
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**
May 7, 2025

SITE: Scenic Drive Tax Lot 7302
APPLICANT: Rogue Planning &
Development Services
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.

A very similar pre-application was done in March of 2024 and much of the materials are repeated from that pre-application document.

Proposal: A request for a minor land partition to create three parcels including two flag lots. Staff believe that the proposed partition and property line adjustment at 44 scenic should be combined with this proposal and executed through a single Performance Standards Option Subdivision.

For staff these are the main points for discussion

- The application will require a P&E for the construction of the driveway
- Driveway width of existing drives & driveway separation.
- The previous pre-application did not mention the following: Primary vehicle access to all lots must be provided from Scenic. The previous partition for 34 Scenic included the following condition of approval. (Condition of approval #2 from #PA-APPEAL-2022-00014)

That any future developments of [the subject property] shall demonstrate compliance with the vehicle access standards of AMC 18.4. The applicant’s proposal to satisfy this requirement by providing primary vehicular access from Scenic Drive will require a separate approval of a Physical and Environmental constraints review.

From the findings of #PA-APPEAL-2022-00014, AN APPEAL OF THE ADMINISTRATIVE APPROVAL OF PLANNING ACTION #PA-T1-2022-00168, A THREE-LOT PARTITION OF A 1.32-ACRE LOT FOR THE PROPERTY LOCATED AT 34 SCENIC ST.

2.7.1 The Planning Commission notes the first approval criterion for preliminary partition plat approval is “*The future use for urban purposes of the remainder of the tract will not be impeded.*” The application includes a discussion regarding the future development plan to demonstrate that the proposed partition will not impede future

development of the parcels. The future development plan indicates that the proposed new parcel would be able to be subdivided to create as many as three lots for the development of single-family homes with access provided by a future driveway from Scenic. The Planning Commission finds that the future urban purposes of the oversized parcel 3 can be met with the development a single home as there is no minimum density requirements in the R-1 zones.

The Planning Commission notes that the applicant has provided a driveway design to serve Parcel 3 that would meet the standards for vehicle access upon obtaining a Physical and Environmental Constraints review and approval for the driveway at the time of future development. The Planning Commission finds that the applicants proposal demonstrates that **primary vehicular access from Scenic Drive is possible.** The Planning Commission finds that with a condition of approval that requires that any future development of Parcel 3 shall demonstrate compliance with the vehicle **access standards of AMC 18.4**, that the approval criterion is met.

The existing access easement provided across the adjacent property at 153 Granite Street would remain available as **secondary access** to Parcel 3, as well as for the extension of utilities to serve the property.

Additionally, this was an appeal issue.

2.8.2 The Planning Commission notes that the second appeal issue was that “Existing easement access from Granite Street as proposed to serve parcel 3 and also to be extended to parcel 2 does not conform the standards in section 18.4.3.080.” [citing 18.5.3.050.F]

See: **18.5.3.050 Preliminary Partition Plat Criteria**

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.

18.4.3.080 Vehicle Area Design

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions:

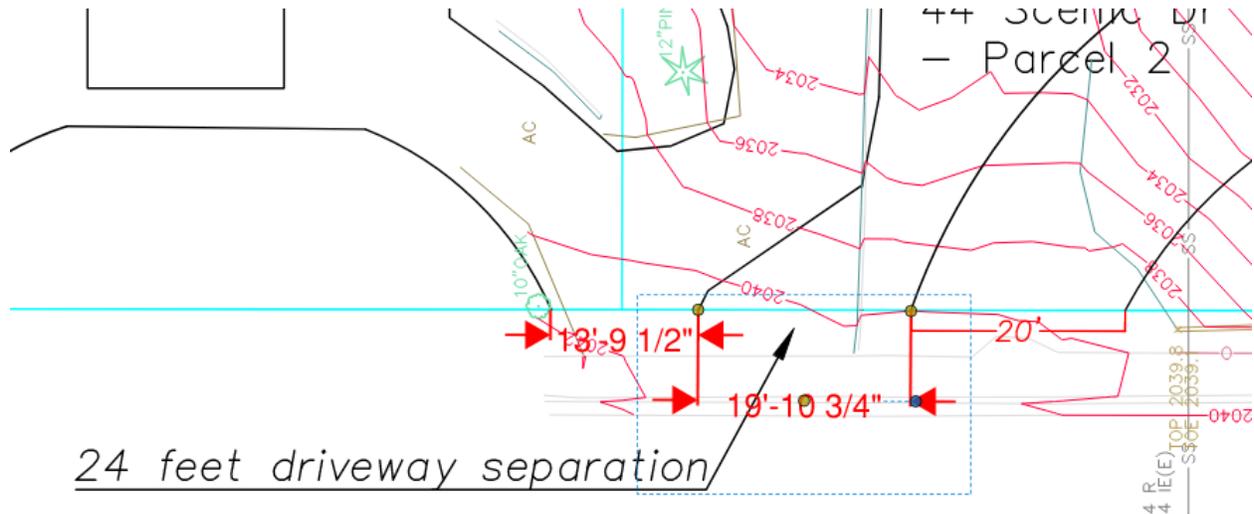
1. A driveway for a single-family dwelling or a duplex shall be a minimum of nine feet in width except that driveways over 50 feet in length or serving a flag lot shall meet the width and design requirements of section [18.5.3.060](#). Accessory residential units are exempt from the requirements of this subsection.

