

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 14, 2017
AGENDA**

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

- II. **ANNOUNCEMENTS**

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

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. January 10, 2017 Regular Meeting.
 - 2. January 24, 2017 Special Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2016-01894, 1651 Ashland Street.**

- VII. **TYPE II PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-2016-02103**
 - SUBJECT PROPERTY: 133 Alida Street**
 - OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust**
 - DESCRIPTION: The Planning Commission will consider an appeal of the Staff Advisor's approval of a Site Design Review permit to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. (The appeal request focuses on the determination of Alida Street as the front lot line, the effect this determination had upon required setbacks, and the resultant impact to the neighboring property at 145 Alida Street.)**
 - COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09DA; TAX LOT #: 3300.**

- VIII. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
JANUARY 10, 2017

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Debbie Miller
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Derek Severson, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Community Development Director Bill Molnar made the following announcements: 1) DEQ will be holding an informational meeting on January 19 regarding the railroad property cleanup project, 2) the commission's January 24 meeting will include a legislative public hearing for an amendment to the Neil Creek floodplain map, 3) on January 19 Project Manager Adam Hanks will present an update on the Climate Action and Energy Plan, and 4) the annual State of the City Address will be held on January 31 at the Community Center.

CONSENT AGENDA

A. Approval of Minutes.

1. December 13, 2016 Regular Meeting.

Commissioners Thompson/Miller m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 7-0.

PUBLIC FORUM

Huelz Gutcheon/Spoke regarding climate change and global warming.

UNFINISHED BUSINESS

A. Adoption of Findings for PA-2016-02060, 639 Tolman Creek Road.

No ex parte contact was reported.

Commissioners Brown/Thompson m/s to approve the Findings for PA-2016-02060. Voice Vote: all AYES. Motion passed 7-0.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-2016-01894

SUBJECT PROPERTY: 1651 Ashland Street

OWNER/APPLICANT: Rogue Credit Union/Kistler, Small & White Architects, LLC

DESCRIPTION: A request for Site Design Review approval to construct a 4,508 square foot, single-story credit union building with drive-up window as part of the phased development of the properties located at 1651 Ashland Street. Also included are requests for a Property Line Adjustment and a Tree Removal Permit to remove eight of the site's 24 trees. COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 10DC; TAX LOT #: 8700 & 9201.

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

Ex Parte Contact

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

Staff Report

Senior Planner Derek Severson stated the subject property is located at 1651 Ashland Street, across from Lit Way and the Wendy's restaurant. He explained the request is for site design review to construct a 4,508 sq.ft. single story credit union building with a drive-up window. A shadow plan has been submitted which includes adjoining property and shows how the minimum floor area ratio (FAR) of .50 could be met in a later phase; however, the adjoining property will be outside the future control of the applicant. As proposed the 4,508 sq.ft. building on lot 2 achieves a .247 FAR. The shadow plan shows additional buildings could be constructed on lot 1 to achieve a FAR of .624 and combined the two lots would have a .506 FAR. Mr. Severson stated the applicant is also requesting permission to remove 8 of the site's 24 trees and a property line adjustment.

Mr. Severson displayed photos of the site as well as the applicant's site plan, lot line adjustment, proposed building elevations, landscape plan, utility plan, tree removal and protection plan, and the architects rendering of the new building. Mr. Severson noted the applicants submitted a traffic impact analysis which shows that the streets serving the property have adequate capacity. The Public Works Department has concurred with this finding and they have no additional recommendations for this project.

Mr. Severson stated the three primary concerns raised in the staff report are:

- 1) The Electric Department has not been consulted to verify whether adequate capacity to serve the property is already in place or can be provided.
- 2) There needs to be further consideration or cross easements to enable pedestrian and/or vehicular connectivity with adjacent properties.
- 3) The shadow plan provided appears to counter the intent of the FAR standard.

Mr. Severson explained that following the release of the staff report the applicants met with the Electric Department and received direction. The transformer location shown on the plan will work but it will require boring or trenching underneath Ashland Street to a transformer located in front of Wendy's. Additionally, Planning staff and the Electric Department would like to see the transformer located outside of the parkrow and behind the sidewalk. Mr. Severson touched briefly on the staff recommendation to include cross easements that would enable future pedestrian connectivity with adjacent properties and stated the last issue is regarding the minimum FAR standard. He presented the code language and stated the purpose of the FAR standard is to 1) deliberately create an environment supportive to transit, similar to a minimum residential density, 2) seek efficient use of available commercial land in keeping with Regional Problem Solving commitments and the associated goals and policies, and 3) provide a sense of enclosure to the streetscape. Mr. Severson stated in order to receive an exception to this standard the application must meet the following criteria: 1) there is a demonstrable difficulty meeting the specific requirement of the Site Development Design Standards due to a unique aspect of an existing structure or the proposed use of the 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 standards; 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 Standard.

Mr. Severson explained it is difficult for staff to support the approval of the exception request. He added the commission has several options; they could approve the exception request with the recommended conditions of approval, deny with action without prejudice which allows for a new application to be submitted within one year, or continue the hearing and provide direction to the applicants relative to the FAR. Mr. Severson concluded his presentation and stated staff is recommending the last option.

Questions of Staff

Commissioner Pearce asked about the FAR and Mr. Severson clarified the proposed FAR for the credit union building is .247.

Commissioner Norton inquired about the parking. Mr. Severson clarified the applicants have proposed 14 spaces where only 13 are required. He also confirmed if the building size is increased, the parking requirement will go up.

Commission Thompson asked about the plaza and landscaping ratio and stated it appears they have a deficit. Mr. Severson recommended this question be addressed by the applicant.

Applicant's Presentation

Matt Stephenson/Rogue Credit Union Executive Vice President & COO/Mr. Stephenson explained the credit union was started locally 60 years ago by a group of teachers and they have been in their current building in Ashland since the 1980's. He noted there are now branches inside Ashland High School and Southern Oregon University and stated their partnership with the citizens of Ashland has allowed them to see tremendous growth in their membership. Mr. Stephenson stated the Ashland branch currently services 12,000 members and their membership has expressed their desire for a branch with better vehicle accessibility. He explained the credit union has a fiscal responsibility to their members to not build a structure larger than they need, and noted their desire to partner with a local agency who would build affordable housing on the adjacent lot.

Jerome White/Project Architect/Mr. White stated the shadow plan shows how the FAR requirement can be met over time and stated if the building size increases the parking requirements go up. He commented that they have addressed the electric requirements and are comfortable with the condition recommended by staff. He also stated they are open to cross easements and already have some existing in the title. Mr. White stated the primary issue with this proposal is the FAR. He cited the shadow plan provision provided for in the land use code and stated the FAR could be met if you combine both lots. He explained as a credit union they are not permitted to develop property that is not for their own use and this is the basis for their exception request.

Mr. Stephenson noted the federal and state regulations that prohibit them from doing development that is not for their own use and explained they would like to sell the other lot to an agency who will construct housing.

Mr. White provided a brief overview of the project details, including 8 ft. sidewalks, 10 bicycle parking spaces, direct access to the bike lane, a covered bench that could serve as a future transit shelter, and solar panels on the roof. He stated they believe the proposal meets the intent of the code and asked for the commission's support.

Questions of the Applicant

Commissioner Mindlin stated the Planning Commission and the city are working hard to increase the density in this area and asked the applicants to address the FAR exception criteria and explain why their proposal is equal or better. Mr. Stephenson stated if you look at the property collectively, it does meet the FAR. He added they believe having the property developed by them is better than it sitting empty.

Commissioner Thompson questioned how a higher FAR could be imposed on the back lot if it is under different ownership and the land use code does not require it. Mr. White stated whoever purchases that property will want to build as much as possible and there is enough space to do what is shown in the shadow plan; their only limitation is parking. Commissioner Pearce stated he had the same question. He commented that the shadow plan looks at the whole site but this is really two sites, not one. Mr. Stephenson restated their intent to sell the lot for affordable housing. Mr. White commented that Rogue Credit Union is a good community member and stated the land use ordinance is asking them to build space they don't need.

Commissioner Miller asked how long the development of the second lot would take and asked what the first floors would be used for. Mr. White stated under the current standards a commercial use would be located on the first floor with housing units above; however it has been discussed in the past to rezone this area to R3 and he would like to see that happen so that residential units could go on the first floor as well.

Commissioner Norton questioned if the drive-thru was removed could they achieve the parking needed for a larger building. Mr. Stephenson stated the number one issue they get requests for in Ashland is a drive-up window and improved parking.

Commissioner Brown asked what will happen with lot one in the interim. Mr. Stephenson stated they would maintain it as flat land until it is sold. He added they are not allowed to do more than that but they will clearly maintain it to city standards.

Staff was asked why they were not supportive of a future second story on the proposed credit union building at the pre-application stage. Mr. Severson questioned the appropriateness of approving a shadow plan that is unlikely to ever happen. He stated Ashland has never had a commercial building that later adds a second story for housing. He stated it did not appear this was a realistic option and stated it was better to request the exception.

Project Traffic Engineer Kim Parducci was asked to come forward and speak to the circulation plan. She clarified for the commission that they anticipate most turns from the west driveway will be right turn only and if drivers wish to make a left onto Ashland Street they will likely go back through the site and use the main entrance.

Mr. Stephenson was asked how long ago they acquired the property and he responded 18 months. When asked if they were aware at the time of the pre-application conference that there were FAR requirements he responded "Yes."

Public Testimony

Jerry Hauck/847 Garden Way/Stated he is a retired teacher and coach from Ashland High School and is currently chairman of the RCU board. Mr. Hauck stated they are proud of what they do for the community and will continue to be here for a long time. He stated they are constantly being hit with requests for more space at the Ashland branch and a better parking lot.

Liz Shelby/1016 Aspen St., Medford/Stated she has been employed at Southern Oregon University for 25 years and is currently a RCU board member. Ms. Shelby explained they have been looking for years to find a good site in Ashland to better serve their members and accommodate growth. She stated this is an ideal site and noted their fiduciary responsibility to balance what is good for the members with the safeguarding the brand and financial integrity. She stated this is a win-win situation and hopes the commission will approve their request.

Scott Mulkins/365 Ridge Rd/Stated he chose to live and work in Ashland due to its progressive scene and hopes they will place a premium on good progressive companies like Rogue Credit Union and grant the exception.

Huelz Gutcheon/2253 Highway 99/Requested Ashland require all new structures to be completely autonomous, with no utilities going in or out, and everything on the site being clean energy.

John Fields/845 Oak St/Recommended the commission use the flexibility allowed in the code when looking at projects. Mr. Fields stated businesses have ideas and needs and need some room to function. He voiced his objections to overly mandating proposals and encouraged the commission to support the application just the way it is.

Commissioner Mindlin closed the hearing and the record at 8:30 p.m.

Questions of Staff

Mr. Molnar stated staff has been working with the applicant and project team for some time and they have tremendous respect for them. He said staff has been very honest about what they can and can't do at this location. He explained the application is eligible for an exception which provides the commission more flexibility than a variance. He stated if the commission accepts the applicant's findings, the proposed use and its restrictions presents an unusual circumstance. Mr. Molnar noted the shadow plan is very detailed and shows how the entire property can meet the .50 FAR. He stated the applicants are committed to findings a good partner for the remainder of the property and there are a lot of options for this property over time.

Commissioner Dawkins questioned the feasibility of making an exception that no commercial is needed on the rest of the property. Mr. Molnar clarified this would have to be a zone change and could not be done under the exception criteria.

Commissioner Thompson asked if the exception is granted, would there be restrictions on the back property? Mr. Molnar noted the applicants have indicated the potential for a deed restriction which would put a higher burden on that property when it is developed. He added with no deed restriction the parcel would be subject to the current standards.

Staff clarified the application before them is only for lot two.

Deliberations and Decision

Commissioners Brown/Dawkins m/s to accept the proposal for PA-2016-01894 as presented and approve the exception. DISCUSSION: Brown commented that the exception criteria is there for a reason and once in a while you run into a project that warrants it. He stated he does not believe this sets precedence and stated not all businesses have the same limitations as Rogue Credit Union. He stated this proposal meets the exception criteria and recommended they not restrict what is done with the adjoining lot. Pearce stated he is open to a discussion on granting the exception, however he is having a hard time with the "as good or better" criteria. He agreed with Brown that they should leave the other lot alone and not add deed restrictions. Thompson commented that this is a big exception and does not adhere to what the land use code outlines for a piece of property this size. She acknowledged the applicant's arguments but questioned if the design achieves the stated purpose equally or better. Miller commented that it would be easier to approve the exception if they were a little closer to the .50 FAR requirement. Norton voiced support for the motion. He commented that the drive-thru use is a unique and unusual circumstance and noted the applicants own the last available drive-thru in the city. Mindlin expressed concern with the commission defining the special circumstance and having to justify the exception themselves. Mr. Molnar clarified the applicants made an argument under exception criteria (2) and there has been testimony tonight presenting arguments under criteria (1). He went on to say the record contains information on both and the commission could grant the exception under either criteria. Pearce commented that it is difficult to make the case based on the "as good or better" criteria. He stated the other criteria speaks to the unique or unusual aspect of the existing structure or proposed use, but they are considering approving this based on the proposed user, not use. He stated it is a bank use all banks have different requirements and regulations and raised concern with granting an exception based on the proposed user. Thompson commented that other businesses could potentially make a similar argument that they should not have to build a larger building and meet the FAR requirement because they do not need the extra space and doing so would be an imprudent use of their resources. Brown commented that most businesses that build larger structures have the ability to lease the extra space out, but this applicant cannot. Dawkins commented on the city's policy for infill and stated this is not a good use for this big parcel of land. He added that he will not vote on principle and will base his decision on whether the application meets the exception criteria. Thompson stated she will reluctantly vote no and commented that the requirements for the exception have not been met. Mindlin agreed that the

exception is hard to justify. Roll Call Vote: Commissioners Brown and Norton, YES. Commissioners Dawkins, Pearce, Thompson, Miller, and Mindlin, NO. Motion failed 5-2.

Commissioners Thompson/Miller m/s to deny the application without prejudice. Roll Call Vote: Commissioner Norton, NO. Commissioners Brown, Thompson, Dawkins, Miller, Pearce, and Mindlin, YES. Motion passed 6-1.

DISCUSSION ITEMS

A. Cottage Housing Standards.

Senior Planner Brandon Goldman provided a brief history of the draft cottage housing ordinance and stated staff is seeking feedback before the ordinance comes back for final refinements and the formal public hearing. He explained the draft ordinance now includes a maximum unit size of 1,000 sq.ft. and the exemption to allow preexisting single family homes to remain on the site is still included, but a maximum floor area ratio (FAR) requirement has been added. Mr. Goldman asked for the commission's feedback on the appropriate scale of cottage housing developments. He questioned if three units would be acceptable for smaller sized lots and whether 12 or 16 was appropriate for the higher end. He also commented on the feedback he received from his discussions with local building professionals who cited lot coverage concerns. In response, staff is considering increasing the lot coverage requirements to accommodate impervious surfaces such as parking, driveways, sidewalks, and porches. Mr. Goldman stated another consideration raised by the building professionals was how to accommodate external storage (shared garages, etc.) under the .35 FAR. He stated staff will need to come back with additional detail on whether those common buildings that are used by all members of a cottage housing development would be allowable under the FAR if it stays at .35.

Commissioners Dawkins/Miller m/s to extend meeting to 10:00 p.m.

Commissioner Feedback

- Commissioner Mindlin commented that it makes more sense to have a different standard for garages and inhabitable spaces.
- Commissioner Pearce thanked staff for reaching out to the development community and voiced support for a minimum of 3 units and a maximum of 12. He also voiced his support for increasing lot coverage for impervious surfaces.
- Commissioner Norton recommended the ordinance include a parking requirement that is at least equivalent to the multifamily parking standard and to base it on bedrooms instead of square footage. He added using a requirement that is less than multifamily would be a mistake in single family neighborhoods.
- Commissioner Miller encouraged design standards that would complement single family neighborhoods.
- Commissioner Dawkins agreed with a range of 3 to 12 units.
- Commissioner Mindlin agreed with what has been said but would like a maximum of 16 units. She noted it is unlikely they would get a development this size due to available lot sizes, but they should not prohibit it. Mindlin expressed concern with over-regulating the design of the open space and stated she would be willing to let go of most of those requirements.
- Commissioner Brown suggested general language be added that would allow them to address design elements and protect individual privacy. He commented on the buildings relationships to each other and the buildings relationship to open space and stated they to make sure the sense of privacy is maintained.

ADJOURNMENT

Meeting adjourned at 9:55 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
JANUARY 24, 2017

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Debbie Miller
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES

Community Development Bill Molnar announced January 31 is the State of the City celebration at the Community Center. He also commented on the denial of the Rogue Credit Union application at the last hearing. He informed the commission that staff has met with the applicants and their legal counsel and the applicant is considering coming back at the next meeting with new information or better articulating why their proposal meets the approval criteria prior to the commission adopting findings. Mr. Molnar stated staff does not yet know how the applicants will proceed and can renote the action as a limited public hearing if necessary.

Commissioner Thompson questioned if this would create precedence. She stated she is comfortable with the applicants presenting a revised proposal but expressed concern with them coming back to reargue the same evidence. Commissioner Pearce warned staff about a recent LUBA case and recommended they proceed carefully if this action is renoted and stated all those who were originally notified need to be included. Commissioner Mindlin agreed that presenting new changes is appropriate but recommended staff consult further with the City Attorney on the possibility of the applicants rearguing their position.

Mr. Molnar indicated there could potentially be four public hearings on the next agenda and stated the Planning Commission Hearings Board may be convened. He stated staff would be sending out an email to determine who is available.

Senior Planner Brandon Goldman provided a brief update of the housing survey that is currently underway. He noted the survey will be open until March 31 and can be accessed through the city's website.

Commissioner Mindlin commented on the Wildfire Lands Ordinance and noted the mayor has presented some alternative ideas. Mr. Molnar noted this is a community wide issue and putting the requirements solely in the land use ordinance might not get the city to where they want to be quickly enough and other options are being discussed.

PUBLIC FORUM

No one came forward to speak.

DISCUSSION ITEMS

A. Climate and Energy Action Plan – Plan Update.

Project Manager Adam Hanks provided an update on the Climate and Energy Action Plan. He explained the City Council was presented with the draft at their study session last night and it will go back for adoption in March. Mr. Hanks stated the Climate and Energy Action Plan Committee held a number of open houses and have presented the draft to the city's advisory committees for review and comment. He noted this is the second time it has come before the Planning Commission and aside for some minor edits the plan is for the most part complete. He stated this plan touches nearly every department in the city and he is here to answer any questions they may have.

Commission Discussion

- Mr. Hanks clarified as the individual actions get implemented they will come back before the commission(s).
- Commissioner Thompson suggested Table 2, Goal 1 of the implementation chart better distinguish whether the item listed is a city goal or a community goal.
- Commissioner Mindlin referenced the letter she submitted to the Climate Energy and Action Plan Committee and clarified she was speaking individually and was not representing the full commission. She went on to question whether Mr. Hanks was seeking detailed input at this stage in the process.
- Commissioner Thompson suggested rather than specific action items the strategies in the plan should create more of an umbrella that would allow the commission to participate in the types of activities under their purview. Mr. Hanks agreed and stated the strategies are fairly broad and many things can fit under them. He also clarified the city is not limited to the actions listed under each strategy but rather these are just a sample of the types of activities they could take.
- Commissioner Brown commented that the umbrella is very broad at this point and the specifics will come later. He stated he supports the plan but it is too early for them to provide specific input.
- Commissioner Miller commented that the Planning Commission will have quite a bit of involvement as the plan moves forward.
- Mr. Hanks clarified the intention is that as these topics start to get worked on they will come back for further dialogue with the individual commissions.
- Commissioner Thompson agreed with not loading too much policy into the original document, as those will need to be debated and vetted later down the road.
- Commissioner Norton commented that the plan contains lots of good ideas but there are some that may conflict with things the Planning Commission is trying to achieve. He added not many Oregon communities have something like this and stated the general direction is great.
- Mr. Hanks clarified the plan is attempting add climate and energy implications as one of the top tier discussion points for decision makers.
- Comment was made that the plan will continue to be monitored and updated as it moves forward.
- Commissioner Dawkins agreed with Commissioner Brown and stated it is a good document but there is nothing there for them to consider yet. He added when they start to get into the specific the commission can delve into more detail at that time.

LEGISLATIVE PUBLIC HEARINGS

A. PLANNING ACTION: PL-2016-00024

DESCRIPTION: A request to amend the City of Ashland Physical and Environmental Constraints map to reflect changes in the FEMA Flood Insurance Rate Maps relating to the Neil Creel 100 year floodplain, to provide consistency with Chapter 15.10 (Flood Damage Prevention Regulations) of the Ashland Municipal Code and federal regulations regarding building within the 100 year floodplain.

Staff Report

Senior Planner Brandon Goldman and Assistant Planner Mark Schexnayder addressed the commission. Mr. Goldman explained FEMA is preparing to issue a letter of final determination to Jackson County and the City of Ashland stating that new Flood Insurance Rate Maps (FIRMs) will become effective on April 1, 2017. In order to maintain its certification

and preserve reduced flood insurance rates for Ashland citizens, the City must adopt the flood insurance study and flood insurance rate map updated by FEMA. Staff explained this is minor update and only affects the boundaries of Neil Creek. Mr. Goldman displayed a map of the area that has changed and noted the floodplain has shrunk considerably with the exception of the south part of the Ashland Municipal Airport. He noted the Public Works Department and the Airport Commission have been notified and the implications of the modified floodplain will not preclude the airports current or future use. Mr. Goldman stated both the land use code and the building code reference the floodplain maps and therefore this action requires a public hearing as well as approval by the City Council.

Questions of Staff

Mr. Goldman confirmed that all affected property owners have been notified.

Staff was asked why the floodplain shrank and Mr. Schexnayder clarified the change was due to the significantly more accurate LiDAR data that was collected.

Deliberations and Decision

The commission held a brief discussion on the history of flooding in Ashland.

Commissioners Brown/Pearce m/s to recommend Council approval of proposed amendment. Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.

ADJOURNMENT

Meeting adjourned at 8:15 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

Findings

**PA-2016-01894
1651 Ashland St.**

BEFORE THE PLANNING COMMISSION
February 14, 2017

IN THE MATTER OF PLANNING ACTION #2016-01894, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT A 4,508 SQUARE FOOT,)
SINGLE-STORY CREDIT UNION BUILDING WITH DRIVE-UP WINDOW AS)
PART OF THE PHASED DEVELOPMENT OF THE PROPERTIES LOCATED AT)
1651 ASHLAND STREEET. ALSO INCLUDED ARE REQUESTS FOR A PROP-)
ERTY LINE ADJUSTMENT AND A TREE REMOVAL PERMIT TO REMOVE) **FINDINGS,**
EIGHT OF THE SITE’S 24 TREES. THE APPLICATION PROPOSES THE USE) **CONCLUSIONS &**
OF A SHADOW PLAN INVOLVING ADJOINING PROPERTIES THAT WILL BE) **ORDERS**
OUTSIDE THE FUTURE CONTROL OF THE APPLICANT AS A MEANS FOR)
COMPLYING WITH THE MINIMUM FLOOR AREA RATIO (F.A.F.) OF 0.5.)

OWNER/APPLICANT: Rogue Credit Union/)
Kistler, Small & White Architects, LLC)
)
)

RECITALS:

- 1) Tax lots #8700 and #9201 of Map 39 1E 10DC is located at 1651 Ashland Street and is zoned C-1 (Commercial).
- 2) The applicants are requesting Site Design Review approval to construct a 4,508 square foot, single-story credit union building with drive-up window as part of the phased development of their properties located at 1651 Ashland Street. Also included are requests for a Property Line Adjustment and for a Tree Removal Permit to remove eight of the site’s 24 trees. The application proposes the use of a shadow plan involving adjoining properties that will be outside the future control of the applicant as a means for complying with the minimum Floor Area Ratio (F.A.R.) of 0.5. Site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:
 - A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*

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

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

4) The approval criteria for a Property Line Adjustment are detailed in AMC 18.5.3.120.B as follows:

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

5) The approval criteria for a Tree Removal Permit to Remove a Tree That is Not a Hazard are detailed in AMC 18.5.7.040.B.2 as follows:

- a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.
- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

- d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 - e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 6) The Planning Commission, following proper public notice, held a public hearing on January 10, 2017 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission denied the application without prejudice.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Design Review, Property Line Adjustment and Tree Removal Permit approval fails to meet all applicable criteria for Site Design Review approval described in AMC 18.5.2.050, Property Line Adjustment in AMC 18.5.3.120.B, and for Tree Removal described in AMC 18.5.7.040.B.2. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

2.3 The Planning Commission finds that the request involves Site Design Review approval to construct a 4,508 square foot, single-story credit union building with drive-up window as part of the phased development of the properties located at 1651 Ashland Street. Also included are requests for a Property Line Adjustment and a Tree Removal Permit to remove eight of the site's 24 trees.

The first approval criterion for Site Design Review is that, *“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.”* The subject property is located in the C-1 base zone and the Detail Site Review and Pedestrian Places overlay zones. Commercial services, offices and their associated accessory uses are permitted outright in the C-1 zone. In addition, drive-up uses are a special permitted use and the applicants have provided plans and narrative to demonstrate compliance with the applicable special use standards along with evidence that they hold one of the 12 drive-up use permits allowed in the city (Permit #2012-01506). Within the C-1 zone, there is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard. Along arterial streets like Ashland Street, there is a required arterial setback of *“not less than 20 feet, or the width required to install sidewalk and park row improvements, consistent with the street standards in chapter 18.4.6, whichever is less.”* In this instance, the applicants propose to install city standard sidewalk and park row improvements and will thus comply with the arterial setback requirements. The C-1 zone allows building heights of up to 40 feet, and where buildings are located more than 100 feet from a residential zone, buildings may be greater than 40 feet but less than 55 feet in height with the approval of a Conditional Use Permit. As proposed, the height of the building is only approximately 24.0 feet. Lot coverage is limited to 85 percent and 15 percent of the site must be landscaped within the C-1 zone, and the proposal notes that 78.6 percent of the site would be covered and 21.4 percent landscaping provided.

The second approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The property is located within the Detail Site Review overlay zone, the Pedestrian Places overlay zone, and is subject to additional standards applicable to development of the Ashland Street boulevard corridor. The Detail Site Review overlay triggers specific standards that apply as part of the Site Development and Design Standards in AMC 18.4.2.040.C. Compliance with these standards is addressed under the next approval criterion later in this document.

The Pedestrian Places overlay requirements apply to proposed development that requires a planning application approval, and involves development of new structures or additions other than single-family dwellings. Pedestrian Place overlay provisions supplement those of the applicable base zoning district and other applicable ordinance requirements. Because the proposal does not involve mixed-use development in a residential zone, the Pedestrian Places overlay only impacts the subject property in two ways:

1. **Building Setbacks.** The solar access setback in chapter 18.4.8 Solar Access applies only to those lots abutting a residential zone to the north. In this instance, because the lot to its north is zoned R-1-5 (Single Family Residential) solar access setbacks do apply for Lot 1.
2. **Plazas and Landscaping Ratio.** Outdoor seating areas, plazas, and other useable paved surfaces may be applied toward meeting the landscaping area requirements in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute more than 50 percent of the required area.

The third approval criterion is that, *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”*

The application materials explain that proposed parking is located to the rear of the building, and the proposed building on Lot #2 occupies 70.1 percent of the street frontage and with development of the proposed shadow plan the 63 percent of the two frontages will be occupied by buildings. Building entrances are to be oriented to Ashland Street, and the street frontage is to be improved to city street standards. The application explains that the building has multiple jogs and offsets, a recessed entry with protection for pedestrians, changes in relief, and more than ample glazing on all walls in proximity to the streetscape.

