

**GH Planning Commission**  
**Variance Request Appeal**  
**420 1<sup>st</sup> Avenue, Gold Hill 97525** v11.11.20

**Why you should approve the Variance Request:**

**Gold Hill Municipal Code is Unclear, and Internally Contradictory**

R-2 Zoning is called Multi-Family in some places and Two Family in others. Below are several of the many examples:

Table 17.20.110A- the first summary chart found on page two is entitled: “Land Uses and Building Types Permitted in the Multi-Family Residential District. P 2

17.20.150 – Residential Density: section 2: states “Duplex and Triplex lots used to comply...” p 7

17.20.160 – “Building Height” A. Building Height Standard. Buildings within the Multi-Family District shall be no more than....”p 8

Fig 17.20.190C - entitled “Building Form (Multi-Family Housing example” p 10

17.20.200 – “Special Standard for Special Uses” E – Single-family Attached (townhomes) and Duplexes”

1. Building Mass Supplemental Standard. Within the R-2 district, the number and width of consecutively attached townhome units shall not exceed 8 units, or 160 feet, whichever is less p 15

2. Alley Access. “Townhome duplex and triplex subdivisions receiving access...” p 15

3. Street Access Developments. “Townhomes, duplexes and triplexes receiving access directly...” p 15

*See Appendix A*

## **420 1st Avenue is an Approved Real Estate project –**

Evaluated & approved by City and County offices on November 15, 2019.

All fees paid

Plans submitted clearly show 4 units. Standard packet of 9 pages submitted, including two 2' x 3' plot maps – showing Old + New Buildings.

Old Building: shows existing upstairs + remodel downstairs

New Building – shows upstairs and downstairs

SCDs paid for 3 new Water connections, 3 new Sewer connections & are done

Plans show spaces for 8 parking spots, consistent with 4 units, not 2.

Builder complied voluntarily with all rules, regulations & requests:

Was asked to stop building three times & voluntarily complied, in July & Aug

Nothing illegal or underhanded occurred, as implied by social media chatter

*See Large Format Approved Plans*

### **Complaints/ Issues Raised:**

Parking – all cars will be parked inside lot, no increase of cars on street

Traffic - Flow study: ZERO cars backed-up now - (2 cars at stop at/ near . .

same time)

480 sq ft floor plan size suggests most likely single inhabitants

*See Appendix B*

Real Estate Valuations - new construction will likely raise value of homes on . street, not lower them

See other homes/ apartments built by Dr Brooks on 1,<sup>st</sup> 2<sup>nd</sup> Av & Jacoby St

Lot violates city regulations - existing building does not meet current set-back requirements, but has been in place since 1910, and so is grandfathered in.

Infrastructure = adequate: Electricity- installed and established accounts with PacPower

Water & sewer - installed and established accounts w GH city connections completed by builder at cost of \$7000

- Waste Water - new 8" pipe installed in 2020 by RVSS, so capacity is adequate

Proposed apartments are broadly supported by residents on 1<sup>st</sup> Avenue!

*See Appendix C*

### **Affordable Housing Need is Lessened**

Before this summer's Alameda fire, there was 2% vacancy in Jackson County  
The fire consumed six years of units: Annual # built= 400, # burnt= 2400

Increasing units is in-line with Oregon's LCDC plan of increasing urban density

- Increasing units is in-line with GH City Council's expressed interest in growth, expressed by last years' Accessory Dwelling Unit ordinance that was passed.

### **Variance Approval's three Requirements Met**

Planning Consultant demonstrated how Approval would satisfy the Variance's three requirements:

\* Exceptional or Extraordinary Circumstances:

The extension and construction of 4 separate water meters and waste water connections were completed based on city's approval. In no other properties in this neighborhood or other R-2 zoned district does this condition exist.

\* Necessary for Property Rights Preservation:

Builder purchased, engineered and constructed 4 separate water meters and waste water connections based on city's approval. By continuing development, owner's property rights are maintained.

\* Benefits outweigh health or safety adverse effects:

The granting/ approval of this variance will not have any significant impacts to public health or safety in the neighborhood.

*See Appendix D*

## **Denial of Variance will result in a significant liability for city:**

Recognized and admitted by CIS Insurance company, City Attorney & Planner

As testified by City Planner, “traditionally when a city has approved a planning application that is something that stands”.

As testified by City Manager, she was advised by insurance company & attorney that “in land use regulation, once something has been approved by a City, it stands. In other words, the approval stands even though it was given in error”.

Hard costs incurred exceed \$90,000, plus testifying planner, plus legal fees, plus lost rental revenue.

## **Approval will increase city of Gold Hill revenues**

Approval will generate significant revenues which are needed to pay for numerous projects the city has been deferring. Monthly utility hookups provide recurring monthly revenue, which will continue forever, or at least 100 yrs.

3 new hookups= \$100/ mo x 12 mo/yr x 3 = \$3600/ yr, or **\$36,000 in 10 years**

## **Summary:**

For many reasons, the Gold Hill Planning Commission should approve the Variance Request for the 420 1<sup>st</sup> Avenue apartments brought by Tom Brooks, MDM, including:

1. Gold Hill Municipal Code is unclear and internally contradictory
2. 420 1<sup>st</sup> Avenue is an Approved Real Estate project
3. Complaints and Issues Raised have been Addressed
4. Affordable Housing Need is Lessened
5. Variance Approval's 3 Requirements have been Met
6. Denial of Variance will result in Significant Liability for city
7. Approval of Variance will increase city Revenues.

Dr Brooks does not seek to be adversarial but to find a solution which is good for both parties. By approving this Variance Request, we believe you will do just that.

**Appendices:**

**Appendix A: Gold Hill Municipal Code**

## **Chapter 17.20 — Two-Family Residential (R-2) District**

### **Sections:**

- 17.20.100 Purpose**
- 17.20.110 Permitted Land Uses**
- 17.20.120 Building Setbacks**
- 17.20.130 Lot Area and Dimensions**
- 17.20.140 Flag Lots and Lots Accessed by Mid-Block Lanes**
- 17.20.150 Residential Density**
- 17.20.160 Maximum Lot Coverage**
- 17.20.170 Building Height**
- 17.20.180 Building Orientation**
- 17.20.190 Architectural Standards**
- 17.20.200 Special Standards for Certain Uses**

### **17.20.100 Purpose**

The Two-Family Residential District is intended to promote the livability, stability and improvement of the City's neighborhoods at a higher density than that permitted in the R-1 District. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

### **17.20.110 Permitted Land Uses**

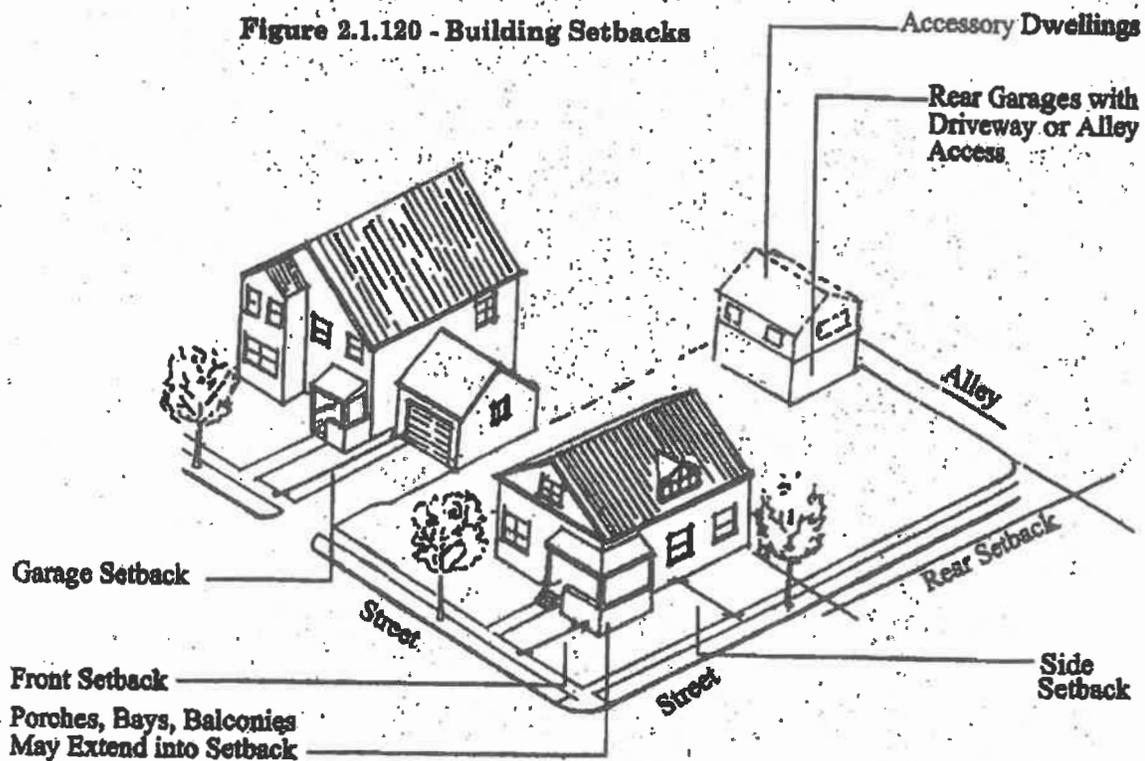
- A. **Permitted Uses.** The land uses listed in Table 17.20.110.A are permitted in the Two-Family Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.20.110.A, and land uses which are approved as "similar" to those in Table 17.20.110, may be permitted.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Section 17.64.050.

