
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.

ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET
November 8, 2023

SITE: 210 Alicia Street
APPLICANT: Rouge Development Services
OWNER: Adderson Construction Inc
REQUEST: 4 lot PSO Subdivision w/ variance

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.

This property has gone through several pre-applications / planning approvals which you are familiar with. The most recent on December 14, 2022 for a six lot subdivision. Much of this document is the same.

For staff these are the main points for discussion

- The application will be required to be a Performance Standard (the application materials included for this conference address AMC 18.5.3 for standard land divisions rather than AMC 18.3.9 for PSO)
 - This requires the provision of four off street parking spaces (further discussion below)
- The application will require two variances:
 - Minimum frontage
 - Number of lots from a flag drive / public street requirement
- Driveway separation between existing drives.
- Previous application have discussed a potential wetland. Has there been a delineation?
- The topography is not favorable to access the sewer connection.
- There is no city facilities for storm water and retention will be required.

The proposal would be required to utilize the Performance Standards Options chapter (AMC 18.3.9). Staff's main concerns are with regard to subdivision the proposed roadway sections and location of parking. Staff is more than happy to review a modified proposal and provide additional feedback.

The focus of a PSO application should be on the sensitive addition of new homes to the neighborhood, with thoughtful site planning which considers multi-modal connectivity, and lot lay-out and home designs that are compatible with the existing, established neighborhood while maintaining and protecting the site's significant natural features. For a subdivision of this size the approval process is done under a single "Type II" procedure through a hearing before the Planning Commission.

VARIANCE Required

18.2.4.010 Access and Minimum Street Frontage: Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition or abuts a cul-de-sac vehicle turn-around area, the minimum width is 25 feet.

AMC 18.4.6.040.C.1. Dedicated Public Streets Required. All streets serving four units or greater, and which are in an R-1, RR and WR zone, must be dedicated to the public and shall be developed to the Street Standards of this section.

Generally, a variance requires demonstration that:

1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
3. *The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
4. *The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

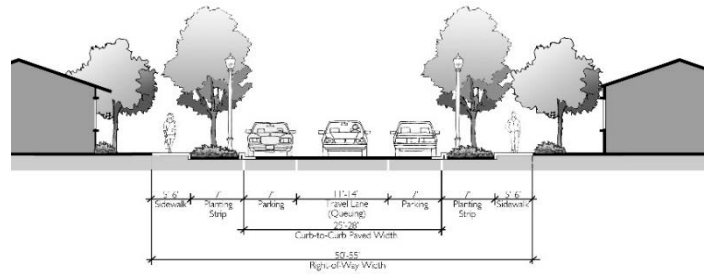
On-Street Parking Requirement: As detailed in AMC 18.3.9.060, Performance Standards subdivisions in R-1 zones are required to provide at least one on-street parking space per dwelling unit. These on-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve, and the application should detail street improvements, driveway placement, etc. to accommodate required parking.

New parking regulations and amendments are coming. Potential deed restriction to qualify??

Important Development Notes (Public Works):

- With respect to sewer it appears they will need to either install 4 separate lift stations for the houses or one lift station that serves all four dwellings that then pumps to the city's gravity mainline. This would all be considered private infrastructure and will need to be maintained as such and should be covered in the CC&Rs. There is capacity in the sewer mainline for 4 additional dwellings in the area.
- With respect to storm drain it appears they will need to retain all storm water on site as their isn't a conveyance nearby to attach to. The RVSS manual details the requirements for storage with retention. <https://www.rvss-or.gov/sites/default/files/uploads/rvsqdm-revised-july-2023.pdf>

Street/Sidewalk Improvements: Alicia and Sylvia are both under improved Neighborhood Street. Applicants are typically required to install full street improvements. Any variation from the standard required improvements would require an Exception to the Street Standards. The standard required cross-sections are shown at right.



Adequate Capacity of Public Utilities: The applicant is responsible for determining if water, sanitary sewers, storm sewer, electricity and transportation are available or can be extended to serve the proposed development. The Site Plan must show the location and size of the public facilities that will serve the proposed parcels and detail service locations for each proposed lot.

Storm Drainage: The applicants will want to carefully address storm drainage in the application submittal including providing preliminary engineering design for storm drainage which addresses on-site detention and a system design that insures that post development peak flows will not exceed pre-development levels, which plans for a 25-year storm event, and which addresses the potential for flooding. Applicants should also be aware that D.E.Q. requirements which include holding pre-construction conferences and incorporating low impact development best management practices into each project involving more than 5,000 square feet of disturbance

Significant Natural Features: A key element of the Performance Standards Options subdivision chapter (AMC 18.3.9) is its intent to identify and preserve significant natural features. Specifically, the chapter notes, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The final application will need to clearly identify the significant natural features of the site and address their treatment in keeping with the requirements of the ordinance.

