



# Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, May 12, 2026

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**Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.**

## I. CALL TO ORDER

7:00 p.m., Civic Center Council Chambers, 1175 E. Main Street

## II. ANNOUNCEMENTS

1. Staff Announcements
2. Advisory Committee Liaison Reports

## III. CONSENT AGENDA

### Approval of Minutes

1. April 14, 2026 Regular Meeting Minutes

## IV. PUBLIC FORUM

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact [PC-public-testimony@ashland.or.us](mailto:PC-public-testimony@ashland.or.us) by 10:00 a.m. on May 12, 2026 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: <https://zoom.us/j/99516386388>

## V. TYPE I PUBLIC HEARINGS

**PLANNING ACTION:** PA-T1-2026-00297

**SUBJECT PROPERTY:** 40 N Main

**OWNER:** Pacific Rental Properties LLC

**APPLICANT:** LaNier Land Consulting, LLC

**DESCRIPTION:** A request for a 'similar use' interpretation of the Land Use Ordinance (LUO) with regards to the distinction between "private" and "public" parking lots.

**COMPREHENSIVE PLAN DESIGNATION:** Downtown; **ZONING:** C-1-D;

**MAP:** 39 1E 09 BB; **TAX LOT:** 10,000

## VI. OPEN DISCUSSION

## VII. ADJOURNMENT

Next Meeting Date: May 26, 2026

If you need special assistance to participate in this meeting, please contact Derek Severson at [planning@ashlandoregon.gov](mailto:planning@ashlandoregon.gov) or 541.488.5305 (TTY phone number 1.800.735.2900). Notification at least three business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting in compliance with the Americans with Disabilities Act.







# Planning Commission Minutes

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

**April 14, 2026**  
**REGULAR MEETING**  
**DRAFT Minutes**

## I. **CALL TO ORDER:**

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

### **Commissioners Present:**

Lisa Verner  
Jay Lininger  
Susan MacCracken Jain  
Russell Phillips  
John Maher  
Kerry KenCairn  
Eric Herron

### **Staff Present:**

Brandon Goldman, Community Development Director  
Derek Severson, Planning Supervisor  
Michael Sullivan, Executive Assistant

### **Absent Members:**

### **Council Liaison:**

Jeff Dahle (absent)

## II. **ANNOUNCEMENTS**

### **1. Staff Announcements:**

Community Development Director Brandon Goldman made the following announcements:

- Community Development office hours have changed to 9:00 a.m.–1:00 p.m., Monday–Thursday, with walk-in hours from 1:00–4:00 p.m. at the Community Center.
- April is Fair Housing Month; the City is collaborating with the Fair Housing Council of Oregon and Oregon Shakespeare Festival on a display highlighting Oregon's fair housing history, on view through April 20<sup>th</sup>.
- The Perozzi fountain has been removed for restoration; carving is expected to begin shortly.
- A Type 1 planning approval was issued for renovation of the former automotive site at A Street and First Street into a food and outdoor seating area.

### **2. Advisory Committee Liaison Reports – None**

## III. **CONSENT AGENDA**

### **Approval of Minutes**

1. March 10, 2026 Regular Meeting Minutes





# Planning Commission Minutes

**Commissioners Maher/ Lininger m/s to approve the consent agenda as presented. Commissioners KenCairn and Herron abstained from the vote due to their absence from the March 10<sup>th</sup> meeting. Voice Vote: Commissioners Maher, Lininger, Phillips, MacCracken Jain, and Verner: AYE. Motion Passed 5-0.**

## IV. **PUBLIC FORUM** – None

## V. **UNFINISHED BUSINESS**

### **Approval of Findings for PA-T2-2026-00066, Kestrel Park Area 7**

#### **Ex Parte Contact**

Commissioner Herron abstained due to a potential business conflict. Commissioner KenCairn recused herself as she had worked on the project. No Commissioners reported ex parte contact.

#### **Decision**

**Commissioners MacCracken Jain/ Maher m/s to approve the findings as presented. Commissioner Herron abstained due to a potential business conflict. Commissioner KenCairn recused herself as she had worked on the project. Voice Vote: Commissioners Maher, Lininger, Phillips, MacCracken Jain, and Verner: AYE. Motion Passed 5-0.**

## VI. **DISCUSSION ITEMS**

### **Discussion of Legislative Updates in Response to State Requirements**

#### **Presentation**

Planning Supervisor Derek Severson presented an overview of required code amendments under **Senate Bill 974 (All Housing)**, which aims to remove procedural impediments to housing production, with a compliance deadline of July 1, 2026 (see attachment #1). Four topic areas were discussed:

1. **Zone Changes / Up-Zones:** SB 974 mandates Type 1 staff decisions for increased residential density without public hearings, conflicting with ORS 227.186, which requires a public hearing. The Commission recommended waiting for state rulemaking to resolve this conflict.
2. **Performance Standards Option (PSO) Subdivisions / PUDs:** Initial urban housing application decisions must be made without hearings, but appeal hearings are permitted. Staff was directed to research the definitions of "initial decision" and "final decision" as the Commission considered retaining the two-tier process.





## Planning Commission Minutes

3. **Variations:** Variations related to urban housing applications must be Type 1 decisions. Discussion included adjusting thresholds in SB 1537. Staff was asked to analyze how these relate to current variance procedures.
4. **Design Standards for Subdivisions:** SB 974 limits the application of design standards for projects with 20+ single- or two-family lots. Staff noted minor amendments needed for compliance, with no immediate direction required from the Commission.

Staff indicated that a model code from DLCD is not expected until early 2027, and that a parallel regional code review through the Rogue Valley Council of Governments is underway but not due for completion until July 2027. Staff will return with proposed code language in advance of the July 1, 2026 deadline.

### VII. **OPEN DISCUSSION**

Chair Verner distributed a brief guide on how to structure and deliver motions during Commission deliberations, and noted that staff will include a recommended motion in future staff reports to assist commissioners (see attachment #2).

