



Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, January 14, 2025

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. November 12, 2024 Regular Meeting
- b. December 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 January 14, 2025 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/97429109938>

V. UNFINISHED BUSINESS

- A. Approval of Findings for PA-T2-2024-00054, Kestrel Park Phase III

VI. PUBLIC HEARINGS

A. NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2024-00255

SUBJECT PROPERTY: 110 Terrace St.

OWNER: Shirley D Patton Trust

APPLICANT: Rogue Planning & Development

DESCRIPTION: This is a request for a formal interpretation of the Ashland Land Use Ordinance as it applies to how a Peer Respite Home (as defined at ORS 430.626) are regulated. The interpretation requests that the proposed Peer Respite Home in the existing residence at 110 Terrace Street be classified as a similar use to types of Group Living that are permitted in all residential zones, and that such interpretation would provide a reasonable accommodation consistent with the Fair Housing Act and Americans with Disability Act. **COMPREHENSIVE PLAN**

DESIGNATION: Single-Family; **ZONING:** RR-.5; **MAP:** 39-1E-09-BC; **TAX LOT:** 8000





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B. PLANNING ACTION: PA-T1-2024-00254

SUBJECT PROPERTY: The Oaks of Ashland Open Space - Sutton Place (Tax Lot #1600)
554 Sutton Place (Tax Lot #1500)
562-570 Sutton Place (Tax Lot #1800)

PROPERTY OWNERS: The Oaks of Ashland Homeowners Association(HOA)(Tax Lot #1600)
Mukesh & Sheetal Sheoran (554 Sutton Place, Tax Lot #1500)
Bruce A. Theisen Trust (562-570 Sutton Place, Tax Lot #1800)

APPLICANTS: Vincent Haynes, Michael Thornton and Fred Frantz for The Oaks of Ashland HOA

DESCRIPTION: A request for an amendment of The Oaks of Ashland subdivision approval (PA #2000-127) to remove a condition of approval which required that a Public Pedestrian Access Easement (PPAE) be provided to connect Highway 66 to Sutton Place through the subdivision open space and continuing on between the properties at 554 Sutton Place and 562/570 Sutton Place. **COMPREHENSIVE PLAN DESIGNATION:** Single-Family; **ZONING:** R-1-10; **MAP:** 39 1E 11 DD; **TAX LOTS:** 1500, 1600 & 1800

VII. OPEN DISCUSSION

VIII. ADJOURNMENT

Next Meeting Date: January 28, 2025

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).





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November 12, 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 Perkinson and KenCairn attended the meeting via Zoom. Chair Verner congratulated Commission Knauer on being elected to City Council. Commissioner Knauer thanked the Commission and expressed appreciation for the knowledge and experience he gained while serving on it.

Commissioners Present:

Lisa Verner
Kerry KenCairn
Eric Herron
Russell Phillips
Susan MacCracken Jain
Gregory Perkinson
Doug Knauer

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Veronica Allen, Associate Planner
Michael Sullivan, Executive Assistant

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

1. Staff Announcements:

Community Development Director Brandon Goldman made the following announcements:

- He thanked the Commission and the Housing Authority of Jackson County for the rewarding experience of the annual Planning Commission retreat which took place on November 7, 2024.
- The November 26, 2024 Study Session was cancelled and he inquired if the December 24 Study Session should likewise be cancelled.
- The December 10, 2024 Regular Meeting will review the third phase of the Kestrel Park subdivision.
- The City Council will hold its annual appreciation event and annual updates for all City Commissions and Committees. All members of these volunteer groups are invited to attend.

2. Advisory Committee Liaison Reports – None





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III. **PUBLIC FORUM** – None

IV. **UNFINISHED BUSINESS**

1. **Approval of Findings for PA-TI-2024-00245, 329 Granite Street**

Commissioners/Phillips/Knauer m/s to approve the findings as proposed. Commissioner KenCairn abstained from the vote due to her past involvement with the project. Roll Call Vote: All AYES. Motion passed 6-0.

V. **OTHER BUSINESS**

1. **Economic Opportunities Analysis Public Engagement Plan**

Mr. Goldman acknowledged and expressed appreciation for the work that one of the City's Associate Planners, Veronica Allen, did on this project. He introduced Kourtney Cena and Elliot Weiss of Community Attributes Inc (CAI), who worked as consultants on this project and were attending the meeting via Zoom in order to present the team's findings. He noted that the consultant team and the City's Economic Development Specialist, Jordan Rooklyn, were able to tour various sites around the Rogue Valley to examine their economic development and also reviewed employment data focusing on employment needs of particular groups and on centers with greater employment opportunities.

Mr. Weiss stated that this meeting would focus on community engagement, particularly major employers and community members, and provided the following overview and timeline of the Economic Opportunity Analysis (EOA):

- Ongoing – Project Kickoff
- Aug-Nov – Inclusive Outreach Plan
- Sept-Jan – Ashland/Medford Joint Analysis – National, State & Regional
- Oct-Feb – Ashland Community Outreach, Goals and Strategies
- Sept-Nov – Industrial and Commercial Buildable Lands Inventory
- Oct-Feb – Ashland Local EOA with Equity Considerations
- Mar-Apr – Comprehensive Plan Update to Goals, Policies, or Actions
- Mar-May – Final EOA Document Deliverable
- Jan-Mar – Equity and Inclusion Self-Assessment

Mr. Weiss stated that an EOA is a technical study that compares a city's land needs for industrial and





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other employment uses to the existing supply of such land, and can help communities implement their local economic development objectives and forms the basis for industrial and other employment development policies in the comprehensive plan (see attachment #1). Mr. Weiss emphasized the importance of coordination between the consultants, the Commission, and City staff to ensure the optimization of public engagement activities, adding that the EOA was being done in conjunction with the City of Medford. He added that the priority populations for such outreach should represent geographic diversity across the City, while other groups could include the following:

- Migrant, foreign born, and non-citizen communities
- Communities of color, including Ashland's Hispanic community
- Seniors
- Differently-abled community
- Young people
- Workers with high school degree or less
- Veterans

Mr. Weiss stated that the planned outreach projects included the following: discussions with focus groups; interviews with key stakeholders; public hearings with the Commission and Council; business and resident surveys; and a studio/pop-up event to allow widespread public participation. He then offered the following questions to help guide the Commission's discussion:

1. What populations, communities, or groups in Ashland should be prioritized for targeted outreach in this EOA process?
2. What other equity considerations should be front and center during the implementation of this Inclusive Outreach Plan?

Mr. Weiss concluded by offering a working draft schedule of CAI's public outreach activities:

- **October**
 - o Draft Inclusive Outreach Plan
 - o Field Work & City Tour (10/21, in-person)
- **November**
 - o Deliver CCI materials (11/5)
 - o **CCI meeting (11/12)**
 - o Determine priority populations / equity targets
 - o Launch business and resident survey
 - o Begin orientation interviews
- **December**





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- o Close business and resident survey
- **January**
 - o Begin focus groups
- **February**
 - o Studio / pop up meetings
 - o Pop-ups and focus groups (in-person)
- **March**
 - o Draft and Final Engagement Summary
 - o Final presentation (in-person)

Questions of the Consultants

Commissioners KenCairn and Perkinson emphasized the importance of including in the study those who work in Ashland but are unable to afford to live there and instead reside in Talent, Phoenix, and Medford. Commissioner Perkinson also suggested that the study utilize the Diversity, Equity, and Inclusion study that was presented to the Council earlier in the year. Regarding the SOU focus group, Commissioner Perkinson recommended that CAI reach out to SOU after January and advised them to also contact the SOU student government.

Commissioner MacCracken Jain noted that several surrounding cities such as Yreka, Gold Hill, and Grants Pass have depressed economies and whose residents often commute for better work opportunities. She asked if there was a methodological imperative to focus on underrepresented populations and if there was an assumption that larger populations had already provided feedback. She also noted that the work that the Chamber of Commerce had done was not clear or how it weighed into the analysis. Mr. Weiss responded that CAI is receptive to additional forms of data gathering, such as travel data to see who commutes to the City for work. He stated that underrepresented peoples are not given preference in the analysis, but that CAI wants to ensure they are included. Mr. Goldman pointed out that the Chamber of Commerce recently conducted an Economic Diversification Study that will help inform the EOA. He added that the contract with CAI included developing the EOA, reviewing the Comprehensive Plan, and making recommendations, but not amending the Comprehensive Plan.

The Commission discussed the scale of the study and the wider economic development objectives for the City in the Rogue Valley. They emphasized the need to study the entirety of the City's population while not losing sight of small business owners, hospitality workers, and those who commute to the City for work but live elsewhere. The Commission cautioned against focusing too heavily on businesses that cater to tourists or omitting businesses stationed in Ashland but which export their services or products elsewhere. Mr. Weiss stated that the consultant team is open to all sources of data collection, but that the findings must be submitted to the Department of Land Conservation and Development (6DLCD) by June, 2025. The Commission reiterated the importance



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of contacting the SOU student government and examining the number of young, educated residents who cannot afford to live in the City.

Mr. Goldman stated that staff engages in bi-weekly meetings with the consultants to discuss the analysis, and that the scope of work includes a future Study Session with the Commission and another with the Council. He added that staff could provide additional information in the near future independent of the consultants. Chair Verner suggested that the Commission receive another update at the beginning of 2025.

VI. DISCUSSION ITEM

1. 2025 Priorities & Workplan Discussion

Mr. Goldman stated that there are some issues listed in the packet that are outside of the City's control in terms of timing, such as the Croman Mill Site and Railroad Property cleanup projects, while the City can more directly impact certain items like the Housing Production Strategy project. He added that some items like the EOA are ongoing.

Mr. Severson described how the Planning Department has experienced a higher volume of planning actions than normal, including two annexation requests and Phase III of the Kestrel Park Subdivision.

Commissioner Knauer suggested that the Manufactured Home Park Zone Ordinance be moved out of the Long-Range planning status and be completed in a more timely manner. Mr. Goldman responded that Long-Range are items that are typically completed in the near future, such as the EOA, which will be completed by June of 2025. He explained that these items are designated as Long-Range because they are subject to legal processes outside of the Planning Department's control, such as new ordinances.

Commissioner Knauer inquired why the Homeless Services Action Plan was included on the list. Mr. Goldman responded that it was included as work that City staff is currently working on, even if it may not be reviewed by the Commission.

Commissioner Herron advised caution when using the term "walkability" in regards to the Walkable Design Standards Ordinance recently introduced by the state. He advised that the term "accessibility" would be more inclusive of those who are differently-abled. He suggested that the City work closely with the Transportation Advisory Committee to improve human-powered transportation in the City. Mr. Severson responded that the state had instituted the guidelines for walkable communities, and therefore it is a specific design standard and terminology that cities must adopt.



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Commissioner MacCracken Jain noted that the description of Climate-Friendly Areas (CFAs) and its timeline had not been updated and required more specificity. Mr. Goldman responded that there would be ongoing discussions regarding CFAs and more detail would be added in the future.

Commissioner Knauer asked why the CFA overlay for the Railroad Property was larger than the area itself. Mr. Goldman responded that the overlay would also include Hersey Street since it contains redevelopment potential. He added that it would also include areas of Clear Creek Drive that have already been developed.

Commissioner Herron asked if there was an update to the designation of the CFAs from Council. Mr. Goldman responded that the Council concurred with the amendment to remove the Croman Mill Site from the list of potential CFAs, and that an overlay should be utilized to designate the CFAs to more easily adjust their number or scale in the future. Regarding the designation of the Downtown, the Council had directed staff to develop language within the existing C-I-D zone that would afford areas within the Downtown the same allowances that would exist within proposed CFAs. The Council also discussed the inclusion of the Railroad Property as a CFA, but expressed concern over whether townhomes would be allowed in this area given the deed restriction status, and the remediation plan from the Department of Environmental Quality (DEQ).

Councilor Hyatt noted that the Council also discussed including the Downtown as a potential CFA, but expressed concern about redevelopment of the Downtown with the townhome provision in mind. The Commission discussed the inclusion of the Downtown as a CFA, with Commissioner Herron relating how it could be excluded from grants and other economic opportunities if not included. Commissioner MacCracken Jain remarked that the inclusion of the Downtown area may not have been adequately considered by the Council.

Chair Verner asked if the CFA project would come back to the Commission. Mr. Goldman responded that it would go to both the Commission and Council for review and approval, and that the Council had made no formal decision as this item was reviewed at a Study Session. He clarified that, with the Council's decision to not include the Downtown as a CFA, the City would not be utilizing the consultant services to study and develop a code analysis of the Downtown for what changes to make, other than those code changes to make it correspond with CFAs without an overlay. He noted that there is a clear distinction that the City would be reviewing the Railroad Property and the Transit Triangle as primary CFAs.

Commissioner MacCracken Jain asked if there is anything precluding the City from seeking grants or funding to study the feasibility of designating the Downtown as a CFA. Mr. Goldman responded that the primary restrictions are funding, staff availability, and timelines, as this project must be concluded by June, 2025. He stated that there is nothing precluding the Downtown from being included in the future and that the Council could include funding for its inclusion in the next biennial budget. He reiterated that no formal decision has been made since the Council reviewed this at a



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Study Session.

Commissioner Herron asked why the Council rejected the Rogue Valley Council of Government's (RVCOG) recommendation to include the Downtown. Mr. Goldman responded that the Council had directed staff to conduct a study of the Transit Triangle, Railroad Property, and Croman Mill Site back in early summer of 2024. He noted that RVCOG identified the Downtown area as a potential secondary CFA, not as a primary CFA, and that the Council packet included RVCOG's recommendation. Mr. Severson added that the Downtown was discussed early on to include as a CFA without encouraging redevelopment of existing buildings, but the use of secondary sites wasn't further developed by the state.

Commissioner MacCracken Jain asked how the Commission could keep the discussion of including the Downtown area as a CFA active. Mr. Goldman responded that this item could be included in the Commission's annual update and workplan presentation to Council, which would allow Chair Verner to make this recommendation. Councilor Hyatt emphasized that the current Council cannot prohibit future Council decisions and recommended that the Commission's advocacy for the inclusion of the Downtown area as a CFA be included in the workplan. She cautioned that funding may not be available for another study.

The Commission generally agreed to advocate for the inclusion of the Downtown area as a CFA. Commissioner Perkinson advised accepting the consultant's recommendation to not include it, and Commission KenCairn stated her neutrality on the subject.

VII. OPEN DISCUSSION

The Commission decided to cancel the November 26th and December 24th Study Sessions.

Councilor Hyatt reminded the Commission that all Commissions and Advisory Committees are invited to the December 16, 2024 Council Study Session that will include an appreciation event for these groups.

VIII. ADJOURNMENT

Meeting adjourned at 8:50 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*



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December 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. Commissioner Perkinson attended the meeting via Zoom. Chair Verner expressed appreciation to Councilor Hyatt for her service on the City Council and as Liaison to the Planning Commission. She also wished Commissioner Knauer luck with his Council appointment.

Commissioners Present:

Lisa Verner
Doug Knauer
Gregory Perkinson
Russell Phillips
Susan MacCracken Jain

Staff Present:

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

Absent Members:

Kerry KenCairn
Eric Herron

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

1. Staff Announcements:

Community Development Director Brandon Goldman made the following announcement:

- He reminded the Commission that the City would be holding its annual appreciation event for the City's Commissions and Advisory Committees on December 16, 2024.

2. Advisory Committee Liaison Reports – None

III. CONSENT AGENDA

1. Approval of Minutes

- October 12, 2024 Regular Meeting

Commissioners Knauer/MacCracken Jain m/s to approve the Consent Agenda as presented.

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

IV. PUBLIC FORUM – None





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V. **TYPE II PUBLIC HEARINGS**

PLANNING ACTION: PA-T2-2024-00054

SUBJECT PROPERTY: Tax lot 8600 of assessor's map 39-1E-04-AD

OWNER: PDK Properties, LLC

APPLICANT: Taylored Elements Construction

DESCRIPTION: A request for outline plan approval for a 15-lot Performance Standards Option (PSO) subdivision, and a request for residential Site Design Review approval. The application also includes a request for a variance to driveway width. **COMPREHENSIVE PLAN**

DESIGNATION: North Mountain Plan; **ZONING:** NM-MF; **MAP:** 39-1E-04-AD; **TAX LOT:** 8600, 4700, 7800

Chair Verner noted that staff had received several public comments since the meeting packet had been distributed, as well as informational materials distributed by a member of the public prior to the meeting (see attachment #1).

Ex Parte Contact

Commissioners Phillips and Verner disclosed site visits. Chair Verner disclosed two ex parte contacts with members of the public, who informed her that this item was on the agenda. She responded that she could not discuss this item due to her presence on the Commission. No other ex parte contact was disclosed.

Mr. Goldman noted that Commissioners KenCairn and Herron had recused themselves from the proceedings due to their past involvement with the applicant.

Staff Presentation

Senior Planner Aaron Anderson provided a brief presentation on the proposal, which included a request for Outline Plan Approval for a 13-lot Performance Standards Option subdivision, as well as Site Design Review, Tree Removal, and a Variance regarding required driveway width of the proposed units (see attachment #2). He stated that this project would be processed as part of the North Mountain Neighborhood Plan, and noted that the applicant had voluntarily removed Area 7 from the proposal, citing the need to further develop the proposal for this area. The removal of Area 7 reduced the number of proposed lots from 15 to 13, and the total number of units from 28 to 16. Mr. Anderson added that staff had included 2 potential conditions of approval to account for the withdrawal of Area 7 from the application:

- The conceptual plans for Area #7 are not approved here and have been provided for illustrative purposes only. Development of Areas #7 shall require Site Design Review approval. The ultimate development of Areas #7 shall comply with the minimum density





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standards of the NMNP.

- That all proposed public improvements including sidewalk, curb, gutter, park row landscaping/irrigation and alley be installed, including surrounding area 7, prior to the recording of final plat.

Questions of Staff

Commissioners Knauer and MacCracken Jain asked if the density of the project is met with the removal of Area 7, and if a future phase would now have the required density for approval. Mr. Anderson responded that the current proposal meets required density standards and that Area 7 would also meet this standard as part of a future application.

Applicant Presentation

Mark Knox introduced himself as the representative of the applicant, and a member of the North Mountain neighborhood. Also in attendance was Kyle Taylor, the contractor involved in the project. Mr. Knox emphasized the high density of the proposed neighborhood and the accessibility of the associated alleyways. He related the difficulty in developing in Area 7, which resulted in that area being removed from the current application. Mr. Knox showed how the proposed houses in Areas 5 and 6 were designed to conform to the existing neighborhood, and how the designs were changed based on feedback from neighbors (see attachment #3). He added that the existing 16ft-wide alleyways would be expanded to 20ft wide and how the applicants worked to preserve the nearby riparian areas.

Questions of the Applicant – None

Public Comments

Lee Bowman/Mr. Bowman stated that his comments were focused on Area 7 of the application, and with its removal from the proposal ceded the remainder of his time.

Robert Tower/Mr. Tower stated that his comments were focused on Area 7 of the application, and with its removal from the proposal ceded the remainder of his time.

Lola Egan/Ms. Egan stated that her comments were focused on Area 7 of the application, and with its removal from the proposal ceded the remainder of her time.

Barbara Patridge/Ms. Patridge requested clarification regarding the North Mountain Neighborhood Plan that was approved in 1997. She stated that the proposed 16ft-wide carports would not be adequate for the residents to navigate, nor would they have the necessary depth to adequately park a vehicle. Mr. Anderson stated that the 1997 approval was by City ordinance and would stay in effect until the neighborhood fully manifests.



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Melissa Adams/Ms. Adams expressed concern about the limited fire evacuation routes from the neighborhood, drawing attention to the one egress/ingress point and requested that this be reviewed by the City.

Maggie Thompson/Ms. Thompson requested further clarification on why Area 7 was withdrawn from the application and what the future density of that area would be. She also requested clarification on why some of the proposed units would only have vehicular access from alleys. Chair Verner responded that the applicant had stated why Area 7 had been withdrawn. Mr. Anderson stated that the density of Area 7 would depend on the application presented, but that it could be up to 18-units. He added that this is unlikely as the applicant had originally proposed 12 units before removing the area from the current application. Regarding alley access, Mr. Anderson responded that the code requires that vehicle access come from alleys instead of street frontage when available, and that it is not uncommon for dwellings in infill neighborhoods like the one discussed to have their driveways removed in favor of alley access.

Jeff Askenas/Mr. Askenas asked what the timing of the construction would be and if the existing alleys would be accessible during development.

Ronald Vandervort/Mr. Vandervort expressed concern about the lack of evacuation routes in the neighborhood, and asked why the Nevada Bridge project had never been completed. Mr. Goldman responded that the bridge was left undeveloped by the Council due to testimony given by nearby residents at the time expressing concern with the bridge's scale, which resulted in grant funds being used to locate a location for a bridge near Tolman Creek Road. He added that the Nevada Bridge is still part of the Transportation System Plan (TSP), and that a condition of approval signed by members of the community as part of their development had them enter into a Local Improvement District (LID) agreement which required that they pay a proportional share of those improvement costs when the City moves forward with that capital project. He emphasized that concerns over evacuation have been made a priority in the TSP.

Applicant Rebuttal

Mr. Knox stated that the density of Area 7 could be increased if desired, but that this is unlikely due to the layout of the area. He stated that the applicants support the installation of the bridge, and that those wishing to see it completed should petition the Council to add it to the list of future capital improvements. He stated that the layout of the neighborhood is within safety standards, and Mr. Taylor added that the team wants to build a safe neighborhood. Mr. Taylor stated that the development would likely begin in middle of 2025, and that the team would work and communicate with residents to ensure that alley access is not inhibited during construction. Mr. Knox added that development would add more access points through Nandina Street and Mountain Meadows Drive that would filter traffic more evenly throughout the neighborhood.



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Public Comments

Robert Tower/Mr. Tower stated that the Mountain meadows subdivision had historically been in favor of the bridge installation.

Maggie Thompson/Ms. Thompson stated that Nandina Street is not an ingress/egress point and that those seeking to evacuate still need to take Mountain Meadows Drive or Fair Oaks Avenue to reach the exit from the neighborhood.

Chair Verner provided the applicant the opportunity to respond to these public comments that were received after the applicant team had submitted their rebuttal. The applicant team declined.

Chair Verner closed the Public Hearing and Public Record at 8:06 p.m.

Deliberation and Decision

Mr. Anderson reminded the Commission that two additional conditions of approval had been proposed by staff to account for the withdrawal of Area 7 from the application.

Commissioners MacCracken Jain/Knauer m/s to approve the Kestrel Park Phase III application for areas 4, 5, and 6, for a 13-lot subdivision with conditions as proposed and inclusive of those conditions just presented by staff. Roll Call Vote: all AYES. Motion passed 5-0.

VI. OPEN DISCUSSION

The Commission discussed the relationship between the Commission and the TSP. Mr. Goldman explained that the TSP is a supporting document of the Comprehensive Plan and that the City recently received a grant to update the TSP, which includes funds to hire a consultant to help with its development. He stated that evacuation access is a priority for the new TSP. Commissioner Knauer asked if there is an avenue for the Nevada Bridge to be built before the TSP is completed. Councilor Hyatt responded that it would need to be done as a capital improvement project and that interested parties could petition for it to be included in the next biennial budget. The Commission discussed how an LID could be created to pay for this project, which would require a public input process and grant requests.

VII. ADJOURNMENT

Meeting adjourned at 8:23 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*

ATTENTION

**For attachments to the November 12, 2024 and
December 10, 2024 Minutes, please use the link below:**

<https://ashlandor.portal.civicclerk.com/event/212/files>

FINDINGS

Approval of Findings for PA-T2-2024-00054, Kestrel Park Phase III

THE CITY OF ASHLAND
BEFORE THE PLANNING COMMISSION

JANUARY 14, 2025

IN THE MATTER OF PLANNING ACTION #PA-T2-2024-00054 A	)	
REQUEST FOR OUTLINE PLAN APPROVAL FOR A PERFORMANCE	)	
STANDARDS OPTION (PSO) SUBDIVISION, AND A REQUEST FOR	)	
RESIDENTIAL SITE DESIGN REVIEW APPROVAL. THE APPLICATION	)	
ALSO INCLUDES A REQUEST FOR A VARIANCE TO DRIVEWAY	)	FINDINGS,
WIDTH AND A TREE REMOVAL PERMIT.	)	CONCLUSIONS,
	)	AND ORDERS.
OWNER:	)	
	)	
APPLICANT:	)	
	)	

RECITALS:

- 1) The subject property is tax lot #8600 of Assessor’s Map 39-1E-04-AD (it does not presently have a street address). The property was created as lot-31 of Kestrel Park Phase II and was reserved for this final phase of the Kestrel Park Subdivision.
 - a. The application also includes three tax lots owned by the City of Ashland; tax lot 4700 a 0.05 acre strip of land along the north of the subject property, as well as tax lots 7800 & 4900 which are both ‘street plugs’ to be vacated.
 - b. The main property is 2.27 acres in size and slopes from east to west at approximately 15% slope.
- 2) The property is zoned “North Mountain-Multi Family” (NM-MF) and is regulated by the North Mountain Neighborhood Plan (NMNP) which is codified at Ashland Municipal Code (AMC) 18.3.5. This chapter applies to properties within the North Mountain Neighborhood Plan area adopted by Ordinance 2800 in April 1997.
- 3) The North Mountain Neighborhood District regulations require that all applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option (PSO) Overlay (AMC 18.3.5.040.K).
- 4) On November 4, 2024 the application was submitted and described as follows:
 - a. The proposed PSO subdivision includes a total of 15-lots for residential development, ten of the lots are proposed for single-family residential (SFR) development, and five lots for multifamily housing. The subdivision will connect both Nandina Street and Patton Lane / Mountain Meadows Drive to create four blocks that have been identified previously as areas 4, 5, 6, and 7. The application includes a request for Site Design Review approval for four multifamily buildings with a total of 28-units of multi-family housing. Combined, this is a development

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density of thirty-eight dwellings for the purposes of determining allowed density.

- 5) On December 9, the day before the Planning Commission hearing, the applicant informed staff that they were removing ‘area 7’ and its proposed development from the application, and instead would plat the area as a single lot reserved for future development.
 - a. On December 10, 2024 the applicant informed staff in writing that *“Based on comments received from the neighboring property owners of the proposed Kestrel Park, Phase III application, the applicants have decided to withdraw area 7 from the application, including all associated entitlement requests such as the proposed property lines, tree removal and site review proposal. The applicants are still proposing to move forward with the remaining areas, area 4, 5 and 6, but will eventually re-apply for entitlements for area 7 in the future.”*
- 6) The request, after the removal of area 7, is for outline plan approval for a 13-lot PSO subdivision and Site Design Review approval.
 - a. Proposed is a total of twelve-lots for residential development, eight of the lots are proposed for single-family residential (SFR) development (which may or may not eventually develop with ARU’s). The Site Design Review includes four lots with a total of 16-units of multi-family housing (area 6), as well as three buildings of attached single family (areas 4 and 5). The thirteenth lot will be reserved for the future development of area 7.
 - b. Combined, this is a development density of twenty-two dwellings for the purposes of determining allowed density. (In accordance with HB2001 and the adopted duplex standards at AMC 18.2.3.110 each of the SFR lots can be developed with two dwellings.)
 - c. The application also includes a request for a variance to driveway width.
- 7) The applicant’s proposal is detailed in plans which are on file at the Department of Community Development and by their reference are incorporated herein as if set out in full.
- 8) The criteria of approval for Outline Plan are described in **AMC 18.3.9.040.A.3** as follows:
 - A. the development meets all applicable ordinance requirements of the city.
 - B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
 - C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the 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.

