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

ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET
May 15, 2024

SITE: 180 Hargadine St.
APPLICANT: Jack Gibbs.
REQUEST: Variances to lot coverage and side yard setback and CUP for increases in allowable MPFA

PLANNING DIVISION COMMENTS:

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

The subject property is very small and presents significant challenges to development. The property has previously received a Legal lot determination (which the code specifically states can support a variance request), and has been subsequently surveyed.

Building a duplex permitted outright, however it appears the following planning actions are required:

- Variances to side yard setback (type 1) and lot coverage (type 2)
- CUP to allow for an increase in MPFA

Staff have serious reservations about the proposed width / habitable area of the proposed home, based on the depth of the retaining walls and the assumption that the retaining wall will need to be located on the subject property. Additionally, it would appear that at the very least a construction easement on the adjacent property may be required.

Lot Width: The present deed indicates that the property has a width of 13.5-feet. In Sept '23 Terrasurvey filed CS23978 by Fred Frantz PLS 50077. The survey narrative indicates that there was a deed overlap and subsequent quitclaim deed. The survey determined that the property is in fact 21.11' wide at the eastern side. This is because the distance between two defined points (in this case a deed call to another instrument) is governed by the actual distance between them regardless of the recited distance in the deed. The property to the south felt that this was an encroachment on their land and subsequently retained Curt Chappell PLS 84543 to conduct a survey of their property which is filed as CS 24092. This survey held the same line established by the previous survey.

Lot coverage

R-2 allows for max lot coverage of 65%. In correspondence with Fred Frantz PLS stated that the total lot size in square feet for the lot was 1,510 square feet. (the assessor reports in acres to two decimal places – 0.03 converted to SF ~ 1306). The maximum lot coverage for the R-2 zone is 65% or 849 square feet. A type I variance can be considered for up to a 10 percent increase of this amount. (10% of 849 = 84.9, so anything greater than 933.9 SF would require a type II Variance.) The submitted plans indicate a coverage of 1,155 SF or 76.4%, as such a type II variance would be required.

Lot Size: The R-2 zone typically requires lots to be at least 5000 sf and 50 wide. The present property is 20.5' wide at its narrowest and only 1510 square feet in size. Staff have concerns that even at 14' the width of the proposed building is ambitious when considering the required depth for retaining walls, and the proposed projections.

Setback

The R-2 zone typically requires 6' side yard setbacks where the proposed setback is 3'1". A type 1 variance can be considered for 'up to a 50 percent reduction'.

TABLE R302.1 EXTERIOR WALLS

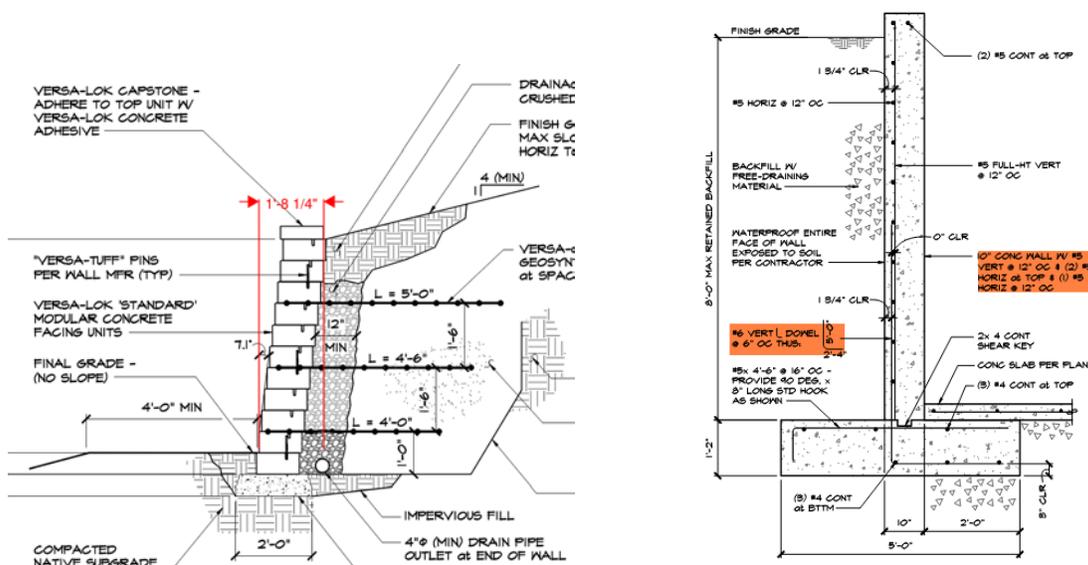
EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	FIRE SEPARATION DISTANCE PROVIDED
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections ^c	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{a, b}	≥ 2 feet to < 3 feet
Openings in walls	Not fire-resistance rated	0 hours	≥ 3 feet
	Unlimited	0 hours	≥ 3 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.
NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing. Fireblocking shall consist of not less than two layers of two-inch nominal lumber.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.
- c. For the purposes of this table, attached decks that are not exempted by Section R105.2 shall be considered projections.

