent contains standards for street connectivity and design as well as cross sections for street improvements including installation of new streets and improvements to existing streets.*

*The driveway width being wider than allowed by standards, but more narrow than existing provides for a better pedestrian environment by retaining the number of curbcuts and allows for the driveway to be located generally across from existing driveways to the north of property on Quincy Street versus off-set by 25-feet.*



Figure 1: Iowa Street looking east (April 2012)

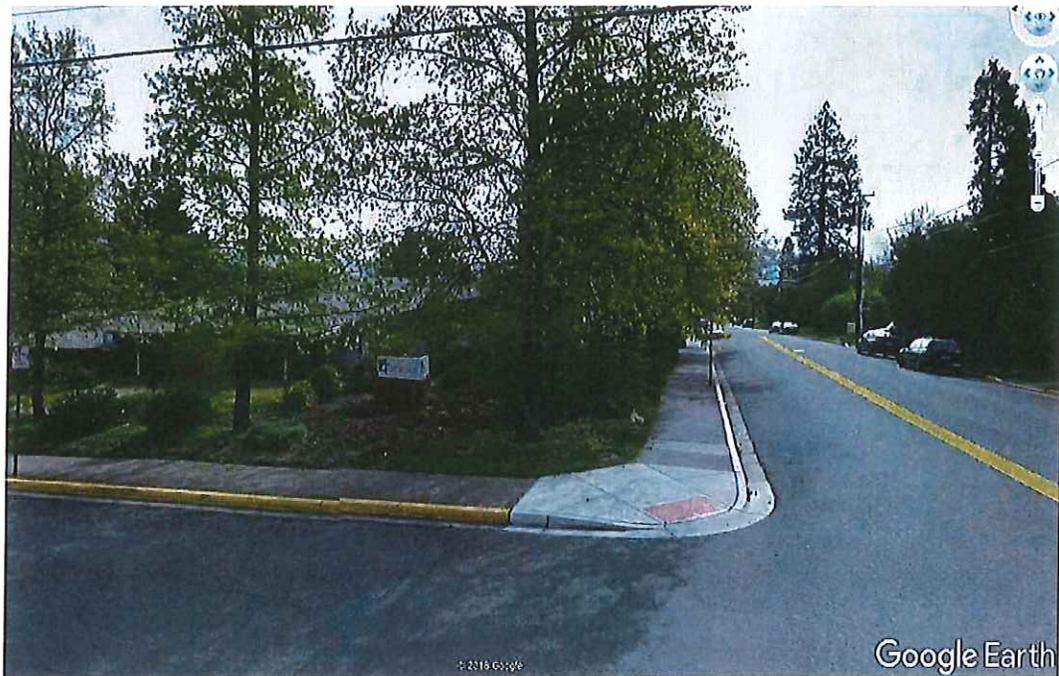


Figure 2: Iowa Street looking east (May 2012)

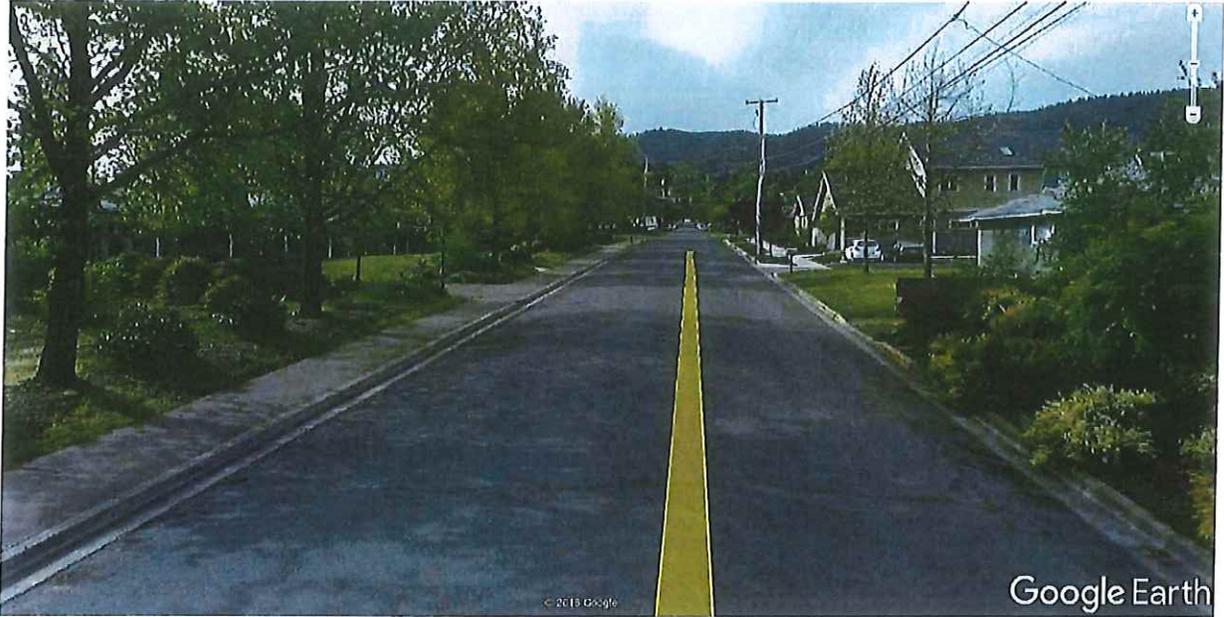


Figure 3: Garfield Street looking south (May 2012)



Figure 4: Garfield Street looking south (May 2012)



Figure 5: Quincy Street (May 2015)

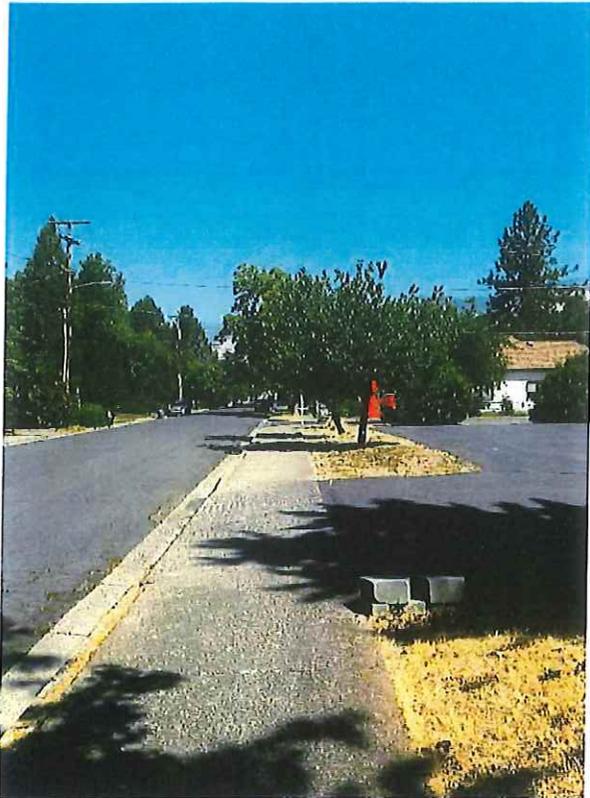


Figure 6: Garfield Street looking north (August 2015)

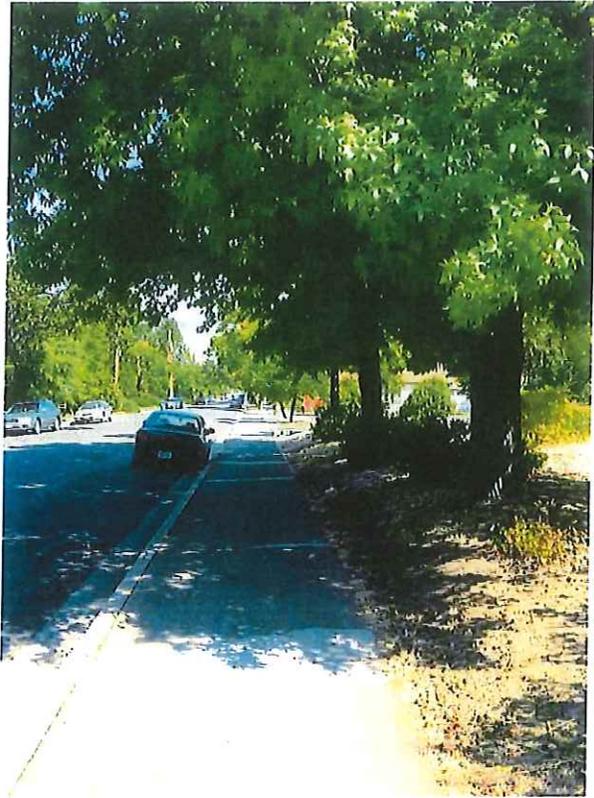


Figure 7: Garfield Street looking north (August 2015)



Figure 8: Iowa Street looking west (August 2015)



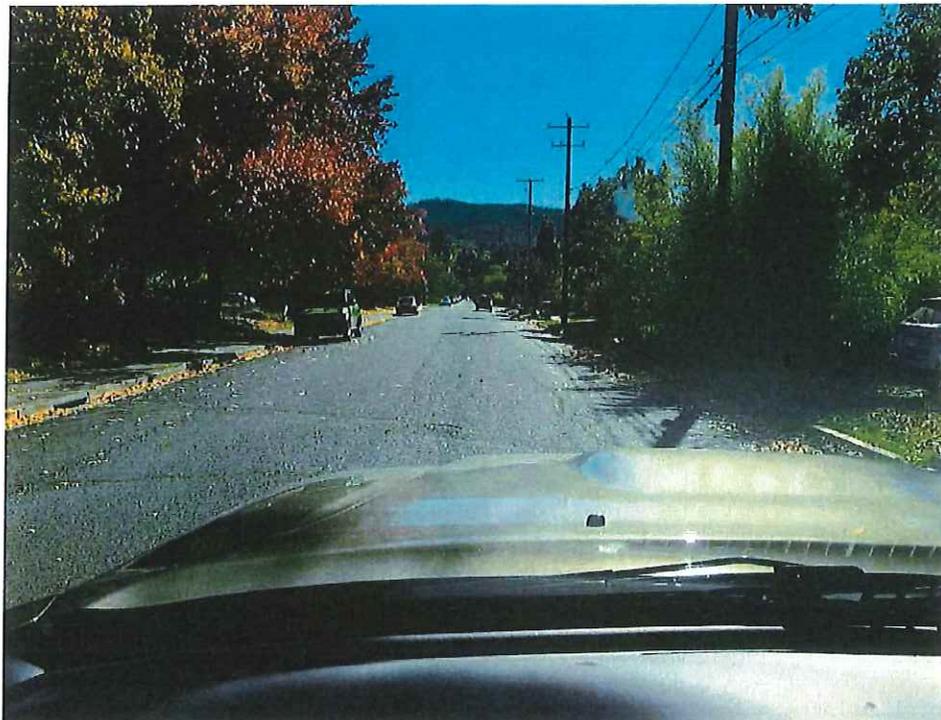
*Figure 9: Garfield Street looking north (August 7, 2018)*



*Figure 10: Iowa Street looking east (August 7, 2018)*



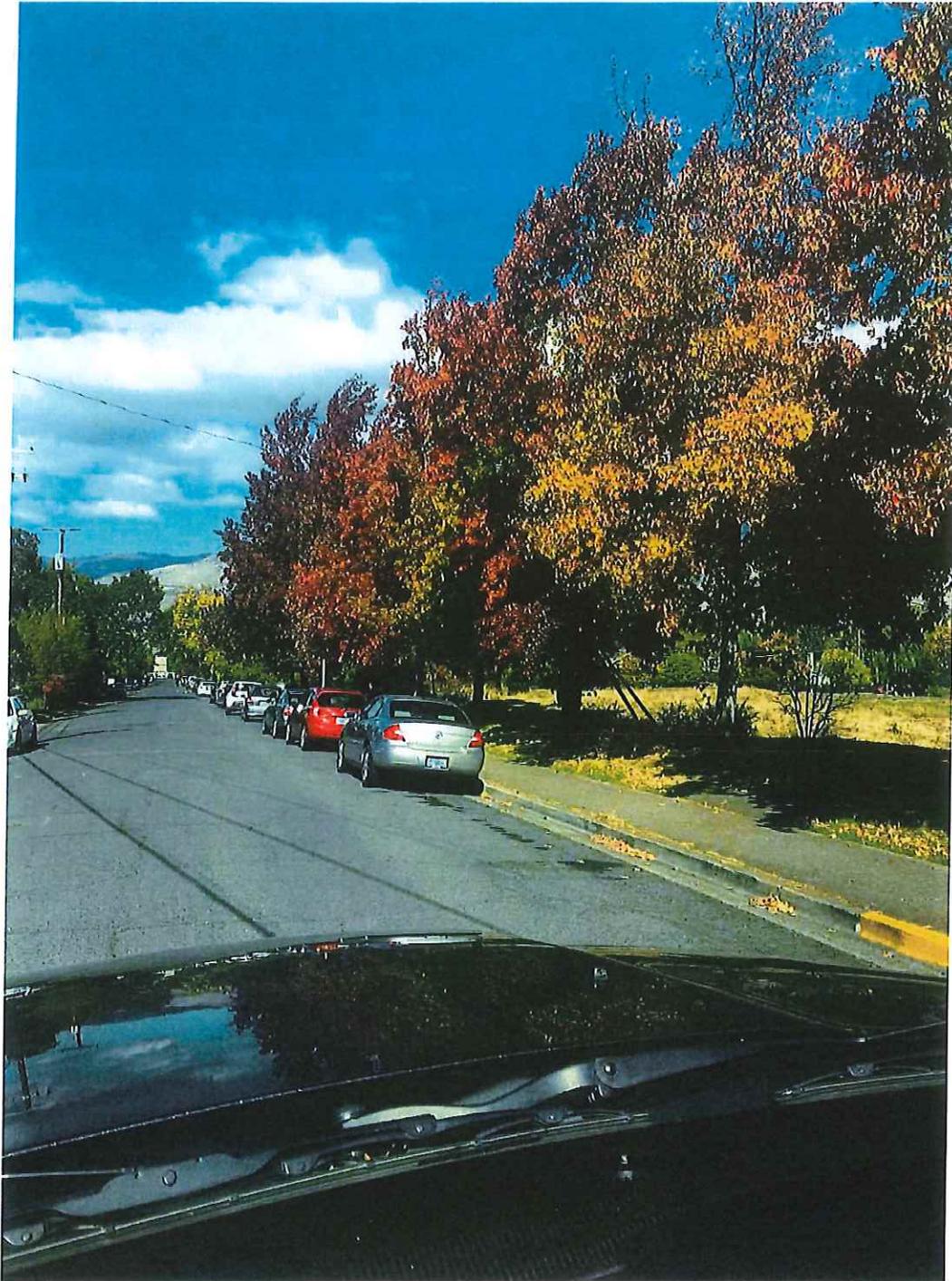
*Figure 11: Iowa Street looking east (October 11, 2018)*



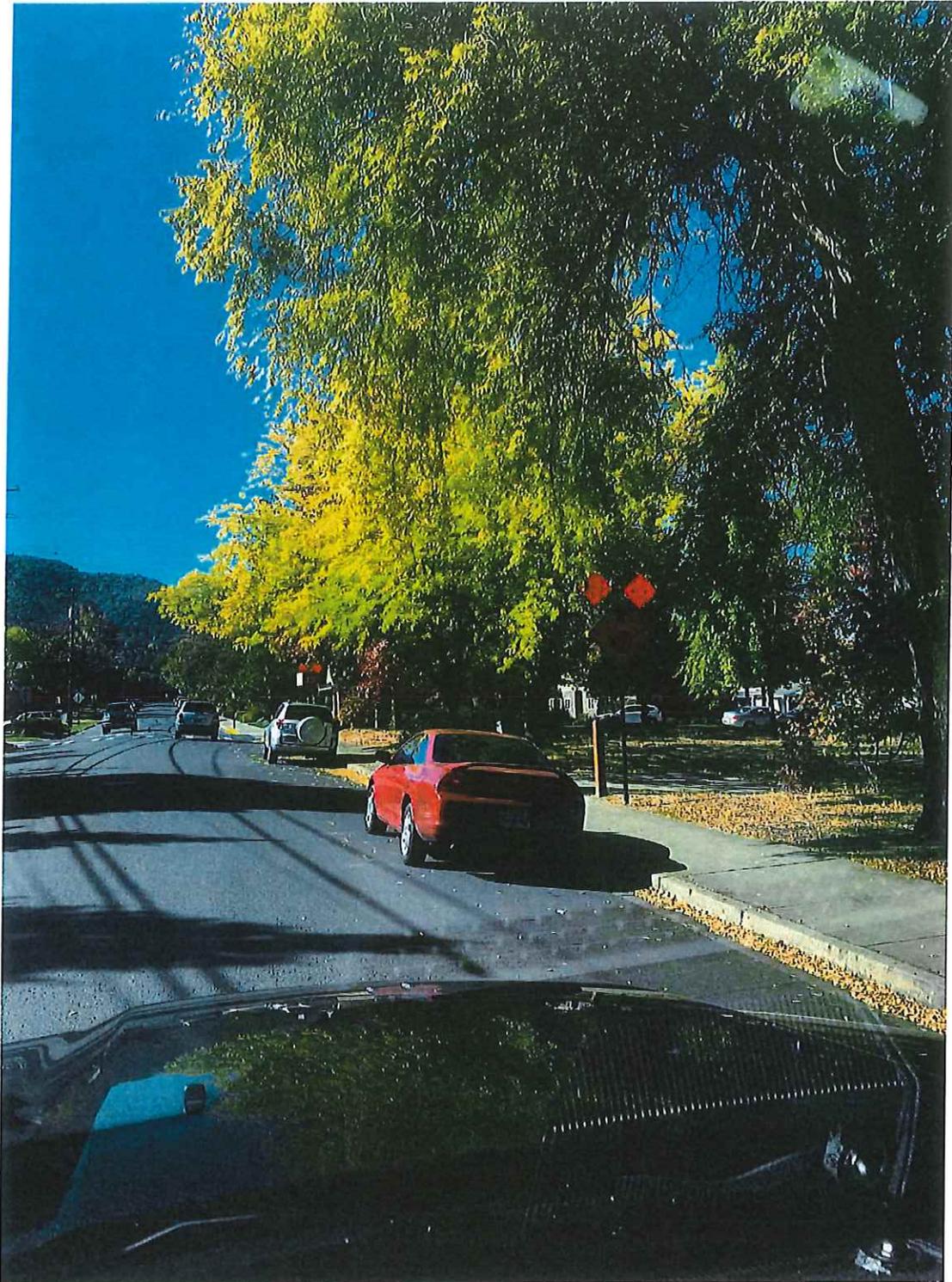
*Figure 12: Garfield Street looking south (October 11, 2018)*



*Figure 13: Quincy Street looking west (October 11, 2018)*



*Figure 14: Garfield Street looking north (October 12, 2018)*



*Figure 15: Iowa Street looking west (October 12, 2018)*



*Figure 16: Garfield Street looking south (October 14, 2018)*



*Figure 17: Iowa Street looking east (October 14, 2018)*



*Figure 18: Quincy Street looking west (October 14, 2018)*

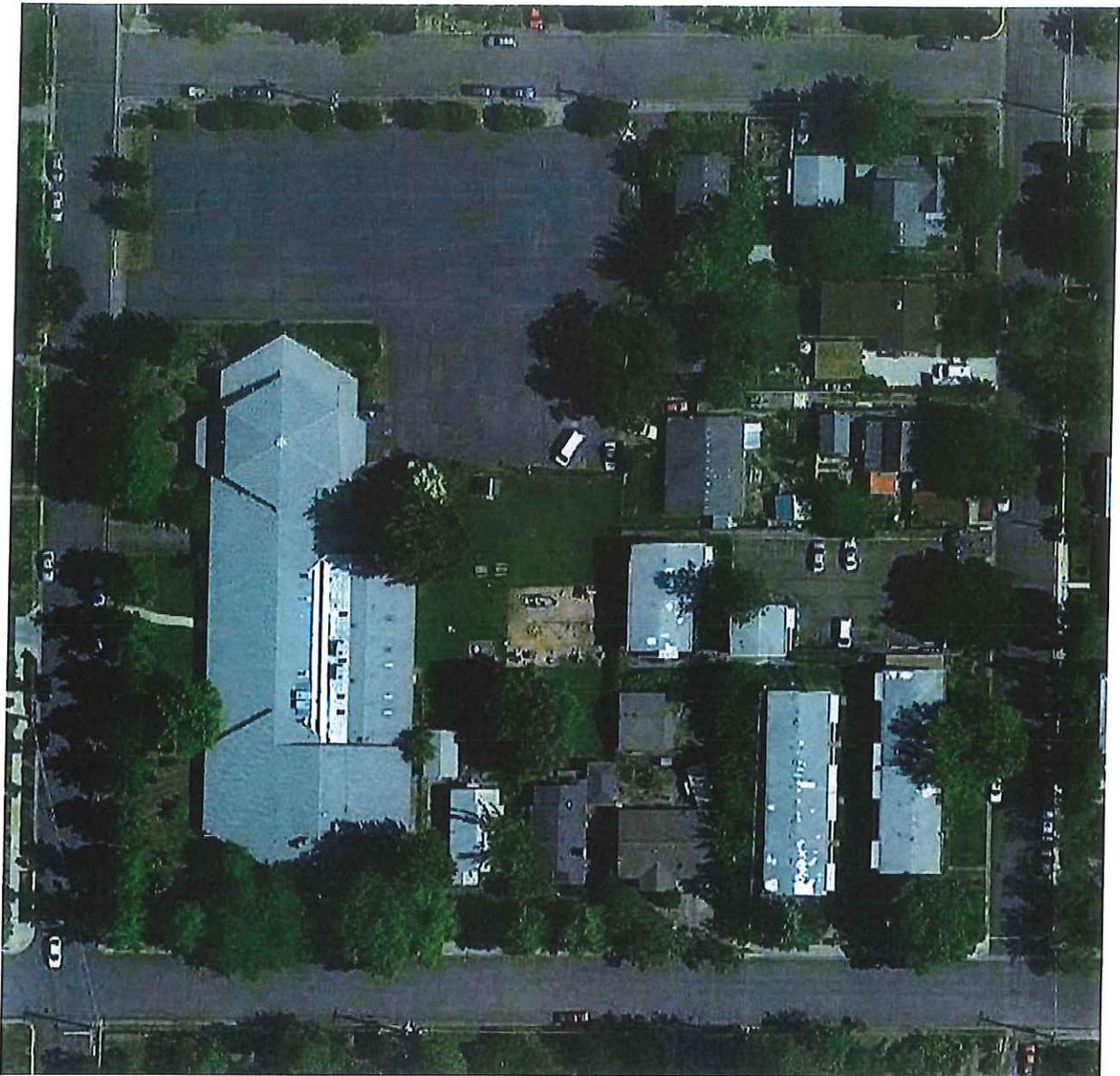


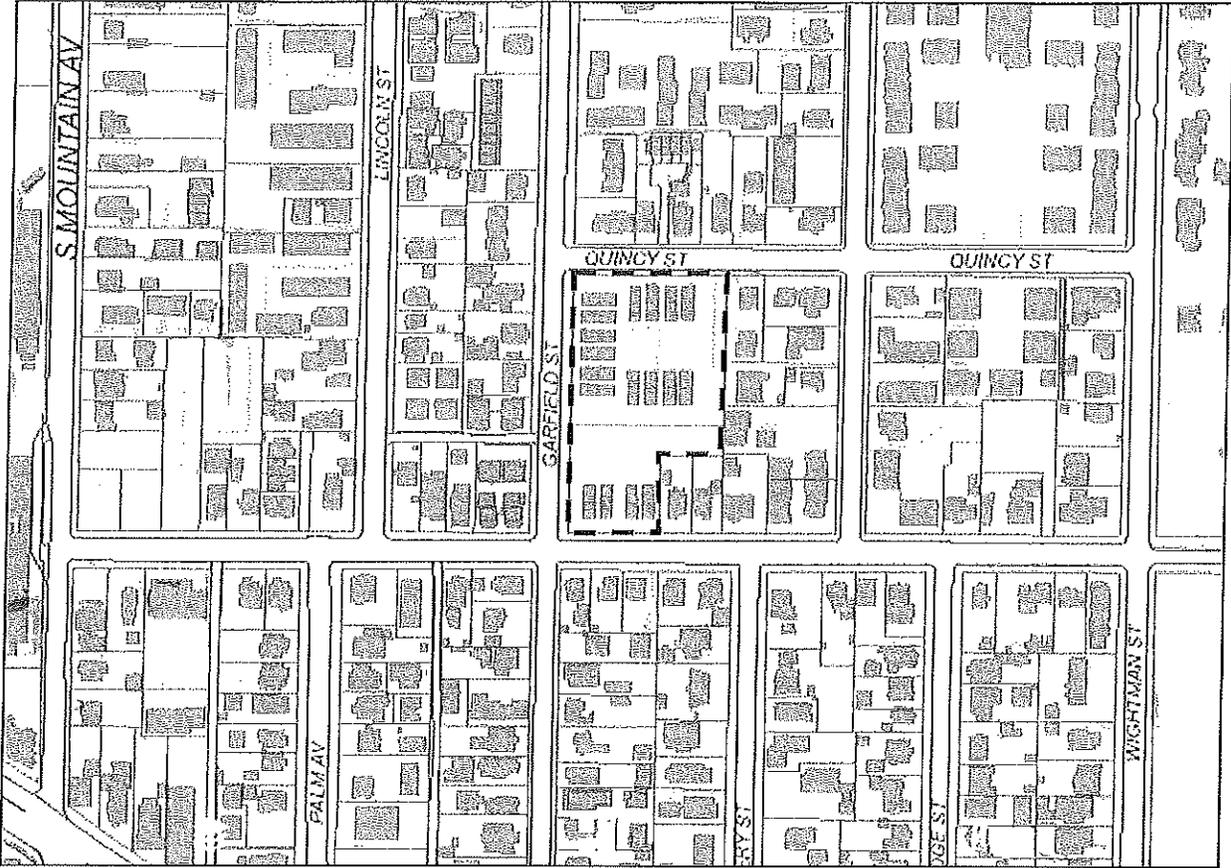
Figure 19: Aerial photo: Google Earth (June 2016)

There are two vehicles parked on Garfield. None on Iowa and three and a trailer on Quincy.



Figure 20: Aerial photo: Google Earth (August 2017)

There is one vehicle parked on Garfield Street. There are three vehicles parked on Quincy and none on Iowa Street.



Graphic with units depicted

86 Water St, Ste 101 kistlersmallwhite.com  
 Ashland, OR email@kistlersmallwhite.com  
 97520 541 488 8200

kistler+small+white  
 architects

October 16, 2018

### Value of Major Recreational Facilities for the Ashland Urban Lofts

Dear Staff and Commissioners,

This letter is to clarify the value of the project proposal for the MidTown Lofts, and the cost of the proposed Major Recreational Facilities in order to obtain a six percent density bonus.

Following the submittal of the Site Review application, the appraisal of the development by Paul Zacha, MAI of Real Property Consultants Grants Pass (RPC) was completed. The appraised prospective market value of the subject project, assumed complete, unoccupied and available for lease by late 2019, is estimated to be \$11,775,000.00. Prior to the appraisal, when the application was submitted, the project team's estimate of \$10,800,000.00 was too low. The project value is based on the professional appraisal. Additionally, construction costs are rapidly increasing, this increases the expenses towards the space. The application addresses the costs associated with when the initial application was submitted and not on increased construction costs.

For each one percent of the total project costs devoted to recreational facilities, a six percent density bonus shall be awarded. One percent of the project costs is:  $\$ 11,775,000 \times .01 = \$117,750.00$

The project costs devoted to the major recreational facilities are as follows:

Estimated value of Activity Equipment:	\$ 2,000.
Estimated value of surfaces (activity surfaces and courtyard hardscape): 3,600 X \$20 per SF:	\$ 72,000.
Estimated value of sheltered, outdoor cooking areas:	\$ 4,000.
Outdoor kitchen area (BBQ and cooking prep area):	\$ 4,000.
Gas Fire Feature:	\$ 5,000.
Structure:	\$ 65,000.
Estimated value of outdoor seating areas:	\$ 12,000.
<b>Total Estimate of Recreation Amenities</b>	<b>\$ 164,000.</b>

The proposed improvements to the courtyard to provide for major recreational amenities of \$164,000.00 exceeds one percent of the estimated appraised value of the project which is \$117,000.

Sincerely,

Raymond Kistler, Principal Architect



Amy Gunter <amygunter.planning@gmail.com>

---

## MidTown Lofts

---

Jim Higday <jhigday@marquess.com>

Wed, Oct 10, 2018 at 4:42 PM

To: Raymond Kistler <ray@kistlersmallwhite.com>, Amy Gunter <amygunter.planning@gmail.com>, "rayc@kistlersmallwhite.com" <rayc@kistlersmallwhite.com>

Amy and design team,

I've include some of the design requirements by RVSS for the water quality swales that the planning commission and residents had asked about. Per the adopted design guidelines, the engineer has to design for a water quality storm event and a ten year storm. In short this would make the swales a minimum of 8 to 12 feet wide making them not feasible in the parking lot area. This is why Marquess and Assoc. decided to use a combination of above ground ponds, pervious concrete and underground Storm Tec chambers which all are approved methods in the RVSS design guideline manual.

From: Raymond Kistler <ray@kistlersmallwhite.com>

Sent: Wednesday, October 10, 2018 3:20 PM

To: 'Amy Gunter' <amygunter.planning@gmail.com>; rayc@kistlersmallwhite.com; Jim Higday <jhigday@marquess.com>

Subject: RE: MidTown Lofts

[Quoted text hidden]

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 MAI\_West002.pdf  
659K

# **ROGUE VALLEY STORMWATER QUALITY DESIGN MANUAL**

**Revised July 2018**

## **CREATED FOR:**

**City of Ashland  
City of Central Point  
City of Medford  
City of Phoenix  
City of Talent  
Jackson County  
Rogue Valley Sewer Services**

#### 4.4.4 Water Quality Conveyance Swales



**Figure 4.10.** A water quality conveyance swale with dense mature vegetation that provides filtering of stormwater runoff.

Water quality conveyance swales treat stormwater by conveying it through the substrate and vegetation, rather than relying on infiltration. These facilities are not considered LID because water quality treatment is mainly achieved by filtration and settlement provided by the plant structure and growing medium rather than infiltration and evaporation. Swales must be planted with dense vegetation to filter the stormwater and should be integrated into the overall site design and used to meet landscaping requirements.

Swales should be built and planted early in the construction sequence so that vegetation can become established. Once the swale is cut to grade it should be fenced off to prevent construction traffic and staging of materials within the swale.

Water quality conveyance swales may be unlined, partially lined, or fully lined depending on where they are located.

##### **Siting**

Water Quality Conveyance swales should not be located in sensitive areas (*ie.* Wetlands, riparian areas, designated critical habitat, or under existing tree canopies), unless approved by the local jurisdiction, or over septic systems. Fully Lined facilities that are at grade have no setbacks.

##### **Design and Sizing Guidelines**

**Sizing:** Water Quality Conveyance swales must be designed to have a minimum residence time of 9 minutes. If surface runoff will enter the swale at multiple locations along its length such that residence time is less than 9 minutes, designers must incorporate check dams to increase the residence time. There is no

simplified/prescriptive approach to sizing allowed, minimum requirements are listed below, unless otherwise approved by the reviewing jurisdiction.

**Dimensions and side slopes:**

- Minimum bottom width is one foot. If the bottom width is wider than four feet, a flow spreader is required for every 50 feet of length to uniformly redistribute the flow across the bottom width.
- Maximum depth of the water quality flow is 4 inches, flow should not be higher than 2/3 the height of the vegetation.
- Maximum side slopes of the treatment zone are 3 horizontal to 1 vertical for densely vegetated swales and 4 horizontal to 1 vertical for swales that will be mowed.
- Vertical walls may be used in tight spaces. The width of the swale bottom must be increased such that the treatment area that would have been provided in the 3:1 side slopes is provided in the swale bottom. The bottom width to wall height ratio must be at least 2:1.
- Longitudinal slope must be 0.5% or greater. Longitudinal slopes greater than 6% require installation of check dams.
- Manning's n value must be a value between 0.22 and 0.24.
- Freeboard of six inches above the 10 year design storm must be provided. Less than six inches may be provided with jurisdictional approval, where potential overflow will not impact adjacent properties.

**Flow Spreaders:** Use non-biodegradable materials for the flow spreader.

**Energy Dissipation:** Energy dissipation must be placed below each entry point to the swale to reduce velocity. At the upstream end of a swale energy dissipation can also serve to distribute flow across the treatment width. Energy dissipation must be constructed of non-biodegradable material such as concrete or rock.

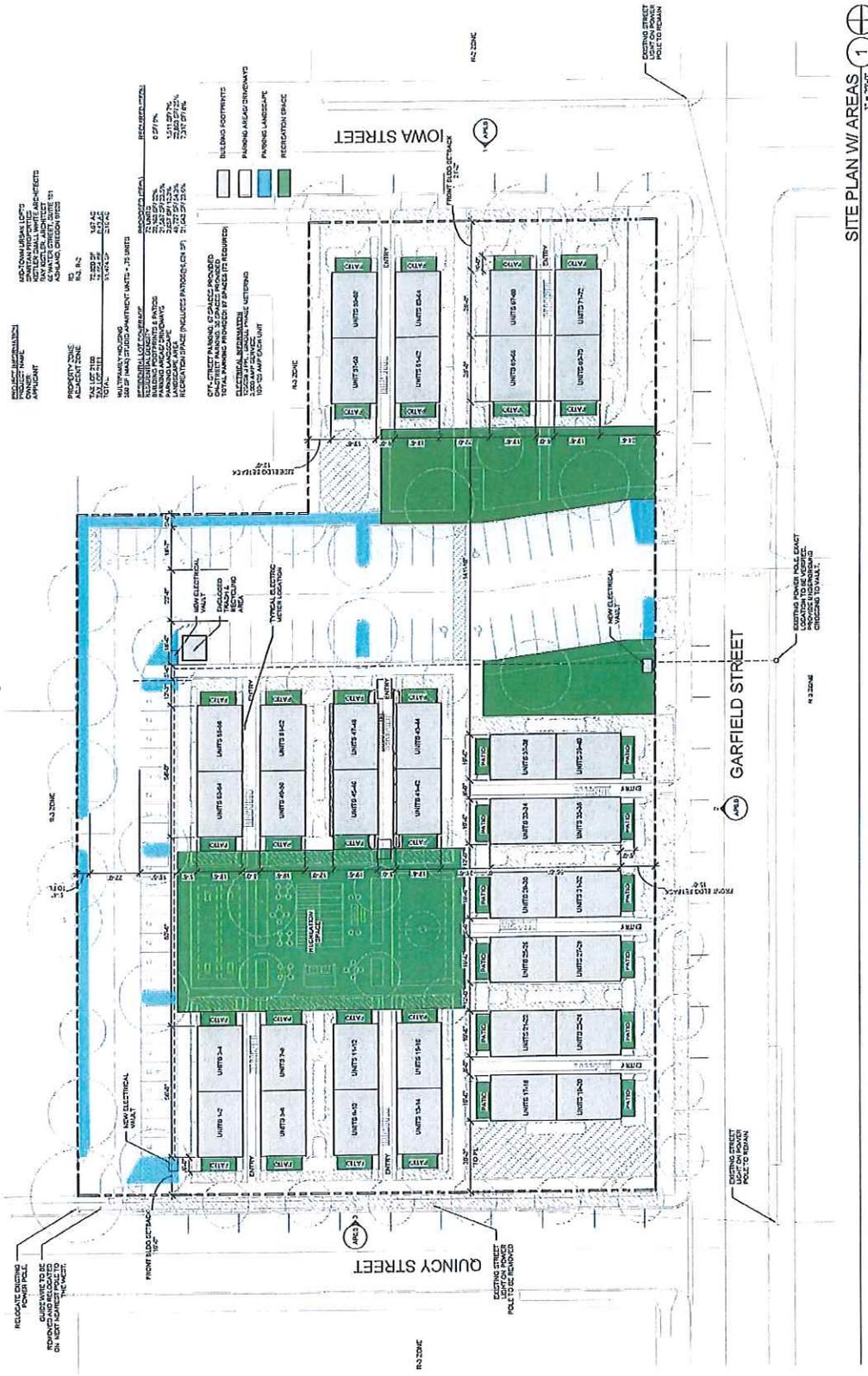
**Waterproofing/Liner:** Swales within 10 feet of a building must be lined with minimum 30 mil EPDM, HDPE, or approved equal. Liners may be partial or full.

**Check Dams:** When slopes exceed 6% check dams must be installed. They should be keyed into the sides of the swale to prevent bypass and the toe of the upslope dam should be at the same elevation as the top of the downstream dam, similar to ODOT detail RD1005, but with a flat top. Check dams should be constructed of non-biodegradable material such as concrete or rock.

**Growing Medium:** Native soil may be amended to a depth of 18 inches or an imported soil may be used in the top 12 inches of the swale. Amend native soil with roughly 30% compost. Imported soil should be roughly one third plant derived compost, one third topsoil and one third gravelly sand. The growing medium requirements apply to the treatment area of the swale. Lined and partially lined facilities may have a growing medium depth of 12 inches if only installing herbaceous plants, but must have a growing medium depth of 24 inches for shrubs, to provide adequate substrate for plant roots to establish. Whether native or amended, the growing medium must be in compliance with the amended planting soil mix specifications, see General Notes for Vegetated BMPs, Appendix E. A Seal of Testing Assurance certification from the US Composting Council must be provided to the approving jurisdiction. To find out more about STA certified compost and for a list of entities selling STA certified compost visit the US Composting Council website.

**Ground Stabilization:** All ground within the swale must be stabilized with either erosion control matting or mulch. Where there is potential for rilling erosion control matting must be installed.

**Erosion Control Matting:** If specifying matting below the 10 year flow depth of the swale, high



**PROJECT INFORMATION**  
 PROJECT: MID-TOWN LOFTS  
 OWNER: KISTLER+SMALL+WHITE  
 ARCHITECTS: KISTLER+SMALL+WHITE  
 ADDRESS: 1000 OMAHA STREET, ASHLAND, OREGON 97132

**PROPERTY DATA**  
 AS: 1000 OMAHA STREET, ASHLAND, OREGON 97132  
 TAX MAP: 1000 OMAHA STREET, ASHLAND, OREGON 97132  
 ZONING: R3.2Z  
 SUBDIVISION: MID-TOWN LOFTS

**REQUIREMENTS**  
 MINIMUM UNIT SIZE: 627 SF  
 MINIMUM UNIT HEIGHT: 10 FT  
 MINIMUM UNIT AREA: 1,311 SF  
 MINIMUM UNIT PERCENTAGE: 23.5%  
 MINIMUM UNIT PERCENTAGE: 23.5%

**REQUIREMENTS**  
 CITY STREET PARKING SPACES PROVIDED: 10 SPACES  
 TOTAL PARKING PROVIDED BY SPACES REQUIRED: 10 SPACES  
 ELECTRICAL REQUIREMENTS: 100 AMP SERVICE  
 TOTAL ELECTRICAL LOAD: 100 AMP SERVICE

**LEGEND**  
 BUILDING FOOTPRINTS  
 PARKING SPACES  
 LOADING DOCKS  
 RESTRICTION SPACE

SITE PLAN W/ AREAS 1  
 1" = 32'-0"

SITE PLAN W/ AREAS AP1.1

ASHLAND MID-TOWN LOFTS  
 PLANNING  
 #726.13



**BEFORE THE PLANNING COMMISSION**  
**November 13, 2018**

IN THE MATTER OF PLANNING ACTION #T2-2018-00004, A REQUEST FOR )  
LAND PARTITION AND SITE DESIGN REVIEW APPROVALS TO CREATE )  
THREE PARCELS FROM THE PARENT PROPERTY LOCATED AT 1661 ASH- )  
LAND STREET. PARCEL 1 WOULD BE 33,278 SQUARE FEET IN AREA AND )  
WOULD CONTAIN THE PROPOSED ROGUE RIDGE DEVELOPMENT CONSIST- )  
ING OF 30 MULTI-FAMILY DWELLING UNITS INCLUDING ONE RESIDENT )  
MANAGER’S UNIT AND 29 AFFORDABLE HOUSING UNITS IN A 26,146 )  
SQUARE FOOT, THREE-STORY BUILDING IN TWO CONNECTED WINGS; )  
PARCEL 2 WOULD BE 9,913 SQUARE FEET IN AREA AND WOULD CONTAIN )  
A FUTURE TWO-STORY COMMERCIAL BUILDING: AND THE THIRD PARCEL )  
WOULD BE 22,462 SQUARE FEET AND WOULD CONTAIN THE EXISTING )  
ROGUE CREDIT UNION BUILDING. 25 OF THE 30 PROPOSED UNITS ARE )  
STUDIOS THAT ARE LESS THAN 500 SQUARE FEET OF GROSS HABITABLE )  
FLOOR AREA AND EACH COUNTS AS ¾ OF A UNIT FOR PURPOSES OF DEN- )  
SITY CALCULATION; THE FIVE REMAINING UNITS ARE TWO- AND THREE- )  
BEDROOMS AND COUNT AS FULL UNITS FOR DENSITY PURPOSES. )

**FINDINGS,**  
**CONCLUSIONS &**  
**ORDERS**

**OWNER/APPLICANT:** Rogue Credit Union/Columbia Care Services, Inc. )  
Jerome White, Architect for KSW Architects (*agents*) )

**RECITALS:**

- 1) Tax lots #8700 and #9201 of Map 39 1E 10DC are located at 1651 Ashland Street and are zoned C-1 (Commercial).
- 2) The applicants are requesting Land Partition and Site Design Review approvals to create three parcels from the parent property located at 1661 Ashland Street. Parcel 1 would be 33,278 square feet in area and would contain the proposed “Rogue Ridge” development consisting of 30 multi-family dwelling units including one resident manager’s unit and 29 affordable housing units in a 26,146 square foot, three-story building in two connected wings; Parcel 2 would be 9, 913 square feet in area and would contain a future two-story commercial building; and the third parcel would be 22,462 square feet and would contain the existing Rogue Credit Union building. *(25 of the 30 proposed multi-family residential units are studios that are less than 500 square feet in gross habitable floor area and each counts as ¾ of a unit for purposes of density calculation; the five remaining units are two- and three-bedroom and count as full units for density purposes.)* Site improvements are outlined on the plans on file at the Department of Community Development.

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

- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
  - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
  - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

4) The criteria for preliminary approval of a Land Partition are detailed in AMC 18.5.3.050 as follows:

- A. *The future use for urban purposes of the remainder of the tract will not be impeded.*
- B. *The development of the remainder of any adjoining land or access thereto will not be impeded.*
- C. *The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*
- D. *The tract of land has not been partitioned for 12 months.*
- E. *Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).*
- F. *Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.*

G. *The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.*

H. *Unpaved Streets.*

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

2. *Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.*

a. *The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter 18.4.6 prior to the signature of the final partition plat by the City.*

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

c. *The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.*

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

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

J. *Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*

5) The additional approval criteria for preliminary approval of a Flag Lot Partition are detailed in AMC 18.5.3.060 as follows:

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.*

- 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.*
- 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.*
- 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.*
- 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.*
- G. *Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.*
- H. *Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:*
  - 1. *Vehicle access shall be from the alley only where required as a condition of approval.*
  - 2. *No screening and paving requirements shall be required for the flagpole.*
  - 3. *A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.*
  - 4. *The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.*
- 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.*
- 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.*
- K. *Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.*
- L. *There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.*
- 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.*

- 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.*
- O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.*
- 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.*

- 6) The Planning Commission, following proper public notice, held a public hearing on October 9, 2018 at which time testimony was received and exhibits were presented. The hearing was continued to October 23, 2018 at which time testimony was again received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application.

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

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## **SECTION 2. CONCLUSORY FINDINGS**

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

2.2 The Planning Commission finds that the proposal for Land Partition and Site Design Review meets all applicable criteria for Partition in AMC 18.5.3.050; for Flag Partition in AMC 18.5.3.060; and for Site

PA-T2-2018-00004

November 13, 2018

Page 5

Design Review approval described in AMC 18.5.2.050. The site plan and elevation drawings provided delineate the proposed building locations, design and associated site improvements.

The Planning Commission further finds that the application includes written findings which respond to the approval criteria for a Land Partition and Site Design Review. These findings are adopted herein by reference and attached hereto as Exhibit A.

2.3 The Planning Commission finds that the request involves Land Partition and Site Design Review approvals to create three parcels and construct the proposed “Rogue Ridge” development consisting of 30 multi-family dwelling units including one resident manager’s unit and 29 affordable housing units in a 26,146 square foot, three-story building in two connected wings. 25 of the 30 proposed multi-family residential units are studios that are less than 500 square feet in gross habitable floor area. Each of these counts as  $\frac{3}{4}$  of a unit for purposes of density calculation. The five remaining units are two- and three-bedrooms and count as one full unit each for density purposes. Parcel 2 would contain a future two-story commercial building; and the third parcel is existing and would contain the recently-constructed Rogue Credit Union building.

The first approval criterion for a Land Partition is that, “*The future use for urban purposes of the remainder of the tract will not be impeded.*” The application explains that the proposed partition reflects the anticipated future development of Parcel 2 and the future building and use, and that the partition provides for shared vehicular access to serve the parcels. The application concludes that the proposed partition will not impede any development of the remaining vacant area.

The second approval criterion for a Land Partition is that, “*The development of the remainder of any adjoining land or access thereto will not be impeded.*” The application notes that in addition to providing a shared accessway to serve the proposed Parcel 2, access is also to be provided for Tax Lot #9202 to the east as well as Tax Lot #8700 where Rogue Credit Union is located and to Tax Lot #9800 located at 1644 Parker Street. The application emphasizes that the proposed partition will not prohibit or impede development of or access to adjoining properties, and that in providing access easements for the adjoining parcels the number of driveway approaches onto Ashland Street/Highway 66 will be reduced.

The third approval criterion is that, “*The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*” The application explains that while there are no known neighborhood or district plans, the proposal is generally consistent with the shadow plan previously approved by the Ashland City Council in Planning Action #2016-01894 which approved the Rogue Credit Union building now in place.

The fourth approval criterion is that the, “*The tract of land has not been partitioned for 12 months.*” The application notes that while the property lines were reconfigured through a boundary line adjustment recently, the tract has not been part of a land division in the last 12 months.

The fifth criterion is that the, “*Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).*” The application

materials note that the property is in the C-1 (Commercial) zone, and there are no minimum width, depth, or area standards to meet. The application further explains that because Parcel 1 abuts a residential zone to the north, solar access standards do come into play and the application includes a solar setback plan demonstrating compliance with the solar setback standards.

The sixth approval criterion is that, *“Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.”* The application explains that a 20-foot wide paved driving surface is to be provided as required to serve parking areas of more than seven spaces, and that the site configuration accommodates a fire apparatus work area totaling 26-feet as requested by the Fire Department. The applicants further assert that the driveway meets all applicable flag drive requirements and has been designed to meet fire code standards as well.

The seventh criterion is that, *“The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.”* The application asserts that no new public streets are proposed, and that public utilities and storm drainage are addressed in the civil engineer’s drawings provided, which incorporate the future development with existing facilities and consider adjacent properties. The application further notes that all necessary easement locations for public utilities, including electric, have been identified.

The eighth and ninth criteria address unpaved streets and alleys, neither of which are applicable to the current proposal.

The final criterion for preliminary approval of a Land Partition plat is that, *“Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.”* The application asserts that there are no wetlands or other natural features which would merit federal or state permitting and as such, this criterion does not come into play.

The Planning Commission finds that the proposal for Land Partition meets all applicable criteria for Partition in AMC 18.5.3.050, and for Flag Partition in AMC 18.5.3.060.

2.5 The first approval criterion for Site Design Review is that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”* The subject property is located in the C-1 base zone and the Detail Site Review and Pedestrian Places overlay zones.

Commercial services, offices and their associated accessory uses are permitted outright in the C-1 zone, and AMC 18.2.2.030.E provides that multi-family dwellings are permitted subject to the special use standards detailed in AMC 18.2.3.130 *“Dwelling in Non-Residential Zone.”* These include that: 1) If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50

percent of the total lot area shall be designated for residential uses; 2) Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit; 3) Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone; 4) Off-street parking is not required for residential uses in the C-1-D zone; and 5) Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 18.2.5.050. The number of units required to be affordable shall be rounded down to the nearest whole unit.

The Planning Commission finds that the original shadow plan considered with the Rogue Credit Union application set forth an initial proposal for mixed use development of the subject property with four separate buildings. As modified with the current proposal, the building proposed at the rear of the property would be a single structure containing two wings connected at the third and fourth floors for accessible access and a future commercial building would be built at the front of the property, along Ashland Street east of the new credit union building. The application further indicates that 48.9 percent of the parent property considered in the shadow plan is proposed for residential uses, which complies with the allowances for sites with multiple buildings. The Planning Commission further finds that the original shadow plan provided a phased development plan for the site to prevent piecemeal and uncoordinated development; that public facilities and site utilities and access were planned in coordination between the parcels in keeping with the shadow plan; and that the Council accepted the shadow plan as a means to address building intensity standards such as F.A.R. looking at the combined site rather than the individual lots. The Commission finds that this provides for the consideration of the standards for “Dwelling in Non-Residential Zone” in AMC 18.2.3.130 in terms of the original shadow-planned site.

25 of the 30 proposed multi-family residential units are studios that are less than 500 square feet in gross habitable floor area and each counts as  $\frac{3}{4}$  of a unit for purposes of density calculation; the five remaining units are two- and three-bedroom and count as full units for density purposes. For density purposes, this equates to  $[(25 \times 0.75) + (5 \times 1) = 23.75 \text{ dwelling units}]$  on the 0.86-acre Parcel 1, which has a base density of 25.8 units.  $(0.86 \text{ acres} \times 30 \text{ d.u./acre} = 25.8 \text{ d.u.})$ .

Within the C-1 zone, there is no minimum lot area, width or depth, or maximum lot coverage; there is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 feet and a rear yard of not less than 10 feet per story is required. In this instance, the proposed building on Lot 1 is adjacent to a residential zone to the north, and the plans provided address the requisite setbacks. Drawings demonstrating compliance with solar access setbacks have also been included with the application.

Along arterial streets like Ashland Street, there is a required arterial setback of “*not less than 20 feet, or the width required to install sidewalk and park row improvements, consistent with the street standards in chapter 18.4.6, whichever is less.*” To address this criterion, the Planning Commission has included conditions to require that sidewalks and park row planting strips meeting city standards and matching those installed with Rogue Credit Union be installed along the Parcel 2 frontage prior to completion of

the parcel's development, and that the final design and placement of the building along Ashland Street be subject to a separate Site Design Review application prior to construction.

The second approval criterion is that, *"The proposal complies with applicable overlay zone requirements (part 18.3)."* The property is located within the Detail Site Review overlay zone, the Pedestrian Places overlay zone, and is subject to additional standards applicable to development of the Ashland Street boulevard corridor. The Detail Site Review overlay triggers specific standards that apply as part of the Site Development and Design Standards in AMC 18.4.2.040.C. Compliance with these standards is addressed under the next approval criterion later in this document.

The Planning Commission finds that the Pedestrian Place overlay provisions supplement those of the applicable base zoning district and other applicable ordinance requirements. Because the proposal is for a Commercial zone, the Pedestrian Places overlay only impacts the subject property in two ways:

1. **Building Setbacks.** The solar access setback in chapter 18.4.8 Solar Access applies only to those lots abutting a residential zone to the north. In this instance, because the lot to its north is zoned R-1-5 (Single Family Residential) solar access setbacks do apply for Parcel 1, and the Planning Commission finds that the applicants have provided drawings demonstrating compliance with the standards.
2. **Plazas and Landscaping Ratio.** Outdoor seating areas, plazas, and other useable paved surfaces may be applied toward meeting the landscaping area requirements in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute more than 50 percent of the required area.

The third approval criterion is that, *"The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below."*

The application materials provided explain that proposed parking is located to the rear of the buildings, and that the Rogue Credit Union building occupies 70.1 percent of the street frontage and with the combined development of the existing credit union and future building on Parcel 2, 63 percent of the two combined frontages will be occupied by buildings. Building entrances fronting on the street are to be oriented to Ashland Street and will have entrances directly to the street, and conditions have been included to required that the street frontage be improved to city street standards in conjunction with the development. The application explains that the building has numerous offsets to break up the continuous mass, and the design uses lateral and horizontal textures of differing styles and color variations to further break up the massing.

Within the Detail Site Review Zone, properties are required to have a minimum 0.50 floor area ratio (F.A.R.). This means that the building's floor area must be equal to at least one half of the lot area to meet the standard. The Planning Commission finds that the purpose of the Floor Area Ratio (F.A.R.) standard is three-fold. First, the F.A.R. is intended to deliberately create an environment supportive to transit by achieving a minimum level of intensity for commercial developments, similar to a minimum residential density standard. Second, the F.A.R. seeks the efficient use of available commercial land in keeping with

the City’s commitments not to expand its current boundaries under the 2012 Regional Problem Solving agreement with Jackson County and the other cities of the region, and the subsequent goals and policies seeking to concentrate more intense development along arterials. Finally, in terms of the built environment, the F.A.R. standard seeks to provide a sense of enclosure to the streetscape as noted in the street standards in AMC 18.4.6.040.A.2 which explain that, “*All streets in Ashland shall be designed using the following assumptions: ... Building setbacks and heights create a sense of enclosure.*” As proposed, the application explains that the combined development of the parent parcels will result in a 55.2 percent floor area ratio (F.A.R.) which exceeds the minimum in a manner consistent with that approved by the City Council in Planning Action #2016-01894.

The Planning Commission finds that AMC 18.4.3.030 “Minimum Number of Off-Street Automobile Parking Spaces” addresses required parking by providing three options for determining the required parking for any development proposal: 1) The Commission may rely on the standard ratios for automobile parking in Table 18.4.3.040; 2) Where automobile parking requirements for any use are not specifically listed in the table, required parking may be determined by the Staff Advisor based upon the most comparable use specified in this section, and other available data; or 3) the Commission may through its discretionary review approve a parking standard that differs from 1 and 2 based on a parking demand analysis with supporting data prepared by a professional engineer, planner, architect, landscape architect, or other qualified professional assessing the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The parking demand analysis option may be used in conjunction with, or independently of, the parking management strategies provided for in the Ashland Municipal Code.

The Planning Commission further finds that the standard parking requirements for the proposal considered based on the ratios provided in AMC 18.4.3.040 would be as follows:

<b>Use</b>	<b>Parking Ratio</b>	<b>Off-Street Parking Required</b>
25 Studio Units (< 500 s.f.)	1.00 spaces per unit	25.0 parking spaces
3 Two-Bedroom Units	1.75 spaces per unit	5.25 parking spaces
2 Three-Bedroom Units	2.0 spaces per unit	4.00 parking spaces
4,536 s.f. of Office	1.0 spaces per 500 s.f.	9.072 parking spaces
	<b>Total Parking Required</b>	<b>43.322 parking spaces</b>
	<b>Total Parking Proposed</b>	<b>35.0 parking spaces</b>
	<b>Parking Space Reduction</b>	<b>8.322 spaces or 19.21 percent</b>

The Planning Commission finds that the applicants propose to consider parking for the 25 proposed affordable studio units differently and provide 20.75 spaces for these units rather than the typical 25 spaces. This would mean that a total of 30 spaces would be provided where 34.25 residential spaces would normally be required. The applicant’s proposed reduction in required parking is based on two factors: First, many of

the anticipated occupants will not own vehicles and will instead rely on walking, bicycling or transit to commute to work or to go shopping. The applicants' non-profit works to change people's lives by helping them establish themselves in stable housing and meet their full potential in relationships and everyday life as they learn to live on their own, go to work or school, go shopping, etc. A number of those in their programs do not own cars and will be walking, biking or using transit to meet their transportation needs. The subject property is on a transit route, and is near the university, shopping, and employment centers. Second, the applicants note that numerous Rogue Valley projects with low income residents typically have fewer than 50 percent of tenants who own or operate a motor vehicle. The applicants have provided an Affordable Housing Parking Study from the City of San Diego which looked broadly at parking generation for affordable developments and concluded that approximately 47.5 percent of affordable housing residents do not own vehicles. This study provided the basis for a reduced parking requirement in San Diego. In preparing the study, the city surveyed residents of 34 affordable housing developments about the number of vehicles available to each household, their vehicle use and travel patterns, and the number of persons and demographics for each household. The study also considered neighborhood characteristics including land use and availability of transit and the characteristics of each development including on-site and off-site parking conditions. 2,750 surveys were distributed with a 37 percent return rate, and of those returned, 875 surveys from 21 sites were analyzed. This study looked at parking requirements and parking demand strategies for affordable housing developments in cities including San Leandro, Santa Barbara, Pasadena, Boulder, Denver, Eugene, Berkeley, Los Angeles, Portland, and Seattle. The applicants further explain that this study included developments in the City of Eugene, Oregon which requires 0.67 spaces per habitable room for studios and one-bedroom units. They suggest that if a similar parking ratio were applied here, the proposal would equate to 17 parking spaces for the 25 studios proposed where the applicants are proposing 20 spaces.

The Planning Commission finds that the requested lower parking ratio for the proposed affordable units is appropriate based on the Affordable Housing Parking Study provided which asserts that affordable housing developments require about one-half of the parking typically required of market rate rental developments, the anecdotal observations by the applicants and by Planning staff that affordable housing developments locally tend to generate less off-street parking demand, and the nature of the applicants' non-profit which works with residents who are less likely to own cars as they are learning to live independently, work, go to school and care for themselves. The Planning Commission further finds that determining the minimum parking required based on the information provided is an allowed exercise of the Commission's discretion supported by AMC 18.4.3.030.

