
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**
July 13, 2022

SITE: 645 Lit Way
APPLICANT: McIntoch/Farber
REQUEST: Property Line Adjustment

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: It is unclear that Tax Lot #7702 is a legal lot of record, as it was part of Tax Lot #7801 in the most recent recorded survey (CS 11335). Creation of a legal lot would typically have required a land partition and new survey, and to meet city access standards, the lot would have been required to have frontage abutting on a public street for at least 40 feet. *However, this is immaterial with the Property Line Adjustment proposed here.* Provided that the Property Line Adjustment application fully addresses the criteria (i.e. *lot coverage of each lot with adjustment, access, parking and vehicle area standards are to standard or not made less conforming, etc.*). Applicants should be aware, however, that the resulting lot fronting on Lit Way will be "split-zoned" with part in the R-1-7.5 residential zone and part in the C-1 commercial zones; the two portions would be subject to differing zoning regulations which could pose long-term complications.

Property Line Adjustment: A Property Line Adjustment is the modification of lot boundary where no new lot is created. The Staff Advisor reviews applications for Property Line Adjustments through the ministerial procedures outlined in AMC 18.5.1.040. The application submission and approval process for Property Line Adjustments is as follows:

Submittal Requirements: *Applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Ministerial review, pursuant to AMC 18.5.1.040. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to the Ashland Floodplain Corridor Overlay; existing fences and walls; and any other information deemed necessary by the Staff Advisor for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.*

Approval Criteria: *The Staff Advisor shall approve or deny a request for a property line adjustment in writing based on all of the following criteria.*

1. **Parcel Creation.** No additional parcel or lot is created by the lot line adjustment.
2. **Lot Standards.** Except as allowed for nonconforming lots, pursuant to chapter [18.1.4](#) or as required by an overlay zone in part [18.3](#), all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part [18.2](#). If a lot does not conform to the lot standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).

The application will need to include demonstration that, as adjusted, lot coverage is satisfied for each lot or not made less conforming.

3. **Access Standards.** All lots and parcels conform to the standards in section [18.4.3.080](#) Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

The application will need to demonstrate that access and vehicle area design meet standards or do not become less conforming with the adjustment. Parking, access and circulation for individual lots would need to meet standards or at minimum not become less conforming as adjusted, and if easements for parking, access or circulation are necessary they should be identified on the preliminary plat submittal.

Final Plat: The final plat for Property Line Adjustments shall be prepared as a partition plat, and meet the requirements of sections [18.5.3.090](#).

Recording of Property Line Adjustments: Recording of the plat shall be handled as follows:

1. **Recording.** Within 60 days of the City approval of the final plat (or the approval of the preliminary property line adjustment map expires), the applicant shall submit the final plat to Jackson County for signatures of County officials as required by ORS chapter [92](#).
2. **Time Limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for building permits on the re-configured lots.

Split-Zoning: As proposed, the consolidated lot fronting on Lit Way would be zoned partly R-1-7.5 and partly C-1. This could result in complications over time as the regulations and allowed uses will differ for each portion of the lot.

Legal Lot Determination: A legal lot of record determination requires that one or more of the following criteria be satisfied, pursuant to ORS 92.010 to 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat in Jackson County prior to annexation to the City.
- B. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to August 18, 1964 before the City adopted planning, zoning, subdivision or partition regulations (Ordinance #1361).
- C. The plot of land was created through a deed or land sales contract recorded with Jackson

County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

It shall be the property owner's responsibility to demonstrate that his or her plot of land meets the lot of record criteria above. Once written demonstration that the above criteria are satisfied, the Staff Advisor shall process the request to validate a lot of record through a ministerial procedure.

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OTHER DEPARTMENTS' COMMENTS

BUILDING DEPARTMENT: No comments provided. For any information on building codes requirements, permits or inspection requirements please contact Building Official Steven Matiaco at 541-488-5305 or via e-mail to steven.matiaco@ashland.or.us.