9) The supplemental approval criteria of the NMNP are described in **AMC 18.3.5.030.C** as follows:

C. Supplemental Approval Criteria. In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.

1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

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

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

- A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- 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.
 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;
 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; or
 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section 18.2.3.090.

11) The criteria of approval for a Variance are described in **AMC 18.5.5.030** as follows:

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

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

12) The criteria of approval for removal of a Tree that is Not a Hazard are described in **AMC 18.5.7.040.B.2** 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.

13) The Planning Commission, following proper public notice, held a public hearing on December 10, 2024.

- a. At the beginning of the hearing, it was announced that 'Area 7' was no longer part of the proposal and that the Planning Commission would only be considering the public improvements and Site Design Review for Areas 4, 5 and 6.

14) Testimony was received, and exhibits were presented. The Planning Commission deliberated

and approved the application subject to conditions of approval.

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 OF FACT

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

2.1.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the December 10th Staff Report, the applicant's testimony, the exhibits received, and public testimony received both written and at the public hearing.

2.2 The Planning Commission notes that the application was deemed complete and 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, November 19, 2024 (21 days prior to the December 10th Meeting).

2.3 The Planning Commission notes that the property is in the NMNP and as provided at AMC 18.3.5.040.K, "*All applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option Overlay.*"

2.4 The Planning Commission finds that the proposal for Outline Plan of a Performance Standard Option (PSO) subdivision meets all applicable criteria for described in AMC 18.3.9.040.A.3 and detailed below.

2.4.1 The first approval criterion for Outline Plan approval is that "*The development meets all applicable ordinance requirements of the City.*" The Planning Commission notes that this is an all-encompassing criterion and that it has considered which City Ordinances are

applicable. The Planning Commission notes that for the purposes of resolving this criterion we rely on the entirety of the record including the applicant's submittal, and the Staff Report dated December 10th. The Planning Commission notes that with the findings that are set out below, the approval of the exception to street standards discussed below, and the adopted conditions of approval that the proposal will meet all applicable ordinance requirements and finds that this criterion of approval is satisfied.

2.4.2 The second approval criterion for Outline Plan approval is that *"Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity."* The Planning Commission notes that this is the final phase of the Kestrel Park Subdivision and all infrastructure installed in the previous phases were sized based on the total planned density. The Planning Commission notes that at the intersection of Stoneridge Ave. and Nandina St. that there is a maintenance hole where an eight-inch sanitary sewer will connect. The Planning Commission notes that at the same intersection there is also a storm drain catch basin that feeds into a twelve-inch main. The storm drain connects into existing retention facilities that were constructed in the first phase of the subdivision. The Planning Commission notes that each road that is proposed to be extended through the subdivision has either a six- or eight-inch water main that will all connect, providing a closed loop system. The Planning Commission notes that the application materials assert that adequate key City facilities can be provided to serve the development based on consultations with representatives of the various City departments (i.e. water, sewer, streets and electric), and that the proposed development will not cause a City facility to operate beyond capacity. The Planning Commission notes that the Staff Report stated that "Public works has confirmed that there are no concerns regarding the capacity of any of these services." The Planning Commission finds that with the foregoing that this criterion of approval is satisfied.

2.4.3 The third criterion for approval of an Outline Plan is that *"The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas."* The Planning Commission notes that the wetlands, floodplain corridors and large trees were previously addressed in the earlier phases of the subdivision. The Planning Commission notes that the only natural feature that has been identified is the cherry tree that is requested to be removed and is addressed further below. The Planning Commission notes that there are no other natural features to address and that this approval criteria is satisfied.

2.4.4 The fourth criterion for approval of an Outline Plan is that *"The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan."* The Planning Commission notes that the surrounding property is fully developed, and that there is no adjacent vacant land. The Planning Commission finds that the proposed subdivision will not prevent the adjacent lands from being developed as envisioned in the Comprehensive Plan and finds that this criterion of approval is satisfied.

2.4.5 The fifth criterion for approval of an Outline Plan is that is that *"There are adequate*

provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.” The Planning Commission notes again that this is the final phase of the Kestrel Park Subdivision and that the HOA governing instruments have obligations for the maintenance of the open space and other common amenities. The Planning Commission notes that all of the open space for the subdivision were dedicated in the previous phases and concludes that the earlier phases had a higher ratio of amenities than this final phase. The Planning Commission finds that there are adequate provisions for the maintenance of the open space and common areas and finds that this criterion of approval is satisfied.

2.4.6 The sixth criterion for approval of an Outline Plan is that is that “*The proposed density meets the base and bonus density standards established under this chapter.*” The Planning Commission reiterates that this is the third phase of the subdivision and the density considered has been tracked over the previous phases and includes all area of the previous parent parcels including lands dedicated to Rights of Way. The Planning Commission takes note of the spread sheet that was provided in the staff report and also set out below. This spreadsheet has been updated based on the removal of ‘Area 7.’

	<u>NM-R-1-7.5</u>	<u>NM-MF</u>
Acres	4.59	4.16
Dwelling units per acre	3.6	12
Base Density (acres x units per acre)	16.52	49.92
Minimum Density (x 0.75 – 1.1)	12.39 – 18.18	37.44 – 54.91
Phase 1	11	4
Phase 2 (Cottages)	5	10
Total Dwellings (Phase 1 + 2)	16	14
Remaining minimum density range	up to 2.18	23.44 - 40.91
Proposed Phase 3		22*
Required minimum range for Area 7	Full developed	1.44 – 18.91

The Planning Commission notes that the required minimum density for the remaining subdivision is between 24 and 40 units. The Planning Commission further notes that the present proposal is for 22 units of density, and the Planning Commission further notes that 8 of the proposed MFR units are below 500 sq. ft. they are counted as 0.75 units [SFR: 8, MFR $8+(8*0.75)=14$, $8+14=22$]. The Planning Commission concludes that Area 7 will need to develop with at least two but not more than eighteen units, and a condition of approval to that effect has been included below. The Planning Commission finds that, with the condition of approval included below ensuring that area seven will meet the required minimum density, that this criterion of approval is satisfied.

2.4.7 The seventh Outline Plan approval criterion is that “*The development complies with*

* Eight of the proposed multi family units are less than 500 square feet so for the purposes of density they only count as 0.75. [8 SFR + ((8 x 0.75) + 8) MFR = 22]

the Street Standards.” The Planning Commission notes that the street network and road cross-sections have been planned from the earlier phases of the subdivision. The Planning Commission notes that the application materials include civil drawings and road cross sections for each road and alley meeting the standards provided in the NMNP. The Planning Commission concludes that the street standards are met and finds that this criterion of approval is satisfied.

2.4.8 The final criterion for approval of an Outline Plan is that is that *“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.”* The Performance Standards Option Chapter requires that at least eight percent of the total lot area be provided in common open space for developments with a base density of ten units or greater. The Planning Commission notes that the firsts two phases dedicated nearly 50% of the total project land area to dedicated open space including the floodplain and wetland areas as well as additional open space provided in phase 2 of the project. The Planning Commission conclude that with the previous phases of the subdivision considered and the ample amount of land dedicated that this criterion of approval has been found to be satisfied.

2.4.9 The Planning Commission concludes based on the above and finds that all applicable approval criteria for Outline Plan subdivision approval have been satisfied.

2.5 The Planning Commission finds that the proposal for development in the NMNP meets all of the supplemental applicable criteria described in AMC 18.3.5.030.C and detailed below. There are two supplemental approval criteria for the NMNP. The first is to ensure conformity with the “general design requirements” and second that the proposal meets the “specific design requirements” of the NMNP Design Standards. The general design requirements include ‘*density, transportation, building design, and building orientation.*’ The specific design requirements include all of the standards provided in AMC 18.3.5.100 “Site Development and Design Standards”

2.5.1 The Planning Commission notes that the “general design requirements” include ‘*density, transportation, building design, and building orientation.*’ Included in the discussion of the Outline Plan approval, above, there are findings addressing the required minimum density, and that the road system connecting four road stubs completing the original road design that was approved in conjunction with the first phase of Kestrel Park Subdivision. The Planning Commission notes that each of the proposed buildings provides pedestrian connectivity to the proposed facilities and satisfies the building orientation. The Planning Commission concludes that with the foregoing discussion that the Planning Commission finds that this approval criterion is met.

2.5.2 The Planning Commission notes that the “specific design requirements” include all of the standards provided in AMC 18.3.5.100 “Site Development and Design Standards.” The Planning Commission notes that the Site Development and Design Standards includes four primary sections: A.) Housing, B.) Neighborhood Central, C.) Street Types and Design, and D.) Open Space and Neighborhood Focal Point. There are no applicable portions of sections B or D and they are not discussed further.

AMC 18.3.5.100 A “Housing”

The Planning Commission notes that first the first standard is ‘Architectural Design.’ This standard provides a list of architectural features and requires that at least two listed features from the section be included in each home design.

The Planning Commission notes that the application materials include extensive drawings of the proposed buildings with each having eaves, covered porch entries, gables and in some cases dormers. The Planning Commission concludes that each proposed building design includes at least two of the required features satisfying the ‘Architectural Design.’ Requirements.

The Planning Commission notes that the building orientation standards require that *“Dwellings shall be designed with a primary elevation oriented towards a street.”* The Planning Commission notes that the site plan clearly shows that each proposed building has its primary orientation to the street and finds that the orientation standard is met.

The Planning Commission notes that the requirement for garages requires that *“Where no alleys are present, garages shall be located a minimum of 15 feet behind the primary façade and a minimum of 20 feet from the sidewalk.”* The Planning Commission, in evaluating the main site plan, note that the garages are properly setback and that this standard is met.

The Planning Commission notes that the standards require that *“Grading for new homes and accessory structures shall be minimized and building designs shall respond to the natural grade.”* The Planning Commission again notes the comprehensive design package for each of the three areas and notes that care has been given in having each of these homes have a daylight basement and are responsive to the existing grade, and that this standard has been met.

The Planning Commission notes that the design standards specify that porches shall be incorporated into buildings and be a minimum of six-feet by eight-feet in size. The Planning Commission notes that the detailed site plan of each area includes details on the porch size and in every case meet or exceed this requirement, and that this standard has been met.

The Planning Commission notes that the design standards include that driveways for single family homes be limited to nine-feet in width, and that shared driveways be no more than twelve-feet. The Planning Commission notes that the application includes a variance to this standard which is discussed below. The Planning Commission further notes that the Public Works department has a standard that requires that the minimum driveway width be twelve feet, and that the application proposes twelve-foot driveways for the single-family homes and combined 18’-wide for the shared driveways. The Planning Commission concludes that if the variance is approved below then this standard will be satisfied.

AMC 18.3.5.100 D “Street Types and Design.”

The Planning Commission notes that this section provides many types of streets for the NMNP area with the primary type being a “neighborhood access street” which is composed of “*a 48-foot right-of-way, which provides for a 15-foot travel surface, seven-foot parking bays, and eight-foot planting strips and five-foot sidewalks on each side.*” The project also includes alleys which are “*a 20-foot wide right-of-way which contains a 12-foot wide improved alley and four-foot planted or graveled strips or shoulders.*” The Planning Commission once again notes that this is the third phase of the Kestrel Subdivision, and the extension of the street system approved at that time. The Planning Commission further notes that the application materials containing detailed civil plans showing that the proposed cross sections meet these design standards and conclude that this standard has been met.

2.5.3 The Planning Commission concludes based on the above and finds that all design standards are met and that therefore this approval criterion has been met.

2.6 The Planning Commission finds that the proposal for a variance meets all of the applicable criteria described in AMC 18.5.5.050 and as detailed below.

2.6.1 The Planning Commission notes that the approval criteria for a variance include that 1) variance is necessary special or unique circumstances, 2)The variance is the minimum necessary, 3)The proposal’s benefits will be greater than any negative impacts, and 4) that he need for the variance is not self-imposed.

2.6.2 The Planning Commission notes that the NMNP master plan was adopted in 1997, and that in the decades since cars have gotten larger. The Planning Commission also notes that there is no evidence that nine-foot driveways have ever been constructed in the NMNP area. The Planning Commission notes that the Public Works department will not authorize a driveway as narrow as the code requires, making a unique circumstance. The Planning Commission notes that the proposal for 12’ and 18’ shared driveways is the minimum necessary in both cases, because Public Works will not allow anything less than 12’, and that the application materials demonstrate that 12’ is two narrow for a shared drive. The Planning Commission further notes that based on a single driveway requirement for a nine foot it is perfectly reasonable that a shared driveway for two shared wall garages be allowed to be twice that. The Planning Commission notes that based on the topography and lot sizes it is unreasonable to expect a 12’ wide shared drive to functionally serve two 2-car garages. The Planning Commission further notes that the benefit of the variance allows for long stretches of uninterrupted streetscape that would not otherwise be possible. Finally, The Planning Commission notes that the inability to build the required driveway width based on City of Ashland policy demonstrates that the need for the variance is not self-created. The Planning Commission concludes that based on the above that each of the approval criteria for a variance is satisfied and that the variance should be approved.

2.7 The Planning Commission finds that the proposal for Site Design Review approval meets all applicable criteria for described in AMC 18.5.2.050 as detailed below:

2.7.1 The Planning Commission notes that the first criterion of approval 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 property is in the NMNP and is required to be processed in accordance with the Performance standards of AMC 18.3.9. The Planning Commission further notes that the PSO applicability provides *“that developments subject to [the PSO] chapter are not required to meet the minimum lot size, lot width, lot depth, and setback standards of part 18.2.”* The Planning Commission concludes that based on the PSO standards this approval criteria is met.

2.7.2 The Planning Commission notes that the second criterion of approval for Site Design Review is that *“The proposal complies with applicable overlay zone requirements (part 18.3).”* As mentioned above in 2.5.2, the Planning Commission again notes that the only overlay is the city-wide wildfire overlay and that all proposed construction will meet the adopted wildfire standards. The Planning Commission finds that this criterion of approval is met.

2.7.3 The Planning Commission notes that the third criterion of approval for Site Design Review is that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided below.”* The Planning Commission notes that the application includes detailed responses to each of the Site Development and Design Standards. The Planning Commission notes that the building orientation, garage standards, proposed building materials, preliminary landscape plan and open space standards are all met. The Planning Commission notes that a final landscaping plan with irrigation details will be required and a condition of approval to that effect has been included below. The Planning Commission finds that with the foregoing that this criterion of approval is met.

2.7.4 The Planning Commission notes that the fourth criterion of approval for Site Design Review 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 reiterates that this is the third phase of the subdivision and that all city facilities were sized for the expected density during the first phase. The Planning Commission further notes that all city utilities are available and installed in the adjacent rights-of-ways. The Planning Commission notes that Staff have communicated with the Public Works Department and that there are no known capacity issues to any of the utilities. The Planning Commission notes that the application includes details on the electrical plan and that the storm drain will be designed for Low Impact in accordance with the RVSS stormwater quality design manual. The Planning Commission finds that this criterion of approval has been met.

2.7.5 The Planning Commission notes that the last criterion of approval for Site Design Review is that *“The approval authority may approve exceptions to the Site Development*

and Design Standards of part 18.4 if the circumstances in either subsections below, are found to exist...” The Planning Commission notes that there are no requested exceptions to the above standards and finds that this criterion of approval has been met.

2.7.6 The Planning Commission concludes based on the above and finds that all applicable approval criteria for Site Design Review approval have been satisfied.

2.8 The approval criteria for “Tree that is not a hazard” first require that “*The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards.*” The Planning Commission notes that the only tree proposed for removal is within a building envelope of a proposed building in area 7. The Planning Commission notes that without considering the proposed development it is impossible to address the relevant findings for a non-hazard tree removal. The Planning Commission concludes that the tree removal in area seven must be denied at this time.

2.9 The Planning Commission notes that following proper public notice, a public hearing was held on December 10, 2024 where testimony was received, and exhibits were presented.

2.9.1 The Planning Commission deliberated, and a motion was made approving the Outline Plan as well as Residential Site Design Review. The application was approved subject to the conditions of approval in the Staff Report along with added conditions of approval presented by staff regarding the removal of consideration of area 7. The amendments were read into the record and are set out below as conditions of approval #3 and #4.

2.10 The Planning Commission notes that the record includes the applicant’s submittal, the Staff Report dated December 10, as well as the testimony received at the public hearing, each of these by their reference are incorporated herein as if set out in full.

2.10.1 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria of **approval** for Outline Plan and Residential Site Design Review have been met.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for a 13-lot unit Performance Standards Option (PSO) subdivision Outline, as well as residential site design review for areas 4, 5, and 6 is supported by evidence contained within the whole record and is **approved** including the conditions of approval below.

The conditions of approval are below:

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

- 2- That the applicant apply for final plan approval pursuant to AMC 18.3.9.040.B within 18 months of this outline plan approval prior to any development or construction.
- 3- The conceptual plans for area #7 are not approved here and have been provided for illustrative purposes only. Development of areas #7 shall require Site Design Review approval. The ultimate development of areas #7 shall comply with the minimum density standards of the NMNP.
- 4- That all proposed public improvements including sidewalk, curb, gutter, park row landscaping/irrigation and alley be installed, including surrounding area 7, prior to the recording of final plat.
- 5- That permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way.
- 6- 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.
- 7- That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland. 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.
- 8- 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. Solar setback calculations demonstrating that all units comply with the performance Solar Setback Standard as approved in the outline and final plans.
- c. Final lot coverage calculations demonstrating how lot coverage complies with the lot coverage approved in the outline and final plans.
- d. 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.

Planning Commission Approval

Date

PUBLIC HEARING

**PA-T1-2024-00255,
110 Terrace Street**

Memo

DATE: January 14, 2025
TO: Planning Commission
FROM: Brandon Goldman, Community Development Director
RE: Peer Respite Center Use Interpretation

Background

This memo provides an interpretation of the Ashland Land Use Code regarding the proposed use of the property at 110 Terrace Street as a peer respite center. Pursuant to [AMC 18.1.5.020](#), the applicant has requested that this interpretation be reviewed by the Planning Commission.

The applicant seeks to classify the use of the residence at 110 Terrace Street as a Residential Care Home under the City of Ashland's zoning code, arguing it aligns with the definition of "Group Living." Peer respite centers, funded by the Oregon Health Authority (OHA), are described as providing voluntary, nonclinical, short-term residential support for individuals in mental health crises for up to 14 days. The services are peer-led and emphasize recovery support in a homelike setting.

The applicant invokes the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) to request reasonable accommodations in zoning. These laws prohibit discrimination in housing based on disability and require municipalities to make adjustments to ensure equal housing access for people with disabilities.

State Authorization

Legislation Supporting Peer Respite Centers

Peer respite centers are authorized under [ORS 430.275](#), which defines peer respite services as:

- "Voluntary, nonclinical, short-term residential peer support provided in a homelike setting to individuals with mental illness or trauma response symptoms who are experiencing acute distress, anxiety, or emotional pain."

Legislative Comparisons and Zoning Implications

- Unlike the legislative approval for emergency shelters under **House Bill 2006**, which explicitly exempted emergency shelters from local land use regulations thereby authorizing them in any zone without land use review, the authorizing legislation for peer respite centers did not

COMMUNITY DEVELOPMENT DEPARTMENT

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provide such exemptions. As a result, peer respite centers are subject to local land use regulations.

Incomplete Rulemaking

The implementing legislation for peer respite centers also specified that additional administrative rules would be developed to guide the establishment and operation of such facilities. These rules have not yet been completed, leaving municipalities to interpret zoning compatibility within the existing Land Use Ordinance framework.

Similar Use Interpretation:

The applicant asserts the proposed peer respite use is similar to Group Living uses (e.g., Residential Care Homes), which are allowed in all residential zones in Ashland. Group Living uses do not include self-contained units but rely on shared facilities, as would the peer respite center. The applicant's letter provided as an attachment clarifies their request and interpretation of similar use.

The Staff Advisor interprets the proposed use of the property as most similar to a Traveler's Accommodation due to the transient nature of the occupancy, with stays limited to 14 days. By contrast, uses such as Residential Care Homes or Group Living are intended to provide long-term residential accommodations where the occupants treat the property as their primary residence. The short-term overnight stays of visitors of the proposed peer respite center do not align with the characteristics of the residential uses in which the occupants reside for 30 days or more as their primary residence.

Ashland Land Use Ordinance Interpretation

Interpretation Process

The interpretation process outlined in the Ashland Land Use Ordinance allows the Staff Advisor or Planning Commission to provide clarification when a proposed use is not explicitly listed or is ambiguous in its alignment with zoning regulations. Per [AMC 18.1.5.020](#), the process begins with a written request from the applicant, after which the Staff Advisor evaluates the proposed use in the context of the Comprehensive Plan, the intent of the zoning ordinance, and established criteria. The interpretation must ensure consistency with the purpose of the zoning code and cannot amend existing ordinances. If the matter is complex or contentious, it may be referred to the Planning Commission for review to ensure transparency and expedite a final decision. Appeals of the interpretation follow standard land use review processes.

To expedite the applicant's request for an interpretation and a final decision by the City, and specifically to avoid delays that might result from an appeal of the Community Development Director's (Staff Advisor) interpretation to the Planning Commission, this item has been scheduled for Planning Commission review.

COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
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This memo also addresses relevant state laws and legislation, as referenced by the applicant's representatives, to clarify the basis for this interpretation under the Ashland Land Use Ordinance and includes a criteria evaluation as required under [AMC 18.1.5.030](#).

Nature of the Use

Under Oregon law, a Peer Respite Center is defined as a facility offering voluntary, nonclinical, short-term residential peer support in a homelike environment to individuals experiencing acute distress, anxiety, or emotional pain that may lead to the need for higher-level care, such as psychiatric inpatient services. These centers are operated by peer-run organizations and staffed by individuals with lived experience in mental health recovery or trauma response.

(https://oregon.public.law/statutes/ors_430.275)

In contrast, a Residential Care Home (five or fewer individuals) or Residential Care Facility (to six or more individuals) is a state-licensed establishment that provides long-term residential care, including assistance with daily living activities, to residents who may have physical disabilities, cognitive impairments, or chronic illnesses. These facilities are staffed by trained professionals and are regulated to ensure the provision of necessary medical and personal care services.

(<https://www.oregon.gov/odhs/rules-policy/apdrules/411-054.pdf>)

The primary distinctions between the two are:

- **Nature of Services:** Peer Respite Centers offer nonclinical, peer-led support, focusing on short-term stays to alleviate immediate distress, whereas Residential Care Homes and Facilities provide ongoing, professional care for residents with long-term needs.
- **Duration of Stay:** Stays at Peer Respite Centers are limited by statute to no more than two weeks, emphasizing brief intervention, while Residential Care Homes and Facilities accommodate long-term residency.
- **Operational Model:** Peer Respite Centers are peer-operated, leveraging shared experiences for support, whereas Residential Care Facilities are professionally managed and staffed.

Comparison to Existing Uses

Peer Respite Center is not a defined use in the Ashland Land Use Ordinance. Upon evaluation of the operational model, duration of stays, and nature of services of such a center, the Staff Advisor finds it is a land use which is most similar to a Traveler's Accommodation, defined in the Land Use Ordinance as transient lodging for stays of less than 30 days, such as short-term rentals or hotels (see definition in 18.61 at the end of this memo).

Zoning Implications

As a use most similar to Traveler's Accommodations, peer respite centers may be established in Multi-Family Residential (R-2, R-3) Zones or Commercial Zones, where transient lodging can be permitted through the Conditional Use Permit Process.

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Zone Compatibility

The subject property at 110 Terrace Street is located in the low density RR-.5 rural residential single-family residential zone, which prohibits transient lodging uses to maintain its function as providing housing for residents of Ashland. Based on an interpretation of the Ashland Land Use Ordinance identifying a Peer Respite Center as most similar to a Transient Accommodation, the proposed use does not align with the permitted or conditional uses allowed in the RR-.5 zone.

ALUO 18.15.020 Criteria Evaluation

A. Consistency with Applicability Policies of the Comprehensive Plan

The Ashland Comprehensive Plan emphasizes the preservation of neighborhood character, and the appropriate allocation of land uses to maintain community integrity. Specifically, the Plan outlines policies to:

Preserve the character of Ashland's neighborhoods by ensuring that new developments are compatible in scale and type.

- VII-2 Policy – The City shall design the Land Use Ordinance to provide for:
 - c) Specific development guidelines which will ensure that:
 - 4) Retail, office, and traveler's accommodations and neighborhood shopping in residential areas, at development intensities that are appropriate to the area.

Direct higher-intensity uses to appropriate areas to prevent adverse impacts on residential neighborhoods.

Maintain a clear distinction between different land use types to uphold the quality of life for residents.

The Staff Advisor interpretation classifies the proposed peer respite center as a transient lodging use, similar to Traveler's Accommodations, based on the intermittent short-term stays of individuals seeking temporary respite. This interpretation aligns with the Comprehensive Plan's policies by:

- Preserving the residential character of the RR-.5 Rural Residential Single-Family Residential Zone consistent with the permitted and conditional uses outlined in the Ashland Land Use Ordinance.
- Directing transient lodging uses to zones designated for higher-intensity activities, such as Multi-Family Residential or Commercial zones.

The Housing Element of the Comprehensive Plan defines various housing types, all of which are explicitly intended to provide stable, long-term housing options for the full cross section of Ashland residents. These include single-family homes, multi-family dwellings, group living arrangements, and other forms of residential accommodations designed to meet the diverse housing needs of the community.

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Under the Housing Element (Section 6.10), the goals and policies prioritize the provision of permanent housing that fosters neighborhood stability, affordability, and inclusivity. The applicants argue under the Fair Housing Act that clients of a Peer Respite Center should be considered as utilizing the facility as their residence, and that such a Center functions as a form of government-subsidized housing. However, this interpretation does not align with the Comprehensive Plan or the state legislative requirements governing Peer Respite Centers. The duration of stay limit established by the legislation of a maximum of 14 days clearly defines these facilities as offering temporary support and accommodations during times of crisis, rather than providing a housing type. This distinction highlights the application's misalignment with the Housing Element's goals and policies.

In adopting Land Use Standards that allow Traveler's accommodations in high density multifamily and commercial zones, and prohibit Traveler's Accommodations in single family zoned properties (R-1, RR, and WR) the City aimed to preserve existing housing for community residents, ensuring these homes remain available for long-term residency rather than being converted into short-term rentals for tourists. The applicant references the Housing Element's Goal 6.10 to *"Ensure a range of different dwelling types that provide living opportunities for the total cross-section of Ashland's population."* These provisions discourage the conversion of housing in single-family zones into transient accommodations, as such conversions reduce the availability of needed housing intended for long-term residents, undermining the Housing Element's objectives to maintain housing stability and availability for Ashland's population.

