
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** October 4, 2022

SITE: 440 Granite Street
APPLICANT: Rouge
Planning / Jordon Willing
REQUEST: New SFR Type II Variance to
lot coverage and reduction of the WRPZ

PLANNING DIVISION COMMENTS

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

Summary: Typically, the development of a single-family residence on a residentially-zoned property does not require land use approval if it does not involve work in flood plain corridors, water resource protection zones or hillside lands and does not require variances to any applicable standards.

Lot Coverage: Within the Woodland Residential (WR) zone, lots are limited to no more than seven percent lot coverage. Lot coverage is defined as, *“The total area of a lot covered by buildings, parking areas, driveways, and other solid surfaces that will not allow natural water infiltration to the soil. Landscaping, including living plants, vegetative ground cover, and mulch, which allows natural soil characteristics and water infiltration and retention is not considered lot or site coverage.”*

There are several different values provided for ‘lot coverage’ in the pre-app materials. Presuming 8,476 is correct (when 2,653 is allowed) then the request is for a 219% increase. A type 1 variance for lot coverage is allowed up to a 10% increase (e.g. 2,653 x 1.1 = 2,918), therefore ***a TYPE II Variance will be necessary.*** This will require a hearing before the Planning Commission.

Physical & Environmental (P&E) Constraints: Ashland’s P&E Ordinance regulates the development of floodplain corridor. Because this property has a valid LOMA the subject area of the property has been removed from the SFHA. Therefore a ***P&E permit will not be necessary.***

Water Resources Protection Zones (WRPZ): Ashland Creek is considered a Riparian Stream and has a Water Resource Protection Zone extending 50 feet upland of the top of bank. Work within the WRPZ is heavily regulated and if allowed would require either a protection zone reduction or a limited use/activity permit. ***Due to the proposed encroachment into the WRPZ an application for a reduction will be necessary***

Basement: It appears that the finished floor elevation of the proposed basement is above the BFE from the LOMA study the applicant should consider the attached items to ensure that it remains ‘reasonably safe from flooding’

Fence: The existing Fence along Granite is non-conforming, any proposed modification to the fence would require a fence permit in compliance with the standards at AMC 18.4.4.060

18.3.11.070 Water Resource Protection Zone Reductions

A Water Resource Protection Zone may be reduced by up to 25 percent through a Type I procedure in [18.5.1.050](#), and by greater than 25 percent and up to 50 percent through a Type II procedure in section [18.5.1.060](#) if the proposal meets all of the following criteria.

A. The proposed use or activity is designed to avoid intrusion into the Water Resource Protection Zone through the use of up to a 50 percent reduction of any dimensional standards (e.g., required front, side and rear yard setbacks; required distance between buildings) to permit development as far outside or upland of the Water Resource Protection Zone as possible. Such adjustment to any applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Variance application under chapter [18.5.5](#) Variances. Reductions to dimensional standards may not be used to reduce required Solar Access setbacks without evidence of agreement by the effected property owner(s) to the north through a concurrent Solar Access Variance application as described in chapter [18.4.8](#) Solar Access.

B. The alteration of the Water Resource Protection Zone is the minimum necessary to efficiently perform the proposed activity and/or use. The proposed development shall minimize disturbance to the Water Resource Protection Zone by utilizing the following design options to minimize or reduce impacts of development.

1. Multi-story construction shall be considered.
2. Parking spaces shall be minimized to no more than that required as a minimum for the use.
3. Pavement shall be minimized, and all pavement used shall be installed and maintained in a porous solid surface paving material.
4. Engineering solutions shall be used to minimize additional grading and/or fill.

C. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures. The structures, functions, and values of the Water Resource will be restored through the implementation of a restoration and enhancement strategy set forth in a mitigation plan prepared in accordance with the standards and requirements described in section [18.3.11.110](#) Mitigation Requirements.

D. Long term conservation, management, and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection [18.3.11.110.C](#), except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.5.5.050 Approval Criteria

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

System Development Charges: The building permit issued in 2009 – which was never completed - included the payment of some System Development Charges and some credits for the house which had previously been demolished. SDC's run with the property, and the applicants should be sure to inquire when applying for a new building permit about having these credits transferred to avoid new charges.

