

---

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

---

**ASHLAND PLANNING DEPARTMENT**  
**PRE-APPLICATION CONFERENCE**  
**COMMENT SHEET**  
July 8, 2020

**SITE:** 795 Jaquelyn St  
**APPLICANT:** Rogue Planning & Development  
**OWNER:** Livni Family Trust  
**REQUEST:** SDR/ARU, P&E

**PLANNING STAFF COMMENTS:**

*This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.*

**Summary:** For staff, the key consideration here is that while AMC 18.3.10.080.F provides that for existing lots with more than 50 percent of the lot in Flood Corridor Land, “structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section 18.3.10.070. Construction shall be subject to the requirements in subsection 18.3.10.080.D”, the approval criteria require a demonstration that all reasonable steps have been taken to minimize adverse impacts to the environment and the Flood Plain Corridor Development Standards in AMC 18.3.10.080.E require, “To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands.” The application would need to make a clear demonstration why, with an area as much as 85 feet deep between the flood plain boundary and the front property line, an ARU would not be better placed in the area available outside the flood plain corridor.

**PHYSICAL & ENVIRONMENTAL (P&E) CONSTRAINTS REVIEW PERMIT**

The final application will need to address the approval criteria, submittal requirements for a P&E Permit and the Development Standards for Flood Plain Corridor Lands:

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

AMC 18.3.10.080.E requires, “To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands.” For staff, the key question in considering the application would be why, with an area as much as 85 feet deep between the flood plain boundary and the front property line, an ARU would not be better placed in the area available outside the flood plain corridor. [If an ARU is ultimately allowed in the Flood Plain, the final application would need to demonstrate

compliance with AMC 18.3.10.080.F (i.e. “structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek.”)]

**Water Resource Protection Zone Boundary (WRPZ):** Clay Creek is regulated as a “Local Stream” and has a WRPZ extending 40 feet upland from the centerline of stream (or 40 feet upland of any streamside wetlands). The final application would need to illustrate the extent of the WRPZ on the plans to demonstrate that all proposed work was outside the WRPZ.

### **ACCESSORY RESIDENTIAL UNIT (ARU)**

An ARU application must demonstrate compliance with the approval criteria for Site Design Review, which includes addressing some Site Development & Design Standards, and must also address the Special Use Standards for an ARU which include that an ARU in an R-1 zone cannot exceed 1,000 square feet and cannot be more than 50% of the gross habitable floor area of the primary residence. The approval criteria and standards in **blue** below are taken directly from the Municipal Code; staff comments are in **black**.

### **SITE DESIGN REVIEW APPROVAL CRITERIA**

*An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.*

- A. Underlying Zone.** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. Overlay Zones.** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. Site Development and Design Standards.** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
  - The following Site Development and Design Standards in Chapter 18.4.2 apply to ARU’s:
    - C. Building Orientation.** *Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.*
      - 1. Building Orientation to Street.** *Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.*
      - 2. Limitation on Parking Between Primary Entrance and Street.** *Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.*
      - 3. Build-to Line.** *Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.*
    - D. Garages.** *The following standards apply to garages, carports, canopies, and other permanent*

*and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.*

- 1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.*
- 2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.*

*E. **Building Materials.** Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.*

*D. **City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.*

- **Adequate Capacity of Public Utilities:** The applicants will need to demonstrate that adequate water, sanitary sewer, storm sewer, and electricity services, and paved access/adequate transportation are available or can be extended to serve the proposed development. The Utility Plan must show the location and size of the public utility lines that will serve the proposed parcels and detail service locations for each proposed lot. Pplans will not be deemed complete without a utility plan which includes an Electric Department-approved electric service plan. Any necessary transformers or cabinets need to be placed in locations that are the least visible from the public right-of-way. The utility line and meter locations should be coordinated with the Tree Protection Plan to identify any potential impacts to trees that are six-inches in diameter or greater.

As noted in previous pre-applications, the Public Works Department has indicated that there are no storm drain facilities in the vicinity, that the sewer main ends roughly 100 feet north of the property, and that additional right-of-way would need to be dedicated to meet street standards. The final application would need to address these issues in responding to the criteria.

- **Electric Meter:** The city requires a separate electric unit for each residential unit. Electric meters/boxes should be placed in locations that are least visible from the street right-of-way while considering the access requirements of the Electric Department.

*E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1, 2, or 3, below, are found to exist.*

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty;*
2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
3. *There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of 18.2.3.090.*
  - The application would need to address the Exception criteria above if any of the details of the proposal do not comply with the applicable design standards.

## ARU SPECIAL USE STANDARDS

### B. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements:

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone.
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section [18.4.3.040](#), except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections [18.4.3.080.D.1](#) and [18.4.3.080.D.2](#) and paving requirements in subsection [18.4.3.080.E.1](#).
  - While Ashland's off-street parking requirements are that an ARU over 800 square feet provide two parking spaces in addition to the two spaces required for the primary unit, recent changes at the state level prevent the city from requiring additional off-street parking for ARU's so parking would not be an issue with an ARU application.

