

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
JUNE 14, 2016
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. May 10, 2016 Regular Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2016-00209, 25 North Main St.**

- VII. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTION #: PA-2016-00684**
 - SUBJECT PROPERTY:** Railroad Property located north of railroad tracks and situated between east and west sections of Clear Creek Dr.
 - OWNERS:** Union Pacific Railroad
 - APPLICANT:** City of Ashland
 - DESCRIPTION:** A request to change a deed restriction that was required in a 1999 planning approval (PA 99-048) and recorded on the vacant 20-acre site owned by Union Pacific Railroad. The original deed restriction required that the 20-acre site be cleaned up to the Oregon Department of Environmental Quality's (DEQ) residential standard before further land divisions or development occur. The proposed revision to the deed restriction clarifies the timing and type of clean up for consistency with DEQ standards so that: 1) before the 20-acre site can be divided into smaller lots or developed, the initial cleanup of the 20-acre site would be to the residential standard and 2) future subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing.
 - COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AB **TAX LOT:** 6700; **ASSESSOR'S MAP:** 39 1E 09AA **TAX LOT:** 6200.

**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).

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B. PLANNING ACTION #: PA-2016-00230

SUBJECT PROPERTY: 188 Garfield Street

OWNER/APPLICANT: Rivergate Assembly of God Church of Ashland

DESCRIPTION: A request for Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. The Planning Commission approved this action subject to conditions at its May meeting including a requirement that the driveway be relocated from Iowa Street to Garfield Street. At its June meeting, the Planning Commission will consider modifications in response to those conditions including the relocation of the driveway, modifications to proposed parking and the removal of two additional trees prior to adoption of findings. COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; ZONING: R-3; ASSESSOR'S MAP: 39 1E 10CB; TAX LOTS: 2100, 2101.

- Adoption of Findings for PA-2016-00230, 188 Garfield St.

C. PLANNING ACTION #: PA-2016-00617

SUBJECT PROPERTY: 601-691 Fair Oaks Avenue

OWNERS: Ayala Properties, L.L.C.

APPLICANT: KDA Homes, L.L.C.

DESCRIPTION: A request for Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the property located at 601 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator. No changes are proposed to the previously-approved density, parking allocations or landscaping. COMPREHENSIVE PLAN DESIGNATION: North Mountain, Neighborhood Central Overlay; ZONING: NM-C; ASSESSOR'S MAP: 39 1E 04AD TAX LOTS: 700 & 800.

D. PLANNING ACTION #: PA-2016-00847

SUBJECT PROPERTY: 252-256 B Street

OWNERS: Maura & Kathleen Van Heuit

APPLICANT: Jerome White of Kistler + Small + White Architects

DESCRIPTION: A request for Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is required because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a

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second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BA; TAX LOTS: 5700.

VIII. ADJOURNMENT

**CITY OF
ASHLAND**



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CITY OF ASHLAND

ASHLAND PLANNING COMMISSION REGULAR MEETING MINUTES MAY 10, 2016

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
Debbie Miller
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the Planning Commission's annual retreat is scheduled for Saturday, May 14. He noted the City Council's recent approval of the airport code amendments and commented briefly on the proposed Calle Guanajuato mural.

AD-HOC COMMITTEE UPDATES

Commissioner Thompson gave a brief update on the Downtown Parking & Multimodal Circulation Committee. She stated the group has approved the parking plan and it will now go to the City Council for approval. Thompson commented on the transportation component and explained the group has discussed changing East Main Street through downtown from three lanes to two but they have not reached a consensus. She stated there will be a meeting at the Community Center on Wednesday, June 1 where the Public Works Director will present the topic and hold a public discussion.

CONSENT AGENDA

A. Approval of Minutes.

1. April 12, 2016 Regular Meeting.
2. April 26, 2016 Study Session.

Commissioners Brown/Thompson m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 6-0. Commissioner Miller abstained from the approval of the April 26 minutes.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Adoption of Findings for PA-2016-00229, 87 W. Nevada St.

No ex parte contact was declared.

Commissioner Pearce questioned the language in Finding 2.8. He stated it was appropriate for staff to express their concerns regarding the amendment to the development agreement but stated this language does not reflect the actions of the Planning Commission. Commissioner Mindlin stated it is not uncommon for findings to include extensive information about what was presented at the hearing and what they are finding is that this was presented and discussed. Commissioner Brown stated he had some of the same concerns but believes it is appropriate to include this language in the findings. Pearce stated he is comfortable with leaving it in and noted it does specify that these are staff's concerns. He recommended they modify the last sentence to read "... the Council should look at whether the changes requested are an appropriate amendment to the Verde Village development agreement." Brown recommended they leave this alone; he stated the finding is not inaccurate and does not need to be changed. Mr. Molnar stated either way is fine. He explained this is hybrid set of findings because the Planning Commission and the City Council each have a role in the approval. Commissioner Thompson stated it needs to be clear that the Planning Commission dealt with the issues before them and did not make a decision on the development agreement. She added there are policy issues outside the portion they dealt with that only the City Council can decide. Commissioner Pearce recommended they keep the existing language in Finding 2.8 but add the following statement to the end "The Planning Commission did not make any decisions on those issues regarding the development agreement because they felt it was a policy issue more than a code compliance decision."

Commissioners Brown/Dawkins m/s to amend Finding 2.8 as described. Voice Vote: all AYES. Motion passed 7-0.

Commissioner Mindlin requested the first sentence of Condition #7 be deleted. She explained her understanding is that their approval was for Solar Standard A.

Commissioners Pearce/Dawkins m/s to strike the first sentence of Condition #7. Voice Vote: all AYES. Motion passed 7-0.

Commissioners Thompson/Brown m/s to approve the Findings for PA-2016-00229 as amended. Voice Vote: all AYES. Motion passed 7-0.

B. Adoption of Findings for PA-2016-00410, 475 University Way.
No ex parte contact was reported.

Commissioners Miller/Pearce m/s to approve the Findings for PA-2016-00410. Voice Vote: all AYES. Motion passed 7-0.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION #: PA-2016-00230

SUBJECT PROPERTY: 188 Garfield Street

OWNER/APPLICANT: Rivergate Assembly of God Church of Ashland

DESCRIPTION: A request for Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential;

ZONING: R-3; ASSESSOR'S MAP: 39 1E 10CB; TAX LOTS: 2100, 2101.

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

Ex Parte Contact

Commissioners Norton, Miller, Pearce, Mindlin, and Dawkins declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson reviewed the project and explained the request has a number of components, including: 1) site design review and conditional use permit approval to construct a new church, 2) demolition of the existing church building and construction of a new 4,978 sq.ft., 100-seat church near the corner of Garfield and Iowa Streets, 3) a solar setback exception to allow the proposed church to cast a greater shadow on the lot to its north (also under the church's ownership) than would be cast by a six foot fence, 4) an exception to the street standards to retain the existing curbside sidewalk and street trees rather than widening sidewalks and adding parkrow planters, 5) a tree removal permit to remove one tree greater than six-inches diameter, and 6) a property line adjustment. Mr. Severson explained the new church building would be oriented towards the corner of Garfield and Iowa with parking spaces at the rear (accessed off Iowa) and an open space play area to the west. He reviewed the floor plans and landscape plan and noted the Tree Commission was supported of the application as submitted but asked that a tree be planted on the playground to mitigate the one being removed. Mr. Severson commented on the property line adjustment and stated this would free up the remainder of the site for future development.

Mr. Severson stated staff has two primary concerns with the proposal. The first is the parking area accessed from Iowa Street, which is a major collector. The City's comprehensive plan includes three separate policies that discourage this. Staff believes the proposed driveway location should be modified and access taken from Garfield Street instead, and the Public Works Department concurs. The second concern is the on-street parking credit. Mr. Severson explained 25 parking spaces are required and the applicant's propose 17 spaces on site and 8 credits. He stated staff believes this would have a greater adverse impact than the target use of the zone and recommended the applicant's reconfigure their plan to show no more than 4 on-street credits. Mr. Severson concluded his presentation and stated the staff report includes recommended conditions of approval to address these concerns.

Questions of Staff

Mr. Severson commented further on the parking area access. He clarified this access could be located on the adjacent parcel with an easement agreement or the applicants could relocate the property line. He added staff's suggestion was to access the parking off Garfield and line it up with the alley across the street to avoid conflicting turning movements. In terms of recommending an alternate driveway location, Mr. Severson clarified contiguous properties under single ownership can be looked at as a single property for planning purposes.

Staff was asked about the purpose of the open space on the adjacent parcel since this is not a requirement. Mr. Severson stated the church would like to have a playground for the children during or after service; however when the adjacent property redevelops it will likely have open space requirements. Commissioner Mindlin noted the applicants said they do not want children crossing a road access to get to the playground, which is a reasonable argument. Mr. Severson agreed but stated the applicants could locate the play area adjacent to the building and put the driveway on the opposite side. Staff was asked if there is a criteria for providing for future development. Mr. Severson explained there is an access requirement for boundary line adjustments that states if the adjustment does not allow for meeting the access requirements in 18.4.3 it can be denied.

Applicant's Presentation

Leslie Gore and Ray Kistler/66 Water St/Mr. Kistler explained the new building will be 25% smaller and will need less parking than what is there now. He stated the playground is key to the church and not having kids crossing the driveway is important. Mr. Kistler added modifying the parking access would take away from the future residential development on the remaining parcel. He stated the church will be primarily used Wednesday evenings and Sunday mornings and there will not be cars pulling in and out during the busy school hours. He stressed that it would be more dangerous to put the playground on the other side of the driveway than it would be to have cars pulling out onto Iowa Street. He stated the rest of the property is slated for R-3 multi-family development and they would lose at least three units if they changed the driveway. Regarding the other components of the application, Mr. Kistler stated the solar

waiver is for a portion of the property that will not be built on, and stated they have not heard from anyone that the larger trees should be removed in order to make the sidewalk wider. Ms. Gore commented on the parking requirements and stated more parking on the site would not benefit the community.

Questions for the Applicant

Commissioner Miller raised concern with the architectural compatibility of the design. Mr. Kistler responded that the scale of the building is very low and noted the proposed gable. He stated his belief is that compatible does not mean too imitative.

Commissioner Brown commented that once approved they have no control over when the church operates and it does not make sense to use the current hours as a basis. He stated he is not convinced that pulling out onto Iowa won't cause problems and stated relocating the driveway to the other side makes sense. Mr. Kistler responded that unless something significant happens with the church doctrine their operation hours will not change.

Commissions Dawkins asked about moving the playground to the parking area and Mr. Kistler responded that this would locate the parking on a different parcel. Comment was made that it is difficult to make a decision on this without seeing how it integrates with the overall development plan. Dawkins commented that he is more inclined to follow the code than to make an exception.

Commissioner Brown asked how the applicant's propose to treat a left hand turn off Iowa into the parking lot and stated this could create traffic problems. Mr. Kistler responded that their proposal does not address this.

Commissioner Norton questioned if the open space is for the church or the future residential development. He stated if it is for the church he does not understand why the applicant's did not draw the property line to include it on the church property. Mr. Kistler confirmed that the open space will be shared in the future.

Public Testimony

Mary Scott/1274 Iowa/Stated she lives directly across from the church and it is difficult to pull out onto Iowa at all times of the day. Ms. Scott stated it is very rare when there are not cars parked on both sides of her driveway and stated she is pleased to hear the commission also has concerns about the driveway. She expressed concern that this is an end run around a much bigger development and recommended a public discussion on the full development plan.

John Fields/845 Oak/Disclosed that he could potentially be the builder for this project. Mr. Fields stated the church's attendance is in decline and they typically have 30 members attend most Sundays except for holidays. He stated the parking proposed is more than generous for the actual use. He stated the open space would be an area for kids to play and would serve as the church's playground and in the future would be highly used by the neighborhood and the new units that get built. Mr. Fields stated the structure would be highly energy efficient and does not believe it is architecturally incompatible.

Michael Gutman/1269 Quincy/Stated he is in support of the project however he would like see access taken off Garfield. Mr. Gutman stated it is important to look at the whole redevelopment and not just the church piece.

Shana Huselby/177 Garfield/Stated she lives directly across from the vacant parking lot and stated the traffic on Garfield is very fast. Ms. Huselby expressed concern with another driveway on Garfield Street and stated in her 7 years living in this location she has never seen more than 5 cars parked at the church's lot. She stated the church does not need that much off street parking and they have allotted for more than is needed. She also voiced her support for the proposed design and the greenspace.

Questions of Staff

Mr. Molnar confirmed that the code would allow for the parking lot to be shared with the future R-3 development.

Applicant's Rebuttal

Ms. Gore stated they appreciate the neighbor's support. She stated the building was designed per their client's request and stated this is the type of potential development that Ashland really needs. Ms. Gore added it is necessary for the church to move forward with this piece in order to bring the other proposal forward.

Commissioner Mindlin closed the record and the hearing at 8:40 p.m.

Questions of Staff

Mr. Severson clarified comments made about the parking requirements and the target use of the zone. He explained the intent is for the proposed use to not generate any more parking demand than the target use, and in this case, the church's demand is in excess of the target use requirement.

Mr. Molnar commented on the applicant's request to access the parking area from Iowa instead of Garfield. He stated Iowa is a higher order street and traffic is expected to increase over time. He explained the City's objective is to maintain the flow, reduce the number of conflicts, and look long term at what is the best set up for this block. He added this is not just about cars, but removing extra points of conflicts for bike riders and pedestrians as well.

Deliberations & Decision

Commissioners Dawkins/Brown m/s to approve PA-2016-00230 with the conditions of approval recommended by staff. DISCUSSION: Commissioner Dawkins stated he does not support the driveway on Iowa and believes in the code to reduce conflicts. He stated the applicant's are creative and he believes they can find a way to create an access on Garfield and not locate the open space across from the driveway. He added the whole parcel is owned by the same person and recommended they go back and look at the overall concept. Commissioner Norton expressed concern with whether the applicants could realistically accommodate the conditions of approval. Commissioner Miller commented that it would be nice to have a play area that is protected like it is now. Commissioner Pearce commented that as a standalone project, this is the right decision. Commissioner Mindlin commented that this is a large, flat property under the same ownership and believes they can meet the conditions of approval. She noted there are a lot of churches that are used for other activities and stated this could occur here as well, and voiced her support for requiring access of Garfield and aligning with the alley. **Roll Call Vote: Commissioners Pearce, Miller, Thompson, Brown, Dawkins, and Mindlin, YES. Commissioner Norton, NO. Motion passed 6-1.**

B. PLANNING ACTION: PA-2016-00209

SUBJECT PROPERTY: 25 North Main Street

OWNERS: Ashland Holdings, LLC

APPLICANT: Allan Sandler

DESCRIPTION: A request for Site Design Review approval for a balcony addition for the property located at 25 North Main Street. The application includes a request for two Exceptions to the Site Development and Design Standards: 1) to allow a balcony on the front of the building extending into the North Main Street right-of-way where the Downtown Design Standards in AMC 18.4.2.060.C.2 prohibit projecting balconies in a street facing elevation; and 2) to allow an addition on a primary façade or elevation that is visually prominent from a public right-of-way or that obscures character defining features where the Historic District Design Standards in AMC 18.4.2.050.B.12 direct that such additions are to be avoided. The application also proposes to remove and replace the two street trees in front of the building. **COMPREHENSIVE PLAN DESIGNATION:** Commercial Downtown; **ZONING:** C-1-D; **ASSESSOR'S MAP:** 39 1E 09 BB; **TAX LOT:** 70000.

Ex Parte Contact

Commissioners Norton, Miller, Dawkins, and Mindlin declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson explained the application is a request to add a balcony in the airspace over the right-of-way in front of the Granite Tap house. He stated the proposed moment frame structure is an independent structure (not mounted to the building) that would support the building in the event of an earthquake. The frame would be welded off site and construction in the right-of-way would be relatively minimal. Mr. Severson stated the City Council has already issued their approval and the Historic Commission also recommended approval. The Historic Commission felt the balcony was well designed and kept with the design of the building's original architect. The only issue they raised was whether the corbel design was too ornate and asked the applicant to come back with a revised option for this one design feature. The Tree Commission also reviewed the application and asked the applicant to make an attempt to preserve the street trees out front and recommended an arborist be on site during the sidewalk excavation.

Questions of Staff

Commissioner Mindlin raised concern with setting a precedence. She stated projecting balconies are discouraged and if all of the historic buildings on the Plaza require seismic retrofits how will they handle the next proposal? Mr. Molnar stated the Historic Commission made clear findings that balconies were a common feature on buildings designed by this specific architect. He noted the City Council's goal to develop a seismic ordinance and stated at some point this may be a standard that the Historic Commission needs to reevaluate.

Applicant's Presentation

Allan Sandler/1260 Prospect/Stated he owns five buildings downtown and wants to see them maintained. He stated if there is a large earthquake this modification will not save the building, but it will prevent some fatalities. Mr. Sandler stated they will have an arborist on site and will return to the Historic Commission as requested. He stated the columns will not extend into the city sidewalk and the only thing the balcony encroaches is the airspace. Mr. Sandler stated this application meets the exception criteria and asked for the commission's support.

Questions of the Applicant

Commissioner Brown asked if the moment frame is intended to keep the building from falling forward. Mr. Sandler responded Yes. He stated they have reinforced the interior as best they could and this modification would help prevent the building from falling into the street.

Commissioner Mindlin closed the record and the hearing at 9:20 p.m.

Deliberations & Decision

Commissioners Brown/Pearce m/s to approve PA-2016-00209. DISCUSSION: Commissioner Brown commented that this is great solution to a difficult problem. Commissioner Pearce cautioned them to make sure the findings are clear in how this approval is justified. He stated you do not get a balcony just because you are doing a seismic retrofit, but in this case it is approved because it results in a design that equally or better achieves the stated purpose of the Site Development and Design Standards (18.5.2.050.E.2). **Roll Call Vote: Commissioners Norton, Pearce, Miller, Thompson, Brown, Dawkins, and Mindlin, YES. Motion passed 7-0.**

OTHER BUSINESS

A. Election of Officers.

Commissioners Norton/Pearce m/s to elect Melanie Mindlin as chair. Roll Call Vote: Commissioners Dawkins, Pearce, Brown, Norton, Miller, Thompson, and Mindlin, YES. Motion passed 7-0.

Commissioners Thompson/Dawkins m/s to elect Roger Pearce as vice chair. Commissioners Thompson, Miller, Norton, Brown, Dawkins, Pearce, and Mindlin, YES. Motion passed 7-0.

B. Planning Commission Attendance Report.

Item for information only; no action necessary.

ADJOURNMENT

Meeting adjourned at 9:30 p.m.

Submitted by,

April Lucas, Administrative Supervisor

FINDINGS

PA-2016-00209
25 North Main Street

BEFORE THE PLANNING COMMISSION
June 14, 2016

IN THE MATTER OF PLANNING ACTION #2016-00209, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL FOR A BALCONY ADDITION FOR THE)
PROPERTY LOCATED AT 25 NORTH MAIN STREET. THE APPLICATION)
INCLUDES REQUESTS FOR TWO EXCEPTIONS TO THE SITE DEVELOPMENT)
AND DESIGN STANDARDS: 1) TO ALLOW A BALCONY ON THE FRONT OF)
THE BUILDING EXTENDING INTO THE NORTH MAIN STREET RIGHT-OF-)
WAY WHERE THE DOWNTOWN DESIGN STANDARDS IN AMC 18.4.2.060.C.2)
PROHIBIT PROJECTING BALCONIES IN A STREET-FACING ELEVATION;) **FINDINGS,**
AND 2) TO ALLOW AN ADDITION ON A PRIMARY FAÇADE OR ELEVATION) **CONCLUSIONS,**
THAT IS VISUALLY PROMINENT FROM A PUBLIC RIGHT-OF-WAY OR THAT) **& ORDERS**
OBSCURES CHARACTER DEFINING FEATURES WHERE THE HISTORIC)
DISTRICT DESIGN STANDARDS IN AMC 18.4.2.050.B.12 DIRECT THAT SUCH)
ADDITION ARE TO BE AVOIDED. THE APPLICATION ALSO PROPOSES TO)
REMOVE AND REPLACE THE TWO STREET TREES IN FRONT OF THE)
BUILDING.)
)
)
APPLICANT/OWNER: Allan Sandler/Ashland Holdings, LLC)

RECITALS:

- 1) Tax lot #70000 of Map 39 1E 09BB is located at 25 North Main Street on the plaza in downtown Ashland and is zoned C-1-D (Commercial Downtown).
- 2) The applicants are requesting Site Design Review approval for a balcony addition for the property located at 25 North Main Street. The application includes a request for two Exceptions to the Site Development and Design Standards: 1) To allow a balcony on the front of the building extending into the North Main Street right-of-way where the Downtown Design Standards in AMC 18.4.2.060.C.2 prohibit projecting balconies in a street facing elevation; and 2) To allow an addition on a primary façade or elevation that is visually prominent from a public right-of-way or that obscures character defining features where the Historic District Design Standards in AMC 18.4.2.050.B.12 direct that such additions are to be avoided. The application also proposes to remove and replace the two street trees in front of the building. Site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:
 - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*

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

5) The criteria for obtaining permission to plan or remove street trees is in AMC 13.16.030 as follows:

The City encourages the planting of appropriate trees. No trees shall be planted in or removed from any public planting strip or other public property in the City until a permit has been issued by the City Administrator or a duly authorized representative. Applicants for a removal permit may be required to replace the tree or trees being removed with a tree or trees of comparable value. If the tree is determined to be dead or dying, then the replacement need be no larger than the minimum described in this chapter. The replacement tree(s) shall be of a size specified in the permit and no smaller than eight feet in height or one inch in caliper 12 inches above root crown and shall be an appropriate species selected from and planted according to the Recommended Street Tree List.

6) The Planning Commission, following proper public notice, held a public hearing on May 10, 2016 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Site Design Review, Exception to the Site Development and Design Standards and Street Tree Removal permit approvals meets all applicable criteria for Site Design Review approval as described in Chapter 18.5.2.050, for Exception to the Site Development and Design Standards as described in Chapter 18.5.2.050.E and for Street Tree Removal described in Chapter 13.16.030 with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

2.3 The Planning Commission finds that the balcony addition as proposed will extend over the property line and into city right-of-way for North Main Street. The Commission further finds that the City Council has granted the applicant an airspace license contingent upon his obtaining all requisite land use approvals after review by the Planning, Historic and Tree Commissions. In considering the request, the City Council noted that a similar license was previously granted for the construction of a balcony at Martino's Restaurant to allow the owner of Martino's – also the current applicant - to build into the right-of-way while protecting the city from liability. The building on the property is existing and served by existing utilities. There is no parking requirement within the C-1-D district, so the added floor space of the balcony does not trigger any additional parking. As such, the Commission finds that the review of the request is limited to the modifications of the building façade as they relate to the applicable design standards, and to the proposed removal and replacement of the street trees.

2.4 The Planning Commission finds that the application explains that unreinforced masonry structures built before earthquakes were the concern they are today can be susceptible to losing their facades, even if they have been modified to harden their structural integrity. The application goes on to explain that the Masonic Building was extensively hardened and renovated in the 1980's, but that was before the current awareness of seismic issues. The applicant indicates they would like to reduce the risk of bodily damage to pedestrians outside the building in the event of a major earthquake striking Ashland. Because the building was extensively renovated in the 1980's, they suggest it is not feasible to add more structure

within the building now and adding to the façade from behind would not prevent the façade from dislocating from the main structure of the building in an earthquake. The applicant therefore suggests that the only real solution is to provide another layer of protection to the exterior of the building, and they want to do it in a way that is sensitive to the historic character of the building and the plaza while allowing the owner to recoup some of his costs.

The owner proposes to construct a freestanding balcony, independently supported, at the third level on the plaza side of the existing Masonic Building. The application explains that the vertical elements will encroach a couple of inches into the public sidewalk right-of-way and the balcony deck will extend as much as seven feet into the air space above the right-of-way although this will be at approximately 30 feet above the sidewalk. This new structure will be tied to the building and act as additional bracing to reinforce the exterior façade. The application emphasizes that while the existing building met all current safety and building code-related construction system requirements in place at the time that the building was extensively renovated, the owner is willing to go beyond what the current codes require in the interest of public safety. The application further emphasizes that this will be an expensive project and can only be considered in light of what additional revenue can be generated by the modification.

The application explains that the existing building façade is between eight and 12 inches behind the property line. To minimize the impact to the public right-of-way, the applicant proposes to remove three brick pilasters at the base of the existing exterior wall and the stucco pilasters that extend up to the horizontal cornice/sign band element above the first floor storefronts. They would then install three steel I-beam columns and a horizontal crossbeam to tie the system together. These four elements are to be covered by a new stucco pilaster and cornice elements. The existing building finish will be left intact elsewhere on the ground floor, although the pilasters would be removed, and new columns detailed to look like the original pilasters would be installed in front of the original building structure and the façade finish would wrap around it all. The cornice treatment would be more ornate than the existing treatment. Above the new cornice, steel columns would run vertically between the existing windows to support the deck. These columns are to be finished in stucco and reflect the original design of the building. The existing pilasters between the windows are to be removed so the new steel can be installed, and the net effect is explained as bringing more definition/depth to the pilasters at the second floor façade. The applicant asserts that while the deck structure will be entirely new, it will be in keeping with the design of the original building.

The deck is to be supported on brackets fashioned and detailed to be sympathetic to the original building detailing. The supporting structure for the steel columns is proposed to be a combination of piers drilled into the bedrock below the building/plaza and a concrete slab whose surface will be the public sidewalk. The new concrete sidewalk is expected to be no more than 12-inches thick, and the application suggests that there should be no impact on any public utilities running under the sidewalk, as they typically are a minimum of 36-inches below finished grade. The Commission finds that based on information provided by the Planning staff from discussions with the Public Works, Engineering and Electric Departments, in recent excavation work along the plaza and Calle Guanajuato, utilities are often at significantly shallower depths and may be encountered anywhere below the existing four-inch sidewalk slab. A condition has

accordingly been included to require the applicants work with the Public Works, Engineering and Electric Departments to develop approved utility plans prior to submitting a building permit application.

The application emphasizes that it is the applicant's intent to provide a positive impact to the façade of the building and to the plaza. The proposed addition will utilize pilaster bases, fenestration and other architectural elements to enhance the appearance of this addition. The existing façade has three pilasters rising from a plane at the ground level supporting a cornice. From that cornice spring six different pilasters that rise two stories to support the cornice about the third floor windows. The proposed design will work from the existing design elements. The pilasters rising from the ground plan will increase in depth from two-inches to ten-inches. The cornice will increase in depth by 12-inches. The six existing pilasters rising from the cornice will increase in depth by eight-inches only up to the level of the deck. The deck is proposed to be supported on brackets designed to fit with the new pilasters. The deck balustrade will have six posts reflecting the same width as the pilasters, with an open railing between. Six of the existing third floor windows will remain intact; one is to be modified to create a doorway onto the deck with the existing window trim remaining to frame the opening.

2.5 The Planning Commission finds that the application materials provided include findings asserting that the application is generally in keeping with the applicable criteria and standards, but for two Exceptions to the Site Development and Design Standards which are requested. The first of these is to allow the balcony on the front of the building extending into the North Main Street right-of-way where the Downtown Design Standards in AMC 18.4.2.060.C.2.c. explicitly state that, "recessed or projecting balconies, verandas, or other useable space above the ground level on existing and new buildings shall not be incorporated in a street facing elevation."

The second Exception is to allow an addition on a primary façade or elevation that is visually prominent from a public right-of-way and which obscures or destroys character-defining features of the historic building, where the Historic District Design Standards in AMC 18.4.2.050.B.12 specifically directs that additions of this nature are to be avoided.

The Commission finds that with regard to the requested Exceptions, the applicant explains that the impetus for undertaking these improvements is the desire to make the building safer. The application notes that while the building was extensively remodeled in the 1980's, codes have subsequently changed and much more is known about seismic forces on existing masonry structures. The application emphasizes that the building cannot be relocated, the property line cannot be moved, and the building is a contributing historic resource to the Ashland plaza and as such, demolition and reconstruction are not viable. The application concludes that reinforcing the exterior of the façade is the only remaining option. The application goes on to detail that while the proposed system will encroach into the right-of-way, at the ground level this encroachment will be less than that of the existing brick pilasters. The proposed structure will be covered with stucco, and the steel section required for the reinforcement is as narrow as can be allowed given the mass of the existing building. Pilasters are proposed rather than columns to reduce the depth of the structure, and the proposed cornice detail at approximately 14 feet above the sidewalk will encroach approximately six-inches into the public right-of-way. The applicant emphasizes that these

encroachments are the minimum possible to achieve the desired reinforcement.

The application notes that there is a significant cost to the proposal, and while the change is motivated by altruism, the reinforcement is not required and to pay for the addition, the owner needs to create additional leasable space in the form of a balcony on the front of the building at the third floor level. The balcony is proposed at the minimum depth possible to provide rentable space, and the length is the minimum necessary to connect all the pilasters along the second floor façade. The applicant asserts that findings can be made that there is a demonstrable difficulty meeting the specific design standards due to the unique nature of the structure and of the proposal, that the proposal is consistent with the intent of the standards, and that the proposed Exceptions are the minimum necessary.

2.6 The Planning Commission finds that the Historic District Development Standards found in AMC 18.4.2.050 were adopted to assure that development in the Historic District overlay remains compatible with the existing integrity of the Historic District, and further finds that for development requiring Site Design Review and involving new construction, restoration or rehabilitation - or any use greater than a single-family residential use - the authority exists in the law for the Planning Commission to require modifications in the design to match the Historic District Development Standards, and that the Historic Commission is to advise both the applicant and the Planning Commission.

The Planning Commission finds that after careful review in light of the Historic District Design Standards, the Downtown Design Standards and the Secretary of the Interior's Standards, the Historic Commission noted that the original architect, Frank C. Clark, designed balconies in other buildings of the same period. The Clark-designed Elks Lodge downtown has a balcony, and there is precedent for balconies on the Plaza with an original balcony already in place at the building which now houses The Brickroom. Historic Commissioners determined that the proposed balcony was well-designed and seemed appropriate for a Frank Clark building, and they supported the request with a recommendation of approval with the condition that, as proposed by the applicant, the Historic Commission would have the opportunity to consider alternative design details for the corbels. The Historic Commission discussed the ornate treatment of the corbels and suggested that a simplified corbel design might be more appropriate given the generally simple detailing of the remainder of the existing building façade. The Historic Commission's recommendation has been made a condition of the approval below.

2.7 The Planning Commission finds that the new space being created here extends into public right-of-way in the airspace over the North Main Street sidewalk and directly conflicts with design standards for the Downtown and Historic District, including the proposed removal and reconstruction of character-defining elements on a primary contributing, National Register-listed historic building's façade prominently located on Ashland's downtown plaza. The Planning Commission believes that the decision here lies in determining the right balance of changes which are appropriate for the façade of a prominent downtown historic resource. In this instance, the Planning Commission finds that the approval criteria for an Exception include instances where there is no demonstrable difficulty in meeting the specific

requirements, in which case there must be a clear finding that granting an Exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards. The Commission finds that there is no demonstrable difficulty for the building as it exists to comply with the standards, but the design proposed with the requested exceptions will equally or better achieve the purpose of the Site Development and Design Standards and as such merits approval.

2.8 The Planning Commission finds that the application notes that the existing street trees are unlikely to survive the construction, and goes on to explain that the owner will replace the existing trees, which are described as being in poor shape, with more suitable new trees at the completion of the construction project. In reviewing the application, the Tree Commission recommended that the two existing street trees be retained and protected, with an arborist on site to monitor their protection during construction. However, they recognized that the construction may be impact them and further recommended that if the project arborist ultimately determines that the construction impacts necessitate their removal, they be allowed to be removed and replaced provided that adequate soil volume and irrigation be provided and that the replacement tree selections be approved by the Tree Commission based on their placement, available soil volume and avoiding canopy conflicts with the projecting balcony. The Planning Commission finds that this is an appropriate recommendation, and has accordingly made it a condition of the approval below.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval for a balcony addition for the property located at 25 North Main Street including two Exceptions to the Site Development and Design Standards to allow a balcony on the front of the building extending into the North Main Street right-of-way where the Downtown Design Standards in AMC 18.4.2.060.C.2 prohibit projecting balconies in a street facing elevation; and to allow an addition on a primary façade or elevation that is visually prominent from a public right-of-way or that obscures character defining features where the Historic District Design Standards in AMC 18.4.2.050.B.12 direct that such additions are to be avoided; and Street Tree Removal Permits to remove and replace the two street trees in front of the building is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2016-00209. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-00209 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant are conditions of approval unless otherwise modified herein.
2. The plans submitted for the building permit shall be in conformance with those approved here. If the plans submitted for the building permit are not in conformance with those approved as part of

- this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
3. The recommendations of the Historic Commission's May 4, 2016 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of this approval and incorporated into the final building permit submittals.
 4. That the building materials and the exterior colors shall be identified in the building permit submittals. The information shall be consistent with the colors, texture, dimensions and shape of materials and building details proposed and approved as part of the land use application. Bright or neon paint colors shall not be used in accordance with 18.4.2.040.C.4.b of the Detail Site Review Standards.
 5. The recommendations of the Tree Commission's May 5, 2016 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of this approval and incorporated into the final building permit submittals.
 6. That prior to site work, storage of materials, or building permit issuance, the applicant shall obtain approval of a Tree Verification Permit to verify the protection of the two street trees.
 7. If tree removal proves necessary, two replacement trees shall be planted, with irrigation installed, inspected and approved by the Staff Advisor prior to final structural inspections or the issuance of a certificate of occupancy. The trees shall be selected from the approved street tree list and planted according to city standards.
 8. That any necessary construction closure or detouring of the sidewalks shall be approved by the Ashland Engineering and Planning Departments prior to issuance of permits or work in the right-of-way.
 9. All work in the public right-of-way shall be reviewed and approved by the Public Works and Engineering Division, and should this final review necessitate any changes to the proposal approved here a modification of the Site Review approval shall be obtained. Prior to any work within the public rights-of-way, all necessary permits must be obtained from the Public Works/Engineering Department. The sidewalks along the North Main Street frontage shall be replaced under permit from the Public Works/Engineering Department, inspected, and approved by Public Works/Engineering and the Staff Advisor prior to the final structural inspection approval or issuance of a certificate of occupancy. All new concrete shall be "Santa Fe Buff" in color as required in the Downtown Historic District.
 10. The requirements of the Fire and Fire Departments shall be satisfactorily addressed, including but not limited to occupant loads, exiting, fire rating requirements at the property line and/or the installation of fire sprinklers as required by the additional square footage based on current applicable Oregon building and fire codes, prior to final inspection approval or issuance of a certificate of occupancy.
 11. That the requirements of the Building Division shall be satisfactorily addressed, including but not limited to addressing any existing non-conforming code conditions, protecting primary structural columns with a minimum of one-hour fire resistive rated construction in accordance with Section 704 of the Oregon Structural Specialty Code, providing a special inspection testing agreement in accordance with Chapter 17 of the OSSC, and if un-reinforced masonry is associated with the building alteration an engineered evaluation of the existing conditions and possible seismic retrofitting may be required.

12. That the applicant shall work with the Public Works, Engineering and Electric Departments to develop approved utility and electric service plans which address any impacts to existing utilities including water (including fire services), sewer, electric (including street lighting), and storm drainage prior to the submittal of a building permit.
13. That the applicant shall enter into a license agreement concerning development of the airspace over the public right-of-way for the balcony. Such agreement is to indicate that the applicant will be responsible for the removal of the balcony and restoration of the historic building façade at his expense should the City ever need the use of the airspace area.

Planning Commission Approval

June 14, 2016

Date

**TYPE II
PUBLIC HEARING**

**PA-2016-00684
Union Pacific Railroad Property**



PLANNING ACTION: PA-2016-00684

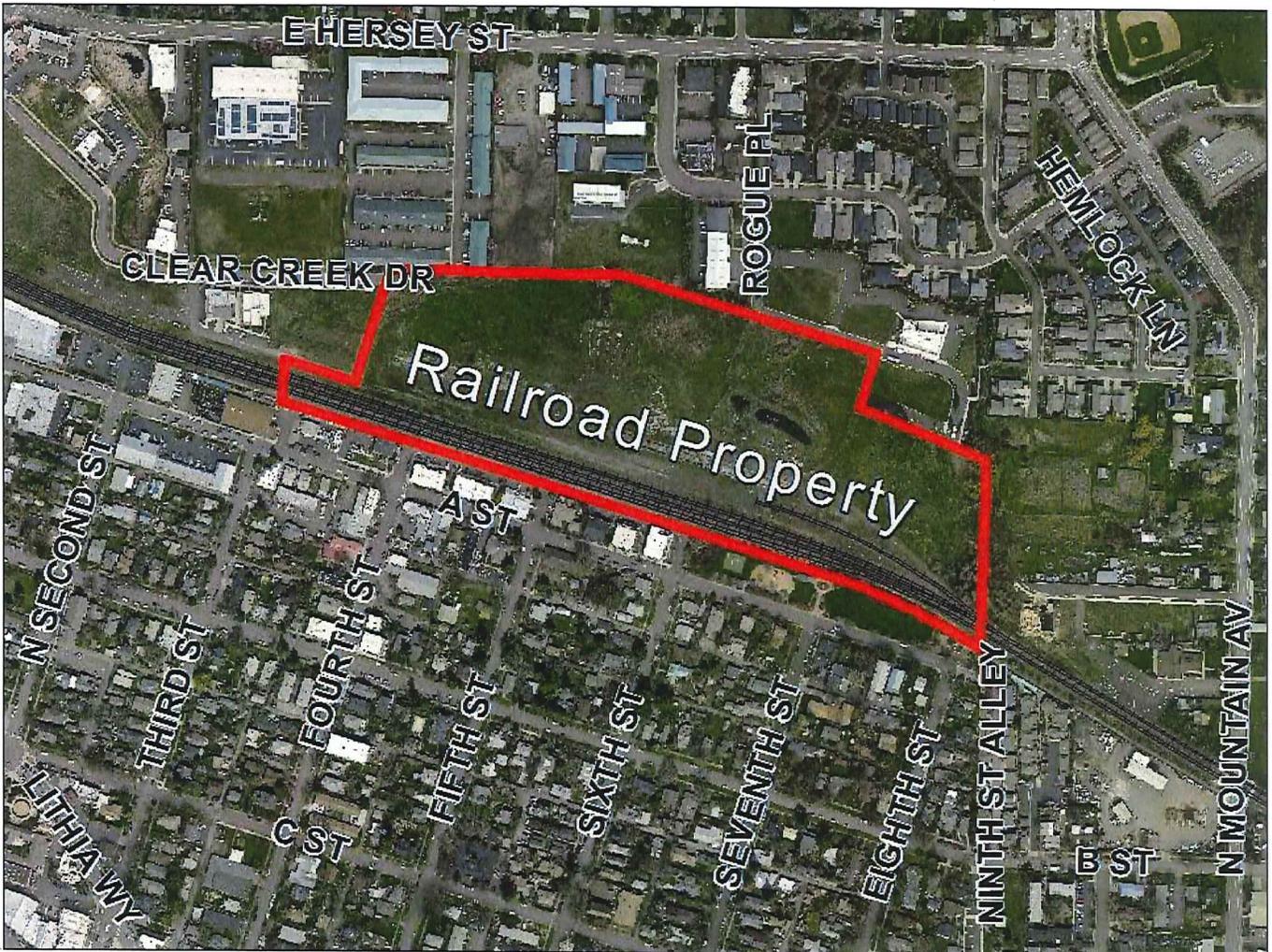
SUBJECT PROPERTY: Railroad Property located north of railroad tracks and situated between east and west sections of Clear Creek Dr.

OWNER: Union Pacific Railroad

APPLICANT: City of Ashland

DESCRIPTION: A request to amend a deed restriction that was required in a 1999 planning approval (PA 99-048) and recorded on the vacant 20-acre site owned by Union Pacific Railroad. The original deed restriction required that the 20-acre site be cleaned up to the Oregon Department of Environmental Quality's (DEQ) residential standard before further land divisions or development occur. The proposed revision to the deed restriction clarifies the timing and type of clean up for consistency with DEQ standards so that: 1) before the 20-acre site can be divided into smaller lots or developed, the initial cleanup of the 20-acre site would be to the residential standard and 2) future subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AB; **TAX LOT:** 6700 **ASSESSOR'S MAP:** 39 1E 09AA; **TAX LOT:** 6200.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, June 14, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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.

PRELIMINARY PARTITION PLAT CRITERIA

18.5.3.050

The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.
- D. The tract of land has not been partitioned for 12 months.
- E. Proposed lots conform to the requirements of the underlying zone, per part [18.2](#), any applicable overlay zone requirements, per part [18.3](#), and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).
- F. Accesses to individual lots conform to the standards in section [18.4.3.080](#) Vehicle Area Design. See also, [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria.
- G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part [18.4](#), and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.
- H. **Unpaved Streets.**
 - 1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 - 2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter [18.4.6](#) prior to the signature of the final partition plat by the City.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 - c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.
 - d. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.
- J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.
- K. A partition plat containing one or more flag lots shall additionally meet the criteria in section [18.5.3.060](#).

ASHLAND PLANNING DIVISION STAFF REPORT

June 14, 2016

PLANNING ACTION: #2016-00684

OWNER: Union Pacific Railroad

APPLICANT: City of Ashland

LOCATION: Clear Creek Dr., Parcel 7

ZONE DESIGNATION: E-1

COMPREHENSIVE PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: June 2, 2016

120-DAY TIME LIMIT: October 2, 2016

ORDINANCE REFERENCE: (see <http://www.ashland.or.us/comdevdocs> to view land use ordinance on-line)

18.5.3 Land Divisions and Property Line Adjustments
18.5.6 Modifications to Approved Planning Actions

REQUEST: A request to modify a condition of approval and change a deed restriction that was required in a 1999 planning approval (PA 99-048) and subsequently recorded on the vacant 20-acre site owned by Union Pacific Railroad (UPRR). The original deed restriction required that the 20-acre site be cleaned up to the Oregon Department of Environmental Quality's (DEQ) residential standard before further land divisions or development occurs. The proposed revision to the deed restriction clarifies the timing and type of cleanup for consistency with DEQ standards so that: 1) before the 20-acre site can be divided into smaller lots or developed, the initial cleanup of the 20-acre site would be to the residential standard and 2) future subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing.

I. Relevant Facts

A. Planning Action History

In November 1999, the Planning Commission approved a land partition, including the construction of a new public street and alley system and a lot line adjustment for the property located southeast of the intersection of Hersey and Oak streets and north of the railroad tracks (Planning Action 99-048). The west end of Clear Creek Dr. and six surrounding lots were created as a result of the approved land partition and the lot line adjustment. A variety of mixed-use buildings were and continue to be developed in the area. The seventh lot created by

the land partition and lot line adjustment is the undeveloped 20-acre site that is the subject of the current application and owned by UPRR (see Staff Exhibit A).

In August 1999, the City Council approved a change to the Comprehensive Plan map from Industrial to Employment and to the Zoning map from M-1 to E-1 (Planning Action 99-066, Ordinance 2843). In addition, the area was included in the Detail Site Review and Residential overlays (see Staff Exhibit B).

In June 2002, the Planning Commission approved an amendment to the street dedication map for a street system in the area north of the railroad tracks and south of Hersey St., between Oak St. and N. Mountain Ave. (Planning Action 2002-058) (see Staff Exhibit C).

B. Background - History of Application

The subject property is commonly referred to as the railroad property because it is the former site of the rail yard and is currently owned by UPRR. The property is also referred to as “Parcel 7” because the remaining vacant 20-acre site was identified as Parcel 7 in the land partition and lot line adjustment that was approved in 1999.

In 1999, the Planning Commission added a condition to a land partition and lot line adjustment approval (PA 99-048) requiring a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ residential standard before further land divisions or development occurs and that written confirmation from DEQ that the cleanup to residential standards is completed be submitted to the City of Ashland.

In April 2015, UPRR proposed remediation of a limited portion of the site and using trucks for transporting outgoing contaminated soil and incoming clean fill. The City Council responded with a request that UPRR conduct a full-site remediation and use railcars for transporting contaminated soil. In response, UPRR asked that the City consider relaxing the deed restriction on the property. Subsequently, the Council held a study session on October 6, 2015 at which representatives of DEQ and UPRR presented cleanup options.

At the October 6, 2015 City Council study session, a representative of UPRR indicated UPRR would like to cleanup and sell the property. However, the representative said the existing deed restriction from 1999 is a barrier to potential buyers/developers because it requires future subdivided lots that may not be used for residential purposes to be cleaned up to residential standards. DEQ’s standards require cleanup to match the proposed use of the individual lots: the “occupational” standard for retail, office, or light industrial uses; the “residential” standard for ground level housing. According to the UPRR representative, the existing deed restriction has deterred interests of potential buyers/developers because it is inconsistent between DEQ’s remediation requirements.

Also at the October 6 meeting, the UPRR representative presented three possible scenarios that UPRR could take at the rail yard: 1) full cleanup of the site to DEQ standard using rail to remove contaminated soil and trucks to bring clean fill to the site; 2) partial cleanup per DEQ standard using trucks for both contaminated soil and clean fill; and 3) no remediation, leaving the property in the current state.

At the January 5, 2016 meeting, the City Council approved a motion directing staff to seek modification of the 1999 deed restriction on the UPRR property and to negotiate with UPRR to develop an agreement concerning full-site remediation of the UPRR property as soon as possible using railcars for transporting contaminated soils.

At the April 5, 2016 meeting, the City Council approved a motion directing staff to prepare, file, and seek an application for a Major Amendment to replace the condition of approval in PA 99-048 with the modified condition of approval presented in the April 5, 2016 Council Communication and to continue working with UPRR and DEQ to achieve remediation of the rail yard site to applicable DEQ standard using railcars for removal of contaminated soil. The modified condition of approval from the April 5, 2016 Council Communication is as follows.

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

The City Council also directed staff to negotiate with UPRR to develop an agreement concerning full-site remediation of the UPRR property to applicable DEQ standards using railcars for transporting contaminated soils at the April 5, 2016 meeting. As described earlier, the discussions about the cleanup of the UPRR property between UPRR, DEQ, and the City Council began in April 2015. Staff has been working with UPRR and DEQ on behalf of the Council to adjust UPRR's original proposal of a partial cleanup of the eastern portion of the site and using trucks for transport of outgoing contaminated soil and incoming clean fill material.

After more than a year of discussions and negotiations between the City, UPRR, and DEQ, the following list of City Council requirements will be addressed in the course of the cleanup project.

- After the remediation of the full site as an aggregated unit cleaned up to residential standards, development on any subdivided lots could occur only after remediation to DEQ standards applicable to the proposed use of the individual lots.
- The bulk of the work performed in latter part of 2016 and early part of 2017.
- Contaminated soil removed by rail. Railcars containing contaminated soil will be covered to prevent releases.
- Contaminated water and any debris will be contained and removed from the site.
- Batch deliveries of clean fill for stockpiling on site to avoid unpredictable, intermittent deliveries spread throughout the duration of the project.
- DEQ-approved dust suppression measures.
- Wheel-washing of all trucks and other rubber-tired equipment leaving the site.
- Use of City-designated routes for heavy trucks traveling to and from the site.

- UPRR pays for repair and restoration of any pavement on public streets damaged by heavy truck or other equipment used in project.

If the deed restriction is modified as directed by the City Council, UPRR has indicated they will move forward with a full cleanup of the site (see figure 1-1, figure 1-2, and map EC-3). The project would be completed in five phases as follows.

- Phase I – Installation of a temporary rail spur to the central portion of the site.
- Phase II – Removal of surface features (building foundations and remaining equipment) and three NAPL areas.
- Phase III – Removal of soil from the west excavation area.
- Phase IV – Removal of soil from the east excavation area.
- Phase V – Removal of temporary rail spur and final grading.

C. Detailed Description of the Site and Proposal

The Site

The UPRR property is approximately 20 acres in size and located north of the railroad tracks and between the two dead-end portions of Clear Creek Dr. The west side of Clear Creek Dr. intersects with Oak St. and the east side intersects with N. Mountain Ave. Rouge Place is a third dead-end street that abuts the property in the northeast portion of the site. Clear Creek Dr. and Rogue Place are planned to continue through the UPRR property at the time the site is developed.

The property is zoned Employment (E-1) and located in the Residential and Detail Site Review overlays. The Residential overlay allows 15 dwelling units per acre as a special use in conjunction with permitted commercial and employment uses. A building can have up to 35 percent in residential uses on the ground floor (e.g., ground floor commercial or employment with upper story residential units) or up to half of a lot used for residential purposes if there a multiple building on a site.

The area to the north, south, and west of the property is zoned E-1. The area to the northeast and east is zoned residential and includes Multi-Family Residential (R-2), Suburban Residential (R-1-3.5), and Single Family Residential (R-1) properties.

The general topography of the site slopes to the north toward Hersey St. The property's most significant natural features include Mountain Creek that flows south to north on the eastern boundary of the property. A trail connection is shown in the Mountain Creek area on the City's adopted 2002 Open Space Plan. The water resources map also identifies three possible wetlands on the site (see Staff Exhibit D).

The subject property was used for a rail yard for locomotive maintenance, service, and rail car repair between 1887 and 1986. Various structures including a hotel/passenger station, a freight station, a car repair shed, a turntable, a roundhouse, and miscellaneous work and storage buildings were once present. The Ashland rail yard peaked in the early 1900's. Subsequently, the site was used for light locomotive maintenance and car repair functions until the early 1970's by the Southern Pacific Transportation Company (SPTCo). UPRR acquired SPTCo and many of its assets, including the Ashland site, in 1997. UPRR has not operated or performed any railroad related activities at the site since the acquisition in 1997.

The only structures remaining on the site are foundations of several of the buildings. There is a fenced area on the eastern portion of the site that includes an oil/water separator and two manmade retention ponds (see sheet EC-1). A mainline track and rail spur operated by Central Oregon and Pacific Railroad, Inc. (CORP) are located along the site's southern Boundary.

The Proposal

The request is to modify a condition of approval of the land partition and lot line adjustment (PA 99-048). The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ residential standard before further land divisions or development occurs and that written confirmation from DEQ that the cleanup to residential standards is completed be submitted to the City of Ashland. The City Attorney believes the original 1999 deed restriction as written means that every level or stage of cleanup must be to residential standards, including future subdivided lots.

The original condition of approval from 1999 (PA 99-048) is as follows.

9) That a deed restriction be placed on the remaining 25 acres (approximately) precluding further "development" or land divisions until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the City from the Department of Environmental Quality.

The proposed modification would amend the deed restriction to require two levels of cleanup. First, the initial cleanup of the 20-acre site would be to the residential standard for a single residential property. Subsequent development or subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing.

As previously described in the background section on page 3, the City Council directed staff to seek modification of the 1999 deed restriction on the UPRR property with the modified condition presented in the April 5, 2016 Council Communication. The proposed modified condition of approval is as follows.

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

As described earlier, the site has been inactive since 1997 when UPRR acquired the subject property. The property is in DEQ's voluntary cleanup program because the contaminants on the property are considered low-risk. As a result, DEQ cannot compel UPRR to clean up the property in a specific time period. However, the property does have to be cleaned up before it can be redeveloped.

II. Project Impact

The modification of an approved application or condition of approval that could have a detrimental effect on adjoining properties requires Major Modification under chapter 18.5.6. The review procedure (i.e., Type I administrative approval or Type II public hearing) for a modification is the same as the procedure used for the original application. In this case, a Type II public hearing process is required because the original land partition and lot line adjustment was processed as a Type II (AMC 18.5.6.030.A.7).

Major Modifications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request (AMC 18.5.6.030.C). As a result, the application review is limited to the deed restriction modification request and the applicable approval criteria are those for a land partition.

The Planning Commission based the original 1999 condition of approval on the land partition criteria that requires “*the future use for urban purposes of the remainder of the tract will not be impeded.*” Specifically, the staff report included the following discussion.

“The application notes that the deed restriction will be placed on the remaining approximately 25 acres due to subsurface contamination resulting from the past railroad operations. The E-1 zoning and residential overlay (R-Overlay) allows for a variety of commercial and residential uses. The City’s Comprehensive Plan encourages mixed-use development, and existing City ordinances and neighborhood planning efforts provide a variety of incentives in the hope of achieving this goal. Consequently, it is important that the contaminants on the remaining 20+ acres be removed or reduced to levels which would allow for commercial, as well as residential uses. Staff has attached a condition requiring that the final cleanup achieve this goal and verification be provided from the Department of Environmental Quality (DEQ).”

Staff believes the intent of the original condition is somewhat ambiguous because the extent of the required cleanup to residential standards was unclear. In 1999, UPRR and DEQ were not directly involved in the application. Instead, a local real estate agent, representing UPRR and a second property owner, was the applicant. In addition, the focus of the 1999 application was separating the far western end of the UPRR property (now the west end of Clear Creek Dr.) for further development. While the cleanup of the far western end of the property was required by DEQ before the area was developed, staff’s understanding is that the level and extent of contaminants was comparatively minor. As a result, the 1999 land partition application and the subsequent Planning Commission public hearing discussion and decision did not involve extensive information regarding UPRR’s plans for the remaining UPRR property or about DEQ’s remediation process and cleanup standards. The Planning Commission and staff were aware that cleanup of the remaining UPRR property was necessary and would be an issue in the future, but detailed information regarding the remediation process and standards was not presented or evaluated.

A. Long-Range Planning Policies

The UPRR property represents approximately one fourth of the Ashland’s inventory of Employment and Industrial zoned land with the bulk of buildable employment lands

divided between the UPRR property, the Washington Ave./Jefferson Ave./Benson Way area (Washington Ave. area), and the Croman Mill district on Mistletoe Rd. The three areas require significant infrastructure improvements (utilities and streets) before development is possible and both the UPRR property and the Croman Mill district are required to be cleaned up prior to further development.

