
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET**

January 19, 2022

SITE: 131 Helman
APPLICANT: Peter Cipes
REQUEST: Conditional Use Permit for expansion / demo & rebuild of non-conforming structure.

PLANNING DIVISION COMMENTS

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary: The proposal requires a Conditional Use Permit to reconstruct a non-conforming structure.

AMC 18.1.4.030 - Nonconforming Structures

A. Exempt Alterations. A nonconforming structure may be altered as follows, subject to approval of required building permits:

1. Additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to this ordinance.
2. Restoration, rehabilitation, repair, and maintenance of a nonconforming structure (e.g., roof repair, upgrading electrical systems, and similar work) are permitted where all of the following standards are met:
 - a. The structure is not changed in size or shape (i.e., three-dimensional building envelope must not change including but not limited to building footprint, mass, volume, roof shape, and height).
 - b. Not more than 40 percent of any exterior building wall and not more than 50 percent of the building floor area is permanently removed; where a larger alteration is proposed, approval of a conditional use permit is required.
 - c. Where temporary or permanent removal of a building wall or floor area is proposed, the owner shall submit with a building permit application a construction management plan that documents existing building conditions, proposed methods of construction, and proposed building plans.
3. Reconstruction of garages and sheds if the use is not changed and t

B. Planning Approval Required. A nonconforming structure may be altered (i.e., reconstructed, enlarged, or modified) subject to approval of a conditional use permit under chapter [18.5.4](#) and approval of required building permits, except that a planning action is not required for exempt alterations described in subsection [18.1.4.030.A](#), above. A nonconforming structure may be rebuilt pursuant to this subsection, provided in a historic district the applicant must demonstrate that restoration is not practicable.

Historic District Design Standards: In addition to the Building Placement, Orientation & Design standards in AMC 18.4.2.030, the design and applications materials would also need to respond to the Historic District Design Standards in AMC 18.4.2.050. These standards consider historic compatibility with the immediately surrounding historic district in terms of **height, scale, massing, setback, roof form, rhythm of openings**, sense of base or platform, building form, sense of entry, imitation of historic features, placement of additions and garage.

Demolition: If the application is not exempt from Demolition/Relocation Review (which requires a determination that the building is a dangerous building under the IEBC) it would typically require a demonstration that *“The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property.”* Approval of a demolition requires that CUP approval for the replacement structure be obtained first.

CONDITIONAL USE PERMIT

The application must address the following approval criteria from AMC 18.5.4.050.A for a Conditional Use Permit.

18.5.4.050 Conditional Use Permit Approval Criteria

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

BUILDING: Please contact the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us . For information on any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: No comments. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: No comments at this time. Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: If the project requires additional water services or upgrades to existing services the Ashland Water Department will excavate and install in the city right of way all water services up to and including the meter on domestic and commercial water lines. If a fire line is required, the water department will also only install a stub out to the location where the double detector check assembly complete with a Badger brand cubic foot bypass meter should be placed in a vault external to the building. The vault and the DCDA device housed in it are the responsibility of the property owner and should be placed at the property line. Fees for these installations are paid to the water department and are based on a time and materials quote to the developer or contractor. Meter sizes and fire line diameters will need to be provided to the Water Department at the time of a quote being requested. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) with any questions regarding water utilities.

ELECTRIC SERVICE: “If existing service needs to be upgraded or existing underground service is not large enough, excavation and conduit may be required from transformer.” Please contact Dave Tygerson in the Electric Department for service requirements and connect fee information at (541) 552-2389 or via e-mail to tygersod@ashland.or.us. Dave will arrange an on-site meeting, and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan. Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.

PROCEDURE

Conditional use permits are subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Conditional Use Permit** AMC 18.5.4.040

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect’s or engineer’s scale.

- **Plans Submittal** AMC 18.5.4.040

FEES:	Conditional Use Permit	\$1,120.25
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NOTE: All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178.

For further information, please contact:

Aaron Anderson, *Associate Planner*
City of Ashland, Department of Community Development
Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

Date: January 19, 2022