

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

**ASHLAND PLANNING COMMISSION  
HEARINGS BOARD  
AGENDA  
MARCH 11, 2008**

**Hearings Board Members: Mindlin, Stromberg, Fields**

- I. **CALL TO ORDER: 1:30 P.M.**, Civic Center, 1175 East Main Street
- II. **APPROVAL OF MINUTES:** February 12, 2008 Hearings Board Minutes
- III. **TYPE I PLANNING ACTIONS**

A. **PLANNING ACTION: *PA-2007-02151***

**SUBJECT PROPERTY: *1964 Mae Street***

**OWNER/APPLICANT: *Steven and Peggy Case***

**DESCRIPTION: *A request for a Conditional Use Permit and Site Review for a 780 square foot Accessory Residential Unit. The application also includes a request for a Tree Removal Permit to remove an approximately 24-inch in diameter at breast height (DBH) deciduous tree for the property located at 1964 Mae Street.***

**COMPREHENSIVE PLAN DESIGNATION: *Single Family Residential* ZONING: *R-1-5*; ASSESSOR'S MAP #: *39 1E 15AA*; TAX LOT: *2700***

IV. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION: *2008-00035***

**SUBJECT PROPERTY: *938 Oak St.***

**APPLICANT: *Cleo Smith***

**DESCRIPTION: *Request for a Minor Land Partition to create two lots for a property located at 938 Oak Street. Exception to Street Standards to match new sidewalk to existing sidewalk.***

**COMPREHENSIVE PLAN DESIGNATION: *Single-Family Residential*; ZONING: *R-1-5*;  
ASSESSOR'S MAP #: *391E04BD*; TAX LOT: *1000***

V. **UNFINISHED BUSINESS – Adoption of Findings**

- 1. **PA 2007-01940, 172 Skidmore Street, S& J Properties, LLC**

VI. **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).

**ASHLAND PLANNING COMMISSION  
HEARINGS BOARD  
Minutes  
FEBRUARY 12, 2008  
Hearings Board Members: Mindlin, Stromberg, Fields**

- I. **CALL TO ORDER: 1:30 P.M.**, Civic Center, 1175 East Main Street
- II. **APPROVAL OF MINUTES:** Hearings Board Minutes of January 8, 2008

III. **TYPE I PLANNING ACTIONS**

A. **PLANNING ACTION: PA2008-00069**

**SUBJECT PROPERTY: 542 A Street**

**OWNER/APPLICANT: David Gremmels / Carlos Delgado**

**DESCRIPTION: Request for a modification of a previous Site Review approval (PA #2007-01400). The modification requested is a proposed increase to the size of the shed structure at the rear of the property. The existing shed was originally proposed to be reduced from its current size, 378 square feet to 125 square feet; the applicant has requested that the shed be reduced in size by 48 square feet. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 09AB; TAX LOT: 5400**

B. **PLANNING ACTION: 2007-02158**

**SUBJECT PROPERTY: 805 Oak Street**

**OWNER/APPLICANT: Holden, Hugh and Liesa Fulton**

**DESCRIPTION: Planning Action #2007-02158 is a request for an amendment to the conditions of approval for a previously approved Land Partition (PA #2007-00985) for the property located at 805 Oak Street. The previous approval was to create two parcels, including one flag lot. The proposed amendment involves the modification of the previously approved building envelope, the removal of one tree (a 14-inch diameter Birch) that was previously proposed to be preserved, and the removal of a previously proposed pedestrian walkway located within the flag driveway. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5-P; ASSESSOR'S MAP # 39 1E 04 CA; TAX LOT: 2803.**

Commissioners Mindlin, Fields and Stromberg reviewed the two actions and had no questions of staff, nor any desire to move either action to the full commission.

IV. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION: PA2007-01940**

**SUBJECT PROPERTY: 172 Skidmore St.**

**APPLICANT: Urban Development Services, LLC**

**DESCRIPTION: Request for a Conditional Use Permit and Site Review to construct two bathroom additions totaling 115 square feet within the required setback to a historic, legal non-conforming multi-family residential development located at 172 Skidmore Street. The application includes a request for a Variance to the requirement of Section 18.92.070 that the off-street parking be paved and an Administrative Variance to Site Design and Use Standards to allow for parking between the building and the street. COMPREHENSIVE PLAN DESIGNATION: High Density Residential; ZONING: R-3-; ASSESSOR'S MAP #: 391E05DD; TAX LOT: 1000**

Commissioner Mindlin read the introductory statement regarding public hearing procedure, ex-parte contact, and bias and stated that she made a site visit. Barry provided the staff report detailing the request and familiarizing the Hearings Board with the property layout. Commissioner Stromberg asked for the distance between structures on 172 Skidmore to those on other properties. Barry did not have that information, but noted that no one in the notice area called or complained about the request.

Mark Knox, Urban Development Services 700 Mistletoe, acting as the agent for the owner/applicant provided a brief history of the site, primarily on the restoration of the site within the last year, but noted that the units are believed to have been moved onto the site from the old Lithia Auto Park in Lithia Park and that the units on the site have been in existence since 1948, with renters from the units being proposed for additions having to walk from cottages to a common bathroom.

Knox also noted that the property has had a history of Police Dept issues and that the current owner/applicant has upgraded and fixed many of the issues with this bathroom addition being the remaining piece of the restoration.

James Beard of S & J Properties LLC , owner/applicant spoke and mentioned that these types of projects are what they specialize in and this one cost much more than they thought but felt it was worth it in many aspects and would like to complete the work with the approval of this request.

Mindlin stated that she was concerned about the setbacks proposed as well as the separation between buildings and questioned the applicant about the Historic Commission meeting and comments.

Knox stated those were two separate issues. Solving both would destroy the existing site. He stated that the Historic Commission had concerns about façade on main building also and noted that the ear east property line, notches in to be 3 feet from property line to help break that up and is less than 15 feet in height so 18.68 is met. Overall, Knox felt it was a balance between competing code sections.

The Public hearing and record closed at 1:55

Mindlin stated that she felt the historic “cuteness” will be lost with additions and that the two units are cramped in the back of the property. Fields noted that the separation between buildings issue is a technicality as the applicant could connect the two with a simple trellis and not have that as an issue. Mindlin responded that she concerned about what drove the decision of the Historic Commission and didn’t necessarily agree with the Historic Commission’s recommendation.

Stromberg made a motion to approve, with Mindlin providing the second to the motion

Fields added he felt the bathrooms were needed as a health and quality of living issue and that historical issues aren't as important in this case. This motion motivates restoration rather than demo and start over and recognizes the balance between modernizing the site and retaining the historic character.

Stromberg stated that the site currently has two legal nonconforming uses without bathrooms. With the choices available, the application is the better of the possibilities, noting that it is difficult dealing with historic structures and the applicant has made a decent attempt at a solution.

Mindlin stated that she prefers a redesign of the project to maintain the same separation as the current set up.

Fields noted that it is difficult not to micromanage the design elements of an application and Stromberg concurred that the Hearings Board should not do design/re-design.

Stromberg, Fields voted to approve the request, with Mindlin voting no. The application was approved with a 2 to 1 vote.

**V. UNFINISHED BUSINESS – Adoption of Findings, Orders & Conclusions**

**1. Adoption of Findings – PA2007-02104, 1725 & 1729 Siskiyou Bv., Behnam Mehmanpazir**

Staff advised the Hearings Board that the findings for 1725/1729 Siskiyou will be available at the evening meeting to review and adopt.

**VI. ADJOURNMENT**

The meeting was adjourned at 1:55.



**PLANNING ACTION:** PA-2007-02151

**SUBJECT PROPERTY:** 1964 Mae Street

**OWNER/APPLICANT:** Steven and Peggy Case

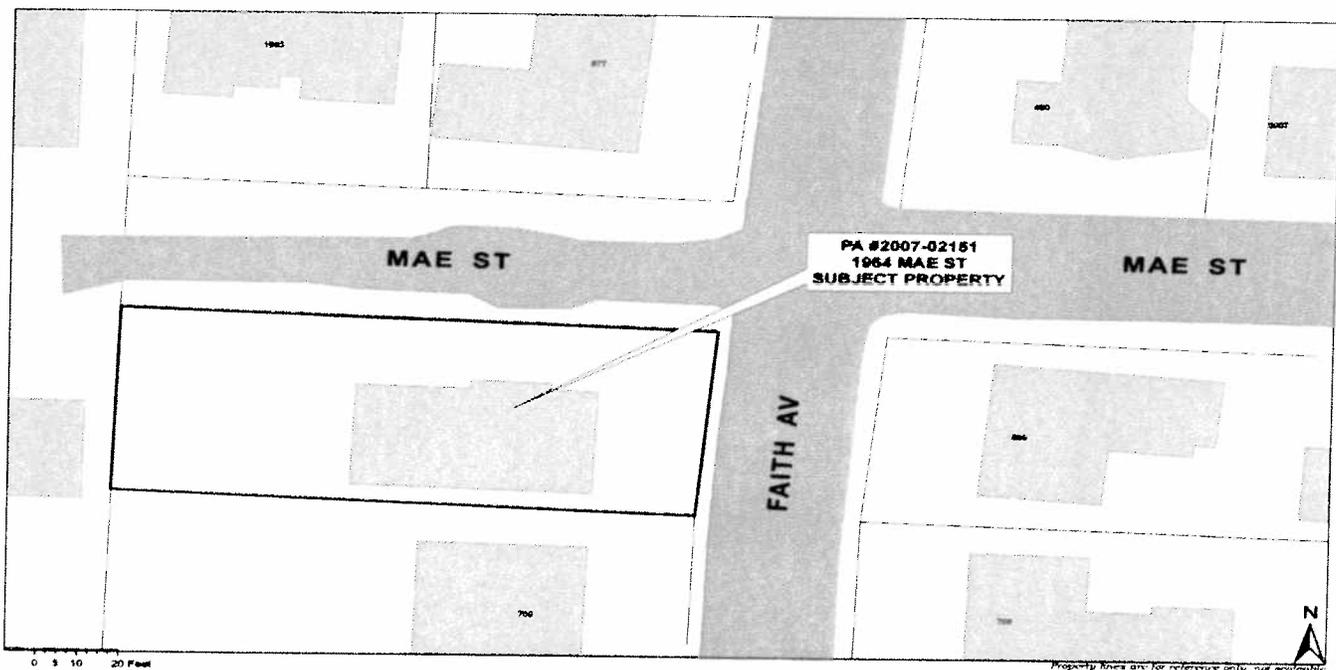
**DESCRIPTION:** A request for a Conditional Use Permit and Site Review for a 780 square foot Accessory Residential Unit. The application also includes a request for a Tree Removal Permit to remove an approximately 24-inch in diameter at breast height (DBH) deciduous tree for the property located at 1964 Mae Street. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential **ZONING:** R-1-5; **ASSESSOR'S MAP #:** 39 1E 15AA; **TAX LOT:** 2700

**NOTE:** The Ashland Tree Commission will review the project's landscaping plan on **March 6, 2008 at 6:30 p.m.** in the Community Development and Engineering building located at 51 Winburn Way.

