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*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.*

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** August 12, 2020

**SITE:** 140 Alida  
**APPLICANT:** Rogue Planning & Development  
**REQUEST:** Land Partition, Variance for Lot size

### **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:** Staff can not recall a time in Ashland history when a variance has been granted for minimum lot size.

The property at 141 Morse / 140 Alida measures 50' x 160' = 8000 sq. ft. The request is to partition the lot into two 4000 sq. ft. lots. The property is zoned R-2 with a minimum lot size of 5000 sq. ft. (AMC 18.2.5.080.D.1b). The proposed configuration would be two lots that are reduced in size 20% below the standard.

Variance Review Procedures are provided at AMC 18.5.5.030 and state that for a reduction of more than 10% for lot area requires a type II Variance. Type II hearings are before the planning commission. An appeal of a type II decision goes before the City council pursuant to AMC 18.5.1.060.I.

*All applications are evaluated on the strength of their materials and how they address the relevant criteria.*

Staff feels that there will be considerable difficulty introducing evidence that there is a unique circumstance considering many other properties on the street are in the same situation. Additionally, staff feels it will be very difficult to make a case that the need for the variance is not self-imposed.

The application should focus on:

1. The variance is necessary because the subject code provision does not account for **special or unique physical circumstances of the subject site**, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the **variance is not self-imposed** by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

**Maximum Permitted Floor Area (MPFA):** At 4000 sq ft. the MPFA for each resultant lot would be =  $4000 \times 1.08 \times 0.38 = 1,641$ . Application materials would be required to demonstrate the properties meet this standard.

**Other Issues:**

**Scalable Plans:** The plans submitted for the pre-application conference are not to scale. Scalable plans are required for the application to be deemed complete.

**Tree Preservation/Protection/Removal:** All planning actions are required to include a tree preservation/protection plan in accordance with AMC 18.61; this is intended to ensure that trees are protected during all site disturbance (including demolition, construction, driveway/parking installation, staging of materials, etc. In addition, this proposal is in the hillside lands overlay and is subject to the tree preservation requirements for hillside lands in section 18.3.10.090.

**Wildfire Lands:** The parent parcel is located in the wildfire lands overlay. As a result, the application to divide the lot into two parcels requires a fire prevention and control plan to be submitted with the application. The approved plan is then required to be implemented prior to the issuance of a building permit for structures located on the lots created by the partition. See subsection 18.3.10.100.A for the fire prevention and control plan requirements.

**Local Improvement District:** The two proposed parcels will be required to sign in favor of a local improvement district for future improvements to Scenic Dr.

**Solar Setback:** The application will need to demonstrate that a home can be located on the new vacant lot and meet the solar setback requirement as required in section 18.4.8.040.

**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.

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**OTHER DEPARTMENTS' COMMENTS**

**BUILDING DEPT.:** Please contact the Building Division for any Building Code-related information at 541-488-5305.

**PUBLIC WORKS/ENGINEERING DEPT.:**

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](mailto:karl.johnson@ashland.or.us) .

**FIRE DEPARTMENT:**

No comments provided. Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or [ralph.sartain@ashland.or.us](mailto:ralph.sartain@ashland.or.us).

**STREETS AND TRANSPORTATION:**

Please contact Karl Johnson of the Engineering Division for any information at 541-552-2415 or via e-mail to [karl.johnson@ashland.or.us](mailto:karl.johnson@ashland.or.us) .

**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](mailto: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](mailto:dan.cunningham@ashland.or.us)

**WATER AND SEWER SERVICE:** *“If the project will require additional water services the applicant/owner will need to contact the City of Ashland Water Department for the availability, placement and costs associated with the installation of these services (meters).The fees for water service installations are separate charges paid to the water division and will typically run from less than \$500 into the thousands depending on size and number of services.”* Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or ( [walkers@ashland.or.us](mailto:walkers@ashland.or.us) ) with any questions regarding water utilities.

**STORM WATER DRAINAGE:** 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](mailto:karl.johnson@ashland.or.us) .

**ELECTRIC SERVICE:** Please contact Dave Tygerson in the Electric Department for service and meter location requirements and fee information at 541-552-2389 or via e-mail to [tygersod@ashland.or.us](mailto:tygersod@ashland.or.us). Dave 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.

