

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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
January 14, 2020
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. December 10, 2020 Regular Meeting

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-T2-2019-00015, 459 Russell Street.**

- VII. **TYPE I PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-APPEAL-2019-00010 appealing PA-T1-2019-00080**
SUBJECT PROPERTY: 145 North Main Street
OWNER/APPLICANT: BC Partners IV, LLC/Donn Comte
APPELLANT: Donn Comte
DESCRIPTION: The Planning Commission will consider an appeal by the applicant of the Staff Advisor's approval of a request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "Ashland Tire Shop" building – more recently "Hank's Foreign Automotive" - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use. COMPREHENSIVE PLAN DESIGNATION: Low-Density, Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 391E09BB; TAX LOT: 3503.



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).

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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.

VIII. TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-T2-2019-00012

SUBJECT PROPERTY: 945 Tolman Creek Road

OWNER/APPLICANT: Sean Darrell / Rogue Planning & Development

DESCRIPTION: The application is request for a three-unit/four-lot Outline and Final Plan subdivision approval and Site Design Review permit to allow the construction of a three-unit Cottage Housing Development for the property at 945 Tolman Creek Road. The existing structure is proposed to be divided into two units, and a third 400 square foot cottage unit is to be constructed at the rear of the property.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5;

ASSESSOR'S MAP #: 391E14CA; TAX LOT: 800.

IX. 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 - *Draft*
December 10, 2019

I. CALL TO ORDER:

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

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Alan Harper
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Director
Brandon Goldman, Senior Planner
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Melanie Mindlin

Council Liaison:

Stefani Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced the Commission's annual report to the City Council was rescheduled to December 17, 2019 at 6:00 p.m.

III. AD-HOC COMMITTEE UPDATES - None

IV. CONSENT AGENDA

A. Approval of Minutes

1. November 12, 2019 Regular Meeting

Commissioner Thompson/Dawkins m/s to approve the minutes of November 12, 2019. Voice Vote: all AYES. Motion passed.

V. PUBLIC FORUM

Huelz Gutcheon/Ashland/Spoke on electric vehicles and solar panels.

VI. TYPE II PUBLIC HEARINGS

PLANNING ACTION: PA-T2-2019-00015

SUBJECT PROPERTY: 459 Russell Street

OWNER/APPLICANT: KDA Homes, LLC/Laz Ayala

DESCRIPTION: A request for Site Design Review approval to construct a 13,816 square foot, two-story mixed-use building on the property located at 459 Russell Street (Lot 2 of the Falcon Heights subdivision). The proposed building will include a 4,837 square feet of ground floor commercial space, and a total of 13 residential studio units (497 s.f.) on the ground and second floors. The application includes a Property Line Adjustment between Lots 1 and 2, and an Exception to the Site Development and Design Standards in order to utilize existing parking installed with the subdivision which does not comply with more recent parking lot treatment standards in AMC 18.4.3.080.B.5. *[The current application would supersede the previously approved PA-T2-2018-00001 which granted approval to consolidate Lots 1 and 2 of the subdivision to develop a single 22,469 square foot building. The current proposal also illustrates conceptual development of Lot 1 with floor plans, elevations and*

landscape details, but these are conceptual and not being reviewed or approved here.]
COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1, Detail Site Review Overlay;
ASSESSOR'S MAP #: 391E 09AA; TAX LOT: 2800 & 2801.

Chair Pearce read the rules of the Public Hearing.

Ex Parte Contact

Commission Harper and Chair Pearce declared no ex parte. Commissioner Norton, Brown and Thompson had no ex parte and one site visit. Commissioner Dawkins had no ex parte but had run past the site.

Staff Report

Senior Planner Derek Severson provided a presentation (see attached):

- Proposal.
- Vicinity Map.
- Falcon Heights Subdivision.
- 2006 Aerial photo.
- Lot illustrations and photos.
- Elevation Drawings.
- Site Plan.
- Proposed Utility & Drainage Plan.
- Proposed Landscape Plan.
- Elevation Drawings.
- Proposed Floor Plans.
- Standard A Solar Shadow Study.
- Parking Calculation.
- Key Points for Staff.
- Clear Creek Drive plaza space illustration.

Staff recommended approved with the Conditions in the draft findings.

Questions of Staff - None

Applicant's Presentation

Mark Knox/Ashland/Spoke to the proposal and provided background on why they went back to their original plan of phased building. They had no issues with the Conditions. The proposal would build thirteen units under 500 square feet (sq. ft.).

Laz Ayala/Ashland/Spoke to housing trends getting smaller. The proposal would build housing the city lacked.

Questions of the Applicant

Mr. Knox confirmed there were two separate lots with most of the density on one. They would have a deed restriction specifying density as well as commercial and plaza space. Commissioner Harper suggested making the condition for the deed restriction clear. Mr. Ayala clarified the intent was having two one-story buildings. The second building would have 30% residential and 70% commercial on the ground level. Building would occur in phases.

Public Testimony - None

Rebuttal by Applicant - None

Deliberations & Decision

Commissioner Harper/Norton m/s to approve PA-T2-2019-00015, as presented by staff with the Conditions. Roll Call Vote: Commissioner Pearce, Norton, Brown, Dawkins, Harper and Thompson, YES. Motion passed.

VII. DISCUSSION ITEMS

A. **Requirements for plaza space in the Downtown Detail Site Review (DSR) overlay and C-1-D zone**

Senior Planner Brandon Goldman provided a presentation (see attached):

- Detail Site Review Overlay – Plaza Space Requirements Downtown.
- Existing Plaza Space Standards.
- Detail Site Review Overlay Applicability.
- Downtown Applicability.
- Downtown Applicability C-1-D Zone.
- Discussion Items; Public-Private Use, Ground Floor Area, Historic Development Pattern, Multi Story Development, Design Implications.
- Option 1: 18.4.2.040.D.b would eliminate the requirement for any private plaza space in the downtown area for new or redeveloped buildings.
- Option 2: 18.4.2.040.D.b would require one square foot of plaza space in the downtown area to apply to the area of the ground floor only, for a building 10,000 square feet or greater.
- Timeline for Public Hearings (2020).

Mr. Molnar provided legislative history on the large-scale development standards. Commissioner Thompson voiced concern it would increase density and parking challenges. She suggested having a downtown parking analysis done or establishing an LID to resolve potential parking issues. Staff would include the suggestion in the recommendation to City Council. Parking was not required on the north side of Lithia Way. On the south side of Lithia Way in the C-1-D zone it was not required unless it was traveler's accommodations.

Commissioner Brown explained why Option 1 was more viable. Current plaza areas in the downtown were under used or over used depending on the time of the day or year. He supported having the building facades flush with the street. Overhangs would change the vertical sense of the city.

Public Testimony

Barry Thalden/Ashland/Submitted a document into the record (see attached). He explained why he supported eliminating the plaza space requirement.

Mark Knox/Ashland/Agreed with Mr. Thalden's testimony and spoke in support of Option 1.

Laz Ayala/Ashland/Supported changing the plaza requirements. He addressed parking concerns. Transportation needs would rely more on shared transportation in the future eliminating the need for more parking.

The Commission discussed their support of Option 1.

Commissioner Harper/Brown m/s to recommend to City Council Option 1 as outlined by staff including Commission comments. Voice Vote: ALL AYES. Motion passed.

Commissioner Norton suggested a future study session that would look at improvements to existing parking, then address future parking needs.

VIII. ADJOURNMENT

Meeting adjourned at 8:09 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

449-459 Russell Street Falcon Heights Lot 1 & 2

CITY OF ASHLAND

Planning Commission Hearing December 10th, 2019



(Future Building 1)
Final Design TSO

Building 2

449-459 Russell Street Proposal

CITY OF ASHLAND

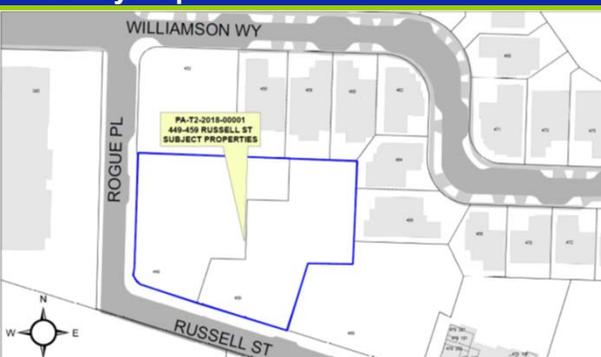
Site Review approval to construct a 13,816 square foot, two-story mixed-use building on the property located at 459 Russell Street (Lot 2 of the Falcon Heights subdivision) consisting of 4,837 square feet of ground floor commercial space, and a total of 13 residential studio units (497 s.f.) on the ground and second floors.

The application includes a Property Line Adjustment between Lots 1 and 2, and an Exception to the Site Development and Design Standards in order to utilize existing parking installed with the subdivision which does not comply with more recent parking lot treatment standards.

The current application supersedes PA-T2-2018-00001 which granted approval to consolidate Lots 1 and 2 to develop a single 22,469 square foot building. The current proposal illustrates conceptual development of Lot 1 but the current request is limited to the proposed building for Lot 2.

449-459 Russell Street Vicinity Map

CITY OF ASHLAND



WILLIAMSON WY

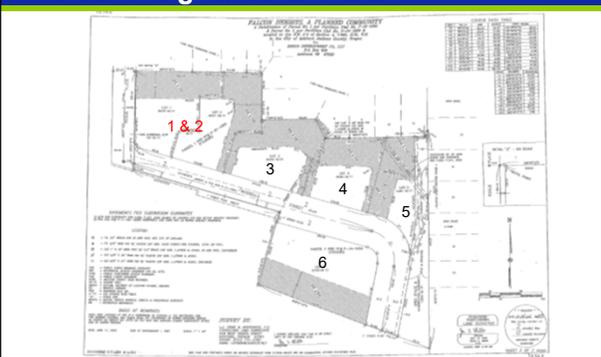
ROGUE PL

RUSSELL ST

PA-T2-2018-00001
449-459 RUSSELL ST
SUBJECT PROPERTIES

449-459 Russell Street Falcon Heights Subdivision

CITY OF ASHLAND



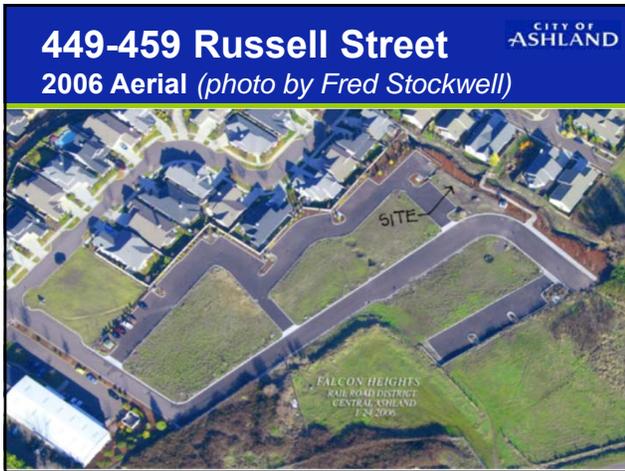
1 & 2

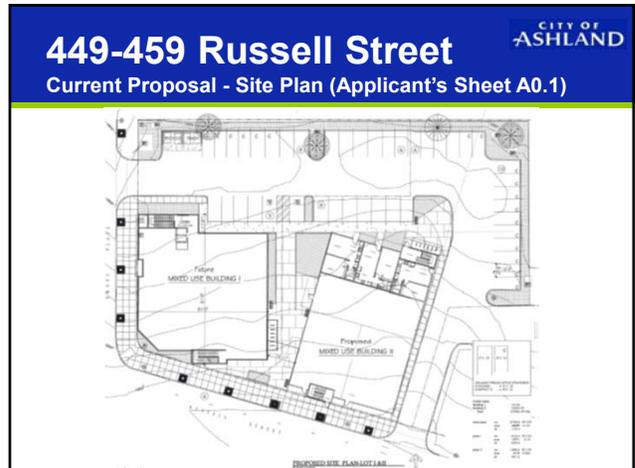
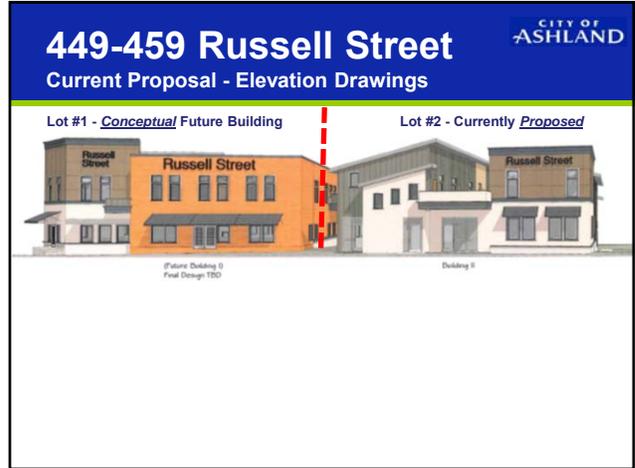
3

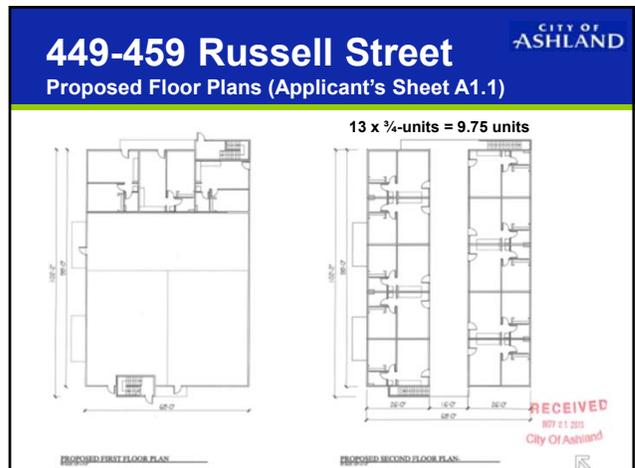
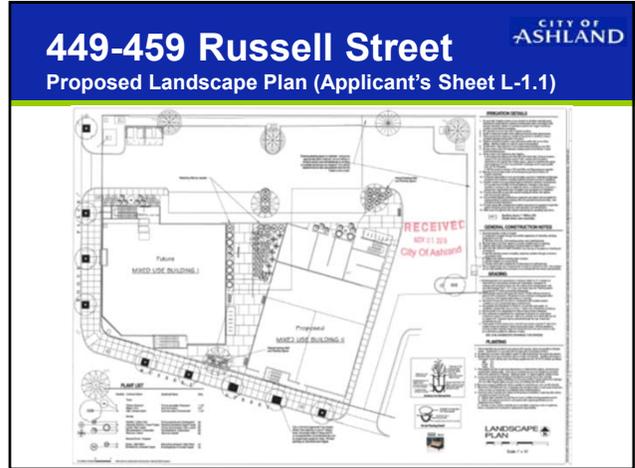
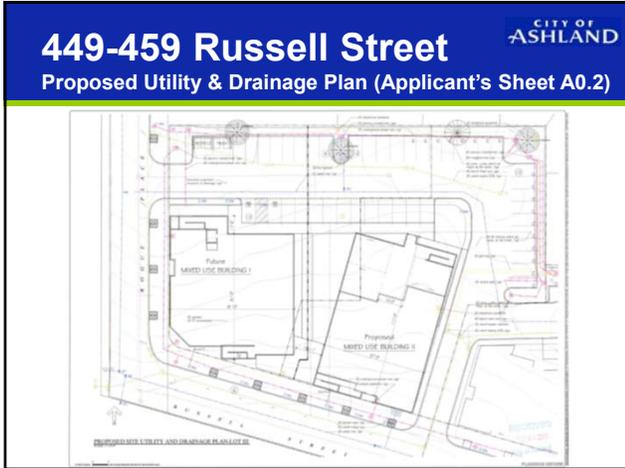
4

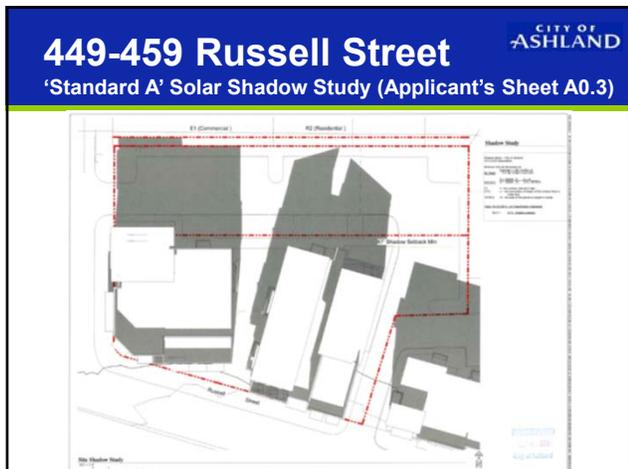
5

6









449-459 Russell Street

Parking Calculation per 18.4.3.040

459 Russell Street – Mixed-Use Lot #2		
13 One-bedroom units < 500 s.f. @ 1.0 space per unit =	13.0	spaces
4,837 s.f. of general office @ 1 space per 500 sq. ft. =	9.674	spaces
Total Parking Required Lot #2	=	22.674 spaces
Surface Parking Provided (Off-Street):		
	43	spaces
		<i>(including two ADA-accessible)</i>
Parking Required for Lot #2	23	spaces
Remaining Off-Street Parking for Lot #1:	20	spaces
		<i>(subject to future Site Review)</i>
On-Street* Parking Available:	9*	spaces
		<i>(*no credit requested)</i>

449-459 Russell Street

Key Points for Staff

#1 **Consistent Approach**
 If Lots #1 & #2 are to be considered one property for planning purposes with regard to density, parking, and plaza space they should also be considered one property in terms of Commercial/Residential Split, Floor Area Ratio and Traffic Impact Analysis. **(Condition #7)**

#2 **Plaza Space**
 If looked at as one property, plaza space development should be cohesive in terms material treatment, grading and functionality. Approved plan should guide development for both lots, and applicant should provide necessary easements and agreements for shared use here. **(Condition #8L)**



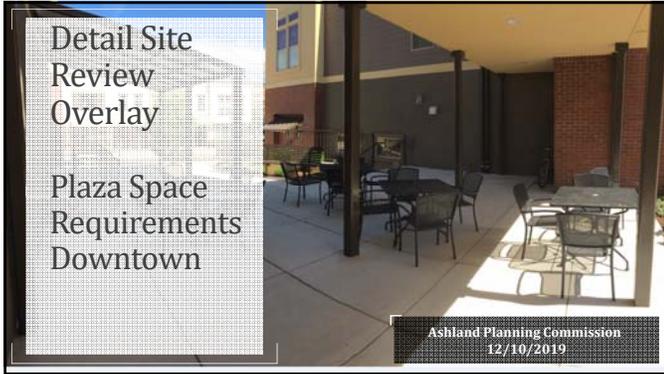
449-459 Russell Street Staff Recommendations

CITY OF
ASHLAND

Staff Recommendation

Staff recommends that the application be approved with the conditions detailed in the attached draft findings.





Existing Plaza Space Standards

- Applies in the Detail Site Review overlay
- Applies to Large Scale Buildings (10,000sq.ft. or larger)
- Requires 10% of the buildings gross floor area (up to 3 stories) to be plaza space.
- Requires specific design elements.

PC - 12/10/2019 2

This slide shows a photograph of a multi-story building with a ground-floor plaza area. To the right of the image is a list of four bullet points. At the bottom right, there is a small box with the text 'PC - 12/10/2019 2'.

Detail Site Review Overlay
Applicability (maps located in ALUO 18.4.2)

- North Main, Historic District and Oak Street
- Siskiyou Boulevard, Ashland Street and Walker Avenue
- Ashland Street and Tolman Creek Road
- Crowson Road

This slide contains three small maps showing different areas of the city shaded in blue to indicate applicability. Below the maps is a bulleted list of specific streets and districts. A small grey box is located at the bottom right of the slide.

Downtown Applicability

Downtown Design Standards Boundary

PC - 12/10/2019 4

This slide features a large map of a downtown area with a red outline indicating the 'Downtown Design Standards Boundary'. To the right of the map is a title 'Downtown Applicability' and a subtitle 'Downtown Design Standards Boundary'. At the bottom right, there is a small box with the text 'PC - 12/10/2019 4'.



Downtown Applicability

Downtown C-1-D Zone

5



Downtown Applicability

Downtown Design Standards Boundary & C-1-D zone

6



Downtown Applicability

Downtown Design Standards Boundary & C-1-D zone

7

Discussion Items

				
Public - Private Use	Ground Floor Area	Historic Development Pattern	Multi Story Development	Design Implications
Private Outdoor Space for Cafes, sitting, landscaping, public art	Ground floor area reduced to accommodate plaza spaces	Traditional rhythmic spacing of historic buildings	Increasing plaza space requirement due to additional stories (10% of 1 st , 2 nd , and 3 rd stories)	Functional spaces, construction costs, design constraints

8

Option 1

18.4.2.040.D.b

Within the, C-1-D zone or Downtown Design Standards Overlay, no plaza space shall be required.

Eliminates requirement for any private plaza space in the downtown area for new or redeveloped buildings.

- Eliminates required plaza space thus private open-spaces will only be provided voluntarily.
- Maintains the character and historic pattern of development along N. Main Street where buildings are built to the sidewalk and to the lot lines on either side.
- Floor area reductions attributable to required plaza space for multi-story developments are eliminated, thus increases potential gross floor area on new or redeveloped buildings.
- Reduces potential constraints to redevelopment and multi-story development.
- Potential increase in the visual mass of buildings as a result of the elimination of ground level offsets in the building façade formerly designed and intended to accommodate plaza spaces.

Option 2

18.4.2.040.D.b

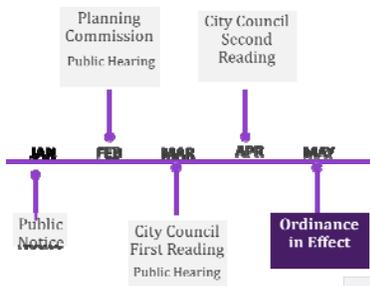
Within the C-1-D zone or Downtown Design Standards Overlay, one square foot of plaza space shall be required for every ten square feet of the gross floor area of the first floor only.

Reduce the requirement for private plaza space in the downtown area to apply to the area of the ground floor only, for a building 10,000 square feet or greater.

- Maintains some plaza space for outdoor commercial activities and seating, landscaping, public art, etc.
- Reduces total gross floor area that can be developed due to percentage of lot area that must be reserved as plaza space.
- Reduces available ground floor commercial space.
- Construction cost increases possible in order to cantilever upper stories over a designated plaza space, or alternatively a reduction of upper story floor area due to incorporating a horizontal offset to accommodate the plaza space.
- Floor area reductions attributable to required plaza space for multi-story developments are reduced compared to the existing plaza space standard.



Timeline for Public Hearings (2020)



What is the vision for Downtown Ashland?

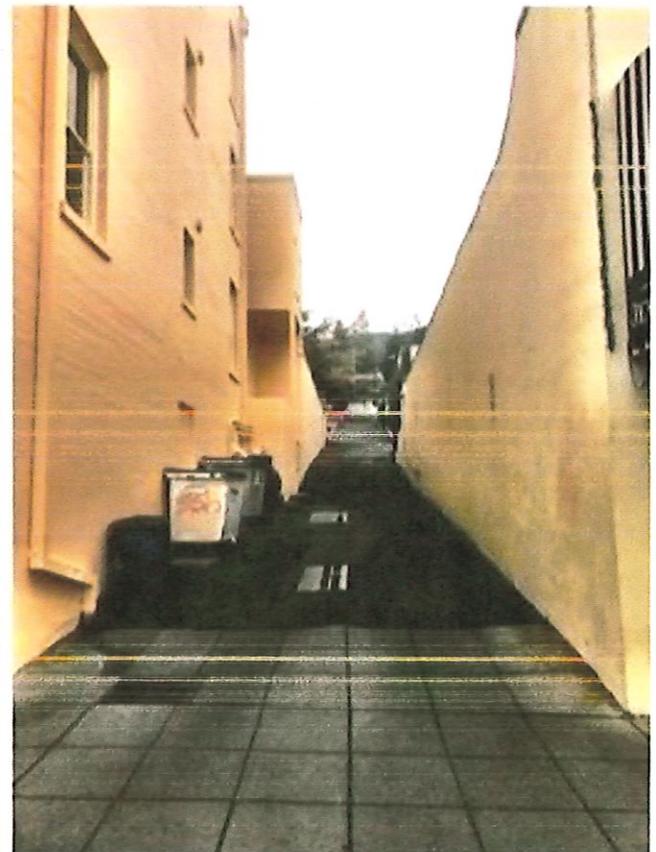
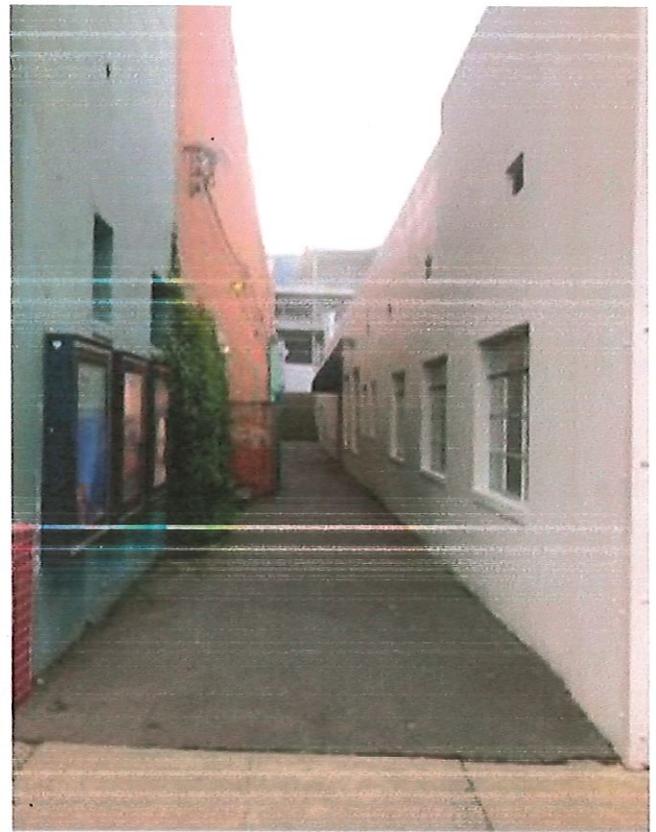


A continuous Retail / Restaurant Streetscape

Or



A series of Public Alleyways and Transient Gathering Areas



Downtown Ashland Public Spaces

BEFORE THE PLANNING COMMISSION
January 14, 2020

IN THE MATTER OF PLANNING ACTION PA-T2-2019-00015, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT A NEW 13,816 SQUARE)
FOOT, TWO-STORY MIXED-USE BUILDING ON LOT 2 OF THE FALCON)
HEIGHTS SUBDIVISION AT 459 RUSSELL STREET. THE PROPOSED BUILDING)
WILL INCLUDE 4,837 SQUARE FEET OF GROUND FLOOR COMMERCIAL)
SPACE, AND A TOTAL OF 13 RESIDENTIAL STUDIO UNITS (497 SQ. FT.) ON)
THE GROUND AND SECOND FLOORS. THE APPLICATION INCLUDES A PROP-)
ERTY LINE ADJUSTMENT BETWEEN LOTS 1 AND 2, AND AN EXCEPTION TO)
THE SITE DEVELOPMENT AND DESIGN STANDARDS IN ORDER TO UTILIZE)
EXISTING PARKING INSTALLED WITH THE SUBDIVISION WHICH DOES NOT) **FINDINGS,**
COMPLY WITH MORE RECENT PARKING LOT TREATMENT STANDARDS IN) **CONCLUSIONS**
AMC 18.4.3.080.B.5. THE CURRENT APPLICATION WOULD SUPERSEDE THE.) **& ORDERS**
THE PREVIOUSLY APPROVED PA-T2-2018-00001 WHICH GRANTED APPROV-)
AL TO CONSOLIDATE LOTS 1 AND 2 OF THE SUBDIVISION TO DEVELOP A)
SINGLE 22,649 SQUARE FOOT BUILDING. THE CURRENT PROPOSAL ILLUS-)
STRATES CONCEPTUAL DEVELOPMENT FOR LOT 1 WITH FLOOR PLANS,)
ELEVATIONS, AND LANDSCAPE DETAILS, BUT THESE ARE CONCEPTUAL.)
AND ARE NOT BEING REVIEWED OR APPROVED HERE.)
)
)
OWNER/APPLICANT: Laz Ayala/KDA Homes, LLC)
)
)

RECITALS:

- 1) Tax lots #2800 and #2801 of Map 39 1E 09 AA are located at 449 and 459 Russell Street within the E-1 Employment zoning district and the Detail Site Review and “R” Residential overlays.

- 2) The applicants are requesting Site Design Review approval to construct a 13,816 square foot, two-story mixed-use building on the property located at 459 Russell Street (Lot 2 of the Falcon Heights subdivision). The proposed building will include 4,837 square feet of ground floor commercial space, and a total of 13 residential studio units (497 s.f.) on the ground and second floors. The application includes a Property Line Adjustment between Lots 1 and 2, and an Exception to the Site Development and Design Standards in order to utilize existing parking installed with the subdivision which does not comply with more recent parking lot treatment standards in AMC 18.4.3.080.B.5. *The current application would supersede the previously approved PA-T2-2018-00001 which granted approval to consolidate Lots 1 and 2 of the subdivision to develop a single 22,469 square foot building. The current proposal illustrates conceptual development of Lot 1 with floor plans, elevations and landscape details, but these are conceptual and not being reviewed or approved here – the current request is limited to the proposed building and site improvements for Lot 2.* The proposal is outlined on 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 criteria for Property Line Adjustment approval are described 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 Planning Commission, following proper public notice, held a public hearing on December 10, 2019 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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 approval meets all applicable criteria for Site Design Review approval described in AMC Chapter 18.5.2.050 and that the proposal for a Property Line Adjustment meets all applicable criteria for Property Line Adjustment approved described in AMC Chapter 18.5.3.120.B.

2.3 The Planning Commission notes that 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 Commission further notes that the application materials provided indicate that all of the applicable provisions of the property’s E-1 zoning from AMC 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 are being complied with.

The Planning Commission finds that the subject property’s underlying zone is E-1 (Employment) and that within this zone, there is no minimum lot area, width, or depth; no minimum front, side or rear yard area except where abutting a residential zone to the side or rear; no maximum lot coverage; and no minimum residential density. The subject property partly abuts residential zones to the rear along the north property line and as such AMC 18.2.6.030 requires that a ten-foot per story rear yard be provided. In addition, as part of the creation of the subdivision, the original applicant agreed to a “Standard A” solar setback between the subdivision and the residential properties to the north. The application indicates that the building will comply with Standard A, and the applicants’ sheet “A0.3 Shadow Study” illustrates that the building has been designed with a Standard A setback in mind. Russell Street is not classified as an arterial street, and as such no arterial setback requirements come into play. The maximum building height is limited to 40 feet, and the proposed 26-foot 10-inch height here complies with the applicable E-1 height limit.

2.4 The Planning Commission notes that the second Site Design Review approval criterion is that, “*The proposal complies with applicable overlay zone requirements (part 18.3).*” The Planning Commission further notes that the application materials explain that the proposal complies with the Residential Overlay regulations found in AMC 18.3.13.010, including but not limited to commercial and residential ground floor ratios as well as permissible residential densities.

The applicant emphasizes that the “*project is for an attractive and well thought-out mixed use development that will not only provide the City with needed small-unit housing and new office space close to the downtown core, but is also in keeping with the original subdivision’s envisioned concept plans and is contextually compatible with the existing building on Lot #4, the two new buildings across the street on Lot #6, and the recently approved building on Lot #3.*” The applicant further explains that they have tried to provide conceptual information on the likely development for Lot #1 to aid in considering the proposal in context, and the plans include building footprints, parking and the shared circulation pattern through the shared plaza.

For properties within the E-1 zoning district’s Residential Overlay, residential development is allowed at a density of 15 dwelling units per acre. The application proposes to adjust the property line between the two lots so that Lot #1 would be reduced in area from its current 19,278 square feet to 17,478 square feet, and Lot #2 would be increased from its current 18,377 square feet to 20,177 square feet. At the same time, the applicant proposes to consider the density for the combined area of Lots #1 and #2 to allow the building proposed here for Lot #2 to have 13 dwelling units less than 500 square feet in area ($\frac{3}{4}$ units for density purposes), and to place a deed restriction on Lot #1 to limit its future residential development to no more than 3.2 dwelling units.

Lot	Adj. Area	Density
449 Russell Street (Lot #1)	17,478 0.401 acres	6.019 d.u. density by adjusted lot area 3.2 d.u. limit proposed (3 units or 4 $\frac{3}{4}$ -units’)
459 Russell Street (Lot #2)	20,177 0.463 acres	6.948 d.u. density by adjusted lot area 9.75 d.u. proposed (13 x $\frac{3}{4}$ -units’)
	37, 655 s.f.	12.96 dwelling units

Total	0.864 acres	At E-1 density of 15 d.u./acre
--------------	-------------	--------------------------------

The Commission finds that the two lots are contiguous units of land under a single ownership and as such are to be considered a single lot for planning purposes. As proposed, the effect of this density allocation is to allow 2.8 additional dwelling units on Lot #2 while limiting the future development of Lot #1 to three dwelling units (or four “¾-dwelling units”). This remains within the allowable density based on the combined area of the applicant’s two contiguous lots. A condition has been included below to require that the deed restriction proposed by the applicant be signed and recorded prior to the issuance of a building permit for either lot.

The Commission further notes that both AMC 18.2.3.130.B.1 “*Dwelling in a Non-Residential Zone*” and AMC 18.3.13.010.C.1 “*Residential Overlay Regulations*” provide that, “*If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.*” For Lot #2, the ground floor will be 6,840 square feet with 2,003 square feet, or 29.28 percent, dedicated to residential use. The Commission therefore finds that the ground floor commercial/residential split complies with the applicable standard for the ground floor. However, because the applicant is considering the site’s density and plaza space based on the two contiguous lots under a single ownership representing a single lot for planning purposes, and this combined lot will ultimately involve more than one building, the Commission has included a condition below to require that the building permit submittals include a demonstration that not more than 50 percent of the total combined lot area shall be designated for residential uses.

2.5 The Planning Commission notes that 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.*” Generally, these Site Development & Design Standards seek to improve each project’s appearance; to create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties’ frontages, and automobile parking and circulation areas are not to be placed between buildings and the street. The Commission notes that the application materials here assert that the proposal complies with all applicable Site Development and Design Standards of AMC Chapter 18.4 but for a single Exception – discussed later in this document - because the proposal would continue to utilize the parking lot installed with the subdivision, which does not comply with the parking lot treatment standards in AMC 18.4.3.080.B.5 that were adopted subsequent to the subdivision approval.

Basic Site Review

The Planning Commission notes that with regard to the Basic Site Review standards, the site’s parking areas sit behind the proposed building and will be screened from the front of the property by the building,

and the proposed building occupies the majority of the streetscape.

The building's primary commercial entrance has been designed to face the primary street (Russell Street) and its public sidewalk, and the entrance is designed to be clearly visible, functional and open to the public during typical business hours. The residential entrances have been placed on secondary elevations. The applicant explains that the design will accommodate an array of uses including commercial offices and service businesses that will benefit from the building design and accessible public sidewalks. The proposal includes a public sidewalk built to current city street standards, and street trees selected from the approved street tree list are to be installed at one per 30 feet of frontage.

All site and building lighting is to meet requirements not to directly illuminate adjacent properties and to comply with the noise ordinance requirements as well. The applicant emphasizes that they have an interest in minimizing any typical nuisance issues related to lighting or noise in order to provide the expected quality of living to the project's residents, and to that end all lighting is to be down-directed to minimize any potential glare. The application materials provided include landscaping and site plans identifying a screened trash and recycling area.

The Planning Commission finds that the application satisfies the standards for Basic Site Review.

Detail Site Review

With regard to the Detail Site Review Overlay standards, the application materials identify Lot #2 as adjusted herein to be 20,177 square feet in area, and the proposed building for Lot #2 is to be 13,816 square feet. This equates to a Floor Area Ratio (F.A.R.) of 0.68, not including the plaza space or any pedestrian areas, for Lot #2. The Planning Commission finds that this exceeds the minimum requirement for a 0.50 F.A.R., however because the two contiguous lots under a single ownership are being considered together with regard to density and shared plaza space, the Planning Commission finds that the combined lots also need to be considered together for planning purposes with regard to Floor Area Ratio (F.A.R.). As such, the combined Floor Area Ratio (F.A.R.) of the two buildings will need to meet the minimum 0.50 F.A.R. when considered in terms of the combined lot area. This means that 0.50 F.A.R. x the 37,655 square foot combined lot area would equal 18,828 square feet, less the 13,816 square foot building area proposed here would require at least a 5,012 square foot area for the future building on Lot #1. The Planning Commission finds that the conceptual building design illustrated here exceeds 13,000 square feet and as such the F.A.R. requirement can and will be addressed with the future building on Lot #1. A condition has been included below to require that compliance with the F.A.R. on this basis be provided with the Site Design Review application for Lot #1.

