
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
June 5, 2024

SITE: 80 Hargadine Street
APPLICANT: Bryan Cope
REQUEST: CUP for Expansion of a Non-conforming structure, Site Design Review for Third Unit

PLANNING DIVISION COMMENTS

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary: The proposal is to repair the concrete roof of an existing non-conforming garage, raise the height of the wood-framed header of the garage, create a deck on the roof of the garage as previously has existed, remove the existing wood deck connected to the cold storage room, and extend the cold storage room by 8-10 feet and convert to an ADU. The garage structure is non-conforming in regard to its western setback and pursuant to AMC 18.1.4.030.B would require a conditional use permit (CUP) to expand the 3-dimensional envelope. The existing house has been turned into a duplex per county assessor's records, meaning that adding an "ADU" would be the third residential unit on the site and pursuant to AMC 18.5.2.020.B.1. would require a Site Design Review to approve.

The applicant should feel welcome to consult further with the Historic Review Board. They meet bi-weekly on Thursday afternoons at 3:00pm.

Increasing the volume of a structure so close to the property line could be problematic for certain building elements with regard to the Oregon Structural Specialty Code (OSSC). It is strongly recommended that the applicant reach out to the Building Division to confirm what will be required of the remodel/repair. Property pins will need to be visible for building footing inspections to confirm the location of the property line. If you are unable to recover the established monuments a professional surveyor may need to be employed.

Density (Third Unit): The base density for R-2 zoned property is 13½-dwelling units per acre. For the subject property, this equates to 0.13 acres x 13.5 du/acre = 1.755 dwelling units as a base density. Additionally, the minimum lot area for three dwellings is 9,000 square feet and the lot here is less than approximately 6,000 square feet. The development of three or more dwellings would require Site Design Review, however there is not enough lot area here to accommodate a third unit on the property, even if all of the units were less than 500 square feet in size and therefore only counted as .75 of a unit. As such, a third unit on the property could not be approved.

MPFA: AMC 18.2.5.070 provides for the Maximum Permitted Floor Area (MPFA) in Historic districts. A final application would need to detail the amount of Gross Habitable Floor Area (GHFA)

within the historic district and demonstrate that the proposed GHFA falls within the allowed MPFA.

Historic District: The Historic Preservation Advisory Committee Review Board reviewed the proposal prior to the pre-application submittal during the May 9, 2024, meeting. Materials submitted to the Review Board are the same materials submitted for the pre-application. Members were generally supportive of the necessary garage repairs but did not have comments on the repairs or expansion of the cold storage room. The final Site Review application submittal should also include written materials and drawings to demonstrate compliance with the Historic District Development Standards of 18.4.2.050. (i.e.. including scalable elevations of all sides of the buildings as proposed, clear scalable drawings with details of materials, trim, etc as described in AMC 18.5.2.040.B..

Traveler's Accommodation: As staff understands it, the applicant may be interested in operating a short-term rental on the property. When this was previously proposed, it required a Variance to the requirement for proximity to a higher order street as well as the standard required Conditional Use Permit. Travelers Accommodations also require the business owner live on site as their primary residence during operations. It could be difficult to obtain Variance approval to allow a Travelers Accommodation given that there is a recognized statewide housing crisis, and a Variance would effectively be taking a rental unit (*a recognized needed housing type*) out of available housing inventory.

UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

ZONING: R-1-2, Multi-Family Residential with a 5,000 square foot minimum lot size. Minimum lot width is 50 feet. Lot depth 80 feet to 250% of the width. Lot width shall not exceed lot depth.

OVERLAYS: The property is located in the Hargadine Historic District. The house at 80 Hargadine Street is identified as the Nininger, Amos, & Vera House and is individually listed, historic contributing. Additional information on the existing house is available at the Community Development Department. *The property is also located in the hillside and wildfire lands overlays.*

MAXIMUM BUILDING HEIGHT: 30 feet maximum height within the historic districts.

SETBACKS: Eight feet for unenclosed porches, 15 feet for front yards, and 20 feet for front-facing garages. Six feet for side yards but ten feet for side yards abutting a public street. Ten feet per story and five feet per half-story for rear yards. In addition, the setbacks must comply with the solar access requirements.

LOT COVERAGE: A maximum of 65 percent of the lot may be covered with impervious surface. Please identify on site plan and in text all areas of landscaping, impervious surface, patio space, outdoor recreational space, etc.

LANDSCAPING REQUIREMENTS: 35 percent of the site must be retained in landscaping, and a site-, size-, and species- specific landscaping plan is required at time of formal application. The landscape plan must address any required screening, and include street trees, one per 30 feet of street frontage where applicable. Avoid using lawn. Provide irrigation system for all landscaped areas. Landscaping shall be designed so that 50 percent coverage occurs after one year and 90 percent

coverage occurs after five years.

PARKING, ACCESS, AND INTERNAL CIRCULATION: The City of Ashland no longer has minimum off-street parking requirements. However, if parking is voluntarily provided on-site, the application will be subject to the parking standards of 18.4.3 for dimensions, circulation, surface materials, and backup standards.

WRITTEN FINDINGS

Conditional Use Permit

AMC 18.5.4.050

A. Approval Criteria. A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. 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.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. 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, pursuant with subsection [18.5.4.050.A.5](#), below. 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.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

- b. R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

PLANS AND EXHIBITS

Conditional Use Permit: AMC 18.5.3.040

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.

1. Vicinity map.
2. North arrow and scale.
3. Depiction and names of all streets abutting the subject property.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
7. Schematic landscaping plan showing area and type of landscaping proposed.
8. A topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: The applicant will need to meet current building codes for any additions, remodels, and changes of use. Adjusting the wall height or footprint would trigger requirements for fire separation from property lines and other structures on the same lot outlined in 302 of the ORSC (see ORSC Section R302.1). Please contact the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact the Conservation Division at 541-552-2062. For information on any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2217 or via e-mail to mark.shay@ashlandoregon.gov.

WATER AND SEWER SERVICE: Please Contact the Water Department at 541-5488-5353 with any questions regarding water utilities.

ELECTRIC SERVICE: If any upgrades to an existing service are necessary, please have the applicant contact the Electric Department at 541-488-5357.

PROCEDURE

A CUP is subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission as provided in AMC 18.5.1.050.G. *The decision of the Planning Commission is the final decision of the City on an appeal of a Type I decision.*

APPLICATION MATERIALS:

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

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <https://or-ashland.civicplus.com/DocumentCenter/View/262/Zoning-Permit-Application-PDF>
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available online in its entirety at: <https://ashland.municipal.codes/LandUse>

Narrative Submittal Requirements:

Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below. The Ashland Land Use Ordinance in its entirety may be accessed on-line at:

<https://ashland.municipal.codes/LandUse>

- **Conditional Use Permit** **AMC 18.5.4.050**
- **Tree Removal (if applicable)** **AMC 18.5.7.040**

Plan Requirements:

Two (2) digital copies of the plans below. Please submit clear, reproducible copies. **The final application submittal need to include scalable drawings to facilitate review by staff, commissioners and the public.**

- **Conditional Use Permit:** **AMC 18.5.4.040**
- **Tree Protection Plan (if applicable)** **AMC 18.4.5.030**
- **Tree Removal (if applicable)** **AMC 18.5.7.030**

FEES: Conditional Use Permit **\$1,271.25**

NOTE: All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178.

For further information, please contact:

Veronica Allen, *Associate Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2042 or e-mail: veronica.allen@ashland.or.us

June 5, 2024

Date