The Planning Commission further finds that the applicants propose to reduce the number of parking spaces provided for the proposed future commercial building on Parcel 2 by 50 percent (from nine spaces to five – assuming office use - including one ADA space), based on a mixed-use/joint-use parking credit with the residential parking on Parcel 1. The application explains that a parking easement/agreement would be provided for shared use of the parking on Parcel 1 and that the periods of peak parking demand would be

materially off-set because the commercial building on Parcel 2 would have its peak demand during its weekday, daytime hours of operation while the residential parking demand would have its peak during evening and weekend hours. The combined reduction requested for the affordable studio units (4.25 spaces) and the mixed use/joint use credit (4 spaces) equates to a total reduction in off-street parking required of 19.21 percent. The Planning Commission finds that the requested mixed-use/joint use credit is appropriate as the periods of peak demand between the uses on Parcels 1 and 2 are likely to be materially offset to a degree sufficient to merit the credit, and an easement/agreement will be provided to ensure that unused parking on Parcel 1 is available to serve the uses on Parcel 2. The Planning Commission has included a condition making clear that the future development of Parcel 2 will be subject to Site Design Review, and should the proposed use at that time or thereafter be proposed to intensify beyond the office use considered here either by proposing a larger building or by adding tenant uses that generate a higher parking demand, a modification of this approval would be necessary.

The fourth criterion for approval is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”*

The Planning Commission finds that Public Works, Engineering and Electric Department staff have noted the following with regard to utilities:

- **Water** - The property is currently served by an eight-inch water main in the Ashland Street right-of-way, and the application indicates that the applicants intend to provide new service connections and meters from this main. The Water and Fire Departments have reviewed the initial utility layout and indicated that any necessary services as well as any required double check detector assembly (DCDA), bypass meter, vault or hydrant will need to be installed near the property line at the street to provide adequate services for the development of the site.
- **Sewer** - The property is currently served by two six-inch sanitary sewer main that flow northerly to Parker Street.
- **Electric** – Electrical facilities to the site were upgraded with the recent construction of Rogue Credit Union, including the installation of a new transformer, three-phase pull box, and re-routing of the source of power to connect across Ashland Street with development to support the previous shadow plan in mind. The Electric Department has indicated that capacity is available to serve the current proposal, but some modifications may be required now that the specifics of the proposal are clear, noting specifically that not enough conduit was initially stubbed to the proposed new lots. The applicants are working with the Electric Department and an electrical engineer to determine any additional upgrades necessary to serve the current proposal and develop a final electric service plan.
- **Storm Drainage** - The property is currently served by a 12-inch storm sewer main in the Ashland Street right-of-way. With the credit union’s development, a treatment/detention trench was installed at the rear of the parking lot to detain storm water with overflow pumped up to the curb on Ashland Street. The application notes that the project’s civil engineer is developing a final storm drainage and surface water management plan in consultation with the Public Works/Engineering Department for review and approval prior to the issuance of building permits.

With regard to considerations of paved access and adequate transportation, the Planning Commission finds that Ashland Street is a state highway, and is considered to be a “boulevard” under Ashland’s Transportation System Plan (TSP). City-standard frontage improvements for a boulevard include irrigated street trees planted at a spacing of every 30 feet and an eight- to ten-foot wide sidewalk along the full property frontage. In areas where no on-street parking is to occur, the applicants may propose an alternative frontage treatment to include a planted swale within the park row. The Rogue Credit Union frontage was completed to these standards recently, however the frontage of Parcel 2 currently has curbs, gutters and a curbside sidewalk with no street trees in place. A condition has been included to require that frontage improvements be installed to city standards to match those installed in front of Rogue Credit Union prior to the completion of the future building on Parcel 2, and that any necessary right-of-way dedication or a public pedestrian easement be granted to support such improvements prior to the signature of the final survey plat.

The Planning Commission further finds that for proposals accessing a boulevard, directly or indirectly, a Traffic Impact Analysis (TIA) is required where the proposed land use meets one or more of the following thresholds:

- Generating **50 new vehicle trips** inbound and outbound during the adjacent street’s peak hour;
- Installing any **traffic control device** or construction of any geometric improvements affecting the progression or operation of traffic; or
- Generating **20 new heavy vehicle trips** (inbound and outbound) during the day.

In this instance, because more than 50 new vehicle trips were to be generated during the adjacent street’s peak hour when considering the development of the subject properties according to the shadow plan considered with the Rogue Credit Union application, that application included a Traffic Impact Analysis (TIA) by Southern Oregon Transportation Engineering, L.L.C. (SOTE). The TIA included the following findings:

1. All study area intersections were shown to operate within performance standards under existing year 2016, Phase 1 design year 2017 no-build, Phase 1 design year 2017 build, full build design year 2026 no-build, and full build design year 2026 build conditions during the p.m. peak hour.
2. One queue length was shown to be exceeded in the study area under analysis scenarios. The east bound left turn queue length on Ashland Street at Walker Avenue was shown to be exceeded by one vehicle length (25 feet) under existing 2016 no-build conditions and continued to be exceeded in every analysis scenario. This increased the adjacent through lane queue length, but was not shown to create any adverse queuing conditions downstream. No mitigation was shown to be necessary.
3. Sight distance was found to be adequate in both directions from both driveways on Ashland Street.
4. A center two-way left turn lane currently exists on Ashland Street at the proposed development, and the criterion for a westbound right turn lane was not shown to be met under the Phase 1 design year 2017 or the full build design year 2026 conditions during the p.m. peak hour.

5. There were no safety concerns based on the crash histories at the studied intersections.

That TIA concluded that the streets serving the subject property were demonstrated to have adequate capacity to support the proposed development. City Engineering staff reviewed the TIA and expressed support for its findings with no further recommendations. SOTE original TIA considered the ultimate build-out of the site according to a shadow plan which at the time included the credit union plus 12,220 square feet of future office space and 20 apartments. SOTE has prepared an amended analysis based on the current proposal which finds that the proposed uses here will have a lesser impact than what was considered in the original TIA. Average Daily Trips (ADT) under the current proposal would be reduced by 21 ADT, and P.M. Peak Hour Trips would be reduced by five trips.

The Commission finds that the proposed driveway meets the requirement for a 20-foot driveway width to serve seven or more parking spaces, and that the applicants have been in discussion with the Fire Marshal to ensure that fire apparatus access can be provided and have identified fire apparatus work areas to enable fire protection for the proposed buildings.

The Planning Commission finds that AMC 18.4.4.050 addresses outdoor lighting, and requires in 18.4.4.050.C.1 that outdoor lighting be arranged and installed so there is no direct illumination onto adjacent residential properties. Neighbors have expressed concerns with direct illumination based on experience with the credit union's parking lot lights and asked that lighting be looked at closely. The application includes a lighting plan, and the applicant's testimony notes that they are working to use current technology including LED's with motion-detected dimmers on individual lights to provide lighting necessary for security and safety while minimizing the impacts to adjacent properties and will continue to explore the use of bollards for lighting to further limit impacts. The Planning Commission finds that the standard is clear that lighting is to be placed and installed to prevent direct illumination, and that outdoor lighting fixtures are to be downward directed and shielded to minimize excessive light spillover to adjacent properties. A condition has been included to require that all exterior lighting shall be down directed on the property and shall not directly illuminate adjacent properties, that final lighting specifications and shrouding details demonstrating compliance with standards shall be included in the building permit submittals, and that the Staff Advisor shall verify that all lighting is installed on-site in a manner consistent with standards and with the approved plans prior to occupancy.

The Planning Commission finds that the final approval criterion has to do with Exceptions to the Site Development and Design Standards. Parking lot standards call for capturing run-off in a landscaped median or swale to mitigate parking impacts, reduce storm water leaving the site and recharge groundwater. In this instance, in lieu of landscaped medians or swales, the applicants have instead proposed to detain run-off in shallow surface ponds over three porous paver pads within the parking lot which would then be piped to a hydro-dynamic separator before discharging via an easement out to Parker Street. Larger-than-standard landscaped medians have been provided on the west, north and eastern borders of the parking lot to support larger trees around the property's perimeter which should support the growth of larger stature trees to shade the parking area and provide a buffer to surrounding properties. The Planning Commission finds that the proposed parking lot configuration provides for storm water detention and groundwater recharge within the parking lot in the spirit of the standard while also mitigating the impacts of the parking lot with the wider-than-standard medians and landscape buffers to support

larger stature tree growth and provide a greater buffer to neighbors.

2.6 The Planning Commission finds that the application materials include a preliminary Tree Protection Plan prepared by KenCairn Landscape Architecture that identifies 13 trees on the property. One of the site's 13 trees (#7, a 13-inch diameter at breast height (d.b.h.) Almond) is noted on the plan as being removed. This tree is noted as being in good condition with a moderate tolerance for construction, however it is in close proximity to both Tree #8, a ten-inch d.b.h. Oak, and to the proposed east wing of the multi-family building on Parcel #1. The Commission finds that the proposed removal is necessitated by the proximity to the proposed building and associated excavation and that the removal may benefit Tree #8 as Tree #7 is within Tree #8's critical root zone. At staff's recommendation, the Commission has included conditions to require revised landscaping, irrigation and tree protection plans incorporating the recommendations of the Tree Commission, where consistent with applicable standards and criteria and with final approval by the Staff Advisor, be provided prior to the issuance of a building permit; that the revised tree protection plan address properties on adjacent properties within 15-feet of the property line; and that the tree protection plan including its maintenance watering schedule be included in the building permit drawings.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a Land Partition and Site Design Review is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the Planning Commission approves Planning Action #T2-2018-00004. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #T2-2018-00004 is denied. The following are the conditions and they are attached to the approval:

- 1) That all applicable conditions of Planning Action # 2016-01894 shall remain in effect unless otherwise modified herein.
- 2) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise modified herein.
- 3) That the future building on Parcel 2 will be subject to Site Design Review, and should the proposed use at that time or thereafter be proposed to intensify beyond the office use considered here (*by proposing either a larger building or tenant uses generating a higher parking demand*) a modification of this approval's mixed use/joint use parking credit shall also be necessary.
- 4) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.

- 5) That the applicants shall obtain necessary Public Works permits prior to any construction within the public rights-of-way, including but not limited to sidewalk, driveway or utility installation.
- 6) That the recommendations of the Tree Commission from their October 11, 2018 meeting shall be conditions of approval where consistent with applicable standards and criteria and with final approval by the Staff Advisor.
- 7) That a sign permit shall be obtained prior to the installation of any new signage. Signage shall meet the requirements of Chapter 18.4.7.
- 8) That prior to the signature of the final survey plat:
  - a) That any necessary easements shall be granted, including: any necessary right-of-way dedication or public pedestrian access easement (approximately five feet, three inches) to accommodate sidewalks along the properties' Ashland Street frontage; easements and/or agreements to accommodate the mixed-use/joint-use parking agreement and associated access and circulation between Parcels 1 and 2; fire apparatus access; shared access agreements to adjacent parcels (Tax Lots #8700, #9202 and #9800).
- 9) That prior to the issuance of a building permit:
  - a) The building permit submittals shall include identification of all easements, including but not limited to any public or private utility easements, access easements, public pedestrian access easements, and fire apparatus access easements.
  - b) That the applicants shall provide revised Tree Protection, Landscape, and Irrigation plans which address the recommendations of the Tree Commission from their October 11, 2018 meeting where consistent with the applicable standards and with final approval by the Staff Advisor. The landscape and irrigation plan shall include: 1) identification of the size, species and placement of one mitigation tree to be planted to mitigate the removal of Tree #7 approved here; 2) irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies; and 3) tree protection measures to address trees on adjacent properties within 15-feet of the property line. The Tree Protection Plan and its maintenance watering schedule shall be included in the building permit drawings.
  - c) That the applicant shall provide revised civil drawings detailing: 1) a revised final utility plan for the parcels to include the location of connections to all public facilities including the locations of water lines and meter sizes, sanitary sewer lines, storm drain lines, electric services to serve the proposed building; 2) revised details of the frontage improvements along Ashland Street which include irrigated street trees spaced every 30 feet and an eight- to ten-foot wide sidewalk along the full property frontage, to match the Rogue Credit Union sidewalks, with appropriate transitions to the existing sidewalks to the north and south, with any additional right-of-way necessary to accommodate the required frontage improvements (approximately

- five feet three inches) either dedicated to the city, or public pedestrian access easements provided; 3) a storm drainage plan which demonstrates that post-development peak flow are less than or equal to the pre-development peak flow for the site as a whole, and which includes necessary storm water quality mitigation.
- d) That the applicants shall submit a final electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment to serve the proposed development for the review and approval of the Electric, Building and Planning Departments. This plan shall clearly identify any additional services, conduit, etc. necessary. Electric services shall be installed according to the approved plan at the applicants' expense, inspected and approved prior to final building inspection or occupancy permit issuance. All services shall be undergrounded and any additional transformers or cabinets (*if necessary*) shall be located in those areas least visible to the public, while considering the access needs of the Electric Department.
  - e) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas shall be included with the building permit submittals. Lot coverage shall be limited to no more than 85 percent as allowed in the C-1 zoning district.
  - f) That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
  - g) That the requirements of Ashland Fire & Rescue shall be adequately addressed, including that adequate fire apparatus access and firefighter access pathways, approved addressing, fire flow, fire hydrant clearance, fire department connection (FDC), and key box(es) shall be provided, and that any gates, fences or other obstructions to fire access shall be clearly shown on the plans for review and approval by Ashland Fire and Rescue.
  - h) That exterior building materials and paint colors shall be detailed in the building permit submittals, and shall be compatible with the surrounding area and consistent with the exterior building colors reviewed as part of this application.
  - i) That bicycle parking shall be shown in the building permit submittals. Inverted u-racks shall be used for the bicycle parking, and all bicycle parking shall be installed in accordance with the rack design, spacing and coverage standards in AMC 18.4.3.070 prior to the issuance of the certificate of occupancy.
  - j) That the applicants shall obtain a Tree Verification inspection to verify that the tree to be removed (#7) is appropriately identified on site prior to removal and that the trees to be protected have appropriate preservation measures in place prior to permit issuance or any site disturbance including staging, storage of materials or commencement of construction.

- k) That building permit fees and associated charges, including applicable system development charges (SDC's) for water, sewer, storm water, parks and transportation, and utility connection fees shall be paid by the applicants.
- 10) That prior to the approval of the final building inspection or issuance of a certificate of occupancy:
- a) That all required landscaping, hardscaping, open spaces and irrigation shall be installed according to the approved plans, inspected and approved by the Staff Advisor.
  - b) That all required frontage improvements including sidewalks and irrigated street trees shall be completed according to the approved plans to match those in front of Rogue Credit Union, inspected and approved by the Staff Advisor prior to the final building inspection or issuance of a certificate of occupancy for the future building on Parcel #2. Street trees shall be selected from and planted according to the standards in the city's Recommended Street Trees guide.
  - c) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Final lighting specifications and shrouding details shall be included in the building permits submittals and their installation site-verified prior to occupancy.
  - d) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards.
  - e) That unused curb-cuts on Ashland Street shall be removed under permit from the Public Works/Engineering Department, inspected and approved by the Staff Advisor.
  - f) That 34 covered bicycle parking spaces shall be installed according to the approved plan, inspected and approved by the Staff Advisor.

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Planning Commission Chair

November 13, 2018

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Date

BEFORE THE PLANNING COMMISSION FOR  
THE CITY OF ASHLAND, OREGON

IN THE MATTER OF AN APPLICATION	)	
FOR A MULTIFAMILY DEVELOPMENT	)	
WITHIN THE C-1 ZONING DISTRICT ON	)	FINDINGS OF FACT
1.02 ACRES LOCATED ALONG ASHLAND	)	AND
STREET; DESCRIBED AS T.39S-R.1E-	)	CONCLUSIONS
S.10DC, TAX LOT 9201; COLUMBIA CARE	)	
SERVICES, INC., APPLICANT; KISTLER	)	
SMALL & WHITE ARCHITECTS, AGENT	)	

I. RECITALS:

**OWNER:** Rogue Credit Union  
1370 Center Drive  
Medford, OR 97504

**APPLICANT:** Columbia Care Services, Inc.  
3587 Heathrow Way  
Medford, OR 97504  
(541) 858-8170

**ARCHITECTS:** Kistler Small & White Architects  
66 Water Street, Ste. 101  
Ashland, OR 97520  
(541) 488-8200

**CONSULTANTS:** Richard Stevens & Associates, Inc.  
PO Box 4368  
Medford, OR 97501  
(541) 773-2646

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**PURPOSE:**

The applicants are proposing to develop Rogue Ridge as a multifamily project within one structure on the subject property, demonstrating consistency with the approved shadow plan for Rogue Credit Union, Planning Action #2016-01894. Rogue Ridge is proposing to have 30 multifamily dwelling units that are proposed to have one unit as the manager's office/residence with the remaining 29 units as affordable housing units for low income families and persons.

Columbia Care is a non-profit, mental health agency in the business of changing people's lives. Columbia Care helps people become self-sufficient to the greatest extent possible, to experience wellbeing, and meet their full potential in their relationships and everyday life. Columbia Care specializes in designing, developing and operating a full continuum of mental health care in the community, whereby people can receive the most clinically appropriate treatment based on their individual needs and strengths. A part of their philosophy is the understanding that we must first meet people's most basic needs as human beings, as it is foundational to the rest of the treatment and support we provide to help them move forward in their recovery/healing process. The first basic goals are addressing their need for safe and stable housing.

Rogue Ridge is proposed to contain 30 dwellings units to be an affordable housing program that is consistent with Columbia Care's goals as an agency to provide safe and stable affordable housing with the necessary services and support that assist individuals to live successfully in the community.

**II. APPLICABLE CRITERIA:**

In order to approve a Site Design Review, the applicant must submit findings addressing Chapter 18.5 of the Ashland Land Use Ordinance (LUO). A land division "Partition" is also proposed with this project. Chapter 18.5.2 provides the standards and approval criteria for a Site Design Review and Chapter 18.5.3 provides the partition standards for approval.

Section 18.5.2.020(B)(1) is applicable when two or more dwelling units, including an accessory residential unit, are proposed on a lot in any zoning district, as prescribed in Section 18.5.2.030. Compliance with Section 18.2.3.130 is also applicable.

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Section 18.5.2.030(B) applies as the subject property is zoned C-1 and is proposing new construction for affordable multifamily dwelling units as a mixed use project, will be a Type II review.

Section 18.5.2.040 identifies the site plan requirements for submission. The Site Design Review Information prepared by Kistler Small & White Architects has addressed these requirements as outlined.

Section 18.5.2.050 identifies the approval criteria for a Site Design Review application.

Section 18.5.3 is applicable as the applicant, Columbia Care, is proposing a two lot partition with a flag pole to be used for shared access with adjacent properties.

Section 18.4.3 is applicable for the vehicle and bicycle parking requirements.

Section 18.4.7 provides the standards for signs within the C-1 district.

### **COMPLIANCE WITH CHAPTER 18.5.2:**

Section 18.5.2.010 describes the purpose as:

*"The purpose and intent of this chapter is to regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts with the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the City."*

### **Section 18.5.2.050: Approval Criteria:**

*"An application for site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria."*

**A. Underlying Zone.** *"The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards."*

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Discussion:

The subject property is zoned C-1 with the City of Ashland. The original shadow plan submitted for Rogue Credit Union is the template used for allowing mixed uses on the subject property to demonstrate compliance.

Section 18.2.3.130(B) is also applicable for proposing a multifamily structure within the C-1 district. The special use standards for review are:

*1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.*

There is a single multifamily structure that contains two wings that are connected on the second and third floors for accessible access, proposed with the Rogue Ridge development. The approved 2016 shadow plan identified four separate structures that could be developed. The proposal before the City is that three separate structures can be constructed. Therefore, more than one building is being proposed consistent with the shadow plan, Rogue Credit Union, Rogue Ridge and the potential future development on Parcel 2.

Based on the approved shadow plan layout with the identified uses listed, it is calculated that 48.9% of the shadow plan is used for residential purposes. The shared access drive, flag drive, is divided out per the percentage of potential vehicle trips and uses, based on the Southern Oregon Transportation Engineering TIA Memo, dated 8/17/18 for the shadow plan. Only 200 ADT's of the calculated 915 ADT's, or 21.8% are used for residential purposes. See site areas by use attached.

*2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.*

The density of the original shadow plan does not exceed the 48 total units or the 33 total dwelling units that could be developed on "Lot 1" of the shadow plan within the C-1 district.

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Rogue Ridge is proposing 25 Studio units that are less than 500 sq.ft. of gross habitable floor area; therefore, these units total 18.75(19) dwelling units with 5 additional two and three bedroom units for a total of 24 dwelling units to meet the density standard for the approved shadow plan. The calculated 24 dwelling units will also meet the density standard for the proposed land division on Parcel 1 with the Tentative Plat from Polaris Land Surveying.

*3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.*

The applicant's architect has designed the project to meet the setbacks, including solar setbacks for the abutting residential properties abutting to the north, and the landscaping areas to meet the design standards of the C-1 district. See solar setback and site plan attachments to demonstrate compliance. In addition, Kistler Small & White Architects have designed the eastern side yard setback to have 20-feet for the first two stories and a 10-foot step back design for the third floor to meet side yard setbacks to the residential zoning abutting to the east. The site plan also identifies the landscaped areas to meet the minimum 15% requirements for being within the C-1 district.

*4. Off-street parking is not required for residential uses in the C-1-D zone.*

Not applicable, the subject property is not zoned C-1-D.

*5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons...*

The applicant, Columbia Care, is providing 100% of the dwelling units for affordable housing, other than the manager's office/residence with the development of Rogue Ridge. The rental charges will be consistent with the provisions in Subsection 18.2.5.050.B and the table found in 18.2.5.050.B

**Finding:**

**The City of Ashland can find that the proposed residential density of the project does not exceed the density threshold based on the approved shadow plan for Rogue Credit Union and the proposed partition. The multifamily residential units are consistent with the C-1 zone provisions and all of the units are proposed to be available for low income housing, consistent with the provisions in Subsection 18.2.5.050.B.**

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**B. Overlay Zones.** *"The proposal complies with applicable overlay zone requirements (part 18.3)."*

Discussion:

There are currently two overlays applicable with the subject property: the Detail Site Review Overlay and the Pedestrian Places Overlay. The Detail Site Review is discussed below and the Pedestrian Places Overlay regarding Building and Solar Setbacks along with Landscaping/Outdoor Plazas.

Upon review of the site plan, the setbacks have been established to meet the Solar Setback from the properties to the north that are zoned for residential purposes, see Solar Setback Exhibit to demonstrate compliance. The outdoor public space, outdoor plaza, is provided within the northern area of Parcel 2, meeting the standards of the Ordinance. The public plaza consists of approximately 26.5% of pervious area as outlined in green on the site plan. The public plaza will contain a sitting area, areas that provide both sunlight and shade, protection from wind, trees and an outdoor eating area. This outdoor area will be available to all persons within the original shadow plan for Rogue Credit Union. There are no changes from the approved shadow plan for the structural street frontage standard, which remains at 63%.

Finding:

**The City of Ashland can find that there are two overlays present on the subject property, the Detail Site Review Overlay and the Pedestrian Places Overlay. The site plan and proposed development has been prepared with these overlays in mind, to demonstrate compliance.**

**C. Site Development and Design Standards.** *"The proposal complies with the applicable site development and Design Standards of part 18.4, except as provided by subsection E, below."*

Discussion:

Section 18.4.2.030 is applicable for multifamily developments. Kistler Small & White, Architects have designed the site plan to meet the standards for parking layout for being in close proximity and visible from adjacent areas; the orientation of windows have been

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thoughtfully located for viewing the parking and open space areas; the service and laundry areas are located within the structure to ensure security; the lighting proposed has considered the adjacent residential lands and are using 14-foot poles with the fixtures directed away from the residential uses to mitigate any significant impacts on the adjacent residential lands. In addition, each individual light will have an attached motion sensor for full illumination for a specified time and then reduce power to 30% illumination when no movements are present or detected.

The residential building on Parcel 1 and the future building on Parcel 2 are located and orientated towards Ashland Street, with no parking area proposed between the structures and the public street. There are no garages proposed with this development of Rogue Ridge.

The provisions of Section 18.4.2.040.B (Basic Site Review Standards) may also be applicable for the mixed uses of the project.

All proposed buildings are oriented toward the public street with the parking and maneuvering area located behind the proposed structures.

Multiple building facades are visible for a large percentage of the project frontage on Ashland Street. Approximately 63% of the buildings are fronting the street, with no changes to the shadow plan. The multifamily structure is also oriented towards the street with multiple facades present to provide an architectural element. All building entrances fronting Ashland Street have entrances within 20-feet of the public street and are oriented towards the street that will be accessed from the public sidewalk, as demonstrated on the site plan.

The streetscape and the landscaping will be in compliance with the Ordinance, as demonstrated on the Landscape plans submitted. The refuse/recycle disposal area is within a screened enclosure with gates, as identified on site plan, demonstrating compliance with the Ordinance.

The noise and lighting are regulated by the Ordinance and the applicant agrees to compliance with the standards.

The criterion in Section 18.4.2.040.C (Detailed Site Review Standards) is applicable for the project area, as identified with the approved shadow plan. The applicant is proposing a multifamily development on Parcel 1 and anticipated future commercial/mixed use structure on Parcel 2.

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The shadow plan demonstrated that with the future development of the site, a minimum of 50% Floor Area Ratio (FAR) could be achieved. The applicant's architect has designed and prepared the structures with a gross floor area that exceeds the 50% requirement with the shadow plan area as demonstrated on the site plan along with the square footage of uses that achieves the 50% FAR threshold.

The multifamily structure for Rogue Ridge will have frontage along Ashland Street that is greater than 100 feet in length. The front façade has numerous offsets to break up the continuous mass effect as seen on the front elevations submitted with the application. In addition, the applicant is proposing to use lateral and horizontal textures with differing styles to also break up the mass look, along with a variation of colors to provide distinctive changes with the front elevation appearance.

The site plan demonstrates that the building orientation is toward Ashland Street with the parking area located behind the proposed structures. The building on Parcel 2 will be within 20 feet of the public right of way and the structure on Parcel 1 is located as close as possible to the street, due to the site configuration as a flag lot. The design of the structures is in compliance with the standards in Subsection 18.4.2.040(C).

The parking requirements are found in Section 18.4.3. It is determined that 35 off-street parking space are needed for the multifamily development on Parcel 1. There are 25 studio units that are less than 500 sq.ft.; 3 two-bedroom units averaging 710 sq.ft.; and 2 three-bedroom units averaging 1300 sq.ft. The applicants are proposing to have a total of 30 parking spaces within Parcel 1. The parking area along the northern boundary already contains fencing ranging from 6-8 feet in height, therefore, no new fencing is being proposed. The applicant is proposing new landscaping between the fence and parking area to further mitigate any impacts from the parking and maneuvering of vehicles.

The applicant is requesting a reduction to the parking requirements found in Table 18.4.3.040 for Multifamily development. Due to Columbia Care's past experience with the anticipated occupants for these units, many of these occupants don't own a vehicle and rely on bicycles, transit transportation (RVTD) or walking to commute to work or shopping. Numerous multifamily projects in the Rogue Valley typically have less than 50% of their low income residents own or operate a vehicle. This is also supported by an Affordable Housing Parking Study, prepared by the City of San Diego, which includes Eugene, Oregon with reduced standards for affordable housing. It has been determined that approximately 47.5% of residents within affordable housing developments don't own a vehicle.

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The City of Eugene, Oregon also reflects this reduction by allowing a .67 parking space for each habitable room for studio and one-bedroom units. Using the proposed 25 studio units, this would calculate to 16.75 (17) parking spaces needed, a reduction of 8 spaces from Table 18.4.3.040. Therefore, a total of 27 parking spaces would be needed. Based on the parking study, if approximately 47% of the residents don't own a vehicle this number could be reduced even further.

The anticipated future use of Parcel 2 is commercial/mixed use. Therefore, the applicant is proposing to provide the joint use of parking with Parcel 2. The residential occupants typically use the parking area during evenings and weekends, where the commercial occupants will use the parking area during business hours, typically 8:00am to 6:00pm, Monday through Friday.

There are no specific uses on Parcel 2 anticipated at this time; however, it is anticipated that an additional 5-6 parking spaces may be warranted. With the documented vehicle-less residents and the anticipated day time only for the commercial use, the joint use of parking facilities can be satisfied for both Parcels 1 and 2. The applicant agrees to grant a lease or written instrument to ensure such joint use. In addition, the proposed joint use of parking facilities may have a 50% reduction in the number of off-street parking spaces on Parcel 2, as provided in 18.4.3.060.D.

Section 18.4.3.070 provides the standards for bicycle parking. There are two separate areas for covered bicycle parking, as identified on the site plan. It is required to have 34 sheltered bicycle parking spaces and the applicant agrees to provide.

Section 18.4.7 provides the standards for signs. The applicant is proposing signage for the project Rogue Ridge. The location of the sign is proposed on the overhead walkway and facing towards the south away from any residential zone. The sign will have 16-inch lettering that will face the C-1 zoning district and Ashland Street.

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**Finding:**

**The City of Ashland can find that the site plan and elevation drawings have been designed to meet the site design and development standards, to be in compliance with Section 18.4. In addition, with the shared off-street parking facilities between Parcel 1 and Parcel 2 and the documented parking study, a reduction of 8 parking spaces on Parcel 1 is requested, and a 50% reduction may be allowed on Parcel 2, consistent with the day / night nature for the joint use of parking facilities for the proposed uses.**

**D. City Facilities.** *"The proposal complies with the applicable standards in Section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property."*

Discussion:

The water facilities are adjacent to the property with an 8-inch line in Ashland Street. New water connections and meters will be needed with the future development. The sanitary sewer facilities are provided with two separate 6-inch lines flowing northerly to Parker Street. The storm drain facilities will connect to a 12-inch main line in Ashland Street. The applicant's engineer will design these public facilities to ensure sufficient capacity is provided.

The electrical has recently been upgraded to meet anticipated demand. Upon several conversations with Mr. Tigerson with the Electrical Department, upgrades to the system, being the transformer and an additional service line, is warranted for the anticipated electrical demand. The applicant's electrical engineer will develop a plan to meet the future electrical needs for the future development.

The traffic generation potential was reviewed with a Traffic Impact Analysis (TIA) prepared by Southern Oregon Transportation Engineering, with the original shadow plan for the project. Ms. Parducci, with Southern Oregon Transportation has prepared an amended analysis, see attached, that demonstrates that the proposed uses will have a reduced impact on traffic generation than what was originally approved.

Finding:

**The City of Ashland can find that sufficient capacity exists with the public facilities to serve the future development of the site, or improvements can be made if warranted by the engineer.**

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**E. Exception to the Site Development and Design Standards.**

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No exceptions are requested with this application. The proposed development, Floor Area Ratio and partition are consistent with the approved shadow plan and are consistent on Parcel 1 with the proposed partition.

**CONCLUSIONS:**

The City of Ashland concludes that Kistler Small & White Architects have designed the development of Rogue Ridge as an affordable housing project within the C-1 zone to meet the standards in Section 18.2.3.130 for the special use standards. The development of Rogue Ridge is also in compliance with Section 18.3 for the Pedestrian Places Overlay and the Detail Site Review Overlay. In addition, the proposed project is in compliance with Basic Site Review and Detailed Site Review Standards found in Section 18.4.

**COMPLIANCE WITH CHAPTER 18.5.3:**

Section 18.5.3.010, states:

*"The purpose of this chapter is to provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows.*

- A. *Carry out the development pattern envisioned by the Comprehensive Plan.*
- B. *Encourage efficient use of land resources and public services, and to provide transportation options.*
- C. *Protect the natural environment and encourage sustainable building practices.*
- D. *Promote the public health, safety and general welfare through orderly and efficient urbanization.*
- E. *Coordinate land division requirements with other code provisions such as the Performance Standards Option."*

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**Section 18.5.3, Preliminary Partition Plat Criteria:**

*"The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met."*

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

Discussion:

The proposed partition reflects the future development of Parcel 2 and the future building and use. The shared access way will also provide vehicle access to Parcel 2. The proposed partition will not impede any development on the remaining vacant area.

Finding:

**The City of Ashland can find that the proposed partition will not impact or impede any future development on the vacant area, Parcel 2, consistent with Subsection (A).**

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

Discussion:

The proposed partition will provide access to Parcel 2 and access to Tax Lot 9202 to the east through the shared access way. Rogue Credit Union, Tax Lot 8700 also uses this shared access way for maneuvering. Tax Lots 8700, 9202 and 9800 have legal easements for access through the subject property. This is planned and proposed to reduce the number of road approaches onto Ashland Street (Hwy. 66), an arterial street.

Finding:

**The City of Ashland can find that the proposed partition will not prohibit or impede any access to adjoining lands, consistent with Subsection (B).**

C. *"The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*

Discussion:

The proposed partition and uses are consistent with the shadow plan approved by the Ashland City Council, Planning Action #2016-01894.

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D. *"The tract of land has not been partitioned for 12 months."*

Discussion:

The subject property has not been a part of a partition in the past 12 months. The subject site was reconfigured with an approved property line adjustment with Tax Lot 8700 to reflect the current configuration.

Finding:

**The City of Ashland can find that the subject property has not been a part of a land division within the last 12 months.**

E. *"Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).*

Discussion:

The subject property is zoned C-1 and there are no minimum lot width, depth or area standards to meet. Parcel 1 does abut a residential zone; therefore, solar setback standards are applicable. The solar setback plan attached, demonstrates compliance with the solar setback standard.

Finding:

**The City of Ashland can find that there are no minimum standards for new parcels within the C-1 district. The solar setback exhibit demonstrates that the proposed structure on Parcel 1 meets the standards of the Ordinance.**

F. *"Accesses to individual lots conform to the standards in Section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria."*

Discussion:

There is one main road approach to serve the subject site and adjacent parcels with access. Tax Lot 8700 does have a right out only movement to preserve the public arterial street function.

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The shared access way is planned to have 20-feet of driving surface with a Fire Apparatus work area totaling 26-feet, as requested by the Ashland Fire Department. The shared access provides vehicular circulation for the subject property and also the adjacent properties to accommodate the expected vehicles. Also provided adjacent to the shared access are pedestrian access sidewalks to the public street sidewalk. As requested by the Fire Marshall, a red stripe along the curb will be placed to designate no parking within the shared access drive.

Section 18.5.3.060 is addressed below, within subsection (K).

**Finding:**

**The City of Ashland can find that the proposed shared access way is in conformance with the standards of the Ordinance by providing suitable traffic circulation for all adjacent properties. In addition, the 26-foot Fire Apparatus work area meets the Fire Marshall's request and need.**

*G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.*

**Discussion:**

There are no public streets proposed with this land division. The public utilities and storm drainage has been addressed with the information from Mr. Mark Dew with Dew Engineering. The engineering plan has incorporated the future development with the existing facilities and considering adjacent lands. The Preliminary Map prepared by Polaris Land Surveying has identified all necessary easement locations for the public utilities, including the electrical.

**Finding:**

**The City of Ashland can find that the Preliminary Map prepared by Polaris Surveying has identified all public utility easements needed to serve the site and that Dew Engineering has designed the public facilities to meet the needs for the subject property and adjacent lands.**

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H. *"Unpaved Streets."*

Discussion:

Not applicable, there are no unpaved streets proposed.

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

Discussion:

Not applicable, there are no alleys adjacent to the subject property.

J. *"Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development."*

Discussion:

There are no wetlands, or other natural hazards warranting a state or federal permit. This criterion is Not applicable.

K. *"A partition plat containing one or more flag lots shall additionally meet the criteria in Section 18.5.3.060."*

Discussion:

Section 18.5.3.060 is applicable with this partition request. Prior to the Property Line Adjustment with Tax Lot 8700 the subject property, Tax Lot 9201, was defined as a flag lot. The approved PLA reconfigured the site to a conforming property zoned C-1. The applicable criterion are:

A. *The criteria of section 18.5.3.050 are met.* Upon review discussed above it can be determined that this partition meets the standards of Section 18.5.3.050.

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*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. The C-1 zoning district does not contain any minimum lot area standards within the Ordinance.*

*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 proposed to serve more than two lots adjacent to the subject property. The applicants are in agreement to create easements to ensure legal access to the adjacent properties.*

*D. Except as provided in subsection 18.5.3.060.H, below, ... Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. The proposed shared access drive will have a 20-foot paved driving surface with a 28-foot easement for fire apparatus movements.*

*E. Curb cuts have been minimized, where possible, through the use of common driveways. The number of curb cuts and road approaches have already been reduced with the approval of the shadow plan and PLA with Rogue Credit Union. No new curb cuts are proposed with this partition.*

*F. Flag drive grades shall not exceed a maximum grade of 15 percent. The grade of the drive is approximately 4-5% which does not exceed the 15% threshold.*

*G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways. The applicant agrees to design and engineer the drive to prevent storm water from flowing over any sidewalks or public ways.*

*H. Flag lots adjacent to an alley shall meet all of the requirements of this section... Not applicable there are no alleys abutting the subject site.*

*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 applicant's Architect has already contact the Fire Department and designed the shared access road to meet the fire code standards.*

*J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround...* The applicant's architect has designed the access to meet the Fire Marshall's request for movements and a turnaround, north of the proposed structures.

*K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.* The properties to be served with the flag drive have their separate parking areas designed to not have any backing out movements onto the shared access drive.

*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 shared access drive does not provide any parking within the easement area, there will be no parking within the shared access drive.

*M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area...* The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed. The proposed structures will contain automatic sprinkler systems as designed by the applicant's architect.

*N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or evergreen hedge to a height of form four to six feet, except in the front yard setback area...* The proposed shared access drive is to commercial uses that do not need buffering from traffic movements, noise and lights. Vision clearance needs to be maintained at the intersections with the parking lots and clear views for security purposes.

*O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive.* The applicant agrees to an agreement with the City for the timing for completion of the paving as required by the Public Works Director and the maintenance agreement for the paved shared access drive.

*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.* There are two yard areas proposed with this partition, one is located in the northwestern corner of Parcel 1 and the other is located along the northern boundary of Parcel 2. Both of these useable yard areas exceed the minimum dimensions required.

RECEIVED

AUG 24 2018

City of Ashland

**Finding:**

The City of Ashland can find that the proposed flag lot and flag drive meets or exceeds the standards of the Ordinance. The flag drive has been designed to meet Fire Code standards with the request from the Ashland Fire Department for providing a Fire apparatus work area with sufficient area for maneuvering for a turnaround. The intended uses for the flag drive are primarily for commercial uses with no parking proposed on the flag drive. This application is consistent with Section 18.5.3.060.

**CONCLUSIONS:**

The City of Ashland concludes that the proposed land division prepared by Polaris Surveying is in compliance with the partition standards for creating two parcels, one of which is a flag lot, which meets the standards in Section 18.5.3. of the Ordinance.

**CONCLUSORY SUMMARY:**

Based on the site plan, building elevations and information provided by Kistler Small & White Architects, the landscape plan prepared by Ken Cairn Landscaping, the electrical plan and lighting plan prepared by Marquess & Associates, the preliminary plat prepared by Polaris Surveying and these Findings of Fact, the City of Ashland can conclude that the applicant has addressed the applicable criteria for a multifamily development within the C-1 zoning district and it is demonstrated to be in compliance with the applicable criteria. This application is in compliance with the Basic Site Review and Detailed Site Review Standards including the Partition Standards of the Ashland Land Use Ordinance.

With this evidence and information provided the applicant respectfully request approval of Rogue Ridge as a multifamily development.

Respectfully Submitted,



Richard Stevens & Associates, Inc.  
Clark Stevens

**RECEIVED**

AUG 24 2018

City of Ashland



**PLANNING ACTION:** PA-T2-2018-00005

**SUBJECT PROPERTY:** Kestrel Parkway

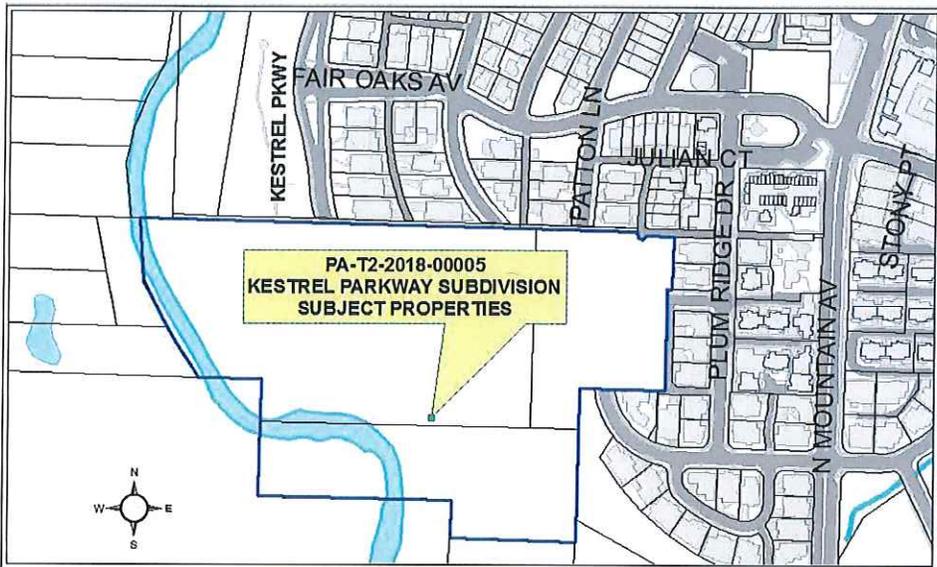
**APPLICANT/OWNER:** KDA Homes, LLC/ Jacob Robert Ayala

**DESCRIPTION:** A request for Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). *(Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development.)*

**COMPREHENSIVE PLAN DESIGNATION/ZONING:** North Mountain Single Family (NM-R-1.7.5), North Mountain Multi-Family (NM-MF), and North Mountain Greenway (NM-G); **ZONING:** NM-R-1-7.5; NM-MF; and NM-G; **ASSESSOR'S MAP & TAX LOTS:** 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, November 8, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING:** **Tuesday, November 13, 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.

## OUTLINE PLAN APPROVAL

### 18.3.9.040.A.3

Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

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

## NORTH MOUNTAIN NEIGHBORHOOD

### 18.3.5.030 Site Plan & Architectural Review Procedure

- C. Supplemental Approval Criteria. In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.
1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
  2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

## NORTH MOUNTAIN NEIGHBORHOOD PLAN (NMNP) AMENDMENTS

### 18.3.5.040.B

2. Major Amendment (Type II Procedure). The approval authority may approve a major amendment to the North Mountain Neighborhood Plan through a Type II procedure in section [18.5.1.060](#) upon finding that the application meets all of the following criteria.
- a. The proposed modification maintains the connectivity established by the neighborhood plan.
  - b. The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.
  - c. The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.
  - d. The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.

## 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.

## LIMITED ACTIVITIES AND USES PERMIT

### 18.3.11.060.D

All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.
2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.
3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.
4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.
5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

## **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.

# Kestrel Parkway Subdivision

**PA-T2-2018-00005** – Outline Plan approval for a 17-lot subdivision, Major Amendment to the North Mountain Neighborhood Plan, Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 16 trees for the vacant parcels at the end of Kestrel Parkway. Includes dedication of 5.99 acres of floodplain corridor land for parks. *(Development of the multi-family zoned portions of the properties would occur in a later phase, and would require Final Plan and Site Design Review approvals prior to development.)*



## Proposal Details

### Site Description/History

The subject property consists of three vacant parcels totaling 13.48 acres located south of the existing terminus of Kestrel Parkway. The properties are within three zoning districts in the North Mountain Neighborhood Plan area: the NM-G (Greenway, the zoning assigned for the Bear Creek floodplain), the NM-R-1-7.5 (Neighborhood Edge, a single family zoning district), and the NM-MF (Neighborhood Core, a multi-family zoning district). The site includes a variety of natural features including a number of trees; two wetland areas; Bear Creek, a fish-bearing riparian stream and its associated floodplain; and slopes ranging from flat lands to severe constraint lands with slopes over 35 percent or more. The area was master planned in the late 1990's, and the North Mountain Neighborhood Plan (NMNP) establishing the street system, zoning and design standards for the neighborhood was adopted by the city in 1997.

### Landscaping & Trees

The proposal requests Tree Removal Permits to remove 15 of the 31 trees identified in the tree inventory provided, including one 18-inch diameter Cottonwood proposed for removal as a hazard and 14 trees including three Ash trees (#18-#20), one Alder (#21) and ten Cottonwoods (#22-#31) proposed for removal due to their locations relative to the proposed development. In addition, there is an area near the wetland to be preserved there is a large, dense thicket made up mostly of white willows which are to be thinned to a spacing of one every 15 feet, and remaining non-native underbrush is to be removed. 64 new trees are proposed to be planted to mitigate the 15 removals.

# Kestrel Parkway Subdivision

**PA-T2-2018-00005** – Outline Plan approval for a 17-lot subdivision, Major Amendment to the North Mountain Neighborhood Plan, Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 16 trees for the vacant parcels at the end of Kestrel Parkway. Includes dedication of 5.99 acres of floodplain corridor land for parks. *(Development of the multi-family zoned portions of the properties would occur in a later phase, and would require Final Plan and Site Design Review approvals prior to development.)*

## Key Issues

### North Mountain Neighborhood Plan (NMNP) Amendment

The application proposes to amend the NMNP in the following ways: 1) Providing the large open space area surrounding the site's wetland where housing was previously shown; 2) Creating a one-way street system wrapping around the site's wetland; 3) Installing curbside sidewalks along the one-way street couplet wrapping around the site's wetland; 4) Placing multi-Family housing between Nandina Street, Stoneridge Avenue and Patton Lane where unspecified "civic space" was shown; 5) Proposing a standard Street design for Zare Way which would be completed as a "half-street" with the current proposal with the remainder to be completed by developers of the property to the south, rather than incorporating a planted median; and 6) Proposing that Stoneridge Avenue not connect directly through to Zare Way because of alternate connectivity provided. The NMNP includes specific criteria for considering major amendments in AMC 18.3.5.040.B.2.

### Subdivision

The application requests Outline Plan subdivision approval under the Performance Standards Options Chapter (AMC 18.3.9) to create 17 lots which would be developed initially with 15 single family residences – 11 SFR's on the NM-R-1-7.5-zoned portion of the site designated as Area #1 and 4 SFR's on the NM-MF-zoned Area #2. The NM-MF-zoned portions of the site designated as Areas #3-7 are addressed in a conceptual plan illustrating how these areas could be developed with 50 smaller residences in a mix of attached and detached units to meet the minimum density requirements of the North Mountain neighborhood. The NM-MF areas are not proposed for development now, and would require Final Plan and Site Review approvals when a development proposal is made. The Performance Standards Options Chapter provides for a two-step subdivision process involving Outline and Final Plan approvals; final project phasing will be detailed in the Final Plan application to follow.

### Density

The 2.75-acre **NM-R-1-7.5**-zoned portion of the site (identified on the plans as "Area #1" made up of Lots #1-11) has a base density of 3.6 units per acre, and the NMNP-minimum density for this portion ranges from 7.42 units and 11.88 units. The application proposes 11 single family residences.

The 4.74-acre NM-MF-zoned portion of the site (designated as Areas #2-7) has a base density of 12 units per acre and an NMNP-minimum density range of between 42.66 and 68.25 units. The applicant is not currently proposing a specific development plan for areas #3-7, but has provided a conceptual plan illustrating how a total of 54 units could be provided in these areas, including the four initial single family residences in Area #2 and 50 smaller residences in a mix of attached and detached units in Areas #3-7. Prior to a formal development proposal for the NM-MF zoned portion of the site, the the applicants would need to obtain Final Plan approval for the respective phase as well as Site Design Review approval; the number of units could change within the NMNP-minimum density range of 42-68 units.

# Kestrel Parkway Subdivision

**PA-T2-2018-00005** – Outline Plan approval for a 17-lot subdivision, Major Amendment to the North Mountain Neighborhood Plan, Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 16 trees for the vacant parcels at the end of Kestrel Parkway. Includes dedication of 5.99 acres of floodplain corridor land for parks. *(Development of the multi-family zoned portions of the properties would occur in a later phase, and would require Final Plan and Site Design Review approvals prior to development.)*

## Key Issues (cont'd.)

### Traffic & Parking

The application notes that the single family units in Areas #1-2 proposed will include two-car garages with a parking pad behind, accessed from the proposed alleys, and will also have an additional on-street parking space available along the fronting streets. The application further notes that the extension of Kestrel Parkway will add 33 on-street parking spaces to the neighborhood.

Parking in the NM-MF multi-family zoned Areas #3-7 will be addressed in later phases as each area develops, however the applicant indicates they may request a parking variance and/or propose a parking management strategy for Area #5 as the topography, intersecting streets and associated access management issues complicate providing off-street parking, and they may propose a combination of on-street parking credits, provision of shared electric vehicles and/or a parking variance.

The application includes a traffic analysis report from a traffic engineer who concludes that the project's trip generation will not exceed the 50 peak hour trips which would trigger a full traffic impact analysis. Trip generation numbers are noted as very low and not expected to have a negative effect on any intersections. However, given that the calculated peak hour trips are at 49 which is only one below the threshold level, the engineer studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection operates at a Level of Service (LOS) B both before and after project traffic is added to the intersection. LOS B is within the accepted standards of the Transportation System Plan, and the traffic engineer concludes that based on his study, no mitigation is required.

### Coordination with Neighboring Property Owners

The application explains that the property is fully-developed on two sides, and has Bear Creek on the third. The only remaining vacant abutting land abutting is Tax Lot #2800 to the south. The application explains that the applicant has been in communication with that property's owners and their agents, but they have been unable to clearly ascertain if or when this property will develop. The applicant explains, however, that they have reviewed a rough conceptual plan from that property's owner and believe that the proposed street system in the current application is located in a manner which is consistent with likely future development of the property to the south as well as the North Mountain Neighborhood Plan (NMNP) and the city's adopted Transportation System Plan (TSP). Staff have seen a few iterations of development plans for the property to the south at the pre-application level. Staff's position has been that development will need to occur in a manner generally consistent with the NMNP street system plan, and staff believes that the current proposal will support likely development scenarios consistent with the NMNP for the property to the south.

# Kestrel Parkway Subdivision

**PA-T2-2018-00005** – Outline Plan approval for a 17-lot subdivision, Major Amendment to the North Mountain Neighborhood Plan, Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 16 trees for the vacant parcels at the end of Kestrel Parkway. Includes dedication of 5.99 acres of floodplain corridor land for parks. *(Development of the multi-family zoned portions of the properties would occur in a later phase, and would require Final Plan and Site Design Review approvals prior to development.)*

## Key Issues (cont'd.)

### Bear Creek Riparian Corridor Water Resource Protection Zone & Floodplain

Bear Creek is a riparian fish-bearing stream, and includes floodplain lands designated under federal (FEMA) regulations as well as a larger, city-adopted floodplain. Bear Creek also has an adopted Water Resource Protection Zone (WRPZ) which extends 50-feet upland from the top of bank for the full creek corridor. Development involving floodplain corridor lands requires a Physical & Environmental (P&E) Constraints Review Permit as detailed in AMC 18.3.10, while activities or uses within the WRPZ require a Limited Activities/Uses Permit as detailed in AMC 18.3.11.

Lands within the floodplain are designated as the North Mountain Bear Creek Greenway zone (NM-G) are within Ashland's Floodplain Corridor Lands, and are prohibited from further development. The subdivision plan includes the dedication of 5.99 acres for park purposes. These lands will provide for the future extension of the Bear Creek Greenway, a regional bike trail system that will ultimately provide a continuous bicycle connection between city's in the Rogue Valley. *[With development, applicants are required to dedicate floodplain lands for parks purposes to offset the impacts of development. Up-zoning that occurred with the North Mountain Neighborhood Plan adoption increased the allowable density of remaining lands, imparting proportional value to compensate for these required dedications.]*

### Wetland Water Resource Protection Zone

The application includes a wetland delineation with concurrence from the Division of State Lands (DSL) which identifies two wetlands on the property: **Wetland #1** is an isolated 805 square foot wetland at the base of the slope. This wetland would be filled as part of the proposal, and its removal mitigated elsewhere on site with a new wetland swale extending from the proposed storm water outfall west to Bear Creek. **Wetland #2** is a 3,619 square foot locally significant wetland located in a larger depression near the center of the site. This wetland has previously been disturbed by the placement of fill and is dominated by non-native vegetation. The applicant proposes to enhance this wetland by removing old fill and non-native vegetation and planting new native shrubs and understory plantings as part of a mitigation plan which will protect and maintain the wetland and a buffer area around it totaling 21,066 square feet as a subdivision amenity.

### **Staff Recommendation**

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



**DRAFT FINDINGS**  
**BEFORE THE PLANNING COMMISSION**  
**December 11, 2018**

IN THE MATTER OF PLANNING ACTION #PA-T2-2018-00005, A REQUEST FOR )  
OUTLINE PLAN APPROVAL FOR A 17-LOT PERFORMANCE STANDARDS )  
OPTIONS SUBDIVISION, A MAJOR AMENDMENT TO THE NORTH MOUNTAIN )  
NEIGHBORHOOD PLAN, A PHYSICAL & ENVIRONMENTAL CONSTRAINTS ) **DRAFT**  
REVIEW PERMIT FOR IMPROVEMENTS WITHIN THE FLOODPLAIN CORRIDOR,) **FINDINGS,**  
A LIMITED USE/ACTIVITY PERMIT FOR ACTIVITIES WITHIN A WETLAND, & ) **CONCLUSIONS &**  
TREE REMOVAL PERMITS TO REMOVE 15 TREES FOR THE THREE VACANT ) **ORDERS**  
PARCELS LOCATED SOUTH OF THE END OF KESTREL PARKWAY. THE SUB- )  
DIVISION PLAN INCLUDES DEDICATION OF 5.99 ACRES OF FLOODPLAIN )  
CORRIDOR LAND TO THE CITY OF ASHLAND AS PARK LAND AS REQUIRED )  
IN THE NORTH MOUNTAIN NEIGHBORHOOD PLAN. DEVELOPMENT OF THE )  
MULTI-FAMILY ZONED PORTIONS OF THE PROPERTY WOULD OCCUR IN A )  
LATER PHASE AND WOULD REQUIRE FINAL PLAN & SITE DESIGN REVIEW )  
APPROVALS PRIOR TO DEVELOPMENT. )

**OWNER/APPLICANT:** Jacob Robert Ayala/KDA Homes, LLC )

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**RECITALS:**

- 1) Tax lot #900 of Map 39 1E 04AC is a vacant parcel located south of the terminus of Kestrel Parkway and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones; Tax lot #8600 of Map 39 1E 04AD is a vacant parcel located south of the terminus of Patton Lane and is zoned Neighborhood Core (NM-MF); and Tax lot #2000 of Map 39 1E 04DB is a vacant parcel located west of North Mountain Avenue and east of Bear Creek and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones.
- 2) The applicants are requesting Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
  - a. *The development meets all applicable ordinance requirements of the City.*

- b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
  - c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
  - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
  - e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
  - f. *The proposed density meets the base and bonus density standards established under this chapter.*
  - g. *The development complies with the Street Standards.*
- 4) The supplemental approval criteria for applications within the NM district are described in **AMC 18.3.5.030** as follows:
- C. ***Supplemental Approval Criteria.*** *In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.*
    - 1. *The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.*
    - 2. *The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.*
- 5) The criteria for a Major Amendment to the North Mountain Neighborhood Plan are described in **AMC 18.3.5.040.B.2** as follows:

***Major Amendment (Type II Procedure).*** *The approval authority may approve a major amendment to the North Mountain Neighborhood Plan through a Type II procedure in section [18.5.1.060](#) upon finding that the application meets all of the following criteria.*

- a. *The proposed modification maintains the connectivity established by the neighborhood plan.*
- b. *The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.*

- c. *The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.*
  - d. *The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.*
- 6) The criteria for a Physical & Environmental Constraints Review Permit are described in **AMC 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.*
- 7) The criteria for a Limited Activities and Uses Permit for activities within a wetland are described in **AMC 18.3.11.060** as follows:
- 1. *All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
  - 2. *The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
  - 3. *On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
  - 4. *Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
  - 5. *Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
  - 6. *Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as*

*described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

8) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** 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.*

9) The Planning Commission, following proper public notice, held a public hearing on November 13, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission **[approved the application subject to conditions pertaining to the appropriate development of the site/continued the application/denied the application].**

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

## SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## SECTION 2. FINDINGS & CONCLUSIONS

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

2.2 The Planning Commission finds that the proposal for Outline Plan approval, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Activities and Uses Permit for activities within a wetland, and Tree Removal Permits meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for a Major Amendment to the North Mountain Neighborhood Plan described in AMC 18.3.5.040.B.2; for a Physical & Environmental Constraints Review Permit described in AMC 18.3.10.050; for a Limited Activities & Uses Permit described in AMC 18.3.11.060; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and the supplemental approval criteria for applications within the NM district as described in AMC 18.3.5.030.

2.3 The Planning Commission **can reasonably find** that the proposal satisfies all applicable criteria for Outline Plan approval.

