

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 11, 2014  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    - 1. January 14, 2014 Regular Meeting.
    - 2. January 28, 2014 Joint Study Session.
    - 3. January 28, 2014 Regular Study Session.
  
- IV. **PUBLIC FORUM**
  
- V. **TYPE I APPEAL PUBLIC HEARING**
  - A. **PLANNING ACTION #: 2013-01421**  
**SUBJECT PROPERTY: 270 N First Street**  
**APPLICANT: RNN Properties LLC**  
**DESCRIPTION: A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BA TAX LOT: 1300.**
  
- VI. **TYPE III PUBLIC HEARING**
  - A. **PLANNING ACTION #: 2014-00052**  
**SUBJECT PROPERTY: 87 W. Nevada St. and 811 Helman Street**  
**APPLICANT: Wilma LLC**  
**DESCRIPTION: A request to modify the Development Agreement for the Verde Village Subdivision for the properties located at 87 W. Nevada Street and 811 Helman Street. The proposed modifications include: clarifications of the project phasing to make clear which improvements are required with each phase and to allow either phase to occur first; changes to the energy efficiency requirements of the development so that all units will be constructed to at least Earth Advantage Gold standards and will be "Photovoltaic Ready"; and changes to the landscaping and maintenance requirements associated with construction of the multi-use path. COMPREHENSIVE PLAN DESIGNATION: Suburban Residential and Single-Family Residential; ZONING: R-1-3.5, R-1-5, R-1-7.5; ASSESSOR'S MAP: 39 1E 04B TAX LOTS: 1100, 1400-1418.**
  
- VII. **ADJOURNMENT**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).



**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
January 14, 2014

**CALL TO ORDER**

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Richard Kaplan  
Debbie Miller  
Melanie Mindlin  
Tracy Peddicord

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

**Absent Members:**

None

**Council Liaison:**

Mike Morris, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar brought attention to the Commission attendance report which was distributed at the beginning of the meeting, and clarified the Commission chair elections will take place in May due to upcoming changes to the Uniform Policies and Procedures ordinance. He also announced the January Study Session will be a joint meeting with the City Council to discuss and prioritize future planning projects.

**CONSENT AGENDA**

- A. Approval of Minutes.  
1. November 26, 2013 Study Session.  
2. December 10, 2013 Regular Meeting.

Commissioners Kaplan/Miller m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed.

*[Commissioner Brown abstained from 11/26/13 minute approval; Commissioner Peddicord abstained from 12/10/13 minute approval]*

**PUBLIC FORUM**

No one came forward to speak.

**TYPE II PUBLIC HEARING**

- A. PLANNING ACTION: #2013-01506

SUBJECT PROPERTY: North Mountain & Fair Oaks Avenues

OWNERS: Ayala Properties, L.L.C./Scott Lissberger Revocable Trust (Scott Lissberger, Trustee)

APPLICANT: Ayala Properties, L.L.C.

DESCRIPTION: A request for a Modification of Planning Action #2013-806, a Site Review Permit approved by the Planning Commission in August, which allowed for the construction of a grouping of three-story mixed use buildings consisting of four commercial spaces and ten parking spaces on the ground floor and ten residential units on the second and third floors for the vacant parcel (Tax Lot #700) at the corner of North Mountain and Fair Oaks Avenues. The August approval also included a Tree Removal Permit to remove seven Siberian Elm trees in the adjacent alley, and a request for a Modification of the original Meadowbrook Park II Subdivision approval to adjust the number of residential units allocated between the four subject parcels to allow a total of 40 dwelling units, where only ten units had previously been proposed, based on the permitted densities within the NM-C

district. The modifications requested here involve: 1) clarification of the proposal's density allocations, parking management, and number of groundfloor commercial spaces between the subject properties; 2) an increase in the number of upper floor residential units on Tax Lot #700 from ten to 14; and 3) modifications to the proposed building design for Tax Lot #700. COMPREHENSIVE PLAN DESIGNATION: North Mountain, Neighborhood Central Overlay; ZONING: NM-C; ASSESSOR'S MAP: 39 1E 04AD TAX LOTS: 700, 800, 1400, 1500 and 5900.

Commissioner Mindlin read aloud the public hearing procedures for land use hearings.

### Ex Parte Contact

Commissioners Dawkins and Mindlin declared site visits; Mindlin noted she observed the parking situation and stated during her visit all of the parking in front of one of the Julian Square buildings was occupied. No ex parte contact was reported.

### Staff Report

Associate Planner Derek Severson explained this is a continued hearing from the December 10, 2013 Planning Commission meeting and stated the parking allocation and how Plum Ridge Court is used will likely be the key issue for discussion tonight. He spoke to the 120-day requirement for final decision and stated because of this requirement the Commission will need to adopt the Findings tonight. He also mentioned one of the items raised at the last hearing was the claim that proper notice was not provided. He stated even though it is not a requirement, staff has rectified this concern by mailing a written notice of tonight's hearing to all parties that provided testimony for Planning Action #2013-00806, in addition to properties owners within 200 ft. of the site.

### Public Testimony

**Vida Taylor/913 Plum Ridge/**Shared her concerns regarding lack of parking for the proposed units, increased density, vehicle lane obstruction from parked cars, increased traffic, incompatible building design, and the need for handicap spaces and emergency vehicle access.

**Rick Harris/190 Oak Street #1/**Commented on the practice of shared parking and noted his building has five parking spaces shared between two residential and two commercial units. He stated this type of shared use is common in Ashland and ensures parking spaces are well utilized both day and night. Mr. Harris commented on density and clarified the proposed building will have 14 units (not 40), and pointed out that the concept for this area since the early 2000's has been for a dense city center. He added that in order for the commercial uses to be viable there must be adequate density to support it, and voiced his support for the project as proposed.

**Joanne Johns/979 Camelot/**Stated she is opposed to the density and believes 14 units is too many, and shared her concerns with parking and the potential for more cars parked on Camelot and Overlook. Ms. Johns expressed concern with the first floor commercial spaces being temporarily used as residential and stated this proposal will not benefit the people who reside in the area.

### Applicant's Rebuttal

**Alan Harper/130 A Street, Suite 6/**Noted the concerns raised regarding parking and the coordination of Plum Ridge Court. He stated they are supportive of their application as submitted, however if this is a major concern for the Planning Commission they have prepared an alternate layout that adjusts the lot lines and consolidates the parking spaces on Plum Ridge Court onto the other tax lots. He stated this removes the question of where residents will park and stated Plum Ridge Court would be dedicated as a City right-of-way. Mr. Harper noted if the Commission selects option 'B', Conditions 7 and 9 would need to be altered.

**Mark Knox/45 West Nevada/**Stated they believe their original proposal works well, but have offered this alternate in order to address some of the comments made about parking. Mr. Knox clarified the land use code does not require parking to be on-site, but rather just off-street, and stated the master plan has always envisioned this as a high density, mixed-use area.

Mr. Allen clarified under their alternate proposal Plum Ridge Court goes away as a separate lot; the parking spaces are shifted onto the adjacent lots, and Plum Ridge Court becomes a travel way. Additionally, the parking spaces would be designated for their buildings.

Staff noted their concern with plan 'B' and clarified it was not the intent of the master plan to have a pool of parking on private lots.

### Deliberations & Decision

**Commissioners Dawkins/Brown m/s to approve Planning Action #2013-01506 (Plan A) with the conditions of approval recommended by staff.** **DISCUSSION:** Commissioner Dawkins voiced his support for the project. He stated this was always envisioned as a dense area with a commercial core, and stated there needs to be a certain amount of density to bring commercial use to this neighborhood. He added he is not concerned with the parking and does not believe plan 'B' is necessary. Commissioner Brown stated the proposal conforms to the master plan for this neighborhood and stated it was never intended to have parking on-site for each unit. Commissioner Miller noted her concerns with density and lack of parking. Commissioner Kaplan voiced his support for plan 'B' which would provide dedicated spaces for the residential units. Commissioner Peddicord voiced her support for the motion and stated the original option offers more flexibility. Commissioner Brown stated the code is clear and requires one off-site parking space per unit. **Roll Call Vote: Commissioners Dawkins, Peddicord, Brown, and Mindlin, YES. Commissioners Miller and Kaplan, NO. Motion passed 4-2.**

### Approval of Findings

Suggestion was made to strike the sentence at the top of Page 9 that reads: "The Commission finds that the proposed parking allocations and the stipulated limitations on Plum Ridge Court parking will provide similar assurances to those applicable under the Parking Management Strategies found in AMC 18.92.050 which provide that off-street parking requirements may be reduced up to 50% through the application of credits available for on-street parking, alternative vehicles, mixed or joint uses, shared parking, transportation demand management plans or transit facilities." And to modify the following sentences to read: "As proposed, the ~~41 allocated~~ parking spaces on Plum Ridge Court would serve upper floor (permanent) residential units on the private parking lots although these spaces would be unsigned and available like any on-street parking. The ~~remaining~~ Plum Ridge Court spaces would be available to visitors or commercial customers..."

**Commissioners Mindlin/Brown m/s to modify the Findings as described. Roll Call Vote: Commissioners Brown, Peddicord, Miller, Dawkins, Kaplan and Mindlin, Yes. Motion passed 6-0.**

**Commissioners Dawkins/Peddicord m/s to approved the modified Findings. Roll Call Vote: Commissioners Brown, Dawkins, Kaplan, Miller, Peddicord, and Mindlin, YES. Motion passed 6-0.**

### DISCUSSION ITEMS

**A. Short Term Rentals on Owner Occupied Properties in Single Family Zoning Districts – An Introduction of Potential Issues.**

Commissioner Mindlin left the meeting due to a potential conflict of interest.

Community Development Director Bill Molnar explained the City Council has already made changes to the requirements for short-term rentals in the R-2 zone, and has asked staff and the Planning Commission to take public input on owner occupied short-term rentals in single family zones, and if necessary recommend amendments. Additionally, the Commission has been asked to evaluate the City requirement that limits traveler's accommodations to only those properties located within 200-ft. of a boulevard, avenue, or neighborhood collector.

### Public Testimony

**Barbara Hetland/985 East Main/**Stated she is a realtor in Ashland and believes changing the R-1 zone to allow for traveler's accommodations is a huge change and would jeopardize the livability of Ashland and impact property values. Ms. Hetland stated there are very few people who are asking for this change, but doing so would impact everyone who lives and works here. She commented that most people living in R-1 zones are unaware this discussion is happening and because this is such a major change this should be placed before the entire town for a vote.

**James Orr/407 Clinton/**Read aloud his written statement. *(See Exhibit 2014-01, attached)*

Mr. Orr added his neighbor's house is only 12 ft. from his, and stated from June to October 2011 they observed 43 different cars parked in the driveway.

**Lois Van Aken/140 Central/Cited the City's goal to support stable neighborhoods and stated this is accomplished through zoning. Ms. Van Aken stated the R-1 zones were created for residential use and to foster a suburban and family atmosphere where neighborhoods would flourish; not to house business such as short term tourist lodging. She stated allowing this change would break the promises made to all the residents who purchased homes in the R-1 zone. She stated there is a small group of individuals who have been operating illegally and want to continue to do so, and they want all of Ashland to change for their financial benefit.**

**Ellen Campbell/120 Gresham/Questioned the thinking behind converting the remaining residential zones that have been solely for Ashland residents in order to grow more tourism businesses. Ms. Campbell stated allowing more and unneeded lodging businesses in the R-1 zone will undermine sustainability and livability in Ashland. She added the existing ordinances have been in effect for many decades and have worked well, and recommended the Commission not allow short term rentals in single family zones.**

**Tom DuBois/690 S Mountain/Stated he is representing the 70 members of Ashland HOSTS (Host Occupied Short Term Stays). Mr. DuBois stated he has stopped operating his bedroom rental unit since being informed this was illegal, and stated they want to change the City's requirements. He voiced support for the adoption of a reasonable, easy to understand ordinance that will allow HOSTS to operate short term rentals in residential zones. He stated the City's Comprehensive Plan supports economic activity if it is not incompatible to do so, and also speaks to the benefits of mixed use neighborhoods as long as they do not disturb the main intent of the neighborhood. He stated HOSTS are in complete agreement with this and identified three issues for the Commission's consideration: 1) maintaining neighborhood integrity, appearance, livability and quality of life; 2) possible impact on long term rental stock; and 3) ease of ordinance compliance. He stated if the City approves this change they would like the requirements to be as easy as possible for people to understand and would like the process for compliance to be easy and inexpensive, with hefty fines for non-compliance.**

**Abby Hogge/1700 Parker/Supports HOSTS and stated it is unjustified to assume there will be a large number of people who will rush to convert their long term rentals to short term accommodations. Ms. Hogge stated the approval process for an accessory residential unit (ARU) is already lengthy and expensive, and asked the Commission to consider the benefits of allowing ARUs in R-1 zones as short term rentals. She requested the Commission treat the consideration of ARUs the same as an attached bedroom, and suggested the City consider conducting a trial period.**

**Larry Chase/1271 Munson/Supports HOSTS and believes this falls into the same category as home occupations, which allows residents to run a home-based business and have up to eight visitors per day. Mr. Chase stated the existing laws regarding noise and signage provide sufficient protection from disruptive behavior, and noted short term rentals would have far fewer vehicles trips than other home based businesses. He stated the impact is very minimal and none of his neighbors were even aware he was operating a short term rental, and asked the Commission to permit this activity on all properties and not just those within 200 ft. of an arterial or collector street.**

**Victoria Weiss/590 Fernwood/Stated she is very concerned to hear there are 70 of these rentals operating in Ashland. Ms. Weiss stated they did a lot of research when selecting their home and are concerned with security, traffic, noise, and community impacts. Ms. Weiss asked the Commission to take into account what citizens expect when they purchase homes in the R-1 single family zone.**

**Philip Neujahr/590 Fernwood/Stated they moved to Ashland because it is a nice place to live and urged the Commission to not allow short term rentals in single family zones, which would give them alternating neighbors and lower property values.**

### **Commission Discussion**

Mr. Molnar clarified it would be helpful if the Commission could identify any questions or areas they would like staff to look into.

The commissioners shared their comments and questions on this issue. Commissioner Brown stated this comes down to trying to fix a problem that does not exist, and stated R-1 districts are largely about quality of life. He stated there is only a very small percentage of the population that wants this to change, and noted the expectations people have when they buy into a R-1 neighborhood. Commissioner Kaplan stated it is premature for him to have a position on this and stated there is a big difference between owner occupied units versus no owners. He also noted the impacts long-term rentals can create. Commissioner

Peddicord stated she does not have strong feelings one way or the other, but agreed that any rental needs to be owner occupied. Commissioner Miller questioned the actual need for these types of accommodations. Mr. Molnar noted the packet materials contain information on occupancy rates, but noted there are other considerations including the ability to offer different lodging types. Mr. Molnar also clarified the City has a Code Compliance Specialist and he has compiled a lengthy list of illegal accommodations and there are well over 100.

Mr. Molnar thanked the Commission for their initial comments and announced this item will come back for further at an upcoming meeting.

#### **NEW BUSINESS**

##### **A. Select Planning Commission Representative to Beautification Committee.**

Commissioner Dawkins volunteered to serve as the Planning Commission representative on the Beautification Committee.

##### **B. Select Planning Commission Member to Serve on Building Appeals Board.**

Commissioner Brown volunteered to serve on the Building Appeals Board.

#### **ADJOURNMENT**

Meeting adjourned at 10:10 p.m.

To: Ashland Planning Commissioners

As Ashland residents who live in a community zoned R-1 for single families and who have had the unfortunate experience of discovering shortly after we moved into our new home in 2010 that our next door neighbor was illegally operating a vacation rental, both my wife and I are strongly opposed to allowing traveler's accommodations in R-1 single family zones.

We purchased our home expecting that we would get to know our neighbors in a community with long-term residents. We would not have purchased the home if we had known that large numbers of strangers would be coming and going right next door for most of the year. With support from the City Planning Office and our homeowner's association, our neighbor was persuaded to cease short-term rentals. Now we discover the City Planning Commission is considering recommending a change to R-1 zoning that would allow our neighbor to resume that activity.

We believe such a change would basically destroy the concept of single family residential areas in Ashland. The Planning Commission and the City Council need to uphold the existing R-1 zoning laws that promote and encourage a suitable environment for family life and maintain property values. The City of Ashland should not break faith with those residents that paid the price to live in a neighborhood of single families.

Jim & Helen Orr  
407 Clinton Street  
Ashland

# CITY OF ASHLAND

## ASHLAND CITY COUNCIL & PLANNING COMMISSION JOINT STUDY SESSION MINUTES January 28, 2014

### CALL TO ORDER

Mayor John Stromberg called the meeting to order at 6:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

#### **City Council Present:**

John Stromberg, Mayor  
Pam Marsh  
Mike Morris  
Rich Rosenthal  
Dennis Slattery

#### **Planning Commissioners Present:**

Melanie Mindlin, Chair  
Troy J. Brown, Jr.  
Michael Dawkins  
Richard Kaplan  
Debbie Miller  
Tracy Peddicord

#### **Staff Present:**

Dave Kanner, City Administrator  
Dave Lohman, City Attorney  
Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
Brandon Goldman, Senior Planner  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

#### **Absent Members:**

Greg Lemhouse  
Carol Voisin

### DISCUSSION ITEMS

#### **A. Discussion and Prioritization of Future Planning Initiatives.**

Mayor John Stromberg provided some background on this item. He explained on December 17, 2013, the City Council discussed the draft list of future planning projects compiled by staff and recommended that a joint meeting with the Planning Commission be scheduled so that the two bodies could prioritize the list of projects.

Community Development Director Bill Molnar provided a brief summary of each of the projects, which are:

- Review Zoning Around Downtown
- Winburn Way Corridor Analysis
- Vertical Housing Development Zones
- Housing Element Update
- Croman Mill District Plan
- Railroad District Master Plan
- North Ashland Gateway Overlay
- Assessment of Approach to Master Planning
- Airport Plan
- Infill Strategies

Mayor Stromberg asked each Planning Commissioner to identify their top priority. Commissioner Miller and Commissioner Brown selected assessment of approach to master planning; Commissioner Mindlin selected infill strategies; Commissioner Peddicord selected vertical housing development zones and infill strategies; Commissioner Kaplan selected vertical housing development zones; and Commissioner Dawkins selected the Railroad District Master Plan.

City Administrator Dave Kanner called attention to the regional problem solving process and reminded the group that Ashland declined to add any land to its urban growth boundary and did so with the promise that Ashland would adopt innovative infill strategies to accommodate future growth. Mr. Molnar indicated staff has the resources to take on two significant projects within the next 12-18 months, and this would leave some room to take on any minor projects that may arise.

Mayor Stromberg asked for the Planning Commissioners second choice. Commissioner Kaplan selected the Railroad District Master Plan; Commissioner Brown selected the review of zoning around downtown followed by vertical housing development zones; Commissioner Miller selected the review of zoning around downtown; Commissioner Peddicord selected assessment of master planning; Commissioner Dawkins selected infill strategies and vertical housing development zones; and Commissioner Mindlin selected the Housing Element update.

Mr. Kanner updated the group on the status of the railroad property. He explained the owner of the property came forward with a plan to clean up the property; however they proposed cleaning it to DEQ standards and not to the City's standards. He stated cleaning to DEQ standards would leave quite a bit of contamination on the site and the property owners decided to re-evaluate their options and whether they want to clean the property to the City's standards, which would enable them to have a much greater development potential.

The Planning Commission and City Council held general discussion on the potential projects. Councilor Marsh recommended they pursue infill strategies, downtown planning and circulation, and the approach to master planning. She added the master planning item is more of a discussion and evaluation than a long range project and believes all three can be addressed with the given resources. Councilor Morris stated with the exception of a few, most of the projects are inter-related and agreed that the approach to master planning needs to be looked.

Councilor Rosenthal asked staff which project they would choose. Senior Planner Brandon Goldman stated vertical housing development is a concrete project that could be completed within a short timeframe and provide outcomes; and it also relates to the vision for the City to provide workforce housing and would fold in well with staff's workload. Planning Manager Maria Harris stated infill strategies is a project that touches on almost all aspects of planning and hits on transportation, jobs, housing, and also looks at fulfilling our regional obligation. Community Development Director Bill Molnar selected infill strategies and stated this project moves beyond land use planning and will require an inter-department approach to the issue. Associate Planner Derek Severson also selected infill strategies. He noted he was the staff member who represented the City of Ashland at the regional problem solving meetings and advocated for this concept.

Mayor Stromberg asked for the group to provide any final feedback to staff. Comment was made that it is clear citywide infill strategies has been identified as a priority. It was noted that Winburn Way Corridor Analysis, Review of Downtown Zoning, and Downtown Parking Management and Circulation Study, which is already in progress, should be combined and made a top priority. Additionally, it is clear that master planning should be looked at. The Mayor recommended that the Airport Plan also be included on this list and requested Mr. Kanner put together a proposal to move these items forward. Mr. Kanner acknowledged this request and stated he would meet with staff, determine what resources can be dedicated to these projects, and bring forward a proposal.

#### **ADJOURNMENT**

Meeting adjourned at 7:30 p.m.

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
STUDY SESSION  
MINUTES  
January 28, 2014

**CALL TO ORDER**

Chair Melanie Mindlin called the Study Session to order at 7:40 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Melanie Mindlin, Chair  
Troy J. Brown, Jr.  
Michael Dawkins  
Richard Kaplan  
Debbie Miller  
Tracy Peddicord

**Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
April Lucas, Administrative Supervisor

**Absent Members:**

None

**Council Liaison:**

Mike Morris, absent

**PUBLIC FORUM**

No one came forward to speak.

**DISCUSSION ITEMS**

**A. Unified Land Use Ordinance: Section 18-4 Site Development and Design Standards.**

Planning Manager Maria Harris noted this is a short section and stated most of the edits were reorganizing and reformatting. She explained tonight the Commission will review Chapter 18-4.4 Landscaping, Recycling and Refuse, Outdoor Lighting, Fences and Walls and Chapter 18-4.5 Tree Preservation and Protection. She noted the recommendations from the City's Conservation Specialist as well as input from the landscape professionals focus group has been incorporated, and highlighted the key changes as follows:

- Landscape Plans – Temporary and Permanent Erosion Control Measure: This language has been moved and combined with the preliminary grading and drainage plan in the Site Review Plan Requirements.
- Landscaping Requirements – Minimum Tree and Shrub Sizes: The proposed language establishes a one-gallon minimum container size for shrubs and includes a reference to the existing hedge screening standard.
- Landscape Requirements – Mechanical Equipment Screening: The proposed language establishes standards and identifies clear methods for screening mechanical equipment
- Landscape Requirements – Water Conserving Landscaping Design Standards: Edits and additions include: 1) non-drought tolerant species are required to be located in a separate irrigation zone; 2) plants in the same irrigation zones are required to have similar water needs unless irrigated by drip irrigation with emitters sized for individual plant water needs; and 3) amend soil by adding mature compost and work soil amendment to depth of four to six inches.
- Landscape Requirements – Irrigation System Design Standards for Water Conserving Landscaping: Edits and additions include: 1) separate irrigation zones based on water needs of plantings and types of sprinklers being used, 2) equip irrigation zones with pressure regulator valves, and 3) use controllers with a water budget feature or the capability of accepting an external rain or soil moisture sensor.
- Landscape Requirements – Exception to Water Conserving Landscaping Design Standards: Proposed amendment states an alternate design may be proposed if the applicant demonstrates that water use will be equal to or less than what would occur if the standards are applied and if the proposal meets the criteria for an exception to the Site Design and Development Standards.

- Recycling and Refuse Disposal Areas: The proposed language adds a requirement for disposal areas be placed in an area that allows truck access and not located in any required front yard or required landscaped area.
- Tree Preservation and Protection: The proposed amendment limits tree protection plans to those developments requiring a planning action and eliminates the tree protection plan requirement from projects that simply require a building permit.

Ms. Harris noted an additional item that will come back to the Commission is the Fire Department's request to exempt owners from having to go through the tree removal approval process when bringing their properties into compliance with FireWise standards. Comment was made expressing concern that people may use this as an excuse to remove trees and recommending the City retain standards and an approval process. Additional comment was made requesting additional information on the FireWise program and which actions are advisory and which are regulatory.

Ms. Harris clarified the screening requirements for mechanical equipment and explained why equipment placed on alleys is exempt. She stated alleys were developed to be utility and service corridors and this was an impossible standard for most commercial businesses to meet. Suggestion was made for staff to consider revising this language for clarity.

### ADJOURNMENT

Meeting adjourned at 8:10 p.m.

**TYPE I  
APPEAL HEARING**

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**PA-2013-01421  
270 First Street**





**APPEAL TO THE PLANNING COMMISSION**

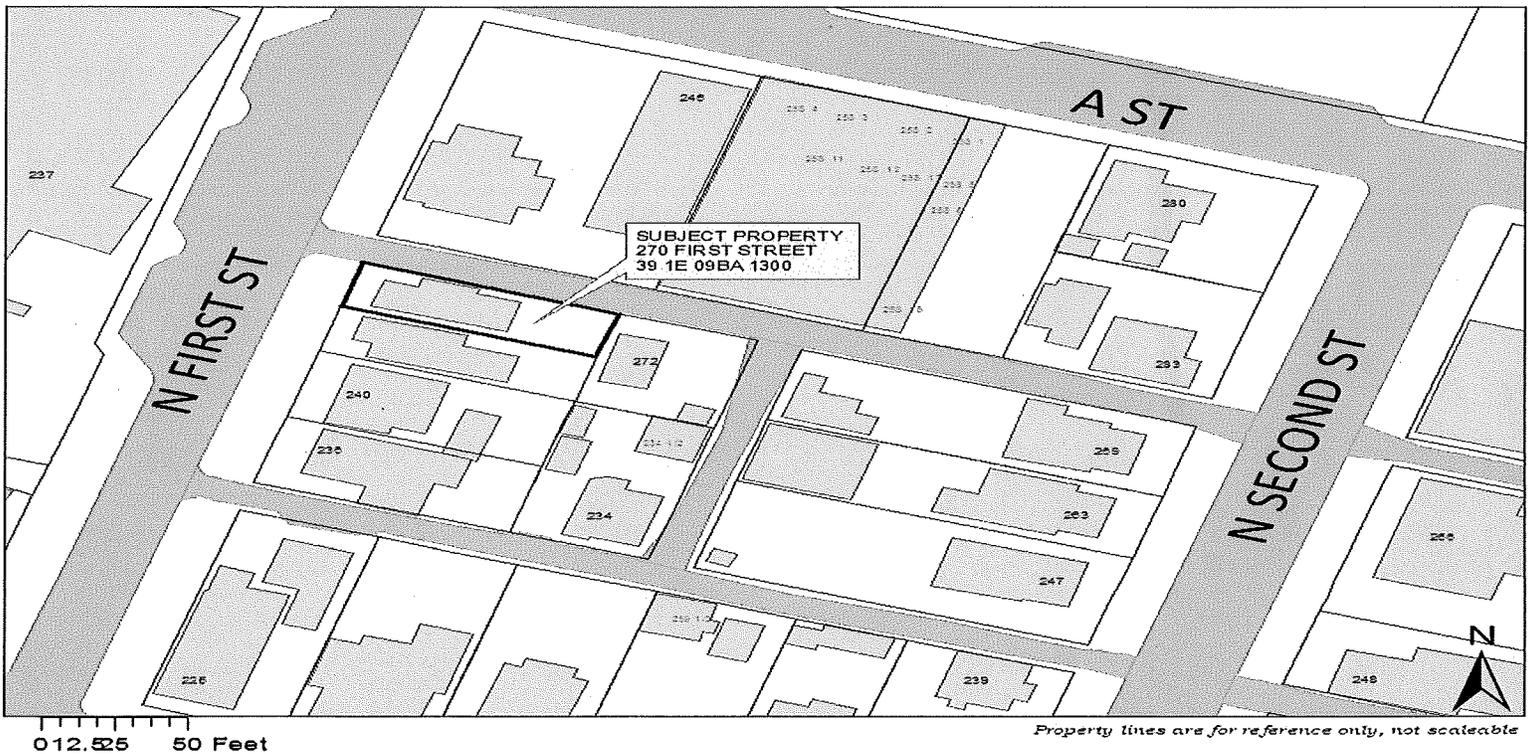
**PLANNING ACTION:** 2013-01421

**SUBJECT PROPERTY:** 270 First Street

**OWNER/APPLICANT:** RNN Properties LLC

**DESCRIPTION:** A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA **TAX LOTS:** 1300

**ASHLAND PLANNING COMMISSION MEETING:** January 14, 2014 at 7:00 PM, Ashland Civic Center



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

## CONDITIONAL USE PERMITS

### 18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. 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.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. 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. 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:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.
  7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

## VARIANCE

### 18.100.020 Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That 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.  
(ORD 2425, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.  
(ORD 2775, 1996)

**ASHLAND PLANNING DIVISION  
STAFF REPORT  
February 11, 2014**

**PLANNING ACTION:** 2013-01421

**APPLICANT:** RNN Properties

**LOCATION:** 270 First Street

**ZONE DESIGNATION:** R-2

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential

**APPLICATION DEEMED COMPLETE:** October 18, 2013

**120-DAY TIME LIMIT:** February 15, 2014

<b>ORDINANCE REFERENCE:</b>	18.24	R-2 Low-Density Multi-Family Residential
	18.104	Conditional Use Permit
	18.100	Variances

**REQUEST:** Request for Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new single-family residence at 270 N First Street. The request includes the removal of the existing residence.

**I. Relevant Facts**

**A. Background - History of Application**

The application was administratively approved on November 20, 2013. A re-consideration request was filed on November 26, 2013, and the request was denied by the Community Development Department Director on November 27, 2013.

The approval was appealed on December 2, 2013 by an adjacent property owner and a citizen. The applicant requested a postponement of the public hearing previously scheduled for January 14, 2014, and provided a 30-day extension to the 120-day required timeline for taking final action a quasi-judicial land use application (i.e. "120-day rule" in ORS 227.178).

The appellant requested a postponement of the public hearing scheduled for February 11, 2014, but staff was unable to obtain a second timeline extension. As a result, the public hearing was scheduled for the February 11 Planning Commission meeting.

There are no other planning actions of record for this site.

## B. Detailed Description of the Site and Proposal

The subject property is located on the east side of First Street, between A and B streets and adjacent to an east / west trending alley. The parcel is zoned low density multiple-family residential (R-2) and is located within the Railroad Historic District. The properties to the east, west and south are zoned R-2 and the properties to the north and northwest, across the alley, are zoned employment (E-1). The subject property is occupied by a single-family residence and an outbuilding. The property to the east is a single-family residence. The property to the south is also a single-family residence with an attached retail business approved in 2010/2011 (PA2010-01611). The property to the west is the Ashland Food Co-Op, Umpqua Bank and Crane Property Management and to the north and northwest are the businesses, South Valley Auto Body and the A Street Arts Building.

The property is rectangular with an area of 2,300 square feet. Similar to many of the residential lots in this block, the property was created prior to current zoning regulations and is smaller than the minimum lot size of 5,000 square feet. As a result, the property is considered a legal, non-conforming lot.

There is an approximately four percent slope downhill to the north. There is a 13-inch in diameter at breast height (DBH) box elder tree to the east of the existing residence, a six-inch DBH box elder tree to the west of the existing residence, and a six-inch DBH black walnut to the north of the residence adjacent to the alley. There are two street trees between the front property line and First Street. A tree survey provided by the applicant's arborist is included in the record. The arborist recommends removal of the black walnut, and both box elders. The applicant intends to retain the 13-inch box elder and remove the six-inch box elder and the black walnut. The removal of the small diameter trees is outright permitted and does not require approval or permits by the city.

The existing residence on the site is identified as the Hall-Thompson House in the Historic Resources Inventory for the Railroad Historic District. The inventory notes that the structure was constructed in the late 1940s and while in poor condition, the simply designed house retains sufficient integrity to relate its development during the second period of significance in the history of the Railroad District. The applicant obtained a home inspection which details the conditions of the house. It is included in the record. The applicant has received Demolition Approval from the City of Ashland Building Division. The removal of the residence is pending the approval of the building permit for a replacement structure.

Currently the site has a metal fence adjacent to the alley and has no vehicular access. The applicant intendeds to remove the fence and provide two on-site parking spaces accessed from the alley. The parking space access and location is consistent with the City of Ashland Street Standards requirement to use alleys where available for vehicular access. The parking the applicant has proposed is outright permitted and requires no exceptions, special permits or review by the city.

The application involves demolishing the existing 524 square foot residence and outbuilding and constructing a new, two-story 1,300 square foot residence. The proposed home requires a Conditional Use Permit (CUP) to exceed the Maximum Permitted Floor

Area (MPFA) within a Historic District by 24 percent or 252 square feet. The applicant has proposed to construct the new home in nearly the exact footprint of the existing residence which does not meet the required side yard setbacks. The standard side yard setback is six-feet, and the applicant has requested to reduce the setback to three-feet on both the north and south sides. This requires a Variance.

## **II. Project Impact**

The request is for a Conditional Use Permit (CUP) to exceed the Maximum Permitted Floor Area (MPFA) in the Historic District and Variance to the required side yard setbacks from six feet to three feet. The request was approved administratively as a Type I and was subsequently appealed to the Planning Commission for a public hearing. The Planning Commission is the final decision of the city and any further appeals would be to the state Land Use Board of Appeals (LUBA).

The construction of a single family home is a permitted use in the R-2 zone. If the proposed home was at or under the allowed MPFA and met the standard requirements of the zone, e.g. setbacks, height, lot coverage, etc., the approval would be limited to a building permit and would not require a land use approval. The focus of the request is the house design in the context of the Historic District Design Standards and the placement in regards to the setbacks.

### **A. Conditional Use Permit to exceed Maximum Permitted Floor Area**

Residentially zoned properties located within Ashland's Historic Districts are subject to a Maximum Permitted Floor Area (MPFA) limitation based on the lot size and number of units proposed. This limitation is intended to preserve the historic character of Ashland's historic districts by insuring that development is architecturally and historically compatible with historic development patterns and fits well into the fabric of these established historic neighborhoods. The ordinance establishing the MPFA limitations provides for applicants to exceed the MPFA by up to 25 percent when they obtain a CUP; this is a discretionary approval intended to provide for a higher level of review of proposed structures in the context of the CUP approval criteria as well as the Historic District Development Standards.

The MPFA calculation for the 2,300 square foot parcel allows for a 1,048 square feet residence. The proposal is to construct a new, 1,300 square foot LEED Certified, single-family residence, 252 square feet or 24 percent over the MPFA. The proposed home is two-story with 664 square feet on the ground floor and 636 square feet on the second floor. A five-foot by six-foot, covered front porch is proposed and an eight foot by seventeen and one-half foot covered patio at the rear of the building. The second story steps back from the front façade by three-feet with a five-foot deep deck. The rear is cantilevered over the rear patio by four-feet. The applicant has proposed a beige stucco finish on the lower portion and horizontal cedar siding on the upper portion of the structure. Black fiberglass windows and doors are proposed. The applicant has proposed dark brown metal roof.

The property has adequate capacity for city facilities to serve a new single-family home. There is overhead electric serving the site. First Street has a four-inch water main, a six-

inch sewer line and a twelve-inch storm drain line available to continue to serve the site and the proposed single-family home.

First Street is classified as a neighborhood street and is paved with curb, gutter and sidewalks. The alley is also paved. The street and alley provide adequate transportation facilities to continue to serve the parcel. The generation of traffic from the proposed home is consistent with that of the target use, and less than that generated by the adjacent business uses. In addition, the proximity to the downtown, shopping and bicycle paths may result in a reduction in vehicle trips over what might be expected for a similar unit not as centrally located.

The construction of a new single family residence to replace an existing single family residence will not have a greater adverse material effect on the livability of the zone. Generation of light, noise and glare will be no worse than a single family residence.

### **1. Historic District Development Standards**

Conditional Use Permit review calls for consideration of whether the proposed single-family home will have adverse material effects on the impact area when compared to the target use of the zone. The target use in this case is the development of one residential unit. Specifically, “similarity in scale, bulk and coverage” and “architectural compatibility with the impact area” is included in the factors to be considered when making the comparison between the proposal and the target use.

