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***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.***

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**ASHLAND PLANNING DEPARTMENT  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET**

September 9, 2023

**SITE:** 649 Normal Ave  
**APPLICANT:** Amy Gunter, Rogue Planning & Development Services LLC  
**REQUEST:** Middle Housing Land Division

### **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:** Middle Housing Land Divisions are a newly allowed procedure created through Senate Bill 458, and provide a means to create new “Middle Housing Lots” for middle housing created under HB 2001. Provided that proposals can meet limited requirements to qualify for MHL D’s – which seems to be the case here - the process should be straightforward and expeditious. *(The property is currently developed with one (1) residence and one (1) shed. As part of the application submittals, demolition of the existing buildings is proposed.)*

**Middle Housing Land Divisions (MHL D):** In a typical land division, the land division is approved, infrastructure installed and a plat signed prior to building permits being reviewed and issued for construction. MHL Ds may occur prior to submission of an application for building permits, after a middle housing development is approved for development, or after it is constructed. Senate Bill 458 gives cities the option of allowing concurrent review of building permits and the MHL D, but in any case, MHL D applications must include a middle housing development *(either proposed or already built)* that demonstrates compliance with the building code and the City’s middle housing development code.

MHL Ds require:

- ☐ Submittal of Tentative & Final Plats for review and approval. The plat must make clear that the proposal is a Middle Housing Land Division. Lots created under an MHL D are subject to all requirements of the parent property, and are not eligible for accessory residential units or duplexes of their own, and may not be further divided. Lot coverage, setbacks, etc. are based on the parent parcel.
- ☐ Submittal of materials for review demonstrating compliance with the Oregon Residential Specialty Code.
- ☐ The dedication of necessary public right-of-way to accommodate frontage improvements, and the installation of city-standard street frontage improvements for an Avenue/Major Collector (including curbs, gutters, a 7’-8’ parkrow planting strip with irrigated street trees and 6’ sidewalk).
- ☐ Middle Housing Land Divisions are only allowed for properties developed with duplexes; accessory residential units are not eligible for lot division as an MHL D.
- ☐ MHL D must result in exactly one dwelling per lot, except that common areas may be located on a separate lot or a shared tract.
- ☐ Separate utilities (i.e. water, sewer, storm drainage and electric) are required for each dwelling unit.
- ☐ If necessary based on the final configuration of lots, easements are required to be provided for pedestrian access, any common areas, any shared driveways and parking areas, and utilities.

- An MHL D application is limited to the Middle Housing Land Division. There can be no discretionary land use requests associated with a MHL D, and if the proposal would require a variance or exception it is not eligible for a Middle Housing Land Division.

The type of middle housing developed on the original parent parcel (i.e. a duplex) is not altered by a Middle Housing Land Division. The newly created middle housing lots are created within a legal parent lot solely for the purpose of providing ownership opportunities, and these new middle housing lots are not granted additional development rights and must be maintained to meet the criteria applicable to the “parent lot” (height, lot coverage, open space, etc.). A duplex divided into two middle housing lots is still considered part of the original duplex and subject to all conditions of the original duplex approval, and the MHL D lots each remain units of the original duplex.

**Parking:** With the recent adoption of the Climate Friendly & Equitable Communities (CFEC) rules, cities may no longer mandate off-street parking within ½-mile of frequent transit. Given that the property is located within ½- mile of RVT D’s Route 10, no off-street parking is required. Voluntarily provided off-street parking is required to meet the applicable requirements of AMC 18.4.3 (*i.e. dimensions, back-up area, circulation, etc.*).

