

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

CC: Scott McCullough, Director of Planning and Development Services
Sheila Stogsdill, Assistant Planning Director

Date: For April 26, 2010 Planning Commission meeting

RE: Item 6; Density Bonus for the Protection of Environmentally Sensitive Areas

Attachments:

A—Plat review

B—Review of other communities' codes

C—Revised draft language for density bonus incentive—clean copy

C2—Revised draft language for density bonus incentive—changes shown

At the November 2009 meeting, the Planning Commission directed Staff to develop incentives encouraging the protection of additional environmentally sensitive areas above that required by Code. Staff prepared information on the density bonus and received the following direction from the Planning Commission at their February, 2010 meeting:

- 1) Review existing subdivisions in Lawrence to determine what density it typically achieved in different zoning districts to assist in the understanding of the concept of 'Base Density'.
- 2) Research more communities and find examples where the density bonus was used.
- 3) Distribute the bonus information to the development community and request their input.
- 4) Revise the language to include the protection of prairies in the density bonus.

ACTION

If the Planning Commission finds the proposed Density Bonus Incentive language acceptable, Staff recommends that the Commission do the following:

- Initiate a Text Amendment to Article 6 of the Development Code to revise the Density and Dimensional Standards to accommodate the increased density.
- Initiate a Comprehensive Plan Amendment to Chapter 5 of *Horizon 2020* to note that the Density Caps may be exceeded when density bonuses are applied.
- Direct staff to revise Text Amendment [TA-12-27-07] for Protection Standards for Environmentally Sensitive Lands to incorporate the incentive language and place it on the May Planning Commission agenda for action.

BASE DENSITY

A review of recent plats is attached with this memo as Attachment A. The principal zoning districts within these plats are the RS7, RM12D, and other multi-dwelling districts. The density achieved with these plats varied quite a bit, with the highest density being achieved when grid-street patterns were used and no detention basins were required. The average density achieved from these plats is 73% of the density permitted by code.

'SET' BASE DENSITY

Base density can be set as a standard percentage of the permitted code, such as the average 73% from the reviewed plats mentioned above. Ashland Oregon uses 60% of the permitted density as the Base Density and adds the density bonus to that. Our higher percentage can be explained by the fact that Ashland applies the base density to the 'gross area' including future right-of-way, while the plats in this example expressed density per 'net area' excluding right-of-way.

The amount of variation in the actual density achieved in the reviewed plats indicates that the use of the 'set' base density of 60% or 73% could result in an inequitable incentive. For instance, consider two similar sized properties 'A' and 'B', with 'A' containing hills or floodway that prevents the grid-street pattern. With the different features on the two properties, 'A' could only develop at 50% of the density permitted by code while 'B' could develop at 70% of the permitted density. Using a set base density of 73% and adding a density bonus to it would result in a much higher density incentive for the more constrained land 'A' (See Table 1).

As the table below illustrates, the use of a density bonus incentive based on a 'set' base density may result in a larger increase in the number of dwelling units or lots that can be created on a property which has constraints to development. As the entire area is not suitable for development, larger reductions in lot area or frontage requirements would be necessary to accommodate the additional density to be provided in the developable area. Staff does not recommend the use of the 'set' base density for these reasons.

	A (constrained)	B
Zoning	RS7	RS7
Area	10 acres	10 acres
Density per zoning	6.22 per acre-62 du	6.22 per acre-62 du
'Actual' Base Density	31 du	43 du
20% incentive 'actual'	37 du	51 du
'Set' Base Density	73%	73%
Density per 'Set' Base	45 du	45 du
20% incentive 'set'	54 du	54 du

Table 1. Comparison of incentive with 'actual' base density verses 'set'

ACTUAL BASE DENSITY

The other option is to use a concept plat which shows the proposed street layout, detention/drainage areas and the area which is available for development. The Base Density is the number of lots that are possible based on the concept plat. This option allows topographical constraints and other features to be taken into account and the base density is determined for each property based on its unique characteristics.

Staff was concerned that the creation of a concept plat may put a burden, such as additional cost or time, on the applicant but one respondent from the development community indicated that they typically draw up a concept plat in preliminary meetings with the applicant so it wouldn't be a hardship to provide the concept plat at the pre-application meeting. Staff will review the concept plan for compliance with the Subdivision Regulations to determine if the density shown is reasonable.

OTHER COMMUNITIES

Many of the communities that I've researched are in the process of establishing density bonuses. I've attached a summary of my research into various communities' density bonus programs. I've asked for examples of plans from two of the communities that have used the bonuses. Madison, Wisconsin used the bonuses with required affordable housing but discontinued using the incentives when they determined the incentives didn't allow them to do more than could have been developed otherwise. Ashland, Oregon uses the density bonus for various reasons—affordable units, more energy efficient housing and additional open space and they reported that it works in providing a measure of flexibility over 'cookie cutter' subdivisions particularly in areas with environmental constraints or in-fill development.

DENSITY CAPS

One point I would like to make is that the actual base density for single-dwelling and duplex dwellings or townhomes was lower than that for the multi-dwelling districts, such as the RM15 or RM24. This can be explained by the need to create individual lots and separate dwelling structures in the single-dwelling, duplex, and townhome developments. The principal limiting factors in the multi-dwelling developments are the additional facilities or design aspects the applicant wants to include, such as swimming pools and club houses, and the parking requirements. In multi-dwelling districts, the Base Density –or actual density possible-- could often be the same as the maximum permitted density for that zoning district. An amendment to the Comprehensive Plan and Development Code may be necessary to permit the density to exceed the density cap in these districts when a density bonus incentive is provided.

In a few of the single-dwelling districts, particularly the RS7, it may also be possible to exceed the density cap set in the Comprehensive Plan. The RS7 District permits lots that are a minimum of 7000 sq ft in area. This results in a density of 6.22 dwelling units per acre, which exceeds the density cap in *Horizon 2020* of 6 dwelling units per acre for low density residential. In one of the reviewed plats, the actual density achieved in the RS7 District was 5.74 du/acre. If 20% additional environmentally sensitive lands were protected, the density would be 6.84 du/acre which is above the cap for low density homes. An amendment to the Comprehensive Plan and Development Code may be necessary to permit the density to exceed the density cap in these districts when a density bonus incentive is provided. (Table 2)

ZONING REGULATIONS

Density and Dimensional Standards will need to be revised to permit the additional density in the unprotected areas. Smaller lot areas, reduced street frontage or lot width or maximum height (for multi-dwelling developments) requirements would be necessary to accommodate the increase in the number of dwelling units made possible with the incentive.

Density Caps			
<i>H 2020</i> Classification	<i>H 2020</i> Density Limit	Corresponding Zoning District [Sec.20-201(b)]	Maximum Density Permitted by Code
Very Low Density	1 du/acre or less	RS40 40,000 sq ft lots	1. 08 du/acre
Low density	1 to 6 du/acre	RS20 20,000 sq ft lots	2.17 du/acre
		RS10 10,000 sq ft lots	4.35 du/acre
		RS7 7,000 sq ft lots	6.22 du/acre
		RS5, RSO (low/medium) 5,000 sq ft lots	8.71 du/acre
Medium density	7 to 15 du/acre	RS3 3,000 sq ft lots	14.52 du/acre
		RS5, RSO (low/medium) 5,000 sq ft lots	8.7 du/acre
		RM12, RM12D	12 du/acre
		RM15	15 du/acre
High-density	16 to 21 du/acre	RM24,	24 du/acre
		RM32	32 du/acre
		RMO	22 du/acre
Table 2. Density Caps set in <i>Horizon 2020</i> and maximum density permitted by Code.			

DEVELOPMENT COMMUNITY INPUT

The draft language and plat information was made available to the development community along with these specific questions:

- The problem with this could be the cost or time involved with creating the concept plat. This would only be a concept plat, but the street layout and the drainage/detention areas would need to be known. What is your opinion of the use of the concept plat?
- What is your opinion of the use of the 'standard base density'? Would it be better if the concept plat showed only the undevelopable areas, noted the remaining developable area, and the standard base density was applied to that?
- If you favor the standard base density, do you feel the 73% is the appropriate percentage for a standard base density? If not, what would you suggest?

I received input from two members of the Development Community prior to the printing of this staff report. One supported the use of the concept plat to determine base density and indicated that this would not be a burden on the developer. Another commented that the removal of height restrictions may not be enough of an incentive for the RM Districts, as taller buildings may require elevators. He noted that the density is typically limited by the permitted density, and felt that allowing development above the density cap would be the stronger incentive. He also thought that a narrower street right-of-

way would be a strong incentive. The City has established standard street sections for different classifications of streets. This incentive would require an alternative street section for use as an incentive for protection of environmentally sensitive lands. This change is beyond the scope of this amendment, but may warrant review as a possible incentive in the future.

PROTECTION OF PRAIRIES

The draft language for the Density Bonus Incentive has been revised to include native prairies as an environmentally sensitive area for which the incentive bonus would apply. The revised language is attached with this memo.

PLAT REVIEW

To determine if a 'standard base density' could be established for Lawrence, I reviewed several plats which have been submitted since 2005. A summary of the actual densities which were achieved for the various plats is in Table 1. Information and graphics for each plat follow. The 4th column in the table shows the actual density which was obtained with developments which would be the basis for the 'base density'. In a few cases, the net area did not include drainage areas; therefore, the density was higher. The Development Code defines 'net density' as the number of dwelling units per area of land excluding the rights-of-way of publicly dedicated streets. The Plats that calculated density based on the area minus right-of-way and drainage area or open space are noted in bold print.

Planned Developments were not included in this review as they have additional common open space and peripheral boundary requirements that are not required with traditional plats.

DISCUSSION:

While the 'standard base density' seems the easiest and most predictable approach, it does not take into account the unique nature of each property. Using a 'standard' base density may result in a property that could only develop at a density of 3.2 dwelling units per acre to be granted a density bonus on the standard base density of 4.54 (RS7 property). Using the standard base density may result in inequitable bonuses.

Base Density for RS7 District range from 2.24 du/acre (Cypress Park) to 5.34 du/acre (Glenwood Addition). The average density for the RS7 District is 4.4 du/acre. This is approximately 73% of the maximum permitted density. We have not had many plats for RS3, RS5, or RS10 Zoning Districts, so it is not possible to determine the average density for these districts.

Stone Meadows South

(SW corner of Inverness and Clinton Pkwy)

Zoned for single and multi- dwellings. Gross Area: 21.99

Rights-of-way: 6.07

Net Area: 15.92

multi-dwelling 4.12 acre RM1—now RM12

density permitted by RM1→ now RM12—12 du/acre: 49 du

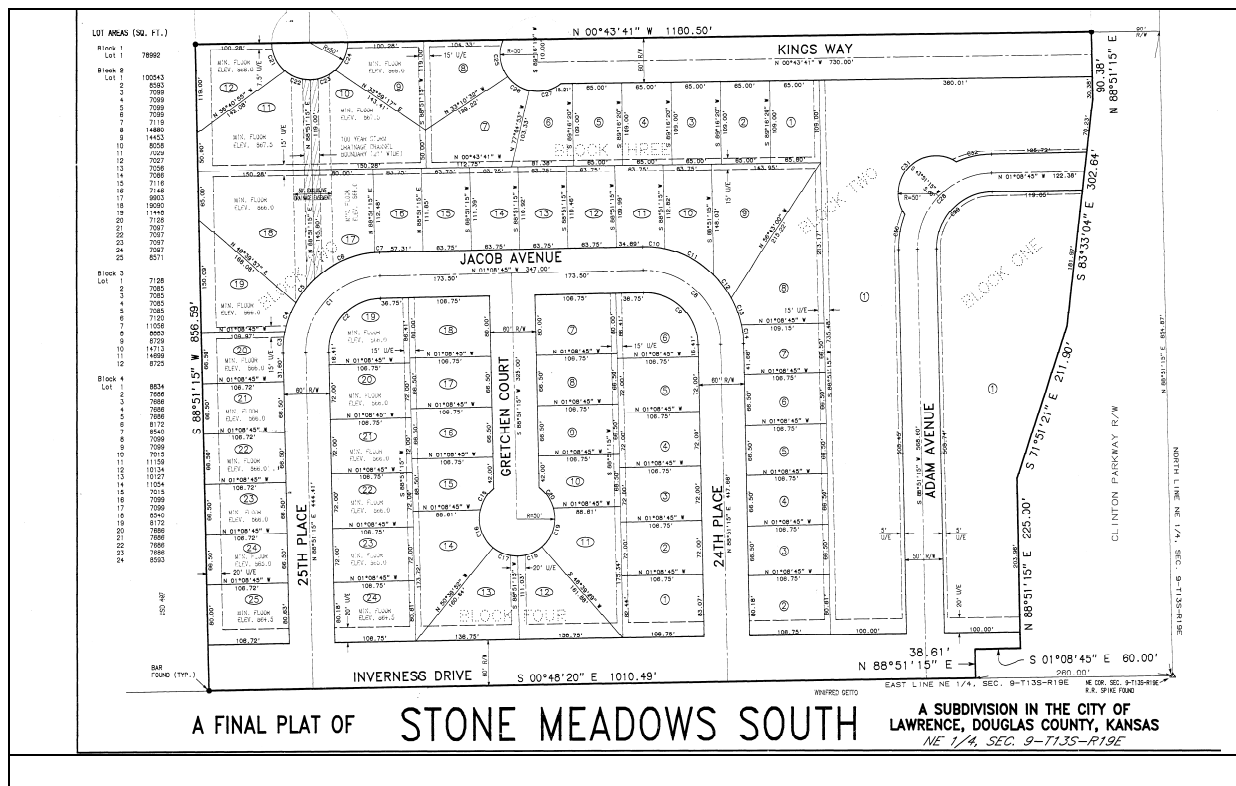
of dwelling units: based on site plans (sp-10-64-94 and sp-11-67-94) 32:

Actual density: 7.77 du/acre

single-dwelling 11.8 acre RS2—now RS7

density permitted by RS2→now **RS7 6.22 du/acre**—73 lots (du)

Actual density: 59 lots (du) 11.8 acre---density→ 4.66 du/acre



Spring Hill No. 2;

SW Corner Peterson Rd and Monterey Way

Zoned for RS-2 (now RS7) single – dwellings and PRD-1. (no info at this time on the PRD portion)

Gross Area: 19.3 acres

Gross Area: RS7: 7.96 acres – Right-of-way: 1.58 acres – **Net Area 6.38 Acres**

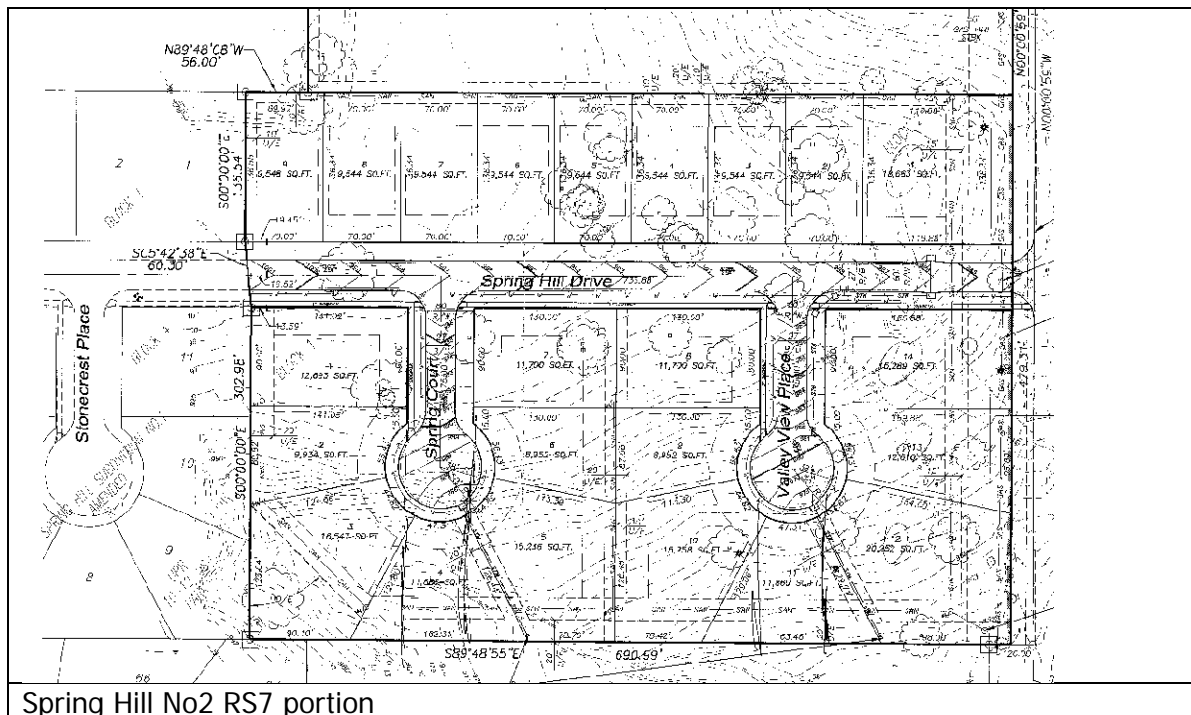
Gross Area: PRD: 11.33 acres—

single-dwelling RS2—now RS7

density permitted by RS2→now **RS7 6.22 du/acre**—39 lots (du)

Actual density: 23 lots (du) 6.38 acre---density→ **3.60 du/acre**

(possible reason for lower density could be the larger lots required around a cul-de-sac.)



Spring Hill No2 RS7 portion

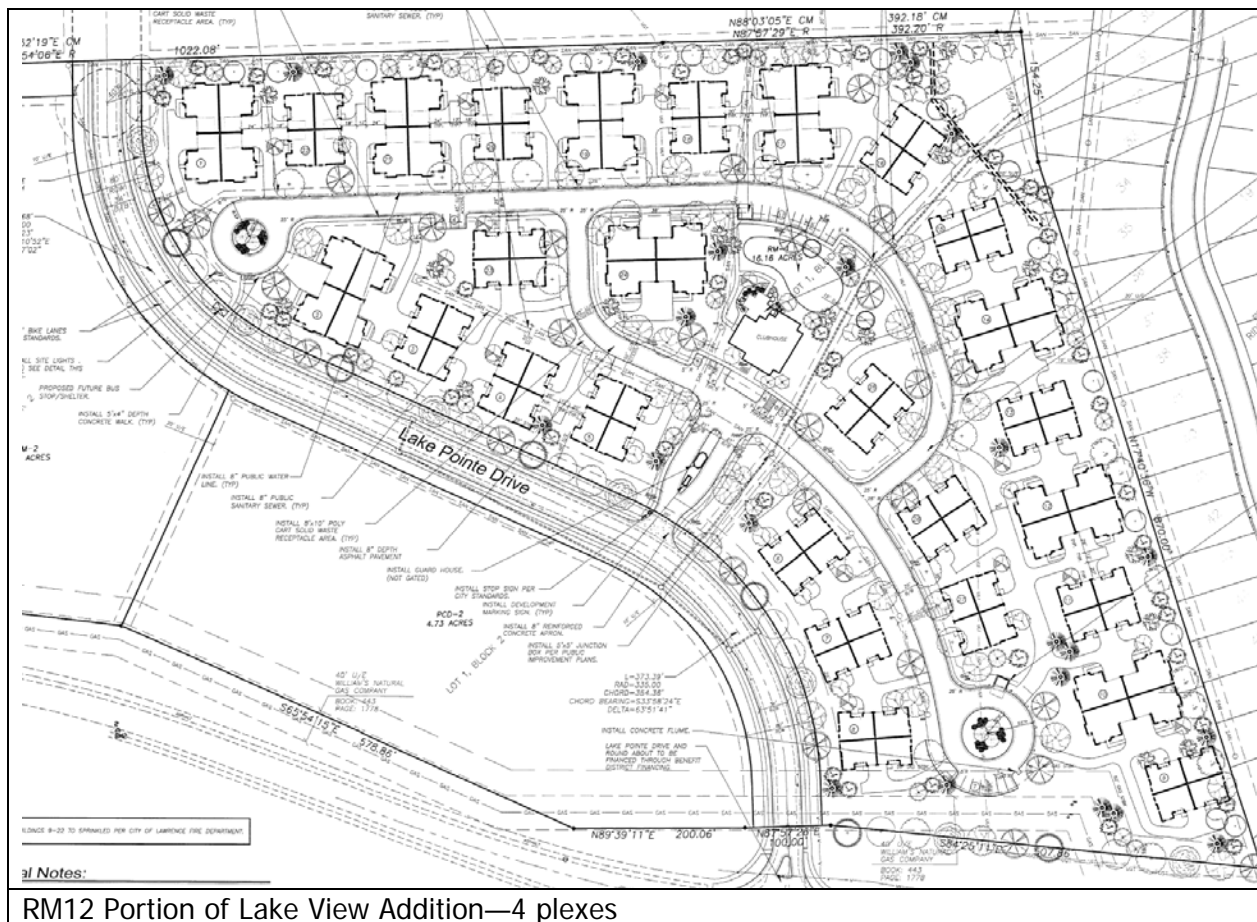
If 40% of the site were protected, 20% over the required amount, 20% increase in density. – 4 additional lots or 27 lots (27/4.56 acres=5.92 du/acre. **This would still be below the density cap of 6.22 du/acre. Lot width and area could be revised to permit this increase in density.**

N of Clinton Pkwy east of K10

Actual density from site plan SP-04-25-04: Units= 108—density→ **6.66 du/acre**

Actual density = (from site plan SP-1-8-06 for Lake Pointe Villas) 42 units → **7.1 du/acre**

Lower density for this portion explained by use of private streets and development in a more duplex nature rather than apt complex





RM24 Portion of Lake View Addition

Lakes Estates at Alvamar;

NE Corner 22 Terr and Lake Pointe Dr

Zoned for RS-1 and RS-2 (now RS 10 and RS7) single – dwellings

Gross Area: 12.59 acres – Right-of-way: 2.54 acres – **Net area 9.60 acres**

3.63 acres zoned to RS1 and 5.03 zoned to RS2 by CC on 3-15-05; *the areas are not calculated for each zoning district on the plat. Using the zoning percentages, the density calculations are based on the following net areas (which may be incorrect)—RS1 = 42% of total; RS2 = 58% of total (8.66)*

Net area for RS1= 42% of 9.60= 4 acres

Net area for RS2= 58% of 9.60= 5.6 acres

single-dwelling

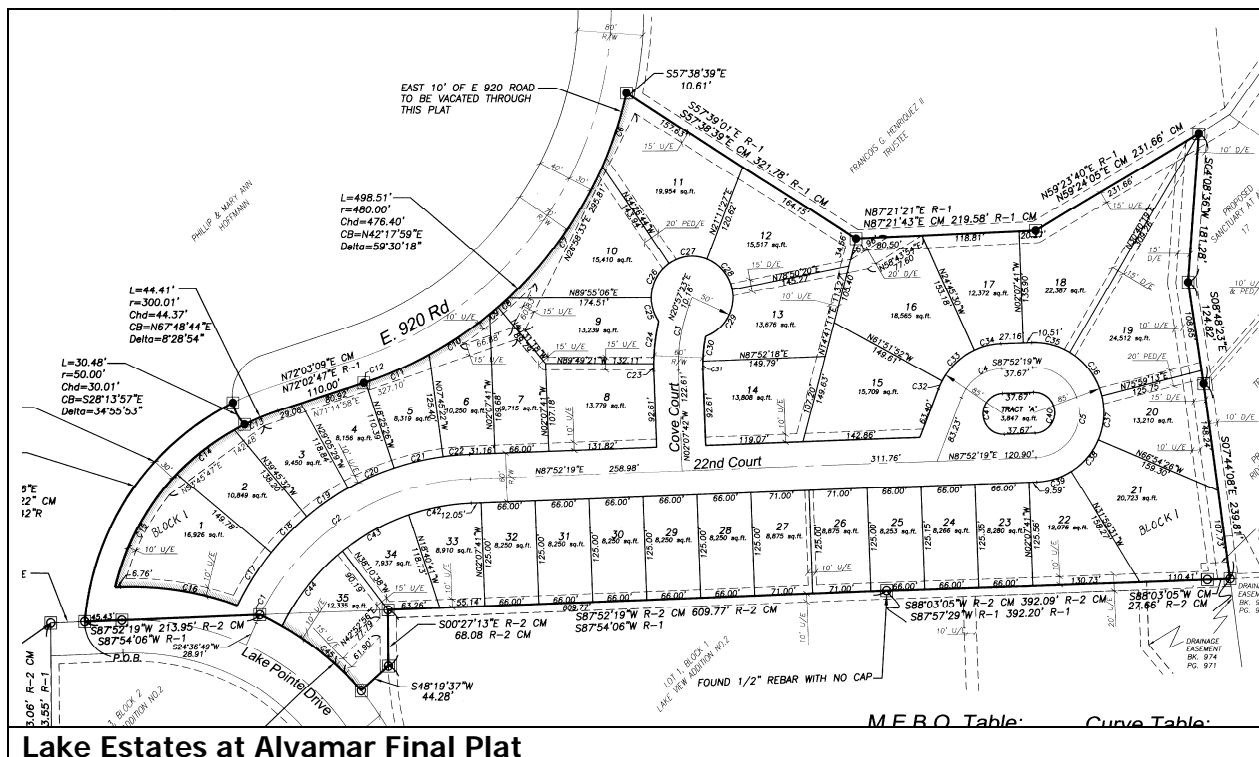
density permitted by RS10=**4.36 du/acre—17 lots**

Actual density: 11 RS10 lots (du) 4 acre---density→ **2.75 du/acre** (63% of permitted)

density permitted by RS7= **6.22 du/acre)—34 lots (du)**

Actual density: 24 lots (du) 5.6 acre---density→ **4.28 du/acre** (69% of permitted)

(possible reason for lower density could be the larger lots required around a cul-de-sac.)