### VIII. **ADJOURNMENT**

*Meeting adjourned at 8:15 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*



# ATTENTION

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**For attachments to April 14, 2026  
Meeting Minutes, please use the link  
below:**

**<https://ashlandor.portal.civicclerk.com/event/919/files/agenda/2239>**



# **TYPE I PUBLIC HEARING**

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**PA-T1-2026-00297,  
40 North Main Street**



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# Staff Report



**ASHLAND PLANNING DEPARTMENT**

**STAFF REPORT**

Before the Planning Commission – May 12, 2026

**PLANNING ACTION:** PA-T1-2026-00297  
**OWNER:** Pacific Rental Properties LLC  
**APPLICANT:** LaNier Land Consulting, LLC

**LOCATION:** 39-1E-09-BB Tax Lot 10100, 10600, and 10801  
**ZONE DESIGNATION:** C-1-D  
**COMP. PLAN DESIGNATION:** Downtown

**ORDINANCE REFERENCES:** 18.1.5 Ordinance Interpretations  
18.4.3 Parking, Access, and Circulation  
18.5.1 General Review Procedures  
18.6.1 Definitions

**APPLICATION DATE:** March 26, 2026  
**APPLICATION COMPLETE:** April 2, 2026  
**PUBLIC NOTICE:** April 20, 2026  
**MEETING DATE:** May 12, 2026

**120-DAY DEADLINE:** N/A

**PROPOSAL:** A request for a “similar use” interpretation as provided at AMC 18.1.5 with regards to the distinction between “private parking” and “public parking” as a regulated use.

**I. Introduction**

Land use regulations can be inherently ambiguous. As such, chapter 18.1.5 provides a process for resolving differences in the interpretation of the ordinance text when such ambiguities arise.

**A. Background**

The applicant proposes converting the existing parking area at 40 North Main Street into a publicly accessible, for pay parking facility managed by a third-party operator. This raises a threshold issue of use classification under the Ashland Land Use Ordinance. While the applicant characterizes the proposal as “public parking,” both state law and local interpretation distinguish public and private parking based on ownership and operational control, not public accessibility. Because the facility would remain under private control, it would be classified as private parking.

“Public Parking” is permitted in all residential and commercial zones under the uses allowed by zone table in Chapter 18.2.2, while “Private Parking” is not. The applicant requests a City interpretation that a privately owned, fee-based parking lot qualifies as a similar use to “Public Parking,” arguing that because it is open to the general public, it should be treated as such. An

interpretation consistent with this position would, as a matter of policy, effectively classify privately operated, fee-based parking facilities as “Public Parking,” allowing them in all residential and commercial zones.

As a regulatory matter, the central issue is whether the use is public or private. “Public” is not defined by who may access a parking lot, as the applicant asserts, but by who controls and operates it. In Staff’s assessment, access by the general public, whether free or fee based, is not determinative. Rather, the distinction turns on ownership, operational control, and whether the facility is managed as a governmental function. In practice, this means facilities owned or controlled by a governmental entity. Ashland’s code aligns with this framework, and “Public Parking” has consistently been applied to facilities owned or operated by the City or another public agency, including where the City leases and manages a privately owned lot as public parking. Interpreting “Public Parking” to include privately owned, fee-based facilities open to the public would expand the term beyond its established regulatory meaning and effectively introduce a new category of commercial parking use in all zones without corresponding code standards or legislative action.

#### B. Procedure

The procedure to process an interpretation request is provided in AMC 18.1.5.050, which allows the Staff Advisor to process the request as either a ministerial or Type I planning action, depending on whether discretion is required. Additionally, AMC 18.1.5.060 provides that the Staff Advisor may bypass the procedures in 18.1.5.050 and “refer the request directly to the Planning Commission and City Council for its legislative review” through a Type III process.

Because of the significant citywide policy implications, including whether a legislative amendment would be necessary to allow privately owned, fee based commercial parking facilities in the Downtown C 1 D zone as requested by the applicant, the Staff Advisor has elected to bypass the procedures in AMC 18.1.5.050 and instead refer the request directly to the Planning Commission and City Council. This referral is for consideration of the broader policy question and to determine whether the existing code should be interpreted as requested or amended to expressly address such uses.

The request will be considered through a public hearing following the legislative procedures in AMC 18.5.1.070. That section establishes the Type III process for legislative decisions, under which the Planning Commission conducts a public hearing and makes a recommendation to the City Council, which is the final decision-making body. Legislative actions are not subject to the 120-day decision timeline under ORS 227.178.

#### C. Site Description

The subject property is Tax Lot #10100 of Assessor Map 39 1E 09 BB. As shown on the aerial image below, the site is located at 40 North Main Street at the intersection of North Main Street and Water Street and is zoned C 1 D (Downtown Commercial). The approximately 0.84-acre parcel is developed with the Claycomb Mall, a multi-tenant commercial building, and an associated surface parking lot.

The existing parking area contains 37 marked parking spaces and one ADA accessible space and is currently restricted for use by the property owner and on-site tenants. The applicant proposes to change this condition by converting the lot into a publicly accessible, fee-based parking facility operated independently of the commercial uses on the site.



## II. Director’s Interpretation

Prior to this application, the Community Development Director, acting as Staff Advisor, provided preliminary guidance to the applicant through a pre application review, advising that public accessibility alone does not determine whether a parking facility is public or private, and that ownership and operational control are the key factors. Because this interpretation did not align with the applicant’s objective to establish a fee based commercial parking use, the applicant has requested a formal interpretation.

Given the broader policy implications of the request, the Director has elected to refer the interpretation directly to the Planning Commission and City Council for legislative review. The question presented extends beyond the subject property and has potential citywide applicability, including whether privately owned, fee based commercial parking facilities could be considered “Public Parking” and thereby permitted in all zones under AMC 18.2.2 without specific standards or review criteria. As such, staff has determined that the issue is more appropriately

considered through a legislative process that allows for policy level direction, rather than a staff level determination.

The Land Use Ordinance provides definitions for both public and private parking (definitions under Section III below). In previous discussions with the applicants' representatives the Director has provided the following additional guidance:

**Public Parking:**

Public parking facilities are those owned, operated, or controlled by a governmental entity for use by the general public. These facilities are identified as a permitted use in all zones under ALUO Table 18.2.2.030 and are subject to municipal oversight and enforcement.

**Private Parking:**

Private parking refers to parking facilities that are privately owned and controlled. These facilities may be accessible to the public for use, either free or for a fee, but remain private because all operational control, including rule making and enforcement, is retained by the property owner or their agent.

The C 1 D zoning district permits:

- “Public parking”; and
- “Private parking” only where such parking is accessory to a permitted use.

