
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 Oct 16, 2024

SITE: 1955 Ashland Street
APPLICANT: KSW
REQUEST: Site Design Review

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.

Summary: This application is for an addition to the existing building.

Review type: Any proposal over 10,000 sq ft. **or** 100' long would trigger a type II review. It appears that the application as proposed would be a type I action.

Applicants' Primary Questions

- **Building Orientation:** Staff continue to maintain that any addition should provide an element that provides orientation to the street as well as a pedestrian connection even if it requires stairs. This does not preclude the entrance facing the parking lot to continue to be used. Staff do not believe that an exception to this standard is warranted.
- **Signage:** Staff *cannot* issue a permit for a sign on a street frontage without a pedestrian entrance. Variances & Exceptions to this standard is prohibited per AMC 18.4.7.020.D. Considering that the vet clinic was first approved in 1975 we will presume that the existing signs are legally non-conforming.
- **FAR:** The proposed building in the shadow plan appears very narrow however it does demonstrate that the standard can be met.
- **Frontage Improvement:** further explanation: Simply put full frontage improvements to Shamrock Lane would be out of proportion and at risk of a 'Dolan' taking claim¹. The application should frame its responses to the requirements of AMC 18.4.6.040 Street Standards in this manner as opposed to explicitly addressing the "exception to street standard approval criteria" at 18.4.6.020.B.1.

Parking: We no longer have required minimums however we do have maximums.

- Medical/Dental Office: A maximum of 1 space per 350 sq. ft. floor area. Based on the proposed total building area only 12 parking spaces are allowed. See AMC 18.4.3.040
- Continued use of the dirt and grass area for parking is technically a code violation.

Where parking is provided it must meet the new Climate Friendly and Equitable Communities

¹ Where the "rough proportionality" test in *Dolan v. City of Tigard*, 512 US 374, 114 S Ct 2309, 129 L Ed 2d (1994), applies, it can function as a kind of variance, providing a basis under which a local government may choose not to exact property as a condition of development approval that it would otherwise be entitled to exact under its land use regulations. *Columbia Riverkeeper v. Clatsop County*, 58 Or LUBA 235 (2009).

(CFEC) requirements as well as our regulations regarding dimensions, provision of other amenities does remain in force. Of note the CFEC rules invoke the American National Standards Institute (ANSI) A300 Standards and is a new component of the vehicle area design standards. They require that the trees be planted in accordance with ANSI A300 standards including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. It also requires that the parking lot tree canopy plan shall be prepared by a licensed landscape architect or International Society of Arboriculture (ISA) certified arborist, and include certification that the plan is consistent with ANSI A300 standards.

Additionally, please be sure to take note of the following standards as well:

- a. Use one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces the approval authority may approve a combination of strategies.
 - i. Use light colored paving materials with a high solar reflectance (solar reflective index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.
 - ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.
 - iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.
 - iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.

Tree removals for non-hazard trees can be approved to allow development and would be processed concurrent with the Site Design Review request and would likely include a condition of approval that it not be removed until the building permit is issued. The first approval criteria for a non hazard tree is:

The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.

The application would need to supply evidence that the expansion can only happen in the proposed location, which the application materials do a good job of explaining. An interior floor plan could further bolster this argument.

Nonconforming Development –

18.4.2.040.B.6 Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section [18.4.2.040](#) (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion. For example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.

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)

Transportation SDC's for ITE 710 "General Office" are charged at \$5,280.27/KSF

Transportation SDC's for ITE 720 "Medical Office" are charged at \$18,867.31/KSF

Transportation Impacts Analysis: Public works has no concerns that the proposal will hit a thresholds which trigger Traffic Impact Analysis (TIA)

Site Design Review Approval Criteria

The application submittal would need to address the criteria for Site Design Review and the applicable Site Development and Design Standards:

- 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.
- 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.
 - Building shall have their primary orientation to the street and not a parking area, and automobile circulation and parking are not allowed between buildings and the street. Parking is to be located behind buildings or to one side.
 - Building entrances are to be oriented to the street and accessed from a public sidewalk.
 - Building entrances are to be within 20 feet of the right of way.
 - For corner lots, entrances are to be oriented to the higher order street or the lot corner, and the building shall be as close to the intersection corner as practicable.
 - For sites that do not conform to these standards, an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion. For example, if a building area is expanded by 25 percent then 25 percent of the site must be brought up to the standards.