**ASHLAND PLANNING DEPARTMENT STAFF PRELIMINARY APPROVAL:** February 20, 2008

**ASHLAND PLANNING COMMISSION HEARINGS BOARD MEETING:** March 11, 2008, 1:30pm

**DEADLINE FOR REQUEST FOR A PUBLIC HEARING:** March 3, 2008



## **SITE DESIGN AND USE STANDARDS**

### 18.72.070 Criteria for Approval

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

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

## **CONDITIONAL USE PERMITS**

### 18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.
  7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

## **TREE REMOVAL**

### 18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
  1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
  2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
  1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
  2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
  3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit. (ORD 2883 added 06/04/2002)

FEB 7, 2008

CITY OF ASHLAND  
COMMUNITY DEVELOPMENT DEPT  
AMY ANDERSON, ASSISTANT PLANNER  
CAROLYN SCHWEDENER,

DEAR CAROLYN/AMY,

RE: STATUS OF PLANNING APPLIC.  
PERMIT # PL 2007-01634

I. WRITTEN FINDINGS:

THE NEWLY SITED SECOND RESIDENCE AT 1964 MAE STREET FOR STEVEN AND PEGGY CASE SHALL GO AS FOLLOWS:

A. ALL APPLICABLE ORDINANCES HAVE BEEN MET OR SHALL BE MET BY THE PROPOSED DEVELOPMENT.

B. GENERATION OF TRAFFIC ON MAIN THOROUGH STREET SHALL NOT BE AFFECTED BY THIS DEVELOPMENT.

RECEIVED

FEB 07 2008

(1)

City of Ashland

FEB 7, 2008

STATE CASE PL 2007

-01634

C. THE ARCHITECTURAL COMPATIBILITY OF THE IMPACT OF THIS AREA IS NOT AFFECTED BECAUSE NEW BUILDING (RESIDENCE) IS AESTHETICALLY DESIGNED TO FIT IN WITH ALL ADJACENT STRUCTURES.

D. AIR QUALITY, DUST ODORS, AND OTHER INDUSTRIAL POLLUTANTS SHALL NOT BE AFFECTED, IN COMPLETION STAGE. THESE WILL OCCUR IN THE CONSTRUCTION PHASE AS IN ANY RESIDENTIAL BUILDING PROJECT.

E. THERE SHALL BE NO ADDITIONAL GENERATION OF LIGHT, NOISE OR GLARE TO ADJACENT IMPACT AREA.

F. I DO NOT BELIEVE THERE <sup>ARE</sup> ANY FUTURE DEVELOPMENTS ON ADJACENT, THAT CAN BE SOLIDLY ANSWERED BY CITY OF ASHLAND STAFF ONLY.

RECEIVED G. LANDSCAPING DIRECTIVES ARE ACCORDING TO ALL CITY OF ASHLAND ORDINANCES.

H. THE NEW 2ND RESIDENCE IS LOCATED OVER 250'

FEB. 7, 2008

SEE PAGE

PL 2007

-01634

FROM THE EXISTING FIRE HYDRANT ON MAE STREET AS SHOWN ON CITY OF ASHLAND UTILITY MAPS. A SPRINKLER SYSTEM SHALL BE PROVIDED IN DWELLING. ALL PLUMBING UTILITY LINES TO BE 1"  $\phi$  PVC OR CAST.

J. THE NEW RESIDENCE SHALL BE PROVIDED WITH NEW 400 AMP ELECT. SERVICE AS SHOWN ON PRELIMINARY FLOOR PLAN

K. ALL TREE PROTECTION REGULATIONS SHALL BE AS LISTED IN PAGES 9-12, ON ORIGINAL PREAPPLICATION REVIEW.

L. SOLAR CALCULATIONS IF USED ARE BY OTHERS, ACCORDING TO ALL CITY OF ASHLAND SOLAR REGULATIONS

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FEB 07 2008

City of Ashland

(3)

FEB 7, 2008

STEVE CASE

PL 2007  
-01634

PLEASE CONTACT MYSELF, STEVE  
AND REGGY CASE, AND MR. BUILDY/  
MIKE MACFARLANE AS TO THE RESULTS  
OF THIS AND ALL DEEDED SITUATIONS.  
CALL ME AT 772-7426 AT YOUR  
EARLIEST CONVENIENCE,

SINCERELY  
Robert Flute

ROBERT FLUTE - DESIGNER  
24 W. ORANGE ST.  
HELFORD, OR. 97501  
PH: (541) 772-7426

RECEIVED

FEB 07 2008

Div of Action

(4)

February 25, 2008

Mr. Builder  
Mike Macfarlane  
482-5459

Tree Removal for 1964 May Street, Steve and Peggy Case

Tree removal for the construction of a new residence.

London Plain, 8' in <sup>circumference</sup> diameter, partially rotted, located 12' from the south property line and 14' from the east side of the existing house on May Street.

Tree removal for the new driveway.

Sweet gum, 3' 6" in <sup>circumference</sup> diameter located 52' 6" from the south property line and 30' from the East side of the existing house on May Street.

Two new street trees 8' min. to be planted on the east side (May Street side) of the property as per blue prints upon completions of construction.

RECEIVED

FEB 25 2008

City of Ashland  
Community Development

## Specifications for Tree Preservation During Construction

1. Before beginning work, the contractor is required to meet with the consultant at the site to review all work procedures, access routes, storage areas, and tree protection measures.
2. Fences must be erected to protect trees to be preserved. Fences define a specific protection zone for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without the written permission of the consultant.
3. Construction trailers and traffic and storage areas must remain outside fenced areas at all times.
4. All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree.
5. No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
6. Additional tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
8. If injury should occur to any tree during construction, the tree consultant should evaluate it as soon as possible so that appropriate treatments can be applied.
9. The consulting arborist must monitor any grading, construction, demolition, or other work that is expected to encounter tree roots.
10. All trees shall be irrigated on a schedule to be determined by the consultant. Irrigation shall wet the soil within the tree protection zone to a depth of 30 inches.
11. Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.
12. Before grading, pad preparation, or excavation for foundations, footings, walls, or trenching, any trees within the specific construction zone shall be root pruned 1 foot outside the tree protection zone by cutting all roots cleanly to a depth of 24 inches. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.
13. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
14. If temporary haul or access roads must pass over the root area of trees to be retained, a road bed of 6 inches of mulch or gravel shall be created to protect the soil. The road bed material shall be replenished as necessary to maintain a 6-inch depth.

## **Specifications for Demolition and Site Clearing**

1. The demolition contractor is required to meet with the consultant at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.
2. The limits of all tree protection zones shall be staked in the field.
3. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by demolition or construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and under story to remain.
4. Any brush clearing required within the tree protection zone shall be accomplished with hand-operated equipment.
5. Trees to be removed shall be felled so as to fall way from tree protection zones and to avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees. This may be accomplished by cutting through the roots by hand, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.]
6. Trees to be removed from within the tree protection zone shall be removed by a qualified arborist. The trees shall be cut near ground level and the stump ground out.
7. All downed brush and trees shall be removed from the tree protection zone either by hand or with equipment sitting outside the tree protection zone. Extraction shall occur by lifting the material out, not by skidding it across the ground.
8. Brush shall be chipped and placed in the tree protection zone to a depth of 6 inches
9. Structures and underground features to be removed within the tree protection zone shall use the smallest equipment possible and operate from outside the tree protection zone. The consultant shall be on site during all operations within the tree protection zone to monitor demolition activity
10. All trees shall be pruned in accordance with the provided Pruning Specifications
11. A six-foot chain link fence with posts sunk into the ground shall be erected to enclose the tree protection zone
12. Any damage to trees due to demolition activities shall be reported to the consulting arborist within six hours so that remedial action can be taken. Timeliness is critical to tree health.
13. If temporary haul or access roads must pass over the root area of trees to be retained, a roadbed of 6 inches of mulch or gravel shall be created to protect the soil. The roadbed material shall be replenished as necessary to maintain a 6-inch depth.

- 15. Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.
- 16. No burn piles or debris pits shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried within the tree protection zone.
- 17. Maintain fire-safe areas around fenced areas. Also, no heat sources, flames, ignition sources, or smoking is allowed near mulch or trees.

*Tommy*  
Certified Arborist  
D.B.A. Upper Limb-It  
TOM 482-3667

REVISIONS	BY
1	8/14/07 BF
2	8/21/07 BF
3	10/6/07 BF

A RESIDENCE FOR:  
STEVE AND PEGGY CASE

MR. BUILDER • Mike Macfarlane  
118 HILLTOP ROAD, TALENT, OR. PH. 621-4055

Date	8/13/07
Scale	1/2" = 10'
Drawn	BF
Job	RESIDENCE
Sheet	SP
Of	1

LEGAL DESCRIPTION

LOT 9, BLOCK 5 OF FAITH SUBDIVISION,  
CITY OF ASHLAND, JACKSON COUNTY,  
OREGON (MAP 39 1E 15AA 2700)