The statewide planning program and implementing state laws require all cities to designate sufficient land to accommodate the project land need for employment and job creation for a 20-year planning period. The City's adopted 2010 Economic Opportunity Analysis (EOA) comparison of land supply and need in Ashland indicated an adequate supply of employment land until 2027 and a deficit in the 2028-2057 planning period.

In contrast to the Washington Ave. area and Croman Mill district, the UPRR property is entirely located in the Residential overlay. The site is zoned E-1 and also included in the Detail Site Review overlay. The combination of the zoning and overlays provides a flexible approach for future development that allows a mix of commercial, employment, and residential uses. This type of mixed-use development is consistent with the following Ashland Comprehensive Plan policies that speak to providing a mix of uses, especially as a buffer between employment areas and residential neighborhoods, and to encouraging a mix of uses in close proximity so that people that work and live in the area have the option of making trips by walking or bicycling.

Chapter VII, The Economy, Policy 2, E. The City shall design the Land Use Ordinance to provide for e) Commercial or employment zones where business and residential uses are mixed. This is especially appropriate as buffers between residential and employment or commercial areas and in the Downtown.

Chapter X, Transportation Element, Goal III, Policy 2, Promote a mixed land use pattern, where appropriate, and pedestrian environment design that supports walking and bicycling trips.

Despite the central location and significant contribution to the City's land supply for employment purposes, the UPRR property has been effectively unavailable for the past because of the need to clean up the site prior to further development. The City Council has been working with UPRR and DEQ to review the cleanup options and solidify a comprehensive approach that would address the initial cleanup of the 20-acre site, minimize truck traffic in Ashland by using railcars to remove contaminated soil, and ensure that future development would be subject to further cleanup consistent with the proposed use of individual lots.

Making the UPRR property a viable piece of the City's 20-year land supply for employment purposes is consistent with the City's adopted 2011 Economic Development Strategy (EDS) which includes identifying barriers to development for key industrial lands and working to make them "shovel ready" for re-sale for business development. The EDS includes the following strategy and action.

Strategy 6. Provide appropriate land supplies for needed business growth/expansion with quality infrastructure to all commercial and employment lands.

Action 6.6 Determine feasibility and cost/benefit for public purchase of key industrial lands to make "shovel ready" for re-sale for business development.

The EDS discusses identifying lands that have been neglected and determining the existing barriers of development such as lack of services, access limitations, and environmental abatement needs. In addition, the EDS discuss evaluating "... whether direct public financial involvement may be the more appropriate tool to address those barriers and make lands more financially attractive and operationally functional for private development (i.e., the railroad property)."

In staff's opinion, the proposed modification of the condition and deed restriction is consistent with the mix of uses and potential configurations that are allowed on the UPRR property under the current zoning. The location in the E-1 zone and the Residential overlay allows residential dwelling units as a special use. However, as a special use dwelling units are only allowed in conjunction with a permitted commercial or employment use. In addition, the applicant decides whether to included dwelling units in a future development proposal. As a result, a variety of uses and building and site configurations are possible on the subject property.

For example, future development proposals could include a single-use building housing a permitted use such as a light manufacturing use or an office use, a mixed-use building housing a permitted use such as a commercial or office use and residential units, or a multiple-building development containing single-use buildings housing permitted uses such as commercial or light industrial uses and single-use buildings housing dwelling units. The amended condition would allow each development to be evaluated independently and cleaned up to the DEQ standard that matches the type and configuration of the proposed uses.

III. Procedural - Required Burden of Proof

The approval criteria for a Major Modification are detailed in AMC 18.5.6.030.C as follows:

- C. Major Modification Approval Criteria.** A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.
 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

The approval criteria for a Partition Plat are detailed in AMC 18.5.3.050 as follows:

The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.

- A. The future use for urban purposes of the remainder of the tract will not be impeded.*
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.*
- C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*
- D. The tract of land has not been partitioned for 12 months.*
- E. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).*
- F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.*
- G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.*
- H. Unpaved Streets.**
 - 1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.*
 - 2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.*
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter 18.4.6 prior to the signature of the final partition plat by the City.*
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.*
 - c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.*
 - d. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.*
- I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.*

- J. *Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*
- K. *A partition plat containing one or more flag lots shall additionally meet the criteria in section 18.5.3.060.*

IV. Conclusions and Recommendations

Staff recommends approval of a request to modify the condition of approval and change the deed restriction that was required in a 1999 planning approval (PA 99-048) and subsequently recorded on the vacant 20-acre site owned by UPRR. The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ residential standard before further land divisions or development occurs and that written confirmation from DEQ that the cleanup to residential standards is completed be submitted to the City of Ashland. The City Attorney believes the original 1999 deed restriction as written means that every level or stage of cleanup must be to residential standards, including future subdivided lots.

The proposed modification would amend the deed restriction to require two levels of cleanup. First, the initial cleanup of the 20-acre site would be to the residential standard for a single residential property. Subsequent development or subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the “occupational” standard for retail, office, or light industrial uses; the “residential” standard for ground level housing.

The UPRR property represents approximately one fourth of the Ashland’s inventory of Employment and Industrial zoned land and therefore is a significant portion of the City’s 20-year land supply for employment purposes. The central location of the site makes the UPRR property a logical candidate for future development. The E-1 zoning and inclusion in the Residential and Detail Site Review overlays provide a flexible approach for future development that allows a mix of commercial, employment, and residential uses. This type of mixed-use development is consistent with the Ashland Comprehensive Plan policies that speak to providing a mix of uses, especially as a buffer between employment areas and residential neighborhoods, and encouraging a mix of uses in close proximity so that people that work and live in the area have the option of making trips by walking or bicycling.

However, the UPRR property has been effectively unavailable for the past 20 years because of the need to clean up the site prior to further development. The City Council has been working with UPRR and DEQ to review the cleanup options and solidify a comprehensive approach that would address the initial cleanup of the 20-acre site, minimize truck traffic in Ashland by using railcars to remove contaminated soil, and ensure that future development would be subject to further cleanup consistent with the proposed use of individual lots. Making the UPRR property a viable piece of the City’s 20-year land supply for employment purposes is consistent with the City’s adopted 2011 Economic Development Strategy which includes identifying barriers to development for key industrial lands and working to make them “shovel ready” for re-sale for business development.

Staff believes the proposed modification of the condition and deed restriction is consistent with the mix of uses and potential configurations that are allowed on the UPRR property under the current zoning. The location in the E-1 zone and the Residential overlay allows residential dwelling units as a special use. However, as a special use dwelling units are only allowed in conjunction with a permitted commercial or employment use. In addition, the applicant decides whether to included dwelling units in a future development proposal. As a result, a variety of uses and building and site configurations are possible on the subject property. The amended condition would allow each

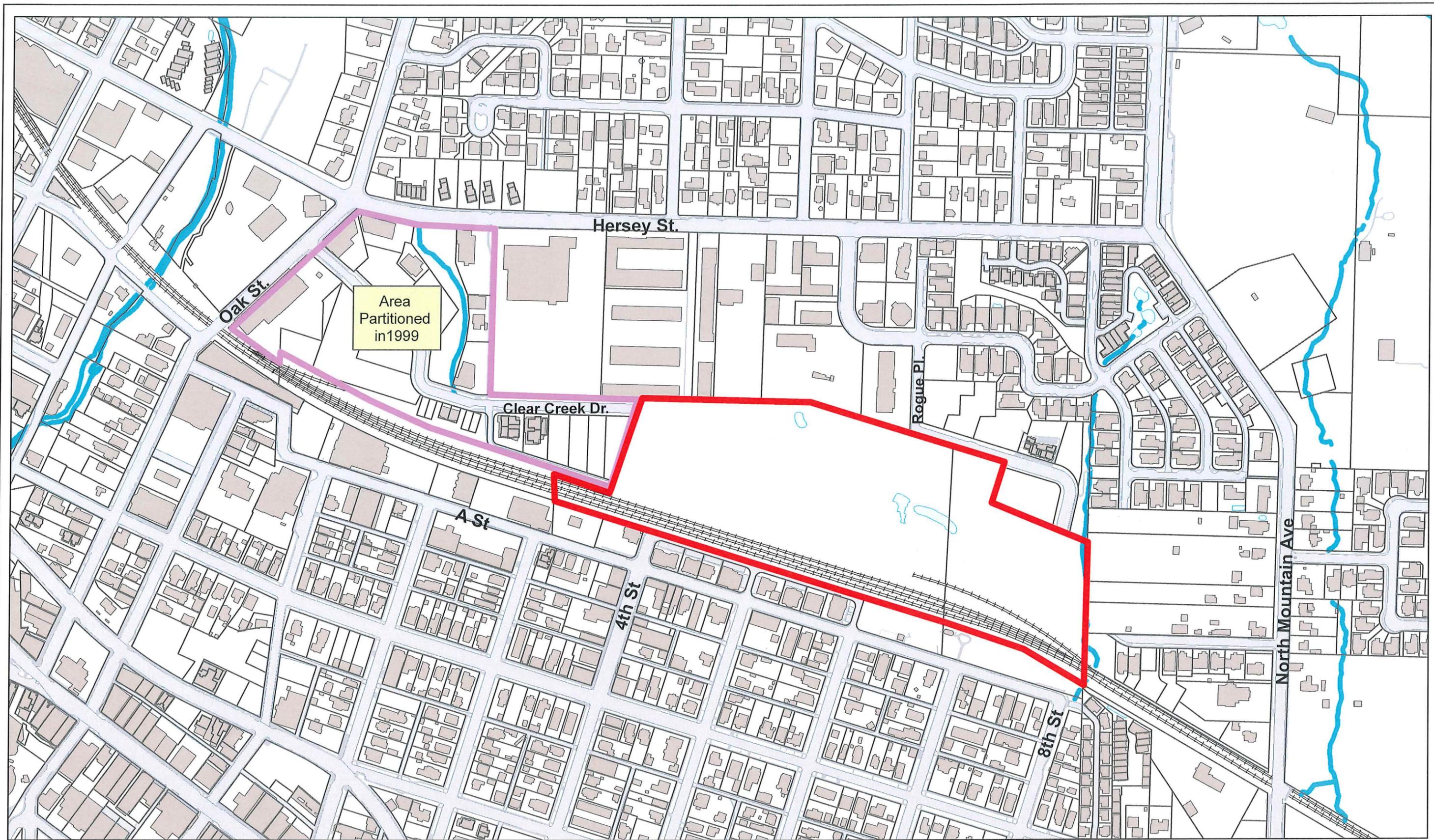
development to be evaluated independently and cleaned up to the DEQ standard that matches the type and configuration of the uses.

Staff recommends approval of the request for a Major Modification to modify the condition of approval and change the deed restriction that was required in a 1999 planning approval (PA 99-048) and subsequently recorded on the vacant 20-acre site owned by UPRR. Staff recommends attaching the following conditions to the approval.

- 1) All conditions of the PA 99-048 shall remain conditions of approval unless otherwise specifically modified herein.
- 2) That the deed restriction required in condition 9 of PA 99-048 shall be revised to read as follows.

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

- 3) That evidence shall be submitted demonstrating that the deed restriction has been revised in accordance with condition 2 above and recorded prior to issuance of City excavation permit or any site work.



Area Partitioned in 1999

Hersey St.

Oak St.

Clear Creek Dr.

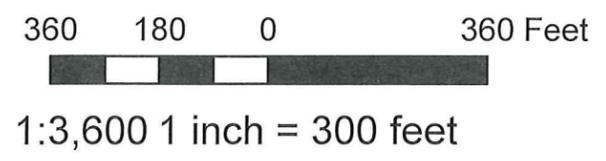
A St

4th St

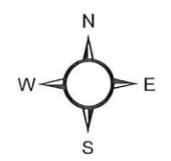
8th St

Rogue Pl.

North Mountain Ave



STAFF EXHIBIT A



Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.

STAFF EXHIBIT B

ORDINANCE NO. 2843

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP, ZONING MAP, AND THE DETAIL SITE REVIEW ZONE MAP FOR THE PROPERTY NORTH OF THE RAILROAD TRACKS BETWEEN OAK STREET AND NORTH MOUNTAIN AVENUE.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The Comprehensive Plan Map of the City of Ashland is amended from Industrial to Employment and the Zoning Map of the City of Ashland is amended from M-1 to E-1 with a Residential Overlay for the area indicated on attached Exhibit "A".

SECTION 2. The Detail Site Review Zone map is amended to include the area indicated on attached Exhibit "B".

The foregoing ordinance was first read by title only in accordance with Article X,

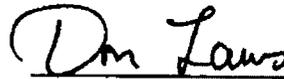
Section 2(C) of the City Charter on the 20 day of July, 1999,

and duly PASSED and ADOPTED this 3 day of August, 1999.



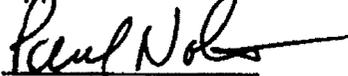
Barbara Christensen, City Recorder

SIGNED and APPROVED this 3 day of August, 1999.



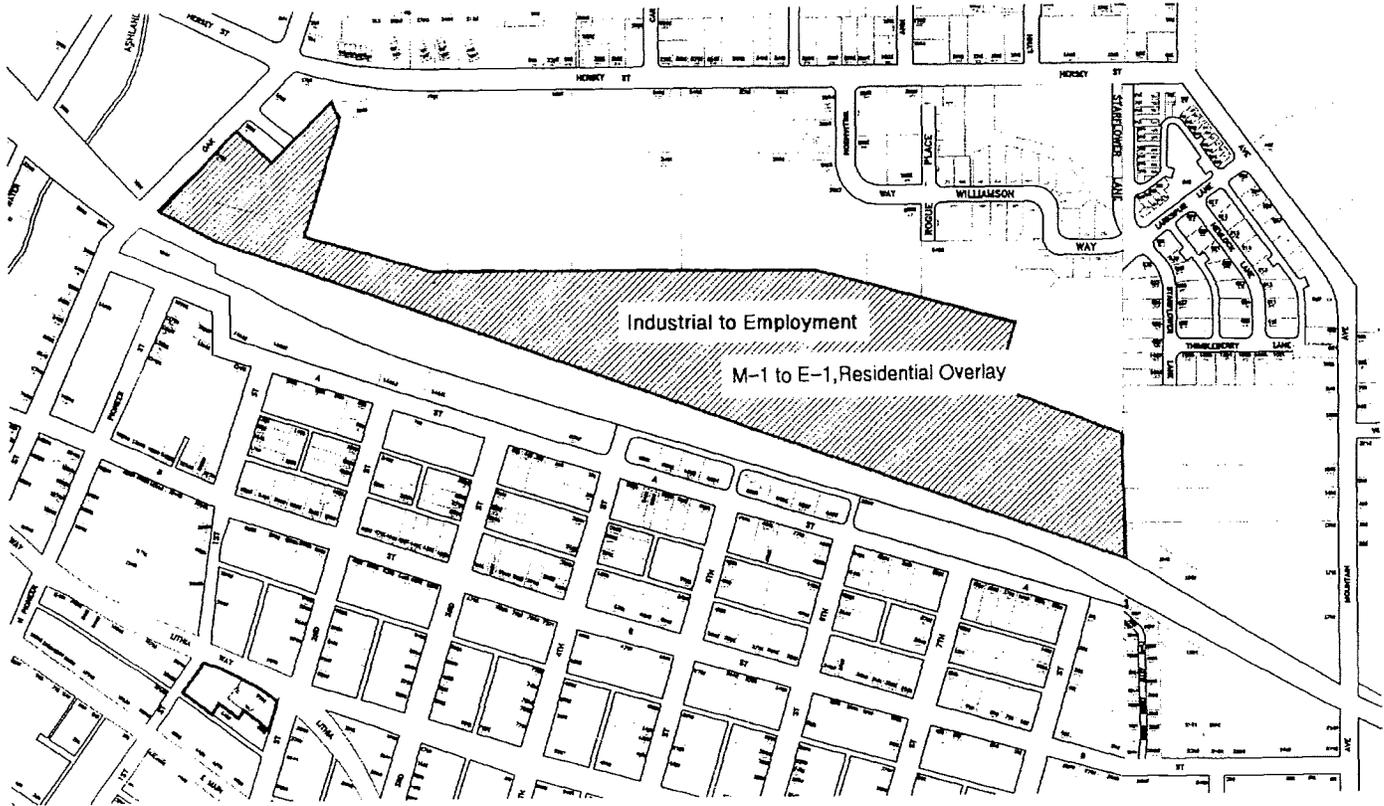
Don Laws
Council Chairperson

Approved as to form:

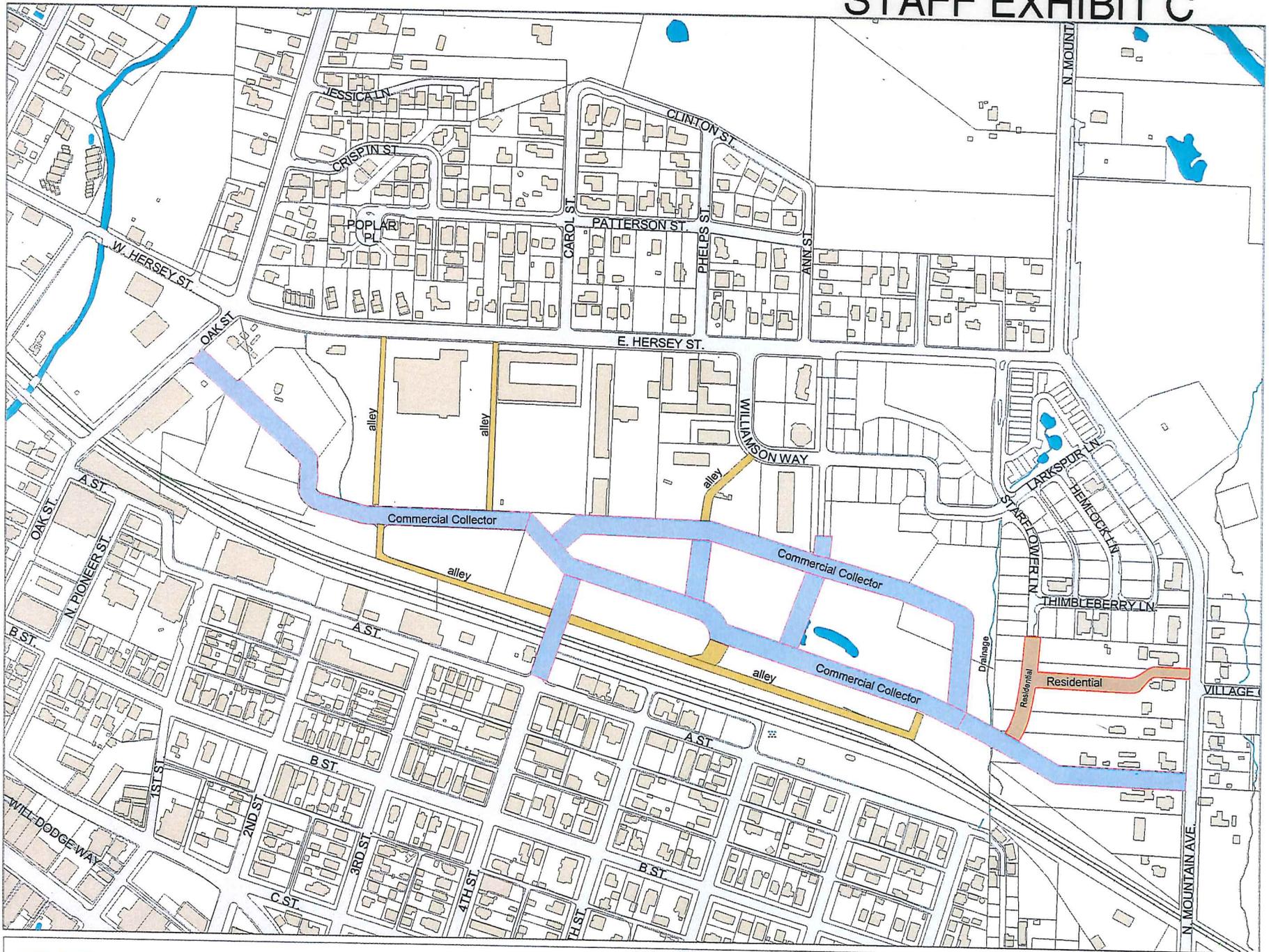


Paul Nolte, City Attorney

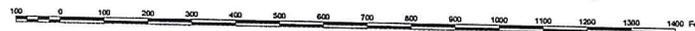
Exhibit "A"

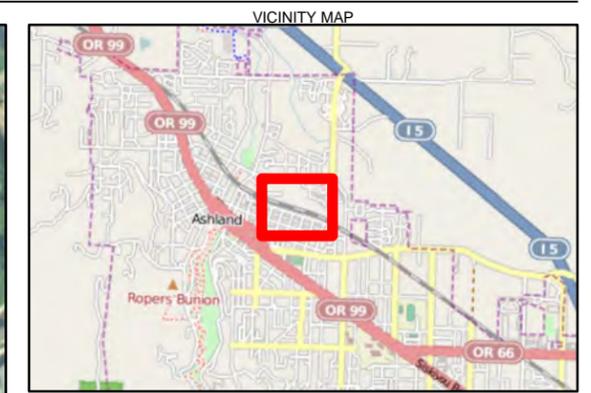


STAFF EXHIBIT C



Proposed Street Dedications, amendments to the City of Ashland Transportation Plan Map.





- LEGEND
- Possible Asbestos Location
 - ▭ Proposed NAPL Excavation Area
 - ▭ Excavation Area
 - ▭ Property Boundary

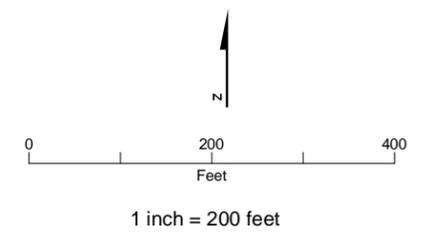
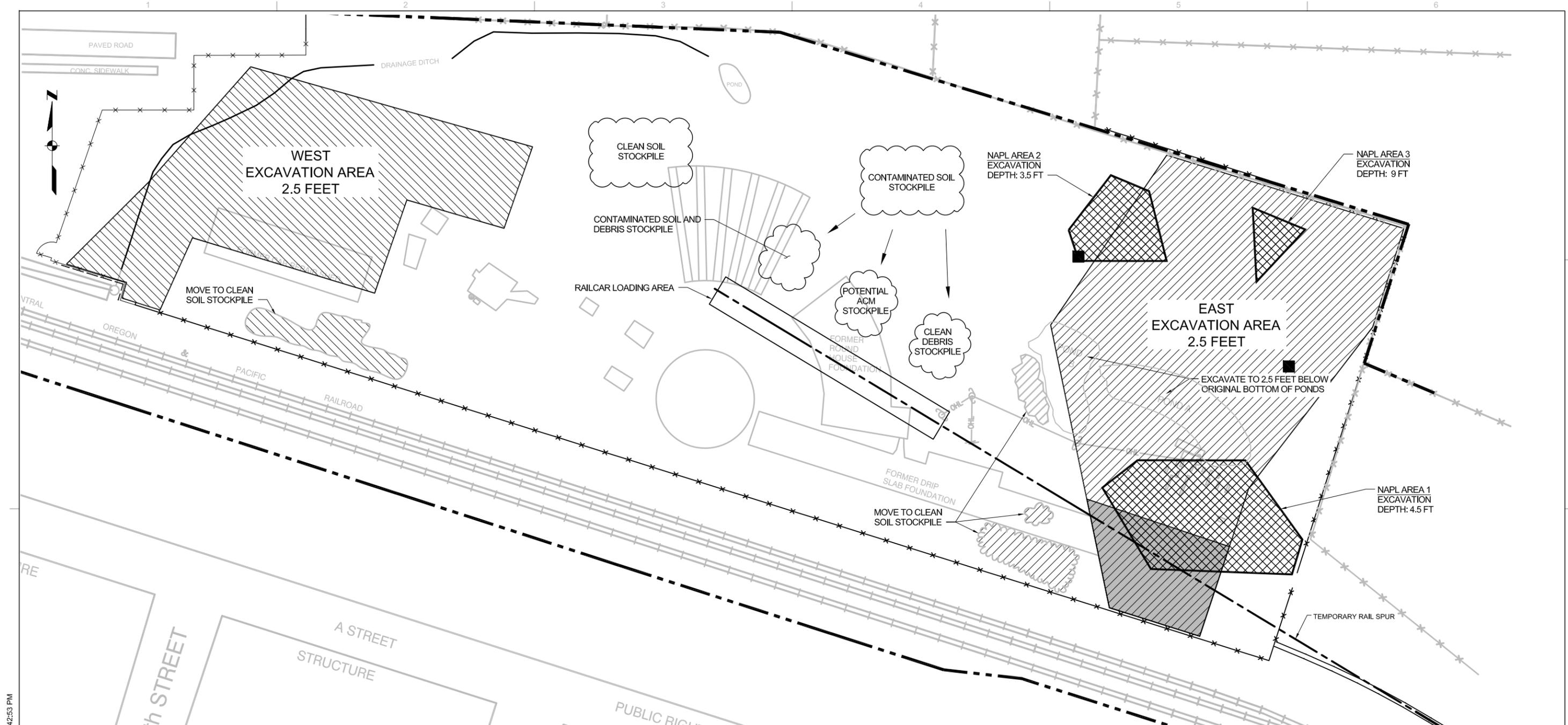


FIGURE 1-2
Excavation Areas
 Union Pacific Railroad
 Ashland, Oregon

USER: 5543 TAB: C3-EXCAVATION PLAN-PAPER LAST SAVED: 1/15/2013 12:42:53 PM



- PHASE I AND II NOTES**
1. VISUAL OBSERVATIONS TO GUIDE EXCAVATION.
 2. CONTAMINATED SOIL UNDER THE TEMPORARY RAIL SPUR TO BE REMOVED PRIOR TO INSTALLATION.
 3. BACKFILL EACH EXCAVATION, TO WITHIN 2.5 FEET OF THE SURFACE.

- PHASE III EAST AREA NOTES:**
1. ALL SOIL WITHIN POLYGON TO BE EXCAVATED TO 2.5 FEET BGS INCLUDING BOTTOM AND SIDES OF PONDS A & B, AND ALL OTHER DEPRESSIONS. EXCAVATION NOT TO EXTEND BEYOND POLYGON BOUNDARIES. SLOPE SIDEWALLS TO PREVENT SUBSIDENCE. PLACE SOIL IN TEMPORARY STOCKPILE.
 2. REMOVE, STOCKPILE AND DISPOSE ALL VAULTS, PIPELINES, CONDUITS, DEBRIS, ETC. ENCOUNTERED WITHIN THE 2 1/2 FOOT EXCAVATION.
 3. WORK NORTH OF RAIL SPUR BED.
 4. ACM HAS BEEN IDENTIFIED AT LOCATION SHOWN, BUT MAY ALSO OCCUR AT OTHER LOCATIONS. ACM CERTIFIED PERSONNEL (ONLY) TO EXAMINE ALL SUSPICIOUS LOOKING MATERIAL. IF FURTHER INVESTIGATION WARRANTED, FOLLOW ALL WORK PRACTICES AND PROCEDURES DEFINED IN OAR 340-248-0270 FOR REMOVAL, STOCKPILING, AND DISPOSAL.
 5. CONFIRMATION SAMPLES TO BE COLLECTED FROM EXCAVATION FLOOR EVERY 10,000 SQUARE FEET, AND FROM SIDEWALLS EVERY 200 LINEAR FEET. SEE SAMPLING AND ANALYSIS PLAN.

- PHASE IV WEST AREA NOTES:**
1. FORMER CAR REPAIR SHED FOUNDATION REMOVED AND PORTION OF PERIMETER FENCE CROSSING THE POLYGON RELOCATED DURING PHASE II.
 2. ALL SOIL WITHIN POLYGON TO BE EXCAVATED TO 2.5 FEET BGS. EXCAVATION NOT TO EXTEND BEYOND POLYGON BOUNDARIES. SLOPE SIDEWALLS TO PREVENT SUBSIDENCE. PLACE SOIL IN TEMPORARY STOCKPILE NEXT TO RAIL SPUR.
 3. REMOVE, STOCKPILE AND DISPOSE ALL VAULTS, PIPELINES, CONDUITS, DEBRIS, ETC. ENCOUNTERED WITHIN THE 2 1/2 FOOT EXCAVATION.
 4. EXCAVATE 2.5 FEET FROM BOTTOM AND SIDES OF DITCH WITHIN EXCAVATION AREA.
 5. WORK AROUND STORM SEWER AND OUTFALL, LEAVE UNDISTURBED AND INTACT.
 6. ACM MAY BE ENCOUNTERED WITHIN THIS POLYGON. ACM CERTIFIED PERSONNEL (ONLY) TO EXAMINE ALL SUSPICIOUS LOOKING MATERIAL. IF FURTHER INVESTIGATION WARRANTED, FOLLOW ALL WORK PRACTICES AND PROCEDURES DEFINED IN OAR 340-248-0270 FOR REMOVAL, STOCKPILING, AND DISPOSAL.
 7. CONFIRMATION SAMPLES TO BE COLLECTED FROM EXCAVATION FLOOR EVERY 10,000 SQUARE FEET, AND FROM SIDEWALLS EVERY 200 LINEAR FEET. SEE SAMPLING AND ANALYSIS PLAN.

LEGEND

- PROPERTY BOUNDARY
- - - NEW RAIL SPUR
- [Hatched Box] PHASE I
- [Cross-hatched Box] PHASE II
- [Diagonal Hatched Box] PHASE III
- [Diagonal Hatched Box] PHASE IV
- POSSIBLE ASBESTOS LOCATION



PRELIMINARY
NOT FOR CONSTRUCTION

DSGN	R STRAUSS						
DR	A STEPHENSON						
CHK	M NIEMET						
APVD	M OCHSNER	NO.	DATE	REVISION	BY	APVD	

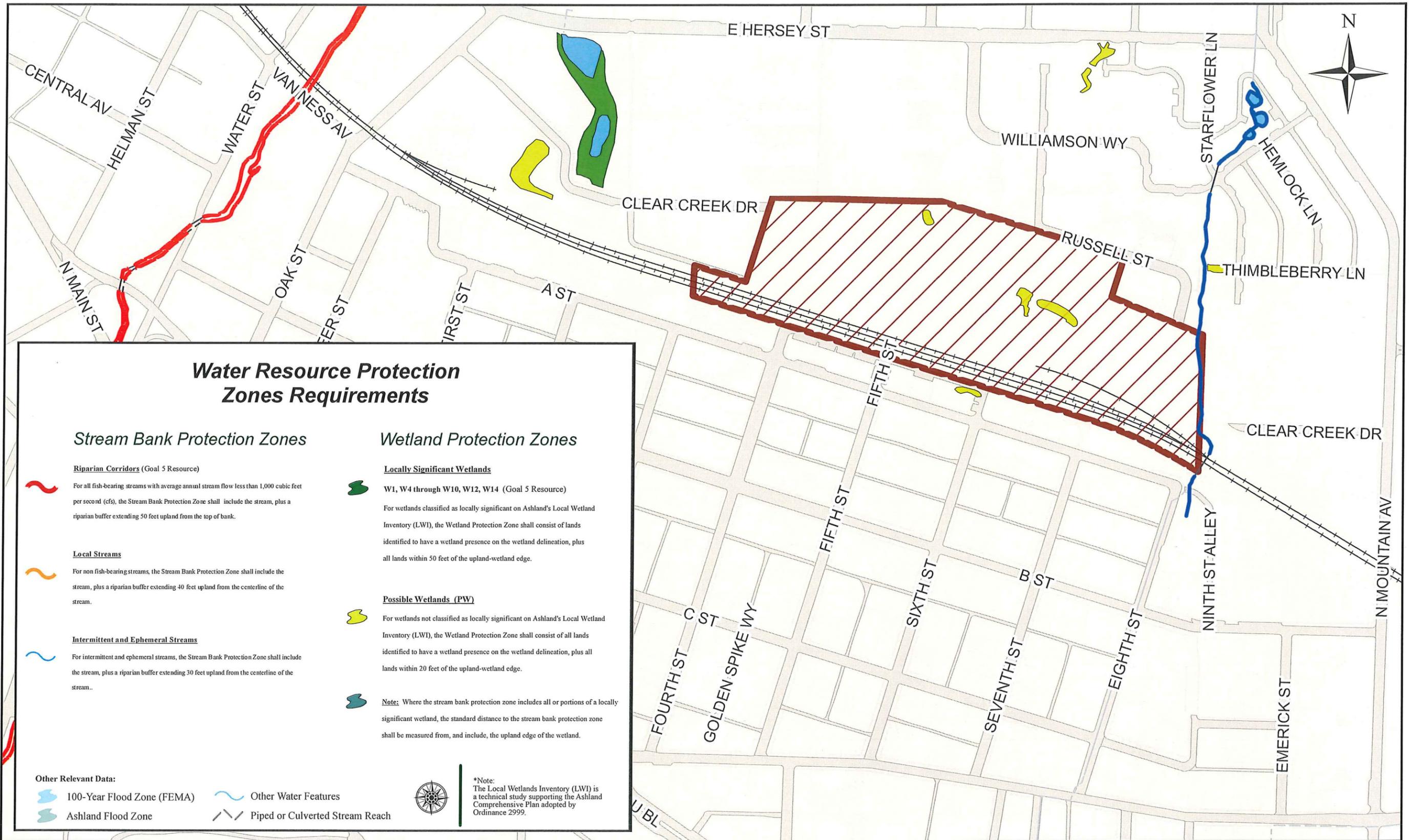
VERIFY SCALE
BAR IS ONE HALF INCH ON ORIGINAL DRAWING.
0 [Bar] 1/2"
IF NOT ONE HALF INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



ASHLAND RAIL YARD
EXCAVATION PLAN

SHEET	EC-3
DWG	3 OF 4
DATE	JANUARY 2013
PROJ	361427

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Water Resources
 UPPR Property: Clear Creek Drive, Parcel 7



LEGEND

--- PROPERTY BOUNDARY

PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	R STRAUSS						
DR	A STEPHENSON						
CHK	M NIEMET						
APVD	M OCHSNER	NO.	DATE	REVISION	BY	APVD	

VERIFY SCALE
 BAR IS ONE HALF INCH ON ORIGINAL DRAWING.
 IF NOT ONE HALF INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



ASHLAND RAIL YARD

OVERALL SITE PLAN

SHEET	EC-1
DWG	1 OF 4
DATE	JANUARY 2013
PROJ	361427

USER: 5543 TAB: C1-SITE PLAN-LAYOUT1 LAST SAVED: 11/9/2012 10:48:06 AM

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BEFORE THE PLANNING COMMISSION
October 12, 1999

Findings, Conclusions and Orders

IN THE MATTER OF PLANNING ACTION #99-048, REQUEST FOR LOT LINE ADJUSTMENT AND LAND PARTITION, INCLUDING THE CONSTRUCTION, OF A NEW PUBLIC STREET AN ALLEY SYSTEM FOR THE PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF HERSEY AND OAK STREETS, AND NORTH OF THE RAILROAD TRACKS.

APPLICANT: Donna Andrews

RECITALS:

- 1) Tax lot 2000 of 391E 13B is located at and is zoned
- 2) The applicant is requesting Lot Line Adjustment and Land Partition, including the construction of a new public street and alley system for the property southeast of the intersection of Hersey and Oak Streets and north of the railroad tracks. Site improvements are outlined on the Site Plan on file at the Department of Community Development.
- 3) The criteria for approval of a Land Partition are described in 18.76 as follows:
 - A. The future use for urban purposes of the remainder of the tract will not be impeded.
 - B. The development of the remainder of any adjoining land or access thereto will not be impeded.
 - C. The tract of land has not been partitioned for 12 months.
 - D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
 - E. The partitioning is in accordance with the design and street standards contained in the Chapter on Subdivisions.
 - F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.

G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.

H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (amended Ord. 2757, 1995)

4) The Planning Commission, following proper public notice, held a Public Hearing on October 12, 1999, at which time testimony was received and exhibits were presented. The Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposed Lot Line Adjustment and Land Partition, including the construction of a new public street and alley system, for the property southeast of the intersection of Hersey and Oak Streets and north of the railroad tracks meets all applicable criteria described in the Partitions Chapter 18.76

2.3 The Commission finds that the future use of the remainder of the tract will not be impeded by the proposal. The proposed street design and layout allows for the new street to be extended further to the east at a later date. This will provide public street access to the remaining 25 acres and the needed infrastructure to support future land divisions.

2.4 The Commission finds that there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity. Sere, water and electric services are available from the adjacent rights-of-way of Hersey and Oak Streets. In addition, the preliminary engineering plan for the project indicates that a portion of the run-off from impervious surfaces situated south and west of the wetland (parcels 4 and 5) can be directed to storm drain facilities located within the new street and Oak Street. The project engineer and written findings of fact identify additional storm water improvements. Specifically, the existing storm drain line in Hersey Street will be extended to the west to provide an overflow for the wetland, as well as accommodating other run-off from the development. Finally, a filtration system will be installed at existing, as well as new discharge points alongside the wetland.

2.5 The Commission finds that the partition is in accordance with the design and street standards contained in the Land Use Ordinance. The revised map includes a 60-foot wide street right-of-way consistent with City standards for Neighborhood Commercial Collectors. This will provide adequate width for the construction of travel lanes, on-street parking, planting strips and sidewalks. Based upon the revised right-of-way width of 60 feet, it is the Commission's opinion that the final street design to Neighborhood Commercial Collector standards will be adequate to accommodate the development of the remaining 25 acres.

2.4 SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #99-048. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #99-048 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified here.
- 2) That the wetland mitigation plan be reviewed and approved by the Oregon Division of State Lands and City of Ashland prior to signature of the final survey plat. The Wetland Mitigation Plan shall include mitigation strategies for expansion, protection and enhancement, as well as engineered filtration devices to filter storm run-off prior to entering the wetland. The mitigation strategies and storm water filtration system shall be reviewed by the Ashland Tree Commission and approved by the Public Works Department and Staff Advisor prior to signature of the final survey plat. All required improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.
- 3) That an engineered storm drainage plan be submitted for review and approval by the Engineering Division and Staff Advisor prior to signature of the final survey plat. Plan to include: improvements that accommodate run-off south of the property from "A" Street, a filtration system prior to entering the wetland, an overflow system at the north end of the wetland, and the westerly extension of the existing storm drain within Hersey Street to its intersection with the overflow system. All improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.
- 4) That the construction of full street and alley improvements end at the southern boundary of parcel 6. An approved turnaround, complying with the specifications of the Ashland Fire Department, shall be installed at the terminus of the street. In addition, street plugs shall be dedicated on the survey plat at the ends of the street and alley.
- 5) That the final construction design for the proposed bicycle path from the south end of parcel 1, across the wetland and connecting to Hersey Street be providing for review and approval by the Engineering Division and Staff Advisor prior to signature of the final survey plat. Final design shall be consistent with City "multi-use path" standards, with the path installed or bonded for prior to signature of the final survey plat.
- 6) That automobile access to parcel 5 shall be from the public alley adjacent to the east property line. Additional driveway access along the new street shall be prohibited.
- 7) That engineered construction documents for all proposed public facilities be provided for review and approval of the Engineering Division and Staff Advisor prior to the signature of the Final Survey Plat. Plans to include but not be limited to street and alley cross-sections and profiles, utility/drainage layout, grading plan (including elevations of building footprint), and multi-use path design. The new street shall be

designed and constructed in accordance with Ashland's Local Street Standards for Neighborhood Collectors, including travel lanes, on-street parking, curb and gutter, curb radii, storm drains, planting strips, street lights, street trees and sidewalks. All improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.

- 8) That the overhead electric line crossing the southern portion of Parcel 1 be relocated as per the requirements of the Ashland Electric Utility. Under-grounding of the electric line shall be completed or bonded for prior to the signature of the final survey plat.
- 9) That a deed restriction be placed on the remaining 25 acres (approximately) precluding further "development" or land divisions until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the City from the Department of Environmental Quality.
- 10) That parcel 2, 4, 5, 6 and 7 sign in favor of a local improvement district for the construction of a new railroad crossing from the new street to "A" Street. Final agreement shall be reviewed by the City Attorney and signed by all affected property owners prior to signature of the final survey plat.
- 11) That additional right-of-way shall be dedicated on the survey plat along the south side of the approximately first 150 feet of new Public Street. Full street improvements including a 24 foot wide paved surface, curb and gutter, planting strip and sidewalk to be installed or bonded for prior to signature of the survey plat.
- 12) That all requirements of the Ashland Fire Department be identified on the Engineered Construction documents, including but not limited to hydrant spacing and installation, turnaround placement, etc.
- 13) That all necessary public utility easements for sewer, water, electric, phone service, storm drainage, streets, etc. be indicated on the final survey plat as required by the City of Ashland.
- 14) That temporary construction fencing shall be installed along the boundary of the wetland prior to any site preparation, grading, grubbing or construction of public facilities.


Planning Commission Approval

11-9-99
Date

Council Communication

April 5, 2016. Business Meeting

Union Pacific Railroad Rail Yard Remediation – Next Step

FROM:

Dave Lohman, city attorney, lohmand@ashland.or.us

SUMMARY

At the January 5, 2016, Council business meeting, Council approved a two-part motion directing staff to seek modification of a 1999 deed restriction on the Union Pacific Railroad (“UPRR”) rail yard property in Ashland. After completion of full-site remediation to DEQ’s *Residential* standards, the proposed revised deed restriction would allow subdivision and development of individual parcels upon further remediation in conformance with the DEQ risk standards applicable to the proposed actual uses of the parcels and the parcel-specific risks posed by the actual contaminants on them. The motion also directed staff to negotiate with UPRR to develop an agreement concerning full-site remediation of the rail yard property as soon as possible using rail cars for transporting contaminated soils. The purpose of this agenda item is to advise Council on negotiations with UPRR and seek Council confirmation that the second part of the January 5 motion has been satisfactorily addressed and therefore staff should now proceed to apply for modification of the deed restriction.

BACKGROUND AND POLICY IMPLICATIONS:

In November 1999, the City placed a deed restriction on the Union Pacific Railroad (“UPRR”) rail yard property in Ashland requiring that entire property be remediated to DEQ’s *Residential* standards prior to further development or subdivision – even if subsequent subdivided parcels might be used for asphalt-capped streets or parking areas or for light industrial or commercial purposes. Whether or not it was intended have such broad application, the particular legal language of the restriction resulted in years of no progress towards putting the rail yard to beneficial use. The cost of making every possible future subdivided parcel meet *Residential* remediation standards regardless of potential uses made the property unmarketable and diminished UPRR’s incentive to undertake voluntary full-site cleanup.

In April 2015, UPRR proposed remediation of a limited portion of the site containing most of the high concentrations of contaminants and using trucks for transporting outgoing contaminated soil and incoming clean fill. City Council members countered with a request that UPRR conduct a full-site remediation using rail cars for taking contaminated soils away. UPRR asked the City to consider relaxing the deed restriction.

At the January 5, 2016 Council business meeting, Council approved a motion directing staff to initiate the planning process to modify the 1999 deed restriction. Another part of the motion directed staff to try to get agreement from UPRR to clean up the full site as soon as possible and to use rail cars for transporting contaminated soils from the site. Unstated but implicit in the approved motion was the necessity of reaching agreement among the City, UPRR, and DEQ on the wording of the modified deed restriction.



The three parties have now agreed that the following revised deed restriction is appropriate, assuming DEQ's standards are met and the City's concerns are adequately addressed:

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development on any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

The list presented below is City staff's summary of concerns expressed by City Council about UPRR's remediation of the rail yard property. Councilmembers may decide the list is incomplete and choose to add items or may decide that some of the concerns have been satisfactorily resolved already. The discussion following the list outlines the reasons staff has concluded from its negotiations with UPRR and DEQ that Councilmembers can be reasonably assured each of the listed concerns will be adequately addressed in the course of the remediation project.

1. The full site should be remediated to applicable DEQ standards (meaning that after remediation of the full site as an aggregated unit to *Residential* standards, development on any subdivided parcels could occur only after remediation to DEQ standards applicable to the proposed actual use of the parcel);
2. Contaminated soil should be removed by rail, as proposed in the 2013 work plan;
3. Contaminated water and any debris should be contained and removed from the site;
4. Railcars containing contaminated soil should be covered to prevent releases;
5. The bulk of the work should take place in the latter part of 2016 and the early part of 2017, subject to unforeseen complications;
6. Union Pacific should make batch deliveries of clean fill in distinct phases and stockpile it, so as to avoid unpredictable, intermittent deliveries spread throughout the duration of the project;
7. DEQ-approved dust suppression measures should be observed;
8. Wheel-washing of all trucks and other rubber-tired equipment leaving the site should be used to prevent spread of contaminants beyond the worksite;
9. Heavy trucks traveling to and from the site should exclusively use routes designated by the City in advance; and
10. Union Pacific should pay for repair and restoration of any pavement on public streets damaged by heavy trucks or other equipment used in the project.

In discussions with the City and DEQ, UPRR has committed to incorporate the actions described in items 1 through 9 in the above list in the Remedial Action Work Plan for which it will be seeking DEQ approval. Upon DEQ approval, DEQ's authority to enforce those promised actions provides the City reasonable assurance that its concern will be adequately addressed. If UPRR were to not follow through as agreed, the City can take appropriate action to terminate the effort to revise the deed restriction.



In discussions with the City, UPRR has agreed to pay for street repairs and restoration as described in item 10 above. The City and UPRR have reached agreement already on how such damage to streets will be measured and monetized. The City will require a contract detailing this commitment before issuing the excavation permit UPRR needs in order to remove any soil from the site.

UPRR has declined to enter into a separate written agreement with the City on items 1 through 9 above, saying those will be the subject of primary commitments to DEQ, and UPRR cannot prudently put itself in the position of possibly having to also respond to potentially conflicting interpretations of those obligations by the City. See attached March 28, 2016 letter from Gary Honeyman, UPRR's Manager of Environmental Site Remediation. UPRR's reluctance to enter into a separate agreement concerning its work plan commitments to DEQ is understandable, and Staff believes the City's leverage described in the two paragraphs above already provide sufficient assurance that the City's concerns will be satisfactorily addressed.

Next Steps

If the Council authorizes staff to seek planning approval to modify the deed restriction, the anticipated next steps towards realization of full-site remediation of the rail yard site using rail for removal of contaminated soil are:

- Administration prepares and submits to the Planning Commission an application for Major Amendment to modify the deed restriction, that is, the existing condition of approval of the 1999 land use approval concerning the rail yard.
- Meanwhile, UPRR finalizes and submits to DEQ its Remedial Action Work Plan for full-site remediation using rail for removal of contaminated soil.
- DEQ hosts a public meeting in Ashland about the project to hear and address citizen concerns.
- DEQ approves Remedial Action Work Plan.
- Planning Commission conducts public hearing on modification of the deed restriction and makes a decision.
- If deed restriction is modified and Work Plan is approved, UPRR submits application for City excavation permit.
- City and UPRR enter into agreement on payment for project-related damage to streets.
- City issues excavation permit.
- Early September, 2016 (approximately): UPRR constructs rail spur.
- Fall 2016: Start of excavation and removal of contaminated soil by rail car and phased delivery of clean fill.
- Before summer, 2017: Completion of project.

COUNCIL GOALS SUPPORTED:

Environment

13. Develop and support land use and transportation policies to achieve sustainable development.
 - 13.2 Develop infill and compact urban form policies.

Economy

19. Ensure that commercial and industrial areas are available for development.
 - 19.2 Evaluate the prospects for the redevelopment of the railroad property.



People

- 5.2. Support and promote, through policy, programs that make the City affordable to live in.
5.2.a Pursue affordable housing opportunities, especially workforce housing.

FISCAL IMPLICATIONS:

There are no noteworthy near-term fiscal impacts. Future development of the railyard site could yield significant economic activity and City tax revenues.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Direct staff to apply for modification of the deed restriction.

SUGGESTED MOTION:

I move to direct staff to prepare, file, and seek approval of an application for a Major Amendment to replace the condition of approval in PA99-048 with the modified condition of approval presented in the April 5, 2016, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards using rail cars for removal of contaminated soil.

ATTACHMENTS:

March 28, 2016, letter from UPRR's Gary Honeyman





Gary L. Honeyman
Manager Environmental Site Remediation

March 28, 2016

Mr. David Lohman
City Attorney
City of Ashland
20 E. Main Street
Ashland, Oregon 97520

SUBJECT: Ashland Railyard Cleanup

Dear David,

The Union Pacific Railroad Company (UPRR) is looking forward to completing remediation activities at the Ashland railyard. Your email sent on January 6, 2016 titled: "RE: proposed changes to UPRR City deed language" outlines four key items to be addressed in order for the project to proceed. The first three items in the email, relating to the process and wording change to the deed restriction, have been addressed to UPRR's satisfaction. The fourth item is quoted from the email as follows:

"4. We also need to develop an agreement between the City and UP documenting the commitment by UP to perform full-site remediation as soon as possible, using railcars to remove contaminated soil, and the commitment by the City to modify the deed restriction. The City Council will need to approve this agreement. The sooner we can get it in place, the better."

UPRR is already committed to an agreement with the Oregon Department of Environmental Quality (ODEQ) through the Voluntary Cleanup Program (VCP). As part of the VCP, a work plan for the complete full-site remediation, including the removal of all contaminated soil by rail, was already completed and approved by ODEQ in 2013. UPRR cannot enter into a separate agreement with the City of Ashland regarding the full-site remediation.

The work plan is divided into a series of five phases, which are necessary because removal of the contaminated soil by rail is a logistically complex process which is largely controlled by the ability to deliver and remove rail cars to the site on the short-line track that is not controlled by UPRR. Additionally, the rail spur into the center of the railyard needs to be constructed in order to allow for the rail cars to be loaded. The phased clean-up approach outlined in the work plan serves as UPRR's agreement with the State. UPRR is currently working with the ODEQ to complete any outstanding regulatory requirements on the project and ensure that UPRR has a clear understanding of ODEQ's roles and responsibilities during the cleanup process.

The only impediment to completing the work in 2013, as originally intended, was the conflicting wording of the deed restriction compared to ODEQ cleanup standards, which we now believe to be resolved with the proposed language changes. The approach outlined in the existing work plan fully meets the cleanup expectations of the City of Ashland, while complying with the ODEQ

David Lehman
Ashland Railway Cleanup (Cont.)

requirements. A separate agreement with the City of Ashland has the potential of proposing requirements that would delay the implementation of the remedy and that are unacceptable and unnecessary given UPRR's current agreement with the ODEQ. UPRR would like to begin the remediation this year with the placement of the spur line and the completion of a couple of the phases defined in the work plan. Please let me know how we can get the wording change completed as outlined in your email.

Sincerely,

Gary L. Honeyman
Gary L. Honeyman
Manager Environmental Site Remediation

Cc: Mark Ochsner/CH2M HILL

[City of Ashland, Oregon / City Council](#)

City Council - Minutes[View Agenda](#)

Tuesday, April 05, 2016

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
April 5, 2016
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Seffinger, Rosenthal, and Marsh were present.

MAYOR'S ANNOUNCEMENTS (None)**APPROVAL OF MINUTES**

The minutes of the Study Session of March 14, 2016, Executive Session of March 14, 2016, Business Meeting of March 15, 2016 and Joint Meeting of March 29, 2016 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

The Mayor's proclamation of April 17-23, 2016 as Independent Media Week was read aloud.

PUBLIC FORUM

Tawasi/572 Clover Lane/Explained Senate Bill 629 Right to Rest was the equivalent of a Homeless Bill of Rights. Other comments included the Universal Declaration of Human Rights.

Joseph Kauth/1 Corral Lane #3/Thought the lack of media presence contributed to the removal of founders' trees and construction of condominiums and other events. He explained how the techniques used for the Ashland Forest Resiliency (AFR) project did not use science and shared his suspicions regarding California developers overdeveloping the Rogue Valley.

Huelz Gutcheon/2253 Hwy 99/Continued his explanation on why City staff needed replacing and that Council should write code that provided full time salaries for future councilors.

Jim Wells/321 Clay Street/Explained the techniques used by the Ashland Forest Resiliency (AFR) project increased the possibility of manageable and safer wildfires in the community. The methodology of creating safer spaces for wildfires would work with the current issues regarding the homeless and transients and shift belief systems.

CONSENT AGENDA

- 1. Minutes of boards, commissions, and committees**
- 2. Approval of an Intergovernmental Agreement for traffic signal maintenance**
- 3. Special procurement request for approval for AFR Project wildfire fuels reduction**
- 4. Appointment of Isaac Bevers and Sarah Lassofo to the Climate and Energy Action Plan ad hoc Committee**

Councilor Marsh pulled Consent Agenda items #2 and #4 for discussion. Engineering Services Manager Scott Fleury addressed the agreement for traffic signal maintenance and explained the average annual payment over the last four years for maintenance was approximately \$4,000 and \$11,000 for power to all the intersections. Based on that data they would not need the full \$40,000-\$60,000 in the agreement.

Councilor Marsh spoke on Consent Agenda item #4 and noted the City was fortunate to have young people on the Commission passionate about these issues.

Councilor Rosenthal/Seffinger m/s to approve Consent Agenda items. Voice Vote: all AYES. Motion passed.

PUBLIC HEARINGS (None)

UNFINISHED BUSINESS (None)

NEW AND MISCELLANEOUS BUSINESS

1. Report to Council on the 2016 winter shelter program

City Administrator Dave Kanner provided background on the 2016 winter shelter program offered Tuesday and Thursday nights. Representatives from Temple Emek Shalom, the Rogue Valley Unitarian Universalist Fellowship (RVUUF), and Ashland Parks and Recreation Department staff were present for questions. He addressed and clarified a rumor that Council was going to discontinue the winter shelter. He had spoken with representatives from RVUUF and Temple Emek Shalom about concerns regarding shelter guests and the ice skating rink, and activities occurring outside Pioneer Hall. The concerns were serious and if not resolved, a discussion on whether Pioneer Hall was an appropriate location for a shelter would ensue. He emphasized he did not say the shelter was going to close. The representatives took these concerns seriously and met with the Parks and Recreation Department to resolve them.