**Tree Preservation, Protection and Removal:** The final application will need to include an inventory of all trees six-inches in diameter at breast height and greater on the property and within 15 feet of the property boundaries is required with the application under AMC 18.4.5. The inventory must include detailed information including but not limited to species, diameter at breast height, condition, and drip line/protection area of each tree. The plan must clearly identify trees to be preserved and how they will be protected and show those trees to be removed, and address the tree removal permit requirements in AMC 18.5.7 for significant trees to be removed. Tree removal permit requests would be considered in light of the Physical and Environmental Constraints Review Permit as well as the Tree Removal Permit criteria.

## DEMOLITION

If any existing structures in excess of 500 square feet are proposed for removal, they would require a Demolition/Relocation Permit through the Building Division. Buildings under this threshold square footage do not require a Demolition/Relocation Permit but would still require a permit in conjunction with demolition to assure that utilities are properly addressed during demolition.

**Neighborhood Outreach:** Staff always recommends applicants approach the affected neighbors to discuss proposals and try to address any concerns as early in the process as possible. Notices will be sent to owners of neighboring properties within a 200-foot radius, signs posted on the site and advertised in the local newspaper once an application is deemed complete. In many cases, it is better if neighbors hear of the proposal from the applicants rather than by a formal notice from the city.

**Written Findings/Burden of Proof:** Applicants should be aware that written findings addressing the ordinance and all applicable criteria are required, and are heavily depended on in the decision making process for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

.....

## OTHER DEPARTMENTS' COMMENTS

**FIRE DEPARTMENT:** *See comments at the end of this document.* Please contact Division Chief & Fire Marshal Ralph Sartain of the Fire Department for any additional information at (541) 552-2229 or via e-mail to [Ralph.Sartain@ashland.or.us](mailto:Ralph.Sartain@ashland.or.us) .

**BUILDING DEPARTMENT:** *No comments at this time.* Please contact the Building Division for Building Codes-related information at (541) 488-5305.

**CONSERVATION DEPARTMENT:** *No comments at this time.* There may be current City of Ashland rebates for the installation of high efficiency toilets (HET) as well as some appliances such as refrigerators, dishwashers and washing machines. Appliances may also be eligible for state tax credits through the Oregon Department of Energy. There may also be opportunities for homes to be built more sustainably or more energy efficient with financial and/or technical assistance from the City. For more information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail [Dan.Cunningham@ashland.or.us](mailto:Dan.Cunningham@ashland.or.us) .

**PUBLIC WORKS DEPARTMENT:** *No comments at this time.* For any further information, please contact Karl Johnson at (541) 552-2415 or via e-mail to: [karl.johnson@ashland.or.us](mailto:karl.johnson@ashland.or.us) .

**ELECTRIC DEPARTMENT:** The applicant will need to contact Dave Tygerson in the Electric Department at (541) 552-2389 to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Dave can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Dave Tygerson, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. *Applications will not be deemed complete without an approved electric service plan.*

**WATER AND SEWER SERVICE:** *“If the project requires additional water services or upgrades to existing services the Ashland Water Department will excavate and install in the city right of way all water services up to and including the meter on domestic and commercial water lines. If a fire line is required the water department will also only install a stub out to the location where the double check detector assembly (DCDA) complete with a Badger brand cubic foot bypass meter should be placed in a vault external to the building. The vault and the DCDA device housed in it are the responsibility of the property owner and should be placed at the property line. Fees for these installations are paid to the Water Department and are based on a time and materials quote to the developer or contractor. Meter sizes and fire line diameters will need to be provided to the Water Department at the time of a quote being requested. Please Contact Steve Walker at 541-552-2326 or e-mail [walkers@ashland.or.us](mailto:walkers@ashland.or.us) with any questions regarding water utilities.”*

.....  
**PROCEDURAL HANDLING**

The application is subject to a ‘**Type I**’ procedure, which provides for an administrative decision with notice to neighbors and the potential for appeal to the Planning Commission. If appealed, the Planning Commission hearing would be ‘de novo’ and the Commission’s decision would be the final decision of the city.

**APPLICATION REQUIREMENTS**

1. **Application Form and Fee.** *Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.*
  
2. **Submittal Information.** *The application shall include all of the following information.*
  - a. *The information requested on the application form (see <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 (“written findings”) 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 & [https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/2019-07-01\\_Planning\\_Fees.pdf](https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/2019-07-01_Planning_Fees.pdf)).*

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:

- **Site Design Review** **AMC 18.5.2.050**
- **Accessory Res. Unit** **AMC 18.2.3.040**
- **P&E Constraints** **AMC 18.3.10.050**
- **Exception to Street Standards** **AMC 18.4.6.020.B (if applicable)**
- **Tree Removal Permit** **AMC 18.5.7.040.B.2 (if applicable)**

**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.

- **Site Design Review** **AMC 18.5.2.040**
- **P&E Permit** **AMC 18.3.10.040**
- **Tree Protection Plan** **AMC 18.4.5.030 (if applicable)**
- **Tree Removal Permit** **AMC 18.5.7.030 (if applicable)**

