
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 DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
February 15, 2023

SITE: 381 South Mountain Avenue
APPLICANT: Rogue for Yuma
REQUEST: Site Design Review, Exception, Variance

PLANNING STAFF COMMENTS:

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.

Generally: The property is zoned R-2 (Low-Density, Multi-Family Residential) despite having a Comprehensive Plan designation of Southern Oregon University (SOU) due to its proximity to the University campus and to being identified in the 2010-2020 SOU Master Plan as being within the planned campus boundary. Given that the Master Plan identifies the site as a University-owned residence, and that the University recently opted to sell the property, in staff's assessment the proposed in-fill development consistent with the established R-2 zoning is appropriate.

In staff's view, the key issues will be in justifying Variances/Exceptions to the required clear width for the driveway access and required landscaped screening at the property line given the proximity of the existing house to the north property line. In both instances, staff believe there is a case to be made which supports these requests given the location of the existing house, the narrow lot width, and the desire to achieve more efficient land use. Staff are generally supportive and look forward to seeing this project move forward. As the applicant works to prepare final submittal materials, key items which should be considered include:

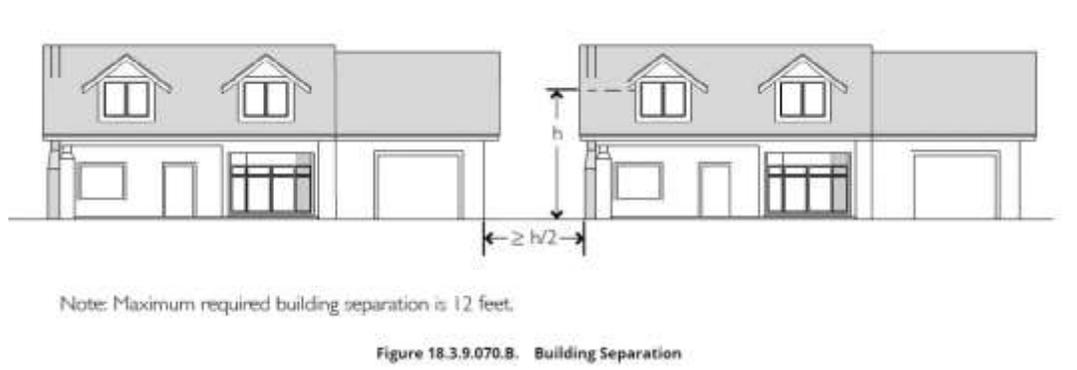
Site Design Review (<https://ashland.municipal.codes/LandUse/18.5.2.050>): The development of a residentially-zoned property with three or more dwellings requires Site Design Review approval and must demonstrate compliance with the following criteria...

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.*

- **Density:** The base density for R-2 zoned property is 13½-dwelling units per acre. For the subject property, this equates to 0.27 acres x 13.5 du/acre = 3.645 dwelling units as a base density.
- **Lot Coverage:** Within the R-2 zone, the maximum allowed lot coverage is 65 percent. Lot coverage includes 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.

- **Height:** The height limit within the R-2 zone is 35 feet or 2½-stories, whichever is less. The final application submittal will need to demonstrate compliance with these limits.
- **Building Separation** (<https://ashland.municipal.codes/LandUse/18.2.5.030>): Within the R-2 zones, in addition to standard setback and solar access setbacks, there is also a required separation between buildings. As illustrated below, the required separation is one-half the height of the tallest building, up to a maximum required separation of 12 feet if separated buildings are proposed.



B. Overlay Zones. *The proposal complies with applicable overlay zone requirements (<https://ashland.municipal.codes/LandUse/18.3>).*

- **Not Applicable:** The subject property is not located within any overlay zones, and as such this standard is not applicable.

C. Site Development and Design Standards. *The proposal complies with the applicable Site Development and Design Standards of <https://ashland.municipal.codes/LandUse/18.4>, except as provided by subsection E, below.*

- **Building Placement, Orientation & Design:** The building and site design would need to reflect, and the final application would need to address the Building Placement, Orientation and Design Standards for Residential Development found in <https://ashland.municipal.codes/LandUse/18.4.2.030>. In particular, this would need to include orientation to the street with a primary entrance oriented to and accessed from the sidewalk and no parking or vehicular circulation between the building and the street, and the final application will need to include scalable elevation drawings of all sides of the building demonstrating compliance with these standards.
- **Driveway Width:** As detailed further below, if the location of the existing house prevents installation of a driveway in keeping with the required clear width standards in <https://ashland.municipal.codes/LandUse/18.5.3.060.D> (i.e. a 12-foot paved driveway centered within a 15-foot clear width) a Variance would be necessary.
- **Flag Drive Circulation:** The final application submittal will also need to demonstrate that automobiles can turn and exit to the street in a forward manner as required in <https://ashland.municipal.codes/LandUse/18.5.3.060.K>.

