



Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, October 8, 2024

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 the public testimony may be limited by the Chair.

I. CALL TO ORDER

7:00 p.m., Civic Center Council Chambers, 1175 E. Main Street

II. ANNOUNCEMENTS

1. Staff Announcements
2. Advisory Committee Liaison Reports

III. CONSENT AGENDA

1. Approval of Minutes
 - a. August 13, 2024 Regular Meeting
 - b. August 27, 2024 Study Session
 - c. September 10, 2024 Regular Meeting

IV. PUBLIC FORUM

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact PC-public-testimony@ashland.or.us by October 8, 2024 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: <https://zoom.us/j/96013421603>

V. UNFINISHED BUSINESS

- A. Approval of Findings for PA-T2-2024-00049, 2308 Ashland Street

VI. TYPE I PUBLIC HEARING

1. **PLANNING ACTION:** PA-T1-2024-00245
SUBJECT PROPERTY: 329 Granite
OWNER/APPLICANT: Jovick for Clarke
DESCRIPTION: An application for a modification to the previously approved planning action PA-T2-2022-00036. The modification is a request to modify a portion of retaining near the garage into a split wall design. The application also addresses grading and a small third wall at the first turn in the drive. **COMPREHENSIVE PLAN DESIGNATION:** Woodland / LDR; **ZONING:** WR / RR-.5; **MAP:** 39 1E 08 EE, **TAX LOT:** 704

VII. TYPE II PUBLIC HEARING - CONTINUED

1. **PLANNING ACTION:** PA-T2-2024-00050
SUBJECT PROPERTY: 113 Pine St.
APPLICANT & OWNER: Rogue Development for Charlie Hamilton
DESCRIPTION: A request for concurrent Outline and Final Plan approval of four-lot, Performance Standards Option (PSO) subdivision. The proposal includes three proposed residential lots and a common area lot. The application includes a request for an exception to street standards to not install park row and to retain the existing frontage improvements. The





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application also includes a request to remove a total of seventeen trees, five of which are 'significant'. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39-1E-08-AD; **TAX LOT:** 2600

VIII. OPEN DISCUSSION

IX. ADJOURNMENT

Next Meeting Date: October 22, 2024

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email planning@ashlandoregon.gov. 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 1).



Planning Commission Minutes

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August 13, 2024
REGULAR MEETING
***DRAFT* Minutes**

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street. Councilor Hyatt attended the meeting via Zoom.

Commissioners Present:

Lisa Verner
Susan MacCracken Jain
Kerry KenCairn
Eric Herron
Russell Phillips

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Aaron Anderson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:

Doug Knauer
Gregory Perkinson

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

I. Staff Announcements

Community Development Director Brandon Goldman made the following announcements:

- At its August 5, 2024 meeting the City Council reviewed the Homeless Persons Assessment Report provided by the Housing and Human Services Advisory Committee. This report included a variety of actions the City and county social services could take to assist unhoused persons.
- On August 20, 2024 the Council will review a request from KDA Homes to provide the remaining six affordable housing units at the Beach Creek subdivision to the City. KDA Homes had initially sought to reach an agreement with a local nonprofit affordable housing providers to take ownership of the units but were unsuccessful.
- Also on August 5, 2024, the Council reviewed an application to correct the property line at 375 East Nevada Street. This application was reviewed by the Commission in 2021, which found that the location of the property line and the Urban Growth Boundary (UGB) was not in error per existing City maps. The Commission at the time was supportive of making the modification if it was found that a correction was needed. The applicant subsequently prepared a new application that examined the Urban Growth Management Agreement between the City and the County and found there to be a discrepancy. Therefore the Council





Planning Commission Minutes

determined that the UGB should be corrected to align with the property.

2. Advisory Committee Liaison Reports – None

III. CONSENT AGENDA

1. Approval of Minutes

- a. June 25, 2024 Regular Meeting
- b. July 9, 2024 Study Session

Commissioners Phillips/KenCairn m/s to approve the consent agenda as presented. DISCUSSION:

Commissioner MacCracken Jain requested that the sentence “would only encompass the portion of the Science Building” located on page 5 of the July 9, 2024 minutes be changed to “would only encompass the **newer** portion of the Science Building” to more accurately represent her inquiry.

Voice Vote: All AYES. Motion passed 5-0.

IV. PUBLIC FORUM – None

V. UNFINISHED BUSINESS

- A. Approval of Findings for PA-T3-2024-00009, 2228 East Main Street.

Ex Parte Contact

No ex parte contact or site visits were disclosed since the July 9, 2024 meeting.

Discussion and Decision

Commissioner Phillips abstained from the discussion and vote of this item due to his absence from the July 9, 2024 meeting.

Senior Planner Aaron Anderson stated that several minor grammatical errors were made to sections 2.4.4 and 2.4.5 of the Findings. Chair Verner noted that section 2.4.5 of the Findings occurred twice, the correction of which would impact the numbering of each subsequent section. Mr. Anderson stated that these changes would be made.

The Commission motioned to approve the findings with the corrections noted by staff and Chair Verner. Commissioner Phillips abstained from the vote due to his absence from the July 9, 2024 meeting Roll Call Vote: All AYES. Motion passed 4-0.





Planning Commission Minutes

VI. **OTHER BUSINESS**

A. Climate Friendly Areas Update

Staff Presentation

Mr. Goldman stated that the City is currently working to align with the state's Climate-Friendly and Equitable Communities (CFEC) guidelines and that the City has received funding from the Department of Land Conservation and Development (DLCD) to complete this project. The City has since hired 3J Consultants and ECONorthwest to assist with developing the necessary code changes. Mr. Goldman stated that the purpose of Climate-Friendly Areas (CFAs) is to create sustainable urban growth while encouraging the development of mixed-use buildings and alternative transportation methods to reduce carbon emissions. The City has requested an exception to the December, 2024 deadline to complete this project in order to accommodate an ambitious public involvement process.

Planning Manager Derek Severson stated that the CFA guidelines apply to Oregon's metropolitan areas. These areas are traditionally downtown and a mix of office, retail, residential, and public use spaces. These CFAs would accommodate 30% or more of the City's future housing needs, which would require new design standards and rezoning of all designated spaces. Mr. Severson gave a brief timeline of the project, including items that the City has already completed, such as removing parking standards from all zones. The areas chosen for consideration as CFAs are the Railroad Property, the Transit Triangle, the Croman Mill Site, and the Downtown area.

Mr. Goldman stated that the City is expecting a proposal from Townmakers LLC in September to develop the Croman Mill Site, which is currently undergoing environmental cleanup to make it suitable for development. He noted that a cleanup plan is also under development for the Railroad Property and that the southern portion of the site is largely undeveloped. He stated that the Transit Triangle contains a mixture of developed and undeveloped areas and is a likely center for future growth. He added that the Downtown area is also being considered as a secondary site as it is unclear if it would require significant redevelopment (see attachment #1).

Mr. Severson detailed the CFA community engagement objectives, which include an open house and presentation on September 17, 2024, as well as press coverage, public noticing, and new items to spread awareness of the project and garner feedback. He outlined the upcoming meetings to review this project:

Advisory Committees, Planning Commission & Council

September – November 2024





Planning Commission Minutes

- **2024-09-04 4:00 P.M.** Historic Preservation Advisory Committee (Hybrid)
- **2024-09-05 5:00 P.M.** Social Equity and Racial Justice Advisory Committee (Zoom)
- **2024-09-12 5:30 P.M.** Climate and Environment Policy Advisory Committee (Hybrid)
- **2024-09-19 6:00 P.M.** Transportation Advisory Committee (Zoom)
- **2024-09-26 4:00 P.M.** Housing and Human Services Advisory Committee (Hybrid)
- **2024-10-22 7:00 P.M.** Planning Commission Study Session (Hybrid)
- **2024-11-04 5:30 P.M.** City Council Study Session (Hybrid)

Public Meeting/Open house

September 17, 2024 (4:00 to 6:00 p.m., Siskiyou Room & via Zoom)

- Present Project Scope, Goals & Recommendations
 - o Code Audit Findings
 - o Market Study Findings
 - o Code Concepts
- Online Survey

Questions of Staff

Chair Verner asked if additional meetings could be scheduled in the event that more review is deemed necessary. Mr. Goldman responded by noting that the Commission has a dual-role under the Ashland Municipal Code (AMC), where one of its duties is to act as the Citizen Involvement Committee to ensure public participation through the planning process. As such, the Commission could determine if more meetings are necessary to ensure sufficient public engagement. Mr. Severson stated that a Highway Impact Analysis will also be conducted which would include Highway 99.

Commissioner Phillips asked if the Transit Triangle met the minimum width requirement for CFAs referenced in the meeting packet materials. Mr. Severson responded that the outline of the CFAs displayed in the staff presentation were designed to accommodate this minimum width. Mr. Goldman remarked that the minimum diameter for a CFA is 750ft and the Transit Triangle would otherwise not comply with this minimum standard without the buffer designated in the packet.

Chair Verner asked if there is a maximum number of CFAs that the City could designate or if all four options could be chosen. Mr. Severson responded that there is no limit and that the City could designate all four locations as CFAs if it wished.

Commissioner MacCracken Jain noted that two of the selected locations are largely undeveloped while another is underdeveloped, and asked if this was a consideration when these areas were selected. Mr. Severson responded that those considerations are not likely factored in by the state. He stated that the City has already adopted specific regulations in the Transit Triangle that are similar to state CFA regulations in order to encourage that type of redevelopment. He added that





Planning Commission Minutes

redevelopment of underdeveloped areas was also the goal of the Ashland Corridor standards adopted in the 1980s-1990s. Mr. Goldman stated that some communities are overlaying their CFAs with fully-developed higher-density areas because these areas already qualify under CFA standards and then attempting to have these areas meet the necessary 30% housing capacity. He pointed out that the City, by choosing areas that are undeveloped or largely underdeveloped, had the potential to consolidate future development of CFAs in a way that is more efficient than identifying pre-existing areas that would be difficult to redevelop. Commissioner MacCracken Jain pointed out that the transportation corridor benefits from its proximity to SOU, the Ashland High School, and public transportation, and could be developed in a more efficient way than it has historically to maximize these benefits. Mr. Severson stated that cities of Ashland's size have two options for development: the prescriptive option includes requirements such as minimum density and maximum building height increases, while the outcomes option focuses on a target development level to create a minimum of 20 homes and jobs per net acre. He noted that there has been a call from some citizens to go further in these allowances and encourage higher buildings and greater density within CFAs.

Commissioner MacCracken Jain asked how this project aligned with the update to the Transportation System Plan (TSP). Mr. Goldman responded that the City had not yet entered into a contract to develop the TSP update, so the CFA project would likely be completed first and could help inform the development of the TSP. Commissioner MacCracken Jain asked if consultation funds could be used to assist with the TSP update. Mr. Goldman responded that the Public Works Department is working with the Oregon Department of Transportation (ODOT) to receive funding, but that a scope of work has not yet been outlined.

The Commission determined that an extension request to the CFA development process should be made to the state.

The Commission discussed whether to extend the CFA regulations to encompass the entirety of the City, not just within the designated areas. It was agreed that such an expansion could have unintended consequences and that development should be managed.

The Commission discussed if the proposed CFA boundaries should be adjusted to include adjacent developed multi-family residential zones. The Commission generally agreed that allowing the proposed changes to take effect in adjacent residential zones could have a deleterious effect on the neighborhood, particularly regarding buildings of up to 55ft.

Mr. Severson asked the Commission whether a new CFA zone should be implemented over the selected areas, or if an overlay should be utilized. Commissioner Herron remarked that it is easier to develop in a zone that contains an overlay rather than one that is rezoned. The Commission generally agreed that a CFA overlay over existing zones would be most beneficial in all proposed CFAs except for the Croman Mill Site which could receive a new zone when developed.





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Commissioner Herron asked if the CFA locations were based upon density or they can encompass parks or open spaces. Mr. Severson responded that the guidelines require that cities allow public uses within CFAs, such as parks, including requesting policy adoptions stating that these uses are prioritized by the City. He elaborated that if the City were to develop a new public-facing facility, such as one for the Utility Billing Department, that it should be located in a CFA if possible. He added that these regulations would not inherently protect park spaces, but they would not be detrimental to them.

Commissioner Phillips requested clarification regarding parking benefit districts. Mr. Severson responded that these are districts that received funding through parking permits, parking tickets, and metered revenue. He explained that some cities have held art shows utilizing similar funding sources.

Commissioner Herron asked if the City could review parking structures during this process, citing the lack of parking space in the downtown area. Mr. Severson responded that the Downtown Parking Management and Circulation Ad Hoc Advisory Committee submitted a report to the Council in 2016 identifying a number of overparked areas or lots that are empty a majority of the week that could be used as additional parking. Commissioner Herron remarked that the City could help manage parking since parking is no longer required for developments.

B. Annual Retreat Discussion

The Commission discussed meeting at the Phoodery in Phoenix before making several site visits around Phoenix, Talent, and Ashland. Some potential sites included the new development at 188 Garfield Street and some established mobile home parks in Phoenix. Chair Verner requested that staff develop a list of potential site visit locations and meeting dates.

V. OPEN DISCUSSION – None

VI. ADJOURNMENT

Meeting adjourned at 8:31 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*



Climate Friendly Areas

Planning Commission Update
August 13, 2024

Rules Apply in Oregon's Metropolitan Areas

These contain
over 60% of
Oregon's
population and
70% of jobs





Source: Metro

What is a Climate Friendly Area?

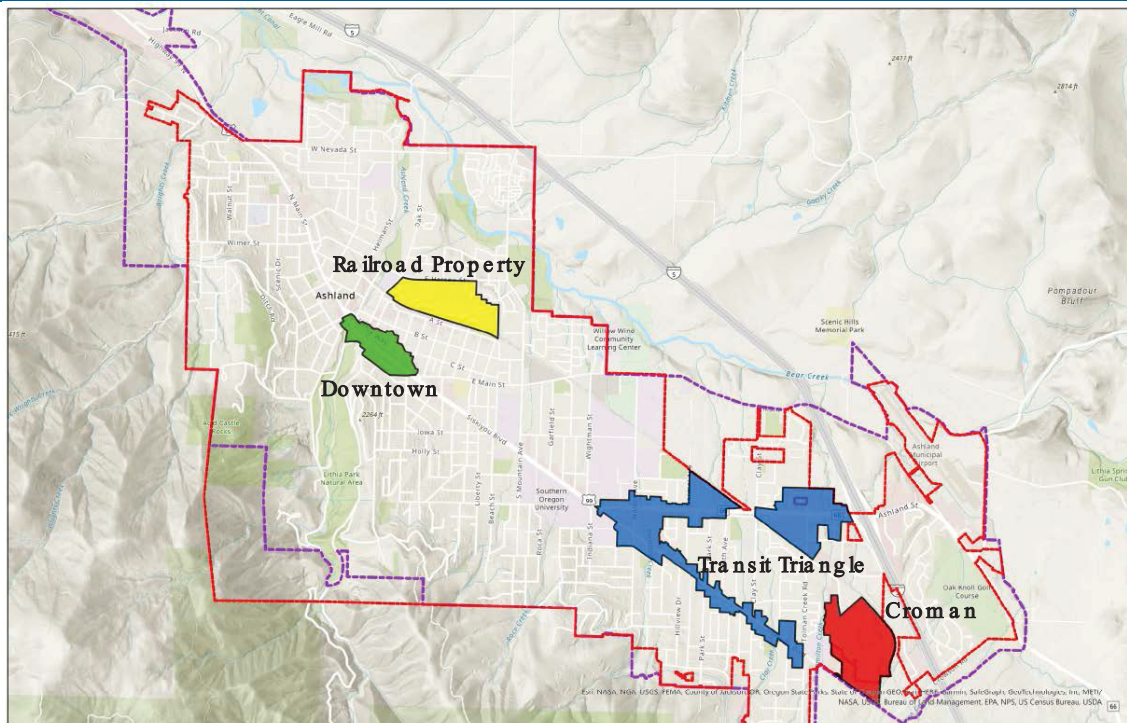
- Imagine downtowns and neighborhood centers
- Walkable area with a mix of residential, office, retail, services, and public uses
- High-quality pedestrian, bicycle, and transit services
- Parking is well-managed



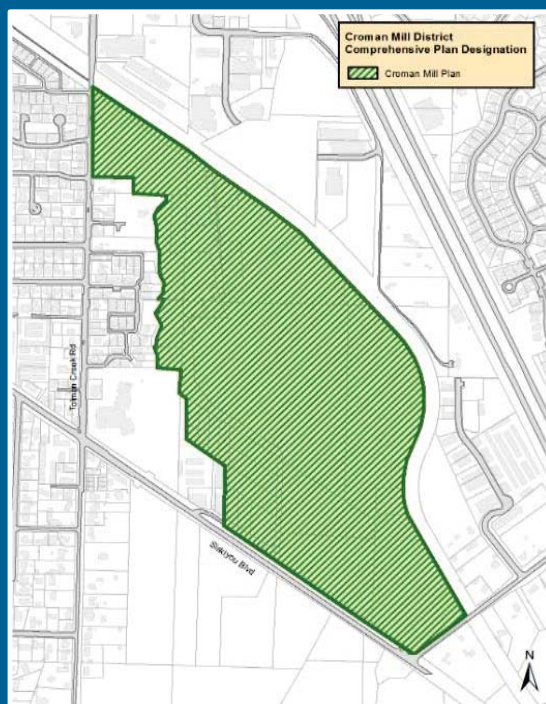
Source: DLCD

Additional rule provisions Climate-Friendly Areas

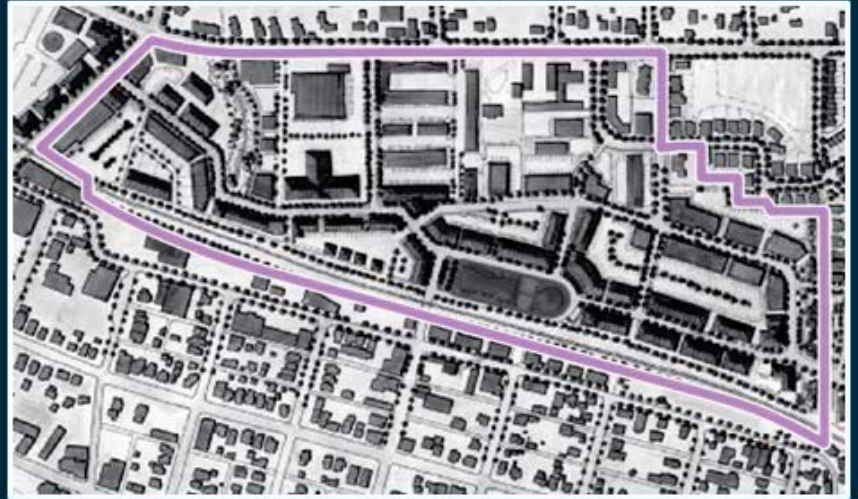
- Sized so zoned building capacity in combined Climate-Friendly Area(s) can accommodate 30+% of community housing needs
(or 25 acres for cities 5,000-10,000 population)
- May include abutting high density residential or employment areas
- Local governments may choose prescriptive or outcome-based standards (next slide)



Potential Climate Friendly Areas



Croman Mill District

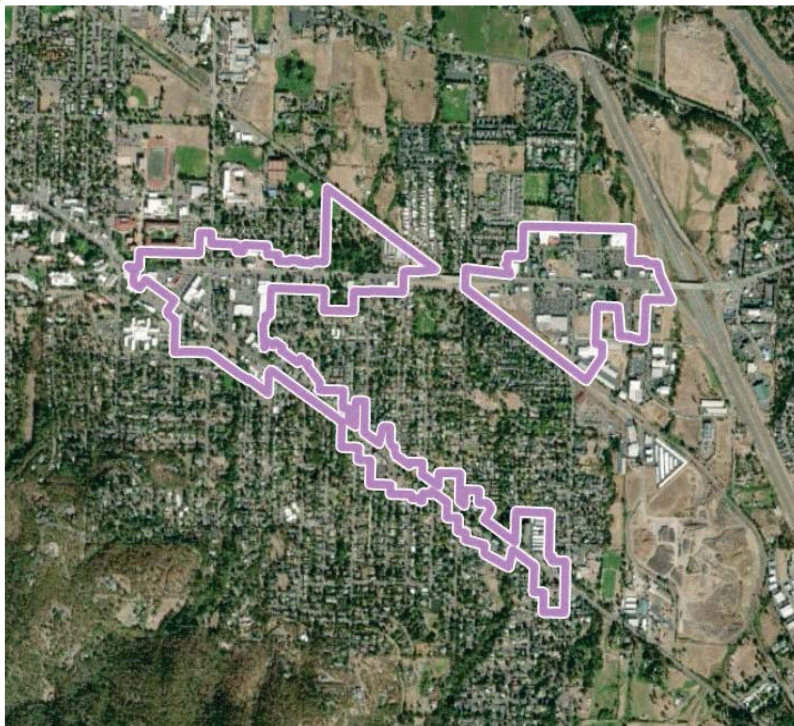


- **Approx. 57 acres.**
- Southern portion largely undeveloped.
- Clean-up Plan under development.
- 2001 Master plan not adopted, Street plan adopted.



Railroad Property

Transit Triangle

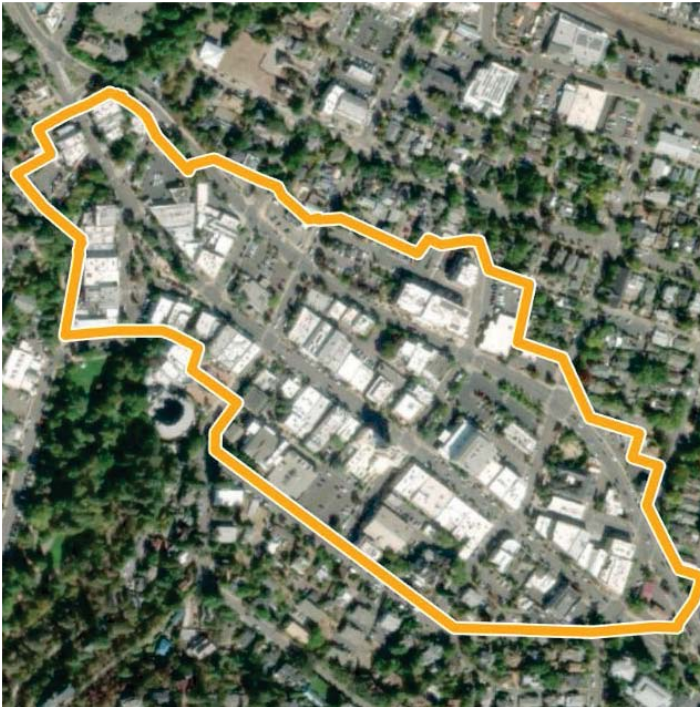


Transit Triangle

- **Approximately 167 acres**
- Undeveloped or underdeveloped
- Largely auto-dependent uses in "strip development" pattern
- Likely a center of future growth
- Adjacent to SOU on west end



Transit Triangle Overlay



Downtown

- Largely Developed without off-street parking requirements
- National Register- Listed Historic District

Given the level of development and the historic status, the Downtown is being looked at as a CFA, but was not analyzed under the lens of the prescriptive CFA methodology given it is nearly built out.

Downtown



		Prescriptive Option		Outcomes Option
Population	Climate Friendly Area Size	Minimum Density (for single-use residential)	Maximum Allowed Building Height No Less Than (for at least one CFA per community if multiple CFAs)	Target Development Level
5,001 – 9,999	25+ acres	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
10,000 – 24,999	Could fit 30% of housing	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
25,000 – 49,999	Could fit 30% of housing	20 dwelling units/net acre	60 feet	30 homes and jobs/net acre
50,000+	Could fit 30% of housing	25 dwelling units/net acre	85 feet	40 homes and jobs/net acre

Overarching Community Engagement Objectives

The public involvement process aims to meet the following objectives:

- Inform the community with timely, transparent, and accurate information.
- Educate community members about planning and decision-making processes.
- Consult and involve the community in the identification, refinement and prioritization of policy updates needed to guide growth and development in Ashland. Ensure community members understand how decisions are made, their concerns are heard, and they know how their feedback influenced decisions.
- Partner with city and agency representatives to ensure officials are engaged in the planning process and key decisions.
- Reach a diversity of stakeholders who reflect Ashland's greater community.



Public Engagement

Advisory Committees, Planning Commission & Council

September – November 2024

- **2024-0904 4:00 P.M.** Historic Preservation Advisory Committee (Hybrid)
- **2024-0905 5:00 P.M.** Social Equity and Racial Justice Advisory Committee (Zoom)
- **2024-0912 5:30 P.M.** Climate and Environment Policy Advisory Committee (Hybrid)
- **2024-0919 6:00 P.M.** Transportation Advisory Committee (Zoom)
- **2024-0926 4:00 P.M.** Housing and Human Services Advisory Committee (Hybrid)
- **2024-1022 7:00 P.M.** Planning Commission Study Session (Hybrid)
- **2024-1104 5:30 P.M.** City Council Study Session (Hybrid)

Public Meeting/Open house

September 17, 2024 (4:00 to 6:00 p.m., Siskiyou Room & via Zoom)

- Present Project Scope, Goals & Recommendations
 - Code Audit Findings
 - Market Study Findings
 - Code Concepts
- Online Survey



Public Engagement



Council and Planning Commission

- **Study Sessions**
- **Adoption: Public Hearings**
 - Zone Change or Overlay adoption
 - Ordinance Amendments
 - Design Standard amendments
 - Highway Impact Analysis
 - Multimodal Transportation Gap Summary



Public Engagement

Deadline Extension Request:

Should the City formally request an extension to the December 31, 2024 deadline from DLCD to align with the consultant contract timeline?

Factors to be emphasized in this request would be our efforts to ensure comprehensive public engagement and code analysis.

- Delayed DLCD/Consultant contract initiation of work
- DLCD contract extends through May 2024.
- City of Ashland public engagement efforts
- Progress made by Dec.31, 2024.
- Closely-related studies informed by final decisions



General Discussion Questions

**Height Allowances in E-1/C-1 Zones:**

Should height allowances proposed for CFAs (maximum 50', 60',?) be applicable across all C-1 or E-1 zones, modifying the land use zoning code universally, or should these allowances be restricted to the designated CFA areas?

Density Regulations in E-1/C-1 Zones:

Is it advisable to eliminate maximum density regulations in all E-1 and C-1 zones, or should this de-regulation be limited to areas designated under the CFA overlay?

The existing zones have maximum densities of 15 dwellings per acre in E-1, and 30 units per acre in C-1. The Transit triangle overlay area presently removes density maximums within that overlay.

General Discussion Questions

**Boundary Adjustments to Exclude Multifamily Residential Zones:**

Should proposed CFA boundaries be adjusted to include or exclude adjacent developed multifamily residential zones?

The CFEC rules allow inclusion of adjacent multifamily areas provided they have at least a 15-dwelling units per acre density. R-2 districts currently have a 13.5-dwelling units per acre base density, and a maximum height of 35' or 2.5 stories.

If such areas were to be included within the CFA boundaries Planning Staff and the consultants would need to evaluate whether any other regulatory changes for CFA designation would impact the existing character of these zones. (OAR 660-012-0320)

General Discussion Questions



New CFA zone, CFA overlay, and or general code amendments:

Does the Council have a preference between creating a new CFA zone and re-zoning the proposed areas as the “CFA” zone, or creating a new “overlay zone” which could be applied over the existing zones of each area?

A new CFA Zone could simplify the application of the new rules in the designated areas specifically, whereas a new overlay could be created and applied with less disruption to the existing regulations and processes.

Adopting specific code amendments (ie density/height allowances) in all E-1 or C-1 zones could apply CFA supportive changes throughout these zones, outside of designated CFAs. This hybrid approach provides greater consistency in the application of the land use framework citywide.

General Discussion Questions



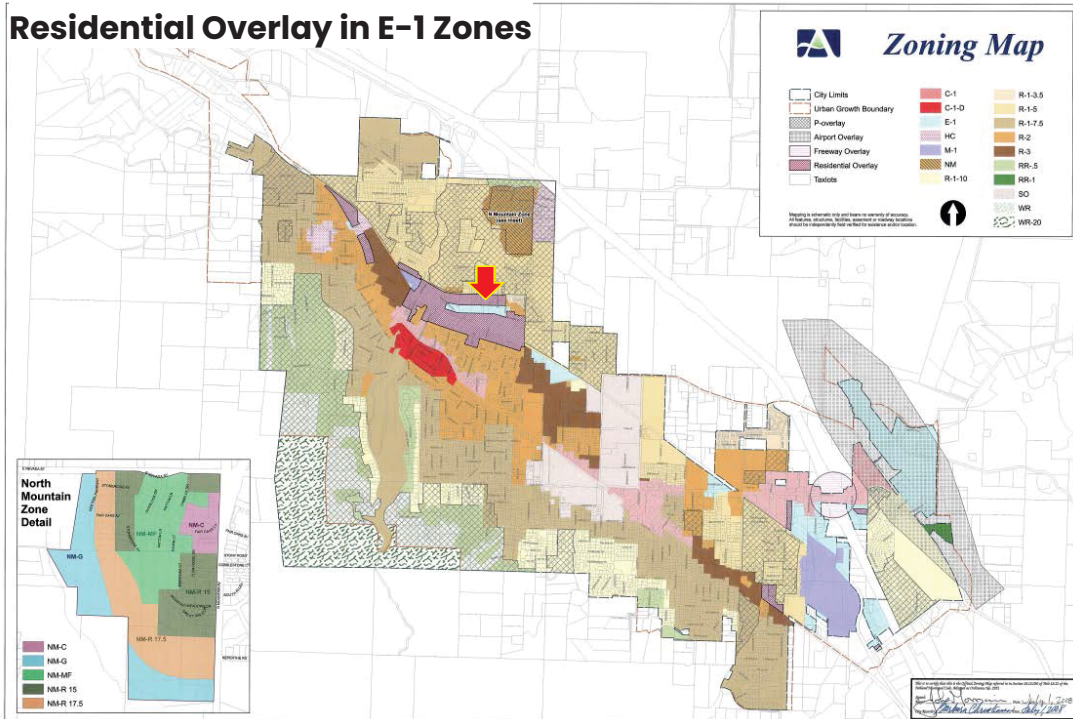
Residential Overlay in E-1 Zones

Currently, mixed-use residential is only allowed in those portions of the E-1 (Employment) zones where there is an -R (Residential) overlay.

E-1 zones within the CFAs will need to allow residential, meaning that the -R overlay would need to be extended into these areas, or the regulations adjusted to eliminate the -R overlay and allow residential in all E-1 zones.

General Discussion Questions

Residential Overlay in E-1 Zones



General Discussion Questions

City of Ashland

Additional Discussion?



Climate Friendly Areas

Planning Commission Update
August 13, 2024

- 2024-0904 4:00 p.m. Historic Preservation Advisory Committee [Staff Liaison: Derek] (Siskiyou Room @ 51 Winburn Way & via ZOOM) **Staff can cover if not in scope.*
- 2024-0905 5:00 p.m. Social Equity & Racial Justice Advisory Committee [Staff Liaisons: Ann Seltzer/Kerrick Gooden] (via ZOOM)
- 2024-0912 5:30 p.m. Climate & Environmental Policy Advisory Committee [Staff Liaison: Chad Woodward] (Siskiyou Room @ 51 Winburn Way & via ZOOM)
- 2024-0917 4:00 - 6:00 p.m. Public Open House [Staff: Derek/Brandon & Planners] (Siskiyou Room @ 51 Winburn Way & via ZOOM)
- 2024-0918 to -1002? On-Line Survey Window
- 2024-0919 6:00 p.m. Transportation Advisory Committee [Staff Liaison: Scott Fleury] (via ZOOM)
- 2024-0926 4:00 p.m. Housing & Human Services Policy Advisory Committee [Staff Liaison: Linda Reid] (Siskiyou Room @ 51 Winburn Way & via ZOOM)
- 2024-1022 7:00 p.m. Planning Commission Study Session [Staff Liaisons: Brandon/Derek] (Council Chambers @ 1175 East Main & Virtual)
- 2024-1104 5:30 p.m. City Council Study Session [Staff Liaisons: Sabrina Cotta/Brandon] (Council Chambers @ 1175 East Main & via Zoom)



Planning Commission Minutes

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August 27, 2024

STUDY SESSION

DRAFT Minutes

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

Commissioners Present:

Lisa Verner
Doug Knauer
Gregory Perkinson
Eric Herron
Russell Phillips

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Michael Sullivan, Executive Assistant

Absent Members:

Kerry KenCairn
Susan MacCracken Jain

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

1. Staff Announcements

Community Development Director Brandon Goldman made the following announcements:

- On August 20, 2024 the City Council approved the Homeless Services Assessment Report which was developed by the Housing and Human Services Advisory Committee and an ad hoc group over a six-month period. This is the first consolidation of a gaps analysis for homeless services and identifies 26 potential short- and long-term strategies to address homelessness.
- Also on August 20, 2024, the Council approved the acquisition of six affordable lots of the Beach Creek Subdivision. They will be deed-restricted to be affordable for a minimum of 30 years, though the City hopes to find an applicant who will extend this period beyond that timeframe.

2. Advisory Committee Liaison Reports – None





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III. **PUBLIC FORUM** – None

IV. **OTHER BUSINESS**

1. Manufactured Home Park Zone – Update

Staff Presentation

Mr. Goldman noted that staff have provided the Commission with a memo regarding Resident-Owned Community (ROC) Models for use during their discussion (see attachment #1)

Mr. Goldman briefly outlined the development of a Manufactured Home Park Zone (MHPZ), which was identified by the Housing Production Strategy (HPS) that was concluded in 2023. The City applied for and subsequently received a grant by the Department of Land Conservation and Development (DLCD) which was used to hire 3J Consultants to assist the City with developing a MHPZ ordinance (see attachment #2).

Mr. Goldman described how the ordinance would set standards for density, lot size, setbacks, utilities, and more to preserve existing parks and possibly allow higher-density development and smaller unit sizes within these zones. He outlined the public engagement process, which will include public meetings, advisory committee input, and hearings before the Housing and Human Services Advisory Committee, Planning Commission, and City Council. He pointed to several existing manufactured home parks, including Wingspread, the Upper Pines, and the Siskiyou Village, and stated that manufactured home parks provide opportunities for affordable housing otherwise not found in the market.

Mr. Goldman detailed the key steps in the development of a MHPZ ordinance, which would include a comprehensive code audit; the drafting of the new zoning ordinance; engagement with stakeholders and the public; and adoption of the ordinance. The outcome of such a process would be the creation of a new zoning designation that would preserve existing manufactured home parks. Mr. Goldman outlined the potential timeline of such a project, beginning in September, 2024 and concluding as late as June, 2025.

Public Comments

Rich Rohde/Mr. Rohde introduced himself as a member of the Housing and Human Services Advisory Committee and a retired community organizer. He recounted the history of manufactured park closures in Oregon, including Lower Pines, which was one of the first parks in the state. He detailed how the residents had no legal recourse to stop the closure and lost their homes and community without compensation, and we even forced to pay for the destruction of their own units. He emphasized the need to preserve such communities.





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Janet Bell/Ms. Bell informed the Commission that she is a new member of Wingspread and reiterated the need to protect these close-knit communities. She stated that these parks include many retired residents with fixed-incomes who have difficulty finding new homes if they are displaced, such as from park closures or natural events like the Alameda Fire. She implored the Commission to protect such communities from redevelopment in favor of higher-density housing.

Questions of Staff

Commissioner Knauer asked if manufactured home parks would preclude pre-built homes or mobile homes. Mr. Goldman responded that the City examined existing housing types in existing parks, allowing that the City permits RVs in RV parks even when recreational vehicles are not permitted. He remarked that these distinctions should be reviewed moving forward. Commissioner Perkinson noted that state certifications of the residences could apply, as well as the City's Building Official ensuring that design standards are upheld.

Commissioner Knauer noted that the goal of the project is that it not only "complies with but exceeds housing related statutes", and remarked that it does not appear to have affordable housing as a goal. He suggested that affordability of housing be included in the goals of the ordinance, particularly when current guidelines refer to potentially superfluous standards, such as seemingly unenforced guidelines requiring 48in-wide sidewalks serving each unit. He emphasized that the affordability of the units should be included in the ordinance. Mr. Goldman responded that the City could review items that the Commission believes are important for livability, or are deemed superfluous, and review them with the consultants. He noted that there is limited guidance in creating MHPZs as few cities have adopted them.

Chair Verner asked when the Commission would review this item again. Mr. Goldman responded that it would come back to the Commission at two future Study Sessions, where the second Study Session would review a draft form of the ordinance. He added that this item would also be reviewed by various advisory committees throughout this process, one of which would be a Management Advisory Committee that Commissioner KenCairn had shown interest in serving on.

Commissioner Herron requested clarification regarding the designation of a dedicated area exclusively for manufactured homes. Mr. Goldman responded that it would be a zone where apartment buildings or single-family detached homes would not be permitted. Commissioner Herron asked if the creation of protected MHPZs would prohibit manufactured home parks from being developed outside those zones. Mr. Goldman responded that they would not be prohibited but those parks would not have the same protections as those within MHPZs.

Commissioner Knauer asked if the City's consultants knew why no new manufactured home parks were being built in the state. Mr. Goldman responded that it is likely a market issue or lack of opportunity in dedicating land to this particular use, but that staff would ask the consultants. He



Planning Commission Minutes

added that established parks with 100 or more units can be quite lucrative in terms of rent generated, but that the cost of developing the parks might be prohibitive.

The Commission discussed introducing standards for minimum unit size. Commissioner Herron recommended that RVs be prohibited from the MHPZs due to their disruptive nature and their use for temporary occupancy. He also suggested that site improvements are also required, such as fire hydrants. Mr. Goldman noted that current building codes require fire hydrants within 150–200ft of homes, but that many manufactured homes were installed before this code was implemented and the infrastructure to retroactively require this does not exist.