Wetland Water Resource Protection Zone (WRPZ): if it is determined that a wetland exists then all wetlands area preserved and protected as part of the development. Any restoration and enhancement of the wetland, or other allowed alteration, will require a Limited Activities/Uses Permit at detailed in AMC 18.3.11.060.

Tree Protection and Preservation: For all planning actions, 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 those to be removed, and address the tree removal permit requirements in AMC 18.5.7 for significant trees to be removed. Within the Performance Standards Options Chapter, trees receive significant additional consideration. Trees should be identified and carefully considered in the site planning and thoroughly addressed in the application materials.

Solar Setback and Envelopes: The final application will need to identify building envelopes and provide elevation drawings for proposed buildings, taking into consideration height limitations and solar access requirements. The application will have to demonstrate that a twenty-one foot high structure is able to meet Solar Setback Standard A that has a setback which does not exceed fifty percent of the lot's north-south lot dimension in accordance with AMC 18.4.8 or propose solar envelopes complying with Standard A.

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

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 . For information on any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: No comments at this time. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: Ralph Sartain of the Fire Department provided written comments. See attached. Ralph is available at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

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. The Ashland Water Department is also requiring new projects to comply with all current cross connection rules and regulations, this may require backflow prevention devices to be placed at the potential hazard or just

behind the meter or connection for premises isolation depending on the degree of hazard, type of intended use of the facility or even the geographical location of the building or facility. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) to discuss.

ELECTRIC SERVICE: Please contact the Electric Department for service and meter location requirements and fee information at (541) 552-2082 or via e-mail to Rick Barton rick.barton@ashland.or.us . Rick will arrange an on-site meeting, and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan. Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.

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ZONING DISTRICT REQUIREMENTS

Zoning: R-1-5 Single Family Residential

Landscaping Requirements: 50 percent of the lot area. Size- and species-specific landscaping & irrigation plan required for parkrows and open space at time of formal application. Avoid using lawn. Provide irrigation system. Include street trees, one per 30 feet of street frontage.

Lot Coverage: A maximum of 50 percent of the lot may be covered with building footprints, driveways, parking spaces and other lot coverage. Compliance with lot coverage standards should be demonstrated in the application.

Setbacks: Front yards shall be a minimum of 15 feet, excluding garages which require a 20-foot front setback. Unenclosed porches shall be permitted with a minimum setback of eight feet. Side yards require six feet; the side yard of a corner lot abutting a public street shall have a ten-foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.4.8 which provides for Solar Access.

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APPLICATION SUBMITTAL REQUIREMENTS

Application Requirements: Applications for Outline Plan subdivision approval are processed as a “Type II” procedure which requires a quasi-judicial decision through a public hearing at the Planning Commission. The Planning Commission is subject to on-the-record appeal to the City Council.

1. **Application Form and Fee.** Applications for Type II 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 required application fee must accompany the application for it to be considered complete.
2. **Submittal Information.** The application shall include all of the following information.
 - a. The information requested on the application form.
 - b. Plans and exhibits required for the specific approvals sought.
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. The required fee.

PLAN & EXHIBIT REQUIREMENTS: *Two (2) copies of the plans below on paper no larger than 11"x 17". Note: These copies may be used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.*

- **the materials required for a Performance Standard Subdivision Plan approval as detailed in chapter 18.3.9.040.**
- **Tree Protection Plan as required chapter 18.4.5.030.** A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.
- **Plans required for a Tree Removal Permit as required in chapter 18.5.7.030**

RELEVANT CRITERIA AND STANDARDS: Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below. The Ashland Land Use Ordinance in its entirety may be accessed on-line at: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf.

- **Written findings addressing the criteria from chapter 18.3.9.040.A.3 for Outline Plan approval.**
- **Written findings addressing the criteria from chapter 18.3.9.040.B.5 for Final Plan approval.**
- **Written findings addressing the criteria from chapter 18.5.7.040.B.2. for Tree Removal Permit to remove a tree that is not a hazard (*if applicable to the final proposal*).**
- **Written findings addressing the criteria from chapter 18.4.6.020.B.1. for an Exception to Street Standards (*if applicable to the final proposal*).**

FEES:

Final plan with Outline Plan:	\$3,397 + \$170.25/lot
Variance to Private Street	\$1,271.25
Variance to Min. Frontage	\$1,271.25
Exception to Street Standards:	\$0
Tree Removal Permit:	\$0