The C-1-D zoning district does not expressly permit standalone commercial parking facilities as a primary use. The express authorization of accessory private parking implies the exclusion of standalone private parking facilities unless explicitly permitted. Allowing the proposed use would effectively read into the code a use category, commercial parking as a primary use, which is not listed or authorized in the zoning district.

**Interpretation of “Public Parking”**

The applicant asserts that the proposed use qualifies as “public parking” because the “where a property owner elects to allow public access to a privately owned parking lot, the use is functionally equivalent to a public parking facility... The applicant’s proposed pay for parking facility, which would be available for use by the general public... is similar to a Public Parking Area or Lot... because the facility would be open to the public, with use potentially conditioned on payment of a fee.” This interpretation is not supported by the code when read in context in Staff’s assessment.

**A. Textual Analysis**

The ordinary meaning of “public,” in a land use context, refers to ownership, control, or dedication for public use, not merely availability for use by members of the public. A use does not become “public” simply because it allows public access in exchange for payment.

If “public” were interpreted to mean only “open to the public,” then nearly all commercial uses, retail stores, theaters, and restaurants, would qualify as “public,” rendering the distinction between public and private uses meaningless.

## **B. Contextual Analysis**

Within the zoning framework, “public parking” is reasonably understood to refer to:

- Parking facilities owned or operated by a governmental entity; or
- Facilities dedicated or otherwise encumbered for public use as part of a broader public or quasi-public function.

By contrast, the code’s allowance of “private parking” only when accessory to a permitted use demonstrates a clear intent to regulate privately controlled parking as a subordinate use, not as an independent commercial enterprise.

### **Classification of the Proposed Use**

The proposed use is properly classified as a private commercial parking facility based on its functional characteristics. The existing parking lot is currently private parking, as it serves the tenants and customers of the commercial businesses located on site and remains under the control of the property owner. The proposed change would not alter that underlying classification but rather shift the use from accessory private parking to a standalone commercial parking operation. Key characteristics include:

- The facility is privately owned and controlled;
- The operator retains discretion to set rates, terms, and conditions of use;
- Access may be restricted or revoked at the operator’s discretion; and
- The use is intended to generate independent revenue as its primary purpose.

These factors establish that the use is private in nature, notwithstanding any public accessibility.

### **Avoidance of Unreasonable Results**

The applicant’s interpretation would result in broader and unintended policy consequences. Interpreting privately owned, fee-based parking facilities as “public parking” based solely on public accessibility would effectively enable such uses as a permitted use in all zones under AMC 18.2.2. This would introduce a new category of standalone commercial parking as a primary use citywide without any corresponding development standards or legislative review.

In the Downtown C 1 D zone, this interpretation could also have material land use impacts. Allowing fee based commercial parking as a primary use may reduce the availability of accessory private parking needed to support existing commercial tenants and could create incentives to convert commercially zoned properties to surface parking rather than redeveloping them with intended commercial or mixed-use development. This would undermine the purpose of the zoning district to support active, pedestrian oriented commercial uses.

In the original Downtown Plan adopted in the 1980s, the City identified concerns about the impact of parking on the historic built environment and the pedestrian oriented character of downtown. Large, paved areas and driveway access points were seen as detracting from the continuity of the streetscape and overall pedestrian experience. Discussion at the time included the potential for requiring Conditional Use Permits for private off-street parking, along with concerns that pay to park lots would not contribute to downtown vitality and could detract from efforts to draw people to the area. The plan emphasized pedestrian amenities and a vibrant commercial core and recognized that surface parking as a primary use can undermine these

objectives when it displaces active uses or redevelopment potential. Consistent with this policy direction, the City eliminated minimum parking requirements in the C-1-D zone and has since addressed parking demand through publicly managed parking facilities rather than reliance on private, standalone parking uses within the downtown.

Accordingly, in Staff’s assessment, the applicant’s interpretation would not only blur the distinction between public and private uses, but would also introduce land use outcomes that are inconsistent with the intent of the zoning code and the City’s adopted planning framework. By effectively allowing privately owned, fee based parking facilities as a permitted use, the interpretation could alter development patterns in a manner not contemplated by the code, including the conversion of commercially zoned land to surface parking and the displacement or deferral of intended uses. Such an outcome would extend beyond the scope of a code interpretation and would be more appropriately addressed, if at all, through a legislative process that considers where and under what conditions such uses should be allowed.

### III. Supporting Evidence and References

#### A. Allowed Uses List and Prohibited Uses

The Land Use Ordinance provides a matrix of allowed uses and in which zones that they are allowed, conditionally allowed, or prohibited. Where a use is not listed it is prohibited pursuant to AMC 18.2.2.030.D.

Public Parking is listed as Permitted in all zones. Private Parking is not listed as an allowed use and is therefore prohibited.

#### **AMC 18.2.2.030.A. - Uses Allowed in Base Zones.**

Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040.

*Excerpt from Table 18.2.2.030. Uses Allowed by Zone*

|                         | R-1 | R-1-3.5 | R-2 | R-3 | RR | WR | C-1 & C-1-D | E-1 | M-1 | Special Use Standards |
|-------------------------|-----|---------|-----|-----|----|----|-------------|-----|-----|-----------------------|
| Public Parking Facility | P   | P       | P   | P   | P  | P  | P           | P   | P   |                       |

#### **AMC 18.2.2.030.D - Prohibited Uses.**

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. Prohibited uses are subject to the violations, complaints, and penalties sections in 18.1.6.080, 18.1.6.090, and 18.1.6.100.

## B. Similar Uses

If a use is found to be similar to an allowed use, then the similar use would be allowed.

### **AMC 18.1.5.040 - Similar Uses.**

Where a proposed use is not specifically identified by this ordinance or the ordinance is unclear as to whether the use is allowed in a particular zone, the Staff Advisor may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the ordinance accordingly. However, uses and activities that this ordinance specifically prohibits in the subject zone, and uses and activities that the Staff Advisor finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type I procedure, pursuant to section 18.5.1.050, except where the Staff Advisor refers a request for a similar use determination to the Planning Commission for its review and decision through a Type II procedure, pursuant to section 18.5.1.060.

## C. Ordinance Definitions

The Land Use Ordinance provides the following definitions for parking lots.