**Table 17.20.110.A  
Land Uses and Building Types Permitted in the Multi-Family Residential District**

<p><b>1. Residential:</b> <i>Single- and two-family</i></p> <p>a. Single-family detached housing</p> <p>b. Single-family detached zero-lot line*</p> <p>c. Accessory dwellings*</p> <p>d. Manufactured homes – individual lots*</p> <p>e. Manufactured Home Park*</p> <p>f. Single-family attached townhome*</p> <p><del>Two- and Three-Family</del> g. <del>Two- and Three-family housing Duplex and triplex</del>*</p> <p><del>Multi-family</del> h. <del>Multi-family housing</del></p> <p><i>Residential care</i></p> <p>i. Residential care homes and facilities*</p> <p>j. Family daycare</p> <p><b>2. Home occupations</b></p>	<p><b>3. Agriculture, Horticulture, and livestock</b></p> <p><b>4. Accessory Uses and Structures (includes accessory dwellings)*</b></p> <p><b>Conditional Uses</b></p> <p><b>4. Public and Institutional (CU)</b></p> <p>a. Churches and places of worship.</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, and similar uses</p> <p>e. Private <sup>utilities</sup> entities</p> <p>f. Public parks and recreational facilities</p> <p>g. Schools (public and private)</p> <p>h. Telecommunications equipment (including wireless)</p> <p>i. Uses similar to those listed above</p>	<p><i>Each of the following uses is "size limited" and subject to provisions in Section 17.20.200-Special Standards for Certain Uses:</i></p> <p>j. Child Care Center (care for more than 12 children)</p> <p>k. Food services, excluding automobile-oriented uses</p> <p>l. Medical and dental offices, clinics and laboratories</p> <p>m. Personal services (e.g., barber shops, salons, similar uses)</p> <p>n. Professional and administrative offices (i.e. real estate)</p> <p><b>7. Bed &amp; breakfast inns (CU)</b></p>
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Uses marked with an asterisk (\*) are subject to the standards in Section 17.20.200, "Special Standards for Certain Uses." Home occupations are subject to the standards in Section 17.64.060.

## 17.20.120 - Building Setbacks



### Building setbacks

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the wall to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Section 17.76 to modify any setback standard.

#### A. Front Yard Setbacks

##### 1. Residential Uses (single family and duplex)

- a. A minimum setback of 20 feet is required, except that an unenclosed porch may be within 15 feet, as long as it does not encroach into a public utility easement. See also, Section 17.44.010, which provides standards for Setbacks for Established Residential Areas.

- b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 5 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.

2. Public and Institutional Buildings.

- a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 17.56.020.
- b. A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building. This standard shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

**B. Rear Yard Setbacks**

The minimum rear yard setback shall be 8 10 feet for street-access lots, and 20 feet for alley-access lots (all structures).

**C. Side Yard Setbacks**

The minimum side yard setback shall be 5 feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 17.20.200.)

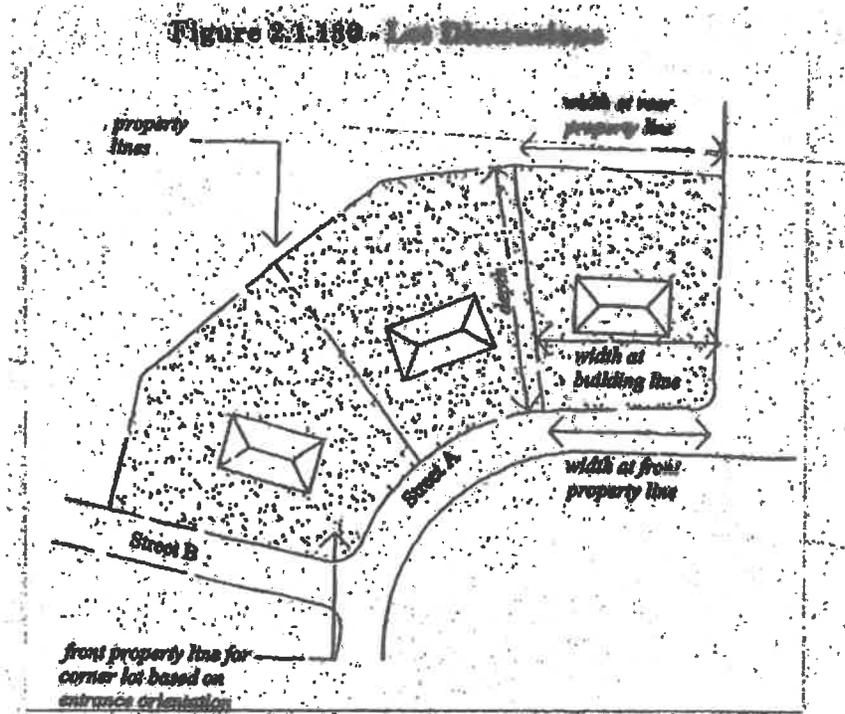
**D. Setback Exceptions**

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56 – Site Plan, Landscaping and Construction Plan Approval. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 17.56.020.

**E. Special Yards - Distance Between Buildings on the Same Lot**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

**17.20.130 - Lot Area and Dimensions**



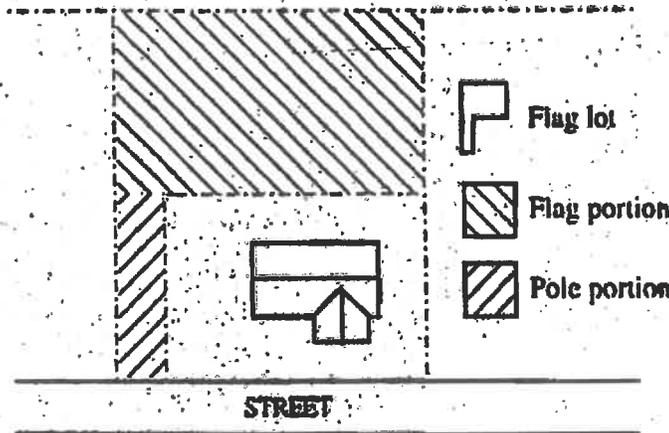
<b>Land Use</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>	<b>Related Standards</b>
<b>Detached Single and Two-Family Housing; Manufactured Homes on Lots</b>	Minimum: 5000 Square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.20.140)  Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 17.20.150 – Residential Density and Building Size
<b>Attached (townhome) Single Family Housing</b>	Minimum area: 3,000 square feet.	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.20.140)  Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 17.20.150 – Residential Density and Building Size.
<b>Manufactured Home Parks</b>	See Section 17.20.200 for Manufactured Home Park standards.		

<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Public and Institutional Uses	Minimum area: None.  Maximum area: None. (see "related standards")	Minimum Width: 50 feet at front property line.  Maximum depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation

**17.20.140 - Flag Lots and Lots Accessed by Mid-Block Lanes**

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots" or "mid-block developments", as defined below:

**Figure 2.1.140B - Flag Lot (Typical)**



**B.A. Flag lots.** Flag lots may be created only when it is found that streets cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

**B. Driveway and lane width.** The minimum pavement width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code. For shared drives and lanes serving 4 or more dwellings, the pavement width shall be 20 feet.

- C. Dedication of drive lane. The owner shall dedicate 20feet of right-of-way or record a 20-foot easement (i.e., 10 feet from each property sharing a drive) for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.
- D. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive.
- E. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

**17.20.150 - Residential Density**

- A. Residential Density Standard. The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.
  - 1. New land divisions and site developments shall provide for housing at densities between one (1) dwelling unit per net acre minimum and eight (8) units per net acre maximum. ~~Development within the R-2 zone shall provide housing at densities between eight (1) unit per (net) acre minimum and 17 units per (net) acre maximum.~~ *Eight*
  - 2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex ~~and triplex~~ lots used to comply with the density standard shall be so designated on the final subdivision plat.
  - 3. The following types of housing are exempt from the density standards: Residential care homes/facilities, partitions of two lots, and bed and breakfast inns.

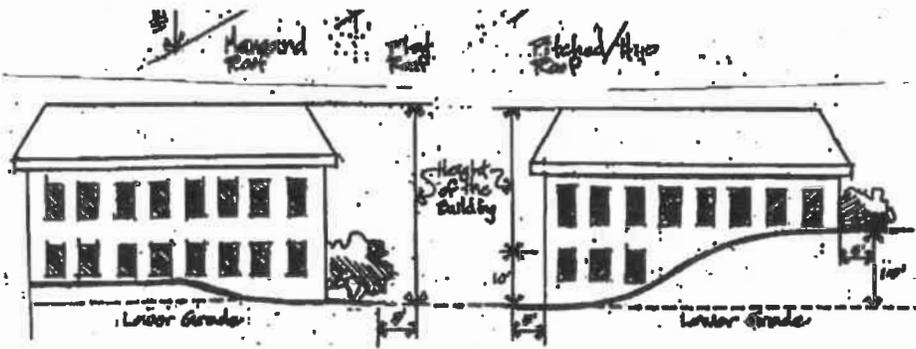
**17.20.160 - Maximum Lot Coverage**

- A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all:
  - a. Single Family Detached Houses - 50 percent
  - b. Duplexes – 50 percent
  - c. Single Family Attached Townhomes - 60 percent
  - d. Public/Institutional Uses - 100 percent
- B. Lot Coverage Defined. “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

**17.20.170 - Building Height**

The following building height standards are intended to promote land use compatibility

and support the principle of neighborhood-scale design:



- A. **Building Height Standard.** Buildings within the Multi-Family District shall be no more than 35 feet or 3 stories in height, whichever is greater.
- B. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
- The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
  - An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

#### 17.20.180 - Building Orientation

Figure 17.20.180 - Typical Building Orientation  
(See Pages 2-20a and 2-20b)

- A. **Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- B. **Applicability.** This section applies to: Single Family Attached townhomes which are subject to Site Design Review (3 or more attached units); Public and Institutional buildings, and uses permitted conditionally, except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)
- C. **Building orientation standards.** All developments listed in “B” shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 17.20.120.
2. All buildings shall have a primary entrance(s) oriented to the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Section 16.12.020 -- Streets. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.
3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