The first approval criterion for Outline Plan approval is that, *"The development meets all applicable ordinance requirements of the City."* The Commission **could make a finding that** the proposal meets all applicable ordinance requirements, is requesting no Variances or Exceptions, and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *“Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.”* Staff have noted the following based on discussions with city utility departments:

- **Water:** The property is currently served by eight-inch water mains that will be able to connect into the proposed layout of Kestrel Parkway, Stoneridge Avenue, Nandina Street, and Patton Lane.
- **Sewer:** The property is currently served by an eight-inch sanitary sewer main running near the extension of Kestrel Parkway.
- **Electricity:** The applicants have met with the Electric Department and discussed the backbone installation of a three-phase system to serve the development. The Electric Department has suggested that the applicant carefully consider the needs for later phases of the development, including such details as whether fast-chargers for electric vehicles will be provided, up front as addressing these in the initial infrastructure design will be more efficient and less costly than adding them after the fact in a later phase. The applicants indicate that a final electrical distribution will be provided for review with the Final Plan submittal.
- **Urban storm drainage:** The property is currently served by a 12-inch storm sewer main in the alley east of Kestrel Parkway.
- **Paved Access & Adequate Transportation:** Are discussed with regard to the Street Standards later in this document.

The application notes that all of the site’s utilities will be extended to the subject property from the various public utility easements and street rights-of-way surrounding the site, and that based on discussions with the various service providers, there is adequate capacity available to serve the development. The applicant emphasizes that all utilities will extend to and through the property - including to the south end of the property where it abuts the Spartan Ashland Stella Real Estate, LLC property where infrastructure, utilities and streets are ultimately expected to continue as envisioned in the North Mountain Neighborhood Plan (NMNP) - as illustrated in the Conceptual Utility Plan provided. The applicant concludes that at the time of the Final Plan submittal, full civil engineering drawings will be submitted detailing the final utility plan for the development.

The Commission could find that adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development.

Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the Final Plan submittal, and that civil infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The applicant contends that the existing natural features of the land including wetlands, floodplain corridors, ponds, large trees, and rock outcroppings have been identified and significant features have been included in open space, common area and unbuildable areas. Nearly six acres of floodplain corridor lands are proposed for dedication to the city for parks purposes as required in the NMNP, a large wetland is being preserved and incorporated into the development, wetland mitigation swales are to be planted adjacent to Bear Creek to mitigate the project’s wetland impacts, and 16 of the site’s trees are to be preserved and protected. The Planning Commission **could reasonably make a finding** that the significant natural features have been identified and incorporated into unbuildable areas of the development.

The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The application explains that the property is fully-developed on two sides, and has Bear Creek on the third. The only remaining vacant land abutting the property is to the south on Tax Lot #2800 owned by Spartan Ashland Stella Real Estate, LLC. The application explains that the applicant has been in communication with that property’s owners and their agents, but they have been unable to clearly ascertain Spartan’s plans with regard to if or when this property will develop. The applicant notes however that they have reviewed a rough conceptual plan from the Spartan team and believe that the proposed street system in the current application is located in a manner which is consistent with likely future development of the Spartan site, the North Mountain Neighborhood Plan (NMNP) and the Transportation System Plan (TSP). Staff have seen a few iterations of development plans for the property to the south through the pre-application process. Staff’s position has been that development will need to occur in a manner generally consistent with the NMNP street system plan, and staff believes that the current proposal will support likely development scenarios consistent with the NMNP for the property to the south. The Planning Commission **can reasonably make a finding** that the proposal will not prevent adjacent properties from being developed in a manner consistent with the Comprehensive Plan.

The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The application explains that after the proposed street system, utility infrastructure, wetlands and stormwater management facilities are complete, the large open space area between Kestrel Parkway and Bear Creek will be dedicated to the Parks and Recreation Department as required in the NMNP, and the applicant has been working with the Bear Creek Greenway Foundation and city staff to consider the future greenway route. The application further notes that private agreements for maintenance of the wetland mitigation area and stormwater filtration ponds will be executed in conjunction with signature of the final plat. Other common open space areas, including the large wetland and riparian buffer, are to be owned and managed by the subdivision homeowners’ association (HOA) and maintenance addressed through the subdivision’s CC&R’s. The application further recognizes that the development is likely to be completed in multiple phases, but explains that at this point the logistics for phasing the project will be better understood as final engineering documents are prepared for the Final Plan submittal. The applicant concludes that open space

will be coordinated through any proposed phasing so that early phases have the same or higher ratio of amenities as the project as a whole.

The Planning Commission **could reasonably find** that there will be provisions in the CC&R's to address the maintenance of the proposed open space and common areas, and **could condition Outline Plan approval to require** that the CC&R's will be provided for review and approval with the Final Plan submittal.

The sixth criterion is that, "*The proposed density meets the base and bonus density standards established under this chapter.*" The applicant explains that the subject properties here total 13.48 acres, of which 6.69 acres are to be dedicated to public or private open space. The remaining areas of the property are to be developed according to their respective zone's base density which includes a minimum density requirement that between 75 and 110 percent of the zone's base density be provided. No density bonuses are requested.

The application explains that for the 2.75-acre **NM-R-1-7.5**-zoned portion of the site (identified on the plans as "Area #1" and as Lots #1-11) the base density is 3.6 units per acre and the minimum density ranges from 7.42 units and 11.88 units. The current request proposes 11 single family residences within this zone and complies with the density requirements.

The application goes on to explain that the subdivision also includes 4.74 acres of **NM-MF** land designated as Areas #2-7. These lands have a base density of 12 units per acre and a minimum density range of between 42.66 and 68.25 units. At the present time, the applicant is proposing four single family residence in Area #2, but is not proposing a specific develop plan for Areas #3-7. A conceptual plan illustrating how a total of 50 units could be provided in these areas is included with the application. This conceptual plan includes the four initial single family residences in Area #2 and 50 smaller residences in a mix of attached and detached units in Areas #3-7. Prior to a formal development proposal for Areas #3-7, the applicants would need to obtain Final Plan approval for the respective phase as well as Site Design Review approval. The application makes clear that the number of units in these areas could change as final engineering plans, site plans and design drawings are prepared and market conditions considered, but in no case would the density for these areas be less than the minimum 75 to 110 percent of the base density for the **NM-MF** zone.

#### **NM-MF Zoned Areas (#2-7) and Conceptual Plans**

In discussing the proposal with the applicant at the pre-application level, it was noted that the installation of streets, on-site parking and associated driveways in combination with the topography may pose some challenges to achieving desired densities. The concept plan (Exhibit C.1-B) here includes some areas of common parking rather than individual driveways/garages and a "Cottage Housing" development pattern with housing clustered around open space. Some areas are illustrated relying on on-street parking to meet the parking demand, which would necessitate a Variance. No development of these areas is currently proposed for approval here, and the range of minimum density allowed provides a measure of flexibility in developing a final development plan for the NM-MF areas. The conceptual

plans provided here are intended merely to illustrate how density standards might be achieved in the context of the entire property.

**Based on the plans provided, the Planning Commission could reasonably make a finding that the application is consistent with the applicable density standards, and may also wish to include conditions making clear that the conceptual plans for Areas #3-7 are not approved here, that development of Areas #3-7 will require Final Plan and Site Design Review approvals, and that development of Areas #3-7 will need to comply with the minimum density standards of the district.**

*The final Outline Plan approval criterion is that, "The development complies with the Street Standards."* The application includes Exhibit C.2, and contends that the streets proposed comply with the City's adopted street standards and are consistent with the existing right-of-way, improvement widths and street improvements of the currently abutting streets.

### **NMNP Street Standards**

The NMNP includes its own neighborhood-specific street types and design standards in AMC 18.3.5.100.C.

**The Greenway Drive:** Kestrel Parkway is considered to be the Greenway Drive street type, and the cross-section illustrated on Exhibit C.2 is consistent with the adopted Greenway Drive cross-section.

**Neighborhood Access Streets:** The remaining streets (Nandina Street, Stoneridge Avenue, Patton Lane, and Zare Way) are considered to be Neighborhood Access Streets. In extending existing street sections and responding to site topography, the individual streets vary from the standard cross-section as follows:

- **Stoneridge Avenue** – As illustrated, the curb to curb width includes a single 15-foot queuing lane and parking on both sides except where bump-outs are proposed. Standard sidewalks and parkrows are illustrated on the downhill side, but on the uphill side, sidewalks are shown at the curbside presumably in response to site topography. The proposed right-of-way dedication is 46 feet where the standard cross-section calls for 48 feet, with six-inches of sidewalk on the uphill side and 18-inches of sidewalk on the downhill side illustrated being provided outside of the right-of-way.
- **Nandina Street** – The upper sections of Nandina, from Mariposa to Stoneridge, are illustrated with a 29-foot curb-to-curb width within a 47-foot right-of-way, and on-street parking on both sides. Standard sidewalks and parkrow planting strips are illustrated on the south side, and on-street parking is in bays with curbside sidewalks on the north side. Sidewalks on the south side are illustrated extending one-foot beyond the dedicated right-of-way.

The applicants have requested a major modification of the NMNP to install Nandina Street as a one-way couplet around Wetland #2. As proposed, Nandina within the couplet would have an 18-foot curb-to-curb width with curbs but no sidewalks or parkrow planting strips on the interior, wetland side and five-foot width curbside sidewalks on the exterior side adjacent to the surrounding developable lots. The applicants assert that additional area has been provided for the wetland buffer, and that this area already contains a number of trees that will be preserved and will be further enhanced with new plantings. **In staff's view, an Exception is merited to avoid impacts within the wetland buffer, but the Commission may wish to consider requiring a standard parkrow with irrigated street trees on the exterior side of Nandina within the couplet, adjacent to surrounding developable lots, or at a minimum to include a requirement to plant street trees at a spacing of one per 30 feet within the yard areas behind the sidewalk.**

- **Patton Lane** – The two illustrated segments of Patton Lane include varying right-of-way widths from 46 to 50 feet, and illustrate some portion of the sidewalks outside of the proposed right-of-way. The section between the existing Patton Lane extending to Nandina Street does not include parkrows on the downhill side, which is presumably in response to site topography.

The section from Nandina to Mountain Meadows Drive includes a 26-foot curb-to-curb width with a 12-foot queuing lane where the standard cross-section calls for 15 feet. Staff believes that this width is proposed in transitioning to the existing Mountain Meadows Drive improvement which is narrower; the Final Plan will include final civil drawings for review by the Engineering Division to verify the appropriate transition.

**For all sections of Patton, Nandina and Stoneridge where sidewalk improvements are shown outside the right-of-way, staff would recommend a condition to require that public pedestrian access easements or additional right-of-way be provided to accommodate standard sidewalk widths prior to signature of the final survey plat.**

**For those sections of Patton, Nandina and Stoneridge surrounding Area 5, and the section of Nandina south of Area 6, shown with curbside sidewalks staff believe that an Exception not to install standard parkrow planting strips absent a strong argument is not merited, and that these sections should be installed with standard parkrow planting strips or the case made for Exceptions with the Final Plan request.**

- **Zare Way** - The adopted NMNP illustrates a pie-shaped median within this street at the far south of the subdivision, which the applicant proposes as 'Zare Way' in recognition of the Zare family that previously owned the property. The applicants contend that this should be a shared improvement with the adjoining subdivision to the south, when and if it is developed and have proposed to complete a standard "half-street" improvement

with standard sidewalks, parkrow planting strip with irrigated street trees, and 20 feet of paving, with the remaining curb-to-curb width and sidewalk and parkrow on the opposite side being completed with the neighboring development. The applicants indicate that they can provide civil drawings for the improvements to include the median, but because a portion of the street right-of-way is on the adjoining Spartan property to the south and there is no definitive timeframe for development they have proposed a standard “half-street” improvement which could be modified with development to the south to incorporate the illustrated median.

**Staff recommend a condition to require that a one-foot strip (i.e. street plug”) be dedicated to the city on the south side of Zare Way improvements on the final survey plat. Staff also recommend that a condition be included to make clear that proposed street names are subject to city street naming policy and are reviewed and approved by the Engineering Division. Zare Way may not be an approved street name.**

**Alleys:** Within the NMNP, alleys are noted as “one of the most important features making up the neighborhood is the alley. Alleys allow parking to be located at the property’s rear and diminish the negative impact of garages proliferating along street frontages, reduces pedestrian and vehicle conflicts at curb-cuts, and reduces impervious hard surface. In addition, homes, instead of garages, fill the street frontages, providing maximum opportunity for social interaction. The alley cross section is a 20-foot wide right-of-way which contains a 12-foot wide improved alley and four-foot planted or graveled strips or shoulders.” As illustrated, the alleys cross-section proposed illustrates two-foot shoulders where four-foot shoulders are called for in the standard. **For consistency with the NMNP alley standard, given the importance of alleys in the neighborhood street system, staff recommends that conditions be included to require that the full four-foot shoulders be provided. Staff believes that the Planning Commission may also wish to require that the alleys be paved to their full 20-foot width where serving surface parking areas of more than seven spaces.**

**Traffic Impact Analysis:** The application includes a traffic analysis report from traffic engineer Alex Georgevitch who concludes that the project’s trip generation will not exceed the 50 peak hour trips which would trigger a full traffic impact analysis. Georgevitch concludes that trip generation numbers are very low and are not expected to have a negative effect on any intersections. However, given that the calculated peak hour trips are at 49 trips which is only one below the 50 trip threshold level, Georgevitch studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection operates at a Level of Service (LOS) B both before and after project traffic is added to the intersection. LOS B is within the accepted standards of the Transportation System Plan, and Georgevitch concludes that based on his study, no mitigation is required.

**With the conditions recommended above, staff believes that the Planning Commission could reasonably make a finding that the proposal in consistent with the applicable Street Standards.**

2.4 The Planning Commission finds that the North Mountain Neighborhood Plan (NMNP) includes supplemental approval criteria detailed in AMC 18.3.5.030.C which apply to all projects within the NM district. These criteria require that, in addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall demonstrate conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation and shall demonstrate compliance with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

The application asserts that the submitted plans demonstrate conformity with the general design requirements of the NMNP including density, transportation, building design and building orientation. The application further contend that the proposal not only conforms to the NMNP as modified through the development of the neighboring subdivisions but to the existing neighborhood context.

The application further asserts that the development will comply with the specific design requirements from the NMNP Neighborhood Design Standards, and that at the time of individual building permit submittals, each house will include a variety of the requisite architectural elements, will be oriented to the abutting primary street, will not include repetitive elevations and will include a porch with a minimum dimension of six-foot depth by eight-foot width. In addition, the applicant anticipates that all units will be terraced to respond to the natural grades and all vehicular access, where possible, will occur via existing or proposed alleys.

**Site Design Review/North Mountain Neighborhood Design Standards Addressed at Final Plan**

**AMC 18.3.5.030.A.2** requires that Performance Standards Options Developments comply with the applicable North Mountain Neighborhood Design Standards and all other requirements outlined in Chapter 18.5.2 for Site Design Review approval. In addition to the submittal requirements for Final Plan approval, applicants are to provide typical elevations incorporating the architectural elements described in the North Mountain Neighborhood Design Standards for all proposed buildings (*rather than merely addressing these requirements as part of building permit review*).

**The Planning Commission can reasonably find that the supplemental criteria of AMC 18.3.5.030 have been satisfied. Staff have recommended a condition to require that the Final Plan submittal include typical elevation drawings for the proposed buildings incorporating the architectural elements described in the North Mountain Neighborhood Design Standards as required in AMC 18.3.5.030.A.2.**

2.5 The Planning Commission finds that the application discussed deviating from the North Mountain Neighborhood Plan in the following ways:

- **The large open space area surrounding the site's wetland.** The application explains that this area was identified as housing in the NMNP primarily because there was little technical data or detailed site information available during the neighborhood plan's community charrette design

process in 1997. The applicant has completed a Wetland Delineation with concurrence from the Division of State Lands which concludes that the site has two wetlands: one small wetland consisting of 805 square feet and one larger one consisting of 3,619 square feet. The applicant's intent is to preserve the larger wetland, restoring previous site disturbances to natural conditions around the wetland and adding a landscaped buffer in keeping with the city's Water Resource Protection Zones ordinance requirements, and leave it in perpetuity as a natural amenity. In doing so, the preservation of the wetland deviates from the original NMNP.

- **The one-way street system wrapping around the site's wetland.** The adopted NMNP illustrates an alley or pedestrian path serving housing shown in the area of the wetland. The applicant proposes to maintain the originally intended connectivity by wrapping a one-way street system (couplet) around the wetland to create a community amenity and ensure positive circulation opportunities.
- **The curbside sidewalk along the one-way street couplet wrapping around the site's wetland.** The applicants propose an exception to the North Mountain Neighborhood Street Standards to not install parkrows between the sidewalk and curb in the area of the wetland as this area has been provided as an additional dimension within the wetland buffer. The buffer area is to be enhanced with new plantings and already contains numerous trees that will be preserved.
- **Multi-Family housing between Nandina Street, Stoneridge Avenue and Patton Lane.** The adopted NMNP identifies an area of civic space here. The applicant suggests that they are unsure what was intended but based on various site details including the wetland presence and the street system changes proposed, the applicant is proposing to consider the wetland and its buffer zone and excess open space in the vicinity in lieu of unspecified civic space.

**Staff is generally supportive of the wetland preservation and associated modifications above, but believes that the Commission and applicant may wish to consider the following: 1) Staff believes that it would be beneficial to consider parkrow planting strips with street trees on the outside edges of Nandina Street, or at a minimum to provide properly-spaced large stature street trees behind the sidewalk at the outside edges of both legs of the couplet; 2) In replacing the unspecified civic space with the wetland area, which is not intended for any sort of direct or active public engagement, staff believes that it might be beneficial to place one to three areas with a bench, tree and/or education display to provide some opportunity both for residents to passively engage the wetland and greenway, and to provide small areas of pedestrian respite which also take advantage of the surrounding views to off-set the previously identified civic space.**

- **Standard Street design for Zare Way.** The adopted NMNP illustrates a pie-shaped median within the street at the far south of the subdivision, which the applicant proposes as ‘Zare Way’ in recognition of the Zare family that previously owned the property. The applicants contend that this should be a shared improvement with the adjoin subdivision to the south, when and if it is developed. The applicants indicate that they can provide civil drawings for the median, but because a portion of the street right-of-way is on the adjoining Spartan property to the south and there is no definitive timeframe for development they have proposed a standard street improvement which could be modified with development to the south to incorporate the illustrated median.
- **Stoneridge Avenue does not connect directly through to Zare Way.** The adopted NMNP illustrates a street traversing from Stoneridge Avenue to Zare Way, but the application suggests that because alternative connectivity is provided with the large couplet around the site’s wetland as well as Mountain Meadows Drive, Nandina Street and new alleys, this section of road has been modified.

**In staff’s view, the proposed “half-street” improvement for Zare Way seems appropriate and the wetland preserved provides significant open space within the streetscape. Given the topography and the angling of streets closer together as they move south to respond to site topography and the street and alley system proposed by the applicants, staff believes that there is sufficient connectivity without the full extension of Stoneridge Avenue through to Zare Way.**

The first approval criterion for a NMNP amendment is that, *“The proposed modification maintains the connectivity established by the neighborhood plan.”* The applicant asserts that the subdivision’s street and pedestrian connections not only maintain the intended connectivity but enhance it with the completion of the streets, alleys and walkways proposed. They further contend that all planned streets will provide for connection with the future streets on the adjacent Spartan property to the south as envisioned in the NMNP.

The second approval criterion is that, *“The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.”* The application emphasizes that the modifications proposed are being pursued largely because of physical constraints which were unknown during the neighborhood plan adoption process. The applicant contends that the modifications do indeed further the plan’s emphasis on pedestrian and bicycle access while de-emphasizing garages as a residential design feature by providing additional alleys and a proposed east-west pedestrian connection between the proposed subdivision and the existing Meadowbrook Park II subdivision to the north.

The third approval criterion for an NMNP amendment is that, *“The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.”* The applicant asserts that the proposed changes do not adversely affect the purpose, objectives or functioning of the NMNP, and further suggests that the proposal stresses energy efficiency, architectural creativity and innovation through the construction of proposed Earth Advantage homes in a variety of architectural styles and housing types; uses natural features to the greatest advantage by incorporating the wetland and Bear Creek floodplain into the overall development plan; provides for a quality of life equal or greater to that provided in standard developments by incorporating natural elements and embracing the human scale development concepts of the neighborhood; provides for more efficient land use through a mixture of housing types within the planned density in an integrated pattern that improves transportation options and maximizes community interactions; and reduces the impact of development on the natural environment and neighborhood by preserving the large wetland and the Bear Creek floodplain corridor. The applicant further contends that the proposal will provide a seamless transition with the existing subdivisions in the neighborhood plan area, despite their being developed at different times by different entities, by largely following the neighborhood plan

The fourth and final criterion for approval of a neighborhood plan amendment is, *“The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.”* The applicant notes that the modifications requested are necessary to adjust to the site’s various physical constraints, and will help protect its significant natural features such as the site’s large Oak trees within the floodplain, the large wetland, and steeply sloped areas. In addition, the applicant emphasizes that the proposed east-west walkway between the subdivision to the north and the proposed subdivision is not only an important pedestrian connection but also serves as a buffer area to adjust grades between the existing houses and the new subdivision.

2.6 The Planning Commission finds that the application does not propose any structures in the floodplain, but does include three elements considered to be development within the floodplain corridor: the extension of Kestrel Parkway, the subdivision’s storm water treatment facilities and the associated mitigation wetland intended to sensitively manage the outflow of storm water to Bear Creek. This mitigation wetland will provide a natural outfall for stormwater to slow and filter water prior to its entry into Bear Creek while also mitigating the removal of a small, 805 square foot wetland proposed to be removed. The applicant emphasizes that all required permits will be obtained from the City of Ashland, Division of State Lands, and U.S. Army Corps of Engineers prior to any work in the floodplain, and notes that future improvements by the City and/or Jackson County will also likely include the extension of the Bear Creek Greenway bikepath and bridge connection to the planned trail system on the west side of the creek.

The application emphasizes that the extension of Kestrel Parkway street improvements is identified within the adopted Transportation System Plan (TSP) and is a principal component of the NMNP’s transportation

system. The applicant points out that Kestrel Parkway is already one-third completed from East Nevada Street to the subject property, and with approval here, the street will be two-thirds completed. The applicant suggests that Kestrel, unlike other streets, was intended to be constructed within floodplain corridor lands as noted in AMC 18.3.10.080.M.

The application includes a geotechnical, geologic and hydrologic study prepared by Robin Warren of Applied Geotechnical Engineering (AGE) which includes flood protection measures for the extension of Kestrel Parkway as required in the North Mountain zones.

The geotechnical report notes that:

*The project design layout has included consideration of the 100-year floodplain and the City of Ashland Flood Corridor. Except for a small portion of Kestrel Parkway at the north end of the site, the entire roadway system is located above the 100-year floodplain. The City of Ashland Flood Corridor is located at slightly higher elevations on the site; however new homes in the development will be located at higher elevations than the flood corridor.*

*The new roadway and improvements will be located at or below existing grades (no significant fills will be placed in this area) and will be located predominantly out of the 100-year floodplain. In our opinion, the development will result in no rise in base flood elevation for the 100-year event for Bear Creek.*

*Based on existing topography and the creek geomorphology in this area, creek flows during larger storm events will result in flood flows occurring roughly parallel to Kestrel Parkway. Based on the hydrologic study completed by CEC Engineering and previous studies by others for adjacent developments, maximum water velocities during a major storm event will be less than 3 f.p.s. in the project area between the 100-year floodplain and the City's Flood Corridor. To protect the roadway from natural flood events, structural fill under the sidewalk on the west side of Kestrel Parkway should consist of 4-in-minus crushed rock. Vegetation should be re-established in areas west of Kestrel Parkway as soon as practical after construction of the sidewalk is completed. Based on Army Corps of Engineer studies, coarse rock and vegetated ground surfaces are suitable for resisting erosion for velocities of up to 6 f.p.s.*

The application further explains that the proposed stormwater treatment facility is intended as both an environmental mitigation measure and an aesthetic asset to the neighborhood similar to the facility already in place in Kestrel Park directly to the north of the development. The existing facility was installed by the developers of Meadowbrook Park II subdivision, and is maintained by the homeowners' association with periodic dredging, and the application suggests they intend a similar facility here although the landscaping is intended to consist of dry grasses and existing trees for a more natural wetland amenity.

The first criterion for approval of a Physical and Environmental Constraints Review Permit for the development of floodplain corridor lands is that, *"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 applicant asserts that the proposed development has been designed

by engineers and geotechnical experts, will be subject to multiple levels of jurisdictional oversight, and will not include any net fill within the floodplain and as such, the adverse impacts have been minimized.

The second criterion is, *“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.”* The applicant asserts they have considered potential hazards and implemented measures to mitigate them as detailed in the Geotechnical, Geologic and Hydrologic Study prepared by Robin Warren of Applied Geotechnical Engineering and Geologic Consulting. The applicant emphasizes that Warren’s recommendations will be incorporated into the civil drawings to be provided for review at Final Plan approval and that the recommendations will be complied with.

The final approval criterion is, *“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 applicant asserts that they have taken all reasonable steps to reduce the adverse impacts of the development, and that qualified experts have concluded that the project will not have an adverse impact and will instead make a positive contribution to the area while providing needed housing developed with the NMNP in mind.

The application notes that the geotechnical report concludes that the site is suitable for development from a geotechnical and geologic standpoint, and that there is no increased risk of geologic hazards if the site is developed as recommended in the report. The applicant emphasizes that the project’s civil and geotechnical engineers will work together to incorporate the geotechnical recommendations in the civil plans, and that AGE will periodically monitor the development to ensure that both the geotechnical recommendations and the final civil drawings are complied with.

#### **Flood Plain Impacts**

**The Planning Commission could reasonably find that the design of Kestrel Parkway and the placement of the proposed homes will be generally above the floodplain, that no net fill will occur within the floodplain and that there will be no rise in base flood elevation. The Commission could further find that the development has been planned with the floodplain in mind, and that potential hazards and adverse impacts have been considered and will be mitigated.**

2.7 The Planning Commission finds that, as proposed, the extension of Kestrel Parkway will be within the 50-foot water resource protection zone (WRPZ) of Bear Creek, a riparian stream, at the southern end of the street roughly opposite the proposed lots #5-7. In this location, the street is within 40 feet of the top of bank for roughly 80 linear feet. The applicant suggests that Kestrel Parkway has long been planned for placement within the floodplain corridor, and asserts that the roadway could be shifted an additional ten feet to be entirely outside of the WRPZ with little impact on the development. The applicant requests that the Planning Commission condition this minor modification be made in the project design prior to Final Plan approval.

2.9 The Planning Commission finds that the application includes a Wetland Delineation and narrative description outlining the sites of two wetlands on the subject properties which was prepared by Keystone Natural Resource Consulting and which has concurrence by the Division of State Lands (DSL); a detailed Wetland Mitigation Plan prepared by Schott & Associates, Ecologists and Wetlands Specialists; and a Landscape Plan (Sheet L103) coordinated with the Wetland Mitigation Plan.

The Wetland Mitigation Plan notes that two isolated wetland features were identified on the central portion of the site (Wetland 1 and Wetland 2). In addition, an isolated remnant drainage was identified near the south study area boundary, and Bear Creek along the western edge of the study area, were also flagged and mapped in the delineation. The Mitigation Plan notes that no impacts are proposed for Bear Creek or its WRPZ, and no WRPZ is considered for the remnant drainage as it is neither a wetland nor a stream.

Wetland #1 is described as an isolated 805 square foot wetland at the base of the hill's slope, and the report suggests that the wetland appears to have been created from the road cut at the base of the steep slope. This isolated wetland is proposed to be filled as part of the application for the development of residential lots. The report further explains that the proposed activity will require less than 50 cubic yards of fill and does not require a wetland fill permit from DSL or the Corps of Engineers. The report further notes that the wetland is not indicated as Locally Significant and will be legally removed and mitigated on-site to replace function and values with a wetland swale extending from the proposed stormwater outfall west to Bear Creek and which will include a 20-foot upland buffer as well as with enhancement of the WRPZ of Wetland #2.

Wetland #2 is described as a 3,619 square foot isolated wetland located in a larger depression near the center of the site which is mapped on both the NWI and LWI and is defined as a Locally Significant Wetland. The report notes that this wetland is highly disturbed from old fill activity, and adjacent vegetation is dominated by non-native species. The application proposes to protect this wetland with a 50-foot averaged buffer. No impacts are proposed within this wetland, and the averaged buffer will extend from 20 to 70 feet upland for a total area of 21,066 square feet which will be enhanced to good condition. Portions of the WRPZ will be graded to interface with adjacent streets, which are being designed to go around and avoid the wetland and buffer. The entire wetland and buffer totaling 21,066 square feet are to be enhanced by the removal of old fill and invasive species and planting of native shrubs and understory species as part of the Mitigation Plan.

The first criterion for approval of a Limited Activities and Uses permit is that, "*All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*" The application explains that the proposal has been designed to avoid Wetland #2 and Bear Creek as much as practicable. The road layout is intended to avoid the wetland itself and support the creation and maintenance of a 50-foot average buffer surrounding it. The application also notes that the other wetland, Wetland #1, was likely created by a road cut and provides minimal wetland function. The application proposes its removal and on-site mitigation.

The second criterion for a Limited Activities and Uses permit is that, "*The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of*

*native vegetation, erosion, and other adverse impacts on Water Resources.*” The applicant emphasizes that the proposal seeks to minimize excavation, grading, impervious surface, the loss of native vegetation and erosion.

The third criterion is that, *“On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.”* The application asserts that this criterion is being satisfied.

The fourth Limited Activities and Uses permit criterion is that, *“Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.”* The application asserts that this criterion is also satisfied by the proposal.

*The fifth criterion is, “Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.”* The application notes that wetland and riparian mitigation is proposed and will be implemented as outlined in the mitigation plan provided.

*The final approval criterion is that, “Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.”* The applicant here asserts that long-term conservation, management and maintenance of the Wetland Protection Zone shall be ensured as through a Water Resource Protection Zone Management Plan provided with the application.

#### **WRPZ Impacts**

**In staff’s view, the Planning Commission could reasonably find that the standards for a Limited Uses/Activities Permit and for the proposed restoration, enhancement, mitigation and maintenance of Wetland #2 and the proposed mitigation wetland have been satisfied. Conditions have been recommended below to require that evidence of required state and federal approvals be obtained and provided to the city, and that final mitigation and management plans incorporating any changes resulting as federal and state approvals are pursued and final civil drawings prepared be provided with the Final Plan submittal.**

2.9 The Planning Commission finds that the proposal includes request for Tree Removal Permits to remove 15 trees, including one 18-inch diameter at breast height (d.b.h.) Cottonwood tree located within the area to be dedicated for park purposes which is proposed for removal as a hazard as it has many broken and dead branches which are likely to fall, and 14 trees including three Ash trees (#18-#20), one Alder

(#21) and ten Cottonwoods (#22-#31) which are proposed for removal due to their locations relative to the proposed development. In addition, there is an area near the wetland to be preserved which includes a large, dense thicket made up mostly of white willows of varying sizes. The trees within this thicket are to be thinned to a spacing of one every 15 feet, and remaining non-native underbrush within the thicket is to be removed. Disturbed areas within the wetland will be replanted according to the proposed Wetland Planting Plan.

The application materials provided emphasize that the removal of the trees will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, tree densities, sizes, canopies or species diversity. The application explains that the development application was prepared with the assistance of professionals including a wetland biologist, a landscape designer, and an arborist who consulted on-site with the project's construction contractor, civil engineer, surveyor and land use planner to fully evaluate the site's natural features including the trees in order to minimize development impacts. The application further explains that areas where trees are located are also those with the mildest slopes, and proposed excavation will occur in these areas. The application goes on to note that a primary goal with the development has been to preserve the large wetland not only by making it a feature of and asset to the development, but also to improve the habitat value which has been choked-off by the proliferation of cottonwoods. The applicant points out that the wetland is not intended to be a public amenity and will be visible from the adjacent rights-of-way, but left free from any formal recreational use.

The applicant emphasizes that in addition to the trees to be preserved and protected on the property, a total of 64 new trees are proposed to be planted along the subdivision's streets to enhance the streetscapes and mitigate the 15 removals proposed. All of the trees are proposed to be at least two-inch caliper specimens, chosen from the city's recommended list, and are to be irrigated and maintained by the homeowners' association.

#### **Trees & Tree Commission Review**

**As these draft findings are being prepared, the Tree Commission has not yet reviewed the application, but is scheduled to do so at its regular meeting on November 8, 2018. As such, a condition has been recommended below to make the recommendations of the Tree Commission conditions of any approval, where consistent with applicable standards and criteria, and with final approval by the Staff Advisor. Staff would recommend conditions requiring that the final plan submittal include a final landscape and irrigation plan incorporating the Tree Commission recommendations, size- and species-specific landscape planting and irrigation details, final wetland mitigation plan details and clear identification of the 15 mitigation trees proposed.**

## SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan approval a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2018-00005. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00005 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
2. That any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.
4. That all recommendations of the Tree Commission from their November 8, 2018 regular meeting shall be conditions of approval, where consistent with applicable criteria and standards and with final approval of the Staff Advisor.
5. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work, storage of materials, staging or issuance of a building or excavation permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction activity, including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles, shall occur within the tree protection zones.
6. The conceptual plans for Areas #3-7 are not approved here and have been provided for illustrative purposes only. Development of Areas #3-7 shall require Final Plan and Site Design Review approvals. The ultimate development of Areas #3-7 shall comply with the minimum density standards of the district.
7. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for trees to be retained. The tree protection shall be chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.

8. That silt fencing or other protective measures shall be installed along the Water Resource Protection Zone boundaries, inspected and approved by the Staff Advisor prior to issuance of excavation permits or any site work, staging or storage of materials on site.
9. The applicant shall obtain all required federal and state permits for work in wetland and riparian areas and provide evidence of these approvals to the City of Ashland.
10. That the Final Plan submittal shall include:
  - a. Typical elevations incorporating architectural elements described in the NMNP Neighborhood Design Standards for the proposed buildings, as required in AMC 18.3.5.030.A.2
  - b. A fencing plan which demonstrates that all fencing shall be consistent with the provisions of the "Fences and Walls" requirements in AMC 18.4.4.060, that no fencing shall be allowed on floodplain corridor lands, and that no fencing exceeding three feet in height shall be allowed in front yard areas. Fencing limitations shall be noted in the subdivision CC&R's. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.
  - c. That the final plan submittal shall shift the placement of the Kestrel Parkway street improvements entirely outside of the Bear Creek Water Resource Protection Zone as proposed by the applicant.
  - d. Final electric service, utility and civil plans; all civil infrastructure shall be installed by the applicants, inspected and approved prior to the signature of the final survey plat.
  - e. A draft copy of the subdivision CC&R's...
  - f. A site plan illustrating envelopes any necessary adjustments to building envelopes to make clear that construction will not occur within proposed easements (i.e. particularly for Lots #8-11).
  - g. A phasing plan for completion of the subdivision.
  - h. Final site lighting details.
  - i. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the respective zoning districts. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
  - j. All easements including but not limited to public and private utilities and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
  - k. Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access

needs of the Electric Department. Any required private or public utility easements shall be delineated on the civil plans.

- l. A storm drainage plan detailing the location and final engineering for all storm drainage improvements associated with the project shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
- m. A final landscape and irrigation plan incorporating the Tree Commission recommendations, size- and species-specific landscape planting and irrigation details, final wetland mitigation plan details and clear identification of the 15 mitigation trees proposed.
- n. A final grading and erosion control plans which includes details addressing the “Vegetation Preservation and Construction Staging Requirements” found in AMC 18.3.110.A. The final grading plan shall indicate grade relationships between the development and the floodplain corridor. The final grading plan shall include a statement by a licensed surveyor or geotechnical expert indicating that the finished grade for all buildable areas outside the floodplain corridor shall be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.
- o. A final size- and species-specific mitigation plan including irrigation details and details of the landscape materials to be planted shall be provided for the review and approval of the Staff Advisor. All mitigation plantings shall be installed according to the approved plan, inspected, and approved by the Staff Advisor, and the management plan and any necessary easements recorded prior to final approval. The Mitigation Plan shall address the Vegetation Preservation and Construction Staging standards in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC 18.3.11.110.B. Restoration and enhancement shall address the disturbed wetland buffer at the 1.5:1 ratio required, and the final plan shall include calculations demonstrating that these restoration and enhancement ratios are addressed, and calculations demonstrating that the 50-foot average buffer is provided around Wetland #2.
- p. A final management plan, and any necessary conservation easements, providing for the long-term conservation, management and maintenance of the Water Resource Protection Zone as detailed in AMC 18.3.11.110.C prior to the approval of final civil engineering plans.
- q. That the requirements of the Ashland Fire Department relating to fire hydrant distance; fire flow; fire apparatus access, approach, turn-around, and work area; firefighter access pathway; approved addressing; and limits on fencing and gates which would impair access shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings.

11. That prior to Final Plan approval:

- a. That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions with the Final Plan application. The utility plan shall include the location of connections to all public facilities including the locations

of water lines and meter sizes, fire hydrants, sanitary sewer lines, storm drain lines and electric services.

- b. That the location and final engineering for all storm drainage improvements associated with the project, shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions with the Final Plan application.
- c. That the applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment with the Final Plan application. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to signature of the final survey plat. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation.
- d. The engineered construction drawings for the proposed street extensions including Kestrel Parkway, Nandina Street, Stoneridge Avenue, Patton Lane and Zare Way and all proposed alleys shall be submitted for review and approval of the Ashland Planning and Engineering Divisions with the Final Plan application, prior to work in the street right-of-way or installation of improvements in the pedestrian corridor.
  - i. For all sections of Patton, Nandina and Stoneridge where sidewalk improvements are shown outside the right-of-way, public pedestrian access easements or additional right-of-way be provided to accommodate standard sidewalk widths prior to signature of the final survey plat.
  - ii. For those sections of Patton, Nandina and Stoneridge surrounding Area 5 and the section of Nandina south of Area 6 shown with curbside sidewalks, an Exception not to install standard parkrow planting strips absent a strong argument is not merited, and that these sections should be installed with standard parkrow planting strips or the case made for Exceptions with the Final Plan request.
  - iii. A one-foot strip (i.e. street plug”) be dedicated to the city on the south side of Zare Way improvements on the final survey plat.
  - iv. Proposed street names are subject to city street naming policy and are reviewed and approved by the Engineering Division. Zare Way may not be an approved street name.

Right-of-way necessary to accommodate city standard street improvements for the proposed street system shall be dedicated to the city on the final survey plat. All public improvements including but not limited to the paving, curbs, gutters, sidewalk, street trees in irrigated park row planting strips and street lighting shall be installed to City of Ashland

standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.

- e. That CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor with the Final Plan application. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including wetlands, landscaping and street trees and their planting strips.
- f. The approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.

12. Prior to signature of the final subdivision survey plat:

- a. That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.
- b. The final survey plat shall include dedication of the North Mountain/Bear Creek Greenway zoned lands to the City of Ashland for park purposes as required in AMC 18.3.5.090 and proposed by the applicant.
- c. That the subdivision name and all street names shall be approved by the City of Ashland Engineering Division.
- d. All easements including but not limited to public and private utilities, drainage, conservation, irrigation, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
- e. Subdivision infrastructure improvements including but not limited to utility installations, street and alley installation, and wetlands shall be completed according to approved plans prior to signature of the final survey plat.
- f. Electric services shall be installed underground to serve all lots within the applicable phase of the subdivision, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.

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Planning Commission Approval

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December 11, 2018

Date

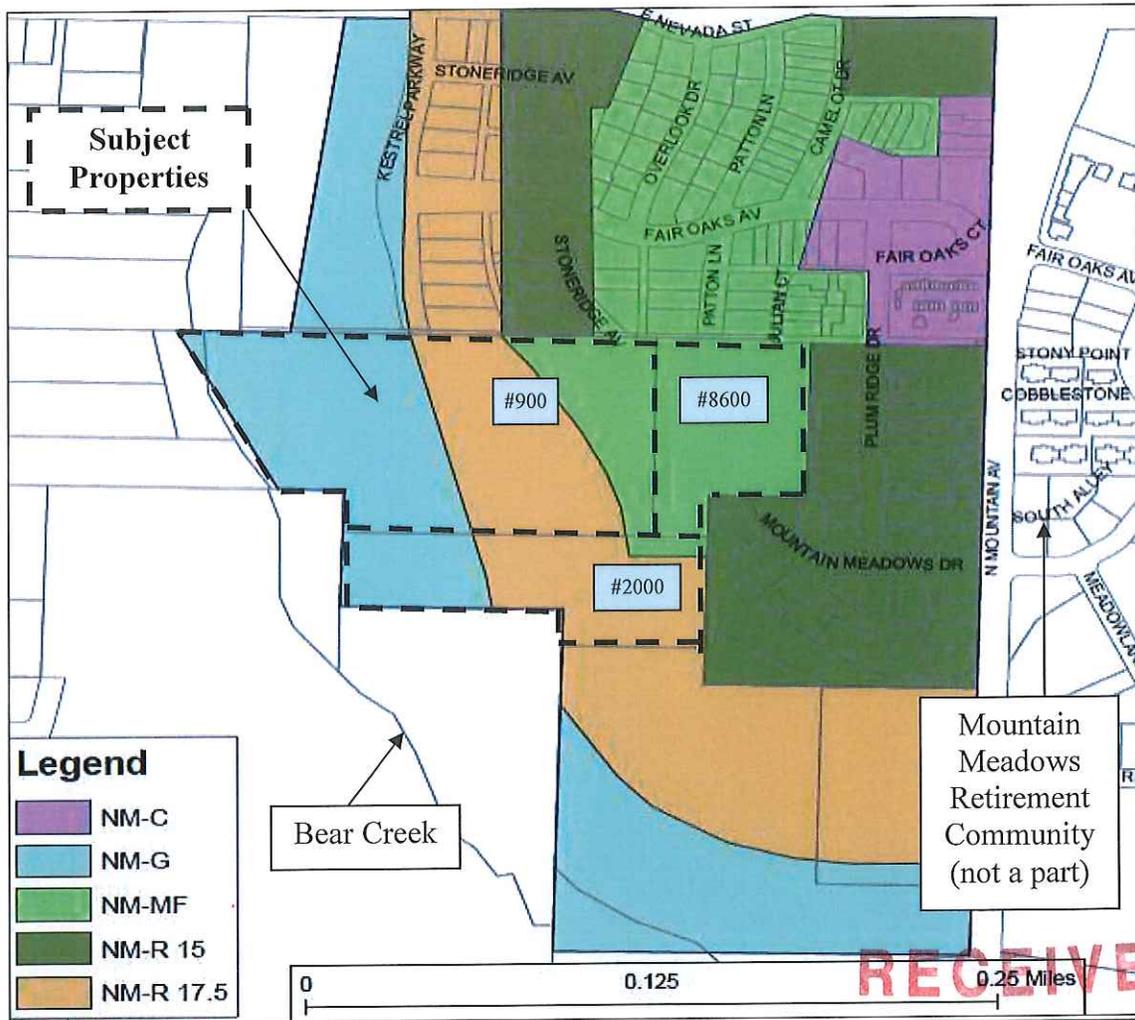
# "KESTREL PARK SUBDIVISION"

## FOR A PERFORMANCE STANDARDS OPTIONS SUBDIVISION OUTLINE PLAN

SUBMITTED TO  
CITY OF ASHLAND

FOR  
KDA HOMES, LLC  
604 FAIR OAKS COURT  
ASHLAND, OR 97520

COPY



North Mountain Zoning Map

RECEIVED

City Of Ashland

SEPTEMBER 7<sup>TH</sup>, 2018

**I. PROJECT INFORMATION:**

**PROJECT NAME:** “Kestrel Parkway Subdivision”

**LEGAL DESCRIPTION:** 391E 04AC Tax Lot 900 / 04AD Tax Lot 8600 / 04DB Tax Lot 2000

<p><b>APPLICANT:</b> KDA Homes, LLC 604 Fair Oaks Court Ashland, OR 97520 Tel: 541.821.3752</p>	<p><b>DESIGNER:</b> Lindemann Design 550 W. Nevada Street Ashland, OR 97520 Tel: 503.866.4742</p>	<p><b>ENGINEERS:</b> Construction Engineering Consultants P.O. Box 1724 Medford, Oregon 97501 Tel: 541.779.5268</p>
<p><b>SURVEYOR:</b> Polaris Land Surveying, LLC 151 Clear Creek Dr #101, Ashland, OR 9752 Tel: 541-482-5009</p>	<p><b>BIOLOGIST:</b> Schott &amp; Associates 21018 NE Hwy 99E Aurora, OR 97002 Tel: 503.678.6007</p>	<p><b>LANDSCAPE DESIGN / ARBORIST:</b> Madara Design, Inc. 2994 Wells Fargo Road Central Point, OR 97502 Tel: 541.944.4287</p>

**PROJECT ZONING:** As illustrated in the inserted Zoning Map (above), the properties are zoned North Mountain (NM) with three residential overlays: NM-G (Greenway), NM-R-1-7.5 (single-family) and NM-MF (multi-family). The subject properties are regulated by Chapter 18.3.5 of the Ashland Municipal Code as well as Chapters 18.3.9 (Performance Standards Option), 18.3.10 (Physical & Environmental Constraints) and 18.3.11 (Water Resources Protection Zones).

**PROJECT PROPOSAL:** The applicants will be requesting an Outline Plan approval, under the Performance Standards Option, for a 17 lot subdivision, Major Amendment to the North Mountain Neighborhood Plan, Physical & Environmental Constraints Permit for improvements within a Flood Plain Corridor and a Limited Use Permit for activities within a Wetland.

**PROJECT DATA:**

Lot Acreage

Tax Lot	900	8600	2000
Acres	7.79 ac	2.55 ac	3.14 ac

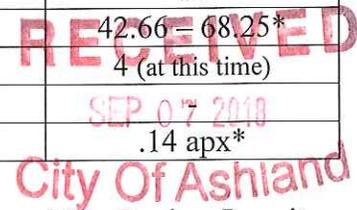
Total: 13.48 acres

Density & Open Space

NM Zone	NM-G	NM-R-1-7.5	NM-MF
Acres	5.99 ac	2.76 ac	4.74 ac
Dwelling Units Per Acre	-	3.6	12
75% to 110% Density Requirement	-	7.42 – 11.02	42.66 – 68.25*
Proposed Density	-	11	4 (at this time)
Open Space (public) – to be dedicated	5.99 ac	-	.14 apx*
Open Space (private) – HOA maintained	n/a	.55 apx	

Total Open Space Provided: 6.69 acres or roughly 50% of project site.

\* Final density and open spaces within NM-MF areas are to be determined at time of Site Review Permit.



**INTRODUCTION:** The subject project is named “Kestrel Park Subdivision” after the name of the adjacent City owned park (Kestrel Park) and what will be an extension of the park along the entire frontage of the proposed subdivision. The subdivision generally follows the form and pattern set by the neighborhood’s master planning process in 1996 (see Project History below) as well as the abutting subdivision, Meadowbrook Park II at North Mountain Park.

The proposed subdivision is being designed and developed by the majority developer of Meadowbrook Park II, KDA Homes, LLC, including the Home Builder, Dave DeCarlow. It includes attractive and desirable special features including open spaces, wetlands, pedestrian friendly streetscapes, energy efficient housing, missing middle housing and environmentally sensitive housing.

On the west side of the subdivision, adjacent to the Bear Creek corridor and where the property levels out from the base of the hill, the application includes plans for single-family detached housing which will be consistent with the zone’s single family zoning and contextually compatible with neighboring homes. The single family homes are generally on larger lots, fronting along Kestrel Parkway and Bear Creek.

On the east side of the subdivision (the top of the hill), “future” housing is to be consistent with the North Mountain Neighborhood Plan’s multi-family zoning which will include smaller attached and detached housing units, generally all less than 800 square feet. The units will likely be clustered in small groups and designed similar to bungalow cottages with shared walkways, shared walls and shared court yards. Because of the multi-family zoning and steep slopes, the cottages will be largely terraced to accommodate the grade changes, mobility needs and to obtain natural lighting and view opportunities. As noted throughout this document, the multi-family units are not being proposed at this time, but will be proposed in the near future once the property’s civil engineering is complete and housing details fully understood. The plans presented, specifically Exhibit C.1-B, illustrate “conceptual” multi-family footprints in the NM-MF zone in order to verify minimum density standards can be met.

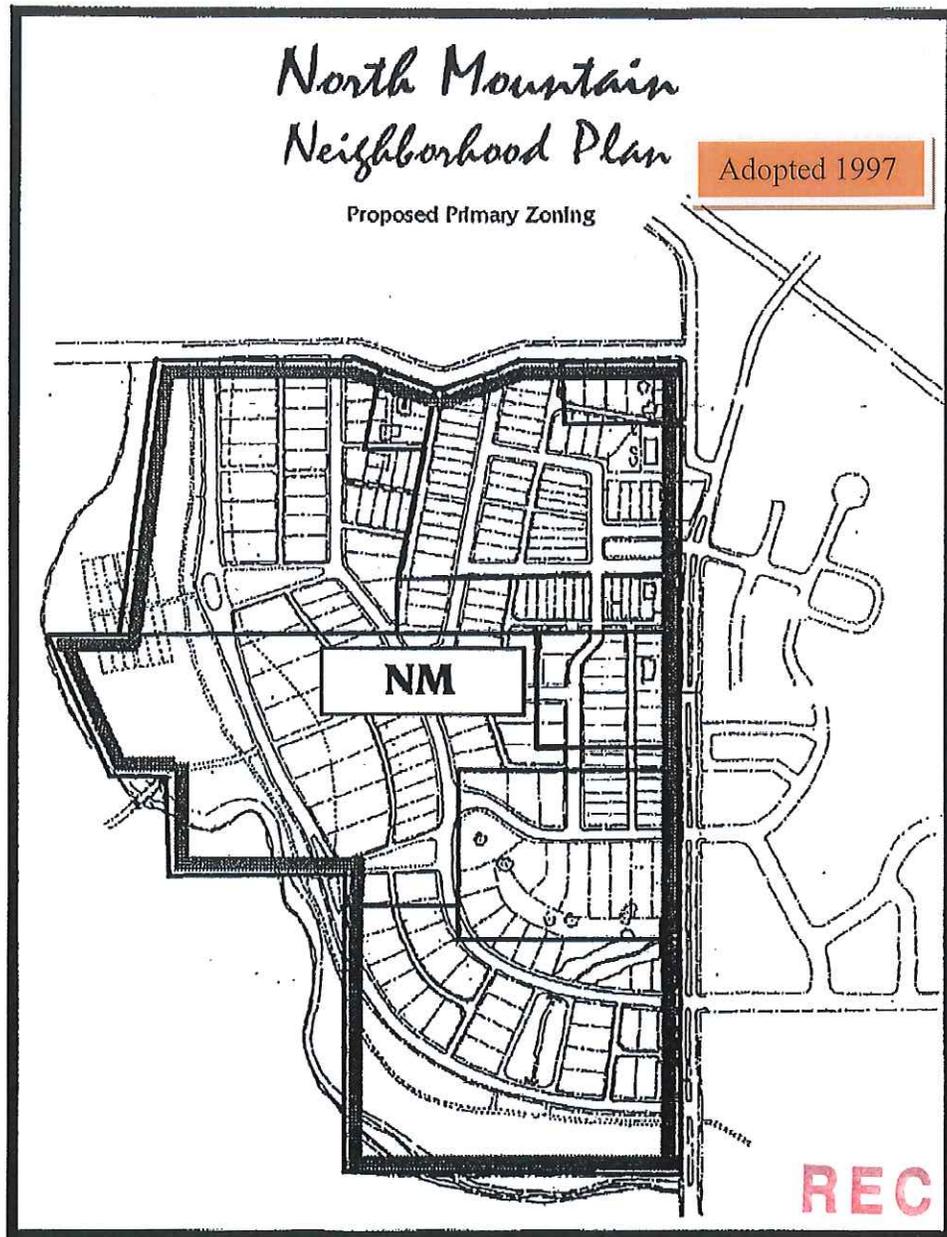
**NORTH MOUNTAIN PLAN HISTORY:** The property is within the North Mountain Neighborhood Plan area which has been in the Ashland City limits since the early 1900’s. It was originally zoned for one-half acre lots in an effort by the City to discourage development of the properties until city services to this area could be properly developed. The properties remained primarily underdeveloped, with only a few residential homes, until the late 1990’s when the North Mountain Neighborhood Plan was finally adopted in 1997 along with the development of the highly successful Mountain Meadows Retirement Community.

In 1996, the City of Ashland held a number of neighborhood meetings, including a design charrette, between the areas property owners, City staff and Lennertz and Coyle, an Architectural and Planning firm out of Portland. The effort eventually culminated in a master plan called the North Mountain Neighborhood Plan which was adopted in 1997 (Ord #2800) and included amendments to the City’s Comprehensive Plan, Zoning Map, Land Use Code and Site Design and Use Standards to guide the eventual development. The expected build-out period at that time was estimated at 20 years.

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In 2004, a large portion of the North Mountain Neighborhood was approved for an 81-lot (103 units) subdivision by a Development Company called Camelot Homes who developed a majority of the subdivision's road and homes, but later sold the property due to the poor economy. The remaining original parcels of the North Mountain Neighborhood Plan area were either pending eventual development or were developed between 2005-2018 by other property owners, including the Julian Square Mixed-Use Development, Great Oaks Subdivision, Plumb Ridge Subdivision, Quinn Subdivision, Mountain Meadows Retirement Center and the newly constructed three-story condominium building on the corner of Plum Ridge Court and Fair Oaks Avenue.

*Note:* At the time of these developments, various major amendments from the master plan's circulation pattern were requested and eventually approved by the Planning Commission which is now what exists today (See Exhibits #8-9) to compare the original circulation plan to today's circulation pattern).



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# North Mountain Neighborhood

## Current Conditions (2018)



*The yellow dashed outline above represents the subject property. The solid blue outline represents the Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800, which is not a part of this application, but is within the North Mountain Neighborhood Plan area and would be the sole remaining parcel to be developed within the Master Plan area.*

**SITE HISTORY AND PROPERTY DESCRIPTION:** The applicants are not aware of any current development history of the property as it was once a large tract of land that was partitioned prior to the adoption of the North Mountain Neighborhood Plan. However, there is evidence of multiple man-made alterations to the property including a main public sewer line extending from the south side through the north side of the property (where the well-worn dirt trail exists), large mounds of sediment stockpiling

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which was brought to the site by the City's Public Works Department during the 1997 New Years Day Flood (surrounding areas of the wetland) and a circular dirt road adjacent to the existing Meadowbrook Park II Subdivision, likely used for stockpiling of material and construction circulation during that development's construction.

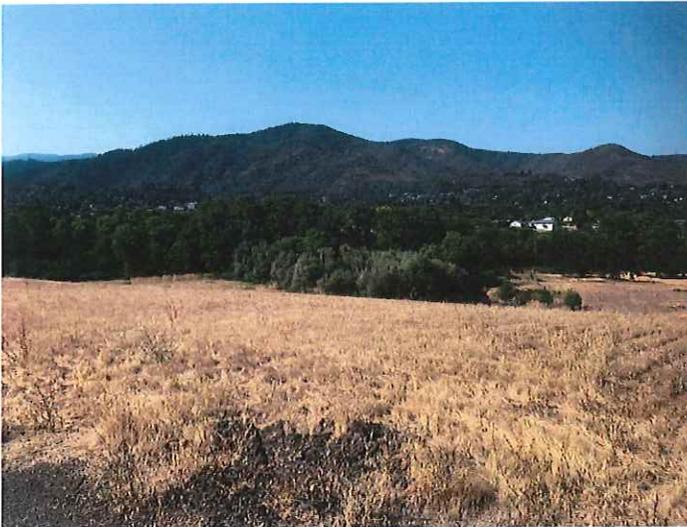
The site has a variety of natural features consisting of level and steep grades, multiple trees, two small wetland areas and the Bear Creek floodplain and greenway area as well as the City's adopted floodplain corridor which is significantly wider than the adopted Federal Emergency Management Agency (FEMA) boundary. The site's slopes range from 0% to 35%+ with the flat area of the property on the western half and the steeper part of the property on the eastern half. The most significant grades lay directly between the two halves where slopes of 35%+ exist. The two small wetlands consist of 3,620 sq. ft. and 805 sq. ft. The larger wetland will be integrated into the development and intended to be a central feature of the development. As it sits today, the wetland has limited biological or aesthetic value as it has been largely filled-in or encapsulated by off-site fill material. The smaller wetland will be filled as its size does not meet State regulatory standards. The majority of the site's trees are intended to be preserved and incorporated into the development where possible. That said, the vast majority of the trees exist within the Bear Creek 100 year Floodplain (west of the proposed Kestrel Parkway) consist of Oak Trees, Cottonwood Trees, Pine Trees and Aspen Trees, the majority of which will remain. The few trees to be removed are Cottonwood trees which largely lay within the most logical building areas or road rights-of-way.



Subject Property – looking south at end of Kestrel Parkway



Kestrel Park – looking north at end of Kestrel Parkway



Subject Property – looking west (downhill)



looking east (uphill)

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## II. PROJECT PROPOSAL:

**1) Subdivision:** The applicants are proposing an Outline Plan subdivision application to develop a 17-lot subdivision generally consistent with the North Mountain Neighborhood Plan, including the roads, alleys, open spaces and infrastructure. The subdivision will be built in multiple phases and accommodate 55 to 65 residential units consisting of 15 single family detached residences and 40 to 50 multi-family residences. The multi-family residences are to be located within distinct areas (“Areas” as illustrated on Exhibits B, C.1 and C.1-B), and each phase will be subject to a publically noticed Site Review Permit prior to construction. The subdivision plan also includes the dedication of the flood plain corridor to the City of Ashland (required under the North Mountain Neighborhood Plan), and three areas of common open space.

