
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 20, 2023

SITE: 113 Pine Street
APPLICANT: Rogue Planning &
Development Services
REQUEST: Land Partition

General: This proposal has been reviewed previously in 2017 as such, this document is largely the same with certain updates. In general Planning Staff is supportive of the application to partition the property. The lot area is large enough that the proposed lot partition will create lots meeting the minimum lot sizes for the R-1-7.5 zone.

- **Lot width** - The LUO does not provide a procedure for calculating lot width for an irregularly shaped lot. That said, previous applications have demonstrated compliance by taking the formula for area to derive width ($A/D=W$). using this procedure shows that the front lot has an average width of 65'
- **Condition of House / Code Compliance** – There is no longer a weed abatement issue, however the fact that the building is unsecured is an issue. If the windows and doors cannot be secured, they need to be boarded over. If the house is not capable of being rehabilitated then the property owner should consult with the building department regarding a demolition permit.
- **ROW dedication** – Pine St. was originally platted as 32' wide when the standard on other streets in the area was 40'. As such, consistent with previous planning actions along Pine a four-foot dedication is required on each side of the street when development occurs.
- **Has the applicant considered a potential cottage housing development?**
- **A building envelope will need to be established outside of steep slopes.**



Lot Width/Depth: All R-1-7.5 lots are required to be a minimum of 65 feet in width. The Ashland Land Use Ordinance states, “*No lot shall have a width greater than its depth*” in 18.2.5.030.A. The application should clearly demonstrate that the proposed partition meets these standards for both newly created lots, in addition to meeting the minimum 7,500 square foot lot-size for the R-1-7.5 zoning district.

Existing Structures: The application should clearly identify all existing structures on the property and their relationship to the proposed property lines. All required setbacks must be met for both lots and demonstrated in the application. The application should also clarify buildings intended for removal and retention.

Solar Access Performance Standards: All newly created lots must meet Solar Setback “Standard A”. This requires that new and existing structures on each lot cast no more shadow on the lot(s) to the north taller than a six-foot high fence on the lot’s north property line would. The setback requirement is determined through the following formula: $\{SSB = (H-6)/(0.445 + S)\}$ where SSB is the required solar setback from the north property line, H is the height of the shadow producing point(s) of a building, and S is the average slope of the lot calculated 150 feet north of the midline of the property, as detailed in AMC 18.4.8.030. The application must demonstrate that a 21-foot tall structure can be located on all proposed lots, and meet “Standard A” with a solar setback which does not exceed 50 percent of each lot’s north-south dimension (See AMC 18.4.8.040). At first glance, it would appear that a future residence could be placed to comply with the Solar Ordinance.

Public Facilities: The site plan and written findings must show that there are adequate public facilities (water, sewer, storm sewer and electricity) and describe the location and size of lines available. Storm drainage from the proposed lots and existing residence will have to be directed to the storm drain system. The formal application will have to show utility connections such as electric and storm drain (potentially gas) as well.

Flag Drive Improvements: Flag drives 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. Please show that these dimensional requirements are met in the formal application. Installation of the Flag Drive and the requisite screening will be conditions of approval on a partition application. The drive and parking areas on parcel 2 shall be designed to accommodate three onsite parking spaces configured in a manner that allows vehicles to exit in a forward manner. Any unused curb-cuts along the frontage would need to be closed under permit from the Public Works Department.

Trees: The application is subject to the requirements of 18.5.7, including a Tree Preservation, Protection and Removal Plan in accordance with 18.4.5. The Tree Protection Plan must identify all trees six-inches in diameter or greater on the property and within 15 feet of the property lines as well as the species and drip line of the trees (see 18.4.5.030 for requirements). Trees must be protected during construction and the impacts of construction activities reviewed in development of the Tree Protection Plan. A Tree Removal Permit is required to remove any trees 18-inches in diameter or greater on the parcel.

Lot Coverage: The maximum lot coverage allowed in this zoning district is 45 percent of the lot area. Lot coverage includes everything on the lot but natural/landscaped areas (i.e. buildings, driveways, walkways, other pavement and soil disturbances that will not allow normal water infiltration). Permeable paving systems for driveways and patio areas cannot be considered landscaping and are required to be included in the lot coverage calculations. Please provide the lot coverage calculations for the existing lot with the application.

Driveway Location and Separation Requirements: Driveways are required to be separated by a minimum of 24-feet. The City's standards seek to consolidate driveways to have a minimum number of accesses that create pedestrian and vehicle conflicts. This may necessitate the establishment of a private access easement across parcel one to the benefit of parcel 2.

Written Findings/Burden of Proof: 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. Applicants are advised that written findings addressing the ordinance criteria are required, and the applicable criteria and required plans are explained in writing below. Applicants are also encouraged to consider enlisting the services of a surveyor, and a private professional land-use planner to prepare their application materials. 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.

Neighborhood Outreach: Planning Staff always strongly encourage the applicants or their agents to approach affected neighbors, make them aware of proposals, and try to address any concerns raised as early in the planning process as possible.

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 of Conservation Division at 541-552-2062. 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 Rick Barton in the Electric Department for service and meter location requirements and fee information at 541-552-2389 or via e-mail to rick.barton@ashland.or.us . Rick 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.

.....
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)



FEES (*non-refundable*): Partition \$ 1,271.25 + 84.5 per unit

***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: July 20, 2023
Aaron Anderson, Senior Planner Date
City of Ashland, Department of Community Development
Phone (541) 552-2052 or e-mail aaron.anderson@ashland.or.us