Additionally, within the Detail Site Review zone the following standards apply (paraphrased):

- Buildings shall have a minimum floor area ratio of 0.50. Site of one-half acre or more in size may propose a shadow plan to address the floor area ratio.
- Buildings greater than 100 feet in length shall have off-sets, jogs or other distinctive changes in the building façade.
- Any wall within 30 feet of the street, plaza or other public open space shall contain at least 20 percent of the wall area facing the street in display areas, windows or doorways.
- Buildings shall incorporate lighting, changes in mass, surface or finish to give emphasis to entries.
- Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from rain and sun.
- Building shall include changes in relief such as cornices, bases, fenestration and fluted masonry for at least 15 percent of the exterior wall area.
- Large building masses are to be divided into heights and sizes that relate to the human scale with changes in mass or direction, sheltering roofs, or with a distinct pattern of division on surfaces, windows, trees and small scale lighting.
- One square foot of plaza or public space is to be provided for every ten feet of gross floor area, and must incorporate at least four of six requisite elements which include: seating, mixture of areas that provide sun and shade, protection from wind, trees, water features or public art, and outdoor eating areas or food vendors.
- Transit amenities, bus shelters, pull-outs and designated bike lanes are required in accordance with the Ashland Transportation System Plan and Rogue Valley Transportation District.

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.

Frontage improvements/Street Trees: Standard street frontage improvements for a Boulevard or Arterial include a planting strip with irrigated street trees planted in five-foot square planters with tree grates spaced every 30 feet or a seven-foot landscaped parkrow or seven-foot bio-swale planters, and an eight- to ten-foot sidewalk along the full property frontage.

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.

Where the application does not comply with the applicable standards, Exceptions would need to be requested and written findings addressing the criteria above provided.

Neighborhood Outreach: Projects involving changes to established patterns can be a concern for neighbors, and 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 sent to neighbors within a 200-foot radius of the property.

Written Findings/Burden of Proof: 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 (*scalable*) 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 DEPT: No comments provided at this stage; please contact the Building Division for any Building Codes-related information at 541-488-5305.

CODE COMPLIANCE: For any compliance-related information, please contact Planning at 541-488-5305.

CONSERVATION: For information on available Conservation Programs, including potential rebates, tax credits, and financial or technical assistance with energy efficiency improvements, please contact the City of Ashland Conservation Division at 541-488-5305.

ENGINEERING: The Public Works/Engineering Department had no comments at this time. Please contact Karl Johnson at (541) 552-2415 or e-mail: karl.johnson@ashland.or.us for any Engineering-related questions (utilities, streets, storm drainage, etc.). There are specific engineering thresholds which trigger Traffic Impact Analysis (TIA) submittals for properties fronting on boulevards and arterials; the applicants may wish to contact Karl to verify those threshold levels.

FIRE DEPARTMENT: See comments included at the end of this document. Please contact Division Chief & Fire Marshal Ralph Sartain of Ashland Fire & Rescue for Fire Code-related information at (541) 552-2229.

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 also only install a stub out to the location where the*

double detector check 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 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. Please call Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.”

ELECTRIC SERVICE: Please contact Dave Tygerson in the Electric Department for service and meter location requirements and fee information at (541) 552-2389. Dave will arrange an on-site meeting to develop an electric service plan for the site which the applicants will need to incorporate into their utility plans. Land use applications will not be deemed complete without an Electric Department-approved service plan; please allow additional time for scheduling and conducting an on-site meeting with Electric and their subsequent creation of a service plan.

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PROCEDURE:

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>

Plan Requirements

We are now processing all application electronically. Please provide all application materials as a single PDF and either submit via the online application process or email to planning@ashland.or.us

- the materials required for a Site Design Review application as detailed in LUO 18.5.2.040.**
- Tree Protection Plan as required in chapter 18.4.5.030 (*if the application will involve any site disturbance that would impact trees*).**
- plans required for a Tree Removal Permit as required in chapter 18.5.7.030 (*if tree removal is proposed*).**

Narrative Submittal Requirements:

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 referenced below:

- **written findings addressing the approval criteria for Site Design Review, as detailed in LUO 18.5.2.050. Exceptions to the Site Development and Design Standards are addressed in these criteria as well.**
- **written findings addressing the following criteria from chapter 18.5.7.040.B.2. for Tree Removal Permit to remove a tree that is not a hazard (*if applicable to the final proposal*).**



FEES:	Commercial Site Review (Type I)	\$1,315.50 + ½ % of valuation
	Exceptions	\$0
	Tree Removal Permits/Exceptions	\$0

***NOTE:**

- *Building valuation is based on the building valuation data table maintained in state building code.*
- *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.*
- *Applications submitted are processed in the order received, and complete actions are scheduled at the next available Planning Commission meeting.*

For further information, please contact:

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

October 16, 2024
Date

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 the 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 Plain Coordinate System (NAD83-89).
 - Drawings sizes shall comply with ANSI-defined standards for page width and height. Review drawings **MUST** be submitted in B size (11x17). Bidding and construction documents **MUST** 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 **MUST** also be submitted. Drawings **MUST** 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 Shamrock Lane. 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 an 8-in water main in Ashland 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 currently served by a roadside ditch along Shamrock Lane. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements

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/stormwater-quality-documents-information>

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. When the driveway is widened the existing culvert will need to be extended with matching pipe materials.

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.