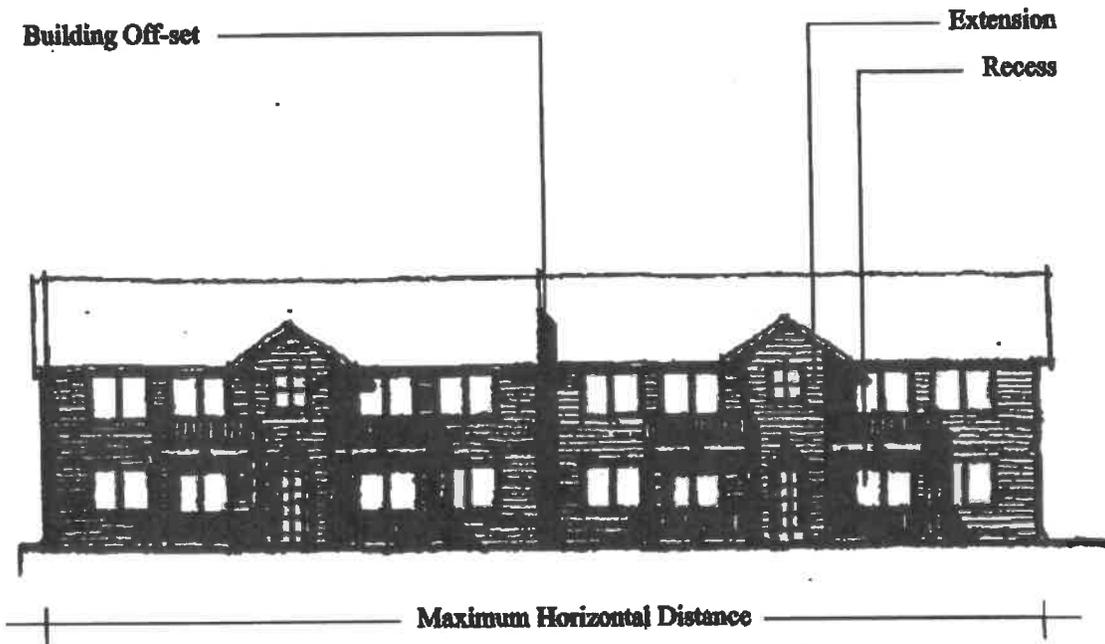
**Figure 17.20.180 – Typical Building Orientation**

**17.20.190 - Architectural Standards**

- A. **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.
- B. **Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Design Review:
  - a. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
  - b. Public and institutional buildings; and
  - c. Duplexes
  - d. Conditional Uses
- C. **Standards.** All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

**Figure 17.20.190C(1) – Building Form (Multi-family Housing Example)**

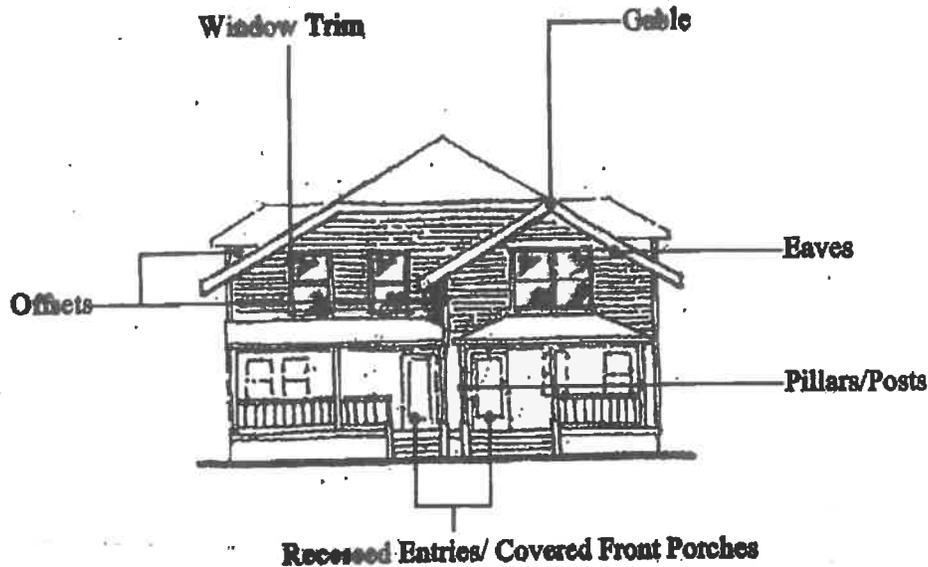
**Figure 2.1.190C(1) - Building Form (Multi-family Housing Example)**



1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
  - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
  - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
2. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, windows, and porches. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, windows, porches, and, terraces. The standard applies to each full and partial building story.

**Figure 17.20.190C(3) – Examples of Architectural Details**

**Figure 2.1.190C(8) - Examples of Architectural Details (Continued on page 2-24)**



3. **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 3 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
- Dormers
  - Gables
  - Recessed entries
  - Covered porch entries
  - Cupolas or towers
  - Pillars or posts
  - Off-sets in building face or roof (minimum 16 inches)
  - Bay windows
  - Balconies
  - Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
  - Decorative cornices and roof lines (e.g., for flat roofs)
  - An alternative feature providing visual relief, similar to options above.

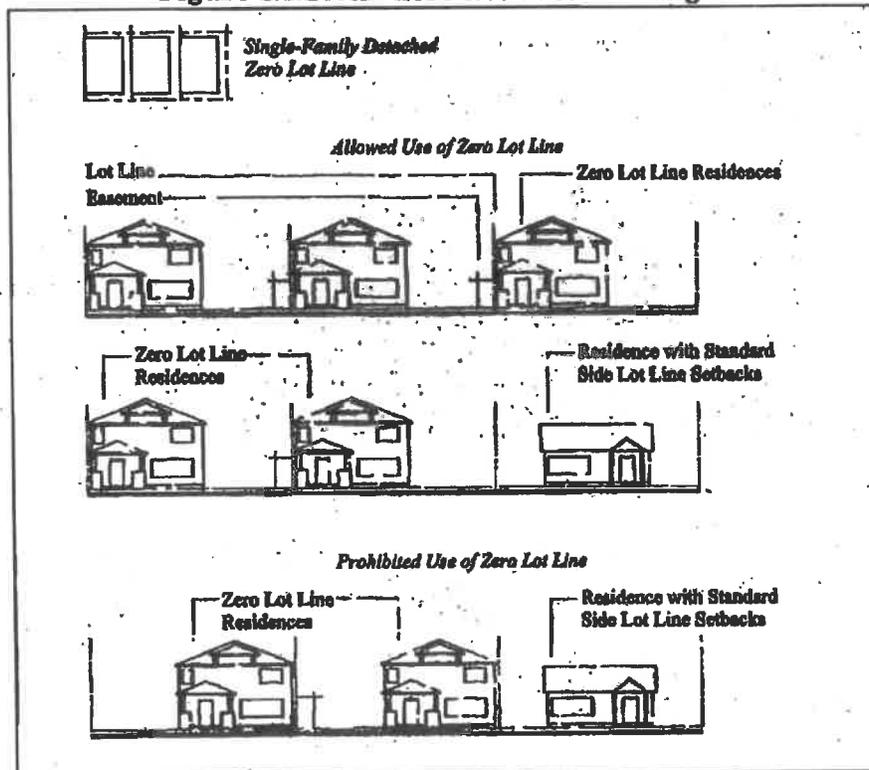
**17.20.200 - Special Standards for Certain Uses**

This section supplements the standards contained Sections 17.20.100 through 17.20.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- A. **“Zero-lot line” (single family courtyard home).** “Zero-lot line” houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor

living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

**Figure 2.1.200A - Zero-Lot Line Housing**



1. **Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 5 feet;
  2. **Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and
  3. **Buffering.** The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.
- B. Accessory dwelling (attached, separate cottage, or above detached garage).** An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and

number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
2. **Owner-Occupied**. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
3. **One Unit**. A maximum of one accessory dwelling unit is allowed per lot;
4. **Floor Area**. The maximum floor area of the accessory dwelling shall not exceed 600 square feet;
5. **Building Height**. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 17.20.170; and
6. **Buffering**. A hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

**C. Manufactured homes on individual lots.** Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which existed within the City prior to the effective date of this ordinance.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy

efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required;

6. **Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
7. **Foundation Skirt.** Manufactured homes shall meet the architectural detail design standards of 17.20.190C(3).
8. **Prohibited.** The manufactured home shall not be located in a designated historic district.

**D. Manufactured Home Park.** Manufactured home parks are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. **Permitted uses:** Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 17.64.060 - Home Occupations.
2. **Space.** Not less than fifty percent of the mobile home sites within a park shall be at least forty-five feet in average width and at least seventy feet in average length. No mobile home site shall be less than thirty-five feet in average width and sixty feet in average length. (Ord. 384. §4.050(3), 1972)
3. **Setbacks and Building Separation.**
  - The minimum setback between park structures and abutting properties is 5 feet.
  - The minimum setback between park structures and public street right-of-way is 15 feet.
  - At least a 10-foot separation shall be provided between all dwellings.
  - Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units.
  - Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway.
  - An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. **Perimeter landscaping.** When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

5. House design (parks smaller than 3 acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):

- a. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
- b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
- c. Exception: Subsections a-b, above, do not apply to manufactured homes which existed within the City prior to the effective date of this ordinance.

**E. Single-family Attached (townhomes), and Duplexes.** Single-family attached housing (townhome units on individual lots), and duplex developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Building Mass Supplemental Standard. Within the R-<sup>2</sup> district, the number and width of consecutively attached townhome units shall not exceed 8 units, or 160 feet, whichever is less.

2. Alley Access. Townhome, duplex and ~~triplex~~ subdivisions (4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Chapter 16 - Subdivisions. Alleys are not required when existing development patterns or topography makes construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).

