
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

ASHLAND PLANNING DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET August 21, 2019

SITE: 318 B St.
APPLICANT: The Story
REQUEST: Conditional Use Permit for block party events.

PLANNING STAFF COMMENTS:

This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.

Summary/Staff Concerns: Planning staff are concerned that demonstrating that the impact of the proposed events will be able to meet the criteria for a Conditional Use Permit (CUP). A CUP requires that the proposed activity have no greater impact on the area than the 'target use of the property,' which is a single family home and ARU. Ultimately, this decision will be based on the strength of the application and potential mitigation measures proposed. The frequency and duration of the proposed events will affect the overall impact on the neighborhood. Staff suggests that potentially proposing a pilot program for a year would be appropriate to gauge the actual impact on the neighborhood.

Additional details will be needed to process the formal application. Details addressing the approval criteria for a Conditional Use Permit are necessary, as well as information about the proposed amplified sound (if any). Approval from the Fire Department is necessary; this will likely require submitting information about the cooking facilities on the food trucks. Questions regarding this part of the process should be directed to Ralph Sartain. His contact information is listed below in the Other Dept. Comments section.

Conditional Use Permit: As a temporary use, the proposal would be subject to Conditional Use Permit review. This review is intended to consider the application in terms of its adverse material impacts when weighed against development to the target use of the zoning district. The subject properties target use would allow a single family residence and an ARU. This is based on the properties zoning and lot size. Considerations to assess whether the use is creating a greater adverse impact can include a broad range of considerations from traffic, parking demand, impacts on nearby neighbors and businesses, generation of odors, noise, light or glare. As such, demonstrating the proposed use will not have a greater impact than the target use at maximum development potential appears challenging.

Site Planning: For staff, key issues will be in planning the use of the site to maintain adequate amount of parking for the higher intensity use and providing adequate access to refuse and recycle facilities.

Traffic and Parking impact: The proposed events will occupy the parking lot that serves 'The Story' as such the burden of proof will need to explain how the lack of parking will not create additional neighborhood impact. Parking studies, conducted by the City of Ashland, have demonstrated that parking along 2nd and B are often parked in excess of 85% capacity during the weekend afternoons and evenings. An off-site parking agreement with other nearby parking facilities could potentially mitigate this challenge.

Noise: Amplified sound is typically prohibited under AMC 9.08.170 except under permit issued by the City Administrator. However, noise permits are not necessary if an existing permit for an event or public gathering has been issued by the City. As such, this Conditional Use Permit will also act as a noise permit; approval of the application will likely be conditioned to ensure that unreasonable noise and disturbance does not affect surrounding properties. Any formal complaints received may require the cessation of amplified outdoor musical performances. Providing additional details about the proposed volume / decibels, length and time of performances will be beneficial when reviewing your application for completeness. The proposed property for the event is surrounded by residences. Constructing your proposal with this proximity in mind is important.

Written Findings/Burden of Proof: Applicants should be aware that written findings addressing applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required (*scalable*) plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

CONDITIONAL USE PERMIT APPROVAL CRITERIA (AMC 18.5.4.050)

Conditional Use Permits are discretionary approvals. Applications must include written responses fully addressing each of the following criteria:

- That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
- That the conditional use *will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone*, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a) Similarity in scale, bulk, and coverage.
 - b) Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c) Architectural compatibility with the impact area.
 - d) Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e) Generation of noise, light, and glare.
 - f) The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g) Other factors found to be relevant by the approval authority for review of the proposed use.
- A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
- For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows:
 - c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

The application will need to weigh the adverse material impacts of the proposed short-term events against the target multi-family residential use and demonstrate that the proposal would have no greater adverse impacts on the neighborhood than the residential use. Traffic, parking, noise, light and glare are commonly considered adverse material impacts.

Target use of the zone: The property is 0.16 acres in the R-2 zone which would allow for a single dwelling unit & ARU. The major considerations include parking demand, and traffic generation.

Neighborhood Outreach: Projects involving changes to established patterns can be a concern for neighbors; staff always recommend that applicants approach the affected neighbors, make them aware of the proposal, and try to address any concerns as early in the process as possible. Public notices are typically sent to neighbors within a 200-foot radius of the property, posted on the site, and in the newspaper.

PROCEDURE

Site design review for two or more units is subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available online in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Conditional Use Permit (Approval Criteria) 18.5.4.050**

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Site Design Review: AMC 18.5.2.040**

PLANNING APPLICATION FEES:

- **Conditional Use Permit** **\$1092**

NOTE: Applications are accepted on a first come-first served basis. All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. 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. Applications are reviewed for completeness in accordance with ORS 227.178.

For further information, please contact:

Aaron Anderson, *Assistant Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

August 21, 2019

Date

OTHER DEPARTMENTS' COMMENTS

BUILDING: None. Please contact the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us . For information on any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: See comments below. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: I can't approve this pre application without further information. I do not have issues with them wanting to use the property, but they will need to submit an application with enough information to make an informed decision on the property. They will need to submit a map with designs they plan on using as to where they want to park food trucks, where they want to place a beer garden, where fencing they mentioned will be installed, where tents might be positioned. They will need dimensions with setbacks, if they plan on using open flames etc. Please contact the applicant and have them submit with more information.

Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: If the project requires additional water services or upgrades to existing services the Ashland Water Department will excavate and install in the city right of way all water services up to and including the meter on domestic and commercial water lines. If a fire line is required, the water department will also only install a stub out to the location where the double detector check assembly complete with a Badger brand cubic foot bypass meter should be placed in a vault external to the building. The vault and the DCDA device housed in it are the responsibility of the property owner and should be placed at the property line. Fees for these installations are paid to the water department and are based on a time and materials quote to the developer or contractor. Meter sizes and fire line diameters will need to be provided to the Water Department at the time of a quote being requested. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) with any questions regarding water utilities.

ELECTRIC SERVICE: Likely going to need to relocate electric service around building envelope on lot to the North. "If existing service needs to be upgraded or existing underground service is not large enough, excavation and conduit may be required from transformer." Please contact Dave Tygerson in the Electric Department for service requirements and connect fee information at (541) 552-2389 or via e-mail to tygersod@ashland.or.us. Dave will arrange an on-site meeting, and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan.

Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.