Within the Detail Site Review Zone, properties are required to have a minimum 0.50 floor area ratio (F.A.R.). This means that the building’s floor area must be equal to at least one half of the lot area to meet the standard. The Planning Commission finds that the purpose of the Floor Area Ratio (F.A.R.) standard is three-fold. First, the F.A.R. is intended to deliberately create an environment supportive to transit by achieving a minimum level of intensity for commercial developments, similar to a minimum residential density standard. Second, the F.A.R. seeks the efficient use of available commercial land in keeping with the City’s commitments not to expand its current boundaries under the 2012 Regional Problem Solving agreement with Jackson County and the other cities of the region, and the subsequent goals and policies seeking to concentrate more intense development along arterials. Finally, in terms of the built environment, the F.A.R. standard seeks to provide a sense of enclosure to the streetscape as noted in the street standards in AMC 18.4.6.040.A.2 which explain that, *“All streets in Ashland shall be designed using the following assumptions: ... Building setbacks and heights create a sense of enclosure.”*

As proposed, the 4,508 square foot single-story building achieves a .247 F.A.R. For properties greater than one-half acre, the Site Design and Development Standards provide that the Floor Area Ratio standard may be addressed with a “shadow plan” illustrating how the development could be intensified over time to meet the minimum F.A.R. The Planning Commission finds that this allowance is intended both for phased development of large vacant sites, and to allow for incremental phased redevelopment of currently underdeveloped properties. In this case, the applicants have provided a shadow plan showing how additional buildings could be constructed to achieve an F.A.R. of .624 on Lot 1, a contiguous property under their ownership. If considered together this would yield a combined F.A.R. of .506 between the two parcels when the contiguous parcel is developed.

The Planning Commission finds that the shadow plan provided poses some concerns. First, the applicants have explained that as a credit union, they are unable by charter to act as developers and as such can neither develop the remainder of the site with buildings other than the credit union nor can they add a second story that would then be rented to tenants other than the credit union. As such, while a shadow plan is provided, the remaining lot would not be under the applicants control and would instead be sold and developed by the future buyer. The Planning Commission finds that by definition, the Ashland Municipal Code provides that contiguous lots under a single ownership may be considered a single property for planning purposes, however in this case it is clear that development is not to occur while the properties are under the same ownership and as such they could not be considered together as part of a shadow plan.

The Commission further finds that the allowance for the use of a shadow plan in the code is discretionary on the part of the Planning Commission (i.e. the standard language in AMC 18.4.2.040.C.1.a. uses “may” rather than “shall”). The Commission finds that the shadow plan provided is counter to the intent of providing more intense development along the Boulevard corridor to contribute to a sense of enclosure of the streetscape, while instead pushing the more intense future development nearer to residentially-zoned neighbors at the rear of the property, and further finds that the shadow plan provided fails to meet the Floor Area Ratio standard and that this standard is not met in the current application.

The fourth criterion for approval is that, *“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.”*

The Planning Commission finds that Public Works, Engineering and Electric Department staff have noted the following with regard to utilities:

- **Water** - The property is currently served by an eight-inch water main in the Ashland Street right-of-way, and the application indicates that the applicants intend to provide new services from this main. Both the Water and Fire Departments have reviewed the applicants’ initial utility lay-out and indicated that a double check detector assembly (DCDA), bypass meter and vault will need to be installed near the property line at the street to provide adequate fire service for the development of the site.
- **Sewer** - The property is currently served by a six-inch sanitary sewer main that enters into the property across the northern property line. The applicants propose to acquire a new easement over Tax Lot #9800 to the north of the property and install a new six-inch sanitary sewer line out to Parker Street.
- **Electric** – The applicants have met with the Electric Department, and it has been determined that the transformer location shown on the submitted plans will requires a “three-phase pull box” and re-routing the source of the power by boring beneath or trenching across Ashland Street to a transformer in front of Wendy’s. The Electric Department has indicated, and Planning staff concurs, that the pull box would be better located outside of the park row planting strip, behind the sidewalk to provide a spatial buffer from cars traveling at arterial speeds. The Electric Department has also suggested locations for future lines to serve future buildings on Lot 1, and the applicants will provide a service plan once they have an Electrical Engineer on board to consider how the other lots may develop.
- **Storm Drainage** - The property is currently served by a 12-inch storm sewer main in the Ashland Street right-of-way. The application materials indicate that storm water associated with the development on Lot 2 is to be detained on site for percolation into the soil. A treatment/detention trench is proposed along the full length of the property line for Lot 2, with any overflow to be pumped up to the curb on Ashland Street. The application notes that the project’s civil engineer, Dew Engineering, will prepare a final storm drainage and surface water management plan for review and approval prior to the issuance of building permits.

With regard to considerations of paved access and adequate transportation, the Planning Commission finds that Ashland Street is a state highway, and is considered to be a “boulevard” under Ashland’s

Transportation System Plan (T.S.P.). City-standard frontage improvements for a boulevard include irrigated street trees planted in five-foot square planters with tree grates spaced every 30 feet and an eight-to ten-foot wide sidewalk along the full property frontage. In areas where no on-street parking is to occur, the applicants may propose an alternative frontage treatment to include a planted swale within the park row. The applicants have proposed to install frontage improvements consistent with these requirements as part of their proposal.

The Planning Commission further finds that for proposals accessing a boulevard, directly or indirectly, a Traffic Impact Analysis (TIA) is required where the proposed land use meets one or more of the following thresholds:

- Generating **50 new vehicle trips** inbound and outbound during the adjacent street's peak hour;
- Installing any **traffic control device** or construction of any geometric improvements affecting the progression or operation of traffic; or
- Generating **20 new heavy vehicle trips** (inbound and outbound) during the day.

In this instance, because more than 50 new vehicle trips would be generated during the adjacent street's peak hour, the application materials provided include a Traffic Impact Analysis (T.I.A.) prepared by Southern Oregon Transportation Engineering, L.L.C. The T.I.A. includes the following findings:

1. All study area intersections were shown to operate within performance standards under existing year 2016, Phase 1 design year 2017 no-build, Phase 1 design year 2017 build, full build design year 2026 no-build, and full build design year 2026 build conditions during the p.m. peak hour.
2. One queue length was shown to be exceeded in the study area under analysis scenarios. The east bound left turn queue length on Ashland Street at Walker Avenue was shown to be exceeded by one vehicle length (25 feet) under existing 2016 no-build conditions and continued to be exceeded in every analysis scenario. This increased the adjacent through lane queue length, but was not shown to create any adverse queuing conditions downstream. No mitigation is shown to be necessary.
3. Sight distance was found to be adequate in both directions from both driveways on Ashland Street.
4. A center two-way left turn lane currently exists on Ashland Street at the proposed development, and the criterion for a westbound right turn lane was not shown to be met under the Phase 1 design year 2017 or the full build design year 2026 conditions during the p.m. peak hour.
5. There were no safety concerns based on the crash histories at the studied intersections.

The T.I.A. concludes that the streets serving the subject property are demonstrated to have adequate capacity to support the proposed development. City Engineering staff reviewed the T.I.A. and expressed support for its findings with no further recommendations.

The Commission finds that a 26-foot driveway aisle has been provided to accommodate fire apparatus access, including aerial truck access to the future buildings at the rear of the property. The driveways exceed the requirement for a 20-foot driveway to serve seven or more parking spaces. The applicants

have been in discussion with the Fire Marshal to ensure that address fire apparatus access can be provided.

The Planning Commission finds that the final approval criterion has to do with Exceptions to the Site Development and Design Standards. Given concerns with the proposed shadow plan satisfying the requirements of the code detailed above, the applicants have also requested an Exception to the Site Development and Design Standards relative to the F.A.R. standard and offered a shadow plan supplemented by a covenant which would restrict the development of Lot 1 by a future owner to be consistent with the shadow plan.

The Commission finds that there are two potential criteria to be considered in granting an Exception. The first is that, *“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.”* And the second is that, *“There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.”*

The applicants have requested the Exception based on the latter, suggesting that while there is no demonstrable difficulty in meeting the F.A.R. standard, the proposal will equally or better achieve the purpose of the Site Development and Design Standards. They emphasize that the building will have a positive impact on the streetscape, using brick and metal paneling and breaking the building into multiple masses, placing parking at the rear of the building, providing inviting pedestrian spaces adjacent to the proposed street improvements, providing bike parking at the plaza and more glazing than called for under the standards.

The Planning Commission finds that the magnitude of the Exception requested, asking for a 0.247 F.A.R. where a minimum 0.50 F.A.R. is required, demonstrates that the proposal is not in line with the vision sought through the Floor Area Ratio standard for a property of this size, and in considering an Exception the Commission must determine that the requested design achieves the stated purpose equally or better. The Commission finds that the Exception as proposed does not equally or better achieve the level of intensity of development or sense of enclosure of the street sought by the standard. In particular, the purpose and intent for non-residential development at 18.4.2.040.A states that properties visible from highly traveled arterial streets are held to a higher development standard and states that one of the purposes of the site review standards is to enhance pedestrian and bicycle traffic. Ashland Street in this location is a highly traveled arterial, and the Planning Commission finds that the project is in large part an automobile-oriented use and does not equally or better achieve the purpose of enhancing pedestrian traffic. In addition, the purpose of site design review at 18.5.2.010 includes enhancing the environment for walking, cycling, and mass transit use. For the same reason, the Planning Commission finds that the proposal does not equally or better meet this purpose over a project that conformed to the F.A.R. standard.

The Commission finds that the Exception requested is not an equal or better design to one that would meet the F.A.R., but further finds that the request should also be considered in light of the first criterion, that *“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.” The Planning Commission finds that accommodating the proposed drive-up use and the associated site planning, circulation and parking configuration necessary to address the special use standards for drive-up uses has not been demonstrated to impact the site planning to a degree that would prevent accommodating a larger footprint on Lot #2. Commissioners recognize that this was one of only 12 drive-up windows allowed in Ashland, and that the criteria for locating allowed drive-up uses within the city puts constraints on where a drive-up use may be allowed, limited the applicants’ ability to select a suitable property, but the Planning Commission finds that the drive-up component of the request has not been demonstrated to create specific difficulties in meeting the F.A.R. standard on the subject property.

The Planning Commission further finds that as a credit union, being subject to a covenant preventing them from pursuing speculative development proposals does not constitute a unique or unusual aspect of the proposed use of the site, as this is ultimately aspect of the specific user (Rogue Credit Union) and not the proposed use as a financial institution. The Planning Commission finds that there is not a demonstrable difficulty in meeting the standards due either to a unique or unusual aspect of an existing structure or the proposed use of the site, and that as such an Exception is not merited.

2.4 The Planning Commission finds that while the applicants have indicated that they are exploring sale of Lot #1 to an affordable housing provider, they have also made clear that based on the limitations posed by their charter they could not be involved in the development of Lot #1. While the application includes a detailed shadow plan involving Lots #1 and #2 as part of addressing the F.A.R. standard or an Exception to that standard, the current development proposal being considered is limited to Lot #2 and the applicants are not seeking approval for the development of Lot #1 for affordable housing or any other purpose at this time.

2.5 The Planning Commission finds that the proposal includes a request for Property Line Adjustment to adjust the property lines between the applicant’s Lot #1 and Lot #2. This would enlarge the existing Lot #1 by 2,977 square feet while reducing Lot #2 by a commensurate amount. The application materials emphasize that there is no minimum lot area, width, depth or coverage in the C-1 zoning district; that adequate setbacks from the adjacent residential zones can be provided; that both lots can be built upon after adjustment; and that there are no physical constraints to pose any concerns. In addition, the application notes that the adjustment does not make access less conforming and will allow for better driveway alignment with the driveway across the street.

2.6 The Planning Commission finds that the application materials include a Tree Protection & Removal Plan prepared by Landscape Architect Alan Pardee that identifies 24 trees on the property as well as a number of trees on adjacent properties within 15 feet of the property line. Eight of the site’s trees are proposed for removal with the current proposal. These include: **Tree #5**, a 20-inch d.b.h. Black Oak; **Tree #18**, a 12-inch d.b.h. Cedar; **Tree #19**, a double-stemmed 14-inch d.b.h. Big Leaf Maple; **Tree #20**, a 30-inch d.b.h. Cottonwood; **Tree #21**, a 24-inch d.b.h. Silver Maple; **Tree #22**, a 10-inch d.b.h. Silver Maple; **Tree #23**, an 18-inch d.b.h. Siberian Elm; and **Tree #24**, a 24-inch d.b.h. Siberian Elm.

In the Tree Removal Permit request, Pardee explains that efforts were made in the planning process to accommodate the site's trees. He notes that for years, the site was used as a trailer park and as such the central portion is largely without tree cover and those trees that are in place are primarily concentrated along the property lines at the perimeter. This arrangement provided for the preservation of the bulk of the site's trees, and in Pardee's assessment the retention of these larger established trees at the property boundaries will benefit the site and surrounding properties. He goes on to explain that the tree removals proposed are in areas that will be disturbed by paving, building construction or utility installation to develop the site in keeping with the Site Development and Design Standards, and that the Rogue Credit Union project will include many new trees selected for their hardiness, beauty and longevity selected to meet Ashland's standards and more than mitigate the removals proposed. He asserts that these removals will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, or upon the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval, and Tree Removal Permits is not supported by evidence contained within the whole record.

The Planning Commission finds that the shadow plan provided fails to meet the Floor Area Ratio standard. The Commission also finds that the requested Exception to the F.A.R. standard based on the shadow plan supplemented by a covenant to restrict the future development of Lot #1 does not equally or better achieve the level of intensity of development or sense of enclosure of the street sought by the standard. The Commission finds that accommodating the proposed drive-up use and the associated site planning has not been demonstrated to prevent accommodating a larger footprint on Lot #2, and that being subject to a covenant preventing them from pursuing speculative development proposals does not constitute a unique or unusual aspect of the proposed use of the site, as this is ultimately an aspect of the specific credit union user rather than the proposed financial institution use. The Planning Commission finds that there is not a demonstrable difficulty in meeting the standards due either to a unique or unusual aspect of an existing structure or the proposed use of the site, and that as such an Exception is not merited.

Therefore, based on our overall conclusions, we deny Planning Action #2016-01894 without prejudice.

Planning Commission Chair

February 14, 2017

Date

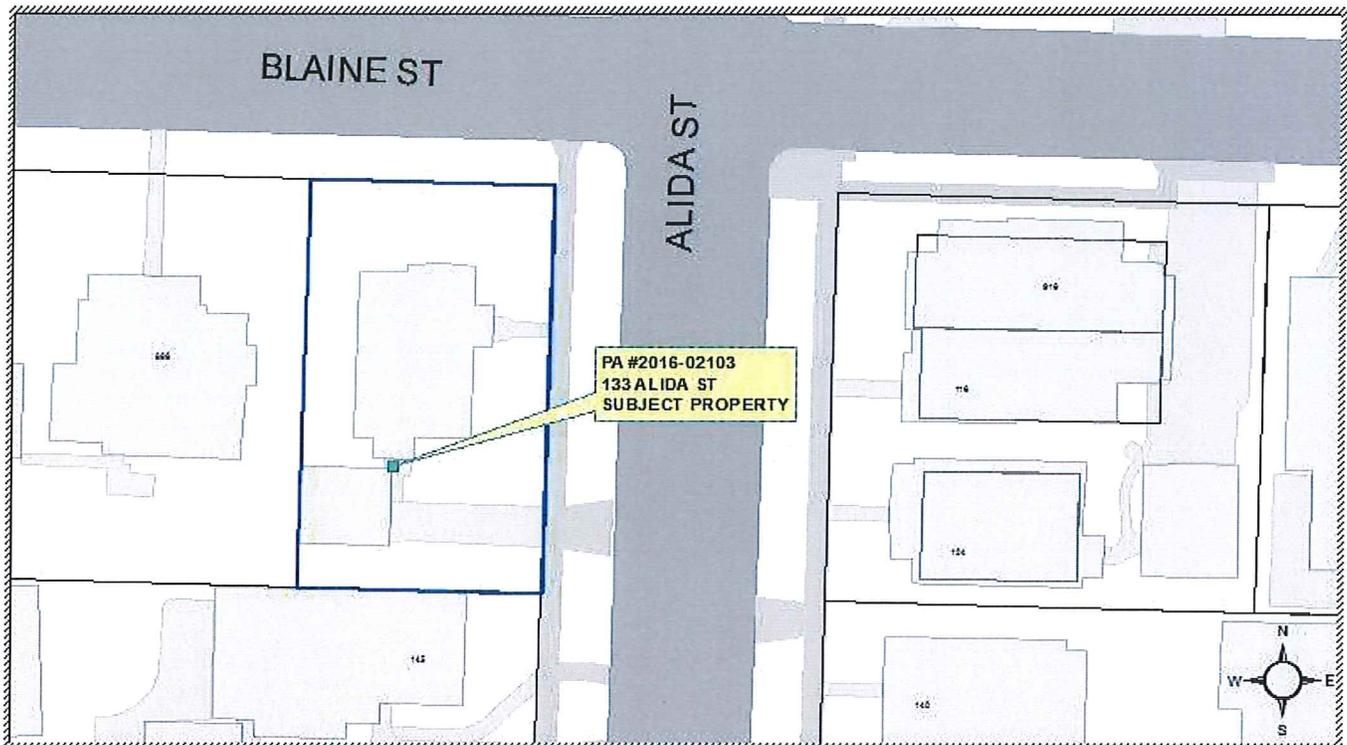
**TYPE II
PUBLIC HEARING**

**PA-2016-02103
133 Alida**



PLANNING ACTION: PA-2016-02103
SUBJECT PROPERTY: 133 Alida Street
OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust
DESCRIPTION: The Planning Commission will consider an appeal of the Staff Advisor's approval of a Site Design Review permit to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. *(The appeal request focuses on the determination of Alida Street as the front lot line, the effect this determination had upon required setbacks, and the resultant impact to the neighboring property at 145 Alida Street.)* **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09DA; **TAX LOT #:** 3300.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, February 14, 2017 at 7:00 PM, Ashland Civic Center, 1175 East Main Street.*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

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

SITE DESIGN AND USE STANDARDS

18.5.2.050

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

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

ACCESSORY RESIDENTIAL UNITS

18.2.3.040

Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

- A. **R-1 Zone.** Accessory residential units in the R-1 zone shall meet the following requirements.
 - 1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
 - 2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
 - 3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
 - 4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
 - 5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-arounds, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

February 14, 2017

PLANNING ACTION: #2016-02103

OWNER/APPLICANT: Mike and Karen Mallory, trustees
Mallory Revocable Trust

LOCATION: 133 Alida Street

ZONE DESIGNATION: R-2

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

ORDINANCE REFERENCES:

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

18.1.4	Nonconforming Situation
18.2.3.040	Accessory Residential Units
18.2.4	General Regulations for Base Zones
18.2.5	Standards for Residential Zones
18.4.2	Building Placement, Orientation & Design
18.4.3	Parking, Access and Circulation
18.4.4	Landscaping, Lighting & Screening
18.4.5	Tree Preservation and Protection
18.4.6	Public Facilities
18.5	Application Review Procedures and Approval Criteria
18.5.2	Site Design Review
18.5.7	Tree Removal
18.6.1	Definitions

APPLICATION DEEMED COMPLETE ON: November 30, 2016

REQUEST: The application involves a request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. The proposal is based upon designation of Alida Street as the front lot line, which is consistent with the established orientation of the historic contributing “James A. & Viola Youngs” house on the property. Staff initially approved the application administratively subject to a number of conditions, and subsequent to the mailing of a Notice of Decision, neighbors Ruth and Joseph McMonagle who reside at 145 Alida Street filed an appeal request which focuses on the determination of Alida Street as the front lot line, the effect this determination had upon the required setbacks, and the resultant impact to their property.

I. Relevant Facts

1) Background - History of Application

In June of 2015, the current applicants applied to convert the existing, non-conforming garage which is only six-inches from the west property line into an Accessory Residential Unit. Planning Action #2015-01266 included requests for Site Design Review approval, for a Conditional Use Permit to intensify the use of a non-conforming structure, and for Exceptions to the Site Design and Development Standards. This application was ultimately withdrawn before a decision was made.

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

2) Detailed Description of the Site and Proposal

Site Description

The subject property is located at the southwest corner of the intersection of Blaine and Alida Streets, within the Siskiyou-Hargadine Historic District. The property has 60 linear feet of frontage along Blaine Street and approximately 100 linear feet of frontage along Alida Street. The property and the immediate surrounding uses are zoned R-2, which is a Low-Density, Multi-Family Residential zoning. The rectangular parcel is approximately 6,000 square feet in area which means that the lot is below the minimum size to allow a second unit in the R-2 zone, but can accommodate an Accessory Residential Unit (ARU) limited to 50 percent of the floor area of the primary dwelling on-site, and no more than 500 square feet, with Site Design Review approval.

The property contains an existing one-story 1,059 square foot wood-framed house on a concrete foundation located roughly at the center of the parcel and a 328 square foot single-story garage on a concrete slab near the southwest corner of the parcel. According to the Siskiyou-Hargadine Historic District survey document, the existing home is designated “The James A. & Viola Youngs House,” and was constructed in about 1942. The survey document goes on to explain that the home is a single-story volume with a projecting gable porch sited on a prominent corner lot with several mature trees. It notes that the original horizontal muntins windows evoke the original character of the design, and a matching gable is located at the corner of the house. The survey document concludes that the Youngs House retains sufficient integrity to relay its appearance during the period of historic significance.

As provided in AMC 18.6.1, for corner lots the narrower street frontage is typically considered the front property line except when the Staff Advisor determines topographical or access problems make such a designation impractical. In this instance, Blaine Street is the narrower frontage and there are no topographical constraints. Were the front lot line being determined today, the existing placement of the home and the existing, established trees on the site and adjacent properties would pose access constraints in providing access from Blaine Street. More importantly, the existing historic home is clearly oriented to Alida Street, with a door,

porch, and larger windows facing Alida Street; a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property addressed from Alida Street, while the wall facing Blaine Street has a smaller window with no door or pedestrian connection to the sidewalk. The application materials provided discuss a change in front lot line designation to Alida Street, however based on the orientation of the existing home, Alida Street has historically been treated as the front lot line for this property. This means that the property is considered to be ‘legal, non-conforming’ in terms of its minimum depth (only 60 feet where 80 feet is required) and front setback (in an Historic District, R-2 properties are to have a 20-foot front setback where the porch here is about 15 feet from the front property line), however these non-conformities pre-date the current land use regulations and neither is impacted by the current proposal as the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on the historic treatment of Alida Street as the front property line.

Current Proposal

The current application is a request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit, and includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit.

II. Project Impact

As detailed in AMC 18.5.2.020.B.1., the construction of two or more dwelling units, including the addition of an accessory residential unit, on a lot in any zoning district is subject to Site Design Review. Residential units of less than 10,000 square feet may be approved administratively through a Type I procedure as provided in AMC 18.5.2.030.E. The current application was initially approved administratively subject to a number of conditions, and subsequent to the mailing of a Notice of Decision, neighbors Ruth and Joseph McMonagle who reside at 145 Alida Street filed a timely appeal request which focuses on the determination of Alida Street as the front lot line, the effect this determination had upon the required setbacks, and the resultant impact to their property. The McMonagles had standing to appeal both as neighboring property owners who were entitled to receive notice, and because they had provided written comments on the original request.

AMC 18.5.1.050.G. explains that appeal hearings on Type I decisions made by the Staff Advisor are “*de novo*” hearings before the Planning Commission and follow the standard Type II public hearing procedure except that the decision of the Planning Commission is the final decision of the City. Consideration of the appeal is not limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.

Site Design Review

Development on the subject property requires Site Design Review approval and is subject to the “Building Placement, Orientation and Design” standards for residential development found in AMC 18.4.2.030.

The first criterion for Site Design Review is that, “*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.*” The application materials provided explain that the proposed ARU complies with the building and yard setbacks based on the historic designation of Alida Street as the front yard, and that the lot area, density, floor area, lot coverage, building height, building orientation, architecture, and other applicable standards are satisfied.

The second approval criterion is that, “*The proposal complies with applicable overlay zone requirements (part 18.3).*” In this instance, the property is located within the Siskiyou-Hargadine Historic District and Site Design Review includes review for compliance with the Historic District Design Standards that address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry, imitation, etc. The application explains that the proposed ARU is to match the siding, paint, windows and architectural style of the existing historic home and that the building will be proportionately shorter than the main house and match the scale of other single-story buildings in the immediate neighborhood. The ARU will be a small cottage with a front porch to break up the street wall and a nested gable to echo this design detail of the home. The ARU is to be set slightly behind the façade of the historic home in deference, but it will generally maintain the historic façade line of the streetscape. The roofline and pitch are generally to match the historic home, while the roof orientation is oriented perpendicular to that of the historic home similar to other ARU’s in the surrounding neighborhood. The concrete foundation is intended to present a similar platform to the historic home and other homes in the neighborhood, and the directional expression and orientation will echo that of the home. The application was reviewed by the Historic Commission at its regular meeting on December 7th, and Commissioners recommended approval of the application as submitted.

The third criterion for the Site Design Review approval is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E (which addresses Exceptions) below.*” Residential buildings subject to Site Design Review are required to have their “*primary orientation toward a street,*” and building orientation is defined in terms of “*the directional expression of the front façade of a building.*” The standards further require that “*Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.*” The existing historic home has a front façade oriented to Alida Street, and a primary entrance opening toward Alida Street with a walkway to the sidewalk. The application notes that the ARU will have a similar orientation to Alida Street and that stepping-stones will be provided out to the parking area at the street for pedestrians. These standards include a limitation on automobile circulation or parking between the building and the street, and the application has requested an Exception to this standard, which is addressed later in this document.

Building materials and paint colors are to be compatible with the surrounding area, and very bright primary or neon-type paint colors, which attract attention to the building or use, are noted as being unacceptable. The application explains that the siding and paint have been chosen to match the existing historic home on the property.

The standards also call for one street tree chosen from the street tree list to be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E., and a condition has been recommended below to require that street trees be planted along Alida Street before the ARU is occupied or receives final inspection approval.

Landscaping, recycling and refuse disposal areas are required to be provided pursuant to chapter 18.4.4. A landscape and irrigation plan has been provided, and the application explains that recycling and refuse disposal containers are to be placed near the northwest corner of the ARU and screened behind fencing. Conditions requiring that the landscaping, irrigation and recycling/refuse screening be detailed in the final building permit submittals have been recommended below.

Residential developments that are subject to the provisions of this chapter are also to provide an area equal to at least eight percent of the lot area dedicated to open space for recreational use by the tenants of the development. This area may not be covered with shrubs, bark mulch, or other ground covers that do not provide suitable surface for human use. Lawn and decks, patios, and similar areas that provide for recreational use are eligible for consideration as open space. The application indicates that more than eight percent is dedicated to recreational area and open space, and that only 43.5 percent lot coverage is proposed where 65 percent coverage is allowed. A condition has been recommended below to require that specific recreation spaces for both the home and ARU and their surfacing be detailed on the final site plan.

Two off-street parking spaces are required for the existing home and one additional space is required for the ARU. Two parking spaces are proposed off-street, with the third space to be provided through an on-street parking credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060). The covered bicycle parking spaces are required, and the applicants note that these will be installed with hangers under cover at the southwest corner of the home. Hanging bike parking does not typically satisfy the requirements of AMC 18.4.3.070, which generally seek parking that supports the bicycle frame rather than the wheels, and that allows for the frame and wheels to be locked to the rack. A condition has been recommended below to require that bicycle parking details including rack specifications be included with the building permit submittals and that these demonstrate compliance with the standards in AMC 18.4.3.070.

The fourth approval criterion for Site Design Review addresses city facilities and requires that, *“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.”* The application indicates that required public facilities to serve the ARU already exist and are adequate to serve the existing home and ARU, noting that the Water and Sewer Departments have been contacted and have indicated that the existing services are adequately sized. ARU’s require that a separate electric service be provided, and the applicants indicate that they have confirmed with the Electric Department that there is adequate capacity and a new meter with underground service will be installed.

Both Blaine and Alida Streets are Residential Neighborhood Streets with curbs, gutters and paving in place. The property's Alida Street frontage has sidewalks and parkrow planting strips in place, but there are no street trees within the parkrow planting strip, and the Blaine Street frontage lacks city standard parkrows or sidewalks. Conditions have been recommended below to require that the applicants sign in favor of a future Local Improvement District (LID) for the installation of future improvements to the Blaine Street frontage, and that street trees be planted in the park row planting strip along Alida Street prior to occupancy of the ARU.

Exceptions

The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. These Exceptions involve the placement of parking between the building and the street, the east wall of the ARU extending two-inches into the required eight-foot landscape buffer between the parking and the structure over a length of ten feet and the porch extending 26-inches into this buffer over its eight foot width.