***NOTES:** 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:

Aaron Anderson, *Senior Planner*

City of Ashland, Department of Community Development

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

November 8, 2023

Date

Public Works/Engineering Pre-Application 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 Plane 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)** – No TIA will be required for this project
3. **Street Improvement** –
 - a. The shared roadway concept is really meant to be installed in areas where there are significant physical constraints that don't allow a typical cross section. Also the shared concept was meant to support "alley" like access to garages that are meant to front onto alleys like the ones defined in the Normal Ave. neighborhood plan.
 - b. With the close proximity of the adjacent driveways, will a new street access point need any type of Planning variance?
 - c. Existing parking on the corner of Alicia Avenue and Sylvia Street will need to be eliminated for a minimum distance of 25-ft on both sides of the proposed access point.
 - d. The final applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.
4. **Public Pedestrian Access** –
 - a. A Shared Street concept for the first stretch of roadway is being proposed and Public Works has concerns with the absence of a sidewalk, even with the low volume of traffic that would be seen here. The shared street concept here also creates a situation where pedestrians are left in the street as the proposed street turns and widens to a 32-ft cross-section and left between moving vehicles and parked cars. Public Works would prefer to see at the very least a curb-side sidewalk for pedestrian movement.
 - b. Handicap access ramps will be required at the intersection Alicia Avenue and Sylvia Street/Court on both sides of the proposed connection. Where handicap access ramps are required as part of a proposed project, the ramps shall meet current United States Access

Board Public Rights-of-Way Accessibility Guidelines (PROWAG) and shall be designed in accordance with the current Oregon Department of Transportation design guidance. Use of the ODOT Standard Drawings for curb ramps as guidance for design is recommended however a curb ramp detail sheet, similar to ODOT DET 1720-Example of Minimum Sidewalk Ramp Details, is required for each curb ramp corner that is being proposed. Referencing standard drawings for curb ramps in plans in lieu of curb ramp detail sheets is no longer acceptable. An ODOT ADA Curb Ramp Design Checklist shall also be completed and submitted with the civil design drawings. If the following items are not submitted with the civil design drawings the City of Ashland Engineering Department will view the submittal as incomplete.

Required ADA submittals:

- i. ODOT ADA Curb Ramp Design Checklist
 - ii. Curb Ramp Detail, similar to ODOT DET 1720, for each proposed curb ramp
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 a 6-in sanitary sewer main stubbed a short distance onto the property from Alicia Avenue. Due to topography the applicant should expect that they will need to install a pump system on all of the proposed lots and the private laterals will need to be placed in an easement shown on the final subdivision survey. 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 6-in water main in Alicia Avenue. 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. Applicant will need to confirm with Fire Department where any additional hydrants may be required.
 8. **Storm Drainage** - The property is currently served by a 10-in storm sewer main in Alicia Avenue. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements

All development or redevelopment that will create or replace 2,500 square feet or more of impervious surface (buildings, roads, parking lots, etc.) area that discharges to an MS4 (municipal separate storm sewer systems), must comply with the requirements of the DEQ MS4 General Permit phase 2. Applicant **MUST** follow the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual which can be found at the following website:

<https://www.rvss.us/pilot.asp?pg=StormwaterDesignManual>

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

9. **Erosion & Sediment Control** - The following requirements shall be met:

- All ground disturbances exceeding 2,500 square feet shall implement an Erosion and Sediment Control Plan (ESCP).
 - A 1200-C permit will be secured by the developer where required under the rules of the Oregon State DEQ. City of Ashland Engineering Department must receive a copy of this permit before any construction shall begin.
 - Erosion Prevention and Sediment control measures that meet the minimum standards set forth by the City of Ashland Public Works/Engineering Standard Drawing CD282 must be in place before any construction related to the project begins.
 - Pollution, track out, and sediment dumping into storm water are strictly prohibited per AMC 9.08.060.
 - Drainage from automotive use areas shall be limited to oil concentrations of 10 mg/l by a pre-approved means.
 - Trash storage areas shall be covered or provide additional storm water treatment by an approved means.
 - Off street parking areas shall conform to Ashland Municipal Code 18.4.3.080.B.5, including provisions to minimize adverse environmental and microclimatic impacts.
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
 12. **As-Builts** - 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 & Rescue Pre-Application Report

Ashland Fire & Rescue

Review/Project Information

Reviewed By: Sartain, Ralph; Kleinberg Tech, Admin

Date Completed: 10/16/2023

LD File #: PreApp-2023-00388

Date Scheduled:

Applicant: Rogue Planning & Development Services LLC

Location: 210 Alicia Avenue

Site Name: Residential

Description: 4-lot subdivision

Status

**Approved with
Conditions Noted
Below?:** Yes

Specific Development Requirements for Access & Water Supply

Fire department comments are based upon the 2022 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Conditions

Comments	Code Set	Code Reference
Addressing Requirements	Oregon Fire Code 2022	505.1
Fire Apparatus Approach Requirements	Agency Defined Code	OFC 503.2.8
Parking shall be posted as prohibited on both sides of the shared driveway and in the designated fire department turn-around area to keep the fire department turn-around area free from vehicles for fire engine maneuvering purposes.	Oregon Fire Code 2022	503.3
Wildfire Hazard Area Requirements	Agency Defined Code	AF&R 14
Home Ignition-Resistant Construction Requirements	Agency Defined Code	R327.4
Vegetation Requirements	Agency Defined Code	AF&R 16

Conditions Descriptions

Code Reference	Description
505.1	Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
OFC 503.2.8	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.