This Staff Advisor interpretation does not speak to the value of Peer Respite Centers in assisting individuals in addressing crisis, as defined under ORS 430.275, by providing voluntary, nonclinical, short-term residential peer support in a homelike setting. Rather, it distinguishes the proposed use based primarily on the short-term of occupancy, which aligns more closely with transient accommodations than with long-term residential uses.

B. Consistency with the Purpose and Intent of the Ordinance

The Ashland Land Use Ordinance (ALUO) aims to ensure that land uses within each zoning district are compatible and that the purposes of each district are upheld. The RR-.5 Rural Residential Single-Family Residential Zone is intended to:

- Protect the residential character by limiting uses to those that are residential in nature.
- Prevent the introduction of transient lodging uses that could disrupt neighborhood stability.

The proposed peer respite center, characterized by short-term stays, aligns more closely with transient lodging uses. Allowing such a use in the RR zone would be inconsistent with the zone's purpose and intent. Therefore, this interpretation maintains the integrity of the ordinance by ensuring that uses permitted in the R-1, RR, and WR zones are consistent with its residential character.

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- **ALUO 18.1.5.020 – Land Use Ordinance Interpretation**

This section governs the process for interpreting ambiguous or undefined uses under the ordinance. It allows the Staff Advisor to evaluate whether a proposed use aligns with permitted or conditional uses within a zone. This is central to determining whether a Peer Respite Center can be considered a "Group Living" use or a transient accommodation.

- **AMC 18.2.2.030 – Allowed Uses by Zone**

This table outlines the permitted, conditional, and prohibited uses within Ashland's various zones. The R-1, RR, and WR Single-Family Residential Zones specifically prohibits transient lodging uses, a critical factor in evaluating the compatibility of a Peer Respite Center in this zone.

Under the Group Living section of the Allowable Use Table a *Residential Care Home* is listed as permitted outright in R-1, RR, and WR zones, a *Residential Care Facility* requires conditional use permit approval, and a *Room and Board Facility* is not permitted in RR-.5 zoned properties.

- **ALUO 18.6.1 – Definitions**

18.6.1:

Group Living: Group living is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry. Residential Care Homes, Residential Care Facilities, and Room and Board Facilities are types of Group Living.

Residential Care Home: A residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS [443.400](#), under ORS [443.400](#) to [443.825](#), a residential facility registered under ORS [443.480](#) to [443.500](#) or an adult foster home licensed under ORS [443.705](#) to [443.825](#) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS [197.660](#)).

Residential Facility: Residential facilities provide housing and care for 6 to 15 individuals who need not be related as defined under ORS [430.010](#) (for alcohol and drug abuse programs); ORS [443.400](#) (for persons with disabilities); and ORS [443.880](#). Staff persons required to meet State-licensing requirements is not

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counted in the number of facility residents and need not be related to each other or the residents.

Room and Board Facility: Group living establishment located in a dwelling or part thereof, other than a travelers' accommodation or hotel, where lodging, with or without meals, is provided for compensation for a minimum period of 30 days. Personal care, training, and/or treatment is not provided at a room and board facilities. Examples include dormitories, fraternities, sororities, and boarding houses.

Traveler's Accommodation: Transient lodging in a residential zone having a room, rooms, or dwellings rented or kept for rent to travelers or transients for a charge or fee paid or to be paid for rental or use of such facilities on one or more occasions for a period of less than 30 consecutive days. See also, definition of Accessory Travelers' Accommodation.

C. Consistency with the Opinion of the City Attorney

The Staff Advisor interpretation and Applicant's interpretation request have each been reviewed by the City Attorney's office, who concurs with Staff Advisor interpretation and concluded the following in their attached memo:

In conclusion, the Applicant's proposed use of the property does not meet the definition of "group living" as defined in the Ashland Municipal Code. This determination is supported by the temporary nature of the occupancy, the 14-day residency limit imposed by the OHA grant, and the lack of evidence to support a "long-term" residential interpretation.

Additionally, while the City is committed to ensuring compliance with the FHA and the ADA, the interpretation of zoning regulations must remain consistent with established definitions. This conclusion in no way diminishes the value of the program and the benefit it would likely provide to members of the community. Rather, it is through a fair, impartial, and neutral reading of the ordinance and its surrounding context that we disagree with the Applicant's interpretation of "group living" to authorize the Peer Respite Center in an R-1 zone.

Staff Recommendation

The Planning Commission is asked to review and consider the Staff Advisor's interpretation and the Applicant's request. Should the Commission uphold the interpretation, it would clarify that:

1. Peer respite centers with limited-duration stays of less than 30 days are most similar to short-term Traveler's Accommodations.

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2. Such uses are not permitted in the R-1, RR, and WR Single-Family Residential Zones but may be established in other zones where transient lodging is allowed through a Conditional Use Permit process.

Alternatively, should the Planning Commission concur with the applicant's interpretation, that a peer respite center qualifies as a type of Group Living, it would be valuable for the Planning Commission to clarify that due to the limited number of individuals occupying the center, the appropriate designation is that of a Residential Care Home despite the limited term of occupancy. This Residential Care Home designation would classify the use as a permitted activity within the RR.5 Rural Residential Single-Family Residential Zone. This interpretation would not amend the Land Use Ordinance but would provide a pathway for the project at 110 Terrace to proceed while clarifying that the limited occupancy standards inherent to Residential Care Homes (five or fewer individuals) is appropriate although the minimum 30-day time frame provided for in the code should not be applied to Peer Respite Centers. If the Planning Commission determines that a Peer Respite Center is most comparable to a Residential Care Home, as suggested by the applicant, staff recommends amending the Land Use Ordinance to explicitly include Peer Respite Centers as a permitted use in all residential zones. This amendment would be incorporated during the next routine housekeeping update of the Land Use Code for clarity.

In Staff's assessment, the first determination that the use is most similar to a Traveler Accommodation, ensures consistency with the Land Use Code and provides clarity for the applicant while respecting the residential character of single-family zoned neighborhoods.

REFERENCES & ATTACHMENTS

- Attachment #1:** Reasonable Accommodation and Interpretation Request Letter from Attorney Jennifer Bragar, of Tomasi Bragar DuBay , on behalf of the applicant, dated December 6, 2024
- Attachment #2:** Memo from Carmel Zahran, City of Ashland Assistant City Attorney, regarding Letter of Interpretation 110 Terrace Street Ashland Or, dated Jan 3, 2025

COMMUNITY DEVELOPMENT DEPARTMENT

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Applicant Submittal



December 6, 2024

City of Ashland Planning Division
Attn: Brandon Goldman, Community Development Director
20 E Main Street
Ashland, OR 97520

This is a request for a formal interpretation of the Ashland Land Use Ordinance as it applies to a Respite Home. This application is made as a request for a reasonable accommodation under the Fair Housing Act and Americans with Disability Act.

The interpretation is requested to find that the proposed use of the existing residence at 110 Terrace Street can be classified as a similar use to Group Living that is permitted in all residential zones and such interpretation would result in a reasonable accommodation consistent with the Fair Housing Act and Americans with Disability Act.

We are seeking Planning Commission review of the interpretation request.

Thank you,

Amy Gunter

Amy Gunter
Rogue Planning & Development Services, LLC

Attachments:

Letter from Jennifer Bragar, Tomasi Bragar DuBay with Reasonable Accommodation Request and Findings Addressing Code Interpretation Criteria



Planning Division
51 Winburn Way, Ashland OR 97520
Phone: 541-488-5305 Fax: 541-488-6006
Email: Planning@ashland.or.us

ZONING PERMIT APPLICATION

FILE # _____

DESCRIPTION OF PROJECT Request for Interpretation

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? ☐ YES ☒ NO

Street Address 110 Terrace Street

Assessor's Map No. 39 1E 09BC Tax Lot(s) 8000

Zoning RR-.5 Comp Plan Designation Rural Residential

APPLICANT

Name Rogue Planning & Development Phone 541-951-4020 E-Mail amygunter@rogueplanning.com

Address 1314-B Center Dr., PMB#457 City Medford Zip 97501

PROPERTY OWNER

Name Shirley D Patton Trust Phone 503-752-2287 E-Mail Treetoppers@Jeffnet.org
425-492-6890 kentpatton@jeffnet.org

Address 1075 NE Amberglen Parkway City Hillsboro Zip 97006

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Attorney Name Jennifer M. Bragar Phone 503-894-9900 E-Mail jbragar@tomasilegal.com

Address 121 SW Morrison Street, Suite 1850 City Portland Zip 97204

Title _____ Name Samantha Clum Phone 541-538-0003 E-Mail info@mountainbeaverhouse.com

Address 110 Terrace Street City Ashland Zip 97520

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

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

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

Amy Gunter
Applicant's Signature

12.6.2024
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.

Shirley D Patton
Property Owner's Signature (required) K.S.D. Patton - mgr. Date Dec. 5, 2024
10/5/24

[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.
- ☒ PLANNING FEES 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.
- ☐ TRUE SCALE PDF DRAWINGS – Standard scale and formatted to print no larger than 11x17 inches. Include site plan, building elevations, parking and landscape details.
- ☒ 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.



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

PLANNING ACTION FEES

DESCRIPTION OF PROPERTY

Street Address 110 Terrace Street

APPLICANT

Name Rogue Planning & Development Phone 541-951-4020 E-Mail amygunter@rogueplanning.com

Address 1314-B Center Dr., PMB#457 City Medford State OR Zip 97501

FEE SCHEDULE – Please Mark All That Apply

ADMINISTRATIVE ACTIONS

					Total
	Zoning Permit - FENCE				\$36.25
	Zoning Permit - HOME OCCUPATION				\$36.25
	Zoning Permit - ACCESSORY STRUCTURE				\$36.25
	Street Tree Removal				\$100.00
	Land Use Approval Extension				\$435.00
	Lot Line Adjustment				\$435.00
	Any Other Administrative Action				\$435.00
		Base Fee		# of Lots	Total
	Final Plat Review - PARTITIONS	\$171.25	+	_____ x \$13.25 per lot	\$
	Final Plat Review - SUBDIVISIONS	\$435.00	+	_____ x \$36.25 per lot	\$
		Base Fee		Per Sq. Ft.	
	Sign Permit - NEW	\$171.25	+	_____ x \$3.00 per sq.ft.	\$
	Sign Permit - REPLACEMENT	\$36.25	+	_____ x \$3.00 per sq.ft.	\$

TYPE I REVIEWS

					Total
	Tree Removal Permit (not associated with another action)				\$100.00
	Solar Setback Variance				\$1,315.50
	Amendments to Conditions				\$1,315.50
	Physical & Environmental Constraints				\$1,315.50
	Conditional Use Permit				\$1,315.50
	Variance				\$1,315.50
☒	Any other Type I Review				\$1,315.50
	Independent Review of Wireless Communications Facilities				\$5,000.00
		Base Fee		# of Units	Total
	Residential Site Review	\$1,315.50	+	_____ x \$87.25 per unit	\$
	Final Plan/Performance Standards Subdivision	\$1,315.50	+	_____ x \$87.25 per unit	\$
	Land Partition	\$1,315.50	+	_____ x \$87.25 per unit	\$
		Base Fee		Valuation	Total
	Commercial Site Review	\$1,315.50	+	_____ x 0.5%	\$

TYPE II REVIEWS				
				Total
	Conditional Use Permit			\$2,756.25
	Variance			\$2,756.25
	Any other Type II Review			\$2,756.25
	Independent Review of Wireless Communications Facilities			\$5,000.00
		Base Fee	# of Lots	Total
	Outline or Preliminary Plat for Subdivision	\$2,756.25	+ _____ x \$176.00 per lot	\$
	Final Plan with Outline/Performance Standards Subdivision	\$3,516.00	+ _____ x \$176.00 per lot	\$
		Base Fee	Valuation	
	Commercial Site Review	\$2,756.25	+ _____ x 0.5%	\$
TYPE III REVIEWS				
				Total
	Zone/Comprehensive Plan Map Change			\$3,515.75
	Comprehensive Plan Change			\$3,515.75
	Annexation			\$5,288.75
	Urban Growth Boundary Amendment			\$5,288.75
	Any other Type III Review			\$1,932.25
LEGISLATIVE AMENDMENTS				
				Total
	Comprehensive Plan Map/Large Zoning Map Amendment			\$6,172.00
	Land Use Ordinance Amendment			\$6,172.00
	Comprehensive Plan Amendment			\$6,172.00
APPEALS				
				Total
	Appeal for Initial Public Hearing (Planning Commission/Building Appeals Board/Demolition Review Board)			\$150.00
	Appeal for Final Decision of the City (Planning Commission or City Council)			\$325.00
SOLAR ACCESS				
		Base Fee	# of Lots	Total
	Solar Access Permit (not a Solar Variance)	\$62.50	+ _____ x \$14.25 per lot	
TOTAL FEES: \$				

Amy Gunter

Applicant's Signature

12.05.2024

Date

Shirley D. Patton, 12/5/2024

Property Owner's Signature

12.05.2024

Date

KENT D. PATTON

AMC 18.5.1.050.A.1 & AMC 18.5.2.060.A.1

Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.



December 6, 2024

City of Ashland Planning Division
Attn: Brandon Goldman, Community Development Director
20 E Main Street
Ashland, OR 97520

This is a request for a formal interpretation of the Ashland Land Use Ordinance as it applies to a Respite Home. This application is made as a request for a reasonable accommodation under the Fair Housing Act and Americans with Disability Act.

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We are seeking Planning Commission review of the interpretation request.

Thank you,

Amy Gunter

Amy Gunter
Rogue Planning & Development Services, LLC

Attachments:

Letter from Jennifer Bragar, Tomasi Bragar DuBay with Reasonable Accommodation Request and Findings Addressing Code Interpretation Criteria



Jennifer M. Bragar
Attorney

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and California
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December 6, 2024

City of Ashland Planning Division
Attn: Brandon Goldman, Community Development Director
20 E Main Street
Ashland, OR 97520

Re: Reasonable Accommodation Request and Code Interpretation

Dear Mr. Goldman,

This office represents Stabbin' Wagon ("Applicant"), a grant recipient of the Oregon Health Authority ("OHA"). The OHA grant enables Applicant to operate a respite home at property located at 110 Terrace Street, Ashland, Oregon (the "House"). This letter is submitted in conjunction with Rogue Planning & Development Services, LLC's application materials to provide additional support for the requested code interpretation coupled with a reasonable accommodation request under the Fair Housing Act ("FHA") and Americans with Disability Act ("ADA").

I. Applicant's request for a Reasonable Accommodation

Under Ashland Municipal Code ("AMC") 18.1.5.040 Similar Uses, the code states,

"Where a proposed use is not specifically identified by this ordinance or the ordinance is unclear as to whether the use is allowed in a particular zone the Staff Advisor may find the use is similar to another use that is permitted, allowed conditionally or prohibited in the subject zone and apply the ordinance accordingly."

Ashland's Group Living definition states that "Group living is characterized by the long-term residential occupancy of a structure by a group of people... Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry." AMC 18.6.1.030. The definition then lists some types of Group Living facilities, including Residential Care Home, Residential Facility, and Room and Board Facility. Nothing in the definition language states that the list is exhaustive.

The Applicant intends to use the House for long-term residential occupancy by a group of people, with the group changing periodically. Applicant's peer respite housing OHA grant allows up to four (4) to six (6) individuals to stay at the House for up to fourteen (14) days for individuals experiencing mental illness. This respite allows individuals to be housed and provides time to reset their mental and/or physical state and be linked to other services to help them out of their crisis.

ORS 430.275(1) defines peer respite services:

"(a) 'Peer respite services' means voluntary, nonclinical, short-term residential peer support provided:

(A) *In a homelike setting to individuals with mental illness or trauma response symptoms who are experiencing acute distress, anxiety or emotional pain* that may lead to the need for a higher level of care such as psychiatric inpatient hospital services; and

(B) By a peer-run organization and directed and delivered by individuals with lived experience in coping with, seeking recovery from or overcoming mental illness or trauma response challenges." (Emphasis added).

Therefore, by definition, the individuals who will reside in the House qualify as disabled under the FHA and ADA, and state law. 42 U.S.C. §§ 3601-19, 42 U.S.C. §§ 12010, 12132, ORS 659A.145(2)(c).

The respite service use of the House is most similar to the definition of Group Living, with individual rooms and communal space as contemplated in the City code. Further, during the respite, individuals will treat the House as a dwelling. Courts have given the FHA's definition of dwelling a generous construction, where the length of stay is not the only factor, rather the intended use of the property is included in the determination. *Louisiana Acorn Fair Housing v. Quarter House*, 952 F. Supp. 352, 359 (E.D. La. 1997). As the individuals who will reside at the House have an intent to treat the House as a temporary dwelling place, the House is a dwelling under the FHA. *Woods v. Foster*, 884 F. Supp. 1169, 1173 (N.D. Ill. 1995). The fact that the Oregon Health Authority is funding the use of the House so that residents will not be required to pay rent does not defeat the protection of the individuals who will reside therein. *Id.* at 1175.

When requested, the ADA and FHA require municipalities to make reasonable modifications to their zoning laws to allow housing for people with disabilities. On behalf of disabled individuals who will reside in the House that would be allowed after this similar use interpretation, the Applicant makes this reasonable accommodation request. If the City enforces AMC requirements that place additional burdens on properties designated for people with disabilities or allows discrimination in zoning against people with disabilities, they are deemed invalid, or otherwise need to be modified to allow the proposed housing to be accommodated. The Applicant requests a reasonable accommodation and asks that the City not apply any vague or discretionary standards, including any conditional use criteria, to approve this application and allow respite at the House as a permitted use, and to find the use is similar to Group Living facilities allowed as permitted uses in residential zones.

II. Applicant's request for a Similar Use Interpretation

With this introduction and justification for a reasonable accommodation, the following are the Applicant's proposed findings for an interpretation to allow the respite use of the House. The code provisions are italicized and the proposed findings in regular font.

AMC 18.1.5.030 Interpretation Criteria

Any interpretation made through the foregoing procedures shall be based on the following criteria:

A. *The interpretation is consistent with applicability policies of the Comprehensive Plan.*

Proposed Finding:

The requested interpretation is consistent with applicable policies of the Comprehensive Plan relevant to Land Use Classifications which speak to the purpose of the residential categories as establishing land use intensity by assigning different densities to different areas. Comprehensive Plan Section 2.04 (Land Use Classifications). The residential classifications are not intended to specify types of uses but rather the number of dwelling units per gross acre.

The use does not impact the density, or intensity of use in the neighborhood as nothing prevents a similar residential house in this zone from having visitors stay at their house for up to two weeks at any time throughout the year with no other regulation. Other family use of dwellings in this zone place no limit on occupancy as families can be as large as desired, and often married couples share rooms, as do children. In contrast to how a typical family is allowed to intensely use their house in this zone, the Applicant proposes to limit the maximum respite use of the House to four individuals to sleep in each available bedroom. Further, the use of a four bedroom dwelling for four individuals does not impose a greater demand on public facilities than anticipated when the home at 110 Terrace Street was originally built, which is also consistent with the Comprehensive Plan. As imagined in the Ashland Comprehensive Plan, density regulations are adopted in the code, and this House is a pre-existing house that meets the City's density requirements. Comprehensive Plan Section 2.04.

As the City considers the Applicant's request and these findings, it should continue to keep in mind the Applicant's reasonable accommodation request. The FHA prohibits disability-related discrimination in housing matters, including the zoning and land use process. 42 U.S.C. § 3604. Title II of the ADA also prohibits government agencies from discriminating against people with disabilities. 42 U.S.C. § 12132. Instead of engaging in a notion that the proposed interpretation should not be granted, the City should consider the effect on people with disabilities who would be denied housing when families residing in residentially zoned areas are not treated to the same type of restrictions and monitoring of its occupants as a respite home.

Further, the Comprehensive Plan at Section 5.21 recognizes that Ashland has some of the lowest incomes in Jackson County, and Section 5.23 recognizes that population growth will increase the cost of housing. Thus, when low income people experience mental illness, they also lack the personal financial strength to find care, housing, and services. The Applicant's peer respite proposal is consistent with the types of solutions necessary to address the stated Goal at Comprehensive Plan Section 5.25 by providing for the needs of the expected population growth, including low income individuals through this housing opportunity and connection to services for such low income individuals.

Allowing use of an existing dwelling on a pre-existing residential lot is consistent with the Housing Element. Further, the Housing Element, Comprehensive Plan Section 6.04, recognizes that subsidized housing would be used to meet the needs of low income residents. *See also* Comprehensive Plan Section 6.11(4)(b). OHA's grant for the House is an example of such subsidized housing and is consistent with the Comprehensive Plan's anticipated method of providing low income housing. Moreover, the Comprehensive Plan states that detached single family housing will "unfortunately only be available to persons of relatively high income." Comprehensive Plan Section 6.05. Applicant's proposal broadens the opportunity for low income people to access otherwise exclusionary housing types. The stated goal in the Housing Element is, "Provide Housing Opportunities For The Total Cross-Section Of Ashland's Population, Consistent With Preserving The Character And Appearance Of the City." Comprehensive Plan Section 6.10. Since no outward changes are required to the façade of the House, except for some ADA-accessible adjustments, and the proposed respite use provides housing opportunities for an often ignored segment of the population, this goal of the Comprehensive Plan will also be achieved.

The proposed use of the House as a peer respite is most similar in type, kind and function as a Group Living use, which includes a type of group living use that is permitted in all residential areas. For example, a similar use, Residential Care Homes, are permitted in all residential zones. AMC Table 18.2.2.030. From an intensity of use perspective, Residential Care Homes, house five or fewer individuals, and would be allowed at 110 Terrace Street. AMC 18.6.1.030 and ORS 443.400. From a land use and housing perspective, the use by individuals who benefit from peer respite are not significantly different from residents of Residential Care Homes. Based on this context, Applicant's reasonable accommodation request and interpretation should be approved.

B. The interpretation is consistent with the purpose and intent of the ordinance provision that applies to the particular ordinance section, or sections, in question.

Proposed Finding:

The requested interpretation is consistent with the purpose of the residential zones, which is linked to the general purpose of the Land Use Ordinance under AMC 18.2.2.010 and 18.1.2.020.¹ Under AMC 18.1.2.020,

"The purpose of the Land Use Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate open space for light and air; to conserve and stabilize the value of property; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire and other dangers; to facilitate adequate provisions for maintaining sanitary conditions; to provide for adequate access to and through property; and in general to promote the public health, safety, and the general welfare, all of which is in accordance with and in implementation of the Comprehensive Plan. Race, color, religion, sexual orientation, gender identity,

¹ AMC 18.2.2.010 is essentially a cross reference to AMC 18.1.2.020 where it states, "Chapter 18.2.2 regulates allowed land uses pursuant to the Comprehensive Plan and the purposes of this ordinance, per chapter 18.1.2." As stated under subsection A, the Applicant's requested interpretation is consistent with the Comprehensive Plan.

national origin, or disability shall not be an adverse consideration in making any decision under this ordinance."

Applicant's proposed use as a peer respite in a pre-existing dwelling meets the purpose of the residential development standards and Land Use Ordinance in general as the use of the dwelling will remain at the level of use anticipated when the House was constructed – to house people in a manner consistent with the code.

Further, the interpretation to allow peer respite as an allowed use similar to Residential Care Homes does not interfere with achieving the purpose of the residential regulations. The Planning Commission can make the interpretation that the proposed use is similar in type, kind, and function to a Residential Care Home. A Residential Care Home includes residential treatment under ORS 443.400, which is a facility that provides for five or fewer individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties. Peer respite homes are similar in type, kind and function to Residential Care Homes. Peer respite staff are state-certified and work with individuals seeking respite to link them with needed services to ensure options are available at the end of the respite stay. Since Residential Care Homes are a type of Group Living use allowed in all residential zones, a reasonable accommodation should be granted to allow the similar use of a respite home in this residential zone as a permitted use.

C. The interpretation is consistent with the opinion of the City Attorney.

Proposed Finding:

With this application, the opinion of the City Attorney has been requested.

CONCLUSION

Based on the foregoing, the Applicant requests approval of the requested code interpretation to allow peer respite use of the House as a permitted use, Group Living Facility at 110 Terrace Street, Ashland, Oregon, as a reasonable accommodation to allow equal access to housing in the City limits for people with disabilities.

Sincerely,



Jennifer M. Bragar

cc: (all by email)
client
Representative Pam Marsh
Matthew Tschabold
Oregon Health Authority

City of Ashland Legal Department Memo

Memo

To: City of Ashland Planning Commission

From: Carmel Zahran, Assistant City Attorney

Date: 1/3/2025

Re: Letter of Interpretation – Re. 110 Terrace Street, Ashland OR

Introduction

This matter was introduced to the City of Ashland (“City”)’s legal department by Rogue Planning and Development (the “Applicant”), who requested a land use interpretation according to the procedure outlined in Ashland Municipal Code (“AMC”), Chapter 18.1.5 regarding the Applicant’s request to operate a “Peer Respite Center” (as defined in ORS 430.275.1) at 110 Terrace Street, Ashland, Oregon, within an R-1 zone.

Issue:

The Applicant asserts that the use is permissible under the Ashland Municipal Code, specifically arguing it falls under the definition of “group living.” It is this office’s opinion that the structure and 14-day maximum occupancy for those individuals who might utilize the Peer Respite Center does not constitute a “long-term residential occupancy,” which is a key component of the “group living” definition:

“Group Living. Group living is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry. Residential Care Homes, Residential Care Facilities, and Room and Board Facilities are types of Group Living.” AMC 18.6.1.030.

Application:

The Applicant’s central argument hinges on the interpretation of “long-term residential occupancy.” They contend that while the individuals served by the respite center will stay only up to 14 days, the consistency of the group served (individuals experiencing mental health challenges) equates to long-term occupancy in a functional sense. However, it is a misapplication to apply the consistency of a group, rather than the individual, to the legal standard of who constitutes to be a “long-term” resident.

The definition of “group living” is anchored in the duration and permanency of individuals’ residency, which is supported by a plain reading of the ordinance and its surrounding context.

Memo

The three specific examples provided in the code as forms of “Group Living” are “Residential Care Homes,” “Residential Care Facilities,” and “Room and Board Facilities.” The first two examples contain the word “residential” in their titles, implying that these homes and care facilities serve as the permanent residences of the individuals who live and receive professional care at these facilities. Similarly, the definition of Room and Board Facilities also implies a level of permanency, citing examples such as dormitories, fraternities, sororities, and boarding houses, and explicitly states that these facilities must have a minimum stay of 30 days.

While it's true that individuals served by the respite center may share common characteristics, this does not negate the temporary nature of an individual's stay. The Applicant's argument more appropriately applies to short-term rentals or other temporary accommodations, which are not considered “long-term” residential occupancies. Notably, the defined terms “Travelers' Accommodation” and “Travelers' Accommodations” specify that the duration of occupancy is to be less than 30 days. AMC 18.6.1.030.