In addition to the CUP criteria, the ordinance also requires that properties seeking an overage to the MPFA be reviewed using the Historic District Design Standards which address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape and material, rhythms of openings, directional expression, sense of entry, imitation, etc. For new construction, these Development Standards generally seek architectural features that represent our own time yet enhances the nature and character of the historic district. Additionally, the Historic District Design Standards state that properties that are adjacent to the zoning district boundaries are provided flexibility to building form, massing, height, scale, placement or architectural and material treatment while not losing sight of the underlying standards (Site Design and Use Standards, Section IV Historic District Development, pg. 42).

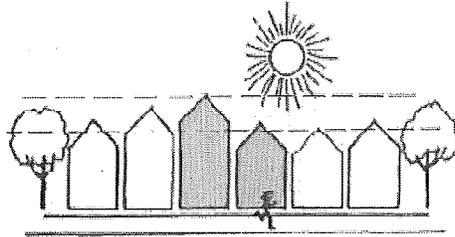
This block of First Street is a transitional area between the more intense commercial uses concentrated along A Street, and the established residential neighborhoods of the Railroad Addition Historic District. The alley abutting the north side of the subject property is the dividing line for the zoning districts with properties north of the alley zoned E-1 and properties to the south zoned R-2. The properties to the north and northwest of the subject property are established commercial businesses. The property north of the subject property, across the alley, includes a vacant residence, and an auto body repair, painting and detail shop. The property across First Street is split zoned between R-2 and E-1 and is the site of the Ashland Food Co-Op, Crane Property Management and Umpqua Bank. The property directly to the south is residentially zoned but received a

Conditional Use Permit and Site Review approval to have a small commercial business in the front portion of the structure and the back portion is a two-story residential unit (PA2010-1611).

**Historic District Development Standards, Section IV-C:**

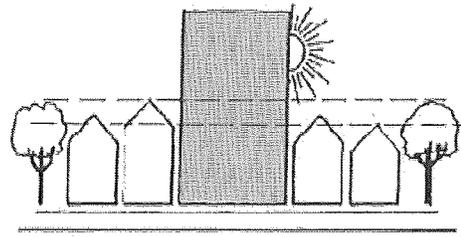
**IV-C-1 Height:**

**RECOMMENDED**



Construct new buildings to a height within the range of historic building heights on and across the street.

**AVOID**

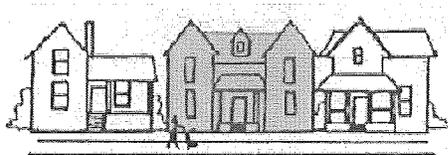


New construction that varies in height (too high or too low) from historic buildings in the vicinity.

The proposed building height is similar to buildings in the vicinity and to those structures immediately to the north, south and west. The proposed structure is 22-feet to the peak of the roof, which is less than the allowed 30-feet in the zone. The property across First Street, the Ashland Food Co-Op, is approximately 28-feet tall. The building to the south includes a two-story portion that is 19.74 feet tall. The property to the north includes two buildings, the vacant residence is approximately 16.5 feet to the peak and the auto body building is approximately 15 feet tall.

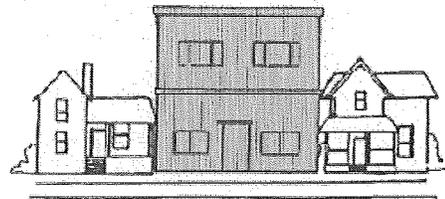
**IV-C-2 Scale:**

**RECOMMENDED**



Height, width and massing of new buildings conform with historic buildings in the immediate vicinity.

**AVOID**

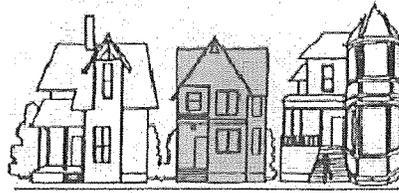


Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

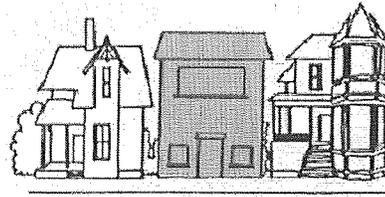
The width of the structure at 16-feet is comparable to the properties in the immediate vicinity. Other properties in the Railroad Historic District have relatively tall, narrow residences due to the narrow lot widths that are found throughout the Railroad District. Tall, narrow residences are a design characteristic throughout the Railroad District.

**IV-C-3 Massing:**

**RECOMMENDED**



**AVOID**



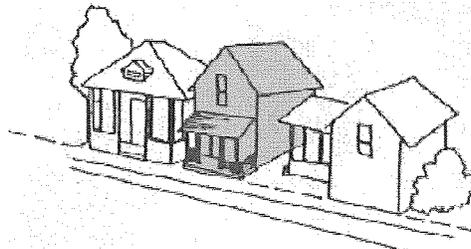
Small, varied masses consistent with historic buildings in the immediate vicinity.

Single, monolithic forms that are not relieved by variations in massing.

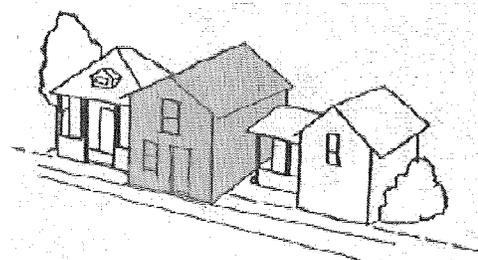
The applicant proposed a single gable roof, a smaller gable roof over the front porch and a shed roof over a small bay on the north side adjacent to the alley to vary the massing. Additionally, the second story will be setback from the front façade by three feet and has proposed a roof top deck with door and transom window. At the rear of the property, the second story is proposed to be cantilevered beyond the first floor by four-feet and a four-foot roof over the first level patio is proposed beyond the cantilever. These variations in the façade address the Historic District Design Standards in regards to varying the massing of the building.

**IV-C-4 Setback:**

**RECOMMENDED**



**AVOID**



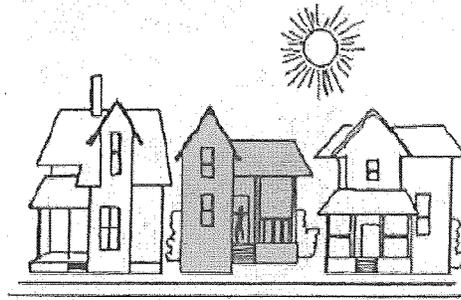
Front walls of new buildings are in the same plane as the facades of adjacent historic buildings.

Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

The front of the residence is proposed to be setback eight-feet from the front property line. The proposed setback is consistent with the existing setback of the adjacent buildings. Additionally, AMC 18.68.110 states that if there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures. Based on aerial photography and previous land use approvals the adjacent property, the setback of the structure to the north is two-feet and the setback of the structure to the south is nine and one-half feet for an average of five-feet, nine-inches; the applicant has proposed eight-feet, which in compliance with the code.

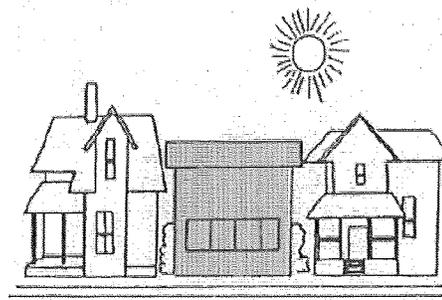
**IV-C-5 Roof:**

**RECOMMENDED**



Roof shape, pitches and materials consistent with historic buildings in the immediate vicinity.

**AVOID**



Roof shapes, pitches, or materials not historically used in the immediate vicinity.

The proposed home has a gable roof, with a 6 /12 pitch roof. The proposed shape and pitch are similar to the existing structure and other homes in the neighborhood. The applicant has proposed a metal roof. There is a metal roof across the street at the Co-Op. Metal roofs can be found along A and in limited numbers throughout the Railroad District.

**IV-C-6 Rhythm of Openings:**

**RECOMMENDED**



Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

**AVOID**

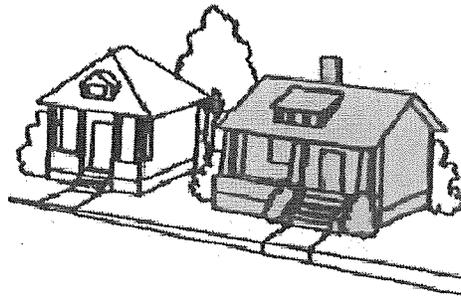


A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

The applicant has proposed double hung windows as the primary windows of the structure. The windows in the immediate vicinity vary from one property to another but the overall prominent pattern is double hung. The Historic Commission recommended that there be a separation of approximately four-inches between the sashes. One item of discussion was the proposed transom window over the second story doors from the master suite at the front of the residence. This window does add to the availability of light into the space but also gives the appearance of a taller, more voluminous second story. Staff recommends that the applicant reconsider the transom window over the doors facing First St.

**IV-C-7 Base or Platform:**

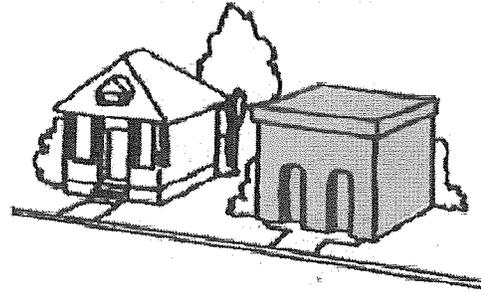
**RECOMMENDED**



A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

The applicant has proposed a base with a half-inch reveal. The base is proposed to be the same façade treatment (stucco) as the lower five-feet of the structure. The reveal proposed provides a defined base that will not make the building look like its rising directly out of the ground. The provision of the base is consistent with the standards.

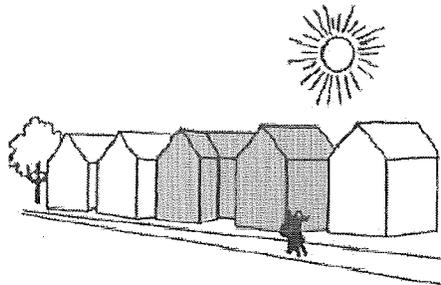
**AVOID**



Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.

**IV-C-8 Form:**

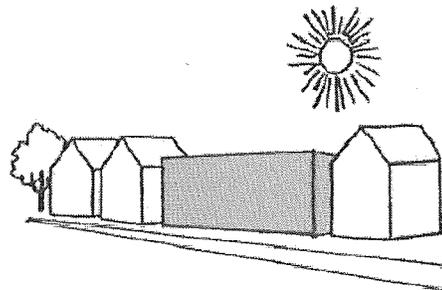
**RECOMMENDED**



Form (vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.

The primary form of the building is narrow and tall with gabled roof. The applicant has proposed variations in roof forms such as smaller gables, shed roofs and second story deck on the street and alley facing façades. The proposed primary form and additional variations are consistent with the form of the adjacent historic buildings and those found throughout the Railroad District.

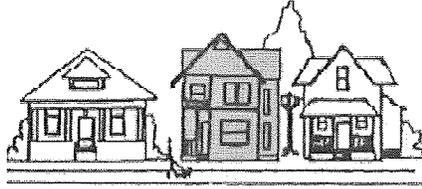
**AVOID**



Form that varies from that of existing adjacent historic buildings.

**IV-C-9 Entrances:**

RECOMMENDED



AVOID



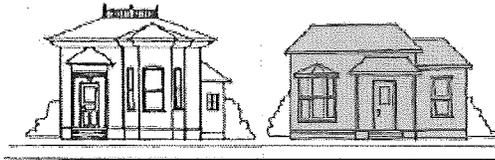
Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

Façades with minimally defined primary entrances.

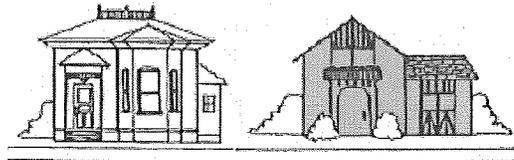
The existing front door is behind the front façade of the residence and is not well defined. The applicant has proposed an entrance with a covered front porch, improving the façade and the proposed residence by providing definition to the location of the front door.

**IV-C-10 Imitation of Historic Features:**

RECOMMENDED



AVOID



Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design which enhances but does not compete visually with adjacent historic buildings.

Replicating or imitating the styles, motifs, or details of historic buildings.

The applicants' home design reflects many of the characteristics and patterns of development in the Railroad Historic District. The applicant has proposed a building that is contemporary but has connection through the roof form, materials, rhythm of openings, massing and overall design. The Development Standards for new construction generally seek architectural features that represent our own time yet enhance the nature and character of the historic district.

The Historic Commission reviewed the proposal at their November 6, 2013 meeting and recommended approval with a condition that the double hung windows have a three-and-one-half to four inch separation between windows. A condition to this effect has been added. In staff's opinion, the proposed single-family home meets the Historic District Design Standards and will not have more of an adverse impact than the target use of the zone in terms of architectural compatibility, scale, bulk and coverage.

## **B. Variance to Side Yard Setbacks**

The request includes constructing the replacement residence three feet from the north and south property lines (side yards). The standard side yard setback in the R-2 zone is six feet. The existing residence is located three feet from the south property line and less than one foot from the north (alley side) property line. The applicant has proposed to retain the three-foot south setback and to increase the north setback (alley side) to three feet.

The applicant identifies the unusual circumstance as the narrow lot width. The proposed setbacks remain the same on the south side of the building and increase to three feet on the north side, reducing the non-conforming setback. The 25-foot wide lot in the neighborhood is unusual, within 200-feet of the subject site there is only one other 25-foot lot directly to the south. The applicant's findings also state that the variance is the minimum necessary in order to accommodate basic living areas on the first floor and an ADA accessible restroom and a stairwell that can be adapted for a motorized wheelchair lift.

The applicant argues that providing a setback is a benefit to the alley right-of-way and the public that uses the alley. The applicant's did not create the narrow lot because it was platted during the initial planning of the Railroad District. Many of the lots were consolidated in order to create 50 and 75 foot wide parcels.

## **C. Appeal Issues**

The proposed development was administratively approved and subsequently appealed. The reasons for the appeal are addressed below.

The appellant states that the proposal runs counter to the standards from, Section, IV-B, Historic District Design Standards, Rehabilitation Standards for Existing Buildings and Additions. Section IV-B standards are for restoration, rehabilitation and additions to existing structures. The application is proposing new construction so these standards are not used in the review of this proposal.

The appellant argues that the size of the proposed home will look like a large home on a small lot. The proposed home is two stories, 1,300 square feet, and 24 percent over the Maximum Permitted Floor Area (MPFA) for the Historic District. The residence is proposed to be 664 square feet on the ground floor and 636 square feet on the second floor. As stated above, when reviewing a Conditional Use Permit to exceed MPFA, compatibility of the proposed structure with historic context is evaluated in terms of height, scale, massing, setbacks, roof shape and material, rhythms of openings, directional expression, sense of entry, imitation, etc. is reviewed and whether the request will have an adverse impact on the livability of the impact area. In staff's opinion the proposed design uses a variety of architectural features, such as the offset of the second story, the use of a porch and varying roof forms to break up the home into smaller, varied masses to mitigate the additional 252 square feet over the MPFA. Staff does not believe that the proposed residence will have a negative impact on livability.

The appellant argues that the material choices and street facing elements are not cohesive with the other homes in the historic district. The applicant has proposed using a

combination of stucco and wood siding, dark colored trim on windows, sliding glass doors, a street facing deck with a steel cable railing and a dark metal roof. As stated above, the proposed design, materials and façade treatment reflects many of the characteristics and patterns of development in the Railroad Historic District.

The Historic District Development Standards generally seek architectural features that represent our own time yet enhance the character of the historic district. Specifically, standard IV-C-10 recommends that new construction be clearly contemporary in design which enhances but does not compete visually with adjacent historic buildings. Replication or imitation of the style motifs or details of historic buildings are to be avoided. The home is contemporary but has connection to the Historic District Design Standards through the roof form, materials, rhythm of openings, massing and overall design. In staff's opinion, the applicant's proposed material choices are found throughout each of Ashland's Historic Districts and are found in the Historic Railroad District. Additionally, the standards rely on looking beyond the individual building and to the district as a whole; and in this location considering the transitional area which includes residential and commercial buildings; the proposed residence is compatible with the neighborhood development pattern.

### **III. Procedural - Required Burden of Proof**

**The criteria for a Conditional Use Permit are described in AMC Chapter 18.104.050, as follows:**

- A. 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.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. 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. 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:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.

7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

In addition to the criteria above for Conditional Use Permit approval, the standards noted in Section IV of the Site Design and Use Standards (see pages 39-47 of the document which is available on-line at: <http://www.ashland.or.us/Files/SiteDesign-and-UseStandards.pdf> ) are also to be considered when evaluating the request.

**The criteria for a Variance are described in 18.100.020 as follows:**

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That 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. (Ord.2425 S1, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.

#### **IV. Conclusions and Recommendations**

Staff believes the application meets the criteria for a Conditional Use Permit to exceed the Maximum Permitted Floor Area by 24 percent and a Variance to reduce the required side yards from six to three feet. The Historic Commission recommended approval of the proposal.

The existing structure on the site does not comply with setbacks. During the initial pre-application conference phase the applicant expressed a desire to retain the existing structure, but following the home inspection it was determined financially unfeasible to meet the current building codes for energy with the existing structures deteriorated state and single wall construction. The application meets the criteria for a Variance because of the narrow lot width, and the side yards are similar to the existing structure on this lot and the surrounding non-conforming side yards in the area. The variance is consistent with the neighborhood development pattern. The variance request is increasing the non-conforming setback along the alley and the narrow lot width was not self-imposed.

The narrow vertical form of the proposed home is consistent with the pattern of development and homes in the impact area. The height is consistent with homes in the impact area and is less than the maximum allowed height of thirty-feet. The scale and massing reflect the modestly sized residential structures in the immediate area. The covered entrance and the front yard setback are consistent with the neighborhood development pattern. The building design includes a metal roof as part of water conservation measures and some modern material choices, making the proposed building exterior consistent with the mix of materials found in the impact area on both contemporary and historic structures. The Historic District Design Standards specifically state that new structures are not intended to imitate historic structures and should seek to have traditional architecture that well represents our own time yet enhances the nature and character of the historic district. The standards rely on looking beyond the individual building and to the district as a whole, in this location the transitional area which includes residential and commercial buildings is considered in the review of compatibility.

The item is time sensitive because the city must make the final decision on the planning application by March 16, 2014. A decision at the February 11 meeting allows time for the Planning Commission to adopt findings at the March Study Session. If the application is continued, the Planning Commission needs to obtain agreement from the applicant for an additional extension to the 120-day time limit.

Staff recommends approval of the application with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That building permit submittals shall include:
  - a) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Conditional Use Permit approval shall be submitted and approved prior to issuance of a building permit.
  - b) That all recommendations of the Historic Commission from their November 6<sup>th</sup>, 2013 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
  - c) That the transom window proposed over the second story French door facing First Street shall be removed from the plans.
  - d) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula  $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from the identified natural grade.
  - e) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas shall be submitted with the building permit. The lot coverage shall be limited to no more than the 65 percent allowed in the R-2 zoning district.
  - f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Light fixture type and placement shall be clearly identified in the building plan submittals.
- 3) Prior to the issuance of the demolition permit for the removal of the existing residence, prior to any site disturbing activities and/or issuance of a building permit, the Tree Protection fencing in accordance with AMC 18.61.200 (six-foot chain link fence at the furthest extent of the dripline of the trees to not conflict with the area necessary for construction) shall be installed and inspected by the staff advisor.

# APPROXIMATE 200-FOOT IMPACT AREA

Hardware Store

A Street Arts

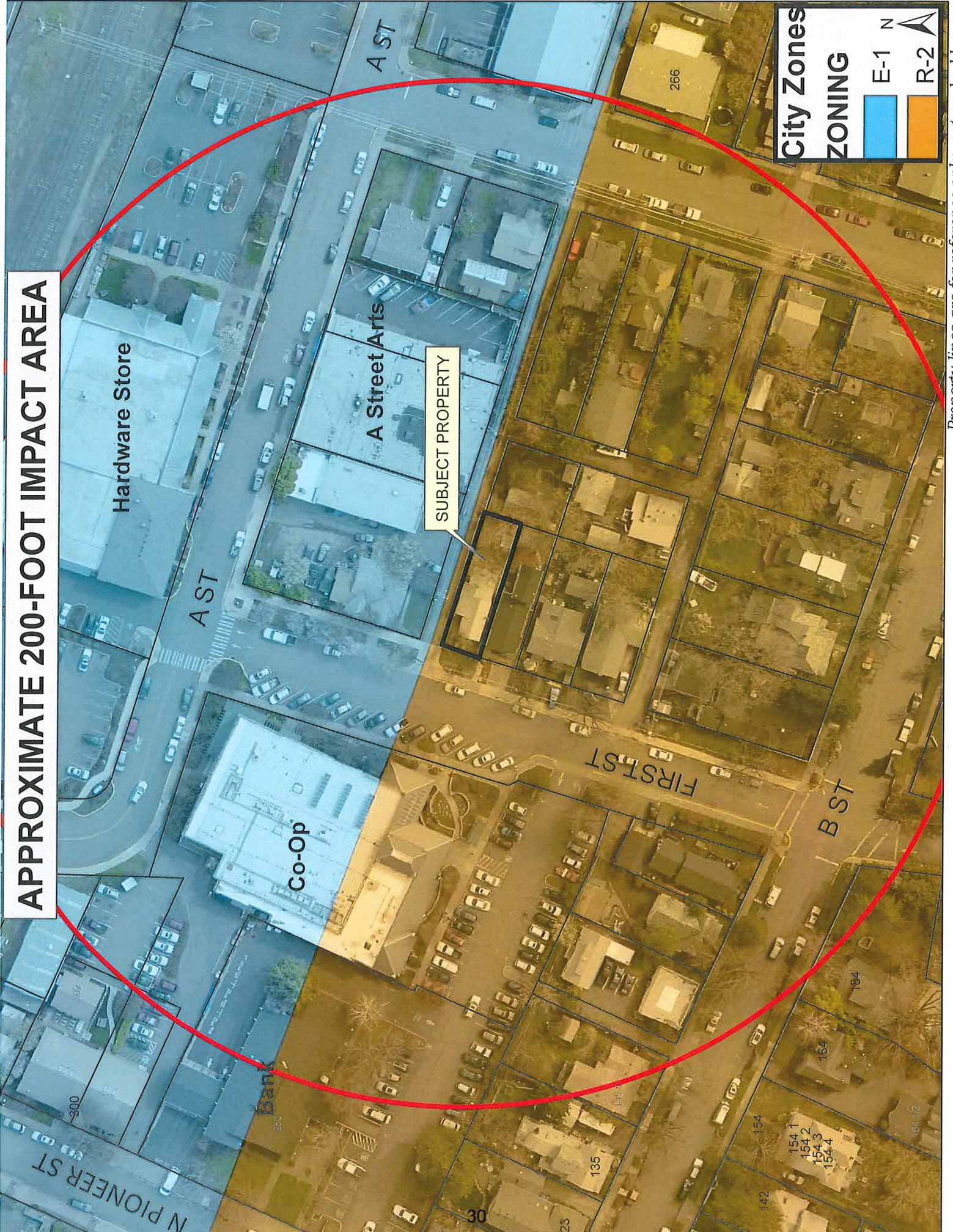
SUBJECT PROPERTY

Co-Op

**City Zones**

ZONING	Color
E-1	Blue
R-2	Orange

North Arrow



Property lines are for reference only. not scaleable

# **APPEAL MATERIALS**



<b>Notice of Land Use Appeal – Type I</b> (Ashland Municipal Code § 18.108.070.B.2.c)		
<b>A. Name(s) of Person Filing Appeal:</b>	<b>B. Address(es):</b> mailing - P.O. Box 1327, Ashland	
1. Patricia Way	238 8 <sup>th</sup> Ashland	
2. Patrick Harvard	65 Prather St, Ashland	
Attach additional pages of names and addresses if other persons are joining the appeal.		
<b>C. Decision Being Appealed</b>		
Date of Decision: NOV 20, 2013	Planning Action #: PA-2013-01421	Title of planning action:
<b>D. How Person(s) Filing Appeal Qualifies as a Party</b> (For each person listed above in Box A, check the appropriate box below.)		
The person named in Box A.1. above qualifies as a party because:	<input checked="" type="checkbox"/> I am the applicant. <input checked="" type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.	
The person named in Box A.2. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.	
Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.		
<b>E. Specific Grounds for Appeal</b>		
1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): <i>See pages attached</i>		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.08 or other law in § requires that (attach additional pages if necessary):		
2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): <i>See pages attached</i>		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.0865 or other law in § requires that (attach additional pages if necessary):		
3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): <i>See pages attached</i>		
This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.104.050 or other law in § requires that (attach additional pages if necessary):		

DEC 2 2013

4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

**Appeal Fee**

With this notice of appeal I(we) submit the sum of **\$150.00** which is the appeal fee required by § 18.108.070 of the Ashland Municipal Code.

Date: Dec 02, 2013

Signature(s) of person(s) filing appeal (attach additional pages if necessary):

Tish Way

Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the Community Development Department, Attn: Planning Commission Secretary, 20 E Main St, Ashland, OR 97520, telephone 541-488-5305, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.108.070.

IV-C-5 Roof materials consistent with historic buildings in immediate vicinity

Ashland Site Design & Use Standards

IV-B-3 Replacement finishes on exterior walls of historic buildings shall match the original finish.

IV-B-4 Imitative materials including but not limited to asphalt siding, wood textured ~~shakes~~, aluminum siding, & artificial stone shall be avoided.

IV-B-7 Replacement windows in historic buildings shall match the original windows

IV-B-9 Asphalt or composition shingle roofs are preferred. wood shake, wood shingle, tile & metal roofs shall be avoided.

IV-C-2 Scale Height, width, & massing of new buildings, conform with historic buildings in the immediate vicinity

December 2, 2013

City of Ashland:

It is our concern that the residence proposed at 270 N. 1st Street which you are in charge of approving does not contribute to our existing Historic Railroad District character. You are responsible with caring for the development of strong neighborhoods and in this instance we think you have overlooked the charm and value of our unique block. We do not think you have acted in the interest of this community and ask you to reconsider.

These are small lots close together. All currently maintain cohesion with similar size, materials, street facing elements, and roof composition. Of these- none is true of the new proposed residence.

1. The **size** will look like a large home built on a small lot especially in relationship to all of the porches with sliding glass doors and covered decks sticking out from the already larger than normal structure AND the two car parking they are placing on this small lot. They will have a covered porch on the front and a balcony for a sliding glass doors facing the street plus a 5' x 16' waterproof deck off the back as well as a balcony for a sliding glass door. That is a lot of space to take up and NO other home in this area has anything like that! The conditional use permit the City is granting for a 25% increase is not necessary on this small lot and (being at the discretion of the City) seems inconsiderate of the existing neighborhood that the City would want to contribute to the overdevelopment of a congested area. A very adequate single family home could be built on this lot without the 25% permitted floor increase- there is no need for a 2 bedroom, 2.5 bath residence on this 25' wide lot.
2. The **material** approved to cover this home is two colors of stucco. Looking in the Historic Railroad District (which is a big value to preserve for charm and tourism in this town) we have not found one home identified as stucco for the siding. They are all wood. There is no benefit to this contemporary material being introduced when other more cohesive choices are available which would be a better fit for this residence. (When asked what other stucco homes were approved by the City in the Historic Railroad District City Planner Amy Gunter has stated that the Ashland Food Coop is stucco but it is neither a residence nor a Historic Contributing Building)
3. All of the other homes on this street have similar **street facing elements**. The window fiberglass colors are ALL white in this neighborhood, yet these windows will have black trim- a contemporary choice. This home has a covered porch AND a balcony with "cable" railing with a stainless steel finish (per West Elevation plan). Stainless steel cable railing is a VERY CONTEMPORARY design element as verified by any architectural magazine- yet not at all a part of Historic Railroad District residences. The house is designed to have sliding glass doors as part of a front street design element. This is not an element which fits with our neighborhood in any way and will contribute glare street side unnecessarily and possibly with hazard to cars backing out of public parking across the street. These elements should not be approved.
4. The **roof composition** of this home was approved to be metal. The proposal submitted suggested that the current structure has a metal roof which it absolutely does not as verified by pictures. This alone should be grounds for reconsideration as it is untrue. Again, we have found no other HOMES in the Historic Railroad District to have metal roof composition and see no reason to approve a home that is not cohesive with the neighborhood. As stated in the following pages- it is noted in your own documents preferences for materials other than metal, in the Historic Railroad District- who benefits by not keeping the cohesion?

All of these things put together make this house stand out in a non-neighborly way!

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When a contemporary home is built in the midst of Historic Railroad District homes it chips away at the integrity of that zone and makes the Historic homes loose value. One of the assets of Planning standards (that you have the responsibility to uphold) is that it does create a feeling of cohesion- like we all sat down together as a neighborhood to work together to make our street aesthetically pleasing. We are blessed with a good amount of tourism for the reason that we have such a beautiful town and walking in the Railroad district is a big part of that for many people. It is in all of our financial interests to keep that quality safeguarded.

Please put more thought and attention into this residential home and make it fit better within our neighborhood!

Thank you for your time and consideration,

Residents/Home Owners/People who Care  
(See names Attached)

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Office of the  
City Clerk

Decision In Appeal:

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Planning Action # PA-2013-01421

DEC 2 2013

At 270 N. 1st street

City of  
Council

Joining this Appeal:

Name

Address

Signature

Brittney Bass

240 N 1st St Ashland

Brittney Bass

I am O.K with a new structure @ 270 N. 1st St. I  
 am not OK with the removal of tree's, the stucco exterior,  
 the porch that extends past the variance, the cable banister/rail  
 for the porch, ~~and~~ the black framed windows, the sliding  
 glass door facing the front yard. This is a historic  
 district and should remain that way.

Decision In Appeal:

Planning Action # PA-2013-01421

At 270 N. 1st street

12 21 13

DEC 2 2013

Joining this Appeal:

Name

Address

Signature

Melissa Syken 260 N 1<sup>st</sup>

MPSyken

This house - though beautiful - does not fit in the Historic Railroad District because it is a contemporary style home. I am all for a new home replacing the current home but think it should look like a home (no stucco) & fit the feeling of other homes on this <sup>etc.</sup> street. It is under the discretion of the City to preserve the neighborhood integrity in a Historic District. There are many many homes when you drive around the HRD (Historic RR District) bordering commercial properties. If you bend all the rules as a "transition" you set a precedent of deteriorating charm. Why would you allow any permits which do not contribute to HRD when it is just as easy to build one that does? Certain homes should not be built in this area. Stucco, Sliding glass doors facing street, metal roof (not a LEED area if this is requirement) bigger than lot size. No bigger home needed - it is a <sup>38</sup> small ~~lot~~.

Decision In Appeal:

Planning Action # PA-2013-01421

At 270 N. 1st street

DEC 2 2013

DEC 2 2013

Joining this Appeal:

Name	Address	Signature
Karl Hynes	2253 Highway 99 <sup>N</sup> Ashland	Karl Hynes
Priscilla Melchert-Morgan	765 Iowa St	Priscilla Melchert-Morgan
Cheri Scott	258 A St #2 Employee	Cheri Scott
Kathryn Kelley	1550 Oregon St #10	Kathryn Kelley
Shoshana Leopold	778 Talent Ave Talent	Shoshana Leopold
Etsuko Jensen	249 1/2 Ast owner state	Etsuko Jensen
Lucas Weigang	249 1/2 Ast. employee	Lucas Weigang
Ava Coyode	739 Pennsylvania St.	Ava Coyode
Wes Donnelly	246 Ast Ashland	Wes Donnelly
Maya Seligman	258 A St. Suite 108	Maya Seligman
Trevor Thomas	258 Ast. Suite #8	Trevor Thomas
ETHAN KNOWLES	258 Ast. Suite #16	Ethan Knowles
Ian Van Ornum	258 A St. Suite #112	Ian Van Ornum
Joe Talboom	540 Helman St	Joe Talboom
Teri Scott	258 Ast #2 Employee	Teri Scott
Lynn Cohen	462 Ast. Ashland OR 97520	Lynn Cohen
Christopher Toughill	236 5th St. Ashland, OR 97520	Christopher Toughill
Jalon Engel	258 A ST. ASHLAND, OR	Jalon Engel
Sary Hansen	205 Granite St, Ash OR	Sary Hansen
Judith Newton	205 Granite St. Ashland, OR	Judith Newton



Decision In Appeal:

Planning Action # PA-2013-01421

DEC 2 2013

At 270 N. 1st street

Joining this Appeal:

Name

Address

Signature

\*Due to the decision falling right at the Thanksgiving Holiday many of our neighbors are out of town with family as well as those of us talking about this have wanted to spend time with family.

We expect more people will be able to come to meeting if that is the next step.

Thank you for that consideration.

# Decision In Appeal:

Planning Action # PA-2013-01421

DEC 2 2013

At 270 N. 1st Street

## Joining this Appeal:

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Ashley Nardi (owner Prema Belly in A Street Arts Bldg)	5th St. Ashland	Ashley Nardi
*Steve Barnard (owner A Street Print & Parcel)	258 A Street	[Signature]
Whitney Barnard (employee A Street Print & Parcel)	258 A street ste #1	Whitney Barnard
Gretchen Nash (employee A Street Print & Parcel)	258 A St. Ste. 2 (Employee)	[Signature]
Leslie Mills	258 A St Employee	Leslie Jones
Lizzy Royce (Royce Real Estate)	145 E Main St	[Signature]
Laura Manneln	225 B St	Tom
Robyn Reitz	239 N 2nd street	Albert
Daniel Sweeney	239 N 2nd Street	[Signature]
Stella Cruz	603 N. Main Ashland	Stella Cruz
Hillary Demmon	236 N. 1st St.	[Signature]
Robert Clift	236 N. 1st St	[Signature]
Buttrey Bars	240 N 1st St Ashland	Buttrey Bars
Jacob Gouge	240 N. 1st St Ashland	[Signature]

# Land Use Appeal - 270 N. 1st

①

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① (18.08) A district identified as historically significant under the City of Ashland Comprehensive plan and its implementing regulations. (ORD. 2951.2008)

The proposed contemporary building does not conform to the requirements of the zone in which it is located. It is not architecturally compatible with the impact area.

② 18.0865 Setback

The horizontal perpendicular distance from a lot line to the closest part of the building is subject to a setback requirement. Contemporary style architectural projections intrude into the setback requirements. (Front porch.)

③ The yard is insufficient to meet the open space on the lot which is unobstructed by a structure. (ORD. 2997.54 1980, ORD. 2951.2008)

Relationship of size of lot to size of home.

④ The decision for application does not clearly include plans for tree removal. In fact, absently neglected on the Historic Commissions notes was

RNN Properties LLC stating all the trees would be left uncut. In the Notice of Application, dated October 18, 2013, RNN Properties LLC states no trees will be removed from the lot. "No trees cut" was what was submitted for public and neighborhood approval and now on page one of the Findings and Orders only one tree will remain uncut.

(5) Scale 18.08

The scale of the proposed building exceeds limits of the zoning and is nonconforming to the Historic Railroad District surrounding neighborhood homes. This does not contribute to neighborhood historic integrity and is not welcomed. (ORD. 2951.2008)

(6) (18.104.050, ORD 2951.2008, 18.08)

Generation of glare from the sliding glass doors facing west will negatively effect the neighborhood and is a potential dangerous hazard to people backing cars out of the parking spaces at the Ashland Food Coop.

And it is not architecturally compatible <sup>DEW</sup> with the impact area. Zero number of other homes have sliding glass doors in the front of a home in the Historic Railroad District.

⑦ Relating to the City of Ashland's Comprehensive Plan;

Overdevelopment in an already highly developed area by granting a 25% increase (conditional use permit) on a building is not in the best interest of this neighborhood. This is a smaller than average lot so it makes logical sense it would be a smaller house. There is no benefit to this particular area to build a larger home when the existing square footage has historically been sufficient for a single family home.