Sherylville Estates

(1600-1800 Riverridge Road)

Zoned for single - dwellings. Gross Area: 5.71 acres

Rights-of-way: 1.15

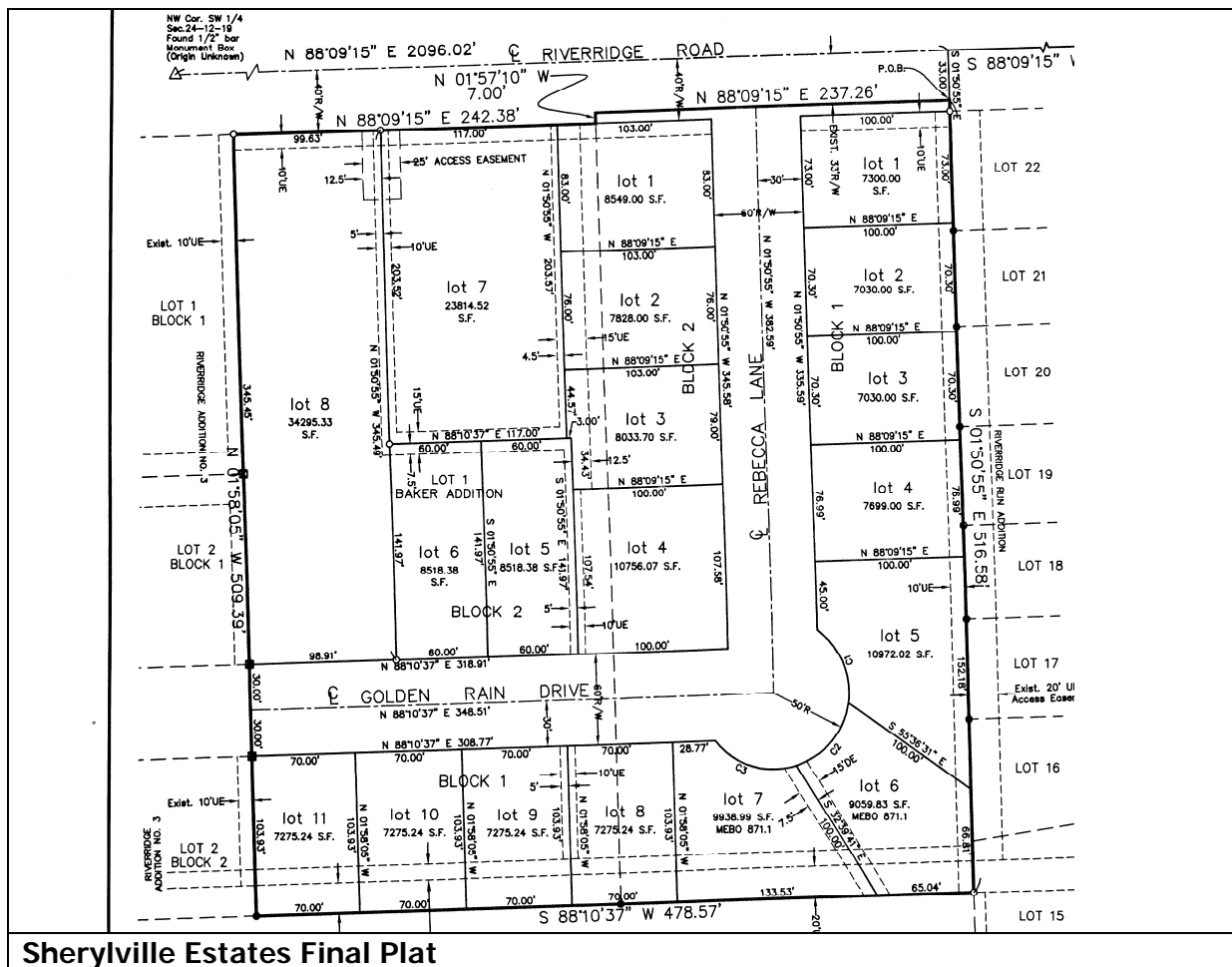
Net Area: 4.56 (calculated by adding all lot areas on final plat)

single-dwelling 4.56 acre RS2—now RS7

density permitted by RS2→6.22 (now **RS7 6.22 du/acre**)—28 lots (du)

Actual density: 19 lots (du) 4.56 acre---density→ **4.16 du/acre**

(dif in density accounted for by corner lots on exterior curve and 2 very large lots)



The Exchange at Lawrence

(31st and Ousdahl)

Zoned for multi - dwellings. Gross Area: 24.46 acres **Net Area: 23.33 acres**

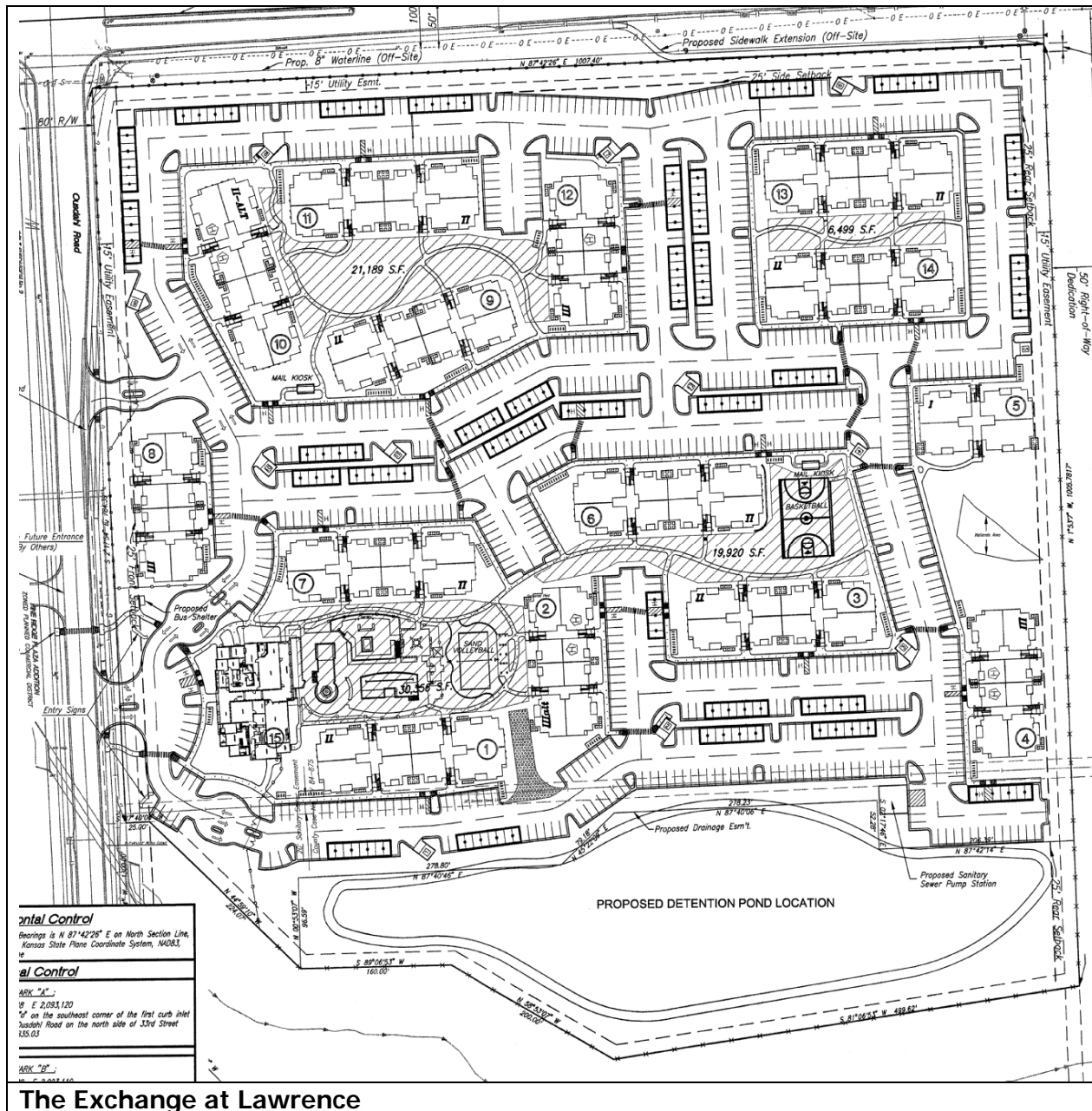
Rights-of-way: 1.13 acres

Zoning

RM-15

Permitted density = **15 du/acre** = 350 du/acre

Actual density = 324 dwelling units / 23.33 acres = **13.89 du/acre**



Glenwood Addition;

(SE corner of Wakarusa and Eisenhower Drives)

Zoned for single and multi- dwellings RS7 and RM12. Gross Area: 12.623 acres

Rights-of-way: 0

Net Area: 12.623 acres

multi-dwelling 10.561 acres RM1—now RM12

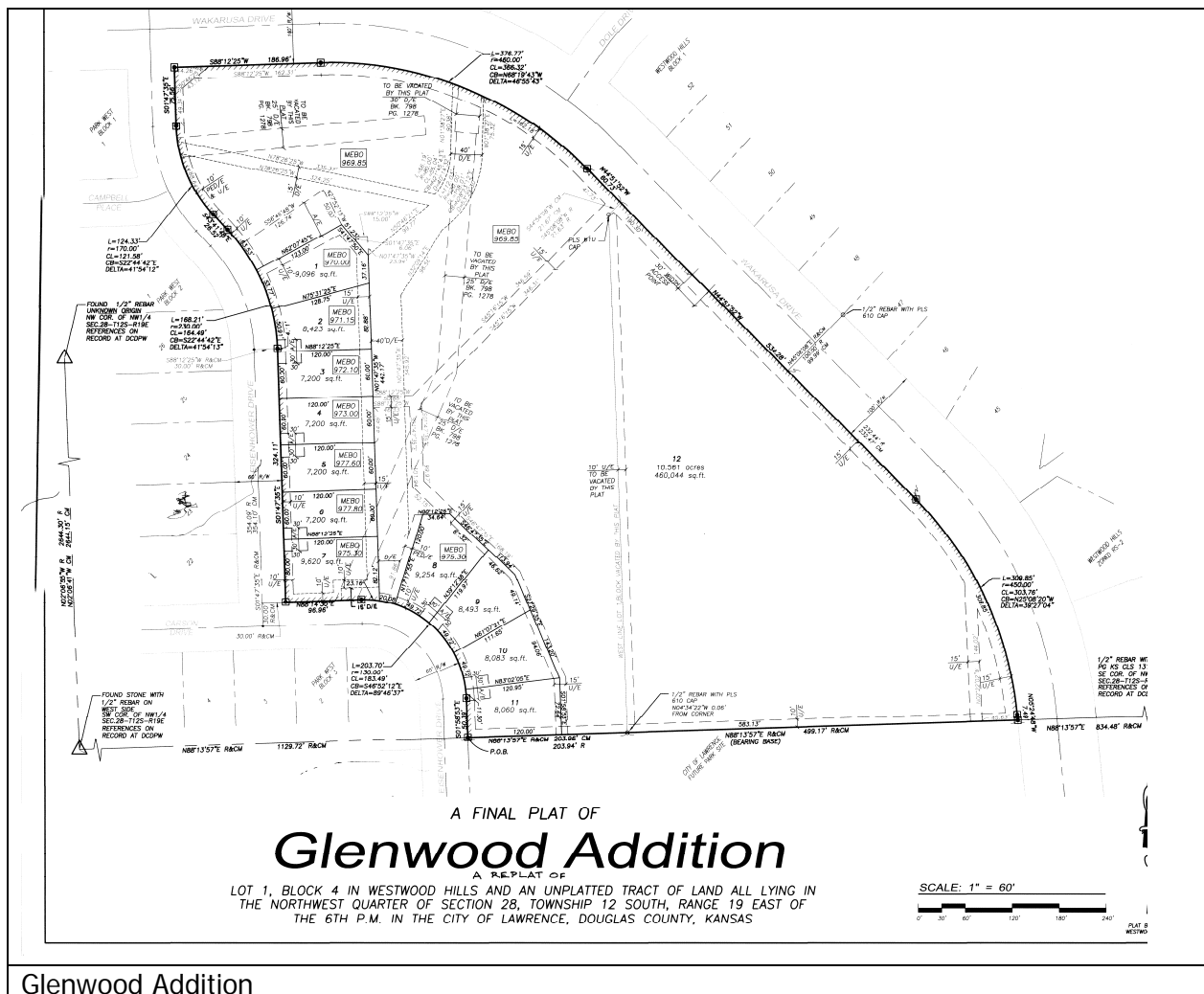
density permitted by RM1→ **12.4 du/acre** (now RM12—12 du/acre) 130 (126 current code) du

density for multi-dwelling is not available

single-dwelling 2.06 acre RS7

density permitted by RS7→6.22 —12 lots (du)

Actual density: 11 lots (du) 2.06 acre---density→ **5.34 du/acre**



Remington Sq

South of Clinton Pkwy, to the west of Crossgate

Zoned for multi- dwellings RM15.