The Applicant points to the context behind the program, which is funded by the Oregon Health Authority (OHA), implying that this funding demonstrates the long-term nature of the operation. However, this funding merely supports the project's temporary operational goals, which are aligned with a short-term program. The 14-day limit explicitly defined in the OHA grant contradicts the notion of long-term residency. This limitation indicates a temporary, short-term service model that is incompatible with the definition of “group living,” as provided in the AMC. The nature of the OHA grant strengthens the argument that this is a short-term assistance program.

The Applicant raises concerns regarding FHA and ADA compliance, suggesting that the City's denial amounts to discriminatory housing and disability rights practices. The City fully acknowledges the importance of ensuring equal and non-discriminatory housing and zoning practices. However, the City's denial is not based on the Applicant's outreach goals but rather on a reasonable interpretation of the existing zoning regulations. In other words, the City is not rejecting the Applicant but is instead rejecting the proposed use based on existing land use code (i.e., the interpretation of short-term versus long-term).

The two cases cited by the Applicant exhibit significant differences from the subject application. In *Louisiana Acorn Fair Housing v. Quarter House*, 952 F. Supp. 352 (E.D. La. 1997), the defendant, Quarter House, operated as a timeshare resort that engaged marketing representatives to recruit prospective residents. However, their qualification criteria were discriminatory against various protected categories, explicitly stating that prospective buyers could not be “1) African American; 2) aliens; 3) of mid-Eastern or Indian cultures or religions; 3) physically unable to climb stairs; and pregnant women, families with more than two children or families with children under the age of 10” (Id. at 354). In *Woods v. Foster*, 884 F. Supp 1169 (1995), the Defendant was a homeless shelter where Plaintiff's ability to stay and receive

Memo

assistance depended on providing sexual favors to facility managers. In both cases, the court recognized the clear and overt discrimination against these vulnerable individuals, extending FHA protection to the Plaintiffs based on their interpretation of the term "dwelling."

However, the Applicant's assertion that the ADA and FHA "require municipalities to make reasonable modifications to their zoning laws," using these two cases as a basis for their conclusion, is misleading because neither case involved the court instructing a municipality to change existing zoning regulations. In fact, the terms "zone" and "zoning" were not mentioned once in either case. The Applicant's argument would be more appropriately applied if the City were, hypothetically, denying individuals access to a properly-zoned shelter care in a discriminatory manner—which the City neither does nor would ever do.

The City's commitment to providing reasonable accommodations under the ADA and its obligations to comply with applicable FHA regulations are distinct from the proposal to fundamentally alter zoning regulations to accommodate a specific use that does not conform to existing definitions. The Applicant is encouraged to seek alternative locations that are properly zoned to accommodate the services they provide. Although arguments regarding the FHA's applicability to "dwellings" may be valid in contexts involving discriminatory treatment of individuals or groups denied housing access, this particular scenario does not fit that framework.

Conclusion:

In conclusion, the Applicant's proposed use of the property does not meet the definition of "group living" as defined in the Ashland Municipal Code. This determination is supported by the temporary nature of the occupancy, the 14-day residency limit imposed by the OHA grant, and the lack of evidence to support a "long-term" residential interpretation.

Additionally, while the City is committed to ensuring compliance with the FHA and the ADA, the interpretation of zoning regulations must remain consistent with established definitions. This conclusion in no way diminishes the value of the program and the benefit it would likely provide to members of the community. Rather, it is through a fair, impartial, and neutral reading of the ordinance and its surrounding context that we disagree with the Applicant's interpretation of "group living" to authorize the Peer Respite Center in an R-1 zone.

PUBLIC HEARING

**PA-T1-2024-00255,
The Oaks of Ashland Open Space -
Sutton Place (Tax Lot #1600)
554 Sutton Place (Tax Lot #1500)
562-570 Sutton Place (Tax Lot #1800)**

NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2024-00254

SUBJECT PROPERTY: The Oaks of Ashland Open Space - Sutton Place (Tax Lot #1600)
554 Sutton Place (Tax Lot #1500)
562-570 Sutton Place (Tax Lot #1800)

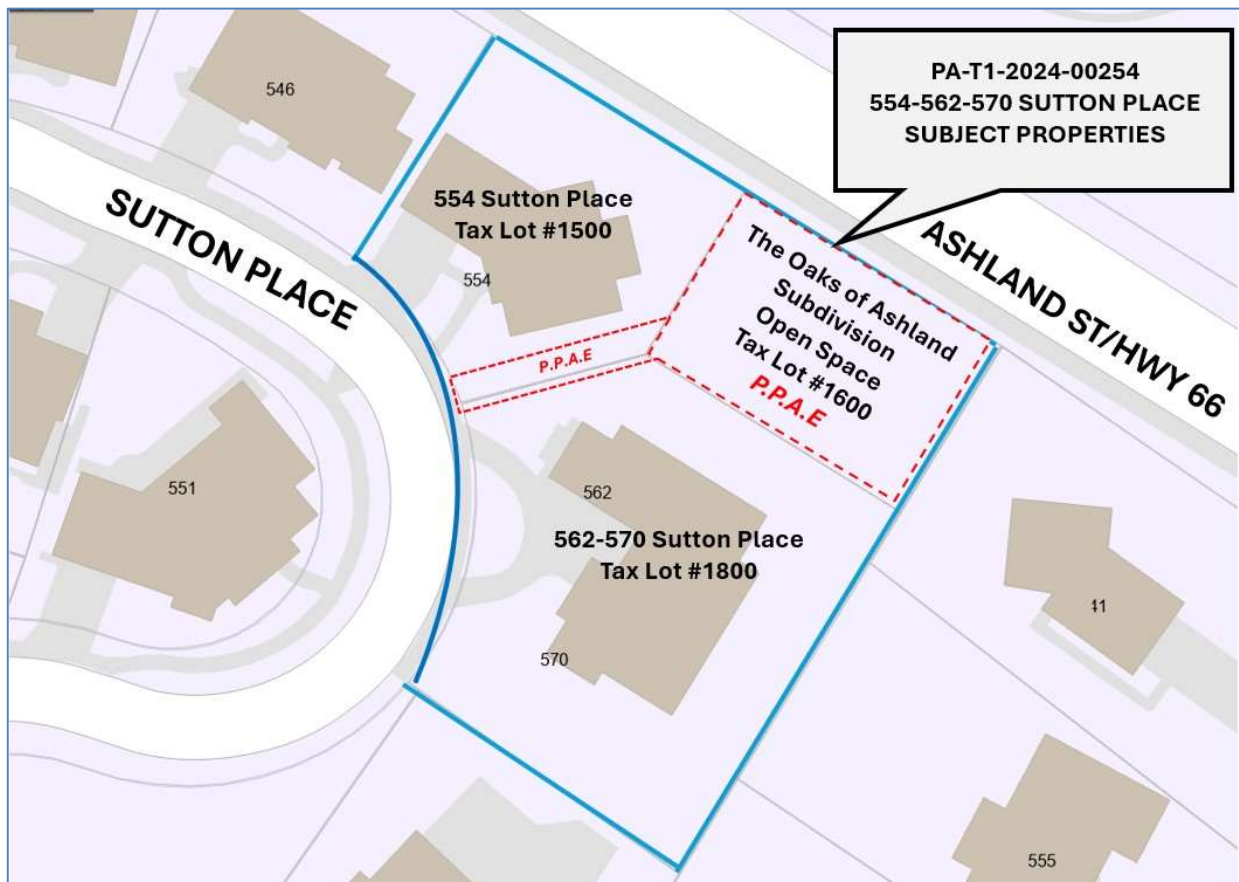
PROPERTY OWNERS: The Oaks of Ashland Homeowners Association(HOA)(Tax Lot #1600)
Mukesh & Sheetal Sheoran (554 Sutton Place, Tax Lot #1500)
Bruce A. Theisen Trust (562-570 Sutton Place, Tax Lot #1800)

APPLICANTS: Vincent Haynes, Michael Thornton and Fred Frantz for The Oaks of Ashland HOA

DESCRIPTION: A request for an amendment of The Oaks of Ashland subdivision approval (PA #2000-127) to remove a condition of approval which required that a Public Pedestrian Access Easement (PPAE) be provided to connect Highway 66 to Sutton Place through the subdivision open space and continuing on between the properties at 554 Sutton Place and 562/570 Sutton Place.

COMPREHENSIVE PLAN DESIGNATION: Single-Family; **ZONING:** R-1-10; **MAP:** 39 1E 11 DD; **TAX LOTS:** 1500, 1600 & 1800

ASHLAND PLANNING COMMISSION MEETING: *Tuesday January 14, 2025 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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 Derek Severson at 541-552-2040 or planning@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.

OUTLINE PLAN SUBDIVISION APPROVAL (AMC 18.3.9.040.A.3)

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900



Staff Report

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

Before the Planning Commission – January 14, 2025

PLANNING ACTION: PA-T1-2024-00254
PROPERTY OWNERS: The Oaks of Ashland Homeowners Association (HOA)
(Tax Lot #1600)
Mukesh & Sheetal Sheoran (554 Sutton Place, Tax Lot #1500)
Bruce A. Theisen Trust (562-570 Sutton Place, Tax Lot #1800)
APPLICANTS: Vincent Haynes, Michael Thornton and Fred Frantz for
The Oaks of Ashland Homeowners Association (HOA)
LOCATION: 39 1E 11DD Tax Lots 1500, 1600 & 1800
ZONE DESIGNATION: R-1-10-P
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 Option & PSO Overlay
18.5.1 General Review Procedures
18.5.6 Minor Modifications
18.6.1 Definitions

APPLICATION DATE: November 22, 2024
APPLICATION COMPLETE: December 4, 2024
PUBLIC NOTICE: December 19, 2024
MEETING DATE: January 14, 2025
120-DAY DEADLINE: April 3, 2025

PROPOSAL: A request for a major modification of The Oaks of Ashland subdivision approval (PA #2000-127) to amend a condition of approval which required that a Public Pedestrian Access Easement (PPAE) be provided to connect Highway 66 to Sutton Place through the subdivision open space and continuing on between the properties at 554 Sutton Place and 562/570 Sutton Place.

I. Introduction

The subject properties here were created as Lots 11 & 12 and Open Space 2 in The Oaks of Ashland subdivision. The properties are zoned R-1-10, a single-family residential zoning, and are located within the Performance Standards Option (-P) overlay. The subdivision was created using the Performance Standards Option subdivision chapter (AMC 18.3.9) 0.K) as a ‘Type II’ land use action before the Planning Commission, and as such, modification of the original approval requires review and decision by the Planning Commission.

The proposed modification is to amend Condition #17 of the original subdivision approval (PA #2000-127). Condition #17 related to multi-use paths/public pedestrian access easements) and read as follows:

That the final design and construction documents for the public multi-use pathways at the south and northeast corner of the development shall be submitted for review and approval at the time of Final Plan. The multi-use pathways shall have a minimum width six feet and improved with concrete or asphalt. The multi-use pathways shall be installed concurrently with all other subdivision infrastructure improvements. Construction specifications shall be reviewed and approved by the Building Official for consistency with Federal accessibility standards. Multi-use pathways refer to the two public connections. One is through the open space and storm water detention area and one at the very southerly tip that will connect to the existing public pedestrian easement coming from Spring Creek.

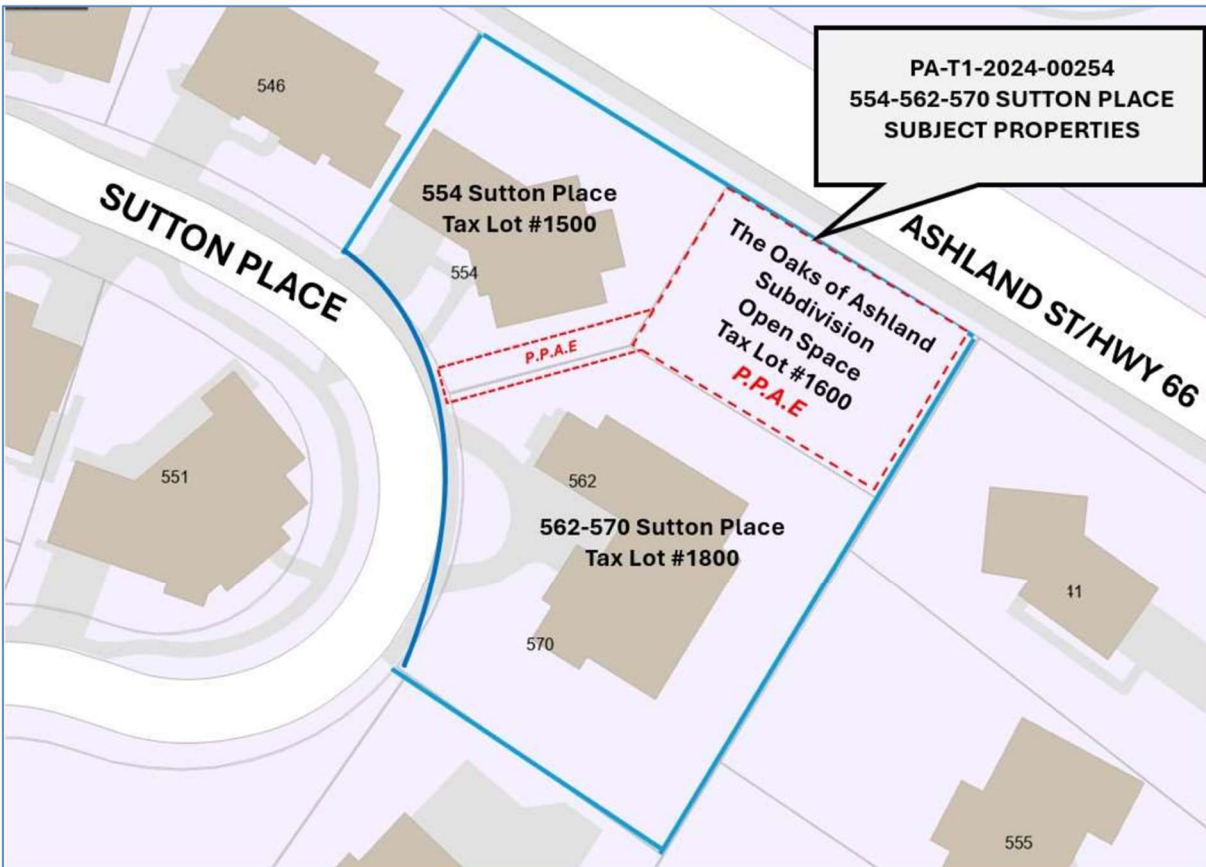
The current request would eliminate the requirement for the multi-use pathway through the open space and storm water detention area at the northeast corner of the development.

Site Description

The subject properties are tax lot numbers 1500 (554 Sutton Place), 1600 (Open Space #2), and 1800 (562 & 570 Sutton Place) of Assessor's Map 39 1E 11DD. The properties were created as Lots 11 and 12 of The Oaks of Ashland Subdivision and Open Space #2. The properties are 0.22 acres, 0.15 acres, and 0.39 acres in size and are zoned Single-Family Residential (R-1-10) and located in the PSO and airport overlays.

Background

The three lots (Tax lot #'s 1500, 1600, and 1800 of Assessor Map 39 1E 11DD) were originally created in 2001 as part of The Oaks of Ashland Subdivision. These three lots have a pedestrian access, public storm drainage, and public sanitary sewer easement across their shared property line. The proposal is to amend the condition requiring the public pedestrian easement so that it may be abandoned by the city.



The Oaks of Ashland Subdivision History

The Oaks of Ashland subdivision received Outline Plan approval as a 24-lot Performance Standards subdivision through Planning Action #2000-127 in December of 2000. The public pedestrian access easement and multi-use pathway were proposed initially by the applicant as an alternative to provide pedestrian connectivity in lieu of fully improving the Highway 66 with sidewalks. In the minutes for the Planning Commission meeting of December 12, 2000, when it was suggested that the Commission wanted sidewalks on the full frontage of Highway 66, the applicant questioned whether the public pathway through the storm drainage area would still be required. In response, Commissioner “*Gardiner said it would be a nice feature, but the required sidewalk will be along Highway 66 (p. 9).*” Despite the suggestion that the sidewalk might eliminate the need for the proposed pathway, the ultimate decision at Outline Plan required that the subdivision developer complete sidewalk installation along the full Ashland Street/Highway 66 frontage of the property and also install the two multi-use pathways within public pedestrian access easements. The subdivision’s approval described those two multi-use pathways as follows:

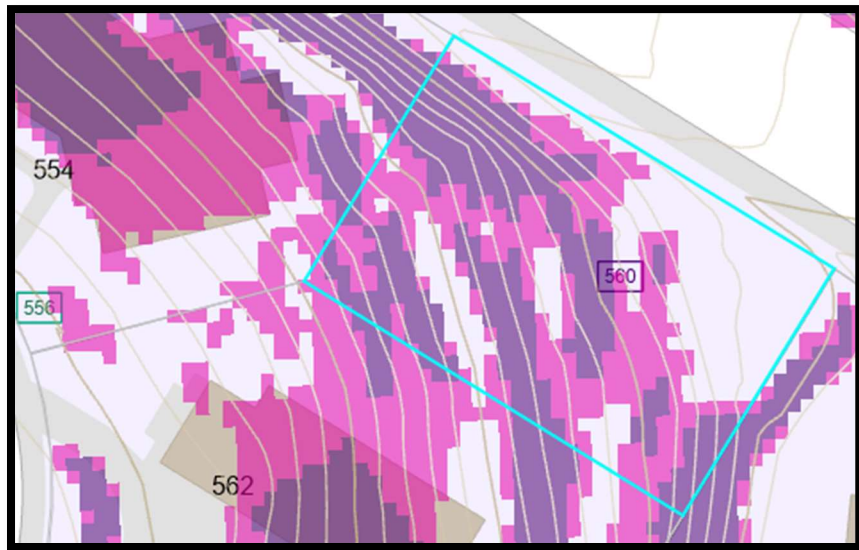
Two public multi-use pathways have been proposed in order to provide a link between the project and adjacent neighborhoods. One pathway is located off the end of the cul-de-sac, extending to southern boundary of the property and intercepting an existing public easement at the southwest corner of the site. The other pathway will meander through an open space area designated between Lots 11 and 12. This pathway will connect the

*intersection of Oak Knoll Drive and Highway 66 to the public sidewalk system constructed alongside the new street. **The applicants have proposed this pathway as an alternative to constructing a public sidewalk along Highway 66.** [emphasis added]*

Despite the applicants' original proposal of the pathway between Lots 11 and 12 as an alternative to constructing sidewalks along Highway 66, the Planning Commission conditioned the approval to have both street improvements along the highway and the two public pedestrian path easements.

Final Plan approval was granted with PA #2001-022. The required Public Pedestrian Access Easements (PPAEs) were provided on the subdivision plat; curbside sidewalks were ultimately installed along the full Highway 66 frontage, and the public multi-use pathways were provided within the PPAEs. A copy of the "As Built" drawing for the subdivision is included in the Commission's packet; the

"As Built" shows a path which switches back and forth across the slope to achieve a usable grade (see picture to right for existing grade; the dark purple areas are slopes in excess of 35 percent; the areas in magenta are slopes from 25 to 35 percent). While the original conditions of approval called for the path to be completed in concrete or asphalt and to meet federal accessibility



standards, the file includes a note documenting that the developer and the Staff Advisor subsequently agreed that decomposed granite or gravel were acceptable treatments given the grades involved. [It should be noted that grades for public streets and sidewalks are limited to no more than 15 percent, and the land use ordinance is explicit in AMC 18.4.6.020.C.5.b that no variances to exceed this grade are permitted. The average grade from Sutton Place to Highway 66 through the open space where the public multi-use path was required is approximately 25 percent, with some areas in excess of 30 percent.]

In 2022, two decades after installation of the original storm drain facilities within this common open space lot, drainage issues arose, and new storm drain infrastructure was installed. This installation disrupted some areas of the originally installed path, which do not appear to have been fully restored. While the two public pedestrian access easements are in place and platted, the pathway through this open space was never completed to the full required standard (i.e. paved to federal accessibility standards) and in its current form is of questionable utility (see photos included at the end of this document). In addition to the current request to allow abandonment of the pathway and associated easement between Lots 11 & 12, the Homeowners Association also previously requested to block the southern public pedestrian easement which was intended to provide access to Spring Creek Drive. The envisioned connectivity from the Oaks of Ashland subdivision to Spring Creek Drive, which was the basis for the subdivision original public

pedestrian access easement requirement, necessitated the use of a public pedestrian access easement through the rear yards of 661-671-681 Spring Creek Drive in Phase 3 of the Greensprings Subdivision. While the necessary easement was platted in that 1992 subdivision, pedestrian improvements were never completed within the easement. As such, the pathways through the Oaks of Ashland end abruptly without full connectivity, and the HOA asserts that the result is that transients using the pathways and sidewalks are directed into the Oaks Subdivision without any improved outlet. Staff previously approved the request to block the southern easement with a fence, with the understanding that the fence would be removed by the HOA if and when the pedestrian easement through the adjacent Greensprings Subdivision was ever improved out to Spring Creek Drive. With the current request, the HOA is asking to modify the original Condition #17 so that the easement through Open Space#2 and Lots 11 and 12 can be abandoned and the path removed so that they may develop better plans for privacy and security in the area for the nearby residents.

II. Project Proposal –Modifications to Previously Approved Planning Applications.

Major Modification - Approval Criteria

The request to modify Condition #17 of PA #2000-127 is considered a [Major Modification](#) per AMC 18.5.6.030.A.7, as it involves a “*Change to a condition of approval...that could have a detrimental impact on adjoining properties....*” Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. The approval criteria for Criteria for Major Modifications include three items which are summarized as follows:

1. *Subject to the same approval criteria of the initial project approval, except that the scope of review is limited to the modification request. For an Outline Plan Subdivision approval under the Performance Standards Options Chapter, the [relevant approval criteria](#) are found in AMC 18.3.9.040.A.3.*
2. *A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.*
3. *The approval authority shall approve, deny, or approve with conditions based on written findings.*

Major modifications are subject to the same review procedure as the original approval, and as such, this item is being brought to the Planning Commission for a hearing and decision.

The first relevant approval criterion is that “*the development meets all applicable ordinance requirements of the city.*” This first approval criterion is all-encompassing allowing the Planning Commission to address all city standards, even outside of Chapter 18 of the AMC. The original subdivision approval utilized the Performance Standards Option Chapter 18.3.9. The applicable criteria from this would be in AMC 18.3.9.040.A.3., specifically subsections b and g which relate to adequate facilities for transportation and street standards. The application materials state that street improvements in and around the subdivision should be able to handle what the PPAE was intended to do, as well as that currently the PPAE is not utilized by residents of the HOA,

suggesting that the existing street improvements are already handling the intended volume of pedestrian traffic. With the application materials fully considered, staff concludes that findings can be made that all applicable ordinance requirements will be met with abandonment of the easement.

The second and third relevant approval criterion are that *“Adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, **and adequate transportation**; and that the development will not cause a city facility to operate beyond capacity.” [emphasis added] and that “The development complies with street standards.”* In staff’s assessment, removal of the PPAE will not hinder transportation of vehicles, bicycles, or pedestrians. Due to the severity of the slope of the PPAE, improvements to federal ADA standards were not possible, the PPAE was not developed with concrete as initially required, and the southern connection to Spring Creek Drive was never completed within the adjacent Green Springs Subdivision. Sutton Place is improved with sidewalks out to Ashland Street which provides a route for pedestrians. The street improvements at the time met the standards required for subdivision approval.

The fourth relevant approval criterion is that *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* This is the criterion that was cited in the original subdivision findings as the basis for the public pedestrian access easements being required, as they would have provided pedestrian connectivity through to and existing easement to Spring Creek Drive, however the necessary connection within the subdivision to the south has never been completed and the desired connectivity never realized.

In staff’s assessment, removal of the largely unused PPAE does not affect city facilities. The originally intended pedestrian connectivity has never been realized, however the sidewalks on Sutton Place within the Oaks of Ashland subdivision are available to accommodate pedestrian traffic in the event that the southern easement is ultimately connected to Spring Creek Drive, and the sidewalks along Highway 66 provide connectivity from Oak Knoll Drive as such the abandonment of the PPAE will not prevent adjacent land from being developed in a manner consistent with the Comprehensive Plan. Staff conclude that a finding can be made that all relevant approval criteria are satisfied.

Public Comments

Notice was posted on the site initially as a ‘Type I’ land use action at the entrance to the Oaks of Ashland subdivision and at the top of the public pedestrian access easement along Sutton Place, and was mailed to all properties within 200 feet of the subject properties on December 4, 2024. It was subsequently determined that the application should be processed as a ‘Type II’ land use action due to the subdivision’s original approval by the Planning Commission. The application was re-noticed with signs posted and notices mailed on December 19, 2024. Staff has been in communication with one resident of the subdivision not associated with the request, but they have indicated that they did not intend those communications to be made part of the public record. As this staff report is being prepared, no public comments have been submitted into the record.

