

The comments of this pre-application 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
October 9, 2024

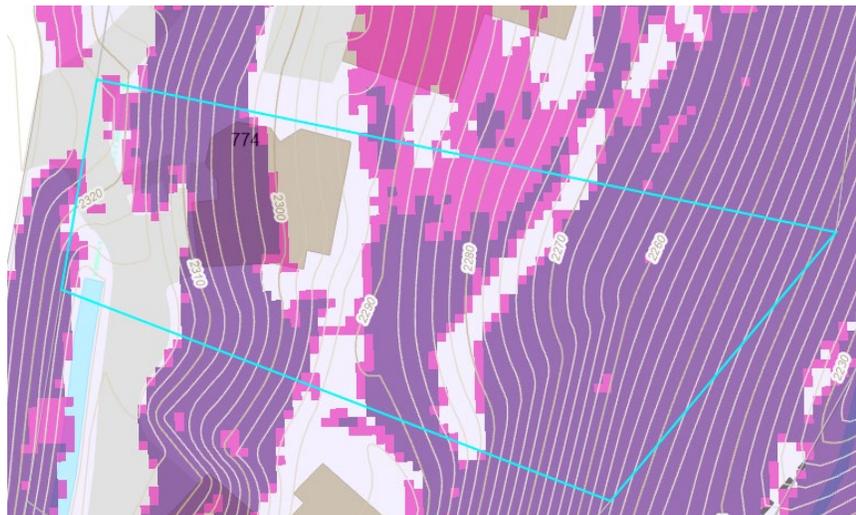
SITE: 774 Lisa Lane
APPLICANT: Steve & Kate Moses
REQUEST: Physical & Environmental
Constraints Review Permit for and Exception to
Hillside Development Standards & Tree Removal

PLANNING DIVISION COMMENTS:

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

The property located at 774 Lisa Lane is a steeply sloped lot with much of the lot labeled as ‘severely constrained’ (slopes greater than 35%). On the image below (generated by City GIS) the dark magenta

are slopes greater than 35%, and light magenta showing slopes greater than 25%. The land use ordinance requires all new construction to happen on slopes less than 35%, however AMC 18.3.10.090.A.1.a allows for “Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.” Because of steepness of the property and the presence of slopes greater



than 35% a Physical and Environmental Constraints Review Permit is required. After the pre-application was submitted, the architect submitted revisions consisting of: reducing the retaining wall down to less than 4’ (originally 6’ 3” proposed) and locating it outside of the 35% slope area, reducing the yard area down to 175 SF (originally 400 SF), and removing an additional tree for a total of three trees over 6” DBH to be removed (including the 24” pine that is proposed to be attempted to be saved).

General: In staff’s view, the 175 SF of proposed yard area can be found to be a “reasonable amount of yard space” as described in AMC 18.3.10.090.B.8.c . The application materials should include a slope analysis and clearly detail the amount of disturbance (cubic yards/square feet) and speak to the criteria and applicable design standards particularly for hillside grading and erosion control in AMC 18.3.10.090.B.

A final application will need to include:

- Written findings responding to the approval criteria for a Physical & Environmental Constraints Review Permit in AMC 18.3.10.050
- Written findings responding to the applicable Development Standards for Hillside Lands in AMC

18.3.10.090. This narrative should address the design in detail as it relates to the Hillside Design Standards, cut and fill standards, and clear identification of the square footage and cubic yards to be disturbed for the project, as well as explaining any requested exceptions.

- Additional materials responding to the Development Standards for Severe Constraint Lands in AMC 18.3.10.110 *if the final proposal involves disturbance of severe constraint lands.*
- A Tree Inventory and Tree Preservation/Protection Plan addressing all trees on the property over six-inches in diameter at breast height as well as trees on adjacent properties within 15 feet of the property line.
- Tree Removal Permit requests addressing the findings for Tree Removal in AMC 18.5.7.040.
- Plans and studies as required in AMC 18.3.10.040, 18.3.10.090, 18.3.10.100 and 18.3.10.110

Zoning: The property is zoned RR-.5 which has a maximum lot coverage of 20%. The pre-application materials indicate a proposed 19.96% lot coverage. This will need to be clearly broken down in the final application materials to verify that the final proposal falls within the allowed 20%.

Tree Conservation, Protection and Removal: Additional attention to Tree protection and removal will be required for a successful application. The submitted plans indicate that one 24” Ponderosa Pine is adjacent to the proposed wall and 25% of its root mass will be affected by construction. The applicant indicates that they intend to monitor the tree’s health and take every measure to preserve its health and vitality. Revised plans indicate the removal of “an additional tree due to its leader growth and the possibility of splitting.” The size of the additional tree was not indicated and will need to be included in the tree protection and removal plan, along with the other trees labeled for removal and protection. Applicant also states that they will plant 4 trees as part of the landscape improvements.

