
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 April 14, 2021

SITE: 100 Walker
APPLICANT: AMS/JMOS - Arkitek
REQUEST: Site Design Review &
Conditional Use Permit for Net-Metered Solar
w/Security Fencing

PLANNING DIVISION COMMENTS

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

Electric Department Concerns: In reviewing the proposal, the Electric Department has raised concerns that the size and lay-out of this solar project may create conflicts with the city's Bonneville Power Administration (BPA) power contract. The Electric Department has discussed it with BPA and is looking at the ramifications and potential solutions. The Electric Department has requested modeling data showing the expected production of the solar generation, and have indicated this information would be very helpful in finding the best route forward. The Electric Department contact here would be Director Tom McBartlett, **E-mail:** mcbartlett@ashland.or.us or **Phone:** (541) 552-2314.

Conditional Use Permit: In staff's assessment, the proposal falls under the allowed use of "*Public and quasi-public utility and service buildings, yards and structures – excluding electrical substations*" which require a Conditional Use Permit (CUP) within the R-1 zones. The approval criteria for a CUP are:

- A. *Approval Criteria.*** *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.*

As noted in the discussion of the county portion of the proposal later in this document, the recently completed master plan for the Normal Neighborhood Plan Framework includes an adopted street system plan as a supporting document to the Comprehensive Plan. The city would look for assurances through the final application that the placement of the solar installation, associated utilities and access would not pose conflicts for the street system connectivity ultimately envisioned in the Normal Avenue neighborhood master plan, which includes local streets and a multi-use pedestrian path to provide a route to the school for future residents of the Normal Avenue neighborhood. *(Details of the street system plan and street width/cross-section details are included at the end of this document.)*

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 18.5.4.050.A.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.*

In terms of the required comparison to the target use of the property, staff believes the case can be made that there would be little or no additional adverse impacts from the solar array because it likely would not generate much traffic or parking. The findings should clarify other impacts – noise, light, glare, dust, etc. – which all seem like they would be minimal.

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.*
 - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*

Site Design Review: The Ashland Municipal Code (AMC) includes solar collectors in the definition of mechanical equipment, and requires Site Design Review (see AMC 18.5.2.020.A.9) for mechanical equipment other than roof-mounted solar that is not fully enclosed in a structure or if the mechanical equipment is visible from a public street or adjacent residentially-zoned property.

Site Design Review Criteria: A Site Design Review application must address the following criteria and standards from Ashland Municipal Code (AMC) 18.5.2.050 for a Site Design Review approval for commercial 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.*

Placement of Mechanical Equipment: AMC 18.2.4.020.B requires that mechanical equipment not be located between the main structure on the site and any street adjacent to a front or side yard, and that every attempt be made to place such equipment so that it is not visible from adjacent public streets. Mechanical equipment and associated enclosures, not taller than allowed fence heights, may be located within required interior side or rear yards, provided such installation and operation is consistent with other provisions of this ordinance or the Ashland Municipal Code, including but not limited to noise attenuation. Any installation of mechanical equipment shall require a building permit.

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.*

Screening of Mechanical Equipment: AMC 18.4.4.030.G.4 requires that ground level mechanical equipment installation be screened from view from the public right-of-way and adjacent residentially zoned property with a fence, masonry wall or hedge screen and least equal in height to the equipment. If this would not be possible, an Exception to the screening requirements for mechanical equipment. An Exception request would need to explain the difficulty in meeting this requirement due to a unique or unusual aspect of an existing structure or the proposed use, that approval will not substantially negatively impact adjacent properties, and approval is the minimum necessary to alleviate the difficulty and consistent with the purpose and intent of the standards.

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.*

Findings here are likely to be dependent on further discussion with Electric Department.

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.*

Wetland: The Normal Neighborhood Plan Framework speaks to Wetland W9 as follows:

The Middle School wetland (W9) is the largest wetland in Ashland urban growth boundary. It is an isolated wetland with no surface water connection to other water bodies. This wetland is significant to neighborhood development due to its size and proximity to the school. It provides an opportunity for a large open space area, and potential for outdoor education associated with the school and science learning center west of Walker Ave. It also provides an opportunity to create a distinct destination open space that will anchor the neighborhood at its west end.

It does not appear that the wetland or the associated protection zone are impacted by the proposal on the portions of the property that are within the city. Wetland impacts within the city-owned portion would be regulated through AMC 18.3.10 Water Resource Protection Zones. The final determination of the wetland and its boundaries will require formal delineation.

