

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
December 8, 2020
AGENDA**

I. **CALL TO ORDER:** 7:00 PM

II. **ANNOUNCEMENTS**

III. **CONSENT AGENDA**

A. **Approval of Minutes**

1. November 10, 2020 Regular Meeting

IV. **PUBLIC FORUM**

V. **UNFINISHED BUSINESS**

A. **Approval of Findings for PA-T2-2020-00021, Otis Street (39 1E Map 05AD, Tax Lot #200)**

VI. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION: PA-T2-2020-00023**

SUBJECT PROPERTY: 196 & 200 Clear Creek Drive

OWNER/APPLICANT: Rogue Planning & Development Services, LLC/Bryan & Stephanie Deboer

DESCRIPTION: A request for Site Design Review approval to allow the construction of an 11,220 square-foot, two-story mixed-use building for the properties at 196 and 200 Clear Creek Drive. The proposed building would consist of 1,268 square feet of office space, 8,052 square feet of warehouse space, and a single 1,584 square foot residential unit on the second floor. The application also includes requests for a property line adjustment to allow the consolidation of the two lots and a Variance/Major Modification of the New Addition subdivision approval (PA-2000-096) to allow a driveway to be installed from Clear Creek Drive where the "Vehicular Access and Circulation Standards" in AMC 18.4.3.080.C.5 and the subdivision approval both prohibit driveway access from Clear Creek Drive because alley access is available. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; MAP: 39 1E 09AB; TAX LOT #: 6604 & 6605

VII. **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*
November 10, 2020

I. CALL TO ORDER:

Chair Haywood Norton called the meeting to order at 7:01 p.m.

Commissioners Present:

Michael Dawkins
Alan Harper
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

Kerry KenCairn

Council Liaison:

Stef Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar explained the City Council would hear three items from the Planning Division during their meeting on November 17, 2020. Two public hearings, the First Reading of amendments to the Affordable Housing Standards and an annexation request for 1511 Hwy 99 North. The City Council would also hear the Second Reading on amendments to the Open Space Standards. Chair Norton would give the annual Planning Commission report to the City Council at their meeting on December 7, 2020.

III. CONSENT AGENDA

A. Approval of Minutes

1. October 13, 2020 Regular Meeting
2. October 27, 2020 Special Meeting

Commissioner Dawkins/Pearce m/s to approve the minutes of the meeting on October 13, 2020. Voice Vote: all AYES. Motion passed.

Commissioner Pearce/Dawkins m/s to approve the minutes of the meeting on October 27, 2020. Commissioner Harper abstained from the vote. He was not present for the meeting. Voice Vote: all AYES. Motion passed.

IV. PUBLIC FORUM - None

V. TYPE II PUBLIC HEARINGS

PLANNING ACTION: PA-T2-2020-00021

SUBJECT PROPERTY: Otis Street (39 1E Map 05AD, Tax Lot #200)

APPLICANT/OWNER: Taylored Elements Construction for CMK Development, LLC

AGENT: Rogue Planning & Development Services, LLC

DESCRIPTION: A request for Outline Plan and Site Design Review approvals for a 13-lot Performance Standards Options subdivision and 12-unit Cottage Housing Development for the vacant property on Otis Street (39 1E Map 05AD, Tax Lot #200) which is Lot #15 in the recently approved West Village Subdivision. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-5-P; **MAP:** 39 1E 05 AD; **TAX LOT:** 200.

Chair Norton read the rules of the electronic public hearing.

Ex Parte Contact

Commissioner Dawkins declared no ex parte contact and one additional site visit. Commissioner Thompson, Harper, Pearce and Chair Norton had no ex parte contact and no recent site visit.

Staff Report

Senior Planner Derek Severson provided a presentation (see attached) on the Cottages at West Village:

- Proposal
- Vicinity Map
- Aerial Photos
- Southern Oregon Transportation Engineering Conclusions
- Lot Photos
- Lot 15
- Lot Layout
- Utility & Drainage Plan
- Planting Plan
- Interior Units
- Street-Facing Unit
- Solar Carport Examples

Mr. Severson explained the lot was in the original subdivision as a cottage housing development. Utilities were planned at that time. Staff recommended approval with the conditions detailed in the staff report.

Questions of Staff

Commissioner Harper asked if the build out for Otis Street was complete. Mr. Severson said it was not. Commissioner Harper wanted to know if the Commission could add a condition to complete the build out. Mr. Severson had not added one with the assumption it would be built before plat. Adding the condition would ensure it was built out. Commissioner Pearce confirmed that since this was a lot within a lot, plat conditions would apply. Mr. Severson responded they would.

Applicant's Presentation

Amy Gunter/Rogue Development Services/Ms. Gunter explained the lot was originally planned to be cottage housing. They were making a modification to the final planning approval currently under review in the Planning Division. There were overlapping subdivision actions happening in the area. They had the outline plan approval and final plan approval for the whole subdivision, and the outline plan approval for the cottage housing piece. They would come back for two different final plan approvals for the whole subdivision and the cottage housing development. She provided a presentation (see attached):

- Aerial photo of the area
- Aerial photo depicting the cottage housing area
- Outline Plan
- Conceptual Utility Plan
- Conceptual Landscaping Plan

Questions of the Applicant

Commissioner Harper asked why Lots 11 and 12 were located farther to the west from the other units. It created two smaller green spaces instead of a large centralized area. Ms. Gunter explained they wanted to spread out the open space so that everyone had a little more common yard area available. They had also contemplated attaching some of the units. The space was a remnant from an earlier consideration of making some units duplexes.

Public Testimony

Craig Anderson/Ashland/OR/Lived to the east of the cottages and noted the applicants were cooperative and responsive to all the neighbors regarding their concerns. He supported the application. He went on to make comments on the process used for annexation request on 1511 Hwy 99 North.

Applicant's Rebuttal - None

Chair Norton closed the hearing and the record.

Deliberation and Decision

Commissioner Pearce/Harper m/s to approve PA-T2-2020-00021 with the conditions recommended by staff and Commissioner Harper regarding Otis Street so the conditions in the subdivision applied to this planning action. DISCUSSION: Commissioner Pearce addressed Mr. Anderson's comments about the annexation process. He explained it was not a quasi-judicial decision. The Planning Commission did not decide on the matter. The annexation was a legislative decision that would be made only by the City Council. Chair Norton thought the cottage housing application was a good example of the applicant clearly explaining the project to the neighbors. **Roll Call Vote: Commissioner Thompson, Dawkins, Norton, Pearce and Harper. Motion passed.**

VI. ADJOURNMENT

Meeting adjourned 7:40 p.m.

*Submitted by,
Dana Smith, Executive Assistant*



*Spring Valley Pocket Neighborhood (Port Townsend, WA)
by Ross Chapin Architects*

The Cottages at West Village

Planning Commission Hearing
November 10, 2020

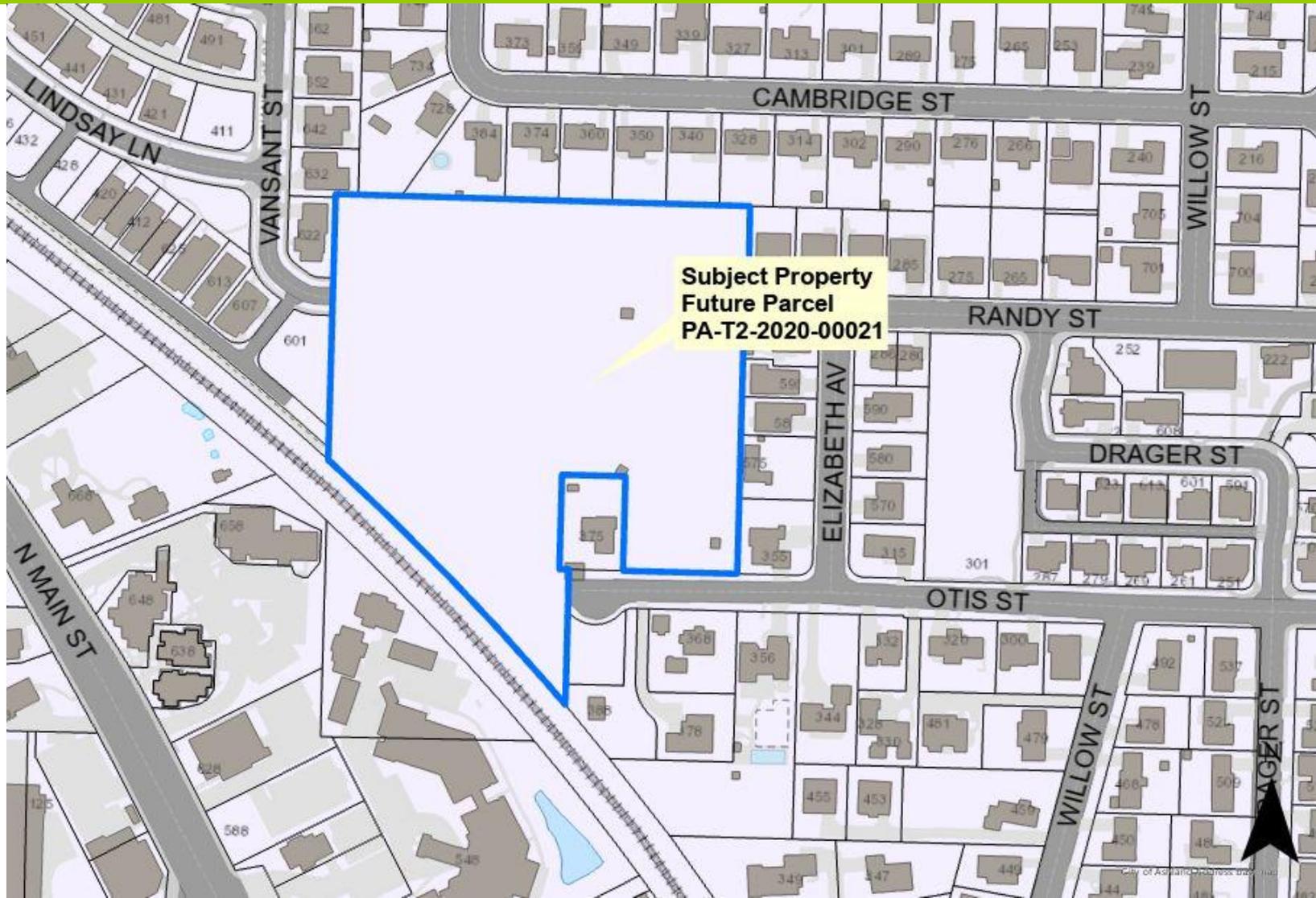


The Cottages at West Village

PA-T2-2020-00021: A request for Outline Plan and Site Design Review approvals for a 13-lot Performance Standards Options subdivision with a 12-unit Cottage Housing Development for the vacant property on Otis Street (39 1E Map 05AD, Tax Lot #200) which is Lot 15 in the recently approved West Village Subdivision.

Vicinity Map

The Cottages at West Village



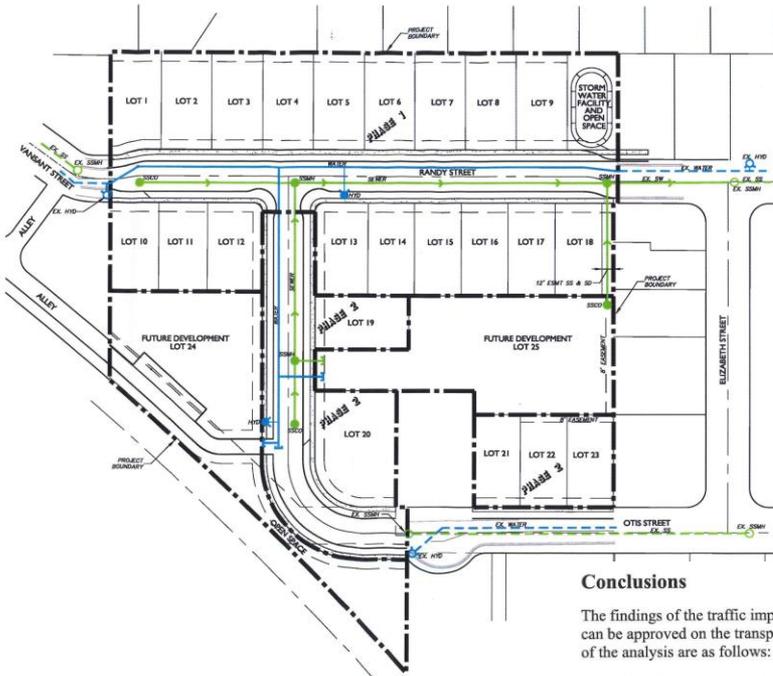
Aerial Photo

The Cottages at West Village



West Village Subdivision

The Cottages at West Village



Conclusions

S.O. TRANSPORTATION ENGINEERING, LLC

The findings of the traffic impact analysis conclude that the proposed 40-unit residential subdivision can be approved on the transportation system without creating adverse operational impacts. Results of the analysis are as follows:

1. All study area intersections are shown to operate within performance standards under existing year 2019 and design year 2022 no-build and build conditions during both the a.m. and p.m. peak hours.
2. Study area intersection 95th percentile queue lengths were shown to stay within available link distances for all analysis scenarios.
3. There is no crash history in the area, nor any reported crashes at any of the study area intersections within the most recent five years.
4. Left and right turn lane criterion is not shown to be met on any study area street under design year 2022 full build conditions.
5. Speeding was evaluated in the study area and not shown to be a safety concern.
6. Cut through traffic was considered through the Van Sant Street connection to the subject property and shown to potentially increase traffic on Willow Street, but not create capacity or safety concerns.

This analysis was undertaken to address issues of compliance with the City of Ashland Comprehensive Plan and Land Development Code. Based upon our findings, it is concluded that streets and intersections serving the subject property will accommodate projected a.m. and p.m. peak hour traffic volumes from the proposed 40-unit residential subdivision without degrading the performance of an existing or planned facility such that it would not meet the performance standard identified in the City's Transportation System Plan (TSP).

August 2019

CITY OF
ASHLAND

The Cottages at West Village



October 2020

CITY OF
ASHLAND

The Cottages at West Village

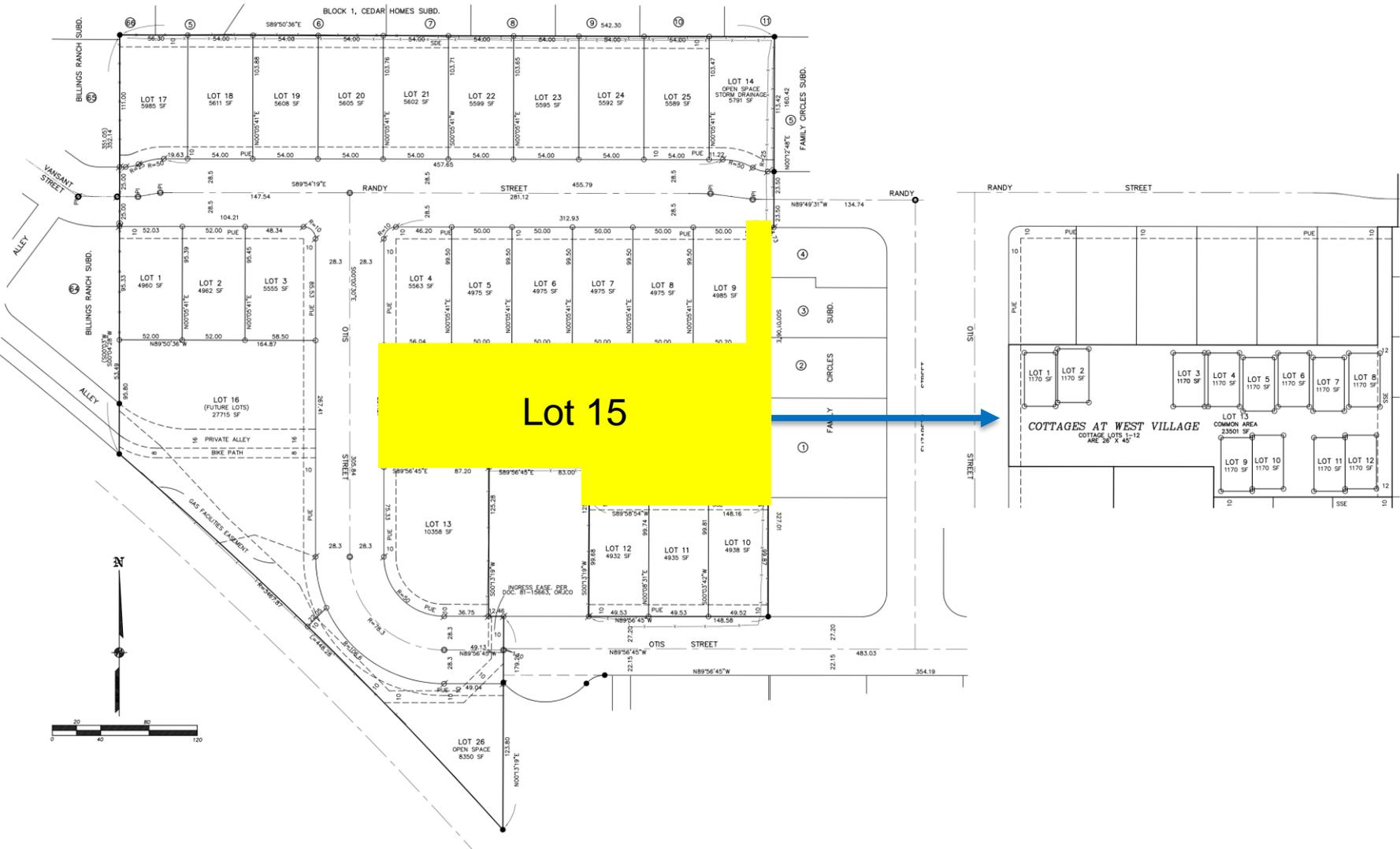


NOTICE
Land Use Action Affecting this Property

See drawing

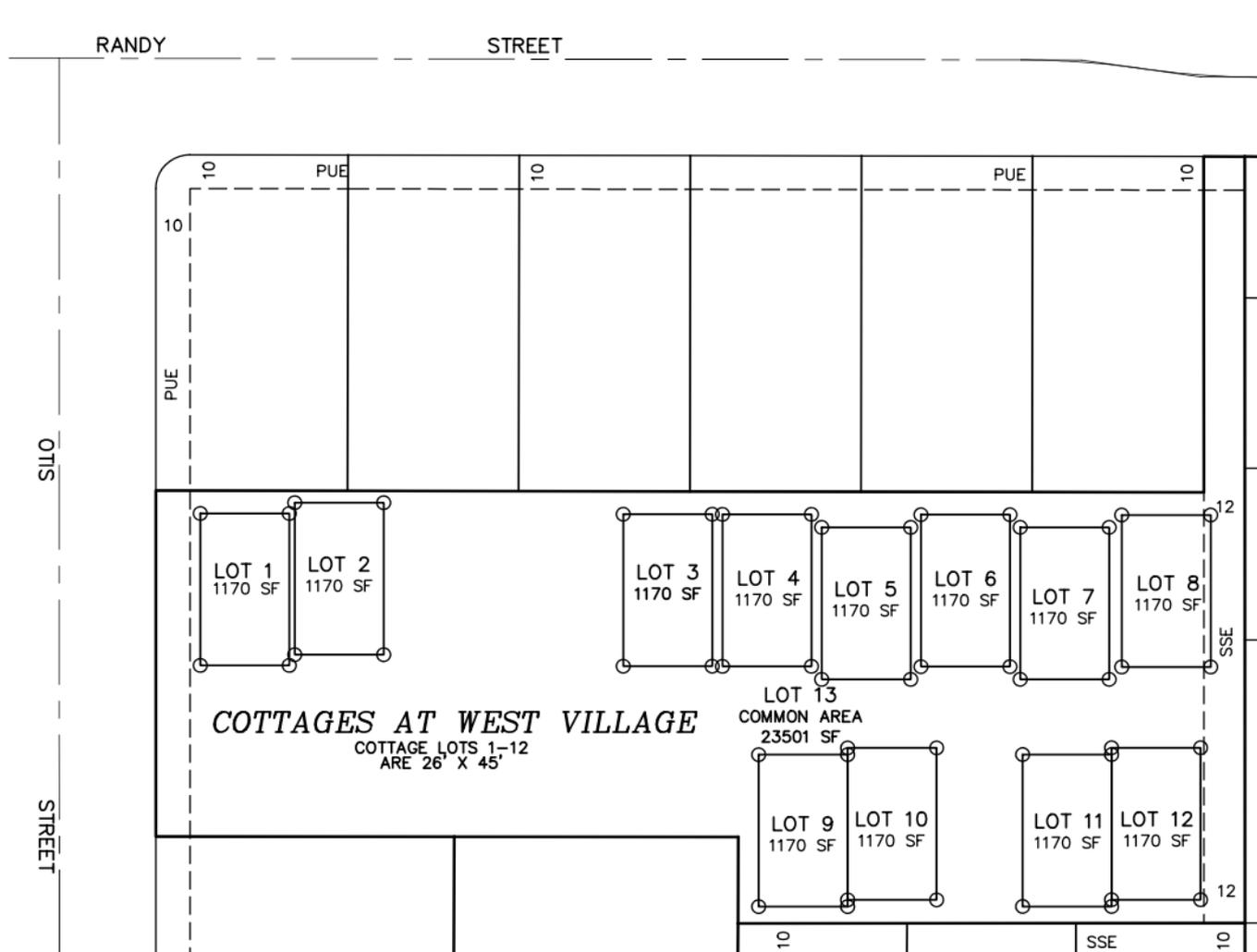
City of Ashland
1000 Ashland Street, Ashland, OR 97520
Phone: 531-263-2222

The Cottages at West Village



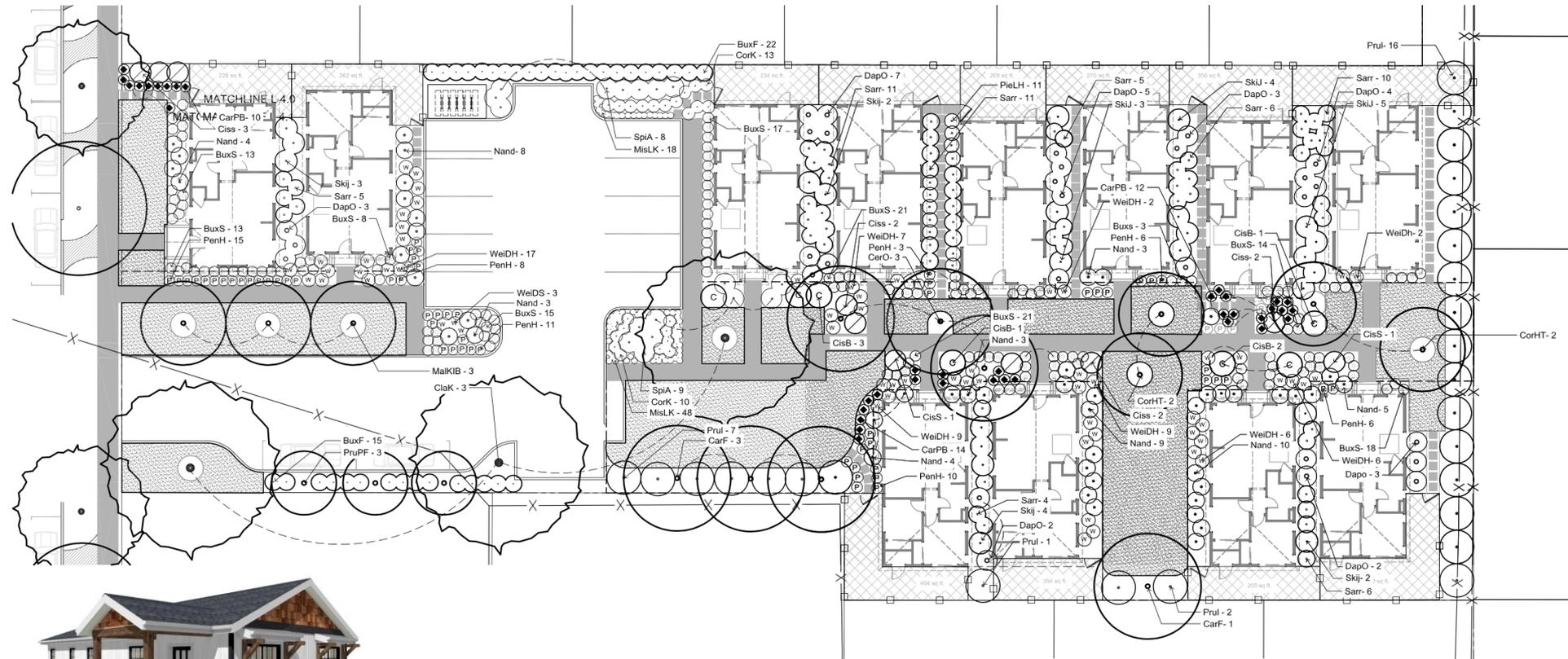
Lot Layout

The Cottages at West Village



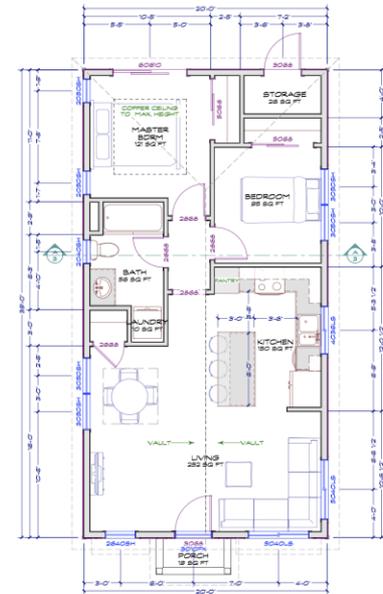
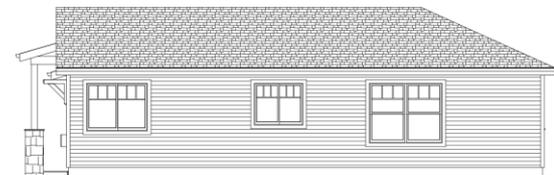
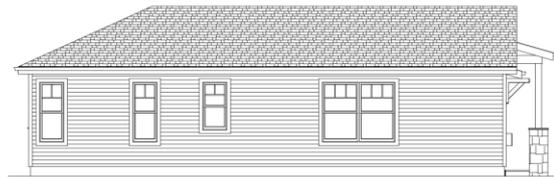
Planting Plan

The Cottages at West Village



Interior Units

The Cottages at West Village



FLOOR PLAN

LIVING AREA = 74.0 sq ft
STORAGE AREA = 28.0 sq ft
COVERED AREA = 13.0 sq ft
8 CEILING THROUGHOUT
EXCEPT WHERE NOTED

STANDARD A
SLOPE CENTER LOT ELEV. 1738 @ 150 ELEV. 1788.5 @ -0.05
SLOPE (44.8% SLOPE)
(9'-0" 3/4" - 8') / 0.385 = 7'-8" PROVIDED 10'-0"

Design Criteria

2017 Oregon Residential Specialty Code	Seismic Design Category: D
2017 Oregon Plumbing Specialty Code	Wind Speed: 120 mph
2014 Oregon Mechanical Specialty Code	Exposure: B
2017 Oregon Electrical Specialty Code	Snow Load: 25# (over 2000' - 36#)
2014 Oregon Structural Specialty Code	Frost depth: 12" (18" over 2500')

WINDOW NOTE:

One window in each bedroom shall have finished sill height not more than 44 inches above the floor with 20 inches over not clearance opening width or 20 inches in height with opening width not less than 7 sq. ft.

