

**CITY OF  
ASHLAND**  
HISTORIC COMMISSION MEETING  
AGENDA  
September 7, 2016 at 6:00 P.M.

- I. **REGULAR MEETING - CALL TO ORDER:** 6:00 p.m. – SISKIYOU ROOM in the Community Development/Engineering Services Building, located at 51 Winburn Way
- II. **APPROVAL OF MINUTES:** Historic Commission regular meeting of August 3, 2016.
- III. **PUBLIC FORUM:** Business from the audience not included on the agenda. (Total time allowed for Public Forum is 15 minutes. Speakers are limited to 5 minutes or less, depending on the number of individuals wishing to speak.)
- IV. **COUNCIL LIAISON REPORT:** Carol Voisin
- V. **PLANNING ACTION REVIEW:**  
**PLANNING ACTION:** PA-2016-01641  
**SUBJECT PROPERTY:** 221 Oak Street  
**OWNER:** Spartan Ashland Natalie Real Estate, LLC  
**APPLICANT:** Bemis Developments, Inc.  
**DESCRIPTION:** A request for a modification of the previously approved Planning Action #2015-01517 for the property located at 221 Oak Street. The current request would modify the original approval to allow the historic home at 221 Oak Street to be deconstructed and rebuilt in response to numerous foundation, framing and non-structural deficiencies and fire damage uncovered in a structural engineer's assessment of the home. The project engineer has determined that the building is unstable and unsafe and that repairs are not feasible. (*The previous approval granted Outline & Final Plan, Site Design Review, Conditional Use Permit, Variance, Exceptions and Tree Removal Permit approvals for the properties at 209-221-225 Oak Street and 11 B Street.*)  
**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2;  
**ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15900.
- VI. **NEW ITEMS:**  
Review board schedule  
Project assignments for planning actions
- VII. **OLD BUSINESS:**
- VIII. **DISCUSSION ITEMS:**
- IX. **COMMISSION ITEMS NOT ON AGENDA:**
- X. **ADJOURNMENT:**

**ASHLAND HISTORIC COMMISSION**  
**DRAFT Meeting Minutes**

August 3, 2016

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

**CALL TO ORDER:**

Commission Chair, Shostrom called the meeting to order at 6:03 pm in the Siskiyou Room at the Community Development and Engineering Offices located at 51 Winburn Way, Ashland OR 97520.

<b>Commissioners Present:</b>	<b>Council Liaison:</b>
Shostrom	Carol Voisin
Skibby	
Leonard	<b>Staff Present:</b>
Ladygo	Mark Schexnayder; Staff Liaison
Emery	Regan Trapp; Secretary
Swink	
Giordano	
Whitford	
<b>Commissioners Absent:</b>	

**APPROVAL OF MINUTES:**

Giordano motioned to approve minutes from July 6, 2016. Swink seconded. No one opposed. Whitford abstained.

- Shostrom stated that in the past, minutes were much more detailed. Molnar remarked that staff is trying to make minutes brief and capturing just the most important details, such as recommendations and motions. Molnar, went on to say that when actions are controversial, we do try to capture key comments related to the standards.

**PUBLIC FORUM:**

There was no one in the audience wishing to speak.

**COUNCIL LIAISON REPORT:**

Voisin gave the Council Liaison report. Items discussed were:

- Study session:
  - Council received the downtown parking proposal and there will be opportunities for public input soon. The ad-hoc committee for downtown parking will end soon and a new committee will be formed related to urban design. Cycling safety will be of the utmost concern.
  - There is a plan being reviewed to allow Martoli's to place tables and chairs in front of City Hall. They will put a rail up to separate the area from pedestrian traffic.
  - There will be an open house on September 15<sup>th</sup> at 7PM in the Community Room to review and discuss plans for City Hall. Public input is encouraged.
- Council regular meeting:
  - Parks purchases: Parks purchased a dump truck and the Hitt Road property above Lithia Park.
  - Grandview guardrail was discussed.
  - Fair housing ordinance was passed.
  - Food & beverage tax will be going on the ballot for consideration. The public will be able to vote on how they want the money to be used.

**PLANNING ACTION REVIEW:**

**PLANNING ACTION:** PA-2016-01385

**SUBJECT PROPERTY:** 50 East Main St.

**OWNER/APPLICANT:** Ted DeLong/Oregon Shakespeare Festival

**DESCRIPTION:** A request for Site Design Review approval for exterior changes to a contributing property in the Downtown Historic District. The proposal is to construct a 150 square foot addition to the existing deck located at the rear of the building located at 50 East Main Street. **COMPREHENSIVE PLAN DESIGNATION:** Commercial - Downtown; **ZONING:** C-1-D; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOT:** 40000.

There was no ex parte contact or conflict of interest indicated by the Commission.

