

*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**  
February 15, 2023

**SITE:** 115 Alnutt  
**APPLICANT:** Rouge Development  
**REQUEST:** Physical & Environmental  
Constraints Review Permit for Hillside  
Development

### **PLANNING DIVISION COMMENTS:**

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

The property located at 151 Alnut is an existing lot. In the recent past the property went through a lot line adjustment. The lot line adjustment came with a condition of approval that no future construction would be allowed on slopes in excess of 35%. The final application should address that condition to be modified by the present type 1 application.

On the image at right (generated by City GIS) the dark magenta are slopes greater than 35%. Because of steepness of the property and the presence of slopes greater than 35% a Physical and Environmental Constraints Review Permit is required.

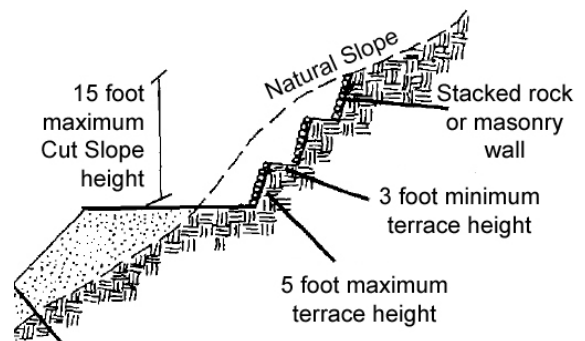
In general staff is supportive of such an application provided it can be demonstrated that the Hillside standards are met. There are potential concerns about the proposal exceeding the allowed maximum cut height and the applicant will need to prepare a cut fill exhibit to demonstrate compliance.

- A Geotechnical report will be required.
- The application materials show a 10' retaining wall without a terraced step back. The standard requires terracing of walls greater than 5' or requesting an exception to the standard
- The application materials show the wall to have essentially zero depth which is unrealistic
- The final application should address the geo grids associated with the proposed retaining wall and adjust the extent of the grading accordingly.

The application materials submitted for the preapplication are limited. A final application will be required to include:

- An inventory of existing trees and protection plan
- Landscape and irrigation plan
- Grading and Erosion & Sediment control plan

**Zoning:** The property is zoned RR-.5 which has a maximum lot coverage of 20%. The application materials do not indicate the amount of proposed lot coverage



All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31.

**Building Envelope:** The property is very steep with many areas identified as “Severely constrained land” (slopes greater than 35%). It appears that the proposed building envelope is designed and located to maximize conservation of trees. An inventory of all trees 6”dbh or greater is required with the application – the inventory must identify species and approximate extent of tree canopy. Portions of the lot or project area not proposed to be disturbed by development need not be included in the inventory. The survey must clearly identify trees to be removed and retained. Because the proposed building encroaches on lands identified as severely constrained a Geotech report will be required pursuant to AMC 18.3.10.110.

### **Hillside Grading and Stormwater Management**

Due to the amount of excavation required for this development special attention should be given to 18.3.10.090.B subpart 4-6 with regard to allowed cut and fill. The materials submitted with the application do not provide sufficient detail to assess compliance with these standards.

All facilities for the collection of stormwater runoff shall be, to the greatest extent feasible, the first improvements constructed on the development site. While there is existing storm drain infrastructure in Ashland Creek Dr. the elevation differential may require that the stormwater be diverted to the existing natural drainage system to the south. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties. These shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official.

### **Tree Conservation, Protection and Removal.**

Additional attention to Tree protection and removal will be required for a successful application. The submitted plans indicate several trees to be retained that are too close to the building to be properly protected. A complete inventory of all trees greater than DBH is required, however portions of the lot or not to be disturbed by development need not be included in the inventory.

All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.

Tree removal would be considered both in terms of Tree Removal Permit requirements found in AMC 18.5.7, which regulates the removal of significant trees from the property, and more broadly in terms of the impacts of tree removal to the hillside lands as part of a Physical & Environmental Constraints Review Permit, which requires building design and site planning to be planned to preserve the maximum number of trees possible. A report from an arborist should be provided to address any tree removal permit request and should respond to the applicable criteria, and any hillside tree removals should also be addressed in terms of the Hillside Development Standards and by the geotechnical expert.

All planning actions are required to include a tree preservation/protection plan; this is intended to ensure that trees on and near the property are protected during all site disturbance (*including demolition, construction, driveway/parking installation, staging of materials, etc.*). The trees identified to be preserved during the course of development shall be required to be protected in accordance with the tree protection standards in AMC 18.3.10.090.D4.