The proposed building frontage has a variety of jogs and other distinctive changes in the façade for the purpose of creating an attractive street façade, and that the walls facing the street and plaza space will have displays, windows and doorways for at least 20 percent of the wall area. The buildings' working areas, pedestrian entrances and display areas are to be transparent while also addressing current building code and conservation standards relating to energy efficiency. The applicant explains that the building incorporates lighting and changes in mass, surface and finish to give emphasis to the entrances, and that

the buildings' elevations illustrate awnings between windows and vertical forms of the building that not only accentuate the building's design, but also protect pedestrians from the rain and sun, and will provide a minimum seven-foot covered area (awning and recessed entry) at the doorway entrance for pedestrians to assemble. The applicant further notes that the buildings will front onto a 13-foot sidewalk with street trees planted in irrigated five-foot by five-foot tree wells that, along with the building awnings, provide relief from inclement weather and in return promote walking and 'people areas', and explains that the design of the plaza space will enhance the "people" area and make the building more pleasant for both visitors and residents.

The landscape plan includes landscaping between the existing driveway and the neighboring residences to the north. The applicant explains that the landscaping and irrigation in these areas were installed with the subdivision infrastructure in 2003-2004 and have since matured, but that in some areas the landscaping has been vandalized or has died, and that any missing landscaping materials will be replaced prior to occupancy to ensure that required sight-obscuring screening is maintained. A condition to this effect has been added below. The application materials point out that the building materials include changes in relief for at least 15 percent of the exterior wall area, and that bright paint colors or significant amounts of glass are not to be incorporated in the buildings' facades.

The Planning Commission finds that the application satisfies the standards for Detail Site Review.

Large Scale Development

The Commission notes that in terms of the Additional Standards for Large Scale Developments in AMC 18.4.2.040.D., the proposed building has been designed to divide large building masses into heights and sizes that relate to human scale, and that the design incorporates changes in building masses, has sheltering awnings and recessed entrances, and includes a distinct pattern of divisions on surfaces. In addition, the design includes windows, small scale lighting and trees that will be planted along the property's frontage.

The subject property is outside the Downtown Design Standards Overlay, and as such is subject to standards which limit the building area and length. The application explains that the total square footage of the proposed building is 13,816 square feet, and the frontage is 67 lineal feet, and as such the buildings comply with the standards limiting their footprints and areas to less than 45,000 square feet and their lengths to no more than 300 feet.

The Commission notes that the project proposes to provide an approximately 2,889 square foot shared central plaza space to address a combined building area of up to 28,890 square feet between the two parcels to satisfy the minimum ten percent plaza space requirement. The applicant emphasizes that the plaza was designed to serve multiple purposes ranging from a view corridor, a break in the building mass, a place for gathering and recreation, a wind break, and an area for seating, dining and general relaxation for both the commercial and residential tenants. The applicant emphasizes that the design here generally seeks to mimic the space on Parcel #6 across the street which is noted as functioning well and being used often. The plaza incorporates five of the required elements for plaza space – sitting spaces, a mixture of sunlight

and shade, outdoor eating areas, protection from wind, and trees. The general layout accommodates seating in various locations (benches, seating wall, planter seats) while retaining an open, central plaza to accommodate assembly.

Given that the proposal involves shared plaza space between the two buildings to meet the combined plaza space requirement, and that the applicant recognizes the importance of coordinating the building elevation, material treatment, and pedestrian circulation so this space will cohesively function with the eventual development of a building on Lot #1, even if developed by a different party, a condition has been included below to require that, *“Prior to the issuance of a building permit for Lot #2, the applicant shall provide a revised plan for the shared plaza space which shall serve as the approved plan for the coordinated development of a cohesive plaza space for the two lots and which includes improvement details with consistent material treatment and includes grading details which ensure that the buildings’ finished floor elevations and plaza elevation are generally consistent. While the conceptual building design for Lot #1 is not approved here, the shared plaza space plan shall be considered the guiding document for the plaza space with the development of the two buildings. In addition to this plan, the applicant shall provide easements and agreements necessary to address the shared use of the plaza space between the two lots.”*

Automobile Parking

The Planning Commission finds that the applicants have provided the following parking calculations to address the city’s parking requirements, which are detailed in AMC 18.4.3.040:

459 Russell Street – Mixed-Use Lot #2

13 One-bedroom units < 500 s.f. @ 1.0 space per unit	=	13.0 spaces
4,837 s.f. of general office @ 1 space per 500 sq. ft.	=	9.674 spaces
Total Parking Required Lot #2	=	22.674 spaces

Surface Parking Provided (Off-Street):	43	spaces (including two ADA-accessible)
Parking Required for Lot #2	23	spaces
Remaining Off-Street Parking for Lot #1:	20	spaces (subject to future Site Review)
On-Street* Parking Available:	9	spaces (*no credit requested)

The Planning Commission finds that a total of 30 off-street parking spaces were installed as part of the subdivision’s original infrastructure installation, and that the applicant proposes to construct 13 additional off-street parking spaces here to provide a total of 43 off-street parking spaces. The Commission notes here that all parking spaces originally provided as part of the subdivision are required to remain open and available to tenants and customers from all lots within the subdivision. The Commission finds that, as detailed above, the total parking required for the proposed development of Lot #2 is 23 spaces, which will leave 20 spaces to accommodate the future development of Lot #1. At the time of development of Lot #1, a Site Design Review application would need to demonstrate that the available parking remaining will

accommodate the proposed uses. No on-street parking credits are requested with the current application, but credits could be requested at a future date should the proposed uses ever be intensified.

Bicycle Parking

The Planning Commission also finds that the required bicycle parking for the proposal includes 13 required covered bicycle parking spaces for the 13 proposed one-bedroom residential units, and at least two additional covered bicycle parking spaces for the proposed 4,837 square feet of office space. The applicants have proposed to provide 15 covered bicycle parking spaces between two locations, with 12 spaces to be placed on the north side of the building and three spaces to be placed in the common hallway of the building's ground floor. All proposed bicycle parking spaces are to be designed in compliance with the Bicycle Parking Design Standards noted in AMC 18.4.3.070.

Vehicle Area Design

The Planning Commission finds that the subject property's parking lot is pre-existing, and was constructed in 2003-2004 in conjunction with the other subdivision improvements. The curbing, drainage, landscaping areas, irrigation conduit, asphalt thickness, etc. met the Building and Planning standards at the time, and the applicant intends to utilize the parking lot as originally constructed, completing the necessary landscaping and irrigation improvements shown in the landscape plans, and has not proposed to bring the parking lot into compliance with the more recently adopted parking area design requirements from AMC 18.4.3.080.B.5, which would require substantial modifications to the parking lot's surfacing and stormwater drainage provisions. An Exception to these standards is therefore required, and is discussed under section 2.7 below.

2.6 The Planning Commission notes that the fourth criterion for Site Design Review 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 Commission further notes that the application materials indicate that all key facilities are available to service the proposed buildings and were installed during the subdivision's initial construction in 2003-2004. The application further explains that all utilities to service the buildings are available within the adjacent Russell Street right-of-way or are already stubbed to the property, but that if necessary, services will be installed at the time of construction in accordance with Ashland Public Work Standards. The applicant indicates that in meetings with the various city utilities, it has been indicated that adequate City facilities are available to serve the subject property.

The Commission further finds that Planning staff has noted that in discussing the available public facilities with the Public Works, Fire and individual utility departments they have determined the following:

- **Water** – There are eight-inch water mains in place in the adjacent rights-of-way for Russell Street and Rogue Place, and another eight-inch water main is in place along the northern property line.

The applicant will need to extend services and pay any applicable service and connection fees required for any new water services installed as part of this project. The Fire Department has also indicated that because the project is mixed-use, monitored fire sprinklers will be required.

- **Sanitary Sewer** – There is an eight-inch sanitary sewer main in Russell Street and an eight-inch main in Rogue Place.
- **Electricity** – The Electric Department has indicated that capacity was sufficient at the time of the subdivision although anticipated loads may have changed based on the level of development proposed here. The applicants will need to work with the Electric Department to arrive at a final service plan addressing the service needs of the proposed building and its tenants.
- **Urban Storm Drainage** – The Public Works Department noted that stormwater issues were considered in the subdivision infrastructure installation, and there is an 18-inch storm sewer main in Russell Street, along with 12-inch mains in Rogue Place and along the northern property line.
- **Paved Access & Adequate Transportation** – Russell Street is a commercial neighborhood collector street, and was improved to city street standards as part of the subdivision infrastructure installation, with the exception of sidewalks and street trees which were to be installed as each lot develops. The Engineering Division has noted that with sidewalk installation along the frontage of Lots #1 and #2, an ADA-accessible ramp will be required at the corner of Russell Street and Rogue Place. The street standards call for a five-foot hardscape parkrow with tree wells, five-foot by five-foot city-standard tree grates, and irrigated street trees and an eight- to ten-foot sidewalk. The applicant has proposed to meet these standards with the installation of a 13-foot sidewalk corridor.

With the construction of subdivision infrastructure, a pedestrian bridge over Mountain Creek was constructed to provide a link for pedestrian connectivity to the adjacent residential subdivision (Mountain Creek Estates) and down through the subdivision via Thimbleberry Lane to the North Mountain Park area. A future street connection will extend Russell Street to connect with Clear Creek Drive as part of the adopted street dedication map for the area, and the original subdivision's developer was required to sign in favor of a Local Improvement District (L.I.D.) to participate in the cost of constructing a future railroad crossing at Fourth Street.

The application materials further indicate that a Traffic Engineer enlisted to review traffic-related issues concluded that based on the low volume of vehicle trips and proximity to multi-modal facilities and service, a traffic impact analysis (T.I.A.) was not required. In the TIA review prepared by Alex Georgevitch Consulting based on the previous proposal for the site (PA-T1-2018-00001) which involved 11,241 square feet of commercial space and ten condominiums rather than the 4,837 square feet of commercial space and 13 studios proposed here, Alex Georgevitch, P.E. concluded that the site was estimated to generate approximately 21 trips during both the A.M. and P.M. peak hours, and further noted that there would be a less than 2.6 percent increase in PM

Peak Hour traffic on East Hersey Street in 2034 and a 0.9 percent increase in PM Peak Hour traffic along North Mountain Avenue in the same period. Georgevitch indicated that these volumes were very low and would not in his opinion warrant analysis of any signalized or stop controlled intersections or turn lanes. As such, he found that a traffic impact analysis was not merited.

Based on the above information, the Planning Commission finds that existing public facilities and utilities are in place and available to serve the project, and have been preliminarily identified on the Site Plan provided and discussed in the narrative. Utilities and street improvements were largely installed with the subdivision: water service, sanitary sewer and storm drainage are available in Russell Street, and the applicant has indicated that services will be extended as necessary to connect to the proposed buildings. Conditions have been included below requiring that final electrical distribution, utility, storm drainage, and street improvement plans be provided for review and approval prior to building permit submittal, and that any fees for necessary service upgrades or connection to address specific service requirements for the proposed buildings be paid for prior to permit issuance.

2.7 The Planning Commission finds that the final criterion for Site Design Review approval provides that the Planning Commission may approve Exceptions to the Site Development and Design Standards of part 18.4 if certain circumstances are found to exist. In this instance, an Exception to the Site Development and Design Standards is necessary for the applicant to utilize existing parking and parking lot improvements which were installed with the subdivision but do not comply with more recent parking lot treatment standards in AMC 18.4.3.080.B.5.

In considering an identical request for the adjacent Lot #3 at 469 Russell Street in 2018, the Planning Commission noted that AMC section 18.4.3.080.B.5 requires that parking areas of more than seven spaces minimize the adverse microclimatic impacts of the parking through design and materials by utilizing light-colored paving, using at least 50 percent porous paving materials or providing 50 percent of the parking area shaded with trees or solar carports, and by capturing and treating stormwater run-off in landscaped medians and swales. The Commission found that these standards had taken effect subsequent to the subdivision approval and the installation of the subdivision infrastructure, including parking. The Commission further noted that there was a landscaped swale in place off of the parking lot between the existing building on Lot #4 and the then-proposed building on Lot #3, and in addition an existing storm drain and catch basin were also in place in the parking area behind the buildings. The Commission found that modification of the existing parking surfacing or drainage facilities to comply with the new standards would pose a difficulty given that the parking and underlying infrastructure are already in place and in use as originally approved, and that reliance on the existing facilities is the minimum necessary to alleviate this difficulty and will not substantially negatively impact adjacent properties given that microclimatic impacts will be minimized by the location of the existing improvements on the north (shady side) of the building, the presence of the existing drainage swale, and the perimeter landscaping which was to be restored and maintained in areas where there had been deferred maintenance. Here, the Commission believes that an identical finding is appropriate, and a condition of approval has been included below to require that any required perimeter landscaping or screening materials that has declined or died be replaced prior to the issuance of a certificate of occupancy.

2.8 In considering the requested property line adjustment, the Planning Commission finds that no additional lots are being created with the proposal, and that the resultant lot configuration will conform to the standards of the E-1 zoning district which does not have minimum lot area or dimensional requirements. The Commission further finds that development of the resultant lots will be required to comply with applicable setback and lot coverage standards, which will not change with the adjustment. Neither the current configuration nor the proposed adjustment involve physical constraints as both lots are free of floodplain corridor lands, severe constraints slopes and water resource protection zones. In terms of the vehicle area design standards of AMC 18.4.3.080, neither lot shall be made less conforming with the requested adjustment and the Commission has considered and approved an Exception, discussed above, to allow the applicant to utilize the parking lot originally designed, approved and installed with the subdivision rather than requiring compliance with the more recent standards in AMC 18.4.3.080.B.5 addressing the adverse environmental and microclimatic impacts of surface parking.

2.9 The Planning Commission finds that utilities and street improvements were largely installed with the subdivision creating the lot, and that the applicant proposes to complete these by extending services to the building proposed and installing city standard frontage improvements. The proposed new building has been designed with city standards in mind, with the primary orientation to the street rather than to parking areas; visible, functional and attractive entrances oriented to and placed along Russell Street with a shared plaza space between the proposed building and the building to be built on Lot #1. Parking is located behind the building and surface parking will be visible from the second-story windows. The Commission finds that with the conditions attached below, the proposal seems well-suited to the standards, the site and the vicinity.

SECTION 3. DECISION

3.1 The Planning Commission concludes that based on the record of the Public Hearing on this matter, the proposals for Site Design Review approval for a new two-story mixed-use building at 459 Russell Street and Property Line Adjustment are supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the Planning Commission approves Planning Action #T2-2019-00015. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2019-T2-00015 is denied. The following are the conditions attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein, including but not limited to that, as proposed by the applicant, prior to the issuance of a building permit for either lot, the applicant shall provide a signed deed restriction agreement which limits the density of Lot #1 to 3.2 dwelling units and allows 9.75 dwelling units for Lot #2. This would allow three standard units, or four $\frac{3}{4}$ -units that were less than 500 square feet in gross habitable floor area, for the future building on Lot #1 and thirteen $\frac{3}{4}$ units on Lot #2.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.

- 3) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7).
- 4) That all requirements of the Fire Department shall be satisfactorily addressed, including approved addressing; commercial fire apparatus access including angle of approach and any necessary easements; provisions for firefighter access pathways; fire flow; fire hydrant clearance; fire department connection (FDC); fire extinguishers; a Knox key box; and monitored fire sprinklers for mixed-use buildings.
- 5) That mechanical equipment shall be screened from view from Russell Street, and the location and screening of all mechanical equipment shall be detailed on the building permit submittals.
- 6) That the front business entrance(s) adjacent to Russell Street shall remain functional and open to the public during all business hours, and the windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building.
- 7) The Site Design Review application for the future development of Lot #1 shall include calculations demonstrating compliance with the standards for mixed-use developments in AMC 18.3.13.010.C.1 and for Floor Area Ratio (F.A.R.) based on multiple buildings on the combined lot area of Lots #1 and #2 which are, at the time of this approval, contiguous lots under a single ownership being considered as one for planning purposes. Similarly, the traffic impacts considered in reviewing Lot #1 shall consider the combined impacts of Lot #2.
- 8) That building permit submittals for Lot #2 shall include:
 - a) The identification of all easements, including but not limited to public or private utility or drainage easements, mutual access easements, fire apparatus access easements, and public pedestrian access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Colors and materials shall be consistent with those described in the application and very bright or neon paint colors shall not be used.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape and Irrigation Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address: 1) required size and species specific replacement planting details and associated irrigation plan details, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications. Street trees should be watered regularly for two to three years to ensure they can fully establish themselves; 2) lot coverage and required landscaped area calculations, including all building footprints, driveways, parking, and circulation areas, and landscaped areas. Lot coverage shall be limited to no more than 85 percent, and the calculations shall demonstrate that the requisite 15 percent landscaping and seven percent parking lot landscaping are provided.
 - e) Final stormwater drainage, grading and erosion control plans for the review and approval of the Engineering, Building and Planning Departments. The stormwater plan shall address Public Works/Engineering standards requiring that post-development peak flows do not exceed pre-development levels. Any necessary drainage improvements to address the site's stormwater shall be provided at the applicants' expense. Storm water from all new impervious surfaces and run-off associated with peak rainfall events 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.

- f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Meters, cabinets, vaults and Fire Department Connections shall be located outside of pedestrian corridors and in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense.
- g) A final electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of excavation or building permits. Transformers, cabinets and vaults shall be located outside the pedestrian corridor in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service extensions or upgrades shall be completed at the applicant's expense.
- h) That the applicants shall provide engineered plans for the installation of city-standard street frontage improvements for the full frontage of the subject property, including five-foot width hardscape parkrows with irrigated street trees with city standard five-foot by five-foot square metal tree grates, eight-foot sidewalks, and city-standard pedestrian scale street lighting for the review of the Planning and Public Works/Engineering Departments. If necessary to accommodate city standard street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/'Engineering Departments.
- i) Identification or required bicycle parking, which includes 15 covered bicycle parking spaces as proposed by the applicants. Inverted u-racks shall be used for the outdoor bicycle parking, and bicycle parking within a building shall be a minimum of six feet long by three feet wide by four feet high and clearly marked and reserved for bicycle parking only. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
- j) That the building permit drawings shall clearly demonstrate that an area of at least seven feet in depth is provided at the front entries to provide pedestrians with protection from rain and sun as required in AMC 18.4.2.040.C. This depth may be met by a combination of any entry recess and the depth of an awning or other covering.
- k) Final solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A as proposed by the applicants. Calculations shall be in the formula **[(Height – 6)/(0.445 + Slope) = Required Solar Setback]** and elevations or cross section drawings shall be provided clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.

- l) A revised plan for the shared plaza space which shall serve as the approved plan for the coordinated development of a cohesive plaza space for the two lots and which includes improvement details with consistent material treatment and grading details which ensure that the buildings' finished floor elevations and plaza elevation are generally consistent. While the conceptual building design for Lot #1 is not approved here, the shared plaza space plan shall be considered the guiding document for the plaza space with the development of the two buildings. In addition to this plan, the applicant shall provide easements and agreements necessary to address the shared use of the plaza space between the two lots.
 - m) Demonstration that with the ultimate development of the two contiguous lots (Lot #1 and Lot #2), not more than 50 percent of the total combined lot area shall be designated for residential uses as required in AMC 18.3.13.010.C.1.
- 9) That prior to the issuance of the building permit or commencement of site work including staging or the storage of materials, all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation shall be paid.
 - 10) That prior to the final approval of the project, signature of the final plat or issuance of a certificate of occupancy:
 - a) All hardscaping including the sidewalk corridor, parking lot and driveway; landscaping; required buffers between zones, and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor. Any irrigation, landscaping or other screening required on the subject property in the subdivision's landscaping plan which has died or been removed shall be replaced to insure that the required sight-obscuring screening and buffer between zones is provided and maintained.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) Sanitary sewer laterals, water services including connection with meters at the street, and underground electric services shall be installed according to the approved plans to serve all units prior to signature of the final survey plat or issuance of a certificate of occupancy.
 - d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
 - e) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting, shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor.
 - f) The CC&Rs for the Homeowner's Association or similar maintenance agreement shall be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat. This agreement shall describe the responsibility for the maintenance of all common use-improvements including landscaping, driveways, planting strips and street trees. The CC&Rs must state that deviations from the approved plan shall be considered a

violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.

- g) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.
- h) 15 required covered bicycle parking spaces shall be installed according to approved plan, inspected and approved by the Staff Advisor.

Planning Commission Approval

January 14, 2020
Date



PLANNING ACTION: PA-APPEAL-2019-00010 appealing PA-T1-2019-00080

SUBJECT PROPERTY: 145 North Main Street

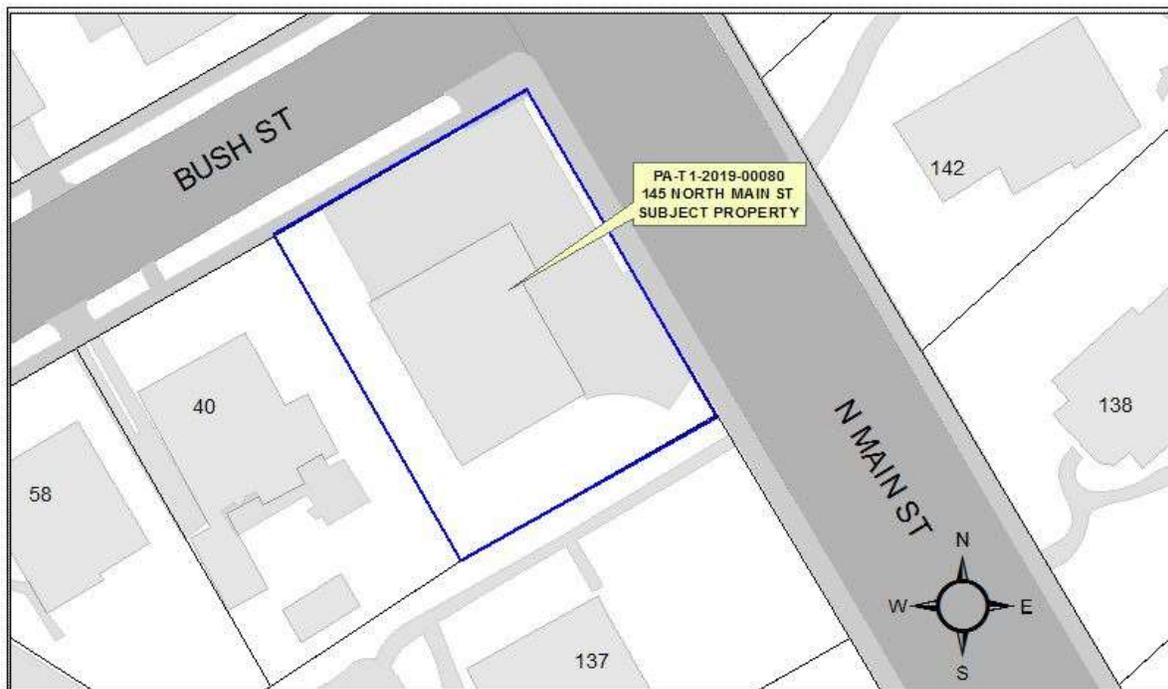
OWNER/APPLICANT: BC Partners IV, LLC/Donn Comte

AGENT: Rogue Planning & Development Services, LLC

APPELLANT: Donn Comte

DESCRIPTION: The Planning Commission will consider an appeal by the applicant of the Staff Advisor's approval of a request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "Ashland Tire Shop" building – more recently "Hank's Foreign Automotive" - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use. **COMPREHENSIVE PLAN DESIGNATION:** Low-Density, Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 391E09BB; **TAX LOT:** 3503.

ASHLAND PLANNING COMMISSION MEETING: **Tuesday January 14, 2020 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 Senior Planner Derek Severson in the Ashland Planning Division, 541-488-5305 or via e-mail to derek.severson@ashland.or.us.

SITE DESIGN REVIEW – APPROVAL CRITERIA (AMC 18.5.2.050)

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

- A. Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 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.

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

January 14, 2020

PLANNING ACTION: PA-APPEAL-2019-00010
Appealing PA-T1-2019-00080

OWNER/APPLICANT: BC Partners IV, LLC/Donn Comte

APPELLANTS: BC Partners IV, LLC/Donn Comte

LOCATION: 145 North Main Street

ZONE DESIGNATION: R-2

COMP. PLAN DESIGNATION: Low Density Multi-Family Residential

ORDINANCE REFERENCES:

Ashland Land Use Ordinance: <https://ashland.municipal.codes/LandUse>

- 18.1.4 Nonconforming Situations
- 18.2.2 Base Zones and Allowed Uses
- 18.2.3 Special Use Standards
- 18.2.4 General Regulations for Base Zones
- 18.2.5 Standards for Residential Zones
- 18.3.12 Site Development and Design Overlays
- 18.3.12.050 Historic District Overlay
- 18.4 Site Development and Design Standards
- 18.4.2 Building Placement, Orientation & Design
- 18.4.2.050 Historic District Development
- 18.4.3 Parking, Access, and Circulation
- 18.4.4 Landscaping, Lighting & Screening
- 18.4.6 Public Facilities
- 18.4.7 Signs
- 18.5 Application Review Procedures and Approval Criteria
- 18.5.1 General Review Procedures
- 18.5.2 Site Design Review
- 18.5.4 Conditional Use Permits
- 18.5.6 Modifications to Approved Planning Applications
- 18.6.1 Definitions

APPLICATION DEEMED COMPLETE ON: October 29, 2019

“120-DAY RULE” DECISION DEADLINE: February 26, 2020

REQUEST: The original application was a request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the “*Ashland Tire Shop*” building – more recently “*Hank’s Foreign Automotive*” - a historic contributing resource within the district. No changes were proposed to the site development, layout, orientation or use. Planning staff initially approved the application administratively subject to a number of conditions, and subsequent to the mailing of a Notice of Decision, applicant Donn Comte filed an appeal request.

I. Relevant Facts

1) Background - History of Application

Conditional Use Permit #001 for the Reconstruction and Enlargement of a Nonconforming Use was approved in April of 1966 to allow the modernization of an existing service station (*which had been owned by applicant Fred Taylor since August 22, 1927*) to bring the property up to Signal Oil Company’s “standard of present day image and advertising” including the placement of a new 10-foot by 6-foot electrical advertising display on a pole mount, with the intent to modernize the business and make it even more presentable.

Conditional Use Permit #002 for a Nonconforming Use was approved in June of 1967 to allow a retail outlet for an automobile filling station and allied products. The applicant at the time (*Humble Oil Company, which acquired the property in April of 1967*) wished to substitute an internally illuminated plexi-glass sign reading “*Enco*” for the previously approved Signal Oil Company display. The new sign was to be an 11-foot by 8-foot oval mounted on the existing pole.

Planning Action #79-144 was approved by the Planning Commission in December of 1979 granting Conditional Use and Site Review permits for the expansion of a non-conforming use and structure. At the time, the subject residentially-zoned property was the location of a pre-existing service station/major auto repair shop, with the findings at the time noting that the auto repair use had been in place since prior to 1947 and the service station use pre-dating that. The Conditional Use Permit was to allow the discontinuation of the service station use in favor of the auto repair shop with the expansion of the building to include an additional 666 square foot service bay. At the time, the applicant proposed to:

- Close all curb openings and driveway aprons along the North Main Street frontage, restricting egress and ingress movements to the property to be only from Bush Street with the installation of brick planters along the North Main Street frontage.
- Remove the gas station’s pumps, enclosure, and signage;
- Remove much of the outdoor storage and landscape the site in such a way as to screen “*existing unsightly and incompatible activities and storage being conducted outside the enclosure of the building*”; and
- Renovate both the north and east facades of the building.

While elevation drawings of the proposed renovations are discussed in the minutes, none are present in the file. The Planning Commission minutes from December 12, 1979 however do include the following: *“Dale Bohannon, designer, reviewed the drawings with the Commission. He stated they had tried to integrate the addition into the existing building, that siding would be vertical of some kind because they wanted to avoid the bowling alley type appearance of the building.”*

Subsequent to the December 1979 approval, the applicant requested to modify this approval to allow a single egress point (i.e. an exit-only driveway) at the southernmost portion of the property onto North Main Street. The Planning Commission approved this modification in June of 1980.

There are no other planning actions of record for this property. Code Compliance records note difficulty with the applicant complying with the promised site landscaping in 1980, and more recently in 2014 and 2015 there has been compliance outreach as the site appeared to be serving as a storage lot rather than an auto repair business, and was also accumulating trash, debris and weeds.

2 Detailed Description of the Site and Proposal

Site Description

The subject property is located at 145 North Main Street, at the corner of North Main and Bush Streets, and is zoned Low Density Multi-Family Residential (R-2).

The property is in the Skidmore Academy Historic District, and is designated the *“Ashland Tire Shop”* building – more recently *“Hank’s Foreign Automotive”* – in the district survey document. County Assessor’s records suggest that the building was constructed in about 1936, and was most likely built as a gas station. The survey document suggests that it shares design similarities with the General Petroleum Station that was erected at the corner of Gresham and North Main Street in the same period. The structure was leased to a variety of automobile-related uses including the Ashland Tire Shop in 1948, Hartwell’s Garage in 1964, Signal Oil Company in 1966, Humble Oil Company’s Enco in 1967, and Hank’s Foreign Automotive by 1979. The property is considered to be a historic contributing resource within the district, and is noted as representing a

“rare remaining example of the form in the area and, as such, accurately reflects both the growing influence of the automobile during the historic period and the attempts to integrate those uses into previously residential settings as Main Street developed into first the Pacific Highway and then U.S. Highway 99. While modernized, most notably in the use of metal roll-up doors, the Ashland Tire Shop retains high integrity for a resource of its type and accurately reflects the limited commercial uses [that] developed within the Skidmore-Academy District during the period of significance.”

The subject property has a number of non-conformities including that the commercial/automotive use is not a permitted use in the residential zoning district; and that where controlled access standards call for a 100-foot separation between

curb cuts and/or intersections on North Main Street, a 50-foot separation between driveways on Bush Street, and a 35-foot separation between driveways and intersections along Bush Street, the site has a continuous curb cut around the corner on both sides of the intersection only partly blocked by a planter, and a second curb cut a short distance down Main Street. Street standards also require that access be taken solely from Bush Street as the lesser order street.

Current Proposal

With the application under consideration here, no changes were proposed to the site development, layout, orientation or use. The proposal is limited to a request for Site Design Review approval to allow exterior changes including new doors, windows and siding to a contributing property within a Historic District.

The applicant had initially obtained a building permit to replace damaged plywood sheathing and framing studs in order to ensure at least minimal structural integrity for residential uses for the residentially-zoned property, but when it was determined by the Building Division that the scope of work involved went beyond that which had been permitted (*i.e. to include changes to the use and occupancy classification; removal of plumbing, electrical, and mechanical systems; and changes to siding, doors and windows of a historic contributing resource subject to a previous Conditional Use permit and Site Review approvals*), a stop work order was issued for all work other than necessary bracing and support, and the applicant was advised that land use approval would first need to be obtained because the work included exterior changes to a contributing non-residential building in a Historic District. Subsequent to the stop work order, the applicant submitted the current land use application to consider the proposed exterior modifications.

II. Project Impact

As detailed in AMC 18.5.2.020.A.4., Site Design Review applies for “*Commercial, Industrial, Non-Residential, and Mixed Uses.... Any exterior change... to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.*” Similarly, as detailed in AMC 18.5.6.030.A.6 & A.7, a change to a building elevation that the Staff Advisor determines is not in substantial conformance with the original approval, or a change to a condition of approval is considered a modification subject to review under the approval criteria for the original project or plan approval.

The current application was approved by staff on December 18, 2019 with a 12-day appeal period which extended through the end of business on December 30, 2019. On December 30, 2019 prior to the end of the appeal period, Donn Comte timely filed a notice of land use appeal. Mr. Comte is the applicant, and a member and registered agent for BC Partners IV, LLC which owns the subject property and thus has standing to appeal. The notice of appeal identified the following grounds for which the decision should be reversed or modified: 1) The Historic Commission did not effectively review the plans nor the evidence submitted which illustrated that the original siding is a combination of vertical metal siding and vertical T1-11 siding; 2) The Historic Commission also improperly applied residential standards to a building which is commercial; and 3) Lastly, the gable detail does not denote what is the actual historical siding for the building being vertical T1-11 and the vertical metal siding.

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 Decision

Given that the building size, footprint, associated site improvements and use are not proposed to be altered with the current request, in staff’s view the primary consideration for Site Design Review is in addressing the Historic District Development standards in AMC 18.4.2.050 in any exterior modifications and, once land use approval is in place, obtaining required building permits for the full scope of the work proposed. The Building Official has requested that a special inspection be obtained prior to building permit application to verify what work has been completed to date and to identify potential building code issues prior to the applicant preparing a permit submittal, and a condition to that effect was included in the original staff approval.

Here, staff would first note that AMC 18.4.2.050.A.2.b provides that:

“If a development requires a Type I, II, or III review procedure (e.g., Site Design Review or Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these (historic district development) standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.”

The full Historic Commission reviewed the application at their regular monthly meeting on November 6, 2019 and recommended approval of the application. Their recommendations are attached as an exhibit hereto.



Photo 1. Viewed from North Main Street



Photo 2. Viewed from the corner of North Main Street and Bush Street

Subsequent to the Historic Commission's review of the application, the applicant provided additional materials which asserted that the only evidence of original siding on the building is corrugated metal and T1-11, and indicating their desire to utilize T1-11 siding or a vertical board and batten treatment. The applicant further indicated that the entire building was re-

sided with an expansion in 1980, which is consistent with the minutes of the 1979 Planning Commission meeting discussing the service bay assessment. In reaching the original decision, it was staff's assessment that T1-11 would not have been an original siding material in the 1930's with the original construction as T1-11 did not gain popularity until the 1960's, and while it was likely used in the 1979-1980 re-siding mentioned, it has now been removed and the Historic District Development standards are explicit that vertical siding is not to be used except where it was *the* original siding. The Historic Commission, which is charged by code with advising the Staff Advisor and Planning Commission with regard to the application of the Historic District development standards, has indicated that the gable ends of the original portion of the building include 1 x 8 tongue and groove siding which the Commissioners believe is the best indication of original external materials. On that basis, the original staff decision incorporated the recommendations of the Historic Commission as conditions of approval.

III. Appeal Request

On December 30, 2019 prior to the end of the appeal period, Donn Comte timely filed a notice of land use appeal. Mr. Comte is the applicant, and a member and registered agent for BC Partners IV, LLC which owns the subject property and thus has standing to appeal. The notice of appeal identified the following grounds for which the decision should be reversed or modified:

- 1) **The Historic Commission did not effectively review the plans nor the evidence submitted which illustrated that the original siding is a combination of vertical metal siding and vertical T1-11 siding.**
- 2) **The Historic Commission also improperly applied residential standards to a building which is commercial.**
- 3) **Lastly, the gable detail does not denote what is the actual historical siding for the building being vertical T1-11 and the vertical metal siding.**

IV. Staff Response

The Historic Commission did not effectively review the plans nor the evidence submitted which illustrated that the original siding is a combination of vertical metal siding and vertical T1-11 siding.

The Rehabilitation Standard addressing siding is in AMC 18.4.2.050.C.2.d and reads, "*Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.*" The applicant provided additional materials subsequent to the Historic Commission's review which asserted that the only evidence of original siding on the building is corrugated metal and T1-11, and indicating their desire to utilize T1-11 siding or a vertical board and batten treatment. The applicant further indicated that the entire building was re-sided with an expansion in 1980, which is consistent with the minutes of the 1979 Planning Commission meeting discussing the service bay addition's treatment. The additional materials did not include a request to extend the 120-day clock to allow another month for additional Historic Commission Review. In

reaching the original decision, it was staff's assessment that T1-11 would not have been an original siding material in the 1930's with the original construction as T1-11 did not gain popularity until the 1960's, and while it was likely used in the 1979-1980 re-siding mentioned, it has now been removed and the currently applicable Historic District Development standards are explicit that vertical siding is not to be used except where it was *the* original siding. The Historic Commission, which is charged by code with advising the Staff Advisor and Planning Commission with regard to the application of the Historic District development standards, had indicated that the gable ends of the original portion of the building include 1 x 8 tongue and groove siding which the Commissioners believed was the best indication of original external materials. On that basis, the original staff decision incorporated the original recommendations of the Historic Commission as a condition of approval – that the applicant utilize 1x8 tongue and groove siding or, as an alternate, stucco - with the modification that staff also believed another compatible horizontal siding treatment would be appropriate.

The Historic Commission also improperly applied residential standards to a building which is commercial; and

The Commission's recommendations were largely based in AMC 18.4.2.050.C "Rehabilitation Standards for Existing Buildings and Additions" with each recommendation tied to a specific standard therein. AMC 18.4.2.050.C.2 notes, "... *These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure that new additions and materials maintain the historic and architectural character of the district.*" In this instance, the subject property is located in the Skidmore Academy Historic District which is noted in the National Register of Historic Places documentation as, "*Primarily residential in character...*" The subject property is residentially zoned, and the existing non-conforming use is a commercial automotive use operating under a Conditional Use Permit within a primarily residential district where "*Architectural compatibility with the impact area*" is a primary consideration. In staff's view, the standards applied, while applicable primarily to residential historic *districts* are not exclusively *residential* and were appropriately used here given the location (*within a residential historic district*) and the context (*seeking architectural compatibility therein*).