Logically, a person who wants to build a big home buys a big lot to build it on.

Do we want the Historic Railroad District to become a neighborhood of Contemporary Large scale homes and lose the charm tourists visit Ashland to experience? <sup>45</sup> No thanks.

DEC 2013

I challenge this proposed contemporary house supported by the National Park Service, U.S. Department of Interior, and Oregon State Historic Preservation Office (SHPO). The City of Ashland is a (CLG) Certified Local Government and receives Federal financial assistance for identification and protection of the historic properties through the CLG program. The CLG program is designed to promote historical preservation at the local level.

Please use your common sense and financial assistance City of Ashland and wisely choose at the local level to honor, respect, and preserve the Historic Railroad District and do not allow an oversized contemporary style metal roof stucco building with sliding glass street side doors<sup>46</sup> to be built.

Please read your own words and guidelines.  
(See attached which you provide at your  
City of Ashland offices.)

And follow standards listed in  
(AMC) 2.24.

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New construction in the historic district is  
required to maintain district character and  
compatibility with the rest of the neighborhood.  
i.e. "Metal roofs shall be avoided."

"What you do with your property and what  
your neighbors do with theirs, is connected."

"It's in everyone's interest, on many levels,  
to think carefully about change."

If you allow one gigantic oversized  
contemporary home to be buildt, cutting  
down all but one tree on the entire lot,  
how many more will follow and then  
the historic district integrity is gone,

# 270 N. 1st Current Home



Home matches others with asphalt roof, wood siding, similar size, etc...

Back yard will be non-existent with two car parking and deck.



Current parking situation on alley they are proposing to add 2 more cars to. This is also right across from A Street Auto parking and a very high traffic alley if you have not seen.



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City of Portland  
Community Development

## SECTION IV

### Historic District Development

#### A. Development in Ashland's Historic District

Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland, including the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down, and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other, or to the original design. Wrought iron columns, asbestos shingles and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

#### **Restoration, Rehabilitation and Remodeling**

Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between "restoring", "rehabilitating", and "remodeling" may seem academic, but each results in a major difference in the way the job or project may turn out.

To "restore" is to return a building to its original condition as if it were a precious museum piece. This technique is typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s. Restoration is also defined in Ashland Municipal Code Section 18.08

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\* Modern elements shall only be introduced when absolutely necessary, and in a manner which is sympathetic to its original design.

- Speaks to Stucco siding, metal roof, sliding glass door, scale etc.

Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriate only for buildings which are not historic and have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a non-historic structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression "remodel" can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To "rehabilitate" is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that inadequate electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today's modern appliances. When rehabilitating a building, it is essential to protect those portions or features which convey its historical, cultural and architectural character. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced when absolutely necessary, and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way. Rehabilitation is also defined in Ashland Municipal Code Section 18.108.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

Speaks to need for neighborhood compatibility

The City of Ashland has adopted ordinances to assure that all development, including development in the Historic District, remains compatible with the existing integrity of the district. In new construction of a single-family residence, the Historic Commission will use these standards to make recommendations to the applicant.

If an applicant requires a Staff Permit, Site Review, or a Conditional Use Permit which involves new construction, a remodel, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

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## B. Rehabilitation Standards for Existing Buildings and Additions

The purpose of the following standards is to prevent incompatible treatment of buildings in historic districts and to ensure that new additions and materials maintain the historic and architectural character of the district. These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within historic districts.

- IV-B-1** Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.
- IV-B-2** Original architectural features shall be restored as much as possible, when those features can be documented.
- IV-B-3** Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.
- IV-B-4** Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.
- IV-B-5** Exterior wall colors on new additions shall match those of the historic building.
- IV-B-6** Imitative materials including but not limited to asphalt siding, wood textured aluminum siding and artificial stone shall be avoided.
- IV-B-7** Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.
- IV-B-8** Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.
- IV-B-9** Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile and metal roofs shall be avoided.
- IV-B-10** New porches or entries shall be compatible with, but not replicate, the historic character of the building.
- IV-B-11** New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.
- IV-B-12** The latest version of the Secretary of the Interior's *Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings* shall be used in clarifying and determining whether the above standards are met.

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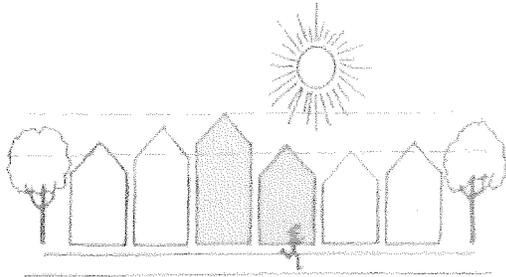
### C. Historic District Design Standards

In addition to the standards found in Section II "Approval Standards and Policies", the following additional standards will be used by the Planning and Historic Commissions for new construction, restoration and rehabilitation of existing buildings within the Historic District. For projects located at the boundary between zoning districts or overlays, appropriate adjustments to building form, massing, height, scale, placement or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.

*↑ This is not a reason to allow incompatible home to be built. It is reason to make more attention on compatibility. This should still look like a home!*

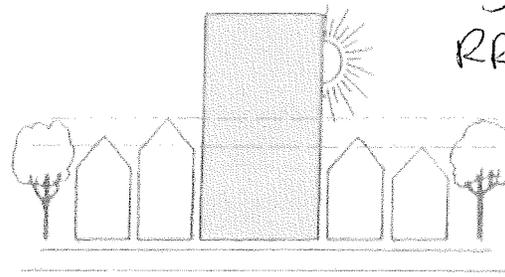
#### IV-C-1 Height

**RECOMMENDED**



Construct new buildings to a height within the range of historic building heights on and across the street.

**AVOID**

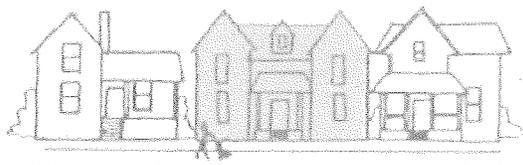


New construction that varies in height (too high or too low) from historic buildings in the vicinity.

*Many, many homes in RR District border businesses - part of the charm!*

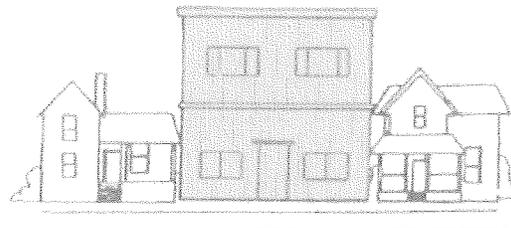
#### IV-C-2 Scale

**RECOMMENDED**



Height, width and massing of new buildings conform with historic buildings in the immediate vicinity.

**AVOID**



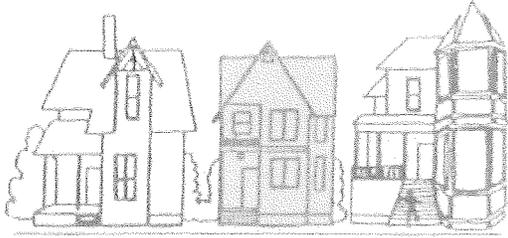
Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

*↑ Avoid big home on small lot.*

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### IV-C-3 Massing

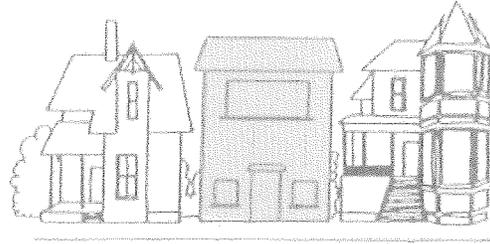
#### RECOMMENDED



Small, varied masses consistent with historic buildings in the immediate vicinity.

SMALL

#### AVOID



Single, monolithic forms that are not relieved by variations in massing.

### IV-C-4 Setback

#### RECOMMENDED



Front walls of new buildings are in the same plane as the facades of adjacent historic buildings.

#### AVOID



Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

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**IV-C-5 Roof**

**RECOMMENDED**



Roof shape, pitches and materials consistent with historic buildings in the immediate vicinity.

**AVOID**



Roof shapes, pitches, or materials not historically used in the immediate vicinity.

**IV-C-6 Rhythm of Openings**

**RECOMMENDED**



Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

**AVOID**



A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

*This is AVOID  
Home & Commercial are different, should not be reason to allow metal roof on a home.*

DEC 2 2013

# Historic Railroad District Homes



247 7th



248 7th



on 7th



297 6th



294 6th



on 6th



268 6th



267 6th



256 6th



247 6th



236 5th



235 5th



248 5th



259 5th



266 5th

\* These homes are mostly between A & B streets, 7th - 1st (a large part of Historic RR District) Just a refresher of what RR district is... charm. Similarity in materials, size, etc. No stucco, no metal roofs, no sliding glass doors!

# Historic Railroad District Homes



on 4th



220 4th



247 3rd



253 3rd



269 2nd



266 2nd



263 3rd



269 2nd



248 2nd



239 2nd



on 2nd



on 2nd



236 1st



240 1st



260 1st

DEC 2 2013

# Historic Railroad District Homes



Alley 1st



These homes are all along B Street or between



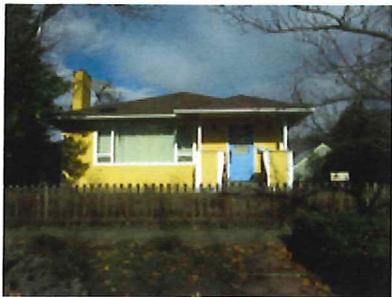
B an C Streets in Railroad District



DEC 2 2013

# Historic Railroad District Homes

Homes along B etc. in Historic Railroad District



DEC 2 2013

Historic Railroad District

## REHAB & REMODEL STANDARDS

The purpose of the following guidelines is to ensure the proper use of materials and details within the Historic District:

- Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.
- Original architectural features shall be restored as much as possible, when those features can be documented.
- Reconstructed roofs on additions or remodels to have the same pitch as the original roof. New roofs shall be attached at a different height to clearly differentiate from the historic building. Shed roofs are acceptable for one-story rear additions.
- Match the style of any porch or entry addition at the front of the structure to the original or existing style.
- Match colors of any additions to the colors used on the existing exterior.
- Replacement windows shall match the original windows. New windows shall be compatible in proportion, shape and size but not replicate original.
- Asphalt or composition shingle roofs are preferred. Asphalt which matches the original in color and texture are acceptable. Wood shake shingles, tile and metal roofs shall be avoided.
- Diagonal and vertical siding shall be avoided unless it was used as the original siding.
- Imitative materials such as asphalt siding, textured aluminum siding or artificial stones shall be avoided. *Stucco*
- New detached structures should be compatible with the existing building and conform to the above standards.
- The latest version of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in clarifying and determining whether the above standards are met.

## INFORMATION SOURCES

City of Ashland  
SITE DESIGN AND USE STANDARDS

City of Ashland Planning & Building Depts. <sup>DEC 2 2013</sup>  
51 Winburn Way

Ashland, Oregon 97520  
541-488-5305

**Ashland Public Library**  
Gresham & Siskiyou  
541-482-1151

**Southern Oregon Historical Society**  
106 North Central  
Medford, Oregon 97501  
541-773-6536

**Southern Oregon University**  
Library  
541-552-6441

**Terry Skibby (historic photos)**  
541-482-2805

**Kay Atwood (historian)**  
541-482-8714

**Marge O'Harra (historian)**  
541-482-0824

**George Kramer (historian)**  
541-482-9504

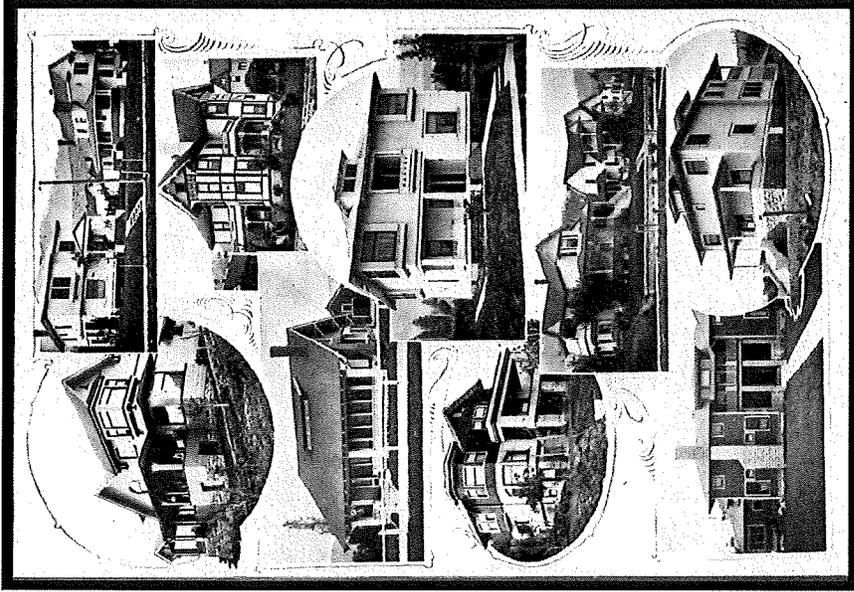
**Rod Reid (historian)**  
541-482-5674

**State Historic Preservation Office**  
Salem  
(503) 986-0718



# CITY OF ASHLAND

## HISTORIC COMMISSION



### Current Historic Commission Members:

Allison Renwick	Victoria Law	Tom Giordano
Keith Swink	Dale Shostrom	Sam Whitford
Terry Skibby	Ally Phelps	Kerry Kencairn

Staff Contacts - Amy Gunter or Billie Boswell 541-488-5305

## RESPONSIBILITIES & PURPOSE

The Ashland Historic Commission was established in the early 1970s to: survey and recommend to the City Council, areas or properties of significant historical value and interest to be designated historical properties; draft and recommend ordinances and other measures designed to protect and foster interest in the improvement of designated historical properties; review literature and sources of funding concerning the protection and improvement of designated historic properties; review and make recommendations concerning the improvement of the designated historic properties in connection with the issuance of building permits, zone changes, conditional use permits, variances, sign permits and site reviews; review and recommend project applications for funding; to promote public support for the preservation of Ashland's history; and advise citizens on aesthetic standards for historic areas.

The purpose of historic districts is to maintain the City's links with the past by encouraging the restoration and rehabilitation of the City's old homes and commercial structures. These old buildings represent the aspirations and attainments of past eras. They are material links with the City's history that preserve the character of the City and make it a unique place to live and work.

## Ashland Historic Commission Mission Statement

Ashland has a rich historic legacy, a portion of which is preserved in the city's many historic residences, civic buildings and other structures, as well as its four National Register districts. The Ashland Historic Commission serves the city and its citizens by providing advice and consultation that will protect and enhance this historic inventory. Structural changes and alterations, modernization, the moving of buildings and proposed demolitions all have the potential to impact Ashland's historic structures negatively. The Commission is charged to work collaboratively with citizens and city officials to minimize inappropriate or historically incompatible external changes, while enhancing and improving the city's historic structures.

The Commission assists the city and its citizens in finding ways to support development and improve historic structures, while avoiding inappropriate changes that may decrease the historic value of buildings and neighborhoods. Since the 1970s, hundreds of successful rehabilitation and modernization projects have been undertaken on historic properties in Ashland. These have helped maintain the unique character of our city. The Commission invites you to join us in this process.



## PUBLIC MEETINGS

The Ashland Historic Commission holds public meetings every Wednesday before the second Tuesday of the month. These meetings are held at 6:00 p.m. in the Community Development/Engineering Services Building located at 51 Winburn Way.

Also, the Historic Commission Review Board meets every Thursday from 3:00 to at least 3:30 p.m. in the Community Development/Engineering Services Building to review building permits and sign permits, and to be available to the public for consultation.

## DEVELOPMENT IN ASHLAND'S HISTORIC DISTRICTS

Ashland's National Register Historic Districts are very important to all of the City's residents. Not only do these areas contain the City's beginnings, but also some of the most prominent landmarks in Ashland. For the most part, the main architectural themes have already been laid down, and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to a successful development.

The City of Ashland has adopted ordinances to assure that all development, including development in the Historic Districts, remains compatible with the existing integrity of the Districts. In new construction of a single-family residence, the Historic Commission will use these guidelines to make recommendations to the applicant. If an applicant requires a Site Review or a Conditional Use Permit which involves new construction, a remodel or any use greater than a single family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these guidelines. In these cases, the Historic Commission advises both the applicant and the Staff Advisor or other City decision-makers.

## Explore Ashland Beyond Main Street



Experience art amid the history of the Ashland Railroad District. In 1887, when they drove the last spike on the rails along A Street in Ashland, they completed the railroad that encircled the nation. That Golden Spike marked the beginning of our connection to markets along the West Coast and far beyond. As you seek extraordinary shops, galleries and restaurants, complete your search with a circle through the Railroad District.

Discover unique galleries and artist studios, inns, cafes, music, a railroad museum and a metaphysical center among the buildings that stand near the site where a grand station once received passengers from distant cities.

Train time was exciting. At the sound of an approaching whistle, horse-drawn coaches would rush down to A Street to be the first to meet the passengers and get a spot to park. Parking is easier here nowadays, and it's only a short saunter from downtown. Nearby restaurants would bang gongs to lure hungry passengers past the station dining room. Today, one taste will bring you back to the chefs' tables.

History is made every day. Artists at work in their studios welcome you to witness as they demonstrate glassblowing, ceramics, stone sculpting, digital printmaking, drawing and painting. Fine art from distant cities is exhibited along with the fine art and craft created here in the Railroad District. Come for the fun of it!

PHOTO: SOHS # 5266

### ACCOMMODATIONS

- A ANNE HATHAWAY'S B&B\***  
107 E. Main Street · 541-488-1050 · ashlandbandb.com  
Featuring art, books, antiques, scrumptious breakfasts.
- B ASHLAND AUBERGE**  
184 B Street · 541-488-7003 · ashlandauberge.com  
Distinctive Ashland vacation suites.
- C ASHLAND'S BLACK SWAN INN\***  
111 Third Street · 541-488-3070 · ashlandsblackswaninn.com  
Gracious comfort, lush gardens, sumptuous breakfasts.
- D DELAUNAY HOUSE\***  
185 N. Pioneer Street · 541-621-5409 · delaunayhouse.com  
Location & luxury, voted best historic house for reunions.
- E THE MCCALL HOUSE\***  
153 Oak Street · 541-482-9296 · mceallhouse.com  
Victorian with exquisite rooms; gourmet breakfast.
- F OAK STREET COTTAGES**  
171 Oak Street · 541-488-3778 · oakstreetcottages.com  
For over 20 years, A Favorite Family Inn 1 block to downtown.
- G PEERLESS HOTEL\***  
243 Fourth Street · 541-488-1082 · peerlesshotel.com  
A delightful little hotel and garden.
- H PELTON HOUSE\***  
103 Street · 541-488-7003 · peltonhouse.com  
Relaxing accommodations; superb customer service.

\*Indicates National Historic Registry

# A WALKING TOUR

OF

ASHLAND'S HISTORIC RAILROAD DISTRICT



SPONSORED BY

*People's BANK*  
OF COMMERCIAL

**Ashland Railroad District Association**  
For more information call 541-488-5072  
ashlandRRdistrict.com

REV MAR-20 13

DEC 2 2013

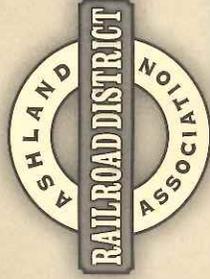
# ASHLAND'S HISTORIC RAILROAD DISTRICT

## GALLERIES

- 1 ASHLAND ART WORKS**  
291 Oak Street · 541-488-4735 · ashlandartworks.com  
Ceramics, paintings, sculpture, jewelry, wood-working
- 2 GALLERIE KARON & GALLERIE MENAGERIE**  
500 A Street, Suite 1 · 541-482-9008 · ashlandgalleries.com  
Affordable art, antiques, artifacts, animals.
- 3 GATHERING GLASS STUDIO**  
322 N. Pioneer Street · 541-488-4738 · gatheringglass.com  
Live glassblowing studio, gallery, classes available.
- 4 ILLAHE STUDIOS AND GALLERY**  
215 Fourth Street · 541-488-5072 · illahgallery.com  
Clay, glass, wood, metal, paper.
- 5 JEGA GALLERY & SCULPTURE GARDEN**  
625 A Street · 541-488-2474 · jega4art.com  
Provocative sculpture and multi-media art.
- 6 L'ATELIER ANNABEL LEE**  
258 A Street, #14 · 541-951-5182 · 541-301-1031  
Hand crafted & vintage curiosities for him, her & the wee ones.
- 7 STUDIO A.B**  
621 A Street · 541-482-2253 · babayard.com  
Pastel and charcoal drawing; electronic collage.

## HISTORIC PLACES

- 1 ASHLAND DEPOT HOTEL SOUTH WING (1888)**  
& GOLDEN SPIKE MEMORIAL PLAQUE (1887)
- 2 ASHLAND FIRE STATION #2 AND JAIL (1910)**
- 3 OAK STREET TANK AND STEEL (1910)**  
(Plexis Healthcare Systems)
- 4 OREGON NATIONAL GUARD ARMORY AT ASHLAND\***  
(1912) (Historic Ashland Armory)
- 5 JOHN M. EASTERLING BUILDING\* (1908)**  
(KSW Architects)
- A J.T. CURRIE BOARDING HOUSE\* (1908)**  
(Anne Hathaway's B&B)
- C COLONEL WILLIAM H. SILSBY HOUSE\* (1896)**  
(Ashland's Black Swan Inn Bed & Breakfast)
- D HARGROVE HOUSE (1909) (DeLaunay House)**
- E JOHN MCCALL HOUSE\* (1883)**
- F EUGENE A. SHERWIN HOUSE (1900)**  
(Oak Street Cottages)
- G PEERLESS ROOMS BOARDING HOUSE\* (1894)**  
(Peerless Hotel)
- H CHARLOTTE & JOHN PELTON HOUSE\* (1894)**  
(Pelton House B&B)
- I D. SHERMAN POWELL HOUSE (1900)**  
(Ashland Art Works)
- 4 CHARLES NININGER BUILDING/BUNDINI BUILDING (1899)** (Illahe Studios and Gallery)
- A JAMES K. VAN SANT BUILDING\* (ca. 1905)**  
(Coquina)



- 1** GALLERIES
- A** ACCOMMODATIONS
- ▲** RESTAURANTS
- ▲** UNIQUE DESTINATIONS
- 1** HISTORIC PLACES\*

\*Some Galleries and Accommodations are also Historic Sites. See listings below for details.



## RESTAURANTS

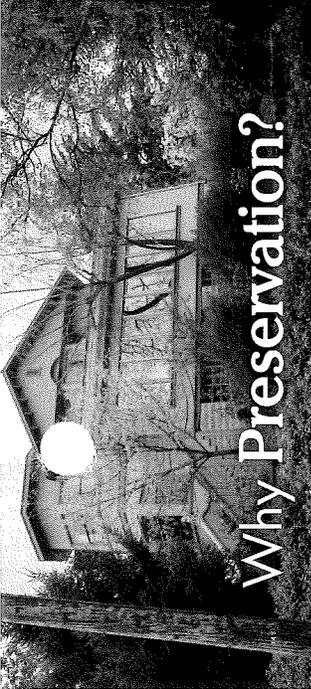
- ▲ 1 ASHLAND FOOD CO-OP**  
237 N. First Street · 541-482-2237 · ashlandfood.coop  
Full-service organic & natural grocery and deli.
- ▲ 2 COQUINA\***  
542 A Street · 541-488-0521 · coquinarestaurant.com  
Seasonal. Regional. Organic. Farm to table. Patio & full bar.
- ▲ 3 KOKO'S BENTO-DOG CAFÉ**  
249½ A Street 541-482-5656  
Japanese fast food & hot dogs. Organic & vegan options!
- ▲ 4 NOBLE COFFEEHOUSE & ROASTERY**  
281 Fourth Street · 541-488-3288  
www.noblecoffeehouse.com  
Inviting coffeehouse & artisan roasting.
- ▲ 5 PEERLESS RESTAURANT & BAR**  
265 Fourth Street · 541-488-6067 · peerlessrestaurant.com  
An oasis of inspired seasonal cuisine.
- ▲ 6 THE PLAYWRIGHT**  
258 A Street · 541-488-9128 · theplaywrightpublichouse.com  
Sanctuary for a delicious bite to eat and a well poured pint.

## UNIQUE DESTINATIONS

- ▲ 1 ASHLAND HISTORIC RAILROAD MUSEUM**  
258 A Street, #11 · 541-261-6605 · ashlandmuseum.org  
Keeping Ashland's railroad history alive!
- ▲ 2 BOMBHELL BOUTIQUE**  
340 A Street, #5 · 541-261-1236 · ashlandbombshell.com  
Premium Designer & Vintage Consignment, including men's.
- ▲ 3 GET 'N GEAR**  
340 A Street, #8 · 541-482-5181  
Bike rental, sales & repair. Outdoor gear too!
- ▲ 4 INDIKA**  
258 A Street, #10 · 360-421-3342 · indikaimports.com  
Fairly traded cooperative crafts of India.

\*Indicates National Historic Registry

Images from the Southern Oregon Historical Society collection.  
Front cover: SOHS # 5852

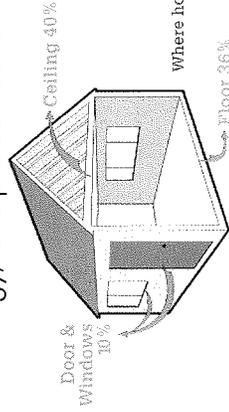


## Why Preservation?

Besides protecting our history and maintaining Ashland's character, preservation is an important economic tool that creates increased property value. Properties in Ashland's historic neighborhoods are worth more, maintain their value, and appreciate faster than those elsewhere. What you do with your property and what your neighbors do with theirs, is connected. It's in everyone's interest, on many levels, to think carefully about change. Ashland's historic neighborhoods, built near the city center, reduce auto dependence, encourage walking, and promote community. Demolition of historic structures erodes the fabric of the historic neighborhood and that history is forever lost. Preservation shows good stewardship.

## Historic Homes are green!

The "greenest" buildings are those that are already standing. Existing buildings, including historic buildings, represent an energy investment that has already been expended in the procurement, manufacture and transport of materials, and the construction process itself. To demolish an existing building to build a new "green" building in its place is counter-productive to the concept of energy conservation. By some estimates, it would take over 65 years to recoup the energy savings when building new structures. Maintaining and restoring existing structures reduces waste in the landfill, conserves energy, and protects our environment.



[www.preservationnation.org](http://www.preservationnation.org)

CITY OF  
ASHLAND



Need more?

**Ashland Historic Commission**

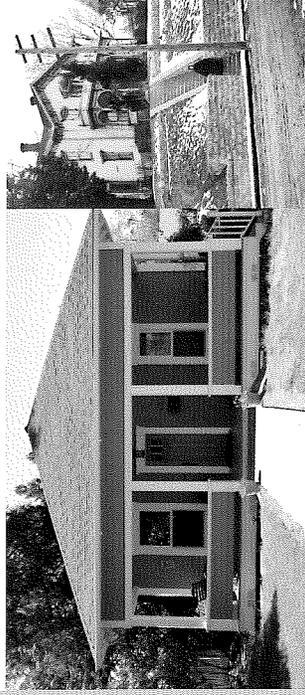
[www.ashland.or.us/historic](http://www.ashland.or.us/historic)

**Southern Oregon Historical Society**

[www.sohs.org](http://www.sohs.org)

**Restore Oregon**

[www.historicpreservationleague.org](http://www.historicpreservationleague.org)



The project is financed with Federal funds from the National Park Service, U.S. Department of the Interior, and is administered by Oregon State Historic Preservation Office (SHPO). The City of Ashland is a Certified Local Government (CLG), and receives Federal financial assistance for identification and protection of the historic properties through the CLG program. The CLG program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by SHPO.

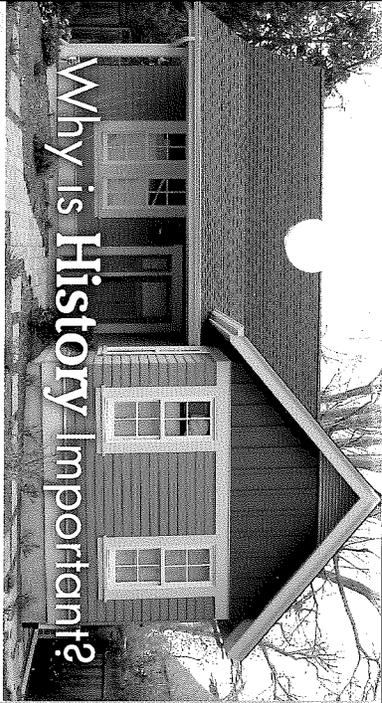
Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as describe above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.

Preserving

# Historic Ashland

A reference guide

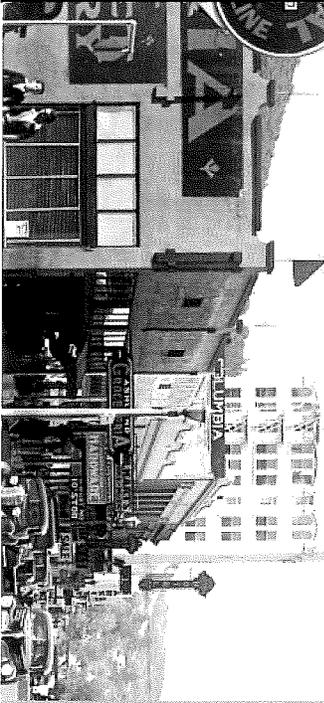




## Why is History Important?

Ashland takes great pride in its history and has a strong commitment to maintaining the character of its architecture. Our historic buildings and neighborhoods are a large part of what makes Ashland what it is, and play an important role in our quality of life, our economy, and keeping Ashland beautiful. National Register-listed historic districts include all of downtown, plus much of the surrounding residential area. The historic districts developed before 1950 total over 1,700 properties in the heart of our community. If you are lucky enough to live here, and to own a piece of Ashland's past, you are also the steward of a rare and irreplaceable part of our city.

The City of Ashland Historic Commission (AHC) is a nine-member, citizen advisory panel appointed by the City Council. The commission was created in early 1970s to help property owners protect Ashland's character by reviewing proposals for alteration and new construction on properties in the historic districts. If you have property within a historic district, or on the National Register, this guide outlines the AHC review process and provides information to help you design your project.



## FAQ'S

The City of Ashland has adopted standards which reflect with the Secretary of the Interior's guidelines for Historic Preservation. The AHC reviews proposals for consistency with the standards as outlined in their Powers and Duties from Ashland Municipal Code (AMC) 2.24.

**Do I need a permit to work on property?**  
It depends. Anytime you are considering exterior modifications to your property, you should consult with Planning Division staff and the AHC. The AHC reviews changes that require a building permit, in addition to land use applications.

**Can I be compelled to restore my property?**  
No. The AHC only reviews proposals for alteration or change; it can not require any repair or restoration.

**Do I need AHC approval to change the interior?** No. While you are encouraged to consider the historic character of your interior, the AHC only reviews exterior changes.

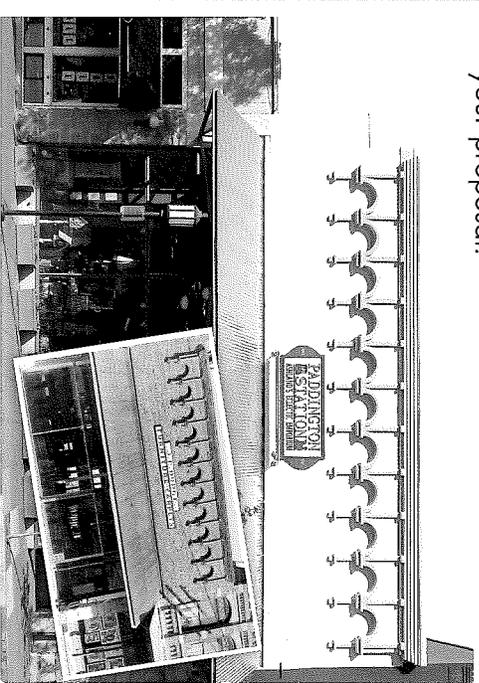
**Do I need to get a permit to paint my house or use a certain color?** No. The AHC encourages the use of historically appropriate colors but does not review paint colors.

**I'm building a new house, do I need Commission approval?** No. The AHC reviews new construction in the historic district to maintain district character and compatibility with the rest of the neighborhood and will provide you feedback. The AHC recommendations may be added as conditions of approval to land use applications.

**How often does the Commission meet?** The Commission meets monthly for actions requiring full review and a three-person subcommittee meets weekly by appointment to review building permits, pre-application conference submittals, sign permits and provide feedback on proposals. AHC meetings are held at 6:00 PM on the first Wednesday proceeding the first Tuesday of the month in the Siskiyou Room of the Community Development and Engineering Services building at 51 Winburn Way.

## How do I proceed?

1. Your best first step is to consult with the AHC and the City of Ashland Planning Division staff regarding the guidelines for renovation and new construction in the historic districts. You can review the city's Historic Building Briefs and other information about development standards at [www.ashland.or.us/historic](http://www.ashland.or.us/historic) before you get too far along in design, to make sure that you are on the right track. Some proposals require building permits and others may require a land use approval prior to building permit. Speak with staff to find the direction that your project may be required to proceed.
2. Fill out an application. Include all the required supporting materials (drawings, photos, narrative). Many projects require a pre-application conference. Once you file your complete application, a hearing, if required, will be scheduled for the AHC's next meeting.
3. The AHC will review your application in a public hearing, where you or your representative (contractor/designer/architect) can present the plan and respond to any questions the AHC has. The AHC can recommend approval of your plan, recommend approval of your plan with conditions, or recommend denial of your proposal.





DEC 2 2013

# Living with Historic Buildings

## Introduction

- Historic preservation is a tool to enhance neighborhood livability, quality of life, civic pride - it also has economic rewards.
- Good preservation results in higher property values, helps to stabilize neighborhoods, and creates a skilled labor force.
- Preservation is good sustainable practice – like recycling – it minimizes waste and environmental degradation by retaining existing buildings, materials and infrastructure.



## Ashland's History

- Sited on the Applegate Trail which carried pioneers from California to Oregon Territory.
- First settlers used Ashland Creek to power a saw mill and flour mill.
- Primarily a farming community in early years, until railroad development in 1880s which led to new industries & significant population growth.
- Growth was steady through the 1920s when Southern Pacific rerouted the railroad. That action and the Great Depression curtailed growth, thus the majority of Ashland's historic buildings date to the 1880s to 1920s.

## Historic Registers

- Ashland has four historic districts, which are regulated locally, and each is also listed on the National Register of Historic Places.
- Applicable regulations within a district depend on property zoning, use and status (*historic, contributing, individually listed, etc.*)
- The city maintains detailed information on the historic significance of properties in each district; this can be viewed at the city's Planning Department.
- Individual properties are classified as resource by their historic integrity and contribution to the character of the district. Some property owners also pursue special assessment tax benefits by having their properties individually listed. Currently 24 properties use this tax benefit.

<i>Ashland's Historic Districts</i>	<i>Total Properties</i>	<i>Number Contributing</i>
Downtown	100	73
Railroad Addition	371	256
Siskiyou-Hargadine	460	274
Skidmore Academy	484	300

## Local Requirements

- Ashland is a certified local government (CLG) because it has adopted goals and regulations for historic preservation that meet state standards. Ashland's comprehensive plan and municipal code establish goals and regulations for the preservation of resources in its historic districts.
- The Historic Commission is a nine-member, advisory body that meets monthly. A three-member subset of the Commission meets weekly by appointment on Thursday afternoons to review historic district building permits, and can also help to provide feedback on proposals.
- Expedited building permits for small residential rehabilitations and additions are available on Thursdays. A city planner and Building Department plans examiner are available from 8:30 to 11:30

This project is supported in part by a grant from the Oregon State Historic Preservation Office, Oregon Parks & Recreation Department, funded by the National Park Service through the National Historic Preservation Act.

