
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 DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
May 5, 2021

SITE: 300 Clay St
APPLICANT: Rogue Planning / Cooper Trust
REQUEST: Annexation, Outline Plan,
And WRPZ

PLANNING DIVISION COMMENTS

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

Summary: Staff are generally supportive of the request. For staff, two key issues will be in addressing the change in grade at the southern edge of the project area and Transportation System Plan’s envisioned connection (Project R22) as a connection from Clay through to Tolman Creek.

Principal Items of consideration:

- **Physical transition between existing and planned local streets** – This is a key apparent challenge due to the grade change at the current terminus of Engle and its anticipated extension to the north. Additionally, the grade changes between the proposed “1/2 street” and existing 20-foot wide dedication along the northside of HAJC may present a similar engineering challenge.
- **Block length standard** – Incorporating the “New” Street may not be needed given existing spacing between Dollarhide and the planned ½ street at the southerly border of the subject property. The cost of new public street and the land dedication required potentially limits the flexibility in accommodating different housing types.
- **“Needed” housing types** – With the recent update of the City’s Housing Element, Housing Strategy Implementation Plan and soon to be completed Housing Capacity Analysis (HCA), there exists a comprehensive body of information about Ashland’s housing need. Council will be aware of these studies, so the development plan should evaluate the possibly of a mix of housing types, rather than only SFR detached.
- **Feasibility of west to east extension** –The general feasibility of this future connection should be addressed in the annexation application. It might be questionable due to ownership and grade changes, but does require further discussion

Other Concern and observations:

- The half street would need to be improved to include two travel lanes on a *20-foot wide driving surface* rather than a single 15’ lane pursuant to AMC 18.5.8.050.E.1.
- While it is possible to process an annexation without a concurrent outline plan approval it has only been done once (Kendrick) and has had challenges. Staff feels strongly that the annexation should be done in conjunction with outline plan approval.

- Staff feels that proposed lot configuration in the northeast of the development could be done more efficiently. The applicant should consider configurations that make use of flag lots or consider a larger lot to potentially support cottages (Cottage housing would require site design review).
- The applicant may wish to consider the pros and cons of approaching the three properties to the west of the subject property and consider involving them in the process.

Once these Issues have been addressed staff feels it would be advisable to have a follow up pre-application once the application materials becomes more developed.

ANNEXATION

Annexations are a discretionary legislative decision by the City Council, and are not subject to quasi-judicial constraints or the 120-day rule. The city’s annexation criteria generally require that:

- That the subject property be located within the City's Urban Growth Boundary.
- That the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation and that the project, if proposed concurrently, is an allowed use.
- That the land is currently contiguous to the present city limits.
- That, for residential annexation, a plan shall be provided demonstrating that the development of the property will occur at a minimum of 90 percent of the base density of the property – less any reductions for natural features, topography, access limitations, or similar physical constraints – and that the owner sign and record an agreement ensuring that future development will occur in accord with this minimum density.

The proposed plan meets the minimum density for the zone based on lot size and constraints

- That the proposal meet the affordability requirements set forth in AMC 18.5.8.050.G.

The application materials acknowledge the affordable housing requirements

- That one or more of the standards in AMC 18.5.8.050.H, (which no longer includes demonstration that there is less than a five-year supply of vacant and re-developable land)
- That adequate city facilities for water, sewer, electricity, and urban storm drainage can and will be provided.
- That adequate transportation can and will be provided including facilities necessary to accommodate motor vehicles, bicycles, pedestrians and transit.
 - Demonstration of adequate transportation typically requires a Transportation Impact Analysis (TIA) to fully assess the impacts of development on the surrounding street system.
 - Adequate transportation should also carefully consider adjacent pedestrian and bike access

PERFORMANCE STANDARDS OPTIONS SUBDIVISION

The application would need to speak to the applicable criteria and standards for subdividing the property under the Performance Standards Options chapter (AMC 18.3.9). This chapter provides a greater measure of flexibility in regard to many of the development standards, but seeks greater efforts to identify and protect significant natural features on the property and

incorporate them as amenities to future residents, and to use this flexibility in seeking a project that is more compatible with the natural environment and surrounding neighborhood.

- The code encourages north south orientation for lots, consider rotating lots 5 & 6
- Lot 8 has no street frontage
- It would appear that lots 17&18 are to take vehicle access of clay, this is discouraged and should consider an alternate vehicle access, or at least use a combined driveway so as not to create a driveway spacing issue.

WATER RESOURCES - WETLANDS

The property has two identified wetlands on the city's Water Resource Protection Zones map, and has a Water Resource Protection Zone (WRPZ) which extends 50 feet around the identified area for locally significant wetlands and 20 feet around possible wetlands. The wetlands and its WRPZ would be subject to the requirements of the Water Resources Protection Zone Ordinance (AMC 18.3.11). The existing wetland inventory is out of date and a new delineation is highly recommended.

