
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**
October 1, 2025

SITE: 476 Helman Street
APPLICANT: Peter Cipes for Samuel
Beckett
REQUEST: Exception to Solar Access &
Modification

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 an application for exception to the Solar Access standards & a modification to the original lot approval which can be processed through a type I review.

The materials submitted with the pre-application include a site plan and solar setback calculations for the area that will be subject to shading to the North.

Solar Access Generally: Oregon state law was changed in the 1980's to enshrine access to the sun as a protected property right. Ashland's Solar Access Ordinance was adopted subsequently, and generally prohibits casting a shadow over your north property line greater than would be cast by a six-foot fence constructed on the north property line (at noon on December 21st). The intent of the regulations is to preserve solar access for solar energy systems, gardens and/or passive solar home designs. Every building permit or planning proposal has to show that it meets the requirements of the ordinance, and newly created lots must be planned with solar access in mind. Newly created lots are required to be designed to enable compliance with Solar Access 'Standard A' which equates to casting no more shadow over the northern lot line than would be cast by a six-foot fence (as noted above), or to include a solar envelope demonstrating how compliance with 'Standard A' could be achieved. As part of the land use approval creating this lot (PA-T1-2019-00085), a solar envelope was proposed by the applicant (see attached), and development of the lot is subject to that envelope, or a modification of the original approval would need to be requested along with a Solar Setback Exception.

Solar Setback Exceptions: To cast a shadow greater than allowed and infringe upon a neighbor's right to solar access, the neighbor first has to agree to the shading and be willing to record an agreement on the deed to their property. Generally, the Planning Commission has indicated that the development of newly created lots should be designed to comply with the applicable solar access standard. To approve an Exception modifying the conditions of the lot's creation, the applicant will need to make a strong case that Exception is necessary (*i.e. there are unique or unusual circumstances necessitating the Exception, compliance cannot be achieved through thoughtful design such as by lowering the finished floor level or altering the roof pitch, and that the proposed shading does not preclude the reasonable future use of solar energy on the shaded property to the north (i.e. the de-facto shading is minimal).*)

Envelope/Water Resource Protection Zone/Floodplain: Applicants should be aware that a substantial portion of the rear lot is located within the floodplain corridor for Ashland Creek and within the Water Resource Protection Zone (WRPZ) for Ashland Creek. Any development of the lot would need to occur within the approved envelope and entirely outside of the WRPZ/Floodplain. The WRPZ and floodplain

corridor will also need to be protected during any sitework, including demolition.

Demolition: If the existing garage to be removed is of a size (500 sq ft or larger) to trigger the Demolition/Relocation Review Permit requirements of [AMC 15.04.210-216](#), the applicant would need to obtain necessary permits through the Building Division. The Demolition/Relocation Review Permit process is similar to the land use application process in that it requires a narrative submittal addressing ordinance criteria, with a decision noticed to neighbors and the potential for appeal. In the event that a Demolition/Relocation Review Permit is not necessary, there would still be permits and inspections required to insure that any existing utilities are properly addressed during demolition.

Tree Removal/Protection: The application will need to include a tree inventory of all trees on the property and on adjacent properties within 15 feet of the property, and a Tree Protection Plan consistent with the application creating the lot and with [AMC 18.4.5.030](#) for all trees to be preserved.

Wildfire: A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance will need to be provided prior to bringing combustible materials onto the property, and any new landscaping proposed needs to comply with these standards and cannot include plants listed on the Prohibited Flammable Plant List per City Resolution #2018-028.

AMC 18.4.8.020.C Exceptions and Variances to Solar Access

Requests to depart from section [18.4.8.030](#), Solar Setbacks, are subject to subsection [18.4.8.020.C.1](#), Solar Setback Exception, below. Deviations from the standards in section [18.4.8.050](#), Solar Orientation Standards, are subject to subsection [18.5.2.050.E](#), Exception to the Site Development and Design Standards.

1. Solar Setback Exception. The approval authority through a Type I review pursuant to section [18.5.1.050](#) may approve exceptions to the standards in [18.4.8.030](#), Solar Setbacks, if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.

- a. That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information:
 - i. The signatures of all owners or registered leaseholders holding an interest in the property in question.
 - ii. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.
 - iii. A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.
 - iv. A description and drawing of the shading which would occur.
- b. The approval authority finds all of the following criteria are met.
 - i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.
 - ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.
 - iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere. (Ord. 3147 § 8, amended, 11/21/2017)

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 conservation programs, 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: 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: 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 Contact Dean LeBret at [541-552-2326](tel:541-552-2326) or (dean.lebret@ashland.or.us) with any questions regarding water utilities.

ELECTRIC SERVICE: Please contact Rick Barton in the Electric Department for service requirements and connect fee information at (541) 552-2082 or via e-mail to rick.barton@ashland.or.us. Rick 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

Exceptions to or waivers of the solar ordinance are 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

<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 written statement explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. The written statement provides the Staff Advisor or Planning Commission with the basis for approval of the application:

- o **Solar Access Variances** **AMC 18.4.8.020.C.1.b**

Plans & Exhibits Required

Please 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.

- o **Description and drawing of shading** **AMC 18.4.8.020.C.1.a.iv**

PLANNING APPLICATION FEES:

Type I Review **\$1,349.60**

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:

Date: October 1, 2025

Nick Schubert, *Associate Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2045 or e-mail: nick.schubert@ashland.or.us