ELECTRICAL NOTE:

- All 200 max (2) permanently installed lighting fixtures are not required to have high-efficiency lamps.
- All window treatments to be weather-resistant.
- All receptacles to be tamper-resistant.
- Exhaust fans, Garage Detectors shall have GFCI protection.
- All backflow preventers supporting fire alarm devices shall be 151 certified.
- All light fixtures in tub or shower enclosures shall be rated for "wet locations".

PLANS FOR:



West Village Cottages
Ashland, OR 97520

REVISION NO.: 2

JOB NO.: 3348
JOB DATE: 3/30/2020
DRAWN BY: R.A.O.
REVIEWED BY: S.S.A.

SHEET:

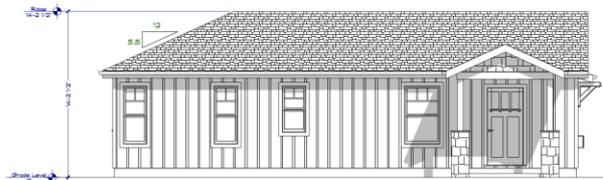
1

SCALE: 1/4" = 1'-0" or As Noted



Street-Facing Unit

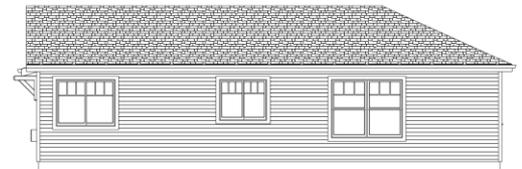
The Cottages at West Village



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



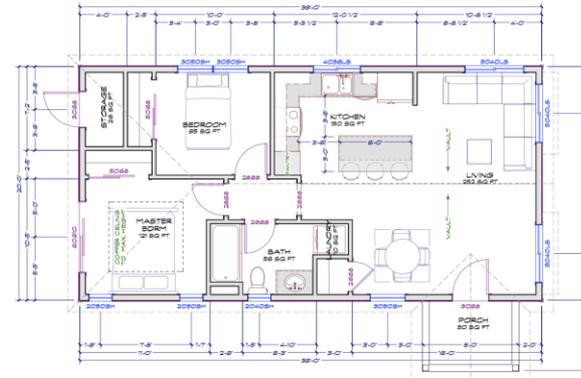
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



NOTES:

PLANS FOR:



West Village Cottages
Ashland, OR 97520

REVISION NO.: 2

JOB NO.: 2365
ISSUE DATE: 6/30/20
DRAWN BY: R.A.O.
REVIEWED BY: S.S.S.

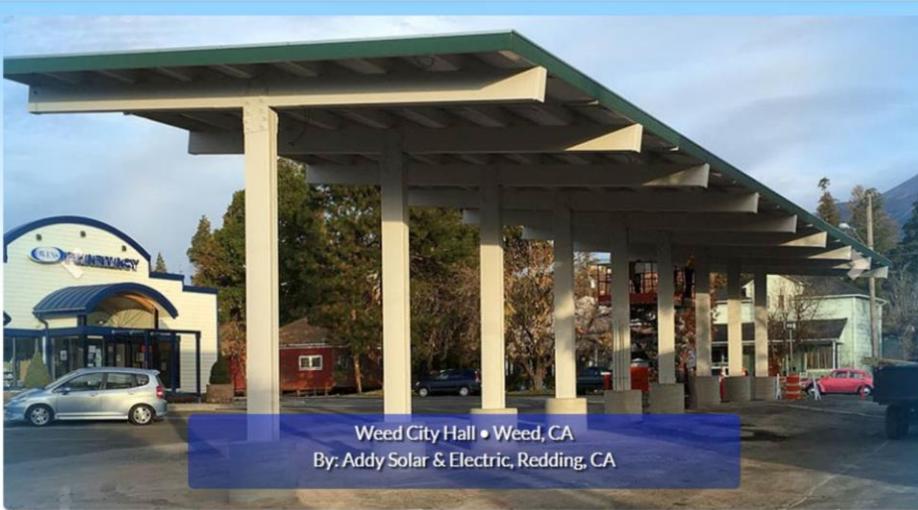
SHEET:
2

SCALE: 1/4" = 1'-0" or As Noted



Solar Carport examples

The Cottages at West Village



The Cottages at West Village

Planning Commission Hearing
November 10, 2020

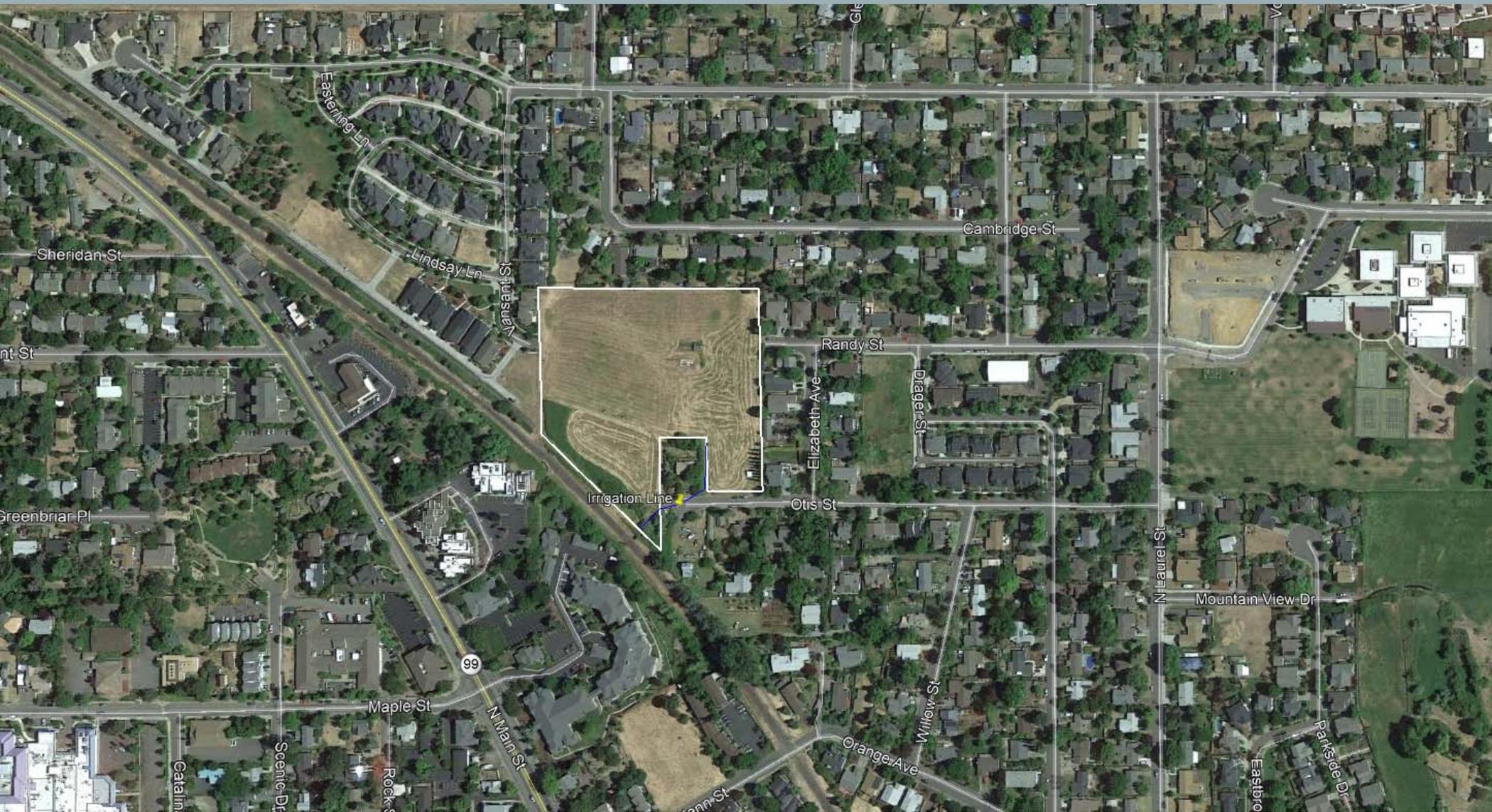


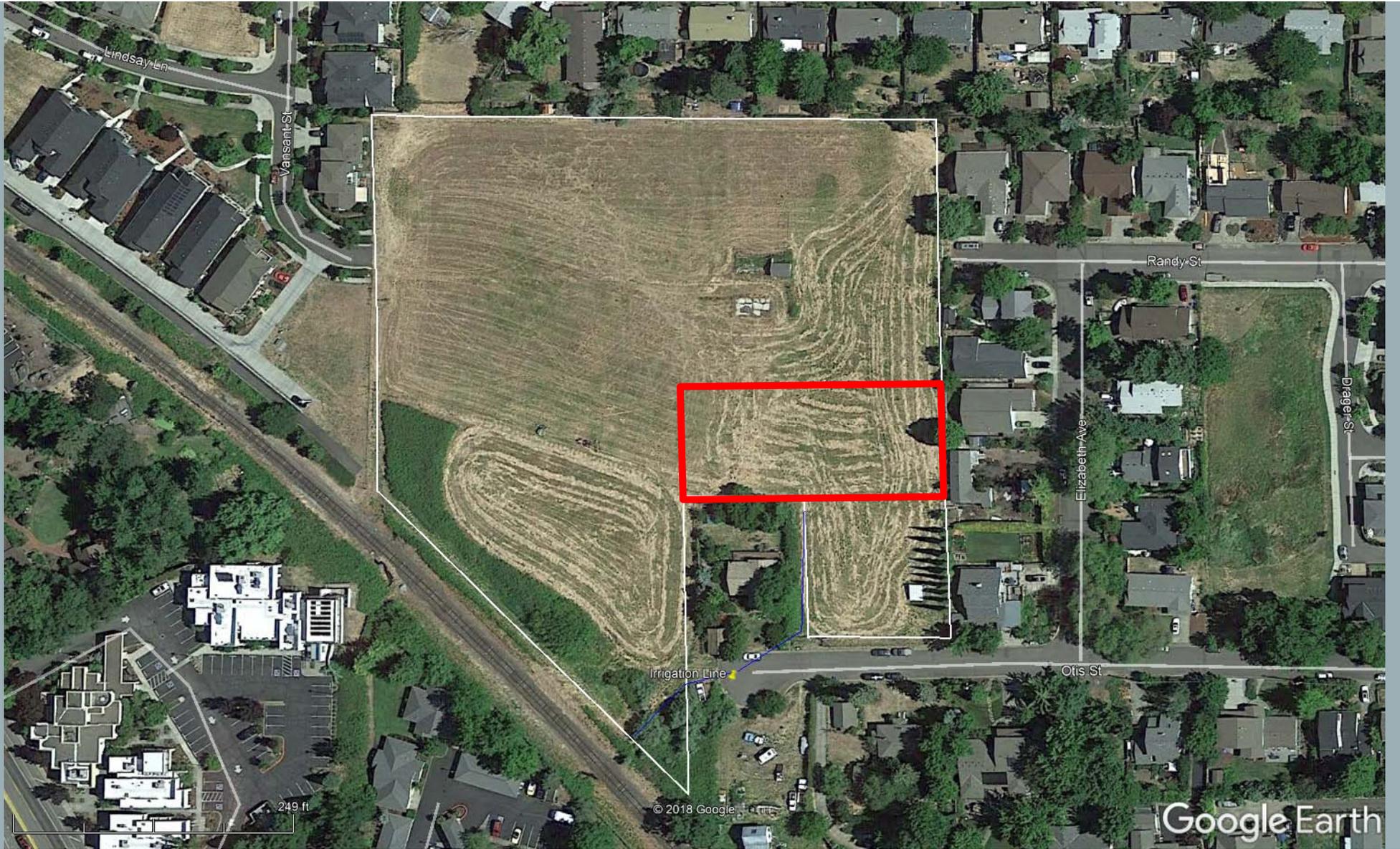


*Wyer's End Pocket Neighborhood (White Salmon, WA)
by Ross Chapin Architects*

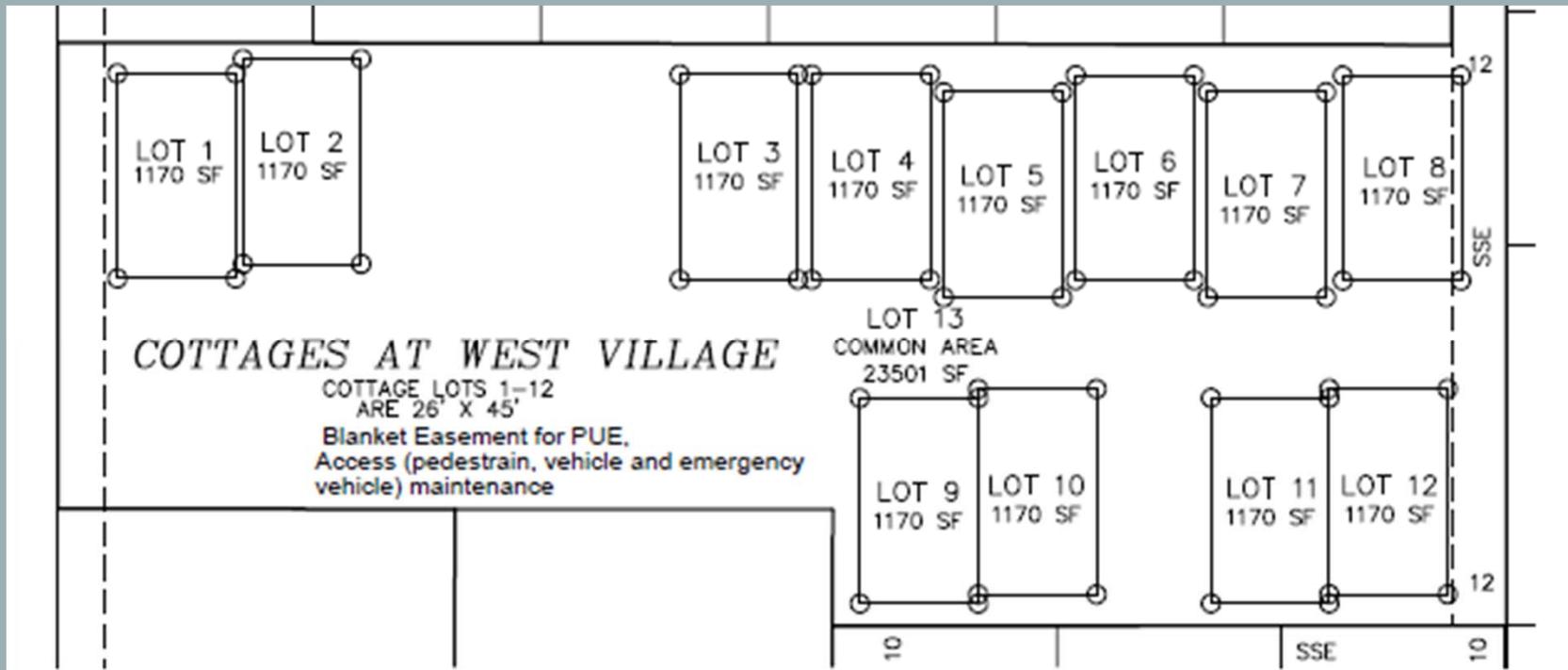


THE
COTTAGES AT
WEST VILLAGE

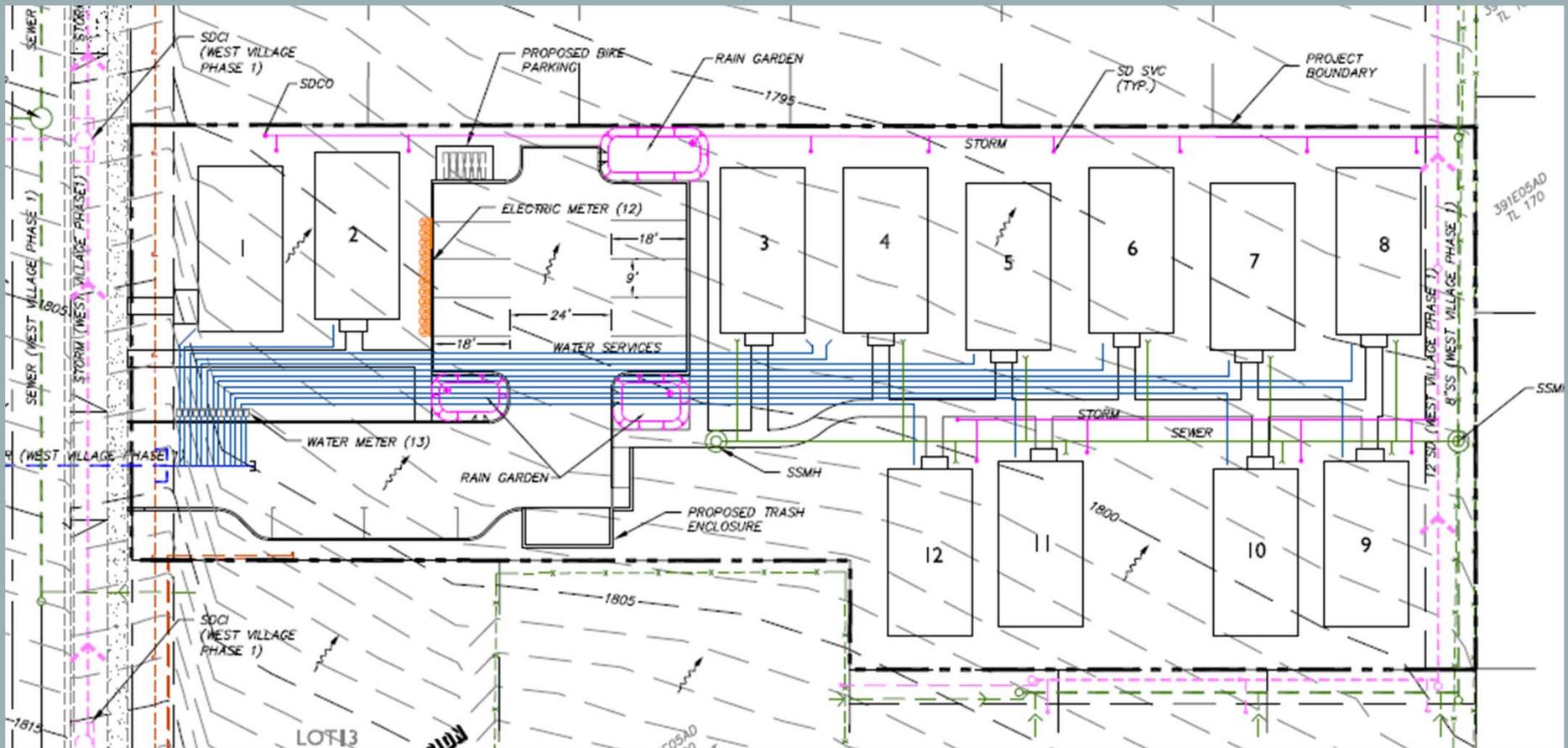




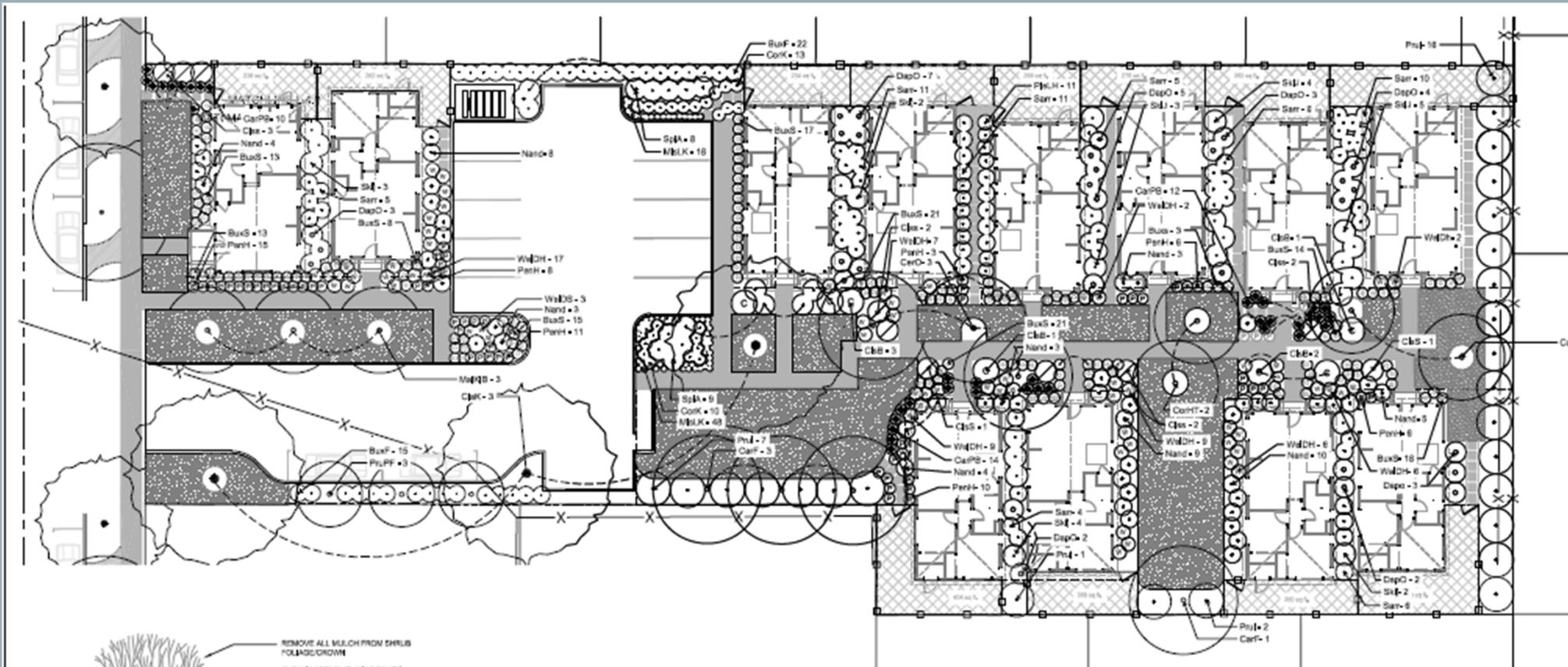
COTTAGE LOT DEVELOPMENT OUTLINE PLAN



CONCEPTUAL UTILITY PLAN



CONCEPTUAL LANDSCAPING PLAN



CONCLUSION

FINDINGS

PA-T2-2020-00021
Otis Street
(39 1E Map 05AD, Tax Lot #200)

BEFORE THE PLANNING COMMISSION
December 8, 2020

IN THE MATTER OF PLANNING ACTION #PA-T2-2020-00021, A REQUEST FOR)
OUTLINE PLAN SUBDIVISION AND SITE DESIGN REVIEW APPROVALS FOR A)
12-UNIT/13-LOT COTTAGE HOUSING DEVELOPMENT FOR THE VACANT TAX)
LOT #200 ON OTIS STREET WHICH IS LOT #15 IN THE RECENTLY APPROVED)
WEST VILLAGE SUBDIVISION.)

APPLICANT: TAYLORED ELEMENTS CONSTRUCTION)
OWNER: CMK DEVELOPMENT LLC)

RECITALS:

- 1) Tax lot #200 of Map 39 1E 05AD is the vacant Lot #15 in the recently approved West Village Subdivision on Otis Street and is zoned Single Family Residential (R-1-5-P).
- 2) The applicant is requesting Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing 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 criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:
 - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions,*

density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

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

5) The development standards for Cottage Housing Development are detailed in **AMC 18.2.3.090** as follows:

- C. **Development Standards.** Cottage housing developments shall meet all of the following requirements.
 - 1. **Cottage Housing Density.** The permitted number of units and minimum lot areas shall be as follows:

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500	3	12	7,500 sq.ft.	0.35

	square feet of lot area				
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

- a. **Maximum Floor Area Ratio:** The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. **Maximum Floor Area.** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. **Height.** Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. **Lot Coverage.** Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
- e. **Building Separation.** A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
- f. **Fences.** Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:

- a. **Public Street Dedications.** *Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.*
- b. **Driveways and parking areas.** *Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.*
 - i. *Parking shall meet the minimum parking ratios per 18.4.3.040.*
 - ii. *Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.*
 - iii. *Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.*

4. Open Space. Open space shall meet all of the following standards.

- a. *A minimum of 20 percent of the total lot area is required as open space.*
- b. *Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.*
- c. *Shall consist of a central space, or series of interconnected spaces.*
- d. *Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.*
- e. *At least 50 percent of the cottage units shall abut an open space.*
- f. *The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.*



g. *Parking areas and driveways do not qualify as open space.*

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. **Private Outdoor Area.** *Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.*
 - a. *Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.*
 - b. *No dimension of the private outdoor area shall be less than 8 feet.*
6. **Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**
 - a. **Common Buildings.** *Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.*
 - b. **Carports and garage structures.** *Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.*
 - c. **Nonconforming Dwelling Units.** *An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted*

per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.