Shelter volunteers John Wiczorek and Sharon Harris spoke on the service the shelter provided. Shelter volunteers came from the RVUUF, Temple Emek Shalom, the Lyons Club, the Elks Lodge, district attorneys, and people from mental health agencies. Additionally, Jackson County Mental Health provided training for the volunteers.

To date, the shelters provided 1,300 safe nights of sleep for people. There was an older population this year, many veterans, and economic refugees. The

average number of people served increased every year. Homelessness was a growing problem nationwide. This winter three homeless people died. Ms. Harris read a statement from Rabbi Joshua Boettiger supporting a continuation of the three-way partnership between Temple Emek Shalom, RVUUF, and the City.

Mr. Wieczorek thought the best way to move forward was forming a committee with members from the Temple Emek Shalom, RVUUF, and Council to work on an agreement. The committee could address the issues Mr. Kanner had noted. Council supported the idea of a committee.

Ms. Harris suggested increasing the guest limit at Pioneer Hall or finding another location possibly The Grove. It would eliminate having to refuse guests. Mr. Wieczorek added a private home was going in by Pioneer Hall adding to the incompatibility. The Affordable Housing Trust Fund could provide housing as well. They had turned away 28 people due to occupancy load. Alternately, they had kicked out more people this winter than ever before due to behavior, intoxication, and occasionally mental health issues. This year, members from all the shelters in the community met monthly to coordinate rules and get updates on guests banned from a shelter or exhibiting bad behavior. This allowed a consistent unified front for the shelters.

Director of Parks & Recreation Michael Black and Recreation Superintendent Rachel Dials explained the Parks and Recreation Department managed the facility the City owned. Shelter concerns were resolved and they supported the shelter. The issues encountered consisted of shelter guests and a volunteer informing ice rink employees they could skate free at the facility. The shelter was not responsible for that incident. Other issues were small cooking fires in the planting bed but nothing major. Staff evaluated using The Grove but realized there was too much activity now that the Parks and Recreation Department had moved offices to the building. In addition, there were early morning and late evening classes during the week. Ms. Dials added Pioneer Hall was the least utilized and recommended continuing with that facility. Shelter volunteers left Pioneer Hall in good condition following shelter nights with only minor issues that were resolved.

Carolyn Moeglein/715 Clay Street/Was a member of the First Presbyterian Church and explained the Church hosted a shelter night once a week for ten years and often the cold night emergency shelter. Despite concerns, the congregation supported the shelter and the City's two shelter nights at Pioneer Hall. She submitted a list of people in support of the City having a facility that offered shelter seven nights a week for the homeless and community. Supplying staff for seven nights would be a challenge.

Dave Hyde/616 Normal Avenue/Explained he volunteered at the shelter several times and was impressed with how everyone cooperated and adhered to the rules. Many would stand outside in the cold until 7:00 p.m. when shelter doors opened and had created issues between shelter guests waiting and street people not using the facility. He was a member of the Unitarian Church and participated in an interfaith group interested in helping the homeless community. Housing would alleviate some of stress at Pioneer Hall. He supported a committee.

Reverend Kathy Keener/1516 Clark/First Presbyterian Church/This was the tenth year of hosting a shelter. She met with people weekly in the process of losing their housing or they had just become homeless. It was important to remember that a number of the homeless in the community were recently homed. The shelter was also receiving more men and women discharged from the hospital without their medication at times too late to fill their prescriptions that evening. This year, they averaged 45 guests a night where prior years the average was 19.

Ms. Dials clarified Pioneer Hall was rented a few nights a week and most weekends. Reverend Keener explained the process at the First Presbyterian Church and turnover to the pre-school. The Church had more volunteers than before. They hosted Monday when guests had not had a shelter night for three days, and were often exhausted and hungry. A night crew spent the night and a feeding crew brought in warm food for the evening and morning.

Councilor Marsh noted the need for good communication regarding the shelter and responsible management. Councilor Voisin thought management at Pioneer Hall was superb. However, there were communications sent out to the Council that spoke otherwise and she agreed to send them to Mayor Stromberg. She asked the Mayor to form the committee and address occupant load at Pioneer Hall as well as the temperature for emergency shelters. Mayor Stromberg explained in lieu of forming a committee he would ask councilors to participate.

Councilor Lemhouse also wanted copies of the emails Councilor Voisin had mentioned and commented how misinformation harmed the community. Councilor Voisin raised a point of order, questioned the direction of Councilor Lemhouse's comments. Mayor Stromberg resolved the point of order and would have Councilor Voisin forward the emails to him and he would then report to the Council. Councilor Lemhouse continued and explained Council supported the shelter for four years. Council questioning the process and voicing concerns was part of negotiating and determining the best path forward.

2. Adoption of water rate cost of services study recommendations

Public Works Director Michael Faught along with Katherine Hansford presented the staff report on the adoption of the Water Rate Cost of Services Study recommendation. These recommendations came from the Hansford Economic Consulting (HEC) Water Rate Cost of Service Study. In summary, the proposed water rate modifications include the following:

- Adjustments to potable and non-potable water rates - Commercial, institutional and non-potable metered irrigation customers are currently paying more than their proportionate share of water system costs. Potable irrigation and non-potable unmetered irrigation customers are paying less than their proportionate share.

The overall increase to rates was 8% and each user would see a different rate increase. Increases would come forward one year at a time.

Commercial, institutional, and non-potable metered irrigation customers currently paid more than their proportionate share of water system costs. Potable irrigation and non-potable unmetered irrigation customers paid less than their proportionate share. The recommended rate structure modifications implemented two separate base fees reflected on the bill as one charge. The first base fee was a customer charge that covered the cost to maintain the system regardless of the amount of water sold. Customer charges included customer service and would remain the same every month. The second base fee was a service charge that covered meter and service costs and capacity costs.

- Split base charges to account for administration costs and capacity costs - The recommended rate structure modifications implement two separate base fees that will be reflected on the bill as one charge. The first base fee is a customer charge that covers the cost to maintain the system regardless of the amount of water sold. Customer charges include customer service and would remain the same every month. The second base fee is a service charge that covers meter and service costs and capacity costs.
- New commercial categories – New commercial customers are separated into commercial, institutional, and potable water irrigation customers. Institutional include current government/municipal customers. All commercial and residential customers will be billed the flat base fee year round.
- A decrease in metered non-potable (Talent Irrigation District (TID)) rates – TID non-potable customer rates are reduced from \$.0055 to \$0022 per cubic foot on the metered accounts. Use of the term “reallocation” is referenced to those that are current users of TID.
- Increase in charges for unmetered non-potable water - Fixed TID user costs increase to \$250 over the next six years.
- Reduction in residential rate increases proposed in the 2012 adopted water master plan – Reallocation of rates resulted in a reduction
- 1-inch meter services reset to equal ¾ inch metered rates for households adding fire sprinkler systems.

Mr. Faught explained although there were three sources of water it was important to continue to test the Talent/Ashland/Phoenix (TAP) water source annually to ensure the valve operated as expected. The study looked at the total picture of all users, including the Ashland School District and Southern Oregon University, when determining the rate structure.

Councilor Lemhouse/Morris m/s to adopt the recommendations of the Hansford Economic Consulting Water Rate Cost of Service Study and direct staff to implement proposed rate re-allocations as recommended in the plan in May 2016. DISCUSSION: Councilor Lemhouse noted the study was thorough and supported moving forward. Councilor Morris liked that the bases were established and broken out in the study and that it made a uniform set of rates. The big change was the commercial side. Councilor Marsh would support the motion and the process for TID. Councilor Voisin explained people left Ashland because of their utility expenses and this was another example. She had issues paying for TID and TAP. She would reluctantly support the motion.

Councilor Marsh responded the projected increases to residential were less than originally thought. **Roll Call Vote: Councilor Lemhouse, Seffinger, Marsh, Voisin, Rosenthal and Morris, YES. Motion passed.**

3. Union Pacific Railroad Rail Yard Remediation – Next Steps

City Attorney Dave Lohman presented staff report. He explained Council had previously approved staff seeking modification of a 1999 deed restriction on the Union Pacific Railroad (UPRR) rail yard property in Ashland. After completion of a full-site remediation to the Department of Environmental Quality's (DEQ) Residential Standards, the proposed revised deed restriction would allow subdivision and development of individual parcels upon further radiation ion conformance with the DEQ risk standards applicable to the proposed actual use of the parcels and the parcel-specific risks posed by the actual contaminants on them.

In addition, staff negotiated with DEQ and UPRR for an agreement to clean up the full site as soon as possible and to use rail cars for transporting contaminated soils from the site.

Mr. Lohman provided a list of concerns expressed by Council to review, remove, or add items to the list.

He explained that staff and DEQ had discussions with UPRR who committed to incorporating the actions of items listed 1 through 9 in the Remedial Action Work Plan and seek DEQ approval. If DEQ approved, their authority to enforce provided the City assurance they would address their concerns. If UPRR did not follow through as agreed, the City could take appropriate action to terminate revising the deed restriction.

UPRR declined to enter into a separate written agreement with the City on items 1 through 9 and thought they would be the subject of primary commitments to DEQ and responding to potentially conflicting interpretations by the City. Staff agreed that the City's advantage was supported and there was sufficient assurance that the City's concerns would be addressed.

Mr. Lohman provided the next steps as the following that included:

- Administration prepares and submits to the Planning Commission an application for Major Amendment to modify the deed restriction, that is, the existing condition of approval of the 1999 land use approval concerning the rail yard.
- Meanwhile, UPRR finalizes and submits to DEQ its Remedial Action Work Plan for full-site remediation using rail for removal of contaminated soil. It was clarified that "full-site" is the considered the parcel as one unit and using an averaging for the work plan.

It was noted that this would be heard by the Planning Commission and could be "called up" by Council or appealed by a citizen.

Mr. Lohman commented that it was very difficult to make any changes to railroad

crossings. Continued discussion and clarification by Mr. Lohman on the different types of remedial actions that could take place by DEQ depending on the use of the property. It was clarified that soil would be removed by rail car and the City would be issuing permits for excavation. That DEQ would have full control over the action, including any issues regarding water contamination.

Councilor Marsh/Rosenthal m/s to direct staff to prepare, file, and seek approval of an application for a Major Amendment to the replace the condition of approval in PA99-048 with the modified condition of approval presented in the April 5, 2016, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards using rail cars for removal of contaminated soil.

DISCUSSION: Councilor Marsh thought this was a major breakthrough and a move towards getting the site cleaned using railroad cars. She acknowledged the effort and work done on the matter by the Mayor, City Attorney and City Administrator, and Management Analyst Ann Seltzer.

Councilor Rosenthal concurred with Councilor Marsh. He thought Mr. Lohman was the correct person to handle this matter and had done well. This was an opportunity for a cleanup on one of the largest undeveloped pieces of property within city limits. Councilor Morris agreed. This had gone on for decades. DEQ cleanups were thorough and this was a good deal for the City. Councilor Lemhouse thought it was important to acknowledge the team and specifically noted Mr. Lohman's negotiating experience and appreciated the Mayor's efforts.

Councilor Seffinger was excited for the neighbors to have the removal done with rail cars. Councilor Voisin was skeptical regarding the negotiations and thought citizens would be concerned about the trucks bringing in replacement soil as well as trucks used for any additional cleanup and subsequent damage to the streets. Councilor Lemhouse raised a point of clarification for Mr. Lohman regarding repair and restoration of the pavement and confirmed they would pay the City to repair any damage their trucks might cause as well as the methodology used.

Mr. Lohman further clarified additional cleanup and resulting street damage was the responsibility of the owner. Mayor Stromberg added it would be a condition of the excavation permit. **Roll Call Vote: Councilor Rosenthal, Morris, Marsh, Lemhouse, Seffinger, and Voisin, YES. Motion passed.**

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of a resolution titled, "A resolution changing parking fees and fines"

Administrative Services and Finance Director Lee Tuneberg explained the resolution would increase parking fines and parking rates at the Hargadine Parking structure. Parking fines had not changed for decades and would increase from \$11 to \$22 while other fines would remain the same.

Councilor Rosenthal/Morris m/s to approve Resolution #2016-03.

DISCUSSION: Councilor Rosenthal explained the \$22 ticket met inflationary standards from 1983 but did not keep up with current inflationary pressures. The \$11 fine was not a deterrent. Councilor Marsh added increasing the fine would help fund the parking management plan and required investment. Councilor Lemhouse thought this was one part of dealing with the parking downtown. Councilor Voisin was concerned that 55%-60% of parking tickets issued went to

employees. Mr. Tuneberg clarified the Downtown Parking Management and Circulation Committee would address employee parking. He explained fines for multiple tickets and would research the number of employees receiving parking tickets. **Voice Vote: all AYES. Motion passed.**

2. First reading by title only of an ordinance titled, "An ordinance adding Chapter 10.130 Intrusive Solicitation to Title 10 Peace, Morals, and Safety of the Ashland Municipal Code" and move to second reading.

City Attorney Dave Lohman addressed the intrusive solicitation ordinance and the obstructing sidewalks and passageways ordinance. Both ordinances were not a remedy and did not really address underlying issues but could make a limited contribution by helping keep discrete behavior problems from getting in the way of deeper solutions and make day-to-day encounters a little more civil for residents, tourists, and other visitors including homeless people, and travelers. The ordinances concerned people blocking passageways for other people and certain types of solicitation. He made four distinctions. The first distinction clarified this was not about storing objects on the sidewalks or camping. The Boise Idaho case was not relevant to either ordinance. The second distinction was there were alternatives for soliciting and using the sidewalks. The ordinances prohibited soliciting in certain places and blocking specific portions of the sidewalk. The third distinction was that it was easy to feel tangled up in assertions on whether these ordinances unfairly targeted a particular demographic or societal group. An ordinance that applied to anyone in the same circumstance was not discriminatory. The fourth distinction made the unwanted behavior they addressed violations and not crimes. As long as the person receiving the citation paid the presumptive fine or went to court and abided whatever consequences the municipal judge determined to be appropriate, the incident remained a violation and did not become part of anyone's criminal record.

The ordinance concerning intrusive solicitation banned soliciting contributions from people at outdoor or indoor dining areas, people within 20-feet of a bank or an ATM, and donations from occupants of vehicles on roadways except for parking areas. It also banned donations from cars on roadways. Council could remove this provision. He removed a provision prohibiting soliciting someone in a parked car and received several comments from people that this was when they felt most vulnerable. Enforcement was complaint driven or observation by a police officer and required notice prior to issuing a citation.

Mr. Lohman noted an error in the second ordinance for obstructing sidewalks that **10.64.020 (D)** should have been **(E)**. This ordinance made the current prohibition of blocking a pedestrian passageway with objects and dogs apply to people and other animals. It established safe harbor for blockage up to five minutes, made the definition of pedestrian passageway slightly broader, and included the 5-feet inside the curb. It also applied to entries to public or private property from public sidewalks and required the blockage to be intentional. It retained exceptions permitted by the City and added exceptions for deliveries, medical emergencies, physical or mental incapacitation, public safety, maintenance and construction activities, and waiting in line. Enforcement was complaint driven or observation by a police officer and required notice prior to issuing a citation as well.

Paul Grimsrud/1 Corral Lane/Expressed concern fining panhandlers since most did not have any money to pay.

Mayor Stromberg explained the municipal court judge considered financial situations when ruling on violations.

Caitlin Diefendorf/450 Wightman/Explained the difference between the local homeless, and transients. Transients were the ones obstructing the sidewalks and passageways and often were part of the marijuana harvest season and known as "trimagrents." If the ordinance passed, transients would need a safe place to store their belongings.

Bob Hackett/Oregon Shakespeare Festival (OSF)/15 S Pioneer Street/Shared a letter that came to OSF from a long time customer who had stopped coming to Ashland due to aggressive panhandling, and obstructing the sidewalk. This individual worked at a food pantry and clothes closet. She would return to Ashland when visitors could enjoy their full vacation, not just the time spent in the theatres. He appreciated the steps Council was taking.

Michael Marshak/2283 McCall Drive/Appreciated the effort and noted the little resources homeless people had available. He questioned at what point the City would find a permanent facility for the homeless to sleep, hang out, and store their gear.

Derek Johnson/Platform 9 ¾ /Explained it had been 8 years since the ACLU condemned the City of Ashland's treatment of the homeless and read a statement. He accused the City of Ashland of criminalizing homelessness and colluding with the Chamber of Commerce pushing the agenda that served the 1% making life for the remaining 99% difficult.

Debra Neisewander/1159 Tolman Creek Road/Thought enforcement driven by citizen complaints went away when the City hired a code compliance officer. This put the police in the middle and thought the Police Department was trying to change their public perception.

Conroy Whitney/2001 Table Rock Rd, Medford/Explained he was a member of the Jackson County Homeless Task Force, a participant volunteer in the homeless shelters, and a member of the Medford Hope Village Tiny House Project. Many cities nationwide were trying to find solutions. He urged everyone to remember the world was watching and history would judge present actions.

Councilor Marsh/Voisin m/s to approve first reading of an ordinance titled "An ordinance adding Chapter 10.130 Intrusive Solicitation to Title 10 Peace, Morals and Safety of the Ashland Municipal Code" deleting Findings #2 and #3, 10.130.020(B) and (D)(2) and place on agenda for second reading.

DISCUSSION: Councilor Marsh explained this was a broad continuum and inevitably, law enforcement, ordinances, and the cadet program was part of addressing the issues. The ordinances established the standard for civil behavior

downtown. The overriding objective was not to write tickets but communicate the standards and try to entice individuals into supporting them. She removed Section B because it did not meet her interpretation of intrusive solicitation. Councilor Voisin would not support the motion. She purposely accepted the religious moral imperative that she must make the lives of the most vulnerable in the community better. Transients and homeless people would change their behavior when others showed them respect. Councilor Lemhouse agreed with Councilor Marsh regarding passive solicitation along the highway. It was unfortunate listening to comments that the ordinances attacked individuals. This was a piece to the puzzle and part of the continuum. Nothing would be perfect. The Streets Team was another component.

Councilor Seffinger explained there were several programs to help people in need. Part of the money came from the Food and Beverage Tax and the Transient Occupancy Tax (TOT). If Ashland had less tourists, there would be less money to help people in need. Ashland was a tourist town that needed everyone to feel safe. Mayor Stromberg had two conflicting problems with the discussion. One was being careful not to create ordinances that targeted homeless people. Even though the ordinances stemmed from safety or a form of harassment, there was a belief in the community that any regulation the City created disadvantaged the homeless people and persecuted them. The other issue was enforcement. **Roll Call Vote: Councilor Seffinger, Marsh, Morris, Lemhouse, and Rosenthal, YES; Councilor Voisin, NO. Motion passed 5-1.**

3. First reading by title only of an ordinance titled, "An ordinance amending AMC Chapter 10.64 Obstructing Sidewalks and Passageways" and move to second reading.

Item delayed to the next meeting due to time constraints. Mayor Stromberg explained there would be no further public testimony taken on the topic.

4. First reading by title only of an ordinance titled, "An ordinance repealing AMC Chapter 2.27 in its entirety and amending Chapter 2.12 to designate the Planning Commission as the committee for citizen involvement" and move to second reading.

Councilor Voisin/Seffinger m/s to approve first reading by title only "An ordinance repealing AMC Chapter 2.27 in its entirety and amending Chapter 2.12 to designate the Planning Commission as the committee for citizen involvement" and move to second reading. DISCUSSION: Councilor Voisin noted Council was not interested in carrying out the ordinance and she would bow to the majority. Councilor Seffinger understood it would require one full time employee and thought the Planning Commission provided sufficient citizen involvement in a positive way. Councilor Lemhouse supported the motion and recognized the ordinance no longer had a function and the Planning Commission was actually taking of these duties. He supported that level of transparency. **Roll Call Vote: Councilor Seffinger, Marsh, Voisin, Morris, Lemhouse, and Rosenthal, YES. Motion passed.**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 10:30 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor

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Council Communication

January 5, 2015, Business Meeting

Options to Move Forward with UPRR and DEQ

FROM:

Dave Lohman, city attorney, lohmand@ashland.or.us

SUMMARY

At the Council study session on October 6, the Council directed staff to develop options for achieving full-site remediation of the UPRR's railyard property with soil removal by rail and as little environmental risk and community disruption as possible.

BACKGROUND AND POLICY IMPLICATIONS:

In August of 2015, the City asked UPRR to conduct a full-site remediation of the former railyard using rail, rather than the partial cleanup UPRR was planning for summer/fall of 2015. UPRR agreed to work towards a full-site remediation if the City would agree to modify a 1999 deed restriction on the property.

In November 1999, the City placed a deed restriction on the UPRR property requiring that it be cleaned to *Residential* remediation standards prior to further development or division of the property. Because a deed restriction "runs with the property," it applies even to discrete subdivisions of the property established after the approximate 20 acres parcel has been generally cleaned to DEQ's *Residential* standards. The deed restriction means that (1) unduly high concentrations of contaminants ("hotspots") must be remediated to DEQ's *Residential* standards; (2) the entire parcel must be remediated to DEQ's *Residential* standards as an aggregated unit (that is, the average statistically estimated concentration of contaminants must be below the maximum allowed for residential use of the property); and (3) when the UPRR property is subsequently sold and subdivided, each subdivided parcel must be remediated to DEQ's *Residential* standards even if the parcel is to be developed for light industrial or commercial use or partially capped with asphalt for use as a street or parking area.

From what staff has been able to determine, the intent of the 1999 Council that imposed the deed restriction was that the *Residential* cleanup standard should be applied to the UPRR railyard property as a whole, but not necessarily to each future subdivided parcel without regard to how the parcel would actually be used.

The property is currently zoned E-1 (employment), with a residential overlay. The residential overlay allows for a maximum of 15 residential units per acre and requires at least 65% of ground floor buildings to be dedicated for commercial uses.

At the Council's October 6 study session on this matter, representatives from the Oregon Department of Environmental Quality (DEQ) and a representative from CH2MHILL, the remediation contractor for Union Pacific Railroad (UPRR), provided information to the Council.



Greg Aitken of DEQ explained that due to the low-risk contaminants on this property, cleanup of the railyard site is voluntary – meaning DEQ cannot compel UPRR to take remediation action.

To undertake full-site remediation, UPRR would have to get DEQ approval, which would entail cleaning up the worst hotspots and then bringing the entire parcel as an aggregated unit into compliance with DEQ's *Residential* standards. This initial full-site remediation would also comply with the City's 1999 deed restriction. Prior to deciding whether to approve a UPRR remediation plan for the whole site, DEQ would host a public meeting in Ashland to address questions and suggestions about the plan. Approval or disapproval of the plan would have to be based on substantive scientific criteria.

Absent the City's deed restriction, upon completion of the initial full-site remediation to *Residential* standards, UPRR could sell the property to a buyer intending to develop it in separate subdivided parcels. In that event, DEQ would evaluate the site data and site risks for each parcel and require the new property owner/developer(s) to remediate each parcel consistent with its proposed use. The required remediation level for each parcel would be based on anticipated exposure to contaminated soil. For example, a subdivided parcel to be used exclusively for residential purposes would have to meet DEQ's stringent *Residential* cleanup standards. A subdivided parcel to be used exclusively for light industrial or commercial purposes would be subject to somewhat less stringent *Occupational* cleanup standards. A subdivided parcel to be used for a mixed commercial/residential development would likely have to meet a variation of DEQ's *Urban Residential* cleanup standards, which are not quite as stringent as the *Residential* standards but more restrictive than the *Occupational* standards.

If the use of a parcel were to change over time -- for example if a property owner wanted to convert a parcel from exclusive commercial use to mixed commercial and residential use -- DEQ would conduct a reassessment of the contaminants, determine risk levels, and require the property owner to remediate the property to standards appropriate to the new uses.

At the October 6 meeting, Mark Ochsner of CH2MHILL, representing UPRR, outlined the three possible scenarios for UPRR's actions at the railyard: 1) full remediation per DEQ standards using rail to remove contaminated soil and truck to bring clean fill to the site; 2) partial cleanup per DEQ standards using trucks for both contaminated soil and clean fill; 3) no remediation, leaving the property as is. Mr. Ochsner said UPRR would prefer to implement scenario 1 and then sell the property. However, the City's current deed restriction is a barrier because it requires cleanup to *Residential* standards even for future subdivided parcels that may not be used for residential purposes. Potential buyers/developers are put off by lack of consistency between the deed restriction and DEQ's remediation requirements and by the unwarranted financial burden of having to remediate each parcel to *Residential* standards even if the contemplated use for a particular parcel is commercial, mixed-use or light industrial.

At the conclusion of the Council's October 6 study session on this matter, staff was directed to develop options for achieving full site remediation of the UPRR's railyard property in full compliance with DEQ's requirements, with soil removal by rail, and with as little environmental risk and community disruption as possible.

Options



- 1) Delete the current deed restriction.
- 2) Replace the current deed restriction with one that references applicable DEQ standards, such as *Development of individual parcels must be remediated in conformance with the DEQ risk standards for the actual uses of the parcels and the contaminant concentrations thereon.*
- 3) Replace the current deed restriction with one that requires the full site and any subdivided parcels to at least meet DEQ's *Urban Residential* remediation standards.
 - a. Note: This would mean that on any subdivided parcels, DEQ *Residential* remediation standards would be applied for any exclusively residential uses, and any other uses, including light industrial and commercial-only uses -- to which DEQ's *Occupational*, remediation standards would normally apply -- would instead be subject to the more stringent *Urban Residential* standards. This would likely deter at least some potential buyers/developers because of concerns about regulatory uncertainty and because it could make light industrial and commercial-only development financially infeasible. This burden on the marketability of the property conceivably could affect UPRR's willingness to undertake full-site cleanup in 2016 instead of proceeding with the partial cleanup previously planned.

Keeping the current deed restriction in place was not one of the options Council directed staff to explore, although Council could, of course, choose that option. Imposing DEQ's *Residential* remediation standards even on subdivided parcels of the railyard would likely result in only a partial cleanup in 2016 using trucks only and about 16 unusable acres of property in proximity of downtown for an indefinite number of years. It would also likely inhibit any mixed use, commercial-only or light industrial development on the site and achieve no discernible health or environmental benefits.

Next Steps

If the Council decides to remove or modify the deed restriction, it would need to initiate a Type II planning action (see attachment). If the modification is approved, an Agreement between the City of Ashland and Union Pacific Railroad will be drafted. The Agreement would detail the City's expectations of UPRR, including but not limited to a full site remediation using rail, deflection testing of Clear Creek Drive and Oak Street prior to remediation, and compensation for the cost of repairing both streets at the end of the project. It would also include a commitment by the City to finalize the agreed-upon deed restriction language and file it with the County Clerk.

Timeline

It could take up to four months for the Agreement to work its way through the UPRR legal review and a month or more for the City Council to approve the final Agreement. If this process can occur by May or June, UPRR has indicated that full remediation could begin in late September of 2016.

Discussion Questions

1. Should the railyard be cleaned up and be allowed to be developed for beneficial use?
2. Should Council modify the deed restriction in order to get UPRR to perform railyard cleanup in one round over several months in the late summer and fall of 2016, or should Council maintain the deed restriction as is, thereby making it more likely that railyard cleanup will occur piecemeal in accord with UPRR's priorities?



3. What is the best option for achieving full-site remediation of the UPRR's railyard property with soil removal by rail and as little environmental risk and community disruption as possible?
4. Apart from providing greater clarity, would adopting Option 2 differ in terms of actual impacts from adopting Option 1?
5. If Option 2 were adopted, could the City count on UPRR to conduct the cleanup in the late summer and fall of 2016 using rail for transport of contaminated soil and at no cost to the City?
6. What would be the likely outcomes of adopting Option 3?
 - a. Would reservations about its impact on marketability of the property cause UPRR to again defer full-site cleanup indefinitely and opt for partial cleanup using trucks only?
 - b. Aside from making light industrial and commercial-only development at the railyard even more unlikely, would adoption of Option 3 serve any purpose not achievable through Option 2 – given that new light industrial development in the railyard site is already unlikely due to the Transportation System Plan street layout for the railyard and the Detail Site Review Overlay requirements already in effect?

COUNCIL GOALS SUPPORTED:

Environment

13. Develop and support land use and transportation policies to achieve sustainable development.
 - 13.2 Develop infill and compact urban form policies.

Economy

19. Ensure that commercial and industrial areas are available for development.
 - 19.2 Evaluate the prospects for the redevelopment of the railroad property.

People

- 5.2. Support and promote, through policy, programs that make the City affordable to live in.
 - 5.2.a Pursue affordable housing opportunities, especially workforce housing.

FISCAL IMPLICATIONS:

There are no noteworthy near-term fiscal impacts. Future development of the railyard site could yield significant economic activity and City tax revenues.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Approve Option 2.

SUGGESTED MOTION:

I move to direct staff to prepare, file, and seek approval of an application for a Major Amendment to modify the condition of approval in PA99-048 concerning a certain deed restriction such that the deed restriction confirms to Option [?] as presented in the January 5, 2016 Council Communication titled "Options to Move Forward with UPRR and DEQ, and to negotiate with Union Pacific Railroad to develop an agreement concerning full-site remediation of the railyard property as soon as possible utilizing railcars for transporting contaminated soils.

ATTACHMENTS:

Background on Revising Railyard Deed Restriction



BACKGROUND ON REVISING RAILYARD DEED RESTRICTION

On October 12, 1999, Planning Commission approved PA99-048 (lot line adjustment and land partition, including the construction of a new public street and public alley system) with the follow condition:

9) That a deed restriction be placed on the remaining 25 acres (approximately) precluding further "development" or land divisions until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the City from the Department of Environmental Quality (see survey plat)

To amend the condition:

- City Council initiates a Type II planning action by motion to direct staff to prepare an application for Major Amendment - Modification of a condition of approval.
- Planning Commission reviews the request at a public hearing and makes a decision.
- City Council may call up any decision of the Planning Commission, providing it takes place in the required appeal period.
- If Council calls the PC decision up for review, Council makes the final decision.
- Any appeal goes to LUBA.

came back to Council he hoped people were able to agree or disagree in a respectful manner.

Councilor Rosenthal would not support the motion. He did not think the motion would quell the acrimony on the topic. There was a Public Art Master Plan based on a community survey conducted in 2007 and code depicting the rules of engagement on public art installations and now Council was making up rules spontaneously. Public art was subjective. He questioned what would happen when the artist presented a second concept. People would love one, hate the other, or hate both. The easiest and most respectful thing to do was vote for or against the proposal and start the process again if the vote was no. This did not set the right precedent.

Mayor Stromberg was not a fan of metal geometric artwork in that it did not touch him personally the way other artwork did. He was fully aware that was part of his upbringing and culture. Art was more than something that created aesthetic pleasure. He supported the Public Arts Commission, the process and the artist. The collective accomplishments of the community had paid off for everyone in important ways. Having significant art in a prominent location would add to the luster and credibility of the community.

Mr. Kanner noted the Public Art Commission did not have \$3,500 to pay for the second concept. He suggested taking \$3,500 from the restricted TOT funds allocated for unanticipated projects.

Mayor Stromberg addressed an earlier decision during a Council meeting to form an ad hoc committee to look into improving the process for selecting public art. The Mayor decided he would work with staff and personally interview each member of the Historic Commission and George Kramer instead. He would open the process up for public input via email or letters. The City Administrator would summarize the suggestions and the Mayor may or may not make recommendations. This was intended for future projects and not the proposal before Council. Councilor Lemhouse strongly encouraged the Mayor to create an ad hoc committee with citizen representation due to the contention regarding the process and lack of citizen involvement. Mayor Stromberg noted Councilor Lemhouse's comments and would not create an ad hoc committee for the issue. This was an information gathering process. **Roll Call Vote: Councilor Voisin, Lemhouse, Seffinger, and Marsh, YES. Councilor Morris, and Rosenthal, NO. Motion passed 4-2.**

NEW AND MISCELLANEOUS BUSINESS

1. Options to move forward with UPRR and DEQ

City Attorney Dave Lohman explained the current deed restriction on the railroad property required cleanup to residential standards for the entire 20-acre parcel. It would also require residential cleanup standards when the property partialized and each parcel had a development proposal regardless of use. Council had three options. The first option would delete the current deed restriction and have the Department of Environmental Quality (DEQ) require residential cleanup standards for the 20-acre parcel and apply appropriate cleanup standards for subdivided parcels based on use. Option 2 replaced the current deed restriction with one where DEQ required residential cleanup standards for the entire site, clearly defined cleanup standards appropriate to use once the property subdivided, and ensured adherence to those requirements. The third option would modify the deed restriction with one that required full site and any subdivided parcels to at least, meet DEQ's Urban Residential standards.

Union Pacific Railroad (UPRR) was interested in cleaning up Bunker C, the most contaminated portion of the property by truck. UPRR would consider a full site cleanup using railcar and postponed cleaning up the 4-acre area. UPRR and DEQ preferred Option 1 to delete the current deed restriction, and could work with Option 2 if needed. Option 3 would limit the marketability of the land and UPRR would have to consider this option carefully and mostly likely would not agree to it now and possibly never.

Full site cleanup would involve two phases. UPRR and contractors would clean up the worst area in Bunker C, the ponds and an area with hot spots to residential standards then meet DEQ risk base requirements for the entire site. Some spots would have a higher concentration when finished. Once the property subdivided,

DEQ would require further cleanup standards based on use.

Apart from providing clarity, adopting Option 2 had the same effect as Option 1. DEQ would consider looking at some wells off site to determine potential contamination. This would occur when they dealt with the initial cleanup of the entire site. UPRR would modify the 2013 Remedial Action Plan and Council could suggest modifications but the City had no control regarding the cleanup. The least amount of cleanup would happen for light manufacturing, or storing materials. The property was in a prime location and the market would most likely want to have some residential use. Infrastructure for the 20-acres had not happened yet. A cleanup plan would go through the Planning Commission, UPRR, and regulatory agencies and there was no guarantee when that would happen.

Councilor Voisin/Seffinger m/s to direct staff to prepare, file, and seek approval of an application for a Major Amendment to modify the condition of approval in PA99-048 concerning a certain deed restriction such that the deed restriction conforms to Option 2 as presented in the January 5, 2016 Council Communication titled "Options to Move Forward with UPRR and DEQ, and to negotiate with Union Pacific Railroad to develop an agreement concerning full-site remediation of the rail yard property as soon as possible utilizing railcars for transporting contaminated soils.

DISCUSSION: Councilor Voisin thought option 2 provided strong language to protect the City. Councilor Seffinger added Option 2 made sense and they could accomplish it in a shorter period. Councilor Rosenthal supported the motion. It protected citizens and would make sure if it was mitigated it was done using a reasonable, rational approach. It was a valuable piece of land and good things could happen if the property was developed. Councilor Lemhouse supported Option 2. UPRR had shown willingness to compromise. The City was not in the position to make many demands and could decide to do nothing but no one benefited from that choice. Councilor Morris preferred Option 1 but could support Option 2. **Roll Call Vote: Councilor Lemhouse, Marsh, Voisin, Rosenthal, Seffinger, and Morris, YES. Motion passed.**

2. Request to extend City water service outside of City limits

City Administrator Dave Kanner explained West Jackson Properties requested connecting to the City's Talent-Ashland-Phoenix (TAP) waterline to provide water for a fire suppression system in a residential care facility West Jackson Properties planned to build. The property was in the urban growth boundary (UGB) and within city limits at the intersection of Highway 99 and Valley View Road. The Ashland Municipal Code (AMC) provided criteria that allowed extensions but did not clearly state the process. The AMC required Council approval through a resolution during a public meeting.

Staff recommended denying the request. It was predicated as being in the City's "best interest" because an Alzheimer's care facility benefited the town. The best interest question could not be considered in isolation. The request had to meet codified criteria as well as be in the City's best interest and this request did not meet codified criteria. Granting an exception created a "do for one, do for all" situation. If Council did not think the rules were adequate to the present or future considerations and circumstances they could change the rules. There was enough volume and pressure in the TAP line to supply a fire suppression system but that did not mean connecting to the TAP line was a good idea.

John Chmelir from West Jackson Properties provided information on the shortage of beds for people with Alzheimer's. He planned to build a 44-bed residential care facility for Alzheimer's patients. He was requesting permission to connect their fire sprinkler system to the City's fire line that would exist on their property. Phase 1 of the site plan was the approved TAP Pump Station. Phase 2 was the Alzheimer's care facility. Phase 3 was a tentative project that included a medical building and restaurant. The request to connect to the fire line was part of Phase 2. He shared statistics regarding people with Alzheimer's and described the care facility. The care center would create 45 new jobs twenty-four hours a day, seven days a week.

The City would install a fire hydrant across from the proposed facility. He wanted to connect to the fire line

6/3/16

Ms Harris

My question regarding PA-2016 00863
is whether Ashland senior planners
are examining ^{historical} Oregon DEQ records on
the property in question (railroad property)

There are significant soil quality records
on the property ^{dating from early 1990s} I would like to know
what soil information is being looked at

James James
703.447.8249

1072 Clear Creek Dr.

RECEIVED

JUN 03 2016

City of Ashland

Maria Harris

From: April Lucas
Sent: Wednesday, June 08, 2016 8:48 AM
To: Maria Harris; Bill Molnar
Subject: FW: Railroad property deed restrictions and future development

From: Melanie Mindlin [mailto:sassetta@mind.net]
Sent: Tuesday, June 07, 2016 4:43 PM
To: April Lucas
Subject: Fwd: Railroad property deed restrictions and future development

Hi April,
For the record; distribute as you see fit.
Melanie

Begin forwarded message:

From: Marty Breon <marty@breon.org>
Subject: Railroad property deed restrictions and future development
Date: June 7, 2016 at 2:21:18 PM PDT
To: sassetta@mind.net
Cc: Pam Marsh <pam@council.ashland.or.us>, Greg Lemhouse <greg@council.ashland.or.us>, Rich Rosenthal <rich@council.ashland.or.us>, "Michael Morris (Council)" <mike@council.ashland.or.us>, "stefani@council.ashland.or.us" <stefani@council.ashland.or.us>, Carol Voisin <cjvoisin@yahoo.com>, Dave Kanner <dave.kanner@ashland.or.us>, Bert Etling <betling@dailytidings.com>

June 7, 2016

Ashland Oregon Planning Commission:

In the matter of amending deed restrictions for the railroad property in Ashland, between Oak and Mountain east of A Street:

We agree that deed restrictions should be lifted to enable the cleanup of toxins on the site.

It is apparent that cleanup will take time, so actual development plans for this 72 acre site are maybe years away . The conceptual plans developed fifteen years ago over a two week period of meetings, including some public input, are extensive. Those plans are innovative and address a variety of issues and goals. But times and circumstances change. For example, it could not have foreseen that, fifteen years later, a through route through this property would be the best answer to Ashland's downtown traffic problems. The only proposed alternate, East Nevada Street, has subsequently been developed and is now densely populated. It wasn't known then that neighbors would unanimously oppose the City's intent to build a vehicular bridge over the creek. Or that they would expect to divert downtown traffic, and even I5 bypass traffic, through quiet neighborhoods. But it might have been reasonably assumed.

The Transportation Commission's instruction to Public Works to develop a bike and pedestrian bridge over the creek is now the revised direction to Public Works. Public Works will also develop an option that will accommodate emergency vehicles, which we hope will be affordable for Ashland. This option could also accommodate a bus, should RVTD Route 8 ever become a reality. Public Works informed us that plans for non-auto options would be presented at the September 2016 meeting of the Transportation Commission.

Downtown traffic congestion remains a problem with east west alternate routes to Main Street still needed. We urge the Planning Commission to look at the potential of Clear Creek as an excellent alternate. It has a number of advantages: it is commercially zoned; it remains a blank slate; and it leaves a low-carbon footprint because the site is level. (No need for cars to climb out of a flood plain hole as at Hersey.)

The existing conceptual plan for the railroad property addresses some transportation goals *within* the development but falls short otherwise. The development will attract new businesses, more jobs, more housing, more people. And guess what – more cars – on Main Street!

Because it's new it can be designed with a straight, wide avenue as a viable east/west through route. With ample off-street parking, bike lanes can be dedicated to *safe* bike lanes. Such a plan invites pedestrians and sidewalk cafes. The existing conceptual design with twisty narrow streets jammed with parked cars endangers bicyclists and does not attract pedestrians. It will maximize profits for the developers. It will also maximize traffic problems for downtown Ashland.

East Nevada had been proposed as a downtown bypass. In the near future, residents in neighborhoods near East Nevada will be approaching the Transportation Commission with a formal application to revise maps that designate Nevada as a “collector street.” Following protocol, the matter will eventually reach the City Council and perhaps the Planning Commission. The 2012 TSP is going to be revised within the next few months. This is a good time to change the designation of East Nevada back to a neighborhood street. Which it is.

We urge you, the planning commission, to keep your finger on the pulse of the community as you oversee the railroad property development. The railroad property provides the perfect solution for a downtown traffic bypass. East Nevada does not.

Thank you for your time,

Marty and Spike Breon
295 East Nevada Street
Ashland, OR 97520
Marty Breon
650 941-8525 541 512-5844

**TYPE II
PUBLIC HEARING**

**PA-2016-00230
188 Garfield Street**



PLANNING ACTION: 2016-00230

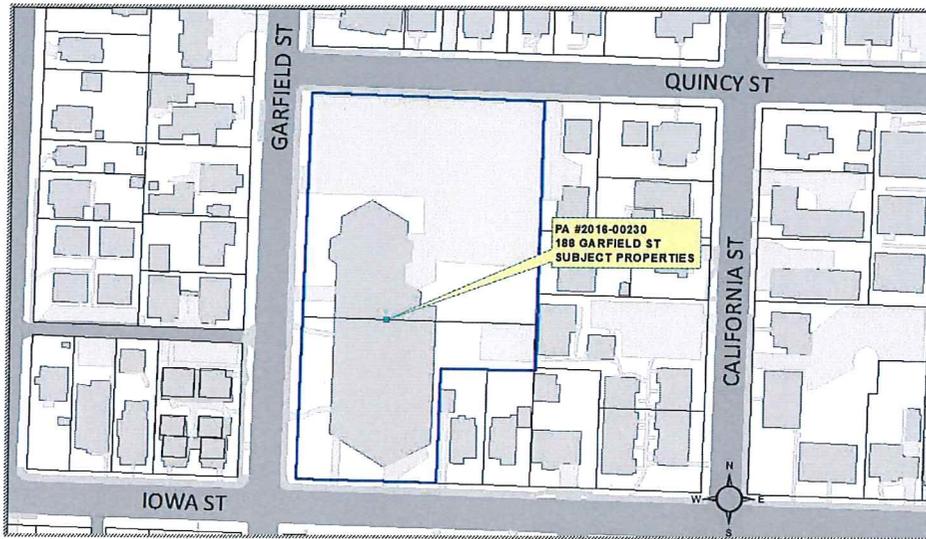
SUBJECT PROPERTY: 188 Garfield Street

OWNER/APPLICANT: Rivergate Assembly of God Church of Ashland

DESCRIPTION: A request for Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. The Planning Commission approved this action subject to conditions at its May meeting including a requirement that the driveway be relocated from Iowa Street to Garfield Street. At its June meeting, the Planning Commission will consider modifications in response to those conditions including the relocation of the driveway, modifications to proposed parking and the removal of two additional trees prior to adoption of findings. **COMPREHENSIVE PLAN DESIGNATION:** High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 10CB; **TAX LOTS:** 2100, 2101

NOTE: The Ashland Tree Commission will also review this Planning Action on Thursday, June 9, 2016 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: **Tuesday, June 14, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street.**



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.

SITE DESIGN AND USE STANDARDS

18.5.2.050

The following criteria shall be used to approve or deny an application:

- A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities: The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

CONDITIONAL USE PERMITS

18.5.4.050.A

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

- b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
- c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
- d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
- e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
- f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
- g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
- h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
- i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
- k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
- l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

EXCEPTION TO SOLAR SETBACKS

18.4.8.020.C

- C. **Exceptions and Variances.** Requests to depart from section 18.4.8.030 Solar Setbacks are subject to 18.4.8.020.C.1 Exception to the Solar Setback, below. Deviations from the standards in section 18.4.8.050 Solar Orientation Standards are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards.

1. **Solar Setback Exception.** The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.
 - a. That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.
 - i. The signatures of all owners or registered leaseholders holding an interest in the property in question.
 - ii. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.
 - iii. A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.
 - iv. A description and drawing of the shading which would occur.
 - b. The approval authority finds all of the following criteria are met.
 - i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.
 - ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.
 - iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.

TREE REMOVAL PERMIT

18.5.7.040.B

1. **Hazard Tree.** A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. **Tree That is Not a Hazard.** A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

PROPERTY LINE ADJUSTMENTS

18.5.3.120.B

The Staff Advisor shall approve or deny a request for a property line adjustment in writing based on all of the following criteria.

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.
2. Lot Standards. Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).
3. Access Standards. All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

ASHLAND PLANNING DIVISION STAFF REPORT ADDENDUM #1

June 14, 2016

PLANNING ACTION: #2016-00230

APPLICANT: Rivergate Assembly of God Church of Ashland

LOCATION: 188 Garfield Street

ZONE DESIGNATION: R-3

COMP. PLAN DESIGNATION: High Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: April 30, 2016

120-DAY TIME LIMIT: August 28, 2016

ORDINANCE REFERENCE: see http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf

- 18.4.3 Parking, Access, and Circulation
- 18.4.5 Tree Preservation & Protection
- 18.4.6 Public Facilities
- 18.4.7 Signs
- 18.4.8 Solar Access
- 18.5.2 Site Design Review
- 18.5.3 Land Divisions and Property Line Adjustments
- 18.5.4 Conditional Use Permit
- 18.5.7 Tree Removal Permits

REQUEST: A request for Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. *The Planning Commission approved this action subject to conditions at its May meeting including a requirement that the driveway be relocated from Iowa Street to Garfield Street. At its June meeting, the Planning Commission will consider modifications in response to those conditions including the relocation of the driveway, modifications to proposed parking and the removal of two additional trees prior to adoption of findings.*

Staff had previously recommended that as provided in AMC 18.4.3.080.C.4, the Commission require shared access from Garfield Street, as the lower order frontage street, aligned with the alley opposite for traffic safety and access management, and that this access could serve the parking lot proposed while also providing for shared access by any future development of the applicants' adjacent property. The modifications proposed fully address this condition.

Parking Modifications

Staff had previously recommended that a revised Site Plan be provided which relied upon no more than four on-street parking credits. Staff believes that this recommendation struck a reasonable balance between the applicants' request, the recognition of future redevelopment opportunities in this R-3 neighborhood and the need to maintain adequate on-street capacity for guest and overflow parking. The applicants' revised Site Plan identifies four additional on-site parking spaces and fully addresses this condition.

Tree Removal

An additional 13½-inch diameter at breast height (d.b.h.) Sweet Gum tree (#13) and a 31-inch d.b.h. Leyland Cypress tree (#1) are proposed to be removed with the above changes. With the Sweet Gum tree, one of six on the property's Garfield Street frontage, it was noted that their ability to withstand the construction process was a concern but that the excavation was just beyond their driplines. The arborist noted that with proper root pruning the trees could likely withstand some disturbance within their driplines.

The 31-inch d.b.h. Leyland Cypress tree was described by the arborist in his original report as the *"least desirable tree on the property due to its characteristic growth and fire hazard rating."*

The first of the approval criteria to remove a non-hazard tree is that, *"The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10."* In this instance, the removals have been proposed by the applicants in response to conditions recommended by staff and imposed by the Planning Commission in order to place and align the driveway in keeping with Comprehensive Plan policies and Land Use Ordinance standards, and to provide required off-street parking for the proposed church rather than relying on requested on-street parking credits.

In staff's assessment, the removal of two additional trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, nor will it have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. There are five other Sweet Gum trees in the immediate vicinity on the subject property, and a number of additional trees to be planted around the property with the proposal. A condition has been recommended below to require that mitigation trees for the three trees to be removed be identified on the final landscape and irrigation plan submitted with the building permit.

The criteria for Conditional Use Permit approval are described in 18.5.4.050.A as follows:

1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. *Generation of noise, light, and glare.*
 - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
 - a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*

- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
- c. *The exception is the minimum necessary to alleviate the difficulty.*
- d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

The criteria for a Solar Setback Exception are described in AMC 18.4.8.020.C as follows:

- 1. **Solar Setback Exception.** *The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.*
 - a. *That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.*
 - i. *The signatures of all owners or registered leaseholders holding an interest in the property in question.*
 - ii. *A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.*
 - iii. *A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.*
 - iv. *A description and drawing of the shading which would occur.*
 - b. *The approval authority finds all of the following criteria are met.*
 - i. *The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.*
 - ii. *The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.*
 - iii. *There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.*

IV. Conclusions and Recommendations

As detailed last month, for staff there were two primary issues with the request as originally submitted: 1) The proposed placement of the church's driveway off of Iowa Street was not in keeping with standards codified in the Transportation System Plan and Land Use Ordinance to implement policies #16, #17 and #18 of the Comprehensive Plan's Transportation Element, and thus posed a safety concern; and 2) The amount of on-street parking credits requested was a concern for a Conditional Use Permit (CUP) since CUP review typically involves insuring that the proposal has no greater adverse material impact on the surrounding area than would development of the subject property to the target use of the R-3 zone. The proposed church use generates a parking demand of 25 spaces and the application proposes to accommodate 17 of these on site while shifting eight spaces of the parking demand, or 32 percent of the required parking, onto the public street. In staff's view, this shifting of parking demand – typically considered one of the primary adverse impacts of most concern in a Conditional Use Permit request - from the private parcel into the public realm made it difficult to defensibly find that the proposal had no greater adverse material impact on the neighborhood than the target residential development of the site. Staff had accordingly provided recommended conditions in response to each concern which were attached to the Planning Commission's decision in May.

In staff's assessment, the applicants have responded to these concerns with the revised Site Plan (Sheet A0.1) provided and staff is supportive of the request with the modifications proposed. We accordingly recommend that the Planning Commission again approve the application, as modified, with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in 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 Site Review, Conditional Use and Tree Removal permit approvals shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Tree Commission from their May 5, 2016 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance and the limitations on signage for Conditional Uses in residential zones detailed in AMC 18.4.7.060.B.2.
- 5) That the requirement of the Fire Department, including approved addressing; approved fire apparatus access with approved access width, approved access approach, any necessary shared access easements; fire hydrants with requisite

Standards, and the colors and materials selected shall be consistent with those identified in the application.

- c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. This plan shall address: 1) Any recommendations of the Tree Commission from their May 5, 2016 meeting where consistent with the Site Development and Design Standards and with final approval by the Staff Advisor; 2) The identification of replacement trees to mitigate the trees to be removed. The mitigation trees shall be planted and irrigated according to the approved plan, inspected and approved by the Staff Advisor prior to occupancy; and 3) The required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. The applicants shall also obtain the required plumbing permits and inspections for installation of any required double-check valve(s) associated with the irrigation system.
- e) Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals. A revised stormwater drainage plan, including any necessary on-site detention measures, shall be provided for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal. The drainage plan shall be designed to ensure that post-development peak stormwater flows are less than or equal pre-development levels as required by the Engineering Division.
- f) The building permit drawings shall include details demonstrating that the proposed parking area complies with the requirements of AMC 18.4.3.080.B.5 in providing an open grid pavement system which is over 50 percent pervious for a minimum of 50 percent of the parking area surface, as proposed by the applicants, and which is designed to capture and treat run-off in the landscaped medians/swales.
- g) That final utility, erosion and sediment control plans for the project shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes to accommodate necessary water and fire services, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service

- 8) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all hardscaping, landscaping and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.
 - d) All hardscape improvements including courtyards, walkways, driveways, fire apparatus and other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
 - e) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking.
 - f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

**Kistler + Small + White
66 Water Street
Ashland, Oregon 97520**

March 11, 2016

Supplemental Findings of Fact for PA-2016-00230 Rivergate Assembly of God Church of Ashland

Narrative – Modification of project per the Planning Commission Resolution of May 10, 2016

The Planning action was approved with the conditions cited in the Staff Report, planning Action #2016-00230. The following information has been provided by the applicants in compliance to the modifications required. The Site Plan, Landscape Plan, Tax Lot Line Adjustment Diagram and the Tree Protection Plan have been updated to incorporate these modifications.

EXITING LOT AREA:

Tax Lot 2100 60,112 sf (1.38 acre)
Tax Lot 2101 31,363 sf (.72 acre)
Total Area 91,474 square feet

ADJUSTED

PROPOSED LOT AREA:

Tax Lot 2100 70,210 sf (1.6 acre)
Tax Lot 2101 21,250 sf (.496 acre)
Total Area 91,474

LOT COVERAGES:

Structures	5,041 sf	24%
Street/Roads	1,432 sf	07%
Parking Area	6,109 sf	28%
Recreation Area	1,696 sf	08%
Landscaping	6,972 sf	33%

* The originally proposed 5000 recreation space will be eliminated to comply with the City's request that the parking lot be accessed by way of Garfield.

Density

Target Density in an R-3 zone is 20 per Acre
 $20 (.496) = 9.92$ units' equivalent impact for the Rivergate Church.

PARKING:

Required: (18.4.3): Religious Institutions, 1 space per 4 seats, 100 seats = 25 spaces
Proposed: Twenty-One (21) On-site parking spaces, including one (1) ADA space, plus four (4) on street credits, for a total of 25.

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Project Description:

The project remains largely the same as presented in the Findings of August 19, 2015, with the exception of adjustments made to comply with the Staff Report of May 10, 2016. The two primary conditions are sited:

#6c. The applicant shall provide a revised Site Plan which identifies at least 21 off-street parking spaces on-site and which relies on no more than four on-street parking credits to meet the remaining parking demand.

