

# Council Business Meeting

February 19, 2018

<b>Agenda Item</b>	Pioneer Parking Lot Boundary Improvement Options	
<b>From</b>	Paula C. Brown, PE Kaylea Kathol	Public Works Director Project Manager
<b>Contact</b>	<a href="mailto:paula.brown@ashland.or.us">paula.brown@ashland.or.us</a> <a href="mailto:kaylea.kathol@ashland.or.us">kaylea.kathol@ashland.or.us</a>	541-552-2411 541-552-2419

## SUMMARY

The City has analyzed four proposed improvement options along the northern property line of the City-owned parking lot at 130 N. Pioneer Street (hereafter Pioneer Parking Lot). Proposed improvements aim to minimize disturbances and complaints associated with consistent and prolonged loitering and camping in the planter strip along the property line.

## POLICIES, PLANS & GOALS SUPPORTED

Proposed improvements aim to minimize certain frequent infringements of the Ashland Municipal Code that occur when individuals or groups of people loiter and/or camp in the planter strip along the northern property line of Pioneer Parking Lot. Improvements support elements of Title 9 and Title 10 of Ashland Municipal Code as follows:

- AMC 9.08.110, which prohibits scattering of “any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal, or vehicle traveling upon a public way.” People who loiter or camp on the northern property line tend to leave all forms of refuse in the planter strip and on the neighboring property, 150 N. Pioneer Street. City employees and the neighboring property owner must clean the refuse on a regular basis. Refuse ranges from benign and unsightly (e.g. empty beverage cans and bottles) to potentially dangerous (e.g. needles and human waste). Proposed improvements will create an environment that is less conducive to those seeking a place to loiter/camp and will thereby minimize the accumulation of refuse.
- AMC 10.46.020, which prohibits camping “upon any sidewalk, street, alley, lane, public right-of-way, park, or any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code, by the owner of the property, or by emergency declaration under AMC.” The planter strip provides an often-utilized opportunity for unauthorized camping. Proposed improvements will result in a planter strip that is less attractive to potential campers.
- AMC 10.56.020, which prohibits trespass or access “upon real or personal property belonging to the City or any person within the City.” While the planter strip itself is accessible to the public, the neighboring privately-owned property at 150 N. Pioneer Street is frequently subject to trespass by individuals or groups who access it via low spots in an existing boundary fence. Proposed improvements will minimize opportunities for trespass onto private property from City property.

## **PREVIOUS COUNCIL ACTION**

On October 26, 2016, the owner of 150 N Pioneer Street, Stan Potoki, sent a letter to Council describing ongoing disruptive behavior by individuals and groups of people congregating in the planter strip along his shared property line with Pioneer Parking Lot. Council addressed Mr. Potoki's letter during the January 9, 2017 Study Session. The staff report and the letter are located [here](#). During the Study Session, Council directed staff to explore options for mitigating the disturbances, including physical changes to the planter strip, hiring security, and code changes. Detailed minutes are located [here](#).

## **BACKGROUND AND ADDITIONAL INFORMATION**

In the Study Session on January 9, 2017, City Council directed staff in Public Works and Ashland Police Department (APD) to explore options to address complaints regarding individuals and groups of people congregating and displaying disruptive behavior in Pioneer Parking Lot. Public Works chose to focus their efforts on physical options for: a) reducing loitering, camping, and hiding within the northern property boundary; and b) reducing the neighbor's exposure to disruptions in the parking lot. Public Works chose this approach because the majority of complaints received involved disruptive behavior on this portion of the property, and all such complaints were voiced by the neighbor, Stan Potoki, at 150 N. Pioneer Street.

### **Project-Specific Criteria for Success**

Following Council's direction, Public Works staff identified three requirements that would need to be met in order to successfully address the ongoing disruptive behavior in the planter strip. Staff determined that a successful project must accomplish the following criteria (in order of importance):

1. Create an atmosphere in the planter strip that is not conducive to loitering, camping, and/or hiding, per Ashland Police Department's (APD) description of Crime Prevention through Environmental Design in problem areas (attached as Exhibit A)
2. Provide a visual and audible screen between 130 and 150 N. Pioneer Street
3. Reduce opportunities for trespass onto 130 N. Pioneer Street from 150 N. Pioneer Street

### **Project Constraints**

In addition, staff identified the following project constraints:

1. Budget – \$60,000 is budgeted for improvements.
2. Work window – this project should occur between November 1 and March 31 due to the amount of parking spaces it will “lock up” during construction. Loss of parking spaces during Ashland's busy tourist season (April 1-October 31) is unacceptable.
3. Physical - Significant underground utility conflicts within the buffer strip, including power, telephone, and natural gas.
4. Code - AMC stipulates maximum fence heights.