**Parking Area or Lot** - Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.

**Private Parking Area or Lot** - A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

**Public Parking Area or Lot** - A parking area available to the public, with or without payment of a fee.

## D. Compliance with State Statute

The applicant's interpretation is not supported by Oregon's statutory framework, which distinguishes between public and private parking based on ownership and control, not public accessibility. Oregon law expressly recognizes that privately owned property may be open to the public while remaining private in nature.

This distinction is reflected in different statutory schemes. For example, ORS Chapter 801 generally governs traffic regulation on public roadways and facilities under governmental jurisdiction, while ORS Chapter 98 establishes separate provisions for privately owned parking facilities, including authority for vehicle removal and enforcement on private property. The existence of these parallel frameworks demonstrates that a facility does not become "public" simply because members of the public are permitted to use it.

In other words, Oregon law contemplates:

- Privately owned property that is open to the public; and
- Distinct regulatory and enforcement mechanisms for such private facilities, including towing and access control under ORS Chapter 98.

Accordingly, public accessibility, whether free or fee based, does not convert a privately owned and controlled parking facility into a public use.

#### E. Public Input

Notice was mailed to Ashland News and posted at two locations along the property frontage on April 20, 2026.

### IV. **Procedural: Compliance with Approval Criteria**

AMC 18.1.5.030 provides the following approval 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.

#### A. Consistency with the Comprehensive Plan

The proposed interpretation is not consistent with the applicability policies of the Comprehensive Plan. The Plan emphasizes a balanced transportation system that promotes walking, bicycling, and transit as preferred modes of travel, and supports land use patterns that reduce reliance on the automobile. Allowing standalone, fee based commercial parking as a permitted use would prioritize vehicle storage as a primary land use and could reinforce auto oriented travel behavior, rather than supporting multimodal transportation goals. Interpreting privately owned, fee based parking as “public parking” would therefore be inconsistent with the Comprehensive Plan’s transportation policies that encourage pedestrian oriented development and reduce dependence on single occupancy vehicles.

#### B. Consistency with the Purpose and Intent of the Ordinance

The interpretation that privately owned, fee-based parking facilities qualify as “public parking” is not consistent with the purpose and intent of the ordinance. The code distinguishes between public and private parking based on ownership and control, and permits “public parking” broadly while limiting “private parking” to an accessory role. This structure reflects an intent to allow publicly managed parking as a supporting public function, while preventing privately operated parking from becoming a standalone commercial use unless expressly authorized. Expanding “public parking” to include privately owned, fee-based facilities would undermine this distinction and effectively introduce a new primary use category not contemplated by the ordinance.

#### C. Consistency with the Opinion of the City Attorney

The interpretation is consistent with the opinion of the City Attorney, which is provided below. The City Attorney’s analysis supports the distinction between public and private uses based on ownership and control, consistent with Oregon statutory frameworks that differentiate between publicly controlled facilities and privately owned properties that may be open to the public. This interpretation maintains internal consistency within the code and avoids unintended expansion of permitted uses beyond those expressly authorized.

The City Attorney's Office has reviewed both the applicant's and staff's interpretations of AMC 18.6.1.030 and related provisions, as well as the applicable state towing statutes, and provides the following analysis and conclusion.

AMC 18.1.5.030.C requires that formal interpretations be consistent with the opinion of the City Attorney. In this matter, the City Attorney's Office has determined that ownership and control are the legally significant factors distinguishing public from private parking under state law and the Ashland Municipal Code. While the applicant's proposal would allow members of the public to park for a fee, the underlying property would remain privately owned and controlled, and parking enforcement would occur under the private-property towing statutes rather than through municipal parking enforcement mechanisms.

The first tenant of statutory construction is to look at the plain text and ordinary meaning of the relevant authority, which here is found in the definition section in AMC 18.6.1.030, which distinguishes between a "Private Parking Area or Lot" and a "Public Parking Area or Lot." That a property owner may choose to open their property to other members of the general public does not change the property owner's exclusive control and rights over the property, a key distinction between public and private property.

Another layer of statutory construction is to look at the words within the context of the entire ordinance, or here, to examine when and how these defined terms are used in the code. "Private Parking Area" is not used once beyond this definition. "Public Parking Area" is used multiple times, with the most parallel example occurring in table 18.2.2.030, as mentioned by staff. Here, "Public Parking" is specifically listed as a permitted use. If the code wished to also include the definition of "Private Parking", it would have done so. Rather, its absence from the table may indicate "Private Parking" was specifically not an authorized use. The zoning of the proposed use provides another context for why this rule may exist – the City does not want the downtown to have a disproportionate amount of parking lots in a commercial, tourist, area.

To the extent the applicants argue the plain meaning of a "Private Parking" is itself ambiguous, it is appropriate to look at other authorities that may address a similar question. Under ORS 98.805, "parking facility" means "any property used for vehicle parking," and "owner of a parking facility" includes "the owner, lessee or person in lawful possession of a private parking facility," as well as "any officer or agency of this state with authority to control or operate a parking facility." Read together, these provisions indicate that a parking facility remains private where a private owner or its agent retains control and where enforcement occurs through the private-property towing framework in ORS 98.810–98.830, even if the general public is permitted to park there for a fee. By contrast, on-street parking and municipally operated lots are governed by the City's parking regulations in AMC chapter 11.26 and enforced as a public function, underscoring a distinction between government-operated public facilities and privately controlled facilities governed by state towing and private-property provisions.

Ashland's Land Use Ordinance draws a parallel distinction. "Public Parking Area or Lot" is defined as "a parking area available to the public, with or without payment of a fee," whereas "Private Parking Area or Lot" is defined as "a parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area." When these definitions are read in conjunction with ORS 98.805 and the related towing

provisions, the more coherent reading of “public parking” in AMC 18.6.1.030 is that it refers to facilities owned, operated, or controlled by a public entity. Conversely, “private parking” refers to facilities in which operational control and enforcement authority remain with a private owner or its authorized agent, even when the general public may be allowed to park for a fee.

From a policy standpoint, the City Attorney’s Office advises that reserving the term “public” for facilities that are publicly owned or operated is consistent with the ordinary use of terms such as “public school,” “public park,” and “public defender,” which describe services provided by a governmental entity rather than by privately controlled commercial enterprises. Characterizing a privately controlled, revenue-generating parking lot as “public parking” solely because it is open to paying customers would blur this long-standing public-private distinction, undermine the zoning code’s intent to distinguish between public and private uses, and invite circumvention of use restrictions through labeling rather than through the actual nature and control of the use.