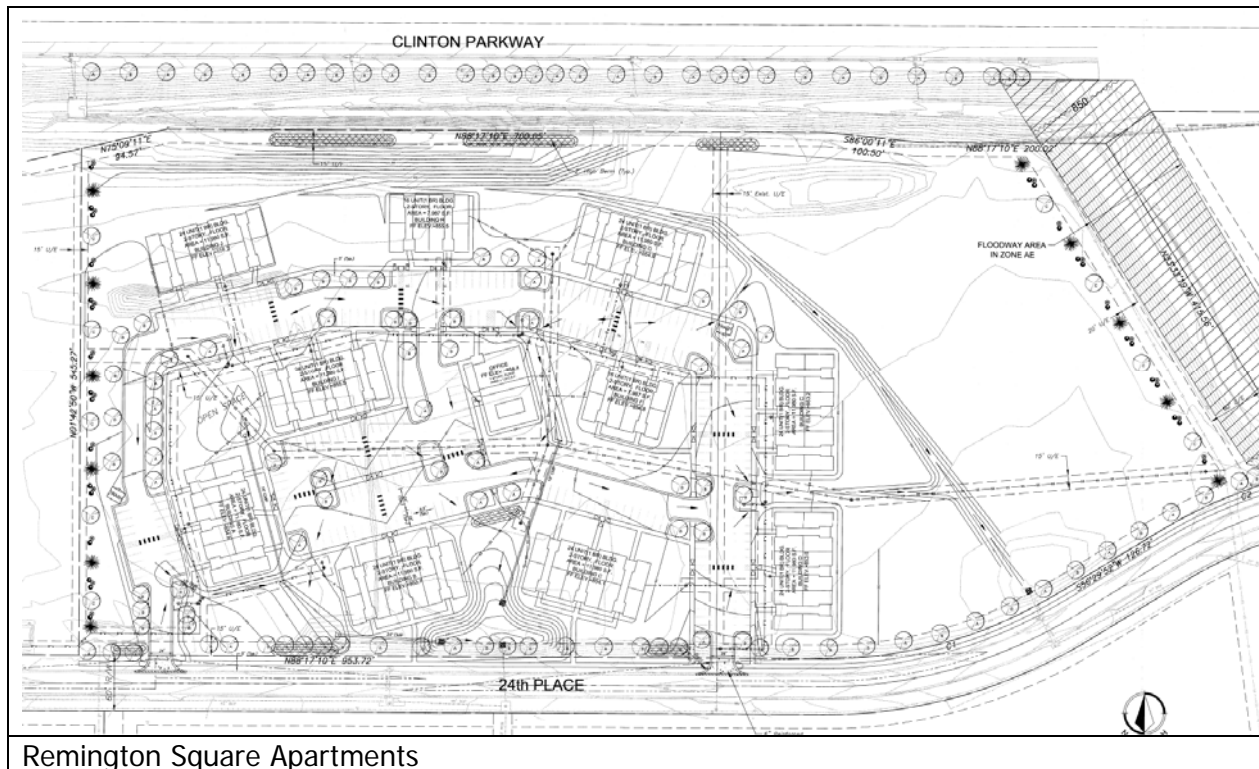
Net Area: 15 acres

Multi-Dwelling

Density permitted by code: 15 du/acre

224 Dwelling units per Site Plan SP-06-38-08

Actual Density: 14.93 du/acre



Green Tree Subdivision #3;

GWW & Harvard Rd

Zoned for single - dwellings. RS7

Gross Area: 6.266 acres

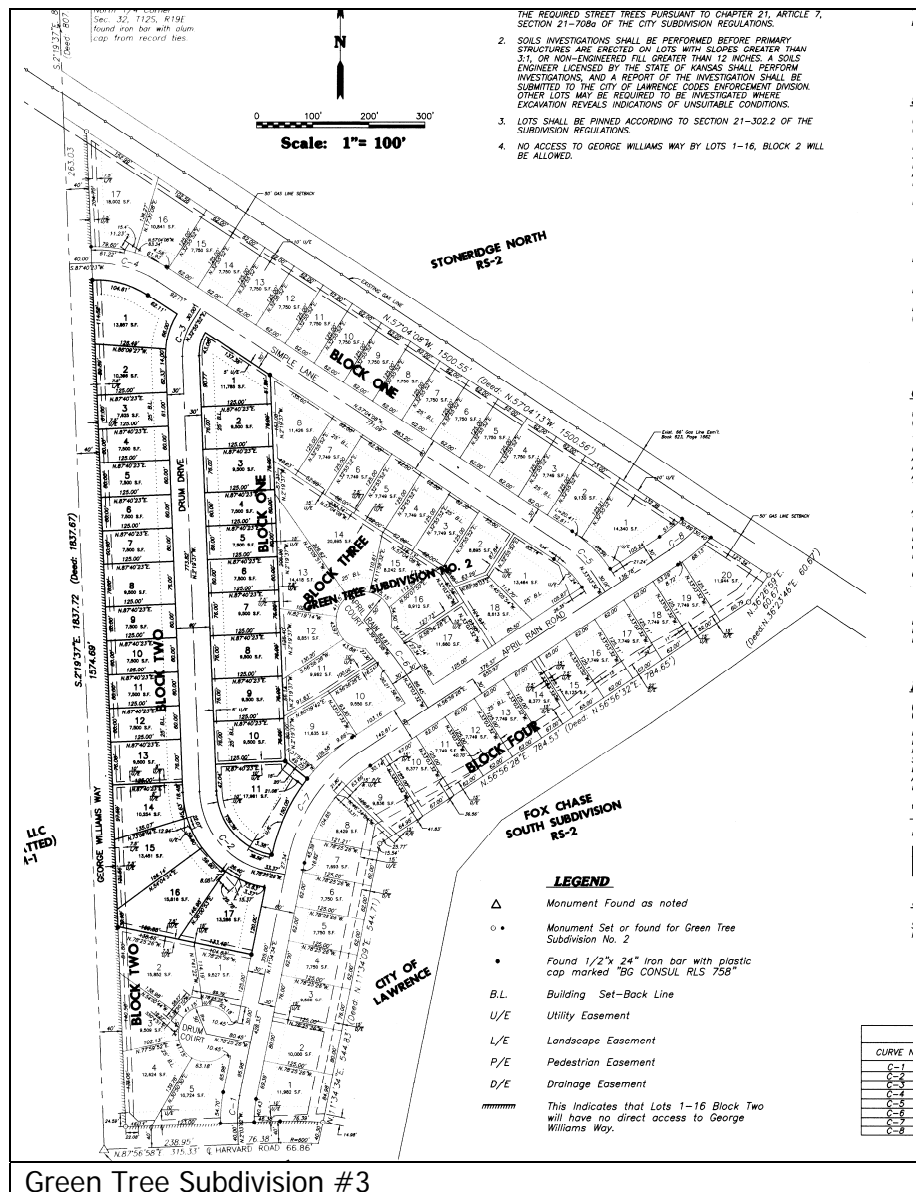
Rights-of-way: 0

Net Area: 6.266 acres

density permitted by RS7→6.22 du/acre: —38 lots (du)

Actual density: 28 lots (du) 6.266 acre---density→ **4.46 du/acre**

(dif in density accounted for by corner lots on exterior curve and 2 very large lots)



Doolittle Subdivision;

515 Monterey Way

Zoned for single - dwellings. RS7

Gross Area: 10.281 acres

Rights-of-way: 2.304 acres

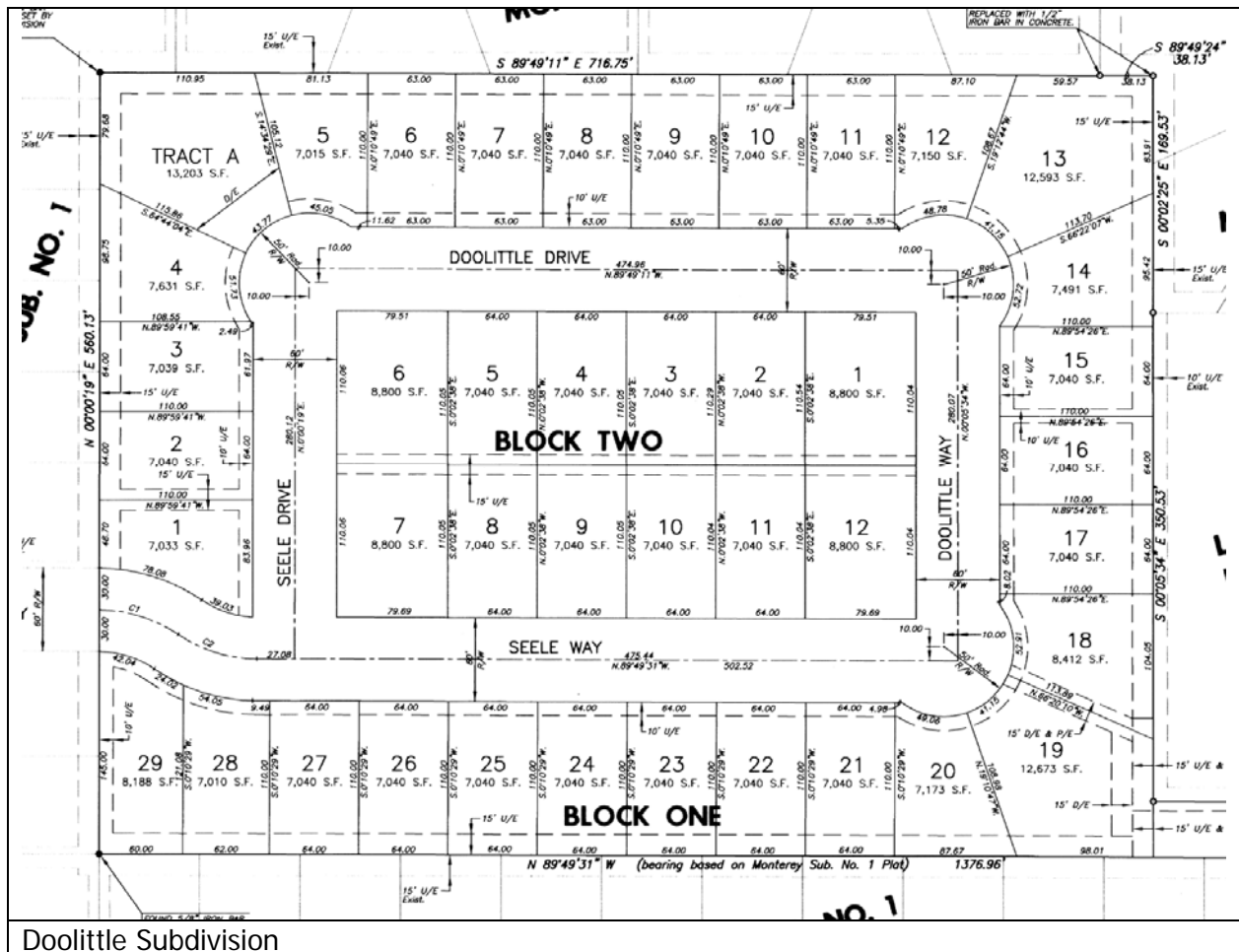
Tracts (drainage): .846 acres

Net Area: 7.131 acres

density permitted by RS7→ 6.22 du/acre: 44 lots (du)

Actual density: 41 lots (du) 7.131 acres---density→ **5.74 du/acre**

(density slightly higher as drainage easements were not included in the net area. If they had not been removed the net area would have been 7.977 acres and density would have been: **5.13 du/acre**)



Cypress Park Addition;

1801 Learnard Avenue –

Zoned for single - dwellings. RS7

Gross Area: 2.23 acres

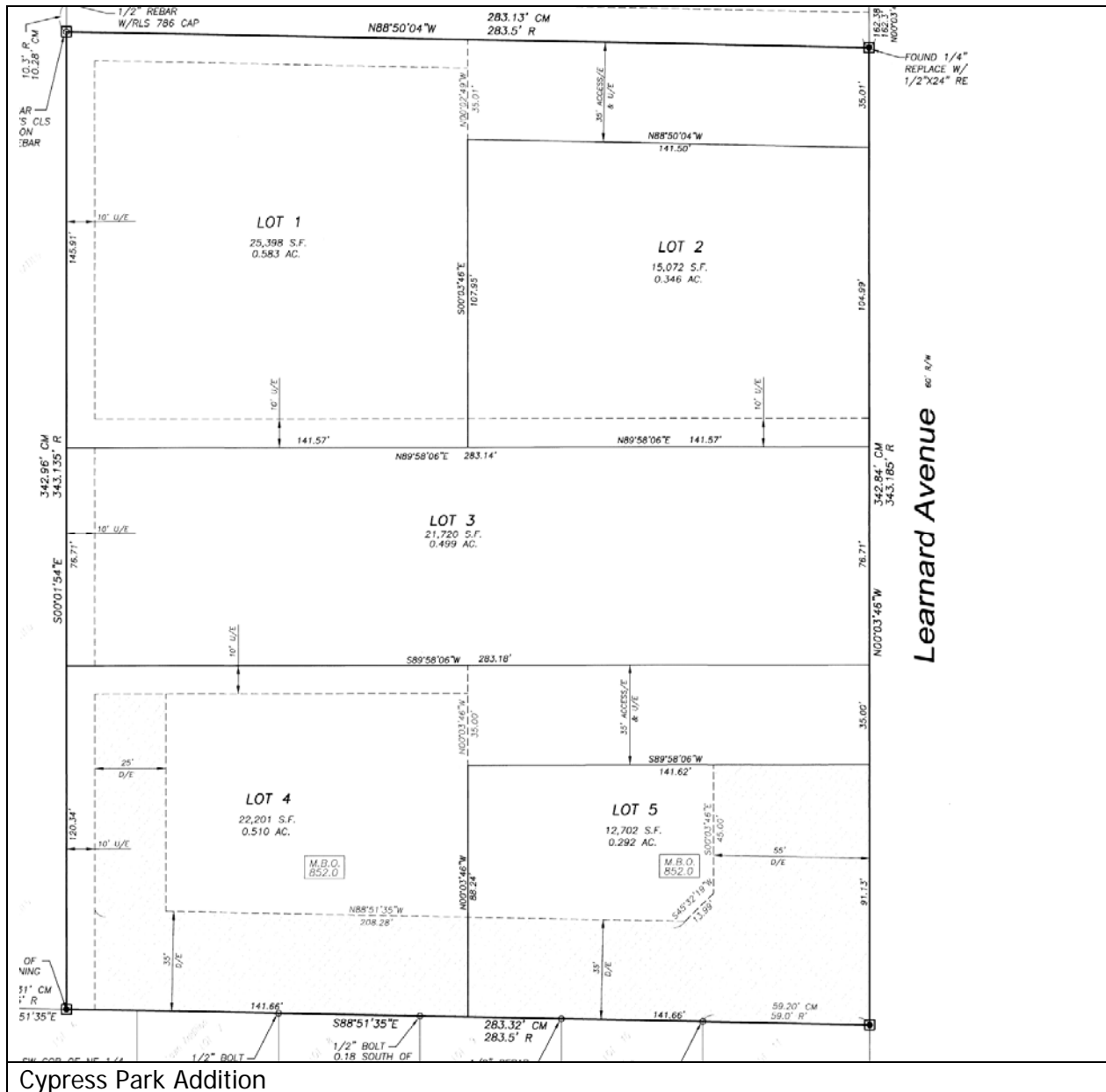
Rights-of-way: 0

Net Area: 2.23 acres

density permitted by RS7 → 6.22 -- 13 lots (du)

Actual density: 5 lots (du) 2.23 acre---density → 2.24 du/acre

(unique subdivision where very long lots were divided using flag lots. Not a typical sample)



Langston Heights;

Zoned for multi- (RM12D) and single – dwellings (RS7).

