

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MARCH 11, 2008  
AGENDA**

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

II. **ANNOUNCEMENTS**

III. **APPROVAL OF AGENDA**

IV. **CONSENT AGENDA**

A. Approval of Minutes:

1. February 12, 2008 Planning Commission Minutes
2. February 26, 2008 Study Session Minutes

V. **PUBLIC FORUM**

VI. **TYPE II PUBLIC HEARINGS**

A. PLANNING ACTION #: *PA-2008-00053*

SUBJECT PROPERTY: *201 Mountain Av S*

APPLICANT: *Ogden Roemer Wilkerson Architecture AIA / School District #5*

DESCRIPTION: *A request for Site Review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School campus located at 201 South Mountain Avenue. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot main gym building; and a reconfiguration of the parking area located to the east of the existing gym building. The application also requires a Variance to the required sideyard setback along South Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required.* MAP & TAX LOTS: *39 1E 09DA & 09AD Tax Lots #:100 and 6200;* ZONING: *R-2;*

COMPREHENSIVE PLAN DESIGNATION: *Low-Density Multi-Family Residential*

1. Adoption of Findings

B. PLANNING ACTION: *2008-00182*

SUBJECT PROPERTY: *500 Strawberry Lane*

APPLICANT: *McLellan, Robert & Laura*

DESCRIPTION: *Request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project.*

COMPREHENSIVE PLAN DESIGNATION: *Rural Residential;* ZONING: *RR-.5-P;* ASSESSOR'S MAP #: *39 1E 08 AC;* TAX LOT: *201*

1. Adoption of Findings

**CITY OF  
ASHLAND**



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

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**VII. UNFINISHED BUSINESS**

**VIII. OTHER**

**IX. ADJOURNMENT**



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**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
FEBRUARY 12, 2008

**1. CALL TO ORDER**

Chair John Stromberg called the meeting to order at 7:00 p.m. at the Ashland Civic Center, 1175 E. Main Street, Ashland, OR.

**Commissioners Present:**

John Stromberg, Chair  
Michael Dawkins  
Mike Morris  
Olena Black  
John Fields  
Pam Marsh  
Melanie Mindlin  
Tom Dimitre, arrived at 7:10 p.m.

**Council Liaison:**

Cate Hartzell, Council Liaison, absent due to quasi-judicial items

**Absent Members:** Dave Dotterer, excused

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
Sue Yates, Executive Secretary

**2. ANNOUNCEMENTS – There were no announcements.**

**3. APPROVAL OF AGENDA**

Add to the agenda the following:

1. Announce amendments to the Planning Commission Rules
2. Powers and Duties – Report from Stromberg and discussion
3. Approval of Findings from today's Hearings Board.

Dimitre/Marsh m/s to approve the agenda. Voice Vote: Approved.

**4. CONSENT AGENDA**

Marsh/Dawkins m/s to approve the minutes of the January 8, 2008 Regular Planning Commission meeting and the January 22, 2008 Planning Commission Study Session. Voice Vote: Approved.

**5. AMENDMENTS TO THE PLANNING COMMISSION RULES**

Molnar announced the Planning Commission is amending the Planning Commission Rules. The amendments have been distributed to the Commissioners this evening in order to have 14 days prior to consideration for adoption. The amendments are scheduled for adoption at the Planning Commission Study Session on Tuesday, February 26, 2008. The amendments are available to the public at the Community Development and Engineering Services Building at 51 Winburn Way.

**6. ADOPTION OF HEARINGS BOARD FINDINGS**

Fields/Mindlin m/s to approve the Findings for PA2007-02104, 1725 and 1729 Siskiyou Boulevard, Behnam Mehmanpazir. Voice Vote: Fields, Mindlin and Stromberg (Hearings Board members) approved.

**7. PUBLIC FORUM - No one came forth to speak**

**8. TYPE II PUBLIC HEARINGS**

**CONTINUATION OF:**

**PLANNING ACTION:** 2007-01941

**ADDRESS:** 1070 TOLMAN CREEK ROAD

**APPLICANT:** OgdenRoemerWilkerson Architecture AIA

**DESCRIPTION:** A request for Site Review approval to construct an approximately 52,163 square foot elementary school on the Bellview School site located at 1070 Tolman Creek Road.

**Ex Parte Contact/Bias/Conflict of Interest/Site Visit**

Morris had another site visit and talked to Superintendent of Schools, Juli DeChiro about some design features that are not under the Planning Commission's purview. Black got a phone call from Huelz stating the wording she should have used at the

last meeting was “zero net energy” regarding the buildings. Mindlin received a call suggesting an underground walkway under Tolman Creek Road for pedestrians. Stromberg and Dawkins had a site visit but no ex parte contacts. Dimitre, Marsh and Fields had no site visit and no ex parte contact.

There were no challenges of bias or conflict of interest.

#### STAFF REPORT

Severson showed a 1967 photo of the site and the filling of the athletic field.

A recap of the issues included:

- The Staff recommendation for limiting the automobile circulation to one-way.
- Bike circulation and bike parking.
- Coordinating the pedestrian and bicycle circulation to the existing crosswalks.

Since the last meeting, the applicants have withdrawn their request for a Variance to bicycle parking. They have submitted a revised overall site circulation plan that shows more bike parking better distributed throughout the site. Severson has presented a new set of Findings that removes that Variance. Another change is Condition 6-I that refers to an access easement from the Grange. The Grange and School District are still in negotiations to determine how access will work. Condition 6-I will read that the applicants will provide limited legal access whether through an easement or through some kind of property purchase or other arrangement. The site plan also shows a “right-out” option plan for the south driveway to allow a right turn only movement. Jim Olson, City Engineer, felt taking one turning movement out of that area should be sufficient.

Severson continued that since the last meeting, the Historic Commission reviewed the application at their February 6<sup>th</sup> meeting. They recommended the central mass be downplayed to enhance its connection and transition to the historic building through embellishment, architectural detail and color. They are not looking for structural modification of the building, but they wanted to see some embellishments that would downplay the central mass. The Historic Commission recommendations are included in the record.

Since the last meeting, Staff was recommending that the recent sidewalk installed by ODOT be extended through the bus loop. The applicants indicated that two additional trees will need to be removed.

#### PUBLIC HEARING

DAVID WILKERSON, OgdenRoemerWilkerson, 2950 E.. Barnett Road, Medford, OR 97504 and JIM CONWAY, DLR Group, 421 S.W. Sixth Avenue, Suite 1212, Portland, OR.

WILKERSON explained the two-way drives. They wanted to make a clear separation between the different types of traffic. They got feedback from Jim Olson and the Bike Commission. They now have a clear separation between vehicular, bike and bus traffic as shown on the site plan.

They are planning to eliminate the curb on the inside of the bus loop to avoid going down 15 inches into the tree root zone. The driveway sheds water to the outer edge. They are discussing the idea of narrowing the bus loop to 20 feet and still meeting the Fire Department requirements and allow buses to pass each other. The end result would keep them six feet further away from the root zone.

Wilkerson explained the building design and materials. To meet the Historic Commission’s concerns, they are developing a two to three part color scheme. By using color, they can minimize the appearance of the new building. They want the connecting piece to fade into the background. By using different materials, they will have more flexibility.

Wilkerson explained that one tree will be removed because it is in the bus loop and the other is tight on the curb, therefore both will need to be removed. They will mitigate by planting more trees.

GREG COVEY, Covey Pardee Landscape Architects, 295 E. Main Street, Suite 8, explained the two additional trees to be removed are trees #12A to allow entry to the drive to be constructed and tree #58 that will be removed to allow for extension of the sidewalk to the corner.

Dimitre is concerned about the vehicle turning movements and wondered how many vehicles now use the drive and how many they anticipate using it after construction.

**JULI DICHIRO**, Superintendent of Schools, 885 Siskiyou Boulevard, said they do not anticipate an increase in students and by putting the buses on Siskiyou should reduce the net traffic impact.

Marsh asked if the automobile turnaround is wide enough for two lanes of cars. Wilkerson affirmed.

**JIM TEECE**, 864 Neil Creek Road, is the parent of a fifth grader at Bellview. He has served on planning committee for the Bellview project. Prior to that he served as co-chair for the bond project and has served on at least two other committees. He shares his support of the process and the plan.

Black recalled when the bond issue came along, there was a lot of discussion about energy efficiency and she got the idea there would be some zero net energy. She wondered why the building doesn't seem to have solar and other energy efficiencies.

Teece said energy efficiency was one of the primary concerns they carried forward and has always been a priority. Black asked about CPAC – what is it? He said a citizen group will help oversee all projects going on under the bond.

**RENEE GARDENER**, 808 Summit Avenue, Medford, OR, has been teaching for 19 years at Bellview Elementary. As one of the longer employed staff members at Bellview, she felt a need to make sure Bellview retained some of its "Bellview-ness" as they built the new school. They had three days of input from the entire staff. The staff unanimously agreed that a view of the space and mountains was really important to them.

**CHRISTINE MCCOLLUM**, Principal of Bellview, 539 Clay Street, explained how their citizens committee came to be and some of the criteria for building. The process was open to public and families. They built a committee of 11 with a balanced group of people. Every aspect of the design was approached with teaching as the number one criteria. The other priorities were sustainability, green practices, balancing longevity with using more earth friendly resources, healthier choices with regard to paint, carpet, etc., were also factors. They chose a lot of materials based on those criteria. They added solar water heating and some other options that were added later.

**INGRID HANSEN**, 115 Reiten Drive, said she has taught at Bellview for 13 years. She has been very impressed with all the avenues of input that all of the staff has been given from day one until the present. With regard to the east facing windows, in her experience she would much prefer the east facing windows that give light and air to the classrooms to a room with few to no windows. .

**HOWARD BARASH**, President of the Bellview Grange, 1050 Tolman Creek Road (resides at 845 Valley View Road and **SUSIE AUFDERHEIDE**, 321 N. Mountain Avenue, Apt. A.

BARASH said the Grange is here to support local economy, agriculture, environmental sustainability, and community. He read the letter from the Grange that he entered into the record dated February 11, 2008. They determined that a perpetual easement through their property is not in the best interest of the Grange and the community they serve.

AUFDERHEIDE said they received two proposals today from the School District.

Barash said they will continue to work toward a solution to the driveway easement that will be in the best interest of all parties.

Severson said the existing drive and the proposed relocated drive are located on the Grange property. He said Condition 6-I has been included in the Findings that states before a building permit is issued, Staff would have to have evidence they have a right to legal access.

**MAT MARR**, 31 Union Street, is Chair of the Ashland School Board, Representative from the School Board to the Bellview Site Design Committee, and School Board Representative to the Executive Oversight Committee. The proposal is a culmination of a significant community process that began many years ago with the Bond Committee. From the very beginning, the Bond Committee made a top priority to make their projects as efficient and sustainable as possible. Specifically, when they were giving recommendations of how much to spend at each sight, the Bond Committee agreed to add ten percent to the overall budget at Bellview Elementary to make it as efficient a building as possible. Not just for altruistic reasons but also for educational purposes. In addition to the many efficiencies built into the Bellview design, the School Board added \$1 million to their sustainability budgets throughout the district.

**Rebuttal** – DiChiro said they began negotiations with the Grange some time ago. They have a legal opinion that they have both an implied easement and a prescriptive easement that they could go to, but their interest is to find a mutual agreeable solution with the current Grange board. They are more than willing to look for a garden plot that would meet the Grange's needs. They have not submitted any offers to the Grange. Today they gave them the appraisals of the property for both the section of land they would need for the driveway and for the whole portion of the land. They have so many common interests with the Grange that they feel they can come to a resolution.

To clarify a budget item DiChiro said not only did they put an extra ten percent into this budget, but the Board also set aside \$1 million in interest earnings from their bond investments also for sustainable solutions.

Stromberg closed the public hearing and closed the record.

**Questions of Staff** – Severson said there is a Condition addressing the requirements for legal access.

Marsh asked if the access substantially changes, would that change require approval at the Staff level or would that need to come back to the Commission. Molnar said if a change to the circulation occurs it could require an amendment. It would come back to the Commission unless the Commission provides for some flexibility in the Condition, allowing Staff to make changes. It would still require public notice, but it could be done at the Staff level.

Severson noted that the Tree Commission reviewed the uphill side of the driveway where the curb has been eliminated. They and Engineering were supportive. The Tree Commission said they would like the applicants to look at other innovative treatments as included in the Tree Commission recommendations that have been included in the record.

With regard to the Historic Commission comments, the applicants have indicated they are willing to work on modifying the central mass with some color embellishments and texture. There is a Condition that states that all recommendations of the Historic Commission from their two meetings will ultimately go back to the Historic Commission Review Board to make sure the changes the applicants have made will meet the intent of the original condition.

#### **COMMISSIONERS' DELIBERATIONS AND DECISION**

Marsh said she is comfortable placing any modifications to the driveway circulation in the hands of Staff. If the applicants do need to make some minor changes in circulation, those changes would normally be under Staff's advisement anyway. If there are any significant changes, she trusts Staff will forward them to the Commission. Fields agreed.

Severson explained with regard to the Historic Commission's recommendations, they would like to be sure that the original window design or proportion is maintained. He said the February recommendations supersede the January comments from the Historic Commission. Molnar said if the applicants make any changes beyond what has been discussed in the record, that is where the Staff Advisor makes the final call. They are asking that the applicants look at subtle non-structural changes.

**Morris/Fields m/s to approve PA2007-01941 including all the Conditions provided by Staff.**

Black is disappointed that there is nothing in the Findings that gives any indication of what the applicants have done with regard to providing for future solar panels. Stromberg reminded Black that Condition 1 states that all proposals of the applicants shall be conditions of approval unless otherwise modified herein. Black did not see anything in the packet with regard to this.

**Roll Call:** The motion carried unanimously.

**Adoption of Findings** – The Findings need a slight modification relative to removal of the two additional trees. Black/Morris m/s to approve the Findings for PA2007-01941 with the language change to 6D 3) "Identification of the 'seven' trees..."

**PUBLIC FORUM** – Stromberg called Fred Caruso to speak. No one came forward.

**PLANNING ACTION:** PA2008-00053

**SUBJECT PROPERTY:** 201 S. Mountain Avenue

**OWNER/APPLICANT:** OgdenRoemerWilkersonarchitecture AIA/School District #5

**DESCRIPTION:** Request for site review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School Campus located at 201 S. MOUNTAIN AVENUE. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot

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main gym building; and a reconfiguration of the parking area located to the east of the existing gym building. The application also requires a variance to the required sideyard setback along S. Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required.

Severson said after reviewing this application, Staff did not feel it was complete enough to recommend approval, and felt the most expeditious way to process this application is to have an evidentiary hearing tonight, allow the public to speak and allow time for the Commissioners to ask questions of the applicants and then continue the hearing to the March 11, 2008 Regular Planning Commission meeting.

#### Ex Parte Contact/Bias/Conflict of Interest/Site Visit

Marsh passes by the high school frequently. Her daughter was a member of the design committee last spring, so she heard about it over dinner. Her daughter has since gone away to college. Stromberg had no ex parte contacts but has had site visits. Dawkins has had a few site visits but no ex parte contacts. He graduated from Ashland High School. Morris also graduated from AHS; he's worked on the stadium and has attended a lot of sporting events. He had no ex parte contacts. Black's daughter was a student at AHS and Black was on campus daily. Her daughter was an active participant in activities from 2002 to 2007 within the buildings that are under consideration. Black was also in these buildings at least once a month for choir activities. She had firsthand experience with the ADA facility or lack thereof in the current buildings. She also noticed a significant amount of mold in the music rooms. She said at two of the performances she attended, the school staff suggested that they would have a scenic design area for the theater. Mindlin has driven by the site frequently. She had no ex parte contacts. Fields had no ex parte contacts and is familiar with the building. Dimitre had no site visit and no ex parte contacts.

There were no challenges for bias or conflict of interest.

#### **STAFF REPORT**

Severson outlined the elements of the application that need to be better addressed by the applicant.

1. No Variance has been requested and no written findings in support of the Variance have been provided. The application requires a sideyard Variance along S. Mountain Avenue and this was not addressed in the application.
2. The plans provided were limited to the portion of the campus that they were proposing to disturb. A site plan including buildings, landscaping, parking and circulation has not been provided.
3. Lot coverage is addressed only in terms of the gross building area footprint for all buildings. Nothing was addressed concerning all other impervious surfaces.
4. The findings do not identify the existing number of auto and bike parking spaces provided on site and do not include the stadium, the most significant public assembly space on campus.

Staff is recommending the application be continued after the hearing tonight until the March 11, 2008 Planning Commission meeting.

Severson explained the setback requirements require the yard from the ground up to be unobstructed. Adjacent to a public street, a ten foot sideyard has to be provided from the property line to the first obstruction. Things that don't count as structures are anything under 18 inches high or a fence.

#### **PUBLIC HEARING**

DAVID WILKERSON, OgdenRoemerWilkerson, 2950 E. Barnett Road, Medford, OR 97504 and JIM CONWAY, DLR Group, 421 SW Sixth Avenue, Suite 1212, Portland, OR

WILKERSON explained the two components of the project: the renovation of the existing main gym and the replacement of the auxiliary gym with a new auxiliary gym. The standards don't specifically address the Variance required for the sideyard setback along Mountain Avenue. In terms of overall site development, they are decreasing the amount of impervious area on the site and increasing the amount of landscaping. They will create a new public entrance on Mountain Avenue. Due to the height of the floor, it requires a ramp (or stairs) into a new lobby. The lobby will serve as an entrance to games in the gym. The lobby can be entered by stairs or ramp. One elevation addresses the Site Review standard that buildings have their primary orientation to the street. The proximity of the existing building to the street is the driving need for a Variance. The raised plaza and the elements above it are the elements that will require a Variance. The applicants believe the difference between the existing floor elevation and the existing sidewalk grade is not self-imposed. There is nothing about this that will have a negative impact on adjacent developments.

The flat roof over the boiler will be covered over to create new spaces for the music department.

**CONWAY** said the critical thing they were challenged with on Mountain Avenue was to retain the entrance on Mountain and provide accessibility to the front with the height elevation of seven feet from the street to the floor. In order to get accessibility to the front door, they took advantage of the slope of Mountain Avenue and joined the sidewalk creating the plinth along the front.

Wilkerson said they have a revised site plan showing street trees clustered in the front (nine street trees). The Tree commission requested the elm tree be removed.

One of the things not currently included in the project is a black box theater. Conway said they are looking at other spaces on campus that could serve that function.

**KEN OGDEN, ORW Architecture, 2950 E. Barnett Road, Medford, OR 97504**, said there is a black box theater but it is going to be converted to the scene shop.

Dawkins asked about the main entrance on Mountain Avenue. Since a lot of parking happens to be on the west side of the building, will the alley between the theater and the gym be fixed up? Wilkerson said they will be moving some of the existing landscaping that isn't appropriate.

Black wondered if it was going to be a problem to use the existing foundation for the walls of the main theater or will that wall be rebuilt? If they run into water/mold issues on the foundation, what will it take to revise or renovate it? Ogden said the method of removing water will be with foundation drains.

Black had concerns about access and a sense of entrance to the music rooms. Wilkerson said the entrance to the music rooms will be through the lobby.

**KATE KENNEDY, Poplar Place, 495 Poplar Place**, said she has taught for 18 years. She has been involved in the charrette process, the bond committee, and CPAC committee. In this process there has been a lot of give and take and sharing ideas. The school staff felt that they came together and found solutions. Kennedy noted that the heating and air conditioning of the high school has been a huge problem in the past. Part of the project is to solve this issue.

**JEFF SCHLECT, 489 Friendship Street**, talked about the process. This has been an extremely inclusive process. Schlect believes the students will still use the north gym entrance. But for community spectators, they can still park on Morse, use Titus Alley, and the Iowa Street parking lot. The current entrance will remain open as well as the Mountain entrance. He said the foyer doors on Mountain might be closed during the day.

**TONY SHELTON, 121 Meade Street**, stated his two kids attend AHS. He was happy to have been included in the process. It started with the charrette in the fall of 2006. It was an orderly, cooperative process and he believes everyone was pretty comfortable with it.

**DAHNA BLACK, 2976 Grizzly Drive**, said she is an AHS student. She has been part of CPAC and the design team. The architects were open and flexible from the beginning. Through the cooperation of the committee, it was really interesting to see everything come together after almost falling apart several times. As a student, she was really excited to be part of the collaborative effort. The final product will be beneficial for years to come.

**Staff Response – Severson** said they are in a residential zone trying to apply criteria that are either residential or commercial to a public building.

Black asked for more legible drawings in their next packet.

**GREG COVEY, Covey Pardee Landscape Architecture, 295 E. Main Street, #8**, said they are taking the main entrance to the gym and splitting it into a ramped entry from the south edge (five percent ramp). The width goes from about seven-and-a-half feet to 12 feet, far exceeding the code requirement. The reason is to soften the front plinth with some planting material below and at the same time allow pedestrians in the gym entrance to come in through either side. There is a second entry to the choir room. There is an additional accessible entry to main floor of the gym. The next time, they would like present a diagram and look at primary and secondary entrances as well as accessible entrances.

Dawkins/Fields m/s to continue the public hearing to March 11, 2008 at the Ashland Civic Center, 1175 E. Main Street. Roll Call: The motion carried unanimously.

*Black/Dimitre m/s to extend the meeting to 10:15 p.m. Voice Vote: Approved.*

**9. PLANNING COMMISSION POWERS AND DUTIES**

Stromberg stated that after most of the Planning Commissioners had left the Council Study Session on February 4<sup>th</sup>, he was startled to learn that Martha Bennett, City Administrator was taking the re-write of the Powers and Duties (2.12 of the Ashland Municipal Code) to the next Council meeting on February 19<sup>th</sup>. That document is in front of the Commissioners tonight. Stromberg intervened and asked if the Planning Commission could have a chance to digest the re-write and make a recommendation to the Council.

Stromberg and Dotterer felt the Council re-write had not lost the essence of what the Planning Commission was asking for initially. They felt the concern of the Council regarding the somewhat provocative language submitted originally to them by the Planning Commission was legitimate. Stromberg and Dotterer reviewed the document with Bennett today via conference call. The three of them are all on the same page with the exception of Section 4.B.5. The Council will review the ordinance changes on March 4<sup>th</sup>.

Marsh said if the items concerning sustainability in Section 4.B.5. are detailed in the Comprehensive Plan, then we don't need them in the Powers and Duties. The Powers and Duties should be about what we do, not what values we hold.

Mindlin said we originally had a list of various types of activities. When sustainability was part of the whole list, it made sense. We got rid of the rest of the list and now sustainability stands out like a sore thumb.

There was some question about the state planning goals (ORS 227.090). Stromberg said the Planning Commission is authorized to work on any of the issues that are in the Comprehensive Plan. There are chapters in the Comp Plan that pertain to sustainability, environmental quality, housing and economy.

Black believes we are revising our current Comprehensive Plan methodology. Therefore, Stromberg asked if Molnar would call John Renz from the Department of Land Conservation and Development (DLCD) to see if this ordinance has to go to the state for acknowledgement.

Stromberg noted a change was made to 2.12.010 that would read as follows: "There is created a City Planning Commission of nine (9) members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than two (2) of who may reside outside the City limits and within the area six (6) miles adjacent thereto." This would match the original state language.

Marsh/Fields m/s to approve the document with the changes as suggested by Stromberg and Dotterer. And eliminate the language to Section 4.B.5. Black amended the motion to get confirmation from John Renz that we won't have to have an acknowledgement to make this change. Marsh and Fields accepted the amendment.

Mindlin and Dimitre preferred the unchanged wording under Section 4.B.5. because the language was more explicit. Stromberg reiterated that the Commission will still have the power to act on that list under the newer language.

*Black/Dimitre ms to extend the meeting to 10:30 p.m. Voice Vote: Approved.*

Dawkins said he too feels strongly about sustainability. However, he is comfortable eliminating the language knowing implicitly that we can still do those items that are listed. He is ready to simplify this and get it off our plate.

Roll Call: The motion carried with Fields, Black, Mindlin, Stromberg, Dawkins, Marsh, and Morris voting "yes" and Dimitre voting "no."

**10. ADJOURNMENT - The meeting was adjourned at 10:20 P.M.**

*Respectfully submitted by,  
Susan Yates, Executive Secretary*

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
STUDY SESSION  
MINUTES  
FEBRUARY 26, 2008

1. CALL TO ORDER

The meeting was called to order by Chair John Stromberg at 7:05 p.m. at the Ashland Civic Center, 1175 E. Main Street, Ashland, OR.

Commissioners Present:	Council Liaison:
John Stromberg, Chair	Cate Hartzell, present
Michael Dawkins	
Pam Marsh	Staff Present:
Mike Morris	Maria Harris, Planning Manager
Melanie Mindlin	Brandon Goldman, Senior Planner
Dave Doterrer	Richard Appicello, City Attorney
Absent Members:	Sue Yates, Executive Secretary
John Fields	
Tom Dimitre	

2. APPROVAL OF AGENDA

Stromberg asked to add to the agenda a discussion item concerning the upcoming retreat in May. Doterrer/Dawkins m/s to approve the amended agenda. Voice Vote: Approved.

3. ANNOUNCEMENTS

Stromberg noted that Olena Black's resignation was received, effective immediately.

Marsh said she is representing the Planning Commission on the SDC (Systems Development Charge) Committee that has now begun meeting. Her agenda will be to look for ways in which the SDC structure could be used to further land use goals.

Marsh talked about the activities that are underway in response to the recent tragic death that occurred on Siskiyou Boulevard. There is going to be a joint meeting of the Bike and Pedestrian and Traffic Safety Commissions. She believes that anything engineered for pedestrian safety is critical to land use decisions. If our idea is to build a city in which pedestrians and bicyclists bear a good brunt of the traffic, we have to make sure it is a safe experience. She hopes the Planning Commission can stay informed. Hartzell said the joint meeting Marsh referred to will be held Thursday night at the Council Chambers. She offered to forward the memo prepared by Public Works staff to the Planning Commission outlining some of their suggestions. Marsh offered to attend the meeting and report back to the Commission.

4. PUBLIC FORUM – No one came forth to speak.

5. PUBLIC ARTS MASTER PLAN PRESENTATION

Ann Seltzer, Staff Liaison, introduced Commissioners Melissa Markell and David Wilkerson.

Melissa Markell, Chair, Public Arts Commission, reviewed the steps they have gone through to put together the Public Arts Master Plan. Through a series of meetings and surveys, they established ten goals.

David Wilkerson, Public Arts Commission member said the Master Plan is the culmination of a lot of hard work and a response to what they heard through the public process. Each goal targets the particular issues of funding, location and types of public art. The goals that will require the most collaboration with the Planning Commission are:

- Require a component of public art in all developments over 10,000 square feet or 100 feet in length in the Detailed Site Review Zone. They would like to make this mandatory.
- Collaborate and encourage the City departments, especially Public Works and the Parks Department to incorporate functional pieces such as benches, sidewalks, other public works streetscape type items.
- Seek changes to the sign code ordinance to allow for murals. They want to allow for more public art that could go onto private property.

Wilkerson indicated there are policies, procedures and parameters they will use in reviewing projects. A community panel will be established based on each individual project to select the art.

Appicello interjected that the Planning Commission works with the sign code as a land development regulation. Under State law the Planning Commission can exempt city projects from land development regulations. What will probably come forward to the Planning Commission is something that says, "If public art is formally accepted into the Ashland public art inventory through a given process, it will be exempt from the sign code ordinance."

Seltzer reminded the Commission that there is a section in the 1988 Downtown Plan on public art, identifying locations for public art.

Marsh expressed her hope that they can continue to partner with the Public Arts Commission because without a doubt, public art makes a difference. She hoped the Arts Commission would consider using the full public as the jury for potential art pieces, when appropriate. Wilkerson invited any Planning Commissioner to attend their meetings

Seltzer credited Carissa Moddison, an SOU student who worked with the Public Arts Commission for an entire year as her capstone project. She was invaluable resource.

## **6. HOUSING INCENTIVES AND REGULATORY BARRIERS**

Brandon Goldman, Planning Manager, explained that this item is before the Commission tonight because the Council, after reviewing the Lithia Lot housing development, questioned what incentives there are to promote the development of multi-family housing in Ashland. The Council suggested there be a joint meeting with Planning Commissioners, Housing Commissioners and City Councilors. In order for that meeting to have maximum benefit, it seemed to make sense to have each individual Commission/Council member look at the list of incentives and barriers in order to become educated prior to the joint meeting.

Goldman provided a PowerPoint presentation. He said regulatory barriers are regulatory requirements that may have the impact of significantly increasing the cost of development and as a result, impeding the development of affordable housing or a needed housing type without providing a commensurate health or safety benefit. Some barriers include:

1. Insufficient land availability.
2. Density limitations.
3. Discretionary approval process subject to "NIMBY" arguments.
4. Insufficient land availability.
5. Limitations on mixed use, high density, residential development in commercial or industrial property.
6. Excessive off-street parking requirements.
7. Landscaping standards and open space.
8. Prescriptive lot sizes.
9. Land use ordinance complexity and regional inconsistencies.

Goldman said housing incentives are any variety of incentives used to encourage new development and needed housing types. Additional housing incentives include:

1. If higher residential density permitted for needed housing types.
2. Increase in land supply availability for needed housing types.
3. Tax exemptions for affordable housing.
4. Tax exemptions for multi-family housing
5. Fee waivers.
6. Provide city owned land or airspace for needed housing types.
7. Direct financial assistance.
  - a. Grants (local, state federal)
  - b. Loans (low interest)

Goldman said this is a list to begin the conversation as to what incentives could be flushed out further in the joint Council/Planning/Housing meeting. The meeting has not yet been scheduled.

Dotterer wondered if Goldman had considered bringing together a group of developers, including out-of-town developers who do business in the valley, and asking them about their thoughts and concerns. For example, what would it take for them to come to Ashland to build a multi-family house? Morris agreed developers should be part of the discussion.

Mindlin commented that our tendency is to confuse the public and private when talking about affordable housing. We assume private land can be developed just as the way we like regardless of the desires of the owners. In terms of the list of incentives, she would like to get it down to our local level. Some items don't pertain to us. The biggest thing for Mindlin as we deal with affordable housing is where is the real financial analysis that will tell us whether a particular policy that we pursue is going to pay off in terms of what developers or non-profits can or cannot do.

Stromberg asked if Doterrer would bring to the next meeting a proposal for a committee of the Planning Commission to invite developers together in preparation for the upcoming joint meeting. Doterrer agreed and thought getting private and non-profit financial analyses would be helpful. This item will go on our agenda when Doterrer is ready.

Marsh thought we should be clear about our definition of multi-family. Are we looking only at those limited pockets of rental and affordable or is the concern much broader in terms of multi-family development with smaller units and smaller yards? She is interested in the broader look too. Goldman said initially it was looking at an affordable housing development but asking the broader question, "Why aren't we having apartments built as rentals?" Perhaps there could be some clarity as to the needed housing types at the joint meeting.

Harris said the direction Staff received from the City Council was to prepare this general list, and the next step is to take it to the session. It seems a little early to start doing a lot of research and analysis on all of the items on the list until the joint session occurs. At that point, we should receive direction from Council on what areas to focus on.

Hartzell thought it would be helpful if Staff would give some suggestions for the type of criteria that we'll listen and talk about at the joint meeting. It is challenging to figure out how we talk about it without more information. If we could add the additional information to the presentation when it comes before the joint meeting, that would help inform the discussion.

#### 7. MEASURE 49 TRANSFER OF DEVELOPMENT RIGHTS

Richard Appicello, City Attorney, explained the transfer of development rights. It is just a tool to preserve something you want to preserve and transferring that development density and intensity to areas where it is more appropriate to develop. This has come up because Measure 49 expressly provides in Section 11 that there may be an agreement between a county and city to transfer development rights from rural areas to other areas. He referred to ORS 271.715, Sections 5-11. Everything under Sections 5-11 is permitted to be transferred.

Example: A farmer living in the county has one house and under a Measure 49 claim that allows up to ten units. The farmer wants to sell nine pieces, but he'd be looking at nine houses. Or, the farmer could sell the nine pieces and they would be located someplace in the city or UGB wherever the city would deem them appropriate, and the farmer can still live on his farm and look at the farm instead of nine units. There is a restriction put on the farmer's property in order to preserve what is there. In the county there has to be an area that's designated where the density can be transferred from and in the city there has to be a receptor zone

Marsh applauded Appicello for doing this. This is a real opportunity for the City to take on some of the responsibility of keeping some our rural lands uncluttered.

#### 8. I-5 VISITOR'S INFORMATION CENTER UPDATE

Harris said this item went to City Council last week. ODOT is proposing a new visitor's center located off the northbound lanes of I-5 (near radio towers and Crowson Road). ODOT has already acquired the property and now they are trying to get it approved. The public hearing before the County Commissioners will be held at 9:00 a.m. Thursday, February 28th at the Jackson County Courthouse. The proposal is to build a whole new visitor's center/rest stop. It will be a little more involved than the standard rest stop because it has a visitor's center that will serve as the gateway to Oregon. There will be a State Police substation incorporated in one of the buildings. The stop will not be for truck traffic. Trucks will have to go to the Port of Entry between the two Ashland exits. They hope to have the project built by the summer of 2009.

#### 9. RETREAT IN MAY

Stromberg asked the Commissioners to look at their calendars to find an available Saturday in May for the Planning Commission retreat. What would be a good way of using their time together? Assuming the Council approves their Powers and Duties, that document would create a framework for discussion. They can look at the categories and within those they could look at what they can do in the coming year. E-mail Sue with your available Saturdays.

#### 10. PLANNING COMMISSION STUDY SESSION – March 25<sup>th</sup>

This item will be on the March 11<sup>th</sup> agenda. Several Commissioners will be gone for this meeting. There will be two Croman Mill Redevelopment workshops the prior week.

#### 11. ADJOURNMENT – The meeting was adjourned at 9:10 p.m.

*Respectfully submitted by,  
Sue Yates  
Executive Secretary*



**PLANNING ACTION: #2008-00053**

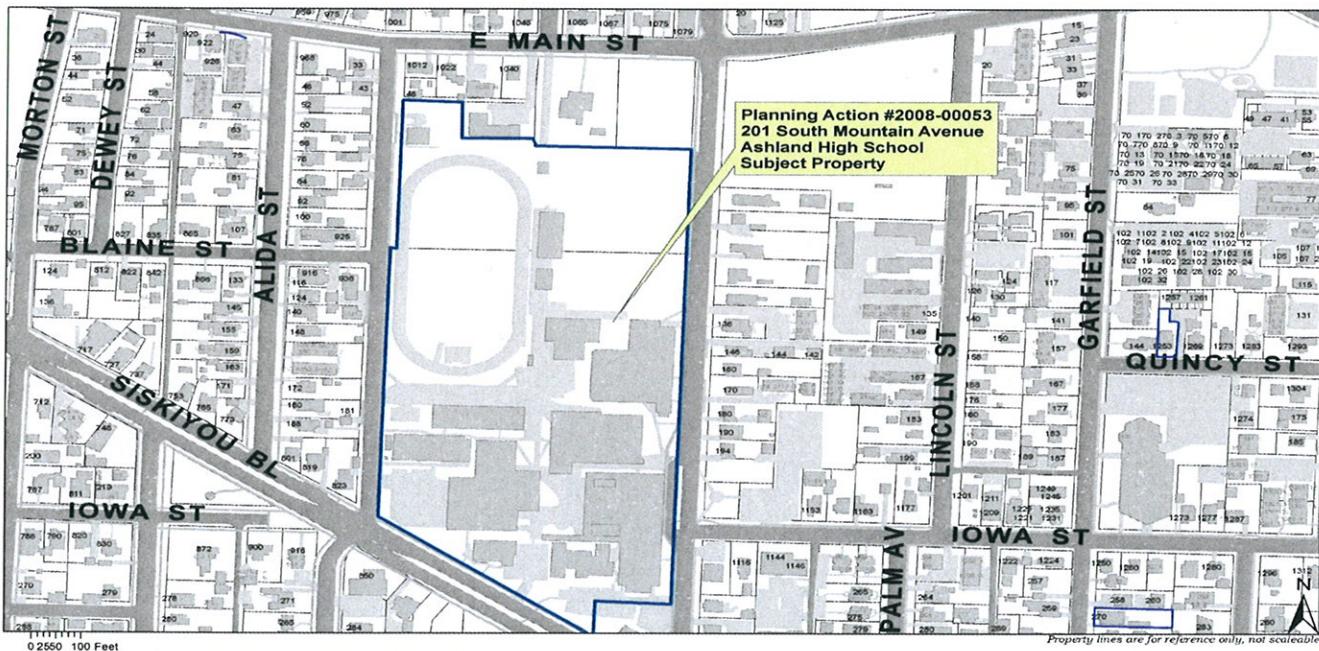
**SUBJECT PROPERTY: 201 South Mountain Ave.**

**OWNER/APPLICANT: Ogden Roemer Wilkerson Architecture AIA / School District #5**

**DESCRIPTION:** Request for Site Review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School campus located at 201 South Mountain Avenue. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot main gym building; and a reconfiguration of the parking area located to the east of the existing gym building. The application also requires a Variance to the required sideyard setback along South Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required. Map & Tax Lots: 39 1E 09DA & 09AD Tax Lots #:100 and 6200; Zoning: R-2; Comprehensive Plan Designation: Low-Density Multi-Family Residential

**NOTE:** The Ashland Tree Commission will also review this Planning Action on February 4, 2008 at 7:00 p.m. in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING: *February 12, 2008, 7:00 PM, Ashland Civic Center***



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

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

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

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

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

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

## **SITE DESIGN AND USE STANDARDS**

### **18.72.070 Criteria for Approval**

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

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

## **VARIANCE**

### **18.100.020 Application**

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. 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. (Ord.2425 S1, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.(Ord. 2775, 1996)

## **ASHLAND PLANNING DEPARTMENT STAFF REPORT ADDENDUM**

March 11, 2008

**PLANNING ACTION:** 2008-00053

**APPLICANT:** Ogden Roemer Wilkerson Architecture, AIA

**LOCATION:** 201 South Mountain Avenue  
39 1E 09 DA Tax Lot 100 & 09 AD Tax Lot 6200

**ZONE DESIGNATION:** R-2

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential

**ORDINANCE REFERENCE:**

18.24	R-2 Low Density Multiple Residential District
18.61	Tree Preservation and Protection
18.70	Solar Access
18.72	Site Design and Use Standards
18.92	Off-Street Parking
18.96	Sign Regulations
18.100	Variances

**REQUEST:** Planning Action #2008-00053 is a request for Site Review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School campus located at 201 South Mountain Avenue. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot main gym building; and a reconfiguration of the parking area located to the east of the existing gym building. The application also requires a Variance to the required sideyard setback along South Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required.

### **I. Relevant Facts**

#### **1) Background - History of Application:**

At the February 12, 2008 regular meeting of the Planning Commission the applicants presented the proposal. Staff recommended that the application be continued to the March meeting to allow the submittal of additional information by the applicants to address a required Variance to setbacks along Mountain Avenue, clarify existing site non-conformities, and address street tree requirements along Mountain Avenue.

In August of 2000, a Conditional Use Permit to replace an approximately 140 square foot scoreboard with an approximately 350 square foot scoreboard which incorporated advertising and an electronic message center, was approved by the Planning Commission as Planning Action #2000-083.

In April of 1997, a request for Site Review approval to construct a two-story, 450 seat theater building was approved by the Planning Commission as Planning Action #97-031. A Variance was also approved for a portion of the building to exceed the 35-foot maximum height requirement in order to construct a portion of the building at 73 feet in height.

In June of 1991, a request for Site Review approval for a new concession and restroom facility (approximately 1,000 square feet in size) for the Ashland High School football field was approved by the Planning Commission as Planning Action #91-105.

In July of 1985, the Planning Commission granted Site Review approval for an addition to the gymnasium on the Ashland High School campus as Planning Action #85-064.

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

## **2) Detailed Description of the Site and Proposal:**

### **Site**

The subject property, the Ashland High School campus, is located on the west side of South Mountain Avenue, between East Main Street and Siskiyou Boulevard, and includes two tax lots. Tax Lot 6200 is an approximately four-acre, irregularly shaped parcel which extends from Morse Avenue to South Mountain Avenue. Tax Lot 100 is an approximately 12.21 acres, is irregularly shaped, and has significant street frontage on Siskiyou Boulevard, Morse Street and South Mountain Avenue. The campus has curbside sidewalks in place along 1,200 feet of South Mountain Avenue frontage and 1,100 feet of Morse Avenue frontage, and park row planting strips and sidewalks in place along the full 540 feet of Siskiyou Boulevard frontage.

The campus is located within the R-2 Low-Density Multi-Family Residential zoning district, and existing site improvements consist of school buildings including a football stadium and theater, and associated courtyard space, vehicle parking and athletic fields. The properties to south and west are also zoned R-2, and properties to the north and east are zoned R-3 High Density Multiple-Family Residential (R-3).

Vehicular access to the site is available from Mountain Avenue or Siskiyou Boulevard to parking areas at the southeastern corner of the site, or from Morse Avenue to parking areas available on the southwestern and western portions of the site. The application does not identify the total number of parking spaces available on site, but in a rough assessment by Staff, there appear to be approximately 250 spaces available on campus, including spaces in an unimproved lot located at the northeast corner of Iowa Street and Mountain Avenue. The off-street parking requirements for high schools require that 1½

spaces be provided per classroom plus an additional one space per ten students, or that the parking requirements for assembly spaces, which require one space per four seats, be met, whichever is greater. The application notes that based on the 70 classrooms on campus and 1,100 students 215 parking spaces would be required. In terms of assembly use, the main gym is shown as having 2,000 seats, requiring 500 parking spaces, and the stadium 3,000 seats, requiring 750 parking spaces. Other campus assembly spaces, such as the theater, are not discussed in the application in terms of parking demand, and the possibility for concurrent use – and thus concurrent parking demand – has not been addressed. Even with credits for available on-street parking spaces along both Morse and Mountain Avenues, the available parking seems to be significantly below the amount required to address the full parking demand of the school's assembly spaces, and parking for the site is thus considered to be an existing, non-conforming situation.

Overall, the campus property is relatively flat with a northerly downslope of approximately four percent. Because the site is largely developed and the existing use as a high school campus well-established, trees are limited primarily to street trees and those used as landscaping elements near buildings and for interior courtyard space.

### **Site Review Proposal**

The applicants propose to demolish the existing 10,800 square foot metal auxiliary gym building and the 5,600 square foot music suite and replace it by constructing an approximately 19,375 square foot auxiliary gym and music suite addition. The net increase in building area is identified as 2,975 square feet, and the application also notes that proposal results in a net 409 square foot reduction of the total area of building footprint on the site and a 1,364 square foot reduction in lot coverage. The 22,024 square foot main gym building is also to be renovated to provide improved educational spaces and a reconfigured spectator and student seating. The public entrance to the main gym on South Mountain Avenue will be renovated to enhance its street presence and provide improved circulation. The parking area located to the east of the existing gym building is to be reconfigured to provide improved parking, traffic circulation, emergency vehicle access and accessible routes to both gyms and other buildings nearby. The project is part of a \$46.8 million bond package approved by Ashland voters in November 2006.

### **Variance Proposal**

As part of the proposed renovation of the main gym building, the public entrance to the gym on South Mountain Avenue is to be renovated to provide improved circulation and an enhanced street presence. The plans provided indicate that a ramp, stairs, landings, retaining walls and planters are to be constructed to the property line along South Mountain Avenue, requiring a Variance to the requirement that a minimum ten-foot side yard be provided. No request for a Variance was included with the original application submittal, but written findings in support of the required Variance have since been provided.

## **II. Project Impact**

In the R-2 Low Density Multi-Family Residential zoning district, public schools are an outright permitted use. Construction other than a single unit on a single lot triggers Site Review, and because Ashland's Site Design and Use Standards do not provide a unique set of standards under which public buildings are to be considered, public buildings including schools and city facilities located in residentially zoned areas have historically been reviewed according to the Basic Site Review Standards for Commercial, Employment and Industrial Development, which focus primarily on the orientation of buildings, landscaping, and the screening of parking areas. Because the proposal involves the construction of new structures in excess of 2,500 square feet the application would typically be subject to administrative approval under a Type I procedure, however because the placement of stairs, ramps, landings, planters and retaining walls at the property line requires a Variance to allow a more than 50 percent reduction in a required yard area, the application must be heard at a public hearing through a Type II procedure.

### **Site Review Proposal**

As noted above, the applicants propose to demolish the existing auxiliary gym building and music suite and replace them with an approximately 19,375 addition. The new addition is to be constructed in roughly the same location on the site, and the net increase in building area is identified as approximately 2,975 square feet. The application also indicates that the proposal results in a net 409 square foot reduction of the total area of building footprint on the site and a 1,364 square foot reduction in lot coverage. To complement the new addition, the existing main gym building will be renovated to provide improved educational space, reconfigured seating areas, and the public entrance to the main gym on South Mountain Avenue will be renovated to enhance its street presence and provide improved circulation. Finally, the parking area located to the east of the existing gym building will be reconfigured to provide improved parking, traffic circulation, parking lot landscaping, emergency vehicle access and accessible routes to both gyms and other buildings nearby; with the exception to these changes, overall site access and circulation are to remain unchanged.

The criteria for Site Review approval are that: *a) All applicable City ordinances have been met or will be met by the proposed development; b) All requirements of the Site Review Chapter have been met or will be met; c) The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter; d) That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.*

Because the use and its impacts are well-established in the location with no intensification proposed, the proposed addition is replacing buildings being removed, and utilities and circulation are already in place, Staff believe that the scope of this Site

Review to be fairly limited. The Basic Site Review Standards primarily address building orientation to the street, streetscape improvements, landscaping, and parking.

In this instance, while the main gym is existing and its orientation generally established, the proposed renovation significantly improves its orientation to the street, strengthening its sense of entry while preserving the existing column elements which anchor the building's presence in the streetscape, and providing for improved access from the public sidewalk. Staff believes that this renovation represents a significant improvement in the way the building relates to the street, and thus how it satisfies the applicable Site Review standards.

In terms of streetscape elements and landscaping, the applicants propose to upgrade the landscaping along the Mountain Avenue frontage of the gym, including the installation of required street trees, to complement the buildings strengthened street presence. A small parking area behind the gym to the west is to be reconfigured, and will also include parking lot landscape upgrades.

As noted above, at about 250 available off-street parking spaces, the campus is well below the parking requirement for the established assembly uses, including the gym and stadium which would require 500 and 750 parking spaces respectively. The application notes that because the existing use is not to be intensified by the creation of additional seating capacity, no requirement for additional parking is triggered. In looking at nonconforming use, Section 18.68.090.A.1 of the Ashland Municipal Code reads that, "*When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104, a nonconforming use may be changed to one of the same or a more restricted nature.*" Planning Staff believe that while the use can be found to be non-conforming in terms of meeting the required amount of off-street parking, there is no change in use or in associated parking demand which would require that would subject the application to a Conditional Use Permit. Staff has recommended conditions below to limit concurrent use of the assembly spaces in order to minimize parking demand to the extent possible, and also to require that a revised site plan detailing all existing automobile and bicycle parking be provided with the building permit submittal to clearly establish the available number, placement and configuration of parking for the record.

The Site Design and Use Standards in II-C-1g)3 state that "*For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if building area is to expand by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.*" Historically, applications trying to meet this standard have attempted to address those elements within the standards which have the most impact for the least cost while not disrupting the established use, and have most often looked at bringing landscape elements of the site more into compliance or making minor modifications to buildings in order to better establish a sense of entry. The 2,975 square foot building expansion proposed represents an approximately 1.5 percent increase in

building area on the site, and to comply with the standard a proportionate site area would need to be brought into compliance. Staff believes that the combined improvements to the existing gym's sense of entry and orientation to the street, streetscape landscaping, and parking lot landscaping can be viewed to satisfy this requirement, as asserted by the applicants.

### **Variance Request**

The application explains that the elevation of the existing floor level in the main gym is several feet above the elevation of the public sidewalk, and that the proximity of the gym to the street combined with this difference in elevation, requires that a raised pedestrian plaza, ramp and stairs be located within the required sideyard setback along Mountain Avenue. Placement of these structures within a required yard area necessitates a Variance.

The approval criteria for a Variance are as follows: a) that there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere; b) 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; and c) that the circumstances or conditions have not been willfully or purposely self-imposed.

The applicants conclude that both the location in close proximity to the street and the elevation difference from the floor to the sidewalk represent unique and unusual circumstances, and also note that the gym currently has no public entrance from Mountain Avenue. The benefits of the proposal are that improved public access, including handicapped access, are to be provided, but also that the building's orientation to the street and sense of entry are being significantly improved with a glazed entry feature while retaining and integrating the column elements which are a key feature of the building's original design. Additionally, the raised pedestrian plaza creates a sort of plinth that is appropriate to the civic nature of the building. Staff believes that because the Variance involves improvements to an existing, established use there should be minimal impact to adjacent uses, and that the elements proposed within the setback have the benefit not only of improving accessibility but also improve the sense of entry and orientation to the street. As the improvements are in response to the long-established location of the building and the elevation differential from the floor level to the sidewalk, the applicants assert that the need for a Variance is not willfully, or purposely self-imposed and is instead merely an attempt to make improvements which respond to these conditions.

In considering the request, Staff believes that the strengthening of the building's street presence and sense of entry through the addition of a glazed entry feature which thoughtfully integrates the existing column elements represents a significant benefit, in addition to the improved accessibility, and that the applicants have met the burden of proof in justifying the Variance.

