
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** February 18, 2026

SITE: 805 Clay Street
APPLICANT: Bailey & David Hibbard
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.

Summary: Staff examined this application and have identified a few issues with the proposed land partition as submitted: requirement for a flag lot, including meeting width requirements for access, potential tree removal, and possibly obtaining a demo permit for the existing rear residential structure.

The proposal for a two-lot partition can be approved so long as the garage is removed, or a portion of the existing garage is taken out in order to meet minimum requirements for access as detailed below.

Requirement for a flag lot-the conversation could be predicated on a distinction between a flag drive and a flag lot. In order to have a flag drive the width must be at least 15'. In order to meet the 15' minimum as required for the flag drive you would also need to either remove the existing garage entirely or remove at the very least a 10' section of the garage (the southernmost section).

Distinction between a *flag drive* and a *flagpole* (Definitions from AMC 18.6 below).

AMC 18.5.3.060 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.

Definitions provided in AMC 18.6.1.030:

Drive, Flag: A driveway that serves a single lot or parcel and is greater than 50 feet in length or provides vehicular access to a flag lot(s). See also section 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

Flag Lot: A lot with two distinct parts.

1. The flag, which is the building site; and is located behind another lot.
2. The pole, which connects the flag to the street; provides the only street frontage for the lot with less than 40 feet of frontage on a street; and unless an alley provides access, includes a driveway providing access.

As for the residential structure in the rear of the property the applicant may be required to obtain a demo permit or it must be deemed a hazardous building from the building official in order to be removed as it was used previously as a residential structure-planning staff strongly advises checking with the building

department / building official to ensure which process will be needed if the building is intended to be removed as part of the process to rebuild.

Planning staff would also advise the applicant to reach out to the Public Works Department to verify the status of the Clay Street PW Improvements Project.

Additionally, a complete application will need to address proposed building envelope for the newly created parcel, and tree inventory / proposed tree protection plan for all trees in excess of six-inches DBH (additional information below).

Other Issues/Things to know:

Water Resource Protection Zone: There is a regulated waterway (Cemetery Creek) adjacent to and partially on the west property line of the subject property. In addition to regulations set forth by the state, this is also regulated by Ashland Land Use Ordinance in chapter 18.3.11 – Water Resources Protection Zones. Per AMC 18.3.11.A.3. Cemetery Creek is an intermittent/ephemeral stream. There is a streambank protection zone that includes the stream, plus a riparian buffer consisting of all lands within 30 feet from the centerline of the stream. This area will need to be kept in its natural state and undisturbed by development. Any work that is not exempt will require a Limited Activities/Uses Permit as detailed in AMC 18.3.11.060.

Flag Drive Standards: Driveways in excess of 50 feet in length are considered to be flag drives and subject to the development standards thereof, as detailed in AMC 18.5.3.060. The flag drive serving the lot shall have a minimum width of 15 feet and contain a 12-foot-wide paved driving surface.

Driveway: Driveway separation for neighborhood streets-in no case shall driveways be closer than 24' as measured from the bottom of the existing or proposed apron wings of the driveway approach. Utilization of the existing curb cut will be necessary. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are to be served by the flag drive. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance. All driveways, parking areas, or turn-arounds shall be paved with concrete, asphaltic, or comparable surfacing, constructed to standards on file of the office of the City Engineer.

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.

Drainage Plan: A site drainage plan is required to be submitted with the final application for review and approval by the City of Ashland Building and Engineering Divisions.

Detailed Utility Plan: Location of all [existing and proposed] utilities.

Electric Meter Location - State law requires a separate electric meter for each dwelling unit. Contact the City of Ashland Electric Department for fees for installation of a second service.

Lot Coverage Calculations – Detailed lot coverage calculations shall be submitted with the application. Lot coverage calculations shall include all areas of disturbance, including but not limited to the structure footprints, patios, decks, pathways, driveways and parking areas, etc.

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. An inventory of all trees six-inches in diameter at breast height and greater on the property and within 15 feet of the property boundaries is required with the application under AMC 18.4.5. The inventory must include detailed information including but not limited to species, diameter at breast height, condition, and drip line/protection area of each tree. The plan must clearly identify trees to be preserved and those to be removed and address the tree removal permit requirements in AMC 18.5.7 for significant trees to be removed.

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.

Local Improvement District: The two proposed parcels will be required to sign in favor of a local improvement district for future improvements to Clay Street. Planning staff would also advise the applicant to reach out to the Public Works Department to verify the status of the Clay Street PW Project and whether that project will have any effect on this proposal and/or if an LID is needed or if an easement would better accommodate the upcoming street improvement.

