
The comments of this pre-application 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 DEPARTMENT SITE: 348 N Main
PRE-APPLICATION CONFERENCE APPLICANT: Laura Sainz
COMMENT SHEET REQUEST: Multi Family Development
October 12, 2022 Possible subdivision.

PLANNING STAFF COMMENTS:

This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.

Summary: The property is currently developed with a CUP for a four unit traveler's accommodations per (PA-2012-01674 – attached.) From the historic inventory:

74.0 Survey #724

PAYNE-PENTER HOUSE
348 MAIN ST N
Other: Vernacular [I-House]

1884/1910
391E05DA 2400
Historic Contributing

The initial one and one-half story vernacular volume of this dwelling is visible in an 1884 birdseye view of Ashland and may have been built by early owners of the property. In January 1884 John Van Dyke sold the site to David Payne for \$1200, a sum indicating that the structure was in place. In 1900 longtime owners E. B and Nancy Curry sold the house to Martin Swyter.

Martin Swyter, who recently purchased E. B. Curry's residence on Main Street, has been making additions and improvements which are now complete. (*Ashland Tidings*, 11-Jun-1900)

Swyter, who also owned the property next door, soon sold the subject dwelling and by 1907 William Penter, a prolific builder in Ashland was the owner. Two years later the *Tidings* noted that "W. H. Penter adds substantial additions to his residence property on North Main Street." (*Ashland Tidings*, 25-Feb-1909, 1:3) Penter's work almost certainly resulted in the construction of bungalow-style gable-roof front porch with oversized wood-frame support columns and bases. Penter retained the property until 1922.

The wood-frame Payne-Penter House retains its original horizontal board siding, glazing and trim detailing, accurately reflecting its serial construction and the intermingling of the vernacular and bungalow forms. The Payne-Penter retains high integrity and effectively relates its historic period of development.

Density: The property is zoned R-2 which allows a base density of 13.5 dwellings per acre. The property is 0.36 acres for an allowed base density of 4.86 dwellings. Dwellings of less than 500 sq ft. are counted as 0.75 dwellings. The proposal therefore is a total of 4 (1+(.75x4)).

This is within the allowed density.

The improvement of one cottage to a dwelling could be approved as a building permit subject to conditions of approval from the building department (**see attached memo**) (see also SDC handout).

The development of 3 or more dwellings requires site design review.

In The 2012 CUP the property was described as follows:

The Skidmore Academy Historic District boundary line splits the property, with the western portion being within in the district. This portion contains the Historic Contributing home, and one of the two historic out-buildings placed on the north property line. These structures are referred to as the East and West buildings, were built in 1907 and 1930s respectively, and are both approximately 400 square feet.

Since purchasing the property, the current property owners have retro-fitted the East and West¹ buildings into treatment rooms in conjunction with their home occupation use They have also erected three additional out-buildings along the north property line. The additional buildings are less than 200 square feet² and therefore do not require a building permit³. Setback and lot coverage requirements have been met, and a zoning permit has been issued for the placement of the buildings.

It is important to note that these 3 buildings were authorized with only a zoning permit. *Any work to improve these to be habitable structures will be required to apply for a building permit and go through the work done without a permit process. See attached policy (3 pgs).*

Parking: Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width, that said Lori Ln is only dedicated to an alley width and will be regulated as such. Head in parking would be allowed on a gravel pad with 22' of back up space.

Multi-family parking ratios are provided below. *See AMC 18.4.3.040*

- a. Studio units or 1-bedroom units less than 500 sq. ft. – 1 space/unit.
- b. 1-bedroom units 500 sq. ft. or larger – 1.50 spaces/unit.
- c. 2-bedroom units – 1.75 spaces/unit.
- d. 3-bedroom or greater units – 2.00 spaces/unit.

Initial assessment is that the proposal will require a total of six parking spaces. On street credits are discretionary, and can only be up to one half of the parking demand. If the applicant were interested in developing additional off street parking from Lori Ln. staff would be in favor of treating such parking as if it were an alley based on its width and development status.