Schexnayder gave the staff report for PA-2016-01385.

Shostrom opened the public hearing to the applicants.

David Wilkerson of ORW Architecture, and Ted Delong, General Manager of Oregon Shakespeare Festival addressed the Commission regarding their application. Mr. Wilkerson stated that it's a fairly straightforward application and was first applied for to prevent water intrusion into Harvey's Place. Mr. Wilkerson went on to say, that since the first application, this has morphed into something a little bigger as they take into consideration size of the deck and the water intrusion issue. They will keep the existing deck, making only small repairs in certain places where the deck needs some reinforcements and new framing. He pointed out that the goal of the expansion is to match the existing deck built in the 1990's.

Shostrom closed the public hearing and opened to the Commission for comments.

Giordano motioned to approve PA-2016-01385 as presented. Whitford seconded. No one opposed.

**PLANNING ACTION #:** 2016-00309

**SUBJECT PROPERTY:** 150 N. Pioneer St.

**PROPERTY OWNERS:** Stan Potocki

**APPLICANT:** City of Ashland

**DESCRIPTION:** A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. **COMPREHENSIVE PLAN DESIGNATION:** Existing: Low Density Multi-Family Residential, **Proposed:** Commercial; **ZONING:** Existing: R-2, Proposed: C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800 & 11900

Skibby indicated that he spoke with the owner while he was taking pictures of the property and the owner gave him a tour of the house. He declared that it would not affect his decision making on this application.

Mr. Molnar, Community Development Director, gave the staff report for PA-2016-00309.

Mr. Molnar, discussed the background and process of this application and stated that zone changes do not come about often. He went on to say that the City's land use ordinance allows the City Council to initiate the zone change by a majority vote. Mr. Molnar said that the Mayor had requested the City Council take a look at this application. At that point, the City Council directed staff to process the application for the zone change. This is not applicant initiated, it has been initiated by the City Of Ashland and will still have to go through the full approval process. Mr. Molnar explained that the Historic Commission would make a recommendation tonight and then it would go to the Planning Commission for their recommendation, ultimately to be decided by the City Council. Mr. Molnar gave a history on the property and said that this isn't the first time this property has been up for re-zoning. He discussed that the basis for doing a zone change often comes down to one of two issues. One, that it needs to be re-zoned to conform to the City's

comprehensive plan to accommodate residential growth or two, over time certain circumstances change in an area that might warrant re-zoning. Mr. Molnar described the neighborhood around the properties in detail and went on to speak about the congestion of the area. He pointed out that one of the biggest implications of re-zoning this property is that Commercial zoning designation allows for residential use in conjunction with a commercial use, but it doesn't mandate that you have to have the residential use on the property. With commercial zoning, comes flexibility to choose what kind of use you want. Mr. Molnar directed attention to the fact that the neighbor to the north of this property owns an antique shop and they share a mutual access easement of the driveway. This neighbor has shown interest and may be agreeable to this application.

Skibby wanted clarification if both, 150 and 162 N. Pioneer were the properties in question for the re-zoning. Mr. Molnar stated that, yes, both properties would be looked at for re-zoning since they are connected and that the Commission could visit the idea of re-zoning both addresses. Mr. Molnar explained that both properties were properly noticed and procedures were taken to notify everyone in the neighborhood.

Mr. Molnar impressed upon the fact that if the properties were to be re-zoned that they would be held to a higher standard because they are commercial and historic contributing. If they made exterior changes that require a building permit they would go through a full Commercial Site Review.

Emery asked about solar and Mr. Molnar stated that C-1 zones have to maintain a 16 foot height requirement. C-1-D zones are exempt from solar altogether.

Shostrom asked if the point of this re-zoning was the de-valuation of the owner's property and Mr. Molnar emphasized that staff does not look at re-zoning a property due to de-valuation or to provide greater economic value. They have to look at it from a land – use perspective. They discussed examples of some properties in the past that had been up for re-zoning.

Shostrom opened the public hearing for comments from the audience.

Marilyn Stewart, property owner at 142 B Street, Ashland, OR addressed the commission regarding this planning action. Ms. Stewart's property abuts 162 N. Pioneer and stated that this potential zone change is a huge deal to her. She directed attention to the fact that a zone is there for a reason and if we go changing them, then where does that stop? The zone line is where it is for a reason and if the line moves then it will be abutting residences. Ms. Stewart doesn't see why the need for a zone change and thinks if approved, will open the door for more of these instances. Ms. Stewart remarked that problems with homeless in parking lot, noise with Gil's and Ruby's, and parking lot construction were all factors when the owner bought the property at 150 N. Pioneer. With this zone change, she feels the Railroad district is vulnerable to change, too quickly and feels the livability of the street scape will suffer.

Shostrom closed the public hearing and opened to the Commission for comments.