The approval criteria for Exception to the Site Development and Design Standards provide that *"The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist:"*

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

The Site Development and Design Standards generally seek a strong orientation of buildings to the street, with a walkway connection to the sidewalk, and discourage parking or circulation between the building and the street. The existing house, garage and driveway placement and established trees on the property and within the parkrow limit the options for an alternative parking placement, and the application details how alternative access, if taken from Blaine Street, would affect trees on the site and on a neighbor's property. The application suggests that the parking and circulation standards have not typically been applied for Accessory Residential Units and that the proposal is a Single Family Residence with an ARU rather than a multi-family development and should be treated as such in keeping with the neighborhood character. There is "stacked" parking established between the existing non-conforming garage and the street, and in staff's view the applicants efforts to remedy this by providing two standard off-street parking spaces while working to preserve the existing trees is a positive improvement that will not negatively impact adjacent properties, is consistent with the Site Development and Design Standards and is the minimum necessary to alleviate the difficulty.

The standards also seek a five-foot landscape buffer between surface off-street parking spaces and the property lines and an eight-foot setback from structures. The applicants have requested an Exception for the buffer between the parking and the structure as the east wall of the ARU extends two-inches into this buffer over a length of ten feet, and the porch extends 26-inches into this buffer over its eight foot width. The application includes a landscaping plan which illustrates this buffer area being planted with rosemary and lavender and accommodating a crushed stone path. The applicants assert that the wall's encroachment into the buffer is *de minimus*, and that the porch is an architecturally pleasing addition to the streetscape that makes the ARU more compatible with the house and neighborhood while providing an added spatial buffer between the parking and living space. They emphasize that the design is in keeping with the purpose and intent of the standards.

Accessory Residential Unit

Only one accessory residential unit (ARU) is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot. Accessory residential units are not subject to the density or minimum lot area requirements of the parent zone, but within the R-2 and R-3 zones, the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA in any case. Proposals involving ARU's are to the overall maximum lot coverage and setback requirements of the underlying zone, and parking spaces are to be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from paving requirements. In this instance, two units are proposed for the subject property and at 417 square feet, the proposed ARU is less than half the floor area of the primary residence and within the GHFA limitations of the zone. The proposal complies with the lot coverage limitations and setback requirements of the R-2 zoning district, and two off-street parking spaces are proposed with the third space to be provided through an off-street credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060).

Trees

All planning actions are required to include a tree preservation/protection plan in accordance with AMC 18.4.5.030. The application includes a tree preservation and protection plan prepared by KenCairn Landscape Architecture that identifies six trees on the property. All six are to be preserved and protected during construction, and the plan provided details requisite tree protection fencing as well as 20 specifications for the preservation of the trees during construction. The Tree Commission reviewed the plan at its regular meeting of December 8th and recommended that the application be approved as presented.

Initial Comments Received

Subsequent to the mailing of a Notice of Complete Application, written comments were received from neighbors at 145 Alida Street and 148 Alida Street. The applicants provided written responses to these comments while the comment period remained open.

- **Comments from 145 Alida Street Neighbors** - The neighbors at 145 Alida Street expressed concern that with the modification of the front lot line from Blaine Street to Alida Street and the resultant change in setbacks (*i.e. if Blaine Street were considered the front lot line, the line opposite would be a rear yard and would require a ten-foot per*

story setback adjacent to 145 Alida Street; with Alida Street as the front lot line, this is a side yard and requires only a six-foot setback.) They emphasized that the narrower frontage *must* be considered the front lot line, unless there are topographic or access constraints, and that a change in lot line designation would yield a non-conforming lot depth and front yard setback for the existing home in the R-2 zoning district, and that such a determination would necessitate Variances to these standards. The neighbors also emphasize that such a determination cannot be determined by the Staff Advisor without due process, and would negatively impact them by allowing a single-story structure to be four feet closer to the property line where their home was built at a non-conforming two-foot setback, meaning the buildings could be built only eight feet apart where standard abutting side yards would yield a 12-foot separation (*as would a standard ten-foot rear yard abutting their currently non-conforming two-foot side yard setback*). They emphasize that this would put the proposed ARU four feet closer to two children's bedrooms and a bathroom. They also question whether the required separation between buildings has been met with the proposal, and suggest that an attached ARU could be constructed to comply with setbacks while better addressing the standards without necessitating Exceptions or Variances.

- **Comments from 148 Alida Street Neighbors** - The neighbors at 148 Alida Street expressed concern that the proposal involved the changing of a lot line (i.e. the designation of Alida Street as the front lot line rather than Blane Street) and as such should require a Variance. They asked that the proposal be revised so that it does not involve changing lot lines when there is no reason (i.e. no topographical or access issue) to do so, and that the appearance of crowding be avoided with a proposal that would not require Variances or Exceptions.
- **Response from the Applicants** - In response to the neighbors' comments received, the applicants have noted that they believe the existing house, as situated, meets the front setbacks based on Alida Street being considered the front lot line. They further note that the ARU's window has been placed opposite a blank wall on the house at 145 Alida Street, and that they propose to install privacy fencing which will still allow natural light for the neighbors. The applicants also assert that based on their calculations, a separation between buildings of five feet ten inches is required, and more than that has been provided.

Appeal Request

After staff initially approved the application administratively, Ruth and Joseph McMonagle of 145 Alida Street filed a timely appeal request which focuses on the determination of Alida Street as the front lot line, the effect this determination had upon the required setbacks, and the resultant impact to their property. The appeal request notes that the McMonagles initially received notice of the application as neighbors, and that they raised these issues during the initial public comment period, giving them standing to appeal the decision.

In considering the initial comments from neighbors relative to the front property line determination, staff noted in the administrative approval that as provided in AMC 18.6.1, for corner lots the narrower street frontage is typically considered the front property line except when the Staff Advisor determines topographical or access problems make such a designation impractical. In this instance, Blaine Street is the narrower frontage. While there are no topographical constraints, were the front property line being determined today, the existing placement of the home and the established trees on the site and adjacent properties would pose constraints to providing access from Blaine Street. More importantly, the existing historic home – which predates the current regulations for determining a front property line by at least 20 years - is clearly oriented to Alida Street. The home's front door, front porch, and larger windows face Alida Street; there is a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property is addressed from Alida Street, while the wall facing Blaine Street has a smaller window with no door or pedestrian connection to the sidewalk.

Building orientation is defined in AMC 18.6.1 as the directional expression of the *front* façade of a building, and based on the orientation of the existing home; Alida Street has historically been the front lot line for this property. In staff's assessment, this determination pre-dated the current regulations defining the front lot line. This means that the property is considered to be 'legal, non-conforming' in terms of its minimum depth (only 60 feet where 80 feet is required) and front setback (in an Historic Districts, R-2 properties are to have a 20-foot front setback where the porch here is about 15 feet from the front property line), however these non-conformities pre-date the current land use regulations and neither is impacted by the current proposal as the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on Alida Street being the front lot line. *(AMC 18.1.4.030 addresses structures that do not comply with current requirements such as height and setbacks, noting that if the structure was lawful when constructed, it may remain on site so long as it remains otherwise lawful and that additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to the ordinance.)*

The neighbors' initial comments emphasized that such a determination cannot be made by the Staff Advisor without due process, and in this case staff made clear that the proposal is based on consideration of Alida Street as the front property line in both the public notice mailed to neighbors and the signs posted on the subject property, both of which included information on how to participate in the land use process with regard to the proposal.

With regard to window placement concerns, there is no standard in place in the land use ordinance that regulates the placement of windows relative to windows of buildings on adjacent properties, however the application includes an exhibit which illustrates the design efforts made to be sensitive to the neighbors with the proposed window placement.

With regard to the separation between buildings, for R-2 and R-3 properties AMC 18.2.5.030.A requires a separation between buildings on the same site equal to one-half the height of the tallest building, where building height is measured at the two closest exterior walls, with a maximum required separation of 12 feet. The application materials explain that the existing home is taller, and its height is 11 feet seven-inches, which requires a separation between buildings of five-foot ten-inches. As proposed, the seven-foot six-inch separation to be provided more than complies with this requirement.

III. Procedural - Required Burden of Proof

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

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

The criteria for an Accessory Residential Unit within the R-1 zones are described in AMC 18.2.3.040.A as follows:

- 1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
- 2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
- 3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
- 4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
- 5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.

The additional criteria for Accessory Residential Units with the R-2 and R-3 zones are described in AMC 18.2.3.040 as follows:

- C. *Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.*

IV. Conclusions and Recommendations

In the initial staff decision and in the appeal now under consideration, the key question of the proposal is the determination of the front lot line for this corner lot. AMC 18.6.1 provides direction in making such a determination in terms of the narrower lot line being considered the front where there are no access or topographic constraints. Here, while topography is not an issue, the existing placement of the home and the existing, established trees on the site and adjacent properties do constrain the ability to take access from Blaine Street if such a determination were being made today. However, it seems clear to staff that the front lot line determination was made with the placement and design of the historic home well before the current rules were adopted. The home has a clear orientation to Alida Street, with its front door, front porch, and larger windows facing Alida Street; a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property addressed from Alida Street, while the wall facing Blaine Street is clearly subordinate, with smaller windows and no door or pedestrian connection to the sidewalk.

If Alida Street is considered the front lot line, the home is nonconforming in terms of its front setback. AMC 18.1.4.030 addresses structures that do not comply with current requirements such as height and setbacks, noting that if the structure was lawful when constructed, it may remain on site so long as it remains otherwise lawful and that additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to the ordinance.

While the application materials provided discuss a change in front lot line designation to Alida Street based on the orientation of the existing home, for staff Alida Street is clearly the historically established front property line and in staff's view, considering the current proposal on that basis is appropriate. The Accessory Residential Unit proposed here complies with standard R-2 setbacks based on the historic treatment of Alida Street as the front property line.

With that in mind, the proposed unit relates well to the streetscape while remaining secondary to the existing historic home and compatible with the surrounding neighborhood, and the application has the support of both the Historic and Tree Commissions. The application with the attached conditions complies with all applicable City ordinances, and staff believes that it merits approval, and would recommend that the requested appeal be denied. Should the Commission concur, staff would recommend that following conditions be attached to the proposal:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.

2. That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the current Site Design Review approval shall be submitted and approved prior to issuance of a building permit.
3. That any new addresses shall be assigned by City of Ashland Engineering Department.
4. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way.
5. That the building permit submittals shall include:
 - a. Identification of all easements, including but not limited to any public or private utility easements.
 - b. The building permit submittals shall include an electric service plan approved by the Electric Department that shows the meters for the primary residence and the proposed accessory unit grouped together, as required by the Electric Department and which details any proposed upgrades to the service for the primary residence.
 - c. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - d. Demonstration that exterior lighting shall be directed onto the property and shall not directly illuminate adjacent properties. Exterior lighting details including fixture specifications, placement details and shrouding details (*if necessary*) shall be provided on building permit submittals.
 - e. That exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials. Sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the Site Design and Development Standards.
 - f. Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district.
 - g. A final landscaping and irrigation plan to include irrigation details satisfying the requirements of the Water Conserving Landscaping Guidelines and Policies found in AMC 18.4.4 which includes: 1) A clear delineation of the proposed placement and treatment of the required recreation/open space for both the home and accessory residential unit; 2) Identification of the placement and screening of the required recycling/refuse area; and 3) The location and treatment of a pathway connection from the proposed accessory unit and the Alida Street sidewalk.
 - h. That the building permit submittals shall identify the three required sheltered bicycle parking spaces for the existing home and proposed accessory residential unit. The building permit submittals shall verify that the bicycle

parking design, spacing and coverage requirements in AMC 18.4.3.070 are met, and all bicycle parking shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.

- i. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.

6. That prior to the issuance of a building permit:

- a. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work, storage of materials or issuance of the building permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
- b. The requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed.
- c. That the property owners shall sign in favor of a local improvement district (LID) for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Blaine Street prior to the issuance of the building permit. Nothing in this condition is intended to prohibit the owners/developers, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.
- d. That all necessary building permits, including permits for the new electrical service to the accessory residential unit, and system development charges for water, sewer, storm water, parks, and transportation shall be paid prior to the issuance of a building permit.

7. That prior to the issuance of a certificate of occupancy:

- a. That the required bicycle parking shall be installed according to the approved plan, inspected and approved by the Staff Advisor.
- b. That all landscaping and irrigation shall be installed in accordance with the approved plans, inspected and approved by the Staff Advisor.
- c. That street trees, one per 30 feet of street frontage, shall be installed on the Alida Street frontage prior to the issuance of a certificate of occupancy for the accessory residential unit. All street trees shall be chosen from the adopted Street Tree List and shall be planted in accordance with the specifications contained therein. The street trees shall be irrigated.
- d. That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Development Standards prior to the issuance of a certificate of occupancy. An opportunity to recycle site of equal

or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.4.4.040.

- e. That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- f. That a separate, underground electric service for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements prior to issuance of the certificate of occupancy.

Notice of Land Use Appeal – Type I
(Ashland Municipal Code § 18.5.1.050.G.)

A. Name(s) of Person Filing Appeal:	B. Address(es):
1. Ruth McMonagle	145 Alida Street, Ashland OK 97520
2. Joseph McMonagle	145 Alida Street, Ashland OK 97520

Attach additional pages of names and addresses if other persons are joining the appeal.

C. Decision Being Appealed

Date of Decision: 12-30-16	Planning Action #: PA 2016-02103	Title of planning action: Site Design Review of ARU
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D. How Person(s) Filing Appeal Qualifies as a Party

(For each person listed above in Box A, check the appropriate box below.)

The person named in Box A.1. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input checked="" type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.
The person named in Box A.2. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input checked="" type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.

Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.

E. Specific Grounds for Appeal

1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): We are disagreeing with the staff advisors decision. See attached letter.

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):

2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary):

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):

3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary):

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):

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4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

Appeal Fee

With this notice of appeal I (we) submit the sum of **\$150.00** which is the appeal fee required by § 18.5.1.050 of the Ashland Municipal Code.

Date: 1.10.2017.

Signature(s) of person(s) filing appeal (attach additional pages if necessary):

Ruth McMonagle

Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the Community Development Department, Attn: Planning Commission Secretary, 20 E Main St, Ashland, OR 97520, telephone 541-488-5305, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.5.1.050.

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City of Ashland

January 10th, 2017
Delivered by Hand

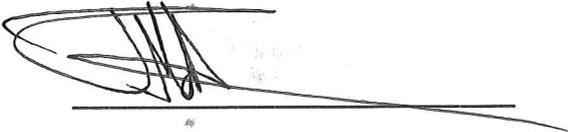
To whom it may concern:

Appeal of PA2016-02103 - *Decision Date 12/30/2016*

We are the property owners at 145 Alida Street and we provided comment during the public comment period.

Appealing non-conforming setback determination of the property by the staff advisor to allow for reduced building setback for ARU that will negatively affect our property. AMC 18.5.2.050.A. & AMC 18.6.1 Lot Line determination. This issue was raised during the public comment period, *giving us standing to appeal.*

Signed: Ruth & Joseph McMonagle
145 Alida Street,
Ashland OR 97520



145 Alida Street,
Ashland OR 97520

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JAN 10 2016
City of Ashland

December 30, 2016

Notice of Final Decision

On December 29, 2016, the Community Development Director approved the request for the following:

Planning Action: PA-2016-02103

Subject Property: 133 Alida Street

Applicant: Mike & Karen Mallory; trustees for the Mallory Revocable Trust

Description: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. *(The proposal is based upon designation of Alida Street as the front lot line, which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)*

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09DA; **TAX LOT #:** 3300

The Community Development Director's decision becomes final and is effective on the 12th day after the Notice of Final Decision is mailed. Approval is valid for a period of 18 months and all conditions of approval identified on the attached Findings are required to be met prior to project completion.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

Prior to the final decision date, anyone who was mailed this Notice of Final Decision may request a reconsideration of the action as set forth in the Ashland Land Use Ordinance (ALUO) 18.5.1.050(F) and/or file an appeal to the Ashland Planning Commission as provided in ALUO 18.5.1.050(G). The ALUO sections covering reconsideration and appeal procedures are attached. The appeal may not be made directly to the Oregon Land Use Board of Appeals.

If you have any questions regarding this decision, please contact Derek Severson in the Community Development Department at (541) 488-5305.

cc: Parties of record and property owners within 200 ft



SECTION 18.5.1.050 Type I Procedure (Administrative Decision with Notice)

E. Effective Date of Decision. Unless the conditions of approval specify otherwise or the decision is appealed pursuant to subsection 18.5.1.050.G, a Type I decision becomes effective 12 days after the City mails the notice of decision.

F. Reconsideration. The Staff Advisor may reconsider a Type I decision as set forth below.

1. Any party entitled to notice of the planning action, or any City department may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the Staff Advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
2. Reconsideration requests shall be received within five days of mailing the notice of decision. The Staff Advisor shall decide within three days whether to reconsider the matter.
3. If the Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten days to affirm, modify, or reverse the original decision. The City shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.
4. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

G. Appeal of Type I Decision. A Type I decision may be appealed to the Planning Commission, pursuant to the following:

1. **Who May Appeal.** The following persons have standing to appeal a Type I decision.
 - a. The applicant or owner of the subject property.
 - b. Any person who is entitled to written notice of the Type I decision pursuant to subsection 18.5.1.050.B.
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. **Appeal Filing Procedure.**
 - a. *Notice of Appeal.* Any person with standing to appeal, as provided in subsection 18.5.1.050.G.1, above, may appeal a Type I decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the City and whose boundaries include the site. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded.
 - b. *Time for Filing.* A notice of appeal shall be filed with the Staff Advisor within 12 days of the date the notice of decision is mailed.
 - c. *Content of Notice of Appeal.* The notice of appeal shall be accompanied by the required filing fee and shall contain.
 - i. An identification of the decision being appealed, including the date of the decision.
 - ii. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - iii. A statement explaining the specific issues being raised on appeal.
 - iv. A statement demonstrating that the appeal issues were raised during the public comment period.
 - d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.
3. **Scope of Appeal.** Appeal hearings on Type I decisions made by the Staff Advisor shall be de novo hearings before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.
4. **Appeal Hearing Procedure.** Hearings on appeals of Type I decisions follow the Type II public hearing procedures, pursuant to section 18.5.1.060, subsections A – E, except that the decision of the Planning Commission is the final decision of the City on an appeal of a Type I decision. A decision on an appeal is final the date the City mails the adopted and signed decision. Appeals of Commission decisions must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.



ASHLAND PLANNING DIVISION

FINDINGS & ORDERS

PLANNING ACTION: PA-2016-02103
SUBJECT PROPERTY: 133 Alida Street
OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust
DESCRIPTION: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. *(The proposal is based upon designation of Alida Street as the front lot line, which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)*

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;
ZONING: R-2; **ASSESSOR'S MAP:** 39 1E 09DA; **TAX LOT #:** 3300

SUBMITTAL DATE:	November 17, 2016
DEEMED COMPLETE DATE:	November 30, 2016
STAFF APPROVAL DATE:	December 30, 2016
APPEAL DEADLINE DATE (4:30 p.m.):	January 11, 2017
FINAL DECISION DATE:	January 12, 2017
APPROVAL EXPIRATION DATE:	July 12, 2018

DECISION

The subject property is located at the southwest corner of the intersection of Blaine and Alida Streets, within the Siskiyou-Hargadine Historic District. The property has 60 linear feet of frontage along Blaine Street and approximately 100 linear feet of frontage along Alida Street. The property and the immediate surrounding uses are zoned R-2, which is a Low-Density, Multi-Family Residential zoning. The rectangular parcel is approximately 6,000 square feet in area which means that the lot is below the minimum size to allow a second unit in the R-2 zone, but can accommodate an Accessory Residential Unit (ARU) limited to 50 percent of the floor area of the primary dwelling on-site, and no more than 500 square feet in any case, with Site Design Review approval.

Proposal

The current application is a request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit, and includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit.

Site

The property contains an existing one-story 1,059 square foot wood-framed house on a concrete foundation located roughly at the center of the parcel and a 328 square foot single-story garage on a concrete slab near the southwest corner of the parcel. According to the Siskiyou-Hargadine

Historic District survey document, the existing home is designated “The James A. & Viola Youngs House,” and was constructed in about 1942. The document notes that Youngs was an orchard worker and resided in the home until at least 1964, and the home remained in Youngs’ ownership until late 1999. The survey document goes on to explain that the home is a single-story volume with a projecting gable porch sited on a prominent corner lot with several mature trees. It notes that the original horizontal muntins windows evoke the original character of the design, and a matching gable is located at the corner of the house. The survey document concludes that the Youngs House retains sufficient integrity to relate its appearance during the period of historic significance.

As provided in AMC 18.6.1, for corner lots the narrower street frontage is typically considered the front property line except when the Staff Advisor determines topographical or access problems make such a designation impractical. In this instance, Blaine Street is the narrower frontage and there are no topographical constraints. Were the front lot line being determined today, the existing placement of the home and the existing, established trees on the site and adjacent properties would pose access constraints in providing access from Blaine Street. More importantly, the existing historic home is clearly oriented to Alida Street, with a door, porch, and larger windows facing Alida Street; a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property addressed from Alida Street, while the wall facing Blaine Street has a smaller window with no door or pedestrian connection to the sidewalk. The application materials provided discuss a change in front lot line designation to Alida Street, however based on the orientation of the existing home, Alida Street has historically been treated as the front lot line for this property. This means that the property is considered to be ‘legal, non-conforming’ in terms of its minimum depth (only 60 feet where 80 feet is required) and front setback (in the Historic Districts, R-2 properties are to have a 20-foot front setback where the porch here is about 15 feet from the front property line), however these non-conformities pre-date the current land use regulations and neither is impacted by the current proposal as the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on the historic treatment of Alida Street as the front property line.

Accessory Residential Unit (ARU) Site Design Review and Exceptions

Site Design Review

The first criterion for Site Design Review is that, “*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.*” The application materials provided explain that the proposed ARU complies with the building and yard setbacks based on the historic designation of Alida Street as the front yard, that that the lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards are satisfied.

The second approval criterion is that, “*The proposal complies with applicable overlay zone requirements (part 18.3).*” In this instance, the property is located within the Siskiyou-Hargadine Historic District and Site Design Review includes review for compliance with the Historic District Design Standards that address compatibility with historic context in terms of height, scale, massing, setbacks, roof shape, rhythms of openings, directional expression, sense of entry,

imitation, etc. The application explains that the proposed ARU is to match the siding, paint, windows and architectural style of the existing historic home and that the building will be proportionately shorter than the main house and match the scale of other single-story buildings in the immediate neighborhood. The ARU will be a small cottage with a front porch to break up the street wall and a nested gable to echo this design detail of the home. The ARU is to be set slightly behind the façade of the historic home in deference, but it will generally maintain the historic façade line of the streetscape. The roofline and pitch are generally to match the historic home, while the roof orientation is oriented perpendicular to that of the historic home similar to other ARU's in the surrounding neighborhood. The concrete foundation is intended to present a similar platform to the historic home and other homes in the neighborhood, and the directional expression and orientation will echo that of the home. The application was reviewed by the Historic Commission at its regular meeting on December 7th, and Commissioners recommended approval of the application as submitted.

The third criterion for the Site Design Review approval is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E (which addresses Exceptions) below.*”

Residential buildings subject to Site Design Review are required to have their “*primary orientation toward a street,*” and building orientation is defined in terms of “*the directional expression of the front façade of a building.*” The standards further require that “*Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.*” The existing historic home has a front façade oriented to Alida Street, and a primary entrance opening toward Alida Street with a walkway to the sidewalk. The application notes that the ARU will have a similar orientation to Alida Street and that stepping-stones will be provided out to the parking area at the street for pedestrians. These standards include a limitation on automobile circulation or parking between the building and the street, and the application has requested an Exception to this standard, which is addressed later in this document.

Building materials and paint colors are to be compatible with the surrounding area, and very bright primary or neon-type paint colors, which attract attention to the building or use, are noted as being unacceptable. The application explains that the siding and paint have been chosen to match the existing historic home on the property.

The standards also call for one street tree chosen from the street tree list to be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E., and a condition has been included below to require that street trees be planted along Alida Street before the ARU is occupied or receives final inspection approval.

Landscaping, recycling and refuse disposal areas are required to be provided pursuant to chapter 18.4.4. A landscape and irrigation plan has been provided, and the application explains that recycling and refuse disposal containers are to be placed near the northwest corner of the ARU and screened behind fencing. Conditions requiring that the landscaping, irrigation and recycling/refuse screening be detailed in the final building permit submittals have been included below.

Residential developments that are subject to the provisions of this chapter are also to provide an area equal to at least eight percent of the lot area dedicated to open space for recreational use by the tenants of the development. This area may not be covered with shrubs, bark mulch, or other ground covers that do not provide suitable surface for human use. Lawn and decks, patios, and similar areas that provide for recreational use are eligible for consideration as open space. The application indicates that more than eight percent is dedicated to recreational area and open space, and that only 43.5 percent lot coverage is proposed where 65 percent coverage is allowed. A condition has been included below to require that specific recreation spaces for both the home and ARU and their surfacing be detailed on the final site plan.

Two off-street parking spaces are required for the existing home and one additional space is required for the ARU. Two parking spaces are proposed off-street, with the third space to be provided through an on-street parking credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060). The covered bicycle parking spaces are required, and the applicants note that these will be installed with hangers under cover at the southwest corner of the home. Hanging bike parking does not typically satisfy the requirements of AMC 18.4.3.070, which generally seek parking that supports the bicycle frame rather than the wheels, and that allows for the frame and wheels to be locked to the rack. A condition has been included below to require that bicycle parking details including rack specifications be included with the building permit submittals and that these demonstrate compliance with the standards in AMC 18.4.3.070.

The fourth approval criterion for Site Design Review addresses city facilities and requires that, *“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.”* The application indicates that required public facilities to serve the ARU already exist and are adequate to serve the existing home and ARU, noting that the Water and Sewer Departments have been contacted and have indicated that the existing services are adequately sized. ARU’s require that a separate electric service be provided, and the applicants indicate that they have confirmed with the Electric Department that there is adequate capacity and a new meter with underground service will be installed.

Both Blaine and Alida Streets are Residential Neighborhood Streets with curbs, gutters and paving in place. The property’s Alida Street frontage has sidewalks and parkrow planting strips in place, but there are no street trees within the parkrow planting strip, and the Blaine Street frontage lacks city standard parkrows or sidewalks. Conditions have been included below to require that the applicants sign in favor of a future Local Improvement District (LID) for the installation of future improvements to the Blaine Street frontage, and that street trees be planted in the park row planting strip along Alida Street prior to occupancy of the ARU.

Exceptions

The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. These Exceptions involve the placement of parking between the building and the street, the east wall of the ARU extending two-inches into the required eight-foot landscape buffer between the parking

and the structure over a length of ten feet and the porch extending 26-inches into this buffer over its eight foot width.

The approval criteria for Exception to the Site Development and Design Standards provide that *“The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist:”*

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*
or
2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

The Site Development and Design Standards generally seek a strong orientation of buildings to the street, with a walkway connection to the sidewalk, and discourage parking or circulation between the building and the street. The existing house, garage and driveway placement and established trees on the property and within the parkrow limit the options for an alternative parking placement, and the application details how alternative access, if taken from Blaine Street, would affect trees on the site and on a neighbor's property. The application suggests that the parking and circulation standards have not typically been applied for Accessory Residential Units and that the proposal is a Single Family Residence with an ARU rather than a multi-family development and should be treated as such in keeping with the neighborhood character. There is “stacked” parking established between the existing non-conforming garage and the street, and in staff's view the applicants efforts to remedy this by providing two standard off-street parking spaces while working to preserve the existing trees is a positive improvement that will not negatively impact adjacent properties, is consistent with the Site Development and Design Standards and is the minimum necessary to alleviate the difficulty.

