
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**
December 22, 2021

SITE: 911 Beach St.
APPLICANT: Ken Willumsen
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.

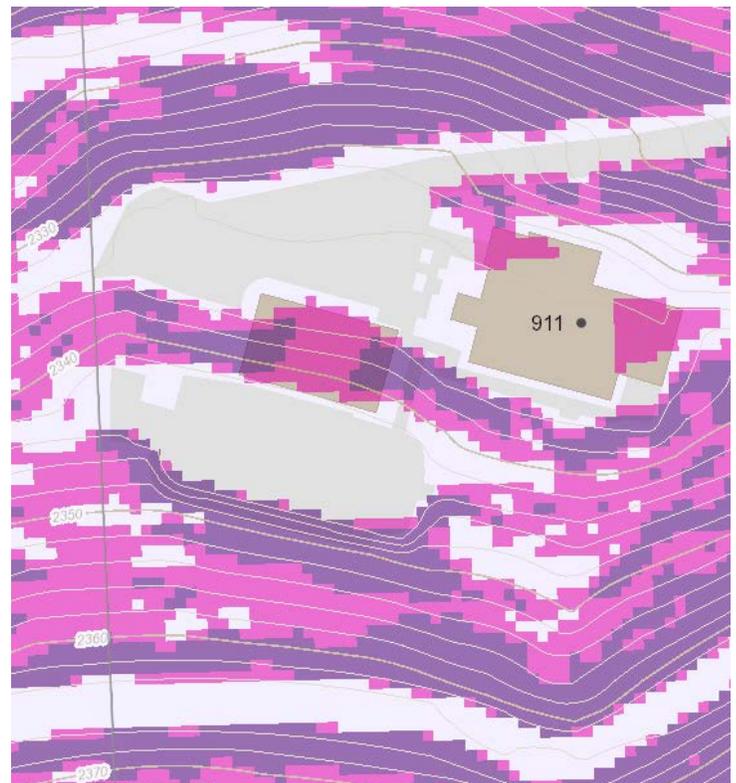
Summary: The proposal is for a retaining wall and future garage in an area identified as slopes that are shown in the city GIS (as shown at right) to exceed 25% which is the regulatory threshold for the provisions of a Physical and Environmental constraints permit (P&E) as provided at AMC 18.3.10

Land classification: If it can be demonstrated by a survey map prepared by a licensed professional land surveyor (PLS) that the project area is in fact below the 25% threshold the project would be exempt from a planning action.

Additionally, an argument could be developed that the natural grade prior to the development of the property (house, driveway, pool area) was below this threshold and that the slope area for the proposed project is a result of that previous earth movement. The 2nd argument may still require a planning action due to the discretion involved but may ultimately exempt a formal P&E review.

Phasing of project: Regarding phasing of the project. Phase 1 will require a P&E permit. However, once the construction of the retaining wall is complete the construction of the proposed future garage would simply be a building permit. That said in processing phase 1 as a P&E the applicant should be sure to include information about the exception to hill side design standards (36' max horizontal wall discussed further below).

Once land use approval is received its approval remains valid for 18 months and can be extended by administrative action for an additional 24 months.



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

- A slope analysis prepared in accordance with AMC 18.3.10.040.K
- A site plan for the entire property including information on lot coverage and new impervious surface.
- Wildfire standards / Fuel modification area
- An inventory of existing trees, trees proposed for removal and tree protection plan
- Landscape and irrigation plan
- Grading and Erosion & Sediment control plan
- Written responses to the relevant design standards and approval criteria

Zoning: The property is zoned R-1-7.5 which has a maximum lot coverage of 45%. There are no concerns with lot coverage based on the size of the lot.

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 Design: An exception will be required for the maximum horizontal length of a building but staff feels that it can be justified in this case based on the existing paved parking area and the fact that the building is not visible from surrounding Rights of way.

- 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.
- 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 development.

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.

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.

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]

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.

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.

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:

- **Physical & Environmental Constraints: 18.3.10.050**
- **Development Standards for Hillside Lands: 18.3.10.090**

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	\$1,125
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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

December 22, 2021

Date

Project Description: New retaining wall and garage extension/addition

Ralph Sartain 541-552-2229

ralph.sartain@ashland.or.us

Fire department comments are based upon the 2019 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Specific Comments: Retaining Wall – No additional requirements from the Fire Department.

Remodel of Garage - The garage is located in a wildfire hazard area and shall be built to Oregon Residential Specialty Code Section R327.4 requirements for ignition resistant construction.

General Comments:

Addressing - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background and shall be plainly visible and legible from the street fronting the property.

Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. OFC 505

Fire Hydrant Distance to Structures - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance shall not exceed 300 feet. Hydrant distance can be increased to 600 feet if approved fire sprinkler systems are installed.

Gates and Fences – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.

Wildfire Hazard Areas – On lands designated in the Wildfire Lands Overlay, a “Fuel Break” as defined in Ashland Municipal Code, section 18.3.10.100 is required.

Wildfire Hazard Areas - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. AMC 18.3.10.100

Vegetation – existing and intentionally planted vegetation is required to meet AMC 18.3.10.100B(2) General Fuel Modification Area Standards. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. www.ashlandfirewise.org. Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.

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

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.

Public Works Conditions of Approval

1. Easements – There are currently two water mains crossing this property, south of the proposed improvements. The applicant shall make sure to call for utility locates so that all utilities including these water mains can be identified before any construction begins.
2. Sanitary Sewer - The property is currently served by a 6-in sanitary sewer main in Beach Street. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
3. Water - The property is currently served by a 4-in water main in Beach Street. 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.
4. Storm Drainage - The property is currently served by an 8-in storm sewer main in Beach Street. 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.

5. 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.
6. 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