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

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.

The existing driveway is far wider than the maximum allowed and will need to be reduced in width. Based on overhead images we believe that the existing driveway is roughly 30' wide.

The drawing indicates that the driveway is proposed to be roughly 14' wide when it is in fact nearly twice that. Also, it appears that the drawing is not providing the required 24' driveway separation based on the proposed drawings and existing improvements.



The applicant should provide written findings addressing the approval criteria for the Preliminary Partition Plat outlined in AMC 18.5.3.050.

Street Standards (AMC 18.4.6.040): The application requests an exception to the street standards. The request is an exception to installing park row and replacing sidewalks along the approximately 71 feet of frontage on Scenic Drive. The application states that the existing road is paved and is improved with curb and gutter and curbside sidewalks which do not meet City standards. The code states that in certain situations physical and natural features (i.e., topography, mature trees, waterbodies, rock outcropping, and limited right-of-way) may result in exceptions to the standards. 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. However, planning staff generally agree that an exception to street improvement standards may be warranted due to limited right-of-way and topography. However, an exception to the street standards should be addressed and justified fully with the formal land partition application.

Access/Physical & Environmental Constraints Review (AMC 18.3.10) Prior to development and concurrent with the final plat application a Physical and Environmental Constraints Review Permit approval will be required for the construction of the driveway due to areas of steep slopes 35 percent and greater. A geotechnical study and report must be included with the formal application to show that access is available to the proposed parcels. A Physical & Environmental Constraints Review Permit approval for construction of the driveway should address the Approval Criteria as outlined in AMC 18.3.10.050.

In addition, future development of the property may require supplementary documentation addressing AMC 18.3.10.090 Development Standards for Hillside Lands, AMC 18.3.10.110 Development Standards for Severe Constraint Lands, and AMC 18.3.10.100 Development Standards for Wildfire Lands.

Maximum Permitted Floor Area (MPFA): The lot is within the Skidmore Historic District. Within Ashland's 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 newly created parcels would be subject to MPFA when developed.

Flag Drive Improvements (AMC 18.5.3.060): 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. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Please show that these dimensional requirements are met in the formal application.

Additional Preliminary Flag Lot Partition Plat Criteria (AMC 18.5.3.060): In addition, a land partition creating one or more flag lots will need to provide written findings in response to all of the approval criteria in AMC 18.5.3.060. Comments are provided for select items addressed in the pre-application materials, and are as follows:

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.

Access and Minimum Street Frontage (AMC 18.2.4.010): Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition. The pre-application materials show that the frontage is approximately 71 feet and that two of the lots are flag partitions.

K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.

Parking: With regard to parking, staff notes that OAR 660-012-0440(3), adopted as part of the Climate-Friendly & Equitable Communities (CFEC) Rulemaking, imposed significant limitations on cities' abilities to enforce minimum off-street parking requirements. In response to the requirements of the CFEC rules, the City of Ashland adopted Ordinance #3229 which eliminated parking requirements city-wide effective January 19, 2024.

If the applicant chooses to provide parking, then each flag lot will need to include the identification of parking spaces situated so that cars can turn on site and exit to the street in a forward manner in conformance with AMC 18.3.060, Parking Standards.

- 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)*

Useable Yard Area: In addition to identifying an envelope which complies with setbacks and that is entirely outside of the severe constraint lands area, each flag lot would need to identify a 20-foot by 20-foot usable yard area in the formal application.

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 will have to be directed to the storm drain system. The application must demonstrate that all utility connections can adequately provide services to all three lots and public utility easements must be shown on the partition plat. See comments below from the Electric Department regarding electric layout options and comments from Public Works.

Driveway Location and Separation Requirements (AMC 18.4.3.080.C.3): 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.

Building Envelopes (AMC 18.3.10.110): The subject property contains lands which are in the Ashland Severe Constraint Lands overlay. All new lots created from areas containing Severe Constraint Lands must identify building envelopes containing buildable areas (*i.e. areas entirely outside of the Severe Constraints Lands*) of a sufficient size to accommodate the uses permitted in the underlying zone. The application would need to identify building envelopes which are entirely outside the areas with slopes 35 percent and greater.

Setbacks (AMC Table 18.2.5.030): Building envelopes would need to be designed to provide required yard setbacks on each lot.