Retaining Walls

As shown in the images below retaining walls whether poured concrete or stack block have significant depth that can increase with height. The drawings submitted show the proposed retaining wall on the adjacent property. Thought should be given to any required construction easement / maintenance agreement for such a wall.



Building Design

Historic Design Standards, and Historic Commission review.

MPFA

See AMC 18.2.5.070

Lot Area x Adj Factor (1.2) = Adj Lot Area	1510 x 1.2 = 1812
Adj Lot Area x Graduated FAR (0.4) = MPFA	1812 x 0.4 = 724.8
Max increase with CUP	<u>724.8 x 1.25 = 906</u>
Proposed.	581 x 2 = 1,162 (60% over)

AMC 18.2.5.070.C “A conditional use permit under chapter 18.5.4 is required to exceed the MPFA..... A CUP is required to exceed the MPFA.... *In no case shall* the permitted floor area exceed 25 percent of the MPFA.”

Based on this directive language staff believe that an additional variance would be required to exceed the 25 percent increase.

From AMC 18.6.1.030 Definitions:

Floor Area. The area of an enclosed floor measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- Gross Floor Area. The sum of the gross horizontal areas of all enclosed floors measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, but excluding basements, attic space providing structural headroom of less than six and one-half feet, and unenclosed steps, porches, terraces and balconies. Individual sections of the ordinance codified in this chapter may exempt additional spaces from gross floor area.
- Gross Habitable Floor Area. The sum of the gross horizontal areas of all enclosed floors with at least seven feet of headroom in a dwelling unit measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, excluding uninhabitable spaces accessed solely by an exterior door.
- Maximum Permitted Floor Area (MPFA). The gross floor area of a dwelling, including but not limited to potential living spaces within the structure with at least seven feet of headroom and attached garages. See subsection [18.2.5.070.E](#) for exceptions to MPFA.

Solar Setback

This property is shown to meet the ‘Solar C’ setback standard.

AMC 18.4.8.030.C. Setback Standard C. This setback is designed to ensure that shadows are no greater than 21 feet at the north property line. Buildings on lots which are classified as standard C, pursuant to subsection 18.4.8.020.A.3, shall be set back from the northern lot line according to the following formula: $SSB = (H - 21') / 0.445 + S$

Staff calculated that the average slope is -0.183 so the denominator of the equation = 0.262

Water and Sewer

The application materials indicate that water and sewer are served to the property and capped. The building code prohibits sewer service from crossing property lines, however in cases where the appropriate easements are granted can be allowed.

Storm Drainage: Storm drainage plan must be submitted with the application. Storm drainage facilities must direct surface water away from cut faces of fill slopes and be designed to avoid erosion on-site and to adjacent downstream properties.

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

APPROVAL CRITERIA

Variance AMC 18.5.5.050 Approval Criteria

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. 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.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

CUP AMC 18.5.4.050 Approval Criteria

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.
 - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter [18.2.5](#) Standards for Residential Zones.

OTHER DEPARTMENTS' COMMENTS:

BUILDING: The extant capped utilities appear to cross a property to the north. The applicant should coordinate with the building department and confirm that the appropriate easements are in place, or in the alternative install new utility connections. Please contact the Building Division 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 Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us . 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: *At the end of this document.* 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: *At the end of this document.* Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) with any questions regarding water utilities.

ELECTRIC SERVICE: Please contact Rick Barton rick.barton@ashland.or.us or call at 541-552-2082

APPLICATION REQUIREMENTS

Submittal Information.

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

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.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 on-line in its entirety at: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Variance** **AMC 18.5.5.050**
- **CUP** **AMC 18.5.4.050**

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Variance** **AMC 18.5.5.040**
- **CUP** **AMC 18.5.4.040**

PLANNING APPLICATION FEES:

Type II Variance	\$2,663.25
CUP	\$2,663.25

NOTE: Applications are accepted on a first come-first served basis. 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:

Aaron Anderson, *Senior Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

May 15, 2024

Date

Public Works Conditions of Approval

1. Street Improvement – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.
2. Right of Way – No additional right of way dedication, beyond that necessary to comply with City Street Standards, will be required at this time.
3. Sanitary Sewer - The property is currently served by a 6-in sanitary sewer main in alley along the westerly side of the project. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
4. Water - The property is currently served by an 8-in water main in Hargadine Street. City of Ashland Water Department shall tap existing water main and install any new water services and water meter boxes that are proposed by development. City of Ashland Water Department must be contacted for availability, placement and costs associated with the installation of the new water service. Service & Connection Fees will also be required for any new water services installed as part of this project.
5. Storm Drainage - The property is currently not served by a storm sewer main in the immediate area. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements: Applicant MUST follow the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual which can be found at the following website: <https://www.rvss.us/stormwater-quality-documents-information>

All stormwater calculations, reports, drawings, etc. shall be submitted to the City of Ashland Engineering Department for review.