Gross Area: 27.57 acres

Rights-of-way: 8.00 acres

Net Area: 19.57 acres

Multi-dwelling RM12D—12 units per acre

Gross Area—6.79 acre

r-o-w 1.79 acre

net area 5.00 acre

number of dwelling units: 36

density permitted by RM12-D 12 du/acre→ 60 units

Actual density: 36 dwelling units → **7.2 du/acre**

single-dwelling

gross area 20.78 acre

r-o-w 6.21 acre

net area 14.57 acres

density permitted by RS2→6.22 --90 lots (du)

Actual density: 67 lots (du) 14.57 acre---density→ **4.59 du/acre**

Not recorded---no image available

Langston Heights

Mary's Lake Addition;

Zoned for single - dwellings.RS7

Gross Area: 15.98 acres

Tract A (open space): 5.862 acre

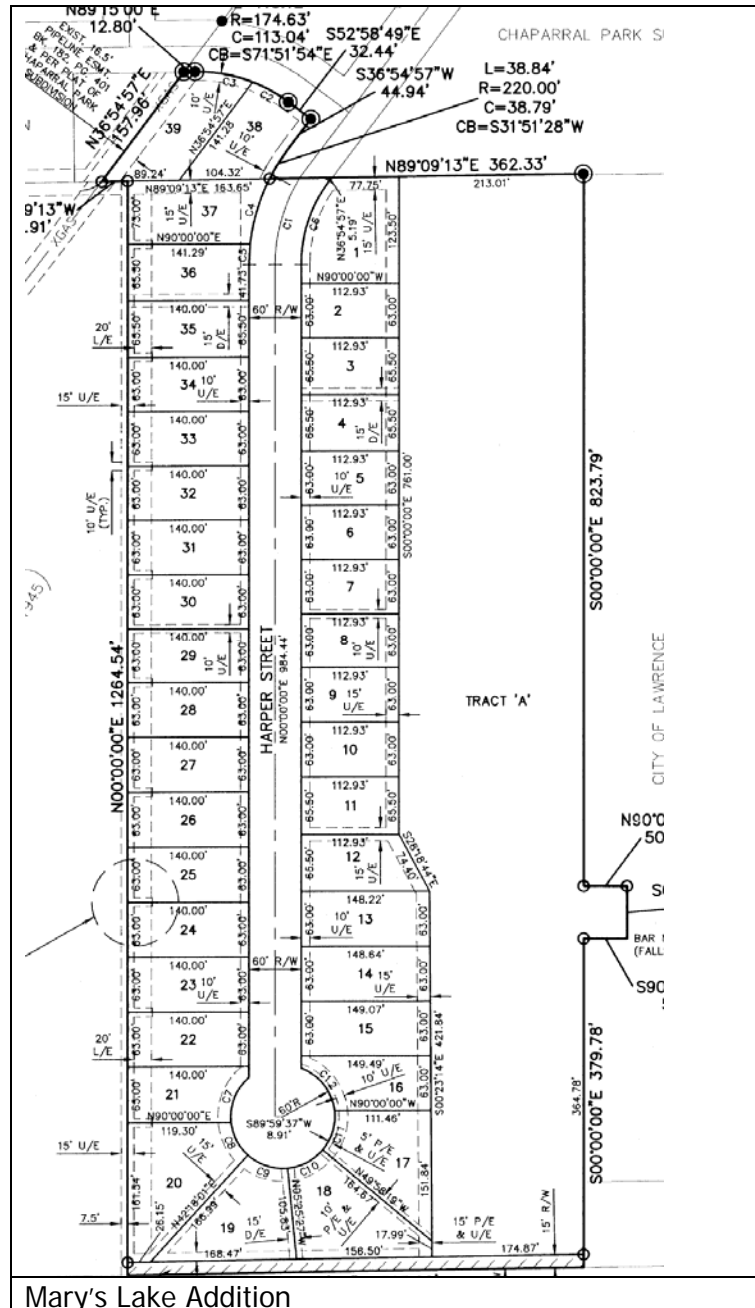
Rights-of-way: 1.863

Net Area: 8.253

density permitted by RS7→6.22 du/acre—51 lots (du)

Actual density: 39 lots (du) 8.253 acres---density→ **4.73 du/acre**

Net area does not include the open space tract which results in a lower density



Mercato Addition 2nd Plat;

NE corner of W 6th St and K-10 Bypass

Zoned for single - dwellings.RS7; multi - dwellings RM12D and RM24

Single-dwelling: RS7

Gross Area: 25.82 acres

Tract (detention): 3.30 acre

Rights-of-way: 6.01

Net Area: 16.51

density permitted by RS7→6.22 du/acre—102 lots (du)

Actual density: 75 lots (du) 16.51 acres---density→ **4.54 du/acre**

Multi-dwelling: RM12D

Gross Area: 7.63 acres

Right-of-way: 2.06

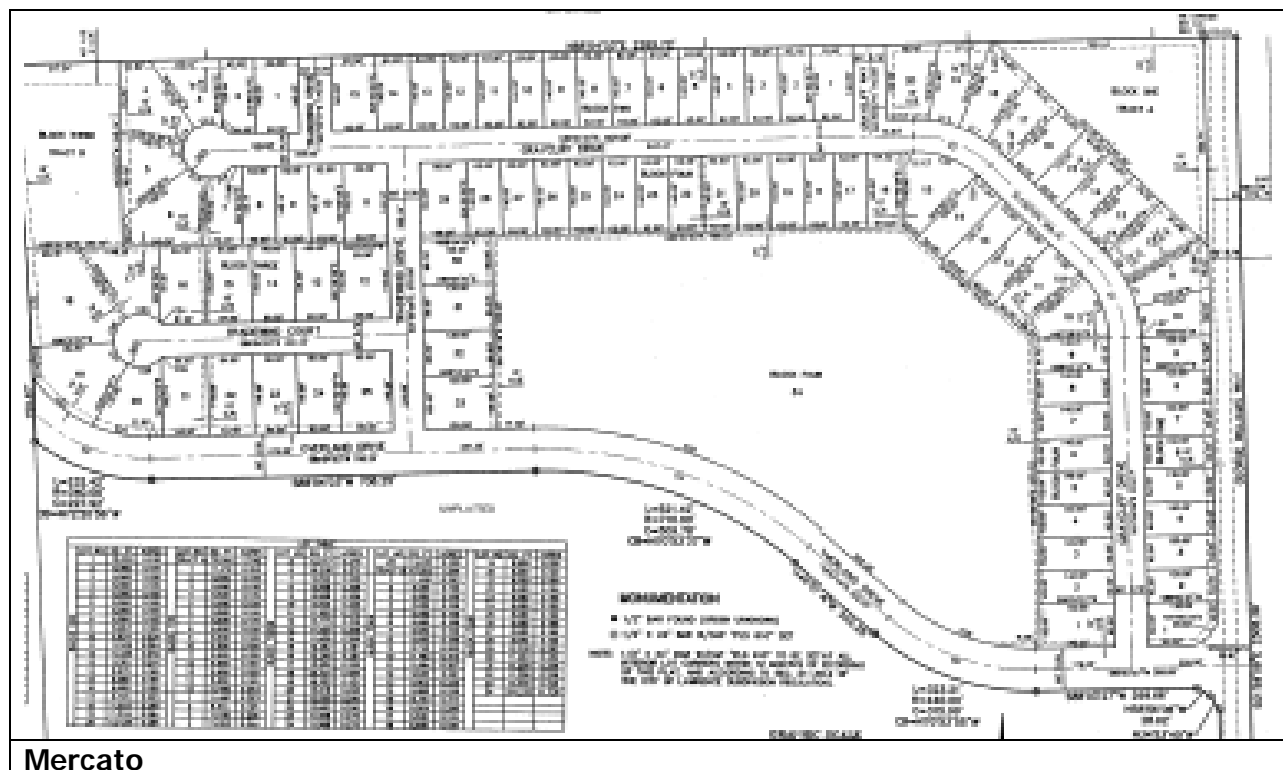
Net Area: 5.57 acres

Density permitted by RM12D—12 du/acre—66 du

Actual density: 36 du 5.57 acres→ **6.46 cu/acre**

Multi-dwelling: RM24

Not site-planned, no density determined



[illegible]

REVIEW OF OTHER COMMUNITIES DENSITY BONUS PROGRAMS

(My notes are in **green**)

Austin TX

1. Density bonus recommendations following review of peer cities

http://www.ci.austin.tx.us/downtown/downloads/db_1_density_bonus_recgs.pdf

2. Downtown density program

http://www.ci.austin.tx.us/downtown/downloads/full_db_report_7-6-09.pdf

Recommendations 2007

Greater density in exchange for community benefits: affordable and workforce housing, child and elder care, open space, pedestrian connectivity, transit, green building, historic preservation, preservation of community features, area for non-profits, public art, cultural facilities.

Downtown density program (draft 2009)

Principles:

1. Density should be encouraged, not penalized
2. Existing zoning should be retained as the base for the program
3. High quality urban design should be required
4. There should be one, administrative and predictable pathway to a density bonus.
5. Additional density should be allowed only where appropriate and compatible
6. Community benefits derived from density bonuses should be focused on the most 'at-risk' elements.

The program set different density bonuses for each of the goals. This would not be applicable to our program where we have only the one goal (however, we may have subsets of the goal, such as protection of contiguous wooded areas, or protection of some env sensitive features more than others).

Develop a transparent and understandable system for awarding additional density, above that which is allowed by established zoning.

Definition of density: *"A density bonus is an incentive-based tool, which permits developers to increase the maximum allowable floor area or height on a property in exchange for helping the community achieve public policy goals."* (page 5)

Density bonuses are effective when they result in clear benefits to *both* the property developer and the community.

The density bonuses proposed in Austin are expressed in FAR, which would not be applicable to our Code.

Clifton NY

<http://landuse.law.pace.edu/landuse/documents/laws/reg2/CliftonParkNYOpnSpIncIntvZon.doc>

Community benefits (may be either –on or off site) :

1. permanent easement (conservation easement): agricultural conservation, open space, scenic, ecological or other type of easement would be acceptable.
2. Permanent protection in fee simple. Executed purchase contractor transfer of ownership of title required

This incentive permits density increase up to 100% of the original base density---
For SF residential---1 unit density increase is permitted for each 3 acres protected.
For MF residential--- increase equal to the development potential for site that is set aside;
for each 2 acres protected

Pre-application review.

Application shall include the following:

- requested incentive
- proposed amenity
- map showing constrained and unconstrained land
- the proposed unconstrained land which is the basis for the requested incentive must be specifically identified on the map
- Base density calculation must be provided

Must determine that City services are available to serve the additional density.

(Clifton requires PC review and recommendation to CC who approves or denies the request. This may be a deterrent to the incentive.)

Ashland OR

<http://www.ashland.or.us/CodePrint.asp?CodeID=3420>

- A. Base Densities: the density of the development shall not exceed the density established by this Section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project (including land dedicated to the public) fractional portions of the final answer, after bonus point calculations shall not apply towards the total density.

They capped their density bonus at 60% and in no case could it exceed that recommended by the Comp Plan.

Center for Land Use Education

<http://www.uwsp.edu/cnr/landcenter/pdf/implementation/densitybonus.pdf>

“A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. Increasing development density may allow for increases in developed square footage or increases in the number of developed units.”

A density bonus is commonly used to promote conservation or improvement of natural resources and open space. A community may allow a developer to build more units than is permitted in an area in exchange for permanently protecting green spaces---this technique can be used to protect land on the property being developed or on another property. **I would recommend we tie it only to the land being developed. Using off-site lands, may result in incentives being provided for the protection of a site for which there are no plans to develop.**

- Policy language should identify allowable density increases (i.e. total number of units or maximum square footage.
- If resources are to be protected, legal means—such as easements, must be included.