Commissioner Knauer asked about parking requirements in manufactured home parks. Mr. Goldman responded that the City does not require parking be provided. He elaborated that the City could cap the maximum number of parking spaces required but not require a minimum number of spaces.

Regarding density and design standards, Commission Knauer emphasized the importance of including the aspect of Area Median Incomes and ensuring that these parks continue to be affordable.

V. OPEN DISCUSSION

Chair Verner asked if a date has been chosen for the Commission's annual retreat. Mr. Goldman that it will likely take place in October.

VI. ADJOURNMENT

Meeting adjourned at 8:02 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*

Resident-Owned Community (ROC) Model

The cooperative ownership model, as facilitated by organizations like ROC USA and CASA of Oregon, addresses escalating rents in manufactured home communities through several key mechanisms:

1. Resident Control Over Rent Increases

- In a resident-owned cooperative, the members collectively own the land and control the budget, including setting the monthly rent. This direct control allows residents to manage and stabilize rent increases based on actual costs rather than market-driven forces or profit motives of private landlords.
- Rent increases are typically tied to the cooperative's operational needs, such as maintenance, taxes, and utilities, rather than being driven by external market pressures. This means that any increases are usually more predictable and gradual.

2. Long-Term Financial Planning

- Cooperatives often engage in long-term financial planning to manage the community's budget efficiently. This includes setting aside reserves for future repairs and maintenance, ensuring that the community remains financially sustainable without requiring sudden, large rent increases.
- The cooperative model encourages financial transparency, with residents voting on budgets and rent adjustments. This collective decision-making helps to ensure that rent remains affordable while covering necessary expenses.

3. Protection from Market Speculation

- Because the cooperative owns the land, the community is protected from the speculative market pressures that can drive up rents in privately owned parks. The cooperative structure also includes long-term leases (often 50-99 years), providing stability and protecting residents from being displaced due to rising land values or changes in ownership.

4. Access to Affordable Financing

- Organizations like ROC USA and CASA of Oregon provide access to affordable financing options for the cooperative, which helps to mitigate the need for high rent increases to cover debt service. This access to favorable loan terms can lower the overall cost burden on the cooperative, allowing for lower and more stable rents.

5. Shared Decision-Making and Community Investment

Resident-Owned Community (ROC) Model

- Since all members have a stake in the community's financial health, there is a shared incentive to keep costs manageable. Decisions about community investments, such as improvements or expansions, are made collectively, with an eye toward maintaining affordability.
- The cooperative model fosters a sense of community and mutual support, where residents work together to balance their financial needs with maintaining the quality and sustainability of their living environment.

6. State and Local Support

- In some cases, like in Oregon, there may be additional support mechanisms such as capital gains tax exemptions for owners who sell to resident-owned cooperatives, which can reduce the financial pressure on the cooperative and help keep rents lower.

By giving residents collective ownership and control, the cooperative model directly addresses the issue of escalating rents by aligning the financial interests of the residents with the long-term sustainability of the community. This structure mitigates the risks associated with market volatility and private ownership, helping to ensure that rents remain affordable over time.

Key Organizations Facilitating Cooperative Ownership

CASA of Oregon:

- **Role:** As part of the ROC USA network, CASA of Oregon assists manufactured homeowners in securing financing and establishing cooperative ownership of their communities.
- **Services:**
 - Organizing residents for cooperative purchases.
 - Negotiating sales terms.
 - Conducting due diligence.
 - Securing financing.
- **Advantages:**
 - Access to financial products and expert technical assistance through ROC USA.
 - Assistance in making competitive market offers.

Resident-Owned Community (ROC) Model

- Potential Oregon capital gains tax exemption for sellers to resident-owned cooperatives.
- **Example:** Redevelopment of Talent Mobile Estates, a community devastated by the Alameda fire, with CASA's support.

ROC USA:

- **Role:** ROC USA empowers manufactured home communities nationwide through cooperative ownership, aiming to expand economic opportunities for homeowners.
- **Services:**
 - Integrated technical assistance and financing via nonprofit affiliates and ROC USA Capital.
 - Ongoing training and education for cooperative members.
- **Mission:** Focus on affordability, sustainability, and resident empowerment to build stable, resilient neighborhoods.

Examples of Successful Resident-Owned Communities in Oregon

Talent Mobile Estates:

- Redeveloped post-Alameda fire with support from CASA of Oregon, Coalición Fortaleza, and Salazar Architect. Completion is expected by summer 2024.

Umpqua Ranch Cooperative:

- Transitioned to resident ownership in 2015, with assistance from CASA of Oregon and ROC USA. The cooperative model strengthened the community's independence.

Key Features of Resident-Owned Cooperatives

- **Membership:**
 - Homeowners, not renters, are members.
 - Members control rent and share decision-making.
- **Ownership Structure:**

Resident-Owned Community (ROC) Model

- The park is cooperatively owned, with homeowners holding long-term leases (50–99 years).
- The cooperative handles mortgage, bills, taxes, and maintenance.
- **Governance:**
 - An elected board of directors manages daily operations.
- **Restrictions:**
 - The park must remain a manufactured home community and cannot be redeveloped.

Impact of CASA's Efforts

- CASA has converted 25 parks to resident ownership, securing 1,700 homes, with two additional parks (197 spaces) in the process of conversion.

Manufactured Home Park Zone



Community Development Department

Planning Commission Study Session
8/27/2024

Manufactured Housing Developments Zone Designation Development

Project Background: The MHPZ is a part of Ashland's Housing Production Strategy to protect manufactured home parks from redevelopment pressures.

DLCD Grant: Ashland received a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD) to fund the creation of the MHPZ ordinance.

Consultant Engagement: 3J Consulting has been contracted to conduct a code audit, review existing regulations, and draft the new MHPZ ordinance.

Design Standards: The ordinance will set standards for density, lot size, setbacks, utilities, and more to preserve existing parks and possibly allow higher-density development and smaller unit sizes.

Public Engagement: The process will involve public meetings, advisory committee input, and hearings before the Housing and Human Services Advisory Committee, Planning Commission, and City Council.

Ashland Housing Production Strategies



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Housing production Strategies (<https://www.ashland.or.us/hps>)



- Encourage development of low- and moderate-income affordable rental housing
- Increase opportunities for affordable homeownership
- Encourage development of income-restricted affordable housing units
- Preserve existing of low- and moderate-income affordable housing

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15 Housing production Strategies

- A. Evaluate participating in or establishing a land bank.
- B. Evaluate opportunities to participate in a land trust.
- C. Host educational events with the Housing and Human Services Advisory Committee or other organizations.
- D. Develop an equitable housing plan.
- E. Disallow SFD in High Density R-3 Zone.
- F. Evaluate increasing allowances for residential dwellings in commercial and employment zones.
- G. Maintain quality and support preservation of existing manufactured home parks.
- H. Increase development capacity of MFR dwellings through changes to the Land Use Ordinance.
- I. Implement the Multiple Unit Property Tax Exemption (MUPTE) to support multifamily or affordable housing.
- J. Preserve and improve existing low-cost, unregulated rental housing.
- K. Work with partners to support development of additional permanent supportive housing.
- L. Evaluate opportunities to improve energy efficiency and reduce GHG emissions during housing development.
- M. Establish a Construction Excise Tax.
- N. Evaluate using Urban Renewal or other financing tools.
- O. Identify additional funds to support the Affordable Housing Trust Fund.

Housing Production Strategy: Maintain quality and support preservation of existing manufactured home parks

Rationale

Preserve and support development of existing manufacturing housing parks because they play a significant role in providing naturally occurring affordable housing.

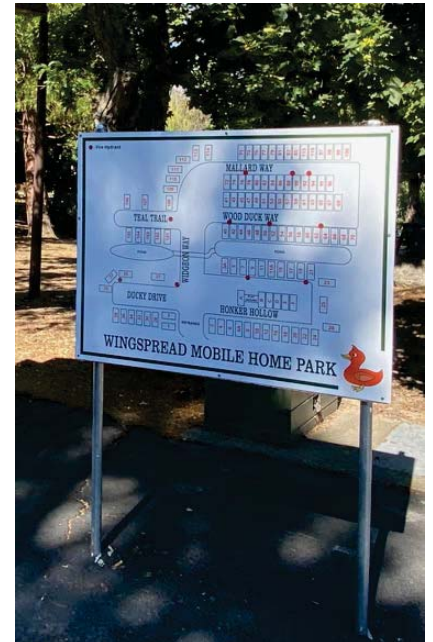
Description

Manufactured home parks provide opportunities for affordable housing for homeowners of a type that is not otherwise present in the housing market. Closure of manufactured home parks was common in Oregon during the mid-2000's and new manufactured home parks have not been developed in Oregon cities in the last decade or more.

Existing Manufactured Home Parks - Wingspread

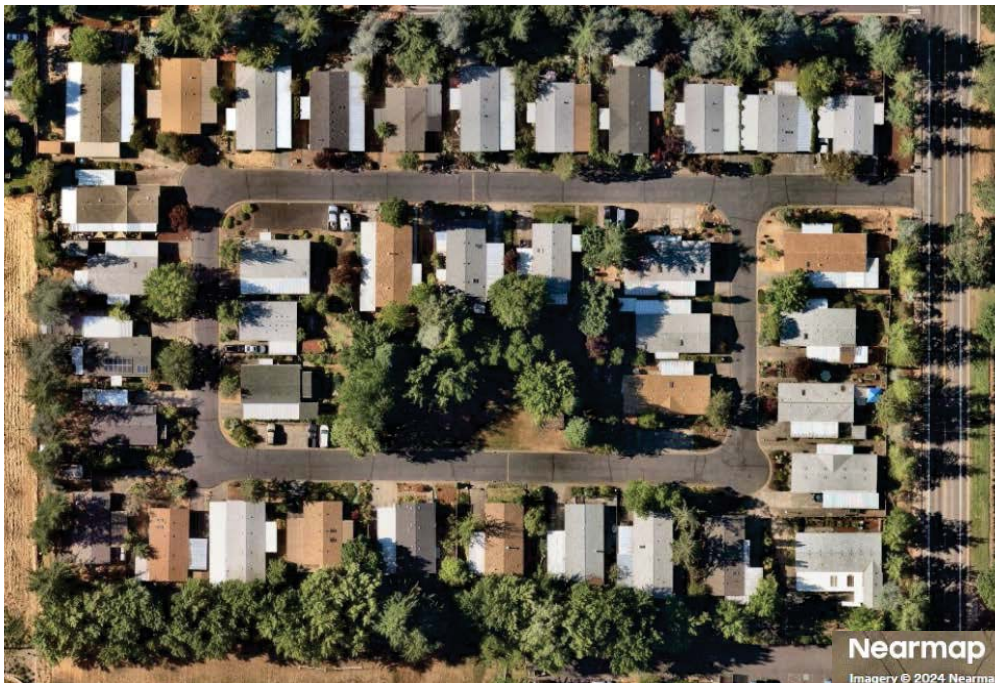


321 Clay St
20.4 acres
~ 116 units
Zoned: Zoned R-2



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Existing Manufactured Home Parks – Tolman Creek



215 Tolman Creek Rd
38 Units
6.6 Acres
Zoned: Zoned R-1-3.5

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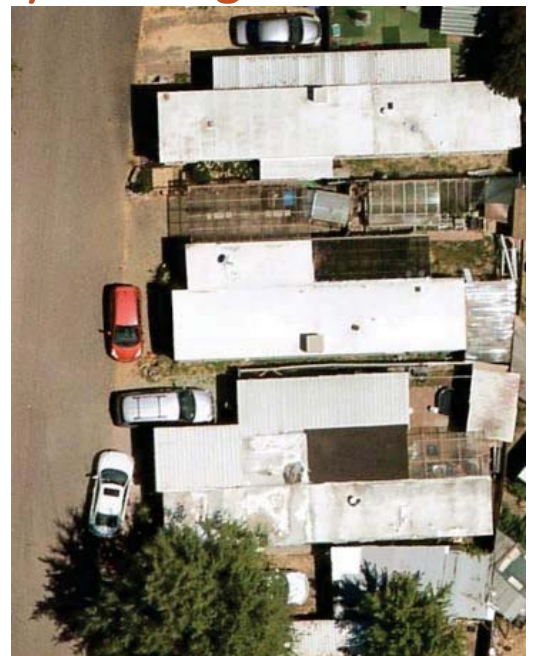
Existing Manufactured Home Parks – The (Upper) Pines



- 1565 Siskiyou Blvd
- 51 Units
 - 2 commercial buildings on Ashland St.
 - 1 small commercial building on Siskiyou Blvd.
- 2.6 Acres
Zoned: C-1

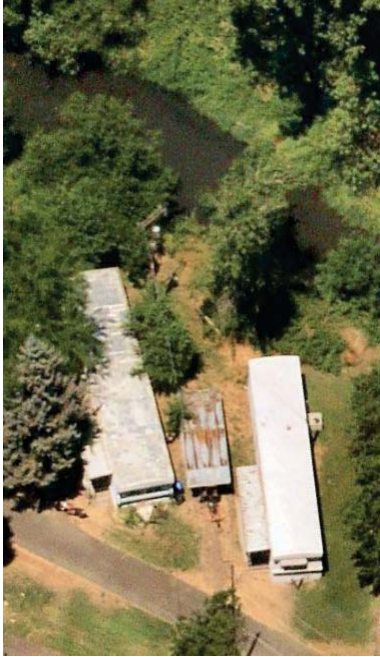


Existing Manufactured Home Parks - Siskiyou Village



2799 Siskiyou Blvd ~ 49 units

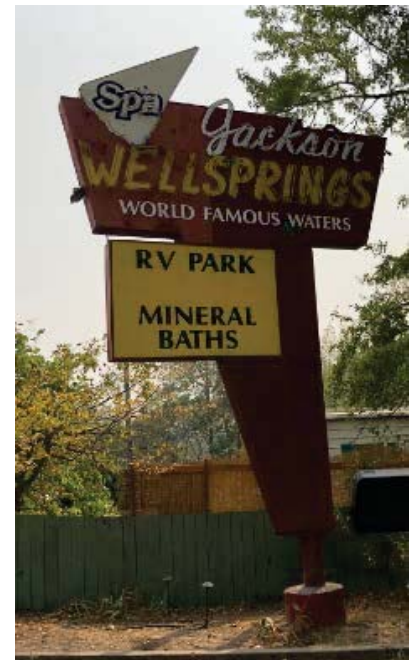
Existing Manufactured Home Parks – Nauvoo Park Estates



2020 Hwy 99 ~ 42+ units

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Existing Manufactured Home Parks – Jackson Wellsprings



2253 Hwy 99 ~ 16 'permanent' units

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Manufactured Housing Developments

Unit Size Requirements and Dimensions (18.2.3.180)

Minimum Unit Size: Each unit must be at least 650 square feet.

Minimum Unit Width: Each unit must be at least 12 feet wide.

Foundation Requirements: Units must be placed on permanent foundations with wheels and hitches removed, and fully skirted or bermed.

Deck or Patio: A deck or patio of at least 80 square feet with a minimum width of 8 feet is required adjacent to each unit.

Thermal Envelope: Units must comply with the thermal envelope requirements for heat loss as per the building code for single-family detached homes.

Manufactured Housing Developments

General Design Standards (18.2.3.180)

Minimum Court Size: Must occupy at least one acre.

Density: Maximum of eight units per acre. Units 14 feet wide or less, or under 800 square feet, count as 0.75 units.

Site or Lot Size: Each site must be at least 2,000 square feet.
Minimum dimensions: 35 feet wide by 40 feet deep.

Lot Coverage:

R-1-3.5 zone: Maximum 55% lot coverage.

R-2 zone: Maximum 65% lot coverage.

Setbacks:

Exterior: Must meet parent zone requirements, with a minimum of five feet from the property boundary.

Interior Front Yard: Minimum 10 feet.

Interior Side and Rear Yards: Minimum 5 feet; 10 feet minimum separation between units.

Manufactured Housing Developments

General Design Standards (18.2.3.180)

Street Standards: Public streets must comply with chapter 18.4.6 standards. Private streets: Minimum 20 feet wide, with a maximum depth of 300 feet for dead-end streets.

Sidewalk Standards: Permanent pedestrian walkways at least 48 inches wide must connect all units to streets, common spaces, parks, and facilities.

Utilities: Must comply with City procedures for electric, water, and sanitary services, with underground placement for telephone and electric lines.

Landscaping:

R-1-3.5 zone: 45% of the site must be landscaped.

R-2 zone: 35% of the site must be landscaped.

Common Open Space: At least 5% of the total lot area must be designated as common open space. **Play Area:** If accommodating children under 14, a play area of at least 2,500 square feet or 100 square feet per unit is required.

Manufactured Home Park Zone

Ordinance Development

Key steps in completing the work of creating a new Manufactured Home Park Zone (MHPZ):

1. Conduct a Comprehensive Code Audit: Review existing zoning ordinances, comprehensive plans, and development codes to identify any legal or policy issues related to Manufactured Home Parks.

2. Draft the New Zoning Ordinance: Develop the specific language for the MHPZ, including provisions for density, lot sizes, setbacks, and other relevant standards.

3. Engage Stakeholders and the Public: Hold meetings with the Management Advisory Committee (MAC), Housing and Human Services Advisory Committee (HHSAC), Planning Commission, and the general public to gather input and refine the draft ordinance.

4. Finalize and Adopt the Ordinance: Revise the draft based on feedback, prepare the final adoption-ready ordinance, and conduct formal public hearings for approval by the City Council.

Manufactured Home Park Zone

Outcomes

Major expected outcomes of the Manufactured Home Park Zone (MHPZ) ordinance development project are:

Creation of a New Zoning Designation:

Establish a zoning designation specifically for Manufactured Home Parks, preserving existing parks and potentially allowing for higher-density development to increase affordable housing options.

Adoption-Ready Ordinance:

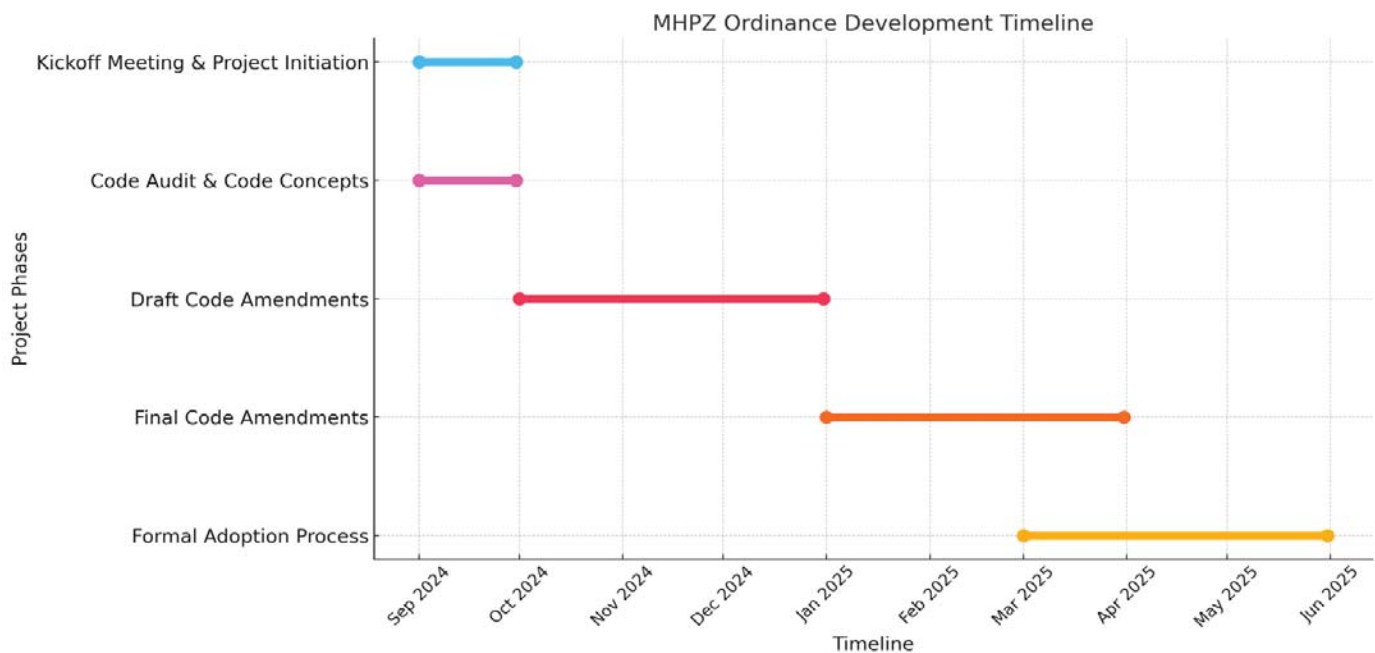
Deliver a fully developed, hearings-ready ordinance that aligns with state housing mandates and reflects community input, ready for formal adoption by the City Council. Land Use Ordinance, Zoning Map, Comprehensive Plan map amendments.

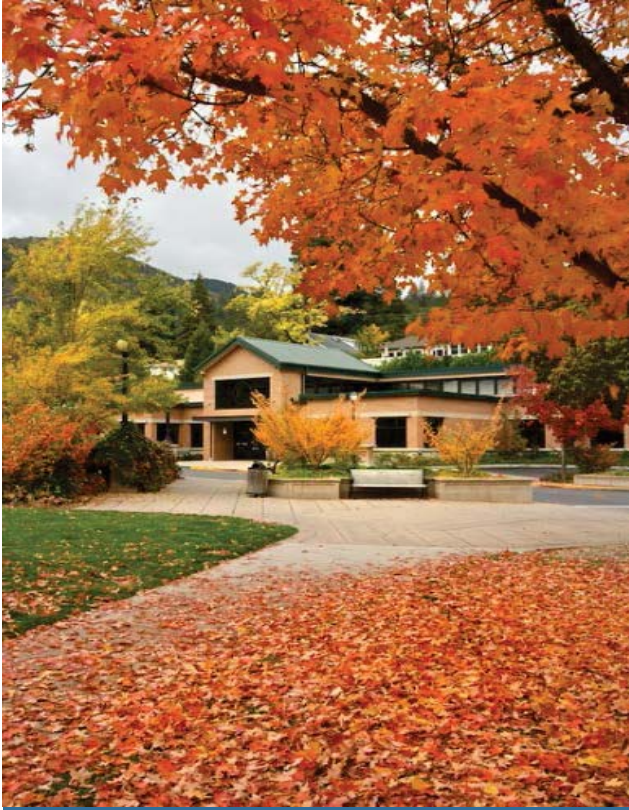
Preservation of Manufactured Home Parks:

Protect existing manufactured home parks from redevelopment pressures. Preservation of affordability may require formation of Resident Owned Communities.

Manufactured Home Park Zone

Timeline





Community Development Department

541-488-5305

51 Winburn Way

Planning@ashland.or.us

Community Development Department

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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 the public testimony may be limited by the Chair.

September 10, 2024

REGULAR MEETING

***DRAFT* Minutes**

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

Commissioners Present:

Lisa Verner
Doug Knauer
Kerry KenCairn
Eric Herron
Gregory Perkinson

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Aaron Anderson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:

Susan MacCracken Jain
Russell Phillips

Council Liaison:

Paula Hyatt (absent)

II. ANNOUNCEMENTS

1. Staff Announcements

Community Development Director Brandon Goldman made the following announcements:

- The City Council is scheduled to review an annexation proposal of 2228 East Main Street, which the Commission recommended for approval and annexation.
- The City will host a Climate-Friendly Areas (CFAs) open house at the Community Development building at 51 Winburn Way on September 17, 2024 from 4:00–6:00 p.m. The consultants from 3J Consultants and ECONorthwest will be in attendance to provide preliminary information regarding CFA requirements and a market analysis for areas with the potential to be designated as CFAs. Mr. Goldman stated that the Commission is welcome to attend this meeting in lieu of the scheduled September 24, 2024 Study Session, provided this meeting is noticed. Chair Verner agreed that the Commission would be in attendance.

2. Advisory Committee Liaison Reports – None

III. PUBLIC FORUM – None





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IV. TYPE II PUBLIC HEARINGS

Chair Verner made the decision to reorder the agenda and review PA-T2-2024-00050, 113 Pine Street second due to the complexity and level of public interest involved in the item.

- 1. PLANNING ACTION:** PA-T2-2024-00049
SUBJECT PROPERTY: 2308 Ashland Street
APPLICANT & OWNER: MCA Architecture / Les Schwab
DESCRIPTION: A request for Site Design Review approval to add a “RV and Truck Service Area canopy” at the east end of the building as part of the ongoing and previously approved site modernization. The planning action includes a request to remove three sweetgum trees along the property frontage and replace with Trident Maples. **COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **MAP:** 39-1E-14-BA; **TAX LOT:** 1100

Ex Parte Contact

Commissioners Herron, Knauer, and Verner disclosed site visits. Commissioner KenCairn stated that she reviewed the original application with the Commission at its February 14, 2023 meeting. No ex parte contact was disclosed.

Staff Presentation

Senior Planner Aaron Anderson stated that the application is a request for Site Design Review approval to add a Canopy to create a service area for RVS and trucks to Les Schwab. He noted that this item was processed as a Type II Planning Action because the original application, PA-T2-2023-00038 was reviewed by the Commission, otherwise the scope would warrant a Type I process.

Mr. Anderson displayed a map of the existing site, stating that construction under the original application is currently underway (see attachment #1). He pointed out that the application also seeks approval for the removal of three sweet gum trees that have already been erroneously removed. He concluded that the application is a minor modification to a rudimentary plan.

Applicant Presentation

The applicant, Frank Rudloff of MCA Architects, represented Les Schwab and provided a brief presentation of the proposal, stating that Mr. Anderson had discussed the salient aspects of the application.

Questions of the Applicant

Commissioner KenCairn stated that she recalled the original approval including a wall with a hedge on top to obscure the site from the street, but that this new application made no mention of the wall. Mr. Anderson stated that the continuous hedge was included as a condition of approval of the original application, but that there was no wall element.





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Commissioner Knauer asked if staff was made aware of the unpermitted tree removals. Mr. Anderson responded that staff was unaware until they were informed of the removals by the applicant, who offered the information voluntarily. Commissioner Knauer asked if there is any penalty in place for trees removed without a permit. Mr. Anderson responded that the planning action process and replacement of the trees the applicant has undergone is the remedy for such a violation. Mr. Goldman added that a citation would only be appropriate in cases where the violator is not complying with the City.

Chair Verner closed the Public Hearing and Public Record at 7:19 p.m.

Decision

Commissioners Herron/Perkinson m/s to approve the application with the conditions of approval recommended by staff. Voice Vote. Commissioners Knauer, Perkinson, Herron, Verner: AYE. Commissioner KenCairn: NAY. Vote Passed 4-1.

2. PLANNING ACTION: PA-T2-2024-00050

SUBJECT PROPERTY: 113 Pine St.

APPLICANT & OWNER: Rogue Development for Charlie Hamilton

DESCRIPTION: A request for concurrent Outline and Final Plan approval of four-lot, Performance Standards Option (PSO) subdivision. The proposal includes three proposed residential lots and a common area lot. The application includes a request for an exception to street standards to not install park row and to retain the existing frontage improvements. The application also includes a request to remove a total of seventeen trees, five of which are 'significant'. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39-1E-08-AD; **TAX LOT:** 2600

Ex Parte Contact

Commissioners Herron, KenCairn, Knauer, and Verner disclosed site visits. No ex parte contact was disclosed.

Staff Presentation

Mr. Anderson stated that the application is requesting a concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision. The proposed subdivision would include three residential units and one open space lot. He described the application's request to remove five significant trees and an exception to street standards to not install standard street improvements due to an existing sidewalk. He displayed site and zoning maps for the project and pointed to areas of the open space which include slopes of greater than 35% and are considered





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unbuildable. He stated that the current driveway encroaches on the property to the south but that the redeveloped driveway will be entirely on the subject property (see attachment #2).

Mr. Anderson explained that the PSO is an alternative method in the code to subdivide land, and generally offers a more flexible design than would otherwise be permissible under the conventional zoning codes. He described how the PSO can be used outside of designated areas under one of the following four criteria, the second of which is being used by the applicant:

1. The parcel is larger than two acres and is greater than 200 feet in average width.
2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.
3. The property is zoned R-2, R-3
4. The property is developed as a cottage housing development

Mr. Anderson stated that to determine if these criteria are applicable the staff report analyzed the density of "normal" subdivision standards, which is obtained by the square footage divided by the minimum lot size for the zone, for a base density of 4.52, limiting the lot to four dwellings. He added that four-lot subdivisions would also require the dedication of a public street. The density of the PSO is determined by dwellings per acre, for a density of 2.8. though the applicant is also making use of an Earth Advantage Density bonus of 15%, for an allowed density of 3.22.

Mr. Anderson stated that, due to the proposed lesser impact that three dwellings would have on the lot, that option #2 could be applied to this project provided that the application sufficiently addresses the aesthetic and environmental impact and degradation to the neighborhood under the maximum density allowed.

Mr. Anderson described how the application is requesting an exception to Street Standards to not install a park row, stating that the existing street width is roughly 30ft and that the existing portions of sidewalk on the north side of the street are generally on private property. There is also a continuous curb along the entirety of the street which would be included proposed dedicated right-of-way (ROW).

Mr. Anderson stated that at the Tree Management Advisory Committee (TMAC) meeting the applicant proposed altering their application to no longer include the removal of several trees, numbers 2361, 2385, 2379, and 2374. There are now only three significant trees and 13 trees below the regulatory threshold proposed for removal. Mr. Anderson briefly reviewed the approval criteria for the Outline Plan, Final Plan, Exception to Street Standards, and Tree Removal. He noted that staff had revised two conditions of approval to the following:



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Condition #2: That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15" Walnut) and #2361 (16" Oak) and that the revised plan be submitted prior to any site work.

Condition #4: That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees tree die within a two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.

Questions of Staff

Commissioner Herron asked if the TMAC and Historic Preservation Advisory Committee (HPAC) were able to review the application before it came to the Commission, Mr. Anderson responded that they were. Commissioner KenCairn asked if the HPAC would review the proposed homes prior to construction. Mr. Goldman responded that the Historic Review Board would review the proposal and offer any necessary recommendations.

Commissioner Knauer asked what the applicant would be permitted to do using the PSO versus the typical Performance Standards. Mr. Anderson responded that the PSO would allow for a more efficient use of the land due to the dimensions of the subject property and its narrow frontage on Pine Street. Commissioner Knauer asked if these greater allowances are found in PSO #2. Mr. Anderson responded that the use of PSO #2 is rare because most PSO subdivisions fall under the other criteria, and that this option would offer relief from dimensional standards that would make developing this property challenging. Commissioner Perkinson noted that another advantage to using option #2 is that the application would not be held the same nominal street standards. Mr. Anderson responded that a similar application would likely have required the same exception to street standards as they relate to the park row by virtue of the existing sidewalk and retaining wall.

Applicant Presentation

Amy Gunter of Rogue Planning & Development Services represented the owners of the subject property and outlined the application requests and approval criteria. She stated that the property is zoned R-1-7.5 and cited the narrow frontage as the primary reason of the proposed layout. She stated that lots 2 and 3 would be accessed by a shared driveway from Pine Street and that the firetruck apparatus access turnaround would be on the south side of the lot. She noted that the open space holds the highest number of large-stature trees on the site and would be 2,055sqft. She described how the steep slopes adjacent to the open space would be protected through a conservation easement area (see attachment #3).

Ms. Gunter briefly described the trees to be removed, adding that protective fencing would be installed around trees 2361, 2370, 2374, 2375, and 2376 and that mitigation trees are also proposed.



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Ms. Gunter stated that the applicant would provide driveway screening to the adjacent flag lots and that no utilities would go through the open space area. She noted that the Pine Street ROW is smaller than is required by code and that the proposal includes a dedication of approximately 7ft of public ROW and a 10ft public utility easement. She added that the house on lot 1 would be built to be consistent with neighboring homes in the historic district.

Ms. Gunter concluded that the application had satisfied the criteria for approval under the PSO and that each proposed lot area exceeded the minimum lot area in the zone while preserving the natural features through the creation of open space, deed restricted, unbuildable areas and preservation of large stature trees.

Questions of the Applicant

Commissioner KenCairn noted that the proposed driveway with the fire access turnaround appeared to be longer than would be necessary and suggested that it be shortened in favor of more open space. The owner of the subject property, Charlie Hamilton, agreed and stated that his team would shorten the driveway and enlarge the open space area if that were included as a condition of approval. Mr. Hamilton also noted that the application is not requesting any more units through the PSO than are allowed by regular subdivision standards.

Commissioner Knauer expressed concern that use of the PSO had not been sufficiently satisfied and asked for further clarification as to how it applies to the application. Mr. Hamilton responded that one of the applications primary goals is the preservation of the lot's natural features and to prevent the degradation of the neighborhood, which he stated could have occurred if he had instead chosen to develop a large home on lot 1 and a number of accessory dwelling units (ADUs) on the remaining lots. Commissioner Knauer stated that he would consider approval of the project if it was found that the current proposal did not result in degradation of the neighborhood. Mr. Hamilton stated that the neighbors would likely feel that the development of ADUs on the lot would degrade the area and that the application is seeking to preserve the lot's existing natural features.

Commissioner KenCairn pointed out that the application proposed placing the area over 35% slope in an easement, which would then be the responsibility of the property owner instead of the lot owners, and asked if the reasoning for this placement was to increase floor area potential. She noted that if the goal was the preservation of the neighborhood then the slope would be included in the open space, which would constrain those two lots and make them smaller, and that smaller homes would have been proposed. Mr. Hamilton stated that the application referenced the largest possible homes that could be built on the lot, but that those are not the intent of the proposal. Commissioner KenCairn expressed appreciation for the application, but stated that she was skeptical about the use of the PSO to protect natural features when they could instead be included in the open space.



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Chair Verner remarked that the open space could be removed, lots 2 and 3 could be enlarged, conservation and access easements maintained, and the need for a homeowners association (HOA) removed from the development. Mr. Hamilton responded that he would support the Commission imposing a condition of approval to that effect. Chair Verner noted that the proposed pathway and bench would be unnecessary unless there is public access to the lot.

Public Comments

Anne Schreiber/Ms. Schreiber provided testimony to the Commission via Zoom and read from a statement that had been submitted to staff prior to the meeting (see attachment #4). Her primary concerns focused on the unnecessary removal of trees and the impact this development could have on the land. She noted that shortening the driveway had already been considered as a condition of approval by the Commission, but that the use of the PSO and promise to include environmental improvements only serve the applicant's interests. Ms. Schreiber requested that the number of homes proposed be reduced from 3 to 2, the road be shortened to reduce the number of trees needed to be removed, and that extended open spaces be left intact for local wildlife.

Commissioner KenCairn asked staff if the removal of the open space would also remove the density bonus granted by the Earth Advantage standards. Mr. Anderson responded that the bonus is unrelated to open space.

Lawrence Van Egdom/Mr. Van Egdom voiced his opposition to the proposal, explaining that the property is a sanctuary for local wildlife, such as deer, that would be displaced if the area were developed. He stated that the proposal is not compliant with existing codes in several areas, such as the street frontage being 63ft when 65ft is required, and the access to the driveway being nonconforming with the driveway. Mr. Van Egdom expressed the belief that the building on lot 1 is proposed to be small due to the narrow aspect of the lot to the north, not due to a desire by the applicant to conform the development to the neighborhood. He stated that the use of the PSO does not meet the requirement for the environment, neighborhood, or aesthetic impact, and that the installation of a flag lot driveway would restrict wildlife and resident mobility.

Mr. Van Egdom requested that the record be kept open to allow for more public input to be submitted and emphasized the need for the developer to meet existing codes.

Julia Vinciguerra/Ms. Vinciguerra related how her son learned to pitch baseball in the lot, but that the proposed open space is a steep ditch that suffers from seasonal floods. She expressed agreement that use of the PSO is inappropriate for this development and requested that the record be left open to grant her an opportunity to consult with an attorney. She stated that she had submitted comments prior to the meeting that had not been addressed in the staff report.



Planning Commission Minutes

Ms. Vinciguerra stated that there is a larger impact to the area that must be considered prior to approval, adding that she hadn't seen any impact reports and asked if a geotechnical study had been conducted. She expressed concern over the potential size of the dwellings and reiterated the need to understand the potential impacts large developments could have on storm water drainage. She added that buildable site could be in close proximity to her home at 68 Scenic Drive and requested more information regarding the potential impact.

Ms. Vinciguerra requested that the record be left open. She stated that this development would not provide affordable housing for the City and emphasized the need for smaller homes with a greater consideration for the environment.

Chair Verner requested additional information regarding potential flooding at the site. Ms. Vinciguerra responded that Mr. Van Egdome had worked on the property for the previous owner and witnessed seasonal flooding of the area. Chair Verner noted that there did not appear to be a drainage system near the bridge on site. Mr. Anderson stated that there was no culvert on the City's infrastructure map for the site, so the only water collecting in the gully would likely be shed from the singular adjacent property uphill from the subject property, or be existing groundwater. Ms. Vinciguerra cautioned against overstating the beauty of the open space.

Mark Morrison/Mr. Morrison introduced himself as a resident and manager of 97 and 99 Pine Street and expressed his support for eliminating the need for an HOA at this development. He remarked that some members of the community regard the aforementioned deer as nuisance species. He stated that the City needs more housing, particularly affordable housing, and that he supports the development as an employee of the Ashland School District. He commented that the area has a potentially higher granite shelf which prohibits water from seeping as deeply into the ground and resulting in flooding.