\*\*\*\*\*

<b>NEXT APPLICATION DEADLINE*:</b>	First Friday of each month
<b>UPCOMING PLANNIGN COMMISSION MEETING:</b>	Second Tuesday of each month
<b>FEES*:</b>	
Site Design Review/Accessory Res. Unit	\$ 710.00
Physical & Environmental Constraints Permit:	\$ 1,092.00
Demolition (if applicable):	\$ 361.25
Exceptions (if applicable):	\$ 0
Tree Removal Permits:	\$ 0

**\*NOTES:**

- ***These fees are slated to increase on August 1st with Council approval of an annual adjustment.***
- *Applications are accepted on a first come-first served basis.*
- *All applications received are reviewed by staff, and must be found to be complete before being processed or scheduled at a Planning Commission meeting.*
- *Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment.*
- *Applications are reviewed for completeness in accordance with ORS 227.178, and the first COMPLETE applications submitted are processed at the next available Planning Commission meeting.*

**For further information, please contact:**

Derek Severson, Senior Planner

Phone: 541-552-2040/ E-mail: [derekseverson@msn.com](mailto:derekseverson@msn.com)

July 8, 2020\_\_\_\_\_

## Ashland Fire & Rescue

### Pre-Application Comments

**Date:** 06-25-2020

**Project Address:** 795 Jaquelyn

**Permit Number:** PreApp-2020-00204

**Project Description:** ARU

**AF&R Contact:** Ralph Sartain, Division Chief & Fire Marshal  
541-552-2229  
[ralph.sartain@ashland.or.us](mailto: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:

- **Addressing** - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background and shall be plainly visible and legible from the street fronting the property. Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. **OFC 505**
- **Fire Apparatus Access Approach** -The angle of approach at the point where the public road transitions to the private fire apparatus access road must meet the City of Ashland Engineering Department specifications. **OFC 503.2.8**
- **Fire Apparatus Access/Single Residential Lot** - If the furthest point on the structure is greater than 150' from the street, the entire length of the private drive or street must meet fire apparatus access. Fire apparatus access shall be 15 feet clear width, with the center 12 feet being constructed of an all-weather driving surface. Fire apparatus access must support 60,000 pounds, no parking, have a maximum slope of 15 percent, and have vertical clearance of 13' 6". With the installation of fire sprinklers, 200' of the driveway is allowed to have an 18 percent slope. Inside turning radius is at least 20 feet and outside turning radius is at least 40 feet and must be indicated on site plans submitted for building permits. Fire apparatus access is required to be signed as "No Parking-Fire Lane". Final plat needs to indicate that the private drive is fire apparatus access and must state that it cannot be modified without approval of Ashland Fire & Rescue.

- **Aerial Ladder Access** – Structures exceeding 24 feet in height above the lowest level of fire apparatus access are required to provide access roads capable of accommodating fire department aerial apparatus. These access roads are required to be 26 feet in width in the immediate vicinity of the building. **OFC Appendix D 105 as amended by AMC 15.28.070 K & L.**
- **Firefighter Access Pathway** – An approved footpath around the structure is required so that all exterior portions of the structure can be reached with the fire hose. Any changes in elevation greater than two feet in height (such as retaining walls) require stairs. The stairs shall be an all-weather surface and meet the requirements as specified in the Oregon Structural Specialty Code. **OFC 503.1.1**
- **Fire Hydrant Distance to Structures** - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance shall not exceed 300 feet. Hydrant distance can be increased to 600 feet if approved fire sprinkler systems are installed.
- **Fire Hydrants Clearance** - Hydrants must have 3 feet of clearance extending from the center nut of the hydrant all the way around. Fences, landscaping and other items may not obstruct the hydrant from clear view. Hydrants must be shown on site plan when submitting for building permits.
- **Fire Sprinkler System** – The installation of a fire sprinkler system may be an acceptable means to mitigate deficiencies related to other fire requirements such as fire flow, hose reach, fire lane width, fire apparatus turn-around, distance to fire hydrants, and fire department work areas. **OFC 503.1.1**
- **Gates and Fences** – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.
- **Wildfire Hazard Areas** – On lands designated in the Wildfire Lands Overlay, a “Fuel Break” as defined in **Ashland Municipal Code, section 18.3.10.100** is required.
- **Wildfire Hazard Areas** - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. **AMC 18.3.10.100**
- **Vegetation** – existing and intentionally planted vegetation is required to meet **AMC 18.3.10.100B(2) General Fuel Modification Area Standards**. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. [www.ashlandfirewise.org](http://www.ashlandfirewise.org) . Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.
- **Fire Season** – If work will be completed during fire season, check fire season fire prevention requirements found at [www.ashland.or.us/fireseason](http://www.ashland.or.us/fireseason) .
- **Accessory Residential Units in Wildfire Hazard Areas** - Accessory Residential Units on land zoned RR in the Wildfire Hazard Areas are required to install a residential fire sprinkler system.

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](mailto:ralph.sartain@ashland.or.us).