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

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** March 25, 2020

**SITE:** Croman Mill Site Property, Mistletoe Rd.  
**APPLICANT:** Dwain & Bud LLC  
CSA Planning  
**REQUEST:** Conditional Use Permit for a  
temporary use

### **PLANNING DIVISION COMMENTS**

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

**Summary:** The proposal requires a Conditional Use Permit for a Temporary Use per 18.3.2.040 in conformance with the criteria of approval outlined in chapter 18.5.4 of the Ashland Municipal Code. The City acknowledges that the continued activity of importing soil, mixing it with organic waste material, and removing the enriched mulch from the property is an appropriate reclamation activity relating to preparing the site for future development. It is our understanding that the incidental sale of the enriched soil is only intended to finance and accelerate the cleanup efforts. This activity, selling enriched soil and importing clean fill for the purposes of resale, is a commercial activity.

The preapplication materials submitted do an excellent job of describing and quantifying the substantial amount of excavation and backfill completed to date, as well as the scope of reclamation activity that remains. The pre-application materials also note the expected completion dates for each phase of the reclamation work relating to the corresponding reclamation areas as follows:

- Area A: Completed 2019
- Area B: December 2020
- Area C: December 2023
- Area D: December 2025

The period of reclamation activity, and any directly associated commercial activity intended to facilitate the cleanup, are for a specific time period. This temporary use of the property need be reviewed and approved through the Conditional Use Permit Process.

### **CONDITIONAL USE PERMIT FOR A TEMPORARY USE**

The application must address the following approval criteria from AMC 18.5.4.050.A for a Conditional Use Permit.

#### **18.5.4.050 Conditional Use Permit Approval Criteria**

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.

- Reclamation activity to prepare the site for future development is imperative for the site to be used consistent with the Croman Mill Masterplan and is supported by the City.
  - The application should address any on-site business activities presently proposed to assist in financing and undertaking the reclamation activities.
    - Does the applicant intend to use the property as a clean fill site, charging by the load or by the ton, for solid uncontaminated materials such as soil, rock, stone?
    - Does the applicant intend to use the property as a fill site for used asphalt, brick, or concrete, charging by the load or by the ton?
    - Does the applicant intend to operate a rock or concrete crusher onsite to crush larger rocks or concrete into smaller pieces or gravel?
    - Does the applicant have an active business license for the activities conducted on site, or will one be acquired, to conduct business activity within the City of Ashland?
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.
- The Staff Advisor, or Planning Commission if the action is appealed to a public hearing, can consider measures to ensure the proposed temporary use will not have a greater adverse material effect on livability of the impact area than would the permitted development of the property, and can impose such measures as conditions of approval.
  - The applicant has previously implemented a number of measures on site to address past code compliance violations relating to dust, noise, traffic, and track out, and therefore we recommend that the application explicitly include such measures that would be continued through the period of continued operations to minimize any adverse neighborhood impacts.

- 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.
    - o Please address in the application the frequency, and hours of operation, of daily truck traffic expected to and from the property relating to the reclamation activity as well as any measures taken to mitigate for adverse neighborhood impacts.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
    - o Please address in the application all activities proposed to reduce the generation of dust, odors, or other pollutants associated with reclamation activities. Specifically, please indicate any regularly scheduled on-site dust control measures proposed such as watering the drive surfaces, and capping material stockpiles with moistened mulch.
  - e. Generation of noise, light, and glare.
    - o Please address in the application all measures intended to be implemented to reduce the 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.
    - h. CM-C1. The general light industrial uses listed in chapter [18.3.2](#) Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
    - i. CM-OE and CM-MU. The general office uses listed in chapter [18.3.2](#) Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
    - k. CM-NC. The retail commercial uses listed in chapter [18.3.2](#) Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.

## **OTHER ORDINANCE REQUIREMENTS**

The approval authority may impose conditions that are found necessary to ensure that the

use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following.