503.3	Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words "NO PARKING—FIRE LANE" shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
AF&R 14	On lands designated in the Wildfire Lands Overlay, a "Fuel Break" as defined in Ashland Municipal Code, section 18.3.10.100 is required.
R327.4	This subdivision is located in the wildfire hazard zone and the homes are required to be built with ignition-resistant materials/features according to Oregon Residential Specialty Code section R327.4. For more information, visit: www.ashland.or.us .
AF&R 16	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 . Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in effect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

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.

If work will be completed during fire season, check fire season fire prevention requirements found at www.ashland.or.us/fireseason.

Ashland Fire & Rescue, 455 Siskiyou Blvd, Ashland OR 97520

541-482-2770 www.ashland.or.us

Type II Procedure

Quasi-Judicial Decision



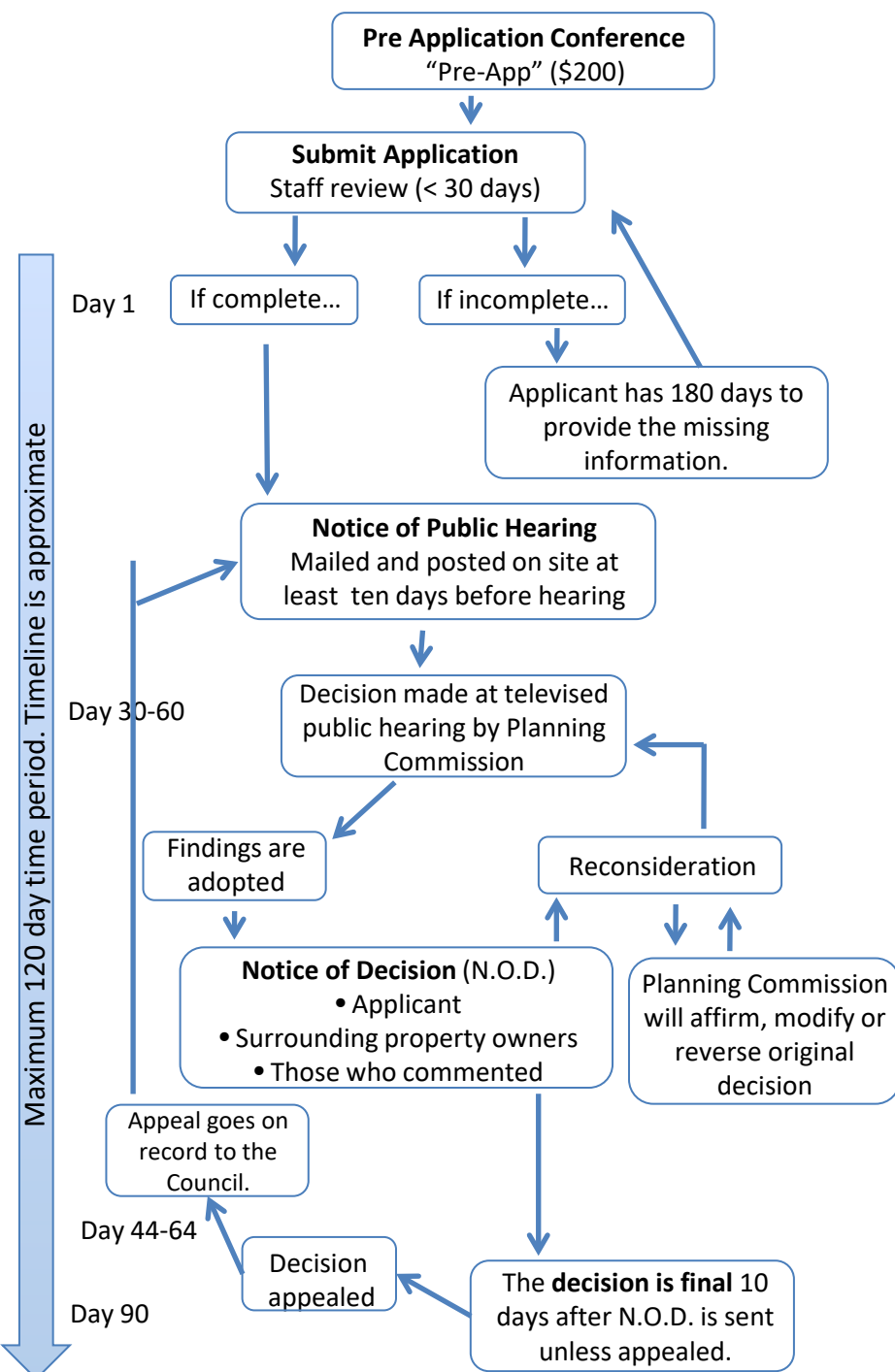
Subdivisions, Larger Scale & Commercial Projects, Minor Comprehensive Plan and Zoning Map Changes

1. Conditional Use Permit (\$2,663.25)*
2. Variance (\$2,663.25)*
3. Commercial Site Review (\$2,663.25 + ½ % value)*
4. Outline Plan or Preliminary Plan for subdivisions (\$2,663.25 + \$170.25 per lot)*
5. Final Plan with outline (\$3,397 + \$170.25 per lot)*
6. Independent Review of W.C.F. (\$5,000 - \$10,000)*

*Fees are cumulative and depend on project specifics.