- **Automobile Parking:** Recent statewide changes to automobile parking took effect on January 1, 2023 through the ‘*Climate Friendly & Equitable Communities*’ rules. These rules prevent cities from enforcing minimum automobile parking requirements within ½-mile of frequent transit routes, or for small residential units (<750 square feet) anywhere in the city. Parking that is installed must meet the requirements of the Ashland Municipal Code (i.e. dimensional, circulation, screening, etc.) See https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/CFEC_Parking_Requirements_Map.pdf (**Note:** *These parking changes are currently being challenged in court and with new legislation and could revert back to the minimum parking requirements in the Municipal Code at any time. An application will be subject to the rules in place at the time of submittal.*)
- **Bicycle Parking:** One two-bedroom and two one-bedroom units require four sheltered bicycle parking spaces. Bicycle parking is subject to the design standards detailed at: <https://ashland.municipal.codes/LandUse/18.4.3.070.I>.
- **Landscape/Irrigation Plan:** The final Site Design Review application submittals will need to include a Landscape Plan which addresses the requirements of <https://ashland.municipal.codes/LandUse/18.4.4> which deals with Landscaping, Lighting and Screening standards. A final irrigation plan can be deferred until building permit submittal. Landscape and irrigation plan requirements are detailed in <https://ashland.municipal.codes/LandUse/18.5.2.040.B.7>. The final site plan should reflect the placement of required refuse and recycling containers (<https://ashland.municipal.codes/LandUse/18.4.4.040>).
- **Parking Lot Landscaping & Screening:** As discussed further below, if the location of the existing house prevents the installation of the required five-foot landscaped strip between the driveway and the north property line as required in <https://ashland.municipal.codes/LandUse/18.4.4.030.F.2>, an Exception to the Site Development and Design Standards would be necessary.
- **Fencing Details:** Fence permits are reviewed separately, but it would be beneficial to include specific fencing details in the application if fencing is part of the development plan. Fencing is reviewed for compliance with height, good neighbor construction, vision clearance, and deer fencing allowances. See <https://ashland.municipal.codes/LandUse/18.4.4.060>.
- **Open Space Requirements:** For Residential Site Design Review, eight percent of the site is required to be provided in open space as detailed in <https://ashland.municipal.codes/LandUse/18.4.4.070>.
- **Solar Access:** For “Standard B” lots (based on width & average slope), solar access standards limit the shadow that can be cast over the north property line to no more than what would be cast by a 16-foot tall fence built on the property line. The final application will need to include demonstration of compliance with the solar access standards as detailed in AMC 18.4.8 (i.e. calculations in the form of [(Shadow Producing Height(H) – 16)/(0.445 + Average Slope (S) 150-feet to the north) = Required Solar Setback (SSB)] with the shadow-producing point(s) and their height(s) to natural grade clearly labeled.

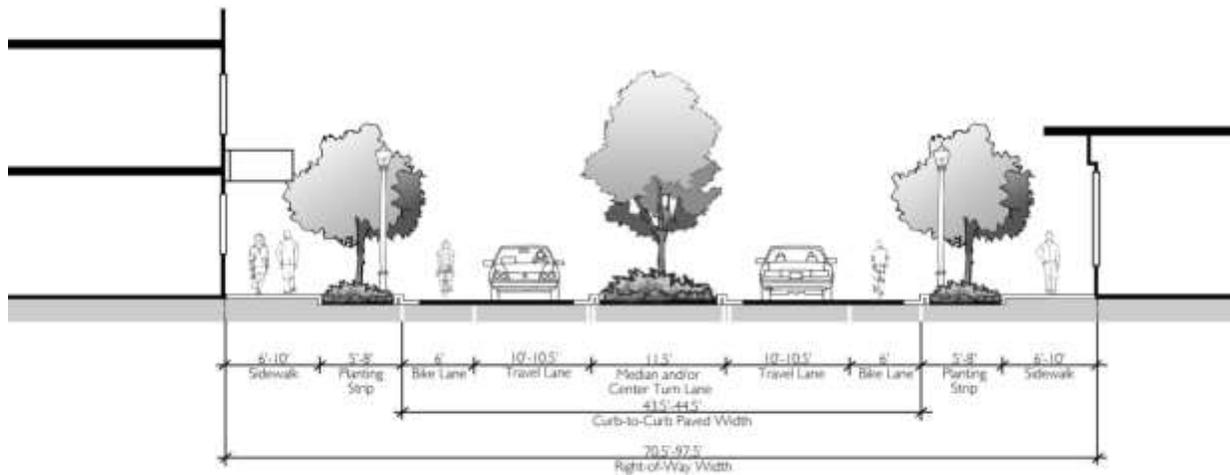
D. City Facilities. *The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban*

storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

- **Water & Sewer.** See Water Department comments later in this document.
- **Electric.** Electric service is required to be installed underground. Please contact Rick Barton in the Electric Department for service requirements and fee information.
- **Storm Drainage.** Generally, projects are required to demonstrate that post-development peak stormwater flows will be no greater than pre-development levels by providing on-site detention and water quality improvement measures. Specific Public Works and Engineering Department comments will be e-mailed separately.
- **Paved Access & Adequate Transportation.**

Frontage Improvements – South Mountain Avenue in this vicinity is classified as an Avenue or Major Collector street, and the standard cross-section for this street type is:

Prototypical Section: 3-Lane Avenue



The existing improvement is an approximate 35 ½-foot curb to curb paved width within a 50-foot right-of-way. Site Review typically requires that frontage improvements consistent with this cross-section be provided (i.e. a seven- to eight-foot parkrow planting strip with irrigated street trees and a six-foot sidewalk) along the full property frontage and any necessary right-of-way dedicated, or an Exception to the Street Design Standards requested. *(In the case of 361 South Mountain, the existing park row and sidewalk were considered to constitute full street frontage improvements, and a condition was imposed to require street trees be planted in the park row.)*

Intersection & Driveway Separation - Driveway placement is subject to the intersection and driveway separation standards in <https://ashland.municipal.codes/LandUse/18.4.3.080.C.3>. If an existing driveway is being retained in its current location, this would not be an issue.

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, 2, or 3, 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;*
- 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; or*
- 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section 18.2.3.090. (Ord. 3147 § 9, amended, 11/21/2017)*

The parking lot landscaping and screening standards in AMC 18.4.4.030.F.2 require screening of parking and driveways abutting property lines with a five-foot sight-obscuring landscaped strip, and where a parking area is adjacent to a residential building it shall be set back at least eight feet from the building and buffered with a continuous hedge screen. If the proposal cannot provide the requisite screening, an Exception to the Site Development and Design Standards would be required.

Variance: As noted in the submittal materials, because the driveway is greater than 50 feet in length it is considered to be a flag drive and subject to the flag drive standards in <https://ashland.municipal.codes/LandUse/18.5.3.060.D> which require that a flag drive serving a single lot shall have a minimum width of 15 feet and contain a 12-foot wide paved driving surface centered within the clear width, and that vehicles can turn and exit to the street in a forward manner in <https://ashland.municipal.codes/LandUse/18.5.3.060.K>. The proposed 13½-foot width where constrained by the location of the existing house requires a Variance. A Variance of this magnitude is a ‘Type I’ procedure and would be subject to a decision by the Staff Advisor, with notice to neighbors. *[Note: The Fire Department has indicated that from a Fire Code perspective, the access deficiencies here can be addressed through the installation of residential fire sprinklers.]*

Trees: All land use applications are required to include a tree inventory identifying all trees greater than six-inches in diameter at breast height (dbh) on the property and on adjacent properties within fifteen feet of the property. Trees are to be identified by their species and size, with condition and relative tolerance for construction disturbance detailed, and measures to protect those trees to be preserved must be provided for in a manner consistent with prescribed tree protection standards. If trees greater than six-inches dbh are proposed to be removed, a Tree Removal Permit must also be requested.

Neighborhood Outreach: Projects involving changes to established neighborhood patterns can be a concern for neighbors; staff always recommends that applicants approach the affected neighbors, make them aware of the proposal, and try to address any concerns as early in the process as possible. Notices are typically sent to neighbors within a 200-foot radius of 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 DEPARTMENTS' COMMENTS

BUILDING: *No comments provided; any Building Department comments will be e-mailed separately.* Please contact Building Official Steven Matiaco in the Building Division for any building codes-related information at (541) 488-5305.

PUBLIC WORKS/ENGINEERING: *No comments provided; any Public Works or Engineering Department comments will be e-mailed separately.* Please contact Karl Johnson of the Engineering Division for any further information at (541) 552-2415 or via e-mail to karl.johnson@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 (DCDA) or reduced pressure detector assembly (RPDA) 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 by phone at 541-552-2326 or via e-mail to 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. *With post-pandemic workforce issues, the Water Department may have to require that the applicant's excavation contractor excavate and install water services within the right-of-way; please verify with Steve Walker prior to preparing civil drawings."*

ELECTRIC: Please contact Rick Barton in the Electric Department to discuss development plans, electrical service requirements and fee information at (541) 552-2389 or via e-mail to rick.barton@ashland.or.us. Applicant will need to provide completed residential service applications (forms provided separately). Rick will arrange an on-site meeting to assess available and needed infrastructure and develop a conceptual service plan to be incorporated into the applicant's final utility plans, and applications will not be deemed complete without an Electric Department-approved conceptual service plan. Please allow additional time to schedule and conduct the on-site meeting and for preparation of the service plan.

