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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 DEPARTMENT  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET**  
June 3, 2020

**SITE:** 915 Oak St.  
**APPLICANT:** Wilson / Cunning  
**REQUEST:** P&E permit for flood plain,

## **PLANNING STAFF COMMENTS:**

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

**Proposal:** The construction of a ‘storage & recreation building’ in the Ashland Modified flood plain. While the property is encumbered by more than 50-percent flood zone the city has historically been very reluctant to approve development in the Ashland Flood plain unless it is the only area able to be built on.

The applicant would be required to demonstrate why the structure is unable to be built on land outside of the flood zone.



See AMC 18.3.10.080

**E. Structure Placement.** To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands. In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.

**F. Residential Structure Placement.** Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in 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](#), above

From AMC 18.1.2.050

**B. Highest Standard or Requirement Applies.** Where a requirement of this ordinance varies from another provision of this ordinance or with other applicable regulations, the highest standard or regulation shall govern.

**D. Requirements versus Guidelines.** Use of the word “shall,” “must,” “required,” “prohibited” or similar directive term means the ordinance provision is a requirement. Use of the word “should,” “encouraged,” “recommended,” “may,” or similar term, means the provision is a guideline. Guidelines are intended to assist City decision-making bodies where certain land use actions require the exercise of discretion.

**Physical and Environmental Constraints Development:** AMC 18.3.10.020.A defines development as 1) earth-moving activity such as grading, filling, stripping, or cutting involving more than 20 cubic yards on any lot, or disturbing a surface area greater than 1,000 square feet; or 2) the construction of any road, driveway, or parking area. The Physical and Environmental Constraints chapter regulates lands in this project area with over 35-percent slope and floodplain corridor lands. Demonstrating the amount of earth-moving and surface area of disturbance in those lands will determine whether a P&E Permit is required.

**Tree Health and Protection:** An inventory of trees that are greater than 6-inch DBH (location, species, diameter, health, hazard, recommendations for treatment) within 15-feet of the project site is required and any trees proposed for removal shown. The applicants will need to provide plans assessing the health of the trees and their ability to survive the impact of the proposed disturbance as part of the application; if a tree is unlikely to survive and its removal would ultimately involve substantially less disturbance within the Water Resources Protection Zone, removal may be the preferred option. If the trees are evaluated to live through construction, a tree protection plan will also have to be submitted. Work to be done inside the protection area will require an arborist to be on site to oversee the work. Fencing will have to be installed and inspected before work can commence. (Tree Protection Plans must typically address all trees on the subject properties and on adjacent properties within 15 feet of property lines. (In this instance, staff believe that the plan could be limited to areas within 15 feet of proposed disturbance.)

**Mitigation and Management Plan:** In addition to the plan requirements, a mitigation and management plan in accordance with 18.3.11.110 will also be required to be submitted when submitting application materials. This plan is to include, but not limited to, identified areas for

equipment and material staging, re-vegetation and stream restoration plan, and erosion control measures.

**Neighborhood Outreach:** Staff always advised applicants to make affected property owners and those neighboring a project (within 200 feet) aware of the proposal and attempt to address any issues in advance of their receiving notice of the project from the City. This is all the more important here given the nature of the proposal and adjacent property owners' relationship to the greenway. It is recommended that discussion with neighboring property owners begin as soon as possible (potential neighborhood meeting), especially with those who will be affected by the construction of the pathway. Also, it is recommended to focus (in layman terms) on mitigation and potential impact to and near the pond as that is likely the area the neighborhood will be most concerned with.

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

### **18.3.10.050 Approval Criteria**

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section [18.5.1.050](#) and shall be approved if the proposal meets all of the following criteria.

- 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.

## **OTHER DEPARTMENTS' COMMENTS:**

**BUILDING DEPT:** None. Please contact the Building Division for any further information at 541-488-5309.

**CONSERVATION:** None. Please contact the Conservation Division at 541-552-2062 or [pearcer@ashland.or.us](mailto:pearcer@ashland.or.us) .

**ENGINEERING:** None. Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

**FIRE:** Please contact Fire Marshal Ralph Sartain of the Fire Department for any additional Fire Department-related information at 541-552-2229 or via e-mail to [ralph.sartain@ashland.or.us](mailto:ralph.sartain@ashland.or.us).

**STREETS AND TRANSPORTATION:** Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

**WATER AND SEWER SERVICE:** Please contact Terry Oldfield of the Water Quality Division for any further information at 541-552-2326.

**STORM WATER DRAINAGE:** Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

**ELECTRIC SERVICE:** Please contact Dave Tygerson in the Electric Department for service and meter location requirements and fee information at 552-2389.

## **APPLICATION REQUIREMENTS**

### **Submittal Information.**

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

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: [http://www.ashland.or.us/SIB/files/AMC\\_Chpt\\_18\\_current.pdf](http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf)

### **Written Statements**

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

- **Physical & Environmental Constraints: 18.3.10.040 (if applicable)**
- **Development Standards for Floodplain Corridor Lands 18.3.10.080**

### **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.

- **Physical & Environmental Constraints: 18.3.10.040**
- **Tree Preservation and Protection: 18.4.5.030, 18.3.10.090.D**
- **Tree Removal Permits 18.5.7 (if applicable)**

### **PLANNING APPLICATION FEES:**

P&E Constraints Permit	\$1,092
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**\*NOTE:** 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. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.

### **For further information, please contact:**

Aaron Anderson, Assistant Planner  
City of Ashland, Department of Community Development  
Phone: 541-552-2052 or e-mail: [aaron.anderson@ashland.or.us](mailto:aaron.anderson@ashland.or.us)

June 3, 2020

Date