There was much discussion by the Commission in regards to what would happen long term on this property if it does go through a zone change and the repercussions felt on the neighborhood. Leonard brought up an option of building a substantial fence which would help mitigate outlying problems.

Giordano motioned to deny PA-2016-00309 as proposed. Whitford seconded. No one opposed.

Giordano requested that Voisin report back to the Commission the City Council's decision on this application.

By a unanimous vote, the Historic Commission recommended that the City Council not change the zoning designation for the property. The Commission noted the following concerns as the basis for their recommendation:

- The request represents a step toward a gradual encroachment of the “commercial” zoning district into the Historic Railroad District;
- This gradual encroachment will negatively impact the livability of the historic residential district to the north, as well as the residential properties in the immediate vicinity;
- The change from Multi-Family Residential to Commercial zoning will increase the value of the property (150 N. Pioneer), which will result in putting pressure to redevelop the property;
- Redevelopment of the property will likely result in changes to the existing historic, “contributing” residential building, and/or may lead to a future proposal to remove or demolish the structure; and
- Concerns over impacts related to 150 N. Pioneer’s proximity to the city public parking lot could best be addressed through mitigation, such as better fencing and landscaping, rather than a change in zoning. A change in the zoning designation will not resolve the impacts noted by the property owner.

**NEW ITEMS:**

- Review board schedule
- Project assignments for planning actions

**OLD BUSINESS:**

Whitford asked about the status of 135 Nutley and Mr. Molnar stated that they had to center a window and fix the stairs to the property. He went on to say that the owner added a belly band and a flower box and the project looks to be moving forward and progressing. Swink stated that the owner had said (in a review board meeting) that he was going to remove the footings under the stairs to narrow and change the orientation (of the stairs) and has not done that as of yet. Schexnayder stated that the actions of the owner at 135 Nutley were egregious and in the future will keep a better watch out for actions like this. Swink suggested a listing of recommendations be given to them when they review building plans. Schexnayder discussed how the process is supposed to work with modifications and plan reviews and says there is no confirmed process for properties that have recommendations from Historic Commission that have not been met. Schexnayder does not know why the owner at 135 Nutley did not have come back to submit a modification with the Historic Commission. Schexnayder suggested having the Commission obtain the files at Review board so they can see the entire history as well as recommendations and findings for the action. Shostrom impressed upon the fact that sometimes the recommendations aren't accurate and that they should have the chance to review them before they go to the Planning Commission. Shostrom suggested that Schexnayder email the recommendations to the entire Commission after he writes them, so that they can do any edits if necessary. Shostrom said that the recommendations that are given to the applicant should be clearly written on the plans and plans should be to scale. Schexnayder commented that he compares the Commission's recommendation with what is submitted on the revised plans. Schexnayder stated that he will speak with Mr. Molnar about these suggestions. Shostrom would like to look at the entire review process of the Commission to see if there could be a way to catch these things before they get too far in the process.

**DISCUSSION ITEMS:**

There were no items to discuss.

**COMMISSION ITEMS NOT ON AGENDA:**

Voisin discussed the way minutes are taken with Shostrom. Voisin stated she heard Shostrom say that “minutes were too brief”. Shostrom remarked that yes, in the past they were much more detailed. Voisin stated that minutes are a record and are very important. Skibby agreed that yes, they are important and sometimes things get misconstrued if not enough detail is given. Schexnayder responded that staff's direction has been for “action minutes” with more emphasis on motions and recommendation without all the discussion unless it's controversial.

**Review Board Schedule**

August 11 <sup>th</sup>	Terry, Bill
August 18 <sup>th</sup>	Terry, Tom, Andrew
August 25 <sup>th</sup>	Terry, Taylor, Sam
September 1 <sup>st</sup>	Terry, Taylor, Dale
September 8 <sup>th</sup>	Terry, Keith, Bill

**Project Assignments for Planning Actions**

PA-2014-01956	Lithia & First	All
PA-2014-00710/711	143/135 Nutley	Swink & Whitford
PA-2014-01283	172 Skidmore	Shostrom
PA-2014-02206	485 A Street	Ladygo
PA-2015-00178	156 Van Ness Ave	Shostrom
PA-2015-00374	160 Lithia Way	Emery
PA-2015-00878	35 S. Pioneer	Ladygo
PA-2015-01496	35 S. Second-Winchester Inn	Shostrom
PA-2015-01695	399 Beach	Skibby
PA-2015-01769	860 C	Ladygo
PA-2015-01517	209 Oak	Shostrom
PA-2015-02203	868 A Street	Whitford
PA-2016-00073	151 Pioneer	Swink
PA-2016-00275	574 Allison	Emery
PA-2016-00387	95 N. Main	Shostrom
PA-2016-00763	5 N. Main	Swink
PA-2016-00209	25 N. Main	Ladygo
PA-2016-00818	175 Pioneer	Shostrom & Skibby
PA-2016-00847	252 B Street	Whitford
PA-2016-00587	872 Siskiyou Blvd	Skibby
PA-2016-01027	276 B Street	Shostrom & Leonard
PA-2016-01385	50 E. Main	Giordano

**ANNOUNCEMENTS & INFORMATIONAL ITEMS:**

Next meeting is scheduled September 7, 2016 at 6:00 pm.

