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*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.*

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** March 9, 2022

**SITE:** 159 Second Street  
**APPLICANT:** Amy Gunter, Rogue Planning  
**OWNER:** Eric and Erin Finney  
**REQUEST:** Conditional Use Permit for alteration of non-conforming structure

**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 a Conditional Use Permit for the addition. Historic Commission reacted positively to the proposed changes in 2019, and the application appears straightforward.

**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.
  - c. R-2 and R-3. 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 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.
  - o R-2, limited to 65-percent lot coverage
- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).
  - Historic District, subject to the Historic District Design Standards and Maximum Permitted Floor Area.
- 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](mailto: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](mailto: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](mailto: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](mailto: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](tel:541-552-2326) or ( [walkers@ashland.or.us](mailto: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](mailto: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:

- **Conditional Use Permit 18.5.4.050**
- **Historic District Development 18.4.2.050**

### Plans & Exhibits Required

Please provide two sets 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 18.5.4.040**
- **Site Design Review 18.5.2.040**

**FEES: Conditional Use Permit**                      \$1,120.25

**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](mailto:aaron.anderson@ashland.or.us)

March 9, 2022

Date

**FIRE COMMENTS**

Project Address: 159 N Second  
Permit Number: Preapp-2019-00118  
Project Description: Addition Non Conforming

Ashland Fire & Rescue Contact: Ralph Sartain 541-552-2229 [ralph.sartain@ashland.or.us](mailto:ralph.sartain@ashland.or.us)

Fire department comments are based upon the 2014 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Addressing - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background, and shall be plainly visible and legible from the street fronting the property. Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. OFC 505

Aerial Ladder Access – Structures exceeding 24 feet in height above the lowest level of fire apparatus access are required to provide access roads capable of accommodating fire department aerial apparatus. These access roads are required to be 26 feet in width in the immediate vicinity of the building. OFC Appendix D 105 as amended by AMC 15.28.070 K & L.

Firefighter Access Pathway – An approved footpath around the structure is required so that all exterior portions of the structure can be reached with the fire hose. Any changes in elevation greater than two feet in height (such as retaining walls) require stairs. The stairs shall be an all-weather surface, and meet the requirements as specified in the Oregon Structural Specialty Code. OFC 503.1.1

Fire Hydrant Spacing - The allowable distance between hydrants on new streets serving residential or commercial properties shall not exceed 350 feet.

Fire Hydrant Distance to Structures - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance shall not exceed 300 feet. Hydrant distance can be increased to 600 feet if approved fire sprinkler systems are installed.

Fire Hydrants Clearance - Hydrants must have 3 feet of clearance extending from the center nut of the hydrant all the way around. Fences, landscaping and other items may not obstruct the hydrant from clear view. Hydrants must be shown on site plan when submitting for building permits.

Fire Sprinkler System – The installation of a fire sprinkler system may be an acceptable means to mitigate deficiencies related to other fire requirements such as fire flow, hose reach, fire lane width, fire apparatus turn-around, distance to fire hydrants, and fire department work areas. OFC 503.1.1

Gates and Fences – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.

Wildfire Hazard Areas – On lands designated in the Wildfire Lands Overlay, a “Fuel Break” as defined in Ashland Municipal Code, section 18.3.10.100 is required.

Wildfire Hazard Areas - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. AMC 18.3.10.100

Vegetation – existing and intentionally planted vegetation is required to meet AMC 18.3.10.100B(2) General Fuel Modification Area Standards. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. [www.ashlandfirewise.org](http://www.ashlandfirewise.org). Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.

Fire Season – If work will be completed during fire season, check fire season fire prevention requirements found at [www.ashland.or.us/fireseason](http://www.ashland.or.us/fireseason).

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](mailto:ralph.sartain@ashland.or.us).