
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** March 12, 2025
APPLICANT: Parks Department

SITE: 95 Winburn Way
REQUEST: Modification of Site Design
Review Approval

PLANNING DIVISION COMMENTS

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary: The subject property is part of larger, split-zoned tax lot. The area of the Ice Rink lot is zoned R-1-7.5, which is a single-family residential zoning. Site Design Review is required for “New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.” Site Design Review is also required for “Any exterior change... to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.”

The original approval for the Ice Rink cover included Site Design Review to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way, as well as requests for Exception to the Site Design and Use Standards’ Historic District Development Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. The approval included the requirement, “That the period of use for the canopy shall be perpetually limited to Nov. 1st through March 31st. The canopy shall be removed from the site for the remainder of each year.” The period of use condition was based on stipulations contained in the application.

The current proposal would require a modification of the original Site Design Review approval to modify the “period of use” condition.

Historic Preservation Advisory Committee Review: The Historic Preservation Advisory Committee’s (HPAC) Review Board considered the pre-application proposal, and indicated that they did not believe that retaining the ice rink cover in place year round was an appropriate treatment for a property that is individually-listed on the National Register of Historic Places (Lithia Park). The HPAC Review Board meets bi-weekly on Thursday afternoons at 3:00 p.m. by appointment. It is typically advisable to present the application to the full committee at it’s monthly meeting prior to submitting the application, as this gives an opportunity for feedback and advice outside the formal, quasi-judicial setting of a land-use hearing. Appointments for Review Board or for a slot on the Committee monthly agenda can be made through the Planning front office at 541-488-5305. *[In the original application, the fact that the installation was not permanent was an argument for not complying with Historic District Development Standards. The Historic Commission in 2014 also raised concerns with visual, light, and glare impacts which lead both to the limits on the period of use AND the mitigation agreement and associated screening efforts.]*

Building Code/Permit Requirements: It would be advisable to consult with Building Official Steve Matiaco and Fire Marshall Mark Shay before the application materials are finalized. The ice rink cover has been looked at as a temporary/seasonal installation which has allowed for some leeway in building code and permitting requirements. As a permanent installation, the structure will need to meet all building and fire codes (which may require assistance from a design professional and/or engineer) and obtain permits and inspections. It would be valuable to have a clear understanding of these requirements before moving forward with an application.

Modifications to Approved Planning Applications (see AMC 18.5.6)

A change to a condition of approval that could have a detrimental impact on adjoining properties is considered a “Major Modification”. In requesting a Major Modification, the applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The approval authority may require other relevant information, as necessary, in evaluating the request.

A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. *Major Modification applications are subject to the same approval criteria used for the initial project approval, except that **the scope of review is limited to the modification request**. For example, a request to modify a commercial development’s parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.*
2. *A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.*
3. *The approval authority shall approve, deny, or approve with conditions the application, based on written findings. (Ord. 3229 § 13, amended, 12/19/2023)*

AMC 18.5.2.050 Site Design Review Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D here: <https://ashland.municipal.codes/LandUse/18.5.2.050> . The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

- A. **Underlying Zone.** *The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. **Overlay Zones.** *The proposal complies with applicable overlay zone requirements (part [18.3](#)).*
- C. **Site Development and Design Standards.** *The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as*

provided by subsection E, below. *[This would include the Historic District Development Standards.]*

- D. **City Facilities.** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.*
- E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.*
- 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty;*
 - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards; or*
 - 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#). (Ord. 3147 § 9, amended, 11/21/2017)*

OTHER DEPARTMENT'S COMMENTS

BUILDING: Please contact Steven Matiaco in the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: No comments. For information on any currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 488-5305 or e-mail Dan.Cunningham@ashland.or.us.

ENGINEERING: No comments. 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.

FIRE: 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.

WATER AND SEWER SERVICE: No comments. Please contact Dean LeBret at [541-552-2326](tel:541-552-2326) or dean.lebret@ashland.or.us with any questions regarding water utilities.

ELECTRIC DEPARTMENT: The applicant can contact Rick Barton in the Electric Department at (541) 552-2082 to discuss any service requirements or fee information.

APPLICATION REQUIREMENTS

A Major Modification is generally subject to the same review procedure as the Planning Application being modified. In this instance, the original application was approved through a “Type II” land use hearing before the Planning Commission. The Planning Commission would need to consider proposed modifications to their original approval, and their decision would be subject to appeal “*on the record*” to the City Council.

A. Application Requirements.

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. (sometimes called “*written findings*”)
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. [The required fee](#).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available online in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide one digital set of written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Site Design Review**

AMC 18.5.2.050

Plans & Exhibits Required

Please provide one digital set of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Site Design Review Submittals**

AMC 18.5.2.040

FEES: 'Type II' Site Design Review

\$2,756.25 + 0.5 % of project valuation

NOTE: All applications received are reviewed 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.

For further information, please contact:

Derek Severson, *Planning Manager*

Date: March 12, 2025

City of Ashland, Department of Community Development

Phone: 541-552-2040 or e-mail: derek.severson@ashlandoregon.gov