FIRE: See attached Fire Department comments. Please contact Fire Chief/Fire Marshal Ralph Sartain at (541) 552-2229 or via e-mail to ralph.sartain@ashland.or.us for any additional information of Fire Department requirements.

CONSERVATION: For information on available conservation programs, please contact Conservation Analyst/Inspector Dan Cunningham at (541) 552-2063 or via e-mail to dan.cunningham@ashland.or.us.

OREGON DEPARTMENT OF TRANSPORTATION (ODOT): "ODOT does not have comments on this proposal. Thank you for keeping us in the loop!" For any additional ODOT-related information, please contact Development Review Planner Micah Horowitz, AICP with ODOT's Region 3 at: 100 Antelope Road, White City, OR 97503; p: 541.774.6331 | c: 541.603.8431; e: micah.horowitz@odot.state.or.us

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APPLICATION DETAILS

Procedure: Applications involving residential Site Design Review for less than 10,000 square feet of total floor area and Variances involving up to a ten percent reduction in driveway width can both be process through a "Type I" administrative procedure (see [https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Flowchart Type I FY21-22\(1\).pdf](https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Flowchart Type I FY21-22(1).pdf)). This allows for a decision by the Staff Advisor/Community Development Director following notices to neighbors and a 14-day public comment period. Follow comments, the decision is rendered and mailed and there is a 12-day period during which the decision can be appealed to the Planning Commission.

Application Requirements: Applications shall include the required application materials detailed below.

1. **Application Form and Fee.** Applications shall be made on forms provided by the Staff Advisor. 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 required application fee must accompany the application for it to be considered complete.

2. **Submittal Information.** The application shall include all of the following information.
- a. The information requested on the application form (see https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Zoning_Permit_Application_FY21-22.pdf).
 - b. Plans and exhibits required for the specific approvals sought, explained below.
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (i.e. narrative findings).
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. The required fees detailed below, and posted on-line here: https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/2021-07-01_PlanningFees.pdf

PLAN & EXHIBIT REQUIREMENTS: *If providing hard copies, 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.*

- The materials required for residential **Site Design Review** as required in: <https://ashland.municipal.codes/LandUse/18.5.2.040>.
- The materials required for a **Variance** to driveway width as required in: <https://ashland.municipal.codes/LandUse/18.5.5.040>
- A **Tree Preservation & Protection Plan** as required in: <https://ashland.municipal.codes/LandUse/18.4.5.030>.
- Materials required for a **Tree Removal Permit** as required in: <https://ashland.municipal.codes/LandUse/18.5.7.030> (if applicable to the final proposal).

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. The Ashland Land Use Ordinance in its entirety may be accessed on-line at:

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

- Written findings addressing the **Site Design Review** approval criteria from: <https://ashland.municipal.codes/LandUse/18.5.2.050>
- Written findings addressing the **Variance** approval criteria from: <https://ashland.municipal.codes/LandUse/18.5.5.050>
- Written findings addressing the **Exception to Street Design Standards** approval criteria from: <https://ashland.municipal.codes/LandUse/18.4.6.020.B> (if applicable to the final proposal).
- Written findings addressing the **Tree Removal Permit** approval criteria from: <https://ashland.municipal.codes/LandUse/18.5.7.040> (if applicable to the final proposal).



UPCOMING APPLICATION DEADLINES:	First Friday of each month
UPCOMING PC MEETINGS:	Second Tuesday of each month, 7:00 p.m.
UPCOMING TREE COMM. MEETINGS:	Thursday before PC, 6:00 p.m.
FEES:	
Site Review (Type I):	\$1,120.25 + \$ 74.50/unit
Variance (Type I):	\$1,120.25
Exceptions	\$ 0 (if applicable)
Tree Removal Permits	\$ 0 (if applicable)

NOTES:

- *Deadlines above are for quasi-judicial/Type II applications before the Planning Commission. Administrative/Type I applications subject to staff decisions are not subject to monthly deadlines.*
- *Applications are accepted on a first come-first served basis.*
- *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.*
- *All applications received are reviewed for completeness by staff in accordance with ORS 227.178, and must be found to be complete before being processed or scheduled at a Planning Commission meeting.*

For further information, please contact:

Derek Severson, *Senior Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us

February 15, 2023

Date