

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 DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**

January 3, 2024

SITE: 35 Granite St.
APPLICANT: Rouge for Connolly
REQUEST: 2-lot Land Partition

PLANNING STAFF COMMENTS:

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

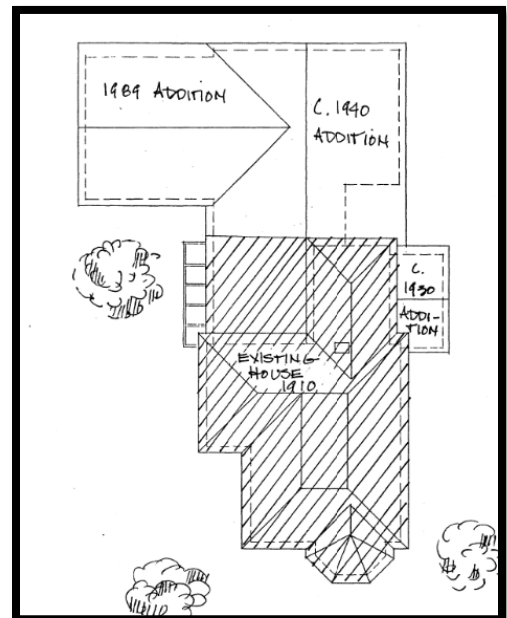
Land Partition: The creation of up to three lots from a single parent parcel is allowed through the Land Partition process, which is detailed in AMC 18.5.3. Criteria on following pages.

ROW Dedication: As the application points out the existing park row and sidewalk are on the subject property and not in the ROW. The standard for a neighborhood street is ROW 47'-51' for a neighborhood street with parking on one side. Granite St. south of Baum is 50' wide (originally platted at 40' but 10' added to western side Ordinance #359 (see CS 12799 narrative). Staff has consulted with Public Works and a dedication of 10' of land for ROW will be required.

ARU: It appears that the ARU may have first been constructed under a 1989 building permit. Staff understands that the ARU exists in the area shown at right labeled 1989 addition. There is no valid address for the ARU but we believe that #37 may have been used in the past. The 1989 'remodel' permit mentions an agreement as a condition of C of O to ensure that there is no dwelling in the 'apartment area.'

To remedy this a special inspection will be required to ensure compliance with building code (fire separation) and a building permit to collect the required SDC's. In the alternative, the kitchen (if existing) could be removed, and the entire house could become a single home.

There are also extensive building permits from remodels in 1999 and the early 2000's, attached for your convenience.



MPFA, CUP: The Historic District regulates floor area of dwellings to promote compatible building volume and scale in the Historic District by limiting the maximum permitted floor area. It is determined using the following formula:

Lot area x Adj. Factor [from Table 18.2.5.070(E)] = Adjusted lot area x 0.38 FAR = MPFA

C. Increases in Allowable MPFA. A conditional use permit under chapter 18.5.4 is required to exceed the MPFA standards of subsections 18.2.5.070.F and 18.2.5.070.G, below. In addition to the approval criteria for a conditional use permit, the criteria for Historic District Design Standards approval must be met. In no case shall the permitted floor area exceed 25 percent of the MPFA.

11,270 - 740 = 10,530 (proposed lot size less 10' ROW dedication)

10,530 x 0.68 x 0.38 = **2,720.95** MPFA_{Max}

x 1.25 = 3,401 <-up to a 25% increase allowed in MPFA with a Conditional Use Permit

E. Exceptions. **Basements**, detached garages, detached accessory structures, detached accessory residential units, and detached duplex dwelling units are not counted in the gross floor area for the MPFA calculation if separated from the single-family dwelling or primary structure by six feet or more.

Existing home is indicated by the assessor to be 3,485 sq ft with 820 sq ft of that listed as basement.

3485-820 = **2665**

Staff believes that the application **may not require a CUP** if it can be shown that the home (less the allowed exceptions) does not exceed 2720 SF.

Individually Listed Home: As an individually listed home on the National Register any exterior change that requires a building permit is a triggering action for Site Design Review. See: AMC 18.5.2.020.B.3

485.0 Survey #600

GRAINGER, G.M./KATE HOUSE
35 GRANITE ST

1890

391E09BB 6400

Builder: Schmidt, W. J. & Cole, George
Historic Contributing [NR-Listed]

Late Victorian: Stick

This impressive two-story dwelling was constructed for G. M. and Kate Grainger in 1890. Grainger was elected Ashland's mayor in December 1890 and served two terms in that office. He and his wife remained active in community affairs and lived here the rest of their lives. The Grainger House, although substantially enlarged and elaborately restored, was independently listed on the National Register of Historic Places in 1989.

Flag Drive Standards: Driveways in excess of 50 feet in length are considered to be flag drives and subject to the development standards thereof, as detailed in AMC 18.5.3.060. The flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface.