*There being no other items to discuss, the meeting adjourned at 8:50 pm*

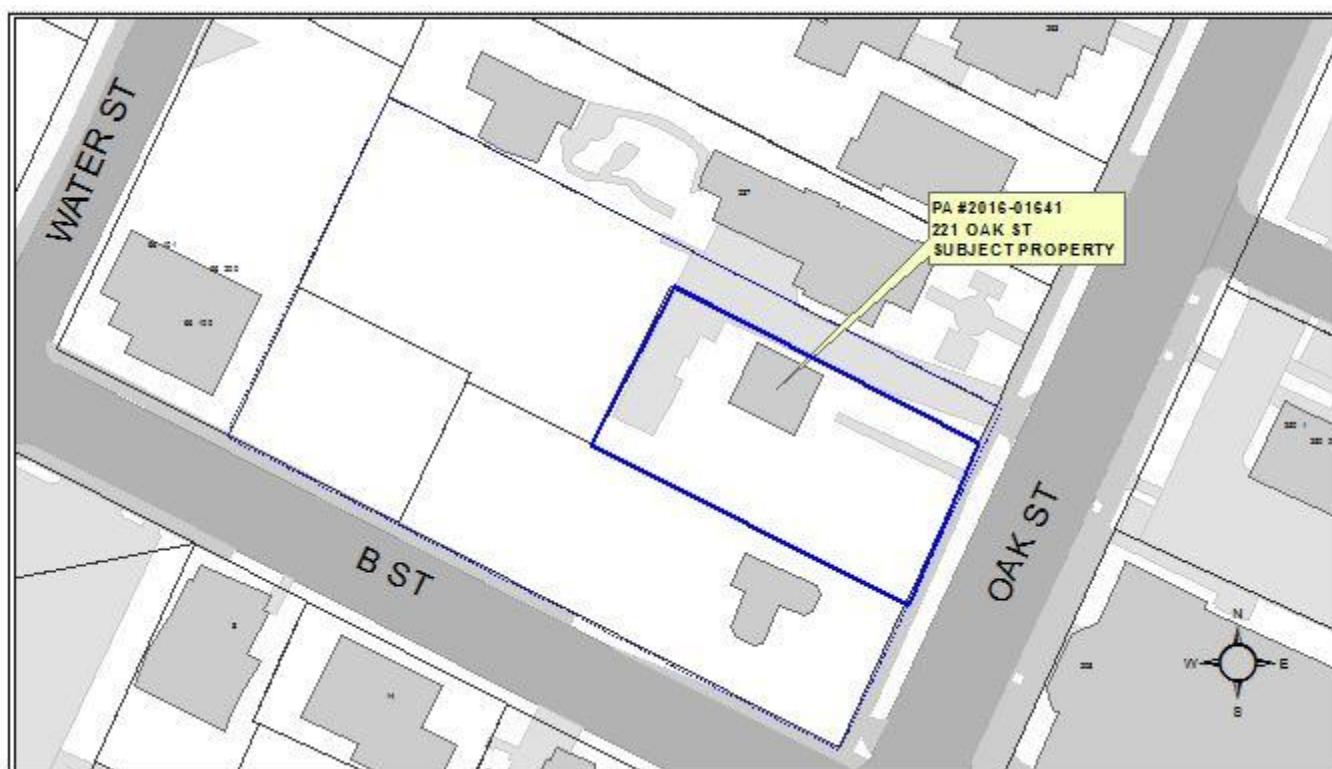
Respectfully submitted by Regan Trapp



**PLANNING ACTION:** PA-2016-01641  
**SUBJECT PROPERTY:** 221 Oak Street  
**OWNER:** Spartan Ashland Natalie Real Estate, LLC  
**APPLICANT:** Bemis Developments, Inc.  
**DESCRIPTION:** A request for a modification of the previously approved Planning Action #2015-01517 for the property located at 221 Oak Street. The current request would modify the original approval to allow the historic home at 221 Oak Street to be deconstructed and rebuilt in response to numerous foundation, framing and non-structural deficiencies and fire damage uncovered in a structural engineer's assessment of the home. The project engineer has determined that the building is unstable and unsafe and that repairs are not feasible. (*The previous approval granted Outline & Final Plan, Site Design Review, Conditional Use Permit, Variance, Exceptions and Tree Removal Permit approvals for the properties at 209-221-225 Oak Street and 11 B Street.*)  
**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15900.