3. Street Access Developments. Townhomes, duplexes and ~~triplexes~~ receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

- a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
- b. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
- c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more

than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. **Common Areas.** "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval..

**F. Residential care homes and facilities.** Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes) or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. **Licensing.** All residential care homes shall be duly licensed by the State of Oregon.
2. **Parking.** A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 17.60 Parking requirements.
3. **Development Review.** Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

**G. Agriculture, Horticulture.** The City allows for agriculture, horticulture and livestock uses, subject to the following standards which are intended to provide buffering between these uses and residences:

1. **Prohibited Areas.** Livestock shall not be kept within the R-3 zoning district, due to the higher intensity living environments of these areas:
2. **Minimum Lot Size.** No livestock shall be kept on any lot less than one acre in area.
3. **Density.** No more than one head of livestock over the age of six months may be maintained per acre.
4. **Farm Structures.** Not permitted.

**H. Public and Institutional Land Uses.** Public and institutional uses (as listed in Table 17.20.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. **Building Mass.** The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.
2. **Telecommunications Equipment.** Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 17.72.
3. **Vehicle Areas and Trash Receptacles.** All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

**I. Accessory Uses and Structures** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Multi-Family Residential District include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 17.20.200.B.) All accessory structures shall comply with the all of following standards:

1. **Primary use required.** An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 17.20.110.A).
2. **Restrictions.** A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. **Compliance with land division standards.** The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. **Floor Area.** The maximum floor area of the accessory structure shall not exceed 600 square feet;
5. **Building Height.** The building height of detached accessory structure shall not exceed  $\frac{3}{4}$  the height of the principal structure, as measured in accordance with Section 17.20.170; and
6. **Buffering.** A side or rear fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet..

public disclosure under ORS 192.496 to 192.530. However the applicant shall not have to submit independent proof of the same conditions that have been required by the Department of Human Resources for licensing of the residential home. (Ord. 89-07 (part), 1989).

## Chapter 17.20

### R-2 RESIDENTIAL TWO-FAMILY DISTRICT

#### Sections:

- 17.20.010 Purpose.
- 17.20.020 Permitted uses.
- 17.20.030 Conditional uses.
- 17.20.040 Height.
- 17.20.050 Area, width and yards.
- 17.20.060 Coverage.
- 17.20.070 Distance between buildings.
- 17.20.080 Residential facility or residential home application.

17.20.010 Purpose. This district is designed to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life at a slightly higher density than that permitted in the R-1 district. (Ord. 384 §3.030(1), 1972).

17.20.020 Permitted uses. The following uses and their accessory uses are permitted outright:

- A. One-family and two-family conventional dwellings;
- B. Mobile or manufactured homes in a subdivision designed for that specific housing type and in accordance with Title 16, Subdivisions, of the municipal code, and consisting of at least five acres;
- C. Mobile home parks, in accordance with the requirements of Chapter 5.32, Mobile home parks, of the municipal code;
- D. Public schools, parks, and recreation facilities;
- E. Parochial and private schools, including nursery schools, kindergarten, and day nurseries, but not including a business, dancing, trade, technical, or similar schools;
- F. Churches and similar religious institutions;
- G. Residential home. (Ord. 89-07 (part), 1989; Ord. 527 §2, 1985; Ord. 384 §3.030(2), 1972).

17.20.030 Conditional uses. The following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.72:

A. Home occupations, subject to the provisions of Section 17.04.050;

B. Hospitals, rest, nursing, and convalescent homes;

C. Recreational uses and facilities, including country clubs, golf courses, swimming clubs, and tennis clubs, but not including such intensive commercial recreational uses as a driving range, race track, or amusement park;

D. Dwelling groups composed of single-family or duplex dwellings, provided that there shall be at least three thousand square feet of lot area for each dwelling unit;

E. Off-street parking lots adjoining a C or M district, subject to the provisions of Chapter 17.60;

F. Public and public utility buildings, structures, and uses, but not including corporation, storage or repair yards, warehouses and similar uses;

G. Residential facilities. (Ord. 89-07 (part), 1989; Ord. 384 §3.030(3), 1972).

17.20.040 Height. No building or structure shall exceed thirty-five feet in height. (Ord. 384 §3.030(4), 1972).

17.20.050 Area, width and yards. The following measurements indicate minimum lot and yard standards:

<u>Lot Area</u>	<u>Corner Lot Area</u>	<u>Lot Width</u>	<u>Corner Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
5000	5000	50 ft.	50 ft.	20 ft.	5 ft.*	10 ft.
sq. ft.	sq. ft.					

\*Per story

Side yards abutting a street shall be a minimum of twenty feet in width. (Ord. 384 §3.030(5), 1972).

17.20.060 Coverage. The maximum permitted aggregate building coverage shall be fifty percent of the lot area. (Ord. 384 §3.030(6), 1972).

17.20.070 Distance between buildings. A. The distance between any principal building and detached accessory building shall be a minimum of ten feet.

B. An inner court providing access to double-row dwelling group units shall be a minimum of twenty feet;

C. The distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space. (Ord. 384 §3.030(7), 1972).

<u>Lot Area</u>	<u>Corner Lot Area</u>	<u>Lot Width</u>	<u>Corner Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
5000	5000	50 ft.	50 ft.	20 ft.	5 ft.*	10 ft.
<u>sq. ft.</u>	<u>sq. ft.</u>					

\*Per story

Side yards abutting a street shall be a minimum of twenty feet in width. (Ord. 384 §3.030(5), 1972).

**Appendix B: Traffic flow study: 420 First Avenue, Gold Hill, OR**

<b>Time period</b>	<b>Cars out</b>	<b>Cars in</b>	<b>Cars backed up</b>
<b>6:30 – 7 am</b>	1	0	0
<b>7- 7:30 am</b>	2	1	0
<b>7:30 -- 8 am</b>	4	2	0
<b>8- 8:30 am</b>	2	1	0
<b>8:30- 9 am</b>	4	4	0
<b>Total/ 2.5 hrs:</b>	<b>13</b>	<b>8</b>	<b>0</b>
<b>Average/ 30 minutes</b>	<b>2.6</b>	<b>1.6</b>	<b>0</b>

**Traffic Flow Study Design:**

I observed and recorded traffic flow at 1<sup>st</sup> Avenue and Estramado Avenue in Gold Hill, during the two and half hours of morning rushing hour during the week. Results were underwhelming, but not surprising.

There were zero instances of cars backed up, or two cars approaching the intersection at nearly the same time. Also, the maximum traffic during morning rush hour was 4 cars/ 30 minutes, or one every 7.5 minutes. The most typical pattern was one or two cars/ 30 minutes, or one every 15 or 30 minutes.

Based on this study, no significant traffic flow increases are anticipated that would likely impact traffic on 1<sup>st</sup> Avenue or Riverside Av in Gold Hill as the result of three additional residences being added to city inventory.

**Appendix C: Community Letters of Support**

Appendix ~~OC~~

Pro 

August 3, 2020

Dear City Council,

I am writing this letter to tell my side of why Mighty Rogue Homes, LLC, would like to build a couple of new affordable housing units in Gold Hill. In keeping with State of Oregon LCDC guidance and rulings, the expressed goal of statewide planners is to increase density of housing within urban growth boundaries, and to reduce it outside them. I am attempting to do just that.

First of all, we are addressing a dire need - for more affordable housing. Currently, there is a tiny 2% vacancy for residential housing in Jackson County. We can ease that problem a bit. And these are affordable apartments, being quite small at 480 sq feet each. But it is the right thing to do as far as helping residents have a modern, clean and safe place to live that does not break the bank.

Secondly, I understand that some have wondered whether this new building would add to parking problems on 1<sup>st</sup> Street and it would not. The lot has adequate area to accommodate the road in and out, 8 parking spaces and the building footprint. All other supportive services, including water, waste water and electricity, are adequate with existing city infrastructure. Waste water is being upgraded on 1<sup>st</sup> Avenue this week, so this would not overly tax city capacity.

Most importantly, this small building is in line with the Council's expressed interest in increasing the number of households in city limits. How many times has the city stated that they want to grow the town in order to make new costs less painful? City utility bills will get bigger as it spends millions on the water plant if the city spreads those expenses over 560 households. However, if the city can increase the number of households, those increases will be smaller. Who all wants a smaller water bill?

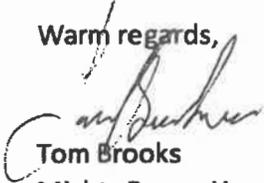
That is why the city passed the Accessory Dwelling Unit rules - to increase the bed count in a way that was cost-effective. This small building is very much in the spirit of the ADU movement. And the big winner will be residents who will spend less for a place to live, and homeowners who enjoy an increase in residual income from rental fees. And the city which will enjoy increased revenue for the next 25 years. At \$100/ month for water service, City revenues will increase as follows:  
 $\$100/\text{ mo} \times 12 \text{ mo/yr} \times 25 \text{ yrs} \times 2 \text{ new hookups} = \mathbf{\$60,000 \text{ new revenue}}$ . That is a good thing, right?

As a 35 year resident of Gold Hill, I have personal investment in 6 lots within 2 blocks of 420 1<sup>st</sup> Avenue. So my personal interest is to not hurt valuations of homes on 1<sup>st</sup> Avenue. In fact, over the years I have worked hard on weekends to build new and renovate older homes and bring them up to code while

giving them a new modern look. As an example, across the street I recently completed renovation of 475 and 477 1<sup>st</sup> Avenue, and these apartments will be along the same vein.

And finally, by denying this request, the city will be obliged to refund fees and costs incurred after getting official sign-off. Ryan Nolan, Gold Hill's planning department, gave approval prior to commencing this project. For the city to back out on that agreement, will cost it a few tens of thousands of dollars. Given all the advantages of moving ahead with this, is that really how the City wants to spend monies over which it has control? Let's all move ahead together.