Pre-application meeting to see if the incentive qualifies for the bonus

Staff review the plan or plat to determine that the bonus does not adversely effect adjacent properties and that utilities are available to serve the additional density

Land set aside for protection must have restrictions or easements recorded on the deed before construction activity begins to insure they are not developed in the future

ASHLAND PLANNING DEPARTMENT
STAFF REPORT
September 12, 2006

PLANNING ACTION: 2006-01091

APPLICANT: Urban Development Services LLC

LOCATION: 203 N. Mountain Ave.

ZONE DESIGNATION: R-1-5-P

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential

APPLICATION DEEMED COMPLETE: July 9, 2006

120-DAY TIME LIMIT: January 5, 2006 (with 60-day extension)

ORDINANCE REFERENCE:	18.20 R-1 Single-Family Residential District
	18.61 Tree Preservation and Protection
	18.88 Performance Standards Options

REQUEST: Request for an Outline Plan approval under the Performance Standards Option Chapter 18.88 to subdivide the property into 14 lots including 13 lots for single-family homes and one lot for open space purposes for the property located at 203 N. Mountain Ave. A Lot Line Adjustment is included in the proposal to incorporate the western end of the parcel located at 185 N. Mountain Ave. (Havurah Shir Haddash Jewish Temple) into the subdivision. A Tree Removal permit is requested to remove a 40-inch diameter at breast height Black Walnut tree in the N. Mountain Ave. street right-of-way adjacent to the front of the property located at 203 N. Mountain Ave.

I. Relevant Facts

A. Background - History of Application

The application was noticed for the August 8, 2006 meeting, but the applicant postponed the review prior to the meeting. The applicant decided to make some adjustments to the alley location and building envelopes to preserve four trees on the site.

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

B. Detailed Description of the Site and Proposal

The project site is situated on the west side of N. Mountain Ave., near the railroad tracks and right-of-way. The site is u-shaped, and is comprised of three parcels as well as the

westerly corner of 185 N. Mountain Ave., the Havurah Shir Haddash Jewish Temple. Two of the parcels are vacant, narrow, triangular shaped pieces of land adjacent to the north side of the railroad right-of-way. The bulk of the site is from the property located at 203 N. Mountain Ave. A single-family residence and an outbuilding are situated near Mountain Ave. on the property. The westerly two-thirds of the site is vacant.

The site is moderately sloped averaging approximately a four percent downhill slope to the north. A drainage, identified as Mountain Creek in the City of Ashland Stormwater and Drainage Master Plan June 2000, runs from south to north along the sites western edge. A wetland has been preliminarily delineated on the western side of the site, adjacent to Mountain Creek. The application includes a tree inventory which identifies six trees sized six inches diameter at breast height (dbh) and greater. The tree inventory does not include the trees located in the vicinity of the wetlands and Mountain Creek. The trees are located in the N. Mountain Ave. right-of-way, around the existing house and in the vicinity of the wetlands and Mountain Creek.

The subject parcel as well as the surrounding properties to the north and east are located in the R-1-5 Single-Family Residential zoning district. The area on the west side of Mountain Creek and north of the railroad tracks is located in the E-1 Employment zoning district. The area immediately west of the subject site is vacant.

1. Outline Plan for Performance Standards Options Subdivision

The applicant is requesting Outline Plan approval to subdivide the property for the development of 13 single-family homes. Four of the thirteen homes would be in an attached, duplex format, and the remaining nine units would be detached units. The existing home would be preserved in the current location on one of the 13 lots. A sample elevation is provided for the residential units.

The proposal is to provide access to the subdivision by constructing a new public street connecting to N. Mountain Ave. and running along the north side of the site. When the properties to the north and west eventually develop, the street would be extended to the northwest and north to serve those properties. The frontage of the property located at 203 N. Mountain Ave. will be improved with a parkrow and sidewalk to city standards.

An alley connecting to the new street would provide vehicular access to the 11 of the residential units. The existing home and adjacent lot would be served by a shared driveway near the easterly end of the new street. The application describes Lots 1 - 11 as having two off-street parking spaces, and lots 12 and 13 as having three parking spaces. On-street parking spaces are available on the new street.

The proposed open space area is an area 25,870 square feet in size (.59 Ac.), which is 23 percent of the total site area. The preliminary determination of the boundary of the wetlands is included in the application site plan, and identifies a wetland which is approximately 4,780 square feet in size. The proposal is to retain the wetland and include it in the open space area on the western end of the

site. Approximately half of the open space area is comprised of the wetland and creek. The remainder of the open space area is comprised of the long narrow area adjacent to the railroad right-of-way. The application says that the wetland and surrounding open space area will be left in a natural state. The application goes on to say that “the applicants’ intentions are to remove the invasive Blackberry overgrowth, retain all trees within the wetland area, and retain the wetland habitat as a natural open space corridor.”

a) Public Facilities

The existing and proposed public facilities are generally discussed in the application narrative. Utility lines are indicated on the site plan, but are not labeled or sized. The application states and the plan notes that all primary utilities will be extended in the new road, alley or public utility easement. The application also states that the lines in the new street will be “upsized, in cooperation with the City, in order to accommodate future capacity needs.” Existing and proposed upgrades include:

- Existing water and sanitary sewer facilities are not addressed in the application. Extensions and sizes of water and sanitary sewer utilities are not delineated on the plan.
- Three scenarios for storm drainage are described as being researched for Final Plan application. The first option is to install a pipe from the site and in N. Mountain Ave. to the existing storm drain system in Village Green Drive. The drainage from Village Green Drive is directed to Beach Creek. The second option is to drain storm water into Mountain Creek, possibly using a detention system. The third option is a combination of the previous two options.
- Existing electric utilities are not addressed in the application. Electric utilities and layout to serve the subdivision are not delineated on the plan.
- Paved access is provided by N. Mountain Ave., as well as by the proposed new street running through the site. The proposal is to build a “half-street” improvement. The easterly 70 feet of the street would include a two travel lanes and a parkrow and sidewalk on the south side of the street. The remaining 410 feet would include two travel lanes, parking on the south side of the street, and a parkrow and sidewalk on the south side of the street.
- The frontage of the property located at 203 N. Mountain Ave. will be improved with a parkrow and sidewalk to city standards.

3. Tree Removal Permit

One tree is identified for removal as part of the project being a 40-inch dbh Walnut in the N. Mountain Street right-of-way near the southeast corner of the property located at 203 N. Mountain Ave.

II. Project Impact

The project requires a subdivision approval since it involves the creation of residential lots. A Tree Removal Permit is required to remove trees which are 18 inches diameter at breast height and greater and located on lands under the control of the City of Ashland (i.e. street rights-of-way). In accordance with Chapter 18.108, applications for Outline Plan approval are required to be reviewed under the “Type II” process with a public hearing.

Staff has reviewed the application and applicable approval criteria. Several issues are identified that Staff believe needs further discussion or information before the Planning Commission makes a decision on the application. The issues of Staff concern are in the subsections (e.g. ***a) Preliminary Utility Plan***). The issues are outlined according to the required planning approvals which are identified by capital letters and bold type (e.g. **A. Outline Plan for Performance Standards Options Subdivision**) and applicable approval criteria (e.g. **1. Public Facilities**).

A. Outline Plan for Performance Standards Options Subdivision

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

1. Development of Adjacent Land

The Outline Plan approval criteria require “That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”

The parcels to the north of the site are similar to 203 N. Mountain Ave. in that the zoning is Single-Family Residential (R-1-5), and the lots are configured as long narrow parcels with homes situated at the east end of the lots and fronting on N. Mountain Ave. There is developable area on these lots behind the homes at the rear of the parcels. As a result, the area between the subject site and the southern edge of the Mountain Creek Estates Subdivision (located at the southwest corner of the intersection of N. Mountain Ave. and Hersey St.) has development potential. Additionally, the property to the west of Mountain Creek has

development potential. The area west of Mountain Creek is zoned Employment (E-1), and the bulk of the area is a 19.53 acre parcel owned by Union Pacific Railroad Company. This site is commonly referred to as the railroad property. The lots across from the site on N. Mountain Ave., on the east side of the street, are zoned Single-Family Residential (R-1-5) and are largely developed except for a parcel directly north of the railroad right-of-way and tracks. The large parcel is approximately ten acres in size, is not in the city limits and has a residence with several accessory buildings located on the lot. Finally, the area to the south of the site and south of the railroad right-of-way and tracks is zoned High Density Multi-Family (R-2) and Employment (E-1). This area includes a mixture of multi-family developments, single-family homes and a public works yard operated by the City of Ashland.

In Staff's opinion, the primary issue to consider in the development of the subject site is providing for the connection and coordination of the future street system and utilities to serve the developable areas to the north and west of the subject site. The City of Ashland Transportation Plan Map was updated in June 2002 to include the conceptual street locations and dedications for the railroad property area including the subject site (see attached map). The application has based the street layout and type on the adopted Transportation Plan Map. In addition, the application states that the "utility lines (water, sewer, storm, electric, etc.) will be upsized, in cooperation with the City, in order to accommodate future capacity needs." In Staff's opinion, the proposed subdivision will not prevent adjacent land from being developed in accordance with the R-1 zoning district, Ashland Land Use Ordinance and Ashland Comprehensive Plan.

2. Public Facilities and Street Standards

The Outline Plan approval criteria require "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."

Transportation requirements are further addressed by the approval criteria which states that "The development complies with the Street Standards."

a) Preliminary Utility Plan

In Staff's opinion, it is very likely that public facilities and utilities are in place or can be extended to service the project. The existing and proposed facilities are generally discussed in the application narrative and some utilities are noted on the site plan. However, Staff believes the Planning Commission needs information about the size, location and capacity of existing utilities, and the location and size of proposed connections and extensions of public utilities to make a finding that adequate city facilities can be provided to the development.

b) Street Improvements

The City of Ashland Transportation Plan Map was updated in June 2002 to include the conceptual street locations and dedications for the railroad property area including the subject site. The plan identifies a collector street connecting N. Mountain Ave. to Oak St. The eastern end of the collector street is on the subject site. Going from east to west, the street would then cross over Mountain Creek, traverse the railroad property and connect to the existing end of Clear Creek Drive.

The location of the street conforms to the adopted Transportation Plan Map. In addition, the new street has been designed to a Neighborhood Commercial Collector standard. The Neighborhood Commercial Collector standard is consistent with the existing west end of the street, Clear Creek Drive.

In Staff's opinion, the proposal largely meets the requirements of the Street Standards. The applicant has done an admirable job of balancing between the project needs and the long-range planning issues. For example, the street design needs to accommodate future development to the north and west. Initially at the pre-application stage, the subdivision design included individual driveways serving the eleven street facing lots. At that time, Staff raised the issue of the safety and traffic flow impacts of individual driveways on the new collector street. This is an important issue because in the future when the area is built out the new collector street will accommodate a higher level of vehicle trips per day. Subsequently, the applicant adjusted the site plan to include an alley. The alley reduces the number of access points on the street which reduces the potential vehicular conflicts, creates a better pedestrian environment and presents a more attractive home front façade to the street.

Additionally, the majority of the east end of the new collector street will be located on the subject site rather than being more equally split between the subject site and the property to the north. The applicant is building both travel lanes with parking, a parkrow and a sidewalk on one side. A typical residential Neighborhood Street is a total of 47 feet in width including sidewalks and parkrows on both sides of the street. The proposed "half street" improvement to a collector street standard is comparable being a total width of 44 feet in improvements. This construction of the "half street" improvement will allow the property to the north to simply finish off the parking, parkrow and sidewalk on the north side if the property is developed.

(1) Bicycle Facilities

Staff believes the provision of bicycle facilities needs further discussion before the Planning Commission approves the Outline Plan. The Street Standards require a bicycle lane on a Neighborhood Commercial Collector

street when there will be more than 3,000 vehicle trips per day or actual motor vehicle travel speeds in excess of 25 mph. Staff believes that when the areas to the north and west are fully developed, the trips per day on the new east-west collector connecting N. Mountain Ave. to Oak St. will be close to or exceed 3,000 vehicle trips per day. As a result, the new street included in the application should have bicycle lanes. However, when the west end of the street was developed as Clear Creek Drive, a decision was made to have a multi-use bicycle and pedestrian path on the north side of the railroad tracks instead of installing bicycle lanes on Clear Creek Drive. As a result, a ten-foot wide easement was established from the alley off of the south side of Clear Creek Drive along the full length of the railroad property. This existing multi-use path easement ends on the western boundary of the subject site. Staff believes the applicant is required to provide bicycle facilities as part of the street improvement, and recommends that in lieu of installation of a bicycle lane in the street, the Planning Commission require a ten to 12-foot wide public pedestrian easement along the sites southern boundary for a future multi-use path. Also, there should be a path connecting the subdivision to the future multi-use path.

3. Natural Features and Open Space

The Outline Plan approval criteria require "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 maintenance of open space and common area is further addressed in the approval criteria which states "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 ration of amenities as proposed in the entire project."

The subject site includes Mountain Creek, the associated wetlands and trees. Mountain Creek is identified as a Riparian Land Drainage on the adopted Comprehensive Plan maps. The tree inventory included in the application identifies five trees in the development area of the site that are larger than six inches diameter at breast height and greater (dbh) including. The proposal is to retain the five trees over six inches dbh on site.

