
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.

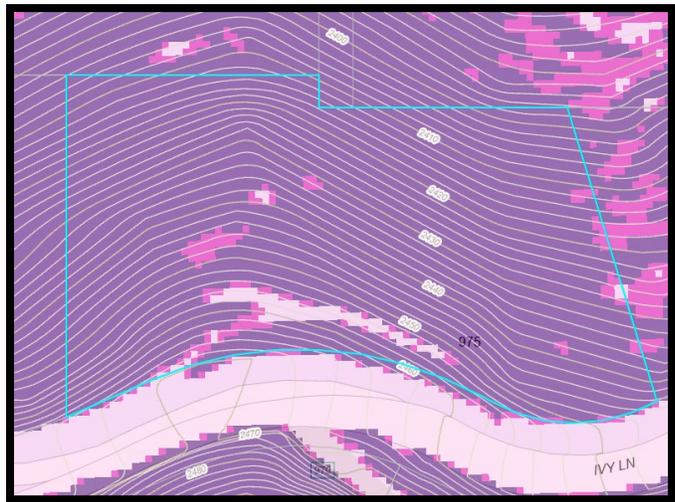
ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET
December 10, 2025

SITE: 975 Ivy Street
APPLICANT: Structure Vision LLC
REQUEST: Physical & Environmental
Constraints Review Permit for Hillside
Development, Tree Removal, Exceptions

PLANNING DIVISION COMMENTS:

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

The subject property is located to the west of the cul-de-sac at the end of Ivy Lane, toward the south end of the city limits. The lot is vacant and approximately 0.69 acres, or 30,147 square feet. The zoning is RR-.5, Rural Residential. The lot is part of the Pineview Estates Subdivision. The property is ‘severely constrained’ (with slopes greater than 35 percent). On the image to the right (generated by city GIS) the dark magenta/purple are slopes greater than 35 percent, and light magenta showing slopes greater than 25 percent. The land use ordinance requires all new construction to happen on slopes less than 35 percent, however AMC 18.3.10.090.A.1.a allows that for “Existing



parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.” Because of the steepness of the property and the disturbance of slopes greater than 25 percent, a Physical and Environmental Constraints Review Permit is required for development. The standards for Hillside Lands with Severe Constraints will also need to be addressed.

Summary: Ashland’s Hillside Development Standards seek to protect the natural features of hillside lands and the visual character of the city. The application as proposed would require a substantial number of exceptions to these standards. Given the number of exceptions involved, staff will likely schedule this item for a hearing before the Planning Commission to determine whether the exceptions are appropriate. For exceptions to be approved, a strong case will need to be made that the exception criteria are being met and are necessitated by efforts to limit site disturbance. Staff could not support any Variance request to exceed lot coverage or an exception request relative to the driveway (i.e. multiple curb cuts, more than 100 feet of driveway on severe constraints land.) Staff have identified the following specific 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. They are as follows:

- **Driveway:** The driveway as proposed presents several issues: 1) There is a road slope and public utility easement extending 20-foot north of the right-of-way. Any work within that easement would require approval of an encroachment permit by the City’s Public

Works/Engineering Department; part of an encroachment permit would include acknowledgement that any improvements or use of the right-of-way would need to be removed if standard frontage improvements were ever installed. It would be advisable to contact Karl Johnson in the Engineering Division to identify any potential issues with driveway placement within the easement. 2) Even a bridge driveway would contribute to lot coverage and would need to be included in lot coverage calculations.

- **Original Subdivision Conditions:** The subject property is part of the Pineview Estates subdivision. The conditions of approval of final plan from the Planning Commission in 1994 (PA-93-121), the original outline plan approval (PA-89-078) and subsequent modification (PA 95-029) are attached to this report. Some of the relevant conditions to this project include:
 - Required a pedestrian access easement be provided between lots three and four, connecting to Beach Street.
 - Required that “All homes located north of the proposed streets shall incorporate engineered dry well systems to accommodate storm water runoff from impervious surfaces associated with the home.”
 - Required “That all residences in the subdivision be constructed in conformance with the Conservation Housing Requirements outlined in the revised Performance Standards Guidelines. Such construction measures required to achieve the 15% density bonus required for the development.” *[Conservation Housing requirements call for homes to be constructed to Earth Advantage standards as detailed in Resolution #2006-06. Please contact Dan Cunningham in the Conservation Division at (541) 488-5305 with any questions.]*
 - Required “That all residences in the subdivision have residential sprinkler systems for fire protection. Such residential sprinkler systems are to be indicated on the building plans and approved prior to issuance of the building permit.”
 - The CC&Rs for the subdivision were to have included a specific tree preservation and protection plan and subdivision-specific tree requirements. The applicant will need to verify the requirements as detailed in the CC&R’s and consult with any homeowner’s association for necessary approvals, as well as addressing city requirements for Tree Preservation, Protection and Removal in the Tree and Hillside ordinances.
 - Required that if the property to the west ever develops to necessitate a street connection, property owners of the four Ivy Lane lots would be responsible for a one-quarter share of the cost of these street improvements.
- **Building Envelope:** Previous approvals included a modification to the building envelope. The newest approved modification was in 2017. The final application will need to show how the new proposed building envelope fits within the previously approved envelope or request a modification of that envelope.
- **Building Design Standards:** The City’s Land Use Ordinance has specific requirements for development on hillside lands. The intent is to encourage “a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city.” The Development Standards for Hillside Lands can be found in section 18.3.10.090 of the Land Use Ordinance (shown in part below). Upon review of the proposed single-family residence, Staff has identified a couple of issues:

- The plans provided still show downhill walls greater than 20 feet in height (measured from natural grade). The standards call for a step back of at least six feet (18.3.10.090.E.2.c) at 20 feet. As proposed, the structure still has roof structure in the required step back area. For staff to support an Exception, the applicant would need to make a strong case in terms of the Exception criteria that the proposal benefitted both the natural and visual character of the hillside.
- 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. There still appear to be several areas where a wall exceeds the allowed 36 lineal feet without an offset. This wall plane would need to incorporate the requisite offset or request an exception. (18.3.10.090.E.2.d).
- **Grading – Cuts:** The standards call for the use of cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings. It appears that the building is not being set into the hill using stepped footings but is placed upon the slope which increases the overall height.
- **Grading – Fill:** Grading shall be minimized in order to accommodate the structure and a reasonable yard area. Flattening pads for swimming pools, flat yard areas or tennis courts are specifically discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope. Exceptions to the Development Standards are addressed in AMC 18.3.10.H.
- **Retaining Wall(s):** According to AMC 18.3.10.B.4.b, cut slopes greater than seven feet in height are required to be terraced. Terraces cannot exceed five feet in height with a three-foot width and a total cut of 15 feet. Retaining walls not meeting these standards would require an Exception from the Development Standards for Hillside Lands.
- **Retention in Natural State (AMC 18.3.10.090.B.3)** On all projects on Hillside Lands involving existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, for a 25,000-square-foot lot with an average slope of 29 percent, 25 percent plus 29 percent equals 54 percent of the total lot area that is to be retained in a natural state. The retention in a natural state of areas greater than the minimum percentage required is encouraged.

Each deviation from the Development Standards for Hillside Lands would require detailed explanation addressing the exception standards and demonstrating that the exception would be more beneficial to the surrounding area, topography, etc. than meeting the minimum required standards would provide (i.e. There may be a case for some exceptions due to efforts to keep the house as near to the street as possible given the easement, having a floor level that relates to the street level, and minimizing the footprint to avoid slope disturbance.)

Due to the number and magnitude of likely exceptions to the design standards that would be required of this proposal, while the resulting application would qualify for a “Type 1” administrative decision, the Staff Advisor would likely refer the application to the Planning Commission for a decision through a public hearing.

Engineered Foundations: All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

Tree Conservation, Protection and Removal: In addition to the original subdivision requirements which were to have been incorporated in the subdivision CC&Rs, the Tree Preservation & Protection Standards (AMC 18.4.5) and the Tree Removal requirements (AMC 18.5.7), there are specific requirements addressing tree removal on Hillside Lands found in AMC Chapter 18.3.10.090.D. The hearing authority may approve the removal of trees if the proposal meets the criteria in AMC 18.3.10.090.D.5. Tree protection measures are required for trees impacted by site disturbance and construction and detailed in AMC 18.4.5. A tree inventory prepared by a certified arborist will need to locate all trees greater than six inches DBH on the property, and on adjacent properties within 15 feet of the property line, and identify the species of each tree and approximate extent of the tree canopy. Trees to be removed and in areas of disturbance must be clearly identified. 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.

Zoning/Lot Coverage: The property is zoned RR-.5 which has a maximum lot coverage of 20 percent, which must consider all impervious surfaces (i.e. anything other than natural landscaping that allows normal infiltration of water into the soil). A breakdown of all lot coverage will be required to be submitted with the application materials. Staff would not be supportive of any Variance to lot coverage for severe constraints lands given that they are generally considered to be unbuildable.

Local Improvement District (AMC 18.4.6.030.B): Whenever a request is made for a building permit which involves new construction of a new residential unit and/or any request involving a planning action which would increase traffic flow on any street not fully improved, the applicant is required to legally agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the costs of full street improvements and to not remonstrate to the formation of a Local Improvement District, to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement is a condition prior to the issuance of a building permit or the granting of approval of a planning action and if the owner declines to so agree, then the building permit and/or planning action shall be denied. (This shall not require paving of alleys, and shall not be construed as waiving property owners rights to present their views during a public hearing held by the City Council.)