#6d. That the applicant shall provide a revised Site Plan which identifies a driveway from Garfield Street rather than Iowa Street to serve the proposed parking lot for the church. No driveway shall be installed on Iowa Street, **and the driveway from Garfield Street shall be located north of the church building and in alignment with the alley on the opposite side of Garfield Street.** An easement shall be provided which provides for shared access from this driveway for any future development of the applicant's adjacent property to the north.

A summary of changes made to the site plan is as follows:

- Driveway access from Iowa Street to the parking lot has been removed.
- A shared access for the parking lot and any future development, has been added for access to Garfield Street. (This access is aligned with the one block alley on the opposite side of Garfield Street)
- Four (4) additional on-site parking have been provided.
- An additional Sweet Gum tree and a Leyland Cypress tree will be removed.
- The play area has been reduced by approximately 2/3.
- Solar Access Waiver is no longer required.

Narrative:

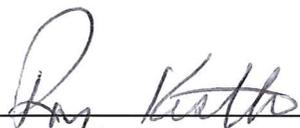
The planning staff sited safety concerns with the Iowa Street access to the parking lot. A condition of approval is that the parking lot be accessed from Garfield. This access is required to be exactly aligned with the alley (unnamed) across Garfield. The site plan has been changed to include a driveway on the north lot line that meets with this condition.

The Planning Staff concluded that only four of the eight available curb parking credits could be used. Therefore, four additional on-site parking have been added, for a total of 21 on-site spaces.

These adjustments to the site plan precipitate the removal of an additional Sweet Gum street tree and a Cypress tree.

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Respectfully submitted by:



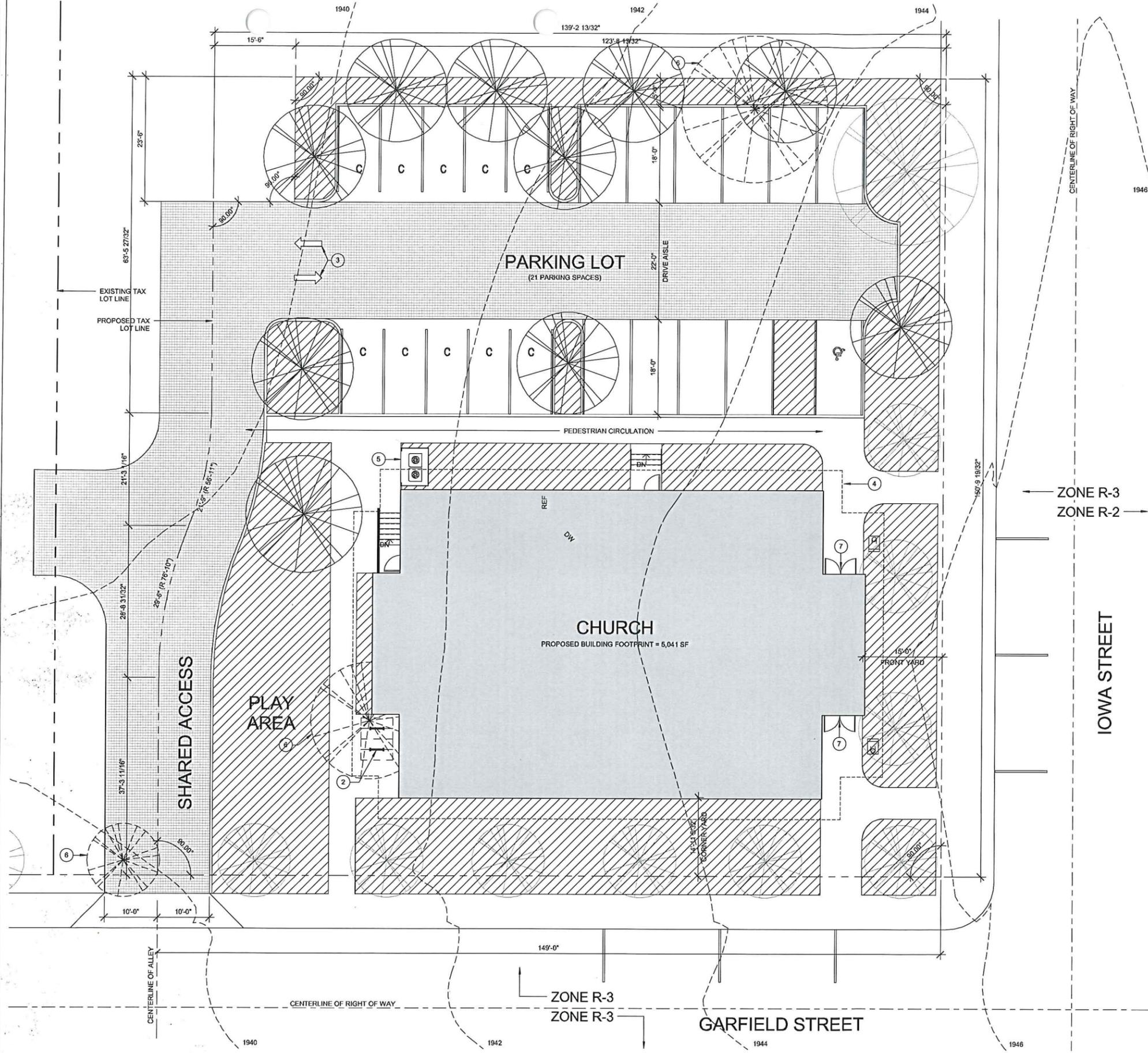
Raymond Kistler, Principal Architect
Kistler Small + White, Architects

5/17/16
Date

Enclosures: Drawings:
Site Plan: A0.5
Tree Protection Plan: L1
Landscape Plan: L2

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GENERAL NOTES - SITE PLAN

- A. SITE PLAN KEYNOTES APPLY TO SHEET AXXX.
- B. ARCHITECTURAL REFERENCE ELEVATION 100'-0" = XXX.XX' ON SURVEY AND CIVIL DOCUMENTS.
- C. REFERENCE CIVIL AND LANDSCAPE DRAWINGS FOR ADDITIONAL SITEWORK INFORMATION.
- D. WORK IN THE RIGHT OF WAY IS SHOWN FOR REFERENCE ONLY. REFER TO SEPARATE RIGHT OF WAY IMPROVEMENT DRAWINGS FOR INFORMATION.
- E. REFERENCE ELECTRICAL DRAWINGS FOR SITE LIGHTING SCHEDULE.

KEYNOTES - SITE PLAN

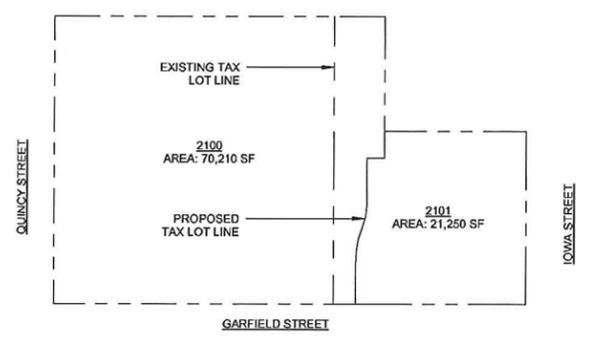
- 2 12 93 00 - BIKE RACK
- 3 32 17 23 - PAVEMENT MARKING DIRECTIONAL ARROWS
- 4 ROOF OVERHANG ABOVE
- 5 32 00 00 - TRASH ENCLOSURE
- 6 (E) TREE TO BE REMOVED
- 7 COVERED ENTRY

CHURCH LOT COVERAGES	PROPOSED	REQUIRED
STRUCTURES	5,041 SF 24%	0 SF XX%
STREETS/ ROADS	1,432 SF 7%	0 SF XX%
PARKING AREAS	6,109 SF 28%	0 SF XX%
RECREATIONAL AREAS	1,696 SF 8%	0 SF XX%
LANDSCAPING	6,972 SF 33%	5,403 SF 25%
TOTAL LOT	21,250 SF 100%	

VEHICLE PARKING PROVIDED	
PARKING STALL TYPE	COUNT
(ASHLAND ADA) 9' x 18'	1
(ASHLAND COMPACT) 8' x 16'	10
(ASHLAND STANDARD) 9' x 18'	10
	21

VEHICLE PARKING - ON STREET	
PARKING STALL TYPE	COUNT
(ASHLAND ON-STREET) 10'X22'	4
	4

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SITE - PLAN
1" = 10'-0"
(11X17: 1" = 20'-0")

TAX LOT LINE ADJUSTMENT DIAGRAM
1" = 80'-0"
(11X17: 1" = 160'-0")



66 WATER STREET
SUITE 101
ASHLAND, OR
97520
TEL.: 541.488.8200

PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION BIDDING RECORDATION CONVEYANCE ISSUANCE OF A PERMIT

SCHEMATIC DESIGN

RIVERGATE HOUSE OF PRAYER
RIVERGATE ASSEMBLY OF GOD CHURCH OF ASHLAND
188 GARFIELD ST.
ASHLAND, OR 97520

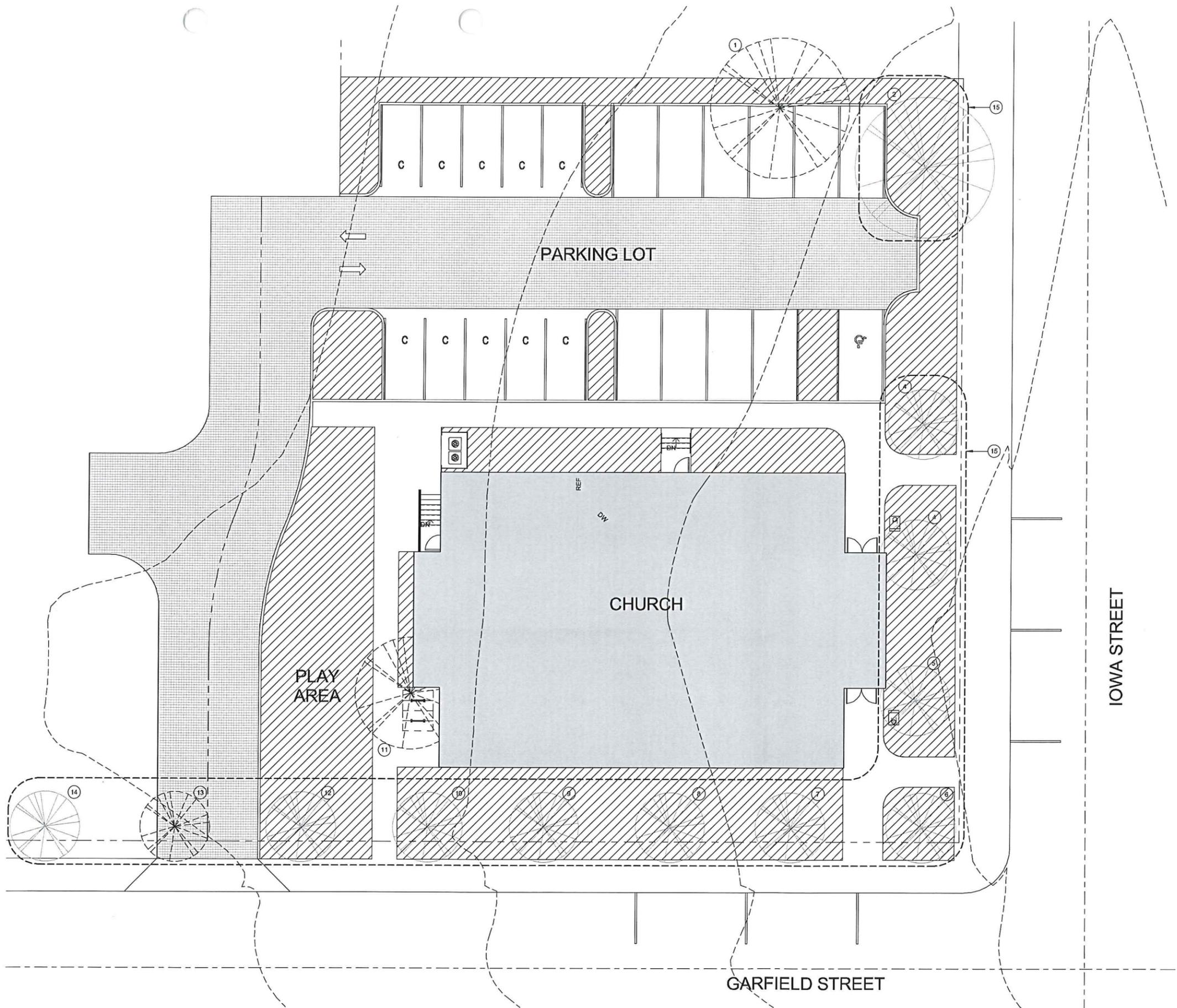
REVISIONS

SITE PLAN & ZONING SUMMARY

PROJECT NO.: 15-009
ISSUE DATE: 05/16/2016
SHEET:

A0.1

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GENERAL NOTES - TREE PROTECTION

1. ALL REMAINING TREES ON THE SITE TO BE INDIVIDUALLY PROTECTED PER 18.4.5.030C
2. PROVIDE A TREE PROTECTION ZONE AROUND THE ROOT ZONE OF TREES TO REMAIN BEFORE ANY CONSTRUCTION, EXCAVATION, LAND CLEARING, OR GRADING BEGINS. THE TREE PROTECTION SHOULD BE ESTABLISHED AT OR BEYOND THE DRIPLINE OF EACH TREE WHERE FEASIBLE. THIS ZONE SHOULD BE DELINEATED WITH TEMPORARY FENCING 6' TALL AND REMAIN IN PLACE THROUGH PROJECT COMPLETION.
3. TO AVOID SOIL COMPACTION, HEAVY MATERIALS SHOULD NOT BE STORED, VEHICLES MANEUVERED OR PARKED, GRADE CHANGED, OR PAVED SURFACES CONSTRUCTED WITHIN THE TREE PROTECTION ZONE.
4. IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION, IT SHOULD BE INSPECTED BY AN ARBORIST OR LANDSCAPE PROFESSIONAL FOR EVALUATION AND TREATMENT RECOMMENDATIONS. TREE PRUNING REQUIRED DURING CONSTRUCTION SHOULD BE PERFORMED BY A QUALIFIED ARBORIST AND NOT BY CONSTRUCTION PERSONNEL.
5. IF EXCAVATION IS NECESSARY AT OR NEAR THE TREE PROTECTION ZONE, AVOID CUTTING ROOTS OVER 1" DIAMETER WHERE POSSIBLE. IF LARGER ROOTS ARE SEVERED DURING CONSTRUCTION AT THE PROTECTION ZONE, IT IS RECOMMENDED THAT THEY BE CUT CLEANLY WITH A SAW OR BYPASS PRUNERS AT A 90 DEGREE ANGLE.
6. IF CONSTRUCTION IS OCCURRING DURING THE DRIEST MONTHS OF JUNE THRU SEPTEMBER, IT IS RECOMMENDED THAT THE TREES RECEIVE A DEEP WATERING THROUGHOUT THEIR ROOT ZONE 3-4 TIMES PER MONTH. WATER SHOULD PERMEATE TO A DEPTH OF 30".

KEYNOTES - TREE PROTECTION

- 1 (E) 31" LEYLAND CYPRESS TO BE REMOVED
- 2 (E) 45" ELM TO BE REMOVED
- 4 (E) 18.5" MULBERRY TO REMAIN
- 5 (E) 13" SWEETGUM TO REMAIN
- 6 (E) 16.5" SWEETGUM TO REMAIN
- 7 (E) 14" SWEETGUM TO REMAIN
- 8 (E) 10" SWEETGUM TO REMAIN
- 9 (E) 11" SWEETGUM TO REMAIN
- 10 (E) 11" SWEETGUM TO REMAIN
- 11 (E) 17" SILVER MAPLE TO BE REMOVED
- 12 (E) 11" SWEETGUM TO REMAIN
- 13 (E) 13.5" SWEETGUM TO BE REMOVED
- 14 (E) 12.5" SWEETGUM TO REMAIN
- 15 TREE PROTECTION FENCE



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SCHEMATIC DESIGN

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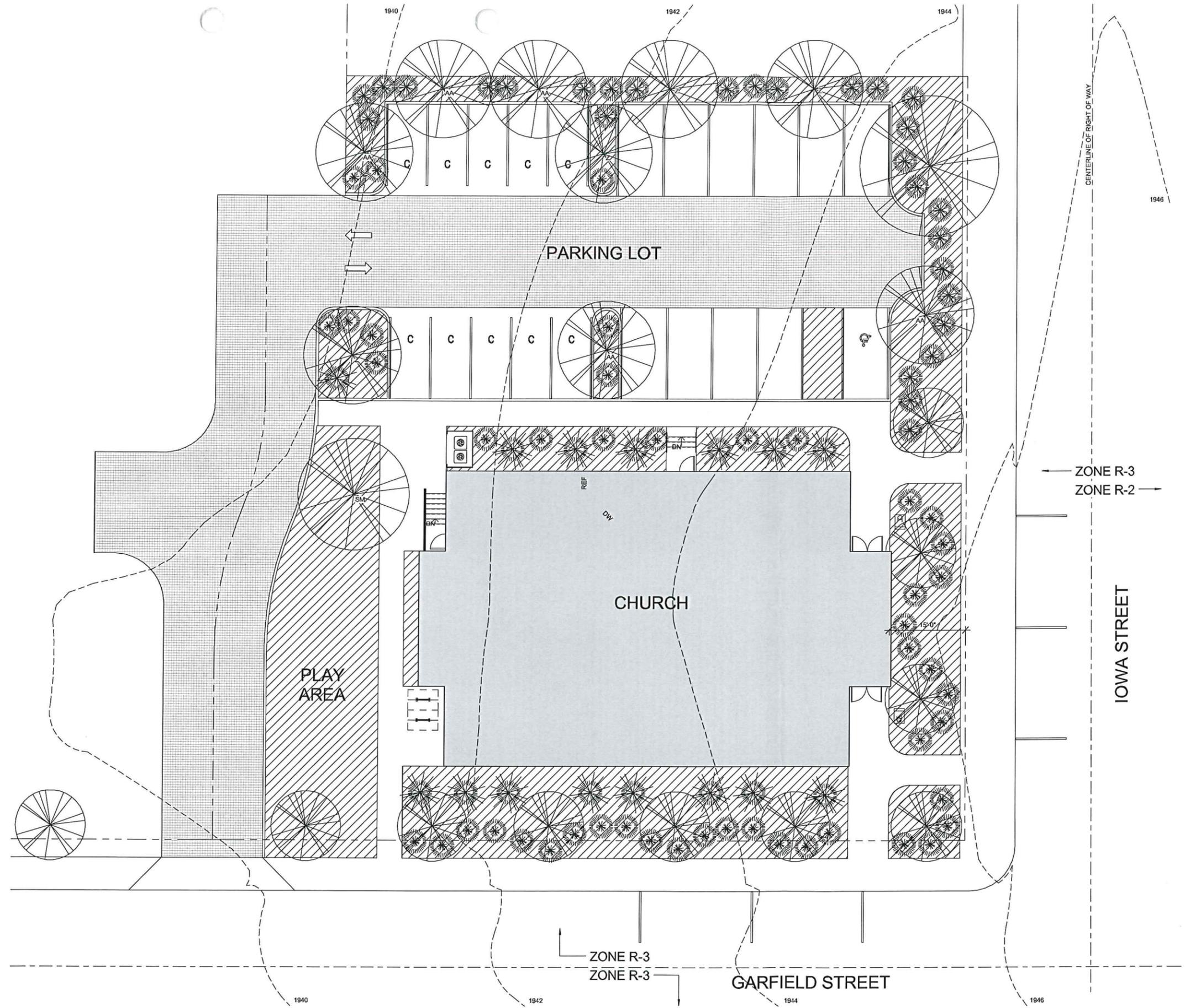
TREE PROTECTION PLAN

PROJECT NO.: 15-009
 ISSUE DATE: 05/16/2016
 SHEET:

L1

TREE PROTECTION PLAN 1
 1" = 10'-0"
 (11X17: 1" = 20'-0")

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NEW TREE SCHEDULE

ZELKOVA	Z
SILVER MAPLE	SM
AMERICAN ASH	AA

SEE TREE PROTECTION PLAN FOR INFORMATION ON EXISTING TREES.

LEGEND - PLANTING

-  IDAHO FESCUE
-  WESTERN VIBURNUM
-  NATIVE AZALEA
-  MULCH

kistler + small + white
architects

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LANDSCAPE PLAN

PROJECT NO.: 15-009
ISSUE DATE: 05/16/2016
SHEET:

L2

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City of Ashland

LANDSCAPE PLAN 1
1" = 10'-0"
(11x17: 1" = 20'-0")

FINDINGS

PA-2016-00230
188 Garfield Street

BEFORE THE PLANNING COMMISSION
June 14, 2016

IN THE MATTER OF PLANNING ACTION #2016-00230, A REQUEST FOR)
SITE DESIGN REVIEW AND CONDITIONAL USE PERMIT APPROVAL TO)
CONSTRUCT A NEW CHURCH FOR THE PROPERTY LOCATED AT 188)
GARFIELD STREET. THE APPLICATION INVOLVES DEMOLITION OF THE)
EXISTING RIVERGATE ASSEMBLY OF GOD CHURCH BUILDING AND THE)
CONSTRUCTION OF A NEW APPROXIMATELY 4,978 SQUARE FOOT/100-SEAT)
CHURCH BUILDING NEAR THE CORNER OF GARFIELD AND IOWA STREETS.)
THE APPLICATION ALSO INVOLVES: A SOLAR SETBACK EXCEPTION TO)
ALLOW THE PROPOSED CHURCH TO CAST A GREATER SHADOW ON THE)
LOT ITS NORTH (ALSO UNDER CHURCH OWNERSHIP) THAN WOULD BE)
CAST BY A SIX-FOOT FENCE ON THE NORTH PROPERTY LINE; AN)
EXCEPTION TO STREET STANDARDS TO RETAIN THE EXISTING CURBSIDE)
SIDEWALK AND STREET TREES; A TREE REMOVAL PERMIT TO REMOVE)
THREE TREES GREATER THAN SIX-INCHES IN DIAMETER AT BREAST)
HEIGHT; AND A PROPERTY LINE ADJUSTMENT.)

**FINDINGS,
CONCLUSIONS,
& ORDERS**

APPLICANT/OWNER: Rivergate Assembly of God Church of Ashland)

RECITALS:

- 1) Tax lots #2100 and #2101 of Map 39 1E 10CB are located at 188 Garfield Street and are zoned R-3 (High-Density Multi-Family Residential).
- 2) The applicants are requesting Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height; and a Property Line Adjustment. Site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:
 - A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*

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

4) The criteria for Conditional Use Permit approval are described in 18.5.4.050.A as follows:

- 1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
- 2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
- 3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental*

pollutants.

- e. *Generation of noise, light, and glare.*
 - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows:*
- a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. *R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. *C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. *C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. *E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - g. *M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
 - h. *CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
 - i. *CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all*

ordinance requirements.

- k. *CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. *HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

5) The criteria for a Solar Setback Exception are described in AMC 18.4.8.020.C as follows:

- 1. **Solar Setback Exception.** *The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.*
 - a. *That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.*
 - i. *The signatures of all owners or registered leaseholders holding an interest in the property in question.*
 - ii. *A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.*
 - iii. *A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.*
 - iv. *A description and drawing of the shading which would occur.*
 - b. *The approval authority finds all of the following criteria are met.*
 - i. *The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.*
 - ii. *The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.*
 - iii. *There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.*

6) The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due*

- to a unique or unusual aspect of the site or proposed use of the site.
- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
 - c. *The exception is the minimum necessary to alleviate the difficulty.*
 - d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*
- 7) The criteria for a Tree Removal Permit to remove a “Tree That is Not a Hazard” are described in AMC 18.5.7.040.B.2 as follows:
1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
 4. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 5. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 8) The criteria for a Property Line Adjustment are described in AMC 18.5.3.120.B as follows:
1. **Parcel Creation.** *No additional parcel or lot is created by the lot line adjustment.*
 2. **Lot Standards.** *Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot*

standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).

3. **Access Standards.** *All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.*

9) The Planning Commission, following proper public notice, held a public hearing on May 10, 2016 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Subsequent to the Planning Commission's decision at the May meeting, but prior to the adoption of written findings, the applicants provided modified plans in response to the Commission's conditions of approval which included relocation of the driveway, modifications to the proposed parking and the removal of two additional trees. Following proper public notice, the hearing was reopened to consider these modifications on June 14, 2016 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Site Design Review, Conditional Use Permit, Solar Setback Exception, Exception to Street Standards Tree Removal Permit and Property Line

PA #2016-00209

June 14, 2016

Page 6

Adjustment approvals meets all applicable criteria for Site Design Review approval as described in Chapter 18.5.2.050; for Conditional Use Permit approval described in Chapter 18.5.4.050; for Solar Setback Exception described in Chapter 18.4.8.020.C; for Exception to Street Standards described in Chapter 18.4.6.020.B.1; for Tree Removal Permit described in Chapter 18.5.7.040.B.2; and for Property Line Adjustment described in Chapter 18.5.3.120.B., with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

The Planning Commission further finds that the application includes written findings which respond to the approval criteria for the Site Design Review, Conditional Use Permit, Solar Setback Exception, Exception to Street Standards to retain the existing curbside sidewalk and street trees, Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. These findings are adopted herein by reference.

2.3 The Planning Commission finds that the proposed placement of the church's driveway and primary access to the site off of Iowa Street does not comply with the city's controlled access standards and presents a safety concern when considered under the Site Design Review Chapter's consideration of the Site Development and Design Standards in AMC 18.4 and the public facilities and adequate transportation considerations of 18.4.6. The Commission finds that while there is an existing driveway in this location, it does not serve parking and instead seems to function primarily for occasional loading and maintenance access to the church. With the current request, this location would be formalized as the only driveway to the church parking lot.

The Commission finds that of the church properties' three frontages, Iowa Street as an Avenue or Major Collector is the higher order street, while both Quincy and Garfield Streets are residential Neighborhood Streets. In the Comprehensive Plan, Transportation Element policies emphasize that "*direct driveway access onto streets designated as boulevards or avenues should be discouraged whenever an alternative can be made available (Policy #17).*" This is to avoid conflicts created between cars entering the higher order street from a driveway and pedestrians on the sidewalk, bicyclists and cars by minimizing conflict points and providing more predictability by using existing intersections. The Transportation Element calls for maintaining "*carrying capacity, safety and pedestrian, bicycle, public transit and motor vehicle movement on boulevards, avenues and neighborhood collectors through driveway and curb cut consolidation or reduction*" (Policy #16)" and requiring "*design than combines multiple driveway accesses to a single point in residential and commercial development (Policy #18).*" The Planning Commission finds that these policies are implemented through the Land Use Ordinance in granting the Commission the power to amend plans in conjunction with Site Design Review in AMC 18.5.2.080.L to "*Require new developments to provide limited controlled access onto a major street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to ensure the viability, safety, and integrity of the major street as a through corridor.*" And in AMC 18.5.2.080.N to "*Require developments to provide access to improved City streets and, where possible, provide access to the lower order street rather than a major collector or arterial street.*"

The Planning Commission finds that the only driveway proposed for the church is from Iowa Street, approximately 28 feet from the eastern property line and the neighboring driveway at 1273 Iowa Street,

which abuts this property line. The Commission further finds that controlled access standards in AMC 18.4.3.080.C.3 seek a minimum distance of 75 feet between driveways on Major Collectors in an effort to minimize potential conflict points created by driveways on higher order streets. The Iowa Street corridor serves Southern Oregon University, Ashland High School, and numerous multi-family residential neighborhoods in between Walker Avenue and North Mountain Avenue. The Planning Commission finds that these standards are in place to reduce conflicts, and as such cannot support the driveway proposed from Iowa Street. The Commission recognizes that the current request is for a church, but further finds that once established, uses often intensify and redevelopment occurs and this parcel has the potential for substantially more use than initially proposed. The Commission finds that both parcels are under the same ownership and the applicants can create an access and reconfigure their open space in a way that addresses safety concerns while meeting their needs. AMC 18.4.3.080.C.4 provides that the city may require shared access where necessary for traffic safety or access management, and given that access from Garfield Street, as the lower order frontage street here, is available a condition was initially included to require that the applicant's Site Plan be modified to utilize a driveway from Garfield Street, north of the proposed church and in alignment with the alley opposite, to serve the parking lot proposed but also be shared by any future development of the applicant's adjacent property.

Subsequent to the May hearing and in response to conditions initially imposed by the Commission, the applicants modified the request by removing the driveway access to the parking lot from Iowa Street and replacing it with a shared access driveway to the parking lot, and any future development, from Garfield Street. This driveway aligns with the alley on the other side of Garfield Street. The Commission finds that this modification satisfies the previous condition and Condition #6d has accordingly been modified to require that the access shall be as illustrated in the modified Site Plan provided.

2.4 The Planning Commission finds that in terms of the consideration of the adverse material effects of the proposed Conditional Use Permit, the amount of on-street parking credits requested is not appropriate for a Conditional Use. Conditional Use Permit review involves a determination that the proposal will have no greater adverse material impact on the surrounding area than would development of the subject property to the target use of the zone. In this instance, the target use of the adjusted-as-proposed smaller church lot in an R-3 zoning district would be roughly eight residential units, which would typically generate a parking demand of approximately 16 spaces.

The Planning Commission finds that the proposed church use generates a parking demand of 25 spaces, and that the application proposes to accommodate 17 of these on site while shifting eight spaces of the parking demand, or 32 percent of the required parking, onto the adjacent public street. The application suggests that the consideration of the conditional use in relation to the target use should mean that they be required to provide no greater amount of parking than would the target use rather than that they should demonstrate no greater parking impact than the target use. The Planning Commission further finds that this shifting of parking demand - one of the adverse material impacts typically of most concern in a Conditional Use Permit request - from the private parcel to the public realm makes it difficult to make a defensible finding that the proposal will have no greater adverse material impact on the neighborhood than the target residential development of the site, and Commission accordingly included a condition which required that a revised Site Plan which relies on no more than four on-street parking credits be provided. The Commission finds that reliance upon no more than four on-street parking credits is a reasonable balance given the recognition of future redevelopment opportunities in this R-3 neighborhood and the need to maintain adequate on-street capacity for guest and overflow parking.

Subsequent to the May hearing, the applicants have provided a revised Site Plan which identifies four additional on-site parking spaces and fully addresses the previously imposed condition. A revised Condition #6c requiring that parking be as illustrated in this modified Site Plan has been included below.

2.5 The Planning Commission finds that with the modifications proposed subsequent to the initial public hearing in May, an additional 13½-inch diameter at breast height (d.b.h.) Sweet Gum tree (#13) and a 31-inch d.b.h. Leyland Cypress tree (#1) are proposed to be removed with the above changes. With the Sweet Gum tree, one of six on the property's Garfield Street frontage, the original arborist's report noted that their ability to withstand the construction process was a concern but that the excavation was just beyond their driplines. The arborist noted that with proper root pruning the trees could likely withstand some disturbance within their driplines. The 31-inch d.b.h. Leyland Cypress tree was described by the arborist in his original report as the "*least desirable tree on the property due to its characteristic growth and fire hazard rating.*"

The Planning Commission finds that the first criterion for the removal of non-hazard trees is that, "*The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*" In this instance, the Commission finds that the removals are proposed in response to conditions recommended by staff and imposed by the Planning Commission in order to place and align the driveway in keeping with Comprehensive Plan policies and Land Use Ordinance standards, and to provide required off-street parking for the proposed church rather than relying on requested on-street parking credits.

The Commission further finds that the removal of two additional trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, nor will it have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. There are five other Sweet Gum trees in the immediate vicinity on the subject property, and a number of additional trees to be planted around the property with the proposal. A condition has been included below to require that mitigation trees for the three trees to be removed be identified on the final landscape and irrigation plan submitted with the building permit.

2.6 The Planning Commission finds that with the modifications proposed, the request for a Solar Setback Exception is no longer necessary as the proposed shadow will now fall on the driveway.

2.7 The Planning Commission finds that during the initial hearing in May, there were two primary issues with the application as originally submitted: 1) The proposed placement of the church's driveway off of Iowa Street was not in keeping with standards codified in the Transportation System Plan and Land Use Ordinance to implement policies #16, #17 and #18 of the Comprehensive Plan's Transportation Element, and thus posed a safety concern; and 2) The amount of on-street parking credits requested was a concern for a Conditional Use Permit (CUP) since CUP review typically involves insuring that the proposal has no greater adverse material impact on the surrounding area than would development of the subject property to the target use of the R-3 zone. The proposed church use generates a parking demand of 25 spaces and the application proposes to accommodate 17 of these on site while shifting eight spaces of the parking demand, or 32 percent of the required parking, onto the public street. This shifting of

parking demand – typically considered one of the primary adverse impacts of most concern in a Conditional Use Permit request - from the private parcel into the public realm made it difficult to defensibly find that the proposal had no greater adverse material impact on the neighborhood than the target residential development of the site. Conditions in response to each concern were attached to the Planning Commission’s decision in May. The Planning Commission now finds that the applicants have fully responded to these concerns with the revised Site Plan (Sheet A0.1) provided.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review, Conditional Use Permit, Exception to Street Standards, Tree Removal Permits, and Property Line Adjustment to allow construction of a new approximately 4,978 square foot/100-seat church building is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2016-00230. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-00230 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 herein.
- 2) That the plans submitted for the building permit shall be in 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 Site Review, Conditional Use and Tree Removal permit approvals shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Tree Commission from their May 5, 2016 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance and the limitations on signage for Conditional Uses in residential zones detailed in AMC 18.4.7.060.B.2.
- 5) That the requirement of the Fire Department, including approved addressing; approved fire apparatus access with approved access width, approved access approach, any necessary shared access easements; fire hydrants with requisite clearance; any required sprinklers; fire department connections; extinguishers; and a “Knox Box” key box, shall be satisfactorily addressed.
- 6) That prior to the signature of a final survey plat:
 - a) That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.

- b) That in lieu of providing city standard frontage improvements with the current application, the property owner shall sign in favor of local improvement districts for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Iowa and Garfield Streets prior to signature of the final survey plat. The agreement shall be signed and recorded concurrently with the final survey plat.
 - c) The applicant shall provide at least 21 off-street parking spaces on-site, and utilize no more than four on-street parking credits to meet the remaining parking demand, as illustrated in the applicants' revised Site Plan (Sheet A0.1 dated as received by the City of Ashland on May 17, 2016).
 - d) That driveway access shall be from Garfield Street rather than Iowa Street to serve the proposed parking lot for the church. No driveway shall be installed on Iowa Street, and the driveway from Garfield Street shall be located north of the church building and in alignment with the alley on the opposite side of Garfield Street as illustrated in the applicants' revised Site Plan (Sheet A0.1 dated as received by the City of Ashland on May 17, 2016). A mutual access easement shall be provided which allows shared access from this driveway for any future development of the applicant's adjacent property to the north.
 - e) Engineering construction drawings for the new driveway approach treatment on Garfield Street shall be provided, including any requisite accessibility measures, for the review and approval of the Public Works/Engineering and Planning Divisions and an approach permit obtained through the Public Works/Engineering Division. The new driveway approach shall be installed, inspected and approved, and any unused curb cuts closed, inspected and approved, prior to the signature of the final survey plat.
 - f) That the applicant shall obtain approval of a Demolition/Relocation Permit as required in AMC 15.04.210 if deemed necessary by the Building Official.
- 7) That building permit submittals shall include:
- a) The identification of all easements, including but not limited to public and private utility easements and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design Standards, and the colors and materials selected shall be consistent with those identified in the application.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. This plan shall address: 1) Any recommendations of the Tree Commission from their May 5, 2016 meeting

where consistent with the Site Development and Design Standards and with final approval by the Staff Advisor; 2) The identification of replacement trees to mitigate the trees to be removed. The mitigation trees shall be planted and irrigated according to the approved plan, inspected and approved by the Staff Advisor prior to occupancy; and 3) The required irrigation plans, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. The applicants shall also obtain the required plumbing permits and inspections for installation of any required double-check valve(s) associated with the irrigation system.

- e) Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals. A revised stormwater drainage plan, including any necessary on-site detention measures, shall be provided for the review and approval of the Engineering, Building and Planning Departments with the building permit submittal. The drainage plan shall be designed to ensure that post-development peak stormwater flows are less than or equal pre-development levels as required by the Engineering Division.
- f) The building permit drawings shall include details demonstrating that the proposed parking area complies with the requirements of AMC 18.4.3.080.B.5 in providing an open grid pavement system which is over 50 percent pervious for a minimum of 50 percent of the parking area surface, as proposed by the applicants, and which is designed to capture and treat run-off in the landscaped medians/swales.
- g) That final utility, erosion and sediment control plans for the project shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes to accommodate necessary water and fire services, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense. Meters, cabinets, and vaults shall be located outside of the pedestrian corridor in those areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the utility departments. Any necessary service upgrades shall be completed by the applicant at applicant's expense.
- h) The applicant shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located outside of the pedestrian corridor in those areas least visible from streets, sidewalks

and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service upgrades shall be completed by the applicant at applicant's expense.

- i) That the building permit submittals shall identify all proposed mechanical equipment in the elevation drawings, as required in AMC 18.5.2.040.B.4.a., and these drawings shall include screening meeting the requirements of AMC 18.4.4.030.G.4 to limit the view of all roof-mounted mechanical equipment from public rights-of-way and adjacent residentially-zoned properties through the placement of parapets, walls or other sight-blocking features at least equal in height to the proposed mechanical equipment.
 - j) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 75 percent as allowed in the R-3 zoning district.
 - k) The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.4.3.070. At least one bicycle parking space shall be provided for each of five required automobile spaces. The inverted u-racks shall be used for the bicycle parking. All bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070 and according to the approved plan prior to the issuance of the certificate of occupancy.
 - l) That prior to the issuance of the building, excavation, staging, storage of materials or the commencement of site work, a Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of trees to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
- 8) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That all hardscaping, landscaping and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.

- d) All hardscape improvements including courtyards, walkways, driveways, fire apparatus and other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
- e) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking.
- f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

Planning Commission Approval

June 14, 2016

Date

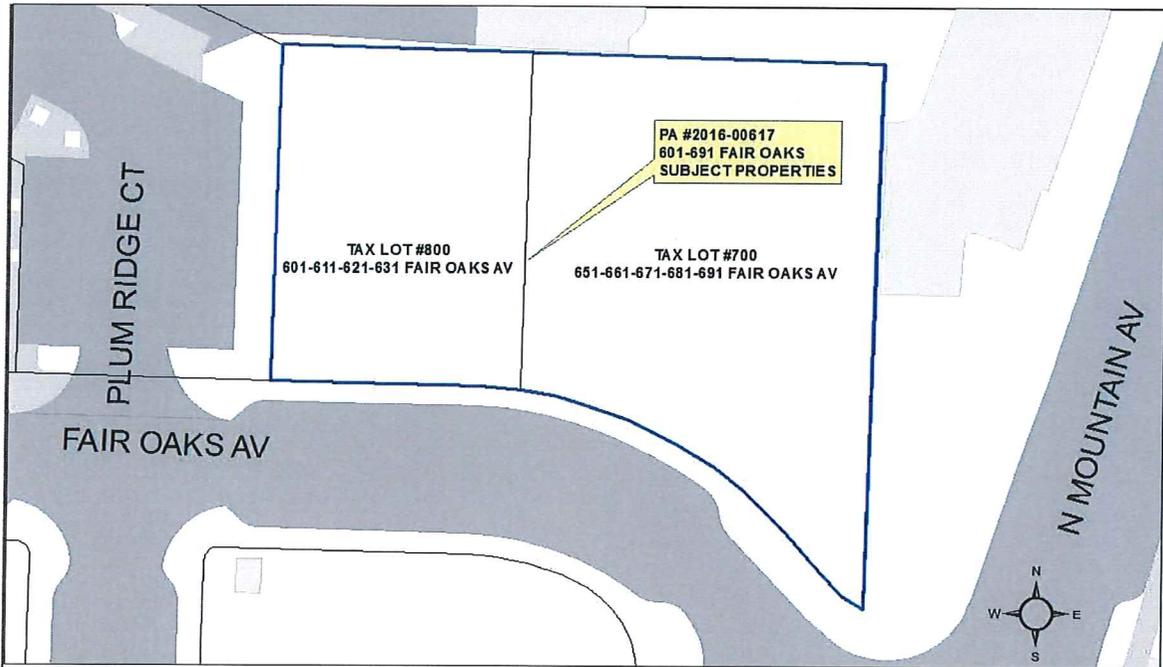
**TYPE II
PUBLIC HEARING**

**PA-2016-00617
601-691 Fair Oaks Avenue**



PLANNING ACTION: PA-2016-00617
SUBJECT PROPERTY: 601-691 Fair Oaks Avenue
OWNER: Ayala Properties, L.L.C.
APPLICANT: KDA Homes, L.L.C.
DESCRIPTION: A request for Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the property located at 601 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator. *No changes are proposed to the previously-approved density, parking allocations or landscaping.* **COMPREHENSIVE PLAN DESIGNATION:** North Mountain, Neighborhood Central Overlay; **ZONING:** NM-C; **ASSESSOR'S MAP:** 39 1E 04AD
TAX LOTS: 700 & 800.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, June 14, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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.

SITE DESIGN AND USE STANDARDS

18.5.2.050

The following criteria shall be used to approve or deny an application:

- A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities: The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

NORTH MOUNTAIN NEIGHBORHOOD

18.3.5.030

- C. Supplemental Approval Criteria. In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.
 1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
 2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

MINOR MODIFICATIONS

18.5.6.040

- C. **Minor Modification Approval Criteria.** A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
 1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.
 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

PROPERTY LINE ADJUSTMENTS

18.5.3.120.B

The Staff Advisor shall approve or deny a request for a property line adjustment in writing based on all of the following criteria.

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.
2. Lot Standards. Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).
3. Access Standards. All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

June 14, 2016

PLANNING ACTION: 2016-00617

APPLICANT: KDA Homes, L.L.C.

OWNERS: Ayala Properties, L.L.C.

LOCATION: 601-691 Fair Oaks Avenue
(Map 39 1E 04AD, Tax Lot #'s: 700 and 800)

ZONE DESIGNATION: NM — C, North Mountain
Neighborhood Central Overlay

COMP. PLAN DESIGNATION: North Mountain Neighborhood

ORDINANCE REFERENCES:

(See also http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf)

13.16	Street Trees
18.3.5	North Mountain Neighborhood District
18.4.2	Building Placement, Orientation & Design
18.4.3	Parking, Access & Circulation
18.4.4	Landscaping, Lighting & Screening
18.4.6	Public Facilities
18.5.2	Site Design Review
18.5.3	Land Divisions & Property Line Adjustments
18.5.6	Modifications to Approved Planning Actions

APPLICATION DEEMED COMPLETE ON: May 1, 2016

REQUEST: The current application is a request for Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the property located at 601 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator. *No changes are proposed to the previously-approved density, parking allocations or landscaping.*

I. Relevant Facts

1) Background - History of Application

This application involves two vacant buildable lots located within the Neighborhood Central Overlay (NM-C) of the North Mountain Neighborhood zoning district. The North Mountain Neighborhood Plan area has been located within the Ashland city limits since the early 1900's.

In January of 2014, the Planning Commission approved PA #2013-01506, a Modification of Planning Action #2013-806. The modifications approved were: 1) clarification of the proposal's density allocations, parking management, and number of ground floor 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.

In August of 2013, the Planning Commission approved PA#2013-806, 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. This application included 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.

In July of 2005, the Planning Commission granted Site review approval as PA#2005-696 for four mixed-use buildings comprised of ten commercial and ten residential condominium units on the subject properties in the "Village Center" area of the Meadowbrook Park Subdivision. Lots were created and streets dedicated with recordation of the plat for this project. The bulk of the public infrastructure for the Meadowbrook Park Estates Phase II project, including curbs, gutters, paving, some sidewalks, street trees, and utility infrastructure was constructed shortly thereafter, and some houses were constructed before the developers sold the remaining parcels and the economy declined.

In January of 2004, the Planning Commission granted Final Plan approval of PA#2003-158, an 81-lot Performance Standards subdivision located within the North Mountain Neighborhood Plan area west of the North Mountain Avenue, east of Bear Creek channel and south of the unimproved section of Nevada, including the subject parcels under consideration here. That approval included 79 residential units within the residential zones, and an additional 13 residential units and 11 commercial spaces in the NM-C portion of the project. This Final Plan approval was granted two 12-month administrative extensions with PA#2005-99 and PA#2006-264.

In May 2003, the Planning Commission granted Outline Plan approval of PA#2002-151, an 81-lot Performance Standards subdivision for the 16 acres located along the west side of North Mountain Avenue, east of the Bear Creek channel and south of the unimproved section of Nevada, including the subject parcels under consideration here.

This application also included Major Amendments to the North Mountain Neighborhood Plan, including realignment/reconfiguration of certain streets and modifications of the required yard areas.

In May of 1997, the City Council adopted the North Mountain Neighborhood Plan as Ordinance #2800, which included a Comprehensive Plan and Zoning Map amendment and a new chapter in the Ashland Land Use Ordinance (ALUO) - Chapter 18.30, North Mountain Neighborhood. With the Unified Land Use Ordinance updates in 2015, the North Mountain Neighborhood District became Chapter 18.3.5 and was moved to Part 18.3 "Special Districts and Overlay Zones". Chapter 18.3.5 lays the framework and provides applicable design standards for development proposals within the NM zoning districts.

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

2) Detailed Description of the Site and Proposal

Site Description

The subject property as well as the area surrounding the site is located in the North Mountain Neighborhood Plan area, and is included in the North Mountain Neighborhood (NM) zoning district. The NM zoning district is divided into seven secondary zoning districts or "overlays". The subject properties involved here are zoned NM-C (Neighborhood Central Overlay). The Neighborhood Central Overlay represents the commercial and civic center of the plan area.

The North Mountain Neighborhood Plan and implementing NM zoning district regulations identify required transportation facilities, common areas and individual sub-zones. In addition, all development proposals within the NM Plan area are required to adhere to the North Mountain Neighborhood Design standards, as well as other applicable ordinance provisions such as Local Street Standards, General Regulations and Site Design and Use Standards.

The areas proposed for construction are currently vacant and free of any existing structures. A row of existing Siberian Elm trees located immediately to the north of the proposed buildings on Tax Lot #700 was approved for removal with PA#2013-806, and no other significant natural features are situated in the immediate area.

Current Proposal

The current application is a request for Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the property located at 601 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator which would ultimately

serve both tax lots #700 and #800. *No changes are proposed to the previously-approved density, parking allocations or landscaping.*

II. Project Impact

Procedurally speaking, the amendment or modification of a Type II planning action (*such as the Outline Plan approval for a subdivision*) where the modification involves changes other than tree removal or building envelope adjustment requires a Type II planning action. Because the current request involves the modification of a building design approved through a Type II application, the modification requires Type II review and is accordingly being brought to the Planning Commission for a public hearing and decision. The application includes written findings which respond to the approval criteria for the modification of the approved Site Design Review and the Property Line Adjustment.

Proposed Modifications to Tax Lot #700 Building Design

All planning applications within the North Mountain Neighborhood Plan area involving Site Design Review approval are required to demonstrate compliance with the applicable North Mountain Neighborhood Design Standards as well as the standards outlined for Site Design Review. The North Mountain Neighborhood Design Standards provide guidance in areas of architectural design and character, building setbacks, height, and mixed-uses, and generally seek a building design which reflects the importance of the central public spaces and present a traditional storefront streetscape. In terms of some specific design standards:

- **Architectural Character.** Design standards for the district seek the architectural character of commercial buildings to reflect their importance as a focus of the North Mountain Neighborhood. Rather than taking on a residential appearance, buildings are to emulate a traditional storefront appearance with a simple, flexible form and a strong architectural identity.
- **Continuous Covered Walk:** Design standards also call for the use of arcades, awnings, bays, and balconies extended over walkways to form a continuous covered sidewalk corridor.
- **Transitional Architectural Design:** Design standards for the district call for a “Transitional Architectural Design” so that buildings initially developed for residential use are designed and constructed in a way that allows a simple transition to commercial use, for example, through appropriate floor-to-ceiling heights and location of HVAC and other building systems.

The application materials provided explain that the modifications proposed are necessary for two reasons: first, to accommodate the revised elevator location, and second, to reflect interior modifications made to the floor plans which were essentially flipped front to back so that more of the units fronted on Fair Oaks Court with view of Mt. Ashland (rather than the nearby interstate). The application asserts that the architectural style of the building remains consistent with the original approval as a “Main Street” style building, and is consistent with the North Mountain Design Standards. The application goes on to explain that in their opinion, the design attempts to create a traditional storefront appearance similar to that found in downtown Ashland. They suggest that the design achieves this without an

overly contrived appearance. They note that the volumes reflect a zero lot-line design with strong vertical elements at the edges, with the façade broken into various volumes of roughly 22 feet wide, combined with the varying use of different building materials, window types, roof heights and colors between the vertical volumes. The application suggests that the building reflects not only the underlying mixed-use zoning but also a mixture of traditional storefronts compatible with the context of the neighborhood. The design shows a continuous group of distinct coverings along the buildings' storefronts to provide shelter to pedestrians in a traditional storefront manner to respond to the design standards for "continuous covered walks" while also respecting vertical elements in the building facades. Two additional balconies (one per floor) have also been added to the Fair Oaks façade to reflect the shifted floor plans, and the applicants suggest that the incorporation of balconies into the design is important for high density housing livability where residents can have a small outdoor area for dining or other leisure activities.

The application goes on to note that all of the ground floor spaces proposed here are intended for commercial use, but as provided in the North Mountain Neighborhood Plan have been designed in such a way that they can function as residential units with a transitional architectural design that allows for relatively easy adaptation to commercial use. The applicants recognize that it is likely that the ground floor spaces will have temporary residential uses in place initially.

In staff's view, the intent of the neighborhood design standards was to create a neighborhood scale pedestrian streetscape with strong individual storefront identities and buildings of sizes, forms, massing and architectural elements at the pedestrian scale typical of older buildings similar to those found downtown along the plaza.

Staff believes that while the proposed modifications are generally in keeping with the previous design, as the design continues to evolve, some of the defining elements of the strong individual storefront characters are being softened. The more defined bases along each individual volume have been replaced with stone veneer wainscoting along only two of the volumes, and the use of the balconies in lieu of other pedestrian coverage on the west side seems to provide minimal benefit in protecting pedestrians from the elements. Staff believes that the design needs relatively minor adjustment to better address the standards and their underlying intent, and a condition has accordingly been recommended below to require creating a stronger identity for individual storefronts with stronger pedestrian coverings of a depth to provide protection from the elements, providing a distinct base on each space, and providing a clear distinction between the ground and upper floors.

Proposed Elevator Installation

The applicants propose to adjust the location of the building on Tax Lot #700's elevator so that it can be shared by a future building on Tax Lot #800, the adjacent lot immediately to the west. The elevator will sit along the shared property line, constructed with the proposed building and later connected the building on Tax Lot #800 when it is constructed. The application explains that the shared elevator will reduce construction costs and homeowner association maintenance expenses.

The elevator is to be recessed and will sit roughly 50 feet back from the building's front façade, and the application notes that it will have limited visual impact to the streetscape or building design. The application explains that the elevator is to be primarily of glass to allow for interior natural light and exterior aesthetics, and a small storage area for residents is proposed to be building behind the elevator, on the ground floor and screened from view by the elevator shaft. The applicants indicate that this design allows for slightly more storage, but also for windows and natural light into the building's interior. With the reconfiguration of the storage space within the ground floor garage area, the applicants also illustrate that two additional parking spaces can be gained over the previous configuration.

When the building on Tax Lot #700 is finished, the elevator shaft will be treated with like building materials to blend with the building until the adjoining building is constructed on Tax Lot #800.

AMC 18.3.5.100.B.3 & B.4 call for buildings to be built to the front and side property lines, and a side yard setback is only to be considered where the building is adjacent to a residential zone or a pedestrian accessway connects to a rear parking area, in which case it shall only occur at mid-block between two buildings. The previously approved Site Plan included a mid-block pedestrian connection between the buildings to provide a walkway from the rear parking to the Fair Oaks pedestrian corridor. In staff's view, the elevator placement here is in keeping both with the standard and the originally approved design; the recess created between the two buildings at mid-block provides a pedestrian connection from the streetscape to the parking garage and to the elevator for access to the upper-floor residential units.

In discussing the proposal with other City departments, the Electric Department has noted that the elevator will require a three-phase electrical service. A condition that this requirement be incorporated into the final electrical service plan has been recommended below.

Proposed Property Line Dissolution

The proposal includes the removal of the property line between Tax Lots #700 and #800 where the elevator is proposed. Building Codes will generally not allow construction over a property line or openings at a property line, and the dissolution of the property line as proposed will allow the elevator to comply with Building Codes and to have operable windows on both buildings in this area. The application explains that the dissolution of lot lines is typically an administrative action with the Jackson County Surveying Department, and is noted here for informational purposes. A condition has been recommended below to require that the property line be dissolved and evidence provided to the Building Division to demonstrate compliance with Building Codes requirements as proposed by the applicants.

III. Procedural - Required Burden of Proof

The criteria for Site Review approval from the Site Design Review Chapter are detailed in AMC 18.5.2.050 as follows:

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks,

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

The Supplemental Approval Criteria for North Mountain (NM) zoning districts are detailed in AMC 18.3.5.030 as follows:

- C. **Supplemental Approval Criteria.** In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.
 - 1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
 - 2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

The approval criteria for Minor Modifications to Planning Actions are detailed in AMC 18.5.6.040 as follows:

- C. **Minor Modification Approval Criteria.** A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
 - 1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.

2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

The approval criteria for Property Line Adjustments are detailed in AMC 18.5.3.120.B as follows:

1. **Parcel Creation.** No additional parcel or lot is created by the lot line adjustment.
2. **Lot Standards.** Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).
3. **Access Standards.** All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

IV. Conclusions and Recommendations

In staff's view, the intent of the neighborhood design standards was to create a neighborhood scale pedestrian streetscape with strong individual storefront identities and buildings of sizes, forms, massing and architectural elements at the pedestrian scale typical of older buildings similar to those found downtown along the plaza. For staff, the proposed changes to the building exterior, addition of the elevator to ultimately be shared with the adjacent lot, and dissolution of the property are relatively straightforward and generally in keeping with the previously approved design.

