CITY OF ASHLAND

Planning Handbook

Welcome to the City of Ashland
Community Development Department

The Community Development Department provides both planning and building services for the City of Ashland. We take great pride in offering a friendly environment to assist homeowners, neighbors and developers alike, and are ready to help you with the planning and building approval process.

The development process can seem overwhelming, simply due to the number of simultaneously occurring activities. The Community Development Department is here to assist you through the process and seek solutions to problems that may arise during the course of a project. The purpose of this Handbook is to provide an overview of the development process, and while we believe the material will aid in both the predictability and timeliness of developing a project, please remember that staff is always available to assist you.

This is a "living document" and will be continuously changed, updated and improved. Comments and/or suggestions on changes we can make to improve this Handbook – or any of our services – are always welcomed and encouraged.

Throughout this Handbook, we inform the reader that additional information is available online at www.ashland.or.us/ComDev and also at the Ashland Community Development Department. Our offices are located at 51 Winburn Way and we are open 8:00 AM to 4:30 PM, Monday through Friday.

Introduction

Do I need permits?

This simple and common question has a somewhat complex answer. Whether a permit – land use or building – is required fully depends on the proposed activity and may require both. For example, land use permits are required for new signs and often require a separate building permit for their installation. However, a simple outdoor shed may not require even a building permit if it is less than 200-square feet in area and less than 10-feet in height. The best way to find out is to contact Department staff.

What is the difference between a land use permit and a building permit?

These are two separate – but certainly related – permits. A land use permit only considers the particular use of a property, such as whether an owner may divide property or construct a new commercial building. Building permits apply only to the actual construction. Generally, an application must first satisfy land use requirements before the City can authorize building permits.

The Basics

There are three basic steps to development: planning, civil engineering and building construction, although not all projects require each step. For example, a variance to reduce a setback for a house addition would only require planning approval, followed by a building permit. Conversely, a shopping center project not only requires planning approval and building permits, but civil engineering plans for public facility improvements. The following includes a quick overview for each step:

Planning Division

This is where development begins. With few exceptions, a project must receive planning approval prior to construction. The approval process may be as simple as reviewing a single family building permit or it may require a hearing before the City Planning Commission on a development proposal. Regardless of the complexity of a project, each decision begins with an application. While we aspire to make each step in the process easy, if you have questions regarding your application or process, staff is always available to assist you.

The decision timeline depends on the type of application and appeal period. Generally, they may require one business day for a simple permit, and up to 120-days for applications requiring City Council approval.

Engineering Division

Not all projects require the City to review engineering plans for public facility improvements. For example, with a home addition the facilities are already in place. Other projects – such as a new subdivision – will likely require the City's Engineering Division to review engineering plans.

The Engineering Division reviews each land use application and identifies specific improvement requirements. This often occurs during a pre-application conference. If public facility improvements are necessary, you will require the services of a professional civil engineer who will work with City staff on specific requirements. Normally, public facilities must be in place before occupying a building.

Major projects often generate significant amounts of traffic. This may require installation of turn lanes, traffic signals, and similar street improvements. The City's Engineering Division will review potential transportation improvements before you submit an application. In some cases, this may require coordination with the Oregon Department of Transportation (ODOT) or Jackson County. Costs can be significant and we believe it is important you are aware of potential costs before you proceed. At the end of this Handbook you will find contact information for the City's Engineering Division, Jackson County Public Works, and ODOT.

Building Division

The Building staff reviews each application to identify potential building issues. All new construction, and most renovations, require building permits. All building permits can be applied for at the Community Development Department, and simple residential mechanical, plumbing, and electrical permits can also be applied for online at www.ashland.or.us/Building. Once the building permit is issued construction may begin.

As a project progresses, the Building Division will perform the required inspections to ensure the work being done meets the State of Oregon Building Code. The timing and frequency of these inspections will depend on the complexity of your project. A simple residential mechanical permit may only require a final inspection, while a new single family home can require a dozen or more inspections at various stages of construction.