In Staff's opinion, the application has identified the natural features on the site, and has preserved the significant natural features in the open space for the subdivision. The development is required to provide five percent of the total site area in Open Space. The open space area at the western end of the property is approximately a third of an acre in size and 11.6 percent of the total site area.

Additionally, the open space area including Mountain Creek and the wetlands at

the west end of the site is consistent with the City of Ashland Open Space Plan and the draft Railroad Property Master Plan. The City of Ashland Open Space Program plan identifies the area along this section of Mountain Creek, from the railroad tracks to Williamson Way as an open space and future trail connection. The draft Railroad Property Master Plan also shows a park and trail in this area. Both plans show a corridor running along both sides of the creek corridor as open space with a trail parallel and west of the creek. In the location of this site, both plans identify an area approximately 150 feet wide with approximately 75 feet on each side of the creek, as open space. The proposed open space area at the west end of the site exceeds these dimensions as it is approximately 105 feet in width, and a third of an acre in size.

a) Impact of Storm Drain Changes

Currently, storm drainage from south of the site is collected at a point north of the railroad tracks, piped under the tracks and directed in an open ditch to the wetland/creek area. This is an old, existing condition that does not contain the necessary easements. Additionally, the situation is not created by the existing or proposed development on the site, but rather the site itself is impacted by the facilities and water flowing on the property and further on to properties to the north. The applicant is working with the Ashland Engineering Division to remedy the situation in conjunction with the development of the property. The option being evaluated at this time is rerouting the storm drainage into a pipe that would go into the public system in the street and away from the site, creek and wetlands. While there are numerous storm drainage control benefits to removing the water from the site, Staff believes the potential impact on the wetlands needs to be evaluated. Specifically, an assessment by the project biologist and engineer needs to be made evaluating the impact of rerouting the storm drainage on the wetlands, and whether the necessary soils, vegetation, etc. will continue to thrive without the water.

b) Side Yard Setback from Wetlands

The building envelope for the lot closest to the wetlands, Lot 11, shows the building footprint on the side (west) property line. The west property line of Lot 11 is shown at 17 feet from the closest point in the wetland. Since the envelopes are relatively small, Staff is assuming the actual building footprint may use up the entire building envelope.

Staff believes a western side yard setback should be provided on Lot 11 to create an additional buffer to the wetlands from the residence. Staff's concern is twofold. First, construction activities tend to take place well outside the actual building footprint which could impact the wetland area. Second, in the long run, the owner of Lot 11 will need space to maintain the side of the home. Staff believes the lot configuration may lend itself to Lot 11 using the open space as de facto yard area. This opens the door to more possible infringement on the wetland area. Finally, since the wetland is a draft

delineation, there is a possibility that the wetland boundaries may change. A condition has been added requiring the Final Plan document to include a minimum of six feet for the west side yard for Lot 11 to provide a greater setback from the eastern edge of the wetland to the footprint of the residence.

4. Base and Bonus Density Standards

The Outline Plan approval criteria require "That the proposed density meets the base and bonus density standards established under this Chapter."

The site has a base density of 11.565 units (2.57 acres x 4.5 units = 11.565). The proposal is to use the conservation density bonus to increase the number of units to 13 (11.565 x .15 conservation density bonus = 13.30). As a result, the proposal satisfies the density requirements of Chapter 18.88.

5. Other Applicable Ordinance Requirements

The Outline Plan approval criteria require "That the development meets all applicable ordinance requirements of the City of Ashland." The remaining issues that are addressed under this criterion are the setback and parking requirements.

Chapter 18.88 requires that one space is provided per unit on the street for guest parking. A total of 13 spaces will be available on the project frontage with 10 proposed spaces on the new street and three spaces on the site frontage on N. Mountain Ave. The proposal meets the on-street parking requirement.

The site plan delineates the proposed lot lines, building envelopes, setbacks and solar setbacks. There are a few adjustments that need to be made to the proposal to meet the setback requirements of Chapter 18.88.

a) Street Frontages

The proposal describes lots 12 and 13 as flag lots. However, the site plan does not show the required flag pole connection to the street. As a result, the lot lines for 12 and 13 must be redrawn to provide a physical connection to the street.

c) Solar Setback

Chapter 18.70 requires that newly created lots with slopes less than 15 percent to be configured so that the future homes will meet Solar Setback A. Solar Setback A is the most stringent standard which requires that new structures can not shade the property to the north more than a six foot fence would at the north property line. The application is requesting that a less demanding solar setback standard be applied to Lots 12 and 13. The solar setbacks for Lots 1 – 11 appear to be addressed in the application, but the final determination is made at the building permit submittal.

The application describes a “solar envelope” for Lots 12 and 13 which is delineated on the site plan. The proposed envelope would allow the shadowing of the garages, rear yards and residences on Lots 7 – 10. The request is based on the desire to locate the future homes away from the railroad right-of-way and tracks. Staff believes this is a reasonable request, but that approval of the solar envelope should be delayed until the Final Plan application so that more information be provide on the height of the shadow on the residences. Additionally, it appears the proposed solar envelope would allow shading of the back yards of Lots 8, 9 and 10. These rear yard areas are relatively small, and the only opportunity for private rear yard space for the lots. Staff recommends that the applicant explore the possibilities of shifting the garages and using partial solar envelopes to preserve the solar exposure to the rear yard areas. A condition has been added requiring further information on shadow height and rear yard areas to be submitted at the Final Plan with the exception for the solar envelope being processed at the Final Plan application.

B. Tree Removal Permit

Chapter 18.61 of the Ashland Land Use Ordinance (ALUO), Tree Preservation and Protection, requires a Tree Removal Permit for one tree adjacent to the site, a 40-inch dbh Walnut in the N. Mountain Ave. right-of-way near the southeast corner of the property. A Tree Removal Permit is required to remove trees which are 18 inches diameter at breast height and greater and located on lands under the control of the City of Ashland (i.e. street rights-of-way). The application states that the applicants are willing to retain the tree if it is deemed significant by the Tree Commission and Planning Commission. The Tree Commission had not reviewed the proposal at the time of writing.

The arborist report identifies the tree as in poor condition and describes the species as having a poor tolerance to construction. The application goes on further to say that the poor condition of the walnut tree is most likely due to continuous topping for overhead electric lines. The written findings identify the walnut tree as a future hazard tree due to is poor condition and proximity to the street and sidewalk.

Walnut trees are identified as prohibited street trees in the Recommended Street Tree Guide prepared by the Ashland Tree Commission. While the list is intended as a guide for the planting of new trees, it provides useful information in evaluating potential problems of existing species that are problematic in street and sidewalk areas. The guide states “The following species are normally prohibited for one or several of the following reasons: 1) their roots cuase injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets at intersections; 4) they create messy sidewalks and pavements.” The proposal is to mitigate the removal of the walnut tree with an appropriate tree from the Recommended Street Tree Guide.

1. Tree Protection Plan

The tree information included in the application is missing some of the items required in the Tree Protection Plan requirements of 18.61.200. In discussions with the applicant, Staff understands that this was due to the that the original application included the removal of the four trees to the south of Lots 1, 2 and 3. The applicant has indicated that they are working on revising the Tree Protection Plan to include the required information. Specifically, the trees within 15 feet of the site, the drip lines of each tree, the location of tree protection fencing and utility information is required on the Tree Protection Plan. Staff recommends that this information is provided and reviewed prior to the Planning Commission making a decision on the application.

III. Procedural - Required Burden of Proof

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

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

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

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

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

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

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

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

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

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

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

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

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

IV. Conclusions and Recommendations

Staff believes the applicant has taken an admirable approach by designing a development that balances project needs with long-range planning items. The proposal has several positive components that will benefit the residents of the development as well as the future railroad property neighborhood including the use of alleys to reduce potential conflict points on the future commercial collector street, a traditional streetscape by orienting the building façade to the street and car facilities at the back of the lots, an oversized open space that is consistent with the open space program and the draft Railroad Property Plan, and potentially providing the last link for a multi-use path

easement along the north side of the railroad tracks.

In Staff's opinion, the proposal is consistent with the approval criteria for a Performance Standards Options subdivision and Tree Removal Permit. However, Staff believes the Planning Commission needs more information on the utilities, bicycle facilities, lot configurations and tree protection plan before the Commission can make findings that the application meets the approval criteria for a Performance Standards Options Subdivisions. While all of the information can be provided and items can be resolved, the issues are significant enough that they should not be deferred through conditions to the Final Plan application. Staff recommends the application be continued so that the applicant can address the following items. The issues are discussed in the body of this report and summarized below.

- **Preliminary Utility Plan**

Staff believes the Planning Commission needs information about the size, location and capacity of existing utilities, and the location and size of proposed connections and extensions of public utilities to make a finding that adequate city facilities can be provided to the development.

- **Bicycle Facilities**

Staff believes the applicant is required to provide bicycle facilities as part of the street improvement, and recommends that in lieu of installation of a bicycle lane in the street, the Planning Commission require a ten to 12-foot wide public pedestrian easement along the sites southern boundary for a future multi-use path. Also, there should be a path connecting the subdivision and the new street to the future multi-use path.

- **Impact of Storm Drain Changes**

The applicant is working with the Ashland Engineering Division to redirect storm drainage that has historically been directed under the railroad tracks and across the subject property to Mountain Creek. The option being evaluated at this time is rerouting the storm drainage into a pipe that would go into the public system in the street and away from the site, creek and wetlands. While there are numerous storm drainage control benefits to removing the water from the site, Staff believes the potential impact on the wetlands needs to be evaluated. Specifically, if the total volume of water is rerouted and does not go into the wetland area, a determination as to whether the necessary soils, vegetation, etc. will continue to thrive without the water.

- **Street Frontages for Lots 12 and 13**

The proposal describes lots 12 and 13 as flag lots. However, the site plan does not show the required flag pole connection to the street. As a result, the lot lines for 12 and 13 must be redrawn to provide a physical connection to

the street.

○ **Tree Protection Plan**

The tree information included in the application is missing some of the items required in the Tree Protection Plan requirements of 18.61.200. In discussions with the applicant, Staff understands that this was due to the that the original application included the removal of the four trees to the south of Lots 1, 2 and 3. The applicant has indicated that they are working on revising the Tree Protection Plan to include the required information. Specifically, the trees within 15 feet of the site, the drip lines of each tree, the location of tree protection fencing and utility information is required on the Tree Protection Plan. Staff recommends that this information is provided and reviewed prior to the Planning Commission making a decision on the application.

Should the Planning Commission approve the application, Staff recommends approval of the application with the following conditions attached.

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That all easements for sewer, water, electric and streets shall be indicated on the final survey plat as required by the City of Ashland.
- 3) That a drainage way easement shall be indicated on the final survey plat for the width and length of the western open space area including Mountain Creek and the associated wetlands.
- 4) That the boundaries of the wetland and the western property line of Lot 11 shall be delineated on site, and inspected by the Ashland Planning Division prior to the Final Plan approval.
- 5) That the street right-of-way for the undeveloped western end of the street shall be dedicated as public right-of-way and if determined necessary by Ashland Engineering Division, a street plug shall be established at the western boundary of the street right-of-way.
- 6) That a public pedestrian and bicycle easement, a minimum of ten feet in width, shall be indicated on the final survey plat for future development as a multi-use path parallel to the railroad right-of-way and along the length of the southern boundary of the site, connecting the western site boundary to N. Mountain Ave. In addition, a public pedestrian and bicycle easement shall be provided linking the subject development to the future multi-use path.
- 7) That engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted with the Final Plan application. The utility plan shall include the location of connections to all public

facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.