TREE REMOVAL & PROTECTION

Tree Removal: On vacant properties zoned for residential use, the removal of significant trees as defined in AMC 18.6.1 requires a Tree Removal Permit. Tree removal would also be considered in light of the Water Resources Protection Zones ordinance, the Performance Standards Options chapter, and more broadly in terms of the discretion in Annexations, and any tree removal should be carefully considered.

There do not appear to be any trees on the subject lot that are above 6" DBH, however if there are they will require a tree removal permit.

Tree Preservation/Protection: A tree protection plan is required with the application to ensure that trees are protected during site disturbance (including demolition, construction, driveway/parking installation, staging of materials, etc. This plan is required to address all trees on the property over six-inches in diameter at breast height (d.b.h.) and all trees that are located on adjacent properties within 15 feet of the property line as well, including any existing street trees.

The trees along the eastern edge of the subject property should be properly protected during development.

Recent Code Changes: There have been recent code changes with regard to Open Space (adopted 11/17) and affordability (adopted 12/1) which will likely affect the proposal. The new regulations and associated council communications are linked below, and will likely affect affordability and five-year supply criteria for annexation as well as the definition, amount and treatment of the open space areas.

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.

Site Visits: Depending on local and statewide restrictions relative to the pandemic, staff may reach out as the application nears the hearing process to arrange site visits for the Planning Commission and City Council, or to arrange an alternative means for the decision makers to familiarize themselves with the 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 planned to be annexed as Single Family Residential, and the surrounding area is largely zoned R-1-3.5, a single family residential zoning with a 3,500 square foot minimum lot size.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: *"No comments provided at this times."* Please contact Building Official Steven Matiaco in 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 the Conservation Division Water Conservation Specialist at 541-552-2062. 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: Please see comments at the end of this document. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering-related information (i.e. utilities, streets, stormwater, etc.) at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: Please see comments 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: Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) to discuss the intended use of the facility or property and any potential cross connection hazards associated with it or for any questions regarding water connections."

ELECTRIC SERVICE: 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 preliminarily approved plan from the Electric Department.

PROCEDURE

Annexation is subject to a “Type III” legislative procedure which requires a recommendations from the Planning Commission through a public hearing process and a decision by Council adopted by ordinance to annex the property. As a legislative decision, an annexation would be subject to appeal by LUBA.

APPLICATION REQUIREMENTS

Submittal Information.

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

1. Application Form and Fee. Legislative applications shall be made on forms provided by the Staff Advisor. <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
2. Submittal Information. The application shall contain all of the following information.
 - a. The information requested on the application form.
 - b. A map and/or plan, as applicable, addressing the appropriate criteria and standards in sufficient detail for review and decision.
 - 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, except when the City initiates the request.
 - f. Other information the Staff Advisor deems necessary to provide a complete application.

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

The adopted Transportation System Plan (TSP) is available on-line in its entirety at: http://ashlandtsp.com/system/datas/191/original/Final%20TSP_2013-04-23.pdf

Written Statements

Please provide 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, Planning Commission and Council with the basis for approval of the application:

- **Annexation:** **AMC 18.5.8.050**
- **Outline Plan:** **AMC 18.3.9.040.A.3**
- **WRPZ:** **AMC 18.3.11.060.D**
- **Tree Removal Permits(s):** **AMC 18.5.7.040**

Plans & Exhibits Required

Please provide exhibits (plans, drawings and required submittal materials) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used for the Planning Commission packets and for notices that are mailed to neighbors. Please provide electronic copies formatted to print to a standard architect or engineer' scale on paper no larger than 11-inches by 17-inches:

- **Annexation:** **AMC 18.5.8.020**
- **Outline Plan:** **AMC 18.3.9.040.A.2**
- **WRPZ:** **AMC 18.3.11.060**
- **Tree Protection Plan:** **AMC 18.4.5.030**
- **Tree Removal Permit:** **AMC 18.5.7.030**

PLANNING APPLICATION FEES

Annexation	\$4, 388
Outline Plan	\$2,190.75 + \$143.25/lot
WRPZ Limited Use Permit	\$1,092
Tree Removal Permits(s)	\$0

NOTE:

Annexations require additional timelines and noticing due to state requirements, and are typically scheduled at the first Planning Commission at least 45-days after a completeness determination.

The fees above were due to see an annual increase for inflation in July, but this has been delayed due to the COVID-19 pandemic. Council will be reviewing a fee update resolution in the near future, and the application would be subject to the fees adopted and in place at the time of submittal.

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/ E-mail: aaron.anderson@ashland.or.us

May 5, 2020

Date

Public Works Conditions of Approval

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 Plain 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) – All land use actions that either propose direct or indirect access to a State highway or a boulevard will need to provide the City of Ashland with the information outlined below. The governing jurisdiction will then inform ODOT of the intended land use action and provide pertinent review material. These guidelines are intended to ensure that developments do not negatively impact the operation and/or safety of the roadway.