III. Procedural – Approval Criteria

Major Modification

AMC 18.5.6.030.C Major Modification Approval Criteria. A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

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

Outline Plan

AMC 18.3.9.040.A.3 Approval criteria for Outline Plan. The planning commission shall approve the Outline Plan when it finds all of the following criteria have been met:

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

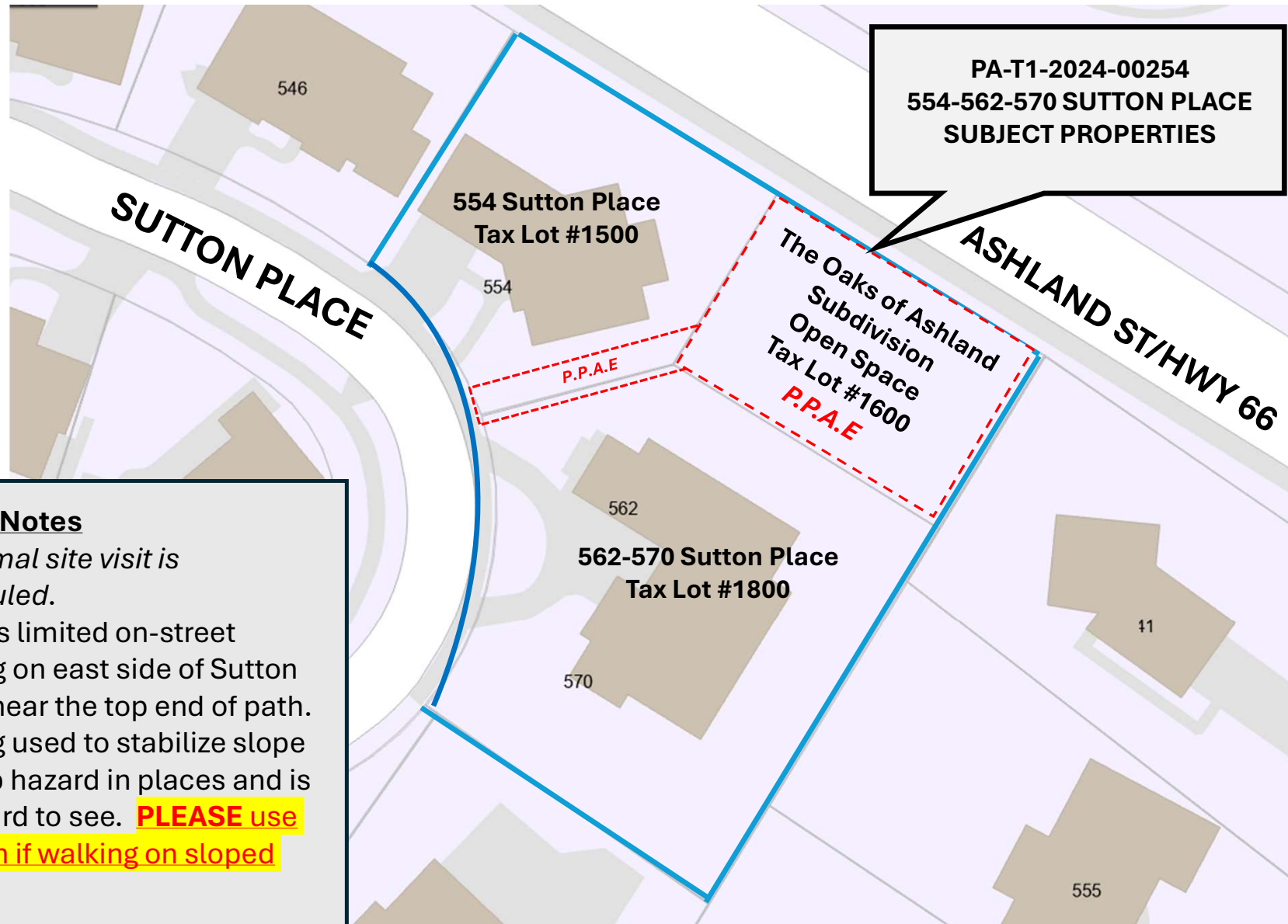
IV. Conclusion and Recommendations

Discussion during the approval process for The Oaks of Ashland Subdivision began with consideration of the multi-use path segments as potential alternatives to the installation of a full sidewalk along Highway 66 but recognized that grades were a concern. While the original path was envisioned to be compliant with federal accessibility standards, the slopes on the ground average around 25 percent and exceed 30 percent in places meaning that public street and sidewalk improvements could not be installed. Ultimately, sidewalks were required along the full highway frontage, and the multi-use paths also required with the intention to provide a separate, continuous pedestrian route from Clover Lane/Highway 66 through the Oaks of Ashland to Spring Creek and Oak Knoll Drives via the public pedestrian access easement that was part of Phase 3 of the Greensprings Subdivision. The easement connection through the Greensprings Subdivision was dedicated in 1992 but has never been approved, and as such the connectivity envisioned with the Oaks' public pedestrian easements has never been realized. Pedestrians using the pathways and sidewalks are directed into The Oaks Subdivision but have no improved outlet.

Sidewalks within the subdivision support pedestrian circulation, and will accommodate pedestrian circulation to Spring Creek Drive if and when the pedestrian easement is completed within the subdivision to the south. However, given that the grades involved through the northeast open space would preclude public street or sidewalk improvements and the full intended connectivity underlying the easement requirement has not been realized in the nearly 25 years since the subdivision was approved, staff believes it would be reasonable to amend Condition #17 to remove the public pedestrian easement requirement through Open Space #2. Staff accordingly recommend that the Planning Commission approve the requested modifications to The Oaks of Ashland Subdivision approval (PA #2000-127).

Should the Planning Commission concur and approve the request, staff would recommend that the following conditions of approval be attached:

- 1) That all remaining conditions of approval of Planning Action #2000-127 shall remain in effect.
- 2) That the applicants shall be responsible for completing any required public process for the city to abandon the public pedestrian access easement through Open Space #2 and Subdivision Lots #11 and #12 which will likely require requests to the Public Works Department and City Manager's office to conduct a required public hearing and approve the signature of a quitclaim deed.



Site Visit Notes

- No formal site visit is scheduled.
- There is limited on-street parking on east side of Sutton Place near the top end of path.
- Netting used to stabilize slope is a trip hazard in places and is very hard to see. **PLEASE use caution if walking on sloped areas.**



I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OREGON 97501
PHONE: (541) 772-2782

THE OAKS OF ASHLAND
A Planned Community
Located in the N.E. 1/4 of Section 14, T.38S, R.1E, W.M.
in the City of Ashland, Jackson County, Oregon
for
EVAN ARCHERD
P.O. Box 690
Ashland, OR 97520

DATE:
DECEMBER 18, 2001

Northeast PPAE Subdivision Plat

CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD
C24	98°54'32"	34.53	20.00	51872.78' W
C25	73°31'40"	85.34	66.50	56745.36' E
C26	282°11'37"	55.67	112.50	58939.10' W
C27	24°19'12"	47.75	112.50	58736.08' W
C28	402°04'41"	7.92	112.50	N78°11'13" W
C29	32°03'24"	66.02	118.00	58506.39' W
C30	24°52'06"	51.22	118.00	58171.00' W
C31	71°11'17"	14.80	118.00	N82°22'18" W
C32	25°30'27"	145.02	325.75	N66°06'25" W
C33	84°2'59"	49.53	325.75	N74°50'19" W
C34	16°28'54"	93.67	325.75	N61°54'41" W
C35	07°19'12"	1.82	325.75	N53°50'48" W
C36	16°39'23"	281.82	98.50	N28°38'30" E
C37	14°59'01"	60.14	98.50	N35°55'41" W
C38	27°12'53"	46.79	98.50	N44°45'44" W
C39	31°10'24"	51.59	98.50	N24°25'55" E
C40	11°11'16"	144.57	74.50	S55°02'33" W
C41	91°24'15"	118.86	74.50	S64°55'56" W
C42	19°46'45"	25.72	74.50	S92°01'17" W
C43	67°05'11"	49.45	465.50	S24°21'54" W

NOTE:
SEE SHEET 3 FOR LEGEND
SEE SHEET 3 FOR PEDESTRIAN
ACCESS EASEMENT CURVE DATA

Open Space #2 w/PPAE

Ped Path via SUTTON Sidewalk
& PPAE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

JAMES E. FRIAR
JULY 17, 1996
JAMES E. FRIAR
2246
RENEWAL DATE 6-30-03

CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD	TANGENT
C44	0°41'19"	5.60	465.50	S27°03'49" W	5.60
C45	52°33'51"	43.85	465.50	S24°01'14" W	43.84
C46	16°49'04"	37.28	127.00	N29°43'50" E	37.14
C47	29°43'57"	58.38	112.50	S48°18'02" E	57.73
C48	12°08'44"	18.55	87.50	N39°30'26" W	18.51
C49	45°54'49"	63.13	104.50	S22°47'23" E	60.96
C50	23°54'53"	39.44	94.50	S15°37'29" W	39.16
C51	49°06'11"	74.99	87.50	N0°38'10" W	72.71
C52	19°39'46"	39.29	114.50	N85°18'25" E	39.10
C53	11°00'59"	22.00	114.50	N89°37'58" E	21.97
C54	8°39'06"	17.29	114.50	N79°48'05" E	17.27
C55	28°21'17"	52.41	65.50	S89°39'10" W	52.09
C56	34°44'51"	47.30	78.00	N86°27'23" E	46.58
C57	4°36'45"	6.28	78.00	S78°08'34" E	6.18
C58	30°08'06"	41.02	78.00	N84°09'00" E	40.55
C59	32°03'24"	39.72	71.00	S85°06'39" W	39.21
C60	28°18'05"	52.58	71.00	S82°14'00" W	52.51
C61	54°58'18"	7.15	71.00	N81°44'18" W	7.15
C62	25°30'27"	124.10	278.75	N66°06'25" W	123.07
C63	11°34'01"	66.00	278.75	N73°04'58" W	65.85
C64	1°54'26"	58.09	278.75	N45°19'15" W	57.99
C65	16°39'23"	147.40	51.50	N28°38'30" E	150.00
C66	11°11'16"	235.78	121.50	S55°02'33" W	200.49
C67	19°27'42"	41.27	121.50	N79°48'05" W	41.07
C68	91°43'14"	144.51	121.50	S45°18'14" W	114.40
C69	27°57'54"	32.94	87.50	S15°37'29" E	32.61
C70	27°57'54"	55.87	114.50	S15°37'29" E	55.52
C71	54°54'51"	54.51	51.50	S24°01'14" W	54.42
C72	36°09'31"	106.34	80.00	N59°24'04" E	98.68
C73	43°49'30"	61.19	80.00	N43°14'04" E	59.71
C74	32°20'00"	45.15	80.00	N81°18'49" E	44.55
C75	16°39'23"	56.11	80.00	S78°08'34" E	54.81
C76	12°08'44"	28.51	134.50	N39°30'26" W	28.46
C77	45°34'49"	45.74	57.50	S22°47'23" E	44.55
C78	49°00'52"	207.00	241.97	S84°57'29" W	200.75
C79	12°11'19"	51.90	241.97	S66°04'42" W	51.80
C80	12°13'03"	51.60	241.97	S78°05'55" W	51.50
C81	12°15'13"	51.75	241.97	N88°54'55" W	51.65
C82	12°15'13"	51.75	241.97	N76°19'47" W	51.65
C83	20°37'04"	121.40	88.50	N75°19'47" W	113.86
C84	95°08'15"	78.87	47.50	S47°34'10" W	70.12
C85	34°44'51"	18.80	31.00	N85°27'23" E	18.51

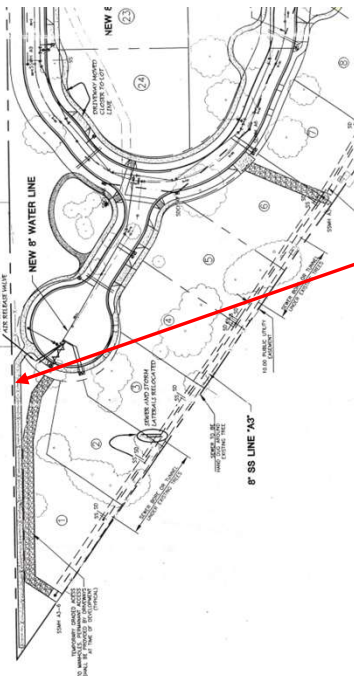
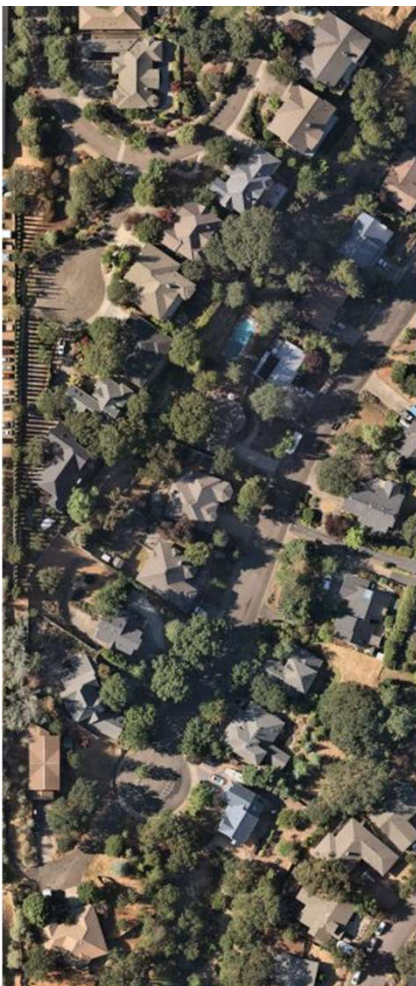
CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD	TANGENT
C1	53°40'55"	384.83	410.74	N85°14'48" W	370.91
C2	3°30'39"	22.41	410.74	S69°41'04" W	25.40
C3	12°33'43"	90.05	410.74	S77°44'15" W	89.87
C4	13°15'12"	95.01	410.74	N89°21'17" W	94.80
C5	11°50'14"	85.10	410.74	N76°47'33" W	84.95
C6	12°27'05"	89.26	410.74	N64°33'53" W	89.09
C7	95°08'15"	117.89	71.00	S47°34'10" W	104.81
C8	19°39'46"	31.23	91.00	N85°18'25" E	31.08
C9	28°21'17"	44.04	89.00	S89°39'10" W	43.60
C10	34°44'51"	33.05	54.50	N86°27'23" E	32.55
C11	32°03'24"	52.87	94.50	S85°06'39" W	52.19
C12	25°30'27"	134.56	302.25	N66°06'25" W	133.45
C13	16°39'23"	214.66	75.00	N28°38'30" E	148.54
C14	11°11'16"	190.18	98.00	S55°02'33" W	161.71
C15	27°57'54"	44.41	91.00	N13°25'42" E	43.97
C16	67°05'11"	51.95	489.00	S24°21'54" W	51.92
C17	26°09'31"	137.57	103.50	N59°24'04" E	127.67
C18	34°44'51"	76.25	89.00	S57°58'37" E	73.94
C19	12°08'44"	23.55	111.00	N39°30'26" W	23.49
C20	45°34'49"	44.44	87.00	S22°47'23" E	42.75
C21	83°28'32"	78.66	71.00	S31°44'18" W	74.70
C22	31°39'42"	39.23	71.00	S79°18'26" W	38.74

RECEIVED
DATE: 12-25-02 BY: J.E.F.
This survey consists of
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

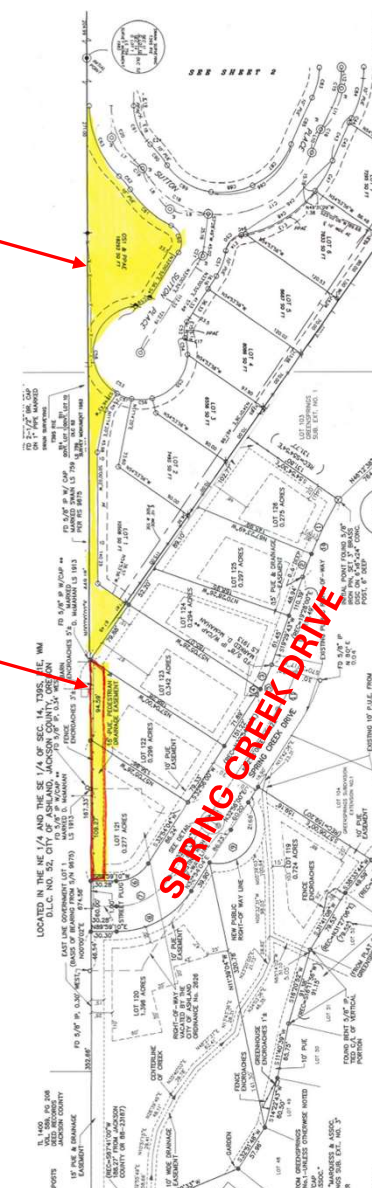
SEE SHEET 3

SHEET 2 OF 3 99-298W



The Oaks of Ashland Subdivision Plat
Southern Open Space (OS #1)
w/PPAE

Greensprings Subdivision Ph. 3 Plat
15-Foot Pedestrian Easement to Spring Creek Drive
(Unimproved since 1992)





Staff Exhibit S-1. Upper end of path from Sutton Place



Staff Exhibit S-2. Looking from top down to Highway 66.



Staff Exhibit S-3. Midway looking down to Highway 66





Staff Exhibit S-5. View from midway looking upslope.

Applicant Submittal



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

ZONING PERMIT APPLICATION

FILE # _____

DESCRIPTION OF PROJECT VACATION OF EASEMENT/PATHWAY

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? ☐ YES ☐ NO

Street Address LOCATED BETWEEN LOTS 11 & 12 IN THE OAKS OF ASHLAND SUBDIVISION

Assessor's Map No. 39 1E 11DD Tax Lot(s) 1600

Zoning R-1-7.5 SINGLE FAMILY RESIDENTIAL

Comp Plan Designation _____

APPLICANT

Name VINCENT A HAYNES Phone 541-603-3592 E-Mail BAJANVINCE@GMAIL.COM

Address 603 SUTTON PL. City ASHLAND Zip 97520

PROPERTY OWNER

Name OAKS OF ASHLAND HOA Phone 541-603-3592 E-Mail BAJANVINCE@GMAIL.COM

Address 603 SUTTON PL. City ASHLAND Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title PRESIDENT Name MICHAEL THORNTON Phone 541-899-1489 E-Mail mike@thorntondaley.com

Address P.O.BOX 476 City JACKSONVILLE Zip 97530

Title _____ Name FRED A. FRANTZ Phone 541-482-6474 E-Mail Terrain@bisp.net

Address 274 FORTH ST. City ASHLAND Zip 97520

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.

Vincent A. Haynes
Applicant's Signature

10/14/2024

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.

Vincent A. Haynes for HOA
Property Owner's Signature (required)

10/14/2024

Date

[To be completed by City Staff]

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

OVER ►►

Application for Vacating Easement/Passage

November 8, 2024

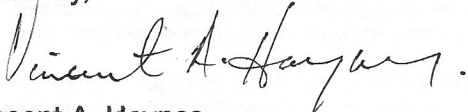
This note is in support of vacating the easement/passage located between Lots 11 and 12 in The Oaks of Ashland community. (See attached map page 3)

On September 18, 2024, one of our Board members, Dave Dotterer and I met with Derek Severson and Brandon Goldman in a "Pre-App" meeting at their City office. During that session, we learned that in 2000 when the developer made the application for approval of the subdivision, one of the conditions of approval was recorded as follows: "The applicants have proposed this pathway as an alternate to constructing a public sidewalk along Highway 66" The details included; "This pathway will connect the intersection of Oak Knoll Drive and Highway 66 to the public sidewalk system constructed alongside the new street" That new street is Sutton Place which is the the street in The Oaks of Ashland community.

Following additional research, it was learned that both the sidewalk along Highway 66 and the pathway were required as conditions of approval. We would note, however, that neither the adjacent community of Oak Knoll residents nor the residents of The Oaks of Ashland community use this pathway. Residents adjacent to the pathway observe only persons who appear to be transients, using this easement/pathway. Given the above, we believe that this easement/pathway is no longer necessary to address pedestrian connectivity to surrounding areas. In order for the homeowners adjacent to this easement and the HOA to develop plans pertaining to privacy and security, the HOA, with this application, is requesting the vacation of the identified easement/pathway. We look forward to hearing from you.

Please note that the attached topographic survey, engineer's plan and maps pertain to the water drainage system upgrade which was completed in 2023 and was done in the location of the easement/pathway referenced in this application. We were informed that such documents are usually required and given that we recently had these done, we could us them with this application.

Sincerely,



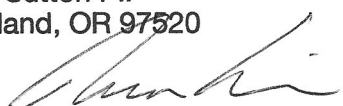
Vincent A. Haynes
President, The Oaks of Ashland HOA

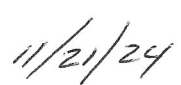
Additional Homeowners

We, the homeowners of lots 11 and 12 of The Oaks of Ashland community, support the application of our Home Owners Association to the City of Ashland for the removal of the easement/pathway between our properties and the space known as Common Area 2. We attach our signatures as part of this application.

Lot #11

Owner: Bruce Theisen
570 Sutton Pl.
Ashland, OR 97520

Signature: 

Date: 

Lot #12

Owner: Mr & Mrs Mukes, Shoeran
554 Sutton Pl.
Ashland, OR 97520

Signature: 

Date: 

17184

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OREGON 97501
PHONE: (541) 772-2782

LEGEND

- ⊙ = FD. 1" IRON PIPE W/ 2.5" BRASS CAP PER FS9675.
- = FD. 5/8" IRON PIN W/ PLASTIC CAP MKD. MCMAHAN LS1913 PER FS 12835.
- ⊗ = FD. 5/8" IRON PIN W/ PLASTIC CAP MKD. SWAIN LS759 PER FS9675.
- ⊗ = FD. 5/8" IRON PIN PER GSI.
- ⊗ = SET 5/8" X 30" IRON PIN W/ PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊗ = SET 5/8" X 24" IRON PIN W/ PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊗ = SET 1" X 30" IRON PIPE W/ 2.5" BRASS DISK MKD. L.J. FRIAR & ASSOC. IN MONUMENT CASE.
- ⊗ = SET BRASS TAG MKD. L.J. FRIAR & ASSOC. IN LEAD PLUG IN CONCRETE.

- PSSE = PRIVATE SANITARY SEWER EASEMENT.
- PSDE = PRIVATE STORM DRAINAGE EASEMENT.
- SDE = PUBLIC STORM DRAINAGE EASEMENT.
- SSE = PUBLIC SANITARY SEWER EASEMENT.
- PAE = PUBLIC PEDESTRIAN ACCESS EASEMENT.
- JCDR = JACKSON COUNTY DEED RECORDS.
- 50 FT = SQUARE FEET.
- ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
- WC = WITNESS CORNER.
- CI = SEE CURVE DATA TABLE.
- EI = SEE EASEMENT DATA TABLE.
- () = RECORD DATA AS SHOWN.
- PI = POINT OF INTERSECTION.
- GSI = GREENSPRINGS SUBDIVISION, EXTENSION NO. 1.
- PP# = PARTITION PLAT NO.
- AE = ACCESS EASEMENT TO SANITARY SEWER MANHOLE.
- L1 = SEE COURSE DATA TABLE.
- OS = OPEN SPACE.
- X- = FENCE LINE.

BASIS OF BEARINGS

NOAA TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 14. THE REFERENCE LINE FOR BEARING CONTROL WAS TAKEN FROM MONUMENTS ALONG THE EAST LINE OF COVY LOT 1 AS SHOWN ON SURVEY NO. 9259 ON FILE WITH THE JACKSON COUNTY SURVEYOR'S OFFICE AND AS SHOWN HEREON.

DATE: DECEMBER 18, 2001 UNIT OF MEASUREMENT = FEET SCALE: 1" = 40'

THE OAKS OF ASHLAND

A Planned Community
Located in the N.W. 1/4 of Section 14, T.38S, R.1E, W.M.
in the City of Ashland, Jackson County, Oregon
for
EVAN ARCHERD
P.O. Box 600
Ashland, OR 97600

COURSE DATA TABLE

NUM	DISTANCE	BEARING
L1	43.92	N53°28'35"E
L2	20.13	N53°28'35"E
L3	35.90	S84°51'42"E
L4	39.54	N76°10'11"W
L5	44.20	S89°04'57"W
L6	68.41	N53°21'12"W
L7	45.84	S33°26'04"E
L8	52.45	S33°26'04"E
L9	40.64	N82°31'11"W
L10	26.00	N21°19'18"E
L11	48.65	N72°24'22"E
L12	22.65	S0°33'05"E

EASEMENT CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD
E1	48°05'03"	12.59	15.00	N85°05'08"E 12.22
E2	91°41'55"	34.56	21.60	S86°53'33"W 30.99
E3	56°50'15"	19.84	20.00	S75°40'37"E 19.04
E4	35°27'00"	9.28	15.00	N71°45'06"W 9.13
E5	88°15'55"	23.39	15.17	N88°56'27"E 21.13
E6	18°38'56"	94.65	325.74	N71°48'41"W 94.32
E7	34°12'15"	11.94	20.00	S80°35'20"E 11.76
E8	92°33'07"	23.87	16.01	N51°24'34"W 23.15
E9	125°7'59"	4.53	20.00	S11°17'20"E 4.52
E10	88°10'38"	21.81	14.50	S33°32'21"W 19.81
E11	123°05'32"	51.66	24.05	N22°00'48"E 42.28
E12	78°02'23"	20.43	15.00	S44°32'22"W 18.89
E13	40°07'41"	88.95	127.00	N80°32'41"E 87.14
E14	70°55'21"	24.76	20.00	S45°08'52"W 23.21
E15	45°49'33"	16.00	20.00	S10°05'06"W 15.57
E16	44°18'28"	7.73	10.00	N92°20'33"E 7.54
E17	8°28'33"	0.74	5.00	S27°15'01"W 0.74
E18	52°34'03"	27.52	30.00	S14°07'44"E 26.57
E19	40°02'41"	27.96	40.00	N75°02'03"W 27.39
E20	27°33'25"	14.60	30.00	S13°56'41"E 14.46
E21	13°19'00"	26.81	112.50	S80°18'05"W 26.74
E22	1°11'59"	1.37	65.50	S76°04'31"W 1.37
E23	57°30'15"	74.77	74.50	S81°53'04"W 71.67
E24	5°10'01"	5.19	57.50	S42°59'47"E 5.16

CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD	TANGENT
C15	27°57'54"	44.41	91.00	N13°25'42"E 43.97	22.65
C16	6°05'11"	51.95	489.00	S24°21'54"W 51.92	26.00
C17	76°09'31"	137.57	103.50	N59°24'04"E 127.67	
C18	49°05'06"	76.25	89.00	S57°58'37"E 73.94	40.64
C19	12°08'44"	23.53	111.00	N39°10'26"W 23.49	11.81
C20	45°34'49"	64.44	81.00	S22°47'23"E 62.75	34.03
C21	25°32'02"	19.39	43.50	N20°14'51"E 19.23	9.86
C43	6°05'11"	49.45	465.50	S24°21'54"W 49.43	
C44	0°41'19"	5.60	485.50	S27°03'49"W 5.60	
C45	52°53'51"	43.85	465.50	S24°01'14"W 43.84	
C46	58°57'11"	130.67	127.00	N50°47'54"E 124.99	
C47	18°49'04"	37.28	127.00	N29°43'50"E 37.14	
C48	40°02'03"	88.74	127.00	N50°09'24"E 86.94	
C49	2°08'03"	4.66	127.00	N79°13'28"E 4.66	
C50	71°38'01"	25.00	20.00	S44°27'29"W 23.41	
C51	24°22'23"	28.50	67.00	N20°48'41"E 28.29	
C52	9°14'46"	18.00	20.00	S71°13'28"W 17.40	
C53	28°30'32"	247.10	50.00	S56°59'08"E 62.14	
C54	21°01'33"	18.35	50.00	N80°03'07"W 18.25	
C55	73°21'23"	64.02	50.00	N39°08'22"E 59.73	
C56	22°25'15"	22.18	50.00	N68°51'42"E 22.00	
C57	18°48'02"	16.41	50.00	S69°21'39"E 16.33	
C58	144°33'16"	126.15	50.00	S12°19'00"W 95.25	
C59	51°34'46"	18.00	20.00	N58°48'15"E 17.40	
C60	98°10'53"	33.57	20.00	N15°04'34"W 29.77	
C61	29°43'57"	58.38	112.50	S48°18'02"E 57.75	
C62	12°08'44"	16.55	87.50	N39°30'26"W 16.51	
C63	45°34'49"	83.13	104.50	S22°47'23"E 80.96	
C64	27°57'54"	32.94	67.50	N13°25'42"E 32.61	
C64	27°57'54"	55.87	114.50	N13°25'42"E 55.32	
C65	6°05'11"	54.44	512.50	S24°21'54"W 54.42	
C66	76°09'31"	106.34	80.00	N59°24'04"E 98.68	
C67	43°49'30"	61.19	80.00	N43°14'04"E 59.71	
C68	32°20'00"	45.15	80.00	N81°18'49"E 44.55	
C69	49°05'06"	56.11	65.50	S57°58'37"E 54.41	
C90	12°08'44"	28.51	134.50	N39°30'26"W 28.46	
C91	45°34'49"	45.74	57.50	S22°47'23"E 44.55	