Let's Get Started

Before we examine the City's planning process, a little background may be helpful:

What is the "Statewide Land Use" System?

Oregon is unique in the nation in that the state instituted a Statewide Land Use system in 1973. The System requires each jurisdiction to create a comprehensive plan and zoning ordinance, both organized around 19 Statewide Goals. In addition to the Goals, the program includes statutory requirements (Oregon Revised Statutes), and rules (Oregon Administrative Rules) to carry out the statutes. With this combination, communities address similar issues, improving coordination on critical State-wide issues such as farmland preservation, transportation and urbanization. You may obtain additional information on Oregon's planning system from the Oregon Department of Land Conservation and Development (DLCD) website www.lcd.state.or.us.

What is the Comprehensive Plan?

The Comprehensive Plan is a city's long-range planning document. It identifies the status of the community; how a community wishes to look in the future; and the goals and policies that will help the community reach that desired future. The Plan includes background information and analysis as well as the goals and policies. The Plan also includes a map that projects the long-range land use pattern. In many respects, the Comprehensive Plan can be seen as the "land use constitution" providing a framework for the community's development.

The City of Ashland adopted the original Comprehensive Plan in 1982, and it was acknowledged by the Land Conservation and Development Commission in 1983. Since then the Comprehensive Plan has been updated several times including the Economic; Energy, Air and Water Conservation; Environmental Resources; Parks and Open Space; and Population chapters in 1991; Transportation chapter in 1996; map updates such as the Water Resources map in 2009; master plans such as North Mountain Neighborhood (1997) and Croman Mill District (2010); as well as the adoption of supporting technical studies such as the Local Wetland Inventory, Economic Opportunity Analysis, and Buildable Lands Inventory.

What is the Land Use Ordinance?

If the Comprehensive Plan is the "land use constitution" then the Land Use Ordinance contains the "laws" that implement the goals and policies of the Comprehensive Plan and govern planning on a daily basis. The Land Use Ordinance contains information on uses allowed in particular zones, setbacks and height restrictions, building design standards, parking and landscaping requirements, street design standards, and similar development regulations.

First Step

Before you begin making development plans, it is best to determine the property's zoning and what uses the zone permits.

What are "zones" and how many do we have in Ashland?

A "zone" is a district that permits certain types of property uses while prohibiting others. While each zone focuses on a specific type of use, usually addressing residential, commercial, industrial and public activities, some uses can occur in more than one zone.

Ashland has 14 land use zones. These include six residential zones: Woodland Residential (W-R), Rural Residential (R-R), Single-Family Residential (R-1), Suburban Residential (R-1-3.5), Low Density Multiple-Family Residential (R-2), High Density Multiple-Family Residential (R-3); four employment zones: Retail Commercial (C-1), Downtown Commercial (C-1-D), Employment (E-1), and Industrial (HM-1); two master planned area zones: North Mountain Neighborhood (NM) and Croman Mill District (CM); and finally two special use zones: Health Care Services (HC) and Southern Oregon University (SOU).

There are five additional zones called "overlays" that address special circumstances unique to a property. These include regulations for development within the vicinity of the airport, for residential units in commercial and employment zones, for flexible "performance standards" subdivision development, for development in pedestrian and transit nodes, and for development within key main street corridors.

In addition to the zone and overlays, another consideration is whether the property includes sensitive lands. Similar to the zones and overlays, there are regulations for development on steep slopes, within flood plains, near riparian corridors and wetlands, and within wildfire areas. These Hillside Lands, Flood Plain Lands, Water Resources, and Wildfire Lands are the areas subject to the development regulations, and are designated on the adopted official maps at the City. Additionally, regulations regarding tree protection and tree removal cover trees on all properties in Ashland.

How can I find out about zoning on my property?

There are several ways to determine your property's zoning. First, the zoning map is on the City's website at www.ashland.or.us. Just type "Map Center" in the search bar. The Map Center also includes the Physical and Environmental Constraints and Water Resources maps. The City's Comprehensive Plan and Land Use Ordinance are located at www.ashland.or.us/ComDevDocs. You may also contact the Community Development Department or visit our offices.