- d. **Accessory Residential Units.** *New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.*

7. Storm Water and Low-Impact Development.

- a. *Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.*
- b. *Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.*
- c. *Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.*

8. Restrictions.

- a. *The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.*

6) On April 15, 2020 Governor Kate Brown issued Executive Order #20-16 "Keep Government Working: Ordering Necessary Measures to Ensure Safe Public Meetings and Continued Operations by Local Government During Coronavirus (COVID-19) Outbreak." The Governor's Order required that public bodies hold public meetings by telephone, video, or through some other electronic or virtual means, whenever possible; that the public body make available a method by which the public can listen to or virtually attend the public meeting or hearing at the time it occurs; that the public body does not have to provide a physical space for the public to attend the meeting or hearing; that requirements that oral public testimony be taken during hearings be suspended, and that public bodies instead provide a means for submitting written testimony by e-mail or other electronic methods that the public body can consider in a timely manner. The subsequently adopted House Bill #4212 further authorized governing bodies in Oregon to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means.

7) The Planning Commission, following proper public notice, held an electronic public hearing on November 10, 2020. In keeping with Executive Order #20-16 and subsequent House Bill #4212, this meeting was broadcast live on local television channel 9 and on Charter Communications channels 180 & 181, and was live-streamed over the internet on RVTV Prime at <http://www.rvtv.sou.edu>. A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report were made available on-line seven days prior to the hearing. Those wishing to provide written testimony were able to submit it via e-mail in advance of the hearing, as detailed the mailed and posted notices, and all written testimony received by the deadlines was made available for Commissioners to review before the hearing and was included in the meeting minutes. In addition, those wishing to participate during the hearing could arrange to provide oral testimony by making arrangements to do so in advance of the meeting. Following the closing of the public hearing and the record, the Planning Commission considered the materials received and testimony presented and 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. FINDINGS & CONCLUSIONS

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

2.2 The Planning Commission finds that the proposal for Outline Plan approval, Site Design Review approval, and Cottage Housing Development meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review described in AMC 18.5.2.050; and for a Cottage Housing Development described in AMC 18.2.3.090.

2.3 The Planning Commission concludes 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 finds 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.”*

The Planning Commission notes that the application materials assert that adequate key City facilities can be provided to serve the development, are being installed to current code standards as part of the West Village Subdivision infrastructure, and that based on consultations with representatives of the various City departments (i.e. water, sewer, streets and electric) the proposed small cottage housing units will not cause any of these new public facilities to operate beyond capacity. Specific utilities are further addressed in the application as follows:

Water, Sewer, Electricity and Urban Storm Drainage

Water

There is a new, eight-inch water main in Otis Street, and a hydrant is available across Otis Street approximately 60 feet southwest of the subject parcel. The applicant further notes that there is substantial water pressure, and that pressure reduction valves will be required. This will provide adequate water service for the new cottage units.

Sanitary Sewer

The application explains that the subdivision’s approved civil plans include an eight-inch sanitary sewer line which is to be installed within the right-of-way for Otis Street. This will serve the two cottages fronting on Otis Street. A new private eight-inch sewer line is proposed along the east property line. This new private sewer line will connect to a new eight-inch public sanitary sewer line in Randy Street, and will serve the remaining proposed cottages.

Electricity

The application indicates that electrical infrastructure is being extended as part of the West Village Subdivision infrastructure, and will be installed with available capacity to service the proposed cottages. A bank of meters is proposed on the carports to facilitate solar panel installation with net metering options.

Urban Storm Drainage

The application notes that there are 12-inch storm sewer line within the Otis Street right-of-way and along the east property line of the subject property here. The applicant explains that the project is required to employ low impact development standards under the City’s Cottage Housing Development Standards as well as under the Rogue Valley Sewer Services (RVSS) Standards for Storm Water Management, and the low impact development measures proposed

include rain garden swales and rain-barrel catchment of roof drainage to reduce the amount of storm water generated from the cottage development.

Police & Fire Protection

An existing fire hydrant is in place across Otis Street, approximately 60 feet southwest of the subject property. As is typical, the Fire Marshal will review the final civil drawings and building permit submittals for compliance with fire codes relative to water supply and fire apparatus access, and conditions have been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the Final Plan application submittal.

Adequate Transportation

Otis Street is a residential neighborhood street, as are nearby Randy and Vansant Streets. The streets within the subdivision are being improved to city street standards as part of the subdivision's infrastructure.

The Planning Commission finds that the driveway leading to the site's proposed parking area is proposed to be 20-feet in width and provides adequate circulation for vehicles to back-up, turn-around and exist to the street in a forward manner, and includes a five-foot-wide a walkway along the driveway's north side connecting from Otis Street to provide internal pedestrian circulation to each unit and to the proposed open space. The scale of the proposed cottage development does not trigger a Traffic Impact Analysis or other transportation assessment by itself, however a traffic analysis recently completed by Southern Oregon Transportation Engineering, LLC for the subdivision as a whole concluded that the streets and intersections serving the subject property would accommodate projected peak hour traffic from the subdivision without degrading the performance of existing or planned facilities to the degree that they would not meet the performance standards of the city's Transportation System Plan (TSP).

The application includes preliminary utility and grading plans prepared by Registered Professional Engineer Anthony M. Bakke of Construction Engineering Consultants, Inc., who also prepared the civil drawings for the recent West Village Subdivision. These plans identify facilities available in the adjacent right-of-way along with proposed connections; meter placement; and storm water control, detention and treatment systems. The Planning Commission finds that the site's utilities will be extended to and through the subject property from public utility easements and street right-of-way adjacent to the site, and that based on the conceptual plans and details from the various service providers, 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 Planning Commission finds that the existing property is a vacant lot within the recently approved West Village Subdivision, and does not contain any significant natural features. The application explains that the property is not natural in a natural state in terms of having undeveloped areas with significant natural features as the site has been used as a hay field and has long-accommodated animal grazing, and has little remaining native vegetation. Wetlands were considered with the broader subdivision application, and a delineation prepared at that time found a small (0.006 acre) wetland along the south boundary of the parent parcel, but no wetlands on the subject property (Lot 15) under consideration here.

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 Planning Commission finds that the development will not prevent adjacent land from being developed with the uses envisioned by the Comprehensive Plan. Adjacent properties to the north, south and west are developed – *or will be developed with the completion of the remainder of the applicant’s West Village Subdivision* – with single family residences as envisioned in 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 Planning Commission finds that at the time the Final Plan application is submitted, “Covenants, Conditions and Restrictions (CC&R’s)” documents drafted by the project’s land use attorney and surveyor will be provided for review and approval by the City. These documents will address the maintenance of the project’s open space and common area. The Commission further finds that if the project is completed in phases, the open space shall be completed no later than the sixth unit’s occupancy, and all private landscaping improvements are to be completed prior to each unit’s individual occupancy. Conditions requiring draft CC&R’s and phasing details be included with the final plan submittal have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 37,541 square foot property here will accommodate 12 cottages ($37,541/2,500 = 15.02$) and 12 are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

The final Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* The proposed development will be accessed via a driveway that extends from a new section of Otis Street which is being developed as part of the West Village Subdivision infrastructure in keeping with

the city street standards and which will include paved travel lanes, curbs, gutters, park row planting strips and sidewalks.

The Cottage Housing Development Standards (AMC 18.2.3.090.C.3.a) generally provide that except for street connections identified on the Transportation System Plan's Street Dedication Map (Figure 10-1), the Planning Commission may reduce or waive requirement to dedicate and construct a public street according to the Street Design Standards in AMC 18.4.6.040 upon a finding that the Cottage Housing Development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties. Here, the Commission finds that there are no streets shown through the subject property on the Transportation System Plan's Street Dedication Map (TSP, Figure 10-1). The Commission further finds that the West Village Subdivision street system, as recently approved, complies with connectivity and block length standards. There is a 386.25-foot block length on Randy Street between the Otis Street and Randy Street intersection, east to the Randy Street and Elizabeth Street intersection. The Elizabeth Street block length is 316.6 feet. From the Elizabeth Street intersection with Otis Street, west on Otis Street, the block length is 313 feet. North on Otis Street to and through the property frontage back to the Otis Street and Randy Street intersection is 317 feet. Each of these block lengths is less than the maximum 400-foot block length standard, and the total block perimeter is 1,332.85 feet. The Planning Commission finds that the existing street system complies with the block length and perimeter standards found in AMC 18.4.6.040.E.9.a. The Planning Commission finds that the subject property has 102.44-feet of frontage along the new section of Otis Street, and that a walkway is to be extended from the public street into the property along the north side of the driveway. This pathway is not proposed as a public walkway system but is available for the use of the residents of the proposed cottage housing development and their guests. The Commission further finds that the established single family residential development pattern along Elizabeth Street to the east of the subject property prevents the extension of a public pedestrian or bicycle access through the subject property out to Elizabeth Street.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring 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 building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *"The proposal complies with applicable overlay zone requirements (part 18.3)."* The Planning Commission finds that the property

is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a 12-unit cottage housing development and 13-lot subdivision for which the applicant has requested Outline Plan approval under the PSO-Overlay chapter 18.3.9.

The Planning Commission further finds that the subject property is located within the Wildfire Lands Overlay, and as such a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 will need to be provided for the review of the Fire Marshal prior to bringing combustible materials onto the property. New landscaping proposed will need to comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028. Conditions to this effect have been included below.

Based on the foregoing, the Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring 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 proposal complies with the applicable Site Development and Design and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit, while units greater than 800 square feet and less than 1,000 square feet require 1½ spaces. Cottage Housing Developments are exempted from the requirement to provide on-street parking. Here, all of the 12 cottages proposed are 740 square feet, and a total of 12 spaces are required. The Commission finds that 12 off-street parking spaces are proposed to fully satisfy the requirements for the 12 units proposed, with 10 spaces to be provided in the proposed parking lot and two parallel spaces to be provided along the driveway. Carports are considered by code to be garages, and separate bicycle parking facilities are not required where a garage is available. Here, ten of the two-bedroom units have carports, and at least three covered bicycle parking spaces are needed to address the bicycle parking requirements of the remaining two units. A bicycle parking area has been identified to the north of the parking lot, and in addition each unit includes an enclosed storage room which could accommodate a single bicycle. The Planning Commission finds that all required parking has been provided on site and that on-street parking is not required, and concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring 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 adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property, and that these items are addressed in detail in the Outline Plan discussion in section 2.3 above. The Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards.” The Planning Commission finds that the applicant has not requested any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.5 The Planning Commission finds that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds the proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with 12 cottages proposed for a 37,541 square foot parcel and a combined floor area ratio of 0.2365. All of the proposed cottages are less than 800 square feet in gross habitable floor area; all of the cottages are proposed with roof peaks at 14-feet 2½-inches above grade, which is less than 25-foot limit; calculations have been provided to demonstrate that cottages within the development will not cast a shadow upon the roof of another cottage; and cottages along the north property line are noted as being designed to comply with Solar Setback Standard A. Lot coverage is proposed at 50 percent which is within the allowed standards for the R-1-5 zoning district.

The Commission further finds that building separations are equal or greater than the six-foot minimum for cottages.

The Commission finds that any fencing will comply with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space except as allowed for deer fencing, and a condition has been included below to requires that the CC&R’s detail the fencing limitations.

The Commission finds that the driveway and parking area proposed meet the vehicle area design standards in AMC 18.4.3. All spaces are to be standard nine-foot by 18-foot spaces with a 24-foot back-up area provided. The Commission further finds that the proposal meets the off-street parking requirements of AMC 18.4.3.040, providing 12 spaces for the 12 cottages in a consolidated ten-space parking area supplemented by two parallel spaces along the driveway. Parking is to be provided in carports on each side of the drive aisle, and the carports will include solar panels as part of the applicant’s efforts to limit the project’s energy use. The driveway is proposed to be improved to 20-feet in width which complies with the minimum driveway width for access to a parking area for 12-parking spaces. The driveway has been designed to accommodate a fire truck access.

The property has frontage along Otis Street. There are no street connections identified in the vicinity on the City’s Street Dedication Map, and adjacent development east prevents bicycle or pedestrian connectivity to Elizabeth Street to the east. The applicant has proposed a walkway along the north side of the driveway extending from the street into and around the development for the use of residents and guests of the proposed cottage housing development.

The Planning Commission finds that 8,794 square feet, or 23.43 percent of the site, is proposed in open space, where a minimum of 20 percent is required. The proposed common area open spaces consist of

a main common open space on the south side of the site, consisting of two larger lawn areas connected by a 20-foot wide walkway and landscape areas linking the two lawn areas together. This common area is 7,370 square feet in area and abuts ten of the 12 cottages. Additionally, along the north side of the driveway and south of the two units nearest Otis Street a second common open space is present. This area is 1,424 square feet in area. All of the 12 units proposed are directly adjacent to an at-least- 20-foot wide common open space. The Planning Commission finds that the common open space requirement has been addressed, and that all common areas and cottage units are connected to the open spaces with five-foot wide walkways.

The Commission further finds that the common open space is separated from the private outdoor areas. Private outdoor areas are provided adjacent to the units with pathways that connect the entrances of the units to and through the open space with a walkway leading to the parking areas and public street beyond. Each cottage unit has a private, useable outdoor area of at least 200 square feet which includes garden areas, and porches or patios. These private areas do not have any dimensions less than eight feet. Low fencing and landscaping will provide visual boundaries around the perimeter of the common areas and between the private yards.

The Commission finds that the development proposes open spaces and landscape features as components of a low impact development strategy to address stormwater. The rain gardens adjacent to the parking areas provide above ground, on-site infiltration through a catchment system that connect to the West Village Subdivision's open space stormwater bio-swale system. Individual lots will have at-grade and/or above ground raingardens, rain barrels and other landscape features that provide natural filtration before overflowing into the stormwater system. Landscape garden bed filtration systems, rain barrels and permeable surfaces for the walkways are to be provided to allow for natural filtration and on-site filtration, and parking surface area has been minimized with parking lot surface drainage directed to adjacent landscape beds.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Cottage Housing Development Standards.

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 subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development is supported by evidence contained within the whole record.

The project is intended as an Earth Advantage Silver development, will include net-metered solar panels installed on the carport buildings to minimize the project's energy use, and will include 12 modestly sized units developed around a generous central open space. In the Commission's assessment, the 'Cottages at West Village' is precisely the type of development that was envisioned with the adoption of the Cottage Housing ordinance, and the Commission believes that the development merits approval with the conditions detailed below.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2020-00021. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2020-00021 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 a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided for the review and approval of the Fire Marshal prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution #2018-028.
5. That the Final Plan submittal shall include:
 - a. Draft 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 driveways, parking areas, carports, landscaping, street trees, open space, and storm water facilities. The cottage housing fencing limitations, floor area limitations and the prohibition on ARU's shall be clearly addressed in the CC&R's.
 - b. A phasing plan for the completion of the development, if phasing is planned.
 - c. Final site lighting details.
 - d. Final lot coverage calculations demonstrating how lot coverage will comply with the applicable coverage allowances of the zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
 - e. All easements including but not limited to public and private utilities, irrigation, mutual access and circulation, and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - f. Final electric service, utility and civil engineering plans including. All civil infrastructure shall be installed by the applicants, inspected and approved prior to the submittal of the final survey plat for review and signature.
 - g. 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 mains and services, manholes and clean-outs, and storm drainage pipes and catch basins, along with any backflow prevention measures required by the Water Department. Any required private or public utility easements shall be delineated on the civil plans.
 - h. The final electric design and distribution plan shall include 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

PA-T2-2020-00021

December 8, 2020

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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 submittal of the final survey plat for review and signature. 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.

- i. The storm drainage plan shall detail the location and final engineering for all storm drainage improvements associated with the project, and 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.
 - j. A final grading and erosion control plan.
 - k. A final size- and species-specific landscaping plan including irrigation details satisfying the Water Conserving Landscaping Guideline in AMC 18.4.4.030.I. New landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028. All landscaping shall be installed according to the approved plan, and tied into the existing irrigation system, inspected and approved prior to the issuance of a certificate of occupancy.
 - l. That the requirements of the Ashland Fire Department relating to fire hydrant distance, spacing and clearance; fire flow; fire apparatus access, approach, turn-around, and firefighter access pathway; approved addressing; fire sprinkler and extinguishers as applicable; limits on fencing and gates which would impair access; and wildfire hazard area requirements shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings, and a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements of AMC 18.3.10.100.A.2. shall be included with the Final Plan submittal.
6. Prior to submittal of the final subdivision survey plat for review and signature:
- a. The final survey plat shall include a deed restriction notifying future property owners that the size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. This size limitation shall also be addressed in the development CC&R's.
 - b. All easements including but not limited to public and private utilities, mutual access, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.

- c. The driveway approach shall be installed under permit from the Public Works Department and in accordance with the approved plan, inspected and approved prior to the submittal of the final survey plat for signature.
 - d. Subdivision infrastructure improvements including but not limited to utility installations shall be completed according to approved plans prior to submittal of the final survey plat for review and signature.
 - e. The driveway shall be paved to 20-foot width, a vertical clearance of 13-feet, 6-inches and be able to withstand 44,000 lbs. The flag drive shall be constructed so as to prevent surface drainage from flowing over the private property lines and/or the public way.
 - f. Electric services shall be installed underground to serve all lots, 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. Sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots, inspected and approved.
7. That the building permit submittals shall include:
- a. Identification of all easements, including public and private utility easements, mutual access easements and fire apparatus access easements.
 - b. Solar setback calculations demonstrating that the northern units comply 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. Other cottage housing units shall provide demonstration of compliance with the Cottage Housing Development Standards requiring that the not cast a shadow on the roof area of another cottage.
 - c. 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 through the curb or gutter at a public street, a public storm pipe, an approved 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.
8. That all applicable conditions of the subdivision approval (PA-T2-2019-00013) shall remain in effect, including but not limited to that subdivision infrastructure improvements including streets, alleys, and utility infrastructure be completed before signature of a final survey plat.

Haywood Norton, *Chair*
Planning Commission Approval

December 8, 2020
Date

**TYPE II
PUBLIC HEARING**

**PA-T2-2020-00023
196 & 200
Clear Creek Drive**



PLANNING ACTION: PA-T2-2020-00023

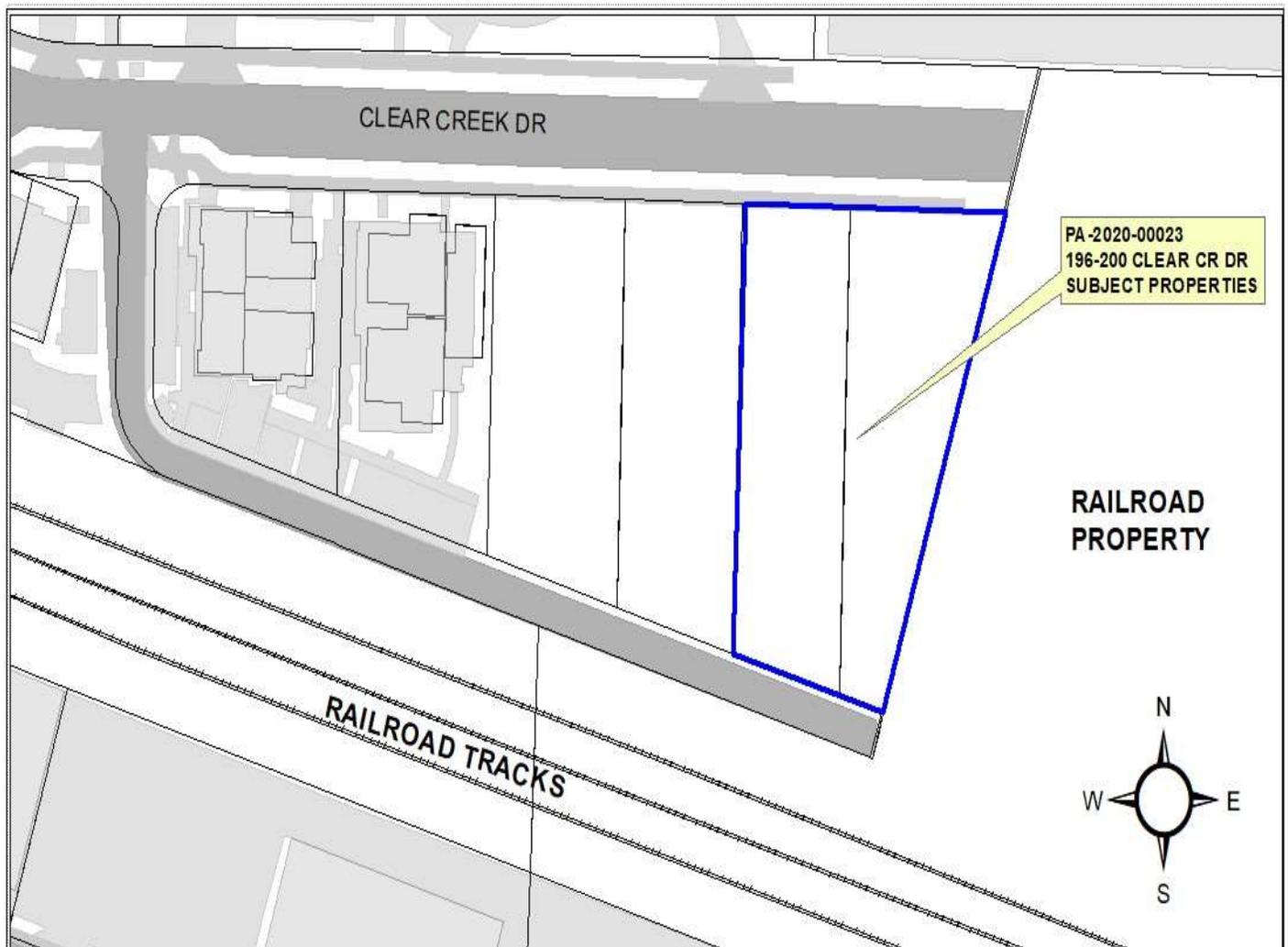
SUBJECT PROPERTY: 196 & 200 Clear Creek Drive

APPLICANT/OWNER: Rogue Planning & Development Services, LLC/Bryan & Stephanie Deboer

DESCRIPTION: A request for Site Design Review approval to allow the construction of an 11,220 square-foot, two-story mixed-use building for the properties at 196 and 200 Clear Creek Drive. The proposed building would consist of 1,268 square feet of office space, 8,052 square feet of warehouse space, and a single 1,584 square foot residential unit on the second floor. The application also includes requests for a property line adjustment to allow the consolidation of the two lots and a Variance/Major Modification of the New Addition subdivision approval (PA-2000-096) to allow a driveway to be installed from Clear Creek Drive where the “Vehicular Access and Circulation Standards” in AMC 18.4.3.080.C.5 and the subdivision approval both prohibit driveway access from Clear Creek Drive because alley access is available. **COMPREHENSIVE PLAN DESIGNATION:**

Employment; **ZONING:** E-1; **MAP:** 39 1E 09AB; **TAX LOT #:** 6604 & 6605

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: 7PM on *December 8, 2020*



Notice is hereby given that the Ashland Planning Commission will hold an electronic public hearing on the above described planning action on the meeting date and time shown above. You can watch the meeting on local channel 9, on Charter Communications channels 180 & 181, or you can stream the meeting via the internet by going to rvtv.sou.edu and selecting 'RVTV Prime.'

The ordinance criteria applicable to this planning action are attached to this notice. Oregon law states that failure to raise an objection concerning this application, or failure to provide sufficient specificity to afford the decision makers 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.

Because of the COVID-19 pandemic, application materials are provided online and written comments will be accepted by email. Alternative arrangements for reviewing the application or submitting comments can be made by contacting (541) 488-5305 or planning@ashland.or.us.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at www.ashland.or.us/PCpackets seven days prior to the hearing. Copies of application materials will be provided at reasonable cost, if requested. Under extenuating circumstances, application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

Anyone wishing to submit comments can do so by sending an e-mail to PC-public-testimony@ashland.or.us with the subject line "**December 8th PC Hearing Testimony**" by 10:00 a.m. on **Monday, December 7, 2020**. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "**December 8th PC Hearing Testimony**" by 10:00 a.m. on **Tuesday, December 8, 2020**. Written testimony received by these deadlines will be available for Planning Commissioners to review before the hearing and will be included in the meeting minutes.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on **Tuesday December 8, 2020**. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "**December 8th Speaker Request**", 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

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 Derek Severson at 541-488-5305 or derek.severson@ashland.or.us.

SITE DESIGN AND USE STANDARDS

18.5.2.050

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

- 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.

VARIANCE

18.5.5.050

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

Major Modification Approval Criteria.

A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.
2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

196-200 Clear Creek Drive

PA-T2-2020-00023 – A request for Site Design Review approval to consolidate two lots and construct an 11,220 square-foot, two-story mixed-use building with 1,268 square feet of office space, 8,052 square feet of warehouse space, and a single 1,584 square foot residential unit. Also includes a request for a Variance and Major Modification of the New Addition subdivision approval (PA-2000-096) to allow a driveway to be installed from Clear Creek Drive when the “Vehicular Access and Circulation Standards” in AMC 18.4.3.080.C.5 and the subdivision approval both prohibit driveway access from Clear Creek Drive because alley access is available.



