
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 March 16, 2022

SITE: 897 Hillview
APPLICANT: Zac Moody
REQUEST: Land Partition

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 examined a version of this application in 2019 and identified three primary issues with the proposed land partition as submitted: concerns regarding minimum lot size, requirement for a flag lot, and potential variance for side yard setback. Following the 2019 pre-application there were many conversations about a proposal that would comply with the standards. This was predicated on a distinction between a flag drive and a flag lot. The preliminary plat submitted with this pre-application appears to reflect those changes and can be approved without variances so long as the garage is removed.

From: Aaron Anderson <aaron.anderson@ashland.or.us>
Sent: Tuesday, May 19, 2020 8:00:41 AM
To: Cyndi Dion
Cc: Shawn Kampmann
Subject: RE: 897 Hillview MLP

Good Morning Cyndi,

I wanted to get back to you regarding the preliminary plat prepared by Polaris survey dated May 8 2020. I had an opportunity to discuss this with senior planning staff and have the following comments.

The plat as presented would require two variances for approval, one for rear yard setback, the other for minimum lot size as the front parcel is less than 7500 sq. ft.....

this boils down to a distinction between a *flag drive* and a *flag pole* (Definitions from AMC 18.6 below). In short because you are taking vehicle access off the alley there is no flag drive, because you are not proposing vehicular access down that part of the pole that is meant to provide pedestrian access as provided in AMC 18.5.3.060.H.3.

We propose that you modify your preliminary partition plat so that the front lot measures 74' wide x 102' deep (7548 sq. ft. and meets 10' rear yard setback). The rear parcel would then measure 82' x 88' with an 8' flag pole (8x102) for a lot size of 8032 sq. ft. A partition plat drawn as such would meet all the approval criteria and base zone standards and could be approved without any exceptions or variances.

Subsequent to this conversation a new plat was created that appears to be identical to the one submitted for this pre-app.

Note from GIS: if this partition happens, we are going to have to reassign addresses along this street. There is no room here to add an additional number. I would likely have to renumber 895, 897 and 899.

AMC 18.5.3.060 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.

Definitions provide in AMC 18.6.1.030

Drive, Flag: A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular access to a flag lot(s). See also, section 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

Flag Lot: A lot with two distinct parts.

1. The flag, which is the building site; and is located behind another lot.
2. The pole, which connects the flag to the street; provides the only street frontage for the lot with less than 40 feet of frontage on a street; and unless an alley provides access, includes a driveway providing access.

Additionally, a complete application will need to address proposed building envelope for the newly created parcel, and tree inventory / proposed tree protection plan for all trees in excess of six-inches DBH.

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.

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

STREETS / PUBLIC WORKS/ENGINEERING DEPT.: Public Works comments provided 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: Fire Department comments provided at the end of this document. Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or ralph.sartain@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 . 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

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) 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 .

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. 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.

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 wildfire lands overlay*

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.

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PROCEDURE: Regulations provide for administrative (“**Type I**”) decisions on these 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 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.

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 a Tree Protection Plan as required chapter 18.4.5.030. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit addressing the tree conservation, protection, and removal standards for Hillside Lands in section 18.3.1.090.D and the requirements of chapter 18.5.7 may be required.

- B. Tree Protection Plan Submission Requirements.** In order to obtain approval of a tree protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following.
- 1. Location, species, and diameter of each tree on site and within 15 feet of the site.
 - 2. Location of the drip line of each tree.
 - 3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
 - 4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.
 - 5. Location of dry wells, drain lines and soakage trenches.
 - 6. Location of proposed and existing structures.
 - 7. Grade change or cut and fill during or after construction.
 - 8. Existing and proposed impervious surfaces.
 - 9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
 - 10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

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*

Two (2) copies of written findings addressing the preliminary partition plat criteria found in section 18.5.3.050. and .060

- 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](#).

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. (Ord. 3158 § 9, amended, 09/18/2018)

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FEES (non-refundable):	Partition	\$ 1,125 + 72.5 per unit
	Variance (Type I)	\$ 1,125

***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.

<u>For further information, please contact:</u>	<u>March 16, 2022</u>
Aaron Anderson, Associate Planner	Date
City of Ashland, Department of Community Development	
Phone (541) 552-2052 or e-mail aaron.anderson@ashland.or.us	