### **III. Procedural - Required Burden of Proof**

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

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

The criteria for approval of a Variance are listed in AMC 18.100.020 as follows:

- A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*
- B. *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.*
- C. *That the circumstances or conditions have not been willfully or purposely self-imposed.*

### **IV. Conclusions and Recommendations**

Because the high school use and its impacts are well-established in the location; no intensification is proposed; the proposed addition is replacing buildings being removed, and results in only about a 1½ percent increase in building area; and utilities and circulation are already in place, Staff believe that the scope of this Site Review to be fairly limited. The Basic Site Review Standards primarily address building orientation to the street, streetscape improvements, landscaping, and parking, and the proposal represents a significant improvement in the existing gym building's orientation to and accessibility from Mountain Avenue. While available off street parking seems to be significantly less than would be required by the assembly uses in place on site, the proposal does not involve an increase in either the number of students or the available assembly space and thus no additional parking requirements come into play. The Mountain Avenue streetscape landscaping adjacent to the gym's new entry feature is proposed to be improved and street trees added, and additional parking lot landscaping is proposed adjacent to a reconfigured parking area west of the gym building, bringing the site proportionally more into compliance with standards as required in the Site Design and Use Standards. Staff believes that the applicants have satisfied the burden of proof for Site Review approval, and for a Variance requested to allow construction of a ramp and stairs within a required sideyard along Mountain Avenue in order to accommodate the improvements in the buildings accessibility, orientation to the street and sense of

entry. Staff accordingly recommends approval of the application with the following conditions attached:

- 1) That all proposals of the applicants shall be conditions of approval unless otherwise modified herein.
- 2) That Conditional Use Permit approval shall be obtained prior to modification of the existing signage or the installation of any new signage on the site.
- 3) That the February 4, 2008 recommendations of the Tree Commission, where consistent with the Site Design and Use Standards and with final approval by the Staff Advisor, shall be conditions of approval.
- 4) That the stadium not be used concurrently with other assembly uses on the site in order to limit parking impacts to surrounding neighborhood.
- 5) That a revised site plan detailing all existing and proposed bicycle and automobile parking, including the lot at Mountain and Iowa and any available on street credits, shall be provided with the building permit submittal.
- 6) That prior to the submittal of a building permit:
  - A) The proposed buildings shall comply with the Standard A Solar Setback in accordance with AMC 18.70.040.A. The building permit submittals shall include identification of the highest shadow producing point(s), identification of the height of the shadow producing point(s) from natural grade, the solar setback measurement(s) called out to the north property line, and calculations in the ordinance-required format to demonstrate compliance. Building height shall be clearly indicated on the building permit submittals, and the proposed new construction shall be clearly distinguished from the existing buildings.
  - B) Lot coverage calculations shall be provided which differentiate new and existing coverage areas, including buildings, walkways, athletic courts, parking areas and all other proposed lot coverage. Calculations of the number and type of plumbing fixtures removed during the demolition of the existing building shall also be provided. These calculations are to be used to ensure that the applicants receive proper credit in calculating systems development charges (SDC's) for water, sewer, and stormwater at the time of building permit issuance.
  - C) All easements shall be identified on the building permit submittals.
  - D) The applicants shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the submittal of a building permit application. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
  - E) Exterior building materials and paint colors shall be selected for compatibility with the existing buildings and surrounding neighborhood,

- and sample exterior building colors and materials shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon colors shall not be used.
- F) All exterior lighting shall be shown on the final building permit submittals and specifications provided. Fixtures should be selected and located so as not to illuminate neighboring properties.
- 7) That prior to the issuance of a building permit:
- A) 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 the Site Review approval shall be submitted and approved prior to issuance of a building permit.
  - B) That final utility and drainage plans for the project shall be reviewed and approved by the Engineering, Building and Planning Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins.
  - C) That the design of any proposed on-site storm water detention systems and off-site storm drain system improvements shall be reviewed and approved by the Public Works/Engineering, Building and Planning Departments. Post-development peak stormwater flows must not exceed pre-development levels and the storm drainage system must be designed to include storm water quality mitigation.
  - D) Revised landscape, irrigation and tree protection plans shall be provided for the review and approval of the Staff Advisor. The revised plan shall incorporate: 1) calculations demonstrating that the parking lot landscaping adjacent to the reconfigured parking area satisfies the seven percent landscaping requirement; 2) irrigation system details and maintenance watering schedule details to meet the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies irrigation requirements; and 3) the identification of landscape screening materials to screen the existing scoreboard from the view of the neighbors to the east, as was originally required in Planning Action #2000-083 which approved the scoreboard's installation.
  - E) Tree protection fencing shall be installed according to the approved Tree Protection Plan prior to any site work, storage of materials or permit issuance. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.61.200.B. A Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to permit issuance, site work including demolition, and/or storage of

- materials. The Verification Permit is to confirm that the trees to be removed are properly identified and to verify the installation of tree protection fencing for the trees to be retained.
- F) The requirements of the Ashland Fire Department, including the installation of any required fire hydrants, fire department connections, and fire apparatus access and turnarounds shall be complied with prior to issuance of the building permit or combustible construction. Fire Department requirements shall be included on the engineered construction documents for public facilities, and if a fire protection vault is required, the vault shall not be located in the sidewalk.
- G) That the requirements of the Building Division, including that necessary engineering for the glazed entry feature on the existing gym be provided and that necessary Demolition/Relocation Review Permits be obtained, shall be addressed.
- 8) That prior to the issuance of a certificate of occupancy for the newly constructed buildings:
- A) Street trees shall be installed along the Mountain Avenue frontage according to the Landscape Plan submitted by the applicants dated February 26<sup>th</sup>, 2008 and labeled L5.2. 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) All service and equipment installation shall be installed according to Ashland Electric Department specifications prior to certificate of occupancy.
  - C) The new bicycle parking facilities proposed by the applicants shall utilize the approved inverted U racks and shall be installed according to the requirements of AMC 18.92.040, inspected, and approved by the Staff Advisor.
  - D) All landscape and hardscape elements and the irrigation system shall be installed in accordance with approved plans, inspected and approved by the Staff Advisor.
  - E) That the requirements of the Building Division, including that necessary engineering for the glazed entry feature on the existing gym be provided and that necessary Demolition/Relocation Review Permits be obtained, shall be addressed.

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**Findings of Fact**  
**and Conclusions of Law**

**SITE PLAN REVIEW APPROVAL**

**for the**

**ASHLAND HIGH SCHOOL  
MAIN GYM RENOVATION &  
AUXILIARY GYM REPLACEMENT**  
**201 S. Mountain Avenue, Ashland, Oregon**

(Approximately 22,024 square feet renovation of existing main gym building, and  
approximately 19,375 square feet auxiliary gym and music suite addition)

Tax Lot 100, Assessors Map Page 39-1E-09DA  
Tax Lot 6200, Assessors Map Page 39-1E-09AD

FEBRUARY 8, 2008

Submitted to  
CITY OF ASHLAND  
PLANNING COMMISSION AND PLANNING DEPARTMENT

Submitted for  
ASHLAND SCHOOL DISTRICT #5

Prepared by  
DLR GROUP and ORW ARCHITECTURE

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Findings of Fact and Conclusions of Law  
SITE PLAN REVIEW APPROVAL  
ASHLAND HIGH SCHOOL  
MAIN GYM RENOVATION & AUXILIARY GYM REPLACEMENT

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## 1. PROJECT DIRECTORY

<b>1.1 Owner</b>	Ashland School District #5 885 Siskiyou Boulevard Ashland, OR 97520
<b>1.2 Applicant</b>	OgdenRoemerWilkerson Architecture 2950 East Barnett Road Medford, OR 97504
<b>1.3 Design Team</b>	DLR Group 421 SW Sixth Avenue Suite 1212 Portland, OR
	OgdenRoemerWilkerson Architecture 2950 East Barnett Road Medford, OR 97504
	Terrasurvey Inc. 274 4 <sup>th</sup> Street Ashland, OR 97520
	ZCS, Civil & Structural Engineering 900 Klamath Ave Klamath Falls, OR 97601
	Covey Pardee Landscape Architecture 295 E Main St #8 Ashland, OR 97520
<b>1.4 Property Description</b>	Tax Lot 100, Assessors Map Page 39-1E-09DA Tax Lot 6200, Assessors Map Page 39-1E-09AD
<b>1.5 Current Zoning</b>	R-2, Low-Density Multiple-Family Residential
<b>1.6 Current Use</b>	High School (permitted use)
<b>1.7 Proposed Use</b>	High School (no change or increase in use)
<b>1.8 Request</b>	<u>Site Plan Review</u> for an addition and remodel to an existing commercial development <u>Variance Request</u> for development in required Side Yard Setback

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## 2. PROJECT NARRATIVE

### 2.1 Site Description

The subject property is situated in the block bounded by Siskiyou Boulevard, Mountain Avenue, Morse Street and East Main Street in Ashland, on the site of the current Ashland High School. The site is bounded by single-family residential development on the north, Mountain Avenue on the west, Siskiyou Boulevard on the south, and light industrial development on the east. The site slopes gently to the south. Currently, the site is used as a multi-building high school campus, including a performing arts center and a football stadium. The campus has grown over the years, with buildings being added in a number of different phases.

### 2.2 Proposed Development

This project is part of a \$46.8 million bond package approved by Ashland voters in November 2006. The bond package included a variety of projects, including this one with a budget of \$9,000,000.00.

The Project involves the renovation of the existing Main Gym building, to provide improved educational spaces, as well as the reconfiguration of spectator and student seating in the gymnasium. The public entrance to the gym on Mountain Avenue also will be renovated to provide improved circulation and an enhanced street presence.

This project also involves the complete replacement of the existing Auxiliary Gym. The existing 10,800 square foot pre-engineered metal building, the existing 5,600 square foot music suite will also be demolished, and a new 19,375 square foot building will be built in its place, to house a smaller gym, as well as the various educational and practice areas for the school's music programs. The net increase in building area is 2,975 square feet.

The existing parking lot east of the Main Gym will be reconfigured to provide improved parking, traffic circulation, and emergency vehicle access. This area also will provide an accessible pedestrian route from the parking lot to both gyms, as well as other areas nearby.

### 2.3 Site Coverage

Current site plan data indicates that the site comprises 16.21 acres, or approximately 706,107 square feet. The existing gross building area footprint for all buildings is 152,864 square feet. The proposed gross building area footprint for all buildings is 152,455 square feet, or 21.59% of the site.

This project results in a net **DECREASE** of 409 square feet of building footprint. The balance of the site area is devoted to plazas and sidewalks, landscaping, athletic fields, and parking areas. An analysis of lot coverage, including a breakdown of all impervious areas, follows on page 5.

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## **2.4 Available Public Facilities, Services, and Utilities**

The project site is well served by a full range of public utilities and transportation services, including municipal water, sanitary sewer service, electrical service, natural gas, underground storm drainage. All utilities are available with adequate capacity, either in Mountain Avenue or in Siskiyou Boulevard.

Since the project site is located at the northwest corner of Mountain Avenue and Siskiyou Boulevard, it is well served by public streets. The site is also served by a public transportation bus stop located nearby. Students arrive at the site by car, on foot or bicycle, or by school bus. Three full size buses serve the school in the morning and again in the afternoon, and queue up on the Mountain Avenue bus loop. One small special needs bus drops off and picks up students via Morse Street.

## **2.5 Review Criteria**

This project must comply with the City of Ashland Land Use Ordinance (ALUO). This project also must comply with the applicable sections of the 'City of Ashland Site Design and Use Standards' for projects subject to Basic Site Review.

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### 3. ORDINANCE REQUIREMENTS

#### 3.1 R-2 Low Density Multiple-Family Residential District

##### 18.24.020 Permitted Uses.

*The following uses and their accessory uses are permitted outright:*

- F. Public schools, parks, and recreational facilities.*

**Finding:** Public schools are an outright permitted use in this zone.

##### 18.24.040 General Regulations.

*A. Permitted Density:*

- 2. Exceptions to minimum density standards: The following lots are totally or partially exempt from the 80% minimum base density standard of subsection 1.*  
*g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.*

**Finding:** This standard is inapplicable, due to the site's current and proposed use as a high school.

*C. Lot Depth: All lots shall have a minimum depth of eighty (80) feet. No lot depth shall be more than two and one-half (2 ½) times its width.*

**Finding:** Both lots that comprise the project site exceed the minimum size requirement.

*D. Standard Yard Requirements – Outside the Historic Interest Area: Front yards shall be a minimum of 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of 10 feet from the front property line. All garages accessed from the front shall have a minimum setback of 20' from the front property line; side yards, six feet; the side yard of a corner lot abutting a public street shall have a ten foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access.*

**Finding:** The new Auxiliary Gym is located behind the existing Main Gym, and therefore does not affect the front, side or rear yard setbacks.

**Finding:** The Renovation of the Main Gym includes a new public entrance on Mountain Avenue that provides handicapped access from the street. This entrance includes a new sidewalk and pedestrian plaza which extend from the face of the building to the public sidewalk.

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**Finding:** The elevation of the existing floor level inside the Main Gym is raised several feet above the street level. The pedestrian plaza is located at this elevation, and is accessed from the sidewalk by both a ramp and a stair.

**Finding:** The proximity of the existing Main Gym to the street, combined with the difference in elevation between the public sidewalk and the floor level inside, requires that the raised plaza, ramp, and stairs be located within the side yard setback.

**Conclusion:** The applicant concludes that the new sidewalk and pedestrian plaza in front of the Main Gym extend into the required side yard setback on Mountain Avenue.

*E. Maximum Height: No structure shall be over thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is less. Structures within the Historic District shall not exceed a height of 30 feet.*

**Finding:** The building height of the new Auxiliary Gym is 35'-0", measured from the top of the gym (the highest part of the building) to the finish grade.

**Finding:** The building height of the renovated Main Gym remains unchanged in this project.

*G. Maximum Coverage: Maximum lot coverage shall be sixty-five (65%).*

**Finding:** The existing lot coverage is as follows:

building footprints	152,864 square feet, or 21.65%
paving and sidewalks	228,275 square feet, or 32.33%
<u>Subtotal impervious surfaces</u>	<u>381,139 square feet, or 53.97%</u>
<u>Landscaping and permeable areas</u>	<u>324,968 square feet, or 46.02%</u>
Total existing lot coverage	706,107 square feet

**Finding:** The proposed lot coverage is as follows:

building footprints	152,455 square feet, or 21.59%
paving and sidewalks	227,320 square feet, or 32.19%
<u>Subtotal impervious surfaces</u>	<u>379,320 square feet, or 53.78%</u>
<u>Landscaping and permeable areas</u>	<u>326,332 square feet, or 46.22%</u>
Total existing lot coverage	706,107 square feet

**Finding:** The total proposed lot coverage is 53.78%, slightly less than the existing amount.

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*H. Outdoor Recreation Space: At least 8% of the lot area shall be dedicated to outdoor recreational space and shall be part of the overall landscaping requirements.*

**Finding:** Approximately 301,350 square feet, or 42.68% of the lot area, is set aside for the football stadium and running track.

**Conclusion:** The applicant concludes that the project meets the above requirements regarding permitted uses, lot size, maximum height, and maximum coverage.

**Conclusion:** As noted above, the applicant concludes that the new sidewalk and pedestrian plaza in front of the Main Gym extend into the required side yard setback on Mountain Avenue. Therefore, **a Variance will be required** for an exception to this standard.

### **3.2 Tree Preservation and Protection (18.61)**

#### **18.61.042 Approval & Permit Required**

*A person who desires to remove a tree, not otherwise exempted in 18.61.035, shall first apply for and receive one of the following tree removal permits before tree removal occurs:*

**D. TREE REMOVAL - STAFF PERMIT:**

1. *Tree Removal-Staff Permits are required for the following activities:*
  - e. *Removal of trees less than 18" DBH on any public school lands, Southern Oregon University, and other public land; but excluding Heritage trees and street trees within the public right of way.*

**Finding:** The project is located on public school lands.

**Finding:** As shown on the attached Tree Removal and Protection Plan, four trees are shown to be removed. All are less than 18" DBH.

**Conclusion:** The applicant concludes that a Tree Removal Permit is **NOT** required for this project. New landscaping is shown on the Preliminary Landscape Plan prepared by Covey Pardee Landscape Architects.

### **3.3 General Regulations (18.68)**

#### **SECTION 18.68.020 Vision Clearance Area.**

*Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area:*

- A. *In any R district, the minimum distance shall be twenty-five (25) feet or, at intersections including an alley, ten (10) feet.*

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C. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2 ½) feet in height, measured from the top of the curb, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

**Finding:** This project does not involve any work near the street intersections, due to its mid-block location.

**Conclusion:** The applicant concludes that meets the project complies with this standard.

SECTION 18.68.050 Special Setback Requirements.

Also, front yards for properties abutting all arterial streets shall be no less than twenty (20) feet, with the exception of the C-1-D district.

**Finding:** Siskiyou Boulevard is an arterial street.

**Finding:** The setback for the existing buildings facing Siskiyou Boulevard, which are not a part of this project, exceeds twenty feet.

**Conclusion:** The applicant concludes that meets the project complies with this standard.

### 3.4 Solar Access (18.70)

18.70.010 Purpose and Intent.

The purpose of the Solar Access Chapter is to provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the City to preserve the economic value of solar radiation falling on structures, investments in solar energy systems, and the options for future uses of solar energy.

**Finding:** Due to this project's mid-block location, both the renovated Main Gym and the new Auxiliary Gym are located well away from the property lines to the north, west, and south.

**Finding:** The new Auxiliary Gym is located behind the existing Main Gym, well away from the east property line.

**Conclusion:** The applicant concludes that solar access to adjacent properties will not be impeded, due to the size and location of the new buildings on the site.

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### 3.5 Site Design and Use Standards (18.72)

#### 18.72.030 Application

*Site design and use standards shall apply to all zones of the city and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).*

**Finding:** This project is located in a R-2 (Low-Density Multiple-Family Residential) zone.

**Conclusion:** The applicant concludes that the Site Use and Design Standards apply to this project.

#### 18.72.070 Criteria for Approval

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

- A. *All applicable City ordinances have been met or will be met by the proposed development.*
- B. *All requirements of the Site Review Chapter have been met or will be met.*
- C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*

**Finding:** The proposed development meets or will meet all applicable City ordinances, applicable requirements of the Site Review Chapter, and applicable portions of the Site Design and Use Standards, as outlined in items A through C above.

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

**Finding:** Adequate capacity of City facilities and utilities are provided to the project site, as shown on the attached Schematic Utility Plan prepared by ZCS Engineering.

**Conclusion:** The applicant concludes that this application meets all the criteria required for this standard.

#### SECTION 18.72.110 Landscaping Standards.

- A. *Area Required. The following areas shall be required to be landscaped in the following zones:*
  - R-1 - 35% of total developed lot area*
- B. *Location. Landscaping shall be located so that it is visible from public right-of-way or provide buffering from adjacent uses. Landscaping shall be distributed in those areas where it provides for visual and acoustical buffering, open space uses, shading and wind buffering, and aesthetic qualities.*

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- C. *Irrigation. All landscaping plans shall either be irrigated or shall be certified that they can be maintained and survive without artificial irrigation. If the plantings fail to survive, the property owner shall replace them.*

**Finding:** As shown on the attached Preliminary Landscape Plan, the landscaping has been located according to criterion B above.

**Finding:** As shown on the attached Preliminary Landscape Plan, an irrigation system will be installed.

**Conclusion:** The applicant concludes that this project complies with the criteria for landscaping outlined above.

### 3.6 Off-Street Parking (18.92)

#### 18.92.020 Automobile Parking Spaces Required

Uses and standards are as follows:

- D. *Institutional and Public Uses. For institutional and public uses the following automobile parking spaces are required.*
7. *Schools, elementary and junior high. One and one-half space per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.*

**Finding:** The existing buildings contain approximately 70 teaching spaces, which would require 105 parking spaces. The student population is approximately 1,100, which would require an additional 1 space per 10 students equating to 110 spaces.

**Finding:** The original occupant load of the Football Stadium is approximately 3000 persons. The stadium is the largest public assembly area on campus. The stadium is not part of this project, and its seating capacity will remain unchanged.

**Finding:** For this project, the number of required parking spaces is based on the seating capacity of the existing Football Stadium, since this number is greater than the parking space requirement based on the number of classrooms.

#### 18.92.090 Alterations and Enlargements.

*The required parking facilities shall be constructed when an existing building or dwelling is altered or enlarged by the addition or creation of guest rooms or dwelling units, or when a use is intensified by the addition of floor space, seating capacity, or change in use.(Ord. 2659, 1991; Ord. 2777, 1996)*

**Finding:** The original occupant load of the Main Gym is 2000 persons in bleacher seating, based on the original drawings for that project (see Exhibit B).

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**Finding:** The Main Gym has been renovated numerous times, including the removal of some bleacher seating to create temporary educational space. This project includes the replacement of that bleacher seating, restoring the occupant load of the gym to its previous level of 2000 persons.

**Finding:** The renovation of the existing Main Gym does not increase the student population, the number of classrooms, or the occupant load of the gymnasium beyond previous levels.

**Finding:** As noted above, the seating capacity of the existing football stadium far exceeds that of the Main Gym, including the seating that is being replaced as part of this project.

**Conclusion:** The applicant concludes that this project does not trigger a requirement for additional parking, since the existing use will not be intensified by the addition of seating capacity in the Main Gym.

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### 3.7 Variances (18.100)

#### SECTION 18.100.010 Variances - Purpose.

*Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of this Title may result from the strict application of certain provisions thereof, variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Title for the district in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.*

#### SECTION 18.100.020 Application.

*The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:*

- A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*

**Finding:** The Renovation of the Main Gym provides a new public entrance on Mountain Avenue, including a new sidewalk and pedestrian plaza which extend from the face of the building to the public sidewalk.

**Finding:** The elevation of the existing floor level inside the Main Gym is raised several feet above the level of the public sidewalk. The sidewalk slopes down in a northerly direction, increasing the height difference between the floor and the sidewalk.

**Finding:** The proximity of the existing Main Gym to the street, combined with the difference in elevation between the public sidewalk and the floor level inside, requires that the raised pedestrian plaza, ramp, and stairs be located within the side yard setback.

**Conclusion:** The applicant concludes that two aspects of the existing Main Gym --its proximity to the street and its elevation above the public sidewalk – create unique and unusual circumstances which apply to this site and which do not typically apply elsewhere.

- B. *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. (Ord.2425 S1, 1987).*

**Finding:** Currently, the Main Gym can be has no public entrance from Mountain Avenue. A key feature of the renovation of the Main Gym is the creation of a prominent new public entrance from Mountain Avenue.

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- Finding:** This entry, including the raised plaza that is used to provide handicapped access from the public sidewalk, "connects" the building to the street, both symbolically and functionally.
- Finding:** The new public entry replaces a blank wall with a glazed entry feature, which highlights the decorative column elements that are a key feature of the original building's design. These columns are integrated into the new entry.
- Finding:** This new entrance not only provides a public entry to the building from Mountain Avenue, but is also provides a clear primary orientation to the street. Additionally, the raised pedestrian plaza creates a sort of 'plinth' that is appropriate to the civic nature of the building.
- Conclusion:** The applicant concludes that development of the new public entrance and raised pedestrian plaza will have no negative impacts on the development of the adjacent uses.

- Conclusion:** The applicant further concludes that the development of the entrance and plaza furthers the purpose and intent of this ordinance and the Comprehensive Plan of the City, including specifically:
- the Basic Site Review standard which requires buildings to have a primary orientation to the street, and
  - the stated desire of the Historic Commission to retain and complement the column elements of the existing gym building.

*C. That the circumstances or conditions have not been willfully or purposely self-imposed.  
(Ord. 2775, 1996)*

- Finding:** As noted above, the raised plaza is a result of the existing Main Gym's proximity to the street, combined with the height of the existing floor level above the public sidewalk.
- Finding:** Both of these conditions are pre-existing and cannot be changed. Therefore, these circumstances have not been willfully or purposely self-imposed.
- Conclusion:** The applicant concludes that the Request for a Variance to allow development in the required Side Yard Setback meets all of the criteria outlined above, and should be granted.

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## 4. SITE DESIGN AND USE STANDARDS

### 4.1 Ordinance Landscaping Requirements (II-A)

#### Ordinance Landscaping Requirements

The following percentages of landscaping are required for all properties falling under the Site Design and Use Standards.

<u>Zone</u>	<u>% Landscaping</u>
R-1-3.5	45%
R-2	35%
R-3	25%
C-1	15%
C-1-D	10%
E-1	15%
M-1	10%

These percentages are the minimum required. At times, more landscaping is required to meet the needs of other sections of the Site Review Ordinance, such as screening of parking areas, landscaping of setback areas and providing usable outdoor space. In general, all areas which are not used for building or parking areas are required to be landscaped. You should also be aware that, as a condition of approval of your project, you will be required to submit a site and species specific landscape plan to the Planning Division for Staff Advisor approval.

**Finding:** The project site is located within an R-2 zone. Therefore, at least 35% of the project site must be landscaped.

**Finding:** The total site area is 706,107 square feet, including 326,332 square feet of permeable area, including lawns, shrubs, trees, and athletic fields. Therefore, 46% of the project site is landscaped.

**Conclusion:** The applicant concludes that the required amount of landscaping has been provided.

### 4.2 Basic Site Review Standards (II-C-1)

*Approval Standard: Development in all commercial and employment zones shall conform to the following development standards:*

**Finding:** The project site is located within an R-2 zone, not in a commercial or employment zone.

**Finding:** The Pre-Application Conference Comment Sheet for this project dated July 18, 2007 contained a note stating specifically that the Basic Site Review Standards must be addressed in these findings, since this is a commercial project.

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**Conclusion:** Based on direction from staff, the applicant concludes that the Basic Site Review Standards must be addressed as part of this project, even though the project's location in a residential zone would otherwise exempt it from this requirement.

II-C-1a) Orientation and Scale

- I)** *Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to a public street along the street frontage.*

**Finding:** The project site is surrounded by streets on three sides. The project area, including the existing Main and Auxiliary Gyms, has frontage on Mountain Avenue.

**Finding:** There is an existing public sidewalk along Mountain Avenue, which is to remain.

**Finding:** Although it fronts on Mountain Avenue, the existing Main Gym can be entered only from within the campus. The existing building has no public entrance from the street. Additionally, some of the existing windows have been covered with plywood, further weakening the building's relationship to the street.

**Finding:** A key feature of the renovation of the Main Gym is the creation of a prominent new public entrance from Mountain Avenue. This entrance not only provides for public entry to the building from the street, but is also provides a clear primary orientation to the street. This entry, including the raised plaza that is used to provide handicapped access from the public sidewalk, "connects" the building to the street, both symbolically and functionally.

**Finding:** The existing surface parking lot west of the Main Gym is being reconfigured to provide fire department access. The existing western entrance, which is currently the only entrance to the building, will become a secondary public entrance.

**Finding:** The replacement Auxiliary Gym, like the existing one, is located behind the existing Main Gym building, which separates it from Mountain Avenue. Due to its location, an orientation to Mountain Avenue is not possible. Like the existing building, the replacement Auxiliary Gym is oriented toward the interior of the campus, with sidewalks connecting its entrance to other buildings on campus.

**Finding:** The Auxiliary Gym also has a distant frontage on East Main Street, which is located beyond the football stadium. The existing metal building presents a blank wall to both the field and the street beyond. The replacement Auxiliary Gym has entrances and windows facing the football field, which also provide an orientation to East Main Street.

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**Conclusion:** The applicant concludes that the requirements of this standard have been satisfied, both for the Main Gym and the Auxiliary Gym.

- 2) *Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours.*
- 3) *These requirements may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service uses such as service stations and tire stores.*

**Finding:** Both the existing and the replacement Auxiliary Gym are more than 30 feet from the street.

**Finding:** The Main Gym is less than 30 feet from the street. As noted above, a key feature of the Main Gym renovation is the new public entrance from Mountain Avenue. This entrance is both attractive and functional, and will be open to the public whenever the building is open for public events and sporting activities.

**Conclusion:** The applicant concludes that the requirements of this standard have been satisfied.

II-C-1b) Streetscape

*One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street.*

II-C-1c) Landscaping

- 1) *Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.*
- 2) *Landscaping design shall utilize a variety of low water use and deciduous and evergreen trees and shrubs and flowering plant species.*
- 3) *Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District. Outdoor storage areas shall be screened from view from adjacent public rights-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.*
- 4) *Irrigation systems shall be installed to assure landscaping success. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.*

**Finding:** All new landscaping has been designed to comply with this standard.

**Finding:** As noted in the Pre-Application conference, a required landscape buffer was installed as a Condition of Approval for a previous Conditional Use Permit related to the scoreboard. This landscaping has suffered due to lack of irrigation. As part of this project, the landscape buffer will be replaced, and an irrigation system will be installed.

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**Conclusion:** The applicant concludes that the requirements of this standard have been satisfied.

**II-C-1d) Parking**

- 1) *Parking areas shall be located behind buildings or on one or both sides.*
- 2) *Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.*

**Finding:** Like the existing parking lot it replaces, the proposed new parking area is located to the west of the existing Main Gym, internal to the site.

**Finding:** As shown on the attached Landscape Plan, the new parking area is shaded by trees. Since it is internal to the site, it is both buffered and screened from all adjacent uses.

**Conclusion:** The applicant concludes that the requirements of this standard have been satisfied.

**II-C-1f) Noise and Glare**

*Special attention to glare (AMC 18.72.110) and noise (AMC 9.08.170(c) & AMC 9.08.175) shall be considered in the project design to insure compliance with these standards.*

**Finding:** Exterior lighting, both at the proposed new parking area and elsewhere around the building, is designed and located to avoid glare and light pollution.

**II-C-1g) Expansions of Existing Sites and Buildings**

*For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if a building area is expanded by 25%, then 25% of the site must be brought up to the standards required by this document.*

**Finding:** The existing gross square footage of all buildings on campus (including upper floors) is 198,166 square feet.

**Finding:** As noted above, replacement of the Auxiliary Gym results in a net increase of 2,975 square feet of building area, or 1.5% of the total area of all buildings on the site. Therefore, 1.5% of the project site, or 10,601 square feet of site area, must be brought up to the standards required by this document.

**Finding:** The size of the new landscaped area east of the Main Gym on Mountain Avenue is 4,315 square feet. This landscaped area has been designed to comply with the standards of this document.

**Finding:** The size of the new parking area west of the Main Gym is 19,184 square feet. It has been designed to comply with the standards of this document.

**Conclusion:** The applicant concludes that the requirements of this standard have been satisfied.

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## 4.3 Parking Lot Landscaping and Screening Standards (II-D)

*Approval Standard: All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading shall be landscaped and screened as follows:*

### II-D-1) Screening at Required Yards

- 1) *Parking abutting a required landscaped front or exterior yard shall incorporate a sight obscuring hedge screen into the required landscaped yard.*
- 1) *The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.*
- 2) *The screen height may be achieved by a combination of earth mounding and plant materials.*
- 3) *Elevated parking lots shall screen both the parking and the retaining wall.*

**Finding:** Since the new parking area is internal to the site, this standard does not apply.

### II-D-2) Screening Abutting Property Lines

- 1) *Parking abutting a property line shall be screened by a 5 feet landscaped strip. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.*

**Finding:** Since the new parking area is internal to the site, this standard does not apply.

### II-D-3) Landscape Standards:

- 1) *Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus a ratio of 1 tree for each seven parking spaces to create a canopy effect.*
- 2) *The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.*
- 3) *The tree shall be planted in a landscaped area such that the tree hole is at least 2 feet from any curb or paved area.*
- 4) *The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% within 5 years. Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.*
- 5) *That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage and*

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*placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior parking stalls.*

**Finding:** As shown on the attached Landscape Plan, the new parking area is designed to comply with the above landscaping standards.

**II-D-6) Other Screening**

1) *Other screening and buffering shall be provided as follows:*

*Light and Glare Screen: Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or streets.*

**Finding:** All lighting will be engineered with the appropriate screening and orientation as to prevent direct glare on adjacent residential properties and streets.

**Conclusion:** The applicant concludes that the requirements for parking lot landscaping and screening (where applicable) have been satisfied.

#### **4.4 Street Tree Standards (II-E)**

*APPROVAL STANDARD: All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees found in this section.*

**II-E-1) Location for Street Trees**

1) *Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right of-way, or the sidewalk is greater shall include irrigation, root barriers, and generally conform to the standard established by the Department of Community Development.*

**Finding:** The street trees are located behind the existing sidewalk.

**II-E-2) Spacing, Placement, and Pruning of Street Trees**

*All tree spacing may be made subject to special site conditions which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall be as follows:*

a) *Street trees shall be placed the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.*

**Finding:** As shown on the attached Landscape Plan, eight new street trees have been provided along the 240' frontage, to satisfy this requirement.

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- b) *Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.*

**Finding:** Due to this project's mid-block location, this standard does not apply.

- c) *Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.*

**Finding:** All new street trees shall be located at least 20 from existing light standards.

- d) *Trees shall not be planted closer than 2½ feet from the face of the curb except at intersections where it shall be 5 feet from the curb, in a curb return area.*

**Finding:** All new street trees shall be located at least 5 feet from the face of the curb.

- e) *Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.*

**Finding:** All tree species will be selected to avoid interference with existing overhead utility lines.

- f) *Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 10 square feet, however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.*

**Finding:** All new street trees are located more than 2 feet from the sidewalk. As shown on the attached Landscape Plan, new sidewalk cuts are at least 10 square feet.

- g) *Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.*

**Finding:** Trees will be pruned to maintain required minimum clearances above sidewalks and roadways.

- h) *Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Staff Advisor.*

**Finding:** The existing street trees which are to remain will be protected during construction to ensure their continued viability.

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II-E-3) Replacement of Street Trees

*Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor.*

**Finding:** One existing street tree is scheduled for removal, based on the recommendation of the Tree Commission. The replacement tree matches the other (new) street trees.

II-E-4) Recommended Street Trees

*Street trees shall conform to the street tree list approved by the Ashland Tree Commission.*

**Finding:** The trees shown on this project were selected from the approved street tree list.

**Conclusion:** The applicant concludes that the street trees shown on this project conform to all applicable street tree development standards.

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## 5. SUMMARY CONCLUSIONS

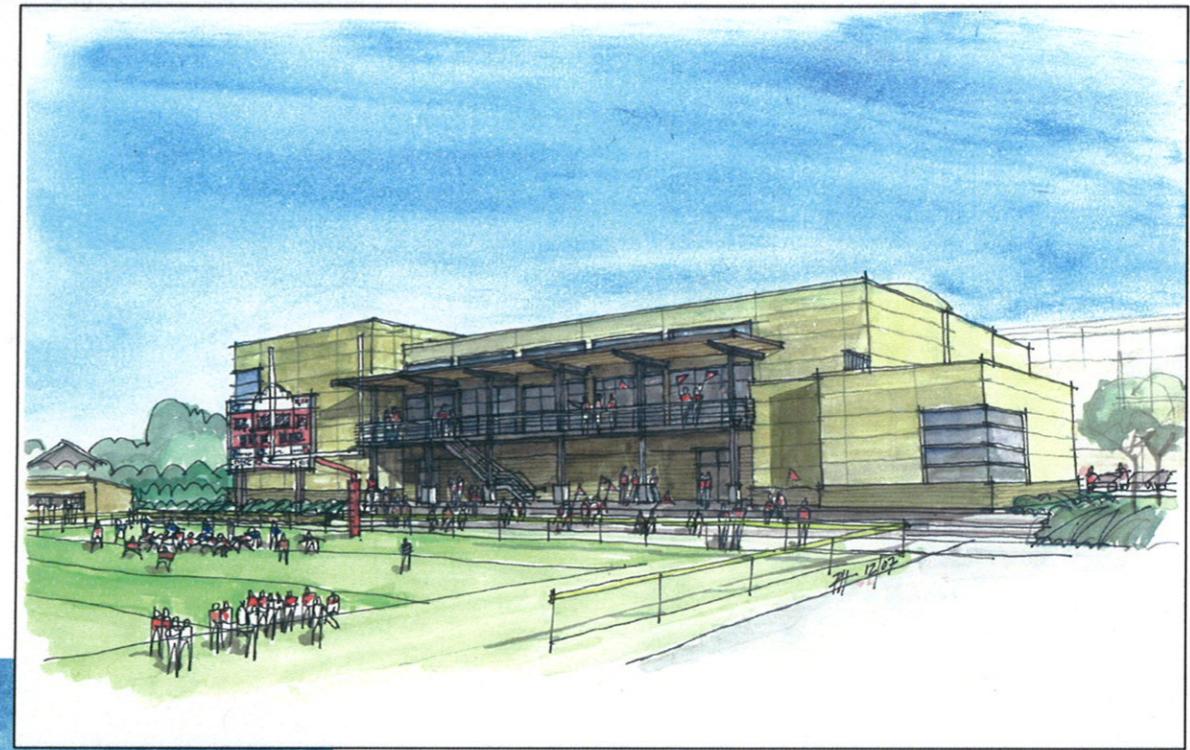
Based on the foregoing findings of fact and conclusions of law, the applicant concludes that this application for Site Plan Review Approval has satisfied all of the relevant substantive standards and criteria contained in the Ashland Land Use Ordinance and the Ashland Site Design and Use Standards.

The applicant ultimately concludes that, based on the foregoing findings of fact and conclusions of law, the application for Site Plan Review Approval complies with all requirements of the City of Ashland and of the State of Oregon.

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WEST ELEVATION - NOT TO SCALE



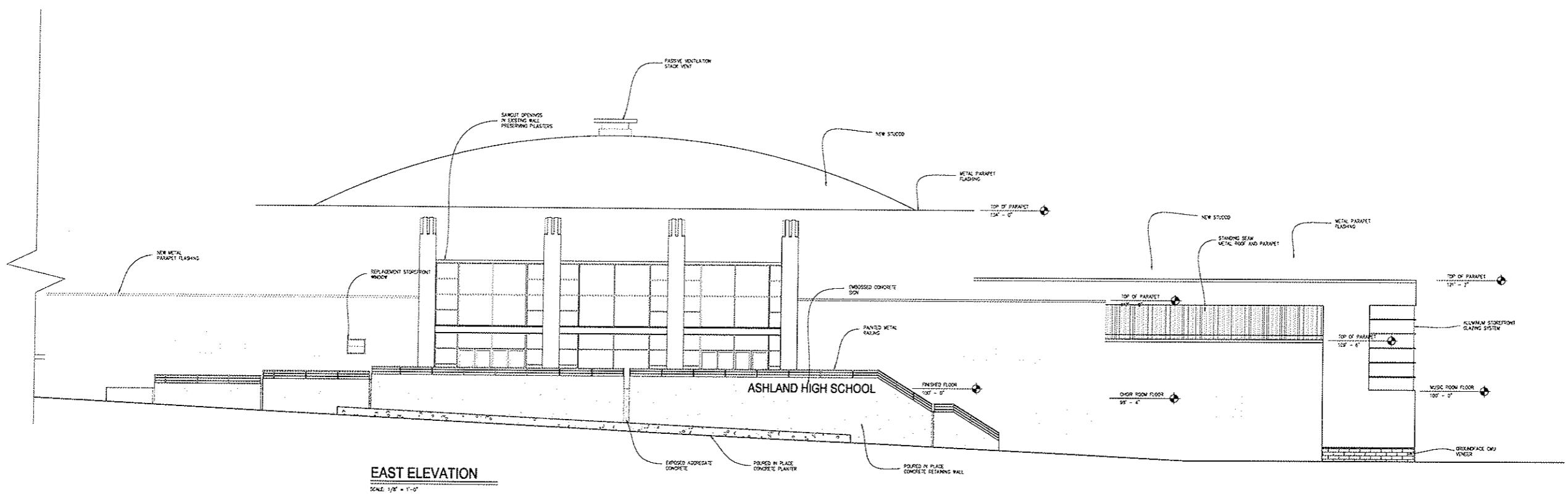
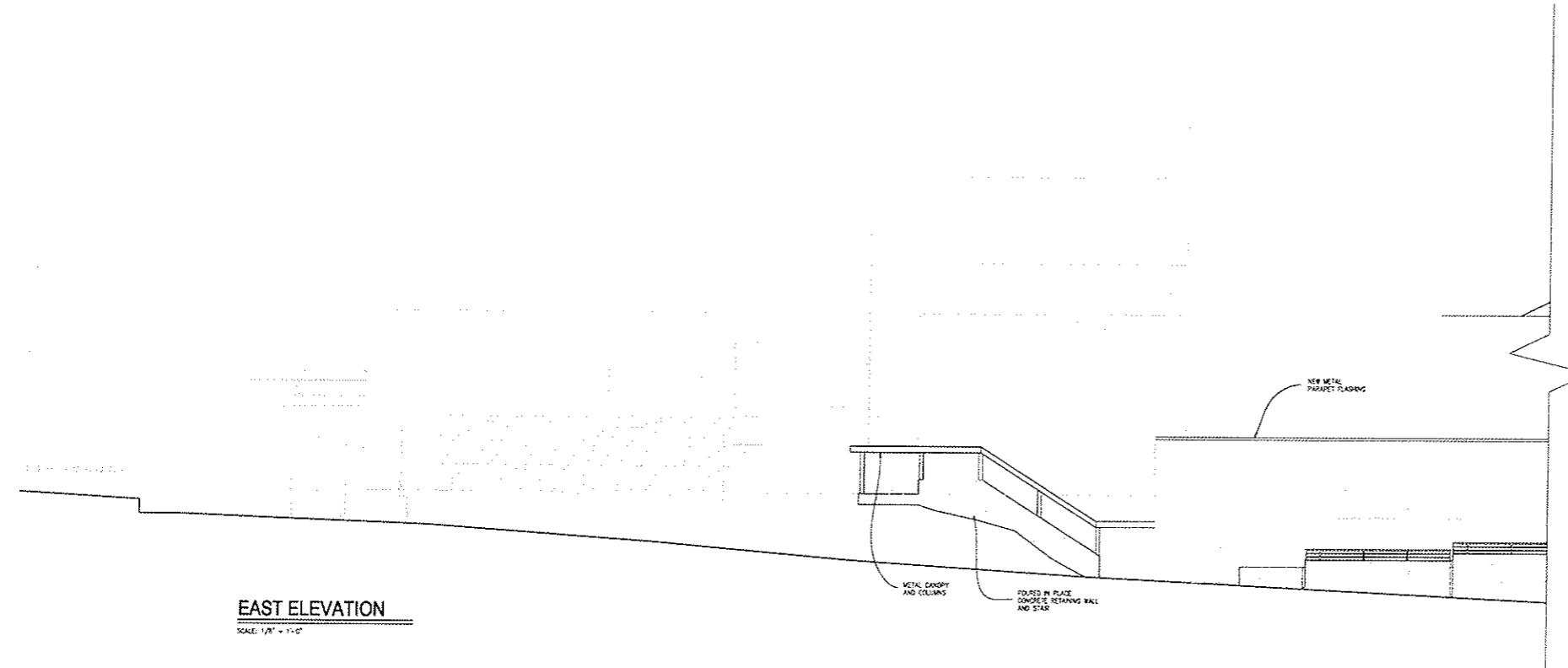
NORTH ELEVATION - NOT TO SCALE

# ASHLAND HIGH SCHOOL

ASHLAND SCHOOL DISTRICT

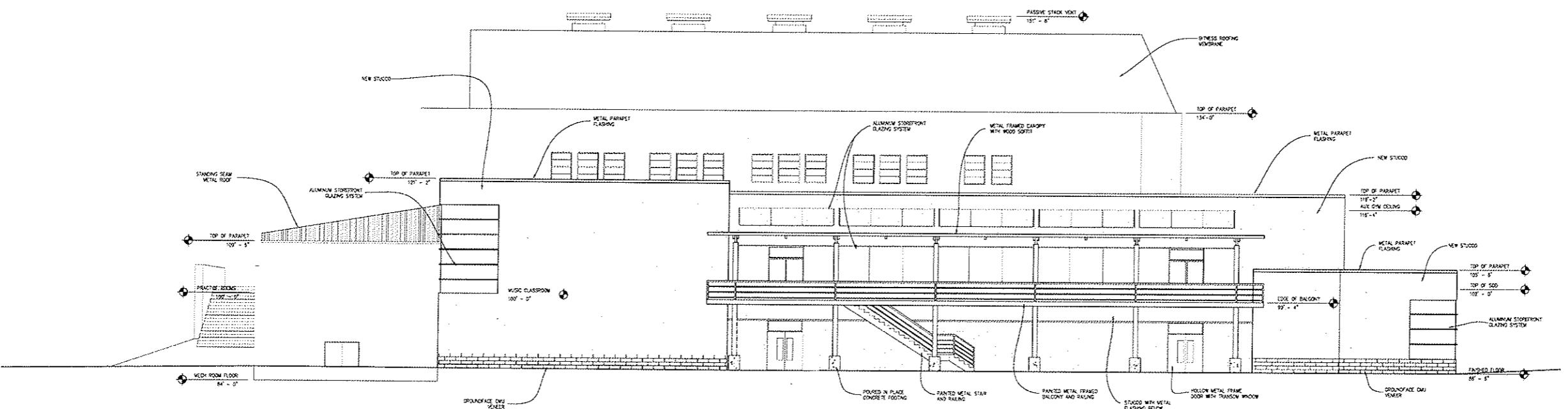
ELEVATIONS

 DLR Group



# ASHLAND HIGH SCHOOL

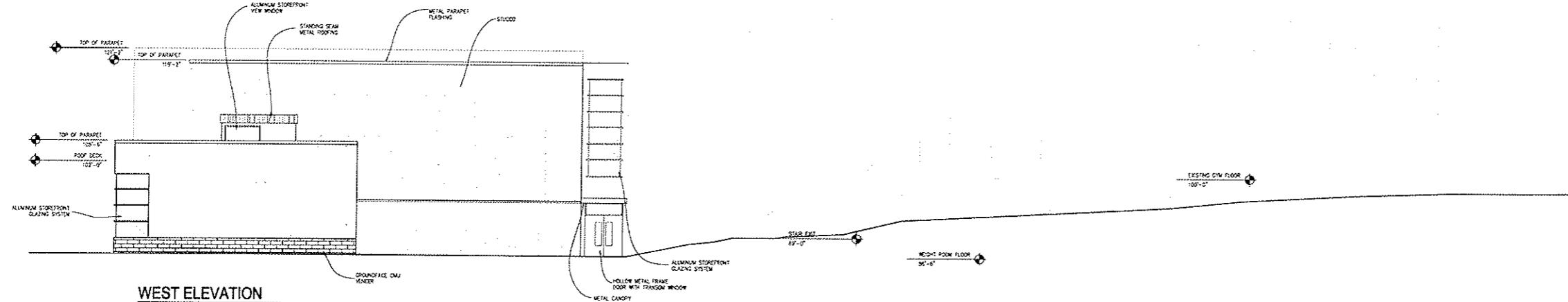
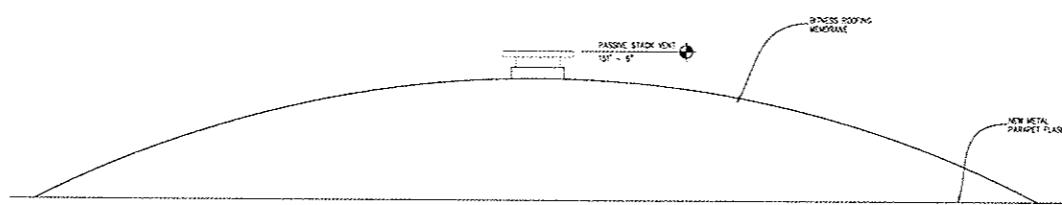
## ASHLAND SCHOOL DISTRICT



NORTH ELEVATION

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SCAL: 1/3" = 1'-0"



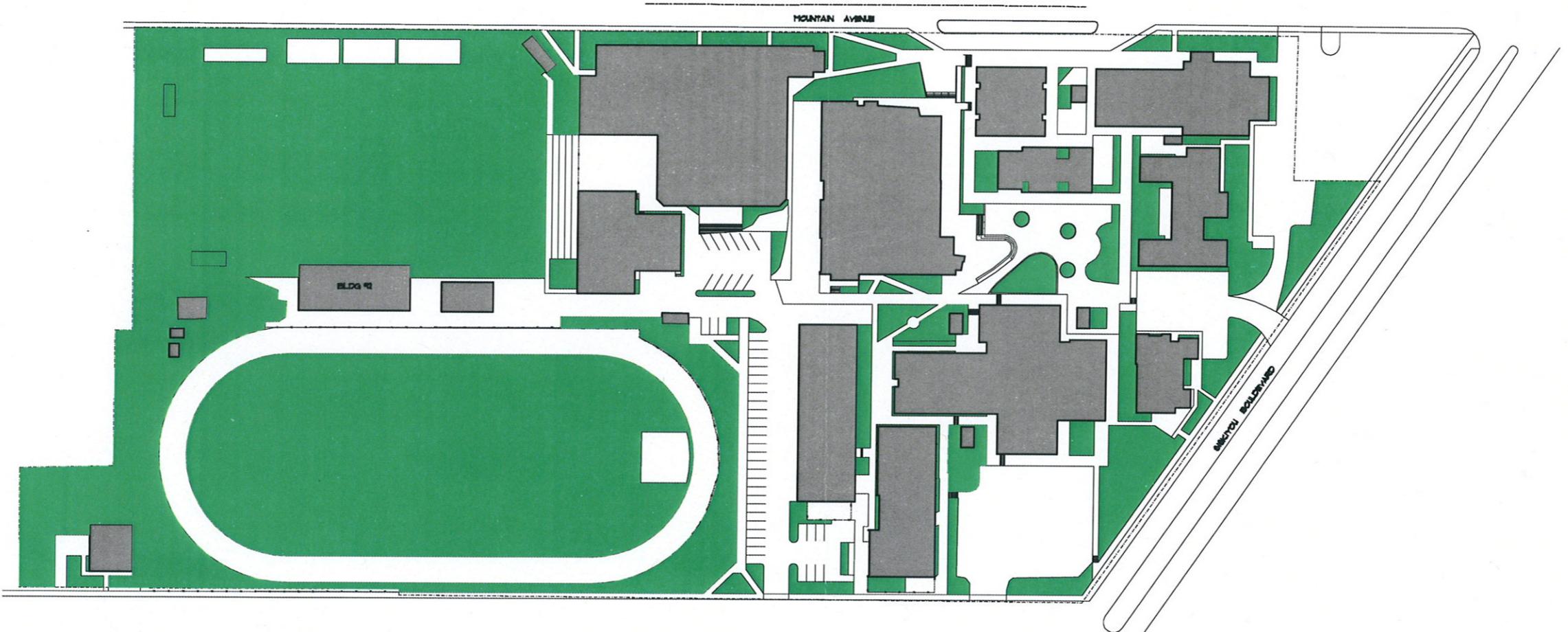
**WEST ELEVATION**

SCS 300 - 1-2

**ASHLAND HIGH SCHOOL**

ASHLAND SCHOOL DISTRICT

**DLR Group** | EXISTING SITE AREAS



SITE AREA: 706,101 SF.

PERVIOUS AREAS: 324,968 SF.

BUILDING AREAS: 152,864 SF.  
CONC. & PAVING: 228,275 SF.  
TOTAL IMPERVIOUS: 381,139 SF. = 53.97%

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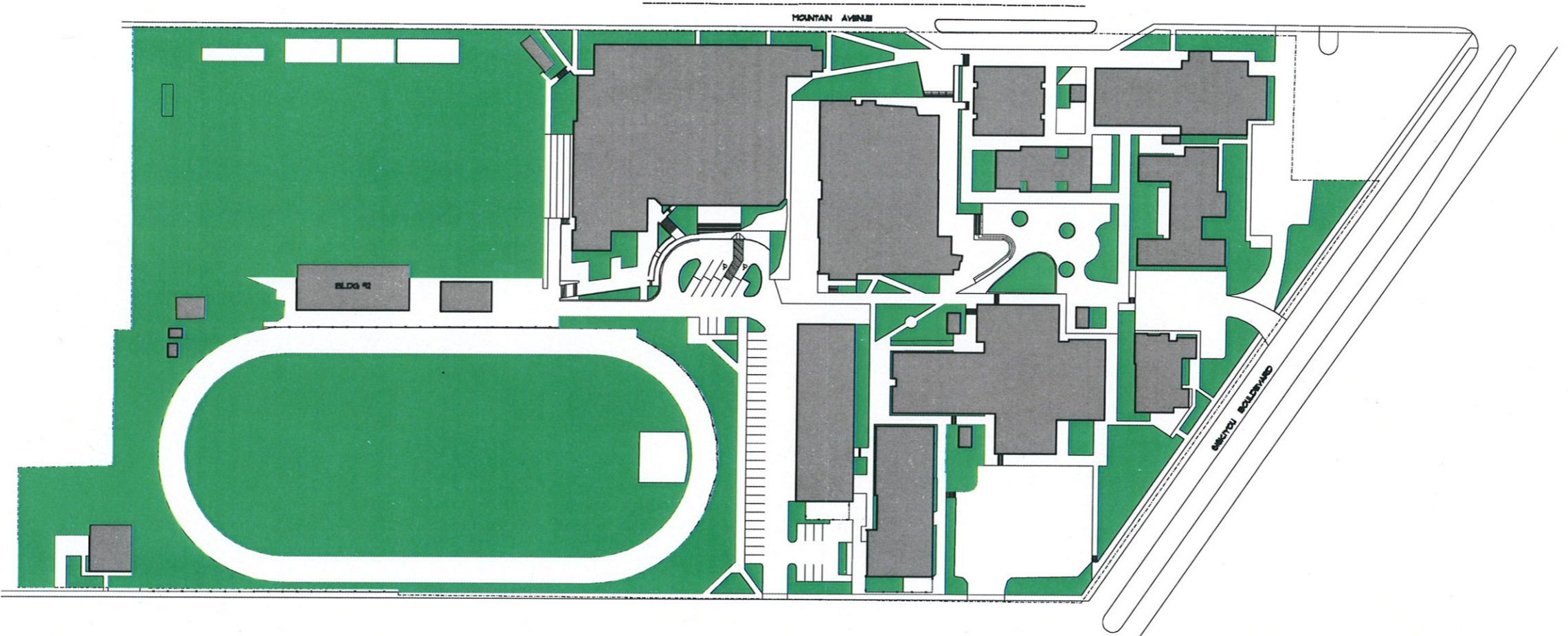
City of Ashland  
Field  Office  Cour

0 20' 40' 60' 80'  
SCALE: 1"-00'-00"  
SCALE: 1"-00'-00" (1/4"=100')

# ASHLAND HIGH SCHOOL

ASHLAND SCHOOL DISTRICT

 DLR Group PROPOSED SITE AREAS



SITE AREA: 706,001 S.F.