The standards also seek a five-foot landscape buffer between any surface off-street parking spaces and the property lines and an eight-foot setback from the structure. The applicants have requested an Exception for the buffer between the parking and the structure as the east wall of the ARU extends two-inches into this buffer over a length of ten feet, and the porch extends 26-inches into this buffer over its eight foot width. The application includes a landscaping plan which illustrates this buffer area being planted with rosemary and lavender and accommodating a crushed stone path. The applicants assert that the wall's encroachment into the buffer is de minimus, and that the porch is an architecturally pleasing addition to the streetscape that makes the ARU more compatible with the house and neighborhood while providing an added spatial buffer between the parking and living space. They emphasize that the design is in keeping with the purpose and intent of the standards.

Accessory Residential Unit

Only one accessory residential unit (ARU) is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot. Accessory residential units are not subject to the density or minimum lot area requirements of the parent zone, but within the R-2 and R-3 zones, the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA in any case. Proposals involving ARU's are to the overall maximum lot coverage and setback requirements of the underlying zone, and parking spaces are to be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from paving requirements. In this instance, two units are proposed for the subject property and at 417 square feet, the proposed ARU is less than have the floor area of the primary residence and within the GHFA limitations of the zone. The proposal complies with the lot coverage limitations and setback requirements of the R-2 zoning district, and two off-street parking spaces are proposed with the third space to be provided through an off-street credit as allowed under the Parking Management Strategy section of the Land Use Ordinance (AMC 18.4.3.060).

Trees

All planning actions are required to include a tree preservation/protection plan in accordance with AMC 18.4.5.030. The application includes a tree preservation and protection plan prepared by KenCairn Landscape Architecture that identifies six trees on the property. All six are to be preserved and protected during construction, and the plan provided details requisite tree protection fencing as well as 20 specifications for the preservation of the trees during construction. The Tree Commission reviewed the plan at its regular meeting of December 8th and recommended that the application be approved as presented.

Comments Received

Subsequent to the mailing of a Notice of Complete Application (NOCA), written comments were received from neighbors at 145 Alida Street and 148 Alida Street. The applicants provided written responses to these comments while the comment period remained open.

Comments from 145 Alida Street Neighbors

The neighbors at 145 Alida Street expressed concern that with the modification of the front lot line from Blaine Street to Alida Street and the resultant change in setbacks (i.e. if Blaine Street were considered the front lot line, the line opposite would be a rear yard and would require a ten-foot per story setback adjacent to 145 Alida Street; with Alida Street as the front lot line, this is a side yard and requires only a six-foot setback.) They emphasize that the narrower frontage *must* be considered the front lot line, unless there are topographic or access constraints, and that a change in lot line designation would yield a non-conforming lot depth and front yard setback for the existing home in the R-2 zoning district, and that such a determination would necessitate Variances to these standards. The neighbors also emphasize that such a determination cannot be determined by the Staff Advisor without due process, and would negatively impact them by allowing a single-story structure to be four feet closer to the property line where their home was built at a non-conforming two-foot setback, meaning the buildings could be built only eight feet apart where standard abutting side yards would yield a 12-foot separation (*as would a standard ten-foot rear yard abutting their currently non-conforming two-foot side yard setback*). They emphasize that

this would put the proposed ARU four feet closer to two children's bedrooms and a bathroom. They also question whether the required separation between buildings has been met with the proposal, and suggest that an attached ARU could be constructed to comply with setbacks while better addressing the standards without necessitating Exceptions or Variances.

Comments from 148 Alida Street Neighbors

The neighbors at 148 Alida Street expressed concern that the proposal involved the changing of a lot line (i.e. the designation of Alida Street as the front lot line rather than Blaine Street) and as such should require a Variance. They asked that the proposal be revised so that it does not involve changing lot lines when there is no reason (i.e. no topographical or access issue) to do so, and that the appearance of crowding be avoided with a proposal that would not require Variances or Exceptions.

Response from the Applicants

In response to the neighbors' comments received, the applicants have noted that they believe the existing house, as situated, meets the front setbacks based on Alida Street being considered the front lot line. They further note that the ARU's window has been placed opposite a blank wall on the house at 145 Alida Street, and that they propose to install privacy fencing which will still allow natural light for the neighbors. The applicants also assert that based on their calculations, a separation between buildings of five feet ten inches is required, and more than that has been provided.

* * * * *

As provided in AMC 18.6.1, for corner lots the narrower street frontage is considered the front property line except when the Staff Advisor determines topographical or access problems make such a designation impractical. In this instance, Blaine Street is the narrower frontage and there are no topographical constraints. Were the front lot line being determined today, the existing placement of the home and the established trees on the site and adjacent properties would pose access constraints in providing access from Blaine Street. More importantly, the existing historic home – which predates the current regulations for determining a front lot line - is clearly oriented to Alida Street. The home's front door, front porch, and larger windows face Alida Street; there is a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property is addressed from Alida Street, while the wall facing Blaine Street has a smaller window with no door or pedestrian connection to the sidewalk. Building orientation is defined in AMC 18.6.1 as the directional expression of the *front* façade of a building, and based on the orientation of the existing home; Alida Street has historically been the front lot line for this property. In staff's assessment, this determination pre-dated the current regulations for determining the front lot line. This means that the property is considered to be "legal, non-conforming" in terms of its minimum depth (only 60 feet where 80 feet is required) and front setback (in the Historic Districts, R-2 properties are to have a 20-foot front setback where the porch here is about 15 feet from the front property line), however these non-conformities pre-date the current land use regulations and neither is impacted by the current proposal as the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on Alida Street being the front lot line. *(AMC 18.1.4.030 addresses structures that do not comply with current requirements for height and setbacks, noting that if the structure was lawful when constructed, it may remain on site so long*

as it remains otherwise lawful and that additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to this ordinance.)

The neighbors emphasize that such a determination cannot be made by the Staff Advisor without due process, and in this case staff have made clear that the proposal is based on consideration of Alida Street as the front property line in both the public notice mailed to neighbors and the signs posted on the subject property which include information on how to participate in the land use process with regard to the proposal.

There is no standard in place in the land use ordinance that regulates the placement of windows relative to windows of buildings on adjacent properties.

With regard to the separation between buildings, for R-2 and R-3 properties AMC 18.2.5.030.A requires a separation between buildings on the same site equal to one-half the height of the tallest building, where building height is measured at the two closest exterior walls, with a maximum required separation of 12 feet. The application materials explain that the existing home is taller, and its height is 11 feet seven-inches, which requires a separation between buildings of five-foot ten-inches. As proposed a seven-foot six-inch separation more than complies with this requirement.

The criteria for Site Review Approval are described in AMC Chapter 18.5.2.050, as follows:

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

stated purpose of the Site Development and Design Standards.

The criteria for an Accessory Residential Unit within the R-1 zones are described in AMC 18.2.3.040.A as follows:

1. *One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.*
2. *Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.*
3. *The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.*
4. *The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.*
5. *Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-around's, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.*

The additional criteria for Accessory Residential Units with the R-2 and R-3 zones are described in AMC 18.2.3.040 as follows:

- C. *Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.*

A key question of the proposal is the determination of the front lot line of this corner lot. AMC 18.6.1 provides direction in making such a determination in terms of the narrower lot line being considered the front where there are no access or topographic constraints. Here, topography is not an issue. Were the front lot line being determined today, the existing placement of the home and the existing, established trees on the site and adjacent properties do constrain the ability to take access from Blaine Street. However, it seems clear to staff that the front lot line determination was made with the placement and design of the historic home well before current rules were adopted. The home has a clear orientation to Alida Street, with its front door, front porch, and larger windows facing Alida Street; a pedestrian walkway connecting the front door to the Alida Street sidewalk; and the property addressed from Alida Street, while the wall facing Blaine Street is clearly subordinate, with smaller windows and no door or pedestrian connection to the sidewalk. While the application materials provided discuss a change in front lot line designation to Alida Street, based on the orientation of the existing home Alida Street is the historically established front line for the property and in staff's view, considering the current proposal on that basis is appropriate, and the Accessory Residential Unit proposed here complies with standard R-2 setbacks based on this historic treatment of Alida Street as the front property line.

With that in mind, the proposed unit relates well to the streetscape while remaining secondary to the existing historic home and compatible with the surrounding neighborhood, and the application

has the support of both the Historic and Tree Commissions. The application with the attached conditions complies with all applicable City ordinances, and staff finds that it merits approval.

Planning Action #2016-02103 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action #2016-02103 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
2. That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the current Site Design Review approval shall be submitted and approved prior to issuance of a building permit.
3. That any new addresses shall be assigned by City of Ashland Engineering Department.
4. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way.
5. That the building permit submittals shall include:
 - a. Identification of all easements, including but not limited to any public or private utility easements.
 - b. The building permit submittals shall include an electric service plan approved by the Electric Department that shows the meters for the primary residence and the proposed accessory unit grouped together, as required by the Electric Department and which details any proposed upgrades to the service for the primary residence.
 - c. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - d. Demonstration that exterior lighting shall be directed onto the property and shall not directly illuminate adjacent properties. Exterior lighting details including fixture specifications, placement details and shrouding details (*if necessary*) shall be provided on building permit submittals.
 - e. That exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials. Sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in accordance with the Site Design and Development Standards.
 - f. Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district.
 - g. A final landscaping and irrigation plan to include irrigation details satisfying the requirements of the Water Conserving Landscaping Guidelines and Policies found in AMC 18.4.4 which includes: 1) A clear delineation of the proposed placement

and treatment of the required recreation/open space for both the home and accessory residential unit; 2) Identification of the placement and screening of the required recycling/refuse area; and 3) The location and treatment of a pathway connection from the proposed accessory unit and the Alida Street sidewalk.

- h. That the building permit submittals shall identify the three required sheltered bicycle parking spaces for the existing home and proposed accessory residential unit. The building permit submittals shall verify that the bicycle parking design, spacing and coverage requirements in AMC 18.4.3.070 are met, and all bicycle parking shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.
 - i. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
6. That prior to the issuance of a building permit:
- a. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work, storage of materials or issuance of the building permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
 - b. The requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed.
 - c. That the property owners shall sign in favor of a local improvement district (LID) for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Blaine Street prior to the issuance of the building permit. Nothing in this condition is intended to prohibit the owners/developers, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.
 - d. That all necessary building permits, including permits for the new electrical service to the accessory residential unit, and system development charges for water, sewer, storm water, parks, and transportation shall be paid prior to the issuance of a building permit.
7. That prior to the issuance of a certificate of occupancy:
- a. That the required bicycle parking shall be installed according to the approved plan, inspected and approved by the Staff Advisor.

- b. That all landscaping and irrigation shall be installed in accordance with the approved plans, inspected and approved by the Staff Advisor.
- c. That street trees, one per 30 feet of street frontage, shall be installed on the Alida Street frontage prior to the issuance of a certificate of occupancy for the accessory residential unit. All street trees shall be chosen from the adopted Street Tree List and shall be planted in accordance with the specifications contained therein. The street trees shall be irrigated.
- d. That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Development Standards prior to the issuance of a certificate of occupancy. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.4.4.040.
- e. That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
- f. That a separate, underground electric service for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements prior to issuance of the certificate of occupancy.



Maria Harris, *Planning Manager*
Department of Community Development

December 29, 2016

Date

Re: Response to McMonagle Comments

Mike Mallory <malloryassessor@gmail.com>

Wed 12/14/2016 10:47 PM

To: Derek Severson <derek.severson@ashland.or.us>;

Good Evening Derek,

Thank you for promptly forwarding the written comments from property owners at 145 and 148 Alida Street.

We would like to respond to a couple of items in the McMonagle's document:

- Page 2, second full paragraph states that the site survey shows our house at 15 feet from Alida Street, and that front yard setbacks in the R-2 Zone needs to be 20 feet. The site survey clearly shows that the main house is 20.6 feet from the sidewalk paralleling Alida Street (which is the property line). Also, the front yard setback in the R-2 Zone is 15 feet according to Table 18.2.5.030.A., not 20 feet as stated.
- Page 2, fourth full paragraph states that the ARU living room window will look directly into windows on the north side of their residence. Page 2.5 of our building plans clearly shows that the ARU window in question will look directly out at a blank section of wall on the McMonagle residence. We believe that a person would have to strain to even see the outlines of the McMonagle's windows from inside the ARU, much less look directly into them. Last summer we were working with the McMonagles to address their concerns, and in one case we proposed a 30 to 40 foot stretch of good neighbor fencing along our common property line to provide privacy while not blocking natural light (a "slatted" type fencing was proposed). Unfortunately, they severed the lines of communication in early September, and we have not discussed the issues since. As noted on Page 2 of our Findings under the Narrative Description of Proposal, we still have plans for such a fence along the common property line, with other fencing details provided later on in the middle of Page 11.
- Page 2, last full paragraph states that that the separation requirements between buildings was not fully addressed. We disagree, as calculations for the minimum separation of 5 feet 10 inches was provided at the top of Page 6 of our Findings.

We would appreciate this response being made part of the public record.

Thanks again for forwarding the comments so quickly, and we look forward to seeing the Community Development's decision in the next few days. Feel free to contact us if you have any questions or concerns.

Regards,
Mike & Karen Mallory
(530) 598-0261

On Wed, Dec 14, 2016 at 11:46 AM, Derek Severson <derek.severson@ashland.or.us> wrote:

The comments received are attached in PDF form.

I'll be reviewing these as I work on a decision over the next few days, and will get it to you as soon as it is complete.

- Derek

Derek Severson, *Associate Planner*

City of Ashland, Department of Community Development

51 Winburn Way, Ashland, OR 97520

PH: (541) 552-2040 FAX: (541) 552-2050 TTY: 1-800-735-2900

E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040.

Thank you.

Response to 133 Alida Street request for Site Design Review for the Construction of a new ARU:

(PA - 2016 - 02103)

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City of Ashland

Dear City of Ashland representatives,

We purchased the property to the south of 133 Alida Street at 145 Alida Street in 2015. We love our home and its surrounding neighborhood. It was made known to us that the Mallory's wanted to first convert the existing garage at 133 Alida Street into a small apartment--then not long after we moved in, the plan changed to demolish the existing structure and build a new one.

We are not opposed to the idea of an Accessory Dwelling Unit, as we have one of our own, but we are opposed to some aspects of the application that are requested in the proposal.

The primary concern we have is the request to modify the front lot line from Blaine Street to Alida Street and the resulting reduced setback based on the altered property line determination.

As specified in the land development code 18.08.420, the front lot line for a corner lot is defined as being the narrower street frontage (Blaine Street). The code definition of a front lot line states that the narrower street frontage must be the front lot line except when the Staff Advisor determines *topographical or access problems make such a designation impractical*.

There are no topographical issues present at 133 Alida Street. The site is developed with a single story residence and detached garage. The lot is relatively flat demonstrating that there are no topographical issues.

Also, the site is accessed from Alida Street. The existing driveway provides access to the original detached garage. Since the site already has existing vehicular access and there are no "problems" with the existing access.

It does not appear to us that the site warrants a determination that there are topographical or access problems with the designated front property line (Blaine Street). The lots were originally platted as part of the 1888 Miners Addition. Our lot at 145 Alida Street is Lot 34 of that subdivision in 1946, the property to the west at 866 Blaine was partitioned in 1946 creating the lot at 133 Alida Street (Vol 275 Pg. 570). The house was built on the lot in 1947.

The impacts to our home and property are greater than addressed in the findings. The alteration of what is considered the front property line also alters what is considered the rear property line. The rear lot line is determined based on the definition of the front property line as specified in 18.08.420. The definition of a rear property line was found in 18.6.1. We found the definitions of the property lines and so forth on the City of Ashland website:

AMC 18.6:

Lot Line. The property line along the edge of a lot.

- Front Lot Line: In the case of an interior lot, the lot line separating the lot from the street other than an alley. *A corner lot has one street line considered the front lot line. The narrower street frontage must be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical.*

- Rear Lot Line: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Thus, the determination of the front lot line is not to be based on where the "front" door is placed; which appears to be the sole basis for the proposed lot line determination in this proposal (for example our front door faces south though the front of our property lies to the east.) The existing residence on 133 Alida already complies with front and rear setbacks, with a greater setback from Blaine Street and a ten-foot setback from the property line opposite Blaine Street--the rear property line that we share.

In our research, it appears that if the historically recognized front and rear lot lines are shifted, the lot no longer complies with minimum lot depth (distance between front and rear property lines) in the R-2 zone and this creates a non-conforming lot. *The shift in the lot lines also render the existing residences setbacks non-conforming.* In reviewing the Standards for Urban Residential Zones (18.2.5.030.A), it states that front yard setbacks in the R-2 zone within the Historic District Overlay are required to be 20-feet. The existing residence at 133 Alida Street is shown on the site survey at 15-feet from Alida Street. The existing Blaine Street setback is greater than 20-feet and thus complies with the standards. We believe that non-conformity issues are being created by the proposal and should necessitate a variance review. **The negative impacts of this proposal cannot be determined by the Staff Advisor without due process.**

The proposed shift in the lot lines results in a reduced structural setback which has a direct negative effect on our property at 145 Alida Street. The setback that has been historically ten-feet from our property line would be reduced and put a habitable structure four feet closer to our home. When our home was constructed in 1945, it was built approximately two feet from the north property line. A six-foot setback allows the new ARU to be less than the 12-foot typically required by code to our home. Retention of a ten-foot setback on the Mallory's property preserves the typical 12-foot setback found between side-yards of residences.

The rooms most impacted by the ARU that would be four-feet closer to our shared property line are our children's bedrooms (two teenage girls, one of whom has her bedroom in the basement) and our main bathroom, *not* an office and basement as stated in the findings. The proposed large ARU living room window would look directly into both of these bedrooms thus impacting the ability for the window shades to be opened and let in natural light. In short, we lose privacy and light. The proposed ARU as it stands, *seems like very poor fit for the available space as proposed.* Moreover, there do not appear to be any barriers to building an adequate ARU without these significant variances or exceptions. Rather, this proposal seems to be serving some aesthetic that also unnecessarily significantly and negatively impacts our property.

Another issue that does not appear to be fully addressed in the application is the separation between building requirements. The findings state that the standard is met *but the evidence of compliance is not provided to demonstrate that the standard is met.*

Overall, our concerns are that the lot line shift appears for the convenience of the applicant while creating a negative impact on our property in ways that not been fully addressed by the City. Due to the

nature of the existing property, we didn't 'self-impose' our home being less than the required setback from our shared property line; but this request to modify the accepted property lines *is* a self-imposed situation by the Mallory's. It does appear that the existing home has adequate setbacks and a substantial addition of living space could be added directly to the existing home at 133 Alida in a way that would not have an impact upon any of the adjacent properties. If the proposed ARU were directly attached to the existing structure, no exceptions, variances or special considerations would be necessary and the additional dwelling could still be provided. We believe it is reasonable and fair that the plans be revised to work within city codes without the need for variances or exceptions.

Thank you for your consideration.

Sincerely,



Ruth and Joe McMonagle
145 Alida Street
Ashland, OR 97520

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City of Ashland

133 Alida St. ARU proposal—written comments

Concerns about the proposal

12/12/16

To the City of Ashland Planning Department,

In relation to the proposal for building an Additional Residential Unit at 133 Alida Street, please consider the following comments and concerns:

From our understanding, it appears as though there is a variance needed for changing lot lines. It appears as though there are several ways that this ARU could be built without recourse to variances or exceptions. As it stands, it appears as though the owners are essentially trying to place a 'square peg into a round hole' with the current plan. We ask that the city suggest amendments to the proposed plan, that would reduce the appearance of crowding onto neighboring property, and meets all the city's requirements as they stand (without variances or exceptions.)

In sum, our request is that the owners come up with an ARU plan that does not involve changing lot lines when there is no reason to do so (no topographical or access issues exist as is).

In good faith,



Wallace (Tucker) and Cheryl Whitson
148 Alida Street
Ashland, Or. 97520

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW COMMENT SHEET
December 8, 2016

PLANNING ACTION: PA-2016-02103
SUBJECT PROPERTY: 133 Alida Street
OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust
DESCRIPTION: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. *(The proposal is based upon designation of Alida Street as the front lot line which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)*
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09DA; **TAX LOT #:** 3300

The Tree Commission recommends **approval** of the application as proposed.

ASHLAND HISTORIC COMMISSION

Planning Application Review

December 7, 2016

PLANNING ACTION: PA-2016-02103

SUBJECT PROPERTY: 133 Alida Street

APPLICANT/OWNER: Mike & Karen Mallory, trustees for the Mallory Revocable Trust

DESCRIPTION: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. (The proposal is based upon designation of Alida Street as the front line which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)

COMPREHENSIVE PLAN DESIGNATION: Low Density Multiple Family Residential;

ZONING: R-2; **ASSESSOR'S MAP:** 39 1E 09 DA; **TAX LOT:** 3300.

Recommendation:

The Historic Commission recommends approving the application as submitted.





NOTICE OF APPLICATION

PLANNING ACTION: PA-2016-02103

SUBJECT PROPERTY: 133 Alida Street

OWNER/APPLICANT: Mike and Karen Mallory, trustees for the Mallory Revocable Trust

DESCRIPTION: A request for Site Design Review approval to construct a 417 square foot Accessory Residential Unit for the property located at 133 Alida Street. The application includes requests for Exception to the Site Development and Design Standards for the placement and screening of parking relative to the Accessory Residential Unit. *(The proposal is based upon designation of Alida Street as the front lot line which is consistent with the established orientation of the historic contributing "James A. & Viola Youngs" house on the property.)*

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S**

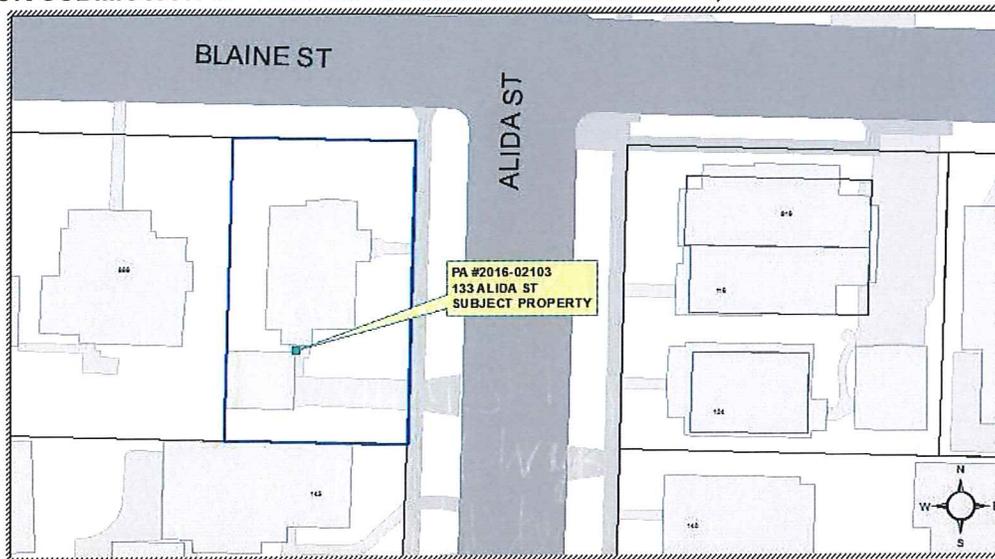
MAP: 39 1E 09DA; **TAX LOT #:** 3300.

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

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

NOTICE OF COMPLETE APPLICATION: November 30, 2016

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 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 18.5.1.050.G)

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.

SITE DESIGN AND USE STANDARDS

18.5.2.050

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

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

ACCESSORY RESIDENTIAL UNITS

18.2.3.040

Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

- A. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.
 1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
 2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
 3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
 4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
 5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-arounds, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.

Application Submittal
133 Alida Street
39 1E 09 DA 3300
Zoning R-2, Multi Family, Low Density Residential
Siskiyou Hargadine Historic District

Mike and Karen Mallory
PO BOX 836
Yreka CA, 96097 0836
530 598-0261

Landscape Architect and Planning
Kerry KenCairn
KenCairn Landscape Architecture
545 A Street Suite 3
Ashland, OR 97520
541 488-3194

Building Designer
Michaeldavid Uri
FLS Design
779 Sylvia Street
Ashland, OR 97520
541 951-3201

Arborist
Camp Kaye
Heartwood Tree Service
PO Box 1173
Ashland, Oregon 97520
541 840-5546

Surveyor
Shawn Kampmann
Polaris Land Surveying
PO Box 459
Ashland, Oregon 97520
541 482-5009

Applicable Code Sections

- 18.2.2 ARU Permitted with Special Use Standards
- 18.2.3 Special Use Standards
- 18.2.4 General Regulations
- 18.2.5 Standards for Residential Zones
- 18.4.3 Parking, Access and Circulation
- 18.4.4 Landscaping, Lighting and Screening
- 18.4.5 Tree Preservation and Protection
- 18.4.8 Solar Access
- 18.5.2 Site Design Review

SUMMARY OF REQUESTS

- I. Change front lot line designation from Blaine Street to Alida Street.
- II. A basic site review approval to remove existing detached garage and replace it with a studio apartment ARU in a Multi-Residential zone (R-2).
 - An Exception allowing parking between the building and the street is requested. The Findings indicate this ordinance is typically applied to multi-family projects, and is not typically applied to ARUs, so it may be determined that this Exception is not needed.

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- **An Exception to the landscape/screening buffer width between the ARU and the parking area is requested. The Exception requested is a 2 inch by 10 foot strip along the east wall of the ARU, and a 26 inch by 8 foot portion of the covered porch, both of which protrude into the 8 foot buffer. Specifically, the ARU wall and porch will protrude into the 8 foot buffer 2" for 10 feet and 26" for 8 feet.**

NARRATIVE DESCRIPTION OF PROPOSAL

The property is located on the southwest corner of Alida and Blaine Streets in the Siskiyou-Hargadine Historic District which is in the R-2 Zone. The existing residence is oriented to Alida Street and is approximately 1,050 square feet with a 320 square foot detached garage. Applicants desire to construct a second residential unit on the property.

The parcel was surveyed in September 2015 by Polaris Land Surveying, and the lot was determined to be just less than 6,000 square feet, which is less than the minimum lot size of 7,000 square feet as required for two units in the R-2 zone. The proposed structure will therefore be classified as an Accessory Residential Unit (ARU) rather than a second unit, which is limited to half the size of the main residence or 500 square feet, whichever is less. The proposed ARU is 417 square feet.

The proposed project consists of removing the existing detached garage and constructing an ARU in its place, observing all required side and backyard setbacks, and the required separation from the main residence. The existing garage is original, is in rough condition, and is a non-conforming structure in that the back wall is only six inches inside the western property line. The proposed ARU will be just over 400 square feet which will provide ample space for a single story studio apartment. The new structure has been thoughtfully designed to maintain the character of the neighborhood with minimal impact to the existing historical residence as well as adjoining properties. Thoughtful placement of windows on the south wall of the ARU and plans for mutually agreeable fencing will minimize impacts to the property to the south. The ARU will have a positive effect on the community by not only helping to ease the housing shortage, but also by encouraging a healthy lifestyle of walking and biking as the property is located within easy walking distance of the college, shopping, parks, and downtown. ARUs are part of the character of the neighborhood; in fact, if approved this will be the fourth ARU constructed along Alida street in recent years.

I. FRONT LOT LINE DESIGNATION CHANGE

Ashland Municipal Code § 18.08.420 defines the front lot line for a corner lot as being the narrower street frontage, which in this case is along Blaine Street. The residence front door and existing garage are clearly oriented east toward the Alida Street frontage, with vehicle access through the curb cut on Alida Street near the southeast corner of the lot.

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Access off of Blaine Street would be problematic in that vehicles would have to be parked between the street and the north side of the residence. The Blaine Street side is not the primary orientation for the home, yet R-2 design standards (for multi-family development) require parking areas to be behind buildings or to one or both sides. In this case the western side of the house would be the only possible option. The site survey shows that there is only 13.3' between the residence and the western property line, which will not accommodate a 9' wide driveway. There is a 15" cedar tree near the northwest corner of the house, and approximately 30' to the south a 16" maple tree is situated very close to the property line in the neighbor's yard. Even if the area could be used for a driveway, the 15" cedar tree would have to be removed to provide for adequate clearance, and the root system of the neighbor's maple tree would be heavily impacted by driveway construction.

The issues noted above create access problems off the narrower frontage, making this front lot line designation impractical (AMC 18.08.420). The Pre-Application comment sheet notes support for continued designation of Alida Street as the front lot line, and that such determination will be included in the public notice for the ARU. In addition, email communications and notes in the Applicant's former File PA#-2015-01266 will show Staff's acknowledgement of the access problems off Blaine Street, and support in concept for the frontage change to Alida Street. Consideration of the frontage change is instrumental in creating the most practical and attractive ARU design, allowing for a slightly wider, more attractive building that supports a more functional interior floor plan.

