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*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.*

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**ASHLAND PLANNING DEPARTMENT  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET**

December 4, 2024

**SITE:** 40 North Main Street  
**APPLICANT:** Rogue Planning/DeLuca  
**REQUEST:** Private Parking Lot

## **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.

**Generally:** In staff's assessment, accessibility to the general public by itself does not determine whether a parking facility is public or private. Ownership and operational control are deciding factors. The Oregon Revised Statutes in ORS 98.805(1)-(4) explicitly differentiate between public parking facilities and private parking facilities in terms of the "ownership or control" of the facility. This bifurcation in state law establishes that public parking facilities are distinctly those managed or controlled by state agencies or public entities, while private parking facilities fall under the control of private entities or individuals and each is provided for differently under state law in terms of regulation. Private parking lots are not listed as an allowed use in this zone under AMC Table 18.2.2.030 "Uses Allowed by Zone", and the ordinance is explicit in AMC 18.2.2.030.D in stating, "Uses not listed in Table [18.2.2.030](#) and not found to be similar to an allowed use following the procedures of section [18.1.5.040](#) are prohibited."

Should the applicant wish to further pursue this issue, the procedure would be to request a formal interpretation by the Staff Advisor on the issue. A brief summary of staff's initial consideration of the issue is provided at the end of this document. The applicant would then have the opportunity to appeal staff's interpretation through a public hearing at the Planning Commission.

**Interpretations:** Interpretations may be either ministerial or a Type I process, depending on whether discretion is involved. Interpretations are discussed in the Ashland Municipal Code in AMC 18.1.5.030 as being subject to the following criteria:

- A.** *The interpretation is consistent with applicability policies of the Comprehensive Plan.*
- B.** *The interpretation is consistent with the purpose and intent of the ordinance provision that applies to the particular ordinance section, or sections, in question.*
- C.** *The interpretation is consistent with the opinion of the City Attorney.*

**Site Design Review Permit:** In the event that a private parking lot were ultimately allowed once an interpretation is resolved, if the site configuration (number and dimension of spaces, circulation, landscaping, etc.) differed from the most recent land use approval or altered approved circulation as

it relates to the public right-of-way, the applicant would also need to obtain Site Design Review approval and demonstrate compliance with all of the applicable vehicle area design requirements.

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## OTHER DEPARTMENTS' COMMENTS

**BUILDING DEPARTMENT:** *No comments provided.* For any Building Codes related questions, please contact Building Official Steven Matiaco via e-mail to [steven.matiaco@ashlandoregon.gov](mailto:steven.matiaco@ashlandoregon.gov) or call 541-488-5305.

**CODE COMPLIANCE:** *No comments provided.* For any Land Use Code Compliance-related information, please contact Code Compliance at (541) 488-5305.

**CONSERVATION DIVISION:** *No comments provided.* For any information on Conservation Programs, please contact Dan Cunningham at 541-552-2063 or via e-mail to: [dan.cunningham@ashland.or.us](mailto:dan.cunningham@ashland.or.us).

**PUBLIC WORKS DEPARTMENT:** *See comments at the end of this document.* Please contact Karl Johnson of the Engineering Division for any Engineering-related information at 541-552-2415 or via e-mail to: [karl.johnson@ashlandoregon.gov](mailto:karl.johnson@ashlandoregon.gov).

**FIRE DEPARTMENT:** *The Fire Department had no project specific comments.* Please contact Fire Marshall Mark Shay for any Fire Department-related information at 541-552-2217 or via e-mail to: [mark.shay@ashlandoregon.gov](mailto:mark.shay@ashlandoregon.gov).

**WATER AND SEWER SERVICE:** *No comments provided.* Please contact the Water Department for any further information at 541-488-5353.

**ELECTRIC DEPARTMENT:** Please contact Rick Barton in the Electric Department to discuss any additional service requirements, fees, etc. at 541-552-2082 or via e-mail to [rick.barton@ashland.or.us](mailto:rick.barton@ashland.or.us).

**OREGON DEPARTMENT OF TRANSPORTATION (ODOT):** *No comments provided from ODOT.* For any additional ODOT-related information, please contact:

Micah Horowitz, AICP | Senior Transportation Planner  
ODOT Region 3 | Southwest Oregon  
p: 541.774.6331 | c: 541.603.8431 | e: [micah.horowitz@odot.oregon.gov](mailto:micah.horowitz@odot.oregon.gov)

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## ZONING DISTRICT REQUIREMENTS

For details on the requirements of the Commercial Downtown (C-1-D) zoning, see <https://ashland.municipal.codes/LandUse/18.2.6.030> “Standards for Non-Residential Zones” and the “Uses Allowed by Zone” Table at <https://ashland.municipal.codes/LandUse/18.2.2.030> .

**PROCEDURE:** The ordinance interpretation procedure is detailed in <https://ashland.municipal.codes/LandUse/18.1.5.050>. Generally:

- At a minimum, an application for code interpretation shall include: 1) a letter citing the nature and reasons for the request, and, 2) as required, a city fee. The Staff Advisor then shall review relevant background information, including but not limited to other relevant ordinance sections and previous City land use decisions.
- Where an application for a formal interpretation is required, the Staff Advisor shall determine whether the request will be processed through a Ministerial or Type I review process. *Where the interpretation does not involve the exercise of discretion, the application shall be processed using the Ministerial procedure in section [18.5.1.040](#); and where an interpretation requires discretion, the application shall be processed using the Type I procedure in section [18.5.1.050](#).* When a code interpretation using the Type I procedure is called up for review, the Planning Commission, following the Type II procedure in section [18.5.1.060](#), shall have the authority to modify the interpretation based on the criteria in section [18.1.5.030](#).
- The Staff Advisor within 30 days of the inquiry shall respond in writing to the person(s) making the inquiry indicating whether additional information or a formal application is required.

### **Application Requirements (AMC 18.5.1.050).**

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 application shall not be considered complete unless the appropriate application fee accompanies it.*
2. *[Submittal Information.](#) The application shall include all of the following information.*
  - a. *The information requested on the application form (see <https://ashlandoregon.gov/DocumentCenter/View/262/Zoning-Permit-Application-PDF>)*
  - 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 (see below and <https://ashlandoregon.gov/DocumentCenter/View/2153/FY24-25-Planning-Division-Fee-Schedule-PDF>).*



## **Public Works/Engineering Pre-Application Conference 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 will require a Public Works permit and before any work in the right of way commences all necessary permits **MUST** be obtained. ODOT will need to review and approve any improvements in the ODOT right-of-way. City of Ashland must obtain a copy of any ODOT approvals and/or permits that are granted before any work in the ODOT right-of-way begins.
  3. **TIA (Transportation Impact Analysis)** – No TIA will be required for this project.
  4. **Right-of-Way**
    - The survey included in the proposal shows that a portion of parking spots #11-19 are inside ODOT right-of-way. **Applicant should work with ODOT to determine how this situation should be handled and whether adjustments to the property line are necessary.**
    - The survey included in the proposal shows that a portion of the “Beaver Slide” crosses the applicants property. **Applicant should work with the City to determine how this situation should be handled and whether an easement or other adjustments are best.**

5. **Street Improvement** – *No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.*

Please contact Karl Johnson of the Engineering Division for any further Engineering-related information at 541-552-2415 or via e-mail to: [karl.johnson@ashlandoregon.gov](mailto:karl.johnson@ashlandoregon.gov).