
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
December 18, 2024

SITE: 526 Waterline
APPLICANT: Chris Brown for Percept LLC
REQUEST: Physical & Environmental
Constraints Review for Hillside Development -
new SFR

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 526 Waterline is a steeply sloped lot. With close to 100% of the lot labeled as ‘severely constrained’ (slopes greater than 35%). On the image to the right (generated by City GIS) the dark magenta are slopes greater than 35%, light magenta are slopes greater than 25%, and no color are slopes less 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 (P&E) Constraints Review Permit is required. As part of the P&E permit, the application must address the Hillside Development Standards in AMC 18.2.10.090 and the development standards for Severe Constraint Lands in AMC 18.3.10.110. The applicant’s submittals indicate three (3) different options for development. Each option will be addressed individually, with Option 1 being the “Bridge” option, Option 2 being the "Concrete Blocks” option, and Option 3 being the “Concrete Silo” option. Options will be addressed as “Option 1,” “Option 2,” and “Option 3.” Due to the number of options and the variation between them, staff recommends a follow-up meeting to discuss the selected option prior to submittal of an application.



The application options as proposed may require a request for exceptions and/or variances to several of the standards. If the number of exceptions is large in magnitude, then staff would need to schedule this item for a hearing before the Planning Commission to determine whether the exceptions are appropriate. For the most part, staff could support exceptions where a strong case is made that they are the minimum required for the exception criteria to be met. Staff have identified several issues in reviewing the proposal to construct a single-family residence on the subject property that will need to be fully addressed in the

application submittal. Without having one specific plan to review, staff have identified the following items that need to be addressed and possible issues:

Access: Currently, access to the property is via Waterline Road at Ashland Loop Road. Waterline Road has sidewalks on the North side of the street and curb only on the South side and is paved for approximately 600 feet at 30 feet width before transitioning to 17 feet wide for approximately 200 feet, and finally approximately 130 feet of gravel and/or dirt road before reaching the property. A condition of the original partition/boundary line adjustment and subdivision was “*That building permits will not be granted to the partition until paved access can be provided to the site,*” (PA-84-012) and an agreement from 1983 that, “*...future improvements to Water Line Road to be borne by all lots in the development*” which the property owner signed, agreeing to participate in a future LID if created to share the cost to install street improvements. With an LID agreement on file, the applicant could propose a paved driveway from the end of the improved portion of Waterline Rd. A driveway of this type would be measured from the point of where the current pavement ends; due to the length, this means that the [flag lot standards would apply](#). The applicant would need to coordinate with Public Works for an encroachment permit to make private improvements within the public right-of-way, and with Fire Marshal Mark Shay with regard to adequacy of improvements to serve as fire apparatus access. drive width and paving standards.

- **Driveway/Parking:** The driveway as proposed presents several issues:
 - 1) There is a public utility easement extending 20-feet south, parallel to the right-of-way of Waterline. Any work within that easement or within the public right of way of Waterline Rd would require approval by the Public Works Department and, if approved, a permanent encroachment permit. It would be advisable to contact Karl Johnson in Public Works early in the design process to identify any potential issues with driveway placement within the easement (see preliminary comments at the end of the report). Staff would be able to support a Variance to setbacks due to slopes. Staff would be able to support some possible exceptions, if needed, such as to street standards, if Public Works were amenable and paved access was provided.
 - 2) The driveway as proposed appears to cross slopes of more than 35 percent for an unknown length. This could require an Exception to the Hillside Development Standards (AMC 18.3.10.090.A.3.b) if greater than 100 feet. Mark Shay in the fire department has also indicated that access roads must not exceed 10 percent grade without further approval from the fire code official.
 - 3) A driveway in excess of 50 feet in length would be required to meet the flag drive standards of [AMC 18.5.3.060](#) which calls for a 12-foot paved surface within a 15-foot clear width for a single lot, or for drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot.
 - 4) Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent; provided, that the cumulative length of such variances across multiple sections of the flag drive does not exceed 200 feet.
 - 5) Subterranean structures will count towards lot coverage total and would need to be included in lot coverage calculations. Staff would not support a variance to lot coverage.
 - 6) Fire apparatus turn arounds are required for access roads greater than 150 feet in length. This will need to be identified in submittals.
- **Original Subdivision Conditions:** The subject property is part of the Weller Lane subdivision. The city has many documents and plans dating back to the early 1980s pertaining to this subdivision. The conditions of approval of final plat from the Planning Commission (PA-83-92), the original outline plan approval (PA-83-47), boundary line adjustment/partition (PA-84-012), and subsequent

modification to the open space area (PA 88-106) are attached to this report. Some of the relevant conditions from previous land use actions to this project include:

- The CC&R's for the subdivision included a requirement to complete construction on site within 1 year of starting construction, preserve natural contours of the site, have all home designs reviewed and approved by the "Architectural Control Committee," and have a minimum of a 1 car garage or carport. The applicant will need to verify the requirements of the CC&R's and consult with any homeowner's association for necessary approvals. *(CC&R's are civil documents and their requirements, where not specifically tied to applicable criteria and standards through conditions of approval, are not enforced by the city.)*
- That all Weller Lane Subdivision homeowners would be responsible for shared improvements of Waterline Road at the time of improvements.