### **Proposed Options**

Staff developed four improvement options that were evaluated against the project-specific criteria for success and the project constraints. The options are presented in a cumulative format; each option incorporates and builds upon the basic elements of the former option.

### ***Option 1: Upgrade lighting only***

Narrative. This option proposes to replace the existing high-pressure sodium (HPS) luminaires with noticeably brighter light emitting diodes (LED). The existing light heads are fairly dim because several of the panes on the luminaire have been painted black to reduce glare in an adjacent residence, and because tress have grown around the lights. LED luminaires with panes that have not been blacked-out will better illuminate a dim area, thereby discouraging loitering in the planter strip and supporting APD's desires for better parking lot illumination (see Exhibit A).

Estimate. The luminaires are approximately \$3,500 per each. Replacing three luminaires will cost about \$10,500. This estimate is based on internal communication regarding recent similar purchases.

Project-Specific Criteria. This option addresses project-specific criterion number 1. Better illumination will discourage people from loitering and camping at night by eliminating the "hide out" atmosphere that currently exists after dark. However, Option 1 will do nothing to discourage entry into the buffer strip during daylight hours.

Considerations. This option has low complexity. This project can be done by internal labor. It will have no nexus to underground utilities, has a fixed cost (i.e. will not exceed budget) and it can be completed any time, even outside of the work window, without significantly impacting parking.

### ***Option 2: Upgrade lighting AND rebuild fence***

Narrative. Adding on to the previous option, this option proposes to remove rails and panels from the existing fence, and rebuild a fence using existing posts. This option will allow the City to bring the entire fence up to the maximum height allowed by AMC (currently there is at least one low spot that allows for trespass) and will eliminate all lattice portions of the fence, which detract from the fence's ability to provide a visual screen. Posts/footings in poor condition (if any) will need to be replaced. A fence will cost between \$20/ft if posts are good, and \$30/ft if posts need to be replaced (communication with Quality Fence on December 6, 2018). This 150-ft fence will cost between \$3,000-\$4,500. Staff assumes the higher cost will prevail.

Estimate. The fence will cost \$4,500 and lighting upgrades will cost \$10,500. Total cost is \$15,000.

Project-Specific Criteria. This option addresses project-specific criterion number 1 by providing better illumination and making the planter strip a less attractive place to loiter, congregate, or camp after dark. This options addresses criterion number 2 by providing a better visual, though not audible, screen for Mr. Potoki. This option addresses criterion number 3 by eliminating certain low points in the fence that currently encourage trespassing.

Considerations. This option has low to moderate complexity. Rebuilding a fence on existing posts/footings helps keep costs well within budget and allows for rapid completion within the time window, assuming labor is available immediately, and the work can be procured in a timely manner. Current labor availability in the Rogue Valley has been delaying many projects, so the City may wish to include a liquidated damages clause in the contract to minimize the risk of the project extending into the busy tourist season. This option starts to develop some uncertainty when the condition of the fence posts is taken into consideration. Some of them may need to be replaced, which is why we've assumed the higher cost. There is risk associated with replacing posts pertaining to underground utilities. A telephone line, a gas line, and a lighting circuit run along either side of the fence. Risk can be moderated by setting new posts in the exact location as the old posts.

***Option 3: Upgrade lighting, rebuild fence, AND upgrade landscaping.***

Narrative. In addition to the improvements described in Option 2, this option proposes to implement a landscaping plan that involves new irrigation, thorny, low-growing bushes, and the removal and replacement of trees that are currently obscuring lighting. This option supports APD's suggestions for environmental design provided in Exhibit A.