Proposal

The proposed building would include office space on the ground floor space along Clear Creek Drive with a single residential unit above, and two warehouse spaces at the rear of the building. Primary access to the property would be from the alley, but a new driveway along Clear Creek Drive would support larger delivery vehicles circulating through from the alley and the driveway entrance would provide a turn-around area at the end of Clear Creek Drive.

Site Description

The subject property includes Lots #5 & #6 of the New Addition subdivision, which was approved in 2000. The two lots would be consolidated here, and would have a total lot area of 23,224 square feet. The subject property is zoned E-1, and Employment zoning, and includes an “R” residential overlay.

Landscaping & Trees

The property lacks natural features or significant natural vegetation. With the proposal, 15 percent of the property will be landscaped, and a detailed landscaping plan has been provided. A pedestrian plaza area would also be created between the sidewalk and building face along Clear Creek Drive.

196-200 Clear Creek Drive

PA-T2-2020-00023 – A request for Site Design Review approval to consolidate two lots and construct an 11,220 square-foot, two-story mixed-use building with 1,268 square feet of office space, 8,052 square feet of warehouse space, and a single 1,584 square foot residential unit. Also includes a request for a Variance and Major Modification of the New Addition subdivision approval (PA-2000-096) to allow a driveway to be installed from Clear Creek Drive when the “Vehicular Access and Circulation Standards” in AMC 18.4.3.080.C.5 and the subdivision approval both prohibit driveway access from Clear Creek Drive because alley access is available.

Parking

13 off-street parking spaces are required for the uses proposed. The application provides four parking spaces off of the alley, one covered surface space adjacent to the building, and three spaces within a carport. The remaining parking is proposed to be addressed through a “Joint Use of Facilities” credit for 1.75 spaces, and an “On-Street Parking” credit for 3 spaces, for a total reduction in required parking of approximately 38 percent.

Variance & Subdivision Modification

The Land Use Ordinance’s “*Vehicular Access & Circulation Standards*” prohibit driveway access from the street when alley access is available, and the subdivision approval in 2000 accordingly included a condition prohibiting a driveway along Clear Creek Drive. The application materials argue that: the alley is long; the alley is too narrow for two-way traffic or larger delivery vehicles; there is limited visibility from the entry to determine if a vehicle is blocking the alley; the alley dead-ends without a formal turn-around; and there isn’t yet a gridded street system established to support circulation. Similarly, Clear Creek Drive dead-ends and lacks a formal turn-around. The application requests a Variance to modify the subdivision conditions in order to install a driveway on Clear Creek Drive to enable larger delivery vehicles to circulate through from the alley. The driveway would also function as a place to turn-around at the existing terminus of Clear Creek Drive until it is ultimately extended out to North Mountain Avenue when the adjacent Railroad Property develops. .

Staff Recommendation

Staff recommends that the application be approved with the conditions detailed in the draft findings included in the Planning Commission’s December 2020 meeting packet.

196-200 Clear Creek Drive (New Addition Sub., Lots 5 & 6)



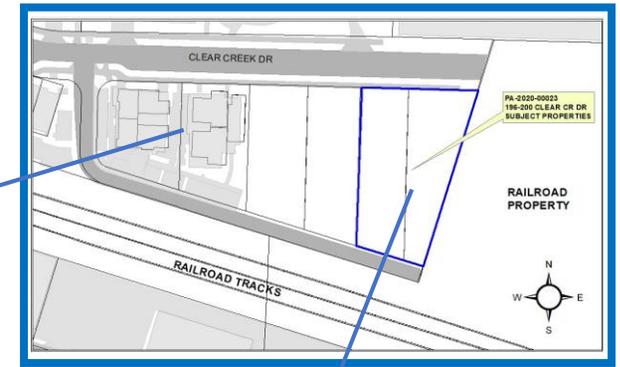
Existing Buildings on Lots 1 & 2



Proposed Elevation for Clear Creek Drive frontage, Lots 5 & 6



Architect's Perspective Drawing – Clear Creek Drive (Lots 5& 6)



Vicinity Map



Site Plan

BEFORE THE PLANNING COMMISSION
January 12, 2021

IN THE MATTER OF PLANNING ACTION #PA-T2-2020-00023, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT AN 11,220 SQUARE FOOT,)
TWO-STORY, MIXED-USE BUILDING FOR THE PROPERTIES AT 196 AND 200)
CLEAR CREEK DRIVE. THE PROPOSED BUILDING WOULD CONSIST OF 1,268)
SQUARE FEET OF OFFICE SPACE, 8,052 SQUARE FEET OF WAREHOUSE SPACE)
AND A SINGLE 1,584 SQUARE FOOT RESIDENTIAL UNIT. THE APPLICATION)
ALSO INCLUDES REQUESTS FOR A PROPERTY LINE ADJUSTMENT TO ALLOW)
THE CONSOLIDATION OF THE TWO LOTS AND A VARIANCE/MAJOR MODIFI-) **FINDINGS,**
CATION OF THE NEW ADDITION SUBDIVISION APPROVAL (PA #2000-096) TO) **CONCLUSIONS,**
ALLOW A DRIVEWAY FROM CLEAR CREEK DRIVE WHERE THE “VEHICULAR) **& ORDERS**
ACCESS AND CIRCULATION STANDARDS” IN AMC 18.4.3.080.C.5 AND THE)
SUBDIVISION APPROVAL BOTH PROHIBIT DRIVEWAY ACCESS FROM CLEAR)
CREEK DRIVE BECAUSE ALLEY ACCESS IS AVAILABLE.)

APPLICANT/OWNERS: Rogue Planning & Development Services, LLC/
Bryan & Stephanie Deboer

RECITALS:

- 1) Tax lots #6604 and #6605 of Map 39 1E 09AB are the vacant Lots #5 and #6 of the ‘New Addition’ subdivision on Clear Creek Drive, and are zoned Employment (E-1) and are within both the Residential and Detail Site Review overlay zones.

- 2) The applicant is requesting Site Design Review approval to allow the construction of an 11,220 square-foot, two-story mixed-use building for the properties at 196 and 200 Clear Creek Drive. The proposed building would consist of 1,268 square feet of office space, 8,052 square feet of warehouse space, and a single 1,584 square foot residential unit on the second floor. The application also includes requests for a property line adjustment to allow the consolidation of the two lots and a Variance/Major Modification of the New Addition subdivision approval (PA-2000-096) to allow a driveway to be installed from Clear Creek Drive where the “Vehicular Access and Circulation Standards” in AMC 18.4.3.080.C.5 and the subdivision approval both prohibit driveway access from Clear Creek Drive because alley access is available. The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:
 - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*

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

4) The approval criteria for a Major Modification are detailed in **AMC 18.5.6.030.C** as follows:

- 1. *Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.*
- 2. *A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.*
- 3. *The approval authority shall approve, deny, or approve with conditions the application, based on written findings.*

5) The approval criteria for a Variance are detailed in **AMC 18.5.5.050** as follows:

- 1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
- 2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
- 3. *The proposal's benefits will be greater than any negative impacts on the*

development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

4. *The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

6) The approval criteria for a Property Line Adjustment are detailed in **AMC 18.5.3.120.B** as follows:

1. **Parcel Creation.** *No additional parcel or lot is created by the lot line adjustment.*
2. **Lot Standards.** *Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).*
3. **Access Standards.** *All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.*

7) On April 15, 2020 Governor Kate Brown issued Executive Order #20-16 “Keep Government Working: Ordering Necessary Measures to Ensure Safe Public Meetings and Continued Operations by Local Government During Coronavirus (COVID-19) Outbreak.” The Governor’s Order required that public bodies hold public meetings by telephone, video, or through some other electronic or virtual means, whenever possible; that the public body make available a method by which the public can listen to or virtually attend the public meeting or hearing at the time it occurs; that the public body does not have to provide a physical space for the public to attend the meeting or hearing; that requirements that oral public testimony be taken during hearings be suspended, and that public bodies instead provide a means for submitting written testimony by e-mail or other electronic methods that the public body can consider in a timely manner. The subsequently adopted House Bill #4212 further authorized governing bodies in Oregon to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means.

8) The Planning Commission, following proper public notice, held an electronic public hearing on December 8, 2020. In keeping with Executive Order #20-16 and subsequent House Bill #4212, this meeting was broadcast live on local television channel 9 and on Charter Communications channels 180 & 181, and was live-streamed over the internet on RVTV Prime at <http://www.rvtv.sou.edu>. A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report were made available on-line seven days prior to the hearing. Those wishing to provide written testimony were able to submit it via e-mail in advance of the hearing, as detailed the mailed and posted notices, and all written testimony received by the deadlines was made available for Commissioners to review before the hearing and was included in the meeting minutes. In addition,

those wishing to participate during the hearing could arrange to provide oral testimony by making arrangements to do so in advance of the meeting. Following the closing of the public hearing and the record, the Planning Commission considered the materials received and testimony presented and 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. FINDINGS & CONCLUSIONS

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

2.2 The Planning Commission finds that the proposal for Site Design Review, Property Line Adjustment, Major Modification and Variance meets all applicable criteria for Site Design Review described in AMC 18.5.2.050; for a Property Line Adjustment described in AMC 18.5.3.120.B; for a Major Modification described in AMC 18.5.6.030.C., and for a Variance as described in AMC 18.5.5.050.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion for Site Design Review approval addresses the requirements of the underlying zone, requiring 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 building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying E-1 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *“The proposal complies with*

applicable overlay zone requirements (part 18.3).” The Planning Commission finds that the property is within the Detail Site Review, Residential and Wildfire Hazards overlay zones.

The Detail Site Review overlay requires that the application address the Detail Site Review Standards in AMC 18.4.2.040.C. Where proposed buildings are greater than 10,000 square feet in gross floor area – as is the case here – or contain more than 100 feet of building frontage, the Additional Standards for Large Scale Projects in AMC 18.4.2.040.D must also be addressed. Compliance with these standards is discussed with regard to part 18.4 under the next criterion below.

Within the Residential (R) overlay zone, the requirements of AMC 18.3.13.010.C come into play where residential units are proposed, and require: 1) For mixed-use developments, 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. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses; 2) Residential densities shall not exceed 15 dwelling units per acre. 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; and 3) Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District. The Planning Commission finds that: 1) 316 square feet of the 9,636 square foot ground floor is dedicated to the foyer and stairway for the residential unit, with the remainder of the ground floor dedicated to permitted or special permitted uses in the zone other than residential. This equates to only approximately 3.3 percent of the ground floor ($316 \text{ square feet} / 9,636 \text{ square feet} = 0.0327$), with the remaining 96.7 percent to be dedicated to permitted or special permitted uses within the E-1 zone; 2) At an allowed residential density of 15 dwelling units per acre, the property has an allowed residential density of 7.997 dwelling units ($0.533 \text{ acres} \times 15 \text{ dwelling units/acre} = 7.997 \text{ dwelling units}$), and the single residential unit proposed does not exceed the allowed density; and 3) The proposal is being considered in light of the same setback, landscaping and design standards as any E-1 project.

The Planning Commission further finds that the subject property is located within the Wildfire Lands overlay zone, and as such a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 will need to be provided for the review of the Fire Marshal prior to bringing combustible materials onto the property, and any new landscaping proposed will need to comply with these standards and shall not include plants listed on the ‘Prohibited Flammable Plant List’ per Resolution #2018-028. The applicant asserts that the proposed landscape plan complies with the applicable Wildfire Lands requirements, and does not use plants from the prohibited plant list. A condition has been included below to require a final Fire Prevention and Control Plan and plant list be provided for the review and approval of the Fire Marshal prior to the issuance of a building permit or to bringing any combustibles onto the site.

Based on the foregoing, the Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring 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 discusses the Basic Site Development and Design Standards for Non-Residential Development, noting that the proposed building’s primary orientation is towards Clear Creek Drive, with parking placed behind the building and with no automobile parking or circulation between the building and the street. The building’s façade is 104-feet of the 141-foot wide frontage, and though a driveway apron is proposed, the building façade occupies a large majority - nearly 74 percent - of the lot frontage. The building entrances are located within 20-feet of the street right-of-way. The entrances are clearly visible, and an eight-foot door with transom window, lighting, pedestrian covering, and material changes is provided to emphasize the entrance.

Along the west side of the property, there is a five-foot pedestrian easement, and a corresponding five-foot easement is in place on the property to the west to provide a ten-foot wide pedestrian connection from Clear Creek Drive to the alley. The applicant proposes to improve this easement with compacted gravel to provide a walking surface.

A public sidewalk and parkrow planting strip were installed with the subdivision in 2000, and city standard street trees are proposed to be installed along the frontage. A new pedestrian plaza area, with hardscape surface treatments between the sidewalk and the building, will provide pedestrian access to the street-facing business entrances directly accessible from the public sidewalk.

15 percent of the site has been provided as a landscape area to comply with the applicable standards of the zone, and a common recycle and refuse area is provided near the rear of the property, screened from view, and accessible from the alley. All artificial lighting is noted as complying with the standards of AMC 18.4.4.050, and there are no residential zones in the immediate vicinity of the project site.

The application discusses the Detail Site Review Standards, noting that the proposed structure and the pedestrian plaza area provided combine to comply with the Floor Area Ratio (FAR) standard calling for a minimum 0.50 FAR. The proposed structure is 11,220 square feet and there is just over 1,200 square feet of plaza area proposed for a total of 12,435 square feet, which is more than the required 11,761 square feet.

The building frontage is 104-feet in length, and distinctive offsets and material changes are provided in the façade to break-up the massing and scale of the structure. All of the front façade walls are within 30-feet of the public street, and more than 20 percent of the wall area facing the street is in windows or doorways. Large windows are proposed on either side of the commercial business entrance, and there is a cantilevered overhang to protect pedestrians from the elements.

More than 15 percent of the exterior walls have substantial changes in relief. There is a substantial base; changes in façade materials with the use of vertical standing seam metal siding, split-face concrete block, horizontal, wooden plank siding, and hardboard. There are bronze-colored, aluminum storefront style windows and doors.

Landscape buffers are proposed between the surface parking spaces adjacent to the alley and the west property line, and a landscape buffer of six-feet is proposed along the east side of the parking area. The parking area and the interior area of the site are proposed to be screened from the adjacent railroad property with a six-foot-tall solid panel and CMU screen wall.

The property is within the Detail Site Review overlay zone, and the proposed building to be more than 10,000 square feet in area and as such is subject to Additional Standards for Large Scale Projects. The application explains that the building is oriented towards Clear Creek Drive, and that the building's mass along the street is divided into two separate masses. The structure has a human scale incorporated though the changes in setback and orientation in materials, and a sheltering roof is proposed to provide pedestrian shelter while adding a horizontal element to the front façade. The pattern of the windows and the doors is distinct and relates to the spaces within the structure.

The application materials note that the building requires 1,120 square feet of plaza space, and propose to provide plaza space between the sidewalk and building along Clear Creek Drive. This space will incorporate sitting areas, space for eating, a mixture of sunlight and shade areas under the marquee and near the plaza area trees, and the plaza area surface will include colored and/or scored concrete.

Staff Discussion: Parking

Off-Street Parking Requirements & Parking Management Strategies

As proposed, a total of 13 off-street parking spaces are required.

OFFICE: 1,268 square feet of office requires 2.5 parking spaces	$1,268/500 = 2.536$ spaces
WAREHOUSE: The warehouse areas require 8.05 spaces	$8,052/1000 = 8.052$ spaces
RESIDENTIAL: A two-bedroom residential unit requires	<u>1.75 spaces</u>
TOTAL OFF-STREET PARKING REQUIRED:	12.338 spaces

The applicant proposes to provide eight off-street parking spaces, with four spaces accessed directly from the public alley at the rear of the property. A driveway extends from the alley into the property where four additional off-street parking spaces are provided – three are within an enclosed carport, and a fourth is provided parallel to the building under a canopy. Two of the eight spaces to be provided are shown as accessible parking spaces.

The application explains that primary vehicular access to the site would be from the public alley, however to improve access to and through the property for expected delivery vehicle traffic, including large trucks, and any emergency vehicles, and address turn-around issues caused by the length of the public alley, a driveway curb cut from Clear Creek Drive is requested. Findings addressing a variance and a modification of the subdivision conditions have been included.

The proposed internal parking and maneuvering area is to be screened with a block wall and an electric gate that fully screens the site from the public rights-of-way of the street and the alley, and from the adjacent properties to the east. The applicant explains that full screening and security fencing will allow for uses in Warehouse Unit A that need additional safety measures while also allowing for adaptive re-use by a business requiring screened outdoor storage (subject to a Conditional Use Permit in E-1).

The applicant proposes to utilize Parking Management Strategies as provided in **AMC 18.4.3.060**, requesting a Joint Use of Facilities credit to off-set the required residential parking (**1.75 spaces**), and an On-Street Parking Credit to reduce required off-street parking by three spaces (**3.00 spaces**) as there are four on-street parking spaces available along the frontage of the property. The combined reduction in required parking requested is 38½ percent ($(3.00 + 1.75)/12.338 = 0.3847$). The applicant concludes that in combination, eight off-street spaces, a Joint Use of Facilities credit of 1.75 spaces, and an On-Street Parking credit of three spaces satisfies the parking requirement and provides more than 50 percent of the required parking on-site.

Bicycle parking is proposed to be dispersed around the site to provide the most convenient parking for the various uses. A standard “U-rack” is proposed behind the sidewalk at the front of the building, visible from Clear Creek Drive. With the covered carport, and additional two spaces are proposed. And each warehouse unit will include additional spaces are proposed. The application emphasizes that all proposed bicycle parking areas will comply with the bicycle parking standards, and will be located in a manner that provides adequate commercial customer and residential bicycle parking. Conditions requiring that adequate bicycle parking be illustrated in the building permit submittals and inspected on site before occupancy have been included below.

As the Planning Commission considers the applicant’s proposed use of Parking Management Strategies to reduce required off-street parking, staff would note that the approval of parking management strategies is discretionary. The Planning Commission has the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony. In staff’s view, inherent in the discretion granted in the code is an expectation that the Commission will consider efficiency, flexibility and functionality over the long term. Here, the initial calculations are based on low-demand warehouse use and request a substantial reduction in required parking from there. While the parking proposed may be adequate for the uses currently proposed when on-street demand in the vicinity is limited, they do not necessarily provide future flexibility for the adaptive re-use discussed by the applicant and may pose challenges to future intensification of use, particularly as the area develops and on-street demand intensifies or if on-street parking on one side of the street becomes unavailable with the eventual connection of Clear Creek Drive from Oak Street through to North Mountain Avenue and striping of the street as a neighborhood collector.

Should the Planning Commission determine that the credits requested do not merit approval, staff believes that the paved area proposed could accommodate some additional parking with a different configuration. The Commission could require that a revised parking plan be provided requiring that a specific amount of additional parking spaces be provided for review with the building permit submittals. As an example, if a 25 percent reduction in required parking were approved through credits, ten off-street spaces would be required.

If the Commission determines that the credits requested are acceptable, staff recommends that a condition of approval be included that with any future intensification of use, a revised parking plan be submitted for the review and approval of the Staff Advisor.

Staff also believe it would be appropriate to include a condition requiring that accessible parking provided be limited to only that required under current building code.

Parking Area Design

The application explains that the parking to be provided will comply with the dimensional, surfacing and back-up space requirements, and notes that the four spaces adjacent to the alley are to be buffered from the structure with landscape planters which will function as stormwater swales to capture and treat surface run-off. The three parking spaces within the carport are to be covered, which will reduce the micro-climatic impacts of the parking spaces. The applicant concludes noting that parking lot shade trees and landscape buffers complying with the standards for parking area design will be provided.

Based on the foregoing, the Planning Commission concludes that the proposal complies with the applicable Site Development and Design Standards of part 18.4.

The fourth approval criterion addresses city facilities, specifically requiring 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 notes that the application asserts that adequate city facilities exist to serve the proposed development, and that final development plans based on the current proposal will be submitted to the City of Ashland Public Works, Engineering, Planning, Building, Electric and Fire Departments for review and approval prior to the issuance of a building permit. Specific facilities are discussed as follows:

Water: The application notes that the subject properties are currently served by an eight-inch water main in adjacent Clear Creek Drive right-of-way, and that the new water services and meters proposed will be installed off of this main.

Sanitary Sewer – The application explains that the subject properties are currently served by an eight-inch sanitary sewer main in the adjacent Clear Creek Drive right-of-way, further explaining that the existing main ends short of the end of the current street improvements but will be extended from the existing terminus to serve the proposed development.

Electric: An existing electrical box was installed with the subdivision at the northeast corner of the property, and services will be extended to serve the project.

Urban Storm Drainage: The application explains that the subject properties are currently served by a 12-inch storm drainage sewer main in Clear Creek Drive, and that because the proposed development will create more than 2,500 square feet of impervious surface, the project civil engineer has proposed a stormwater drainage facility plan which complies with the requirements of the DEQ “MS4 General Permit Phase 2” and which follows the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual.

Adequate Transportation: Clear Creek Drive is considered to be a Commercial Neighborhood Collector, and is ultimately intended to provide a commercial corridor connecting Oak Street to North Mountain Avenue. The improvements envisioned for a Commercial Neighborhood Collector are illustrated in AMC 18.4.6.040.G.3 and include a 28- to 36-foot paved curb-to-curb width within a 55-

to 63-foot right-of-way, seven-foot landscaped parkrow, and an eight- to ten-foot sidewalk. The existing right-of-way here is 60 feet wide with an approximate curb-to-curb width of 28 feet which will accommodate on-street parking on one side, and was improved with pavement, curbs, gutters, park rows and sidewalks to city standards at the time of the subdivision approval, however the park row planting strip here lacks street trees or street lights, and a condition of approval has been included below to require that street trees be selected from the Recommended Street Tree Guide, planted according to standards with irrigation, and inspected, and that street lights be installed along the frontage, prior to the issuance of a certificate of occupancy.

At the rear of the property, an alley is in place. Typical alley standards envision a 12-foot paved width within a 16-foot right-of-way, however here the alley has a 16-foot paved width within a 20-foot right-of-way, and includes a central ‘valley gutter’ for drainage. With the approval of the subdivision under PA #2000-096, there was also an easement for a 10-foot pedestrian and bike path easement south of the alley, on the railroad property. With the subdivision approval, the Planning Commission at the time found that *“all necessary public facilities, utilities and services are available to serve the six tax lots. Public facilities are located within the right-of-way of Clear Creek Drive and within the public alley adjacent to the project. The Commission finds that the multi-use path adjacent to the alley is required in lieu of increasing the Clear Creek Drive right-of-way to accommodate bicycle lanes. As a result, the multi-use path is a required street improvement that must be either installed, or planned and bonded for as part of the subdivision.”*

The application includes a preliminary grading, utility and erosion control plan prepared by Registered Professional Engineer Mark Dew of Dew Engineering. These plans identify facilities available in the adjacent right-of-way along with proposed connections; meter placement; and storm water control, detention and treatment systems. The Planning Commission finds that the site’s utilities will be extended to and through the subject property from public utility easements and street right-of-way adjacent to the site, and that based on the conceptual plans, 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 Planning Commission finds that adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property. The Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards.” The Planning Commission finds that the applicant has not requested any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.5 The Planning Commission finds that the proposal satisfies all applicable standards specific to a Major Modification.

The Planning Commission notes that the application proposes to install a new driveway curb cut from Clear Creek Drive despite an alley being available to access the rear of the property. The Comprehensive Plan (**10.05.05**) speaks to alleys, noting:

The alley is a semi-public neighborhood space that provides access to the rear of the property. The alley eliminates the need for front yard driveways and provides the opportunity for a more positive front yard streetscape. An alley at the rear of properties allows the street located adjacent to the front of properties to be designed using a narrow width with limited on-street parking. The use of alleys can create the opportunity for the use of narrower lots to increase residential densities. Alleys are appropriate in all residential areas and in some commercial areas for business frontage, and for access and delivery depending on the circulation pattern of the area.

The Ashland Municipal Code (**AMC 18.4.3.080.C.5**) specifically addresses alley access, noting that “Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.” This requirement was made a condition of the original approval for the New Addition subdivision (**PA #2000-096**), which included Condition #7, “That automobile access to all lots shall be from the public alley adjacent to the west and south property line. Additional driveway access along Clear Creek Drive shall be prohibited.”

The application proposes to add a new curb cut from Clear Creek Drive to provide for vehicular traffic, and specifically for larger deliver vehicles likely to serve warehouse uses proposed. The applicant emphasizes that the proposed new curb cut from Clear Creek Drive is not intended to be the primary access to the site, as both the proposed office space and rear warehouse space are accessible from outside the gated/fenced parking area. The applicant asserts that the impact to the street will be minimal as there is access and parking available from the alley and public, on-street parking in place as well. The applicant further suggests that a proposed curb cut will not have a significant adverse impact on traffic operations or safety for the Clear Creek Drive corridor as the street currently ends immediately east of the subject property at the private ‘Railroad Property’ which will require significant environmental clean-up before it develops.

The first approval criterion for a Major Modification notes that, “... applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development’s parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.” The applicant here points out that at the time of the original subdivision approval, the criteria in place for subdivision approval dealt with plat submittal requirements, and there was no specific discussion of issues such as block length, through access or connectivity. The application materials include a copy of the original subdivision findings as an exhibit, and the applicant notes that in Section 2.3, “The Commission finds that all necessary public facilities, utilities and services are

available to serve the six tax lots. Public facilities are located within the right-of-way of Clear Creek Drive and within the public alley adjacent to the project. The Commission finds that the multi-use path adjacent to the alley is required in lieu of increasing the Clear Creek Drive right-of-way to accommodate bicycle lanes. As a result, the multi-use path is a required street improvement that must be either installed, or planned and bonded for as part of the subdivision.”