Applicant Rebuttal

Ms. Gunter stated that the notice mentions the removal of 17 trees, but that 13 of those trees are not designated as significant and are therefore require approval to remove. She emphasized that the trees are not being removed without reason, such as the construction of the driveway, and that there would be hundreds of trees remaining around the property. She added that the open space area requires beautification, which this development would provide.

Ms. Gunter stated that the current lot width and driveways are pre-existing legal nonconforming issues that would not become exacerbated by the development and is permitted by the code, and that the driveway would be improved by the proposal. Ms. Gunter stated that there is no density bonus being proposed, and no evidence of flooding in the gully which would typically be visible. Regarding the sizes of each dwelling, she related how lot coverage is the primary restricting factor on the property and each lot is prohibited from lot coverage exceeding 45%. She stated that previous





Planning Commission Minutes

lots were under 5,000sqft of lot coverage which is not inconsistent with adjacent properties. She explained that house sizes are also restricted by the maximum permitted floor area in the historic district, and that the proposed house sizes are consistent with neighboring houses, such as 68 Scenic Drive which is 2,300sqft.

Ms. Gunter stated that relocating the driveway would not be possible due to the topography of the site. She noted that there is a geotechnical report which reviewed the 35% slope and the retaining wall, and that the wildfire prevention and control plan would largely be met when the property is mowed and trees removed. She added that a street tree is also being proposed.

Questions of the Applicant

Commissioner KenCairn asked if the applicant is proposing to landscape the open space or to preserve its natural state. Ms. Gunter responded that a landscaping plan is included in the proposal and it spoke to planting trees and installing a pathway rather than relandscaping the area.

Chair Verner noted that a request to continue the meeting and keep the record open had been made. Mr. Anderson stated that the Commission could close the Public Hearing but keep the Public Record open until September 17, 2024 to allow parties of record time to submit new evidence and public comments. The applicant would then have until September 24, 2024 to offer a rebuttal to any public comments received in that timeframe. The applicant would then have until October 1, 2024 to submit any final legal arguments.

Commissioners KenCairn/Perkinson m/s to close the Public Hearing and keep the Public Record open until September 17, 2024. Voice Vote: All AYES. Motion passed 5-0.

Chair Verner closed the Public Hearing at 8:48 p.m. and stated that this item would be continued to the October 8, 2024 Planning Commission Regular Meeting.

V. OPEN DISCUSSION

Mr. Goldman reminded the Commission that the Climate Friendly Areas Open House would be held on September 17, 2024, and that this could take the place of the September 24, 2024 Planning Commission Study Session Chair Verner agreed that the Study Session should be canceled.

VI. ADJOURNMENT

Meeting adjourned at 8:51 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*







2308 Ashland Street

PLANNING
COMMISSION

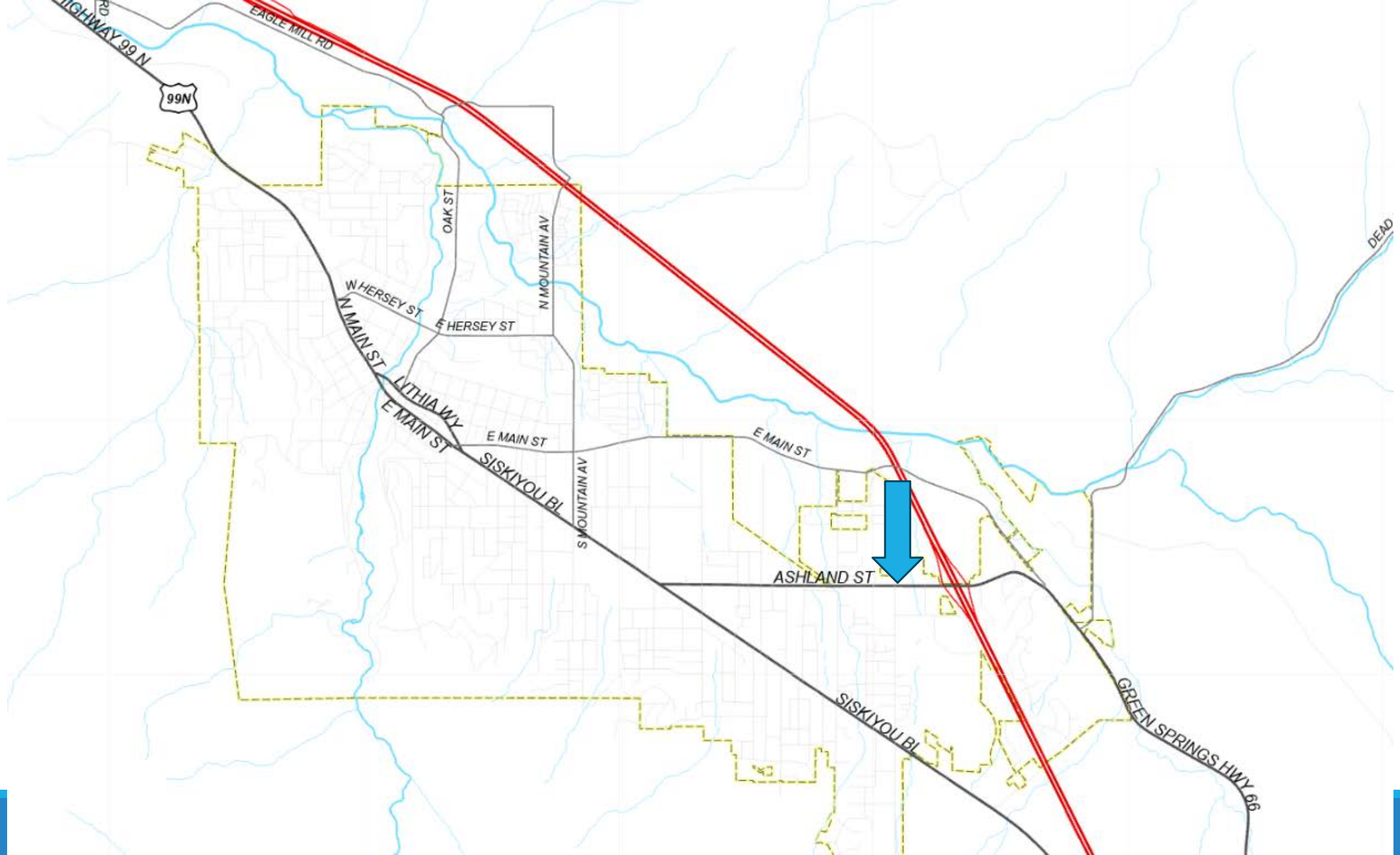
SEPT 10, 2024

2308 Ashland St.
PA-T2-2024-00049



A request for Site Design Review approval to add a Canopy to create a service area for RVs & Trucks

- All new commercial construction triggers Site Design Review.
- Because of the projects size and the presence of the Detail Site Review Overlay the project is subject to a Type II planning action.





Zoning and vicinity map



2308 Ashland St. Background

1972 the Original Tire Center was built.

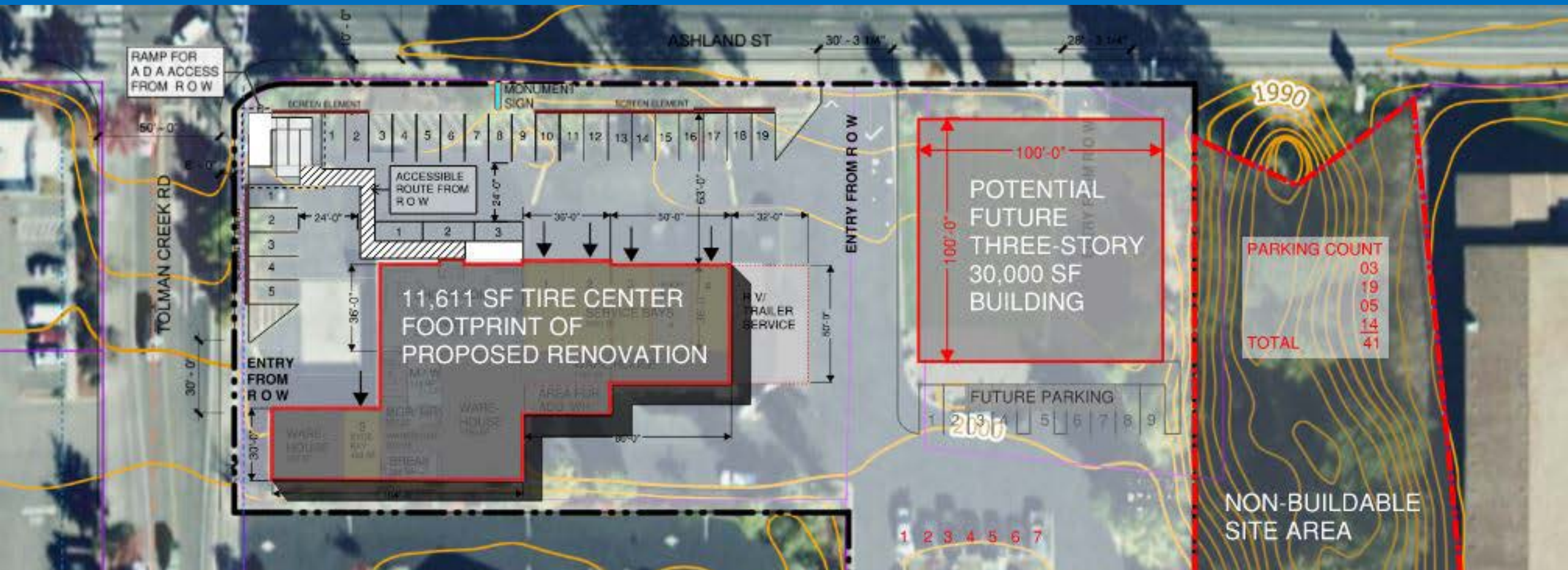
1980 a CUP for an alignment center, truck service canopy and a 2,500 sq. ft. warehouse were added

2000 there was an application to build a new “2,000 sq. ft. truck canopy a new 5,700 sq. ft. building.” The application was ultimately denied due to concerns with the streetscape.

2005 a revised application for a 4,300 square foot building in the southeast corner of the subject properties

2023 –modernization project under construction.

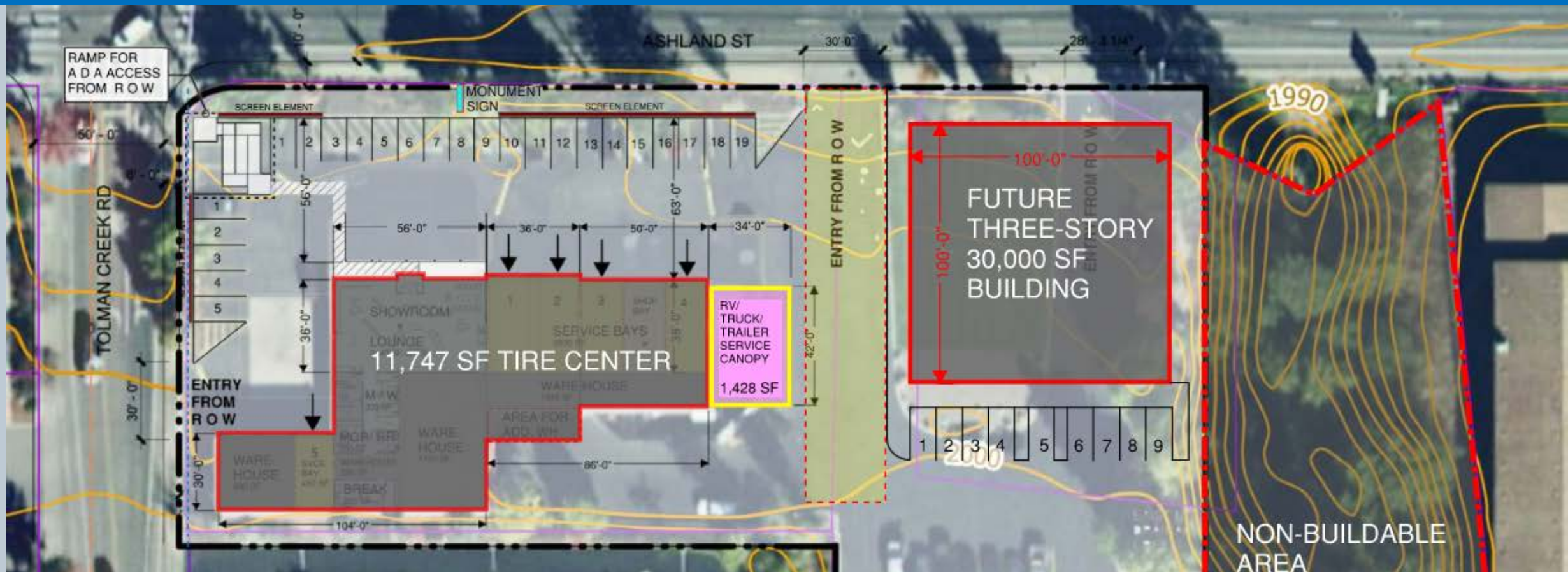




2023 Approval

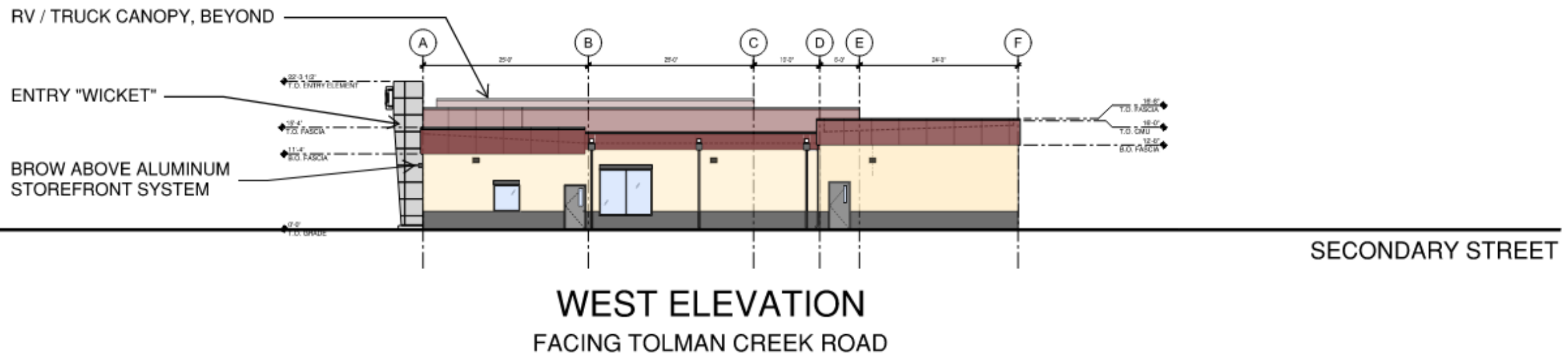
Including shadow plan





2024 Approval

Including shadow plan





2024 MODERNIZATION PROJECT - RV / TRUCK CANOPY ADDITION

VIEW 4 - FROM ASHLAND STREET AT CURB CUT
LES SCHWAB - 2308 ASHLAND ST
07/26/2024



Trees

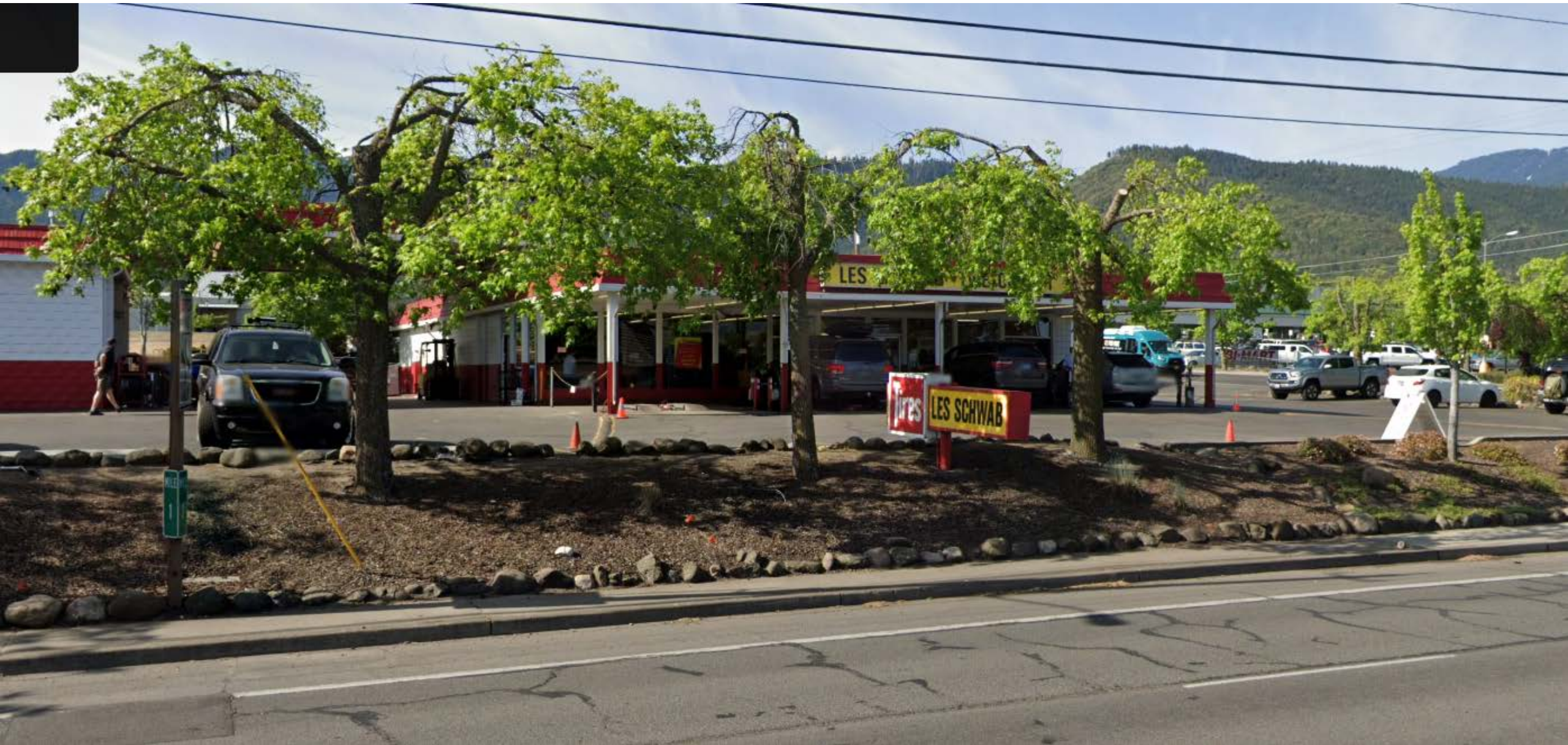
A request for Site Design Review approval to add a canopy area for RV & truck service

← 2301 Ashland St
Ashland, Oregon

 Google Street View

May 2021 [See latest date](#)







525 Tolman Creek Rd

Ashland, Oregon



Google Street View

May 2021

[See latest date](#)





525 Tolman Creek Rd

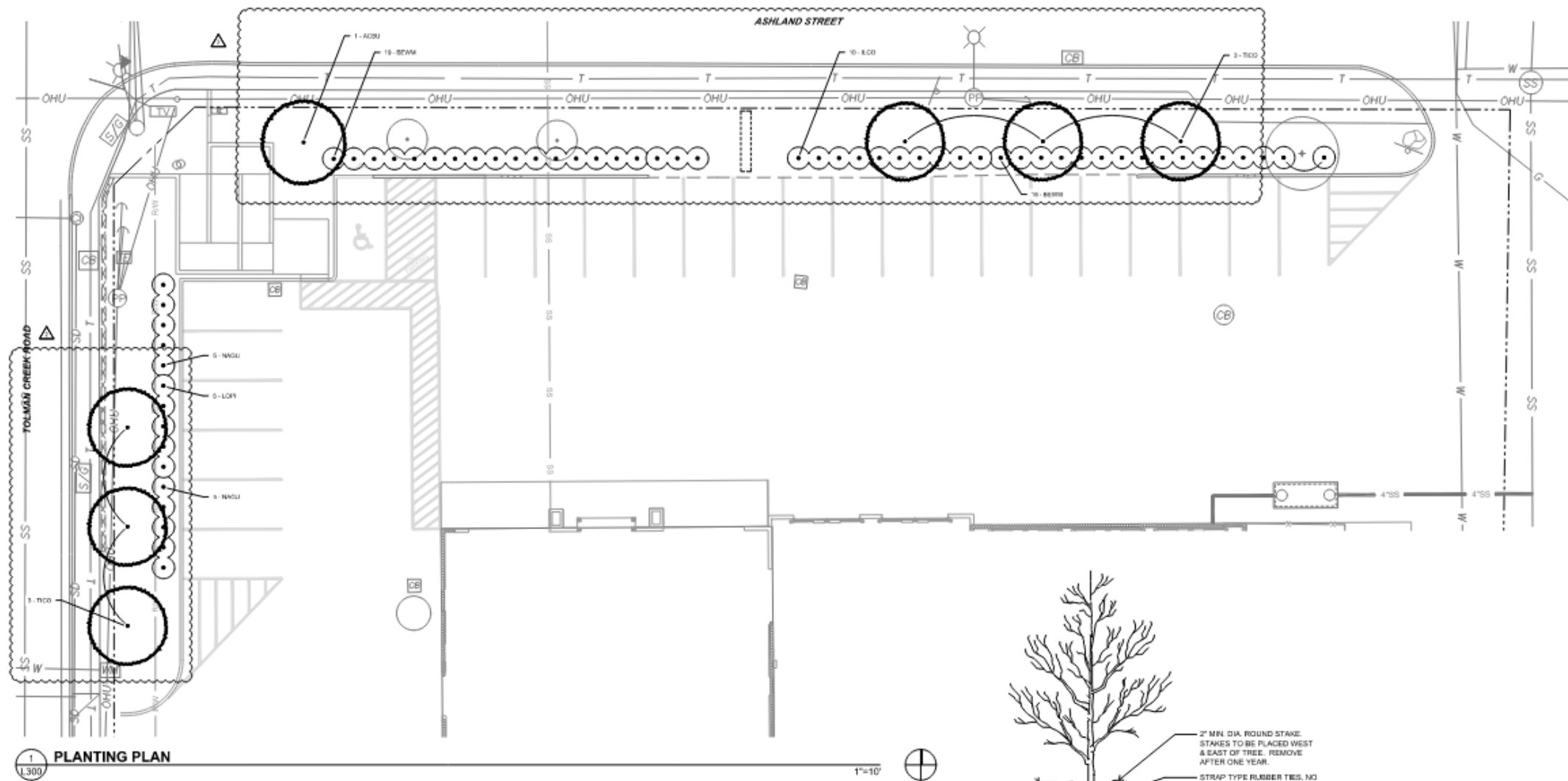
Ashland, Oregon



Google Street View

Jun 2024 See latest date

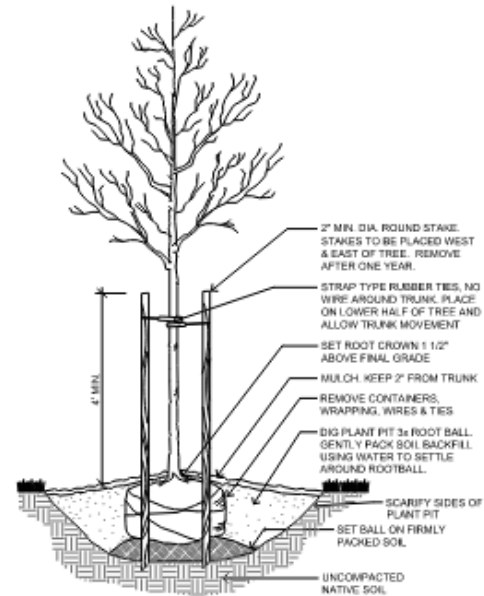
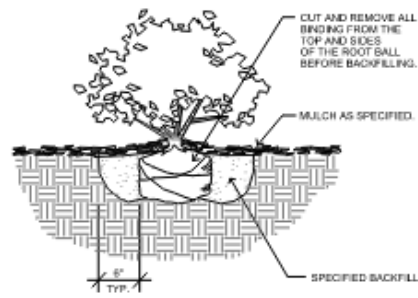




1
1,300
PLANTING PLAN

PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	SIZE / CONDITION
TREES			
ACBU	ACER BURGERSIANUM	TRIDENT MAPLE	1.75" GAL, B&B
TICO	TILIA CORDATA 'HALKA'	SUMMER SPRITE LINDEN	1.75" GAL, B&B
SHRUBS			
BEWM	BERRBERIS WILLIAM PERRY	WILLIAM PERRY BARBERRY	1 GAL
ILCO	ILEX CORNUTA 'BURFORD NANA'	BURFORD COMPACT CHINESE HOLLY	1 GAL
LOFI	LONCERA FILEATA	PRIVET HONEYSUCKLE	1 GAL
NAGU	NANDINA D. 'GULF STREAM'	GULF STREAM HEAVENLY BAMBOO	1 GAL



PLANT LIST:

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE / CONDITION</u>
	<u>TREES</u>		
ACBU	ACER BUERGERIANUM	TRIDENT MAPLE	1.75" CAL, B&B
TICO	TILIA CORDATA 'HALKA'	SUMMER SPRITE LINDEN	1.75" CAL, B&B
	<u>SHRUBS</u>		
BEWM	BERBERIS 'WILLIAM PENN'	WILLIAM PENN BARBERRY	1 GAL
ILCO	ILEX CORNUTA 'BURFORDII NANA'	BURFORD COMPACT CHINESE HOLLY	1 GAL
LOPI	LONICERA PILEATA	PRIVET HONEYSUCKLE	1 GAL
NAGU	NANDINA D. 'GULF STREAM'	GULF STREAM HEAVENLY BAMBOO	1 GAL

Approval Criteria

Commercial Site Design Review

- A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part [18.3](#)).
- C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as provided by subsection E, below.
- D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.

Approval Criteria

Non-Hazard Tree Removal

- a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.
- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.



Questions?





113 Pine Street

PLANNING
COMMISSION

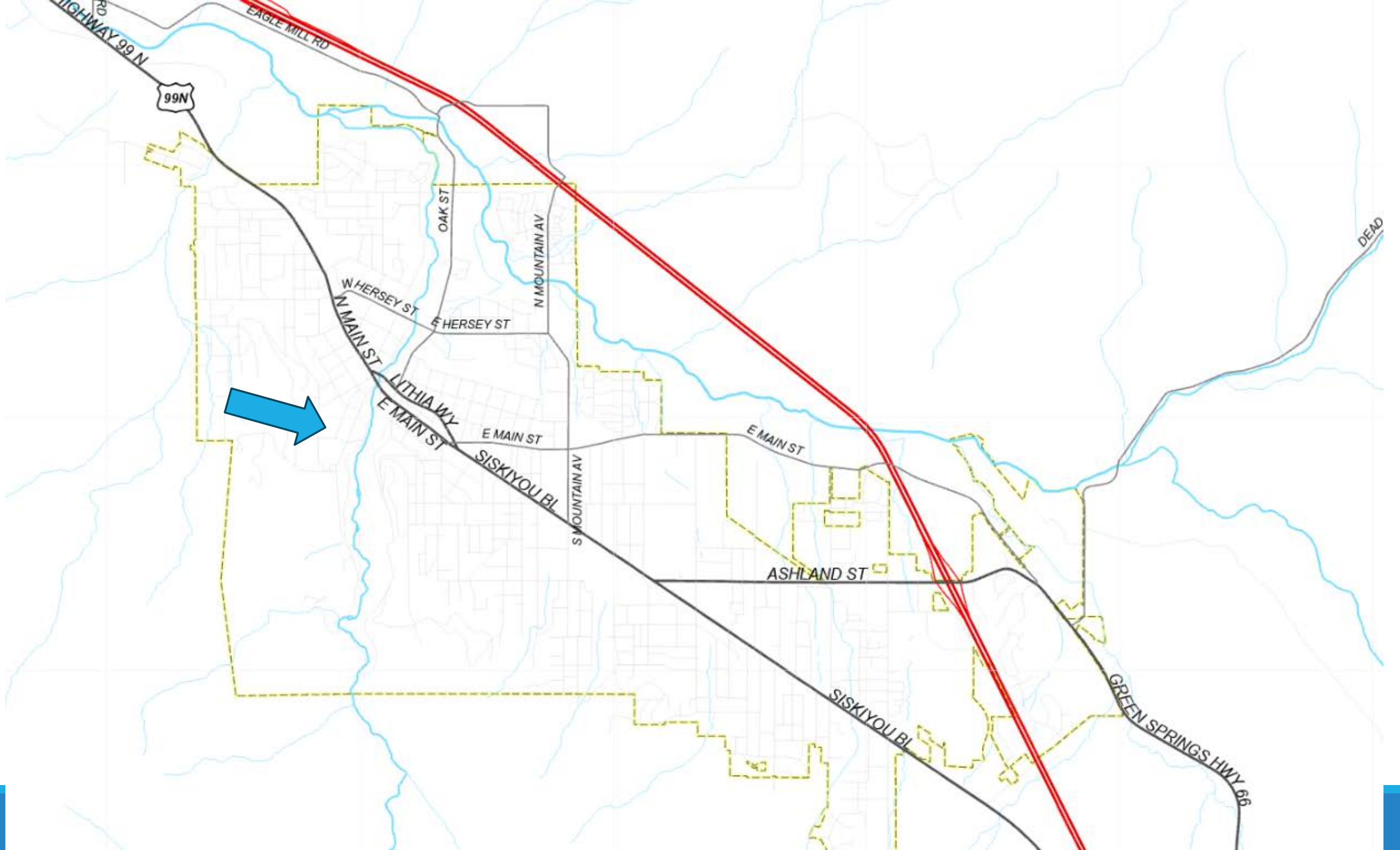
SEPT 10, 2024

Introduction - 113 Pine St.

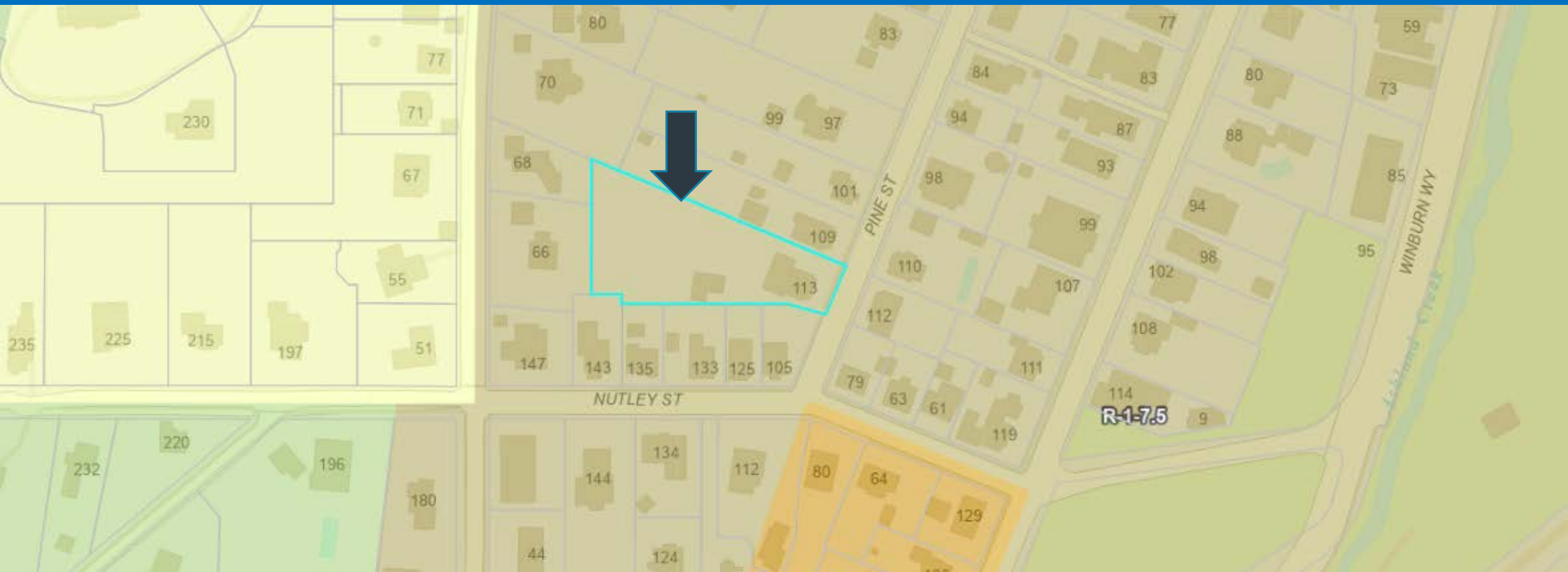
A request for concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision. The proposed subdivision includes three residential lots and one open space lot for the property located at 113 Pine Street.

The application includes a request for an exception to street standards to not install standard street improvements due to the existing sidewalk.

The application also includes a request to remove five* significant trees.