# Living with Historic Buildings

a.m. Permits are reviewed by the Historic Commission's Review Board in the afternoon and are typically ready to issue the next day.

- Generally speaking, exterior changes requiring building permits for contributing commercial properties or for individually listed residential properties require separate land use approval, with review by the full Historic and/or Planning Commissions prior to obtaining building permits.
- Land use approval entails review for compliance with the city's *Site Design & Use Standards Handbook* and *The Secretary of the Interior's Standards for Rehabilitation*. These preservation standards ensure changes to historic properties are consistent with the spirit and character of the historic property and district while also meeting community, owner and resident needs.
- Demolition of buildings 45 or more years old is carefully regulated. Approval requires a demonstration that rehabilitation or re-use is not feasible or that the structure is unsound. Land use approval for a replacement structure must also be obtained prior to demolition.

## Building Maintenance

- Historic houses need a maintenance plan.
- Roofs are highest priority. Keep excess moss and leaf debris removed, and gutters clean. Replace roofing material before it is so deteriorated that leaking occurs.
- Windows and doors are second priority. They should work properly, be as airtight as possible, and should only be replaced if they can't be repaired.
- Exterior paint is critical to extending the life of a building. A regular plan for repainting should be implemented. Small sections can be done every year to limit expense. Adequate cleaning is required before repainting.

## Tips for Owners of Historic Houses

- Historic houses tend to function differently than new ones. They were designed to allow for natural light and fresh air, not to be hermetically sealed. It is important to use these features rather than trying to correct them, otherwise owners may be dissatisfied.
- Every historic building has eccentricities - windows are difficult to open; floors creak; cracks are signs of long life, not a flaw to be repaired. While most of these can be corrected, if they aren't causing problems with everyday life, it's best to let them to contribute to a building's character.

## Additional Reading

- Map of Ashland's historic districts, <http://www.ashland.or.us/Files/Local%20and%20National%20Historic%20Dist%20Overview.pdf>
- Ashland Site Design and Use Standards, [http://www.ashland.or.us/Files/SiteDesign-UseStandards\\_2011.pdf](http://www.ashland.or.us/Files/SiteDesign-UseStandards_2011.pdf)
- Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Buildings, [http://www.cr.nps.gov/hps/tps/standguide/rehab/rehab\\_approach.htm](http://www.cr.nps.gov/hps/tps/standguide/rehab/rehab_approach.htm)
- National Park Service Preservation Brief No. 47: Maintaining the Exteriors of Small and Medium Size Historic Buildings, [www.cr.nps.gov/hps/tps/briefs/brief47.pdf](http://www.cr.nps.gov/hps/tps/briefs/brief47.pdf)
- Oregon Historic Sites Database, statewide list of properties meeting minimal criteria, [http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp\\_main](http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp_main)

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First in a series of educational briefs to encourage successful rehabilitation of Ashland's historic buildings. For additional briefs contact:

ASHLAND HISTORIC COMMISSION - Tel: 541-488-5305 - 51 Winburn Way - Ashland, Oregon 97520 - [www.ashland.or.us](http://www.ashland.or.us)

# ASHLAND HISTORIC COMMISSION

## Meeting Minutes

November 6, 2013

Community Development/Engineering Services Building – 51 Winburn Way – Siskiyou Room

**Call To Order – Regular Meeting, 6:05 pm** Chairman Skibby

**Historic Commissioners Present:** Dale Shostrom, Keith Swink, Kerry Kencairn, Allison Renwick, Sam Whitford, Tom Giordano, Terry Skibby, Ally Phelps, Victoria Law

**Commission Members Absent:** Tom Giordano

**Council Liaison:** Greg Lemhouse absent

**High School Liaison:** None Appointed

**SOU Liaison:** None Appointed

**Staff Present:** Staff Liaison: Amy Gunter, Clerk: Billie Boswell

**APPROVAL OF MINUTES:** Ms. Renwick made a motion to approve the minutes of the October 2, 2013 meeting, Mr. Whitford seconded the motion. Ms. Law abstained due to being absent. The minutes were approved unanimously by the remaining Commissioners.

**PUBLIC FORUM:** There being no one wishing to speak, the Public Forum was closed.

**COUNCIL LIAISON REPORT:** None

### **PUBLIC HEARING:**

PA2013-01476  
108 N. Second Street  
Dudley Road

Ms. Kencairn recused herself due to her working relationship with the applicant. No other exparte contact or conflict of interest.

Ms. Gunter reviewed the prior hearing before the Commission for the remodel done. She explained that the applicant, Dudley Road, has decided to live in the upstairs apartment and rent the two Travelers Accommodations on the main floor. This Conditional Use is for the Traveler's Accommodations.

Mr. Rood said that no upgrades or changes need to be made to the structure. He feels the use will not detract from the mixed use neighborhood since 75% of the structures are commercial. Mr. Shostrom and Mr. Whitford both commented on how much they like the remodel that was done. There being no further questions of the applicant and no one in the audience wishing to speak, the Public Hearing was closed.

*Mr. Shostrom moved to recommend approval. Mr. Swink seconded the motion and it passed unanimously.*

PA-2013-01388  
14 Calle Guanajuato  
Allan Sandler

Ms. Gunter shared the details of the submitted building plans showing exterior detail and finishes. Mr. Shostrom stated that the window should have real mullions applied to the glass and not inside the glass or tape on glass. Overall the Commissioners liked the design.

Chairman Skibby confirmed there was no conflict of interest or ex parte contact.

Ms. Gunter reviewed the staff report with the Commissioners explaining that the existing structure would be torn down and a new 2-story, 1300 sq.ft. residence built. The front yard setback was reduced to only 6 feet to conform to other front yards along the street. Windows will be primarily double hung. No driveway would be allowed due to spacing issues on First St so the parking would be in the rear off the alley. They are requesting to keep the 3-foot side yard setback due to the narrowness of the lot. The lot is adjacent to commercial zoning on the north and is considered a transitional structure. The roof would be metal to accommodate water collection efforts and Leeds requirements. Ms. Gunter summarized the concern letters received from neighbors stating issues with the parking, the size of the structure (2-story), the metal roof and other window and trim details that seem to give the structure a more commercial rather than a residential look more compatible with the other houses in the neighborhood.

Nisha Jackson, the applicant, said the lot has commercial businesses on three sides. Due to the extreme narrowness of the lot the proposed home will only have 1300 square feet on two floors. The exterior finish will be a combination of stucco and wood. Ms. Jackson desires to make the home Leeds Certified at the Silver level. The metal roof contributes to that goal to aid in rainwater recycling. Chairman Skibby commented that the existing house was built in the 40's and is in poor shape and has little to contribute to the Historic district.

There were no further questions of the applicant and the meeting was opened to those in the audience wishing to speak.

Patricia Way of Ashland stated she was there also representing her daughter that lived next door and they were both opposed to the project. She had concerns regarding the metal roof and other commercial aspects of the design. She also felt the size and scale, specifically the 2-story design, made the house bigger than any other residences on the block. There was also resistance to the parking being in the back yard and felt it would negatively affect the neighboring back yard. Chairman Skibby asked what other type of roofing material could be used. If a composition roof were done it could make the Leeds certification harder to meet. Ms. Way also questioned why a front porch was allowed, when her daughter was not able to add a porch. Ms. Gunter explained the situation was not the same.

Ms. Jackson clarified that they would have an eight foot front yard setback instead of the six feet allowed by averaging.

There being no one else in the audience wishing to speak, the public hearing was closed.

Chairman Skibby commented on the challenge of building on such a small lot size. He was also concerned about the metal roof. Ms. Kencairn pointed out that the metal roof was needed for the rainwater collection system and she did not feel it was inappropriate because of the transitional area. Mr. Whitford agreed. Ms. Law was concerned about the 2-story size and that it blocked views. Mr. Shostrom felt the 2-story mass was an issue but the step-back of the second story made it fit better. Ms. Renwick suggested the two double-hung windows be separated by at least 4 inches to give a more period look. She was also struggling with the scale and size. Mr. Shostrom said the large scale and commercial look was in stark contrast to the other residences in the neighborhood. Mr. Swink supported the project as the best use of the property.

Mr. Whitford made a motion to recommend approval of the project adding the recommendation that a minimum of four inches between the double-hung windows be required. Ms. Kencairn seconded the motion. Swink, Whitford, Renwick, Kencairn and Phelps voted to approve the motion. Shostrom and Law voted against it. The motion passed by majority vote.

Parking spaces could easily go in on front lot next to alley to match home at 237 1st on other side of alley. Space is confusing large because of tack on cut to SPOT. All other neighbors have employed same contractor to install powers... CONTINUITY!

**DISCUSSION ITEMS:**

A. Brochures – Discussed the mailing and distribution of the Historic Brochures. Amy needs lists and suggestions sent to her of who to send to.

**NEW BUSINESS:**

DEC 2 2013

A. Review Board Schedule

November 7	Ally, Keith
November 14	Sam, Dale, Tom
November 21	Terry, Allison, Tom
Wed, November 27 <sup>th</sup>	Terry, Allison,
December 5	Keith, Kerry, Victoria

B. Project Assignments for Planning Actions:

BD-2011-01029	400 Allison (Robin Biermann) New SFR ( <i>under construction</i> )	Whitford/Renwick
BD-2011-00621	89 Oak St (Amorotico) New façade on building ( <i>under construction</i> )	Shostrom
BD-2013-00256	175 Lithia Wy (First Place Partners) 3-story mixed use building ( <i>under constr</i> )	Giordano
BD-2013-00388	522 Rock (Wallace) 4 Accessory Units (1 <i>under construction</i> )	Shostrom
BD-2013-00093	108 Second (Dudley Road) CUP and Solar Waiver for 2 <sup>nd</sup> story unit ( <i>under constr</i> )	Shostrom
BD-2013-00378	245 Van Ness (Nate Witemburg & Brint Borgilt) Addition ( <i>under constr</i> )	Kencairn
PA-2013-00366	57 N Main St. (North) Mix Sweet Shop entry door ( <i>complete</i> )	Phelps
BD-2013-00718	5 B Street (Spartan Properties) New Comm Bldg ( <i>under construction</i> )	Phelps
BD-2013-00796	15 N First (Amuse) Walk in Cooler ( <i>under construction</i> )	
BD-2013-01363	370 E Main (Staunton) Front Façade ( <i>under construction</i> )	Shostrom
PreApp	19 Gresham / 374 Hargadine	Swink
PA-2013-01388	14 Calle Guanajuato (Sandlers) Restaurant	Renwick
PA-2013-01421	270 N First St (Nisha Jackson) New SFR	Renwick

**COMMISSION ITEMS NOT ON THE AGENDA:**

Photo boards – Commission needs to identify businesses they can be placed in.

Historic District Books – suggest having them scanned in by an Intern to create an online file for reference.

**ANNOUNCEMENTS & INFORMATIONAL ITEMS**

Next meeting is scheduled for December 4, 2013, 6:00 pm.

*There being no other items to discuss, the meeting adjourned at 8:00 pm.*

Respectfully submitted by Billie Boswell.

DEC 2 2016

Metal replacing historic asph/flat roof  
 suggested asph/flat  
 put Ashland Historic Commission on Board votes  
 2 colors of stucco

NOTES:

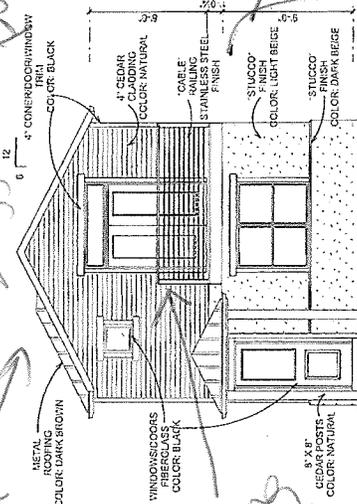
REV.	DATE	BY	DATE

TITLE: ELEVATIONS  
 SCALE: 1/4" = 1'  
 JACKSON 270 N. FIRST ST.  
 DRAWN BY: JAT DATE: 9/9/13  
 CHECKED BY: DATE:  
 SHEET 2 OF 7

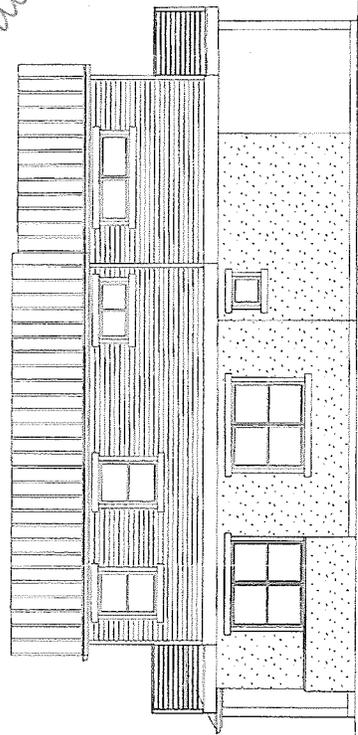
PROJECT:  
 S.F.D. @  
 270 N. FIRST ST.  
 ASHLAND, OR 97520  
 FOR: NISHA JACKSON

CUSTOMER:  
 NISHA JACKSON  
 2640 E. BARRETT RD  
 MEDFORD, OR 97504  
 541-944-8987

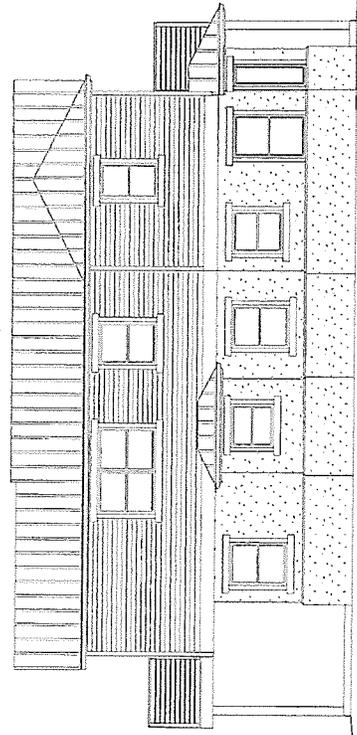
design residential  
 1000 NE Oregon St., Suite 100  
 Medford, OR 97501  
 www.designresidential.biz



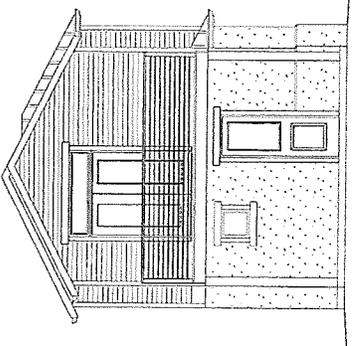
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

Cable railing?

Sliding glass door?

Here it is

Big House

small lot.

Does not show patio...

OCT 9 2016





**RECONSIDERATION  
DETERMINATION**



## April Lucas

---

**From:** Bill Molnar [molnarb@ashland.or.us]  
**Sent:** Wednesday, November 27, 2013 1:06 PM  
**To:** melissasyken@gmail.com; tishw@osfashland.org  
**Cc:** 'April Lucas'; 'Maria Harris'  
**Subject:** Reconsideration Request - 270 N. First (PA 2013-01421)

Dear Ms. Syken and Ms. Way,

I'm writing to respond to your requests for a reconsideration of the decision for a conditional use permit to exceed the maximum permitted floor area and variances to the required side yard setbacks for the construction of a new residence for the property located at 270 N. First St. (PA 2013-01421). Section 18.108.070.B.2.b of the Ashland Land Use Ordinance addresses reconsiderations of an administrative decision (Type I).

I've reviewed your requests as well as the planning application materials, and do not believe a factual error occurred that is crucial to the decision on the conditional use permit and variances. As you've pointed out, there may be discrepancies in the application, such as setbacks and the configuration of the existing structure. However, it is my opinion that the issues raised are not factual errors that change the basis for applying the approval criteria. As a result, the request for a reconsideration is denied.

If you believe the decision does not meet the approval criteria for a conditional use permit and variances, I recommend appealing the decision to the Planning Commission. I understand you've been communicating with our staff regarding an appeal, and wanted to get my decision to you as soon as possible so that you could meet the appeal deadline of Monday December 2 at 4:30 p.m.

If you have questions or need more information, please feel free to contact me.

Bill Molnar, Director  
Community Development Department  
20 East Main Street, Ashland OR 97520  
(541) 552-2042, TTY: 1-800-735-2900  
FAX: (541) 552-2050  
[molnarb@ashland.or.us](mailto:molnarb@ashland.or.us)

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541)552-2042. Thank you.



**RECONSIDERATION  
REQUEST**



11-25-2013

①

I am formally and legally requesting the City of Ashland Staff Advisor, as stated in a letter dated November 20, 2013, received from the City of Ashland titled Notice of Final decision regarding the property located at 270 N 1st Street in Ashland, Oregon, enact and review a reconsideration regarding the actions by the City of Ashland and Nisha Jackson.

Several factual errors occurred in the review process as follows;

In review of the <sup>Ashland</sup> Historical Meeting Minutes I see no mention of discussion of the trees.

~~I am just now being informed Amy Gunter, who wrote the minutes for the Historic Commission Meeting will be doing the review of my reconsideration document. This is a definite conflict of interest. A lawyer could take interest in this information.~~

In Ms. Jackson's original document she submitted - The city just changed their mind. (See the above crossed out.) Now

② Bill Molnar will be reviewing my reconsideration request.

I am writing this in the lobby quickly because I thought I could meet with a Staff Advisor to discuss this issue. I only have one hour to write this. Please pardon me.

The Historic <sup>Committee</sup> was told, I was there, no trees would be cut. Ms. Jackson said no trees would be cut. Now the city planning letter says all the trees are going to be cut except one (on page 1) But page two says two trees will be preserved. The public comment period was informed all the trees would be left uncut. We need another public comment period. Factual error - none, one, two?

Cutting all these trees down dramatically alters the neighborhood and especially the inconsistency is just the beginning of legal review of the information.

NOV 25 2013

③ The photographs Mrs Jackson Submitted are not what the wording on the photographs say. The pictures were misrepresentations of points she was trying to make leading people into believing what was not true.

There is no metal roofing on the 270 N 1st House.

The front door faces west not north.

The property to the north she used to state as commercial when it fit her discussion, which it is not. It is a house just like hers, but she called it commercial. And then called the north property a house when she wanted to say she lived next to a house up on the sidewalk setback.

In the Historic District Design standards no mention whatsoever was written about the residential house to the east that will under this plan have a

4

driveway under the bedroom window where there was once a yard.

This contemporary gigantic house does not fit in the least to the existing historic Railroad District neighborhood scale, design, coverage or bulk.

It is factual error for the Planning Department to use language such as assumed or will likely be or transitional, which has no legal or architectural basis.

Factual error: Page 3 "The front of the residence is proposed to be set back eight feet... This is same setback as the current residence directly to the south."

ABSOLUTELY UNTRUE STATEMENT that the planning commission based their decision on, as well as photographs taken around town that are not from our block!

⑤

The Historic Note Taker, Amy, who was going to review this letter until I pointed out how absolutely unfair that would be did not write accurate notes. I never said I was representing my daughter ever at the meeting. That was a factual error attempting to down play different opinions.

Ms. Jackson said there were metal roofs all over town at the meeting, but we are talking about the Historic Railroad District.

The city just told me and a lawyer also that the word transitional, used as a basis (and excuse) to allow flexibility but transitional is not listed in the City of Ashland definitions legal binder.

A could go on with many more factual errors, such as the new design

② allegedly uses the exact same footprint as the existing (bottom page 5) structure. Times up, the office is closing & have to turn this in.

Thanks for your time  
and attention,

Patricia Way  
PO. Box 1327 Ashland, OR. 97520  
Oregon Shakespeare Festival  
Company Management Team  
25 year resident

---

11-25-2013

541-601-8474

tishway@hotmail.com

NOV 25 2013

Please understand I do not usually scribble and I do apologize. I was given no other option. I would have preferred a conversation and would still welcome a conversation. Happy Thanksgiving.

## Reconsideration Request 270 N 1st

• In an email from Amy Gunter dated Oct 23, 2013 she states "they are preserving all of the trees on site." The applicant made the statement that the trees are one of the reasons they were so interested in the property & they (the trees) are staying" This was presented at Historic Meeting but untrue, leading to misrepresentation at meeting  
- Grounds for reconsideration at Historic

• On page 4 of the Findings & Orders it is stated on line 9 "Additionally, there is an ~~addition~~ addition at the rear of the structure proposed for removal that has metal shed roof & the existing fence of the subject property is metal". This statement is untrue. The whole existing house has an asphalt roof. An unattached tiny shed has metal roofing. This information was misleading when it was presented to the Historic Commission as well as it implies an existing metal roof that is being replaced instead of a change. The shed is DETACHED.  
- Grounds for reconsideration at Historic & Planning

• Supporting evidence to variance for side yard set backs on page 5 states on line 8 "less than the required six feet on the south side", thus more non-conforming than the subject site which is providing a reduced setback." Untrue. Property on south side does have a six foot setback to that side. The information in this document is entirely unfounded. It sounds good to support their arguments but is not true!  
85 - Grounds for reconsideration of side yard variance

~~2<sup>nd</sup>~~ picture in report is not <sup>within</sup> 200ft or on the same block as marked

~~6<sup>th</sup>~~ picture (page 18) says home is same block which it is not

9<sup>th</sup> picture (page 21) says home is 2 story but it only has attic, not 2 story

11<sup>th</sup> picture (page 23) says home is a 2 story but that is a picture of an attic over a garage

12<sup>th</sup> picture (page 24) is not a 2 story home!

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• Metal roofs are so uncommon (I have yet to see one) in the historic railroad district. Sliding glass doors on a house front - not historic. Stucco siding material - not historic. This is an R-2 zoned lot in the Historic District. "Transitional area" is not a defined legal term. This house should look historic & meet historic standards.

- How many metal roofs have been approved?
- How many stucco homes?
- How many with sliding glass doors?  
on the front of the house

• There is no reason to tax this already small lot with a larger home. Why was there discretionary approval? A bigger 2 story will increase noise, glare, light by sheer space alone...

page 4 last line:

"The proposed structure provides a transition to the commercial zone from the residences to the south."

This is R-2 property in Historic Railroad District legally. Nothing more. Legally

Thank you for reading my comments on this reconsideration request.

Melissa Syken  
260 N 1st Street  
Ashland Or 97520  
melissasyken@gmail.com

\*Please visit site!

NOV 25 2013



**TYPE I  
ADMINISTRATIVE  
DECISION**



November 20, 2013

**Notice of Final Decision**

On November 20, 2013, the Community Development Director approved the request for the following:

**Planning Action:** PA-2013-01421

**Subject Property:** 270 N First Street

**Applicant:** RNN Properties LLC

**Description:** A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence.

The Community Development Director's decision becomes final and is effective on the 13<sup>th</sup> day after the Notice of Final Decision is mailed. Approval is valid for a period of one year and all conditions of approval identified on the attached Findings are required to be met prior to project completion.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

Prior to the final decision date, anyone who was mailed this Notice of Final Decision may request a reconsideration of the action as set forth in the Ashland Land Use Ordinance (ALUO) 18.108.070(B)(2)(b) and/or file an appeal to the Ashland Planning Commission as provided in ALUO 18.108.070(B)(2)(c). The ALUO sections covering reconsideration and appeal procedures are attached. The appeal may not be made directly to the Oregon Land Use Board of Appeals.

If you have any questions regarding this decision, please contact Amy Gunter in the Community Development Department at (541) 488-5305.

cc: Parties of record and property owners within 200 ft



## SECTION 18.108.070(B)2 Effective Date of Decision and Appeals.

### B. Actions subject to appeal:

#### 2. Type I Planning Actions.

- a. Effective Date of Decision. The final decision of the City for planning actions resulting from the Type I Planning Procedure shall be the Staff Advisor decision, effective on the 13<sup>th</sup> day after notice of the decision is mailed unless reconsideration of the action is approved by the Staff Advisor or appealed to the Commission as provided in section 18.108.070(B)(2)(c).
- b. Reconsideration. The Staff Advisor may reconsider Type I planning actions as set forth below.
  - i. Any party entitled to notice of the planning action, or any City Agency may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the staff advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
  - ii. Reconsideration requests shall be received within five (5) days of mailing. The Staff Advisor shall decide within three (3) days whether to reconsider the matter.
  - iii. If the Planning Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten (10) days to affirm, modify, or reverse the original decision. The Staff Advisor shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.
  - iv. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.
- c. Appeal.
  - i. Within twelve (12) days of the date of the mailing of the Staff Advisor's final decision, including any approved reconsideration request, the decision may be appealed to the Planning Commission by any party entitled to receive notice of the planning action. The appeal shall be submitted to the Planning Commission Secretary on a form approved by the City Administrator, be accompanied by a fee established pursuant to City Council action, and be received by the city no later than 4:30 p.m. on the 12<sup>th</sup> day after the notice of decision is mailed.
  - ii. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the city and whose boundaries include the site.
  - iii. The appeal shall be considered at the next regular Planning Commission or Hearings Board meeting. The appeal shall be a de novo hearing and shall be considered the initial evidentiary hearing required under ALUO 18.108.050 and ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. The Planning Commission or Hearings Board decision on appeal shall be effective 13 days after the findings adopted by the Commission or Board are signed by the Chair of the Commission or Board and mailed to the parties.
  - iv. The appeal requirements of this section must be fully met or the appeal will be considered by the city as a jurisdictional defect and will not be heard or considered.



ASHLAND PLANNING DIVISION

**FINDINGS & ORDERS**

**PLANNING ACTION:** PA-2013-01421

**SUBJECT PROPERTY:** 270 N First Street

**APPLICANT:** RNN Properties LLC

**DESCRIPTION:** A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2;

**ASSESSOR'S MAP:** 39 1E 09BA **TAX LOTS:** 1300

<b>SUBMITTAL DATE:</b>	September 20, 2013
<b>DEEMED COMPLETE DATE:</b>	October 18, 2013
<b>STAFF APPROVAL DATE:</b>	November 20, 2013
<b>FINAL DECISION DATE:</b>	December 3, 2013
<b>APPROVAL EXPIRATION DATE:</b>	December 3, 2014

**DECISION**

The subject property is located on the east side of First Street, between A and B streets, across from the Ashland Food Cooperative and adjacent to an east / west running alley. The parcel is zoned R-2 (Low Density Multi-Family Residential) and is located within the Railroad Historic District. The property is rectangular, with an area of approximately 2,300 square feet, which is significantly smaller than the minimum 5,000 square foot lot size for the R-2 zone. Because the lot was created prior to current zoning regulations, it is considered a legal, non-conforming lot, and therefore permitted to be developed as a recognized lot of record. The parcel to the south and east are also below the minimum lot size in the zone. There is an approximately four percent slope to the north. There are is a Box elder tree, 13-inches in diameter at breast height that the applicant has proposed to preserve. The other trees on the site that are six inches in diameter at breast height and smaller will be removed.

The site currently does not have any off-street parking. The First Street right-of-way is 70-feet in width. The current street improvements include curb, gutter and sidewalk. The alley to the north is asphalt. The applicant has proposed to head-in parking spaces accessed via the alley to be installed at the rear of the property.

The existing building on the site is identified as the Hall-Thompson House in the Historic Resources Inventory for the Railroad Historic District. The survey notes that the structure was constructed in the late 1940s and while in poor condition, the simply designed house retains sufficient integrity to relate its development during the second period of significance in the history of the Railroad District.

According to the applicants findings the residence is in very poor condition. The applicant stated that the home inspector found the house to be the worse structure he has ever assessed. The applicant has requested removal of the structure due to its condition, the single wall, 2X4 construction, without

insulation, lack of foundation and decades of neglect. The applicant has requested the approval of a demolition permit to remove the structure. The demolition request has been approved pending no appeals and the approval of replacement plans.

The application is a request to construct a new 1,300 square foot, two story single-family residence on the site. The applicant is proposing to construct the new residence to Leadership in Energy and Efficiency Design (LEED) Silver Standards. The application includes a variance request to the required side-yard setbacks of six feet by proposing the new residence to be setback three-feet from the south and north property lines. The rear portion of the residence is proposed to be setback four-feet, six-inches from the north and south property lines. The application also includes a request for a Conditional Use Permit (CUP) approval to exceed the maximum permitted floor area in the Historic District. There are a number of small trees on the property six-inches in diameter at breast height and smaller, which will be removed. There are two larger trees greater than six inches in diameter at breast height, which are proposed to be preserved.

**Conditional Use Permit to Exceed Maximum Permitted Floor Area:**

Residentially zoned properties located within Ashland's Historic Districts are subject to a Maximum Permitted Floor Area (MPFA) limitation based on the lot size and number of units proposed. This limitation is intended to preserve the historic character of Ashland's historic districts by insuring that development is architecturally and historically compatible with historic development patterns and fits well into the fabric of these established historic neighborhoods. The ordinance establishing the MPFA limitations provides for applicants to exceed the MPFA by up to 25 percent when they obtain a CUP; this is a discretionary approval intended to provide for a higher level of review of proposed structures in the context of the CUP approval criteria as well as the Historic District Development Standards.

Conditional Use Permit review also calls for consideration of the adverse material effects of the proposal on the impact area in comparison to the target use of the zone, which in this case would be the development of the site with a single unit built to the maximum permitted floor area of 1,048 square feet. The applicant has proposed to construct a 1,300 square foot structure, 24 percent over the maximum.

As previously noted, the subject property is a legal non-conforming lot that was created prior to current zoning regulations. As a legal lot of record in the R-2 zoning district, the substandard 2,300 square foot lot size has a target use of only one residential unit. The proposal is for one residential unit. The property has adequate capacity for city facilities to serve a new single-family residential unit. There is overhead electric serving the site. First Street has a four-inch water main, a six-inch sewer line and a twelve-inch storm drain line available to continue to serve the site and the proposed single-family residential unit. First Street is paved with curb, gutter and sidewalks, the alley is also paved and these provide adequate transportation facilities to continue to serve the parcel. In staff's view, the generation of traffic is consistent with that of the impact area, and less than that generated by the adjacent business uses. In addition, the proximity to the downtown, shopping and bicycle paths may indeed result in a reduction in vehicle trips over what might be expected for a similar unit not as centrally located. The lot will continue to have one residential unit and that is in conformance with the zone. Staff finds that a new single-family residence will not generate more light, noise, glare, and odor than the existing single-family residential unit.

### **Historic District Design Standards:**

In addition to the criteria for a CUP, the proposal is reviewed for compliance with the Historic District Development Standards. These standards address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry, imitation, etc. with a general focus aimed at preserving historic streetscapes. For new construction, these Development Standards generally seek a traditional architecture that well represents our own time yet enhances the nature and character of the historic district. The Historic District Design Standards state that properties that are adjacent to the zoning district boundaries are provided flexibility for properties that are adjacent to the zoning district boundaries.

This block of First Street is in a transitional area between the more intense commercial uses concentrated along A Street, and the established residential neighborhoods of the Ashland Railroad Addition historic district. The properties to the north of the subject property are zoned Employment (E-1), with established businesses in place including South Valley Auto body, the A Street Arts Building, Plexis Healthcare and Ace Hardware. The property across First Street is split zoned between R-2 and E-1 and is the site of the Ashland Food Co-Op and Umpqua Bank. The property directly to the south is residentially zoned but received a Conditional Use Permit and Site Review approval to have a small commercial business at front portion of the structure and the back portion is a residential unit (PA2010-1611). The structures further south are single-story, single-family residences.

The structure is proposed to be 22-feet to the peak, which is similar in height as the property to the south that is 19.74-feet tall and is a standard height for a two-story structure. The property to the north across the alley is zoned E-1. The site is currently the site of an auto body shop and a derelict, vacant residence. It can be assumed that the lot will be redeveloped and will likely be multi-story construction. The site has a potential maximum height of a forty foot height. The property across First Street is the site of the Ashland Food Co-Op, though the structure is one-story, the building is approximately 28-feet tall. The proposed 6 / 12 pitch roof is similar to roof pitches found in the impact area and is the same as the structure proposed for removal.

As stated above the height is similar to those structures immediately to the north, south and west. The applicant has proposed a gable end similar to the structures in the immediate vicinity. The width of the structure at 16-feet is comparable to the properties in the immediate vicinity. The majority of the structure to the south is 18 feet wide, additional area added in 2010 is 12-feet wide. The structure to the east is approximately 17 feet wide. The applicant has also proposed a smaller gable roof on the porch, shed roof on the north side adjacent to the alley. The applicant has proposed that the second story be setback from the front façade by five feet and has proposed a roof top deck with a double French door and transom window. The second story is proposed to be cantilevered beyond the first floor by four-feet and a four-foot roof over the first level patio is proposed beyond the cantilever.

The front of the residence is proposed to be setback eight-feet from the front property line. This is the same setback the current residence has and the same setback as the house(s) directly to the south. AMC 18.68.110 states that if there are dwellings or accessory buildings on both abutting lots (even if separated

by an alley or private way) with front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures. In this case the average is six-feet, the applicant has proposed eight, in compliance with the criteria.

The proposed pitch of the roof is 6/12. The roof form is a gable roof, which is the common roof form in the vicinity. The applicant intends to collect rainwater as part of the attainment of LEED Silver Certification and though the material is not common in the Railroad District on residences, it is a common building material on the commercial structures in the Historic Railroad District. Additionally, there is an addition at the rear of the structure proposed for removal that has metal shed roof and the existing fence of the subject property is metal.

The applicant has proposed double hung windows as the primary windows of the structure. The historic Commission recommended that there be a separation of approximately four-inches between the sashes. One item of discussion was the proposed transom window over the second story French doors from the master suite at the front of the building. This window does add to the availability of light into the space but also gives the appearance of a taller, more voluminous second story. Staff recommends that the applicant reconsider the transom window over the French doors facing First St.

The applicant has proposed a base with a ½ inch reveal at the base of the structure. The base is proposed to be the same façade treatment (stucco) as the first five-feet of the structure. The remainder of the structure is proposed to be naturally stained, cedar, four-inch reveal, horizontal siding. This is consistent with the material choices, and treatments of the structures on all sides of the proposed residence.

The applicant has proposed a front facing door. The structure proposed for removal did not have a street facing door that was visible from First. It is adjacent to the alley. The applicant has also proposed a small five-foot by six-foot front entry porch to add definition to the front entrance.

The Historic Commission reviewed the proposal at their November 6, 2013 meeting and added a condition that the double hung windows have a three-and-one-half to four inch separation between windows. A condition to this effect has been added. The applicant has proposed a metal roof and more contemporary material choices than a typical historic residence. The applicant has proposed a metal roof and more contemporary material choices than a typical historic residence.

The applicants have worked with the Historic Commission's review board to arrive at an architectural style that is compatible with the historic buildings on First Street and A Street. The applicant finds that the design thus borrows some common elements including the roof pitch, the mix of hips and gables, the multiple layers of roof planes, and the window size, shape and spacing.

The applicant has proposed a more contemporary design that the directly adjacent residences but is not completely departed from the general historic district design residence and commercial building characteristics that are in the immediate vicinity. The material choices are historically appropriate. The pitch and form of the roof are in-line with other structures in the Historic Railroad District. The structure is proposed to have a full two-story presence at the front, which is similar to how the property to the north would be setback from First St. The recently remodeled structure to the south is also two stories with the second story setback further than the subject site and the two residences to the south of that are single story. The proposed structure provides a transition to the commercial zone from the residences to the south.