OWNERS / JOB ADDRESS

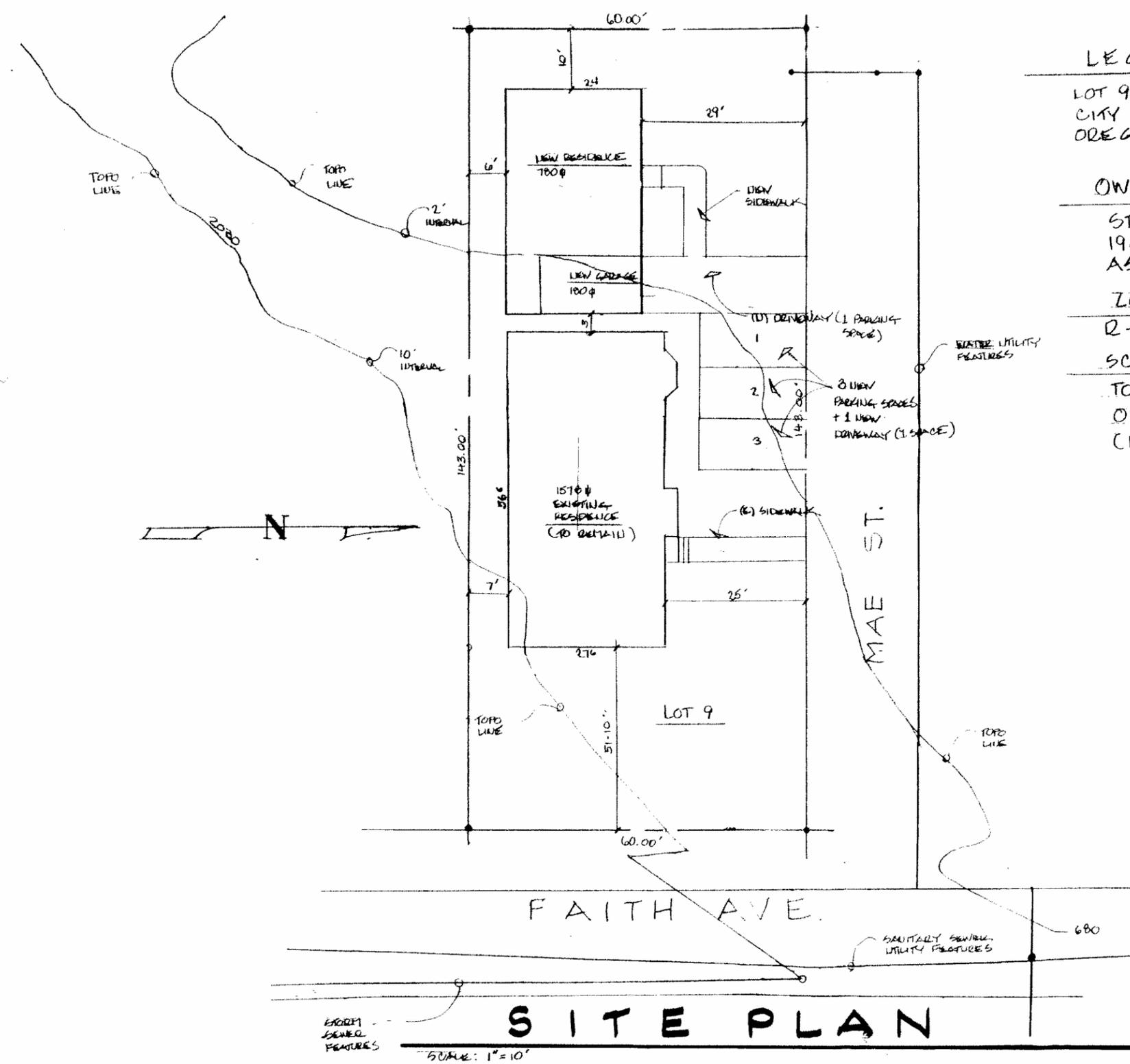
STEVEN AND PEGGY CASE  
1964 MAE STREET  
ASHLAND, OREGON 97520

ZONING

R-1-5

SCOPE

TO CONSTRUCT A SECOND RESIDENCE  
ON PROPERTY  
(NO BUILDINGS TO BE REMOVED)



**S I T E P L A N**

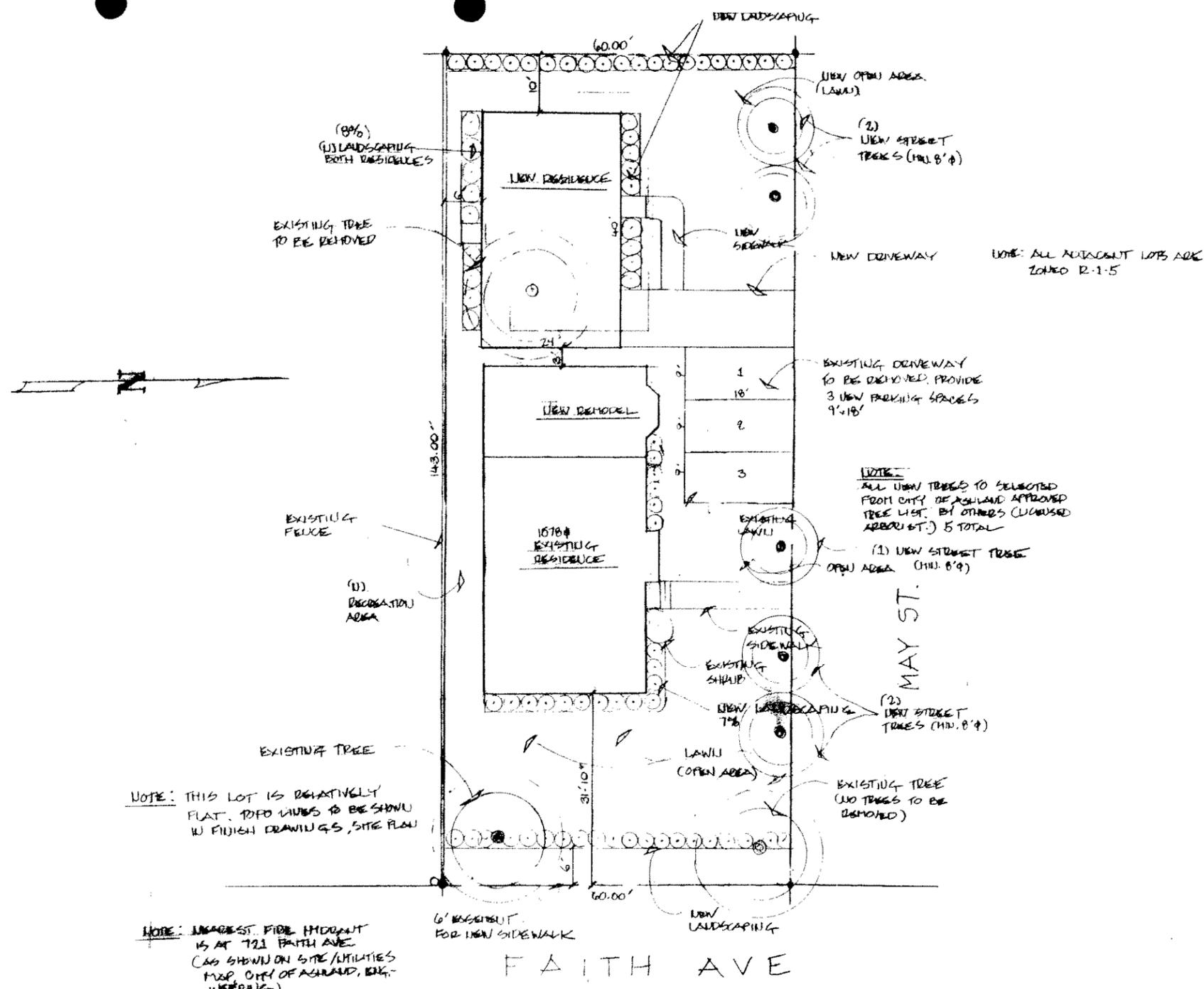
SCALE: 1" = 10'

RECEIVED

JAN 18 2008

City of Ashland  
Field  Office  Coun.

REVISIONS	BY
1	10/8/07 EF



NOTE: THIS LOT IS RELATIVELY FLAT. PFD DIMS TO BE SHOWN IN FINISH DRAWINGS, SITE PLAN

NOTE: LARGEST FIRE HYDRANT IS AT 721 FAITH AVE (AS SHOWN ON SITE/UTILITIES MAP, CITY OF ASHLAND, ENG. - WISEBROS.)

NOTE: ALL ADJACENT LOTS ARE ZONED R-1-5

NOTE: ALL NEW TREES TO BE SELECTED FROM CITY OF ASHLAND APPROVED TREE LIST, BY OTHERS (LICENSED ARBORIST.) 5 TOTAL

# SITE/UTILITY PLAN

SCALE: 1"=10'

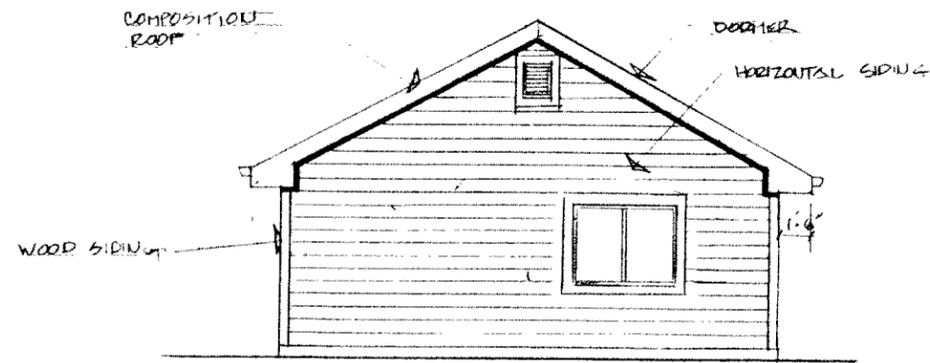
RECEIVED

JAN 08 2008

City of Ashland  
 Field  Office  Court

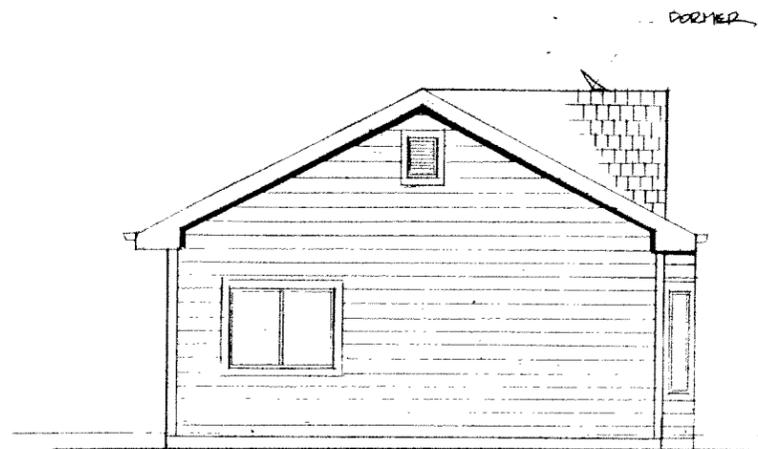
Date	9/3/07
Scale	1/8"=1'
Drawn by	EF
Job	1961 MAY ST. DRIVE
Sheet	SP-51
Of	51





