
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** November 5, 2025

SITE: 970 Elkader Street
APPLICANT: Rogue Planning for Nicholas & Rebecca Eastman
REQUEST: Land Partition, Physical & Environmental Constraints Review Permit for Development on Hillside Lands with Severe Constraints and Riparian Preservation and Water Resource Protection Zone, Tree Removal Permit

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: As proposed, staff have concerns regarding the feasibility of creating building envelopes for both parcels outside of the steep slopes of severe constraints slopes.

- **P&E Review (18.3.10.030.A):** If a development is part of a Site Design Review, Performance Standards Development, Conditional Use Permit, Subdivision, Partition, or any other planning action, the Physical Constraints Review Permit shall be reviewed simultaneously as a consolidated procedure.
- **Building Envelope (18.3.10.090.A.2):** On hillside lands, all newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less. The application will need to include a slope analysis demonstrating that the envelopes proposed do not contain slopes greater than 35 percent.

Land Partition Approval Criteria (AMC 18.5.3.050): The final application submittal would need to address the approval criteria for a Land Partition as detailed below:

- A. *The future use for urban purposes of the remainder of the tract will not be impeded.*
- B. *The development of the remainder of any adjoining land or access thereto will not be impeded.*
- C. *The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*
- D. *The tract of land has not been partitioned for 12 months.*
- E. *Proposed lots conform to the requirements of the underlying zone, per part [18.2](#), any applicable overlay zone requirements, per part [18.3](#), and any applicable development standards, per part [18.4](#) (e.g., parking and access, tree preservation, solar access and orientation).*

- **Solar Setback:** The final application submittal will need to demonstrate that a home can be located on the new vacant lot and meet the solar access performance standards in section [18.4.8.040](#).

- F. *Accesses to individual lots conform to the standards in section [18.4.3.080](#) Vehicle Area Design.*
- G. *The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part [18.4](#), and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.*
- I. *Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.*
- J. *Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*
- K. *A partition plat containing one or more flag lots shall additionally meet the criteria in section [18.5.3.060](#).*

Tree Preservation/Protection/Removal: All planning actions are required to include a tree inventory and tree preservation/protection plan in accordance with [AMC 18.4.5](#). This is intended to ensure that trees are protected during all site disturbance (including demolition, construction, driveway/parking installation, staging of materials, etc. Should the application include requests for tree removal, tree removal permits would also need to be requested as required in [AMC 18.5.7](#).

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.

Slope Analysis: A slope analysis is required to be provided with the planning application submittal. The slope analysis should graphically illustrate all areas on the property by slope category. If it is determined that development is occurring on lands with slopes of 35% or greater (which appears likely from City GIS data) then the application is subject to the requirements for Severe Constraints as well as for Hillside Lands.

Hillside Lands:The disturbance of land in the severely constrained lands overlay (35% slope or greater) areas shall meet the standards of both AMC 18.3.10.110. and 18.3.10.090.

- **Buildable Area:** All development shall occur and be identified on lands defined as having buildable area. Slopes greater than 35% shall be considered unbuildable, with the following exceptions:
 - Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections 18.2.3.040 and 18.2.3.110.
 - **Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.**

Driveway & Access: The applicant should contact the Talent Irrigation District with any questions regarding crossing the TID Canal, as well as the Ashland Fire Department for any fire access concerns, especially as it relates to the rear building envelope location. Additionally, construction of a new street, driveway, or flag drive are required to be located on lands less than or equal to 35% slopes except as provided in AMC 18.3.10.090.A.3. All driveways, parking and vehicular circulation areas need to be identified on the plans. Driveways must be of sufficient width to meet the requirements for a Land Partition and to provide fire apparatus access. This may require consolidation of driveways between the proposed lots to minimize impacts, and mutual access easements should be provided for shared driveways. Any driveway crossing will need to be engineered, and engineering provided with the application submittal.