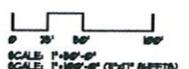
PERVIOUS AREAS: 326,332 S.F.

BUILDING AREAS: 152,455 S.F.

CONC. & PAVING: 227,320 S.F.

TOTAL IMPERVIOUS: 319,775 S.F. = 53.18%

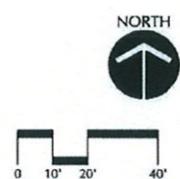
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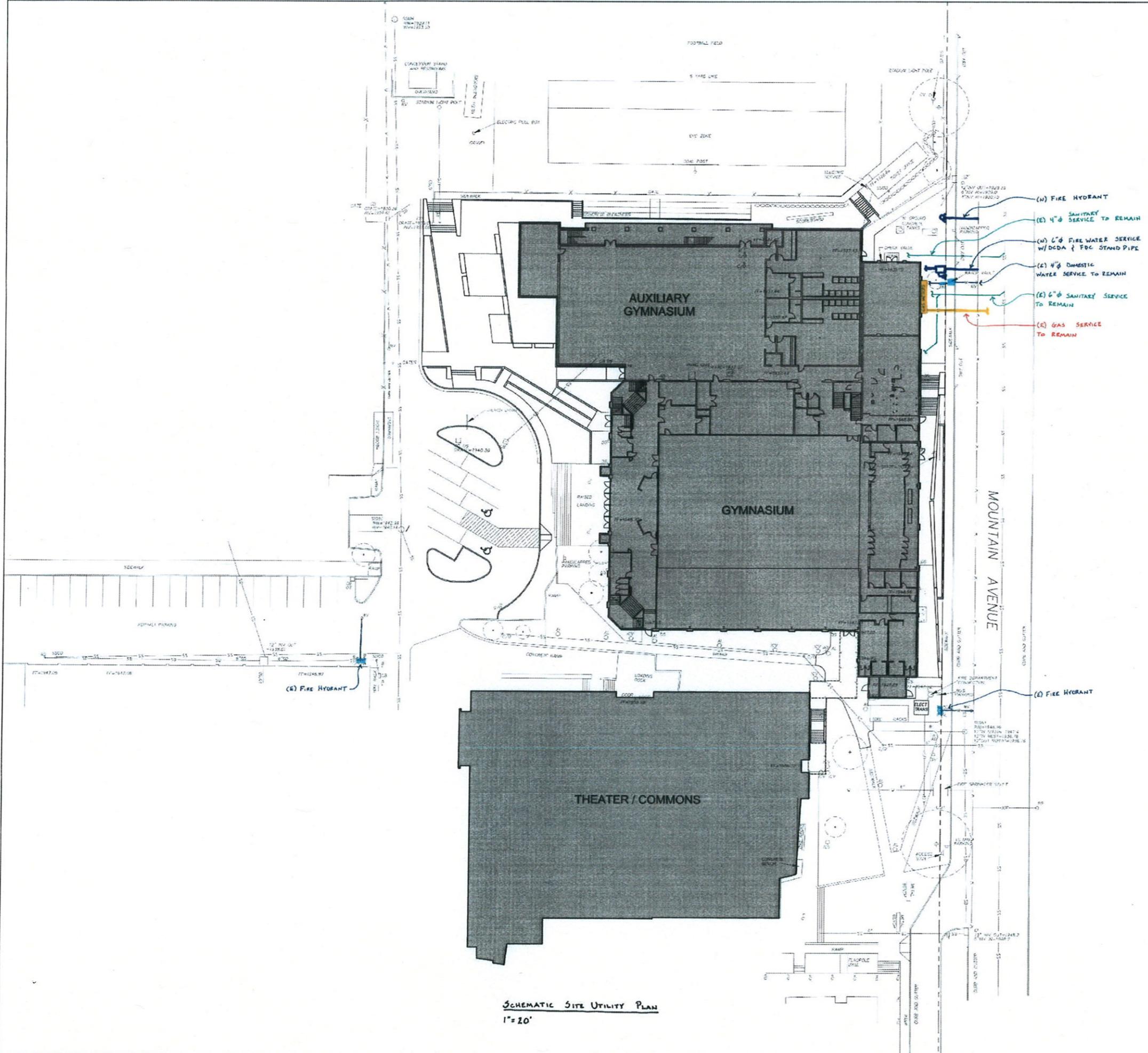
**SCHEMATIC SITE UTILITY PLAN  
ASHLAND HIGH SCHOOL**

**SITE REVIEW** | **PRELIMINARY PRINT**

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0 10' 20' 40'



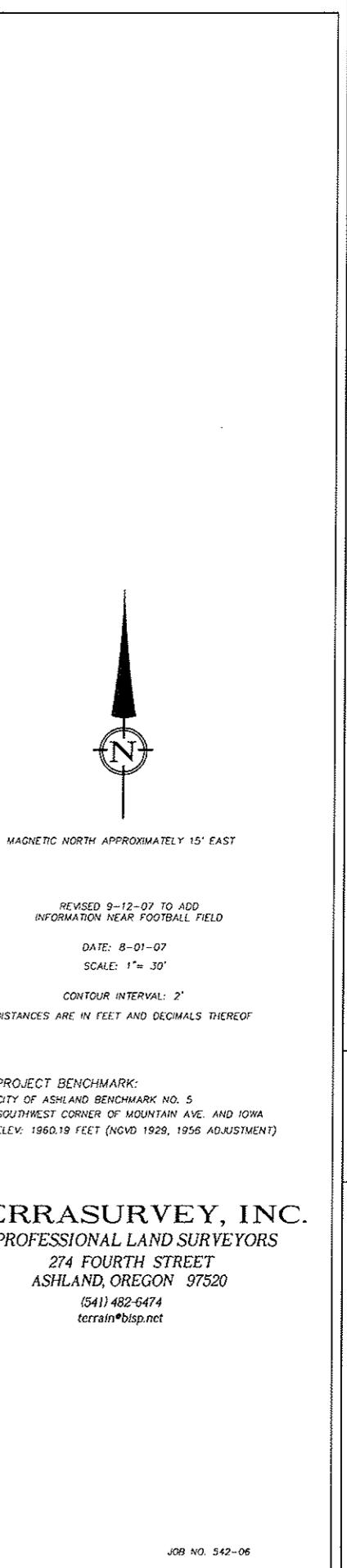
**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520  
(541) 482-6474  
[terrain@bisp.net](mailto:terrain@bisp.net)

PROJECT BENCHMARK:  
CITY OF ASHLAND BENCHMARK NO. 5  
SOUTHWEST CORNER OF MOUNTAIN AVE. AND IOWA  
ELEV: 1960.19 FEET (NGVD 1929, 1956 ADJUSTMENT)

REVISED 9-12-07 TO ADD  
INFORMATION NEAR FOOTBALL FIELD

DATE: 8-01-07  
SCALE: 1" = 30'  
CONTOUR INTERVAL: 2'

DISTANCES ARE IN FEET AND DECIMALS THEREOF



## TOPOGRAPHIC SURVEY

ASHLAND HIGH SCHOOL  
201 MOUNTAIN AVENUE  
ASHLAND, OREGON 97520

FOR  
ASHLAND SCHOOL DISTRICT 5  
885 SISKIYOU BLVD.  
ASHLAND, OREGON 97520

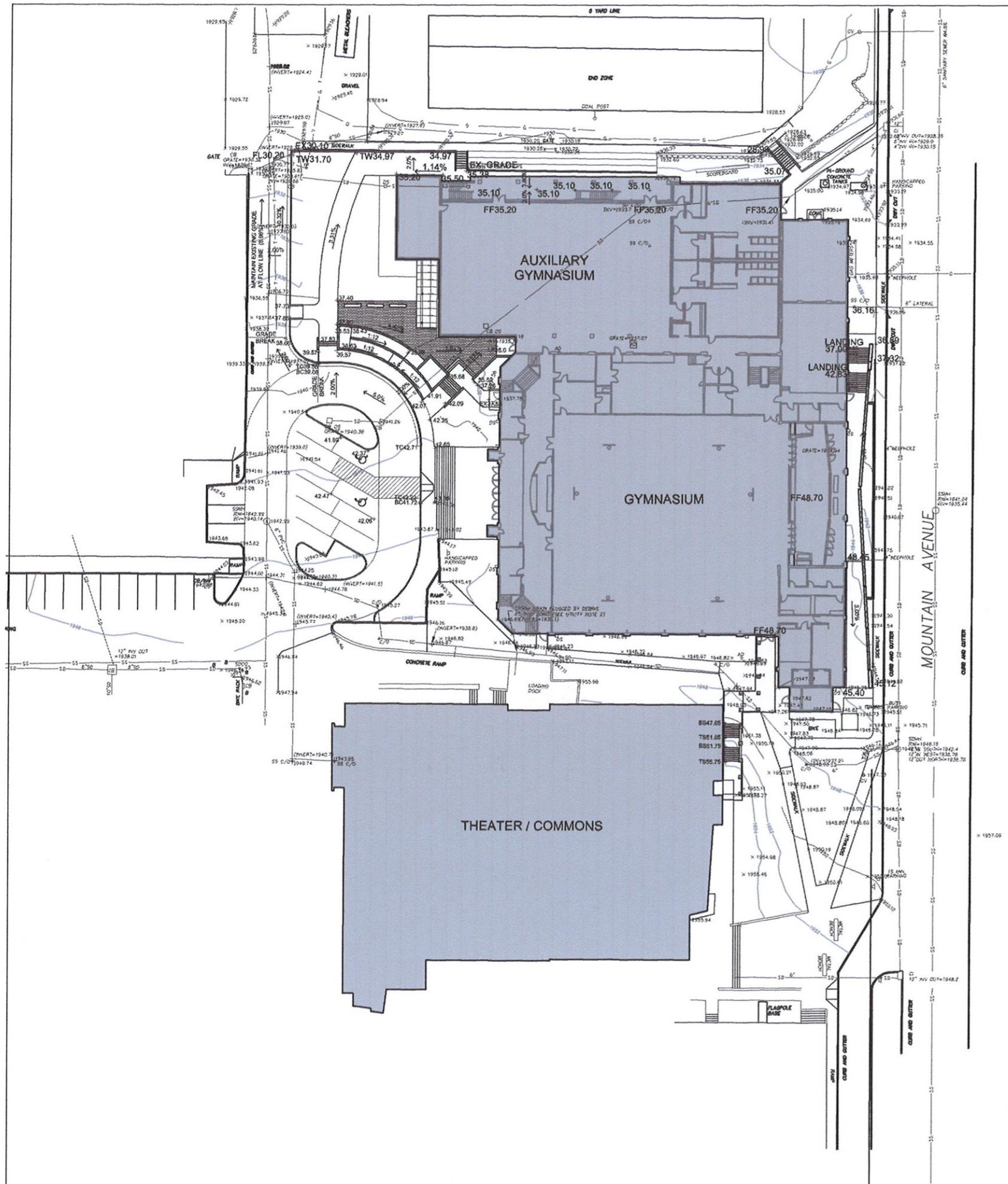
### BASIS OF BEARINGS

BEARINGS BASED ON FILED SURVEY NO. 10776  
T 39 S., R 1 E., SEC 090A TAX LOT 100

EASEMENT NOTE: UTILITIES SHOWN ARE FROM FIELD OBSERVATIONS,  
UTILITY 'LOCATE' MARKS, SCHOOL DISTRICT AS-BUILT DRAWINGS AND  
CITY OF ASHLAND RECORDS. NO GUARANTEE CAN BE MADE THAT  
UTILITY INFORMATION IS ENTIRELY ACCURATE OR COMPLETE.

UTILITY NOTE: UTILITIES SHOWN ARE FROM FIELD OBSERVATIONS,  
UTILITY 'LOCATE' MARKS, SCHOOL DISTRICT AS-BUILT DRAWINGS AND  
CITY OF ASHLAND RECORDS. NO GUARANTEE CAN BE MADE THAT  
UTILITY INFORMATION IS ENTIRELY ACCURATE OR COMPLETE.

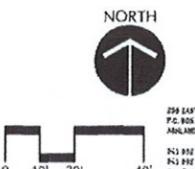
EASEMENT NOTE: LOT BOOK REPORT NO. 48g0487393 BY  
LANDAMERICA LAWYERS TITLE DATED SEPTEMBER 11, 2007 SHOWS NO  
EASEMENTS ACROSS THIS PORTION OF THE HIGH SCHOOL PROPERTY.  
THE NORTH-SOUTH SANITARY SEWER MAIN WHICH LIES WESTERLY OF  
THE SMALL GYMNASIUM MAY LIE WITHIN AN EASEMENT WHICH  
PREDATES SCHOOL DISTRICT OWNERSHIP BUT NO WRITTEN RECORD OF  
AN EASEMENT COULD BE FOUND.



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DLR Group  
Architects, Engineers, Interior Designers, and Planners



## PRELIMINARY GRADING PLAN ASHLAND HIGH SCHOOL

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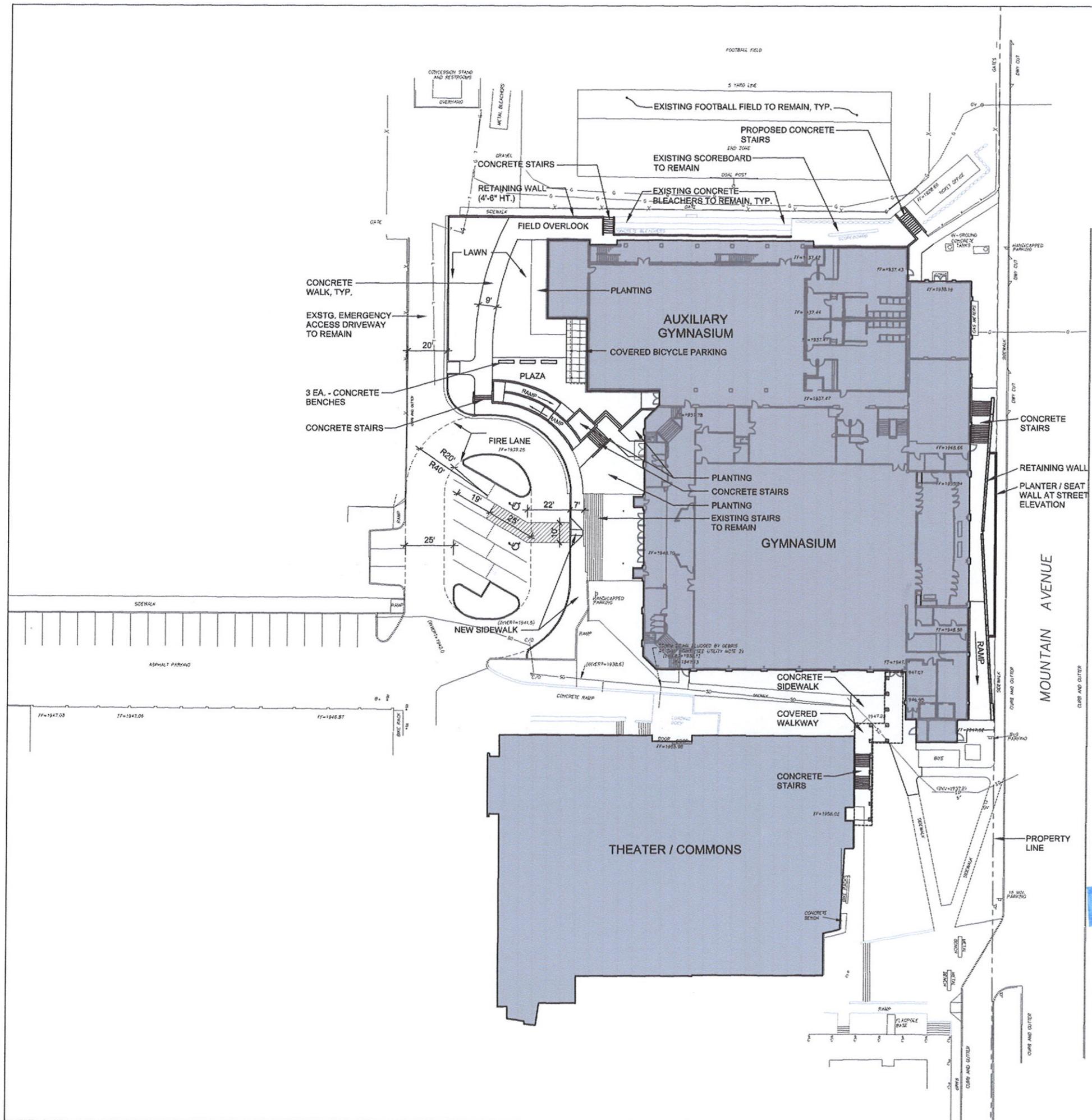
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74-2105-10  
02-04-2008

PRELIMINARY PRINT

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## GENERAL NOTES

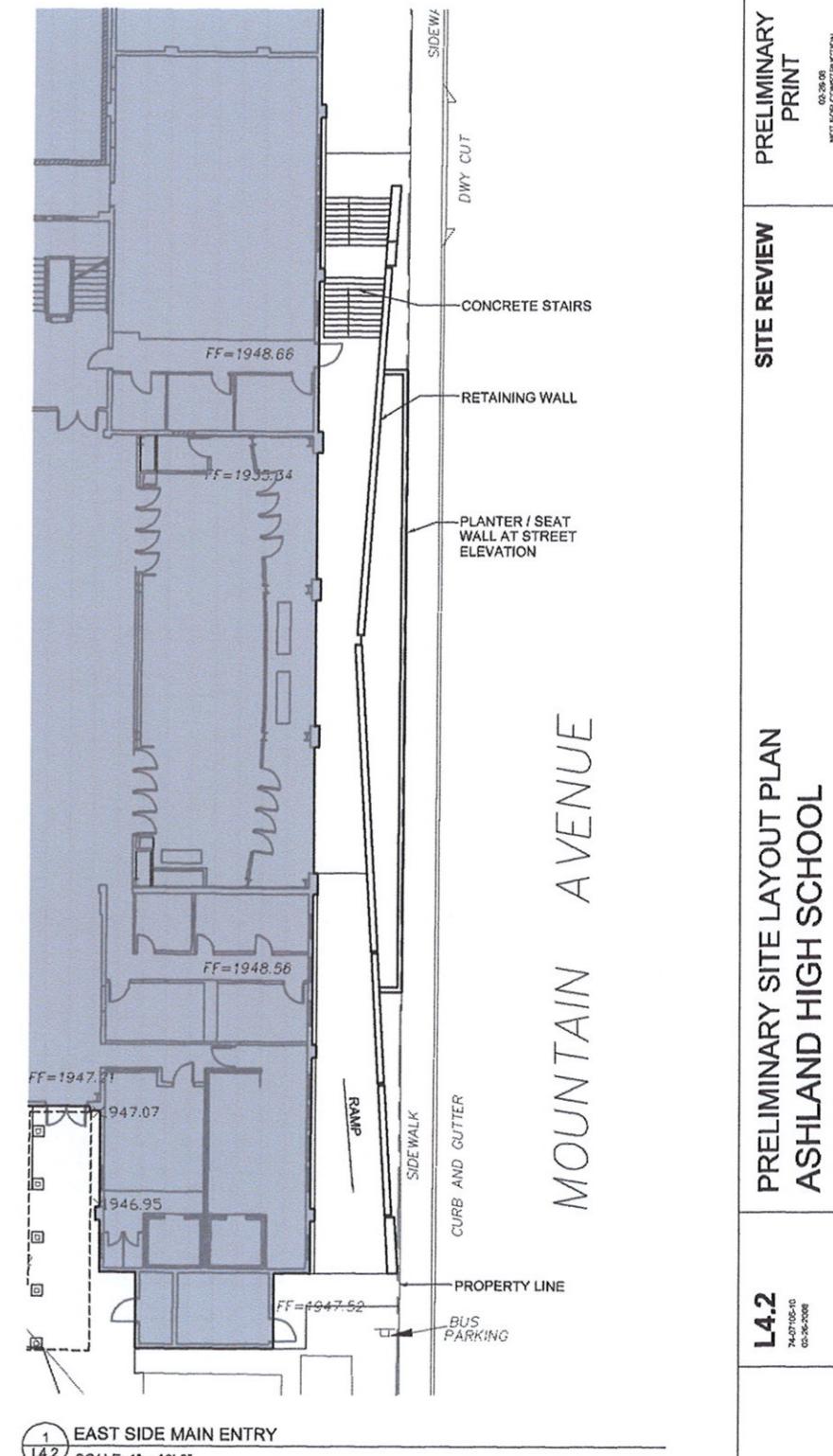
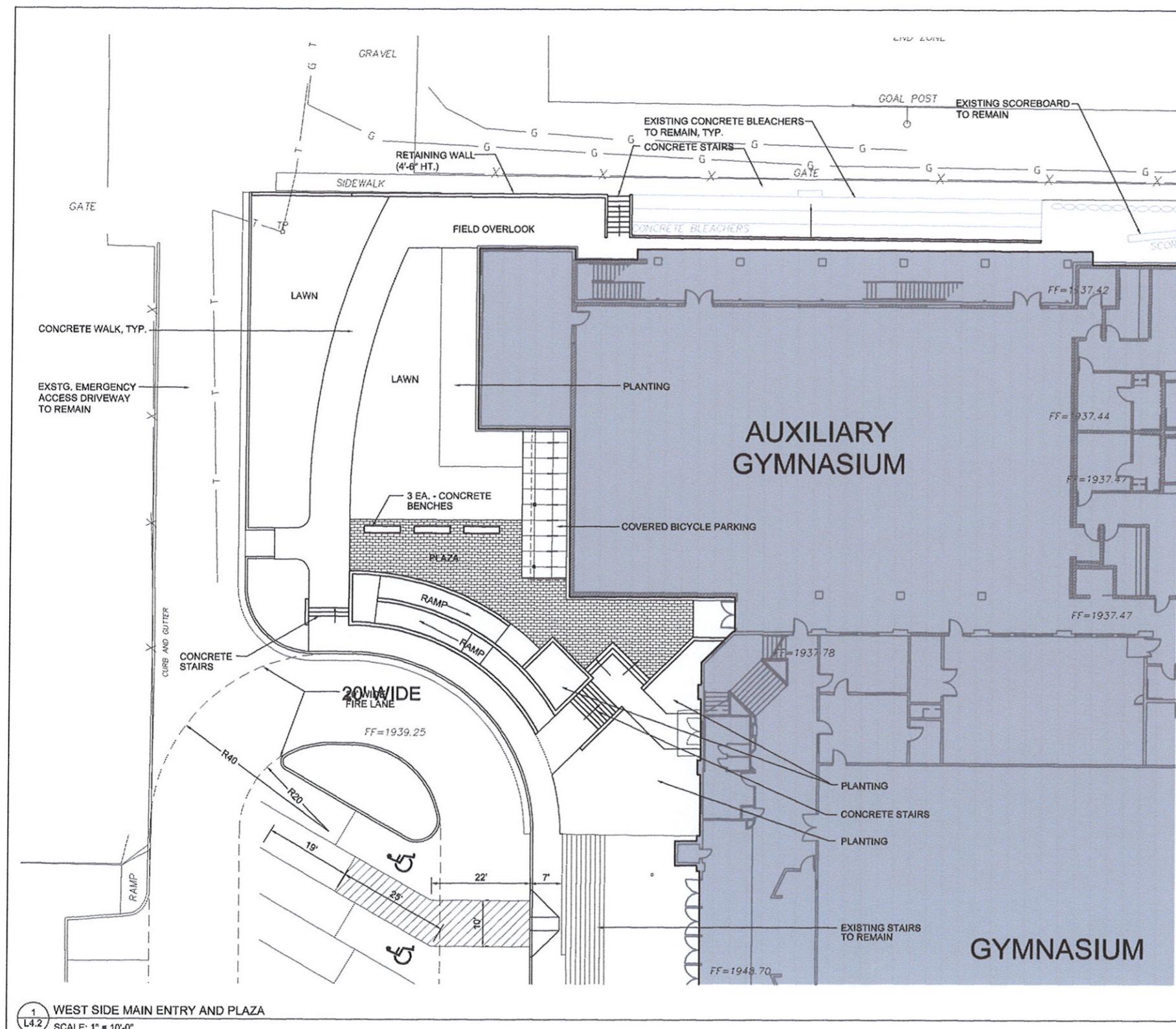
- VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL UTILITY LOCATES.
- TOPOGRAPHIC SURVEY OF EXISTING CONDITIONS PROVIDED BY TERRASURVEY, INC., TEL. 541-482-6474.
- GENERAL CONTRACTOR SHALL PROVIDE, INSTALL, AND MAINTAIN TREE PROTECTION FENCING ACCORDING TO CITY OF ASHLAND REQUIREMENTS.
- SEE CIVIL PLANS FOR ALL EXISTING AND PROPOSED UTILITIES.

L4.1  
745705-10  
02-06-2008

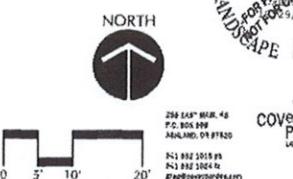
PRELIMINARY SITE LAYOUT PLAN  
ASHLAND HIGH SCHOOL

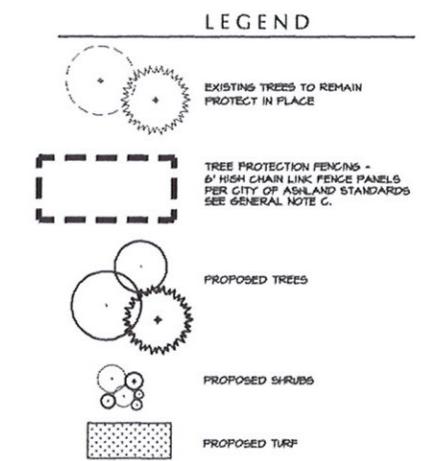
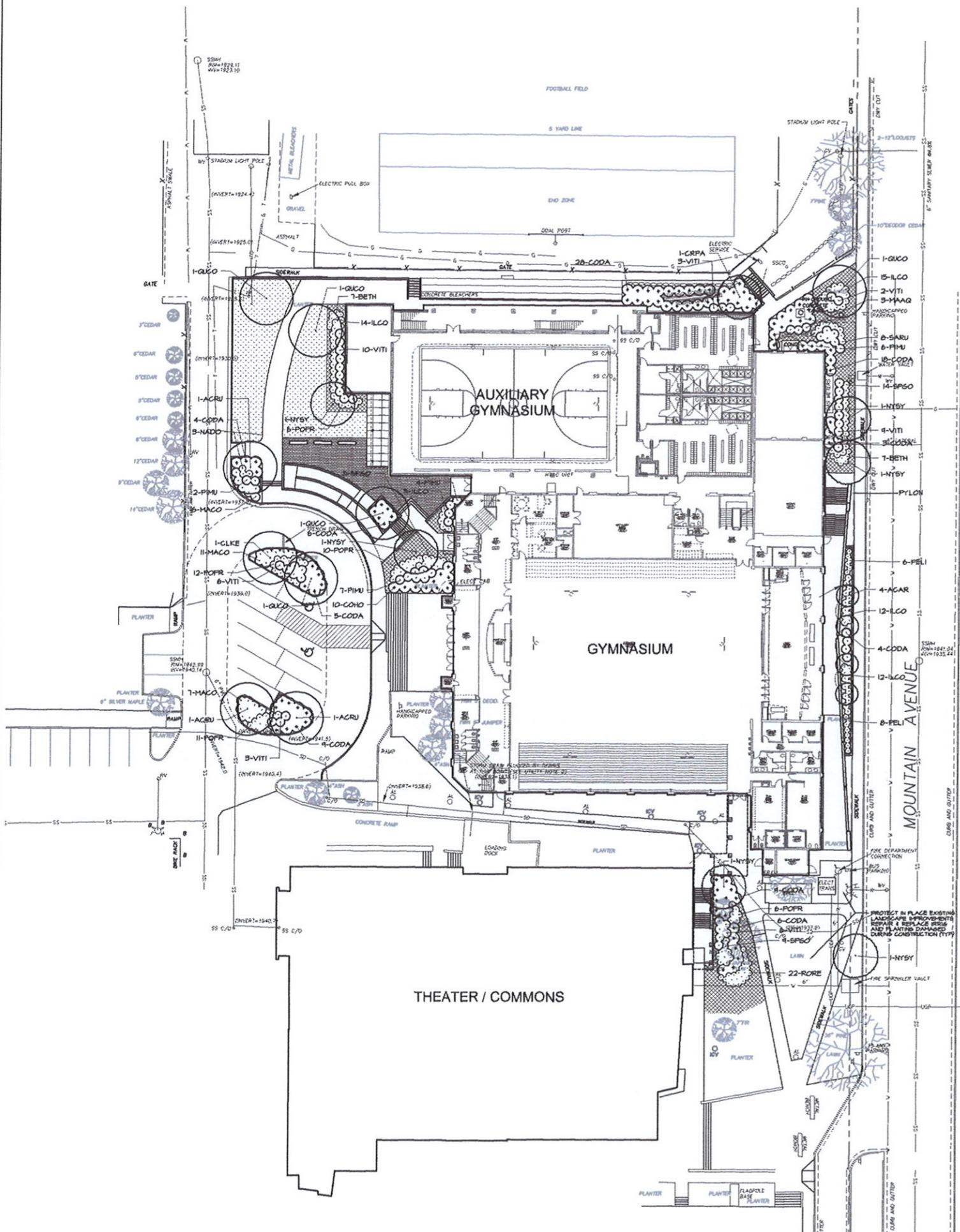
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#### GENERAL NOTES

- VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL UTILITY LOCATES.
- TOPOGRAPHIC SURVEY OF EXISTING CONDITIONS PROVIDED BY TERRASURVEY, INC. TEL 541-482-6414.
- GENERAL CONTRACTOR SHALL PROVIDE, INSTALL, AND MAINTAIN TREE PROTECTION FENCING ACCORDING TO CITY OF ASHLAND REQUIREMENTS
- AN AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL PLANTING AREAS AT THE TIME OF BUILDING PERMIT SUBMITTAL.

#### PLANT LIST

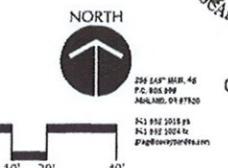
Key	Botanical Name	Common Name	Size / Comments
<b>Trees</b>			
ACGR	ACER GRISEUM	PAPERBARK MAPLE	1.75" DBH - B&B
ACAR	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG MAPLE	1.75" DBH - B&B
ACRU	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	1.75" DBH - B&B
CLKE	CLADRASTIS KENTUCKEA	YELLOW WOOD	2" DBH - B&B
CRPA	CRATAEGUS PAUL'S SCARLET	PAUL'S SCARLET HAWTHORN	1.75" DBH - B&B
NYSY	NYSSA SYLVATICA 'RED RAGE'	RED RAGE SOUR GUM	1.75" DBH - B&B
QUCO	QUERCUS COCCINEA	SCARLET OAK	2" DBH - B&B
<b>Shrubs</b>			
BETH	BERBERIS T 'CRIMSON PYGMY'	CRIMSON PYGMY BARBERRY	1 GAL
COHO	COTONEASTER HORIZONTALIS	ROCK COTONEASTER	1 GAL
ILCO	ILEX CORNUTA 'BURFORDIANA'	DWARF BURFORD CHINESE HOLLY	5 GAL
MACO	MAHONIA A COMPACTA	COMPACT OREGON GRAPE	5 GAL
MAAQ	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GAL
NADO	NANDINA DOMESTICA	HEAVENLY BAMBOO	5 GAL
PIMU	PINUS MUGO MUGO	MUGHO PINE	5 GAL
POFR	POTENTILLA FRUTICOSA 'GOLD STAR'	GOLD STAR POTENTILLA	1 GAL
RORE	ROSA 'RED CARPET'	RED CARPET ROSE	1 GAL
SARU	SARCOCOCCA RUSCIFOLIA	SWEET BOX	1 GAL
SPGO	SPIRAEA J 'GOLD FLAME'	ANTHONY WATERER SPIRAEA	5 GAL
VITI	VIBURNUM TINUS 'COMPACTUM'	COMPACT LAURESTINUS VIBURNUM	5 GAL
<b>Groundcovers &amp; Perennials</b>			
	HYPERICUM CALYCINUM	SAIN JOHN'S WART	1 GAL @ 36" o.c.
CODA	COTONEASTER DAMMERI	BEARBERRY COTONEASTER	1 GAL
PELI	PENNISETUM A 'LITTLE BUNNY'	LITTLE BUNNY FOUNTAIN GRASS	1 GAL

RECEIVED

FEB 29 2008

City of Ashland  
Field  Office  Cour<sup>t</sup>

REGISTERED  
29  
Gregory L. Pardee  
INDUSTRIAL  
FOR PLANNING AND CONSTRUCTION  
2/29/92

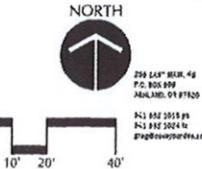


L5.2 PRELIMINARY LANDSCAPE PLAN  
ASHLAND HIGH SCHOOL

**DLR Group**  
Architecture Planning Interiors

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CURB AND GUTTER

15-ILCO  
2-VITI  
3-MAAQ

SS

DWY CUT

SS

CONCRETE

TANNE

SS

HANDICAPPED

PARKING

SS

IN-GROUND

CONCRETE

TANNE

SS

CONC

SS

WV

14-SPGO

SS

I-NYSY

SS

SIDEWALK

SS

9-VITI

SS

3-CODA

SS

7-BETH

SS

I-NYSY

SS

PYLON

SS

6-PELI

SS

4-ACAR

SS

12-ILCO

SS

4-CODA

SS

12-ILCO

SS

8-PELI

SS

SSMH

RIM=1941.04

INV=1935.441

SS

MOUNTAIN

AVENUE

SS

SIDEWALK

SS

CURB AND GUTTER

SS

FIRE DEPARTMENT

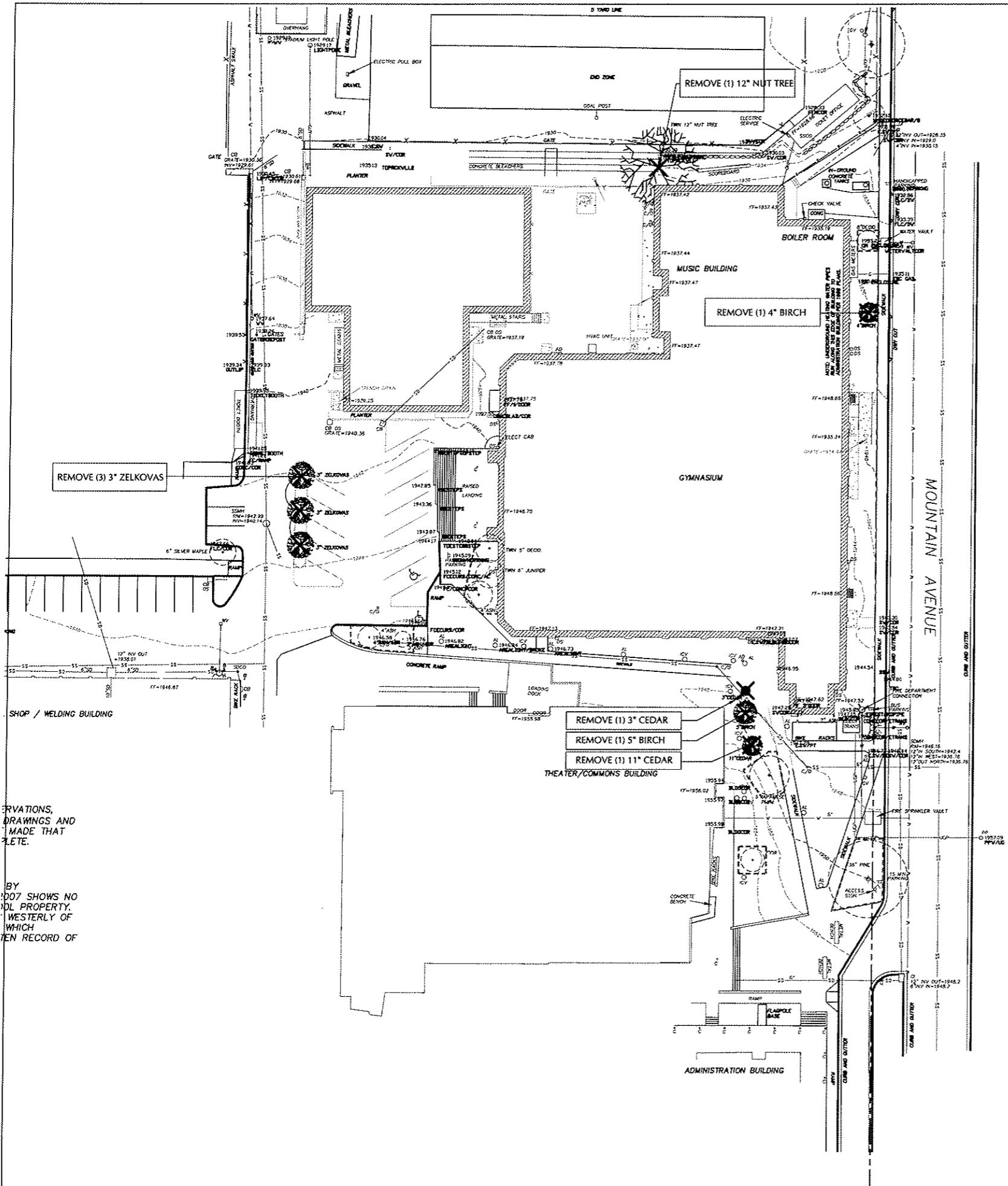
CONNECTION

SS

RHS

SS

PLAN



**LEGEND**

## GENERAL NOTES

- VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL UTILITY LOCATES.

TOPOGRAPHIC SURVEY OF EXISTING CONDITIONS PROVIDED BY ERASURVEY, INC., TEL: 541-482-6747.

GENERAL CONTRACTOR SHALL PROVIDE, INSTALL, AND MAINTAIN TREE PROTECTION FENCING ACCORDING TO CITY OF ASHLAND REQUIREMENTS.

TREE PROTECTION FENCING -  
6' HIGH CHAIN LINK FENCE PANELS  
PER CITY OF ASHLAND STANDARDS.  
SEE GENERAL NOTE C.

#### **EXISTING TREES TO REMAIN**

**EXISTING TREES TO BE REMOVED**

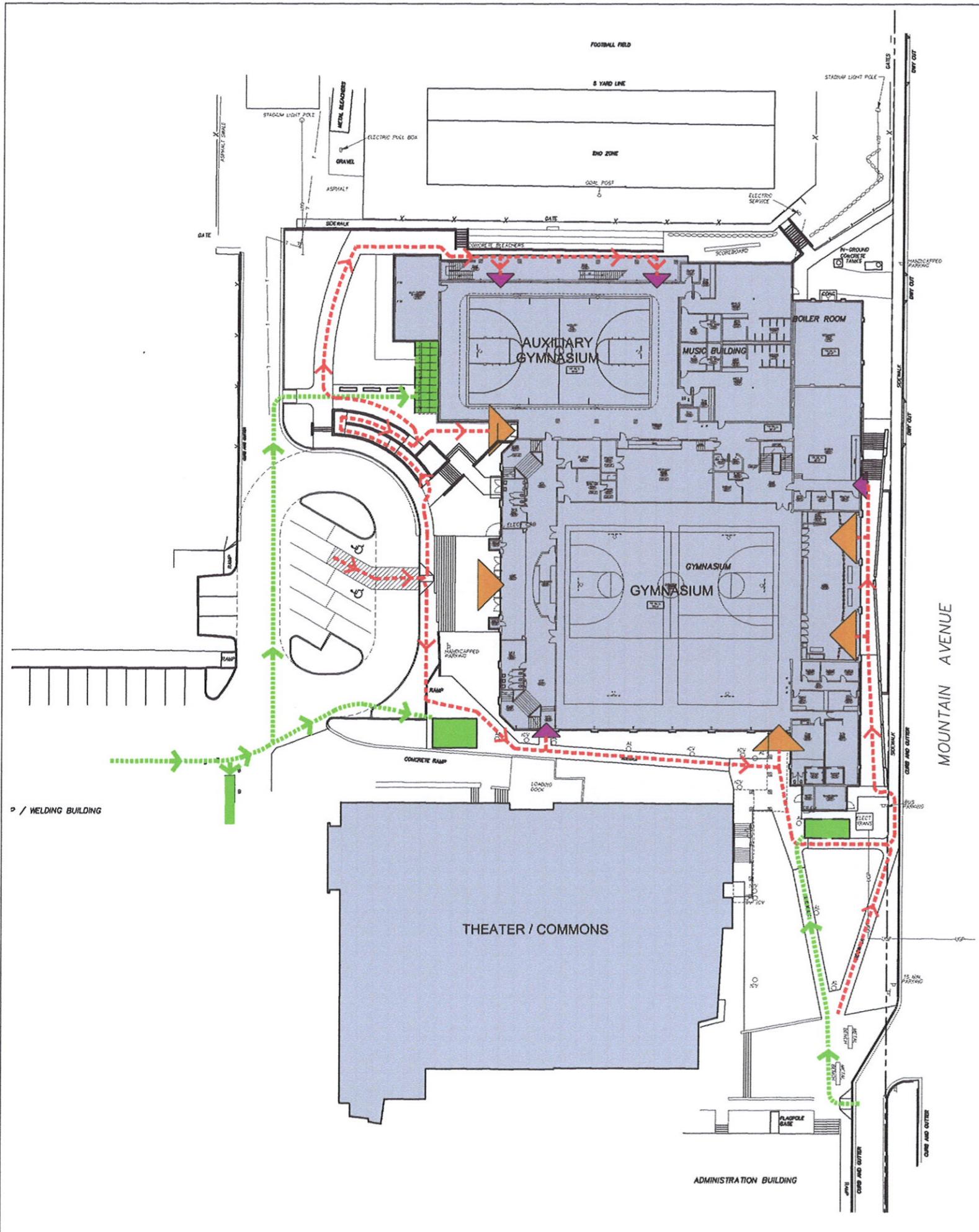
**TREE PROTECTION AND REMOVAL PLAN  
ASHLAND HIGH SCHOOL**

L5.2  
74-07199-10  
01.11.2006



 COVEY  
PARDEE.  
WEDDING & EVENT

**DHL**  
Architectu



### LEGEND

- PRIMARY ENTRY
- SECONDARY ENTRY
- ACCESSIBLE ROUTE
- BICYCLE ROUTE
- BICYCLE PARKING

L6.1 | SITE CIRCULATION PLAN  
ASHLAND HIGH SCHOOL

L6.1  
7470705-10  
02-26-2008

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Architecture Planning Interiors

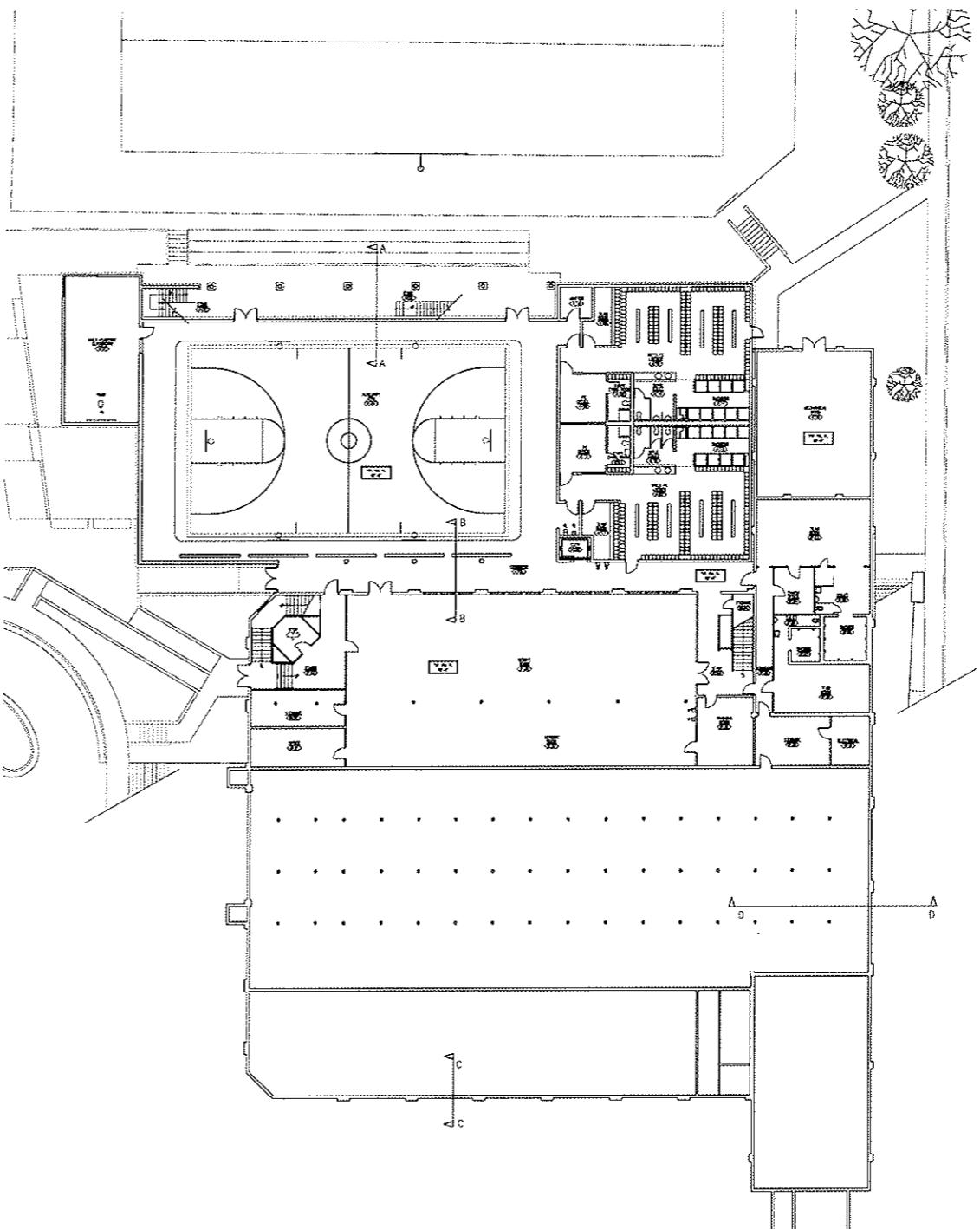
RECEIVED  
FEB 29 2008  
City of Ashland  
Field  Office  Court  
REGISTERED  
• LANDSCAPE ARCHITECT  
FOR PLANNING AND CONSTRUCTION  
Gregory Pardee  
Covey Pardee Landscape Architects  
291 E. 10th Street, Suite 920  
Ashland, OR 97520  
541.552.1823 x1  
541.552.1824 x1  
541.552.1825 x1  
www.covey-pardee.com

# ASHLAND HIGH SCHOOL

ASHLAND SCHOOL DISTRICT

1ST FLOOR PLAN

 DLR Group



 FIRST FLOOR PLAN  
NORTH SCALE: 1/8" = 1'-0"

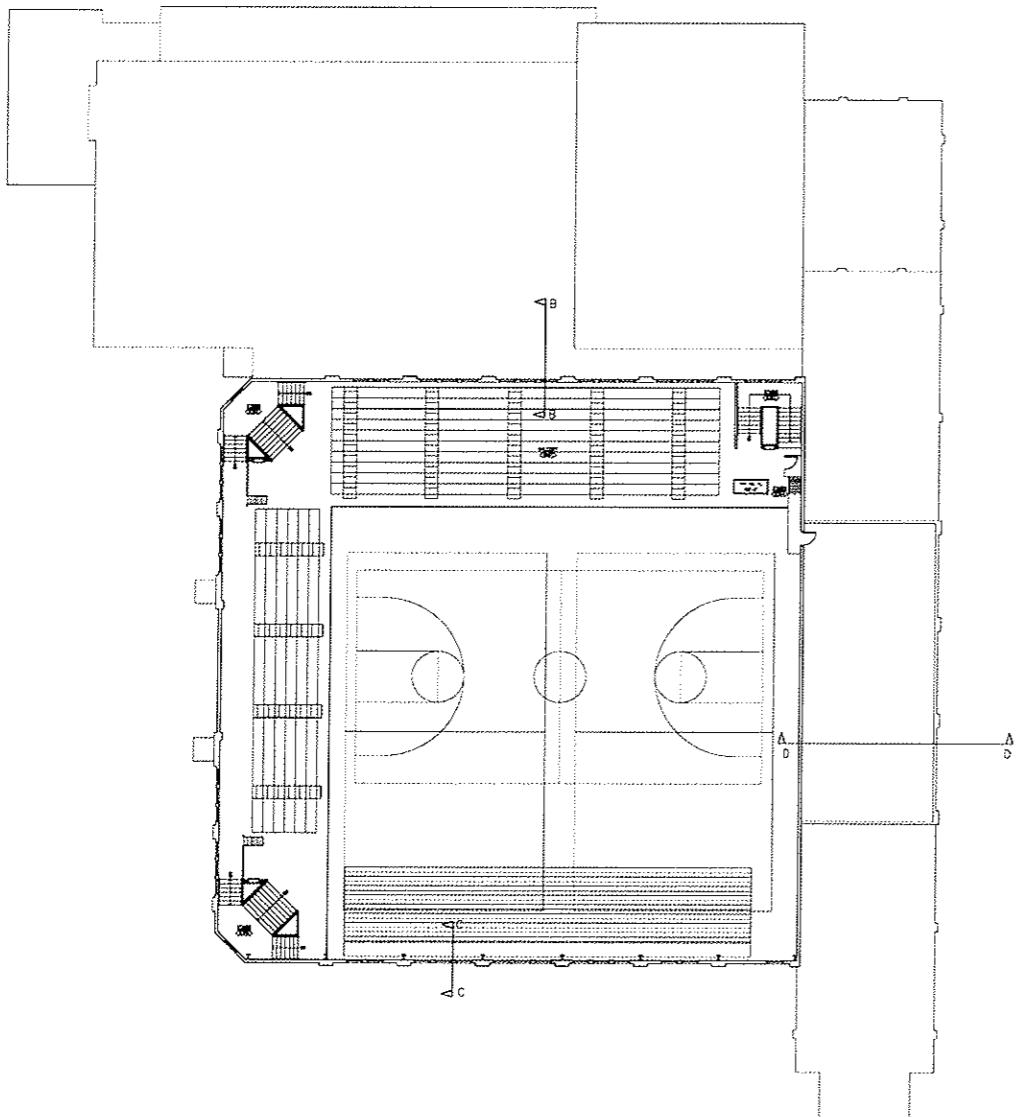
# ASHLAND HIGH SCHOOL

ASHLAND SCHOOL DISTRICT

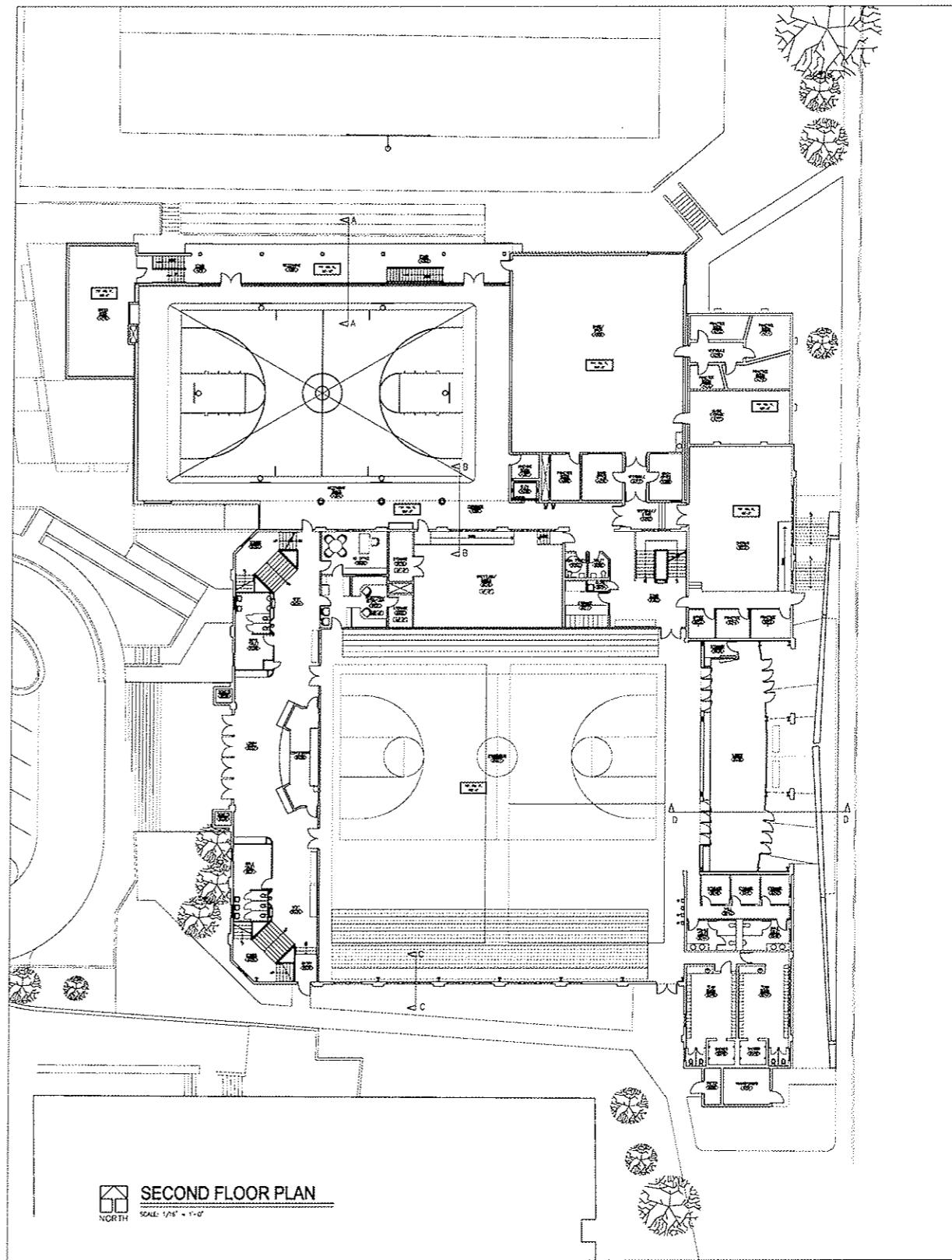
**DLR Group**  
2ND FLOOR PLAN  
AND MEZZANINE