Warm regards,



Tom Brooks  
Mighty Rogue Homes, LLC  
PO Box 198  
Gold Hill, OR 97525

August 1, 2020

**TO WHOM IT MAY CONCERN:**

I am the contractor that developed the plan and received approval for the proposed new building at 420 1<sup>st</sup> Avenue in Gold Hill. I can't believe that the city is now going back on the plan to build a second building on that lot. Lets think about a couple of things.

That lot has had a building on it for years. The Victorian house next door was built in 1913 and we were led to believe that the outbuilding has also been there a long time. It was occupied by a renter for many years before Mighty Rogue Homes bought the place a couple of years ago.

Some have said that there is a problem since it was built without the modern set-backs and actually runs over on city property a little. Well, it has been there for years. To complain about it now is kinda a day late and a dollar short. If that was a problem, it should have been addressed at the time it was approved to be built years ago. That is not the only lot in this town that is squirley according to today's standards.

There seem to be some people who don't think there is room on the lot for parking. That is simple matter of inspecting the plot map. There is adequate of area for ingress/ egress, 8 parking spots (2 per household, one covered, one not) and the building footprint of 460 sq feet.

And most importantly, the city and county has already signed off and approved this construction. The inspector who signed off was Ryan Nolan. After receiving approval, we moved ahead and did ground work to prepare the site, and worked with utility companies to have all utilities hooked up. Existing infrastructure is in place to accommodate these new units. We paid tens of thousands of dollars in fees. If the city goes back on its word, those \$\$ will have to be refunded. I can't eat those costs.

Sincerely,

Torry Brooks  
Brooks Construction  
1029 Mira Mar  
Medford, OR 97501

August 1, 2020

Dear City Council,

I have no objections to the proposed building of apartments on 1<sup>st</sup> Avenue. I live about a half block away and as I think about this, it would be a good thing for Gold Hill. There is very little traffic in town and I don't think that this change would even be noticeable.

I am looking forward to completion of construction so my mother living near me as she is aged and I want to keep a close eye on her. I am glad that we will have some affordable housing nearby, which is very hard to find

Thank you,

Jeff Niemi

131 Estramado Street

Gold Hill, OR 97525

A handwritten signature in black ink, appearing to read "Jeff Niemi", is written over the typed name and address.

August 1, 2020

Dear City Council,

I want to add my name to those who support the Zoning Variance request at 420 1<sup>st</sup> Avenue in Gold Hill. I live across the street from the lot in question and have known Tom Brooks for many years. He does quality construction and after he puts up a building, the entire block will look better. He uses quality materials and has good taste about colors, and architectural elements that will make a nice looking building. He has already cleaned up the lot a lot, by removing dying trees and overgrown bushes and weeds.

And parking won't get worse because the required parking slots will all fit inside. Right now, many people on 1<sup>st</sup> Avenue park on the street, so it is pretty crowded. I think it would be better to have a new building which does not make more cars park on the street, but put them within that lot.

So I think it is a good thing to okay him to put up the building.

Thank you,



Abram A. Hadden

461 1<sup>st</sup> Avenue

Gold Hill, OR 97525

**August 2, 2020**

**To City Hall Planning Department**

**Hello there,**

**I want to express that I have no concerns with Dr Brooks building more affordable housing on this street. I have been renting from him for more than two years and want to say that I appreciate having nice affordable housing in Gold Hill.**

**I live half a block from 420 and don't feel it would be a negative thing for the city of Gold Hill. I have no doubt that the new structures will be up-to-date and improve the aesthetics of the neighborhood, similar to what he has done with our home.**

**Sincerely,**

**Alex Goldman**

**477 1st Avenue**

**Gold Hill, OR 97525**

A handwritten signature in black ink, appearing to read 'Alex Goldman', with a long horizontal flourish extending to the right.

**Appendix D : Planning Consultant Report**

Appendix D:

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL  
FOR THE CITY OF GOLD HILL:**

**IN THE MATTER OF AN APPLICATION )  
FOR A VARIANCE TO THE R-2 ZONING )  
DISTRICT ALLOWING DUPLEXES )  
LOCATED AT 420 N. FIRST AVENUE; )  
MIGHTY ROGUE HOMES, LLC, OWNER/ )  
APPLICANTS. )**

**FINDINGS OF FACT  
AND CONCLUSIONS**

Owners:

Mighty Rogue Homes, LLC  
PO Box 1084  
Gold Hill, OR 97525

Agents:

Richard Stevens & Associates, Inc.  
PO Box 4368  
Medford, OR 97501

Purpose:

The purpose of this application is to rectify the approved site plan and building permits that were issued by the City of Gold Hill and the Jackson County Building Department. The property owners purchased the property with the intent to establish 2 duplexes on the subject property, located at T.36S-R.3W-S.22BB, Tax Lot 5701 (420 N. First Avenue). Section 17.76.010 of the Gold Hill Municipal Code (GHMC) states:

*“Purpose- Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this title may result from the strict application of certain provisions of this title, variance may be granted as provided in this chapter. This chapter may not be used to allow a use that is not in conformity with the use specified by this chapter for the district in which the land is located. In granting a variance, the city may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property, the neighborhood or the city as a whole.”*



The applicants are requesting a variance to the number of dwelling units (density) allowed on the subject property with 2 separate duplexes totaling 4 dwelling units. Duplexes are an outright permitted use within the R-2 zoning district, Section 17.20.020, GHMC. All other site plan standards are in compliance with the Code for the R-2 zoning district. This request is of great need within the City of Gold Hill and Jackson County, especially with the recent devastation with the Alameda Wildfire for needed housing for displaced citizens within the Rogue Valley. Many persons have relocated to Klamath Falls, Grants Pass and as far north as Salem to seek housing.

Approval Criteria:

The approval criteria for a variance is located in Section 17.76.020, GHMC, which states:

*“Application- The owner or his agent may make application by filing an application with the city recorder. Such application shall be accompanied by a legal description of the property, plans, and elevations necessary to show the proposed development, a filing fee of fifty dollars and a statement, plan and evidence showing:*

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district;*
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;*
- C. That the granting of such application will not, under the circumstances of the particular case, be outweighed by the adverse effects to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.”*

Discussion:

The exceptional or extraordinary circumstances applying to the subject property and use for 2 duplexes are: the extension and construction for 4 separate water meters and 4 separate sewer connections to serve the proposed development based on the City's approval of the proposed development. These public facilities were engineered, reviewed and permitted, with the understanding that 4 dwelling units (2 duplexes) were allowed. These public facilities were also extended through the property to the proposed building footprints for future connections to the structures. Per the applicants, they have spent over \$90,000 to prepare the subject site for the construction of 2 duplexes, in addition to the \$149,000 purchase price. The permits issued for these public facilities to serve 4 dwelling units and the funds applied are an extraordinary circumstance to the subject property.



It can be determined that this condition does not exist with other properties in the neighborhood or to other lands within the R-2 zoning district. Approval of this variance request also does not set a precedent, in that there are no other properties in the same zoning district that have been provided with 4 separate water meters and sewer connections. This request is being made so that the applicants can complete the construction on the subject property that has been initiated with valid permits and with substantial costs.

The granting/approval of this variance request is necessary for the preservation of a presumed property right by the owners/applicants, due to the City's approval of the proposed development. The applicants purchased the property, engineer designed and applied for the extension of public facilities permits (both water and sanitary sewer), installed the public facilities to serve the future duplexes, applied for building development permits, based on a site plan for the subject property that was approved by the City. Therefore, the applicants are requesting that they are able to continue with the development of 2 duplexes on the subject property to preserve their intended property rights.

The granting/approval of this variance will not have any significant impacts to the public health or safety of people residing or working in the neighborhood. The subject property and the abutting surrounding lands are zoned R-2, which provides for "Two-Family" developments. Title 8 of the GHMC also provides a list of issues for defining health and safety. These are listed as: Garbage; Nuisance; Wood Waste; Use of City Dump; Disposal or Storage of Refuse on City Owned Property; Fire Protection Outside of City Limits; Use of City Parks; City Fire Code; Nuclear Waste Free Zone; and Pulp and Paper Mill Pollution Free Zone. The applicants are in agreement to not have or allow any of these listed items on the subject property. In addition, the specific listed items that may be applicable include the "Use of City Parks and City Fire Code". The applicants are required to meet Fire Safety Codes through the building permit process with Jackson County and are agreeable to these standards. The applicant will not be able to acquire building permits until City Fire Codes have been met.

In addition, the granting/approval of this variance request will not have a significant adverse impact to the public welfare or be injurious to property or improvements in the neighborhood. Again, as stated above and as evidenced on the approved site plans, all site design standards for 2 duplexes can be met on the subject property. All vehicular off-street parking and maneuvering can be accommodated for on the subject property. Front yard and side yard setbacks are in compliance. The rear yard setback for the existing structure originally built in 1910 is preexisting and nonconforming with the encroachment onto Riverside Avenue. A property line adjustment was completed and recorded in 2010 which adjusted the common boundary with Tax Lot 5700 abutting to the west to meet setback standards. However, the encroachment into Riverside Ave. requires a "street vacation" from the City of Gold Hill to be in compliance. Therefore, due to the date of original construction, the existing structure is defined as preexisting and nonconforming with the R-2 standards for rear yard setback.



The footprints for the two structures are below the 50% lot coverage standard. The distance/separation required being 10-feet between buildings is also met.

All four dwelling units are proposed to have only 1 bedroom; therefore, minimal increase in traffic is anticipated with the proposed development. The 10<sup>th</sup> Edition of the ITE Manual establishes 9.44 Average Daily Trips (ADT's) per dwelling unit will be generated. Therefore, the 3 additional dwelling units will generate approximately 28 ADT's, which is not a significant increase.