CODE COMPLIANCE: *No comments provided.* For any Land Use Code Compliance-related information, please contact Code Compliance Specialist Andrew Barrow at 541-552-2424 or via e-mail to: Andrew.barrow@ashland.or.us.

CONSERVATION DIVISION: *No comments provided.* For any information on Conservation Programs, please contact Dan Cunningham at 541-552-2063 or via e-mail to: dan.cunningham@ashland.or.us.

PUBLIC WORKS DEPARTMENT: *No comments provided.* Please contact Karl Johnson of the Engineering Division for any Engineering-related information at 541-552-2415 or via e-mail to: karl.johnson@ashland.or.us.

FIRE DEPARTMENT: *See attached comments.* Please contact Fire Chief/Fire Marshall Ralph Sartain for any Fire Department-related information at 541-552-2229 or via e-mail to: ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: *No comments provided.* Please contact Steve Walker of the Water Department for any further information at 541-552-2326 or via e-mail to steve.walker@ashland.or.us.

ELECTRIC DEPARTMENT: If there will be any changes to the electric service for this project or a separate meter is needed, please contact Rick Barton in the Electric Department to discuss electric service needs, fees and requirements for service at 541-552-2082 or via e-mail to rick.barton@ashland.or.us.

OREGON DEPARTMENT OF TRANSPORTATION (ODOT): ODOT does not have comments on this proposal based on our evaluation criteria. Thank you for keeping us in the loop! For any additional ODOT-related information, please contact:

Micah Horowitz, AICP | Senior Transportation Planner

ZONING DISTRICT REQUIREMENTS

For base zones and allowed uses, see AMC Table 18.2.2.030.

For the Standards for Residential Zones, including R-1-7.5, see AMC Table 18.2.5.030.A.

For the Standards for Non-Residential Zones, including C-1, see AMC Table 18.2.6.030.

PROCEDURE: Property line adjustments are subject to ministerial procedures which are outlined in AMC 18.5.1.040. Ministerial decisions are made by the Staff Advisor. A public notice and public hearing are not required for Ministerial decisions. Ministerial decisions are those where the application of City standards and criteria does not require the exercise of substantial discretion.

Application Requirements & Review (AMC 18.5.1.040).

1. **Application Form and Fee.** *Applications requiring Ministerial review shall be made on forms provided by the City and include any plans, exhibits, or other submittals required pursuant to the applicable sections of this ordinance. One or more property owners of the property for which the planning action is requested and their authorized agents, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.*
2. **Decision.** *Within 21 days after accepting a complete application for a Ministerial review the Staff Advisor shall approve or deny the application, unless such time limitation is extended with the consent of the applicant.*

Plan Requirements

Readable, scalable copies of the plans below formatted to print on paper no larger than 11-inches by 17-inches are required. These plans may be used to prepare Planning Commission packets as well as any notices mailed to neighbors and for staff review. Please submit plans that are clear, readable and formatted to print to a standard scale (engineer or architect).

- Plans and materials required for a Property Line Adjustment as detailed in AMC 18.5.3.120.A.**

Narrative Submittal Requirements:

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.

- Written findings addressing the approval criteria for a Property Line Adjustment as**

detailed in AMC 18.5.3.120.B.

NEXT APPLICATION DEADLINE:
PLANNING COMMISSION MEETING:
FEES: Property Line Adjustment:
NOTES:

1st Friday of each month
2nd Tuesday of each month
\$402.00

- *Applications subject to administrative or ministerial approvals (i.e. not requiring a public hearing) are not subject to submittal deadlines. Deadlines relate to the scheduling and noticing required for public hearings. Deadline days are provided for reference only.*
- *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 scheduled at a Planning Commission meeting or further processed. 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 within 30 days from application date 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:

Derek Severson, *Senior Planner*

Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us

July 13, 2022

Date