Lastly, the gable detail does not denote what is the actual historical siding for the building being vertical T1-11 and the vertical metal siding.

As detailed above, the Historic Commission, which is charged by code with advising the Staff Advisor and Planning Commission with regard to the application of the Historic District development standards, had indicated based on available photos of the building prior to the removal of existing exterior materials and features, that the treatment of the gable ends of the original portion of the building include 1 x 8 tongue and groove siding gave the best indication of original external materials. In accepting this determination, staff also noted that the applicant had further indicated that the entire building was re-sided with an expansion in 1980, which is consistent with the minutes of the 1979 Planning Commission meeting

discussing the exterior treatment with the service bay addition at the time. In reaching the original decision, it was staff's assessment that T1-11 would not have been an original siding material in the 1930's with the original construction as T1-11 did not gain popularity until the 1960's, and while it seems to have been used in the 1979-1980 re-siding mentioned, it has now been removed and the currently applicable Historic District Development standards are explicit that *vertical* siding is not to be used *except* where it was *the* original historic siding.

V. 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.*

VI. Conclusions and Recommendations

After staff initially approved the application, applicant Donn Comte filed a timely notice of land use appeal which identified three grounds for the appeal focused on what historic district development standards are applicable to the proposal and what the original material treatment for the historic building was in order to determine the appropriate treatment today.

The administrative decision applied the "Rehabilitation Standards for Existing Buildings and Additions" found in AMC 18.4.2.050.C which are noted as applying primarily to residential districts. In staff's view this is correct – the subject property is residentially zoned and

located in the Skidmore Academy Historic District, a primarily residential historic district – and the non-conforming commercial automotive use is subject to a Conditional Use Permit within this district. Architectural compatibility with the impact area is a primary consideration for a Conditional Use, and in staff’s view these Rehabilitation Standards which speak to new additions, material treatments and historic and architectural character of the district (rather than more general massing, scale, etc. addressed in AMC 18.4.2.050.B) are the most appropriate for the proposal here to address the removal of exterior materials from a historic building.

The Historic Commission is charged by code with advising the Staff Advisor and Planning Commission with regard to the application of the Historic District development standards, and here indicated based on available photos of the building prior to the removal of existing exterior materials and features, that the treatment of the gable ends of the original portion of the building with 1 x 8 tongue and groove siding gave the best indication of original external materials. In accepting this determination, staff also noted that the applicant had further indicated that the entire building was re-sided with an expansion in 1980, which is consistent with the minutes of the 1979 Planning Commission meeting discussing the exterior treatment with the service bay addition at the time. In reaching the original decision, it was staff’s assessment that T1-11 would not have been an original siding material in the 1930’s with the original construction as T1-11 did not gain popularity until the 1960’s, and while it was used in the 1979-1980 re-siding mentioned, it has now been removed and the currently applicable Historic District Development standards are explicit that *vertical* siding is not to be used *except* where it was *the* original historic siding.

On this basis, staff recommends that the Planning Commission deny the appeal request on all counts and uphold the staff approval with the original conditions which are detailed below:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the plans submitted for the building permit shall be in 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 Site Review approval would need to be submitted and approved prior to issuance of a building permit.
- 3) That prior to submittal of a building permit application, the applicant shall obtain a special inspection from the Building Division in order to determine the extent of work completed to date and identify any specific building code issues which will need to be addressed in the building permit application.
- 4) The following conditions are required for conformance with the applicable Historic District Development standards, and shall be incorporated into the building permit application as follows, subject to final review and approval by the Staff Advisor:
 - a. The applicant shall restore or duplicate the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire North Main Street façade of the building and along the original office structure (i.e. brick entry feature) on the Bush Street façade. **(Rehabilitation Standard AMC 18.4.2.050.C.2.b. & c. See Photos 1 and 2 above).**
 - b. Smooth 1x8 tongue and groove siding, *or another compatible horizontal siding to be reviewed by the Review Board and approved by the Staff Advisor*, shall be used in place of the existing T1-11 siding on all sides of the building. The gable ends of the building include

tongue and groove siding which the Historic Commission determined to be indicative of the original external building materials. In lieu of horizontal siding, stucco would also be an acceptable alternative, as it was a common exterior building material for commercial buildings and gas stations during the period of significance. **(Rehabilitation Standard AMC 18.4.2.050.C.2.d.)**

- c. That the exterior building colors shall be similar to the existing exterior colors including white and gray, along with the brick on the original office structure, as proposed by the applicant **(Rehabilitation Standard AMC 18.4.2.050.C.2.e.)**
- d. The windows on the original office structure (i.e., the brick entry feature) shall be true divided lights (i.e. with the glass divided into small panes) on the North Main Street and Bush Street facades to match the original windows. **(Rehabilitation Standard AMC 18.4.2.050.C.2.g. See Bush Street side of the building in Photo 2, above).**
- e. The applicant shall submit architectural drawings as specified in **AMC 18.5.2.040.4.d** (e.g. section drawings and drawings of architectural details) with the building permit submittals.

Building permits shall be reviewed for compliance with the above recommendations by the Historic Commission Review Board, with final review and approval by the Staff Advisor, prior to issuance of a building permit.

ASHLAND HISTORIC COMMISSION
Planning Application Review
November 6, 2019

PLANNING ACTION: PA-T1-2019-00080

SUBJECT PROPERTY: 146 N. Main St.

APPLICANT/OWNER: BC Partners IV, LLC/Don Comte, Rogue Planning and Development as Agent

DESCRIPTION: A request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "Ashland Tire Shop" building – more recently "Hank's Foreign Automotive" - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multiple Family; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOT:** 3503

Recommendation:

The Historic Commission recommends approving the application as proposed with the following recommendations.

Rehabilitation Standards for Existing Buildings and Additions (AMC 18.4.2.050.C.2)

b. Original architectural features shall be restored as much as possible, when those features can be documented.

c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with but not replicate, the finish of the historic building.

The Historic Commission recommends restoration or duplication of the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire N. Main St. façade of the building and along the original office structure (i.e., brick entry feature) on the Bust St. façade. See Photos 1 and 2.

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.

The Historic Commission recommends smooth 1 x 8 tongue and groove siding in place of the existing T-111 siding on all sides of the building. The gable ends of the building include tongue and groove siding, which the Commission believes is indicative of the original external building materials. The Commission recommends stucco as an alternative to tongue and groove siding, which is common exterior building material for commercial buildings and gas stations in the 1930's.

g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

The Historic Commission recommends the windows on the original office structure (i.e., brick entry feature) are true divided light (i.e., with the glass divided into small panes) on the N. Main St. and Bush St. facades to match original windows – see Bush St. side of building in Photo 2.

e. Exterior wall colors on new additions shall match those of the historic building.

The applicant's representative indicated the exterior building colors will be similar to the existing exterior colors including white and gray, along with the brick on the original office structure.

Other:

- Please submit architectural drawings as specified in AMC 18.5.2.040.4.d (e.g., section drawings and drawings of architectural details) with building permit submittals. If possible, the Historic Commission requests the opportunity for the Historic Review Board to review the architectural drawings prior to submitting the building permit.
- The Historic Commission recommends historically compatible garage doors and requests a sample profile at the time of the building permit submittals.



Photo 1



Photo 2

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 168

Skidmore Academy Historic District, Ashland, OR

463.0

REGENCY APARTMENTS

1974c

140 HIGH ST

391E09BB 3501

Modern Period: Contemporary

Non-Historic, Non-Contributing

This nine unit two-story apartment complex is located upon a lot partitioned from a larger parcel in 1972 by developer Ervin Toney, who may be responsible for the construction. The property was sold to Lorraine B. Skaff and Fred Winger in 1974 and is listed in the 1977 city directory as the "Regency Apartments."

464.0 Survey #591

COOLIDGE, ORLANDO HOUSE

1875c

137 MAIN ST N

391E09BB 3502

Late Victorian: Italianate

Historic Contributing [NR-Listed]

This impressive dwelling was the home of Orlando and Mary Jane Coolidge, who owned and operated one the first commercial fruit nursery in Jackson County and played an important role in both the development of the fruit industry and the growth of Ashland in the late 19th century. The exact date of construction of this dwelling has not been determined but in October 1877 the Tidings reported that "Orlando Coolidge is building a very handsome residence on his lot west of his home place in Ashland. Coolidge died in 1896 and his wife Mary Jane died in 1905. Their daughter and son-in-law, Minnie and George Ogg, inherited the family holdings, which included several rental properties facing Bush Street. Ogg moved the Coolidge House about 50' to the south and east to make room for two new rentals along Bush Street. The property remained in family ownership through 1927 and is now used as a traveler's accommodation and is operated as the Coolidge House Bed and Breakfast. The house retains very high integrity and was individual listed on the National Register of Historic Places in 1979.

465.0

ASHLAND TIRE SHOP

1936c

145 MAIN ST N

391E09BB 3503

20th Century Period Revival: Colonial Revival [Commercial]

Historic Contributing

Dated at 1936 by the Jackson County Assessor, this structure was most likely built as a gas station during the mid-1930s period and shares design similarity with the General Petroleum Station that was erected at the corner of Gresham and Main street during the period. The lot was part of the Coolidge-Ogg property purchased by Fred Tayler in the late 1920s and remained in his ownership for a number of years. This structure was probably leased to various automobile-related uses, the earliest identified being the Ashland Tire Shop which was located here in 1948. In 1964 the site was occupied by Hartwell's garage and remains an auto repair facility today.

Typical of the Colonial Revival cottage influence that was considered an appropriate infill-style for gas stations and auto repair facilities in the pre-WWII period, the Ashland Tire Shop building represents a rare remaining example of the form in the area and, as such, accurately reflects both the growing influence of the automobile during the historic period and the attempts to integrate those uses into previously residential settings as Main Street developed into first the Pacific Highway and then U. S.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 169

Skidmore Academy Historic District, Ashland, OR

Highway 99. While modernized, most notably in the use of metal roll-up doors, the Ashland Tire Shop retains high integrity for a resource of its type and accurately reflects the limited commercial uses the developed within the Skidmore-Academy District during the period of significance.

466.0 Survey #595

COOLIDGE, ORLANDO RENTAL [Posey-Campbell] HOUSE 1888
94 BUSH ST 391E09BB 3600
Late Victorian: Stick Historic Contributing [NR-Listed]

Built in 1888 as a rental by Orlando Coolidge, this dwelling was apparently one of the two such improvements he made that year on the rear of his large lot facing North Main Street. In reference to this dwelling, the local paper reported that "Orlando Coolidge has a two-story residence to rent at the corner of Bush and High Streets." (*Ashland Tidings*, 6-Jan-1889) The following year the house was occupied by Coolidge's daughter and son-in-law, George and Minnie Ogg and then eventually sold to others. In the late teens, the house was purchased by Richard Posey Campbell, a real estate and insurance agent who is better known for his poetry. As the self-styled "Dick Posey, Riley of the West" Campbell toured with the Chautauqua circuit and developed a regional reputation. The Orlando Coolidge Rental, also know as the Posey-Campbell House, is one of Ashland's best examples of the Stick Style and was independently listed on the National Register of Historic Places in 1979.

467.0

BULLIS, HARVEY AND JOSIE HOUSE 1945c
134 HIGH 391E09BB 3700
20th Century American: Bungalow Historic Contributing

Although possibly constructed earlier and dated c1934 by the Jackson County Assessor, this structure was not present on this site in 1928 and may have been relocated here from elsewhere. The earliest identified residents are Harvey and Josie Bullis who were living at this address according to the 1948 city directory and owned the home for many years.

A modest single-story gable volume, the Bullis House is augmented by a non-original appearing shed-roof volume to the east with several other smaller shed additions to the rear. The house has virtually no setback from High Street, reinforcing the possibility that it is in fact an earlier dwelling relocated to this site after World War II. While of uncertain development history, the Bullis House appears to effectively relate its original design and as such retains sufficient integrity to relate its appearance during the period of significance.

468.0 Survey #592

WOOLEN, ISAAC HOUSE 1876/81
131 MAIN ST N 391E09BB 3800
Late Victorian: Italianate Builder: Marsh L. S. P.
Historic Contributing [NR-Listed]

Arriving in Jackson County prior to 1860, Isaac Woolen was a successful area farmer and prominent citizen. At the age of fifty-one, Woolen married for the second time and purchased this site on North

18.4.2.050 Historic District Development

A. Purpose, Applicability, and Background

1. Purpose and Intent. Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland including the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other or to the original design. Wrought iron columns, asbestos shingles, and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

2. Applicability. The City of Ashland has adopted ordinances to assure that all development in the Historic District overlay remains compatible with the existing integrity of the Historic District.

- a. In new construction of single-family residences, the Historic Commission will use these standards to make recommendations to the applicant.
- b. If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

18.4.2 – Building Placement, Orientation, and Design

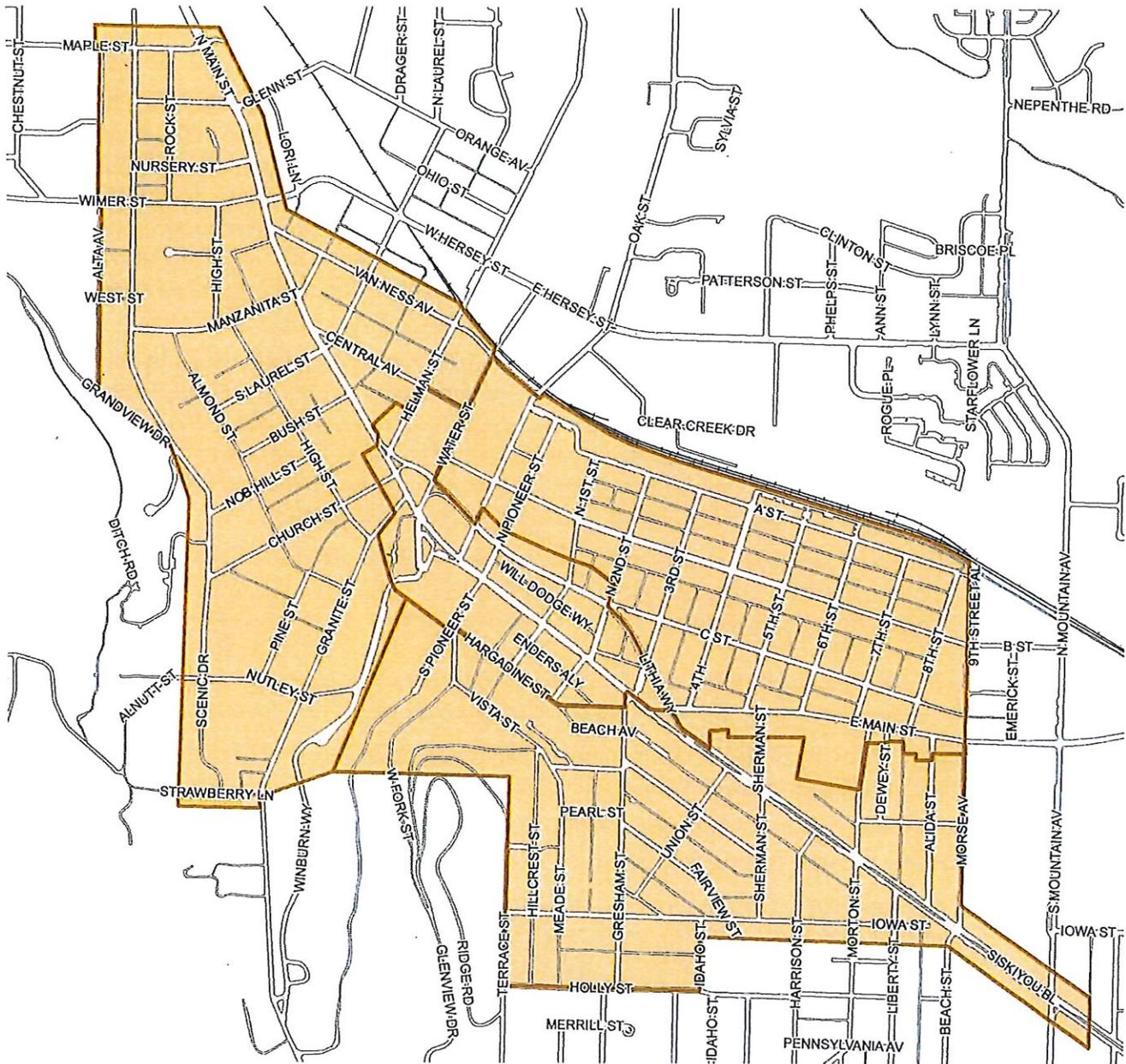


Figure 18.4.2.050
Historic District Overlay

B. Historic District Design Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for new construction, and restoration and rehabilitation of existing buildings within the Historic District overlay.

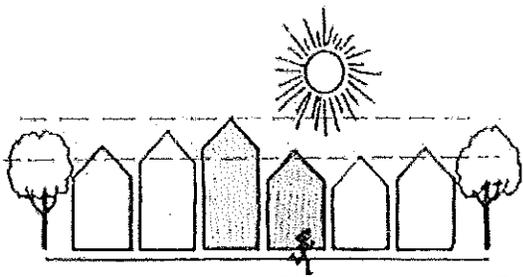
1. Transitional Areas. For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing

18.4.2 – Building Placement, Orientation, and Design

sight of the underlying standards or requirements applicable to the subject property.

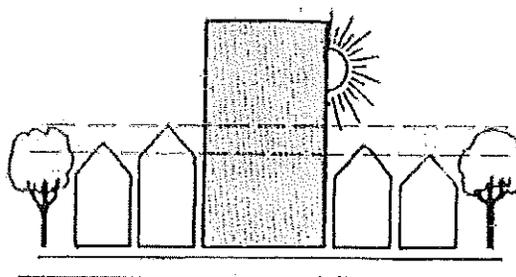
2. Height.

RECOMMENDED



Construct new buildings to a height within the range of historic building heights on and across the street.

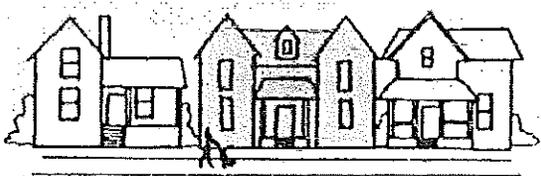
AVOID



New construction that varies in height (i.e., too high or too low) from historic buildings in the vicinity.

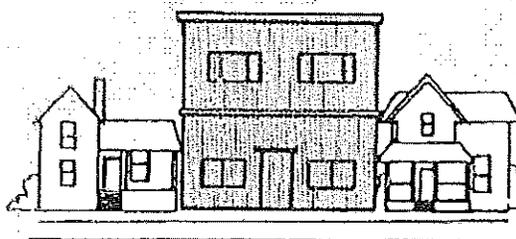
3. Scale.

RECOMMENDED



Height, width, and massing of new buildings conform to historic buildings in the immediate vicinity.

AVOID



Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

18.4.2 – Building Placement, Orientation, and Design

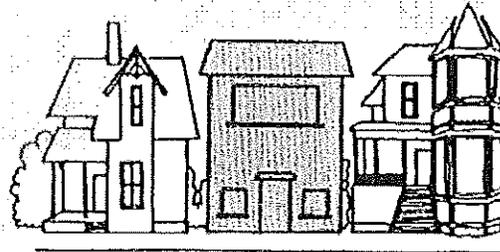
4. Massing.

RECOMMENDED



Small, varied masses consistent with historic buildings in the immediate vicinity.

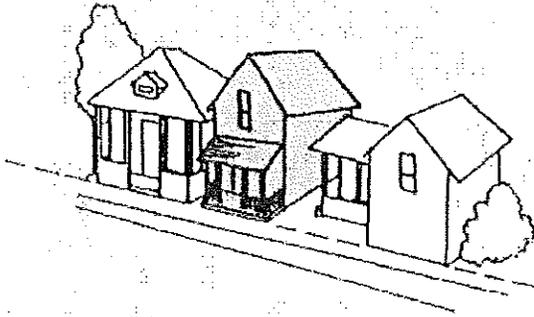
AVOID



Single, monolithic forms that are not relieved by variations in massing.

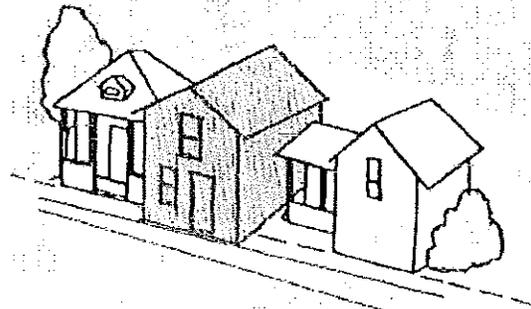
5. Setback.

RECOMMENDED



Front walls of new buildings are in the same plane as facades of adjacent historic buildings.

AVOID

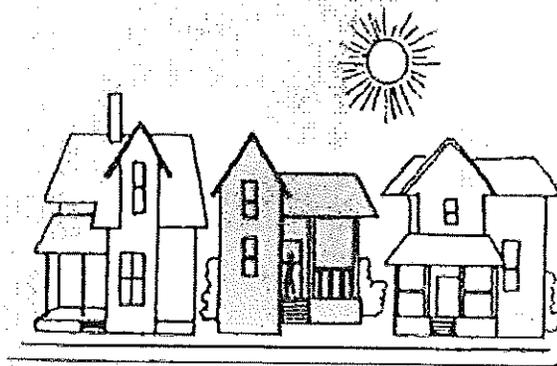


Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

18.4.2 – Building Placement, Orientation, and Design

6. Roof.

RECOMMENDED



Roof shape, pitches, and materials consistent with historic buildings in the immediate vicinity.

AVOID



Roof shapes, pitches, or materials not historically used in the immediate vicinity.

7. Rhythm of Openings.

RECOMMENDED



Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

AVOID

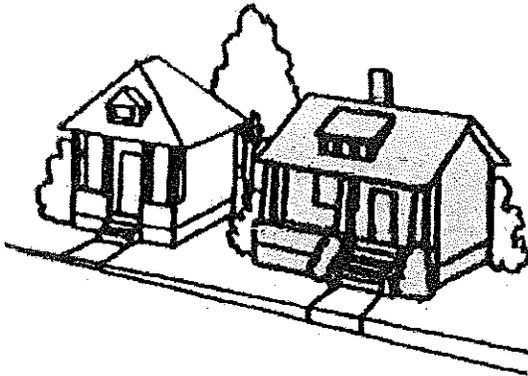


A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

8. Base or Platforms.

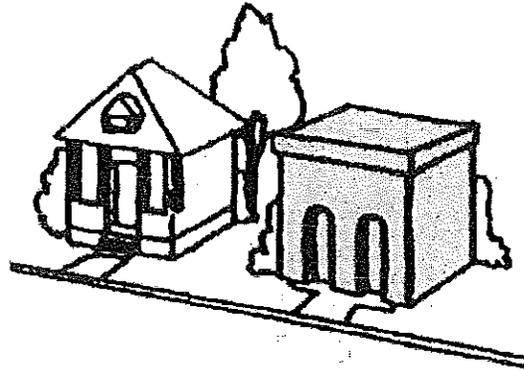
18.4.2 – Building Placement, Orientation, and Design

RECOMMENDED



A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

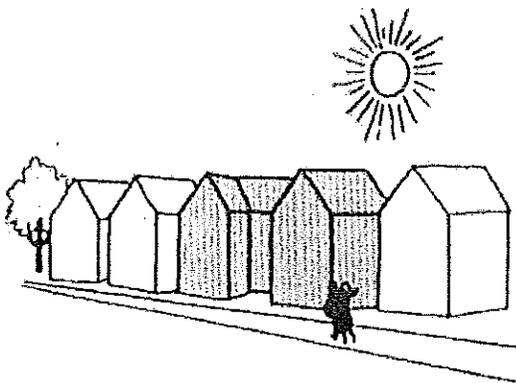
AVOID



Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.

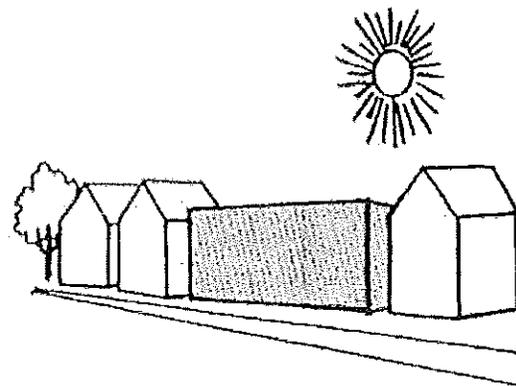
9. Form.

RECOMMENDED



Form (i.e., vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.

AVOID



Form that varies from that of existing adjacent historic buildings.

10. Entrances.

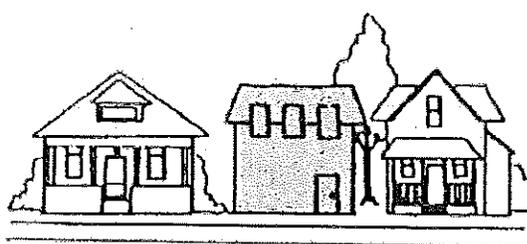
18.4.2 – Building Placement, Orientation, and Design

RECOMMENDED



Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

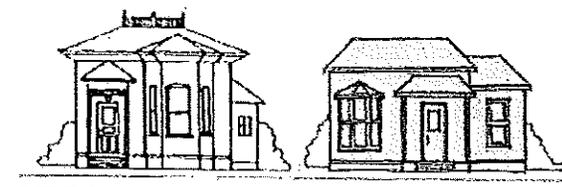
AVOID



Façades with minimally defined primary entrances.

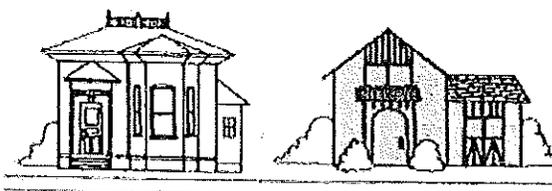
11. Imitation of Historic Features.

RECOMMENDED



Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design, which enhances but does not compete visually with adjacent historic buildings.

AVOID

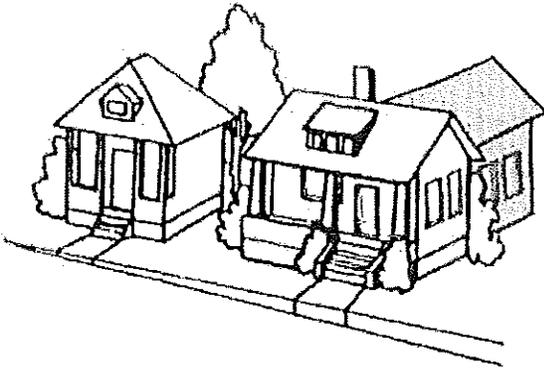


Replicating or imitating the styles, motifs, or details of historic buildings.

18.4.2 – Building Placement, Orientation, and Design

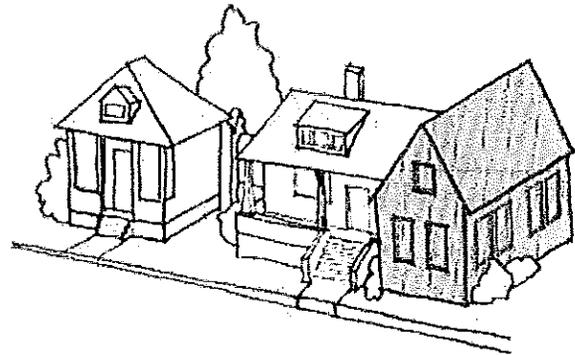
12. Additions.

RECOMMENDED



Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings.

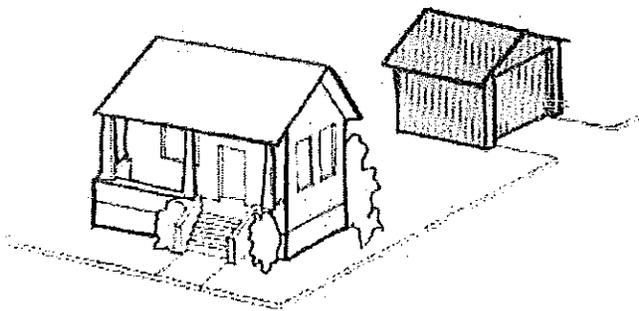
AVOID



Additions on the primary façade or any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features.

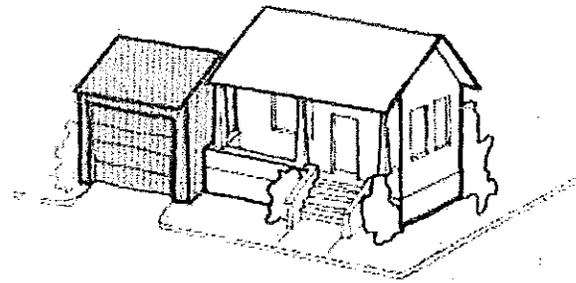
13. Garage Placement.

RECOMMENDED



Garage placed behind the primary historic building with access from a side street or alley if available.

AVOID



Garage placed beside or in front of the primary historic building.

C. Rehabilitation Standards for Existing Buildings and Additions.

1. Purpose. Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between “restoring”, “rehabilitating”, and “remodeling” may seem academic, but each results in a major difference in the way the job or project may turn out. See also, definitions of restoration and rehabilitation in part 18.6.

18.4.2 – Building Placement, Orientation, and Design

To “restore” is to return a building to its original condition as if it were a precious museum piece. This technique is typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s.

Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriate only for buildings which are not historic and have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a non-historic structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression “remodel” can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To “rehabilitate” is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that inadequate electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today’s modern appliances. When rehabilitating a building, it is essential to protect those portions or features which convey its historical, cultural, and architectural character. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced when absolutely necessary and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

2. Rehabilitation Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay.

18.4.2 – Building Placement, Orientation, and Design

These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure that new additions and materials maintain the historic and architectural character of the district.

- a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.
- b. Original architectural features shall be restored as much as possible, when those features can be documented.
- c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.
- d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.
- e. Exterior wall colors on new additions shall match those of the historic building.
- f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.
- g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.
- h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.
- i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile, and metal roofs shall be avoided.
- j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.
- k. New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.
- l. The latest version of the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall be used in clarifying and determining whether the above standards are met.



City of Ashland Building Division
51 Winburn Way • Ashland, OR 97520
(541) 488-5305 • Fax (541) 488-6006



Bill Molnar, Community Development Director

Don –

This letter is to try to clarify the status of City of Ashland permitting for repair/renovation work at 145 N. Main St.

Applicable Law

- Any proposed building modifications which would result in changing the use and occupancy of a non-conforming commercial building in an R-2 zone must be detailed in a site plan which meets applicable design criteria, including showing planned occupancy classification and location, construction types, accessible routes, etc. These documents must be in conformance with the Oregon Structural Specialty Code sections 107 and 1603. Recommendations generally describing the work that is to be done are not sufficient, even if prepared by an Oregon Licensed Engineer.
- Any proposed building modifications which would involve moving or upgrading plumbing, electrical, or mechanical systems must be permitted on the basis of a detailed proposed work plan and must be reviewed for compliance with applicable codes.
- Any building modifications which would change or move structural elements in the building must be permitted on the basis of a detailed proposed work plan, including construction documents showing the size, section and relative locations of structural members with floor levels, column centers and off sets dimensioned. The design loads and other information pertinent to the structural design required by section 1603.1 through 1603.1.9 must be indicated on the construction documents.
- Any proposed building modifications that would change major exterior features of an “historic contributing resource” structure within an historic district must be reviewed by the City of Ashland’s Historic Commission.
- In addition to all other required permitting fees, investigation fees must be paid. ORS 455.058.

Sequential Developments

- July 2, 2018: On behalf of BC Partners IV LLC (“BC Partners”), Eric Bonetti submitted a pre-application proposing a mixed-use building with commercial and residential on the ground floor and two residential units above. Not pursued.
- May 2, 2019 (morning): Permit for residential construction issued over-the-counter on the basis of staff conversations with Eric Bonetti on behalf of BC Partners to the effect that the work would consist solely of replacing damaged plywood sheeting and framing studs in order to ensure at least minimal structural integrity for residential purposes. On the basis

of staff's understanding that the work to be done was for residential uses only, staff did not require submission of an engineer's detailed statement of proposed changes and their conformance with state building code criteria. A Repair Plan prepared by PE Eric Snyder was provided, but it was a summary of *Building Areas Needing Repair* – not an engineering analysis. It simply recommended (without supporting professional engineering analysis) shoring up a front column, new studs and exterior plywood sheathing, a re-constructed perimeter footing drain, and a new roof, including some new Scissor Trusses and a new ridge beam. The memo did not mention any possible repairs of or changes to plumbing, electrical, and mechanical systems or to wall, window or door relocations.

- If the permit was to have been for structural improvements to allow for continued or revised commercial use, State building codes would have required submission of detailed information consistent with OSSC 107.2, and OSSC 1603.1 with reference to the applicable codes, and City administrative procedures would have precluded issuance over-the-counter.
 - A residential construction permit would not have been issued over the counter (*i.e.*, without submittal of compliance details) if the application had clearly identified modifications which have been far more extensive than those identified in the May 2 permit application or in Snyder's memo on *Building Areas Needing Repair*. [See August 24 entry below.]
 - Regardless of the reasons for the mistaken issuance of a residential construction permit, the modifications made already and the now-intended use of the building [See August 29 entry below] have made that permit inapplicable, and a new permit application must be submitted.
- May 2, 2019 (afternoon): Permit for roof repair issued over-the-counter on the basis of scope of work that did not identify any planned changes to structure.
 - July 24, 2019: In the course of a meeting with Donn Comte, City Building Code officials first became aware of extent of work completed and contemplated that exceeded the scope of the May 2 building permit, including plumbing, electrical and mechanical system removals and changes to the planned use and occupancy classification. (Staff later discovered significant changes also had been made to doors and windows of this "historic contributing" structure.)
 - July 25, 2019: Because of work beyond that allowed in the permit, Stop Work Order issued for all but installation of necessary supports and bracing. Email sent to Comte and Snyder Engineering informing them of the Stop Work Order and the requirement for a new building permit application and related code analysis.
 - August 12, 2019: On behalf of BC Partners, Donn Comte submitted pre-application proposing retaining auto shop commercial use, possible buildout for a different commercial use, and addition of studio living space.
 - August 15, 2019: Stop Work Order posted on the subject building

- August 22, 2019: Eric Bonetti delivered to the City a memo from PE Eric Snyder dated August 9 and titled *Repair Observations*. The memo summarized the work that had been completed in conformance with Snyder’s May 2 memo on *Building Areas Needing Repair*. The *Repair Observations* memo provided professional conclusions about some – but not all – of the repairs made pursuant to the earlier memo but did not reference any Building Code criteria and did not address any of the other changes made or planned to the structure according to the 7/24/19 comments by Donn Comte. Mr. Bonetti was informed that a commercial building permit would need to be obtained. The City’s submittal checklist for commercial building permits was emailed to Bonetti for reference.
- August 29, 2019: Attorney Joe Kellerman forwarded to City Attorney Dave Lohman comments presumably from Eric Bonetti suggesting that use of the subject property is not to be changed, but not addressing any work done or planned beyond that identified in the memo on *Building Areas Needing Repair* or the *Repair Observations* memo.
 - One of the final comments was, “Donn Comte was told by Steven Matiaco at the building department, to finish the work, get a letter from the engineer, and the City would come out for the inspection.” [See July 24 and 25 entries above.] The letter/memo titled *Repair Observations* was not sufficient to warrant a follow-up inspection because no calculations or clear objectives were ever submitted for review, and it was made clear that the project had headed in a direction well beyond the identified scope in the May 2nd submittal.
- September 3, 2019: Email to Bill Molnar from Eric Bonetti stating that the purpose of the work done in the spring of 2019 was to improve the structural integrity of the automotive shop with the intention of continuing the existing use.
- September 9, 2019: Email exchange between Bill Molnar and Eric Bonetti stating that Donn Comte had been told by Steven Matiaco that he would inspect the work done at the subject property if PE Eric Snyder would inspect the work and furnish a letter of compliance. The August 9, 2019 memo from Eric Snyder titled *Repair Observations* was enclosed in Mr. Bonetti’s email and identified as the “Letter of Compliance.”
 - [See sub-bullet under entry for August 29, 2019 as to why the “Repair Observations” memo was not sufficient to warrant a follow-up inspection.]

Conclusions and Next Steps

For various reasons, the various parties involved in this matter (Eric Bonetti, Donn Comte, Steven Matiaco, several members of the City’s planning staff, and, perhaps Eric Snyder) have discussed changes to be made at 145 N. Main without always having the same scenario in mind.

- Scenario 1: Install supports and bracing necessary improve structural integrity in preparation for a change to residential use. See May 2 entry above.

- Scenario 2: Install supports and bracing necessary to improve structural integrity in preparation for continued commercial-only use. See September 3 entry above.
- Scenario 3: Make extensive internal and external changes to the structure – including plumbing, electrical and mechanical system replacements and substantial changes to doors and windows in preparation for retaining auto shop commercial use, possible buildout for a different commercial use, and addition of studio living space. See July 24 and August 12 entries above.
- Scenario 4: Make extensive internal and external changes to the structure – including plumbing, electrical and mechanical system replacements and substantial changes to in preparation for continued commercial-only use. See July 24, August 29, and September 3 entries above.