### **Variance to Side Yard Setback:**

In addition to the Conditional Use Permit request, the application includes a Variance request to reduce the required six-foot side yard setbacks to three-feet. The existing residence setbacks are three-feet in the side yard to the south and less than one foot on the north (alley) side. The applicant's findings state the existing lot is non-conforming and the setback stays the same as existing on the south side and comes more into conformance on the north side. The 25-foot wide lot in the neighborhood is unique, within 200-feet of the subject site there is only one other 25-foot lot and it is directly to the south. Though the lot next door is also 25-feet in width in the surrounding neighborhood, they are the only 25-foot wide lots. The lot to the south has zero setback on the north property line and less than the required six feet on the south side, thus more non-conforming than the subject site which is providing a reduced setback. The proposed setbacks are remaining the same on the south side and increasing by three-feet on the north, which is a benefit to the alley right-of-way and the public that uses the alley. The adjacent property to the south is developed and the proposal for a reduced setback will not have any additional negative impacts beyond those that already exist. The applicant did not create the parcel nor did they construct the existing structure, which exceeds both the north and south side-yard setbacks. The applicant's proposal lessens the non-conformity on the north side and retains the non-conformity on the south side. Lastly, in order to construct a 16-foot wide structure, that the applicant's findings are the minimum necessary to accommodate future ADA accessibility, a variance to the setbacks is necessary in order to build on a 25-foot wide lot. In researching typical home dimensions, a standard manufactured home is 16-feet in width.

### **Public Comments:**

Comments were received from the public during the 14-day comment period. They expressed concerns regarding the proposed on-site parking, the variance to setbacks, the size of the structure and the second story blocking their view. Concerns were raised regarding the lack of a landscaping plan, additional traffic, light, noise and glare generated from 270 First Street. Both of the comments received stated they are opposed to the proposed metal roof because it will add to noise pollution and is uncommon on residential historic railroad housing.

### **Conclusion:**

Staff has found that the applicant has addressed the criteria and the request to exceed the maximum permitted floor area by 262 square feet meets the criteria for a Conditional Use Permit. The applicant has addressed the historic district design standards, and their findings support the request. The existing structure on the site currently does not comply with setbacks, during the initial pre-application conference phases the applicant had expressed desire to retain the existing structure, following the home inspection it was determined it was financially unfeasible to meet the current building codes for energy with the existing structures deteriorated state and single wall construction.

The proposed residence will have the same footprint as the existing excepting that there will be a side yard setback provided on the north side (alley) where none is provided and exists and the proposed residence is two story.

The proposed onsite parking is not reviewed as part of this application because the applicant could install surface parking accessed via the alley without land use review. One of the public comments received suggested the property install a driveway from First Street. City of Ashland Street Standards

prohibits new driveway accesses when a parcel has alley access. All of the adjacent properties to the south in the same block have off-street parking but it is within the public right-of-way and not on private property. The parking the applicant is proposing is outright permitted and requires no exceptions or special permits from the City to utilize the public right-of-way for private benefit.

The variance criteria discussion as addressed by the applicant is addressed above. For new construction of a single-family residence, a landscaping plan is typically not required; the applicant has indicated that the landscaping would be upgraded from its current condition.

Based on the application material and information available in the public domain, staff finds the request to exceed the maximum permitted floor area in the historic district complies with the Conditional Use Permit criteria and the Historic District Design Standards. The Historic District design standards provide flexibility in the standards when the subject property is immediately adjacent to commercially zoned lands. Staff finds that the request for a variance to the side yard setbacks is no greater than the existing situation; the variance request is reducing a non-conforming setback by providing three-feet where none exists. The 25-foot wide lot is unique as there is only one other in the 200-foot impact area and it is directly adjacent, does not comply with setbacks or parking requirements and has a commercial component. The lot size is unique in that the minimum lot size in the zone is 5,000 square feet and the subject site is less than half of the minim lot size.

The application, accompanied by the attached conditions meets all applicable criteria for approval for a Conditional Use Permit to exceed Maximum Permitted Floor Area and a Variance to the side yard setbacks.

**The criteria for a Conditional Use Permit are described in AMC Chapter 18.104.050, as follows:**

- A. *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.*
- B. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.*
- C. *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. 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:*
  1. *Similarity in scale, bulk, and coverage.*
  2. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
  3. *Architectural compatibility with the impact area.*
  4. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
  5. *Generation of noise, light, and glare.*
  6. *The development of adjacent properties as envisioned in the Comprehensive Plan.*

7. *Other factors found to be relevant by the Hearing Authority for review of the proposed use.*

**The criteria for a Variance are described in AMC Chapter 18.100.020, as follows:**

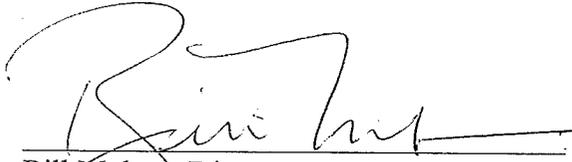
- A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*
- B. *That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).*
- C. *That the circumstances or conditions have not been willfully or purposely self-imposed. (Ord. 2775, 1996)*

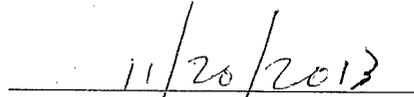
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Planning Action 2013-01421 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action 2013-01421 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That building permit submittals shall include:
  - a) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Conditional Use Permit approval shall be submitted and approved prior to issuance of a building permit.
  - b) That all recommendations of the Historic Commission from their November 6<sup>th</sup>, 2013 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
  - c) That the transom window proposed over the second story French door facing First Street shall be removed from the plans.
  - c) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula  $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from the identified natural grade.
  - d) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas shall be submitted with the building permit. The lot coverage shall be limited to no more than the 65 percent allowed in the R-2 zoning district.
  - e) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties. Light fixture type and placement shall be clearly identified in the building plan submittals.

- f) Prior to the issuance of the demolition permit for the removal of the existing residence, prior to any site disturbing activities and/or issuance of a building permit, the Tree Protection fencing in accordance with AMC 18.61.200 (six-foot chain link fence at the furthest extent of the dripline of the trees to not conflict with the area necessary for construction) shall be installed and inspected by the staff advisor.

  
\_\_\_\_\_  
Bill Molnar, Director  
Department of Community Development

  
\_\_\_\_\_  
Date

**HISTORIC COMMISSION**  
**Meeting of November 6, 2013**

**PLANNING APPLICATION REVIEW**

**PLANNING ACTION:** PA-2013-01421

**SUBJECT PROPERTY:** 270 N First Street

**APPLICANT:** RNN Properties LLC

**DESCRIPTION:** A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence. **COMPREHENSIVE**

**PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2;

**ASSESSOR'S MAP:** 39 1E 09BA **TAX LOTS:** 1300

**Recommendation to Planning Staff:**

Recommend Approval of the proposed plans with the following design recommendations::

- 1) That a minimum separation of approximately four-inches shall be provided between the double hung windows.



# ASHLAND HISTORIC COMMISSION

## Meeting Minutes

November 6, 2013

Community Development/Engineering Services Building – 51 Winburn Way – Siskiyou Room

**Call To Order – Regular Meeting, 6:05 pm** Chairman Skibby

**Historic Commissioners Present:** Dale Shostrom, Keith Swink, Kerry Kencairn, Allison Renwick, Sam Whitford, Tom Giordano, Terry Skibby, Ally Phelps, Victoria Law

**Commission Members Absent:** Tom Giordano

**Council Liaison:** Greg Lemhouse absent

**High School Liaison:** None Appointed

**SOU Liaison:** None Appointed

**Staff Present:** Staff Liaison: Amy Gunter, Clerk: Billie Boswell

**APPROVAL OF MINUTES:** Ms. Renwick made a motion to approve the minutes of the October 2, 2013 meeting, Mr. Whitford seconded the motion. Ms. Law abstained due to being absent. The minutes were approved unanimously by the remaining Commissioners.

**PUBLIC FORUM:** There being no one wishing to speak, the Public Forum was closed.

**COUNCIL LIAISON REPORT:** None

### **PUBLIC HEARING:**

PA2013-01476  
108 N. Second Street  
Dudley Rood

Ms. Kencairn recused herself due to her working relationship with the applicant. No other ex parte contact or conflict of interest.

Ms. Gunter reviewed the prior hearing before the Commission for the remodel done. She explained that the applicant, Dudley Rood, has decided to live in the upstairs apartment and rent the two Travelers Accommodations on the main floor. This Conditional Use is for the Traveler's Accommodations.

Mr. Rood said that no upgrades or changes need to be made to the structure. He feels the use will not detract from the mixed use neighborhood since 75% of the structures are commercial. Mr. Shostrom and Mr. Whitford both commented on how much they like the remodel that was done. There being no further questions of the applicant and no one in the audience wishing to speak, the Public Hearing was closed.

*Mr. Shostrom moved to recommend approval. Mr. Swink seconded the motion and it passed unanimously.*

PA-2013-01388  
14 Calle Guanajuato  
Allan Sandler

Ms. Gunter shared the details of the submitted building plans showing exterior detail and finishes. Mr. Shostrom stated that the window should have real mullions applied to the glass and not inside the glass or tape on glass. Overall the Commissioners liked the design.

PA-2013-01421  
270 N First Street  
RNN Properties, LLC

Chairman Skibby confirmed there was no conflict of interest or ex parte contact.

Ms. Gunter reviewed the staff report with the Commissioners explaining that the existing structure would be torn down and a new 2-story, 1300 sq.ft. residence built. The front yard setback was reduced to only 6 feet to conform to other front yards along the street. Windows will be primarily double hung. No driveway would be allowed due to spacing issues on First St so the parking would be in the rear off the alley. They are requesting to keep the 3-foot side yard setback due to the narrowness of the lot. The lot is adjacent to commercial zoning on the north and is considered a transitional structure. The roof would be metal to accommodate water collection efforts and Leeds requirements. Ms. Gunter summarized the concern letters received from neighbors stating issues with the parking, the size of the structure (2-story), the metal roof and other window and trim details that seem to give the structure a more commercial rather than a residential look more compatible with the other houses in the neighborhood.

Nisha Jackson, the applicant, said the lot has commercial businesses on three sides. Due to the extreme narrowness of the lot the proposed home will only have 1300 square feet on two floors. The exterior finish will be a combination of stucco and wood. Ms. Jackson desires to make the home Leeds Certified at the Silver level. The metal roof contributes to that goal to aid in rainwater recycling. Chairman Skibby commented that the existing house was built in the 40's and is in poor shape and has little to contribute to the Historic district.

There were no further questions of the applicant and the meeting was opened to those in the audience wishing to speak.

Patricia Way of Ashland stated she was there also representing her daughter that lived next door and they were both opposed to the project. She had concerns regarding the metal roof and other commercial aspects of the design. She also felt the size and scale, specifically the 2-story design, made the house bigger than any other residences on the block. There was also resistance to the parking being in the back yard and felt it would negatively affect the neighboring back yard. Chairman Skibby asked what other type of roofing material could be used. If a composition roof were done it could make the Leeds certification harder to meet. Ms. Way also questioned why a front porch was allowed, when her daughter was not able to add a porch. Ms. Gunter explained the situation was not the same.

Ms. Jackson clarified that they would have an eight foot front yard setback instead of the six feet allowed by averaging.

There being no one else in the audience wishing to speak, the public hearing was closed.

Chairman Skibby commented on the challenge of building on such a small lot size. He was also concerned about the metal roof. Ms. Kencairn pointed out that the metal roof was needed for the rainwater collection system and she did not feel it was inappropriate because of the transitional area. Mr. Whitford agreed. Ms. Law was concerned about the 2-story size and that it blocked views. Mr. Shostrom felt the 2-story mass was an issue but the step-back of the second story made it fit better. Ms. Renwick suggested the two double-hung windows be separated by at least 4 inches to give a more period look. She was also struggling with the scale and size. Mr. Shostrom said the large scale and commercial look was in stark contrast to the other residences in the neighborhood. Mr. Swink supported the project as the best use of the property.

*Mr. Whitford made a motion to recommend approval of the project adding the recommendation that a minimum of four inches between the double-hung windows be required. Ms. Kencairn seconded the motion. Swink, Whitford, Renwick, Kencairn and Phelps voted to approve the motion. Shostrom and Law voted against it. The motion passed by majority vote.*

**DISCUSSION ITEMS:**

A. Brochures – Discussed the mailing and distribution of the Historic Brochures. Amy needs lists and suggestions sent to her of who to send to.

**NEW BUSINESS:**

A. Review Board Schedule

November 7	Ally, Keith
November 14	Sam, Dale, Tom
November 21	Terry, Allison, Tom
Wed, November 27 <sup>th</sup>	Terry, Allison,
December 5	Keith, Kerry, Victoria

B. Project Assignments for Planning Actions:

BD-2011-01029	400 Allison (Robin Biermann) New SFR ( <i>under construction</i> )	Whitford/Renwick
BD-2011-00621	89 Oak St (Amorotico) New façade on building ( <i>under construction</i> )	Shostrom
BD-2013-00256	175 Lithia Wy (First Place Partners) 3-story mixed use building ( <i>under constr</i> )	Giordano
BD-2013-00388	522 Rock (Wallace) 4 Accessory Units (1 <i>under construction</i> )	Shostrom
BD-2013-00093	108 Second (Dudley Road) CUP and Solar Waiver for 2 <sup>nd</sup> story unit ( <i>under constr</i> )	Shostrom
BD-2013-00378	245 Van Ness (Nate Witemburg & Brint Borgilt) Addition ( <i>under constr</i> )	Kencairn
PA-2013-00366	57 N Main St. (North) Mix Sweet Shop entry door ( <i>complete</i> )	Phelps
BD-2013-00718	5 B Street (Spartan Properties) New Comm Bldg ( <i>under construction</i> )	Phelps
BD-2013-00796	15 N First (Amuse) Walk in Cooler ( <i>under construction</i> )	
BD-2013-01363	370 E Main (Staunton) Front Façade ( <i>under construction</i> )	Shostrom
PreApp	19 Gresham / 374 Hargadine	Swink
PA-2013-01388	14 Calle Guanajuato (Sandlers) Restaurant	Renwick
PA-2013-01421	270 N First St (Nisha Jackson) New SFR	Renwick

**COMMISSION ITEMS NOT ON THE AGENDA:**

Photo boards – Commission needs to identify businesses they can be placed in.

Historic District Books – suggest having them scanned in by an Intern to create an online file for reference.

**ANNOUNCEMENTS & INFORMATIONAL ITEMS**

Next meeting is scheduled for December 4, 2013, 6:00 pm.

*There being no other items to discuss, the meeting adjourned at 8:00 pm.*

Respectfully submitted by Billie Boswell.

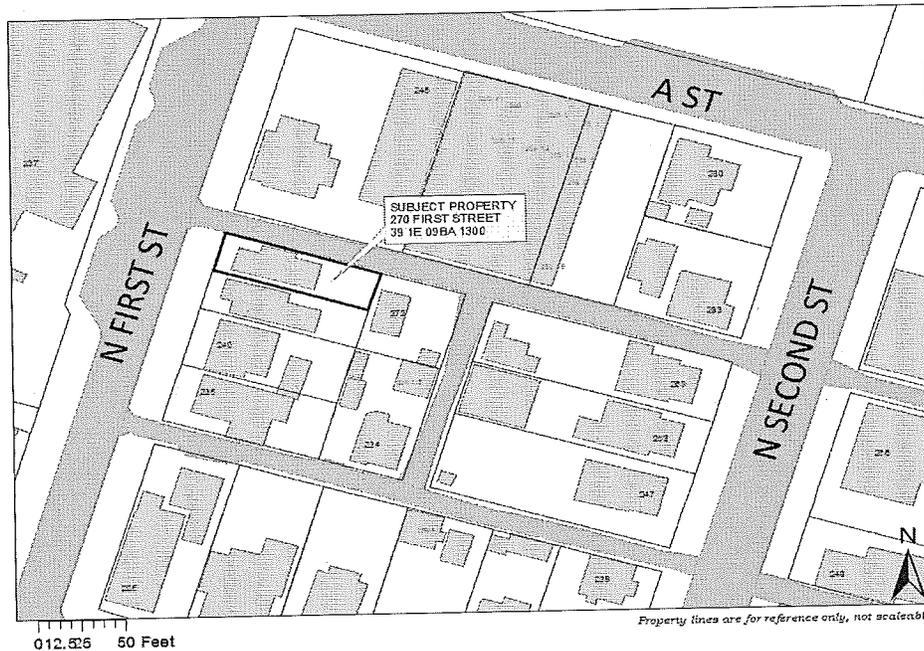


**NOTICE OF APPLICATION**

**PLANNING ACTION:** PA-2013-01421  
**SUBJECT PROPERTY:** 270 N First Street  
**APPLICANT:** RNN Properties LLC  
**DESCRIPTION:** A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence.  
**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2;  
**ASSESSOR'S MAP:** 39 1E 09BA **TAX LOTS:** 1300

- NOTE:** The Ashland Historic Commission will also review this Planning Action on Wednesday, November 6, 2013 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.
- NOTE:** The Ashland Tree Commission will also review this Planning Action on Thursday November 7, 2013 at 6:00 p.m. in the Community Development and Engineering Services building (Lithia Room) located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** October 18, 2013  
**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** November 1, 2013



The Ashland Planning Division Staff has received a complete application for the property noted above. Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.108.040)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

## CONDITIONAL USE PERMITS

### 18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. 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.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. 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. 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:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.
  7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

## **VARIANCE**

### 18.100.020 Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That 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.  
(ORD 2425, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.  
(ORD 2775, 1996)

# **APPLICANT'S MATERIALS**



Request for Demolition permit for single-family residence

Located at:  
270 North 1<sup>st</sup> Street  
Ashland, OR 97530  
October 21, 2013

Project Name: 270 North 1<sup>st</sup> Street Ashland OR 97530  
Type of Planning Action: A request for demolition permit located at 270 North 1<sup>st</sup> Street, Ashland, OR 97530.

Project Information: Owner/Applicant:  
RNN Properties  
Rick and Nisha Jackson  
2640 E Barnett Road E431  
Medford, OR 97504

Designer:  
John Turman

Design/Structural Engineer:  
Chad Brancacio

Landscape Designer:  
Kerry Kencarin

Surveyor:  
James Hibbs – Friar & Associates

Engineer:  
Mike Thornton – Thornton Engineering

Property –Legal Description:  
391E09BA1300

Zoning:  
R2 – Single Family Residence Proposed

Per City of Ashland Municipal Code: 15-04-216 – the following findings are provided for the demolition of: 270 North 1<sup>st</sup> Street – Ashland, OR 97530.

\*\*PLEASE SEE ANSWERS TO THE QUESTIONS BELOW UNDER THE CITY OF ASHLAND GUIDELINES.

RECEIVED

OCT 25 2013

City of Ashland

For demolition or relocation of structures erected more than 45 years prior to the date of the application:

1. The applicant must demonstrate that either subparagraphs a or b apply:

a. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:

(i) Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or

(ii) Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.

b. The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.

\*\*According to the records, this home was constructed in 1949. The home is small approximately 500-524 sf and is in very poor condition. The home was not built with a foundation around the entire footprint, and overtime the foundation has eroded in places that are now compromising the floor. The floor is unstable in many areas and the rodents have made home in crawl spaces throughout the underground of the home; due to holes in the foundation that rodents are making nests in. The walls are single

wall framed without adequate conventional studs, and do not have adequate load bearing which is currently compromising the integrity of the roof, with the ceiling sagging in many areas.

The home was built right onto the ground in most of the square footage of the footprint and most likely was added onto over the years without adequate planning or engineering or structure. The roof has reached its lifespan and is now not only sagging but leaking in many areas.

2. In addition to subparagraphs a or b above, the applicant must also:

a. Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:

(i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or

(ii) the structure being demolished or relocated is a non-habitable accessory structure.

b. Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.

As mentioned above it is impossible to upgrade this structure due to the inadequate foundation and the lack of safety of fixing a

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foundation in a home with inadequate structural studs and weight bearing walls. The home due to the poor foundation and built onto the dirt in many areas would not be able to be moved and would most likely not survive a move due to the poor structure and stability of the walls, floors and roof.

3. If a permit is issued and the redevelopment plan:

a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.A.2.

b. Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section 15.04.216.A.2.

The applicant has submitted a plan for a replacement dwelling – single-family residence. This application is submitted for demolition once submitted review is completed and approved. No demolition will occur until the permit for replacement is reviewed and accepted.

4. The Demolition Review Committee may require the applicant to post with the city a bond, or other suitable collateral as determined by the city administrator, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.

B. For demolition or relocation of structures erected less than 45 years from the date of the application:

1. The applicant:

a. Has the burden of proving the structure was erected less than 45 years from the date of the application. Any structure erected less

than 45 years from the date of the application, which replaced a structure demolished or relocated under section 15.04.216, shall be considered a structure subject to the standards in subsections 15.04.216.

b. Must submit a redevelopment plan for the site that provides for a replacement or rebuilt structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:

(i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or

(ii) the structure being demolished or relocated is a non-habitably accessory structure.

2. If a permit is issued and the redevelopment plan:

a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.B.

b. Does not require a site review permit, no demolition or relocation may occur until a building permit has been issued for the structure or structures to be replaced or rebuilt, unless the site is restricted to open space uses as provided in section 15.04.216.B.

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C. For any demolition approved under this section, the applicant is required to salvage or recycle construction and demolition debris, in accordance with a demolition debris diversion plan that complies with the requirements adopted the Demolition Review Committee. The applicant shall submit such a plan with the application for demolition. (Ord 2891, 2002).

Per city guidelines, the demolition approved under this section is required to sell or recycle under the Demolition Debris Diversion Plan. The applicant intends to recycle and repurpose as many cabinets, and doors as possible and will donate to the Habitat for Humanity the remainder of the items collected during the demolition. The wood will be reused as reclaimed lumber and used in parts of the new home to reflect the original design for purposes of design and not construction. There is also a small shed on the property that will be removed during the demolition and is approximately 100 square feet in size. All wood contained in the project will be recycled.

For any relocation approved under this section, the applicant must also comply with the provisions of Chapter 15.08. (Added 2/21/2000 Ord 2852;Ord 2925, 2006)

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Ashland Planning Department

Request:

Conditional Use Permit – to exceed the MPFA  
Variance to side yard setbacks.

Description of Project:

270 North 1<sup>st</sup> Street Ashland, Oregon 97520– residential home

Applicant:

Nisha Jackson and Rick Jackson – RNN LLC

2640 E Barnett Road #E431 Medford, OR 97504 541-944-5987

Property Owner:

RNN LLC- Rick and Nisha Jackson

2640 E Barnett Road #E431 Medford, OR 97504 541-944-5987

Description of Property:

270 North 1<sup>st</sup> St. Ashland, OR 97502

Lot 13 block A in Railroad Addition to the City of Ashland

We purchased 270 N. 1<sup>st</sup> Street, which included a home of approximately 500 sf that was in need of repair. The proposal for this home is present a replacement dwelling for the existing home that is in disrepair, and beyond the point of repair or remodel. The proposed replacement dwelling will have a slightly reduced footprint with a reduced setback to allow for more buffers to the North Alley way. The home is proposed to be a 2 story; as there is no possible way to have a home that can be utilized as a residence that could fit into a 500 sf frame. The home is proposed to be a certified LEED standard home.

- This application will be for a single-family home to be used for our personal family use. This proposed space will **not** be used for the following conditional uses:
  1. Retail space or commercial space
  2. Multi-family use
- The proposed space will **not** include any environmental pollutants and will be built according to the LEED requirements and be considered a “green home”.
- The proposed space will also NOT increase any traffic in the area, as it will have its own parking within the property, which it currently does not have.
- The proposed property will inhabit the same number of people that the current owners have and will not increase traffic in the area.
- The proposed residential dwelling replacement will meet the standards for “walk-ability” explained in LEED standards – to ultimately reduce traffic and the need to commute with a vehicle.

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This application is for a TYPE 1 – Conditional Use Permit and for a Variance approval for side yard setback reduction on the North and South Property lines.

Conditional Use Permit:

This application is for the consideration of the Maximum Permitted Floor Area (MPFA) to be 1310 sf, which is a 25% increase from the permitted square footage for this property.

This increase in square footage will allow for 2 bedrooms, and the basic living areas needed for a home. The proposed residence will be on 2 floors. To accommodate 2 bedrooms in the narrow 25' wide lot space provided, it is requested that there be an approval on increased permitted floor space allowed.

The request for increased square footage will in no way:

- Increase car traffic
- Increase foot traffic -or
- Increase the noise in the neighborhood, as this home will continue to be a single-family residence.

**Conditional Use Permit Criteria from Chapter 18.104.050 for a CUP:**

- The home is currently located in the Railroad historical district on the bordering lines. This home currently has a paved access to it, has utilities (city water, city sewer, electricity, storm drain, and adequate access/transportation supplied to it) and is currently fully functioning as a residence to a local couple.
- The home proposed will have no greater adverse material effect on the livability of the impact area, due to the fact that it is currently a home that is occupied and lived in by local residents, and the proposed remodel and expansion will have the following benefits to the community:
  1. Improve the landscape and landscape buffers
  2. Parking spaces (current residence offers no parking spaces)
  3. Improve and maintain a front façade to be in line with surrounding structures.
  4. A front door that faces the street instead of the current front door that faces the alley/North side of the home.
  5. There will be no increased traffic on any streets including 1<sup>st</sup> street or the alley connecting with 1<sup>st</sup> street.
  6. The home will be the same footprint that it currently has.
  7. There will be parking on the residence lot; which is currently not offered and only available on the street – competing with local businesses.
  8. The architectural design will be in line with the surrounding homes – including a gable roof –just like the one next door to the South, with the second floor of the home set back from the first floor, with a pitched roof over the front porch, along the front siding. There are accommodations and detail for the Street Facing façade and side alley façade that create shadowing and residential detail, that help tie this home into the neighborhood. The

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- home additionally is a significant improvement over the existing shed-like home that does not currently have front door – but rather a side door that opens into the alley way with no set back to the North side/alley way. So the door literally steps you into the alley. The new proposal additionally will clean up the landscape in the area, provide for 2 parking spots that are NOT currently part of the residence, will improve the health of the property trees and vegetation, and reduce the home hazards that are currently present.
9. This building will be built to certified LEED standards and will not emit excessive dust, fumes, or odors.
  10. There will be no generation of additional noise.
  11. The current home has electrical lines intertwined in the trees and the trees are creating a hazard on the property. The proposal will be to keep the trees around the home and to bring in an arborist to clean up the trees and to eliminate any housing hazard and to eliminate the hazards potentially caused by electrical connections to the current trees.
  12. The 2 homes to the South have both been renovated and additional square footage added to each home. This home will be in line with the 2 previous remodels performed including height standards. Attached to this document are pictures of homes and the heights of the homes in the surrounding 200-foot radius to this lot showing similar heights in many of the surrounding home.
  13. This home will also create an atmosphere that is conducive to the uniqueness of Ashland and will eliminate the current ill conditions that the home is under – failing fences, drooping electrical and phone lines, rodent infestation under the home, excessive dust caused by the dusty front and back and side scape and previous construction that was not up to the standards for safety, no front entry-but side entry directly into the alley way and no parking.

**Historic District Design Standards from the Site Design and Use Standards:**

The overall design of the home utilizing common materials seen in neighboring homes in the historic district will represent the time and will hence the nature and character of the district. The goal with this residential structure is to maintain livability, pedestrian scale, authenticity, distinctiveness, and communality consecutiveness. This lot is an interesting setting as it is across the street from a large commercial business and it has commercial businesses on both the north and south sides with a public alleyway in between. Because this home is completely surrounded by commercial businesses and a public alley way- we are suggesting that possibly this home could lend itself to some appeal to the industrial area and yet still be clearly a residential

**IV-C-1 Height:**

Included in exhibit 1 –pictures of surrounding homes within 200 feet of this property, you will see that the height is similar to 7 other close residences. This home is a 2 story home, because the foot print is so small and it would be impossible to have the entire home fit onto a 25 foot wide piece of property that would not allow for parking and the preservation of the existing beautiful large trees on the property. Because we are suggesting a 2 story home in line with neighboring homes,

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it will allow us to not only preserve the existing trees, it will keep the home on the same foot print as the existing home, with the exception of reducing the alley way set back and it will allow for better use of the very small lot, while still provide the necessary elements of a single family residence.

The property to the South is the same gable roof as the suggested roof here and the same height as the height suggested here. In addition it is the exact same height as the home across the street (1<sup>st</sup> street) and the same gable roof design.

Due to the narrowness of the lot – 25 feet – and the fact that there are setbacks to meet on both the north and south sides – the 2 stories may appear to be an increased height, when indeed the proposed height is the same as the homes in the surrounding area.

Additionally we have upon your historical recommendations reduced the height by 1 foot; including a reduction in the pitch of the roof.

#### IV-C-2 Scale

The home is within the scale of the historical neighboring residential properties. The height, width, and massing conform to the historic building within the immediate vicinity. The home is directly across the street from 2 large commercial businesses and the home directly faces a large commercial property. The home is surrounded by a very busy street, and excessive foot traffic. The home is not located in a “quite neighborhood” that would be expected in a historical area. This particular area is very busy and industrious. The home with regard to scale and mass fits nicely into this neighborhood and will not look out of proportion or scale to the surrounding homes, or neighboring buildings.

Additionally we believe it could be acceptable to have a “different residential” feel due to this area being heavily commercialized and having daily and evening heavy traffic.

#### IV-C-3 – Mass

There are small-varied masses consistent with historic buildings in the immediate vicinity. The hip roof off of the front porch along the front flat single planeside of the home allows for varying mass and residential feel. The façades added to the front and sides allow for residential detail and design and shadowing that will further allow this residential structure to fit into the historic standards of the immediate area. There are double hung windows, consistent with the historic standards, a front facing porch – front door and a modified rhythm of opening from the current structure.

We have altered and implemented all historic committee review suggestions thus far, by:

1. Adding a gable roof instead of a flat roof
2. Added façades along the alley way
3. Changed the front door opening placement
4. Revised all siding to be more consistent with the historic standards
5. Added a hipped roof to the front porch on the street side of the home, to be consistent with the immediate area homes.
6. We reduced the pitch of the roof

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7. We reduced the height of the residence
8. We increased the front door entrance detail
9. We added skirting to the front of the home for additional residential detail.
10. We eliminated the roof top decking
11. We were able to design the foot print to keep all existing trees
12. We changed the alley detail to allow for more residential detail on the alley side that is more visible.
13. We have applied a base/step back off the front and alleyway to show a difference in the previous "straight sides and front of the home".

**VARIANCE for side yard Setbacks:**

The second proposal is to reduce the North side yard set back to **3 foot** in the front half of the home and **4.6 feet** in the back half of the home. Currently the home is built right on the property line- along the alley or within inches of the property line. This would change would move the home back 3 feet off the property line – facing the alleyway. This property line is currently non-conforming. This additional footage towards the North property line, facing the alley would allow for the home to have a width of 16' and would allow for a wheelchair to enter the home and use the ADA approved downstairs bathroom, which the owner will have a personal need for.

The setback on the North side would be facing the ally and not a residence.  
Neighboring setbacks noted:

- The business to the North of the home has a non-conforming less than one-foot set back and appears in the front to be built right on the property line or possibly in the public right of way.
- The home/business to the South a zero lot line – with no set back noted on the side yard.
- The set back for the home 2 homes to the South has what appears to be less than one foot setback and the home to the East –directly behind the home has a non-conforming side set back of less than 1 foot.
- The set back of the home across 1<sup>st</sup> street that is also a 2 –story home has what appears to be less than a one –foot setback on the North side yard.  
\*\*Please see pictures in the addendum to this proposal on the neighboring setbacks.

**Additionally Unique or Unusual Circumstances:**

- This is a unique lot that is 25 feet wide
- We did not create the size of this lot, this is the size it was when we purchased this.
- We are requesting a variance on the side yard set backs due to the fact that it would be impossible to build a home that is 12' wide (which is what it would be if we conformed to the allowed residential setbacks)

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- All homes that are on a unique 25' wide lot have less than a 2-foot setback noted and are mostly found to be 12 – 18 inches off the property line or have a zero lot line.
- We are increasing the setback to the north/alley way, which will improve the standard and look of the residence to not be encroaching into the alleyway.

This set back variance on the side yards would give the needed 16'+ wide residence needed to accommodate basic living areas on the first floor and the needed ADA approved restroom on the first floor with the width needed to accommodate a stairwell that will adapt to a motorized wheelchair lift up the side of the stairs.

**VARIANCE to the Setbacks-FRONT:**

The front yard setback in the historic district is 20-feet. There is a provision in the code (AMC 18.68.110), which allows for averaging of front yards. "If there are dwellings or accessory buildings on both abutting lots.. The front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures." The property to the south has an approximately a 9 foot set back to the front and the property to the south has less than a one foot setback to the front property line. This would allow for the averaging of the front set back to 5 feet.

We are proposing a 6-foot front set back. Based on the code the front yard setback suggested complies with the averaging provision.

**TREE PRESERVATION PLAN:**

- With the current plan – there will be NO trees removed from the lot/parcel.
- A chain link fence with a minimum of 6-feet in height with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or drip line, whichever is greater.
- The fencing will be flush with the initial undisturbed grade
- There will be a slab concrete foundation that will eliminate the deep skirting of excavation needed for crawl space.
- There will be approved signs around the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from Staff Advisor for the project.
- No construction activity will occur within the tree protection zone, including dumping or storage of materials.
- Bartlett tree service will be maintaining the trees and observing all of the preservation before, during and after the construction.
- There will be no hazardous dumping or chemically injurious material used such as liquids, paint thinners, construction debris, or m-off.
- No excavation or trenching will occur within the tree protection zone unless approved by the Staff Advisor.
- Inspection will take place prior to any construction activity.

OCT 09 2013



NARRATIVE REGARDING ASHLAND HISTORIC REVIEW COMMENTS  
AND VARIOUS CONDITIONS PERTAINING TO CONDITIONAL  
USE PERMITS AND VARIANCE APPLICATIONS

APPLICANT: Nisha Jackson  
2640 E. Barnett Rd.  
Medford, OR 97504  
541-944-5987

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SEP 20 2013

City of Ashland  
Community Development

OWNER: Same as above

AGENT: Design Residential, Inc.  
P.O. Box 8062  
Medford, OR 97504

SUBJECT PARCEL DESCRIPTION:

MAP: 39 1E 09 BA TAX LOT:1300  
270 N. First St.  
Ashland, OR 97520

Regarding the Historic Review Board Comments dated 9/12/13:

1. Suggestion: Hip roof and lower plate heights.  
Action taken: The Upper Floor Bedrooms are Vaulted and therefore we cannot Hip the East and West Upper ends. We have changed the North two story pop out and the covered Entry to Hip from Gable  
The Main Floor plate height remains at 9' but we have changed the Upper Floor from 9' to 8', all the more reason to Vault the Bedrooms. These changes will lower Building Height and reduce Mass
2. Suggestion: Add trim around Openings.  
Action taken: Trim has been applied to all openings even though it is not an industry standard for Stucco or Cladding.
3. Suggestion: Front Porch to small on not well defined. Design conflict with front deck.  
Action taken: We have widened the porch from 4'6" to 6'. This gives more definition to the front porch. The North interior wall of the Living Room should not be decreased to add to Entry because the Living Room is 13'6" wide as it is, a very minimum. A separation from the covered Entry Roof to the upper deck has been created to eliminate the design conflict.

We feel we have made as many adjustments to our design as possible in light of the very minimal building envelope dictated by the lot dimensions.

Regarding Conditional Use permit and Variance applications:

1. The Maximum Permitted Floor Area.

The S.F.D. has been specifically designed to meet the requirements as outlined on the Ashland Planning Dept. Pre-Application Conference Comment sheet dated: 8/14/13. The requirements with a 25% increase are 1310 Sq. Ft. We are at 1300 Sq. Ft.

2. Front and Side yard Setbacks:

We have a 6' Front Setback. The Comment Sheet indicates an average adjacent Front set back is 5'6". The existing S.F.D. has a building width of 19', which means side setbacks would be 3', We maintain this as a minimum with some at 4'6".

3. Garage:

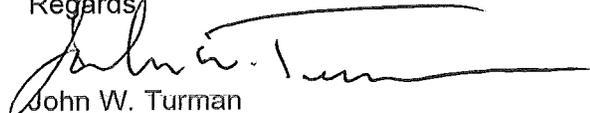
We have proposed a 19'X 20' Garage with a height less than 15', separated from the main S.F.D. by 15' and the street by 88'. The back-up dimension is 19', so a Variance Will be required. We feel this justified as the property directly to the North also has a Similar back-up. With the physical constraints of the very narrow lot (25') and the need to Provide off-street parking with alley access, we feel a Variance is justified.