Tree Preservation, Protection and Removal: If there are any trees within the limits of disturbance, including construction access or utility installation, an inventory of all trees six-inches in diameter at breast height and greater on the property and within 15 feet of the property boundaries (*within the limits of disturbance*) including any street trees is required with the application under AMC 18.4.5. The inventory must include detailed information including species, diameter at breast height, condition, and drip line/protection area of each tree and clearly identify trees to be preserved and how they will be protected and show those trees to be removed, and address the tree removal permit requirements in AMC 18.5.7 for significant trees to be removed. Tree removal permit requests would be considered in light of the Tree Removal Permit criteria. *[The final application submittals could specify the limits of site disturbance proposed including any required trenching; the tree inventory and protection requirements would extend 15 feet beyond the limits of any disturbance.]*

Tax Lot #1600: City-owned Tax Lot #1600 is a private lot and not currently dedicated as public right-of-way, and access or utility installation would require easement approval by the City Council.

Split Jurisdictions: *The comments here are based on the assumption that the School District is not seeking to annex the property into the city, and will be working with Jackson County for the portions of the project in their jurisdiction.* The city reviews and comments on county actions within and near the city's urban growth boundary under a 1982 Urban Growth Boundary Management Agreement (UGBMA) and the county

generally seeks to address city issues in these areas to the extent possible under county regulations. Key issues the city would likely note here are:

- **Normal Neighborhood Plan Street System:** The recently completed master plan for the Normal Avenue neighborhood includes an adopted street system plan. The city would like to ensure that the placement of the solar installation, associated utilities and access would not pose conflicts for the future street system connectivity envisioned in the Normal Neighborhood Plan Framework, which includes local streets and a multi-use pedestrian path in this vicinity. (*Details of the street system plan and street width/cross-section details are provided at the end of this document.*)
- **Wetlands:** There is a wetland on the church property (**LWI W-9**), and a delineation was completed with state concurrence in December of 2015 (**WD-2015-0299**). That delineation expired in 2020, and a new delineation would be needed to verify the extent of wetlands on the ground now. The city would hope that wetland protections comparable to those that will be in place with the eventual annexation of the property can be enacted here to protect the existing water resources. In particular, the city would suggest looking carefully at the location of solar installation, access and utilities to avoid wetland impacts and not placing fencing within the wetland or surrounding buffer area.

Talent Irrigation District (TID): The Talent Irrigation District has provided comments (*see attached*) with regard to water right issues, easements, stormwater drainage issues and general comments. In staff's review of the most recent site survey, it appears that there is a pipeline easement of undetermined width along the full south boundary of the site near the proposed installation on County Survey #20100, and a storm drainage and irrigation easement running north south along the east property line. See <https://apps.jacksoncounty.org/gis/surveys/20100.pdf>. For any addition TID-related information, please contact manager Jim Pendleton at TID by phone (541-535-4108) or e-mail (tid@talentid.org).

Scalable Plans & Drawings: The applications will need to include plans addressing the application submission requirements in AMC 18.5.2.040 including a site and landscaping plans formatted to print to a standard scale on 11 x 17 paper, and should include details of the proposed installation including clear, scalable drawings of the proposed solar collectors.

Written Findings/Burden of Proof: Applicants should be aware that written findings addressing the ordinance and all applicable criteria are required, and are heavily depended on in the decision making process 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.

Building Codes, Fire Codes and Electrical Codes: The applicants would be well-advised to contact the Building Official, Fire Marshal and Electric Department to verify installation, permitting and metering requirements which might affect placement or permitting prior to preparing final application submittals.

Neighborhood Outreach: Staff always recommends applicants approach the affected neighbors to discuss proposals and try to address any concerns as early in the process as possible. Notices will be sent to owners of neighboring properties within a 200-foot radius, signs posted on the site and advertised in

the local newspaper once an application is deemed complete. In many cases, it is better if neighbors first hear of the proposal from the applicants rather than by a more formal notice from the city.

ZONING DISTRICT REQUIREMENTS

Zoning: R-1-5. See AMC Table 18.2.5.030.A “Standards for Urban Residential Zones.

OTHER DEPARTMENT/AGENCY COMMENTS

BUILDING: *No specific comments at this time.* It would be advisable to consult with Building Official Steven Matiaco regarding any building code issues prior to submittal of permit drawings. Please contact the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: For information on available conservation programs, please contact the Conservation Division at (541) 488-5605.

ENGINEERING: *No comments at this time.* Please contact Karl Johnson of the Engineering Division for any additional Public Works/Engineering-related information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: *No comments at this time.* 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: No comments at this time. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or via e-mail to walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC DEPARTMENT: As noted above, the Electric Department has raised concerns that the size and lay-out of this solar project may create conflicts with the city’s Bonneville Power Administration (BPA) contract which generally anticipates smaller scale net-metering. The Electric Department has discussed it with BPA and is looking at the ramifications and potential solutions. The Electric Department has requested modeling data showing the expected production of the solar generation, it would be very helpful in finding the best route forward. The Electric Department contact here would be Director Tom McBartlett, **E-mail:** mcbartlett@ashland.or.us or **Phone:** 541.552.2314.