The Planning Commission finds that the initial project approval here was a standard subdivision, and that the current criteria applicable to subdivision approval are the “Preliminary Subdivision Plat Approval Criteria” in AMC 18.5.7.030.A.3 which require that, “*Access to individual lots necessary to serve the development shall conform to the standards contained in section 18.4.3.080 Vehicle Area Design.*” The applicant has requested a Variance to AMC 18.4.3.080.C.5, noting that the general code provision preventing driveway access from the street where alley access is available does not account for the unique specifics here, including: that the alley is very narrow and does not support two-way traffic, especially not delivery vehicle or truck traffic; the property is located more than 500 feet from where drivers enter the alley from Clear Creek Drive; and that the distance and configuration of the alley prevent a driver from seeing obstructions as they enter, meaning that drivers may have to stop and back-out of a narrow alley with limited visibility. The applicant further argues that the Vehicle Area Design standards assume a complete gridded street system with a level of interconnectivity to allow a driver to go around a block to reach their destination rather than having to back out. Here, both the street and the parallel alley dead-end and are unlikely to be extended to provide any level of connectivity until the “Railroad Property” is fully cleaned-up at some as-yet-unknown future date.

The applicant further explains that as currently configured, drivers turning around at the end of either Clear Creek Drive or the alley are trespassing if they go beyond a one-foot “street plug” reserve strip owned by the city onto the “Railroad Property.” A fence or other barrier to prevent such trespass could be installed at the whim of the Railroad at any time, and would eliminate the existing turn-around areas. The applicant concludes that a new driveway curb cut on Clear Creek Drive could also function as a *de facto* hammerhead turn-around at the present terminus of Clear Creek Drive while supporting delivery traffic as needed. To this end, the applicant has proposed a curb cut wide enough to support larger vehicles (semi-trucks and emergency vehicles) while the proposed driveway itself would be narrower and minimized so as not to appear as a primary access to the site.

The second approval criterion for a Major Modification is that, “*A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.*” In this instance, as noted above, the requested modification necessitates a Variance, and the applicant has made a concurrent request for a Variance which is discussed in detail in 2.6 below.

The final criterion is that, “*The approval authority shall approve, deny, or approve with conditions the application, based on written findings.*” The Planning Commission finds that a modification is merited here. The alley is long, provides limited visibility for drivers as they enter, and there is not an adequate turn-around in place. The level of interconnectivity ultimately anticipated with full development of the “Railroad Property” has a timeline that is uncertain at best, and the proposed driveway would provide a turn-around at the present terminus of Clear Creek Drive while better accommodating delivery vehicles.

A condition has been added to require that the driveway curb cut, apron and entry area be sized to accommodate a standard turn-around as illustrated in AMC 18.4.6.040.G.5 and drawn to this standard in the building permit submittals, and that if gated, the gate be placed a sufficient distance from the property line that a standard semi stopped and waiting for the gate to be open will no extend into the sidewalk corridor.

Based on the foregoing, the Planning Commission concludes that, as detailed above and with the condition discussed, the proposal is consistent with the applicable criteria for a Major Modification to the New Addition Subdivision's conditions of approval to allow a new driveway from Clear Creek Drive.

2.6 The Planning Commission finds that the proposal satisfies all applicable standards specific to a Variance.

The first approval criterion for a Variance is that, *“The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.”* The applicant suggests that the requested Variance is necessary because the code provision that that prevents vehicular access from the public street due to the presence of an alley (AMC 18.4.3.080.C.5) does not account for substantial distance (i.e. more than 500-feet) from the subject property to the alley's entry from Clear Creek Drive, and that a turn in the alley prevents those entering from seeing if the alley blocked by another vehicle, potentially requiring a driver to stop and back out of the alley. The applicant further asserts that the code provision assumes that there is a complete, gridded street system that enables a driver to navigate a block here or there to get around obstructions to reach their destination. Here, where both the street and alley dead-end into a property whose development timeline is uncertain, the connectivity to support use of the alley is lacking and the turn-around areas currently in use require drivers to trespass onto the neighboring Railroad Property. The applicant argues that driveway curb cut could function as a de facto hammerhead turn-around on Clear Creek Drive, and would also allow for delivery vehicles to circulate through the property as needed.

The second approval criterion is that, *“The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.”* The applicant proposes to install a curbcut wide enough to accommodate large vehicles, while keeping the driveway itself narrower so as to minimize it's appearance so it will not appear or function as a primary access.

The third approval criterion is that, *“The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.”* The application materials explain that a driveway curb cut on Clear Creek Drive will function as a hammerhead turn-around near the present terminus of the street, and will allows a driveway to be used by the subject property when delivery traffic demands it, and will also support emergency vehicle access.

The final approval criterion is that, *“The need for the variance is not self-imposed by the applicant or*

property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.” Here, the applicant explains that lack of access through public right-of-way beyond the subject property prevents adequate circulation, is based on a street system established with the subdivision well before the current owner’s acquisition of the property, and that the driveway curb cut proposed is a remedy which will provide both for delivery vehicle circulation through from the alley and a hammerhead at the driveway entrance to provide a turn-around at the current terminus of Clear Creek Drive.

The Planning Commission finds that a Variance is merited here. The alley is long, provides limited visibility for drivers as they enter, and there is not an adequate turn-around in place. The level of interconnectivity ultimately anticipated with full development of the “Railroad Property” has a timeline that is uncertain at best, and the proposed driveway would provide a turn-around at the present terminus of Clear Creek Drive while better accommodating delivery vehicles. A condition has been added to require that the driveway curb cut, apron and entry area be sized to accommodate a standard turn-around as illustrated in AMC 18.4.6.040.G.5 and drawn to this standard in the building permit submittals, and that if gated, the gate be placed a sufficient distance from the property line that a standard semi-truck stopped and waiting for the gate to be open will no extend into the sidewalk corridor.

Based on the foregoing, the Planning Commission concludes that, as detailed above and with the condition discussed, the proposal is consistent with the applicable criteria for a Variance to AMC 18.4.3.080.C.5 which would otherwise prevent a new driveway curb cut from Clear Creek Drive because the lot has alley access available.

2.7 The Planning Commission finds that the proposal satisfies all applicable standards specific to a Property Line Adjustment.

The first criterion for a Property Line Adjustment is that, *“No additional parcel or lot is created by the lot line adjustment.”* In this instance, the proposal would consolidate the two contiguous lots being considered and would not create an additional parcel or lot.

The second criteria for a Property Line Adjustment is that, *“Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).”* The Planning Commission finds that with the requested adjustment, the property will conform to the applicable lot standards of the E-1 zoning district as discussed elsewhere in this document.

The final criterion for a Property Line Adjustment is that, *“All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.”* The Planning Commission notes that the application includes a request for Variance to AMC 18.4.3.080.C.5 which is discussed in Section

2.6 above, and finds that the proposal in its entirety otherwise complies with the applicable Vehicle Area Design requirements, and that the Variance requested is not necessitated by the Property Line Adjustment request.

Based on the foregoing, The Planning Commission concludes that, as detailed above, the proposal is consistent with the applicable standards and criteria for a Property Line Adjustment.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval to construct an 11,220 square foot, two-story mixed-use building, Property Line Adjustment to allow the consolidation of two lots, and a Variance/Major Modification of the New Addition subdivision approval to allow a driveway to be installed from Clear Creek Drive is supported by evidence contained within the whole record.

The building proposed will be an attractive addition to the Clear Creek Drive streetscape, and for the Planning Commission the two key considerations are the requested Variance/Major Modification to allow a new driveway off of Clear Creek Drive and the requested reductions in off-street parking. The application materials demonstrate why the driveway is needed, and it will provide an interim turn-around and support delivery vehicle circulation until Clear Creek Drive is ultimately extended out to North Mountain Avenue and a gridded street system develops in the area.

In terms of the requested reduction in off-street parking, the Commission finds that the credits allowed in the Parking Management Strategies section are discretionary, and this discretion must be exercised to balance efficiency, flexibility and functionality over the long term. In this instance, the applicant's initial calculations are based largely on warehouse use, which has among the lowest parking requirements, and request a substantial reduction in required parking from there. While the parking proposed may be adequate for the uses currently proposed when on-street demand in the vicinity is limited, it will not necessarily provide the future flexibility for the adaptive re-use discussed by the applicant and may pose challenges to future intensification of use, particularly as the area fully develops, on-street demand increases, or on-street parking is limited to one side of the street with the eventual extension of Clear Creek Drive as a neighborhood collector.

The Commission finds that the paved area proposed will accommodate some additional parking with a somewhat different configuration, and conditions have been included to require that a revised parking plan providing at least ten off-street parking spaces be provided with the building permit submittals.

With that, the Commission concludes that the development merits approval with the conditions detailed below. Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2020-00023. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2020-00023 is denied. The following are the conditions and they are attached to the approval:

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

2. That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Design Review approval shall be submitted and approved prior to issuance of a building permit.
3. That any new addresses shall be assigned by City of Ashland Engineering Department.
4. 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.
5. That the windows on the ground floor shall not be tinted so as to prevent views from into the interior of the building
6. That the front entrances adjacent to Clear Creek Drive shall remain functional and open to the public during all business hours.
7. That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.4.7.
8. That the building permit submittal shall include:
 - a. Identification of all easements, including public and private utility easements, public pedestrian access easements, and fire apparatus access easements.
 - b. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - c. Lot coverage calculations including all building footprints; driveways, parking, and circulation areas; and any other areas other than natural landscaping. Lot coverage shall be limited to no more than 85 percent as required in AMC 18.2.6.030.
 - d. Final electric service, utility and civil engineering plans including grading, erosion control and drainage. All civil infrastructure shall be installed by the applicants, inspected and approved prior to final inspection/occupancy approval.
 - e. 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 mains and services, manholes and clean-outs, and storm drainage pipes and catch basins, along with any backflow prevention measures required by the Water Department. Any required private or public utility easements shall be delineated on the civil plans.
 - f. The final electric design and distribution plan shall include 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.
 - g. 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. The storm drainage plan shall detail the location and final engineering for all storm drainage improvements associated with the project, and 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.

- h. Final site lighting details.
 - i. A final size- and species-specific landscaping plan including irrigation details satisfying the Water Conserving Landscaping Guideline in AMC 18.4.4.030.I. New landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028. All landscaping shall be installed according to the approved plan, and tied into the existing irrigation system, inspected and approved prior to the issuance of a certificate of occupancy.
 - j. That the requirements of the Ashland Fire Department relating to approved addressing; fire apparatus access; a firefighter access pathway; fire flow; hydrant installation, spacing and clearance; applicable fire sprinklers and alarm monitoring; fire department connection; key box; extinguishers; limitations on obstructions to fire access; and wildfire hazard area requirements shall be satisfactorily addressed in the permit submittals.
 - k. A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the 'Prohibited Flammable Plant List' adopted with Resolution #2018-028.
 - l. A revised Site Plan demonstrating that at least ten off-street parking spaces are provided on site. Any accessible parking provided shall be limited to no more than required under current building code.
 - m. The building permit submittals shall verify that the bicycle parking, spacing and coverage requirements are met in accordance with 18.4.3.070.I. Inverted U-racks shall be used for the bicycle parking, and all bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070.I and J, inspected and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. If bicycle parking is to be provided within the proposed buildings, final interior dimensions of the dedicated bicycle parking areas shall be detailed on the building permit plans to insure adequate space has been provided. A bicycle parking space located inside of a building for employee bike parking shall be a minimum of six feet long by three feet wide by four feet high, shall be accessible without moving another bicycle, and shall be clearly marked as reserved for bicycle parking only.
9. That prior to the final inspection approval or issuance of a certificate of occupancy:
- a. That street trees, one per 30 feet of street frontage, shall be installed in the Clear Creek Drive frontage, inspected and approved by the Staff Advisor. All street trees shall be

chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.

- b. That all landscaping in the new landscaped areas, and the irrigation system, shall be installed according to the approved plan, inspected and approved by the Staff Advisor.
- c. The new driveway curb cut/approach shall be installed under permit from the Public Works Department and in accordance with the approved plan, inspected and approved prior to the submittal of the final survey plat for signature. The driveway curb cut, apron and entry area shall be sized to standard turn-around dimensions as illustrated in AMC 18.4.6.040.G.5. If the driveway is to be gated, the gate shall be placed a sufficient distance from the property line that a standard semi-truck stopped and waiting for the gate to be opened will not extend into the sidewalk.
- d. Civil improvements including but not limited to utility installations shall be completed according to approved plans, inspected and approved. Public improvements including but not limited to street trees 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, inspected and approved.
- e. Any damage to the alley from utility installation or construction vehicles shall be repaired under permit from the Public Works Department, inspected and approved.
- f. That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- g. That the bicycle parking facilities shall be installed according to the approved plan, inspected and approved by the Staff Advisor.

Haywood Norton, *Chair*
Planning Commission Approval

January 12, 2021
Date



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # PA-T2-2020-00023

DESCRIPTION OF PROJECT Site Design Review for new Mixed Use Commercial Development
Includes Variance to allow for driveway curb cut when alley
Property Line Adjustment to consolidate lot

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? YES NO

Street Address 196 - 200 Clear Creek Drive

Assessor's Map No. 39 1E 09AC Tax Lot(s) 6604 & 6605

Zoning E-1 Comp Plan Designation Employment

APPLICANT

Name Rogue Planning & Development Services, LLC Phone 541-951-4020 E-Mail amygunter.planning@gmail.com

Address 33 N Central Avenue, Suite 213 City Medford Zip 97501

PROPERTY OWNER

Name Bryand and Stephanie Deboer Phone 541-227-9001 E-Mail bryandeboer@gmail.com

Address 85 Winburn Way City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Architect Name Carlos Delgado Architects Phone 541-552-9502 E-Mail carlos@carlosdelgaoarchite

Address 217 Fourth Street City Ashland Zip 97520

Title Engineer Name Mark Dew Phone 541-772-1399 E-Mail markdew@gmail.com

Address 815 Bennett Avenue City Medford Zip 97501

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) *that I produced sufficient factual evidence at the hearing to support this request;*
- 2) *that the findings of fact furnished justifies the granting of the request;*
- 3) *that the findings of fact furnished by me are adequate; and further*
- 4) *that all structures or improvements are properly located on the ground.*

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Amy Gunter October 2, 2020
Applicant's Signature Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Bryan DeBoer October 5, 2020
Property Owner's Signature (required) Date

[To be completed by City Staff]

Date Received 11.5.2020 Zoning Permit Type Type 2 Filing Fee \$ \$11,879.25

Received 11.5.2020

OVER ►►

ZONING PERMIT SUBMITTAL REQUIREMENTS

- ✓ APPLICATION FORM must be completed and signed by both applicant and property owner.
- ✓ FINDINGS OF FACT – Respond to the appropriate zoning requirements in the form of factual statements or findings of fact and supported by evidence. List the findings criteria and the evidence that supports it. Include information necessary to address all issues detailed in the Pre-Application Comment document.
- ✓ 2 SETS OF SCALED PLANS no larger than 11"x17". Include site plan, building elevations, parking and landscape details. (Optional – 1 additional large set of plans, 2'x3', to use in meetings)
- ✓ FEE (Check, Charge or Cash)
LEED® CERTIFICATION (*optional*) – Applicant's wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps:
 - Hiring and retaining a LEED® Accredited Professional as part of the project team throughout design and construction of the project; and
 - The LEED® checklist indicating the credits that will be pursued.

NOTE:

- Applications are accepted on a first come, first served basis.
- Applications will not be accepted without a complete application form signed by the applicant(s) AND property owner(s), all required materials and full payment.
- All applications received are reviewed for completeness by staff within 30 days from application date in accordance with ORS 227.178.
- The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting. (Planning Commission meetings include the Hearings Board, which meets at 1:30 pm, or the full Planning Commission, which meets at 7:00 pm on the second Tuesday of each month. Meetings are held at the City Council Chambers at 1175 East Main St).
- A notice of the project request will be sent to neighboring properties for their comments or concerns.
- If applicable, the application will also be reviewed by the Tree and/or Historic Commissions.

Received 11.5.2020

ROGUE PLANNING & DEVELOPMENT SERVICES, LLC



200 Clear Creek Drive

Site Design Review
Variance to allow Driveway Curbcut
Modification of Subdivision
Property Line Consolidation

Received 11.5.2020

October 2, 2020

**Site Design Review Approval
for new mixed-use commercial building
and a Variance to the curb cut requirements from a commercial collector street.**

Property Owner: Bryan and Stephanie Deboer
85 Winburn Way
Ashland, OR 97520

Architect: Carlos Delgado Architects
217 Fourth Street
Ashland, OR 97520

Land Use Planner: Rogue Planning & Development Services, LLC
Amy Gunter
33 N Central Avenue #213
Medford, OR 97501

Engineer: Mark Dew
815 Bennett
Medford, OR 97501

Landscape Design: Terrain Landscape Architect
33 N Central Avenue #210
Medford, OR 97501

Subject Property

Address: 196 – 200 Clear Creek Drive
Map & Tax Lot: 39 1E 09 AB; 6604, 6605
Comprehensive Plan Designation: Employment
Zoning: E-1
Overlays: Detail Site Review Zone
Residential Overlay

Received 11.5.2020

Request:

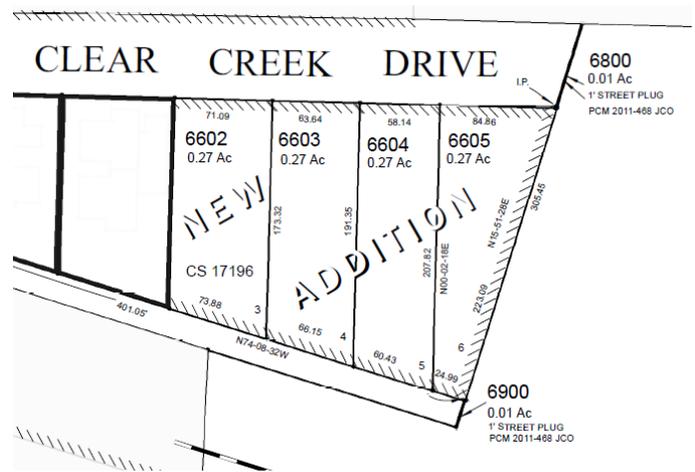
Request for Site Design Review for an 11,220 square foot, two-story, mixed-use commercial building. The proposed structure consists of 1,268 square feet of office, a 5,012 square feet warehouse space, a 3,040 square foot warehouse, and a 1,584 square foot residence.

The proposal includes a request to modify a condition of approval from the October 2000 New Addition Subdivision approval and requests a variance to allow for a driveway curb cut from Clear Creek Drive. The shared property line between Lots 5 and 6 will be consolidated.

Property Description:

The subject property is on the south side of Clear Creek Drive and consists of two tax lots, Lot 5 and Lot 6 of the New Addition Subdivision. The subdivision was approved in 2000 and platted in 2002.

Lot 5 has a frontage width of 58.14 feet and Lot 6 frontage is 84.86 feet. The combined frontage of the lots is 141 feet. The lots each extend over 200 feet to the south. Each lot is .27 acres for a combined lot area of .54 acres or, 23,522 square feet in area.



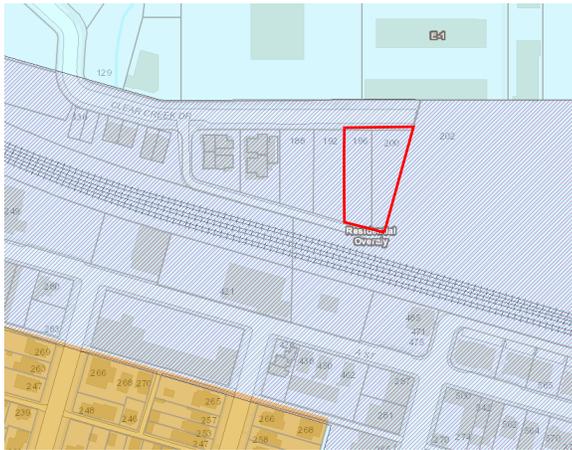
A 20-foot-wide public alley abuts the south property line.

The property is vacant of structures and there are no significant natural features on the property. The site slopes generally from the south to the northeast with an approximately 8 - 12 percent slope from south to north/northeast. There is a steep embankment along the east property line to the open storm drainage ditch along the east property line. The storm drain line is an easement through the Railroad property to the east.

According to the Transportation System Plan, Clear Creek Drive is a Commercial Collector street. There is a 60-foot wide public right-of-way that terminates into a one-foot street plug at the end of the pavement which ends just past the subject lot's east property line. There is a five-foot-wide, public sidewalk with a seven-foot park row that is present along the frontage of the property. There are no street trees in the park row.

A public alley with a 20-foot wide right-of-way terminates at the east property line of the subject site. There is a one-foot street plug at the terminus of the alley. The alley surface is in poor condition. The railroad tracks are south of the alley public right of way.

A ten-foot-wide Public Utility Easement (PUE) is present along Clear Creek Drive. There are utility boxes and cabinets for various public utilities in the PUE. A five-foot pedestrian access easement exists along the west property line of 196 Clear Creek Drive. A 10-foot public utility easement is present along the south property line adjacent to the public alley.



The property and the adjacent properties are zoned Employment (E-1). The subject property and the properties to the east, west, and south have the residential overlay. The property to the north, across Clear Creek Drive, are developed with employment type of businesses and do not have the residential overlay. The property to the east is a large acre vacant parcel owned by Union Pacific Railroad.

The properties are also in the Detail Site Review overlay and the Wildfire Hazards overlay.

Detailed Proposal:

The request is for Site Design Review for an 11,220 square foot, two stories, mixed-use, commercial building. A modification of a condition of approval from the October 2000 Subdivision and requests a variance to allow for a driveway curb cut to serve the parcel from Clear Creek Drive.

The proposed 11,220 square foot building is proposed to have 1,268 square feet, of the ground floor as office space. The office suite has two separate office spaces and a shared conference room. Each office suite has a prominent public entrance facing Clear Creek Drive. A portion of the ground floor, 316 square feet is dedicated to the entry area of the second-floor residential unit. To the east of the ground floor office and residential portion, the façade of the building continues with a three-sided and covered carport structure that is integrated into the horizontal plane of the building along the public street. The roof of the carport provides private outdoor space for the residential unit above.

To the rear of the office space is a 5,012 square feet warehouse space. This warehouse space, Warehouse A, is proposed to be accessed from the secure parking area with a large roll-up garage door and a entry door. A second, 3,040 square foot warehouse space, Warehouse B, is to the rear of the larger warehouse. This space is accessed via the rear of the building, with a entry door and a roll up garage door that face the parking area and the alley. The uses are shell space for warehouse tenant and office tenant. Warehouse uses and office are both permitted uses in the zone.

The second floor is proposed to be 1,584 square feet. The residence is accessed via the front of the property from the public sidewalk, or from the secure parking area. The 316 square foot entry area has a small foyer and ½ bath, stairway up to the two-bedroom, two-bath unit above.

The structure as a mixed-use will have fire occupancy separations and sprinklers and necessary to allow for the adaptive reuse of the ground floor spaces and provides safety protections for the residential unit as well.

The structure is setback the minimum distance to provide clearance for the 10-foot public utility easement and to provide of the pedestrian plaza area between the structure and the front property line. To comply with the minimum floor area ratio of .50 FAR; 561 square feet of pedestrian plaza area is required. The proposal within the detail site review overlay and is more than 10,000 square feet of gross floor area, requires one square foot of plaza space for every ten square feet of gross floor area. The 11,220 square foot structure requires 1,120 square feet of the plaza area. At the front of the building between the structure and the public right-of-way, 1,215 square feet of plaza area is provided. The plaza area includes features for seating, shade, weather protection, and functional use.

The two-story building is proposed as a barrel roofed structure. Strong orientation to the public street with accessible pedestrian access from the public sidewalk to the ground floor commercial tenant office space is shown. The structure is required to be elevated above the street per the conditions of approval from the subdivision, a short run of stairs connects the pedestrian plaza areas to the entrance to the offices.

The proposed landscape plan complies with Wildfire Standards for plant materials, irrigation measures limited placement of mulch, etc. Additionally, the proposal includes Firewise landscaping along the east side of the structure where within five-feet of the structure. There are shade trees within the pedestrian plaza area, and irrigated street trees will be planted within the landscape park row.

Maximum lot coverage:

Up to 85 percent of the site is allowed to be covered with impervious surfaces, this includes all impervious surfaces including driveway, parking area, paths, and other solid surfaces. The proposal has 85 percent lot coverage and 15 percent landscape coverage.

Parking:

There are 13 parking spaces required for the proposed development. The 1,268 square foot office area requires 2.5 parking spaces ($1268/500=2.5$). The warehouse areas require 8.05 spaces ($8,052 / 1000 = 8.05$) and the residential unit requires 1.75 spaces for a total of 12.3 spaces, rounded up to 13.

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The proposal provides for eight (8) parking spaces on-site with four (4) spaces accessed directly from the public alley at the rear of the property. There is a driveway from the alley leading into a fully screened, secure parking area. This parking area also has four spaces. These spaces are provided within carport structures. A three-vehicle parking structure is proposed at the north end of the parking area and a fourth space is provided parallel to the structure under a cantilevered canopy.

The residential unit requires 1.75 parking spaces. Utilizing allowed Parking Management Strategies, these spaces are proposed to be shared within the secure parking area and the proposal seeks a joint use of facilities credit. Finally, there are four on-street parking spaces along the frontage of the property. The combination of the eight parking spaces, a joint-use credit for the residential parking spaces, and the on-street credit provides more than 50 percent of the required parking on-site with the proposed eight on-site, and three of the four available on-street parking spaces as a credit.

The proposed on-site parking areas are behind the front façade of the structure, and to the rear of the proposed building.

