
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 8, 2018

SITE: 130 Bush St
APPLICANT: Rogue Planning/David Kelly
& Terri McMahan
REQUEST: Site Design Review for an
accessory residential unit

PLANNING DIVISION COMMENTS

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary: The proposal requires a Site Design Review for the conversion and expansion of an existing 298 square foot garage into an Accessory Residential Unit (ARU). The existing structure does not meet current zone setbacks but appears legal non-conforming.

The primary issues are meeting the required parking spaces and meeting the criteria for a Conditional Use Permit. It appears if the addition were pushed forward slightly that a Conditional Use Permit would not be required.

ACCESSORY RESIDENTIAL UNIT

The application must address the following criteria and standards from Ashland Municipal Code (AMC) 18.5.2.050 for a Site Design Review approval for residential development.

A. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-arounds, and driveways are exempt from the paving requirements in subsection

18.4.3.080.E.1.

- **Vehicle Parking:** The ARU (less than 800 sq. ft.) will require one parking space and the existing home requires two parking spaces, so the total parking spaces required on the site will be three. An on-street parking credit requires 22 feet of uninterrupted curb.
- **Bicycle Parking:** Two sheltered bicycle parking spaces will need to be provided.

SITE DESIGN REVIEW

The application must address the following criteria and standards from Ashland Municipal Code (AMC) 18.5.2.050 for a Site Design Review approval for residential development.

- A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- It appears the proposed addition will be 8 ½ feet from the rear lot line. As suggested in the pre-application, the applicant will need to apply for a Conditional Use Permit for the setback.
 - There is no minimum separation required in a residential zone.
- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3). See historic
- The property is located in a historic district and will be reviewed by the Historic Commission. The site, per the application, is non-contributing. The historic commission did not have any issues with the site plan but elevations of the proposed addition and garage will need to be included with the final application.
- C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- **Parking:** As noted above, three spots are required. It is unclear as to whether a variance would be required for the additional parking spot.
 - **Tree Preservation/Protection:** All planning actions are required to include a tree preservation/protection plan to ensure that trees are protected during site disturbance (including demolition, construction, driveway/parking installation, staging of materials, etc).
 - **Outdoor Lighting:** The application is required to meet the Outdoor Lighting standards in AMC 18.4.4.040, including but not limited to not directly illuminating adjacent residential properties.
- D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public

Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

- **Systems Development Charges:** A building permit to add the ARU and any applicable fees and charges - including System Development Charges for a new unit - paid, prior to occupancy of the new unit.
- **Separate Electric Meter:** Required for every ARU.

E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

CONDITIONAL USE PERMIT FOR NON-CONFORMING SETBACK

The application must address the following approval criteria from AMC 18.5.4.050.A for a Conditional Use Permit.

18.5.4.050 Conditional Use Permit Approval Criteria

1. 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.
2. 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.
3. 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.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
 5. 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.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

OTHER ORDINANCE REQUIREMENTS

No comments.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: No comments at this time. 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: No comments at this time. 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: See comments at the end of this document. 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: See comments at the end of this document. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.”

ELECTRIC SERVICE: No comments at this time. Please contact Dave Tygerson in the Electric Department for service requirements and fee information. An accessory residential unit will require its own separate electrical service. Dave can be reached at 541-552-2389 or via e-mail to tygersod@ashland.or.us .

PROCEDURE

Site Design Review for Accessory Residential Units are 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 on-line in its entirety at <http://www.ashland.or.us>. *(There’s a green Municipal Code quick link button near the bottom of the page on the right.)*

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:

- **Site Design Review** **AMC 18.5.2.050**

- **Accessory Residential Units** **AMC 18.2.3.040**

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**
- **Tree Protection Plan (if applicable):** **AMC 18.4.5.030**
- **Tree Removal (if applicable):** **AMC 18.5.7.030**

<u>FEES</u>	ARU Site Design Review (Type I):	\$ 696
	Total Application Fee	\$ 696

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. 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:

Nathan Emerson, Assistant Planner Date: August 8, 2018
 City of Ashland, Department of Community Development
 Phone: 541-552-2052 or e-mail: nathan.emerson@ashland.or.us