With the approved site plan for the subject property it is demonstrated that all of the development standards for the R-2 zoning district can be met, with the exception of density, which is the purpose of this variance application. Therefore, it is anticipated that there will no significant adverse impacts to the public welfare, nor will the approved/proposed development be injurious to the surrounding properties and their existing improvements.

#### **FINDINGS:**

**The City of Gold Hill finds that there are extraordinary circumstances that currently exists on the subject property, that do not apply to other lands in the neighborhood or in the R-2 zoning district. The applicants have engineered designs and constructed the water and sanitary sewer public facilities to serve 4 dwelling units that don't exist on other lands zoned R-2. The applicants have extended these facilities to the proposed footprints of these structures. The applicants have made significant improvements to the cost of \$90,000 for the development of 2 duplex structures on the subject property, with the approved site plan and building plans from the City of Gold Hill and the Jackson County Building Department.**

**The City of Gold Hill also finds that the granting of this variance request preserves the presumed property rights of the property owners. The proposed 2 duplexes development Site Plan was approved by the City, the floor plans for each duplex was approved by the City, the required public facilities were permitted and constructed to serve 2 duplexes on the subject property, and structural building permits were issued by the Jackson County Building Department. It is assumed that with the issuance of permits, the property owners had the right to construct the proposed 2 duplexes.**

**The City of Gold Hill finds that the granting of this variance will not have a significant adverse impact to the public health or safety of people residing or working in the area, and will not have a significant adverse impact to the public welfare or be injurious to properties or improvements in the area.**

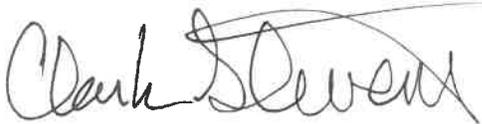


All development standards for 2 duplexes are met, including off-street parking, consistent with the R-2 zoning district development standards, with the exception of density, which is the purpose for this request. It has also been determined that the existing structure is preexisting and nonconforming with the encroachment onto Riverside Ave.

**SUMMARY & CONCLUSIONS:**

The City of Gold Hill concludes that based upon the above discussions and findings addressing Section 17.76 and the development standards in Section 17.20, GHMC the requested variance for density by the property owners is consistent and in compliance with the approval criteria found in Section 17.76.020, GHMC. With this information provided, along with the attached documents, the property owners/applicants respectfully request approval of this variance request.

Respectfully Submitted,



Richard Stevens & Associates, Inc.



GOLD HILL ZONING CLEARANCE SHEET

Township: 36 Range: 3W Section: 22 BB Tax Lot: 5701

Property Address: 420 N 1st Ave

Property Owner: Mighty Rogue Homes LLC

Mailing Address: PO Box 1004, Gold Hill, OR 97525

Telephone # \_\_\_\_\_ Business Phone # 541-890-5444

Plans drawn by: \_\_\_\_\_ Contractor Terry Brooks, Brooks Const.

State Registration #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Building Sq. Ft. existing 542 + 672 addition Business Sq. Ft \_\_\_\_\_

Shop: \_\_\_\_\_ Attached/Unattached \_\_\_\_\_ Finished/Unfinished \_\_\_\_\_

Value of Project: \$ 140,000 Zoning Fee \$ 200.00

Roof Type: Class A or Class B only

Description of work: remodel existing structure, add additional structure

Sanitation: Sewer \_\_\_\_\_ Approval Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
 Water: City \_\_\_\_\_ Approval Date: \_\_\_\_\_ Initial: \_\_\_\_\_

Zoning: R-2 Setbacks: Front: 20' Side: 5' Rear: 10'

Flood Cert.: \_\_\_\_\_ Address Sign: \_\_\_\_\_ Culverts: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing: \_\_\_\_\_ Retaining Walls: \_\_\_\_\_

Engineer Reports: \_\_\_\_\_ Slope/Grading Reports \_\_\_\_\_ Site Plan: \_\_\_\_\_

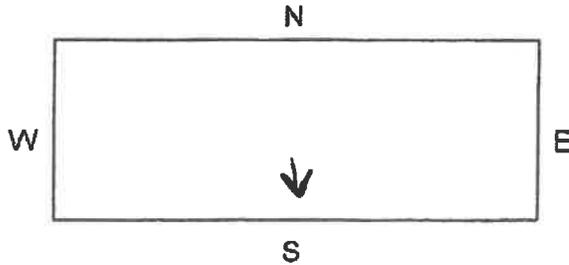
Date Submitted: 7/23/19 Signature of Applicant: [Signature]

Approval of Commission: [Signature], Ryan Nolan Contract Planner

Fees Paid: Site Plan \$ \_\_\_\_\_ Building Application \$ \_\_\_\_\_ Water/Sewer Taps \$ \_\_\_\_\_

System Dev. Charges \$ 400.00 Application Fee \$ \_\_\_\_\_ Project Cost Fee \$ \_\_\_\_\_

*Please draw the way the front of the house will be*

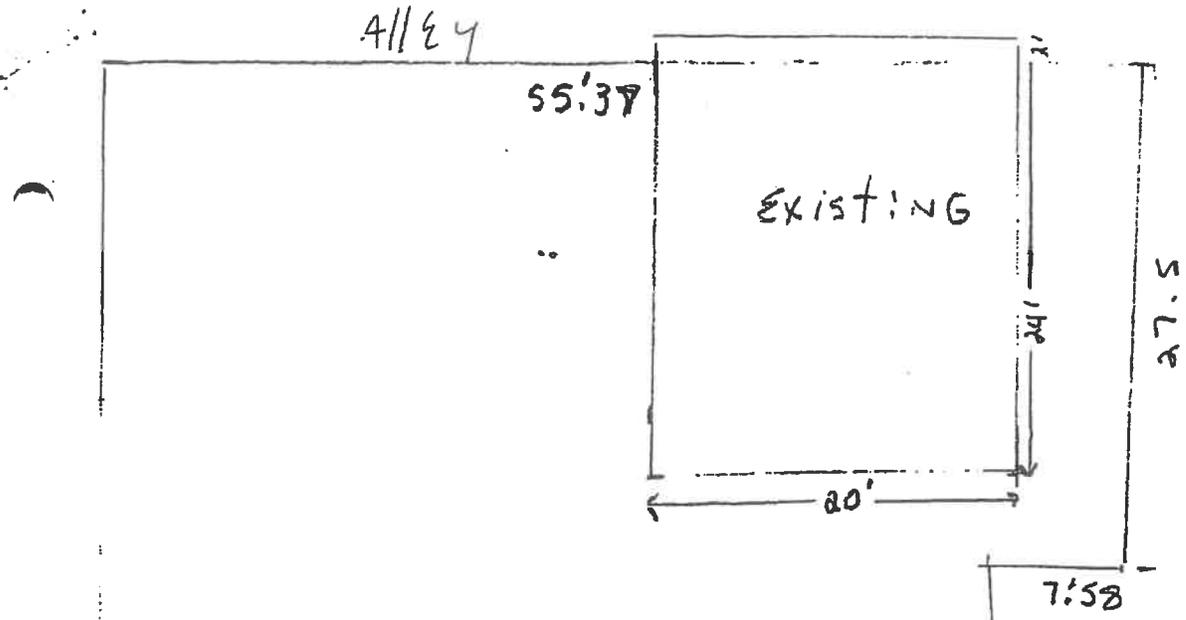


**APPROVED**

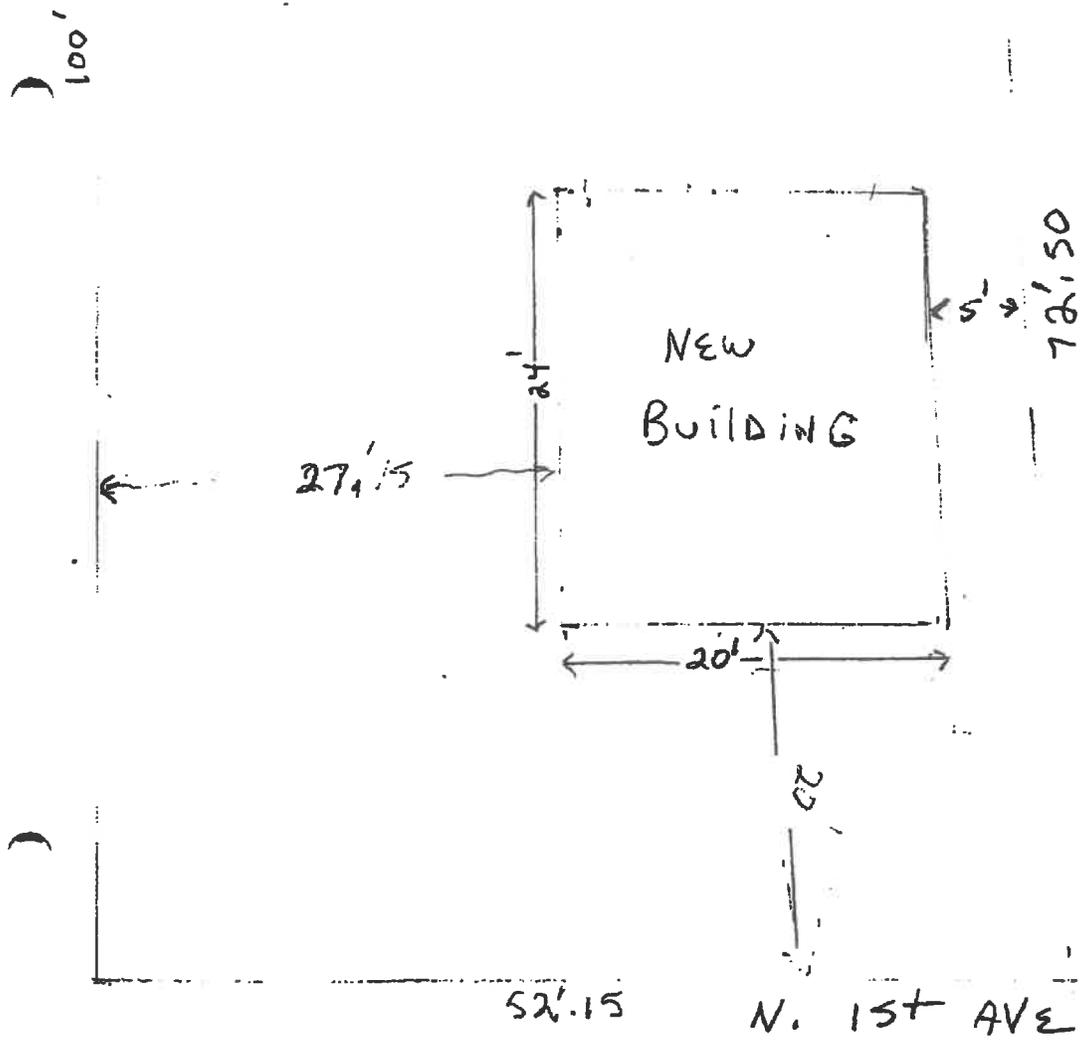
*Fees:*

SDC Fees = Storm Drain \$200.00 x 2 = \$400

Zoning Clearance Fee - Based on project cost - review fee sheet.