The proposal seeks a variance to allow for a driveway curb cut from Clear Creek Drive. There are many reasons for this request but primarily it is to provide adequate vehicular and delivery truck turnaround, access and safety expected in the Employment zone.

The alley begins more than 500-feet from the subject properties, with no down block view of the alley. The alleyway is very narrow and does not support two-way vehicular traffic, especially not truck traffic. Delivery vehicle and truck traffic should be anticipated considered in the employment zone.

The proposed internal parking area, and the property perimeter, would be screened with a block wall and an electric gate that fully screens the interior parking area from the public street. The full screening and security fencing allows for uses in warehouse unit A that need additional safety measures and/or, the screening allows for the adaptive use of the warehouse space for a business in the E-1 zone and with a special permitted use or conditional use permit review, outdoor storage is allowed when fully screened from view.

Adequate bicycle parking will be in various locations around the site to provide the most convenient parking for the various users. There is a U-rack proposed behind the sidewalk at the front of the building visible from Clear Creek Drive. Under the cover of the covered parking area, two spaces are proposed. Within each warehouse unit, additional spaces are proposed. All proposed bicycle parking areas will comply with the bicycle parking standards. The bicycle parking will be located in a manner that provides adequate commercial customer and residential parking area.

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Residential Dwelling Unit:

The allowed residential density is $.54 \times 15 = 8.1$ dwelling units. The proposed development has one unit proposed.

The 316 square foot ground floor foyer and stairway for the residential unit is less than 35 percent of the 9,636 square foot ground floor area devoted to permitted or special permitted uses in the zone.

The parking area for the residential unit is proposed to be shared with the commercial parking areas required as a joint-use credit. The uses of the residence and the ground floor uses are offset in their hours of use between business hours of operation and 'typical' residential hours of use. Additionally, the residence is connected to the ground floor office via an interior doorway allowing for a live-work situation where the tenant is also part of the business thus requiring one parking space.

Property Line Consolidation:

The shared property line between Lots 5 and 6 of the New Addition Subdivision will be consolidated into one tax lot of record. The proposed site development crosses the property line nullifying it. No new lot of record is created. Jackson County Assessor and Surveyors office requires a Lot Line Consolidation form, this will be provided for through the Jackson County Assessor's office.

Findings of Fact:

The following information addressing the findings of fact for the applicable criteria from the Ashland Municipal Code are provided on the following pages. For clarity, the criteria are in Arial font and the applicant's responses are in Times New Roman font.

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Findings addressing Criteria from the Ashland Land Use Ordinance

Site Development Design Standards Approval Criteria:

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.

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.

It can be found that the proposal complies with the standards for mixed-use, commercial/residential development from 18.2. from commercial development in the Employment zone.

The property is zoned Employment (E-1). The lot area and dimensions are increased through the proposed property line consolidation. There is no minimum or maximum lot dimension, or lot area in the E-1 zone.

The proposed uses of the site are uses that are allowed as permitted, special permitted, and conditional uses. The majority of the property is proposed to be utilized for commercial/employment uses such as office, and warehouse/storage. These are permitted uses in the zone. The residence is a special permitted use.

The proposed structure is oriented towards the public street and the covered, visually prominent, pedestrian-oriented entrances. The entrances are setback 16-feet from the front property line, the remainder of the façade is 10-feet from the street. The area between the building and the street is a public utility easement and there is a pedestrian plaza area between the sidewalk and the structure.

Along the south side of the structure, there is a ten-foot public utility easement but there are no required structural setbacks. As proposed, the building is setback to provide head-in surface parking, landscape swale areas, pedestrian access, truck/vehicular access, and site circulation. The west side provides a five-foot, one-inch setback where the five-foot public pedestrian access easement is located. Openings along this side of the structure will comply with fire separation and fire rating standards.

The west side setback is 34-feet, 5/8 of an inch to the side of the structure.

The proposed single residential unit is less than the allowed density of seven units in the zone.

The landscape plan was designed as a Wildfire Overlay zone compliant and where landscaping is within five-feet of the structure, the landscaping is Firewise compliant. The plan calls for 15 percent of the site area to be landscaped. The landscape area includes a stormwater filtration system before the stormwater enters the onsite detention system that then overflows to the public system.

All sides of the structure have architectural interest. The front façade is spatially defined through the use of different materials. The primary material is a standing seam metal siding on a vertical orientation.

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There is split face, concrete masonry unit block, hardi-board, and clear coated horizontal wood plank wall.

The two-story portion of the proposed structure has a barrel-shaped roof, the single-story portion is a flat roof that provides a rooftop deck for the residential unit. With 28-feet, 4 ½ inches at the apex of the roof, the building is less than the maximum building height in the E-1 zone. The proposed structure complies with solar setbacks and the right-of-way at 60-feet in width and the 16-foot setback from the subject property's north property line, solar shadow will fall within the street right-of-way.

18.2.3.130 Dwelling in Non-Residential Zone

A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter [18.3.13 Residential Overlay](#).

The property is within the R-overlay.

B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards:

1. Mixed-Use Developments. 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. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.

There is one building on the site. The gross floor area of the ground floor is 9,636 square feet. Of this, 9,320 square feet is designated for permitted uses and special permitted uses. There is 316 square foot area of the ground floor that is residential which is three percent of the total gross floor area of the ground floor.

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.

There is one residential dwelling which is less than what the allowed density would be. The allowed density of the property is seven units. The proposed density complies.

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

The setbacks, landscaping, and design standards that have been applied to the residence is the same as those of the underlying E-1 zone.

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

The property is in the E-1 zone. Residential use requires 1.75 parking spaces. The required parking for the residential use is proposed to be a mixed-use / joint use credit between the commercial business space and the residential tenant space.

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

The property is subject to Basic and Detail Site Design Review. The property also has a residential overlay. The proposal complies with the standards for the overlay zones. Findings are detailed herein.

The proposed landscape plan also complies with the standards from the Wildfire Hazards Overlay requirements and does not use plants from the prohibited plant list.

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.

18.4.2.040 Non-Residential Development

The proposed development of the Employment zoned land with a mixed-use commercial structure will have a positive impact upon the Clear Creek Drive streetscape. The building is proposed to have a minimal front setback area. The building façade occupies the majority of the façade and there is clear, pedestrian and access from the public street to the entrance

The residential foyer is connected to the commercial space allowing for a live / work scenario.

B. Basic Site Review Standards.

1. Orientation and Scale.

The proposed building's primary orientation is towards Clear Creek Drive. The proposed parking is behind the building. There is no automobile parking or circulation between the building and the street.

The building's façade is 104-feet of the 141-foot wide frontage. Though a driveway apron is proposed, the building façade occupies nearly 74 percent of the lot frontage. The façade occupies the majority of the lot frontage.

Space created by the driveway opening along the east property line is designed consistent with the Site Design Standards and the space consists of landscaping and hard durable surface materials that highlight pedestrian areas along Clear Creek Drive. The space on the west side is five feet with a five-foot easement on the adjacent property to the west.

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This space will be improved with compacted gravel walking surface for pedestrian access between the structures that is fire resistant, minimal maintenance and allows pedestrian passage but no loitering

The building entrances are located within 20-feet of the street right-of-way. The entrances are clearly visible, an eight-foot door with transom window, lighting, pedestrian covering, and material changes all provide emphasis to the entrances.

Public sidewalk and landscape park row exist along a portion of the frontage. This complied with the standards for Clear Creek Drive at the time of the subdivision development. Pedestrian plaza area, with hardscape surface treatments between the sidewalk and the property, provides pedestrian access to the street-facing business entrances directly accessible from the public sidewalk.

2. Streetscape.

There are street trees shown on the proposed landscape plan within the park row for Clear Creek Drive. The street trees were proposed, and the spacing complies with 18.4.4.030.E.

3. Landscaping.

The proposed landscape areas comply with the minimum required landscape standards and 15 percent of the site has been provided as a landscape area. A common recycle and refuse area is on the site, screened from view, and accessible from the alley.

4. Designated Creek Protection.

Not applicable

5. Noise and Glare.

All artificial lighting will comply with the standards of 18.4.4.050. There are no residential zones in the vicinity of the project site.

6. Expansion of Existing Sites and Buildings.

Not applicable

C. Detailed Site Review Standards.

The subject property is within the Detailed Site Review Standards Overlay.

1. Orientation and Scale.
Floor Area Ratio (FAR) of 0.50.

The proposed structure and the pedestrian plaza area complies with the Floor Area Ratio of .50 (11,761 square feet). The proposed structure is 11,220 square feet and there is just over 1,200 square feet of plaza area proposed for a total of 12,435 square feet which is more than the required .50 FAR.

The building frontage is 104-feet in length. There are distinctive offsets and material changes in the façade and in the building height along the facade that break up the massing and scale of the structure.

All of the front façade walls are within 30-feet of the public street. Substantially more than 20 percent of the wall area facing the street is windows or doorways. The windows allow view into the working areas of the offices.

There are large windows on either side of the commercial business entrance. There is a cantilevered overhang to protect pedestrians from the elements.

No blank walls are proposed.

2. Streetscape.

Colored and scored concrete is proposed to designate people areas from the public sidewalk. The building is required to be set back more than five feet due to the public utility easement. The area is proposed to be used for pedestrian activities and outside eating areas.

3. Buffering and Screening.

Landscape buffers are proposed between the surface parking spaces adjacent to the alley and the west property line. A landscape buffer of six-feet is proposed along the east side of the parking area. The parking area and the interior area of the site is proposed to be screened from the adjacent railroad property with a six-foot-tall solid panel and CMU building material screen.

4. Building Materials.

More than 15 percent of the exterior walls have substantial changes in relief. There is a substantial base, there are changes in façade materials with the use of vertical standing seam metal siding, split-face concrete block, horizontal, wooden plank siding, and hardboard. There are bronze colored, aluminum storefront style windows and doors. No bright or neon paint colors are proposed the majority of the building is not glass.

D. Additional Standards for Large Scale Projects.

The property is within the detail site review overlay and the structure is proposed to be more than 10,000 square feet in area.

The building is oriented towards Clear Creek Drive. The buildings mass along the street is divided into two separate masses. The structure has a human scale incorporated through the changes in setback and orientation in materials. A sheltering roof to provide pedestrian shelter and adds a horizontal element to the front façade. The pattern of the windows and the doors is distinct and relates to the spaces within the structure.

The building does not exceed 45,000 square feet with 9,636 square feet in area.

The building length is not more than 300-feet.

The proposed building requires 1,120 square feet of plaza space. The plaza spaces are provided along the sidewalk between the building and the street. The plaza spaces incorporate sitting space, space for eating, a mixture of sunlight and shade areas under the marquee and near the plaza area trees. The plaza area surface includes colored and or scored concrete.

18.4.3 Parking Access and Circulation:

There are 13 parking spaces required for the proposed development. The 1,268 square foot office area requires 2.5 parking spaces ($1268/500=2.5$). The warehouse areas require 8.05 spaces ($8,052 / 1000 = 8.05$) and the residential unit requires 1.75 spaces for a total of 12.3 spaces rounded to 13.

The proposal provides for eight (8) parking spaces on-site with four spaces accessed directly from the public alley at the rear of the property. There is a driveway from the alley leading into a fully enclosed, secure parking area. This parking area also has four spaces. These spaces are provided within carport structures. A three-vehicle parking structure is proposed at the north end of the parking area and a fourth space is provided parallel to the structure under a cantilevered canopy.

The residential unit required 1.75 parking spaces. Utilizing allowed Parking Management Strategies, these spaces are proposed to be shared within the secure parking area and the

proposal seeks a joint use of facilities credit. Finally, there are four on-street parking spaces along the frontage of the property. The combination of the eight parking spaces, a joint-use credit for the residential parking spaces, and the on-street credit provides more than 50 percent of the required parking on-site with the proposed eight on-site, and three of the four available on-street parking spaces as a credit.

The proposed on-site parking areas are behind the front façade of the structure, and to the rear of the proposed building

The proposed internal parking area and warehouse vehicle and delivery maneuvering area is proposed to be screened with a block wall and an electric gate that fully screens to fully screen the site from the public rights-of-way of the street and the alley, and from the adjacent properties to the east. The full screening and security fencing allows for uses in warehouse Unit A that need additional safety measures and/or, the screening allows for the adaptive use of the warehouse space for a business in the E-1 zone and with a special permitted use or conditional use permit review, outdoor storage is allowed when fully screened from view.

Adequate bicycle parking will be in various locations around the site to provide the most convenient parking for the various users. There is a U-rack proposed behind the sidewalk at the front of the building visible from Clear Creek Drive. Under the cover of the covered parking area, two spaces are proposed. Within each warehouse unit, additional spaces are proposed. All proposed bicycle parking areas will comply with the bicycle parking standards. The bicycle parking will be located in a manner that provides adequate commercial customer and residential parking area.

There is an ADA, van accessible parking space proposed to the south of the building with an accessible route to the south warehouse space and access to the pedestrian walkway. Within the parking area there is a second ADA accessible parking space.

Primary vehicular access is proposed from the public alley to the parking areas and the vehicle parking and maneuvering area for Unit A. To improve access to and though the property for expected large vehicle truck traffic, delivery vehicle, emergency vehicle, etc. and to address the turnaround issues caused by the length of the public alley and the distance of the property from the alley intersection a driveway curb cut from the public street is request. This necessitates a variance. Findings addressing variance criteria are provided.

18.4.3.080 Vehicle Area Design
A. Parking Location

All proposed parking is behind the façade of the structure and is to the side of the structure.

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B. Parking Area Design.

The parking areas are proposed in two separate areas. In both parking areas the parking spaces are 9-feet wide and 18-feet deep. The paved parking spaces will all have adequate back-up and turn around area.

There are four head in spaces adjacent to the alley along the south property line. The parking spaces are buffered from the structure with landscape planters that will function as stormwater swales. This parking area is designed to capture and treat surface run-off through the landscape swale.

The parking spaces within the secure parking area are all proposed to be covered which will reduce the microclimatic impacts of the parking spaces which complies with AMC 18.4.3.050.B.5 even though not required.

There are parking lot shade trees and parking lot landscape buffers that comply with the standards for parking area design.

C. Vehicular Access and Circulation.

The proposed development has proposed a circulation system that accommodates expected traffic on the site. There are all weather surfaced, pedestrian connections on the site that lead from the parking areas to the structure. There is pedestrian connections from the street to the structure as well.

The proposal seeks a variance to AMC 18.4.2.080.C.5. Alley access. The proposal seeks to take access from the alley and to provide a curbcut from the adjacent public street.

18.4.7 Signs.

The signs for the individual businesses will comply with the sign code standards for sign area based upon business frontage with the sign sizes varying based on the tenant needs.

18.4.8 Solar Access.

To the north, there is a 60-foot-wide right-of-way for Clear Creek Drive. The proposed structure complies with the solar setback as the rights-of-way are allowed to be shadowed by development.

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

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access to and throughout the property, and adequate transportation can and will be provided to the subject property.

Adequate city facilities exist to service the proposed development. All plans will be submitted to the City of Ashland Public Works Department, Engineering Division and the City of Ashland Electric Division for review and approval.

Sanitary Sewer - *The property is currently served by an 8-in sanitary sewer main in Clear Creek Drive. The existing main ends short of the end of the current street improvements so the main will be extended from the existing terminus to a spot adjacent to the new development.*

Water - *The property is currently served by an 8-in water main in Clear Creek Drive. City of Ashland Water Department will tap the existing water main and install the new water services and water meter boxes that are proposed.*

Storm Drainage - *The property is currently served by a 12-in storm sewer main in Clear Creek Drive.*

Storm Water Facility Design Requirements

The development will create more than 2,500 square feet of impervious surface, the proposed stormwater drainage facility plans created by the project civil engineer complies with the requirements of the DEQ MS4 General Permit phase 2. The proposal follows the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual.

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.

No exceptions are requested.

Variance

18.5.5.050

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

The requested variance is necessary because the code provision that that prevents vehicular access from the public street due to the presence of an alley (AMC 18.4.3.080.C.5). The code provision does not account for substantial distance of more than 500-feet that the subject

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property is located from the where the alley intersects with the street and that a view from the street down the alley is not possible from the street requiring a driver enter the alley and possibly need to stop and reverse out of the alley.

Additionally, the provision assumes that there is a complete street system that allows for a gridded street so a driver can go around a block to reach their destination. Due to the dead ending of the street and the alley into land that needs substantial environmental clean up before development, it is not known when the north/south alley connection will be made to allow through traffic.

The conditions of approval of the subdivision included a condition of approval that prevented a curb cut Clear Creek Drive.

Presently all turn-around of the public street and the alley is trespassing past a 1-foot street plug and on the Railroad owned property. A fence or other barrier to prevent this trespass could be installed and then there is no turn around for vehicles, emergency service vehicles and for customers or delivery trucks. A driveway curb cut allows for a hammerhead turn around to be created and allows for a driveway to be used by the subject property when delivery traffic demands it.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The variance is the minimum necessary to address the unique circumstances. The proposed curbcut is wide enough to accommodate large vehicles including semis, the driveway surface is narrower and more intended to be minimal in appearance to not have it appear like the primary access.

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

A driveway curb cut allows for a hammerhead turn around to be created and allows for a driveway to be used by the subject property when delivery traffic demands it. The variance allows for adequate vehicular and delivery truck access and safety expected in the Employment zone.

The city's street design standards require that when there is alley access to a property, access to the parcel Condition #7 of the six-lot subdivision that created the subject lots, prohibited access from Clear Creek Drive. At the time of subdivision, it was anticipated that the railroad property adjacent would eventually develop and that the street and the alley would not dead-end just east

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of the subject properties. The alley begins more than 500-feet from the subject properties, hundreds of feet from the intersection. The alleyway is very narrow and does not support two-way vehicular traffic, especially not truck traffic. Delivery vehicle and truck traffic should be anticipated considered in the employment zone.

4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

It can be found that the lack of access through the public right-of-way past the property prevents adequate access and the driveway curb cut provides that access. Additionally, there is no legal vehicular or emergency vehicle and fire apparatus access turn around due to the street plugs at the alley and the public street terminus. Though presently, trespassing occurs on the railroad owned property, that property owner could at any time prevent future trespass and block the gravel turnaround. The proposal provides a hammerhead for turn around in the event passing the pavement is prohibited.

The variance is necessary for a specific code section and not caused by the property owner due to a property line adjustment.

Major Modification

18.5.6.030

4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic if the change could cause a significant adverse impact on traffic operations or safety.

The proposed driveway curb cut from Clear Creek Drive is a change of conditions from the original approval (PA2000-096). The proposal adds a curb cut to provide vehicular traffic, specifically larger vehicle truck traffic anticipated in Employment zones serving structures that include warehouse spaces to and through the site. The curb cut from Clear Creek Drive is not intended to be the primary access as the office space and the rear warehouse space are both accessed outside of the fenced parking area.

The impact to the street will be minimal as there is access and parking area provided from the alley an public, on-street parking. The proposed curb cut will not have a significant adverse impact on traffic operations or safety because for the foreseeable future, the private railroad property which requires an environmental clean up which was supposed to begin (again) in 2018 has not commenced and no further information is available from the railroad or from the city of Ashland website railroad clean-up tab.

C. Major Modification Approval Criteria. A Major Modification shall be approved only upon the approval

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authority finding that all of the following criteria are met.

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

The modification request seeks to allow a curb cut from the public street when there is alley access present. A condition of approval explicitly prohibited curb cuts, this proposal seeks to remove that condition. This necessitates a variance.

At the time of the subdivision, the criteria was specific to following the requirements for drawing of the map but there is not a discussion of block length or through access excepting the following statement.

2.3 The Commission finds that all necessary public facilities, utilities and services are available to serve the six tax lots. Public facilities are located within the right-of-way of Clear Creek Drive and within the public alley adjacent to the project. The Commission finds that the multi-use path adjacent to the alley is required in lieu of increasing the Clear Creek Drive right-of-way to accommodate bicycle lanes. As a result, the multi-use path is a required street improvement that must be either installed, or planned and bonded for as part of the subdivision.

This condition does not address vehicular traffic, connectivity or to and through traffic.

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

The modification request necessitates a variance. Criteria addressing the variance are found above.

3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

It can be found that the written findings of this application provide adequate justification to approve the requested subdivision modification to allow the curb cut.

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6. *Contours at an interval of five (5) feet.*

F. Land division - proposed plan. *The following information shall be included on the preliminary plat.*

1. *The location, width, names and approximate grades of streets, and the relationship of the streets to any projected streets as shown on any development plan adopted by the Planning Commission, or if there is no development plan, as suggested by the City to assure adequate traffic circulation.*
2. *The location and purpose of easements.*
3. *The location, approximate dimensions, and proposed lot and block numbers, for all lots and blocks.*
4. *Sites, if any, allocated for purposes other than single family dwellings.*

G. Partial development. *Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a Master Plan for the unsubdivided portion.*

H. Explanatory information. *The following information shall be submitted in separate statements accompanying the preliminary plat or, if practicable, shall be shown on the preliminary plat:*

1. *A vicinity map, showing existing subdivisions, streets, and unsubdivided land adjacent to the proposed subdivision and showing how proposed streets may be extended to connect with the existing streets.*
2. *Proposed deed restrictions, if any, in outline form.*
3. *Where there are slopes in excess of ten (10) percent within the area to be subdivided, a preliminary grading plan may be required by the Planning Commission. A grading plan should show existing and finished grades on lots and streets proposed to be graded. Before grading can begin, the grading plan shall be approved by the Planning Commission, which may request a review and report from the City Engineer.*

- 4) The Planning Commission, following proper public notice, held a Public Hearing on October 10, 2000, at which time testimony was received and exhibits were presented. 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

Received 11.5.2020

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 proposed six-lot subdivision meets all relevant approval criteria as described in the Subdivisions Chapter 18.80.

2.2 The Commission finds that the proposed lots are adequately sized to accommodate structures and off-street parking. The E-1 zone does not require a minimum lot size or lot line dimensions.

2.3 The Commission finds that all necessary public facilities, utilities and services are available to serve the six tax lots. Public facilities are located within the right-of-way of Clear Creek Drive and within the public alley adjacent to the project. The Commission finds that the multi-use path adjacent to the alley is required in lieu of increasing the Clear Creek Drive right-of-way to accommodate bicycle lanes. As a result, the multi-use path is a required street improvement that must be either installed, or planned and bonded for as part of the subdivision.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal to subdivide the property know as Parcel 6, adjoining the newly created Clear Creek Drive, into six lots is supported by evidence contained within the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2000-096 . Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2000-096 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant be conditions of approval unless otherwise modified here.
2. That a grading plan with spot elevations for each lot shall be submitted prior to signature of the final survey plat. The elevation of the lots shall be above the sidewalk grade.
3. That the finished floor elevation of the ground floor of future structures shall be above sidewalk elevation along property frontage. A grading plan verifying this shall be submitted with the Site Review application for each lot.
4. That the Clear Creek Drive and alley improvements shall be completed to the east boundary of Parcel 6 prior to signature of the final survey plat. All improvements including but not limited to the sidewalk, street trees and street lighting, shall be installed along the entire frontage of the property in accordance with the partition approval PA 99-048 prior to signature of the final survey plat.
5. That all necessary public utility easements for sewer, water, electric, phone, cable, storm

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drainage, etc. shall be indicated on the final survey plat as required by the City of Ashland. All necessary public utility easements for the alley shall be indicated on the final survey plat.

6. That off-street parking for Lots 5 and 6 shall be shared unless the lot configuration is modified by a future land use action to allow the provision of the necessary amount of off-street parking to meet the requirements of Chapter 18.92.
7. That automobile access to all lots shall be from the public alley adjacent to the west and south property line. Additional driveway access along Clear Creek Drive shall be prohibited.
8. That the temporary turn around required as part of the Clear Creek Drive partition (PA 99-048) shall not be located on Parcel 6.
9. That the pedestrian easements shall be designated as public pedestrian easements on the final survey plat.
10. That the pedestrian and bike path improvement plan, for the section of multi-use path from the existing end of the path at the bend in the alley to the eastern boundary of the Clear Creek Partition area, shall be completed and approved by the Staff Advisor prior to signature of the final survey plat. The improvement plan shall include a project cost, and the full improvement cost deposited with the City prior to signature of the final survey plat. The improvement plan shall include all grading, storm drainage, retaining wall and safety railings necessary to finish the improvement to the 10-foot wide, multi-use path standard.

Planning Commission Approval

Date

Received 11.5.2020

EXHIBIT E, pg.1



Oregon

John A. Kitzhaber MD, Governor

Department of Environmental Quality
Western Region
1102 Lincoln
Suite 210
Eugene, OR 97401
(541) 686-7838

April 18, 2000

Mr. Bob Markworth
Union Pacific Railroad
1416 Dodge St., Room 930
Omaha, NE 68179-0930

DEQ

- Re: Application of Residential Buffer Zone
Ashland Rail Yard Project

Dear Mr. Markworth:

The Oregon Department of Environmental Quality (DEQ) was recently asked to clarify the interpretation and application of the residential buffer zone being considered for the Ashland Rail Yard site. A question has specifically arisen as to the application of the buffer zone adjacent to employment district zoning. This letter responds to those requests.

The basis for the buffer zone is contained in Oregon Administrative Rule 340-122-045, which describes the application of Oregon's Numerical Soil Cleanup Levels. The Numerical Soil Cleanup Levels provide an alternative to completing a site-specific human health risk assessment through the use of conservative chemical-specific cleanup levels. The Numerical Soil Cleanup Levels are only applicable for sites and contaminants where there is no impact to surface water, groundwater or sensitive environments by the contaminants.

At the Ashland Rail Yard site, use of the Numerical Soil Cleanup Levels has been proposed for lead, which has been found in surface soils across the site but has not been found in surface water or groundwater. Lead is also a good candidate for use of the Numerical Soil Cleanup Levels since standard site-specific risk assessment approaches are generally difficult to use to evaluate and quantify lead exposure.

