
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** July 19, 2017

SITE: 78 & 84 Fourth Street
APPLICANT: Amy Gunter, Rogue Planning
REQUEST: Modification of a Conditional Use Permit and Variance to Parking.

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 modification of a previously approved Conditional Use Permit (CUP) and a Variance to on-site parking requirements to eliminate parking for use by the occupants of 84 Fourth Street that is located on 78 Fourth Street. According to City records, the property at 84 Fourth Street was originally developed as a church (Adventist Church) in 1910, and has continually been used for a variety of religious and office uses. In 1994 the property received Conditional Use Permit approval (PA#1994-020) to utilize the building as an office space. At that time the Planning Commission found that given the extensive history of uses at the site, and the extensive interior remodeling, that a strict comparison to the “target use” of the property (a single family home) was a difficult burden of proof, and determined that the proposed use would be compatible with the surrounding neighborhood and would have a lesser impact than the previous use of the property as a private school. Similarly, the current proposal for a modification of the previous conditional use permit should address both a comparison with the target use, as well as a comparison with the prior approved CUP in addressing the criteria outlined below.

CONDITIONAL USE PERMIT (MODIFICATION OF PRIOR APPROVAL)

The application must address the following criteria from Ashland Municipal Code (AMC) 18.5.4.050.A for a Conditional Use Permit to expand a hotel.

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.
 - 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.

VARIANCE REQUIREMENTS

Variations are a discretionary decision on the part of the Staff Advisor or Planning Commission, and are generally fairly difficult to justify. Any decision will ultimately depend on the details of the final proposal.

The approval of a Variance requires the applicant to demonstrate that:

- *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances.*
- *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
- *The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
- *The need for the variance is not self-imposed by the applicant or property owner.*

Parking

The existing Conditional Use Permit and parking variance granted in 1995 (PA96-026) allowing the existing non-residential building to be used as offices at 84 Fourth Street provided 6 parking spaces at the rear of 78 Fourth Street for use by both properties. The planning file contains a copy of a Lease in which the property at 78 Fourth Street granted the property at 84 Fourth the use of the eastern (rear) 60' of the property for the full 50' width to be used as designated off street parking for employees and other agents of the Lessee so long as off street parking is required by the City of Ashland. In conducting a site visit as

part of this pre-application review it appears that these spaces have not been maintained as six available parking space for use by the occupants 84 Fourth St. due to the storage of firewood, other materials, and a small outbuilding within the designated parking space area. Currently the 4,250 square foot non-residential building at 84 requires a minimum of 9 parking spaces (1 per 500sq.ft. to meet the parking standard). Although the pre-application indicates that only 3,760 sq.ft. of the building is used as offices, the hallways, bathrooms, and common areas are considered office floor area, and can not be excluded from the minimum parking standard by use.

The pre-application indicates the applicant is requesting to eliminate the required parking as identified in Condition #5 of the prior CUP (94-020) and obtain a variance to reduce the parking to only the on-street parking available. This parking condition of approval stated:

“That four of the six parking spaces to be paved and striped and two graveled. Parking plan (drawn to scale) to be submitted to the Planning Department for Review and approval by the Staff Advisor prior to commencement of the office use. Plan to designate mature trees along the perimeter of the parking area to be retained.”

The granting of a variance to remove the six available off-street parking, of the required nine spaces, exceeds the 50% of the total required spaces, as such an application for such a variance will be presented to the Planning Commission for their consideration.

In order for the Planning Commission to consider the request to grant a variance to the minimum number of off-street parking spaces the applicant will need to provide a Parking Demand Analysis consistent with chapter 18.4.3.030 (General Automobile Parking Requirements and Exceptions). Specifically the applicant will need to provide adequate information to demonstrate that the future re-use of the building as office space, by another occupant, will not be impeded by the granting of such a variance.

The future development of the property at 78 Fourth Street with an additional residential unit was indicated as a possibility in the pre-application. The joint use parking credits provided for in the Land Use Ordinance (18.4.3.060.D) could be considered as part of such a future application in relation to the 6 parking spaces to the rear of the property.

Joint Use of Facilities. *Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use. Jointly-used parking facilities may reduce the required off-street parking spaces up to 50 percent.*

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: See comments at the end of this document. 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 Margueritte Hickman from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to margueritte.hickman@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 check detector assembly (DCDA) 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 and meter location requirements and 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.

PROCEDURE

Variations to reduce parking by greater than 50% in a historic district are subject to a “Type II” procedure which includes a public hearing at the Planning Commission following public notice. Type II decisions provide an opportunity for appeal to the City Council.

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/SIB/files/AMC_Chpt_18_current.pdf

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 AMC 18.5.4.050**
- **Variations AMC 18.5.5.050**

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.

- **Conditional Use Permit AMC 18.5.4.040**

UPCOMING APPLICATION DEADLINES:
UPCOMING PC MEETINGS:

First Friday of each month
Second Tuesday of each month

FEES:	Variance (Type II)	\$2099
	Conditional Use Permits	N/A
	TOTAL	\$2099

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. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.

For further information, please contact:

Brandon Goldman, *Senior Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2076 or e-mail: brandon.goldman@yashland.or.us

July 20, 2017

Date