See Ashland Municipal Code (AMC) 18.5.1 for complete information. Contact City of Ashland Planning for any questions or more information at 51 Winburn Way Ashland OR, 97520. **Phone:** 541-488-5305 or **E-mail:** Planning@ashland.or.us.

Priority planning action processing for LEED® certified buildings.



A pre-application conference is required and valid for six months. Conferences are Wednesday afternoons, as available, and must be scheduled at least two weeks in advance.

Fees must be paid upon submission of the application. Planning staff review the application and determine if it is complete, and inform the applicant of any deficiencies within 30 days of submittal.

City may hold an initial evidentiary hearing. Complete applications are heard initially at Planning Commission meeting at least 30 days after the submission of the complete application. Public hearing notice must be mailed and posted ten days before the hearing.

Staff reviews application and prepares a written recommendation to the Commission 7 days before the hearing. Commission conducts public hearing and approves or denies application.

Reconsideration may be requested by any party if (1) new evidence material exists, (2) a factual error occurred, or (3) a procedural error occurred. If reconsideration is requested within 7 days of mailing findings it goes before the Planning Commission at the next scheduled meeting.

The Planning commission shall decide to affirm, modify or reverse the original decision. Notice of the reconsideration decision shall be sent to any party entitled to notice of the planning action.

After Commission hearing, Staff prepares findings document. Commission adopts the findings document at the next months hearing. Decision is final 10 days after findings adopted, unless there is an appeal.

Appeals are heard by the City Council. Fee \$325. Council appeals are on the record.

Chapter 18.3.9

PERFORMANCE STANDARDS OPTION AND PSO OVERLAY

Sections:

- 18.3.9.010 Purpose.**
- 18.3.9.020 Applicability.**
- 18.3.9.030 PSO-Overlay.**
- 18.3.9.040 Review Procedures and Criteria.**
- 18.3.9.050 Performance Standards for Residential Developments.**
- 18.3.9.060 Parking Standards.**
- 18.3.9.070 Setbacks.**
- 18.3.9.080 Performance Standards Guidelines.**

18.3.9.010 Purpose

The purpose of this chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity, and innovation; use the natural features of the landscape to their greatest advantage; provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes; be aesthetically pleasing; provide for more efficient land use; and reduce the impact of development on the natural environment and neighborhood.

18.3.9.020 Applicability

Developments exercising the Performance Standards option, including developments that are required to apply the option pursuant to this ordinance, shall meet the provisions of this chapter and all other applicable sections of this ordinance; except that developments subject to this chapter are not required to meet the minimum lot size, lot width, lot depth, and setback standards of part [18.2](#), and other standards as specifically provided by this chapter. The Performance Standards option may be used to divide residential and non-residential zoned land.