As the design has evolved through a number of modifications, staff believes that some of the defining elements of the individual storefront characters are being softened. The more defined bases along each individual volume have been replaced with stone veneer wainscoting along only two of the volumes, and the use of the shallow awnings and balconies in lieu of other pedestrian coverage on the west side seems to provide minimal benefit in protecting pedestrians from the elements. Staff believes that these elements need some relatively minor adjustments to better address the standards and their underlying intent, and a condition has accordingly been recommended below to require creating a stronger identity for individual storefronts with stronger pedestrian coverings of a depth to provide protection from the elements, providing a distinct base on each space, and providing a clear distinction between the ground and upper floors.

Staff is generally supportive of the request, and recommends approval with the conditions detailed below:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise modified herein, including that When the building on Tax Lot #700 is finished, the elevator shaft will be treated with like building materials to blend with the building until the adjoining building is constructed on Tax Lot #800.
- 2) That all applicable conditions of the previous Outline Plan, Final Plan and Site Design Review (PA-2013-00806 and PA-2013-01506) approvals shall remain in effect unless otherwise modified herein.
- 3) 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 conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 4) That the Electric Service Plan submitted with the building permit application shall include the three-phase electrical service necessary to serve the proposed elevator as required by the Electric Department.
- 5) That the property line shall be dissolved as proposed by the applicants and evidence provided to the Building Division to demonstrate compliance with Building Code requirements.
- 6) That the building permit submittals shall include revised elevations which demonstrate a stronger identity for individual storefronts by providing stronger pedestrian coverings of a depth sufficient to provide protection from the elements; providing a distinct base on each space, and providing a clear distinction between the ground and upper floors.

“NORTH MOUNTAIN SQUARE”

**SITE REVIEW PERMIT MODIFICATION &
LOT LINE ADJUSTMENT**

(PLANNING ACTION 2013-01506)

**SUBMITTED TO
CITY OF ASHLAND**

**FOR
KDA HOMES
604 FAIR OAKS COURT
ASHLAND, OR 97520**

APRIL 1ST, 2016

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I. PROJECT INFORMATION:

PROJECT NAME: "North Mountain Square"

APPLICANT:

Ayala Properties, LLC
604 Fair Oaks Court
Ashland, OR 97520

ARCHITECT

Oregon Architecture
221 W. 10th Street
Medford, OR 97501

LAND USE PLANNING:

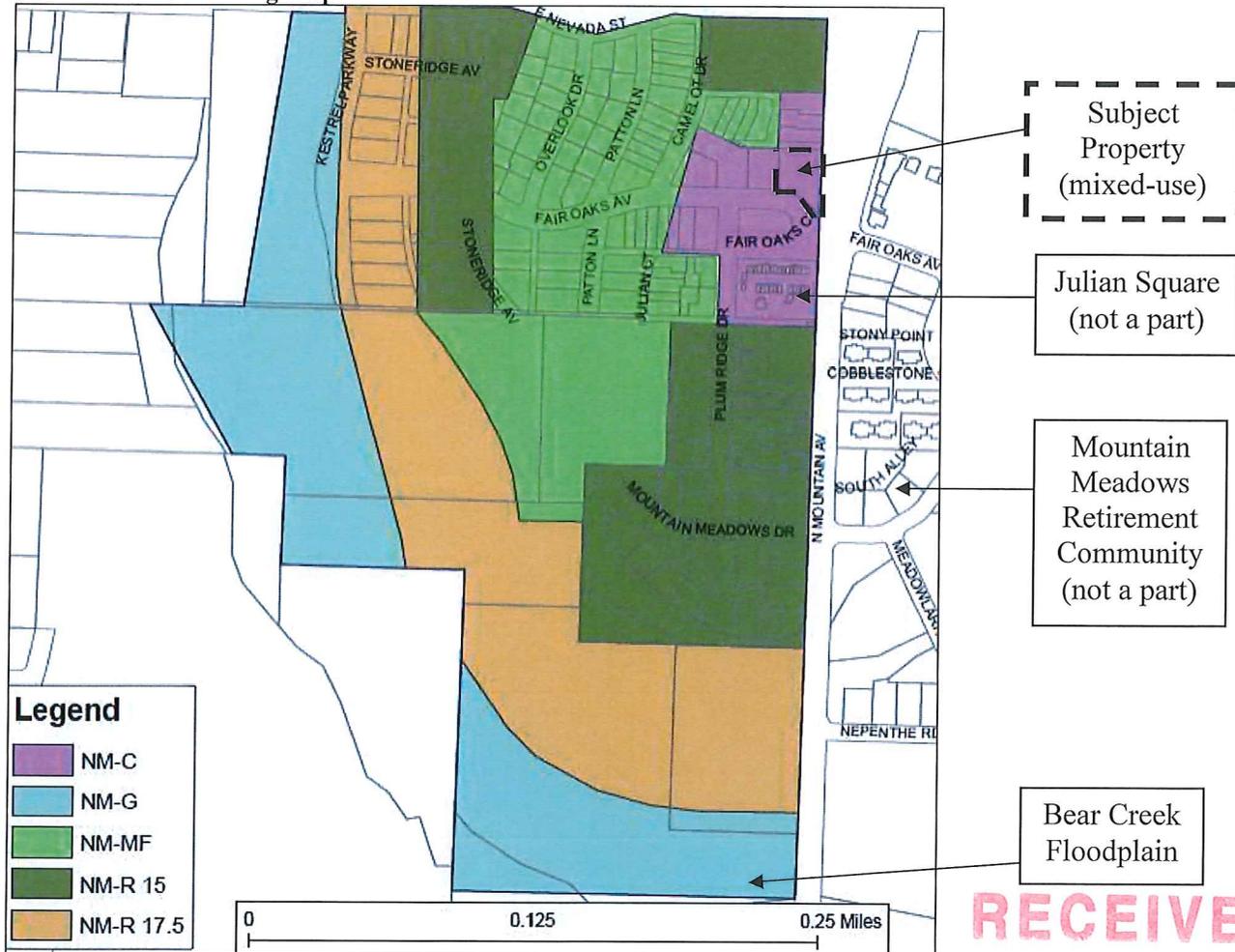
KDA Homes, LLC
604 Fair Oaks Court
Ashland, OR 97520

ENGINEER:

Construction Engineering Consultants
P.O. Box 1724
Medford, Oregon 97501

PROJECT ZONING: As illustrated in the inserted Zoning Map (below), the property is zoned North Mountain (NM) with a Neighborhood Central Overlay (NM-C). The subject property is regulated by Chapter 18.30.30 of the Ashland Municipal Code as well as Section VII of the Site Design & Use Standards, the North Mountain Neighborhood Design Standards.

North Mountain Zoning Map

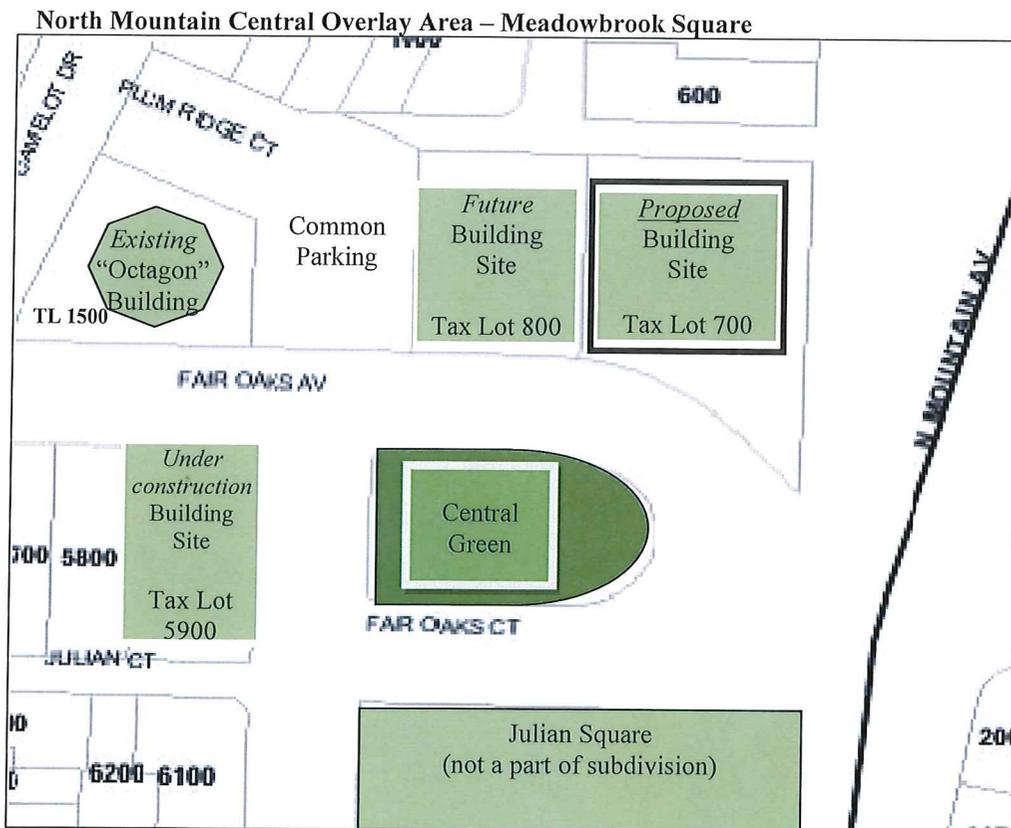


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PROJECT PROPOSAL: The applicants are requesting a Site Review Permit Modification (Planning Action 2013-01506) to modify the building's exterior design, add an exterior elevator and adjust a property lot line. No changes are proposed to amend the previously approved density, parking allocations or landscaping. The subject property is part of a master planned community known as the North Mountain Neighborhood. Within the master planned neighborhood, a Planned Unit Development community was created called the Meadowbrook II Subdivision and within the subdivision is Meadowbrook Square, the subdivision's commercial area (see insert below).



PROJECT HISTORY: In August of 2013, the Planning Commission approved a Type II land use action in accordance with AMC 18.108.050 (Planning Action #2013-00806) approving a total of 40 residential units for the subject lots (tax lots 700, 800, 1500 and 5900) and allocated parking. The Planning Commission's decision also included approval of a Site Review Permit for the construction of a new three-story mixed-use building on Tax Lot 700. The approval also included a Tree Removal Permit to remove seven Siberian Elm trees located along the north property line.

In December of 2014, a Type I land use action for an 18-month extension was administratively approved. The primary reason for the extension related to the applicant's re-evaluation of the commercial core's development where it was eventually concluded the planned mixed-use building on Tax Lot 5900, now under construction, should be constructed first due to its smaller size in order to evaluate the temperature of the real estate market for mixed-use housing in the North Mountain Neighborhood.

MODIFICATIONS TO PLANNING ACTION 2013-00806: The applicants have evaluated the proposed development and hereby seek three relatively straight-forward modifications as follows:

APR 01 2016

1) Elevator Modification: The applicants propose to adjust the location of the building's elevator so that it can be shared with a future building on Lot #71 (Tax Lot 800), directly west of Lot #70. The elevator will sit along the shared property line, constructed with the proposed building and later adjoined to the future building on Lot #71. The inclusion of the elevator will help reduce construction costs and homeowner maintenance expenses.

The elevator will be recessed roughly 50' from the building(s) front façade with limited visual impact to the building or streetscape. However, the elevator is intended to be primarily glass for interior natural light and exterior aesthetic value, particularly in the evenings. It should also be noted that behind the elevator, on the ground floor only and screened by the elevator shaft, will be a small storage area for the residents of the facility. The design allows for slightly more storage, but also allows for windows and natural light into the building's interior.

During the time the proposed building is finished and the future building on Lot #71 is pending construction, the elevator shaft will be treated with like-kind building materials to blend in with the building. Also, due to the slightly sloped nature of the two properties, the project Architects generated preliminary modeling of the future building on Lot #71 as it relates to the proposed building's elevator and determined the elevator will accommodate both buildings so that they both lay at their respective street and sidewalk elevations.

2) Exterior Elevation Modifications: A modification of the building's approved design is necessary for two reasons. First, the revised elevator location as described above, and second, to reflect interior modifications made to the floor plans which were essentially "flipped" from front to back so that more of the units fronted Fair Oaks Court with views of Mt. Ashland and less onto the I-5 Freeway. The architectural style of the building remains consistent with its original approval as a "main street" building façade, consistent with the North Mountain Design Standards.

Architectural Character: As described in the City's North Mountain Neighborhood Design Standards, *"the architectural character of the commercial buildings should reflect their importance as a focus of the North Mountain Neighborhood. Rather than taking on a residential appearance, these buildings should emulate a traditional storefront appearance."* In the applicant's opinion, the proposal attempts to create a traditional storefront appearance similar to that found in Downtown Ashland. The applicants have gone through various design modifications in an attempt to accomplish this vision and feel the proposed design meets the standard without an overly contrived appearance which can be unattractive if not executed correctly. To this end, the volumes reflect a zero lot-line design with strong vertical elements at edges to further distinguish a traditional "main street" appearance. In addition, because the façade is broken into various volumes averaging roughly 22 feet wide, combined with the varying use of different building materials, window types, roof heights and colors between the vertical volumes, the building reflects not only the underlying mixed-use zoning designation, but also a mixture of traditional storefronts compatible to the context of the neighborhood.

Continuous Covered Walk: The intent of this standard is to provide shelter over walkways and gathering areas, similar to those found in the downtown area where awnings and marquees are prominently found over the sidewalk. These components provide relief from inclement weather while pedestrian's window shop and peruse between storefronts. Traditionally, these shelters will sit between bays and above windows without crossing over vertical architectural elements and obscuring other forms of the building's storefront rhythm. A true continuous horizontal covering without breaks as described would be inappropriate and not the intent of the standard. To this point, the design shows a continuous group of distinct coverings along the building's storefronts that provide shelter to pedestrians in a traditional storefront manner while respecting the vertical elements of the building's facade.

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APR 01 2018

Page
City Of Ashland

Balconies: As noted, one of the reasons the applicants are proposing the modification is the floor plans were reconfigured to have more units facing the views to Mt. Ashland vs. the I-5 freeway. In doing so, two additional balconies (one per floor) were added. The incorporation of balconies into the design is important for high-density housing livability where residents can have a small outdoor area for dining, and other forms of leisure activity, including people watching, sun bathing, light gardening and pet relief. Regardless, all of the balconies meet the design standards and no balcony crosses over a property line.

Side Setbacks: The other reason the modifications herein are proposed is due to the opportunity to share an elevator between the subject building and a future building on Lot #71. The single elevator is a prudent cost savings for not only the initial construction, but also long-term for the Home Owners Association's maintenance expenses and keeping residential units affordable. Nevertheless, the elevator was relocated to the center of the west exterior side, recessed roughly 50' from the front of the building's façade in an area that was underutilized. A second benefit of the elevator's proposed location is the ground level behind the elevator, adjacent to the parking garage, will be utilized as storage area and the area in front of the elevator a pedestrian access way leading from the public sidewalk to the parking structure and elevator. The design not only allows for second and third floor natural light, but also additional window opportunity for the front commercial units.

Transitional Architectural Design: All of the proposed ground floor spaces within this particular building are intended to be commercial spaces. However, as referenced in the Pre-application comments, the commercial core area of the North Mountain Master Plan recognized the fact that commercial demand would take time and that new housing and certain street improvements (such as the connection of the Nevada Street bridge) would ultimately need to occur before 100% of the commercial spaces would be occupied. As such, the ground floor units of the commercial core are permissible to be residential as long as certain components of the space are easily adaptable to commercial codes with the goal of limiting future owners from being financially burdened with a major tenant improvement or building code upgrade that converting the space to commercial use once the market demand exists is not cost prohibitive. To this point, it's highly likely, similar to the mixed-use building currently under construction on Lot #73 across the street, the future building planned for Lot #71 will have "temporary" residential space on the ground floor as permitted and anticipated in the master plan.

3) Property Line Adjustment: The removal of the property line between Tax Lots #700 (Lot #70) and #800 (Lot #71) where the elevator is proposed. The removal of the property line allows for the elevator to comply with building codes and retains the ability to have operable windows along this area of both buildings. Note: The two buildings are intended to be part of a common Condominium Owner's Association, along with the recently approved building on Lot #73, for the benefit of the Association's management, maintenance and overhead. Note: Lot Line Adjustments to "remove" a property line are typically an administrative action with the Jackson County Surveying Department, but is noted herein for informational purposes.

CONCLUSION: Overall, the applicants contend the proposed design is very similar to the original application approved by the Planning Commission in August of 2013 (see below insert), but for the minor tweaks as noted above. The design continues to "form" the edges of the plaza and central green space creating an "enclosed" neighborhood center as envisioned in the North Mountain Neighborhood Master Plan.

The applicants' vision for this application is to produce entry level housing designed to accommodate single couples or single parents with units averaging less than 1,000 square feet consistent with the goals noted in the City's 2002 and draft 2013 Housing Needs Analysis.

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APR 01 2016

5 | Page

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SOUTH ELEV. (FAIR OAKS)

Approved Design – Planning Action 2013-00806

Elevator (recessed from front facade)



Proposed Design – April, 2016

II. FINDINGS OF FACT:

The required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in the Ashland Municipal Code (AMC) pertaining to the site's zoning, applicable overlay zones, site development and design regulations as well as the Site Review Criteria listed in the AMC, Section 18.5.2.050, Supplemental Approval Criteria as listed in the AMC, Section 18.3.5.030 C. and the Minor Modifications Criteria as listed in the AMC, Section 18.5.6.040.

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APR 01 2016 6 | Page
City Of Ashland

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's approval criteria noted in **BOLD** font and the applicant's response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

Section 18.5.2.050 Site Review Permit – Approval Criteria

18.5.2.050 Approval Criteria

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

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

To the applicant's knowledge, all of the applicable provisions of the property's NM-C zone (Chapter 18.3.5), including but not limited to: building and yard setbacks, zoning density, building height, maximum floor areas (no unit exceeds 3,500 sq. ft.), lot coverage, building orientation, architecture and all other applicable standards are being complied with.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

The proposal complies with all applicable overlay zone requirements, specifically the NM-C (Chapter 18.3.5) zone.

C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

The proposal complies with the applicable Site Development and Design Standards of AMC Chapter 18.4. To the best of the applicant's knowledge, no exceptions to the Site Development and Design Standards are proposed with this application.

D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

All key facilities are available to service the proposed project. All utilities to service the building were installed at the time of the subdivision and no major modifications are expected. The applicants have met with all of the utility departments to verify if there were any capacity issues. The results of the meeting were that adequate City facilities are available to the subject site.

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

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed

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APR 01 2018

City of Ashland 7 | Page

use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

To the best of the applicant's knowledge, no exceptions are proposed with this application.

Section 18.3.5.030 C. Supplemental Approval Criteria (North Mountain Neighborhood District):

1. That a statement has been provided indicating how the proposed application conforms with the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.

The narrative included herein is intended to provide the evidence necessary to express how the proposal conforms with the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation. Overall, the applicant and design team believe criterion and design standards have been incorporated into the application or could be easily incorporated by condition.

2. That the proposed application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

To the applicant's knowledge all specific design requirements as provided in the North Mountain Neighborhood Design Standards will be complied with. The applicants are not requesting any exceptions or variances.

Section 18.5.6.040 C. Minor Modification Approval Criteria:

C. Minor Modification Approval Criteria. A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.

Beginning on Page #6 of this document, Findings of Fact has been included that address the original application's approval criteria, which included a Site Review Permit and a Tree Removal Permit. However, since the modification is solely based on a modification of the building's design and does not relate to the Tree Removal Permit as specified in the criterion, no findings have been provided as the subject tree removal permit remains as permitted.

2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.

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As noted, it is the applicants' opinion the request is not a Major Modification nor is modifying the use or operations of the approved mixed-use building. However, the applicants are aware the Staff Advisor may determine otherwise and would include additional findings if deemed necessary to ensure the applicable criteria have been fully responded to.

3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

The applicants are aware the approval authority will approve, deny, or approve with conditions. The applicants' contend all previous conditions of Planning Action 2013-01506 are adequate and address all standards, policies and codes of the City.

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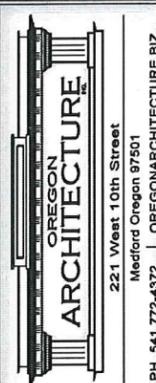
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3D PERSPECTIVE SOUTH ELEVATION
NTS

TO VERIFY FULL SCALE ——— BAR SHOULD MEASURE ONE INCH BY ONE/SIXTEENTH INCH.

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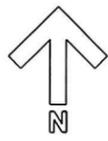
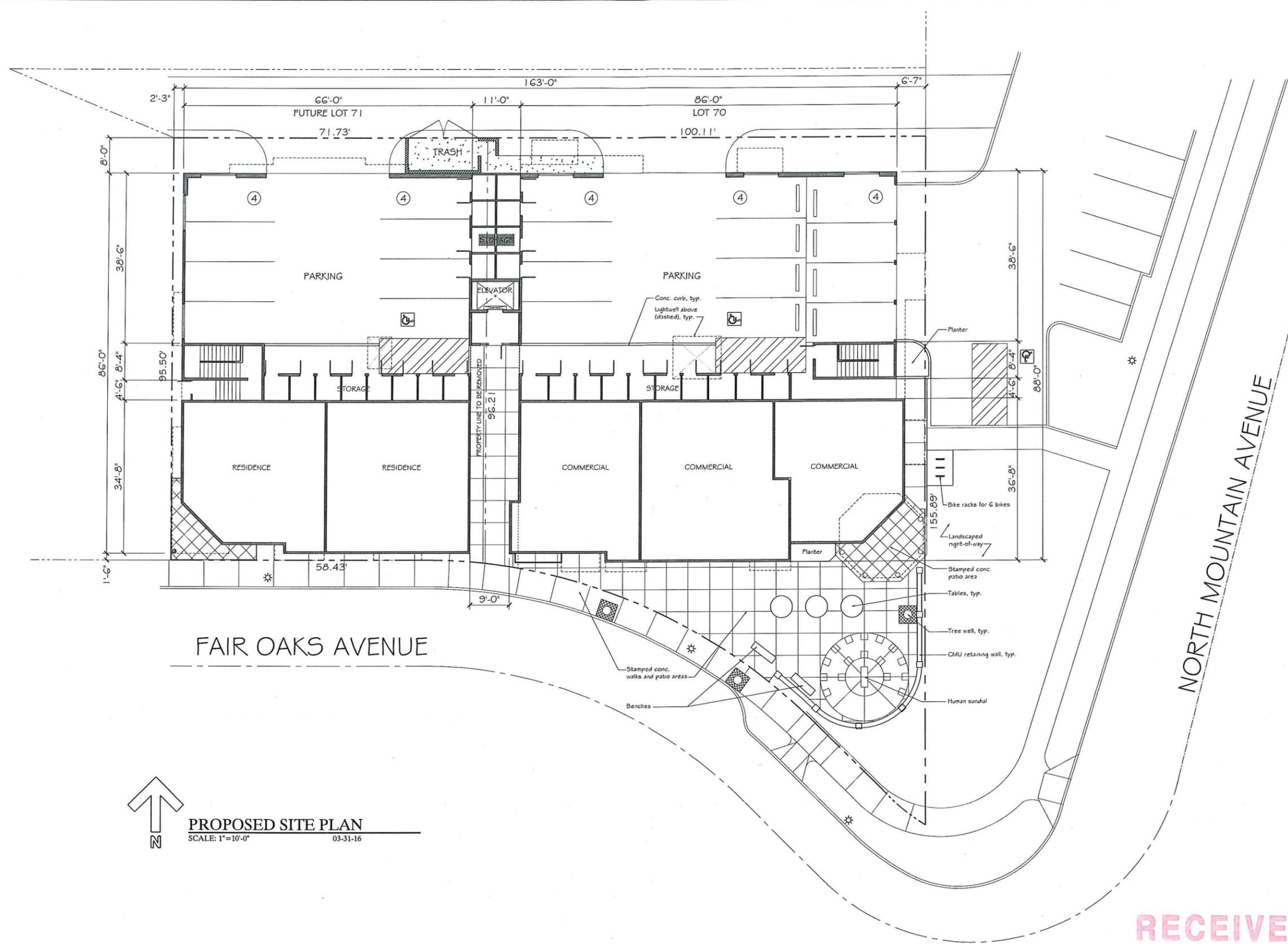
MEADOWBROOK II & III

FAIR OAKS AVENUE
ASHLAND, OR 97520
MAP: 39 1E 04AD TAX LOTS: 700 & 800

Approval Signature	Date
REVISIONS	BY

PLOT DATE: 3/31/16
PHASE: 02-05-2016
DRAWN BY: P.M.
SHEET:

RECEIVED
APR 01 2015
City Of Ashland



PROPOSED SITE PLAN
 SCALE: 1"=10'-0"
 03-31-16

NORTH MOUNTAIN AVENUE

FAIR OAKS AVENUE

MEADOWBROOK II & III
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FAIR OAKS AVENUE
 ASHLAND, OR 97520
 MAP: 39 1E 04AD TAX LOTS: 700 & 800

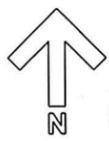
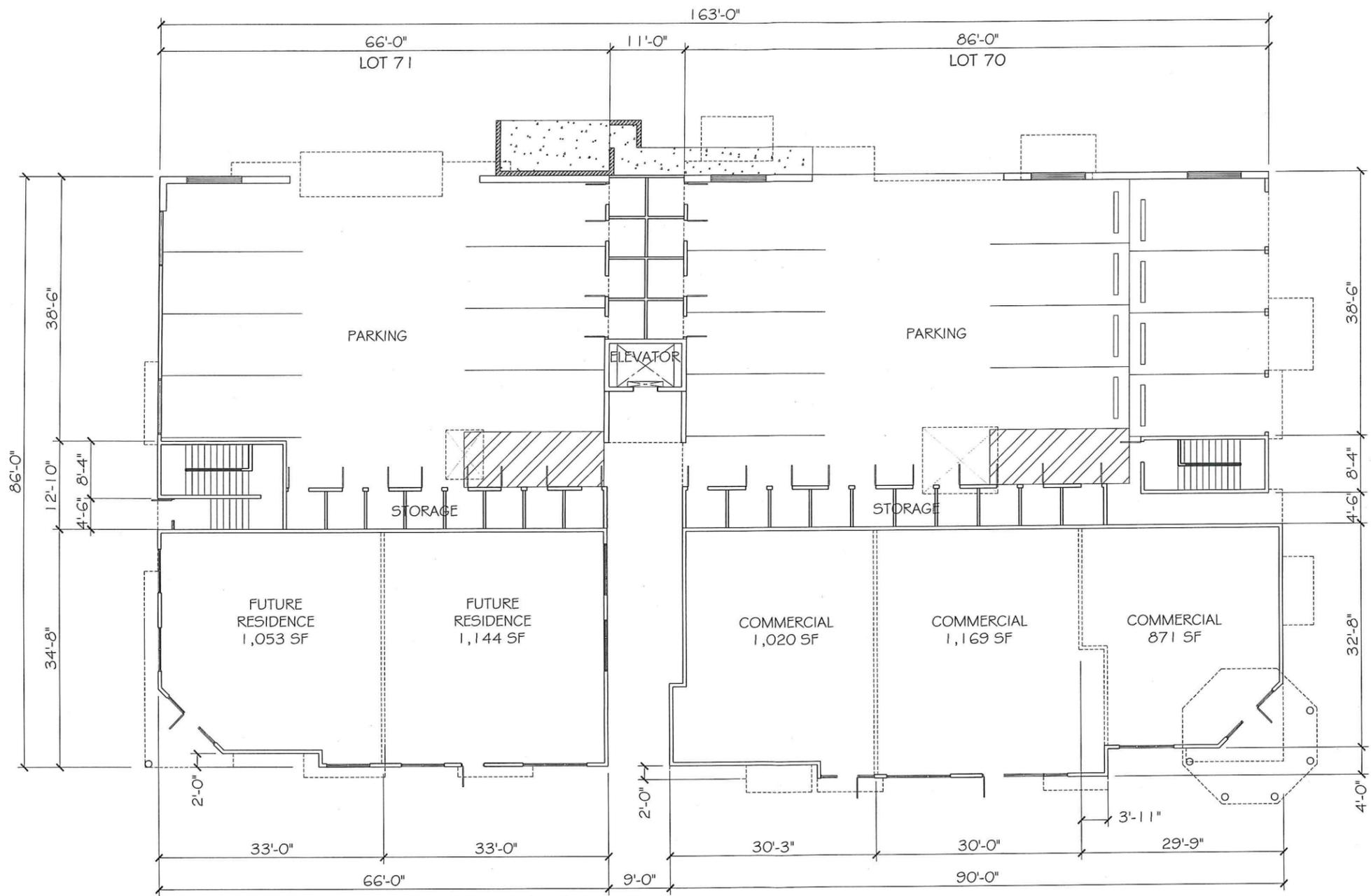
Approval Signature	Date
REVISIONS	BY

PLOT DATE: 3/31/16
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FLOOR PLAN (1ST AND PARKING GARAGE) SCHEMATIC
 SCALE: 1/8"=1'-0" 03-31-16

RECEIVED
 APR 01 2016
 City Of Ashland

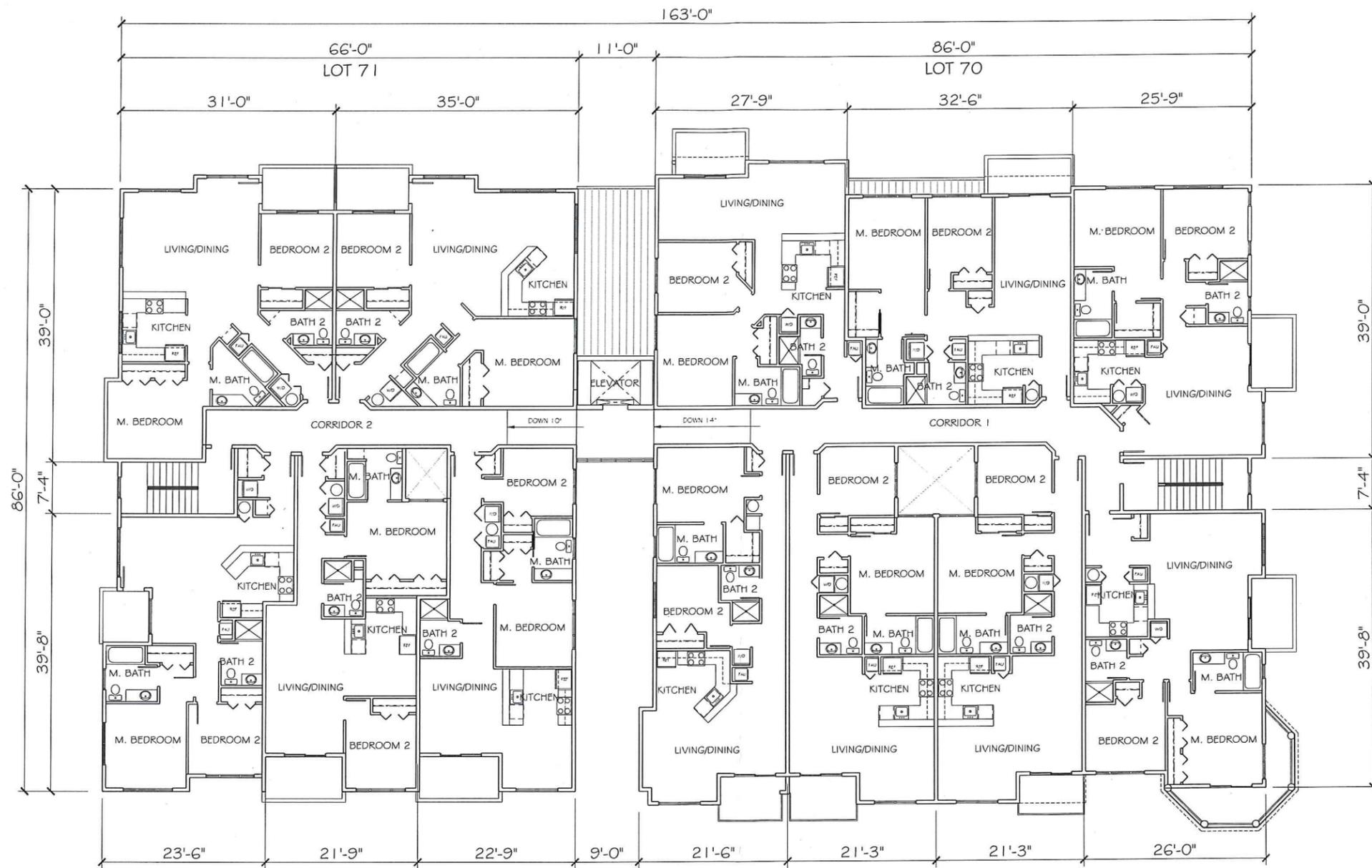
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MEADOWBROOK II & III
 FAIR OAKS AVENUE
 ASHLAND, OR 97520
 MAP: 39 1E 04AD TAX LOTS: 700 & 800

Approval Signature	Date
REVISIONS	BY
PLOT DATE: 3/31/16	
PHASE: 02-02-2016	
DRAWN BY:	
SHEET:	



FLOOR PLAN (2ND & 3RD) SCHEMATIC
 SCALE: 1/8"=1'-0" 03-31-16

TO VERIFY FULL SCALE BAR SHOULD MEASURE ONE INCH BY ONE/SIXTEENTH INCH.

MEADOWBROOK II & III
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FAIR OAKS AVENUE
 ASHLAND, OR 97520
 MAP: 39 JE 04AD TAX LOTS: 700 & 800

Approval Signature	Date
REVISIONS	BY

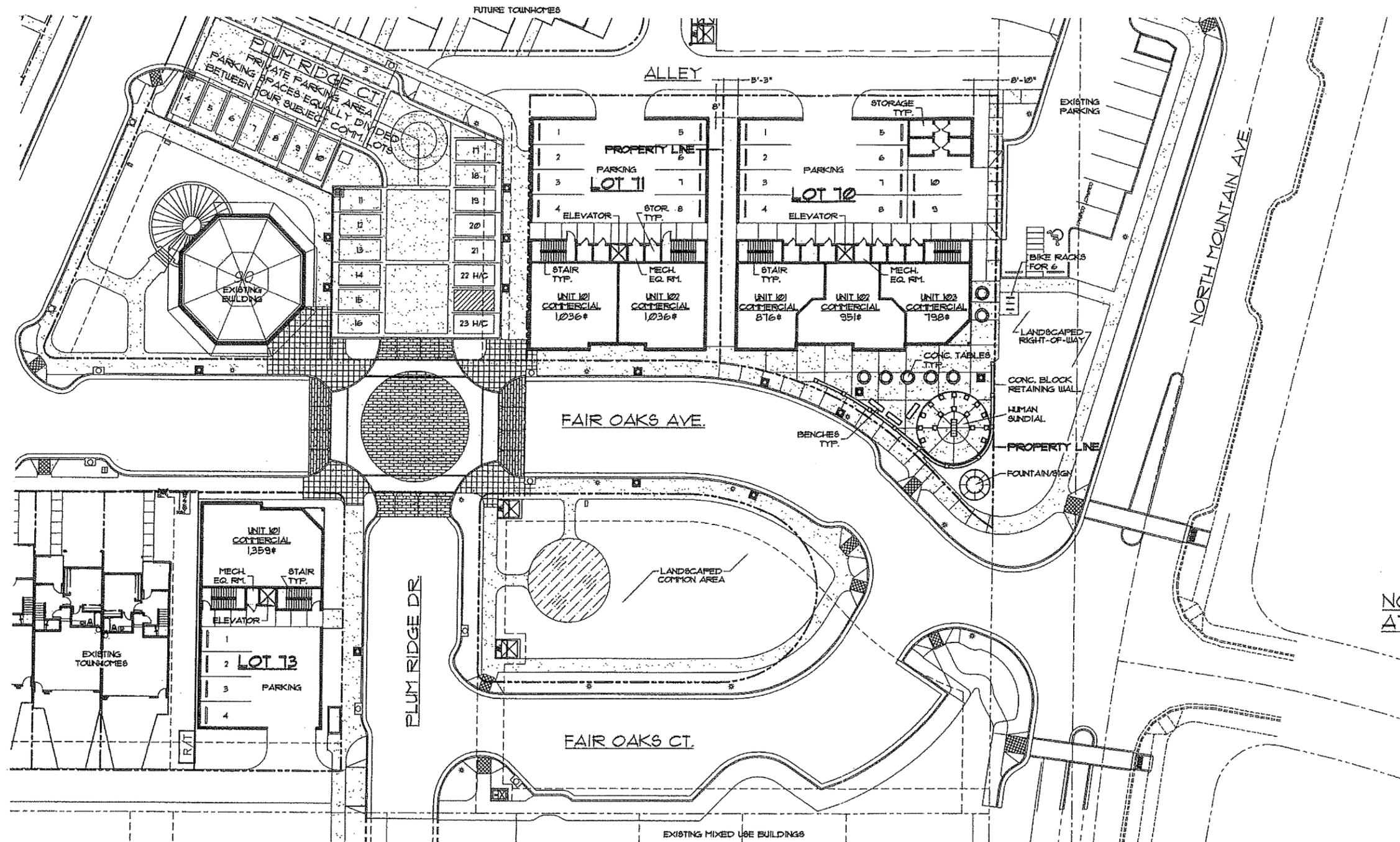
PLOT DATE: 3/31/16
 PHASE: 02-02-2016
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STAFF EXHIBIT S-1

Planning Action #2013-01506 Currently-Approved Drawings



DENSITY TABULATION:

LOT 10:	3 COMMERCIAL, 14 RESIDENTIAL
LOT 11:	2 COMMERCIAL, 10 RESIDENTIAL
LOT 12:	1 COMMERCIAL, 6 RESIDENTIAL
TOTAL 30 RESIDENTIAL	

**NORTH MOUNTAIN SQUARE
AT MEADOWBROOK PARK**
FAIR OAKS AVE.
ASHLAND, OR

PROJECT NUMBER: 12-139

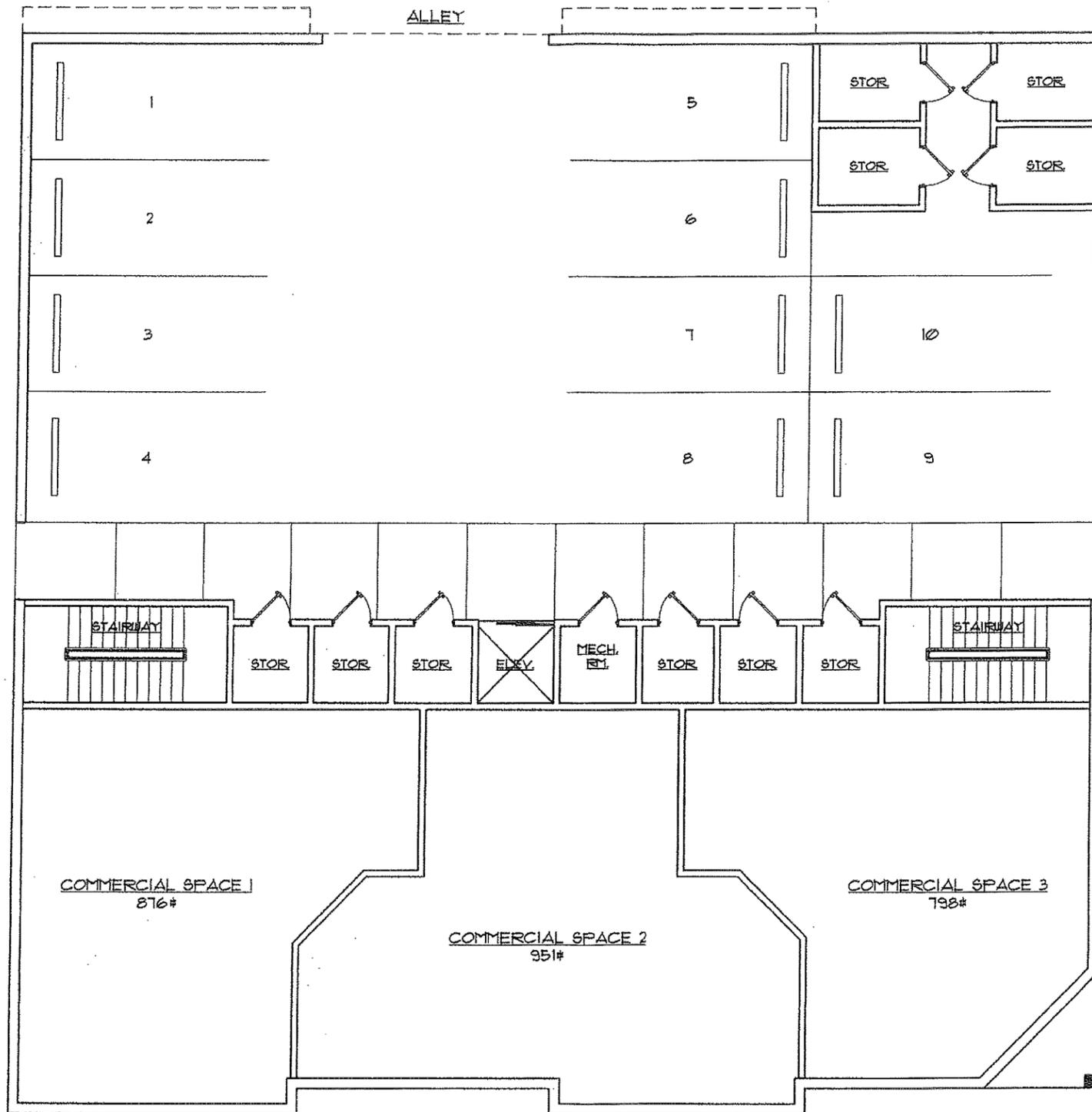
NORTH
SITE PLAN 1"=40'



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169 W. MAIN, P.O. BOX 682
EAGLE POINT, OR 97524
PHONE: 541-830-1014

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DATE
21 AUGUST 2013



GROUND FLOOR PLAN
LOT 70

**NORTH MOUNTAIN SQUARE
AT MEADOWBROOK PARK**

FAIR OAKS AVE.
ASHLAND, OR

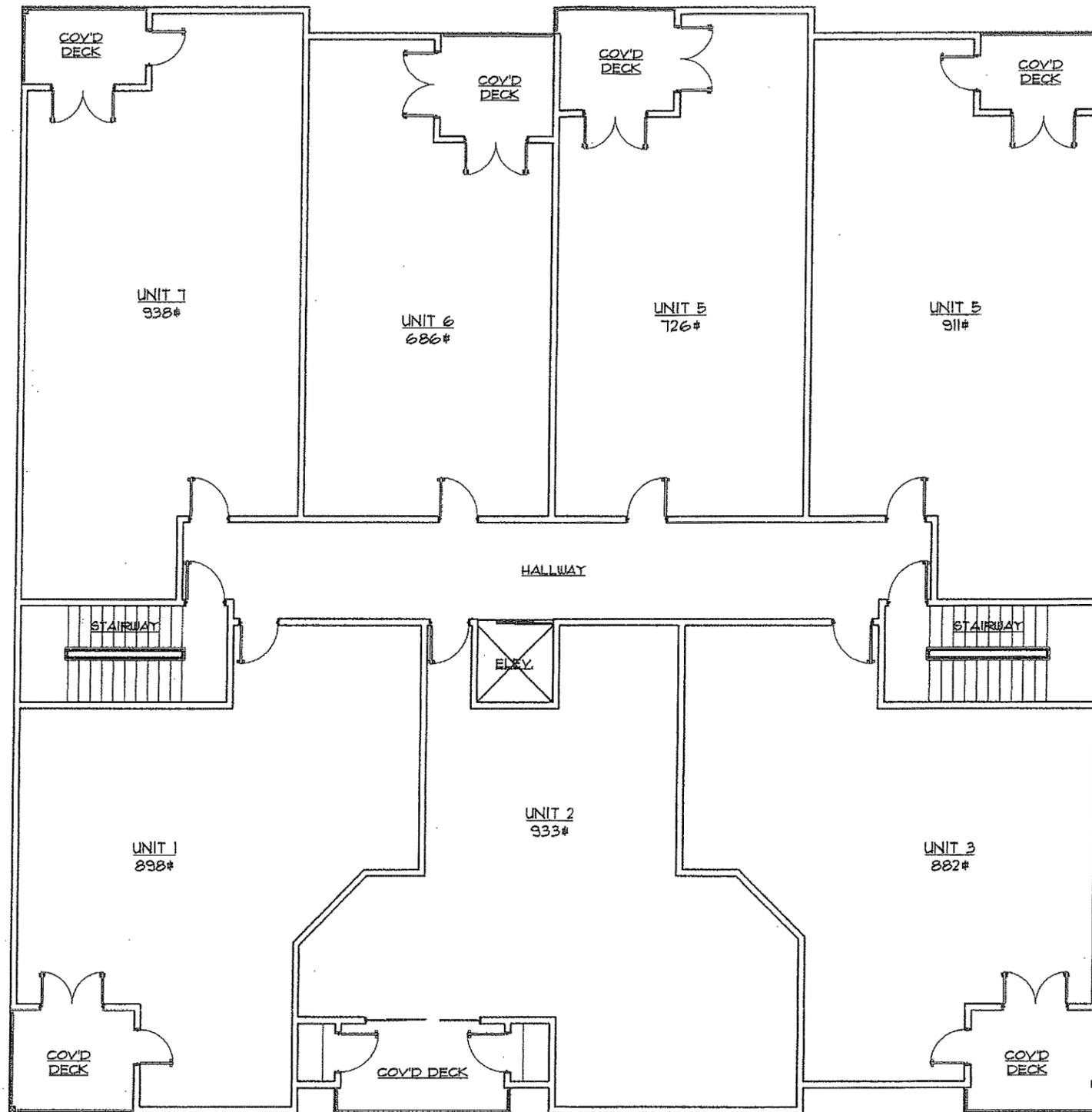
PROJECT NUMBER: 12-199



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DATE:
21 AUGUST 2013



SECOND/THIRD FLOOR PLAN
LOT 10

**NORTH MOUNTAIN SQUARE
AT MEADOWBROOK PARK**

FAIR OAKS AVE.
ASHLAND, OR

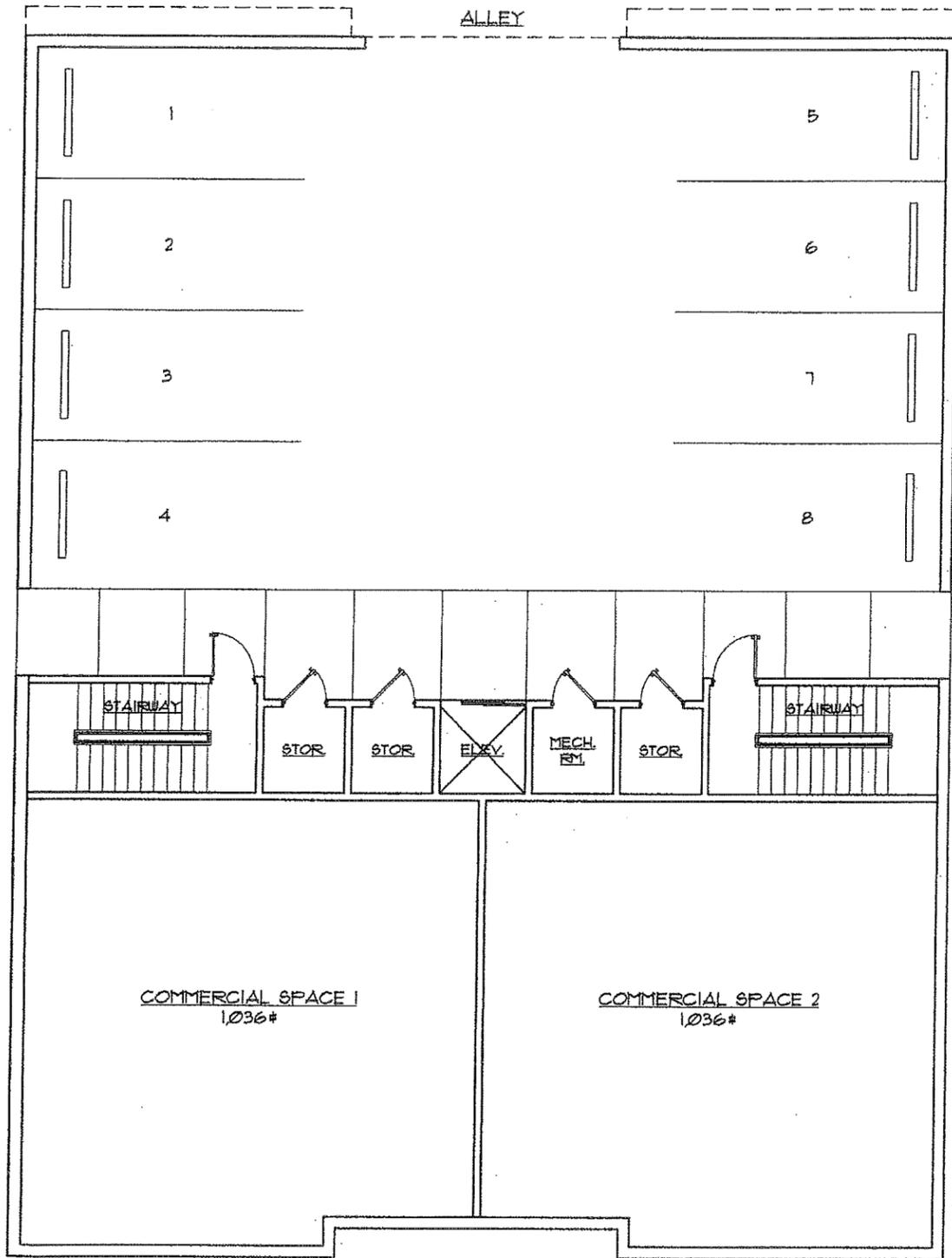
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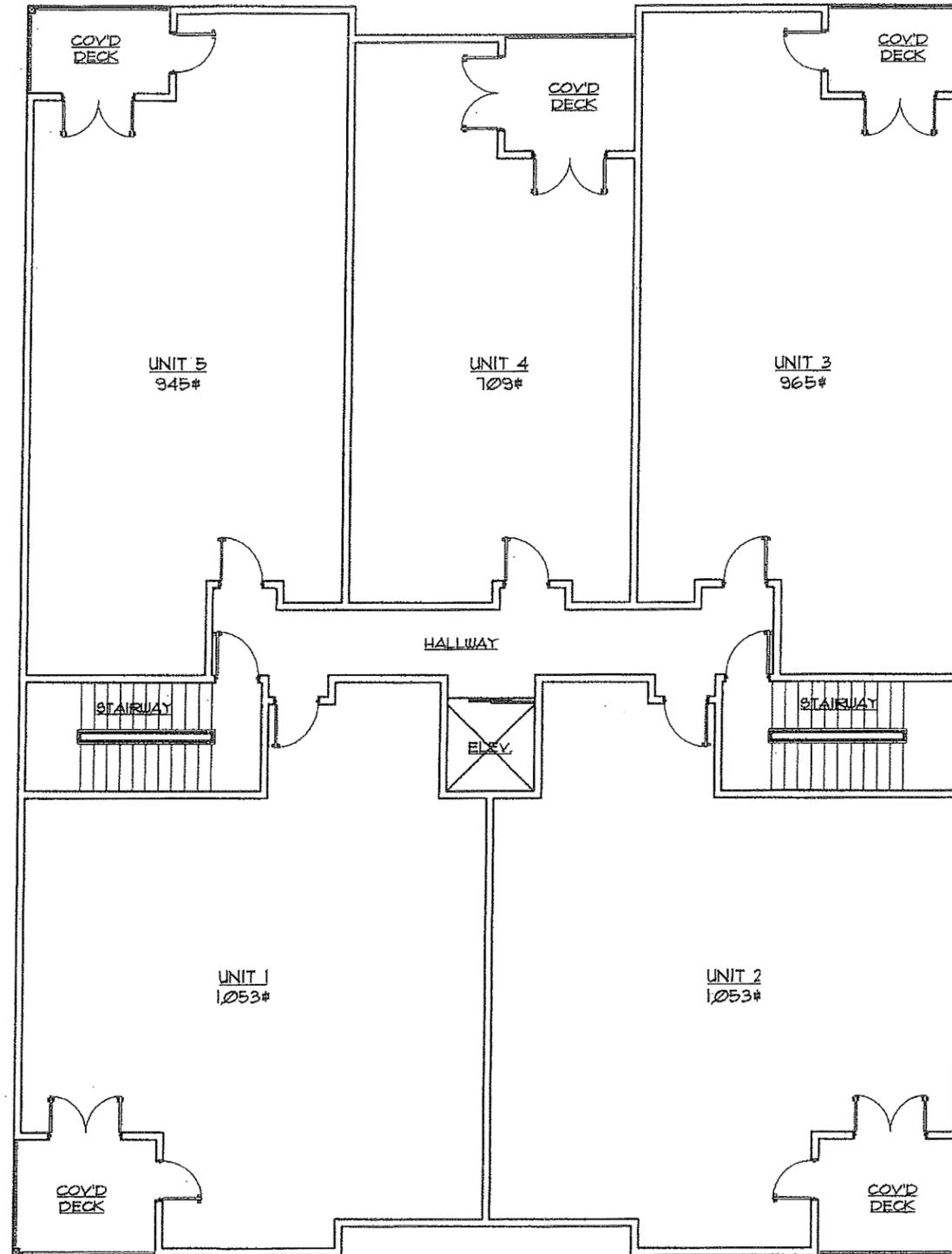
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DATE:
21 AUGUST 2013



GROUND FLOOR PLAN
LOT 71



SECOND/THIRD FLOOR PLAN
LOT 71

**NORTH MOUNTAIN SQUARE
AT MEADOWBROOK PARK**

FAIR OAKS AVE.
ASHLAND, OR

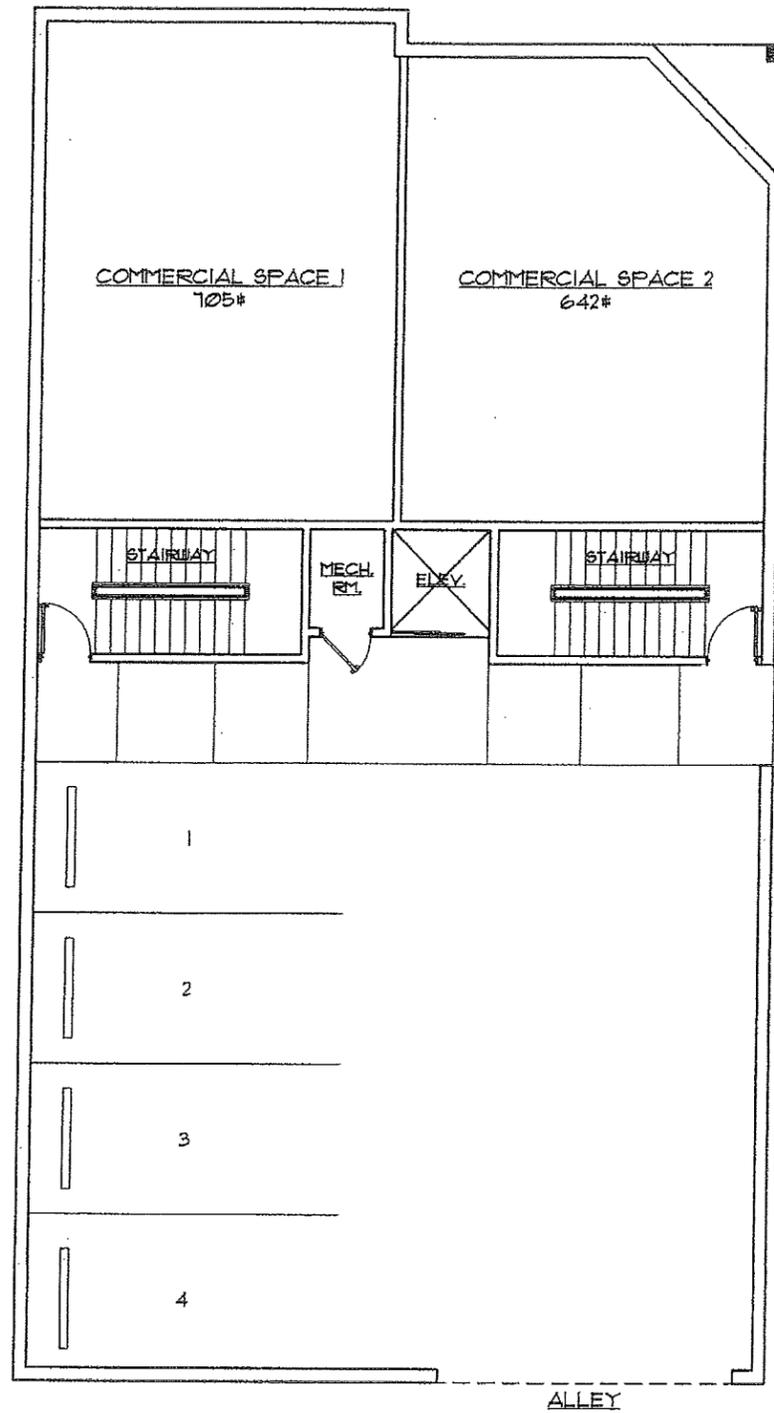
PROJECT NUMBER: 12-199



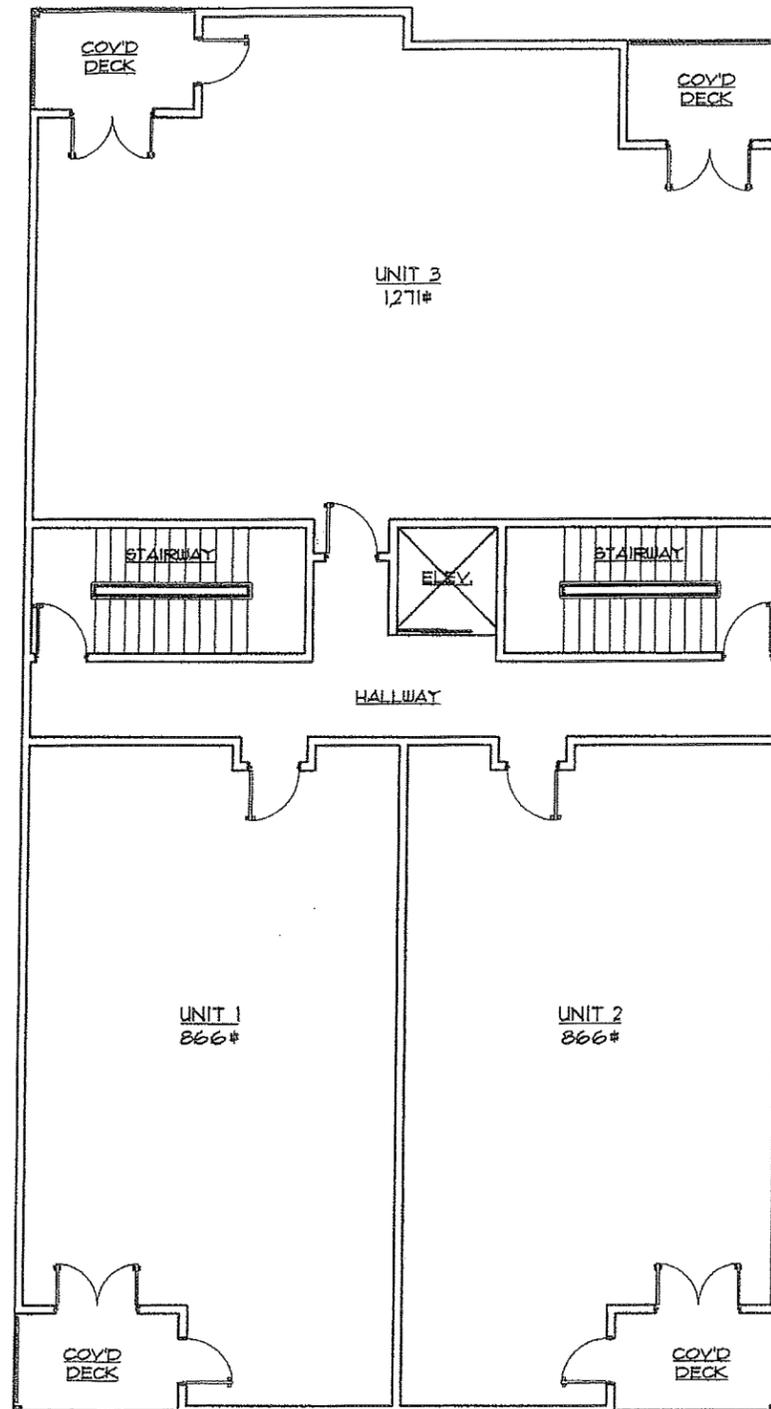
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DATE:
21 AUGUST 2013



GROUND FLOOR PLAN
LOT 73



SECOND/THIRD FLOOR PLAN
LOT 73

**NORTH MOUNTAIN SQUARE
AT MEADOWBROOK PARK**

FAIR OAKS AVE.
ASHLAND, OR

PROJECT NUMBER: 12-199



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DATE:
22 AUGUST 2013



SOUTH ELEVATION LOT 70
(FAIR OAKS AVE.)