**NOTE:** The Ashland Historic Commission will review this Planning Action on **Wednesday, September 7, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** August 31, 2016  
**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** September 14, 2016



The Ashland Planning Division Staff has received a complete application for the property noted above.

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

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

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

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

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

## OUTLINE PLAN APPROVAL (AMC 18.3.9.040.A.3)

Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

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

## FINAL PLAN APPROVAL (AMC 18.3.9.040.B.5)

Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

## SITE DESIGN AND USE STANDARDS (AMC 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 PERMIT (AMC 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.

#### **VARIANCE (AMC 18.5.5.050)**

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

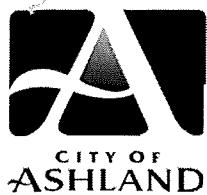
#### **EXCEPTION TO STREET STANDARDS (AMC 18.4.6.020.B.1)**

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.

#### **TREE REMOVAL PERMIT (AMC 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.
  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.



Planning Division  
51 Winburn Way, Ashland OR 97520  
541-488-5305 Fax 541-488-6006

Application for modification of a  
previously approved land use proposal  
**ZONING PERMIT APPLICATION**

FILE # 2016 - 01641

DESCRIPTION OF PROJECT

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification?  YES  NO

Street Address 221 Oak Street

Assessor's Map No. 39 1E 9 BB

Tax Lot(s) 15900

Zoning R-1-5

Comp Plan Designation \_\_\_\_\_

APPLICANT

Name Bemis Developments Inc. Phone 541-482-4466 E-Mail bemis123@msn.com

Address P. O. Box 1018 City Ashland Zip 97520

PROPERTY OWNER

Name Spartan Ashland Natalie Phone \_\_\_\_\_ E-Mail cj@spartan1.com  
Real Estate LLC

Address 66 Water St., Suite 200 City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Engineer Name JASON PRINS Phone 541-608-8117 E-Mail Jason@structuralSolutionsInc.net

Address 305A Shafer Lane City Jacksonville Zip 97530

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Applicant's Signature

8-30-16

Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

for H. Dey  
Property Owner's Signature (required)

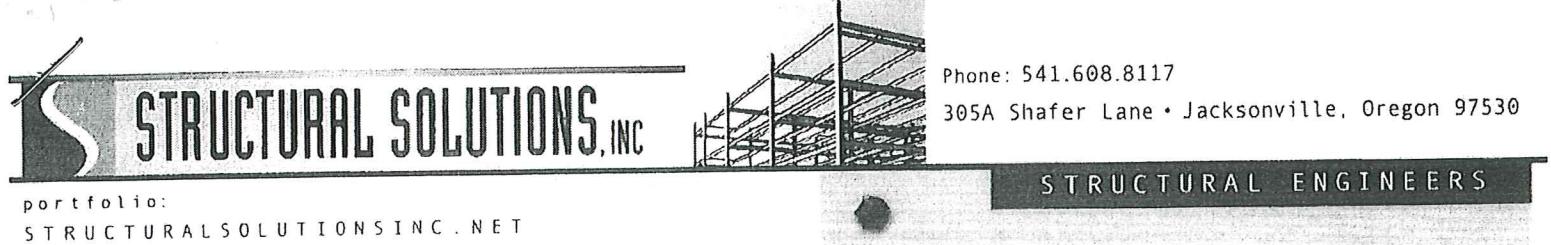
8-30-16

Date

[To be completed by City Staff]

Date Received 8-30-16 Zoning Permit Type 1 Filing Fee \$ \_\_\_\_\_

OVER ►



May 13, 2016

Jeremy Payne, Building Official  
Ashland Building Department  
51 Winburn Way  
Ashland, Oregon 97520

RE: Existing Building Conditions Assessment  
221 Oak Street, Ashland, Oregon  
Structural Solutions, Inc. Job No. 193-15

Dear

As you know, I visited the above site on two separate occasions, on the afternoons of May 3 and May 12, 2016. The purpose of my site visits was to observe the condition of the existing building structure and to determine the feasibility for potential re-use.

The project site is on the west side of Oak Street, just north of the intersection of 'B' Street and Oak Street in Ashland. The date of original construction is unclear, as it appears that the residence was constructed and then remodeled and added onto over the years.

The roof and floors of the residence are framed with wood lumber, with exterior walls also consisting of 2x4 wood construction. The two story structure is supported on chiseled sandstone blocks, with a small 'basement' below the northwest corner of the building.