1. Limiting the hours, days, place, and/or manner of operation.
2. Specifying the period of time within which the proposed use shall be developed.
3. Limiting the duration of use.
4. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust, in addition to the requirements of part [18.4](#) Site Development and Design Standards.
5. Requiring larger setback areas, and/or building separation.
6. Requiring architectural design features such as building materials, textures, colors, and architectural features that address architectural compatibility with the impact area.
7. Designating the size, number, location, and/or design of vehicle and pedestrian access points or parking and loading areas.
8. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable, consistent with the requirements of chapter [18.4.6](#) Public Facilities. Alternatively, the City may require the owner sign a non-remonstrance agreement and consent to participate in the costs of providing such improvements, per section [18.4.6.030](#).
9. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas, in addition to the requirements of part [18.4](#) Site Development and Development Standards.
10. Regulation of building materials, textures, colors, and architectural features.
11. Limiting the number, size, location, height and/or lighting of signs;
12. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting.
13. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance.
14. Requiring and designating the size, height, location, and/or materials for fences

and walls.

15. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.

16. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards.

17. The approval authority may require renewal of Conditional Use Permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the Conditional Use Permit to ensure compliance with conditions of approval; such period review may occur through a Type I or Type II review process, pursuant to chapter [18.5.1](#).

#### **OTHER CITY OF ASHLAND DEPARTMENT COMMENTS**

**BUILDING:** No comments at this time. Please contact the Building Division for any building codes-related questions at 541-488-5305.

**CONSERVATION:** For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to [julie.smitherman@ashland.or.us](mailto: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](mailto:dan.cunningham@ashland.or.us)

**ENGINEERING:** See attached (pg8). 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](mailto:karl.johnson@ashland.or.us) .

**FIRE:** See comments at the end of this document (pg12). 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](mailto:ralph.sartain@ashland.or.us)

**WATER AND SEWER SERVICE:** No comments at this time. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail [walkers@ashland.or.us](mailto:walkers@ashland.or.us) with any questions regarding water utilities.”

**ELECTRIC SERVICE:** If any upgrades to existing service are necessary, please have applicant contact the Electric Department @ 552.2389.

## **PROCEDURE**

Conditional use permits and site design review are subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

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

### **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:

- **Conditional Use Permit 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.

- **Conditional Use Permit: AMC 18.5.4.040**

**FEES: Conditional Use Permit**

\$1,092

**NOTE:** All applications received are reviewed and must be found to be complete before being processed. 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:**

Brandon Goldman, Senior Planner

City of Ashland, Department of Community Development

Phone: 541-552-2076 or [brandon.goldman@ashland.or.us](mailto:brandon.goldman@ashland.or.us)

March 25, 2020

\_\_\_\_\_  
Date

## **Engineering / Public Works Comments**

1. Engineered Plans - Where public improvements are required or proposed, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. One set of these civil plans MUST be submitted DIRECTLY to the Public Works/Engineering Department. All design plans must meet the City of Ashland Public Works Standards. Engineered construction plans and specifications shall be reviewed and signed by the Public Works Director, prior to construction. All public facilities within the development will be designed to the City of Ashland Engineering Design Standards for Public Improvements. The engineered plans shall also conform to the following:

- If drawings are submitted to the City of Ashland digitally, they shall be true scale PDF drawings. If AutoCAD drawings are also submitted, they shall be compatible with the AutoCAD release being used by the City at that time and shall be located and oriented within the Oregon State Plain Coordinate System (NAD83-89).
- Drawings sizes shall comply with ANSI-defined standards for page width and height. Review drawings may be submitted in B size (11x17). Bidding and construction documents may also be printed at B size; however, all final as-constructed drawings must be submitted to scale on D-size (24x36) Mylar. Digital files of the as-constructed drawings shall also be submitted. Drawings shall be drawn such that reduction of plans from full size (D sized) to half size (B sized) can be done to maintain a true scale on the half-sized plans.

2. TIA (Transportation Impact Analysis) – All land use actions that either propose direct or indirect access to a State highway or a boulevard will need to provide the City of Ashland with the information outlined below. The governing jurisdiction will then inform ODOT of the intended land use action and provide pertinent review material. These guidelines are intended to ensure that developments do not negatively impact the operation and/or safety of the roadway.

