

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** March 23, 2022

SITE: 580 Clover
APPLICANT: Tesla
OWNER: Asia Johnson
REQUEST: Site Design Review and Conditional Use Permit for vehicle fueling station.

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 requires Site Design Review and a Conditional Use Permit (CUP) for a proposed vehicle fueling station (Tesla Charging station)

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see chapter 18.3.8 ; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit

Staffs chief concern is the relation of the development with the streetscape and not foreclosing on future development opportunities that would build out. Staff is also concerned with the request for a double approach. Staff would suggest that a final application address pedestrian connectivity, walkable spaces, and plaza space that can engage the pedestrian environment.

Site Design Review Applicability AMC 18.5.2.020.A

5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.

Site Design review includes addressing building orientation and scale. While the present application does not include a building the application should address location of a potential future building / kiosk.

A final application will need to comprehensively address landscaping (including street trees) and screening of mechanical equipment. Staff would feel more comfortable with the proposal if the electrical infrastructure were located towards the rear of the property. Staff strongly suggests that the services of a landscape architect would be valuable to a complete application.

Neither Public Works or ODOT had any concerns about trip generation or traffic impact. That said the threshold for a TIA is 50 peak hour trips, if Tesla believes that limit may be reached a TIA would be required.

All of the standards of section 18.4 apply however particular attention should be given to the sections below.

- **18.4.3 Parking, Access, and Circulation**

18.4.3.080.B.5. Parking areas shall be designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection as illustrated in Figure [18.4.3.080.B.5](#). Parking areas of more than seven parking spaces shall meet the following standards:

- a. **Use one or more of the following strategies** for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces, the approval authority may approve a combination of strategies.
 - i. Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.
 - ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.
 - iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.
 - iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.
- b. **Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.**

- **18.4.4 Landscaping, Lighting, and Screening**

18.4.4.030.F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.

1. Landscaping.

- a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.
- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
- c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
- d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
- e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

- a. Screening Abutting Property Lines. A five-foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. Screening Adjacent to Residential Building. Where a parking area is adjacent to a residential building it shall be set back at least eight feet from the building, and shall provide a continuous hedge screen.

CONDITIONAL USE PERMIT

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have **no greater adverse material effect** on the livability of the impact area **when compared to the development of the subject lot with the target use of the zone**, pursuant with subsection 18.5.4.050A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and **within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio**, complying with all ordinance requirements..

SITE DESIGN REVIEW

The application must address the following criteria and standards from Ashland Municipal Code (AMC) 18.5.2.050 for a Site Design Review approval for residential development.

- A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E,

below.

- D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

OTHER CITY OF ASHLAND DEPARTMENT 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. If a fire line is required, the water department will only install a stub out to the location where the double check detector assembly or reduced pressure detector 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 or RPDA 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. *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 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 and meter location requirements and 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.

PROCEDURE

A Conditional Use Permit is subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

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: <https://ashland.municipal.codes/LandUse>

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:

- **Site Design Review** **AMC 18.5.5.050**
- **Conditional Use Permit** **AMC 18.5.4.050**

Plans & Exhibits Required

Please provide two copies 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.

- **Conditional Use Permit** **AMC 18.5.4.040**
- **Site Design Review** **AMC 18.5.2.040**

FEES: Conditional Use Permit **\$1,120.25 + 0.5% of project valuation**

NOTE: 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

March 23, 2022

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 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. Street Improvement – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.

3. Right of Way – No additional right of way dedication, beyond that necessary to comply with City Street Standards, will be required at this time.

4. Sanitary Sewer - The property is currently served by an 8-in sanitary sewer main in Clover Lane. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
5. Water - The property is currently served by an 8-in water main in Clover Lane. 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.
6. Storm Drainage - The property is currently served by a 12-in storm sewer main in the PUE along the northerly property line of this taxlot. There is a note on the submittal regarding abandoning the easement that this storm drain is in, that is not something that will be approved by the City. The location of the storm drain on the submittal is incorrect, it is shown in the bike path instead of the easement. 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.

7. 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.

8. Driveway Access – The City of Ashland Engineering Department feels that the proposed northerly driveway should be eliminated due to its close proximity to the existing bike path access point as well as this creating two driveway curb cuts on one taxlot.

9. 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

10. 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.

11. Addresses – Any new addresses must be assigned by City of Ashland Engineering Department.

Reviewed By: Sartain, Ralph; Kleinberg Tech, Admin Date Completed: 2/17/2022

LD File #: PreApp-2022-00325 Date Scheduled:

Applicant: Tesla Inc. (ATTN: Brian Sliger)

Location: 580 Clover Lane

LD Description: Install Tesla Superchargers at parking lot.

Approved with Conditions Noted Below: Yes

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect 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