## **Development Standards for Wildfire Lands (AMC 18.3.10.100)**

The property is located within the designated Wildfire Lands Overlay. As a result, a Fire Prevention and Control Plan, prepared at the same scale as the development plans, addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.B is required with the application. Additionally, any new landscaping proposed is required to meet the General Fuel Modification Area standards and not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

**Grading:** hillside design standards. From AMC 18.3.10.90.B.4:

Total cut slopes shall not exceed a maximum vertical height of 15 feet.

**Additional items to be addressed in a final planning application:** A final planning application should address the wildfire fuel modification area and tree protection plan, including all proposed tree removals. The final planning application should address lot coverage including, any proposed walking paths, patios, and landings associated with the proposed house.

**Parking, Access, & Internal Circulation:** Three off-street parking spaces are required for a single-family residential serviced by a driveway more than 50 feet in length. Each parking space shall be required to operate independent (no stacked parking.)

**Grading and Erosion Control:** A grading plan including the location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas is required. The total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill must be included. An erosion control plan must be submitted with the application. The erosion control measures are required to minimize the solids in run off from disturbed area as required

Exposed cut slopes, such as those for yard areas, greater than seven feet in height are required to be terraced. Cut faces cannot exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The grading plan, erosion control plan and retaining walls must be designed and stamped by an engineer with experience in geologic hazards evaluation and geotechnical engineering

**Storm Drainage:** Storm drainage plan must be submitted with the application. Storm drainage facilities must direct surface water away from cut faces of fill slopes and be designed to avoid erosion on-site and to adjacent downstream properties.

**Planting and Irrigation Plan:** A planting/irrigation plan is required to demonstrate the manner in which cut slope terraces and fill slopes will be revegetated. The vegetation used for these areas must be native or species similar in resource value, which will survive, help reduce the visual impact of the cut/fill slopes and assist in providing long-term slope stabilization.

**Tree Inventory & Evaluation:** The tree survey must locate all trees greater than six inches d.b.h. and identify the species of each tree and approximate extent of the tree canopy. Trees to be removed and in areas that will be disturbed must be clearly identified. The name, signature and address of the person preparing the tree survey must be indicated on the tree survey. The application must also address the suitability of trees for conservation and demonstrate that the trees to be preserved have been

incorporated into the design. Trees to be removed, unless diseased, dead or a hazard must be replaced. A tree-replanting plan must be submitted with the application.

**Inspection Schedule:** An inspection schedule for the geotechnical expert must be submitted with the application. The project geotechnical expert must provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans and all scheduled inspections were conducted throughout the project.

**A completed application will be required to include a geotechnical study with all of the items listed in AMC 18.3.10.110.D**

**Inspections and Final Report:** Prior to the certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

**Neighborhood Outreach:** Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

**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.

**OTHER ORDINANCE REQUIREMENTS:** See AMC Table 18.2.5.030.A. – Standards for Urban Residential Zones. The subject property is zoned WR

## **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.

## 18.3.10.090 Development Standards for Hillside Lands

*[not all provisions from 18.3.10.090 are listed here individually]*

**A. General Requirements.** The following general requirements shall apply in Hillside Lands.

1. Buildable Area. All development shall occur on lands defined as having buildable area. *Slopes greater than 35 percent shall be considered unbuildable except as allowed below.* Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).

**B. Hillside Grading and Erosion Control.** All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

2. Timing of Improvements. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from *May 1 to October 31*. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

## 18.3.10.110 Development Standards for Severe Constraint Lands

**A.** Severe Constraint Lands are extremely sensitive to development, grading, filling, or vegetation removal and, whenever possible, alternative development should be considered.

**B.** Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the 100-year flood without raising the upstream flood height more than six inches.

**C.** Development on lands greater than 35 percent slope shall meet all requirements of section [18.3.10.090](#) Development Standards for Hillside Lands in addition to the requirements of this section.

**D.** Development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following information.

1. Index map.

2. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.

3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and soil structure.
4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
5. Suitability of site for proposed development from a geologic standpoint.
6. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
8. Signature and registration number of the engineer and/or geologist.
9. Additional information or analyses as necessary to evaluate the site.

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

**ENGINEERING:** Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to [karl.johnson@ashland.or.us](mailto:karl.johnson@ashland.or.us) .

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

**WATER AND SEWER SERVICE:** 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 detector check assembly 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](tel:541-552-2326) or ( [walkers@ashland.or.us](mailto:walkers@ashland.or.us) ) with any questions regarding water utilities.

## 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: 18.3.10.050**
- **Development Standards for Hillside Lands: 18.3.10.090**
- **Development Standards for Severe Constraint Lands: 18.3.10.110**

### **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**

### **PLANNING APPLICATION FEES:**

P&E Constraints Permit	\$1,120.25
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**NOTE:** Applications are accepted on a first come-first served basis. All applications received are reviewed 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.

### **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](mailto:aaron.anderson@ashland.or.us)

February 15, 2023 \_\_\_\_\_

Date