MEZZANINE PLAN  
NORTH  
SCALE: 1/8" = 1'-0"



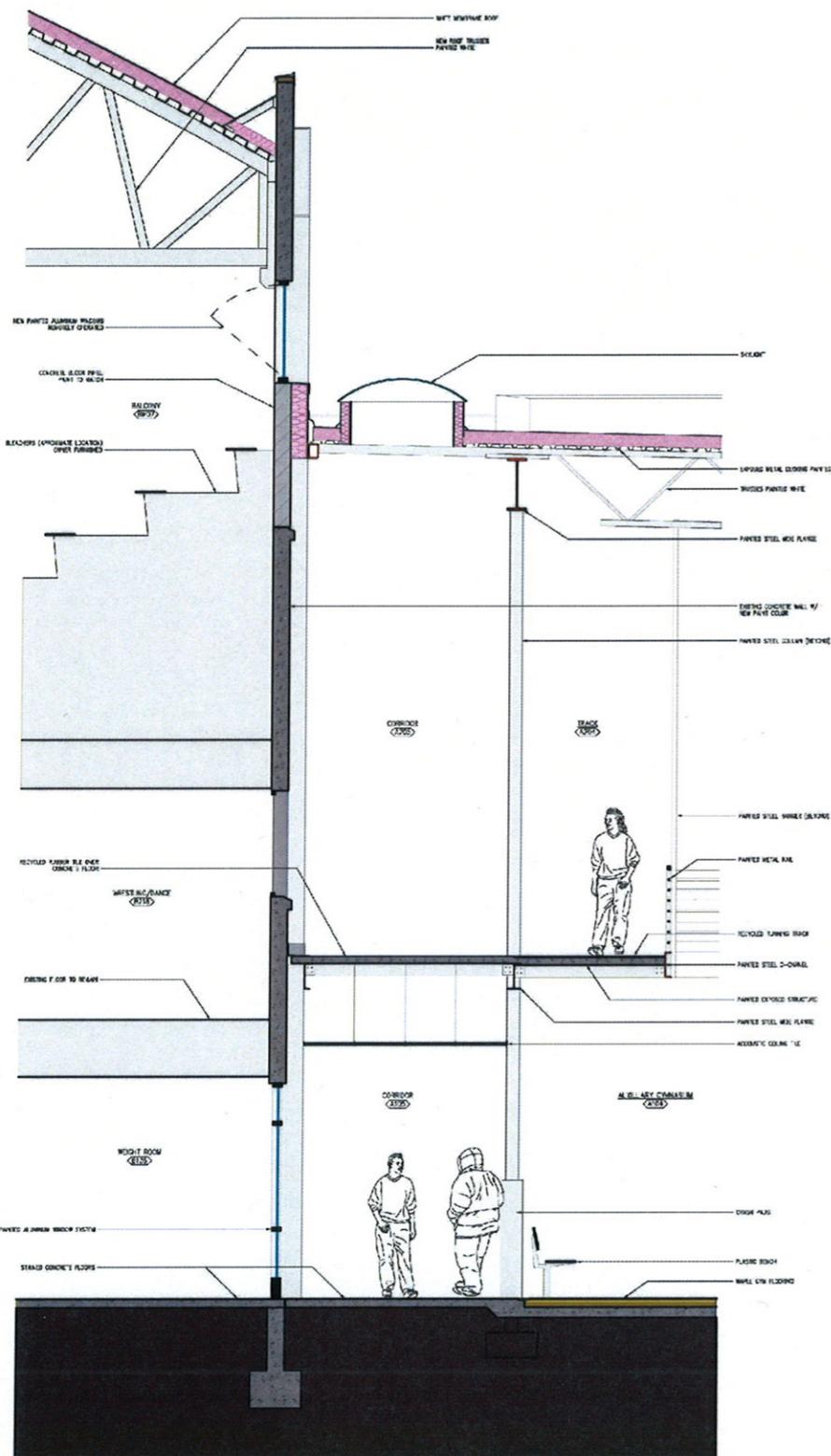
SECOND FLOOR PLAN  
NORTH  
SCALE: 1/8" = 1'-0"



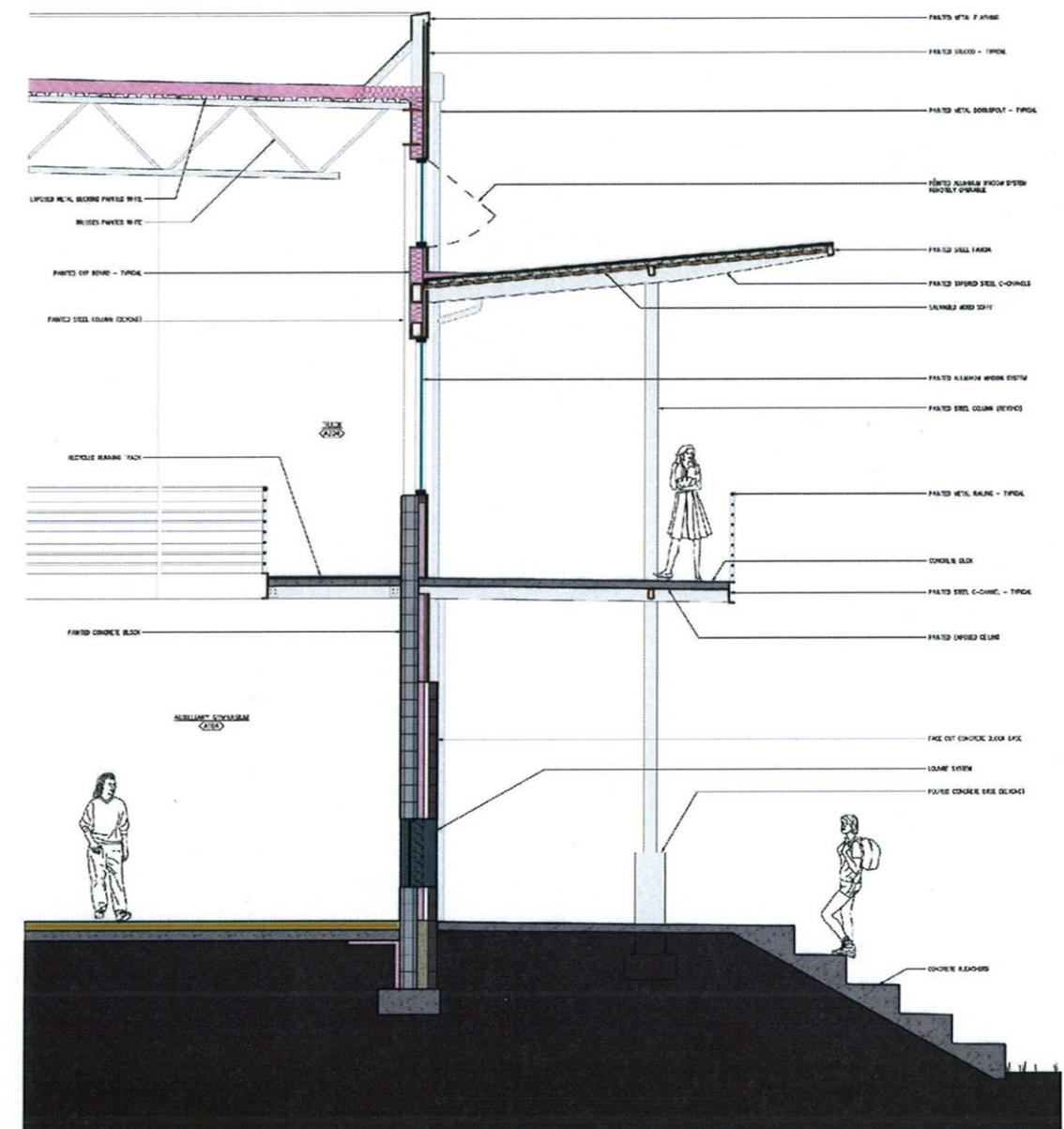
# ASHLAND HIGH SCHOOL

## ASHLAND SCHOOL DISTRICT

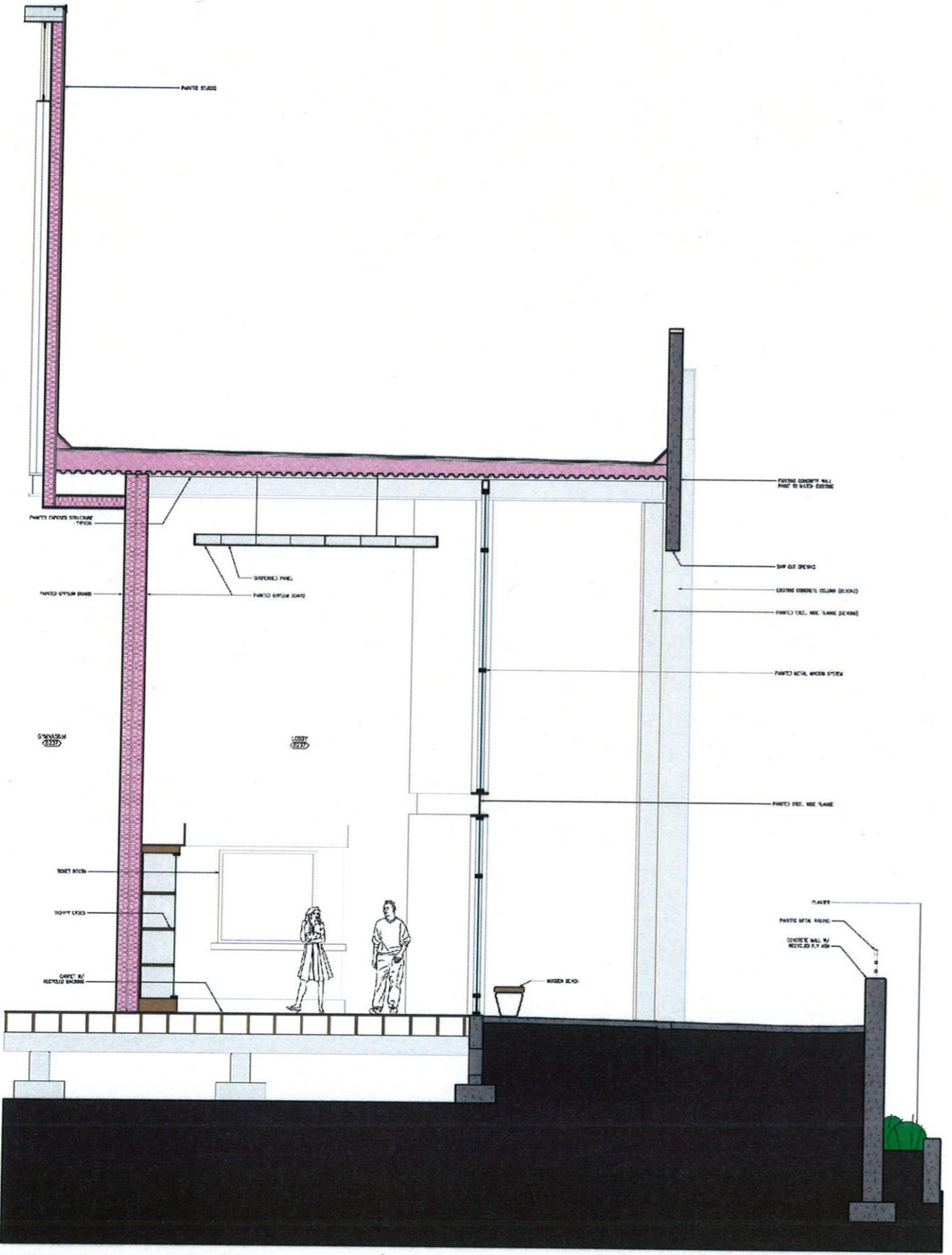
SECTIONS



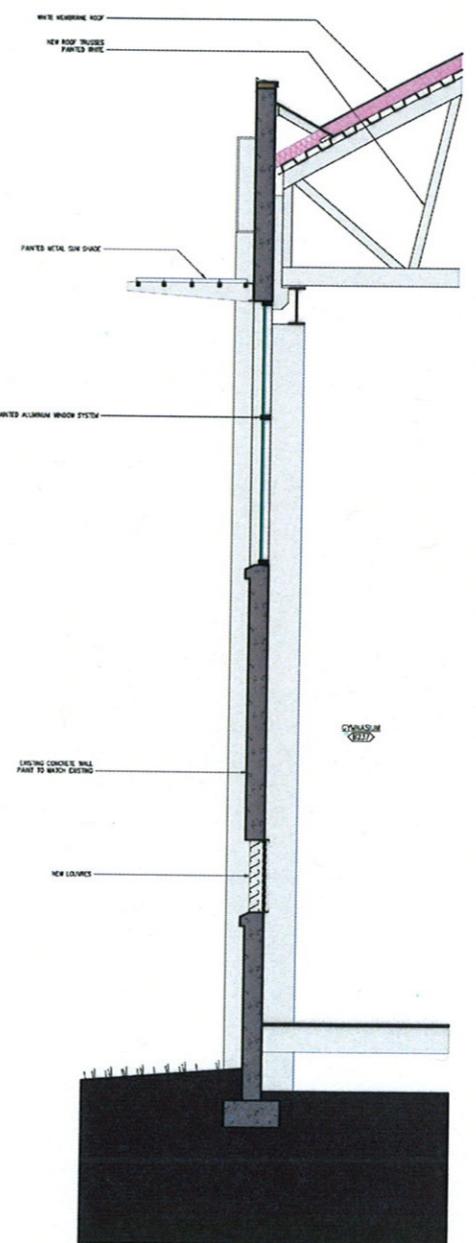
SECTION BB - NOT TO SCALE



SECTION AA - NOT TO SCALE



SECTION DD - NOT TO SCALE



SECTION CC - NOT TO SCALE

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



  
**Covey  
Pardee.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

**1** 4" BETULA

STATUS:  
TREE TO BE REMOVED

LOCATION:  
MOUNTAIN AVENUE

**RECEIVED**

FFR 04 2008

City of Ashland  
Field  Office  Coun

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



2

7" XX

STATUS:  
TREE TO BE REMOVED

LOCATION:  
MOUNTAIN AVENUE

  
**Covey  
Pardee.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

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Field  Office  Coun**

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



3a



3b



3c

**3** 5 EA. 1.5" ACER  
RUBRUM 'BOWHALL'

STATUS:  
TREE TO BE REMOVED

LOCATION:  
MOUNTAIN AVENUE

**COVEY**  
**PaRDEE.**  
LANDSCAPE ARCHITECTS

295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

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3d



3e

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



4



5



6

  
**Covey PaRDEE.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

- 4** 5" BETULA
- 5** 3" CEDAR
- 6** 11" CEDAR

STATUS:  
TREES TO BE REMOVED

LOCATION:  
INTERIOR

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EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



7



8



9

  
**Covey PaRDEE.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #B  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

**7** 2.5" CEDAR

**5** UPRIGHT JUNIPER

**6** UPRIGHT JUNIPER

STATUS:  
TREES TO BE REMOVED

LOCATION:  
INTERIOR

**RECEIVED**

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City of Ashland  
Field  Office  Cour

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



10a



10b



10c

covey.  
PaRDEE.  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

**10** 3 EA. - 3" ZELKOVAS

STATUS:  
TREES TO BE REMOVED

LOCATION:  
INTERIOR PARKING LOT

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City of Ashland  
Field  Office  Coun

EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT



**11** 12" PRUNUS SP. (ALMOND)

STATUS:  
TREES TO BE REMOVED

LOCATION:  
INTERIOR

  
**COVEY**  
**PaRDEE**,  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

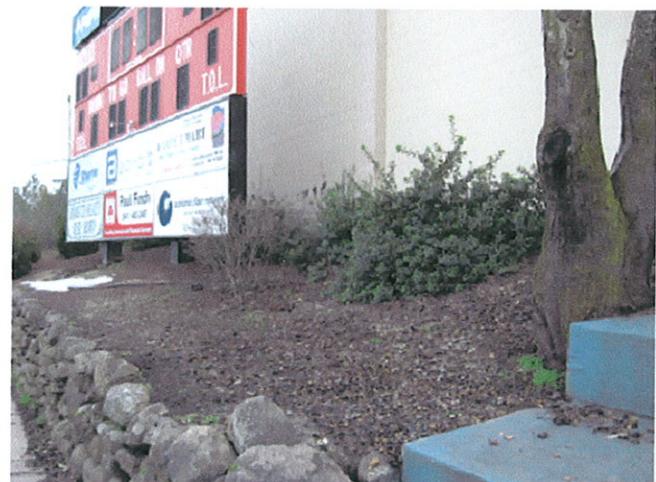


**RECEIVED**

FEB 04 2008

City of Ashland  
Field  Office  Coun

# EXISTING TREE INVENTORY ASHLAND HIGH SCHOOL ASHLAND SCHOOL DISTRICT



  
**Covey  
Pardee.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

## EXISTING SCORE BOARD SCREEN PLANTING

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FEB 04 2008

City of Ashland  
Field  Office  Coun

**EXISTING TREE INVENTORY  
ASHLAND HIGH SCHOOL  
ASHLAND SCHOOL DISTRICT**



  
**Covey  
ParDEE.**  
LANDSCAPE ARCHITECTS  
295 EAST MAIN, #8  
ASHLAND, OR 97520  
541 552 1015 ph  
541 552 1024 fx

**EXISTING MUGO PINES**

**RECEIVED**

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City of Ashland  
Field  Office  Coun

# **Findings**

**BEFORE THE PLANNING COMMISSION**  
**March 11, 2008**

IN THE MATTER OF PLANNING ACTION #2008-00053, A REQUEST FOR )  
SITE REVIEW APPROVAL TO CONSTRUCT AN APPROXIMATELY 19,375 )  
SQUARE FOOT AUXILIARY GYM AND MUSIC SUITE ADDITION ON THE )  
ASHLAND HIGH SCHOOL CAMPUS LOCATED AT 201 SOUTH MOUNTAIN )  
AVENUE. THE APPLICATION PROPOSES DEMOLITION OF THE EXISTING )  
10,800 SQUARE FOOT AUXILIARY GYM BUILDING AND OF THE EXISTING )  
5,600 SQUARE FOOT MUSIC SUITE; RENOVATION OF THE 22,024 SQUARE )  
MAIN GYMNASIUM BUILDING; AND A RECONFIGURATION OF THE )  
PARKING AREA LOCATED TO THE WEST OF THE EXISTING GYMNASIUM )  
BUILDING. THE APPLICATION ALSO INCLUDES A VARIANCE TO THE )  
REQUIRED SIDE YARD SETBACK ALONG SOUTH MOUNTAIN AVENUE )  
TO ALLOW CONSTRUCTION OF RAMPS, STAIRS, RETAINING WALLS, )  
PLANTERS AND LANDINGS TO THE PROPERTY LINE WHERE A MINIMUM )  
TEN-FOOT SIDEYARD IS REQUIRED. )  
)

**APPLICANTS:** OgdenRoemerWilkerson Architecture, AIA )

## **RECITALS:**

- 1) Tax lot 100 of Map 39 1E 09DA and Tax Lot 6200 of Map 39 1E 09 AD are located at 201 South Mountain Avenue and are zoned R-2 (Low-Density Multiple-Family Residential).
  - 2) The applicants are requesting Site Review approval to construct an approximately 19,375 square foot auxiliary gym and music suite addition on the Ashland High School campus located at 201 South Mountain Avenue. The application proposes demolition of the existing 10,800 square foot auxiliary gym building and of the 5,600 square foot music suite; renovation of the 22,024 square foot main gym building; and a reconfiguration of the parking area located to the west of the existing gym building. The application also requires a Variance to the required sideyard setback along South Mountain Avenue; the applicants propose to construct a ramp, stairs and landings to the property line where a minimum ten-foot sideyard setback is required. The site plan and building elevations are on file at the Department of Community Development.
  - 3) The criteria for Site Review approval are as follows:
    - A. All applicable City ordinances have been met or will be met by the proposed development.
    - B. All requirements of the Site Review Chapter have been met or will be met.
    - C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.

- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- 4) The criteria for a Variance are as follows:
- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
  - B. 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.
  - C. That the circumstances or conditions have not been willfully or purposely self-imposed.
- 5) The Planning Commission, following proper public notice, held public hearings on February 12, 2008 and March 11, 2008 at which times testimony was received and exhibits were presented. The Planning Commission approved the requested Site Review and Variance subject to conditions pertaining to the appropriate development of the site.

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

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## **SECTION 2. CONCLUSORY FINDINGS**

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

2.2 The Planning Commission finds that because the application includes the removal of only trees less than 18-inches in diameter at breast height (d.b.h.) located on public school property their

removals do not require Tree Removal Permits. Based on the Tree Preservation and Protection Chapter AMC 18.61.035.E the proposed removal of these smaller trees is considered to be exempt tree removal activity.

2.3 The Planning Commission finds that the public school use is in compliance with the permitted uses in the R-2 Low-Density Multiple-Family Residential District and is well-established in this location. The Planning Commission finds that the proposed new school buildings are in compliance with setbacks (with the exception of the requested Variance to the required sideyard), height and lot coverage requirements of the R-2 Low-Density Multiple-Family Residential District in Chapter 18.24. Setback requirements dictate that front yards must be at least 20 feet deep along arterial streets, side yards adjacent to public streets must be a minimum of ten feet, and rear yards must be ten feet plus ten feet for each story in excess of one story. As proposed, the new building placement relative to Siskiyou Boulevard, Mountain Avenue, and Morse Avenue significantly exceeds all required setbacks with the exception of the required ten foot sideyard setback along Mountain Avenue. Stairs, ramps, and landings are proposed within this setback, and the required Variance has been requested. The maximum building height in the R-2 zoning district is 35 feet or two and one-half stories in height, whichever is less, and the new building is proposed at 35 feet and two stories. The Planning Commission further finds that while the existing approximately 250 parking spaces provided are significantly less than required to meet the demands of the existing assembly uses on campus including the 2,000 seat gym and the 3,000 seat stadium, the application as proposed does not result in either a change in use or an intensification of demand, and as such no additional parking is required.

2.4 The Planning Commission finds that the project is in compliance with the Basic Site Review Standards for Commercial Development. The Site Design and Use Standards require that buildings have their primary orientation to the street rather than to a parking area, and that entrances be oriented to the street and accessed from the sidewalk. The existing gym building lacks a public entrance from Mountain Avenue, and with the proposal a new glazed entry feature integrating the existing decorative columns and significantly improved accessibility is to be added. Street trees and additional landscaping are to be provided adjacent to this new entry, and improved parking lot landscaping provided on a reconfigured parking area behind the gym and to the west.

2.5 The Planning Commission finds that there is adequate capacity of City facilities available to serve the proposed new buildings. Existing facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation via existing streets are in place and serve the existing school facility. Existing curbside sidewalks are in place along the full South Mountain Avenue and Morse Avenue frontages, and parkrow planting strips and sidewalks are in place along the full Siskiyou Boulevard frontage.

2.6 The Planning Commission finds that the application satisfies the criteria for the approval of a Variance to the required sideyard setback along Mountain Avenue, adjacent to the existing gym building. The presence of an existing public school building with no public entrance from the immediately adjacent street or sidewalk, and significant elevation changes between the sidewalk and

finished floor level are found to be unique or unusual circumstances, and the proposed improvements to the building's orientation to the street, sense of entry, and accessibility from the adjacent sidewalk are found to be significant benefits of the proposal. As the improvements are in response to the long-established location of the building and the elevation differential from the floor level to the sidewalk and are proposed to satisfy design standards and accessibility requirements, the need for a Variance is found to be neither willfully nor purposely self-imposed.

### **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the application for Site Review approval to construct an approximately 19,375 square foot auxiliary gymnasium and music suite addition on the Ashland High School campus and Variance to the required sideyard setback along South Mountain Avenue has satisfied all relative substantive standards and criteria and is supported by evidence in the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve the requested Site Review and Variance for Planning Action #2008-00053. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2008-00053 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicants shall be conditions of approval unless otherwise modified herein.
- 2) That Conditional Use Permit approval shall be obtained prior to modification of the existing signage or the installation of any new signage on the site.
- 3) That the February 4, 2008 recommendations of the Tree Commission, where consistent with the Site Design and Use Standards and with final approval by the Staff Advisor, shall be conditions of approval.
- 4) That the stadium not be used concurrently with other assembly uses on the site in order to limit parking impacts to surrounding neighborhood.
- 5) That a revised site plan detailing all existing and proposed bicycle and automobile parking, including the lot at Mountain and Iowa and any available on street credits, shall be provided with the building permit submittal.
- 6) That prior to the submittal of a building permit:
  - A) The proposed buildings shall comply with the Standard A Solar Setback in accordance with AMC 18.70.040.A. The building permit submittals shall include identification of the highest shadow producing point(s), identification of the height of the shadow producing point(s) from natural grade, the solar setback measurement(s) called out to the north property line, and calculations in the ordinance-required format to demonstrate compliance. Building height shall be clearly indicated on the building permit submittals, and the proposed new construction shall be clearly distinguished from the existing buildings.
  - B) Lot coverage calculations shall be provided which differentiate new and existing coverage areas, including buildings, walkways, athletic courts, parking areas and all other proposed lot coverage. Calculations of the number and type of plumbing fixtures removed during the

- demolition of the existing building shall also be provided. These calculations are to be used to ensure that the applicants receive proper credit in calculating systems development charges (SDC's) for water, sewer, and stormwater at the time of building permit issuance.
- C) All easements shall be identified on the building permit submittals.
  - D) The applicants shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the submittal of a building permit application. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
  - E) Exterior building materials and paint colors shall be selected for compatibility with the existing buildings and surrounding neighborhood, and sample exterior building colors and materials shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon colors shall not be used.
  - F) All exterior lighting shall be shown on the final building permit submittals and specifications provided. Fixtures should be selected and located so as not to illuminate neighboring properties.
- 7) That prior to the issuance of a building permit:
- A) 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 the Site Review approval shall be submitted and approved prior to issuance of a building permit.
  - B) That final utility and drainage plans for the project shall be reviewed and approved by the Engineering, Building and Planning Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins.
  - C) That the design of any proposed on-site storm water detention systems and off-site storm drain system improvements shall be reviewed and approved by the Public Works/Engineering, Building and Planning Departments. Post-development peak stormwater flows must not exceed pre-development levels and the storm drainage system must be designed to include storm water quality mitigation.
  - D) Revised landscape, irrigation and tree protection plans shall be provided for the review and approval of the Staff Advisor. The revised plan shall incorporate: 1) calculations demonstrating that the parking lot landscaping adjacent to the reconfigured parking area satisfies the seven percent landscaping requirement; 2) irrigation system details and maintenance watering schedule details to meet the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies irrigation requirements; and 3) the identification of landscape screening materials to screen the existing scoreboard from the view of the neighbors to the east, as was originally required in Planning Action #2000-083 which approved the scoreboard's installation.

- E) Tree protection fencing shall be installed according to the approved Tree Protection Plan prior to any site work, storage of materials or permit issuance. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.61.200.B. A Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to permit issuance, site work including demolition, and/or storage of materials. The Verification Permit is to confirm that the trees to be removed are properly identified and to verify the installation of tree protection fencing for the trees to be retained.
  - F) The requirements of the Ashland Fire Department, including the installation of any required fire hydrants, fire department connections, and fire apparatus access and turnarounds shall be complied with prior to issuance of the building permit or combustible construction. Fire Department requirements shall be included on the engineered construction documents for public facilities, and if a fire protection vault is required, the vault shall not be located in the sidewalk.
  - G) That the requirements of the Building Division, including that necessary engineering for the glazed entry feature on the existing gym be provided and that necessary Demolition/Relocation Review Permits be obtained, shall be addressed.
- 8) That prior to the issuance of a certificate of occupancy for the newly constructed buildings:
- A) Street trees shall be installed along the Mountain Avenue frontage according to the Landscape Plan submitted by the applicants dated February 26<sup>th</sup>, 2008 and labeled L5.2. 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) All service and equipment installation shall be installed according to Ashland Electric Department specifications prior to certificate of occupancy.
  - C) The new bicycle parking facilities proposed by the applicants shall utilize the approved inverted U racks and shall be installed according to the requirements of AMC 18.92.040, inspected, and approved by the Staff Advisor.
  - D) All landscape and hardscape elements and the irrigation system shall be installed in accordance with approved plans, inspected and approved by the Staff Advisor.
  - E) That the requirements of the Building Division, including that necessary engineering for the glazed entry feature on the existing gym be provided and that necessary Demolition/Relocation Review Permits be obtained, shall be addressed.

---

Planning Commission Approval

---

Date



**PLANNING ACTION: 2008-00182**

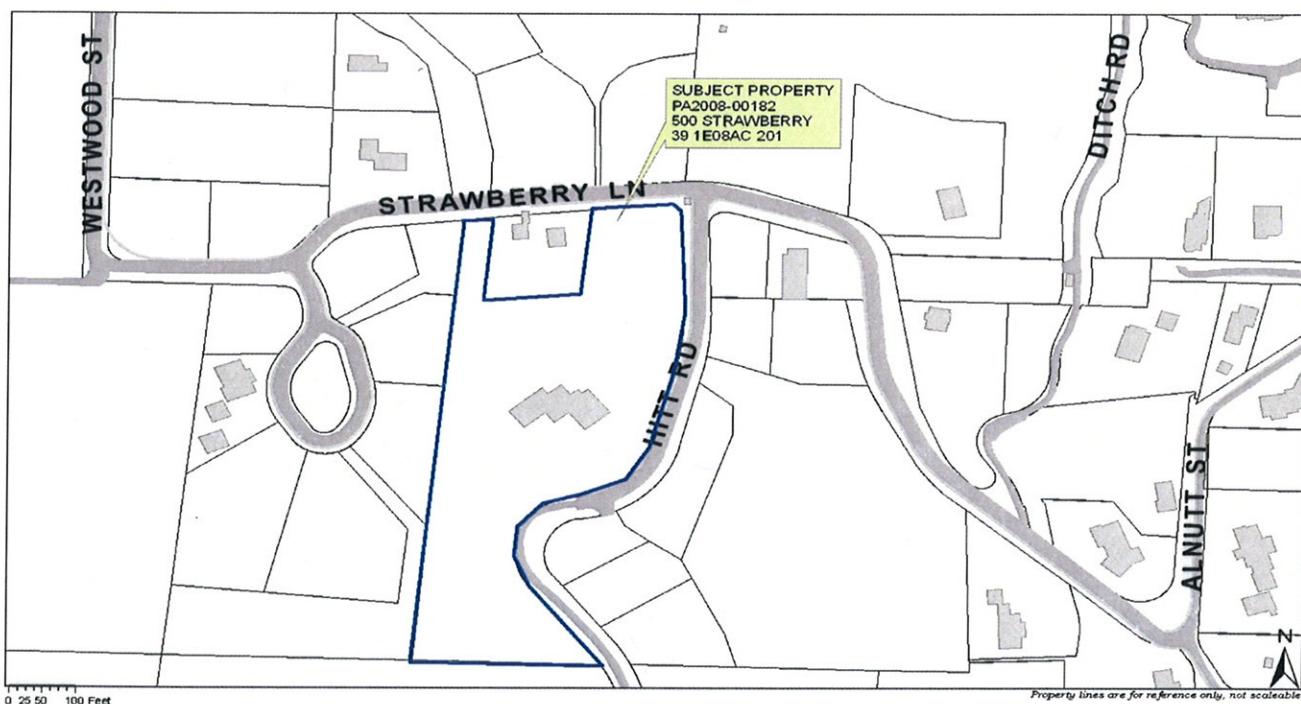
**SUBJECT PROPERTY: 500 Strawberry Lane**

**APPLICANT: McLellan, Robert & Laura**

**DESCRIPTION:** Request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project. **COMPREHENSIVE PLAN DESIGNATION:** Rural Residential; **ZONING:** RR-.5-P; **ASSESSOR'S MAP #:** 39 1E 08 AC; **TAX LOT:** 201

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **March 6, 2008 at 7:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION HEARINGS BOARD MEETING: March 11, 2008; 1:30 PM**



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

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

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

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

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

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

## OUTLINE PLAN APPROVAL, 18.88.030.A Criteria for Approval

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

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards. (Ord 2836, S2 1999)

## PHYSICAL & ENVIRONMENTAL CONSTRAINTS 18.62.040.I

I. Criteria for approval. A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance. (Ord 2834 S1, 1998) (Ord. 2834, Amended, 11/03/1998, Section 18.62.040 J "deleted"; Ord 2808, Added, 12/02/1997)

## TREE REMOVAL 18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit. (ORD 2883 added 06/04/2002)

## EXCEPTION TO STREET STANDARDS 18.88.050 F – Exception to Street Standards

An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
  - B. The variance will result in equal or superior transportation facilities and connectivity;
  - C. The variance is the minimum necessary to alleviate the difficulty; and
  - D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.
- (Ord 2836, Amended, 02/02/1999)

# ASHLAND PLANNING DEPARTMENT

## STAFF REPORT

March 11, 2008

PLANNING ACTION: 2008-00182

APPLICANT: McLellan, Robert & Laura

LOCATION: 500 Strawberry Lane  
39 1E 08 AC Tax Lot #201

ZONE DESIGNATION: RR-.5-P

COMPREHENSIVE PLAN DESIGNATION: Rural Residential

APPLICATION DEEMED COMPLETE: March 3, 2008

120-DAY TIME LIMIT: July 1, 2008

ORDINANCE REFERENCE:

- 18.16 R-R Rural Residential District
- 18.61 Tree Preservation and Protection
- 18.62 Physical & Environmental Constraints
- 18.88 Performance Standards Options

**REQUEST:** Planning Action #2008-00182 is a request for Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project.

### I. **Relevant Facts**

#### A. Background - History of Application

There are no other planning actions of record for this site since its creation by land partition in 2004.

#### B. Detailed Description of the Site and Proposal

##### Site

The subject property is located at 500 Strawberry Lane, on the southwest corner of the intersection of Strawberry Lane and Hitt Road. The project site comprises a single irregularly shaped tax lot which covers an area of approximately 4.62 acres, and which has

approximately 170 feet of frontage along Strawberry Lane and 935 feet of frontage on Hitt Road.

The subject parcel and surrounding properties to the north, east and west are located in the R-R-.5-P Rural Residential zoning district, which is intended to stabilize and protect the rural residential characteristics of areas which because of their topography, level of services, or other natural or development factors are better suited to larger lots. The area to the south is zoned W-R Woodland Residential, a zone applied to ensure that the forest, environmental erosion control, and scenic values of the area are protected. The entire subject property is also located within the Wildfire Lands overlay.

The subject property has an average slope of approximately 18 percent down to the north, toward Strawberry Lane, but includes a range of slopes from zero to 40 percent. The steeper portions of the site are along the roadside at the north and east of the site and at the south end, with heavily wooded areas on the southern portion of the property having slopes in excess of 35 percent. The northern two-thirds of the site has slopes which are generally less than 25 percent. An existing house, constructed by the applicants in 2002, sits near the center of the property, and is accessed via a driveway from Strawberry Lane.

The primary natural features of the site are the existing trees, which include a mix of scrub oak, pine, manzanita and madrone, and the sloped areas on the southern third of the site, which include lands considered to have “severe constraints” to development under the Physical and Environmental Constraints Chapter AMC 18.62 because they have slopes in excess of 35 percent. The application includes a report on the suitability of the site for development from a geo-technical expert and a tree inventory prepared by a certified arborist which identifies 72 trees on the site which are of size six-inches in diameter at breast height (d.b.h.) or larger. The application also indicates that there are numerous other smaller trees on the site.

### **Outline Plan Proposal**

The applicants are requesting Outline Plan Approval to allow a six-lot subdivision under the Performance Standards Options Chapter AMC 18.88. Of the proposed six lots, one would contain the existing residence, four would accommodate future homes, and one at the most steeply-sloped south end of the site would be reserved as common open space. The application materials indicate that the subdivision was planned to limit cuts and fills, minimize hillside erosion, and limit the mass of the homes constructed on the site.

Lot 1 is proposed at ½-acre and is to be located at the northeast corner of the site. It is to take access via a private driveway from Strawberry Lane. Lot 2, also proposed at ½-acre, is to be located south of Lot 1, and is proposed to take access from a private driveway off of Hitt Road. Lot 3, comprising approximately 0.68 acres is to be located at the northwestern portion of the subject property and will take access from the existing driveway off of Strawberry Lane. Lot 4 is proposed at 1.42 acres, and is to contain the existing residence; the existing driveway connection to Strawberry Lane is to be terminated, and a new driveway off of Hitt Road is proposed. Lot 5 will be located to the south of Lot 4, and is proposed at one-acre with access from a new driveway off of Hitt Road. The existing gate at the south end of Hitt Road is to be relocated approximately 40 feet to the south to

accommodate this new driveway. Lot 6 is proposed at 0.54 acres and is to be preserved as common open space for the benefit of subdivision residents and to protect the more steeply sloped areas of the subject property from the impacts of development.

The application not only identifies building envelopes for each of the proposed lots on lands with slopes of less than 35 percent, as required by ordinance, but also provides some conceptual indications of the proposed future building footprints within the proposed envelopes. The materials provided explain that the applicants have made efforts to accommodate the wishes of the neighbor at 490 Strawberry Lane by placing the envelope on Lot 1 in a way that preserves the existing view, and propose to limit the height of future buildings within the proposed subdivision so as to preserve their views while limiting their visual impact on the hillside.

Existing and proposed public facilities are illustrated in the provided “Conceptual Grading and Drainage Plan” (Applicants’ C.1) and “Conceptual Utility Plan” (Applicants’ C.2). These plans identify existing water, sanitary sewer, stormwater, and electrical services within the Strawberry Lane and Hitt Road rights-of-way, as well as existing and proposed fire hydrants, and identify proposed service extensions/connections to the proposed individual lots, including private stormwater detention facilities proposed within the driveways of each individual lot.

### **Exception to Street Standards Proposal**

The existing street improvements on Hitt Road include pavement, curbs, and gutters, and curbside sidewalks only on the west side of the road. There is an existing gate and fire apparatus turn-around at the end of the improvements, and access is limited primarily to city vehicles going to the city water tank located on the parcel south of the subject property. The two properties immediately south of the subject property are within the city limits in the WR Woodland Residential zoning district. One of these properties is city-owned and contains the city water tank, and the other is privately owned. Future development of either property would be largely constrained by slope issues, as both are made up almost entirely of hillside lands with severe constraints due to the presence of slopes in excess of 35 percent.

Given the limited growth potential for the properties to the south, the limited number of vehicles going beyond the gate, and the fact that the applicants have already provided an easement for a public trail connection over the southern portion of the subject property, the applicants have requested an Exception to Street Standards in order to not extend street improvements or sidewalks beyond the proposed driveway for Lot 5, instead simply relocating the existing gate approximately 40 feet to the south.

### **Tree Removal Proposal**

The application materials provided include a tree inventory, tree removal plan and tree protection plan which indicate that there are 72 trees on the site greater than six-inches in diameter at breast height (d.b.h.), and that there are numerous other trees on the site smaller than six-inches. The application describes the site’s existing trees as predominately densely-intermixed scrub oaks, manzanitas and madrones. Other tree species identified include black walnut, silver maple, apple, and curl-leaf mountain mahogany.

13 trees over six-inches d.b.h. are identified for removal due to their locations within building envelopes. The application materials note that the applicants do not intend to immediately remove these trees, that future removals will depend on final home design decisions made by individual lot owners, and that it is highly likely that a number of the trees identified for removal here due to their location within the envelopes will be retained. All trees located outside of the building envelopes are identified for preservation.

The application also requests that no requirements for on-site mitigation be imposed due to both the nature of the property and the number of trees already in place, and indicates that the applicants recognize that this may necessitate a requirement for off-site mitigation plantings or payment in lieu of mitigation plantings.

### **Physical Constraints Review Proposal**

The subject property is located on Hillside Lands and contains slopes in excess of 25 percent. Applications for the development of Hillside Lands involving subdivisions or partitions are subject to Physical Constraints Review permits, and are required to provide a geotechnical study indicating that the site is stable for the proposed use and development. The applicants have provided the required plans and written findings for a Physical Constraints Review permit, along with the necessary geotechnical study indicating that the proposed development is feasible given site conditions observed by a geotechnical expert.

## **II. Project Impact**

The project requires a subdivision approval since it involves the creation of residential lots. In accordance with Chapter 18.108, applications for Outline Plan approval are required to be reviewed under the “Type II” process with a public hearing.

### **A. Outline Plan for Performance Standards Options Subdivision**

In Staff’s review of the proposal, the application appears to meet the approval criteria for Outline Plan approval. Chapter 18.88, Performance Standards Options, allows a flexible lot layout and design approach in an effort to preserve natural features as well as encourage creative and energy efficient site and building design. To this end, the base density of the project is for the total project site area. While perimeter and front yard setbacks must conform to the requirements of the underlying zoning district, the Chapter provides for flexibility with regard to lot sizes, widths, depths and interior site setbacks.

The first Outline Plan approval criterion requires that “That the development meets all applicable ordinance requirements of the City of Ashland.” In reviewing the application, Staff identified some concerns over the proposed treatment of solar access in the proposal.

#### **Solar Access**

In its most basic form, the city’s Solar Access Ordinance is intended to insure that an adjacent building to the south shades an adjoining property to the north no more than the amount of shadowing which would be cast by a six-foot solid fence installed along the mutual property line. All new residential lots with a downward trending slope of less than 15 percent are required to comply with this provision, and new lots having a downward trending slope of 15 percent or greater are eligible for a greater shadow allowance (i.e. no more shadow than would be cast by a 16-foot fence on the mutual property line), due to the fact

that shadow length increases as the percent in downward slope increases. These differences are determined through appropriate lot classifications, with Standard “A” being the six-foot fence rule and Standard “B” offering the additional relief of a 16-foot fence due to the increase in downward slope.

Lots created through subdivision or partition must demonstrate that a 21-foot high structure can be placed on the lot with a setback which does not exceed 50 percent of the lot's north-south lot dimension based on the appropriate Solar Access Standard. If applicants choose not to design a lot so that it meets this requirement, a written description of a “Solar Envelope” must be provided defining the height requirements which will protect the applicable Solar Access Standard.

While the applicants indicate that the individual lots proposed will accommodate a 21-foot tall structure so that the required solar setback will not exceed one-half of the north-south dimension of the lot, as required in Section 18.70.050 of the Solar Access Ordinance, they also suggest that they have at their option designed lots with building envelopes situated toward the northern portion of the lots to work with the elevation height limits proposed to protect the views of future residents. As such, they have proposed to provide solar envelopes which extend beyond the northern property lines but not onto the heated space of the individual lots to the north.

The Solar Access Performance Standard provision of the Solar Access Ordinance, as explained in 18.70.050.B, states, “If the applicant chooses not to design a lot so that it meets the standards set forth in (A) above, a Solar Envelope shall be used to define the height requirements which will protect the applicable Solar Access Standard. The Solar Envelope, and written description of its effects, shall be filed with the land partition or subdivision plat for the lot(s).” This provision requires that the Solar Envelope provided be designed to protect the applicable Solar Access Standard; this is further reinforced in the Performance Standards Options requirement that solar access setbacks be provided. Based on the written Solar Envelope description provided with the application, it appears that the applicants propose to comply with required solar access setbacks for Lots 1, 3 and 4 and that only Lots 2 and 5 may cast shadows greater than allowed under the applicable solar access standards, however the envelope descriptions are not entirely clear and provide narrative description of shadows in relation to living space on the adjacent lots rather than calculations and details of the height limitations on the lots themselves. Staff believe the Land Use Ordinance is clear that Solar Envelopes must be designed to protect applicable Solar Access Standards, and that it is not the applicants’ option to do otherwise unless a Solar Access Variance is obtained. Conditions have been suggested below to clarify that newly created lots will be subject to Solar Access Standard A unless evidence of a negative north slope exceeding fifteen percent is provided or a Variance obtained concurrently with the Final Plan approval, and to require that compliance with Solar Access standards be provided with the building permits.

## City Facilities

The second criterion 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." Existing and proposed public facilities are illustrated in the provided "Conceptual Grading and Drainage Plan" (Applicants' C.1) and "Conceptual Utility Plan" (Applicants' C.2). These plans identify existing water, sanitary sewer, stormwater, and electrical facilities within the Strawberry Lane and Hitt Road rights-of-way, as well as existing and proposed fire hydrants, and identify proposed service extensions/connections to the proposed individual lots, including private stormwater detention facilities proposed within the driveways of each individual lot. The application notes that all new private service connections have been designed to extend at right angles within the proposed driveways to minimize overall site disturbance. In terms of fire protection, the applicants have provided a proposed fire prevention and control plan and a list of proposed deed restrictions which would require, among other things, that each home contain a residential fire sprinkler system, and that property owners maintain property in accordance with the approved Fire Prevention and Control Plan. Overall, Staff believes that the application demonstrates that public services are in place or can be extended to service the project.

### Natural Features

The third approval criterion states "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 application includes a tree inventory which identifies 72 trees on the site greater than six-inches d.b.h., and 59 of these trees are proposed to be preserved. Only those trees located within proposed building envelopes are identified for removal, and the building envelopes and driveways have been located to minimize cuts and fills. The application also notes that the removal of all 13 trees is unlikely and will depend on final designs of the four proposed new homes. In addition to the site's trees, the applicants have identified the steeper heavily-wooded slopes at the southern end of the subject property as an existing natural feature of the land, and propose to preserve the most steeply sloped, tree-covered area at the south end of the site as a commonly owned, unbuildable open space.

### Development of Adjacent Land

The fourth criterion to be considered in evaluating an Outline Plan application is "That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan." The bulk of the adjacent lands have been developed in recent years, primarily through phases of the adjacent Strawberry Meadows subdivision which is located to the north, east and west of the subject property. In Staff's opinion, the primary adjacent area that would be considered for further development would be to the south of the subject property, where there are two undeveloped lots within the city limits. One of these lots is a 5.02 acre parcel owned by the city and containing a city water tank, and the other is a 27.25 acre privately-owned parcel. Both of these parcels are zoned WR Woodland Residential, with a base density of 0.30 dwelling units per acre, however both are made up largely of severe constraints lands with slopes in excess of 35 percent which would limit their future development potential considerably. In any case, the applicants' present proposal would not prevent their future development.

### Provisions Open Space

The fifth approval criterion is, "That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early

phases have the same or higher ratio of amenities as proposed in the entire project." The application proposes to retain the more steeply sloped southern portions of the site as an unbuildable, commonly-owned open space identified on the plan submittals as Lot 6. The submittal materials also indicate that the subdivision's CC&R's will provide a management structure to provide for the necessary maintenance of this open space. A condition of approval has been added to require that a copy of the proposed CC&R's be provided for review with the Final Plan submittal to ensure that the common area is maintained in perpetuity.

### Density

The sixth criterion is "That the proposed density meets the base and bonus density standards established under this Chapter." The RR-.5-P Rural Residential Zoning District has a base density of 1.2 dwelling units per acres, giving the 4.62 acre subject property a base density of 5.544 dwelling units. The application proposes the creation of five developable lots, including one proposed to contain the existing home, meeting the base density standards. No density bonus has been requested by the applicants.

### Street Standards

The final approval criterion is that "The development complies with the Street Standards." The proposed subdivision will take access from existing, improved public streets and no new streets are proposed. However, the applicants have requested an Exception to Street Standards, discussed below, rather than extending the Hitt Road street and sidewalk improvements beyond the driveway for Lot 5 with the application.

#### B. Exception to Street Standards

Existing street improvements on Hitt Road include pavement, curbs, and gutters, and curbside sidewalks only on the west side of the road. There is an existing gate and fire apparatus turn-around at the end of the improvements, and access is limited primarily to city vehicles going to the water tank located south of the subject property. Of the two parcels located within the city limits to the south, one is city-owned and contains the city water tank, and the other is privately owned. Future development of either property would be constrained by slope issues, as both are made up largely of hillside lands with severe constraints due to the presence of slopes in excess of 35 percent. Given the limited growth potential for the properties to the south, the limited number of vehicles going beyond the gate, and the fact that the applicants have already provided an easement for a public trail connection over the southern portion of the subject property, the applicants have requested an Exception to Street Standards in order not to extend street improvements or sidewalks beyond the proposed driveway for Lot 5, and would instead simply relocate the existing gate approximately 40 feet to the south to accommodate the new driveway.

The first approval criterion for an Exception to Street Standards is that there is demonstrable difficulty meeting the standards due to a unique or unusual aspect of the site or proposed use of the site. The applicants assert that the unique and unusual aspects of the property are in its location very near the city limits and urban growth boundary in a woodland area with extremely steep slopes that limit future growth and a limited amount of vehicle traffic which is restricted by an existing gate. The proposed use of the site is also somewhat unique if only in that the applicants propose to preserve the southern-most lot as unbuildable as they deem the steeply sloped areas here to be a significant natural feature worthy of protection, and the

extension of street improvements completely through the proposed development to the south property line would result in considerable additional disturbance to the very lands which the applicants are seeking to protect here.

The second approval criterion is that the Exception will result in equal or superior transportation facilities and connectivity. The application materials note that the applicants have previously provided an easement for public pedestrian access and constructed trail improvements on the southern portion of the subject property in conjunction with the applicants work on the Ashland Woodlands and Trail Association. This trail provides pedestrian connectivity from Hitt Road west to Birdsong Lane, a recently constructed street in the adjacent Strawberry Meadows subdivision. The applicants contend that this provides superior transportation facilities as the existing gate limits traffic primarily to walkers and mountain bikers, and the trail provides for connectivity more suited to the natural environment, without the additional associated disturbance of a sidewalk.

The third criterion is that the Exception is the minimum necessary to alleviate the difficulty. The application notes that the subdivision design proceeded on the intent to build to the base density, rather than seeking density bonuses for an additional lot, and placed the southern-most driveway and building envelope close to the existing gate in order to utilize the existing street improvements and minimize further disturbance of the more steeply sloped southern portion of the subject property.