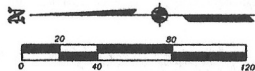
EASEMENTS PER SUBDIVISION GUARANTEE

- EASEMENT FOR PIPELINE CARRYING WATER OR GAS PER V.100, P.203, JCOR CANNOT BE DEPICTED HEREON BUT MAY AFFECT THE SUBJECT TRACT.
- EASEMENT FOR TRANSMISSION OF ELECTRICITY PER V.360, P.97, JCOR CANNOT BE DEPICTED HEREON BUT MAY AFFECT THE SUBJECT TRACT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

JAMES E. FRIAR
JULY 17, 1986
JAMES E. FRIAR
2334
RENEWAL DATE 6-30-03

I HEREBY DECLARE THAT THIS IS AN EXACT
COPY OF THE ORIGINAL PLAT.
JAMES E. FRIAR
SURVEYOR



SHOWN SURVEYING
1395 RIE
SEC. 11
6 LOT 10
SEC. 14
6 LOT 11
LS 759
SURVEY MONUMENT
1983

39S1E14AA TL6000

RECEIVED
DATE 1-25-02 BY AB
This survey consists of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

SHEET 3 OF 3 99-2989M

17184

12E/92

17184

P2

APPROVAL:

ASHLAND PLANNING DEPARTMENT
PA #2001-022 SUBDIVISION

1/10/2001
DATE

APPROVAL:

EXAMINED AND APPROVED THIS 17th DAY OF January, 2002

Jan Holm
CITY SURVEYOR

EXAMINED AND APPROVED AS REQUIRED BY ORS 92.100 AS OF January 22, 2002

Jeffrey A. Dyer
ASSESSOR DEPARTMENT OF ASSESSMENT

ALL TAXES, FEES ASSESSMENTS OR OTHER CHARGES AS REQUIRED BY ORS 92.095 HAVE BEEN PAID AS OF January 22, 2002

Lynda Abbott
TAX COLLECTOR

***** DECLARATION *****

KNOW ALL MEN BY THESE PRESENTS THAT ARCHERD/DRESNER, LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER IN FEE OF THE REAL PROPERTY SHOWN ON SHEETS 2 & 3, MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND HAS SUBDIVIDED THE SAME INTO THE LOTS AND STREETS AS SHOWN ON SHEETS 2 & 3 AND DOES HEREBY DEDICATE TO THE PUBLIC THE STREETS TOGETHER WITH THE PUBLIC UTILITY EASEMENTS (PUE), WITH THE CONDITION THAT CHARTER COMMUNICATIONS, ITS SUCCESSORS OR ASSIGNS IN INTEREST IS GRANTED THE RIGHT TO USE SAID PUES FOR THE PLACEMENT AND MAINTENANCE OF CABLE TV LINES AS LONG AS THESE LINES DO NOT INTERFERE WITH THE MAINTENANCE OF CITY OF ASHLAND UTILITIES, ARCHERD/DRESNER, LLC DOES HEREBY MAKE AND ESTABLISH THE PUBLIC PEDESTRIAN ACCESS EASEMENTS (PPAE), PUBLIC SANITARY SEWER EASEMENT (SSE), PUBLIC STORM DRAINAGE EASEMENT (SDE), ACCESS EASEMENT TO SANITARY SEWER MANHOLES (AE), PRIVATE SANITARY SEWER EASEMENT (PSSE) AND PRIVATE STORM DRAINAGE EASEMENT (PSDE) AS SHOWN ON SHEETS 2 AND 3. THE OAKS OF ASHLAND SHALL BE SUBJECT TO THE BY-LAWS OF THE OAKS HOMEOWNERS' ASSOCIATION, INC., AS WELL AS A DECLARATION OF COVENANTS AND RESTRICTIONS TO BE RECORDED SIMULTANEOUSLY WITH THIS PLAT. ARCHERD/DRESNER, LLC DOES HEREBY DESIGNATE SAID SUBDIVISION AS THE OAKS OF ASHLAND, A PLANNED COMMUNITY.

Evan Archerd
EVAN ARCHERD, MEMBER
ARCHERD/DRESNER, LLC

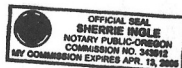
Harold Dresner
HAROLD DRESNER, MEMBER
ARCHERD/DRESNER, LLC

STATE OF OREGON) SS
COUNTY OF JACKSON)

PERSONALLY APPEARED THE ABOVE NAMED EVAN ARCHERD, MEMBER OF ARCHERD/DRESNER, LLC, AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF ARCHERD/DRESNER, LLC.

DATED THIS 18th DAY OF December, 2002

BEFORE ME: Sherrine Ingle
NOTARY PUBLIC OF OREGON.



STATE OF OREGON) SS
COUNTY OF JACKSON)

PERSONALLY APPEARED THE ABOVE NAMED HAROLD DRESNER, MEMBER OF ARCHERD/DRESNER, LLC, AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF ARCHERD/DRESNER, LLC.

DATED THIS 19th DAY OF December, 2001

BEFORE ME: Sherrine Ingle
NOTARY PUBLIC OF OREGON.



I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT

Jan 10 2001
SURVEYOR

3951E14AA TL6000

THE OAKS OF ASHLAND

A Planned Community
Located in the N.W. 1/4 of Section 14, T.36S, R.1E, W.M.
in the City of Ashland, Jackson County, Oregon

for
EVAN ARCHERD
P.O. Box 680
Ashland, OR 97520

DATE:

DECEMBER 18, 2001

SURVEY BY:

L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OREGON 97501
PHONE: (541) 772-2782

*** POST MONUMENTATION ***

THE DEFERRED MONUMENTS SHOWN ON SHEET 2 WILL BE SET
BY DECEMBER 31, 2002

James E. Hibbs
SURVEYOR

THE DEFERRED MONUMENTS ARE NOW SET, SEE DOC. # _____
ORJCO, THIS _____ DAY OF _____, 2002

APPROVED: _____
JACKSON COUNTY SURVEYOR

***** RECORDER'S CERTIFICATE *****

FILED FOR RECORD THIS 25 DAY OF JANUARY, 2002 AT
11:09 O'CLOCK A M., AND RECORDED IN VOLUME 28 OF PLATS ON PAGE 3 OF
THE RECORDS OF JACKSON COUNTY, OREGON.

Kathleen S Beckett
COUNTY CLERK

Barbara J Shaw
DEPUTY

DECLARATION OF COVENANTS & RESTRICTIONS RECORDED AS DOC. # 02-04396, ORJCO.

BY LAWS OF THE OAKS HOMEOWNERS' ASSOCIATION, INC., RECORDED AS DOC. # _____, ORJCO.

***** SURVEYOR'S CERTIFICATE *****

I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS PROVIDED BY LAW THE TRACT OF LAND SHOWN HEREON THIS PLAT BEING AN ACCURATE REPRESENTATION OF THE SAME, AND THAT THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE EXTERIOR BOUNDARY LINES:

Parcel No. 1 per Partition Plot No. P-5-1992, according to the official plat, thereof, now of record, in Volume 3, Page 5 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 12835 in the Office of the Jackson County Surveyor.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
7234
RENEWAL DATE 6-30-03

** AFFIDAVIT OF CONSENT **

FROM B & G PROPERTIES, INC. RECORDED AS DOC. # 02-04397, ORJCO.

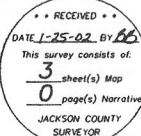
FROM UMPQUA BANK RECORDED AS DOC. # 02-04398, ORJCO.

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE: TO SURVEY AND MONUMENT THE LOTS AND STREETS OF THE OAKS OF ASHLAND, A PLANNED COMMUNITY.

PROCEDURE: THE EXTERIOR OF THIS SUBDIVISION WAS MONUMENTED BY FS12835. MADE TIES TO THESE MONUMENTS AS SHOWN. THE MOST SOUTHERLY CORNER WAS SET AT MAP RECORD DISTANCE FROM THE FOUND MONUMENT AT THE N.W. CORNER. THE MONUMENT AT THE N.W. CORNER WHICH WAS TIED BY THIS OFFICE DURING FS16685 WAS DESTROYED BY CONSTRUCTION OF IMPROVEMENTS ON THE ADJOINER PROPERTY TO THE WEST AND A NEW MONUMENT WAS SET AT THE FOUND LOCATION. COMPUTED THE INTERIOR LOT AND STREET RIGHT-OF-WAY CORNER LOCATIONS AND SET MONUMENTS AS SHOWN. THOSE MONUMENTS FOUND AS WELL AS THOSE SET ARE AS SHOWN ON SHEETS 2 & 3.

FOR ORDER OF THE COUNTY COURT APPROVING THIS PLAT SEE VOLUME _____ PAGE _____ OF
THE COUNTY COMMISSIONER'S JOURNAL OF PROCEEDINGS.



SHEET 1 OF 3 99-2500M

17184

12P/92

17184

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

DATE: 12/18/01

SURVEYOR: JAMES E. HOBBS

SURVEY BY:

L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OREGON 97501
PHONE: (541) 772-2782

THE OAKS OF ASHLAND
A Planned Community
Located in the N.W. 1/4 of Section 14, T.36S, R.1E, W.M.
in the City of Ashland, Jackson County, Oregon
for
EVAN ARCHERD
P.O. Box 680
Ashland, OR 97600

DATE

DECEMBER 18, 2001

CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD
C21	98°54'32"	34.53	20.00	518°27'28"W
C25	73°31'40"	85.34	66.50	58°45'38"E
C26	28°21'17"	55.67	112.50	58°39'10"W
C27	24°18'12"	47.75	112.50	58°38'08"W
C28	4°02'04"	7.92	112.50	18°11'13"W
C29	32°03'24"	66.02	118.00	58°06'39"W
C30	24°52'06"	51.22	118.00	58°13'00"W
C31	7°11'17"	14.80	118.00	18°22'18"W
C32	25°30'27"	145.02	325.75	168°06'25"W
C33	8°42'39"	49.53	325.75	174°30'19"W
C34	16°28'34"	93.67	325.75	161°54'41"W
C35	0°19'12"	1.82	325.75	153°30'48"W
C36	16°59'23"	281.92	98.50	162°38'30"E
C37	34°59'01"	60.14	98.50	135°51'41"W
C38	27°12'53"	46.79	98.50	144°45'44"W
C39	31°10'24"	53.59	98.50	142°25'55"E
C40	11°11'16"	144.57	74.50	155°02'33"W
C41	91°24'31"	118.86	74.50	584°55'56"W
C42	19°46'45"	25.72	74.50	59°20'17"W
C43	6°05'11"	49.45	465.50	524°21'54"W

NOTE:

SEE SHEET 3 FOR LEGEND

SEE SHEET 3 FOR PEDESTRIAN ACCESS EASEMENT CURVE DATA

REGISTERED PROFESSIONAL LAND SURVEYOR

James E. Hobbs

JULY 17, 1988
JAMES E. HOBBS
2344

RENEWAL DATE 6-30-03

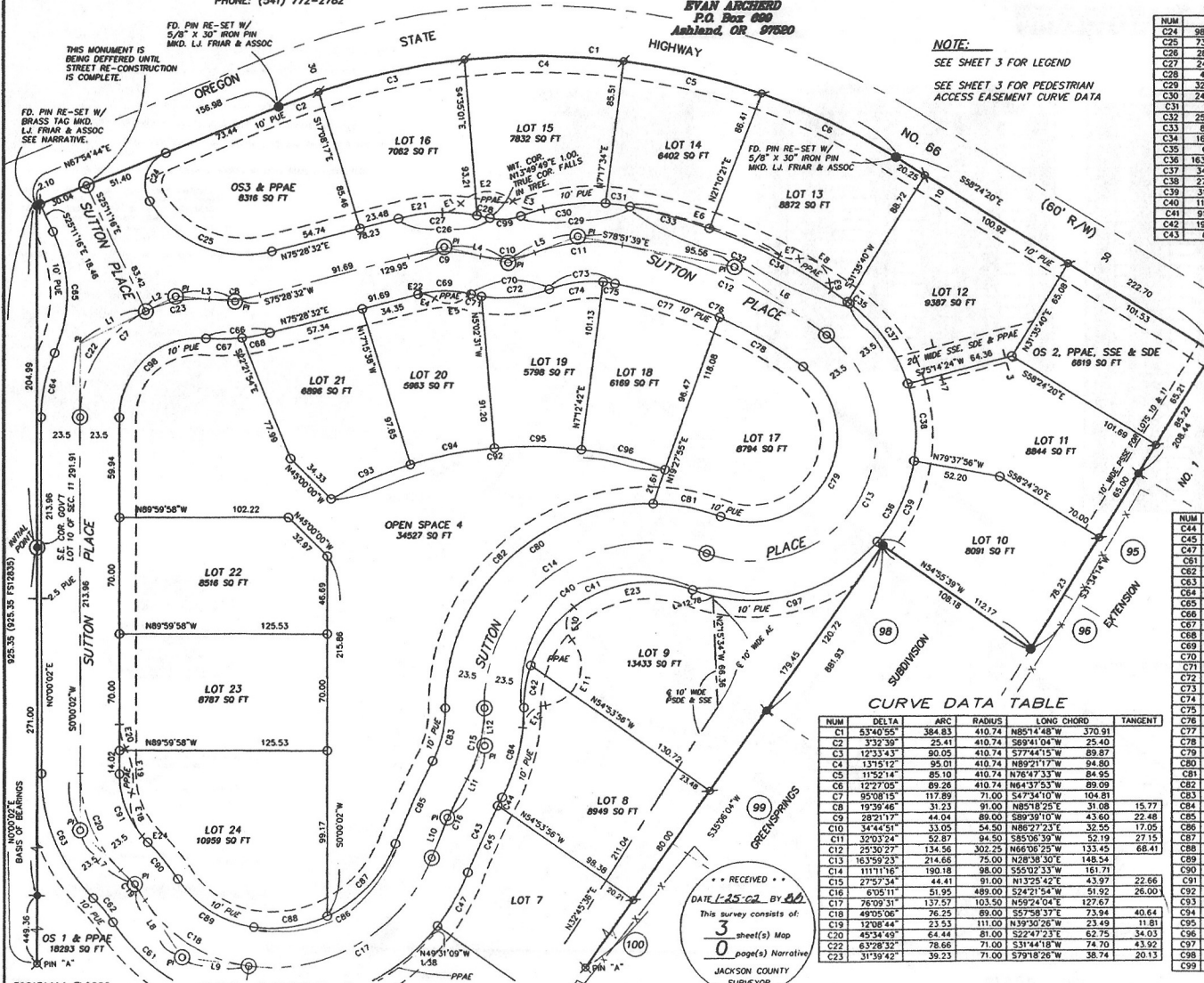
CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD
C44	0°41'19"	5.60	465.50	527°03'49"W
C45	5°23'51"	43.85	465.50	524°01'14"W
C47	18°49'04"	37.28	127.00	129°43'50"E
C48	29°43'57"	58.38	112.50	54°18'02"E
C49	12°08'44"	18.55	87.50	139°30'28"W
C53	45°54'49"	83.13	104.50	522°47'23"E
C64	23°54'53"	39.44	94.50	511°57'29"W
C65	49°08'11"	74.99	87.50	160°38'10"W
C66	19°39'46"	35.29	114.50	185°18'25"E
C67	11°00'39"	22.00	114.50	189°37'58"E
C68	8°39'08"	17.29	114.50	179°48'05"E
C69	28°21'17"	32.41	65.50	58°39'10"W
C70	34°44'51"	47.30	78.00	186°27'23"E
C71	4°36'45"	6.28	78.00	578°28'34"E
C72	30°08'06"	41.02	78.00	184°09'00"E
C73	32°03'24"	39.72	71.00	585°06'39"W
C74	26°18'05"	32.59	71.00	582°14'00"W
C75	5°45'18"	7.13	71.00	181°44'18"W
C76	25°30'27"	124.10	278.75	166°06'25"W
C77	13°54'01"	66.00	278.75	172°04'38"E
C78	11°56'26"	58.09	278.75	159°19'25"W
C79	16°35'23"	147.40	51.50	528°38'30"E
C80	11°11'16"	235.78	121.50	550°02'33"W
C81	19°27'42"	41.27	121.50	170°05'40"W
C82	91°43'34"	194.51	121.50	545°18'42"W
C83	27°57'34"	32.94	67.50	113°25'42"E
C84	27°57'34"	35.87	114.50	113°25'42"E
C85	44°03'11"	54.44	67.50	524°21'54"W
C86	76°09'31"	106.34	80.00	559°24'04"E
C87	43°49'30"	61.19	80.00	143°14'04"E
C88	32°20'00"	45.15	80.00	181°18'49"E
C89	49°05'06"	55.11	65.50	55°56'37"E
C90	12°08'44"	28.51	134.50	139°30'28"W
C91	45°54'49"	45.74	57.50	522°47'23"E
C92	49°00'52"	207.00	241.97	584°55'29"W
C93	12°17'19"	51.90	241.97	564°35'42"W
C94	12°17'07"	51.60	241.97	578°50'55"W
C95	12°15'13"	51.75	241.97	176°39'41"W
C96	12°15'13"	51.75	241.97	176°39'41"W
C97	70°17'04"	121.40	88.50	176°18'39"E
C98	95°08'15"	78.87	47.50	547°34'10"W
C99	34°44'51"	18.80	31.00	186°27'23"E

CURVE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD	TANGENT
C1	53°40'55"	384.83	410.74	185°14'48"W	370.81
C2	33°32'59"	25.41	410.74	589°41'04"W	25.40
C3	12°33'43"	80.05	410.74	577°44'15"W	89.87
C4	13°15'12"	95.01	410.74	589°21'17"W	94.80
C5	11°52'14"	285.10	410.74	176°47'33"W	84.95
C10	12°27'05"	89.26	410.74	164°37'53"W	89.09
C7	95°08'15"	117.89	71.00	547°34'10"W	104.81
C8	19°39'46"	31.23	91.00	185°18'25"E	31.08
C9	28°21'17"	44.04	89.50	589°38'10"W	43.60
C12	25°30'27"	134.56	302.25	166°06'25"W	133.45
C13	16°35'23"	214.66	75.00	102°18'30"E	148.54
C14	11°11'16"	190.18	98.00	555°02'33"W	161.71
C15	27°57'34"	44.41	91.00	113°25'42"E	43.97
C16	6°05'11"	51.95	489.00	524°21'54"W	51.92
C17	76°09'31"	137.57	103.50	589°24'04"E	127.67
C18	49°05'06"	76.25	89.00	557°58'37"E	73.94
C19	12°08'44"	23.53	111.00	139°30'28"W	23.49
C20	45°34'49"	64.44	81.00	522°47'23"E	62.75
C22	63°32'23"	78.66	71.00	531°41'18"W	74.70
C23	31°59'42"	39.23	71.00	579°18'26"W	38.74

RECEIVED
DATE: 12-25-02 BY: J.E.H.
This survey consists of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR



39S1E14AA TL6000

SEE SHEET 3

SHEET 2 OF 3 99-26984

17184

12/2/02



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

PLANNING ACTION FEES

DESCRIPTION OF PROPERTY

Street Address LOCATED BETWEEN LOTS 11 & 12 in the OAKS OF ASHLAND SUBDIVISION

APPLICANT

Name VINCENT A. HAYNES Phone 541-603-3592 E-Mail Bajanvince@gmail.com

Address 603 Sutton Place City Ashland State OR Zip 97520

FEE SCHEDULE - Please Mark All That Apply

ADMINISTRATIVE ACTIONS

				Total
	Zoning Permit - FENCE			\$36.25
	Zoning Permit - HOME OCCUPATION			\$36.25
	Zoning Permit - ACCESSORY STRUCTURE			\$36.25
	Street Tree Removal			\$100.00
	Land Use Approval Extension			\$435.00
	Lot Line Adjustment			\$435.00
	Any Other Administrative Action			\$435.00
		Base Fee	# of Lots	Total
	Final Plat Review - PARTITIONS	\$171.25	+ _____ x \$13.25 per lot	\$
	Final Plat Review - SUBDIVISIONS	\$435.00	+ _____ x \$36.25 per lot	\$
		Base Fee	Per Sq. Ft.	
	Sign Permit - NEW	\$171.25	+ _____ x \$3.00 per sq.ft.	\$
	Sign Permit - REPLACEMENT	\$36.25	+ _____ x \$3.00 per sq.ft.	\$

TYPE I REVIEWS

				Total
	Tree Removal Permit (not associated with another action)			\$100.00
	Solar Setback Variance			\$1,315.50
☒	Amendments to Conditions			\$1,315.50
	Physical & Environmental Constraints			\$1,315.50
	Conditional Use Permit			\$1,315.50
	Variance			\$1,315.50
	Any other Type I Review			\$1,315.50
	Independent Review of Wireless Communications Facilities			\$5,000.00
		Base Fee	# of Units	Total
	Residential Site Review	\$1,315.50	+ _____ x \$87.25 per unit	\$
	Final Plan/Performance Standards Subdivision	\$1,315.50	+ _____ x \$87.25 per unit	\$
	Land Partition	\$1,315.50	+ _____ x \$87.25 per unit	\$
		Base Fee	Valuation	Total
	Commercial Site Review	\$1,315.50	+ _____ x 0.5%	\$

TYPE II REVIEWS				
				Total
	Conditional Use Permit			\$2,756.25
	Variance			\$2,756.25
	Any other Type II Review			\$2,756.25
	Independent Review of Wireless Communications Facilities			\$5,000.00
		Base Fee	# of Lots	Total
	Outline or Preliminary Plat for Subdivision	\$2,756.25	+ _____ x \$176.00 per lot	\$
	Final Plan with Outline/Performance Standards Subdivision	\$3,516.00	+ _____ x \$176.00 per lot	\$
		Base Fee	Valuation	
	Commercial Site Review	\$2,756.25	+ _____ x 0.5%	\$
TYPE III REVIEWS				
				Total
	Zone/Comprehensive Plan Map Change			\$3,515.75
	Comprehensive Plan Change			\$3,515.75
	Annexation			\$5,288.75
	Urban Growth Boundary Amendment			\$5,288.75
	Any other Type III Review			\$1,932.25
LEGISLATIVE AMENDMENTS				
				Total
	Comprehensive Plan Map/Large Zoning Map Amendment			\$6,172.00
	Land Use Ordinance Amendment			\$6,172.00
	Comprehensive Plan Amendment			\$6,172.00
APPEALS				
				Total
	Appeal for Initial Public Hearing (Planning Commission/Building Appeals Board/Demolition Review Board)			\$150.00
	Appeal for Final Decision of the City (Planning Commission or City Council)			\$325.00
SOLAR ACCESS				
		Base Fee	# of Lots	Total
	Solar Access Permit (not a Solar Variance)	\$62.50	+ _____ x \$14.25 per lot	
TOTAL FEES:		\$ 1,315.50		

Applicant's Signature Vincent A. Harper Date 11/21/2024

Property Owner's Signature Vincent A. Harper for HOA Date 11/21/2024

Lot #11: [Signature] DATE: 11/21/24 Lot #12: [Signature] DATE: 11/21/24

AMC 18.5.1.050.A.1 & AMC 18.5.2.060.A.1

Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.

ASHLAND PLANNING DEPARTMENT STAFF REPORT

December 12, 2000

PLANNING ACTION: 2000-127

APPLICANT: Archerd/Dresner, LLC

LOCATION: South of Highway 66, west of Oak Knoll Drive and adjacent to the Windsor Inn

ZONE DESIGNATION: R-1-10

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

REQUEST: Outline Plan approval of a 24-lot single-family subdivision under the Performance Standards Option (Chapter 18.88)

I. Relevant Facts

1) Background - History of Application:

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

2) Detailed Description of the Site and Proposal:

This 8.1-acre parcel lies south of Highway 66, west of Oak Knoll Drive and across from Ashland Hills Inn. Windsor Inn Motel and the Caldera Brewing Company, as well as other adjoining commercial properties along Clover Lane bound it on the west. The subject property shares its eastern boundary with the Greensprings Subdivision, an existing residential neighborhood built over several phases.

The majority of the site is relatively level, with the exception of areas adjacent to Highway 66 and along the east boundary. The topography of the site includes slopes ranging from 2% to 10%. There are numerous large caliper oak and madrone trees located on the site. These trees range in size from 6 inches in diameter at breast height (dbh) to 40 inches in diameter at breast height.

Project Description

The applicants propose to subdivide the property into 24 single-family lots. A new public street will enter the property at the northwest corner of the site, adjacent to Windsor Inn Motel. The street loops through the site, with a second shorter street and cul-de-sac turnaround intersecting the loop near the southwest corner of the project. All streets will be constructed to City standards and include a pavement width of 22 feet, curb and gutter, planting strip and 5' wide public sidewalk.

Two public multi-use pathways have been proposed in order to provide a link between the project and adjacent neighborhoods. One pathway is located off the end of the cul-de-sac, extending to southern boundary of the property and intercepting an existing public easement at the southwest corner of the site. The other pathway will meander through an open space area designated between lots 11 and 12. This pathway will connect the intersection of Oak Knoll Drive and Highway 66 to the public sidewalk system constructed alongside the new street. The applicants have proposed this pathway as an alternative to constructing a public sidewalk along Highway 66.

Approximately 20 percent of the total site is designated as private open space. This includes a large central open space in the middle of the project, another area adjacent to the cul-de-sac and a third area between lots 11 and 12 that incorporates storm water filtration and detention methodologies.

The base density for the property under the R-1-10 zoning designation is 19.4 dwelling units. The applicant's have requested a 25 percent density bonus for providing an additional 10 percent of the project in open space, and for stipulating to the City's Conservation bonus density. Consequently, the Open Space and Conservation density bonus increase the total permissible density to 24 units.

II. Project Impact

This property represents one of the last remaining undeveloped parcels of land within the City Limits that plays host to numerous, well-established native oak trees. As noted in the project narrative, the development has been designed to maximize the retention of the approximately 50 mature oak trees located on the site. A Landscape Architect and Certified Arborist have been consulted during the project design phase to insure that impacts on the Oak trees are minimized. Most of the Oak trees have been included within private open spaces and excluded from within specific building envelopes. In addition, a Tree Preservation Plan has been prepared by the Landscape Architect identifying the following elements that will be addressed before and during development: Tree Preservation and Protection, Storage Around Trees, Pruning of Trees, Tree Preservation

Procedure, Grade Changes, Reparation of Trees and Replacement or Compensation of Trees.

The application notes that all public facilities are available to provide access and services to the development. Specifically, one entrance/exit to the project will be provided off Highway 66. Additional street connections from the development to the highway are considered unfeasible because of the steep banks around the perimeter of the site and poor sight distances. Additional services such as sewer, water, storm drainage and electricity are located within or around the perimeter of the project. The Outline Plan prepared by the project engineer identifies the location of these facilities and the routing of the service mains throughout the development.

