
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**

October 20, 2021

SITE: 34 Scenic
APPLICANT: Rogue for Gobelman
REQUEST: Land Partition

PLANNING STAFF COMMENTS:

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

General: A Land Partition may be used to create up to three parcels in a 12-month period, whereas the subdivision process is used to create four or more lots in a 12-month period. Where applicable, the Performance Standards Option subdivision chapter (AMC 18.3.9) may be used to create three or more lots. Given that the proposal here is to create three parcels, and the property is not within the P-Overlay where use of the Performance Standards option is outright allowed, the comments provided are for a three-parcel partition.

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. Land Partition approval criteria are in blue below:

AMC 18.5.3.050 PRELIMINARY 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.
To address this criterion, the application should speak to the potential for future development of the proposed Parcel #3, which could best be done with a conceptual development plan. (*If the parent property were developed through a phased Performance Standards Subdivision, the base density within the R-1-7.5 zone would accommodate up to 4.7 dwelling units, and density bonuses could bring this density to 7.6 units. Under the Cottage Housing ordinance, the proposed Parcel #3 alone could likely accommodate 12 cottages.*)

- 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.

There is no City-adopted neighborhood or district plan for this area, and there are no previous land use approvals in place for this property.

- 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).*

Maximum Permitted Floor Area (MPFA): Within the historic districts, all properties are subject to a maximum permitted floor area standard which limits the allowed gross habitable floor area based on the parcel or lot area and number of units. The application would need to demonstrate that the proposed Parcel 1 was adequately sized to accommodate the existing home under the MPFA requirements, and the other two parcels would be subject to MPFA when developed.

Lot Width vs. Depth: The application would need to demonstrate that the proposed parcels are not wider than they are deep (i.e. provide calculations to verify average width). As proposed, it appears that the average width of Parcel 3 may be greater than its depth. If that's the case, the dimensions would need to be adjusted or a Variance requested.

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.

- 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 Criteria.*

Generally: The application will need to detail accesses for the individual lots to address this standard and should consider controlled access requirements, as well as the impact to slopes and trees adjacent to the roadway.

Future Access to Parcel #2: It may be difficult to justify the necessary permitting to disturb unbuildable areas for a future driveway to serve Parcel #2 when a shared driveway with Parcel #1 is demonstrated to work here and/or easement access is available. Typically, driveway construction has triggered Physical & Environmental Constraints permits regardless of the area or volume of disturbance, and would need to address the development standards for Hillside Lands and Severe Constraints Lands, including tree preservation and removal standards.

Parking: For single family homes and duplexes, required parking cannot be located on another property as detailed in AMC 18.4.3.080.A. While a shared driveway access and circulation area is in keeping with standards, parking would need to be provided on the property served or a Variance requested.

Access Easement: The city has been contacted by the adjacent property to the east regarding the existence of an access easement across their property. They are of the opinion that the easement is not valid because it was conveyed by Mr. Ferrman in September of 1958 but Mr. Ferrman is believed to have sold the property in January of that year. The city does not

adjudicate private agreements, but if an application is going to rely on that easement to show that future access to the parcel is possible the application materials should show evidence of the existence and legitimacy of the easement.

- 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.*

Frontage Improvements: Typically, with a Land Partition the applicant would be required to improve the full street frontage of the parent parcel to current city street standards, including dedicating any additional right-of-way necessary to accommodate standard frontage improvements. In this vicinity, Scenic Drive is a residential neighborhood street rather than a shared street (based on the current Transportation System Plan's street map Fig. 6-1) and would typically require a 22-28 foot curb-to-curb paved width with curbs, gutters, seven-foot parkrow planting strip with irrigated street trees and a five-foot wide sidewalk within a 47-57. If these improvements are not proposed to be installed due to slopes, trees, etc. an Exception to the Street Standards would need to be included with the Land Partition application.

Tree Protection/Tree Removal: As required in AMC 18.4.5.030, a tree inventory and tree preservation/protection plan is to be reviewed with all Planning applications. If the removal of *significant trees* is proposed, a Tree Removal Permit is also required, as detailed in AMC 18.5.7.

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.

Demolition/Relocation Review Permit: Any proposed demolition or relocation of an existing structure greater than 500 sq. ft. will require a demolition/relocation review permit from the Building Division. For any questions, please contact Building Official Steve Matiaco at 541-488-5305.

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 Skidmore Academy Historic District, the Hillside Lands and the Wildfire Lands overlays.

MAXIMUM BUILDING HEIGHT: 30 feet maximum height within the historic districts.

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. Avoid using lawn. Provide irrigation system for all landscaped areas. Landscaping shall be designed so that 50 percent coverage occurs after one year and 90 percent coverage occurs after five years.