The final criterion is that the Exception is consistent with the stated purpose and intent of the Performance Standards Options Chapter which is to allow for more flexible design than is permissible under the conventional zoning codes. In exchange for this flexibility, the chapter calls for energy efficiency, architectural creativity and innovation, and use of the natural features of the landscape to their greatest advantage. The chapter also seeks to provide for a quality of life equal or greater than that provided in developments built under the standard zoning codes, to be aesthetically pleasing, to provide for more efficient land use, and to reduce the impact of development on the natural environment and neighborhood. As part of the application, the steeply sloped and heavily wooded southern portion of the subject property was identified by the applicants as worthy of protection from development and they propose to protect it as commonly owned, unbuildable open space in keeping with the requirements of the Chapter. In addition, the applicants have proposed a number of measures to reduce impacts to the neighborhood and to the natural environment, including height restrictions, deed restrictions similar to those imposed on the adjacent properties requiring fire sprinklers and a fire prevention and control plan, and increased setbacks and adjusted building envelopes. The application materials note that widening the street further beyond the gate to address the Street Standards would necessitate increasing retaining wall heights and performing additional grading which could result in additional tree removal and detrimental impacts on the very sloped areas which the applicants are trying to protect with the protection of the open space (Lot 6).

Staff believes that the proposal has sufficiently addressed the approval criteria for an Exception to Street Standards, however Staff has recommended a condition to require that the applicants sign in favor of and agree to participate in the future improvement of Hitt Road to city street standards should it eventually prove necessary.

### C. Tree Removal Permit

The application describes the site's existing trees as predominately densely-intermixed scrub oaks, manzanitas and madrones. Other tree species identified include black walnut, silver maple, apple, and curl-leaf mountain mahogany. The trees over six-inches d.b.h. which are proposed for removal include: 11 oaks ranging in size from six- to 18-inches d.b.h., one eight-inch d.b.h. apple, and one six-inch d.b.h. curl-leaf mountain mahogany. With the exception of five trees to be removed within the envelope of Lot 5, which will be subject to a separate hillside development permit prior to tree removal or construction, none of the tree removals are proposed to disturb areas with slopes greater than 25 percent. The application materials also note that the applicants do not intend to immediately remove these trees, that future removals will depend on final home design decisions made by individual lot owners, and that it is highly likely that a number of the 13 trees identified for removal here due to their location within the envelopes will ultimately be retained. The application notes that all trees located outside of the building envelopes are identified for preservation.

While the application identifies those trees greater than six-inches d.b.h. proposed for removal as required by ordinance, and they are considered as part of the request in terms of the summative effect of their removals on the preservation of the site's natural features and the associated hillside disturbance, only Tree #31, an 18-inch d.b.h. oak to be removed from the building envelope of Lot 3, is considered to be a significant tree and subject to a Tree Removal Permit according to the Tree Preservation and Protection Ordinance (AMC Chapter 18.61).

The removal of a non-hazard tree requires a demonstration that: 1) the proposed removal is in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards; 2) that the tree removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and 3) that the removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. In addition, the criteria require that applicants, as a condition of approval, must be required to mitigate proposed tree removals pursuant to AMC 18.61.084.

The tree removals proposed are located only within identified building envelopes which have been designed to comply with the requirements of the underlying zoning district, the Hillside Ordinance, and the Performance Standards Options chapter, and the removal of Tree #31 is due to its location within an envelope which has been placed to relate to an existing drive in order to minimize the need for additional site disturbance. With the exception of the trees to be removed on Lot 5, the other removals are not in steeply sloped areas and the application has provided erosion control and drainage plans. 11 of the 13 trees to be removed are oaks, and the majority of the 59 trees over six-inches in diameter to be preserved on site are also oaks so the proposed removals appear to have little impact on canopy or species diversity. The application requests that no requirements for on-site mitigation be imposed due to the nature of the property, the number of trees already in place, and the location within the Wildfire overlay. The application recognizes that this may necessitate a requirement for off-site mitigation planting or payment in lieu of mitigation planting. As such, a condition has

been recommended below to require that the applicants mitigate the removal of Tree #31 pursuant to the requirements of AMC 18.61.084 through an off-site mitigation planting or payment in lieu of planting.

The Tree Commission has not reviewed either proposal at the time of this writing. Tree Commission comments will be provided at the public hearing and a condition has been recommended below to require that their recommendations, where consistent with standards, be incorporated into the final plan submittal.

#### D. Physical Constraints Review Permit

The subject property is located on Hillside Lands and contains slopes in excess of 25 percent. Applications for the development of Hillside Lands involving subdivisions or partitions are subject to Physical Constraints Review permits, and are required to provide a geotechnical study indicating that the site is stable for the proposed use and development.

Physical Constraints Review Permits are subject to the following criteria: 1) through the application of the hillside development standards, potential impacts to the property and nearby areas have been considered and adverse impacts minimized; 2) that the applicants have considered the potential hazards that the development may create and implemented mitigation measures; and 3) that the applicant has taken all reasonable steps to reduce the adverse impact on the environment.

The applicants have provided the required plans, written findings, and a geotechnical study which concludes that the proposed subdivision and associated site grading are considered to be feasible with respect to the stability of the subsurface and slope conditions observed on site. This report includes recommendations for necessary site preparation, retaining, and erosion control, and proposes an inspection schedule to insure that these recommendations are properly implemented during site work.

The application also notes that only the proposed Lot 5 includes slopes in excess of 25 percent within the proposed building envelope, and recognizes that as such this lot would be subject to a separate individual application for a Physical Constraints Review permit at the time of development. A condition to this effect has been recommended below.

### **III. Procedural - Required Burden of Proof**

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

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

- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

**The criteria for a Physical Constraints Review Permit are described in 18.62.040.I as follows:**

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

**The criteria for Issuance of Tree Removal are described in 18.61.080 as follows:**

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
  1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
  2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
  1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable

Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

The criteria for an Exception to Street Standards are described in 18.88.050.F as follows:

**Exception to Street Standards.** An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.

#### **IV. Conclusions and Recommendations**

In Staff's opinion, the application is a relatively straightforward one that is proposed in keeping with the purpose and intent of the Performance Standards Options chapter. Staff believes that the application is consistent with the approval criteria for a six-lot, five-unit Performance Standards subdivision; Exception to Street Standards; Physical Constraints Review permit; and removal of 13 trees greater than six-inches in diameter at breast height (d.b.h.) including one significant tree, an 18-inch d.b.h. oak. We would accordingly recommend approval of the application with the following conditions attached:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) All conditions of the geotechnical report prepared by Amrhein Associates, Inc. and

- dated October 12, 2007, including but not limited to the inspection schedule, shall be conditions of approval unless otherwise modified herein.
- 3) That all proposed lots shall be subject to Solar Access Standard A unless 1) materials are provided with the Final Plan submittal demonstrating that an individual lot has a negative north slope in excess of 15 percent which would render it subject to Solar Access Standard B; or 2) a Solar Access Variance is applied for and approved for the individual lots concurrently with Final Plan approval. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
  - 4) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.62.089.B.7.
  - 5) That prior to Final Plan approval:
    - a) Engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.
    - b) An Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan submittal.
    - c) A drainage plan including necessary final engineering for the private lot stormwater detention systems and any off-site storm drain system improvements shall be provided.
    - d) The engineering for sidewalk improvements to complete sidewalk installation along the subject property's full Strawberry Lane frontage shall be provided with the Final Plan submittal.
    - e) The recommendations from the March 6, 2008 meeting of the Ashland Tree Commission, where consistent with applicable standards, shall be incorporated into the Final Plan submittal's Landscaping, Irrigation, and Tree Protection and Removal Plans.
    - f) A draft copy of the CC&R's and the applicants' proposed Deed Restrictions shall be provided. The CC&R's shall describe responsibility for the maintenance of all commonly-owned open space including but not limited to the implementation and maintenance of the approved fire prevention and control plan, and perpetual maintenance

- of required long term erosion control measures. The CC&R's shall note that any deviation from the approved Tree Removal and Protection Plan must receive written approval from the City of Ashland Planning Department. The CC&R's and Deed Restrictions shall be recorded concurrently with the final plat.
- g) The overall lot coverage for the subdivision as a whole shall be limited to no more than 20 percent. At the time of final plan submittal, the applicants shall provide a breakdown, by square footage, of the allowed lot coverage allocated to each lot and demonstrating that the overall subdivision's lot coverage does not exceed the 20 percent allowed in the RR-.5 zoning district.
- h) That written verification from the project geotechnical expert shall be provided with the Final Plan submittal indicating that the revised six-lot subdivision configuration and associated improvements are consistent with the original report.
- i) That a landscape and irrigation plan addressing the re-vegetation of cut and fill slopes required in the geotechnical report shall be provided with the Final Plan submittal.
- 6) That prior to the issuance of an excavation permit:
- a) A preconstruction conference to review the requirements of the Physical Constraints Review Permit shall be held prior to site work, storage of materials, or the issuance of an excavation permit. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts, landscape professional, arborist, and contractor. The applicants or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
  - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the trees to be removed and the installation of tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
  - c) That the temporary erosion control measures (i.e. fabric sediment fencing, straw bales, crushed rock pads, straw erosion control matting or plastic sheeting) shall be installed and maintained according to the approved plan prior to any site work, storage of materials, or issuance of an excavation permit. These measures shall be inspected and approved by the Staff Advisor prior to site work, storage of materials, or the issuance of an excavation permit.
  - d) The applicants shall provide a performance bond, letter of credit or other financial guarantee in an amount equal to 120 percent of the value

of the erosion control measures necessary to stabilize the site.

7) That prior to the signature of the final survey plat:

- a) All easements for sewer, water, drainage, electric, streets or public pedestrian access shall be indicated on the final survey plat as required by the City of Ashland.
- b) Street trees, located one per 30 feet of street frontage, shall be installed along the Strawberry Lane street frontage as part of the subdivision infrastructure improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.
- c) Subdivision infrastructure improvements, including but not limited to utilities; driveways, driveway approaches and associated erosion control measures; any necessary street or sidewalk improvements on Hitt Road between the end of the existing improvements and the driveway for Lot 5; and sidewalks and street trees on Strawberry Lane shall be installed according to approved plans prior to the signature of the final survey plat.
- d) That the installation of driveway approaches shall be completed according to city standards under permit from the Public Works/Engineering Department and any necessary inspections approved.
- e) The existing sidewalk on Hitt Road shall be extended to the northerly edge of the Lot 5 driveway's approach.
- f) Electric services shall be installed underground to serve Lots 1-5. 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.
- g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed for Lots 1-5.
- h) That Amrhein Associates, Inc. shall inspect the site according to the inspection schedule of the engineering geology report dated October 12, 2007 provided with the application. Prior to signature of the final survey plat, Amrhein Associates, Inc. shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
- i) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to signature of the final survey plat. Vegetation shall be installed in such a manner as to be substantially established within one year of

- installation.
- j) The applicants shall sign an agreement to participate in the future cost of street improvements for Hitt Road, including but not limited to sidewalks, curbs, gutters, paving, and storm drains.
- k) That the applicants shall complete the relocation of the gate at the end of the improvements on Hitt Road to the southern extent of the street improvements. The relocation of the gate will be coordinated with the City of Ashland Water Department.
- 8) That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the lot coverage allocated to each lot. Building footprints, walkways, driveways including the flag drive for Lot 3, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
  - b) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
  - c) Building permit submittals shall clearly demonstrate compliance with the applicants' proposed "Elevation Height Limits" by providing cross-sections or elevation drawings with building heights and elevations above sea level clearly labeled.
  - d) That a Physical and Environmental Constraints Permit for Hillside Development shall be applied for and approved in accordance with 18.62.040 for the development of Lot 5 prior to submission or issuance of a building permit.
- 9) That prior to the issuance of a certificate of occupancy:
- a) That the requirements of the Fire Department, including that approved addressing shall be installed prior to combustible construction; that a fire prevention and control plan shall be implemented and maintained; and that fire apparatus access, fire sprinklers as proposed by the applicants, and a fire hydrant shall be installed, shall be addressed.
  - b) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
  - c) For Lot #3, the applicants shall provide mitigation for the removal of Tree #31 through on-site replanting, off site replanting, or payment in lieu of planting as provided for in AMC 18.61.084.
  - d) Driveways greater than 50 feet in length, which are considered by definition to be flag drives and thus subject to the flag drive standards, shall be constructed according to flag drive requirements that a 12-foot paved width and 15-foot clear width be maintained, and that parking spaces be configured so that vehicles can turn and exit to the street in a forward manner.



**PROJECT DESCRIPTION AND FINDINGS OF FACT  
FOR THE PROPOSED 6-LOT OUTLINE PLAN SUBDIVISION,  
PHYSICAL & ENVIRONMENTAL CONSTRIANTS PERMIT,  
AND TREE REMOVAL PERMIT FOR THE PROPERTY AT  
500 STRAWBERRY LANE**



**SUBMITTED TO**

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

**SUBMITTED BY**

**URBAN DEVELOPMENT SERVICES, LLC**

**RECEIVED**

**February 8<sup>th</sup>, 2008**

**FEB 8 2008**

**ADDRESS & LEGAL DESCRIPTION:** 500 Strawberry Lane; 391E 08AC 201

**PROJECT INFORMATION:**

**APPLICANTS:**

Robert & Laura McLellan  
500 Strawberry Lane  
Ashland, OR 97520  
Tel: 482-7040

**LAND USE PLANNING:**

Urban Development Services, LLC  
700 Mistletoe Road, Suite 204  
Ashland, OR 97520  
Tel: 482-3334

**DRAFTING**

Computerized Architecture Drafting  
170 Ashland Loop Road  
Ashland, OR 97520  
Tel: 488-5899

**ARBORIST:**

Upper Limb-it Tree Service  
P.O. Box 881  
Ashland, Oregon 97520  
Tel: 482-3667

**SURVEYOR:**

Polaris Land Survey  
P.O. Box 459  
Ashland, Oregon 97520  
Tel: 482-5009

**LANDSCAPE ARCHITECT:**

Laurie Sager  
700 Mistletoe Road, Suite 201  
Ashland, OR 97520  
Tel: 941-7659

**DESIGN:**

Fulcrum Builders  
700 Mistletoe Road, Suite 203  
Ashland, Oregon 97520  
Tel: 890-2159

**CIVIL ENGINEERING:**

Construction Engineering Consultants  
P.O. Box 1724  
Medford, Oregon 97501  
Tel: 779-5268

**COMPREHENSIVE PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

RR-.5-P

**LOT STATISTICS:**

Project Area:	4.65 acres
Area Allocation: Private:	4.15 acres
Common Open Space:	.50 acres

**APPLICABLE ORDINANCES:**

Rural Residential, Chapter 18.16  
Performance Standards Option, Chapter 18.88  
Tree Preservation & Protection, Chapter 18.61  
Physical & Environmental Constraints, Chapter 18.62

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FEB 8 2008

**ADJACENT ZONING/USE:**

West: RR-.5-P, Rural Residential  
East: RR-.5-P, Rural Residential  
South: W-R; Woodland Residential  
North: RR-.5-P, Rural Residential  
Subject Site: RR-.5-P, Rural Residential

**PLANNING ACTION:** The application is for an Outline Plan Subdivision for a six-lot Performance Standards Option Subdivision for the property at 500 Strawberry Lane. Of the proposed six-lots, one has an existing single family residence and one is a common open space area consisting of .5 acres. The application includes a Tree Removal Permit and a Physical & Environmental Constraints Permit as the property is within the designated Hillside Overlay Zone.

**PROPERTY DESCRIPTION:** The property is located at 500 Strawberry Lane, Assessor's Map #391E 08AC; Tax Lot 201, on the southwest corner on Strawberry Lane and Hitt Road (below water tank). The parcel is irregular shaped with approximately 170' of frontage along Strawberry Lane and 935' along Hitt Road. The Strawberry Lane frontage is broken-up by a .51 acre parcel owned by Karen Darling (490 Strawberry Lane) which once was part of the subject property and partitioned in 1994 (P-16-1994). A 42' property width (flag pole) and 12' flag driveway leading to the property owner's house is west of 490 Strawberry Lane and 128' of property width is on the east side. Curbside sidewalks exist along the two street frontages, but for approximately 20' along Strawberry Lane and 360' along Hitt Road (far south end - at the top).

The property has a range of slopes from 0 to 40% with the steeper slopes on the south side. Along Hitt Road and to a lesser degree along Strawberry Lane, severe cut slopes exist primarily due to the City's widening and the recent improvements of both public streets. The site has a numerous Oak Trees, but most are less than 6" d.b.h. and most are located south of the property owner's house. The trees greater than 6" d.b.h. are identified on the attached Site Plan and are generally grouped together.

Other than to the south, the property has a number of recently approved subdivisions and partitions with housing construction in process. The subject property owners have owned the property since 2000 and constructed the existing house in 2002. The property owners are active community members and in particular, Robert McLellan was the principal founder in the Ashland Woodlands Trail Association and has helped in the coordination, construction and maintenance of many pedestrian trails in Ashland – one of which runs along the south end of the property connecting Hitt Road with Birdsong Lane.

The existing house is a single level home constructed by Dale and Dean Shostrum in 2002 and is considered by many as being one of the nicest architecturally constructed homes in Ashland. In addition, the home was specifically designed to blend into its natural surroundings by being single level with a shallow roof line and a concave footprint limiting the building's mass from any one direction. In addition, architectural elements such as the use of natural building materials and colors to mitigate the home's exposure were used. Overall,

the home is probably one of the nicest and most discrete hillside homes in Ashland and an example of superb hillside development. Because of these qualities, the property owners have designed the proposed subdivision with these same principals in mind.

**BACKGROUND:** The property was partitioned in 1994 (P-16-1994) into two parcels with one being .508 acres (490 Strawberry Lane) and the subject parcel being 4.622 acres. The existing house at 490 Strawberry Lane, owned by the Darling family, was constructed in 1938 and one of the only houses in this area for many years.

**PROJECT PROPOSAL:** The subdivision proposal was comprehensively designed and developed with the help of the property owners, a Land Use Planner, a Landscape Architect, a Tree Arborist, a Civil Engineer, a Geo-technical Engineer and a house Designer/Contractor specializing in hillside homes (Jessie Blue, Fulcrum Builders). The primary concept of the subdivision design was to create new lots that minimized typical hillside disturbance such as: 1) limiting hillside cuts and fills, 2) limiting hillside erosion, and 3) limiting residential home mass.

Site Plan: The attached site plans identify the proposed lot design, existing house location, neighboring properties and houses, circulation pattern, common open space area, utilities, building envelopes, driveway locations and possible house footprint "scenarios". Also included on the Site Plan are cross-sections showing the existing home and example future homes as they relate to the property's natural topography, the existing house and each other. Each lot has unique planning features and a variety of strategies have been incorporated in an attempt to limit their hillside and visual impact:

**Lot #1 (corner lot):** The building envelope for Lot #1 has been designed in consultation with the adjacent neighbor in order to protect her eastern views which comprise the southern half of Ashland. In addition, the building envelope has been setback from her adjacent property line to not only respect her property, but to also create as large as a buffer as possible to retain the area's rural atmosphere. The building envelope also establishes greater setback distances from Hitt Road, Strawberry Lane and site's largest grouping of Oak Trees (7" to 20" d.b.h.). Because of the drastic earth cut along Hitt Road created by the City street improvements, the driveway for Lot #1 has been located at the upper most or "most level" portion of the property which minimizes unnecessary cut and fills.

**Lot #2:** The building envelope for Lot #2 has been designed to mostly respect the site's largest grouping of Oak Trees as well as the existing house. The building setback is approximately 30' from the adjacent Oak Trees on Lot #1 and 90' from the existing house. In addition, the lot's driveway has been designed to approach the building envelope with as minimal earth disturbance as possible by entering the property at a shallow point in the Hitt Road embankment and then paralleling the contour lines into the low side of the envelope where the future home's garage is most likely to go.

**Lot #3:** Considering the central location of Lot #3 being between a few houses (the existing house, Karen Darling's house and the new houses off Birdsong Lane), the building envelope for Lot #3 has primarily been designed to respect the neighboring houses and future houses by

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having larger than required setbacks. As such, the proposed building envelope for Lot #3 shows a front setback of 20' and an overall setback of 100' from Karen Darling's house (490 Strawberry Lane); a side yard (west) setback of 20' and 40' from the adjacent house off Birdsong Lane; a side yard (east) setback of 100' and 150' from Lot #2's building envelope; and a rear setback of 20' and 80' from the existing house.

*NOTE: The standard setback in the RR-.5 zone are 20' for the front, 5' side and 10' rear.*

**Lot #4:** Other than than the new driveway extending in from Hitt Road, no changes are expected as the existing home is not proposed to be modified.

**Lot #5:** The building envelope for Lot #5 was predominately located based on the most logical and most sensitive point to place the driveway as the slopes to the south start to exceed 35%. Once the driveway was determined, the envelope was designed to be on the least sloping portion of property, respect adjacent neighbor boundaries and to respect the existing house.

**Lot #6:** There is no development proposed for Lot #6 as this area is the subdivision's common open space parcel owned in common by the rest of the lots. There is an existing "public" walking trail traversing the lot's southern most boundaries that extends from Hitt Road to Birdsong Lane. The lot will be deed restricted and will remain in its natural state. *NOTE: Lot #6 is technically developable and could easily meet all City development standards, but the property owners have elected to place it in common ownership securing it as open space.*

Density: The property is 4.62 acres in size, zoned RR-.5-P with a base density of 1.20 units per acre for an allowed density of 5.54 dwelling units. Under the Performance Standards Options Subdivision process, the density bonus options are available allowing additional lots, but again, the property owners have elected to not increase the density beyond the proposed five (1 existing and 4 new).

Elevation Height Limit (Maximum Building Height): Within the RR-5 zone and Hillside zones, the maximum building height limitation is 35'. However, the applicants are proposing a lower height in order to preserve views, reduce visual hillside mass and make future property owners cognizant of the expectations for not only their lot, but also their neighbors. In doing so, the applicant's hope it will add value to the lots as buyers will have some predictability of what could be constructed on the neighboring lot.

This is best illustrated on the attached site plan where it shows cross-sections of future homes and how each home's height is "capped" based upon the finished floor elevation of the home behind it. For example, the existing home at 500 Strawberry Lane has a finished floor elevation of 2423 and the future homes below the existing home (Lots #2 and #3) both have a "maximum building elevation height limit" of 2429 (includes 6' of height for a person standing at their window). In simple terms, the future homes in that location could *not* build beyond the elevation plane of 2429. For example, the cross-sections show the home on Lot #2 as having a finished floor elevation 2402 and the home on Lot #3 as having a finished floor elevation of 2398 meaning their maximum heights would be 27' and 31' tall respectively.

<b>Lot #1</b>	Elevation Height Limit:	2402	(*approximate max height 29')
<b>Lot #2</b>	Elevation Height Limit:	2429	(*approximate max height 27')
<b>Lot #3</b>	Elevation Height Limit:	2429	(*approximate max height 31')
<b>Lot #4</b>	Elevation Height Limit:	2449	(*approximate max height 26')
<b>Lot #5</b>	Elevation Height Limit:	2469	(*approximate max height 26')
<b>Lot #6</b>	Elevation Height Limit:	Not applicable (common open space)	

*\*Note: It should be understood that if a homeowner elected to construct their home “below” the planned finished floor elevation (i.e., lowering the home into the earth), the home’s height could be increased but that the maximum elevation plane as proposed would still not be permitted to be exceeded. For example, the future home on Lot #2 could start their finished floor elevation at 2400, but not exceed the maximum elevation place of 2429 allowing a maximum building height of 29’ tall.*

Driveway Design: Each lots driveway has been preliminary designed and engineered in order to ensure the driveway’s entrance is at the optimal location. The driveway locations are designed to access their lots at the “shallowest” point of the property minimizing earth disturbance. In addition, their location and meandering design limits any impacts onto adjacent trees. Lastly, each driveway has been positioned and designed so that the driveway aligns with each lot’s planned finished floor elevations noted above and each are intended to be constructed prior to the house construction.

Trees: The site has numerous trees, mostly of which are less than 6” in diameter at breast height (d.b.h.) and most are either above the existing house or along the Hitt Road right-of-way. Most of these trees are either Manzanita, Madrone, or small scrub Oak Trees and are densely intermixed. However, there are 72 trees on the property greater than 6” d.b.h., yet only 13 of these trees are within building envelopes and are proposed to be removed. However, it’s important to note the applicants do not intend to immediately remove the trees, but leave that decision for the future lot owners based upon their own design preferences. It’s highly likely that a number of the trees will be retained, but for the few that are centered within the envelope. All of the trees outside the building envelopes will be retained.

Geotechnical Report: The property is located within the Hillside Development overlay zone. The subdivision was designed in consultation with a Geotechnical Engineer as outlined in Chapter 18.62.080 4. in order to demonstrate the site is stable for the proposed development. The engineering report was completed by Amrhein Associates in October of 2007 and was then based upon a 7-lot subdivision. Nevertheless, the report concludes (pg. 4) the site is feasible to accommodate the proposed development and also offers recommendations to mitigate site disturbances such as: 1) Site Preparation which discusses surface preparation techniques for areas having loose organic matter; 2) Structural Fill where fill materials must have certain qualities and preparations; 3) Permanent Cut and Fill Slopes where maximum cut and fill amounts are described including erosion control measures; 4) Stacked Block Walls where it discusses construction techniques and maximum heights; 5) Backfilled Retaining Walls discusses backfilling treatments and compaction requirements; and 6) Temporary Erosion Control Measures where the Geotechnical Engineer describes various techniques to

limit and control typical erosion issues during and post construction. Lastly, the report includes an Inspection Schedule (pg. 9) which specifically list key times when the engineer should be present in order to verify all of the recommendations within the report are being complied with.

Lastly, it should be noted the subject property does have slopes greater than 35%, but all of these areas are at the far southern end of the property (below water tower) and no development is proposed in these areas. In fact, the only lot that will be subject to hillside development standards will be Lot #5 as the slopes within the building envelope are between 17% and 33%.

Solar Access: All of the lots meet the Solar Access Performance Standards listed under Chapter 18.70.050 A. and each lots north-south width easily accommodates a 21' tall building so that its shadow setback does not exceed 50% of the lot's north-south lot dimension. However, because the lots have been designed with building envelopes oriented towards the northern portion of the lots and an Elevation Height Limit as described above, the applicants are proposing to meet the performance provisions noted in Chapter 18.70.050 B. where a solar envelope extends beyond the northern property line, but not onto the northern properties building envelope (i.e. heated space).

The performance standards solar envelope for each lot is as follows:

**Lot #1:** The solar access envelope is not to extend beyond the width of the Strawberry Lane right-of-way. This is a standard solar provision as permitted under Chapter 18.70.020 D.

**Lot #2:** The solar access envelope is not to exceed 35' of horizontal distance which allows the solar shadow to extend to the southern edge of the building envelope on Lot #1. Considering the solar envelope only falls on yard area and not on heated space, there is no net loss of solar. In addition, the large grouping of Oak trees between Lot #1 and Lot #2 already shadows the subject building envelope.

**Lot #3:** The solar access envelope shall not exceed 20' as the adjacent property (490 Strawberry Lane) is not part of the subdivision and standard solar shadow provisions apply. As such, the shadow produced on Lot #3 will not exceed what a 6' fence shadows along the shared property line.

**Lot #4:** The existing home on Lot #4 has a north producing shadow of approximately 31' with a north lot line of 55' .

**Lot #5:** The north slope on Lot #5 is approximately 17% with a proposed solar access envelope not to exceed 82' of horizontal distance. This would allow a solar shadow to extend to the southern edge of the existing house on Lot #4. Considering the solar envelope only falls on yard area and not on heated space, there is no net loss of solar. In addition, the large grouping of trees between Lot #4 and Lot #5 already shadows the existing home. Nevertheless, under this provision, the maximum height limit at the lots most northern building envelope line would be approximately 22' .

**Lot #6:** Not applicable as no structures are proposed.

Lot Coverage: Within the RR-.5 zone, the maximum lot coverage for an individual parcel is 20%. However, in Performance Standards Developments, where building envelopes and driveways are constrained by shape, size and/or length in order for natural features to be retained or mitigated, the coverage issue for individual lots becomes critical. This is compounded by the applicant's efforts to provide a more horizontal footprint rather than a vertical one where lot coverage can actually force homes to be taller and have more mass – thus becoming more visible. Because the applicants propose to retain the most visible portion of the property as common open space, the applicant's are proposing the common open space's lot coverage allowance be allocated to the remaining parcels as follows:

Lot #1: 26%	Lot #2: 26%	Lot #3: 28%
Lot #4: 20%	Lot #5: 20%	Lot #6: 0% (common open space)

Maximum Total Average Lot Coverage: 20%

Utilities: All public utilities are available to service the subject proposal and are located within the adjacent Strawberry Lane or Hitt Road rights-of-way. Multiple meetings have been held with the Ashland Public Works, Engineering, Fire, Sewer and Electrical Departments in order to verify and coordinate service abilities and connection points. All of the departments stated there is capacity to service the four new homes.

In addition, the project's Civil Engineer, in consultation with the project's Landscape Architect and Arborist, has designed all new service connections to extend at right angles into and through each new lot's proposed driveways in an attempt to minimize site disturbances. Nevertheless, disturbances in areas greater than 25% slope, a geotechnical engineer will provide technical advice in an attempt to mitigate erosion possibilities.

Neighborhood Meetings/Issues: Over the last year during the planning of this proposal, the applicants and/or the project's Land Use Planner, had met with the adjacent property owners to discuss potential issues. Although no specific issues were raised regarding the applicable criteria, there were two neighbors who specifically requested the owners and project team consider the following:

*Karen Darling* (490 Strawberry Lane): a) that views to her east be retained; b) that the trees along her property line be retained and not impacted; c) that the existing flag driveway to her west not have multiple homes accessing from it.

*Catherine Dimino* (423 Strawberry Lane): d) that no development occur on Lot #1; e) that the subdivision be reduced by one lot; f) That deed restrictions be adopted similar to her subdivision's deed restrictions and those recently self-imposed on the City of Ashland's property at Westwood Drive and Strawberry Lane.

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**NOTE: Although not necessarily required to do, the property owners and project planner took each request seriously and attempted to address each request by incorporating the following into the planning action:**

- a) *That the views from Karen Darling's house be retained:* The building envelope for Lot #1 illustrates a "line" extending from Mrs. Darling's kitchen window (approximately) due east towards the southern and eastern portions of Ashland. The line essentially is the building envelope line where no structures on Lot #1 could interfere with this view. Although this request, in combination with the lot's trees, makes the building envelope confined, the property owners and project team want to be respectful neighbors and comply with Mrs. Darling's wishes.
- b) *That the trees along Mrs. Darling's property line be retained and not impacted:* The building envelope for Lot #1 shows a 40' setback (5' setback permitted) between Mrs. Darling's property line and the proposed building envelope. Similar to the previous response, in combination with the lot's trees, the request makes the building envelope confined, but the property owners and project team want to be respectful neighbors and comply with Mrs. Darling's wishes.
- c) *That the existing flag driveway to the west of Karen Darling's house not have multiple homes accessing from it:* The applicants have designed the lot design so that only one lot is served off of the existing flag driveway.
- d) *Mrs. Dimino's request that no development occur on Lot #1:* Unfortunately, the applicants could not agree to this request. Although the request appeared to be based upon Mrs. Dimino's desire to retain her views, the alternative lot placement (above Lot #5) would have been far more impacting to the community and thus not considered. The applicants did offer to sell the parcel to Mrs. Dimino.
- e) *Mrs. Dimino's request that the subdivision be reduced by one lot:* The applicants have agreed to this provision, although not necessarily due to Mrs. Dimino's request. During the preliminary design of the subdivision, the area where Lot #5 is currently proposed, a second lot was planned. Under the Performance Standards Option, the allowed base density for this 4.62 acre property is 5.54 units, but with a density bonus would easily allow 6 lots. Nevertheless, the property owners decided to reduce the amount from 6 to 5 lots. NOTE: It should be noted that although Mrs. Dimino also requested Lot #1 to be removed, due to its placement, slope, tree locations, etc., the most ecological and most "public" benefiting reduction is in fact the southern most developable lot (above Lot #5), which the applicant has designated as common open space.
- f) *That deed restrictions be adopted similar to her subdivision's deed restrictions and those recently self-imposed on the City of Ashland's property at Westwood Drive and Strawberry Lane.* The applicants have agreed to this provision and have written "draft" deed restrictions to eventually be refined by an Attorney at Law. The draft deed restrictions are attached and were generally "copied" from the City's deed restriction document, but also include language regarding the maximum height of buildings.

Fuels Reduction Plan: Attached is a Fire Prevention and Control Plan prepared in consultation with the Ashland Fire Department and the project Arborist. The plan complies with the provisions noted in Chapter 18.62.090 A. and B. All fuels reduction will occur prior to final plat with re-verification prior to combustible construction on Lot #5.

Gate Relocation: The existing water tower access gate on Hitt Road will be relocated approximately 30' further to the south in order to accommodate the driveway entrance for Lot #5. The gates relocation has been coordinated with the Ashland Fire and Public Work's Department, but essentially the only difference will be its location.

### **APPLICABLE CRITERIA**

#### **18.88.030 Outline Plan Criteria:**

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

All applicable City ordinances have been met with the submitted application.

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

All public utilities are available to service the subject proposal and are located within the adjacent Strawberry Lane or Hitt Road rights-of-way. Multiple meetings have been held with the Ashland Public Works, Engineering, Fire, Sewer and Electrical Departments in order to verify and coordinate service abilities and connection points. All of the departments stated there is capacity to service the four new homes.

In addition, the project's Civil Engineer, in consultation with the project's Landscape Architect and Arborist, has designed all new private service connections to extend at right angles into and through each new lot's proposed driveways in an attempt to minimize site disturbances. Nevertheless, disturbances in areas greater than 25% slope, a geotechnical engineer will provide technical advice in an attempt to mitigate erosion possibilities.

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

The site plan has also been designed to recognize the site's natural features such as the various large trees, various groups of trees, neighbor's trees, extreme slopes, existing earth cuts, etc. The vast majority of the site's natural elements have been incorporated into the site planning and are either outside of the building envelopes, outside the path of the new

driveways or within the common open space area of Lot #6. In addition, the project's Civil Engineer and Landscape Architect have attempted to place the driveways and private utilities in such a way that little to no impact on the site's exposed cuts (Hitt Road) or trees will occur.

Lastly, the common open space area of Lot #6 will remain in private ownership of the subdivision's property owners via a Home Owners Association (HOA) or similar instrument. Since the common open space area is intended to remain natural, the applicants do not foresee any significant issues or changes than what exists today other than the necessary fuels reduction.

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

The proposed development will not prevent adjacent land from being developed as shown on the Comprehensive Plan. The City's Transportation Plan, Zoning or Comprehensive Plan maps do not identify the area south of the property to be urbanized. The properties to the east, west and north are either under construction with houses, have houses recently constructed or have house plans pending. Essentially, from the applicant's perspective, this property appears to be the last or one of the last remaining parcels in the Strawberry Lane neighborhood to be developed – most of which has occurred in the last five to seven years.

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

The proposed subdivision will create Conditions, Covenants, and Restrictions (CC&R's) that provides the management structure to provide the necessary maintenance of the project's open space. The applicants do not foresee the need to create an Home Owner's Association, but will provide the necessary deed restrictions as noted and a copy of the CC&R's at the time of Final Plan approval.

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

The property is 4.62 acres in size, zoned RR-.5-P with a base density of 1.20 units per acre for an allowed density of 5.54 dwelling units. Under the Performance Standards Options Subdivision process, the density bonus options are available allowing additional units, but again, the property owners have elected to not increase the density beyond the proposed five (1 existing and 4 new).

**g. The development complies with the Street Standards.**

No new streets are proposed with this application as all of the proposed lots extend from existing rights-of-way. Both Strawberry Lane and Hitt Road were recently upgraded with new improvements consisting of sidewalks, curbs and gutters.

**18.88.040 Performance Standards for Residential Developments:**

**18.88.080 P-Overlay Zone**

*A. The purpose of the P-overlay zone is to distinguish between those areas which have been largely developed under the subdivision code, and those areas which, due to the undeveloped nature of the property, topography, vegetation, or natural hazards, are more suitable for development under Performance Standards.*

As described above, the subject property has a number of natural constraints and is within the City's P-overlay. The property is zoned RR-.5-P and is 4.62 acres in size. Under "standard" zoning provisions, the property could theoretically be divided into 9 half-acre parcels under the partitions chapter. However, when subdividing under the Performance Standards Options Subdivision process, the base density is reduced to 1.2 units an acre or in this case 5.54 units. The applicants are proposing four new developable lots, one developed lot and one common open space lot.

**18.88.070 Setbacks:**

**A. Front yard setbacks shall follow the requirements of the underlying district.**

The attached site plan shows building envelopes with front setbacks that exceed the standard 20' front yard provisions. The lots front yard setbacks are respectively 28', 45', 160', 45, and 25'.

**B. Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone.**

The setbacks within the RR-.5-P zone are 20' front, 5' side, 10' street side and 10' rear. The attached site plan shows building envelopes where along the perimeter of the development all setbacks exceed (significantly) the setbacks in the RR-.5-P zoning district.

**C. Maximum heights shall be the same as required in the parent zone.**

The applicants are aware of the 35' maximum height restrictions noted in the RR-.5-P zoning district and are proposing a height limit less than the City's provision. This is evidenced on the attached site plan and cross sections. All height limitations will be verified at the time of the building permit.

**D. One-half of the building height at the wall closest to the adjacent building shall be required as the minimum width between buildings.**

All of the proposed homes will have house designs complying with this standard. All setback dimensions will be verified at the time of the building permit in accordance with the submitted plans.

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**E. Solar Access Setback. Solar access shall be provided as required in Section 18.68.**

All of the lots meet the Solar Access Performance Standards listed under Chapter 18.70.050 A. and each lots north-south width easily accommodates a 21' tall building so that its shadow setback does not exceed 50% of the lot's north-south lot dimension. However, because the lots have been designed with building envelopes oriented towards the northern portion of the lots and an Elevation Height Limit as described above, the applicants are proposing to meet the performance provisions noted in Chapter 18.70.050 B. where a solar envelope extends beyond the northern property line, but not onto the northern properties building envelope (i.e. heated space).

The performance standards solar envelope for each lot is as follows:

**Lot #1:** The solar access envelope is not to extend beyond the width of the Strawberry Lane right-of-way. This is a standard solar provision as permitted under Chapter 18.70.020 D.

**Lot #2:** The solar access envelope is not to exceed 35' of horizontal distance which allows the solar shadow to extend to the southern edge of the building envelope on Lot #1. Considering the solar envelope only falls on restricted yard area and not on heated space, there is no net loss of solar access. In addition, the large grouping of Oak trees between Lot #1 and Lot #2 already shadows the subject building envelope.

**Lot #3:** The solar access envelope shall not exceed 20' as the adjacent property (490 Strawberry Lane) is not part of the subdivision and standard solar shadow provisions apply. As such, the shadow produced on Lot #3 will not exceed what a 6' fence shadows along the shared property line.

**Lot #4:** The home on Lot #4 exists and the north producing shadow is approximately 31' with a north lot line of 55'.

**Lot #5:** The north slope on Lot #5 is approximately 17% with a proposed solar access envelope not to exceed 82' of horizontal distance. This would allow a solar shadow to extend to the southern edge of the existing house on Lot #4. Considering the solar envelope only falls on restricted yard area and not on heated space, there is no net loss of solar. In addition, the large grouping of trees between Lot #4 and Lot #5 already shadows the existing home. Nevertheless, under this provision, the maximum height limit at the lots most northern building envelope line would be approximately 22'.

**Lot #6:** Not applicable as this lot has been designated common open space.

Verification of compliance will be provided at the time of the building permit in accordance with the submitted subdivision plans and documents.

**F. Any single-family structure not shown on the plan must meet the setback requirements established in the building envelope on the outline plan.**

**RECORDED**

The attached site plan identifies building envelopes complying with the setback standards for the underlying RR-.5-P zoning district.

**18.61.080 Criteria for Issuance of Tree Removal - Staff Permit:**

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

The site has numerous trees, mostly of which are less than 6" in diameter at breast height (d.b.h.) and most are either above the existing house or along the Hitt Road right-of-way. Most of these trees are either Manzanita, Madrone, or small scrub Oak Trees and are densely intermixed. However, there are 72 trees on the property greater than 6" d.b.h., yet only 13 of these trees are within building envelopes and are proposed to be removed. However, it's important to note the applicants do not intend to immediately remove the trees, but leave that decision for the future lot owners based upon their own design preferences. It's highly likely that a number of the trees will be retained, but for the few that are centered within the envelope. All of the trees outside the building envelopes will be retained. The attached Arborist's report and Tree Removal and Protection Plan identify the site's trees in accordance with these standards.

The criteria are as follows:

**A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.**

None of the trees within the proposed building envelopes are considered hazardous trees.

**B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:**

**1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and**

The trees likely to be removed due to their location within the building envelopes allows for future property owners to construct their homes in accordance with the City's various land use ordinances and Comprehensive Plan policies. All of the subject trees and their canopies have been located by a licensed surveyor and their health assessed by two arborists.

**2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and**

If the trees within the identified building envelopes are removed, the trees will be replaced with either a house or landscaping associated with the house. Overall, the removal of the trees

will not have a negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

**3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.**

Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

**The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.**

No exceptions are proposed with this application. The applicants have explored a number of alternative designs to minimize not only tree loss, but also earth disturbances and hillside aesthetics.

**4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.**

The applicants are aware of this provision, but due to the nature of the property and the existence of many trees already on site, the applicants and project team members request that no additional tree conditions be added.

**18.61.084 Tree Mitigation Required**

An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:

**A. Replanting on site.** The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.

Unless otherwise directed, the applicant and project team members request that no additional on-site tree conditions be added.

**B. Replanting off site.** If in the City's determination there is insufficient available

space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

**C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.**

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

**18.62.040 Approval Criteria (Physical & Environmental Constraints):**

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

The applicants have taken all reasonable steps as outlined in Chapter 18.62.080 (Hillside Development Standards) to minimize potential impacts to adjacent properties. Not only have the applicants conversed directly and indirectly with the neighbors, they have hired a professional Geotechnical Engineer, Landscape Architect, Civil Engineer, Arborist, Land Use Planner, and Home Designer to address any potential impacts associated with the construction of the lots. From the various meetings and communications, the applicants contend any and all potential adverse impacts have been minimized.

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

The applicants have considered the potential hazards the eventual development may create and have hired a Geotechnical Engineer, Mark Amrhein, Amrhein Associates, Inc., to evaluate the construction and site disturbance. The report assesses the site's existing conditions such as seismic, subsurface soils and surface soils. The report also includes mitigation language and/or graphic illustrations for site preparation, structural fill, cut and fill slopes, stacked block walls, and erosion control measures. Lastly, the report includes an "inspection schedule" as required in Chapter 18.62.080 B.9 that addresses inspection times for the Geotechnical Engineer to evaluate the site's disturbances in order to ensure the construction work is in compliance with the report. By taking these steps, the applicants

contend measures will be implemented to mitigate against any potential hazards the lot construction may cause.

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

The applicants have taken all reasonable steps to reduce any adverse impacts on the environment by hiring a professional Geotechnical Engineer, Landscape Architect, Civil Engineer, Arborist, Land Use Planner, and Home Designer to address any potential impacts associated with the construction of the lots and eventual construction of homes. From the various meetings and communications, the applicants and property owners contend any and all potential adverse impacts have been minimized.

The attached Site Plans, Civil Drawings, and Tree Removal and Protection Plans illustrate how the proposed building envelopes and driveways meet the hillside development standards.

**18.62.080 Development Standards for Hillside Lands**

**It is the purpose of the Development Standards for Hillside Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city.**

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

**1. All development shall occur on lands defined as having buildable area. Slopes greater than 35% shall be considered unbuildable except as allowed below. Variances may be granted to this requirement only as provided in section 18.62.080.H.**

No variances or exceptions are proposed with this proposal and all building envelopes and driveways are on lands less than 35% slope.

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

Not applicable. The existing property has adequate buildable area less than 35% slope and can easily accommodate the proposed lots.

**b. Existing parcels without adequate buildable area less than or equal to 35% cannot be subdivided or partitioned.**

Not applicable. The existing property has adequate buildable area less than 35% slope and can easily accommodate the proposed lots.

**2. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35% or less.**

The proposed building envelopes are on lands with a slope of less than 35%. In fact, Lots #1-#4 have approximate slopes of 14% and only Lot #5 has slopes ranging from 17% to 33%. Lot #6 does have slopes in excess of 35% but is intended to be common open space.

**3. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35% slope with the following exceptions:**

**a. The street is indicated on the City's Transportation Plan Map - Street Dedications.**

**b. The portion of the street, flag drive, or driveway on land greater than 35% slope does not exceed a length of 100 feet.**

The proposed flag drive (existing) and new driveways are located on lands less than 35% slope. However, there are existing man-made cuts due to the City's street widening along Hitt Road that exceed 35% grade, but the planned driveways only cross these short areas which are probably only 10' in depth at the most. Nevertheless, based upon precedents with other planning actions, this standard only applies to "natural" sloping lands. Regardless, the application complies with this standard.

**4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required:**

A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information:

**a. Index map.**

**b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.**

**c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc..., and structural data including bedding, jointing and shear zones, soil depth and soil structure.**

**d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.**

*RECORDED*

- e. Suitability of site for proposed development from a geologic standpoint.
- f. Specific recommendations for cut and fill slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
- g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
- h. Signature and registration number of the engineer and/or geologist.
- i. Additional information or analyses as necessary to evaluate the site.
- j. Inspection schedule for the project as required in 18.62.080.B.9.
- k. Location of all irrigation canals and major irrigation pipelines.

The subdivision was designed in consultation with a Geotechnical Engineer as outlined in Chapter 18.62.080 4. and included a geotechnical report with the above information in order to demonstrate the site is stable for the proposed development. The engineering report was completed by Amrhein Associates in October of 2007 and was then based upon a 7-lot subdivision. Nevertheless, the report concludes (pg. 4) the site is feasible to accommodate the proposed development and also offers recommendations to mitigate site disturbances such as: 1) Site Preparation which discusses surface preparation techniques for areas having loose organic matter; 2) Structural Fill where fill materials must have certain qualities and preparations; 3) Permanent Cut and Fill Slopes where maximum cut and fill amounts are described including erosion control measures; 4) Stacked Block Walls where it discusses construction techniques and maximum heights; 5) Backfilled Retaining Walls discusses backfilling treatments and compaction requirements; and 6) Temporary Erosion Control Measures where the Geotechnical Engineer describes various techniques to limit and control typical erosion issues during and post construction. Lastly, the report includes an Inspection Schedule (pg. 9) which specifically list key times when the engineer should be present in order to verify all of the recommendations within the report are being complied with.

Lastly, it should be noted the subject property does have slopes greater than 35%, but all of these areas are at the far southern end of the property (below water tower) and no development is proposed in these areas. In fact, the only lot that will be subject to future hillside development standards will be Lot #5 as the slopes within the building envelope are between 17% and 33%.

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

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

The only grading, retaining walls, earth cuts and fill areas are only along the three proposed new driveways (Lot #2, Lot #4 and Lot #5) as the subdivision application does not include

houses. Nevertheless, the plans have been preliminarily designed and engineered by the Landscape Architect and Geotechnical Engineer (see Geotechnical Engineering Report, pgs. #6 & #7). At the time of Final Plan, detail engineering plans for walls will be identified and all retaining walls will be equal to or less than 4' in height.

**2. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.**

The applicants are aware of this provision and intend to complete all site disturbances between May 1<sup>st</sup> and October 31<sup>st</sup>. Considering the streets improvements are already complete and the only site disturbances to occur will be from utility services and a small portion of the driveways, it's expected the timeframe could be easily met without modification.

**3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25% of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent.**

**The retention in a natural state of areas greater than the minimum percentage required here is encouraged.**

The subject proposal greatly *exceeds* the minimum natural retention percentage as follows:

**Lot #1 (.50 acres) 25% + 22% natural slope = 47% or 10,236 sq. ft. to remain natural (minimum)**

Proposed: Envelope: 6,780 sq. ft. + Driveway: 600 sq. ft. = 7,380 sq. ft.\*

Total to remain in a natural state = 14,400 sq. ft. or 66% of the lot. (+19%)

**Lot #2 (.50 acres) 25% + 13% natural slope = 38% or 8,276 sq. ft. to remain natural (minimum)**

Proposed: Envelope: 7,620 sq. ft. + Driveway 956 sq. ft. = 8,876 sq. ft.\*

Total to remain in a natural state = 13,204 sq. ft. or 61% of the lot. (+13%)

**Lot #3 .50 acres 25% + 13% natural slope = 38% or 8,276 sq. ft. to remain natural (minimum)**

Proposed: Envelope: 8,740 sq. ft. + Driveway 260 sq. ft. = 9,000 sq. ft.\*

Total to remain in a natural state = 12,780 sq. ft. or 60% of the lot.

Including flag pole and flag driveway: Area to remain = 62.5%

**Lot #4 1.4 acres 25% + 16% natural slope = 41% or 25,003 sq. ft. to remain natural (minimum)**

Proposed: Existing house, driveway(s), backyard, etc. = 15,960 sq. ft.

Total to remain in a natural state = 45,024 sq. ft. or 74% of the lot.

RECORDED

**Lot #5** 1.0 acres    25% + 26% natural slope = 51% or 22,221 sq. ft. to remain natural (minimum)  
Proposed: Envelope: 8,205 sq. ft. + Driveway: 1,500 sq. ft. = 9,705 sq. ft.\*  
Total to remain in a natural state = 33,855 sq. ft. or 77% of the lot.

**Lot #6** .50 acres    not applicable – common area lot (100% to remain natural)

\*Note: the above numbers are a “worst case” estimate as the proposed building envelopes would have to be 100% disturbed which is not likely.

**4. Grading - cuts. On all cut slopes on areas classified as Hillside lands, the following standards shall apply:**

a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.

Please refer to the attached Geotechnical Report dated October 12, 2007. The report describes the soil conditions, retaining wall standards and erosion control protections.

b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. (See Graphic)

None of the proposed driveways are expected to have exposed walls or even retaining walls greater than 4' in height.

The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. Cut slopes for structure foundations encouraging the reduction of effective visual bulk, such as split pad or stepped footings shall be exempted from the height limitations of this section. (See Graphic)

None of the proposed driveways are expected to have exposed walls or even retaining walls greater than 4' in height and all driveways are at least 10' from any single property line.

c. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native or species similar in resource value which will survive, help reduce the visual impact of the cut slope, and assist in providing long

**term slope stabilization. Trees, bush-type plantings and cascading vine-type plantings may be appropriate.**

All earth disturbances for cut and fill area along the driveways will be revegetated and irrigated. All planting plans will be completed by a licensed Landscape Architect. All planting and irrigation plans to be submitted at time of Final Plan.

**5. Grading - fills. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply:**

**a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.**

All fill areas for the driveways will be less than 20'.

**b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.**

All fill areas for the driveways will be protected with erosion control netting or functional equivalent. At time of final plan, specific details as to erosion control elements will be submitted.

**c. Utilities. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.**

The project has been preliminary engineered with all utilities, as much as possible, to extend from the existing rights-of-way through the driveway. All other utility lines appear to be outside of any fill areas.

**d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.**

As noted above, all earth disturbances for cut and fill area along the driveways or utility service areas will be revegetated and irrigated. All planting plans will be completed by a licensed Landscape Architect. All planting and irrigation plans to be submitted at time of Final Plan and completed prior to signature of final plat.

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**6. Revegetation requirements.** Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

All planting plans along the driveway and service areas will be completed by a licensed Landscape Architect. All planting and irrigation plans to be submitted at time of Final Plan and installed prior to signature of final plat. All plantings will be substantially established after their first year of installation.

**7. Maintenance, Security, and Penalties for Erosion Control Measures.**

**a. Maintenance.** All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

The applicants are aware of this long term maintenance provision and will provide the necessary documentation in the CC&R's to verify that such mechanisms are in place. Essentially, the CC&R's will note that all retaining walls along the driveways will be retained in perpetuity.

