

Quick Guide to Development in Ashland

The Community Development Department provides both planning and building services for the City of Ashland. We are ready to help you with the planning and building approval process. 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. You may also contact us by phone at 541-488-5305, fax 541-552-2050, or email planning@ashland.or.us.

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. The best way to find out is to contact 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 and how 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. 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. 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. 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 such as installation of turn lanes, traffic signals, or similar street improvements, 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.

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.

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.

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, 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 \$139 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 staff. City departments, including Community Development, Public Works,

the City's Electric Utility and the Fire Department also review your proposal and provide comments. At the pre-application conference, 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 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?

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. 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***.

The Application Submittal

Application submittal requirements will vary depending on the type of permit your specific project requires. Once submitted, Department staff will review your application for completeness. 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 have the authority to make a land use decision. 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. Below are the various types of review processes:

Ministerial Reviews

These simple applications require review by staff, usually within a week of applying. The decision is usually in the form of permit, and 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) (30-45 Day Process)

These are also staff decisions, but involve applications with greater complexity, such as simple land divisions, multi-family developments, and smaller-scale commercial buildings. The entire process requires approximately 45 days from the time of submittal of a complete application.

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) (75-90 Day Process)

The Planning Commission conducts a public hearing for significant projects, such as subdivisions and larger scale commercial buildings. 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.

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) (6-12 Month Process)

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 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.

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, 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.