Once we identify the zone, Department staff can help you determine whether the zone allows a proposed use or activity, and if so, what specific requirements apply. Remember not all uses require a land use permit; in some cases the use may simply be allowed outright and subject only to a building permit.

Pre-Application Conference

If a land use permit is required, the Land Use Ordinance requires a pre-application conference prior to submitting your permit application. The cost for a pre-application conference is $133 and conferences are typically conducted on Wednesday afternoons. The purpose of the pre-application conference is to acquaint the applicant with the approval standards and application process, to identify opportunities and potential issues with the proposed development, and to provide for an exchange of information between the applicant and City staff. City departments including Community Development, Public Works, Electric and Fire review your proposal and provide comments. At the pre-application conference, Department staff will provide you with the application form, review the standards and process applicable to your specific project, and review the City department comments with you. In turn, you are encouraged to ask any questions you may have of Department staff. To schedule your pre-application conference, please visit the Community Development Department at 51 Winburn Way. Applications are also available online at www.ashland.or.us/ComDevDocs.

What are the fees and when are they due?

The following information outlines the most common fees charged in association with a development application. Because the actual fee amounts will vary greatly depending your specific development, applicants are encouraged to contact the Community Development Department for permit estimates based on your specific project.

- **Pre-Application Fee:** Due with conference application submittal.
- **Land Use Application Fee:** Due with land use application submittal.
- **Building Plan Check Fee:** Due with building permit submittal.
- **Community Development & Engineering Fees *(if applicable)*:** Normally collected prior to issuance of building permit.
- **Building Permit Fee:** Due at issuance of building permit (this fee includes the City's system development charges, school excise tax, and state surcharge)
- **Temporary Power Pole Fee *(if applicable)***
- **Utility Connection Fees**

For a comprehensive list of all fees charged by the City, please visit www.ashland.or.us/ComDevPermits and select ***Misc Fees and Charges Booklet***.

Who do I contact if I need more information?

You may obtain planning and building information by calling the Community Development Department at (541) 488-5305, or visiting our offices at 51 Winburn Way. The Department is open from 8:00 AM to 4:30 PM, Monday through Friday.

On the back cover of this Handbook, we have included a list of additional resources, including other City, County and State agencies that may be of assistance.

The Application Submittal

Application submittal requirements will vary depending on the type of permit your specific project requires. If you are uncertain about what documents you need to submit, please contact the Department and we will be happy to assist you.

Once submitted, Department staff will review your application for completeness. Completeness simply means you submitted all the required material – application form, any maps, site plans and elevations, written documentation, and similar items. Staff will contact you if additional information is required. Please understand this is a critical factor, as by law, we cannot begin the application process until we receive a complete application. The sooner you submit required application material, the sooner the review process begins.

Review Process

Depending on the type of application, Department staff, the Planning Commission, and the City Council has the authority to make a land use decision. City staff may approve minor applications such as sign permits, partitions and small-scale projects. Larger projects – such as subdivisions – require a hearing before the Planning Commission. Finally, applications involving annexations, zone changes, or changes to the Comprehensive Plan or Urban Growth Boundary require hearings before the Planning Commission as well as the City Council, with the final decision resting with the Council.

Approval of a land use application requires compliance with “decision criteria” which are the standards or guidelines for a specific type of application. An application must comply – or be able to comply with – all the decision criteria or the City cannot approve the request. Each type of application review is noted on the following pages.

Ministerial Reviews

These simple applications require review by Department staff, usually within a week of applying. The decision is usually in the form of permit, such as a sign, fence or home occupation permit. Only the applicant receives a copy of the decision.

To summarize the steps:

- Submit application, staff determines completeness.
- Staff reviews the application and issues a decision.
- Approved – complete requirements noted in the decision.