To be clear, the City now understands that BC Partners wishes to proceed with the project outlined in Scenario 4. If so, I envision the following next steps:

- BC Partners submits to the City for review the information required in OSSC10 5.1, OSSC107, and OSSC 1603.1.
 - Included should be at least a code analysis (occupancy and construction types, egress, accessible routes, etc.) existing and proposed floor plans, existing and proposed roof framing plans, beams, headers, and columns proposed (sizing and calculations), lateral shear plans and calculations and Comm. Check Forms for energy requirements.
- If the Building Division finds the proposed plans to be in compliance with current state building codes, it will issue appropriate permits.
- If it will facilitate the process, your design professional can set up a meeting on site with the Building Official to discuss and request clarification on information required to be included on the detailed work plans described above under **Applicable Law.**

If BC Partners is intending to undertake more improvements than those already made prior to or within the terms of the Stop Work Order or to change the property's use or the building's occupancy classification, please make that clear to us.

We look forward to getting this project back on track. If you have any questions, please forward them directly to Bill Molnar.

Sincerely,

Steven Matiaco
Building Official
City of Ashland

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. <i>Donn Comrie</i>	<i>175 Piedmont</i>
2.	<i>ASHLAND, OR 97520</i>

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

C. Decision Being Appealed

Date of Decision:	Planning Action #:	Title of planning action:
<i>12/19/19</i>	<i>PA-T1-2019-00080</i>	<i>TYPE 1</i>

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 checked="" type="radio"/> I am the applicant. <input type="radio"/> I received notice of the planning action. <input type="radio"/> 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 checked="" type="radio"/> I am the applicant. <input type="radio"/> I received notice of the planning action. <input type="radio"/> 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):

PLEASE SEE ATTACHED DOCUMENT.

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):

PLEASE SEE ATTACHED DOCUMENT

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):

PLEASE SEE ATTACHED DOCUMENT

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):

RECEIVED
DEC 20 2019
City Of Ashland

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:

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



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.

RECEIVED
DEC 30 2019
City Of Ashland

145 NORTH MAIN STREET
ASHLAND OR 97520

December 29, 2019

Donn Comte
175 Piedmont,
Ashland, OR 97520 541-201-0126
old101@charter.net

APPEAL OF TYPE 1 DECISION

Content of Notice of Appeal.

i. An identification of the decision being appealed, including the date of the decision.

Planning Action PA-T1-2019-00080
Subject Property 145 North Main Street, Ashland OR 97520

ii. A statement demonstrating the person filing the notice of appeal has standing to appeal.

Property owner signed at the bottom of this document is the person filing the notice of appeal and has the standing to appeal.

iii. A statement explaining the specific issues being raised on appeal.

The historic commission did not effectively review the plans nor the evidence submitted which illustrated that the original siding is a combination of vertical metal siding and vertical T1-11 siding. Historic commission also improperly applied residential standards to a building which is commercial. Lastly, the gable detail does not denote the what is actually the historical siding for the building being vertical T1-11 and the vertical metal siding.

iv. A statement demonstrating that the appeal issues were raised during the public comment period.

Drawings were submitted to staff and the historic commission which denoted the original vertical metal siding and vertical T1-11 siding. Additional photographic siding evidence of original siding was provided in person to Derek Severson 11/25/19.

Recommendation:

The Historic Commission recommends approving the application as proposed with the following recommendations. Appellants responses are denoted in blue

Rehabilitation Standards for Existing Buildings and Additions (AMC 18.4.2.050.C.2)

b. Original architectural features shall be restored as much as possible, when those features can be documented.

- Yes, to the gabled area over the office entry only.
- Applicant is not making any new additions to the structure.
- The entire structure was re-sided when the addition and expansion was completed in 1980.
- The only evidence of original siding as an architectural feature on the building is vertical T1-11 and the vertical metal siding. Given the evidence of original sidings as the architectural features on the building being vertical T1-11 and

RECEIVED

DEC 30 2019

City of Ashland

the vertical metal siding, property owner has suggested replacing siding with a siding compatible to the original vertical oriented sidings, hence the submitted plans show (2) options, either T1-11 or Board and Batten with 2" Battens @ 12" on center.

c. Replacement finishes on exterior walls of historic buildings **shall match the original finish**. Exterior finishes on new additions to historic buildings shall be compatible with but not replicate, the finish of the historic building.

The Historic Commission recommends restoration or duplication of the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire N. Main St. façade of the building and along the original office structure (i.e., brick entry feature) on the Bust St. façade. See Photos 1 and 2.

- Yes, to the entablature details at the original office brick entry feature only.
- Applicant is not making any "new additions" to a historic building.
- No, to the entire N. Main facade having an enclosed soffit, this detail was added in 1980 as a support for the gutter system only. Gutter and associated support were rotten and rusted, gutters to be replaced.
- The only evidence of original siding as an architectural feature on the building is vertical T1-11 and the vertical metal siding. **Given the evidence of original sidings as the architectural features on the building being vertical T1-11 and the vertical metal siding, property owner has suggested replacing siding with a siding compatible to the original vertical oriented sidings, hence the submitted plans show (2) options, either T1-11 or Board and Batten with 2" Battens @ 12" on center.**

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings **except in those instances where it was used as the original siding**.

The Historic Commission recommends smooth 1 x 8 tongue and groove siding in place of the existing T-111 siding on all sides of the building. The gable ends of the building include tongue and groove siding, which the Commission believes is indicative of the original external building materials. The Commission recommends stucco as an alternative to tongue and groove siding, which is common exterior building material for commercial buildings and gas stations in the 1930's.

- No, metal siding and asbestos siding were also common in the 1930's.
- There is no evidence of horizontal tongue & groove siding nor stucco siding on the building.
- The entire structure was re-sided when the addition and expansion was completed in 1980.
- The only evidence of original siding on the building is T1-11 and property owner has suggested a second compatible/similar siding option to T1-11 which is vertical board and batten.
- **For the property owner to be compliant with the code, given the evidence of original sidings as the architectural features on the building being vertical T1-11 and the vertical metal siding, property owner has suggested replacing siding with a siding compatible to the original vertical oriented sidings, hence the submitted plans show (2) options, either T1-11 or Board and Batten with 2" Battens @ 12" on center.**

g. Replacement windows in historic buildings shall match the original windows.

- Yes

Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

- Yes

RECEIVED

DEC 30 2019

City Of Ashland

The Historic Commission recommends the windows on the original office structure (i.e., brick entry feature) are true divided light (i.e., with the glass divided into small panes) on the N. Main St. and Bush St. facades to match original windows – see Bush St. side of building in Photo 2.

- Yes

e. Exterior wall colors on new additions shall match those of the historic building.

The applicant's representative indicated the exterior building colors will be similar to the existing exterior colors including white and gray, along with the brick on the original office structure.

- Yes, black, white, grey and red brick as seen on the original office structure.

Other:

- Please submit architectural drawings as specified in AMC 18.5.2.040.4.d (e.g., section drawings and drawings of architectural details) with building permit submittals.
- AMC 18.5.2.040.4.d. For non-residential developments proposed on properties located in a Historic District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale $\frac{3}{4}$ of an inch equals one foot or larger.
- Not applicable nor a requirement per code. This is not a development on a proposed property located in the Historic District. Applicant is only looking to repair exterior deficiencies.
- If possible, the Historic Commission requests the opportunity for the Historic Review Board to review the architectural drawings prior to submitting the building permit.
- Not a requirement for submission, but applicant did supply to staff and historic.
- The Historic Commission recommends historically compatible garage doors and requests a sample profile at the time of the building permit submittals.
- Ashland Municipal Code 18.4.2.050 regarding development within the historic district addresses the preferred orientation and location of garages within residential development, specifically under 18.4.2.030, Residential Development.
- Subject property is not residential, but commercial, and applicant is not making any new additions nor changing garage orientations.
- Also applicant does not believe that a permit is required, nor does the City charge a fee, to replace broken, damaged, or deficient garage doors on a commercial building.

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.

Donn Comte



12/29/19

RECEIVED
DEC 30 2019
City Of Ashland

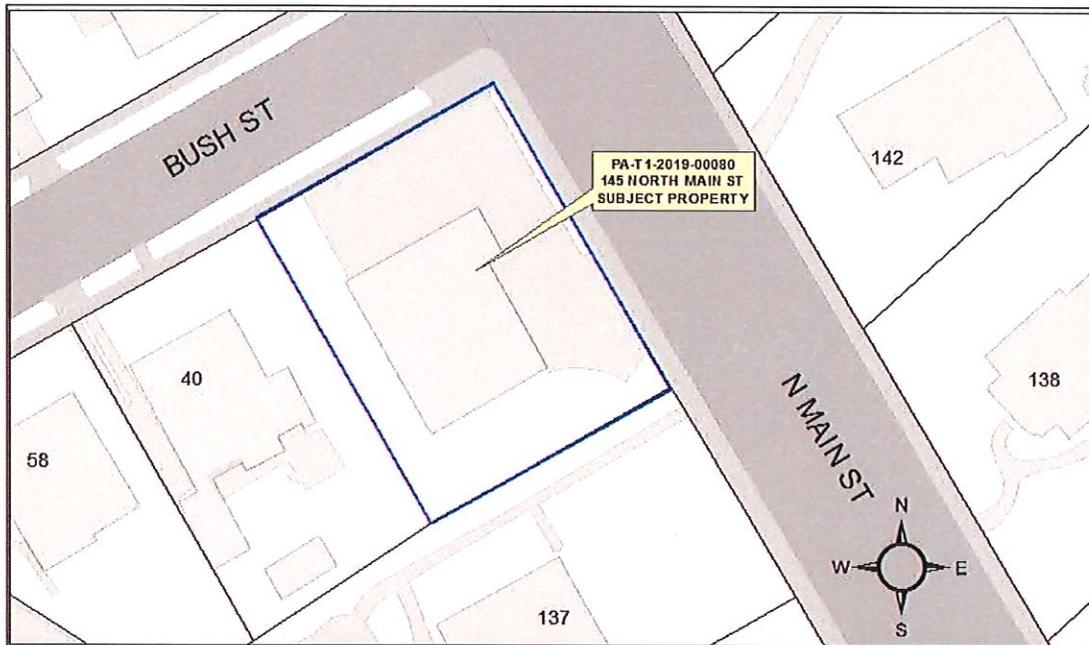


NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2019-00080
SUBJECT PROPERTY: 145 North Main Street
OWNER/APPLICANT: BC Partners IV, LLC/Don Comte (**Agent:** Rogue Planning & Development Services, LLC)
DESCRIPTION: A request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "Ashland Tire Shop" building – more recently "Hank's Foreign Automotive" - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 391E09BB; **TAX LOT:** 3503

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday, November 6, 2019 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: October 29, 2019
DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: November 12, 2019



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 Derek Severson 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.

December 19, 2019

Notice of Final Decision

On December 19, 2019, the Community Development Director approved the request for the following:

Planning Action: PA-T1-2019-00080

Subject Property: 145 N. Main

Applicant: BC Partners IV, LLC/Don Comte

Description: A request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "*Ashland Tire Shop*" building – more recently "*Hank's Foreign Automotive*" - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;
ZONING: R-2; **ASSESSOR'S MAP #:** 39 1E 09BB; **TAX LOT #:** 3503

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 DEPARTMENT

FINDINGS & ORDERS

PLANNING ACTION: PA-T1-2019-00080
SUBJECT PROPERTY: 145 North Main Street
OWNER/APPLICANT: BC Partners IV, LLC/Don Comte
Agent: Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the “*Ashland Tire Shop*” building – more recently “*Hank’s Foreign Automotive*” - a historic contributing resource within the district. No changes are proposed to the site development, layout, orientation or use.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR’S MAP #:** 39 1E 09BB; **TAX LOT #:** 3503

SUBMITTAL DATE:	October 23, 2019
DEEMED COMPLETE DATE:	October 29, 2019
STAFF APPROVAL DATE:	December 18, 2019
DEADLINE TO APPEAL (4:30 p.m.):	December 30, 2019
FINAL DECISION DATE:	December 30, 2019
APPROVAL EXPIRATION DATE:	June 30, 2021

DECISION

Subject Property

The subject property is located at 145 North Main Street, at the corner of North Main and Bush Streets, and is zoned Low Density Multi-Family Residential (R-2). The property is in the Skidmore Academy Historic District, and is designated the “*Ashland Tire Shop*” building – more recently “*Hank’s Foreign Automotive*” – in the district survey document. The property is considered a historic contributing resource within the district.

The subject property has a number of non-conformities including that the commercial/automotive use is not a permitted use in the residential zoning district; and that where controlled access standards call for a 100-foot separation between curb cuts and/or intersections on North Main Street, a 50-foot separation between driveways on Bush Street, and a 35-foot separation between driveways and intersections along Bush Street, the site has a continuous curb cut around the corner on both sides of the intersection only partly blocked by a planter, and a second curb cut a short distance down Main Street. Street standards also require access be taken from Bush Street as the lesser order street, and here there are two curb cuts placed closer than allowed along North Main Street.

Proposal

With the current request, no changes are proposed to the site development, layout, orientation or use. The proposal is a request for Site Design Review approval to allow exterior changes including new doors, windows and siding to a contributing property within a Historic District.

The applicant had initially obtained a building permit for work to be completed, but when it was

determined by the Building Division that the scope of work involved went beyond that which had been permitted, a stop work order was issued and the applicant was advised that land use approval would first need to be obtained because the work included exterior changes to a contributing non-residential building in a Historic District.

Given that the building size, footprint or associated site improvements are not proposed to be altered with the current request, in staff's view the primary consideration for Site Design Review is in addressing the historic district development standards in any exterior modifications and, once land use approval is in place, obtaining required building permits for the full scope of the work proposed. The Building Official has requested that a special inspection be obtained prior to building permit application to verify what work has been completed to date and to identify potential building code issues prior to the applicant preparing a permit submittal.

Decision

Staff would first note that AMC 18.4.2.050.A.2.b provides that "If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these (historic district development) standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker." The full Historic Commission reviewed the application at their regular monthly meeting on November 6, 2019 and recommended approval of the application with the following recommendations:

AMC 18.4.2.050.C.2, "Rehabilitation Standards for Existing Buildings and Additions" states that "b. *Original architectural features shall be restored as much as possible, when those features can be documented;*" and "c. *Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with but not replicate, the finish of the historic building.*" On this basis, the Historic Commission recommended restoration or duplication of the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire North Main Street façade of the building and along the original office structure (i.e. brick entry feature) on the Bush Street façade (**See Photos 1 and 2 below**). These details were removed/covered with oriented strand board (OSB) during recent work on the building. The Commission also recommended that historically compatible garage doors be utilized, and that a sample profile be provided with the building permit submittals.

With regard to siding, in **AMC 18.4.2.050.C.2.d.**, the standard indicates that "*Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding*", the Historic Commission recommended that smooth 1 x 8 tongue and groove siding be used in place of the existing T-111 siding on all sides of the building. The Commission explained that the gable ends of the building include tongue and groove siding, and that the Commissioners believe this is indicative of the original external building materials. The Commission further recommended that stucco could serve as an acceptable alternative to tongue and groove siding, as stucco was a common exterior building material for commercial buildings and gas stations in the 1930's. Staff have incorporated a condition below to require that 1 x 8 tongue and groove siding or another compatible horizontal siding treatment or stucco be used for the exterior treatment of the building, rather than the vertical siding which is prohibited in the standard.

With regard to paint color, in **AMC 18.4.2.050.C.2.e.** the standard indicates that, “*Exterior wall colors on new additions shall match those of the historic building.*” The Commission accepted the applicant team’s proposal that the exterior building colors would be similar to the existing exterior colors including white and gray, along with the brick on the original office structure.

With regard to windows, in **AMC 18.4.2.050.C.2.g.**, the standards indicate that, “*Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.*” The Historic Commission recommended that the windows on the original office structure (i.e., brick entry feature) be true divided lights (i.e., with the glass divided into small panes) on the North Main Street and Bush Street facades to match the original windows (**See Bush Street side of building in Photo 2, below**).

The Commission further requested that the applicant submit architectural drawings as specified in **AMC 18.5.2.040.4.d** (e.g., section drawings and drawings of architectural details) with the building permit submittals, and asked that the Historic Commission Review Board review the architectural drawings prior to submitting the building permit.



Photo 1. Viewed from North Main Street



Photo 2. Viewed from the corner of North Main Street and Bush Street

Subsequent to the Historic Commission's review of the application, the applicant provided additional materials asserting that the only evidence of original siding on the building is corrugated metal and T-111, and indicating their desire to utilize T-111 siding or a vertical board and batten treatment. The applicant further indicates that the entire building was re-sided with an expansion in 1980. In staff's assessment, T-

111 would not have been an original siding material in the 1930's with the original construction as T-111 did not gain popularity until the 1960's, and while it may have been used in the later re-siding mentioned, the historic district development standards are explicit that vertical siding is not to be used except where it was the original siding. The Historic Commission, which is charged by code with advising the Staff Advisor with regard to the application of the historic district development standards, has indicated that the gable ends of the building include a 1 x 8 tongue and groove siding which Commissioners believe is the best indication of original external materials. On that basis, the recommendations of the Historic Commission have been incorporated into the conditions of approval below.

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

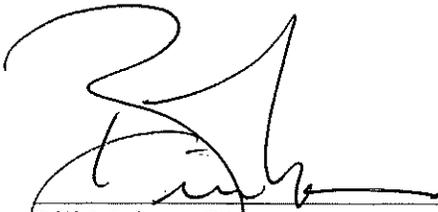
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and 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.*

In staff's assessment, the application with the attached conditions complies with applicable ordinances and meets all required criteria. Planning Action #T1-2019-00080 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 #T1-2019-00080 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 specifically modified herein.
- 2) That the plans submitted for the building permit shall be in 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 Site Review approval would need to be submitted and approved prior to issuance of a building permit.
- 3) That prior to submittal of a building permit application:

- a. The applicant shall obtain a special inspection from the Building Division in order to determine the extent of work completed to date and identify any specific building code issues which will need to be addressed in the building permit application.
- 4) The following conditions reflect the recommendations of the Historic Commission from its November 6, 2019 regular meeting and the applicable historic district development standards, and shall be incorporated into the building permit application as follows, subject to final review and approval by the Staff Advisor:
- a. The applicant shall restore or duplicate the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire North Main Street façade of the building and along the original office structure (i.e. brick entry feature) on the Bush Street façade. **(Rehabilitation Standard AMC 18.4.2.050.C.2.b. & c. See Photos 1 and 2 above).**
 - b. Smooth 1x8 tongue and groove siding, *or another compatible horizontal siding to be reviewed by the Review Board and approved by the Staff Advisor*, shall be used in place of the existing T-111 siding on all sides of the building. The gable ends of the building include tongue and groove siding which the Historic Commission determined to be indicative of the original external building materials. In lieu of horizontal siding, stucco would also be an acceptable alternative, as it was a common exterior building material for commercial buildings and gas stations during the period of significance. **(Rehabilitation Standard AMC 18.4.2.050.C.2.d.)**
 - c. That the exterior building colors shall be similar to the existing exterior colors including white and gray, along with the brick on the original office structure, as proposed by the applicant **(Rehabilitation Standard AMC 18.4.2.050.C.2.e.)**
 - d. The windows on the original office structure (i.e., the brick entry feature) shall be true divided lights (i.e. with the glass divided into small panes) on the North Main Street and Bush Street facades to match the original windows. **(Rehabilitation Standard AMC 18.4.2.050.C.2.g. See Bush Street side of the building in Photo 2, above).**
 - e. The applicant shall submit architectural drawings as specified in **AMC 18.5.2.040.4.d** (e.g. section drawings and drawings of architectural details) with the building permit submittals. The Historic Commission strongly recommended that the Historic Review Board be allowed to review and comment on these architectural drawings prior to submittal of a building permit application.
 - f. Historically compatible garage doors shall be utilized, and a sample profile shall be provided with the building permit application.

Building permits shall be reviewed for compliance with the above recommendations by the Historic Commission Review Board, with final review and approval by the Staff Advisor, prior to issuance of a building permit.



Bill Molnar, *Director*
Department of Community Development

December 19, 2019

Date

ASHLAND HISTORIC COMMISSION

Planning Application Review

November 6, 2019

PLANNING ACTION: PA-T1-2019-00080

SUBJECT PROPERTY: 146 N. Main St.

APPLICANT/OWNER: BC Partners IV, LLC/Donn Comte, Rogue Planning and Development as Agent

DESCRIPTION: A request for Site Design Review approval for proposed exterior changes including new doors, windows and siding to a contributing property within a Historic District for the property located at 145 North Main Street. The subject property is located in the Skidmore Academy Historic District, and is designated the "Ashland Tire Shop" building – more recently "Hank's Foreign Automotive" - a historic contributing resource within the district. **No changes are proposed to the site development, layout, orientation or use.**

COMPREHENSIVE PLAN DESIGNATION: Low Density Multiple Family; **ZONING:** R-2;

ASSESSOR'S MAP: 39 1E 09BB; **TAX LOT:** 3503

Recommendation:

The Historic Commission recommends approving the application as proposed with the following recommendations.

Rehabilitation Standards for Existing Buildings and Additions (AMC 18.4.2.050.C.2)

b. Original architectural features shall be restored as much as possible, when those features can be documented.

- Yes, to the gabled area over the office entry only.
- Applicant is not making any new additions.
- The entire structure was re-sided when the addition and expansion was completed in 1980.
- The only evidence of original siding as an architectural feature on the building is T1-11.

c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with but not replicate, the finish of the historic building.

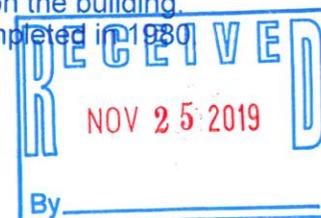
The Historic Commission recommends restoration or duplication of the entablature (horizontal architectural details under the eave line of the roof), including the enclosed soffit, along the entire N. Main St. façade of the building and along the original office structure (i.e., brick entry feature) on the Bust St. façade. See Photos 1 and 2.

- Yes, to the entablature details at the original office brick entry feature only.
- Applicant is not making any new additions to a historic building.
- No, to the entire N. Main facade having an enclosed soffit, this detail was added in 1980 as a support for the gutter system only. Gutter and associated support were rotten and rusted, gutters to be replaced.
- The only evidence of original siding as an architectural feature on the building is T1-11.

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.

The Historic Commission recommends smooth 1 x 8 tongue and groove siding in place of the existing T-111 siding on all sides of the building. The gable ends of the building include tongue and groove siding, which the Commission believes is indicative of the original external building materials. The Commission recommends stucco as an alternative to tongue and groove siding, which is common exterior building material for commercial buildings and gas stations in the 1930's.

- No, metal siding and asbestos siding were also common in the 1930's.
- There is no evidence of horizontal tongue & groove siding nor stucco siding on the building.
- The entire structure was re-sided when the addition and expansion was completed in 1980.



- The only evidence of original siding on the building is T1-11 and property owner has suggested a second compatible/similar siding option to T1-11 which is vertical board and batten.
- For the property owner to be compliant with the code, the original siding of evidence is T1-11.

g. Replacement windows in historic buildings shall match the original windows.

- Yes

Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

- Yes

The Historic Commission recommends the windows on the original office structure (i.e., brick entry feature) are true divided light (i.e., with the glass divided into small panes) on the N. Main St. and Bush St. facades to match original windows – see Bush St. side of building in Photo 2.

- Yes

e. Exterior wall colors on new additions shall match those of the historic building.

The applicant's representative indicated the exterior building colors will be similar to the existing exterior colors including white and gray, along with the brick on the original office structure.

- Yes, black, white, grey and red brick as seen on the original office structure.

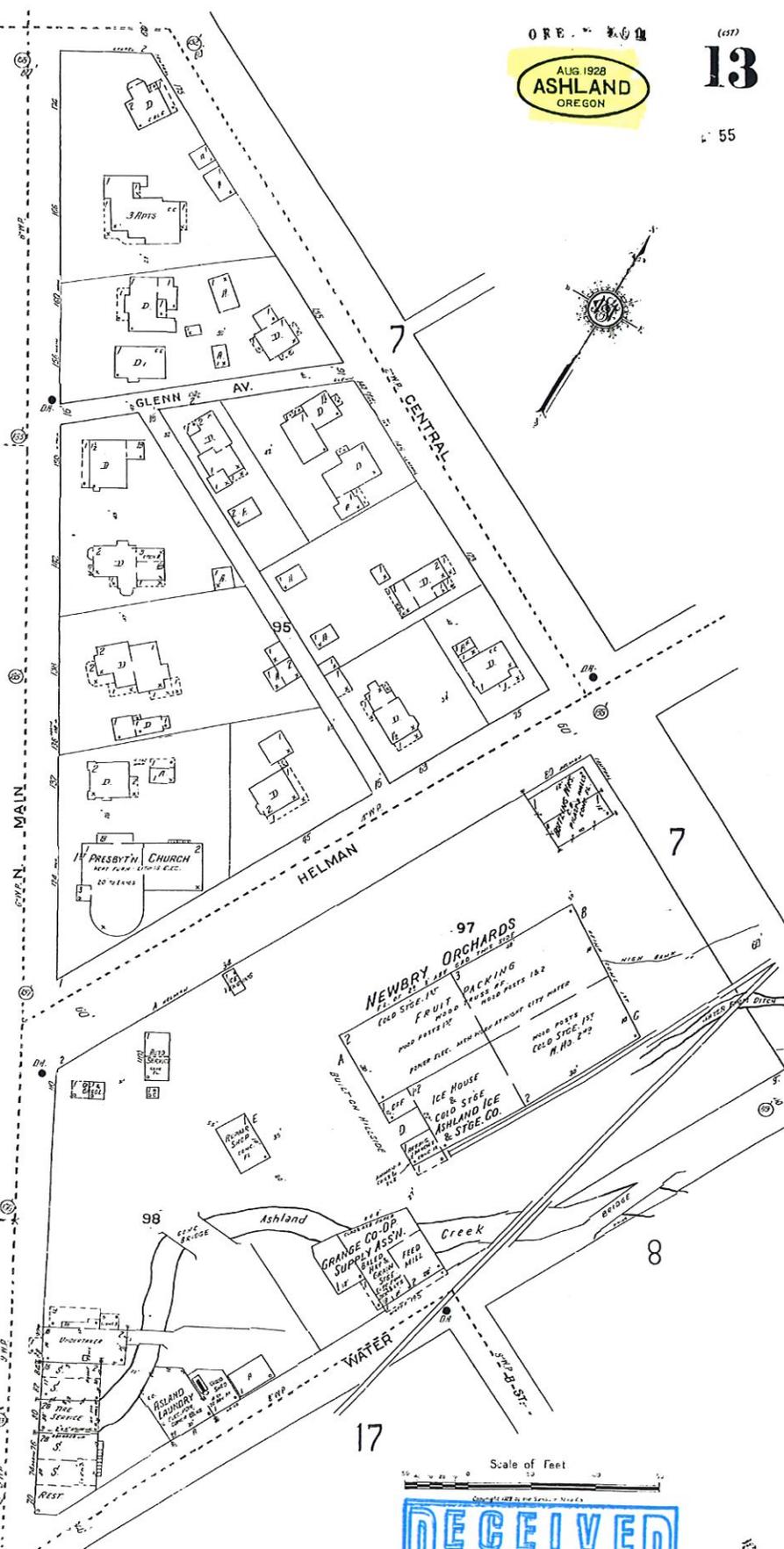
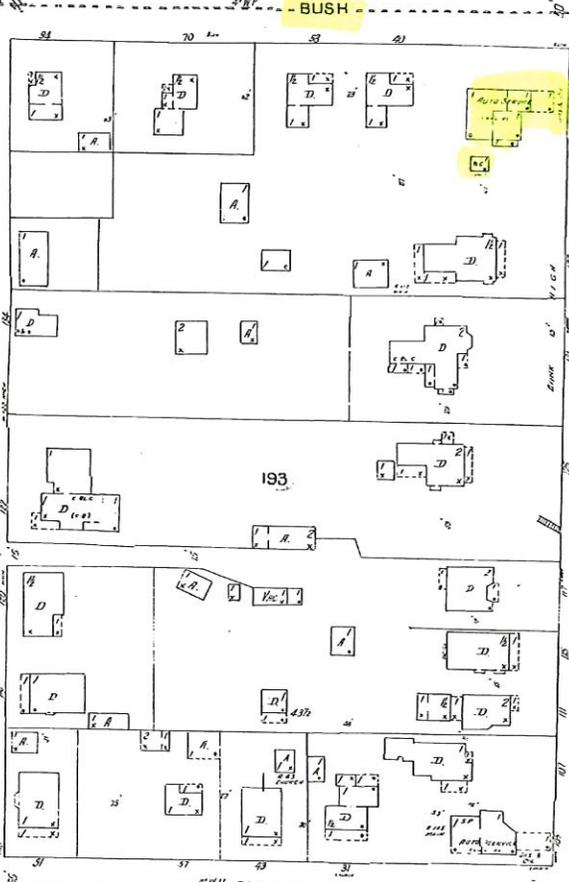
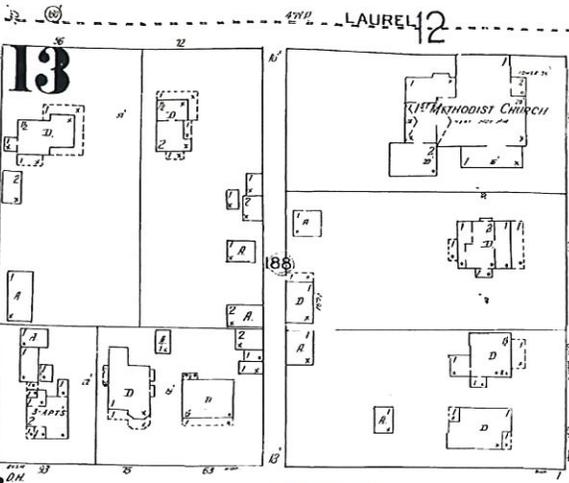
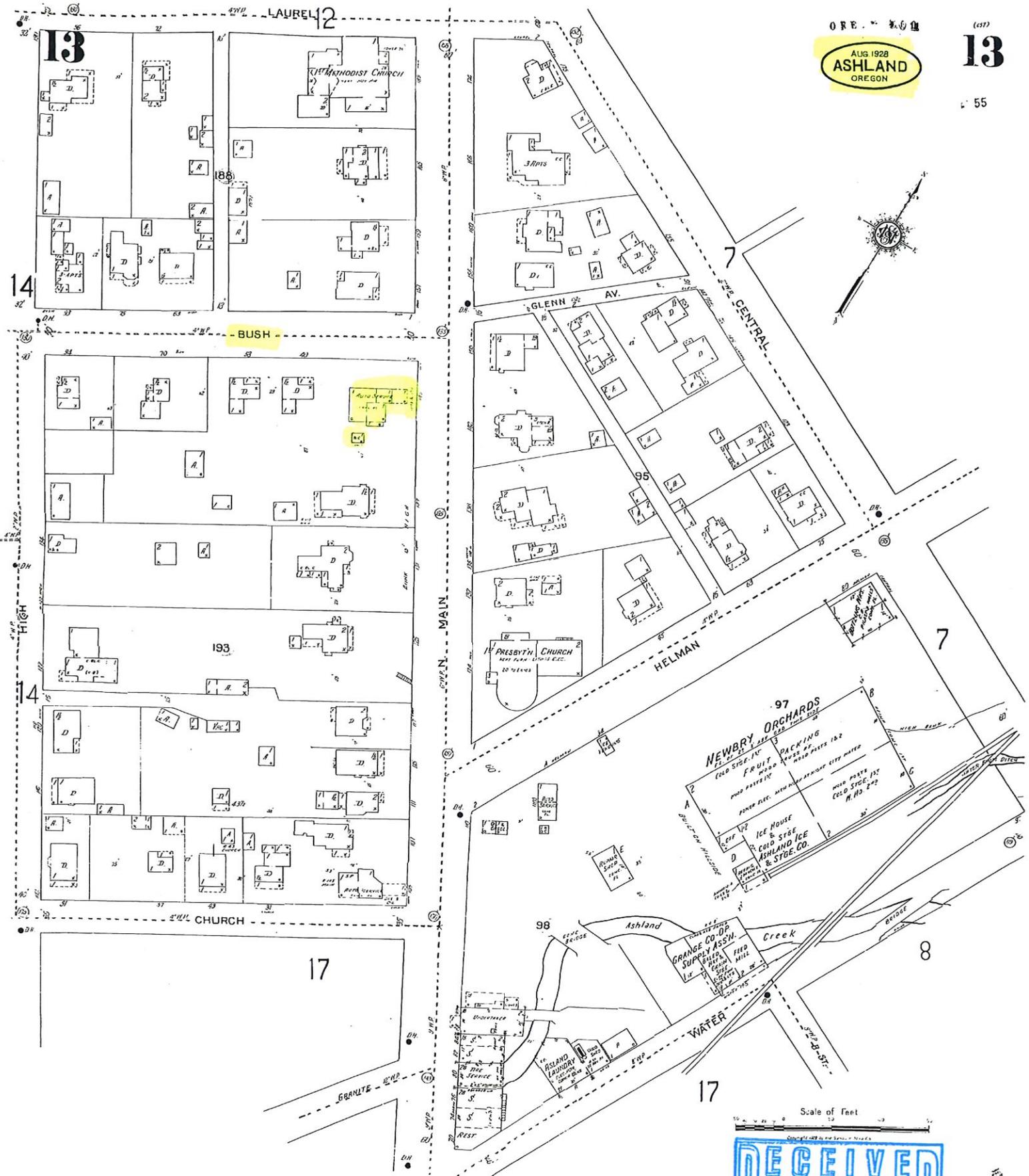
Other:

- Please submit architectural drawings as specified in AMC 18.5.2.040.4.d (e.g., section drawings and drawings of architectural details) with building permit submittals.
- d. For non-residential developments proposed on properties located in a Historic District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale $\frac{3}{4}$ of an inch equals one foot or larger.
- Not applicable nor a requirement per code. This is not a development on a proposed property located in the Historic District. Applicant is only looking to repair exterior deficiencies.
- If possible, the Historic Commission requests the opportunity for the Historic Review Board to review the architectural drawings prior to submitting the building permit.
- Not a requirement
- The Historic Commission recommends historically compatible garage doors and requests a sample profile at the time of the building permit submittals.
- Ashland Municipal Code 18.4.2.050 regarding development within the historic district addresses the preferred orientation and location of garages within residential development, specifically under 18.4.2.030, Residential Development.
- Subject property is not residential, but **commercial**, and applicant is not making any new additions nor changing garage orientations.
- Also applicant does not believe that a permit is required, nor does the City charge a fee, to replace broken, damaged, or deficient garage doors.