The submitted plans closely resemble the North Mountain Neighborhood Plan on its fundamental points but takes a much more detailed approach to the site’s constraints and the logistics of accomplishing the plan’s objectives. This is even more important when one considers the pre-existing conditions of the developments to the north and east which included major amendments / modifications to the North Mountain Neighborhood Plan during their planning process. Nevertheless, the intensive level of detail design revealed a number of issues that the original plan either did not address at all or addressed somewhat superficially. The nature of these issues varies from minor (and entirely anticipated) alterations in lot configuration (i.e. lot configuration, number, etc.) from the generalized concept plan to street realignments which definitely requires an amendment. In between are some unknowns such as how to address the wetland within the middle of the property since it was never identified in 1997 during the community charrette process or addressed within the plan’s accompanying standards. When such gaps are encountered, it is assumed that since design flexibility is the stated goal, innovative amendments and solutions that do not compromise the integrity of the North Mountain Neighborhood Plan are not only encouraged, but expected.

The attached subdivision plans illustrates a street layout largely consistent with the North Mountain Neighborhood Plan, but altered slightly to conform to existing street patterns and/or natural features not realized during the master plan’s original conception and adoption. The connectivity pattern largely remains as intended with Neo-Traditional Neighborhoods, including the inclusion of alleys, various walking paths, pocket open spaces and porch dominant streetscapes as required by the North Mountain Neighborhood zoning codes.

There are two types of housing units; traditional single-family detached housing and the other small attached clustered multi-family cottage units, each type’s vehicular access will largely be from an existing or new alley, consistent with the North Mountain Neighborhood’s original intent.

Single Family (Areas 1 & 2, Lots #1 – 15): The single-family detached housing configuration is intended to primarily address two points: 1) to respect the existing street and house patterns of the adjacent residential neighborhood to the north “Meadowbrook Park II”, and 2) to conform to the City’s NM-R-I-7.5 density and access standards. The single-family detached units will be similar in design, scale and

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mass of the adjacent homes within the Meadowbrook Park II Subdivision (photos of the neighboring houses have been included below).

Multi-Family (Areas 3 – 7): The multi-family housing portion of the development proposal will be constructed within Areas 3 – 7 and will consist of 40 to 50 units. Each area’s development will be subject to a future Site Review Permit which will include specific elevation plans, floor plans, landscaping plans, etc. A conceptual plan (Exhibit C.1-B) of the multi-family units has been included with the subdivision application in order to illustrate the general pattern and density of the expected multi-family units. The configuration was based on various factors which included the NM-MF zone’s “minimum” density standards, the market acceptance of smaller units within the Verde Village subdivision, recent discussions with City staff and others around the Rogue Valley relating to “Missing Middle” housing, the various City of Ashland housing documents identifying the need for smaller and more affordable units and finally, the City’s recent adoption of the Cottage Housing Ordinance *Note: it should be clearly noted there are unique physical constraints with the subject property that do not necessarily relate or adapt to the City’s adopted Cottage Housing Ordinance. As such, the conceptual plan illustrating the multi-family units will not necessarily be a cottage housing development under the City’s code, but a cottage housing development nevertheless with similar characteristics and goals.* The attached narrative and illustration on Page 16 have been provided in an attempt to illustrate the character and orientation of the proposed multi-family units, but additional elevations and site planning will occur once the subdivision’s civil engineering is completed and those specific areas truly understood by the design team.

Open Space: The subdivision will include four open space areas, three small and one large. The small open spaces are located within the center of the property and include a small 6,219 square foot open space on steep sloping property between conceptual units #20 and 44 and 45 as well as the site’s existing 3,619 sq. ft. wetland, plus a 20,646 sq. ft. protection zone surrounding the wetland and its various trees. The small open spaces are intended to remain as passive natural open space, but because of past excavation disturbances and significant sediment fills around the wetland, the sediment piles will be removed, the wetland protection zone area is to be planted with native plants and most of the site’s trees will be trimmed and pruned for both health and aesthetic enhancement. A one-way street couplet circles the wetland open space which is intended to provide access to and from Kestrel Parkway, but also neighboring houses on each side of the wetland. The open space will be owned and managed by the subdivision’s Home Owners Association.

The large open space will be roughly 5.99 acres in size and is to be dedicated to the City of Ashland as stipulated within the North Mountain Neighborhood Plan. This area is to largely remain in a natural state, but will include a storm water treatment pond similar to the pond within Kestrel Park to the north, a small linear wetland between the pond and the creek and the future Bear Creek Bike/Pedestrian Path. *Note: It is expected that the bike/pedestrian path’s final alignment will be determined by the City of Ashland’s Public Works and Park’s Departments in the near future. Both have been actively working with the Bear Creek Greenway Foundation and Jackson County Public Works Department on various components of the bike/pedestrian path’s future extension, including the discussion of a pedestrian bridge over the creek at Nevada Street, a temporary bike/pedestrian rout from the recently constructed path along Verde Village, then east on West Nevada, south on Oak Street, east on Sleepy Hollow and down to the recently*

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*acquired Mace Property. The recently acquired Mace property will provide various bike/pedestrian path connections to either a second bridge over Bear Creek to the subject property and/or along the City owned parcel adjacent to River Walk which leads to North Mountain Park.*

Finally, it should also be noted the plan includes the inclusion of a new east-west pedestrian path between the Meadowbrook Park II Subdivision to the north and the subject subdivision. The path will extend from the existing alley at Julian Court (an alley), along a new proposed section of alley where it abuts up to Stone Ridge Avenue, but then converts to a pedestrian pathway, with stairs in the steepest sections, down to Kestrel Parkway.

**2) North Mountain Neighborhood Plan - Required Density:** The North Mountain Neighborhood Plan requires each development to provide a density range that is from 75% to 110% of the zones “base” density. As noted on Page 2, the subject properties total 13.48 acres of which 6.69 acres will be public or private open space. The remaining property will be developed in accordance with the respective zone’s base density (no bonus density is requested) which again, includes a “requirement” that such density be 75% to 110% of the base zone’s dwelling units per acre.

In this case, the subdivision has 2.75 acres of R-1-1-7.5 land (Single Family - Area #1 – Lots #1 – 11) with a base density of 3.6 units per acre and a required range of density that is between 7.42 units and 11.88 units. The proposal in this area is for 11 single family units.

The subdivision also has 4.74 acres of NM-MF (Multi-Family – Areas #2 – 7) with a base density of 12 units per acre and a required range of density that is between 42.66 and 68.25 units. At the present time, the applicants are illustrating on the conceptual plan (C.1-B) that a total of 54 units within Areas #2 – 7 are possible, 4 single family detached homes and 50 smaller attached or detached units. However, it should be understood that at the time of each areas’ Site Review Permit application, the number of units may change as a result of the subdivision’s final engineering, market demand or design flexibility, but in no case would the density be less than or more than the zone’s permitted 75% to 110% density range.

**3) Building Envelopes:** The submitted plans illustrate a mixture of housing types and sizes largely based on the proposed street pattern and the sites’ natural constraints and zoning boundary (split between NM-R-1-7.5 and NM-MF), etc.

Single Family (Areas 1 & 2, Lots #1 – 15): As noted, Lots #1 – 11 lay within the neighborhood’s single family zone (NM-R-1-7.5) along Kestrel Parkway which has a significantly lower density than the hillside (multi-family) area of the development. In accordance with AMC 18.3.5.040.F, Lots #12 – 15, along Stone Ridge Avenue are located within the multi-family zone (NM-MF), but have been designed as single family detached to reflect the neighboring context of single family detached houses within the Meadowbrook Park II Subdivision, as a sensitive transition into the proposed subdivision. All of the proposed homes are to have their vehicular access come from the adjacent rear alley allowing the front of the homes to sit proudly along the street frontages.

Multi-Family (Areas #3 – 7): As noted, the proposal does not include a Site Review Permit for the subdivision’s multi-family units, but once the site’s civil engineering is complete and infrastructure fully

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realized, the applicants will then submit individual Site Review Permit applications for the multi-family areas. However, a conceptual build-out plan (Exhibit C.1-B) has been submitted to illustrate the applicants' intentions in the North Mountain Multi-Family zone as it relates to the North Mountain Neighborhood Plan's minimum density standards and access management standards. At the present time, the applicants are proposing a mixture of multi-family types including single and two-bedroom attached or detached cottage townhomes ranging in size from 650 sq. ft. to 1,000 sq. ft, the vast majority of which will be smaller units, mostly due to the zone's minimum density standards, formation of available buildable land area based on existing street pattern, building codes (windows at property lines, access, etc.), solar access (distance between buildings), limited parking (capacity of alleys/distance between curbs), etc.

**4) Climate & Energy Goals:** The applicants intend to develop the property with certain goals and policies outlined within the City's recently adopted Climate & Energy Action Plan. For example, the applicants intend to: A) Develop the units as Zero Net Ready homes providing the necessary infrastructure within the homes which will allow future owners the opportunity to install solar systems more efficiently and cost effectively when compared to retrofit situations; B) Construct the homes under the Earth Advantage Gold/Platinum Certification levels which provide each home with the most energy efficient construction techniques and appliances. C) Provide each of the single family homes with 20amp services for AC Level 1 Electric Vehicle (EV) charging with garages or parking areas and 100 amp service for AC Level 2 charging in the multi-family area. D) Purchase two to three EVs for the multi-family areas of the development at the time that phase of the development occurs. The EVs will be owned, operated, maintained and replaced by the owners/tenants of the HOA as with any common element and metered through smart technology. Further, the applicants intend to construct a majority of the homes with a Lifelong Housing Certification which provides for "aging in place" opportunities both inside and outside of the homes. Overall, it is the applicants' intention to plan and develop a community that supports alternative transportation goals, the use of more efficient vehicles, a more climate ready development and lifelong housing opportunities.

**5) Solar Access:** All of the proposed single-family units, Lots #1 – 15, will comply with the Solar Access Performance Standards, AMC 18.4.8.040 B., which allows a predetermined solar access point in order to protect the applicable solar access standard. In this case, the applicants are proposing the "same" solar access standard granted to the Meadowbrook Park II Subdivision directly to the north, which allowed a 4' shadow above the south wall of the northern neighbor's finished first floor in order to define the height of any proposed new residences and protect the intent of the solar access standards (PA-2003-158 - Condition #31). This standard will provide for necessary consistency between the two subdivisions which generally have the same topographic constraints, density requirements and lot orientation as pre-determined by the adoption of the North Mountain Neighborhood Plan.

At the time of the Site Review Permit application for each multi-family area, the applicants will present findings addressing solar access needs.

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**6) Neighbor Connectivity & Compliance with the North Mountain Neighborhood Plan:** The property has intersecting streets from adjoining developments on nearly every side as well as “planned” streets to the south. To the best of the applicant’s ability, the proposed plan follows the neighborhood’s existing street pattern, follows the North Mountain Neighborhood Plan and tries to be as sensitive as possible to the site’s natural constraints. The applicants have also met with the adjoining neighbor to the south (Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800) multiple times to discuss connectivity, process, timing, etc., but at the present time, there is no indication there will be any eminent development by that property owner. Regardless, the plans illustrate Kestrel Parkway abutting the edge of the property to the south as well as an alley consistent with the North Mountain Neighborhood’s Plan.

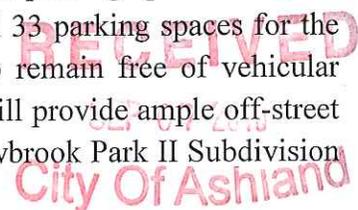
Areas where the proposed application *deviates* from the North Mountain Neighborhood Plan (NMNP) include:

- a) The large open space area surrounding the site’s wetland. The adopted NMNP illustrates this area to be housing;
- b) The one way street system or couplet wrapping around the site’s wetland. The adopted NMNP illustrates an alley or pedestrian walk serving the housing planned within this area;
- c) The curb side sidewalk along the one way street system or couplet around the wetland. The adopted NMNP does not include a couplet;
- d) Multi-family housing between Nandina Street, Stone Ridge Avenue and Patton Lane. The adopted NMNP identifies the area as Civic Space;
- e) Standard street design of Zare Way & Kestrel Parkway. The adopted NMNP illustrates pie-shaped medians;
- f) Stone Ridge Avenue does not connect directly through to Zare Way. The adopted NMNP illustrates a street traversing through this area;

Further explanation as to the justification of the various changes has been provided below on Pages 21 - 24, but essentially, the modifications have been based on a combination of factors that relate to changes created by adjoining subdivisions and unknown physical constraints, minimum density standards and preservation of the site’s physical constraints which were not readily available or as understood when the North Mountain Neighborhood Plan was created in 1997.

**7) Parking Management:** Because of the site’s dual zoning and topography, the applicants propose two distinct parking plans based on the subdivision’s two distinct residential unit types.

Single Family (Areas 1 & 2, Lots #1 – 15): The single family units are relatively traditional in appearance, function and parking orientation. A minimum of four on-site parking spaces will be provided within a two car garage and two car parking pad in front of the garage, plus an additional parking space along the fronting streets. In fact, this section of Kestrel Parkway will add an additional 33 parking spaces for the benefit of the homeowners and the general public. The streets are likely to remain free of vehicular parking other than for guests or additional vehicles as the home’s driveways will provide ample off-street parking for the home’s tenants. As it stands today, within the adjacent Meadowbrook Park II Subdivision to the north, parking along the adjacent streets is noticeably absent.



Multi-Family (Areas #3 – 7): At the time of the Site Review Permit for the multi-family units, each multi-family area will need to present its parking plan based on the number and size of the units proposed. The applicants contend two-bedroom units less than 800 square feet are most likely based on various marketing studies, but may change. Nevertheless, the conceptual plan shows multiple pocket areas, created by the grid street pattern, of smaller building envelopes less than 800 square feet in size with parking along the subdivision's proposed alleys and streets.

One particular pocket area, Area #5, is illustrated with no on-site parking, but for three parallel alley spaces and 16 on-street parking spaces. This concept will require an Exception and/or Parking Management Strategy per AMC 18.4.3.060 with this area's future Site Review Permit. That said, it should be understood that through multiple design concepts, this particular area, due to its steep grade, intersecting streets and multi-family zoning, on-site parking has proven to be extremely difficult, highly inefficient or out of compliance with the City's access management standards. In recognition of the probable pending exception request, the applicants are considering a comprehensive Parking Management Strategy that includes strategically placed electric vehicle (EV) charging stations as noted previously for not just Area #5, but for all of the subdivision's multi-family areas. The applicants contend the combined nature of changing demographics (smaller households, demand for more independent living, shifting budgets, etc.) and the lightning quick technological advancements in the EV and self-driving automobile industry are rapidly reducing the ratio of cars per household. As such, the applicants believe a request to allow a percentage of on-street parking credits through AMC 18.4.3.060 A., combined with EV shared vehicles and a possible parking exception should be considered.

**8) Unit Architecture and Neighborhood Compatibility:**

Single Family (Areas 1 & 2, Lots #1 – 15): The architecture of the single family residences are intended to be similar to the mass, scale, forms and colors of the abutting neighborhood directly to the north. Photos (in lieu of conceptual elevation drawings) of the neighboring homes have been included within the application illustrating the applicants' intentions to produce a seamless transition between the two neighborhoods as much as possible (See photos on Pages 13 – 15). From the applicants' perspective, the only obvious difference between the two neighborhoods will be where Kestrel Park, a well groomed and green turf field owned and managed by the City's Parks Department abuts the proposed open space which is to remain in a more natural state.

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Mountain Meadows Drive



Mountain Meadows Drive



Plum Ridge Drive

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Kestrel Parkway



Kestrel Parkway



Stone Ridge Avenue

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Stone Ridge Avenue

*The above house on Stone Ridge Avenue abuts the proposed subdivision. Although difficult to see, it's a two-story home accessed from a rear alley.*



Stone Ridge Avenue

Multi-Family (Areas #3 – 7): A conceptual elevation of a typical multi-family unit has been inserted below (Page 16). This particular elevation was generated for the future planned multi-family units in Area #3 which is relatively level. However, at the present time, the applicants are not proposing any multi-family housing designs with the subdivision's application due to the multiple unknown variables that occur between Outline Plan, Final Plan and actual infrastructure installation, especially in areas that have steeper slopes that require significant time and effort to fully understand. As such, prior to any vertical construction within the identified multi-family areas, the applicants will apply for a Site Review Permit that includes detailed drawings of each units elevations as they relate to slope, grade retention, erosion control, pedestrian access, vehicle access, etc. Further, all proposed multi-family units will comply with the standards as outlined in the adopted North Mountain Neighborhood Plan. Again, it is the applicants' intention to develop housing that is consistent in mass, scale, form and colors typically found in the Meadowbrook Park II subdivision directly to the north.

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Julian Court (alley) – Multi-Family



Patton Lane - Duplex



Conceptual Multi-Family Unit

**9) Traffic Analysis:** Attached is a Traffic Analysis Report completed in July of 2018, from Alex Georgevitch, a Certified Traffic Engineer in the Rogue Valley who studied the proposed subdivision’s traffic related impacts and essentially concludes the projected vehicular trip generation from the project, based on 15 single family units and 50 multi-family units, will not exceed anticipated volumes of traffic designed for local streets and will not decrease the Level of Service on nearby intersections, specifically North Mountain Avenue and Heresy Streets. Considering the grid street pattern of the development, vehicle trips will be largely spread throughout the subdivision as intended with the original North Mountain Neighborhood Plan.

**10) Common Open Spaces:** After the development’s roads, wetland and storm water management facilities are completed, prior to signature of the final plat, the large open space area between Kestrel Parkway and Bear Creek will be dedicated to the City of Ashland’s Parks and Recreation Department per the North Mountain Neighborhood Plan. The applicants have been working with the Bear Creek Greenway Foundation, Parks staff and Public Works staff as it relates to future pedestrian trails/bike paths, but because of the number of unknowns at the present time, including the unknown timing of the neighboring property to the south (Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800), the

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applicants are simply working with the City and dedicating the land. Private agreements as they relate to the maintenance of the wetland mitigation area and storm water filtration ponds will be executed at the time of the project's final plat. The other common open space areas, including the site's large wetland and riparian buffer area will be owned and managed by the subdivision's Home Owner's Association (HOA).

**11) New East – West Pedestrian Connection:** As noted above, the proposal includes a new east-west pedestrian path connection adjacent to the Meadowbrook Park II Subdivision to the north and the subject subdivision. In the spirit of the North Mountain Neighborhood Plan, as a pedestrian friendly community, the connection is intended create a mid-block link between the upper portions of the North Mountain Neighborhood and Kestrel Parkway, including the future Bear Creek Greenway bike and pedestrian path.

The area of the new path technically lies within an odd 8' strip of property recently acquired by the City from the County. The 8' strip of land essentially extends from Quinn Lane down to the Bear Creek. In the areas where planned streets and alleys are proposed, the City Council will need to dedicate those lands to the applicant who in turn will construct the various improvements and dedicate those sections right back to the City in the form of rights-of-way. Discussions with City Administration relating to the process and technical entitlements are pending the Outline Plan's approval.

**12) Time Schedule of the Development:** There are a number of factors that affect the timing of any development, specifically a development such as the proposed which has a number of physical constraints. However, it is anticipated infrastructure construction could begin in the summer of 2019, and initial home construction fall of 2019. The multi-family areas of the development would also begin in the fall of 2019, once the infrastructure and all/most site improvements have been completed and each area's Site Review Permit is obtained. Full build-out could take ten years or longer, depending on market demands.

**13) Dimensional Standards:** Table 18-3.5.060 below contains lot and development standards, including density, minimum dimensions, area, coverage, structure height and other provisions that control the intensity, scale, and location of development for the NM-R-1-7.5, NM-R-1-5, NM-MF, and NM-C.

Table 18-3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones			
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C
Residential Density (dwelling units/acre) <sup>1</sup>	3.6 du/ac	5 du/ac	12 du/ac	20 du/ac
<sup>1</sup> Density is computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the answer shall not apply towards the total density, except that units less than 500 square feet gross habitable floor area shall count as .75 units in the NM-MF and NM-C zones. Accessory residential units are not subject to the density requirements of the zone in the NM-R-1-7.5 and NM-R-1-5 zones.				
Standard Yards – Minimum (feet)				
Front – Standard	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	No minimum yard requirements, except as required for parking, landscaping and building design
Front – Unenclosed Porch	5 ft	5 ft	5 ft	
Front -- Garage <sup>2</sup>	15 ft from building face / 20 ft	15 ft from building face / 20 ft from	15 ft from building face / 20 ft	

Table 18-3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones			
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C
	from sidewalk	sidewalk	from sidewalk	requirement in chapters 18-4.2, 18-4.3, and 18-4.4.
Side – Standard <sup>3</sup>	5 ft per building story	5 ft per building story	5 ft per building story	
Side – Adjacent to Street	10 ft	10 ft	10 ft	
Side – Single-Story, Detached Garage and Accessory Buildings <sup>4</sup>	3 ft	3 ft	3 ft	
Rear – Standard	10 ft per building story	10 ft per building story	10 ft per building story	
Rear – Upper Floor Dormer Space	15 ft	15 ft	15 ft	
Rear - Single-Story, Detached Garage and Accessory Buildings Adjacent to Alley	4 ft	4 ft	4 ft	
Rear – Two-Story Accessory Adjacent to Alley	4 ft	4 ft	4 ft	
<sup>2</sup> No greater than 50 percent of the total lineal building façade facing the street can consist of garage, carport, or other covered parking space.				
<sup>3</sup> No additional side yard is required for half-stories and upper floor dormer space.				
<sup>4</sup> No side yard is required for accessory buildings sharing a common wall.				
Solar Access	Solar access setback required pursuant to chapter 18-4.8 Solar Access.			No solar access setback required.
Lot Coverage – Maximum (% of lot area)	45%	50%	75%	80%

The application’s subdivision plan and concept plan identify building envelopes consistent with the above dimensional standards and no exceptions or variances to these standards are being requested at this time with the subdivision application, specifically as they relate to the identified single family detached homes. Further, at the time of the Site Review Permit application(s) for any of the multi-family unit areas, the plans submitted will be based on the above table.

### III. PROJECT FINDINGS OF FACT:

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in the Ashland Municipal Code (AMC) pertaining to the Performance Standards Options Subdivision requirements in Chapter 18.3.9 and Site Development and Design Standards Chapter 18.4.

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

**AMC 18.3.9.040 A.3. Outline Plan Approval Criteria**

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**3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.**

**a. The development meets all applicable ordinance requirements of the City.**

Unless otherwise noted herein, the applicants contend the proposed subdivision meets all applicable ordinance requirements of the City of Ashland.

That said, the Purpose Statement of the Performance Standards Option Subdivision (AMC 18.3.9.010) “*is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity, and innovation; use the natural features of the landscape to their greatest advantage; provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes; be aesthetically pleasing; provide for more efficient land use; and reduce the impact of development on the natural environment and neighborhood*”.

As such, through the use of flexible design, the applicants have:

- 1) *Stressed energy efficiency, architectural creativity and innovation:* The applicants are proposing to construct Earth Advantage homes, generate a variety of architectural styles for a variety of housing types that are consistent with the existing architectural styles and mass of the adjoining subdivisions;
- 2) *Used the natural features of the landscape to their greatest advantage:* The plan recognizes the site’s significant natural features such as the site’s large wetland and Bear Creek Greenway area and have incorporated these features in the development plans;
- 3) *Provide for a quality of life equal to or greater than that provided in developments built under the standard zoning codes:* The applicants have generated a plan that incorporates the site’s natural elements where possible and embraced the “human scale” concepts of the North Mountain Neighborhood Plan (connectivity, use of alleys, hidden garages, street facing homes, etc.). Further, the fact the applicants are deferring the architectural planning of the multi-family areas (#3 – 7) in order to fully design and understand the subdivision’s various infrastructure needs on severe sloping lands is a clear indication the intent of the plan is to ensure a quality product is produced;
- 4) *Provide for more efficient land use:* The mixture of housing types within the planned range of densities in an integrated pattern improves transportation options and maximizes community interaction;
- 5) *Reduces the impact of development on the natural environment and neighborhood:* The entire North Mountain Neighborhood Plan is predicated upon the natural topography and taking care of to preserve the site’s significant natural features such as the Bear Creek Greenway. The applicants contend the preservation and enlargement of the site’s wetland is further evidence of preserving the site’s natural features and integrating the proposed subdivision into the neighborhood.

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

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All of the site's utilities will extend to the subject property from the various public utility easements and street rights-of way surrounding site. Based on discussions with the various service providers, there is adequate capacity to serve the development. All utilities will extend to and through the property as identified on the Conceptual Utility Plan, including to the south end of the property where it abuts the Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800 where infrastructure, utilities and roads are expected to continue to North Mountain Avenue as contemplated under the North Mountain Neighborhood Plan. At the time of the application's Final Plan submittal, Civil Engineered drawings will be submitted identifying specific utility information.

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

To the most reasonable extent of the applicants' abilities, physical constraints of the property, North Mountain Neighborhood Overlay Plan and the adopted North Mountain Neighborhood's development standards, the applicants contend that the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified and such significant features have been included in the open space, common areas, and unbuildable areas of the development.

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

The subject property is essentially fully developed on two sides and has the Bear Creek Greenway on another. The only remaining vacant land abutting the subject property is the Spartan Ashland Stella Real Estate, LLC., Tax Lot 2800, parcel to the south. The applicants have been in communication with the property's owner and representatives, but there has been no clear indication as to when and if that property will develop. However, the applicants have been able to review a rough concept plan from the owner's representatives and have concluded the proposed rights-of-way abutting the Tax Lot 2800 are located consistent with not only their concept plan but also the North Mountain Neighborhood Plan and adopted Transportation System Plan maps.

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

As noted, after the development's roads, wetland and stormwater management facilities are completed, prior to signature of the final plat, the large open space area between Kestrel Parkway and Bear Creek will be dedicated to the City of Ashland's Parks and Recreation Department per the North Mountain Neighborhood Plan. The applicants have been working with the Bear Creek Greenway Foundation, Parks staff and Public Works staff as it relates to future pedestrian trails/bike paths, but because of the number of unknowns at the present time, including the unknown timing of the neighboring property to the south (Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800), the applicants are simply working with the City and dedicating the land. Private agreements as they relate to the maintenance of the wetland mitigation area and stormwater filtration ponds will be executed at the time of the project final plat. The

other common open space areas, including the site's large wetland and riparian buffer area will be owned and managed by the subdivision's Home Owner's Association (HOA).

The proposed subdivision will likely be completed in multiple phases, but at this early juncture, a phasing plan will be better realized and understood at the time the final engineering is completed and submitted with the Final Plan application. Nevertheless, the subdivision's open spaces will be completed and have the same or higher ratio of amenities as proposed in the entire project.

**f. The proposed density meets the base and bonus density standards established under this chapter.**

As noted on Page 2, the subject properties total 13.48 acres of which 6.69 acres will be public or private open space. The remaining property will be developed in accordance with their respective zone's base density (no bonus density is requested) which includes a "requirement" that such density be 75% to 110% of the zone's dwelling units per acre (density).

In this case, the subdivision has 2.75 acres of R-1 17.5 land (Single Family - Area #1 – Lots #1 – 11) with a base density of 3.6 units per acre and a required range of density that is between 7.42 units and 11.88 units. The proposal in this area is for 11 single family units.

The subdivision also has 4.74 acres of NM-MF (Multi-Family – Areas #2 – 7) with a base density of 12 units per acre and a required range of density that is between 42.66 and 68.25 units. At the present time, the applicants are illustrating on a conceptual plan that a total of 54 units within Areas #2 – 7 are possible, 4 single family and 50 smaller attached and detached units. However, it should be understood that at the time of each areas' Site Review Permit application, the number of units may change as a result of the subdivision's final engineering, market demand or design flexibility, but in no case would the density be less than or more than the zone's permitted 75% to 110% density range.

**g. The development complies with the Street Standards.**

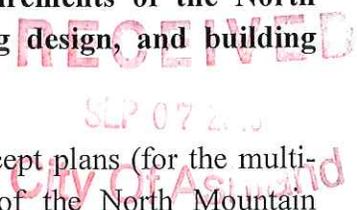
As evidenced with the attached street cross-sections, Exhibit C.2, the proposed streets comply with the City's adopted Street Standards and/or are consistent with the existing right-of-way widths and street improvements currently abutting the subject property.

**AMC 18.3.5.030 C. North Mountain Neighborhood Supplemental Approval Criteria**

**Supplemental Approval Criteria. In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.**

**1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.**

To the best of the applicants' abilities, the submitted subdivision plan and concept plans (for the multi-family areas) demonstrate conformity to the general design requirements of the North Mountain



Neighborhood Plan, including density, transportation, building design, and building orientation. The applicants are proposing a subdivision that is not only intended to conform to the North Mountain Neighborhood Plan, including the various modifications previously accepted within the adjacent subdivisions and never before realized physical constraints, but also design and build to the neighborhood's existing context.

**2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.**

The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards as noted in AMC 18.3.5.100 A. #1 – 8. At the time individual house plans are submitted for a building permit, each will include a variety of architectural elements, at a minimum of two, as noted in AMC 18.3.5.100 A. #1 a-i., will be oriented towards the abutting primary street, will not include repetitive elevations and will include a porch with a minimum dimension of 6' depth by 8' width as described in AMC 18.3.5.100 A. #2, #3 and #6. Further, it is expected due to the site's grades, all of the units within the subdivision will be terraced to respond to the natural grades and all vehicular access, where possible, will occur via existing or proposed alleys.

**AMC 18.3.5.040 B North Mountain Neighborhood General Regulations - Amendments**

**A. Conformance with North Mountain Neighborhood Plan. Land uses, streets, alleys, and pedestrian/bicycle access ways shall be located in accordance with those shown on the North Mountain Neighborhood Plan adopted by Ordinance 2800.**

Except as noted below, to the best of the applicants' abilities, the proposed subdivision plan conforms to the North Mountain Neighborhood Plan. Land uses remain the same and streets, alleys and pedestrian/bicycle access ways are largely located or provide the same connectivity opportunities as envisioned on the original plan.

**B. Amendments. Major and minor amendments to the North Mountain Neighborhood Plan shall comply with the following procedures.**

**1. Major and Minor Amendments.**

**a. Major amendments are those that result in any of the following.**

**i. A change in land use.**

**ii. A change in the street layout plan that requires a street to be eliminated or to be located in such a manner as to not be consistent with the neighborhood plan.**

**iii. A change in the North Mountain Neighborhood Design Standards.**

**iv. A change in planned residential density.**

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**v. A change not specifically listed under the major and minor amendment definitions.**

Areas where the proposed application *deviates* from the North Mountain Neighborhood Plan include:

*a) The large open space area surrounding the site's wetland.*

The adopted North Mountain Neighborhood Plan illustrates this area to be housing, primarily because little technical data or detailed site information was available in 1997 during the neighborhood's community charrette process. The available resources at that time primarily consisted of aerial photography and some topographic maps, but no site specific data as it relates to trees, wetlands, and some areas of water. Nevertheless, the applicants have completed a Wetland Delineation study which concludes the site has two wetlands, one small wetland consisting of 805 square feet and one larger wetland consisting of 3,619 square feet.

The applicants' intent is to preserve the larger wetland, restore the earth modifications to natural conditions around the wetland, add a landscaped buffer around the wetland in accordance with the City's adopted Water Resource Protection Zone, AMC 18.3.11.040 B.1., Wetland Protection Zone, and leave it in perpetuity as a natural amenity. In doing so, the preservation of the wetland is "technically" a deviation from the original North Mountain Neighborhood Plan.

*b) The one way street system wrapping around the site's wetland.*

The adopted North Mountain Neighborhood Plan illustrates an alley or what could possibly be a pedestrian walk serving the housing planned within this area. The alley extends east to west as a mid-block connection for vehicular and pedestrian circulation to Kestrel Parkway and the subdivision's other north to south streets. The applicants' proposal is to maintain the connectivity's intent by wrapping a one-way street system around the wetland and therefore create a community amenity and ensure positive circulation opportunities.

*c) The curbside sidewalk along the one way street couplet wrapping around the site's wetland.*

As noted, adopted North Mountain Neighborhood Plan did not specifically identify wetlands and illustrated the proposed one-way couplet around the site's large wetland only as housing. Nevertheless, the applicants are requesting an exception to the North Mountain Neighborhood Street Standards to install an 8' parkrow between the sidewalk and curb in this area as the additional 16' dimension (both sides of couplet) has been compensated within the wetland's buffer area. The buffer area will be enhanced with new plantings and already retains numerous trees that will be retained.

*d) Multi-family housing between Nandina Street, Stone Ridge Avenue and Patton Lane.*

The adopted North Mountain Neighborhood Plan identifies the area as Civic Space. The applicants are unsure as to what was intended, but based on the various site details relating to the wetland and various

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street amendments that occurred with the adjacent subdivisions, the applicants are proposing to consider the wetland area, protection zone and excess open space land as the civic space.

*e) Standard street design of Zare Way.*

The adopted North Mountain Neighborhood Plan illustrates a pie-shaped median within Zare Way (street at the far south of the subdivision). The applicants contend this should be a shared improvement with the adjoining subdivision to the south, when and if it is ever developed. The applicants can provide civil engineering plans illustrating the median, but because a large portion of the street right-of-way resides on the adjoining property and there is no definitive timeframe for its development, the applicants are proposing a standard street which could be modified in the future and accommodate the median.

*f) Stone Ridge Avenue does not connect directly through to Zare Way.*

The adopted North Mountain Neighborhood Plan illustrates a street traversing from Stone Ridge over to Zare Way, but because alternative connectivity is provided with the large couplet around the site's wetland as well as Mountain Meadows Drive, Nandina Street, Zare Way and new alley's, this section of road has been modified.

**2. Major Amendment Type II Procedure. The approval authority may approve a major amendment to the North Mountain Neighborhood Plan through a Type II procedure in section 18.5.1.060 upon finding that the application meets all of the following criteria.**

**a. The proposed modification maintains the connectivity established by the neighborhood plan.**

The subdivision's street and pedestrian intended connections are not only maintained, but enhanced with the proposed streets, alleys and walkways. Further, all planned streets will connect with the future streets on the adjacent property to the south (Spartan Ashland Stella Real Estate, LLC. property, Tax Lot 2800), as envisioned in North Mountain Neighborhood Plan.

**b. The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.**

The proposed modifications are largely being considered due to the physical constraints largely unknown at the time the North Mountain Neighborhood Plan was created. The applicants contend the proposed modifications do further the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature with the addition of additional alleys and the proposed east – west pedestrian walkway located between the subject subdivision and the existing subdivision to the north, Meadowbrook Park II.

**c. The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.**

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The proposed modifications will not adversely affect the purpose, objectives or functioning of the neighborhood plan.

The Purpose of the North Mountain Neighborhood Plan “*is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity, and innovation; use the natural features of the landscape to their greatest advantage; provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes; be aesthetically pleasing; provide for more efficient land use; and reduce the impact of development on the natural environment and neighborhood*”.

As such, through the use of flexible design, the applicants have:

- 1) *Stressed energy efficiency, architectural creativity and innovation*: The applicants are proposing to construct Earth Advantage homes, generate a variety of architectural styles for a variety of housing types that are consistent with the existing architectural styles and mass of the adjoining subdivisions;
- 2) *Used the natural features of the landscape to their greatest advantage*: The plan recognizes the site’s significant natural features such as the site’s large wetland and Bear Creek Greenway area and have incorporated these features in the development plans;
- 3) *Provide for a quality of life equal to or greater than that provided in developments built under the standard zoning codes*: The applicants have generated a plan that incorporates the site’s natural elements where possible and embraced the “human scale” concepts of the North Mountain Neighborhood Plan (connectivity, use of alleys, hidden garages, street facing homes, etc.). Further, the fact the applicants are deferring the architectural planning of the multi-family areas (#3 – 7) in order to fully design and understand the subdivision’s various infrastructure needs on severe sloping lands is a clear indication the intent of the plan is to ensure a quality product is produced;
- 4) *Provide for more efficient land use*: The mixture of housing types within the planned range of densities in an integrated pattern improves transportation options and maximizes community interaction;
- 5) *Reduces the impact of development on the natural environment and neighborhood*: The entire North Mountain Neighborhood Plan is predicated upon the natural topography and taking care of to preserve the site’s significant natural features such as the Bear Creek Greenway. The applicants contend the preservation and enlargement of the site’s wetland is further evidence of preserving the site’s natural features and integrating the proposed subdivision into the neighborhood.

Finally, the applicants’ contend the design of the proposed subdivision should be a seamless transition with the existing subdivisions within the North Mountain Neighborhood Plan area, most of which were developed at different times and by different entities. By largely following the master plan and its purpose and objectives, the subdivisions have coalesced to create a very functional and attractive neighborhood. The proposed subdivision, including its modifications, will continue this successful pattern of development as it nears the final stages of the master plan.

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**d. The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.**

The proposed modifications requested are necessary to adjust to the site's various physical constraints evident on the property and will help protect its significant natural features such as the site's large Oak Trees within the Bear Creek Greenway, large wetland and protection area and severe slopes. In addition, the proposed walkway between the existing subdivision to the north and the proposed walkway is not only an important east – west pedestrian connection, but it also serves as a buffer area and helps “adjust” the existing house and grade settings with the new subdivision's grades.

**C. Utilities. Utilities shall be installed underground to the greatest extent feasible. Where possible, alleys shall be utilized for utility location, including transformers, pumping stations, etc.**

At this preliminary juncture, all utilities are planned to be underground as they are throughout the North Mountain Neighborhood area. At the time of the Final Plan's civil engineering, a detailed utility plan will be submitted verifying this standard. Where possible, the areas existing alleys and proposed alleys will be a primary focus to accommodate the necessary utilities.

**D. Lots With Alley Access. If an alley serves the site, access and egress for motor vehicles shall be to and from the alley. In such cases, curb openings along the street frontage are prohibited.**

At the present time, all of the proposed single family residences will take its vehicular access from an existing alley or proposed alley, retaining the primary street façade for articulated housing options and variety. The conceptual plan (Exhibit C.1-B) also illustrates that the vast majority of the multi-family units will also abut a new or existing alley for vehicular access, but for Units #44 and 45 which will likely have direct access onto Patton Lane. As noted previously, access to Units #32 – 43 remain unclear due to this areas steep grades and limited depth between its two fronting streets, Stone Ridge Avenue and Patton Lane. Its highly probable this particular area (Area #5) will either need a parking exception to allow a majority of its parking needs to be provided along the street frontages, including Nandina Street, or be designed to accommodate individual driveways and garages from either Stone Ridge or Patton which is counter to the philosophical intent of the North Mountain Neighborhood Plan, but nevertheless, has been completed within the neighborhood along both Patton Lane and Camelot Drive near East Nevada Street. Unfortunately, that particular design eliminates the opportunity to build small units as currently proposed. That said, this particular decision will remain pending until the subdivision's final civil engineering is completed with the Final Plan and/or the Site Review Permit for that particular area is processed.

**E. Streets, Alleys, and Pedestrian/Bicycle Accessways. Streets, alleys, and pedestrian/bicycle accessways shall be improved as designated in the North Mountain Neighborhood Design Standards.**

All streets, alleys and pedestrian/bicycle access ways as shown on the plans will be completed at the time of the subdivision's improvements.

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**F. Minimum Density.** Proposals resulting in the creation of additional parcels or greater than three units on a single parcel shall provide for residential densities between 75 to 110 percent of the base density for a given zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations or similar physical constraints. (Proposals involving the development of neighborhood commercial businesses and services shall be exempt from the above requirements).

As noted on Page 2, the subject properties total 13.48 acres of which 6.69 acres will be public or private open space. The remaining property will be developed in accordance with their respective zone's base density (no bonus density is requested) which includes a "requirement" that such density be 75% to 110% of the zone's dwelling units per acre (density).

In this case, the subdivision has 2.75 acres of R-1-1-7.5 land (Single Family - Area #1 – Lots #1 – 11) with a base density of 3.6 units per acre and a required range of density that is between 7.42 units and 11.88 units. The proposal in this area is for 11 single family units.

The subdivision also has 4.74 acres of NM-MF (Multi-Family – Areas #2 – 7) with a base density of 12 units per acre and a required range of density that is between 42.66 and 68.25 units. At the present time, the applicants are illustrating on a conceptual plan that a total of 54 units within Areas #2 – 7 are possible, 4 single family and 50 smaller attached and detached units. However, it should be understood that at the time of each areas' Site Review Permit application, the number of units may change as a result of the subdivision's final engineering, market demand or design flexibility, but in no case would the density be less than or more than the zone's permitted 75% to 110% density range.

**G. Density Transfer.** Density transfer within a project from one zone to another may be approved if it can be shown that the proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types, and architectural styles.

No density transfers are necessary to accommodate the concepts advocated within the North Mountain Neighborhood Plan. If anything, the applicants have reduced the density with the NM-MF area where it abuts the existing single family residences along Stone Ridge Drive (Lots #11 – 15) in order to retain the continuity of that areas single-family context. This area also has the site's most severe slopes, but because of the existing alley and street configuration, single family housing is deemed more appropriate in this area.

**H. Floodplain Corridor.** Developments including lands within the identified floodplain corridor, including street development, shall comply with the following requirements.

1. A hydrologic study prepared by a geotechnical expert shall be submitted concurrently with specific development proposals indicating the impact of the development on the floodplain corridor, and all efforts to be taken to mitigate negative impacts from flooding in the area of the floodplain corridor and areas of historic flooding.

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Attached is a Geotechnical, Geologic and Hydrologic study prepared by Applied Geotechnical Engineering & Geologic Consulting, Robin Warren, in September of 2018 which includes flood protection measures for the extension of Kestrel Parkway. Specifically, the report concludes the site is suitable for development from a geotechnical and geologic standpoint and that there is no increased risk of geologic hazards if the site is developed as recommended in the report. At the time of the Final Plan submittal, the project's Civil Engineers (CEC Engineering) and consultants for Applied Geotechnical Engineering & Geologic Consulting will work together to ensure the recommendations outlined in the report are designed accordingly. Further, during the initial construction phase of any of the improvements within the floodplain corridor, the consultants for Applied Geotechnical Engineering & Geologic Consulting will periodically monitor the development to ensure the recommendations and civil plans are being complied with.

**2. The design of Greenway Drive, as indicated on the neighborhood plan, shall incorporate flood protection measures, as determined by a geotechnical expert, in the overall design of the new street. Such protection measures shall address flooding in the floodplain corridor and in areas of historic flooding.**

As noted above, a Geotechnical, Geologic and Hydrologic study was prepared by Applied Geotechnical Engineering & Geologic Consulting, Robin Warren, in September of 2018 and does include flood protection measures for the extension of Kestrel Parkway. Specifically, the report states:

*"The project design layout has included consideration of the 100 year floodplain and the City of Ashland Flood Corridor. Except for a small portion of Kestrel Parkway at the north end of the site, the entire roadway system is located above the 100 year floodplain. The City of Ashland Flood Corridor is located at slightly higher elevations on the site; however new homes in the development will be located at higher elevations than the flood corridor.*

*The new roadway and improvements will be located at or below existing grades (no significant fills will be placed in this area) and will be located predominately out of the 100 year floodplain. In our opinion, the development will result in no rise in the base flood elevation for the 100-year event for Bear Creek.*

*Based on existing topography and the creek geomorphology in this area, creek flows during larger storm events will result in flood flows occurring roughly parallel to Kestrel Parkway. Based on the hydrologic study completed by CEC Engineering and previous studies by others for adjacent developments, maximum water velocities during a major storm event will be less than 3 fps in the project area between the 100 year floodplain and the City's Flood Corridor. To protect the roadway from natural flood events, structural fill under the sidewalk on the west side of the Kestrel Parkway should consist of 4-in – minus crushed rock. Vegetation should be reestablished in areas west of Kestrel Parkway as soon as practical after construction of the sidewalk is completed. Based on Army Corps of Engineer studies, coarse rock and vegetated ground surfaces are suitable for resisting erosion for velocities of up to 6fps."*

**3. A grading plan for the overall development, indicating grade relationships between the development and the floodplain corridor, shall be included with the specific development proposal. A statement shall be included, prepared by a geotechnical expert or licensed surveyor, indicating that the finish grade for all buildable areas outside of the floodplain corridor shall be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.**

A conceptual grading plan for the overall development has been provided with the Outline Plan application and at the time of the Final Plan application, specific engineering details indicating the grade relationships between the development and the floodplain corridor will be included with the specific development proposal. A statement will be included, prepared by the project's geotechnical expert or licensed surveyor, indicating that the finish grade for all buildable areas outside of the floodplain corridor will be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.

**I. Off-Street Parking. Off-street parking shall be provided pursuant to the requirements of this chapter and 18.4.3 Parking, Access, and Circulation, except in the NM-C zone. In the NM-C zone, all uses are not required to provide off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit and in conformance with chapters 18.4.2 Building Placement, Orientation and Design, and 18.4.4 Landscaping, Lighting, and Screening.**

All off-street parking for the single family units, Lots #1 -15 will be provided pursuant to the requirements of the North Mountain Design Standards, Chapter 18.3.5 and 18.4.3 Parking, Access, and Circulation. The multi-family units should also comply with these standards, but may seek an exception along with a Parking Management Plan for mitigation purposes. As stated previously, it should be understood that at the time of each areas' Site Review Permit application, the number of multi-family units, their design, parking configuration, etc. will largely be dependent on understanding the site's final grades, utility locations, easements, etc.

**J. Drive-Up Uses. Drive-Up uses are not permitted within the North Mountain Neighborhood Plan area.**

No drive-up uses are proposed with this application.

**K. Performance Standards Overlay. All applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option Overlay.**

The proposed application is being processed under chapter 18.3.9 Performance Standards Option Overlay.

**L. Fencing. No fencing exceeding three feet in height shall be allowed in the front lot area between the structure and the street. No fencing shall be allowed in areas designated as Floodplain Corridor.**

No fencing will exceed three feet in height will be allowed in the front lot area between the structure and the street and no fencing shall be allowed in areas designated as Floodplain Corridor. At the time of the Final Plan submittal, the applicants will provide a fence exhibit for contractors, realtors and owners to

abide by. Further, the exhibit will include new fire wise regulations pending Council approval at the time of this writing.

**M. Adjustment of Lot Lines.** As part of the approval process for specific development proposals, adjustments to proposed lot lines may be approved consistent with the density standards of the applicable zone, as designated by the North Mountain Neighborhood Plan.

No adjustments to existing lot lines are necessary, other than internal lot lines for the purpose of the proposed subdivision.

**AMC 18.3.5.090 North Mountain Greenway Zone NM-G**

**A. Applicability.** All projects containing land identified on the North Mountain Neighborhood Plan map as part of the North Mountain/Bear Creek Greenway shall dedicate that area so designated to the City for park purposes. It is recognized that previous zone changes allowing increases in allowable development density (up-zoning) as part of the North Mountain Neighborhood Plan imparted significant value to properties, and the required dedication of those lands within the North Mountain/Bear Creek Greenway for park purposes is both necessary based on the impacts of planned development and proportional to the value bestowed upon the property through the change in zoning designation.

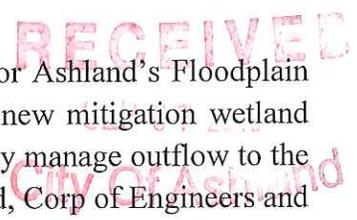
The applicants are aware of this requirement and enthusiastically supports the various reasons and opportunities the Bear Creek Greenway provides the community and neighborhood. The applicants have discussed the pending dedication Public Works, Parks and Planning staff and will continue discussions as it relates to the dedication, future easements, improvements, etc. as the project moved forward with the Final Plan and Final Plat procedures.

**B. Dedication on Final Survey Plat.** The dedication of lands within the North Mountain/Bear Creek Greenway shall be indicated on the final survey plat accompanying all partitions, subdivisions, and Performance Standards developments.

The dedication of the open space area west of Kestrel Parkway as illustrated on the attached site plans will occur at the time of the final survey plat per the above standard.

**C. Development Restrictions.** It is recognized that lands within the North Mountain/Bear Creek Greenway are identified as part of Ashland's Floodplain Corridor Lands, and are prohibited from further development, except as outlined in chapter 18.3.10 Physical and Environmental Constraints Overlay.

The proposal does not include any structures within the Bear Creek Greenway or Ashland's Floodplain Corridor but does include the subdivision's storm water treatment facility and new mitigation wetland area to provide the storm water facility with a controlled outlet swale to sensitively manage outflow to the creek. All improvements will be completed under permit from the City of Ashland, Corp of Engineers and



Division of State Lands prior to dedication and comply with the approval criteria as outline in AMC 18.3.10.050 Future improvements by the City of Ashland's Parks and/or Public Works Departments will likely include the extension of the Bear Creek Greenway bike path and a bridge connecting the dedicated area to the planned trail system on the west side of the creek (old Mace property). The planning and public discussion relating to the trail systems extension are occurring at the time of this writing, but it's general location has been identified on the City's Transportation System Plan for a number of years.

**D. Prohibition of Density Transfer. No transfer of density from lands identified within the North Mountain/Bear Creek Greenway shall be permitted. It is recognized that the up-zoning associated with the North Mountain Neighborhood Plan accommodated such transfers.**

No density is being transferred from the Bear Creek Greenway area to the developable lands within the proposed subdivision.

**E. Greenway Drive. The design of Greenway Drive, as indicated on the neighborhood plan, shall incorporate flood protection measures, as determined by a geotechnical expert, in the overall design of the new street. Such protection measures shall address flooding in the floodplain corridor and in areas of historic flooding.**

As noted above, a geotechnical, geologic and hydrologic study was prepared by Applied Geotechnical Engineering & Geologic Consulting, Robin Warren, in September of 2018 and does include flood protection measures for the extension of Kestrel Parkway. Specifically, the report states:

*"The project design layout has included consideration of the 100 year floodplain and the City of Ashland Flood Corridor. Except for a small portion of Kestrel Parkway at the north end of the site, the entire roadway system is located above the 100 year floodplain. The City of Ashland Flood Corridor is located at slightly higher elevations on the site; however new homes in the development will be located at higher elevations than the flood corridor.*

*The new roadway and improvements will be located at or below existing grades (no significant fills will be placed in this area) and will be located predominately out of the 100 year floodplain. In our opinion, the development will result in no rise in the base flood elevation for the 100-year event for Bear Creek.*

*Based on existing topography and the creek geomorphology in this area, creek flows during larger storm events will result in flood flows occurring roughly parallel to Kestrel Parkway. Based on the hydrologic study completed by CEC Engineering and previous studies by others for adjacent developments, maximum water velocities during a major storm event will be less than 3 fps in the project area between the 100 year floodplain and the City's Flood Corridor. To protect the roadway from natural flood events, structural fill under the sidewalk on the west side of the Kestrel Parkway should consist of 4-in – minus crushed rock. Vegetation should be reestablished in areas west of Kestrel Parkway as soon as practical after construction of the sidewalk is completed. Based on Army Corps of Engineer studies, coarse rock and vegetated ground surfaces are suitable for resisting erosion for velocities of up to 6fps."*

**AMC 18.3.10.050 Physical & Environmental Constraints – 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.**

The proposed subdivision includes three improvements within the adjacent Bear Creek Flood Plain Corridor subject to Chapter 18.3.10, Physical and Environmental Constraints. These include: 1) The extension of Kestrel Parkway; 2) The proposed storm water treatment facility and 3) The wetland mitigation area west of the storm water treatment facility.

1) The extension of Kestrel Parkway is included within the City of Ashland's long range planning documents, specifically the adopted Transportation System Plan and a principal component of the North Mountain Neighborhood's transportation function – once completed. Kestrel Parkway is already 1/3 completed from East Nevada Street to the subject property and with approval, the street will be 2/3 completed. Unlike other streets within flood plains, Kestrel Parkway has always been intended to be constructed within the flood plain corridor as stated in AMC 18.3.10.080 M., Development Standards for Flood Plain Corridor Lands as it relates to Local Streets and Utilities.

2) The proposed storm water treatment facility is intended to be an environmental mitigation measure, opportunity and aesthetic asset to the neighborhood. A similar facility already exists within Kestrel Park directly to the north which was installed by the developers of Meadowbrook Park II subdivision. The Home Owners Association maintains the facility by periodically (once every five years) dredging the intake pipe of sediment in order to keep the pond at optimal levels. It is the applicants' intention to follow this same pattern, but instead of manicured grass surrounding the facility, it will consist of dry grasses and existing trees for a more natural "wetland" amenity.

3) The wetland mitigation area west of the storm water treatment facility is intended to serve two purposes; one a natural outflow area for the storm water facility, slowing and filtering the overflow of water prior to its entrance into Bear Creek and two, a replacement wetland for the site's small 805 square foot wetland to be removed.

**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.**

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 three proposed improvements within the Bear Creek Greenway will not have any adverse impacts on surrounding properties as they have been designed to not include any net fill, have been designed by various engineers and geotechnical experts and plans will be approved by multiple levels of jurisdictional oversight.

**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.**

The applicants' have considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development as outlined within the Geotechnical, Geologic and Hydrologic study prepared by Applied Geotechnical Engineering & Geologic Consulting, Robin Warren, in September of 2018. The recommendations provided within the study will be complied with through the civil engineering details that will accompany the Final Plan and Final Plat.

**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.**

As similarly stated above, the applicants have taken all reasonable steps to reduce the adverse impact on the environment and have carefully studied and considered the proposed improvements. Consultants at the top of their fields have been retained to give the applicants advice and all contend the improvements will not have an adverse impact on the environment, but instead will be making a positive contribution to the area while at the same time providing for housing that is severely needed and developed in compliance with the North Mountain Neighborhood Plan.

#### **AMC 18.3.11 Water Resource Protection Zone (Bear Creek) – Description & Criteria**

The proposed extension of Kestrel Parkway will sit within 50' of Bear Creek's Riparian Corridor, which is a 50' dimension setback from the creek's top of bank. The vast majority of the street is significantly further away, but the southern end of the street, generally opposite Lots #5 – 7, is roughly 40' from the top of bank for approximately 80' linear feet. As noted, Kestrel Parkway has always been intended to be constructed within the flood plain corridor area as stated in AMC 18.3.10.080 M., Development Standards for Flood Plain Corridor Lands as it relates to Local Streets and Utilities. *Note: at the time of this writing, the project's Land Use Planner contends the full 50' could be met with little impact on the development and would request the Planning Commission condition this minor modification to be made prior to Final Plan approval.*

#### **AMC 18.3.11 Water Resource Protection Zone (Wetlands) – Description & Criteria**

Attached is a Wetland Delineation and narrative description outlining the sites two wetlands, completed by Keystone Natural Resource Consulting in May of 2016 and distributed to the Oregon Department of State Lands and Us Army Corps of Engineers by Mike Holscher, PWS. Also attached is a detailed Wetland Mitigation Plan completed by Schott & Associates, Ecologists and Wetlands Specialists, prepared by Juniper Tagliabue which describes all of the proposed activities and uses including the extent to which any Water Resource Protection Zone is proposed to be altered or affected as a result of the proposed development activity or use. The report also includes the written Findings of Fact addressing the applicable development standards and approval criteria. Finally, a landscape plan, identified as Sheet L103, has been included that coincides with the Wetland Mitigation Plan.

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**Attached Documents & Exhibits:**

Mitigation Plan & Criteria - Water Resource Protection Zone	8 ½ x 11s	Exhibit 1
Geotechnical, Geologic and Hydrologic Study		Exhibit 2
Scoping Letter & Traffic Analysis		Exhibit 3
Wetland Delineation & Recognition Letter (DSL), Report & Maps		Exhibit 4
Jackson County Floodplain Development Overlay		Exhibit 5
Vicinity Map – Kestrel Park Subdivision Site	11 x 17s	Exhibit 6
Neighborhood Context Map - Kestrel Park Subdivision Site		Exhibit 7
North Mountain Neighborhood Plan – Comparison Map (original)		Exhibit 8
North Mountain Neighborhood Plan – Comparison Map (today)		Exhibit 9
Meadowbrook Park II Planting Plan		Exhibit 10
Meadowbrook Park II Assessor’s Map		Exhibit 11
North Mountain Neighborhood Zoning Map		Exhibit A
Kestrel Park Subdivision – Preliminary Subdivision Map		Exhibit B
Kestrel Park Subdivision – Conceptual Site Area Map		Exhibit C.1
Kestrel Park Subdivision – Conceptual Build-Out Plan		Exhibit C.1-B
Kestrel Park Subdivision – Conceptual Road Sections		Exhibit C.2
Kestrel Park Subdivision – Conceptual Electrical & Illumination Plan		Exhibit C.3
Kestrel Park Subdivision – Conceptual Utility Plan		Exhibit C.4
Kestrel Park Subdivision – Conceptual Grading, Drainage, Erosion & Sediment Control Plan		Exhibit C.5
Kestrel Park Subdivision – Conceptual Plan & Profile Nandina Street		Exhibit C.6
Kestrel Park Subdivision – Conceptual Plan & Profile Alley 1 & 2		Exhibit C.7
Kestrel Park Subdivision – Landscape Plan Street Trees & Parking Strips		Exhibit L-101
Kestrel Park Subdivision – Landscape Plan Tree Protection & Removal		Exhibit L-102
Kestrel Park Subdivision – Landscape Plan Wetland & Water Quality		Exhibit L-103
North Mountain Neighborhood Plan – Vicinity Map		Exhibit NM1
North Mountain Neighborhood Plan – Transportation Relationships		Exhibit NM2
North Mountain Neighborhood Plan – Current Property Boundaries Overlaid on Neighborhood Plan (original plan)		Exhibit NM3
North Mountain Neighborhood Plan – Proposed Zoning (original plan)		Exhibit NM4
North Mountain Neighborhood Plan – Site Topography (original plan)		Exhibit NM5

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18.5.7.040 Approval Criteria

**B. Tree Removal Permit.**

**2. Tree 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 18.3.10.**

The trees proposed for removal are the minimum number of trees on the site that should be removed based on their health, condition or location. Further, the trees proposed for removal are the minimum necessary to be consistent with other applicable Land Use Ordinance requirements and standards of the Ashland Land Use Code.