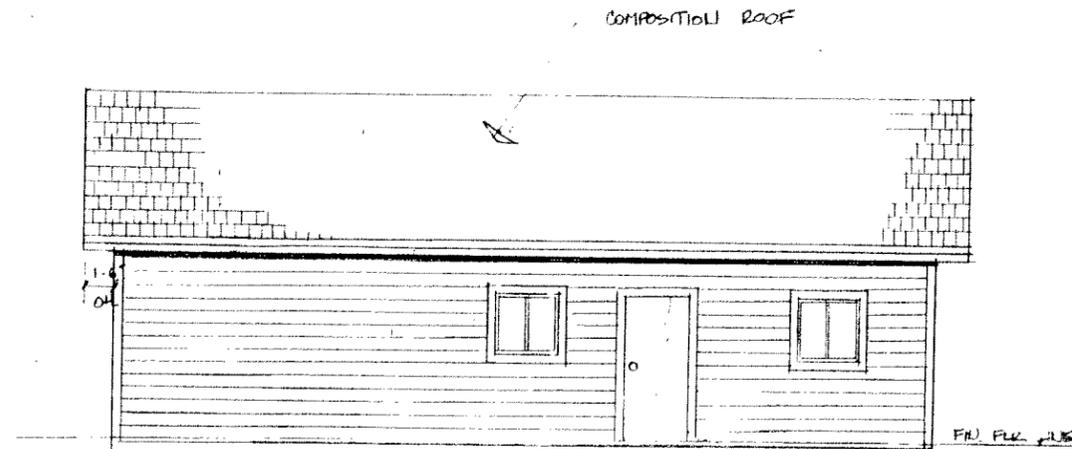
**RIGHT SIDE ELEV.**

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



**LEFT SIDE ELEV.**

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



**REAR ELEVATION**

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

**RECEIVED**

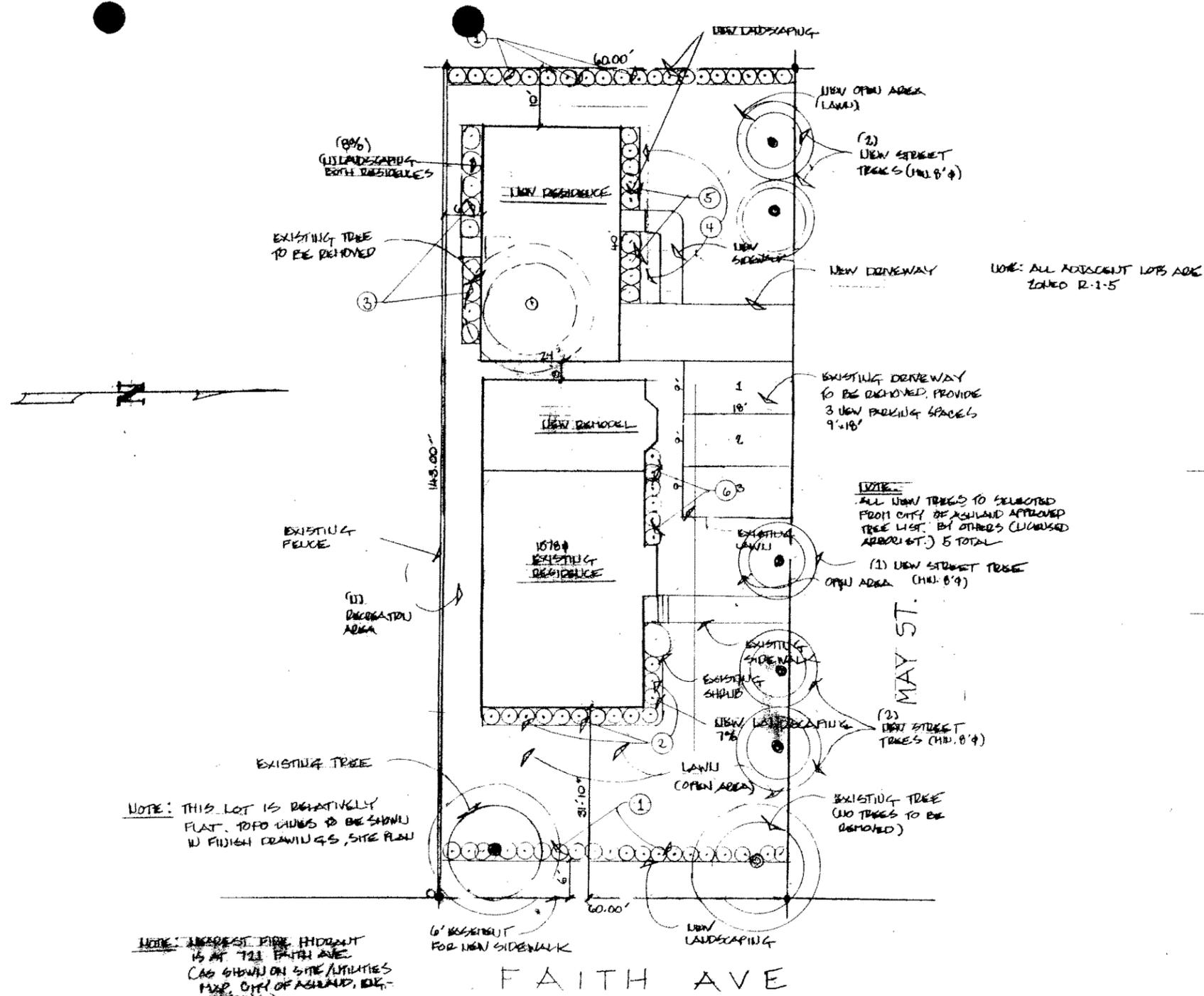
JAN 08 2007

City of Ashland  
 Field  Office  Cour.

REVISIONS	BY

Date	8/21/07
Scale	LISTED
Drawn	BF
Job	1907 Line of NEW DESIGN
Sheet	2-R
Of	Sheets

REVISIONS	BY
1	10/18/07 BF



NOTE: THIS LOT IS RELATIVELY FLAT. TOPO LINES TO BE SHOWN IN FINISH DRAWINGS, SITE PLAN

NOTE: UNDERST. FIRE HYDRANT IS AT 721 FAITH AVE (AS SHOWN ON SITE UTILITIES MAP, CITY OF ASHLAND, DEPT. - UTILITY)

- LEGEND**
- ① ENGLISH DWARF LAURELS
  - ② LILY OF THE NILE AND LAVENDER
  - ③ BOXWOODS
  - ④ BARBERIES
  - ⑤ BURNING BUSH
  - ⑥ BUTTERFLY BUSH
- LANDSCAPE PLAN BY STEVE HAUSCOM  
W/ MR. BUILDERS: MIKE MACFARLANE

# LANDSCAPE PLAN

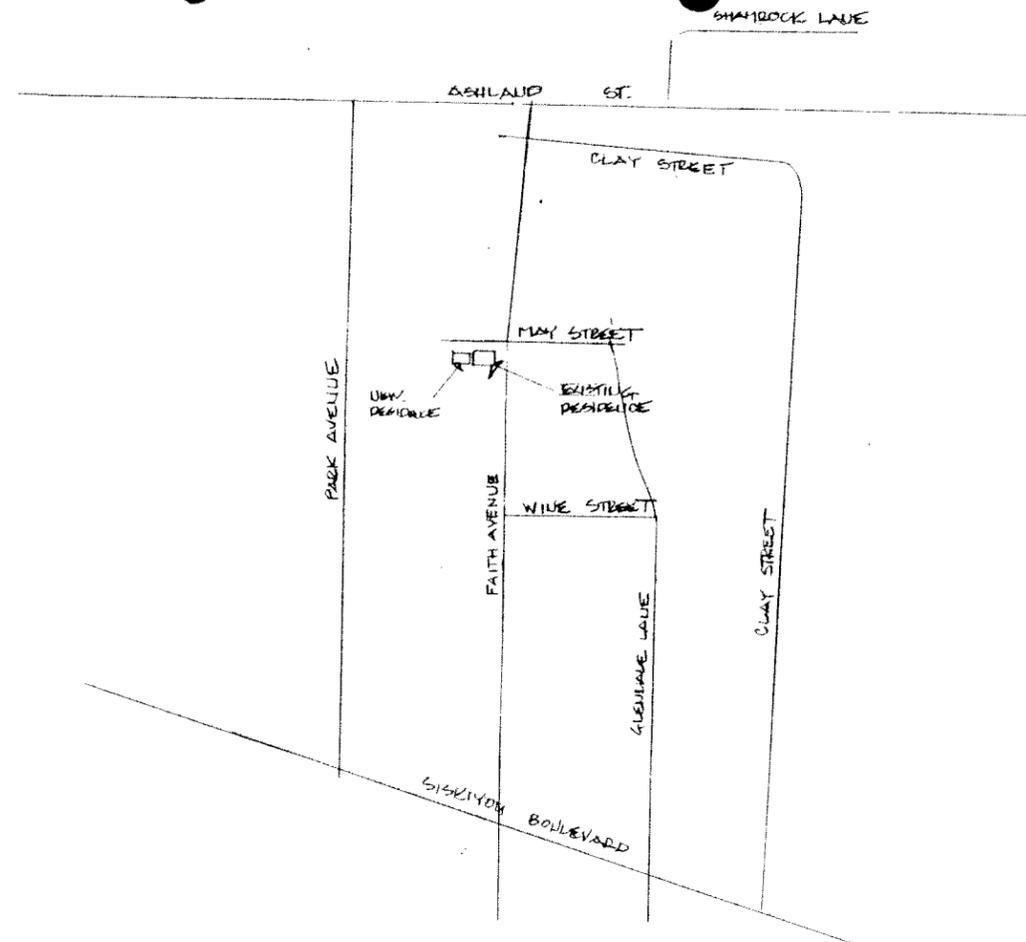
SCALE: 1"=10'

RECEIVED

JAN 9 2008

City of Ashland  
Field  Office  Coun.

Date	9/18/07
Scale	NOTED
Drawn	BF
Job	1904 MAY ST. PARKING
Sheet	LP
Of	Sheets



**VICINITY MAP**

NO SCALE

**PROJECT NAME**

STEVE CASE RESIDENCE  
(NEW CONSTRUCTION)

ZONING - R-1-5 (RESIDENTIAL LOW DENSITY  
5000 SQ FT PER HOUSE)

**SUMMARY SHEET DATA**

NUMBER OF ACRES IN DEVELOPMENT - .2 ACRES  
 NUMBER OF DWELLING UNITS - 1-2 BEDROOM  
 % OF LOT COVERAGE BY -  
 (A) STRUCTURES (NEW) - 22%  
 (B) STREETS AND ROADS (DRIVEWAYS) - 11%  
 (C) RECREATION AREAS AND OPEN SPACE - 51%  
 (D) PARKING AREAS -  
     OPEN - 4 (INCLUDING NEW DRIVEWAY)  
     COVERED - 1 (GARAGE)  
 (E) LANDSCAPE AREAS - 8% TOTAL

**UTILITY DATA**

ALL UTILITY DATA AS SHOWN ON UTILITY/TOPO MAP.