EAST ELEVATION LOT 70
(NORTH MOUNTAIN)



NORTH ELEVATION LOT 70
(ALLEY SIDE)

**TYPE II
PUBLIC HEARING**

**PA-2016-00847
252-256 B Street**



PLANNING ACTION: 2016-00847

SUBJECT PROPERTY: 252-256 B Street

OWNER: Maura & Kathleen Van Heuit

APPLICANT: Jerome White of Kistler & White Architects

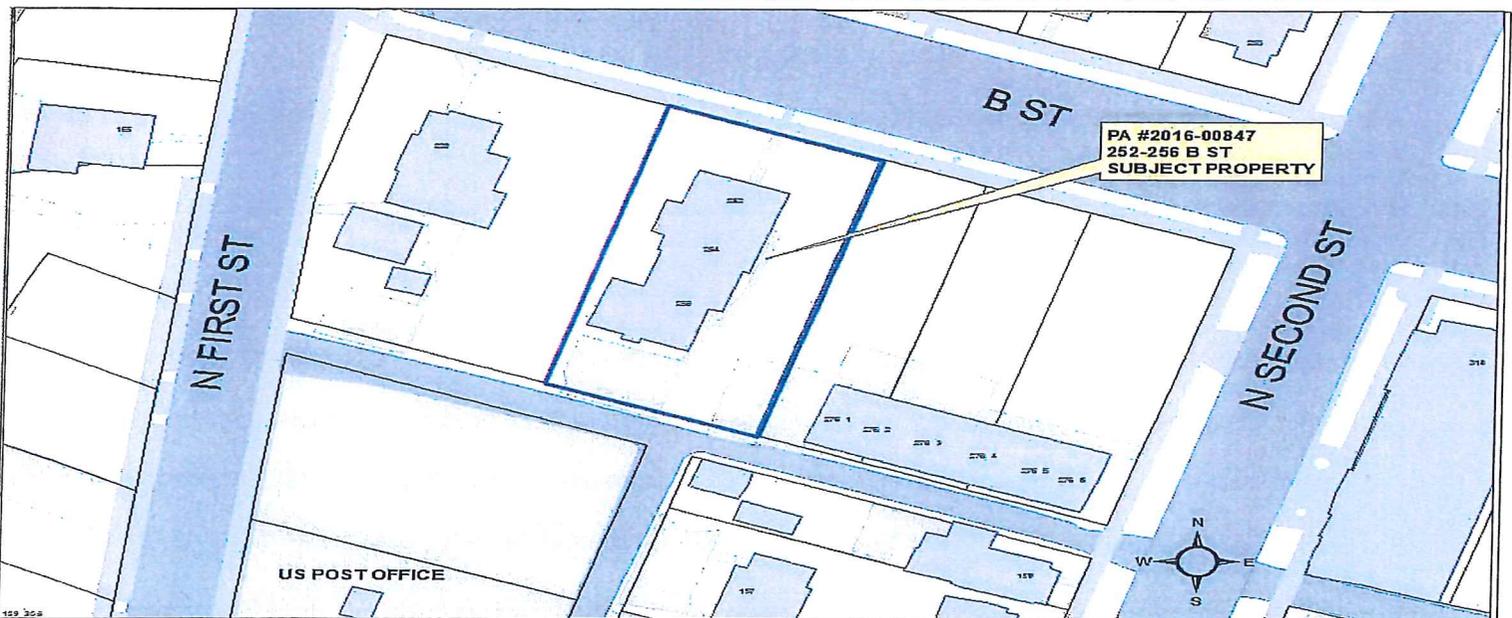
DESCRIPTION: A request for Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is required because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOTS:** 5700.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday June 8, 2016 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, June 9, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *June 14, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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.

SITE DESIGN AND USE STANDARDS

18.5.2.050

The following criteria shall be used to approve or deny an application:

- A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities: The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

CONDITIONAL USE PERMITS

18.5.4.050.A

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

ASHLAND PLANNING DIVISION STAFF REPORT

June 14, 2016

PLANNING ACTION: #2016-00847

OWNERS: Maura & Kathleen Van Heuit

APPLICANT: Jerome White, Architect
Kistler+Small+White Architects

LOCATION: 252-256 B Street

ZONE DESIGNATION: R-2

COMP. PLAN DESIGNATION: Low-Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: June 2, 2016

120-DAY TIME LIMIT: September 30, 2016

ORDINANCE REFERENCE: see http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf

18.2.5 Standards for Residential Zones
18.4.2 Building Placement, Orientation and Design
18.4.3 Parking, Access, and Circulation
18.4.5 Tree Preservation & Protection
18.4.6 Public Facilities
18.4.7 Signs
18.4.8 Solar Access
18.5.2 Site Design Review
18.5.4 Conditional Use Permit

REQUEST: A request for Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is required because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story.

I. Relevant Facts

A. Background - History of Application

In September of 2002, PA #2002-110, a request for Site Review approval to construct a third dwelling unit, was administratively approved.

There are no other actions of record for this property.

B. Detailed Description of the Site and Proposal

The Site

The subject property is located on the south side of B Street between First and Second Streets. The property contains an existing single-story, wood frame cottage with three units addressed as 252, 254 and 256 B Street. The property is located in the Railroad Addition Historic District, and the primary residence is described in the district's survey document as being the Gustavus Edlund House constructed in 1899. The home is listed as a "Historic Contributing" structure on the National Register of Historic Places and is described as, "*A fine one-story wood frame cottage with Queen Anne detail...The Edlund House retains very high integrity and effectively relates its historic period of development.*"

The subject property has approximately 75 linear feet of frontage on B Street, an Avenue or Collector Street, which is improved with curbs, gutters, paving and continuous sidewalks. Vehicular access to the site is available to the site both from B Street and from a paved alley at the rear of the property which connects First and Second Streets north of the Post Office.

The subject property and those in the immediate vicinity to the west, north and east are zoned Low-Density Multi-Family Residential (R-2). To the south, across the alley, is Commercial (C-1) zoning.

The Proposal

A request for Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is also requested because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story.

II. Project Impact

The proposal requests to exceed the Maximum Permitted Floor Area (MPFA) by 13.6 percent. Proposals to exceed the MPFA by more than 300 square feet or more than ten percent, whichever is less, are subject to a Type II procedure and require a decision through a public hearing before the Planning Commission.

Site Design Review

In the 2002 Site Review approval to add the third unit to the rear of the building, it was noted that the lot was approximately 10,045 square feet in area and therefore met the minimum size requirement of 9,000 square feet to add a third dwelling unit. The unit approved in 2002 was 496 square feet in size, and in addition to the third unit, a new bathroom for the existing Unit 2 and a common utility room were added. One additional off-street parking space was required for Unit 3 bringing the total number of spaces required for the site up to four. The parking was installed at the rear of the property and accessed from the alley. With the addition of the third unit and proposed site changes, lot coverage was increased to 36.39 percent, which was well below the 65 percent maximum coverage allowed in the R-2 zone. With that 2002 approval, it was noted that the site contained mature landscaping, and that street trees were to be planted in the parkrow adjacent to the property frontage. The area between the parking and the west property line was to be landscaped to provide the required buffer, and the trash and recycling area enclosed with a wood fence. Adequate water, sewer, storm drain and electric facilities were noted as being in place to serve the third unit, and it was also noted that B Street was fully-improved with paving and continuous sidewalks and provided vehicular access along with the paved alley at the rear of the property.

The current request requires Site Design Review approval to allow remodeling in conjunction with 1,664 square feet of additions to the existing three-unit building.

The bulk of the Site Review issues were addressed with the addition of the third unit in 2002, and the current request is largely limited to considering the current proposal in light of standards, including the impact of the addition to site planning (parking, landscaping, etc.) and compliance with design standards.

In terms of parking requirements, units less than 500 square feet require one parking space while one-bedroom dwelling units greater than 500 square feet require 1 ½ parking spaces each. Two bedroom units require 1 ¾ parking spaces. As proposed, one 'less-than-500 square foot unit' and two 'greater-than-500 square foot one-bedroom units' require four total off-street parking spaces. Four spaces are illustrated off of the alley, and four spaces are currently in place to serve the existing three units. However, staff have noted that with the proposed remodeling and addition, 254 B Street (i.e. Unit 2) is of a size and configuration to readily be converted to two-bedrooms, and thus require additional parking, without further building modifications. A condition has accordingly been recommended below to make clear that before any bedrooms are added, or other modifications made which would require additional parking, the applicants first obtain Site Design Review approval to add required parking.

In addition to automobile parking, four covered bicycle parking spaces are required. The application notes that two spaces are to be provided beneath the existing porch adjacent to the rear studio and common utility room door, and two additional spaces will be created in a new storage room adjacent to the utility room to provide locked storage for the applicant's electric assist bicycles. A condition has been recommended below to require that the building permit submittals include details demonstrating that all bicycle parking will comply with the standards in AMC 18.4.3.070.

The application materials provided note that 47 percent of the site will be provided in landscaped area, and that approximately 10.5 percent of the site is provided in deck and lawn area to more than satisfy the eight percent Outdoor Recreation Area requirement for

R-2 zoned property.

Historic District Design Standards

The applicants have provided findings addressing the Historic District Design Standards, noting that they believe that the addition of a second story is in keeping with the historic development pattern of the neighborhood with respect to height, number of stories, massing, and scale. They note that the additions extend the massing horizontally and vertically, and bring back a one-story wrap-around porch that appears to have been removed during a 1950's-era addition on the northwest corner of the building. They explain that the two story façade addition closest to the street maintains the existing width of the building, while the two-story addition parallel to B Street, an extension of the existing building, is set back from the face of the existing porch by approximately 22 feet, and 49 feet from the sidewalk. The application further explains that the roof shapes and pitches match the existing building, and that composition shingles are proposed. The rhythm of openings is noted as following the existing building's patterns, and maintains the two existing front doors and one existing window facing B Street. The applicants indicate that where existing trim can be saved and reused, they will do so, and that other trim will be detailed to accurately match the original. Cement fiber horizontal lap siding and trim, without wood texture, are proposed for the additions, and the building will be newly painted with colors chosen to reflect the historic neighborhood. A new entrance that is well-defined and covered is proposed to be added for the second story unit; the new entry door will have a different style, and simplified trim to distinguish it from the original doors. The proposed remodel retains the existing buildings base/platform, and the proposed remodel/addition extends the existing forms both horizontally and vertically.

The application requires an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which direct that "*Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features*" are to be avoided. The proposal will add a second story on the front of the building, with the gable to be raised approximately eight feet to accommodate the proposed second story. With this addition, the existing decorative gable and rake details on the front street-facing façade are proposed to be removed and reapplied to the new second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story. The applicants explain that they first considered keeping the one-story façade, but found that placing the bulk of the second-story addition to the rear created an unbalanced massing that did not seem to honor the typical massing and scale found in the neighborhood. In addition, placing the additional space now occupied by the second floor living room over the 2005 studio addition was impractical as the slab on grade would not support a second-story. The application goes on to explain that the existing historic portion of the house has an unreinforced brick foundation that is easily replaced in order to meet the structural requirements of a second-story and it therefore seemed most logical and practical to expand the residence vertically. In order to honor the original street-facing façade, they applicants propose to remove the existing decorative gables and rake details and reapply them to the new second story gable. The applicants conclude that, considering the difficulty in meeting the standard cited above, and the balancing act of creating a design that meets the client's needs while honoring the massing and scale of the neighborhood, they believe that they have created a design that is attractive, will blend well with the neighborhood fabric, and result in a lovely home.

Conditional Use Permit to Exceed Maximum Permitted Floor Area

AMC Section 18.2.5.070 “*Maximum Permitted Residential Floor Area in Historic District*” regulates the floor area of dwellings to promote compatible building volume and scale within Ashland’s historic districts. Within the Historic District Overlays, new structures and additions are required to conform to the maximum permitted floor area (MPFA) standards, and Conditional Use Permit approval is required to exceed the MPFA standards. In addition to the approval criteria for a Conditional Use Permit, the criteria for Historic District Design Standards approval must be met, and in no case is the permitted floor area allowed to exceed the MPFA by more than 25 percent. A Conditional Use Permit is required here because, with the additions proposed, the proposal exceeds the Maximum Permitted Floor Area for a lot of this size in a Historic District by 13.6 percent.

The City of Ashland has adopted ordinances to assure that all development in the Historic District overlay remains compatible with the existing integrity of the Historic District, and AMC 18.4.2.050.A.2.b “*Historic District Development*” provides that, “*If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, 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.*”

Given that the purpose of the Maximum Permitted Floor Area standard and associated Conditional Use Permit requirements are to promote compatible building volume and scale within the historic district, and to assure that developments in the districts remain compatible with the existing integrity of the districts, and the Historic Commission is to advise the City decision makers, staff relies heavily on the recommendations of the Historic Commission, particularly when the proposal requires an Exception because it will alter character defining elements of a Historic Contributing resource. In this instance, the Commission’s Review Board, a two- to three-member subcommittee that meets weekly, provides informal review and comment on projects at the pre-application level. In initially considering the project on March 31, 2016 the Review Board notes indicate, “*Property is Historic Contributing (1899) single-story house with intent to add full second story-and extensive additions to both sides and rear. This will greatly alter both character and scale of the house. Massing will be excessive and might require full demolition and re-build. The façade will no longer be appropriate for the neighborhood. It will exceed the permissible floor area and be incompatible with the neighborhood.*” In subsequent review on April 7, 2016 the Review Board met with the project architect and their notes indicate that the project was well thought through and well executed.

Staff believes that the differing recommendations are the result of the project architect having been present to explain the project details at the second meeting, but given the complexity of the request relative to a Historic Contributing resource and the fact that there are two differing recommendations from the Historic Commission’s Review Board, Planning staff cannot recommend approval of the application at this time, and would instead recommend that following the initial hearing the request be continued until the Commission’s July meeting for a decision. This would provide the opportunity to identify potential issues and/or concerns with the proposal at the hearing, and comments from the full Historic Commission review of the request will be available at that time to inform the

discussion.

III. Procedural - Required Burden of Proof

The criteria for Site Design Review approval are described in 18.5.2.050 as follows:

- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

The criteria for Conditional Use Permit approval are described in 18.5.4.050.A as follows:

1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
3. *That the conditional use will have no greater adverse material effect on the livability*

of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.

- a. Similarity in scale, bulk, and coverage.*
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. Architectural compatibility with the impact area.*
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. Generation of noise, light, and glare.*
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.*
- 4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
- 5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
- a. WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area*

ratio, complying with all ordinance requirements.

- f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
- g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
- h. CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
- i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
- k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

IV. Conclusions and Recommendations

Given that the purpose of the Maximum Permitted Floor Area standard and the associated Conditional Use Permit requirements are intended to promote compatible building volume and scale within the historic district, and to assure that developments in the districts remain compatible with the existing integrity of the districts, and that the Historic Commission is to advise the City decision maker, staff relies heavily on the recommendations of the Historic Commission. In this instance, the Commission's weekly Review Board considered the request on two occasions and had differing recommendations. Staff attributes this to the architect's having been present at the second review to explain the proposal and provide details, but given the complexity of the request relative to a Historic Contributing resource and the fact that there is not a clear recommendation from the Historic Commission's Review Board, Planning staff cannot recommend approval of the application at this time, and would instead recommend that following the initial hearing the request be continued until the Commission's July meeting for a decision. This would provide the opportunity to identify potential issues and/or concerns with the proposal at the hearing, and comments from the full Historic Commission review of the request will be available at the hearing to inform the discussion.

Should the Planning Commission ultimately determine at the June meeting that they have sufficient information to approve the application, staff would recommend that the following conditions be attached to that approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, or if additional bedrooms or other modifications which would require additional parking are to be added, an application to modify the Site Design Review and Conditional Use Permit approvals shall be submitted and approved prior to the issuance of a building permit.
- 3) That the applicant shall obtain approval of a Demolition/Relocation Permit as required in AMC 15.04.210 if deemed necessary by the Building Official.
- 4) That all recommendations of the Historic Commission from their June 8, 2016 meeting shall be conditions of approval, where consistent with the applicable criteria and standards and with final approval of the Staff Advisor.
- 5) That all requirements of the Ashland Fire Department including approved addressing and providing a fire extinguisher shall be complied with prior to the issuance of a certificate of occupancy. *(If work will be occurring during fire season, applicants are advised to check fire season fire prevention requirements found at www.ashland.or.us/fireseason.)*
- 6) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to public and private utility easements and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design Standards, and the colors and materials selected shall be consistent with those identified in the application.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. Any on-site collection systems shall be detailed on the building permit submittals.
 - e) A final utility plan addressing any proposed modifications to the site's utilities shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any proposed connections for all public facilities in and adjacent to the

development, including the locations of water lines, transformers, cabinets, meters and all other necessary equipment, and meter sizes to accommodate necessary water and fire services, electric services, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense. Transformers, meters, cabinets, and vaults shall be located outside of the pedestrian corridor in those areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the utility departments. Any necessary service upgrades shall be completed by the applicant at applicant's expense.

- f) Lot coverage calculations including all building footprints, walkways, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district.
 - g) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - h) The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.4.3.070. Inverted u-racks shall be used for the bicycle parking. All bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070 and according to the approved plan prior to the issuance of the certificate of occupancy.
 - i) That prior to the issuance of the building, excavation, staging, storage of materials or the commencement of site work, a Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
- 8) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That landscaping in new or replaced landscaped areas shall be installed according to the approved plan, and tied into the existing irrigation system, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff

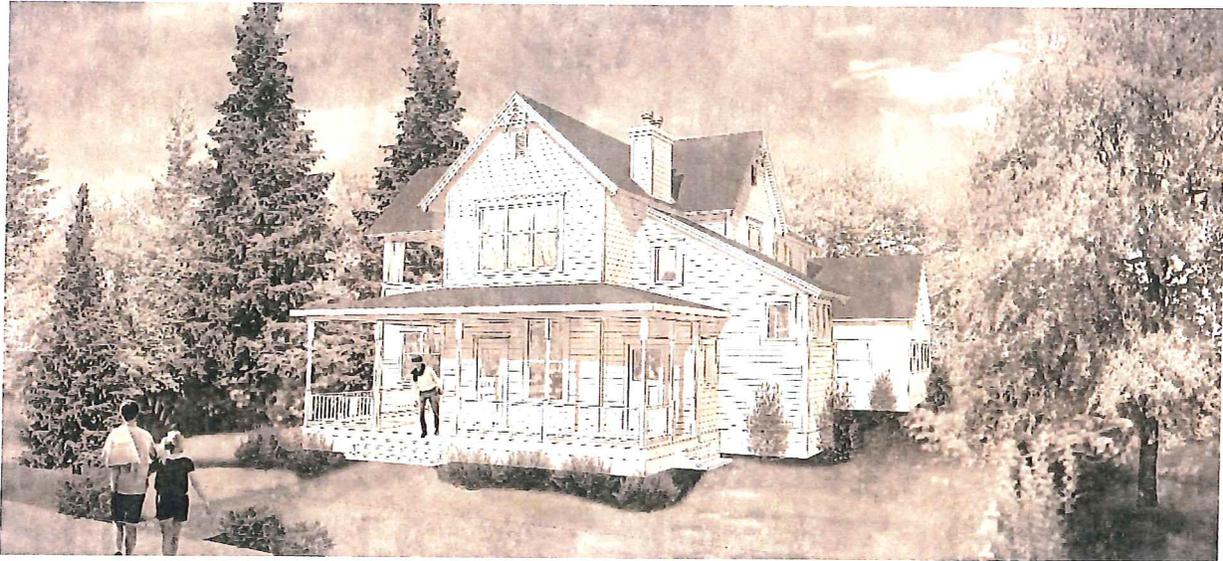
Advisor. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.

- d) All hardscape improvements including any parking, walkways or other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
- e) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking to comply with the standards in AMC 18.4.3.070.
- f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

May 3, 2016

COPY

Site Review
Conditional Use Permit
Exception to Design Standards



Van Heuit Remodel

Submitted to:

CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON

Submitted by:

KISTLER + SMALL + WHITE ARCHITECTS
66 WATER STREET
ASHLAND, OR 97520

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City of Ashland

kistler +
small
+ white
architects



TABLE OF CONTENTS

Chapter 18.2.1 – Zoning Regulations and General Provisions	2
Chapter 18.2.2 – Base Zones and Allowed Uses	2
Chapter 18.2.3 – Special Use Standards	2
Chapter 18.2.4 – General Regulations for Base Zones	3
Chapter 18.2.5 – Standards for Residential Zones	4
18.2.5.070 – MPFA in Historic District	5
Chapter 18.3.12 – Site Development and Design Overlays	7
Chapter 18.4.2 – Building Placement, Orientation, and Design	7
18.4.2.050 – Historic District Development	10
Chapter 18.4.3 – Parking, Access, and Circulation	15
Chapter 18.4.4 – Landscaping, Lighting, and Screening	20
Chapter 18.4.5 – Tree Preservation and Protection	24
Chapter 18.4.8 – Solar Access	26
Chapter 18.5.2 – Site Design Review	27
18.5.2.050 – Approval Criteria E. Exception to Site Design Standards	29
Chapter 18.5.4 – Conditional Use Permits	31

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Chapter 18.2.1 – Zoning Regulations and General Provisions

- 18.2.1.020 Zoning Map and Classification of Zones
Residential - Low Density Multiple Family (R-2) within the Historic District Overlay
- 18.2.1.040 Applicability of Zoning Regulations
Residential - Low Density Multiple Family (R-2) - Chapter 18.2 Applies Directly

Chapter 18.2.2 – Base Zones and Allowed Uses

- 18.2.2.030 Allowed Uses
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.
Residential Multi-Family uses are permitted in the R-2 Zone (From Table 18.2.2)
The existing property has three (3) existing permitted dwelling units.
Applicable Special Use Standards:
Dwellings and additions in Historic District Overlay Sections 18.2.3.120 and 18.2.5.070
Accessory Residential Units are a Special Permitted Use in the R-2 Zone (Table 18.2.2)
The existing property has one (1) existing permitted ARU that is less 500 sq. ft. in area.
Applicable Special Use Standards:
Section 18.2.3.040
- E. Uses Regulated by Overlay Zones.
Historic District Overlay – part 18.3 applies.

Chapter 18.2.3 – Special Use Standards

- 18.2.3.40 Accessory Residential Unit
- C. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.
COMPLIES: The one (1) existing special permitted ARU is 495 sq. ft. in GHFA.
- 18.2.3.120 Dwelling in Historic District Overlay
- C. Dwellings shall conform to the maximum permitted floor area standards of section 18.2.5.070, except that dwellings exceeding the maximum permitted floor area are allowed subject to approval of a Conditional Use Permit under chapter 18.5.4.
EXCEEDS: The proposed additions exceed the maximum permitted floor area. Applicant is requesting a Conditional Use Permit under Chapter 18.5.4. See findings under this section contained herein.
- 18.2.3.220 Travelers' Accommodations
NOT APPLICABLE: Applicant had initially proposed pursuing a Traveler's Accommodation in the Pre-application submittal but is no longer requesting this approval.

Chapter 18.2.4 – General Regulations for Base Zones

18.2.4.010 Access and Minimum Street Frontage

Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition or abuts a cul-de-sac vehicle turn-around area, the minimum width is 25 feet.

COMPLIES: *The lot abuts B Street with a 74.98' frontage, and an alley to the south with a 74.97' frontage.*

18.2.4.020 Accessory Structures and Mechanical Equipment

Mechanical equipment shall not be located between the main structure on the site and any street adjacent to a front or side yard, and every attempt shall be made to place such equipment so that it is not visible from adjacent public streets.

Mechanical equipment and associated enclosures, not taller than allowed fence heights, may be located within required interior side or rear yards, provided such installation and operation is consistent with other provisions of this ordinance or the Ashland Municipal Code, including but not limited to noise attenuation. Any installation of mechanical equipment shall require a building permit.

COMPLIES: *All new and relocated existing exterior condensing units will be placed on the west side of the building tucked around the south side of the stair addition, will meet the sound attenuation requirements, and will be installed with a permit secured by the Mechanical Subcontractor.*

18.2.4.50 Yard Requirements and General Exceptions

- A. In addition to the requirements of chapters 18.2.5 and 18.2.6, yard requirements shall conform to the Solar Access standards of chapter 18.4.8.

COMPLIES: *See findings for Solar Access contained herein.*

- B. Eaves and awnings may encroach three feet into required yards; all other architectural projections may encroach 18 inches into required yards.

COMPLIES: *All eaves and awnings are within the required yards and do not extend beyond the setback lines.*

The following general exceptions are allowed for structures that are 30 inches in height or less, including entry stairs, uncovered porches, patios, and similar structures:

1. The structures are exempt from the side and rear yard setback requirements.
2. The front and side yards abutting a public street may be reduced by half.

COMPLIES: *All steps and the proposed exterior deck are within the allowed building envelope outside of the required yards.*

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Chapter 18.2.5 – Standards for Residential Zones

18.2.5.030 Unified Standards for Residential Zones

A. Standards for Urban Residential Zones.

Residential Density (dwelling units/acre) R-2 See density standards in Sec. 18.2.5.080

COMPLIES: See findings in Section 18.2.5.080 contained herein.

Lot Area – Minimum (square feet) – Lot; R-2 See density standards in Sec. 18.2.5.080

COMPLIES: See findings in Section 18.2.5.080 contained herein.

Lot Width – Minimum (feet) R-2 50 ft.

COMPLIES: Lot width is 74.98' at B Street and 74.97' at alley

Lot Depth (feet) – Minimum R-2 80 ft. – Maximum 250% of width.

COMPLIES: Existing lot is 134.33' and is greater than 80 ft. and is 179% of the width.

Standard Yards – Minimum (feet) – Front – Standard, R-2 15 ft.

COMPLIES: Front yard to porch is 27'-2" to closest point.

Standard Yards – Minimum (feet) – Front – Unenclosed Porch – Standard, R-2 8 ft.

Table 18.2.5.030.A footnote 5 ... "in the Historic District Overlay unenclosed pore provisions do not apply, and the minimum front yard is 20 ft."

COMPLIES: Front yard setback to unenclosed porch is 27'-2" to closest point.

Side – Standard R-2 6 ft.

COMPLIES: Proposed side yards for the addition on East side are 13'-8" and 10'-10" on the West side, and 7'-8" on the East side for the existing structure.

Rear – Single Story Building R-2 10 ft.

COMPLIES: Existing rear setback is 30'-3".

Rear – Multi Story Building R-2 10 ft. per Bldg. Story, 5 feet per Half Story

COMPLIES: Proposed two-story rear setback is 50'-10".

Building Separation, On Same Site – Maximum ½ the height of the...

COMPLIES: There is only one building on site with no separation.

Building Height – Maximum (feet) Historic District Overlay shall not exceed 30 feet

COMPLIES: The maximum proposed height is 25'-1".

Lot Coverage – Maximum (% of lot area) R-2 65%

COMPLIES: The existing lot area is 10,064 sq. ft. The proposed lot coverage is 4,731 sq. ft. for a percentage lot coverage of 53.0 %.

Landscape Area – Minimum (% of developed lot area) R-2 35%

COMPLIES: The existing lot area is 10,064 sq. ft. The proposed Landscape Area is 5,333 sq. ft. for a percentage Landscape Area of 47.0 %.

Outdoor Recreation Space – Minimum (% of site area) R-2 8%

COMPLIES: The existing lot area is 10,064 sq. ft. The proposed Outdoor Recreation Area is 1,056 sq. ft. for a percentage Outdoor Recreation Area of 10.5 %.

18.2.5.070 Maximum Permitted Residential Floor Area in Historic District

- A. Applicability. Within the Historic District Overlay, new structures and additions shall conform to the maximum permitted floor area standards of this section, except as provided by 18.2.5.070.C.
- B. Increases in Allowable MPFA. A Conditional Use Permit under chapter 18.5.4 is required to exceed the MPFA standards of subsections 18.2.5.070.F and 18.2.5.070.G, below. In addition to the approval criteria for a Conditional Use Permit, the criteria for Historic District Design Standards approval must be met. In no case shall the permitted floor area exceed 25 percent of the MPFA.

PROPOSED INCREASE: Applicant is requesting an increase of 13.6% above the Allowable MPFA of 3001 sq. ft. See findings for Conditional Use Permit contained herein.

- D. Maximum Permitted Floor Area. For purposes of this section, maximum permitted floor area (MPFA) means the gross floor area of the primary dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages, except as provided by subsection 18.2.5.070.E, below.

COMPLIES: See line of area not counted below 7 feet at 2nd Floor Plan at Stair.

- E. Exceptions. Basements, detached garages, ... are not counted in the MPFA calculation.

NOT APPLICABLE: No exceptions requested.

- F. Calculation and Standards. Except as modified by subsection 18.2.5.070.G for multiple dwellings...

Lot area x Adj. Factor = Adjusted lot area x 0.38 FAR = MPFA

PROPOSED: Lot Area is 10,064 sq. ft. x 0.71 (adj. factor) = 7,145.44 sq. ft. Adjusted Lot Area. Calculation for MPFA under G. following.

- G. Multiple Dwellings and Residential Performance Standards Option. Where multiple dwellings are proposed on a single lot, or ..., the MPFA shall be determined using the following formula:

Adjusted lot area x Graduated FAR = MPFA

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MPFA ALLOWED: Adjusted Lot Area 7,145.44 sq. ft. x .42 (Graduated FAR) = 3,001 sq. ft. MPFA

18.2.5.80 Residential Density Calculation in R-2 and R-3 Zones

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 and R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.

PROPOSED DENSITY: 2.75 dwelling units / 0.231 acres = 11.90

2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.

COMPLIES: One dwelling unit is less than 500 sq. ft.

C. Minimum Density.

2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.

- a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.

EXEMPT: Lot is greater than 10,000 sq. ft., was in existence prior to effective date of ordinance.

- b. Lots located within any Historic District designated within the Ashland Municipal Code.

EXEMPT: Lot is within the Historic Railroad District.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
 - c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.

COMPLIES: Lot is greater than 9,000 square feet at 10,064 sq. ft. and has 3 dwelling units.

Chapter 18.3.12 – Site Development and Design Overlays

18.3.12.050 Historic District Overlay

- A. The Historic District Overlay, also referred to as the Historic Interest Area, is that area defined in the Historic Districts map.
- B. Development in the Historic District Overlay is subject to section 18.4.2.050 Historic District Standards in addition to all other applicable sections of this ordinance.

COMPLIES: Project will conform to Historic District Standards. See findings in 18.4.2.050 contained herein.

Chapter 18.4.2 – Building Placement, Orientation, and Design

18.4.2.030 Residential Development

- A. Purpose and Intent. For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

- 1. Crime Prevention and Defensible Space.

- a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.

COMPLIES: Existing parking is at the alley and is adjacent to and visible from the apartment in the rear of the property.

- b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.

COMPLIES: There are windows on all sides of the building.

- c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.

COMPLIES: Existing shared laundry has a door with a window and a window with no shrubs blocking their view.

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- d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.
- e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.
- f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

COMPLIES: Existing landscaping contains a high shrub on the east side towards the front of the property that is adjacent to the property line and within the side yard setback. This shrub will provide privacy to the adjacent future residence.

- B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.
- C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.
 - 1. Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

COMPLIES: Existing Unit 254 entry and the proposed new entry at Unit 252 both open toward B Street. Unit 256 entry faces the alley.

- 2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

COMPLIES: There is no parking between the building and B Street. The existing parking is located behind the building and is accessed from the alley.

- 3. Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

NOT APPLICABLE: Buildings are existing.

- D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used ...

NOT APPLICABLE: No garages are proposed. Surface parking is existing.

- E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

SHALL COMPLY: *Building materials and paint colors are intended to be similar to and blend in with the historic nature of the neighborhood as mandated by Historic District design standards and as reviewed and approved by the Ashland Historic Commission. Applicant/Owner will submit color samples for approval to the City prior to painting the building.*

- F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

COMPLIES: *There are two existing street trees, one 8" DBH Ash tree and one 10" DBH Maple, in the park row on B Street.*

- G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

COMPLIES: *The existing recycle/refuse disposal area is enclosed in a fenced in area with screening at the southeast corner of the property.*

- H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.

COMPLIES: *Open Space requirement for this property is $10,064 \times .08 = 805$ sq. ft. There are three areas proposed to meet this requirement. Two existing lawn areas of 632 sq. ft. and 424 sq. ft., and one deck with an area of 216 sq. ft. This provides a total of 1056 sq. ft. of open/recreation space.*

2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.

COMPLIES: *Open space proposed is an existing lawn area.*

3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.

COMPLIES: *One of the open spaces proposed is a 216 sq. ft. deck.*

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18.4.2.050 Historic District Development

B. Historic District Design Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for new construction, and restoration and rehabilitation of existing buildings within the Historic District overlay.

1. Transitional Areas. For projects located at the boundary between zones 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.

COMPLIES: *The property is in a transition area from residential to commercial (downtown?). The design, with the addition of a second story, seeks to balance the residential nature of the surrounding one and two story homes with that of this transition area that leads into the larger scale commercial buildings of the C-1 district.*

2. 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 (i.e., too high or too low) from historic buildings in the vicinity.

COMPLIES: *The proposed building height, at the B Street elevation, is 25'-1", 5 feet less than the permitted 30 feet height limit.*

A study of the existing buildings on both sides of B Street from Oak to 5th finds the following number of buildings and their number of stories:

<u>No. Stories</u>	<u>North Side</u>	<u>South Side</u>	<u>Total</u>	<u>% of Total</u>
1	12	8	20	35.1
1-1/2	12	5	17	29.8
2	8	12	20	35.1
Total	32	25	57	100.0

Forty-eight percent (12/25=48%) of the buildings on south side of the street, which the subject property is on, are two-stories.

The height of the proposed addition will be approximately the height of the adjacent Pelton house and will be slightly taller than the three 'Craftsman' style homes proposed for the lots to the southeast (left side of subject property from B Street).

We believe that the addition of a second story to this building is in keeping with historic pattern of development with respect to height, stories, and massing.

3. Scale. RECOMMENDED: Height, width, and massing of new buildings conform to 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.

COMPLIES: *The proposed building massing and scale is in keeping with the historic buildings in the vicinity. The additions extend the massing of the existing building both*

vertically and horizontally and ‘reclaim’ the existing historic one-story wrap around porch by removing the 1950’s (?) era addition on the northwest corner of the building. The two story façade closest to the street maintains the existing historic width of the building while the two story addition parallel to B Street, an extension of the existing building, is set back from the front face of the existing porch approximately 22 feet and 49 feet from the sidewalk.

4. Massing. RECOMMENDED: Small, varied masses consistent with historic buildings in the immediate vicinity. AVOID: Single, monolithic forms that are not relieved by variations in massing.
COMPLIES: See number 3 above and exterior elevations.
5. Setback. RECOMMENDED: Front walls of new buildings are in the same plane as facades of adjacent historic buildings. AVOID: Front walls that are constructed forward of or behind setback line of adjacent historic buildings.
COMPLIES: No change in existing setbacks; additions are vertical and horizontal with same setbacks as existing structure.
6. 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.
COMPLIES: Roof shape and pitches to match existing structure. Composition shingles are proposed.
7. 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 widow/door openings that is inconsistent with adjacent historic buildings.
COMPLIES: Rhythm of openings follows the existing pattern of the existing building and maintains the two existing front doors and one existing window facing B Street.
8. Base or Platforms. RECOMMENDED: A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity. AVOID: Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.
COMPLIES: Proposed remodel maintains the existing base/platform.
9. Form. RECOMMENDED: Form (i.e., vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings. AVOID: Form that varies from that of existing adjacent historic buildings.
COMPLIES: Proposed remodel extends the existing forms both horizontally and vertically.
10. Entrances. RECOMMENDED: Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts. AVOID: Façades with minimally defined primary entrances.

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COMPLIES: *Proposed remodel maintains the existing front primary entrances and adds one for the second floor unit that is well defined and covered.*

11. Imitation of Historic Features. RECOMMENDED: 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. AVOID: Replicating or imitating the styles, motifs, or details of historic buildings.

COMPLIES: *Proposed remodel will keep the existing decorative gables and rake boards and re-install them to the second story roof. Window and door trim will be accurately detailed to match existing. Where existing trim can be saved and reused, we will do so.*

12. Additions. RECOMMENDED: Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings. AVOID: Additions on the primary façade or any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features.

EXCEPTION REQUESTED: *Pursuant to 18.5.2.050 E. 1. & 2., the applicant is requesting an exception to this standard to add a second story to the existing single story building.*

This was the most difficult project we have worked on in terms of balancing the desires of the City, the Client, our own design sensibilities, and the existing structural constraints.

In early design schemes we attempted to keep the front one story façade and meet the programmatic desires of the client, but found that placing the bulk of the second story to the rear created an unbalanced mass that did not seem to honor the typical massing and scale found historically in the neighborhood. Placing the additional space now occupied by the second floor Living Room over the 2005 Studio addition was impractical due to the fact that it is sitting on a structural slab on grade that will not support a second story and would be extremely difficult to make it capable of supporting a second story. The existing historic portion of the house has an unreinforced brick foundation that is easily replaced in order to meet the structural requirements of a second story. It seemed logical and practical to expand the existing residence vertically.

In order to honor the original front street facing façade, we are proposing to remove the existing decorative gable and rake details, and reapply them to the second story gable. The gable will be raised approximately eight feet to accommodate the second story.

C. Rehabilitation Standards for Existing Buildings and Additions.

2. Rehabilitation Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay

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

- a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.

COMPLIES: Window and door trim in the additions will have a more simplified detail than the existing trim. Where possible, where existing windows are being removed, we are proposing reusing the trim detail on a window or door that faces B Street.

- b. Original architectural features shall be restored as much as possible, when those features can be documented.

COMPLIES: Applicant proposes to preserve and restore the original features to the greatest extent possible including the re-use of the decorative gable and rake trim which will be placed at the new roof.

- c. 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.

COMPLIES: Replacement wood siding and trim will match the existing original building. Applicant proposes to use cement fiber siding and trim on the additions.

- d. 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.

COMPLIES: No diagonal or vertical siding is proposed.

- e. Exterior wall colors on new additions shall match those of the historic building.

COMPLIES: Original building and additions will be newly painted. Colors will be chosen to reflect the historic neighborhood.

- f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.

COMPLIES: No imitative materials are proposed to be used. New horizontal lap siding and trim will be painted cement fiber without wood texture.

- g. Replacement windows in historic buildings shall match the original windows.

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Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

COMPLIES: *The windows in the additions are the same width, are proposed as double hung 'cottage' (upper sash shorter than lower) which are similar but do not replicate the original double hung windows which have evenly divided sashes.*

- h. 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.

COMPLIES: *The pitch of the reconstructed/extension of the existing porch roof will match the existing roof pitch. The roof pitches of the additions will match the existing 12:12, 10.5:12 and 7.5:12 roof pitches. A shed roof is proposed for the new entry facing B Street. Fine examples of this appear in the immediate vicinity including the Pelton House next door, and the residence at the southeast corner of B and Third Streets. We believe this is in keeping with the character of the historic district and distinguishes this addition from the existing historic building.*

- i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, wood shingle, tile, and metal roofs shall be avoided.

COMPLIES: *Composition shingle roofs are proposed.*

- j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.

COMPLIES: *The new entry to the second floor unit, will have a different door style than the two existing doors facing B Street and the trim will be simplified to distinguish the door from the original doors. This entry*

Chapter 18.4.3 – Parking, Access, and Circulation

18.4.3.030 General Automobile Parking Requirements and Exceptions

- A. Minimum Number of Off-Street Automobile Parking Spaces. Off-street parking shall be provided pursuant to one of the following three methods and shall include required Disabled Person Parking.
1. Standard Ratios for Automobile Parking. The standards in Table 18.4.3.040. Table 18.4.3.040 – Automobile Parking Spaces by Use: Residential Categories Multifamily
 - a. Studio units or 1 bedroom less than 500 sq. ft. – 1 space/unit.
 - b. 1- bedroom units 500 sq. ft. or larger – 1.50 spaces/unit.

COMPLIES: One studio and two 1-bedroom units existing and proposed require a total of 4 parking spaces. Four existing on-site parking spaces meet this requirement.

18.4.3.050 Accessible Parking Spaces

Accessible parking shall be provided consistent with the requirements of the building code...

NOT APPLICABLE: Accessible parking spaces are not required. Building code requires accessible parking for buildings with more than three dwelling units.

18.4.3.070 Bicycle Parking

- A. Applicability and Minimum Requirement. All uses, with the exception of residential units with a garage and uses in the C-1-D zone, are required to provide a minimum of two sheltered bike parking spaces pursuant to this section. The required bicycle parking shall be constructed when an existing residential building or dwelling is altered or enlarged by the addition or creation of dwelling units, or when a non-residential use is intensified by the addition of floor space, seating capacity, or change in use.
- COMPLIES: Two (2) sheltered spaces will be provided beneath the existing porch adjacent to the rear studio unit and the common Utility Room door. In addition, covered spaces will be provided inside the existing bathroom converted for Storage adjacent to the Utility Room. This room shall be used by the applicant for locked storage of her electric assist bicycles. This provides four (4) sheltered spaces.**
- C. Bicycle Parking for Residential Uses. Every residential use of two or more dwelling units per structure and not containing a garage for each dwelling shall provide bicycle parking spaces as follows.
1. Multi-Family Residential. One sheltered space per studio unit or one-bedroom unit; 1.5 sheltered spaces per two-bedroom unit; and two

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sheltered spaces per three-bedroom unit.

COMPLIES: Four (4) sheltered spaces will be provided as per above.

I. Bicycle Parking Design Standards.

1. Bicycle parking shall be located so that it is visible to and conveniently accessed by cyclists, and promotes security from theft and damage.

COMPLIES: Bicycle parking is adjacent to and visible from the parking off the alley.

2. Bicycle parking requirements, pursuant to this section, can be met in any of the following ways.

- a. Providing bicycle racks or lockers outside the main building, underneath an awning or marquee, or in an accessory parking structure.

COMPLIES: Two of four spaces are located at a new bicycle rack beneath the covered porch adjacent to the Utility Room and studio unit at the rear of the building.

- b. Providing a bicycle storage room, bicycle lockers, or racks inside the building. Providing bicycle racks on the public right of way, subject to review and approval by the Staff Advisor.

COMPLIES: The remaining two spaces for the owner's electric assist bikes are to be located inside the locked Storage Room adjacent to the Utility Room.

3. All required exterior bicycle parking shall be located on-site and within 50 feet of a regularly used building entrance and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use. For facilities with multiple buildings, building entrances or parking lots (such as a college), exterior bicycle parking shall be located in areas of greatest use and convenience for bicyclists.

COMPLIES: Bicycle storage location is well within fifty feet of the entrances and is visible from the alley.

4. Required bicycle parking spaces located out of doors shall be visible enough to provide security. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent walkways or motor vehicle parking lots during all hours of use. Bicycle parking shall be at least as well-lit as automobile parking.

COMPLIES: Lighting is existing and secure. Two bicycles are located beneath the covered porch are located beneath the kitchen window of the studio unit and two are located in a locked Storage Room.

5. Paving and Surfacing. Outdoor bicycle parking facilities shall be surfaced in the same manner as the automobile parking area or with a minimum of two-inch

thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material) and shall be relatively level. This surface will be maintained in a smooth, durable, and well-drained condition.

COMPLIES: *Existing paving beneath the covered porch is concrete, smooth and drains away from the building.*

6. Bicycle parking located outside the building shall provide and maintain an aisle for bicycle maneuvering between each row of bicycle parking. Bicycle parking including rack installations shall conform to the minimum clearance standards as illustrated in Figure 18.4.3.070I.6.

COMPLIES: *Rack is located greater than 24" (28") from the face of the building.*

8. Each required bicycle parking space shall be accessible without moving another bicycle.

COMPLIES: *Rack is located so bicycles can be removed without moving another bicycle.*

9. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.
10. Sheltered parking shall mean protected from all precipitation and must include the minimum protection coverages as illustrated in Figure 18.4.3.070.I.10

COMPLIES: *Clearance to roof overhang is 44" minimum.*

J. Bicycle Parking Rack Standards.

1. Bicycle parking racks shall consist of staple-design or inverted-u steel racks ...

COMPLIES: *Inverted U or staple-design will be used.*

18.4.3.080 Vehicle Area Design

A. Parking Location

2. Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.

COMPLIES: *The existing parking area abuts the alley and is not in the side yards.*

B. Parking Area Design.

1. Parking spaces shall be a minimum of 9 feet by 18 feet.

COMPLIES: *Three spaces are 9 feet by 18 feet, one is 8 feet by 18 feet.*

2. Up to 50 percent of the total automobile parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

COMPLIES: *Twenty-five percent (25%) or one of four spaces is 'compact'.*

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3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.

COMPLIES: Existing back up space is approximately 22'-4".

- C. **Parking and Access Construction.** The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.

COMPLIES: Existing paving is asphaltic.

2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

COMPLIES: Existing paving drains onto subject property and not alley.

3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.

COMPLIES: Existing alley is paved.

5. Wheel stops.

COMPLIES: Four (4) new six feet wheel stops will be installed replacing the three existing 36" wheel stops.

6. Walls and Hedges

- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.

COMPLIES: Both sides of existing parking have existing fences that obscure the parking from the two adjacent residential properties.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.

COMPLIES: There are two existing trees adjacent to the parking area. There is existing landscaping on two sides of the parking; on the east and west.

8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section.

COMPLIES: *Lighting is existing and will not change.*

18.4.3.090 Pedestrian Access and Circulation

B. Continuous Walkway System.

COMPLIES: *Existing concrete paving from parking area is to remain. The existing sidewalk connecting this concrete at the rear to the front porch is to be removed and replaced with new paver pathway around the east side. From the porch, existing steps lead from the front porch, down existing steps and onto the existing concrete walkway connecting to the sidewalk on B Street. This makes for a continuous pathway from the alley to B Street on the site.*

- a. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply.

COMPLIES: *See B. above.*

- b. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures 18.4.3.090. B.3.an and 18.4.3.090.B.3.b

i. Connect all building entrances to one another to the extent practicable.

COMPLIES: *All entrances are connected via a walkway system.*

ii. Connect on-site parking areas, recreational facilities, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

COMPLIES: *Parking areas are connected to the Open Space via the walkways or simply walking on the existing lawn.*

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Chapter 18.4.4 – Landscaping, Lighting, and Screening

18.4.4.030 Landscaping and Screening

- A. General Landscape Standard. All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, parking, or other approved hardscapes shall be landscaped pursuant to this chapter.