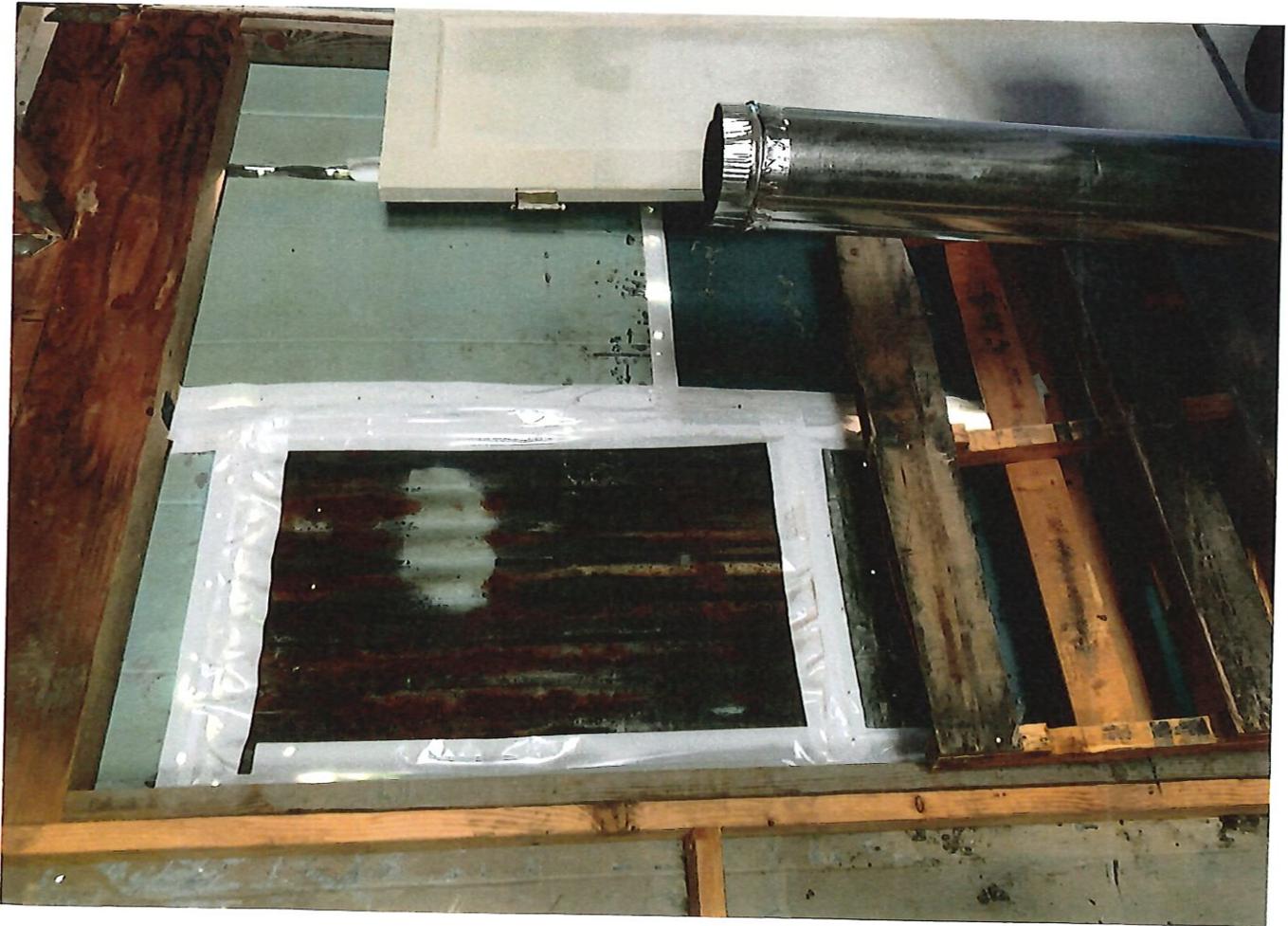


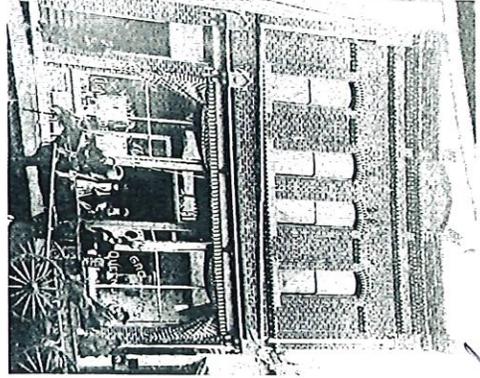
OFF. ...
AUG 1928
ASHLAND
OREGON

(137)
13
55



Scale of Feet
RECEIVED
NOV 25 2019
By





NORTH ELEVATION
 CIRCA 1990

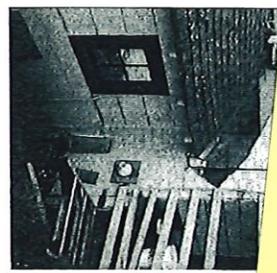


NORTH

*GENERAL
 BOARD*

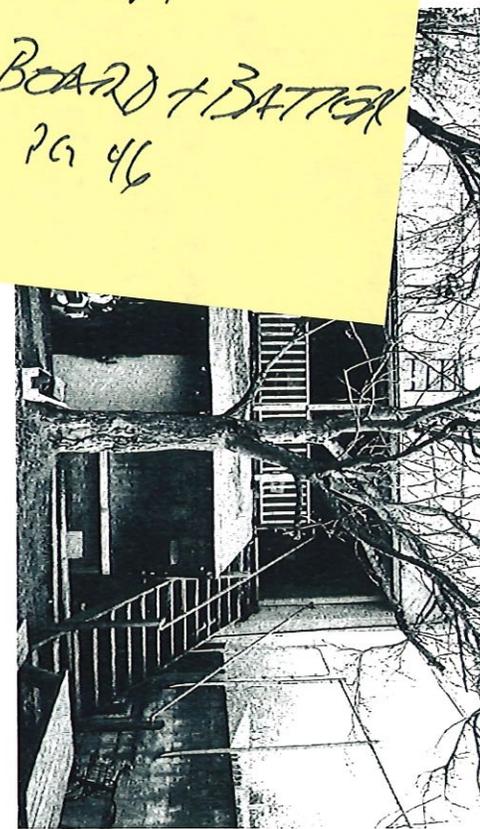


WEST ELEVATION
 2015



SOUTH-WEST ELEVATION
 2015

AmeriTitle
 www.amerititle.com
 95 N. MAIN
 VENT. BOARD + BATTERY
 pg 13, pg 46



SOUTH ELEVATION
 2015



EAST ELEVATION
 2015

RECEIVED
 NOV 25 2019
 By _____



October 10, 2019

**Site Design Review
For Exterior Modifications to a
Primary Contributing Historic Structure**

Property Owner: BC Partners IV LLC
175 Piedmont
Ashland, OR 97520

Applicant: Donn Comte
175 Piedmont
Ashland, OR 97520

Land Use Consultant: Rogue Planning & Development Services, LLC
33 North Central Avenue, Suite 213
Medford, OR 97501

SUBJECT PROPERTY: 145 North Main Street, Ashland, OR 97520

MAP & TAX LOT: 39 1E 09BB: 3503

COMP. PLAN DESIGNATION: Multi-Family Residential

ZONING: Low Density, Multi-Family Residential (R-2)

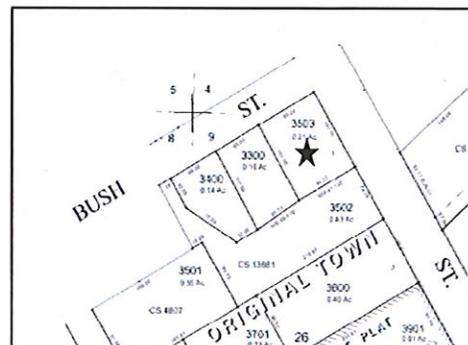
ADJACENT ZONES: R-2; R-3 and C-1

Request:

Request for Site Design Review to allow for exterior changes to a structure that is listed as a historic contributing structure. The proposal is for a rehabilitation of the historic auto-oriented garage structure located at 145 North Main Street.

Property Information:

The subject property is located on at the south corner of the intersection of North Main and Bush Streets. The subject property is an 8,881-square foot (.23-acre) property that is occupied by an approximately, 1,994 SF single story service station, also known as Hank's Foreign Auto Service. The





structure is considered a “Historic Contributing, 20th Century Colonial Revival”. The structure is dated 1936 by the Jackson County Assessor and was most likely a gas station. The use of the property has been a commercial use since its development and has continued as a commercial use continuously until earlier this month when the property was sold by Hank Singmaster to the current property owner.

The property and the immediately adjacent properties are zoned R-2, Low Density Multi-Family Residential, further north of the property, the properties are zoned R-3, High Density Residential. There is Commercially zoned land to the south. The property and the subject properties are within the Skidmore-Academy Historic District.

The property is level at North Main and Bush up to the building and around the west side of the structure. To the rear of the structure and the last 13-feet of the property, there is a steep hillside leading up towards the residences to the south on Bush Street. There is an area of steep slope along the Bush Street right-of-way behind the sidewalk that continues up Bush Street. The hillside areas have slopes upwards of 25 percent.

The property at 145 N Main is accessed via a 19-foot wide driveway at the intersection of Bush and N Main. There is also 33-foot wide driveway curbcut is present on the southeast portion of the property along the N Main frontage. The driveway curbcuts are actually larger than shown (entire corner of the property and majority of the N Main frontage), but there is a brick planter that was added at some point to eliminate the “corner” curbcut.

North Main Street is paved with curb, gutter and sidewalk.

Bush Street is also paved with curb and gutter. There is a sidewalk and parkrow on the Bush Street frontage.

Proposal:

The request is for Site Design Review to allow for the renovation of the Hank’s Foreign Automotive shop building at the corner of North Main Street and Bush Street. The proposal seeks to rehabilitate the structure and to modify the front façade by installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the west elevation existing window style.

The existing structure has a mixture of tongue and groove, T1-11, real brick façade, faux brick corner treatments and corrugated metal. The roof was redone with black, 30-year architectural composition roofing. The proposal is to replace the T1-11 and

corrugated metal sidings and replace with board and batten siding with 2-inch battens and 12” on-center. There is tongue and groove or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. In the event that board and batten is not approved, the applicant would select, a lap siding.

No changes are proposed that increase or modify any of the pre-existing non-conforming site layout, development, use or orientation.

Findings of fact addressing the criteria from the Ashland Municipal Code is found on the following pages.



Nonconforming Uses and Developments
18.1.4.020



The subject property was zoned to residential use in the early 1970s by the City of Ashland. The site has been an auto-oriented use since its known original development in the . There is historical record of the use of the site being a fueling station until the 1970s. Following that the uses have been tire repair and auto repair. The current property owner purchased the property from Hank Singmaster of Hank's Automotive and upon Hank's removal the vehicles and other equipment on the site a solar vehicle construction business began operations on the site. The non-conforming use of the site as a commercial use in the residential zone has not been abandoned and is not intended to be abandoned during the absence of active site repairs for which this application is required.

Since the site development has been commercial historically, the development of the site including the paved areas, driveway accesses and architectural characteristics of the structure are non-conforming to the standards for construction in the Low Density, Multi-Family Residential Zone.

The proposed exterior modifications appear to meet the Exempt Alterations Standards from AMC 18.1.4.030.A(a)(b) since the structure was not changed in size or shape, nor was more than 40 percent of any exterior building wall permanently removed.

The structure is considered a Historic Contributing Structure according to the Historic Resources Assessment of the Skidmore-Academy Historic Districts. Exterior modifications to Historic Contributing Structures require Site Design Review. No expansions, enlargements or changes of use are proposed with the application.

The proposal seeks to rehabilitate the structure and to modify the front façade by installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the west elevation existing window style.

The existing structure has a mixture of tongue and groove, T1-11, real brick façade, faux brick corner treatments and corrugated metal. The roof was redone with black, 30-year architectural composition roofing. The proposal is to replace the T1-11 and corrugated metal sidings and replace with board and batten siding with 2-inch battens and 12" on-center. There is tongue and groove or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. In the event that board and batten is not approved, the applicant would select, a lap siding.



Site Development Design Standards Approval Criteria:

18.5.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below.

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.

Finding:

The property is non-conforming in use and development. The proposed exterior modifications do not alter the applicable provisions of the underlying zone. The architecture is the only site feature proposed to be modified at this time.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

Finding:

The property is subject to the Historic District Standards for exterior modifications to a historic contributing structure. As evidenced in the findings below it can be found that the proposed development complies with the historic site development of the subject property at 145 N Main Street.

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.

18.4.2.040 Non-Residential Development

The use of the site is non-residential use in the Residential zone.

B. Basic Site Review Standards.

1. Orientation and Scale.

The building is clearly oriented towards the public streets.

There are two primary entrances located on the front facade. The entrances are clearly visible, and changes in materials are present that emphasize the entrances.



2. Streetscape.

The streetscape is not altered with the proposed exterior modifications to the structure.

3. Landscaping.

Finding:

The landscaping is pre-existing. There is a narrow, brick planter that will have ornamental plants added eventually. The remainder of the landscape are is in a "natural state" and is not proposed to be altered.

4. Designated Creek Protection.

Finding:

Not applicable

5. Noise and Glare.

Finding:

No changes to exterior lighting are proposed. If exterior lighting is added, all artificial lighting will comply with the standards of 18.4.4.050.

6. Expansion of Existing Sites and Buildings.

Finding:

Not applicable, the exterior finishes are proposed to be modified and a door added. The site will remain the same layout, landscaping, parking, lot coverage, setbacks, etc. as it has been since at least the 1970s.

C. Detailed Site Review Standards.

Finding:

The subject property is not within the Detailed Site Review Standards overlay.

D. Additional Standards for Large Scale Projects.

Finding:

The proposed building is less than 10,000 square feet in gross floor area and does not have more than 100-feet of frontage. It is not considered a Large-Scale Building.



18.4.2.050 Historic District Development

Finding:

The property is located that the boundary of the Skidmore Academy Historic District, and the Downtown Historic District.

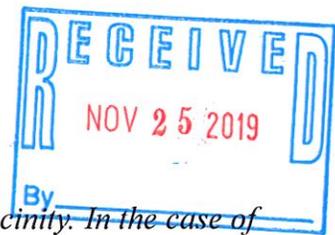
The proposal is to rehabilitate the exterior of a historic contributing structure in a sensitive manner that is reflective of the existing traditional, architectural elements and materials found on the structure. The proposed alterations will not have an impact on the scale, form, and massing.

It can be found that the proposed exterior alterations are architecturally compatible with the historic district design standards and within the existing historic structure.

The proposed exterior modifications to the structure are limited in scope and are reflective of the existing exterior façade treatments found on the structure for the past 50 years. The structure is considered a Historic Contributing Structure according to the Historic Resources Assessment of the Skidmore-Academy Historic Districts. Exterior modifications to Historic Contributing Structures require Site Design Review. No expansions, enlargements or changes of use are proposed with the application.

The proposal seeks to modify the front façade by installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the west elevation existing window style.

The existing structure has a mixture of tongue and groove, T1-11, real brick façade, faux brick corner treatments and corrugated metal. The roof was repaired and shingled with black, 30-year composition shingle roofing. The proposal is to replace the T1-11 and corrugated metal sidings and replace with board and batten siding with 2-inch battens and 12" on-center. There is tongue and groove or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. If board and batten is not approved, the property owner would select, a 1 X 8, smooth finish, cement board, horizontal lap siding.



The standards speak to a comparison of historic buildings in the vicinity. In the case of the subject property, the existing structure is commercial, all adjacent properties are residential development. Making comparison irrelevant to the proposal.

More relevant is to comply with the Historic District Design Standards and depicts an accurate restoration of original architectural features on historic buildings. The proposal is most consistent with the what is known about the architectural features of the structure. The applicant believes it can be found that the standards are met with the proposed replacement exterior façade materials.

B. Historic District Design Standards.

1. Transitional Areas.

Finding:

The subject property is near the boundary of the Skidmore Academy Historic District and the Downtown Historic District. The Historic District Design Standards are primarily a contrast and comparison of the proposed site development and the development on immediately adjacent properties. The adjacent properties, and those within the 200-foot impact area, are primarily developed with residential development in historic structures. The proposal speaks to the exterior building materials in comparison to the existing materials that were found on the structure.

It can be found that the exterior modifications incorporate several of the historic district design standard objectives such as sense of entry, a rhythm of openings, and compatible materials. The proposed restoration of the historic structure is consistent with the standards from the Secretary of the Interior Standards for Historic District

2. Height.

Finding:

No modifications to the height.

3. Scale.

Finding:

The scale of the property is not impacted by the proposed exterior modifications.

4. Massing.



Finding:

The massing of the structure is not altered with the proposal.

The existing exterior treatments provide vertical and historical rhythms. The continued use of a vertical siding is consistent with the historical finish of the structure and provides vertical elements on a horizontal structure.

5. Setback.

Finding:

No changes to the setbacks are proposed.

6. Roof.

Finding:

The roof has been repaired and replaced with black, composition shingles, consistent with the previous roofing material.

7. Rhythm of Openings.

Finding:

The proposed addition of a commercial style entrance provides an additional opening but does not negatively detract from the existing pattern and rhythm of openings. The replaced garage doors, windows and other openings will remain the same shape and size as present on the structure.

8. Base or Platforms.

Finding:

The existing structure as a garage lacks a "base". The main portion of the historic building façade is completely brick, this will remain the condition following the proposed exterior modifications.

9. Form.

Finding:

The form as a commercial building in the residential zone is not characteristics. The proposed exterior modifications will not alter the form and will have negligible impact on the integrity of the historic district.



10. Entrances.

Finding:

Well-defined, articulated primary entrances are provided into the structure on the North Main Frontage.

11. Imitation of Historic Features.

Finding:

*The building design is consistent with this standard. The proposed exterior elevations are similar to the known, historical exterior elevation treatments and are in keeping with those materials. Where **TI-11** siding had been in place for the past 50 years, the board and batten with similar reveal, shadow lines, and architectural compatibility is proposed. In the gable ends where tongue and groove, horizontal siding was located, new tongue and groove siding is proposed.*

There is one remaining divided light window, the replacement windows on the North Main and Bush Street facades will also be divided light windows.

12. Additions:

Finding:

Not applicable

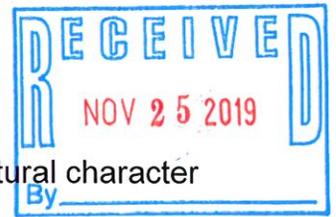
13. Garage:

Finding:

Not applicable. The non-conforming structure is a garage.

C. Rehabilitation Standards for Existing Buildings and Additions.

2. Rehabilitation Standards. In addition to the standards of part [18.4](#), the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay. These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure



that new additions and materials maintain the historic and architectural character of the district.

- a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.

Finding:

Not applicable, no additions proposed.

- b. Original architectural features shall be restored as much as possible, when those features can be documented.

Finding:

The Colonial Revival cottage influence that was considered an appropriate infill-style for gas stations and auto repair facilities in the pre-WWII period is a unique architectural style found only on this structure in the Skidmore Academy Historic District. There is a lack of historical information regarding the exterior façade treatments of the structure, such as if there was a material used prior to the T1-11 sheathing over studs with faux brick veneer corner treatments. The brick façade of the colonial portion of the structure is brick construction and is proposed to be retained.

- c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.

Finding:

The existing siding on the majority of the structures façade is a T1-11, vertical siding. The proposal is to replace the T1-11 and corrugated metal siding and replace with board and batten siding with 2-inch battens and 12" on-center. There is tongue and groove or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. If board and batten is not approved, the property owner would select, a 1 X 8, smooth finish, cement board, horizontal lap siding.

- d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.



Finding:

Where vertical siding presently exists, board and batten with vertical orientation is proposed as it is the only historical material that is known on the structure.

e. Exterior wall colors on new additions shall match those of the historic building.

Finding:

The existing siding paint color was an off-white/dirty white. A new coat of white paint will be added.

f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.

Finding:

The previous façade included artificial brick façade on the corners and between the garage doors. The proposed façade rehabilitation does not proposed to re-install the artificial brick façade and is retaining the real brick façade.

g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

Finding:

The only window that appears to be original is the divided light window on the northwest façade (Bush Street). The proposed replacement windows will be sized to fit the existing opening and is proposed to include divided lights to retain the historic window pattern.

h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.

Finding:



i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile, and metal roofs shall be avoided.

Finding:

The roof was repaired and shingled with black, 30-year composition shingle roofing.

j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.

Finding:

Not applicable

k. New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.

Finding:

Not applicable

l. The latest version of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in clarifying and determining whether the above standards are met.

Finding:

The proposal is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines. The original auto-oriented use is to be retained. The proposal retains distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property.



Historic Resources Inventory National Register of Historic Places

ASHLAND TIRE SHOP
145 MAINST N
20th Century Period Revival: Colonial Revival [Commercial]
1936c
391E09BB 3503

Historic Contributing

Dated at 1936 by the Jackson County Assessor, this structure was most likely built as a gas station during the mid-1930s period and shares design similarity with the General Petroleum Station that was erected at the corner of Gresham and Main street during the period. The lot was part of the Coolidge-Ogg property purchased by Fred Tayler in the late 1920s and remained in his ownership for a number of years. This structure was probably leased to various automobile-related uses, the earliest identified being the Ashland Tire Shop which was located here in 1948. In 1964 the site was occupied by Hartwell's garage and remains an auto repair facility today.

Typical of the Colonial Revival cottage influence that was considered an appropriate infill-style for gas stations and auto repair facilities in the pre-WWII period, the Ashland Tire Shop building represents a rare remaining example of the form in the area and, as such, accurately reflects both the growing influence of the automobile during the historic period and the attempts to integrate those uses into previously residential settings as Main Street developed into first the Pacific Highway and then U. S. Highway 99. While modernized, most notably in the use of metal roll-up doors, the Ashland Tire Shop

RECEIVED
NOV 25 2019

retains high integrity for a resource of its type and accurately reflects the limited commercial uses the developed within the Skidmore-Academy District during the period of significance.

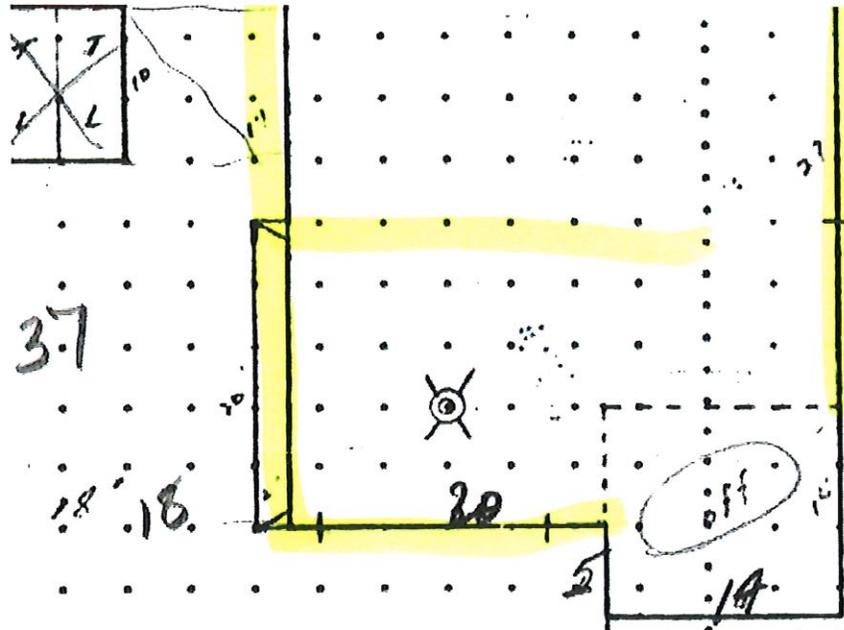


2001



RECEIVED
NOV 25 2019





L.C. Asphalt

30'

Conc. Ret. Wall.

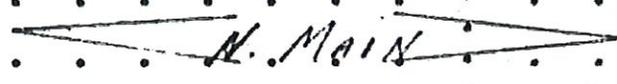


L.C. Asphalt.



34 x 27 = 1258
6 x 14 = 84

134



HOOD STOP

RECEIVED
NOV 25 2019
By _____

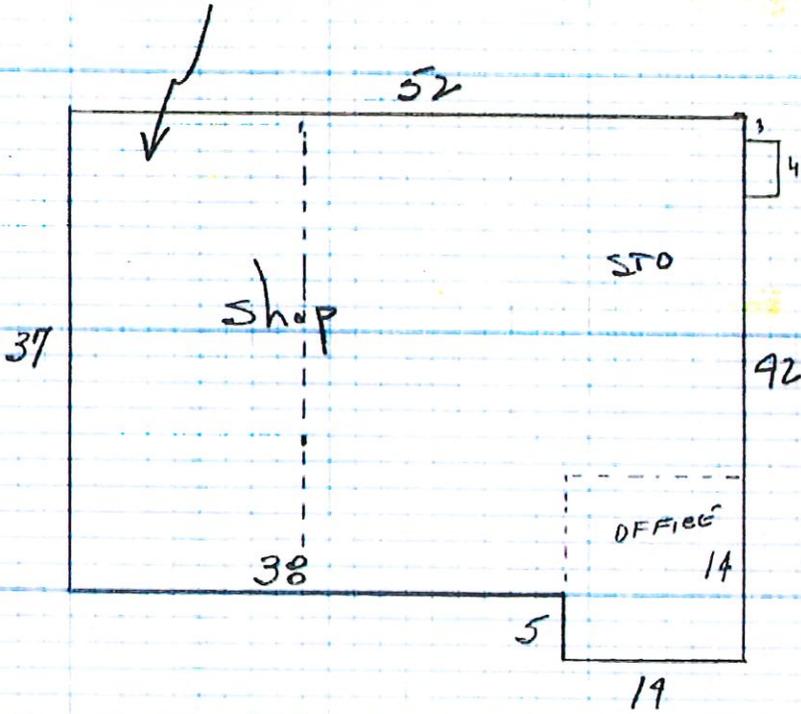
$$37 \times 52 = 1924 \text{ sq ft}$$

$$5 \times 14 = 70 \text{ sq ft}$$

$$1994 \text{ sq ft TOTAL}$$

1980

18 x 37 = NEW ADDITION



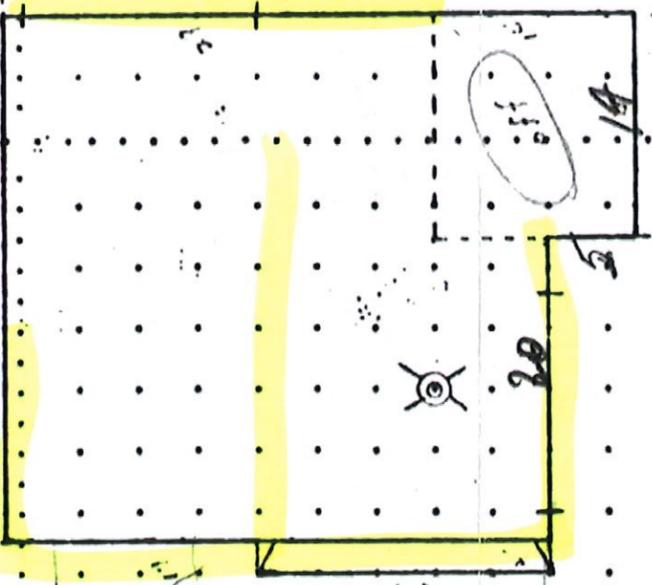
- Blacktop Paving -

145 N. MAIN ST





37



18' 16"

3

14

30'

L.C. Asphalt

Bus St

Camera
Reference

L.C. Asphalt

REF
CHANGES

4E1
38
21x11-12x11
6x14
134

REMARKS:

N. MAIN

WOOD AVE



RECEIVED
NOV 25 2019
By _____

39-1E-938-3503

1" = 20'

3/27/81

BRD

-1980-

NEW ADD OF 666A (18X37)

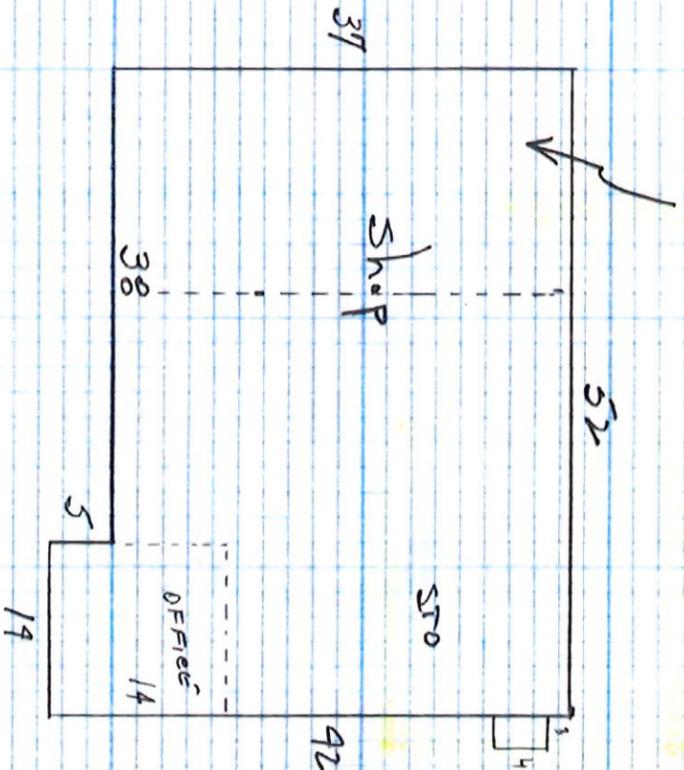
DBL PASS HOUSE

$$37 \times 52 = 1924 \text{ sq ft}$$

$$5 \times 14 = 70 \text{ sq ft}$$

$$\underline{1994 \text{ sq ft}} \text{ TOTAL}$$

1980
18X37 = NEW ADDITION



- Blueprint Printing -

145 N. Main St

October 16, 2019

**Site Design Review
For Exterior Modifications to a
Primary Contributing Historic Structure**

RECEIVED
OCT 17 2019
City Of Ashland

Property Owner: BC Partners IV LLC
175 Piedmont
Ashland, OR 97520

Applicant: Donn Comte
175 Piedmont
Ashland, OR 97520

Land Use Consultant: Rogue Planning & Development Services, LLC
33 North Central Avenue, Suite 213
Medford, OR 97501

SUBJECT PROPERTY: 145 North Main Street, Ashland, OR 97520

MAP & TAX LOT: 39 1E 09BB: 3503

COMP. PLAN DESIGNATION: Multi-Family Residential

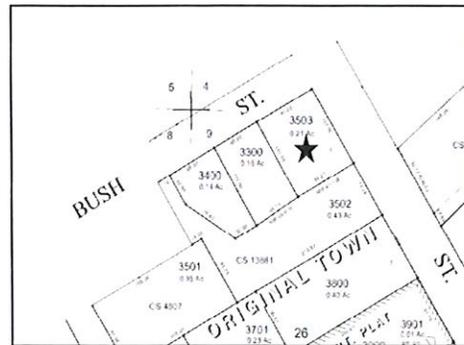
ZONING: Low Density, Multi-Family Residential (R-2)

ADJACENT ZONES: R-2; R-3 and C-1

Request:
Request for Site Design Review to allow for exterior changes to a structure that is listed as a historic contributing structure. The proposal is for a rehabilitation of the historic auto-oriented garage structure located at 145 North Main Street.

Property Information:

The subject property is located on at the South corner of the intersection of North Main and Bush Streets. The subject property is an 8,881-square foot (.23-acre) property that is occupied by an approximately, 1,994 SF single story service station, also known as Hank’s Foreign Auto Service. The structure is considered a “Historic Contributing, 20th Century Colonial Revival”. The structure is dated 1936 by the Jackson County Assessor and was most likely a gas station. The use of the property has been a commercial use since its development and has continued as a commercial use continuously until earlier this month when the property was sold by Hank Singmaster to the current property owner.



The property and the immediately adjacent properties are zoned R-2, Low Density Multi-Family Residential, further north of the property, the properties are zoned R-3, High Density Residential. There is Commercially zoned land to the south. The property and the subject properties are within the Skidmore-Academy Historic District.

The property is level at North Main and Bush up to the building and around the west side of the structure. To the rear of the structure and the last 13-feet of the property, there is a steep hillside leading up towards the residences to the south on Bush Street. There is an area of steep slope along the Bush Street right-of-way behind the sidewalk that continues up Bush Street. The hillside areas have slopes upwards of 25 percent.

The property at 145 North Main is accessed via a 19-foot wide driveway at the intersection of Bush and North Main. There is also 33-foot wide driveway curb-cut is present on the Southeast portion of the property along the North Main frontage. The driveway curb-cuts are actually larger than shown (entire corner of the property and majority of the N Main frontage), but there is a brick planter that was added at some point to eliminate the “corner” curb-cut.

North Main Street is paved with curb, gutter and sidewalk.

Bush Street is also paved with curb and gutter. There is a sidewalk and park-row on the Bush Street frontage.

RECEIVED
OCT 17 2019
City Of Ashland

Proposal:

The request is for Site Design Review to allow for the renovation of the Hank’s Foreign Automotive shop building at the corner of North Main Street and Bush Street. The proposal seeks to rehabilitate the structure and to modify the front façade by

installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the West elevation existing window style.

The existing structure has a mixture of lap and tongue and groove in the eaves, T1-11 siding, real brick façade, faux brick corner veneer treatments and scrap corrugated metal. The roof was redone with black, 30-year architectural composition roofing. The proposal is to replace the vertical T1-11 and corrugated metal sidings with vertical board and batten siding with 2-inch battens at 12" on-center. There is lap or tongue and groove siding in the gable ends, this will be replicated with lap siding of the same reveal. In the event that board and batten is not approved, the applicant would replace areas of pre-existing T-11 and sheet metal siding with new vertical T-11 siding.

No changes are proposed that increase or modify any of the pre-existing non-conforming site layout, development, use or orientation.

Findings of fact addressing the criteria from the Ashland Municipal Code is found on the following pages.

RECEIVED
OCT 27 2019
City Of Ashland

Criteria from the Ashland Land Use Ordinance

Nonconforming Uses and Developments

18.1.4.020

The subject property was zoned to residential use in the early 1970s by the City of Ashland. The site has been an auto-oriented use since its known original development in the 1930's. There is historical record of the use of the site being a fueling station until the 1970s. Following that the uses have been tire repair and auto repair. The current property owner purchased the property from Hank Singmaster of Hank's Automotive and upon Hank's removal the vehicles and other equipment on the site a solar vehicle construction business began operations on the site. The non-conforming use of the site as a commercial use in the residential zone has not been abandoned and is not intended to be abandoned during the absence of active site repairs for which this application is required.

Since the site development has been commercial historically, the development of the site including the paved areas, driveway accesses and architectural characteristics of the structure are non-conforming to the standards for construction in the Low Density, Multi-Family Residential Zone.

The proposed exterior modifications appear to meet the Exempt Alterations Standards from AMC 18.1.4.030.A(a)(b) since the structure was not changed in size or shape, nor was more than 40 percent of any exterior building wall permanently removed.

The structure is considered a Historic Contributing Structure according to the Historic Resources Assessment of the Skidmore-Academy Historic Districts. Exterior modifications to Historic Contributing Structures require Site Design Review. No expansions, enlargements or changes of use are proposed with the application.

The proposal seeks to rehabilitate the structure and to modify the front façade by installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the west elevation existing window style.

The existing structure has a mixture of lap and tongue and groove siding in the eaves, T1-11 vertical siding, real brick masonry façade, faux brick veneer corner treatments and various corrugated metals. The roof was redone with black, 30-year architectural composition roofing.

RECEIVED

OCT 17 2013

City Of Ashland

The proposal is to replace the T1-11 and corrugated metal sidings and replace with board and batten siding with 2-inch battens at 12" on-center. There is lap or tongue and groove siding in the gable ends, this will be replicated with lap siding of the same reveal. In the event that board and batten is not approved, the applicant would select a T1-11 similar to what was previously installed.

Site Development Design Standards Approval Criteria:

18.5.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below.

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.

Finding:

The property is non-conforming in use and development. The proposed exterior modifications do not alter the applicable provisions of the underlying zone. The architecture is the only site feature proposed to be modified at this time.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

Finding:

The property is subject to the Historic District Standards for exterior modifications to a historic contributing structure. As evidenced in the findings below it can be found that the proposed development complies with the historic site development standards and the Secretary of the Interior Standards for rehabilitation of the historic contributing structure located at 145 N Main Street.

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.

18.4.2.040 Non-Residential Development

The use of the site is non-residential use in the Residential zone.

B. Basic Site Review Standards.

1. Orientation and Scale.

RECEIVED
OCT 27 2019
City Of Ashland

Finding:

The building is clearly oriented towards the public street.

There are two primary entrances located on the front facade. The entrances are clearly visible, and changes in materials are present that emphasize the entrances.

2. Streetscape.

Finding:

The streetscape is not altered with the proposed exterior modifications to the structure.

3. Landscaping.

Finding:

The landscaping is pre-existing. There is a narrow, brick planter that will have ornamental plants added eventually. The remainder of the landscape area is in a "natural state" and is not proposed to be altered.

4. Designated Creek Protection.

Finding:

Not applicable

5. Noise and Glare.

Finding:

No changes to exterior lighting are proposed. If exterior lighting is added, all artificial lighting will comply with the standards of 18.4.4.050.

6. Expansion of Existing Sites and Buildings.

Finding:

Not applicable, the exterior finishes are proposed to be modified and a door added. The site will remain the same layout, landscaping, parking, lot coverage, setbacks, etc. as it has been since at least the 1970s.

C. Detailed Site Review Standards.

RECEIVED
OCT 27 2019
City Of Ashland

Finding:

The subject property is not within the Detailed Site Review Standards overlay.

D. Additional Standards for Large Scale Projects.

Finding:

The proposed building is less than 10,000 square feet in gross floor area and does not have more than 100-feet of frontage. It is not considered a Large-Scale Building.

18.4.2.050 Historic District Development

Finding:

The property is located that the boundary of the Skidmore Academy Historic District, and the Downtown Historic District.

The proposal is to rehabilitate the exterior of a historic contributing structure in a sensitive manner that is reflective of the existing traditional, architectural elements and materials found on the structure. The proposed alterations will not have an impact on the scale, form, and massing.

It can be found that the proposed exterior alterations are architecturally compatible with the historic district design standards and within the existing historic structure.

The proposed exterior modifications to the structure are limited in scope and are reflective of the existing exterior façade treatments found on the structure for the past 50 years. The structure is considered a Historic Contributing Structure according to the Historic Resources Assessment of the Skidmore-Academy Historic Districts. Exterior modifications to Historic Contributing Structures require Site Design Review. No expansions, enlargements or changes of use are proposed with the application.

The proposal seeks to modify the front façade by installing new insulated garage doors, add a tempered glass, commercial store front door where a single paned window had been previously located (same building plane as garage doors). The existing primary entry on the small, colonial style portion of the structure, is proposed to be replaced with commercial style store front door. The existing windows on the front (north) and side (west) elevation are proposed to be divided light, windows to match the west elevation existing window style.

The existing structure has a mixture of lap and tongue and groove siding, T1-11 real brick masonry façade, faux brick veneer corner treatments and corrugated metal. The roof was repaired and shingled with black, 30-year composition shingle roofing. The

RECEIVED
OCT 17 2011
City Of Ashland

proposal is to replace the T1-11 and corrugated metal sidings and replace with board and batten siding with 2-inch battens and 12" on-center. There is tongue and groove or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. If board and batten is not approved, the property owner would select a T1-11 similar to what was previously installed.