A. Applicants must submit a preliminary site plan for review to the City of Ashland, prior to the pre-application conference. At a minimum, the site plan shall illustrate:

1. The location of existing access point(s) on both sides of the road within 500 feet in each direction for Category 4 segments or 5 lane boulevards, and 300 feet for Category 5 segments and 3 lane arterials;
2. Distances to neighboring constructed public access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property (this should include the section of roadway between the nearest upstream and downstream collector);
3. Number and direction of site access driveway lanes to be constructed, as well as an internal signing and striping plan;
4. All planned transportation features on the State highway/boulevard (such as auxiliary lanes, signals, etc.);
5. Trip generation data or appropriate traffic studies (See the following section for the state's traffic impact study requirement thresholds.);
6. Parking and internal circulation plan;
7. Plat map showing property lines, right of way, and ownership of abutting properties;
8. A detailed description and justification of any requested access variances;

B. Proposed land use actions, new developments, and/or redevelopment accessing a State highway/boulevard, directly or indirectly (via collector or local streets), will need to provide traffic impact studies to the respective local reviewing jurisdiction(s) and ODOT if the proposed land use meets one or more of the following traffic impact study thresholds. A traffic impact study will not be required

of a development that does not exceed the stated thresholds.

1. Trip Generation Threshold: 50 newly generated vehicle trips (inbound and outbound) during the adjacent street peak hour;
2. Mitigation Threshold: Installation of any traffic control device and/or construction of any geometric improvements that will affect the progression or operation of traffic traveling on, entering, or exiting the highway;
3. Heavy Vehicle Trip Generation Threshold: 20 newly generated heavy vehicle trips (inbound and outbound) during the day;

All traffic impact studies will need to be prepared by a registered professional engineer in accordance with ODOT's development review guidelines.

C. Traffic Impact Study Requirements

1. The following is a summary of the Oregon State Highway minimum requirements for a traffic report. ODOT views the following requirements as the minimum considerations to be dealt with by Professional Traffic Engineering Consultants in their analysis of traffic impacts resulting from new developments adjacent to State highways.
2. The analysis shall include alternates other than what the developer originally submits as a proposal for access to state highways, city streets, and county roads.
3. The analysis of alternate access proposals shall include:
  - (i) Existing daily and appropriate design peak hour counts by traffic movements, at intersections which would be affected by traffic generated by the development (use traffic flow diagrams).
  - (ii) Projected daily and appropriate design peak hour volumes for these same intersections, and at the proposed access points after completion of the development. If the development is to be constructed in phases, projected traffic volumes at the completion of each phase should be determined.
  - (iii) Trip Generation shall be calculated using the Institute of Transportation Engineers' manual "TRIP GENERATION 5th Edition" or other, more current, and/or applicable information.
  - (iv) A determination of the need for a traffic signal based on warrants in the "Manual on Uniform Traffic Control Devices."
4. The recommendations made in the report should be specific and shall be based on a minimum level of service "D" when the development is in full service. As an example, if a traffic signal is recommended, the recommendations should include the type of traffic signal control and what movements should be signalized. If a storage lane for right turns or left turns is needed, the recommendations should include the amount of storage needed. If several intersections are involved for signalization, and an interconnect system is considered, specific analysis should be made concerning progression of traffic between intersections.
5. The internal circulation of parking lots must be analyzed to the extent that it can be determined whether the points of access will operate properly.
6. The report shall include an analysis of the impacts to neighboring driveway access points and adjacent streets affected by the proposed new development driveways.
7. The report should include a discussion of bike and pedestrian usage and the availability of mass transit to serve the development.

3. Street Improvement –The applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.

4. Public Pedestrian Access – An approved handicap access ramp will be required at all intersections. All ramps shall meet current United States Access Board Guidelines (PROWAG) and shall be designed in accordance with the current ODOT design guidelines. The design must be submitted to and approved by the City of Ashland Engineering Department.

5. Right of Way – No additional right of way dedication, beyond that necessary to comply with City Street Standards, will be required at this time.

6. Sanitary Sewer - The property is currently served by an 8-in sanitary sewer main in Mistletoe Road. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.

7. Water - The property is currently served by a 12-in water main in Mistletoe Road. 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.

8. Storm Drainage - The property is currently served by a 15-in storm sewer main in Mistletoe Road. City of Ashland Engineering Department must review an engineered storm drainage plan.

#### Storm Water Facility Design Requirements

Projects that will create or replace 5,000 square feet or more of new impervious surface (buildings, roads, parking lots, etc.) area that discharges to an MS4, must comply with the requirements of the DEQ MS4 General Permit phase 2. Below are additional requirements of the City of Ashland which either differ from or are additional to the MS4 General Permit phase 2.