COMPLIES: *Existing site is landscaped with a variety of mature plantings, some historic such as the Flowering Quince bush on the east and the 'Snowball' bushes on the north. The current landscaping is to remain as is and will be repaired/replaced with plantings to match the existing should they be damaged during construction.*

- B. Minimum Landscape Area and Coverage. All lots shall conform to the minimum landscape area standards of the applicable zoning district...

COMPLIES: *Minimum landscaping for the R-2 District is 35%. Existing and proposed landscape area is 5,333 sq. ft. – 47% of the lot area.*

- C. Landscape Design and Plant Selection.

1. Tree and Shrub Retention. Existing healthy trees and shrubs shall be retained, pursuant to chapter 18.4.5. Consistent with chapter 18.4.5 Tree Preservation and Protection, credit may be granted toward the landscape area requirements where a project proposal includes preserving healthy vegetation that contribute(s) to the landscape design.

COMPLIES: *Existing landscaping is healthy and is to be preserved. No new plantings are proposed unless existing plantings are damaged during construction.*

2. Plant Selection.

- a. Use a variety of deciduous and evergreen trees, shrubs, and ground covers.

NOT APPLICABLE: *Existing landscaping is a variety of deciduous and evergreen trees, shrubs and ground covers.*

- b. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.

NOT APPLICABLE: *Existing plants are long established and are appropriate to the local climate.*

- c. Storm Water Facilities. Use water-tolerant species where storm water retention/detention or water quality treatment facilities are proposed.

NOT APPLICABLE: *No storm water treatment is proposed.*

- d. Crime Prevention and Defensible Space. Landscape plans shall provide

for crime prevention and defensible space, for example, by using low hedges and similar plants allowing natural surveillance of public and semi-public areas, and by using impenetrable hedges in areas where physical access is discouraged.

NOT APPLICABLE: Existing landscape plantings are established and have proven to provide for crime prevention and defensible space over the years with no incidents having occurred.

e. *Street Trees.* Street trees shall conform to the street tree list approved by the Ashland Tree Commission. See the Ashland Recommended Street Tree Guide.

NOT APPLICABLE: There are two street trees are existing, one 8" DBH ash and one 10" DBH maple. No new street trees are proposed.

5. Screening

a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.

NOT APPLICABLE: Parking screening is existing fence; no landscape screen is required.

6. Plant Sizes

a. Trees shall be not less than two-inch caliper for street trees, and 1.5-inch caliper for other trees at the time of planting.

NOT APPLICABLE: All trees are existing and are to remain.

b. Shrubs shall be planted from not less than one gallon containers, and where required for screening shall meet the requirements of 18.4.4.030.C.5 Screening.

NOT APPLICABLE: All shrubs are existing and are to remain.

D. Tree Preservation, Protection, and Removal. See chapter 18.4.5 for Tree Protection and Preservation and chapter 18.5.7 for Tree Removal Permit requirements.

E. Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

NOT APPLICABLE: Street trees are existing and well established. No new street trees are proposed.

F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements.

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1. Landscaping.

a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

COMPLIES: Existing parking area is 871 sq. ft. The adjacent existing landscape areas to the west and east are 157 sq. ft. and 237 sq. ft. for a total of 394 sq. ft. This amounts to 45% the size of the parking area.

b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.

NOT APPLICABLE: Existing 20" deciduous tree is well established and will not be replaced.

c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.

NOT APPLICABLE: Existing 20" deciduous tree is well established and will not be replaced.

d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.

COMPLIES: Existing landscaped areas are on either side of the four stall parking area.

2. Screening.

a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

COMPLIES: Existing landscape strips are approximately 6'-4" wide on the west and 16'-4" wide on the east.

b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.

COMPLIES: The Pelton house is proposing another building on the west side adjacent to the parking area for the subject property. The distance to the property line for this new structure will be 6 feet minimum. Adding this to the 6'-4", give us a minimum distance to the building of 12'-4". An existing 6 feet high fence serves as a screen.

c. *Screening at Required Yards.*

COMPLIES: Existing fences provide screening to the required side yards.

G. Other Screening Requirements.

1. Recycle and Refuse Container Screen. Recycle and refuse containers or disposal areas shall be screened by placement of a solid wood fence or masonry wall five to eight feet in height to limit the view from adjacent properties or public rights-of-way. All recycle and refuse materials shall be contained within the screened area.

COMPLIES: Existing refuse area is screened by a 6 feet high fence.

2. Outdoor Storage. Outdoor storage areas shall be screened from view, except such screening is not required in the M-1 zone.
4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.3.

b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

COMPLIES: Existing and new equipment will be screened by the existing 6 feet high solid wood fence.

- H. Irrigation. Irrigation systems shall be installed to ensure landscape success. If a landscape area is proposed without irrigation, a landscape professional shall certify the area can be maintained and survive without artificial irrigation. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals.

COMPLIES: Existing irrigation is to remain, will be maintained during construction, and will be repaired if damaged during construction.

- I. Water Conserving Landscaping.

NOT APPLICABLE: Existing landscaping is long established and has proven over a long span of time to be relatively drought tolerant.

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Chapter 18.4.5 – Tree Preservation and Protection

18.4.5.030 Tree Protection

- A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

COMPLIES: *Six feet high chain link fencing is proposed for the three trees on site; one near the sidewalk on B Street and the two on the east side of the property near the rear of the property as shown on the Landscape Plan 1/A0.2. No trees are to be removed.*

- B. Tree Protection Plan Submission Requirements. 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.
1. Location, species, and diameter of each tree on site and within 15 feet of the site. **See Landscape Plan on sheet A0.3.**
 2. Location of the drip line of each tree. **See Landscape Plan on sheet A0.3.**
 3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.

COMPLIES: *Each tree on site is deemed/assumed to be healthy and will remain.*

4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements. **See Landscape Plan on sheet A0.3.**
 5. Location of dry wells, drain lines and soakage trenches.
 6. Location of proposed and existing structures. **See Site Plan on sheet A0.2.**
 7. Grade change or cut and fill during or after construction. **No grade change or cut proposed.**
 8. Existing and proposed impervious surfaces. **See Landscape Plan on sheet A0.3.**
 9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan. **Contact person will be General Contractor (T.B.D.) and Owner Contact listed on A0.1.**
 10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.
- C. Tree Protection Measures Required.
1. 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. *See Landscape Plan on sheet A0.3.*

2. The fencing shall be flush with the initial undisturbed grade.
 3. 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. **WILL COMPLY.**
 4. 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. **WILL COMPLY.**
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, concrete or dry wall excess, and construction debris or run-off. **WILL COMPLY.**
 6. No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor. **WILL COMPLY.**
 7. 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. **WILL COMPLY.**
- D. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City. **WILL COMPLY.**

18.4.5.040 Performance Security

1. The City may require the permittee to post with the City a bond, or other suitable collateral as determined by the City Administrator, ensuring the satisfactory completion and maintenance of the tree protection plan. Suitable collateral may be in the form of letters of credit, certificates of deposit, cash bond, or bonds issued by an insurance company legally doing business in the State of Oregon. **WILL COMPLY.**

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Chapter 18.4.8 – Solar Access

18.4.8.020 Applicability

- A. Lot Classifications. All lots shall meet the provisions of this section and will be classified according to the following formulas and table.
 - 1. Standard A Lots. Lots with a north-south lot dimension exceeding that calculated by Formula I and zoned for residential uses shall be required to meet setback standard A in 18.4.8.030.A. See definition of north-south lot dimension in part 18.6.

COMPLIES: Lot falls within Standard A. See Solar Access Plan on sheet A0.4.

Actual Shadow Height. If the applicant demonstrates that the actual shadow that would be cast by the proposed structure at noon on December 21 is no higher than that allowed for that lot by the provisions of this section, the structure shall be approved. Refer to Table 18.4.8.020.B.4.a, below, for actual shadow lengths.

COMPLIES: Actual shadow cast falls within B Street and does not reach the North Property Line on the opposite side of B Street. See Solar Access Plan on sheet A0.4.

Chapter 18.5.2 – Site Design Review

18.5.2.020 Applicability

- B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.
1. Two or more dwelling units, including the addition of an accessory residential unit, on a lot in any zoning district.

REQUIRED: Existing building has three dwelling units.

18.5.2.040 Application Submission Requirements

The following information is required for Site Design Review application submittal, except where the Staff Advisor determines that some information is not pertinent and therefore is not required.

- A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

COMPLIES: Information is contained in these findings and on the drawings.

- B. Site Design Review Information. In addition to the general information required for Site Design Review, the applicant shall provide the following information.
1. Basic Plan Information. Plans and drawings shall include the project name, date, north arrow, scale, and names and addresses of all persons listed as owners of the subject property on the most recently recorded deed. The scale of site and landscaping plans shall be at least one inch equals 50 feet or larger, and of building elevations one inch equals ten feet or larger.

COMPLIES: See A0.1 for name and address of Owner Site Plan scale is 1/8" on 24 x 36 and 1/16" on 11 x 17 sheets. Building Elevations on A6.1 and A6.2 are 1/4" on 24 x 36 and 1/8" on 11 x 17 sheets.

2. Site Analysis Map.

COMPLIES: See Cover sheet A0.1, Site Survey, Site Plan on A0.2 and Site Utility Plan on A0.4.

3. Proposed Site Plan.

COMPLIES: See Site Plan on A0.2 and Site Utility Plan on A0.4.

4. Architectural drawings.

COMPLIES: See sheets A2.1, A2.2, A3.0, A3.1, A3.2, A3.3, A6.1 and A6.2.

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5. Preliminary Grading and Drainage Plan.

NOT APPLICABLE: See Site Plan A0.2 for general slope of site.

6. Erosion Control Plan.

NOT APPLICABLE: See Site Plan for general slope of site.

7. Landscape and Irrigation Plans.

a. Landscape and irrigations plans shall include the following information.

NOT APPLICABLE: Irrigation is existing.

b. When water conserving landscaping is required pursuant to section 18.4.4.030, the landscape plan shall contain the following additional information.

NOT APPLICABLE: Landscaping is existing.

c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.

NOT APPLICABLE: Landscaping is existing.

8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.

a. For residential developments:

COMPLIES: See Site Plan on A0.2.

18.5.2.050 Approval Criteria

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

- A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

COMPLIES: Project complies with all applicable provisions of the R-2 zone as shown in the drawings and as explained in these Findings.

- B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

COMPLIES: Project complies with the Historic District Overlay and shown in the drawings and contained in these Findings. One exception to the Historic District Design Standards is requested pursuant to item E. below.

- C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

COMPLIES: See drawings and Findings contained herein.

- D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

COMPLIES: Adequate capacity of City facilities exist, are currently provided, and are currently in use throughout the property. Adequate transportation is currently provided.

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

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and

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Design; and the exception requested is the minimum which would alleviate the difficulty.; or

COMPLIES: *This is the most difficult project we have worked on in terms of balancing the desires of the City, the Client, our own design sensibilities, and the existing structural constraints.*

This building will have three dwelling units, two occupied by the owners, and one rental unit. As such it will be a 3400 sq. ft. building occupied by three families and not a large single family home.

In early design schemes we attempted to keep the front one story façade and meet the programmatic desires of the client, but found that placing the bulk of the second story to the rear created an unbalanced mass that did not seem to honor the typical massing and scale found historically in the neighborhood. Placing the additional space now occupied by the second floor Living Room over the 2005 Studio addition was impractical due to the fact that it is sitting on a structural slab on grade that will not support a second story and would be extremely difficult to make it capable of supporting a second story. The existing historic portion of the house has an unreinforced brick foundation that is easily replaced in order to meet the structural requirements of a second story. It seemed logical and practical to expand the existing residence vertically.

In order to honor the original front street facing façade, we are proposing to remove the existing decorative gable and rake details, and reapply them to the second story gable. The gable will be raised approximately eight feet to accommodate the second story.

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

MEETS OR EXCEEDS: *Considering that there are difficulties meeting the specific requirement as cited above, and that the balancing act of creating a design that meets the client's needs and honors the massing and scale of the neighborhood, we believe we have created a design for this addition that is attractive, will blend in well with the neighborhood fabric, and will provide a lovely home for the owner and her daughter.*

Chapter 18.5.4 – Conditional Use Permits

Applicant is seeking a Conditional Use Permit for an increase of 13.6% above the Maximum Permitted Floor Area (MPFA) of 3001 sq. ft. to 3409 sq. ft.

18.5.4.030 Review Procedure

- A. Type I Reviews. The following Conditional Use Permits are subject to Type I review in chapter 18.5.1.050.
 - 1. Conditional Use Permits involving existing structures or additions to existing structures, and not involving more than three residential dwelling units.

Project is an existing structure with three residential dwelling units.

18.5.4.040 Application Submission Requirements

- A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

COMPLIES: Information is contained in these findings and on the drawings. See Section 18.2.5.070 for further explanation in support of request.

- B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.

COMPLIES: See Site Plan A0.2 and Landscape Plan A0.3.

18.5.4.050 Approval Criteria

- A. Approval Criteria. A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - 1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

COMPLIES: The use is in conformance with all of the standards and relevant Comprehensive Plan policies for the R-2 district and the target use: an existing permitted residential use with three dwelling units. The proposed expansion of the existing use is intended to accommodate an Owner that wishes to move in to the lower Unit 254 and her daughter that will reside in Unit 252 upstairs. The studio Unit 256 is to remain as a rental dwelling unit.

- 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm

drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.

COMPLIES: Adequate capacity of City facilities exist, are currently provided, and are currently in use throughout the property. Adequate transportation is currently provided.

3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.

- a. Similarity in scale, bulk, and coverage.

COMPLIES: Proposed additions to the existing structure are similar in scale, bulk, and coverage to other homes and buildings found within the Railroad District as described in in Section 18.4.2.050 of these Findings.

- b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

COMPLIES: Traffic generation will not change as a result of this project as there is no increase in the number of occupants compared what is current. Additionally, the daughter of the Owner, who will reside upstairs, regularly bicycles to work on one of her two electric assist bicycles. Now she will live just three blocks from work, so she will no doubt be walking to work.

- c. Architectural compatibility with the impact area.

COMPLIES: The massing, scale, roof pitches, detailing, and other attributes are in total compatibility with the impact area as described in these Findings in Section 18.4.2.050 Historic District Development.

- d. Air quality, including the generation of dust, odors, or other environmental pollutants.

COMPLIES: There will be no decrease in the air quality as there will be no change in the occupancy of the building. One might argue there could be less pollutants as the Owner drives infrequently (she is elderly) and her daughter will be walking or riding her electric bicycle to work on A Street.

- e. Generation of noise, light, and glare

COMPLIES: There will be no additional increase of noise, light, and glare different from what may already occur with the current tenants. Noise may be lessened as two of three dwelling units will be Owner occupied. While there will be additional light sources as a result of the second floor, exterior lighting will be shielded, including the existing unshielded lights that will be replaced with shielded fixtures.

f. The development of adjacent properties as envisioned in the Comprehensive Plan.

COMPLIES: *The adjacent three lots to the east are proposed to be developed with three two story single family homes with studios at the rear of the property. The impact will be negligible and no different than any impact these lots will have on the subject property when they are developed as two story residences. The Pelton house has proposed another traveler's unit on the southeast corner of the lot adjacent to the existing one story studio. The second story addition is well away from this proposed building to the northeast and will have little impact on the development of this structure.*

g. Other factors found to be relevant by the approval authority for review of the proposed use.

WILL RESPOND: *Once the City Planning Staff reviews the proposal, any factors they deem relevant will be addressed and any changes necessary will be made.*

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

COMPLIES: *The existing residential use is permitted in the R-2 zone. No change to the use is being proposed.*

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

c. *R-2 and R-3.* Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

COMPLIES: *Ordinance requirements and density are in compliance as exhibited by the design drawings and as described in Chapter 18.2.5 of these findings.*

B. Conditions of Approval. The approval authority may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following.

AGREES: *Applicant agrees to abide by any conditions imposed on this use as adopted and approved as a result of this planning action.*

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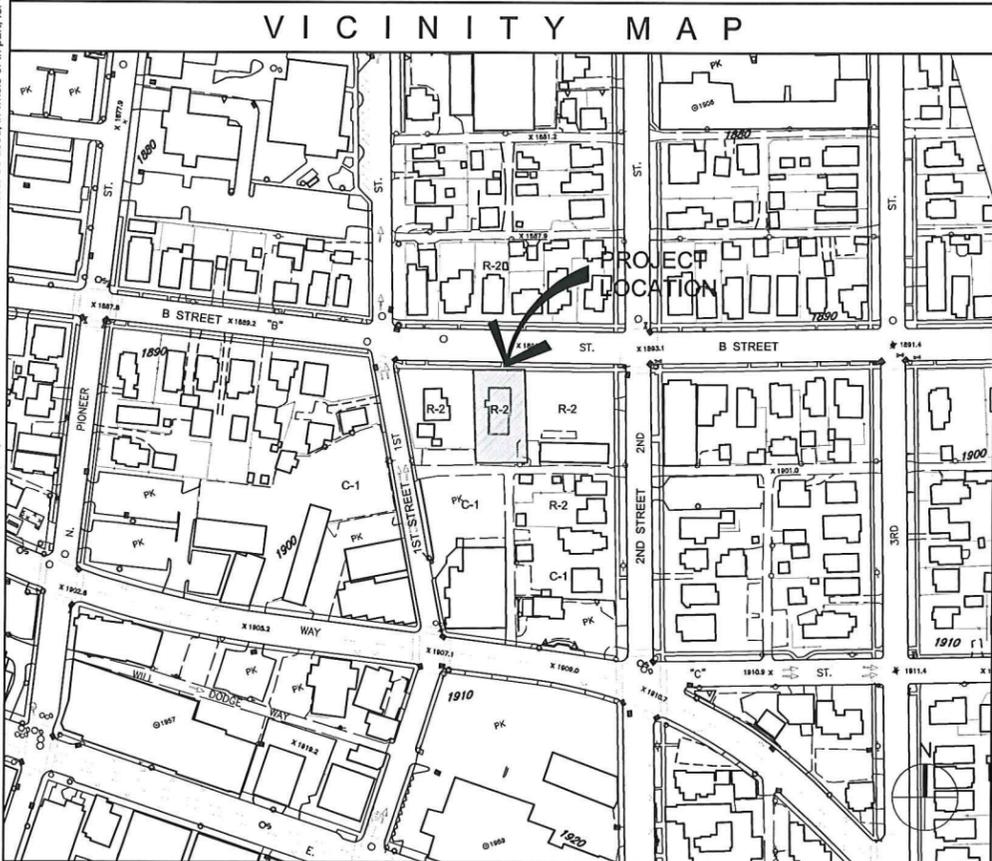
VAN HEUIT PROPERTY 252-256 B STREET REMODEL & 2ND STORY ADDITION

kistler +
small
+white
architects

66 WATER STREET
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OWNER	ARCHITECT	CIVIL ENGINEER	LANDSCAPE ARCHITECT	STRUCTURAL ENGINEER	MECHANICAL ENGINEER	ELECTRICAL ENGINEER	
Sharon Van Heuit CONTACT: Maura Van Heuit 570 A STREET ASHLAND, OR 97520 (541) 324-0203 (P) maura@mind.net	kistler small + white architects CONTACT: Jerome White 66 WATER STREET SUITE 101 ASHLAND, OREGON 97520 (541) 488-8200 (P) (541) 552-9512 (F) jerome@kistlersmallwhite.com (E)	TBD	TBD	TBD	TBD	TBD	

PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR:
CONSTRUCTION
BIDDING
RECORDATION
CONVEYANCE
ISSUANCE OF A PERMIT
SITE DESIGN REVIEW
5-3-16



LEGENDS AND SYMBOLS

DETAIL IDENTIFICATION DETAIL IDENTIFICATION DWG. NO. WHERE DETAIL IS DRAWN	DOOR IDENTIFICATION NO. ROOM NUMBER OF DOOR LETTER: DOOR IDENTIFICATION
WALL CROSS SECTION IDENTIFICATION SECTION IDENTIFICATION DWG. NO. WHERE SECTION IS DRAWN	KEY NOTE KEY NOTE NUMBER
BUILDING CROSS SECTION IDENTIFICATION SECTION IDENTIFICATION DWG. NO. WHERE SECTION IS DRAWN	WINDOW IDENTIFICATION WINDOW NUMBER GLAZING TYPE
EXTERIOR ELEVATION IDENTIFICATION ELEVATION IDENTIFICATION DWG. NO. WHERE SECTION IS DRAWN	RELITE IDENTIFICATION RELITE TYPE
INTERIOR ELEVATION IDENTIFICATION ELEVATION IDENTIFICATION DWG. NO. WHERE SECTION IS DRAWN	PARTITION IDENTIFICATION PARTITION TYPE
OFFICE IDENTIFICATION ROOM NAME ROOM NUMBER	O.F.C.I. ITEM ITEM NUMBER
GRID LINE TOP TO BOTTOM: LETTERS LEFT TO RIGHT: NUMBERS	CABINET DIMENSION W.I.C. CABINET TYPE NUMBER CABINET LENGTH (FIELD VERIFY)
NORTH ARROW ARROW INDICATES PLAN NORTH	LEVEL TAG LEVEL LINE & SURFACE ELEVATION
CENTER LINE	LOUVER IDENTIFICATION LOUVER NUMBER
HVAC EXHAUST	HVAC RETURN
HVAC SUPPLY	LIGHTING SYMBOL
LIGHTING SYMBOL	LIGHTING SYMBOL

SEE INDIVIDUAL SHEETS FOR ADDITIONAL LEGENDS AND SYMBOLS

ABBREVIATIONS

NOTE: ABBREVIATIONS BELOW MAY NOT INCLUDE ALL FOUND IN THE DRAWINGS

ABV ABOVE	AC ASPHALTIC CONCRETE	ACT ACOUSTIC CEILING TILE	AFF ABOVE FINISHED FLOOR	ALT ALTERNATE	ASW AREA SEPARATION WALL	BD BOARD	BLDG BUILDING	B.O. BOTTOM OF	BM BEAM	BS BACKSPASH	CAB CABINET	CFCI CONTRACTOR FURNISHED CONTRACTOR INSTALLED	CH COAT HOOK	CJ CONTROL JOINT	CLG CEILING	CLR CLEAR	CMU CONCRETE MASONRY UNIT	COL COLUMN	CONC CONCRETE	CONF CONFERENCE	CONT CONTINUOUS	CORR CORRIDOR	CPT CARPET	CR CLASSROOM	CTB COMPUTER TERMINAL BOARD	CTSK COUNTERSINK	DBL DOUBLE	DIA DIAMETER	DIMS DIMENSIONS	DF DRINKING FOUNTAIN	DS DOWNSPOUT	DW DOWNSPOUT	DP DISABLED PERSON	E EXISTING	EA EACH	EL ELEVATION	ELE ELECTRICAL	ELECT ELECTRICAL	ELEV ELEVATOR	EM ENTRANCE MATTING	EMT ELECTRICAL METALLIC TUBING	EQ EQUAL	EX EXISTING	(E) EXISTING	EJ EXPANSION JOINT	EXT EXTERIOR	FD FLOOR DRAIN	FE FIRE EXTINGUISHER	FEC FIRE EXTINGUISHER & CABINET	FF FINISHED FLOOR	FFE FINISHED FLOOR ELEVATION	FG FINISH GRADE	FHMS FLAT HEAD SHEET METAL SCREWS	FHMB FLAT HEAD MACHINE BOLT	FIN FINISH (ED)	FND FEMININE NAPKIN DISPENSER	F.O. FACE OF	F.O.C. FACE OF CONCRETE / FACE OF COLUMN	F.O.FIN. FACE OF FINISH	F.O.M. FACE OF MASONRY	F.O.S. FACE OF STUD / STRUCTURE	FP FIREPLACE	FR FIRE RESISTANT	FRMG FRAMING	FRZR FREEZER	FTG FOOTING	GA GAUGE	GA GYPSUM ASSOCIATION	GALV GALVANIZED	GYP BD GYPSUM BOARD	GWB GYPSUM WALL BOARD	GB GRAB BAR	GI GALVANIZED IRON	GS GALVANIZED STEEL	HS HALL STATION (ELEVATOR)	H HIGH	HDBD HARDBOARD	HDR HEADER	HDWD HARDWOOD	HST HEIGHT	HR HOUR	HVAC HEATING/VENTILATION/AIR CONDITIONING	HW HOT WATER	HC HANDICAP	INSUL INSULATION	IR INSIDE RADIUS	JST JOIST	KS KNEE SPACE	LAV LAVATORY	LPG LIQUID PROPANE GAS	M MIRROR	MAX MAXIMUM	MACH MACHINE	MB MACHINE BOLT	MB MARKER BOARD	MDL MODEL	MECH MECHANICAL	MED MEDIUM	MFR MANUFACTURER	MW MAKE IT WORK	MIN MINIMUM	MISC MISCELLANEOUS	MPH MILES PER HOUR	MET METAL	MTL METAL	MW MICROWAVE	(N) NEW	NIC NOT IN CONTRACT	O OVER	OCC OCCUPANCY	OPNG OPENING	OC ON CENTER	OD OUTSIDE DIAMETER	OFCI OWNER FURNISHED CONTRACTOR INSTALLED	OFCI OWNER FURNISHED OWNER INSTALLED	P PAINT	P LAM PLASTIC LAMINATE	PLWD PLYWOOD	PSF POUNDS PER SQ. FOOT	PWC PLASTIC WALL COVERING	PWP PLASTIC WALL PANEL	PT PRESSURE TREATED	RD ROOF DRAIN	REF REFRIGERATOR	RM ROOM	RO ROUGH OPENING	SD SOAP DISPENSER	SEP SEPARATION	SF SQUARE FEET	SQ FT SQUARE FEET	SHTG SHEATHING	SHT SHEET	SHM SIMILAR	SM SHEET METAL	SMS SHEET METAL SCREWS	SPECS SPECIFICATIONS	STB SINGAL TERMINAL BACKBOARD	STL STEEL	STRUCT STRUCTURAL	SS STAINLESS STEEL	SST STAINLESS STEEL	TPD TOILET PAPER DISPENSER	TRFRF TRANSFORMER/TRANSFER	TS TUBE STEEL	TTB TELEPHONE TERMINAL BACKBOARD	TVB DATA TERMINAL BACKBOARD	TYP TYPICAL	TH THRESHOLD	TO TOP OF	TC TOP OF CONCRETE / CURB	TW TOP OF WALL	UL UNDERWRITER'S LABORATORY	UTIL UTILITY	UNO UNLESS NOTED OTHERWISE	UON UNLESS OTHERWISE NOTED	VCT VINYL COMPOSITION TILE	VERT VERTICAL	VEST VESTIBULE	V-A TYPE 5, RATED	V-B TYPE 5, NON-RATED	VWC VINYL WALL COVERING	WBG WALL BUMPER GUARD	WC WATER CLOSET	WD WOOD	WDW WINDOW	WH WATER HEATER	WTP WATER TREATMENT PLANT	WF WIDE FLANGE	WS WOOD SCREW	W.I.C. WOODWORK INSTITUTE	WI WITH
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DRAWING INDEX

GENERAL:
A0.1 GENERAL INFORMATION

SITE:
SITE SURVEY - HOUSE LOCATION
SITE PLAN & ZONING SUMMARY
LANDSCAPE PLAN AND SITE UTILITIES PLAN
SOLAR ACCESS PLAN

ARCHITECTURAL:
A2.1 FLOOR DEMOLITION PLAN
A2.2 ROOF DEMOLITION PLAN
A3.0 UPPA FLOOR AREAS AND UNIT AREAS
A3.1 FIRST FLOOR PLAN
A3.2 SECOND FLOOR PLAN
A3.3 ROOF PLAN
A8.1 EXTERIOR ELEVATIONS
A8.2 EXTERIOR ELEVATIONS

GOVERNING CODES

THE DESIGN OF THIS PROJECT IS BASED ON THE FOLLOWING CODES:

- OREGON STRUCTURAL SPECIALTY CODE, 2014 ed.
- OREGON MECHANICAL SPECIALTY CODE, 2014 ed.
- OREGON PLUMBING SPECIALTY CODE, 2014 ed.
- OREGON ELECTRICAL SPECIALTY CODE, 2014 ed.
- OREGON ENERGY EFFICIENCY SPECIALTY CODE, 2014 ed.
- OREGON FIRE CODE, 2014 ed.
- NFPA 72: NATIONAL FIRE ALARM CODE, 2013 ed.
- NFPA 13: AUTOMATIC SPRINKLER SYSTEMS, 2013 ed.

MATERIALS LEGEND

EARTH	BATT INSULATION
GRAVEL / ROCK	RIGID INSULATION
SAND / GROUT	CEILING / ACOUSTIC TILE / PANEL
CONCRETE	METAL
CMU	DIMENSIONAL LUMBER
(E) CONCRETE	BLOCKING / SHIM
(E) CMU	FINISH WOOD
BRICK	PLYWOOD
FRAMED WALL - NEW	

NOTE: ALL MATERIAL SYMBOLS ABOVE MAY NOT NECESSARILY BE USED IN THIS PROJECT. SEE INDIVIDUAL SHEETS FOR ADDITIONAL LEGENDS AND SYMBOLS

ABBREVIATIONS

NOTE: ABBREVIATIONS BELOW MAY NOT INCLUDE ALL FOUND IN THE DRAWINGS

ABV ABOVE	AC ASPHALTIC CONCRETE	ACT ACOUSTIC CEILING TILE	AFF ABOVE FINISHED FLOOR	ALT ALTERNATE	ASW AREA SEPARATION WALL	BD BOARD	BLDG BUILDING	B.O. BOTTOM OF	BM BEAM	BS BACKSPASH	CAB CABINET	CFCI CONTRACTOR FURNISHED CONTRACTOR INSTALLED	CH COAT HOOK	CJ CONTROL JOINT	CLG CEILING	CLR CLEAR	CMU CONCRETE MASONRY UNIT	COL COLUMN	CONC CONCRETE	CONF CONFERENCE	CONT CONTINUOUS	CORR CORRIDOR	CPT CARPET	CR CLASSROOM	CTB COMPUTER TERMINAL BOARD	CTSK COUNTERSINK	DBL DOUBLE	DIA DIAMETER	DIMS DIMENSIONS	DF DRINKING FOUNTAIN	DS DOWNSPOUT	DW DOWNSPOUT	DP DISABLED PERSON	E EXISTING	EA EACH	EL ELEVATION	ELE ELECTRICAL	ELECT ELECTRICAL	ELEV ELEVATOR	EM ENTRANCE MATTING	EMT ELECTRICAL METALLIC TUBING	EQ EQUAL	EX EXISTING	(E) EXISTING	EJ EXPANSION JOINT	EXT EXTERIOR	FD FLOOR DRAIN	FE FIRE EXTINGUISHER	FEC FIRE EXTINGUISHER & CABINET	FF FINISHED FLOOR	FFE FINISHED FLOOR ELEVATION	FG FINISH GRADE	FHMS FLAT HEAD SHEET METAL SCREWS	FHMB FLAT HEAD MACHINE BOLT	FIN FINISH (ED)	FND FEMININE NAPKIN DISPENSER	F.O. FACE OF	F.O.C. FACE OF CONCRETE / FACE OF COLUMN	F.O.FIN. FACE OF FINISH	F.O.M. FACE OF MASONRY	F.O.S. FACE OF STUD / STRUCTURE	FP FIREPLACE	FR FIRE RESISTANT	FRMG FRAMING	FRZR FREEZER	FTG FOOTING	GA GAUGE	GA GYPSUM ASSOCIATION	GALV GALVANIZED	GYP BD GYPSUM BOARD	GWB GYPSUM WALL BOARD	GB GRAB BAR	GI GALVANIZED IRON	GS GALVANIZED STEEL	HS HALL STATION (ELEVATOR)	H HIGH	HDBD HARDBOARD	HDR HEADER	HDWD HARDWOOD	HST HEIGHT	HR HOUR	HVAC HEATING/VENTILATION/AIR CONDITIONING	HW HOT WATER	HC HANDICAP	INSUL INSULATION	IR INSIDE RADIUS	JST JOIST	KS KNEE SPACE	LAV LAVATORY	LPG LIQUID PROPANE GAS	M MIRROR	MAX MAXIMUM	MACH MACHINE	MB MACHINE BOLT	MB MARKER BOARD	MDL MODEL	MECH MECHANICAL	MED MEDIUM	MFR MANUFACTURER	MW MAKE IT WORK	MIN MINIMUM	MISC MISCELLANEOUS	MPH MILES PER HOUR	MET METAL	MTL METAL	MW MICROWAVE	(N) NEW	NIC NOT IN CONTRACT	O OVER	OCC OCCUPANCY	OPNG OPENING	OC ON CENTER	OD OUTSIDE DIAMETER	OFCI OWNER FURNISHED CONTRACTOR INSTALLED	OFCI OWNER FURNISHED OWNER INSTALLED	P PAINT	P LAM PLASTIC LAMINATE	PLWD PLYWOOD	PSF POUNDS PER SQ. FOOT	PWC PLASTIC WALL COVERING	PWP PLASTIC WALL PANEL	PT PRESSURE TREATED	RD ROOF DRAIN	REF REFRIGERATOR	RM ROOM	RO ROUGH OPENING	SD SOAP DISPENSER	SEP SEPARATION	SF SQUARE FEET	SQ FT SQUARE FEET	SHTG SHEATHING	SHT SHEET	SHM SIMILAR	SM SHEET METAL	SMS SHEET METAL SCREWS	SPECS SPECIFICATIONS	STB SINGAL TERMINAL BACKBOARD	STL STEEL	STRUCT STRUCTURAL	SS STAINLESS STEEL	SST STAINLESS STEEL	TPD TOILET PAPER DISPENSER	TRFRF TRANSFORMER/TRANSFER	TS TUBE STEEL	TTB TELEPHONE TERMINAL BACKBOARD	TVB DATA TERMINAL BACKBOARD	TYP TYPICAL	TH THRESHOLD	TO TOP OF	TC TOP OF CONCRETE / CURB	TW TOP OF WALL	UL UNDERWRITER'S LABORATORY	UTIL UTILITY	UNO UNLESS NOTED OTHERWISE	UON UNLESS OTHERWISE NOTED	VCT VINYL COMPOSITION TILE	VERT VERTICAL	VEST VESTIBULE	V-A TYPE 5, RATED	V-B TYPE 5, NON-RATED	VWC VINYL WALL COVERING	WBG WALL BUMPER GUARD	WC WATER CLOSET	WD WOOD	WDW WINDOW	WH WATER HEATER	WTP WATER TREATMENT PLANT	WF WIDE FLANGE	WS WOOD SCREW	W.I.C. WOODWORK INSTITUTE	WI WITH
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SITE DESIGN REVIEW

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MAY 03 2016
City of Ashland

REVISIONS

GENERAL INFORMATION

PROJECT: 15-031
ISSUE DATE: 5-3-16
SHEET:

A0.1

VAN HEUIT PROPERTY
REMODEL & 2ND STORY ADDITION
OWNER: KATHLEEN VAN HEUIT
ADDRESS: 252, 254, & 256 B Street

Ashland, Oregon

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Van Heuit
Site Design Review
May 3, 2016



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PLANNING SUMMARY

OWNER:
 SHARON VANHEUIT
 CONTACT: MAURA VANHEUIT
 570 A STREET
 ASHLAND, OR 97520

SITE ADDRESS:
 252, 254 AND 256 B STREET
 ASHLAND, OR 97520

MAP: 391E09BA
 TAX LOT: 5700
 ZONE: R-2

ZONING DESIGNATION:

PROJECT PROPERTY R-2
 PROPERTY TO NORTH R-2
 (ACROSS B STREET)
 PROPERTY TO EAST R-2
 PROPERTY TO SOUTH C-1
 (ACROSS ALLEY)
 PROPERTY TO WEST R-2

LOT COVERAGE:

LOT AREA 10,064 sf
 LANDSCAPE AREA 5,333 sf
 % LANDSCAPE AREA 47.0%
 MIN. % LANDSCAPE REQUIRED 35.0%
 LOT COVERAGE (IMPERVIOUS) 4,731 sf
 % LOT COVERAGE 53.0%
 MAX. % LOT COVERAGE 65.0%

OPEN SPACE:

LOT AREA 10,064 sf
 OPEN SPACE REQD (8%) 805 sf
 OPEN SPACE PROVIDED (10.5%) 1,056 sf

PARKING:

REQUIRED	PROVIDED
(2) 1 BEDROOM (1.50/UNIT)	3.0
(1) STUDIO (1.00/UNIT)	1.0
ACCESSIBLE SPACE	NOT REQD
TOTAL SPACES REQD	4.0
TOTAL SPACES PROVIDED	4.0

BICYCLE PARKING:

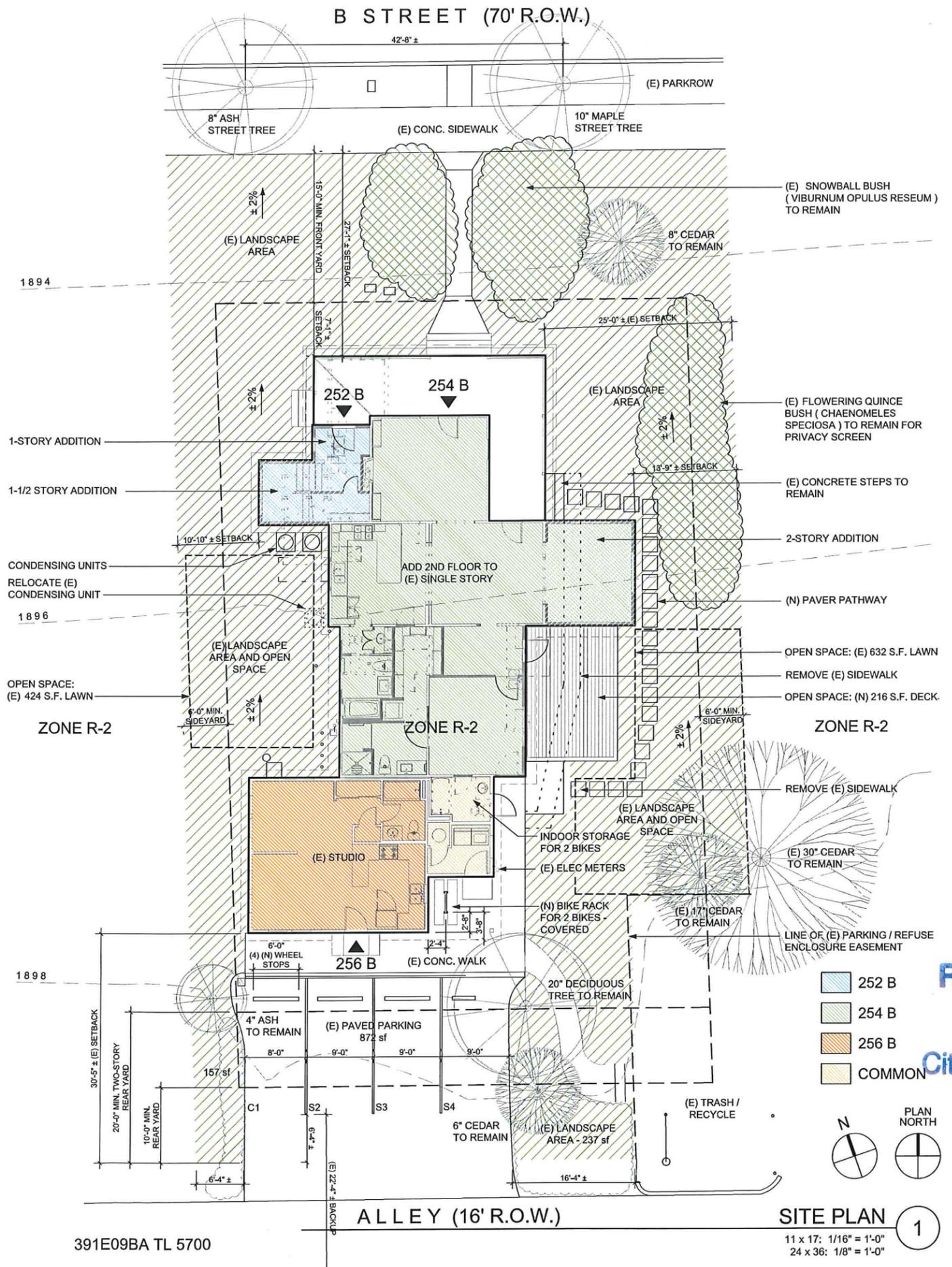
REQUIRED	PROVIDED
(2) 1 BEDROOM (1.0/UNIT)	2.0
(1) STUDIO (1.0/UNIT)	1.0
TOTAL SPACES REQD	3.0
TOTAL SPACES PROVIDED	4.0

MPFA CALCULATION							
EXISTING FLOOR AREA	LOT AREA	ADJ. FACTOR	ADJUSTED LOT AREA	GRADUATED FAR	MPFA	25% INCREASE ALLOWABLE	ADDITIONS ALLOWABLE
1,902 sf	10,064 sf	0.71	7,146 sf	0.42	3,001 sf	3,752 sf	+2,006 sf

BUILDING AREAS BY FLOOR							
FLOOR	EXISTING BLDG. AREA	REMOVED BLDG. AREA	(E) BLDG. AREA TO REMAIN	ADDITIONS	PROPOSED BLDG. AREA	AMOUNT AREA ABOVE MFPA	% INCREASE ABOVE MFPA
1st FLOOR	1,902 sf	-157 sf	1,745 sf	324 sf	2,069 sf		
2nd FLOOR	0 sf	0 sf	0 sf	1,341 sf	1,341 sf		
TOTAL	1,902 sf	-157 sf	1,745 sf	1,664 sf	3,409 sf	+408 sf	13.6%

UNIT AREAS BY ADDRESS							
UNIT ADDRESS	EXISTING UNIT AREA	REMOVED UNIT AREA	1st FLR. UNIT ADDITIONS	2nd FLR. UNIT ADDITIONS	PROPOSED UNIT AREA	CHANGE	% INCREASE FROM EXIST.
252 B Street	633 sf	-83 sf	156 sf	1,341 sf	1,496 sf	+863 sf	
254 B Street	711 sf	-53 sf	538 sf	0 sf	1,302 sf	+591 sf	
256 B Street	495 sf	0 sf	0 sf	0 sf	495 sf	+0 sf	
Common	62 sf	0 sf	53 sf	0 sf	116 sf	+53 sf	
TOTAL	1,902 sf	-686 sf	693 sf	1,341 sf	3,409 sf	+1,454 sf	42.7%

UNIT MAKEUP - BEDROOMS, KITCHENS & BATHROOMS							
UNIT ADDRESS	EXISTING BEDROOMS	PROPOSED BEDROOMS	EXISTING BATHROOMS	PROPOSED BATHROOMS	EXISTING KITCHENS	PROPOSED KITCHENS	
252 B Street	1.0	1.0	1.0	2.0	1.0	1.0	
254 B Street	1.0	1.0	1.0	2.0	1.0	1.0	
256 B Street	1.0 (Studio)	1.0 (Studio)	1.0	1.0	1.0	1.0	
TOTAL	3.0	3.0	3.0	5.0	3.0	3.0	



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66 WATER STREET
 SUITE 101
 ASHLAND, OR 97520
 TEL.: 541.488.8200

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 SITE DESIGN REVIEW 5-3-16

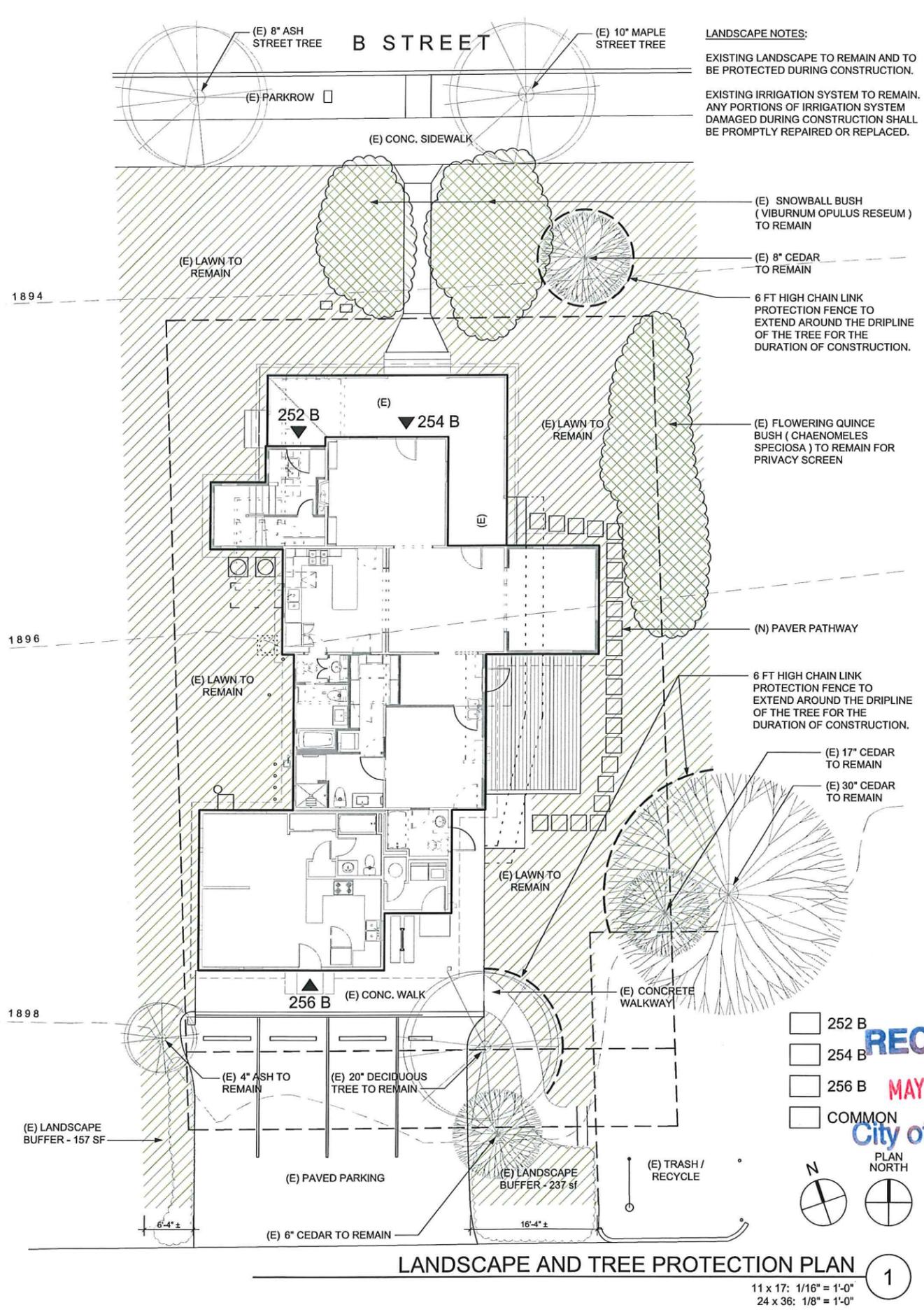
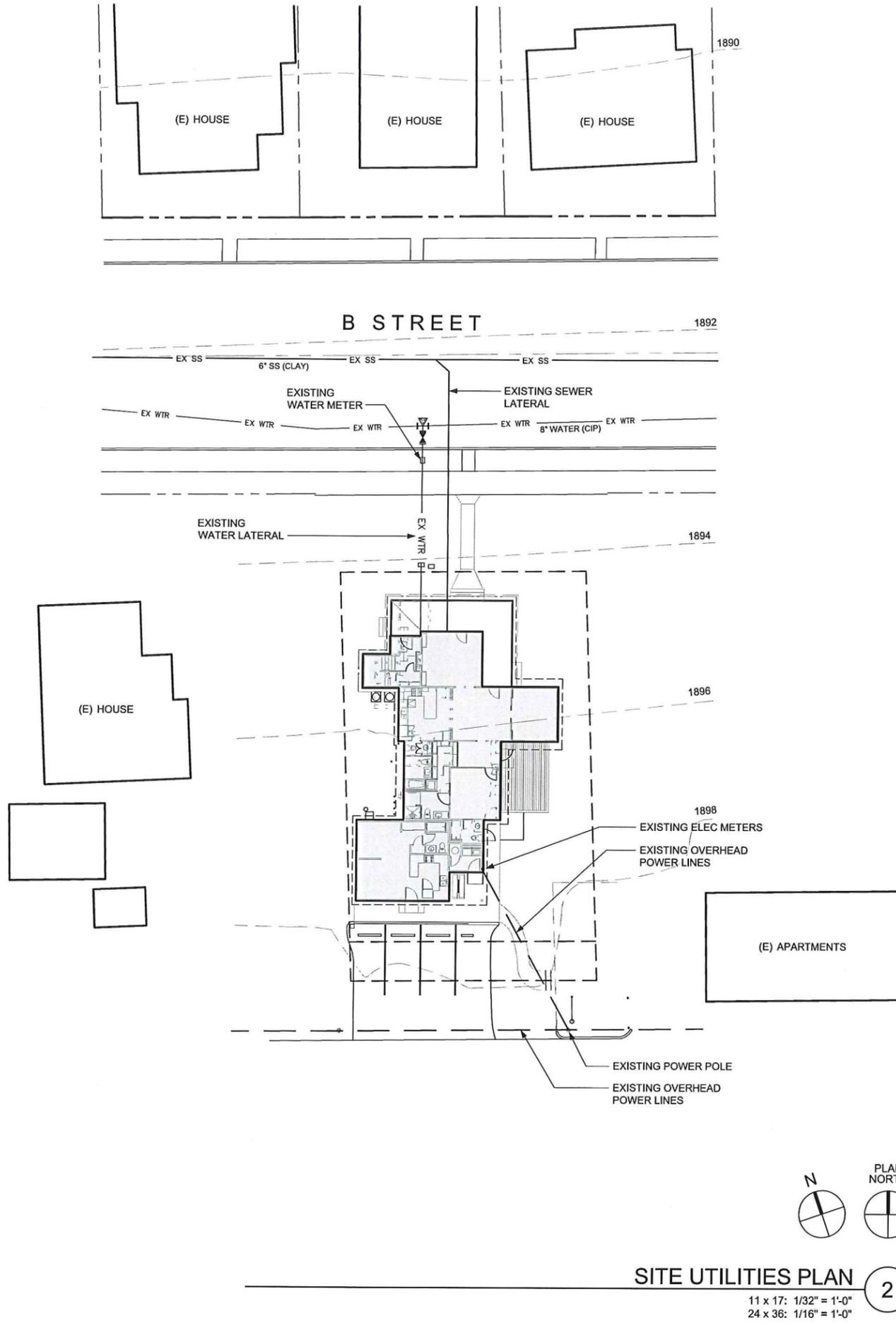
VAN HEUIT PROPERTY REMODEL & 2ND STORY ADDITION
 OWNER: KATHLEEN VAN HEUIT
 ADDRESS: 252, 254, & 256 B Street
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SITE PLAN & ZONING SUMMARY
 PROJECT: 15-031
 ISSUE DATE: 5-3-16
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LANDSCAPE NOTES:

EXISTING LANDSCAPE TO REMAIN AND TO BE PROTECTED DURING CONSTRUCTION.
EXISTING IRRIGATION SYSTEM TO REMAIN. ANY PORTIONS OF IRRIGATION SYSTEM DAMAGED DURING CONSTRUCTION SHALL BE PROMPTLY REPAIRED OR REPLACED.