**b. Security.** Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120% of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed other than a performance bond shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the Planning Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

Prior to issuance of an Excavation Permit or any construction, the applicants will provide a performance bond or letter of credit of 120% of the value of the erosion control measures necessary to stabilize the driveway's retaining walls and any utility service areas.

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

**a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.**

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No buildings are proposed as the proposal is for a subdivision. The applicants do intend to construct a small portion of the driveways leading to the building envelopes, but will sell the lots to prospective buyers who will then file building plans with the City. However, it should be noted that only Lot #5, has slopes over 25% and will be subject to the hillside provisions. All other proposed lots have natural slopes less than 25% and are not subject to further Hillside Ordinance provisions.

**b. Avoid hazardous or unstable portions of the site.**

As previously noted, the subdivision was designed in consultation with a Geotechnical Engineer. At no time did the engineer identify hazardous or unstable portions of the property.

**c. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.**

No buildings are proposed as the proposal is for a subdivision. The applicants do intend to construct a small portion of the driveways leading to the building envelopes, but will sell the lots to prospective buyers who will then file building plans with the City. However, the applicants have designed building envelopes that are relatively reasonable in size and have even included concept footprints in order to verify the ability to accommodate a reasonably sized home, provide for maximum height provisions and to establish driveway locations.

**9. Inspections and Final Report.** Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.62.080.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

The applicants are aware of this provision and will retain the services of the project's Geotechnical Engineer throughout the subdivision's driveway and utility service installations. In addition, the project Arborist will also be retained in order to verify service utility locations and tree protection measures are met.

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

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

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

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The attached civil engineering plans identify stormwater facilities for future homes and driveways.

**b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.**

The stormwater detention system will be installed at the time of the subdivision improvements with all other stormwater detention systems to be installed with the construction of the home as the system itself is engineered based upon the amount of impervious surface area typically determined with the house plans.

**c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.**

Stormwater facilities have been designed to divert surface water away from cut faces and sloping surfaces of a fill.

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

No natural drainage systems are on this property.

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

The storm water detention systems planned for each lot will be detention pipes under and near the proposed driveways as identified on the preliminary civil improvement plans. Because of the site's many Oak Trees, the detention pipes allow stormwater to be retained and slowed during peak volumes but not impact the root zones of the Oak Trees that are highly susceptible to fungus. Again, the civil plans have been completed under the direction of the project's Geotechnical Engineer, Arborist and Landscape Architect (also an Arborist).

**f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.**

Stormwater facilities have been designed to divert surface water away from exposed surfaces and either towards the proposed stormwater detention pipes or towards raised curbs.

**g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the City's Public Works Department or City Building Official.**

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The storm water detention systems planned for each lot will be detention pipes under and near the proposed driveways as identified on the preliminary civil improvement plans. Because of the site's many Oak Trees, the detention pipes allow stormwater to be retained and slowed during peak volumes but not impact the root zones of the Oak Trees that are highly susceptible to fungus. Again, the civil plans have been completed under the direction of the project's Geotechnical Engineer, Arborist and Landscape Architect (also an Arborist). At the time of construction, permits for the private detention pipes will be processed with the City's Building Official.

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

**1. Inventory of Existing Trees.** A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches d.b.h., identified by d.b.h., species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e. those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey.

Portions of the lot or project area not proposed to be disturbed by development need not be included in the inventory.

Other than the trees within the common open space area, all of the site's trees greater than 6" d.b.h. and their canopies have been located by a licensed surveyor and their health assessed by two arborists in accordance with this particular standard.

**2. Evaluation of Suitability for Conservation.** All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. Factors included in this determination shall include:

**a. Tree health.** Healthy trees can better withstand the rigors of development than non-vigorous trees.

**b. Tree Structure.** Trees with severe decay or substantial defects are more likely to result in damage to people and property.

**c. Species.** Species vary in their ability to tolerate impacts and damage to their environment.

**d. Potential longevity.**

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**e. Variety.** A variety of native tree species and ages.

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**f. Size. Large trees provide a greater protection for erosion and shade than smaller trees.**

The attached Arborist's report and attached Tree Removal and Protection Plan identify the site's trees in accordance with these standards. All of the trees have been thoroughly evaluated by the project's Arborist as well as a Landscape Architect (also an Arborist) to ascertain the tree's species, structure, size and potential longevity as it relates to the proposed development plans.

**3. Tree Conservation in Project Design. Significant trees (2' d.b.h. or greater conifers and 1' d.b.h. or greater broadleaf) shall be protected and incorporated into the project design whenever possible.**

All of the site's most significant trees have been thoroughly evaluated by the project's Arborist as well as a Landscape Architect (also an Arborist) to ascertain the tree's species, structure, size and potential longevity as it relates to the proposed development plans. The applicants contend as many as these trees have been incorporated into the project design whenever possible.

**a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.**

The project's driveways, buildings, utilities, most likely parking areas, and other site disturbances have been located such that the maximum number of existing trees on the site will be preserved.

**b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.**

As with the driveways and utilities, the proposed building envelopes have been located such that the maximum number of existing trees on the site will be preserved. Most of the lot's vegetation has already been cleared of fuels, but for the common area lot.

**c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.**

The project's utilities and other site disturbances have been located such that the maximum number of existing trees on the site (and trees along neighboring property lines) will be preserved.

**4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards:**

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**a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Temporary fencing shall be established at the perimeter of the dripline. Prior to grading or issuance of any permits, the fences may be inspected and their location approved by the Staff Advisor.**

The attached Tree Removal and Protection Plan (L-1) identifies tree protection fencing adjacent to trees where disturbance may occur. Prior to earth disturbance for the driveways or installation of service utilities, all trees to be preserved will be clearly marked and a Tree Verification Permit will be obtained.

**b. Construction site activities, including but not limited to parking, material storage, soil compaction and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.**

One of the primary reasons the driveways are proposed to be installed with the subdivision improvements is to create a construction staging area during home construction which also minimizes track-out issues and unnecessary site disturbances. Also, tree protection fencing will be installed as identified on the attached Tree Removal and Protection Plan (L1) during house construction. All trees to be preserved will be clearly marked and a Tree Verification Permit obtained prior to site disturbance.

**c. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the dripline, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.**

No grading, stripping, compaction, or significant change in ground elevation will occur within the drip line of trees designated for conservation unless indicated, as approved by the City, and project Arborist or Landscape Architect.

**d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.**

The storm water detention systems planned for each lot will be detention pipes under and near the proposed driveways as identified on the preliminary civil improvement plans. Because of the site's many Oak Trees, the detention pipes allow stormwater to be retained and slowed during peak volumes but not impact the root zones of the Oak Trees that are highly susceptible to fungus. Again, the civil plans have been completed under the direction of the project's Geotechnical Engineer, Arborist and Landscape Architect (also an Arborist). At the

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time of construction, permits for the private detention pipes will be processed with the City's Building Official.

- e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

The applicants are aware of this provision and agree.

**5. Tree Removal.** Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions:

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.
- c. The tree is located within a water, sewer, or other public utility easement.
- d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.62.080.D.2.
- e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

The project's driveways, future buildings, utilities, most likely parking areas, and other site disturbances have been located such that the maximum number of existing trees on the site will be preserved.

No trees greater than 6" d.b.h. are proposed to be removed with the subdivision's construction as only a portion of the driveways and service connections will be constructed with the final plat. Regardless, the subdivision has been designed to allow trees within the identified building envelopes to be removed.

**6. Tree Replacement.** Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, or a hazard, shall be replaced in compliance with the following standards:

- a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.

No trees greater than 6" d.b.h. are proposed to be removed with the subdivision's construction as only a portion of the driveways and service connections will be constructed with the final plat. Regardless, the subdivision has been designed to allow trees within the identified building envelopes to be removed. Because of the site's many trees and wildfire overlay zone designation, no replacement trees are proposed.

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**b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. The canopy shall be designed to mitigate the impact of paved and developed areas, reduce surface erosion and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.**

Because of the site's many trees and wildfire overlay zone designation, no replacement trees are proposed.

**c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.**

Again, because of the site's many trees and wildfire overlay zone designation, no replacement trees are proposed.

## **7. Enforcement.**

**a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City of Ashland.**

**b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.**

**c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized \$50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.**

The applicants are aware of these provisions. No grading, stripping, compaction, or significant change in ground elevation will occur within the drip line of trees designated for conservation unless indicated, as approved by the City, and project Arborist or Landscape Architect.

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

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

- a. The building envelope shall contain a buildable area with a slope of 35% or less.
- b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.62.080.B.3.
- c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.62.080.D.3. while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
- d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline.

The site plan has also been designed to recognize the site's natural features such as not disturbing natural slopes greater than 35%, the various large trees, various groupings of trees, neighbor's trees, existing earth cuts, etc. The vast majority of these elements have been incorporated into the site planning and are either outside of the building envelopes, outside the path of the new driveways or within the common open space area of Lot #6. The applicants have also spent a significant amount of effort on site planning elements such as a maximum height limit, view protections, house orientations.

As noted previously, the subject proposal greatly *exceeds* the minimum natural retention percentage as follows:

**Lot #1** (.50 acres) 25% + 22% natural slope = 47% or 10,236 sq. ft. to remain natural (minimum)

Proposed: Envelope: 6,780 sq. ft. + Driveway: 600 sq. ft. = 7,380 sq. ft.\*

Total to remain in a natural state = 14,400 sq. ft. or 66% of the lot. (+19%)

**Lot #2** (.50 acres) 25% + 13% natural slope = 38% or 8,276 sq. ft. to remain natural (minimum)

Proposed: Envelope: 7,620 sq. ft. + Driveway 956 sq. ft. = 8,876 sq. ft.\*

Total to remain in a natural state = 13,204 sq. ft. or 61% of the lot. (+13%)

**Lot #3** .50 acres 25% + 13% natural slope = 38% or 8,276 sq. ft. to remain natural (minimum)

Proposed: Envelope: 8,740 sq. ft. + Driveway 260 sq. ft. = 9,000 sq. ft.\*

Total to remain in a natural state = 12,780 sq. ft. or 60% of the lot.

Including flag pole and flag driveway: Area to remain = 62.5%

**Lot #4** 1.4 acres 25% + 16% natural slope = 41% or 25,003 sq. ft. to remain natural (minimum)

Proposed: Existing house, driveway(s), backyard, etc. = 15,960 sq. ft.

Total to remain in a natural state = 45,024 sq. ft. or 74% of the lot.

**Lot #5** 1.0 acres 25% + 26% natural slope = 51% or 22,221 sq. ft. to remain natural (minimum)

Proposed: Envelope: 8,205 sq. ft. + Driveway: 1,500 sq. ft. = 9,705 sq. ft.\*

Total to remain in a natural state = 33,855 sq. ft. or 77% of the lot.

**Lot #6 .50 acres    not applicable – common area lot (100% to remain natural)**

\*Note: the above numbers are a “worst case” estimate as the proposed building envelopes would have to be 100% disturbed which is not likely.

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

No buildings are proposed as the proposal is for a subdivision only. The applicants do intend to construct a small portion of the driveways leading to the building envelopes, but will sell the lots to prospective buyers who will then file building plans with the City. However, the applicants have designed building envelopes that are relatively reasonable in size and have even included concept footprints in order to verify the ability to accommodate a reasonably sized home, provide for maximum height provisions and to establish driveway locations.

**a. Hillside Building Height. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum Hillside Building Height shall be 35 feet.**

Within the RR-5 zone and Hillside zones, the maximum building height limitation is 35'. However, the applicants are proposing a lower height in order to preserve views, reduce visual hillside mass and make future property owners cognizant of the expectations for not only their lot, but also their neighbors. In doing so, the applicant's hope it will add value to the lots as buyers will have some predictability of what could be constructed on the neighboring lot.

This is best illustrated on the attached site plan where it shows cross-sections of future homes and how each home's height is “capped” based upon the finished floor elevation of the home behind it. For example, the existing home at 500 Strawberry Lane has a finished floor elevation of 2420 and the future homes below the existing home (Lots #2 and #3) both have a “maximum building elevation height limit” of 2426 (includes 6' of height for a person standing at their window). In simple terms, the future homes could not build beyond the elevation plane of 2426. For example, the cross-sections show the home on Lot #2 as having a finished floor elevation 2402 and the home on Lot #3 as having a finished floor elevation of 2398 meaning their heights would be 24' and 28' tall.

*Note: it should be understood that if a homeowner elected to construct their home “below” the planned finished floor elevation (i.e., lowering the home into the earth), the home’s height could be increased but that the maximum elevation plane as proposed would still not be permitted to be exceeded. For example, the future home on Lot #2 could start their finished floor elevation at 2400, but have a maximum building height of 26’ tall.*

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

Not applicable as no homes are not proposed at this time.

**(1). Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.**

**(2). Reduce building mass by utilizing below grade rooms cut into the natural slope.**

Not applicable as no homes are not proposed at this time.

**c. A building stepback shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Stepbacks shall be a minimum of six feet. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. (see graphic)**

Not applicable as no homes are not proposed at this time.

**d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. (graphic available on original ordinance)**

Not applicable as no homes are not proposed at this time.

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

Not applicable as no homes are not proposed at this time.

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

Not applicable as no homes are not proposed at this time.

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

Not applicable as no homes are not proposed at this time.

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

Not applicable as no homes are not proposed at this time.

**G. All newly created lots or lots modified by a lot line adjustment must include a building envelope on all lots that contains a buildable area less than 35% slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.**

The site plan has also been designed to recognize the site's natural features such as the various large trees, various groups of trees, neighbor's trees, extreme slopes, existing earth cuts, etc. The vast majority of the site's natural elements have been incorporated into the site planning and are either outside of the building envelopes, outside the path of the new driveways or within the common open space area of Lot #6.

**H. Administrative Variance From Development Standards for Hillside Lands - 18.62.080.** A variance under this section is not subject to the variance requirements of section 18.100 and may be granted with respect to the development standards for Hillside Lands if all of the following circumstances are found to exist:

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site;**
- 2. The variance will result in equal or greater protection of the resources protected under this chapter;**
- 3. The variance is the minimum necessary to alleviate the difficulty; and**
- 4. The variance is consistent with the stated Purpose and Intent of the Physical and Environmental Constraints Chapter and section 18.62.080.**

No variances are being requested with this application.

**Conclusion:** Overall, the applicants and project consultants believe the submitted Outline subdivision plan will be an example of preferred hillside development planning in Ashland. A significant amount of effort was spent on minimizing typical hillside mass and disturbance of natural features. Lastly, the applicants contend that at least one additional lot could have been created, but that, as proposed, the applicants believe the subject property and neighboring properties will benefit.

**Attachments:**

Site Plan & Cross Sections	Conceptual Grading & Drainage Plan (C.1)
Deed Restrictions (draft)	Conceptual Utility Plan (C.2)
Geotechnical Report	Topographic Survey
Tree Removal and Protection Plan (L-1)	
Site Plan (L-2)	
Fire Prevention & Control Plan / Erosion Control Plan (L-3)	

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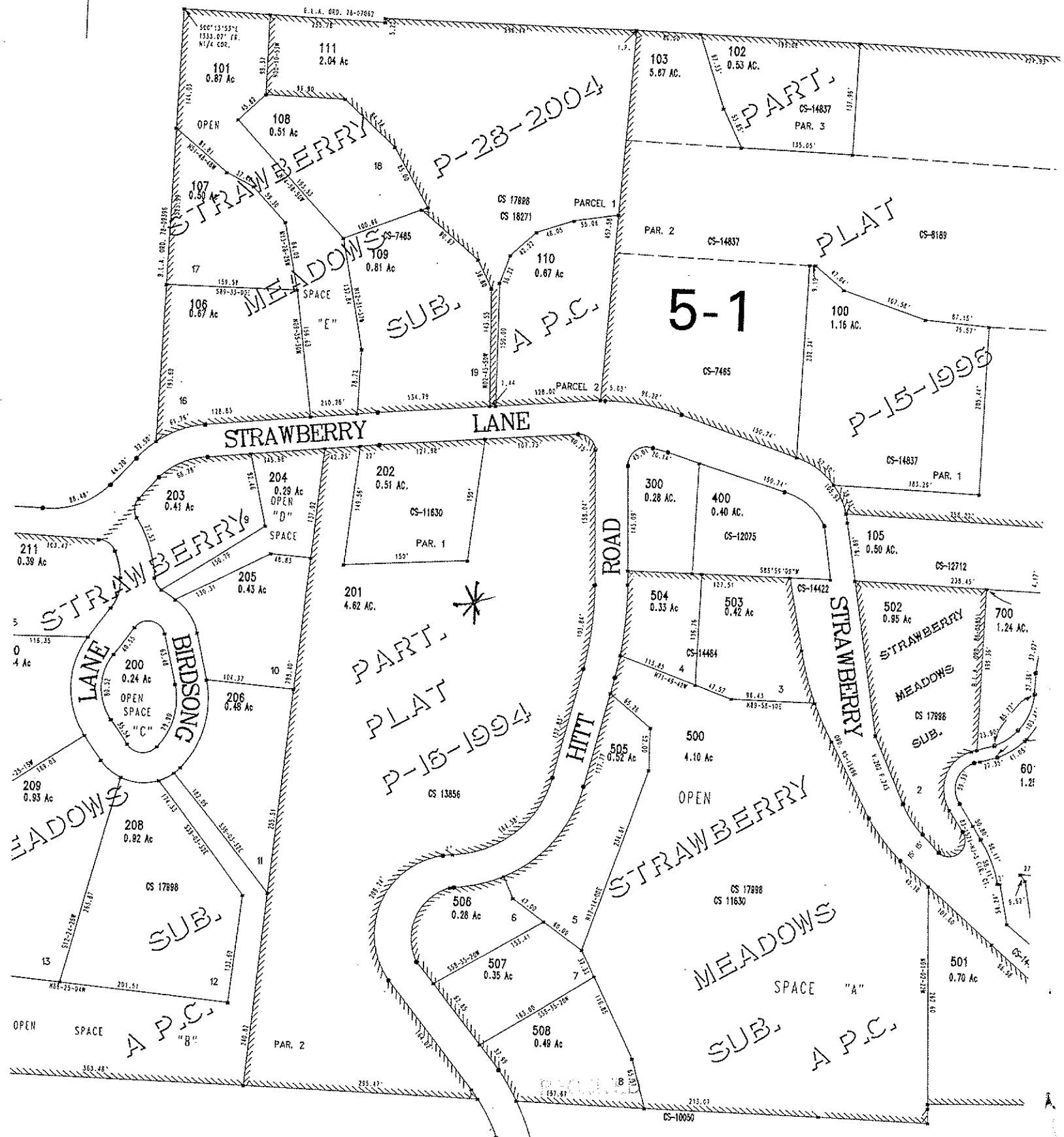
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### Front Counter Legend

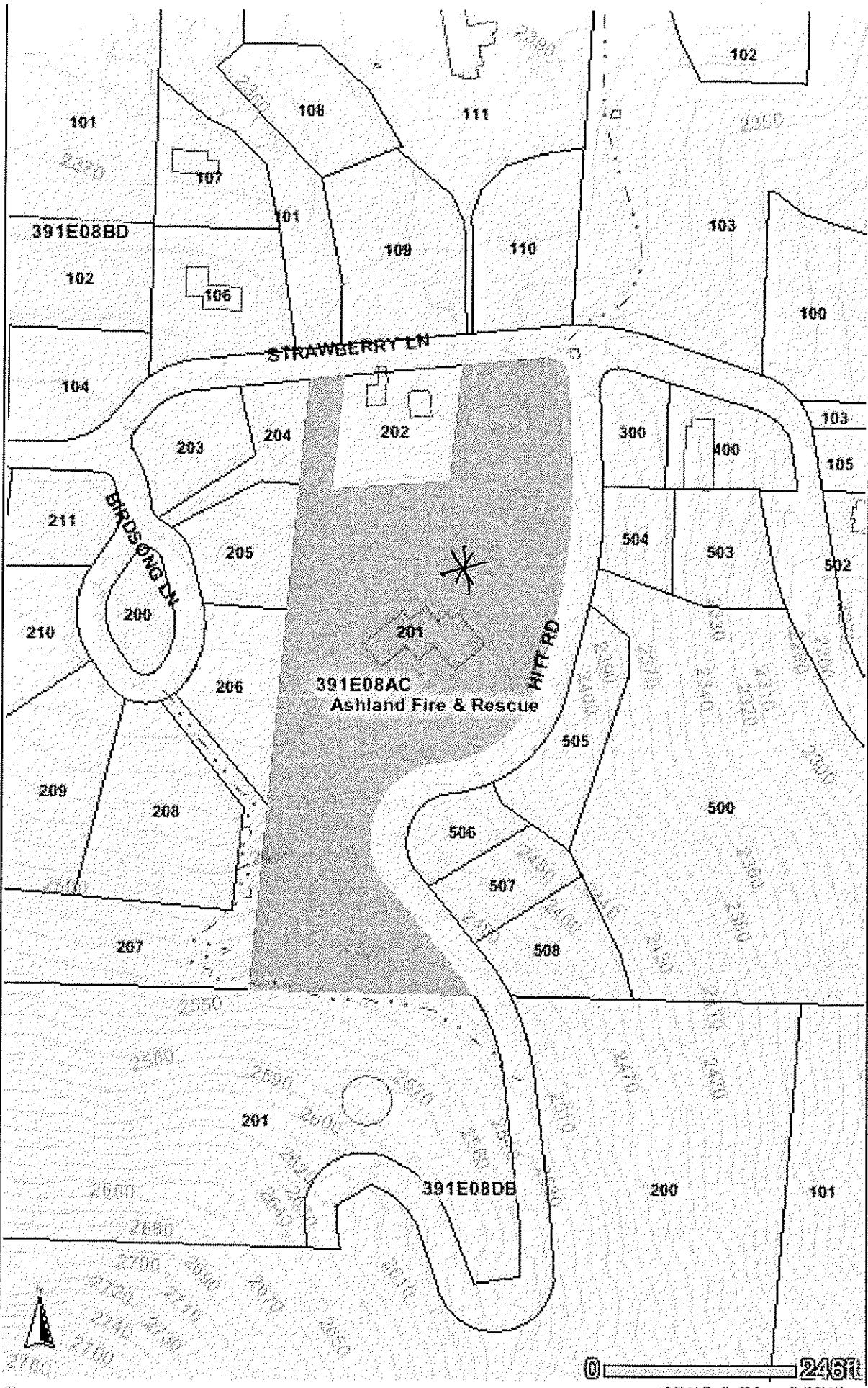
 **Highlighted Feature**

- Tax Lot Outlines
  - Tax Lot Numbers
  - 10ft Contours
  - Buildings
  - Ambulance Service Areas

1

2

3

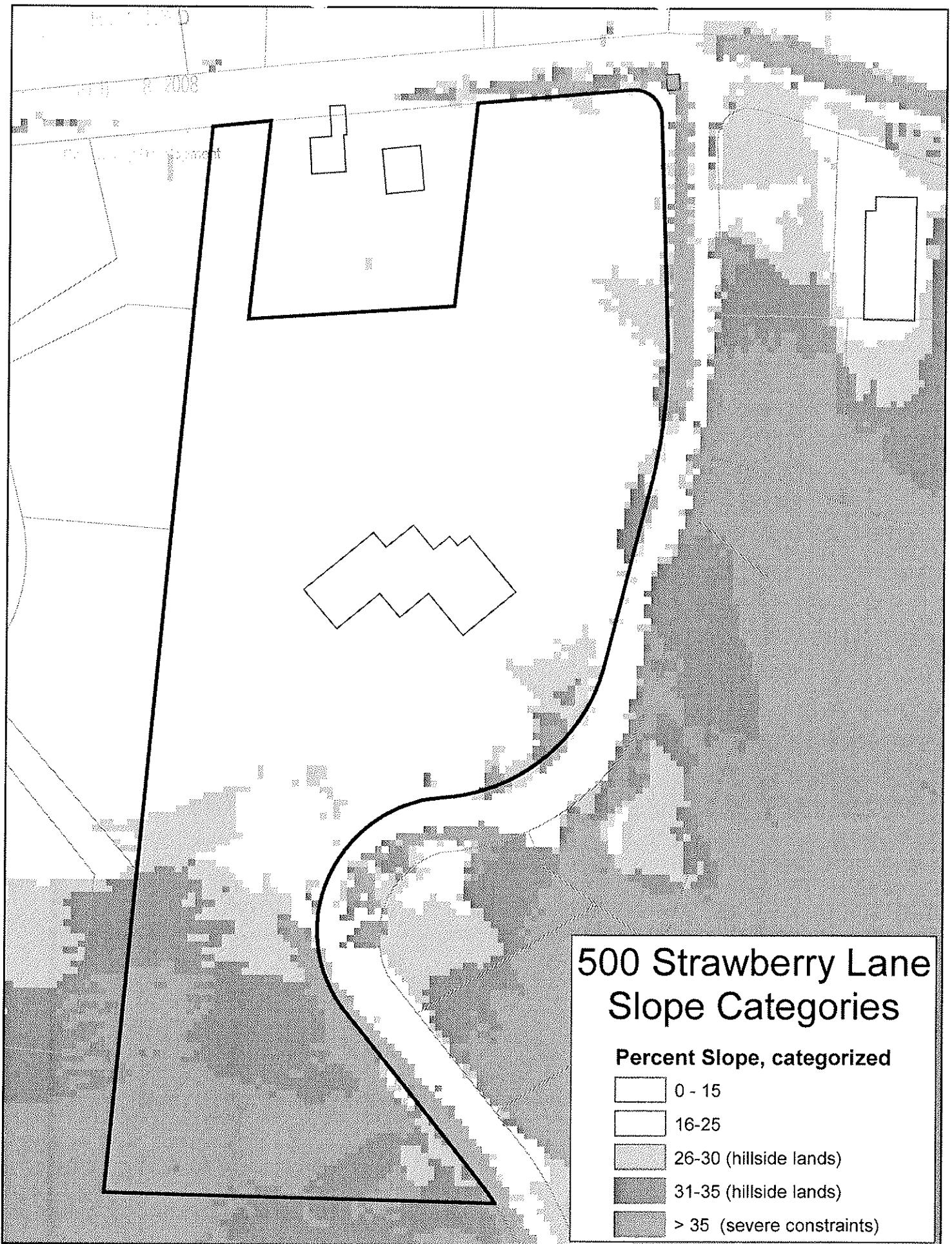


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# JACKSON COUNTY



**Deed Restrictions  
Draft**

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*The following is a "draft" list of deed restrictions based upon input the applicants and from various neighbors in the Strawberry Lane Neighborhood. In addition, the draft restrictions include the restrictions recently applied to the City of Ashland's property (by the City of Ashland) on the corner of Strawberry Lane and Westwood Street. At the time of Final Plan, a final version will be completed by an Attorney, and will be submitted with all recording documents.*

All the property described herein (Exhibit A) held and shall be held, occupied and improved, subject to the following protective restrictions which are attached and agreed upon for the purpose of enhancing and protecting value, desirability and attractiveness of said land. These restrictions shall run with the land and remain in full force and shall be binding on the owner or owners of any equity or title therein.

**Property Standards:**

- 1) Dwelling:** No building, structure or improvement shall be constructed, erected, altered, placed or permitted to remain on any lot other than single family dwellings designed for occupancy by not more than one family, together with appurtenant outbuildings and garages. Said outbuildings and garages shall conform generally in architectural design and exterior appearance to the dwelling house to which they are appurtenant and may be, but need not be attached to said dwelling. No building or structure shall be constructed, erected or permitted on any portion of said lot until complete building plans, in accordance with the building code of the City of Ashland, have been approved in writing by the City.
- 2) Dwelling Placement:** The placement of buildings shall be within the established building envelopes noted on the Subdivision's Site Plan.
- 3) Outbuildings:** Except for accessory residential units authorized and approved in accordance with the provisions of the Ashland Land Use Ordinance, Sections 18.16.030 J. and 18.108.040, no shed, garage, basement, trailer, camper, mobile home, motor home, or other outbuildings with unfinished exterior walls, shall at any time be used, temporarily or permanently, as a residence. Nor shall any structure of a temporary character be used, temporarily or permanently, as a residence. No temporary building, shall at any time be used, temporarily or permanently, for storage of vehicles, mechanical equipment, firewood or for other storage items.
- 4) Autos:** No unlicensed autos shall be visible on lots or permitted to be parked on the street(s) and or driveways. Recreational vehicles shall be no less than 30 feet from neighboring lot lines. Recreational vehicles shall not be parked in driveways for more than 14 consecutive days. No logging equipment, semi-trucks, house trailer (as distinguished from camping trailer) or any other heavy equipment of any kind shall be

stored or allowed to remain upon any lot. There shall be no repairs or vehicles outside of a garage or outbuilding.

5) **Cleanup:** No rubbish shall be stored or allowed to accumulate on the lot. Each lot's adjoining road rights-of-way shall be kept free of weeds and trash and shall be kept under reasonable cultivation and care by the respective owners of such real property. All rubbish and trash shall be regularly removed of and disposed of properly.

6) **Revegetation:** Prior to issuance of a Final Certificate of Occupancy Permit, each lot owner shall re-plant all cut and fill disturbances. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

7) **Pets:** A pet's owner shall be responsible for any damage or injuries caused by such pet. In accordance with the Ashland Municipal Code (9.16.070 Dogs-Noise), it shall be unlawful for any person to keep within the City of Ashland, any dog which by long continued barking disturbs or annoys another person within the City. The number and kind of pets shall be as permitted by City of Ashland ordinances.

8) **Outdoor Lighting:** No continuously lit unshielded lamp or light of any kind is permitted. A security light, or lights, mounted on a building is permitted so long as it has a shade or shield that prevents direct illumination of any adjoining residential properties.

9) **Fire Sprinkler System:** Each home constructed upon a lot shall contain a residential fire sprinkler system reviewed and approved by the Ashland Fire Department prior to a Final Certificate of Occupancy Permit.

10) **Fire Prevention and Control Plan:** The property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority. In accordance the Ashland Municipal Code (18.62.090 A.7.), the City of Ashland is the beneficiary of the Fire Prevention and Control Plan and shall annually inspect the properties for compliance.

**Design Standards:**

1) **Height of Buildings:** Each home shall be designed in accordance with the Ashland Municipal Code (18.62.080 E.2.) except that no building shall exceed a maximum building height as determined by that lot's building height limit as described on the adopted site plan (cross sections).

2) **House Colors:** The color selection for each home shall be coordinated with the predominate colors of the surrounding landscape to minimize contrast between the home and the natural environment.

R.D.

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500 Strawberry Lane; Robert &amp; Laura McLellan

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**FINDINGS OF FACT ADDENDUM AND CLARIFICATION:**City of Ashland  
Community Development**Exception to Street Standards (Chapter 18.88)**

The proposal includes an exception request to the City's Street Standards based upon the applicable criteria of Section 18.88.050 F. which are as follows:

*An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:*

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

The subject property is both unique and unusual as it sits along the southwestern edge of the City's Limits and Urban Growth Boundary and has extreme slopes and limited infrastructure with little to no development planned for the area south of the property. Hitt Road originated as an old logging road and eventually the lower portion became the access road serving the Strawberry / Hitt Road water tower. The only vehicular users of Hitt Road beyond the gate is the Ashland Water Department needing to service the water tower. Hitt Road is also used by recreational hikers and mountain bikers.

Up until a few years ago (2004), the road was un-improved, but was eventually improved as part of the Strawberry Meadows Subdivision. However, the street improvements only included paving, curbing and a curbside sidewalk and only up to the existing gate in order to minimize earth disturbance, excessive retaining walls, and tree loss. As such, it should be understood that the existing street improvements, from the gate to Strawberry Lane, also do not comply with current street standards.

The street area along the applicants' property line beyond the proposed driveway of Lot #5 and beyond the gate has cut banks ranging in heights from 2' to 9'. Widening the street beyond the gate to accommodate City street standards, would cause the wall heights to increase by approximately 3' for a range of 5' to 12'. The finished result would be excessive retaining walls similar to the retaining walls recently installed at 360 Strawberry Lane. In addition, additional grading behind the walls would be necessary likely increasing tree loss, erosion and scarring.

Overall, considering the area beyond the gate has very limited growth potential and that a very limited number of vehicles use the road beyond the gate and the only other users beyond the gate consist of hikers and mountain bikers, the widening of the road is unnecessary.

- B. The variance will result in equal or superior transportation facilities and connectivity;*

Approximately four years ago, the applicants "gifted" an easement and constructed a "public" trail across the southern end of the property. Mr. McLellan was one of the originating founders of the Ashland Woodlands and Trail Association, an active group that builds, designs and attempts to purchase and acquire lands for the purpose of recreational trail use. The subject trail links Hitt Road to Birdsong Lane which is a short cul-de-sac street (new) that allows trail users to park their vehicles in this relatively flat area and walk up the trail and onto Hitt Road. The

applicants contend the trail is a superior transportation facility and provides superior connectivity since the area beyond the gate is really only used by hikers and mountain bikers and providing a sidewalk is counter to the needs of the road's users.

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*C. The variance is the minimum necessary to alleviate the difficulty; and*

The variance is the minimum necessary to alleviate the difficulty. The applicants have specifically designed the subdivision with one less lot than permissible under Chapter 18.88 and placed the driveway for the furthest most southern building envelope to the point closest to the existing gate in order to minimize the site's disturbance and limit hillside development.

*D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.*

The "Purpose and Intent" language of the Performance Standards Options Chapter (18.88.010) is as follows:

*The purpose and intent of this Chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity and innovation, use the natural features of the landscape to their greatest advantage, provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes, be aesthetically pleasing, provide for more efficient land use, and reduce the impact of development on the natural environment and neighborhood.*

The applicants believe strongly the proposed subdivision meets the "purpose and intent" of the Performance Standards Options Subdivision. The applicants contend the application exemplifies the original intent of not only the Performance Standards Options Chapter, but also the Hillside Ordinance when these codes were being written, analyzed and adopted by the Ashland Planning Commission and City Council.

The applicants have strived to submit an application that goes above and beyond the City's regulations and is also neighborhood considerate when compared to other developments in the neighborhood and along Ashland's hillsides. Specifically, the proposal includes:

- Height Restriction: A self imposed height restriction for each lot. Permitted Height 35' / Proposed Avg. Height 28' or approximately 25% less than permissible under current zoning;
- Reduced Density: Under the Performance Standards Options, a 6<sup>th</sup> lot could have been created, but the applicants decided only five developable lots would be applied for in order to minimize hillside disturbance and view impacts.
- Deed Restrictions: The applicants have agreed to self-impose deed restrictions similar to the other deed restrictions adopted by adjacent developments, including the City of Ashland's recent Land Partition on the corner of Strawberry Lane and Westwood Drive.
- Increased Setbacks: The setbacks within the RR-.5-P zone are 20' front, 5' side, 10' street side and 10' rear. As illustrated on the attached site plans, the setbacks easily meet, but in most cases significantly exceed the minimum setbacks.
- Neighborhood Sensitivity: The applicants have adjusted the building envelopes to accommodate neighboring views. Specifically, Lot #1 has been modified to retain the views from the home at 490 Strawberry Lane (Darling residence).

- Tree Preservation: The applicants have designed the proposed building envelopes and driveway locations in order to minimize tree disturbance.

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### Solar Access Envelope Clarification (Chapter 18.70.050)

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All of the lots meet the Solar Access Performance Standards listed under Chapter 18.70.050 A. and each lots north-south width easily accommodates a 21' tall building so that its shadow setback does not exceed 50% of the lot's north-south lot dimension. However, because the lots have been designed with building envelopes oriented towards the northern portion of the lots with an Elevation Height Limit as described above, the applicants are proposing to meet the performance provisions noted in Chapter 18.70.050 B. where a solar envelope extends beyond the northern property line, but not onto the northern properties building envelope (i.e. heated space).

The performance standards solar envelope for each lot is as follows:

**Lot #1:** The solar access envelope is not to extend beyond the width of the Strawberry Lane right-of-way. This is a standard solar provision as permitted under Chapter 18.70.020 D.

*Effects:* Considering the solar access envelope is already “standard” and permitted to fall on rights-of-way. The applicants contend there is no loss of solar access.

**Lot #2:** The solar access envelope is not to exceed 35' of horizontal distance which allows the solar shadow to extend to the southern edge of the building envelope on Lot #1.

*Effects:* Considering the solar envelope only falls on yard area and not on heated space, there is no net loss of solar access on heated space. Secondly, the large grouping of Oak trees between Lot #1 and Lot #2 already shadows the subject building envelope. Lastly, the area not already shadowed by the large grouping of Oak Trees, is beyond the 35' horizontal solar access envelope and could easily accommodate surface mounted solar panels.

**Lot #3:** The solar access envelope shall not exceed 20' as the adjacent property (490 Strawberry Lane) is not part of the subdivision and standard solar shadow provisions apply. As such, the shadow produced on Lot #3 will not exceed what a 6' fence shadows along the shared property line.

*Effects:* Standard solar access is being applied to Lot #3. The applicants contend there is no loss of solar access.

**Lot #4:** The existing home on Lot #4 has a north producing shadow of approximately 31' with a north lot line of 55'.

*Effects:* Considering the home on Lot #4 is pre-existing, the solar shadow is easy to determine. In this case, the actual shadow falls 31' to the north from the house (Noon, December 21<sup>st</sup>). The actual proposed north property line is 55' from the house or 24' further than the actual shadow. As such, the applicants contend there is no loss of solar access.

**Lot #5:** The north slope on Lot #5 is approximately 17% with a proposed solar access envelope not to exceed 82' of horizontal distance. This would allow a solar shadow to extend to the southern edge of the existing house on Lot #4.

*Effects:* Considering the solar envelope only falls on yard area and not on heated space, there is no net loss of solar access. In addition, the large grouping of trees between Lot #4 and Lot #5 already shadows the existing home. Nevertheless, under this provision, the maximum height limit at the lots most northern building envelope line would be approximately 22' with an overall height maximum of 26'. Obviously the Planning Commission could propose to expand or shift the proposed building envelope further to the south in order to limit the shadowing on Lot #4, but that would cause the home to further creep up the hill, making it even more visible. As planned, the shadow does not extend on heated space and simultaneously mitigates hillside impacts.

**Lot #6:** Not applicable as no structures are proposed for Lot #6 and is designated as common open space.

**Pedestrian Trail:**

The applicants believe the portion of trail that extends through the applicant's property (from Birdsong Lane to Hitt Road) is already recorded as a public easement. Regardless, at the time of Final Map, the applicants will verify and will commit to its public designation across their property.

**Sign in Favor of Future Local Improvement District (LID):**

If it is determined by the Ashland City Council that additional street improvements along Hitt Road are warranted for the area south of Lot #5, the applicants would agree to sign an agreement for a future LID prior to Final Plat.

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# SUBSURFACE INVESTIGATION AND GEOTECHNICAL ENGINEERING REPORT

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## PROPOSED LOT SUBDIVISION 500 STRAWBERRY LANE ASHLAND, OREGON

October 12, 2007  
Project No. U264-01.01

Prepared for:

Robert & Laura McLellan  
500 Strawberry Lane  
Ashland, Oregon 97520

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City of Ashland  
Corporation of the State of Oregon

706 Jefferson Avenue

Ashland, OR 97520-3207

Ph: (541) 482-6680

Environmental & Geotechnical Engineering



**AMRHEIN**  
**ASSOCIATES, Inc.**

Robert & Laura McLellan  
500 Strawberry Lane Partition, Ashland

October 12, 2007  
Project No: U264-01.01

SUBSURFACE INVESTIGATION AND  
GEOTECHNICAL ENGINEERING REPORT

Proposed Lot Partition  
500 Strawberry Lane  
Ashland, Oregon

The engineering material and data contained in this Geotechnical Engineering Report were prepared under the supervision and direction of the undersigned, whose seal as a registered professional engineer is affixed below. The conclusions and recommendations presented in this report have been prepared in conformance with generally accepted geotechnical engineering principles and practices. No other warranty, either expressed or implied, is made or intended.

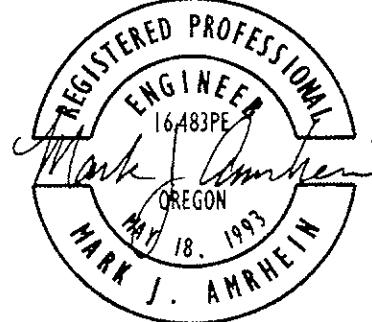
Amrhein Associates, Inc.

*Briana M. Wright*

Briana M. Wright  
Staff Geologist

*Mark J. Amrhein*

Mark J. Amrhein, P.E.  
President / Senior Engineer



RENEWAL DATE: 12/31/07

PAGE TWO

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Oregon State Board of  
Geological Survey

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- Appendix A – Subsurface Exploration Procedures and Logs

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Geo-intro.100107  
Geotechnical Assessment

## 1.0 SUMMARY

The proposed lot subdivision is located at 500 Strawberry Lane, (Map 39-1E-08AC, TL 201) in Ashland, Oregon. We understand the project will consist of the subdivision of the 4.62 acre lot into seven new lots, which includes the existing house on a lot and a lot for the common, open space on the steepest part of the property. The proposed partition and general site grading is feasible with respect to the stability of the subsurface and slope conditions at the site. A brief summary of the project's geotechnical considerations is presented below.

The site was a moderately steep to steep lot bordered by Hitt Road to the east, Strawberry Lane to the north and private property to the west and a portion of the north. The terrain north of the existing home was partially landscaped and contained scattered boulders of granite. The terrain to the south of the existing house was heavily wooded with oak and some pine trees.

The subsurface conditions encountered generally consisted of a layer of loose, light tan, silty, fine to medium sand, with some roots (topsoil) ranging in depth from 1.4 feet to 1.7 feet. Underlying the topsoil, our test pits revealed medium dense, light red tan and red brown, silty, fine to medium sand (weathered, decomposed granite) that displayed an increase in density with depth. These sands are derived from the weathering of diorite and granodiorite; the bedrock that underlies this area.

Site grading should include stripping of the topsoil and any loose decomposed granite soils before placement of any structural fill across the site. The site should be graded with cut and fill slopes that do not exceed a 2H : 1V (horizontal:vertical) angle. Stacked block walls may be used to face cut faces up to 4 feet in height. Higher stacked block walls facing fill slopes may be constructed using geogrid reinforcement. Structural retaining walls may also be incorporated into the design of the houses to assist in maintaining the site's stability.

As the silty, site soils are moisture sensitive, site work in the presence of water or during wet weather would disturb the competent soils. The contractor should avoid disturbance of these soils and limit traffic across the prepared subgrade areas during wet weather.

This summary is presented for introductory purposes only and should be used in conjunction with the full text of this report. The project description, site conditions and detailed design recommendations are presented in the text of this report. The scope of work was completed within the constraints of the site and in accordance with our proposal. This report has been prepared for the exclusive use of Robert and Laura McLellan, and their agents, for specific application for this project in accordance with generally accepted geotechnical engineering practices.

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## 2.0 PROJECT DESCRIPTION

The proposed lot subdivision is located at 500 Strawberry Lane, (Map 39-1E-08AC, TL 201) in Ashland, Oregon. The location of the site is shown on the Vicinity Map, Figure 1. We understand the project will consist of the subdivision of the 4.62 acre lot into seven new lots. The subdivision includes a lot for the existing house plus an additional lot for open space on the steepest part of the property. We also understand that the majority of the driveways for the newly created lots will be accessed from Hitt Road and the northern most lots will be accessed from Strawberry Lane. The existing gate on Hitt Road, that prevents automobile traffic to the City's water tank, will be relocated approximately 300 feet up the road to accommodate driveways for the two proposed lots south of the existing house.

In the event of any changes in the nature, or location of the proposed site development and driveways , the conclusions and recommendations contained in this report should be reviewed and modified, if necessary, to reflect those changes.

## 3.0 SITE CONDITIONS

The site conditions were evaluated on September 24, 2007. The subsurface conditions were determined by the excavation of five test pits in order to observe soil material types and consistency. The surface and subsurface conditions are described below. The location of the test pits are indicated on the Site and exploration Plan, Figure 2. A description of the exploration procedures and detailed interpretive log is provided in Appendix A.

### 3.1 Surface Conditions

The site was a moderately steep to steep lot with sparse weeds, grass and many scattered bushes, oak and pine trees. The lot contained an existing home with a driveway that connected to Strawberry Lane. The property was bordered by Hitt Road to the east and Strawberry Lane to the north and private property bordered the lot to the west and a portion of the north. The terrain north of the existing home was partially landscaped and contained scattered boulders of granite. The terrain to the south of the existing house was heavily wooded with oak and some pine trees. In addition, there were approximately 10 foot high, steeply sloping cuts on the western side of Hitt Road, most likely created during the construction of the road.

In general, the majority of the site drained to the north, with some drainage trending to the northwest and northeast as the site was situated on a gentle ridge line.

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### 3.2 Subsurface Conditions

The subsurface conditions encountered in our test pits generally consisted of a layer of loose, light tan, silty, fine to medium sand with roots (topsoil) ranging in depth from 1.4 feet to 1.7 feet with an average depth on the order of 1.5 feet. Underlying the topsoil, our test pits revealed medium dense, silty, fine to medium sand with some roots that was interpreted as native, weathered, decomposed granite. Test pits TP-1, TP-2 and TP-5 displayed some gravels and cobbles of angular pieces of granitic rock within the medium dense zone. The medium dense soils were red brown and light red tan in color and were encountered to the bottom of the test pits in test pits TP-3 and TP-4. In test pits TP-1, TP-2 and TP-5, the medium dense soils ranged in depth from 3.2 feet to 5.5 feet with an average depth on the order of 4.0 feet. Below the medium dense soils in test pits TP-1 and TP-2, and TP-5 we observed dense and medium dense to dense, native, weathered decomposed granite to the bottom of the test pits.

In general, the area is underlain by the Ashland intrusive pluton composed primarily of diorite and granodiorite, commonly referred to as granite or bedrock. The parent rock decomposes very slowly creating three general zones. The three zones are weathered granitic soil, decomposed granite, and granodiorite bedrock. The upper layer is weathered granitic soil, which is generally a red-brown color. The decomposed granite typically appears to be fresh bedrock, but can be ripped by heavy equipment and breaks down to a fine to medium or fine to coarse sandy soil with some silt. The decomposed granite can be red-brown, mottled red-brown and gray (swirled), and generally turning gray with depth. Occasionally, boulders of hard granite can occur in the decomposed granite that cannot be ripped by conventional equipment. The granodiorite bedrock is very hard and typically is characterized by its inability to be ripped by conventional, earth-moving equipment and requires chiseling or blasting to be excavated.

No expression of groundwater or subsurface seepage was seen in the test pits at the site during our evaluation in September 2007. However, some perched zones with limited volumes of water may be encountered randomly in the upper soil strata, and especially atop the dense, decomposed granite, during the winter and spring months. Later into the summer, these perched zones will become less frequent or dry up all together. We also understand that a spring is located above the site. It should be noted that the level of groundwater may fluctuate due to variations in rainfall, season, site utilization and other factors.

The subsurface conditions should be confirmed during construction by the geotechnical engineer in accordance with the construction inspection schedule described in Section 5.0.

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### **3.3 Seismic and Other Hazard Considerations**

Shallow earthquakes can result in a rupture or deformation of the earth's surface, otherwise known as a fault. The U.S. Geologic Survey (USGS) identifies Quaternary faults as faults recognized at the surface and which have moved in the past 1,600,000 years (Quaternary epoch). The nearest Quaternary fault identified by the USGS is the Sky Lakes fault zone, located along the Jackson County-Klamath County border. In addition, numerous Cascadia Subduction faults are located off the Oregon coast. No other geologically recent surface faulting has been identified or was observed on or near by the project site.

The site soils are not considered to be prone to liquefaction or subsidence due to the density of the site soils and the upper loose soils are not saturated.

## **4.0 CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Suitability and Stability of Proposed Lots**

The proposed subdivision and the site grading is considered feasible with respect to the stability of the subsurface and slope conditions at the site. The southern most proposed lot on the property was the steepest and is not being considered for building and will, instead, be preserved as a common, open space.

The proposed subdivision and site grading is considered feasible due to the fact that competent bearing soils are near surface and no slope instability was observed or identified. Geologically, no active or potentially active faults are in the area and the site soils are not prone to liquefaction due to their density and lack of saturation. In addition, there is no risk of subsidence due to the geologic formation of granitic bedrock and density of the soils and the site is not at risk from a tsunami due the distance from the ocean and its high elevation.

### **4.2 Site Preparation**

The areas to receive structural fill should be stripped of all topsoil and loose, weathered granitic soil. If during the stripping process, an area is required to be over-excavated to reach at least medium dense decomposed granite soils, the area should be backfilled with "structural fill" as described subsequently.

We recommend that the subgrade be observed by the geotechnical engineer prior to the placement of structural fill. The site soils are silty and therefore are prone to disturbance in wet site conditions. The contractor should minimize traffic across prepared soil subgrade areas.

#### 4.3 Structural Fill

The site soils can be used for "structural fill" purposes. The decomposed granitic soils are silty and should be considered moisture sensitive. It will most effectively be used during the dry summer months when the water content may be carefully controlled.

All fill placed on the site should be placed in accordance with the recommendations for structural fill. All surfaces to receive fill should be prepared as previously recommended. Structural fill should be placed in loose lifts not exceeding 12 inches in thickness. Individual lifts should be compacted such that a density of at least 90 percent of the modified Proctor maximum dry density (ASTM:D 1557 or AASHTO T 180) is achieved. We recommend that a representative of the geotechnical engineer be present during placement of structural fill to observe the work and perform a representative number of in-place density tests. In this way, the adequacy of the earthwork may be evaluated as grading progresses.

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

In all cases, site soils or soil imported to the site to be used for structural fill should have a maximum particle size on the order of 8 inches and be free of organics and other deleterious material.

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

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#### 4.4 Permanent Cut and Fill Slopes

We recommend that permanent cut and fill slopes be designed for a maximum inclination of 2H:1V, however some localized areas of 1-1/2H:1V slopes may be used to achieve the necessary grades. The maximum fill slope length should not exceed 20 feet in vertical height. The maximum cut slope should not exceed 15 feet in vertical height.

Permanent fill slopes should be constructed in accordance with our recommendations for structural fill. The surface of the fill slope should be compacted to the same 90

percent density (ASTM:D 1557) as the body of the fill. This may be accomplished by overbuilding the embankment and then cutting it back to its compacted core or compacting the surface of the fill as it is constructed.

Fill placed on slopes should be keyed and benched in as it is being placed. This can be accomplished by starting at the bottom of the slope cutting material horizontally from the slope to create a level bench. The material can be most effectively compacted on the level bench. As additional material is placed on the bench, the equipment should cut out the next bench into the slope, stair-stepping up the slope. The bottom key should be a horizontal cut at least 6 feet in width. Each horizontal bench should be cut at least 4 feet into the native soil.

All slopes should be covered with topsoil or wood mulch to protect the soil surface from rainfall. All slopes steeper than 3H:1V should also be covered with erosion control matting installed in accordance with the manufacturer's recommendations.

The top of all slopes greater than 8 feet in vertical height should be protected from runoff by diversion berms or swales. In addition, if a slope is greater than 12 feet in height, an intermediate drainage bench of at least 3 feet in width should be graded into the slope.

#### **4.5 Stacked Block Walls**

Stacked block walls may be used as landscaping walls to face stable cut slopes. Stacked block walls should be constructed no greater than 4 feet in height for blocks weighing at least 75 pounds each. For lighter blocks that weigh on the order of 60 pounds each, the maximum wall height should be 3 feet. If more than one wall is to be used for greater heights, each wall must be set back at least 4 feet horizontally from the top of the lower wall. Details for stacked block wall construction are shown on Figure 3, Stacked Block Wall Details.