**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.**

The removal of the trees on the subject property will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. The property where the trees are located is mildly sloped and proposed earth cuts and fill work will be primarily limited to the portion of the property where the trees and site's wetland exists.

**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.**

Removal of the trees will not have a significant negative impact on the sites remaining tree densities, sizes, canopies, and species diversity within 200 feet of the subject property as explained in the Arborist Report. As noted previously, this development application was designed by a combination of professionals including a Wetland's Biologist, Landscape Designer, Arborist, Civil Engineer, Surveyor, Construction Contractor and Land Use Planner who met on-site on multiple occasions in an attempt to fully evaluate the site's trees and other natural features with the intent to minimize the project's development impacts. To this end, the applicants fully believe the trees proposed for removal will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

**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.**

As noted previously, the site planning of this property consisted of a number of concept plans that were eventually rejected for one or multiple reason. During this period, the primary goal was to preserve the large wetland by not only making it a feature/asset of the development as well as the public, but also to improve its habitat which has largely been choked-off by the excessive multiplication of Cotton Woods. Considering the close proximity of Kestrel Park and the planned open space, the subject wetland enhancement area is not open to the public and is intended to remain visible from adjacent rights-of-way, but free of any formal use.

**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.**

In addition to the multiple trees to remain and trees to be planted within the wetland and its surrounding protection zone, a total of 64 new trees are being proposed to be planted adjacent to the subdivision's streets in an attempt to not only enhance the streetscapes, but also mitigate the removal of the trees. All of the replacement trees will be property irrigated and maintained by the project's Home Owner Association. All new street trees will be at least 2" caliper trees, chosen from the City's Adopted Street Tree List.

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**SCHOTT & ASSOCIATES**  
**Ecologists & Wetlands Specialists**

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MITIGATION PLAN  
FOR  
KESTRAL PARKWAY SUBDIVISION  
TO ADDRESS  
WATER RESOURCE PROTECTION ZONE  
CITY OF ASHLAND 18.3.11

Prepared for  
Mark Knox  
KDA Homes  
604 Fair Oaks Dr  
Ashland, OR 97520

Prepared by  
Juniper Tagliabue

S&A#2480

August 2018

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EXHIBIT I

## Introduction

A residential development project is proposed on the subject property located south of Kestral Parkway's southern terminus and north and west of Mountain Meadow Drive in Ashland, Oregon (T39S R1E Section 4 TL#900, 2000, 8600). As indicated by the City Master Plan and LWI the subject property contains wetlands and waters which are protected as described by the City of Ashland's Municipal Code Chapter 18.3.11 Water Resources Protection Zones (Overlays). *The provisions of this chapter apply to all lands containing Water Resources and Water Resource Protection Zones. Water Resources and Water Resource Protection Zones are defined, established and protected in this chapter.*

As per 18.3.100 this report is provided to address impacts to the any of the onsite resources including;

1. A narrative description of all proposed activities and uses including the extent to which any Water Resource Protection Zone is proposed to be altered or affected as a result of the proposed development activity or use (in terms both of square footage of surface disturbance and cubic yards of overall disturbance).
2. Written findings of facts addressing all applicable development standards and approval criteria.

## Onsite Water Resources and Water Resource Protection Zones

As per 18,3.11.040 the following applicable Protection Zones are present on the subject property.

*A Water Resource Protection Zone is hereby established adjacent to and including all Water Resources to protect their integrity, function, and value. The boundaries of the following Water Resource Protection Zones shall be established by an on-site survey based upon the following standards.*

**A. Stream Bank Protection Zones.** *The following types of Stream Bank Protection Zones are hereby established to protect streams and their associated riparian resources. The approximate locations of streams are identified on the Water Resources map.*

*1. Riparian Corridor. For streams classified as Riparian Corridor fish-bearing streams with an annual average stream flow less than 1,000 cubic feet per second and on the Water Resources map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 50 feet upland from the top of bank as illustrated in Figure 18.3.11.040.A.1.*

And;



**B. Wetland Protection Zones.** *The following types of Wetland Protection Zones are hereby established to protect wetland resources. The approximate locations of Locally Significant Wetlands and Wetlands are identified on the Water Resources map. The precise boundary of a wetland and wetland buffer shall be established through conducting an on-site wetland delineation and survey based upon the following standards.*

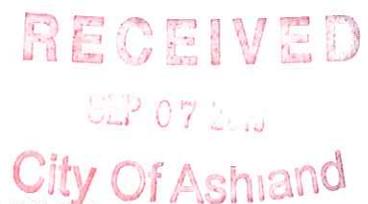
*1. Locally Significant Wetlands. For wetlands classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus a wetland buffer consisting of all lands within 50 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.1. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 50 feet may be utilized around the perimeter of a significant wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured, and that there will be an enhanced buffer treatment through the implementation and maintenance of a restoration and enhancement plan within the buffer area.*

*2. Possible Wetlands. For wetlands not classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.2. Possible Wetlands includes all areas designated as such on the Water Resources map and any unmapped wetlands discovered on site. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 20 feet may be utilized around the perimeter of a possible wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured.*

A Wetland Delineation was conducted on the site by Keystone Natural Resource Consulting (Mike Holscher, PWS) and concurred with by the Department of State Lands (DSL) in 2016.

Based on vegetation, soils and hydrology information gathered in the field under methods approved by the Corps of Engineers and DSL, two isolated wetland features (Wetland 1 and Wetland 2) were identified in the central part of the site. In addition, an isolated remnant drainage, near the south study area boundary and Bear Creek along the western edge of the study area, were also flagged and mapped.

A Water Resource Protection Zone, with an average width of 50', has been established along the onsite boundary of Bear Creek as outlined above. No impacts are proposed to Bear Creek or its Wetland Protection Zone and no further discussion of this area is provided. No protection zone has been identified for the remnant drainage as it is neither wetland nor stream and it is not discussed further in this report.



Wetland 1 is an isolated 805sf wetland located at the base of a hillslope. This wetland appears to have been created from the road cut at the base of a steep slope but was determined to be jurisdictional by DSL. This isolated wetland is proposed to be filled as part of this application for development of residential lots. Proposed activity will require less than 50cy of fill and does not require a wetland fill permit from DSL. The wetland is isolated and the proposed fill does not require a permit from the Corps of Engineers. The isolated wetland is not indicated as a Locally Significant Wetland and will be legally removed under applicable State and Federal regulations. Mitigation is proposed onsite to replace functions and values lost from this City of Ashland designated Wetland Protection Zone as outlined in this application. Proposed mitigation will consist of a wetland swale extending from the stormwater outfall west to Bear Creek and will include a 20 foot upland buffer adjacent.

Wetland 2 is a 3,619sf isolated wetland located within a larger depression near the center of the site. The wetland is mapped on the NWI and LWI and is defined as a Locally Significant Wetland. The existing buffer is highly disturbed from old fill activity and adjacent vegetation is dominated by non-native species. As outlined above, this wetland shall be protected with a Wetland Protection Zone averaging 50' wide as measured horizontally from the wetland/upland boundary. No impacts are proposed to this wetland. The adjacent buffer shall extend 20-70' from the wetland edge for a total area of 21,066sf and be enhanced to good condition. Portions of this Protection Zone shall be graded to interface with adjacent roadways, which have been designed to go around and avoid the wetland and adjacent buffer area. The entire 21,066sf Protection Zone is proposed to be enhanced with removal of old fill and invasive species and planting of native shrubs and understory species as part of this Mitigation Plan.

### Applicable Codes

#### **18.3.11.060C.** *Additional Limited Activities and Uses within Wetland Protection Zones.*

1. Wetland Restoration and Enhancement. *Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.*

Wetland 1 is under the jurisdiction of DSL and fill shall be less than 50cy and under the jurisdictional threshold. No permit or mitigation for these impacts shall be required by DSL. Mitigation is proposed under City of Ashland codes for loss of function from this wetland and adjacent 20' Protection Zone. A portion of the proposed mitigation consists of enhancement of the Wetland Protection Zone for Wetland 2. This will consist of grading and removal of existing invasive and non-native vegetation and replanting with a mix of native shrubs and understory species to diversify the existing tree canopy (See attached Plan.)

**18.3.11.060.D. Limited Activities and Uses Permit.** *All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.*

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1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.

The proposed development has been designed to be as far away from the Locally Significant Wetland (Wetland 2) and Bear Creek as practicable. Road layout was designed to completely avoid the wetland and allow creation and maintenance of a 50' average buffer adjacent. The other wetland (Wetland 1) was likely created by the road cut and provides minimal wetland function. The application proposes to remove this entire Wetland Protection Zone and provide onsite mitigation as described in this application.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.

As described above the proposed activity has been designed to minimize impact including excavation, grading, impervious surface, loss of native vegetation and erosion.

3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

This criteria is met.

4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.

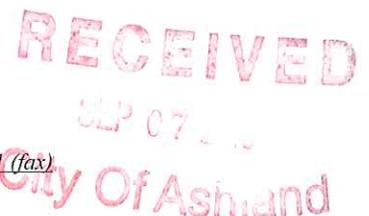
This criteria is met.

5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

Wetland and riparian zone mitigation is proposed and shall be implemented as outlined in the Mitigation Plan below.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

Long term conservation, management and maintenance of the Wetland Protection Zone shall be ensured as described in the Water Resource Protection Zone Management Plan below.



## *Mitigation Plan*

This Mitigation Plan has been prepared by Juniper Tagliabue of Schott and Associates, a qualified Natural Resource Professional with over 13 years of experience. This plan has been designed specifically to meet the requirements of **18.3.11.110 Mitigation Requirements for Water Resource Protection Zones**

*A. Vegetation Preservation and Construction Staging. The following standards shall be addressed in mitigation plans to protect vegetation identified for preservation and water resources from sedimentation when construction activity is proposed within a Water Resources Protection Zone.*

*1. Work areas on the immediate site shall be identified and marked to reduce damage to trees and vegetation. Temporary construction fencing shall be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging, or stockpiling shall occur outside of designated work areas.*

This requirement shall be met.

*2. Trees shall not be used as anchors for stabilizing equipment.*

Trees shall not be used to anchor equipment. This requirement shall be met.

*3. Stockpiling of soil or soil mixed with vegetation, shall not be permitted in Water Resource Protection Areas on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments are not transported to adjacent surface waters.*

Best Management Practices shall be followed as shown in the Erosion Control Plan. No stockpiling of soil or soil mixed with vegetation is proposed in the Water Resource Protection Areas. This requirement shall be met. Old fill has been stockpiled in the adjacent buffer and shall be removed as part of this plan.

*4. Temporary erosion control measures shall be installed to prevent encroachment and flow of runoff, material, or other debris into the Water Resource. These measures shall be installed prior to the commencement of excavation, grading, site clearing, construction, or similar site work resulting in changes to the land. Access roads, staging areas, storage areas, and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible, but not more than 90 days after authorized land disturbance. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in place permanently.*

As outlined above and in the Erosion Control Plan, temporary erosion control measures shall be installed to prevent runoff into the Water Resources. All temporary disturbance shall be restored as soon as possible and no more than 90 days after the authorized land disturbance. This requirement shall be met.

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Proposed Mitigation shall follow the guidelines listed under 18.3.11.110B2 Alternative Option.

2. *Alternative Option.* The mitigation plan shall address the following requirements, and shall meet or exceed the standards in the prescription option in subsection 18.3.11.110.B.1.

Areas of impact to be mitigated are 805sf of isolated wetland and an estimated 5,034sf of adjacent buffer area for a total of 5,839sf (15cy cut/29.8cy fill). Standards of mitigation require 1.5:1 replacement ratio (8,758sf total). Proposed mitigation shall consist of 2,754sf of wetland creation and 6,909sf of adjacent buffer for a total of 9,483sf exceeding the standards of the prescription option. Total fill in the buffer shall be approximately 57cy. Other standards are proposed to meet as outlined in the plan description below.

a. *Assessment of Water Resource Protection Zone Structures, Functions, and Values.* A mitigation plan shall include an assessment of the structures, functions, and values (i.e., water quality, flood control, habitat, etc.) that will be adversely impacted by the proposed alterations of the Water Resource Protection Zone and a clear explanation of how these impacts are to be mitigated.

Proposed impacts to the Water Resource Protection Zone are for loss of the entire Wetland 1 and Possible Protection Zone.

An assessment of Wetland 1 and Wetland 2 was conducted using the Wetland Wildlife Rating Form which assesses presence of water, food and cover as well as diversity and disturbance factors.

Wetland 1 is a small isolated wetland containing seasonal water with minimal diversity of species or access to cover, nesting and food sources. The adjacent upland is dominated by invasive forbs and grasses with no additional structure or habitat value. Little water storage and delay or sediment/nutrient retention would be provided by this wetland. Existing functions and values were determined to be low for this Water Resource Protection Zone.

Wetland 2, while isolated and highly impacted by humans, contained greater diversity of structure as well as proximity to food escape and nesting area. Within the wetland vegetation contained a mix of forbs, shrubs and trees. The adjacent upland, while containing a heavy Himalayan blackberry layer, also contained mature tree canopy. This wetland is a depression within a larger depression and likely provides some water storage and delay as well as sediment and nutrient retention functions. Wildlife Habitat functions were generally found to be low to moderate.

Proposed Mitigation shall consist of creation of a new Wetland Protection Zone to consist of a wetland swale and 20' adjacent buffer to replace the lost functions of Wetland 1. The wetland shall consist of a vegetated swale planted with a mix of native forbs and shrubs. The adjacent buffer shall be planted on both sides with a mix of Oregon white oak (*Quercus garryana*), Ponderosa pine (*Pinus ponderosa*) and incense cedar (*Calocedrus decurrens*). The hydrology source will be outflow from the water quality facility upslope and shall provide additional water storage and delay and nutrient detention functions for water flowing into Bear Creek. Adjacent canopy cover will provide shade to aid in cooling of the water which is important for fish habitat functions. The proposed mitigation area will longer periods of hydrology, greater diversity of native plants, have higher access to adjacent native

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canopy for cover, nesting and food sources and a greater protective buffer for filtering nutrients and reducing erosion problems. The proposed mitigation area will have connectivity to Bear Creek and its adjacent buffer and overall will provide significantly greater function and value to the region.

Also proposed is enhancement of the WRPZ adjacent to the existing Wetland 2. The existing buffer is disturbed from old fill activity. Vegetation composed of a mix of non-native invasive species dominated by Himalayan blackberry (*Rubus armeniacus*), sea barley (*Hordeum geniculatum*), annual fescue (*Vulpia myuros*) and knapweed (*Centaurea solstitialis*). South of the wetland was a mix of willow (*Salix sp.*) saplings and black cottonwood (*Populus trichocarpa*) as well as spreading rush (*Juncus patens*) and bedstraw (*Galium aparine*). The buffer shall be graded and planted with a mix of native, shrubs and ground species to complement the existing canopy provided by the cottonwood and willow. This will provide significantly higher protection to the existing wetland as well as improving structures, functions and values of both the Wetland and Wetland Protection Zone.

*b. Objectives and Standards of Mitigation. A mitigation plan shall state specific plan objectives and establish clear and measurable standards for determining if stated objectives have been accomplished. For example, the objective might be to restore or enhance the shade canopy within a Stream Bank Protection Zone to benefit fish and reduce water temperature, while the standard might be a certain percentage of shade canopy coverage at the end of one year and 100 percent shade canopy coverage after three years.*

The objective of the mitigation is to replace and enhance functions of Wetland 1 by creating a wetland swale and vegetated buffer. The second objective is to enhance the structure and diversity of the Wetland Protection Zone of Wetland 2 to restore native vegetation diversity and provide nutrient and sediment retention functions.

Proposed standards are to reach 50% cover of native vegetation after the first year and 80% by the end of the monitoring period. Additionally, 80% survival of planted native trees and shrubs is proposed at the end of the monitoring period.

*c. Mitigation Site/Grading Plan. A statement and detailed plan of the location, elevation, and hydrology of the mitigation area, including a grading plan at two foot contour intervals. For applications involving Wetland Protection Zones, the application shall demonstrate that plants have adequate access to site hydrology. For applications involving Stream Bank Protection Zones, the grading plan shall identify newly planted areas and include slope stabilizing measures to prevent erosion, ensure vegetative coverage, and limit plant mortality.*

Proposed wetland mitigation shall be located downslope of the proposed water quality facility. It shall consist of a constructed wetland swale with the top of the swale at approximate elevation 1,743 and the bottom tying into the bank of Bear Creek at elevation 1,733. The hydrology source shall be the outlet of the water quality facility. Total proposed wetland area is 2,754sf.

A Wetland Protection Zone averaging 20 feet on either side of the Mitigation Wetland is also proposed to be established and planted with native trees, shrubs and forbs as outlined below. Total upland area to be planted shall be 6,909sf.

The 21,066sf Wetland Protection Zone surrounding existing Wetland 2 shall extend from the edge of the wetland and slope up to roadways on all sides. The Protection Zone shall range from approximately 20 feet to 70 feet wide with an average width of 50 feet and shall be vegetated with native trees, shrub and forbs.

d. Landscape Plan. The Stream Bank Protection Zone shall be a minimum of 50 percent plant coverage in local native plant species with the installation of new trees only to consist of native trees (see Figures 8, 9, and 10). The Wetland Protection Zone shall be 100 percent plant coverage in local native plant species and in accordance with local, state, and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City's Local Native Plant Species List. The use of noxious and invasive plants on the City's Prohibited Plant List in Water Resource Protection Zones is prohibited. The landscape plan shall address the plant coverage by local native plant species after five years, and shall be size and species-specific, with details addressing the timing of plantings, proposed plant placement, and plant spacing.

All proposed plants within the Wetland Protection Zone mitigation areas shall be native with species identified on the City's Local Native Plant Species list as show in the tables below. The proposed wetland will be a swale dominated by herbaceous species with scattered shrubs. Adjacent upland is dry and somewhat harsh and shall be planted with a mix of upland trees dominated by white oak and Ponderosa pine. No significant shrub canopy is proposed in this area. The understory shall be planted with an upland seed mix. Suggested seedmix is ProTime 456 Native Oak Woodland Mix or equivalent. **Mix Includes:**

Blue Wildrye - *Elymus glaucus*  
Sitka Brome - *Bromus sitchensis*  
Western Columbine - *Aquilegia formosa*  
Celery-leaved Licorice Root - *Ligusticum apiifolium*  
Fern-leaved Lomatium - *Lomatium dissectum*  
Large-flowered Blue-eyed Mary - *Collinsia grandiflora*  
Large-leaved Avens - *Geum macrophyllum*  
Leichtlin's Camas - *Camassia leichtlinii*  
Tall Meadow-rue - *Thalictrum polycarpum*  
Meadow Checkerbloom - *Sidalcea campestris*  
Rusty-haired Popcorn Flower - *Plagiobothrys nothofulvus*  
Scurf Pea - *Rupertia physodes (Psoralea p)*  
Seablush/Rosy Plectritis - *Plectritis congesta*  
Showy Tarweed - *Madia elegans*  
Slender Goldenbanner - *Thermopsis gracilis*  
Lance Self-heal - *Prunella vulgaris var lanceolata*

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Oregon Iris - *Iris tenax*

Western Sweetroot - *Osmorhiza occidentalis*

Western Yarrow - *Achillea millefolium*

The area surrounding Wetland 2 is highly impacted by invasive Himalayan blackberry which will have to be controlled prior to planting. Grading of fill material and removal of blackberry will occur first. Additional control to include the use of an approved herbicide is proposed in the early part of the construction period. Once blackberry has been sufficiently controlled the buffer shall be planted with a mix of native shrubs to complement the existing canopy of cottonwood and willow already present in the buffer. Species shall include a mix of baldhip rose (*Rosa gymnocarpa*), small fruited rose (*Rosa pisocarpa*), common snowberry (*Symphoricarpos albus*) and serviceberry (*Amalanchier alnifolia*) with an upland seed mix to be broadcast through any remaining bare area.

Seed mix in this area shall be Protime 400 or equivalent. This mix includes:

Blue Wildrye - *Elymus glaucus*

Meadow Barley - *Hordeum brachyantherum*

California Brome - *Bromus carinatus*

**Table 1. Wetland Planting Plan (2,754sf)**

Species Name	Type	Planting rate	Number
Scouring rush ( <i>Equisetum hyemale</i> )	Forb	18" OC Plug	144
Soft rush ( <i>Juncus effusus</i> )	Forb	18" OC Plug	500
Small fruited bulrush ( <i>Scirpus microcarpus</i> )	Forb	18" OC Plug	500
Baldhip rose ( <i>Rosa gymnocarpa</i> )	Shrub	5' OC (at edges of swale)	50

**Table 2. Mitigation Planting Zone (6,909sf)**

Species Name	Type	Planting rate	Number
Oregon white oak ( <i>Quercus garryana</i> )	Tree	20' OC	5
California black oak ( <i>Quercus kelloggi</i> )	Tree	20' OC	5
Ponderosa pine ( <i>Pinus ponderosa</i> )	Tree	20' OC	5
Incense cedar ( <i>Calocedrus decurrens</i> )	Tree	20' OC	2
Baldhip rose ( <i>Rosa gymnocarpa</i> )	Shrub	5' OC clusters (at edges of wetland)	25
Seed mix	Grass	10-12lbs/ac	

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*Table 3. Wetland 2 Buffer Planting Zone (21,066sf)*

Species Name	Type	Planting rate	Number
Baldhip rose ( <i>Rosa gymnocarpa</i> )	Shrub	5' OC (at edges of wetland)	150
Small fruited rose ( <i>Rosa pisocarpa</i> )	Shrub	5' OC (at edges of wetland)	150
Snowberry ( <i>Symphoricarpos albus</i> )	Shrub	5' OC	600
Serviceberry ( <i>Amalanchier alnifolia</i> )	Shrub	10' OC	100
Seed mix	Grass	30lbs/ac	

Shrubs shall be planted and maintained to provide a minimum of 50 percent total coverage of the restored area within a five year period. The minimum planting size shall be one gallon. Areas that have existing vegetated under-story consisting of healthy riparian shrubs that covers at least 50 percent of the restoration area are considered compliant with the restoration standards for under-story plantings.

Trees shall be planted at 20-foot intervals. The minimum planting size shall be one inch caliper. All new trees shall be staked and protected by deer/rodent-proof fencing. Restoration areas that have an existing vegetated tree canopy consisting of healthy trees at least four inches DBH and at an average spacing of 20 feet on-center are considered compliant with the restoration standards for trees.

Erosion control material such as mulch, hay, jute-netting, or comparable material shall be applied to protect disturbed, re-planted areas. Disturbed areas shall be replanted so that landscaping shall obtain 50 percent coverage after one year and 90 percent coverage after five years.

New plantings shall be irrigated for a period of five years to ensure establishment.

Local native plant species that do not survive the first two years after planting shall be replaced.

*e. Plan Preparation. The Staff Advisor may require the mitigation plan to be prepared by a natural resource professional.*

This Mitigation Plan has been prepared by Juniper Tagliabue of Schott and Associates, a qualified Natural Resource Professional with over 13 years of experience.



## *Water Resource Protection Zone Management Plan*

As required by Section 18.3.11.110C this Management Plan is also provided.

*C. Management Plan. The applicant shall implement a management plan for the Water Resource Protection Zone and resource areas under the applicant's ownership or control, including the areas restored and enhanced to assure long term conservation and maintenance. The management plan shall detail proposed monitoring and maintenance, and shall include a schedule delineating how completed projects will be monitored and reported to the Staff Advisor.*

Included with this Plan is a copy of the mitigation plan. The mitigation site shall be monitored on an annual basis for the first two years after planting to ensure successful establishment of hydrology and native vegetation. Monitoring and maintenance description and schedule is outlined below.

*2. Identification of Water Resources and Water Resource Protection Zone management practices to be conducted and proposed intervals.*

Based on vegetation, soils and hydrology information gathered in the field, under methods approved by the Corps of Engineers and DSL, Water Resource Protection Zones were identified around two isolated wetland features (Wetland 1 and Wetland 2) in the central part of the site as well as adjacent to Bear Creek which ran along the western edge of the study area.

A Wetland Protection Zone with an average width of 50' has been established along the onsite boundary of Bear Creek as outlined above. No impacts are proposed to Bear Creek or its Protection Zone and no further discussion of this area is provided.

Wetland 1 is an isolated 805sf wetland located at the base of a hillside. This wetland appears to have been created from the road cut at the base of a steep slope but was determined to be jurisdictional by DSL. This isolated wetland is proposed to be filled as part of this application for development of residential lots. Proposed activity will require less than 50cy of fill and does not require a wetland fill permit from DSL. The wetland is isolated and the proposed fill does not require a permit from the Corps of Engineers. The isolated wetland is not indicated as a Locally Significant Wetland and will be legally removed under applicable State and Federal regulations. Mitigation is proposed onsite to replace functions and values lost from this City of Ashland designated Wetland Protection Zone as outlined in this application.

Wetland 2 is a 3,619sf isolated wetland located within a larger depression near the center of the site. The wetland is mapped on the NWI and LWI and is defined as a Locally Significant Wetland. This wetland shall be protected with a Wetland Protection Zone averaging 50' wide as measured horizontally from the wetland/upland boundary. No impacts are proposed to this wetland. The adjacent buffer shall extend 20-70' from the wetland edge for a total area of 21,066sf. Portions of this Protection Zone shall be graded to interface with adjacent roadways, which have been designed to go around and avoid the wetland and adjacent buffer area. The entire 21,066sf Protection Zone is proposed to be enhanced with native vegetation as described in this mitigation plan.

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Proposed Mitigation shall consist of creation of a new Wetland Protection Zone to consist of a wetland swale and 20' adjacent buffer to replace the lost functions of Wetland 1. The wetland shall consist of a vegetated swale planted with a mix of native forbs and shrubs. The adjacent buffer shall be planted on both sides with a mix of Oregon white oak, Ponderosa pine and incense cedar. The hydrology source will be outflow from the water quality facility upslope. The area shall be graded concurrently with site development with removal and control of any invasive species. Seeding will occur within 90 days or less after soil disturbance. Trees and shrubs shall be planted in the fall/winter after grading, as soon as commencement of the rainy season. Irrigation shall be installed to ensure successful establishment of the planted species.

Also proposed is enhancement of the WRPZ adjacent to the existing Wetland 2. The buffer will be graded and invasive blackberry will be controlled using a combination of mechanical and chemical methods. The buffer shall be planted with a mix of native shrubs and ground species to complement the existing canopy provided by the cottonwood and willow.

Areas of impact to be mitigated are 805sf of isolated wetland and an estimated 5,034sf of adjacent buffer area for a total of 5,839sf. Proposed mitigation shall consist of 2,754sf of wetland creation and 6,909sf of adjacent buffer

There shall be no alteration of the Water Resource Protection Zones as delineated and shown on the attached plan.

There shall be no alteration of the size, shape, or design of an approved Water Resource Protection Zone without prior approval by the City of Ashland.

There shall be no amendment or change to this Management Plan without prior approval of the City of Ashland.

*4. Provisions for the ongoing removal and management of noxious or invasive vegetation and debris.*

The mitigation site shall be monitored on an annual basis for the first two years after planting to ensure successful establishment of hydrology and native vegetation.

**TIMING**

Hydrology of the mitigation area will be monitored during mid-spring of the first growing season. Vegetation monitoring will involve a yearly site visit from the monitoring biologist to assess cover and a stem count and species inventory. This should be at the middle of the growing season (near the end of August).

**VEGETATION ASSESSMENT**

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Percent survivorship of woody species will be estimated by counting the dead of each species, then subtracting that number from the number planted. This number will be divided by the number planted, then multiplied by 100 to obtain the percent of survivorship.

Canopy cover or herbaceous species (Quadrat sampling) will be estimated by the monitoring biologist using 5 one-square-meter micro-plots.

**HYDROLOGY ASSESSMENT**

Soil saturation determination (test holes or monitoring wells) will be performed by the monitoring biologist to determine if wetland hydrology meets the performance standards.

**Table 1. Performance Standards, Monitoring Methods, Contingencies**

Performance Standard	Monitoring Methods	Contingency
Wetland Hydrology	Mid March observation	Grading modification
Survival of planted species	Direct Count	Replant and/or modify species selection to more suitable species
Herbaceous cover	Ocular estimate	reseed

**Contingency Plan**

There are numerous problems that can prevent a mitigation area from developing as proposed. Contingency measures will be designed and implemented once the problems have been identified. Possible corrections include animal disturbances or incorrect species for the local conditions. The vegetation will be monitored by the project biologist. If, during the monitoring process problems are identified corrective measures will be determined and implemented. If survival of planted individuals proves to be inadequate then additional vegetation and /or weed control will be needed to insure the 80% survival at the end of the five years. Substrate amendment, modified water inlet/outlet controls, and herbivore control may also be needed.

Plant mortality may come from many causes. The main causes are weak nursery stock and water stress. If survivorship of any planted species falls below 80%, the cause of the mortality will be assessed. If the mortality is due to inappropriate placement of the plant in relation to the hydrology of the site, adjustments to the replanting site will be recommended by the monitoring biologist. In the event of weak nursery stock, the mortality should be immediately evident (within a few days) and should be detected in the review of the planting.

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The contingency measures for herbivory and plant mortality (often linked) are to replant the affected plants and protect them. Plantings can be surrounded by plant cages formed by 3' chicken wire to protect them from damage from beavers and nutria. If the individual plant cages are not sufficient to deter the beavers, fencing the entire area with 3' chicken wire may be needed to ensure success of the site. If small rodent girdling of the plantings is the problem, the base of the tree may need to be protected with a rodent guard.

In the event of an extended drought, irrigation may be necessary to ensure establishment of the plantings. If mortality is due to water stress, watering of the site will be done up to 7 times during the period from July 1 to August 31.

Invasive species will be controlled before planting takes place. If cover of invasive species becomes greater than 20%, more dramatic control measures will need to take place. These include cutting the canes of Himalayan blackberry in summer and applying, by painting or daubing (not spraying) new sprouts with an herbicide approved for use near water and in wetlands. This application should be done in 2 months after cutting and again in late summer or early fall (if needed). Areas not graded will also be sprayed. Follow-up treatments will occur on an as-needed basis.

*5. Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies.*

No protected plant and animal species are anticipated to be present or affected by the proposed activity.

*6. Specific provisions for city enforcement of the management plan.*

Monitoring reports will be provided annually to the City detailing the establishment of the mitigation area and any contingency requirements.

*7. Any additional measures deemed necessary to protect and maintain the structures, functions and values of the Water Resource Protection Zone (e.g., signage delineating preservation boundaries).*

None.

*8. Provisions for the perpetual protection and maintenance of the Water Resource and Water Resource Protection Zone including but not limited to the following.*

*a. Recordation of a conservation easement or Conditions, Covenants, and Restrictions (CC&Rs) which prescribe the conditions and restrictions set forth in the approved planning application, development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.*

*b. Transfer of the ownership and maintenance responsibilities for the area to a willing public agency, non-profit association, or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in the approved planning application,*

*development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.*

*c. Other mechanisms addressing long-term protection, maintenance, and mitigation consistent with the purposes and requirements of this ordinance as deemed appropriate and acceptable by the approval authority.*

A conservation easement or CC&Rs shall be recorded to provide long term protection and ensure required maintenance is completed as needed.

***D. Performance Guarantee.*** *In general, mitigation shall be implemented prior to or concurrently with the project. The approval authority may require a performance bond or similar monetary insurance of up to 110 percent of the proposal's cost to guarantee that the mitigation proposal will be carried out as approved, and to ensure that the objectives are met through demonstration of compliance with measurable standards and that the site will be maintained to keep the Water Resource functioning properly.*

Mitigation shall be implemented concurrently with the proposed project as described in the Mitigation Plan.

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# Geotechnical, Geologic, and Hydrologic Study

FOR

## Kestrel Park Subdivision

September 4, 2018

**A**ppplied  
**G**eotechnical  
**E**ngineering  
& Geologic Consulting



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Exhibit 2

August 29, 2018

KDA Homes  
604 Fair Oaks Court  
Ashland, Oregon 97520

**SUBJECT: GEOTECHNICAL AND GEOLOGIC INVESTIGATION, KESTREL PARK  
DEVELOPMENT, ASHLAND, OREGON**

At your request, Applied Geotechnical Engineering and Geologic Consulting LLC (AGEGC) has conducted a geotechnical and geologic investigation for Kestrel Park Development in Ashland, Oregon. The general location of the site is shown on the Vicinity Map, Figure 1. Our investigation consisted of a review of available geotechnical and geologic information for the vicinity, a ground-level site reconnaissance, subsurface explorations, and engineering analyses. This report summarizes our work and provides our conclusions and recommendations for suitably founding the new residential development on this property.

**SITE DESCRIPTION**

A senior geotechnical engineer and geologist provided by AGEGC completed a site visit on July 12, 2018. Historical aerial photographs of the site indicate the property was used as primarily pasture until about 2005. As the adjacent properties were developed, the central portion of this site was used to dispose of excavation spoils as those properties were developed. Comparison of 1994 aerial photographs with 2117 aerial photographs indicate there has been no significant migration of Bear Creek in over 20 years.

Topographically, the site can be divided into three main areas: the western portion of the property which is located partially in the city's flood corridor along Bear Creek, the central portion of the site that has been graded with significant cut and fill, and the eastern/sloped portion of the property which is mantled by expansive clayey silt soils over rock at shallow depths. The majority of the area to be developed is vegetated with grasses. Indications of slope instability of groundwater springs/seeps were not observed on the property.

The majority of the surficial soils on the eastern, sloped portion of the property have significant desiccation cracks during summer and fall months, indicating the surficial soils consist of moderately to highly expansive clayey silt soils. Expansive soils have a significant volume change with corresponding changes in moisture content. Expansive soils have relatively low shear strengths.

The surficial soils on the western area consist of fine silt and silty sand soils. These soils are stable at low water velocities when vegetated.

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## PROJECT DESCRIPTION

We understand the project will consist of single- and multi-family residential lots, with associated roadways and utilities. We anticipate that significant cuts and fills will be required for construction of the upper (eastern) roadways and for compaction of the existing fill soils on the property. We have assumed that the new roads are considered standard residential streets. New development in the City of Ashland Flood Corridor will be located at or below existing grades.

## SUBSURFACE CONDITIONS

On July 12, 2018, nine test pits were excavated at the site. The approximate locations of the test pits are shown on the Site Plan, Figure 1. The excavations were observed by a licensed geotechnical engineer from our firm who maintained a detailed log of the conditions and materials encountered. The test pit excavations were backfilled with uncompacted, on-site soils at the conclusion of our fieldwork.

The logs of the test pits are provided in Appendix A at the end of this report. The terms used to describe the materials encountered in the test pits are provided in Tables 1A and 2A in Appendix A.

Groundwater was not observed in any of the test pits. On the western portion of the site, perched groundwater can occur on the sandstone and siltstone, with groundwater approaching the ground surface during periods of heavy and/or extended rainfall. On the western portion of the site, along Bear Creek, groundwater follows the elevation of water in the creek.

## CONCLUSIONS AND RECOMENDATIONS

**General.** Based on the results of this investigation and our experience with similar projects, it is our opinion that the site is suitable for the proposed development, from a geotechnical and geologic standpoint. Surficial soils and native slopes are similar to those found in previous developed phases of this development. There is no increased risk of geologic hazards if the site is developed as recommended below.

In our opinion, potential geotechnical and geologic considerations associated with the planned development are the presence of surficial expansive clays, locally shallow hard sandstone/siltstone, significant areas/thicknesses of uncontrolled fill, and roadways located in the city's flood corridor. The following sections provide our recommendations for development of the site.

**Flooding and Associated Erosion.** The project design layout has included consideration of the 100 year floodplain and the City of Ashland Flood Corridor. Except for a small portion of Kestrel parkway at the north end of the site, the entire roadway system is located above the 100 year floodplain. The City of Ashland Flood Corridor is located at slightly higher elevations on the site; however, new homes in the development will be located at higher elevations than the flood corridor.

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The new roadway and improvements will be located at or below existing grades (no significant fills will be placed in this area) and will be located predominately out of the 100 year floodplain. In our opinion, the development will result in no rise in the base flood elevation for the 100-year event for Bear Creek.

Based on existing topography and the creek geomorphology in this area, creek flows during larger storm events will result in flood flows occurring roughly parallel to Kestrel parkway. Based on the hydrologic study completed by CEC Engineering and previous studies by others for adjacent developments, maximum water velocities during a major storm event will be less than 3 fps in the project area between the 100 year floodplain and the City's Flood Corridor. To protect the roadway from natural flood events, structural fill under the sidewalk on the west side of Kestler Parkway should consist of 4-in.-minus crushed rock. Vegetation should be reestablished in areas west of Kestrel Parkway as soon as practical after construction of the sidewalk is completed. Based on Army Corps of Engineer studies, coarse rock and vegetated ground surfaces are suitable for resisting erosion for velocities of up to 6 fps.

**Rock Excavation.** Hard, relatively competent sandstone was encountered in the test pits on the eastern portion of the property. We anticipate that significant cuts will be required for the new roadways, with the new utilities founded even deeper below existing grades. Hard sandstone was encountered in utility trenches for previous phases of this development. Based on our experience in this area, we anticipate that hard sandstone/siltstone typically occurs at a depths between 3 and 8 ft below existing grades. Sandstone requiring rock excavation methods will likely be encountered under the eastern, sloped portion of the site.

**Site Preparation.** In our opinion, the ground surface in areas to receive fill and roadway/sidewalk areas should be stripped of surficial organics, existing fills, and expansive clayey silt soils. For the lower, western portion of the site without significant fills, stripping will be required to a minimum depth of 12 in. with deeper stripping required to remove stumps and roots larger than 1 in. in size. In the central portion of the site that has been graded with uncontrolled fill, stripping to depths of up to 7 ft deep may be required to remove the fill (based on the test pit excavations). On the upper, eastern portion of the site, stripping to depths of 2 to 3 ft will be required to remove the expansive clayey silt soils.

Subgrade must be protected from disturbance due to construction activities and climate (wetting, drying, and/or freezing). We recommend that the geotextile fabric and aggregate base rock be placed within 6 hours of excavation to subgrade elevations. The subgrade should be evaluated by the project geotechnical engineer prior to placement of structural fill on the subgrade.

Site strippings and untreated clayey silt soils cannot be used as structural fill.

If the subgrade is disturbed during construction, soft, disturbed and dried soils should be overexcavated to firm soil and replaced with approved structural fill.

The test pit excavations for this investigation were backfilled with relatively loose spoils from the excavations at the time of excavation. During mass grading of the site, test pit excavations encountered during construction should be overexcavated and replaced with structural fill.

**Site Grading.** We anticipate that significant cuts and fills will be required for development of the site. Cut and fill slopes for mass grading of the development should be graded no steeper than 2H:1V.

On slopes steeper than 3H:1V, the slope should be benched as the fill is being placed. In addition, a toe trench should be excavated along the base of the fill using a trackhoe equipped with a smooth-lipped bucket if possible. The toe trench should be a minimum of 12 ft wide. The downhill edge of the toe trench should be embedded a minimum of 6 in. below the bottom of the stripping depth.

The fill should be overbuilt a minimum of 2 ft beyond final grades during placement and compaction of structural fills. The fill should be trimmed back to final grades using a trackhoe with a smooth-lipped bucket.

**Structural Fills.** All structural fill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. In general, at least four to five passes with a medium-weight, smooth-drum (48-in.-diameter drum) vibratory roller are required to achieve adequate compaction for imported crushed rock fill for roadway, sidewalk and building pads. Placement and compaction of structural fill should be evaluated by a geotechnical engineer on an intermittent basis during construction of the roadway sections.

On-site soil and rock free of deleterious materials (deleterious materials include asphalt, concrete, organics and expansive clayey silt soils) may be used for mass grading of structural fills. These materials must be compacted to at least 95% of the maximum dry density as determined by ASTM D 698 at moisture contents within 3% of optimum. We anticipate that these materials will need to be compacted with a moderate to large segmented pad compactor or sheeps-foot roller. If sandstone debris is used for structural fills, they should be compacted using a large sheeps-foot roller to break the material down to compactable-sized pieces.

Structural fills within 2 ft of final grades for roadways should consist of imported crushed rock, such a 4- or ¾-in.-minus crushed rock (aggregate base).

In our opinion, utility trench excavations within 4 ft of any pavement, sidewalk and building pad areas should be backfilled with granular material, such as sand, sand and gravel, or crushed rock with a maximum size of up to ¾ in., and with not more than 5% passing the No. 200 sieve (washed analysis). All trenches should be backfilled as soon as practical following placement of the utility. The granular backfill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. Flooding or jetting the backfilled trenches with water to achieve the recommended compaction should not be permitted. We recommend use of vibratory compaction equipment for the trenches. Each lift of backfill in utility trenches should be less than 18-in.-thick (loose).

**Pavement Sections.** We have assumed that new roadways for this development will consist of standard residential roadways. The recommended pavement sections for this development are based on the assumption that the subgrade consists of firm, undisturbed silt soil or better material. Proof rolling with a loaded 10 yd<sup>3</sup> dump truck, or equivalent, may be used at the geotechnical engineer's discretion to evaluate pavement subgrade. If soft areas (disturbed due to excessive construction traffic or desiccation of the subgrade soils) are disclosed by the proof rolling and/or visual observation by the geotechnical engineer, they should be overexcavated and replaced with structural fill.

Where possible, excavations for roadways and cut areas should be completed using a trackhoe equipped with a smooth-lip bucket to minimize disturbance of the subgrade soils.

We anticipate that the street improvements will be completed using asphaltic concrete (A.C.) pavement. For design purposes, we have assumed a 20-year design life for the pavement sections.

The subgrade soils along the alignment is variable with the weakest subgrade soils consisting of fine-grained silt soils. The subgrade soils observed in the test pits typically have an R-Value (ASTM D 2844) of greater than 5.

Based on the above design consideration, we recommend the pavement section for the new roadways consist of 3 in. of asphaltic concrete over 19 in. of aggregate base. The aggregate section for the roadway may be decreased where undisturbed, moderately hard sandstone is encountered as pavement subgrade and as approved by the geotechnical engineer.

Sidewalks should be underlain by a minimum of 6 in. of crushed aggregate base rock that extends a minimum of 6 in. beyond the edge of the pavement. The sidewalk along the west side of Kestrel parkway should be a minimum of 2 ft of 4-in.-minus crushed rock extending out 6 in. from the edge of the sidewalk and sloped down at a 1H:1V slope outward from the sidewalk.

We recommend the rock section for the roadways be underlain by a woven geotextile with a weight of at least 5 oz. per square yard.

The crushed rock base (CRB) should also be placed and compacted in a single lift with a large, smooth-drum vibratory roller. The rock should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698.

The above pavement section is based on the assumption that pavement construction will be accomplished during the dry season. If wet-weather pavement construction is considered, it will likely be necessary to increase the thickness of crushed rock base to support construction equipment and protect the moisture-sensitive subgrade soils from disturbance. It should be noted that the pavement sections may not be adequate for the support of construction traffic.

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All workmanship and materials should conform to the applicable standards of the current Oregon Department of Transportation (ODOT) Standard Specifications for Highway Construction.

**Geologic Hazards.** The site has gentle slopes or is underlain by sandstone at relatively shallow depths. In our opinion, the main geologic hazards associated with development of this property are the expansive surficial clayey silt soils and the potential for flooding on the lower portions of the site.

In our opinion, the risks of slope instability are very low if the geotechnical recommendations provided in our report are followed. Based on the results of our investigation, the location of the site, and the nature of the underlying soil/rock, we anticipate that the potential for earthquake-induced fault displacement, subsidence, liquefaction-induced settlement and/or lateral displacement, or seiches at this site is very low.

**Design Review and Construction Services.** We welcome the opportunity to review and discuss construction plans and specifications as they are being developed. In addition, AGE GC should be retained to review all geotechnical-related portions of the plans and specifications to evaluate whether they are in conformance with the recommendations provided in our report. Additionally, to observe compliance with the intent of recommendations, design concepts, and the plans and specifications, we are of the opinion that all construction operations dealing with site grading should be observed by an AGE GC representative. Our construction-phase services will allow for timely design changes if site conditions are encountered that are different from those described in this report. If we do not have the opportunity to confirm our interpretations, assumptions, and analyses during construction, we cannot be responsible for the application of our recommendations to subsurface conditions that are different from those described in this report.

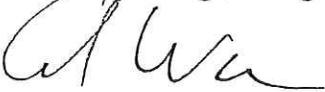
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**LIMITATIONS**

This report has been prepared to aid the design team in the completion of this project. 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 earthwork, pavements, and sidewalks. In the event that any changes in the design and location of the roadways as outlined in this report are planned, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this report in writing.

The conclusions and recommendations submitted in this report are based on sources of information discussed in this report. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is acknowledged that variations in soil conditions may exist between test pit locations. This report does not reflect any variations that may occur between these explorations. The nature and extent of variation may not become evident until construction. If, during construction, subsurface conditions different from those encountered in the explorations are observed or encountered, we should be advised at once so that we can observe and review these conditions and reconsider our recommendations where necessary.

Sincerely,  
**Applied Geotechnical Engineering and Geologic Consulting, LLC**



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

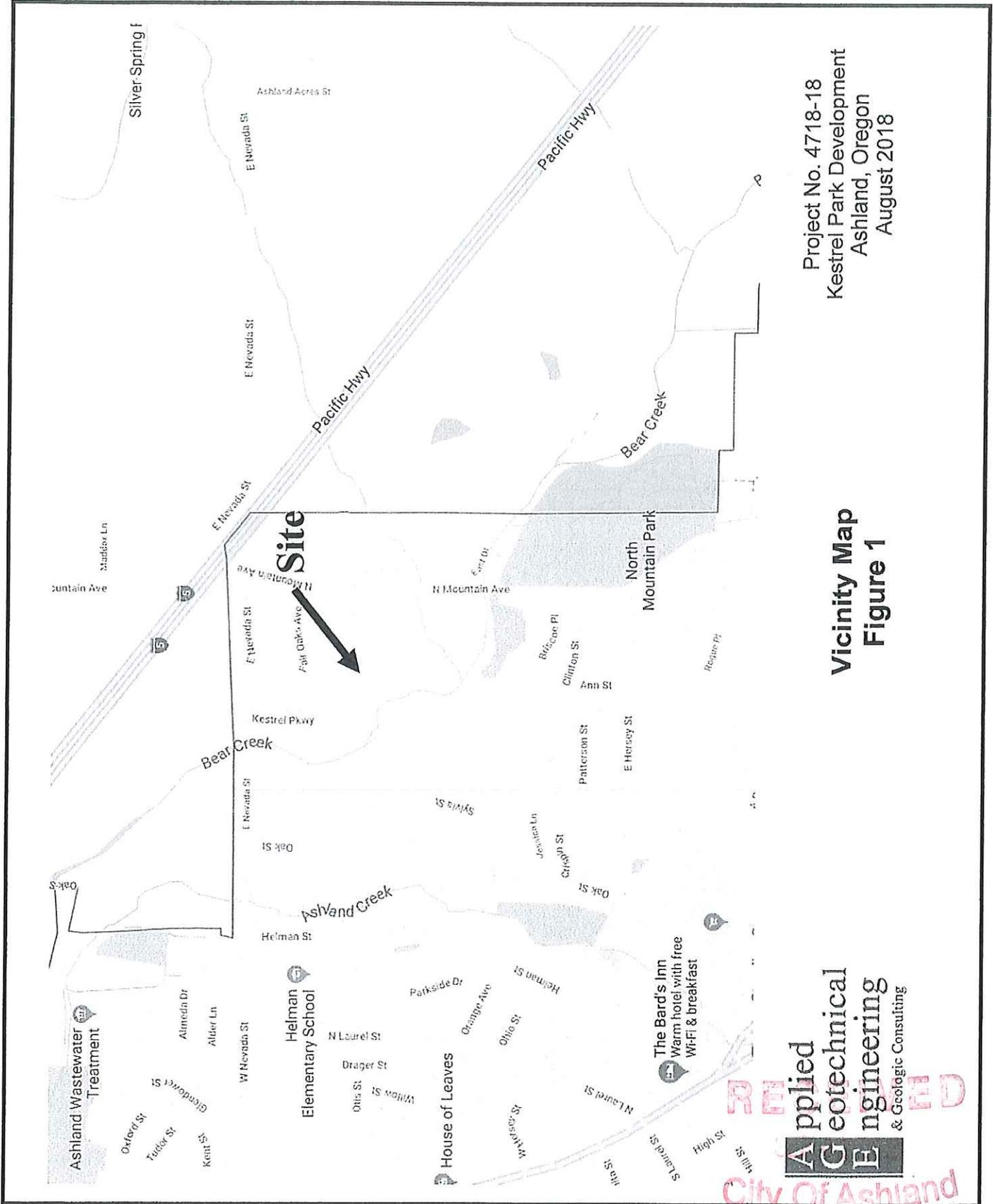


Renewal: June 2020

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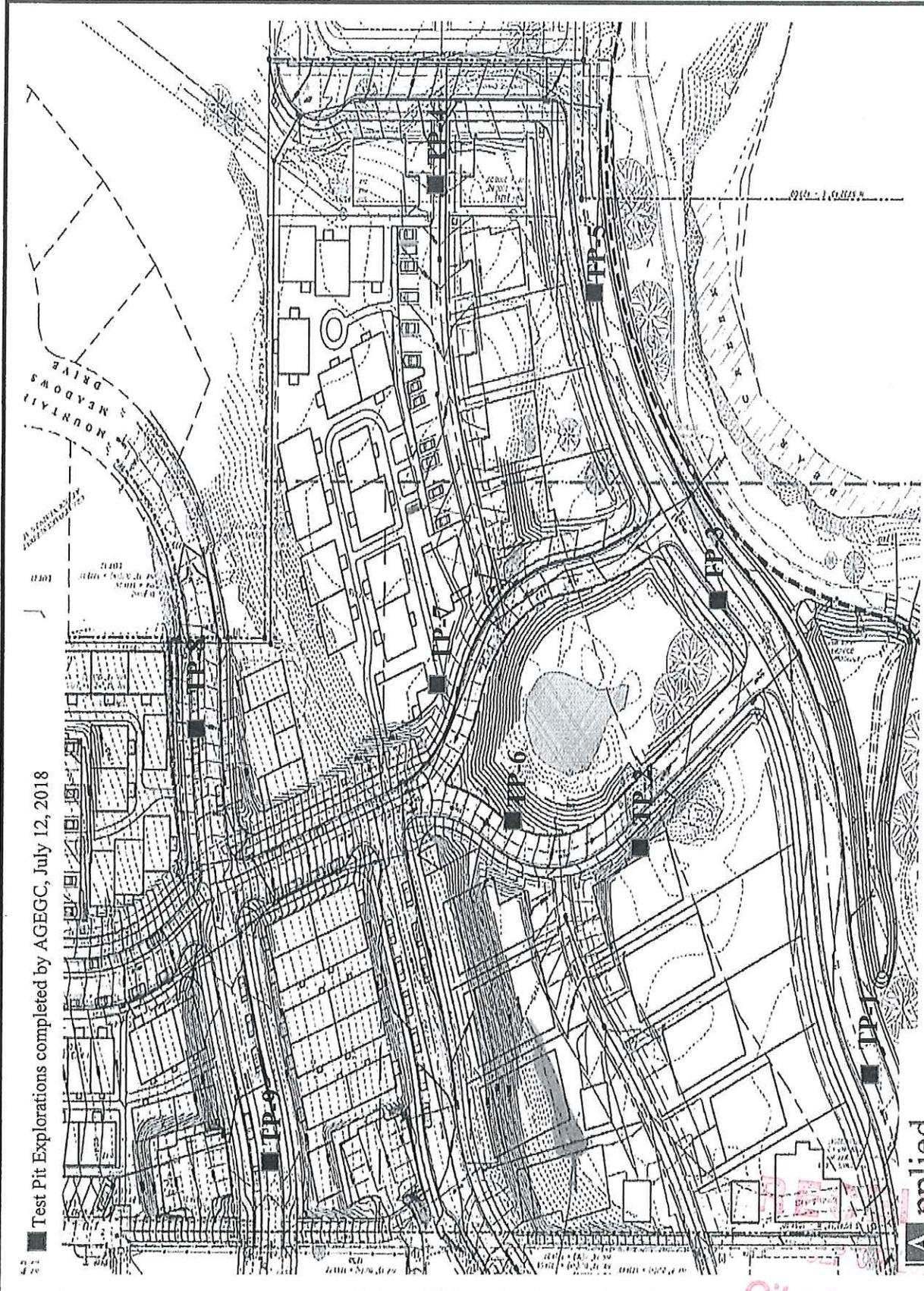
Project No. 4718-18  
Kestrel Park Development  
Ashland, Oregon  
August 2018

Vicinity Map  
Figure 1



Applied  
AG E  
eotechnical  
engineering  
& Geologic Consulting  
City of Ashland

■ Test Pit Explorations completed by AGECC, July 12, 2018



Project No. 4718-18  
Kestrel Park Development  
Ashland, Oregon  
August 2018

**Figure 2**  
**Site Plan**

**A** applied  
**G** geotechnical  
**E** engineering  
& Geologic Consulting

City Of Ashland

## APPENDIX A FIELD EXPLORATIONS

The subsurface conditions and materials at the site were investigated on July 12, 2018, with nine test pits, designated TP-1 through TP-9. The locations of the test pits were estimated in the field using existing landmarks. The approximate locations of the test pits are shown on the Site Map, Figure 2.

The test pits were excavated to depths ranging from 2 to 7 ft below the ground surface using a mini-excavator. All field explorations were observed by an experienced geotechnical engineer/geologist provided by our firm, who maintained a detailed log of the materials disclosed during the course of the work. Representative soil samples were saved in airtight sample containers that were returned to our laboratory for further examination and physical testing. The test pits were backfilled with the excavation spoils at the completion of our fieldwork.

Logs of the test pits are provided below. Each log presents a descriptive summary of the various types of material encountered in the test pits and notes the depths where the materials and/or characteristics of the material change. The terms used to describe the materials encountered in the test pits are defined in Tables 1A and 2A.

### Test Pit TP-1

0.0 to 1.5 ft      FILL: Medium dense, crushed rock up to 4 in. in size, silt matrix, becomes dirtier with depth.

1.5 to 7.0 ft      Medium stiff, brown SILT; some clay, trace fine sand.

Groundwater seepage not observed.

No significant caving of test pit sidewalls.

Completed July 12, 2018

### Test Pit TP-2

0.0 to 2.5 ft      Medium stiff, black Clayey SILT; desiccation cracks at ground surface, highly expansive (high shrink/swell potential).

2.5 to 5.0 ft      Medium stiff, brown SILT; some clay, trace fine sand.

Groundwater seepage not observed.

No significant caving of test pit sidewalls.

Completed July 12, 2018

### Test Pit TP-3

0.0 to 2.5 ft      Medium dense, gray Silty SAND; scattered gravel and cobble.

2.5 to 6.0 ft      Medium stiff, brown SILT; some clay, trace fine sand.

Groundwater seepage not observed.

No significant caving of test pit sidewalls.

Completed July 12, 2018

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**Test Pit TP-4**

0.0 to 1.5 ft FILL: SILT with scattered construction debris including broken concrete block and rebar.  
1.5 to 3.5 ft Medium stiff, black Clayey SILT; highly expansive (high shrink/swell potential).  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed July 12, 2018

**Test Pit TP-5**

0.0 to 1.5 ft Medium dense, brown Silty SAND; fine grained.  
1.5 to 3.5 ft Medium stiff, dark brown to black SILT; some clay to clayey.  
3.0 to 6.0 ft Medium stiff, brown SILT; trace clay.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed July 12, 2018

**Test Pit TP-6**

0.0 to 2.0 ft FILL: Angular sandstone pieces in a silt matrix.  
Practical refusal of the mini-excavator on sandstone at a depth of 2 ft.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed July 12, 2018

**Test Pit TP-7**

0.0 to 3.0 ft FILL: Medium stiff, Clayey SILT with angular sandstone pieces.  
3.0 to 6.5 ft FILL: Loose, angular sandstone gravel, cobble, and boulder in a silt matrix, crushed green PVC pipe at 4 ft, steel rebar at 5.5 ft.  
6.5 to 7.0 ft Medium hard (RH-2) SANDSTONE; slightly weathered.  
Groundwater seepage not observed.  
Significant caving of test pit sidewalls below a depth of 3 ft.  
Completed July 12, 2018

**Test Pit TP-8**

0.0 to 2.0 ft Medium stiff, black Clayey SILT; moderately expansive, scattered rounded gravels.  
2.0 to 3.0 ft Medium hard (RH-2) SANDSTONE; slightly weathered.  
Practical refusal of mini-excavator on sandstone at a depth of 3 to 5 ft (top of hard rock variable).  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed July 12, 2018

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**Test Pit TP-9**

- 0.0 to 2.0 ft Very stiff, black Clayey SILT; moderately to highly expansive, slickensides.
- 2.0 to 3.0 ft Medium stiff, brown Clayey SILT; moderately expansive.
- 3.0 to 4.0 ft Stiff, brown SILT; altered (weathered) sandstone, trace fine sand and clay.
- 4.0 to 5.0 ft Medium hard (RH-2) SANDSTONE; slightly weathered.

Groundwater seepage not observed.

Significant caving of test pit sidewalls below a depth of 3 ft.