The standards speak to a comparison of historic buildings in the vicinity. In the case of the subject property, the existing structure is commercial, all adjacent properties are residential development. Making comparison irrelevant to the proposal.

More relevant is to comply with the Historic District Design Standards and depicts an accurate restoration of original architectural features on historic buildings. The proposal is most consistent with the what is known about the architectural features of the structure. There is no evidence that the structures material façade treatments (or construction method) was anything other than a siding material. There is no evidence of block or stucco exterior façade treatment, thus it has not been proposed to be introduced with this proposal.

The applicant believes it can be found that the standards are met with the proposed replacement exterior façade materials.

B. Historic District Design Standards.

1. Transitional Areas.

Finding:

The subject property is near the boundary of the Skidmore Academy Historic District and the Downtown Historic District. The Historic District Design Standards are primarily a contrast and comparison of the proposed site development and the development on immediately adjacent properties. The adjacent properties, and those within the 200-foot impact area, are primarily developed with residential development in historic structures. The proposal speaks to the exterior building materials in comparison to the existing materials that were found on the structure.

It can be found that the exterior modifications incorporate several of the historic district design standard objectives such as sense of entry, a rhythm of openings, and compatible materials. The proposed restoration of the historic structure is consistent with the standards from the Secretary of the Interior Standards for Historic District

2. Height.

Finding:

RECEIVED
OCT 27 2019
City Of Ashland

No modifications to the height.

3. Scale.

Finding:

The scale of the property is not impacted by the proposed exterior modifications.

4. Massing.

Finding:

The massing of the structure is not altered with the proposal.

The existing exterior treatments provide vertical and historical rhythms. The continued use of a vertical siding is consistent with the historical finish of the structure and provides vertical elements on a horizontal structure.

5. Setback.

Finding:

No changes to the setbacks are proposed.

6. Roof.

Finding:

The roof has been repaired and replaced with black, composition shingles, consistent with the previous roofing material.

7. Rhythm of Openings.

Finding:

The proposed addition of a commercial style entrance provides an additional opening but does not negatively detract from the existing pattern and rhythm of openings. The replaced garage doors, windows and other openings will remain the same shape and size as present on the structure.

8. Base or Platforms.

Finding:

RECEIVED
OCT 17 2019
City Of Ashland

The existing structure as a garage lacks a “base”. The main portion of the historic building façade is entirely masonry brick, this will remain the condition following the proposed exterior modifications.

9. Form.

Finding:

The form as a commercial building in the residential zone is not characteristic. The proposed exterior modifications will not alter the form and will have negligible impact on the integrity of the historic district.

10. Entrances.

Finding:

Well-defined, articulated primary entrances are provided into the structure on the North Main Frontage.

11. Imitation of Historic Features.

Finding:

The building design is consistent with this standard. The proposed exterior elevations are similar to the known, historical exterior elevation treatments and are in keeping with those materials. Where T1-11 siding had been in place for the past 50 years, the board and batten with similar reveal, shadow lines, and architectural compatibility is proposed. In the gable ends where tongue and groove, horizontal siding was located, new tongue and groove siding is proposed.

There is one remaining divided light window, the replacement windows on the North Main and Bush Street facades will also be divided light windows.

The other historic gas station or auto service stations that are found Ashland’s Historic Districts were surveyed and found to be painted block, painted brick and aluminum panels. There is not evidence that stucco was used on the other similar type of structures and therefore the known material are not modified to an unused material type.

12. Additions:

Finding:

Not applicable

RECEIVED
OCT 17 2019
City Of Ashland

13. Garage:

Finding:

Not applicable. The non-conforming structure is a garage.

RECEIVED
OCT 17 2019
City Of Ashland

C. Rehabilitation Standards for Existing Buildings and Additions.

2. Rehabilitation Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay. These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure that new additions and materials maintain the historic and architectural character of the district.

a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.

Finding:

Not applicable, no additions proposed.

b. Original architectural features shall be restored as much as possible, when those features can be documented.

Finding:

The Colonial Revival cottage influence that was considered an appropriate infill-style for gas stations and auto repair facilities in the pre-WWII period is a unique architectural style found only on this structure in the Skidmore Academy Historic District. There is a lack of historical information regarding the exterior façade treatments of the structure, such as if there was a material used prior to the T1-11 sheeting over studs with faux brick veneer corner treatments. The brick façade of the colonial portion of the structure is brick construction and is proposed to be retained.

c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.

Finding:

The existing siding on the majority of the structures façade is a T1-11, vertical siding. The proposal is to replace the T1-11 and corrugated metal siding and

RECEIVED

OCT 17 2019

City of Ashland

replace with board and batten siding with 2-inch battens and 12" on-center. There is tongue and groove and/or lap siding in the gable ends, this will be replicated with lap siding of the same reveal. If board and batten is not approved, the property owner would select, a T1-11 similar to what was previously installed.

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.

Finding:

Where vertical T1-11 siding presently exists, board and batten with vertical orientation is proposed as vertical T1-11 is the only historical material that is known on the structure.

e. Exterior wall colors on new additions shall match those of the historic building.

Finding:

The existing siding paint color was an off-white/dirty white. A new coat of white paint in the same tonal range will be added.

f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.

Finding:

The previous façade included artificial brick façade on the corners and between the garage doors. The proposed façade rehabilitation does not propose to re-install the artificial brick façade and is only retaining the real brick masonry facade.

g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

Finding:

RECEIVED
OCT 17 2019
City Of Ashland

The only window that appears to be original is the divided light window on the northwest façade (Bush Street). The proposed replacement windows will be sized to fit the existing opening and is proposed to include divided lights to retain the historic window pattern.

h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.

Finding:

The roof was not reconstructed, but was re-sheeted and shingled with an composition shingle material in black. The form and the pitch were not altered.

i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, wood-shingle, tile, and metal roofs shall be avoided.

Finding:

The roof was repaired and shingled with black, 30-year composition shingle roofing.

j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.

Finding:

Not applicable

k. New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.

Finding:

Not applicable

RECEIVED
OCT 17 2019
City Of Ashland

I. The latest version of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in clarifying and determining whether the above standards are met.

Finding:

The proposal is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines. The original auto-oriented use is to be retained. The proposal retains distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property.

RECEIVED
OCT 17 2019
City Of Ashland

Historic Resources Inventory National Register of Historic Places

ASHLAND TIRE SHOP
145 MAINST N
20th Century Period Revival: Colonial Revival [Commercial]
1936c
391E09BB 3503

Historic Contributing

Dated at 1936 by the Jackson County Assessor, this structure was most likely built as a gas station during the mid-1930s period and shares design similarity with the General Petroleum Station that was erected at the corner of Gresham and Main street during the period. The lot was part of the Coolidge-Ogg property purchased by Fred Tayler in the late 1920s and remained in his ownership for a number of years. This structure was probably leased to various automobile-related uses, the earliest identified being the Ashland Tire Shop which was located here in 1948. In 1964 the site was occupied by Hartwell's garage and remains an auto repair facility today.

Typical of the Colonial Revival cottage influence that was considered an appropriate infill-style for gas stations and auto repair facilities in the pre-WWII period, the Ashland Tire Shop building represents a rare remaining example of the form in the area and, as such, accurately reflects both the growing influence of the automobile during the historic period and the attempts to integrate those uses into previously residential settings as Main Street developed into first the Pacific Highway and then U.S. Highway 99. While modernized, most notably in the use of metal and fiberglass roll-up doors, the Ashland Tire Shop retains high integrity for a resource of its type and accurately reflects the limited commercial uses the developed within the Skidmore-Academy District during the period of significance.



2001

RECEIVED
OCT 17 2019
City Of Ashland



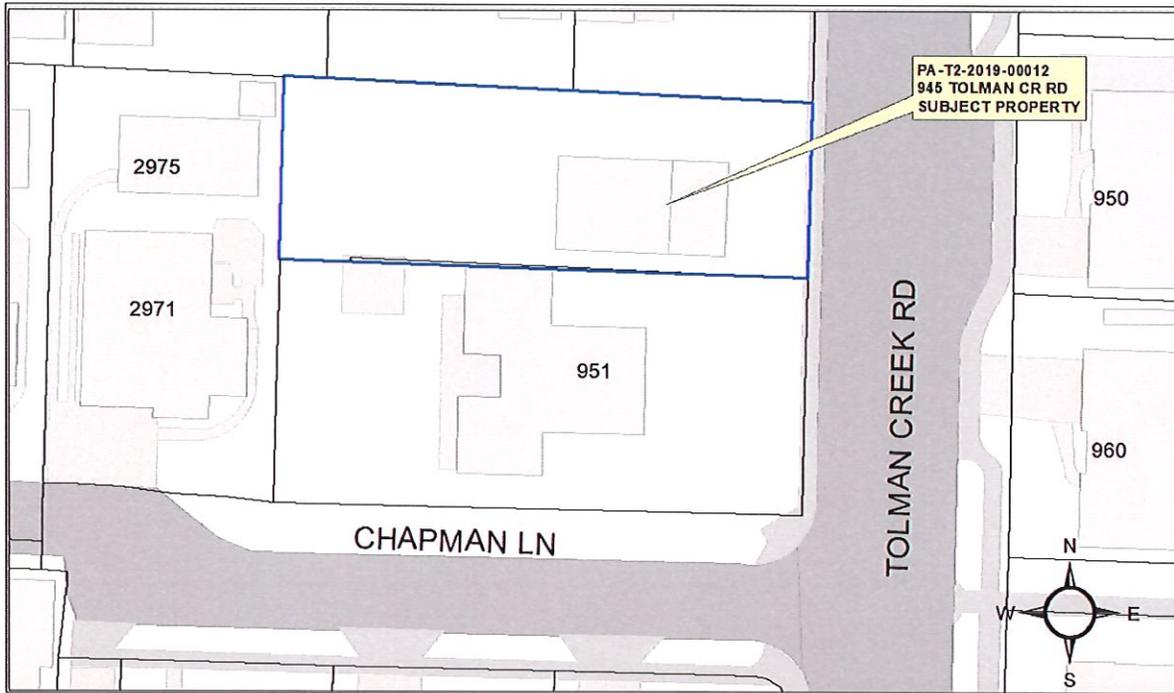
RECEIVED
OCT 17 2019
City Of Ashland



PLANNING ACTION: PA-T2-2019-00012
SUBJECT PROPERTY: 945 Tolman Creek Rd
OWNER/APPLICANT: Sean Darrell / Rogue Planning & Development
DESCRIPTION: The application is request for a three-unit/four-lot Outline and Final Plan subdivision approval and Site Design Review permit to allow the construction of a three-unit Cottage Housing Development for the property at 945 Tolman Creek Road. The existing structure is proposed to be divided into two units, and a third 400 square foot cottage unit is to be constructed at the rear of the property.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP #:** 391E14CA; **TAX LOT:** 800

The Ashland Tree Commission will also review this Planning Action on **Thursday, January 9, 2020 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday January 14, 2020 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 Senior Planner Derek Severson 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.

COTTAGE HOUSING

18.2.3.090

C. Development Standards

Cottage housing developments shall meet all of the following requirements.

- 1. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows:

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

- a. *Maximum Floor Area Ratio:* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone-outlined in Table 18.2.5.030.A.

- e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
 - f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. **Access, Circulation, and Off-Street Parking Requirements.** Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
- a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
 - b. *Driveways and parking areas.* Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.
4. **Open Space.** Open space shall meet all of the following standards.
- a. A minimum of 20 percent of the total lot area is required as open space.
 - b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.
 - c. Shall consist of a central space, or series of interconnected spaces.
 - d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
 - e. At least 50 percent of the cottage units shall abut an open space.
 - f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.
 - g. Parking areas and driveways do not qualify as open space.

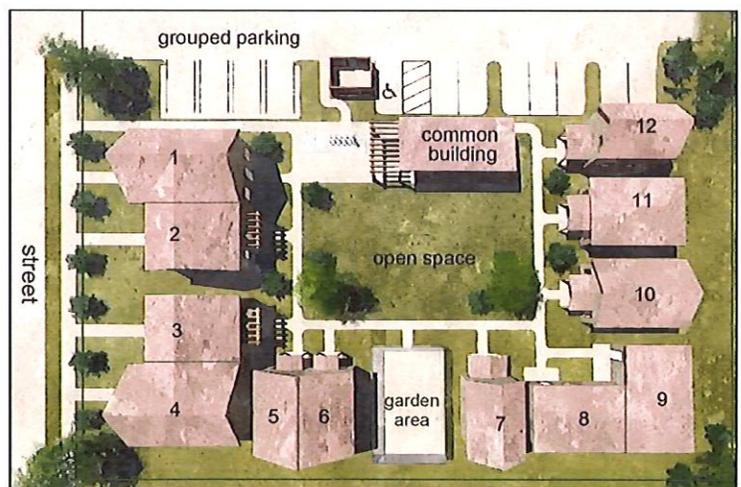


Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. **Private Outdoor Area.** Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.
 - b. No dimension of the private outdoor area shall be less than 8 feet.
6. **Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**
 - a. *Common Buildings.* Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.
 - b. *Carports and garage structures.* Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
 - c. *Nonconforming Dwelling Units.* An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
 - d. *Accessory Residential Units.* New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.
7. **Storm Water and Low-Impact Development.**
 - a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.
 - b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.
 - c. Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.
8. **Restrictions.**
 - a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

OUTLINE PLAN APPROVAL

18.3.9.040.A.3

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

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

APPROVAL CRITERIA FOR FINAL PLAN

18.3.9.040.B.5

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

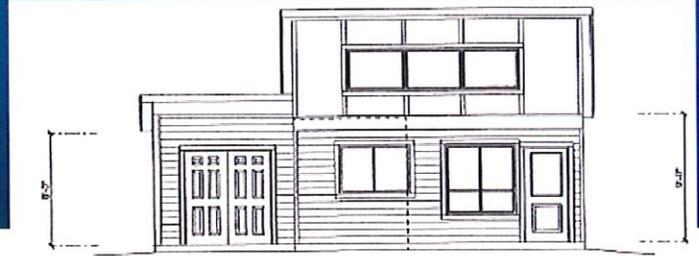
- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the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

Tolman Creek Cottages

PA-T2-2019-00012 – A request for Outline & Final Plan Subdivision and Site Design Review approvals for a three-unit/four-lot Cottage Housing development at 945 Tolman Creek Road.



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION UNIT #3
SCALE: 1/8" = 1'-0"

Proposal Details

Proposal

The existing home along Tolman Creek Road, pictured on the left above, is to be divided into two units, and a third 400 square foot cottage unit, pictured on the right above, is to be built at the rear of the property with access via the existing shared driveway over the property to the south and out to Chapman Lane. The property will include two open spaces areas – one along Tolman Creek Road and another at the center of the site, and each unit will also have private outdoor spaces in the form of garden areas, patios and decks.

Site Description

The subject property is an approximately 7,500 square foot rectangular parcel zoned R-1-5-P with frontage on Tolman Creek Road.

Landscaping & Trees

There are two large stature trees on the property: a 20-inch diameter Ponderosa Pine in the center of the site and a 41-inch Sequoia along Tolman Creek Road. Both trees are to be preserved and protected with the proposal.

Parking

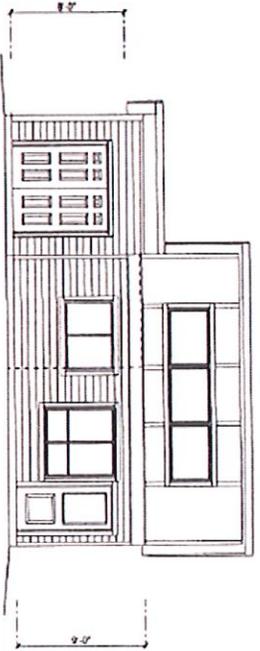
Cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The applicant proposes to provide two off-street parking spaces at the rear of the property for the three units proposed here. The third required parking space is to be provided through an on-street credit for an available parking space along the property's frontage on Tolman Creek Road. Covered bicycle parking is to be provided in a structure at the rear of the property.

Staff Recommendation

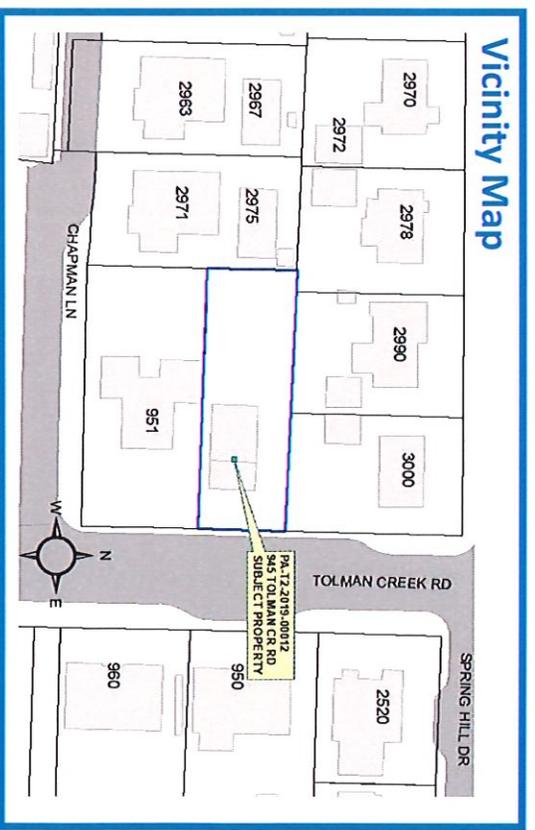
Staff recommends that the application be approved with the conditions detailed in the draft findings included in the Planning Commission's January 2020 meeting packet.

Tolman Creek Cottages

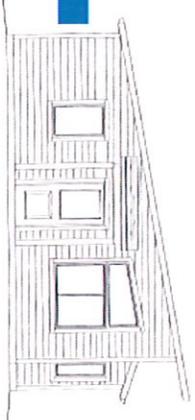
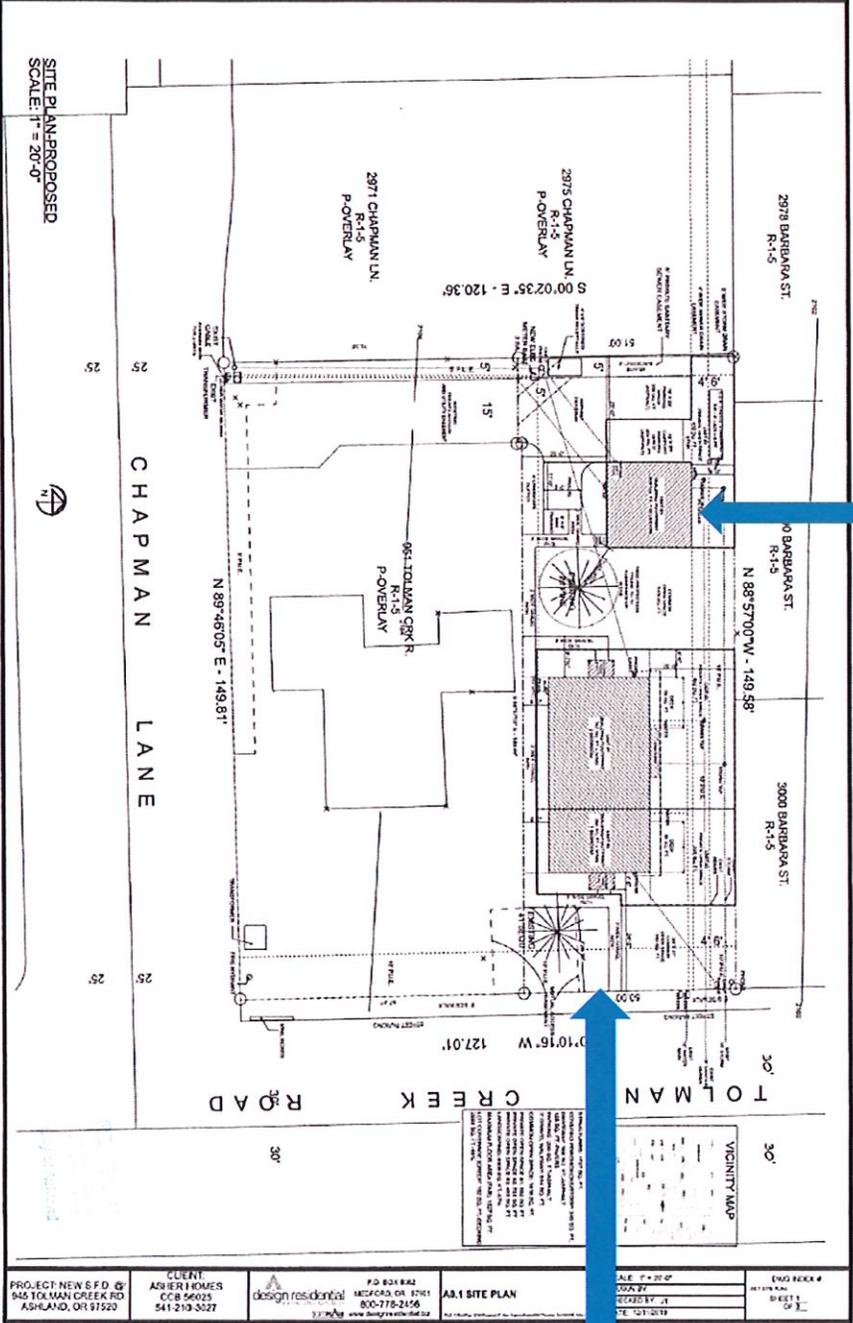
945 Tolman Creek Road



Proposed Third Unit SOUTH ELEVATION UNIT #3
SCALE: 1/8" = 1'-0"



Vicinity Map



EAST ELEVATION
SCALE: 1/8" = 1'-0"
Existing SFR to be converted to two units.

BEFORE THE PLANNING COMMISSION
February 11, 2020

(NOTE: These DRAFT findings reflect the Planning staff's recommendations with regard to the application, and will change with the Planning Commission's decision following a public hearing.)

IN THE MATTER OF PLANNING ACTION #PA-T2-2019-00012, A REQUEST FOR)
OUTLINE AND FINAL PLAN SUBDIVISION APPROVALS AND SITE DESIGN)
REVIEW FOR A 3-UNIT/4-LOT COTTAGE HOUSING DEVELOPMENT FOR THE)
PROPERTY AT 945 TOLMAN CREEK ROAD. THE EXISTING STRUCTURE IS) **DRAFT**
PROPOSED TO BE DIVIDED INTO 2-UNITS, AND A THIRD 400-SQUARE FOOT) **FINDINGS,**
COTTAGE UNIT IS TO BE CONSTRUCTED AT THE REAR OF THE PROPERTY.) **CONCLUSIONS &**
) **ORDERS**

OWNER/APPLICANT: SEAN DARRELL/)
ROGUE PLANNING & DEVELOPMENT, LLC)
)
)

RECITALS:

- 1) Tax lot #800 of Map 39 1E 14CA is located at 945 Tolman Creek Road and is zoned Single Family Residential (R-1-5).

- 2) The application is request for a three-unit/four-lot Outline and Final Plan subdivision approval and Site Design Review permit to allow the construction of a three-unit Cottage Housing Development for the property at 945 Tolman Creek Road. The existing structure is proposed to be divided into two units, and a third 400 square foot cottage unit is to be constructed at the rear of the property. The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*
 - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
 - c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
 - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
 - e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
 - f. *The proposed density meets the base and bonus density standards established under this chapter.*
 - g. *The development complies with the Street Standards.*

- 4) The criteria for Final Plan approval are described in **AMC 18.3.9.040.B.5** as follows:
- a. *The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.*
 - b. *The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
 - c. *The open spaces vary no more than ten percent of that provided on the outline plan.*
 - d. *The building size does not exceed the building size shown on the outline plan by more than ten percent.*
 - e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.*
 - f. *That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.*
 - g. *The development complies with the Street Standards.*
 - h. *Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.*
- 5) The criteria for Site Design Review approval 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.

- 6) The development standards for Cottage Housing Developments are detailed in **AMC 18.2.3.090** as follows:

C. Development Standards. Cottage housing developments shall meet all of the following requirements.

1. **Cottage Housing Density.** The permitted number of units and minimum lot areas shall be as follows:

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. **Building and Site Design.**

- a. **Maximum Floor Area Ratio:** The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.

- b. **Maximum Floor Area.** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage

housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

- c. **Height.** Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
 - d. **Lot Coverage.** Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
 - e. **Building Separation.** A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
 - f. **Fences.** Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. **Access, Circulation, and Off-Street Parking Requirements.** Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
- a. **Public Street Dedications.** Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
 - b. **Driveways and parking areas.** Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be

attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

4. Open Space. Open space shall meet all of the following standards.

- a. A minimum of 20 percent of the total lot area is required as open space.
- b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.
- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
- e. At least 50 percent of the cottage units shall abut an open space.
- f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.



g. Parking areas and driveways do not qualify as open space.

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.

- a. *Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.*
 - b. *No dimension of the private outdoor area shall be less than 8 feet.*
- 6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**
- a. **Common Buildings.** *Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.*
 - b. **Carports and garage structures.** *Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.*
 - c. **Nonconforming Dwelling Units.** *An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.*
 - d. **Accessory Residential Units.** *New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.*
- 7. Storm Water and Low-Impact Development.**
- a. *Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.*
 - b. *Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.*
 - c. *Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as*

much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

- a. *The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.*

7) The Planning Commission, following proper public notice, held a public hearing on January 14, 2020 at which time testimony was received and exhibits were presented. Subsequent to the closing of the public hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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. FINDINGS & CONCLUSIONS

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 Outline Plan approval, Final Plan approval, Site Design Review approval, and a Cottage Housing Development meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Final Plan approval described in AMC 18.3.9.040.B.5; for Site Design Review described in AMC 18.5.2.050; and for a Cottage Housing Development described AMC 18.2.3.090.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Outline Plan approval.

The first approval criterion for Outline Plan approval is that, *“The development meets all applicable ordinance requirements of the City.”* The Commission finds that the proposal meets all applicable ordinance requirements, is requesting no Variances or Exceptions, and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *“Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.”* Staff have noted the following based on discussions with city utility departments:

Water, Sewer, Electricity and Urban Storm Drainage

Water – The Public Works Department has indicated that the property is currently served by a 12-inch water main Tolman Creek Road. The water meter for the existing residence is at the curb along Tolman Creek Road, and two new water meters are illustrated being placed at the driveway from Chapman Lane to serve the proposed new cottage units. The Public Works Department has indicated that the existing lines have the ability to provide capacity for the proposed development.

Sanitary Sewer - The Public Works Department has indicated that property is currently served by an eight-inch sanitary sewer main within the adjacent Tolman Creek Road right-of-way which connects to a line in the existing public utility easement that runs along the north property line, and that all of the individual units are able to be served from this main.

Electricity – The Electric Department has indicated that they have approved the project’s electric service plan, and that the applicant will be fully upgrading services to the site with a new three-pack meter base at the southwest corner of the property to be served underground via a new trench out to the transformer on Chapman Lane.

Urban Storm Drainage - The Public Works Department has indicated that property is currently served by an 18-inch storm sewer main in the adjacent Tolman Creek Road right-of-way which connects to a line in the existing public utility easement that runs along the north property line, and that all of the individual units are able to be served from this main. The applicant has proposed to install a 24-foot x eight-foot water garden to detain roof drainage on site, with overflow into the storm drain system, as a low-impact approach to on-site detention and treatment.

Conditions have been included below requiring that final utility, grading and drainage plans and associated civil engineering drawings be provided for review and approval prior to site work or the issuance of building or excavation permits.

Police & Fire Protection

The application asserts that the property is now served by the Ashland Police Department (APD), and the proposal will not have an impact on the ability of APD to serve the property or the broader city. Existing fire hydrants are in place at the corner of the Tolman Creek Road and Chapman Lane, and at the corner of Tolman Creek Road and Spring Hill Drive. The application notes that none of the units is more than 150-feet from where a fire truck would park, and as such a fire truck turn-around will

not be necessary, and that the structures are less than 24-feet in height and no fire truck work area will be necessary. A condition has been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the permit drawing submittals.

Paved Access and Adequate Transportation

Compliance with street standards is addressed under the appropriate criterion later in this section. With regard to paved access to and throughout the property and adequate transportation, the subject property directly fronts on Tolman Creek Road, a two-lane avenue/major collector street which was fully improved through a Local Improvement District in 2003. In addition, the property has an access easement through the property to the south, enabling a driveway connection to Chapman Lane, a lesser order street. Three small cottages do not generate enough vehicle trips to trigger a Traffic Impact Analysis and can be readily accommodated in the adjacent street system.

The site plan provided identifies existing facilities available in the adjacent rights-of-way along with proposed connections, meter placements, on-site stormwater detention placement, and the necessary utility extensions. The Planning Commission finds that the site's utilities will be extended to and through the subject property from the various public utility easements and street rights-of-way surrounding the site, and that based on the conceptual plans and details from the various service providers, adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the permit approval and plat review, and that infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

The third criterion for approval of an Outline Plan is that, *"The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas."* The Planning Commission finds that that the existing natural features on the property are two large stature trees, and that they are identified in the plans and have been included in open spaces and unbuildable areas. The 20-inch Ponderosa Pine is within proposed common open space, and the Sequoia is not in an area of construction impacts. Both are to be protected in keeping with applicable standards.

The fourth criterion for approval of an Outline Plan is that, *"The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan."* The Planning Commission finds that the development will not prevent adjacent land from being developed with the uses envisioned by the Comprehensive Plan.

The fifth approval criterion is that, *"There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project."* The Planning Commission finds that a "Covenants, Conditions and Restrictions (CC&R's)" document will be provided

to address maintenance of open spaces and common areas as part of the final survey plat review, and that the existing easement already in place to serve the commonly-owned parking addresses maintenance of the driveway from Chapman Lane. Conditions requiring that draft CC&R's be included with the final survey plat submittal for final review and approval of the Staff Advisor have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, "*The proposed density meets the base and bonus density standards established under this chapter.*" AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 7,500 square foot property here will accommodate three cottages ($7,500/2,500 = 3$) and three are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

The final Outline Plan approval criterion is that, "*The development complies with the Street Standards.*" The subject property fronts on Tolman Creek Road, which is a two-lane avenue or major collector in this vicinity. City standards envision six- to ten-foot sidewalks, five- to eight-foot parkrow planting strips, a six-inch curb, eight- to nine-foot parking bays, six-foot bike lanes, and ten- to ten-and-a-half-foot travel lanes on each side. The city-standard cross-section includes a 32- to 33-foot curb-to-curb paved width within a 59- to 86-foot right-of-way, *dependent on the on-street parking configuration*. The existing curb-to-curb paved width along the frontage is approximately 32 feet, and the right-of-way width along the corridor is 60 feet. There are curbside sidewalks, curbs, gutters, parking in bays, bike lanes and two travel lanes in place along the property's frontage. The application notes that sidewalks were installed curbside subject to an Exception with the 2003 Tolman Creek Road Local Improvement District (LID), as provided in the Street Design Standards in AMC 18.4.6.040.A.2:

All streets [shall] have parkrows and sidewalks on both sides.... Exceptions could result in construction of meandering sidewalks, sidewalks on only one side of the street, or curbside sidewalk segments instead of setback walks. Exceptions should be allowed when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include... limited right-of-way when improving streets through a local improvement district (LID).

With the existing frontage improvements in place completed under the 2003 Tolman Creek LID, the applicant is not proposing any frontage improvements along Tolman Creek Road. Vehicular access to the site is to be from an access easement through the property to the south via a shared driveway out to Chapman Lane. The Commission finds that the existing street improvements were completed through an LID and that the proposal complies with city street standards.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission finds that the Final Plan approval request has been made concurrently

with the Outline Plan approval request, and as such there will be no variation between Outline Plan and Final Plan approvals.

2.5 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring 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 Planning Commission finds that the building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The Planning Commission finds that the property is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a three-unit cottage housing development and four-lot subdivision for which the applicant has requested Outline Plan approval under the PSO-Overlay chapter 18.3.9. The Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that the proposal complies with the applicable Site Development and Design Standards including provisions for access management, building orientation, parking configuration, etc. and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The applicant proposes to provide two off-street parking spaces for the three proposed cottage units proposed here, with the third required space to be provided via an on-street credit for the frontage along Tolman Creek Road. Bicycle parking is to be provided with covered U-racks in a structure adjacent to the common area which will need to meet the requirements of AMC 18.4.3.070.C.1. The Planning Commission finds that all required off-street parking has been provided through two off-street and one on-street spaces. The Planning Commission concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring 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 adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property, and that these items are addressed in detail in the Outline Plan discussion in section 2.3 above. The

Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards.” The Planning Commission finds that the proposal does not include any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.5 The Planning Commission finds that concludes that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds that the project involves the duplexing of an existing single family residence and the construction of a small third unit at the rear of the property, and will help to provide needed housing types while having minimal impact to the surrounding neighborhood.

The Planning Commission finds that no design standard Exceptions or Variances are proposed. The proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with three cottages proposed for a 7,500 square foot parcel and a combined floor area ratio of 0.23. All of the proposed cottages are less than 800 square feet in gross habitable floor area, with a combined average floor area of approximately 509 square feet. The existing residence is a single-story building, and the proposed new cottage is to have a peak height of 17-feet above grade, where the cottage housing standards allow roof peaks up to 25 feet from grade. Lot coverage is noted at 39.9 percent where up to 50 percent coverage is allowed.

The Commission further finds that the building separation between the existing structure and the new cottage is greater than the six-foot minimum.

A condition has been included below to requires that the CC&R’s detail fencing limitations to demonstrate compliance with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space.

The Commission finds that the proposed cottage housing development is within an established neighborhood with Tolman Creek Road along the property frontage fully improved and a broader gridded street system largely in place and meeting block length standards in the vicinity.

The Commission finds that the driveway and parking area proposed meet the vehicle area design standards in AMC 18.4.3. Access to the site and parking will be from an existing shared driveway easement connecting across the property to the south to Chapman Lane. Two required parking off-street parking spaces are to be provided, and will be configured to allow cars to turn and exit to Chapman Lane in a forward manner and the third parking spaces is to be addressed through an on-street parking credit for the property’s available frontage on Tolman Creek Road, where a parking bay is in place.

The Planning Commission finds that 21.57 percent of the site is proposed in open space, where a minimum of 20 percent is required. The proposed open space is provided in two connected areas with no dimension is less than 20 feet one a 540 square foot space at the front of the property and the other a larger central space 1,075 square feet in area. All three of the proposed cottages directly abut the open space, and the open space is distinguished from private outdoor areas with a four-foot fencing to provide a visual boundary. Private open space areas, separate from the common open space, include garden areas, porches and patios to provide the requisite private outdoor areas.

The Commission finds that the development proposes an on-site water infiltration area in the form of a rain garden for Unit #3's roof drains along the north property line, and the back-up area and pathways are to be constructed on permeable materials to allow for retention, treatment and percolation on-site with overflow into an approved city facility. The cottages include a duplex created from the existing residence and a small stand-alone new cottage unit. The site layout includes consolidated parking to preserve open space, protect trees and reduce impervious surfaces.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Specific Cottage Housing Development Standards.

2.6 The Planning Commission finds that that the existing natural features on the property are two large stature trees, and that they are identified in the plans and have been included in open spaces and unbuildable areas. The 20-inch Ponderosa Pine is within proposed common open space, and the 41-inch Sequoia is not in an area of construction impacts and falls within an existing easement. Both are proposed to be protected in keeping with applicable standards using six-foot chain link fencing. The Planning Commission concludes that as detailed above and with the conditions included below to require tree protection verification prior to any site work, the proposal complies with the requirements for Tree Protection.

As this document is being prepared, the Ashland Tree Commission has not yet reviewed the proposed Tree Protection Plan. Any Tree Commission recommendations will be provided at the Planning Commission hearing for commissioners' consideration.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline and Final Plan subdivision and Site Design Review approvals for a three-unit/four-lot Cottage Housing development is supported by evidence contained within the whole record.

The project involves the duplexing of an existing single family residence and the construction of a small third unit at the rear of the property, and will help to provide needed housing types while preserving the site's two existing large stature trees and having minimal impact to the surrounding neighborhood.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2019-00012. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2019-00012 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 any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names are subject to City of Ashland Engineering Department review for compliance with applicable naming policies, and the unit accessed via the driveway from Chapman Lane will need a Chapman Lane address.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches, utility installation or any necessary encroachments.
4. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the installation of tree protection fencing for the two trees to be protected. Standard tree protection consists of chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. 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.
5. That the pedestrian circulation routes through the property shall be at least four feet in width.
6. That prior to building or excavation permit issuance or any site work:
 - a. Final electric service, utility, grading and erosion control drawings including but not limited to the water, sewer, storm drainage, electric, and driveway improvements shall be provided for the review and approval of the Planning, Building, Electric and Public Works/Engineering Departments. The final utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants, sanitary sewer mains and services, manholes and clean-outs, and storm drainage pipes and catch basins. That final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Any new transformers and cabinets shall be located in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to submittal of the final survey plat for review and signature. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation. Any required private or public utility easements shall be delineated on the civil plans. All civil infrastructure shall be installed by the applicants, inspected and approved prior to the submittal of the final survey plat for review and signature.