(A total area up to 200 square feet or five percent 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.) $37902 \times 0.07 = 2653 \times 0.05 = 132.65$

OTHER ORDINANCE REQUIREMENTS

AMC 18.2.5.030.B Woodland Residential Zone details the applicable standards for the Woodland Residential (WR) zone as follows:

Table 18.2.5.030.B – Standards for Woodland Residential (WR) Zone (Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)			
Minimum Lot Area and Maximum Density <i>Limits on density transfer.</i> All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18.3.9. Not more than 25% of the density allowed in a WR zone may be transferred to a higher density zone in a Performance Standard Options development.	Slope	Min. Lot Size	DU/Acre
	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum ¹ (% of lot area)	7%		
¹ 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.			
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards – Minimum ² (feet)			
- Front – Standard	20 ft		
- Side – Standard, except:	6 ft		
- Side – Corner-Street/Alley Side	10 ft		
- Rear – Single-Story Building	10 ft		
- Rear – Multi-Story Building	10 ft per Bldg Story		
² See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING DEPARTMENT: Please contact Building Official Steven Matiaco in the Building Division for information on applicable building codes at (541) 488-5305.

CONSERVATION DEPARTMENT: Please contact the Conservation Division for information on available programs and rebates at (541) 488-5305.

ELECTRIC DEPARTMENT: The applicant will need to contact Dave Tygerson in the Electric Department at (541) 552-2389 or via e-mail to tygersod@ashland.or.us to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Dave can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Dave Tygerson, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. *Applications will not be deemed complete without an approved electric service plan.*

FIRE DEPARTMENT: *See comments at the end of this document.* Please contact Fire Marshal Ralph Sartain of the Fire Department for Fire Department/Fire Code-related information at (541) 552-2229 or via e-mail to ralph.sartain@ashland.or.us.

PUBLIC WORKS DEPARTMENT: *See comments at the end of this document.* For any further information, please contact Karl Johnson at (541) 552-2415 or via e-mail to: karl.johnson@ashland.or.us.

APPLICATION SUBMITTAL REQUIREMENTS

The application is required to include clear, legible, scalable drawings of the proposal (i.e. plan requirements) as well as written findings addressing the applicable approval criteria in accordance with the Ashland Land Use Ordinance (ALUO), Chapter 18 of the Ashland Municipal Code. The following sections include the requirements for plans and approval criteria which are applicable to the proposal as described in the pre-application submittals. When more than one planning approval is required for the proposal, multiple sections of the ALUO may apply. 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. All submittals must also include:

Application Requirements.

1. Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor (see <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf>). One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.
2. Submittal Information. The application shall include all of the following information.
 - a. The information requested on the application form.
 - b. Plans and exhibits required for the specific approvals sought.
 - 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 (see the end of this document, and further detail at: http://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/2019-07-01_Planning_Fees.pdf .

The Ashland Land Use Ordinance in its entirety may be accessed on-line at: <https://ashland.municipal.codes/LandUse> .

PLAN & EXHIBIT REQUIREMENTS: *Two (2) copies of the plans below on paper no larger than 11"x 17". Note: These copies may be used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.*

- Two (2) Copies of the materials required for a Site Design Review approval as detailed in chapter 18.5.2.040.
- Two (2) Copies of the materials required for a Variance as detailed in chapter 18.5.5.040. (if applicable to the final proposal).
- Two (2) Copies of a Tree Protection Plan as required chapter 18.4.5.030.
- Two (2) Copies of the plans required for a Tree Removal Permit as required in chapter 18.5.7.030 (*if tree removal is proposed*).

RELEVANT CRITERIA AND STANDARDS: Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below.

- Two (2) Copies of written findings addressing the following criteria for Site Design Review approval detailed in chapter 18.5.2.050.
- Two (2) copies of written findings addressing the following criteria for a Variance from chapter 18.5.5.050 (*if applicable to the final proposal*).
- Two (2) copies of written findings addressing the following criteria for an Exception to Street Standards from chapter 18.4.6.020.B.1 (*if applicable to the final proposal*).

- Two (2) copies of written findings addressing the following criteria for Tree Removal Permit from chapter 18.5.7.040.B.2. (*if applicable to the final proposal*).

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FEES: WRPZ Reduction
\$1,120.25
Variances (Type II):
\$2,247.50

NOTES:

- Fees given reflect those in effect as of May 1, 2022
- Applications are accepted on a first come-first served basis.
- All applications received are reviewed by staff, 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, and the first complete applications submitted are processed at the next available Planning Commission

For further information, please contact:

October 4, 2022
Aaron Anderson, *Senior Planner*
Date
City of Ashland, Department of
Community Development
Phone: 541-552-2052 or e-mail:
aaron.anderson@ashland.or.us

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 a 6-in sanitary sewer main in Granite Street. 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 a 8-in water main in Granite 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.

6. Storm Drainage - The property is not currently served by a storm sewer main in Granite 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.

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 – 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.

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.