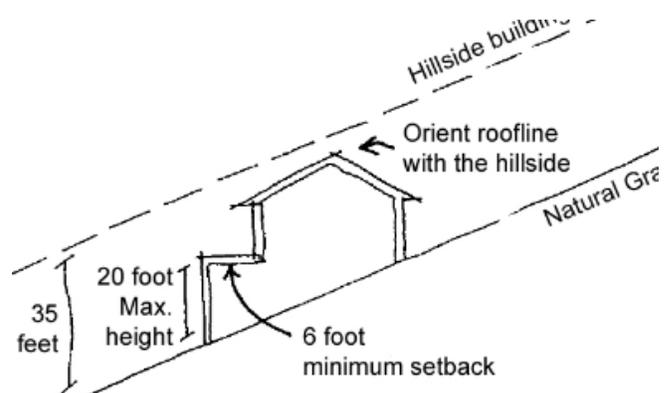
- **Building Design:**

2. **Building Design.** To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits:

- a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet. See Figure [18.3.10.090.E.2.a.i](#) and Figure [18.3.10.090.E.2.a.ii](#)
- b. Cut buildings into hillsides to reduce effective visual bulk.
 - i. Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.
 - ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.
- c. A building step-back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure [18.3.10.090.E.2.c](#).

Upon review of the three (3) proposed options for a single-family residence, Staff has identified a couple of issues:

- A building step-back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. (18.3.10.090.E.2.c).



- Wall planes greater than 36-lineal feet are required to include at least a six-foot offset which must be reflected through the roofline to break up the massing of the building. (18.3.10.090.E.2.d). Staff are unable to provide comments on the building location in relation to the easement, property line, etc. without a site plan that includes measurements. Further information for each option is provided below:

- Option 1 – No measurements were provided for heights, cuts, or wall length, and no step-backs were proposed. The roofline appears to be constructed to match surrounding landscape based on inspiration photos but will need to be addressed in the application materials. This option appears to have the least amount of excavation required and looks to blend in with the environment the most.
- Option 2 – No measurements were provided for heights, cuts, or wall length. Offsets are proposed, but no measurements were given, and the roofline was not discussed. This option looks like it will need an engineered foundation.
- Option 3 - No measurements were provided for cuts or wall length, and no offsets were proposed. Total height proposed is 4 stories, totaling 38’ with 9’ to 28’ at least partially underground. The proposed building height exceeds or comes close to the 35-foot maximum for development on hillside lands (18.3.10.090.E.2.a and.3.) No roofline discussed. This option appears to fit most of the standards the best, due to limited amount of structure above ground, but the extent of the required excavation is unknown.

In considering potential exceptions, a key consideration for all options would be the amount of excavation necessary to construct a subterranean home. The application would need to demonstrate how through the application of the development standards, and approval of any exceptions requested, that the overall disturbance to the hillside is being held to a minimum.

- **Water, Storm water, and Sanitary Sewer:** All facilities for the collection of stormwater runoff shall be, to the greatest extent feasible, the first improvements constructed on the development site. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties. These shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official. The frontage of the property is undeveloped and has no utilities that can service the future development (there is an extant 16-inch water transmission line that runs along the frontage but due to water pressure and design it is not able to serve the property).
 - The nearest water main is approximately 220’ to the east, ending just past the existing fire turnaround between 472 and 500 Waterline Rd.
 - The nearest sewer that could possibly serve the property ends approximately 110’ north of the southern terminus of Weller Lane (there is a 10’ PUE between tax lots 2118 & 2119, and the entirety of tax lot 2117).
 - The nearest storm drain is approximately 330’ to the west in Waterline Rd. or alternatively near the northern edge of 605 Weller Ln.

The application will need to speak to how utilities are to be provided to the property, and the P&E Permit will need to address both the access and utility installations in terms of their disturbance to regulated slopes.

Hillside Front Yard Exception (AMC 18.2.5.060.A.3): There are provisions in the code for a general exception to front yard setbacks for hillside lots in limited circumstances. The front yard may be reduced to ten feet on hillside lots where the terrain has an average steepness equal to or exceeding a one-foot rise or fall in four feet of horizontal distance within the entire required yard; vertical rise or fall is measured from the natural ground level at the property. Such an exception can be granted when the average steepness meets the requirement. A greater reduction in the required yard would trigger a Variance.

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. Setbacks for this project will include measurements taken from the concrete opening of the garage/carport to the property line. No measurements were provided so the applicant will need to provide a site plan that clearly delineates the property line, 20-foot easement, and the location of the structures, including the opening to the garage/carport. If front setbacks are unable to be met, a variance will be required, and due to the severely constrained nature of the lot, staff would be able to support such a variance.

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 a subterranean garage/carport, the applicant will be required to show that there is adequate back up space remaining.

