
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
PRE-APPLICATION CONFERENCE
COMMENT SHEET**

September 6, 2023

SITE: 263-265 Sixth St

APPLICANT: Justin Hymas, Ashland Builders LLC

REQUEST: Site Design Review

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 two (2) residential units. From the historic inventory:

ID# 185.0 *Survey #42*

EVERTON, WALTER HOUSE

265 SIXTH ST

Arts & Crafts: Bungalow

1918c

391E09AB 4400

Historic Contributing

Once part of the Nils Ahlstrom holdings in this area of the district, construction of this single-story wood frame bungalow likely occurred after Walter Everton acquired the property from Nils' son, Tegner, in July 1918. Everton, an SP engineer, lived here until May 1922 when the house was sold to Walter O'Donoghue. Two residents are listed in the 1948, probably indicating the house was in rental use and by 1964 the house was owned and occupied by Charles and Jean Avery, retirees. The Everton House retains sufficient integrity to related its historic period of development.

Density: The base density for R-2 zoned property is 13½-dwelling units per acre. For the subject property, this equates to 0.22 acres x 13.5 du/acre = 2.97 dwelling units as a base density. However, the minimum lot area for three dwellings is 9,000 square feet and the lot is approximately 9,583 square feet. Within the R-2 zone, the maximum allowed lot coverage is 65 percent. Lot coverage includes the total area of a lot covered by buildings, parking areas, driveways, and other solid surfaces that will not allow natural water infiltration to the soil. Landscaping, including living plants, vegetative ground cover, and mulch, which allows natural soil characteristics and water infiltration, and retention is not considered lot or site coverage. *This is within the allowed density. The development of 3 or more dwellings requires site design review.*

Site Review: For multifamily residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. Site Design Review criteria are largely design-focused, and all newly proposed structures should address building location and orientation as well as historic standards. Site Design Review standards and criteria for Residential Development would need to be met as outlined in Chapter 18.4.2.030. In addition, Historic District Design Standards in Chapter 18.4.2.050 would apply.

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.



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

$$9,583.2 \times .73 = 6,995.74 \times 0.42 = 2,938.21$$

Based on the application materials it appears that there are 2,233 GHFA. It should be noted that the assessor lists the main house as only 1,274 sq. ft.

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt
1	5-01	1927	1975	131	One story	Residence	1274
2	5-01	1960	1980	131	One story	Residence	959

Historic District: The Historic Preservation Advisory Committee Review Board reviewed the application materials during the August 17, 2023, meeting. Members recommended making the third unit match the existing middle unit in terms of materials, siding, double-hung windows, roof, etc. The final Site Review application submittal should also include necessary submittals to review the design for compliance with the Historic District Development Standards of 18.4.2.050. (ie. Including scalable elevations of all sides and clear details of materials and trim, see AMC 18.5.2.040.B.).

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.

Parking: With Climate Friendly & Equitable Communities (CFEC) rules, the City can no longer require off-street parking. Any parking provided must meet 18.4.3.

Parking/Parking Lot Treatment: 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. *Any new fences will require a fence/zoning permit.*

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, streetlights, etc.) for the property's full street frontage. *The frontage along Sixth Street 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 department 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.

Building Separation: The final application would need to demonstrate compliance with the R-2 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. 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.

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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: 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: 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 Rick Barton in the Electric Department at (541) 552-2082 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. Rick 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 Rick Barton, 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: Please Contact Steve Walker at 541-552-2326 or e-mail walkers@ashland.or.us with any questions regarding water utilities.

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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.

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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 I 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 the following information.
 - a. The information requested on the application form (see attached).
 - b. Plans and exhibits required for the specific approvals sought (including elevations of all sides of the proposed structure, floor plan, and parking space dimensions, etc.).
 - c. A written statement or letter explaining how the application satisfies each and all the relevant criteria and standards in sufficient detail.
 - d. 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.**

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.**

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

- | | |
|--|--------------------------------|
| <input type="checkbox"/> Site Design Review, Residential: | \$1,271.25 + \$ 84.50 per unit |
| <input type="checkbox"/> Exceptions <i>(if applicable)</i> : | \$0 |
| <input type="checkbox"/> Tree Removal Permits: | \$0 |

***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:

Jennifer Chenoweth, *Associate Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2045 or e-mail: jennifer.chenoweth@ashland.or.us

September 6, 2023

Date