- b. Final site lighting details.
 - c. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
 - d. All easements including but not limited to public and private utilities, mutual access and circulation, and fire apparatus access shall be indicated on the plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - e. A final storm drainage plan shall detail the location and any necessary engineering for all storm drainage improvements associated with the project, and shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
 - i. Any final grading and erosion control plan.
 - j. A final size- and species-specific landscaping plan including irrigation details and details of the landscape materials to be planted shall be provided for the review and approval of the Staff Advisor. New landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028.
 - k. That the applicable requirements of the Ashland Fire Department relating to fire hydrant distance, spacing and clearance; fire flow; fire apparatus access, approach, turn-around, and firefighter access pathway; approved addressing; fire sprinkler and extinguishers as applicable; limits on fencing and gates which would impair access; and wildfire hazard area requirements shall be satisfactorily addressed. Fire Department requirements shall be included in the permit drawings, and shall include a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements of AMC 18.3.10.100.A.2.
7. A final survey plat shall be submitted for the review and approval of the Staff Advisor within 12 months and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for review and signature:
- a. The final survey plat shall include a deed restriction notifying future property owners that the size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. This size limitation shall also be addressed in the development CC&R's.
 - b. All easements including but not limited to public and private utilities, mutual access, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - c. That draft CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor prior to final plat signature. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including parking areas, landscaping and storm water facilities. The cottage housing fencing limitations,

floor area limitations and the prohibition on ARU's shall be clearly addressed in the CC&R's.

- d. The approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
- e. Subdivision infrastructure improvements including but not limited to utility installations and common area improvements shall be completed according to approved plans prior to submittal of the final survey plat for review and signature.
- f. Electric services shall be installed underground to serve all lots, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots, inspected and approved.

Planning Commission Approval

February 11, 2020
Date

Tolman Creek Cottages

Three-unit Cottage Housing Development

945 Tolman Creek Road



ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

RECEIVED

DEC 16 2019

City of Ashland

Three Unit, Four Lot, Performance Standards Subdivision
for the development of the Tolman Creek Cottages

Subject Property

Address: 945 Tolman Creek Road
Map & Tax Lot: 39 1E 14CA; 800
Comprehensive Plan Designation: Single Family Residential
Zoning: R-1-5-P
Adjacent Zones: R-1-5; Employment (E-1-R)

Lot Area: 7,500 square feet

Overlays: Performance Standards Overlay
Wildfire Hazards Overlay

Property Owner: Sean Darrell
945 Tolman Creek Road
Ashland, OR 97520

Planning Consultant: Rogue Planning & Development Services, LLC
33 N Central Avenue; Suite 213
Medford, OR 97501

Contractor: Asher Homes
1068 Elkader Street
Ashland, OR 97520

RECEIVED
DEC 16 2019
City of Ashland

Request:

Request for three-unit, four-lot, Cottage House Subdivision. The existing structure will be a duplexed cottage and a third, 400 square foot cottage is proposed for construction at the rear of the property.

Property Description:

The subject property is on the west side of Tolman Creek Road, mid-block north of Chapman Lane and south of Barbara Street. The lot was created as part of the Whistle Subdivision.

The property has 50 feet of frontage along Tolman Creek Road and extends an average of 149.64 feet to the west. The lot is 7,500 square feet in area.

There is an 1,127 square foot, single-story, single family residence on the site that was constructed in 2017/2018 (BD-2017-00754). The front portion of this structure is a 360 square foot guest house. At the rear of this unit is a 767 square foot, two-bedroom residence.

The property is accessed via a driveway adjacent to the west property line that is within a 20 – 25-foot-wide easement for ingress/egress access and private utility from Chapman Lane. There is also a 20-foot wide by 20-foot deep, mutual access easement from Tolman Creek Road that serves the subject property and the adjacent property to the south. Ten-foot wide public utility easements are found along the front (east) property line and along the north, side property line. There is a five-foot private sewer access easement along the west property line serving the property to the south at 951 Tolman Creek Road.

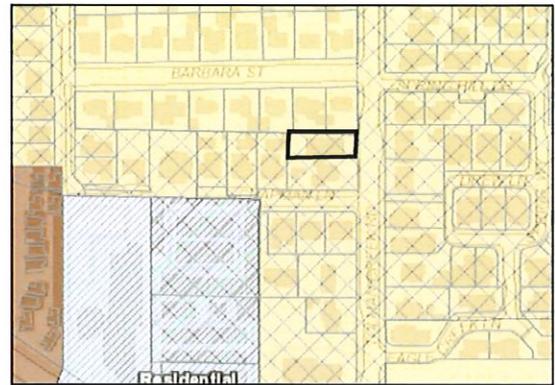


Figure 1: City of Ashland Zoning Map

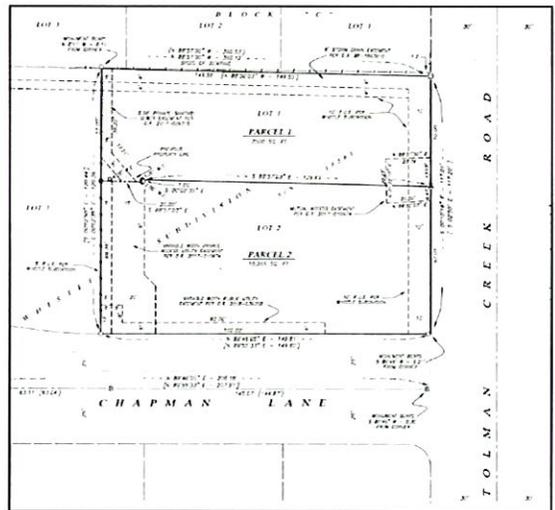


Figure 2: Survey

Tolman Creek Road is classified as an Avenue in the Transportation System Plan, and was improved through a major Local Improvement District (LID) project that included development of curb, gutter, sidewalks, bike lanes, center medians, on-street parking curb returns, pedestrian refuges, etc. Along the frontage of the subject property, there is a five-foot wide sidewalk, an eight-foot wide on street parking bay, a five-foot wide bike lane, and then the street travel lanes. No changes to the street frontage area proposed.

RECEIVED
DEC 16 2019
City of Ashland

There are two, large stature conifer trees on the property. A 41-inch diameter at breast height (DBH) Sequoia tree is present near the south property line within the mutual access easement from Tolman Creek Road. A 20-inch DBH Ponderosa Pine tree is found to the rear of the residence. The property to the north that fronts on Barbara Street has trees are on the north side of the six-foot tall, solid panel fence that separates the two properties.

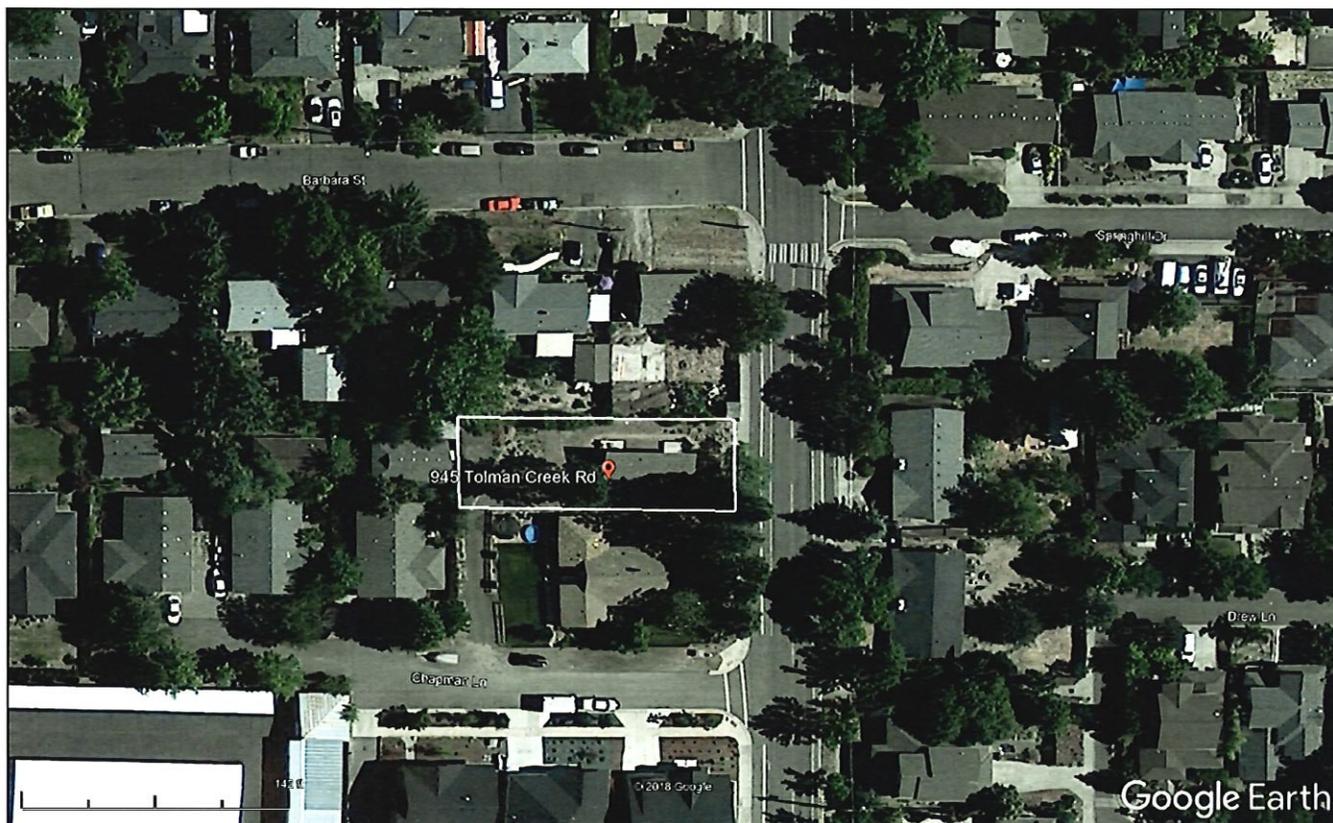


Figure 3: 2018 Aerial Photograph (Google Earth Pro)

Proposal:

The request is for a three-unit, four lot, Performance Standards Subdivision for the purposes of developing the Tolman Creek Cottages. The existing residence would become a two-unit cottage through the conversion of the existing guest house to a dwelling unit. A third cottage is proposed to be constructed at the rear of the property.

There are two large areas of common open space provided and large private open spaces. The large conifer trees on the site are proposed for preservation.

RECEIVED
DEC 16 2019
City of Ashland

Tolman Creek Cottage Details:

Lot area: 7,500 SF

Density: $7,500 / 2,500 = 3$

Floor Area Ratio (.35 FAR): $7,500 \times .35 = 2,625$ Square Feet
Proposed: 1,727 Square Feet

Common Area (20%): 1,500 Square Feet
Provided: 1,618 Square Feet

Private outdoor area: 200 Square Feet per unit with no dimension of less than 8'
2,512 Square Feet

Lot Coverage (50%): 3,750 Square feet
Proposed: ~3,000 Square Feet

The request is for a three unit, four-lot, cottage housing development.

Unit # 1 and Unit # 2 would be within the existing, 1,127-square foot single story, structure that was recently constructed in 2017 / 2018 (BD-2017-00754). The front portion of this structure is currently a guest house. It is proposed as a 360 square foot, one-bedroom unit (Unit #1). The rear unit (Unit #2), is a 767 square foot, two-bedroom residence. At the rear of the property, a 400-square foot unit with an attached 200 square foot carport is proposed. The provided elevation is of the proposed residence. It is similar in design, roof pitch, materials used and finishes as the existing structure for a cohesive development.

The proposed cottage house development requires three parking spaces. To the west of the structure, adjacent to the carport, is a 10-foot by 20-foot surface parking space. Back-up and turn around area are provided for these spaces to exit the site from the property, to Chapman Lane in a forward manner.

An on-street credit along Tolman Creek Road is also sought for the third vehicle parking space. There is a mutual access, ingress/egress easement that crosses the property at 951 Tolman Creek Road from Chapman Lane to the subject property (see attachment). There is a second mutual access easement with a curb cut from Tolman Creek Road serving the property, due to the location of a large pine tree on the subject properties portion of the shared easement, this easement is not viable as a parking space on the subject property. This curb cut cannot be removed as it serves the unrelated property to the south of the subject property. The request for an on-street space is within a recessed curb area present on the

RECEIVED
DEC 16 2019
CITY OF TOLMAN

frontage of the property. With an on-street parking credit, the large stature trees can be preserved, the driveway for the neighboring property is preserved and there is no need for exception or variance to the required driveway spacing standards.

The proposed new cottage unit has been designed to comply with the setback of the parent parcel and the solar setback standards for the parent parcel.

The proposal allows for the preservation of the trees, provision of parking, small, compact development and large open space areas.

The existing and proposed development has been built and designed for those individuals that live with Multiple Chemical Sensitivities (MCS). No VOC paint or flooring. No lead-based products. No formaldehyde and all non-toxic sealants, grouts, cabinetry and paint. The property to be designated as a Chemical Free/ Pesticide Free Zone and the landscape is intended to have raised garden beds for food and pollinator garden area.

On the following pages are the written findings addressing the applicable criteria from the Ashland Municipal Code, the code is in Times New Roman font. The applicant's findings are in Calibri font.

RECEIVED
DEC 16 2019
City of Ashland

Written findings for Cottage Housing Subdivision:

Performance Standards Subdivision:

A. 3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

- a. The development meets all applicable ordinance requirements of the City.

Finding:

The proposed development is subject to review of the following Ashland Municipal Code, Land Use Ordinance:

AMC 18.2.2.030. Allowed Uses: Cottage Housing is a Special Permitted Use in the R-1-5 zone.

AMC 18.2.3.090. C.1. Cottage Housing

It can be found that the proposed three-unit, four lot Performance Standards Subdivision for the Tolman Creek Road Cottages complies with the purpose and intent of all applicable ordinance requirements of the City.

The existing structure is proposed to be duplexed into two units. The structure complies with setbacks in the zone.

The proposed structure is a single-story residence that is setback 15-feet from the rear property line. The structure is setback ten feet from the north property line. The structure requires a 8.94 foot setback from the north property line for the purposes of the solar setback ordinance.

The proposed structures are substantially less than the maximum floor area for cottages with 1,727 square feet proposed where 2,625 square feet would be allowed. The proposed private open spaces greatly exceed the minimum 200 square feet with between 450 square feet up to 892 square feet of dedicated private open space.

The common open space is 1,618 square feet in area which exceeds the minimum required to 1,500 square feet.

The proposed development has less lot coverage than the maximum in the zone. And with the application of the allowable on-street parking credit, there is adequate on-site parking to accommodate the three proposed cottages.

RECEIVED
DEC 16 2019
City of Ashland

b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

Finding:

Adequate key City facilities can be provided to the site. They exist within public rights-of-ways for Tolman Creek Road and Chapman Lane. Additionally, there are private utility easement for sanitary sewer and storm water present on the north and west sides of the property.

Water:

The water line within the Tolman Creek Road right-of-way is 12-inches. There are substantial pressures found in the Chapman Lane and Tolman Creek Road with water pressure of 140 and 150 PSI.

There is a fire hydrant approximately 75-feet to the south at the intersection of Chapman Lane and Tolman Creek Road, and another hydrant is present north of the site at the intersection of Spring Hill Drive and Tolman Creek Road.

The water meter for the existing residence is present in the sidewalk directly in front of the residence on Tolman Creek Road. The new water meter for Unit#2 and Unit #3 is proposed to be located on Chapman Lane and will extend down the driveway to the unit within the existing utility easement.

Sanitary Sewer:

There is an 8-inch sanitary sewer line in the Tolman Creek Road right-of-way. The proposed units will connect to the sewer line and be within the existing private utility easement that is adjacent to the north property line. Through discussions with the sanitary sewer department representative, there was no indication that there were capacity issues with the sewer line in Tolman Creek Road.

Electric:

The electric service is provided from an electric vault at the intersection of the driveway and Chapman Lane. The new meter will be proposed in a convenient location as requested by the City of Ashland Electric Department. An electric distribution map has been provided with the application.

Storm Sewer:

The proposed development does not increase lot coverage by more than 2,500 square feet in area. The existing structure (Units #1 and 2) is tied to the storm drain system. The new

structure is proposed to provide roof drainage that will go to a 24-foot X 8-foot water garden feature in the common open space. The overflow will then connect to the storm drain system. The rain garden feature is proposed to address the low-impact development standards for on-site stormwater retention / detention and treatment. The property is served by an 18-inch storm drain line in Tolman Creek Road. There is adequate capacity for the additional impervious area.

Paved Access:

Tolman Creek Road is an improved City of Ashland street. Tolman Creek Road was improved with curb, gutter, sidewalk and parking bays along the frontage of the property. The property has a legal ingress/egress access easement that extends from Chapman Lane, an improved City of Ashland Street. The driveway provides access to the existing parking area. The driveway area is proposed to be concreted or asphalt surface. There are no changes to the street improvements proposed.

Fire Protection:

The property is served by Ashland Fire and Rescue. Fire Station #2 is approximately one mile from the subject property. There is a fire hydrant located approximately 75-feet to the south of the subject property on the same side of the street at the intersection of Tolman Creek Road and Chapman Lane. None of the proposed cottage housing units are more than 150-feet from where a fire truck or emergency vehicle would park. A fire truck turnaround will not be necessary. The structures are not more than 24-feet in average height and a fire truck work area will not be required.

Police Protection:

The property is serviced by Ashland Police Department (APD), the proposed development will not have an impact on the ability of the APD to serve the property or the general citizenry of Ashland.

c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.

Finding:

The two large stature trees on the site are the existing natural features. The trees are identified on the site plan and they have been included in the open spaces and unbuildable areas. The 20-inch Ponderosa Pine tree is within the common area open space. The Sequoia Tree is not within the area of construction impacts. Both trees will have six-foot tall, chain link fence that encircles the dripline of the trees.

d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

Finding:

The development of the land will not prevent the adjacent properties from being developed to the uses shown in the Comprehensive Plan.

e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

Finding:

The open space areas will have adequate provisions for maintenance of open spaces and common area treatments will be provided in the Homeowner's Association regulations and the CC & R's of the Tolman Creek Road Cottages that will be submitted with the post monument survey plan.

The easement language for the existing driveway addresses maintenance of the driveway. The proposed surface parking area and the back-up area will be commonly owned.

Following the groundwork such as utility installation and construction, the turf areas and other common space improvements, the exact areas of the property lines will be finalized.

f. The proposed density meets the base and bonus density standards established under this chapter.

Finding:

The proposed density meets the base density standards established in AMC 18.2.3.090. There are three cottages proposed where three are allowed. The proposal complies with the maximum number of cottages allowed on the site.

g. The development complies with the Street Standards.

Finding:

RECEIVED
DEC 16 2019
City of Ashland

Tolman Creek Road has 100-feet of public right-of-way, and is a fully improved public street with curb, gutter, sidewalk, parking bay, and bicycle lanes. No modifications to the existing street improvements are proposed.

The street improvements along the frontage of the property complied with the Street Standards that were in effect at the time of creation a large Local Improvement District (LID) to improve Tolman Creek Road from a two lane paved road with open, road side ditches to the street it is today. The street improvements are pre-existing, non-conforming and no changes to the frontage are proposed.

No changes to Chapman Lane are proposed as there is no frontage of the property that abuts Chapman Lane.

4. Approval of the Outline Plan.

a. After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.

Finding:

The final plan is proposed in its entirety. The individual lot lines for separate ownership are shown on the site plans.

b. If an outline plan is phased, 50 percent of the value of the recreational amenities shall be provided in the first phase and all recreational amenities shall be provided when 2/3 of the units are finished.

Finding:

The proposal is not for a phased subdivision.

B. Final Plan.

1. Review Procedure. The Type I procedure in section 18.5.1.050 shall be used for approval of final plans, unless an outline plan has been filed concurrently, in which case Type II procedure shall be used, and the criteria for approval of an outline plan shall also be applied.

Finding:

The proposal is for a Type II review since the application has been filed concurrently with the Outline Plan request.

2. Phasing. The final plan may be filed in phases as approved on the outline plan.

Finding:

Phasing is not proposed.

3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18 months from the date of the approval of the outline plan, then the approval of the plan is terminated and void and of no effect whatsoever.

Finding:

The proposal is for a needed housing type and it is anticipated that the development will commence as soon as approvals can be obtained.

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

Finding:

The proposed Final Plan complies with the approved Outline Plan and criteria 5.a. – 5.h are complied with. The proposed number of dwelling units, open spaces, parking spaces, lot coverages, building design and orientation will not vary from the proposed Outline Plan.

18.2.3.090 – Cottage Housing

Finding:

The existing lot area is 7,500 square feet in area. The proposal is for three cottage housing units, which complies with the maximum number of cottage housing units allowed in the R-1-5 zone.

2. Building and Site Design.

a. Maximum Floor Area Ratio. The combined gross floor area of all cottages is not exceed a 0.35 floor area ratio (FAR).

Finding:

The proposed 1,727 square feet of floor area ratio of units on the property is less than the maximum 2,625 square feet allowed on the site.

b. **Maximum Floor Area.** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1,000 square feet.

Finding:

The existing structure is proposed to be duplexed into two units that include a 360 square foot, one-bedroom unit, and a 767-square foot two-bedroom unit. Unit #3 is proposed as a 400-square foot one-bedroom cottage.

c. **Height.** Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.

The existing structure is a single-story building. The proposed new cottage is proposed to have a peak height of 17-feet above grade.

A single gable, shed-style roof is proposed. This allows for compliance with the solar setback ordinance standard A and will not shade the north property line more than a six-foot fence would on December 21, at noon. Additionally, the existing structures do not shadow upon the roof of any other cottage unit in the development.

d. **Lot Coverage.** Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.

Finding:

The maximum lot coverage of the property will be 50 percent of the lot area. The lot area of 7,500 square feet allows for up to 3,750 square feet of impervious surfaces. Additionally, 187.5 square feet of porous solid surface is allowed for a total coverage of 3,937.5 square feet. The proposed coverage is 2,991-square feet. As proposed, there is square feet of impervious surfaces proposed. This is substantially less impervious area than allowed in the zone.

e. **Building Separation.**

RECEIVED
DEC 16 2019
City of Ashland

Finding:

There is more than six-foot of separation between the existing structure and the proposed structure.

f. Fences.

Finding:

Some of the fences are pre-existing. There is a six-foot fence between the private yard areas of Unit #1 and Unit #2 and along the boundaries of the property. New fencing adjacent to the common area open space is proposed as four-foot solid panel and four-feet of deer fencing compliant fencing that is eight-feet tall.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9, Performance Standards Option and PSO Overlay, and part 18.4, Site Development and Design Standards, cottage housing developments are subject to the following requirements:

a. Public Street Dedications. Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in section 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

Finding:

The property has frontage on Tolman Creek Road. There is a multi-use pathway provided within the development that leads through the site out to Tolman Creek Road, but not to the adjacent properties to the north and south because they too have existing development patterns that prevent connectivity.

b. Driveways and Parking Areas. Driveway and parking areas shall meet the vehicle area design standards of chapter 18.4.3.

Finding:

The site is accessed via a driveway that extends from Chapman Lane to the parking area. The driveway has an existing, ingress/egress easement. The easement does not have restrictions listed. Three parking spaces are required. Two are proposed on-site, as surface spaces adjacent

to the unit. One on-street parking credit is requested, there is more than 22-feet of uninterrupted curb frontage in an on-street parking bay.

- i. Parking shall meet the minimum parking ratios per section 18.4.3.040.

Finding:

Each cottage house that is less than 800 square feet in area and requires one parking space.

- ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.

Finding:

The parking required for the cottage housing development is consolidated into one, single parking area, utilizing the existing driveway and parking area.

- iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off-street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

Finding:

There is an attached carport with storage and a surface parking space to the west of the proposed new cottage structure. The surface space has a five-foot-wide landscape buffer and the existing six-foot tall, solid panel fencing furthers screens the adjacent properties to the west. There is a six-foot fence along the south property line, buffering the adjacent property from the back-up hammer head area.

Three covered bicycle parking spaces will be provided in a small, 6 X 6 structure with two U racks cemented into the pad.

4. Open Space. Open space shall meet all of the following standards:
 - a. A minimum of 20 percent of the total lot area is required as open space.

Finding:

RECEIVED
DEC 16 2019
City of Ashland

The required minimum area of the open space is 1,500 square feet in area. There are two, common open space areas with a combined total area of 1,618 square feet in area. These open spaces are connected with walkways and the area under the large Sequoia tree, though part of the common property, since the space is a parking easement area, are not included in the required common open space area proposed.

b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

Finding:

No dimension of the open space is less than 20-feet.

c. Shall consist of a central space, or series of interconnected spaces.

Finding:

The proposed open space is split between a large area of 540 square feet at the front of the property and a larger, centrally located space of 1,075 square feet. The two areas are connected via gravel walkways.

d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.

Finding:

There are no areas of steep slopes on the site. There are no areas of wetland on the site.

e. At least 50 percent of the cottage units shall abut an open space.

Finding:

All of the cottage units abut the common open spaces.

f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.

Finding:

RECEIVED

DEC 16 2019

City of Ashland

The open space will be separate from the private outdoor areas through the use of four-foot tall fences. Private outdoor areas are proposed around each unit with pathways that connect the units to and through the open spaces leading to the parking areas and public street beyond.

g. Parking areas and driveways do not qualify as open space.

Finding:

The parking areas and driveways are excluded from the open space areas.

5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.

a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.

Finding:

Each cottage unit has a useable private outdoor area that substantially exceed 200 square feet in area. These areas will include garden areas, and porches or patios.

b. No dimension of the private outdoor area shall be less than eight feet.

Finding:

All 200-square foot private outdoor areas do not have any dimension of less than eight feet.

6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.

a. Common Buildings. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

Finding:

No common buildings are proposed.

b. Carports and Garage Structures. Consolidated carports or garage structures, provided per subsection 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.

RECEIVED

DEC 16 2019

City of Ashland

Finding:

The carport structure is attached to the cottage and not a separate structure.

7. Storm Water and Low-Impact Development.

a. Developments shall include open space and landscaped features as a component of the project's storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.

Finding:

On-site infiltration where possible will be provided for on-site. The back-up area and all pathways will be constructed of a permeable surface to allow for percolation or with below grade catchment (back-up area) for retention, treatment and percolation or overflow into an approved City of Ashland facility. A rain garden is proposed for the catchment of the roof drainage from Unit #3, the overflow will lead to the existing City system.

b. Low-impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

Finding:

Landscape bed filtration systems and permeable surfaces for the walkways will be provided for the units for low impact development compliance.

c. Cottages shall be located to maximize the infiltration of storm water runoff. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

Finding:

The cottages are a mixture of stand-alone and duplex units. The parking area is consolidated and the site layout preserves of as much contiguous open space areas and undeveloped areas, preserves the greatest number of trees and allows for reduced impervious surfaces.

RECEIVED
DEC 16 2019
City of Ashland

18.3.10.100

Development Standards for Wildfire Lands

3. Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan upon demonstration of compliance with the standards required by this chapter.

Finding:

The property consists of a 7,500 square foot, urban single-family residential parcel. There are two large stature conifer trees on the property. There is a 41-inch DBH Sequoia tree near Tolman Creek Road. In approximately the middle of the parcel there is a 20-inch pine tree. The remaining yard area consists of primarily lawn areas. There are no overgrown or weedy conditions that would violate fire fuel reduction codes found on the property. There are no existing shrubs or small stature trees on the site that are on the City of Ashland Prohibited Plant List. Due to the limited land area and that the property has had fuel modification through the implementation of weeding, mowing, watering the property.

Fuel Modification Area:

There is no dead or dying vegetation found on the property. No new plantings except lawn area is proposed. Excepting the significant trees, there is no existing vegetation from the city's Prohibited Flammable Plan List found on the property.

No combustible materials will be stored within five feet of the structure.

The front structure, Units #1 & 2 has been constructed. There are no chimneys on the structures. Under the guidance of a Tree Professional, the pine tree will be pruned as necessary to achieve ten feet of horizontal clearance from the tree to the proposed structure.

A Wildfire and Landscape Plan has been provided with the application.

Attachments:

Driveway and Utility Easement
Water Line Pressure Map
Proposed Site Plan
Landscape and Wildfire Plan
Floor Plan and Elevation of Proposed Unit #3
Survey 22777

Jackson County Official Records **2017-010974**
R-EA
Stn=0 FOOTENL 04/03/2017 10:07:18 AM
\$11.00 \$5.00 \$4.00 \$10.00 \$20.00 \$60.00 \$118.00
\$8.00
I, Christina Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christina Walker - County Clerk

After Recording, Return to:
Coming Attractions Theatres
Attn: Sean Darrell
2200 Ashland Street
Ashland OR 97520

TA accom
PRIVATE ACCESS EASEMENT AGREEMENT

This agreement is executed by JOHN C. SCHWEIGER, TRUSTEE OF
THE JOHN C. SCHWEIGER LOVING TRUST, dated December 24, 1996 ("Parcel
1 Owner") and SCOTT HANSEN AND GENA HANSEN (Parcel 2 Owner").

Recitals

1. John C. Schweiger, as trustee of The John C. Schweiger Loving Trust, is the owner of 945 Tolman Creek Rd. (described more fully in attached deed, Exhibit B) and is identified as "Parcel 1" throughout this agreement.
2. Scott Hansen and Gena Hansen are owners as tenants by the entirety of 951 Tolman Creek Rd. (described more fully in attached deed, Exhibit A), identified as "Parcel 2" throughout this agreement. They purchased the property on January 20, 2017 from the John C. Schweiger Loving Trust.
3. There is an existing "Mutual Access Easement" that was created when these two lots were subdivided in 1995, which gives both property owners the opportunity to build a driveway off of Tolman Creek Rd. However, there is mutual understanding between the parties that in order for Parcel 1 to adequately build a house access off of Chapman Lane is needed.
4. There is also mutual agreement amongst the parties that while some mutual vehicular access from Tolman Creek would be helpful, that the size of the existing Mutual Access Easement cuts into available building space on the two properties.
5. The parties discussed these easement issues and informally agreed prior to the sale of Parcel 2 from The John C. Schweiger Loving Trust to the Hansens on January 20, 2017, that the Mutual Access Easement off of Tolman Creek Road would be partially vacated, to still allow space for vehicles but to substantially reduce its size, and that a new access easement would be created off of Chapman Lane.
6. Parcel 1 Owner employed Polaris Land Surveying LLC to survey the easements, and Polaris conducted the surveys and created an Easement Map for the two parcels and corresponding legal descriptions. These maps and legal descriptions are attached as exhibits to this agreement.

This instrument filed for record as an
accommodation only. It has not been
examined as to its effect upon the title.
First American Title Co.

RECEIVED
DEC 16 2019
City of Ashland

Agreement

Therefore, in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

A. Mutual Access Easement.

- 1. A portion of the Mutual Access Easement is vacated.** A portion of the Mutual Access Easement created by Whistle Subdivision is vacated as depicted by the attached Easement Map (Exhibit C) and the legal description for "Private Access & Utility Easement" found in Exhibit E, also attached. The new easement is approximately 20ft. x 20ft. in size and is located adjacent to Tolman Creek Road.
- 2. Use of easement.** This easement may be used by both parties for the purpose of accessing the property and parking vehicles.
- 3. Maintenance and repair of easement.** Both parties are presumed to use the easement in equal proportion, and will therefore equally bear the burden of equally contributing to the cost of maintenance and repair of the easement. This presumption can be overcome by proof that one party has used the easement disproportionately to the other party, and the cost for maintenance and repair of the easement shall reflect the actual proportional use.

B. Variable Width Private Access and Utility Easement.

- 1. Grant of Easement.** Parcel 2 Owner grants Parcel 1 Owner a private, perpetual, nonexclusive "private access and utility easement" over and across a strip of land situated on Parcel 2, as depicted in the Easement Map (Exhibit C) and as described in the legal description in Exhibit D. This easement provides access from Chapman Lane.
- 2. Uses of the easement.** The easement will be used for the purposes of providing vehicular, pedestrian and private utility access to and from Parcel 1, and the easement may be used for such ingress and egress purposes only by Parcel 1 Owner, its successors in ownership of Parcel 1 and the tenants, invitees, agents, and employees of Parcel 1 Owner and such successors (collectively, the "Users"), such use to be in common with use of the easement area by Parcel 2 Owner and its tenants, invitees, agents, employees, successors, and assigns. No above-ground structures, barriers, fences, buildings, or other improvements of any kind will be installed in the easement area other than roadway surfaces and improvements. Parcel 2 Owner reserves the right to install utilities, cables, landscaping, signage, concrete and

asphalt surfaces, and other improvements in the easement area from time to time, together with the right to grant to third parties any of such reserved rights, as long as such use does not unreasonably interfere with Parcel 1 Owner's permitted uses of the easement. No Users of the easement will park any vehicles in the easement area. The grant of the easement is made subject to all exceptions to title on file or of record in the Official Records of Jackson County, Oregon.

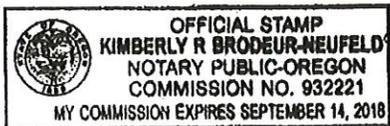
- 3. Maintenance and repair of the easement.** Parcel 1 Owner shall bear the cost of the initial driveway installation, but thereafter, the cost of repair and maintenance of the easement shall be shared between the parties proportional to each party's use, except that each party will, at its sole cost and expense, repair any damage that its Users cause to the easement area.
- C. No Dedication.** Nothing contained herein will be deemed to be a gift or dedication of any portion of the easement area to the general public, for the general public, or for any public use or purpose whatsoever.
- D. Indemnity; Attorney Fees.** Parcel 1 Owner will indemnify and hold Parcel 2 Owner harmless from and against all claims, damages, losses, causes of action, costs, and expenses (including, without limitation, attorney fees), which may be asserted against or incurred by Parcel 2 Owner as a result of any act or omission of Parcel 1 Owner or its agents, contractors, employees, tenants, or invitees related to the use of the easement area by any Users. In the event of any litigation or other proceedings brought to enforce or interpret the within easements, the prevailing party in such proceedings will be entitled to recover from the other party the reasonable attorney fees and other costs incurred by the prevailing party in the proceedings or any appeal therefrom.
- E. Successors.** This within easements will be binding on, and inure to the benefit of, the owners of Parcel 1 and Parcel 2 and their respective heirs, successors, and assigns.
- F. Amendment.** This Agreement may only be amended by written instrument executed by the then current owners of Parcel 1 and Parcel 2.
- G. No Partnership.** None of the terms or provisions of this Agreement will be deemed to create a partnership between or among the parties, nor will it cause them to be considered joint venturers or members of any joint enterprise. This Agreement is not intended nor will it be construed to create any third-party beneficiary rights in any person who is not an owner of Parcel 1 or Parcel 2.

RECEIVED
DEC 16 2019
City of Ashland

D. Legal description for Private Access & Utility Easement
E. Legal description for Access Easement Vacation

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me this 24th day of March, 2017, by John C. Schweiger, as Trustee of The John C. Schweiger Loving Trust, owner of Parcel 1.



Kimberly R. Brodeur-Neufeld
Notary Public for Oregon
My commission expires: 9/14/2018

STATE OF OREGON)
) ss.
County of Jackson)

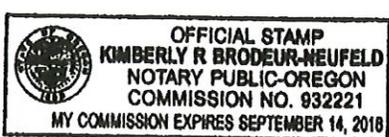
This instrument was acknowledged before me this 29th day of March, 2017, by Scott Hansen, as owner of Parcel 2.



Kimberly R. Brodeur-Neufeld
Notary Public for Oregon
My commission expires: 9/14/2018

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me this 29th day of March, 2017, by Gena Hansen, as owner of Parcel 2.