113 Pine St.



Zoning and vicinity map

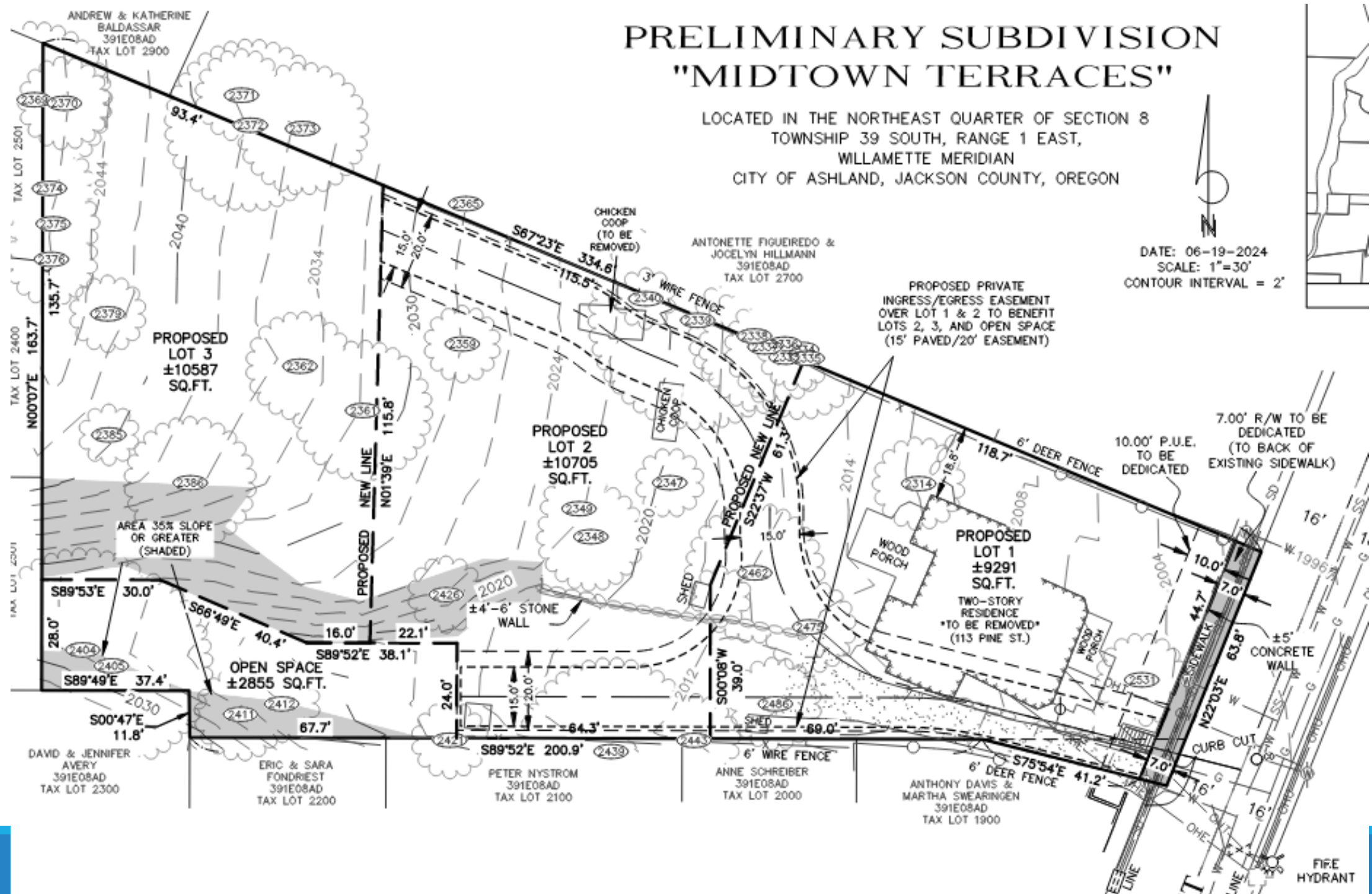




PRELIMINARY SUBDIVISION "MIDTOWN TERRACES"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8
TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

DATE: 06-19-2024
SCALE: 1"=30'
CONTOUR INTERVAL = 2'

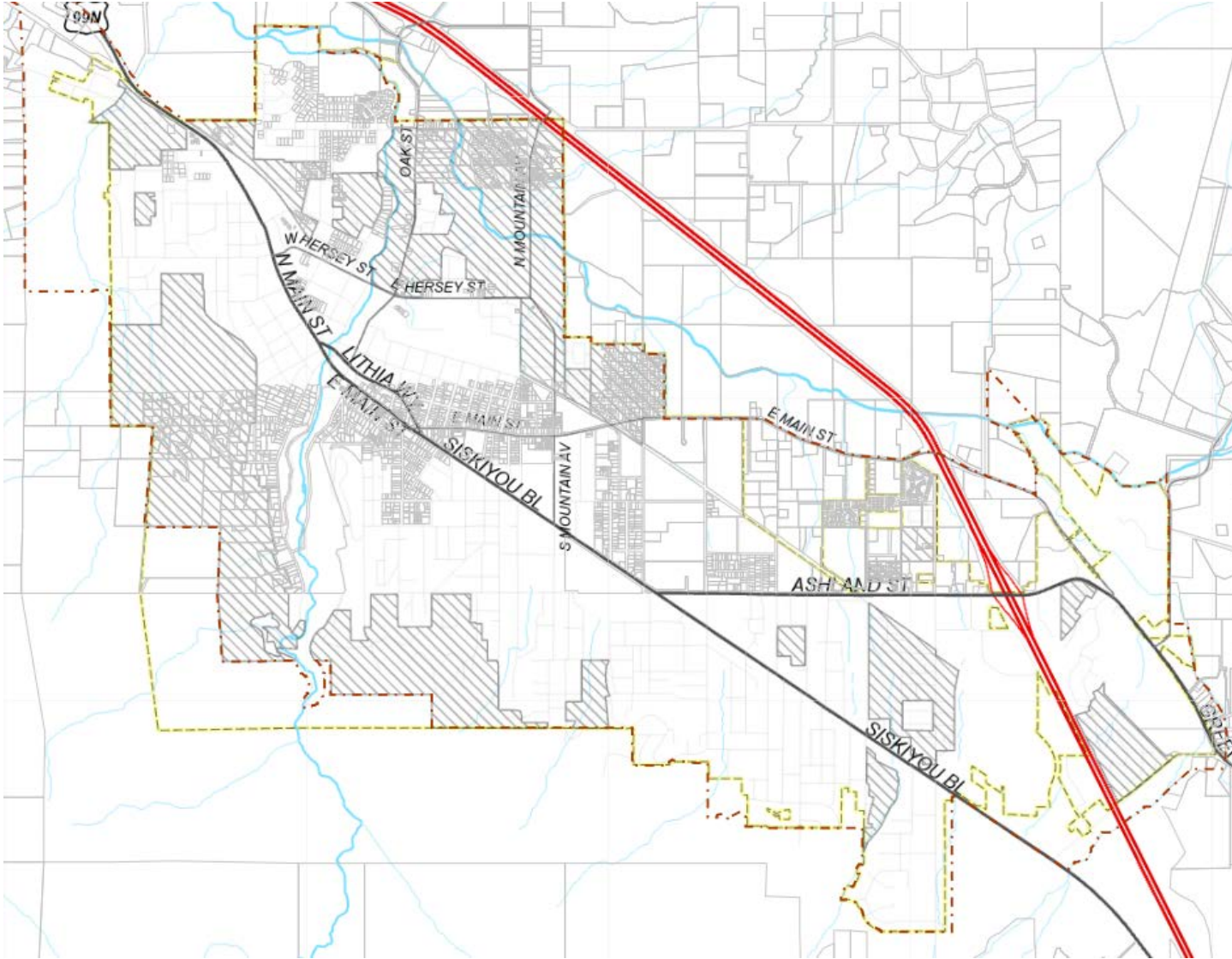


Performance Standard Option (PSO)

Performance Standards Purpose

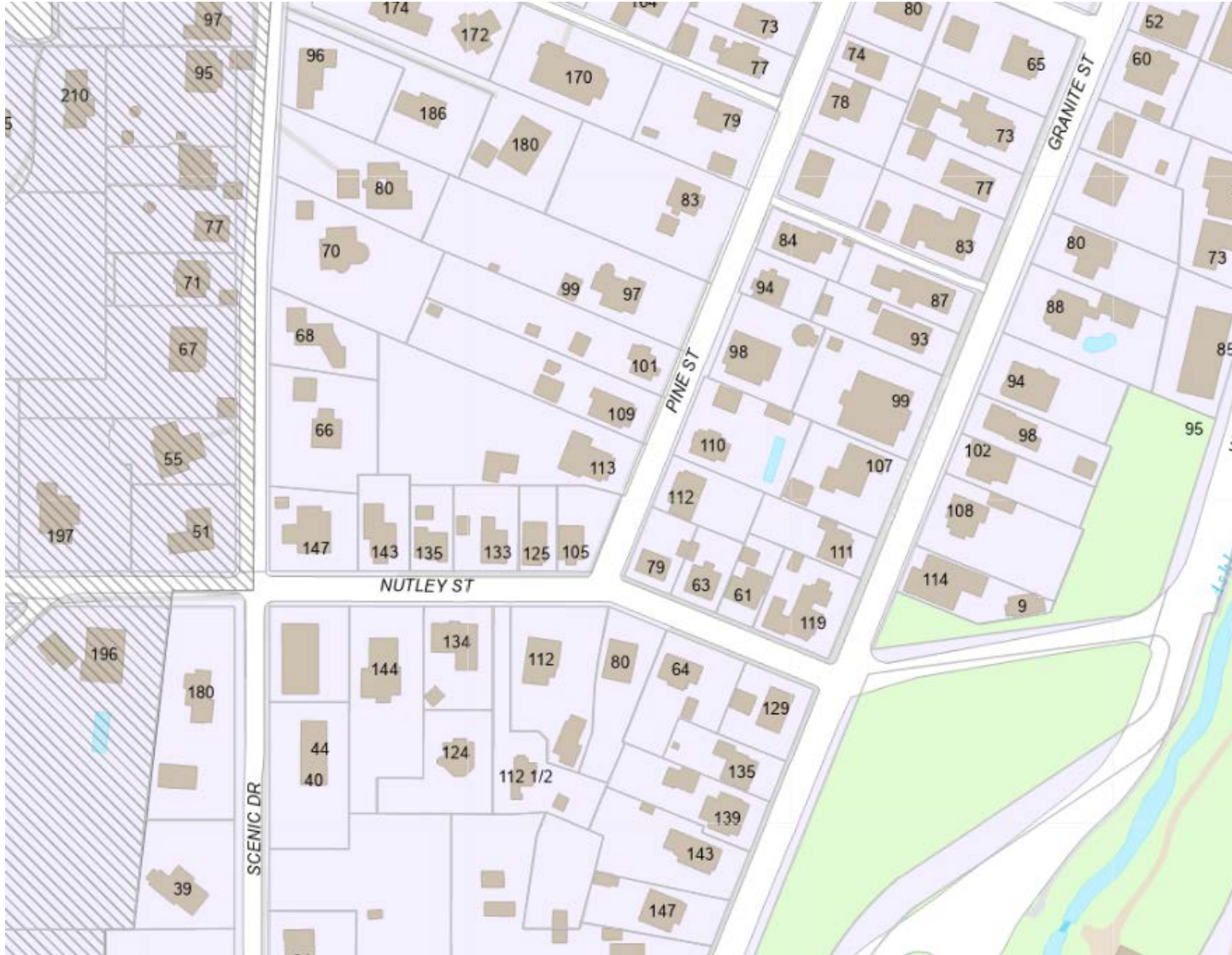
18.3.9.010

The purpose 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.



Performance Standards Use

1. The parcel is larger than two acres and is greater than 200 feet in average width.
2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.
3. The property is zoned R-2, R-3
4. The property is developed as a cottage housing development



PSO use outside the overlay

2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.

Standard Subdivision vs PSO Density

“Normal” Subdivision Standards Density

Square footage / minimum lot size for the zone = base density

Zone = R-1-7.5 lot minimum = 7500

$33,886 / 7,500 = 4.52$.

the property is eligible for a 9-unit cottage housing development – 1 cottage unit per 3,750 sq. ft.

PSO Density

Prescribed by Table 18.3.9.050.A.1.

R-1-7.5 = 3.60 dwellings / acre

$0.78 \times 3.6 = 2.8$

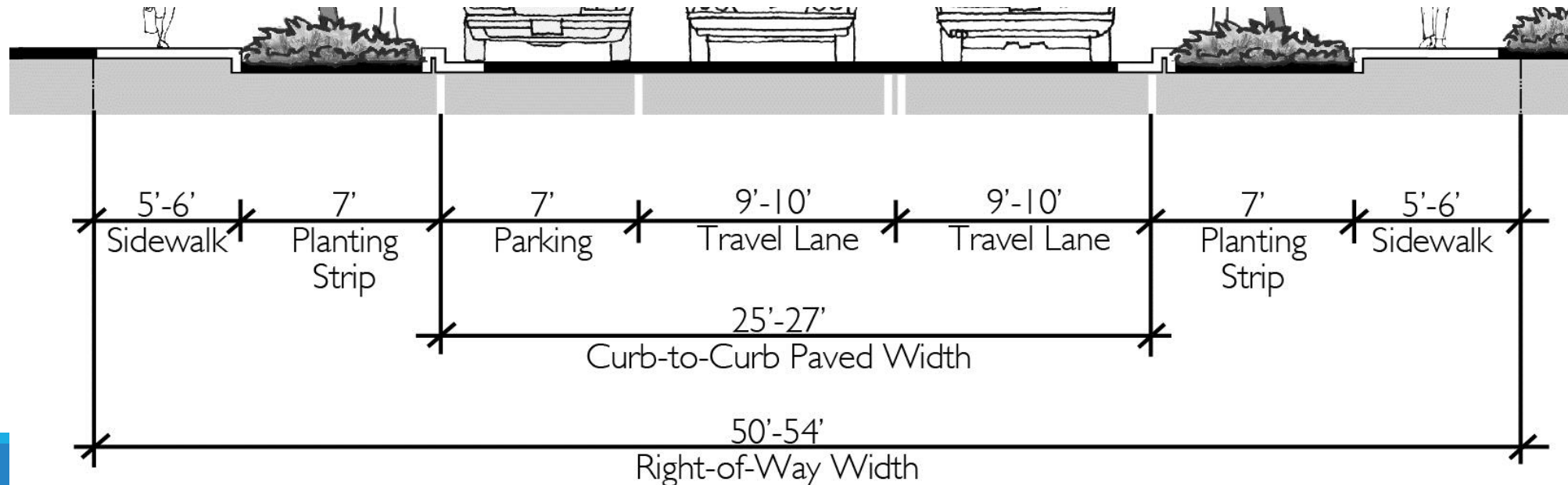
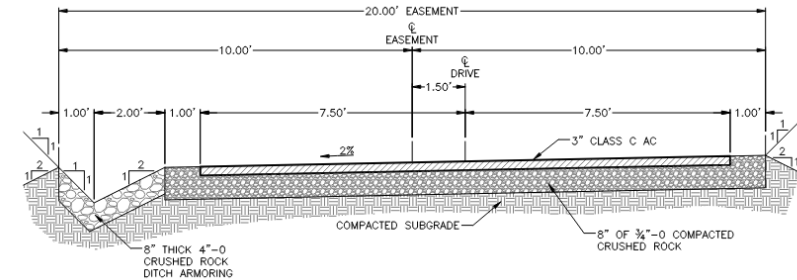
Earth Advantage Density bonus of 15%

$2.8 \times 1.15 = 3.22$

4 dwellings is the maximum density. A 4 Lots subdivision requires dedication of a public street.

Impact Difference

The impact of 4 homes is less than 3
The required roadway is much smaller



Exception to Street Standards

TO NOT INSTALL PARKROW





Wed Jul 3 2024

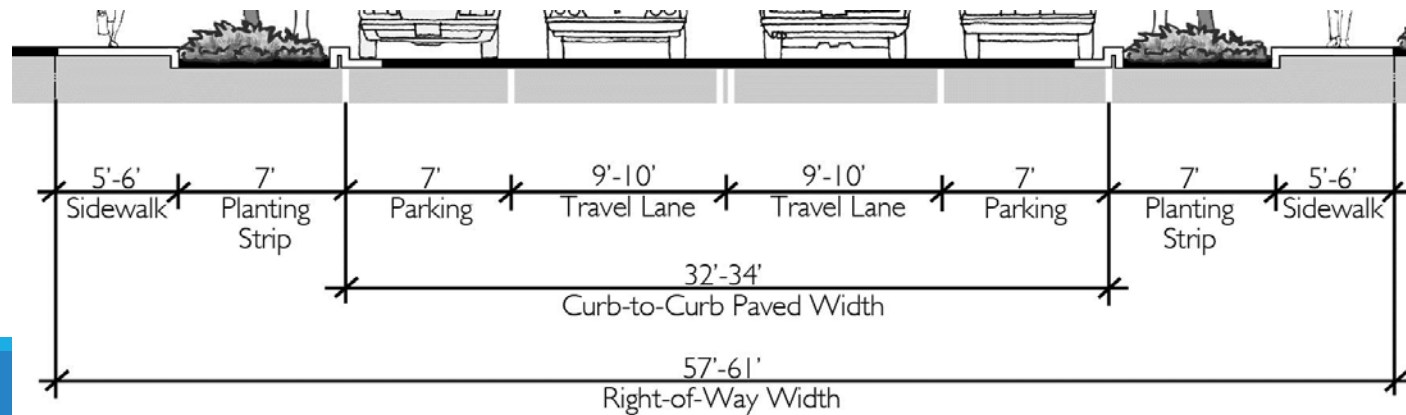
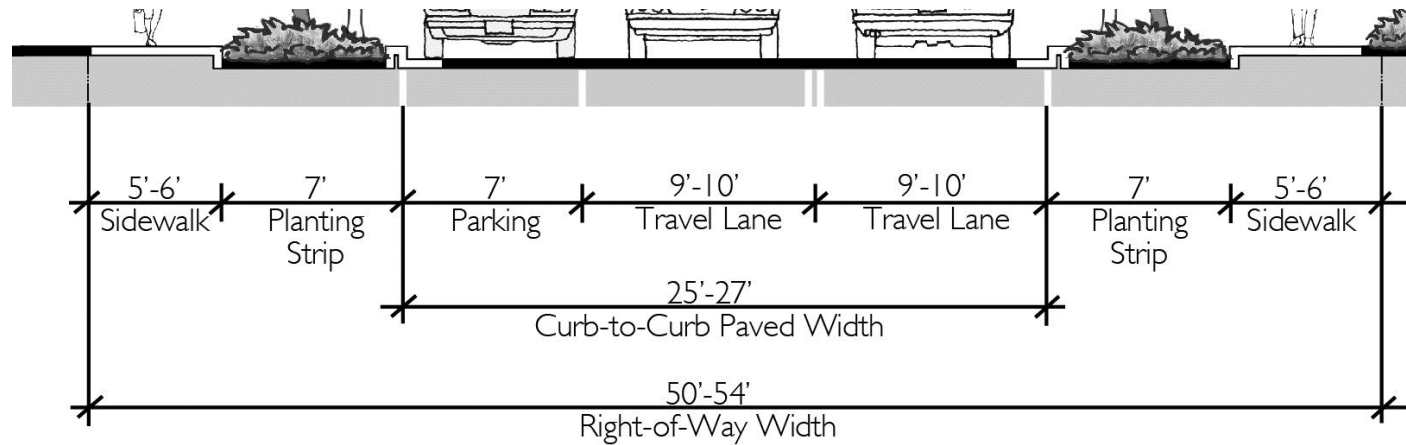
Imagery © 2024 Nearmap, HERE

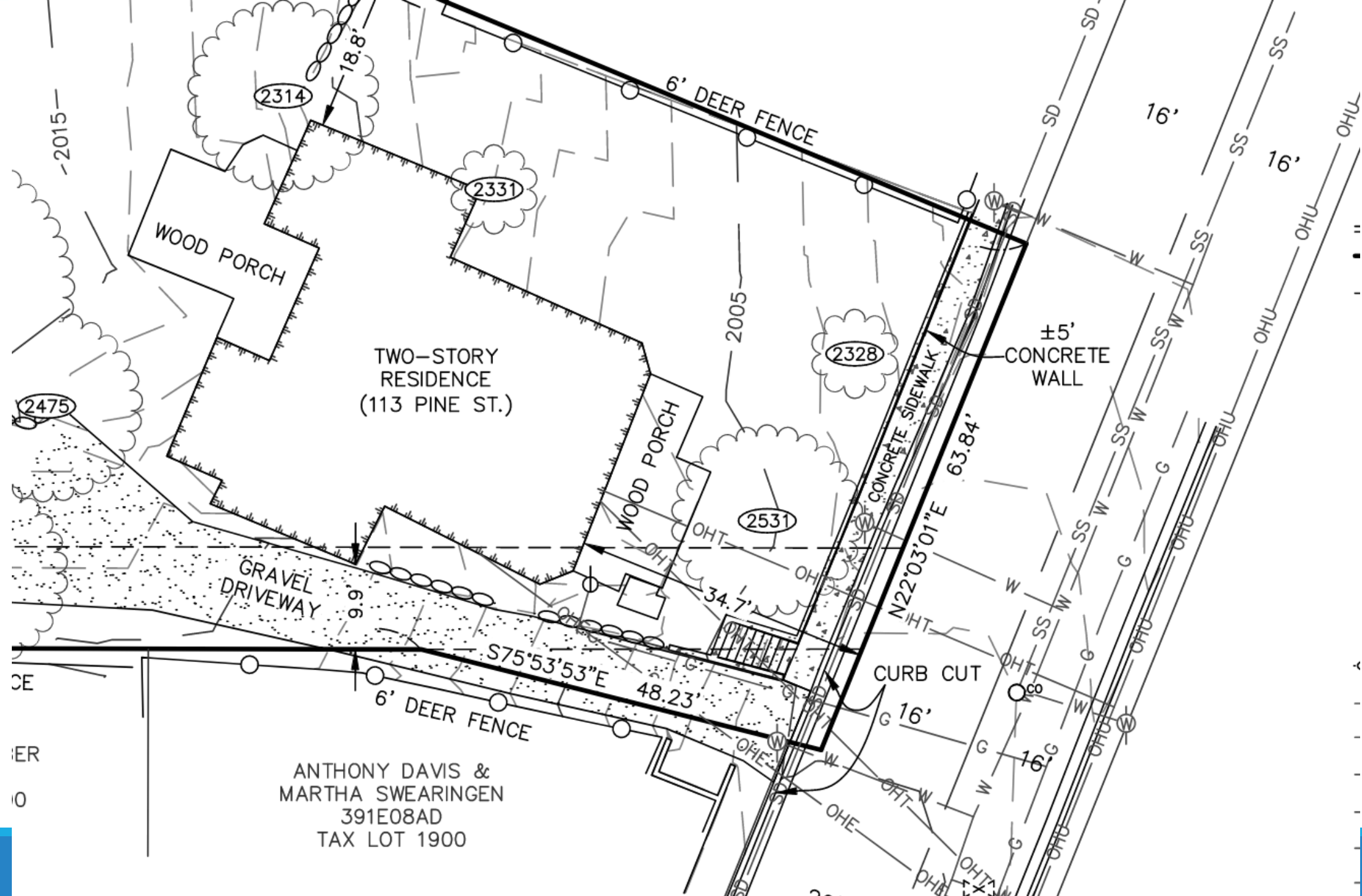
10 ft

Nearmap



Street Standards





Tree removal and protection

MODIFICATIONS TO THE ORIGINAL PROPOSAL

Significant Tree Count

The tree removal / protection plan incorrectly identified a 14" Incense Cedar as Significant. So there are actually only 5 Significant Trees on the plan.

Additionally, Tree #2365, a 18" Black Cottonwood is actually on the adjacent property, and has also since fallen over.

This leaves 4 significant trees on the subject property.

Significant Tree Count - Four

2348- 12" Walnut "poor condition"

2361- 16" California Black Oak <-Applicant has proposed to protect

2411- 14" Plum (Dead)

2462- 16" Norway Maple [healthy tree within driveway]

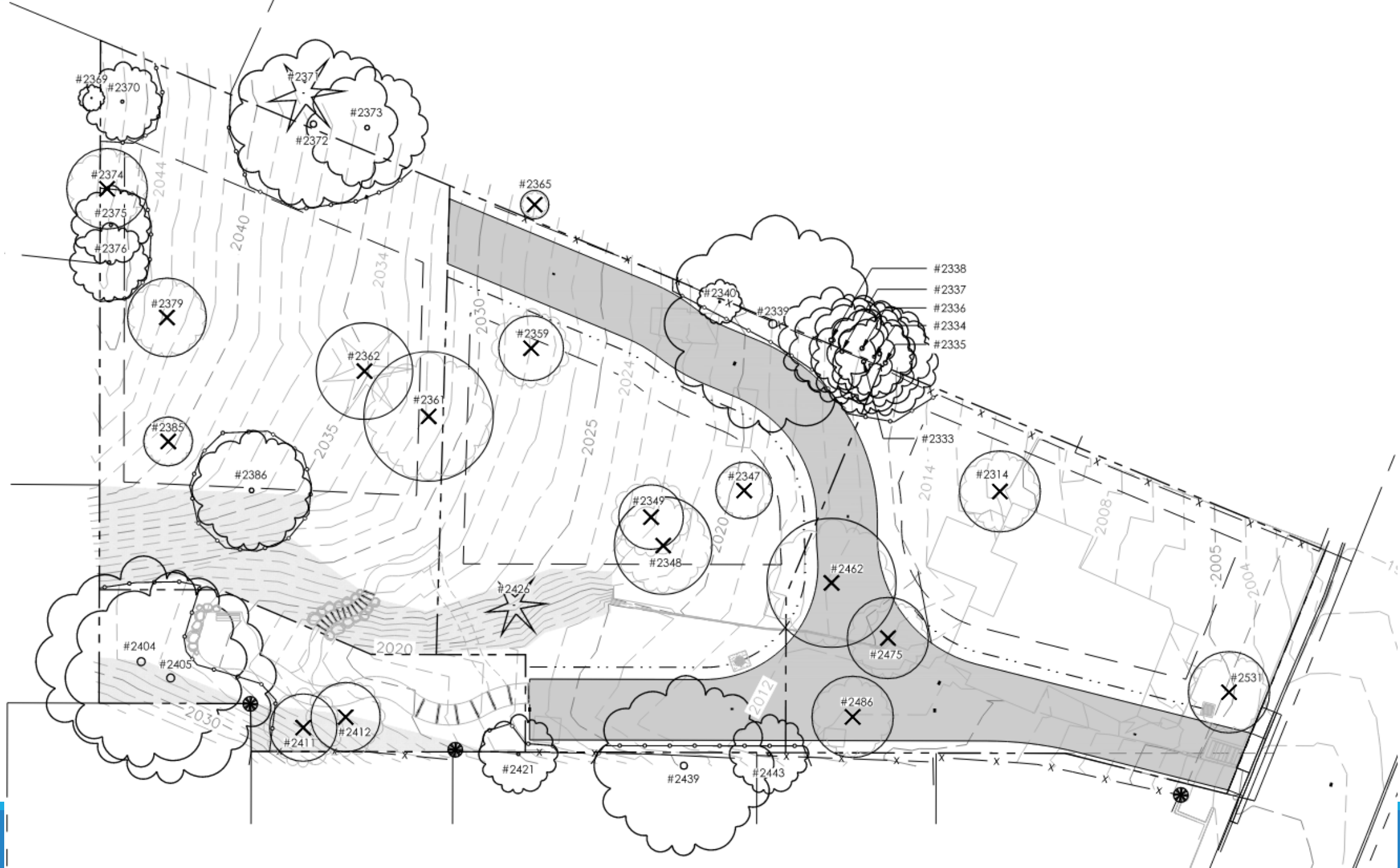
Tree MAC Review

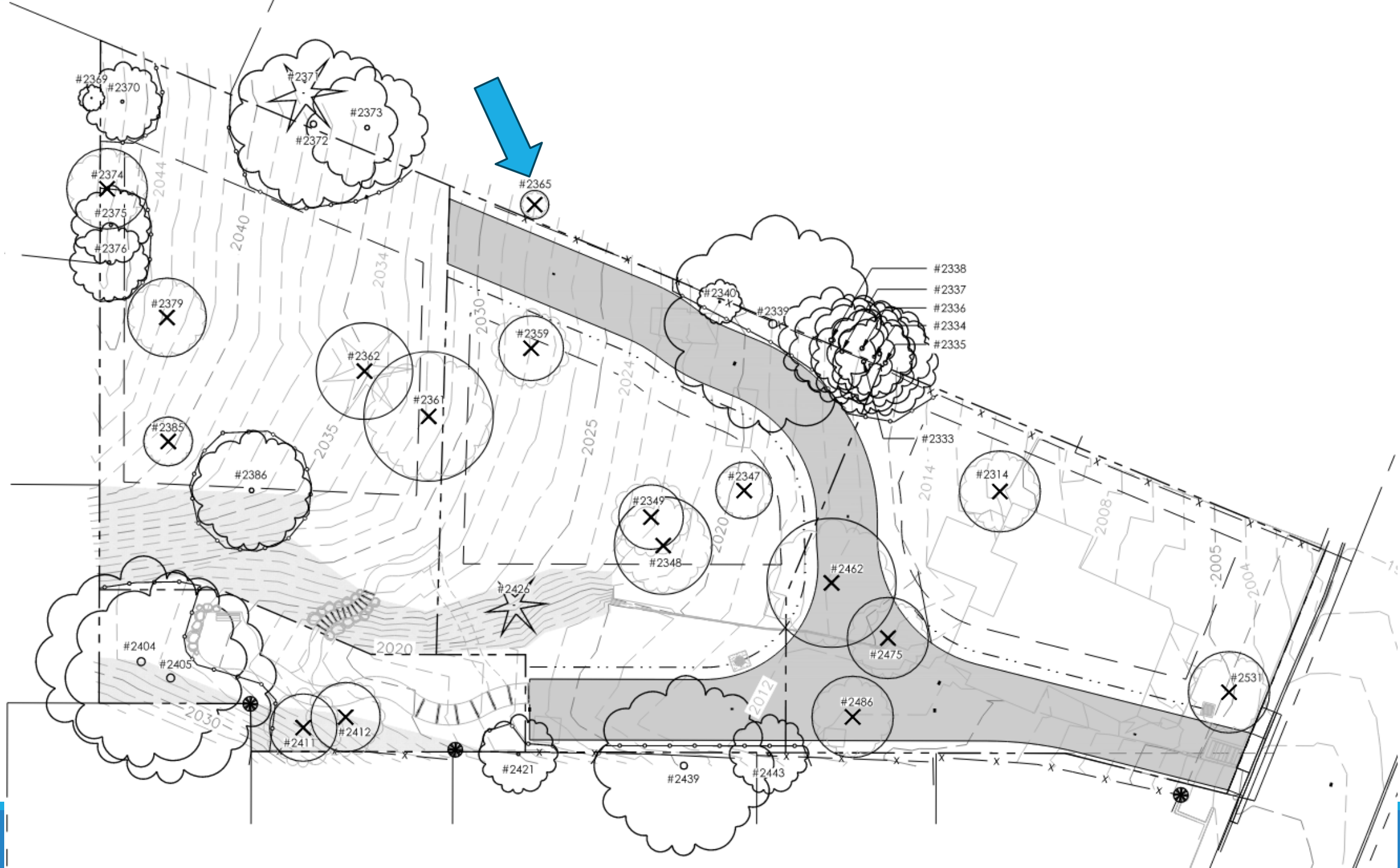
The staff report was drafted prior to the Tree MAC meeting and included a proposed condition of approval regarding lot 3.

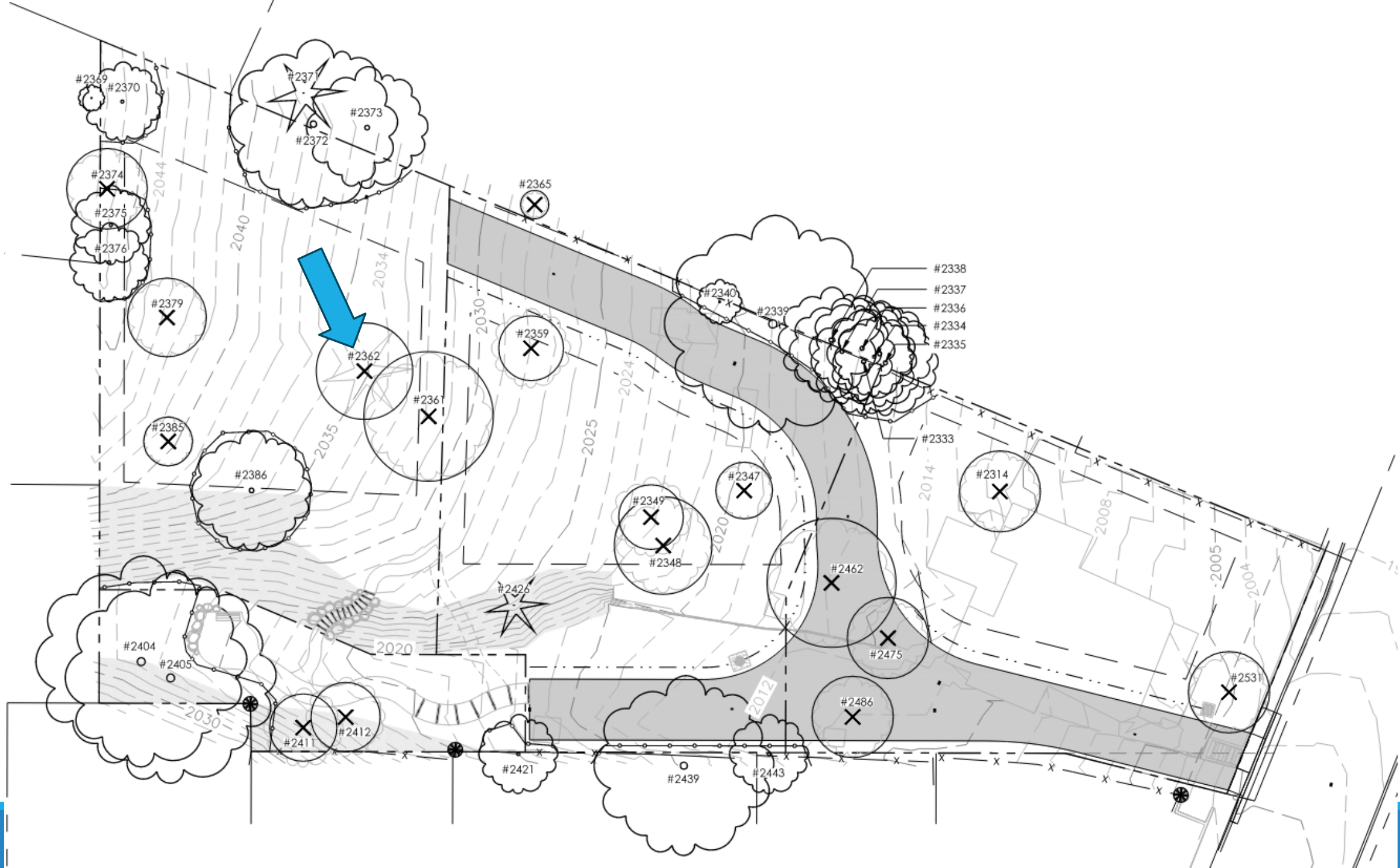
The applicant at that meeting proposed altering their application to no longer request the removal of several trees.

Trees #2361, 2385, 2379 and 2374.

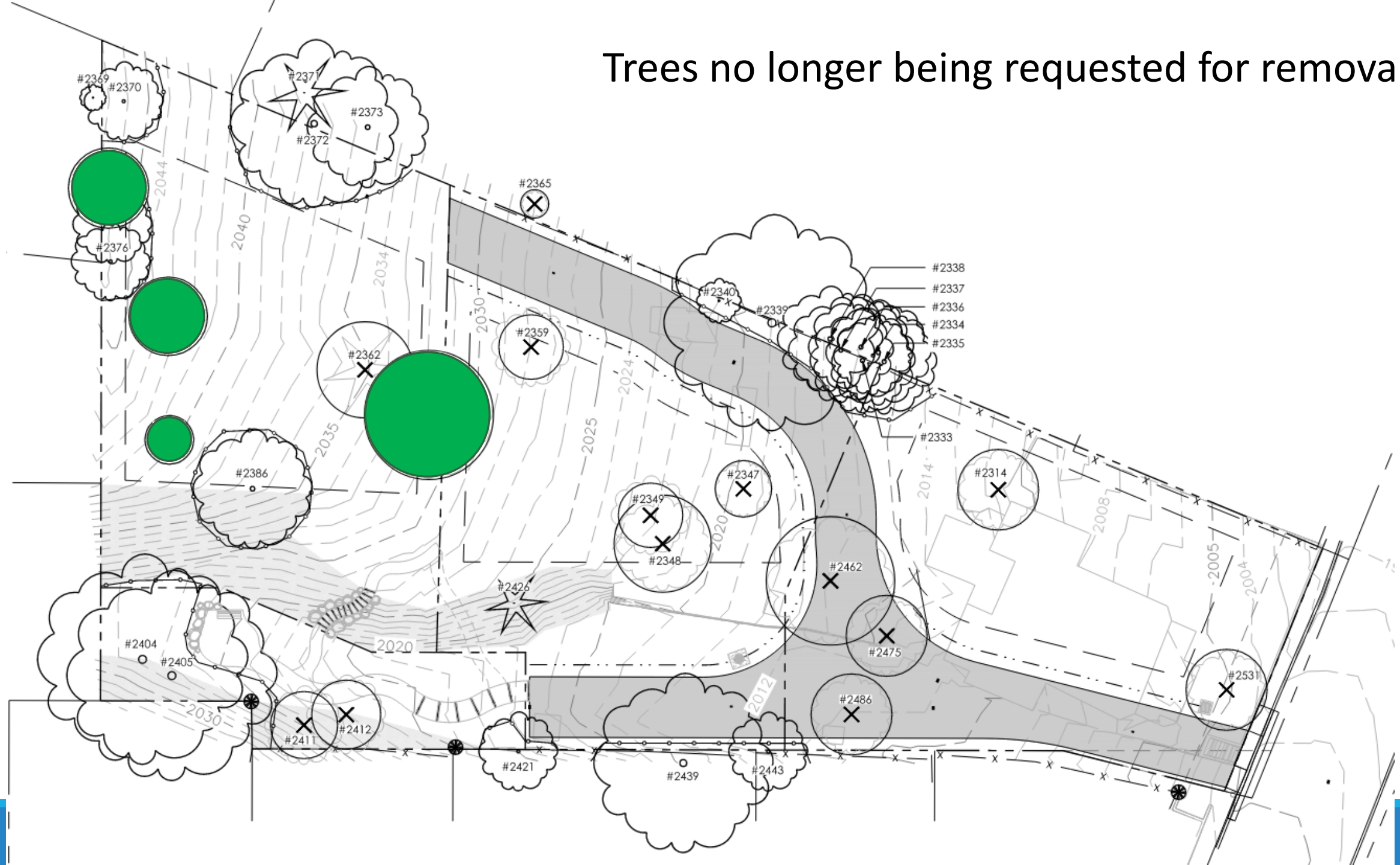
With these changes there are 3 significant trees proposed for removal (as opposed to the original 5), and 13 trees below the regulatory threshold.