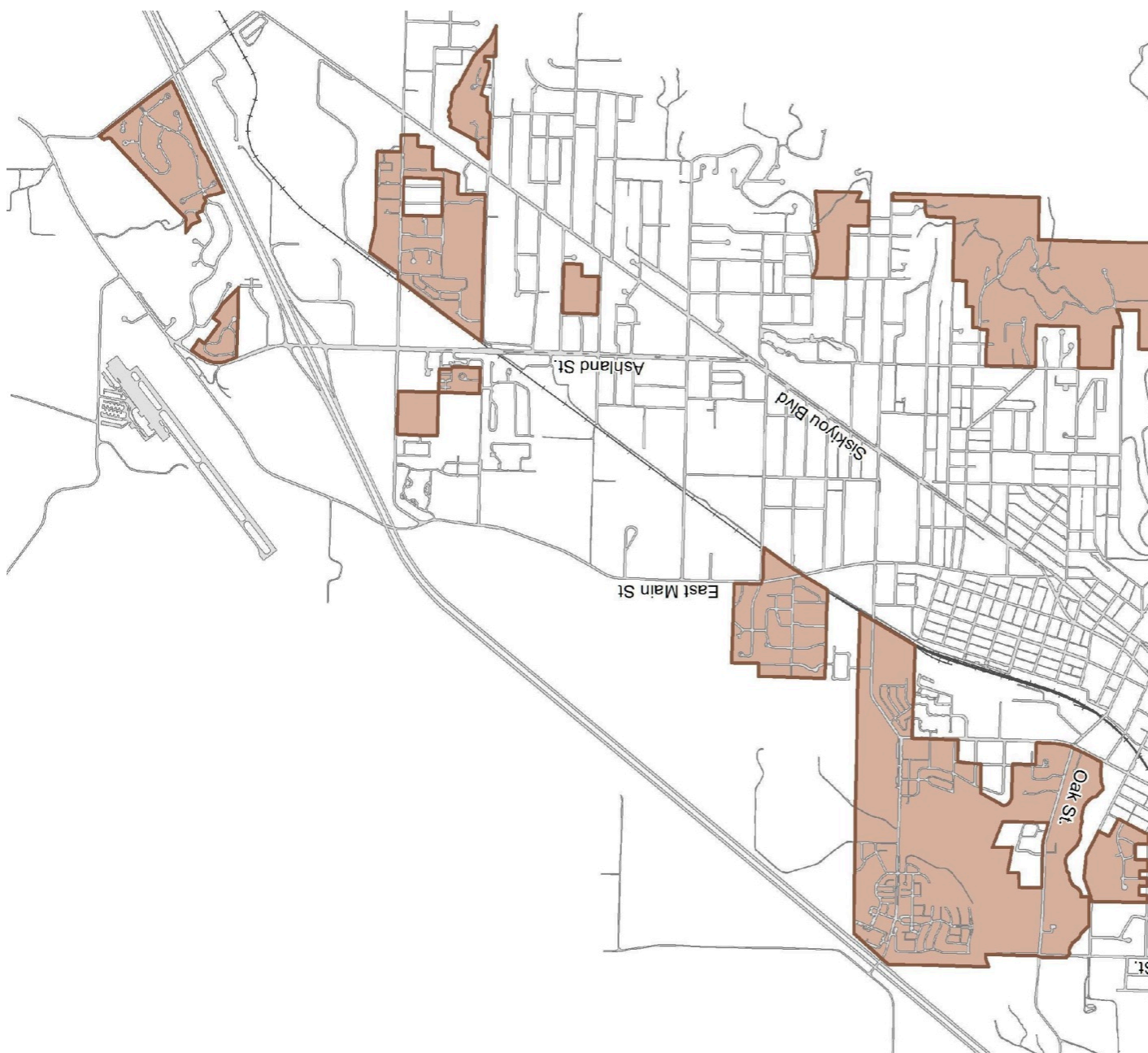


Figure 18.3.9.020. Performance Standards Option Overlay

18.3.9.030 PSO-Overlay

A. Purpose. The purpose of the PSO overlay is to distinguish between those areas that have been largely developed under the subdivision code, and those areas which, due to the undeveloped nature of the property, sloping topography, or the existence of vegetation or natural hazards, are more suitable for development under Performance Standards.

B. Applicability. This chapter applies to properties located in the Performance Standards Option Overlay (PSO) as depicted on the Zoning Map. All developments in the PSO overlay, other than partitions and development of individual dwelling units, shall be processed under this chapter. The minimum number of dwelling units for a Performance Standards Subdivision within residential zoning districts is three.

C. Permitted Uses. In a PSO overlay, the granting of the application shall be considered an outright permitted use, subject to review by the Planning Commission for compliance with the standards set forth in this ordinance and the guidelines adopted by the City Council.

D. Development Outside PSO-Overlay. If a parcel is not in a PSO overlay, then development under this chapter may only be approved if one or more of the following conditions exist.

1. The parcel is larger than two acres and is greater than 200 feet in average width.
2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.
3. The property is zoned R-2, R-3 or CM.
4. The property is developed as a cottage housing development consistent with the standards in section [18.2.3.090](#). (Ord. 3147 § 6, amended, 11/21/2017)

18.3.9.040 Review Procedures and Criteria

Review Steps. There are two required steps to Performance Standards Options and PSO Overlay approval, which may be completed individually or combined for concurrent review pursuant to subsection [18.3.9.040.A](#).

1. Application for outline plan approval.
2. Application for final plan approval.

Permitting and guarantees for public improvements, including bonding, and the creation of common areas shall follow the same procedures as for a subdivision.

A. Outline Plan. A proposed outline plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the outline plan may be filed concurrently with the final plan, as that term is defined in subsection [18.3.9.040.B.4](#). For developments of ten or more lots, prior outline plan approval is mandatory.