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SEP 20 2013

City of Ashland  
Commut. Development

Regards,

  
John W. Turman  
Design Residential, Inc.

Dear City of Medford

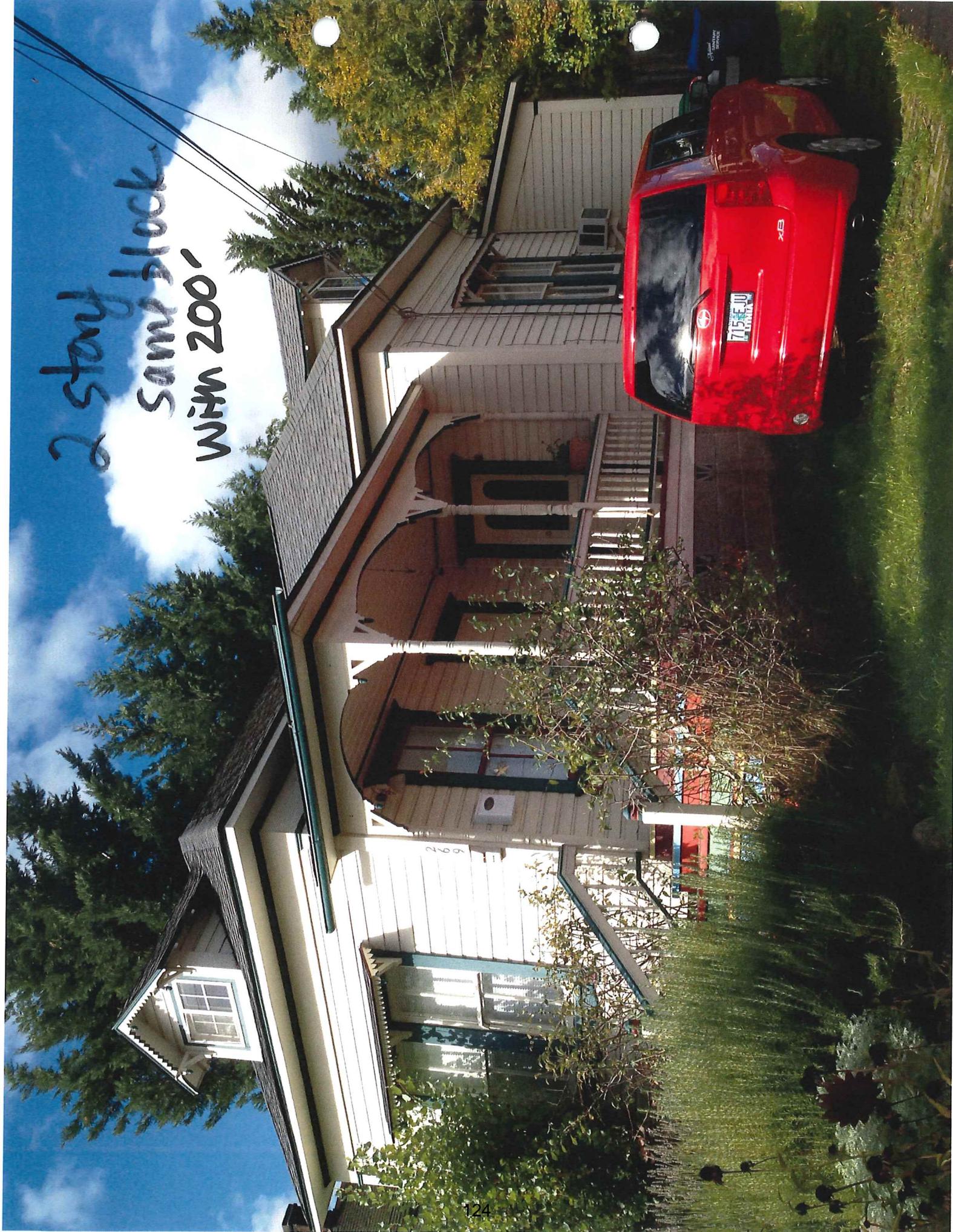
Attached to this application are home and commercial businesses located within 200 feet of the proposed home construction on this application (1<sup>st</sup> Street)

These homes are a combination of:

- 2-story homes
- 1 ½ story homes
- 0-lot lines to the front and sides
- Less than 2-foot lot lines to the side
- The lot to the directly to the EAST is a large commercial building
- The lot to the directly to the North is a large commercial building
- The lot to the directly to the North-West is a large commercial building
- The lot to the directly to the South is a commercial business and home

Please see attached pictures for homes/businesses within 200 feet of proposed space.

2 story  
same block  
with 200'





(2 stay same block)

2' set back  
(side)



~~2 story~~  
side  
2' set back



0-lot line

2 story  
same block  
with 200'



less than  
2' set back  
same block



2 story across street



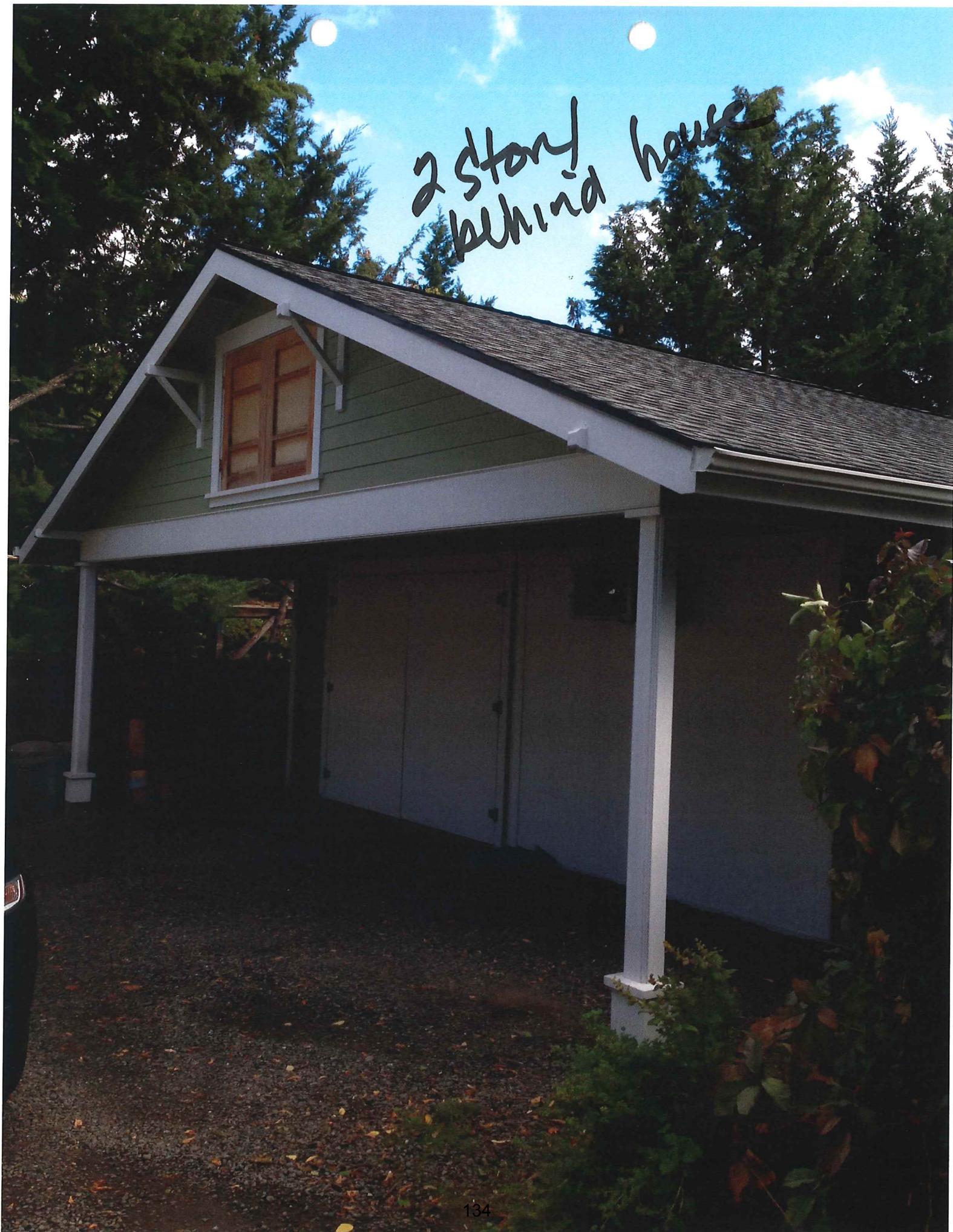


0-setback front  
2-story  
next door

O-Setback  
REAR commercial  
lot



2 story  
behind house





NO PARKING

NO PARKING

less than  
2' foot  
side  
yard set  
back - 2 story  
behind house  
200' (within)

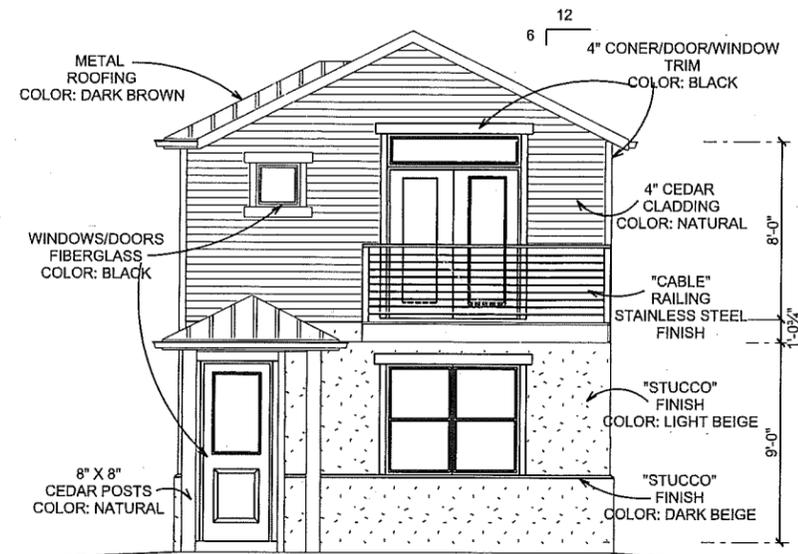


LESS THAN  
2' SET  
back  
East of house

NOTES:



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

REV.	DATE	REV.	DATE

TITLE:  
ELEVATIONS

SCALE: 1/4" = 1'

FILE:  
JACKSON/270 N. FIRST ST.  
DRAWN BY: JWT DATE: 9/10/13  
CHECKED BY: DATE:

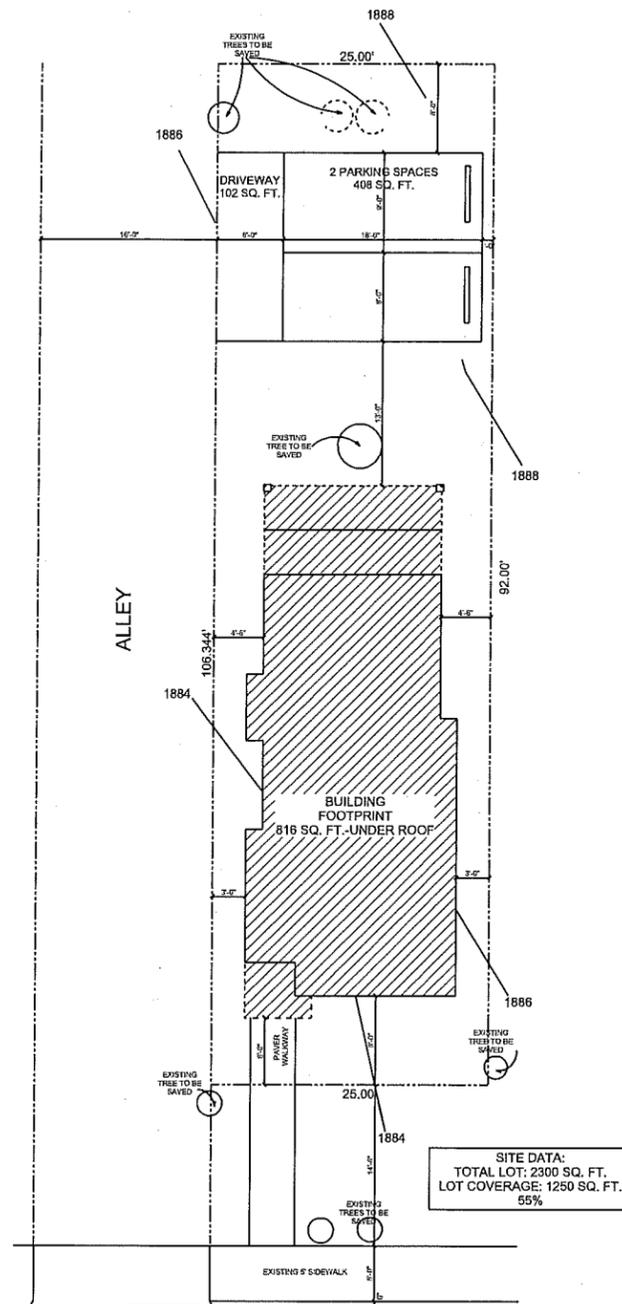
SHEET 2 OF 7

PROJECT:  
S.F.D. @  
270 N. FIRST ST.  
ASHLAND, OR 97520  
FOR: NISHA JACKSON

CUSTOMER:  
NISHA JACKSON  
2640 E. BARNETT RD  
MEDFORD, OR 97504  
541-944-5987

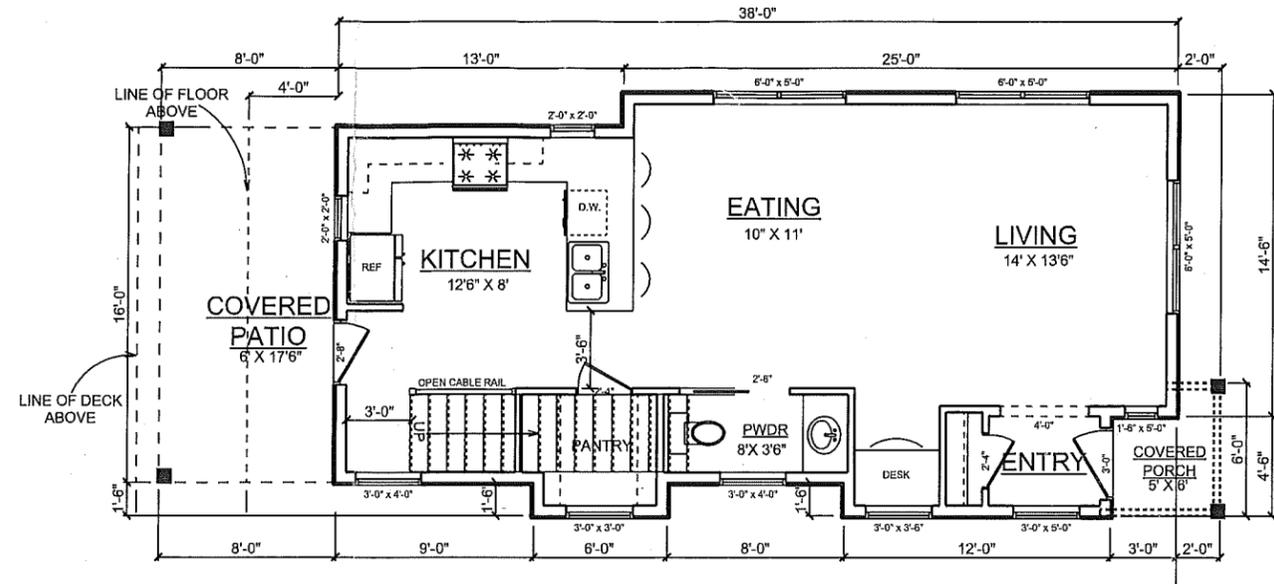
 design residential  
-home design that inspires-  
Design Residential, Inc.  
P.O. Box 8062  
Medford, OR 97501  
541-808-3956 / fax: 508-0112  
www.designresidential.biz

NOTES:

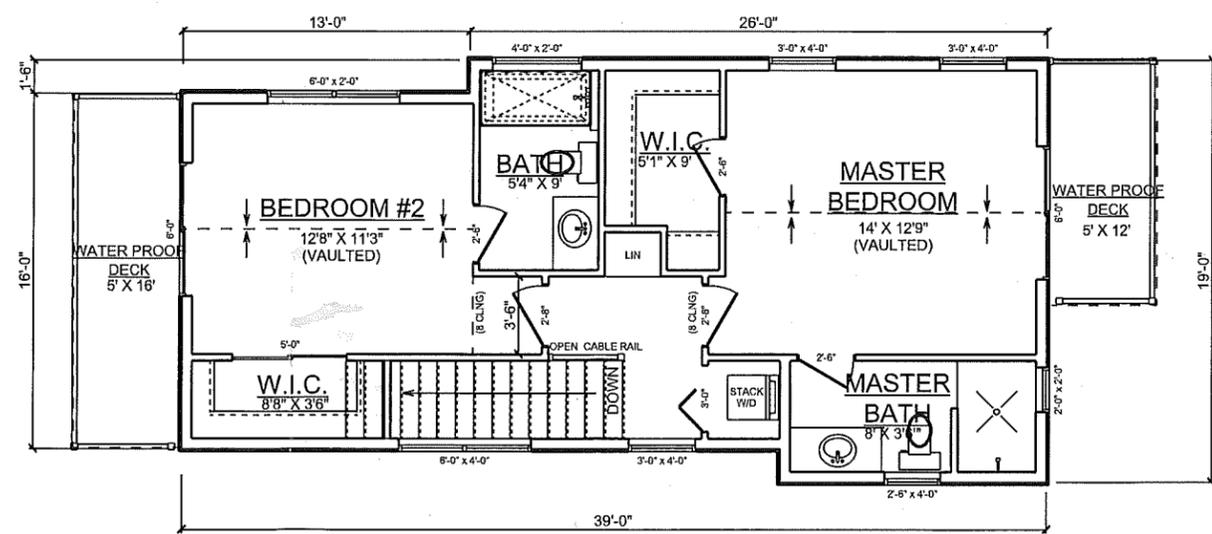


SITE DATA:  
TOTAL LOT: 2300 SQ. FT.  
LOT COVERAGE: 1250 SQ. FT.  
55%

N. FIRST ST.  
SITE PLAN  
SCALE: 1/8" = 1'0"



MAIN FLOOR:  
664 SQ. FT.-LIVING  
SCALE: 1/4" = 1'0"



UPPER FLOOR:  
636 SQ. FT.-LIVING

REV.	DATE	REV.	DATE
TITLE: SITE PLAN & FLOOR PLANS SCALE: 1/4" = 1'			
FILE: JACKSON/270 N. FIRST ST.			
DRAWN BY: JWT		DATE: 9/10/13	
CHECKED BY:		DATE:	
SHEET 1 OF 7			

PROJECT:  
S.F.D. @  
270 N. FIRST ST.  
ASHLAND, OR 97520  
FOR: NISHA JACKSON

CUSTOMER:  
NISHA JACKSON  
2640 E. BARNETT RD  
MEDFORD, OR 97504  
541-944-5987

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design residential  
Home design that inspires  
Design Residential, Inc.  
P.O. Box 8062  
Medford, OR 97501  
541-608-3956 / fax: 608-0112  
www.designresidential.biz

# ***BARTLETT TREE SERVICE, LLC***

Mike Bartlett  
Certified Arborist – International Society of Arboriculture  
2288 Old Stage Rd. Central Point, Or. 97502  
541-601-6780

---

To whom it may concern,

This report is written in regard to the trees located on the property of 270 First St. in Ashland, Or. It was explained to me that the existing structure is to be torn down and a new, two-story dwelling be built in its place. The new home's footprint will be very similar to the existing one. With this information given I was asked to develop a tree protection/preservation plan and implement it before, during and after the demolition/construction project.

As a Certified Arborist I am passionate about trees and their care. Being a professional in my field, I am compelled to give an honest, educated opinion regarding tree situations in which I become involved.

There are many procedures that can be done to preserve and protect a tree during construction. There are some instances where these procedures would be an unrealistic utilization of time and effort.

At 270 First St. there is a 6 inch diameter Box Elder tree growing from the base of the stem wall on the west side of the house. There is another Box Elder on the east side of the house also growing from the base of the stem wall. It has diameter at chest height of 13 inches. Box Elders have a very invasive, extensive root system. They require a large area for root growth. The new construction would require these roots to be cut back to the trunk on the house-side of the trees. This would create an unstable situation for the Box Elders and place them in a high-risk category for toppling over. This amount of root removal would also put the trees in an irreversible decline spiral. It is my intention to preserve trees when and where reasonably possible. I feel this would be a futile and failed attempt to preserve these two trees and they should be removed.

The other tree of concern is a 6 inch diameter Black Walnut on the northeast side of the property. It is growing within inches of the asphalt alley to the north and within 6 foot of the house. Black Walnuts can reach a height of 100 feet and a crown spread of that or more. They require a large area of available root space. Their roots tend

NOV 01 2013

to be on the invasive side. Because of its proximity to the alley, it has already had limbs broken off by the nearby traffic. The roots will cause extensive damage to the road and future home. It does not have a bright future in its present location and should be removed.

After the new building is constructed, I would recommend an assessment of the property for the possibility of planting new trees. I would also encourage seeking the opinion of a Certified Arborist as to what trees would be best suited for the improved site.

Professionally,

Mike Bartlett  
Certified Arborist  
P.N.W. & Western Chapter, I.S.A.  
International Society of Arboriculture  
P.N. # 0984

NOV 01 2013

## Amy Gunter

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**From:** Tish Way [tishway@hotmail.com]  
**Sent:** Friday, November 01, 2013 4:04 PM  
**To:** guntera@ashland.or.us; melissa syken  
**Subject:** 270 North First Street

To whom it may concern;

I am writing to you regarding my concerns about the the property, located at 270 North First Street, adjoining my own, located at 260 North First Street. The proposed design for development contradicts existing zoning rules for the neighborhood. I believe that if the proposed plan is approved, it will diminish the value of my own property and that it will diminish the pleasure that my neighbors and I take in living in the historic railroad district.

Two years ago, when I was building my own home/business, next-door, I had requested the same or similar variances of code that my neighbor is asking for and my requests were denied. Hence, there is also the big issue of fair treatment.

When I began the renovation to my home, we had asked the planning commission for permission to;

- Add covered porches
- Add square footage

The current owners are saying it is impossible to build a home 12' wide, so they need to increase the residential setbacks. They knew exactly what they were purchasing when they bought the property. They can do a remodel and use the current existing footprint.

If they needed to build a larger home they ought to have purchased a larger lot. They did not create the size of the lot, but they are responsible for purchasing it exactly as it is. I oppose their requests for additional setbacks.

A steel roof proposal;

- Put a steel roof on the building

I oppose the steel roof because it will add additional noise pollution to the neighborhood and not be in compliance with the residential historic railroad housing.

The many variances to the code that my neighbor is proposing will:

Crowd an oversized building on a tiny little lot that will block the beautiful upstairs view from my home. While my neighbor should be as free as I to construct an upstairs in his home, his upstairs should be scaled back so that its footprint is does not exceed the zoning rules and does not block my existing view and sunlight.

I am concerned about the lack of landscaping in the plans at 270 North First Street also and opposed to not following through with the existing rules around this issue.

I am concerned and oppose the additional traffic as a result of more than one parking space on such a small lot. The neighbors on the opposite side have a lot half again larger than the 270 lot and only have one parking space.

I am concerned and opposed to the increase in noise, light, and glare from the proposed plan at 270 North First Street.

I am opposed to changing the front set back also. If the city will allow this setback for this property will you allow all the neighbors to also change their set backs to 6 feet in the front?

Please consider these ideas and follow through with the existing laws of the Historic Railroad District already in place.

Thank you for your time and consideration on this matter.

Patricia Way  
260 North First Street  
Ashland, Oregon 97520

541-601-8474

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City of Ashland



# MISCELLANEOUS SUBMITTALS



*We would like to submit this additional information to our packet as this is a new development in our understanding of the effects of this project. Up to this point it has been unclear which trees are to remain and which will be cut but the ribbons have made it obvious.*



It has come to our attention that there is a tree at the 270 N. 1st property marked for cutting which is erroneously designated a bush. A "tree" is defined as being over 6" diameter at breast height. This tree is 13"+.

Unfortunately for this tree it has been signed off as a bush by the City Planner in charge of this project. In fact, in the proposal presented to the Historic Commission it was stated that NO trees would be cut and (at the subsequent meeting) many of the members were surprised to learn that anything under 6" diameter at breast height is not considered a "tree" and only two of the many trees on this

property will actually remain. This tree should not be cut unnecessarily to build a larger than permitted house on this small lot. Without cutting this tree a home with plenty of square footage for the City guidelines can be built and the only reason to cut this tree is to build a bigger house. This should be a top consideration of granting the conditional use permit for a 25% expansion which is out of scope with other homes in this neighborhood. Does it make sense to grant an exception for a larger home to be built on such a small lot when it requires cutting down this healthy tree?

There has obviously been some kind of tree protection plan created for 270 N. 1st already as it clearly states in the proposal findings that the two trees they have identified as "trees" which will not be cut must be adequately protected by a 6' chain link fence before any work can begin on the property. (We have not seen the plan as it is not part of any of the packets we have received.) This tree pictured has been overlooked and is a HUGE oversight/unspoken accommodation on the part of the planning staff.

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City of Ashland / of 5

This tree alone is reason to send this project back to the Historic Commission for review. This whole project had many misrepresentations when presented to the Historic Commission (such as the existing residence having a metal roof which it does not and the statement that no trees were to be cut) which is the information they were given when making their decision. If anyone makes a decision based on misleading information it is reasonable to imagine they may make a different decision when presented with true and more accurate information and the Historic Commission vote was already split which rarely happens.

This project has seemed like it is being pushed through and it may be that one planning staff member is in charge of too many aspects or gets too sympathetic to the person and forgets the larger picture of the neighborhood and guidelines. It is very important that the City remain impartial when looking at projects and make sure that they are legally making fair and just decisions without making too many accommodations for one project.

Our neighborhood (as evidenced by the 50+ signatures of many of the owners of these properties) feels that this project is receiving a green light on a project which is not compatible for the Historic Railroad District neighborhood where we live. A residential home with stucco siding, a metal roof (that is the commercial coop design!), a sliding glass door facing the street, a stainless steel cable railing balcony as a contemporary street element, and a 25% increase in square footage with two car parking on a 25' wide lot- there are many people questioning why the City would allow/encourage this when other options which better fit their design guidelines are available.

Please read your own documents and be careful of using as an "excuse" that this is a transitional house between commercial and residential. There is no definition for transitional in your records- it is an arbitrary term. A slippery slope as so much of the charm of this area is mixed use commercial/residential side by side. Another misleading statement is that this property is bordered on three sides by commercial property. In fact there is a residence still on the auto body lot which may be a residence again in the future and the only other commercial property is the Ashland Food Coop. Many many properties border commercial in these neighborhoods. If standards of homes looking like homes are gone it will quickly turn into a very different looking town. This will be a project many will look to for future developments as it is just R-2 property...so many of us border businesses in this area!

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*\*Because the Historic Commission made us aware of how many ordinances there are that all parties on the Commissions may not be aware of we have copied some of it here to hopefully be helpful:*

## 2883 Tree Ordinance

### Chapter 18.61

### TREE PRESERVATION AND PROTECTION

#### 18.61.010 Purpose.

The City of Ashland recognizes the importance of trees to the character and beauty of Ashland as well as the role that trees have in advancing the public health, safety and welfare. The City has therefore determined that reasonable regulation of the removal of certain trees is necessary and that this regulation of trees is based upon the following general guidelines:

A. The City recognizes that trees can provide soil stability, noise buffering, and wind protection benefits. The City of Ashland greatly values trees for their ecological importance, temperature mitigation, enhanced wildlife habitat and aesthetics.

B. The City recognizes the special significance of heritage and distinctive trees, and values the contribution, which such trees make to the beauty and quality of life of Ashland.

C. The City recognizes that because of the known benefits of trees, development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

E. The City recognizes that city-owned property and properties located in multi-family residential zones often have special landscaping circumstances, and that these special circumstances have the potential to affect significantly larger numbers of persons if unregulated. Because of this, such properties require reasonable regulation.

#### 18.61.020 Definitions.

B. Caliper Inch refers to a manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated "diameter tapes" or "calipers" are used to determine caliper inches.

D. Diameter at breast height or DBH means the diameter of the trunk, at its maximum cross section, measured 54 inches (4 1/2 feet) above mean ground level at the base of the trunk.

M. **Tree means any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH).** If a tree splits into multiple trunks above ground, but

below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH.

**18.61.042 Approval and Permit Required.**

**B. TREE REMOVAL - VERIFICATION PERMIT:**

1. If a site has received development approval through a planning action consistent with the standards of this chapter, then a Verification Permit shall be required for those trees approved for removal through that process. To obtain a verification permit, an applicant must clearly identify on the property the trees to be removed by tying pink tagging tape around each tree and submitting a site plan indicating the location of the requested trees. Vegetation 4" to 6" DBH that is to be removed shall also be marked with pink tagging tape. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The Staff Advisor will then verify that the requested trees match the site plan approved with the planning action. The City shall require the applicant to mitigate for the removal of each tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the original development permit.

**18.61.094 Conditions of Approval for Tree Removal Permits.**

A. The City may impose conditions of approval on any Tree Removal Permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential negative impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal.

B. Conditions of approval may include, but are not limited to:

1. Requiring modifications in the location, design or intensity of a development or activities on a site or to require or prohibit certain construction methods.

Modifications may result in a decrease in size of residential or commercial structures, but modifications shall not reduce the density of residential development below the permitted density allowed by the zone;

**18.61.200 Tree Protection.**

**A. Tree Protection Plan Required.**

1. A Tree Protection Plan approved by the Staff Advisor shall be required prior to conducting any development activities including, but not limited to clearing, grading, excavation, or demolition work on a property or site, which requires a planning action or building permit.

2. In order to obtain approval of a Tree Protection Plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:

- a. Location, species, and diameter of each tree on site and within 15 feet of the site;
- b. Location of the drip line of each tree;
- c. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements;
- d. Location of dry wells, drain lines and soakage trenches;
- e. Location of proposed and existing structures;
- f. Grade change or cut and fill during or after construction;

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City of Ashland

- g. Existing and proposed impervious surfaces;
  - h. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan; and
  - i. Location and type of tree protection measures to be installed per AMC 18.61.230.
3. For development requiring a planning action, the Tree Preservation Plan shall include an inventory of all trees on site, their health or hazard condition, and recommendations for treatment for each tree.

**B. Tree Protection Measures Required.**

- 1. Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.
- 2. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any open space tracts, riparian areas, or conservation easements that abut the parcel being developed.
- 3. The fencing shall be flush with the initial undisturbed grade.
- 4. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Staff Advisor for the project.
- 5. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
- 6. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
- 7. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.

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City of Ashland

## Amy Gunter

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**From:** Tish Way [tishway@hotmail.com]  
**Sent:** Friday, November 01, 2013 4:15 PM  
**To:** guntera@ashland.or.us; melissa syken  
**Cc:** TISH WAY  
**Subject:** 270 North First

To whom it may concern;

On an additional note, it is inaccurate to state the lot is surrounded by commercial businesses. The fact is there is a residence directly behind the lot,(not commercial property), a residence to the south of the lot (not commercial property), and a residence to the north of the lot (not commercial property).

The proposed house would also look proportionately out of scale to the existing houses it borders.

Thank you for your time and attention to this matter.

Patricia Way  
P O Box 1327  
Ashland, Oregon 97520

Tish Way  
Oregon Shakespeare Festival  
Company Management Team  
541-601-8474

## Amy Gunter

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**From:** Tish Way [tishway@hotmail.com]  
**Sent:** Friday, November 01, 2013 4:04 PM  
**To:** guntera@ashland.or.us; melissa syken  
**Subject:** 270 North First Street

To whom it may concern;

I am writing to you regarding my concerns about the the property, located at 270 North First Street, adjoining my own, located at 260 North First Street. The proposed design for development contradicts existing zoning rules for the neighborhood. I believe that if the proposed plan is approved, it will diminish the value of my own property and that it will diminish the pleasure that my neighbors and I take in living in the historic railroad district.

Two years ago, when I was building my own home/business, next-door, I had requested the same or similar variances of code that my neighbor is asking for and my requests were denied. Hence, there is also the big issue of fair treatment.

When I began the renovation to my home, we had asked the planning commission for permission to;

- Add covered porches
- Add square footage

The current owners are saying it is impossible to build a home 12' wide, so they need to increase the residential setbacks.

They knew exactly what they were purchasing when they bought the property. They can do a remodel and use the current existing footprint.

If they needed to build a larger home they ought to have purchased a larger lot.

They did not create the size of the lot, but they are responsible for purchasing it exactly as it is.

I oppose their requests for additional setbacks.

A steel roof proposal;

- Put a steel roof on the building

I oppose the steel roof because it will add additional noise pollution to the neighborhood and not be in compliance with the residential historic railroad housing.

The many variances to the code that my neighbor is proposing will:

Crowd an oversized building on a tiny little lot that will block the beautiful upstairs view from my home. While my neighbor should be as free as I to construct an upstairs in his home, his upstairs should be scaled back so that its footprint is does not exceed the zoning rules and does not block my existing view and sunlight.

I am concerned about the lack of landscaping in the plans at 270 North First Street also and opposed to not following through with the existing rules around this issue.

I am concerned and oppose the additional traffic as a result of more than one parking space on such a small lot. The neighbors on the opposite side have a lot half again larger than the 270 lot and only have one parking space.

I am concerned and opposed to the increase in noise, light, and glare from the proposed plan at 270 North First Street.

I am opposed to changing the front set back also. If the city will allow this setback for this property will you allow all the neighbors to also change their set backs to 6 feet in the front?

Please consider these ideas and follow through with the existing laws of the Historic Railroad District already in place.

Thank you for your time and consideration on this matter.

Patricia Way  
260 North First Street  
Ashland, Oregon 97520

541-601-8474

October 28, 2013

Melissa Syken  
260 N. 1<sup>st</sup> Street  
Ashland OR 97520  
541-842-0642

To whom it may concern:

I am writing with concerns about the proposed building to go in at 270 N. 1<sup>st</sup> Street. As the closest neighbor (our homes will be 3 feet apart) I would like to voice some things I have noticed about the planned building.

- Home does not look like it will be to scale with others on street in relation to size of lot.
- Noise, Light & Glare WILL GREATLY increase if parking is allowed behind residence in current back yard and home is allowed to be built bigger.
- A metal roof will be confusing (if this is indeed a residence) as that is not in any way contributing to the historic feel of the neighborhood.

**PARKING:**

I am greatly opposed to the idea to put parking behind the building at 270 N. 1<sup>st</sup> when all the other homes on N 1<sup>st</sup> park on the street. Before the new sidewalk went in last year past renters who lived there previously always parked in the front on the lawn there as matched all the other homes. By allowing parking in the rear of the home you are allowing my current back yard where my two young sons play to become open to the alley (as the fence will be removed which is currently in place). This will seriously negatively impact my quality of life here as one of the things that makes our super small residence work for our family is that I feel safe with my kids in the backyard. I did not build my home thinking that there would be no yard next door to me. That is my buffer from the alley pedestrian traffic especially!

Parking behind the house will degrade the neighborhood feeling for my home unnecessarily and contribute light, noise, and glare to where I live which is currently not there at all. NO QUESTION! Me and my children sleep less than ten feet from where lights will be pulling in and out and cars will be warming up pouring exhaust up into our windows. That alley already has its own traffic as well as permanent parking for the home right behind 270 which you should be aware of. There is no street access to the home at 272 N. 1<sup>st</sup> so the only option is parking right there.

In my view, it would be more compatible with our neighborhood if the car were to park in the front of the home as all the other cars on N. 1<sup>st</sup> do. The home just two up from mine is also on the alley and they have made it look really nice. I do realize the existing trees there would need to be removed but these trees cost the city money every year to cut back as they are right in the power lines and grow very quickly and I have heard there was talk of removing them anyway for this reason. Cottonwoods are not a good street tree and some other replacement more appropriate could be put in in their place. Also, 4

of the 5 homes on the street will have pavers soon, 270 is the only one that will not so there could be a nice consistency along the street.