6. Erosion & Sediment Control - The following requirements shall be met:
 - All ground disturbances exceeding 2,500 square feet shall implement an Erosion and Sediment Control Plan (ESCP).
 - A 1200-C permit will be secured by the developer where required under the rules of the Oregon State DEQ. City of Ashland Engineering Department must receive a copy of this permit before any construction shall begin.
 - Erosion Prevention and Sediment control measures that meet the minimum standards set forth by the City of Ashland Public Works/Engineering Standard Drawing CD282 must be in place before any construction related to the project begins.
 - Pollution, track out, and sediment dumping into storm water are strictly prohibited per AMC 9.08.060.
 - Drainage from automotive use areas shall be limited to oil concentrations of 10 mg/l by a pre-approved means.
 - Trash storage areas shall be covered or provide additional storm water treatment by an approved means.
 - Off street parking areas shall conform to Ashland Municipal Code 18.4.3.080.B.5, including provisions to minimize adverse environmental and microclimatic impacts.
7. Driveway Access – No additional improvements/requirements will be requested at this time, but the applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.
8. Permits – Any construction or closure within the public right of way will require a Public Works permit and before any work in the right of way commences all necessary permits MUST be obtained.

FEES EFFECTIVE:
July 1, 2023

RESIDENTIAL SYSTEMS DEVELOPMENT CHARGES

The purpose of the systems development charge (SDC) is to impose an equitable share of the public costs of capital improvements upon those developments that create the need for or increase the demands on capital improvements.

SDCs are collected to help pay for growth related improvements in the following areas: water supply, distribution and treatment, sewer collection and treatment, transportation, storm water collection, and parks and recreation\open space acquisition.

If you are building a new structure or adding onto an existing one, the following fees will be assessed along with standard Plan Review, Building Permit, Community Development and Engineering fees. The Plan Review fee is due at application and rest are due at the time of building permit issuance.

WATER AND SEWER SDC

If you are adding additional habitable space (any heated space), water and sanitary sewer SDCs will be charged.

To calculate water SDC, multiply **\$2.8389** by the total of the additional habitable space being created (any heated space). To calculate sewer SDC, multiply **\$2.3316** by the total of the additional habitable space being created (any heated space)

STORM/IMPERVIOUS SURFACE SDC

If you are adding roof area, driveway or any other impervious surface (concrete paths/decks, swimming pools, etc) you will be assessed for storm water collection.

To calculate, multiply **\$0.1894** by the total square footage of the impervious surfaces.

PARKS AND RECREATION SDC

The Parks and Recreation SDC is charged only for the creation of new units of the following categories:

Single Family	\$1,041.20/unit
Multi-Family	\$ 814.86/unit
Units less than 500 sq ft	\$ 611.15/unit
Tourist Room	\$ 487.76/room

TRANSPORTATION SDC

The Transportation SDC is based on the land use category for each project and is charged for each new dwelling unit.

	Under 500 sq.ft.	501 sq.ft. – 800 sq.ft.	Over 800 sq. ft.
Single Family Dwelling/Townhome	\$2,635.73	\$3,953.60	\$5,271.47
Apartment/Condominium/ARU	\$2,043.65	\$3,065.48	\$4,087.31