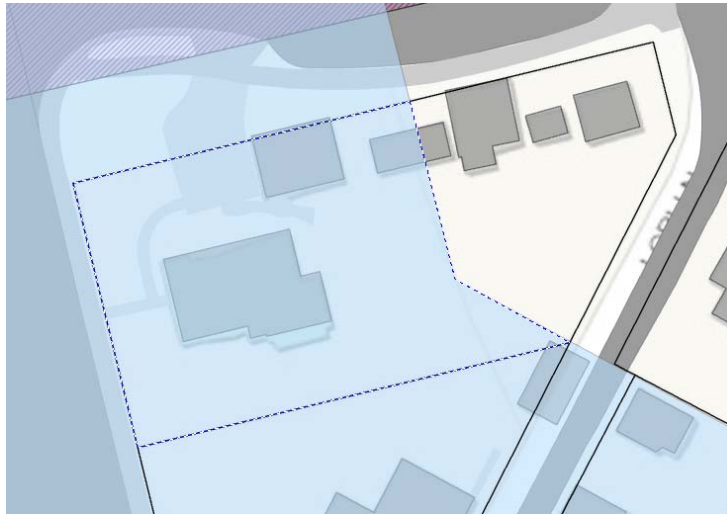
Parking & Parking Management Strategy: There are various parking management strategy allowance in AMC 18.4.3.060. “The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for off-site shared parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony and may require a parking analysis prepared by a qualified professional.”

¹ These are referred to as cottage 3 and cottage 1 respectively in the application materials

² These are referred to as cottage 2, shed and cottage 4 in the application materials

³ Note: from the ORSC: R105.2 *Non habitable* one-story detached *accessory structures*, provided that the floor area does not exceed 200 square feet and does not exceed a height of 15 feet measured from grade plane to the average height of the highest roof surface... [non-habitable accessory structures include but are not limited to garages, carports, storage sheds, tool sheds and garden structures]

MPFA: AMC 18.2.5.070 provides for the Maximum Permitted Floor Area in Historic districts. A final application would need to detail the amount of GHFA is within the historic district.



~~Orw#lund# #Dgn#dfwru# #Dgnxvhwg#r#w#lund# #udgxdwhg#EDU#P SID~~

$$10387 \times 0.71 = 7374.77 \times 0.42 = 3097.4$$

Based on the application materials it appears that there are 2882 GHFA in the historic. It should be noted that the assessor lists the main house as only 1307 sq. ft.

Year Built	Eff Year Built	Stat Class	Description	Type	SqFt
1888	1960	132	Two story	Residence	1307
1960	1985	131	One story	Residence	453
2012	2012	131	One story	Residence	180
1960	1985	131	One story	Residence	380

Open Space: The final application will need to clearly address the open/recreational space requirement demonstrating that the proposed open/recreation space is located and treated in a way to accommodate human recreational use and complies with the definitions in the Land Use Ordinance.

Site Review: Site Design Review criteria which are largely design-focused. That said the current proposal is for the modification of existing buildings in their current footprint. Any newly proposed structures should address building location and orientation as well as historic standards.

Parking/Parking Lot Treatment: Parking areas of more than seven spaces are required to meet the design standards of AMC 18.4.3.040.B.5 in terms of using one of the allowed strategies to minimize the adverse environmental and microclimatic impacts of surface parking (i.e. light-colored paving, porous solid surfacing, 50% shade from tree canopy or 50% shade from solar energy generating covers). All parking lots and other hard surfaces are to be designed in a way that captures and treats runoff with landscaped medians and swales.

Parking Area Screening (AMC 18.4.4.030.F.2): 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.

Trash & Recycling: The final application will need to address the placement and screening of trash and recycling facilities to address standards. Applicants may wish to consult Recology to verify sizing and placement of the trash and recycling facilities are adequate.

Street Improvements/Street Trees: City standards require development to provide street frontage improvements (sidewalks, parkrow planting strips with irrigated street trees, street lights, etc.) for the property's full street frontage. *The frontage along W Hersey is fully improved.*

Alley Improvements: City alley standards call for a 12-foot paved width buffered by two-foot unpaved (i.e. gravel or planted) strips on both sides. Applicants should anticipate that they may be required to pave the alley to comply with street standards, and would be well-advised to contact both the Fire Marshal to verify how the alley will play into addressing fire apparatus access requirements and the Public works dept. for improvement standards.

Adequate Capacity of Public Utilities: The applicant is responsible for determining if adequate water, sanitary sewer, storm sewer, and electricity services, and paved access/adequate transportation are available or can be extended to serve the proposed development. The Site Plan must show the location and size of the public utility lines that will serve the proposed parcels and detail service locations for each proposed lot, and plans will not be deemed complete without a utility plan which includes an Electric Department-approved electric service plan.