Accordingly, the City Attorney’s Office concludes that the proposed facility is a private parking use because (1) the property remains under private ownership and control, and (2) enforcement would occur under the private-property towing statutes rather than through the City’s parking regulations and municipal enforcement. On that basis, the proposed use is properly characterized as a private, standalone commercial parking facility. It is not permitted as “public parking” in the C-1-D zone and is not allowed as “private parking” because it is not accessory to a permitted primary use.

In light of this analysis, the City Attorney’s Office concludes that staff’s interpretation is consistent with the opinion of the City Attorney as required by AMC 18.1.5.030.C.

## **V. Conclusion**

Based on the foregoing analysis, Staff concludes:

1. The existing parking lot at 40 N. Main Street is properly classified as private parking accessory to the on-site commercial uses;
2. The proposed conversion would change the use from accessory private parking to a standalone, fee-based commercial parking facility;
3. The proposed use does not meet the definition or intent of “Public Parking,” as it would remain privately owned and controlled, and it does not qualify as a “similar use” to public parking under the code; and
4. The zoning code does not permit standalone private commercial parking as a primary use in the C-1-D zoning district.

Accordingly, Staff recommends that the Planning Commission and City Council affirm an interpretation that privately owned, fee-based parking facilities, even when open to the general public, are not “Public Parking” as contemplated by the code, do not qualify as a similar use, and are not permitted as a primary use.

In Staff’s assessment, the current code framework, which does not permit standalone, privately owned, fee based commercial parking as a primary use, has effectively supported the City’s land

use objectives by ensuring that lands intended for urban development are utilized for commercial and residential buildings rather than surface parking. This approach has helped maintain development intensity and support active uses, particularly in areas planned for mixed use and commercial activity.

Staff does not find that a code amendment is necessary at this time. However, if the Planning Commission and City Council determine that such uses should be allowed, Staff recommends directing Staff to initiate a legislative code amendment to clearly define and regulate fee based commercial parking. This would include revisions to the definitions of “Parking, Public” and “Parking, Private,” and a comprehensive evaluation of where and under what conditions such uses may be permitted, specially permitted, or subject to a conditional use permit within the City.



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# **Applicant Submittal**



BEFORE THE DEPARTMENT OF COMMUNITY DEVELOPMENT  
FOR CITY OF ASHLAND, OREGON:

IN THE MATTER OF A CODE INTERPRETATION )  
 )  
FOR A PARKING LOT USE ON LAND ZONED C- )  
 )  
1-D; T.39S, R.1E, SEC.09BB, TAX LOTS 10100, )  
 )  
10600 AND 10801 PACIFIC RENTAL )  
 )  
PROPERTIES, LLC, APPLICANT; LANIER LAND )  
 )  
CONSULTING, LLC, AGENT )

**FINDINGS OF  
COMPLIANCE**

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I. BACKGROUND INFORMATION:

**OWNER:** Pacific Rental Properties, LLC  
800 Ellendale Dr. OFC  
Medford, OR 97504

**APPLICANT:** Same as Owner

**AGENT:** LaNier Land Consulting, LLC  
310 Crater Lake Ave., Ste 103  
Medford, OR 97504  
(541) 897-3477

**APPLICATION:** The applicant requests a code interpretation for a parking lot use on privately owned land zoned C-1-D, located at Township 39S, Range 1E, Section 9BB, Tax Lots 10100, 10600 and 10801; 40 N Main St, Ashland, Oregon. See **EXHIBIT 'A'** for Site Plan.

**LOT/ZONING:** The subject tract is zoned Commercial - Downtown (C-1-D) and is approximately 0.92 acres.



**FIRE DISTRICT:** Ashland Fire and Rescue

**ACCESS:** The subject property is accessed via Highway 99 / Main Street, a public road owned and maintained by the State.

**II. DEMONSTRATION OF COMPLIANCE:**

The purpose of the findings herein is to clearly demonstrate that a private parking facility use in the C-1-D zone complies with the Ashland Municipal Code (AMC), applicable elements of the City Comprehensive Plan and State law.

The subject of this review is the parking lot serving the Ashland Plaza Mall, which has historically been used by downtown visitors, customers, and employees of neighboring businesses since the 1960s. Over time, the parking lot has functioned as an informal public parking resource supporting the surrounding commercial area.

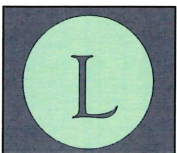
In recent years, the property owner and tenants have experienced a significant increase in unauthorized overnight occupancy and related activities within the parking lot. Reported issues have included camping, sanitation concerns, drug use, unleashed animals, open fires, and other activities that have resulted in safety concerns for tenants, customers, and neighboring property owners. These conditions have generated complaints from tenants, their patrons, and surrounding businesses.

Due to these ongoing issues and the costs associated with towing, enforcement, and private security patrols, the property owner has temporarily closed the parking lot to the general public's use.

To address these concerns while maintaining the parking lot's longstanding role as a downtown parking resource, the applicant proposes to implement a managed pay-to-park system with time-based parking tiers. The purpose of the system is to allow continued public access to the parking facility while establishing a mechanism to support active management and enforcement of parking regulations.

The proposed parking management program is intended to discourage misuse of the property, particularly during overnight hours, while maintaining parking availability for customers, visitors, patrons of the downtown area and employees of nearby businesses. The goal of the proposal is not to generate profit, but rather to provide a structured system that supports responsible use of the property, improves safety conditions, and maintains a visible management presence to monitor and manage the parking area.

In late 2024, a pre-application for the proposed use was submitted to Ashland Community Development. Subsequently, we received a pre-application report from the department (**EXHIBIT 'B'**) and have addressed the Code Interpretation provisions of AMC § 18.1.5 accordingly.



In addition to the findings below, please refer to maps and documents in the attached exhibits for demonstration of compliance with these standards. With this review, City of Ashland can find that a private parking facility use in the C-1-D zone is consistent with the AMC, applicable elements of the City Comprehensive Plan and State law.