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**UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)**

**ZONING:** R-2, Low Density Multi-Family Residential

**LANDSCAPING REQUIREMENTS:** 35% of site is required to be landscaped. Proposed landscaping must meet the Landscaping section of the Site Design and Use Standards. An irrigation plan is required, but may be deferred until the building permit submittals. Include street trees, 1 per 30' of street frontage. All trees greater than 6” in diameter are also to be shown.

**LOT COVERAGE:** A maximum of 65% if the lot may be covered with impervious surface. The application materials demonstrate compliance with this standard.

**SETBACKS:** 20’ for front yard, 6’ for side yards (10’ for side yards abutting a public street), 10’ per story for rear yard. Building permits will need to include information demonstrating compliance

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**PROCEDURE:** A “Type II” Variance with a public hearing at Planning Commission is required for creating the new lot on Alta St. because it is less than 20 feet in width. The Planning Commission’s decision would be subject to appeal to the City Council.

**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 II 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 of 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.

**1. PLAN & EXHIBIT REQUIREMENTS:** *Two (2) copies of the plans below on paper no larger than 11"x 17". Note: These copies may be used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.*

**Two (2) Copies of the preliminary plat as required in section 18.5.3.040.** The following information is required for a partition application submittal.

**A. General Submission Requirements.**

1. **Partitions.** Information required for a Type I review (see section 18.5.1.050), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
2. **Subdivisions.** Information required for a Type II review, (see section 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

**B. Preliminary Plat Information.** In addition to the general information described in subsection A, above, and any information required pursuant to chapter 18.3.9 Performance Standards Option, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by Staff Advisor.

1. **General information**

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in the City or vicinity.
  - b. Date, north arrow, and scale of drawing.
  - c. Location of the development sufficient to define its location in the City, boundaries.
  - d. Zoning of parcel to be divided, including any overlay zones.
  - e. A title block specifying “minor or major partition” and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.
  - f. Identification of the drawing as a “preliminary plat”.
2. Existing Conditions. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.
- a. *Streets.* Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.
  - b. *Easements.* Width, location, and purpose of all existing easements of record on and abutting the site;
  - c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
  - d. *Topography and Natural Features.* A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.
  - e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.
  - f. North arrow and scale.
3. Proposed Development. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.
- a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions.
  - b. Location, width, and purpose of all proposed easements;
  - c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., private open space, common area, or street).
  - d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.
  - e. Proposed public street improvements, pursuant to chapter 18.4.6.
  - f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.

- g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.
- h. The approximate location and identity of other facilities, including the locations of electric, fire hydrants, streetlights, and utilities, as applicable.
- i. Evidence of compliance with applicable overlay zones.

**Two (2) copies of required submittal materials for a Variance as detailed in AMC 18.5.5.040.**

- A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
- B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.
  - 1. Vicinity map.
  - 2. North arrow and scale.
  - 3. Depiction and names of all streets abutting the subject property.
  - 4. Depiction of the subject property, including the dimensions of all lot lines.
  - 5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
  - 6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
  - 7. Schematic landscaping plan showing area and type of landscaping proposed.
  - 8. A topographic map of the site showing contour intervals of five feet or less.
  - 9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

**2. 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](http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf)*

**Two (2) copies of written findings addressing the preliminary partition plat criteria found in section 18.5.3.050.**

- 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).
- 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.
- 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](#).

**Two (2) copies of written findings addressing the approval criteria for a Variance as detailed in AMC 18.5.5.050.**

- A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.
  - 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
  - 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
  - 3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
  - 4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

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**UPCOMING PC MEETINGS:**

Second Tuesday of each month

**FEES (non-refundable):**

Partition  
Variance

\$ 1,092 + 72.5 per unit  
\$ 2,190.75

**\*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:**

Aaron Anderson, Assistant Planner  
City of Ashland, Department of Community Development  
Phone (541) 552-2052 or e-mail [aaron.anderson@ashland.or.us](mailto:aaron.anderson@ashland.or.us)

August 12, 2020

Date