Administrative Reviews (Type I Actions)

These are also Department staff decisions, but involve applications with greater complexity, such as simple land divisions, multi-family developments, and smaller-scale commercial buildings. The ordinance refers to Administrative Reviews as "Type I" planning actions. The Department notifies area property owners who have 14-days to comment on the request. Additionally, the same notice is posted on the subject property so that it is visible from the street. During this time, City agencies – such as Building or Engineering – review the request and submit comments. Afterwards, staff writes a decision and provides notice of the decision to the applicant, surrounding property owners, and those who provided comments. This decision includes a 12-day appeal period. The entire process requires approximately 45 days from the time of submittal of a complete application. Anyone receiving notice may appeal the decision to the Planning Commission.

These types of decisions often contain "conditions of approval" requiring an applicant to complete certain items before a survey plat is signed, the building permit is issued, beginning a use, or occupying the building. For example, a decision may establish a need to install a paved parking area as part of the construction of a new multi-family residential project - the particular condition would require installation of the parking before occupying the building(s).

To summarize the steps:

- Schedule and attend Pre-Application Conference.
- Submit application, staff determines completeness.
- Department mails notice of application for 14-day comment period.
- Staff receives comments, reviews application, and issues a decision.
- Department mails notice of decision to applicant, surrounding property owners, and those who commented.
- Decision becomes final in 12-days if no appeal; otherwise, the Planning Commission hears the appeal.

***Quasi-Judicial* (Type II Actions)**

The Planning Commission conducts a public hearing for significant projects, such as subdivisions and larger scale commercial buildings. The ordinance refers to these projects as "Type II" planning actions. The process requires at least 75 to 90 days from the time of submittal of a complete application to the end of the appeal period.

The Department mails notice of the public hearing to the applicant, area property owners, and interested agencies. Additionally, the same notice is posted on the subject property so that it is visible from the street. At the hearing, the applicant, proponents and opponents all have an opportunity to comment on the request. After receiving these comments and reviewing the staff report, the Commission deliberates and makes a decision. Subsequent to the Commission's decision, Staff prepares a findings document outlining the decision. Afterwards, the Department mails notice of the Commission's decision to the applicant, surrounding property owners, and those who commented at the hearing or submitted written comments. The Planning Commission's decision may be appealed to the City Council.

To summarize the steps:

- Schedule and attend Pre-Application Conference.
- Submit application, staff determines completeness.
- Planning Commission hearing date established.
- Department mails and publishes notice of hearing.
- Staff reviews application and prepares a written recommendation to the Commission 7-days prior to the hearing.
- Commission conducts public hearing, makes decision.
- Staff prepares the findings document outlining the Commission's decision.
- Commission adopts the findings document at the following regular meeting.
- Department mails notice of the Commission's decision.
- Decision becomes final in 12-days if no appeal; otherwise, the City Council hears the appeal.

***Legislative* (Type III Actions)**

These actions require a hearing before the Planning Commission and the City Council and focus on changes to the Comprehensive Plan and Plan Map as well as the Land Use Ordinance and Zoning Map. The ordinance refers to these projects as "Type III" planning actions. The applications may involve a single property, groups of properties, or changes to the text of the Comprehensive Plan or Land Use Ordinance. Appeal of the City's final decision is to the Land Use Board of Appeals (LUBA).

A citizen may apply for a change to the Comprehensive Plan, Zoning Maps, or Ordinance text. The same process applies to each type of request. Legislative applications have the potential to impact properties throughout the City or be of community-wide concern, and therefore typically require six to 12 months.

To summarize the steps:

- Schedule and attend Pre-Application Conference.
- Submit application, staff determines completeness.
- City notifies Department of Land Conservation and Development of the request.
- Planning Commission hearing date established.
- Department mails and publishes notice of hearing. (In some cases, state law requires the City to mail notice to every property owner in the City)
- Staff reviews the application and prepares a written recommendation to the Commission 7-days prior to the hearing.
- Planning Commission conducts public hearing, makes recommendation.
- City staff schedules a hearing before the City Council and repeats the previous notice mailings and publication.
- Council hears the application and renders a decision at the public hearing.
- Staff mails notice of the Council decision to applicant and affected parties.
- Decision becomes final in 21-days if no appeal; otherwise, LUBA hears the appeal.