Solar Access Performance Standards (AMC 18.4.8.020): 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). The final application should identify a solar envelope making clear what heights could be placed on each lot to preserve *Standard A* to comply with the Solar Ordinance

Lot Width/Depth Lot width (AMC Table 18.2.5.030): The minimum lot width in the R-1-7.5 zoning district is 65 feet. Lot width is the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. Lot depth is the horizontal distance from the

midpoint of the front lot line to the midpoint of the rear lot line. The Land Use Ordinance 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 feet.

Ashland Land Use Ordinance, Chapter 18.2.5.030.A, states that *no lot shall have a width greater than its depth*. The application should clearly demonstrate that the proposed partition meets these standards for newly created lots, in addition to meeting the minimum 7,500 square foot lot-size for the R-1-7.5 zoning district.

Lot Coverage (AMC 18.2.5.030.A): The maximum lot coverage allowed in this zoning district is 45 percent of the lot area. Lot coverage includes all impervious surfaces (i.e. buildings, driveways, walkways, other pavement and soil disturbances which do allow for normal water infiltration to the soil). Permeable paving systems for driveways and patio areas cannot be considered landscaping and are required to be included in the lot coverage calculations. Future development of the lots will need to show lot coverage requirements.

Tree Inventory, Tree Preservation/Protection/Removal (AMC 18.4.5 and 18.5.7): The final 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 deciduous trees 12-inches diameter at breast height (dbh) or greater and any conifer 18-inches in diameter or greater on the parcel. A report from an arborist should be provided to address any tree removal permit request and should respond to the applicable criteria. Tree removal permits require mitigation on a one-for-one basis. Provide a Tree Inventory Plan and Tree Preservation, Protection, and Removal Plan, along with an arborist report for any proposed tree removals in the final application.

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: No comments provided. Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2216 or mark.shay@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 Electric to discuss Electric Lay-out options.* Please contact Rick Barton in the Electric Department for service and meter location requirements and fee information at 541-552-2082 or via e-mail to rick.barton@ashland.or.us.

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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.

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APPLICATION SUBMITTAL REQUIREMENTS

Application Requirements: Applications for Outline Plan subdivision approval are processed as a “Type II” procedure which requires a quasi-judicial decision through a public hearing at the Planning Commission. The Planning Commission is subject to on-the-record appeal to the City Council.

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.

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.*

- **the materials required for a Performance Standard Subdivision Plan approval as detailed in chapter 18.3.9.040.**
- **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 pursuant to chapter 18.5.7 may be required.
- **Plans required for a Tree Removal Permit as required in chapter 18.5.7.030**

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.

- Written findings addressing the criteria from chapter 18.3.9.040.A.3 for Outline Plan approval.
- Written findings addressing the criteria from chapter 18.3.9.040.B.5 for Final Plan approval.
- Written findings addressing the criteria from chapter 18.5.7.040.B.2. for Tree Removal Permit to remove a tree that is not a hazard (*if applicable to the final proposal*).
- Written findings addressing the criteria from chapter 18.4.6.020.B.1. for an Exception to Street Standards

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FEES:

Final plan with Outline Plan:	\$3,516 + \$176/lot
Physical	\$1,315.50
Exception to Street Standards:	\$0
Tree Removal Permit:	\$0

***NOTES:** 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, and the first COMPLETE applications submitted are processed at the next available Planning Commission meeting.

For further information, please contact:

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

November 8, 2023
 Date

Public Works Conditions of Approval

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 the 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 current 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.

Where public improvements are required or completed, the developer shall submit as-built drawings 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).

The engineered plans **MUST CONFORM TO THE FOLLOWING:**

- Drawings must be submitted digitally and **MUST** be true scale PDF drawings
- Drawings sizes shall comply with ANSI-defined standards for page width and height.
- Review and construction drawings **MUST** be submitted in B size (11x17).
- All final, as-constructed drawings, **MUST** be submitted digitally as true scale PDF drawings and on Mylar if requested. Final drawings shall be B size (11x17) or D size (22x34). If D size drawings are produced, both B size and D size **MUST** be submitted.

2. Permits – Any construction or closure within the public right of way or public utility easement will require a Public Works permit and before any work in the right of way or public utility easement commences, all necessary permits **MUST** be obtained.

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. Street Improvement – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time. The applicant's proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.

5. 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.

6. Sanitary Sewer - The three proposed parcels are currently served by a 8-in sanitary sewer main along the northerly property line of what will be Parcel 1. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department. Applicant should remain cognizant of existing sanitary sewer main running through the northerly portion of the property

7. 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.

8. Storm Drainage - The three proposed parcels are currently served by a 12-in storm sewer main along the northerly property line of what will be Parcel 1. City of Ashland Engineering Department must review an engineered storm drainage plan. Applicant should remain cognizant of existing storm drain main running through the northerly portion of the property

Storm Water Facility Design Requirements

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-or.gov/stormwater-management-and-erosion-control/rogue-valley-stormwater-quality-design-manual>

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

9. Erosion & Sediment Control - The following requirements shall be met:

- All ground disturbances exceeding 2,500 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.