Historic District Design Standards:

The property is within the Siskiyou-Hargadine Historic District. The proposed ARU will maintain the style of the main residence and will comply with the Historic District Design Standards for new construction. The siding on the ARU will match the existing cove rustic siding on the main home. The light blue-grey paint color (*Silent Path* by Miller) will match the main home. New windows will be of similar style as the main home, which has been updated with vinyl-clad windows. The front of the ARU will be of the same style as the north side of the main residence. The intent is to enhance the original style of the property to ensure that it continues to be compatible with the look and feel of the neighborhood. Please refer to elevations provided.

Height: The proposed ARU is proportionately lower in height than the main home due to a smaller building size overall, as is common for ARUs in the neighborhood. The height of the ARU will be just over 14.5 feet at the peak of the gable roof, and will be consistent with similar-sized existing single-level buildings in the neighborhood.

Scale: The proposed ARU will appropriately relate to the size and proportions of the adjacent buildings. The ARU will present a cottage look which is similar to other ARUs in the area and will be compatible with the size and proportions of the main home and neighboring homes.

Massing: Small varied masses are provided in the proposal; the proposal does not include uninteresting box-like forms. The ARU will have a front porch which breaks up the street-front wall, with a nested gable roof resembling the north side of the main residence. Windows will be interesting and consistent with the windows of the main home and neighborhood. All of these features will add variation, style and interest to the project.

Setback: The proposal maintains the historic façade lines of streetscapes by locating the front wall of the ARU with a slight set back from the plane of the main home. This is consistent with the streetscape setback of other historic properties in the district.

Roof Shapes: The roof line, roof pitch, and roof orientation of the ARU will be proportional to the main home. The ARU roofline, which is oriented perpendicular to the main home, is an orientation similar to other ARU buildings in the district. The front of the ARU has a traditional nested gable end compatible with the architecture of the north side of the main home.

Rhythm of Openings: The door and window openings are compatible with the main home and of other nearby homes. The main home contains a variety of window sizes and styles; the ARU will have new windows that are similar to those found in the main home. The proposed façade pattern is respectful of the historic patterns and the window-to-height ratios observed in the district.

Platforms: The proposed ARU will have a continuous concrete foundation and slab floor. The visible concrete foundation wall will present a platform similar to the main home and homes in the area. The front porch provides a clearly defined base to the building. In addition, the horizontal siding on the ARU will match the siding on the main house and will further enhance the platform.

Directional Response: The proposed ARU has a directional response consistent with similar buildings in the neighborhood. The ARU will be oriented towards the street and the entrance door of the ARU will also face east, which maintains the direction and style of the main home.

Main entrance: The entrance of the ARU will be on the east side near the north corner. The porch will be of similar style of the main home and will provide a pronounced sense of entry for the ARU without detracting from the look of the original historic main residence. Stepping stones from the parking area to the porch will further provide guidance to the entrance of the ARU. The street number and an exterior porch light mounted on the east wall will further articulate the ARU entrance.

New Electric Service:

The owners contacted the City Electric Department and confirmed that the main electric service line at the street has the capacity to serve the two separate units. The existing

power drop to the south side of the primary residence will be upgraded and split into a 2-gang meter box and a separate electric service will then be routed underground to the north side of the ARU.

New Address:

The ARU will be a stand-alone residence, and will have its own address on Alida Street as assigned by the City. The number will be prominently displayed near the ADU entrance.

Utility Connections:

The owners contacted the City Water and Sewer Departments to verify that the existing water and sewer service have the capacity to serve both the main home and the ARU, and they have been advised that no additional improvements will be needed.

Street/Sidewalk Improvements:

There is an existing sidewalk on Alida Street. There is no sidewalk on this section of Blaine Street and the corner has an existing power pole and fire hydrant. The applicants will sign in favor of a Local Improvement District for future improvements on Blaine Street for the installation of sidewalks, curbs, gutters, and paving.

18.2.3.040 Accessory Residential Unit

Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

C. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

Complies, the proposed ARU is 417 Square feet; the primary structure is 1,050 square feet. The ARU complies with this ordinance.

18.2.4 General Regulations

18.2.4.010 Access and Minimum Street Frontage

Complies, frontage on Blaine is 60 feet and frontage on Alida is 100 feet

18.2.4.020 Accessory Structures and Mechanical Equipment

B. Mechanical Equipment.

Complies, the mechanical equipment will be in the side and rear yard setback.

18.2.4.040 Vision Clearance Area

No visual obstruction (e.g., planting, fence, wall, sign, structure, fence, or temporary or permanent obstructions) exceeding 2 ½ in height shall be placed in "vision clearance areas" at street intersections as illustrated in Figure 18.2.4.040.A and Figure 18.2.4.040.B.

Complies, see site plan (COVER) with Vision Clearance area identified.

18.2.5 Standards for Residential Zones

18.2.5.030 Unified Standards for Residential Zones

- The lot meets all of the dimensional Standards for the R-2 zone designation.
- All setback requirements have been met (see COVER).
- Separation between the ARU and the existing home has been met at 7'-6". See East Elevation for mid-point gable height at 11'-7", with minimum separation being half that height at 5'-10".
- Lot Coverage with all improvements falls under the allowable 65% (see COVER)

18.2.5.070 Maximum Permitted Residential Floor Area in Residential Zones

N/A the ARU is separated from the existing home by more than 6 feet

18.4.3 – Parking, Access, and Circulation

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use <i>(Based on Gross Floor Area; fractions are rounded to whole number.)</i>
Residential	
Single Family Dwelling	2 spaces for the primary dwelling unit and the following for accessory residential units. 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.
Multifamily	a. Studio units or 1-bedroom units less than 500 sq. ft. space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom unit d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.

Based on the above Table, the single family home with the less than 500 square foot ARU requires 2 spaces for the single family home and 1 space for the ARU, for a total of three parking spaces. This proposal includes two off street parking spaces and requests on street credit of two parking spaces as there are a total of four spaces adjacent to the property (see COVER for parking assessment).

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18.4.3.050 Accessible Parking Spaces

Not Applicable

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. 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 may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

This project provides two off street parking spaces and has four on street spaces at curb. The proposed ARU (under 500 feet) and existing residence require three spaces. We are proposing two off street and credit for the additional space be provided through the available on street parking. Off street spaces measure 9 x 18 feet and the on street spaces are 22 foot in length.

18.4.3.070 Bicycle Parking

This application includes three bicycle parking spaces along the back of the primary dwelling unit. The bicycles are to be hung on the back wall under a four-foot eave extension.

I. Bicycle Parking Design Standards.

The bicycle parking will be paved with a compacted crushed stone and is accessed by the main path between the house and new ARU. Security is provided by the use of steel bike hangers that can easily allow locking of the bike. The awning and bike area on the back of the primary dwelling unit is four feet in depth and eight feet in width.

18.4.3.080 Vehicle Area Design**A. Parking Location**

Except for single and two-family dwellings.

This proposal is for a single family dwelling and associated ARU.

Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.

This proposal is a single-family residence with a proposed ARU, and the parking standard should be addressed in this fashion. It is common in residential zones to have parking in driveways between the building and the street, as would occur with a standard garage placement. Although this proposal is in the R-2 zone it is for a single-family residential home and an ARU and should not be reviewed as a multi-family project.

In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is

occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this ordinance.

This proposal includes shifting "the front" yard to Alida street which is 100 feet long. The parking area is 18 feet wide which is less than 20% of the front yard.

Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

The two proposed parking spaces contain two 9 x 18 foot spaces. The paving surface shall be compacted crushed stone.

Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

1. **Paving.** All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.

The apron for the parking will be city standard concrete, the two parking spaces are proposed to be compacted crushed stone to help with the impact to tree roots and to help control run off.

2. **Drainage.** All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

The proposed parking will have under drains to prevent sheet flow over the sidewalk or into the street.

3. **Driveway Approaches.** Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.

The apron for the parking will be city standard concrete, the two parking spaces are proposed to be compacted crushed stone to help with the impact to tree roots and to help control run off.

18.4.4.030 Landscaping and Screening

Landscape Buffers:

A five foot landscape buffer/screen will be provided between the proposed parking area and the southern property line as required by AMC 18.4.4.030. Planting improvements are proposed with the goal of improving aesthetics as well as providing screening for the neighbor to the south.

An eight foot landscape buffer between the parking area and the ARU is required per AMC 18.4.4.030. Lot depth is such that a 2 inch by 10 foot portion of the front side of the ARU, as well as a 26 inch by 8 foot portion of the covered porch, protrude into this buffer area. We are asking for an exception to the 8 foot requirement as the 2 inch by 10 foot strip is negligible, and the covered porch produces an architecturally pleasing style consistent with the north side of the main residence. This will produce a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

Landscape Plan, Irrigation Plan, Open Space, and Street Trees:

The amount of open space dedicated to the occupants is greater than 8 percent of the lot area. The existing front yard landscaping includes lawn, shrubs, Hypericum, and a few trees. With the exception of one juniper tree south of the driveway, there are no other street trees in the parkway between the curb and the sidewalk. In consideration of power lines overhead, a power pole and hydrant at the corner, and driveway visibility, two street trees will be planted with appropriate spacing in the parkway along Alida Street. The trees shall conform to the approved street tree list approved by the Ashland Tree Commission with consideration for overhead lines. The proposal further meets the requirement to upgrade landscaping by adding a landscaped buffer between the ARU and the parking area (see Landscape Buffers). The species and size of the planned landscaping will meet the Landscaping section of the Site Development and Design Standards.

The existing juniper tree located south of the driveway in the parkway appears to have required pruning around the power lines in the past causing it to become disfigured, and attempts will be made to make it more shapely. This project proposes to save all trees on site and protect trees on the adjacent properties.

The proposal intends to minimize the amount of irrigation needed for landscaping by using drought-tolerant and native species. The new landscape will require a drip irrigation system for two years until it is established. The two new street trees will have drip irrigation for several years until they are large enough to pull water from the water table. Going forward, the owners intend to build on the work conducted by this proposal to gradually convert the existing lawn and plants to a more drought-tolerant landscape consistent with nearby attractive well-designed yards.

Tree Preservation, Protection, and Removal.

There is one large Tulip Tree in the front yard along Alida Street that will receive special protection and consideration both in how parking is achieved below it and during construction. During construction the Tulip tree will be protected from all vehicles, materials and equipment by the implementation of the tree protection plan submitted with this application. Under the guidance of the consulting local arborist, the tree will be protected by construction fencing along the north side of the driveway and arcing north along the drip line. The Juniper tree in the park row will receive similar care and

protection. No trees will be removed as part of this project. Trees within 15 feet of the property line have been considered and their root zones are receiving a deep mulch to protect them during construction.

Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

Two new street trees are being proposed for this project; in consideration of overhead power lines small stature Crepe Myrtles and are being proposed in the park row along Alida Street.

Irrigation.

The proposal intends to minimize the amount of irrigation needed for landscaping by using drought-tolerant and native like species. The new landscape buffer between the parking area and the ARU will require a drip irrigation system for two years until it is established. The two new street trees will have drip irrigation for several years until they are large enough to pull water from the water table. Going forward, the owners intend to build on the work conducted by this proposal to gradually convert the existing lawn and plants to a more drought-tolerant landscape consistent with nearby attractive well-designed yards.

Water Conserving Landscaping.

Landscaping Design Standards

- a. **Landscaping Coverage.** The landscape areas that have been disturbed by this project contain new landscape that will achieve 90% coverage in the next two years.
- b. **Plant Selection.** All proposed plants are drought tolerant.
- c. **Screening.** There are no proposed hedges; screening will be done with fencing.
- d. **Mulch.** The planting areas and the new trees will receive 3" of fine bark mulch
- e. **Turf and Water Areas.** There is no new turf proposed for this project.
- f. **Fountains.** N/A
- g. **Turf Location.** N/A
- h. **Berms and Raised Beds.** N/A
- i. N/A

Irrigation System Design Standards. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals, and are subject to the following standards.

The proposed irrigation system is for the new landscape only; the rest of the site has not been irrigated. The new irrigation system has a smart controller. The system is designed so that it may be added to in the future. All irrigation is drip.

J. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner; dead plants must be replaced within 180 days of

discovery. Replacement planting consistent with an approved plan does not require separate City approval.

18.4.4.040 Recycling and Refuse Disposal Areas

Recycling. All residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review shall provide an opportunity-to-recycle site for use of the project occupants.

A fenced area will be constructed for trash and recycling receptacles for both the main house and ARU at the northwest area of the ARU. The area will provide visual screening of the containers from the street.

18.4.4.050 Outdoor Lighting

The ARU will have exterior lighting mounted on the east wall near the front entrance that will be oriented downward to prevent glare.

18.4.4.060 Fences and Walls

Design Standards. Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.

a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.

Not applicable at this time

b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.

The new property line fence shall be standard, good neighbor fencing made of wood and/or utility panel, no more than 6 1/2 feet high.

Restricted Materials.

The new property line fence shall be standard, good neighbor fencing made of wood and/or utility panel.

Deer Fencing.

Not Applicable at this time

Chapter 18.4.5 – Tree Preservation and Protection

18.4.5.30 Tree Protection

Tree Protection Plan.

A Tree Protection Plan (see Sheet L1.1) that meets all of the code requirements has been provided in this submittal package.

Tree Protection Plan Submission Requirements.

A Tree Protection Plan (see Sheet L1.1) that meets all of the code requirements has been provided in this submittal package.

Tree Protection Measures Require.

A Tree Protection Plan (see Sheet L1.1) that meets all of the code requirements has been provided in this submittal package.

18.4.5.050 Verification Permit

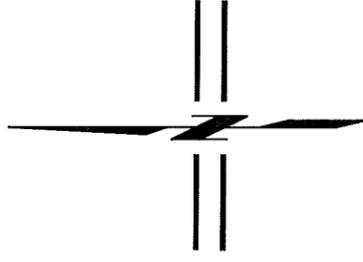
All trees will be tagged per the requirements in this section. Any work will await a verification permit prior to proceeding with any tree removals on the site.

18.4.8.030 Solar Setbacks

The ARU is proposed along the southern portion of the site and has no affect on the northern property line. This ordinance is not applicable to this project.

LEGEND

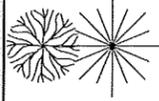
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- BOUNDARY LINE
- CENTERLINE
- GAS LINE
- SEWER LINE
- WATER LINE
- POWER POLE
- ELECTRIC METER
- WATER METER
- GAS METER
- CONCRETE SURFACE
- BUILDING



SCALE: 1" = 20'

DECIDUOUS TREE (AS DESCRIBED)

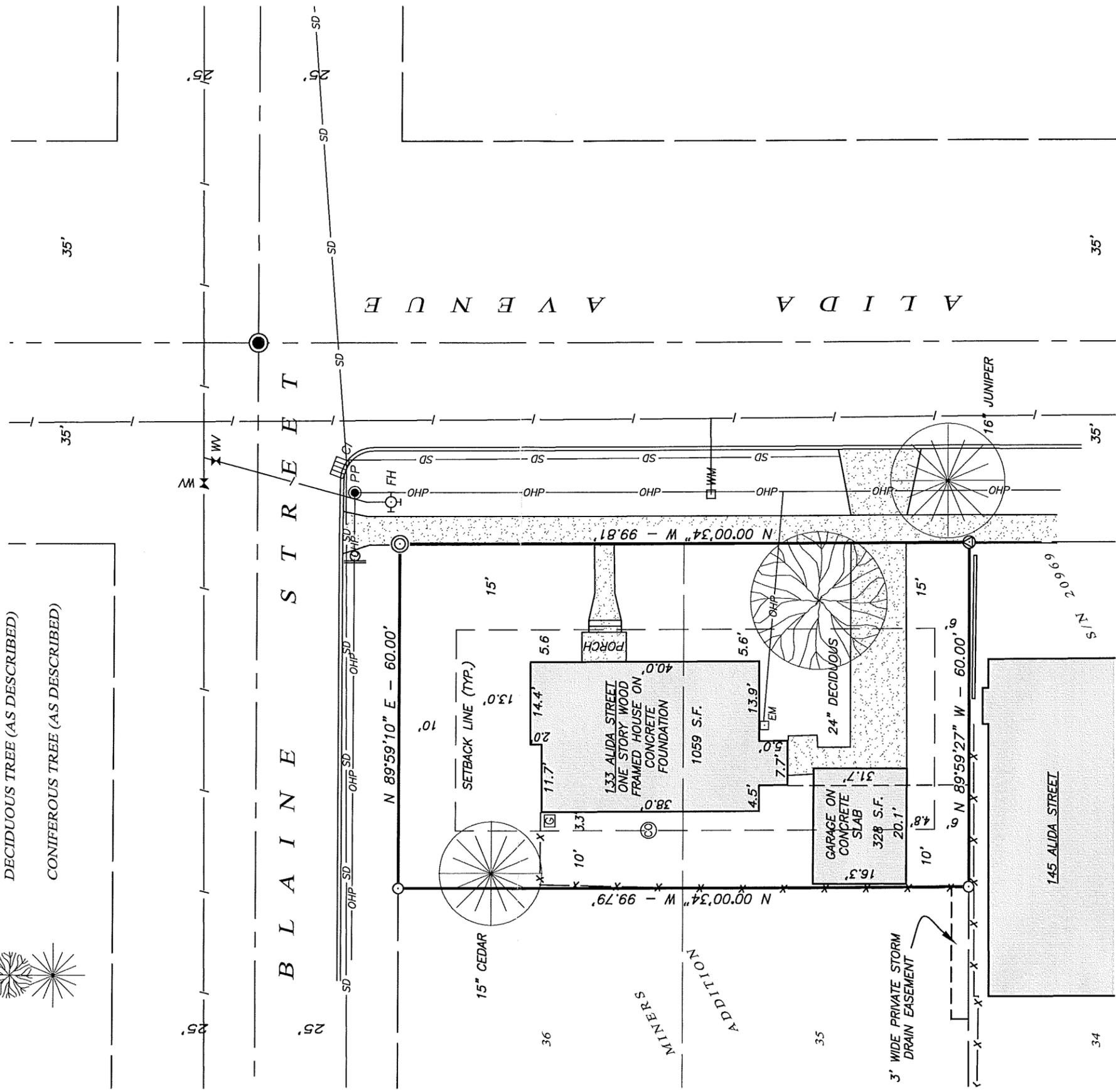
CONIFEROUS TREE (AS DESCRIBED)



SITE SURVEY MAP

LYING SITUATE IN
SOUTHEAST QUARTER OF SECTION 9
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON

FOR
Mike & Karen Mallory
133 Alida Street
Ashland, Oregon 97520



REGISTERED
PROFESSIONAL
LAND SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

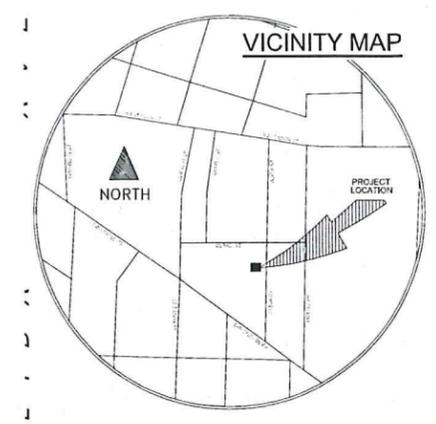
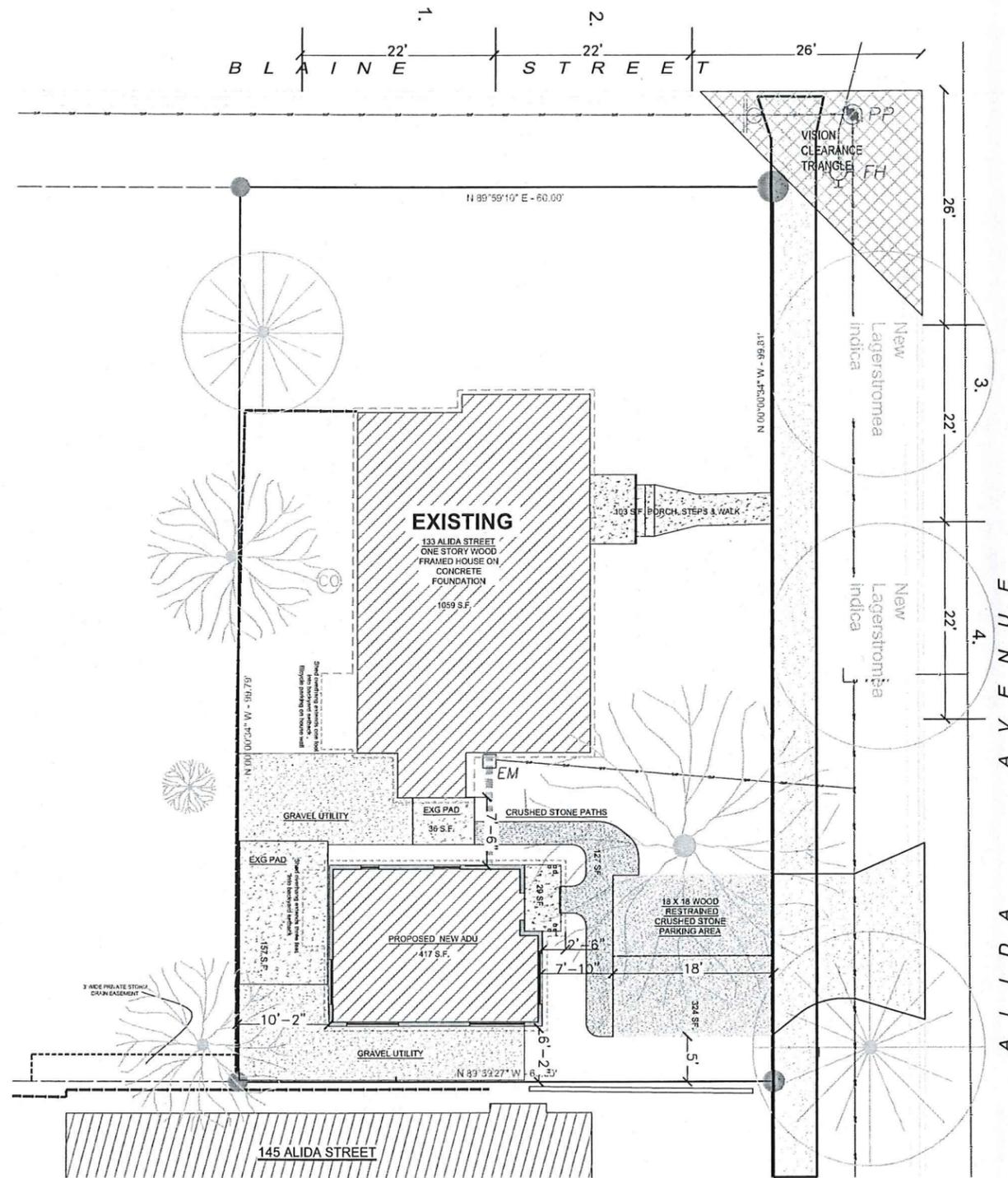
RENEWAL DATE: 6/30/2017

Assessor's Map No. 39 1E 09 DA, Tax Lot 3300

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: SEPTEMBER 21, 2015
PROJECT NO. 983-15

POLARIS LAND SURVEYING



PROJECT INFORMATION:

OWNERS: MICHAEL & KAREN MALLORY
 PO BOX 836
 YREKA, CA. 96097

LANDSCAPE ARCHITECT: KERRY KENCAIRN
 KENCAIRN LANDSCAPE ARCHITECTURE
 545 A STREET, STE. #3
 ASHLAND, OR, 97520
 PHONE: (541) 488.3194

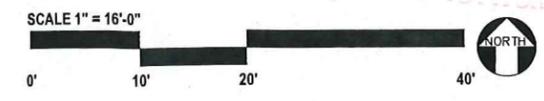
LOCATION: 133 ALIDA STREET

TAX LOT: 391E09DA 3300
 EXISTING LOT SIZE: 0.14 ACRES (5,988 ft²)

ZONING: R-2

LOT COVERAGE	
TAX LOT 391E09DA 3300	
LOT SIZE:	0.14 ACRES (5,988 ft ²)
RESIDENCE FOOTPRINT:	1,059 SQUARE FEET
PROPOSED ARU FOOTPRINT:	417 SQUARE FEET
EXISTING PAVING:	325 SQUARE FEET
PROPOSED PAVED AND GRAVEL:	796 SQUARE FEET
PROPOSED LOT COVERAGE:	2,597 SQUARE FEET
PROPOSED PERCENT COVERAGE:	43.5%
ALLOWABLE LOT COVERAGE PER R-2:	65.0% = 3,125 SQUARE FEET

- SHEET KEY**
- COVER SITE PLAN
 - L 1.0 SITE LAYOUT PLAN
 - L 2.0 TREE REMOVAL PROTECTION PLAN
 - L 3.0 IRRIGATION PLAN
 - L 4.0 PLANTING PLAN



KenCairn
 Landscape Architecture

545 A ST, STE 3, ASHLAND, OR 97520
 541.488.3194



Drawn By:
 SGB

SCALE: 1"=16'-0"

MALLORY ARU
 133 ALIDA STREET
 ASHLAND, OR, 97520

REVISION DATE

SITE PLAN

ISSUE DATE:
 OCTOBER 31, 2016

COVER

NOV 07 2016
 City of Ashland



Drawn By:
SGB

SCALE: 1"=8'-0"

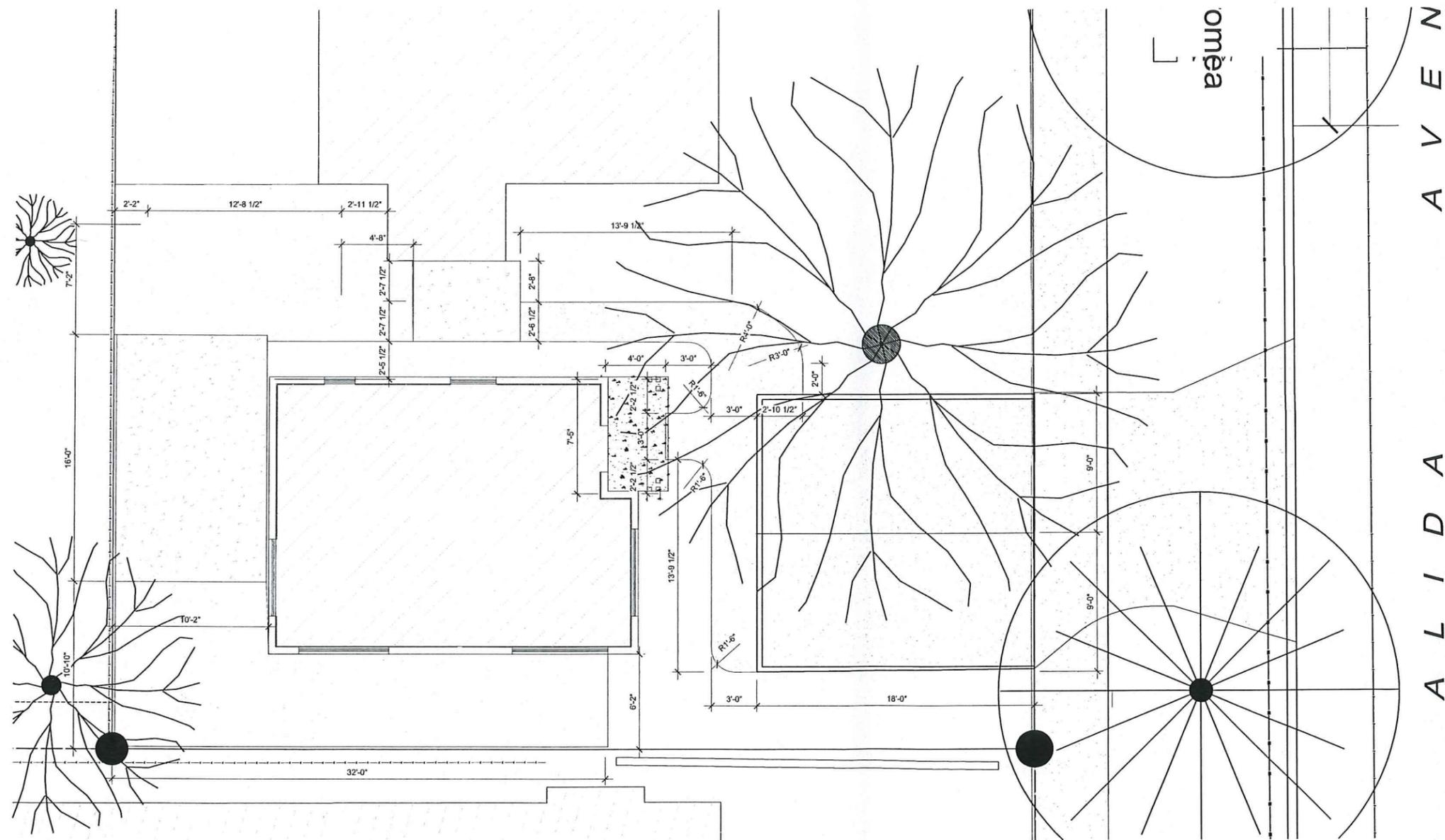
MALLORY ARU
133 ALIDA STREET
ASHLAND, OR, 97520