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LANDSCAPE PLAN AND SITE UTILITIES PLAN
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ISSUE DATE: 5-3-16
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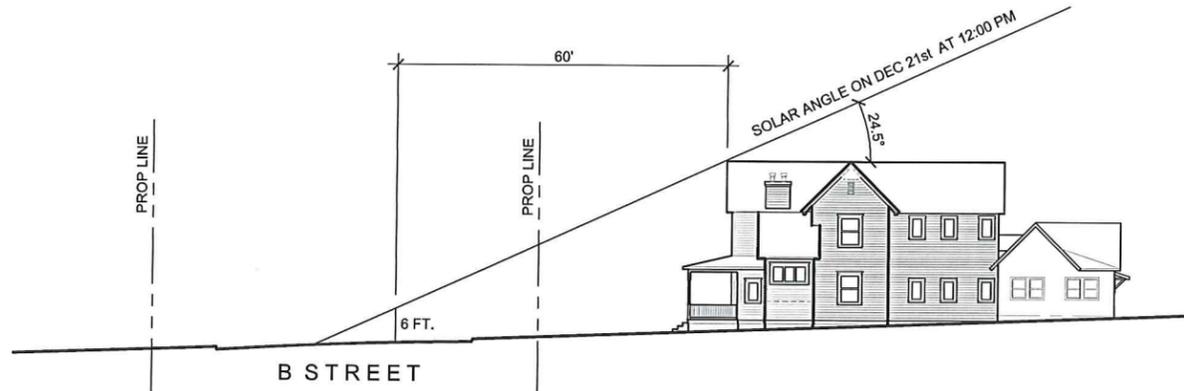
SOLAR SETBACK CALCULATIONS

LOT CLASSIFICATION: STD A LOT

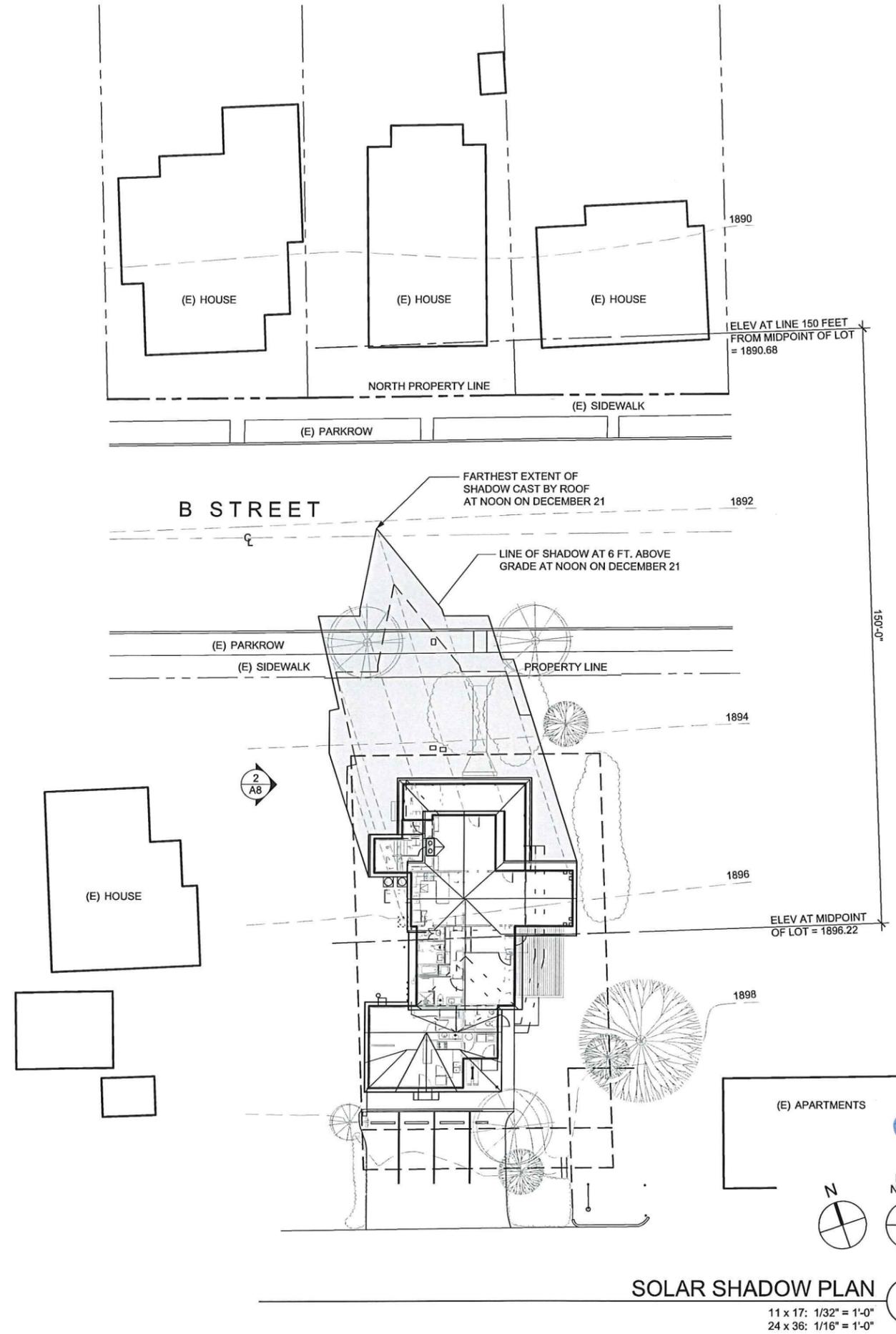
MIN. N/S LOT DIMENSION = $30' / 0.445 + S = 30' / 0.445 - .037 = 73'$
 $S = 1896.22 - 1890.68 = 5.45' / 150' = -.037$

SOLAR SETBACK STD A:

SSB = $(H - 6') / (0.445 + S) = (30.5' - 6') / (.445 - .037) = 60'$
 $H = 30'-6" \text{ ABOVE GRADE}$
 $S = -.037$



SOLAR SECTION 2
1/16" = 1'-0"



SOLAR SHADOW PLAN 1
11 x 17: 1/32" = 1'-0"
24 x 36: 1/16" = 1'-0"

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SOLAR ACCESS PLAN

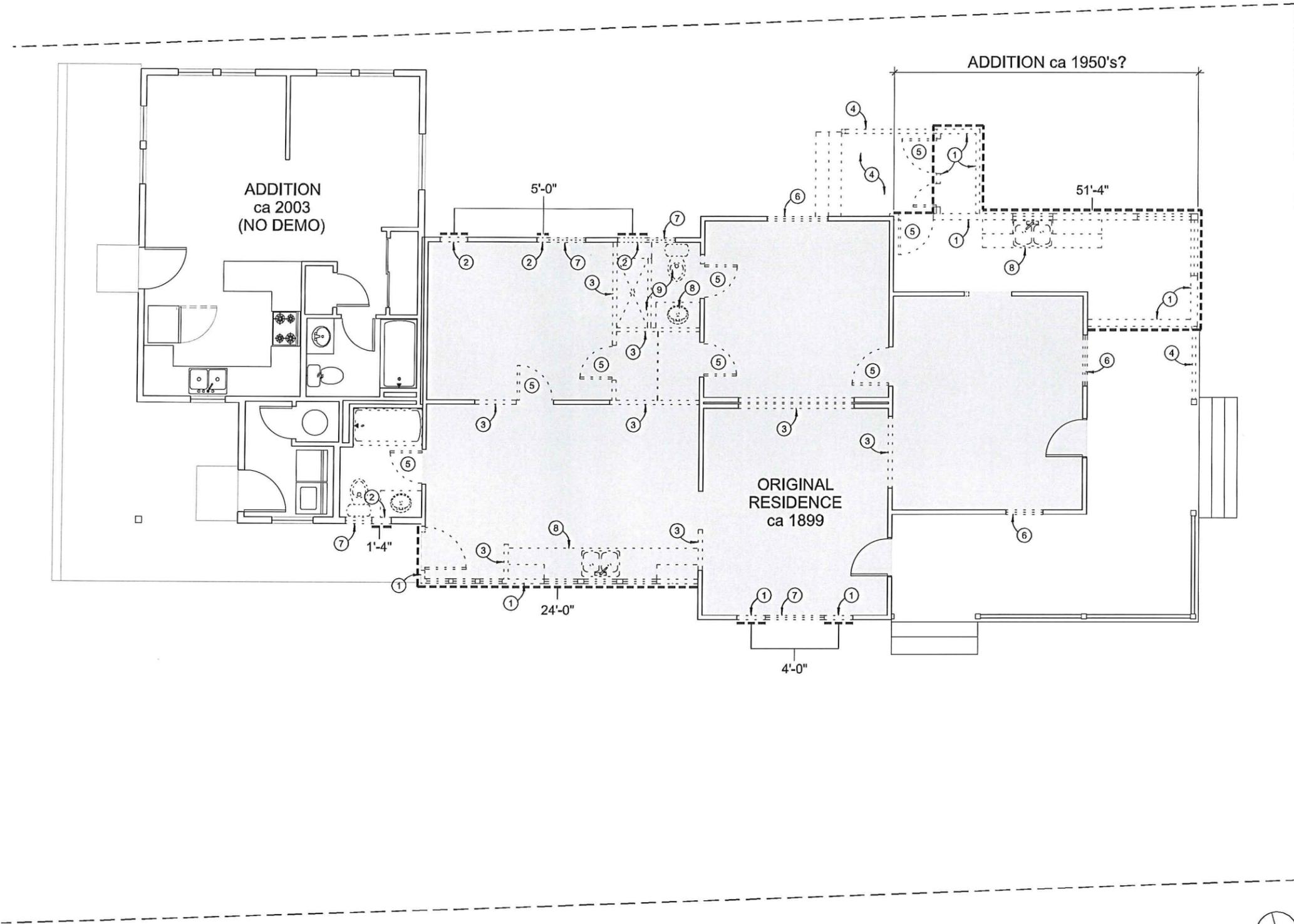
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DEMOLITION PLAN NOTES

- 1 REMOVE (E) EXTERIOR WALL INCLUDING WINDOWS, DOORS AND OTHER FEATURES IN WALL.
- 2 REMOVE (E) EXTERIOR WALL FOR (N) OPENING, (N) WINDOW OR (N) DOOR.
- 3 REMOVE (E) INTERIOR WALL. PROVIDE STRUCTURAL SUPPORT AS REQUIRED DURING CONSTRUCTION.
- 4 REMOVE (E) RAILING
- 5 REMOVE (E) DOOR.
- 6 REMOVE (E) WINDOW FOR REPLACEMENT.
- 7 REMOVE (E) WINDOW.
- 8 REMOVE (E) CABINETRY AND ASSOCIATED PLUMBING FIXTURES.
- 9 REMOVE (E) PLUMBING FIXTURES.
- 10 REMOVE (E) WOOD STAIRS, LANDING AND CONCRETE PAD.



CURRENT 3-UNIT RESIDENCE

	LENGTH	
(E) PERIMETER WALLS	247'-9"	100.0%
(E) WALLS REMOVED	85'-8"	34.6%
(E) WALLS TO REMAIN	162'-1"	65.4%

ORIGINAL RESIDENCE

(AREA SHOWN SHADED)

	LENGTH	
(E) PERIMETER WALLS	154'-1"	100.0%
(E) WALLS REMOVED	33'-0"	21.4%
(E) WALLS TO REMAIN	121'-1"	78.6%

FLOOR DEMOLITION PLAN

11 x 17: 1/8" = 1'-0"
24 x 36: 1/4" = 1'-0"

1

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FIRST FLOOR
DEMOLITION
PLAN

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ISSUE DATE: 5-3-16

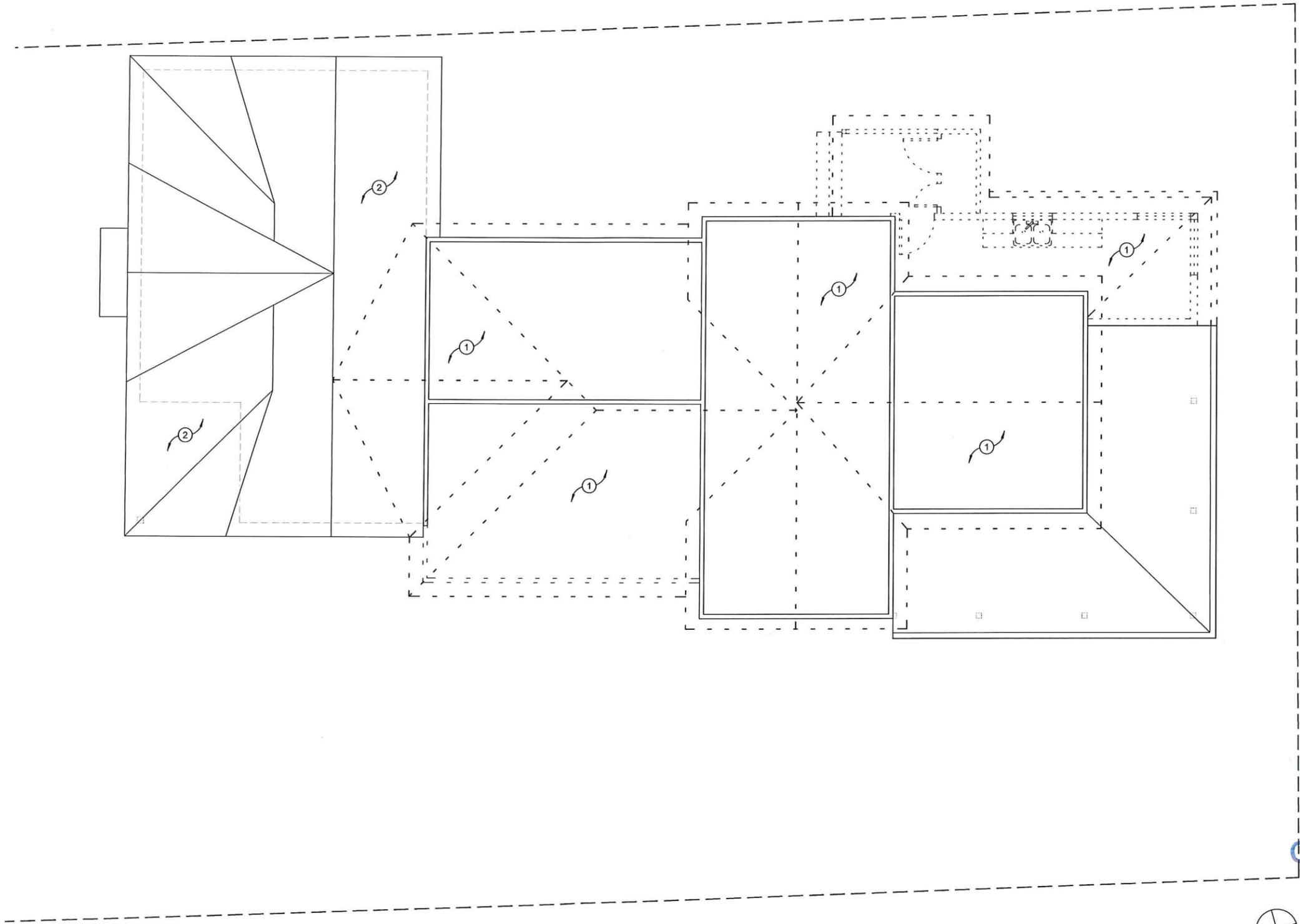
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DEMOLITION PLAN NOTES

- ① REMOVE (E) ROOF STRUCTURE, INCLUDING ROOFING, SHEATHING, RAFTERS, CEILING JOISTS, CEILING FINISH, RAIN GUTTERS, DOWNSPOUTS AND ALL ROOF APPURTENANCES.
- ② EXISTING ROOF TO REMAIN.



ROOF DEMOLITION PLAN

1

11 x 17: 1/8" = 1'-0"
24 x 36: 1/4" = 1'-0"

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ROOF
DEMOLITION
PLAN

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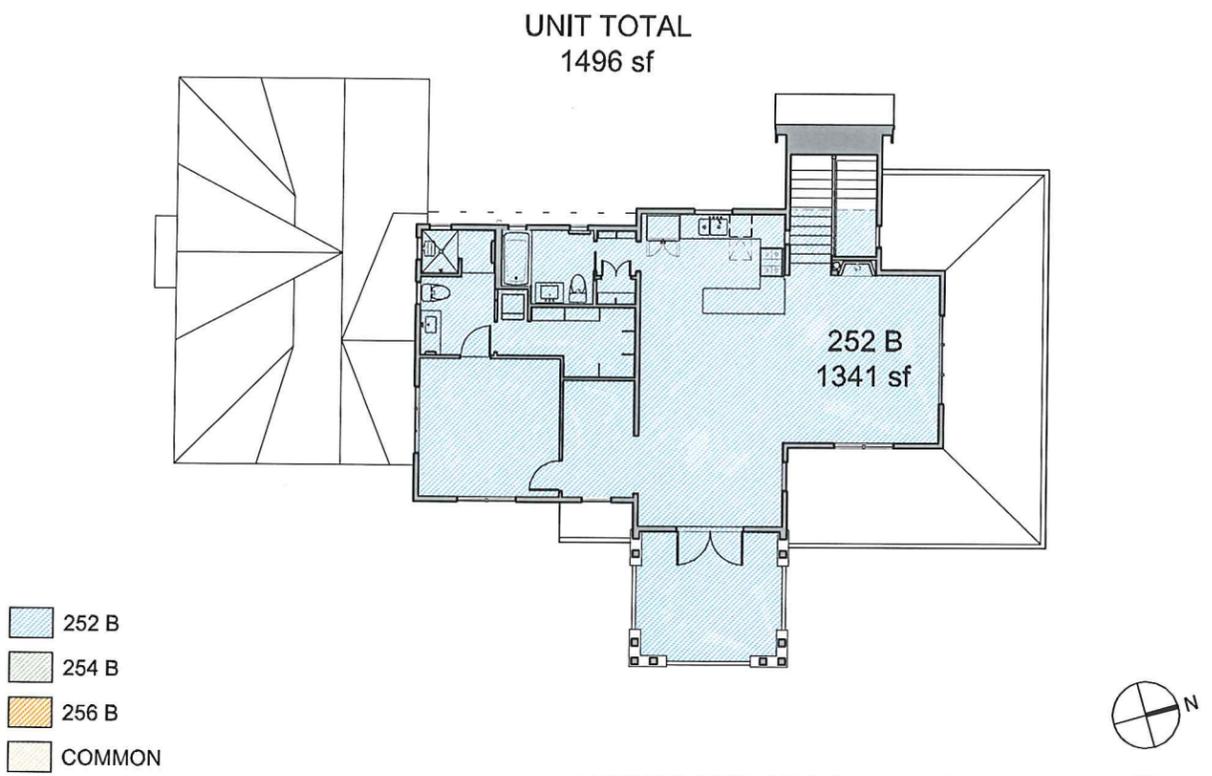
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MPFA, FLOOR AREAS & UNIT AREAS
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PROPOSED SECOND FLOOR PLAN

11 x 17: 1/16" = 1'-0"
24 x 36: 1/8" = 1'-0"

3

MPFA CALCULATION							
EXISTING FLOOR AREA	LOT AREA	ADJ. FACTOR	ADJUSTED LOT AREA	GRADUATED FAR	MPFA	25% INCREASE ALLOWABLE	ADDITIONS ALLOWABLE
1,902 sf	10,064 sf	0.71	7,146 sf	0.42	3,001 sf	3,752 sf	+2,006 sf

BUILDING AREAS BY FLOOR							
FLOOR	EXISTING BLDG AREA	REMOVED BLDG AREA	(E) BLDG. AREA TO REMAIN	ADDITIONS	PROPOSED BLDG. AREA	AMOUNT AREA ABOVE MFPA	% INCREASE ABOVE MFPA
1st FLOOR	1,902 sf	-157 sf	1,745 sf	324 sf	2,069 sf		
2nd FLOOR	0 sf	0 sf	0 sf	1,341 sf	1,341 sf		
TOTAL	1,902 sf	-157 sf	1,745 sf	1,664 sf	3,409 sf	+408 sf	13.6%

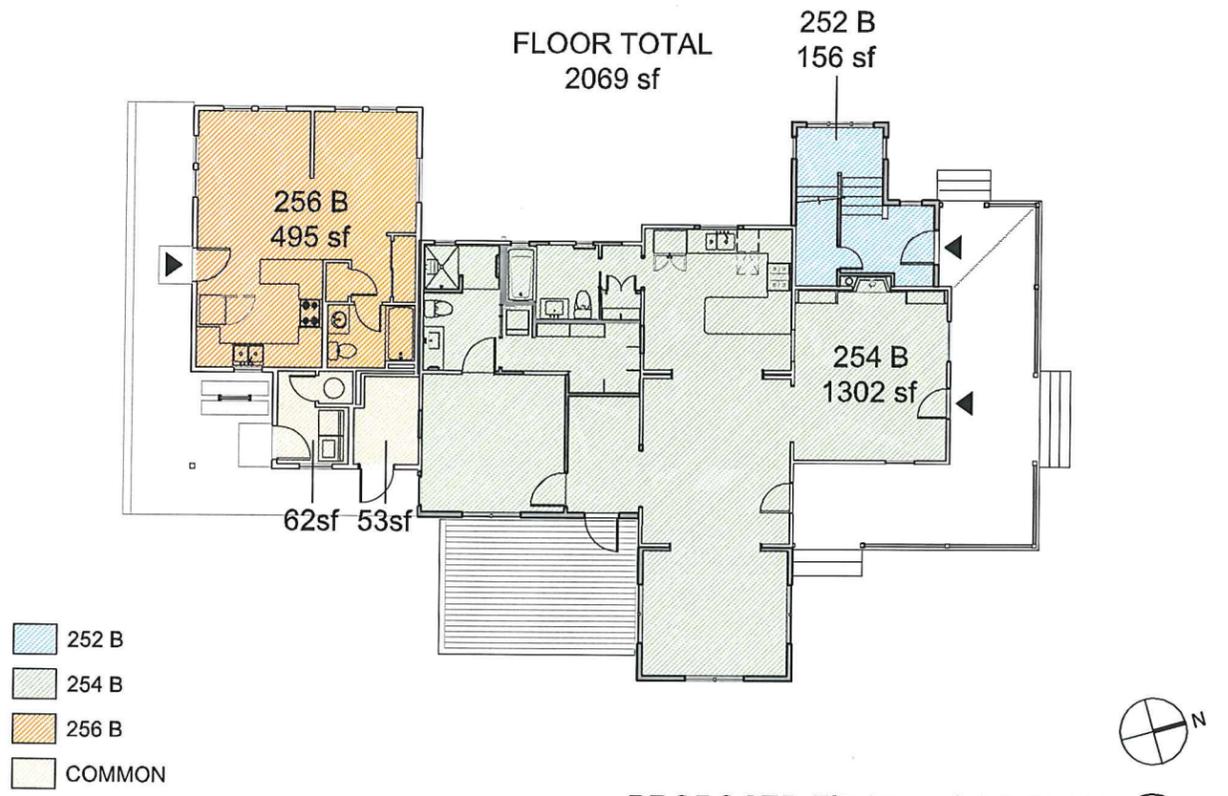
UNIT AREAS BY ADDRESS							
UNIT ADDRESS	EXISTING UNIT AREA	UNIT AREA REMOVED	1st FLR. UNIT ADDITIONS	2nd FLR. UNIT ADDITIONS	PROPOSED UNIT AREA	CHANGE	% INCREASE FROM EXISTG.
252 B Street	633 sf	-633 sf	156 sf	1,341 sf	1,496 sf	+863 sf	
254 B Street	711 sf	-53 sf	538 sf	0 sf	1,302 sf	+591 sf	
256 B Street	495 sf	0 sf	0 sf	0 sf	495 sf	+0 sf	
Common	62 sf	0 sf	53 sf	0 sf	116 sf	+53 sf	
TOTAL	1,902 sf	-686 sf	693 sf	1,341 sf	3,409 sf	+1,454 sf	42.7%

UNIT MAKEUP - BEDROOMS, KITCHENS & BATHROOMS							
UNIT ADDRESS	EXISTING BEDROOMS	PROPOSED BEDROOMS	EXISTING BATHROOMS	PROPOSED BATHROOMS	EXISTING KITCHENS	PROPOSED KITCHENS	
252 B Street	1.0	1.0	1.0	2.0	1.0	1.0	
254 B Street	1.0	1.0	1.0	2.0	1.0	1.0	
256 B Street	1.0 (Studio)	1.0 (Studio)	1.0	1.0	1.0	1.0	
TOTAL	3.0	3.0	3.0	5.0	3.0	3.0	

MPFA CALCULATION, FLOOR AREAS, UNIT AREAS & UNIT MAKEUP

NO SCALE

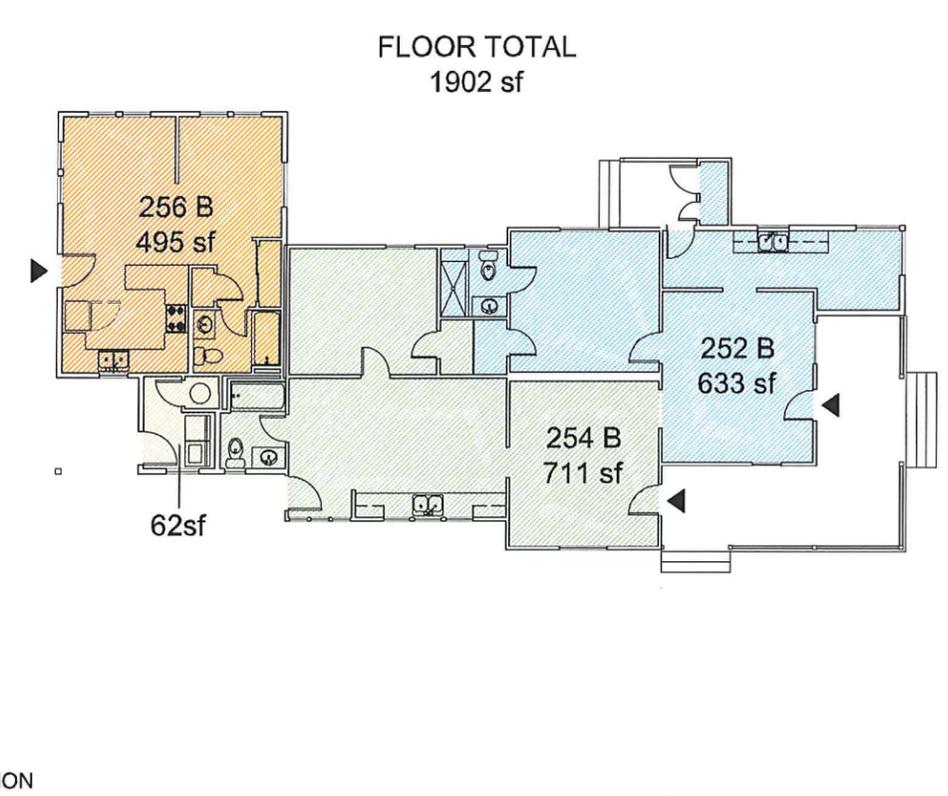
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PROPOSED FIRST FLOOR PLAN

11 x 17: 1/16" = 1'-0"
24 x 36: 1/8" = 1'-0"

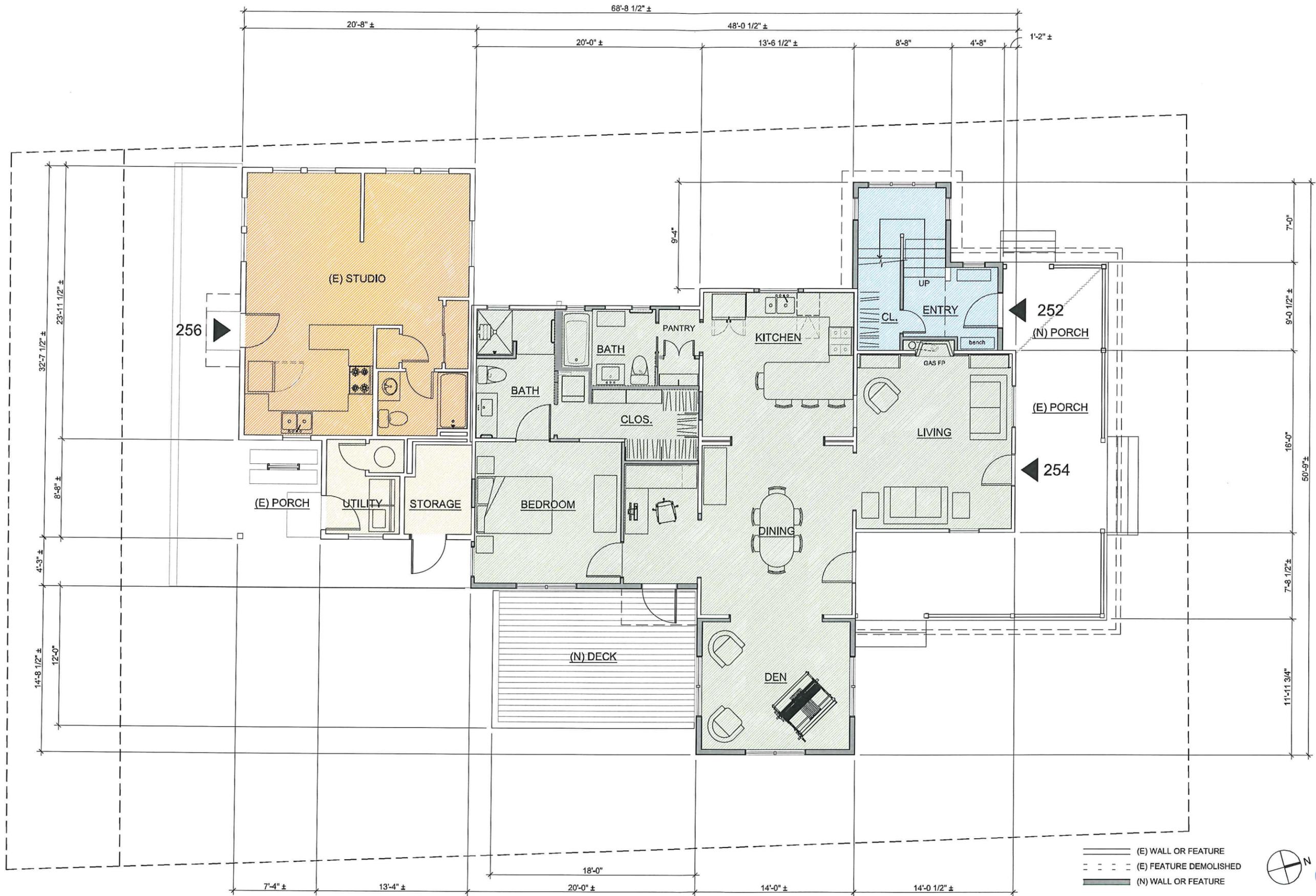
2



EXISTING FLOOR PLAN

11 x 17: 1/16" = 1'-0"
24 x 36: 1/8" = 1'-0"

1



FIRST FLOOR PLAN

11 x 17: 1/8" = 1'-0"
24 x 36: 1/4" = 1'-0"

1



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ADDRESS: 252, 254, & 256 B Street
Ashland, Oregon

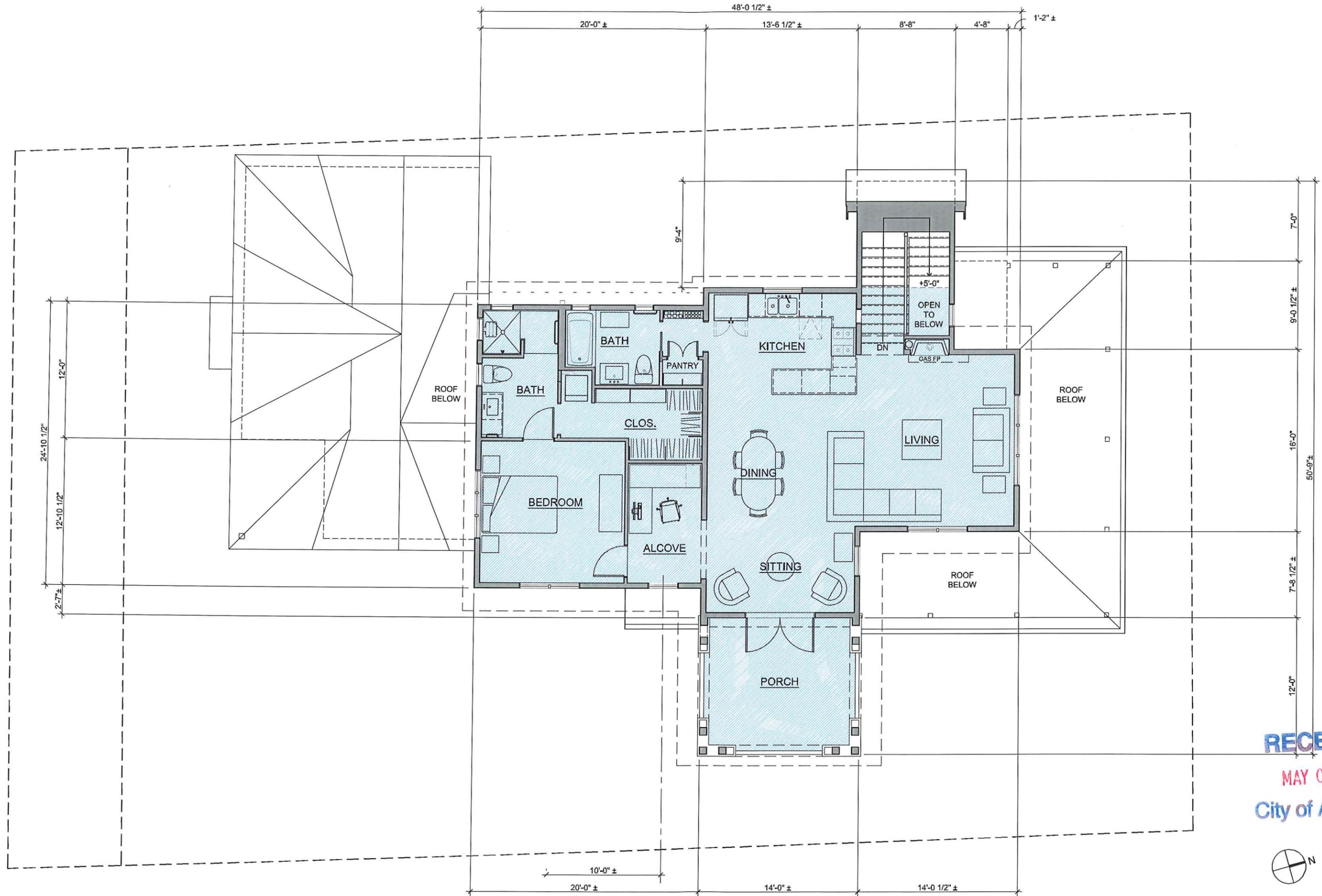
REVISIONS

RECEIVED

PROPOSED
FIRST FLOOR
PLAN
MAY 19 2016
City of Ashland

PROJECT: 1503
ISSUE DATE: 5-3-16
SHEET:

A3.1



PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR:
CONSTRUCTION
BIDDING
RECORDATION
CONVEYANCE
ISSUANCE OF A PERMIT
SITE DESIGN REVIEW
5-3-16

VAN HEUIT PROPERTY
REMODEL & 2ND STORY ADDITION
OWNER: KATHLEEN VAN HEUIT
ADDRESS: 252, 254, & 256 B Street
Ashland, Oregon

RECEIVED REVISIONS
MAY 03 2016
City of Ashland



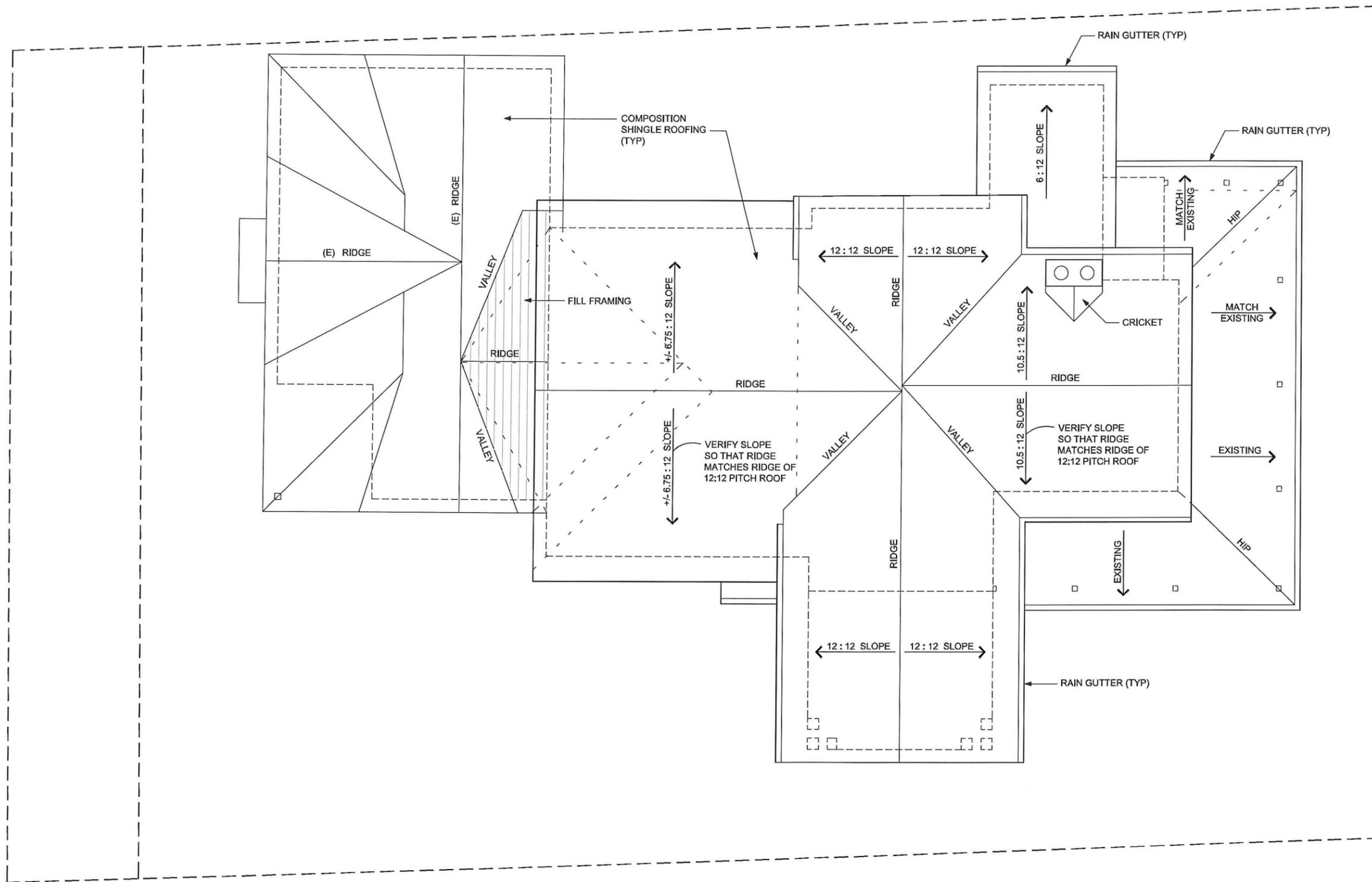
SECOND FLOOR PLAN

1

11 x 17: 1/8" = 1'-0"
24 x 36: 1/4" = 1'-0"

PROPOSED
SECOND FLOOR
PLAN
PROJECT: 15-031
ISSUE DATE: 5-3-16
SHEET:

A3.2



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MAY 03 2016
City of Ashland



REVISIONS

PROPOSED ROOF PLAN

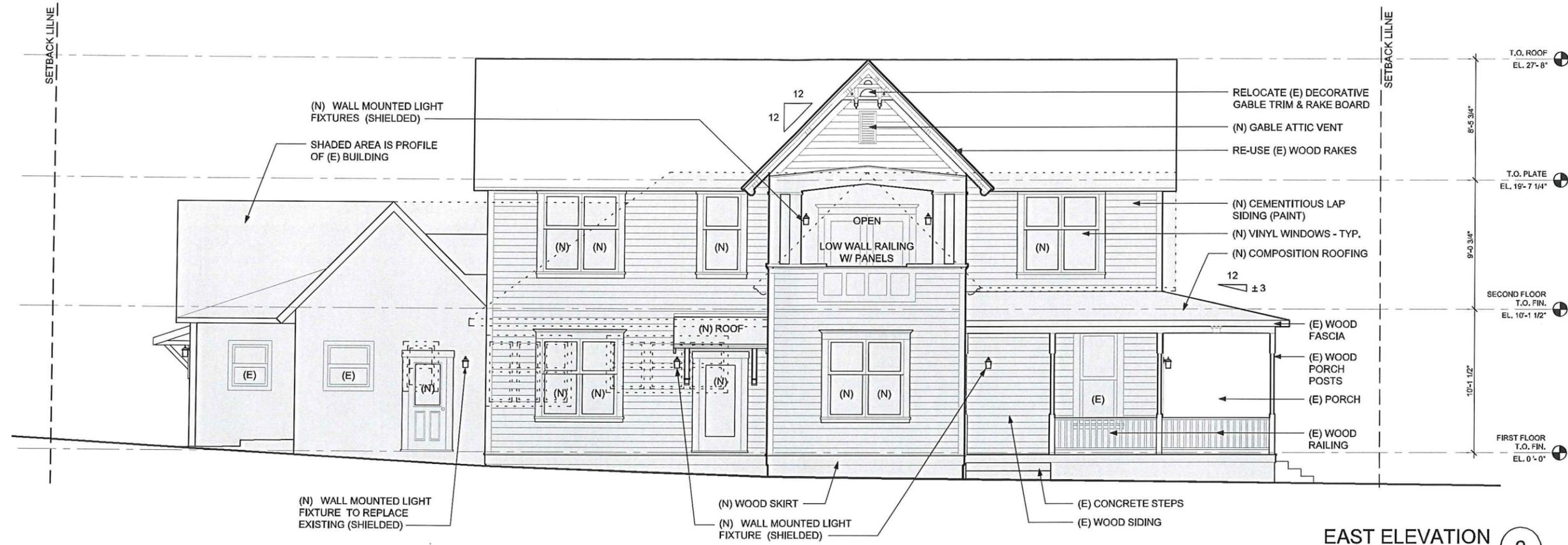
PROJECT: 15-031
ISSUE DATE: 5-3-16

SHEET:

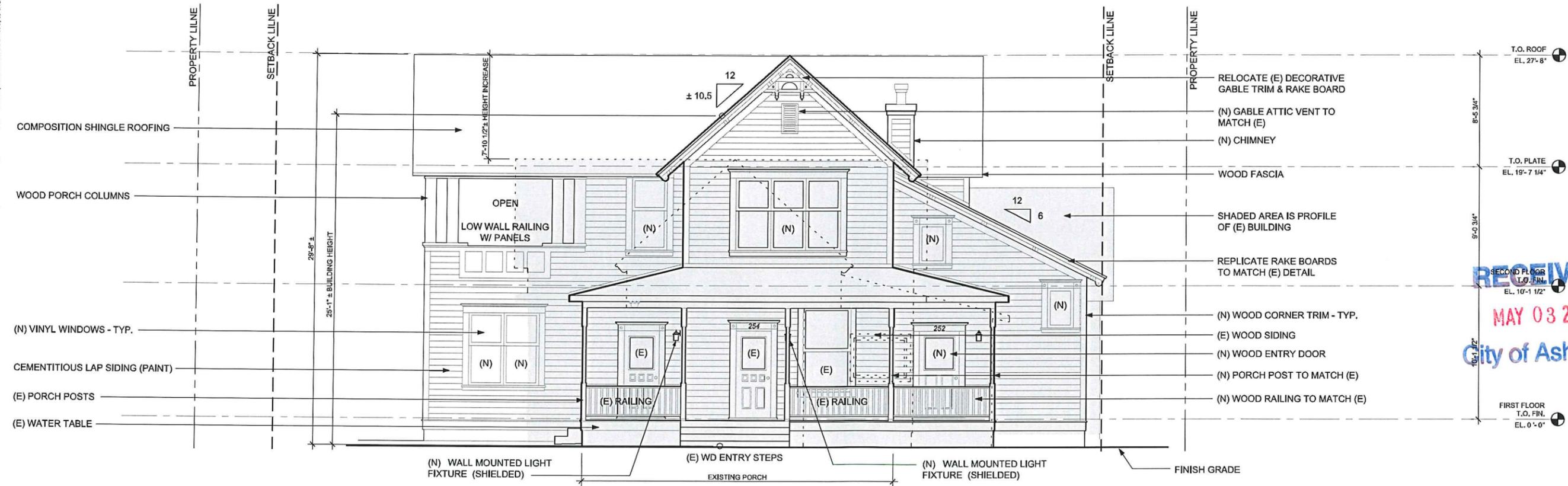
ROOF PLAN 1
11 x 17: 1/8" = 1'-0"
24 x 36: 1/4" = 1'-0"

A3.3

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EAST ELEVATION 2
 11 x 17: 1/8" = 1'-0"
 24 x 36: 1/4" = 1'-0"



NORTH ELEVATION 1
 11 x 17: 1/8" = 1'-0"
 24 x 36: 1/4" = 1'-0"

kistler + small + white

66 WATER STREET
 SUITE 101
 ASHLAND, OR
 97520
 TEL.: 541.488.8200

PRELIMINARY
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 SITE DESIGN REVIEW 5-3-16

VAN HEUIT PROPERTY REMODEL & 2ND STORY ADDITION
 OWNER: KATHLEEN VAN HEUIT
 ADDRESS: 252, 254, & 256 B Street

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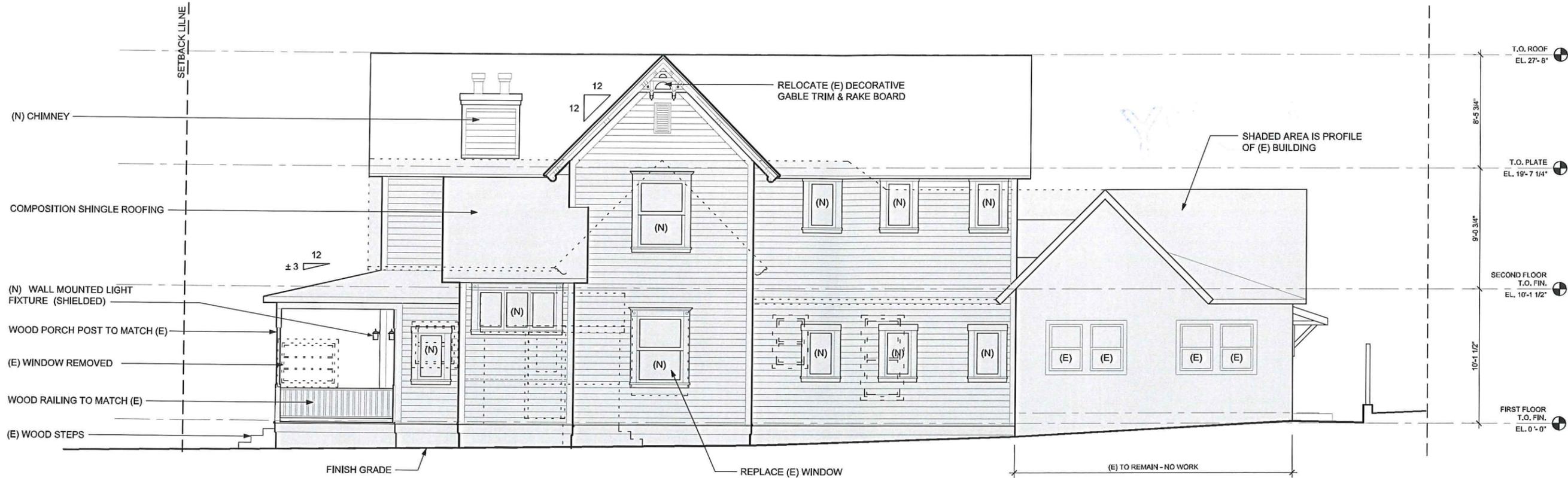
EXTERIOR ELEVATIONS

PROJECT: 15-031
 ISSUE DATE: 5-3-16
 SHEET:

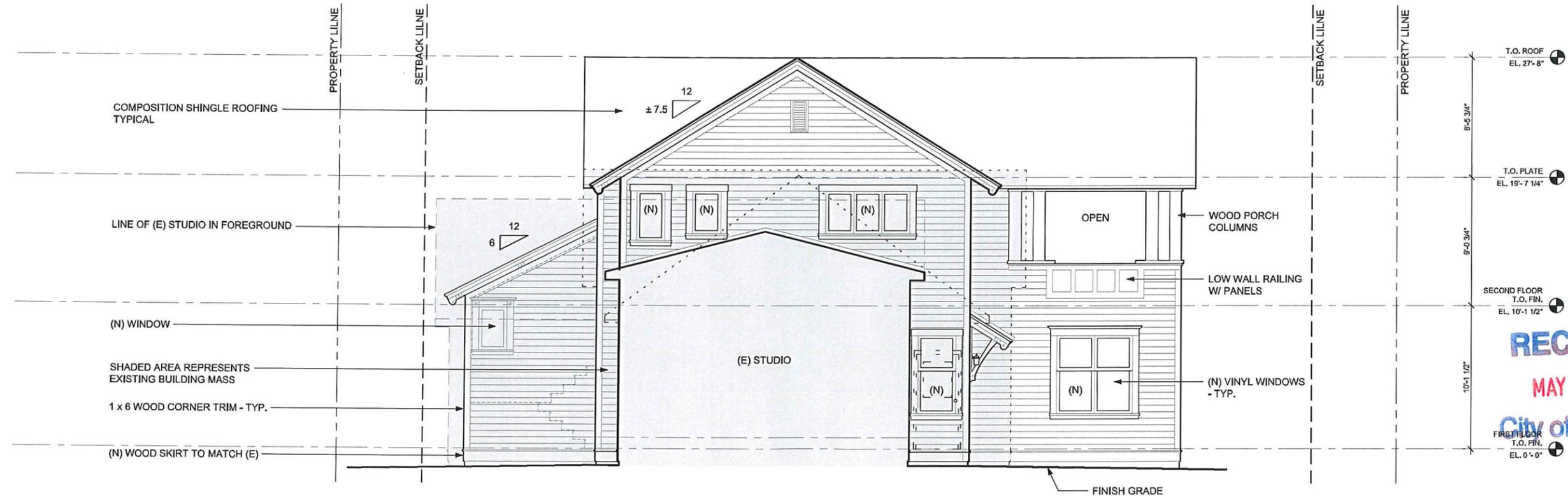
A6.1

Ashland, Oregon

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WEST ELEVATION 2
 11 x 17: 1/8" = 1'-0"
 24 x 36: 1/4" = 1'-0"



SOUTH ELEVATION 1
 11 x 17: 1/8" = 1'-0"
 24 x 36: 1/4" = 1'-0"

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VAN HEUIT PROPERTY REMODEL & 2ND STORY ADDITION
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 Ashland, Oregon

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 City of Ashland
 EXTERIOR ELEVATIONS

PROJECT: 15-031
 ISSUE DATE: 5-3-16
 SHEET:

A6.2

**SITE SURVEY
HOUSE LOCATION**

252-256 B STREET
ASHLAND, OREGON

FOR
MAURA VAN HEUIT
570 A STREET
ASHLAND, OREGON 97520

LEGEND

- PROPERTY LINE
- FOUND 5/8" IRON PIN W/CAP STAMPED KAMPMANN PLS 2883 PER FS 20753
- ⊙ FOUND NAIL & WASHER STAMPED POLARIS LS 2883 PER FS 20753
- FS FILED SURVEY, JACKSON COUNTY SURVEYORS OFFICE

REGISTERED
PROFESSIONAL
LAND SURVEYOR
DIGITAL COPY
OREGON
JULY 19, 1994
RICHARD F. ALSPACH
No. 2653
Renewal 12-31-2015

RECEIVED
MAY 03 2016
City of Ashland

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520

(541) 482-6474
terrain@bisp.net

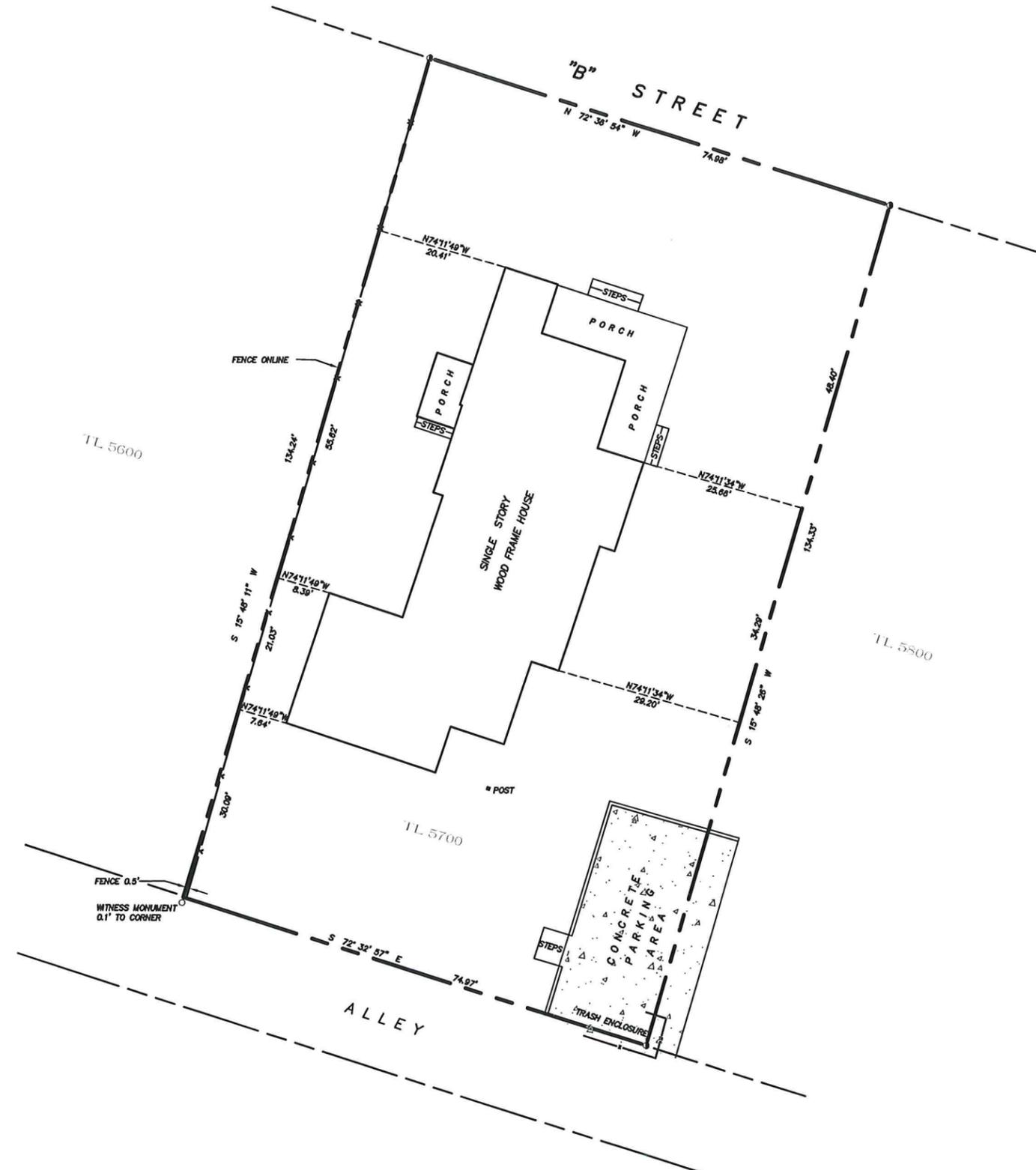
JOB NO. 942-14



DATE: 3-13-14
SCALE: 1"= 10'

NOTES

1. PROPERTY BOUNDARY PER FS NO. 20753
2. EASEMENTS OF RECORD, IF ANY, ARE NOT SHOWN
3. HOUSE CORNERS LOCATED AT TRIM APPROXIMATELY 4" ABOVE GRADE



BASIS OF BEARINGS
MONUMENTS FOUND FROM FS NO. 20753