Development Standards for Hillside Lands (AMC 18.3.10.090)

Generally speaking, slopes greater than 35 percent shall be considered unbuildable, and the Hillside Development Standards encourage development in a portion of the lot that has slopes of less than 35%. Almost the entire lot is identified as slopes greater than 35 percent. The Development Standards for Hillside Lands also require that a portion of the lot remain in its undisturbed natural state as a function of the average slope of the property. The property has an average slope of 65.1 percent*. The code requires that average slope plus 25 is the percentage of the lot that must be retained in its natural state (90.1 percent). The final application site plan shall delineate at least 27,698 sq. ft. to be undisturbed and left in its natural state which means that no more than 2,744 sq. ft. of the lot can be disturbed, or a request for an exception to these standards will need to be requested. The proposed building encroaches on severely constrained lands which requires a Geotech report pursuant to AMC 18.3.10.110

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.

* For the purposes of determining the area to remain in a natural state in Hillside Lands, average slope for a parcel of land or for an entire project is calculated before grading using the following formula: $S = 0.00229(I)(L)/A$, where "S" is the average percent of slope; ".00229" is the conversion factor for square feet; "I" is the contour interval in feet; "L" is the summation of length of the contour lines in scale feet; and "A" is the area of the parcel or project in acres.

[e.g. $S = 0.00229(2)(8962.6)/0.63$; $S = 65.1\%$]

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

Planting and Irrigation Plan: A planting/irrigation plan is required to demonstrate the way that the 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: The tree survey must locate all trees greater than 6" DBH and identify the species of each tree and approximate extent of the tree canopy. 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. 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.

Inspection Schedule: An inspection schedule for the geotechnical expert must be submitted with the application. Prior to occupancy or final project approval, the project geotechnical expert must provide a final written report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans and all scheduled inspections were conducted throughout the project.

Inspections and Final Report: Prior to the certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project. A completed application will be required to include a geotechnical study with all of the items listed in AMC 18.3.10.110.D

Lot Coverage: The maximum permitted lot coverage (*including the total area of all structures, driveways, and other soil disturbances that do not allow normal water infiltration*) in the RR-0.5 zone is 20 percent. The final planning and building permit submittals will need to demonstrate compliance with this lot coverage limitation.

Solar Access: Per the original subdivision conditions (PA-83-92) Lot 24 is not subject to solar access standards.

Neighborhood Outreach: Staff always recommend 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.

Review Procedure for Variances (AMC 18.5.5.030)

Applications for Variances are reviewed as follows.

A. Type I. The following Variances are subject to the Type I review procedure in section [18.5.1.050](#).

1. Sign placement, per chapter [18.4.7](#).
2. Non-conforming signs, when bringing them into conformance as described in chapter [18.4.7](#).
3. Up to a 50 percent reduction of standard yard requirements. **(See note about general exceptions for hillside front yards above.)*
4. Parking in setback areas.
5. Up to ten percent reduction in the required minimum lot area.
6. Up to ten percent increase in the maximum lot coverage percentage.
7. Up to 20 percent reduction in lot width or lot depth requirements.
8. Up to ten percent variance on height, width, depth, length, or other dimension not otherwise listed in this section.

B. Type II. Variances not listed in subsection [18.5.5.030.A](#), above, are subject to the Type II review procedure in section [18.5.1.060](#).

The underlined items above indicate possible areas that a variance may be needed. The applicant will need to address this in their submittal for application prior to staff review. An application for a variance will need to meet the criteria of AMC 18.5.5.050. If the variance is well-supported and not self-imposed, staff could support a variance to the standards.

OTHER DEPARTMENTS' COMMENTS:

BUILDING: Steven Matiaco had the following comment regarding the project: *“Geotech report, and Engineering will be required to address the hillside, and non-prescriptive construction. Energy/envelope requirements can sometimes be difficult to meet with these types of designs, so careful consideration should be given to this. Fire sprinklers will likely be required due to fire fighter access and steep slopes. All building codes will need to be met”*. Please contact Steven Matiaco, Building Official for any building codes-related questions at 541-552-2077.

CONSERVATION: *No comments at this time.* For more information on available water conservation programs, please contact a Water Conservation Specialist at 541-552-2062 or via e-mail to conserve@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

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 Dean LeBret at (541)552-2326 or via e-mail to dean.lebret@ashland.or.us.

ELECTRIC SERVICE: *No comments at this time* If you have any questions, please contact the Electric Department at 541-552-2389.

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

Written Statements

Please provide a copy of 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:

- | | |
|--|--------------------|
| ○ 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 Protection | 18.4.5.030 |
| ○ Tree Removal (if applicable) | 18.5.7.040 |
| ○ Variance | 18.5.5.050 |
| ○ Exception to Standards for Hillside Lands (if applicable) | 18.3.10.090 |

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 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**
- **Variance** **18.5.5.040**

PLANNING APPLICATION FEES:

P&E Constraints Permit	\$1,315.50	
Variance (Depending on Type, <i>if applicable</i>)		
Variance Type I	\$1,315.50	OR
Variance Type II	\$2,756.25	

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@ashland.or.us

December 18, 2024

 Date