
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
May 19, 2021

SITE: 683 Ashland Creek
APPLICANT: Asher Homes
REQUEST: Modification of the previous land use approval to reallocate lot coverage for a performance standard subdivision

PLANNING DIVISION COMMENTS:

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

Summary: The request is technically a modification of the previously approved subdivision to reallocate lot coverage. This procedure has been used twice before in this subdivision to allow additional lot coverage. (PA2011-00696 allowed an additional 2233 sq ft. – for a total of 30.9%; PA2012-01710 allowed an additional 419 sq ft – for a total of 24.08% coverage)

The proposal is for a new single-family house on an existing lot. The lot is 8975 sq. ft. and allows for a maximum of 20% lot coverage or 1795 sq. ft. The application proposed 2344 sq. ft. of total lot coverage (26%), a 30% increase of 438 square feet. Staff feels that this can be approved as a major modification per AMC 18.5.6.030 provided the application makes a strong case for the alteration.

The application will formally be a modification of the Lithia Creek Estates subdivision (PA #94-003) to allow the allocation of some lot coverage from the subdivision's open space to the subject property. The Performance Standards Options Chapter provides a measure of flexibility to allow for innovation in design and site planning for Performance Standards subdivisions in exchange for greater efforts to protect neighborhood character and natural features, as in this case where the parent subdivision included 28 units constructed on 24 lots, but also protected roughly 15 acres of steeply sloped, forested lands in open space.

NOTE:

A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.

The allowed lot coverage is $1795 * 0.05 = 89.75$

Staff has some concerns that the home site may trigger a Physical and Environmental Constraints permit if either of the following two thresholds are met: (see AMC 18.3.10.020.A)

- a. Earth-moving activities such as grading, filling, stripping, or cutting involving more than 20 cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 square feet on any lot.



b. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 square feet to the existing building footprint shall not be considered development for section 18.3.10.090 Development Standards for Hillside Lands.

A slope analysis prepared by a licensed surveyor proving that the slope is less than 25% would satisfy this requirement.

If the applicant believe that either of these thresholds are met they should contact city staff about additional application materials that will be required

Hillside design standards: While the building envelope of this lot is not sloped greater than 25% this is only because a retaining wall and earth work has been done. It is obvious that any proposed home won't be stepped into the hillside because of this the remainder of the Hillside standards will still apply (roof form, height, max 36' horizontal wall, max 20' downhill wall, etc.).

18.5.6.030 Major Modifications

A. Authorization of Major Modifications. The approval authority and review procedure for Major Modification applications is the same as for the original project or plan approval. Any one of the following changes constitutes a Major Modification.

3. An increase in building envelope or an increase in lot coverage by 20 percent or more, provided the standards of parts 18.2 and 18.3 are met.

B. Major Modification Applications. In requesting a Major Modification, the applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The approval authority may require other relevant information, as necessary, in evaluating the request.

C. Major Modification Approval Criteria. A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.

2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.

3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

Building Design:

- The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet.
- ~~Cut buildings into hillsides to reduce effective visual bulk.~~
 - ~~i. Split pad or stepped footings shall be incorporated into building design to allow the structure~~

~~to more closely follow the slope.~~

~~○ ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.~~

- A building step-back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade.
- Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet.
- It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided; however, smaller gables may be permitted.
- It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided
- All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

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.

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 RR-.5.

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: *At the end of this document.* 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: *At the end of this document.* 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.

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) with any questions regarding water utilities.

ELECTRIC SERVICE: “If existing service needs to be upgraded or existing underground service is not large enough, excavation and conduit may be required from transformer.” Please contact Dave Tygerson in the Electric Department for service requirements and connect fee information at (541) 552-2389 or via e-mail to tygersod@ashland.or.us. Dave 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

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

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:

- o **Major Modification Approval Criteria:** **18.5.6.030.C**

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.

- o **Major Modification Application:** **18.5.6.030.B**

PLANNING APPLICATION FEES:

Modification to previous subdivision approval (Type 1)	\$1,092
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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, *Associate Planner*

City of Ashland, Department of Community Development

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

May 19, 2021

Date