Tree Preservation, Protection and Removal: An inventory of all trees six-inches in diameter at breast height and greater on the property and within 15 feet of the property boundaries is required with the application under AMC 18.4.5. The inventory must include detailed information including but not limited to species, diameter at breast height, condition, and drip line/protection area of each tree. The plan must clearly identify trees to be preserved and how they will be protected and show those trees to be removed, and address the tree removal permit requirements in AMC 18.5.7 for significant trees to be removed. Tree removal permit requests would be considered in light of the the previous subdivision approval and the Performance Standards focus on preserving natural features as well as the Tree Removal Permit criteria and other applicable standards (Water Resource Protection Zones, Physical & Environmental Constraints, etc.).

Building Separation: The final application would need to demonstrate compliance with the R-3 Building Separation requirements from Table 18.2.5.030.A which require separation equal to one-half the height of the tallest building, where building height is measured at the two closest exterior walls. The maximum separation required is 12 feet.

Neighborhood Outreach: Staff always recommends applicants approach the affected neighbors to discuss proposals and try to address any concerns as early in the process as possible. In this case, where changes to the street system are likely to affect planning already underway for the development of adjacent property and the broader connectivity of the surrounding neighborhood, and neighbors have already express concern about impacts to existing natural areas, staff believe that outreach and coordination with neighbors is even more important. Notices will be sent to owners of neighboring properties within a 200-foot radius, signs posted on the site and advertised in the local newspaper once an application is deemed complete. In many cases, it is better if neighbors hear of the proposal from the applicants rather than by a formal notice from the city.

Written Findings/Burden of Proof: Applicants should be aware that written findings addressing the ordinance and all applicable criteria are required, and are heavily depended on in the decision making process for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

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.

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, 2, or 3, 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;

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; or

3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#). (Ord. 3147 § 9, amended, 11/21/2017)

Timelines: For a standard type 1 planning action we have a 10 day window to determine if we have a complete application. Following the determination of a complete application a NOC is mailed beginning a 2 week public comment period. The local code requires that we render a decision within 45 days of the NOC, however we try to be no more than 3 weeks from the NOC. Once a decision has been made a Notice of Decision is mailed. Once the NOD is mailed there is a 12 day appeal window where an appeal may be filed to the Planning commission. The decision by the Planning Commission on the appeal of a type 1 decision is the final decision of the City. Any further appeal would be heard at LUBA.

Subdivision strategies.

The property is large enough that it could be potentially partitioned or subdivided under the performance standards. The cottage housing standards are not applicable because this property is zoned R-2 and cottage housing is specific for R-1 infill. That said through the use of performance standards a cottage housing like development could be achieved. An example of this would be the ‘cottage housing’ development in the Kestral Park subdivision.

A standard partition would likely require the removal of at least one structure. Depending on the procedure and desired outcome this could be a type 1 land use decision for a partition, or in the case of performance standard a type 2 land use decision before the planning commission.

To discuss subdivision options further another preapplication conference would need to be held to analyze a preliminary outline plan and discuss the relevant fees and processes.

Details: In addition to elevations and scalable plans, the final application materials will need to make clear the proposed lot configuration, how lot coverage is to be addressed, how the perimeter setback and front yard setbacks in the Performance Standards are to be addressed.

Solar Setback and Envelopes: The final application will need to identify building envelopes and provide elevation drawings for proposed buildings, taking into consideration height limitations and solar access requirements. The application will have to demonstrate that a twenty-one (21) foot high structure is able to meet to meet Solar Setback Standard A with a setback which does not exceed fifty percent (50%) of each lot’s north-south lot dimension in accordance with AMC 18.4.8 or propose solar envelopes complying with Standard A.

.....
OTHER DEPARTMENTS’ COMMENTS

FIRE DEPARTMENT: Please contact Division Chief Ralph Sartain of the Fire Department for any additional information at (541) 552-2229 or via e-mail to ralph.sartain@ashland.or.us .

BUILDING DEPARTMENT: *See attached memo and policy letter regarding work done without permits.* Please contact the Building Division for any additional information at (541) 488-5309.

CONSERVATION DEPARTMENT: There may be current City of Ashland rebates for the installation of high efficiency toilets (HET) as well as some appliances such as refrigerators,

dishwashers and washing machines. Appliances may also be eligible for state tax credits through the Oregon Department of Energy. There may also be opportunities for homes to be built more sustainably or more energy-efficiently with financial and/or technical assistance from the City. For more information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail Dan.Cunningham@ashland.or.us. A handout on the city's "Smartbuild" program for new construction is attached at the end of this document. Conservation staff are available to provide any further information or assistance on these programs.