**City of Ashland
Estimated Building Permit & SDC fees for Single Family Residences**

Square Footage	Valuation ¹	Structural Permit Fee ²	Plan Check Fee	Fire Plan Check Fee	Comm Dev Fee ³	Eng Fee ³	School Excise Tax ⁴	Transp SDC	Parks SDC	Impv. Surface SDC	Water SDC	Sewer SDC	Total
500	\$83,685	\$662	\$431	\$262	\$1,004	\$628	\$535	\$2,636	\$611	\$95	\$1,462	\$1,166	\$9,492
1000	\$167,370	\$1,013	\$659	\$401	\$2,008	\$1,255	\$1,070	\$5,271	\$1,041	\$189	\$2,924	\$2,332	\$18,163
1100	\$184,107	\$1,080	\$702	\$428	\$2,209	\$1,381	\$1,177	\$5,271	\$1,041	\$208	\$3,217	\$2,565	\$19,279
1200	\$200,844	\$1,147	\$746	\$454	\$2,410	\$1,506	\$1,284	\$5,271	\$1,041	\$227	\$3,509	\$2,798	\$20,393
1300	\$217,581	\$1,214	\$789	\$481	\$2,611	\$1,632	\$1,391	\$5,271	\$1,041	\$246	\$3,801	\$3,031	\$21,508
1400	\$234,318	\$1,281	\$833	\$507	\$2,812	\$1,757	\$1,498	\$5,271	\$1,041	\$265	\$4,094	\$3,264	\$22,623
1500	\$251,055	\$1,348	\$876	\$534	\$3,013	\$1,883	\$1,605	\$5,271	\$1,041	\$284	\$4,386	\$3,497	\$23,738
1600	\$267,792	\$1,415	\$920	\$560	\$3,214	\$2,008	\$1,712	\$5,271	\$1,041	\$303	\$4,679	\$3,731	\$24,854
1700	\$284,529	\$1,482	\$963	\$587	\$3,414	\$2,134	\$1,819	\$5,271	\$1,041	\$322	\$4,971	\$3,964	\$25,968
1800	\$301,266	\$1,549	\$1,007	\$613	\$3,615	\$2,260	\$1,926	\$5,271	\$1,041	\$341	\$5,263	\$4,197	\$27,083
1900	\$318,003	\$1,616	\$1,050	\$640	\$3,816	\$2,385	\$2,033	\$5,271	\$1,041	\$360	\$5,556	\$4,430	\$28,198
2000	\$334,740	\$1,683	\$1,094	\$666	\$4,017	\$2,511	\$2,140	\$5,271	\$1,041	\$379	\$5,848	\$4,663	\$29,313
2100	\$351,477	\$1,750	\$1,137	\$693	\$4,218	\$2,636	\$2,247	\$5,271	\$1,041	\$398	\$6,141	\$4,896	\$30,428
2200	\$368,214	\$1,817	\$1,181	\$719	\$4,419	\$2,762	\$2,354	\$5,271	\$1,041	\$417	\$6,433	\$5,130	\$31,544
2300	\$384,951	\$1,884	\$1,224	\$746	\$4,619	\$2,887	\$2,461	\$5,271	\$1,041	\$436	\$6,725	\$5,363	\$32,657
2400	\$401,688	\$1,951	\$1,268	\$773	\$4,820	\$3,013	\$2,568	\$5,271	\$1,041	\$455	\$7,018	\$5,596	\$33,774
2500	\$418,425	\$2,018	\$1,312	\$799	\$5,021	\$3,138	\$2,675	\$5,271	\$1,041	\$474	\$7,310	\$5,829	\$34,888
2600	\$435,162	\$2,085	\$1,355	\$826	\$5,222	\$3,264	\$2,782	\$5,271	\$1,041	\$492	\$7,603	\$6,062	\$36,003
2700	\$451,899	\$2,152	\$1,399	\$852	\$5,423	\$3,389	\$2,889	\$5,271	\$1,041	\$511	\$7,895	\$6,295	\$37,117
2800	\$468,636	\$2,219	\$1,442	\$879	\$5,624	\$3,515	\$2,996	\$5,271	\$1,041	\$530	\$8,187	\$6,528	\$38,232
2900	\$485,373	\$2,285	\$1,486	\$905	\$5,824	\$3,640	\$3,103	\$5,271	\$1,041	\$549	\$8,480	\$6,762	\$39,346
3000	\$502,110	\$2,352	\$1,529	\$932	\$6,025	\$3,766	\$3,210	\$5,271	\$1,041	\$568	\$8,772	\$6,995	\$40,462
3100	\$518,847	\$2,419	\$1,573	\$958	\$6,226	\$3,891	\$3,317	\$5,271	\$1,041	\$587	\$9,065	\$7,228	\$41,276
3200	\$535,584	\$2,486	\$1,616	\$985	\$6,427	\$4,017	\$3,424	\$5,271	\$1,041	\$606	\$9,357	\$7,461	\$42,691
3300	\$552,321	\$2,553	\$1,660	\$1,011	\$6,628	\$4,142	\$3,531	\$5,271	\$1,041	\$625	\$9,650	\$7,694	\$43,807
3400	\$569,058	\$2,620	\$1,703	\$1,038	\$6,829	\$4,268	\$3,638	\$5,271	\$1,041	\$644	\$9,942	\$7,929	\$44,923
3500	\$585,795	\$2,687	\$1,747	\$1,064	\$7,030	\$4,393	\$3,745	\$5,271	\$1,041	\$663	\$10,234	\$8,161	\$46,036

Note: These calculations are based on estimated average costs - specific project costs will fluctuate.

- 1 Valuation is calculated as square footage X \$167.37 for a single family residence.
- 2 Temporary Power, if needed, is a separate permit, at an additional fee. Utility Connection fees, Plumbing/Mechanical/Electrical fees, and State Surcharge fees are **not** included.
- 3 Community Development and Engineering Development fees are 1.2% and .75% of valuation, respectively.
- 4 School Excise Tax is \$1.07 per sq ft for residential.