**TOPOGRAPHY**

ALL TOPOGRAPHY AS SHOWN ON UTILITY/TOPO MAP

**PERVIOUS/IMPERVIOUS SURFACES**

41% - IMPERVIOUS (ASPHALT, CONCRETE BUILDINGS - IMPERVIOUS)  
 59% - NON IMPERVIOUS (LAWNS, LANDSCAPE AREAS - PERVIOUS)

NOTE: PLANT TYPES AND IRRIGATION BY OTHERS (LICENSED ARBORIST)

**GROSS BUILDING FOOTAGE**

780 SQ FT. (LIVING AREAS)  
 180 SQ FT. (GARAGE)  
 960 SQ FT. TOTAL

**DESIGN LOADS**

SNOW LOADS - 25 PSF (LIVE)  
 WIND LOADS - 25 PSF (LIVE)  
 FLOOR LOADS - 40 PSF (LIVE)

**RECEIVED**

JAN 10 2007  
 City of Ashland  
 Field  Office  Cour

REVISIONS	BY

Date 8/29/07  
 Scale 1/8" = 1'-0"  
 Drawn BF  
 Job FROM PARK ST. RESIDENCE  
 Sheet **SP**  
 Of





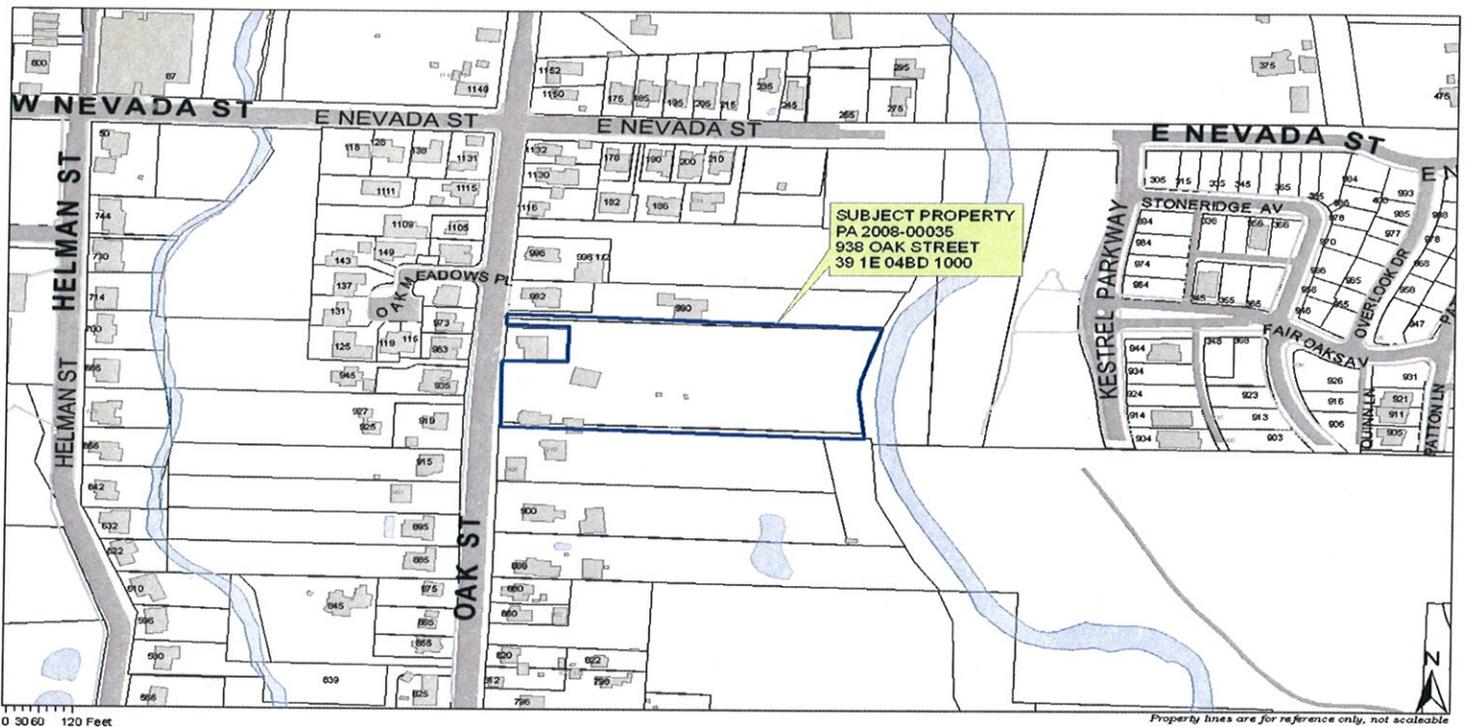


**PLANNING ACTION: 2008-00035**  
**SUBJECT PROPERTY: 938 Oak St.**  
**APPLICANT: Cleo Smith**

**DESCRIPTION:** Request for a Minor Land Partition to create two lots for a property located at 938 Oak Street.. Exception to Street Standards to match new sidewalk to existing sidewalk. **COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential;  
**ZONING:** R-1-5-; **ASSESSOR'S MAP #:** 391E04BD; **TAX LOT:** 1000

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **March 6, 2008 at 7:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION HEARINGS BOARD MEETING: March 11, 2008; 1:30 PM**



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 HEARINGS BOARD on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

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

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

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

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

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

## **MINOR LAND PARTITION CRITERIA**

### Section 18.76.050

If the proposed partition does not appear to comply with the requirements for routine administrative approval, the proposal shall be submitted to the Planning Commission and approved when the following conditions exist:

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (Ord 2836 S8, 1999)
- F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
  1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
    - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
    - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
  2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (amended Ord. 2757, 1995)

## **EXCEPTION TO STREET STANDARDS**

### 18.88.050 F – Exception to Street Standards

An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter. (Ord 2836, Amended, 02/02/1999)

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT  
March 11, 2008**

**PLANNING ACTION:** 2008-00036

**APPLICANT:** Cleo Smith

**LOCATION:** 938 Oak Street

**ZONE DESIGNATION:** R-1-5

**COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential

**APPLICATION DEEMED COMPLETE:** March 3, 2008

**120-DAY TIME LIMIT:** July 1, 2008

**ORDINANCE REFERENCE:**

- 18.20 R1 Single-Family Residential District
- 18.70 Solar Access
- 18.76 Partitions
- 18.61 Tree Preservation and Protection
- 18.72. Performance Standards Options

**REQUEST:** Request for a Minor Land Partition to create two lots for a property located at 938 Oak Street. Exception to Street Standards may be needed to match new sidewalk to existing sidewalk.

**I. Relevant Facts**

**A. Background - History of Application**

In December of 1999, a request for Minor Land Partition to divide the lot at 938 Oak Street into two lots was administratively approved. (PA99-121)

In March of 1997, a request for a Boundary Line Adjustment to eliminate one lot and divide the property between the remaining two lots was administratively approved. (PA97-033).

In July of 1995, the Planning Commission denied a request for a Modification of the previously approved Land Partition to allow a driveway onto the street instead of off the shared flag drive, as required. (PA95-078).

In May of 1995 a request for Minor Land Partition to divide the lot at 992 & 990 (Part of the original Partition at 938) Oak Street into three lots was administratively approved. (PA95-043)

In February of 1988, a request for a one year Extension of the previously approved Land Partition at 938 Oak Street was administratively approved. (PA88-020)

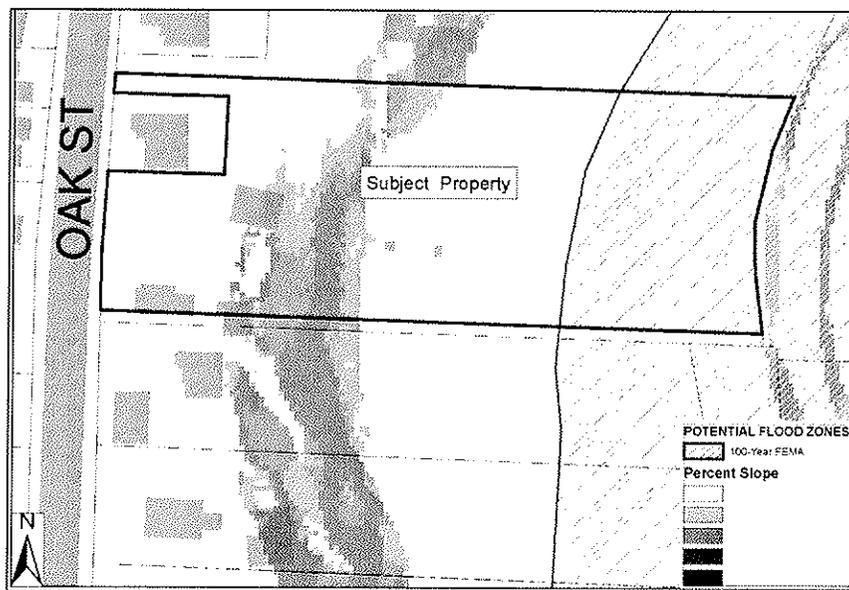
In February of 1987, the Planning Commission approved a request for Minor Land Partition to divide the lot at 938 Oak Street into three lots and a request for a Variance to create parcels in excess of 150 feet in depth. The request included a Solar Access Waiver for the existing barn. (PA87-011)

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

## B. Detailed Description of the Site and Proposal

The applicant has requested to partition a large lot located along Oak Street adjacent to Bear Creek. The lot is approximately 3 ½ acres in size, but about half of the property is located within a drainage easement for the creek. The rear third of the property is within the 100-year FEMA flood plain. There is an existing public pedestrian access easement along the creek for future development of a trail by the City.

The lot is zoned R-1-5, Single-Family Residential, as are the properties to the north, south, and west. To the east, across Bear Creek, are properties zoned North Mountain Neighborhood. There is an existing home on the south side of the lot, as well as an existing barn and a non-conforming garage that is located on the south property line. The garage appears to include additional living space. There is an area of relatively steep slopes directly behind the existing barn building. Trees are not fully addressed in the application.



## 1. Minor Land Partition

The proposal is to divide off a small portion of the lot adjacent to the street, leaving the remainder of the lot undivided. The application requests a curb cut for a new drive in as part of the partition request.

## 2. Exception to Street Standards

Staff noticed the application for an Exception to street standards because, although sidewalk improvements are not shown as part of the application, it seems likely that some deviation from standards may be required where the new sidewalk matches up with the existing and there is a large tree in the parkrow area that may impact the location of sidewalk improvements within its dripline.

## II. Project Impact

The information submitted by the applicant is extremely sparse. The applicant was sent an incomplete letter on January 22, 2008, but submitted very little additional information. City of Ashland standards and criteria are not addressed in the submitted findings other than to state that all standards have been met. For this reason, there are a large number of issues that remain unaddressed by the application, which will be detailed in the following sections of the Staff Report.

### A. Minor Land Partition

#### 1. Future Use of the Parcel for Urban Purposes

The unconstrained portion of the lot could be developable for 15 units using the Performance Standards Options Chapter of the Development Code, and additional units might be possible if an application include a Density Bonus request. While the amount of land limited by the drainage easement may prevent the property from being developed to the full density allowed by Ordinance, the potential to have so many additional units makes the following criteria particularly relevant.