1. Review Procedure. The Type II procedure in section [18.5.1.060](#) shall be used for the approval of the outline plan.
2. Application Submission Requirements. The following information is required for a performance standards subdivision outline plan application submittal:
 - a. A topographic map showing contour intervals of five feet.
 - b. The proposed land uses and approximate locations of the existing buildings to be retained, the proposed structures on the site, the proposed and existing property lines and easements on the site, and existing buildings, structures, and trees greater than six inches in diameter measured at breast height on the properties adjacent to the site, and all buildings within 160 feet of the site boundaries.
 - c. The locations of all proposed thoroughfares, walkways, and parking facilities.
 - d. Public uses, including schools, parks, playgrounds, and trails.
 - e. Public or private utilities.
 - f. General areas of cuts and fill.
 - g. The location of natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
 - h. The location and direction of all watercourses and areas subject to flooding.
 - i. Proposed common and private open spaces. Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section [18.4.4.070](#) (i.e., eight percent of total lot area in open space).
 - j. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.
 - k. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.
 - l. A written statement containing an explanation of:

- i. The character of the proposed development and the manner in which it has been designed to take advantage of the performance standards concept.
 - ii. The proposed manner of financing.
 - iii. The present ownership of all the land included within the development.
 - iv. The method proposed to maintain common areas, such as common open space, common buildings and private drives and driveways.
 - v. The proposed time schedule of the development.
 - vi. The findings of the applicant showing that the development meets the criteria set forth in this ordinance and the Comprehensive Plan.
3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met:
- a. The development meets all applicable ordinance requirements of the City.
 - b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
 - c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
 - d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
 - e. There are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
 - f. The proposed density meets the base and bonus density standards established under this chapter.
 - g. The development complies with the street standards.
 - h. The proposed development meets the common open space standards established under section [18.4.4.070](#). Common open space requirements may be satisfied by public open space in accordance with section [18.4.4.070](#) if approved by the City of Ashland.
4. Approval of the Outline Plan.
- a. After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.

- b. If an outline plan is phased, 50 percent of the value of the common open space shall be provided in the first phase and all common open space shall be provided when two-thirds of the units are finished.

B. Final Plan.

1. Review Procedure. The Type I procedure in section [18.5.1.050](#) shall be used for approval of final plans, unless an outline plan has been filed concurrently, in which case Type II procedure shall be used, and the criteria for approval of an outline plan shall also be applied.
2. Phasing. The final plan may be filed in phases as approved on the outline plan.
3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18 months from the date of the approval of the outline plan, then the approval of the plan is terminated and void and of no effect whatsoever.
4. Application Submission Requirements. The following information is required for a performance standards subdivision final plan application submittal:
 - a. A topographic map showing contour intervals of five feet.
 - b. Location of all thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private.
 - c. Road cross-sections and profiles, clearly indicating the locations of final cuts and fills, and road grades.
 - d. The location, layout, and servicing of all off-street parking areas.
 - e. The property boundary lines.
 - f. The individual lot lines of each parcel that are to be created for separate ownership.
 - g. The location of easements for water line, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas, telephone lines, telephone cable, and lighting plans.
 - h. Landscaping and tree planting plans with the location of the existing trees and shrubs which are to be retained, and the method by which they are to be preserved.
 - i. Common areas and common and private open spaces, and the particular uses intended for them. Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section [18.4.4.070](#) (i.e., eight percent of total lot area in open space).
 - j. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, playgrounds, schools or public buildings.
 - k. A plan showing the following for each existing or proposed building or structure for all sites except single-family, detached housing which meets the parent zone setbacks.

- i. Its location on the lot and within the planned unit development.
 - ii. Its intended use.
 - iii. The number of dwelling units in each residential building.
 - iv. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.
 - l. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.
 - m. Manner of financing.
 - n. Development time schedule.
 - o. If individual lots are to be sold, a final plat is required, similar to that required for a subdivision, per chapter [18.5.3](#), Land Divisions and Property Line Adjustments.
 - p. Final plans for location of water, sewer, drainage, electric and cable T.V. facilities, and plans for street improvements and grading or earth-moving improvements.
 - q. The location of all trees over six inches diameter at breast height, which are to be removed by the developer. Such trees are to be tagged with flagging at the time of final plan approval. See also chapter [18.4.5](#), Tree Preservation and Protection.
5. Approval Criteria for Final Plan. Final plan approval shall be granted upon finding of substantial conformance with the outline plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria:
- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
 - b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.
 - c. The common open spaces vary no more than ten percent of that provided on the outline plan.
 - d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
 - e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.

- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
 - g. The development complies with the street standards.
 - h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.
6. Any substantial amendment to an approved final plan shall follow a Type I procedure in section [18.5.1.050](#) and be reviewed in accordance with the above criteria. (Ord. 3191 § 16, amended, 11/17/2020)

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. Accessory residential units and duplexes are not required to meet the density requirements of this chapter in accordance with sections [18.2.3.040](#) and [18.2.3.110](#).

- 1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table [18.3.9.050.A.1](#).

Table 18.3.9.050.A.1. Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zone	Allowable Density (dwelling units per acre)
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre

Table 18.3.9.050.A.1. Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zone	Allowable Density (dwelling units per acre)
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. Cottage Housing Development Density.

a. Density Calculation. The maximum permitted number of dwellings and minimum lot areas for cottage housing developments allowed under this section is provided in Table [18.3.9.050.A.2.a](#). Cottage housing developments are not eligible for density bonuses pursuant to subsection [18.3.9.050.B](#).