Given that the land to west, south and east of the project is already developed in residential or pending commercial uses, no additional street connections to abutting parcels have been suggested. Allowances have been made, however, for public pathways at the northeast and southern most tips of the project to allow convenient links to neighboring residential areas. These two pathways permit pedestrians a direct route from the project to Spring Creek and Oak Knoll Drives, or vice versa. With the construction of the pathways and the remaining section of sidewalk in front of the Windsor Inn Motel along Highway 66 and part of the motel expansion, a continuous, separated pedestrian route is provided from the Oak Knoll neighborhood to the intersection of Highway 66 and Clover Lane.

In summary, it is Staff's opinion that the applicant's have identified and evaluated the more significant issues surrounding the development of the project, including tree preservation and protection, access onto Highway 66 and pedestrian circulation. The applicant's have enlisted professional expertise in these areas to assist in the design of the development and offer recommendations.

Transportation Impact Analysis and Highway 66 Frontage Improvements

The application includes a Transportation Impact Analysis designed to determine any traffic-related impacts of the proposed subdivision at the intersection of the new street with Highway 66. The study specifically evaluated whether or not intersection improvements were warranted, such as separate right and left turn lanes into the development off of Highway 66, as well as other strategies to mitigate the impacts of the proposal.

The study concluded that the intersection would function at acceptable levels at full build-out of the subdivision. The study also noted that there was no need to install separate right-turn and left-turn lanes into the project from Highway 66. As noted at the pre-application conference, the sight distance for automobiles exiting the project is constrained due to the existing cut bank. The current sight distance is approximately 280 feet to the east, while the recommended sight distance should be between 380 and 400

feet. Accordingly, Staff has recommended a condition that requires the cut bank to be shaved back in order to obtain a sight distance between 380 and 400 feet.

Staff Issue/Recommendation: *The existing sight distance to the east for automobiles exiting the development is constrained. Consequently, subdivision improvements should include shaving the existing cut bank back to obtain a sight distance between 380 to 400 feet. The engineering design at the time of Final Plan should address these modifications and provide erosion control recommendations for changes to the cut bank.*

The application does not propose to install of curb and gutter and a public sidewalk along the parcel's Highway 66 frontage. It appears that the applicant's believe that the burden of requiring full frontage improvements is not roughly proportional to the impacts (i.e. increases in pedestrian traffic) resulting from the development of 24 residential homes. In lieu of constructing a sidewalk along the project's Highway 66 frontage, the applicant's propose to construct a public pathway system between lots 11 and 12, linking the sidewalk along the new street to the intersection of Oak Knoll and Highway 66.

While Staff does not necessarily agree with the applicant's findings concerning "rough proportionality", the alternate pedestrian pathway might provide a slightly more direct route that is far more comfortable and safe for foot travel than a curbside sidewalk along Highway 66. Staff would recommend that the pathway be constructed of an all-weather surface, such as concrete or asphalt, and be extended to the intersection of Oak Knoll and Highway 66. We would also recommend that a graded, level shoulder no less than six feet in width be installed along the entire Highway 66 frontage. This would provide an adequate space adjacent to the travel lanes for pedestrians to walk.

Staff Issue/Recommendation: *The application proposes no sidewalk improvements along the project's entire Highway 66 frontage. As an alternate, the applicant's have suggested a public pedestrian connection at the northeast corner of the development, linking the new street with Highway 66 in the vicinity of Oak Knoll Drive. If the Commission finds this acceptable, Staff would suggest a condition that requires the pathway to be constructed of an all-weather surface (i.e. concrete or asphalt) and extended to the intersection of Oak Knoll and Highway 66. In addition, a graded, level shoulder no less than 6 feet in width should be installed around the project's Highway 66 frontage.*

Finally, an open ditch for conveying storm water runs along the project's Highway 66 frontage. The initial engineering for the project suggests routing a portion of the project's run-off out to Highway 66, piping it for approximately 180 feet along Highway 66 and then depositing it into the existing ditch. In the opinion of City Staff, a storm drain line should be installed along the entire Highway 66 frontage and connect to the existing

storm drain line located near the intersection of Highway 66 and Oak Knoll Drive. The installation of the storm drain line permits run-off from the site to be accommodated in a facility that meets City standards, while eliminating additional erosion and down cutting of the existing open ditch, protecting the capacity of existing City facilities downhill from the project and providing for a graded pedestrian shoulder adjacent to Highway 66.

Staff Issue/Recommendation: *A portion of the project's run-off will be deposited into the existing open ditch along Highway 66, further exacerbating erosion and down cutting of the ditch. Staff recommends that a storm drain main be installed along the project's Highway 66 frontage down to the City storm drain near Oak Knoll and Highway 66.*

Preservation and Protection of Existing Native Oak Trees

The project site is home to over 50 mature, native oak trees. The applicant's have enlisted professionals (i.e. Landscape Architect & Arborist) to assist in the project design and make recommendations regarding tree preservation during development.

The location of underground utilities relative to the drip lines of trees can be a key point effecting the tree's long term health and survival potential. While the vast majority of underground utilities will be located beneath the new street, there is a sanitary sewer main proposed for installation behind lots 1 through 9. The line appears to cut through the drip lines of approximately 14 "healthy" oak trees.

Staff believes that this particular aspect of the project needs additional review at the time of Final Plan. Specifically, the Landscape Architect and project Arborist should draft additional recommendations that must be adhered to while installing this section of sewer line. These would include, but not be limited to, clearly delineating on the ground the route of the sewer line and identifying sections within drip lines where utility trenching would be conducted by hand, rather than employing the use of a backhoe. Planning Staff would also consult with the City Public Works Department about the feasibility of extending a sewer main further up the street and into the cul-de-sac. These would negate the need for running the line along the downhill side of the lots, permitting individual sewer services to be tapped directly from the street right-of-way. Lastly, we would recommend that the Staff Advisor have the authority to require building sites to incorporate individual sewage lift systems, if determined to be in the best interest of tree preservation.

Staff Issue/Recommendation: *There is a sanitary sewer main proposed for installation behind lots 1 through 9. The line appears to cut through the drip lines of approximately 14 "healthy" oak trees. At the time of Final Plan, Staff recommends that Landscape Architect and project Arborist draft specific recommendations that should be adhered to while*

installing this section of sewer line. The Landscape Architect or Arborist should include an inspection schedule. Also, the City will further evaluate alternatives to providing sewer service to lots 1 – 9, other than along the rear yard areas of each lot.

Installation of a Public Sidewalk Along West Side of Oakcrest Drive

The outline plan omits the installation of 400 feet of public sidewalk along the west side of the new street (i.e. Oakcrest Drive), from the entrance to the development to lot 24. City of Ashland Street Standards require public sidewalks along both sides of new streets. The absence of a sidewalk along the west side would force pedestrians entering the development from the west (i.e. Oak Tree Restaurant) to cross the intersection at a vulnerable location in order to get to the sidewalk on the other side. In Staff's opinion, it is in the best interest of pedestrian safety to have public sidewalks along both sides of the new street, allowing pedestrians to enter and exit the development via a continuous sidewalk system.

Staff Issue/Recommendation: *The outline plan omits the installation of 400 feet of public sidewalk along the west side of the new street (i.e. Oakcrest Drive), from the entrance to the development to lot 24. Staff recommends that sidewalks be installed along both sides of the street. This will prevent pedestrians from having to cross the intersection as they enter the development from the west.*

III. Procedural - Required Burden of Proof

The criteria for Outline Plan approval are described in the Performance Standards Option Chapter 18.88 as follows:

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

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

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

F) That the proposed density meets the base and bonus density standards established under this Chapter.

IV. Conclusions and Recommendations

The application identifies and examines the more significant issues surrounding the development of the project, such as tree preservation and protection, access onto Highway 66 and pedestrian circulation. The applicant's have enlisted professional expertise in these areas to assist in the design of the development and offer recommendations.

Staff has raised issues concerning pedestrian and storm drainage improvements along the project's Highway 66 frontage, the location of underground utilities relative to tree drip lines and the omission of a public sidewalk along the west side of Oakcrest Drive. We have suggested conditions below that, in our opinion, satisfy these concerns and provide for additional analysis at the engineering phase during Final Plan. Consequently, Staff believes that the Commission can find that the request for outline plan approval complies with all relevant approval criteria. It is recommended that the following conditions be attached to the approval:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified here.
- 2) That the final design of the intersection of the proposed Oakcrest Drive and Highway 66 comply with City and Oregon Department of Transportation sight distance standards. Compliance with sight distance standards shall be noted on the grading plan at the time of Final Plan approval.
- 3) That the location and final engineering for all storm drainage improvements associated with the project, including but not limited to drainage swales, detention ponds and piped systems, be submitted at the time of Final Plan for review and approval by the departments of Public Works and Planning.
- 4) That building setbacks along the perimeter of the project site to comply with yard requirements of the R-1-10 zoning district.
- 5) That a draft copy of the CC&R's for the Homeowner's Association be provided at the time of Final Plan. CC&R's to describe responsibility for the maintenance of all common

area landscaping, pathways, planting strips and street trees.

- 6) That street trees, 1 per 30 feet of street frontage, be installed along the frontage of each lot prior to the issuance of a certificate of occupancy. Street trees with root barriers to be installed within the planting strip/parkrow prior to the certificate of occupancy. Root barrier design to be submitted for review and approval at the time of Final Plan.
- 7) That all easements for public multi-use pathways, sewer, water, electric, and streets be indicated on the final survey plat as required by the City of Ashland.
- 8) That a site, size and species specific landscaping plan incorporating the recommendations of the Ashland Tree Commission for all common areas and planting strips be submitted for review at the time of Final Plan.
- 9) That any installation of fencing along private open space boundaries and public pathway easements shall not exceed a height of four (4) feet.
- 10) That drainage and grading plans for the project be submitted at the time of Final Plan for review and approval by the Engineering and Planning Division. Grading plan shall include information on cut and fill banks resulting from street construction.
- 11) The engineered construction drawings for all streets be provided at Final Plan consistent with Ashland Street Standards. A planting strip shall be included alongside lots 9, 10, 11 and 12 unless the Staff Advisor determines that a curbside sidewalk would be in the best interest of tree preservation. Plans to include profiles and cross sections, indicating cuts and fills, erosion control and slope stability methodologies consistent with the standards for Hillside Lands contained in AMC 18.62.
- 12) That a new storm drain line, sized in accordance with the specifications contained within the City Storm Water Master Plan, shall be installed along the project's entire Highway 66 frontage and connect to the existing piped system near the intersection of Oak Knoll Drive and Highway 66. An engineered design for the storm drain shall be included at the time of Final Plan for review and approval by the Public Works Director and Staff Advisor.
- 13) That all open space improvements (i.e. landscaping, detention ponds, irrigation, etc.) be installed or bonded for in accordance with the procedures in the Subdivision chapter prior to signature of Final Survey Plat.
- 14) That all requirements of the Ashland Fire Department be complied with prior to the signature of the final survey plat or the issuance of a certificate of occupancy for each new home.
- 15) That required compliance with the Tree Preservation Plan shall be included in the CC&R's for the project. CC&R's shall identify the requirements described on the Tree

Preservation Plan and note that any deviation from the plan must receive written approval from the City of Ashland Planning Department

- 16) That all strategies described on the Tree Preservation Plan shall be carried out in accordance with the Plan. At the time of Final Plan, the project Landscape Architect or Arborist shall present an inspection schedule for insuring compliance with the Plan. Prior to the signature of the Final Survey plat, the project Landscape Architect or Arborist shall provide a final report indicating that all measures described in the plan were carried out in accordance with the Plan's requirements.
- 17) That the final design and construction documents for the public multi-use pathways at the south and northeast corner of the development shall be submitted for review and approval at the time of Final Plan. The multi-use pathways shall have a minimum width six feet and improved with concrete or asphalt. The multi-use pathways shall be installed concurrently with all other subdivision infrastructure improvements. Construction specifications shall be reviewed and approved by the Building Official for consistency with Federal accessibility standards.
- 18) That a graded pathway a minimum of eight feet in width be provided along the entire Highway 66 frontage of the development at the toe of the existing bank. An engineered design for the pathway shall be included at the time of Final Plan for review and approval by the City of Ashland Public Works Department and the Oregon Department of Transportation.
- 19) That a public sidewalk, six feet in width be installed along Highway 66 from the intersection of Oak Knoll Drive to its intersection with the multi-use pathway. The sidewalk design shall be included at the time of Final Plan for review and approval by the City of Ashland Public Works Department and the Oregon Department of Transportation. Construction of the sidewalk shall include the installation of an upright curb if deemed necessary by the Staff Advisor.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
DECEMBER 12, 2000
MINUTES**

CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Chair Mike Gardiner. Other Commissioners present were Kerry KenCairn, Marilyn Briggs, John Fields, Russ Chapman, Mike Morris, Chris Hearn and Alex Amarotico. Ray Kistler arrived at 8:00 p.m. Staff present were John McLaughlin, Bill Molnar, Maria Harris and Sue Yates.

APPROVAL OF MINUTES AND FINDINGS

The Minutes of the November 14, 2000 meeting were approved.

Hearn wondered, on the Findings for PA2000-082 (Strawberry Lane), who would bear the cost of improvements of the pathway. Molnar explained it is the overall cost of the subdivision and the improvements will only occur within the subdivision.

Chapman moved to approve the Findings, the motion was seconded and approved.

PUBLIC FORUM

SHAY BLOOD, 695 Oak Street, said she is raising money to go to Europe as an ambassador for People to People.

RON ROTH, 6950 Old Highway South, said he was prompted by this week's railroad property charrette, to express his deep concern about the shrinking supply of affordable rental housing in Ashland. As our downtown gets more developed with office, retail, and food establishments, this housing gets displaced. The railroad property is a large piece of land and he asked the Planning Commission if they could engage in a public planning process beyond a charrette. The mixed housing proposed for the Railroad District is not really affordable. He would hope there could be something done through the Land Trust to provide property for affordable rental housing, in cooperation with the City. Any R-2 zoned land would be workable. Perhaps a builder could get their Systems Development Charges reduced. This would allow young people to work in Ashland, have a nice place to live, be able to walk to work, and at the same time save some money to be able to buy their home in Ashland. He believes many people in Ashland would support this idea.

TYPE III PUBLIC HEARING

PLANNING ACTION 2000-091

REQUEST FOR ANNEXATION OF AN APPROXIMATELY 1.32 ACRE PARCEL, TWO-LOT LAND PARTITION AND A SITE REVIEW FOR THE DEVELOPMENT OF A 3,000 SQUARE FOOT RESTAURANT TO BE LOCATED AT THE END OF CLOVER LANE. THE PROPOSAL INCLUDES A VARIANCE TO PERMIT A DEAD END PUBLIC STREET (I.E., CLOVER LANE) TO EXCEED A LENGTH OF 500 FEET.

APPLICANT: WILLIAM H THOMPSON

Site Visits and Ex Parte Contacts - Site visits were made by all Commissioners.

STAFF PERMIT

Molnar explained this action is continued from October 10, 2000. Most of the discussion at that meeting pertained to the connection of Clover Lane to Spring Creek Drive. Based on the discussion and testimony, the Commission decided it best not to proceed with a street connection due to difficulties of topography, steep grade of the streets, cuts and fills as well as possibly introducing freeway commercial traffic into the residential area and further impacting the intersection at Highway 66 and Oak Knoll Drive. The direction given to the applicant at that time was to look at the opportunity to make a pedestrian link between the two cul-de-sacs.

The other primary concern was related to the function of the intersection of Clover Lane and Hwy. 66 and the potential impacts a restaurant use would have on that intersection. ODOT submitted a letter requesting the Planning Commission require a traffic impact analysis. The Commissioners wanted to know how the intersection would function at the time of a full build-out and then with the addition of the restaurant and Parcel 2. Hardey Engineers conducted a traffic analysis and overall concluded that at full build-out, including the portion to be annexed, Clover Lane could still

operate within an acceptable capacity. They did suggest at that time, a right-hand turn lane was warranted coming off Highway 66 onto Clover Lane.

There was an additional letter from ODOT responding to the study which explained they still did not have enough information to make a complete recommendation. That while the study addressed the capacity of the intersection, ODOT was interested in the safety aspect of the intersection, specifically with regards to sight distance for vehicles exiting, particularly making a left-hand turn from Clover Lane to Hwy. 66. Molnar's understanding in talking to ODOT, due to the overpass, there is a high crown that effects sight distance as one is trying to make a left-hand turn. At the time of the writing of the Staff Report, Staff's conclusion was that there was still not enough information on the intersection and until ODOT had additional information, they suggested the Planning Commission not approve the project. Today they received an additional letter from ODOT, outlining specific improvements to be done by the developer prior to the initiation of the use--before the restaurant or any other uses develop and operate on either of the two parcels. They feel the intersection can function properly if the conditions they have recommended are met. ODOT Engineer, Dave Fletcher, is present and will be available for questions.

Some of ODOT's recommendations include designing a turning radius as well as a right-hand turn lane onto Clover Lane that would be approved before a building permit is issued. Those improvements would need to be installed before the restaurant could start generating vehicle trips onto Clover Lane. ODOT is also recommending signage prohibiting on-street parking on Hwy 66. They are also requesting that the developer agree to a deferred improvement agreement that would put the developer on the line at the time that ODOT wanted to look at additional intersection improvements in this area that would likely require the installation of a median prohibiting a left-hand turn. One would have to turn right onto Hwy. 66. The design would have to address some kind of turnaround at some future date. Molnar believes this would also preclude vehicles traveling west from making a left-hand turn and crossing traffic into Clover Lane. ODOT's letter discusses a median approach.

In lieu of connecting the southern cul-de-sac of Clover Lane to Spring Creek Drive, the applicant is proposing to extend the street to the southern boundary to have a truck turnaround area. They are proposing a multi-use pathway to be constructed with a hard surface utilizing an existing 15 foot public pedestrian easement that was obtained when the Clover Lane area running alongside the Masonic building was partitioned. It would come down behind Parcel 2, connecting to the Spring Creek right-of-way. Quite a bit of cutting will be necessary.

The only other additional information that was submitted by the applicant is a revised Findings of Fact addressing the request for a variance to allow for the cul-de-sac to ultimately be extended greater than 500 feet.

The Staff Report added Conditions that has allowed keeping a window open for the Planning Commission if they receive specific recommendations from ODOT that they could include in the conditions of approval. The Commission is making a decision on the Site Review, Minor Land Partition, and Variance requests. You will be forwarding a recommendation to the Council whether or not to annex the property. Staff has recommended revising existing Conditions 4 and 6.

Condition 4: That the following improvements shall be installed by the developer prior to operation of uses on Parcel 1 or 2. Improvements shall be made to the turning radius at the intersection of Clover Lane and Hwy 66. A right-turn only lane shall be installed on Hwy. 66 eastward between northbound off-ramp and Clover Lane. In addition, ODOT will prohibit parking on the highway right-of-way eastward from Clover Lane. The applicant's engineer shall provide the design for these improvements to ODOT for review and approval prior to issuance of a building permit.

Condition 6: That a deferred improvement agreement be recorded on Parcels 1 and 2 prior to the issuance of a building permit or signature of the final survey plat. The agreement would require the owners of Parcels 1 and 2 to install additional improvements at the intersection of Hwy. 66. These would include a raised center median which would create a right-in, right-out intersection at Clover Lane. The developer would be responsible for designing and constructing both the initial and deferred improvements. Prior to issuance of a building permit, the improvement design would again be submitted to ODOT for their review and approval and the deferred improvements shall be installed when deemed necessary and under permit from ODOT for all work in the right-of-way.

Molnar also suggested a Condition 17. When Clover Lane was installed there was an issue of adequate storm drainage capacity. Some of the proposals that have been approved were required as part of their parking lot, such as

incorporating storm water retention so that during peak flows it would be metered into the city system. As part of the building permit, the alternate storm water detention system would need to be designed with an on-site storm water facility for Parcels 1 and 2.

PUBLIC HEARING

DAVID FLETCHER, ODOT, Regional Access Management Engineer for Jackson County was available. Gardiner asked if there was enough land available to change the turning radius of Clover Lane, and is there a future possibility one would not be able to make a left-hand turn out of Clover Lane or even onto Clover Lane? Fletcher said with regard to the right-of-way, a survey crew is trying to lay it out and they are getting information from the City on their right-of-way. They should have the correct information in the next few days.

Briggs can understand the right-hand turn lane but she cannot understand at all the raised center median that might happen down the line. It makes no sense at all to ask people to get into the filling station by going down Clover Lane. Why can't there be something as simple as a traffic light? Fletcher said the reason they are not currently asking for the center divider is because there is no signal and because there is not an adequate place for people to turn right, go down Hwy. 66, turn around and get back on the freeway. He said at Highway 62 by Costco there are medians to keep traffic from going across. Briggs said she hopes we don't do anything like that. Fletcher said this is not a safe scenario for sight distances. Gardiner wondered if ODOT had any type of turnaround in mind. Fletcher said it would take some time to figure that out.

Gardiner asked Fletcher if this application is approved as it is currently, and assuming the curb radius can be improved, what determines the length of time before the center median is required. Fletcher said there are several criteria. Eventually the ramp will get a signal. If there are fatalities or accidents because of the intersection, that would trigger it.

Hearn noted in the future, it is possible an 18-wheeler could come into Clover Lane, then exit by making a right-hand turn at Highway 66 and then have to turn around before heading back to the freeway.

Chapman said he has not seen anything that would include a crosswalk where the bus shelter could be accessed across Highway 66. Are there any plans for a crosswalk? Chapman feels it should be included. If people are employed on Clover Lane and are dropped off at the bus shelter, the crossing is not very safe. Fletcher said ODOT would be happy to look at this with the planners.

BOB ROBERTSON, Pacific Western

DAVE RICHARDSON, Architectural Design Works

BILL THOMPSON, purchaser of the property/owner and operator of proposed restaurant

Robertson said they did a traffic impact study as well as a sight distance study as requested at the last meeting. They are agreeable to doing the improvements at the intersection of Clover Lane and Hwy. 66 including the radius. Is it correct, if the city or state does not have the requisite right-of-way to be able to do this, that the city and state will cooperate to secure a right-of-way for them? Molnar said that would probably be the only other option.

Robertson wondered on the deferred improvement agreement and requirement of the raised center median in the future, would they be required to provide a design for this even before they get a building permit? He is opposed to the raised center median. He is willing to do this if he has to, but to design something now that will never be built, he believes would be totally unfair. He thinks there will be all the other businesses on Clover that would be opposed as well. Fletcher said it is meant to be designed at the time it goes in, not now.

Fields said he is unclear about what constitutes enough warrants for a traffic light. The island is going to be a short-term solution before a traffic light. Who would be included in a Local Improvement District? McLaughlin said it would be done through deferred improvement agreements and development pressure. It is not just a matter of installing a light. It would require major road improvements and widening of the overpass.

Fields understood ODOT saying when we reach capacity, the traffic will have to be diverted in another direction which he sees as no solution at all. He is trying to get an idea of where the street capacity might be. He would like to gauge

how quickly a signal would be coming.

Robertson said the traffic impact study took into consideration everything that would be built at a maximum in this development. The only thing the traffic engineer recommended is a right-turn lane.

McLaughlin said the proposed 2600 square foot restaurant trips generates about 1900 vehicle trips. Fields wondered if this is the one that breaks it and puts the street at capacity. McLaughlin said the worst times at build-out would be the morning peaks and the afternoon peak time.

Robertson said Thompson has indicated the traffic at this Kentucky Fried Chicken restaurant is two to three times under what the book indicates it would be. As far as the cost of improvements, the hotel just paid \$500,000 in Systems Development Charges.

Fields wondered which figures to accept. McLaughlin suggested going by what the engineer reported.

Gardiner sees truck traffic as the toughest to handle. Will the hammerhead turnaround be for anyone doing business on Clover Lane? Richardson explained that any truck traffic will go around the restaurant and that parking is provided for trucks.

Gardiner read comments by BRENT THOMPSON, 582 Allison, who is opposed to the annexation. He does not feel the applicant has proven that there is a shortage of undeveloped E-1 land in the city.

DANIEL CAMPBELL, JR., 690 Spring Creek Drive, does not object to the annexation as long as Clover Lane is not connected to Spring Creek Drive.

McLaughlin noted that in the applicant's narrative the project shows the floor area for the building is 3100 square feet and the trip generation is based on 2600 square feet. Based on 3100 square feet, the number of trips goes from 1887 to 2220.

Molnar said that under Condition 6 c. that prior to the installation of the deferred improvements (i.e., raised median), the improvement design shall be submitted for ODOT's review and approval.

Molnar said Condition 17 would say: Prior to issuance of a building permit that a storm drain plan be submitted to the Engineering Division for review and approval. Storm drainage plan to incorporate on-site detention that would allow metering into the city's system in the public right-of-way.

Chapman asked if Brent Thompson raised a valid point. McLaughlin said residential annexations require a finding that there is a need for the land based on inventory. For commercial and employment lands, they can find need based on the need to create a business.

Briggs is still very concerned about the three lots south in the wedge in the UGB. The Staff Report says this will not be considered because it is residential. She can't see approving this because the properties to the south are residential and then she goes back to Criteria B regarding not impeding access to adjacent lands. McLaughlin said the Staff Report echoed what the Planning Commission had told them at the last meeting that they did not want commercial and residential areas connecting. Briggs thinks that maybe the zoning needs to be changed on the R-2 lots. McLaughlin said there is probably no lower traffic generating zone than residential.

KenCairn wondered if the Planning Commission, as Clover Lane develops, should limit the types of uses on that street. McLaughlin said with Site Review applications, there is a requirement that there is adequate capacity of city facilities which requires a traffic study for each development to make sure it is still within the limits of turning movements and capacity requirements for the intersection. The Commission would probably be looking at lower intensity uses as the lots are built out.

Hearn feels it is difficult to accommodate the development and the existing three lots. Fields would still like to break up the cul-de-sac to break up the traffic.

Rebuttal

Richardson said they have added a vestibule on the KFC building. Thompson said most of the floor space is kitchen. They only have 60 seats and will be geared to later dinners. He said there would not be a drive-up window. Robertson said there are no plans to develop the three lots to the south.

Gardiner asked if the applicants would agree to the revised conditions. The applicants agreed.

COMMISSIONERS' DISCUSSION AND MOTION

Amarotico is still not comfortable understanding the process of annexing land. McLaughlin said the ordinance is the implementing language of the policy. The policy says annexations be used to incorporate land in the city limits after showing that land of similar qualities do not already exist. A few years ago the city defined what specifically constitutes a need for additional lands in the city limits for commercial developments. If the lots are proposed to be E-1 or C-1 and there is an application for a site design for an outright permitted use concurrent with the request, the thinking when adopting that ordinance, is that if someone has gone through the process of doing the market analysis in acquiring the land and there is a need for that land to operate the business, that constitutes a need in our town. The annexation is linked to them actually building that use. This applicant has identified that this is the need with this restaurant. It is more of a market based approach to annexation.

Chapman moved to approve PA2000-091 with the attached Conditions. Morris seconded the motion. The motion failed with Gardiner, Morris, Chapman, and Hearn voting "yes" and Briggs, Fields, Amarotico, Kistler and KenCairn voting "no".