PARKING, ACCESS, AND INTERNAL CIRCULATION: As detailed in 18.4.3.040, two parking spaces are required for the primary dwelling unit. Parking space dimensional requirements are a minimum of nine feet by 18 feet, with 22 feet of clear space as a back-up dimension required directly behind the space.

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: If the project requires additional water services or upgrades to existing services the Ashland Water Department will excavate and install in the city right of way all water services up to and including the meter on domestic and commercial water lines. If a fire line is required, the water department will also only install a stub out to the location where the double detector check assembly (DCDA) complete with a Badger® cubic foot bypass meter should be placed in a vault external to the building. The vault and the DCDA device housed in it are the responsibility of the property owner and should be placed at the property line. Fees for these installations are paid to the water department and are based on a time and materials quote to the developer or contractor. Meter sizes and fire line diameters will need to be provided to the Water Department at the time of a quote being requested. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.

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
- 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>
- **Exception to Street Standards:** <https://ashland.municipal.codes/LandUse/18.4.6.020.B.1>
- **Variance (*if applicable*):** <https://ashland.municipal.codes/LandUse/18.5.5.050>
- **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 from the sections of the Ashland Municipal Code listed below. 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>
- **Variance (*if applicable*):** <https://ashland.municipal.codes/LandUse/18.5.5.040>

PLANNING APPLICATION FEES

Land Partition:	\$1,120.25 + \$74.50 per lot*
Variance (<i>if applicable</i>):	\$1,120.25 (Type I) or \$2,247.50 (Type II)
Tree Removal (<i>if applicable</i>):	\$0 (<i>where part of a larger application</i>)

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.

For further information, please contact:

Derek Severson, *Senior Planner*

City of Ashland

Department of Community Development, Planning Division

Phone: (541) 552-2040 or E-mail: derek.severson@ashland.or.us

Ashland Fire & Rescue
455 Siskiyou Boulevard
Ashland, OR 97520
541.482.2770

Pre-Application Comments

Date: 10/7/2021
Project Address: 34 Scenic Drive
Permit Number: PREAPP-2021-00292
Project Description: Minor Land Partition – 3 -lots

Ashland Fire & Rescue Contact: Ralph Sartain
541-552-2229
ralph.sartain@ashland.or.us

Fire department comments are based upon the 2019 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Specific Comments

Addressing: A 2-sided address sign shall be posted near the intersection of the street and the driveway, identifying all the address numbers served by the driveway.

Shared Access: Shared fire apparatus access to the three lots is required to be signed as “**No Parking-Fire Lane**”.

General Comments

- **Addressing** - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background and shall be plainly visible and legible from the street fronting the property. Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. OFC 505
- **Fire Apparatus Access Approach** -The angle of approach at the point where the public road transitions to the private fire apparatus access road must meet the City of Ashland Engineering Department specifications. OFC 503.2.8
- **Fire Apparatus Access** -Single Residential Lot-If the furthest point on the structure is greater than 150' from the street, the entire length of the private drive or street must meet fire apparatus access. Fire apparatus access shall be 15 feet clear width, with the center 12 feet being

constructed of an all-weather driving surface. Fire apparatus access must support 60,000 pounds, no parking, have a maximum slope of 10 percent, and have vertical clearance of 13' 6". With the installation of fire sprinklers, 200' of the driveway is allowed to have an 18 percent slope. Inside turning radius is at least 20 feet and outside turning radius is at least 40 feet and must be indicated on site plans submitted for building permits. Fire apparatus access is required to be signed as "No Parking-Fire Lane". Final plat needs to indicate that the private drive is fire apparatus access and must state that it cannot be modified without approval of Ashland Fire & Rescue.

- **Firefighter Access Pathway** – An approved footpath around the structure is required so that all exterior portions of the structure can be reached with the fire hose. Any changes in elevation greater than two feet in height (such as retaining walls) require stairs. The stairs shall be an all-weather surface and meet the requirements as specified in the Oregon Structural Specialty Code. OFC 503.1.1
- **Fire Hydrant Distance to Structures** - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance shall not exceed 300 feet. Hydrant distance can be increased to 600 feet if approved fire sprinkler systems are installed.
- **Fire Hydrants Clearance** - Hydrants must have 3 feet of clearance extending from the center nut of the hydrant all the way around. Fences, landscaping and other items may not obstruct the hydrant from clear view. Hydrants must be shown on site plan when submitting for building permits.
- **Fire Sprinkler System** – If access to site exceeds 10 % the installation of a residential system will be required. The installation of a fire sprinkler system may be an acceptable means to mitigate deficiencies related to other fire requirements such as fire flow, hose reach, fire lane width, fire apparatus turn-around, distance to fire hydrants, and fire department work areas. OFC 503.1.1
- **Gates and Fences** – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.
- **Wildfire Hazard Areas** – On lands designated in the Wildfire Lands Overlay, a "Fuel Break" as defined in Ashland Municipal Code, section 18.3.10.100 is required.
- **Wildfire Hazard Areas** - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. AMC 18.3.10.100
- **Vegetation** – existing and intentionally planted vegetation is required to meet AMC 18.3.10.100B(2) General Fuel Modification Area Standards. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. www.ashlandfirewise.org. Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.
- **Fire Season** – If work will be completed during fire season, check fire season fire prevention requirements found at www.ashland.or.us/fireseason.

