

*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 DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** December 10, 2025

**SITE:** 767 Oak Street  
**APPLICANT:** Woolsey McKernon  
**REQUEST:** Middle Housing Land Division

### PLANNING STAFF COMMENTS:

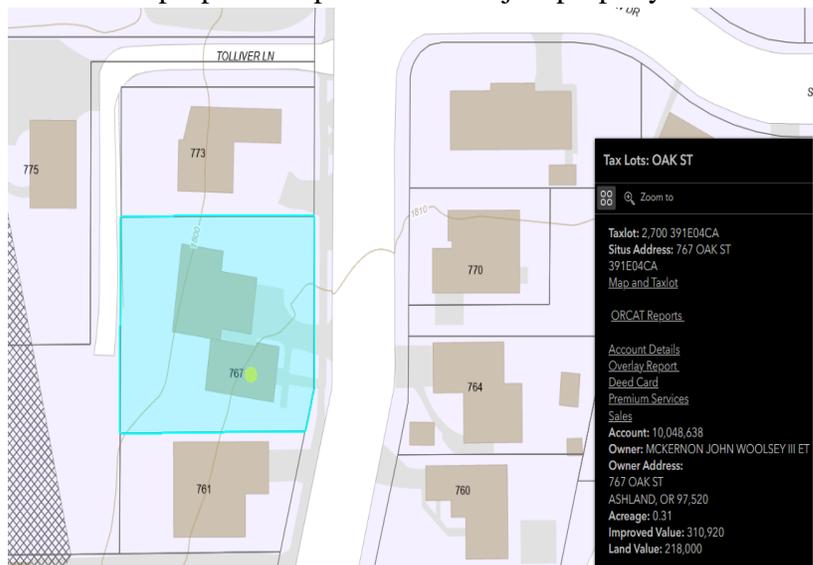
*This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.*

Middle Housing Land Division decisions are made by the staff advisor using the expedited land division procedures in AMC 18.5.1.075. As such, a pre-application conference is voluntary and not mandatory and Middle housing land divisions are not a land use or limited land use decision.

The proposal is for a Middle Housing Land Division (MHLD) for the property at 767 Oak Street. An MHLD is an expedited land division which allows a proposed duplex on the subject property to be divided into two separate lots through provisions recently put forth by the state of Oregon. An MHLD is not a land use action or a limited land use action. A duplex is an outright permitted use in this zone and does not require land use approval. That being said, the applicant will need to ensure that they can meet the standards for MHLD in order to proceed.

The request here is limited to dividing the property into two "middle housing" lots. As proposed, Lot 1 will contain the existing house built in 2006 (2,280 square feet), and Lot 2 would contain an attached 1,185 square foot unit and a 447 square foot garage. The type of middle housing developed on the parent parcel is not altered by a middle housing land division, and newly created middle housing lots are created within the legal parent lot solely for the purpose of providing ownership opportunities. These new middle housing lots are not granted additional development rights and must be maintained to meet the criteria applicable to the "parent lot" (height, lot coverage, open space, etc.).

The main concern is regarding potential building code issues in regards to separating the units including firewall, rooftop deck, existing structure(s) touching at the property line, clear division on ground and what it is supposed to look like. Building permits submittals provided by the applicant will need to



demonstrate that the proposed duplex complies with applicable building codes provisions relating to new property lines and with the Oregon Residential Specialty Code. In terms of submittal planning staff recommend that the applicant seek out the building department and building official for specifics on these issues to as it will have to meet building code standards first in order to proceed with the MHLD. This would most likely be done through building permit submittal and approval beforehand.

**Middle Housing Land Divisions Preliminary Plat Approval Process [AMC 18.5.3.140](#).**

1. Approval Criteria. The Staff Advisor shall approve a middle housing land division preliminary plat upon finding:

- a. The parent parcel is developed with middle housing allowed under ORS [197.758\(3\)](#) or the application for a middle housing land division is being made concurrently with a building permit application for construction of middle housing under ORS [197.758\(3\)](#) on the parcel.
- b. Each resulting middle housing lot or parcel shall contain no more than one middle housing dwelling unit except for lots, parcels, or tracts proposed as common area.
- c. Accessory residential units (ARU) are not permitted on middle housing lots or parcels created under this section.
- d. Each lot is served with its own separate utilities.
- e. All easements necessary for each middle housing dwelling unit shall be identified on the plat. Easements shall be provided to ensure:
  - i. Provision of and access for maintenance and replacement of all utilities;
  - ii. Pedestrian access from each dwelling unit to a public or private street;
  - iii. All dedicated driveways, parking, common use areas or shared building elements and dedicated common areas can be accessed and used.
- f. Evidence submitted by the applicant demonstrates how buildings or structures on the resulting lots or parcels will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code.

**Tree Preservation/Protection/Removal:** While the application for an MHLD is not a land use action, all new structures are subject to the tree removal criteria of AMC 18.5.7.040. If any trees over 6” diameter at breast height (DBH) are proposed to be removed prior to permits/improvements on this site, they would be subject to a tree removal permit.

**Public Facilities:** The application will need to identify existing and proposed public facilities including water, sewer, electric, and storm water. Capacity of the existing facilities should be addressed and necessary upgrades identified. Connection locations and routes of all lines should be addressed in the application submittal as well, with particular attention to how the trenching of utility lines may affect trees. Each lot is required to be served by its own separate utilities.

**Street Improvements:** Street improvements are necessary for an MHLD to be approved; in this instance the property fronts Oak Street which is already built out to full street standards; curbs, sidewalk, parkrow, curb cuts. The parkrow lacks street trees; this could be conditioned out through tree planting.

**Setbacks:** For standard shaped lots, setbacks include fifteen (15) feet for front yards or twenty (20) feet for front-facing garages; six (6) feet for side yards; ten (10) feet per story and five (5) feet per half-story for rear yards.

**Easements:** All easements necessary for each middle housing dwelling unit shall be identified on the plat. Easements shall be provided to ensure access for maintenance and replacement of all utilities; pedestrian access from each dwelling unit to a public or private street; and all dedicated driveways, parking, common use areas or shared building elements and dedicated common areas can be accessed and used.

**Building Permits:** Evidence will need to be provided with the MHLD application submittal demonstrating that as proposed, structures on the newly created lots will comply with the Oregon Residential Specialty Code. This would likely mean providing building permit submittals prior to or concurrent with the application submittal.

**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 100-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 for granting approval. 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 code-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-1-5, Single Family Residential

**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.

**LOT COVERAGE:** A maximum of 50 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:** A Middle Housing Land Division is not a land use action or limited land use action. A duplex is an outright permitted use in this zone and does not require land use approval.

**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. All submittals must also include:

1. **Application Form and Fee.** Applications for Type I 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 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:** *One digital copy of the plans OR one (1) copy 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.*

- **One (1) Copy of the preliminary plat as required in section [18.5.3.140](#).**
- **One (1) Copy of proposed building permit plans**

**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)

- **One (1) copy of written findings addressing the preliminary partition plat criteria found in section [18.5.3.140](#).**

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**FEES (non-refundable):**

Middle Housing Land Division (MHLD)	\$1,349.60
Tree removal – at time of building permit	\$102.60 (if applicable)

**\*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:**

Nick Schubert, Associate Planner  
City of Ashland, Department of Community Development  
Phone (541) 552-2045 or e-mail [nick.schubert@ashland.or.us](mailto:nick.schubert@ashland.or.us)

December 10, 2025  
Date