REVISION DATE

**SITE
LAYOUT
PLAN**

ISSUE DATE:
OCTOBER 31, 2016

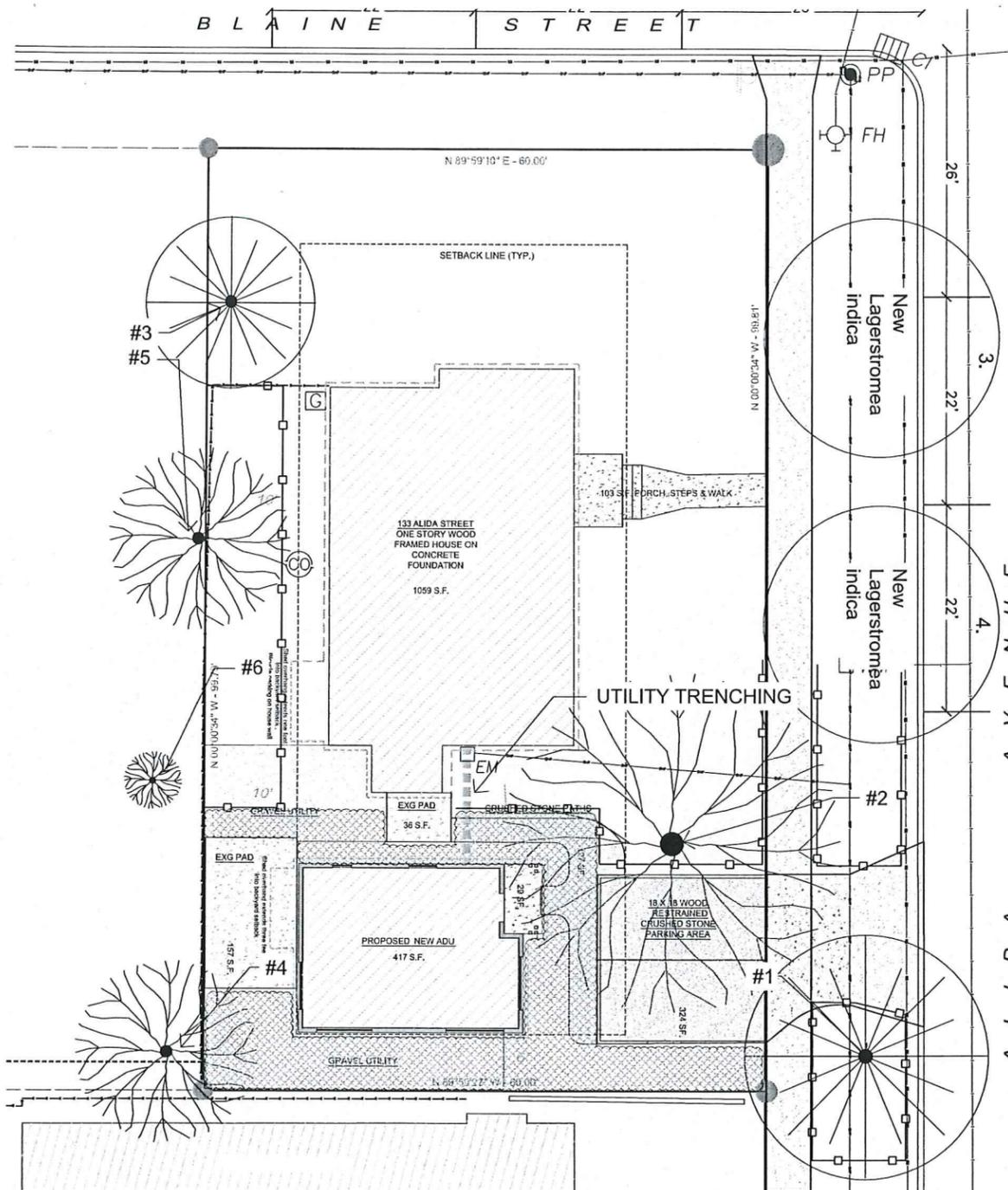
L 1.0



SCALE 1" = 8'-0"



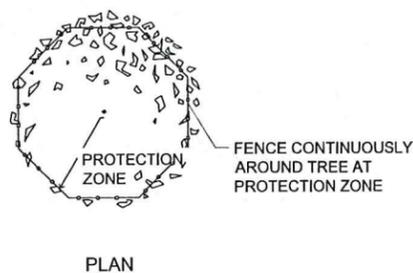
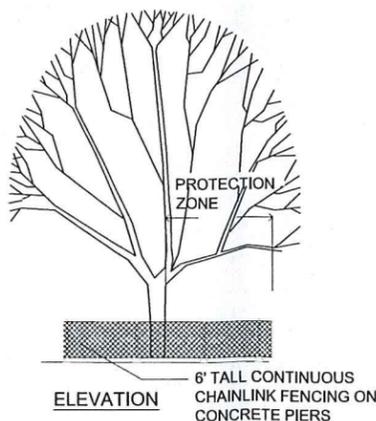
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SPECIFICATIONS FOR TREE PRESERVATION DURING CONSTRUCTION:

- Before beginning work, the contractor is required to meet with the landscape architect or project arborist at the site to review all work procedures, access routes, storage areas, and tree protection measures.
- Fences must be erected to protect trees to be preserved as shown in diagram. Fencing shall be 6' tall temporary chain link panels installed with metal connections to all panels area integrated, these fences shall be installed so that it does not allow passage of pedestrians and/ or vehicles through it. Fences define a specific protection zone for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without the written permission of the landscape architect or project arborist.
- Chips are being laid down to prevent compaction of the soil while allowing construction activities to occur within the root zone of the trees. Chips must be redistributed if they become uneven to provide a consistent buffer to the soil.
- Construction trailers and traffic and storage areas must remain outside fenced areas at all times.
- All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree roots.
- No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
- Additional tree pruning required for the clearance during construction must be performed by a qualified arborist or landscape architect and not by construction personnel.
- Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
- If injury should occur to any tree during construction, the tree consultant should evaluate it as soon as possible so that appropriate treatments can be applied. All damage caused by construction to existing trees shall be compensated for, before the project will be considered complete.
- The consulting arborist must monitor any grading, construction, demolition, or other work that is expected to encounter tree roots.
- All trees shall be irrigated on a schedule to be determined by the landscape architect. Irrigation shall wet the soil within the tree protection zone to a depth of 30 inches.
- Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/ or erosion within the tree protection zone.
- Before grading, pad preparation, or excavation for the foundations, footings, walls, or trenching: where tree protection zones overlap with any of this work, root prune at overlap edge by cutting all roots cleanly at a 90 degree angle to a depth of 24 inches. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.
- Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly at a 90 degree angle to the root with a saw. Place damp soil around all cut roots to a depth equaling the existing finish grade within 4 hours of cuts being made.
- If temporary haul or access roads must pass over the root area of trees to be retained, a road bed of 6 inches of mulch or gravel shall be created to protect the soil. The road bed material shall be replenished as necessary to maintain a 6 inch depth.
- Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.
- No burn piles or debris piles shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried within the tree protection zone.
- Maintain fire-safe areas around fenced area. Also, no heat sources, flames, ignition sources, or smoking is allowed near mulch or trees.
- Do not raise the soil level within the drip lines to achieve positive drainage, except to match grades with sidewalks and curbs, and in those areas, feather the added topsoil back to existing grade at approximately 3:1 slope.
- Exceptions to the tree protection specifications may only be granted in extraordinary circumstances with written approval from the landscape architect.

# SPECIES	D.B.H.	HEIGHT	CROWN RADIUS	TREE PROT. ZONE	CONDITION	NOTES
1. Juniperus californica	17"	35'	15'	13'	GOOD	See narrative
2. Liriodendron tulipifera	30"	80'	19'	30'	GOOD	See narrative
3. Calocedrus decurrens	17"	52'	18'	17'	FAIR	See narrative
4. Acer macrophyllum	14"	48'	16'	14'	GOOD	See narrative
5. Acer macrophyllum	14"	46'	18'	14'	GOOD	See narrative
6. Cornus nuttallii	5"	20'	5'	10'	FAIR	See narrative



TREE PROTECTION DETAILS

SPECIFIC TREE NOTES

TREE #1
Juniperus californica
Tolerance to construction for this tree species is not documented, similar species of juniper are listed as poor candidates for construction tolerance. The primary cause of stress is change of grade within the root zone. The construction on this site is not within the root zone of this tree.

TREE #2
Liriodendron tulipifera
Tolerance to construction for this species is poor to medium. The tree has light shedding of bark below lawn/crown level due to watering issues. The inner root bark is intact, the tree has approximately 5% die back equally through the canopy.

TREE #3
Calocedrus decurrens
Tolerance to construction for this species is moderate. This tree was recently topped, the lower portion of the tree is in good shape and there is a remedial watering plan in place to improve the response to topping and overall health.

TREE #4
Acer macrophyllum
Tolerance to construction for this species is poor to medium. The tree is in good shape, since this tree is off site we are using fencing and wood chips on site to protect the root zone from compaction and damage.

TREE #5
Acer macrophyllum
Tolerance to construction for this species is poor to medium. The tree is in good shape, since this tree is off site we are using fencing and wood chips on site to protect the root zone from compaction and damage.

TREE #6
Cornus nuttallii
Tolerance of this tree to construction is good. The tree multi trunked and is in good shape.



KenCairn
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541.488.3194



Drawn By:
KK

SCALE: 1"=16'-0"

MALLORY ARU
133 ALIDA STREET
ASHLAND, OR, 97520

REVISION DATE

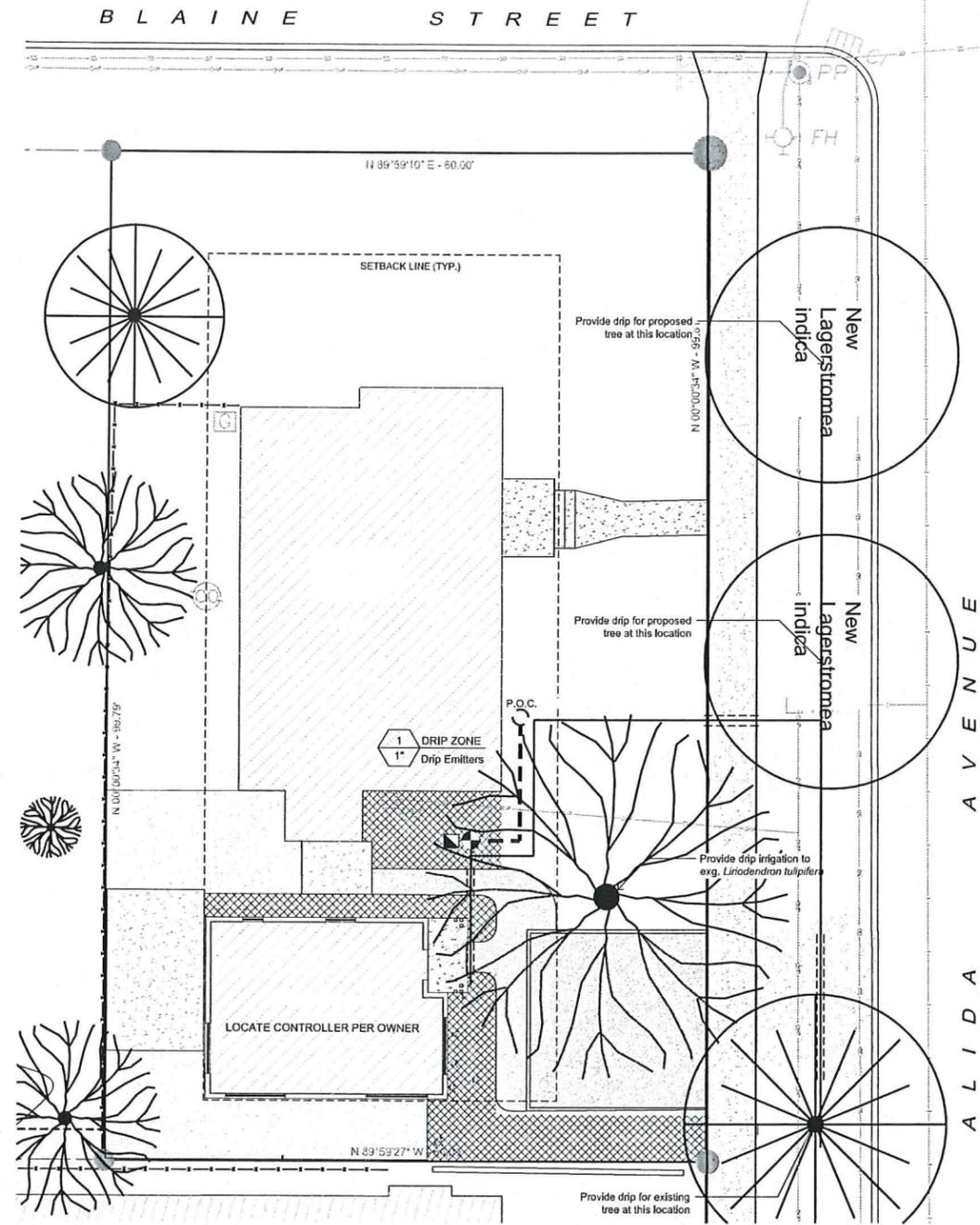
TREE REMOVAL PROTECTION PLAN

ISSUE DATE:
OCTOBER 31, 2016

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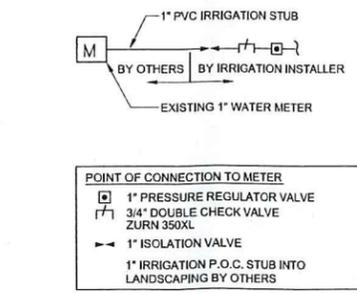
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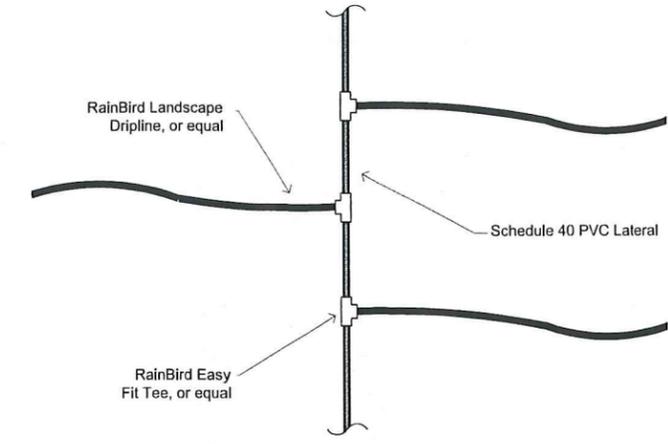


SYM.	ITEM
	HUNTER PCZ-101 (DRIP)
	MAIN LINE: SCH. 40 PVC (1")
	LATERAL LINES SHALL BE SCHEDULE 40 PVC. (3/4")
	SLEEVES - SCH. 40. MIN. SIZE SHALL BE 2x DIA. OF PASSING PIPE.
	ISOLATION GATE VALVE - LINE SIZE
	QUICK COUPLING VALVE: HUNTER 44RC
	CONTROLLER: HUNTER X-CORE WITH SOLAR SYNC - LOCATE PER OWNER
	ZONE I.D.
	15.0 G.P.M. APPLICATION 1" Shrubs
	VALVE SIZE
	P.O.C. POINT OF CONNECTION - SEE DETAIL 1 THIS SHEET
	POINT SOURCE DRIP IRRIGATION REQUIRED. USE RAINBIRD XERI-BUG DRIP EMITTERS.

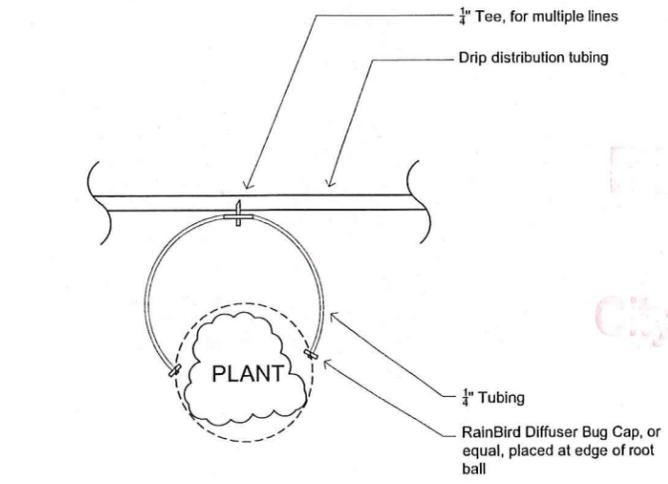
- IRRIGATION NOTES**
- MAINTAIN AT JOB SITE ONE (1) COPY OF DRAWINGS, SPECIFICATIONS, ADDENDA, AND APPROVED SHOP DRAWINGS. CHANGE ORDERS AND OTHER PROJECT DOCUMENTS.
 - RECORD ACTUAL LOCATION OF ALL CONCEALED COMPONENTS, PIPING SYSTEM, CONDUIT AND SLEEVE LOCATIONS. KEEP THIS DOCUMENT CURRENT. DO NOT PERMANENTLY CONCEAL ANY WORK UNTIL REQUIRED INFORMATION HAS BEEN RECORDED. FURNISH TWO (2) COPIES OF RECORD DRAWINGS TO THE OWNER. REDUCE ONE COPY OF RECORD DRAWING TO FIT INSIDE CONTROLLER LID. LAMINATE REDUCED COPY.
 - ALL WORK SHALL BE INSTALLED BY COMPETENT WORKMEN EXPERIENCED IN TRADE IN A NEAT AND ORDERLY MANNER ACCEPTABLE TO THE OWNER'S REPRESENTATIVE. OWNER MAY INSTALL SYSTEM THEMSELVES.
 - CONFORM TO ALL PERTINENT CODES AND REGULATIONS. COMPLY WITH THE LATEST RULES OF THE NATIONAL ELECTRICAL CODE AND THE AMERICAN MASTER PLUMBERS CODE.
 - VERIFY THAT FIELD CONDITIONS ARE AS INDICATED ON DRAWINGS. NOTIFY THE OWNER'S REPRESENTATIVE IF DISCREPANCIES ARE OBSERVED.
 - IRRIGATION PIPE, HEADS, VALVES, BACKFLOW DEVICE AS NOTED ON LEGEND.
 - VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO BEGINNING WORK.
 - PIPING LAYOUT IS DIAGRAMMATIC ONLY. ROUTE PIPING IN PLANTERS AND AVOID UTILITIES AND STRUCTURES. LAYOUT SHALL FOLLOW AS CLOSELY AS PRACTICAL THE SCHEMATIC DESIGN ON THE DRAWINGS. MAKE NO SUBSTANTIAL CHANGES WITHOUT PRIOR APPROVAL FROM THE OWNER'S REPRESENTATIVE.
 - ALL LATERAL PIPE SHALL BE 1" IN SIZE UNLESS OTHERWISE INDICATED ON THE PLAN.
 - COORDINATE ALL IRRIGATION EQUIPMENT LOCATIONS WITH OTHER CONTRACTORS. NOTIFY THE OWNER'S REPRESENTATIVE IF CONFLICTS ARE ENCOUNTERED.
 - PIPE DEPTH - LATERAL LINES - 12 INCH MINIMUM; MAINLINE - 18 INCH MINIMUM.
 - BOTTOM OF TRENCHES AND BACKFILL MATERIAL SHALL BE FREE OF ROCKS, CLODS, AND OTHER SHARP OBJECTS. SNAKE PIPE FROM SIDE TO SIDE AT TRENCH BOTTOM TO ALLOW EXPANSION.
 - DO NOT INSTALL EMITTERS UNTIL LINES HAVE BEEN THOROUGHLY FLUSHED AND PRESSURE TESTED.
 - SHUT OFF VALVES ARE REQUIRED AT EACH POINT OF CONNECTION, VALVE BOX, AND AT EVERY LOCATION WHERE THE MAINLINE PASSES UNDER 20 FEET OF PAVEMENT.
 - COORDINATE WIRE AND CONDUIT LOCATIONS BETWEEN ELECTRIC CONTROL VALVES AND THE ELECTRIC CONTROLLER.
 - UPON COMPLETION OF ALL SYSTEMS, THE CONTRACTOR SHALL PERFORM A COVERAGE TEST TO DETERMINE THAT WATER IS BEING APPLIED CORRECTLY AND ADEQUATELY TO ALL PLANTINGS. CHANGE ANY HEADS, NOZZLES, OR ORIFICES AS MAY BE REQUIRED TO PROVIDE COVERAGE AS INDICATED ON THE DRAWINGS. PROMPTLY ADJUST HEADS TO KEEP WATER OFF BUILDINGS AND STRUCTURES WITH MINIMAL SPRAY ON PAVED SURFACES.
 - LANDSCAPE CONTRACTOR SHALL VERIFY SLEEVING LOCATIONS AND COORDINATE WITH THE OWNER'S REPRESENTATIVE.
 - COORDINATE THE INSTALLATION OF ELECTRICAL SERVICE AND CONDUIT TO THE LOCATION OF THE PROPOSED IRRIGATION CONTROLLER.



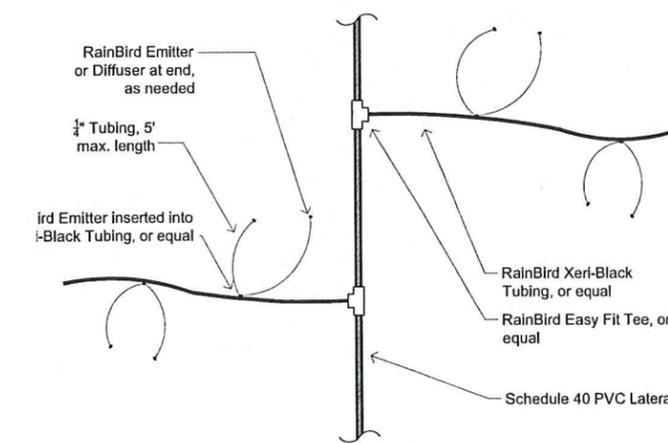
1 IRRIGATION POINT OF CONNECTION
Scale: N.T.S.



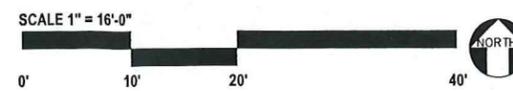
2 PLAN DIAGRAM - LANDSCAPE DRIP LINE LAYOUT
Scale: N.T.S.



3 PLAN DIAGRAM - EMITTERS/DISTRIBUTION TUBING DETAIL
Scale: N.T.S.



4 PLAN DIAGRAM - DRIPLINE W/ EMITTERS DETAIL
Scale: N.T.S.



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REGISTERED
STATE OF OREGON
REG. # 493
Kerry KenCairn
11.12.99
LANDSCAPE ARCHITECT

Drawn By:
SGB

SCALE 1" = 16'-0"

REVISION DATE

IRRIGATION PLAN

ISSUE DATE:
OCTOBER 31, 2016

L 3.0

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Drawn By:
SGB

SCALE 1" = 16'-0"

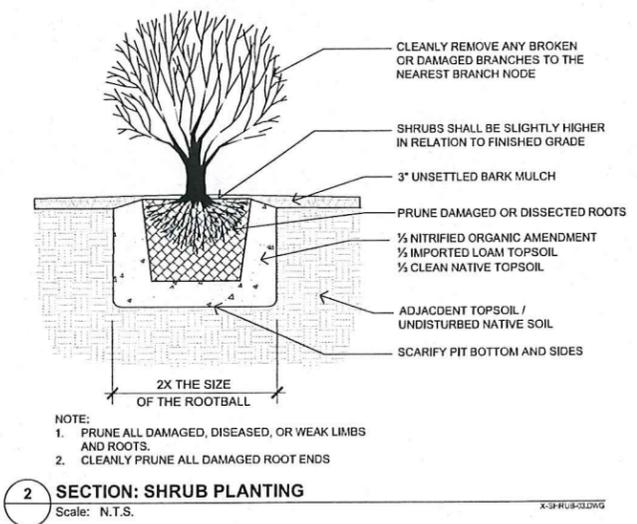
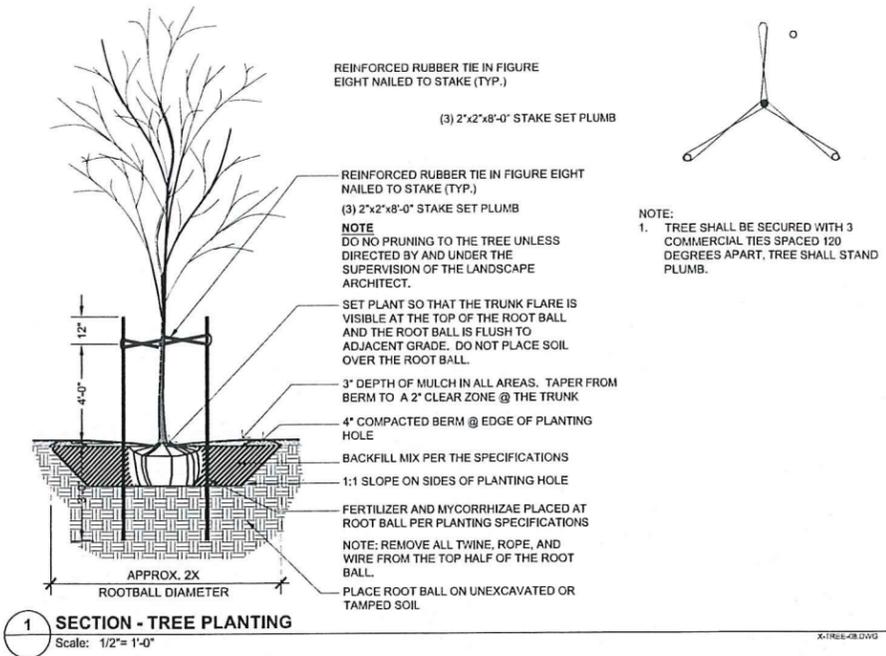
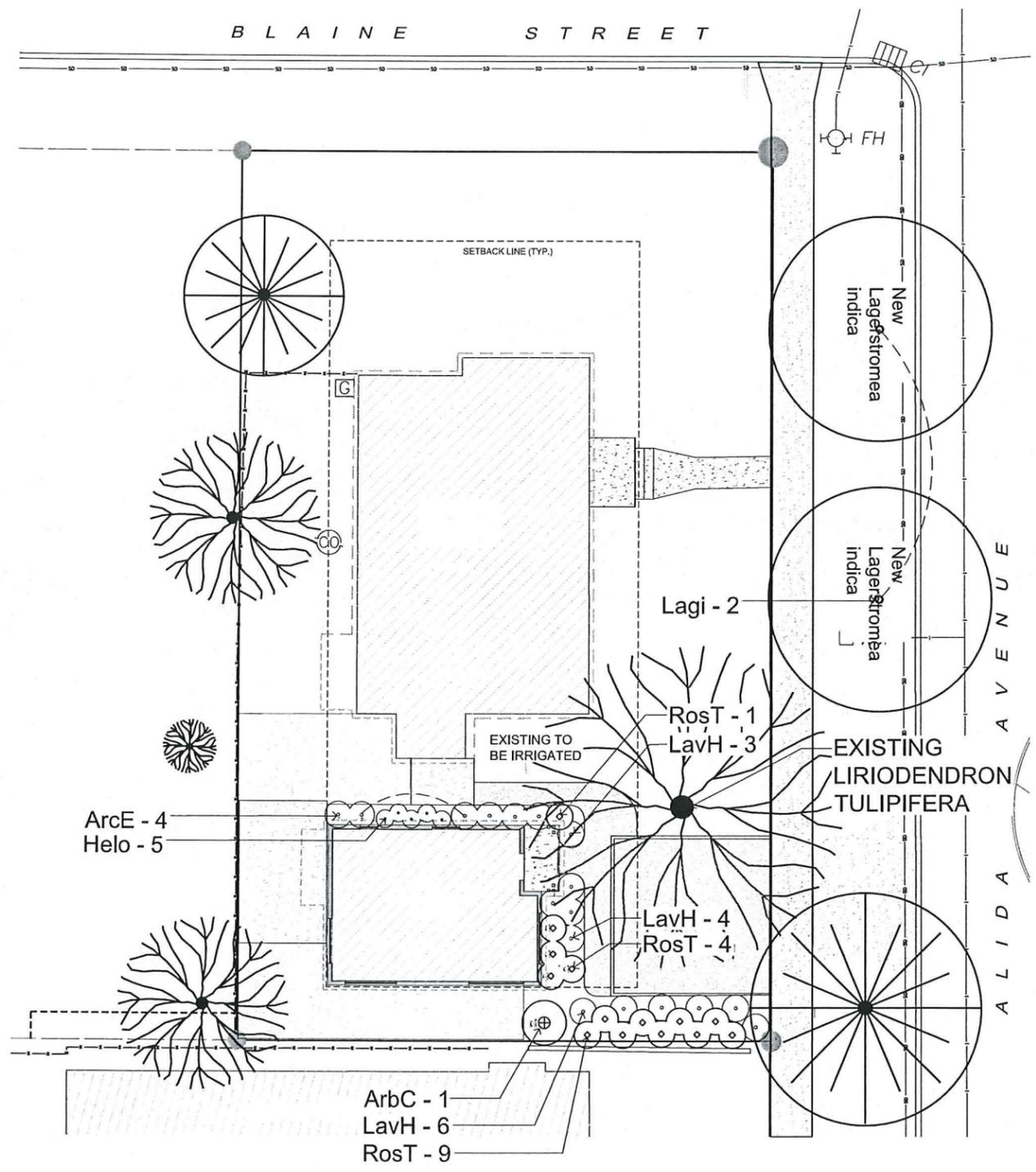
MALLORY ARU
133 ALIDA STREET
ASHLAND, OR, 97520