Completed July 12, 2018

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**TABLE 1A: SOIL DESCRIPTION TERMINOLOGY**

<u>Coarse-Grained Soils (Sand Size and Larger)</u>	
<u>Relative Density</u>	<u>Standard Penetration Resistance (N-Values)</u>
Very Loose	0-4
Loose	4-10
Medium Dense	10-30
Dense	30-50
Very Dense	Over 50

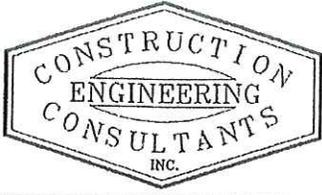
<u>Fine-Grained (Cohesive) Soils</u>			
<u>Consistency</u>	<u>Standard Penetration Resistance (N-Value)</u>	<u>Torvane Undrained Shear Strength, tsf</u>	<u>Field Identification</u>
Very Soft	2	Less than 0.125	• Easily penetrated by fist.
Soft	2-4	0.125-0.25	• Easily penetrated by thumb.
Medium Stiff	5-8	0.25-0.50	• Penetrated by thumb with moderate effort.
Stiff	9-15	0.50-1.0	• Readily indented by thumb but penetrated only with great effort.
Very Stiff	16-30	1.0-2.0	• Readily indented by thumbnail.
Hard	Over 30	Over 2.0	• Indented with difficulty by thumbnail.

<u>Grain Shape</u>	
<u>Term</u>	<u>Description</u>
Angular	Corners and edges sharp.
Subangular	Corners worn off, angles not worn off
Subrounded	Corners and angles worn off, flat surfaces remain.
Rounded	Worn to almost spherical shape.

<u>Grain Size Classification</u>	
Boulders	6 to 36 inches
Cobbles	3 to 6 inches
Gravel	¼-¾ inch (fine) ¾-3 inches (coarse)
Sand	No. 200-No. 40 sieve (fine) No. 40-No. 10 sieve (medium) No. 10-No. 4 sieve (coarse)
Silt/Clay	Pass No. 200 sieve

<u>Modifier for Subclassification</u>	
<u>Adjective</u>	<u>Percentage of Other Material in Total Sample</u>
Clean	0 - 1.5
Trace	1.5 - 10
Some	10 - 30
Sandy, Silty, or Clayey	30 - 50

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August 27, 2018

Mr. Mark Knox  
KDA Homes  
604 Fair Oaks Court  
Ashland, Oregon 97520

**RE: Kestrel Park Development (Bear Creek)**

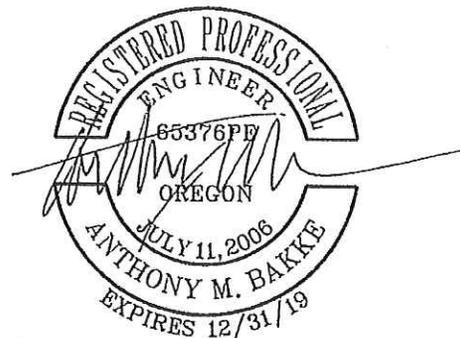
Dear Mark,

After reviewing the Jackson County FIS report prepared by FEMA, it can be anticipated that the 100 year floodplain fringe would experience an estimated velocity of 0 to 3 feet per second. According to the FIS report this area of Bear Creek shows a small portion of Kestrel Parkway is within the floodplain. There are no proposed structures within the FEMA 100 year floodplain.

Additionally, all proposed structures are to be located outside the limits of the City of Ashland flood corridor. The City of Ashland flood corridor is located well beyond the FEMA Established 100 year floodplain boundary, and we anticipate no water to extend to the City of Ashland flood corridor line during a 100 year event. Therefore, the velocities beyond the FEMA Established 100 year floodplain boundary are anticipated to be 0 feet per second.

Sincerely,

Tony Bakke, P.E.  
Construction Engineering Consultants, Inc.



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July 24, 2018

Karl Johnson, Associate Engineer  
City of Ashland  
Public Works/Engineering  
51 Winburn Way  
Ashland, OR 97520

**RE: Scoping Letter and Traffic Analysis for Kestrel Park Subdivision**

Dear Mr. Johnson:

This letter is intended to define the scope of work for the development of Kestrel Park Subdivision, a phase of the North Mountain Neighborhood Plan (NMNP) per the requirements of Public Works pre-application comments dated March 21, 2018. The development calls for 15 single family units and 50 multi-family dwelling units for a total of 65 dwelling units on approximately 7.5-acres. The remaining 5.99-acres of the 13.49-acre site is open space, most of which is in the 100-year flood plain. All access to the site, per the NMNP, is from North Mountain Avenue, a City Avenue per the adopted Transportation System Plan.

**Estimated Trip Generation**

Estimates of daily vehicle trip ends for the proposed development were based on empirical observations at similar developments. These observations are summarized in the standard reference *Trip Generation, 9<sup>th</sup> Edition*, published by the Institute of Transportation Engineers.

The subdivision is anticipated to include 15 single family residential lots and 50 multi-family dwelling units for a total site trip generation of approximately 476 ADT. The PM Peak Hour of North Mountain Avenue is anticipated to see an increase of 31 entering trips and 18 exiting trips for a total of 49 PM Peak Hour trips.

<b>Proposed Trip Generation Estimates for Residential</b>					
Apartments (ITE Code 220)	Trips/Dwelling Unit (DU)	No. DU	Trips		
			Total	Enter	Exit
				50%	50%
Daily	6.65	50	333	167	166
				65%	35%
PM Peak Hour	0.62	50	31	20	11
				20%	80%
AM Peak Hour	0.51	50	26	5	21

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EXHIBIT 3

<b>Proposed Trip Generation Estimates</b>					
Single Family (ITE Code 210)	Trips/Dwelling Unit (DU)	No. DU	Trips		
			Total	Enter	Exit
				50%	50%
Daily	9.52	15	143	72	71
				63%	37%
PM Peak Hour	1.00	15	15	9	6
				25%	75%
AM Peak Hour	0.75	15	11	2	8

<b>Proposed Trip Generation Totals</b>			
Time Period	Trips		
	Total	Enter	Exit
		50%	50%
Daily	476	239	237
		63%	34%
<b>PM Peak Hour</b>	<b>49</b>	<b>31</b>	<b>18</b>
		27%	73%
AM Peak Hour	40	11	29

**Estimate Trip Distribution and Assignment**

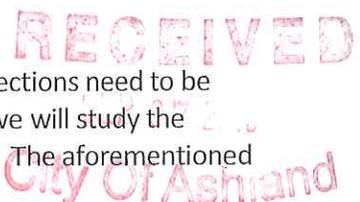
The site trip distribution is based upon existing traffic counts as well as engineering judgment and knowledge of the area. During the PM Peak hour volumes are almost evenly split on North Mountain Avenue in the area of the project. It is anticipated that a majority of the traffic (65%) will come and go from the south along North Mountain Avenue to access downtown, the Railroad District and schools. The remaining 35% will use North Mountain Avenue to access Eagle Mill Road to gain access to the northern portion of the community.

The site is estimated to generate approximately 49 PM Peak hour trips coming or going from the site per the *Trip Generation, 9<sup>th</sup> Edition*. Trips coming and going from the site are all distributed onto North Mountain Avenue for a conservative analysis.

For simplicity sake all traffic will be loaded onto North Mountain Avenue at Mountain Meadows Drive, though there are several other connected streets that will be more direct to North Mountain Avenue. The estimated distribution in the PM Peak Hour will put approximately 17 coming or going from the north and 32 trips coming or going from the south. These are very low number and not anticipated to have a negative effect at any study intersections.

**Study Intersections**

Per the Public Works trip generation threshold of 50 peak hour trips no intersections need to be studied for this development. Because we are only one under the threshold we will study the intersection of North Mountain Avenue and Hersey Street to be conservative. The aforementioned



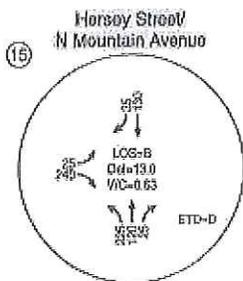
intersection is a three way stop controlled intersection with low volumes shown in the existing year in the current Transportation System Plan.

**Existing Traffic Volumes**

Existing traffic counts during the PM peak hour of the adjacent street will be gathered from existing count data when possible. New manual turning counts will be collected as needed when existing data does not exist or is too old to use. The current Transportation System Plan shows very low turning movement volume at the study intersection.

**Future Traffic Volumes**

The future traffic volumes for year 2034 No-Build are available in the current Transportation System Plan. Site Volumes will be added to the No-Build volumes to determine any operational concerns at this intersection. The turning movement volumes are shown in the clip below:



**Intersection Analysis**

We will evaluate levels of service for the weekday PM peak hour of the adjacent street for the future year 2034 and the future year 2034 plus project trips at the study intersections. This will include documenting the level of service and queuing anticipated at these locations.

The analysis is performed in Synchro Studio 10 using the Highway Capacity Manual (HCM) 2010 analysis method. The TSP already provided the same analysis for the future year 2034 analysis, but we performed the same year analysis to verify the Level of Service (LOS) at the intersection. This established the base and then we added the project traffic at the intersection based on the existing turning movement counts.

The base year shows an intersection delay of 13 seconds per vehicle and an intersection LOS of B. When project traffic is added to the intersection analysis the delay increases to 13.6 seconds per vehicle with an intersection LOS of B still. The intersection still operates well below the acceptable LOS of D.

The Synchro analysis sheets for base and base plus project are attached for your reference.

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July 24, 2018

**Mitigation Measures**

The project shows an increase of 0.6 seconds per vehicle of control delay at the study intersection. The intersection operates at LOS B both before and after project traffic is added to the intersection. This is well below the accepted standard of LOS D per the TSP. No mitigation is required at the project intersection.

Thank you and if you have any comments or questions, or if the scope needs to be modified, please let me know at your earliest convenience.

Sincerely,



Alex Georgevitch, P.E.

- Attachments: Synchro 2034 Base  
Synchro 2034 Base plus Project  
Detailed ITE Land Use Data  
Peak Hour ITE Trip Generation Summary  
Site Plan



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Intersection

Intersection Delay, s/veh	13
Intersection LOS	B

Movement	EBU	EBL	EBR	NBU	NBL	NBT	SBU	SBT	SBR
Lane Configurations		↘	↗			↖		↗	↘
Traffic Vol, veh/h	0	25	240	0	225	120	0	130	35
Future Vol, veh/h	0	25	240	0	225	120	0	130	35
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	27	261	0	245	130	0	141	38
Number of Lanes	0	1	1	0	0	1	0	1	1

Approach	EB	NB	SB
Opposing Approach		SB	NB
Opposing Lanes	0	2	1
Conflicting Approach Left	SB	EB	
Conflicting Lanes Left	2	2	0
Conflicting Approach Right	NB		EB
Conflicting Lanes Right	1	0	2
HCM Control Delay	11.2	15.9	9.8
HCM LOS	B	C	A

Lane	NBLn1	EBLn1	EBLn2	SBLn1	SBLn2
Vol Left, %	65%	100%	0%	0%	0%
Vol Thru, %	35%	0%	0%	100%	0%
Vol Right, %	0%	0%	100%	0%	100%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	345	25	240	130	35
LT Vol	225	25	0	0	0
Through Vol	120	0	0	130	0
RT Vol	0	0	240	0	35
Lane Flow Rate	375	27	261	141	38
Geometry Grp	4	7	7	7	7
Degree of Util (X)	0.578	0.05	0.388	0.229	0.054
Departure Headway (Hd)	5.55	6.57	5.356	5.83	5.12
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	653	547	673	616	700
Service Time	3.565	4.289	3.076	3.557	2.847
HCM Lane V/C Ratio	0.574	0.049	0.388	0.229	0.054
HCM Control Delay	15.9	9.6	11.4	10.3	8.1
HCM Lane LOS	C	A	B	B	A
HCM 95th-tile Q	3.7	0.2	1.8	0.9	0.2

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Synchro 10 Report

City Of Ashland Page 1

Intersection

Intersection Delay, s/veh 13.6  
 Intersection LOS B

Movement	EBU	EBL	EBR	NBU	NBL	NBT	SBU	SBT	SBR
Lane Configurations		↘	↗			↖		↗	↖
Traffic Vol, veh/h	0	28	240	0	225	137	0	139	38
Future Vol, veh/h	0	28	240	0	225	137	0	139	38
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	30	261	0	245	149	0	151	41
Number of Lanes	0	1	1	0	0	1	0	1	1

Approach	EB	NB	SB
Opposing Approach		SB	NB
Opposing Lanes	0	2	1
Conflicting Approach Left	SB	EB	
Conflicting Lanes Left	2	2	0
Conflicting Approach Right	NB		EB
Conflicting Lanes Right	1	0	2
HCM Control Delay	11.5	16.9	10
HCM LOS	B	C	A

Lane	NBLn1	EBLn1	EBLn2	SBLn1	SBLn2
Vol Left, %	62%	100%	0%	0%	0%
Vol Thru, %	38%	0%	0%	100%	0%
Vol Right, %	0%	0%	100%	0%	100%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	362	28	240	139	38
LT Vol	225	28	0	0	0
Through Vol	137	0	0	139	0
RT Vol	0	0	240	0	38
Lane Flow Rate	393	30	261	151	41
Geometry Grp	4	7	7	7	7
Degree of Util (X)	0.609	0.056	0.394	0.247	0.059
Departure Headway (Hd)	5.576	6.648	5.434	5.877	5.167
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	649	540	663	612	694
Service Time	3.6	4.377	3.163	3.607	2.897
HCM Lane V/C Ratio	0.606	0.056	0.394	0.247	0.059
HCM Control Delay	16.9	9.8	11.7	10.5	8.2
HCM Lane LOS	C	A	B	B	A
HCM 95th-tile Q	4.1	0.2	1.9	1	0.2

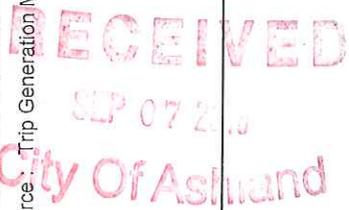
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**Detailed Land Use Data**  
 For 15 Dwelling Units of SFR  
 ( 210 ) Single-Family Detached Housing

Open Date: 7/23/2018  
 Analysis Date: 7/23/2018

Project: 18-003 Kestrel Park

Day / Period	Total Trips	Pass-By Trips	Avg Rate	Min Rate	Max Rate	Std Dev	Avg Size	% Enter	% Exit	Use Eq.	Equation	R2
Weekday Average Daily Trips Source : Trip Generation Manual 9th Edition	143	0	9.52	4.31	21.85	3.7	198	50	50	False	$\ln(T) = 0.92 \ln(X) + 2.72$	0.95
Weekday AM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	12	0	0.77	0.33	2.27	0.91	180	26	74	False	$T = 0.7(X) + 12.12$	0.89
Weekday AM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	11	0	0.75	0.33	2.27	0.9	194	25	75	False	$T = 0.7(X) + 9.74$	0.89
Weekday PM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	15	0	1.02	0.42	2.98	1.05	174	64	36	False	$\ln(T) = 0.88 \ln(X) + 0.62$	0.91
Weekday PM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	15	0	1	0.42	2.98	1.05	207	63	37	False	$\ln(T) = 0.9 \ln(X) + 0.51$	0.91
Saturday Average Daily Trips Source : Trip Generation Manual 9th Edition	149	0	9.91	5.32	15.25	3.72	215	50	50	False	$\ln(T) = 0.93 \ln(X) + 2.64$	0.92
Saturday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	14	0	0.93	0.5	1.75	0.99	215	54	46	False	$T = 0.89(X) + 8.77$	0.91
Sunday Average Daily Trips Source : Trip Generation Manual 9th Edition	129	0	8.62	4.74	12.31	3.36	218	50	50	False	$T = 8.63(X) - 0.63$	0.93
Sunday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	13	0	0.86	0.55	1.48	0.95	212	53	47	False	$\ln(T) = 0.91 \ln(X) + 0.31$	0.88



Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012  
 TRIP GENERATION 10, TRAFFICWARE, LLC

**Detailed Land Use Data**  
**For 50 Dwelling Units of Multi Family Units**  
**( 220 ) Apartment**

Open Date: 7/23/2018  
 Analysis Date: 7/23/2018

Project: 18-003 Kestrel Park

Day / Period	Total Trips	Pass-By Trips	Avg Rate	Min Rate	Max Rate	Std Dev	Avg Size	% Enter	% Exit	Use Eq.	Equation	R2
Weekday Average Daily Trips Source : Trip Generation Manual 9th Edition	333	0	6.65	1.27	12.5	3.07	210	50	50	False	$T = 6.06(X) + 123.56$	0.87
Weekday AM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	28	0	0.55	0.1	1.08	0.76	230	29	71	False	$T = 0.54(X) + 2.45$	0.82
Weekday AM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	26	0	0.51	0.1	1.02	0.73	235	20	80	False	$T = 0.49(X) + 3.73$	0.83
Weekday PM Peak Hour of Generator Source : Trip Generation Manual 9th Edition	34	0	0.67	0.1	1.64	0.85	229	61	39	False	$T = 0.6(X) + 14.91$	0.8
Weekday PM Peak Hour of Adjacent Street Traffic Source : Trip Generation Manual 9th Edition	31	0	0.62	0.1	1.64	0.82	233	65	35	False	$T = 0.55(X) + 17.65$	0.77
Saturday Average Daily Trips Source : Trip Generation Manual 9th Edition	320	0	6.39	2.84	8.4	2.99	175	50	50	False	$T = 7.85(X) - 256.19$	0.85
Saturday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	26	0	0.52	0.26	1.05	0.74	178	50	50	False	$T = 0.41(X) + 19.23$	0.56
Sunday Average Daily Trips Source : Trip Generation Manual 9th Edition	293	0	5.86	3.21	7.53	2.73	182	50	50	False	$T = 6.42(X) - 101.12$	0.82
Sunday Peak Hour of Generator Source : Trip Generation Manual 9th Edition	26	0	0.51	0.26	1.43	0.75	186	50	50	False		



Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 7/23/2018

Project: 18-003 Kestrel Park

Analysis Date: 7/23/2018

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Generator			Weekday PM Peak Hour of Generator		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
210	SFR	72	71	143	3	9	12	10	5	15
15	Dwelling Units									
220	Multi Family Units	167	166	333	8	20	28	21	13	34
50	Dwelling Units									
	Unadjusted Volume	239	237	476	11	29	40	31	18	49
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	239	237	476	11	29	40	31	18	49

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Generator Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Generator Internal Capture = 0 Percent

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\* Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 10, TRAFFICWARE, LLC

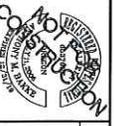


**CONSTRUCTION CONSULTANTS**  
 310. 907. 1974  
 P.O. BOX 779-4008 FAX (417) 779-1100  
 (417) 779-4008 FAX (417) 779-1100

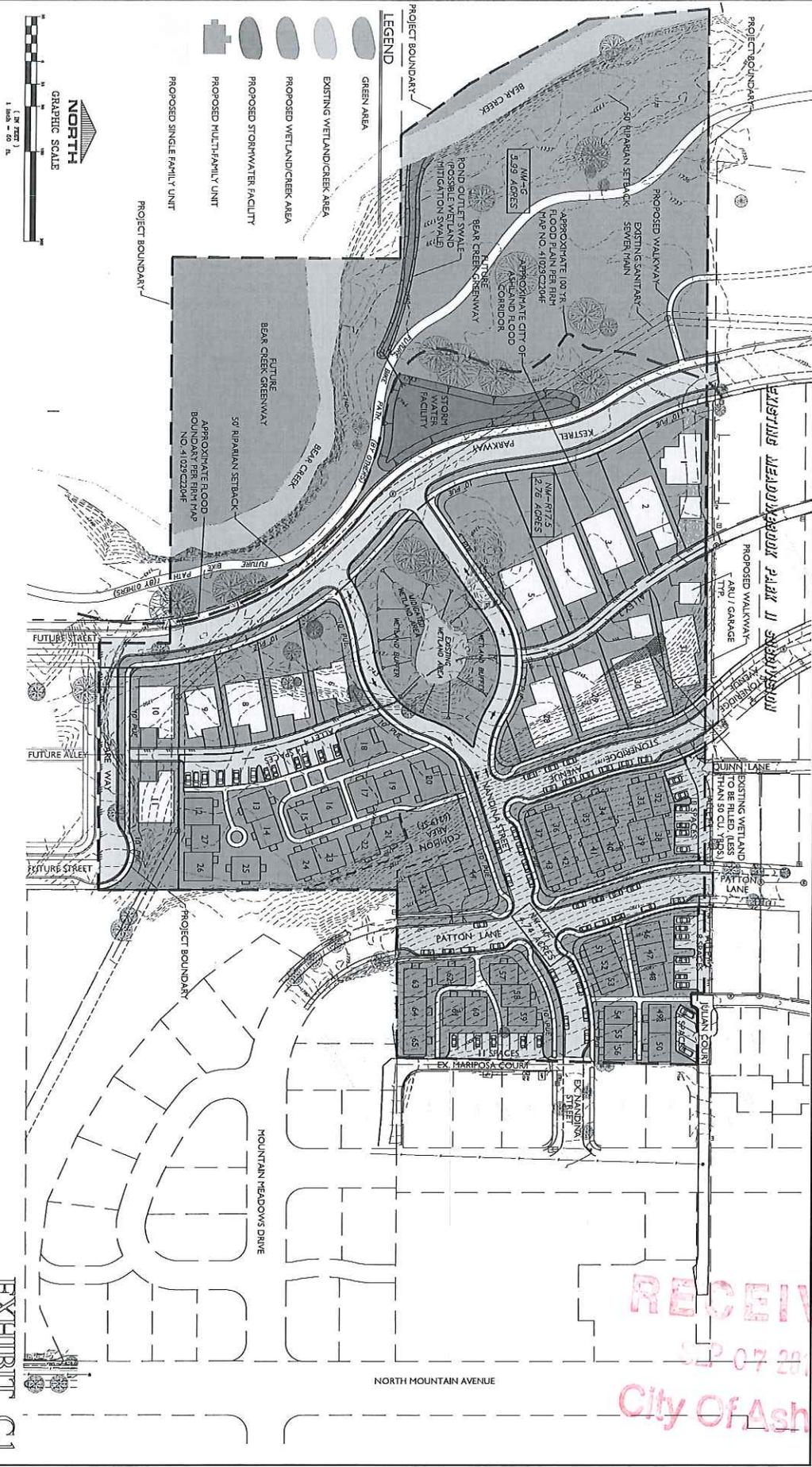
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**KDAHomes**  
 plan. develop. build

NO. REVISION	DATE	BY



CITY OF ASHLAND  
 KESTREL PARK SUBDIVISION  
 CONCEPTUAL PRELAP SITE PLAN



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# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

November 14, 2016

Urban Development Services  
Attn: Mark Knox  
485 W. Nevada Street  
Ashland, OR 97520

Kate Brown  
Governor

Re: WD # 2016-0313 Wetland Delineation Report for Ashland Bear  
Creek Subdivision,  
Jackson County; T39S R1E Sec. 4, Tax Lots 900, 2000, 8600  
Ashland Local Wetlands Inventory wetland W8

Jeanne P. Atkins  
Secretary of State

Ted Wheeler  
State Treasurer

Dear Mr. Knox:

The Department of State Lands has reviewed the wetland delineation report prepared by Keystone Natural Resource Consulting for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached map). Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figures 6, 6A, and 6B of the report.

Within the study area, two wetlands, totaling approximately 0.10 acres, Bear Creek, and an isolated drainage were identified. All features are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland/wetlands or below the ordinary high water line (OHWM) of a waterway (or the 2 year recurrence interval flood elevation if OHWM cannot be determined).

However, Bear Creek is an essential salmonid stream; therefore, fill or removal of any amount of material within the OHWM may require a state permit. The isolated drainage was mapped to the top of bank, not to the OHWM. If this feature is impacted during site development, the OHWM should be determined and mapped so that any required mitigation can be calculated accurately. A revision to this delineation may be needed at that time.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

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Exhibit 4

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

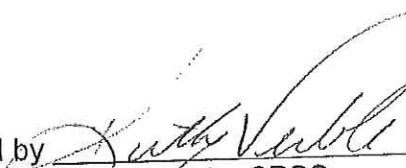
Thank you for having the site evaluated. Please phone me at 503-986-5300 if you have any questions.

Sincerely,



Lynne McAllister  
Jurisdiction Coordinator

Approved by



Kathy Verble, CPSS  
Aquatic Resource Specialist

Enclosures

ec: Mike Holscher, Keystone Natural Resource Consulting  
City of Ashland Planning Department (Maps enclosed for updating LWI)  
Omar Ortiz, Corps of Engineers  
Bob Lobdell, DSL

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**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report or include a hard copy of the completed form with a CD/DVD that includes a single PDF file of the report cover form and report (minimum 300 dpi resolution) and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF attachment of the completed cover form and report may be e-mailed to [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail instructions on how to access the file from your ftp or other file sharing website. Fees can be paid by check or credit card. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

X Applicant X Owner Name, Firm and Address: Laz Ayala 132 W. Main Street, Suite 201 Medford, Oregon 97501	Business phone # 541-944-9561 Mobile phone # (optional) E-mail:
X Authorized Legal Agent, Name and Address: Mark Knox, Urban Development Services, LLC 485 W. Nevada Street Ashland, Oregon 97520	Business phone # 541-821-3752 Mobile phone # E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. Typed/Printed Name: <u>Laz Ayala</u> Signature: _____ Date: _____ Special instructions regarding site access: _____	

**Project and Site Information** (using decimal degree format for lat/long., enter centroid of site or start & end points of linear project)

Project Name: Ashland Bear Creek Subdivision	Latitude: 42.2086	Longitude: -122.7050
Proposed Use: Subdivision	Tax Map # 39 1E 04AC, 39 1E 04DB, 39 1E 04AD	
Project Street Address (or other descriptive location): South of Kestral Parkway southern terminus and north and west of Mountain Meadow Drive	Township 39S	Range 1E Section 04 QQ
City: Ashland County: Jackson	Tax Lot(s) 900, 2000, 8600	Waterway: Bear Creek River Mile: NW1 Quad(s): USFWS Wetland Mapper webpage

**Wetland Delineation Information**

Wetland Consultant Name, Firm and Address: Mike Holscher, Keystone Natural Resource Consulting 12920 SW Moreno Drive Gaston, OR 97119	Phone # Mobile phone # 503-201-9077 E-mail: mike@keystonenrc.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature: <u>[Signature]</u> Date: May 31, 2016	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input checked="" type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 13+/- Total Wetland Acreage: 0.10	

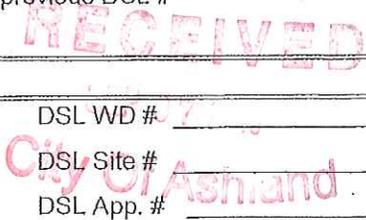
**Check Box Below if Applicable:**

**Fees:**

<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Reissuance of a recently expired delineation Previous DSL # _____ Expiration date _____	<input checked="" type="checkbox"/> Fee payment submitted \$ 412 <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> No fee for request for reissuance of an expired report
Other Information: Y N Has previous delineation/application been made on parcel? <input type="checkbox"/> X If known, previous DSL # _____ Does LWI, if any, show wetland or waters on parcel? X <input type="checkbox"/>	

**For Office Use Only**

DSL Reviewer: _____	Fee Paid Date: ____/____/____	DSL WD # _____	
Date Delineation Received: ____/____/____	DSL Project # _____	DSL Site # _____	
Scanned: <input type="checkbox"/> Final Scan: <input type="checkbox"/>	DSL WN # _____	DSL App. # _____	



Wetland Delineation for  
Tax Lots 900, 2000, 8600,  
Tax Map 39 1E 04 AC, AD & DB  
Bear Creek Subdivision

Prepared For

Laz Ayala  
604 Fair Oaks Ct.  
Ashland, Oregon 97520

Prepared By

Mike Holscher, PWS  
Keystone Natural Resource Consulting  
12920 SW Moreno Drive  
Gaston, Oregon 97119  
503-201-9077  
*mike@keystonenrc.com*

May 31, 2016

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## LANDSCAPE SETTING AND LAND USE

### General Setting and Topography

The study area is located immediately south of the terminus of Kestrel Parkway, west of Mountain Meadow Dr and east of Bear Creek in Ashland Oregon (T39S, R1E, Section 04; Figures 1 & 2 in Appendix A; Tax Lots 900, 2000 & 8600). The general land forms in the area are hill slopes merging into the high terrace of Bear Creek. The hill slopes are west facing and moderate to steep in nature. These hills run north/south and are moderately undulating with low, ravine areas which commonly hold ephemeral, intermittent or perennial streams. The north and east surrounding lands are increasingly being developed with the newest developments adjacent to the study area. The development is moderate density residential subdivisions. The land to the south and west are riparian associated with Kitchen and Bear Creek respectively.

Tax lot 8600 is a steep west facing slope that is vegetated primarily with grass and regularly mowed. Lots 900 and 2000 are composed of high floodplain of Bear Creek. There is a mix of features including open grass land, one shrub and one forested wetland, an isolated remnant drainage, and Bear Creek. Lands around Bear Creek are light to moderately forested with areas of dense Himalayan blackberry (*Rubus armeniacus*).

### SITE ALTERATIONS

Some parts of the study area have been filled and/or graded over the past decade. A series of photos dating 2002, 2005, 2010 and 2012 have been include in this report as evidence. 2002 shows the site fairly undisturbed (Appendix D). In the 2005 photo there is evidence of multiple soil disturbances in the northern part of lot 900. It appears that vegetation is missing from the middle of a forested depression near the middle of the study area. The photo is not clear enough to discern if its only vegetation that has been removed or if soil has been placed. Data collected in that area included buried woody debris and irregular rock material suggesting that fill has been placed there at some point. The 2005 photo also shows soil manipulation in the area of Wetland 1. The 2010 photo shows the depression disturbance area re-growing and new areas of gravel placement north of the depression. The 2014 photo is similar to 2010. The current landowner purchased the property in July 2013.

Although not apparent in any of the photos, a sewer line was installed though the study area in 2004 from north to south east. It was installed under an existing gravel road that is visually apparent in all of the air photos. It skirts the west and south side of the forested depression.

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## PRECIPITATION DATA AND ANALYSIS

The field hydrology data was collected on April 9, 2014. Monthly rainfall data was collected from WETS table for Ashland, Oregon. The daily rainfall totals for the 14 days prior to field work was obtained from NOAA National Climatic Data Center from their Medford Station. The Medford station was the closest station with complete daily totals.

TABLE 1 - 2014 Precipitation data

Month	Observed	Average	Deviation of Avg.	Percent of Avg.
January	0.73 in.	2.49 in.	-1.71 in.	30%
February	4.02 in.	1.92 in.	2.1 in.	209%
March	3.66 in.	2.09 in.	1.23 in.	175%
April	1.48 in.	1.68 in.	-0.2 in.	88%
<b>TOTALS</b>	<b>17.08 in.</b>			<b>125.5%</b>

TABLE 2 - 2016 Precipitation data

Month	Observed	Average	Deviation of Avg.	Percent of Avg.
December	7.6 in.	2.8 in.	4.8 in.	271%
January	3.63 in.	2.49 in.	1.14 in.	145%
February	1.29 in.	1.92 in.	-0.63 in.	67%
March	2.87 in.	2.09 in.	0.78 in.	137%
<b>TOTALS</b>	<b>17.08 in.</b>			<b>155.5%</b>

According to daily NOAA climate data for Medford, Oregon, the precipitation data for the 14 days prior to field data collection in 2014 was 1.22 inches. That rainfall accumulation is at or above normal precipitation totals for a 2 week period in March or April. Further, the precipitation data for the 14 days prior to field data collection in 2015 was 1.28 inches. That rainfall accumulation is 61 percent of a normal March rainfall accumulation.

The water year starting in October 2013 was very dry until the end of January 2014. February and March had excessive rainfall accumulation and the rainfall in the 14 days prior to field work was at a seasonal norm. Hydrology data collected was considered accurate and under normal circumstances for precipitation/runoff driven wetlands; It was considered dry for ground water/spring wetlands that rely on a regular winters precipitation recharge.

For the water year starting in October 2015 was consistently high. February was the only month below "normal" but was still within the 30 percentile zone. October data show less than normal but there is a note as to missed days of data collection. The water year was considered excessive at 155% of average. The hydrology data revisited this season verifies wetland boundaries from both dry and wet season site visits.

## METHODS

### Offsite Methods

Soil mapping information was obtained from data available on the Web Soil Survey (WSS) for Jackson County. The USFWS wetlands mapper (NWI), tax maps and available air photos were also reviewed prior to site visit. This information provided basic knowledge and preliminary topographic indication of the location of waters, wetlands, and hydric soils to facilitate on-site reconnaissance for efficient and useful data collection.

The NWI shows one indication of a wetland within the study area (Figure 3A). The area is a large polygon in lot 900 that classified as Palustrine, Emergent and Palustrine, Forested/Shrub (PEM, PFO/SS) wetlands. The City of Ashland local wetland inventory (LWI; Figure 3B) indicates one wetland in the central part of lot 900. This wetland is in a similar location as the NWI, but is considerable smaller. It is labeled as W8 (wetland 8). Data point and a summary sheet were collected onsite and are located in Appendix E. The LWI data was collected in June of 2003 and prior to recent land manipulation.

The Jackson County Soil Survey notes that the study area is mapped with Camas-Newberg-Evans Complex, Darow silty clay loam and Medford silty clay (Figure 4). None of these series are listed as a hydric soil, but all have hydric components. Darow soils are located on hill slopes; Medford series forms on terraces and fans; Camas-Evans-Newberg soils are on floodplains.

### Field Methods

The initial site visit was conducted on November 21, 2013. At that time, the water year was very droughty. It was discovered that various areas in lot 900 have augmented soils that appeared to be imported, cut, and compacted. It was determined that a spring visit was necessary to verify suspected wetland areas having positive wetland hydrology indicators. By scheduling a re-visit, this also allowed the site to be cleared of Himalayan blackberry (*Rubus armeniacus*) so that all of the study area could be properly investigated. The Spring field dates are April 9, 2014 and March 26, 2016

Sample plots like SP-A, SP-B, SP-C, SP-D and SP-E are located in suspect low areas with a FAC plant community. These low areas are typically subtle and plant communities varied from 50/50 wetland/upland species to 100 percent wetland. The wettest species encountered was FACULTATIVE (FAC).

A large depression mapped on both the NWI and LWI was a focus of field documentation. This feature is a distinct depression within the surrounding landscape. The perimeter of the feature was severely overgrown with Himalayan blackberry and most of the area could not be accessed in November 2013 during the first site visit. The landowner had the property cleared of blackberry enough for the spring site visit to document the site sufficiently.

Two other areas of interest were a small patch of willow at the base of the steep slope in the northeast corner of Lot 900 and an isolated remnant drainage. The drainage was discovered hidden in the dense patch of blackberry at the south property line of lot 2000.

Bear Creek is a well defined channel on its east bank, which was flagged at an elevation considered to be Ordinary High Water (OWH). No data was collected. See "Description" below for boundary logic. The banks on the east side of bear creek are abrupt and steep. The top of bank and OHW are located in the same horizontal plane along the study area.

## DESCRIPTION OF WETLANDS AND OTHER NON-WETLAND WATERS

There are two wetland features within the central part of the study area mapped on Figures 6, 6A and 6B. In addition, an isolated remnant drainage near the south study area boundary and Bear Creek along the western edge of the study area were also flagged and mapped (Figures 6, 6A, & 6B).

### Wetlands

There are two wetlands within the study area. Both are located in tax lot 900. Wetland one is located at the base of a slope where it meets the high terrace of Bear Creek. This feature resembles a road side ditch on the uphill side of what appears to be preparation for a road cut at the base of a steep slope. It is possible that the area was historically moist and provided shallow hydrology to hydrophytes located here, but the cut slope now is expressing water at the surface. All air photos included in this report show a vegetation pattern here, except for the 2005 where the soil appears recently disturbed (see deviations from LWI below for more discussion). Currently the seasonal surface water (spring) stays within the confines of the wetland area flagged. The two site visits in 2013 and 2014 documented that November hydrology overflows that boundary and sheds overland to the northwest. The vegetation within the wetland boundary and outside the wetland boundary is distinctly different. Willow and rush dominate the wetland and barley or medusa head with chicory and yellow star thistle dominant in the adjacent upland. Both wetland and upland soils are very compacted or the soil cut has intercepted parent material. The soils are gravelly and rock refusal occurs in the upper 12 inches.

Wetland 2 is a NWI and LWI mapped feature (Photo 5). The feature is a depression and after thorough investigation, once the blackberry was removed, it appears that this feature has been severely modified by past human disturbance. The feature appears to have been partially excavated or seriously encroached upon. The feature is currently built-up irregularly on all sides by 3 to 5 feet. A road bounds the west and south (downgradient) boundaries of the depression where a sewer line was installed in the last decade.

Seasonal water is present in the northeast portion; this appears to be a spring wetland. Currently, only the northern most part of the depression meet all three wetland indicators. The southern half has a dense understory of Himalayan blackberry with mature willow and

cottonwood (Photos 3 & 4). The dense blackberry is a sign that this portion of the depression is currently quite dry within hydrology criteria depth and the mature trees are well established and can reach the water table influence of the nearby Bear Creek. The vegetation in the northern half is consistent with the area mapped as wetland, but most does not meet the hydrology criteria in dry and wet seasons. The understory is a fairly barren with some poison hemlock and rushes. Willow and cottonwood comprise the shrub and canopy strata. The willow are all young and based upon soil investigation appear to be growing from buried older willows; possibly evident in the 2005 photo of fill in this area. The soils in the northern part of the depression are very different than in the southern part. See SP-F, T2-P1 T3-P1, T3-P2 in contrast to SP-H, and SP-G. The hydrology in the depression appears to be ground water expression and only the northeast corner of the depression had positive hydrology criteria at any of the three site visits. The positive hydrology boundary is defined by T3-P1 and T3-P2 and T2-P1 and T2-P2. The boundary on Figure 6B show where all three parameters were met. The initial logic concluded that the water source is ground water and with a water year that was considered dry, the ground water system did not fully re-charge over the winter of 2013-2014. However, a revisit in March 2016 during a wet season confirmed the wetland boundaries of the 2013-2014 season. Best professional judgment and topography concluded that in a normal year the area mapped on Figure 6B would meet all three criteria. This small wetland feature is isolated and enclosed within a larger depressional feature.

#### Waters

Bear Creek is a perennial stream that is the main watershed in the south part of the Rogue Valley. It flows north into the Rogue River near table rocks in White City. This creek defines the western edge of the study area. Lands west of the creek are not part of this study area. The creek varies from 15 to 20 feet wide and up to 3 feet deep. The substrate is mostly rocks and gravels with some silty depositional areas. The east banks are steep and are 5-7 feet high. The horizontal difference of ordinary water and ordinary high water is <1 to no more than 3 feet. Ordinary high water was flagged in the field and surveyed. The elevation of the OHW flag placement was based upon the visual evidence of highest ongoing point of erosion and the presence or lack of vegetation. For the most part, there was a distinct elevation where ongoing erosion was apparent or the transition from reed canary grass (*Phalaris arundinacea*) to Himalayan blackberry occurred. This elevation is where the flags were placed (See Photo 7).

#### Other

The isolated remnant drainage mapped does not meet the definition of a wetland or waters. The isolated feature is incised into the landscape up to 5 feet at the deepest central portion, but eventually rises to the surrounding upland elevation at both ends (Photo 3). Pondered water was documented in the bottom of the deepest portion of the feature. However, soils are inconclusive due to rock refusal at 7 inches with no hydric soil indicators above that. No vegetation grows in the bottom of the drainage; likely due to being overgrown with a dense thicket of Himalayan blackberry. This feature has been mapped on Figure 6B as described

here. It is not clear if or how this would be regulated. Oregon Division of State Lands and the US Army Corps of Engineers will need to make that call.

The feature is possibly a remnant flow channel of the nearby Kitchen Creek offsite to the south. The general area appears to be an alluvial fan and this remnant might have been the Kitchen Creek main channel at one time. An catastrophic erosional event could have filled in this entire area and Kitchen Creek found a new route to Bear Creek. The water levels at this feature may be influenced by the water levels in Kitchen and Bear Creeks. Photos 3 and 4 show this feature.

## DEVIATION FROM NATIONAL AND LOCAL WETLAND INVENTORIES

The NWI shows a very large feature of Palustrine, Emergent and Palustrine, Forested/Shrub wetland in the vicinity of Wetland 2. Wetland 2 is only a small portion of this previously mapped polygon. The area in the depression immediately adjacent to Wetland 2 might have also been wetland historically, but no longer meet all three criteria.

Area documented by SP-B and SP-C contain mature oak trees that are at least 100 years old and do not indicate that wetlands were historically presents. The NWI overlay may be placed too far north on the map, if any areas were historically wetter they would be south of Wetland 2 and more closely associated with Kitchen and Bear Creeks.

The LWI maps the whole depression that Wetland 2 is located within. Actual data sheets were collected for the LWI wetland mapped as W8. The data was collected June 24, 2003; too late in the season to verify hydrology. The wetland plot was located in the south part of the depression which is mapped as upland by this report. LWI data soils were only investigated to 4 inches and suggested fill gravel present. Himalayan Blackberry was present with 100 percent coverage and 25 percent willow. The LWI data sheet resembles data collected this year (SP-G), but concludes wetland versus upland. However, there is a wetland within the W8 mapped feature; it is located at the north end of the W8. The general downhill elevation trend in the area is towards the north. Topography limits wetland conditions existing in the south part of this depression. The LWI feature is mapped too large. Had the investigators had access to the whole depression their conclusions would have been different.

A second LWI deviation is Wetland 1. Wetland 1 stands out in the landscape as an obvious wetland feature. It was mentioned above that the feature looks carved out of a potential road cut and this cut is apparent in the 2005 air photo. The LWI site work was done in 2003 (data sheets in Appendix E) and published in 2005. Looking at the 2003 Google Earth photo (not included in report due to poor quality) the hazy image does show vegetation in this location. Knowing the biologists that did the onsite LWI field work, they would have noted this as a wetland if it was present at the time. It is likely that the 2005 soils disturbance created this wetland. Being that 2005 is greater than 5 years ago, the feature was mapped as wetland in this report.

The "isolated remnant drainage" would not have been discovered by the routine data collection techniques used for LWI documentation. Blackberry obscures this feature from air photos and the ground.

Bear Creek is not mapped on the NWI, but it is present and mapped on the LWI

## MAPPING METHODS

Sample plot and wetland/waters boundary flags were placed in the field by biologist, Mike Holscher, PWS. These flags were surveyed by Polaris Land Surveying and have a sub-foot accuracy. Keystone NRC modified the Polaris drawings to create the figures for this report.

## ADDITIONAL INFORMATION

Parts of this study area have been seriously manipulated over time. Specifically, the central portion of the study area in lot 900. The remaining hill slope of lot 8600 and land west of the gravel road/sewer line are relatively natural.

## RESULTS AND CONCLUSION

It is the conclusion of KNRC that two potentially regulated wetland features and one waters are located within the study area; Wetland 1, Wetland 2 and Bear Creek. The isolated remnant drainage is a mapped feature that is potentially not a regulated wetland or waters.

### Waters

*Bear Creek – 0.66 acres onsite*

### Wetland

*Wetland 1 – 805 square feet*

*Wetland 2 – 3,619 square feet*

*Total Wetland – 4,424 square feet – 0.10 acre*

*Isolated Remnant Drainage – 1,406 square feet*

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May 31, 2016

DISCLAIMER

"This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055." (Appendix E)

Report drafted by:



Mike Holscher, PWS  
Keystone Natural Resource Consulting



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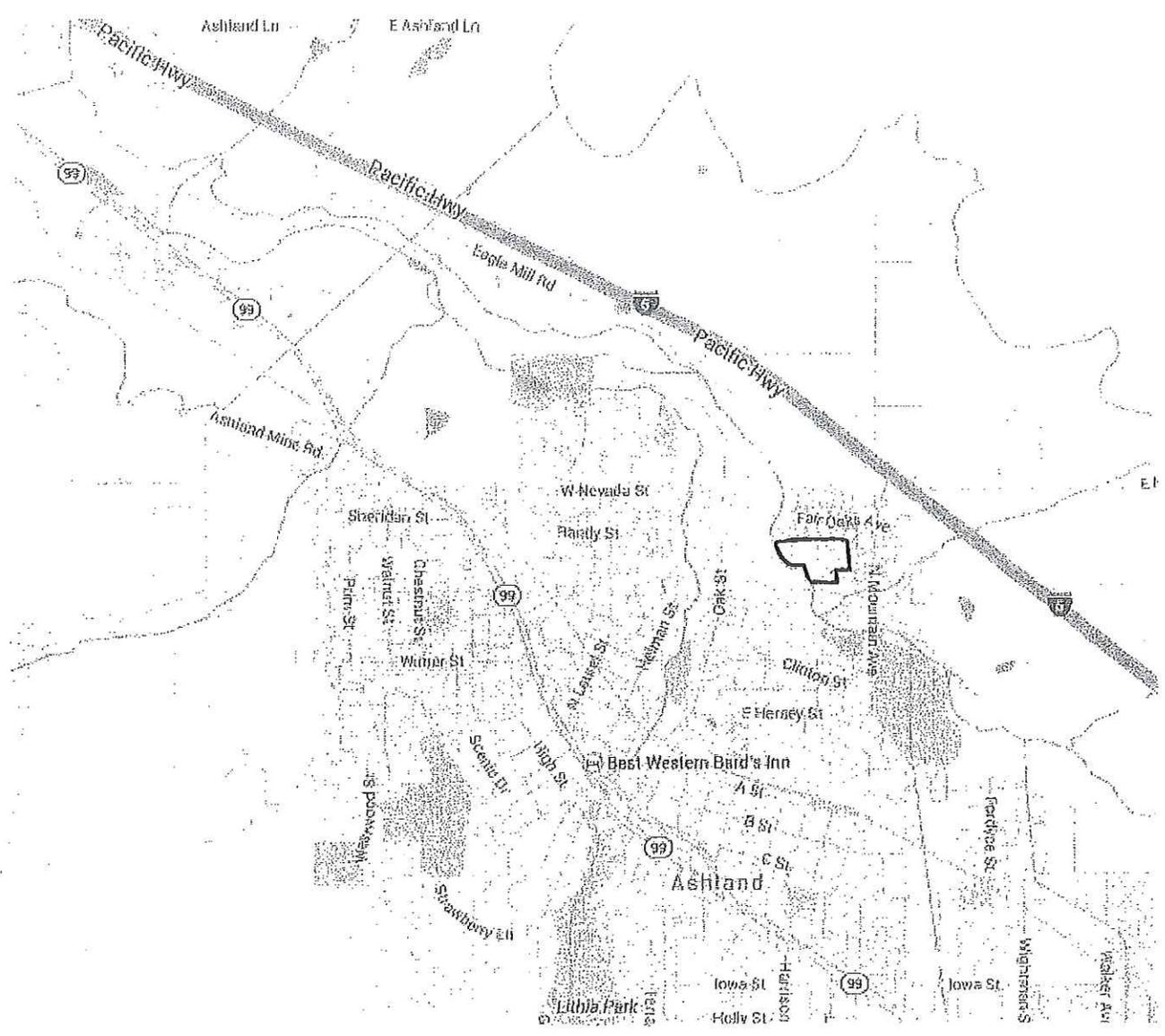
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APPENDIX A

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- Maps

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STUDY AREA

KEYSTONE  
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VICINITY  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

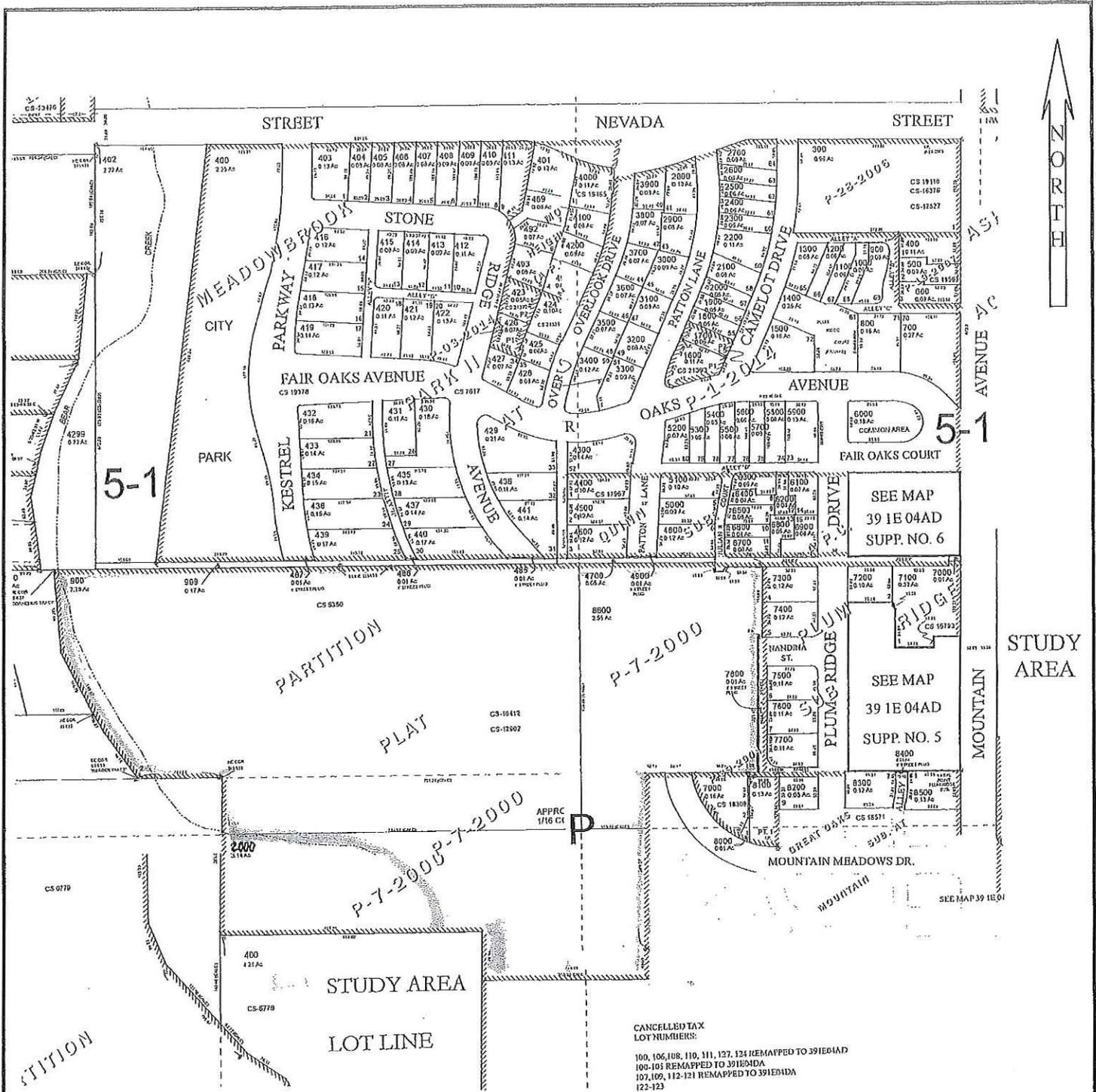
FIGURE 1

NO SCALE

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City Of Ashland

MAY 31, 2016

Source: Google Maps, October 2014



Three tax maps combined - 39 1E 04AC, 39 1E 04DB, 39 1E 04AD

**KEYSTONE**  
 NATURAL  
 RESOURCE  
 CONSULTING

TAX MAP  
 WETLAND DELINEATION FOR  
 BEAR CREEK SUBDIVISION  
 Ashland, Jackson County, Oregon

FIGURE 2

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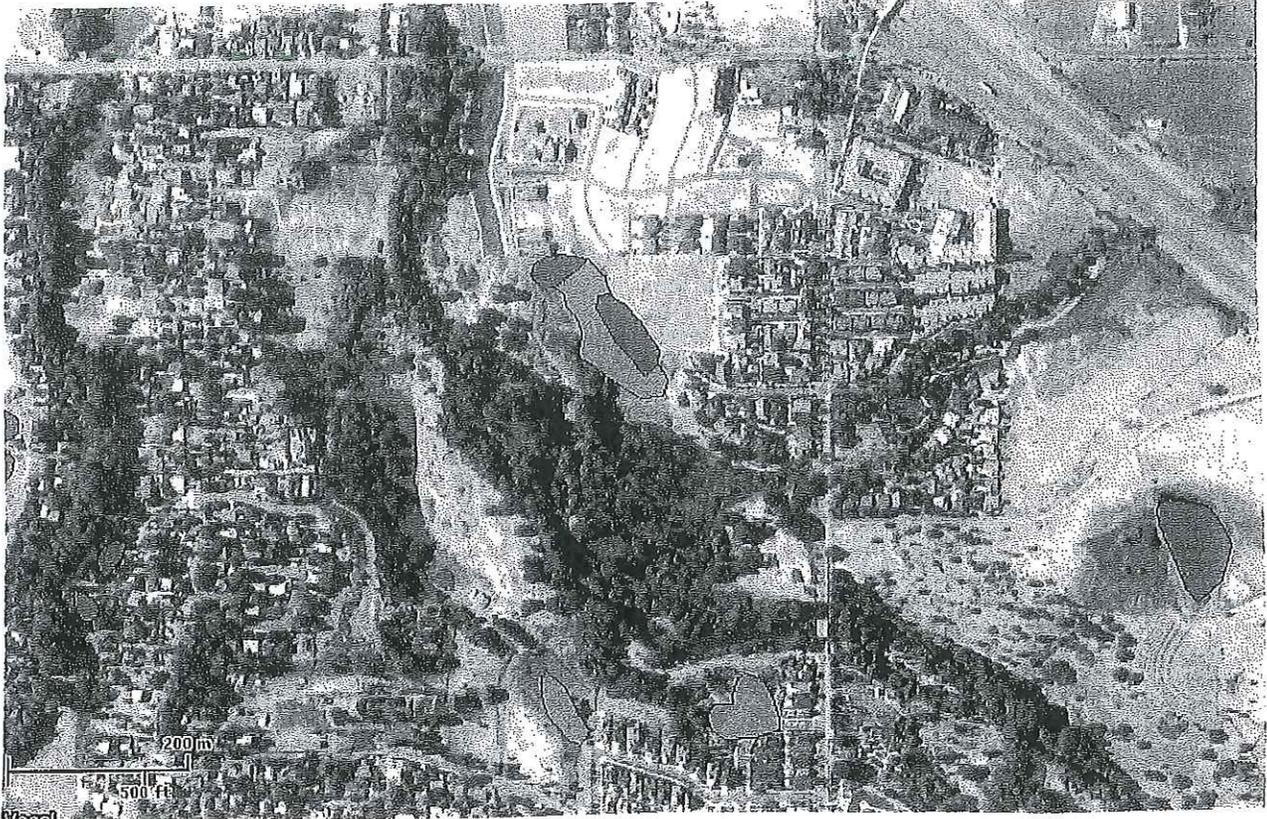
SEP 07 2010

City Of Ashland

NO SCALE

MAY 31, 2016

Source: Jackson County Tax Assessment Maps.



STUDY AREA

**Wetlands**

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deepwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverina
-  Other

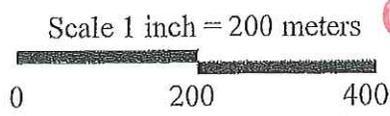
KEYSTONE  
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RESOURCE  
CONSULTING

MAY 31, 2016

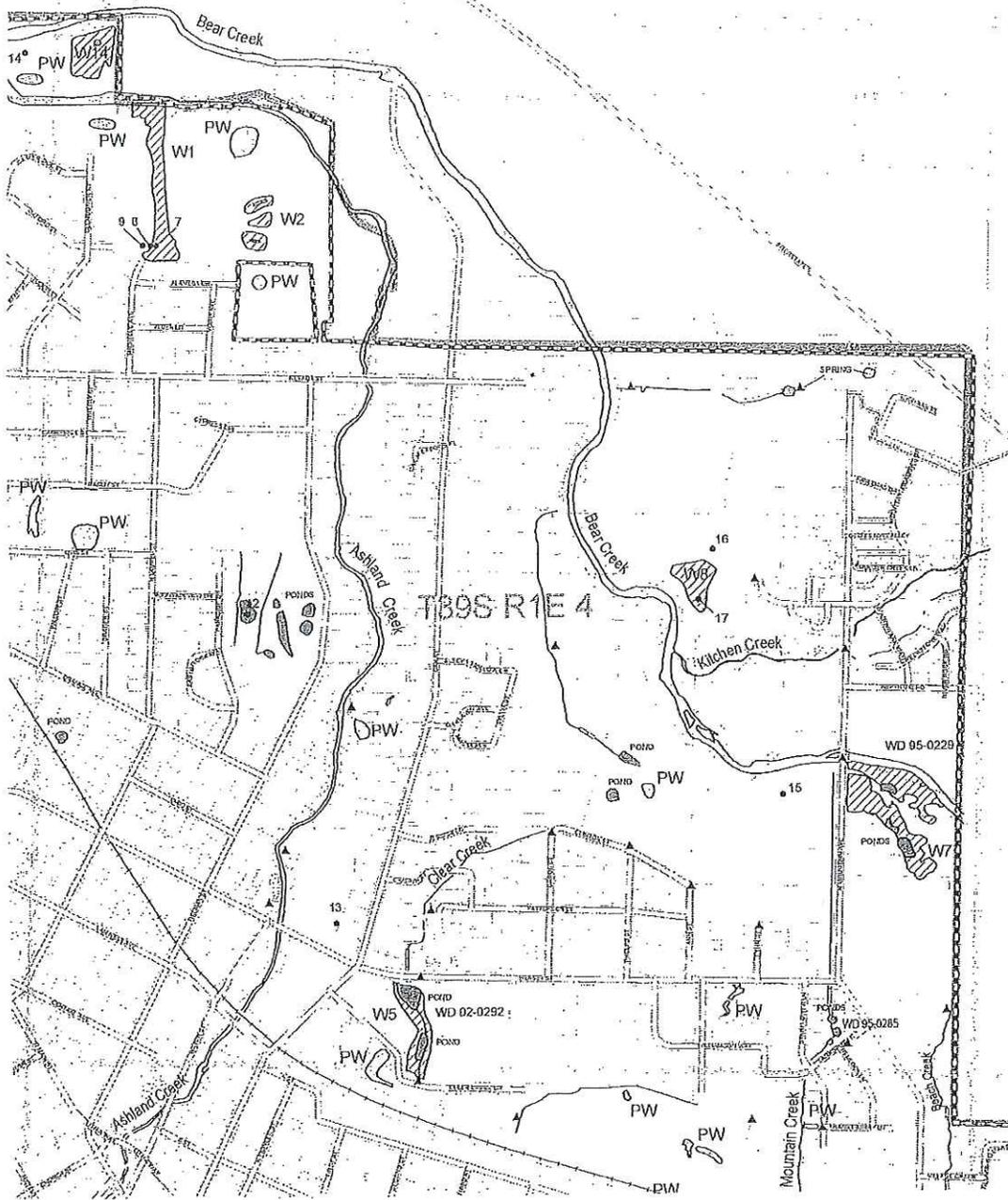
NATIONAL WETLAND INVENTORY  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

FIGURE 3A

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City Of Ashland



Source: USFWS Wetlands Mapper (online inquiry), November 20, 2013.