Estimate. Staff estimates that the fence and lighting will cost \$15,000, alteration of an existing landscape design will cost \$1,000, and landscaping/irrigation work will cost approximately \$15,000. The total estimate for this option is \$31,000. The landscaping/irrigation estimate is difficult for us to make and is based on unit prices from other recent projects and a general educated guess based on the fairly small size of the project.

Project-Specific Criteria. This option addresses project-specific criterion number 1 by providing better illumination and making the planter strip a less attractive place to loiter, congregate, or camp after dark. Removing senescent trees that have grown into the existing lighting will further improve illumination. In addition, planting the area with low-growing, thorny bushes will create an unwelcoming environment for people who wish to hide, loiter, congregate, or camp in the planter strip during both daylight and night hours. This options addresses criterion number 2 by providing a better visual, though not audible, screen for Mr. Potoki. This option addresses criterion number 3 by eliminating certain low points in the fence that currently encourage trespassing, and by creating an environment that a potential trespasser would not desire to enter in the first place.

Considerations. The complexity of this project is moderate. There is some risk related landscape demolition, specifically, falling three large senescent trees. This risk can be mitigated by requiring a certified arborist perform the falling and ensuring the City arborist is involved in approval of the tree falling plan. This option will also require replacement of the irrigation system, which introduces the moderate risk of conflict with an underground light circuit. Ensuring locates have been performed in advance, and hand trenching where necessary, should mitigate the risk of conflict. This project also presents the risk of extending beyond the work window. If this option is started too late during the work window, it will likely need be performed in two phases.

***Option 4: Upgrade lighting, upgrade landscaping, and build a concrete masonry unit (CMU) wall***

Narrative. This option was originally suggested to Council and was the City's primary choice, as it met all three of the Project-Specific Criteria. Staff solicited this option for competitive bid, and the lowest responsive bid was substantially higher than the amount budgeted. This option triggers the state's prevailing wage law, which further escalates already high costs.

Estimate. This option will cost between \$147,000-\$154,000. This estimate is based on the responsive low bid.

Project-Specific Criteria. This option meets all the project-specific criteria consistent with option 3. It also provides a better audible screen for the neighboring property than option 3.

Considerations. This option has a high level of complexity. This option introduces conflicts with three different underground utilities, requires a significant amount of demolition, and could exceed the work window if weather conditions are too poor for excavating a footing trench, pouring concrete, and/or performing masonry work.

## **FISCAL IMPACTS**

\$60,000 was budgeted for this project. Costs are summarized in the table below.

<b>Option</b>	<b>Description</b>	<b>Estimate</b>	<b>Confidence in Estimate</b>	<b>Complexity</b>	<b>Meets Success Criteria</b>
1	Upgrade lighting	\$ 10,500	★ Moderate	Low	
2	Upgrade lighting, fence	\$ 15,000	★ Moderate	Low-Mod	
3	Upgrade lighting, fence, landscaping	\$ 31,000	☆ Low	Moderate	
4	Upgrade lighting, landscaping, build CMU wall	\$ 150,000	★ High	High	

## **STAFF RECOMMENDATION**

Staff recommends Council approve Option 3 (upgrade lighting, fence, and landscaping). This option optimizes project-specific criteria while remaining within budget. Complexity is moderate and risks can be mitigated. Even under worse-case scenario (i.e. replace the whole fence, including posts), this option is expected to stay within the \$60,000 budget. However, if this option is started during the winter of 2019, it will likely need to be split into two phases, including lighting and fencing in March 2019, and landscaping in November 2019, to ensure landscaping work does not occur during the 2019 tourist season.

## **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

1. I move to approve Option 3 as recommended by staff.
2. I move to approve (state other option).
3. I request staff develop a different option (state desired effect)

## **REFERENCES & ATTACHMENTS**

Attachment 1: Letter from Ashland Police Department describing Crime Prevention through Environmental Design

Attachment 2: Letter and details from Stan Potoki

## Kaylea Kathol

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**From:** Matt Carpenter  
**Sent:** Friday, September 14, 2018 5:29 AM  
**To:** Kaylea Kathol; Paula Brown  
**Subject:** Parking lot  
**Attachments:** IMG\_20180913\_221751065.jpg; IMG\_20180913\_221746847.jpg; IMG\_20180913\_221743121.jpg; IMG\_20180914\_024255217.jpg

Hi Kaylea and Paula,

I just checked my voicemail and found a message from Kaylea from last Friday regarding some input for the parking lot at Lithia/Pioneer. My apologies for getting back to you a week later. I have been preoccupied with field training a new officer on graveyard and haven't been down to my desk in awhile.