The bottom course of each block wall should be founded on at least medium dense native or fill soil and set into a 6-inch deep "key". The wall should be constructed with a batter no steeper than 6V:1H or each course of block is set back  $\frac{3}{4}$ -inch (pin setting will determine this). A minimum 4-inch diameter perforated pipe should be installed behind the first block course and be fully embedded in washed rock or pea gravel. The drain line should discharge into the storm drainage system or other suitable discharge point. As additional block courses are being placed, free-draining rock (washed or crushed) should be placed behind the wall to provide for drainage and prevent soil migration through the wall. The top 12- to 18-inches of the wall may be backfilled with native or topsoil for vegetation and prevent direct communication of surface water on the terrace into the rock backfill.

Higher stacked block walls may be constructed to face fill slopes where reinforcing grid is installed as part of wall construction and structural fill placement. The reinforcing grid

must be attached to the wall facing as an integral part of the wall. The grid must extend into the structural fill being placed behind the wall. Reinforcing grid length and vertical spacing should be designed by an engineer for the particular wall system to be used and the specific conditions at the wall's location.

#### 4.6 Backfilled Retaining Walls

Backfilled retaining walls are categorized by the condition of restraint at the top of the wall at the time of backfilling. Retaining walls where the top of the walls are free to move laterally or rotate to at least 0.1 percent of the wall height during backfilling may be designed for an equivalent fluid unit weight of 45 pounds per cubic foot (pcf). If the walls are structurally restrained for lateral movements at the top of the wall at the time of backfilling, we recommend that they be designed for an equivalent fluid unit weight of 60 pcf. These values assume that the walls are supporting the slope above the proposed house and no buildup of hydrostatic water pressure behind the walls.

A value for the allowable passive earth resistance of 300 pcf may be assumed for each foot of penetration below the ground surface, neglecting the first foot. An allowable wall base friction value of 0.40 is recommended. This assumes that the concrete makes intimate contact with the soil, crushed rock or bedrock.

All backfill placed behind the retaining walls or around foundation units should be placed in accordance with our recommendations for structural fill. The above lateral earth pressures, are based upon granular backfill and no buildup of hydrostatic pressure behind the wall. To minimize lateral earth pressure and prevent the buildup of hydrostatic pressures, the wall backfill should consist of free-draining, granular material with drainage provisions as discussed in the Drainage Considerations section presented below. Ideally all backfill behind the retaining walls should be free-draining, granular soil, however at a minimum; the thickness of the granular drainage should be at least 12-inches against the wall.

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

## 4.7 Erosion Control Measures

Erosion control measures should be implemented to limit and control the erosion as a result of the proposed development. The erosion and sedimentation process is a natural process whereby particles of soil are loosened from the soil and vegetation matrix and carried down by water. Construction and land disturbance can increase the rate of erosion above natural background levels by several hundred percent. Good erosion control practices during construction can significantly reduce the erosion process during and after construction.

However even with the best erosion control practices, disturbed areas will produce more sediment than naturally vegetated, undisturbed areas. Typically the rate of erosion is highest during construction and improves significantly after the permanent erosion control measures are installed and vegetation becomes established. Over time with the establishment and maturing of vegetation and proper maintenance of the erosion control features, the rate of erosion can stabilize to near natural conditions.

### 4.7.1 Temporary Erosion Control Measures

The following measures should be implemented during construction in order to best limit the rate of erosion from the site. The measures should be installed down slope from any construction activity or where the site is accessed from a public street. Some erosion control measure details are shown on Figure 4, Erosion Control Details and Figure 5, Down Slope Drain Details.

Surface water will flow from towards Strawberry Lane, Hitt Road and onto the private property to the west. The following are some measures that should be implemented.

- T-1) Minimize the disturbed area. The natural topsoil and root mat offer the best protection from erosion.
- T-2) Install fabric sediment fences downslope of the disturbed areas to slow the velocity of water runoff and contain sediment. The sediment fences should traverse the slope along a line of equal elevation. Additional support can be provided to the sediment fences with straw bales at each fence post. The fences should allow for the slow release of water through the fabric.
- T-3) Place a crushed rock pad at the site entrances to allow for parking of vehicles and inhibit the tracking of soil onto the City streets. Vehicle access onto unprotected soil areas should be limited.
- T-4) Shield the exposed soil stockpiles and slopes from rainfall impact and hold soil particles in place. This should be done by protecting exposed or disturbed soils prior to rain by means of a complete layer of straw, erosion control matting, or plastic sheeting.

- T-5) During the excavation and prior to any rainfall, corrugated pipes should be placed at the low points in the excavation to drain any collected water down slope. This will prevent overwhelming the sediment fences at points of concentrated water flow. The entrance of the pipes should be placed in an area of ponding water and the entrance lifted above the ground surface to drain off water that has had an opportunity to slow its velocity and drop out sandy sediment.

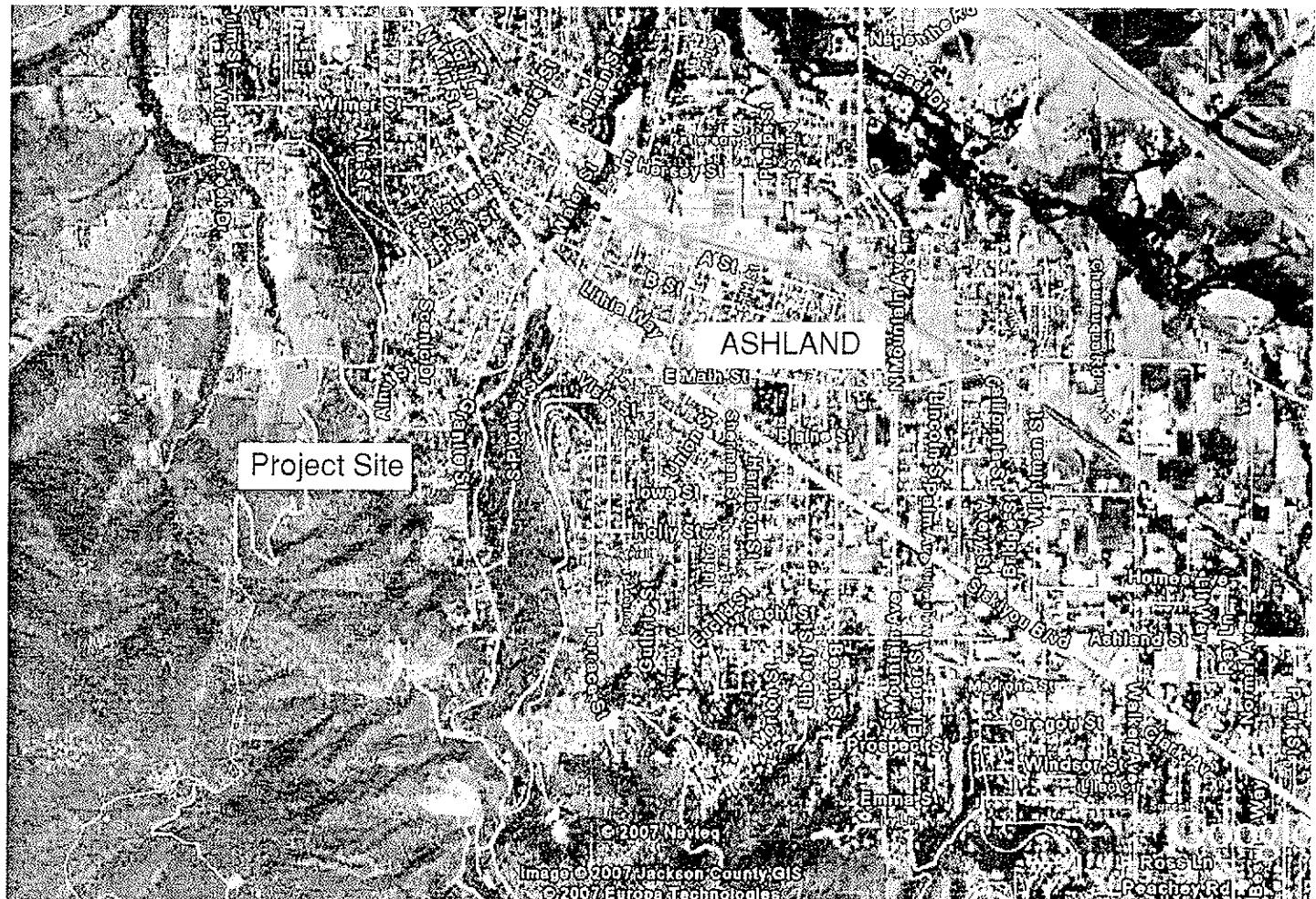
## 5.0 INSPECTION SCHEDULE

The integrity of the site development and site grading depends on proper site preparation and construction procedures. It is recommended that a representative of the geotechnical engineer observe the construction at key times to determine the adequacy of construction as it progresses. It also allows the engineer to observe variations in the site and subsurface conditions, and provide additional geotechnical recommendations to minimize delays as the project develops.

The geotechnical engineer will be required by the City to verify that these items were observed and completed in general conformance with the plans and specifications. It should be made the contractor's responsibility to notify the engineer with at least 24 hours notice that each of the following items is ready to be observed. The key items are as follows:

- **Temporary Erosion Control Measures** – Prior to the start of site preparation and other earthwork, erosion control measures must be installed and observed by the engineer.
- **Subgrade Preparation** - When the topsoil and loose soil has been removed and structural fill is ready to be placed.
- **Structural Fill Placement** - During placement of structural fill, a representative number of in-place density tests should be performed to verify the density and adequacy of the structural fill.
- **Stacked Block Walls** – The subgrade for the bottom course of rocks or blocks should be observed. In addition the placement of the drainage material behind the rockeries and walls should also be observed.
- **Retaining Wall Backfilling** - Prior to beginning of retaining wall backfill so that the drainage system can be verified. The acceptability of the drainage material should also be verified. A representative number of density tests should also be conducted during the backfill placement.

PLANNED



Aerial photo obtained from Google Earth



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ASSOCIATES, Inc.**

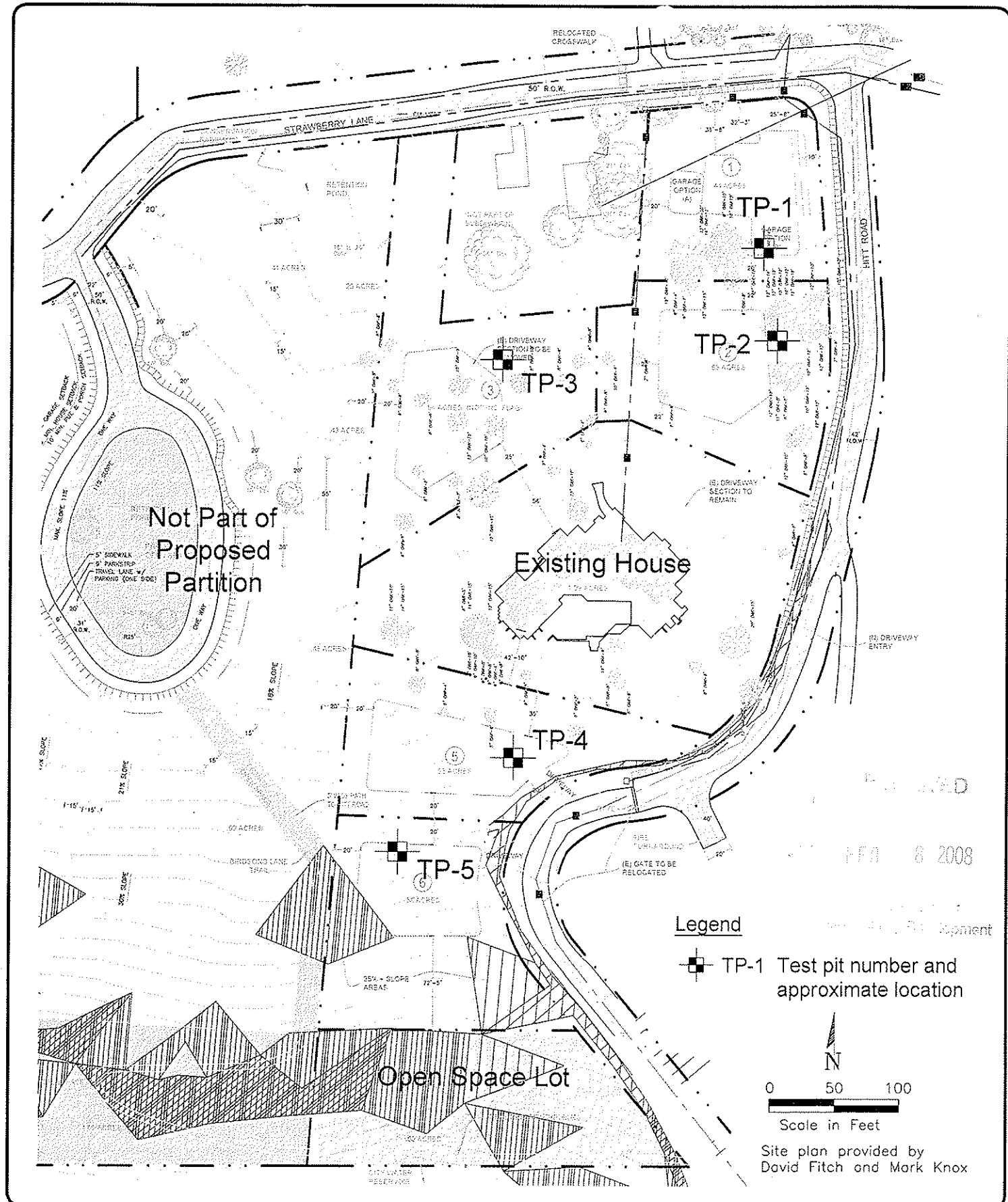
DATE 10/12/07  
DWN MJA  
DES \_\_\_\_\_  
Project No.  
U264-01.01

Robert & Laura McLellan  
500 Strawberry Lane  
Ashland, Oregon

VICINITY MAP

FIGURE

1



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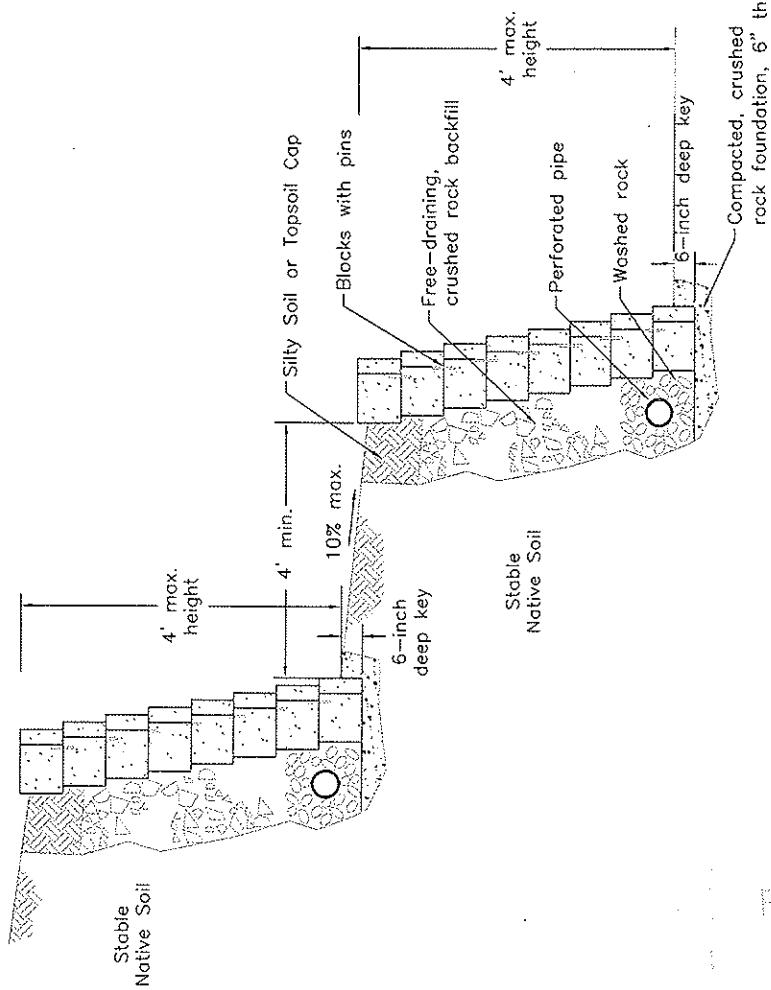
Robert & Laura McLellan  
500 Strawberry Lane  
Ashland, Oregon

## SITE AND EXPLORATION PLAN

# FIGURE 2

NOTES

1. Walls are intended to face a stable cut of native soil.
2. Maximum total cut height of 15 feet and not more than 3 tiers of walls.
3. Gravel leveling pad shall be placed on at least medium dense or medium stiff, native soil. Gravel shall be compacted until it is firm and non-yielding with a smooth top surface.
4. Blocks shall weigh at least 75 pounds each and be capable of being pinned between each course of blocks.
5. Blocks shall back at least  $\frac{3}{4}$ " per course.
6. Blocks shall be connected with plastic or fiberglass pins supplied by the manufacturer.
7. The base course of block shall serve to key the wall into the soil. The space in front of the first course shall be backfilled with compacted crushed rock.
8. Perforated drain pipe shall be embedded in rounded drain rock or pea gravel to at least 4" over the top of the pipe.
9. Drainage gravel behind the wall shall be angular and not have more than 5% silt and clay by weight. Gravel shall compacted with light to moderate effort with a jumping jack or vibratory plate type compactor.
10. Soil backfill behind the placed blocks should be placed in lifts not more than 6" thick and compacted with a jumping jack or vibratory plate type compactor.
11. Stack no more than 3 blocks high before backfilling.
12. Vertical joints should be offset at least 4" from previous joint and the two pins are engaged in separate blocks below.
13. Drainage gravel shall be compacted with 12" to 18" of silty soil to prevent surface water flowing into the drainage backfill.
14. Protect top of drainage gravel from rain and surface water flow during construction. At the end of each day's work, tarp top of wall and grade surrounding area to prevent flow into the gravel.
15. Connect and direct drain pipes to an appropriate discharge point.



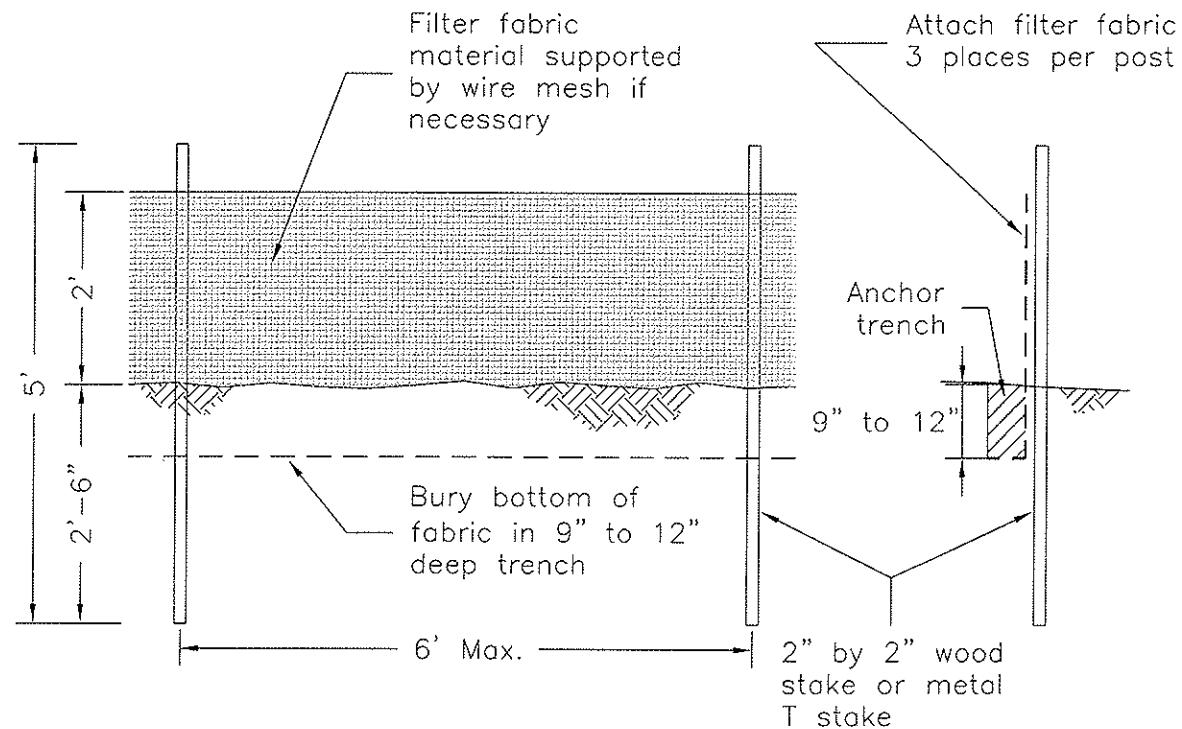
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DATE	10/12/07
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DES	_____
Project No. U264-01.01	

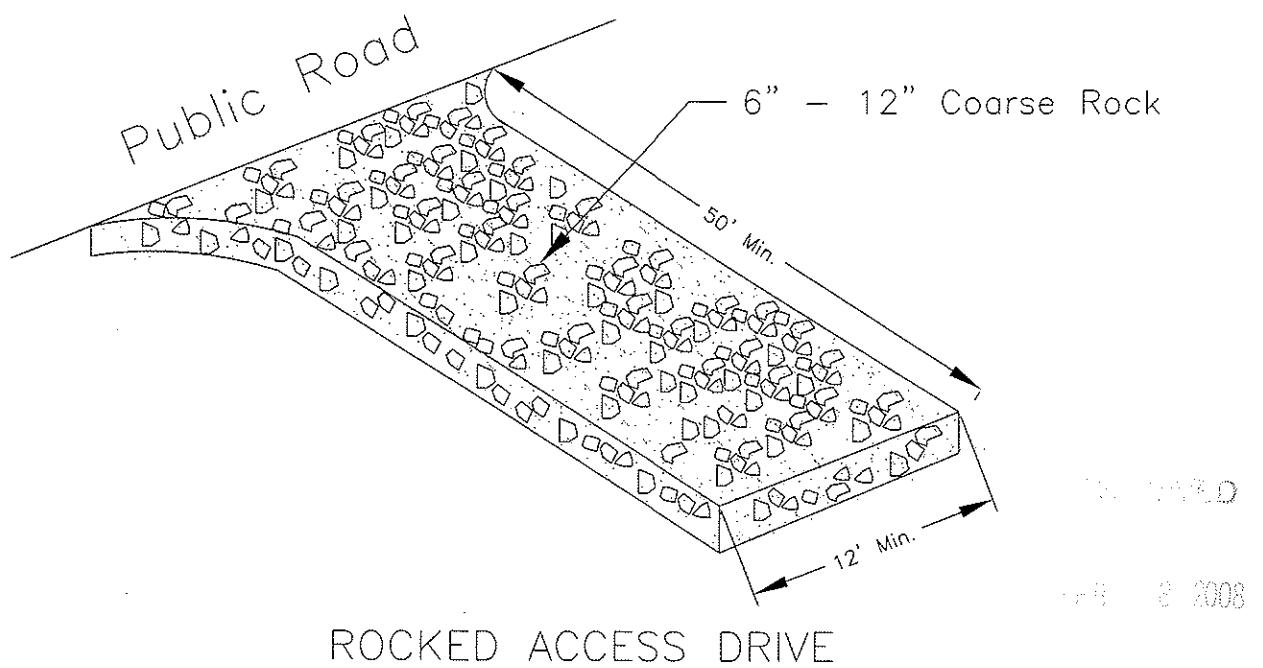
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Ashland, Oregon

STACKED BLOCK WALL DETAILS

FIGURE  
**3**



### FILTER FABRIC SILT FENCE

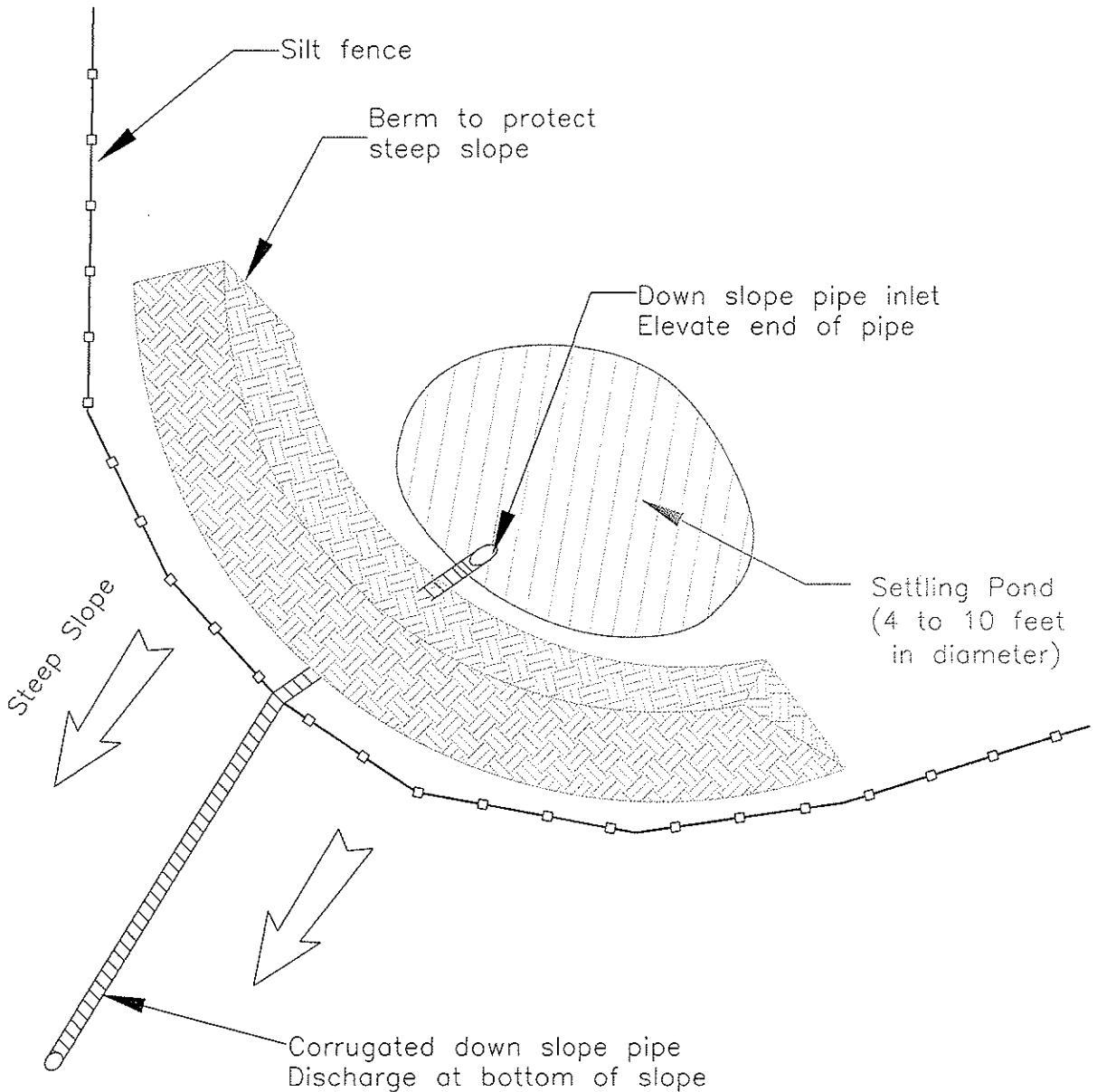


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DES	
Project No.	
U264-01.01	

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Ashland, Oregon  
EROSION CONTROL DETAILS

FIGURE  
**4**



Note: Install down slope pipe at low point of  
silt fence. Drainage should not be  
allowed down the steep slope  
uncontrolled.

POLY-PLD

10/12/07 10/12/08

Civil Engineering  
C. J. Amrhein



**AMRHEIN  
ASSOCIATES, Inc.**

DATE	10/12/07
DWN	MJA
DES	
Project No.	U264-01.01

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Ashland, Oregon  
  
DOWN SLOPE DRAIN DETAILS

**FIGURE  
5**

## APPENDIX A SUBSURFACE EXPLORATION PROCEDURES AND LOGS

### SUBSURFACE EXPLORATION

The field exploration program conducted for this study consisted of five test pits. The approximate exploration locations are shown on Figure 2, Site and Exploration Plan. The locations of the explorations were obtained in the field by measuring with a distance wheel from the existing property lines.

### TEST PITS

The test pits were excavated with a track-hoe on September 24, 2007, by JM Construction under subcontract to our firm. The test pits were observed and logged by Briana Wright, Staff Geologist. The test pit logs are based upon the soils observed in the field and the field logs of the test pits. The relative soil densities indicated on the test pit logs are interpretive descriptions based on the conditions observed during the excavations. Visual classification of the soils was done in general accordance with the Unified Soil Classification System (USCS). A legend of the terms used for the soil descriptions is provided at the end of the exploration logs.

### FINES CONTENT ANALYSIS

The fines content analysis indicates the percentage of the soil particles are silt or clay in a particular sample. Washing of the soil sample through a No. U.S. No. 200 sieve was performed on a representative sample in general accordance with ASTM:D 422. The results of the fines content determination for the sample was used in classification of the soil, and are presented on the exploration log.

### Test Pit TP-1

DEPTH (feet)	SOILS DESCRIPTION
0.0 – 1.7	Loose, dry, light tan, silty, fine to medium SAND with roots and very fine roots (SM) – <i>Topsoil</i>
1.7 – 5.5	Medium dense, damp, light red tan, silty, fine to medium SAND with some cobbles (SM) – <i>Native, weathered, decomposed granite</i> – Angular cobbles of granite – Fines Content = 10.4%
5.5 – 6.0	Dense, damp, light red tan, silty, fine to medium SAND with trace cobbles (SM) – <i>Native, weathered, decomposed granite</i>
	No seepage No caving

PRO-6-2000

### Test Pit TP-2

DEPTH (feet)	SOILS DESCRIPTION
0.0 – 1.7	Loose, dry, light tan, silty, fine to medium SAND with roots and very fine roots (SM) – <i>Topsoil</i>
1.7 – 3.2	Medium dense, light red tan, damp, silty, fine to medium SAND with some gravels and cobbles (SM) – <i>Native, weathered, decomposed granite</i> – Angular gravels and cobbles of granite
3.2 – 3.5	Dense, light red tan, damp, silty, fine to medium SAND (SM) – <i>Native, weathered, decomposed granite</i>
	No seepage No caving

### Test Pit TP-3

DEPTH (feet)	SOILS DESCRIPTION
0.0 – 1.4	Loose, dry, light tan, silty, fine to medium SAND with roots and very fine roots (SM) – <i>Topsoil</i>
1.4 – 5.5	Medium dense, damp, light red tan, silty, fine to medium SAND with roots (SM) – <i>Native, weathered, decomposed granite</i> – Roots to 2.3 feet – Becoming dense with depth
	No seepage No caving

PL-2007-200

PL-2007-200

PL-2007-200  
Contractor: D.E. Johnson

### Test Pit TP-4

DEPTH (feet)	SOILS DESCRIPTION
0.0 – 1.5	Loose, damp, light tan, silty, fine to medium SAND with roots (SM) – <i>Topsoil</i> – Roots to 1.5 feet
1.5 – 4.0	Medium dense, moist, red brown, silty, fine to medium SAND (SM) – <i>Native, weathered, decomposed granite</i> – Original rock fabric evident
	No seepage No caving

### Test Pit TP-5

DEPTH (feet)	SOILS DESCRIPTION
0.0 – 1.4	Loose, dry, light tan, silty, fine to medium SAND with thin roots (SM) – <i>Topsoil</i>
1.4 – 3.4	Medium dense, damp, red brown, silty, fine to medium SAND (SM) – <i>Native, weathered, decomposed granite</i>
3.4 – 4.6	Medium dense to dense, damp, red brown, silty, fine to medium SAND with some gravels and cobbles (SM) – <i>Native, weathered, decomposed granite</i> – Gravels and cobbles of angular granite
	No seepage No caving

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Community Development

## UNIFIED SOIL CLASSIFICATION SYSTEM (USCS) LEGEND

PRIMARY DIVISIONS	USCS SYMBOL	GENERAL SOIL DESCRIPTIONS
GRAVEL fine #4 - 3/4" coarse 3/4" - 3"	GW	Well graded GRAVEL or sandy GRAVEL mixtures with less than 5% silt or clay
	GP	Poorly graded GRAVEL or sandy GRAVEL mixtures with less than 5% silt or clay
	GW-GM	Well graded GRAVEL or sandy GRAVEL mixtures with 5% to 15% silt
	GW-GC	Well graded GRAVEL or sandy GRAVEL mixtures with 5% to 15% clay
	GP-GM	Poorly graded GRAVEL or sandy GRAVEL mixtures with 5% to 15% silt
	GP-GC	Poorly graded GRAVEL or sandy GRAVEL mixtures with 5% to 15% clay
	GM	Silty GRAVEL or silty, sandy GRAVEL mixtures with greater than 15% silt
	GC	Clayey GRAVEL or clayey, sandy GRAVEL with greater than 15% clay
SAND fine #200 - #40 medium #40 - #10 coarse #10 - #4	SW	Well graded SAND or gravelly SAND mixtures with less than 5% silt or clay
	SP	Poorly graded SAND or gravelly SAND mixtures with less than 5% silt or clay
	SW-SM	Well graded SAND or gravelly SAND mixtures with 5% to 15% silt
	SW-SC	Well graded SAND or gravelly SAND mixtures with 5% to 15% clay
	SP-SM	Poorly graded SAND or gravelly SAND mixtures with 5% to 15% silt
	SP-SC	Poorly graded SAND or gravelly SAND mixtures with 5% to 15% clay
	SM	Silty SAND or silty, gravelly SAND mixtures with greater than 15% silt
	SC	Clayey SAND or clayey, gravelly SAND mixtures with greater than 15% clay
SILT	ML	Silt with no to low plasticity
	MH	Silt with medium to high plasticity
CLAY	CL	Clay with low plasticity
	CH	Clay with medium to high plasticity
ORGANIC	OL	Organic silt with low plasticity
	OH	Organic clay with high plasticity
	PT	Peat or predominantly organic material

**Oversize Material:** Cobbles are 3" to 12" diameter. Boulders are +12" diameter

Description Modifiers: Major modifiers: clayey, silty, sandy, gravelly – greater than 15% listed lower to higher percentages

**Minor modifiers:**      **fine loam** – higher percentage  
with some clay, silt, sand, or gravel – 5% to 15%  
with trace clay, silt, sand, or gravel – less than 5%

-FIR 3 2008

1996-1997 学年

SAND & GRAVEL DENSITY		SILT & CLAY CONSISTENCY		
Term	SPT N-value blows/foot	Term	SPT N-value blows/foot	Pocket Penetrometer (tons/sq. ft.)
Very loose	0 - 4	Very soft	<2	0 - 0.25
Loose	4 - 10	Soft	2 - 4	0.25 - 0.5
Medium dense	10 - 30	Medium stiff	4 - 8	0.5 - 1
Dense	30 - 50	Stiff	8 - 15	1 - 2
Very dense	>50	Very Stiff	15 - 30	2 - 4
		Hard	>30	>4

MOISTURE CONTENT		PLASTICITY	
Dry:	No discernable water present, dusty, dry to the touch	Non-Plastic	A thread cannot be rolled at any moisture content
Damp:	Enough moisture to darken appearance, no moisture adheres to hand	Low	A thread can be barely rolled
Moist:	"Optimum" water content, sample squeezes tight and maintains shape	Medium	The easily rolled thread cannot be re-rolled after reaching the plastic limit
Wet:	Visible free water, could not be recompacted as structural fill	High	Much time is needed to reach the plastic limit and the thread can be re-rolled several times



**AMRHEIN**  
ASSOCIATES, Inc.

## SURVEY NOTES

- THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS CITY OF ASHLAND G.P.S. CONTROL NETWORK STATION #52, A BRASS CAP IN A MOUNDMENT W.E. LOCATED AT THE CENTERLINE INTERSECTION OF WIMPER STREET AND 5TH AVENUE CHAMBERS, DULUTH, MINNESOTA, ELEVATION 2200.00 FT ON THE NATIONAL GEODIMIC VERTICAL DATUM OF 1988, ADJUSTED IN 1996 (NGVD 29.50).
- EXPOSED UTILITY SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES. ARE APPROXIMATE AND NOT TO BE USED FOR CONSTRUCTION PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
- TOPOGRAPHIC MAPPING ALONG THE ROADS OF WAY FOR STRAWBERRY LANE AND 5TH ROAD, AND WITHIN THE SUBJECT PARCEL, EXCLUDING THE SECTIONAL PORTION OUTSIDE OF THE FENCED PROPERTY, WAS FIELD SURVEYED AND DENOTED WITH ONE FOOT CONTOUR INTERVALS. THE AREA BEYOND THE PREVIOUSLY DESCRIBED AREA WAS DRAFTED FROM AERIAL MAPS AND FIELD SURVEYED DATA, AND SHOWN AT TWO FOOT CONTOUR INTERVALS OVERLAIN ON THE SURROUNDING PROPERTY AREA, AND IS TO BE USED FOR GRAPHIC PURPOSES ONLY.

## TOPOGRAPHIC SURVEY

LOCATED AT

500 STRAWBERRY LANE  
ASHLAND, OREGON

LYING SITUATE WITHIN

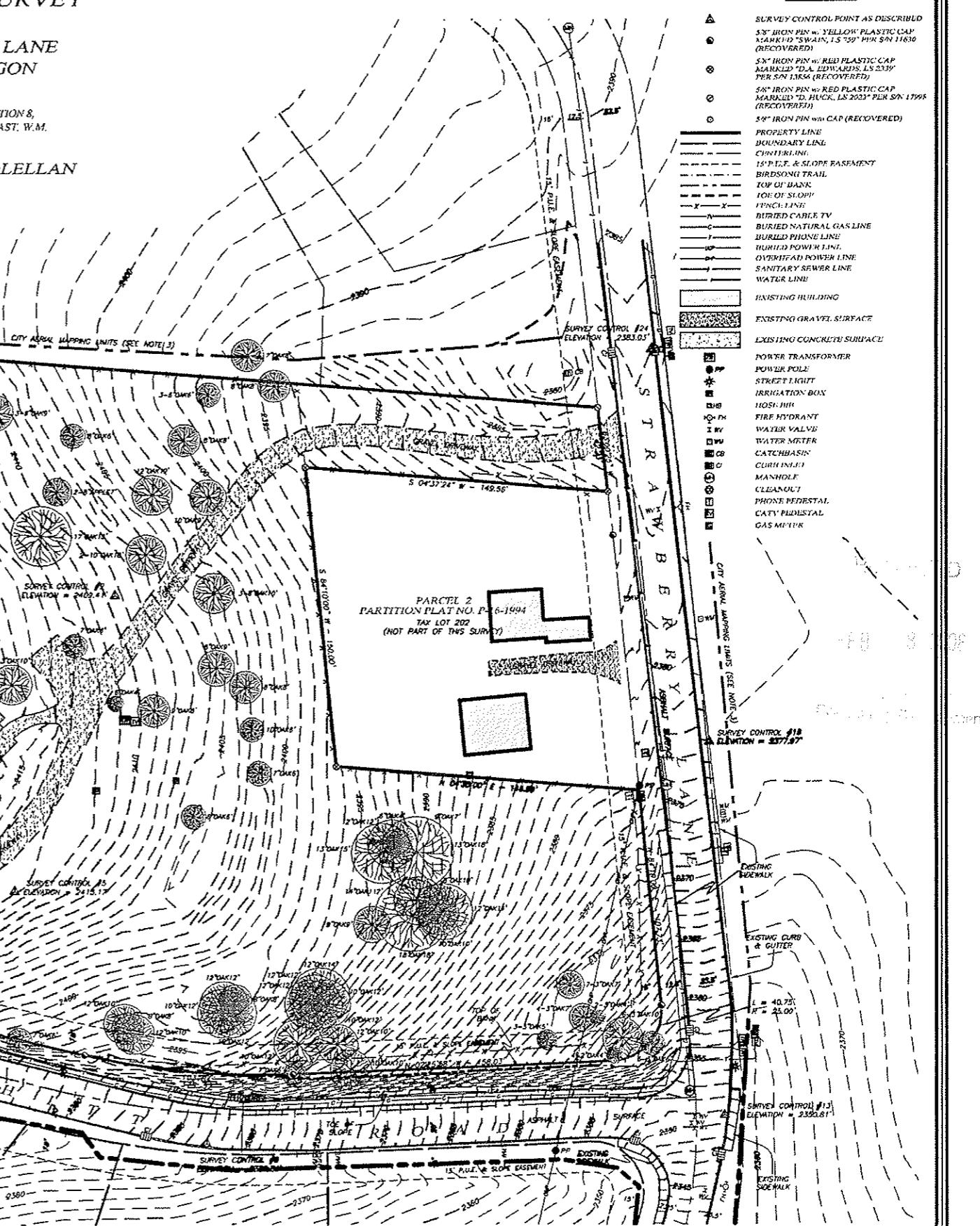
NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.

FOR

ROBERT & LAURA McLELLAN  
500 Strawberry Lane  
Ashland, Oregon 97520

SCALE: 1" = 30'  
0' 15' 30' 60' 120'  
15' P.L.E. & SLOPE EASEMENT  
CITY AERIAL CONTOUR INTERVAL = ONE FOOT  
CITY AERIAL CONTOUR INTERVAL = TWO FOOT  
(SEE SURVEY NOTE 3)

CONTOUR INTERVAL = ONE FOOT  
CITY AERIAL CONTOUR INTERVAL = TWO FOOT  
(SEE SURVEY NOTE 3)



## LEGEND

▲	SURVEY CONTROL POINT AS DESCRIBED
●	5" IRON PIN w/ YELLOW PLASTIC CAP MARKED "SWAN, LS 59" PER SN 11636 (RECOVERED)
○	5" IRON PIN w/ RED PLASTIC CAP MARKED "LAUREN, LS 233" PER SN 17995 (RECOVERED)
◎	5" IRON PIN w/ RED PLASTIC CAP MARKED "D HUCK, LS 202" PER SN 17995 (RECOVERED)
◆	5" IRON PIN w/ CAP (RECOVERED)
—	PROPERTY LINE
—	BOUNDARY LINE
—	CONTURINE
—	15' P.L.E. & SLOPE EASEMENT
—	BIRDSONG TRAIL
—	TOP OF BANK
—	TOE OF SLOPE
—	FENCE LINE
—	BURIED CABLE TV
—	BURIED NATURAL GAS LINE
—	BURIED PHONE LINE
—	BURIED POWER LINE
—	OVERTRAFID POWER LINE
—	SANITARY SEWER LINE
—	WATER LINE
■	EXISTING BUILDING
▨	EXISTING GRAVEL SURFACE
▨	EXISTING CONCRETE SURFACE
■ PP	POWER TRANSFORMER
■ POLE	POWER POLE
■ SL	STREET LIGHT
■ IB	IRRIGATION BOX
■ HB	HOSE HOOK
■ FH	FIRE HYDRANT
■ WV	WATER VALVE
■ WM	WATER METER
■ CB	CATCH BASIN
■ CI	CURB INLET
■ MH	MANHOLE
■ CO	CLEANOUT
■ PE	PHONE PEDESTAL
■ CATV	CATV PEDESTAL
■ GM	GAS METER

REGISTERED  
PROFESSIONAL  
LAND SURVEYOROREGON  
STATE  
SHAWN KAUPANI  
2343 LS

RENEWAL DATE: 6/30/2009

SURVEYED BY:

POLARIS LAND SURVEYING LLC  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5009DATE: JANUARY 22, 2008  
PROJECT NO. 441-07

Assessor's Map No. 39 1E 08 AC, Tax Lot 201

POLARIS LAND SURVEYING

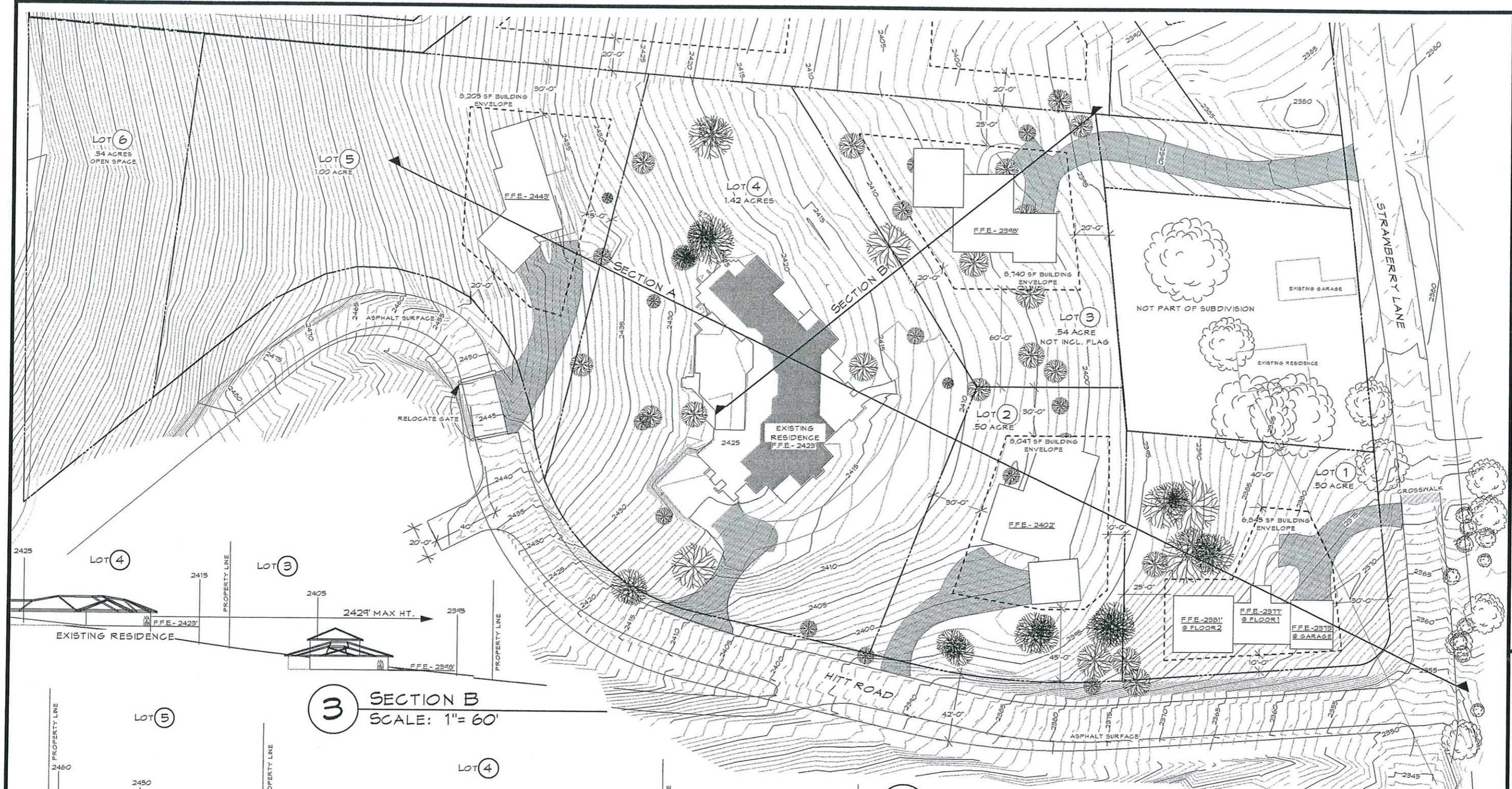
BLUE DESIGN  
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blueprintdriving

DATE ISSUED: 2/7/08  
JOB NO.: 231

DRAWN BY: JB  
CHECKED BY: \_\_\_\_\_

MCLELLAN PROPERTY  
PROPOSED SUBDIVISION  
500 STRAWBERRY LN  
ASHLAND, OR 97520

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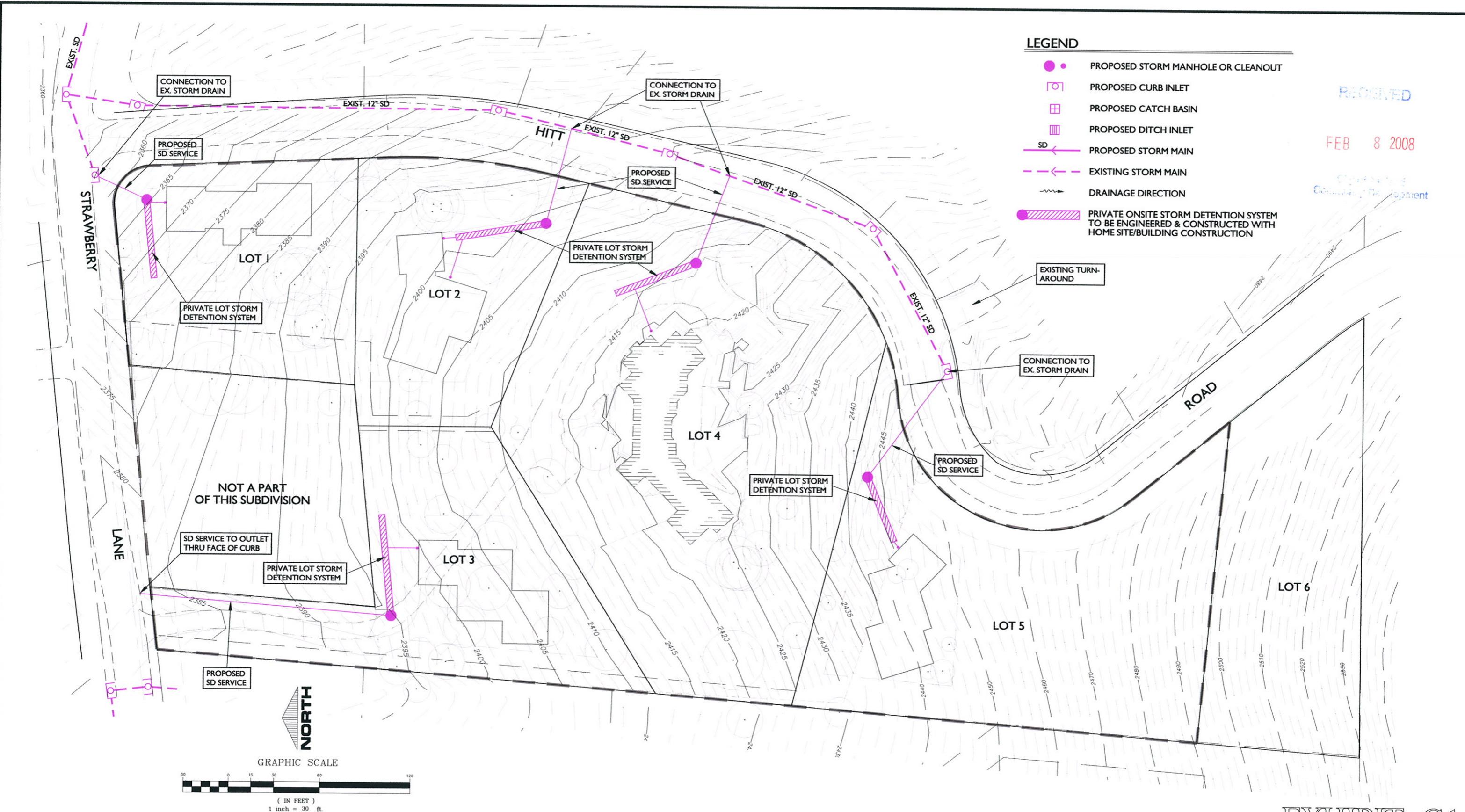


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**2 SECTION A**  
SCALE: 1" = 60'

**1 SITE PLAN - CONCEPTUAL**  
SCALE: 1" = 60'  
NOTES:  
ALL HOMES EXCEPT EXISTING ARE CONCEPTUAL  
CEILINGS ARE SHOWN AT 9'-0" HT.  
ROOFS ARE SHOWN AT 5:12 PITCH  
SIGHT LINES SHOWN ARE 6'-0" FROM FINISHED  
FLOOR, U.N.O.  
THE IDEAS INCLUDED HEREIN ARE BASED UPON  
EXISTING CONDITIONS PROVIDED BY OTHERS,  
AND WHILE EVERY ATTEMPT HAS BEEN MADE AT  
ACCURACY, ALL PLANS ARE CONCEPTUAL AND  
NOT GUARANTEED.