**Front Yard Parking Area (AMC 18.4.3.080.A.3):** The final site design will need to demonstrate that the limits on parking in the front yard in residential zones from AMC 18.4.3.080.A.3 are addressed *when considered in light of the parent parcel*. (“*In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles, is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this code.*”)

**Street Improvements/Street Trees:** City standard street improvements, and dedication of the right-of-way to accommodate them, will be required along the property’s full frontage prior to signature of an MHL D plat. Normal Avenue in this vicinity is classified as an Avenue or Major Collector, and the required frontage improvements include installation of city-standard street frontage improvements for an Avenue/Major Collector (curbs, gutters, a 7’-8’ parkrow planting strip with irrigated street trees and 6’ sidewalk) as detailed below:

Table 18.4.6.040.F. City of Ashland Street Design Standards

TYPE OF STREET	AVERAGE DAILY TRIPS (ADT)	RIGHT- OF-WAY WIDTH	CURB-TO- CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PARK- ROW on both sides	SIDE- WALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANES on both sides	PARKING			
2-Lane Boulevard	8,000 to	61'-87'	34'	11'	none	6'	8'-9'	6"	5'-8' <sup>1</sup> / <sub>2</sub>	6'-10' <sup>2</sup> / <sub>3</sub>
3-Lane Boulevard	30,000	73'-99'	46'	11'	12'	6'	8'-9'	6"	5'-8' <sup>1</sup> / <sub>2</sub>	6'-10' <sup>2</sup> / <sub>3</sub>
5-Lane Boulevard		95'-121'	68'	11'	12'	6'	8'-9'	6"	5'-8' <sup>1</sup> / <sub>2</sub>	6'-10' <sup>2</sup> / <sub>3</sub>
2-Lane Avenue	3,000 to	59'-86'	32'-33'	10'-10.5'	none	6'	8'-9'	6"	5'-8' <sup>1</sup> / <sub>2</sub>	6'-10' <sup>2</sup> / <sub>3</sub>
3-Lane Avenue	10,000	70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	6'	8'-9'	6"	5'-8' <sup>1</sup> / <sub>2</sub>	6'-10' <sup>2</sup> / <sub>3</sub>

The existing improvements are 31-feet curb-to-curb within a 50-foot right-of-way.

**Solar Setbacks:** The duplex will need to comply with solar access requirements. Rough calculations by staff suggest that the required solar setback for the proposed structure is approximately 34.5 feet. The applicant has indicated a solar setback of 40 feet which complies with the requirement. The permit drawings will need to identify shadow producing point(s) and their height(s) relative to natural grade, and include calculations in the form  $[(\text{Height} - 6) / (0.445 - \text{Slope}) = \text{Required Solar Setback}]$ .

**Demolition/Relocation Review:** The demolition or relocation of existing structures *greater than 500 square feet in area* is subject to the Demolition/Relocation Review Permit process described in AMC 15.04.210-.216. This process is similar to the land use process (i.e. written and plan submittal requirements, notice to neighbors and the potential for appeal) but is administered through the Building Division. Any questions should be referred to Building Official Steven Matiaco at (541) 488-5309.00

**Neighborhood Outreach:** Staff always recommends applicants approach the affected neighbors to discuss proposals and try to address any concerns as early in the process as possible. Notices will be sent to owners of neighboring properties within a 100-foot radius, signs posted on the site and advertised in the local newspaper once an application is deemed complete. In many cases, it is better if neighbors hear of the proposal from the applicants rather than by a formal notice from the city.

**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 in the decision-making process 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

**FIRE DEPARTMENT:** See attached comments. Please contact Division Chief Ralph Sartain of the Fire Department for any additional information at (541) 552-2229 or via e-mail to [ralph.sartain@ashland.or.us](mailto:ralph.sartain@ashland.or.us) .

**BUILDING DEPARTMENT:** Please contact the Building Division for any additional information at (541) 488-5309.

**CONSERVATION DEPARTMENT:** There may be current City of Ashland rebates for the installation of high efficiency toilets (HET) as well as some appliances such as refrigerators, dishwashers and washing machines. Appliances may also be eligible for state tax credits through the Oregon Department of Energy. There may also be opportunities for homes to be built more sustainably or more energy-efficiently with financial and/or technical assistance from the City. For more information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail [Dan.Cunningham@ashland.or.us](mailto:Dan.Cunningham@ashland.or.us). A handout on the city's "Smartbuild" program for new construction is attached at the end of this document. Conservation staff are available to provide any further information or assistance on these programs.