TALENT IRRIGATION DISTRICT (TID): The Talent Irrigation District has provided comments (*see attached*) with regard to water right issues, easements, stormwater drainage issues and general comments. In staff’s review of the most recent site survey, it appears that there is a pipeline easement of undetermined width along the full south boundary of the site near the proposed installation on County Survey #20100, and a storm drainage and irrigation easement running north south along the east property line. See <https://apps.jacksoncounty.org/gis/surveys/20100.pdf>. For any addition TID-related information, please contact manager Jim Pendleton at TID by phone (541-535-4108) or e-mail (tid@talentid.org).

OREGON DEPARTMENT OF TRANSPORTATION (ODOT): “We have no comments on the proposal.” For any additional information from ODOT, please contact Micah Horowitz, AICP; ODOT Region 3 | Development Review Planner; 100 Antelope Road, White City, OR 97503; p: 541.774.6331 | c: 541.603.8431; e: micah.horowitz@odot.state.or.us

PROCEDURE

Application Requirements: Conditional Use and Site Design Review permits of this nature are typically 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. For procedural & timeline details see:

[http://www.ashland.or.us/SIB/files/Flowchart_Type_I_FY18-19\(2\).pdf](http://www.ashland.or.us/SIB/files/Flowchart_Type_I_FY18-19(2).pdf)

APPLICATION REQUIREMENTS

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/2018-07-01_PlanningFees.pdf .

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

PLAN & EXHIBIT REQUIREMENTS: *Please provide the plans below formatted to print to scale 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 plans.*

- Materials required for a Conditional Use Permit detailed in AMC 18.5.4.040.

- Materials required for a Site Design Review approval as detailed in AMC 18.5.2.040.
- A Tree Protection Plan as required in AMC 18.4.5.030.
- Plans required for a Tree Removal Permit as required in AMC 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.

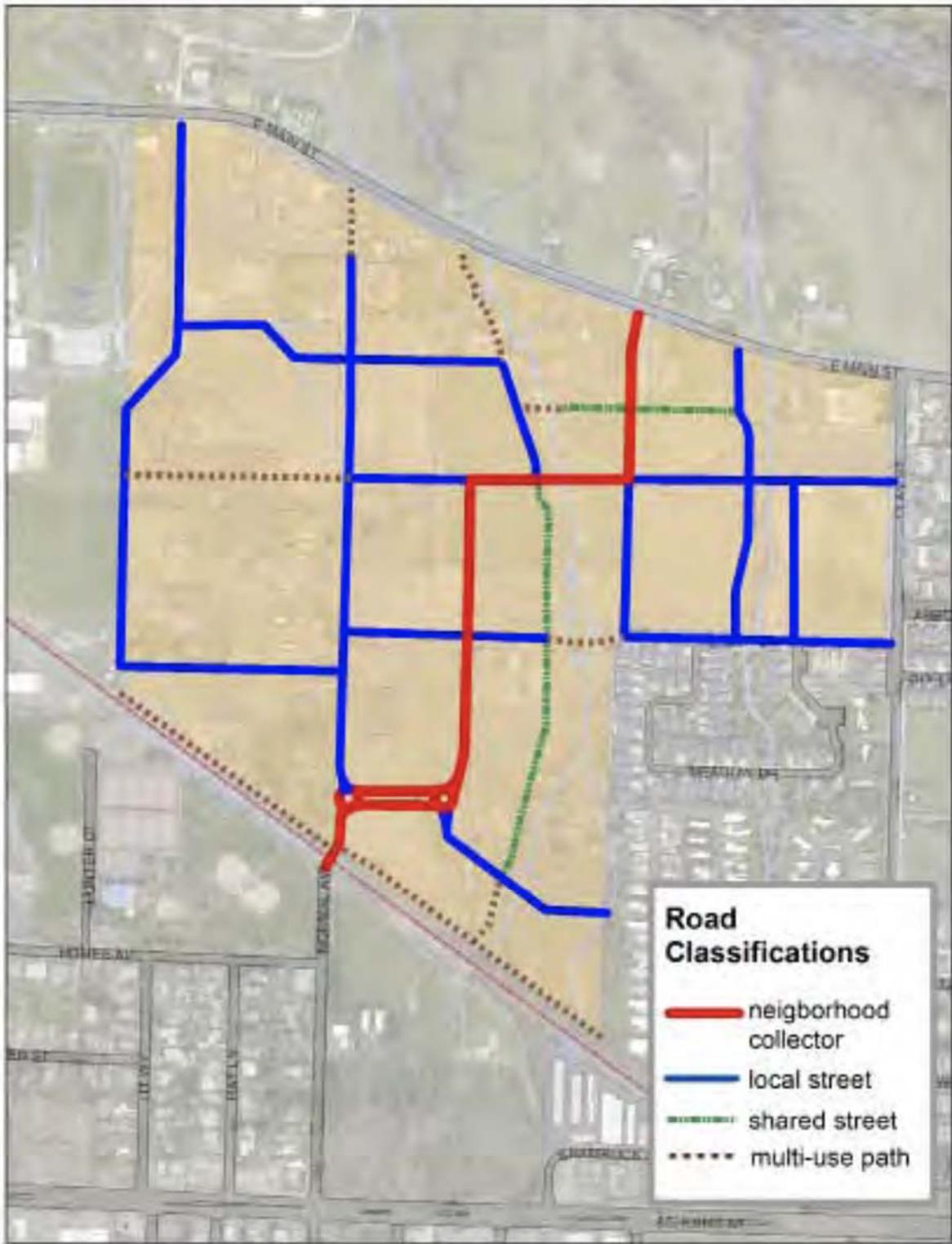
- Written findings addressing the following criteria for Conditional Use Permit approval detailed in chapter 18.5.4.050
- Written findings addressing the following criteria for Site Design Review approval detailed in chapter 18.5.2.050.
- Written findings addressing the following criteria for Tree Removal Permit from chapter 18.5.7.040.B.2. (*if applicable to the final proposal*).