## PART 18.1: INTRODUCTION AND GENERAL PROVISIONS

### **18.1.5.030 Interpretation Criteria**

*Any interpretation made through the foregoing procedures shall be based on the following criteria:*

- A. *The interpretation is consistent with applicability policies of the Comprehensive Plan.*

**FINDING:** The Ashland Comprehensive Plan Street Classification Map (Transportation Element, p. 196) designates Main Street / Highway 99 as a Boulevard. Transportation Element Policy 10.05 states that off-street parking for uses located on boulevards should be encouraged. The subject property contains an existing off-street parking lot that has historically served on-site commercial uses as well as visitors and employees of nearby downtown businesses. The applicant proposes to continue utilizing the existing off-street parking facility while implementing a structured parking management system intended to improve security, oversight, and parking availability.

The proposal is also consistent with Transportation Element Policy 10.09.02, which encourages the provision of parking lots and parking structures and the shared use of existing parking facilities among nearby businesses (Policies 10.09.02(31) and (36)). The proposed pay-to-park system would maintain public access to the parking facility while supporting surrounding commercial uses and improving parking management within the downtown area.

The Transportation Element also references the Ashland Downtown Plan, which identifies the subject property as being located within the “core” parking management area (Downtown Plan, p. 67). The Downtown Plan identifies a goal of providing short-term, convenient, economical, and user-friendly parking for customers, clients, and visitors within the downtown area.

The applicant’s proposal to implement a managed pay-to-park system would maintain public availability of the existing parking resource while providing a mechanism for improved oversight, enforcement, and turnover of parking spaces. These improvements support the Comprehensive Plan’s objectives related to downtown accessibility, parking management, and support for commercial activity.



Therefore, the proposed parking management system is consistent with the applicable policies and objectives of the Ashland Comprehensive Plan and the Ashland Downtown Plan. **The provisions of this section are met.**

- 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.*

**FINDING:** The following 'Allowed Use' section is in question:

18.2.2.030 *Allowed Uses*

- A. *Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040.*
- D. *Prohibited Uses. 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.*

Table 18.2.2.030 *Uses Allowed by Zone*

|                         | R-1 | R-1-3.5 | R-2 | R-3 | RR | WR | C-1 & C-1-D | E-1 | M-1 | Special Use Standards |
|-------------------------|-----|---------|-----|-----|----|----|-------------|-----|-----|-----------------------|
| Public Parking Facility | P   | P       | P   | P   | P  | P  | P           | P   | P   |                       |

18.6.1.030 *Definitions*

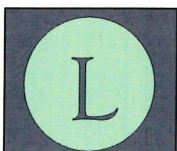
*Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.*

*-Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.*

*- Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.*

The two definitions are similar in several structural and regulatory respects:

1. **Both define a land use classification and have the same functional purpose.** Both describe a parking area or lot, meaning land that is designated and used for the parking of vehicles. The physical use of the space is the same in both definitions. Each term establishes



a recognized category of parking use for purposes of zoning, land-use regulation, and development standards. In both cases, the defined area is a designated portion of real property used for the parking or temporary storage of motor vehicles.

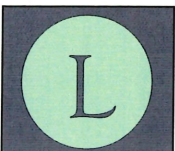
2. **Both contemplate an identifiable parking facility located on a specific parcel and same type of land use category.** Each definition presumes the existence of a defined parking area situated on a lot or parcel of land, indicating that the parking use is tied to a specific property interest and subject to applicable land-use controls. Each definition refers to a designated area for vehicle storage/parking, implying a structured or recognized land use rather than informal roadside parking.
3. **Both assume ownership and operational control.**  
The primary similarity is that both regulate who is allowed to use the parking area, but they differ only in the scope of that access:
  - **Private Parking Area/Lot:** access is restricted to the property owner and people they authorize. In this case they want to help the public.
  - **Public Parking Area/Lot:** access is extended to the general public, potentially subject to payment or other conditions.

In both definitions, a property owner or city operator retains legal control over the parking facility, including the authority to regulate access, establish conditions of use, and maintain the premises.

4. **Both function as regulatory distinctions rather than structural distinctions.**  
The definitions do not materially distinguish the physical characteristics of the parking facility; rather, they differentiate the legal status of access and use rights associated with the parking area. Both assume management or ownership. Each definition implies that the parking area is controlled by an owner or operator who determines the conditions of use (either limiting access or allowing public use).

The above sub-definitions are substantially similar in that both fall within the broader definition of a Parking Area or Lot, as each describes a designated area of land used for the parking or temporary storage of motor vehicles. The primary distinction between a Private Parking Area or Lot and a Public Parking Area or Lot relates to who is permitted to use the facility, rather than any difference in the physical characteristics or operational function of the parking area. A Public Parking Area or Lot is defined as a parking facility available to the general public, with or without payment of a fee. If a privately owned parking lot is made available for use by the general public, it functions in a manner consistent with a public parking facility regardless of the ownership of the underlying property.

In discussions with the Applicant's attorney, Mark Bartholomew, he explained his interpretation of AMC 18.6.1.030. He stated that it defines private parking area or lot as, "A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area." It also defines public parking area or lot as "A parking area available to the public, with or without payment of a fee." He noted there may be some overlap between these definitions, particularly if individuals who pay to park are considered part of those "permitted" by the owner to use the space.



However, he emphasized that rules of statutory interpretation require that all provisions of a statute be given effect, so each definition retains meaning.

He argued that if the City classifies a lot as private solely because it is privately owned, it overlooks the possibility that a privately owned lot may still function as a public parking facility if it is open to the public for a fee. To give effect to both definitions, he stated that a private lot must be one restricted either to the owner or to individuals specifically authorized by the owner. As an example, he cited a bank parking lot, where parking is limited to customers conducting business, making it a private lot. Alternatively, a public parking lot is one open to the public “with/without payment of a fee.” The definition does not include any identification of whether the OWNER is public or private. If the owner restricts parking to certain users—such as employees or customers—then the lot is private. If the owner allows anyone to park there for any reason, it is public.

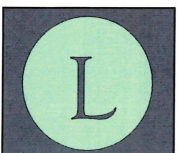
Mr. Bartholomew also stressed that statutory interpretation should not add language that does not exist in the text, noting that the code does not specify anything about the nature of the owner.

Accordingly, where a property owner elects to allow public access to a privately owned parking lot, the use is functionally equivalent to a public parking facility. Under such circumstances, charging a fee for parking is a customary operational component of parking facilities and is commonly used to fund maintenance, management, and enforcement necessary to ensure safe and orderly use of the property.