*A. The future use for urban purposes of the remainder of the tract will not be impeded.*

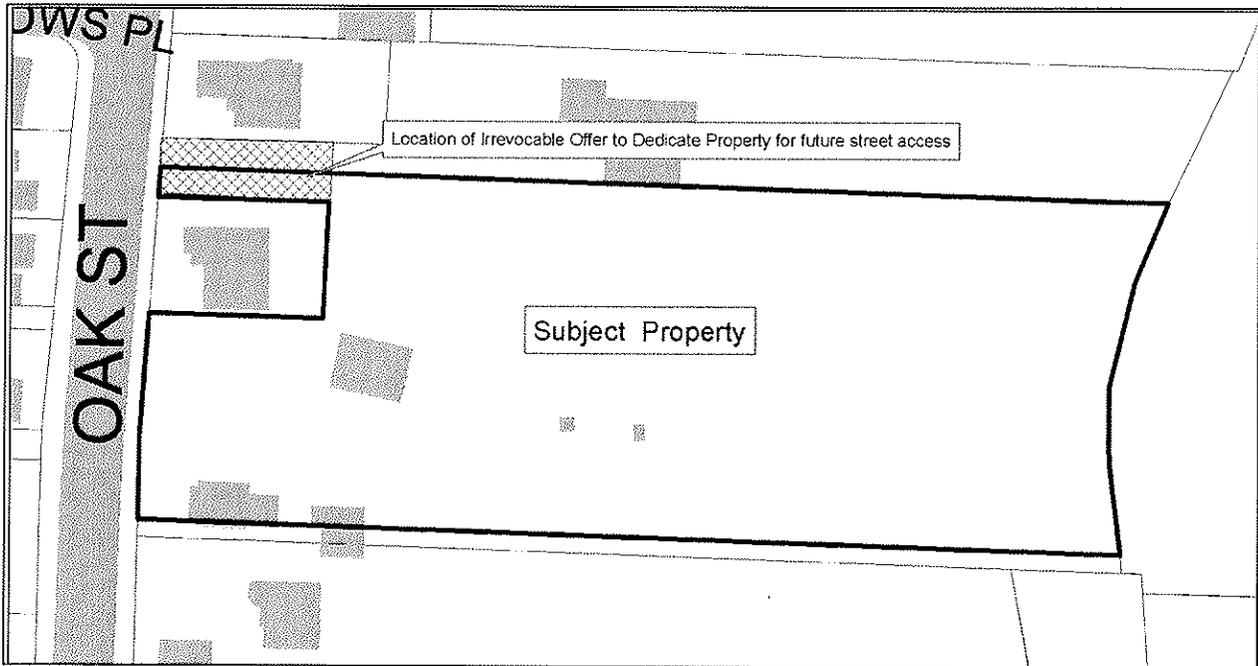
Additionally, the following development code provision gives the Commission the authority to require that future development be addressed with a plan for the entire parcel.

***SECTION 18.76.080 Further Lot Division.***

*When the lots of a partition can be further divided, the Planning Commission may require a development plan for the tract of land. If the Planning Commission determines that an area or tract of land has been or is in the*

*process of being divided into four (4) or more lots, it can require full compliance with all Subdivision regulations.*

The lot has been partitioned three previous times. The City has requested on each occasion that the applicant address the future development potential of the lot, but have not been successful in getting this information. For this reason, previous partitions have been conditioned to preserve future access to the site. Forty feet of access have been preserved through an Irrevocable Offer to Dedicate Property to the City of Ashland. This would allow for some type of street access to the rear portion of the parcel, though an exception to Street Standards would be needed since a local street requires 47 feet of right-of-way.



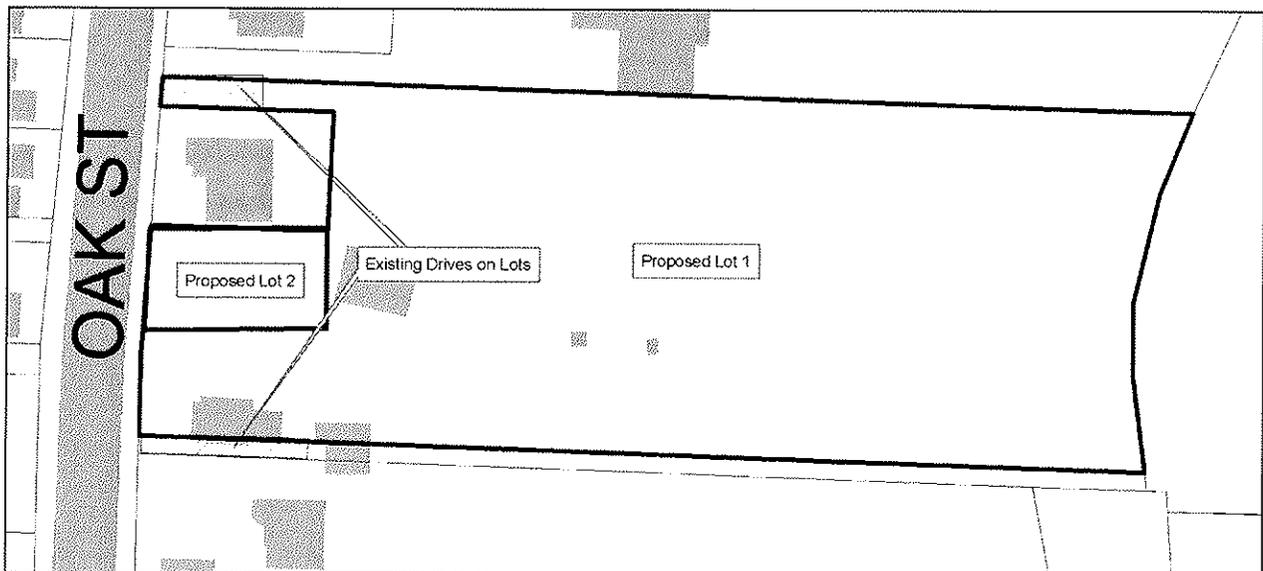
Additionally, two of the previous Partitions have been conditioned to require shared access, and a request for a Modification to allow an additional curb cut was denied by the Planning Commission in 1995.

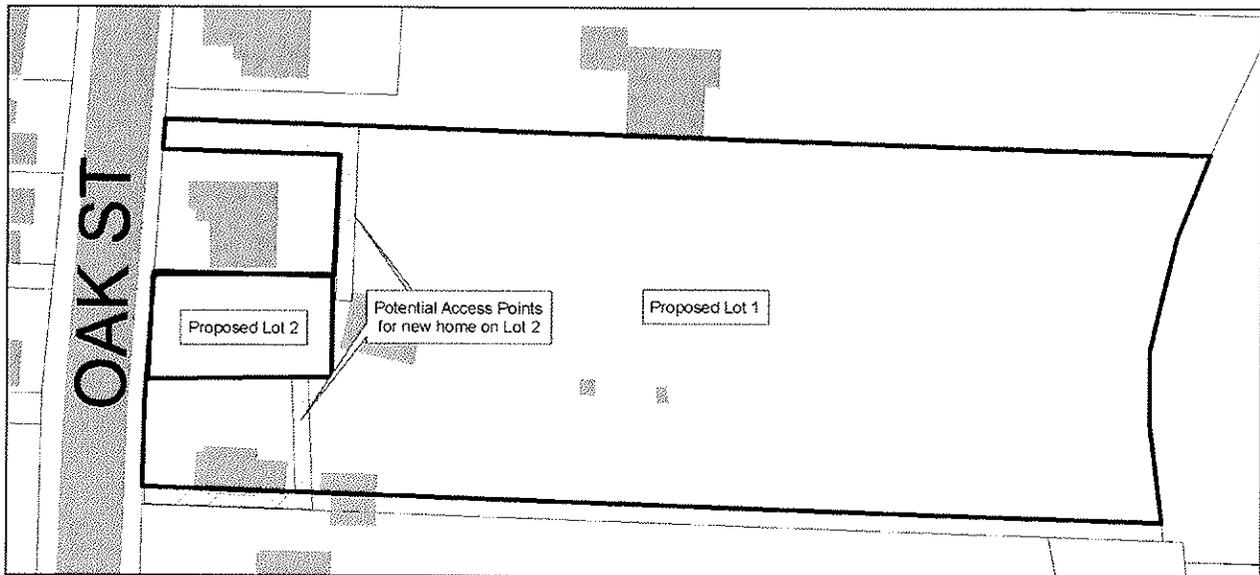
The applicants have provided a plan for further development of the property with this application, but it does not conform to current development code requirements. The future development plan shows a 20 foot driveway connecting to a 20 foot public street as the future access to the remainder of the parcel, which would not provide adequate width for a public right-of-way. (The 20 foot driveway shown would be a 40-foot public street if developed, based on the previous dedication of property described above.) Flood plain and Drainage Easement locations are not accurately depicted, and areas of slope are not addressed either. For these reasons, the development plan submitted does not conform to City of Ashland standards and should not be approved as part of the submitted application.

One of the main issues posed by incremental development is the preservation of access options that conform to the City of Ashland Street Standards. In order to address the criteria for future development, Staff has included conditions in the application requiring the applicant to access the new parcel from one of the two existing drives on the parcel. (See graphic below) This will help preserve the street capacity for later use. Oak Street is a designated collector street, and as such has a higher volume of vehicle, bicycle, and pedestrian traffic than would a smaller neighborhood street. Limiting the number of accesses onto a collector street helps preserve the function of the street as a collector, even as development increases the amount of traffic. Ashland Street Standards states:

*Driveway aprons, often referred to as private accesses, affect the safety, capacity and character of a street. Motorists turning into and out of private driveways or parking lots can be the source of potential conflicts with pedestrians, bicyclists and motor vehicles. In addition, motorists entering and exiting the street system slow down traffic and thereby reduce the traffic flow and street capacity.*

Thus, the Street Standards require that the number of driveway intersections with streets be minimized by the use of shared driveways wherever feasible. As stated above, this is particularly important on streets designated as collectors since these streets are designed to carry larger volumes of traffic. This is why previous partitions of this lot have also required that accesses be shared between the lots being created.





## 2. Development of and Access to Adjoining Land

This issue is closely related to the above issue. Since access has been preserved to allow a connection to the rear of the parcel, it does not appear that allowing another lot along the Oak Street frontage would impede access to the adjacent parcels, at such time as they may develop with additional units. Requiring access to the new parcel to be provided off the existing drive will preserve road capacity and function for the future, both for the subject parcel and the neighboring parcel.

## 3. Street Standards

Staff does not believe that the criteria for an Exception to sidewalk width has been met by this application. Sidewalks around the subject parcel are largely undeveloped, other than a small portion of narrower sidewalk adjacent to the property that was allowed as part of a previous partition of the lot. Installing narrower sidewalks would set a pattern for surrounding sidewalks, possibly resulting in substandard facilities along this entire section of roadway. The application was noticed for an exception since a minor deviation is likely to be necessary to match the new sidewalk to the existing on the north side. However, the majority of the walk could meet the City of Ashland Street Standards for sidewalk and parkrow.

There is a significant tree near the street. It appears to be in poor condition, due to a cavity in the trunk. If the applicant wishes to preserve the tree, an arborist's report, verifying that the tree is in satisfactory health should be before any changes in sidewalk location are approved. A condition requiring this has been included in the attached conditions.



#### **4. Other Development Code Requirements**

It is not known from the submitted materials whether the existing home would meet solar setback requirements from the newly created lot line. There is a condition included requiring the home to meet Solar Setback A or to adjust the partition in order to meet this standard. It is also not entirely clear from the submitted plan that the existing barn is sufficiently setback from the new property line, although it appears that it meets the 6-foot setback requirement. A condition has been added requiring the applicant to verify setbacks prior to approval of the final plat.

### **III. Procedural - Required Burden of Proof**

**The criteria for a Minor Land Partition are described in AMC Chapter 18.76, as follows:**

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (Ord 2836 S8, 1999)
- F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.

- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
    - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
    - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
  2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the under grounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (amended Ord. 2757, 1995)

**The criteria for an Exception to Street Standards are described in AMC Chapter 18.88.050.F, as follows:**

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site;
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty;
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter

#### **IV. Conclusions and Recommendations**

Staff has identified a list of issues related to the approval criteria applicable to the project. The issues raised in the body of this report are summarized in the list below.

- **Access** should be combined to avoid incremental increases in access points that would create greater traffic conflicts if the property were developed at a higher density
- **Sidewalks** should meet street standards except in limited areas where trees or matching adjoining walks creates a unique circumstance that would meet the criteria for an Exception. Deviations should also be the minimum necessary to alleviate the difficulty, as stated in the criteria.
- **Tree Protection Plan** should be submitted to verify that Site Work for the driveway and utilities will not impact significant trees. If tree removal is needed, a Tree Removal Plan should be submitted.
- **Solar Setback Compliance** should be verified prior to signature of the final plat.
- **Future Development Plan** does not meet City of Ashland standards for streets and does not address the physical constraints of the lot. Approval of the land partition should not be interpreted as an approval of the concepts presented in this plan. At such time as the lot were to be further developed, a new plan must be created to address subdivision requirements of the Performance Standards Options Chapter of the Development Code.

While the criteria have not been addressed in the findings or on the submitted plans, the issues are limited enough in scope that if the Planning Commission were to approve the application, the attached Conditions could address the issues raised by staff. If the Planning Commission chooses to approve the application, Staff recommends that the following Conditions be attached.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That a final survey plat shall be submitted to the City within 12 months of this approval. All easements for public and private utilities, public pedestrian access, and reciprocal utility, maintenance, and access easements shall be indicated on the final survey plat as required by the Ashland Engineering Division
- 3) That the Future Development Plan submitted by the applicant is not approved as part of this action. Any further development of the lot will require a new plan to be submitted.
- 4) That the newly created lots will have a shared access utilizing one of the existing driveways, and no additional curb cuts will be permitted for the proposed lots.
- 5) That the engineered construction drawings for the public sidewalk along Oak Street. shall be submitted for review and approval of the Ashland Planning and Engineering Divisions prior to work in the street right-of-way and prior to

installation of improvements in the pedestrian corridor. The sidewalk shall be a minimum of six feet in width with 7 foot landscaped parkrows between the sidewalk and the street. All frontage improvements, including but not limited to the sidewalk, street trees, and street lighting, shall be constructed across the entire frontage of the site. If a change in sidewalk location is requested to protect an existing tree, an arborist's report confirming the health of the tree and the suitability for preservation shall be submitted. If the sidewalk location must be altered to match existing or to avoid a significant tree, it shall only be for the length required to match the existing walk or to protect the root zone of the tree. The majority of the walk shall be constructed to City of Ashland Street Standards.

- 6) Tree protection measures shall be installed according to the approved plan, inspected, and approved by the Staff Advisor. No site work including tree removal or any storage of materials shall occur on any of the newly created parcels prior to completion of a Tree Protection Verification Permit inspection. Any tree removal shall require a separate tree removal permit.
- 7) That prior to the signature of the final survey plat:
  - a) That all public improvements including but not limited to the sidewalk, street trees, and street lighting shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.
  - b) A final utility plan for the parcels shall be submitted for review and approval by the Engineering Division and Building Divisions. The 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 lines, storm drain lines and electric services. Water meters shall be located behind the sidewalk, not within the sidewalk itself.
  - c) A Drainage Plan shall be submitted for the review and approval of the Engineering Division.
  - d) Location of existing barn in relation to new property line must be verified. If barn is not 6 feet from property line, barn structure must be removed or a Variance to setback standards applied for and approved prior to signature of final plat.
  - e) Solar setback of the existing home to the new property line shall be verified. The home shall meet solar setback A. If the home does not meet solar setback A, the lot line shall be adjusted to meet solar setback requirements while still meeting all requirements of the R-1 District, Chapter 18.20.
  - f) Electric service shall be installed underground to service both newly created parcels as required by the Ashland Electric Department prior to the signature

of the final plat. An electric service plan shall be reviewed and approved by the Ashland Electric Department prior to installation.

- g) Sanitary sewer laterals and water services including connection with meters at the street shall be installed for both parcels prior to the signature of final survey plat.
  - h) Street trees, 1 per 30 feet of street frontage shall be installed in the required parkrow. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
  - i) A Tree Protection plan shall be submitted in accordance with Chapter 18.61.200, and the recommendations of the Ashland Tree Commission, with final approval by the Staff Advisor, shall be incorporated into the Tree Protection and Preservation Plan.
  - j) Reciprocal utility, maintenance, and access agreements shall be granted for the shared use of the common driveway, and any necessary easements indicated on the final survey plat.
- 8) That all building permit submittals for each of the newly created parcels shall include:
- a) Identification of all easements, including public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.
  - b) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula  $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
  - c) Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as required in AMC 18.24.040.G.
  - d) A Drainage Plan, for the review and approval of the Engineering Division prior to issuance of a building permit

January 25, 2008

RECEIVED

JAN 25 2008

City of Ashland

Field  Office  Court

Angela Barry  
Assistant Planner  
City of Ashland

RE: 2008-00035, Property located at 938 Oak Street

Dear Angela Barry:

Findings for Minor Land Partition -

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
  - B. The development of the remainder of any adjoining land or access thereto will not be impeded.
  - C. The tract of land has not been partitioned for 12 months.
  - D. The partitioning is not in conflict with any law, ordinance, or resolution applicable to the land.
  - E. I wish to request an "Exception To Street Standards." I believe a cut in the existing curb on Oak Street is the only common sense answer for access to a garage for this lot. at this time.
    - B. The variance will result in superior transportation facilities and connectivity.
1. Frontage Improvements - Two trees exist on the proposed lot. An ancient English walnut and a Red Maple.

The standard parkway for Oak Street is 4' or less.  
The standard sidewalk for Oak Street is 4' or less.
  2. The flood plain and drainage easement have been identified.
  3. Steep slopes - since the "Proposed for Future Development Plan" is not satisfactory, perhaps the plan will be more understandable after the survey.

Sincerely

Cleo M. Smith

RECEIVED

JAN 25 2013

City of Ashland

Field  Office  Court

January 2008

To City of Ashland  
Planning Department

I Live at 938 Oak Street, Ashland.

Tax lot #1000, of map 391E04BD

I would like to divide a residential lot from my property. One of my daughters would like to live next door to her Mother and Dad.

I am submitting a Future Development Plan. IT would be necessary to remove the existing barn, and a curb cut into Oak Street would be necessary for the new lot.

I intend to leave the flood plain in the possession of the 938 property as we are customers of Talent Irrigation District and use Bear Creek for irrigating our property. The proposed lots will automatically be T.I.D. customers if they choose to be

Sincerely,

Cleo M. Smith

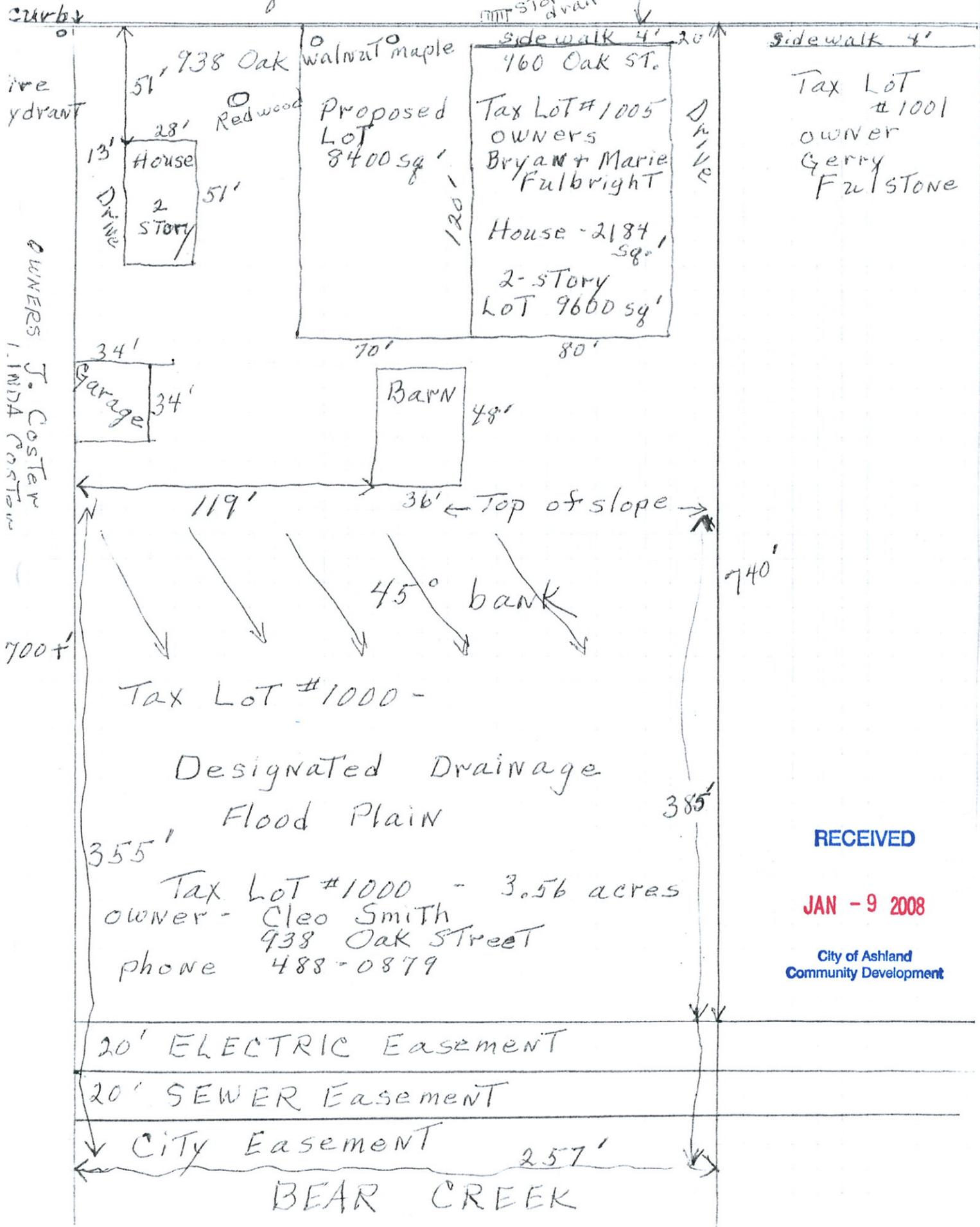
RECEIVED

JAN - 9 2008

City of Ashland  
Community Development

N → OAK STREET 60' scale 1 sq. = 20'

October 1, 2001



sidewalk 4'

