
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
July 9, 2025

SITE: 1401 Siskiyou Blvd
APPLICANT: Heiland Hoff / Ashland Baptist Church
REQUEST: Conditional Use Permit

PLANNING DIVISION COMMENTS

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

Summary: The proposal to locate Ashland Baptist Church at the existing building at 1401 Siskiyou Boulevard #4. The existing space has been vacant for some time but was previously used for takeout food/retail use as a Papa Murphy's Pizza. The applicant intends to only change the use and a few minor interior alterations within the existing suite including an additional bathroom, storage room and elevation stage area with ramp.

The change in use to a church will require a Conditional Use Permit (CUP) in the C-1 zone. A complete application should provide extensive detail on the interior floor plan and uses to determine the total parking demand. Presuming a CUP is successfully approved a majority of your work will be with regard to the building dept. Please be aware that you may need a licensed design professional to prepare any construction drawings. It is strongly advised that the applicant check with the building department/building official for any further questions regarding commercial construction drawings, etc.

RLUIPA

The Religious Land Use and Institutionalized Persons Act (RLUIPA, 42 USC § 2000cc et seq) prohibits zoning and land use regulations that impose a “substantial burden” on the religious exercise of a person, including a religious organization¹. In the Ashland Land Use Ordinance ‘Religious Institutions and Houses of Worship’ are conditionally allowed use in all zones, as such require a CUP for their operation. The Courts have found that any “individualized assessment,” such as a Conditional Use Permit, triggers the protections afforded under the “substantial burden” provisions of RLUIPA. These occur whenever a land use official makes a decision based on subjective or discretionary approval criteria as is the case with a CUP. Additionally, any restrictions that are put in place on such a CUP must be because of a “Compelling State Interest.” The courts have held that under RLUIPA typical land use concerns such as traffic congestion, neighborhood compatibility, and preservation of neighboring property values rarely rise to the level of a “compelling state interest”. As such, the city must proceed

¹ The “general rule” of RLUIPA, codified at 42 USC 2000cc-(a), prohibits local and state governments from applying a land use regulation in a manner that imposes a “substantial burden” on the religious exercise of a person, religious assembly or institution, unless the government demonstrates that the burden is in furtherance of a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest. (Young v. Jackson County, 58 Or LUBA 64 (2008))

with caution and offer broad latitude when reviewing a religious CUP to ensure that the city is not in violation of RLUIPA.

CONDITIONAL USE PERMIT

As mentioned above in the Ashland Land Use Ordinance all ‘Religious Institutions and Houses of Worship’ are approved with a CUP. The city may impose conditions on the use to mitigate adverse impacts on the neighborhood, including restriction of hours of operation, and limitations on the duration and decibel levels of amplified music. These conditions may be put in place so that there is no excessive noise, traffic, or otherwise negative impacts on the surrounding community.

The application must address the following approval criteria from AMC 18.5.4.050.A for a Conditional Use Permit.

18.5.4.050 Conditional Use Permit Approval Criteria

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection [18.5.4.050.A.5](#), below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows:
 - d. C-1. The general retail commercial uses listed in chapter [18.2.2](#) Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

Staff notes, the application would need to weigh the adverse material impacts of the proposed church use against the target commercial retail use and demonstrate that the proposal would have no greater adverse impacts on the neighborhood than the commercial use. Traffic, parking, noise, light and glare are common adverse material impacts.

Information Required:

The final application will need to include a clear narrative responding directly to the specific criteria of the Conditional Use Permit, and include details of the site (including existing and proposed building location, parking, circulation, landscaping, etc.) and the building (floorplans delineating the area used by the church in the specific suite and making clear any modifications to the existing building proposed here). The site plan will need to be drawn to a standard scale (architect or engineering scale) and demonstrate that parking is placed, sized, and treated according to standards, etc. Specific details of the use in terms of number of services per week and the days and hours that they are proposed to take place along with the number of people attending said services, any noise amplification specifics, lights, etc. Applicant will also need to address that there will be ample parking available from the existing parking lot and that noise will be reduced as to not affect neighbors and any other potential disturbances.

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

Written Findings/Burden of Proof: 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. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

BUILDING: No comments for this application. Please contact the Building Division for any building code related questions at 541-488-5305 or via email to building@ashlandoregon.gov.

CONSERVATION: No comments. For information on available conservation programs, including any available appliance rebates or financial or technical assistance for energy efficient construction, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via email to dan.cunningham@ashlandoregon.gov.

ENGINEERING: No comments. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us.

FIRE: No comments at this time. Please contact Mark Shay from the Fire Department for any Fire Department related information at 541-552-2217 or via email to mark.shay@ashlandoregon.gov.

WATER AND SEWER SERVICE: No comments. For any questions regarding water and/or sewer utilities, please contact Dean Lebret at 541-552-2326 or email dean.lebret@ashlandoregon.gov

ELECTRIC SERVICE: “Electric Approves”. Please contact Rick Barton in the Electric Department for service requirements and connection fee information at (541) 552-2082 or via email to rick.barton@ashlandoregon.gov.

PROCEDURE

Conditional use permits are subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- 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).

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

Written Statements

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

- **Conditional Use Permit AMC 18.5.4.040**

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches, and reproducible copies that are drawn to a standard architect’s or engineer’s scale.