The applicants’ proposed pay-for-parking facility, which would be available for use by the general public. As such, the facility is consistent with the definition of a Public Parking Area or Lot, which is defined as a parking area available to the public, with or without payment of a fee. Because the proposed parking facility would be open to the public and may involve payment for use, it is functionally and operationally consistent with a public parking facility defined in Ashland Municipal Code 18.6. Because the facility would be open to the public, with use potentially conditioned upon payment of a fee, it is materially consistent with the definition of a public parking facility.

Table 18.2.2.030 identifies permitted, conditional, and prohibited uses within each zoning district. Where a specific use is not expressly listed in the table, and Chapter 18.6 does not define the use or provide it as an example of an allowed use, AMC 18.1.5.040 authorizes the city to determine whether the proposed use is allowable based on its similarity in character, function, and impacts to other listed uses.

In this instance, the proposed pay-for-parking facility is not separately listed as a distinct use. However, Chapter 18.6 defines both Private Parking Area or Lot and Public Parking Area or Lot, each describing a designated area used for the parking of motor vehicles. The definitions differ primarily with respect to who may use the parking facility, rather than the physical characteristics or operational function of the use.



Because the applicant proposes to make the parking area available for use by the general public, with payment of a fee, the proposed use most closely aligns with the definition and operational characteristics of a Public Parking Area or Lot. Public parking facilities are permitted in the C-1-D (Downtown Commercial) zoning district.

Accordingly, pursuant to AMC 18.1.5.040, the proposed use may reasonably be interpreted as consistent with a public parking facility and therefore should be considered a similar use and be allowable within the C-1-D zoning district. **The provisions of this section are met.**

C. *The interpretation is consistent with the opinion of the City Attorney.*

**FINDING:** The Agent acknowledges that a “private parking facility” is not explicitly listed as a separate use within the Ashland zoning code. However, the absence of a specific listing does not necessarily indicate that the use is prohibited. Rather, under AMC 18.1.5.040, where a use is not specifically listed or defined, the city may determine whether the proposed use is allowable by evaluating its similarity in character, function, and impacts to other uses permitted within the zoning district. It seems reasonable to interpret the code such that public parking facilities that happens to be privately owned is a permissible use that are functionally similar to, and regulated in the same manner as, “public parking facility”, particularly with respect to location, design, and operational standards.

Both Private Parking Areas or Lots and Public Parking Areas or Lots, as defined in AMC 18.6, fall within the broader category of land used for the parking or temporary storage of motor vehicles. The primary distinction between the two definitions concerns who may access the parking area, rather than the fundamental nature or operational characteristics of the use.

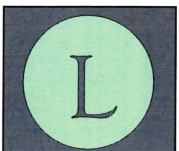
The applicant proposes to operate the subject property as a pay-for-parking facility available to the general public. In evaluating whether this use is similar to permitted uses within the C-1-D (Downtown Commercial) zoning district, the following factors are relevant:

1. **Character of the Use**

The proposed use involves the parking of motor vehicles on a designated portion of the property. This activity is identical in character to the use described under Public Parking Area or Lot, which is a recognized and permitted use in the commercial zoning district.

2. **Functional Operation**

The functional operation of the proposed parking facility is consistent with that of other parking facilities permitted within commercial areas. The lot would provide short-term vehicle parking for customers, visitors, and patrons of nearby businesses, which is a customary and supportive uses within downtown commercial districts.



3. **Traffic Generation and Intensity**

Parking facilities typically generate less traffic and fewer operational impacts than many other uses permitted within the C-1-D zone, such as retail establishments, restaurants, or entertainment venues. Vehicle movements associated with a parking lot are generally intermittent and limited in duration.

4. **Compatibility with Surrounding Uses**

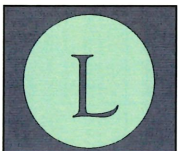
Parking facilities are commonly located within downtown commercial districts to support nearby businesses and visitors. The proposed use would provide additional parking resources for the downtown area and is compatible with the surrounding commercial land uses.

Mr. Bartholomew also addressed the pre-application comment referencing ORS 98.805 (see ORS in **EXHIBIT “C”**). After review he indicated that ORS 98 has to do with special laws regarding towing regulations and not parking and is inapplicable. He indicated that ORS Chapter 801 is more relevant, as it defines “premises open to the public,” which is a necessary condition for enforcing vehicle laws on private property. He provided examples to illustrate this distinction: a private driveway is not open to the public and therefore not subject to such regulations, whereas a Safeway parking lot, though privately owned, is open to the public and thus subject to vehicle code enforcement.

Based on this interpretation, he concluded that privately owned parking lots can still be open to the public. In the context of the Ashland code, this means that a privately owned parking lot may function as a public parking lot if it is open to public use.

By formally designating and posting a portion of the subject property as a parking facility, the owner would be better equipped to manage the property in accordance with state law governing abandoned or improperly parked vehicles. Establishing the parking area through Site Plan Review would also allow the City to ensure compliance with applicable design, access, and safety standards.

Based on the similarity in character, function, traffic generation, and compatibility with surrounding uses, the proposed pay-for-parking facility is substantially similar to a Public Parking Area or Lot, which is permitted in the C-1-D zoning district. Accordingly, the proposed interpretation is reasonable and consistent with the intent of the Ashland Land Use Ordinance. **The provisions of this section are met.**



III. SUMMARY:

Based upon the information submitted with this application, the City of Ashland finds that the applicant has provided sufficient information demonstrating that a private parking facility open to the public is substantially similar in character and function to a public parking facility, which is identified as a permitted use within the C-1-D (Downtown Commercial) zoning district.

The proposed use is therefore consistent with the intent and applicable provisions of the Ashland Municipal Code (AMC). Additionally, the proposal is consistent with the relevant policies and objectives of the City of Ashland Comprehensive Plan and complies with applicable Oregon State law.

Based on this information and exhibits attached, the applicant respectfully requests approval of this application.

