
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** January 17, 2018

SITE: 876 Clay Street
APPLICANT: David Wisniewski
REQUEST: Minor Land Partition

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 is for a partition of a 0.47-acre lot into two lots.

The primary issues in meeting the approval standards are meeting solar access requirement for the proposed house and existing house, and meeting vehicular access requirements.

LAND PARTITION

The application must address the following standards for Land Partitions in Municipal Code (AMC) 18.5.3.020 and approval criteria from AMC 18.5.3.050.

18.5.3.020 Land Divisions and Property Line Adjustments

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)

B. Land Survey. Before any action is taken pursuant to this ordinance that would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

C. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

D. Compliance With Oregon Revised Statutes (ORS) chapter 92. All subdivision and partitions shall conform to state regulations in Oregon Revised Statute (ORS) chapter 92, Subdivisions and Partitions.

E. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than

two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

F. Minor Amendments. The following minor amendments to subdivisions and partitions are subject to Ministerial review in Chapter 18.5.1.040. Changes to an approved plan or condition of approval that do not meet the thresholds for a minor amendment, below, are subject to Chapter 18.5.6 Modifications to Approved Planning Actions.

1. A change that does increase the number of lots or parcels created by the subdivision.
2. A change that does not enlarge the boundaries of subdivided or partitioned area.
3. A change that does not alter the general location or amount of land devoted to a specific land use.
4. A changes that makes only minor shifting of the established lines, location, or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easement, or parks and other public open spaces.

18.5.3.050 Preliminary Partition Plat Criteria. The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.

- 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).
 - o The lots are not wider than they are deep, as the lot line facing the public street is considered the front. The lots meet the minimum depth of 80 feet and minimum width of 50 feet.
 - o A driveway for a single dwelling shall be minimum of nine feet in width.
 - o Lot is required to provide two parking spaces for the residence and the parking area is limited to 25 feet in width in the front yard. Otherwise, parking can be accommodated to the side or

back of the house.

18.4.3 Parking, Access, and Circulation

- Application will need to address below criteria and why it was chosen not to use the existing shared driveway serving 876 Clay Street.

4. Shared Use of Driveways and Curb Cuts.

- a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.
 - i. For shared parking areas.
 - ii. For adjacent developments, where access onto an arterial is limited.
 - iii. For multi-family developments, and developments on multiple lots.
- b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.
- c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

18.4.8 Solar Access

- An exception is required for the existing home's solar setback. Once the new lot line is drawn, the home will be non-conforming and the partition application will need to address an exception for the house and the criteria below. See attached example.

C. **Exceptions and Variances.** Requests to depart from section 18.4.8.030 Solar Setbacks are subject to 18.4.8.020.C.1 Exception to the Solar Setback, 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.

18.4.8.040 Solar Access Performance Standard

- A. **Assignment of Solar Factor.** Land divisions which create new lots shall be designed to permit the location of a 21-foot high structure with a setback which does not exceed 50 percent of the lot's north-south lot dimension pursuant to the following standards.
 1. Lots having north facing (negative) slopes of less than 15 percent (e.g., ten percent) and which are zoned for residential uses shall have a north-south lot dimension equal to or greater than that calculated by using Formula I in 18.4.8.020.A.1.
 2. Lots having north facing (negative) slopes equal to or greater than 15 percent (e.g., 20 percent) or are zoned for non-residential uses shall have a north-south lot dimension equal to or greater than that calculated by using Formula II in 18.4.8.020.A.2.
- B. **Solar Envelope.** If the applicant chooses not to design a lot so that it meets the standards set forth in subsection A, above, a solar envelope shall be used to define the height requirements that will protect the applicable solar access standard. The solar envelope and written description of its effects shall be filed with the land partition or subdivision plat for the lot(s).
- C. **Lots Affected By Solar Envelopes.** All structures on a lot affected by a solar envelope shall comply with the height requirements of the solar envelope.

- **Solar Envelope.** A three dimensional surface which covers a lot and shows, at any point, the maximum height of a permitted structure which protects the solar access of the parcel(s) to the north.

- Would be the responsibility of the applicant to record the solar envelope with the County, agreeing to build a smaller building, so the deed includes the limitation on building height.

F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

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.

H. Unpaved Streets.

1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter 18.4.6 prior to the signature of the final partition plat by the City.

b. The centerline grade on any portion of the unpaved street does not exceed ten percent.

c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.

d. Should the partition be on an unpaved street and paving is not required, the applicant shall 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 cost 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 shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.

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.

OTHER ORDINANCE REQUIREMENTS

No comments.

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, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@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: See comments at the end of this file. Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or ralph.sartain@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 check detector assembly (DCDA) 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 Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.”

ELECTRIC SERVICE: No comments at this time. If any upgrades to existing service are necessary, please have applicant contact the Electric Department @ 552.2389.

PROCEDURE

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

Written Statements

Please provide two copies of a 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:

- **Land Partition AMC 18.5.3.050**
- **Solar Access Exception AMC 18.4.8.020.C**

Plans & Exhibits Required

Please provide two sets 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 two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect’s or engineer’s scale.

- **Preliminary Plat for Land Partition: AMC 18.5.3.040.B**

FEES: Land Partition

\$1,046 + \$69 per unit

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:

Fotini Kaufman, *Assistant Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2044 or e-mail: fotini.kaufman@ashland.or.us

January 17, 2018

Date