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*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.*

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**ASHLAND PLANNING DIVISION**  
**PRE-APPLICATION CONFERENCE**  
**COMMENT SHEET** December 11, 2024

**SITE:** 223 W Hersey  
**APPLICANT:** Derek Sherrell  
**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.*

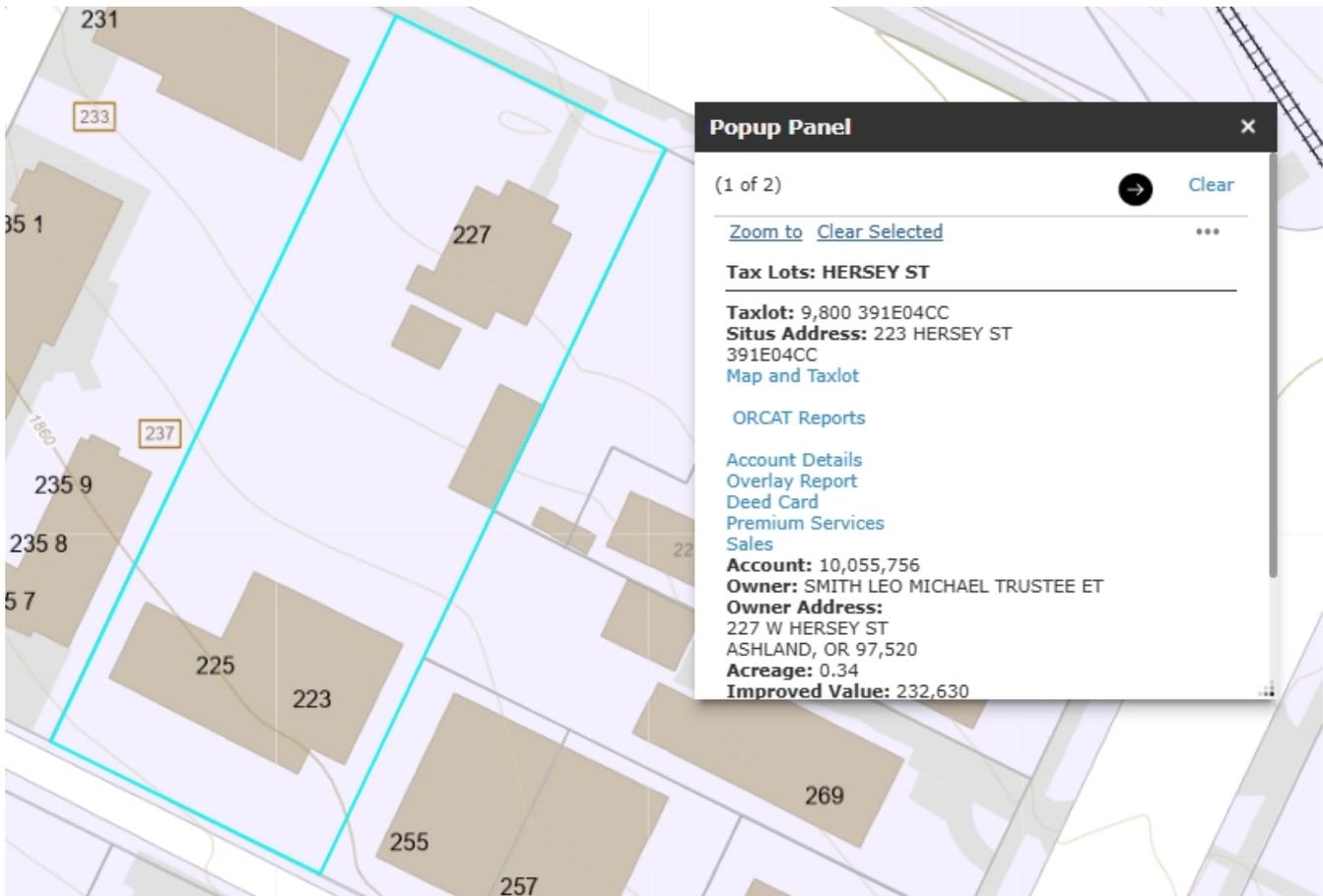
The application is a very straight forward partition. If the desire is to ultimately further subdivide the property the applicant may want to consider pursuing a PSO subdivision instead of a partition as the partition proposal may foreclose on other opportunities going forward, for instance alley access or parking.

For staff the primary concerns are ensuring that the partition does not prevent the property from being able to develop to at least 80% of the base density.

### **Summary:**

- Property owner must be applicant, or authorized agent
- The property is zoned R-3 and is 0.34 acres in size. The allowed density for the R-3 zone is 20 dwellings per acre. Calculated base density =  $0.34 \times 20 = 6.8$ 
  - The property is presently developed with a single-family home and a duplex. Therefore the development potential is three additional units.
  - Minimum required density is 80% of the calculated density ~ 5.44 dwellings. An application shall demonstrate that the proposal doesn't limit the development below 5.
  - The proposed 8,030 sq ft. parcel will have a calculated base density of  $0.1843 \text{ ac} \times 20 = 3.68$ .
  - Only two additional units could be built after the partition. {The partition is reducing the possible development potential.}
- Will not be eligible for MHL, but PSO subdivision is possible [although not required].
- Future development may require that existing non-conforming driveway to be addressed and or relocated.
- There appears to be a water meter at the alley serving the duplex, as well along the street frontage for the main home.
- Development of an additional home on the new parcel would be approved consistent with duplex standards. The development of two new homes would require Site Design Review.
- Complete Frontage improvements including sidewalk and street trees will be required.
- Paved pedestrian access to the rear lot will be required.
- The SITUS address for the property appears to be 223 which is one of the duplex units, and

should be corrected.



**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.

**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.

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## OTHER DEPARTMENTS' 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 water conservation programs, or any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact the conservation department at 541-552-5306 or via e-mail to [conserve@ashland.or.us](mailto:conserve@ashland.or.us).

**ENGINEERING:** *No comments at this time.* 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](mailto:karl.johnson@ashland.or.us).

**FIRE:** *No comments at this time.* Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2217 or via e-mail to [mark.shay@ashland.or.us](mailto:mark.shay@ashland.or.us)

**WATER AND SEWER SERVICE:** *No comments at this time.* Please contact the Water Department at 541-488-5353 with any questions regarding water utilities.

**ELECTRIC SERVICE:** *No comments at this time.* If any upgrades to existing service are necessary, please contact Rick Barton in the Electric Department at 541-552-2082.

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## UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

**ZONING:** R-3, Multi Family Residential

**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 75 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](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