A. Applicants must submit a preliminary site plan for review to the City of Ashland, prior to the pre-application conference. At a minimum, the site plan shall illustrate:

1. The location of existing access point(s) on both sides of the road within 500 feet in each direction for Category 4 segments or 5 lane boulevards, and 300 feet for Category 5 segments and 3 lane arterials;
2. Distances to neighboring constructed public access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property (this should include the section of roadway between the nearest upstream and downstream collector);
3. Number and direction of site access driveway lanes to be constructed, as well as an internal signing and striping plan;
4. All planned transportation features on the State highway/boulevard (such as auxiliary lanes, signals, etc.);
5. Trip generation data or appropriate traffic studies (See the following section for the state's traffic impact study requirement thresholds.);
6. Parking and internal circulation plan;
7. Plat map showing property lines, right of way, and ownership of abutting properties;
8. A detailed description and justification of any requested access variances;

B. Proposed land use actions, new developments, and/or redevelopment accessing a State highway/boulevard, directly or indirectly (via collector or local streets), will need to provide traffic impact studies to the respective local reviewing jurisdiction(s) and ODOT if the proposed land use meets one or more of the following traffic impact study thresholds. A traffic impact study will not be required of a development that does not exceed the stated thresholds.

1. Trip Generation Threshold: 50 newly generated vehicle trips (inbound and outbound) during the adjacent street peak hour;

2. Mitigation Threshold: Installation of any traffic control device and/or construction of any geometric improvements that will affect the progression or operation of traffic traveling on, entering, or exiting the highway;

3. Heavy Vehicle Trip Generation Threshold: 20 newly generated heavy vehicle trips (inbound and outbound) during the day;

All traffic impact studies will need to be prepared by a registered professional engineer in accordance with ODOT's development review guidelines.

C. Traffic Impact Study Requirements

1. The following is a summary of the Oregon State Highway minimum requirements for a traffic report. ODOT views the following requirements as the minimum considerations to be dealt with by Professional Traffic Engineering Consultants in their analysis of traffic impacts resulting from new developments adjacent to State highways.

2. The analysis shall include alternates other than what the developer originally submits as a proposal for access to state highways, city streets, and county roads.

3. The analysis of alternate access proposals shall include:

(i) Existing daily and appropriate design peak hour counts by traffic movements, at intersections which would be affected by traffic generated by the development (use traffic flow diagrams).

(ii) Projected daily and appropriate design peak hour volumes for these same intersections, and at the proposed access points after completion of the development. If the development is to be constructed in phases, projected traffic volumes at the completion of each phase should be determined.

(iii) Trip Generation shall be calculated using the Institute of Transportation Engineers' manual "TRIP GENERATION 5th Edition" or other, more current, and/or applicable information.

(iv) A determination of the need for a traffic signal based on warrants in the "Manual on Uniform Traffic Control Devices."

4. The recommendations made in the report should be specific and shall be based on a minimum level of service "D" when the development is in full service. As an example, if a traffic signal is recommended, the recommendations should include the type of traffic signal control and what movements should be signalized. If a storage lane for right turns or left turns is needed, the recommendations should include the amount of storage needed. If several intersections are involved for signalization, and an interconnect system is considered, specific analysis should be made concerning progression of traffic between intersections.

5. The internal circulation of parking lots must be analyzed to the extent that it can be determined whether the points of access will operate properly.

6. The report shall include an analysis of the impacts to neighboring driveway access points and adjacent streets affected by the proposed new development driveways.

7. The report should include a discussion of bike and pedestrian usage and the availability of mass transit to serve the development.

3. Street Improvement – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time. The applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.

4. Public Pedestrian Access – A handicap access ramps will be required at the intersection of Clay Street as well as the interior street intersection. This ramps shall meet current United States Access Board Guidelines (PROWAG) and shall be designed in accordance with the current Oregon Department of Transportation design guidelines. The design shall include all grades, slopes and measurements as presented on the ODOT Detail 1720 and must be submitted to and approved by the City of Ashland Engineering Department.

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 an 8-in sanitary sewer main in Clay Street as well as an 8-in in the northerly section of Engle Street. 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 an 8-in water main in Clay Street as well as an 8-in water main in both sections of Engle 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.

8. Storm Drainage - The property is currently served by a 12-in storm sewer main in Clay 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.

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

- All ground disturbances exceeding 1,000 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

- Jackson County Roads will need to review and approve any improvements in the Jackson County right-of-way. City of Ashland must obtain a copy of any Jackson County approvals and/or permits that are granted before any work in the Jackson County right-of-way begins.

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.

FIRE

Pre-Application Comments

Date: 4-7-2021

Project Address: 300 Clay Street

Permit Number: PREAPP-2021-00270

Project Description: Annexation and zone change

Ashland Fire & Rescue Contact: 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:

- Fire has no additional comment for this application

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.