Final determination of fire hydrant distance, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review. Changes from plans submitted with this application can result in further requirements. Any future construction must meet fire code requirements in effect at that time. The fire department contact for this project is Fire Marshal Ralph Sartain. He may be contacted at (541) 552-2229 or ralph.sartain@ashland.or.us.

Public Works/Engineering Pre-Application Comment (2021-1020)

1. **Engineered Plans** - Where public improvements are required or proposed, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. One set of these civil plans MUST be submitted DIRECTLY to the Public Works/Engineering Department. All design plans must meet the City of Ashland Public Works Standards. Engineered construction plans and specifications shall be reviewed and signed by the Public Works Director, prior to construction. All public facilities within the development will be designed to the City of Ashland Engineering Design Standards for Public Improvements. The engineered plans shall also conform to the following:
 - If drawings are submitted to the City of Ashland digitally, they shall be true scale PDF drawings. If AutoCAD drawings are also submitted, they shall be compatible with the AutoCAD release being used by the City at that time and shall be located and oriented within the Oregon State Plain Coordinate System (NAD83-89).
 - Drawings sizes shall comply with ANSI-defined standards for page width and height. Review drawings may be submitted in B size (11x17). Bidding and construction documents may also be printed at B size; however, all final as-constructed drawings must be submitted to scale on D-size (24x36) Mylar. Digital files of the as-constructed drawings shall also be submitted. Drawings shall be drawn such that reduction of plans from full size (D sized) to half size (B sized) can be done to maintain a true scale on the half-sized plans.
2. **Street Improvement** – No additional street improvements, *beyond those necessary to comply with City Street Standards*, will be required at this time.
3. **Right of Way** – No additional right of way dedication, *beyond that necessary to comply with City Street Standards*, will be required at this time.
4. **Sanitary Sewer** - The property is currently served by an 8-in sanitary sewer main along the northerly portion of the property. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
5. **Water** - The property is currently served by an 8-in water main in Scenic Drive. City of Ashland Water Department shall tap existing water main and install any new water services and water meter boxes that are proposed by development. City of Ashland Water Department must be contacted for availability, placement and costs associated with the installation of the new water service. Service & Connection Fees will also be required for any new water services installed as part of this project.
6. **Storm Drainage** - The property is currently served by a 12-in storm sewer main along the northerly portion of the property. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements

All development or redevelopment that will create or replace 2,500 square feet or more of impervious surface (buildings, roads, parking lots, etc.) area that discharges to an MS4 (municipal separate storm sewer systems), must comply with the requirements of the DEQ MS4 General Permit phase 2. Applicant MUST follow the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual which can be found at the following website:

<https://www.rvss.us/pilot.asp?pg=StormwaterDesignManual>

All stormwater calculations, reports, drawings, etc. shall be submitted to the City of Ashland Engineering Department for review.

7. **Erosion & Sediment Control** - The following requirements shall be met:
 - All ground disturbances exceeding 1,000 square feet shall implement an Erosion and Sediment Control Plan (ESCP).
 - A 1200-C permit will be secured by the developer where required under the rules of the Oregon State DEQ. City of Ashland Engineering Department must receive a copy of this permit before any construction shall begin.
 - Erosion Prevention and Sediment control measures that meet the minimum standards set forth by the City of Ashland Public Works/Engineering Standard Drawing CD282 must be in place before any construction related to the project begins.
 - Pollution, track out, and sediment dumping into storm water are strictly prohibited per AMC 9.08.060.
 - Drainage from automotive use areas shall be limited to oil concentrations of 10 mg/l by a pre-approved means.
 - Trash storage areas shall be covered or provide additional storm water treatment by an approved means.
 - Off street parking areas shall conform to Ashland Municipal Code 18.4.3.080.B.5, including provisions to minimize adverse environmental and microclimatic impacts.
8. **Driveway Access** – No additional improvements/requirements will be requested at this time, but the applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department. Engineering Department would also like to review the proposed improvements to the driveway off of Granite Street that will feed Lot #2
9. **Permits** – Any construction or closure within the public right of way will require a Public Works permit and before any work in the right of way commences all necessary permits MUST be obtained
10. **As-Built's** - Where public improvements are required or completed, the developer shall submit to the City of Ashland, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
11. **Addresses** – Any new addresses must be assigned by City of Ashland Engineering Department.