We noted numerous foundation, framing and non-structural deficiencies during our observations:

- The stone block construction is in poor shape, especially at the northwest corner of the structure. The stones as well as the mortar once holding them together is crumbling in most areas.
- The sandstone blocks that support the structure are not supported on a concrete foundation.
- The main floor rim that is supported by the stone blocks at the exterior of the building is rotten in several areas.
- The main floor rim and sill plate are not in any way anchored to the stone blocks.

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**City Of Ashland**

Mr. Jeremy Payne  
May 13, 2016  
Page 2

- The 4x4 posts located at all four corners of the residence are not continuous from floor to floor. They consist of separate members stacked on top of each other.
- Exterior wall studs at both the front and rear of the structure are not continuous from one floor level to the next. They appear to be spliced just above and below the second floor level, creating a hinge in the wall framing. It appears the original structure was likely single story and a second story was added by splicing studs to the side of the studs at the top of the gable end wall stud framing.
- When the exterior walls are viewed from outside the residence, they appear to be badly out of plumb and rotated.
- A fire damaged some of the wall, roof and ceiling framing at the northwest corner of the upper floor. The damaged framing was not repaired or replaced. Some of the ceiling joists that were supported by exterior wall studs are currently supported by little or no wall framing.
- The upper floor appears to be very uneven due to either foundation settlement or poor construction, or both.
- Evidence of moisture intrusion through the siding into the exterior wall cavity is apparent. Black mold is also visible in many locations.
- The stairway located near the middle of the structure does not have proper head clearance.

It is our opinion that the items listed above make the existing structure unsafe for occupancy in its current condition. Due to the absence of a concrete footing, the condition of the sandstone blocks and the exterior walls being unstable and discontinuous, repair is not feasible. In fact, it is likely that the exterior siding and some interior finishes may be holding the structure together and, if removed, would allow portions of the structure to further shift or to collapse entirely.

We would be pleased to discuss our findings with you in more detail. Please do not hesitate to call our office if you have any questions or require additional information.

Sincerely,

STRUCTURAL SOLUTIONS, INC.



Jason N. Prins, P.E., S.E.



JNP/jnp  
S:\\structural solutions\\Jobs (2015)\\193-15 B Street Brownstones\\correspond\\193-15 B Street Brownstones Letter (05-13-16).doc

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The image shows the interior of a dark, cluttered storage space or basement. The ceiling and walls are made of wooden beams and planks. There is a significant amount of debris, including what appears to be dried leaves and branches, scattered throughout the area. A vertical metal pipe runs down the center of the frame. In the bottom left corner, there is a white rectangular label with red text.