**PUBLIC WORKS DEPARTMENT:** For any further information, please contact Karl Johnson at (541) 552-2415 or via e-mail to: [karl.johnson@ashland.or.us](mailto:karl.johnson@ashland.or.us).

**ELECTRIC DEPARTMENT:** Separate utilities including electric are required to each unit for an MHL. The applicant will need to contact Rick Barton in the Electric Department at (541) 552-2082 to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Rick can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Rick Barton, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. *Applications will not be deemed complete without an approved electric service plan.* **[PLEASE NOTE: 2-pack meter bases are 8-12 months out.]**

**WATER AND SEWER SERVICE:** Separate utilities including electric are required to each unit for an MHL. Please Contact Steve Walker at 541-552-2326 or e-mail [walkers@ashland.or.us](mailto:walkers@ashland.or.us) with any questions regarding water utilities."

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**ZONING DISTRICT REQUIREMENTS**

See [Table 18.2.5.030.A](#) "Standards for Single Family Residential Zones"

**Note:** The subject property is zoned R-1-7.5, a Single-Family Residential zoning.

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**Procedural Requirements**

## Middle Housing Land Divisions (MHL) [See AMC 18.5.1.075]

Middle Housing Land Division decisions are made by the Staff Advisor using the Expedited Land Division procedure detailed below. Middle Housing Land Divisions are not a land use or limited land use decision.

**A. Procedural Handling.** Unless the applicant requests to use the land partition procedures in ALUO 18.5.3.030, Middle Housing Land Divisions shall be processed under the Expedited Land Divisions procedure from ORS 197.360 to 197.380 as detailed below:

- 1. Pre-Application Conference.** A pre-application conference is voluntary for a Middle Housing Land Division.
- 2. Application Requirements.** Applications for development permits shall be submitted upon forms established by the Staff Advisor. Applications will not be accepted in partial submittals, and all of the following items must be submitted to initiate completeness review:
  - a. Application Form and Fee.** Applications for Middle Housing Land Divisions 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 application shall not be considered complete unless the appropriate application fee accompanies it.
  - b. Submittal Information.** The application shall include all of the following information.
    - i. The information requested on the application form.
    - ii. Drawings and supplementary materials for Preliminary Plat as required in ALUO 18.5.3.040.B.
    - iii. A narrative explanation of how the application satisfies each and all of the relevant criteria and standards in ALUO 18.5.3.140.C.1.
    - iv. Additional materials necessary to demonstrate compliance with the Oregon Residential Specialty Code.
    - v. Information demonstrating compliance with all prior approvals and conditions of approval for the parent lot or parcel, as applicable.

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).

**Timelines:** Middle Housing Land Divisions are reviewed for completeness within 21-days or receipt of an application. Once a completeness determination is made, a Notice of Complete Application (NOCA) is mailed and there is a two-week comment period. The Staff Advisor makes a decision to approve or deny the application within 63 days of receiving a completed application and mails a Notice of Decision (NOD). Once the NOD is mailed, there is a 14-day appeal window where an appeal may be filed to the City of Ashland's hearings officer.

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**FEES:**

☐ Middle Housing Land Division: **\$ 420.50**

**For further information, please contact:**

Veronica Allen, *Associate Planner*

City of Ashland, Department of Community Development

**Phone:** 541-552-2042 or **E-mail:** [veronica.allen@ashland.or.us](mailto:veronica.allen@ashland.or.us)

September 13, 2023

Date

Derek Severson, *Planning Manager*  
City of Ashland, Department of Community Development  
**Phone:** 541-552-2040 or **E-mail:** [derek.severson@ashland.or.us](mailto:derek.severson@ashland.or.us)