To go from zero parking on a 25' wide lot to two spaces is a definite increase. All of the parking for other homes in this area allows for one car and families share a car and bike/walk. This is not a large lot nor is there any need for two parking spaces. If, when the City put the new sidewalk in, they did not cut a parking spot it seems that should be a signal that there is no parking on this lot. Where is the room for the landscaping then? I think the idea that two car parking should be allowed is extremely inconsistent with this lot and neighborhood.

The second thing about allowing the back area to be parking is that I see a potential for this to easily turn from residential to commercial at any time as one space can become residence and one handicap and they are set. They are using a very similar layout as our "commercial" front to our home (a big open space closest to the street with home upstairs and behind) which is fine if that is what they intend but I feel this is a tricky way to get all approved and then I am next door to a commercial parking lot in my backyard.

I noticed they are paying attention to ADA accessibility and have made ADA bathroom downstairs as well as front door facing the street. While these may **currently** be personal concerns these are all **conditions for a commercial application** which I feel they are adding in now as a potential for down the road and I don't want to be surprised when that presents itself. They may be living in it for a time but then may decide to do their private practice from their home or sell/rent to someone else and that would be the reality so I am looking to the future and that impact.

Again, per stated page one of the proposal: *"The proposed space will NOT increase any traffic in the area, as it will have its own parking within the property, which it currently does not have"* is in no way possible. If there is currently no traffic- adding car parking adds traffic. They are also welcome to continue to park where they are currently parking (street side) and have no parking on the lot as many homes of this size in the railroad district do. That IS another option and that really would not increase traffic.

\*Side note: the parking surplus on this particular street is due to the coop over- use not residential use. Rather than burden the neighborhood by putting parking in backyards perhaps the coop should be more responsible with their parking and find other solutions.

#### **CONDITIONAL USE PERMIT FOR HOME SIZE EXPANSION:**

To me it looks like this home will stick out on this street as it will be a much bigger home per lot size than any other. These are small lots which mean they should be small homes. To me, they are trying to build a large home on a small lot and if they wanted a big home they should have purchased a bigger lot. This is still in the historic railroad district...

These homes are a little community and I think it is important to look at that quality and not allow a home to be built that will not contribute to that community. Four homes of the five homes on this block have went through ownership changes and/or remodel work in the past year so we are all invested.

Again- I think there is a big assumption stated in their proposal:

*"there is no possible way to have a home that can be utilized as a residence that could fit into a 500 sf frame"*

They also state on page 5 that it would be *"impossible to build a home that is 12' wide"*. AND YET- that is what the size of my residence next door is!

This is all a matter of perspective and many families live in small spaces including mine with two children... I do not think this idea should be the basis for any increase in home size conditional use permit. To get a relationship to lot size: our exact same size property next door has a 1000 square foot building with 600 square foot shop in front and our residence is only 400 square feet. They are asking for a 327.5 square foot increase which is almost the size of the home space we are living in! A 1,000 square foot home on a 25' wide lot does not need to accommodate 2 bedrooms with walk in closets and 2.5 baths necessarily. Buy a bigger lot if you want a bigger house ☺

My understanding is that the footprint of the home will not increase but by adding a covered porch to the bottom story they can essentially increase their air footprint. The size of the upstairs area will then go over the porch blocking my upstairs windows entirely from natural light and the only views I have of the mountains. I would request that this be considered when looking at how our two homes relate to each other as we are only 3 feet apart. More home always equals more light and any light in their home will greatly increase light in my home- at the 3 foot distance you can pretty much read by it.

I request that the covered patio and waterproof deck be removed as they are more space taken up by building on the lot and they already have an outside porch to the front of the house. That way I can still see the mountains out of the farthest upstairs corner window in my home at the least. I feel the home they are proposing to build in not similar in scale, bulk, and coverage to surrounding homes as they are trying to build something bigger and utilizing more than all the allotted space and leaving no room for vegetation. These decks will have to be built around the existing tree...

Another concern I have is how the windows on our buildings will match up with one another. I would prefer to not have to look into their rooms or have them looking into mine as it was before our remodel.

#### **METAL ROOF:**

I see no reason for a metal roof on this home unless the intent is for it to one day be commercial. There are NO surrounding homes in this historic residential area with metal roofing and I think the metal would look commercial and/or California home like. How would that contribute to the historic feel? I was also denied the request to put a metal roof on our building and we are commercial in the front so I would be greatly surprised how their metal roof would be more contributing than mine could have been.

Thank you for your consideration,

Melissa Syken

**TYPE III  
PUBLIC HEARING**

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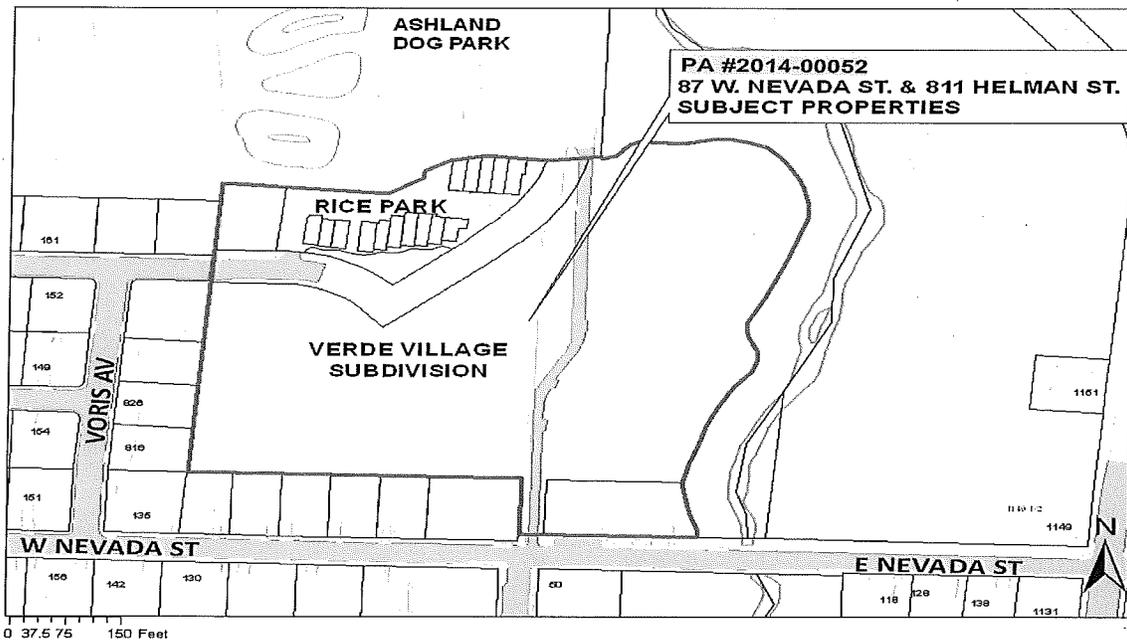
**PA-2014-00052  
87 West Nevada Street**





**PLANNING ACTION:** PA-2014-00052  
**SUBJECT PROPERTY:** 87 W Nevada St.  
**OWNER/APPLICANT:** Wilma LLC  
**DESCRIPTION:** A request to modify the Development Agreement for the Verde Village Subdivision for the properties located at 87 W. Nevada Street and 811 Helman Street. The proposed modifications include: clarifications of the project phasing to make clear which improvements are required with each phase and to allow either phase to occur first; changes to the energy efficiency requirements of the development so that all units will be constructed to at least Earth Advantage Gold standards and will be "Photovoltaic Ready"; and changes to the landscaping and maintenance requirements associated with construction of the multi-use path.  
**COMPREHENSIVE PLAN DESIGNATION:** Suburban Residential and Single-Family Residential; **ZONING:** R-1-3.5, R-1-5, R-1-7.5 **ASSESSOR'S MAP:** 39 1E 04B **TAX LOT:** 1100, 1400-1418

**ASHLAND PLANNING COMMISSION MEETING:** February 11, 2014 at 7:00 PM, Ashland Civic Center  
**ASHLAND CITY COUNCIL MEETING:** February 18, 2014 at 7:00 PM, Ashland Civic Center



Notice is hereby given that PUBLIC HEARINGS on the above request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION and ASHLAND CITY COUNCIL on the meeting dates shown above. The meetings will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearings, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

**Criteria from Chapter 18.88.030.A.4 for modification of the original subdivision's Outline Plan approval:**

- a. *That the development meets all applicable ordinance requirements of the City of Ashland.*
- b. *That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
- c. *That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
- d. *That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *That the proposed density meets the base and bonus density standards established under this Chapter.*
- g. *The development complies with the Street Standards.(Ord 2836, S2 1999)*

**Criteria from Chapter 18.62.040.I for modifications of the Physical & Environmental Constraints Review Permit which allowed construction of a multi-use path in the Ashland Creek riparian preservation area:**

1. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
2. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
3. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT**

February 11, 2014

**PLANNING ACTION:** 2014-00052

**OWNERS/APPLICANTS:** Wilma, LLC

**LOCATION:** 87 West Nevada Street  
811 Helman Street  
(Map 39 1E 04B, Tax Lots: 1100, 1400-1418)

**ZONE DESIGNATION:** R-1-3.5, R-1-5, R-1-7.5

**COMP. PLAN DESIGNATION:** Suburban Residential and Single-Family Residential

**ORDINANCE REFERENCE:** 18.20 R-1 Single-Family Residential District  
18.22 R-1-3.5 Suburban Residential District  
18.61 Tree Preservation and Protection  
18.62 Physical and Environmental Constraints  
18.88 Performance Standards Options  
18.108 Procedures

**APPLICATION DEEMED COMPLETE ON:** February 3, 2014

**REQUEST:** A request to modify the Development Agreement for the Verde Village Subdivision for the properties located at 87 W. Nevada Street and 811 Helman Street. The proposed modifications include: clarifications of the project phasing to make clear which improvements are required with each phase and to allow either phase to occur first; changes to the energy efficiency requirements of the development so that all units will be constructed to at least Earth Advantage Gold standards and will be “Photovoltaic Ready”; and changes to the landscaping requirements associated with construction of the multi-use path.

**I. Relevant Facts**

**1) Background - History of Application**

Approved in December of 2007, the Verde Village Subdivision of an 11.64 acre site comprising five parcels on the site of the old Ashland Greenhouses at 87 West Nevada and 811 Helman Streets included a number of approvals by the City of Ashland:

- *An Annexation, Comprehensive Plan and Zoning Map changes from Jackson County Rural Residential (RR-5) to City of Ashland Low-Density Multi-Family Residential (R-2) and Suburban Residential (R-1-3.5)*
- *Outline Plan approval to develop the property as a 68-unit residential development*
- *Site Review approval for multi-family development*
- *Physical and Environmental Constraints Review Permit to locate a multi-use path in the Ashland Creek Riparian Preservation Area.*
- *Tree Removal Permit*
- *Exceptions to the Street Standards to install a curbside sidewalk on one side of a proposed street, to not locate a street adjacent to natural features and to not connect two of the proposed streets.*
- *Variances to reduce the on-street parking requirement from 78 to 38 spaces, to reduce the rear yard setback requirement for six of the townhomes in the northwestern corner of the site from 20 feet to 12, 14 and 16 feet, and to reduce the required distance between buildings for the 27 cottages in the southwestern corner of the site.*
- *An Administrative Variance to the Site Design and Use Standards to have the primary orientation of the buildings to the south, rather than to the street, in order to maximize the use of solar energy.*
- *A land exchange with the City of Ashland dedicating 2.78 acres adjacent to Ashland Creek to the city for parks purposes in exchange for approximately 1.54 acres of the Dog Park in the area of the access and to the south of the existing parking area.*
- *A Development Agreement with the City of Ashland which governed the requirements for development of the subdivision to completion, including a detailed timeline. This development agreement was adopted by Ordinance #2945 on December 19, 2007.*

Subsequent to the 2007 approval, the applicants dedicated property to the Rogue Valley Community Development Corporation to develop 15 affordable units as part of the first phase of Verde Village to satisfy the affordability requirements of the annexation. Utilities and infrastructure, including the partial extension of Alameda Street, were completed to serve these units, which are now built and occupied as “Rice Park at Verde Village.”

The applicants obtained Site Review approval for the remainder of the first phase, the multi-family cottage housing portion of the subdivision, in 2009. Prior to the installation of infrastructure or commencement of the remainder of the first phase of the development, the national economy suffered a major downturn which made it difficult for projects with approvals in place to obtain financing. To date, the city has approved three timetable extensions in response to difficulties associated with the current state of the economy and availability of financing.

## **2) Detailed Description of the Site and Proposal**

### ***Site Description***

The parent parcels to the original subdivision are located on the north side of Nevada Street, west of the Ashland Creek corridor, near the terminus of Helman Street at Nevada Street. A driveway and multi-use path accessway serving the Dog Park and the Bear Creek Greenway north of the property bisects the

subdivision. To the west, Alameda Drive abuts the western boundary of the site, with a short extension into the property providing access to the Rice Park affordable housing units.

Ashland Creek, which runs along the eastern and northeaster boundary of the site, is identified as a Riparian Corridor in the adopted Water Resources map, and is considered a Riparian Preservation Creek in the Physical and Environmental Constraints Chapter (AMC 18.62) Flood Plain Corridor Lands map. The site also contains two wetlands which were identified in the original subdivision application. The site includes a variety of slopes including relatively flat portions and steeper slopes adjacent to Ashland Creek. Generally, the site slopes downhill to the north and northeast.

The adjacent properties to the south, west and north are in the Ashland city limits. The properties to the south of the site, between the site boundary and Nevada St., are zoned Single-Family Residential (R-1-5). The properties to the west and north of the site are zoned Single-Family Residential (R-1-7.5). Most of the property to the east of Ashland Creek is outside the Ashland city limits and Ashland UGB, and is zoned Jackson County EFU (Exclusive Farm Use).

### ***Current Proposal***

The current proposal requests to modify the original land use approval and the association Development Agreement for the Verde Village Subdivision as follows:

1. **Project Phasing:** The applicants request to make the project a true two phase project, noting that as written, the current development agreement requires the completion of the bulk of the infrastructure with the first phase, and they request modifications to require infrastructure installation more in keeping with the proposed phasing as well as clear flexibility in terms of the order in which the phases are constructed (i.e. either phase could be built first, or both simultaneously).
2. **Energy Efficiency Performance Standards:** As presently approved, all units within the development are subject to a unique, project-specific “net-zero energy performance standard” that was developed by the applicants’ team for the original application submittal from 2006. The applicants are now requesting to change the energy efficiency requirements to be more compatible with technological changes since 2006, and easier to administer from both the city’s and the developer’s perspectives by removing the previous “net-zero energy performance standard” and replacing it with a minimum requirement to meet at least an Earth Advantage “Gold” certification and to be “Photovoltaic Ready.”

3. **Multi-Use Path/Riparian Corridor Restoration & Enhancement.** The applicants propose “to change the landscaping requirements of the multi-use path to a level that is more in keeping with what is reasonable to maintain by the City and takes into account what has been learned in the creek side restorations since the development agreement was written. These changes still serve to protect the valuable creek.”

## II. **Project Impact**

Procedurally speaking, the Development Agreement requires in 21.2 that, “Amendment... of this agreement shall be made by adoption of an Ordinance.... The procedures and requirements for amendment...are the same as for approval of a Development Agreement, currently notice and hearing before the Council with a recommendation from the Planning Commission.” The current request is before the Planning Commission for a recommendation to Council. The Council will conduct a hearing to consider the first reading of the Ordinance at their regular meeting on February 18.

### **Proposed Modifications - Project Phasing**

The applicants request to make the project a true two phase project, noting that as written, the current development agreement requires the completion of the bulk of the infrastructure with the first phase, and they request modifications to require infrastructure installation more in keeping with the proposed phasing as well as clear flexibility in terms of the order in which the phases are constructed (i.e. either phase could be built first). Specific modifications proposed include:

- That the multi-use path and the sidewalk on Nevada Street, from Helman Street to Oak Street, be tied to the construction of Sander Way as part of Phase II rather than as a part of Phase I.
- That Planning staff have the ability to allow Phase II to be constructed prior to Phase I if the developer requests.
- That if the project is built in phases, the first phase that is built will include:
  - The construction of Alameda Street to Helman Street.
  - The construction of Perozzi Street.
  - The construction of curbs, gutters, sidewalks and parkrow planting strips on both sides of Alameda Street and Perozzi Street prior to any home construction for either phase.
- That if the project is built in a single phase, 24 lots (50 percent of the combined lots in Phase I and Phase II) would need to meet the time line requirements of Phase I in the current timeline.

The applicants assert that these changes do not adversely affect the final development, and would still yield the improved Dog Park access as the first item to be completed before any lots could be developed. They note that these changes would minimize the

land disturbance where lots are not ready to be built upon, and that these changes do not alter the final completion date. They suggest that the only items which might be delayed with the proposed changes are the construction of the Greenway multi-use path and the sidewalk along Nevada Street to Oak Street which would be completed prior to the development of any lots in Phase II. The application materials include a revised timetable which would replace the adopted timetable as 'Exhibit F' of the Development Agreement.

**STAFF RECOMMENDATION: Project Phasing** – Rice Park, the affordable housing portion of the Verde Village subdivision, was completed with only a partial extension of Alameda Drive and with temporary facilities installed to provide the required fire apparatus access and fire truck turn-around. For staff, the key concerns with any alteration in subdivision phasing are ensuring that whichever portion of the development occurs first includes completion of the extension of Alameda Drive to provide permanent access to the already completed and occupied units in Rice Park for both residents and emergency vehicles, and that Perozzi Street is extended to provide permanent access to the existing, heavily-used Dog Park. The applicants' proposed modifications clearly address these concerns, and staff is therefore supportive of the requested modifications to the project's phasing.

#### **Proposed Modifications - Energy Efficiency Performance Standards**

As originally approved, all of the units in the development are subject to a unique, project-specific "net-zero energy performance standard" that was developed by the applicants' team for the original application submittal from 2006. The stated goal underlying these standards was to provide "the most energy efficient homes constructed in Oregon," and this was to be accomplished through a combination of proper solar orientation, improved thermal envelopes, solar heating, night flush cooling, high efficiency HVAC systems, heat recovery ventilation, and efficient appliances, all of were to achieve 50 percent better performance, and 50 percent less potable water use, than a typical code compliant home at the time. In addition, through the installation of a photovoltaic system, the homes were to be capable of generating as much energy as they used on an annual basis, making them "net zero energy." Specific energy efficiency measures were required, and these ranged from specific requirements for the lighting and water fixtures (only fluorescent or compact fluorescent lighting were allowed, only either dual flush 1.1/1.5 gpf or single 1.1 gpf toilets were allowed, and all showerheads and faucets were to provide 1.5 gpm fixture controls) to requirements that the homes be designed for "night flush cooling" through the use of mass (concrete floors), improved thermal envelopes and operable windows so that they could be cooled at night to a degree that would eliminate the need for air conditioning.

The original application included a Comprehensive Plan Map Amendment to upzone the property. Comprehensive Plan Map Amendments require that the proposed change meet one of five factors detailed in Chapter 18.108.060.B and be in compliance with the Comprehensive Plan. Both the Planning Commission and Council's support of the original Comprehensive Plan Map Amendment's approval were based on the energy and water conservation measures proposed addressing an identified public need for energy

and water conservation in new homes as supported in the Ashland Comprehensive Plan (**Chapter XI, Policy #3-C, -D, -E and -G, and Policy #8-B**). The Council further found that the energy efficiency measures proposed supported the requested up-zoning as they equated favorably to development under the prior Comprehensive Plan designation with density bonuses for affordability and energy efficiency.

As part of the original approval, building permits were required to include a summary of how each unit complied with the energy efficiency performance standard to facilitate plan review. The affordable homes at Rice Park were constructed according to these performance standards and staff believes this posed substantial complications to the plan review, construction and inspection processes because of the uniqueness, specificity and complexity of the standards which leave little room for variation and which differ drastically from what most contractors are used to building under either standard codes or the common third-party “green building” accreditation programs like LEED or Earth Advantage.

The applicants are asking to replace these unique, project-specific energy efficiency performance standards with a requirement that each home obtain at least an Earth Advantage “Gold” certification and be “Photovoltaic Ready.” They explain that this would benefit the city both through the ease of administration and through the ability to automatically change with technological developments, and suggest that with the modifications proposed they will still satisfy the standards initially approved. The applicants note that the Earth Advantage Gold with Photovoltaic Ready option produces homes that are at least 15 percent more energy efficient than current codes, that the solar orientation of the homes is not proposed to change, and that the proposed modifications continue to address the Comprehensive Plan’s identified public need for energy and water conservation in new homes.

Earth Advantage certification considers materials and methods to reduce energy and water usage and improve indoor air quality; development practices which diminish land degradation and deforestation, promote healthy landscapes, reduce waste, and prevent potential erosion associated with development; and the encouragement of local, environmentally responsible, durable materials. Builders complete a points worksheet detailing the proposed approach to the development, and an independent third-party verifier visits the site to verify compliance. Earth Advantage has various levels of certification including silver, gold, platinum, net zero ready and net zero. The City of Ashland is the local Earth Advantage license-holder, with certified inspectors on staff and additional third-party inspectors in the community operating under the city license. The Earth Advantage program is currently the program used in granting density bonuses for Conservation Housing, and city staff and the local development community have a general familiarity with the requirements of the program.

The Conservation Department is reviewing the proposed modifications, and staff anticipates that they will provide an assessment and recommendation relative to the proposed changes prior to the Planning Commission’s hearing.

**STAFF RECOMMENDATION: Energy Efficiency Performance Standards** - While homes certified as Earth Advantage Gold/Photovoltaic Ready would not be the “net zero energy” homes originally envisioned for the development, staff believes that the level of energy efficiency proposed would continue to support the original up-zoning approval findings that the project meets an identified public need for energy and water conservation in new homes, and that the energy efficiency measures and affordability would equate favorably to development under the previous Comprehensive Plan designation with density bonuses for affordability and energy efficiency. In addition, staff believes that the change to an established, standardized rating system with independent third party verification of compliance would simplify the plan review and inspection processes on the city side. For the applicants, it would likely have the added advantage of being a program with which designers, contractors, lenders, realtors and homebuyers have a greater degree of familiarity and would thus be more willing to invest. As such, staff is supportive of the proposed modifications to the project’s energy efficiency requirements.

**Proposed Modifications - Multi-Use Path Landscaping and Riparian Restoration & Enhancement**

The original Verde Village application included a land exchange between the developers and the city. Because the city lands involved were originally purchased with federal funds as park land, there were requirements to ensure that the land received in exchange was of equal or greater value for public use and that the exchange would further the public interest. As originally approved, the exchange was for 1.54 acres of the city’s ten-acre “Dog Park” parcel, including the access drive and entry lawn area, for 2.78 acres of land from the developers which had previously been identified by the city for acquisition in the adopted “Parks, Trails and Open Space Master Plan” map.

In addition to the real property exchanged, as part of the Development Agreement, the City was also to receive a new city standard public street entrance to the Dog Park and an additional 1,300 lineal feet of multi-use pathway to extend the regional Bear Creek Greenway Trail. The value of these improvements was specifically noted as not being considered in the valuation for the land exchange. The original findings in support of the land exchange noted, *“City finds that the difference in value between the two parcels being exchanged is \$150,000 in favor of City, based on the analysis and conclusions contained in the Appraisal Reports commissioned by City, contained in the record and incorporated herein by this reference. AFSG agrees to “gift” the \$150,000 difference in value to City.”* These findings also noted, *“The approximately 2.78 acres of property received by the City will be used for public open space and passive recreation, including the greenway trail. The reasons stated for City Council consideration for the exchange include but are not limited to the added value to the City’s Parks and Trails system.... Acquisition by City of the [parcel]... provides City with the opportunity to extend City’s multi-use path, which is part of the regional Bear Creek Greenway. The real property exchange also provides the public with additional scenic frontage along Ashland Creek. Further, acquisition of the Williams Property provides City with an opportunity to benefit the community by preserving and enhancing the riparian area along Ashland Creek.”*

As approved, the multi-use path will weave above and below the riparian zone and the top of the slope of the creek corridor. The path will cross slopes of 40 to 50 percent in some areas and will include retaining wall construction to retain the necessarily steep cuts. The riparian corridor is regulated both by the requirement to preserve significant natural features in the Outline Plan approval criteria, and by AMC Chapter 18.62, Physical and Environmental Constraints, which requires a Physical Constraints Review Permit for construction of the path on Riparian Preservation lands. The multi-use path will also be within five feet of the edge of one of the site's wetlands for a distance of approximately 40 feet. To ensure that the path installation was adequately buffered and would not negatively impact the functions of the riparian area or wetland and satisfied the Physical Constraints Review Permit approval criterion requiring demonstration that all reasonable steps to reduce adverse impacts on the environment would be taken with the path installation, the applicants were required to provide a:

*... mitigation plan prepared by a riparian biologist or a natural resource professional with training and experience in biology, ecology or related fields for the impact of the construction of the multi-use path in the riparian corridor and to address the 10-foot wide riparian corridor buffer. The riparian corridor buffer is the setback between the new eastern property line adjacent to the Ashland Creek riparian corridor and the single family homes and yards for units 68, and 25 -39, and is delineated as common area in the application materials. Disturbed areas from the multi-use path construction shall be re-vegetated and an additional area restored and enhanced with local source native plant material including ground cover, shrubs and trees at a 1:1.5 ratio, erosion control material shall be applied (e.g. mulch, hay, jute-netting, or comparable) and temporary irrigation facilities installed. The mitigation plan shall include but not be limited to a statement of objectives, measurable standards of mitigation, an assessment of riparian corridor functions and values, a statement and detail plan of the location, elevation and hydrology of the mitigation area, a planting plan and schedule, a monitoring and maintenance plan, a contingency plan and performance guarantees. The applicants shall install the mitigation measures in the approved mitigation plan in conjunction with the multi-use path installation.*

The applicants provided the required mitigation plan along with plans for the multi-use path installation as part of the Final Plan application for Phase I of the development (Planning Action #2008-01853). This plan proposed the mitigation of approximately 46,005 square feet of the riparian setback area (i.e. the full riparian corridor area between the proposed path and the creek) to mitigate habitat impacts and provided an additional approximately 9,382 square feet of non-invasive ornamental plantings selected for their habitat and screening value outside of the riparian setback area. As required in the Development Agreement, there was also a maintenance period where the applicants were responsible for the maintenance and replacement of any plantings which failed to survive three years after the path's completion.

With the current request, the applicants propose “to change the landscaping requirements of the multi-use path to a level that is more in keeping with what is reasonable to maintain by the City and takes into account what has been learned in the creekside restorations since the development agreement was written. These changes still serve to protect the valuable creek.” With the request, they would reduce the plantings associated with mitigating the path installation to the areas within four-feet of the path itself and any additional lands disturbed through construction of the path. They would also plant the ten-foot buffer along the eastern property lines of units 25-39 and 68 on the subdivision property as required in the original approval. The application materials provided emphasize that the restoration and enhancement of the creek corridor were not considerations for the land exchange – only the lands’ location, size and the multi-use path itself were considered, and these are not proposed to change in terms either of the value of the exchange or in furthering the public interest with the requested modifications.

The materials provided suggest that the currently approved mitigation plan requirements are not appropriate in light of recent experiences with creekside restoration, and that the blackberries and other non-native plants that are currently on the property serve to protect the stream. They go on to suggest that by removing these plants and replacing them with natives, it would adversely impact the stream in the short term by removing the shade which currently cools the water, and that by planting all of the new plantings at once there would be higher plant mortality rates because of the sudden change to the growing conditions. They note that the Parks Department has estimated that it would cost roughly \$49,000 per year to maintain the new plantings as all maintenance would need to be done by hand, rather than through chemical application, because of the proximity to the creek. The applicants conclude that this is a high cost with little benefit, and that the changes proposed would reduce costs by 60 to 75 percent. [*The Parks Department has subsequently revised their estimate and indicated that maintenance of the full three-acre maintenance project would run \$39,000 per six-month season, including irrigation and staff time, and that with the reduced planting area proposed by the applicants here, costs might be reduced to one quarter of that amount.*]

The Ashland Parks and Recreation Commission considered the proposed modifications to the pathway installation and associated riparian landscaping and made a number of recommendations. The meeting minutes of their discussion, and a memorandum from Parks Director Don Robertson detailing and explaining their recommendations, have been included in the Planning Commission’s packets. The Parks Commission’s recommendations were as follows:

1. With regard to the time for improvements, the Commission made a motion to “recommend to Council allowing Verde Village developers to wait for the second phase of development to install the path if the first phase was not along the path; however if the first phase was implemented and the developers did not put in the second phase along the pathway, after five years they would need to build the path.” This recommendation was unanimously approved.
2. With regard to the pathway landscaping, the Commission recommended that, “the proposed vegetation in the development plan be reduced to an 18-foot wide corridor

along and including the bike path, including any affected or disturbed areas within that corridor which would be revegetated, as opposed to how the plan is shown.” In explaining this recommendation, Parks staff noted that the concern of the Commission was that they would receive a large re-vegetated piece of property that would be impossible to maintain at a reasonable cost with a reasonable chance of success. They suggested that the proposed modifications would accomplish the need for replacing vegetation on disturbed areas and begin the process of eliminating noxious and invasive weeds but would not saddle the department with a project that was too large, and thus too costly, to be adequately maintained.

3. Also with regard to the pathway landscaping, the Commission asked that Council, “allow Parks’ professional staff the flexibility to work with the developer to identify any additional trees to plant outside or inside the identified 18-foot corridor.” Based on the minutes, it appears the intention was that some additional trees could be strategically planted and maintained further into the riparian corridor to establish themselves and gain dominance over the blackberries leading to a higher survivability and success rate.
4. The Parks Commission made no recommendation with regard to the possibility of reducing the maintenance period associated with the revegetation from three-years down to one-year. Parks staff have noted that the feeling among Commissioners was that the existing maintenance period was appropriate, and that with the changes they were supporting the scope of maintenance necessary would ultimately be reduced to a level that was reasonable for the developer to maintain, and would provide a higher likelihood of success for the plantings when ultimately turned over to the Parks Department.

**STAFF RECOMMENDATION: Multi-Use Path Landscaping/Riparian Corridor Restoration & Enhancement** - While staff *strongly* disagrees with the applicants’ assertions that the short term disruption associated with riparian restoration and enhancement somehow outweighs the long-term benefits of restoring native plantings to support the restoration of healthy riparian corridor function, we recognize that the scope of the previously approved mitigation plan went well beyond what was necessary to mitigate the disturbance associated with the path installation. Particularly in light of the Ashland Parks and Recreation Commission’s general support of the request, staff would recommend that the Planning Commission forward a recommendation to Council in support of the requested modifications to the multi-use path landscaping and riparian corridor restoration requirements with the following (*hopefully minor*) modification to the applicants’ request:

- That the revised plan (*replacing Sheet R-1 from December 1, 2008*) to be provided prior to pathway installation shall illustrate the proposed pathway installation and the redefined limits of the slope stabilization and associated revegetation and shall include the planting of additional trees both inside and outside the pathway corridor to be selected and placed after consultation with Parks Department staff.

### III. Procedural - Required Burden of Proof

The criteria for Outline Plan subdivision approval or modification from the Performance Standards Options Chapter are detailed in AMC 18.88.030.A.4 as follows:

- a. *That the development meets all applicable ordinance requirements of the City of Ashland.*
- b. *That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
- c. *That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
- d. *That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *That the proposed density meets the base and bonus density standards established under this Chapter.*
- g. *The development complies with the Street Standards.*

The criteria for approval or modification of a Physical & Environmental Constraints Review Permit to allow construction of a multi-use path in the Ashland Creek riparian preservation area are detailed in AMC 18.62.040.I as follows:

1. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
2. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
3. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*

#### **IV. Conclusions and Recommendations**

The Verde Village project envisioned a unique mix of housing types and energy conserving housing that Ashland has not seen before in a subdivision, and included connectivity improvements to better serve the now constructed affordable housing in Rice Park, the Dog Park, the Bear Creek Greenway and the surrounding community. In staff's view, the merits of the project remain years following its approval and it is unfortunate that the economic downturn of the "Great Recession" has jeopardized realization of the applicants' original vision for the development.

Staff have previously expressed support for modifications of the approved timetable of development to give the applicants as much opportunity as allowed under city and state regulations to make the project happen, and staff are generally supportive of the modifications requested here. Specifically:

- **Project Phasing** – Rice Park, the affordable component of the Verde Village subdivision, was completed with only a partial extension of Alameda Drive, with temporary facilities to provide required fire apparatus access and turn-around. For staff, any alteration in phasing needs to include completion of the extension of Alameda Drive to provide permanent access to the already completed and occupied units in Rice Park for both residents and emergency vehicles, and of Perozzi Street to provide permanent access to the Dog Park. The proposed modifications clearly address these concerns as required regardless of which phase is built first.
- **Energy Efficiency** – While homes certified as Earth Advantage Gold/Photovoltaic Ready would not be the “net zero energy” homes originally envisioned for the development, staff believes that the level of energy efficiency proposed can still be found to support the original up-zoning approval findings that the project meets an identified public need for energy and water conservation in new homes, and that the energy efficiency measures and affordability proposed would have allowed for density bonuses comparable to the original up-zoning. In addition, the change to a third-party rating system would simplify plan review and inspections for the city while providing the applicants a program with which designers, contractors, realtors, future homebuyers, lenders and investors have a greater degree of familiarity and comfort.
- **Path & Riparian Corridor** - While staff believes that the long-term benefits of restoring native plantings to support healthy riparian function outweigh the impacts of any short term disruption, we also recognize that the scope of the previously approved mitigation plan went beyond what was necessary to mitigate the disturbance of the path installation. In light of the Ashland Parks and Recreation Commission’s general support, and concerns over their ultimate maintenance cost for a larger project, staff recommends that the Planning Commission forward a favorable recommendation to Council with the following modification requested by the Parks Commission, *“That the revised plan (replacing Sheet R-1 from December 1, 2008) to be provided prior to pathway installation shall illustrate the proposed pathway installation and the redefined limits of the slope stabilization and associated revegetation and shall include the planting of additional trees both inside and outside the pathway corridor to be selected and placed after consultation with Parks Department staff. Pathway improvements shall be installed with the second phase of development, but no later than five years following completion of the first phase.”*

Should the Planning Commission concur with staff and choose to forward favorable recommendations to Council for the requested modifications, staff would recommend that the following conditions be added to the Development Agreement’s “Revised Revised Exhibit E, Verde Village Special Conditions” to reflect the proposals of the applicants in the current request :

- 30) **Phasing.** That Phase I and Phase II refer to specific portions of the development, and the applicants shall have the ability to construct Phase II prior to Phase I, or to construct both phases at the same time. If the project is built in a single phase, 24 lots (50 percent of the total number of lots in Phase I and Phase II) would need to meet the timetable for Phase I. If the project is built in phases, whichever phase is constructed first shall include: the construction of Alameda Drive from its current terminus out to Helman Street, and the construction of Perozzi Street (formerly 'Canine Way') from Alameda Drive to the Dog Park. Both streets shall be completed according to the approved plans (including paving, curbs, gutters, sidewalks and parkrow planting strips with street trees on both sides), inspected and approved prior to the construction of any homes for either phase.
- 31) **Multi-Use Path & Nevada Street Sidewalk Timing.** That the multi-use path and the sidewalk on Nevada Street, from Helman Street to Oak Street, shall be tied to the construction of Sander Way as part of Phase II, rather than as a part of Phase I. A revised plan (replacing Sheet R-1 from December 1, 2008) shall be provided prior to pathway installation illustrating the proposed pathway installation and the redefined limits of the slope stabilization and associated revegetation and shall include the planting of additional trees both inside and outside the pathway corridor to be selected and placed after consultation with Parks Department staff. The multi-use pathway improvements shall be installed with Phase II of the development, but no later than five years following completion of the first phase."