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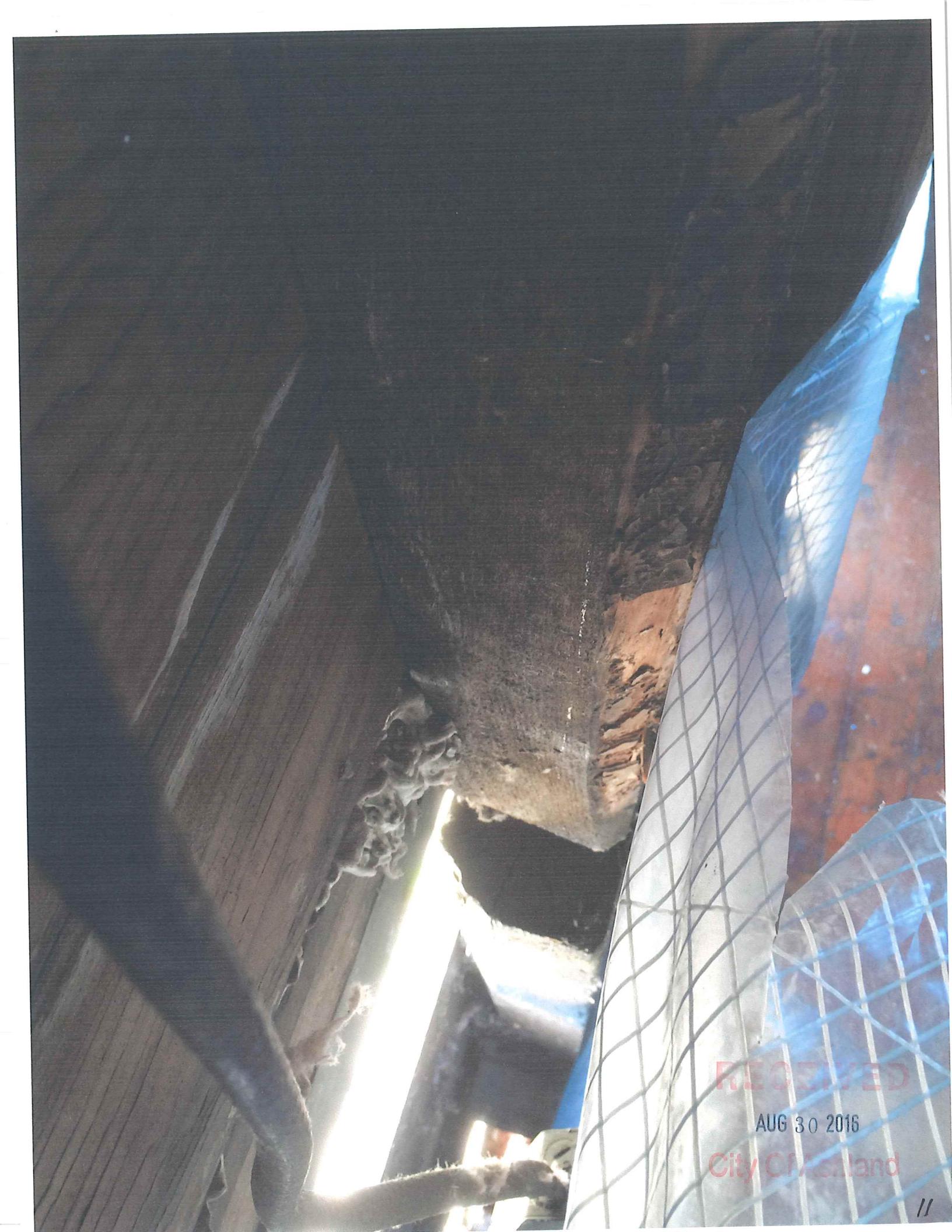
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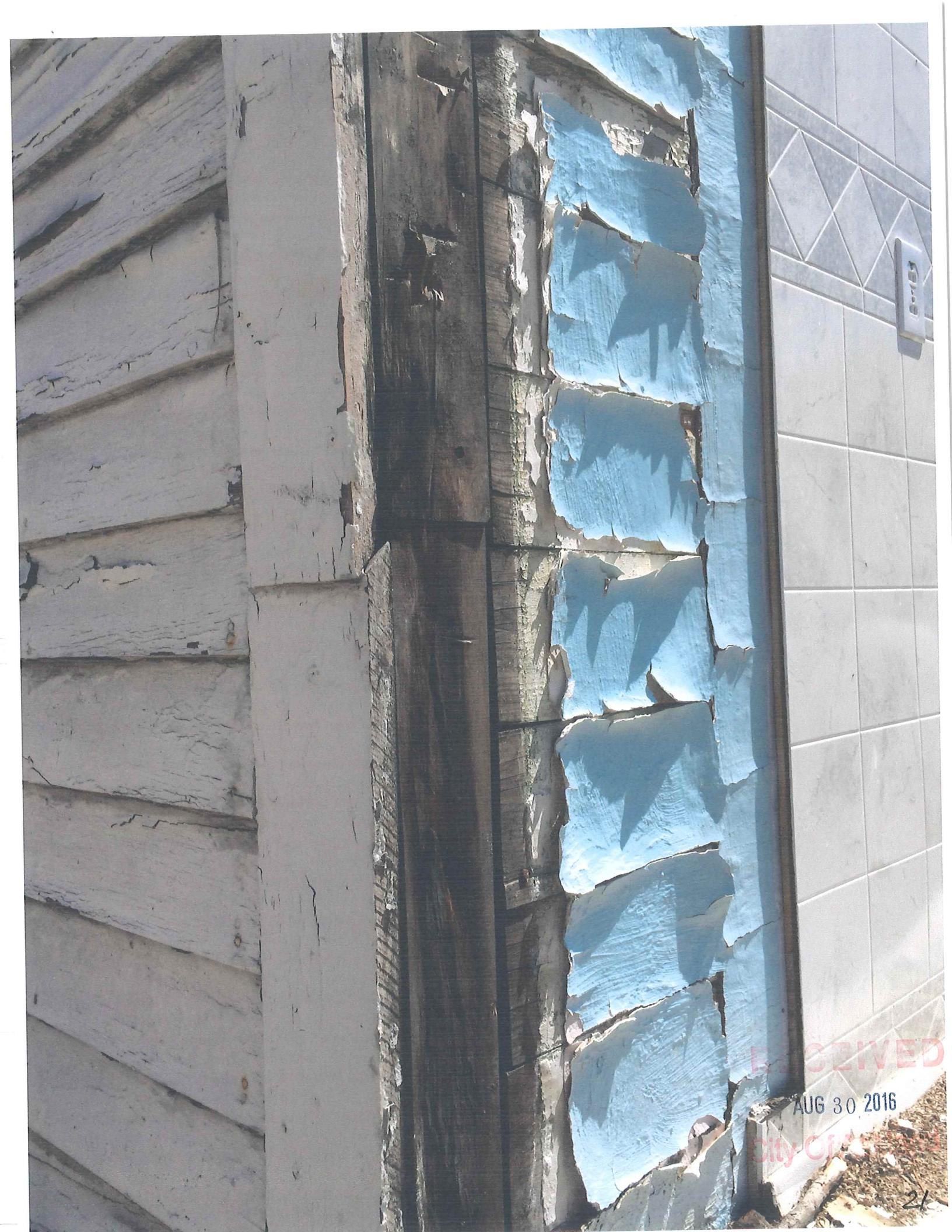