STUDY AREA

KEYSTONE  
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RESOURCE  
CONSULTING

LOCAL WETLAND INVENTORY  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

FIGURE 3B

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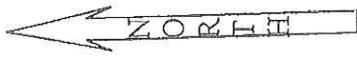
City of Ashland

Approx. Scale 1 inch = 600 feet

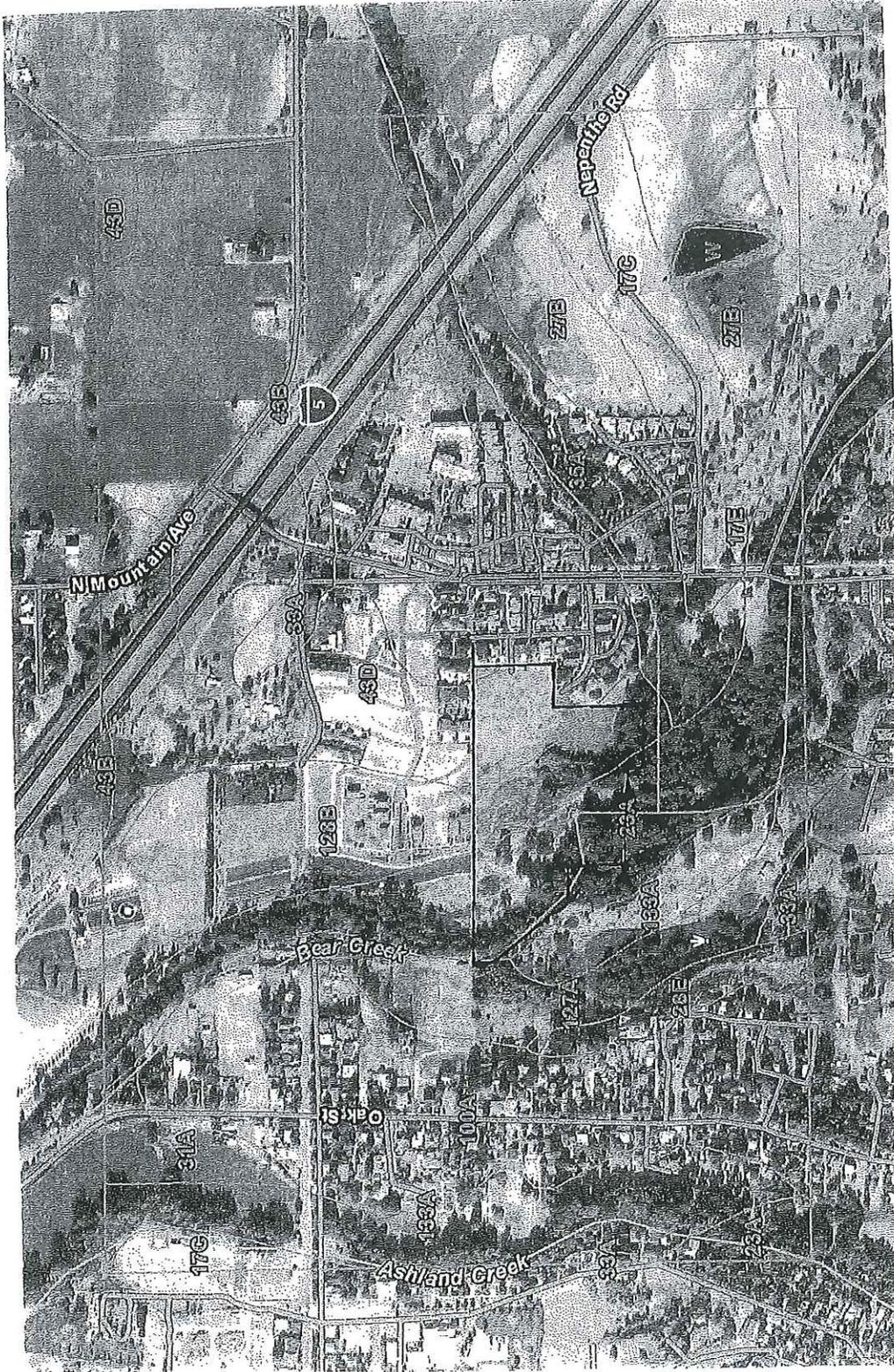


MAY 31, 2016

Source: USFWS Wetlands Mapper (online inquiry), November 20, 2013.



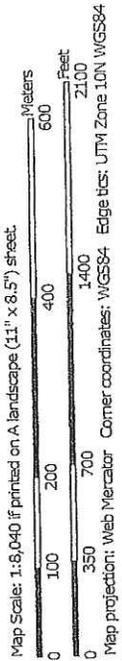
STUDY  
AREA



23A - Canas-Newberg-Evans Complex 43B - Darow silty clay loam, 128B - Medford clay loam, gravelly substratum.

KEYSTONE  
NATURAL  
RESOURCE  
CONSULTING

FIGURE 4



USDA  
Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

MAY 31, 2016



KEYSTONE  
NATURAL  
RESOURCE  
CONSULTING

AUGUST 22, 2012 AIR PHOTO  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

FIGURE 5

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City Of Ashland

MAY 31, 2016

Source: Google Earth inquiry, Nov 2013.

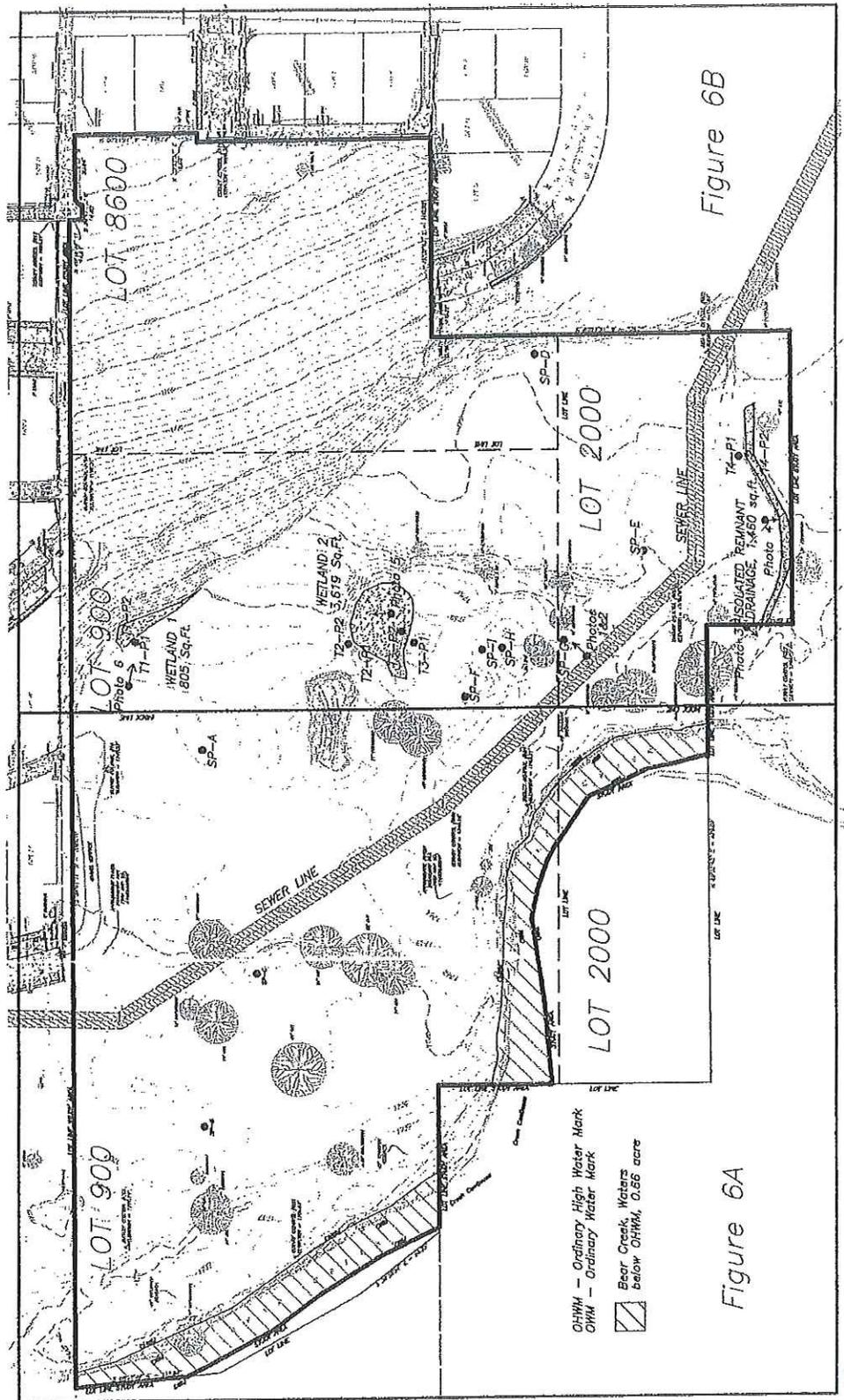
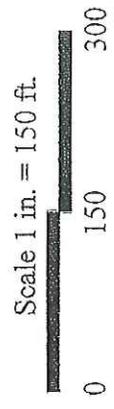


Figure 6A

CHWM - Ordinary High Water Mark  
 OWM - Ordinary Water Mark  
 Bear Creek Waters below CHWM, 0.66 acre

FIGURE 6

**EXISTING CONDITIONS INDEX  
 WETLAND DELINEATION FOR  
 BEAR CREEK SUBDIVISION**  
 Ashland, Jackson County, Oregon



**KEYSTONE  
 NATURAL  
 RESOURCE  
 CONSULTING**

MAY 31, 2016

Source: Polaris Land Surveying, April 2014.

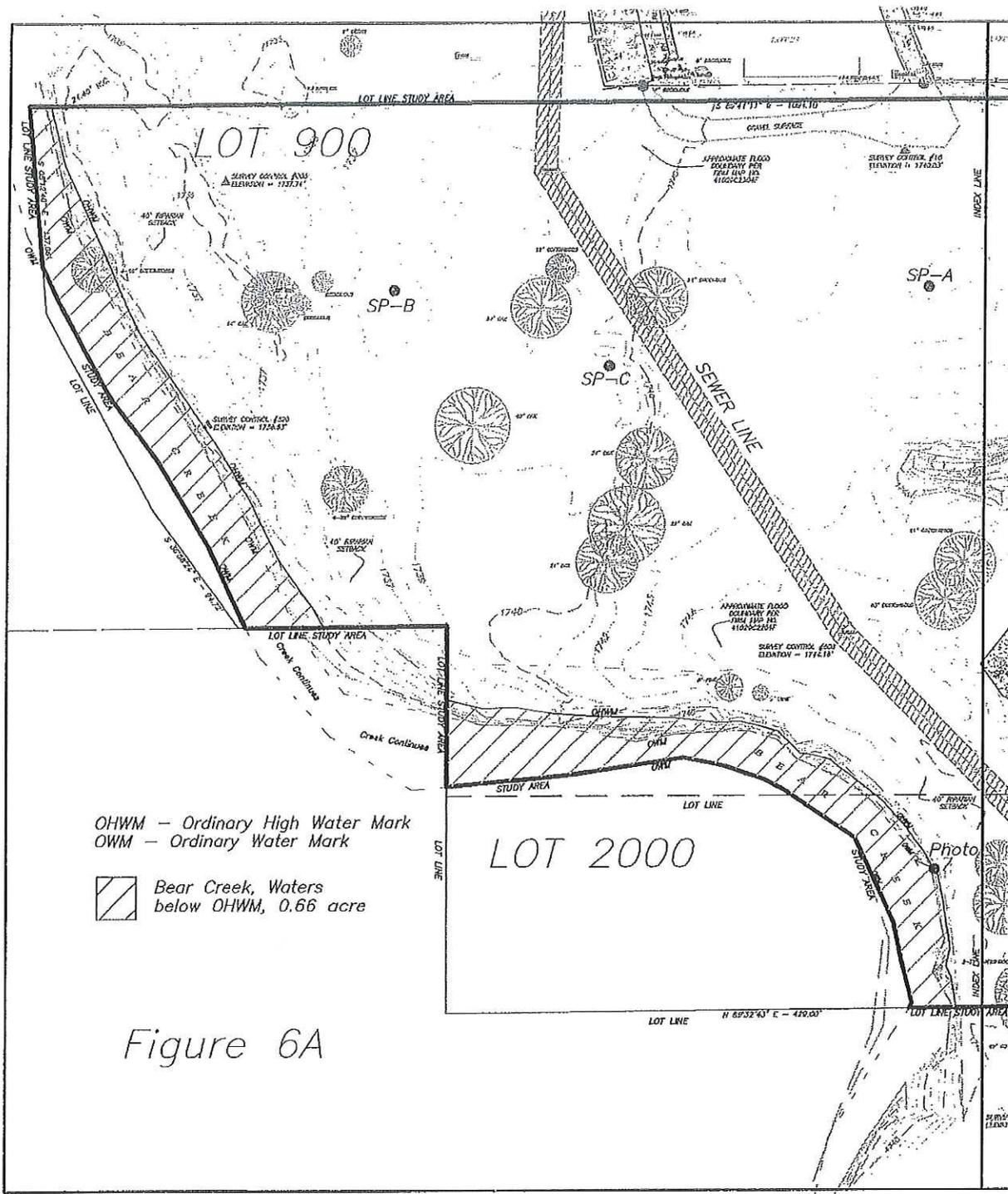


Figure 6A

KEYSTONE  
NATURAL  
RESOURCE  
CONSULTING

EXISTING CONDITIONS  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

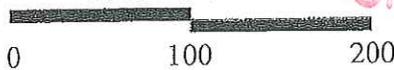
FIGURE 6A

RECEIVED

SEP 07 2010

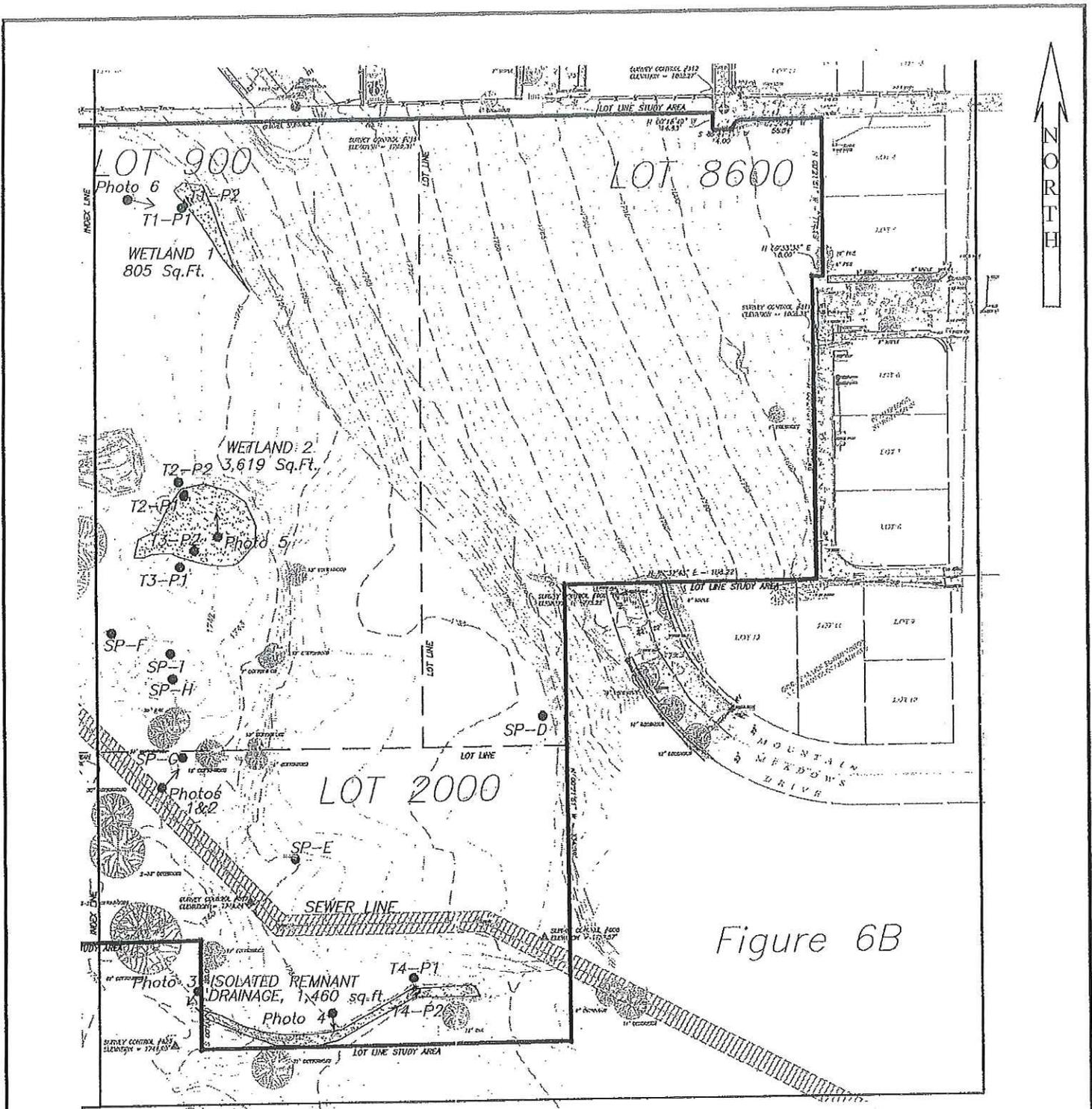
City of Ashland

Scale 1 in. = 100 ft.



MAY 31, 2016

Source: Polaris Land Surveying. April 2014. Sub-foot accurate.



KEYSTONE  
NATURAL  
RESOURCE  
CONSULTING

MAY 31, 2016

EXISTING CONDITIONS  
WETLAND DELINEATION FOR  
BEAR CREEK SUBDIVISION  
Ashland, Jackson County, Oregon

Source: Polaris Land Surveying, April 2014. Sub-foot accurate.

FIGURE 6B

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City Of Ashland

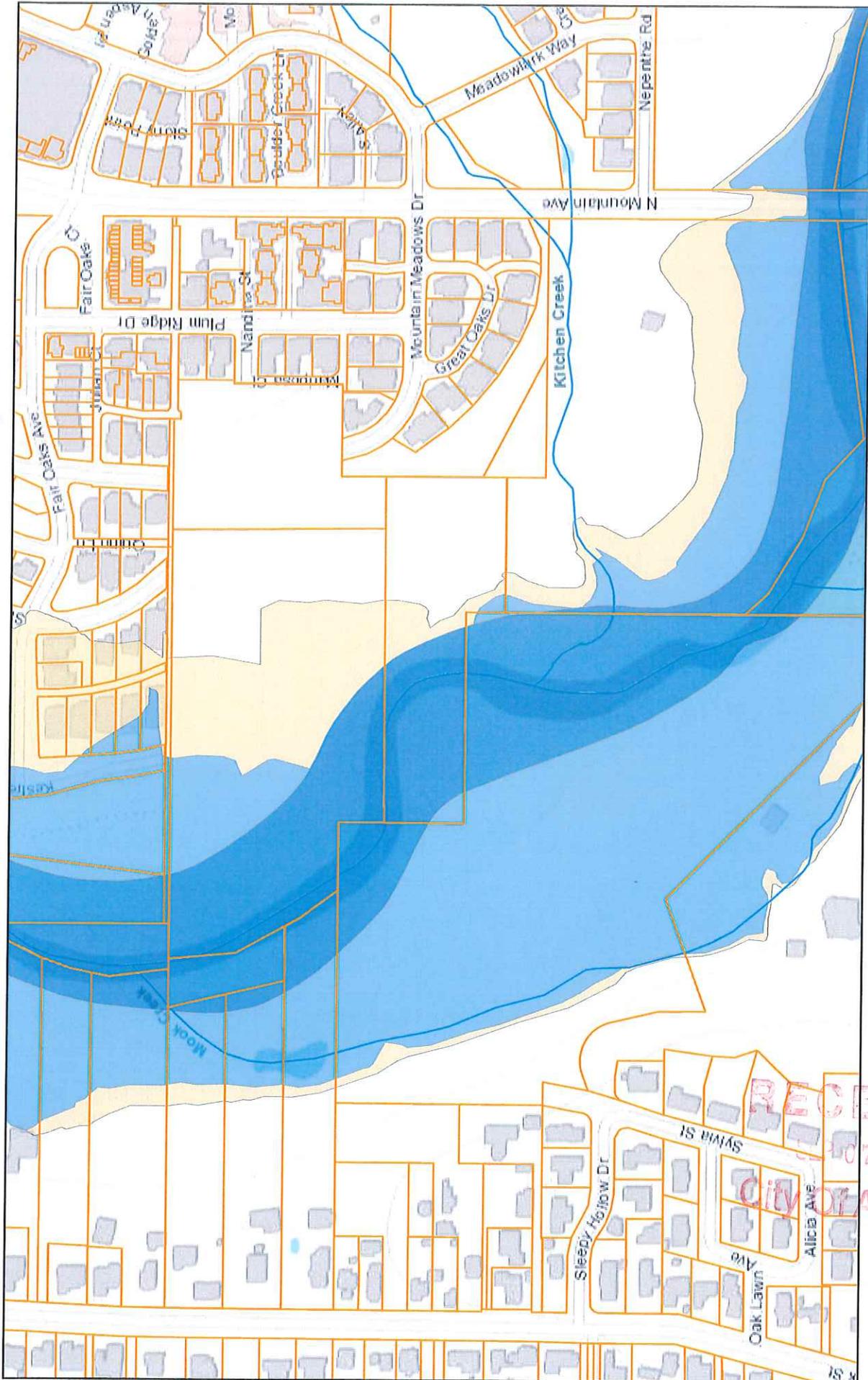
Scale 1 in. = 100 ft.



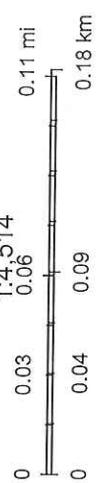
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# Jackson County Development Overlays



9/7/2018, 9:27:59 AM

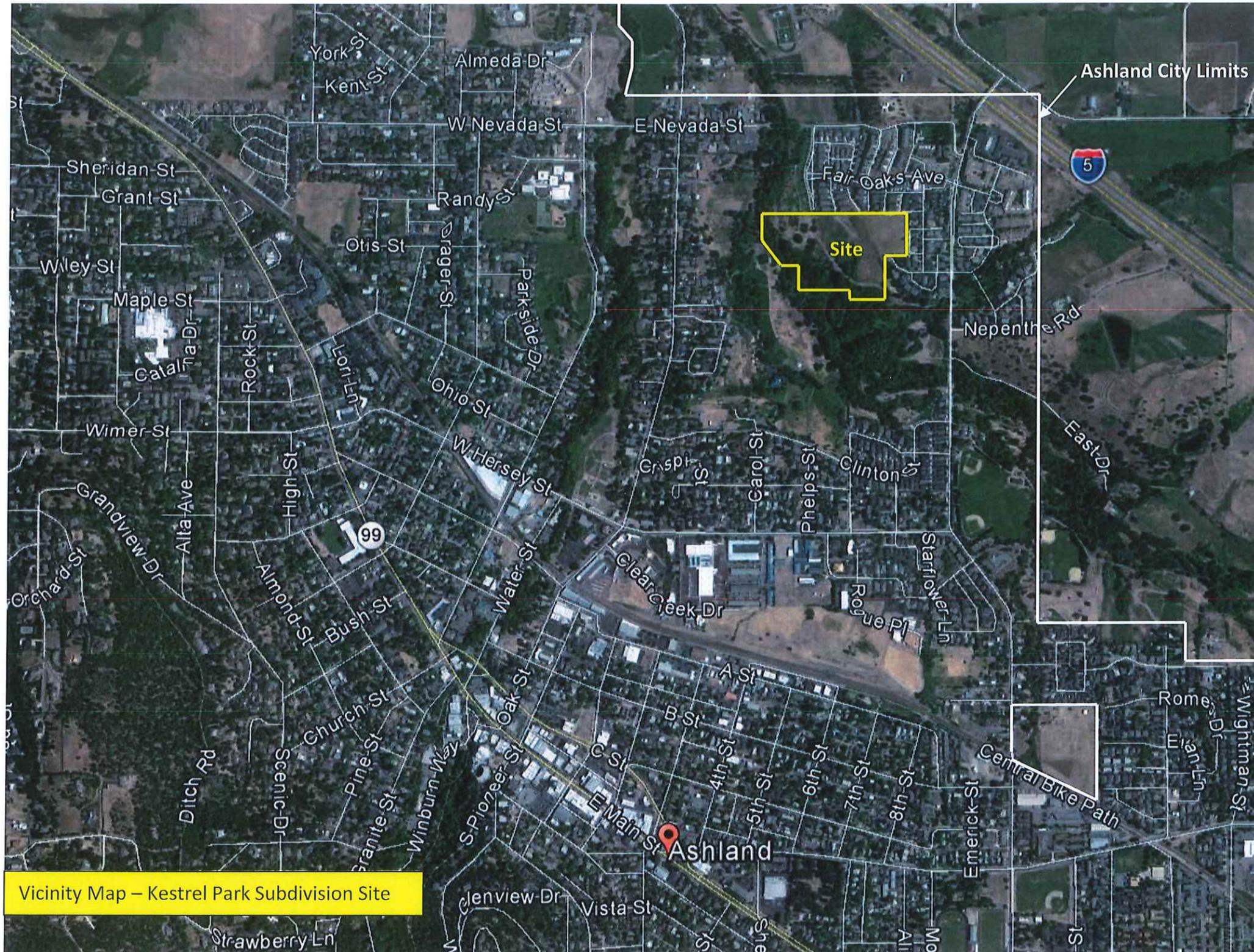


- County Boundary
- Urban Growth Boundary
- 500 Year Boundary
- Floodway
- FEMA Flood Zones
- 100 Year Determined BFE
- Tax Lots
- Streams
- Historic Register Properties
  - County Register
  - County Register

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Public User

Jackson County GIS

EXHIBIT 5



Vicinity Map – Kestrel Park Subdivision Site

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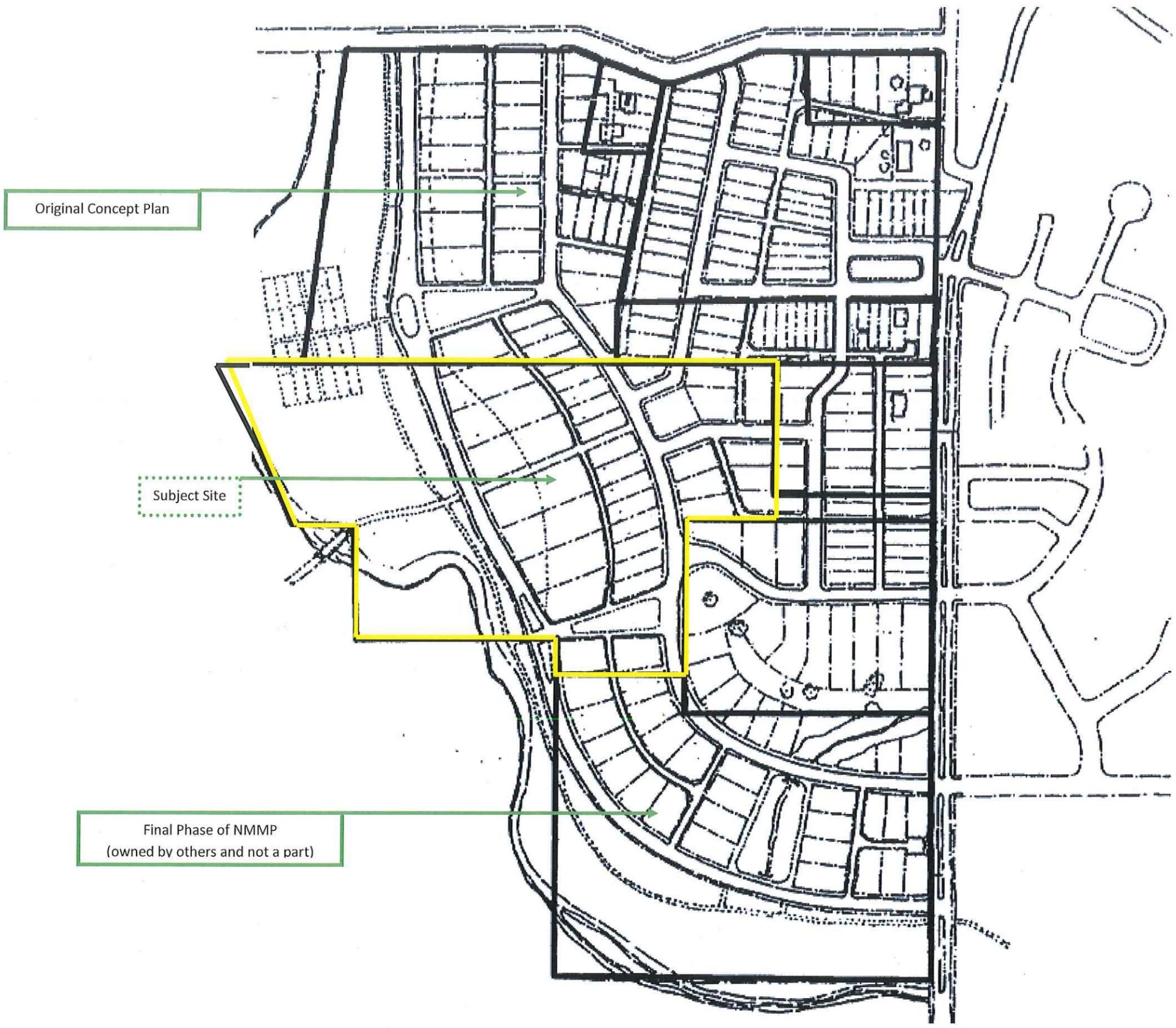
EXHIBIT 6



Neighborhood Context Map - Kestrel Park Subdivision

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EXHIBIT 7



Original Concept Plan

Subject Site

Final Phase of NMMP  
(owned by others and not a part)

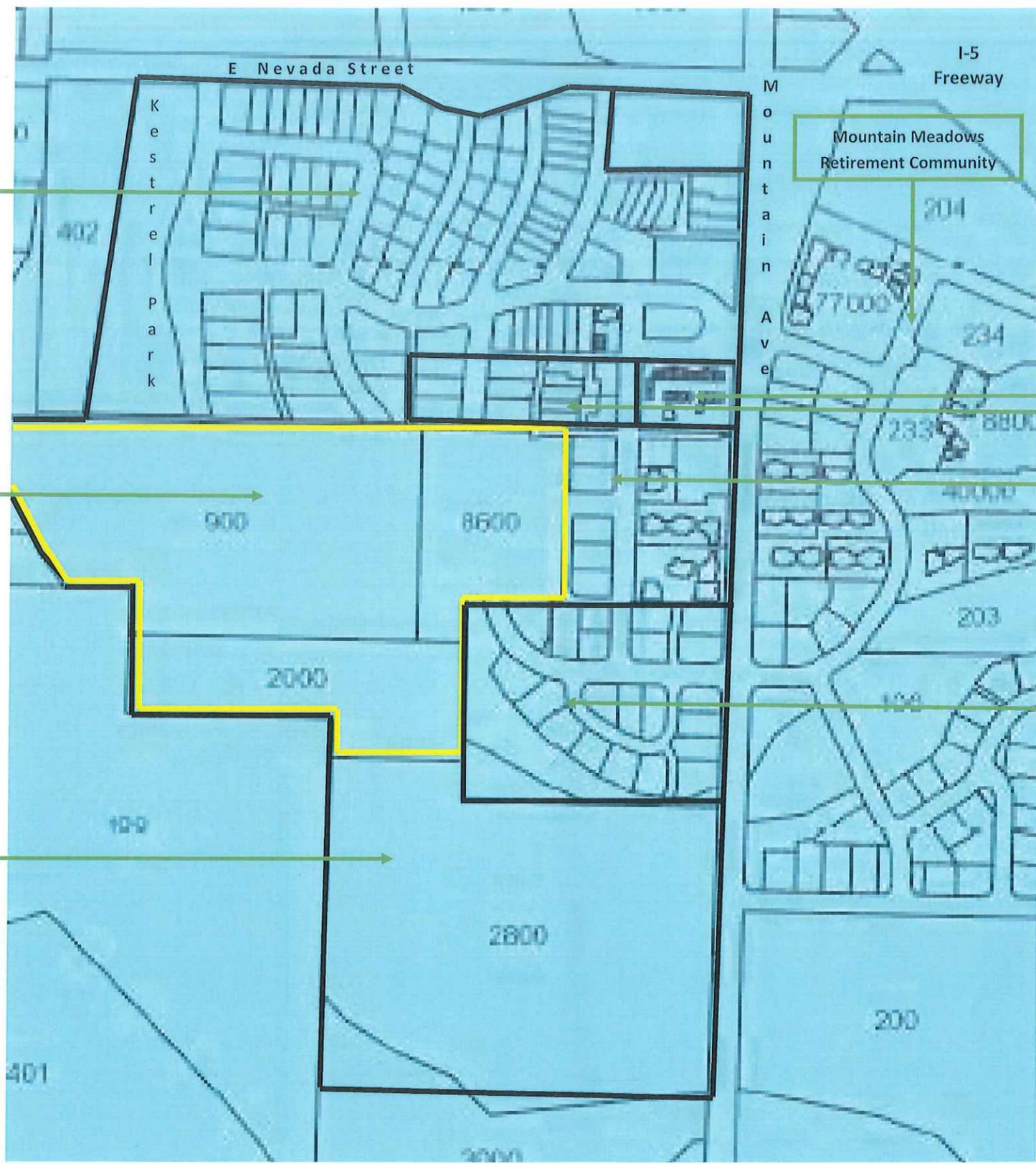
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EXHIBIT 8

Meadowbrook Subdivision (103 Units)  
Planning Commission Approved  
(PA-2003-158)

Subject Site

Final Phase of NMMP  
(owned by others and *not* a part)



Julian Square Condominiums

Quinn Subdivision

Plum Ridge Subdivision

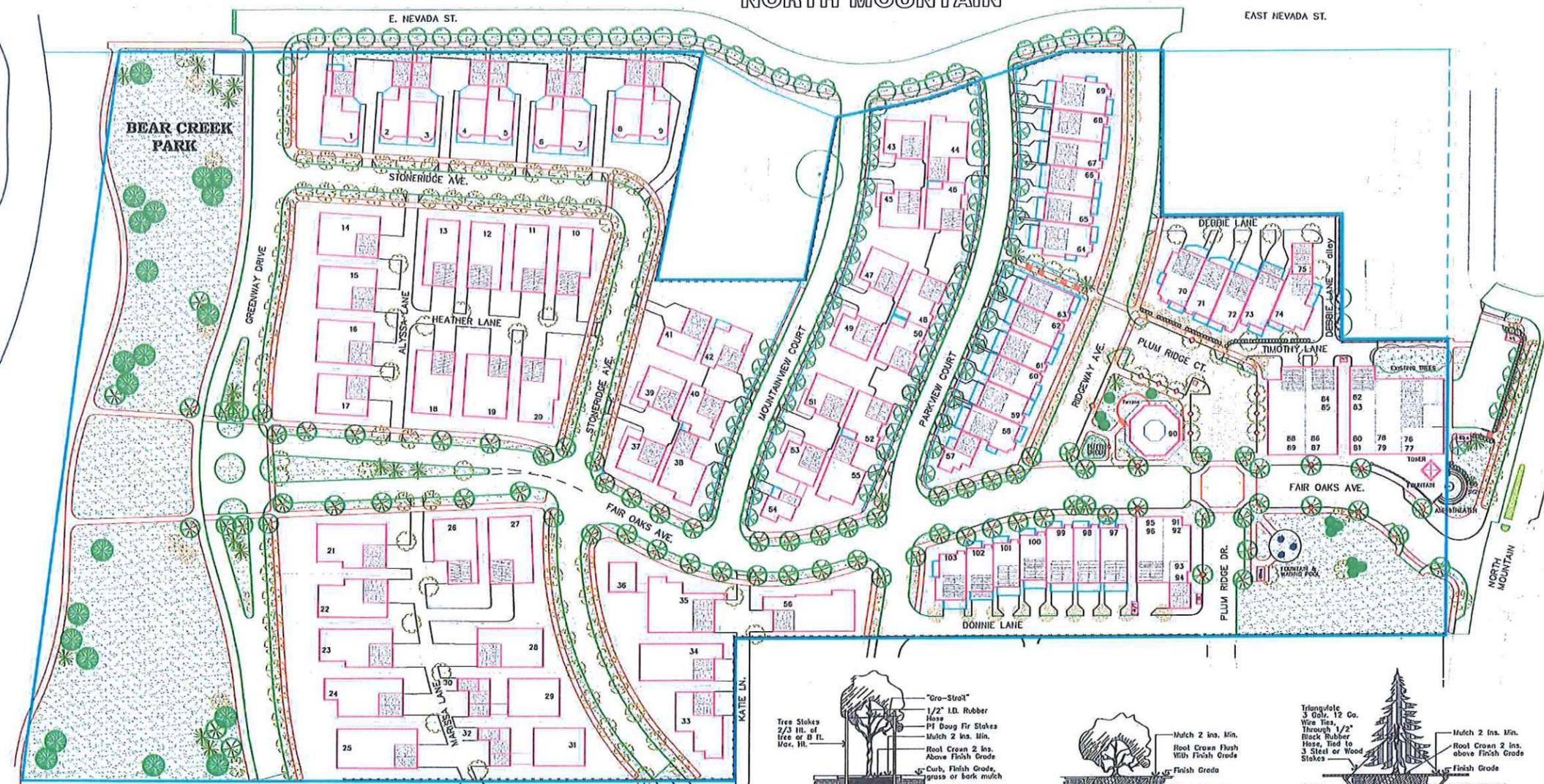
Great Oaks Subdivision

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North Mountain Master Plan – Comparison Map (today)

EXHIBIT 9

# MEADOWBROOK PARK II DEVELOPMENT AT NORTH MOUNTAIN



## LANDSCAPE LEGEND

- ACCENT PAVEMENT  
not in contract
- LAWN
- ARCTOSTAPHYLOS uva-ursi, KINKIKINNICK  
1 g.c. @ 2'-6" o.c.
- SHRUBS  
Screen Planting, Hedges and Buffers
- PSEUDOTSUGA menziesii, Douglas Fir  
4' & 6' tall B&B
- QIRCIIS condensata, "Forest Pansy" Redbud  
2" col. B&B
- ACER rubrum, Red Sunset Maple  
2" col. B&B
- ZELKOVA serrata, Zelkova  
2" col. B&B
- QUERCUS rubra, Red Oak  
2" col. B&B
- PLATANUS, acerifolia, London Plane Tree  
2" col. B&B
- PRUNUS sargentii, Flowering Cherry  
2" col. B&B
- GLEDITSIA triacanthos "Imperial", Honey Locust  
2" col. B&B
- EXISTING TREES ON SITE  
TO BE RETAINED

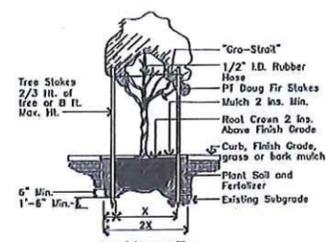


## PLANTING PLAN

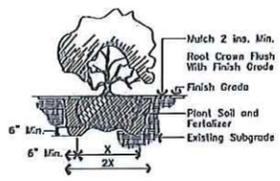
1" = 50'-0"

### NOTES:

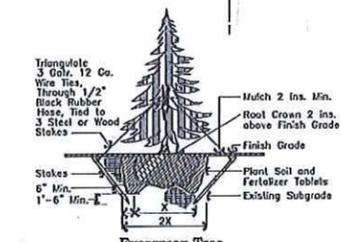
1. **INSTALLATION:** LANDSCAPE INSTALLATION SHALL BE CARRIED OUT TO CURRENT ACCEPTED NURSERY INDUSTRY STANDARDS FOR THE HIGHEST QUALITY CONSTRUCTION METHODS BOTH MATERIALS AND WORKMANSHIP. THE LANDSCAPE CONTRACTOR IS TO VISIT THE SITE AND DETERMINE CONDITIONS BEFORE PREPARING ANY BIDS OR SUBMITTING ANY PROPOSALS TO THE OWNER. THIS CONTRACT IS FOR THE LANDSCAPE IN PUBLIC AREAS ONLY. STREET TREES, LAWN AND SCREEN SHRUBS SHALL BE INSTALLED.
2. **IRRIGATION:** ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A FULLY AUTOMATED UNDERGROUND IRRIGATION SYSTEM. SLEEVES SHALL BE INSTALLED UNDER SIDEWALKS, PAVEMENTS AND STREETS TO ACCOMMODATE THE IRRIGATION SYSTEM.
3. **TOPSOIL:** TOPSOIL SHALL BE SPREAD BY THE LANDSCAPE CONTRACTOR AT A DEPTH OF 12 INS. OVER ALL AREAS TO BE LANDSCAPED. LANDSCAPE CONTRACTOR TO ACCEPT THE SITE FROM THE GENERAL CONTRACTOR AFTER SITE INSPECTION. ALL CONDITIONS OF CORRECT SUB-GRADES SHALL BE MET, TRASH, DEBRIS AND CONSTRUCTION MATERIALS SHALL BE REMOVED FROM THE LANDSCAPE AREAS AND SITE MADE READY BY THE GENERAL CONTRACTOR.
4. **SOIL TREATMENT:** SOIL PREPARATION SHALL BE CARRIED OUT IN ALL LAWN AREAS. AFTER FINE GRADING, SPREAD ALL LAWN AREAS WITH TWO INCHES OF GARDEN COMPOST AND ROTO-TILL INTO TOP FOUR INCHES OF EXISTING SOIL. ADD LIME TO BRING PH TO NEUTRAL AND COMPLETE FINE GRADING AND PREPARE BEDS FOR GRASS WHERE INDICATED ON THE PLAN.
5. **LAWN GRASS SOD:** SIGNATURE BLEND INSTALL TO INDUSTRY STD. FROM:  
JB SOD AND SEED (503) 228-1264  
5289 BLUEGRASS LANE, SILVERTON, OR. 97381
6. **EVERGREEN TREES:** ALL EVERGREEN TREES ARE TO HAVE A STRAIGHT CENTRAL LEADER. SPECIMEN QUALITY IS REQUIRED. SEE THE FERTILIZER PROGRAM IN NOTE #11 AND DETAIL #3 THIS SHEET.
7. **DECIDUOUS TREES:** ALL DECIDUOUS TREES ARE TO BE OF NATURAL FORM AND SPECIMEN QUALITY IS REQUIRED. SEE FERTILIZER PROGRAM IN NOTE #11 AND DETAIL #1 THIS SHEET.
8. **SHRUBS:** PLANT MATERIALS TO BE HANDLED AND INSTALLED USING BEST EXCEPTED TRADE PRACTICES. SEE DETAIL #2 AND FERTILIZER PROGRAM IN NOTE #11.
9. **GROUND COVERS:** SHALL NOT BE PLANTED WITHIN 2 FT. OF THE BASE OF ANY TREES OR SHRUBS IN GROUND COVER BEDS. GROUND COVERS ARE TO BE TRIANGULATED IN SPACING AND IN EVEN, STRAIGHT ROW PATTERNS. SEE FERTILIZER PROGRAM IN NOTE #11. LANDSCAPE CONTRACTOR TO CALCULATE ALL GROUND COVER QUANTITIES FOR AREAS ON THE PLANTING PLANS.
10. **FIR BARK MULCH:** ALL SHRUB BED AREAS, GROUND COVER AREAS AND IN A 4 FT. CIRCLE AROUND THE BASE OF TREES IN LAWN AREAS SHALL BE SPREAD WITH A 2 IN. DEPTH OF SHREDDED FIR BARK MULCH. A SAMPLE SHALL BE SUPPLIED TO THE OWNER AND APPROVED BEFORE INSTALLATION.
11. **FERTILIZER:** SHALL BE AGRIFORM PLANT TABLETS, 20-10-5, IN 10 AND 21 GRAM SIZES. GALLON SHRUBS AND GROUND COVERS UP TO 12 IN. SPREAD: TWO 10 GRAM TABLETS. SHRUBS 15 IN. TO 36 IN. SPREAD: FOUR 10 GRAM TABLETS. EVERGREEN TREES: FOUR 21 GRAM TABLETS, PLUS ONE PER FOOT OF HEIGHT, TO A MAXIMUM OF 8 TABLETS FOR EACH TREE. DECIDUOUS TREES: SIX 21 GRAM TABLETS, PLUS ONE PER FOOT OF TREE HEIGHT, TO A MAXIMUM OF 12 FOR EACH TREE.
12. **ANNUAL BEDDING PLANTS:** BEDDING PLANTS WILL BE USED AT THE BASE OF STREET TREES IN THE SIDEWALKS. THE CONTRACTOR IS TO PLANT THESE PLANTER CUTOUTS WITH APPROPRIATE ANNUAL BEDDING PLANTS FOR COLOR. SELECTION OF THE PLANTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR WITH APPROVAL BY THE OWNER.



1 Deciduous Tree Planting Detail  
not to scale



2 Shrub Planting Detail  
not to scale



3 Evergreen Tree Planting Detail  
not to scale



ROBERT H. FOSTER CONSULTANTS  
LANDSCAPE ARCHITECTURE & PLANNING  
1015 S. 10th St., Ste. 200  
Ashland, Oregon 97520  
Tel: (503) 253-0000 Fax: (503) 253-0047

OUTLINE PLAN APPLICATION  
**LANDSCAPE PLAN**  
Meadowbrook Park II Development  
at  
North Mountain Neighborhood  
ASHLAND, OREGON

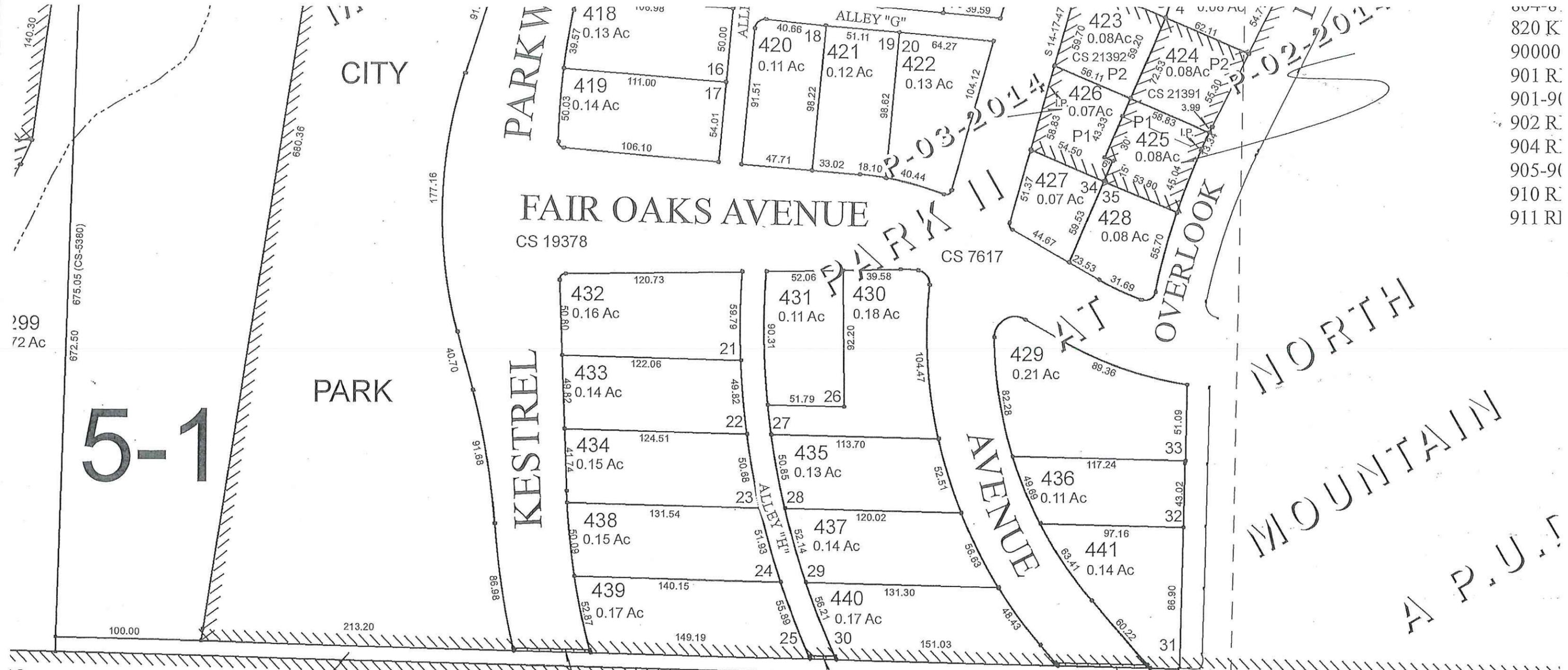
### REVISIONS

NO.	DATE	DESCRIPTION

NORTH MOUNTAIN LAND COMPANY LLC (Applicant)

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SEP 20 2003  
EXHIBIT

City of Ashland  
EXHIBIT 10



- 820 K
- 90000
- 901 R
- 901-90
- 902 R
- 904 R
- 905-90
- 910 R
- 911 R

NORTH  
 MOUNTAIN  
 A.P.U.T

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Exhibit 11

SEE MAP 39 1E04AD

PETITION

5-1

FAIR OAKS AVENUE

CS 19378

CS 7617

KESTREL ALLEY

OVERLOOK AVENUE

ALLEY "G"

ALLEY "H"

CITY

PARK

CS 5380

999  
0.17 Ac

487  
0.01 Ac  
1' STREET PLUG

486  
0.01 Ac  
1' STREET PLUG

485  
0.01 Ac  
1' STREET PLUG

99  
72 Ac

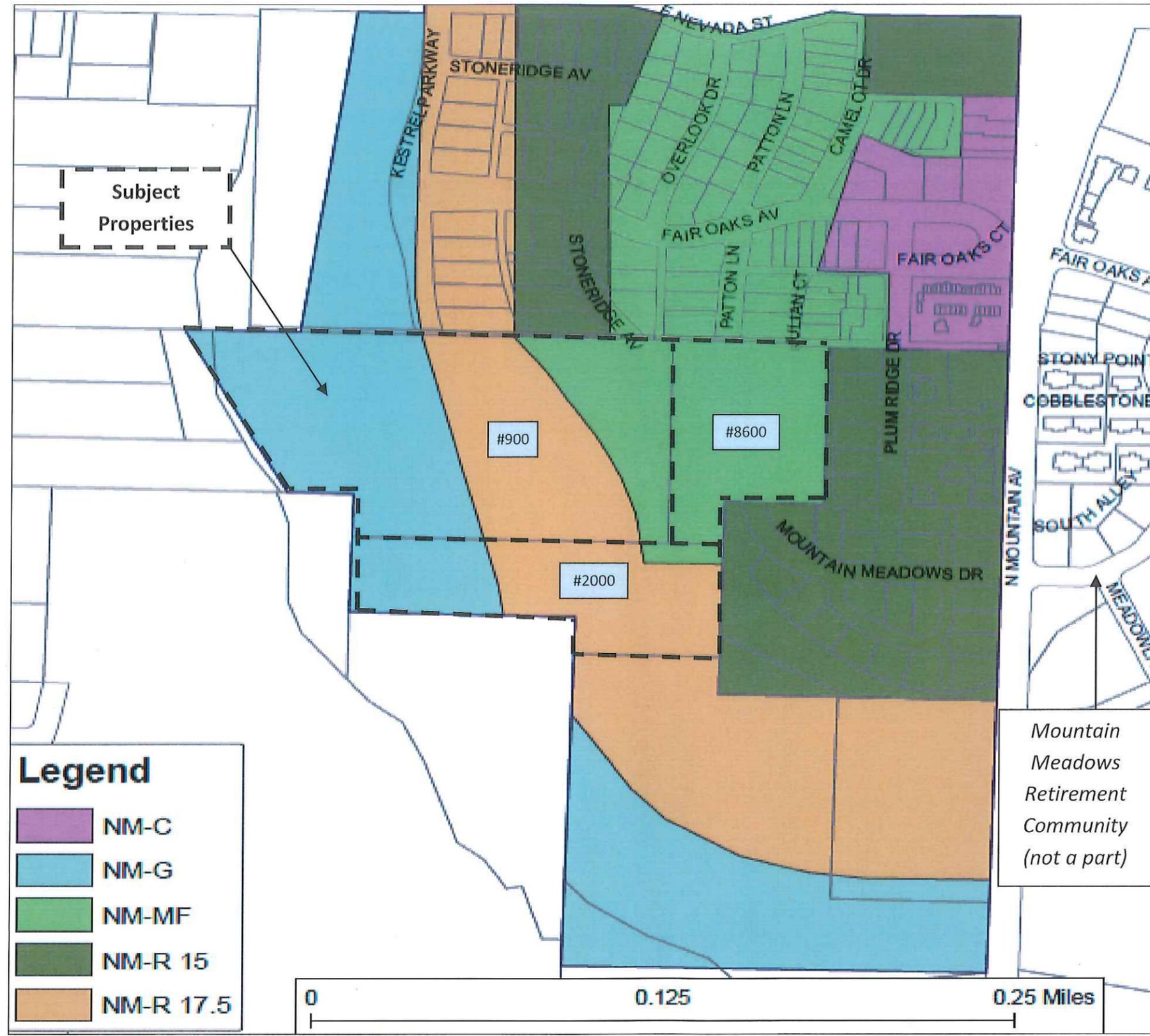
90  
9 Ac

675.05 (CS-5380)

S LINE 118/459

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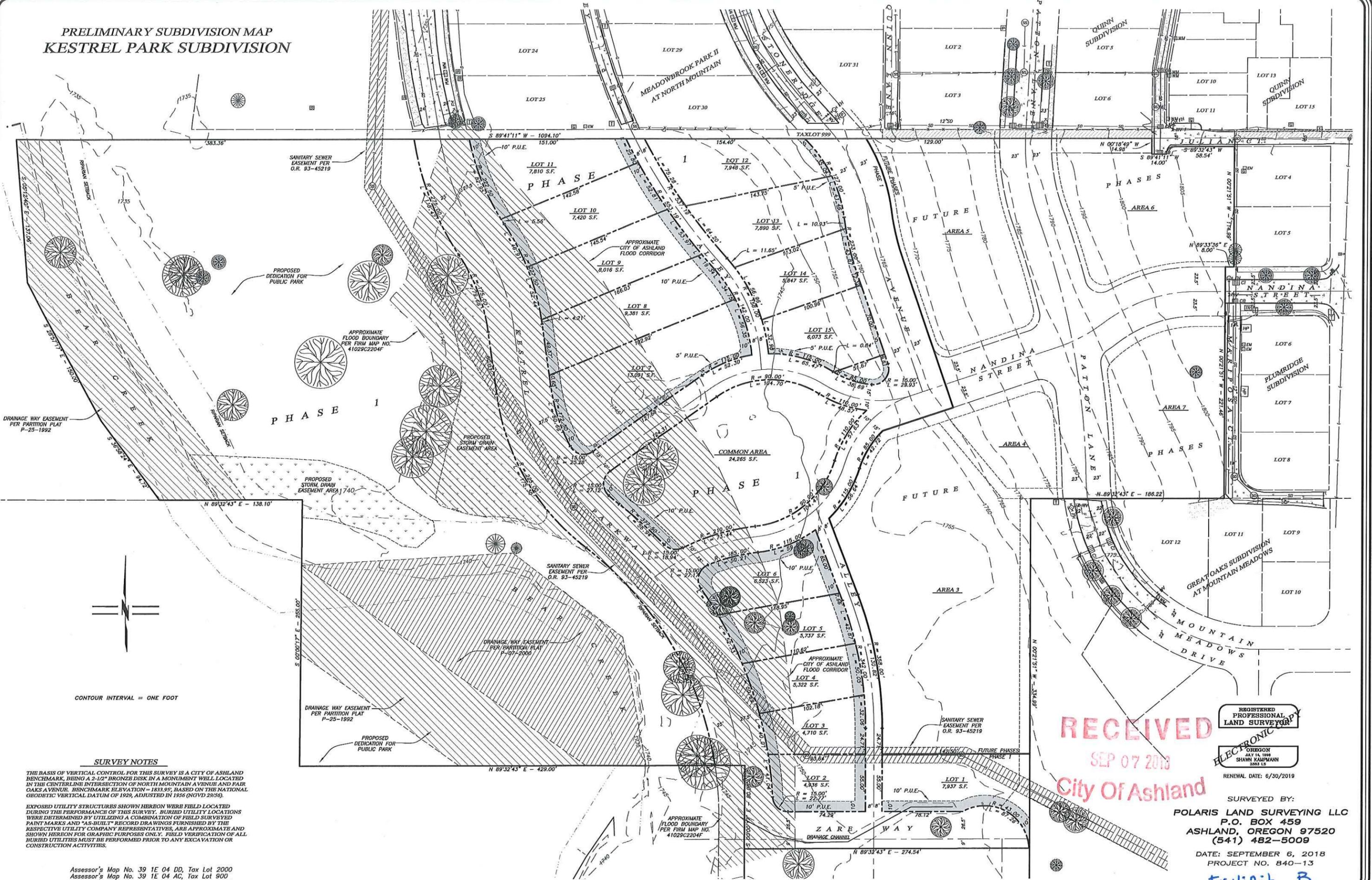
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Exhibit A

PRELIMINARY SUBDIVISION MAP  
KESTREL PARK SUBDIVISION



**SURVEY NOTES**

THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS A CITY OF ASHLAND BENCHMARK, BEING A 2-1/2" BRONZE DISK IN A MONUMENT WELL LOCATED IN THE CENTERLINE INTERSECTION OF NORTH MOUNTAIN AVENUE AND FAIR OAKS AVENUE. BENCHMARK ELEVATION = 1833.95', BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1936 (NGVD 2956).