- All storm water detention facilities must have an overflow structure capable of safely passing the 25-year storm to an approved storm water facility. Peak flow for destination requirements may be calculated using the Rational Method with an ODOT Zone 5 IDF curve for a 10-year storm event (25-year storm event for bypass calculations), or any other comparable method. The flow calculations are the same as described in the RVSWDM for flow control measures.
- The default value for pre-development peak flow shall be 0.25 CFS per acre.
- Detention volume shall be sized for the 25-year, 24-hour peak flow and volume.
- An overflow spillway shall be provided to convey the 25-year peak flow for systems receiving up to 50 CFS, and 100-year peak flow for systems receiving more than 50 CFS.
- Water Quality BMPs shall provide at least 80% removal of bacteria and TSS (75 microns and larger).
- Conveyance for drainages less than 300 acres shall be sized to carry the ODOT Zone 5, 25-year event.
- Culverts with flows greater than 50 CFS shall be sized to carry the ODOT Zone 5, 50-year event.
- Existing wetlands, natural drainage ways, and open spaces shall be preserved from development to provide their natural flow attenuation, retention, or detention of runoff by providing a buffer.
- The grading plan shall indicate the direction of flow of all surface flows, including those on to and from adjoining properties. Site grading shall be designed to provide positive drainage away from all buildings and structures except those designed to withstand flooding in accordance with the building code standards for flood-proofing. Freeboard shall be specified on the grading plan per AMC 15.10.
- Bridges, Culverts & other flow limiting structures in or near riparian areas shall be permitted in accordance with the agency's requirements in AMC 18.3.10.080. Removal/fill permits shall be submitted with the plans.

9. Erosion & Sediment Control - The following requirements shall be met:
- All ground disturbances exceeding 1,000 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.
10. 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.
11. 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
- 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.
12. As-Built - Where public improvements are required or completed, the developer shall submit to the City of Ashland, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
13. Addresses – Any new addresses must be assigned by City of Ashland Engineering Department.
14. Sign & Traffic Control Devices– Sign installation and visibility must be maintained to the requirements of the Manual of Uniform Traffic Control Devices (MUTCD). The applicant proposed signage must be reviewed and approved by the City of Ashland Engineering Department.
15. Street Names – Any new street names must be approved by the City of Ashland Engineering Department and Planning Department.

## **Ashland Fire Department Comments**

Pre Application Comments

Date: 03-20-2020

Project Address: 200 Mistletoe Rd

Permit Number:

PreApp-2020-00186

Project Description: CUP for Removal

Ashland Fire & Rescue Contact: Ralph Sartain 541-552-2229 ralph.sartain@ashland.or.us

Fire department comments are based upon the 2019 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Fire directs the applicant to comments previously provided to the applicant in a letter dated 10/17/2006 regarding on going reclamation and site preparation activity as follows:

- Efforts will be taken to ensure unauthorized individuals do not enter or occupy the property including:
  - Property will be posted with no trespassing signs and contractors reinforce the no trespassing on the property.
  - Transient camps and accumulation of trash will be removed from the property
  - Vegetation will be removed in a manner that will discourage camping and to reduce the fuels on the property.
  - The pedestrian trail through the property will be decommissioned.
  - Weekly patrols on the property will be implemented.
- Fire safety recommendations and Oregon Fire Code requirements will be adhered to including:
  - Weed abatement on the property shall be implemented no later than June 15 annually and maintained throughout the fire season. AMC 9.04. [www.ashland.or.us/weedabatement](http://www.ashland.or.us/weedabatement)
  - Report any fires that occur on the property even if suppressed by the occupant.
  - Maximum pile size of wood chips, fines, compost and raw product is 25 feet high, 150 feet wide and 250 feet long.
  - Piles are required to be separated by 20 foot wide fire apparatus driving surfaces.
  - Static piles are required to be monitored to include the temperature of the interior piles and records maintained on site.
  - 4A60BC fire extinguishers are required on all vehicles and equipment operating on the piles and at operating equipment.
  - Material handling equipment is required to be available for moving wood products during firefighting operations.
  - Emergency plan is required to be maintained for the monitoring, control and extinguishment of fires.

Final determination of fire hydrant distance, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review. Changes from plans submitted with this application can result in further requirements. Any future construction must meet fire code requirements in effect at that time. The fire department contact for this project is Fire Marshal Ralph Sartain. He may be contacted at (541) 552-2229 or ralph.sartain@ashland.or.us.