The Numerical Soil Cleanup Level Tables contain cleanup target values for both residential and industrial uses. For lead, the residential maximum soil concentration is 200 mg/kg and the industrial maximum soil concentration is 2,000 mg/kg. The difference in the two values is based on differing exposure assumptions used in the derivation of the standards. In application of the standards, residential concentrations are used unless it can be shown that the industrial levels are appropriate for a given site. OAR 340-122-045 (7)(a) and (b) indicate that the industrial level is only applicable for facilities planned and zoned for industrial use where appropriate institutional controls are in place to preserve the assumed uses.

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Mr Bob Markworth, U'PRR
April 18, 2000
Page 2

OAR 340-122-045 (7)(c) describes the buffer zone. In order to apply the industrial maximum soil cleanup level, the facility must demonstrate that *"uses of the facility and uses and zoning of properties within 100 meters of the contaminated area are industrial uses or are other uses where the Department concurs that the exposure is limited and thus does not warrant application of the residential standard."*

In reviewing these rules with respect to the Ashland Rail Yard and current and anticipated zoning in the area. DEQ has determined that residentially zoned areas exist to the south of the site -south of A Street -and to the north of the site -north and northeast of the oil water separator ponds on the site- that will require application of a 100-meter buffer zone for lead. In other words, within 100 meters of any residentially zoned property, the cleanup standard for lead at the Ashland Rail Yard site will be 200 mg/kg. In other areas of the site that are not within the 100-meter buffer zone and are currently zoned for industrial or employment district use, the industrial cleanup standard of 2,000 mg/kg will apply so long as appropriate institutional controls are put in place to limit residential use and exposure. The specifics of these institutional controls will need to be negotiated with, and agreeable to, DEQ.

DEQ has determined that, given the specifics of the City of Ashland's employment district land use ordinance, the 100-meter buffer zone is not applicable. This determination has been made on the finding that potential residential exposure scenarios within this employment district land use zone would be significantly different from the general residential exposure scenarios used in the development of the Numerical Soil Cleanup Level rules. Based on this finding, DEQ will not apply a 100-meter buffer zone to portions of the site bounded by property with mixed use employment district zoning, such as the property adjacent to the western rail yard property boundary. *Parcel 6.*

I hope that this letter has helped to clarify the basis, use and application of the buffer zone at the Ashland Rail Yard site. Please call me if you have any questions on this matter or any other aspect of the project. I can be reached at 686-7838, ext. 253.

Sincerely,



Michael J. McCann
Project Manager
Voluntary Cleanup Program

cc: Janice Zinky, ERM
Donna Andrews
Keith Andersen, DEQ-Eugene
Jeff Christiansen, DEQ-Portland

00 22190

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 6 of Partition Plat P- 32 -2000, in Jackson County, Oregon.

END OF LEGAL DESCRIPTION

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

MAY 26 2000

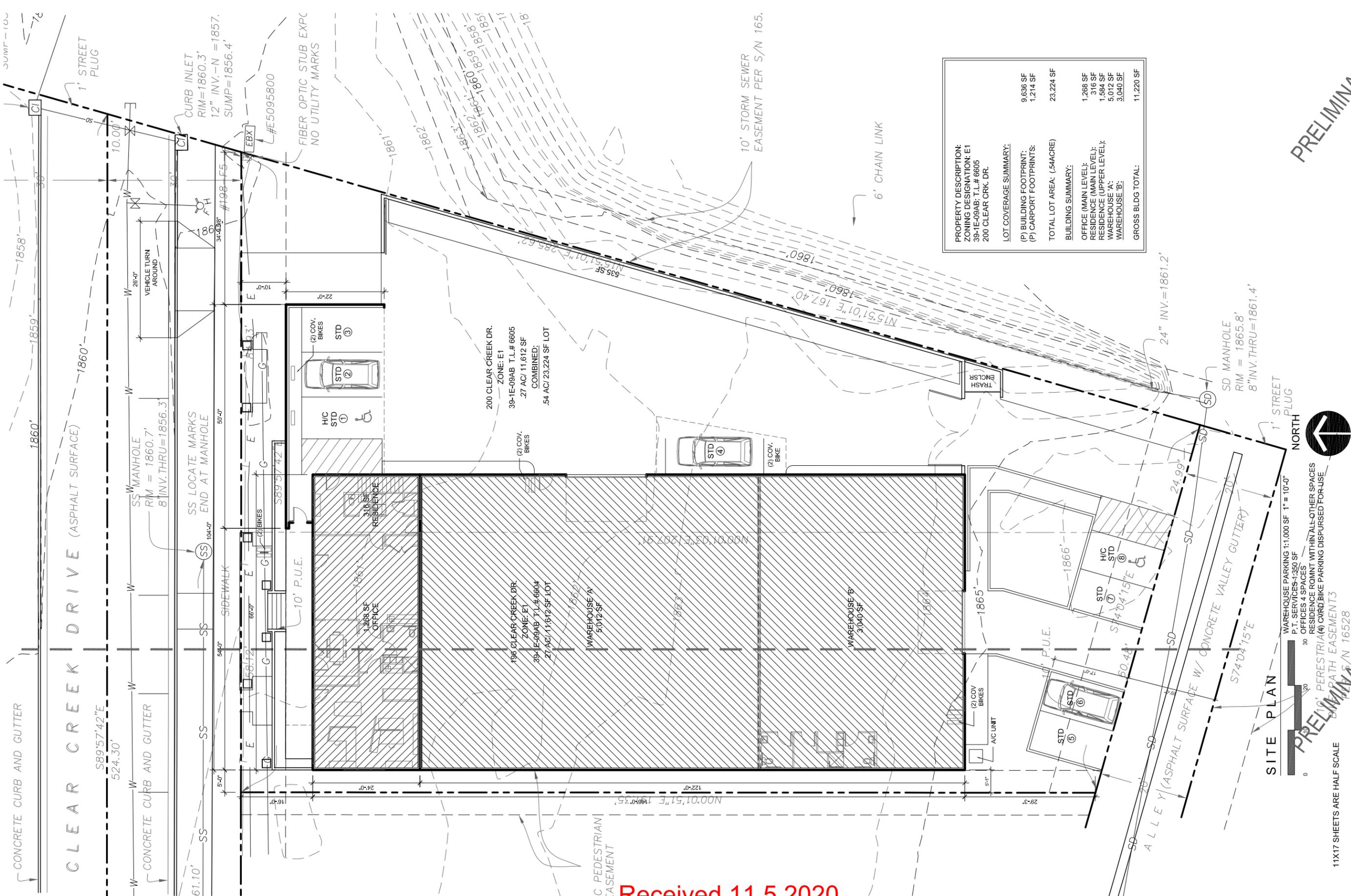
2:20 PM

Heather J. Reed
COUNTY CLERK

Order No. 03-48873

5

Received 11.5.2020



PROPERTY DESCRIPTION:	
ZONING DESIGNATION:	E1
T.L.#:	6605
200 CLEAR CRK. DR.	
LOT COVERAGE SUMMARY:	
(P) BUILDING FOOTPRINT:	9,636 SF
(P) CARPORT FOOTPRINTS:	1,214 SF
TOTAL LOT AREA: (.54ACRE)	23,224 SF
BUILDING SUMMARY:	
OFFICE (MAIN LEVEL):	1,268 SF
RESIDENCE (MAIN LEVEL):	316 SF
RESIDENCE (UPPER LEVEL):	1,584 SF
WAREHOUSE 'A':	5,012 SF
WAREHOUSE 'B':	3,040 SF
GROSS BLDG TOTAL:	11,220 SF

SITE PLAN



11X17 SHEETS ARE HALF SCALE

DRAWN : CHECKED:
TS CD
DATE :
09/18/20
PROJECT :
CLEAR CRK_20
SHEET :
AS1.0
OF SHEETS

NOT FOR CONSTRUCTION

NEW MIXED USE COMM. BLDG
STEPHANIE AND BRYAN DEBOER
200 CLEAR CREEK DR
ASHLAND OR 97520

ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

DESCRIPTION	DATE

PRELIMINARY

Carlos Delgado
ARCHITECT

217 Fourth Street • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

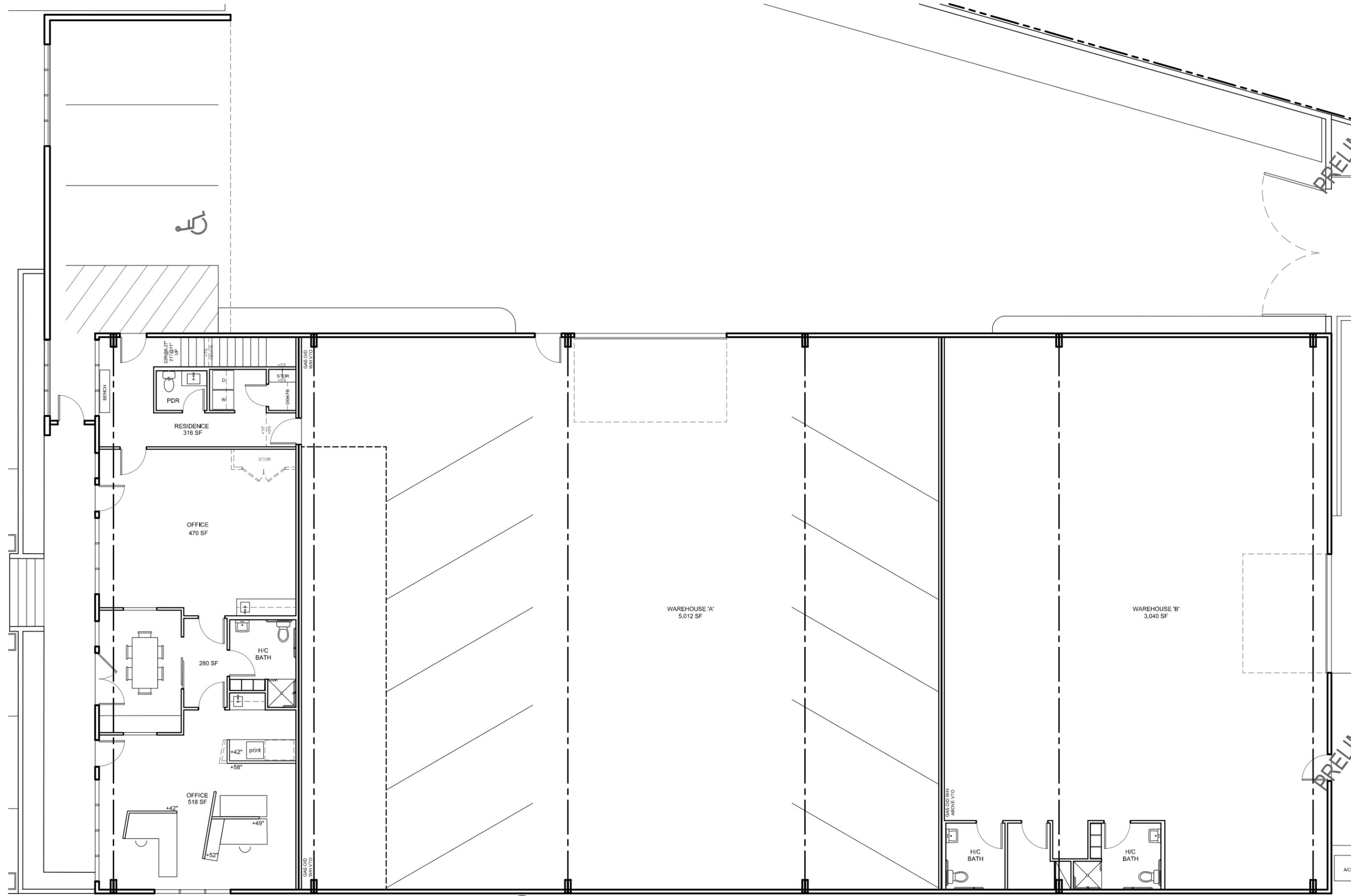


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PRELIMINARY



DESCRIPTION	DATE

NEW MIXED USE COMM. BLDG
 STEPHANIE AND BRYAN DEBOER
 200 CLEAR CREEK DR
 ASHLAND OR 97520
 ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

PRELIMINARY

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DRAWN : CHECKED:
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 09/18/20
 PROJECT :
 CLEAR CRK_20
 SHEET :
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 OF SHEETS

MAIN FLOOR PLAN



SCALE: 3/16" = 1'-0"



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11X17 SHEETS ARE HALF SCALE



PRELIMINARY

Carlos Delgado
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541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

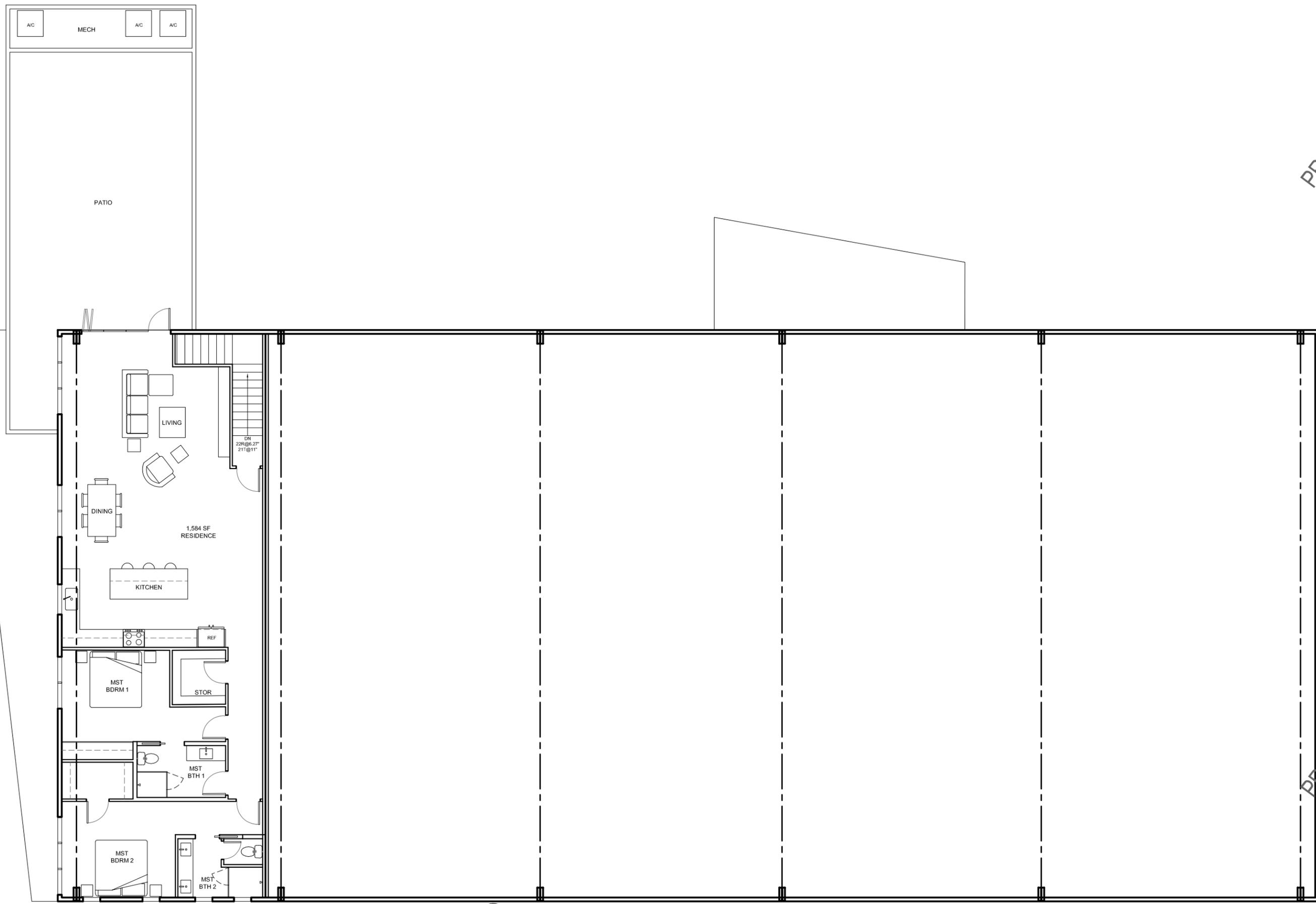
NEW MIXED USE COMM. BLDG
STEPHANIE AND BRYAN DEBOER
200 CLEAR CREEK DR
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

PRELIMINARY

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PROJECT :
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11X17 SHEETS ARE HALF SCALE



UPPER FLOOR PLAN

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



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PRELIMINARY

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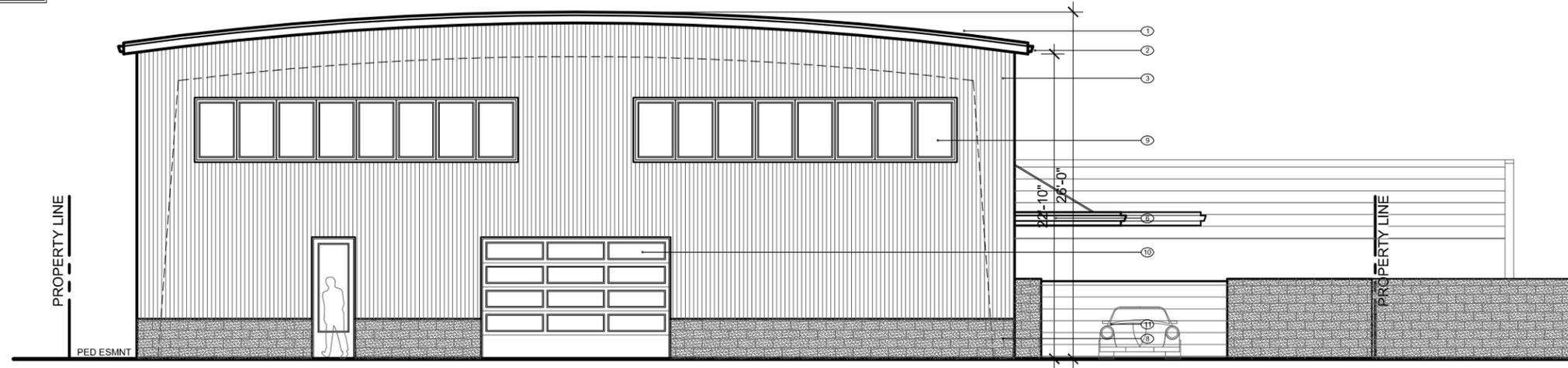


NORTH ELEVATION - CLEAR CRK FACADE

SCALE: 3/16" = 1'-0"



- ELEVATION KEY NOTES**
- ① STANDING SEAM METAL ROOF, MED. GREY
 - ② 'FASCIA' GUTTER, MED. GREY
 - ③ VERTICAL CORRUGATED METAL SIDING, GREY
 - ④ WOOD /CLAD WINDOWS AND DOORS, BRONZE
 - ⑤ 'HARDIE' PANEL SIDING W/ ALUM. REGLETS, TAUPE
 - ⑥ METAL AWNING W/ 'FASCIA' GUTTER, MED. GREY
 - ⑦ 1X10 SHIP LAP HORIZONTAL CEDAR SIDING, NAT. WOOD STAIN
 - ⑧ GROUND FACE CMU, BUFF
 - ⑨ VINYL WINDOWS IN WAREHOUSE, BRONZE EXT.
 - ⑩ METAL AND GLASS GARAGE DOORS, BRONZE
 - ⑪ 1X10 SHIP LAP HORIZONTAL CEDAR GATE, NAT. WOOD STAIN
 - ⑫ HIDDEN MECH. PARAPET



SOUTH ELEVATION - ALLEY FACADE

SCALE: 3/16" = 1'-0"



DESCRIPTION	DATE

NEW MIXED USE COMM. BLDG
STEPHANIE AND BRYAN DEBOER
200 CLEAR CREEK DR
ASHLAND OR 97520

ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

PRELIMINARY

NOT FOR CONSTRUCTION

DRAWN : CHECKED:
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PROJECT :
CLEAR CRK_20

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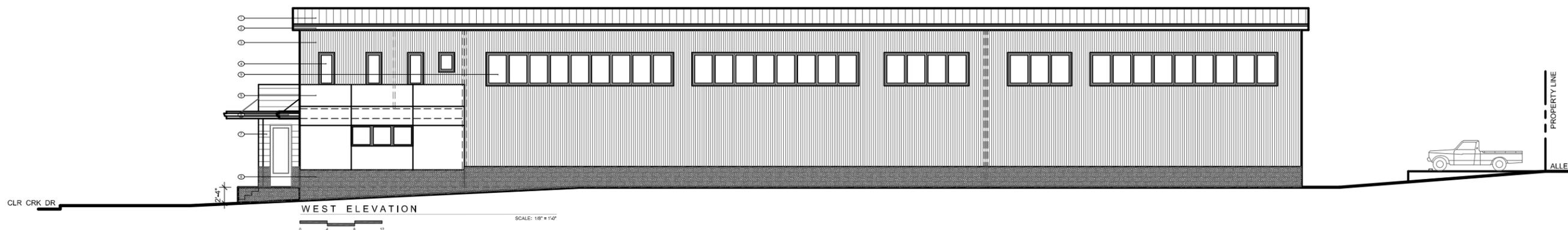
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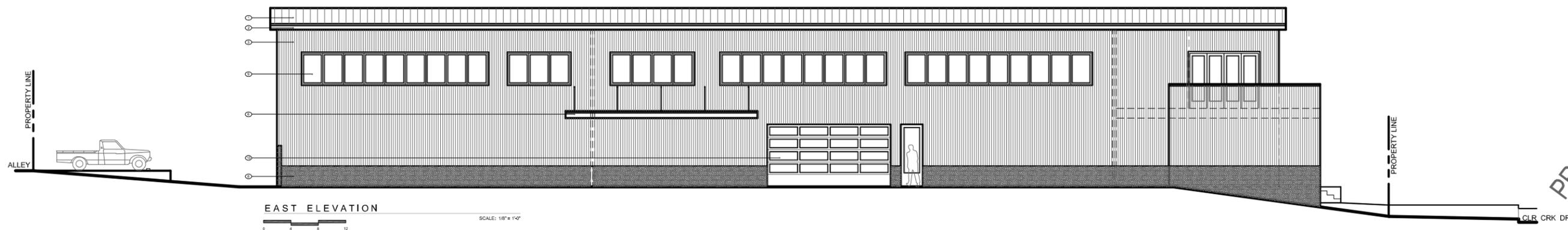


PRELIMINARY

Carlos Delgado
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541.552.9502
info@CarlosDelgadoArchitect.com



- ELEVATION KEY NOTES**
- ① STANDING SEAM METAL ROOF, MED. GREY
 - ② 'FASCIA' GUTTER, MED. GREY
 - ③ VERTICAL CORRUGATED METAL SIDING, GREY
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 - ⑨ VINYL WINDOWS IN WAREHOUSE, BRONZE EXT.
 - ⑩ METAL AND GLASS GARAGE DOORS, BRONZE
 - ⑪ 1X10 SHIP LAP HORIZONTAL CEDAR GATE, NAT. WOOD STAIN
 - ⑫ HIDDEN MECH. PARAPET



DESCRIPTION	DATE

NEW MIXED USE COMM. BLDG
STEPHANIE AND BRYAN DEBOER
200 CLEAR CREEK DR
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

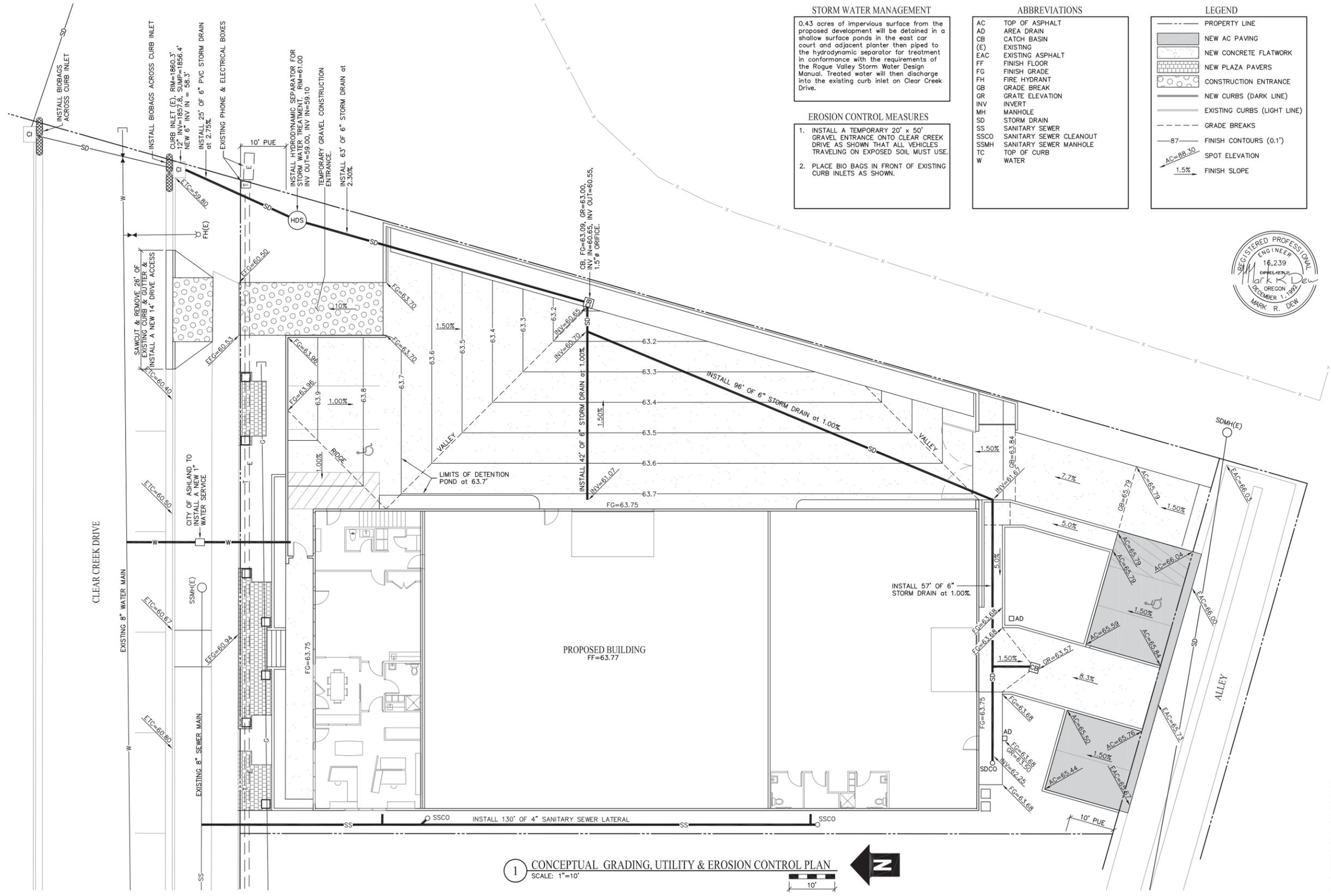
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CLEAR CRK_20
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STORM WATER MANAGEMENT
 0.43 acres of impervious surface from the proposed development will be detained in a shallow surface ponds in the east car court and adjacent planter then piped to the hydrodynamic separator for treatment in conformance with the requirements of the Rogue Valley Storm Water Design Manual. Treated water will then discharge into the existing curb inlet on Clear Creek Drive.