McLaughlin said by their vote, the Commission did not pass a motion to approve the action, but they need to have an affirmative vote for denial. He recommended they move to deny the application and recommend denial of the application to the City Council.

Briggs moved to deny PA2000-091, and recommend denial of the annexation to the City Council. Amarotico seconded the motion and it carried with Briggs, Fields, Amarotico, Kistler and KenCairn voting "yes" and Gardiner, Morris, Hearn, and Chapman voting "no".

TYPE II PUBLIC HEARING

PLANNING ACTION 2000-127

**REQUEST FOR OUTLINE PLAN APPROVAL FOR A 24-LOT SUBDIVISION UNDER THE PERFORMANCE STANDARDS OPTION FOR THE APPROXIMATELY EIGHT ACRES LOCATED ON THE SOUTH SIDE OF HIGHWAY 66, WEST OF OAK KNOLL DRIVE AND ADJACENT TO WINDSOR INN.
APPLICANT: ARCHERD/DRESNER, LLC**

Site Visits and Ex Parte Contacts - Site visits were made by all Commissioners.

STAFF REPORT

Molnar stated that the property gently slopes in the middle but closer to Highway 66 there are much steeper cut banks. The most notable natural features are the abundance of the native oak trees. According to Urban Forester, Donn Todt, it has one of the remaining Savannah Oak tree stands in the city.

Molnar continued, stating this is a proposal for a 24-lot subdivision with a single entrance on Highway 66 with a looped street system. At the southern portion of the city street system is a small segment that will dead end in a cul-de-sac. The property is zoned R-1-10. The application involves a density bonus for conservation measures and open space which brings the total number of units to 24.

There will be public sidewalks along all public streets. One part of the application involves bringing a multi-use public pathway system into the property and filtering it down to Highway 66. Another multi-use path is proposed at the end of the cul-de-sac at the southern point of the project where it leads to an existing 15 foot wide pedestrian easement that

was obtained when the Spring Creek Drive development was created.

There was a transportation analysis conducted by a private consulting engineer to look at the intersection and approach to Hwy. 66. As noted in the Staff Report, the analysis summarized that given the 24 units, the intersection would operate at acceptable levels and it did not warrant a separate right or left-hand turn lane. One of the recommendations from the study is that the final engineering would have to show a grading plan shaving the bank down to improve the sight distance to around 350-380 feet.

At the pre-application, ODOT and Public Works suggested the applicant install curb, gutter and sidewalk along the Highway 66 frontage. As an alternate, the application is proposing creating a public link to Highway 66 through the open space. There is a hard surface that will come up and connect with the public sidewalk system in the development and connect to the existing sidewalk system that links to Clover Lane. It creates a continuous system. The area along Highway 66 is an inhospitable place to walk. Staff felt the Commissioners could weigh the alternative proposal. At a minimum, however, this improvement would be extended down to the intersection of Oak Knoll and Highway 66. There was a question at the site visit about what the grades of the walkways will be.

Storm drainage improvements were another issue. Currently there is an open ditch that goes along the perimeter of the project. A certain portion of the runoff from this development is anticipated to go into that ditch. Staff has concerns about the erosion of the ditch and downcutting, therefore, Staff is recommending that a piped storm water system be installed along the frontage of the property and connect to the city's storm drain.

The applicant engaged a local arborist and landscape architect to assist in the design and specifically try to incorporate the majority of the trees in the project. He believes there are 50 trees to be retained and about a half a dozen proposed for removal. There are some trees that are dead or mediocre or marginal that are proposed for removal. Quite an elaborate and comprehensive tree plan was submitted with the application that goes over specific elements that occur during construction. It shows a fencing plan. Instead of orange plastic fencing, it requires a chainlink fence around the dripline. The lower lots (1-9) are all below grade. They have proposed installing a sewer line, using a lift system to lift it to the public right-of-way. That is not the preferred alternative, but we are trying to balance tree preservation with utility installation and construction. Staff's preferred alternative is a technique using hand digging.

The applicants have not identified a sidewalk system on one side of Oak Crest. Staff has added a condition that a sidewalk be installed on both sides of the street. The applicants wanted to install a vegetative buffer but Staff believes both the sidewalk and the vegetation can be accommodated.

The building envelopes are large. Even if the street needs to be shifted, quite a large single floor building can still be accommodated within these envelopes.

There should be conditions covering these concerns. Staff distributed a proposed Condition 20 and 21. Condition 9 discusses the installation of fencing along private open space to not exceed four feet "as well as the rear yard areas along Highway 66".

There is evidence for the Commission to find this application complies with Outline Plan approval.

Molnar said Condition 18 should be changed to "minimum of six feet".

Briggs wondered where it says how far back the bank will be cut. And, will the oak tree be saved? Staff said the primary concern is the left-hand turning movement. Molnar said that is a possible issue that could be deferred until Final Plan where we have a specific grading plan. The Commission asked for specific evidence under this application.

Gardiner noted that ODOT is still recommending curb, gutter and sidewalk along Highway 66.

Molnar said they have taken a closer look at the size of some of the building envelopes. If there are some reductions in the envelopes, that could be considered at Final Plan.

Fields asked about access to the bus shelter in front of Ashland Hills.

KenCairn asked about the detention plan. Molnar said there were some issues about a year ago so the Engineering Dept. commented the project should consider a plan to slow it down. Jim Olson, City Engineer is more interested in water quality.

EVAN ARCHERD
JOHN GALBRAITH

Archerd explained that from the very outset of the project, they have tried at every juncture to maximize the benefit and enjoyment of the oak trees. They first worked with Tom Meyer of Upper Limb It to identify the trees that were dying and those which were in poor health and that was re-verified by Donn Todt. The whole project is designed around the oak trees. Very few people know that these trees exist. They hope to build a project that takes advantage of the trees.

Highway 66 is not a safe place to walk. They tried to come up with something that is the best of both worlds. The safer and more beautiful trip is to allow the general public to come up through the open space on a public pedestrian path and meet up with the sidewalk they are already building and bring them around to a much safer point over by the hotel so they can continue if they are heading toward the hotel or Denny's, they have a safe harbor. The reason they did not want to put a sidewalk along the western boundary is because there are no houses on that side.

Galbraith suggested keeping the road where it is, and push the lot back since there is 5,000 square feet of building envelope. That will give the root system on the trees a little more room. As a landscape designer, it was exciting to design the roadways. They will probably go to more native oaks instead of Savannah and spread them out. He said they achieved about a ten percent grade on the pathways.

Archerd said there are several alternatives they can use to install their sewer line. They can hand dig as much as is appropriate. They can implore a boring technique. The roots of the trees are most susceptible at the surface level. If you go down three or four feet to bore, you won't hit anything. It may be possible for a couple of the lots to hook right into the street. The intent is to always work with Galbraith to protect the trees.

KenCairn is concerned about the slope where the detention area is located. If it is going to be built on 30 percent slope. There won't be water moving at an even grade to get the water quality improvement. It seems like there are some other open spaces on the site that might be able to incorporate a swale that does not have oaks. She did not think they will get much out of the ponds and the expense of damming the water to create the ponds might be a little extreme. Galbraith said it is the lowest part of the project. KenCairn agreed but said it is the steepest. Archerd said the intent is to work with Public Works, Staff and the Engineer and come up with something that works and is beautiful.

Briggs wondered if Highway 66 is not a concrete sidewalk, what material would be used to finish it? Galbraith said a seed mixture used on the bank for erosion control would be compatible. He assumed the Highway Department would keep down the weeds. Archerd thought they would use decomposed granite.

Gardiner referred again to the letter from ODOT recommending curb, gutter and sidewalk on Highway 66. That seems to address some of the line of sight for the entrance and egress. Even though the pedestrian path is through a nice piece of the property, there is still going to be a need for pedestrian and bike traffic to go around the development.

Archerd had the engineer shoot some grades. Initially, it would require a lot of cutting into the bank and retaining. If ODOT really wanted this, he thinks they would have used different language. They said frontage improvements "should" be provided. There is a big difference between "should" (a request) and "shall" (a mandate). He believes their alternative is a better solution. They did not have this discussion with ODOT.

Fields said they would like to be able to see someone in a wheelchair be provided a way to go to Shop N Kart. It would be a rare exception to say a beauty/pleasure walk will save a vehicle trip. There has to be a way for people from Oak Knoll to get across the freeway.

Fields said in looking at this property he sees there is a flat area where the residential could connect to Clover Lane. A link to this would allow the two lots further down Clover Lane to develop. What about more dense housing at the end? Archerd explained when they first began discussions about this project, they were proposing higher density along the inside. There was extremely negative input from the neighborhood. They listened to their concerns and decided it

was more appropriate to have a lower density. McLaughlin said Oak Knoll was originally developed in the county. Why the line right next to it was not commercial, he does not know. The applicant investigated going with some higher densities. There is a base density and it is relatively low. They are not going to get a whole lot more than what is here.

Briggs moved to extend the meeting until 10:30 p.m. The motion was seconded and approved.

Fields discussed this further. Gardiner took a straw vote. Amarotico was interested in pursuing this option. Hearn felt that if the applicant wanted to come back in with a zone change application, he could still do it even if we approved this one. If he does not want to do it, then he submitted an application under the current R-1-10 zoning and it would be unfair to ask him to change it now. A street plug can be installed and then there is another Spring Creek II ending up with unhappy neighbors coming in again. Fields wished to pursue it. Briggs is sympathetic but cannot agree in this case. KenCairn did not wish to pursue this but liked the thinking.

COMMISSIONERS' DISCUSSION AND MOTION

Gardiner asked if there was any interest in pursuing curb, gutter and sidewalk on Highway 66. Briggs said the sidewalk at the hotel next door is beautiful. She thinks because of visitors staying at Windsor Inn and Ashland Hills, they would not be familiar with the path throughout the development and the outside path would be helpful. It is a nice way to trim that area off and make a handsome finish.

RE-OPEN PUBLIC HEARING

POKII ROBERTS, 213 Piedmont Drive, mentioned the vacant lands inventory. In her 22 years experience, she has never seen so few lots for sale. The list has never been so low. Today, she would be able to show only seven vacant lots for sale. She entered the list in the record.

COMMISSIONERS' DISCUSSION AND MOTION

Chapman said the sidewalk issue is significant. How do we abandon the issue requiring sidewalks? As a Planning Commissioner, he is not convinced the sidewalk should be abandoned on Highway 66.

KenCairn said the path through the subdivision is much less accessible than a sidewalk on Highway 66.

The straw vote showed that everyone was interested in requiring a sidewalk along Highway 66.

Molnar said Condition 18 would be changed to include the applicable standards for curb, gutter and sidewalk.

Molnar said the storm sewer at minimum would have to connect into the storm sewer system.

The sidewalk width would be six feet.

Condition 12 does not have to be changed.

Briggs said the applicants asked to use some oaks and change the spacing along the sidewalk. Could they be a little more random? KenCairn said they could make them more random if they choose. Molnar said Condition 6 is not looking for spacing every 30 feet but grouping some. Trees are needed along Hwy. 66 randomly (Condition 6). The applicants might want to consider conifers.

KenCairn wondered if Tom Meyer could review the plan and if Galbraith and Meyer are convinced the trees will survive the alteration.

RE-OPEN THE PUBLIC HEARING

Kistler moved to continue the meeting until 11:00 p.m. The motion was seconded and approved.

Galbraith said the fencing is to keep the trees safe during construction. Archerd said the CC&R's will incorporate everything mentioned tonight and should have language that will protect the trees. Archerd believes this is an issue that can be dealt with at Final Plan. The Commissioners agreed.

Archerd wondered if they were still talking about building a public path going down through the storm drainage. Gardiner said it would be a nice feature but the required sidewalk will be along Highway 66. Briggs did not feel there should still be a sidewalk along the narrow side of the motel. She could see bringing it in some. Archerd agreed and mentioned again taking the sidewalk to a safe harbor. Molnar said the general implication is that the sidewalk should enter the development on the west side.

Gardiner reviewed the changes to the Conditions.

- Re-vamp Condition 18. Molnar said that the frontage improvements including curb, gutter and sidewalk be installed along the entire Highway 66 frontage of the property.
- Condition 9: That fencing along the rear yards of properties on Highway 66 is limited to four feet. The street requirement does allow for random placement.
- Condition 17 - Mutli-use pathways refer to the two public connections. One is through the open space detention and one at the very southerly tip that will connect to the existing public pedestrian easement coming from Spring Creek. This does not apply through the private paths through the center open space.

Hearn moved to approve PA2000-127 with the revised conditions. Briggs seconded the motion. It carried with Fields casting a dissenting vote.

OTHER

Hearings Board for 2001

January through April

Chapman
KenCairn
Fields

May through August

Gardiner
Amarotico
Briggs

September through December

Hearn
Morris
Kistler

McLaughlin thought if the Commission would like to have a discussion about affordable housing (Ron Roth's testimony) they could put it on as an agenda item for the January regular meeting.

Kistler thought that the conservation measures the city gives as density bonus are mostly required by building code. We may want to look at revising these.

McLaughlin encouraged the Commissioners to attend the Railroad Master Plan charrette meeting that begin tomorrow night.

ADJOURNMENT - The meeting was adjourned at 10:50 p.m.

BEFORE THE PLANNING COMMISSION
December 12, 2000

IN THE MATTER OF PLANNING ACTION #2000-127, REQUEST FOR OUTLINE)
PLAN APPROVAL FOR A 24-LOT SUBDIVISION UNDER THE PERFORMANCE) FINDINGS,
STANDARDS OPTIONS CHAPTER.) CONCLUSIONS
) AND ORDERS
)
APPLICANT: Evan Archerd/Hal Dresner, LLC)

RECITALS:

- 1) Tax lot 6000 of 39 1E 14AA is located south of Highway 66, west of Oak Knoll Drive and across from Ashland Hills Inn, and is zoned R-1-7.5; Single Family Residential.
- 2) The applicant is requesting Outline Plan approval of a 24-lot subdivision under the Performance Standards Option. Site improvements have been identified on the Outline Plan on file at the Department of Community Development.
- 3) **The criteria for Outline Plan approval are described in the Performance Standards Option Chapter 18.88 as follows:**
 - A) That the development meets all applicable ordinance requirements of the City of Ashland.
 - B) That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
 - C) That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
 - D) That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
 - E) That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
 - F) That the proposed density meets the base and bonus density standards established under this Chapter.
- 4) The Planning Commission, following proper public notice, held a Public Hearing on December 12, 2000,

at which time testimony was received and exhibits were presented. The Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the application for a 24-lot subdivision meets all relevant criteria for approval described in the Performance Standards Option chapter 18.88.

2.3 The Commission finds that public facilities are available and adequate to serve the proposed development. Specifically, one entrance/exit to the project will be provided off Highway 66. Additional street connections from the development to the highway are considered unfeasible because of the steep banks around the perimeter of the site and poor sight distances. Additional services such as sewer, water, storm drainage and electricity are located within or around the perimeter of the project. The Outline Plan prepared by the project engineer identifies the location of these facilities and the routing of the service mains throughout the development.

2.4 The Commission finds that the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas. A Landscape Architect and Certified Arborist have been consulted during the project design phase to insure that impacts on the Oak trees are minimized. Most of the Oak trees have been included within private open spaces and excluded from within specific building envelopes. In addition, a Tree Preservation Plan has been prepared by the Landscape Architect identifying the following elements that will be addressed before and during development: Tree Preservation and Protection, Storage Around Trees, Pruning of Trees, Tree Preservation Procedure, Grade Changes, Reparation of Trees and Replacement or Compensation of Trees.

2.5 The Commission finds that the development of the land will not prevent adjacent land from being

developed for the uses shown in the Comprehensive Plan. Given that the land to west, south and east of the project is already developed in residential or pending commercial uses, no additional street connections to abutting parcels have been required. **Allowances have been made, however, for public pathways at the northeast and southern most tips of the project to allow convenient links to neighboring residential areas. These two pathways permit pedestrians a direct route from the project to Spring Creek and Oak Knoll Drives, or vice versa. With the construction of the pathways and the remaining section of sidewalk in front of the Windsor Inn Motel along Highway 66 and part of the motel expansion, a continuous, separated pedestrian route is provided from the Oak Knoll neighborhood to the intersection of Highway 66 and Clover Lane.**

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the application for a 24-lot subdivision under the Performance Standards Option is supported by evidence contained within the record.

Therefore, based on our overall conclusions, and upon the evidence contained within the record for this proceeding, we approve Planning Action #2000-127. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #200-127 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified here.
- 2) That the final design of the intersection of the proposed Oakcrest Drive and Highway 66 comply with City and Oregon Department of Transportation sight distance standards. Compliance with sight distance standards shall be noted on the grading plan at the time of Final Plan approval.
- 3) That the location and final engineering for all storm drainage improvements associated with the project, including but not limited to drainage swales, detention ponds and piped systems, be submitted at the time of Final Plan for review and approval by the departments of Public Works and Planning.
- 4) That building setbacks along the perimeter of the project site to comply with yard requirements of the R-1-10 zoning district.
- 5) That a draft copy of the CC&R's for the Homeowner's Association be provided at the time of Final Plan. CC&R's to describe responsibility for the maintenance of all common area landscaping, pathways, planting strips and street trees.
- 6) That street trees, 1 per 30 feet of street frontage, be installed along the frontage of each lot, including Highway 66, prior to the issuance of a certificate of occupancy. Street trees with root barriers to be installed within the planting strip/parkrow prior to the certificate of occupancy. Root barrier design to be submitted for review and approval at the time of Final Plan. Street tree placement may be varied based upon the location of existing oak trees.

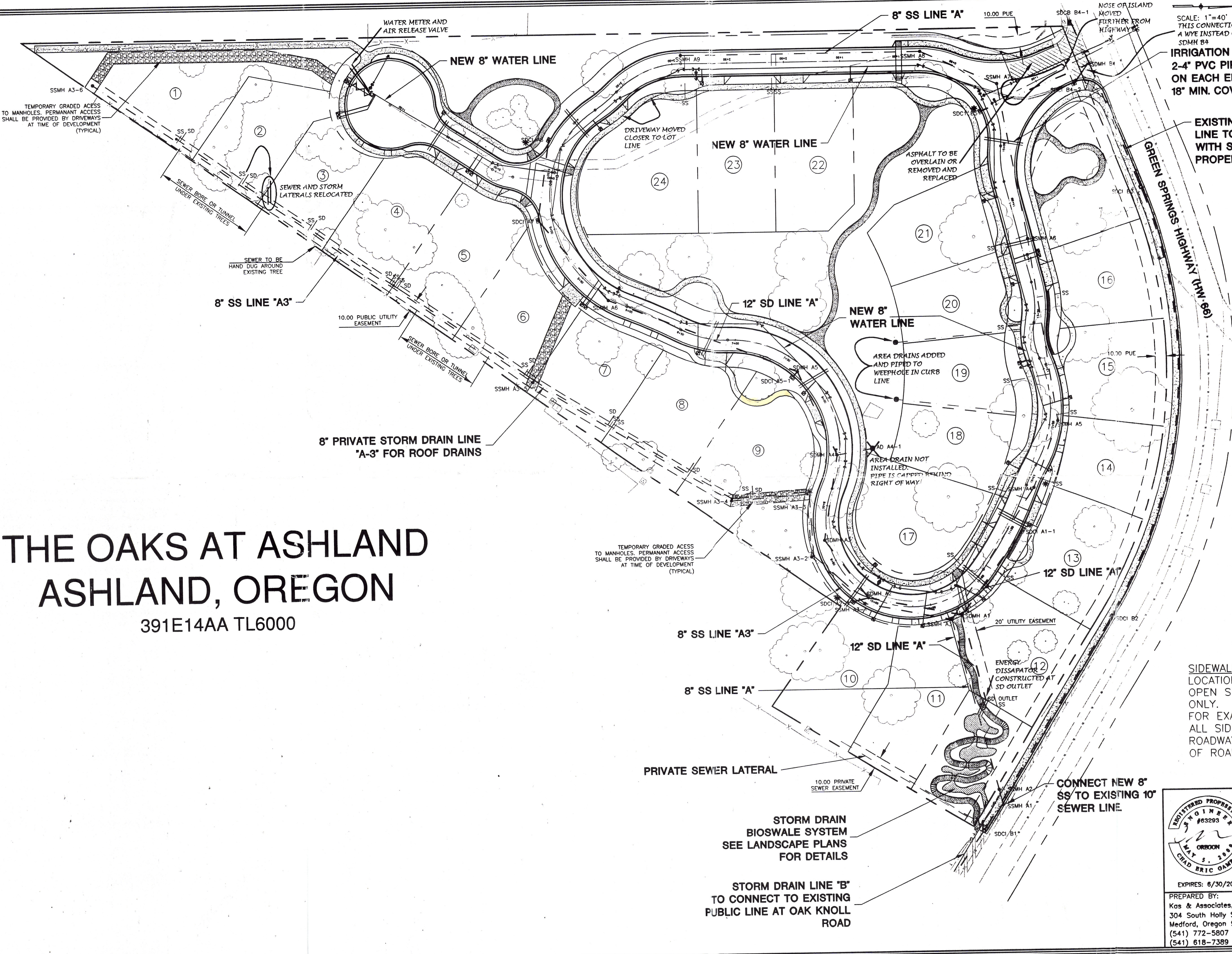
- 7) That all easements for public multi-use pathways, sewer, water, electric, and streets be indicated on the final survey plat as required by the City of Ashland.
- 8) That a site, size and species specific landscaping plan incorporating the recommendations of the Ashland Tree Commission for all common areas and planting strips be submitted for review at the time of Final Plan.
- 9) That any installation of fencing along private open space boundaries and public pathway easements shall not exceed a height of four (4) feet, as well as rear and side yard areas abutting Highway 66.
- 10) That drainage and grading plans for the project be submitted at the time of Final Plan for review and approval by the Engineering and Planning Division. Grading plan shall include information on cut and fill banks resulting from street construction.
- 11) The engineered construction drawings for all streets be provided at Final Plan consistent with Ashland Street Standards. A planting strip shall be included alongside lots 9, 10, 11 and 12 unless the Staff Advisor determines that a curbside sidewalk would be in the best interest of tree preservation. Plans to include profiles and cross sections, indicating cuts and fills, erosion control and slope stability methodologies consistent with the standards for Hillside Lands contained in AMC 18.62.
- 12) That a new storm drain line, sized in accordance with the specifications contained within the City Storm Water Master Plan, shall be installed along the project's entire Highway 66 frontage and connect to the existing piped system near the intersection of Oak Knoll Drive and Highway 66. An engineered design for the storm drain shall be included at the time of Final Plan for review and approval by the Public Works Director and Staff Advisor.
- 13) That all open space improvements (i.e. landscaping, detention ponds, irrigation, etc.) be installed or bonded for in accordance with the procedures in the Subdivision chapter prior to signature of Final Survey Plat.
- 14) That all requirements of the Ashland Fire Department be complied with prior to the signature of the final survey plat or the issuance of a certificate of occupancy for each new home.
- 15) That required compliance with the Tree Preservation Plan shall be included in the CC&R's for the project. CC&R's shall identify the requirements described on the Tree Preservation Plan and note that any deviation from the plan must receive written approval from the City of Ashland Planning Department
- 16) That all strategies described on the Tree Preservation Plan shall be carried out in accordance with the Plan. At the time of Final Plan, the project Landscape Architect or Arborist shall present an inspection schedule for insuring compliance with the Plan. Prior to the signature of the Final Survey plat, the project Landscape Architect or Arborist shall provide a final report indicating that all measures described in the plan were carried out in accordance with the Plan's requirements.

- 17) That the final design and construction documents for the public multi-use pathways at the south and northeast corner of the development shall be submitted for review and approval at the time of Final Plan. The multi-use pathways shall have a minimum width six feet and improved with concrete or asphalt. The multi-use pathways shall be installed concurrently with all other subdivision infrastructure improvements. Construction specifications shall be reviewed and approved by the Building Official for consistency with Federal accessibility standards. Mutli-use pathways refer to the two public connections. One is through the open space and storm water detention area and one at the very southerly tip that will connect to the existing public pedestrian easement coming from Spring Creek.
- 18) That frontage improvements including curb and gutter, storm drains and public sidewalk be installed along the entire Highway 66 frontage of the property. An engineered design for these improvements shall be included at the time of Final Plan for review and approval by the City of Ashland Public Works Department and the Oregon Department of Transportation.
- 19) That a public sidewalk, six feet in width be installed along Highway 66 from the intersection of Oak Knoll Drive to its intersection with the multi-use pathway. The sidewalk design shall be included at the time of Final Plan for review and approval by the City of Ashland Public Works Department and the Oregon Department of Transportation. Construction of the sidewalk shall include the installation of an upright curb if deemed necessary by the Staff Advisor.
- 20) That prior to Final Plan approval and the commencement of construction activities, trees identified on the approved plan for removal shall be tagged for verification by the Staff advisor.
- 21) At the time of Final Plan, an alternate plan for sewer line and storm line installation shall be reviewed and approved by the Staff Advisor. Alternate installation methods shall include the use of underground boring equipment and hand digging, as well as the installation of individual sewage lift stations. The route of the sewer and storm drain lines shall be identified on-site by the Landscape Architect and approved by the Staff Advisor. The Landscape Architect shall provide specific installation methods and an inspection schedule.
- 22) That a public sidewalk be installed along the west side of Oakcrest Drive from the entrance at Highway 66 to a concrete pedestrian crossing approximately 150 feet south of Highway 66.

Planning Commission Approval

Date

THE OAKS AT ASHLAND
ASHLAND, OREGON
391E14AA TL6000



SCALE: 1"=40'
THIS CONNECTION WAS MADE WITH
A WYE INSTEAD OF CONNECTING TO
SDMH B4
IRRIGATION SLEEVES (TYP.)
2-4" PVC PIPES CAPPED
ON EACH END
18" MIN. COVER

EXISTING STORM DRAIN
LINE TO BE REPLACED
WITH SD 'B' ALONG
PROPERTY FRONTAGE

AS-BUILT
01/2002

SIDEWALK NOTE:
LOCATION OF SIDEWALKS THROUGH
OPEN SPACES ARE FOR REFERENCE
ONLY. SEE LANDSCAPING PLANS
FOR EXACT LOCATION.
ALL SIDEWALKS ADJACENT TO NEW
ROADWAY SHALL BE INSTALLED AT TIME
OF ROAD CONSTRUCTION.

	NO.	REVISION	DATE	BY
REVIEWED AS CONSTRUCTED BY: RON MURROE BACHELOR		12/01		CES
CITY OF ASHLAND - ENGINEERING DEPT.				
THE OAKS AT ASHLAND MASTER UTILITY PLAN				
PREPARED BY: Kas & Associates, Inc. 304 South Holly Street Medford, Oregon 97501 (541) 772-5807 (541) 618-7389 FAX	DESIGNED BY: KAS	CHECKED BY: KAS	DATE: 5-15-01	PROJECT NO.
APPROVED BY CITY ENGINEER	DATE: 	APPROVED BY PUBLIC WORKS DIRECTOR	DATE: 	DRAWING NO. 3 OF 17
APPROVED BY ORDINANCE NO.	DATE: 			