420 N. 1<sup>ST</sup> AVE  
 Gold Hill OR. 97525

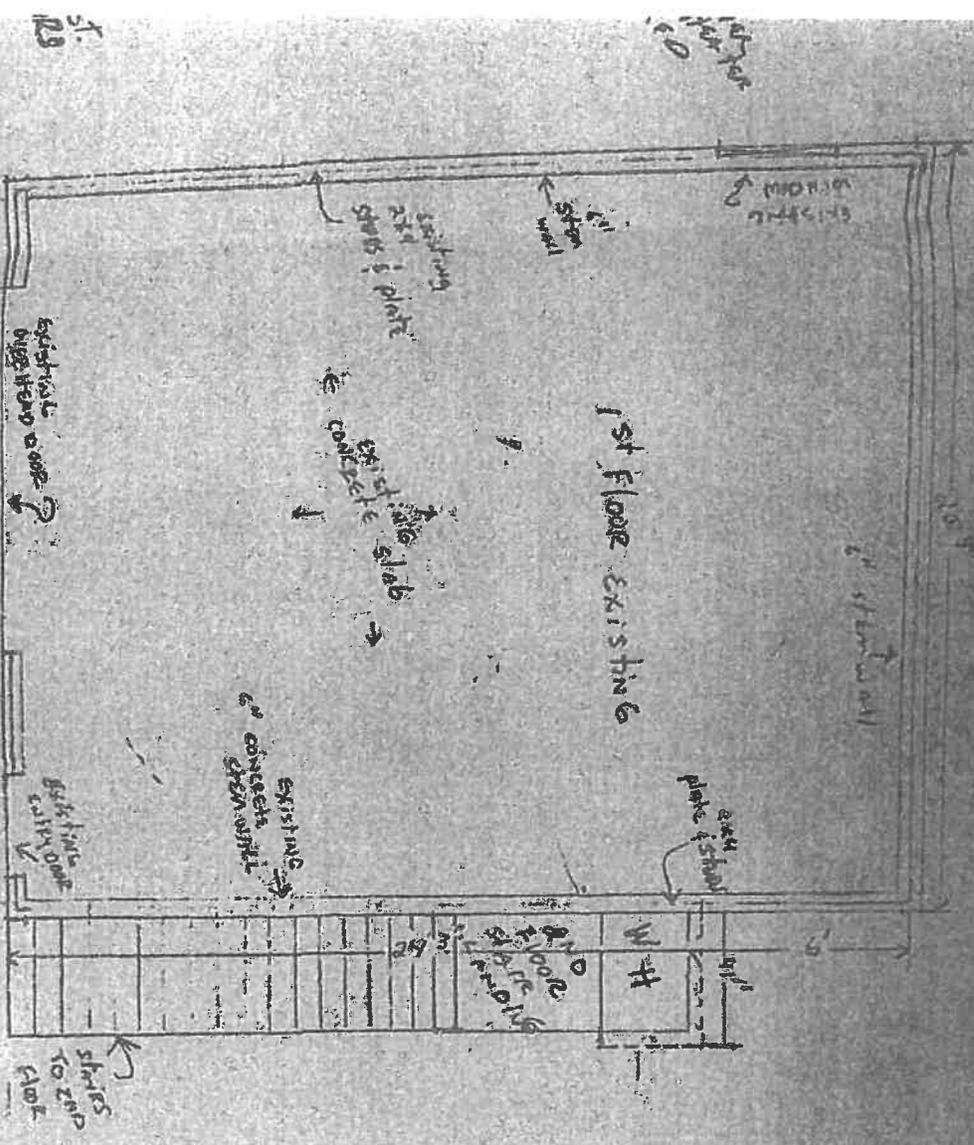


*Amyan Nelson*  
 CITY OF GOLD HILL  
 PO BOX 308  
 GOLD HILL OR 97525

**APPROVED**

Variance

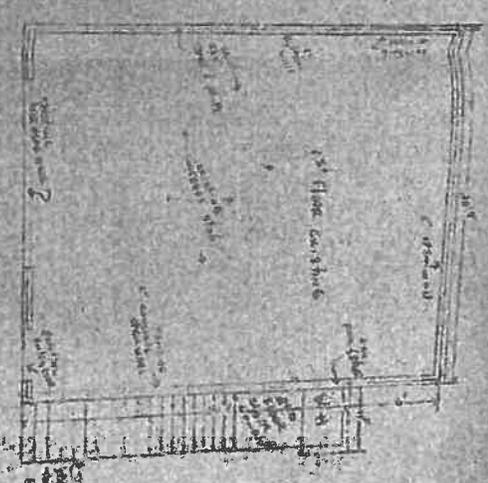
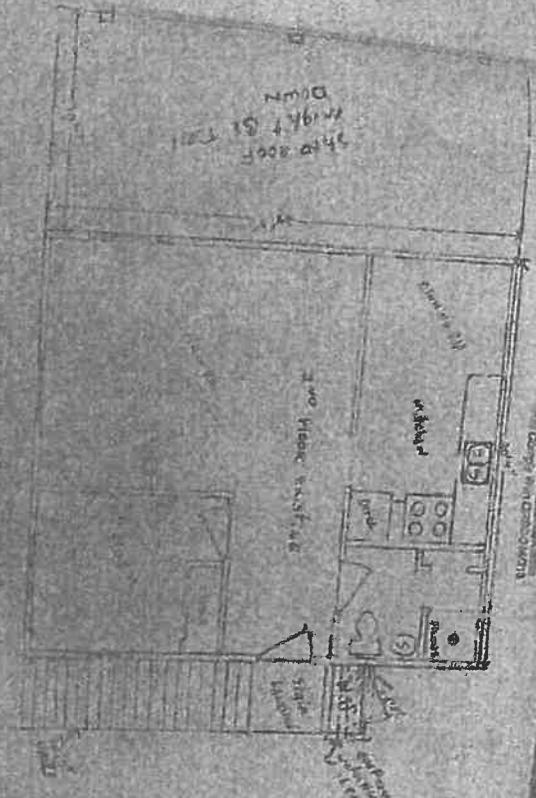
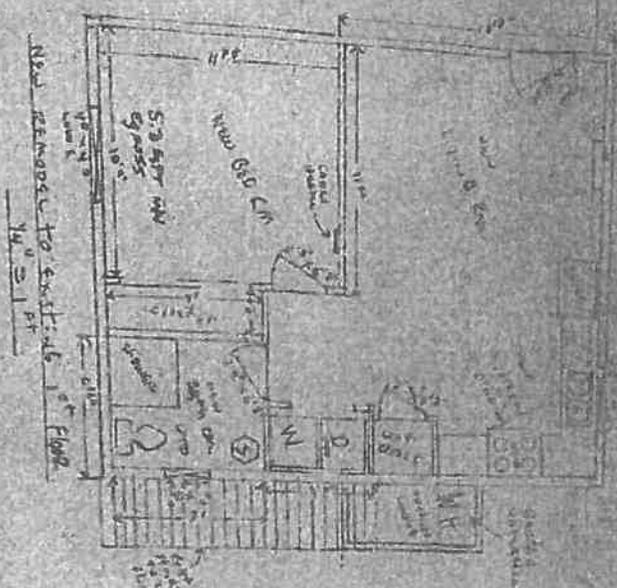
<b>RECEIPT</b>		DATE	7-23-19	No.	732949
RECEIVED FROM		Brooks Construction		\$1000	00
		Six hundred			DOLLARS
<input type="checkbox"/> FOR RENT		Zoning Clearance App.			
<input checked="" type="checkbox"/> FOR					
ACCOUNT		<input type="checkbox"/> CASH	FROM _____ TO _____		
PAYMENT		<input type="checkbox"/> CHECK	BY 		
BAL. DUE		<input type="checkbox"/> MONEY ORDER			
		<input type="checkbox"/> CREDIT CARD			



EXISTING 1st FLOOR 1/4 = 1 FT  
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 EXISTING 3rd FLOOR 1/4 = 1 FT  
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 EXISTING 100th FLOOR 1/4 = 1 FT