Kimberly R. Brodeur-Neufeld
Notary Public for Oregon
My commission expires: 9/14/2018

RECEIVED
DEC 16 2019
City of Ashland



After recording return to:
Scott Hansen and Gena Hansen
1390 Tolman Creek
Ashland, OR 97520

Until a change is requested all tax
statements shall be sent to the
following address:
Scott Hansen and Gena Hansen
1390 Tolman Creek
Ashland, OR 97520

File No.: 7162-2802034 (JS)
Date: January 19, 2017

Jackson County Official Records **2017-002197**
R-WD
Stn=0 FOOTENL 01/23/2017 09:52:02 AM
\$11.00 \$10.00 \$8.00 \$10.00 \$20.00 **\$69.00**

THIS SPACE RE

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the Instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

John C. Schweiger, Trustee of the John C. Schweiger Loving Trust, dated December 24, 1996,
Grantor, conveys and warrants to **Scott Hansen and Gena Hansen as tenants by the entirety**,
Grantee, the following described real property free of liens and encumbrances, except as specifically set
forth herein:

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

**Parcel 2, as shown on the Partition Plat filed in the office of the Jackson County Oregon
Surveyor as No. 18561, and recorded as Partition Plat No. P-89-2004 of "Record of Partition
Plats" in Jackson County, Oregon.**

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in
the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$250,000.00**. (Here comply with requirements of ORS 93.030)



After recording return to:
JOHN C. SCHWEIGER, TRUSTEE

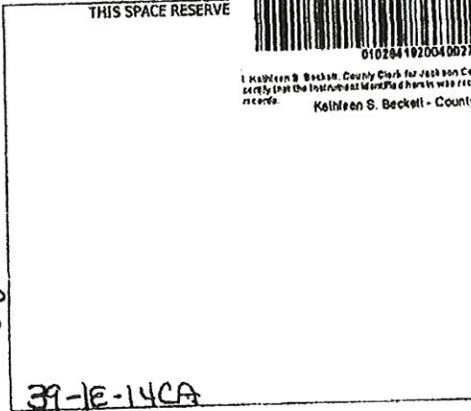
Until a change is requested all tax statements shall be sent to the following address:
JOHN C. SCHWEIGER, TRUSTEE
951 TOLMAN CR RD
ASHLAND OR 97520

File No.: 7162-389751-(dlc)
Date: May 12, 2004

Jackson County Official Records 2004-027341
R-WD
Cnl=1 Str=5 BARTLEGE 06/17/2004 02:00:00 PM
\$10.00 \$5.00 \$11.00 Total: \$28.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument marked hereon was recorded in the Clerk's records.
Kathleen S. Beckett - County Clerk



10
S
11

STATUTORY WARRANTY DEED

BETTY J. HOYE, Grantor, conveys and warrants to JOHN C. SCHWEIGER, TRUSTEE OF THE JOHN C. SCHWEIGER LOVING TRUST, dated December 24, 1996, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 1 in WHISTLE SUBDIVISION, in the City of Ashland, Jackson County, Oregon!

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
- Subject to City Lien #2663 which Grantee herein assumes & agrees to pay

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$90,000.00. (Here comply with requirements of ORS 93.030)

1

RECEIVED

DEC 16 2019

City of Ashland

EXHIBIT B
page 1 of 2

APH: 1-087042-3

Statutory Warranty Deed
- continued

File No.: 7162-389751 (d/s)
Date: 05/12/2004

Betty J. Hoyer
BETTY J. HOYE

STATE OF Oregon)
) ss.
County of Jackson)

This instrument was acknowledged before me on this 14 day of May, 2004
by **BETTY J. HOYE**.

Diana L. Burke

Notary Public for Oregon
My commission expires: 9.1.05



2

RECEIVED
DEC 16 2019
City of Ashland

EXHIBIT B
page 2 of 2

EASEMENT MAP

WITHIN
SOUTHWEST QUARTER OF SECTION 14,
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON

FOR
John Schweiger
951 Tolman Creek Road
Ashland, Oregon 97520



SCALE: 1" = 30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
09803 LS

RENEWAL DATE: 6/30/2017

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009
DATE: FEBRUARY 12, 2017
PROJECT NO. 1105-17

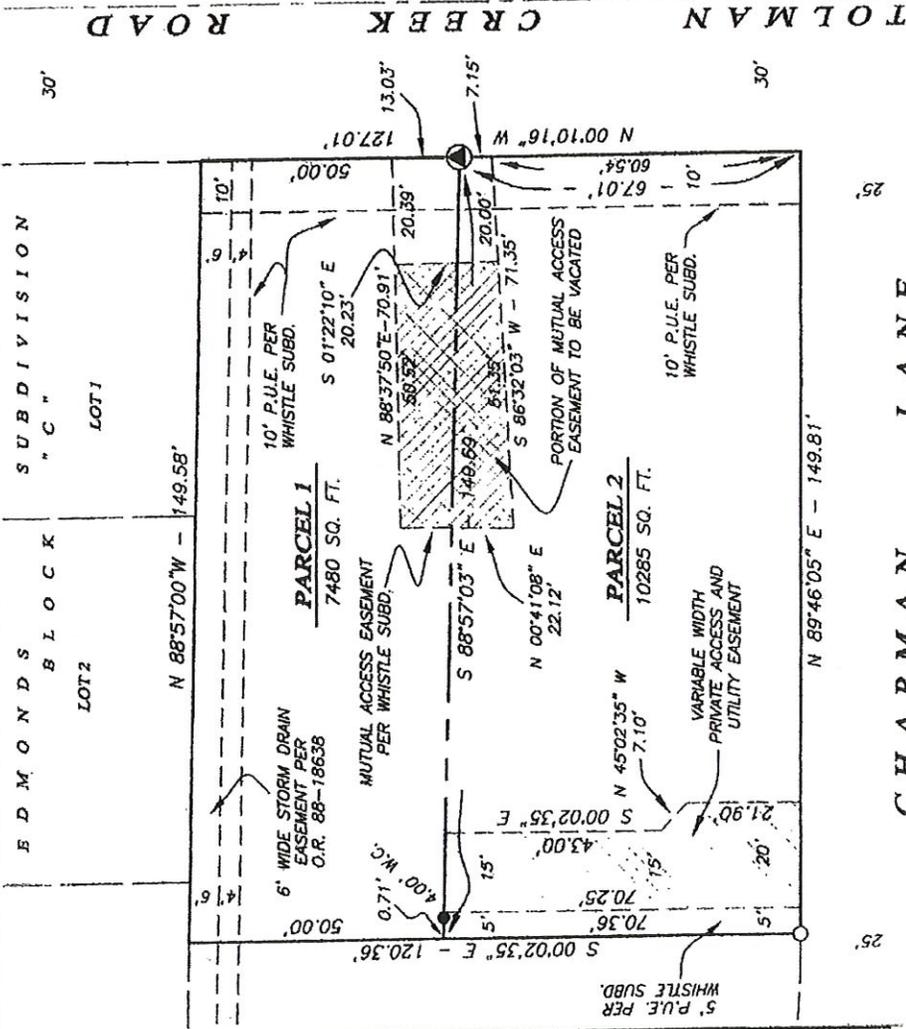


EXHIBIT 1 of 1

Assessor's Map No. 39 1E 14 CA, Tax Lots 700 & 800

POLARIS LAND SURVEYING

RECEIVED
DEC 10 2019
City of Ashland

POLARIS LAND SURVEYING, LLC



**LEGAL DESCRIPTION – PRIVATE ACCESS & UTILITY EASEMENT
945 & 951 TOLMAN CREEK ROAD, ASHLAND, OREGON
ASSESSOR'S MAP NO. 39 1E 14 CA, Tax Lots 700 & 800**

A variable width strip of land for a Private Access and Utility Easement, over and across Parcel 2 of Partition Plat No. P-89-2004 of the Plat Records of Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

Commencing at a 5/8 inch iron pin at the southwest corner of Parcel 2 of Partition Plat No. P-89-2004 recorded on December 30, 2004 in Volume 15, Page 89 of the Plat Records of Jackson County, Oregon, and filed as Survey No. 18561 on file in the office of the Jackson County Surveyor, lying situate within the Southwest Quarter of Section 14 in Township 39 South, Range 1 East of the Willamette Meridian, City of Ashland, Jackson County, Oregon; thence North 89°46'05" East, along the southerly line of said described Parcel 2, a distance of 5.00 feet to the POINT OF BEGINNING; thence North 00°02'35" West, parallel with and five (5.00) feet adjacent to the west line of said Parcel 2, a distance of 70.25 feet to the north line of said Parcel 2; thence South 88°57'03" East along said north line, a distance of 20.00 feet; thence South 00°02'35" East, being parallel with and fifteen (15.00) feet east of the west line of said Parcel 2, a distance of 43.30 feet; thence South 45°02'35" E, 7.10 feet; thence South 00°02'35" East, being parallel with and twenty five (25.00) feet east of the west line of said Parcel 2, a distance of 43.30 feet to the south line of said Parcel 2; thence South 89°46'05" West, 20.00 feet to the Point of Beginning.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: February 12, 2017

S:\surveys\1105-Schweiger-Private Access Easement Legal.docx

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1998
SHAWN KAMPMANN
0288315

RENEWAL DATE: 6/30/17

RECEIVED
DEC 16 2019
City of Ashland

EXHIBIT D
page 1 of 1

POLARIS LAND SURVEYING, LLC

LEGAL DESCRIPTION –ACCESS EASEMENT VACATION
945 & 951 TOLMAN CREEK ROAD, ASHLAND, OREGON
ASSESSOR'S MAP NO. 39 1E 14 CA, Tax Lots 700 & 800

A vacation of a portion of a Mutual Access Easement created by Whistle Subdivision, according to the official plat thereof, recorded on May 25, 1995 on Volume 20, Page 32, in the Plat Records of Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

Commencing at a 5/8 inch iron pin at the northeast corner of Parcel 2 of Partition Plat No. P-89-2004, recorded on December 30, 2004 in Volume 15, Page 89 of the Plat Records of Jackson County, Oregon, and filed as Survey No. 18561, on file in the office of the Jackson County Surveyor, lying situate within the Southwest Quarter of Section 14 in Township 39 South, Range 1 East of the Willamette Meridian, City of Ashland, Jackson County, Oregon; thence South 00°10'16" East, along the easterly line of said described Parcel 2, common with the westerly line of Tolman Creek Road, a distance of 7.15 feet to the southerly line of that Mutual Access Easement as denoted on Whistle Subdivision, according to the official plat thereof, now of record in said County; thence South 86°32'03" West, along said southerly line, 20.00 feet to the POINT OF BEGINNING; thence South 86°32'03" West, continuing along said southerly line, 41.34 feet to the southwest corner thereof; thence North 00°41'08" East, 22.12 feet to the northwest corner thereof; thence North 88°37'50" East, along the northerly line of said described easement, 40.52 feet; thence South 01°22'10" East, 20.59 feet to the POINT OF BEGINNING.

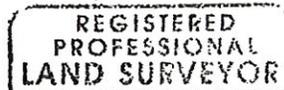
Prepared by:

Shawn Kampmann
Professional Land Surveyor

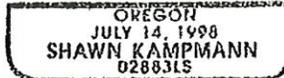
Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: January 25, 2017

S:\surveys\1105-Schweiger-Existing Easement Vacation Legal.docx



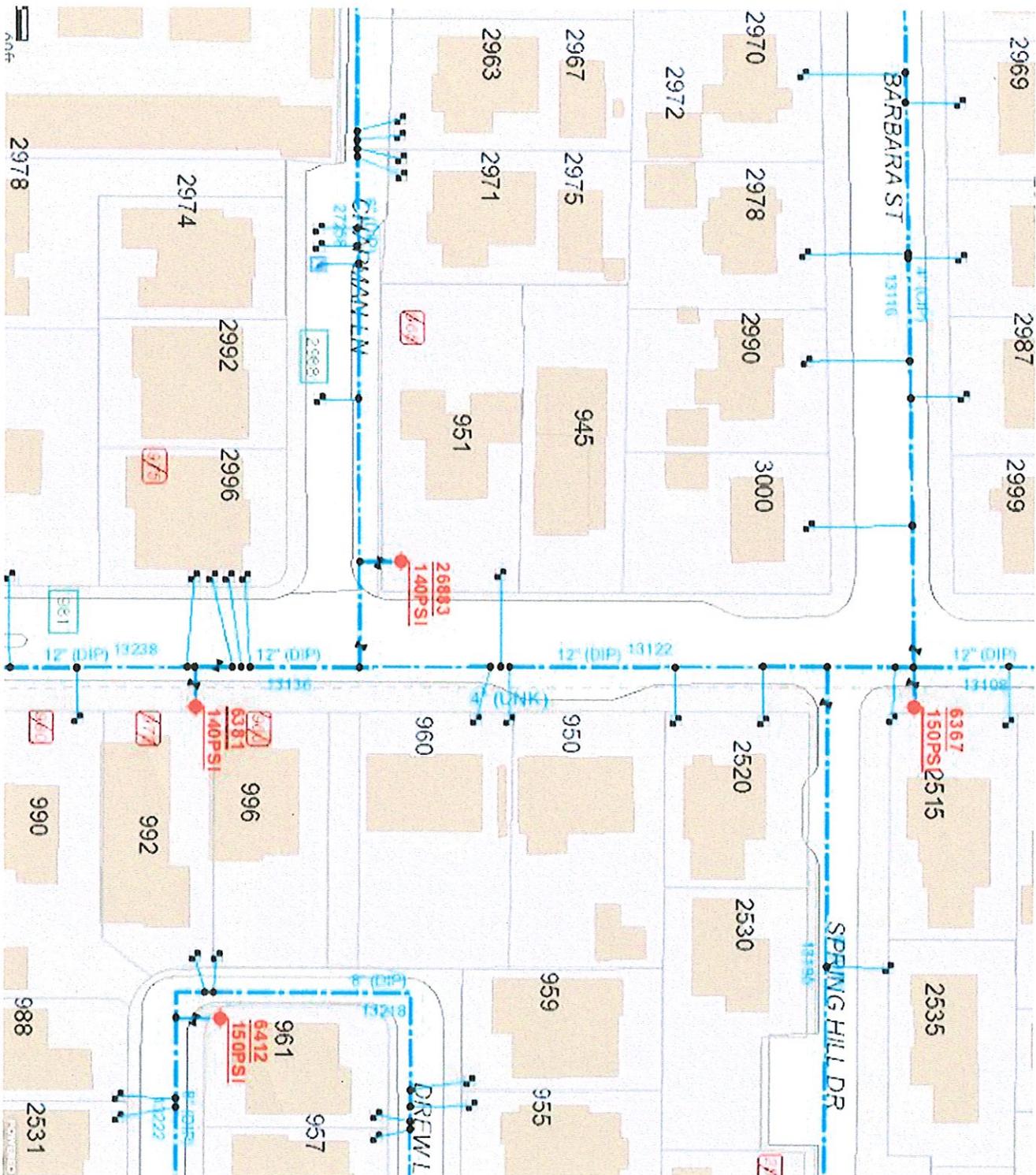
Shawn Kampmann



RENEWAL DATE: 6/30/17

EXHIBIT E
page 1 of 1

RECEIVED
DEC 16 2019
City of Ashland



RECEIVED
 DEC 16 2019
 City of Ashland

PARTITION PLAT NO. P-11-2019
PROPERTY LINE ADJUSTMENT

LYING SITUATE WITHIN
SOUTHWEST QUARTER OF SECTION 14
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Sean Darrell
945 Tolman Creek Road
Ashland, Oregon

LEGEND

- ⊙ 1" IRON PIPE PER EDMONDS SUBDIVISION (RECOVERED)
- ⊙ 3/4" IRON PIPE PER EDMONDS SUBDIVISION (RECOVERED)
- ⊙ 5/8" IRON PIN, NO TAGS, PER S/N 10169 (RECOVERED)
- ⊙ 5/8" IRON PIN, NO TAGS, PER WHISTLE SUBDIVISION (RECOVERED)
- ⊙ 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" PER S/N 18561 (RECOVERED)
- ⊙ 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- ⊙ 5/8" x 30" IRON PIN w/ 2" ALUMINUM CAP STAMPED "INITIAL POINT PLS 2883" PER MONUMENT DETAIL (RECOVERED)
- SUBJECT PROPERTY LINE
- - - ADJUSTED PROPERTY LINE
- BOUNDARY LINE
- - - CENTERLINE
- - - PREVIOUS DEED LINE
- - - EASEMENT LINE
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- O.R. OFFICIAL RECORDS, JACKSON COUNTY CLERK
- [] PLAT RECORD DATA PER WHISTLE SUBDIVISION
- () PLAT RECORD DATA PER EDMONDS SUBDIVISION
- ▭ 1.00 WIDE PRIVATE SEWER EASEMENT BY THIS PLAT

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE LINE BETWEEN IRON PIPE MONUMENTS RECOVERED AT THE SOUTHEAST CORNERS OF LOT 1 AND LOT 6, BLOCK 'C' OF EDMONDS SUBDIVISION, HAVING A RECORD PLAT BEARING OF NORTH 88°57'00" WEST, AS DENOTED ON SURVEY NO. 18561, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

Shawn Kampmann
SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann
OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

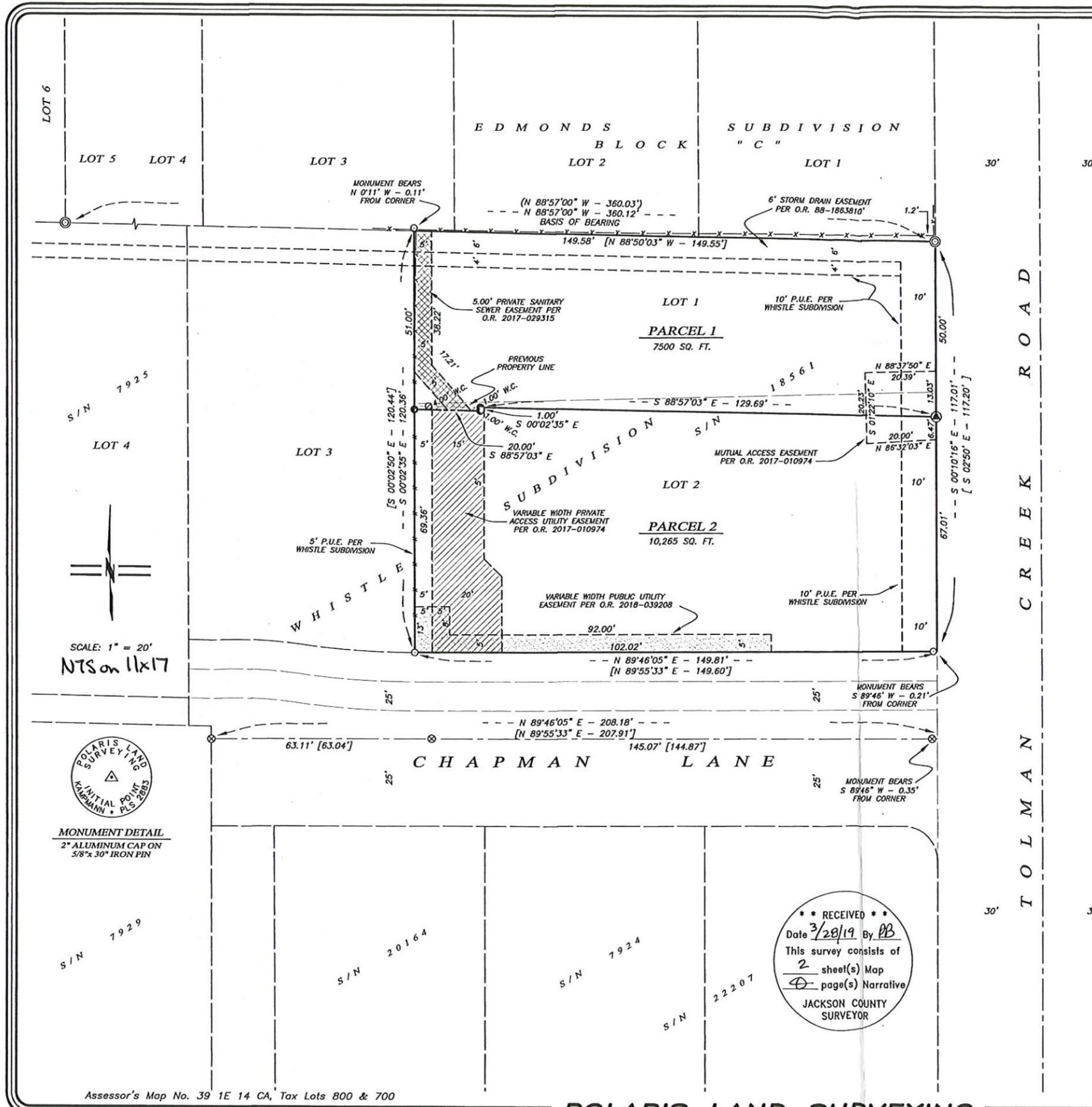
SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: FEBRUARY 11, 2019
PROJECT NO. 1105-17

FILE: SURVEYS\1105-17\1105-17DARREL-HANSEN PLA PLAT.DWG SHEET 2 of 2

RECEIVED
DEC 16 2019
City of Ashland

RECEIVED
JUL 19 2013
City of Ashland

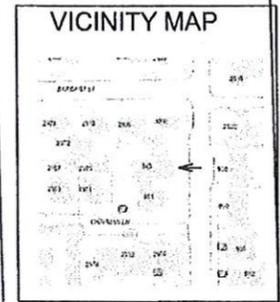
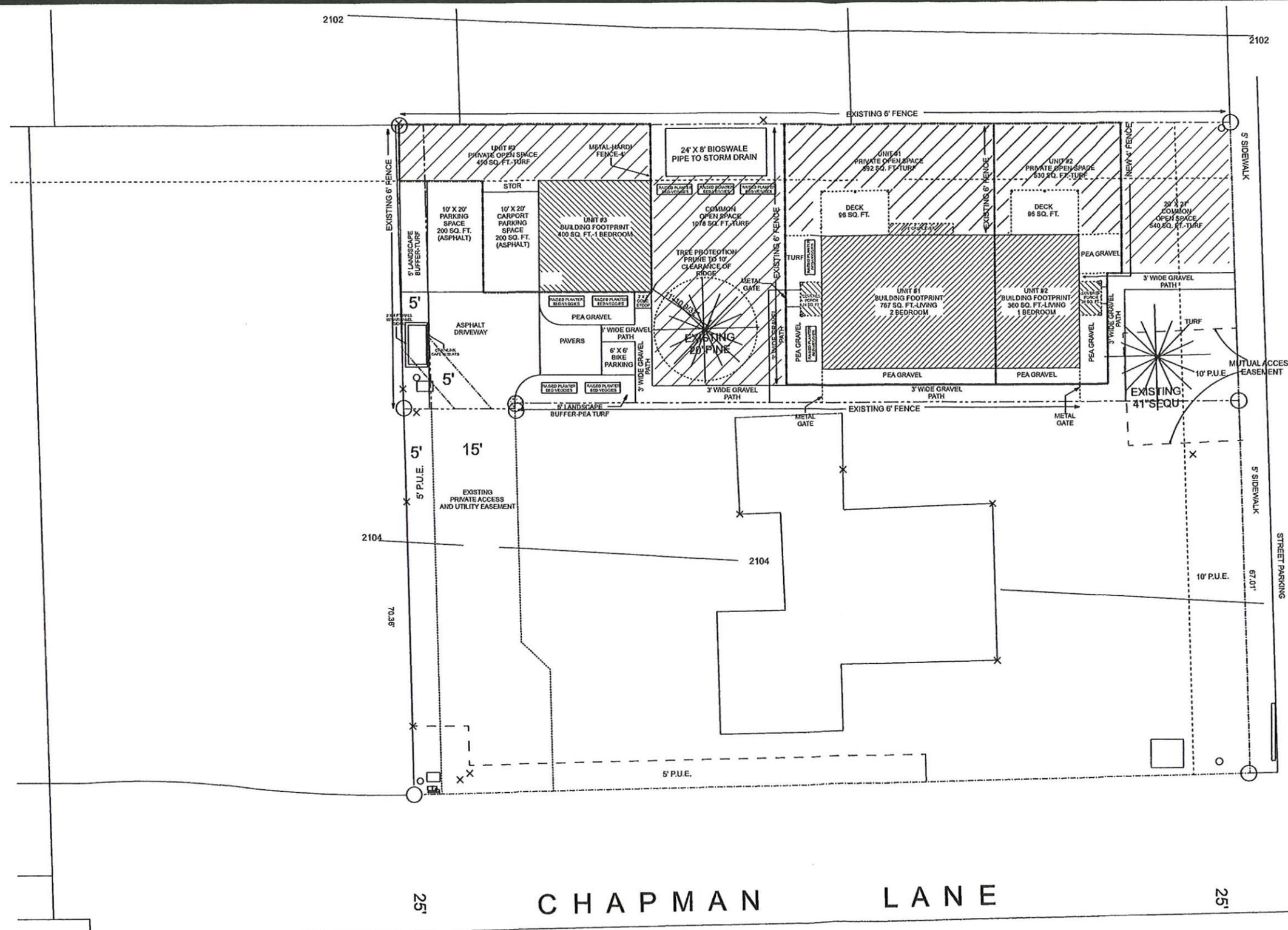


SCALE: 1" = 20'
NTS on 11x17



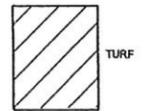
MONUMENT DETAIL
2" ALUMINUM CAP ON
5/8" x 30" IRON PIN

RECEIVED
Date 3/28/19 By PB
This survey consists of
2 sheet(s) Map
1 page(s) Narrative
JACKSON COUNTY
SURVEYOR



TOTAL LOT: 7600 SQ. FT.
 STRUCTURES: 1727 SQ. FT.
 COVERED PORCH/DECK/SLOOP: 249 SQ. FT.
 DRIVEWAY: 396 SQ. FT.-ASPHALT
 105 SQ. FT.-PAVERS
 PARKING: 200 SQ. FT.-ASPHALT
 3' GRAVEL WALKWAY: 614 SQ. FT.
 COMMON OPEN SPACE: 1618 SQ. FT.
 PRIVATE OPEN SPACE #1: 892 SQ. FT.
 PRIVATE OPEN SPACE #2: 530 SQ. FT.
 PRIVATE OPEN SPACE #3: 450 SQ. FT.
 LANDSCAPING: 4309 SQ. FT.-57%
 MAXIMUM FLOOR AREA (FAR): 1527 SQ. FT.
 LOT COVERAGE (CREDIT 192 SQ. FT.-DECKING)
 2999 SQ. FT.-40%

NOTE: ALL TURF GRAY IRRIGATION AND ALL PLANTERBEDS DRIP



LANDSCAPE-WILDFIRE PLAN
 SCALE: 1" = 20'-0"

RECEIVED
 DEC 16 2019
 City of Ashland

DWG INDEX #:
 A0.2 LANDSCAPE-WILDFIRE PLAN
 SHEET 2
 OF 3

SCALE: 1" = 20'-0"
 DRAWN BY:
 CHECKED BY: JT
 DATE: 12/11/2019

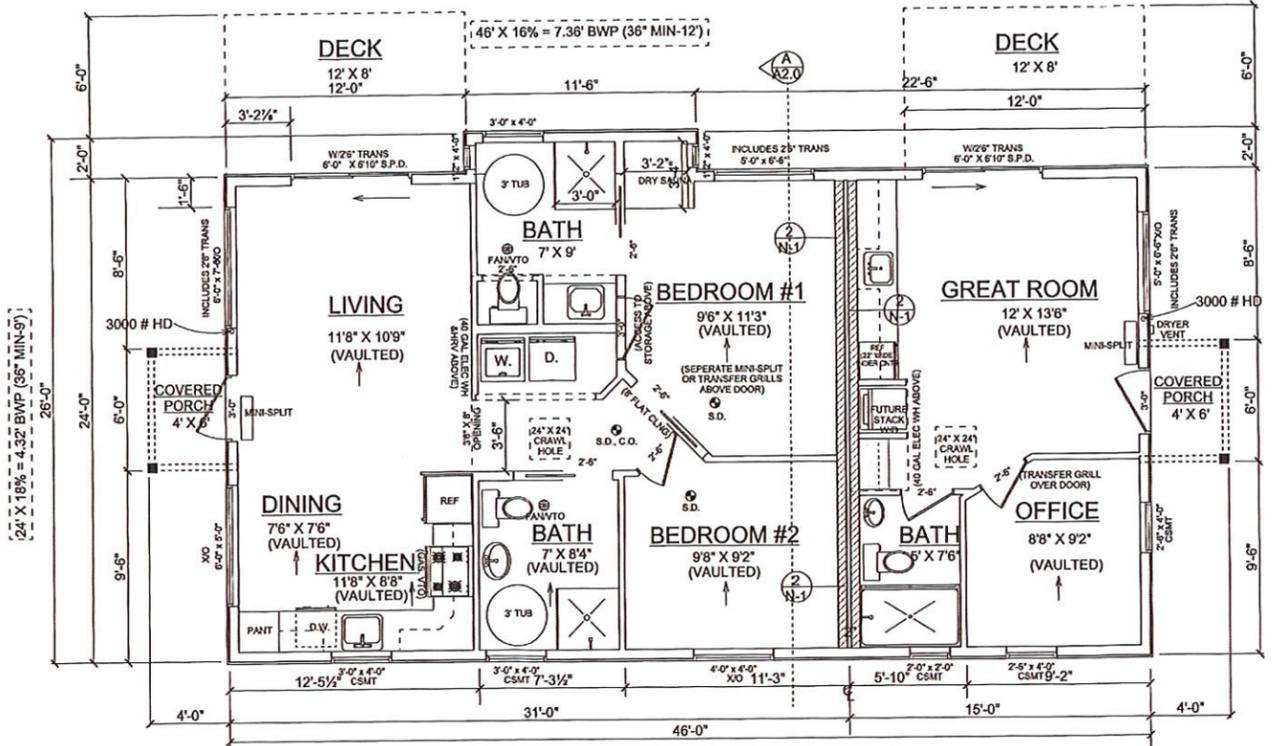
A0.2 LANDSCAPE-WILDFIRE PLAN
 FILE: C:\GIS\Plan\2019\Project\A0.2 Landscape\A0.2 Landscape\A0.2 Landscape.dwg
 PLOTTED: 12/11/2019 10:00:00 AM
 PLOTTER: HP DesignJet T1200

P.O. BOX 8062
 MEDFORD, OR 97501
 800-778-2456
 www.designresidential.biz

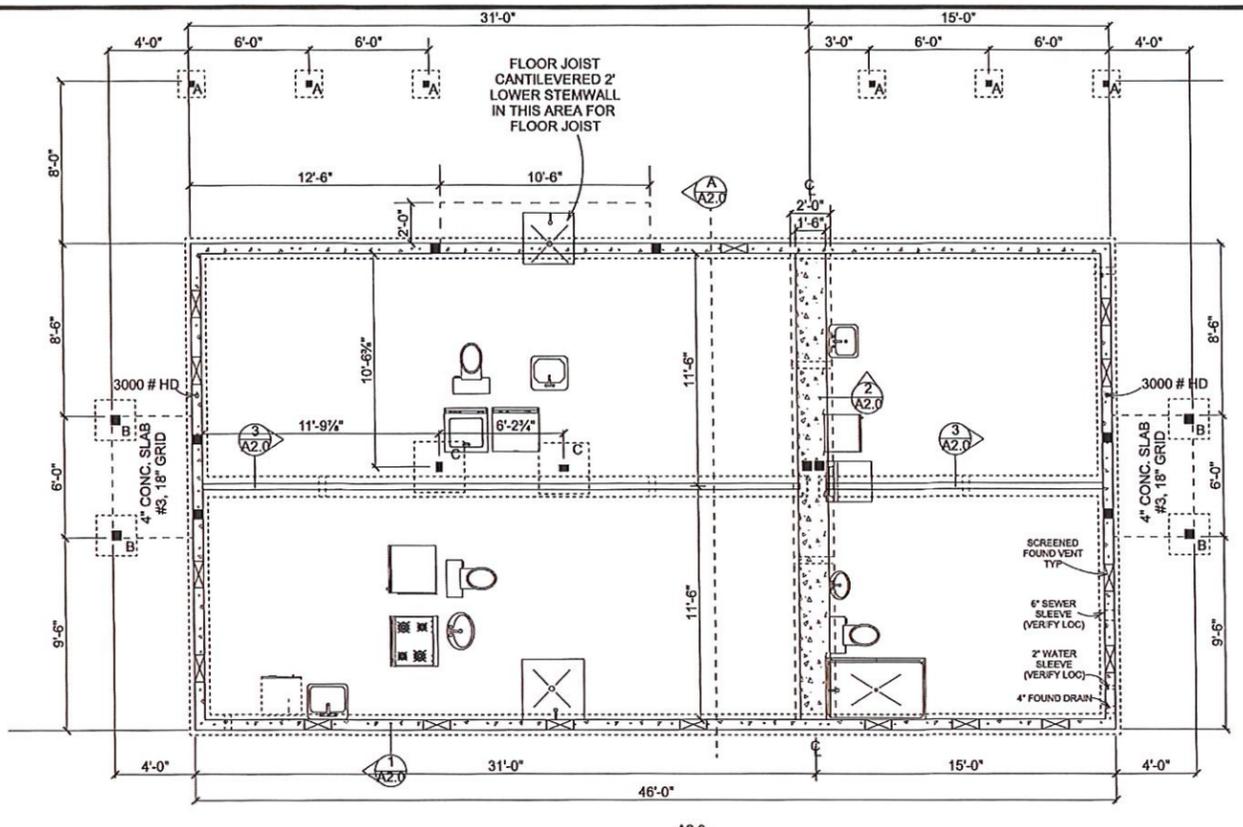
design residential
 The Art of Residential Design

CLIENT:
 ASHER HOMES
 CCB 56025
 541-210-3027

PROJECT: NEW S.F.D. @:
 945 TOLMAN CREEK RD.
 ASHLAND, OR 97520



PRIMARY 767 SQ. FT.-LIVING
 GUEST ROOM 360 SQ. FT.-LIVING

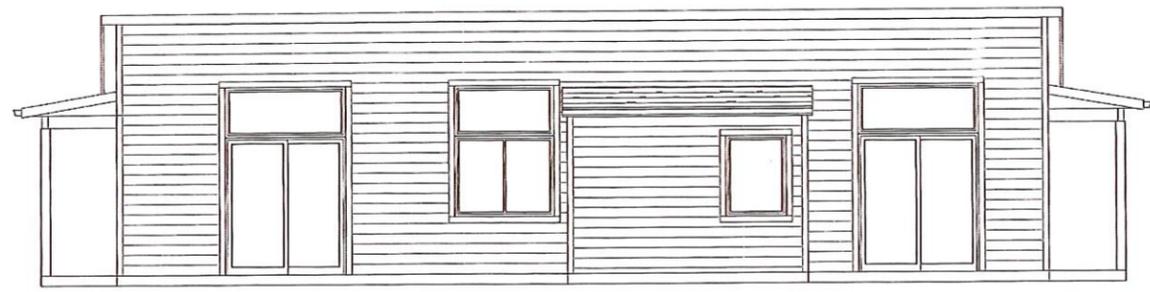


FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"

A2.0
 CONCRETE FOOTING TABLE

SYMBOL	SIZE	BAR	POST
A	16" X 16" X 6"	2 EA. #4 E.W.	4 X 4
B	24" X 24" X 8"	2 EA. #4 E.W.	4 X 4, 4 X 6, OR 6 X 6
C	30" X 30" X 12"	3 EA. #4 E.W.	4 X 6, OR 6 X 6
D	36" X 36" X 12"	4 EA. #4 E.W.	4 X 6, OR 6 X 6
E	42" X 42" X 12"	5 EA. #4 E.W.	6 X 6, OR 6 X 8

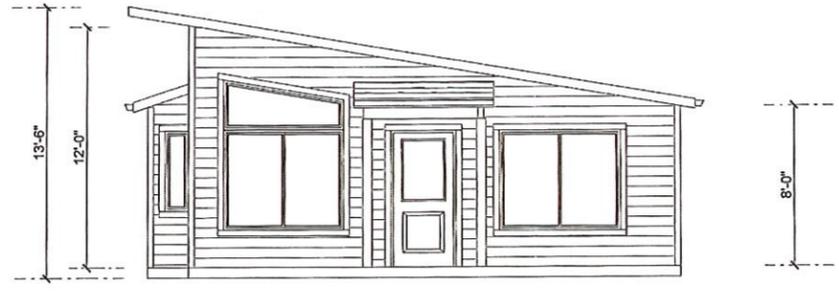
Floor Plan
 SCALE: 1/4" = 1'-0"



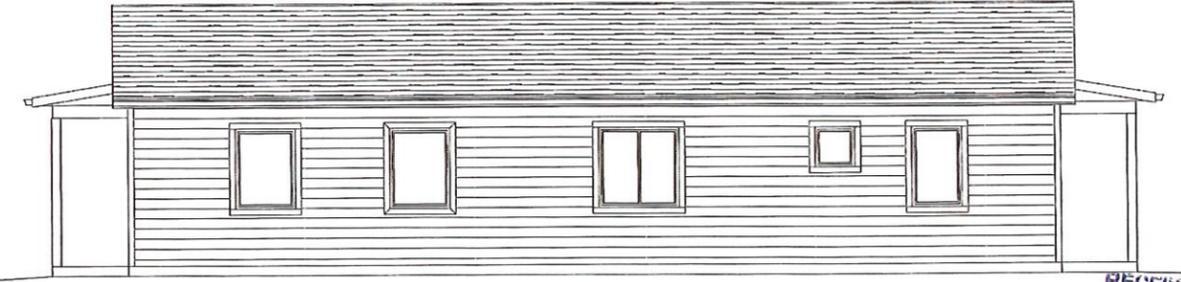
NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



WEST ELEVATION
 SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

DWG INDEX #:
 SCALE: 1/4" = 1'-0"
 DRAWN BY: JT
 CHECKED BY:
 DATE: 4/25/2017
 SHEET 3 OF 5
 PROJECT OWNER:
 CLIENT:
 ASHER HOMES
 CCB 56025
 541-210-3027
 PROJECT: NEW S.F.D. @
 945 TOLEMAN CREEK RD.
 ASHLAND, OR 97520
 DESIGN RESIDENTIAL, INC.
 P.O. BOX 8062
 MEDFORD, OR 97501
 541-608-3956
 www.designresidential.biz
 design residential
 ANIMATE OPTIMIZE DESIGN
 RECEIVED
 MAY 19 2017
 City of Ashland