REVISION DATE

PLANTING PLAN

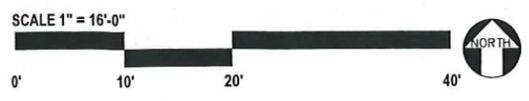
ISSUE DATE:
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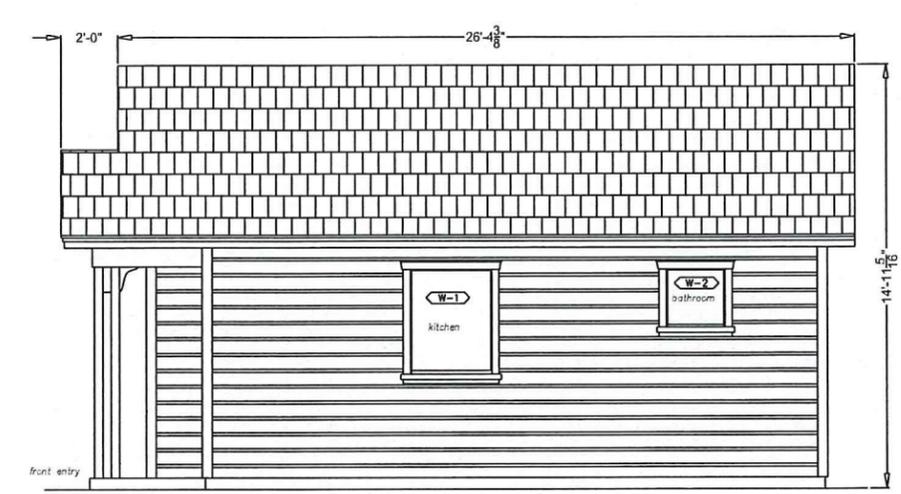


PLANT LEGEND

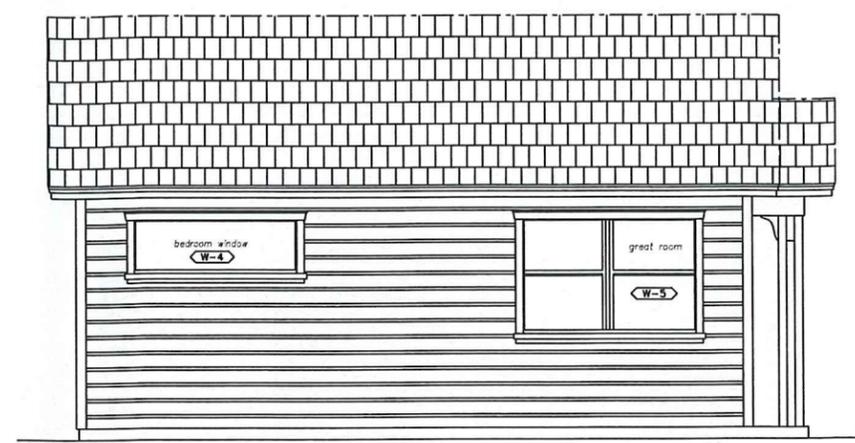
TREES			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
Lagi	Lagerstroemia indica 'Dynamite'	DYNAMITE CREPE MYRTLE - RED	1 3/4" cal.
SHRUBS			
ArbC	Arbutus unedo 'Compacta'	DWARF STRAWBERRY TREE	5 gal.
ArcE	Arctostaphylos 'Emerald Carpet'	EMERALD CARPET MANZANITA	1 gal.
Helo	Helleborus orientalis	LENTEN ROSE	1 gal.
LavH	Lavandula angustifolia 'Hidcote Blue'	HIDCOTE BLUE ENGLISH LAVENDER	1 gal.
RosT	Rosmarinus 'Tuscan Blue'	TUSCAN BLUE ROSEMARY	1 gal.



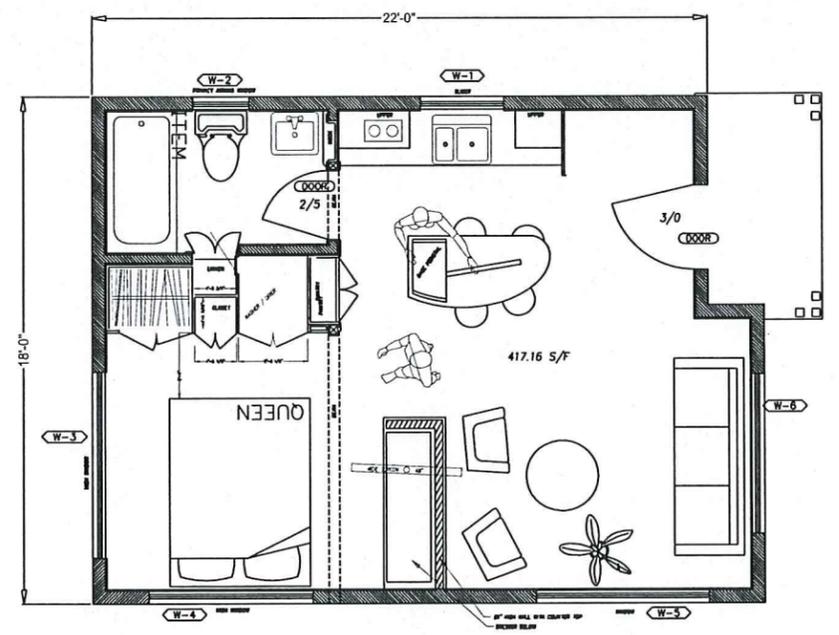
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NORTH ELEVATION



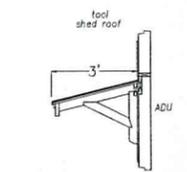
SOUTH ELEVATION



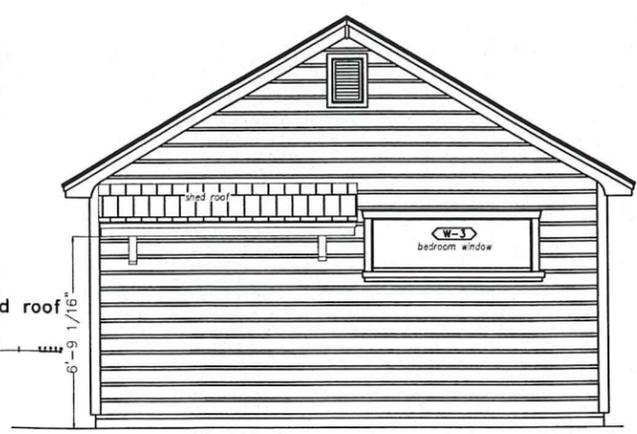
PLAN VIEW
NORTH



EAST ELEVATION



tool storage shed roof



WEST ELEVATION

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7-	PORCH ROOF FRAMING & SECTION
8-	DETAILS
9-	ELECTRICAL
10-	SCHEDULES
11-	CABINETS
12-	LAUNDRY & CLOSETS

MALLORY
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lucid@97520.net

DESIGNS FOR : Mike and Karen Mallory
PROJECT LOCATION: 133 Alida Street
ASHLAND OREGON 97520
Remove garage and construction of new ADU

SCALE: 1/4" = 1'
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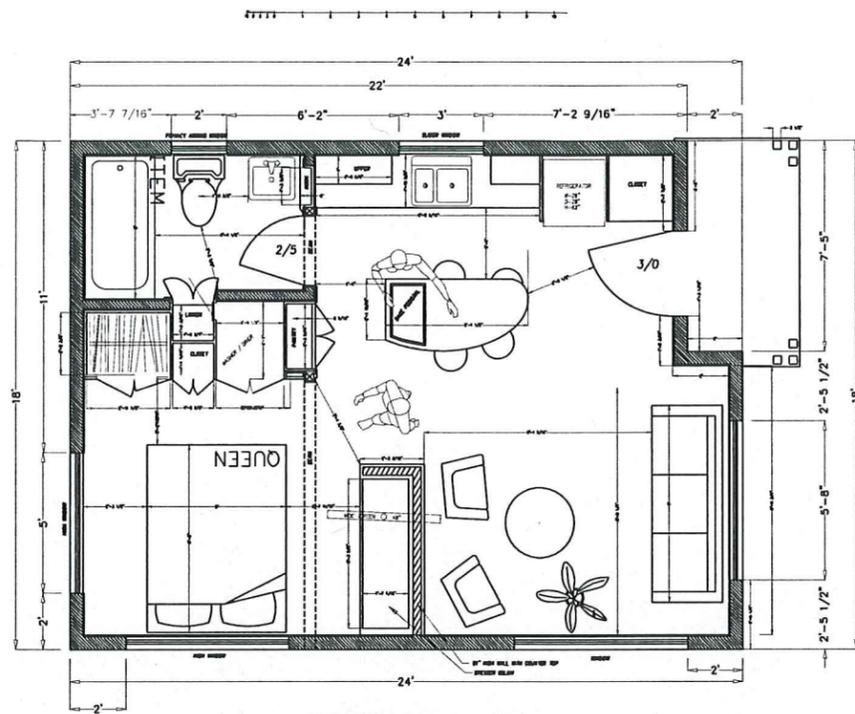
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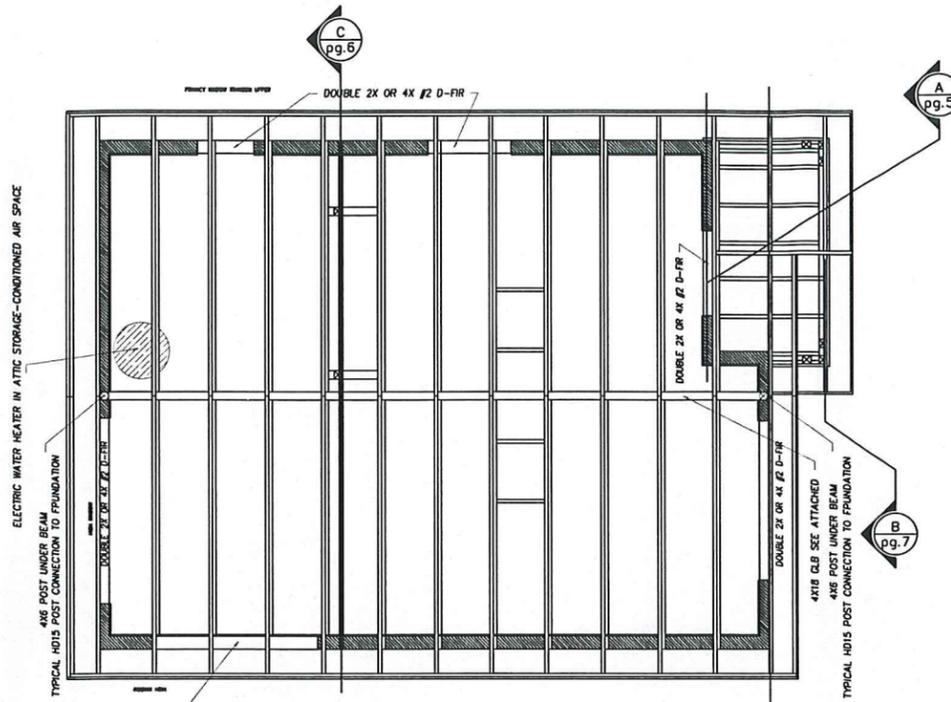
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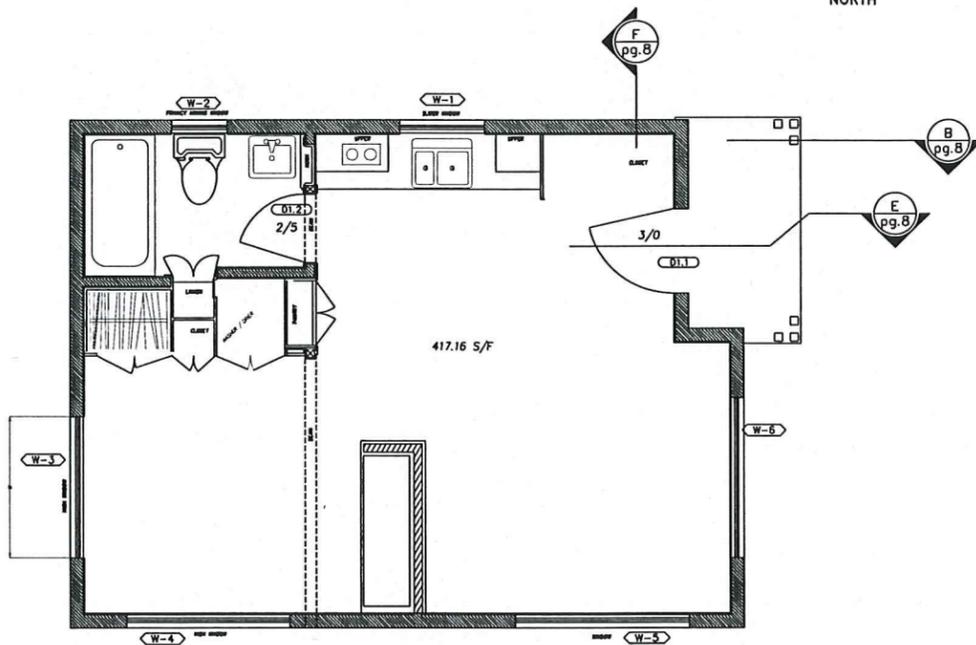
(Page 2.5)



DIMENSIONED FLOOR PLAN VIEW



FOOF PLAN PLAN VIEW



EMPTY FLOOR PLAN VIEW

HEADER SCHEDULE

DOUBLE 2X OR 4X #2 D-FIR

MAX. OPENING WIDTH	DBL-2X MIN. NOMINAL HEADER "DEPTH"	
	NONBEARING	BEARING
4'-0"	4"	6"
6'-0"	6"	8"
8'-0"	8"	10"
10'-0"	10"	12"
12'-0"	12"	14"

WINDOW TAG SELECT STYLE BY OWNER

WIND	TYPE	MAT	QTY.	WD	HT	NOTES
W1	SL	VNL	-	3-0	3-6	VINYL
W2	SL	VNL	-	2-0	2-0	VINYL
W3	SL	VNL	-	5-0	1-6	VINYL
W4	SL	VNL	-	5-0	1-6	VINYL
W5	DBL	VNL	-	6-0	4-0	MATCH HOUSE GREEN
W6	DBL	VNL	-	5-8	4-0	MATCH HOUSE GREEN

DOOR TAG SELECT STYLE BY OWNER

DOOR	TYPE	MAT	QTY.	WD	HT	SWING	NOTES
D1-1	EX	FIR	1	-	6'8"	L	FRONT ENTRY
D1-2	6 P	FIR	1	-	6'8"	L	6 PNL

DESIGN PAGE INDEX

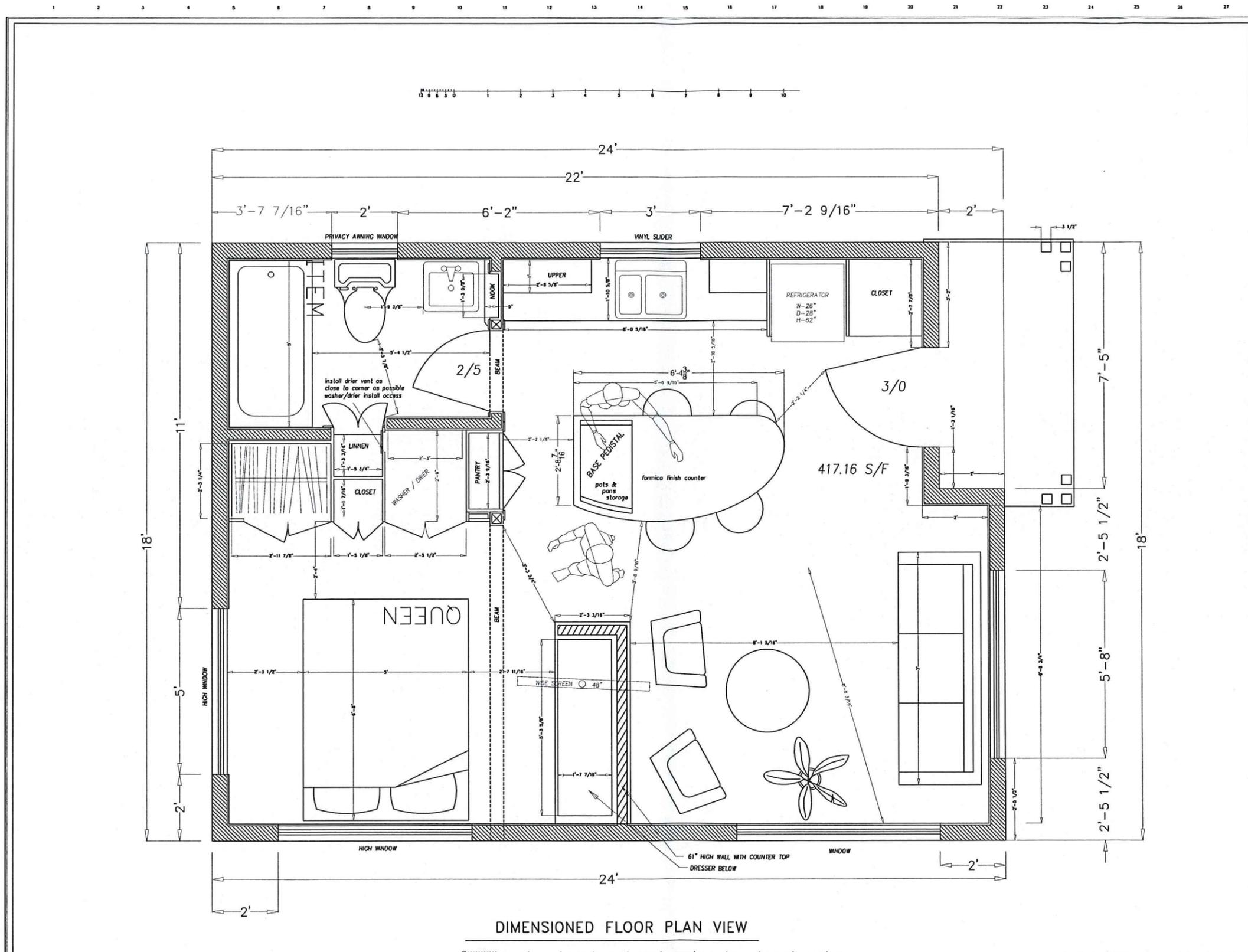
- SITE PLAN
- ELEVATIONS
- PLAN VIEWS, WINDOW & DOOR SCHEDULES
- DIMENSIONED FLOOR PLAN
- FRONT SECTION
- LOFT STORAGE WALL SECTION
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DIMENSIONED FLOOR PLAN VIEW

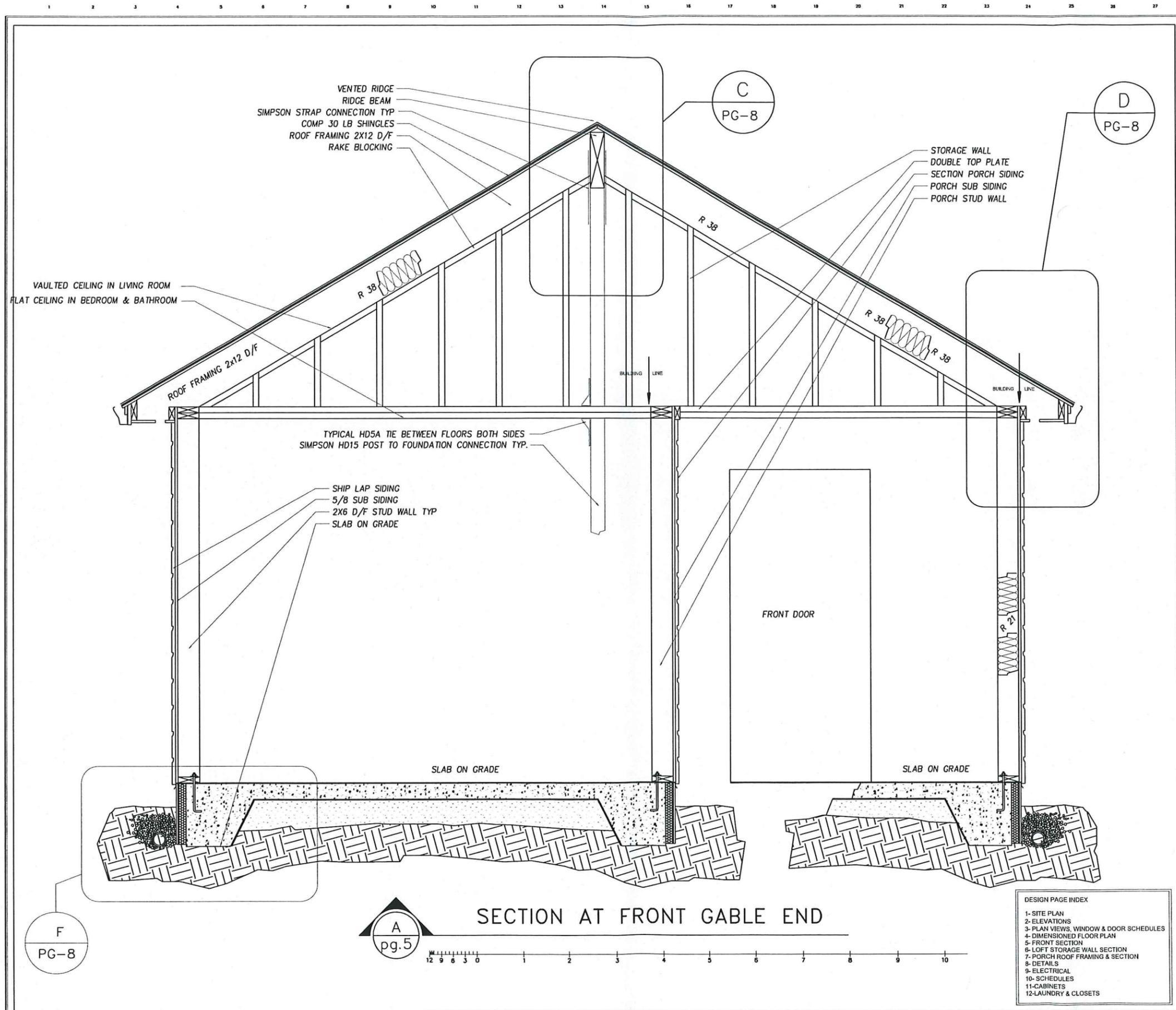
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6-	LOFT STORAGE WALL SECTION
7-	PORCH ROOF FRAMING & SECTION
8-	DETAILS
9-	FINISH SCHEDULES

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SECTION AT FRONT GABLE END

A
 pg.5

F
 PG-8

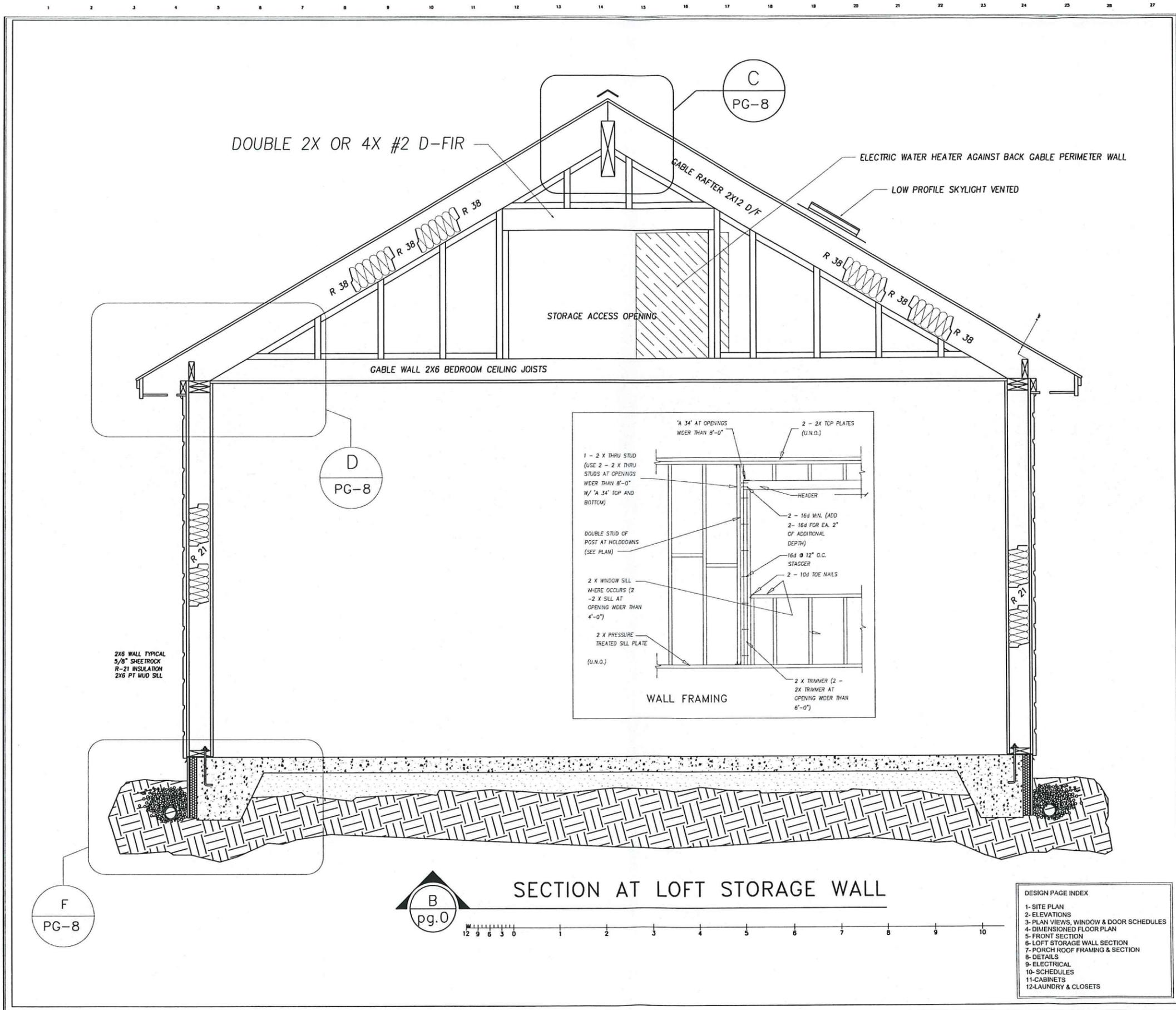


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SECTION AT LOFT STORAGE WALL