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 dependent 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 DEPT.: *'If there are any existing buildings on the land that is being divided, then Fire Separation requirements will need to be met between buildings and the new property lines. Private utilities are not allowed to cross property lines without a recorded easement. Shared utilities require a maintenance agreement to be recorded in addition to the recorded easement'*. 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 Fire Marshal Mark Shay of Ashland Fire & Rescue for Fire Code-related information at (541) 552-2217 or via e-mail to mark.shay@ashland.or.us.

WATER AND SEWER SERVICE: No comments provided. Please contact Dean LeBret with water or sewer questions at [541-552-2326](tel:541-552-2326) or via e-mail to dean.lebret@ashland.or.us.

ELECTRIC SERVICE: *‘Please contact Electric for service requirements for new lot’.* Please contact Rick Barton in the Electric Department for service and meter location requirements and fee information at (541) 552-2082 if there will be any changes to existing services associated with the request. Rick will arrange an on-site meeting and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan. Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.

CONSERVATION: No comments provided. For information on available Conservation Programs, including potential rebates, tax credits, and financial or technical assistance with energy efficiency improvements, please contact the City of Ashland Conservation Division at 541-488-5305.

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UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

ZONING: R-1-5, Single Family Residential with a 5,00 square foot minimum lot size. Minimum lot width is 50 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 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: 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 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 of the relevant criteria and standards in sufficient detail.
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. The required fee.

1. PLAN & EXHIBIT REQUIREMENTS: *Two (2) copies of the plans below on paper no larger than 11"x 17". Note: These copies may be used for the Planning Commission packets and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.*

Two (2) Copies of the preliminary plat as required in section 18.5.3.040. The following information is required for a partition application submittal.

A. General Submission Requirements.

1. **Partitions.** Information required for a Type I review (see section 18.5.1.050), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, and any information required pursuant to chapter 18.3.9 Performance Standards Option, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by Staff Advisor.

1. **General information**
 - a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in the City or vicinity.
 - b. Date, north arrow, and scale of drawing.
 - c. Location of the development sufficient to define its location in the City, boundaries.
 - d. Zoning of parcel to be divided, including any overlay zones.
 - e. A title block specifying "minor or major partition" and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.
 - f. Identification of the drawing as a "preliminary plat".
2. **Existing Conditions.** Except where the Staff Advisor deems certain information is not relevant,

applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.

- a. *Streets*. Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.
 - b. *Easements*. Width, location, and purpose of all existing easements of record on and abutting the site;
 - c. *Utilities*. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. *Topography and Natural Features*. A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.
 - e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.
 - f. North arrow and scale.
3. **Proposed Development**. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.
- a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions.
 - b. Location, width, and purpose of all proposed easements;
 - c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., private open space, common area, or street).
 - d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.
 - e. Proposed public street improvements, pursuant to chapter 18.4.6.
 - f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.
 - g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.
 - h. The approximate location and identity of other facilities, including the locations of electric, fire hydrants, streetlights, and utilities, as applicable.
 - i. Evidence of compliance with applicable overlay zones.

Two (2) Copies of a Tree Protection Plan as required chapter 18.4.5.030. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit addressing the tree conservation, protection, and removal standards for Hillside Lands in section 18.3.1.090.D and the requirements of chapter 18.5.7 may be required.

- B. Tree Protection Plan Submission Requirements.** In order to obtain approval of a tree protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following.
1. Location, species, and diameter of each tree on site and within 15 feet of the site.
 2. Location of the drip line of each tree.
 3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
 4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.
 5. Location of dry wells, drain lines and soakage trenches.
 6. Location of proposed and existing structures.
 7. Grade change or cut and fill during or after construction.
 8. Existing and proposed impervious surfaces.
 9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
 10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

2. RELEVANT CRITERIA AND STANDARDS: *Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below. The Ashland Land Use Ordinance in its entirety may be accessed on-line at: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf*

Two (2) copies of written findings addressing the preliminary partition plat criteria found in section 18.5.3.050 and 18.5.3.060

- 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

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

February 18, 2026

Date

Public Works Comments

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.
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 property is currently served by an 8-in sanitary sewer main in Clay Street. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
7. Water - The property is currently served by a 8-in water main in Clay Street. 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. Talent Irrigation District - The property appears to have a subsurface TID line crossing it. Talent Irrigation District must be contacted to determine how this line is handled.
9. Storm Drainage - The property is currently served by a roadside ditch in Clay Street. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements

Applicants **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.

10. 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.