**SHEET:**  
A1 OF 1



## EXHIBIT C.1



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PH. (541) 779-5268 • FAX (541) 779-3139



**CITY OF ASHLAND**

---

PROJECT NO.  
DRAWING NO.

### LEGEND

- EXISTING WATER MAIN
- EXISTING FIRE HYDRANT
- PROPOSED WATER MAIN
- PROPOSED FIRE HYDRANT
- EXISTING SEWER MANHOLE OR CLEANOUT
- PROPOSED SEWER MANHOLE OR CLEANOUT
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- PROPOSED POWER (PER CITY OF ASHLAND ELEC. DEPT.)
- EXISTING POWER

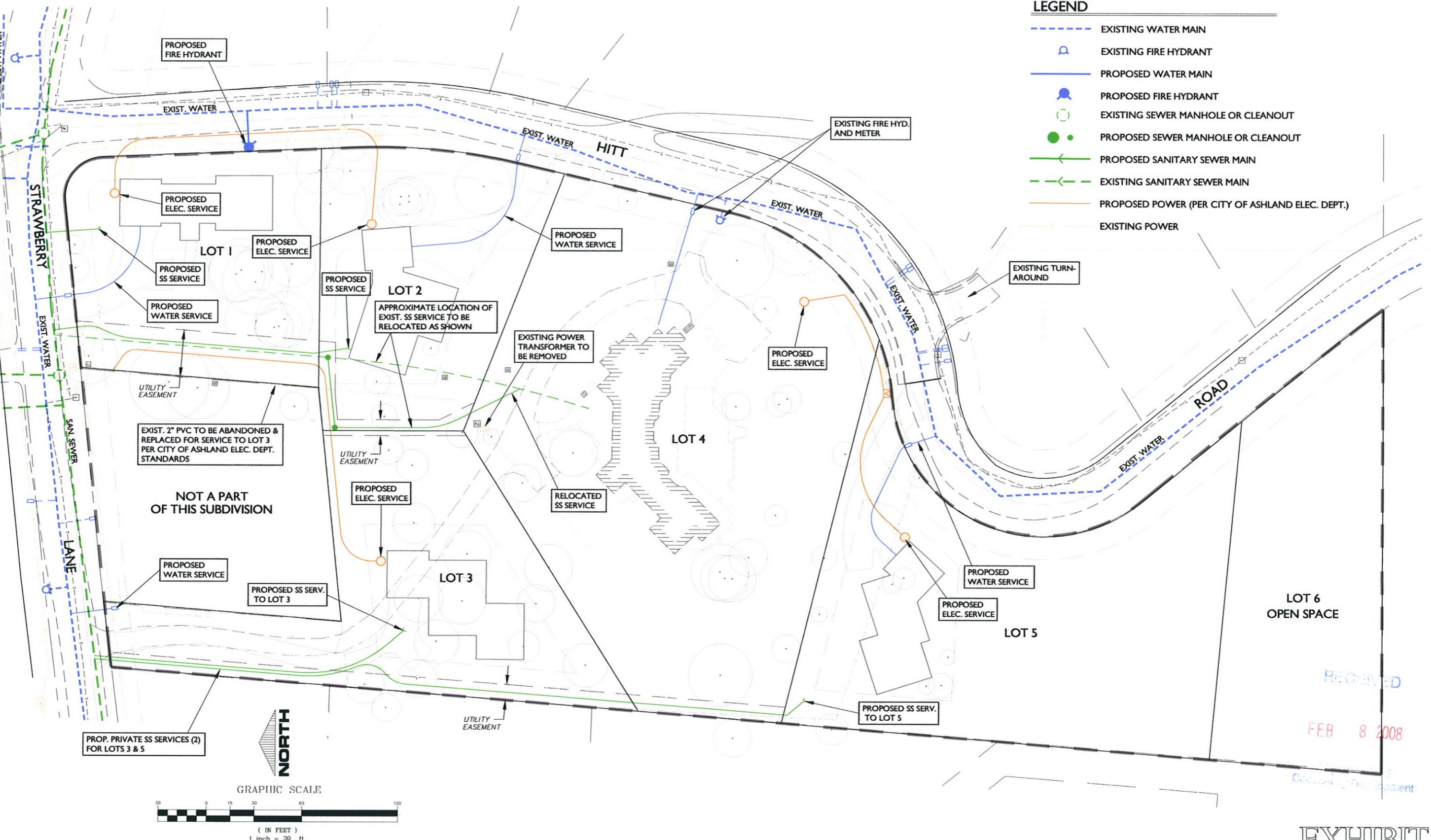


EXHIBIT C.2



P.O. BOX 1724 • MEDFORD, OREGON 97501  
PH. (541) 779-5268 • FAX (541) 779-3139

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CHECKED BY:	MWK	DATE:	05/07
		DATE:	

NO.	REVISION	DATE	BY



CITY OF ASHLAND  
STRAWBERRY LANE PARTITION  
CONCEPTUAL UTILITY PLAN

PROJECT NO.  
DRAWING NO.

Laurie Sager  
AND ASSOCIATES LANDSCAPE ARCHITECTS INC  
700 MISTLETOE ROAD, SUITE 201  
ASHLAND, OREGON 97520



Revision Date:

Drawn By:  
WMP  
Not to Scale

MCLELLAN PROPERTY  
PROPOSED SUBDIVISION  
500 STRAWBERRY LANE  
ASHLAND, OREGON

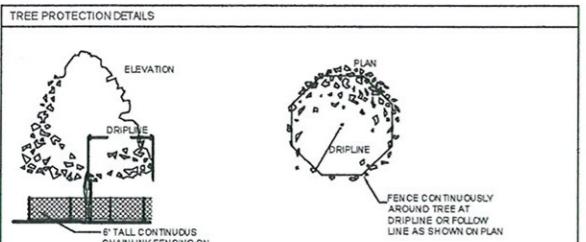
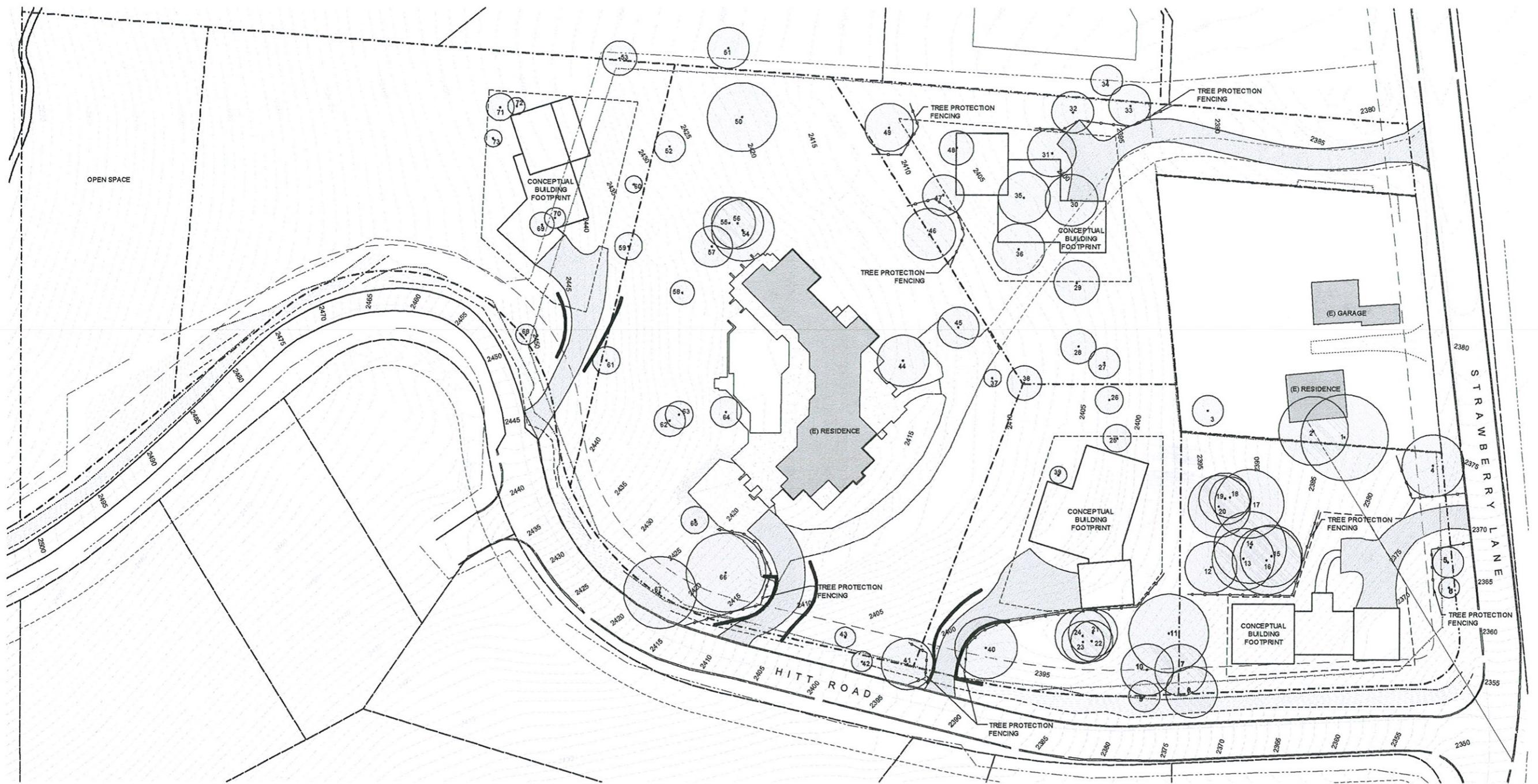
February 6, 2008

L-1

# TREE REMOVAL AND PROTECTION PLAN RECEIVED

FEB 19 2008

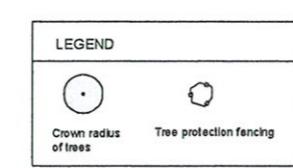
City of Ashland  
Field Office Council



#### TREE PROTECTION NOTES

- A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved which are those identified on this plan.
- B. Trees that are shown to remain shall be protected with fencing as shown in Detail. Fencing shall be 6' tall temporary chain link panels installed with metal connections so that all panels are integrated; these fences shall be installed so that they do not allow passage of pedestrians and/or vehicles through it.
- C. Exceptions to the tree protection specifications may only be granted with written approval from owner's representative.
- D. Work within drip lines of trees to remain may require disturbance of tree protection fences. Contractor shall obtain authorization from owner's representative prior to moving fence. Contractor shall remove the fence temporarily to complete work, and replace at the end of each work day. No storage of equipment or materials shall occur within drip lines of trees. After the proposed work within dripline is completed, fencing shall be reinstalled. Note: Where protection fencing overlaps proposed construction, the following measures shall be followed:
  - 1) Hand dig to required depth of final work.
  - 2) Roots under 2" in diameter may be hand cut at a 90° angle.
  - 3) Where roots greater than 2" in diameter are encountered, contractor shall notify Landscape Architect or Arborist for direction.
  - 4) E. Soil not at the soil level within the drip line of existing trees.
  5. Trees to be preserved shall be deep watered throughout construction period as necessary - see detail.
  - G. Inspection Schedule:
    - 1) Fencing locations and installation technique shall be approved by owner's representative before demolition or rough grading begins.
    - 2) Routine inspections of fencing and site conditions will occur randomly during construction. Work shall cease if fencing is damaged or moved without prior approval from owner's representative.
    - 3) Upon completion of project to determine condition of trees post construction.

Tree #	Species	DBH in inches	Height in feet	Crown radius in feet	Condition	Species tolerance to construction	Tree protection zone radius in feet	Notes	30		45		50		60		70		80		90			
									Quercus garryana	12	28	15	good	good	9	Quercus garryana	8	28	12	good	good	4.5		
1	Acer saccharinum	34	38	25	poor	moderate	34	2 main leaders dead	31	Quercus garryana	18	18	14	good	good	13.5	48	Quercus kelloggii	20	43	15	good	moderate	20
2	Acer saccharinum	30	33	20	poor	moderate	30	central crotch rotting and cracked	32	Quercus garryana	8	18	12	good	good	4.5	47	Malus domestica	8	12	12	poor	good	6
3	Ailanthus altissima	7	20	9	good	poor	5.25		33	Quercus garryana	8	18	12	good	good	6	48	Quercus garryana	9	24	10	fair	good	8.75
4	Quercus garryana	20	38	18	fair	good	15		34	Quercus garryana	7	17	9	good	good	5.25	49	Quercus garryana	8	20	14	fair	good	6
5	Quercus garryana	7	14	9	fair	good	5.25		35	Quercus garryana	14	23	15	good	good	10.5	50	Quercus garryana	17	30	20	poor	good	12.75
6	Quercus garryana	8	12	8	good	good	4.5		36	Quercus garryana	11	22	15	good	good	8.25	51	Quercus canescens	10	27	12	fair	good	7.5
7	Quercus kelloggii	12	35	15	fair	moderate	12		37	Quercus kelloggii	8	15	5	good	moderate	4.5	52	Quercus garryana	8	22	8	fair	good	6
8	Quercus kelloggii	10	32	15	fair	moderate	10		38	Quercus garryana	11	17	10	good	good	8.25	53	Quercus garryana	8	21	10	fair	good	4.5
9	Quercus kelloggii	7	12	8	fair	moderate	5.25		39	Quercus garryana	8	14	5	good	good	4.5	54	Quercus kelloggii	16	32	18	fair	good	16
10	Quercus kelloggii	12	32	15	good	moderate	12		40	Quercus garryana	15	27	18	fair	good	11.25	55	Quercus garryana	8	24	15	fair	good	8
11	Quercus kelloggii	16	38	23	good	moderate	18		41	Quercus kelloggii	10	28	15	fair	moderate	10	56	Quercus garryana	9	24	16	poor	good	8.75
12	Quercus kelloggii	11	23	15	good	moderate	11		42	Quercus kelloggii	8	28	8	good	moderate	6	57	Quercus garryana	8	20	12	good	4.5	multitrunk
13	Quercus kelloggii	19	38	18	moderate	moderate	18		43	Quercus kelloggii	6	25	8	good	moderate	4.5	58	Quercus garryana	8	19	7	fair	good	4.5
14	Quercus kelloggii	20	38	21	good	moderate	20		44	Quercus kelloggii	18	33	15	good	moderate	18	59	Quercus garryana	7	21	8	fair	good	5.25
15	Quercus kelloggii	12	24	18	fair	moderate	12									60	Quercus garryana	6	22	5	fair	good	4.5	
16	Quercus kelloggii	7	10	20	good	moderate	7									61	Quercus garryana	6	24	8	fair	good	4.5	
17	Quercus garryana	17	28	20	good	good	12.75									62	Quercus garryana	6	24	8	good	good	4.5	
18	Quercus garryana	10	28	12	fair	good	7.5									63	Quercus canescens	26	33	23	good	moderate	26	
19	Quercus garryana	12	30	15	good	good	9									64	Quercus kelloggii	15	38	21	good	moderate	15	
20	Quercus kelloggii	14	35	18	fair	moderate	14									65	Quercus garryana	6	20	8	fair	good	4.5	
21	Quercus kelloggii	13	30	14	fair	moderate	13									66	Quercus canescens	26	33	23	good	moderate	26	
22	Quercus kelloggii	11	28	12	fair	moderate	11									67	Quercus kelloggii	15	38	21	good	moderate	15	
23	Quercus kelloggii	12	26	12	good	moderate	12									68	Quercus garryana	6	18	7	fair	good	4.5	
24	Quercus kelloggii	13	29	16	good	moderate	13									69	Quercus garryana	6	15	5	fair	good	4.5	
25	Quercus kelloggii	7	20	8	fair	moderate	5.25									70	Quercus garryana	7	12	6	fair	good	5.25	
26	Quercus kelloggii	10	20	8	poor	moderate	10									71	Quercus garryana	7	14	8	fair	good	5.25	
27	Quercus garryana	9	23	9	good	good	8.75									72	Oreocarpus nitidulus	8	12	5	fair	moderate	4.5	
28	Quercus garryana	9	22	10	good	good	8									73	Quercus garryana	7	15	5	fair			
29	Quercus kelloggii	11	30	13	good	moderate	11																	



NOTE:  
All trees shown within proposed building envelopes are subject to review and possible removal at time of individual lot development applications.



TREE REMOVAL AND PROTECTION PLAN  
RECEIVED

FEB 19 2008

City of Ashland  
Field Office Council

Laurie Sager  
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700 MISTLETOE ROAD, SUITE 201  
ASHLAND, OREGON 97520



Revision Date:

Drawn By:  
WMP  
Scale 1" - 30'0"

**HALF SCALE**

MCLELLAN PROPERTY  
PROPOSED SUBDIVISION  
500 STRAWBERRY LANE  
ASHLAND, OREGON

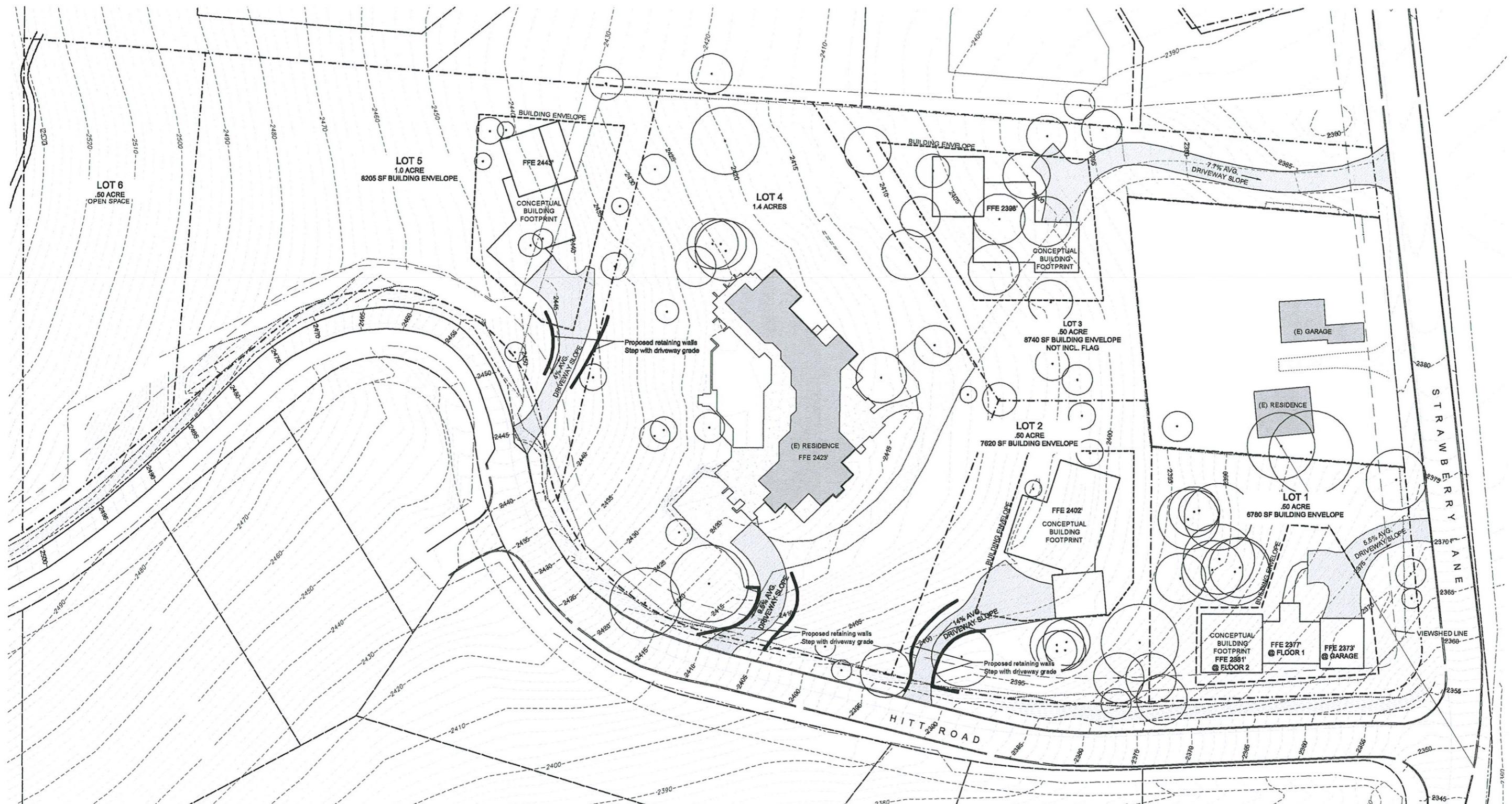
NOTE:  
See grading plan for information about proposed  
driveways and walls.

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**L-2**

February 6, 2008





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HALF SCALE

MCELLAN PROPERTY  
PROPOSED SUBDIVISION  
500 STRAWBERRY LANE  
ASHLAND, OREGON

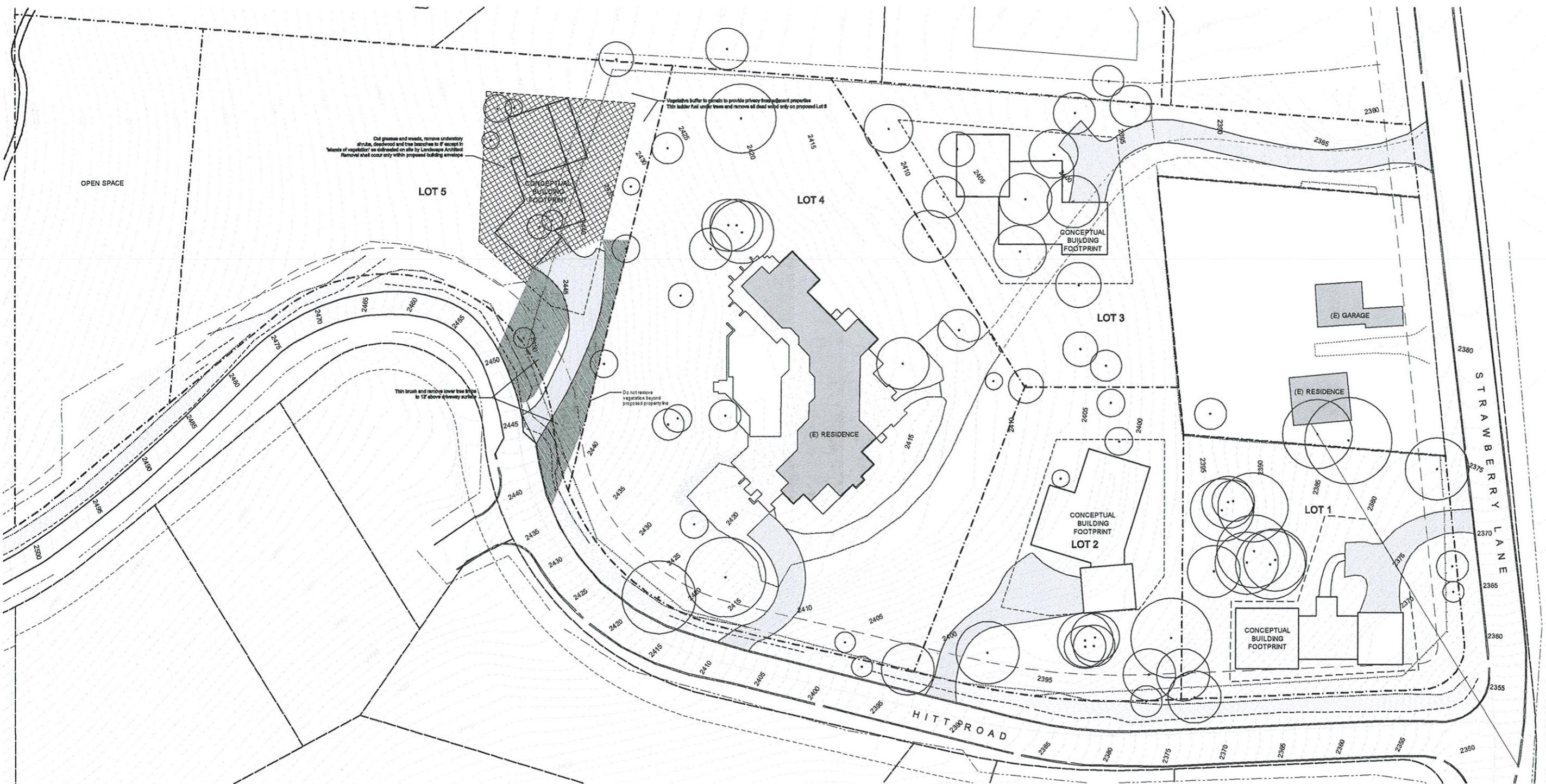
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Field  Office  Coun

February 6, 2008

L-3



FIRE PREVENTION AND CONTROL PLAN /  
EROSION CONTROL PLAN

Laurie Sager  
AND ASSOCIATES LANDSCAPE ARCHITECTS INC  
700 MISTLETOE ROAD, SUITE 201  
ASHLAND, OREGON 97520



Revision Date:

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**HALF SCALE**

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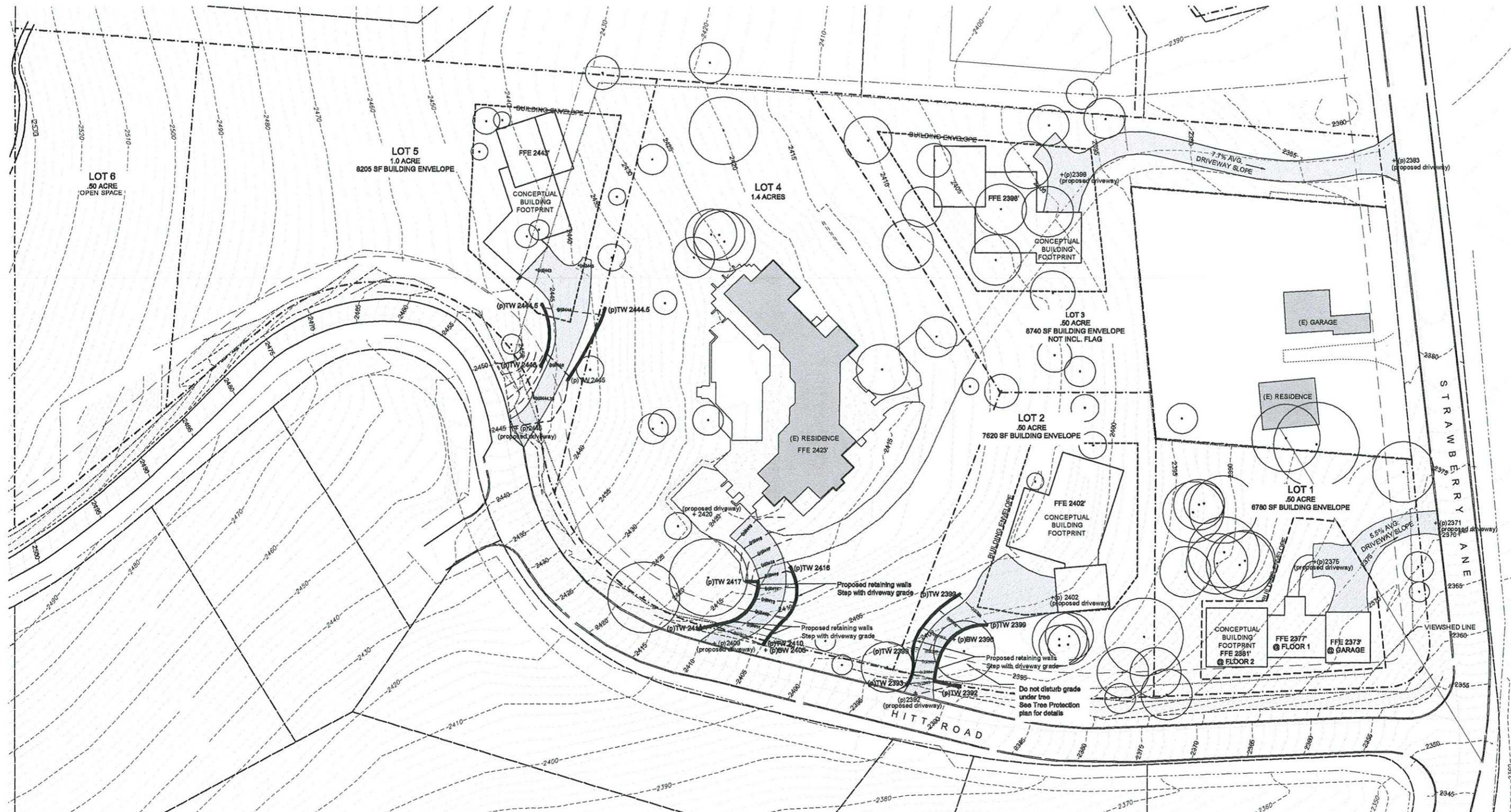
February 6, 2008

GRADING PLAN

**L-4**

**NOTES:**

- All trees shall be protected during the construction of the driveway approach and retaining walls. See Sheet L-1 for additional tree protection information.
- Regrading under existing trees is not permitted unless supervised and approved by Certified Arborist.
- All proposed retaining walls shall be a maximum of 4' in height.
- All slopes disturbed by the driveway and retaining wall construction shall be revegetated. See Sheet L-3 for additional erosion control information.
- Additional information shall be provided by the Landscape Architect, prior to layout and construction of driveway and retaining walls.





Revision Date:

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WMP

Scale 1" - 30'0"

HALF SCALE

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PROPOSED SUBDIVISION  
500 STRAWBERRY LANE  
ASHLAND, OREGON

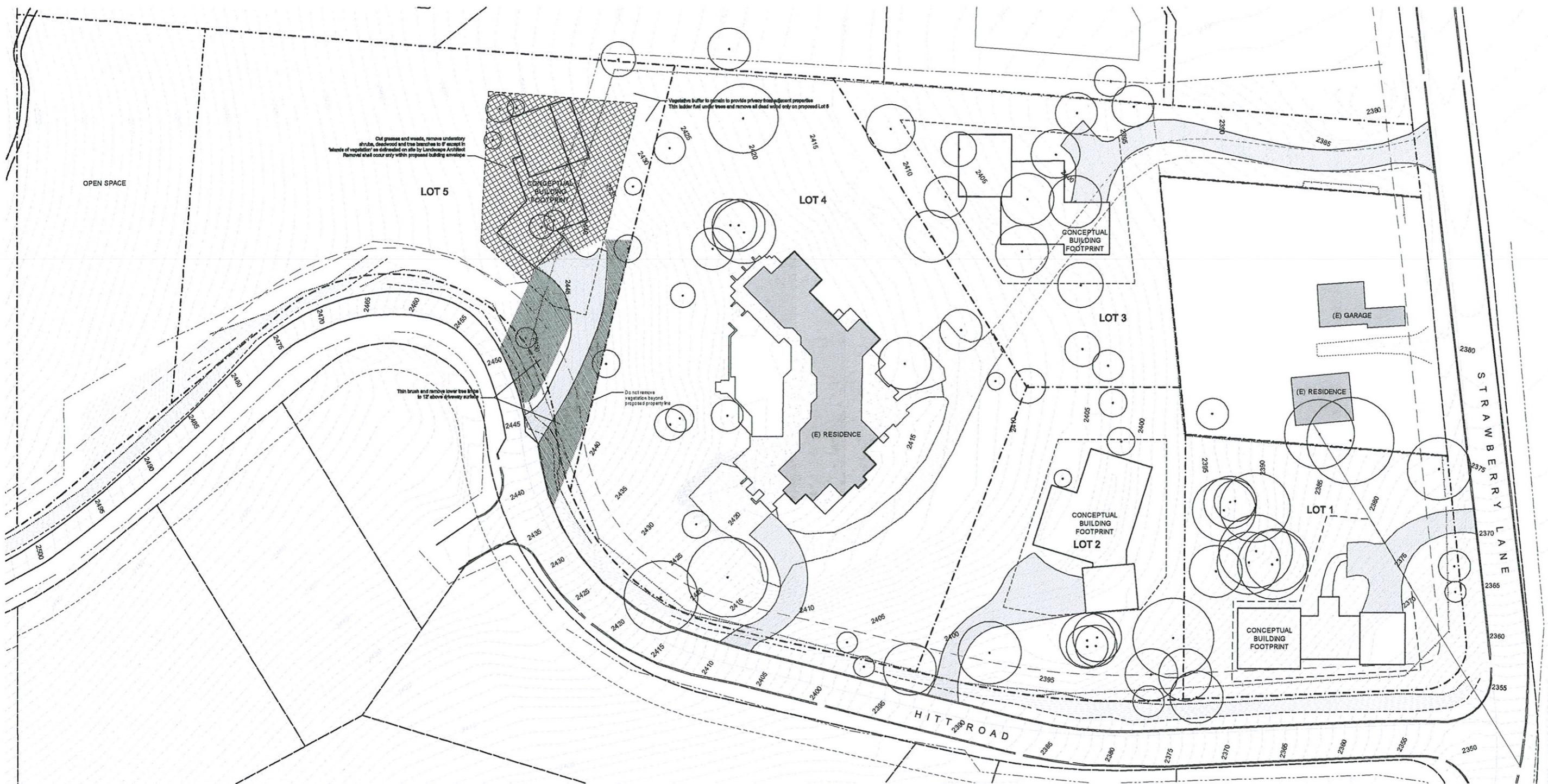
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City of Ashland  
Field  Office  Coun

February 6, 2008

L-3



FIRE PREVENTION AND CONTROL PLAN /  
EROSION CONTROL PLAN

Laurie Sager  
AND ASSOCIATES LANDSCAPE ARCHITECTS INC  
700 MISTLETOE ROAD, SUITE 201  
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**HALF SCALE**

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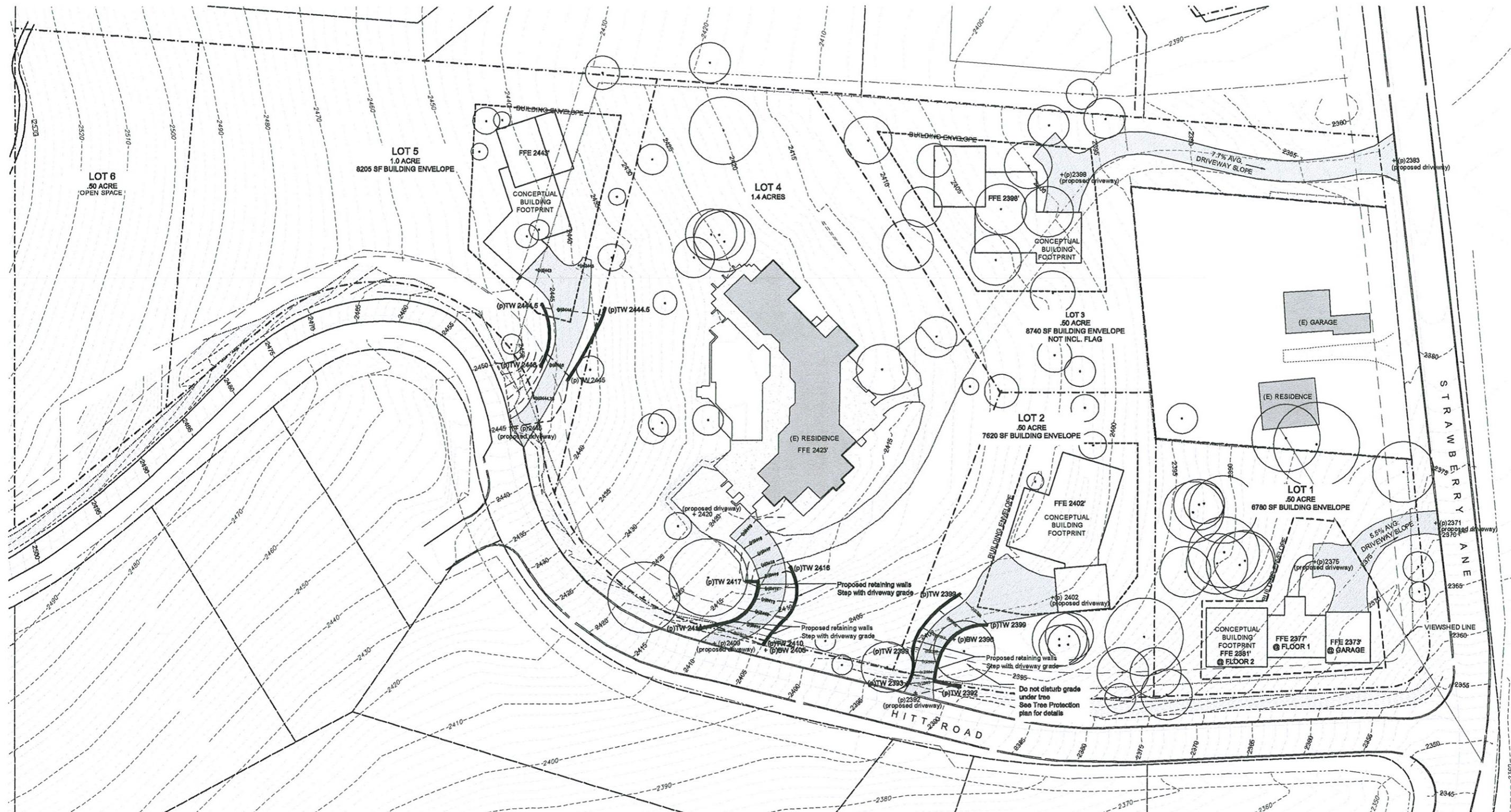
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GRADING PLAN

**L-4**

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- All slopes disturbed by the driveway and retaining wall construction shall be revegetated. See Sheet L-3 for additional erosion control information.
- Additional information shall be provided by the Landscape Architect, prior to layout and construction of driveway and retaining walls.



# **Findings**

**BEFORE THE PLANNING COMMISSION**  
**March 11, 2008**

IN THE MATTER OF PLANNING ACTION #2008-00182, A REQUEST FOR )  
OUTLINE PLAN APPROVAL UNDER THE PERFORMANCE STANDARDS )  
OPTIONS CHAPTER (AMC 18.88) FOR A SIX-LOT, FIVE-UNIT SUBDIVISION )  
FOR THE PROPERTY LOCATED AT 500 STRAWBERRY LANE. )  
ALSO INCLUDED ARE REQUESTS FOR A PHYSICAL CONSTRAINTS )  
REVIEW PERMIT FOR THE DEVELOPMENT OF HILLSIDE LANDS; A )  
TREE REMOVAL PERMIT TO REMOVE 13 TREES SIX-INCHES IN ) FINDINGS,  
DIAMETER OR LARGER, INCLUDING ONE SIGNIFICANT TREE, AN 18-INCH ) CONCLUSIONS  
OAK; AND AN EXCEPTION TO STREET STANDARDS TO ALLOW THE ) AND ORDERS  
APPLICANTS TO END STREET IMPROVEMENTS AT THE DRIVEWAY OF )  
THE PROPOSED LOT FIVE RATHER THAN EXTENDING THEM TO THE )  
SOUTHERN BOUNDARY OF THE DEVELOPMENT. )

**APPLICANT:** McLellan, Robert & Laura

## **RECITALS:**

- 1) Tax lot 201 of Map 39 1E 08 AC is located at 500 Strawberry Lane and is zoned RR-5-P Rural Residential.
  - 2) The applicants are requesting Outline Plan Approval to allow a six-lot, five-unit subdivision under the Performance Standards Options Chapter for the property located at 500 Strawberry Lane. The application also requests a Physical & Environmental Constraints Review Permit for Development of Hillside Lands, a Tree Removal Permit to remove 13 trees six-inches in diameter at breast height (d.b.h.) or larger, and an Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project. Site improvements are outlined on the plans on file at the Department of Community Development.
  - 3) The criteria for Outline Plan approval under the Performance Standards Options are described in Chapter 18.88 as follows:
    - a) *That the development meets all applicable ordinance requirements of the City of Ashland.*
    - b) *That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
    - c) *That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and*

*significant features have been included in the open space, common areas, and unbuildable areas.*

- d) That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e) That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f) That the proposed density meets the base and bonus density standards established under this Chapter.*

4) The criteria for a Physical Constraints Review permit are described in Chapter 18.62.040.I as follows:

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

5) The criteria for a Tree Removal Permit are described in Chapter 18.61.080 as follows:

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
  - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
  - 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

*B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*

- 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
- 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
- 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

*The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.*

- 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- 6) The criteria for an Exception to Street Standards are described in 18.88.050.F as follows:
- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
  - B. The variance will result in equal or superior transportation facilities and connectivity;*
  - C. The variance is the minimum necessary to alleviate the difficulty; and*
  - D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.*

7) The Planning Commission, following proper public notice, held a public hearing on March 11, 2008 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

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

2.2 The Planning Commission finds that the proposal to develop a six-lot, five-unit subdivision meets all applicable criteria for Outline Plan approval and an Exception to Street Standards described in Chapter 18.88; that the proposed Physical Constraints Review permit meets all applicable criteria in Chapter 18.62; and that the proposed removal of 13 trees six-inches in diameter at breast height or greater, including one significant 18-inch oak, meets all applicable criteria for a Tree Removal permit in Chapter 18.61.

2.3 The Planning Commission finds that adequate key City facilities can be provided to serve the project 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. Water, sanitary sewer, storm water, and electric services are available from the Strawberry Lane and Hitt Road rights-of-way and will connect through the individual lot driveways. Storm drain facilities will include private detention systems on the individual lots. Paved access is available from both Strawberry Lane and Hitt Road.

The Planning Commission finds that development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan. The parcels to the north, east and west are similarly zoned and have recently been subdivided for development as part of the Strawberry Meadows subdivision. The undeveloped properties to the south are zoned WR

Woodland Residential, and their further development is already severely constrained by the presence of slopes over 35 percent.

The Planning Commission finds the density meets the base density standards established under the Performance Standards Options for the Rural Residential (RR-.5-P) zone. The site has a base density of five units (4.62 acres x 1.2 dwelling units per acre = 5.544 units), including the existing single family home already in place on the proposed Lot 4.

The Planning Commission finds that the significant natural features of the property are the existing trees and the steeply-sloped, heavily-wooded slopes on the southern end of the site. 59 of the 72 trees on the site over six-inches in diameter at breast height are to be preserved, and the applicants also propose to protect the most steeply sloped southern portion of the site in commonly owned open space.

The Planning Commission finds that the development meets all applicable ordinance requirements of the City of Ashland with the attached conditions of approval. The Site Plan provided delineates the proposed building envelopes, setbacks, and driveway locations. The setbacks on the perimeter of the subdivision and for the front yards are required to meet the standard setback requirements of the Rural Residential zoning district, and the proposal meets or exceeds this requirement.

The Solar Access Ordinance in AMC Chapter 18.70 requires that newly created lots with north slopes less than 15 percent be configured so that the future homes will meet Solar Setback A, and that those lots with downward trending north slopes in excess of 15 percent meet Solar Setback B. Solar Setback A is the most stringent standard which requires that new structures can not shade the property to the north more than a six-foot fence would at the north property line, and Setback B allows additional shading comparable to that which would be cast by a 16-foot fence. While the lots proposed appear to be sized to accommodate these solar access requirements, the applicants have proposed to place the building envelopes and homes toward the northern portion of the lots and propose Solar Envelopes which do not appear to entirely protect the applicable Solar Access standards with Lots 2 and 5. The Planning Commission finds that the applicable Solar Access standards must be protected, and further finds that if the applicants wish to exceed the applicable Solar Access standards, Solar Access Variances will be required to be applied for concurrently with the Final Plan application.

2.4 The Planning Commission finds that potential impacts and hazards have been considered and that adverse impacts will be minimized through the proposed subdivision's design and the associated mitigation measures recommended by the project geotechnical expert. The applicants have provided a geotechnical study which concludes that the proposed subdivision and associated site grading are considered to be feasible with respect to the stability of the subsurface and slope conditions observed on site. This report includes recommendations for necessary site preparation, retaining, and erosion control, and proposes an inspection schedule to insure that these recommendations are properly implemented during site work. The more steeply sloped

areas at the southern end of the site will be preserved as commonly owned open space, and protected from future development, and development of the proposed Lot 5, which includes slopes in excess of 25 percent within its building envelope, will be subject to a separate Physical Constraints Review. The Commission finds that the applicants have taken all reasonable steps to reduce the adverse impacts of the development on the environment.

2.5 The Planning Commission finds the request for a Tree Removal Permit to remove 13 trees six-inches or larger in diameter at breast height (d.b.h.), including one significant 18-inch d.b.h. oak tree meets the applicable approval criteria in 18.61.080. These trees are located within the proposed building envelopes, and all other trees on site are to be preserved. The Commission finds that the removals have been requested in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards in attempting to minimize site disturbance associated with the subdivision, will not have significant negative impacts, and that the removal of the significant oak will be mitigated whether on- or off-site.

2.6 The Planning Commission finds that the proposed Exception to Street Standards to allow the applicants to end street improvements at the driveway of Lot 5 rather than extending them to the southern boundary of the project meets the applicable criteria in Chapter 18.88. The installation of the full public street improvements including sidewalks would require that significant site disturbance along more than 300 feet of the Hitt Road right-of-way in a steeply-sloped and heavily-wooded area which the applicants have proposed to protect as one of the site's principal natural features. The future development of properties to the south is constrained by steep slopes, and the Exception requested aids in the preservation and protection of the sloped areas on the project site. An existing gate is in place on Hitt Road to control public access to a city-owned water tank on the property immediately south of the project site, and will be slightly relocated to accommodate the driveway for the proposed Lot 5. The application proposes to ensure adequate fire protection through the installation of fire sprinklers in all homes and the implementation of a fire prevention and control plan, and the applicants will install a new fire hydrant on Hitt Road. The applicants have previously provided easement access and trail improvements across the southern portion of the subject property to provide a pedestrian link between Hitt Road and the nearby Birdsong Lane, and have agreed to sign in favor of any future improvements to Hitt Road.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan approval to develop a six-lot, five-unit subdivision; an Exception to Street Standards; a Physical Constraints Review permit; and removal of 13 trees greater than six-inches in diameter at breast height (d.b.h.) including one significant tree, an 18-inch d.b.h. oak, 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 #2008-00182. Further, if any one or more of the conditions below

are found to be invalid, for any reason whatsoever, then Planning Action #2008-00182 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) All conditions of the geotechnical report prepared by Amrhein Associates, Inc. and dated October 12, 2007, including but not limited to the inspection schedule, shall be conditions of approval unless otherwise modified herein.
- 3) That all proposed lots shall be subject to Solar Access Standard A unless 1) materials are provided with the Final Plan submittal demonstrating that an individual lot has a negative north slope in excess of 15 percent which would render it subject to Solar Access Standard B; or 2) a Solar Access Variance is applied for and approved for the individual lots concurrently with Final Plan approval. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
- 4) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.62.089.B.7.
- 5) That prior to Final Plan approval:
  - a) Engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.
  - b) An Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan submittal.
  - c) A drainage plan including necessary final engineering for the private lot stormwater detention systems and any off-site storm drain system improvements shall be provided.
  - d) The engineering for sidewalk improvements to complete sidewalk installation along the subject property's full Strawberry Lane frontage shall be provided with the Final Plan submittal.
  - e) The recommendations from the March 6, 2008 meeting of the Ashland Tree Commission, where consistent with applicable standards, shall be incorporated into the Final Plan submittal's Landscaping, Irrigation, and Tree Protection and Removal Plans.

- f) A draft copy of the CC&R's and the applicants' proposed Deed Restrictions shall be provided. The CC&R's shall describe responsibility for the maintenance of all commonly-owned open space including but not limited to the implementation and maintenance of the approved fire prevention and control plan, and perpetual maintenance of required long term erosion control measures. The CC&R's shall note that any deviation from the approved Tree Removal and Protection Plan must receive written approval from the City of Ashland Planning Department. The CC&R's and Deed Restrictions shall be recorded concurrently with the final plat.
  - g) The overall lot coverage for the subdivision as a whole shall be limited to no more than 20 percent. At the time of final plan submittal, the applicants shall provide a breakdown, by square footage, of the allowed lot coverage allocated to each lot and demonstrating that the overall subdivision's lot coverage does not exceed the 20 percent allowed in the RR-.5 zoning district.
  - h) That written verification from the project geotechnical expert shall be provided with the Final Plan submittal indicating that the revised six-lot subdivision configuration and associated improvements are consistent with the original report.
  - i) That a landscape and irrigation plan addressing the re-vegetation of cut and fill slopes required in the geotechnical report shall be provided with the Final Plan submittal.
- 6) That prior to the issuance of an excavation permit:
- a) A preconstruction conference to review the requirements of the Physical Constraints Review Permit shall be held prior to site work, storage of materials, or the issuance of an excavation permit. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts, landscape professional, arborist, and contractor. The applicants or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
  - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the trees to be removed and the installation of tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
  - c) That the temporary erosion control measures (i.e. fabric sediment fencing, straw bales, crushed rock pads, straw erosion control matting or plastic sheeting) shall be installed and maintained according to the approved plan prior to any site work, storage of materials, or issuance of an excavation permit. These measures shall be inspected and approved by the Staff Advisor prior to site work, storage of materials, or the issuance of an excavation permit.

- d) The applicants shall provide a performance bond, letter of credit or other financial guarantee in an amount equal to 120 percent of the value of the erosion control measures necessary to stabilize the site.
- 7) That prior to the signature of the final survey plat:
  - a) All easements for sewer, water, drainage, electric, streets or public pedestrian access shall be indicated on the final survey plat as required by the City of Ashland.
  - b) Street trees, located one per 30 feet of street frontage, shall be installed along the Strawberry Lane street frontage as part of the subdivision infrastructure improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.
  - c) Subdivision infrastructure improvements, including but not limited to utilities; driveways, driveway approaches and associated erosion control measures; any necessary street or sidewalk improvements on Hitt Road between the end of the existing improvements and the driveway for Lot 5; and sidewalks and street trees on Strawberry Lane shall be installed according to approved plans prior to the signature of the final survey plat.
  - d) That the installation of driveway approaches shall be completed according to city standards under permit from the Public Works/Engineering Department and any necessary inspections approved.
  - e) The existing sidewalk on Hitt Road shall be extended to the northerly edge of the Lot 5 driveway's approach.
  - f) Electric services shall be installed underground to serve Lots 1-5. 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.
  - g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed for Lots 1-5.
  - h) That Amrhein Associates, Inc. shall inspect the site according to the inspection schedule of the engineering geology report dated October 12, 2007 provided with the application. Prior to signature of the final survey plat, Amrhein Associates, Inc. shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
  - i) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to signature of the final survey plat. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

- j) The applicants shall sign an agreement to participate in the future cost of street improvements for Hitt Road, including but not limited to sidewalks, curbs, gutters, paving, and storm drains.
  - k) That the applicants shall complete the relocation of the gate at the end of the improvements on Hitt Road to the southern extent of the street improvements. The relocation of the gate will be coordinated with the City of Ashland Water Department.
- 8) That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the lot coverage allocated to each lot. Building footprints, walkways, driveways including the flag drive for Lot 3, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
  - b) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
  - c) Building permit submittals shall clearly demonstrate compliance with the applicants' proposed "Elevation Height Limits" by providing cross-sections or elevation drawings with building heights and elevations above sea level clearly labeled.
  - d) That a Physical and Environmental Constraints Permit for Hillside Development shall be applied for and approved in accordance with 18.62.040 for the development of Lot 5 prior to submission or issuance of a building permit.
- 9) That prior to the issuance of a certificate of occupancy:
- a) That the requirements of the Fire Department, including that approved addressing shall be installed prior to combustible construction; that a fire prevention and control plan shall be implemented and maintained; and that fire apparatus access, fire sprinklers as proposed by the applicants, and a fire hydrant shall be installed, shall be addressed.
  - b) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
  - c) For Lot #3, the applicants shall provide mitigation for the removal of Tree #31 through on-site replanting, off site replanting, or payment in lieu of planting as provided for in AMC 18.61.084.
  - d) Driveways greater than 50 feet in length, which are considered by definition to be flag drives and thus subject to the flag drive standards, shall be constructed according to flag drive requirements that a 12-foot paved width and 15-foot clear width be maintained, and that parking spaces be configured so that vehicles can turn and exit to the street in a forward manner.

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Planning Commission Approval

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Date