SUBMITTAL DEADLINES (For Hearings Only):	First Friday of Each Month
HEARING DATES (Planning Commission):	Second Tuesday of Each Month
FEES:	
Site Design Review (Type I):	\$ 1,092 + ½ % valuation
Conditional Use Permit (Type I):	\$ 1,092

NOTE: Applications are accepted on a first come-first served basis. All applications received are reviewed and must be found to be complete before being processed. 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:

Derek Severson, *Senior Planner*
 City of Ashland, Department of Community Development
 Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us



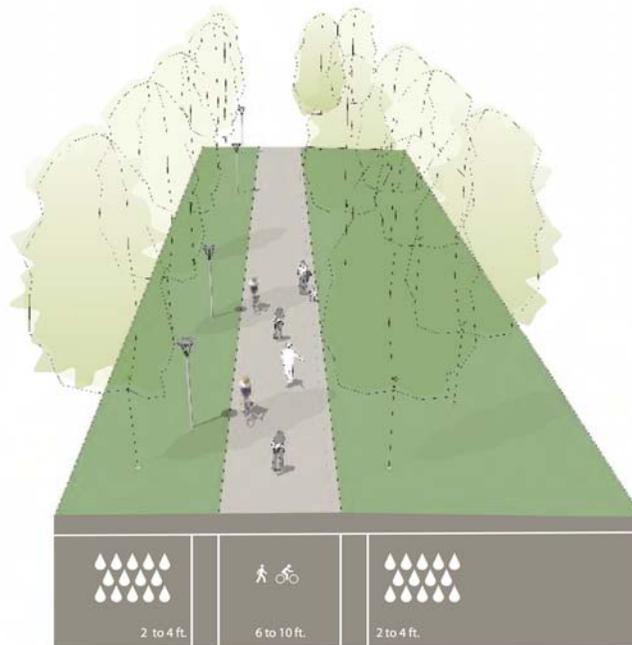
**Normal Neighborhood Plan
Street Network Map**

0 200 400 800 Feet



Multi-Use Path

Multi-use Paths are car-free and support connectivity for pedestrians and bicycles across the Normal Neighborhood. Street sections are narrow and may vary to accommodate unique demands of local conditions.



Neighborhood Street with Two-Sided Parking

Neighborhood streets are designed to enhance safety for all modes: cars, bikes, and pedestrians. Speeds will be slow and cars meeting each other from opposite directions will slow and yield to one-another. Bicycles will share the travel lanes with cars.

Intersections may be necked-down with bulb-outs to improve safety for pedestrians.

Permeable paving in the parking lanes and flow-through planters in the parkrows reduces the extent of impervious surfaces in the Normal Neighborhood and supports wetland and stream health.

Neighborhood Queuing Street with One Sided Parking

Neighborhood streets are designed to enhance safety for all modes: cars, bikes, and pedestrians. Speeds will be slow and cars meeting each other from opposite directions will slow and yield to one another. Bicycles will share the travel lanes with cars.

Intersections may be necked-down with bulb-outs to improve safety for pedestrians.

Permeable paving in the parking lanes and flow-through planters in the parkrows reduces the extent of impervious surfaces in the Normal Neighborhood and supports wetland and stream health.