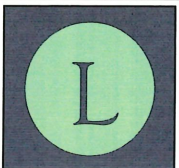
RESPECTFULLY SUBMITTED,



Megan LaNier  
*LaNier Land Consulting, LLC*



# Exhibit A



# EXHIBIT MAP

LYING SITUATE WITHIN

NORTHWEST QUARTER OF SECTION 9  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR

**Pacific Rental Properties L.L.C.**

800 Ellendale Drive  
Medford, Oregon 97504

## LEGEND

- 1" BRASS DISC MONUMENT FOUND
- PROPERTY BOUNDARY LINE
- BOUNDARY LINE
- X-X- FENCE LINE
- - - EASEMENT LINE
- D.R. DEED RECORD, VOLUME/PAGE



SCALE: 1" = 20'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Shawn Kampmann*

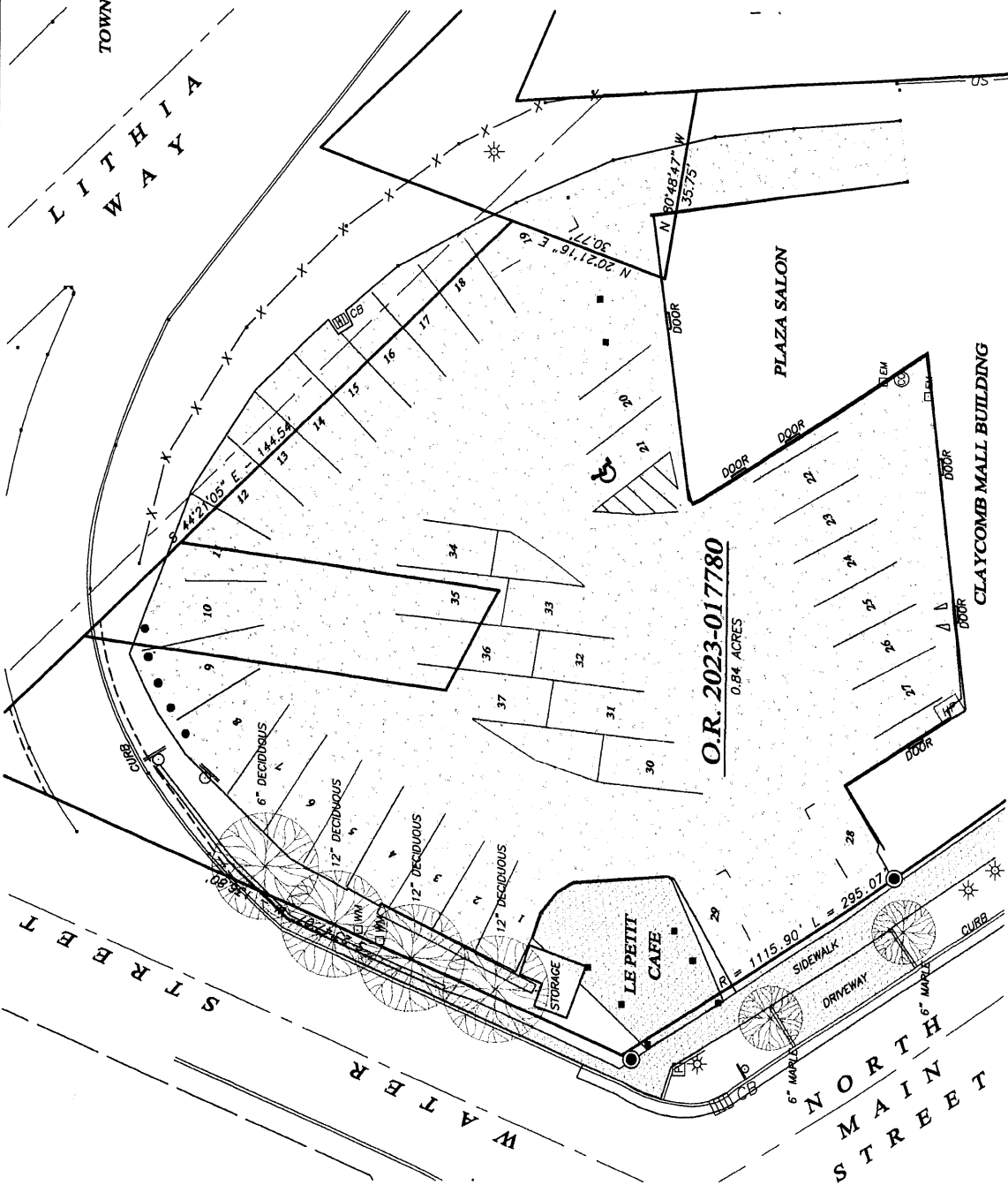
OREGON  
JANUARY 2015  
SHAWN KAMPMANN  
2883 LS

RENEWAL DATE: 6/30/2025

SURVEYED BY:

**POLARIS LAND SURVEYING LLC**  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5009

DATE: OCTOBER 10, 2024  
PROJECT NO. 1136-17

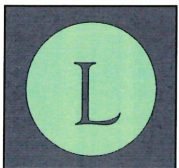


**O.R. 2023-017780**  
0.84 ACRES

**POLARIS LAND SURVEYING**

Assessor's Map No. 39 1E 098B, Tax Lots 101100, 10600 & 10801

## Exhibit B



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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

Private Parking Lot @ N Main & Water.dds  
December 4, 2024  
**Page 1**

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> .

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**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).

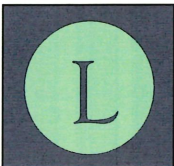
The engineered plans **MUST CONFORM TO THE FOLLOWING:**

- 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).

# Exhibit C



# ORS 98.805

## Definitions for ORS 98.810 to 98.818, 98.830 and 98.840

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As used in this section and ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien), 98.830 (Towing abandoned vehicle from private property) and 98.840 (Towing vehicle alternative to procedure in ORS 98.810 to 98.818):

- (1) "Owner of a parking facility" means:
  - (a) The owner, lessee or person in lawful possession of a private parking facility; **or**
  - (b) Any officer or agency of this state with authority to control or operate a parking facility.
- (2) "Owner of proscribed property" means the owner, lessee or person in lawful possession of proscribed property.
- (3) "Parking facility" means any property used for vehicle parking.
- (4) "Proscribed property" means any part of private property:
  - (a) Where a reasonable person would conclude that parking is not normally permitted at all or where a land use regulation prohibits parking; **or**
  - (b) That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling or a duplex.
- (5) "Tower" means a person issued a towing business certificate under ORS 822.205 (Certificate).
- (6) "Vehicle" has the meaning given that term in ORS 801.590 ("Vehicle."). [1979 c.100 §2; 1981 c.861 §23; 1983 c.436 §2; 2007 c.538 §9; 2017 c.480 §1]