
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** December 11, 2024

SITE: 120 Westwood
APPLICANT: Rogue Planning
for Stewart Builders
REQUEST: Variance to Lot Coverage
Exception to Solar Access

PLANNING DIVISION COMMENTS

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

Summary: The request is for a Conditional Use Permit and Variance for a Nonconforming Development. The subject property at 120 Westwood has an impervious surface lot coverage of approximately 46 percent per the applicant’s materials where the allowed maximum lot coverage for the zoning district is 20 percent. The owner proposes to expand the existing garage or build a new structure over an existing impervious surface area.

Non-Conformity: The provisions of AMC 18.1.4 “Nonconforming Situations” allowing Conditional Use Permits to be used for modifications of legally established nonconformities would not apply here as the current lot coverage was not legally established. The permit history for the property shows the main home was permitted in 1999, at which time it was documented that the impervious surfaces totaled 5,844 square feet (*approximately 27 percent lot coverage, which included an allocation of lot coverage from open space through the Performance Standards Options subdivision chapter*) for the residence and parking area. In 2003, there was a pool permit submitted which never received final inspection approval. Despite the approved 27 percent lot coverage, the applicant’s submittal materials suggest that the lot coverage is now closer to 46 percent. It is unclear when additional coverage was added, but any lot coverage over the approved 27 percent would not be considered to be legally established, and any addition to the site at this point would require a Variance to Lot Coverage.

Variance: A Variance is a discretionary approval on the part of the Planning Commission, and requires a clear demonstration that the Variance is necessary because the code does not account for unique or unusual physical circumstances of the site, that the Variance is the minimum necessary to address these circumstances, that the proposal’s benefits outweigh any negative impacts, and that the need for the Variance is not self-imposed. Variances are difficult to justify, and in this instance, staff do not see a clear basis where we could support a Variance request.

Exception to Solar Access: A request for an Exception to Solar Access would require both that the neighbor agree to deed restrict their property to allow the proposed shadowing and that the approval criteria in AMC 18.4.8.020.C are satisfied. It may be difficult to justify an Exception to the Solar Access which also requires a substantial Variance to lot coverage.

UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

ZONING: RR-.5, Low Density Residential with a 0.5-acre minimum lot size. Minimum lot width is 100 feet. Lot depth 150 feet, but not more than 300% of width.

OVERLAYS: The property is located in the P-overlay (Performance Standards Overlay) and the hillside and wildfire lands overlays.

MAXIMUM BUILDING HEIGHT: 35 feet or 2.5 stories maximum height, whichever is less.

SETBACKS: 20 feet for front yards, 6 feet for side yards but ten feet for side yards abutting a public street or alley, and 10 feet per story for rear yards. In addition, the setbacks must comply with the solar access requirements.

LOT COVERAGE: A maximum of 20 percent of the lot may be covered with impervious surface. Please identify on site plan and in text all areas of landscaping, impervious surface, patio space, outdoor recreational space, etc. Approval to go over on lot coverage would require a variance.

PARKING, ACCESS, AND INTERNAL CIRCULATION: Minimum parking requirements are no longer required in the City of Ashland, However, voluntarily provided parking must still meet the standards of 18.4.3. Parking space dimensional requirements are a minimum of nine feet by 18 feet, with 22 feet of clear space as a back-up dimension required directly behind the space. Since the applicant is proposing that the garage expansion or new garage structure is located over existing parking area, the applicant will be required to show that there is adequate back up space remaining.

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, or any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact the conservation department at 541-552-5306 or via e-mail to conserve@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 .

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 e-mail to mark.shay@ashland.or.us

WATER AND SEWER SERVICE: *No comments at this time.* Please contact the Water Department at 541-488-5353 with any questions regarding water utilities.

ELECTRIC SERVICE: *No comments at this time.* If any upgrades to existing service are necessary, please contact Rick Barton in the Electric Department at 541-552-2082.

PROCEDURE: Variances to Lot Coverage which increase the maximum allowed coverage by more than ten percent (i.e. 20 percent x 1.10 = 22 percent) are subject to a “Type II” application procedure which requires a decision by the Planning Commission through a public hearing, subject to on-the-record appeal to the City Council.

Submittal Information. A land use application is required to include all of the following information:

- a. The information requested on the application form (see <https://ashlandoregon.gov/DocumentCenter/View/262/Zoning-Permit-Application-PDF>).
- 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 below*).

The application is required to include drawings of the proposal (i.e. plan requirements) as well as written findings addressing the applicable approval criteria in accordance with the Ashland Land Use Ordinance (ALUO), Chapter 18 of the Ashland Municipal Code. The following section includes the requirements for plans and approval criteria which are applicable to the proposal as described in the pre-application submittals. When more than one planning approval is required for the proposal, multiple sections of the ALUO may apply. *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.*

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/>

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

http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf

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|---|-------------------------|
| <input type="checkbox"/> Variance | AMC 18.5.5.050 |
| <input type="checkbox"/> Exception to Solar Access | AMC 18.4.8.020.C |
| <input type="checkbox"/> Tree Removal Permit (<i>if applicable</i>) | AMC 18.5.7.040 |

Plan Requirements:

The final application submittal needs to include scalable drawings drawn to a standard engineer’s or architect’s scale to facilitate review by staff, commissioners and the public.

- Variance** **AMC 18.5.5.040**
- Exception to Solar Access** **AMC 18.4.8.020C**
- Tree Protection Plan (*if applicable*)** **AMC 18.4.5.030**
- Tree Removal (*if applicable*)** **AMC 18.5.7.030**

FEES:	Type 2 Variance	\$2,756.25
	Solar Setback Variance	\$1,315.50
	Tree Removal Permit (<i>if applicable</i>)	\$0

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:

Veronica Allen, CFM, *Associate Planner*
City of Ashland, Department of Community Development
Phone: 541-552-2042 or e-mail: veronica.allen@ashland.or.us

December 11, 2024
Date