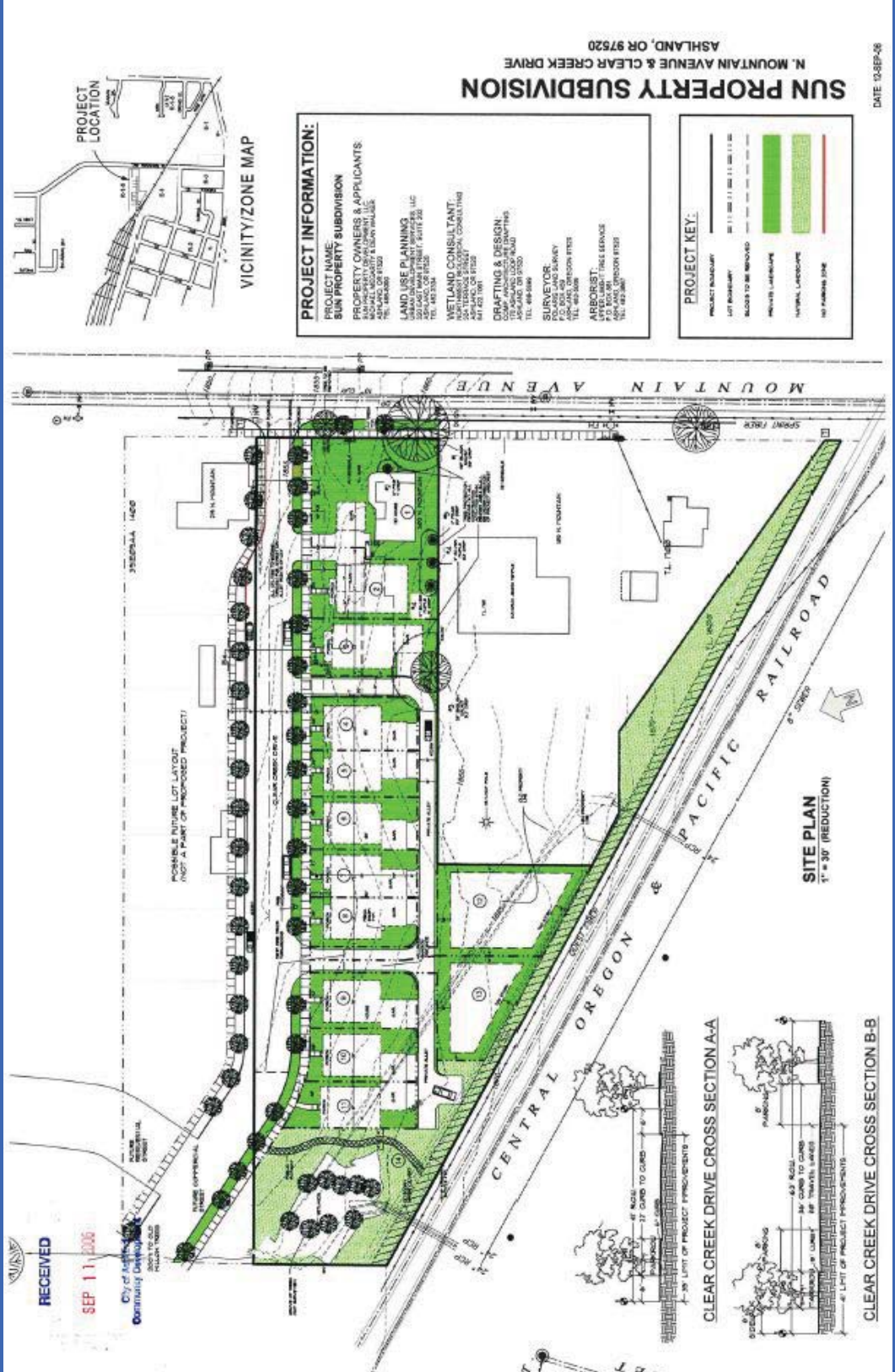
- 8) That the Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan application.
- 9) That the Tree Protection Plan shall be revised to be coordinated with the final utility plan, and shall be submitted with the Final Plan application.
- 10) That if the storm drainage plan includes on-site storm water detention systems and/or off-site storm drain system improvements, the engineering shall be submitted with the Final Plan application. The permanent maintenance of on-site storm water detention systems must be addressed through the obligations of the Homeowners' Association and approved by the Public Works Department and Building Division.
- 11) That the Final Plan application shall include an analysis by the project biologist and engineer on the impact of rerouting storm drainage away from the wetland into the public system.
- 12) That a grading plan addressing general areas of cut and fill shall be submitted with the Final Plan application.
- 13) That the required pedestrian-scaled streetlight shall consist of the City of Ashland's residential streetlight standard, and shall be included in the utility plan and engineered construction drawings for the street improvements.
- 14) The engineering for proposed street improvements shall be provided at Final Plan application. The engineering drawings shall address the treatment of the northern edge of the street and direction of storm drainage, and address the necessary curb radius and travel lane width for truck traffic use.
- 15) That the Final Plan application shall delineate vision clearance areas at the intersections of streets and alleys throughout the project in accordance with 18.92.070.D. Structures, signs and vegetation in excess of two and one-half feet in height shall be placed in the vision clearance areas.
- 16) Subdivision infrastructure improvements, including but not limited to utilities, public streets, street trees and irrigation and open space landscaping and irrigation shall be installed or an irrevocable letter of credit posted for the full cost of construction prior to signature of the final survey plat. If an irrevocable letter of credit is posted for common area and open space improvements, the Final Plan application shall

include a phasing plan for the common area and open space improvements including but not limited to landscaping, irrigation and pathway improvements. The project landscape architect shall inspect the common area and open space improvements for conformance with the approved plan, and shall submit a final report on the inspection and items addressed to the Ashland Planning Division. The phasing plan shall include a schedule for a final inspection including the project landscape architect with the Ashland Planning Division of the common areas and open spaces prior to issuance of the ninth building permit.

- 17) That the street name shall be reviewed and approved by Ashland Engineering for compliance with the City's resolution for street naming.
- 18) That the final wetland determination/delineation report shall be prepared and submitted with the Final Plan application, and the necessary state and federal permits received prior to the Final Plan application. If the final wetland determination/delineation report submitted for state and federal review differs significantly from the preliminary determination (i.e. larger area or numerous wetland areas), the Outline Plan shall be modified prior to an application for Final Plan approval.
- 19) That the recommendations of the Ashland Tree Commission, with final approval by the Staff Advisor, shall be incorporated into the Tree Protection and Removal Plan.
- 20) That one tree shall be planted in the parkrow in the N. Mountain Ave. right-of-way in accordance with 18.61.084 as mitigation for the removal of the 40-inch walnut. The landscaping plan provided at the time of the Final Plan application shall include and identify the mitigation trees.
- 21) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the walnut tree and prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the tree to be removed and the installation of the tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
- 22) That a size and species specific landscaping plan for the parkrows and open spaces shall be provided at the time of the Final Plan application. The western open space shall include a north-south path connecting the future multi-use path parallel to the railroad right-of-way and the new street and improved with asphalt, concrete or a comparable all weather surface.
- 23) That street trees, located one per 30 feet of street frontage, shall be installed in the parkrow along street frontages as part of the subdivision infrastructure

improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.

- 24) Fence heights within side and rear yard areas adjoining the open space shall not exceed four feet. Stipulations with regards to fencing shall be described in the project CC&R's.
- 25) That a draft copy of the CC&R's for the Homeowners Association is provided at the time of Final Plan application. CC&R's shall describe responsibility for the maintenance of all common area and open space improvements, parkrows and street trees. CC&R's shall note that any deviation from the Tree Protection Plan must receive written approval from the City of Ashland Planning Department.
- 26) That the Final Plan application shall demonstrate compliance with a maximum lot coverage of 50 percent by either using a total site area calculation or including lot coverage calculations in square footage and percentage for each lot.
- 27) That the Final Plan application shall include a minimum of six feet for the west side yard for Lot 11.
- 28) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D. The structures on Lots 2, 3 5, 6, 7, 9 and 10 shall be limited to a maximum of 18 feet in height for the purposes of distance between buildings in accordance with 18.88.070.D as stipulated the application, and Lots 10 and 11 shall be limited to a maximum of 16 feet for the purposes of distance between buildings.
- 29) That for Lot 12 and 13, the Final Plan application shall include detail on the proposed shadow height on the residences to the north, and shall preserve as much un-shadowed rear yard space in the lots to the north as possible. The solar envelope as included in the Outline Plan is not approved, and the Final Plan application shall include a application for a variance to the Solar Setback Standard in accordance with 18.70.060 for Lot 12 and 13.
- 30) That all new structures on Lots 1 – 11 shall meet Solar Setback A in accordance with Chapter 18.70 of the Ashland Land Use Ordinance. Solar setback calculations shall be submitted with each building permit and include the required setback with the formula calculations and an elevation or cross-section clearly identifying the height of the solar producing point from natural grade.
- 31) Individual lot coverage calculations including all impervious surfaces shall be submitted with the building permits. Impervious driveway and parking areas shall be counted as pervious surfaces for the purpose of lot coverage calculations.



Site Plan (Revised)

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 25, 2010

RECEIVED

APR 26 2010

City County Planning Office
Lawrence, Kansas

Mr. Greg Moore, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM 6; DENSITY BONUS FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS

Dear Chairman Moore and Planning Commissioners:

Comments on calculating bonus densities

As you know, we have sent several letters on the issue of the text amendment to Section 20-1101(d). Regarding the staff suggestions to providing a bonus for voluntarily preserving additional sensitive land in residential districts beyond that required, we have one primary objection: the multiple family residential districts are proposed to be treated in the same manner as are the single family residential districts. We believe that a different standard should be used in multiple family districts.

Our reason is that conventional multiple family districts are currently based on "large lot development." This type of development is almost identical to that intended for the Planned Development Overlay District and the Planned Development Districts, in that the design of each development is based on placement of multiple residential buildings on a single lot and site planning rather than on the yard, lot, block, and street system that normally separates buildings and provides access to individual residential buildings in conventional districts as required by the Lawrence Land Development Code. The Land Development Code has no standards for placement of many residential buildings on an individual lot other than those applicable to the Planned Development Overlay District. For example, the only standard for distances between buildings on the same lot in conventional multiple family districts is the fire code of 3 feet (according to one developer).

In multiple family conventional districts the actual requirement that may or may not separate buildings and requires access are the parking requirements, which apply to individual buildings and number of dwellings in each building. Parking lot access is to driveways, not streets. Individual buildings on a large lot multiple family development, as currently interpreted, do not require yards or any space between buildings (other than that of the fire code), but rather, yards are required only at the periphery of the lot. Therefore, the larger the lot, the greater is the allowable density up to the theoretical gross density of the tract. Private driveways are substitutes for public streets and don't count as subtracting from the theoretically allowable base density.

Our point is that because of the manner in which multiple family developments are currently being built, the net density and thus base density of a multiple family development can approach the maximum gross density possible for its district. Therefore, the conventional multiple family districts can't really benefit to the same extent as a single family district by allowing an increase in density as a bonus, at least not in the same proportion as a single family development. Increasing the density caps doesn't remove the disparity or inequity.

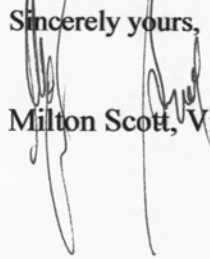
We suggest that these two types of development be treated differently. We suggest that the base density for multiple family districts be calculated on the basis of what it would be if each residential building had its own lot and yard and fronted on a dedicated public street, and that the bonus density then be calculated on that basis.


Continued issues on preserving sensitive land

We also refer you to our previous letters regarding the preservation of sensitive lands. We continue to ask that you include features not included in the current version of this Section 20-1101(d) as features required for preservation: steep slopes, prairies and potential but not currently registered historical and archeological sites. We also ask that you adopt a method to prevent grading and land disturbance by developers prior to applications for approval. One method would be requirement of a development permit similar to that in floodplain areas.

We hope that you will seriously consider these issues. Thank you.

Sincerely yours,


Milton Scott, Vice-president


Alan Black, Chairman
Land Use Committee

Date: April 26, 2010

To: Chairman Finkeldei, Commissioners Blaser, Moore, Harris, Carter, Hird, Dominquez, Chaney, Rasmussen and Singleton and Amy Brown, City Planner.

Re: TA 12-07-07: Amendments for Section 20-1101 of the Development Code, which will be replaced by Section 20-1109 and the Horizon 2020 Environment- April 2010 draft.

Good morning,

In the Chapter Utilization section on Page 16-3 of the Horizon 2020 Environment - April 2010 draft, it states that "Code regulations shall be developed to achieve the policies discussed in this chapter." Given this goal and the statements in this document that support the value of preserving steep slopes, wetlands, woodlands, prairies, floodplains, drainage ways, riparian corridors and other natural features in the interest of maintaining wildlife habitat, and water quality and quantity in our watersheds, I would request the Commission to maintain or restore language specifically listing all these features to Text Amendment 12-07-07 on Environmentally Sensitive Areas. Would it not be more efficient to produce a code on this go round that follows our master plan, rather than having to revisit it in a few years to agree with the H-2020 goals and policies which do include all these features?

►Specifically on the issue of steep slopes, at a previous meeting I attended, planners stated that good construction practices were mandated and monitored so that there was minimal erosion from construction sites. I hope that is truly enforced by staff inspections rather than depending on citizen complaints. Nevertheless, on page 16-12, the H-2020 document states under Topography:

Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features stormwater runoff and habitats.

Thus it is not just run-off during construction that is an issue. Development on steep slopes is basically damaging to the proper functioning of the watershed. Many jurisdictions prohibit altering the grade on slopes steeper than 15%. We should follow suit and protect our water by placing restrictions on development of steep slopes and not just rely on best management practices that may or not be effectively applied during construction.

►Please do restore native prairies to the list of features to be protected and included in the TA 12-07-07 incentive program as the new draft language proposes. The H-2020 draft states on 16-12 that native prairies have an intrinsic value as an endangered ecosystem. However, the draft fails to make the point that prairies have an enormous capacity to absorb rainfall and storm runoff. The deep soil and copious root systems absorb virtually all the water that falls on them and sediment is not lost. Thus they play a valuable role in controlling sedimentation and aiding groundwater recharge. This point should be added to the H-2020 draft.

►Wetlands of all sizes also serve to trap sediment and pollutants and prevent them from moving into the streams and rivers of the watershed. Please consider adding wetlands to the features eligible for density bonus incentives.

Overall the H-2020 Environment draft takes a positive, proactive stance on watershed issues and should help refocus community planning to take into account watershed level concerns. Also the emphasis on maintaining connections between areas of natural habitat is excellent and policy needs to be developed to make this reality. Also I second Tom Huntzinger's comments and suggestions for inclusions and am glad to see that closer relationships between the community and WRAPS groups are promoted in the draft language.

Please take this opportunity before you approve TA 12-07-07 to bring it into agreement with the Horizon 2020 goals and policies on preserving environmental features important for water quality and wildlife habitat.

Sincerely,
Susan Iversen
1305 Engel Road, Lawrence, KS 66044
Member, Stakeholder Leadership Team, Lower Kansas WRAPS