Generally, driveway requirements include:

- Any driveway over 50 feet in length is considered by definition to be a flag drive and subject to the development requirements thereof (see <https://ashland.municipal.codes/LandUse/18.5.3.060>) including width, grade, drainage, and fire apparatus requirements. Voluntary provided parking must meet dimensional and circulation standards, and if accessed by a flag drive must be situated to eliminate the necessity for vehicles backing out.
- New flag drives and driveways may only be constructed on lands of less than or equal to 35 percent slope, except that a portion of a new flag drive or driveway may cross lands with a slope greater than 35 percent for a length not to exceed 100 feet.
- 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, for no more than 200 feet. Such variances shall be required to meet all of the criteria for approval found in AMC 18.5.5.
- Grades for new driveways (not flag drives) in all zones shall not exceed a grade of 20 percent for any portion of the driveway. All driveways shall be designed in accord with City of Ashland standards and installed prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. Any Variance would need to meet all of the criteria for approval found in AMC 18.5.5.

Vehicular & Fire Access (AMC 18.5.3.050 & 18.4.3.080): AMC 18.5.3.050.F. requires individual lots to conform with the requirements of 18.4.3.080 for vehicle area design and 18.5.3.060 as applicable for Additional Preliminary Flag Lot Partition Plat Criteria.

Public Facilities: The application will need to identify existing and proposed public facilities including water, sewer, electric, and storm water. Capacity of the existing facilities should be addressed and necessary upgrades identified. Connection locations and routes of all lines should be addressed in the application submittal as well, with particular attention to how the trenching of utility lines may effect trees, riparian areas, and hillside slopes. The applicant will want to review comments by Public Works, and may wish to contact Public Works and the Talent Irrigation District to determine the feasibility of extending access and/or utilities across the ditch and its associated easement.

Street Improvements & Paving: Currently, Elkader Street is a paved street with no other street improvements in place along the subject property's frontage. The applicant would need to install standard frontage improvements or request an Exception to the Street Design Standards in AMC 18.4.6.020.B.

Pedestrian Easement: In a 1994 development, the property to the north provided a 5-foot-wide public pedestrian access easement; the Roca Creek corridor is identified as a planned trail corridor on the Parks Open Space Plan. This easement appears to terminate at the north property line, and it is unclear whether it connects with existing easements on the applicant's parcel. Applicants might consider providing some form of connection to provide adequate transportation facilities/pedestrian connectivity.

Water Resource Protection Zone (WRPZ): In addition to hillside slopes, severe constraints lands, and wildfire lands, any development or disturbance within the mapped Water Resource Protection Zones (WRPZs) will be subject to local permitting, mitigation, and management requirements (tree mitigation, stream restoration, etc.) including:

- Roca Canyon is a significant natural feature of the site, and subject to protection under the Physical & Environmental (P&E) Constraints Ordinance and the Water Resource Protection Zones (WRPZ) Ordinance. The extent of the drainageway corridor should be clearly identified on the applicants' final submittal, with the top of bank clearly delineated.
- A Limited Activities and Uses Permit under AMC 18.3.11 will be required for those limited activities and uses allowed within a WRPZ. This would include requirements to develop and implement mitigation and management plans. Disturbances within the WRPZ, including but not limited to the placement of fill or removal of trees or other native vegetation, trigger the permitting requirements.
- Independent of any Physical & Environmental Constraints Review (P&E) or WRPZ permitting requirements, a Tree Removal Permit will be required for the removal of any tree larger than six-inches DBH from the subject property.
- Partitioning, subdividing or construction anywhere on the subject property would also be subject to the Development Standards for Wildfire Lands in AMC 18.3.10.100.

These local requirements are in addition to any federal and state permits required from the U.S. Army Corps of Engineers, Oregon Division of State Lands, United States Fish and Wildlife Service, Oregon Department of Fish & Wildlife, Department of Environmental Quality and Oregon Water Resources Division, etc.