All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.

Tree removal would be considered both in terms of Tree Removal Permit requirements found in AMC 18.5.7, which regulates the removal of significant trees from the property, and more broadly in terms of the impacts of tree removal to the hillside lands as part of a Physical & Environmental Constraints Review Permit, which requires building design and site planning to be planned to preserve the maximum number of trees possible. A report from an arborist should be provided to address any tree removal permit request and should respond to the applicable criteria, and any hillside tree removals should also be addressed in terms of the Hillside Development Standards and by the geotechnical expert.

All planning actions are required to include a tree preservation/protection plan; this is intended to ensure that trees on and near the property are protected during all site disturbance (*including demolition, construction, driveway/parking installation, staging of materials, etc.*). The trees identified to be preserved during development shall be required to be protected in accordance with the tree protection standards in AMC 18.3.10.090.D4.

Development Standards for Wildfire Lands (AMC 18.3.10.100): The property is located within the designated Wildfire Lands Overlay. As a result, a Fire Prevention and Control Plan, prepared at the same scale as the development plans, addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.B is required with the application. Additionally, any new landscaping proposed is

required to meet the General Fuel Modification Area standards and not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

Grading and Erosion Control: A grading plan including the location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas is required. The total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill must be included. An erosion control plan must be submitted with the application. The erosion control measures are required to minimize the solids in run off from disturbed area as required

Exposed cut slopes, such as those for yard areas, greater than seven feet in height are required to be terraced. Cut faces cannot exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The grading plan, erosion control plan and retaining walls must be designed and stamped by an engineer with experience in geologic hazards evaluation and geotechnical engineering

Storm Drainage: Storm drainage plan must be submitted with the application. Storm drainage facilities must direct surface water away from cut faces of fill slopes and be designed to avoid erosion on-site and to adjacent downstream properties.

Planting and Irrigation Plan: A planting/irrigation plan is required to demonstrate the manner in which cut slope terraces and fill slopes will be revegetated. The vegetation used for these areas must be native or species similar in resource value, which will survive, help reduce the visual impact of the cut/fill slopes and assist in providing long-term slope stabilization.

Tree Inventory & Evaluation: Trees to be removed and in areas that will be disturbed must be clearly identified. The name, signature and address of the person preparing the tree survey must be indicated on the tree survey. The application must also address the suitability of trees for conservation and demonstrate that the trees to be preserved have been incorporated into the design. Trees to be removed, unless diseased, dead or a hazard must be replaced. A tree-replanting plan must be submitted with the application.

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject 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 for this application. Please contact the Building Division for any building code related questions at 541-488-5305 or via email to building@ashlandoregon.gov.

CONSERVATION: No comments. For information on available conservation programs, including any available appliance rebates or financial or technical assistance for energy efficient construction, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via email to dan.cunningham@ashlandoregon.gov.

ENGINEERING: No comments. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via email to karl.johnson@ashlandoregon.gov.

FIRE: No comments at this time. Please contact Mark Shay from the Fire Department for any Fire Department related information at 541-552-2217 or via email to mark.shay@ashlandoregon.gov.

WATER AND SEWER SERVICE: No comments. For any questions regarding water and/or sewer utilities, please contact Dean Lebret at 541-552-2326 or email dean.lebret@ashlandoregon.gov

ELECTRIC SERVICE: No comments. Please contact Rick Barton in the Electric Department for service requirements and connection fee information at (541) 552-2082 or via email to rick.barton@ashlandoregon.gov.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <https://ashlandoregon.gov/DocumentCenter/View/262/Zoning-Permit-Application-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 a statement explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Physical & Environmental Constraints:** **18.3.10.050**
- **Development Standards for Hillside Lands:** **18.3.10.090**
- **Development Standards for Severe Constraint Lands*:** **18.3.10.110**
- **Tree Removal Permit (if applicable):** **18.5.7.040**

Plans & Exhibits Required

Please provide a set 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 digital, reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Physical & Environmental Constraints:** **18.3.10.040**
- **Tree Preservation and Protection:** **18.4.5.030, 18.3.10.090.D**
- **Tree Removal (if applicable):** **18.5.7.030**

PLANNING APPLICATION FEES:

P&E Constraints Permit **\$1,315.50**

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 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:

Veronica Allen, *Associate Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2042 or e-mail: veronica.allen@ashlandoregon.gov

October 9, 2024

Date