APPROVED  
 City of Gold Hill  
 Mayor ML

NOTES  
 1. All mount  
 2. Geo room chof electric  
 3. wall mount



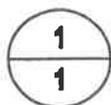
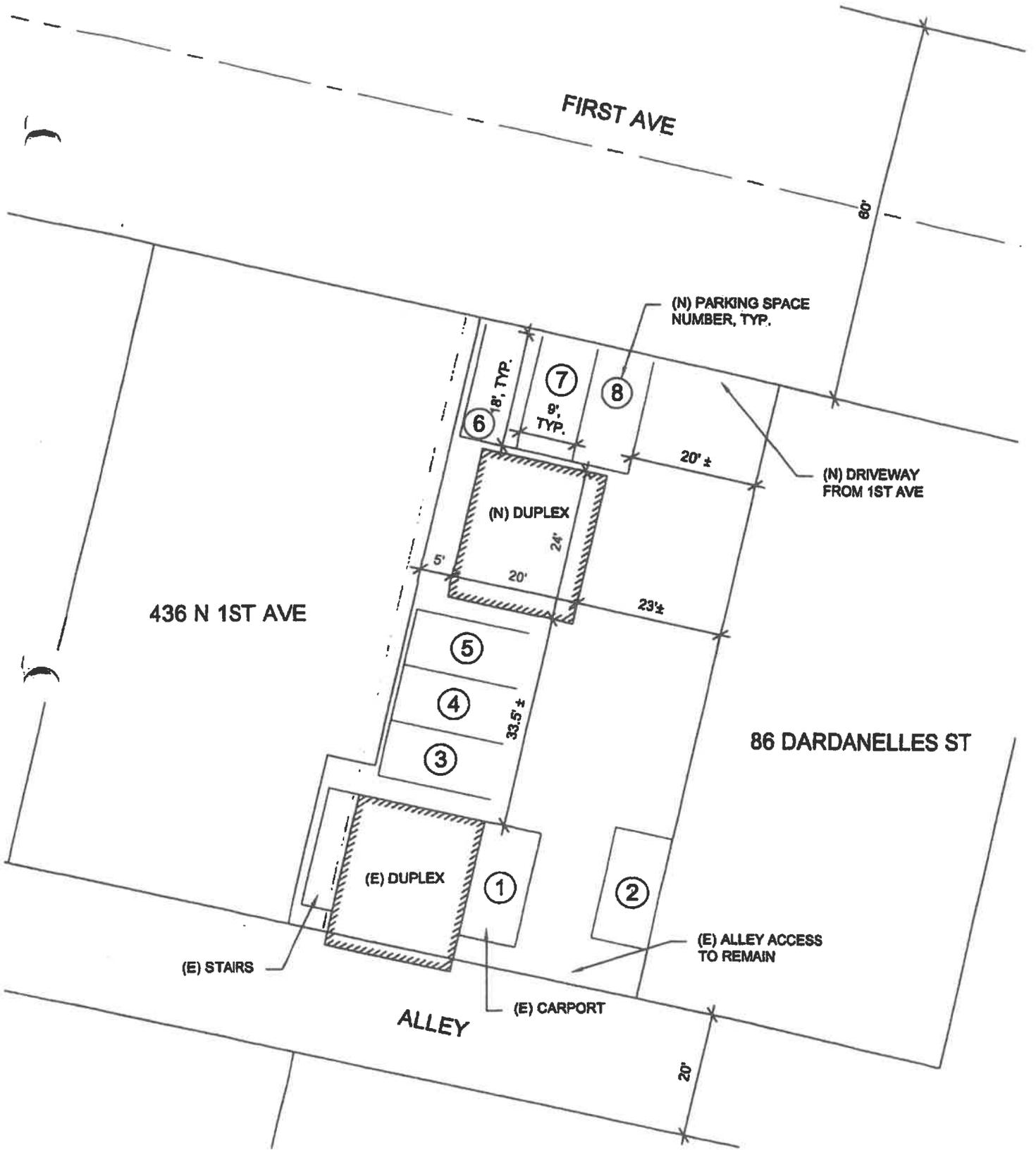
Sectional view of the 1st floor. This diagram shows a cross-section of the building, illustrating the structural elements and the placement of the 'New 650 CV' units. It includes annotations for 'New 650 CV', 'Kitchen', and 'Two Burner Stove'. The diagram also shows the relationship between the different floors and the overall structure.

APPROVED  
City of Cold Hill  
[Signature]

[Signature]  
[Text]







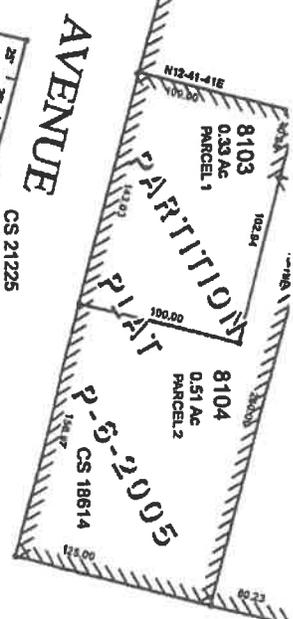
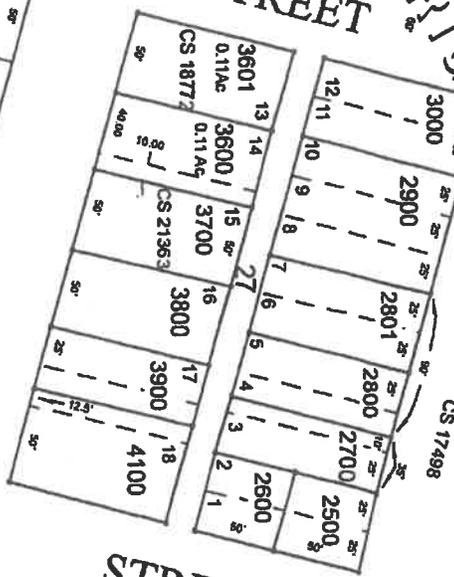
**SITE PLAN - 420 N 1ST AVE**

1" = 30'

PREPARED FOR: TOM BROOKS  
 PREPARED BY: BRANDON SMITH, PE  
 DATE: 8/03/2020



ORIGINAL  
STREET



ESTRAMADO

TOWN AVENUE

STREET

AVENUE

DARDANELLES

STREET

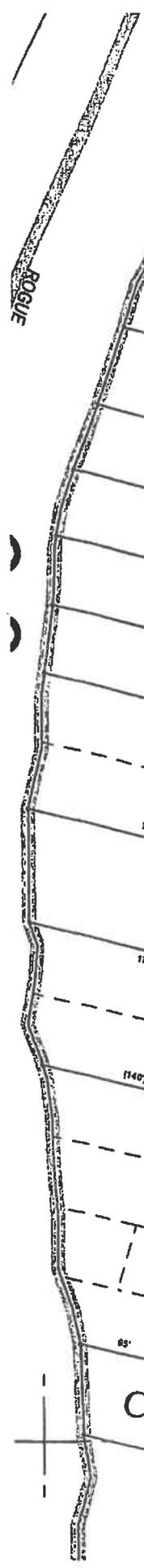
NORTH

NORTH

STREET

CHAVNER

PART. PLAT P-13-9



ROGUE

Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window					
<b>Assessment Info for Account 1-099292-9 Map 363W22BB Taxlot 5701</b> Report For Assessment Purposes Only Created October 09, 2020									
<b>Account Info</b>		<b>Tax Year 2020 Info</b>		<b>Land Info</b>					
Account	1-099292-9	<a href="#">Pay Taxes Online</a>		Tax Code 6-01					
Map	363W22BB 5701			Acreage 0.11					
Taxlot				<b>Zoning</b>					
Owner	MIGHTY ROGUE HOMES LLC	Tax Report <a href="#">Details</a>		<b>Land Class</b>					
Site Address	420 FIRST AVE N GOLD HILL B	Tax Statement <a href="#">Details</a>		0.11 Ac					
		Tax History <a href="#">Details</a>		Property Class 101					
		Tax Details <a href="#">Details</a>		Stat Class 127					
		Tax Rates <a href="#">Details</a>		Unit ID 289899-1					
Mailing Address	MIGHTY ROGUE HOMES LLC PO BOX 1084 GOLD HILL OR, 97525			Maintenance Area 3					
Appraiser	146			Neighborhood 3000					
				Study Area 15					
				Account Status ACTIVE					
				Tax Status Assessable					
				Sub Type NORMAL					
<b>Sales Data (ORCATS)</b>									
Last Sale (consideration > 0)			Sale Date	Instrument Number					
\$ 149,000			Mar 13, 2019	2019-5906					
Sales History <a href="#">Details</a>									
<b>Value Summary Detail ( For Assessment Year 2020 - Subject To Change )</b>									
<b>Market Value Summary ( For Assessment Year 2020 - Subject To Change )</b>									
Code Area	Type	Acreage	RMV	M5	MAV	AV			
6-01	LAND	0.11	\$ 60,500	\$ 60,500	\$ 37,640	\$ 37,640			
6-01	IMPR	0.00	\$ 27,990	\$ 27,990	\$ 18,000	\$ 18,000			
Value History <a href="#">Details</a>		Total:	\$ 88,490	\$ 88,490	\$ 55,640	\$ 55,640			
<b>Improvements</b>									
Building #		Code	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete
1		6-01	1910	1950	127	Area over Garage/Shop	Residence 0	100 %	<a href="#">Details</a>
<b>Photos and Scanned Documents</b>									
Type	Item Number	Image Files							
ACCOUNT PHOTO	1	1	<a href="#">PDF</a>						
ACCOUNT PHOTO	2	1	<a href="#">PDF</a>						
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	<a href="#">Portal</a>						
<b>Improvement Comments</b>									
<b>Appraisal Maintenance</b>									
2010 - VALID RESIDENTIAL R.T. (D-ADDITION OR ALTERATION)									
2021 - RESIDENTIAL R.T. (A-SINGLE FAMILY DWELLING)									
<b>Account Comments</b>									
5/21/10 NLC #146>>>4/15/11 NAC #146>>>									
<b>Exemptions / Special Assessments / Notations / Potential Liability</b>									
<b>Notations</b>									
Description	Tax Amount	Year Added	Value Amount						
CARTOGRAPHIC ACTIVITY		2010							
<b>Location Map</b>									
			Close Window	Print Window					