Tax Lot #1001  
owner Gerry Fulstone

curb  
fire hydrant  
OWNERS J. Costen Linda Costen

51' 938 Oak  
walnut maple  
Redwood  
Proposed Lot 8400 sq'  
120'  
460 Oak ST.  
Tax Lot #1005  
OWNERS Bryan + Marie Fulbright  
House - 2184 sq.  
2-story Lot 9600 sq'

34' Garage 34'  
70' Barn 48'  
80'

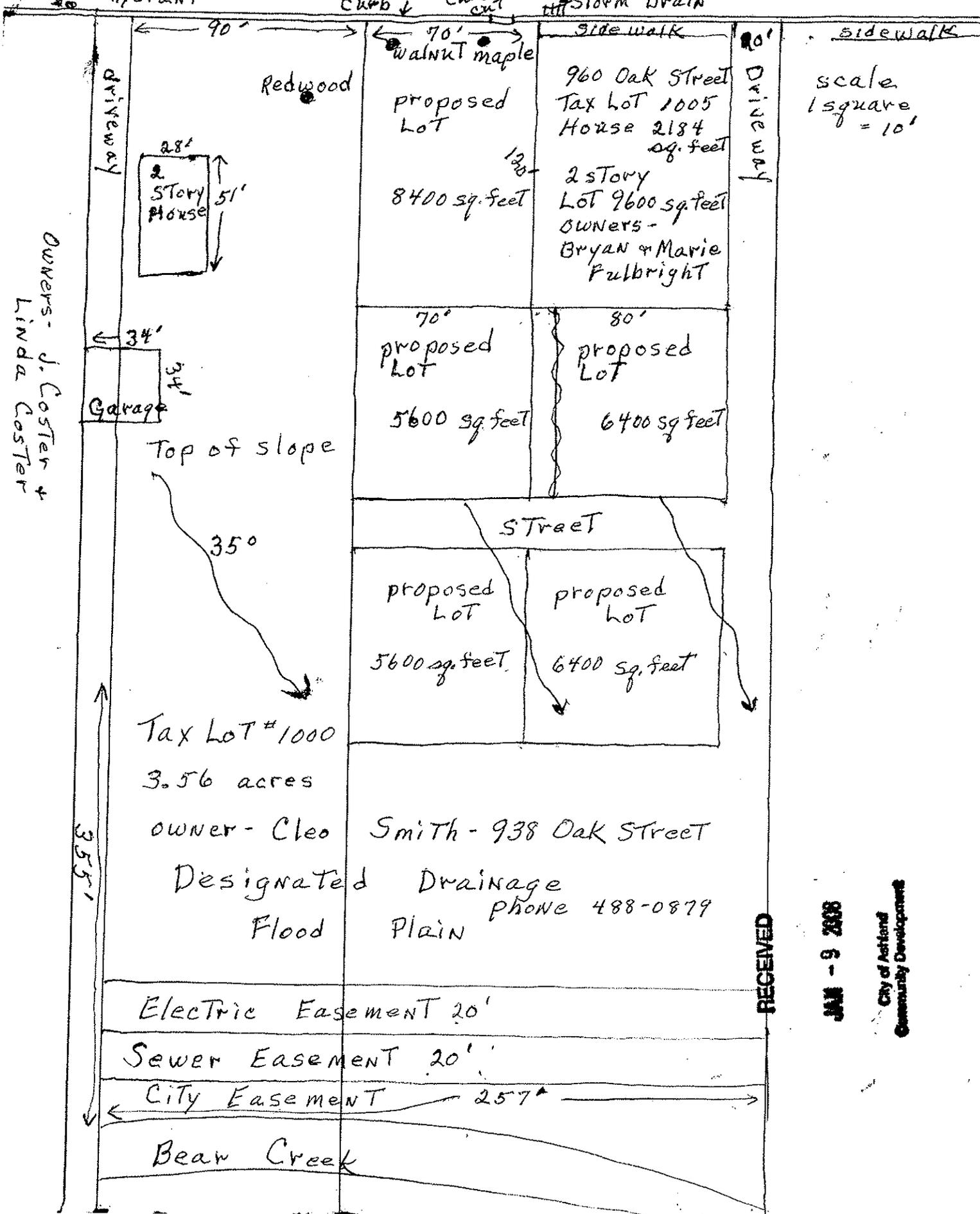
119' 36' ← Top of slope →  
45° bank  
700'

Tax Lot #1000 -  
Designated Drainage  
Flood Plain  
355'  
Tax Lot #1000 - 3.56 acres  
owner - Cleo Smith  
938 Oak Street  
phone 488-0879

RECEIVED  
JAN - 9 2008  
City of Ashland  
Community Development

20' ELECTRIC Easement  
20' SEWER Easement  
City Easement 257'  
BEAR CREEK

Proposed Future Development of Lot #1000 - 938 Oak Street N →



Owners - J. Coster + Linda Coster

Scale 1 square = 10'

RECEIVED

JAN - 9 2008

City of Ashland  
Community Development

# Findings



**BEFORE THE HEARINGS BOARD**  
**March 11, 2008**

IN THE MATTER OF PLANNING ACTION #P2007-01940, REQUEST FOR A )  
CONDITIONAL USE PERMIT AND SITE REVIEW TO CONSTRUCT TWO ) FINDINGS,  
BATHROOM ADDITIONS TOTALING 115 SQUARE FEET WITHIN THE ) CONCLUSIONS,  
REQUIRED SETBACK TO A HISTORIC, LEGAL NON-CONFORMING ) AND ORDERS  
MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 172 )  
SKIDMORE STREET. THE APPLICATION INCLUDES A REQUEST FOR A )  
VARIANCE TO THE REQUIREMENT OF SECTION 18.92.070 THAT THE )  
OFF-STREET PARKING BE PAVED AND AN ADMINISTRATIVE )  
VARIANCE TO SITE DESIGN AND USE STANDARDS TO ALLOW FOR )  
PARKING BETWEEN THE BUILDING AND THE STREET.

**APPLICANT: S & J PROPERTIES LLC**

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**RECITALS:**

- 1) Tax lot 1000 of 39 1E 05DD is located at 172 Skidmore Street and is zoned R-3, Multi-Family Residential. The applicant is requesting a Conditional Use Permit and Site Review to construct two bathroom additions totaling 115 square feet within the required setback to a historic, legal non-conforming multi-family residential development located at 172 Skidmore Street. The application includes a request for a Variance to the requirement of Section 18.92.070 that the off-street parking be paved and an Administrative Variance to Site Design and Use Standards to allow for parking between the building and the street.
- 2) The criteria for issuance of a Conditional Use Permit are described in Chapter 18.104 as follows:
  - A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
  - B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
  - C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
    1. Similarity in scale, bulk, and coverage.
    2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
    3. Architectural compatibility with the impact area.
    4. Air quality, including the generation of dust, odors, or other environmental pollutants.
    5. Generation of noise, light, and glare.
    6. The development of adjacent properties as envisioned in the Comprehensive Plan.
    7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

- 3) The criteria for Site Review approval are as follows:
  - A. All applicable City ordinances have been met or will be met by the proposed development.
  - B. All requirements of the Site Review Chapter have been met or will be met.
  - C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
  - D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- 4) The criteria for an Administrative Variance to the Site Design and Use Standards are as follows:
  - A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;
  - B. Approval of the variance will not substantially negatively impact adjacent properties;
  - C. Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and
  - D. The variance requested is the minimum variance which would alleviate the difficulty.
- 5) The criteria for issuance of a Variance are described in Chapter 18.72.090 as follows:
  - A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
  - B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
  - C. That the circumstances or conditions have not been willfully or purposely self-imposed.
- 6) The Hearings Board, following proper public notice, held a Public Hearing on February 12, 2008 at which time testimony was received and exhibits were presented. The Hearings Board approved the application, subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Hearings Board 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 Hearings Board 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 Hearings Board finds that multi-family residential uses are permitted uses in the R-3 zoning district. The property does not conform to the density requirements for the zone or parking requirements, but all the units were in use as residential buildings prior to the adoption of the Land Use Ordinance
- 2.3 The Hearings Board finds that the public utilities have capacity to serve the development. Water, sewer, paved access to and through the development site, electricity, urban storm drainage and adequate transportation to and through the subject property are currently in place. Sidewalks are in place and the applicant will plant two new trees behind the sidewalk.
- 2.4 The Hearings Board finds that the project is in compliance with the Site Review Standards for an existing residential development. The materials, details, and colors of the addition match the existing buildings. The building forms and roof styles are compatible with the existing buildings.
- 2.5 The Hearings Board finds that the application meets the approval criteria for a Conditional Use Permit to expand a Non-Conforming Structure. The location of the bathrooms within the setback area will have no greater impact on the livability of the adjacent properties than if the bathrooms were located outside the setback
- 2.6 The Hearings Board finds that the application meets the approval criteria for an Administrative Variance to the Site Design and Use Standards. The Variance is the minimum necessary, and the large number of units on the lot, the existing development pattern, and the mature trees on the lot present a unique or unusual circumstance that justifies the administrative Variance. The Variance will not negatively affect adjacent properties.

## **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearing on this matter, the Hearings Board concludes that the application for Request for a Conditional Use Permit and Site Review to construct two bathroom additions totaling 115 square feet within the required setback to a historic, legal non-conforming multi-family residential development located at 172 Skidmore Street, the application includes a request for a Variance to the requirement of Section 18.92.070 that the off-street parking be paved, and an Administrative Variance to Site Design and Use Standards to allow for parking between the building and the street have satisfied all relative substantive standards and criteria and are supported by evidence in the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2007-01940. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2007-01940 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 here.
- 2) That bicycle parking facilities, in accordance 18.92.040.J, shall be provided.

- 3) That prior to the issuance of a building permit:
- a) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
  - b) That the recommendations of the Historic Commission with final approval of the Staff Advisor shall be incorporated into the building permit submittals.
  - c) Tree protection measures shall be installed according to the approved plan, inspected, and approved by the Staff Advisor. No site work, including any storage of materials, shall occur prior to completion of a Tree Protection Verification Permit inspection.
  - d) All un-permitted construction, including the gazebo structure, must obtain building permits.
  - e) Exterior lighting shall be shown on the building permit submittals and appropriately shrouded so there is no direct illumination of surrounding properties.
  - f) That the building materials and the exterior colors shall be identified in the building permit submittals. The information shall be consistent with the colors, texture, dimensions and shape of materials and building details proposed and approved as part of the land use application. Exterior building colors shall be muted colors, as described in the application. Bright or neon paint colors shall not be used in accordance with II-C-2f1) of the Detail Site Review Standards.
  - g) The inverted u-racks shall be used for the bicycle parking. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.92.040.I.
  - h) Solar setback calculations demonstrating that all new construction complies with the Solar Setback Standard formula and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade shall be included in building permit submittals.
- 4) That prior to the issuance of a certificate of occupancy:
- a) All bicycle parking shall be installed in accordance with design and rack standards in 18.92.040.I and J prior to the issuance of the certificate of occupancy.
  - b) An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with the Recycling Requirements of AMC 18.72.115.A.

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Hearings Board Approval      Date