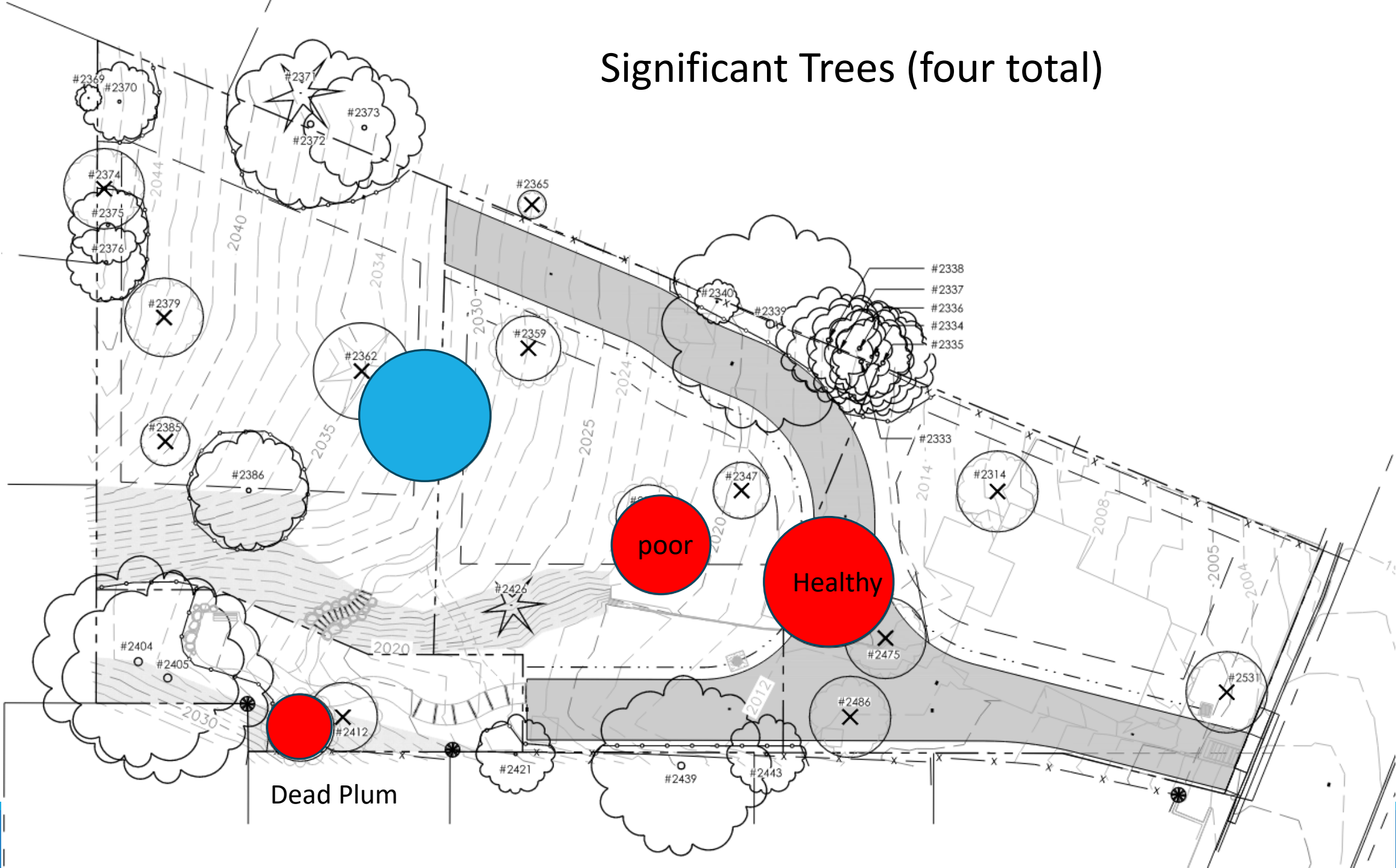


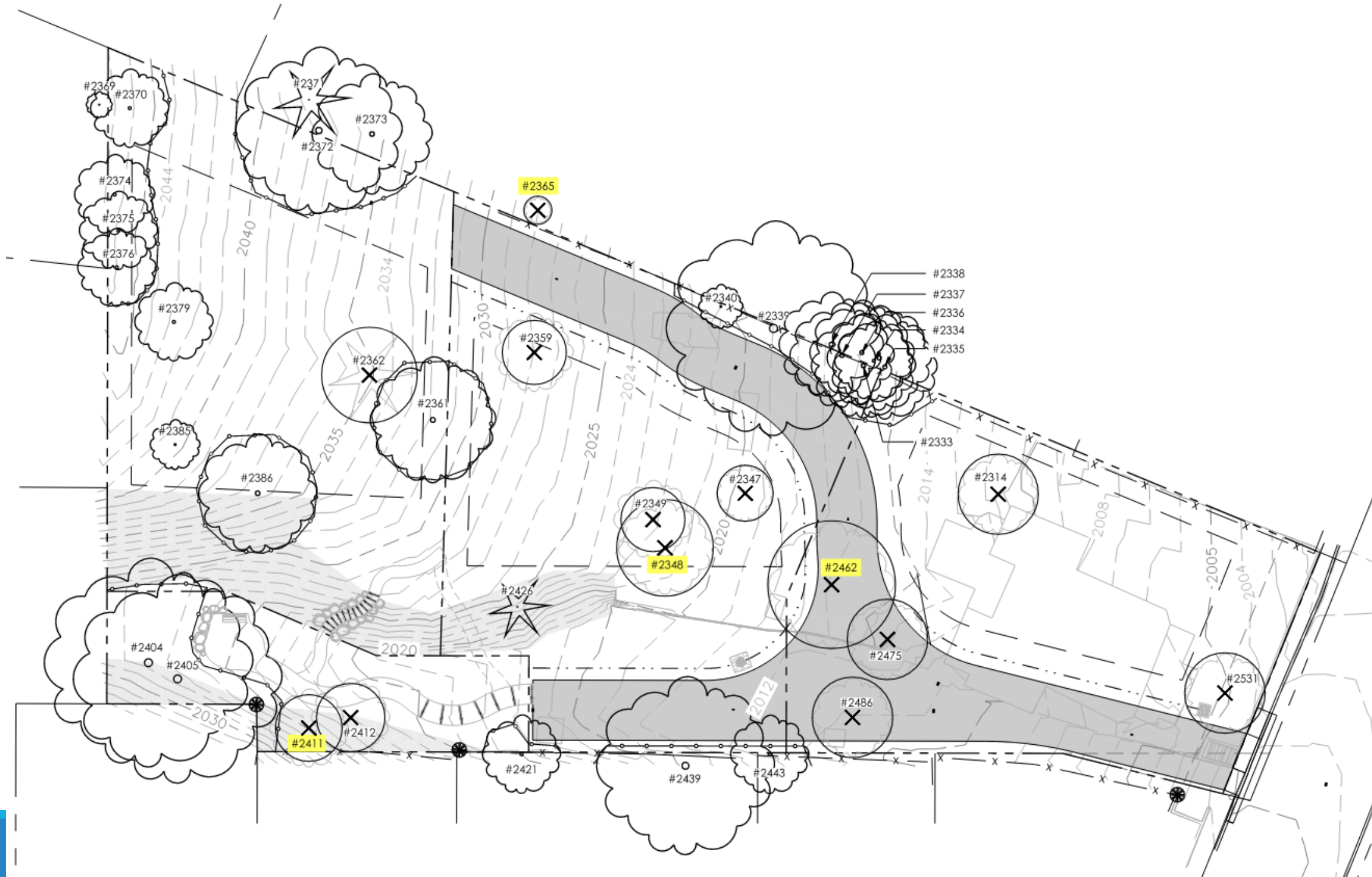


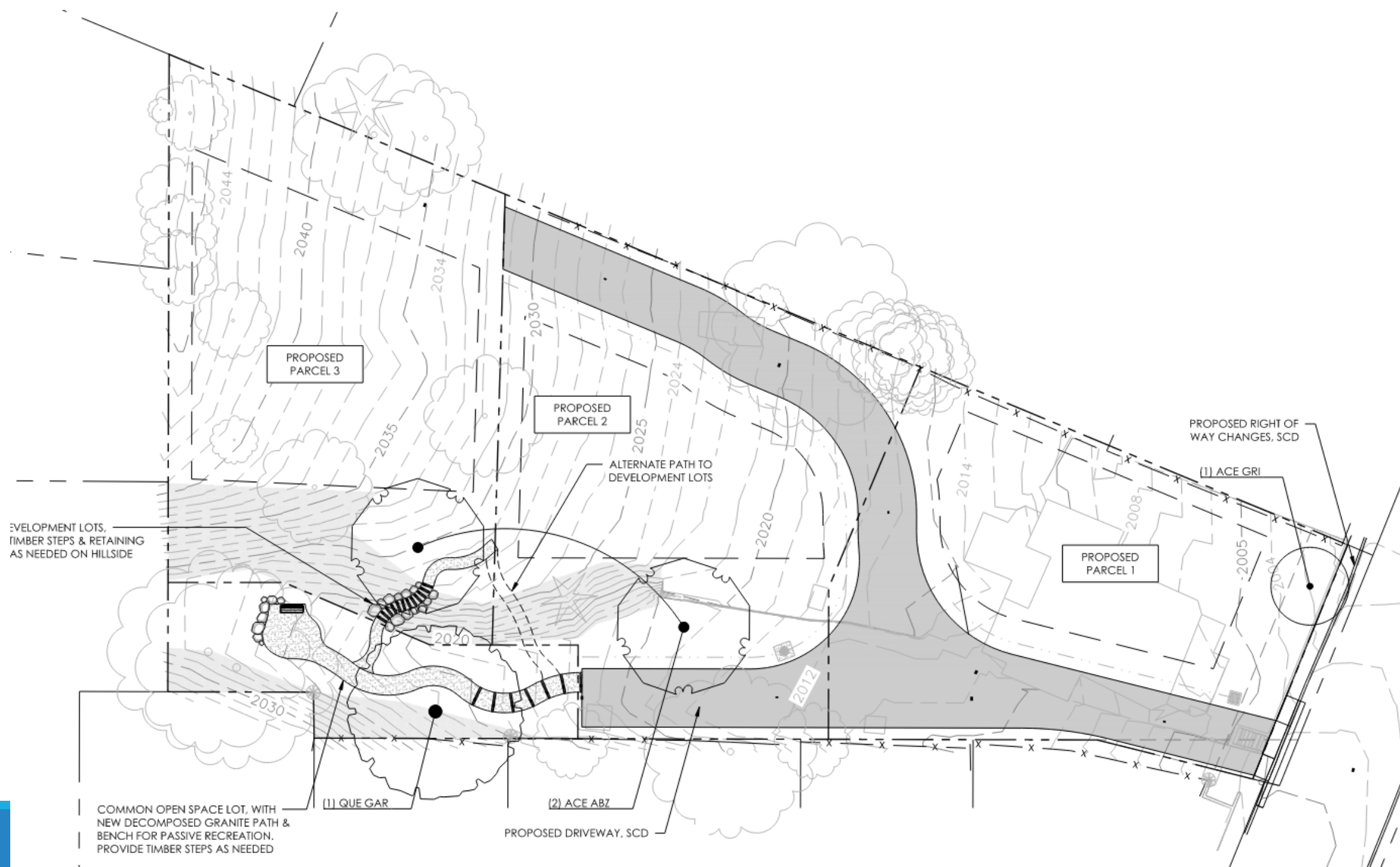
Trees no longer being requested for removal



Significant Trees (four total)







Approval Criteria

OUTLINE & FINAL PLAN, EXCEPTION TO STREET STANDARDS,
NON-HAZARD TREE REMOVAL

Approval Criteria

Outline Plan

- A. the development meets all applicable ordinance requirements of the city.
- B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
- C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
- D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.
- E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- F. the proposed density meets the base and bonus density standards established under this chapter.
- G. the development complies with the street standards.
- H. the proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the city of Ashland.

Approval Criteria

Final Plan

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.
- c. The common open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the street standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.

Approval Criteria

Exception to street standards

1. Exception to the Street Design Standards. The approval authority may approve exceptions to the street design standards in section 18.4.6.040 if the circumstances in either subsection B.1.a or b, below, 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; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or
 - b. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purposes, intent, and background of the street design standards in subsection 18.4.6.040.A.

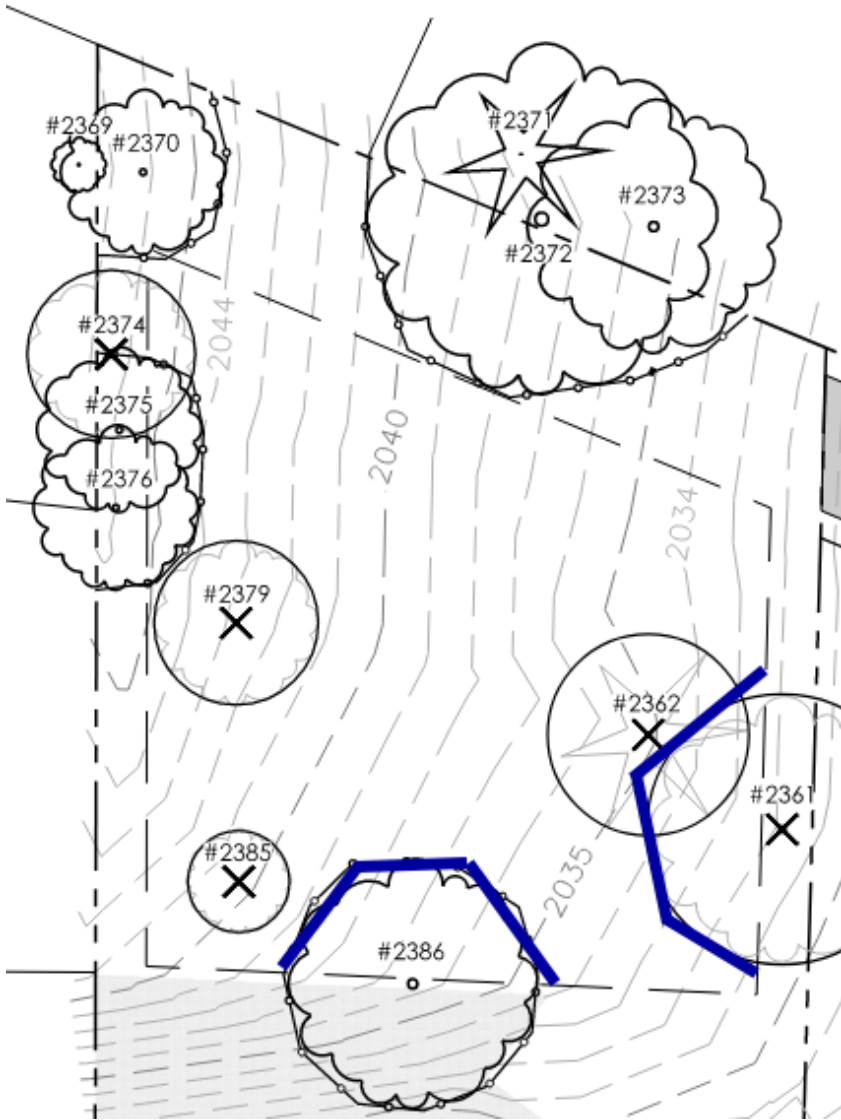
Approval Criteria

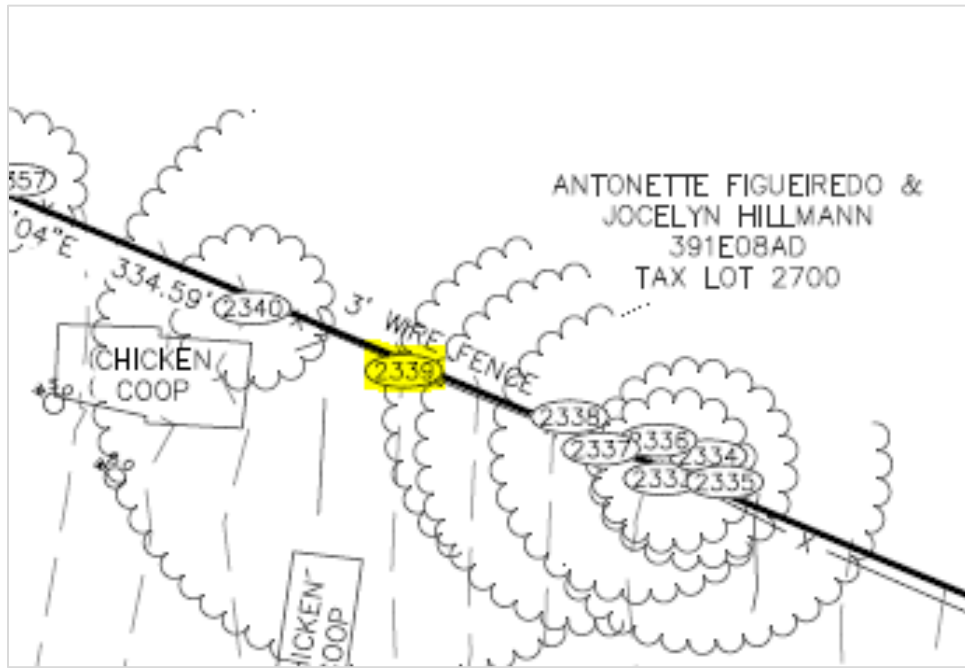
Tree Removal

- a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.
- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

Revised Condition of Approvals – Condition #2

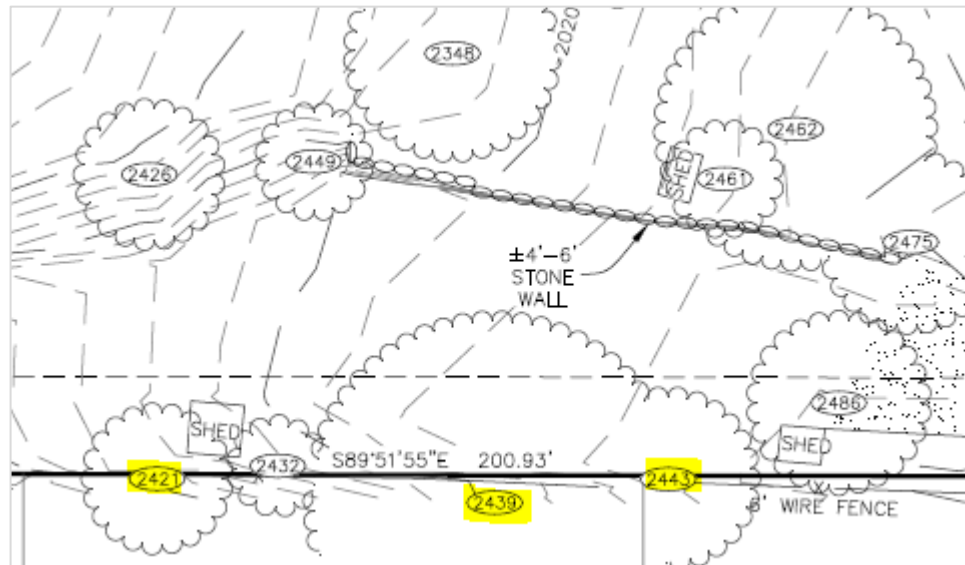
“That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15” Walnut) and #2361 (16” Oak) and that the revised plan be submitted prior to any site work.”





Revised Condition of Approvals – Condition #4

That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees tree die within a two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner”





Questions?

Requests to Continue or Leave The Record Open

Pursuant to ORS 197.797.6.a-e

Preferred Approach

Close the public hearing, but leave the record open until:

Tues. 9/17, 4:30 pm

*New Evidence/Argument
From Parties*

Tues. 9/24, 4:30 pm

*Rebuttal of
New Evidence/Argument
From Parties*

Tues. 10/1, 4:30 pm

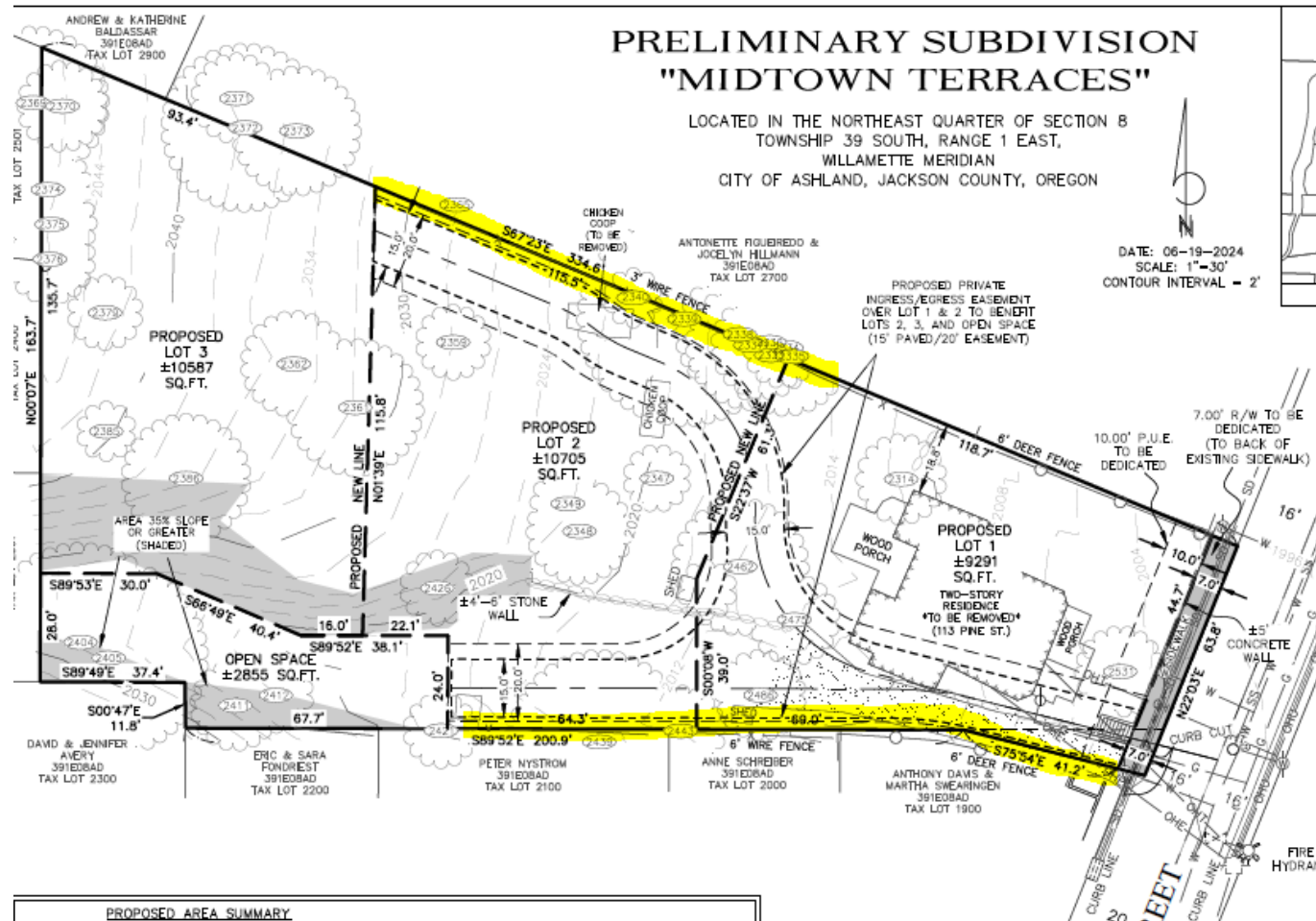
*Final Legal Arguments
(No New Evidence)
from Applicant*

Tues. 10/8 7:00 pm

*PC Deliberations at
Next Regular Meeting*

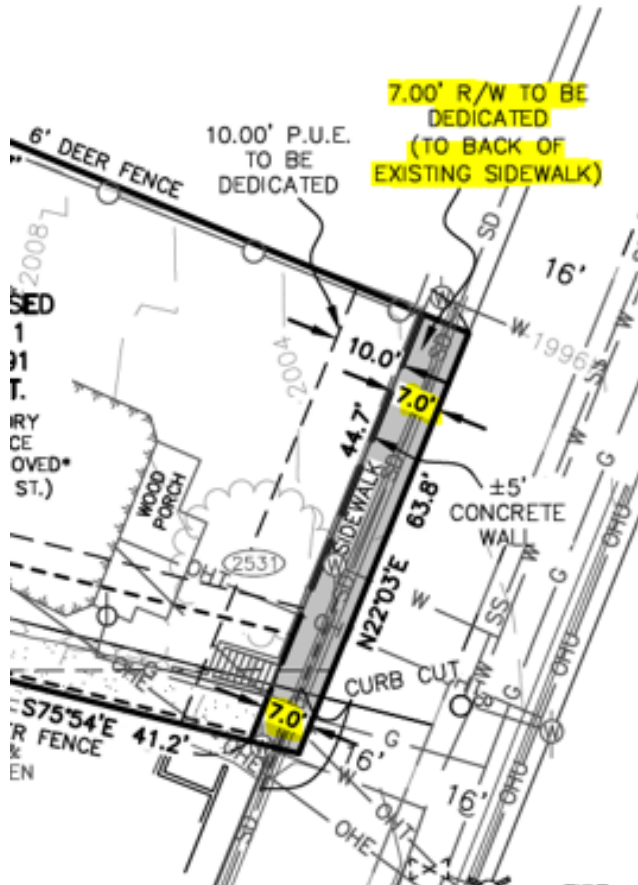


Potential additional conditions for Planning Commission consideration

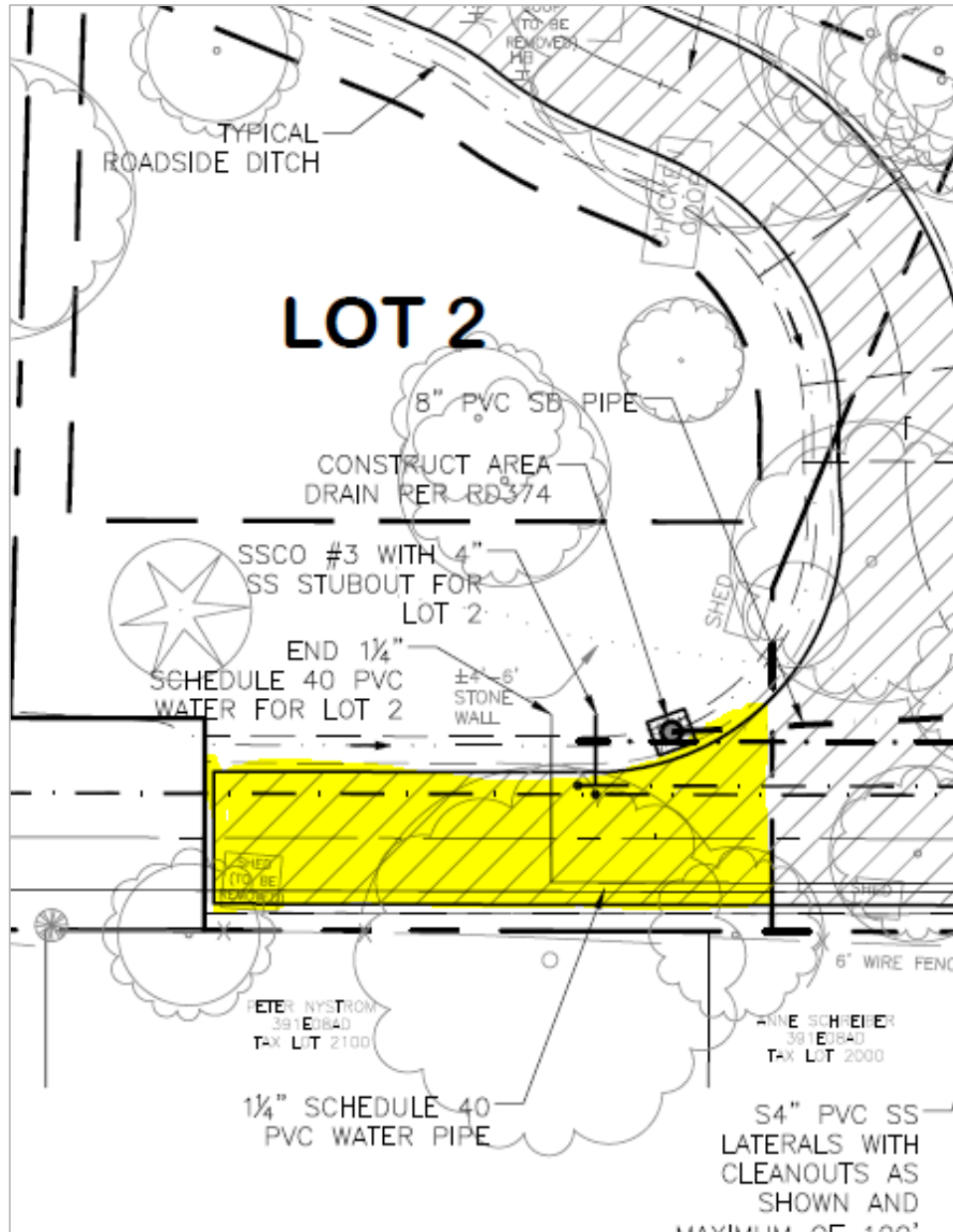


“That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required.”

Potential additional conditions for Planning Commission consideration



“That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way.”



Potential additional conditions for Planning Commission consideration

“That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.

Potential conditions from Planning Commission

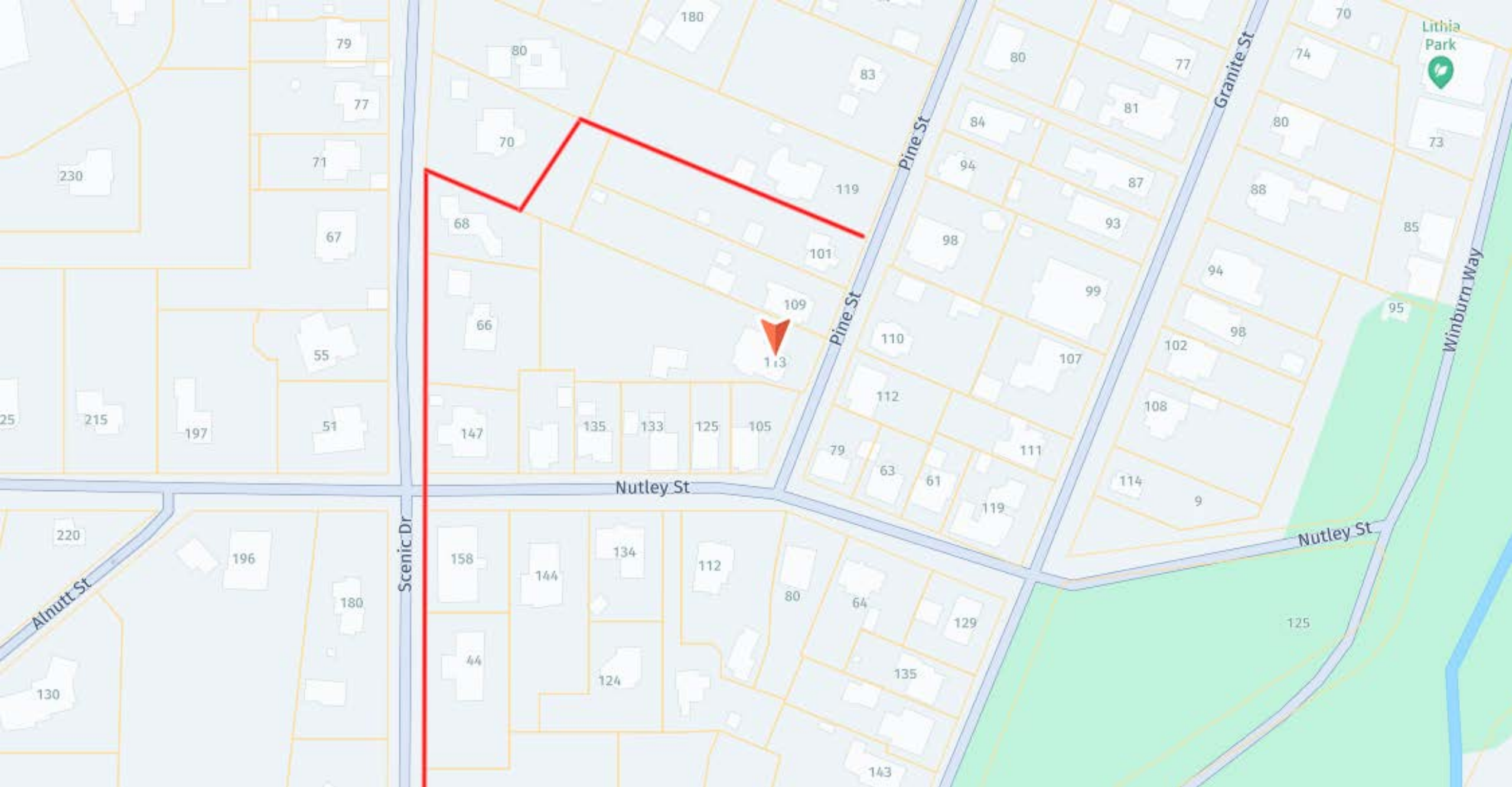
Should the Commission request the elimination of the proposed Common Open Space in favor of a conservation easement, the following condition shall apply:

“That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes.”

Potential conditions from Planning Commission

Should the Commission request the previous condition be applied the staff recommends the addition of a maintenance agreement in lieu of the HOA regulations. To wit:

“That a private maintenance agreement be created to ensure continued maintenance of the private drive and all storm drain infrastructure in equal parts.”



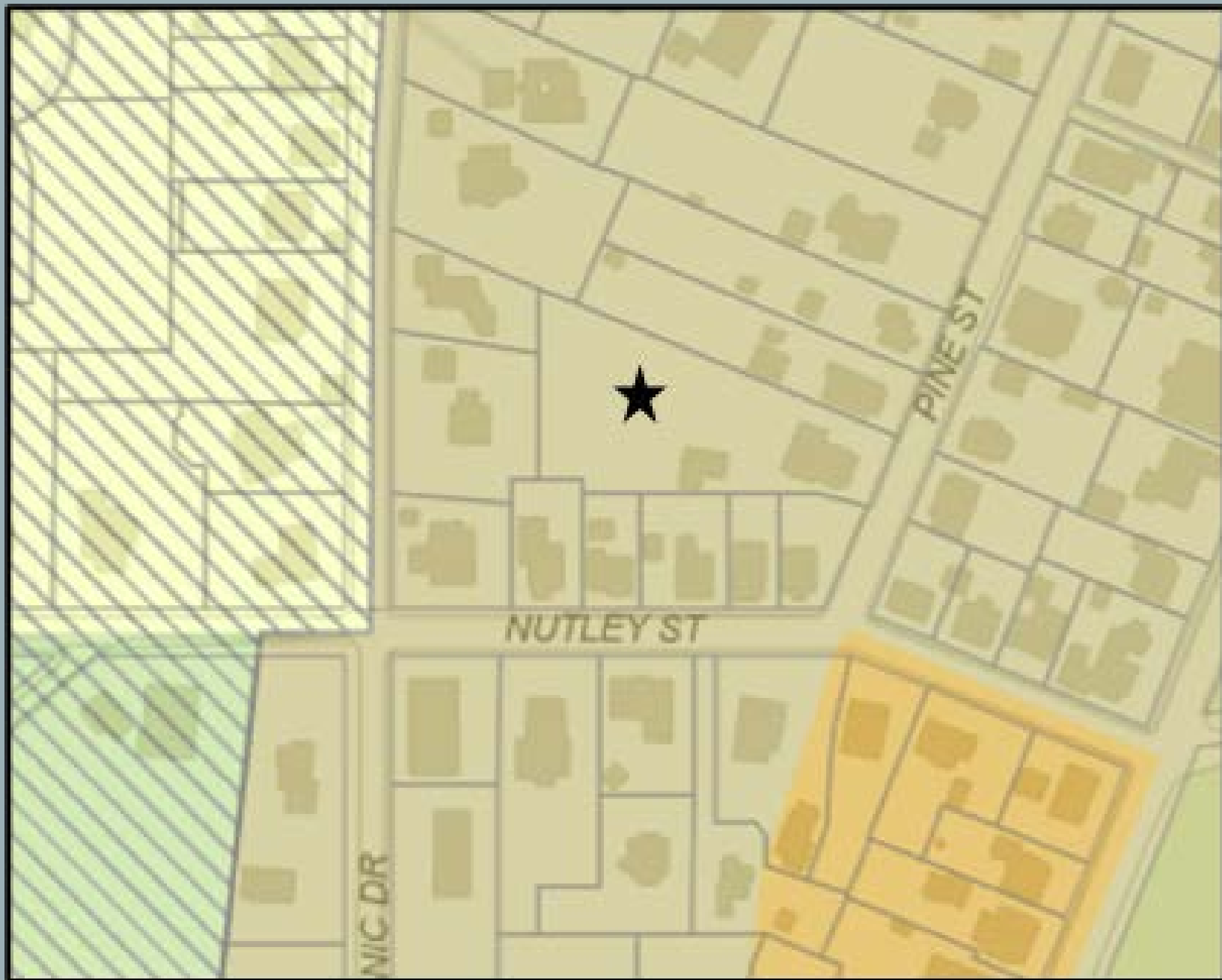
REQUEST FOR OUTLINE AND
FINAL PLAN APPROVAL FOR A PERFORMANCE STANDARDS SUBDIVISION
EXCEPTION REQUEST FOR STREET STANDARDS AND TREE REMOVAL
PERMIT

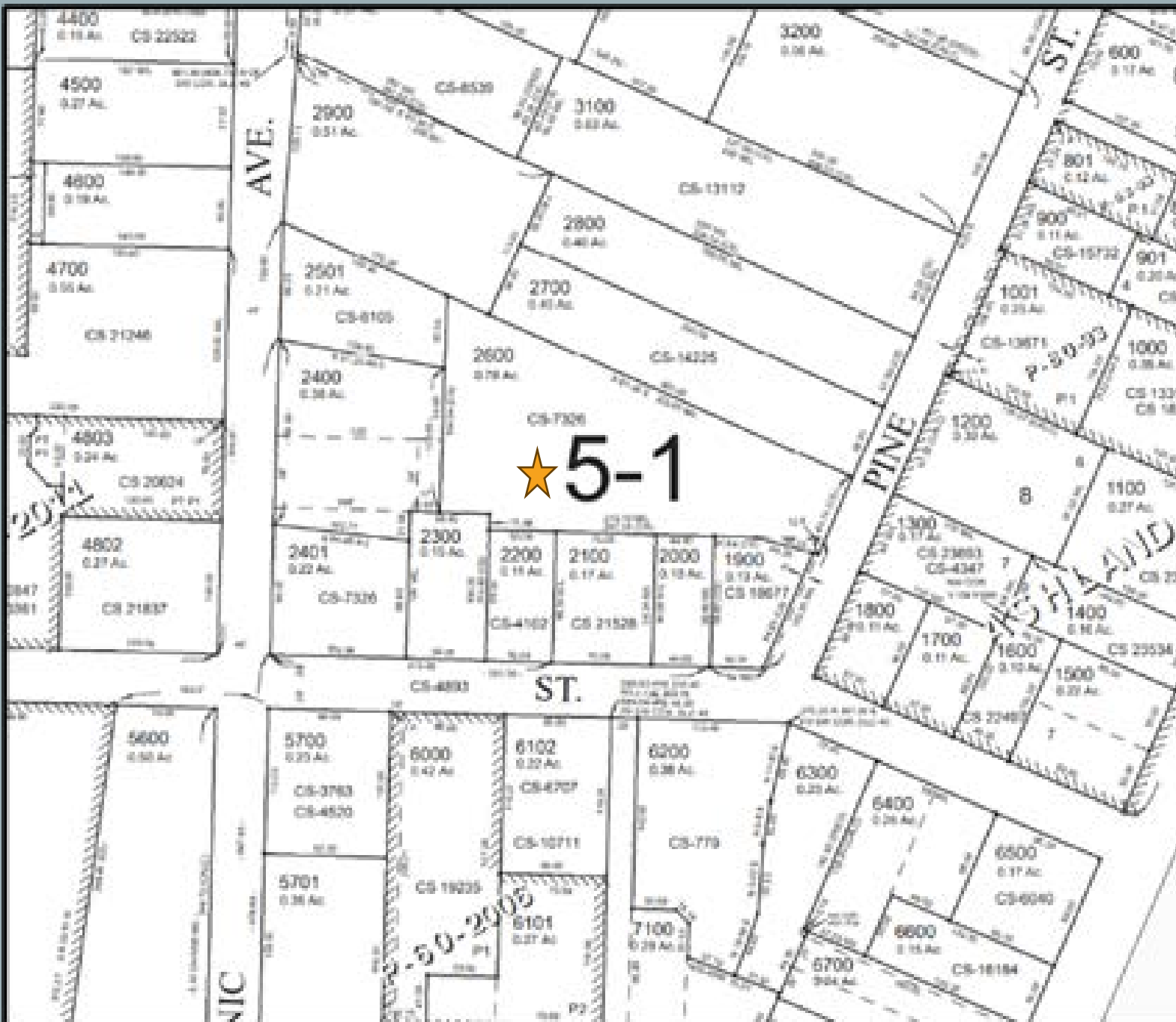


Image © 2024 Airbus

Google Earth

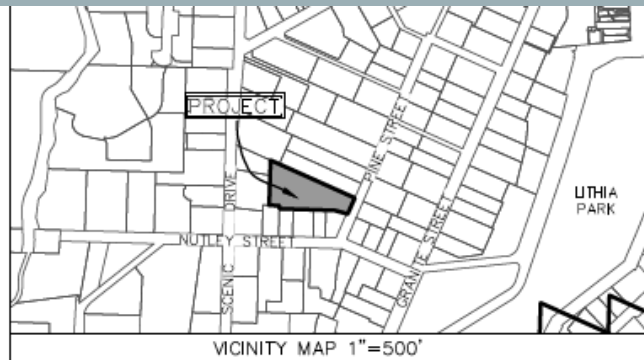
Imagery 02/24/2024 42°42'42.64"N 122°43'12.29"W elev. 0 ft. 130 ft