Table 18.3.9.050.A.2.a. Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zones	Maximum Cottage Density	Minimum Number of Cottages per Cottage Housing Development	Maximum Number of Cottages per Cottage Housing Development	Minimum Lot Size (Accommodates Minimum Number of Cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5, NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 square feet	0.35
R-1-7.5, NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 square feet	0.35

b. Duplexes. Duplexes are permitted in a cottage housing development if the total number of dwellings in the development is at or below the maximum cottage housing development density in subsection [18.3.9.050.A.2.a](#), above.

3. Common Open Space Required. All developments subject to this section with a base density of ten units or greater shall be required to provide common open space pursuant to section [18.4.4.070](#).

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through density bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria:

1. Conservation Housing. A maximum 15 percent bonus is allowed. One hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by Resolution 2006-06.
2. Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following:
 - a. Purpose. Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will use or enjoy the common open space on a day-to-day basis.
 - b. Standard. Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent common open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space in excess of any common open space required by section [18.4.4.070](#) and this chapter. The common open space shall meet the standards in section [18.4.4.070](#).
3. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section [18.2.5.050](#), Affordable Housing Standards. (Ord. 3199 § 17, amended, 06/15/2021; Ord. 3190 § 3, amended, 11/17/2020; Ord. 3155 § 7, amended, 07/17/2018; Ord. 3147 § 6, amended, 11/21/2017)

18.3.9.060 Parking Standards

All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter [18.4.3](#), Parking, Access, and Circulation.

A. On-Street Parking Required. At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all developments in R-2 and R-3 zones that create or improve public streets.

B. On-Street Parking Standards. On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street

parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection [18.4.3.060.A](#).

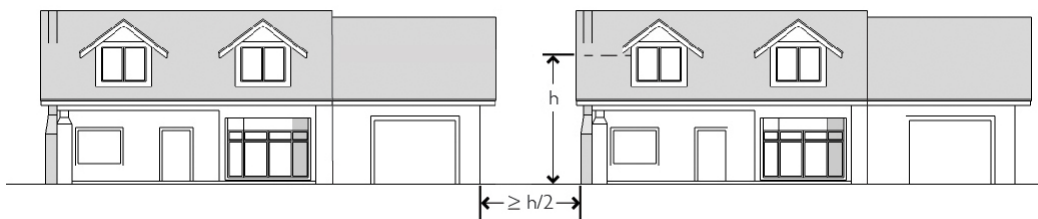
C. Signing of Streets. The installation of “No Parking” signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in [18.4.6.030](#), and shall be consistent with the respective City planning approval. (Ord. 3147 § 6, amended, 11/21/2017)

18.3.9.070 Setbacks

All development under this chapter shall conform to the following setback standards, which are in addition to the requirements of the applicable zone.

A. Front Yard Setback. Front yard setbacks shall follow the requirements of the underlying district.

B. Building Separation. The minimum separation between two buildings must be half of the height of the tallest building, where building height is measured at the two closest exterior walls, and the maximum required separation is 12 feet. See Figure [18.3.9.070.B](#). For cottage housing developments, the minimum separation between two buildings shall be reduced to six feet in accordance with section [18.2.3.090](#). See also, definitions of height of building or structure, and grade or ground level in part [18.6](#). This standard does not apply to non-residential zoning districts including C-1, C-1-D, E-1, CM, and M-1.



Note: Maximum required building separation is 12 feet.

Figure 18.3.9.070.B. Building Separation

C. Solar Setback. Solar setbacks shall meet the requirements of section [18.4.8](#).

D. Perimeter Setback. Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone.

E. Building Envelope for Single-Family Structure. Any single-family structure not shown on the plan must meet the setback requirements established in the building envelope on the Outline Plan. (Ord. 3147 § 6, amended, 11/21/2017)

18.3.9.080 Performance Standards Guidelines

The City Council may adopt guidelines for Performance Standards developments by ordinance, following a Legislative public hearing held by the Planning Commission. These guidelines may contain the following.

- A. Minimum standards for Performance Standards developments, including energy and water efficient housing standards; turn-around and other street standards; and minimum landscaping and design standards.
- B. Methods of achieving bonuses recommended by the Council.
- C. Additional standards and recommendations regarding project and unit design and layout, landscaping, street furniture, and other aesthetic considerations.
- D. Interpretations of the intent and purpose of this chapter, applied to specific examples.
- E. Other informational or educational materials the Council deems advisable.

The Ashland Land Use Ordinance is current through Ordinance 3217, and legislation passed through March 15, 2023.

Disclaimer: The City Recorder's office has the official version of the Ashland Land Use Ordinance. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

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