Neighborhood Outreach: Projects involving changes to established neighborhood 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 all 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 DEPT: No comments provided. Please contact Building Official Steven Matiaco in the Building Division for any Building Code-related information at 541-488-5305.

STORM DRAINAGE/PUBLIC WORKS/ENGINEERING DEPTS: See comments at the end of this document. Please contact Karl Johnson of the Engineering Division for any further information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE DEPARTMENT: No specific comments provided. Please contact Fire Marshal, Mark Shay with Ashland Fire & Rescue for any Fire Department-related information at 541-552-2217 or via e-mail to mark.shay@ashland.or.us.

CONSERVATION: There may be current City of Ashland rebates for the installation of high efficiency toilets (HET) as well as some appliances such as refrigerators, dishwashers and washing machines. Appliances may also be eligible for state tax credits through the Oregon Department of Energy. There may also be opportunities for homes to be built more sustainably or more energy-efficiently with financial and/or technical assistance from the City. For more information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail Dan.Cunningham@ashland.or.us. Conservation staff are available to provide any further information or assistance on these programs.

WATER AND SEWER SERVICE: Please Contact Steve Walker at 541-552-2326 or via e-mail to walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC SERVICE: Please contact Rick Barton in the Electric Department at (541) 552-2082 to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Rick can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Rick Barton, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. *Applications will not be deemed complete without an approved electric service plan.*

UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

ZONING: R-1-10, Single Family Residential with a 10,000 square foot minimum lot size for new lots. Minimum lot width is 75 feet. Lot depth a minimum of 80 feet. Lot width shall not exceed lot depth.

OVERLAYS: *The property is located in the wildfire lands overlay & the performance standards overlay.*

SETBACKS: Eight (8) feet for unenclosed porches, fifteen (15) feet for front yards, and twenty (20) feet for front-facing garages. Six (6) feet for side yards but ten (10) feet for side yards abutting a public street. Ten (10) feet per story and five (5) feet per half-story for rear yards. In addition, the setbacks must comply with the solar access requirements.

LOT COVERAGE: A maximum of 40 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.

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PROCEDURE: Land use regulations provide for administrative (“Type I”) decisions on land partition applications, however there is the possibility for a public hearing if an appeal is requested.

Application Requirements. The application is required to include: 1) clear, legible, scalable drawings of the proposal (i.e. plan requirements), and 2) 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 sections include 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. All submittals must also include:

1. **Application Form and Fee.** Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The required application fee must accompany the application for it to be considered complete.
2. **Submittal Information.** The application shall include all of the following information.
 - a. The information requested on the application form.
 - b. Plans and exhibits required for the specific approvals sought.
 - c. A written statement or letter explaining how the application satisfies each and all 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.

PLAN & EXHIBIT REQUIREMENTS: *One digital copy of the plans formatted to print to scale on paper no larger than 11" x 17". Note: These copies are used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible plans drawn to scale.*

- **One (1) copy of the geotechnical information required in 18.3.10.090.A.4 to include a detailed slope analysis and one copy of the submittal materials for a P&E Permit required in AMC 18.3.10.040.**
- **One (1) Copy of the preliminary plat as required in section [18.5.3.040](#).**
- **One (1) Copy of a Tree Inventory/Removal/Protection Plan as required in chapter [18.4.5.030](#)**

RELEVANT CRITERIA AND STANDARDS: *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

- One (1) copy of written findings addressing the applicable criteria for a P&E permit in AMC 18.3.10.050.
- One (1) copy of written findings addressing the preliminary partition plat criteria found in section [18.5.3.050](#).
- One (1) copy of written findings addressing the tree removal criteria found in section [18.5.7.030](#) (if applicable).

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FEES (non-refundable):

Land Partition	\$1,349.60 + \$89.55 per lot
Physical & Environmental Constraints Review Permit	\$1,349.60
Tree removal	\$0 if concurrent, otherwise \$102.60

*NOTE: 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. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.

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

November 5, 2025

Date

Please see attached Warning for Scammers attempting to collect Payment for your application.