
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**
March 11, 2020

SITE: 80 Wimer Street
APPLICANT: Petersen (Smith Engineering)
REQUEST: Site Design Review/ARU
Conditional Use Permit/MPFA

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 planning application and approval for Site Design Review for an Accessory Residential Unit (ARU) in addition to a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA).

ARU SPECIAL USE STANDARDS

B. 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.
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 requirements in subsections [18.4.3.080.D.1](#) and [18.4.3.080.D.2](#) and paving requirements in subsection [18.4.3.080.E.1](#).

SITE DESIGN REVIEW APPROVAL CRITERIA

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

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions,

density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1, 2, or 3, below, are found to exist.
 - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty;
 - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.
 - 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of 18.2.3.090.

Street Improvements: In lieu of installing city standards street frontage improvements with the application, prior to the issuance of a building permit, the applicant would need to sign an agreement to participate in any future local improvement district for the improvement of Wimer Street as required in AMC 18.4.6.030.B. (unless such an agreement was previously provided).

Vehicle Parking: Motor vehicle parking provided would need to satisfy the Vehicle Area Design standards in AMC 18.4.3.080 including:

- One space for the ARU, and two for the single family home.
- Parking standards are 9’x18’ for a standard space, and 8’x16’ for a compact space. One compact could be allowed.
- Parking spaces are required to have a minimum of 22 feet of backup area.
- One sheltered bicycle space meeting the requirements of AMC 18.4.3.070 is required for the

ARU. Bicycle parking should be clearly identified on the application submittals, and could be addressed with the garage provided that the ARU tenant will have access to this space.

SITE DEVELOPMENT AND DESIGN STANDARDS

Where not exempted from Site Design Review in 18.2.3.040.A, only the following Site Development and Design Standards in Chapter 18.4.2 apply to accessory residential units: If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply.

- C. Building Orientation.** Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section [18.4.8.050](#).
1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
 2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.
 3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.
- D. Garages.** The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.
1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
 2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.
- E. Building Materials.** Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

Tree Preservation/Protection: A tree protection plan is required with the application to ensure that

trees are protected during site disturbance (including demolition, construction, driveway/parking installation, staging of materials, etc. This plan is required to address all trees on the property over six-inches in diameter at breast height (d.b.h.) and all trees that are located on adjacent properties within 15 feet of the property line as well, including any existing street trees.

Solar Setback: The application materials need to demonstrate compliance with the solar setback standard in AMC 18.4.8.020.

Utility Connections: A utility service plan is required with the Planning application, and needs to show locations of existing services and proposed utilities. Any transformers or cabinets shall be placed in locations that are the least visible from the public right-of-way. the utility line and meter locations needs to be coordinated with the tree protection plan to identify any potential impacts to trees that are six-inches dbh or greater.

Electric Meter: The city requires a separate electric unit for each residential unit. Electric meters/boxes should be placed in locations that are least visible form the street right-of-way. *See Electric Comments below.*

Drainage Plan: A drainage plan to deal with roof/ footing drains and surface drainage will need to be submitted for the review and approval of the Building and Public Works/Engineering Departments. The Ashland Building Division policy BD-PP-0029 requires that storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative.

System Development Charges (SDC's): The payment of systems development charges (Water, Sewer, Storm Water, Parks, Transportation) is required at the time of issuance of a building permit. Front counter staff can provide an estimate of the likely permit fees and SDC charges for the project.

Conditional Use Permit to Exceed Maximum Permitted Floor Area: Within the historic districts, properties have a “Maximum Permitted Floor Area” or MPFA based on lot size and number of units. Properties may exceed this outright permitted MPFA by 25 percent with the approval of a Conditional Use Permit. The subject property has previously received two Conditional Use Permit approvals to exceed the MPFA, most recently to allow up to a 22 percent overage. *(If the breezeway connecting the home and garage were six feet in width, the garage/ARU could be considered as exempt from inclusion in the MPFA calculations.)*

Staff's calculations differ slightly from the applicant's - the lot area is 9,695.25 square feet (69.5 x 139.50 = 9695.25). This equates to an outright permitted MPFA of 2,831 square feet (9,695.25 x 0.73 adj. factor x 0.40 FAR = 2,831.01) and would allow up to 3,538 square feet with a Conditional Use Permit (2,831.013 x 1.25 = 3,538.77) The proposed 3,406 square feet would be within the overage allowed with a Conditional Use Permit. **The application would need to respond to the Conditional Use Permit criteria in AMC 18.5.4.050.A and also address the Historic District Design Standards in AMC 18.4.2.050.**

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.

Submittal Requirements: The application will need to include clear, scalable site plans with existing and proposed buildings and their distance to property lines and scalable elevation drawings showing the exterior details of the existing and proposed buildings, with window, door, trim, color and material details.

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

Written Findings/Burden of Proof: 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. Applicants should be aware that written findings addressing the ordinance and 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 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.

OTHER ORDINANCE REQUIREMENTS: See AMC Table 18.2.5.030.A. – Standards for Urban Residential Zones. The subject property is zoned R-1-7.5, a single family residential zoning with a 7,500 square foot minimum lot size.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: *“Fire separation requirements will need to be met for both the existing residence and the proposed ARU. The proposed ARU will also need to address any fire separation requirements from property lines as well. The change of use will need to comply with current codes. Please review sections R302.1; Table R302.1 and R302.3 of the 2017 Oregon Residential Specialty Code for fire separation requirements. There may be additional comments as more information comes in.”* Please contact Building Official Steven Matiaco in 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: *“Any construction or closure within the public right of way will require a Public Works permit, separate from land use or building permits, and MUST be obtained before any work in the right of way commences.”* 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 attached comments. 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 e-mail walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC SERVICE: 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.