# Memo

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DATE: 2/5/2014

TO: Derek Severson, Associate Planner

FROM: Adam Hanks, Administration/Conservation

RE: Verde Village Approval Modification Request

The Conservation Division has been involved with both the applicants, Greg and Val Williams, and Planning Staff as the applicants researched and prepared materials for their request to the Planning Commission to modify several of the conditions of approval associated with the original Verde Village subdivision approval from 2006.

The Conservation Division focused its conversations and evaluation on the suggested modifications to the energy efficiency measures approved via exhibit K3 of the approval findings. The K3 exhibit outlined very specific and customized energy efficiency measures to be implemented with the objective of achieving 50% savings in both energy and water compared to standard “code built” homes. Additionally, the installation of photovoltaic solar systems were proposed to reach “net zero” for each of the homes built within the subdivision.

The Conservation Division staff met with the applicants, reviewed exhibit K3, and offered the applicant a variety of potential pathways to achieve energy and water savings beyond current code. The applicants have proposed to replace the requirements listed in exhibit K3 with a more standardized, measurable and verifiable way to achieve a higher level of energy and water efficiency than the “code built” baseline home, which is the Earth Advantage/Energy Star program that the Conservation Staff has had in use and available since 2002.

The applicant’s request for Earth Advantage Gold would result in home construction that is at least 15% more energy efficient than a code home built today and 20-30% more energy efficient than a code home from 2006. Additionally, in contrast to the very customized and project specific energy efficiency measures detailed in the original exhibit K3, the Earth Advantage program offers a reliable, successful and verifiable program that ensures the stated efficiency measures are achieved. Additionally, the Earth Advantage program also incorporates and measures enhancements in healthy indoor air quality, resource efficiency, environmental responsibility and water conservation, which was not a part of the original K3 measures.



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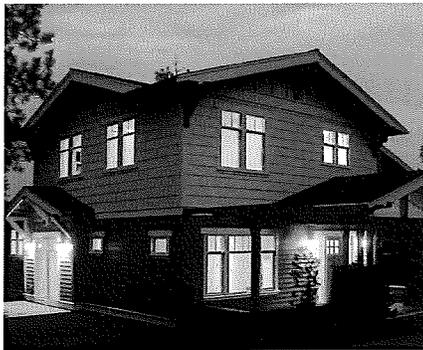
The Conservation Staff is excited at the prospect of an entire subdivision committing to the Earth Advantage program and supports the concept of utilizing a tested third party system to help the builder, City staff and ultimately the homeowner, ensure that the home functions as designed, approved and built.

While the applicant is requesting relief from the photovoltaic solar installation in attempts to reach “net zero”, the Conservation Division’s solar incentive programs are still available to individual builders and homeowners who may be interested in striving to meet the net zero standard. As noted in the application materials, the orientation of the homes is not proposed to be altered which means that it is highly likely that all of the homes built will have more than adequate solar exposure to take advantage of the sun as a power source in the future, either at the time of home construction or as a retro-fit at some point in the future.



# About Earth Advantage New Home Certification

New homes certified as Earth Advantage meet strict green building and energy standards. They have been verified through third-party inspections and performance testing.



An Earth Advantage-certified house incorporates design elements, systems and materials that create superior indoor air quality, use natural resources responsibly, protect land, and lower water usage. Combining these benefits with energy efficiency standards ensures that this home exhibits superior performance and environmental responsibility compared to a traditionally built home.

### THIRD-PARTY CERTIFICATION

Third-party certification offers many benefits to a homeowner. Most important is that a third-party verifier such as Earth Advantage has assisted the builder and verified that systems and materials are properly installed. Third-party testing has confirmed that this home is performing to its highest potential.

## The Five Pillars of Certification



### Energy

By using high performance equipment, increased insulation, and air sealing techniques this home's monthly energy bills can be significantly lower than those of a traditionally built home, saving you money from the day you move in. Other benefits include increased comfort and even heating throughout the home.



### Health

Indoor air quality plays a major role in overall health and lifestyle. This home contains earth friendly building materials that off-gas fewer harmful chemicals than traditional materials. It also incorporates a mechanical ventilation system that reduces airborne contaminants, diminishing the chances of allergies, asthma, and other more serious health risks.



### Water

This home was built using water-wise technologies that help lower utility bills and reduce the total amount of water needed to maintain a comfortable lifestyle. Water shortages are a primary concern in the 21st century, and this home addresses water conservation needs.



### Materials

New home construction and upkeep depend heavily on natural resources. The use of locally manufactured products is encouraged because they are environmentally responsible. Durable material choices are also incorporated. This helps the environment by reducing the amount of materials needed to maintain the home.



### Land

Practices used during the construction of this home diminish land degradation and deforestation, promote healthy landscapes, reduce waste, and prevent potential erosion associated with lot development during the construction process.

# ASHLAND PARKS AND RECREATION COMMISSION

340 SO. PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner  
Rick Landt  
Jim Lewis  
Stefani Seffinger  
Vanston Shaw



Don Robertson  
Director

TEL: (541) 488-5340  
FAX: (541) 488-5314

## MEMORANDUM

**TO** : Derek Severson, Associate Planner

**FROM** : Don Robertson, Ashland Parks and Recreation Director

**DATE** : January 29, 2014

**SUBJECT** : Verde Village Agreement

On December 23, 2013, the Ashland Parks and Recreation Commission heard a presentation from the Williams family, developers of Verde Village. The Williams' notified the commission about their intention to request modifications to their development agreement with the City. The modifications specific to Parks dealt with the timing of improvements to extend the Bear Creek Greenway to Nevada Street, the design for the improvements, and the length of maintenance for the developers. By motion, the commission made three recommendations that evening.

### Recommendation #1

With regard to the timing for improvements; the commission made a motion to "recommend to council allowing Verde village developers to wait for the second phase of development to install the path if the first phase was not along the path; however if the first phase was implemented and the developers did not put in the second phase along the pathway, after five years they would need to build the path." This motion was unanimously approved.

### Explanation

Currently the agreement indicates that the development would need to be built as a single phase and the path would be installed concurrently with the development. The commission recognized that it may need to be developed in two phases and the recommended modification would tie the path, located adjacent to the actual trail, to the "second phase." The commission used the term "second phase" as an indicator for the location but recognized that it may proceed before the "first phase." The trail would need to be built regardless of which phase actually proceeded first. Further, the five-year certain timeline was meant to hold the developer accountable to the original timeline for construction.

### **Recommendation #2**

The next action taken by the commission was to recommend to council that “the proposed vegetation in the development plan be reduced to an 18-foot-wide corridor along and including the bike path, including any affected or disturbed areas within that corridor which would be re-vegetated, as opposed to how the plan is shown.”

### **Explanation**

The concern of the commission was that they would receive a very large re-vegetated piece of property that would be impossible to maintain at a reasonable cost with a reasonable chance of success. The proposed modifications would accomplish the need for replacing vegetation on disturbed areas and begin the process for the elimination of noxious and invasive weeds but not saddle the department with a project that could not adequately succeed.

### **Recommendation #3**

The third action taken by the commission was to recommend that council “allow Parks’ professional staff the flexibility to work with the developer to identify any additional trees to plant outside or inside the identified 18-foot corridor.”

### **Explanation**

Again, this action was intended to create a project with a higher survivability and success rate that would accomplish the goals of removal of noxious or invasive weeds while replacing them with native or native-like species to help sustain the project. While the commission did not specify the types or numbers of trees, the intention was to allow professional staff to make positive impacts on the reductions of non-natives and noxious weeds on the property that was previously exchanged.

### **No Recommendation**

The commission discussed but did not take action on the request for eliminating the agreement provision requiring the developer to provide three years of ongoing maintenance for the trail or the landscaped area associated with the trail. The feeling among the commission was that it was an appropriate timeframe.

### **Explanation**

They felt the actions outlined above would reduce the needed scope of maintenance to a level that was reasonable for the developer and ultimately reasonable for Ashland Park and Recreation while also providing a higher likelihood of success.

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City of Ashland

Field Office County

TO: Ashland Planning Commission

DATE: February 4, 2014

FROM: Barb Barasa  
183 W Nevada  
Ashland OR  
[barb@websitings.net](mailto:barb@websitings.net) 541-621-2739

RE: Support for Verde Village Applicant Request for Variances

I will be out of town on the dates of the planning commission and city council meetings where the Verde Village project will be discussed and comments will be taken, so I am submitting my comments in writing.

I have been an Ashland resident for 17 years. For 5 years I worked for land planner Alex Forrester, including during the time he wrote the findings for the original Verde Village project and presented the project to the planning commission, where it received approval.

I was also one of the original homeowners/builders in the Rice Park project (the affordable housing portion of the original Verde Village plan) although I dropped out of that project before it was completed.

I now own and live in the house at 183 W Nevada at the intersection of Laurel, so I am about one block from the Verde Village property.

So I have a lot of reasons to be interested in Verde Village!

I don't have time to go to the planning office to review the original findings and still get my comments to planning in time to be distributed, so I am making my comments based on what I recall of the findings and on information Derek Severson sent me about the applicant's current requests.

- 1) Request to change the phasing of construction and infrastructure. This request seems reasonable, especially since the affordable housing requirement of the approved plan has already been met. Originally, I believe all the infrastructure was to be completed at once, including the infrastructure for what is now Rice Park (affordable housing). So the original plan already did not happen as envisioned. Because of the real estate crash, Rice Park (which was funded by USDA) got built in 2009-2011, before Verde Village, and I believe RVCDC was responsible for the infrastructure needed for Rice Park. As long as all the homes have utilities and access to Nevada (via some completed street) at the time they are built, and access to the dog park is available during all phases of construction, changing the phasing (again) should not negatively impact the project or the neighborhood. Getting some houses built could help sell other lots and speed completion of the project.
- 2) Request to change the building standards from net zero energy standard to Earth Advantage Gold plus "solar ready". This change should lower the cost of construction while still achieving the main goal of the project – sustainable, energy efficient residences. The change could bring in more buyers, which would speed the completion of the project. Net zero is a very high standard to meet, even for one individual building one house. To find 53 buyers who are willing to meet

that standard significantly limits the pool of potential buyers. This change would not affect the neighborhood, and the construction standards would still exceed the city's standards.

- 3) Request change to Bear Creek Greenway extension and riparian planting. This issue is problematic. If I recall correctly, there was a land swap involved and possibly a variance given so that more homes could fit in the plan and the greenway . In return, the applicants agreed to the specific Greenway extension and riparian restoration in the findings. To change this part of the agreement after the fact does not seem right to me. Derek says the applicants would work with Parks staff to reach a new agreement. I believe the city is already trying to get more trees planted along the creeks in order to bring down the temperature of the water to meet DEQ standards. In my opinion, the applicants should not be allowed to renig on their agreement since the cost of full riparian restoration would then fall to Parks.

I strongly support the first two requests and hope Parks can reach an agreement with the applicants to fulfill the most important parts of the original plan agreement regarding the riparian zone.

**Proposed Modification  
of the  
Verde Village Development Agreement**

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**I. Introduction**

Since the approval of the Development Agreement in January of 2009, we have moved ahead with the development of Verde Village by finishing the land exchange, the donation of land to Rogue Valley Community Development and the building of the affordable housing which is now fully occupied. Due to the 'Great Recession' we have been in a holding pattern since funds have dried up. Now that the economy is starting to improve we are looking at the project with 2014 eyes. There are items in the Development Agreement that are not in the best interest of the City or the development.

It is to the City of Ashland's advantage for this project to move forward. The road to the Dog Park needs to be improved and the multi-use path, included in this project, will be an asset to the City. Then there is the advantage of the tax and fee revenue generated from the homes. We believe that the modifications we are proposing will help to cause this project to be completed sooner.

**We are requesting the following changes.**

1. To make the project a 2 phase project- Throughout the development agreement there is reference to Phase I and Phase II. The reality is that the way the time line was written it is a one phase project because all of the improvements need to be made first even if they are not associated with Phase I. So we will be requesting that requirements in the physical area of Phase II be moved in the time line to the place in the time line that refers to Phase II. We are also asking for flexibility in the order the phases are built.
2. To change the energy efficiency requirements so they are more compatible with the new technology, easier to administer from both the City's prospective and the developers. This will be done by removing the K3 document and replacing it with a minimum requirement to meet Earth Advantage Gold and be "Photovoltaic ready".
3. To change the landscaping requirements of the multi-use path to a level that is more in keeping with what is reasonable to maintain by the City and takes into account what has been learned in the creek side restorations since the development agreement was written. These changes still serves to protect the valuable creek.

It is our belief that with these changes the project will be a better project by incorporating what has been learned in the 6 years since it was written.

## II. Proposed Modifications to the Revised Exhibit F Timetable of Development

- a. That the multi-use path and the sidewalk on Nevada to Oak Street be tied to the construction of Sander Way, Phase II construction not the Phase I construction.
- b. That staff have the ability to allow Phase II to be constructed prior to Phase I if the developer requests.
- c. If the project is built in phases the first phase that is build will include;
  - i. The construction of Alameda Street to Helman Street
  - ii. The construction of Perozzi Street
  - iii. Curbs, sidewalks and park rows will be completed on both sides of Alameda Street and Perozzi Street prior to any home construction in Phase I or Phase II
- d. If the project is built all at once 24 lots (50% of the lots in Phase I and Phase II) need to meet the time line requirements of Phase I in the current timeline.

These changes do not adversely affect the final development. It still has the improved access to the Dog Park as the first item to be completed prior to any new lots being developed. It minimizes the disturbance of land in areas where lots are not ready to be built on. The final completion date is not changed.

The only items that may be delayed are the multi-use path and sidewalk to Oak Street. This delay would only happen if Phase II was developed after Phase I. In any case multi-use path and sidewalk to Oak Street would have to be installed before the development of the any of the lots in Phase II.

A proposed revised Exhibit F Timetable of Development – Outline Plan Physical Commencement and Completion is attached to this document. This revised document clearly shows the changes that need to be made in the timeline.

## III. Proposed Modifications to Energy Performance Standards Outlined in Exhibit K-3 of the approved Outline Plan's Book III narrative

1) We are requesting the removal the following and their requirements:

- a) Exhibit K-3 of the Revised Outline Plan Book III revised October 24, 2017
- b) Exhibit E of the Development items
  - i) **# 11 - Energy Conservation: Earth Advantage Program.** A minimum of 53 of the residential units shall qualify in the City of Ashland Earth Advantage program. The applicants shall meet with the Ashland Conservation Division regarding eligible site activities prior to issuance of an excavation permit. The required Earth Advantage documentation shall be submitted with each building permit application.
  - ii) **# 12 - Energy Conservation: Net Zero Energy.** 53 residential units, in the subdivision, including the cottages, duplexes and single family units, shall meet the application "Net Zero Energy" Performance Standard as outlined in Exhibit K-3 of the Revised Outline Plan, Book III

Narrative revised October 24, 2007. The Final Plan application shall include systems for measuring and monitoring compliance of the development with the Performance Standard that is administered by the applicants and verified by the city.

iii) "Net Zero Energy" Performance Standard as outlined in Exhibit K-3 of the Revised Outline Plan, Book III-Narrative revised October 24, 2007 shall be consistent with the following.

- (1) That all dishwasher and washing machines shall qualify for the State of Oregon tax credit and be selected from the list of qualified machines maintained by the Oregon Department of Energy.
- (2) That each home that would be built to the standards encompassed in the applicant's Exhibit K shall be provided with a Photovoltaic (PV) system that is either 3kW's in size or produces 1.5 Kwh's/Sq. Ft./Yr. whichever is less, and also be provided with enough available south facing unshaded roof space to double the size of the PV system.
- (3) That the homes will meet a minimum requirement of R-49 attic insulation for flat ceilings.
- (4) That the passive solar homes shall meet the State of Oregon's minimum requirements for the passive solar home tax credit.

c) Council Conditions from the development agreement.

- i) **#26** That 53 residential units in the subdivision, including the cottages, duplexes and single-family units, shall meet the application "Net Zero Energy" Performance Standard as outlined in Exhibit K-3 of the Revised Outline Plan, Book III - Narrative revised October 24, 2007. The Final Plan application shall include systems for measuring and monitoring compliance of the development with the Performance Standard that is administered by the applicants and verified by the city.
- ii) **#27** That a minimum of 53 of the residential units shall qualify in the City of Ashland Earth Advantage program. The applicants shall meet with the Ashland Conservation Division regarding eligible site activities prior to issuance of an excavation permit. The required Earth Advantage documentation shall be submitted with each building permit application.
- iii) **#44** That "Net Zero Energy" Performance Standard as outlined in Exhibit K-3 of the Revised Outline Plan, Book III-Narrative revised October 24, 2007 shall be revised as follows.

- (1) That all dishwasher and washing machines shall qualify for the State of Oregon tax credit and be selected from the list of qualified machines maintained by the Oregon Department of Energy.
- (2) That each home that would be built to the standards encompassed in the applicant's Exhibit K shall be provided with a Photovoltaic (PV) system that is either 3kW's in size or produces 1.5 Kwh's/Sq. Ft./Yr. whichever is less, and also be provided with enough available south facing unshaded roof space to double the size of the PV system.
- (3) That the homes will meet a minimum requirement of R-49 attic insulation for flat ceilings.
- (4) That the passive solar homes shall meet the State of Oregon's minimum requirements for the passive solar home tax credit.

2) To replace these with the following

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**Energy Conservation: Earth Advantage Program.** *A minimum of 53 of the residential units shall qualify in the City of Ashland Earth Advantage program with at least a Gold rating. That a minimum of 53 of the residential units be constructed as Photovoltaic ready.*

Earth Advantage Gold is a third party accreditation that changes as technology and our understanding of the environment changes. Photovoltaic ready means that the homes need to have wiring and/or chases to connect the potential photovoltaic units on the roof to the potential unites to run the photovoltaic system. It also means that the roof needs to be designed to house the photovoltaic system. These changes have many benefits to the City of Ashland.

1. Ease of administration- Earth Advantage is designed to keep up with current technology, there is less of a chance of conflicting requirements and a better chance of the builder, developer and City staff to have a common understanding of the requirements.
2. Ability to automatically change as technology changes- There would not be the issue of having to request approval from the Planning Commission and City Council when there is a new more efficient technology. As an example the type of light bulb required now is fluorescent or compact fluorescent lamps. LED lights are not allowed.
3. The Development Agreement as modified by this change will still satisfy the standards initially approved. The Earth Advantage Gold with the Photovoltaic ready option produces homes that are at least 15% more energy efficient than current code. There are no changes being requested that would change the east-west axis for a true South building orientation so that the optimum solar efficiency is gained. **With the proposed modifications this project still meets the identified public need for energy and water conservation in new homes as supported in the Ashland comprehensive Plan.**

#### **IV. Proposed Modifications to the Multi-Use Path Installation**

The City of Ashland's Compressive plan shows the Multi-Use path in the same area as shown on the Development agreement. Getting it there was a challenge, first we had to get an exception to street standards. The Planning Commission and the City Council both agreed with applicant that having a Multi-Use path near a stream was better environmentally than having a street. We are not requesting any changes that affect this decision.

Then there was the land swap. The land that is now the dog park and the road to the dog park was purchased with Federal parks money. With that money came strings! The swap could only take place if the land the city received was of greater value than the land they gave up and "furthered public interest". The changes we are requesting still give the city added value and further public interest.

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**Added value-** The restoration and enhancement of the vegetation was not part of the land swap application. The lands location, size and multi-use path were. There are no changes to these items being requested.

**Furthered public interest-** The location of the land along a creek satisfies this requirement. The protection of the stream and the improved multi-use path are a bonus.

The requirement to provide for the restoration and enhancement of the Park Corridor Riparian areas are not appropriate in light of recent experiences with creek side restorations. The black berry and other non-native plants that are currently on the property are protecting the stream. The removal of these plants and replacement with new plants in the short term would adversely affect the stream by not providing shade to keep the stream cool. In nature not all plants start at the same time. One type of plant starts which provides an environment for another plant. When all types of plants are planted at once in this type of setting the success rate of the plants is low because growing conditions are changing so fast. The cost to maintain the entire area is estimated by the Parks Department at about \$49,000 a year. Because the current plants are very invasive and hard to remove and because chemical application is not appropriate due to the close proximity to the creek all maintains would have to be by hand. This is a high price with little benefit. The changes being proposed would reduce this cost by about 60% to 75%.

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We propose to restore and enhance;

- The area within 4 feet of the multi- use path,
- Any land that is disturbed in the construction of the multi-use path,
- The 10 foot riparian corridor buffer in Phase II eastern property line units 68 and 25 – 39

#### **AMC 18.62 requires the following**

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

The mitigation plan has been submitted and approved. We will adhere to that plan in the construction of the path and any areas that are disturbed by the construction of the Multi-use path. Where the disturbance is less than 4 feet on either side of the path we will follow plan in that 4 foot buffer.

2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

This has been addressed with City Council Condition #15 below. The plan has been approved and we are not asking to change the 10 foot riparian corridor. The area between the path and the development will remain as designed. The path will remain as designed and then there will be at least 4 feet to the east and north of the path that will

remain as designed. That is a minimum of 24 feet of riparian corridor and path between the development and the stream.

**#15** The Final Plan application shall include a mitigation plan prepared by a riparian biologist or a natural resource professional with training and experience in biology, ecology or related fields for the impact of the construction of the multi-use path in the riparian corridor and to address the 10-foot wide riparian corridor buffer. The riparian corridor buffer is the setback between the new eastern property line adjacent to the Ashland Creek riparian corridor and the single family homes and yards for units 68, and 25 -39, and is delineated as common area in the application materials. Disturbed areas from the multi-use path construction shall be re-vegetated and an additional area restored and enhanced with local source native plant material including ground cover, shrubs and trees at a 1:1.5 ratio, erosion control material shall be applied (e.g. mulch, hay, jute-netting, or comparable) and temporary irrigation facilities installed. The mitigation plan shall include but not be limited to a statement of objectives, measurable standards of mitigation, an assessment of riparian corridor functions and values, a statement and detail plan of the location, elevation and hydrology of the mitigation area, a planting plan and schedule, a monitoring and maintenance plan, a contingency plan and performance guarantees. The applicants shall install the mitigation measures in the approved mitigation plan in conjunction with the multi-use path installation.

- 3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.**

In addition to the steps listed in item 2 above. We will follow the approved plan in any areas that are disturbed by the construction of the Multi-use path. The design and mitigation measures have already been approved. We are only asking that we not impact that riparian area any more than is necessary to build the Multi-use path in a responsible manner.

A revised plan which clearly delineates the proposed pathway installation and the limits of the slope stabilization and revegetation proposed will be submitted to the City for approval prior to the construction of the multi-use path. This would be a modification of sheet #R-1 from December 1, 2008 which was approved in conjunction with the Final Plan approval for the cottages.

The only modification we are proposing is that the first sentence of the Development Agreement Exhibit E.5 be changed from

**The Owner shall be solely responsible for the restoration and enhancement of the Riparian Corridor to be conveyed to the City as part of the land exchange.**

TO

***The Owner shall be solely responsible for the restoration and enhancement of***

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Planning Commission

***the area of the Riparian Corridor that is disturbed in the construction of the multi-use path and 4 feet on either side of the Multi-use path, to be conveyed to the City as part of the land exchange.***

**V. Miscellaneous additions**

- a. To the extent anything in this approval and conditions conflict, it is the intent of the Council that the provisions adopted in this document be the governing requirements superseding all other references which may be in conflict with it.**
- b. Upon approval this document will be recorded on the property.**

**VI. Conclusion**

We respectfully request that you help to make Verde Village a reality by accept the changes we have requested. We have already provided the City of Ashland with 15 affordable homes and the land to extend the Multi-use path as planned for in the Compressive plan. The roads and phase I engineering plans have been approved by the City of Ashland and are ready to be built. What we need now is some common sense changes to make this project a reality.

The change in timing which allows for a 2 phase project, will not change the finished development, to the contrary it may cause it to finish sooner.

The changes in the energy efficacy requirement still leave Ashland with a project it can be proud of and the potential that the final home owner will carry those efficiencies even further.

The reduction of the plantings in the riparian area does not adversely affect the stream health and makes economic sense to both the development and the City of Ashland.

We have shown that the changes still meet all the requirements of the City of Ashland.

Let's make this project a reality!

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**THIRD AMENDMENT TO VERDE VILLAGE DEVELOPMENT AGREEMENT TO REFLECT COUNCIL-APPROVED TIMETABLE EXTENSION**

**THIS THIRD AMENDMENT** is made and entered into this 4<sup>th</sup> day of June 2013, by and between the **City of Ashland**, a municipal corporation of the State of Oregon, (hereinafter referred to as "City"), and **WILMA, LLC**, an Oregon Limited Liability Company, (hereinafter referred to as "WILMA").

**Whereas**, on December 18, 2007, the City of Ashland approved Ordinance 2945 granting approval to the Verde Village Development Agreement, a land use decision; and

**Whereas**, on July 17, 2009 Planning Director Bill Molnar approved and executed the First Amendment to the Verde Village Development Agreement, approving a 12 month administrative timetable extension as contemplated in Exhibit F of the original Development Agreement; and

**Whereas**, on March 2, 2010, the Ashland City Council adopted Ordinance No. 3007, the Recession Extension Ordinance, which ordinance created a ministerial process for the Planning Director to grant current planning actions a 12 month timetable extension in recognition of the difficult financial market.

**Whereas**, on April 9, 2010 WILMA LLC requested an extension for the entire project in accordance with the Recession Extension ordinance.

**Whereas**, on June 6, 2010 the requested Amendment to the Development Agreement to extend the timetable was approved administratively by the Director in accordance with the Recession Extension Ordinance;

**Whereas**, on April 2, 2013 WILMA LLC requested an extension for the entire project in accordance with the allowances of the original development agreement and the Oregon Revised Statutes.

**Whereas**, on June 4, 2013, the Ashland City Council adopted Ordinance No. #3082 which amended the timetable for the entire project.

**NOW THEREFORE, the Verde Village Development Agreement is hereby amended as follows:**

1. The above recitations are true and correct and are incorporated herein by this reference; and
2. Exhibit F, Timetable of Development, is hereby amended to reflect a seven (7) year extension of time for all eligible timetables, said extension being reflected in a Revised Exhibit F, attached hereto and made a part hereof by this reference.
3. All other provision of the Verde Village Development Agreement, not inconsistent with the above changes remain in full force and effect.

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**REVISED EXHIBIT F**  
**TIMETABLE OF DEVELOPMENT – OUTLINE PLAN**  
**PHYSICAL COMMENCEMENT AND COMPLETION**  
 [ORS 94.504(4)]

This development will be constructed in phases as shown on Exhibit D to this Agreement. Phase I includes the R-1-3.5 portion of the project, twenty four cottage units, along with 1 single family lot. Phase II includes all other lots, the multi-use path, the sidewalk on the north side of Nevada, the Riparian Corridor and Wetland area. Phase I and Phase II may be constructed in any order or at the same time. If the project is constructed in two phases the completion of Alameda will be included in the first phase. Each phase to be constructed, and the date which Final Plan and Site Review and final plat approval of each phase must be obtained, are as follows:

**Physical commencement** of construction of any phase of development shall occur on or before January 17, 2010. †

†[Physical Commencement of Rice Park affordable housing project, a portion of Phase I, commenced on June 1, 2009.]

**Completion** of all infrastructure and vertical construction, except for single family units on individual platted lots, [4 total exempt from vertical construction deadline] shall occur no later than January 17, **2023**.

Phase	Final Plan and Site Review Approval	Infrastructure Completion	Final Plat and Completion of Vertical Construction
I	July 17, 2009*	July 17, <b>2020</b>	January 17, <b>2022</b>

\*[Final Plan Approval was obtained on 01-06-09 for Rice Park, a portion of Phase 1]

\*[Final Plan Approval was obtained on 01-25-09 for the remainder of Phase 1]

July 25, **2018**‡ Final Civil Plan Approval (construction authorization) and any associated construction permits must be obtained and Contract for Installation and Maintenance of Plant Materials with Security submitted and executed, and construction commenced with respect to the first pPhase I elements no later than specified.

‡[Final Civil Plan Approval (construction authorization) for Rice Park, a portion of Phase 1, was obtained on May 5, 2009.]

July 17, **2020**. Complete extension of Alameda to Nevada Street, completion of construction of “Canine Way” access to Dog Park, including installation of water, sanitary sewer, storm drainage power, gas, telephone and all utilities.

~~July 17, **2020**. Complete sidewalk on the north side of Nevada Street from the eastern project boundary to the intersection of Nevada and Oak Street.~~

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~~July 17, 2020. Complete Restoration and Enhancement of Riparian Corridor and Wetland Areas pursuant to Contract for Installation of Plant Materials, Security and Preserve Area Management Plan.~~

~~July 17, 2020. Complete construction of multi-use path and transfer deed to City of Ashland to effectuate land exchange and acceptance of tendered public recreation improvements.~~

July 17, 2020. Complete construction of subdivision infrastructure to the affordable housing site and complete extension of all needed public facilities to the affordable housing site. (to service 15 townhome units).

July 17, 2020. Complete construction of "subdivision" Infrastructure for the first ~~Phase I (R-1 3.5 portion) of the project inclusive infrastructure for one (1) single family lot, and infrastructure for twenty-four (24) cottage units~~

July 17, 2020. ~~Phase I.~~ Deadline for final survey to be signed after completion of subdivision infrastructure and before start of vertical construction for the first phase.

July 17, 2011.†† Deadline to transfer property title to Affordable Housing Tract to Rogue Valley Community Development Corporation (RVCDC) or other approved non-profit affordable housing developer. Transfer shall occur prior to vertical construction on any Phase of the project.

*†† The Affordable Housing Tract was transferred to RVCDC on December 09, 2008, upon approval of the early conveyance by the City Council on October 07, 2009.*

January 17, 2022. Vertical construction deadline for all of the first phase units or 24 units (50% of the units in this project). ~~twenty-four (24) cottage units & vertical construction deadline for fifteen (15) multi-family units for affordable housing (town-homes).~~

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Community Development

Ordinance #3082 Attachment 1

Phase	Final Plan and Site Review Approval	Infrastructure Completion	Final Plat and Completion of Vertical Construction
II	July 17, <u>2020</u>	July 17, <u>2022</u>	January 17, <u>2023</u>

January 17, 2022.## Final Civil Plan Approval (construction authorization) and any associated construction permits must be obtained and Contract for Installation and Maintenance of Plant Materials with Security submitted and executed, and construction commenced with respect to the second phasePhase II elements within 18 months of Final Plan Approval, no later than specified.

July 17, 2022. Complete construction of "subdivision" Infrastructure for the second phase Phase II (R-1-5 portion) of the project inclusive infrastructure for three (3) single family lots on Nevada Street, and infrastructure for twenty-five (25) single family lots, including Sander Way parkrow.

July 17, 2022. Phase II. Deadline for final survey to be signed after completion of subdivision infrastructure and before start of vertical construction for the second phase.

January 17, 2023. Vertical construction deadline for the remainder of the units twenty-five (25) single family homes of which 19 are detached and 6 are attached.

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City of Portland  
Community Development

July 17, 2022. Completion of Maintenance and Security Period for Restoration and Enhancement of Riparian Corridor and Wetland Areas pursuant to Contract for Installation of Plant Materials, Security and Preserve Area Management Plan from Phase I.

Failure to strictly comply with this timetable of development requires an amendment to this Agreement and subjects the Owner to then current laws, including but not limited to engineering construction standards, contrary to the ordinary protection of ORS 92.040. The title transfer, physical commencement and the 2023 completion deadline shall not be administratively extended.

After the construction termination date, no further development as authorized herein (except for building permits for single family units on individual platted lots) shall be allowed on the

Ordinance #3082 Attachment 1

subject property unless such development is in compliance with applicable development regulations in effect at the time. Any amendment to the extent of the Amendment shall comply with the laws in effect at the time the amendment is sought.

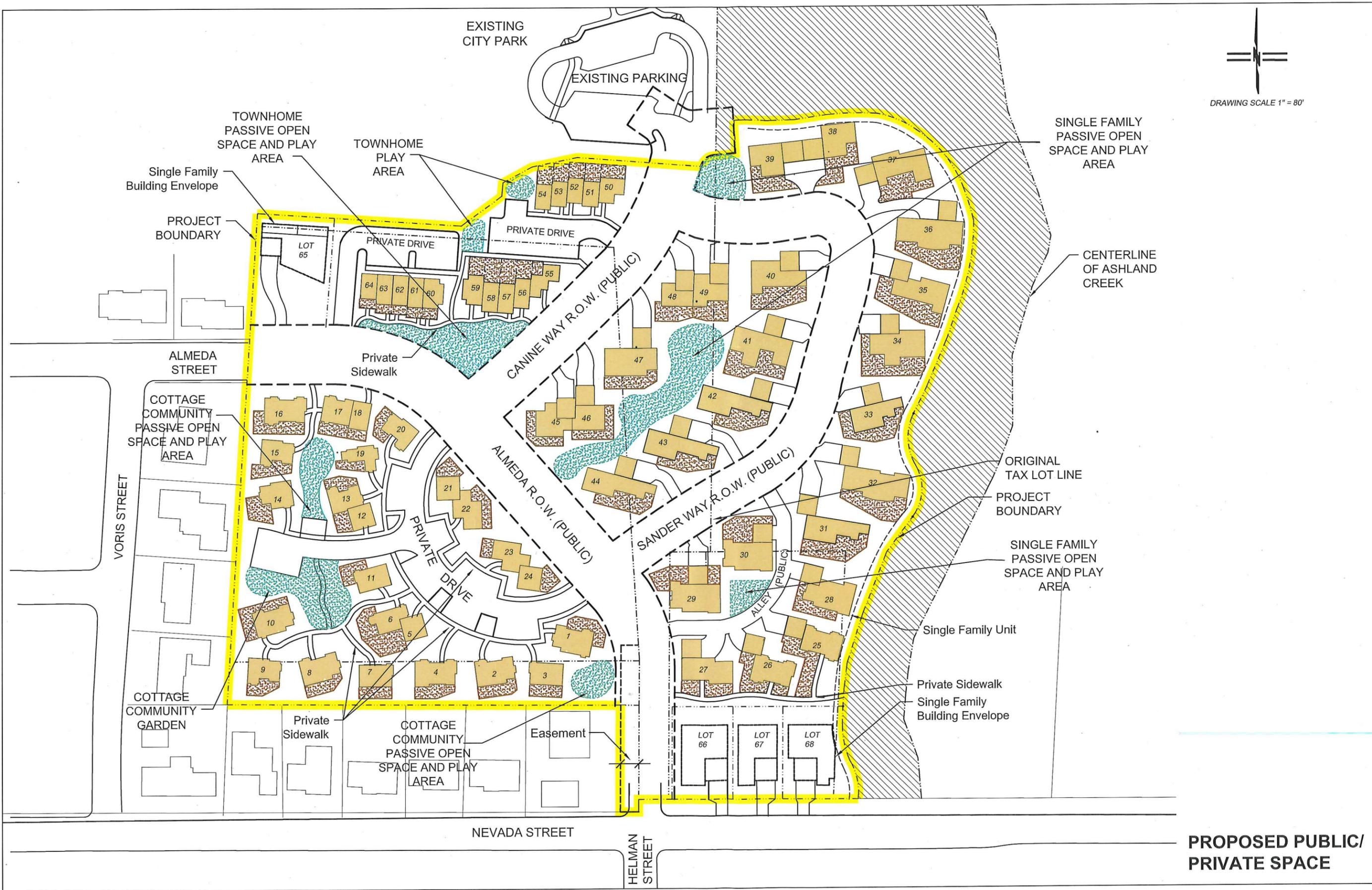
Failure of the timetable of development to list an element of the Project does not relieve or excuse the Owner from the requirement to complete that element.

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JAN 10 2014

City of Oakland  
Community Development





  
 DRAWING SCALE 1" = 80'

545 'A' STREET, SUITE 3  
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**VERDE VILLAGE**  
 A Sustainable Residential  
 Development

July 17, 2007

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