LOCATED IN THE NORTHEAST QUARTER OF SECTION 8
TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

DATE: 06-19-2024
SCALE: 1"=30'
CONTOUR INTERVAL = 2'



APPLICANT/OWNER: SUNCREST HOMES
PO BOX 1313
TALENT, OREGON 97540
(541) 535-8641

AGENT: AMY GUNTER
ROGUE PLANNING AND
DEVELOPMENT SERVICES, LLC.
1424 SOUTH IVY STREET
MEDFORD, OREGON 97501
(541) 951-4020

LAND SURVEYOR: PHILIP J. DROSSOS
TERRASURVEY, INC.
270 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474

SITE: 113 PINE STREET
ASHLAND, OREGON 97520
MAP NO. 39 1E 08 AD
TAX LOT NO. 2600

ZONING: R-1-7.5
(WILDFIRE LANDS OVERLAY)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2016
PHILIP J. DROSSOS
No. 90718

Renewal 12-31-25

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

270 FOURTH STREET
ASHLAND, OREGON 97520

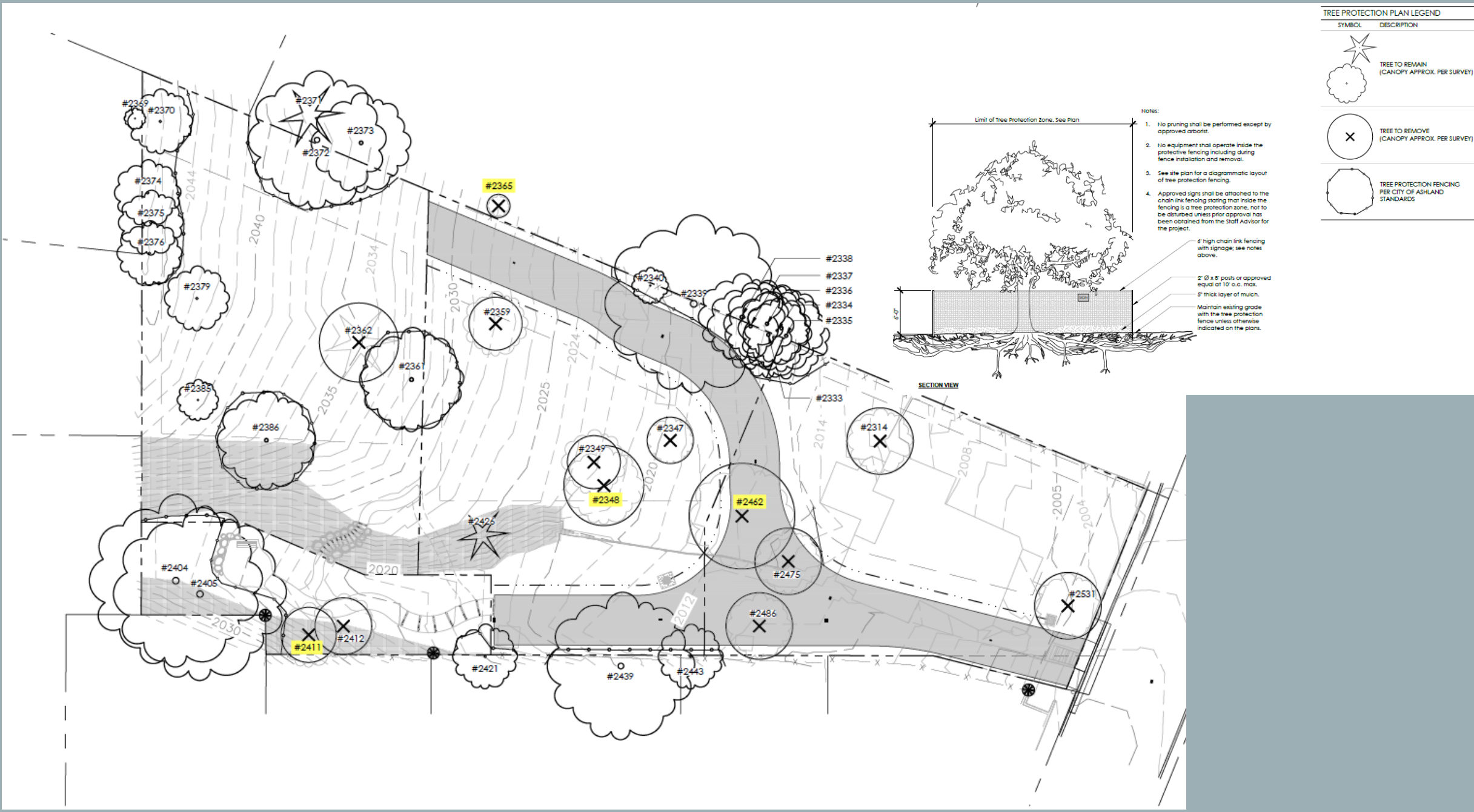
(541) 482-6474

JOB NO. 1162-18

<u>PROPOSED AREA SUMMARY</u>			
PARENT PARCEL	33886 SQ.FT.	PROPOSED LOT 2	10705± SQ.FT.
PROPOSED R/W DEDICATION	450 SQ.FT.	PARCEL 2 AREA OVER 35%	603± SQ.FT.
PROPOSED LOT 1	9291± SQ.FT.	LOT 2 REMAINING	10102± SQ.FT.
RESIDENCE	1707± SQ.FT.	PROPOSED LOT 3	10587± SQ.FT.
CONCRETE SURFACES	100± SQ.FT.	LOT 3 AREA OVER 35%	1733± SQ.FT.
LOT 1 REMAINING	7484± SQ.FT.	LOT 3 REMAINING	8854± SQ.FT.
		OPEN SPACE	2855± SQ.FT.

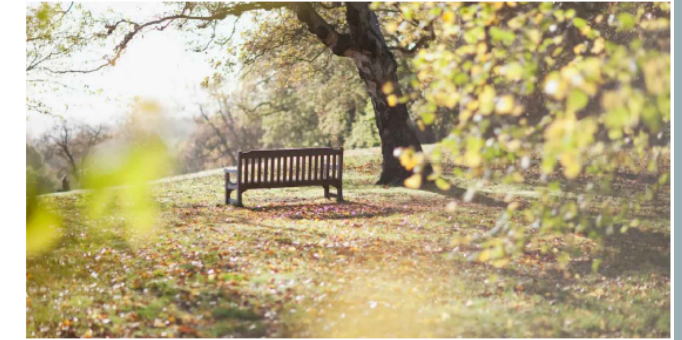
ASSESSOR'S MAP NO. 39 1E 08 AD. TAX LOT 2600

NUTLEY STREET



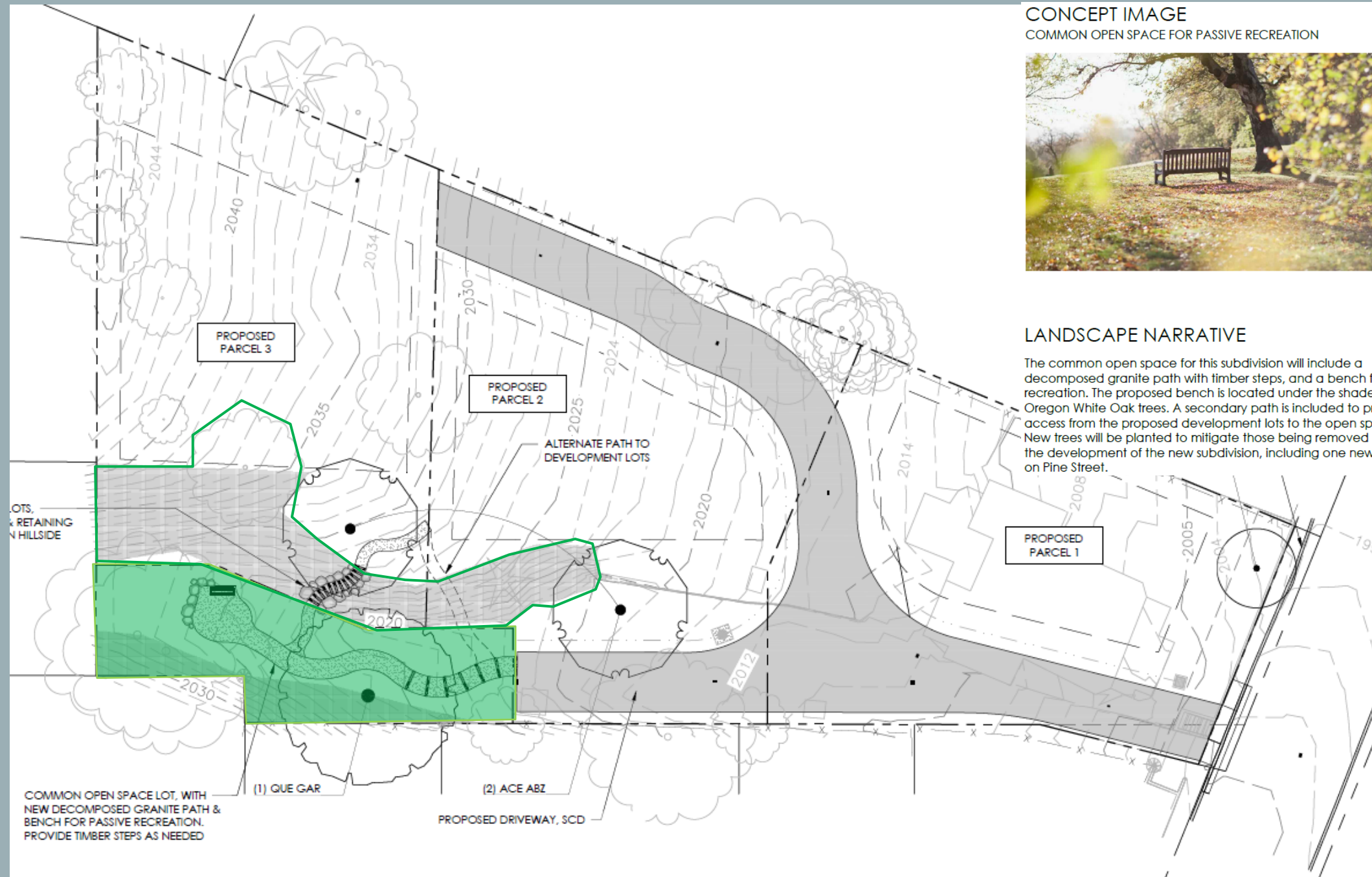
CONCEPT IMAGE

COMMON OPEN SPACE FOR PASSIVE RECREATION

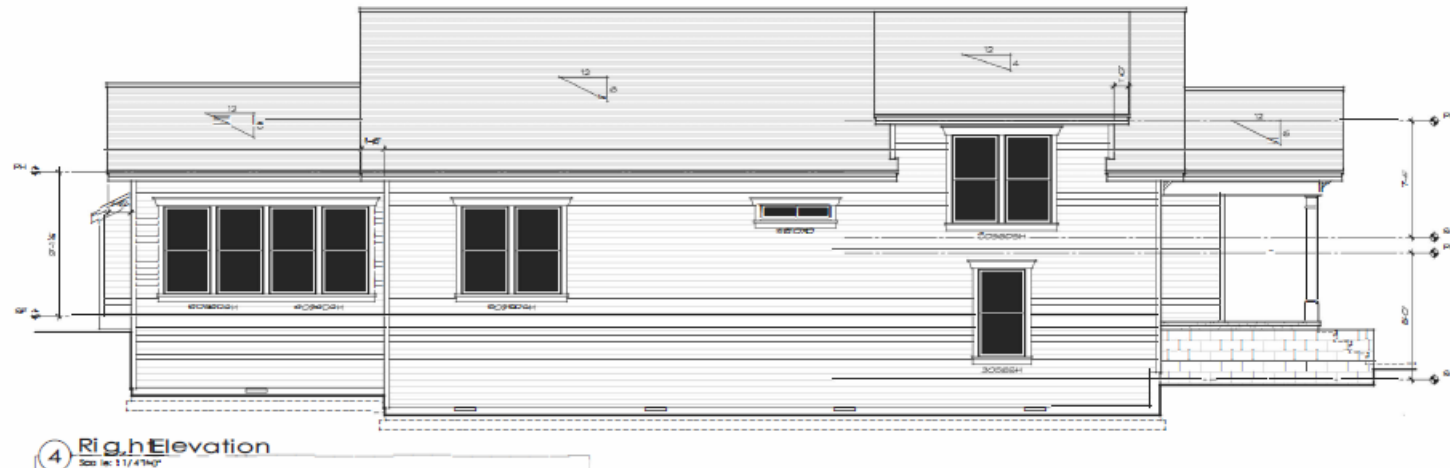
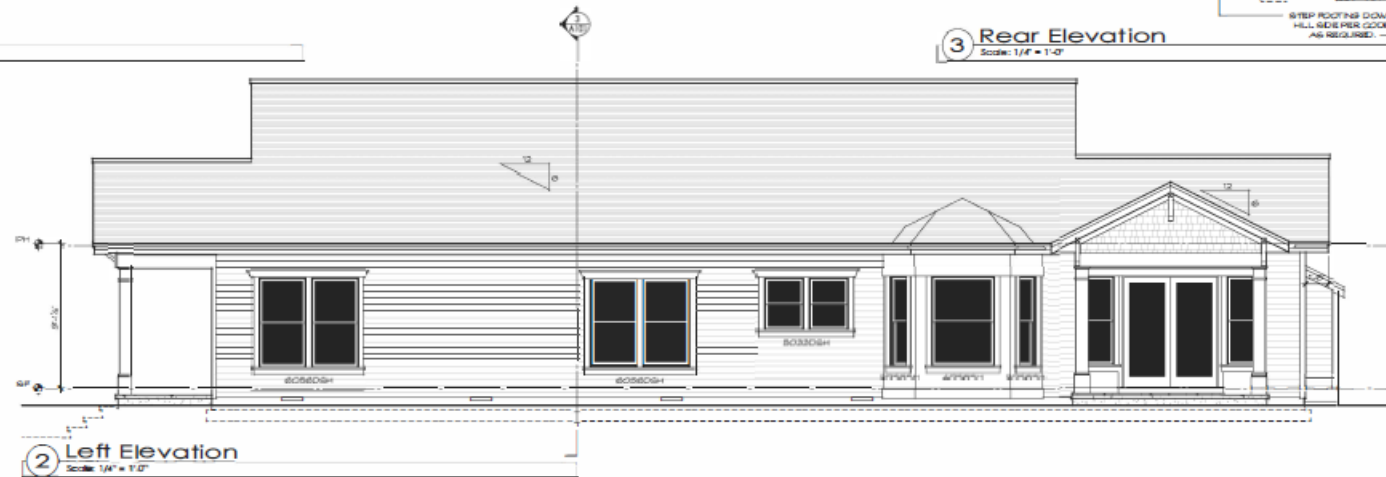
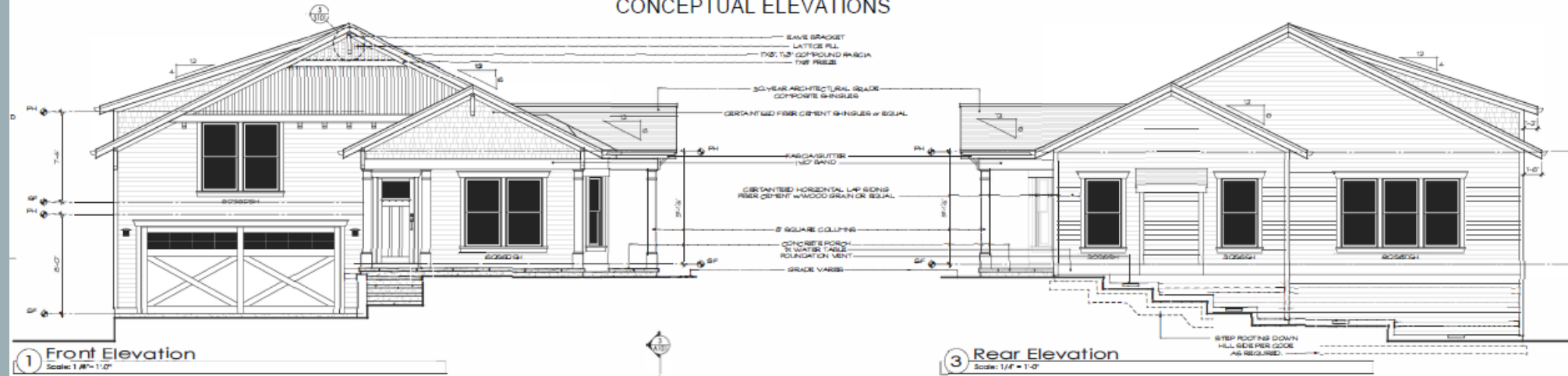


LANDSCAPE NARRATIVE

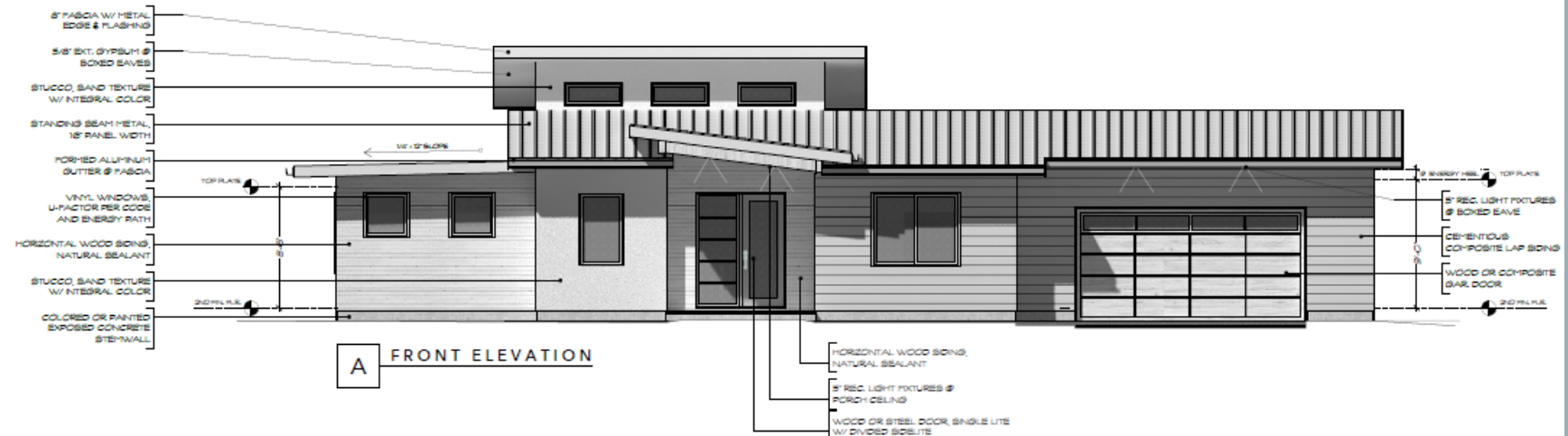
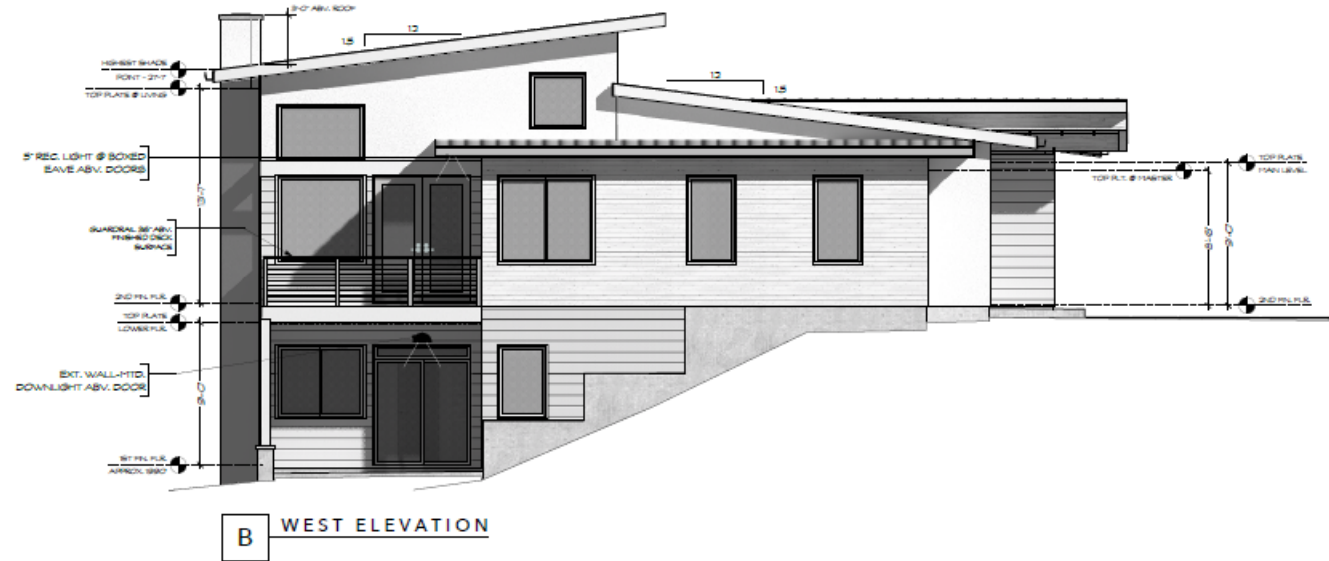
The common open space for this subdivision will include a decomposed granite path with timber steps, and a bench for passive recreation. The proposed bench is located under the shade of existing Oregon White Oak trees. A secondary path is included to provide access from the proposed development lots to the open space lot. New trees will be planted to mitigate those being removed as part of the development of the new subdivision, including one new street tree on Pine Street.



CONCEPTUAL ELEVATIONS



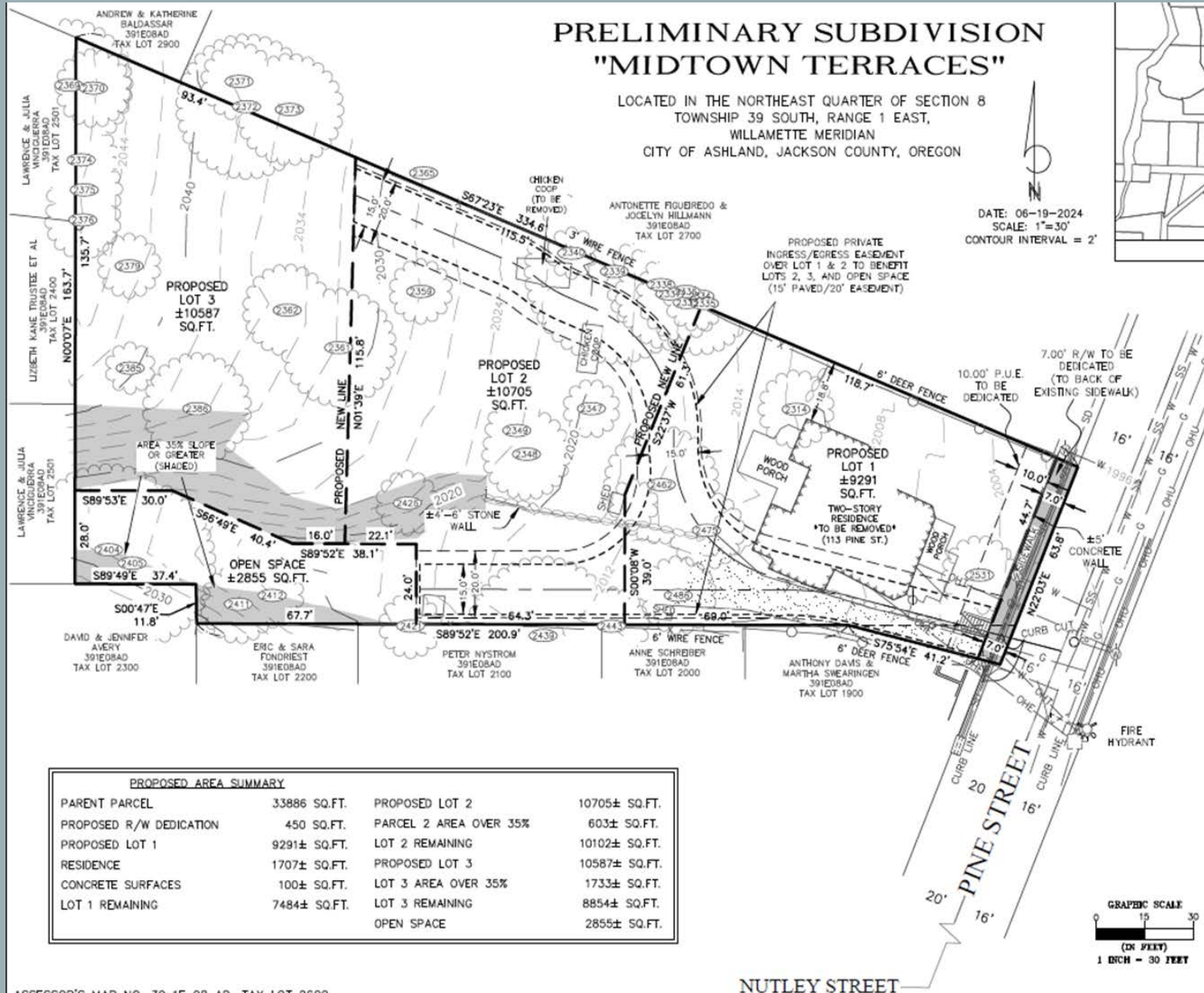
CONCEPTUAL ELEVATIONS



PRELIMINARY SUBDIVISION "MIDTOWN TERRACES"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8
TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

DATE: 06-19-2024
SCALE: 1"=30'
CONTOUR INTERVAL = 2'



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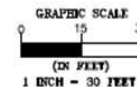




Figure 1: Front porch - daylight coming through roof, rotten fascia

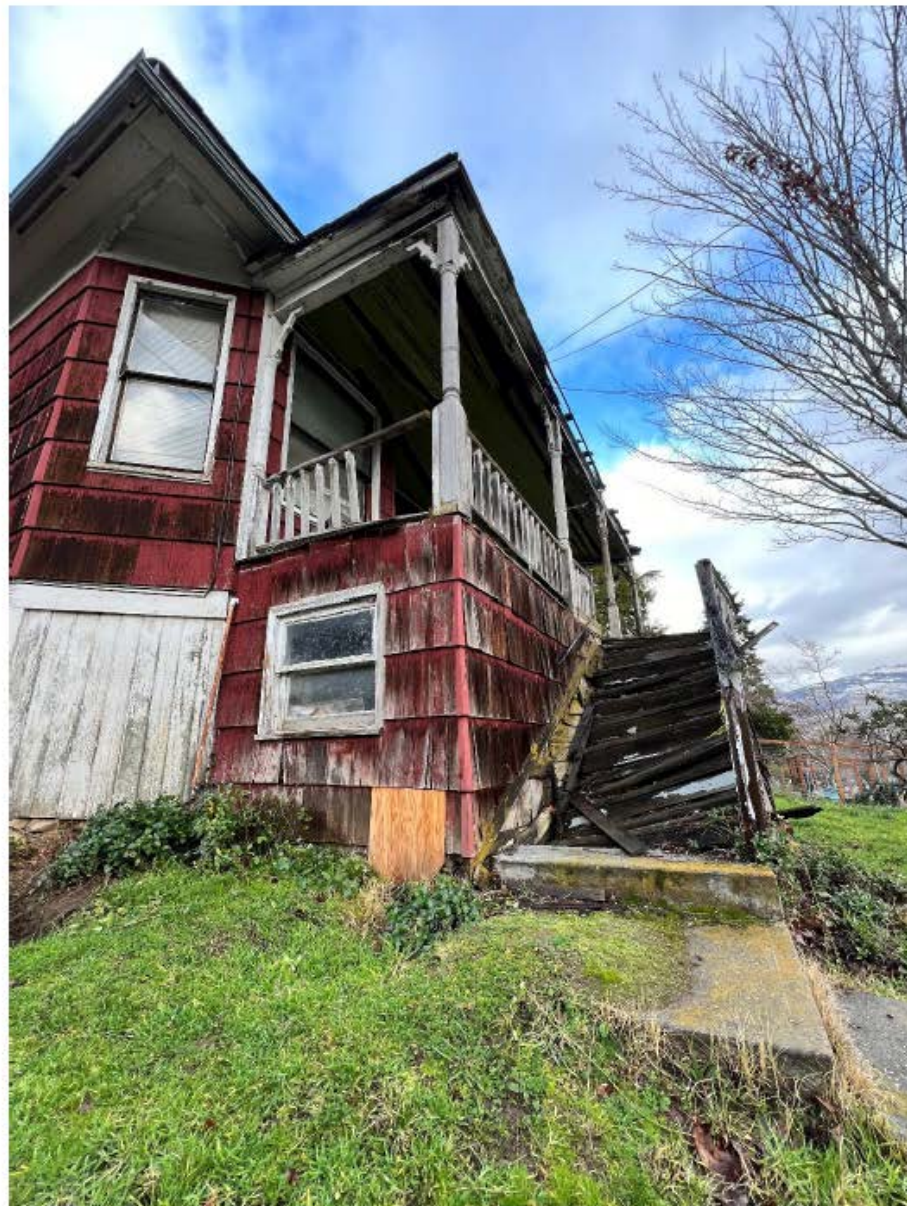


Figure 2: Front steps to front porch and front entry. Window opening showing damage where evidence of foundation failure below. Wall is buckling to left of window.



Figure 3: Long dead tree protruding from the foundation.



Figure 4: SE corner of foundation shows substantial crack in the corner stone which sits upon a round rock



Figure 5: At SE corner of house facing driveway. Corner post shifting from the rim joist and the wall failure continues up to the top plate.



Figure 6: South Wall of house along the driveway



Figure 7: West wall. Substantial rotted wall with raised spigot to right



Figure 8: North Wall and northwest corner. Porch post cracked, off of the corner. Failing roof evident with blue tarp at roof valley. Valley patched significantly, the wall under tarp is black with rot and mold



Figure 9: Crawlspace access on SE side. Wood blocks jammed between floor joist and stemwall posts.



Figure 10: Rock stack supporting structure

Michael Sullivan

From: Aaron Anderson
Sent: Tuesday, September 10, 2024 1:18 PM
To: Michael Sullivan
Subject: FW: Statement for the Planning Commission

From: Anne Schreiber <izzyrain@gmail.com>
Sent: Tuesday, September 10, 2024 1:17 PM
To: Anne Schreiber <izzyrain@gmail.com>; Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: Re: Statement for the Planning Commission

[EXTERNAL SENDER]

Hi Aaron - I updated my letter based on the latest revision of the Proposal. I'm not sure if this is too late but wanted to send it to you.

Anne

To the City of Ashland Planning Commission:

I am writing to express my views about the proposed development at 113 Pine Street.

My preference is for there to be no development on this unique open space, which, for generations, has been a haven for trees, plants and the wildlife they support, a migratory route for countless animals including deer, turkeys, birds, and small mammals, as well as a rare open space in a historic district. This is a small area and its unique location, close to the wildlife corridor above Scenic Drive, makes it a space that should be protected from sub-division and development.

However, since unique open space is not protected by municipal code, I hope we can limit this development to ensure it has the lowest possible impact on the environment and the community. I ask that you:

- reject this current plan and suggest that the developer create two houses rather than three,
- retain additional trees currently marked for destruction along with an independent arborist review, and
- shorten the road so it does not directly abut the southern property line.

1. Tree Preservation: There are 39 trees on or near the site greater than 6 inches in diameter of which 19 are "significant trees" or trees greater than 12 inches, with many additional large trees on the property. The plan submitted by Suncrest Homes *does not* indicate specific building sites. However, the plan *does* call for the destruction of at least 16 trees, 6 of which are "significant" (though two significant trees have been reported as dead.) ""Significant Trees" are protected under Municipal Code Chapter 18.45 governing Tree Preservation and Protection. Although certain exceptions exist, the spirit of the law protects the trees and necessitates that developers prioritize the health and well-being of the tree - even if that means moving the building site or making the building site smaller to accommodate the well-

being of significant trees in the building envelope and the overall diversity and health of the ecosystem. Suncrest Homes offers a justification for killing these trees which can be summarized as "the tree is in the way..." This is not an appropriate justification for flouting the policies and protections put into law to sustain Ashland's mature and diverse trees.

According to Municipal section 18.5.7.010 of the Land Use Ordinance:

"A. The City recognizes that trees can provide soil stability, noise buffering, and wind protection benefits. The City of Ashland greatly values trees for their ecological importance, temperature mitigation, enhanced wildlife habitat and aesthetics.

C. The City recognizes that because of the known benefits of trees, development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans."

Though the law states that trees should be preserved and incorporated into development plans; Suncrest Homes is submitting a plan asking to cut down at least 16 trees, at least 4 of which are significant and thus protected, before a building plan is even presented. All but one tree in Lot 2 is designated for destruction.

Furthermore, the regulations for proposed Tree Removal, as governed by the Municipal Code section 18.5.7.040 which governs Tree Removal Approval Criteria, states:

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

Removal of these trees would have a significant negative impact on canopy, diversity, tree density, and the wildlife who depend on these trees for housing, food, and protection. Though there are other trees in the area, if you look at the actual number of trees on the property (not on adjacent properties) and the number of trees being designated for destruction, the developer is proposing to cut down half the trees on the property and most of the trees that are not safely on the perimeter or property lines. Please look at the building maps proposed for Lots 1 and 2. We are talking about a clear cut of trees in those zones, with Lot 3 reserving trees mostly on the perimeters.

The original proposal listed 11 trees for destruction yet 17 were actually planned to be destroyed. The revised plan saves 1 of these trees with another 2 that would require additional permissions. We must protect those two trees. We also need to protect the large Incense Cedar #2362 on Lot 3 as well as the healthy and significant Norway Maple #2462, and two large apples #s 2475 and 2486 which can be preserved if the driveway is accessed on the north side of the house rather than the southside, thus shortening the east/west road. The 12inch, significant Black Walnut (#2348) on Lot 2 is proposed for destruction. Though the Suncrest report claims that this tree is in decline, this tree can support birds and other wildlife for years to come. The fact that the Black Walnut may be in an inconvenient location is no reason to cut it down.

As stated in the Planning Department Report, other trees are also in jeopardy because of the proximity of the road and other building events. The Report specifically calls out #2439, a large healthy walnut on the southern perimeter as well as tree # 2339, a significant American Elm at the northern border. In addition, I personally have a grape arbor on the southern property line, a significant Red Bud, and a healthy dogwood that are between 2 and 8 feet from the property line and in danger from the proximity of the road.

We must do everything we can to protect these diverse and important trees and we must not give the developer carte blanche to destroy trees before a specific building plan is presented and

approved. Further, I urge you to demand an independent arborist review to confirm the size, location and condition of trees on the site. Cutting down 14-16 trees will lead to wildlife hardship, canopy failure, and overall environmental degradation.

2. The Road: The Suncrest proposal calls for a driveway to bisect the property, both in the east/west and the north/south directions, necessitating the killing of several large trees, destroying the greenway used by multiple animals, and creating an eyesore for all the surrounding properties. The size and design of the driveway seems to be necessitated by the decision to fit three properties in this small and irregular space. If there were only two properties, the driveway could be shorter and could measure under 120 feet, thus not necessitating the hammerhead fire turnaround. A road this size (over 200 feet in just the north/south direction) is not standard and is definitely not in keeping with the ecology or aesthetics of the area. Based on conversations I've had with people familiar with the fire code, this driveway design does not make sense for fire safety infrastructure as the current hammerhead turn around is at the south side of the drive and would thus necessitate a fire truck to back down the road to the southern border of the property before turning around. The road should be shortened and moved away from the southern border. This can be accomplished by having the driveway start to the north of the property.

Furthermore, the PSO allows for a base density of 2.8. Bonuses for the open space should not be granted as the open space designation is impossible to build on due to the slope. Also Earth Advantage standards are being followed so the properties can retain maximum values and return maximum profits. The 2.8 density makes much more sense in this small and oddly apportioned parcel. Please demand that the developer reduce the number of homes to two, thus necessitating a much smaller road, chopping down many fewer trees, and leaving the open space that has been this area's legacy for generations.

3. Open Space and Performance Standard Subdivision:

There is lots of language in the proposal that speaks of creative design and open space, however, it's important to see beyond this window dressing and understand that the so-called open space and environmental improvements are self-serving. In all cases, we should not grant the developer the right to clear trees in one part of the property just because he's leaving open space in another part of the property. The tree mitigation plan proposed talks about planting trees in the open space area but not replanting in Lots 1 and 2 which are basically going to be clear cut.