PUBLIC WORKS DEPARTMENT: *See comments at the end of this document.* For any further information, please contact Karl Johnson at (541) 552-2415 or via e-mail to: karl.johnson@ashland.or.us .

ELECTRIC DEPARTMENT: The applicant will need to contact Dave Tygerson in the Electric Department at (541) 552-2389 to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Dave can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Dave Tygerson, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. *Applications will not be deemed complete without an approved electric service plan.*

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 check detector assembly (DCDA) 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 or e-mail walkers@ashland.or.us with any questions regarding water utilities."*

.....

ZONING DISTRICT REQUIREMENTS

See Table 18.2.5.030.A. "Standards for Urban Residential Zones" for R-2 Zoning District

Zoning: R-2 Multi-Family Residential

Landscaping Requirements: 35 percent of the lot area. Size- and species-specific landscaping & irrigation plan required, including park rows and open space, at time of formal application. Avoid using lawn. Provide irrigation system. Include street trees, one per 30 feet of street frontage.

Parking, Access and Internal Circulation: As per AMC 18.4.3. Please note that on-street parking credits and other parking management strategies are discretionary, and existing and anticipated future parking will be looked at closely in considering requests. The applicants would need to speak with

the Building Division regarding any required ADA-accessible parking and any associated requirements for providing accessible routes on-site.

Lot Coverage: A maximum of 65 percent of the lot may be covered with building footprints, driveways, parking spaces and other lot coverage. Compliance with lot coverage standards should be demonstrated in the application.

Standard Setbacks: Front yards shall be a minimum of 15 feet, excluding garages which require a 20-foot front setback. Unenclosed porches shall be permitted with a minimum setback of eight feet. Side yards require six feet; the side yard of a corner lot abutting a public street shall have a ten-foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.4.8 which provides for Solar Access.

.....

APPLICATION SUBMITTAL REQUIREMENTS

The application is required to include clear, legible, scalable drawings of the proposal (i.e. plan requirements) as well as written findings addressing the applicable approval criteria in accordance with the Ashland Land Use Ordinance (ALUO), Chapter 18 of the Ashland Municipal Code. The following sections include the requirements for plans and approval criteria which are applicable to the proposal as described in the pre-application submittals. When more than one planning approval is required for the proposal, multiple sections of the ALUO may apply. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference. All submittals must also include:

1. **Application Form and Fee.** Applications for Type II review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The required application fee must accompany the application for it to be considered complete.
2. **Submittal Information.** The application shall include all of the following information.
 - a. The information requested on the application form (see attached).
 - b. Plans and exhibits required for the specific approvals sought.
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. The required fee.

The Ashland Land Use Ordinance in its entirety may be accessed on-line at:
http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf.

PLAN & EXHIBIT REQUIREMENTS: *Two (2) copies of the plans below on paper no larger than 11"x 17". Note: These copies may be used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.*

- **Two (2) Copies of the materials required for a Site Design Review approval as detailed in chapter 18.5.2.040.**
- **Two (2) copies of written findings addressing the submittal requirements from section 18.5.5.040 for a Variance (if applicable to the final proposal).**
- **Two (2) Copies of a Tree Protection Plan as required chapter 18.4.5.030.**
- **Two (2) Copies of the plans required for a Tree Removal Permit as required in chapter 18.5.7.030**

RELEVANT CRITERIA AND STANDARDS: Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below.

- **Two (2) Copies of written findings addressing the following criteria for Site Design Review approval detailed in chapter 18.5.2.050.**
- **Two (2) copies of written findings addressing the following criteria from chapter 18.5.5.050 for a Variance (if applicable to the final proposal).**
- **Two (2) copies of written findings addressing the following criteria from chapter 18.5.7.040.B.2. for Tree Removal Permit to remove a tree that is not a hazard (if applicable to the final proposal).**

FEES: (As applicable to the final proposals details)...

- | | |
|---|--------------------------------|
| <input type="checkbox"/> Site Design Review, Residential: | \$1,120.25 + \$ 74.50 per unit |
| <input type="checkbox"/> Exceptions (if applicable): | \$0 |
| <input type="checkbox"/> Tree Removal Permits: | \$0 |

For fees related to subdivisions please see attached.

***NOTES:** Applications are accepted on a first come-first served basis. All applications received are reviewed by staff, 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, and the first **COMPLETE** applications submitted are processed at the next *available* Planning Commission meeting.

For further information, please contact:

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

October 12, 2022

Date