EROSION CONTROL MEASURES
 1. INSTALL A TEMPORARY 20' x 50' GRAVEL ENTRANCE ONTO CLEAR CREEK DRIVE AS SHOWN THAT ALL VEHICLES TRAVELING ON EXPOSED SOIL MUST USE.
 2. PLACE BIO BAGS IN FRONT OF EXISTING CURB INLETS AS SHOWN.

ABBREVIATIONS

AC	TOP OF ASPHALT
AD	AREA DRAIN
CB	CATCH BASIN
(E)	EXISTING
EAC	EXISTING ASPHALT
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
GB	GRADE BREAK
GR	GRATE ELEVATION
INV	INVERT
MH	MANHOLE
SD	STORM DRAIN
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
W	WATER

LEGEND

---	PROPERTY LINE
[Pattern]	NEW AC PAVING
[Pattern]	NEW CONCRETE FLATWORK
[Pattern]	NEW PLAZA PAVERS
[Pattern]	CONSTRUCTION ENTRANCE
[Pattern]	NEW CURBS (DARK LINE)
[Pattern]	EXISTING CURBS (LIGHT LINE)
---	GRADE BREAKS
---	FINISH CONTOURS (0.1')
---	SPOT ELEVATION
---	FINISH SLOPE



1 CONCEPTUAL GRADING, UTILITY & EROSION CONTROL PLAN
 SCALE: 1"=10'

DEW engineering inc.
 A CIVIL & STRUCTURAL ENGINEERING FIRM
 PHONE 541/772-1399
 FAX 541/772-1436
 815 BENNETT AVENUE
 MEDFORD, OREGON 97504

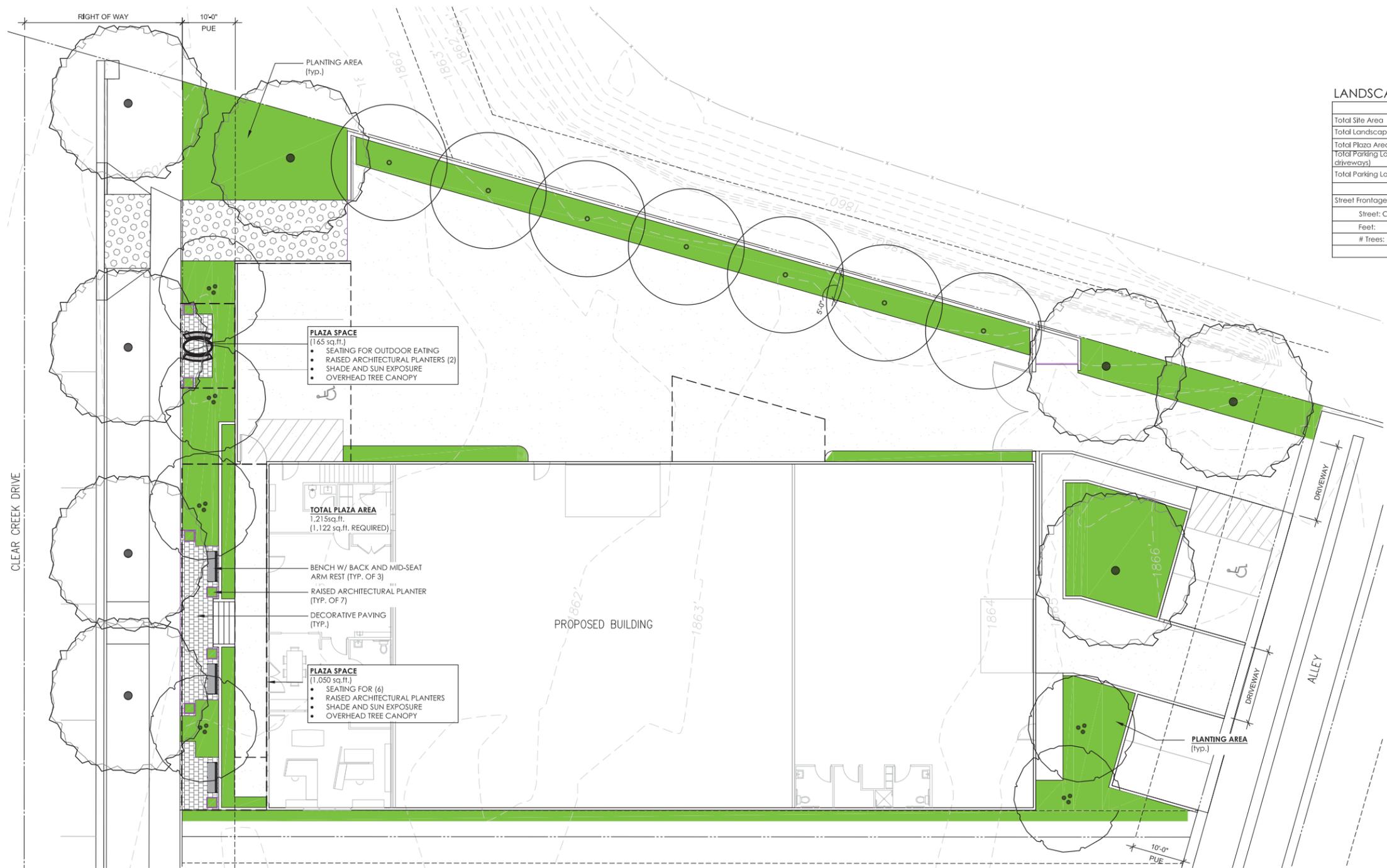
DESCRIPTION	DATE

NEW MIXED USE COMM. BLDG
 STEPHANIE AND BRYAN DEBOER
 200 CLEAR CREEK DR
 ASHLAND OR 97520
 ASSESSOR'S MAP NO. 391E 09AB TAX LOT NO. 6605

NOT FOR CONSTRUCTION

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 OF 1 SHEETS

11X17 SHEETS ARE HALF SCALE



LANDSCAPE SITE DATA

	PROPOSED	REQUIRED
Total Site Area	23,224 SF	N/A
Total Landscape Area (square feet)	3,486 SF	3,485 SF (15%)
Total Plaza Area	1,215 SF	1,122 SF
Total Parking Lot Area (incl. driveways)	7,715 SF	N/A
Total Parking Lot Canopy / Shading	3,920 SF (50.8%)	3,858 SF (50% req.)
Street Frontage Landscaping		
Street: Clear Creek Dr.	NA	
Feet:	132 LF	
# Trees:	(4)	(4)

PLAZA SPACE
 (1,165 sq.ft.)

- SEATING FOR OUTDOOR EATING
- RAISED ARCHITECTURAL PLANTERS (2)
- SHADE AND SUN EXPOSURE
- OVERHEAD TREE CANOPY

TOTAL PLAZA AREA
 1,215sq.ft.
 (1,122 sq.ft. REQUIRED)

BENCH W/ BACK AND MID-SEAT
 ARM REST (TYP. OF 3)
 RAISED ARCHITECTURAL PLANTER
 (TYP. OF 7)
 DECORATIVE PAVING
 (TYP.)

PLAZA SPACE
 (1,050 sq.ft.)

- SEATING FOR (6)
- RAISED ARCHITECTURAL PLANTERS
- SHADE AND SUN EXPOSURE
- OVERHEAD TREE CANOPY

NEW MIXED USE COMMERCIAL BLDG
 200 CLEAR CREEK DRIVE
 ASHLAND, OREGON 97520

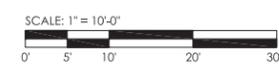


REVISIONS
 # DATE DESCRIPTION

SITE DESIGN REVIEW
 PRELIMINARY
 LANDSCAPE SITE PLAN

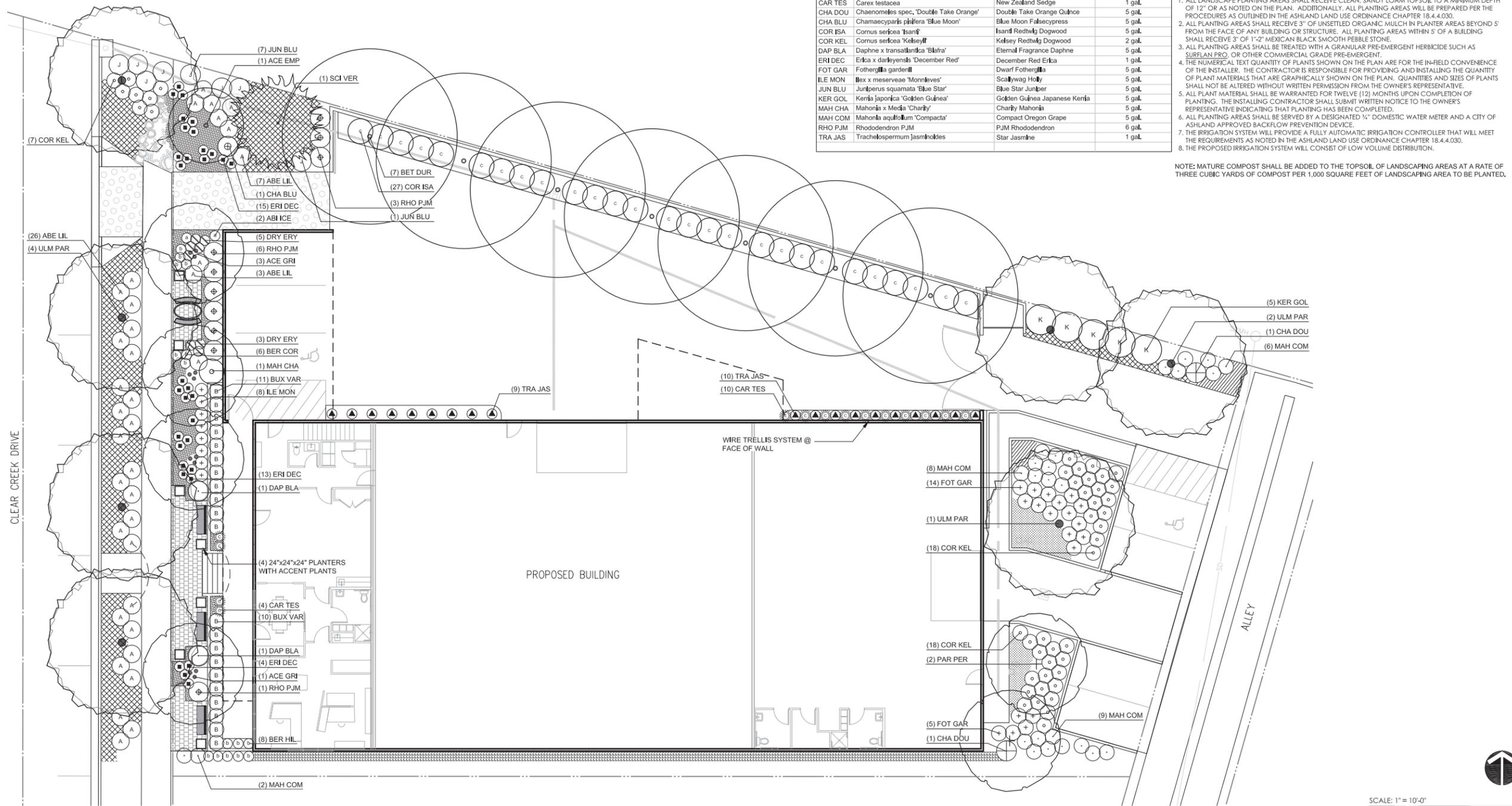
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PROJECT NO. 2026
 09.25.2020
 TEAM: JCL



PRELIMINARY PLANT LEGEND

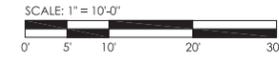
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES				GROUND COVER			
ACE GRI	<i>Acer griseum</i>	Paperbark Maple	2" cal	[Symbol]	<i>Hypericum calycinoides</i>	St. John's Wort	4" pot
ACE EMP	<i>Acer palmatum</i> 'Emperor'	Emperor Japanese Maple	6' ht. min	[Symbol]	<i>Juncus patens</i>	California Gray Rush	1 gal.
BET DUR	<i>Betula nigra</i> 'Duraheat'	Duraheat River Birch	10' ht. min. / multil	[Symbol]	<i>Liriope muscari</i>	Lilyturf	1 gal.
PAR PER	<i>Parrotia persica</i> 'IL Columnar'	Spire Persian Parrotia	2" cal.	[Symbol]	<i>Ophiopogon planiscapus</i>	Black Mondo Grass	4" pot
SCI VER	<i>Sciadopitys verticillata</i>	Japanese Umbrella Pine	8' ht. min.	[Symbol]	<i>Sedum x 'Autumn Joy'</i>	Autumn Joy Stonecrop	1 gal.
ULM PAR	<i>Ulmus parvifolia</i>	Chinese Elm	2" cal.	[Symbol]	<i>Waldsteinia fragaroides</i>	Barren Strawberry	4" pot
SHRUBS				GENERAL LANDSCAPE NOTES			
ABE LIL	<i>Abelia grandiflora</i> 'Little Richard'	Little Richard Abelia	1 gal.	1. ALL LANDSCAPE PLANTING AREAS SHALL RECEIVE CLEAN, SANDY LOAM TOPSOIL TO A MINIMUM DEPTH OF 12" OR AS NOTED ON THE PLAN. ADDITIONALLY, ALL PLANTING AREAS WILL BE PREPARED PER THE PROCEDURES AS OUTLINED IN THE ASHLAND LAND USE ORDINANCE CHAPTER 18.4.030.			
ABI CX	<i>Abies koreana</i> 'Cis'	Cis Korean Fir	5 gal.	2. ALL PLANTING AREAS SHALL RECEIVE 3" OF UNSETTLED ORGANIC MULCH IN PLANTER AREAS BEYOND 5' FROM THE FACE OF ANY BUILDING OR STRUCTURE. ALL PLANTING AREAS WITHIN 5' OF A BUILDING SHALL RECEIVE 3" OF 1/2" MEXICAN BLACK SMOOTH PEBBLE STONE.			
ABI ICE	<i>Abies koreana</i> 'Ice Breaker'	Ice Breaker Korean Fir	5 gal.	3. ALL PLANTING AREAS SHALL BE TREATED WITH A GRANULAR PRE-EMERGENT HERBICIDE SUCH AS SURFLAN PRO OR OTHER COMMERCIAL GRADE PRE-EMERGENT.			
ART SIL	<i>Artemisia schmidtiana</i> 'Silver Mound'	Silvermound	2 gal.	4. THE NUMERICAL TEXT QUANTITY OF PLANTS SHOWN ON THE PLAN ARE FOR THE IN-FIELD CONVENIENCE OF THE INSTALLER. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING THE QUANTITY OF PLANT MATERIALS THAT ARE GRAPHICALLY SHOWN ON THE PLAN. QUANTITIES AND SIZES OF PLANTS SHALL NOT BE ALTERED WITHOUT WRITTEN PERMISSION FROM THE OWNER'S REPRESENTATIVE.			
BER HEL	<i>Berberis thunbergii</i> 'Helmund Pillar'	Helmund Pillar Barberry	5 gal.	5. ALL PLANT MATERIAL SHALL BE WARRANTED FOR TWELVE (12) MONTHS UPON COMPLETION OF PLANTING. THE INSTALLING CONTRACTOR SHALL SUBMIT WRITTEN NOTICE TO THE OWNER'S REPRESENTATIVE INDICATING THAT PLANTING HAS BEEN COMPLETED.			
BER CR	<i>Berberis thunbergii</i> 'Crimson Pigmy'	Crimson Pigmy Barberry	5 gal.	6. ALL PLANTING AREAS SHALL BE SERVED BY A DESIGNATED 3/4" DOMESTIC WATER METER AND A CITY OF ASHLAND APPROVED BACKFLOW PREVENTION DEVICE.			
BER COR	<i>Berberis cordifolia</i>	Heartleaf Bergenia	1 gal.	7. THE IRRIGATION SYSTEM WILL PROVIDE A FULLY AUTOMATIC IRRIGATION CONTROLLER THAT WILL MEET THE REQUIREMENTS AS NOTED IN THE ASHLAND LAND USE ORDINANCE CHAPTER 18.4.030.			
BUX VAR	<i>Buxus sempervirens</i> 'Variegata'	Variegated Boxwood	5 gal.	8. THE PROPOSED IRRIGATION SYSTEM WILL CONSIST OF LOW VOLUME DISTRIBUTION.			
CAR TES	<i>Carex testacea</i>	New Zealand Sedge	1 gal.				
CHA DOU	<i>Chaenomeles spec.</i> 'Double Take Orange'	Double Take Orange Quince	5 gal.				
CHA BLU	<i>Chamaecyparis pisifera</i> 'Blue Moon'	Blue Moon Falsecypress	5 gal.				
COR ISA	<i>Cornus sericea</i> 'Isanti'	Isanti Redtwig Dogwood	5 gal.				
COR KEL	<i>Cornus sericea</i> 'Kelsey'	Kelsey Redtwig Dogwood	2 gal.				
DAP BLA	<i>Daphne x transatlantica</i> 'Blafir'	Eternal Fragrance Daphne	5 gal.				
ERI DEC	<i>Erica x darleyensis</i> 'December Red'	December Red Erica	1 gal.				
FOT GAR	<i>Fothergilla gardenii</i>	Dwarf Fothergilla	5 gal.				
ILE MON	<i>Ilex x meserveae</i> 'Monlieves'	Scallywag Holly	5 gal.				
JUN BLU	<i>Juniperus squamata</i> 'Blue Star'	Blue Star Juniper	5 gal.				
KER GOL	<i>Kerria japonica</i> 'Golden Guinea'	Golden Guinea Japanese Kerria	5 gal.				
MAH CHA	<i>Mahonia media</i> 'Charly'	Charly Mahonia	5 gal.				
MAH COM	<i>Mahonia aquifolium</i> 'Compacta'	Compact Oregon Grape	5 gal.				
RHO PJM	<i>Rhododendron PJM</i>	PJM Rhododendron	6 gal.				
TRA JAS	<i>Trachelospermum jasminoides</i>	Star Jasmine	1 gal.				



NOTE: MATURE COMPOST SHALL BE ADDED TO THE TOPSOIL OF LANDSCAPING AREAS AT A RATE OF THREE CUBIC YARDS OF COMPOST PER 1,000 SQUARE FEET OF LANDSCAPING AREA TO BE PLANTED.

CLEAR CREEK DRIVE

ALLEY



NEW MIXED USE COMMERCIAL BLDG
200 CLEAR CREEK DRIVE
ASHLAND, OREGON 97520



REVISIONS
DATE DESCRIPTION

SITE DESIGN REVIEW
PRELIMINARY PLANTING PLAN

L1.0
PROJECT NO. 2026
09.25.2020
TEAM: JCL



City of Ashland
Community Development Department
51 Winburn Way
Ashland, OR 97520
Telephone: 541-488-5305
Inspection Line: 541-552-2080

PERMIT NUMBER
PA-T2-2020-00023
Apply Date: 11/5/2020

Plan Type: Type II Planning Action
Work Class: Type II Planning Action

Map & Tax Lot	Property Address
391E09AB6604	196 Clear Creek Dr

Owner Information	Applicant Information
Owner: Bryan/Stephanie Deboer Owner 85 Winburn Wy Address: Ashland, OR 97520 Phone: (541) 227-9001	Applicant: Rogue Planning and Development Applicant 33 N Central Ave 213 Address: Medford, OR 97501 Phone: (541) 951-4020

Project Description
Site design review for MU Comm development. Type 2 variance to allow for driveway curb cut. PLA to consolidate lot.

Fees	
Fee Description:	Amount:
Commercial Site Review (Type II)	\$9,688.50
Lot Line Adjustment	\$0.00
Variance (Type II)	\$2,190.75

Applicant: _____

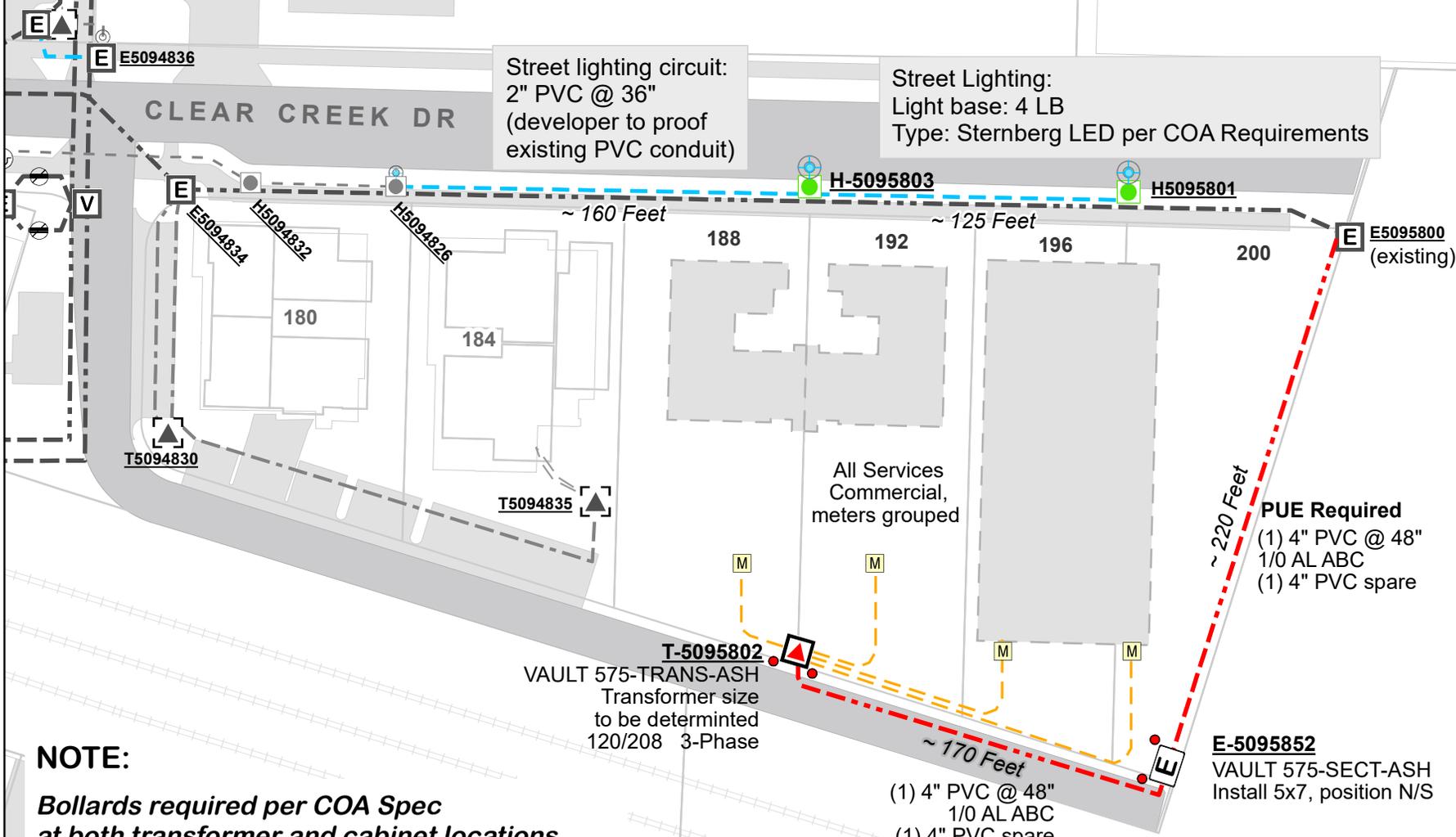
Date: _____

Total Fees:	\$11,879.25
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188-200 Clear Creek Dr

Power Design, Preliminary



Street lighting circuit:
2" PVC @ 36"
(developer to proof
existing PVC conduit)

Street Lighting:
Light base: 4 LB
Type: Sternberg LED per COA Requirements

~ 160 Feet

~ 125 Feet

~ 220 Feet

~ 170 Feet

All Services
Commercial,
meters grouped

PUE Required
(1) 4" PVC @ 48"
1/0 AL ABC
(1) 4" PVC spare

E-5095852
VAULT 575-SECT-ASH
Install 5x7, position N/S

T-5095802
VAULT 575-TRANS-ASH
Transformer size
to be determined
120/208 3-Phase

(1) 4" PVC @ 48"
1/0 AL ABC
(1) 4" PVC spare

NOTE:

*Bollards required per COA Spec
at both transformer and cabinet locations.
Exact number and locations to be determined.*



Date: 11/6/2020