The Suncrest proposal implies that Lot 4 which is "privately held open space" is designed for the good of the community and environment. In fact, the developer is seeking good will for leaving this little bit of open space which he couldn't build on anyway due to the gully and angle of the slope. The open space represents only 8% of the entire property and like the trees being listed as retained that are not even on the property, the open space benefits serve only as a distraction to the larger problems with this proposal. The presence of open space in Lot 4, should not enable the developer to compensate for environmental degradation committed on other parts of the property.

Summary:

I understand that development is a fact of life in Ashland, however, especially in these times of heightened environmental concerns, it's essential that we do whatever we can to reduce the footprint of a project such as this. This is a unique piece of open space that should be preserved for the generations. Reducing the number of homes on this proposed property from 3 to 2, and shortening the roadway, would reduce the number of trees to be cut down in the building areas and leave extended open space for the trees, plants and animals who call this land home.

Thank you for your consideration.

Sincerely,
Anne Schreiber
125 Nutley Street
Ashland, Oregon 97520
izzyrain@gmail.com
917-488-7331

UNFINISHED BUSINESS

**PA-T2-2024-00049,
2308 Ashland Street**

BEFORE THE PLANNING COMMISSION

October 8, 2024

IN THE MATTER OF PLANNING ACTION PA-T2-2024-00049 A	)	
REQUEST FOR SITE DESIGN REVIEW APPROVAL TO ADD AN “RV &	)	
TRUCK SERVICE AREA CANOPY” AS PART OF THE ONGOING AND	)	
PREVIOUSLY APPROVED SITE MODERNIZATION. THE PLANNING	)	FINDINGS,
ACTION INCLUDES A REQUEST TO REMOVE SIX TREES.	)	CONCLUSIONS,
	)	AND ORDERS.
OWNER	)	
	)	
APPLICANT:	)	
	)	
	)	

RECITALS:

- 1) Tax lot # 1100 of Assessor’s Map 39-1E-14-BA is located in the C-1 zoning district and is 1.0 acre in size.
- 2) The property has an address of 2308 Ashland Street and is developed with the Les Schwab Tire Center originally built in 1973 with major additions in 1980, 2005, and most recently a major modernization effort was approved in 2023 which is presently under construction.
- 3) The applicant wants to add a 34-foot by 42-foot canopy to provide an area for RV & truck repair and requests Site Design Review approval to do so. All new commercial construction triggers Site Design Review. Because of the projects size and the presence of the Detail Site Review Overlay the project is subject to a Type II planning action.
- 4) The application includes a request to remove and replace three sweet gum trees that are located under powerlines and have been repeatedly topped. The application also addresses three trees along Tolman Creek Road that were previously removed without permits.
- 5) The Planning Commission, following proper public notice, held a public hearing on September 10, 2024. Testimony was received, and exhibits were presented. No members of the public gave testimony either in favor or against.
- 6) The criteria of approval for a Site Design Review are described in Ashland Municipal Code (AMC) 18.5.5.050 as follows:
 - A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
 - B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).
 - C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E,

below.

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

7) The criteria of approval for a Non-Hazard Tree removal are described in Ashland Municipal Code (AMC) 18.5.7.050 as follows:

- 2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part [18.4](#) and Physical and Environmental Constraints in part 18.3.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
 - d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.

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, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that Ashland Municipal Code (AMC) Chapter 18 is the Land Use Ordinance (LUO) and regulates the development pattern envisioned by the Comprehensive Plan and to encourage efficient use of land resources among other goals. When considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the AMC.

2.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the Staff Report dated 9/10/24, public hearing testimony, and the exhibits received. The Planning Commission finds that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners within 200-feet of the subject property on August 20, 2024, which was 21 days before the hearing.

2.3 The Planning Commission notes that PA-T2-2023-00038 reviewed the entire property with regards to the Site Development Standards and that in the present application the Planning Commission is only addressing the newly proposed canopy. The Planning Commission further notes that all imposed conditions of approval from PA-T2-2023-00038 continue to be in force.

2.4 The Planning Commission notes that the subject property is located within the C-1 zoning district. The Planning Commission notes that AMC 18.5.2.020.A.1 requires that all new structures, and additions in the C-1 zone require Site Design Review which is governed by AMC 18.5.2.

2.5 The Planning Commission notes that the approval criteria for Site Design Review are located at AMC 18.5.2.050. The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria have been met, as was explained in detail in the applicant's submittal, as well as the Staff Report, and by their reference are incorporated herein as if set out in full.

2.5.1 The first approval criterion for Site Design Review is that *"The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards."* The Planning Commission notes that the subject property is located in the C-1 base zone, Detail Site Review overlay, and Pedestrian Places overlay zones. Commercial services, including automotive tire sales are permitted outright in the C-1 zone. The C-1 zone has no maximum lot coverage, or minimum front, side or rear yard setbacks. The Planning Commission notes that the C-1 zone limits building height to 40', and the proposed structure is 19'8". The Planning Commission finds that the base standards for the zone are met, and that this approval criterion has been satisfied.

2.5.2 The second approval criterion is that *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The Planning Commission notes that the property is located within the Detail Site Review overlay zone, Wildfire overlay, and the Pedestrian Places overlay zone. The Planning Commission reiterates that the only element being considered in this application is the proposed canopy. The canopy includes horizontal and vertical offsets. Aside from the offsets as it relates to building articulation the Planning Commission find that there are no other elements of the Detail Site Review overlay, and the Pedestrian Places overlay that relate to the application. The wildfire overlay covers the entire city and while the new construction is required to meet the requirements of the fuel modification area. The Planning Commission finds that the paved nature of the subject property addresses the requirements for fuel management and wildfire protections. The Planning Commission finds that this approval criterion has been satisfied.

2.5.3 The third approval criterion is that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission notes that there is no pedestrian entrance to the structure as it is a canopy adjacent to the main building and that building orientation standards are not applicable. The application explains that the building has both a vertical and horizontal offsets. The Planning Commission notes that when considering redevelopment of existing non-conforming developments that site improvements shall be in proportion to the proposed development. The Planning Commission notes that the present application proposes to replace trees that have been previously removed along Tolman Creek Road as well as remove and replace the inappropriate species of tree along Ashland St. The Planning Commission finds that addressing these trees along with the previously approved hedge row that brings the property further into conformity for the zone. The Planning Commission finds that this approval criterion has been satisfied.

2.5.4 The fourth criterion for approval is that *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Planning Commission finds that the property is fully developed and served with all franchise utilities and that the construction of the canopy over an area that has already been paved will have no greater impact on water, sewer, electrical, or storm drain than is presently existing. The Planning Commission finds that this approval criterion has been satisfied.

2.5.5 The final approval criterion relates to the exceptions to specific standards requested, in this case building setback and number of parking spaces. The applicable criteria are as follows *“There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.”* The Planning Commission notes that the application did not include any exceptions, and finds

that this approval criterion has been met.

2.5 After the close of the public hearing the Planning Commission deliberated and approved the application subject to the conditions of approval in the staff report. The Planning Commission finds that with the conditions of approval included in the decision, the proposal satisfies the applicable approval criteria.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for Site Design Review is supported by evidence contained within the whole record with the conditions of approval below:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) All conditions of approval from PA-T2-2023-00038 continue to be in force.
- 3) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Site Design Review approval shall be submitted and approved prior to the issuance of a building permit.
- 4) That prior to the installation of any signage, a sign permit shall be obtained.
- 5) That prior to the final approval of the project or issuance of a certificate of occupancy:
 - a) That all hardscaping and landscaping improvements including plaza spaces, landscaping, and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

Planning Commission Approval

Date

TYPE I PUBLIC HEARING

**PA-T1-2024-00245,
329 Granite Street**

NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2024-00245

SUBJECT PROPERTY: 329 Granite

OWNER/APPLICANT: Jovick for Clarke

DESCRIPTION: An application for a modification to the previously approved planning action PA-T2-2022-00036. The modification is a request to modify a portion of retaining near the garage into a split wall design. The application also addresses grading and a small third wall at the first turn in the drive.

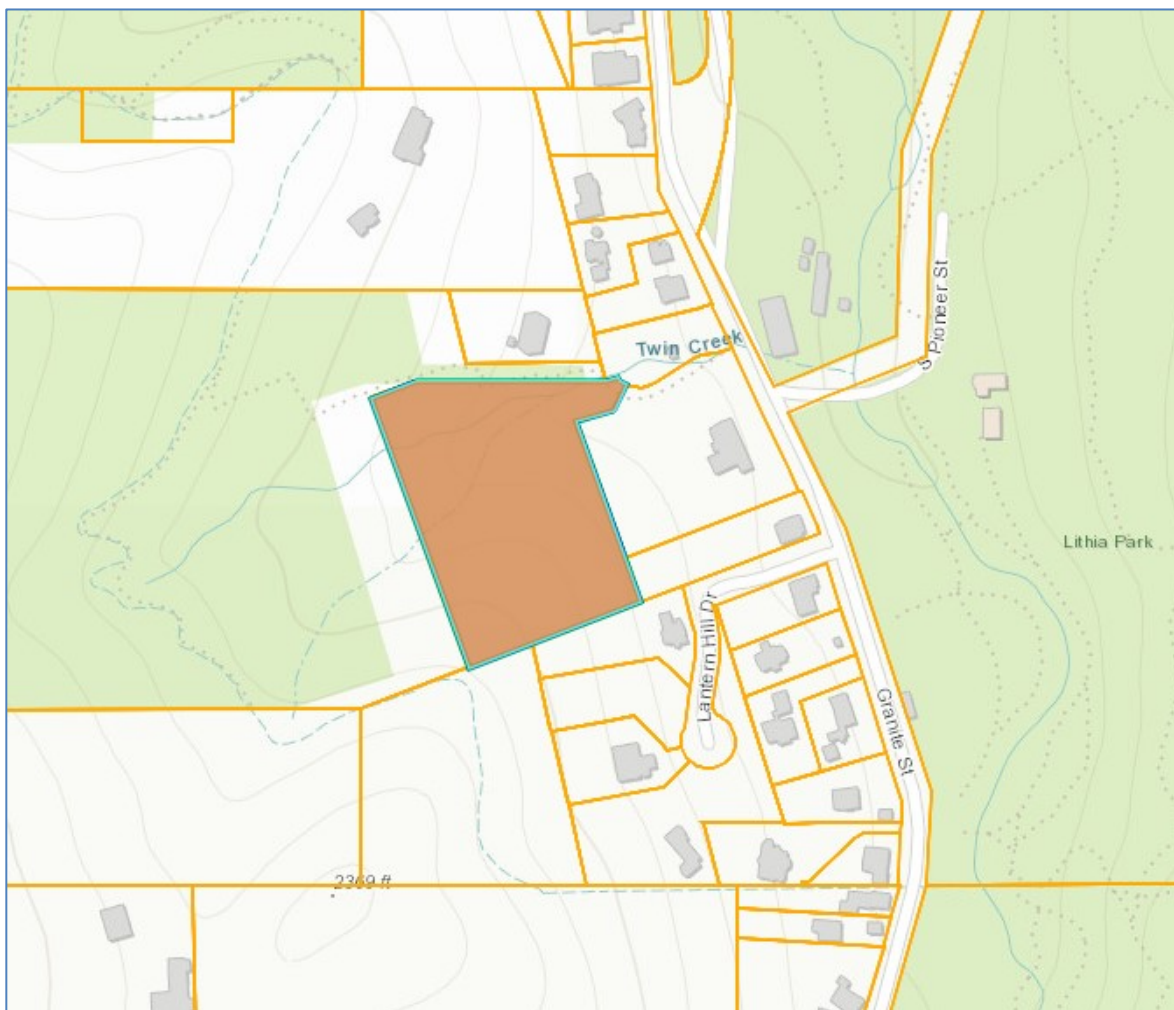
COMPREHENSIVE PLAN DESIGNATION: Woodland / LDR; ZONING: WR / RR-.5;

MAP: 39 1E 08 EE, TAX LOT: 704

ASHLAND PLANNING COMMISSION MEETING: *Tuesday October 8, 2024 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*

NOTICE OF COMPLETE APPLICATION: September 17, 2024

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: October 1, 2024



COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

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.

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at <https://gis.ashland.or.us/developmentproposals/>. Copies of application materials will be provided at reasonable cost, if requested. Application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

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.

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.

If you have questions or comments concerning this request, please feel free to contact Aaron Anderson at 541-552-2052 or aaron.anderson@ashland.or.us

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).

MINOR MODIFICATIONS

18.5.6.040

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

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

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
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TTY: 800.735.2900



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

EXCEPTION TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS

18.3.10.090.H

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

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Staff Report

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

Before the Planning Commission - October 10, 2024

PLANNING ACTION: PA-T1-2024-00245
OWNER: Katherine and Joseph Clarke
APPLICANT: Jovick Construction

LOCATION: 329 Granite Street
39-1E-08-DD Tax Lot 704

ZONE DESIGNATION: RR-.5 / WR
COMP. PLAN DESIGNATION: Woodland / LDR

ORDINANCE REFERENCES: 18.2.4 General Regulations for Base Zones
18.3.10 Physical & Environmental Constraints
18.5.1 General Review Procedures
18.6 Definitions

APPLICATION DATE: September 5, 2024
PUBLIC NOTICE: September 17, 2024
MEETING DATE: October 8, 2024
120-DAY DEADLINE: January 3, 2025

PROPOSAL: An application for a modification to the previously approved planning action PA-T2-2022-00036 (“The Approval”), which was approved by the Planning Commission at a public hearing on February 8th, 2022, with findings adopted on March 8, 2022. While the approval for the project occurred in 2022, the land use process began with its first pre-application in October 2020. The project is currently under construction and the building permit for the home was issued in September of 2023.

The proposed modification is a request to modify a portion of retaining wall near the garage into a split wall design to improve vehicle maneuverability. Staff also addresses other work that had been done which deviated from the previous approval.

Chapter 18 of the Ashland Municipal Code (AMC) is the Land Use Ordinance (LUO). AMC 18.5.6 of the LUO provides for “*Modifications to Approved Planning Applications*” and further states that “*The Staff Advisor through a Ministerial or Type I procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications.*”

In the present case there have been several previously approved modifications to the approved plan at the staff level. Due to the cumulative effect of the multiple modifications to the original approved planning application the Staff Advisor chose to refer the currently proposed Type I application to the Planning Commission for its review and decision in a public meeting as provided in AMC 18.5.1.010.B.2.

I. Introduction

1) Lot creation and history

The complete history of the land use approval for this property is set out below.

- (no PA #) February 1980: Minor Land Partition (approved in December 1974^{*}) recorded as CS 8239. This segregated off a 0.378 parcel that is now 315 Granite St. (Tax lot #701).
- PA 85-106 – August 1986: Major Land Partition recorded as CS 10635; created a 0.627 parcel that is now 321 Granite St. (Tax lot #702) and adjusted the size and shape of tax lot 701. This left 18.68 Acres in the parent parcel.
- PA 88-102 – August 1988: Major Land Partition recorded as CS 11309; created a 1.74 parcel that is now 333 Granite St. (Tax lot #703). This left 16.93 (m.o.l.) acres in the parent parcel.
- PA 2004-057 – May 2004: Partition Plat P-29-2004 recorded as CS 18276. While it is referenced as a lot line adjustment in staff memos it was actually a partition creating the subject property as 3.22 acre and also creating a new 13.71 acres parcel that was deeded to the City of Ashland Parks Department as open space.
- PA 2004-074 – June 2004: Request for a Physical and Environmental Constraints Review Permit to construct a driveway. The application included variances to allow a driveway on slopes greater than 35% as well as exceptions to hillside development standards. Construction never took place.

2) Current Development

The Clarke's purchased the property in August of 2020 and the land use process began with the first pre-application conference in October of 2020.

- PA-T1-2021-00150: May-June 2021. The application was determined to be incomplete application for issues related to addressing needed exceptions and variances. This application never moved forward and was eventually voided in the City's permit system.
- PA-T1-2021-00159: July - December 2021. A request for a Land Use Ordinance code interpretation was submitted and reviewed to determine the length of a driveway that can exceed a grade of 15 percent, but less than 18 percent, under the variance standards
- PA-T2-2022-00036: January - March 2022: A Physical and Environmental constraints review (P&E) was approved which included several requested exceptions, a limited activity and uses permit in the Water Resource Protection Zone (WRPZ), a variance to both maximum allowed lot coverage and maximum grade of a driveway, and tree removal permits. The staff report described the application as follows:
 - *“ The P&E is for each of the following land classifications: flood zone, hillside, and severe constraints. The [previously approved] application also includes requests for exceptions from the following standards:*

^{*} The survey narrative explains “that the deeds of record were impossible to retrace without causing havoc in the neighborhood” therefor considerable time passed between approval to clearing the boundary lines by agreement and “suit to quiet title”

- The standards allow new driveways on slopes greater than 35 percent for a length not to exceed 100 feet. Here the driveway proposed is more than 800 feet, and nearly all is on lands with slopes greater than 35 percent. **(AMC 18.3.10.090.A.3.2.b.)**
- The proposal retains 69.3 percent of the site in its natural state when the standards, based on average slope, call for 89.57 percent to be retained in a natural state. **(AMC 18.3.10.B.3.)**
- The standards allow a maximum cut slope of 15 feet and require terracing, with terrace heights not to exceed five feet. Here, cut slopes of 30 feet with ten-foot high terraces are proposed. **(AMC 18.3.10.090.B.4.b.)**
- The standards call for building placement to avoid ridgelines and to maximize tree preservation and retention of the site's natural state. The building placement here is at the ridgeline, removes a total of 97 trees and asks for an exception to lessen the amount of the site retained in its natural state **(AMC 18.3.10.090.E.1.a).**
- The standards require that downhill building walls greater than 20 feet provide a six-foot step-back. As proposed, the eastern façade wall is 26 feet high without the required step-back. **(AMC 18.3.10.090 E.2.c)**
- The standards require that a continuous horizontal building plane greater than 36 feet in length include at least a six-foot off-set. Here the applicant proposes longer planes without the requisite off-set. **(AMC 18.3.10.090.E.2.d.)**
- **Two Variances:**
 - Lot Coverage (Type II)
 - The application requests an increase in the allowable lot coverage, proposing a total area of impervious surfaces in the WR zone of 7,663 sq. ft, which exceeds the maximum allowable coverage of 4,611 sq. ft. This is a 66-percent increase in allowable lot coverage for the WR zone.
 - Driveway Grade (Type II)
 - The application proposes that one segment of driveway have an 18-percent grade for a length of 200 feet.
- **A Limited Activities & Uses Permit** to construct a new driveway crossing the Water Resource Protection Zone (WRPZ) for Twin Creek, an identified 'Intermittent/Ephemeral Stream.' **(AMC 18.3.10.060.D)**
- **A Tree Removal Permit** for the removal of 18 significant trees. A total of 97 trees are identified as being removed; 18 of these are considered to be 'significant' by definition **(AMC 18.5.7.040 & AMC 18.3.10.090.D).**

The Planning Commission approved the application following a public hearing on February 8th, 2022, with findings adopted on March 8, 2022.

3) Previous Modifications

Following the 2022 approval the application has had multiple 'minor modifications' requests that have been approved administratively. Each of the type-1 planning actions listed below included a public notice to the vicinity with opportunity for comment and appeal of the staff decisions. These planning application modifications are summarized below:

- **PA-A-2022-00217** - August 2022: Administrative approval of two additional tree removals for the driveway excavation.
- **PA-T1-2023-00209** - May - July 2023: Type-1 planning action to: 1) to remove two additional trees due to the location of an electrical transformer 2) Modify two portions of retaining walls from three-tier to two-tier, and 3) to modify the Water Resource Protection Zone mitigation plantings with more appropriate plantings based on advice from a restoration expert.
- **PA-T1-2023-00215** – September – October 2023: Type-1 planning action to: 1) in two locations change the retaining walls from three tier to two tier, which also adjusts the height of these walls; 2) slight adjustment to the alignment of retaining walls and driveway; 3) removal of five additional trees; and 4) Increase the length of culvert through the driveway area.
- **PA-T1-2024-00231** – March - August 2024: Type-1 planning action to: To change the retaining walls immediately adjacent to the garage to enable better vehicle maneuvering – During conversations with staff following public notice, it was evident that the conceptual proposal had changed considerably in final design. Both for the change in proposed design and the associated shot clocks that application was *withdrawn*.

II. Present Modification Request

1) Retaining Wall near garage

The current modification request is to modify a portion of retaining wall adjacent to the garage to improve functionality of vehicle maneuverability. The previous modification request that was withdrawn (PA-T1-2024-00231) was for a single wall nearly 20' in height. Staff consulted with the applicant and the modification that is now proposed involves having the wall begin as a single wall at its lower segment, which will then split into two tiers where the wall is tallest. This design alternative helps break up the mass while also increasing the space alongside the garage.

Shown below is the presently approved retaining wall on the left and the proposed modified retaining wall on the right.



Approved



Proposed

By having the wall join to a single element, and allowing the terrace to taper gradually, space for additional vehicle maneuvering is provided to accommodate vehicles backing out of the garage, and turning to exit the driveway in a forward manner.

The development standards for hillside lands limit cut retaining walls to no more than fifteen-feet in height with each terrace no taller than five-feet. Here the wall height is a total of twenty-feet with individual sections taller than five-feet, however the exception to these standards were granted during the original approval. There is no change in the total wall height that is presently approved, the only change is how the two tiers relate to each other.

The current design has the wall stepping back , or split, at a height of seven-feet creating a terrace. In the modified proposal, as the wall wraps around the garage, the grade changes, resulting in a lower section that is ten feet high and an upper section that is also ten feet high. This adjustment increases the area for vehicle maneuvering, improving safety and circulation.

The lower portion of the retaining wall has already been constructed. The lower portion of the stack block retaining wall was constructed in accordance with the currently approved plan. The concrete wall shown is the foundation for the garage (the finished floor of the garage is just below the top of the concrete wall shown below).



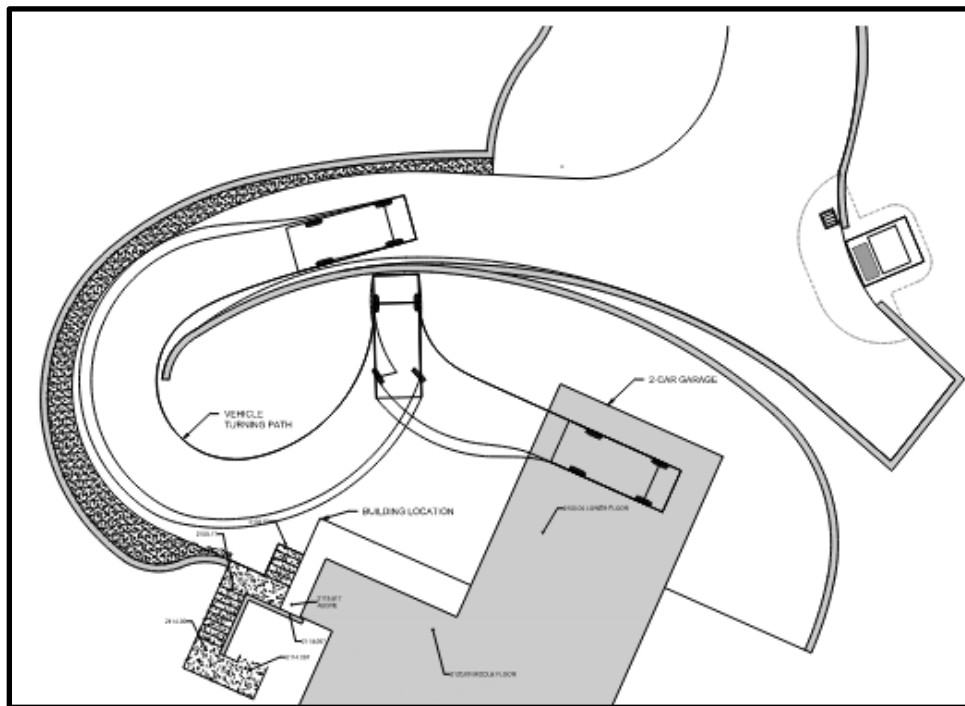
As mentioned above, this is the third significant change to the project. Each of these changes has ultimately been driven by the site's topography. During excavation and construction, it is common for slight adjustments to be needed based on the final grades achieved. However, in this case, due to the significant length and steep slope of the driveway, what would typically be minor adjustments become much more substantial.

The steepness of the grade and the extended length of the driveway mean that even small variations in elevation or alignment can have a larger cumulative impact on the overall design. These factors affect the maneuverability of vehicles, drainage patterns, and the structural

integrity of the retaining walls. As a result, minor changes to grade or layout require more significant modifications to ensure the driveway functions safely and efficiently. This is why the project has undergone several adjustments, all aimed at accommodating the challenging site conditions while meeting the practical needs of the property.

The application explains that: *“Initial plans were inadequate for vehicular circulation as they allowed for the bare minimum space for a sub-compact vehicle and required backing out of the driveway along a steep curve. A sub-compact vehicle cannot serve this family of six. Dr. Clarke is a surgeon and must be available to respond to emergencies in hospitals throughout the community. Having a space to turn around a vehicle in front of the garage is of paramount importance for safety and functionality for the residents.”*

The application further notes that this proposed modification will improve access to the east side of the house and will help facilitate future landscaping and wildfire prevention work.



Staff requested that the applicant provide the maneuvering diagram shown above to demonstrate that the proposed modification is the minimum necessary to accommodate the circulation improvement. Upon evaluating the proposal, staff finds that the modification represents an improvement over the currently approved plan and supports its approval. The original approval was based on a smaller vehicle size that did not provide adequate space for larger family vehicles, such as SUVs, to back up and complete a three-point turn as illustrated in the updated diagram. As amended, the plan addresses this need by providing sufficient space for these larger vehicles to maneuver safely and efficiently.

2) Work inconsistent with current approval

As stated above during the review process of the application and site visit Staff became aware of a minor difference with regard to the retaining walls at the first major turn. Shown at right is the first major retaining wall.

Following the approval of the October 2023 modification which adjusted the lower retaining walls from three tiers to two tiers the intention was the simply lay-back the grading as it transitioned to undisturbed ground. The contractor felt that a third smaller wall was a better solution and that is what has been constructed and is shown at right.



Ironically, this wall was originally proposed to be 3 tiers but was modified to two tiers during the first minor modification. The contractor determined that the strategy to ‘lay back’ the remainder of the land was not appropriate and constructed this third smaller wall at the top in consultation with the project engineer.

3) Application Burden of proof

The applicant has provided written responses to each of the relevant approval criteria, and by their reference are incorporated herein as if set out in full.

4) Public Input

Notice was posted at the property frontage and mailed to all properties within 200’ on September 17, 2024. At the time of this writing no public comment has been received.

III. Procedural – Approval Criteria

1) Minor Modification to an approved plan

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

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

2) Physical and Environmental Constraints Review

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

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

3) Exception to Hillside standards

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

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

IV. Conclusion and Recommendations

Staff recommends that the Planning Commission approve the modification to the approved plan. If the Planning Commission approves the application, staff recommends including the following conditions of approval below:

- 1) That all proposals of the applicant shall be conditions of approval, and that all conditions of approval from PA-T2-2022-00036 remain fully in effect.

Applicant Submittal



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

ZONING PERMIT APPLICATION

FILE # _____

DESCRIPTION OF PROJECT

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? ☒ YES ☐ NO

Street Address 329 Granite St

Assessor's Map No. 39 1E 08-DD

Tax Lot(s) #704

Zoning RR.5 and WR

Comp Plan Designation _____

APPLICANT

Name Dan Jovick Phone 541-301-7844 E-Mail Dan@Jovickbuilt.com

Address 249 A Street Suite A City Ashland Zip 97520

PROPERTY OWNER

Name Joe and Katie Clarke Phone 404-803-1505 E-Mail Clarjoe@gmail.com

Address 301 Hillcrest St City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Surveyor Name Terrasurvey Phone 541-482-6474 E-Mail Terrain@bisp.net

Address 274 Fourth St City Ashland Zip 97520

Title Civil Engineer Name Todd Powell Phone 541-613-0723 E-Mail todd@powellengineeringconsulting.com

Address 100 E. Main St. Suite O City Medford Zip 97501

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

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

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

[Signature]
Applicant's Signature

2-29-24
Date

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

[Signature]
Property Owner's Signature (required)

2/29/24
Date

[To be completed by City Staff]

Date Received _____ Zoning Permit Type _____ Filing Fee \$ _____

OVER ►►

ZONING PERMIT SUBMITTAL REQUIREMENTS

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

NOTE:

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



Thank you for considering this minor modification to our project at 329 Granite Street.

I want to thank you for your patience as we've been working through this complicated project. We have made great efforts to limit any adjustments with a goal to only ask for modifications that provide safety and access while meeting our minimum standards. We are thankful for your appreciation and considerations that a project like this continues to evolve as construction proceeds.

For this small wall adjustment we are keeping the two tier wall approved by the city. Our only request is to move the interaction of the lower and upper wall south to make for a functional entrance and exit in a car suitable for this family. Initial plans were inadequate for vehicular circulation as they allowed for the bare minimum space for a sub-compact vehicle and required backing out of the driveway along a steep curve. A sub-compact vehicle cannot serve this family of 6. Dr. Clarke is a surgeon and must be available to respond to emergencies in hospitals throughout the community. Having a space to turn around a vehicle in front of the garage is of paramount importance for safety and functionality for the residents. This proposed version enhances the highly used circulation area to the minimum turn-around area for a minivan.

Taking the opportunity with the updated design we have also flared out the east side to follow natural grade vs the house wall. This improved access to the east side is helpful for future landscaping and wildfire prevention work.

We will continue with the approved plan to provide future landscaping and planting that meets the code requirements within these areas. The proposed wall meets the absolute minimum guidelines in the land-use ordinance. See pictures showing how visually the approved and proposed walls have a near-identical impact on the project.

We are very grateful for this continued relationship with the City Of Ashland as we get ready to start framing! It is very exciting and, again, we are greatly appreciative of your work.

Best Regards
Dan Jovick





18.3.10.050 Approval Criteria

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

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

Before starting any construction, we did extensive fuel reduction to minimize the chance of spreading fire to neighboring properties. We have implemented erosion control measures and have built extensive retaining walls to reduce any impacts of the construction process on the surrounding areas. We have installed culverts and are following a civil plan that prioritizes minimizing adverse impacts to the property and nearby areas. We have clearly marked all trees that are to remain and have installed protective fencing, the diameter of their canopy, around them. We have made road repairs to accommodate neighborhood vehicles and have implemented city approved measures to the road to mitigate impacts from the construction vehicles. We bored utility lines up the mountain to reduce the amount of trenching that would need to be done to the hillside

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

Jovick Construction has thoroughly considered the potential hazards that may arise from the development and has proactively implemented a range of mitigation measures with guidance from Civil Engineers and Landscape Architects. These measures are designed to minimize risks to both the environment and public safety. Specific actions include conducting risk assessments, adhering to regulatory safety standards, and incorporating resilient design features. By taking these steps, Jovick Construction aims to ensure that the development proceeds with minimal negative impact, addressing potential hazards effectively and responsibly.





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

Jovick Construction has taken reasonable steps to reduce the adverse environmental impacts of the development. Irreversible actions have been given greater consideration than reversible ones, in line with best environmental practices. Powell Engineering and Kerry Kencairn Landscape helped in identifying potential risks and implementing strategies to minimize harm. Jovick Construction has incorporated substantial design elements and adhered to environmental regulations to limit long-term damage. Additionally, the existing development of the surrounding area and the maximum development allowed by the ordinance were considered to ensure that the project is compatible with local environmental and zoning standards.

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

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

With the current retaining wall design, the residents cannot avoid hazardous portions of the site. The residents are unable to safely back out of their driveway as they would need to back up very close to the edge of a drop-off. The residents will soon be a family of 6 and will require a larger vehicle. The small turn around will be extremely challenging to navigate in a large vehicle, and potentially not possible at all. This is compounded by the fact that the resident will often need to back out of their driveway in a timely fashion, often at night and in the dark, in order to perform emergency surgeries. The new proposed retaining wall design will allow the residents adequate room to back up safely while still satisfying the need to have two smaller retaining walls instead of one large retaining wall in order to complement the natural character of the property and protect public safety.





2. The exception will result in equal or greater protection of the resources protected under this chapter.

This exception will result in equal or greater protection of the resources by still having two shorter retaining walls that will help with public safety while complementing the natural character of the property and minimizing the extent of terracing, cutting into the hillside, and blocks needed. The proposed double wall configuration will provide planting as previously designed.

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

This exception will give the residents the minimum clearance needed to safely access their home. The extra space provided by the proposed design will serve no other purpose other than vehicle turn around clearance.

4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#), Physical and Environmental Constraints Overlay, and section [18.3.10.090](#), Development Standards for Hillside Lands. (Ord. 3199 § 18, amended, 06/15/2021; Ord. 3191 § 18, amended, 11/17/2020; Ord. 3158 § 4, amended, 09/18/2018)

This exception is consistent with the stated Purpose and Intent of Chapter 18.3.10, Physical and Environmental Constraints Overlay, and section 18.3.10.090, Development Standards for Hillside Lands as this design aims to protect the natural and topographic character and identity of the property while minimizing the amount of terracing needed in order to protect public health and safety. This proposed design will also aid in preventing soil erosion, slide damage, and minimizes sever cutting and scarring. We believe that this design compliments the natural and visual character of the City of Ashland and allows the clients reasonable, and safe access to their home.