Submittal Requirements: A final application will be required to include:

- Written Findings addressing all applicable approval criteria and development standards. This should include detailed narrative regarding the building design vis a via the Hillside Design Standards and explaining any required exceptions.
- A slope analysis
- An engineering geologic study prepared by a geotechnical expert to establish that the site is stable for the proposed use and development. (See AMC 18.3.10.110.D.)
- Plans detailing the proposed development of the site.
- An inventory of existing trees and a tree protection plan / tree removal plan
- A landscape and irrigation plan to demonstrate how 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.

- A grading and Erosion & Sediment control plan

Solar Standards: Ashland's Solar Access Ordinance typically limits the shadow which can be cast over the north property line to no more than would be cast by a six-foot fence constructed on the north property line. A final application would need to include calculations demonstrating that the proposal complies with the Solar Access standards.

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. As originally conditioned with the subdivision, the residence will be required to have a sprinkler system. It would be advisable to contact Fire Marshall Mark Shay to verify any fire code-related issues and to confirm water pressure, etc.

On-Site Pre- Construction Meeting: Prior to the commencement of site work, there will need to be a pre-construction meeting on site with the applicant's development team (applicant, general contractor, excavation contractor, geo-tech, arborist, etc.) and city staff to go over the requirements of the Hillside Development permit.

Inspection Schedule & Final Report: The final application submittal should include an inspection schedule for the geotechnical expert with the engineered geotechnical report. The project geotechnical expert will also need to certify that the building permit submittals (i.e. foundation plan, grading plan, erosion control plan, etc.) have been designed consistent with the geotechnical report's recommendations. The geo-tech will need to provide a final letter indicating that the all required grading, drainage, and erosion control measures were installed as per the approved plans and all scheduled inspections were conducted and approved throughout the project.

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application or who are within the homeowners association of the subdivision, 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.

OTHER DEPARTMENTS' 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, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: See comments at the end of this document. 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 additional comments provided. 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: Please contact the water department at 541-488-5353 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.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.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. 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 Wildfire Lands:** **18.3.10.100**

- **Development Standards for Severe Constraint Lands:** 18.3.10.110
- **Tree Removal Permits:** 18.5.7.040
- **Narrative for Variance (if applicable/Lot Coverage/Curb Cuts):** 18.5.5.050
- **Narrative for all requested Exceptions:**
 - **Development Standards for Hillside Lands:** 18.3.10.090.H.
 - **Parking, Access, & Circulation:** 18.4.3.020.B.
 - **Solar Setbacks (if applicable):** 18.4.8.020.C.1.

Plans & Exhibits Required

Please provide one set of digital 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 format drawings to be reproducible at a standard architect’s or engineer’s scale on paper no larger than 11- x 17-inches.

- **Physical & Environmental Constraints:** 18.3.10.040
- **Tree Preservation and Protection:** 18.4.5.030, 18.3.10.090.D
- **Tree Removal:** 18.5.7.030
- **Variance** 18.5.5.040

PLANNING APPLICATION FEES:

P&E Constraints Permit	\$1,349.60
Minor Modification (Type 1/Envelope, if applicable)	\$1,349.60
Variance (Lot Coverage, Curb Cuts, <i>if applicable</i>)	\$1,349.60 or \$2,827.65 (by magnitude)
Exceptions	\$ 0
Tree Removal	\$ 0

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:

Derek Severson, Planning Supervisor
 City of Ashland, Department of Community Development
 Phone: 541-552-2040 or e-mail: derek.severson@ashlandoregon.gov

December 10, 2025

Date

Public Works Pre-Application Comments

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 current 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.

Where public improvements are required or completed, the developer shall submit as-built drawings 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).

The engineered plans **MUST CONFORM TO THE FOLLOWING:**

- Drawings must be submitted digitally and **MUST** be true scale PDF drawings
 - Drawings sizes shall comply with ANSI-defined standards for page width and height.
 - Review and construction drawings **MUST** be submitted in B size (11x17).
 - All final, as-constructed drawings, **MUST** be submitted digitally as true scale PDF drawings and on Mylar if requested. Final drawings shall be B size (11x17) or D size (22x34). If D size drawings are produced, both B size and D size **MUST** be submitted.
2. **Permits** – Any construction or closure within the public right of way or public utility easement will require a Public Works permit and before any work in the right of way or public utility easement commences, all necessary permits **MUST** be obtained.
 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. **Street Improvement** – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.
 5. **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.
 6. **Sanitary Sewer** - The property is currently served by an 8-in sanitary sewer main in Ivy Lane. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
 7. **Water** - The property is currently served by an 8-in water main in Ivy Lane. 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.
 8. **Storm Drainage** - The property is currently served by a 12-in storm sewer main in Ivy 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-or.gov/stormwater-management-and-erosion-control/rogue-valley-stormwater-quality-design-manual>

All stormwater calculations, reports, drawings, etc. shall be submitted to the City of Ashland Engineering Department for review.

9. **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.