In the alternative, Pine St. (although unimproved and unmaintained) can provide the exclusive vehicle access.

System Development Charges – building permit for the kitchen(s), ARU, addition etc. In addition to the plan review, building permit fees and utility hook-up fees, system development

charges (SDCs) are required for transportation, water, sewer, storm sewer and parks and recreation. These charges are for the additional impact the new unit will make on the transportation, utility and parks systems.

Lot Coverage Calculations – Detailed lot coverage calculations shall be submitted with the application. Lot coverage calculations shall include all areas of disturbance, including but not limited to the structure footprints, patios, decks, pathways, driveways and parking areas, etc.

Envelopes/Slopes: With partitioning, the application would need to identify building envelopes which are entirely outside of the areas with slopes greater than 35 percent.

Solar Setback: The application would need to demonstrate that each of the proposed parcel configurations comply with the Solar Access Performance Standard requirements of AMC 18.4.8.040 which generally requires that a 21-foot high structure can be placed on the parcel with a solar setback no greater than one-half the north-south dimension of the parcel.

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.

Approval Criteria

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).
- 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.
 - a. 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](#).

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

- A.** The criteria of section [18.5.3.050](#) are met.
- B.** For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.
- C.** Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.
- D.** Except as provided in subsection [18.5.3.060.H](#), below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width

of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.

F. 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 not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#) Variances.

G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.

H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:

1. Vehicle access shall be from the alley only where required as a condition of approval.
2. No screening and paving requirements shall be required for the flagpole.
3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.
4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.

I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.

J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040.G.5](#)). The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.

K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.

L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.

M. Flag drives serving structures greater than 24 feet in height, as defined in part [18.6](#), shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

N. Both sides of the flag drive have been screened with a sight-obscuring fence, wall or fire-resistant broadleaf evergreen sight-obscuring hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.

O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.

P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward

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

ZONING: R-1-7.5, Single Family Residential with a 7,500 square foot minimum lot size. Minimum lot width is 65 feet. Lot depth 80-150 feet. Lot width shall not exceed lot depth.

OVERLAYS: The property is located in the Hillside Lands and the Wildfire Lands overlays.

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

LOT COVERAGE: A maximum of 45 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.

LANDSCAPING REQUIREMENTS: 55 percent of the site must be retained in landscaping, and a site-, size-, and species- specific landscaping plan is required at time of formal application. The landscape plan must address any required screening, and include street trees, one per 30 feet of street frontage where applicable.

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 the Conservation Division at 541-488-5305 or via e-mail to dan.cunningham@ashland.or.us.

ELECTRIC SERVICE: Please contact Dave Tygerson in the Electric Department for service requirements and fee information at (541) 552-2389 or via e-mail to 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.*

ENGINEERING/PUBLIC WORKS/STREET/STORMWATER: See Public Works comments attached 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: See Ashland Fire & Rescue comments attached at the end of this document. Please contact Fire Marshal Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: See attached comments.

NOTES

- *All planning applications require a completed pre-application conference for the project within the six-month time period immediately preceding the filing of the application. The purpose of this conference is to acquaint the applicant with the substantive and procedural requirements of the city's land use ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, and to identify policies and regulations that may create opportunities or pose constraints for the proposal.*
- *Fees increase annually based on the CPI; applications are subject to the fees in effect at the time of application submittal.*
- *Applications are accepted on a first come-first served basis.*
- *Applications are reviewed for completeness in accordance with ORS 227.178.*
- *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.*

PROCEDURE

A Land Partition is 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://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Zoning Permit Application FY21-22.pdf](https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Zoning%20Permit%20Application%20FY21-22.pdf)
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement 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 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:

- **Preliminary Partition Plat Criteria:** <https://ashland.municipal.codes/LandUse/18.5.3.050>
- **Additional Criteria for a Flag Partition (if applicable):**
<https://ashland.municipal.codes/LandUse/18.5.3.060>
- **Tree Removal Permit (if applicable):** <https://ashland.municipal.codes/LandUse/18.5.7.040>

Plans & Exhibits Required

Please provide true scale PDF exhibits (plans/drawings) addressing the submittal requirements These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide documents that can be printed to a standard scale on paper no larger than 11-inches by 17-inches.

- **Preliminary Plat Submissions:** <https://ashland.municipal.codes/LandUse/18.5.3.040>
- **Tree Protection Plan:** <https://ashland.municipal.codes/LandUse/18.4.5.030>
- **Tree Removal Permit (if applicable):** <https://ashland.municipal.codes/LandUse/18.5.7.030>

PLANNING APPLICATION FEES

Land Partition:	\$1,271.25 + \$84.50 per lot*
Tree Removal (if applicable):	\$0 (where part of a larger application)

For further information, please contact:

Aaron Anderson, *Senior Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

January 3, 2024

Date