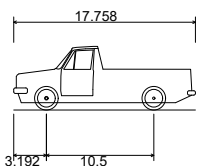
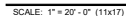


STRUCTURAL
REGISTERED PROFESSIONAL
ENGINEER
15,178
Digitally signed by Pieter N. Smeenk
Date: 2023.11.30 12:16:22 -0800
OCTOBER 2, 1990
PIETER N. SMEENK

IMPORTANT SEQUENCING REQUIREMENT:
LOWER LEVEL TERRACE SEGMENTAL
RETAINING WALL SHALL BE COMPLETED
PRIOR TO CONSTRUCTION OF GARAGE
FOUNDATIONS.. UPPER LEVEL RETAINING
WALL SHALL NOT BE CONSTRUCTED
PRIOR TO PLACEMENT OF GARAGE SLAB

[illegible]

SECTION 1
PREVIOUSLY APPROVED WALL SECTION



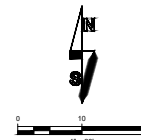
F150 Regular Cab 2x4 STYLESIDE 6.5' Box
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Curb to Curb Turning Radius

DESIGN VEHICLE

PICKUP TRUCK / SUV

SECTION 1

PROPOSED WALL SECTION



REVISION DESCRIPTION		DATE
NO.		
DRAWN BY:	MRF	
DESIGNED BY:	TDP	
CHECKED BY:	TDP	
ISSUE DATE:	07/01/24	
BID SET		
JOB NO.		
20-015		

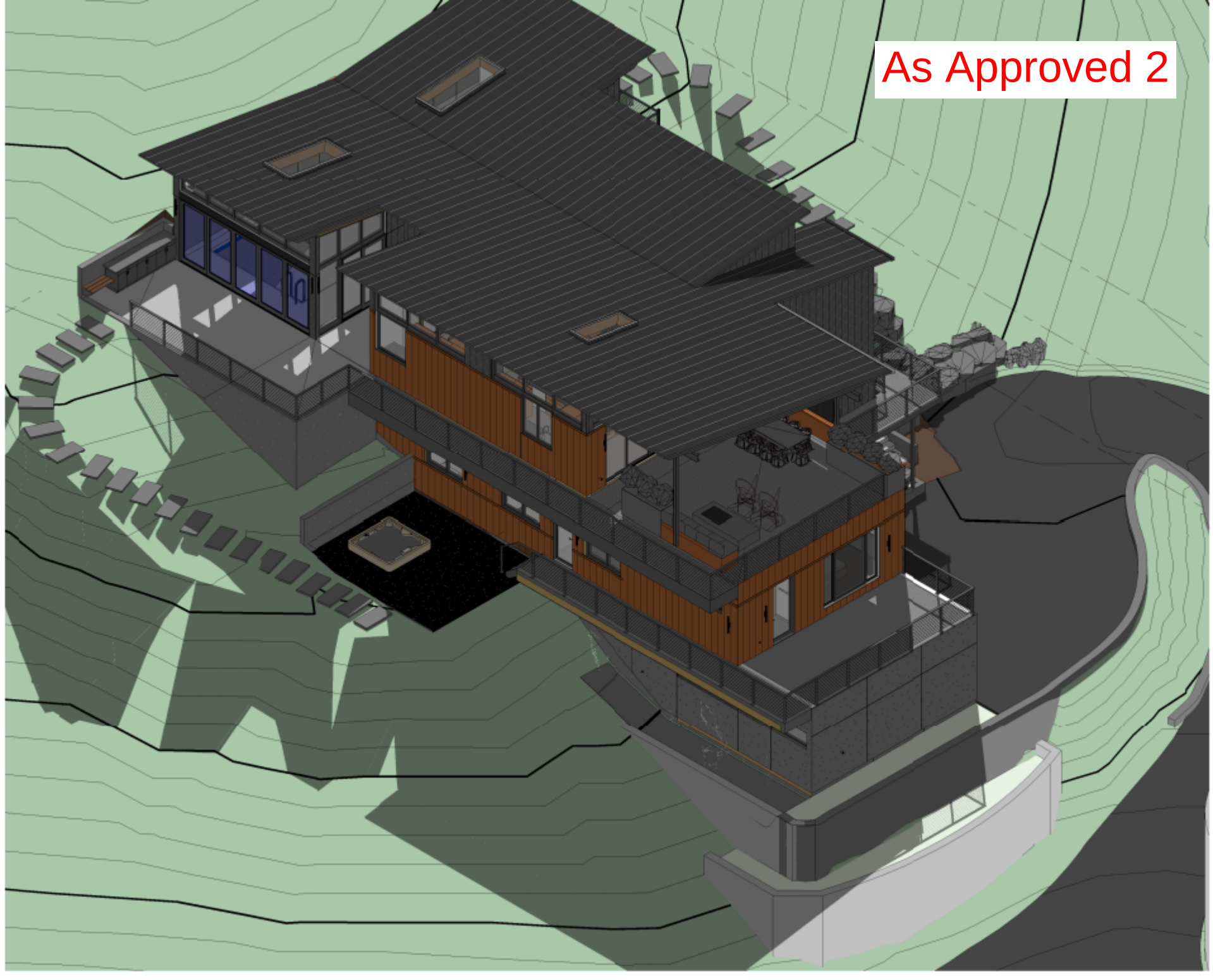
TURNING

EXHIBITS:

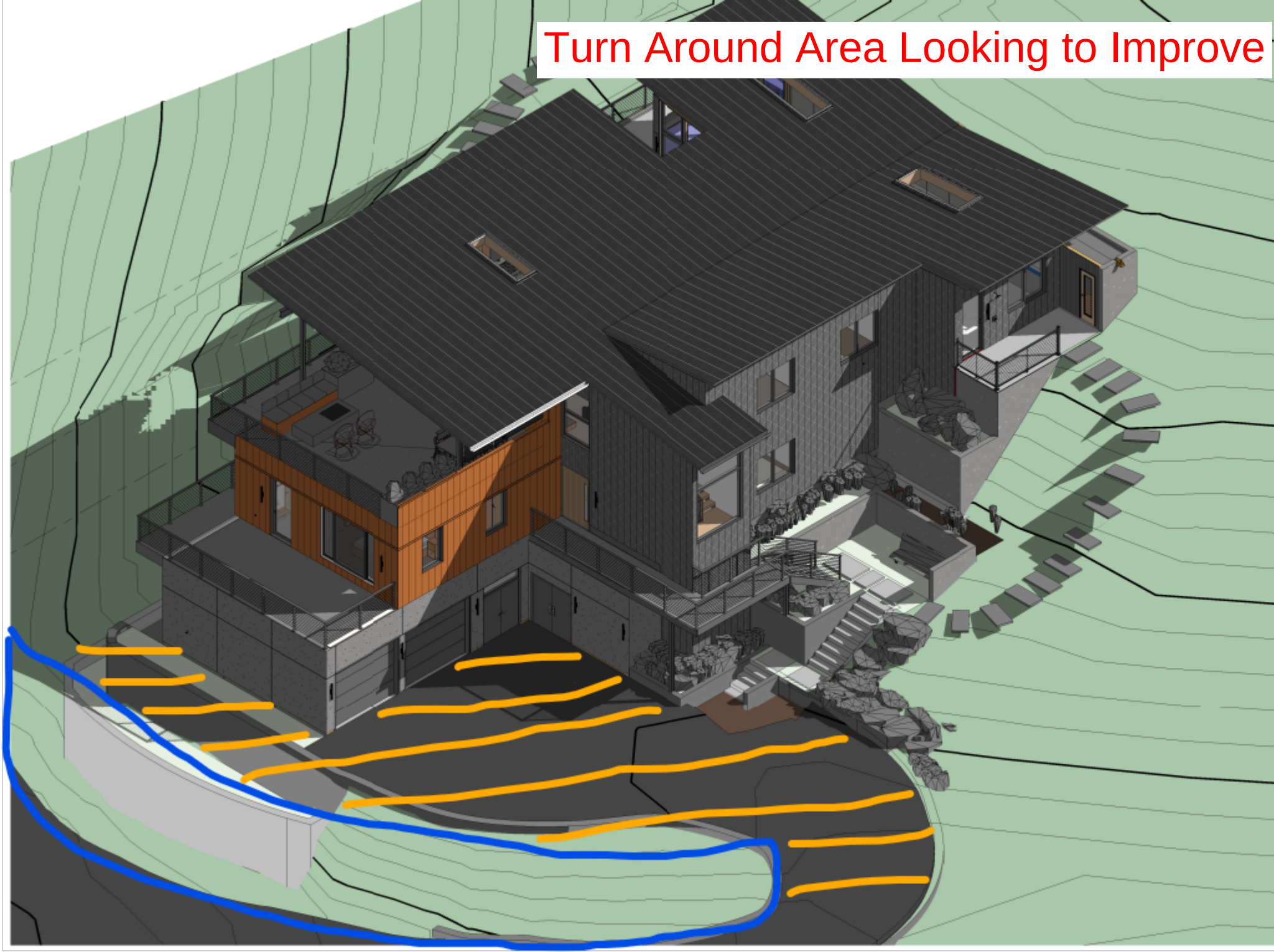
As Approved 1



As Approved 2



Turn Around Area Looking to Improve





329



Current Wall 1



Current Wall 2



Current Wall 3



Approved Wall 1



Approved Wall 2



Proposed Wall 1



Proposed Wall 2





Stacked Wall Lower on Property to Match Garage Walls 1



Stacked Wall Lower on Property to Match Garage Walls 2

TYPE II PUBLIC HEARING
CONTINUED

PA-T2-2024-00050, 113 Pine Street

Staff Report

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT - ADDENDUM**

Before the Planning Commission - October 8, 2024

PLANNING ACTION: PA-T2-2024-00050
OWNER: Charlie Hamilton
APPLICANT: Rogue Planning & Development Services, LLC

LOCATION: 113 Pine St 39-1E-08-AD Tax Lot 2600
ZONE DESIGNATION: R-1-7.5
COMP. PLAN DESIGNATION: Single Family Residential

ORDINANCE REFERENCES: 18.2.4 General Regulations for Base Zones
18.2.5 Standards for Residential Zones
18.3.9 Performance Standards Overlay
18.4.8 Solar Access
18.5.1 General Review Procedures
18.5.3 Land Divisions & Property Line Adjustments
18.6.1 Definitions

APPLICATION DATE: August 2, 2024
PUBLIC NOTICE: August 20, 2024
MEETING DATE: September 10, 2024
2ND MEETING DATE: October 8, 2024

120-DAY DEADLINE: November 30, 2024

PROPOSAL: A request for concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision. The proposed subdivision includes three residential lots and one open space lot for the property located at 113 Pine Street. The application includes a request for an exception to street standards to not install standard street improvements due to the existing sidewalk. The application also includes a request to remove five significant trees.

This addendum staff report provides brief procedural summary and amended recommended set of conditions of approval based on the prior discussion.

I. Background

Initial Hearing

The application was reviewed at a public hearing by the Planning Commission on Tuesday September 10th, 2024. Staff and the applicant both gave presentations on the proposal. Four members of the public gave testimony expressing concerns about the application. Prior to the close of the public hearing there was a request to leave the record open. ORS 197.799(6)(a) provides that “Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the

application.” The Planning Commission is required to grant such request by either continuing the public hearing or leaving the record open. The Planning Commission left the record open pursuant to the following schedule:

- from 9/10 – 9-17 New evidence or arguments could be submitted by any party.
- From 9/17 – 9/24 Rebuttal materials could be submitted to the new evidence
- From 9/24 – 10/1 The applicant would have the opportunity to respond to any rebuttal materials.

Information received during the first week

During the period of 9/10 – 9/17 the four items were received and are in this meeting packet. The City received comments from the following individuals.

- “Farmer James” of Family Tied Farms
- Anne Schriber
- Julia Vinciguerra
- Lawrence VanEgdom

The comment from Mr. VanEgdom included a short video which was posted at the project website: <https://www.ashlandoregon.gov/1037/113-Pine-PA-T2-2024-00050>. The comments along with a memo including the web site information was sent to the Planning Commission on September 18, 2024.

Information received during the second week

During the period of 9/18 – 9/24 any party could offer Rebuttal of New Evidence or Argument in response to the materials received the previous week. One item was received from the applicant’s land use consultant on 9/24 This was sent to the Planning Commission on October 1st and is also included in the meeting packet.

II. Conclusion and Recommendations

If the Planning Commission approves the application, staff recommends including the following conditions of approval below. These are amended set of recommended conditions of approval from what was in the September 10th staff report based on the prior discussion at the public hearing. The changes made between what is presented below and the September 10th staff report are that #2 and #4 were amended to be more specific, and conditions #5 through #8 have been included for the Planning Commission’s consideration:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15” Walnut) and #2361 (16” Oak) and that the revised plan be submitted prior to any site work.”
- 3) That a revised utility plan be submitted for review showing all proposed utilities to follow the private drive rather than extend into the gully area and that the revised plan be submitted prior to any site work.

- 4) That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees die within two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.
- 5) That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required
- 6) That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way.”
- 7) That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8) That if the decision of the Planning Commission is to remove the open space lot from the subdivision that the following three conditions of approval be added”
 - a. That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes
 - b. That a private maintenance agreement be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts
 - c. That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) as proposed by the applicant with the open space lot as follows:
 - i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
 - ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
 - iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.
- 9) That permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way.
- 10) That a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
- 11) That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:

- a. All easements including but not limited to public and private utilities, drainage, irrigation, mutual access, conservation area easements, and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
- b. Subdivision infrastructure improvements including but not limited to utilities, driveways, streets, and conservation area easements, shall be completed according to approved plans, inspected and approved.
- c. Electric services shall be installed underground to serve all lots, inspected and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- d. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.

12) That the building permit submittals shall include the following:

- a. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, conservation area easements, and fire apparatus access easements.
- b. That all residential units approved for development shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by Resolution 2006-06. (required for the density bonus of the subdivision.)
- c. Solar setback calculations demonstrating that all units comply with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- d. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the R-1-7.5 zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
- e. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system through the curb or gutter at a public street, a public storm pipe, an approved public drainage way, or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.

**New Evidence Received Between
09/10/24 - 09/17/24**

9/18/2024

RE: 113 Pine St.
Pine_113_PA-T2-2024-00050_SR

Prior to the close of the public hearing on 9/10/2024 there was a request to leave the record open.

ORS 197.799(6)(a) provides that "Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application." The Planning Commission is required to grant such request by either continuing the public hearing or leaving the record open. The Planning Commission left the record open pursuant to the following schedule.

<u>Tues. 9/17, 4:30 pm</u>	<u>Tues. 9/24, 4:30 pm</u>	<u>Tues. 10/1, 4:30 pm</u>
<i>New Evidence/Argument From Parties</i>	<i>Rebuttal of New Evidence/Argument From Parties</i>	<i>Final Legal Arguments (<u>No New Evidence</u>) from Applicant</i>



During the period of 9/10 – 9/17 the four items were received and are attached to this documents. These were Public Comments received from:

- "Farmer James" of Family Tied Farms
- Anne Schriber
- Julia Vinciguerra
- Lawrence VanEgdom

The comment from Mr. VanEgdom included a short video which will be hosted at the project website: <https://www.ashlandoregon.gov/1037/113-Pine-PA-T2-2024-00050>

/s/ Aaron Anderson, Senior Planner
City of Ashland, Planning Division
(541) 552-2052 or aaron.anderson@ashland.or.us

COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way Tel: 541.488.5305
Ashland Oregon 97520 Fax: 541.552.2050
Ashland.or.us TTY: 800.735.2900



Michael Sullivan

From: Michael Sullivan
Sent: Wednesday, September 11, 2024 10:31 AM
To: Michael Sullivan
Subject: FW: Subject: Formal Objection and Assertion of Rights Regarding Eleyson in whole on its face Articles of Incorporation for FAMILY TIED FARMS

-----Original Message-----

From: familytiedfarms@gmx.com <familytiedfarms@gmx.com>
Sent: Tuesday, September 10, 2024 7:06 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: Subject: Formal Objection and Assertion of Rights Regarding Eleyson in whole on its face Articles of Incorporation for FAMILY TIED FARMS

[EXTERNAL SENDER]

In accordance with “planning action PA-T2-2024-00050 subject property 113 pine st DESCRIPTION A Request Applicant rouge development for Charlie Hamilton “, Family Tied Farms, a Public Benefit Corporation, hereby submits this formal claim. We assert our natural common law rights under the faith of our articles of incorporation, particularly in relation to land stewardship, sustainability, and the well-being of the community.

In accordance with the city notice of public hearing regarding [single family residential or map 39-1E-08-AD], Family Tied Farms, a Public Benefit Corporation, hereby submits this formal claim. We assert our natural common law rights under the faith of our articles of incorporation, particularly in relation to land stewardship, sustainability, and the well-being of the community.

1. Objection: Failure to Acknowledge Public Benefit Obligations

The proposed [SINGLE-FAMILY RESIDENTIAL] fails to properly consider the public benefit obligations essential to Family Tied Farms’ purpose. As outlined in our Articles of Incorporation, we are dedicated to promoting environmental sustainability, equitable resource distribution, and holistic well-being within the community. The proposal lacks the necessary integration of these principles, which form the foundation of our natural common law rights. Specifically: First Amendment Rights

- Environmental Impact: The project overlooks key sustainability measures, undermining our mission to protect natural resources and foster regenerative agricultural practices.
- Social Equity: By neglecting the needs of underserved communities, the plan contradicts our corporate objective to uplift marginalized groups, especially in rural and economically disadvantaged areas.

2. Assertion: Right to Implement Natural Common Law Practices

Under our articles of incorporation, we have the natural common law right to pursue the development of community-centered initiatives, such as sustainable agriculture and land conservation, in alignment with faith-based principles. This right is guaranteed by [Article 1,section 3 of the Oregon constitution ORS215.700 (Ashland Municipal Code)(Jackson county code) :relevant legal statutes;, including Articles of Oregon Constitution or relevant charter]:

- Faith-Based Stewardship: Family Tied Farms is founded upon principles of animist faith, which call for ethical land use and environmental harmony. We assert that the city’s failure to incorporate these ethical standards into its planning process violates our right to exercise these practices as part of our public benefit mission.
- Community Well-being: As a public benefit corporation, we are entrusted with the responsibility to serve public welfare, including the health of local ecosystems and food security. This proposal, as currently structured, jeopardizes these critical aspects, directly conflicting with our articles of incorporation.

3. Proposed Solution and Request for Amendment

In light of these objections and in accordance with our rights, we formally request that the proposal be amended to reflect the following:

- **Equitable Access to Resources:** We propose the inclusion of specific provisions to ensure that the benefits of the project are distributed equitably among all community members, particularly those from vulnerable and underserved populations.
- **Community Engagement:** As part of our faith-driven commitment to communal responsibility, we request that Family Tied Farms be actively involved in the ongoing development process to ensure that the project reflects the public benefit objectives outlined in our articles of incorporation.

4. Conclusion

Family Tied Farms asserts its rights under its articles of incorporation to object to and demand modification of the city's proposed [project RE: Subject Property, 113 pine St]. We are committed to ensuring that all initiatives within our region are aligned with natural common law principles and the public benefit objectives of sustainable development, equity, and community well-being.

We respectfully request a formal acknowledgment of this claim and the opportunity to further engage in the development of the proposal to ensure its alignment with our legal and moral obligations as a Public Benefit Corporation.

[FARMER JAMES]

[ACQUISITIONS, Solution Specialist]

Family Tied Farms, Public Benefit Corporation

Sent using the GMX mail app

Michael Sullivan

From: Aaron Anderson
Sent: Tuesday, September 17, 2024 1:38 PM
To: Michael Sullivan
Subject: FW: 113 Pine Street Development; follow up letter to Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

From: Anne Schreiber <izzyrain@gmail.com>
Sent: Tuesday, September 17, 2024 1:31 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Cc: Peter Nystrom 133 Nutley <pnewstream@gmail.com>
Subject: 113 Pine Street Development; follow up letter to Planning Commission

[EXTERNAL SENDER]

Aaron - Will you please submit this supplemental document to the Planning Commission before 4:30 this afternoon? Thank you.

Anne

To the Planning Commission:

I am writing to summarize my concerns about the proposed development by Suncrest Homes at 113 Pine Street, as well as to add new information about the trees on the property line.

First, Peter Nystrom, who resides at 133 Nutley Street has the following concerns about a significant tree on his property:

There is a significant (15 inch DBH) Walnut Tree (#2439) whose trunk is about 6' on his side of the property line on the south side of the proposed development.

Mr. Nystrom is concerned that the tree limbs will extend over to the developer's side of the lot and will infringe on the clearance of the Hammerhead road. Unless that road is moved away from the southern boundary, his tree will be endangered. Further his home will be endangered if one side of the tree is cut back in any way, making the tree unstable.

Mr. Nystrom is further concerned that because the root system of the tree likely extends onto the developer's property, the roots will be vulnerable to any additional excavation for the proposed service road. The unstable ground slopes down steeply along the property line - and if a retaining wall is built, the footing for such a wall might pose another threat to the root system.

Mr. Nystrom wants to ensure that an arborist oversee any work around the southern border that may affect this tree, and other trees on his property, and wants to protect his trees against damage imposed by this construction.

Following the meeting on September 11th, I want to express the following concerns and questions:

The three houses along the southeastern perimeter of the lot all have trees within 15 feet of the building site, where a road is proposed. There is no protection planned for the trees and vegetation on the property owners' side of the fence line. What are we doing to mitigate the effects of the construction to the trees and plants on the properties that border this construction and especially road construction?

The proposed plan still proposes chopping down many large trees and four significant trees. As I wrote in my original letter, Lots 1 and 2 will be virtually clear-cut. The developer claims that this will not degrade the canopy or the habitat, as there are "thousands" of trees in a 200-foot radius. I'd like to see data on this. There are not thousands of trees and the cutting of half the trees in an acre lot will cause devastating effects. What are we doing about tree preservation? Can we order an independent arborist and biologist analysis of the damage this development will cause to this and surrounding areas?

Furthermore, the PSO guidelines use the language of "large trees", which is anything over 6 inches. Though trees over 6 inches were inventoried, they are not being protected by the proposed plan. **If we are going to grant the developer a PSO, the developer should live up to the guidelines and language of the PSO and consider any tree over 6 inches in diameter, protected.**

Why grant the developer a PSO? PSOs are given for one map area in Ashland only and the language is vague on why this variance would be justified. Will every developer ask for a PSO so they can design bigger better houses on smaller, untenable properties that are not otherwise setup for development?

What can we do to leave a migratory path for animals? Many small (and large) mammals use this space as a migratory path and have done so literally for generations. Can we demand small mammal fencing that leaves space at the bottom for small mammals to get through?

What can be done about the size of this road? A road this size is not needed. And if we need a big road, the developers should build the road on the north side of the house on Lot 1. I realize this might necessitate building a smaller house on Lot 1 and if so, so be it. There should not be a giant road bisecting both the east/west and north/south directions and necessitating a giant hammerhead turnaround. Please reject the current plan until a road of a reasonable size and location is proposed. A smaller road would also allow the significant Norway Maple (#2462) to remain standing.

Finally, what are we doing to ensure that the additional land from the Open Space is protected land that cannot be developed and that the additional land in Lots 2 and 3 do not lead to building larger houses on those lots? How can we create and document these guidelines so that future homeowners must adhere to them?

Thank you for your consideration.

Michael Sullivan

From: Michael Sullivan
Sent: Tuesday, September 17, 2024 12:00 PM
To: Michael Sullivan
Subject: FW: Testimony to Include: September 17, 2024
Attachments: 68.Scenic.CommentaryRegardingAdjacentSubdivision2.pdf;
68.Scenic.CommentaryRegardingAdjacentSubdivision2.docx; Vinciguerra_68 Scenic
Dr..docx

From: Julia Vinciguerra <ocejul@gmail.com>
Sent: Tuesday, September 17, 2024 11:53 AM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Cc: Lawrence VanEgdom <vanegdoml6@gmail.com>; Kendall Escuin <kendall.escuin@ashland.or.us>
Subject: Testimony to Include: September 17, 2024

[EXTERNAL SENDER]

Hi Aaron,

Here is my written response to include in today's submission. Lawrence's is still coming. Please note, there are two attachments to include. One is duplicative depending on file type that is preferred.

Thank you,

Julia Vinciguerra

Additional Neighborhood input on subject property: 113 Pine St., Ashland, OR

September 17, 2024

Julia Vinciguerra, 68 Scenic Dr. Ashland.

To the Planning Commission:

- Suncrust Homes would need to show an **approved variance** for a max density residential development requirement (**18.2.5.030**), since the development **does not** meet minimum requirements as currently laid out by code.
 - Designing a larger density project, especially one with 4 housing lots, is not feasible to meet all fire and building regulations, in addition to a public road -all while providing quality housing, therefore, a variance would not, and should not, be approved (**18.5.5.020**). The argument that the current proposal should be approved, since there is an option for a larger density project, is moot.

PSO approval outside of a PSO overlay: 18.3.9.030

Developer claims condition #2 for approval: *That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards or would be equal in its aesthetic and environmental impact.*

- The developer's argument is that they could build something larger with more density on this site, so their proposal is "better...and meets condition 2 for being less environmentally impactful." Again, this is false, since the larger development would require a variance approval – which has not occurred – and has been described above as moot.
- The current configuration is still trying to squeeze 3 housing lots on a property with a small street frontage.

Potential Value Impact on 68 Scenic Dr. with An Approved PSO Variance

- Results from Geotechnical study have not been shared (Code.749;76;666). Potential impacts for surrounding properties uphill and downhill of proposed development – erosion, drainage and foundations of existing homes. Homeowners, 68 Scenic Dr., request developer to complete a Geotechnical study and share with homeowner and Planning Committee for LOT 3, prior to PSO variance approval by independent Engineer – selection approval to include homeowners.
- Due to length of driveway and access points to LOT 3, Fire prevention control plan needs to be shared due to the increased risk of fire for 68 Scenic Dr. and surrounding neighbors.

Code 749;76;766 and General Fuel Modification Area Standards to be reviewed and approved/disclosed to surrounding homeowners.
- Approval of PSO variance has the potential to **negatively** impact 68 Scenic property value. Current study underway to capture current property value and the impact of LOT 3 building site based on 68 Scenic's downhill sloped design and panoramic views. Homeowners request architectural plans and building site specifications to be included and reviewed, prior to PSO variance approval. Architecture plans need to show environmental and sustainable advantages for PSO approval. If it is determined that LOT 3 has negative implications, Homeowners expect plan modifications and/or loss compensation. Please.see.appraiser's. notes.attached;
- Due to the residential development codes of Ashland and non-PSO overlay zone, homeowners purchased 68 Scenic Dr. knowing that it could not be developed.



9/16/2024

Re: Valuation of your home at 68 Scenic Drive, Ashland Oregon

Julia:

I'm writing to recap our conversation regarding your property located at 68 Scenic Drive and the potential impact of future residential development to the East of your property on Tax Lot 39-1E-08AD, 2600.

The factors that tend to have an impact on market value of properties in the Ashland market are view quality, neighborhood location, traffic counts, and the proximity of the residential improvements on one tax lot to the neighboring residential improvements.

Based on my experience in the Ashland market the possible impacts of the proposed residential building on your adjacent lot could be limited to the impact the proposed residential improvements might have on your Easterly view or could include the impact a residential dwelling on that lot might have on your yard privacy.

When considering the proposed subdivision of Tax Lot 39-1E-08AD, 2600, it looks to me as though the Western most lot (Proposed Lot No. 3) would be the most likely to have an impact on the value of your property. I could not speculate without further analysis of the market data whether the construction of a dwelling on the lot adjacent to yours would definitively have an impact on the value of your property.

Per our phone conversation, my first available delivery date is November 20, 2024. I've placed you on my calendar for this date and will provide a current market value of your property at that time. I understand from our conversation that you also intend to engage me to provide an appraisal of your property reflecting its value once the subdivision has been completed.

I look forward to the opportunity to work with you.

Margaret Nelson-Quin, SRA
General Certified Appraiser

Margaret Nelson-Quin, SRA
Certified General Appraiser

P.O. Box 596 · Ashland, Oregon 97520 | 541-531-2310 | margaret@phoenixappraisal.org | phoenixappraisal.network



Michael Sullivan

From: Aaron Anderson
Sent: Wednesday, September 18, 2024 9:51 AM
To: Michael Sullivan
Subject: FW: Seasonal Stream 113 Pine St.
Attachments: Video.mov; Video_1.mov

From: Lawrence Van Egdom <vanegdoml6@gmail.com>
Sent: Tuesday, September 17, 2024 4:12 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: Seasonal Stream 113 Pine St.

[EXTERNAL SENDER]

Hello Arron,
Here are subjects I would like to contest in the development of 113 pine street.

-Minimum lot width

The properties 113 pine st. Is zoned to have a minimum lot width of 65' stated on page 31 of the Ashland land use code. The property has 63'. If allowed to be subdivided it would have a base density of 4.52 unless there was an exception made which there hasn't been. So to use the 4.52 base density is not conforming to code therefore how can one split the land under the PSO #2 "develop to maximum density". Technically there is no 4.52 base density because it doesn't comply to code. Therefore your PSO option doesn't work under any of the 18.3.9.030.D options and as it is outside the PSO overlay map it shouldn't qualify for subdivision. End of story.

If there is more story..... Which there shouldn't be.....

Vehicular Access and Circulation 18.4.3.080

-The driveway needs to conform to these standards for safety reasons. The existing driveway does not belong to the property therefore there is no legal driveway in the property. So a driveway needs to be placed into a spacing that is compliant (24') with code. Their old driveway fed one house and was not to code. The proposed driveway will be feeding potentially 3 houses and 3 ADU buildings with much more use and for safety reasons needs to be in compliance with spacing codes. If they are removing hundreds of yards of top soil for the foundations they can remove a section of retaining wall and a couple dozen yards of soil to conform with code for driveway spacing.

I'm sure there is enough outcry for the trees already but I would also like to mention the impermeable driveway and the critical root zone it will cut through and construct trees from water and nutrients. Note how close the driveway cuts to the trees 2333-2340 on the other side of that property is a structure which is also impermeable ground. All the water for these trees is to the south. What are the legal ramifications to a developer if trees die 3-5 years from when the lot is developed due to lack of permeable ground?

Also trees 2439, 2443, 2486, 2421 will be impacted by the lack of permit or ground and even though they are not being cut down at their trunk they are being cut down at their roots.

Amy stated there are thousands of trees around the area. This is characteristic of the neighborhood and to cut the 4-5 proposed trees down would be uncharacteristic.

Also if the limb of tree 2372 a walnut tree on the northern neighbors property is cut it will take more than 90% of the above ground growth of that tree away.

-Legality of proposing to build property and pay for 6 months rent to northern neighbors to sell him the property to expand the development. 109 Pine street owners have informed me that they have been propositioned to sell their house to the developer and he has offered to build them a home 6 months free of mortgage payments. "Because I care" was Charlie Hamiltons response.

Preservation of Natural Features 18.4.6.04014-"...to minimize or avoid impacts to natural features and water sources".

There is a wetland/tributary to Ashland Creek running through the property of 113 Pine st. The proposed driveway will be placed on top of the feature covering roughly 3,000sqft of currently permeable ground. That feeds the water table plants and wildlife on this property and the adjacent properties. Allowing this driveway to restrict the water into the ground shouldn't be allowed.

18.4.6.040.I-"...should minimize impacts and use on wetlands and drainages".

Below is a video I took under the bridge across the gully above 113 Pine street. It was Sunday evening. I believe we recorded 0.004" of rainfall that day in total. The video was taken around ~22:00 PST. I just want to demonstrate that this is an active wetland/seasonal stream/tributary to Ashland Creek. I was given permission from my neighbors of Scenic to access the property to take this video. I'm concerned that the impermeable driveway will affect the natural wetland area and should not be approved for this reason.

Lawrence Van Egdom
68 Scenic Dr.

Find it with  in the Google app



Try Now



Mon, Sep 16th 2024

▼ Sun, Sep 15th 2024

High: 73.4°F @3:30 PM **Low:** 57.2°F @10:35 PM  **Approx. Precipitation / Rain Total:** 0.004 in.

Time (PDT)	Temp. (°f)	Humidity (%)	Dew Point (°f)	B (
11:55 PM	59	67.36	48.2	2
11:53 PM	59	69.2	48.92	2
11:50 PM	59	67.36	48.2	2

ATTENTION

For video evidence submitted by Lawrence Van Egdom on 09/17/24, please use the link below:

<https://ashlandoregon.gov/1037/113-Pine-PA-T2-2024-00050>

PLEASE NOTE:

The following public comment was received by a resident who is not a party of record.

Michael Sullivan

From: Michael Sullivan
Sent: Monday, September 16, 2024 11:49 AM
To: Michael Sullivan
Subject: FW: PA-T2-2024-00050, Midtown Terrace, 113 Pine St

From: Peter Nystrom <pnewstream@gmail.com>
Sent: Monday, September 16, 2024 11:39 AM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: PA-T2-2024-00050, Midtown Terrace, 113 Pine St

[EXTERNAL SENDER]

Dear Mr. Anderson,

I own the property at 133 Nutley St and am writing to express my concern about the large (approx 15" DBH) Walnut tree whose trunk is about 6' on my side of the property line on the south side of the proposed development. I'm unable to determine if it's been assigned an identifying number, and is specifically addressed in the plan.

I have two concerns about potential damage to this tree:

1) It has large limbs that extend over onto the developer's site. Depending on the final plan, some of those limbs may be so low that they'll be required to be removed in order to provide sufficient "air space" clearance above the proposed hammerhead turnaround access road. For example, a fire truck or utility truck may require very high clearance. Removing too much of the limb structure on the north side of the tree may unbalance the tree, causing it to eventually fall down onto my backyard.

2) The root system of the tree probably extends onto the developer's property. The roots will be vulnerable to any additional excavation for the proposed service road. The unstable ground slopes down steeply along the property line - I don't know if the development plan contemplates putting in a retaining wall of some kind. If so, the footing for such a wall might pose another threat to the root system.

I understand an arborist will be consulting on this project. Please ensure that my concerns about the potential hazards to my Walnut tree posed by extensive pruning and/or damage to its root system are addressed by the arborist, and are given sufficient weight in the ongoing approval process.

Thank you,

Peter Nystrom
133 Nutley St
Ashland OR 97520

541-708-0345

Applicant's Final Written Arguments
Received 09/24/24



September 24, 2024

Final Arguments regarding the proposed Midtown Terraces Subdivision, a request for concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision. The proposed subdivision includes three residential lots and one open space lot for the property located at 113 Pine Street. The application includes a request for an exception to street standards to not install standard street improvements due to the existing sidewalk. The application also includes a request to remove four significant trees. (PA-T2-2024-00050_SR)

Performance Standards Subdivision Request:

The request is to utilize the Performance Standards Option Subdivision to allow for a four-lot subdivision.

Utilization of the Performance Standards Subdivision Option to divide the property is requested which is consistent with the Purpose Statement from AMC 18.3.9.010. The Purpose Statement notes that the Performance Standards Option should be used to allow an option for more flexible design than is permissible under the conventional subdivision codes when due to the undeveloped nature of the property, sloping topography, or the existence of vegetation, the result is equal in its environmental and aesthetic impact as subdivision standards would allow, are more suitable for development under Performance Standards than the standard subdivision or land division process.

As noted in the applicant findings and during the September 10, 2024, Planning Commission public hearing, a similar, three lot partition can be achieved using a flag lot layout without any variances. Because the standard lot layout requires the street frontage lot (Lot 1) to be deeper than wide, this creates an overly deep lot due to the narrow frontage width. A similar layout can be achieved with the application of the Performance Standards Option because the PSO Subdivision allows for the same lot (Lot 1) to be slightly wider because it eliminates the flagpole connection to the public street of the driveway for Lots 2 and 3 and allows the driveway access via an easement.

The proposed three lots are consistent size, similar in area and dimensions as the lots in the surrounding neighborhood which leads to similar home sizes based the maximum permitted floor area, similar coverage, and the result is equal in its environmental and aesthetic impact.

The PSO Subdivision provides additional protections through the creation of the proposed open space which will include the limited portions of the property that are considered Severe Constraints per AMC 18.3.10.110 than is required for a standard partition or subdivision. There are no construction disturbances proposed to the limited areas of Severe Constraints that are proposed for protection.

**Open Space:**

As discussed during the public hearing, the proposed open space lot and areas of 35 percent slope that were protected within an open space lot, through deed restriction and by the ordinance which prohibits development of the severely constrained slopes will be eliminated and the area of the open space lot will be incorporated into Lots 2 and 3 with a conservation / open space easement area that will provide the same protections as a separate tax lot for both the open space area and the severed constraints lot.

Driveway location:

Although the driveway separation along Pine Street between the subject property and the property to the south is pre-existing, non-conforming situation. The driveway separation will be improved with the reconstructed driveway apron by shifting the driveway to the north so it does not cross the south property line. But 24-feet of separation cannot be provided. As noted during the hearing the topography along the north side of the property as it slopes does to Pine Street the grade between the street and the property is steep and retained behind a tall retaining wall that is behind the sidewalk. The existing driveway and the location of it provides adequate width and grade for the proposed lot access.

The existing driveway to the south and the reconstructed driveway apron proposed will not meet a 24-foot separation. The code does not require full conformity with development in non-conforming situations but requires that the non-conforming situation not become worse or more non-conforming.

Stormwater or other surface hydrology:

There are no identified City of Ashland stormwater systems or easements through the property. The gully is not an identified creek system, nor is identified hydrological feature.

The video presented demonstrates violation of Oregon Building and Plumbing Code which does not allow for captured storm or surface waters to trespass onto adjacent properties without proper easement and does not demonstrate a natural feature or public utility that require preservation and / or protection.

Wildfire Hazards Plan:

Per the Ashland Land Use Ordinance (18.3.10.100), it is not always required to submit a separate Wildfire Hazards plan when the information provided addresses the requirements of the plan; and a separate plan is not reasonably necessary in order to make a decision on the application.

The requirements of the Wildfire Hazards plan includes inventory of the trees and shrubbery and that a "fuel modification area" where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations.



Material capable of allowing a wildfire to spread unchecked does not exist on the property. The proposed removal of the dead and dying trees, removal of the prohibited tree, pruning and maintenance of the remaining trees and mowing of the grass address the Wildfire Hazard Plan requirements. The standards of AMC 18.3.10.100.C. will be addressed prior to installation of the infrastructure, utilities and prior to the storage of combustible materials on-site. Furthermore, the wildfire hazards are minimized because redevelopment does not allow for landscaping with trees or plants from the City's Prohibited Plant List within the open space or within the general fuel modification area as stated during the public hearing.

Tree Removals:

Though the Notice of Application states there are 17 trees proposed for removal, on R-1 zoned properties, trees between the sizes of 6-inches in diameter at breast height (DBH) to 12-inches DBH for deciduous trees and 16-inches DBH for conifer trees are not subject to tree removal permits (AMC18.5.020.B.3/C.2). The notice further notes that five significant trees are proposed for removal. As discussed during the hearing, there are only four significant trees proposed for removal.

One of the trees, a 14-inch DBH Incense Cedar (#2362) was listed as significant on the tree inventory but falls under the DBH threshold for significant tree removal permit. There are two other significant trees identified on the tree inventory as dead. An 18-inch DBH Cottonwood tree (#2365) shared with the property to the north has fallen and is on the ground of the subject property. The 14-inch Plum tree (#2411) on the south property line is also dead. Dead trees are also exempt from tree removal permits (AMC18.5.7.020.C.7).

Based on the Ashland Municipal Code and what constitutes tree removal, the proposal calls for the removal of two significant stature trees, a Norway Maple and a Walnut in poor health.

The Planning Commission can make findings that there is a substantial canopy coverage from a large number of Oak, Walnut, Incense Cedars, Maple, Pear, Apple and Plum trees remaining on the subject property and within 200-feet of the subject property. The removal of the two living significant trees and two dead significant trees will not have a substantial negative impact on the density, canopy coverage or species diversity within the impact area.

As addressed at the public hearing additional protections are provided for the trees on the adjacent properties that are near the improved and extended driveway through the implementation of tree protection plan and observation of excavation by the project arborist in accordance with 18.4.5.030.



Conclusion:

In conclusion, the proposed Performance Standards Subdivision allows for the division of the parent parcel through the use of a private driveway instead of a flag lot layout or, the maximum density of four lots as noted in the staff report and during the public hearing. There are no requests for variance to the standards.

The use of the Performance Standards Option is supported by the property location in a largely developed area, on a lot that has natural features preserved, a narrow frontage upon the public street that could present access limitations or possible lot configuration issues that are not factors when the property is divided through the application of the Performance Standards Option Subdivision.

It can be found that the proposal provides for the preservation of significant natural features including topography and significant trees within an area of open space that is deed restricted for no development, including slope easement upon the unbuildable areas that are in excess of 35 percent and considered severely constrained.

The minimum number of significant trees are preserved with the proposal and that the small stature trees not regulated by ordinance are also being preserved. It can be found that there are substantial numbers of deciduous and conifer trees within 200-feet of the property and that the proposed tree removal will not have an impact on species diversity or canopy when considering the proximity to the substantially treed neighborhood and the proximity to thousands of acres of forestland.

Each proposed lot area substantially exceeds the minimum lot area in the R-17.5 zone while preserving the natural features though the creation of open space, and deed restricted, unbuildable areas which include the preservation of large stature trees. Further environmental protection is provided because the proposed homes are to be constructed to Earth Advantage Standards. The proposed homes will be architecturally creative, historically compatible with the impact area, and aesthetically pleasing. The proposed subdivision of the property allows for urbanization of a developable residential lot in a manner that provides for an efficient use of the land, limited impacts to the natural environment and creates needed housing in an established neighborhood of similar size area lots, and similar size and stature homes as what can be constructed within the impact area.

Thank you,

Amy

Amy Gunter

Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com