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# State Supreme Court Ruling Protects 3,200 Oregon Landmarks

by Lydia Ness on August 4, 2016

1

Oregon's State Supreme Court has made the most significant ruling in state history for historic places. The State Supreme Court has sided with the Land Use Board of Appeals' ruling on the *Lake Oswego Preservation Society v City of Lake Oswego* "that the right to remove an historic designation under ORS 197.772(3) applies only to those owners who held title when a local historic designation was first imposed and not to those whose property was already designated at the time they acquired it."

This is a victory for historic preservation in Oregon and has potentially saved 3,200 designated landmarks across the state. The Supreme Court ruling was in regards to the delisting and demolition of Lake Oswego's oldest property, the 1855 Carman House.

Restore Oregon petitioned the court, wrote a brief, and argued in oral arguments before the justices.

Our sincerest thanks are owed to Dan Kearns (Reeves Kearns) and Carrie Richter (Garvey Schubert Barer) for providing invaluable legal representation on this case and to Lake Oswego Preservation Society for taking up the fight to save not only the Carman House, but thousands of historic resources around the state.

Additional thanks are owed to the City of Portland, City of Pendleton, and City of The Dalles, the National Trust for Historic Preservation, Preservation Action, Architectural Heritage Center, PreservationWORKS, and the other partners who joined with Restore Oregon in our brief to the Court.



Sturgis House located in Pendleton, which has now been protected under the State Supreme Court Ruling.

(Photo courtesy of City of Pendleton)

## PROJECT ASSIGNMENTS FOR PLANNING ACTIONS

PA-2014-01956	Lithia & First	All
PA-2014-00710/711	143/135 Nutley	Swink & Whitford
PA-2014-01283	172 Skidmore	Shostrom
PA-2014-02206	485 A Street	Ladygo
PA-2015-00178	156 Van Ness Ave	Shostrom
PA -2015-00374	160 Lithia Way	Emery
PA-2015-00878	35 S. Pioneer	Ladygo
PA-2015-01496	35 S. Second-Winchester Inn	Shostrom
PA-2015-01695	399 Beach	Skibby
PA-2015-01769	860 C	Ladygo
PA-2015-01517	209 Oak	Shostrom
PA-2015-02203	868 A Street	Whitford
PA-2016-00073	151 Pioneer	Swink
PA-2016-00387	95 N. Main	Shostrom
PA-2016-00763	5 N. Main	Swink
PA-2016-00209	25 N. Main	Ladygo
PA-2016-00818	175 Pioneer	Shostrom & Skibby
PA-2016-00847	252 B Street	Whitford
PA-2016-00587	872 Siskiyou Blvd	Skibby
PA-2016-01027	276 B Street	Shostrom & Leonard
PA-2016-01385	50 E. Main	Giordano

# September 2016



## Ashland Historic Review Board Schedule Meet at 3:00pm, Lithia Room\*

September 15th	Terry
September 22nd	Terry
September 29th	Terry
October 6th	Terry

\*Call 541-488-5305 to verify there are items on the agenda to review



## ASHLAND HISTORIC COMMISSION Membership List

Commissioner's Name	Term Expiration	Mailing Address	Home Phone	Work Phone	E-Mail Address
Dale Shostrom <b>Chairman</b>	4-30-2018				<b>shobro@jeffnet.org</b>
Keith Swink	4-30-2018				<b>kswink@mind.net</b>
Sam Whitford	4-30-2018				<b>skwhippet@mind.net</b>
Terry Skibby	4-30-2018				<b>terryskibby321@msn.com</b>
Tom Giordano	4-30-2017				<b>tomarch@charter.net</b>
Bill Emery	4-30-2017				<b>bill@ashlandhome.net</b>
Andrew Ladygo	4-30-2017				<b>allad@ashlandhome.net</b>
Taylor Leonard	4-30-2019				<b>tttaylord1@yahoo.com</b>
Carol Voisin <b>Council Liaison</b>					<b>carol@council.ashland.or.us</b>
Mark Schexnayder		<b>City of Ashland Planning Dept.</b>		<b>552-2044</b>	<b>mark.schexnayder@ashland.or.us</b>
Regan Trapp <b>Admin. Staff</b>		<b>City of Ashland Planning Dept.</b>		<b>552-2233</b>	<b>regan.trapp@ashland.or.us</b>