
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** October 5, 2017

SITE: 950 Glendower
APPLICANT: Jeff Sharpe
REQUEST: Site Design Review for installation of mechanical equipment and a Variance to the side and rear yard requirements

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 installation of mechanical equipment and possibly a variance to side and rear yard requirements.

- The Ashland Municipal Code (AMC) requires Site Design Review for mechanical equipment that is not fully enclosed in a structure or if the mechanical equipment is visible from a public street or adjacent residentially zoned property. In addition, mechanical equipment is required to be fully screened by a fence, wall or landscaping.
- The required side yard is six feet and the required rear yard is ten feet. The yard or setback is measured from the property line to the nearest point of the structure. This appears to be the edge of the panel when the panel is completely horizontal in the evening.

CODE DEFINITION:

Structure - That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground.

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.

The property is zoned Single Family (R-1-7.5) and the application must demonstrate that the structure meets the standard dimensional requirements (e.g., setbacks, lot coverage) of AMC 18.2.5.030. The yard or setback requirements are

measured from the property line to the nearest point of a structure. In this case, it appears the measurement would be from the property line to the edge of the panel when the panel is horizontal.

- 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.

- **Solar Setback:** The adjacent property to the north is city-owned park land, solar setbacks only apply to adjacent residential properties.
- **Landscaping:** Other screening requirements see below (18.4.4.030.G 4) – *exception necessary*, see **Exception to the Site Development and Design Standards** below

4. **Mechanical Equipment.** Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.3.

- a) *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.3.
 - b) *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.
- **Noise Attenuation:** Mechanical equipment is also required to meet the noise attenuation requirement of AMC 9.08.170. Residential properties surround the address and so the noise levels will need to be addressed in the application.

3. Heat Pumps or Mechanical Devices.

R-1-7.5 SETBACKS

- Front – Standard, except:	15 ft
- Front – Unenclosed Porch ⁵	8 ft
- Front – Garage Opening	20 ft
- Side – Standard	6 ft
- Side – Corner Lot Adjacent to Street	10 ft
- Rear – Single-Story Building	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story

a. No person shall operate a commercial or residential heat pump, air-conditioning unit, or similar mechanical device if noise levels from its operation exceed forty-five (45) DBA from the closest property line of a residential property on an adjacent parcel of land characterized as a noise sensitive area.

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 or 2, below, are found to exist.

o Exception for Landscaping requirement of screening mechanical equipment will need to be addressed in application. Application should address the visibility of the equipment from street over 950 Glendower's one-story home, from neighboring residential properties and perhaps provide a mock-up visualization of the equipment from the street and neighboring residential properties for reference.

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

o The application will need to explain the unique or unusual aspect of the home or site that necessitates the installation of mechanical equipment in the rear yard (e.g., why solar panels on the roof or a less tall/smaller system will not work). Also, the approval criteria require that the proposed installation will not substantially negatively impact adjacent properties given that that the proposed mechanical equipment likely can be seen from the street and from the adjacent residential properties. Finally, the approval criteria require that the application demonstrate that the proposal is the minimum necessary, such as have alternatives been explored that would either be exempt (i.e. solar panels on the roof) or less visible to surrounding properties.

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.

VARIANCE

The application must address the following criteria and standards from Ashland Municipal Code (AMC) 18.5.5.050 for a Variance approval for residential development.

o The required side yard setback is six feet and the required rear yard setback is ten feet. The yard

or setback is measured from the property line to the nearest point of the structure (i.e. side of panel when it is horizontal). If the proposed equipment doesn't meet this setback, a Variance is required as part of the application.

18.5.5.050 Approval Criteria

- A.** The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.
1. 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. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
 3. 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.
 4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.
- B.** In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

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:

Public Works Conditions of Approval

1. The Engineering Department requests that no part of the structure span over any portion of the adjacent City owned property.
2. The Engineering Department requests that the additional proposed projects be submitted so that they can be reviewed, separate from the submittal.

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: No comments at this time. 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: No comments at this time. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or via e-mail to 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 structures are subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. A Variance to yard requirements that proposed up to a 50 percent reduction are a Type I procedure whereas reductions of 50 percent and over are a Type II procedure. Type I decisions provide an opportunity for appeal to the Planning Commission. Type II decisions require a public hearing at the Planning Commission and 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>. *(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:

- o **Site Design Review** **AMC 18.5.2.050**
- o **Variance (if required)** **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.

- o **Site Design Review:** **AMC 18.5.2.040**

FEES:	Site Design Review (Type I):	\$ 1,046
	Variance (Type I, if required)	\$ 1,046
	Variance (Type II, if required)	\$ 2,099
	Total Application Fee	\$ 1,046 + Variance cost

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:

Fotini Kaufman, Assistant Planner
City of Ashland, Department of Community Development
Phone: 541-552-2044 or e-mail: fotini.kaufman@ashland.or.us

Date: October 4, 2017