EXPOSED UTILITY STRUCTURES SHOWN HEREON WERE FIELD LOCATED DURING THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES. ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

Assessor's Map No. 39 1E 04 DD, Tax Lot 2000  
Assessor's Map No. 39 1E 04 AC, Tax Lot 900  
Assessor's Map No. 39 1E 04 AD, Tax Lot 8600

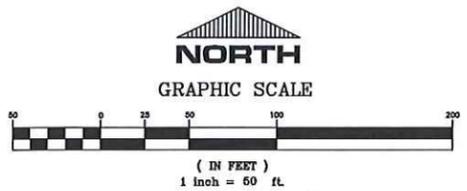
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City of Ashland

REGISTERED PROFESSIONAL LAND SURVEYOR  
ELECTRONIC  
OREGON  
JULY 14, 1998  
SHAWN KAUFMANN  
2003 LS  
RENEWAL DATE: 6/30/2019

SURVEYED BY:  
POLARIS LAND SURVEYING LLC  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5009  
DATE: SEPTEMBER 6, 2018  
PROJECT NO. 840-13



- LEGEND**
- GREEN AREA
  - EXISTING WETLAND/CREEK AREA
  - PROPOSED WETLAND SWALE
  - PROPOSED STORMWATER FACILITY
  - CONCEPTUAL SINGLE FAMILY UNIT



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City of Ashland

EXHIBIT C.1



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PH. (541) 779-5268

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CHECKED BY: MWK/MK	DATE: 10/16
	DATE:
	DATE:
	DATE:

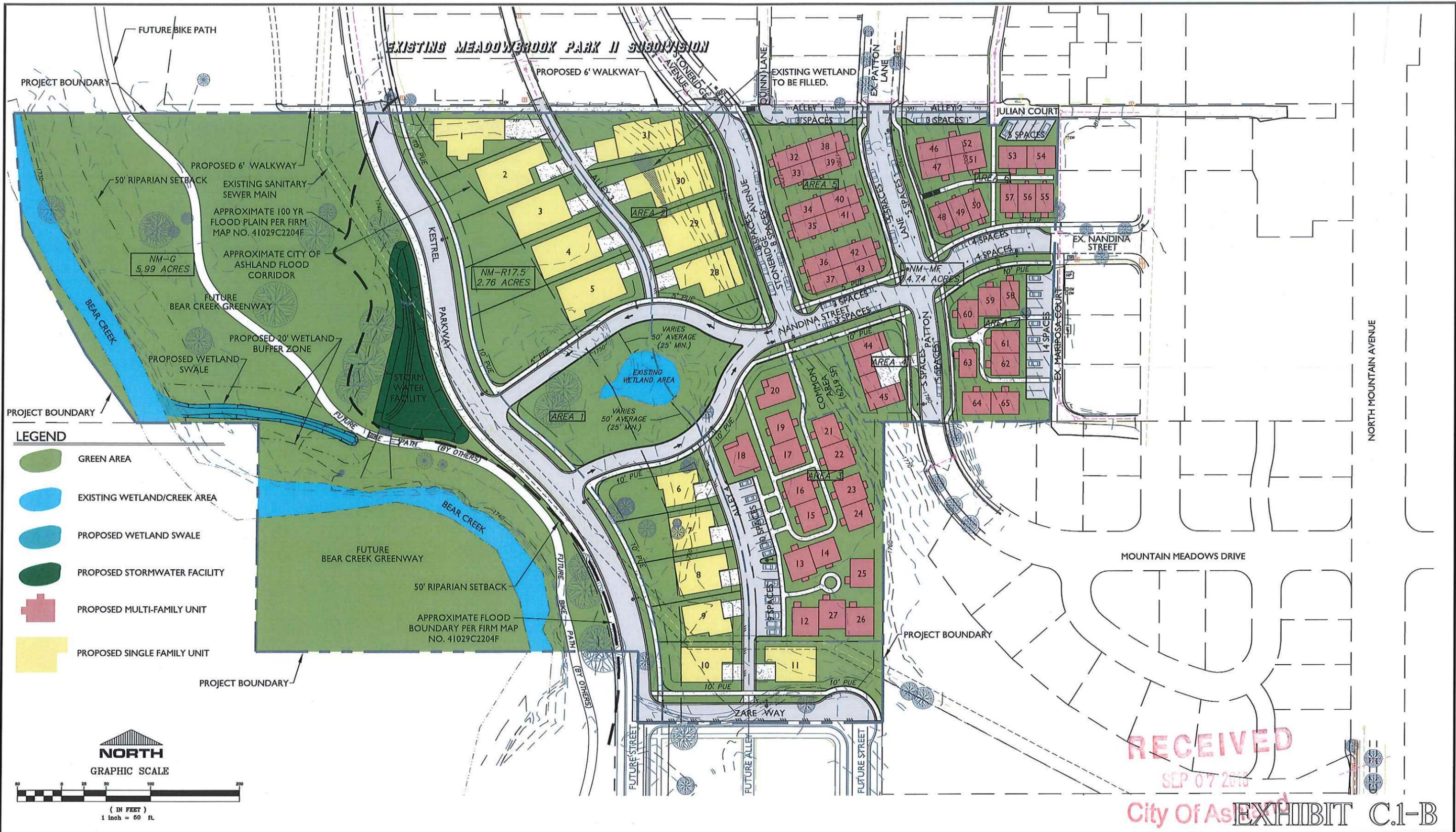
KDA Homes

plan. develop. build

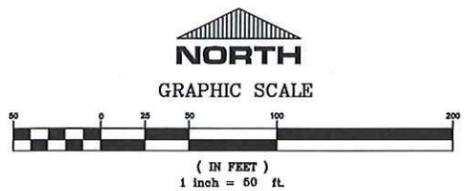
NO.	REVISION	DATE	BY



CITY OF ASHLAND	
KESTREL PARK SUBDIVISION CONCEPTUAL SITE AREA MAP	PROJECT NO.  DRAWING NO.



- LEGEND**
-  GREEN AREA
  -  EXISTING WETLAND/CREEK AREA
  -  PROPOSED WETLAND SWALE
  -  PROPOSED STORMWATER FACILITY
  -  PROPOSED MULTI-FAMILY UNIT
  -  PROPOSED SINGLE FAMILY UNIT



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City of Ashland EXHIBIT C.1-B



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PH. (541) 779-5268

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CHECKED BY:	MWK/MK	DATE:	10/16
		DATE:	

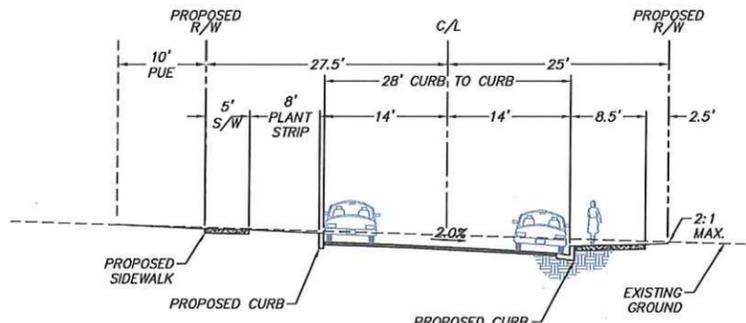
KDA Homes

plan. develop. build

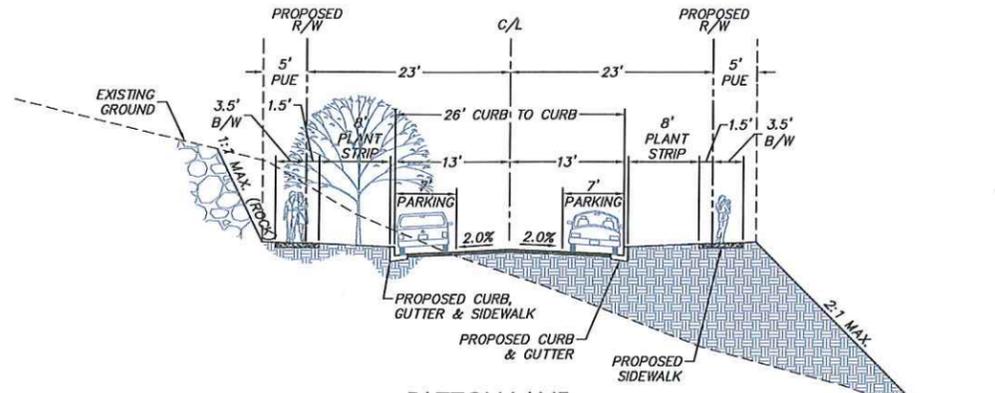
NO.	REVISION	DATE	BY



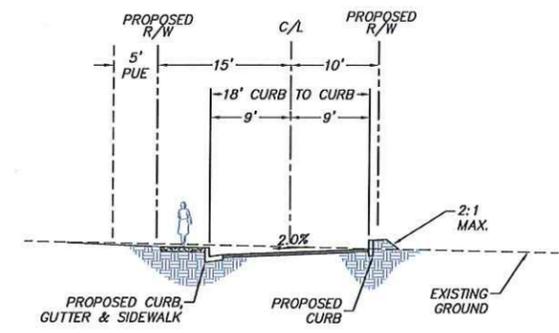
CITY OF ASHLAND	
KESTREL PARK SUBDIVISION	
CONCEPTUAL BUILD-OUT PLAN	
PROJECT NO.	
DRAWING NO.	



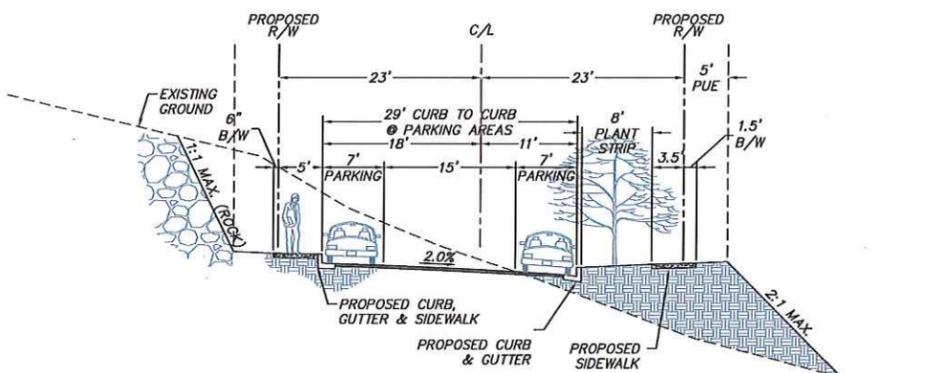
**KESTREL PARKWAY  
(PARKING BOTH SIDES)**



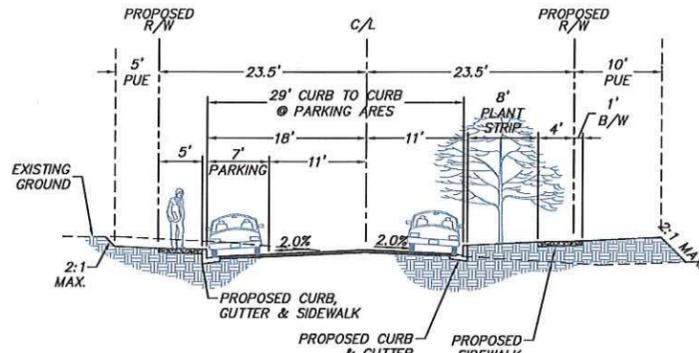
**PATTON LANE  
(NANDINA STREET TO MOUNTAIN  
MEADOWS DRIVE, PARKING BOTH SIDES)**



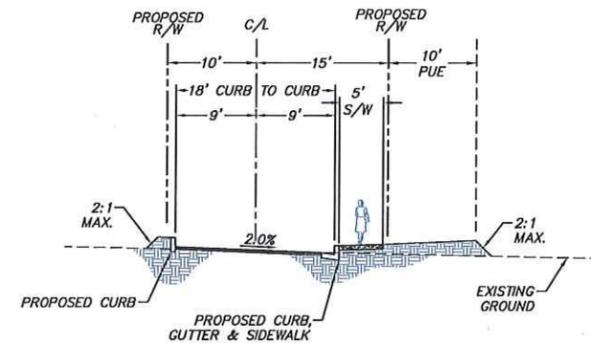
**NANDINA STREET  
(WEST BOUND ONE WAY,  
NO PARKING ON STREET)**



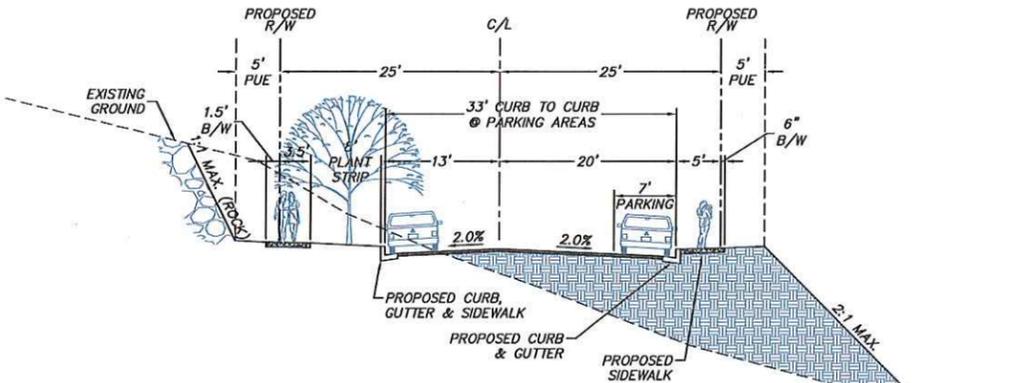
**STONERIDGE AVENUE  
(PARKING ONE SIDE, BOTH SIDES  
WHERE BUMP OUTS ON ONE SIDE)**



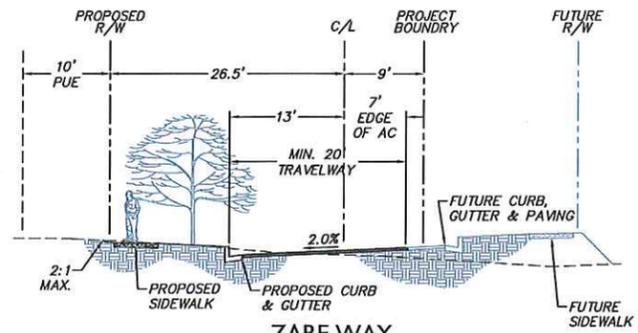
**NANDINA STREET  
(MARIPOSA COURT TO STONERIDGE AVENUE)**



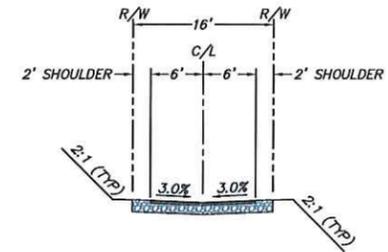
**NANDINA STREET  
(EAST BOUND ONE WAY,  
NO PARKING ON STREET)**



**PATTON LANE  
(EXISTING PATTON LANE TO NANDINA  
STREET, PARKING BOTH SIDES)**



**ZARE WAY  
(NO PARKING UNTIL FUTURE  
IMPROVEMENTS ARE  
COMPLETED)**



**TYPICAL ALLEY  
RECEIVED**

SEP 07 2018

City of Ashland

**EXHIBIT C.2**

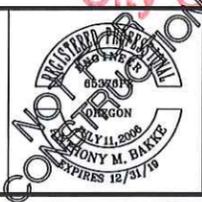


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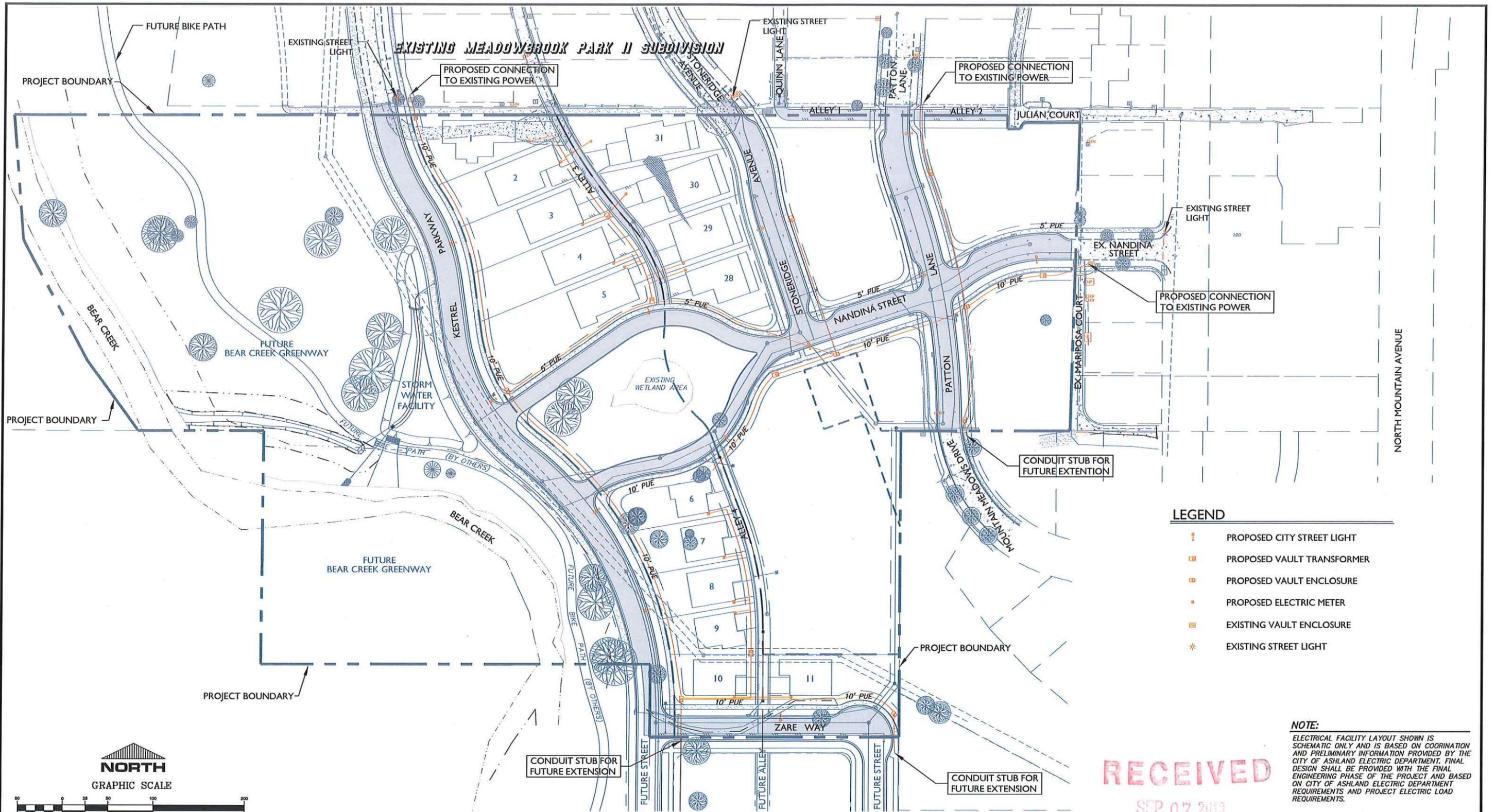
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CITY OF ASHLAND	
KESTREL PARK SUBDIVISION	
CONCEPTUAL ROAD SECTIONS	
PROJECT NO.	
DRAWING NO.	



**LEGEND**

- ↑ PROPOSED CITY STREET LIGHT
- ▣ PROPOSED VAULT TRANSFORMER
- ▣ PROPOSED VAULT ENCLOSURE
- PROPOSED ELECTRIC METER
- ▣ EXISTING VAULT ENCLOSURE
- ★ EXISTING STREET LIGHT

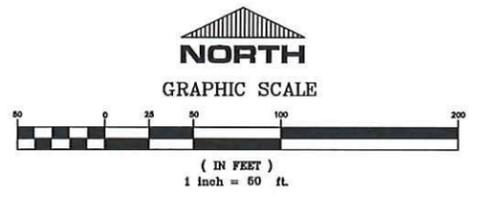
**NOTE:**  
 ELECTRICAL FACILITY LAYOUT SHOWN IS SCHEMATIC ONLY AND IS BASED ON COORDINATION AND PRELIMINARY INFORMATION PROVIDED BY THE CITY OF ASHLAND ELECTRIC DEPARTMENT. FINAL DESIGN SHALL BE PROVIDED WITH THE FINAL ENGINEERING PHASE OF THE PROJECT AND BASED ON CITY OF ASHLAND ELECTRIC DEPARTMENT REQUIREMENTS AND PROJECT ELECTRIC LOAD REQUIREMENTS.

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EXHIBIT C3



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KDA

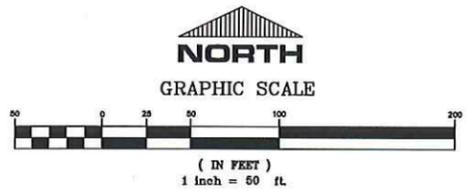
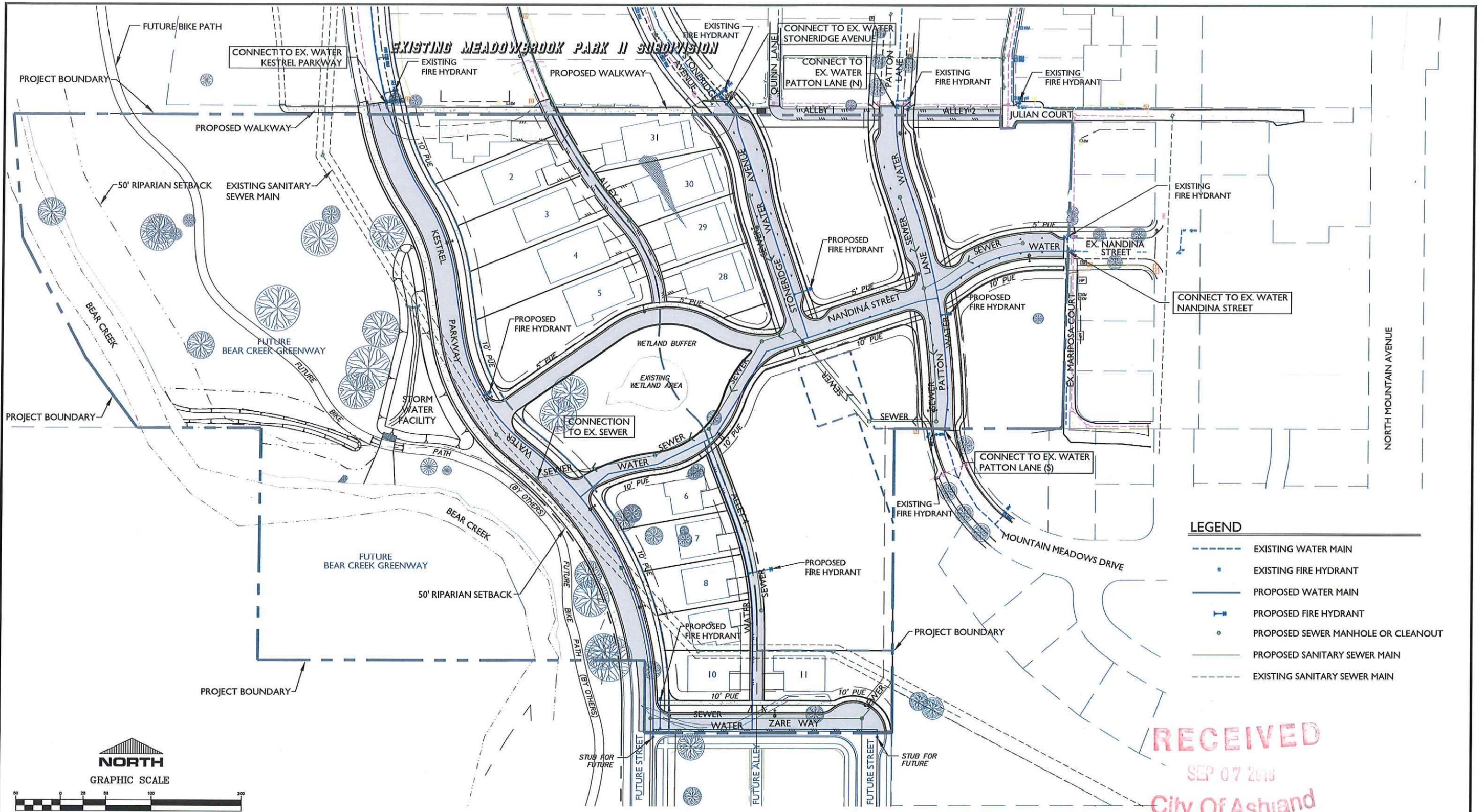
Homes

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NO.	REVISION	DATE	BY



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KESTREL PARK SUBDIVISION	
CONCEPTUAL ELECTRICAL & ILLUMINATION PLAN	
PROJECT NO.	
DRAWING NO.	



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**EXHIBIT C.4**



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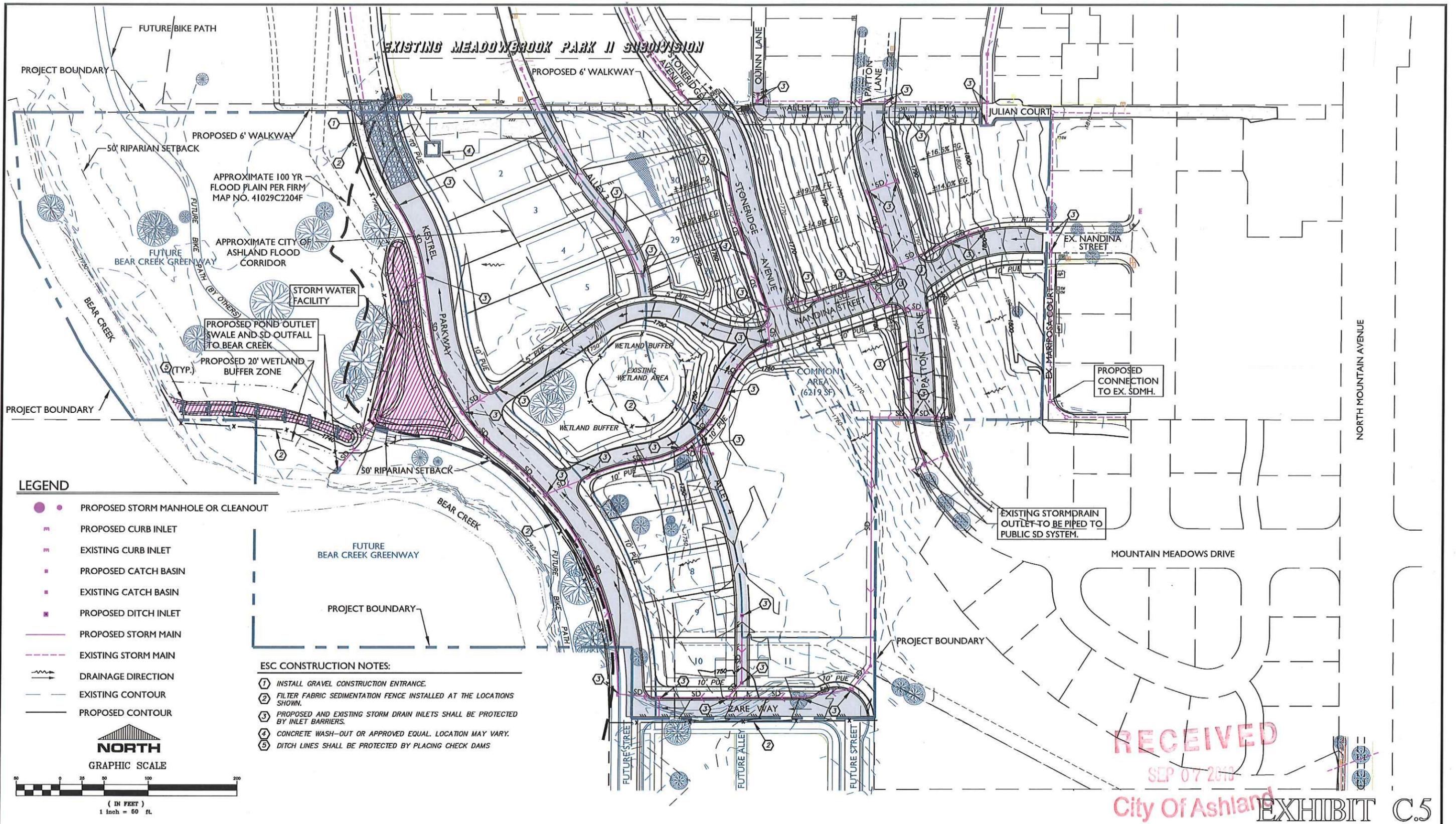
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**KDA** Homes  
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NO.	REVISION	DATE	BY



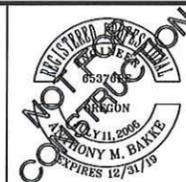
CITY OF ASHLAND	
KESTREL PARK SUBDIVISION	PROJECT NO.
CONCEPTUAL UTILITY PLAN	DRAWING NO.



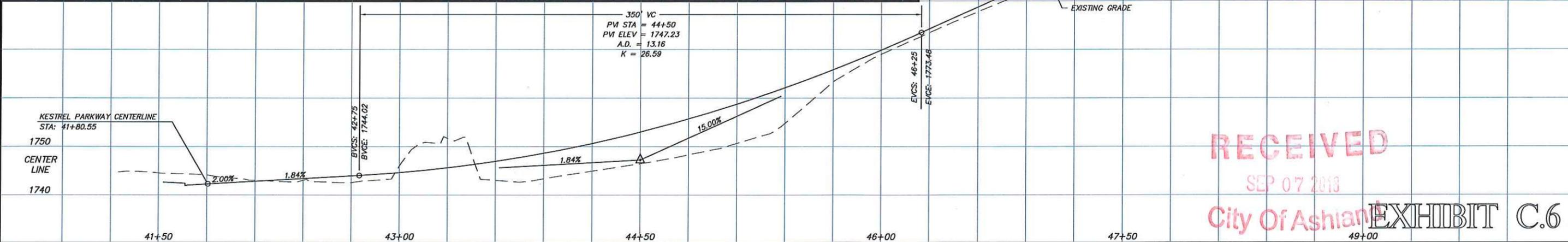
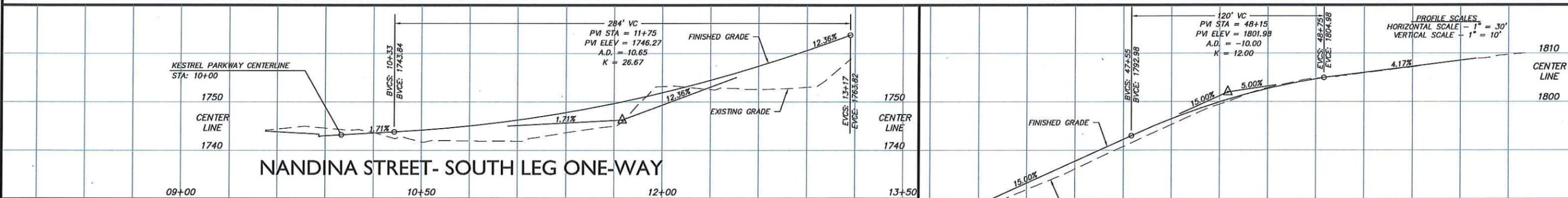
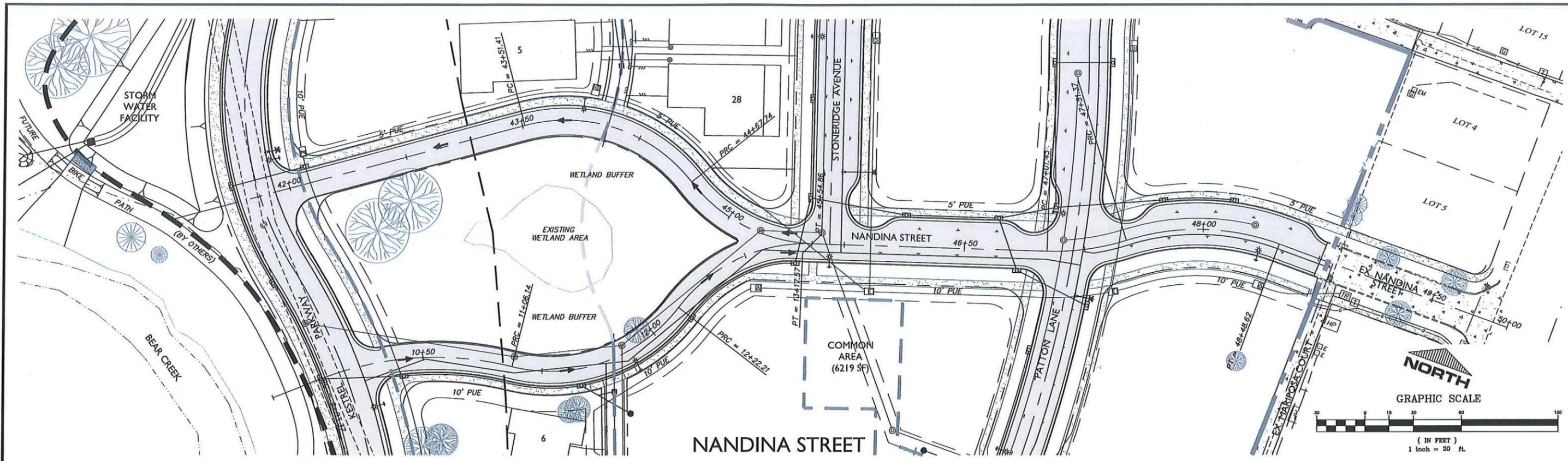
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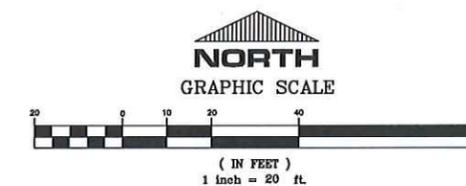
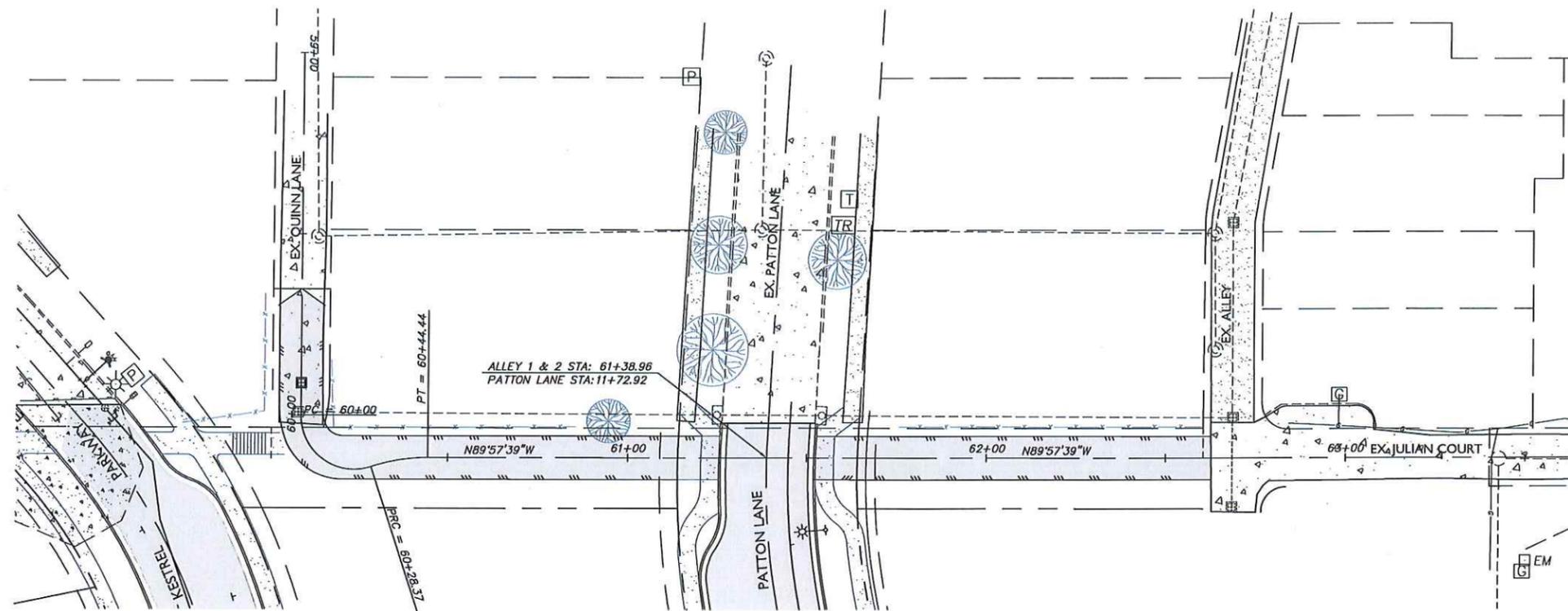
NO.	REVISION	DATE	BY



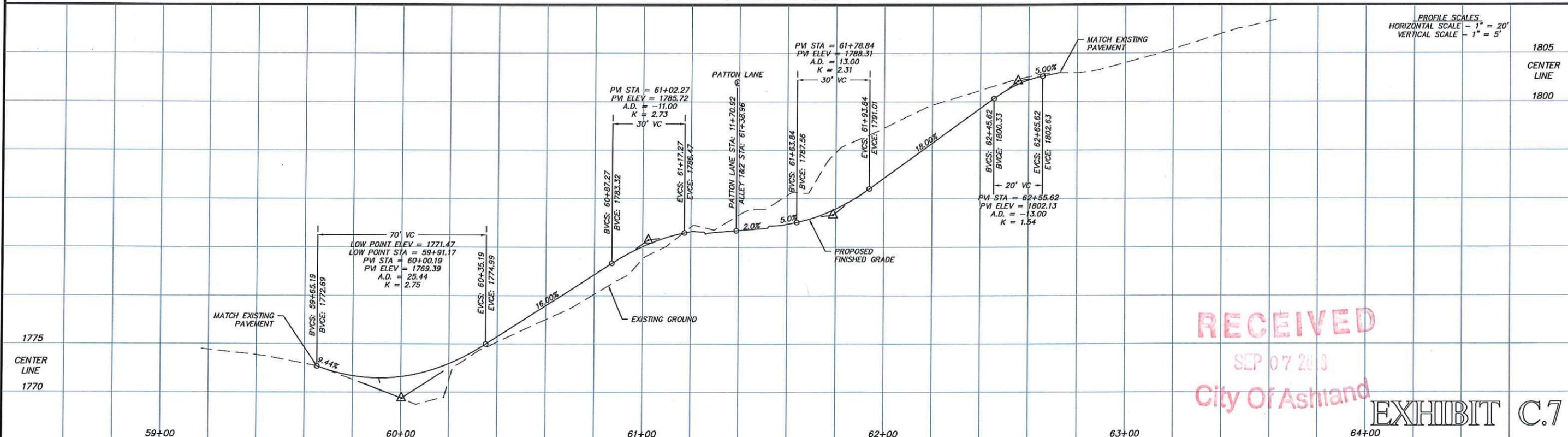
CITY OF ASHLAND	
KESTREL PARK SUBDIVISION	PROJECT NO.
CONCEPTUAL GRADING, DRAINAGE, EROSION & SEDIMENT CONTROL PLAN	DRAWING NO.



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		DRAWING NAME: KES-CON-NANDINA.DWG PROJ. NO.: 16-53 PLOT DATE: 9/6/18						



**ALLEY 1 & 2**



PROFILE SCALES  
 HORIZONTAL SCALE - 1" = 20'  
 VERTICAL SCALE - 1" = 5'

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**EXHIBIT C.7**



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	DATE:

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NO.	REVISION	DATE	BY



CITY OF ASHLAND  
 KESTREL PARK SUBDIVISION  
 CONCEPTUAL PLAN & PROFILE  
 ALLEY 1 & 2

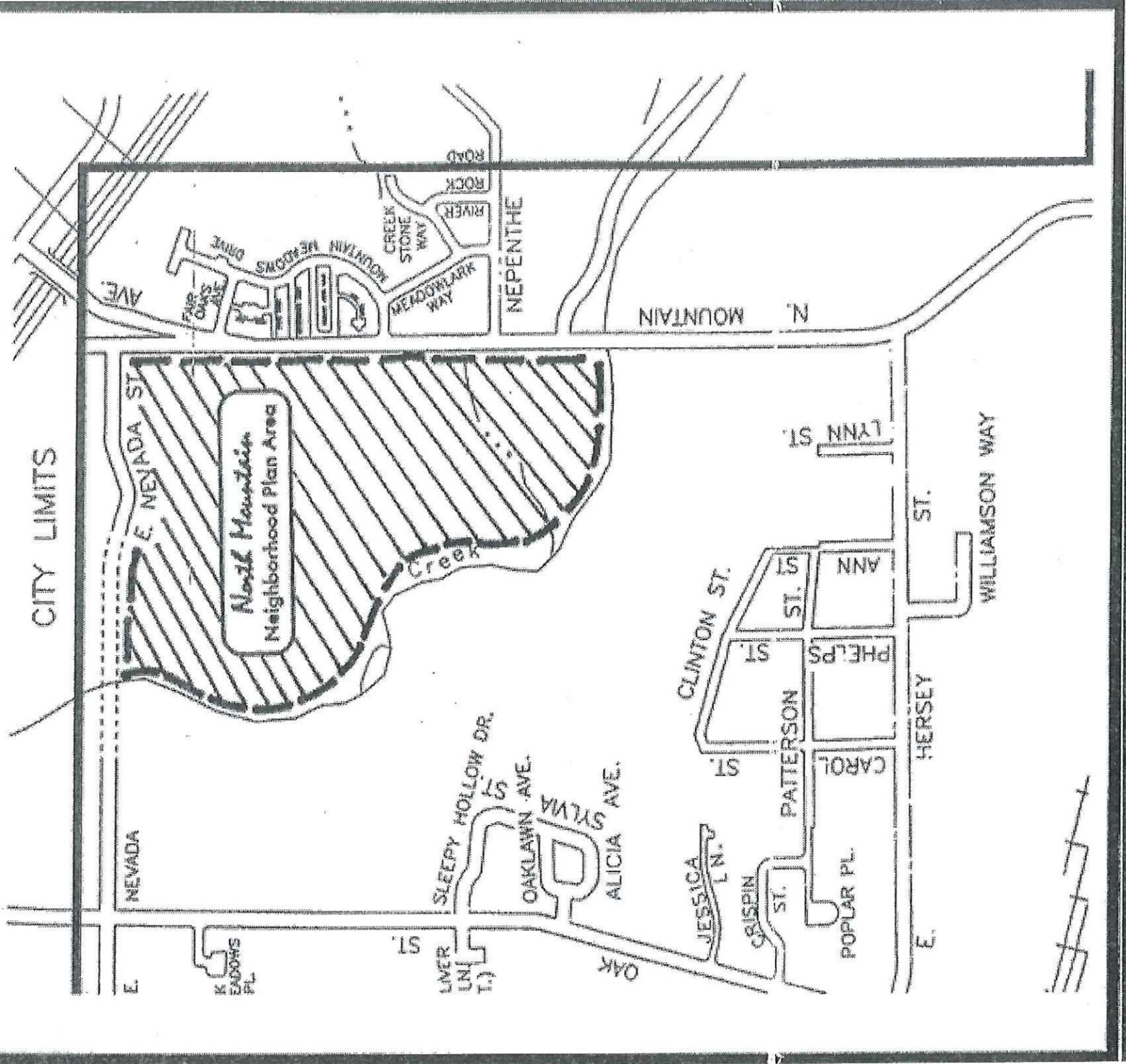






# North Mountain Neighborhood Plan

Vicinity Map



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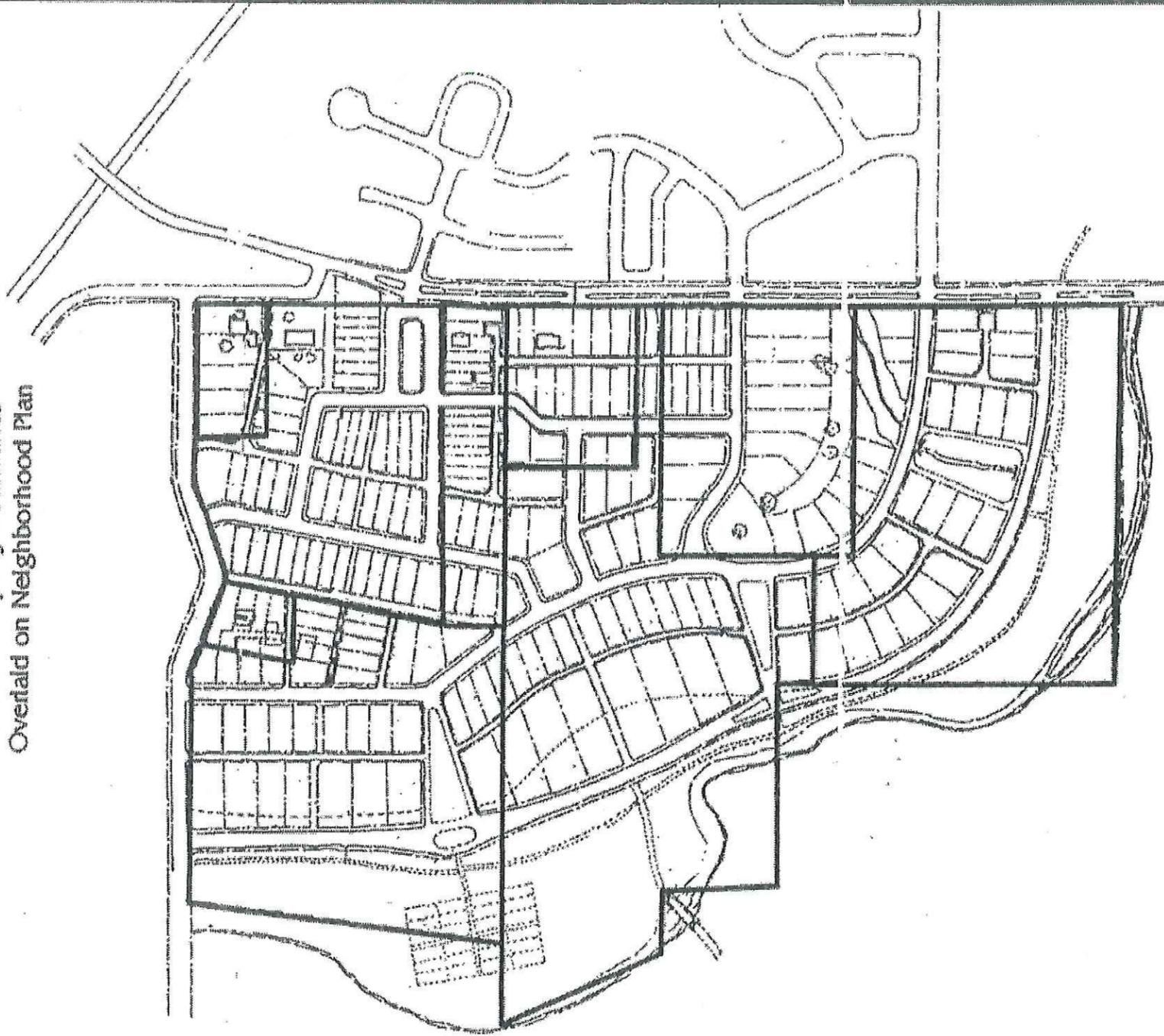


Ashland Site Design & Use Standards



# North Mountain Neighborhood Plan

Current Property Boundaries  
Overlaid on Neighborhood Plan

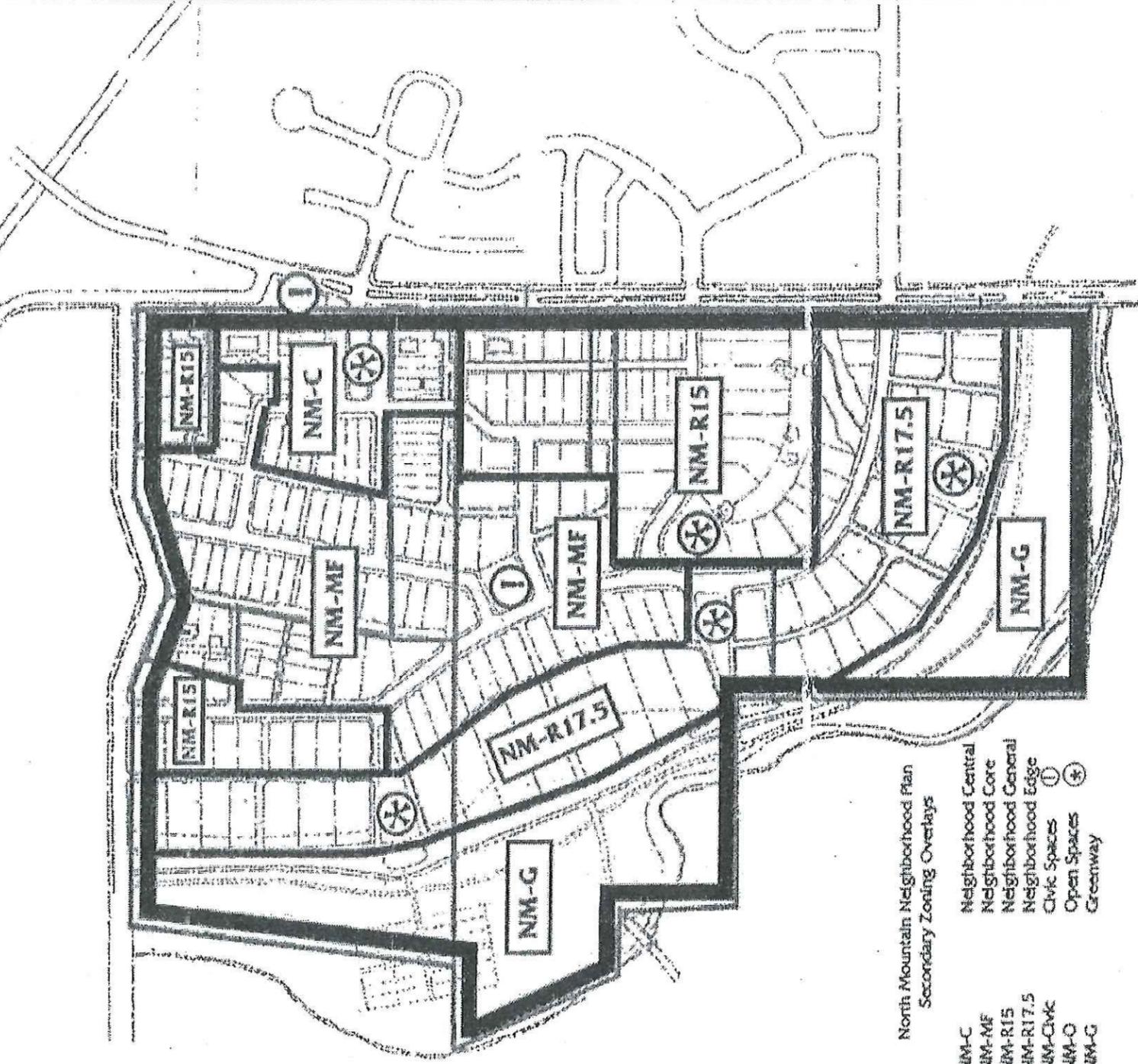


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Exhibit NM3

# North Mountain Neighborhood Plan

Proposed Secondary Zoning



North Mountain Neighborhood Plan  
Secondary Zoning Overlays

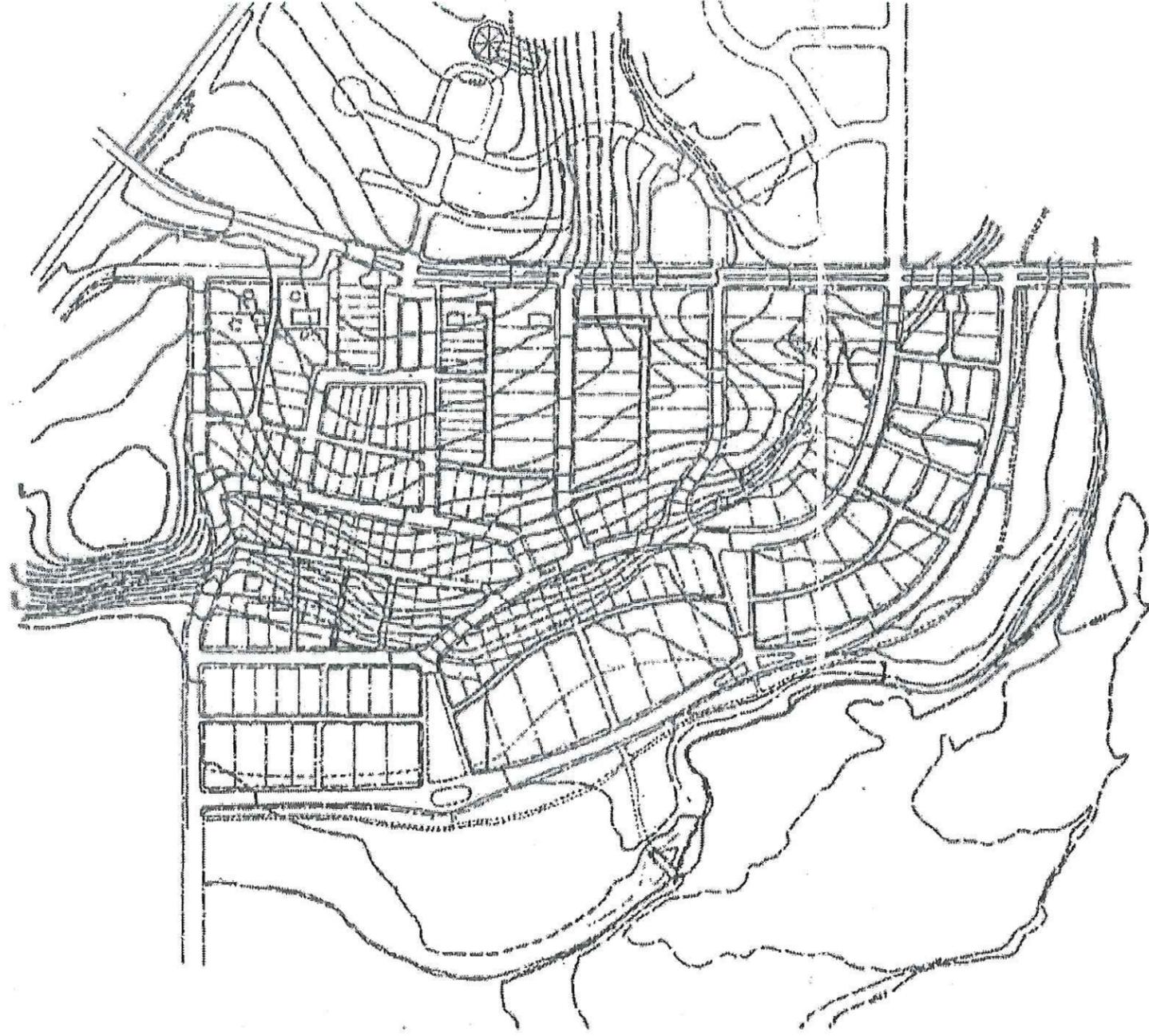
- NM-C
- NM-MF
- NM-R15
- NM-R17.5
- NM-CWk
- NM-O
- NM-G
- Neighborhood Central
- Neighborhood Core
- Neighborhood General
- Neighborhood Edge
- Civic Spaces
- Open Spaces
- Greenway

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Exhibit NM 4

*North Mountain  
Neighborhood Plan*

Site Topography



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EXHIBIT NM 5