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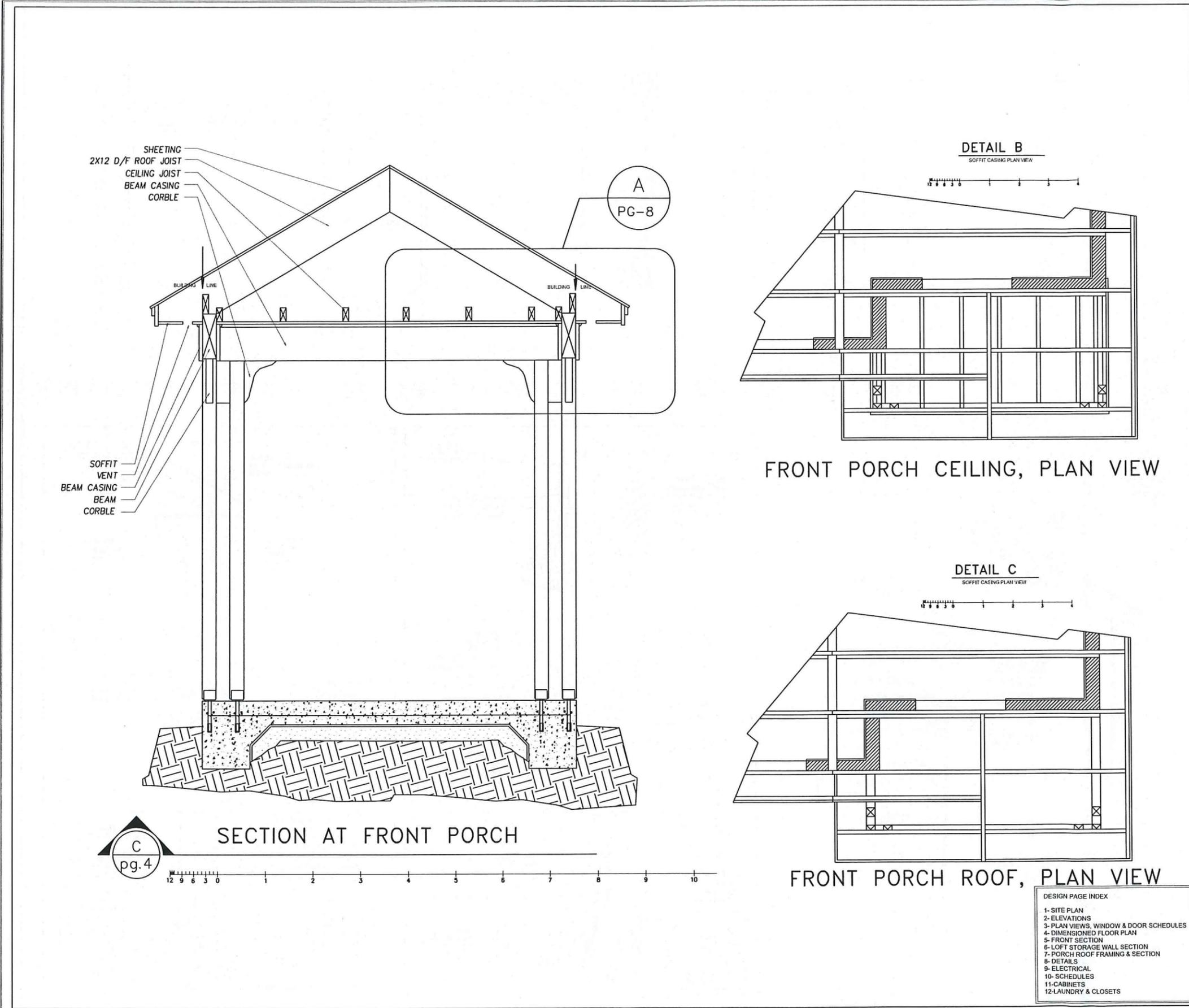
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29



SHEETING
2X12 D/F ROOF JOIST
CEILING JOIST
BEAM CASING
CORBLE

A
PG-8

SOFFIT
VENT
BEAM CASING
BEAM
CORBLE

DETAIL B
SOFFIT CASING PLAN VIEW

1 2 3 4 5 6 7 8 9 10

FRONT PORCH CEILING, PLAN VIEW

DETAIL C
SOFFIT CASING PLAN VIEW

1 2 3 4 5 6 7 8 9 10

FRONT PORCH ROOF, PLAN VIEW

C
pg. 4

SECTION AT FRONT PORCH

12 9 6 3 0 1 2 3 4 5 6 7 8 9 10

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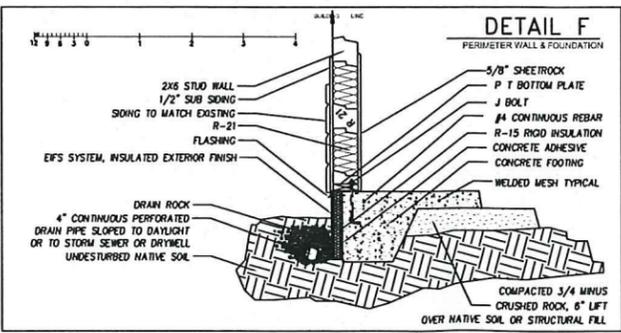
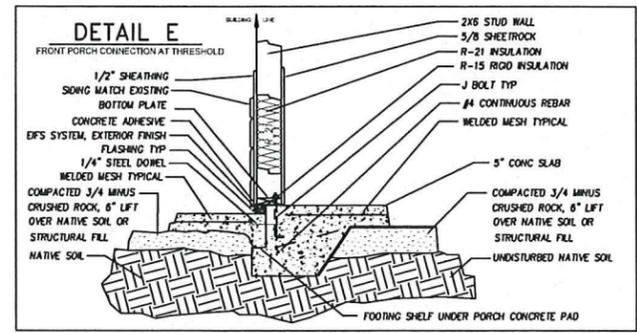
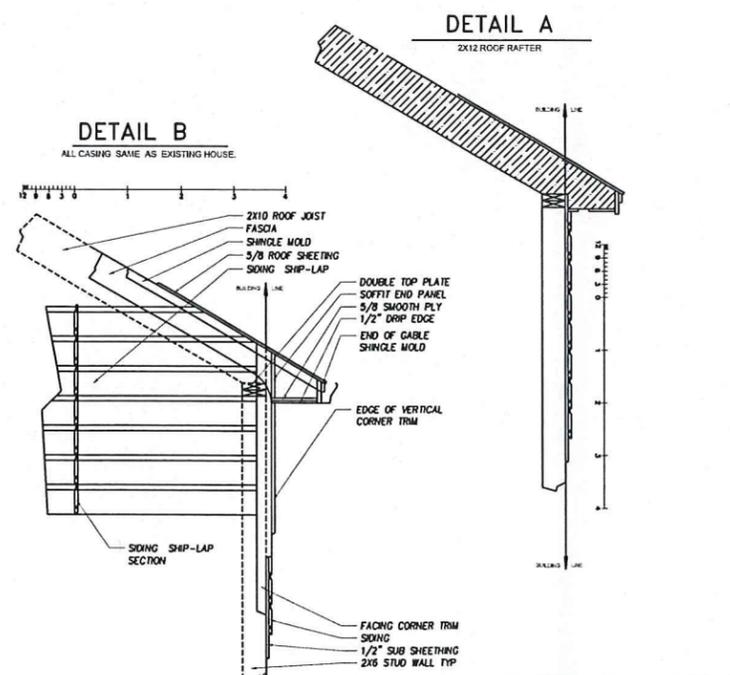
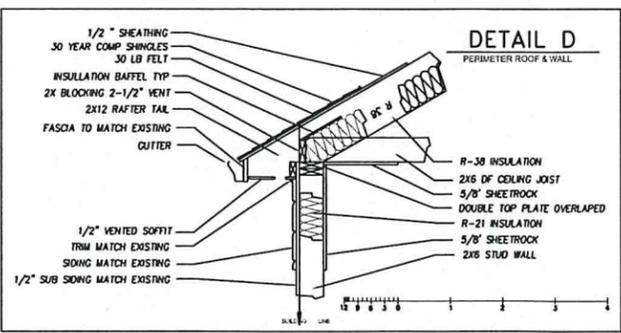
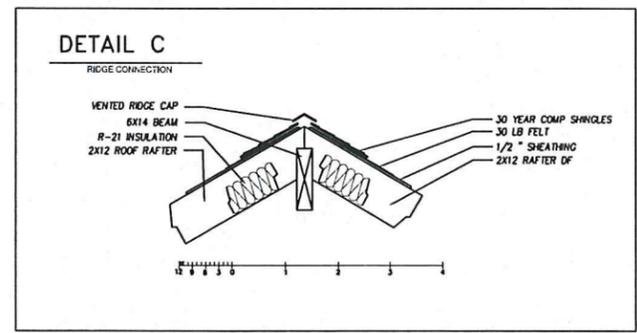
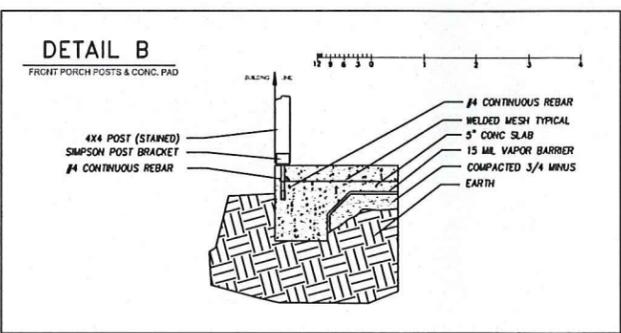
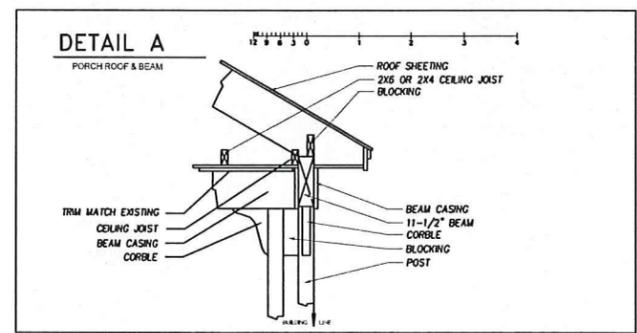
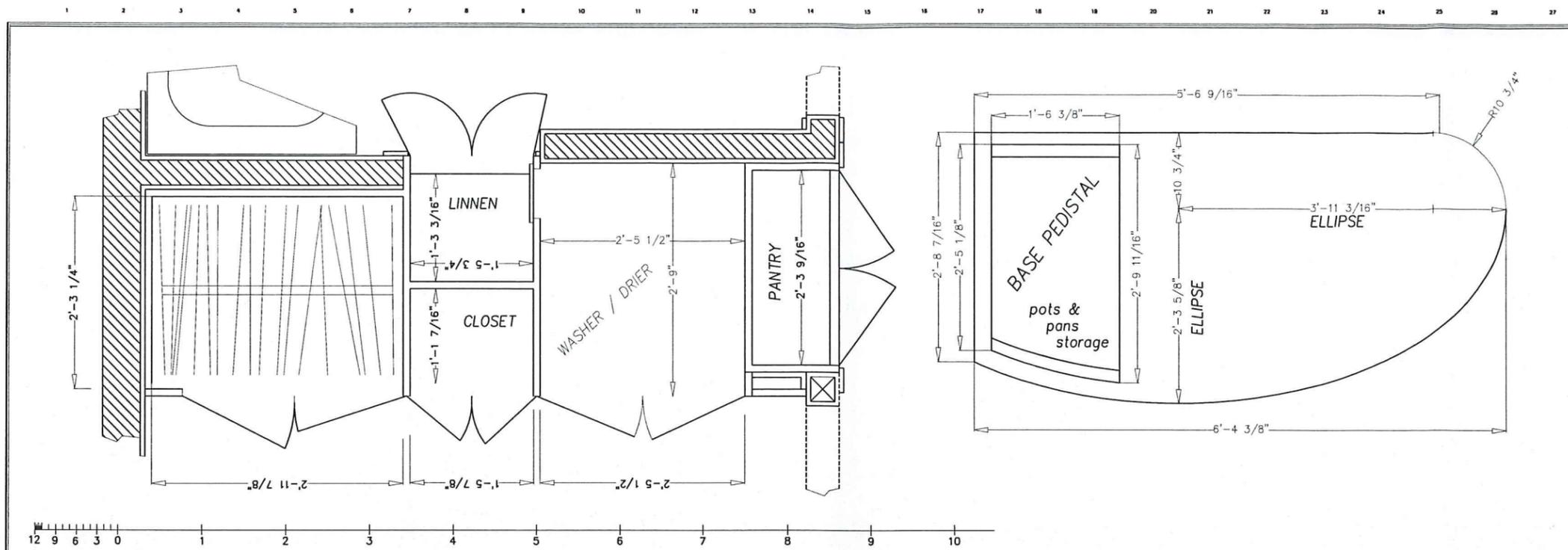
MALLORY
PROJECT 222
LUCID
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541-951-3201
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ASHLAND, OR
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lucid@97520.net

DESIGNS FOR: Mike and Karen Mallory
Remove garage and construction of new ADU
PROJECT LOCATION: 133 Alida Street
ASHLAND OREGON 97520

SCALE: 1/4" = 1'
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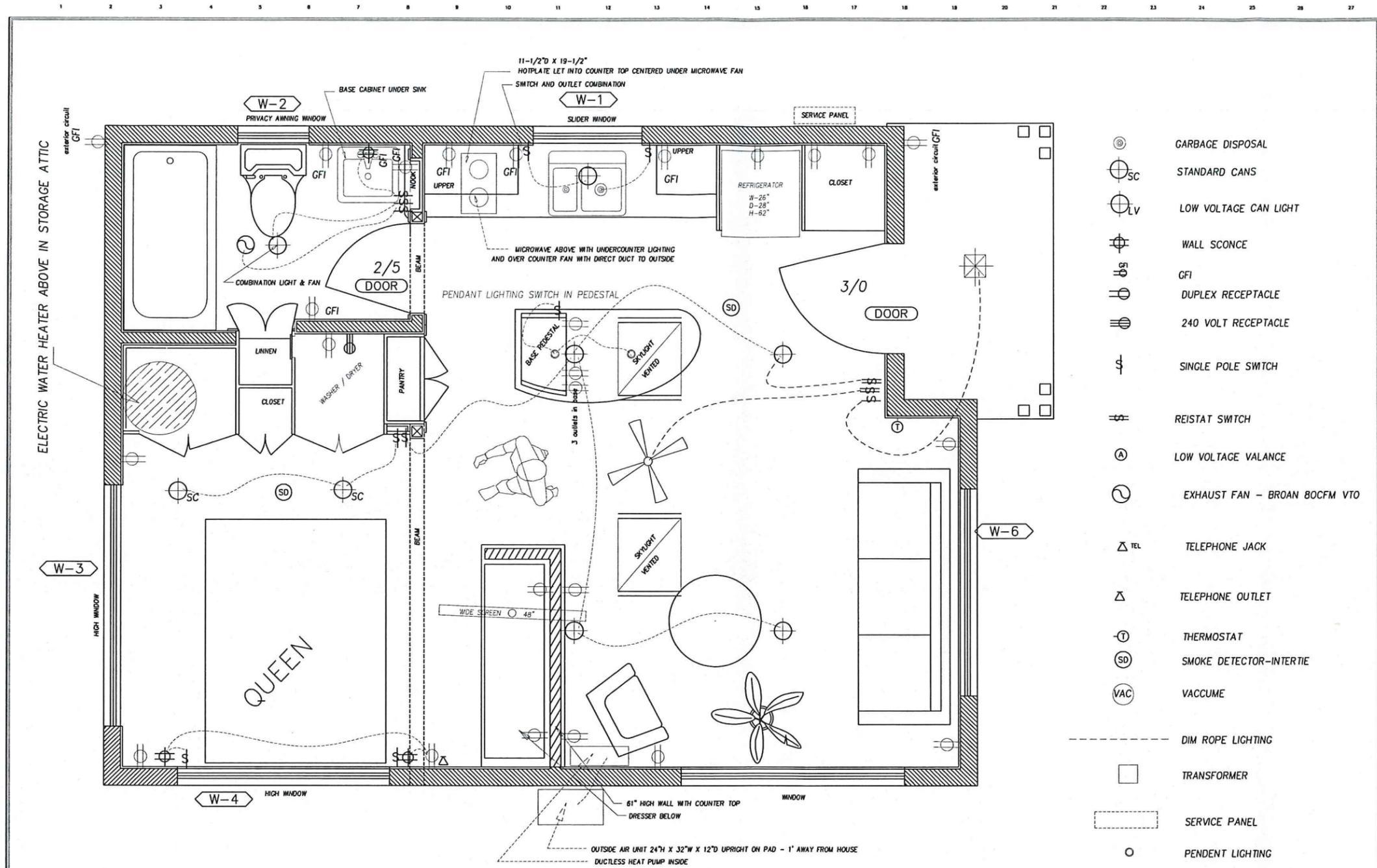
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RECORDED
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- ⊙ GARBAGE DISPOSAL
- ⊕ SC STANDARD CANS
- ⊕ LV LOW VOLTAGE CAN LIGHT
- ⊕ WS WALL SCONCE
- ⊕ GS GFI
- ⊕ DR DUPLEX RECEPTACLE
- ⊕ TR 240 VOLT RECEPTACLE
- ⊕ S SINGLE POLE SWITCH
- ⊕ RS REI STAT SWITCH
- ⊕ A LOW VOLTAGE VALANCE
- ⊕ EF EXHAUST FAN - BROAN BOCFM VTO
- ⊕ TEL TELEPHONE JACK
- ⊕ TO TELEPHONE OUTLET
- ⊕ T THERMOSTAT
- ⊕ SD SMOKE DETECTOR-INTERIE
- ⊕ VAC VACCUME
- DIM ROPE LIGHTING
- TRANSFORMER
- ⊕ SERVICE PANEL
- PENDENT LIGHTING

1	6" RECESSED CAN LIGHT WITH BLOCK BAFFEL / 2-13 WATT HORIZONTAL FLUO LAMPS.
2	JUNO TRACMASTER TRACK LIGHTING SYSTEM OR EQU. BLACK
3	FLOURESCENT PENDANT
4	MR16 WALL WASHER FLOOD
5	4" - 60W INC, NON IC CAN

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1ST FLOOR FINISH SCHEDULE

ID	ROOM NAME	FLOOR		BASE		N. WALL		E. WALL		S. WALL		W. WALL		CEILING		REMARKS
		MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	
101	LIVING ROOM	CONCRETE	SATIN	A-MED	1-PAINT	C	3	C	3	C	3	C	3	CEILING-A	3	-
102	KITCHEN	CONCRETE	SATIN	A-MED	1-PAINT	E	3	C	3	C	3	C	3	3	3	-
103	BATHROOM 1ST FLOOR	CONCRETE	SATIN	A-MED	1-PAINT	C	4	C	4	C	4	C	4	C	4	-
104	BEDROOM	CONCRETE	SEAL	A-MED	1-PAINT	C	3	C	3	C	3	C	3	C	3	-
105	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
106	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
107	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
108	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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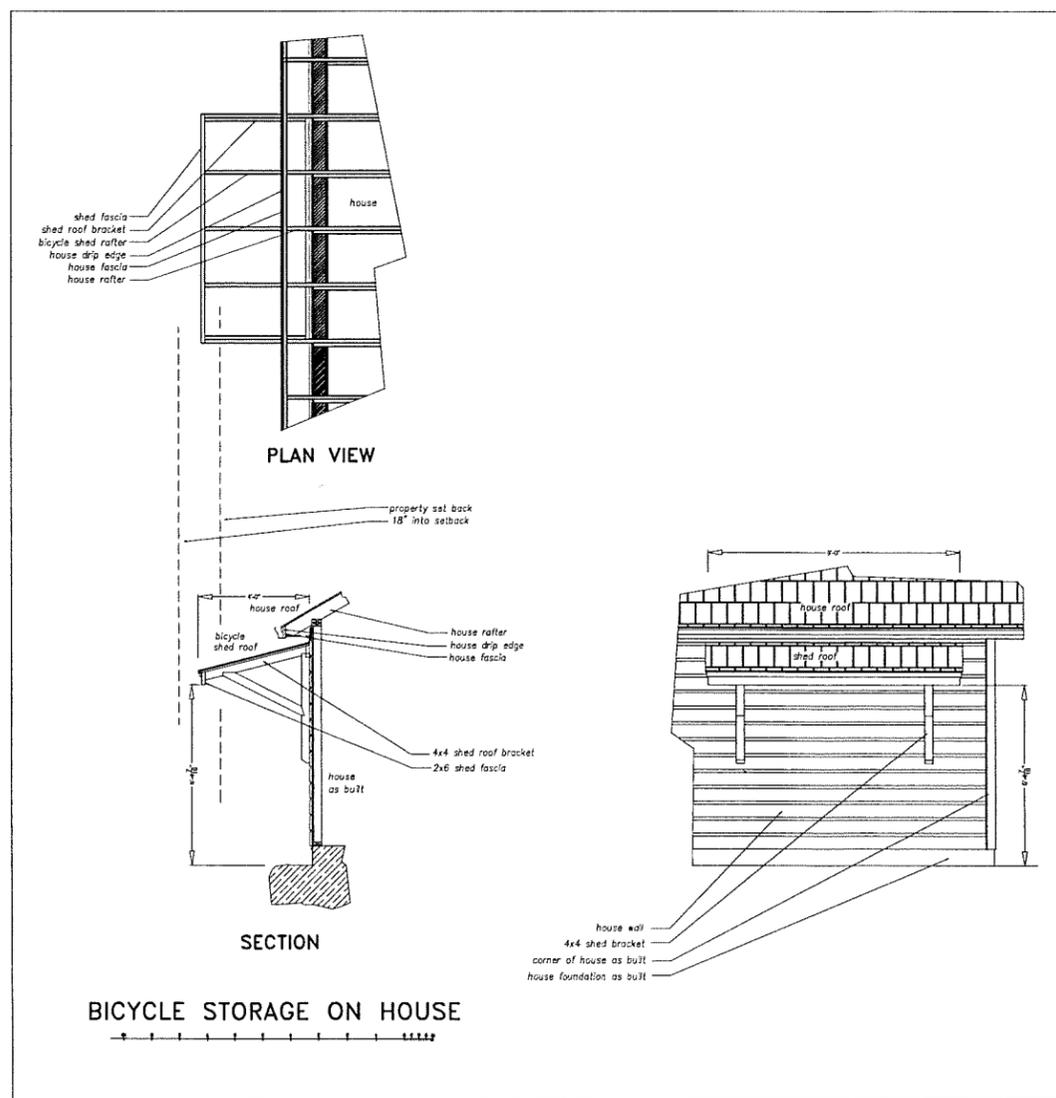
SCHEDULE KEYS

ID	MATERIAL
A	MED.- BASE 3-1/2 MEDITE.- 1/2"x 5/8"SHOE
B	TALL.- BASE 4-1/2 MEDITE.- 1/2"x 5/8"SHOE
C	5/8" SHEETROCK-TYPICAL-
D	5/8" SHEETROCK FIRE RATED-
E	WALL TILE
F	-
G	-
H	-
(I)	-
J	-
K	-
L	-

SCHEDULE KEYS

ID	FINISH
1	PAINT GRADE -SATIN-
2	STAIN GRADE-SATIN-
3	FINE TROWEL FINISH
4	PRODUCTION SMOOTH
5	HIGH SMOOTH FINISH
6	WALLPAPER
7	-
8	-
9	-
10	-
11	-
12	-

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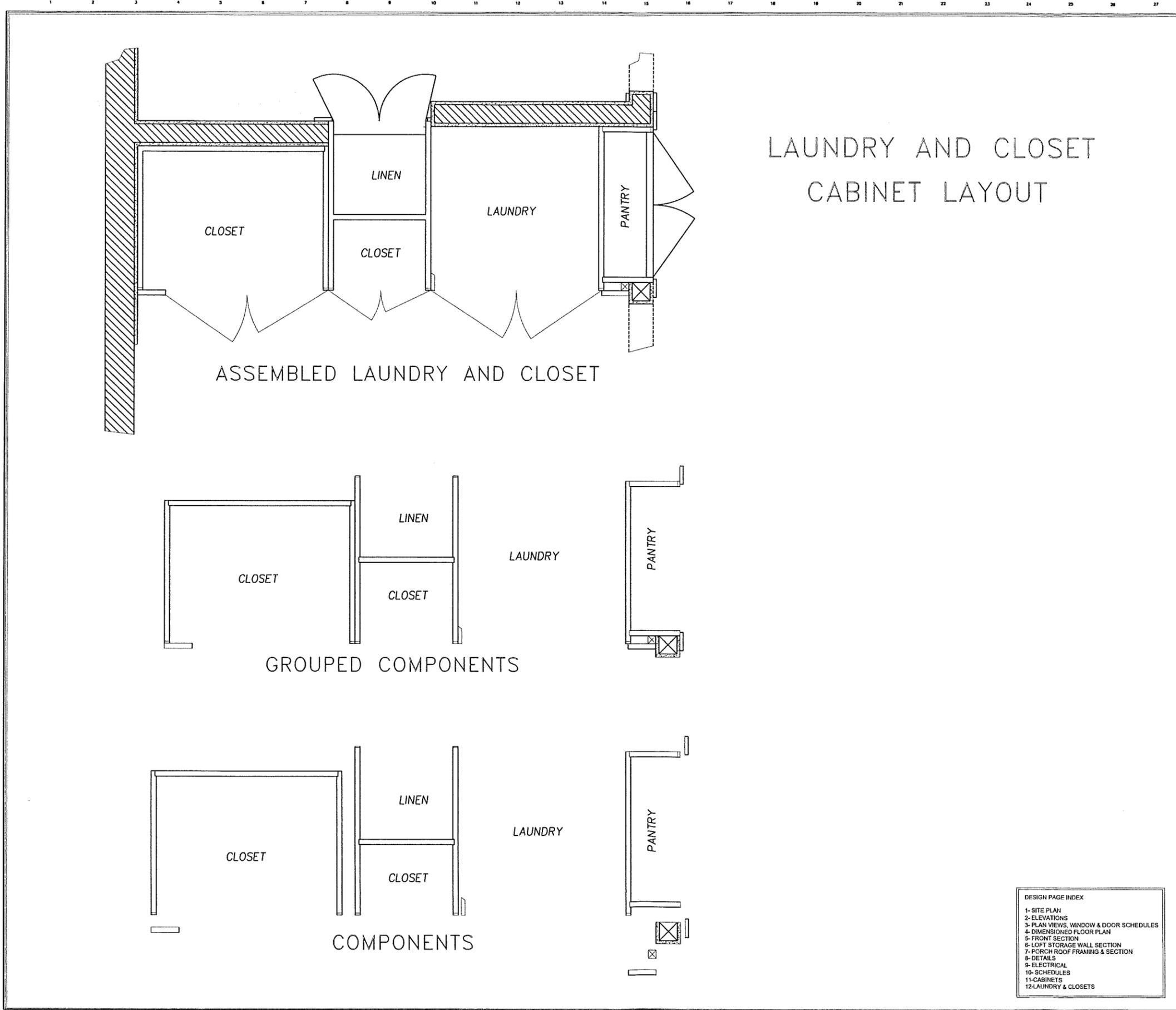


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157 07 2318



LAUNDRY AND CLOSET
CABINET LAYOUT

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