Public Hearings

A public hearing is exactly that, a hearing open to the public where the Commission or Council review and decide upon a land use application or appeal. Prior to the hearing, the City mails notice to the applicant, area property owners, and affected agencies. This notice provides information on the applicant, proposal, hearing location, date and time, decision criteria, as well as other pertinent information on the case. Effectively, the notice invites the neighborhood to attend the hearing and comment on the application. An individual unable to attend may submit written comments. This is often the case regarding state or county agencies.

The hearing is formal in its organization. The Chair opens the hearing and reads certain statements required by State law. Staff then presents a report, ending with a recommendation. The applicant then testifies (15 minute time limit), followed by those in favor and those opposed (5 minutes per person). The applicant is then provided a final opportunity to respond to any

comments made during the hearing (5 minutes). At that point, the Commission Chair closes the public testimony portion of the hearing and the Commission begins deliberations on the application. Unless there are unusual circumstances, the Commission makes every attempt to make a decision at the end of deliberations.

What rights do I have as an applicant, or neighbor?

One fundamental element of the State planning system is the right to appeal a decision. One may appeal a staff decision to the Planning Commission, a Commission decision of a Type II planning action to the City Council, and Commission and Council decisions to the Land Use Board of Appeals (LUBA), the State's "land use" court. Both the applicant and those receiving notice of a decision have the right to appeal. Decision notices include specifics on appeals process, including timelines and fees.

Additional information on Providing Effective Testimony and Participating in Ashland Land Use Decisions is available online at www.ashland.or.us/ComDevDocs.

Now What?

You received approval of your land use permit, but remain unsure of your next step. To assist with your next step, each land use decision includes "conditions of approval," that is, a list of requirements that implement the land use approval. It is especially important to pay close attention to this material, as you are ultimately responsible for their completion. Where possible, we attempt to list the conditions in sequence of the major development steps: before the signature of the final survey plat (if required), before the building permit is issued, and before the building is occupied and used. Please note, Department staff is always available to help if you do not understand a condition of approval or how to implement the condition. If need be, we can arrange a meeting to review the conditions.

Final Thoughts

The Community Development Department is here to assist you with the City's development process in any way we can. Please give us the opportunity to do so!

Additional information regarding specific land use submittal requirements, necessary forms, and review schedules are available at the Community Development Department. The Department is located at 51 Winburn Way. You may also contact us by phone (541) 488-5305, fax (541) 552-2050, or email planning@ashland.or.us.

Contact Information

General Information
Community Development Department
51 Winburn Way
Ashland, OR 97520
(541) 488-5305
planning@ashland.or.us

Planning Division
Derek Severson, Associate Planner
51 Winburn Way
Ashland, OR 97520
(541) 552-2040
derek.severson@ashland.or.us

Building Permits
Jeremy Payne, Building Official
51 Winburn Way
Ashland, OR 97520
(541) 552-2073
jeremy.payne@ashland.or.us

Engineering Division
Karl Johnson, Assistant City Engineer
51 Winburn Way
Ashland, OR 97520
(541) 552-2415
karl.johnson@ashland.or.us

Electric Department
Dave Tygerson, Operations Superintendent
90 N. Mountain Ave
Ashland, OR 97520
(541) 552-2389
tygersod@ashland.or.us

Fire Department
Margueritte Hickman, Fire Marshall
455 Siskiyou Blvd
Ashland, OR 97520
(541) 552-2229
margueritte.hickman@ashland.or.us

Department of Land Conservation & Development
635 Capitol Street, NE, Suite 150
Salem, OR 97301
(503) 373-0050
www.lcd.state.or.us

Land Use Board of Appeals
550 Capitol Street, NE, Suite 235
Salem, OR 97301
(503) 373-1265
www.oregon.gov/LUBA

Oregon Department of Transportation
District 3 Development Review Planner
100 Antelope Road
White City, OR 97503
(541) 774-6299

Jackson County Road Department
200 Antelope Road
White City, OR 97503
(541) 774-8184
roadsinfo@jacksoncounty.org