HISTORIC COMMISSION: *“The design will be hardly visible from the street and will look appropriate with the existing single family residence. No concerns at this time.”* Should the applicant wish to discuss the final design with the Historic Commission’s weekly Review Board – an informal, two- to three-person subcommittee of the full Commission - appointments can be made through the Planning front office at (541) 488-5305. Appointments begin at 3:15 p.m., and provide an opportunity for design feedback outside of the more formal commission setting.

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 on-line 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:

- | | |
|---|------------------------------------|
| ○ Accessory Residential Unit: | AMC 18.2.3.040 |
| ○ Site Development and Design Standards: | AMC 18.4.2.030 C, D & E |
| ○ Historic District Development Standards: | AMC 18.4.5.050 |
| ○ Site Design Review | AMC 18.5.2.050 |
| ○ Conditional Use Permit | AMC 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**
- **Conditional Use Permit:** **AMC 18.5.4.040**
- **Tree Protection Plan:** **AMC 18.4.5.030**

PLANNING APPLICATION FEES:

Site Design Review/ARU	\$ 710
Exceptions	\$ 0
Conditional Use Permit/MPFA	\$1,092

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:

Derek Severson, *Senior Planner*
 City of Ashland, Department of Community Development
 Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us

March 11, 2020

 Date

Ashland Fire & Rescue (AF&R)
Pre Application Comments

Date: 03-02-2020
Project Address: 80 Wimer St
Permit Number: PreApp-2020-00181
Project Description: ARU

AF&R Contact: Ralph Sartain
541-552-2229
ralph.sartain@ashland.or.us

Fire department comments are based upon the 2014 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

- **Addressing** - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background, and shall be plainly visible and legible from the street fronting the property. Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. **OFC 505**
- **Fire Apparatus Access Approach** - The angle of approach at the point where the public road transitions to the private fire apparatus access road must meet the City of Ashland Engineering Department specifications. **OFC 503.2.8**
- **Fire Apparatus Access** - Single Residential Lot-If the furthest point on the structure is greater than 150' from the street, the entire length of the private drive or street must meet fire apparatus access. Fire apparatus access shall be 15 feet clear width, with the center 12 feet being constructed of an all-weather driving surface. Fire apparatus access must support 60,000 pounds, no parking, have a maximum slope of 15 percent, and have vertical clearance of 13' 6". With the installation of fire sprinklers, 200' of the driveway is allowed to have an 18 percent slope. Inside turning radius is at least 20 feet and outside turning radius is at least 40 feet and must be indicated on site plans submitted for building permits. Fire apparatus access is required to be signed as "No Parking-Fire Lane". Final plat needs to indicate that the private drive is fire apparatus access and must state that it cannot be modified without approval of Ashland Fire & Rescue.
- **Aerial Ladder Access** – Structures exceeding 24 feet in height above the lowest level of fire apparatus access are required to provide access roads capable of accommodating fire department aerial apparatus. These access roads are required to be 26 feet in width in the immediate vicinity of the building. **OFC Appendix D 105 as amended by AMC 15.28.070 K & L.**
- **Firefighter Access Pathway** – An approved footpath around the structure is required so that all exterior portions of the structure can be reached with the fire hose. Any changes in elevation greater than two feet in height (such as retaining

walls) require stairs. The stairs shall be an all-weather surface, and meet the requirements as specified in the Oregon Structural Specialty Code. **OFC 503.1.1**

- **Fire Hydrant Distance to Structures** - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance shall not exceed 300 feet. Hydrant distance can be increased to 600 feet if approved fire sprinkler systems are installed.
- **Fire Hydrants Clearance** - Hydrants must have 3 feet of clearance extending from the center nut of the hydrant all the way around. Fences, landscaping and other items may not obstruct the hydrant from clear view. Hydrants must be shown on site plan when submitting for building permits.
- **Fire Sprinkler System** – The installation of a fire sprinkler system may be an acceptable means to mitigate deficiencies related to other fire requirements such as fire flow, hose reach, fire lane width, fire apparatus turn-around, distance to fire hydrants, and fire department work areas. **OFC 503.1.1**
- **Gates and Fences** – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.
- **Wildfire Hazard Areas** – On lands designated in the Wildfire Lands Overlay, a “Fuel Break” as defined in **Ashland Municipal Code, section 18.3.10.100** is required.
- **Wildfire Hazard Areas** - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. **AMC 18.3.10.100**
- **Vegetation** – existing and intentionally planted vegetation is required to meet **AMC 18.3.10.100B(2) General Fuel Modification Area Standards**. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. www.ashlandfirewise.org . Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.
- **Fire Season** – If work will be completed during fire season, check fire season fire prevention requirements found at www.ashland.or.us/fireseason .
- **Accessory Residential Units in Wildfire Hazard Areas** - Accessory Residential Units on land zoned RR in the Wildfire Hazard Areas are required to install a residential fire sprinkler system.

Final determination of fire hydrant distance, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review. Changes from plans submitted with this application can result in further requirements. Any future construction must meet fire code requirements in effect at that time. The fire department contact for this project is Fire Marshal Ralph Sartain. He may be contacted at (541) 552-2229 or ralph.sartain@ashland.or.us .