I'm guessing that you were looking for some Crime Prevention Through Environmental Design input for the parking lot. Without putting something formal together, my main recommendations would be improved lighting and keeping the landscaping to the 2'/6' rule. I have attached 3 photos of a public parking lot in Medford that can be found at 10th/Riverside. In my ideal vision, I think our Lithia/Pioneer parking lot would look like this. The ground foliage is low, and even though there are some plants over 2', they aren't concealing. The lighting is well placed LED lighting throughout the parking lot keeping the whole area illuminated. With the combination of lighting and landscaping, it is very easy to see into and out of this area. (Side note: as we look forward to potentially more projects downtown, I would love to see this kind of lighting in various areas, especially those that are more problematic such as City Hall, Black Swan courtyard and Three Penny Mercantile area.)

In regards to landscaping and our Lithia/Pioneer lot, we do have that stretch of landscaped area adjacent to the Lithia sidewalk. What I might suggest we do with that area is low ground cover foliage (again, lower than 2') covering as much of the area as we can to deter loitering and wearing down of the landscaping. One thought I had was lining the perimeter of the landscaped area with low foliage to act as a barrier similar to a fence, with the interior of the landscaped area filled with barkdust and other misc. plants. I'll admit I'm not a landscape architect but, as you are probably aware, we have had problems of loitering/partying in this area and I'd just like us to design landscaping to deter people from loitering in the landscaping itself.

While doing a little research on this, I found that the city of Milwaukie, Wisconsin, had some of their parking lot landscape design guidelines posted online and they seem to utilize CPTED principles in their designs. (Here's the website: <https://city.milwaukee.gov/Designguidelines/UrbanDesignResources/Parking-Lot-Perimeter-lmv.htm#.W5uiDM5KiUk>) Some of the shrubbery is taller than I'd like, but some of their examples look really good. For example, under the images/examples section on the page, I really like tybe "b" landscaping (with or without a fence).

I attached a 4th picture which is just of another area that I thought had good lighting fixtures. The picture is on the back side of the SOU theater building right alongside University Way. You can't see the details of the fixtures themselves in the photo, but they look nice and put out a good amount of light.

At any rate, I'll be back to my normal day shift next week (Wednesday through Saturday) and would be happy to continue to be part of any of these conversations. Thank you for including me on this!

MC

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Matt Carpenter, Police Officer  
Central Area Patrol  
City of Ashland Police Department  
1155 East Main Street  
Ashland, OR 97520  
PH: (541) 552-2155  
TTY: (800) 735-2900  
FAX: (541) 488-5351

[www.ashland.or.us/police](http://www.ashland.or.us/police)

[www.facebook.com/ashlandpolicdept](https://www.facebook.com/ashlandpolicdept)

This e-mail transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2155. Thank you.

February 9, 2019

Paula Brown  
Public Works Director  
City of Ashland  
20 E. Main Street  
Ashland, Oregon, 97520

Re: Packet for city council meeting

Hello Paula,

As per arrangements, I am providing a letter and attachments for the next city council meeting. My letter includes a number of color photos.

I am not sure how this gets forwarded to the mayor, city administrator, and council members. I would appreciate it if they could receive the photos in color as well. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Potocki". The signature is fluid and cursive, with a small dot at the end.

Stan Potocki

Encl: Packet for city council meeting



February 7, 2019

From: Stan Potocki ([stanvrc@mind.net](mailto:stanvrc@mind.net))  
To: Mayor Stromberg, City Administrator Kelly Madding, Ashland City Council Members  
Subject: Mitigation, City of Ashland parking lot, Lithia Way and Pioneer

Greetings,

My name is Stan Potocki. Just a brief word of introduction as some of you know me but there are new council members whom I have not met.

I am a small business owner and have lived in Ashland for over 40 years. I am a vocational rehabilitation counselor and work with injured workers who are unable to return to their prior work activities. My office, Vocational Resource Consultants, has been located at 150 N. Pioneer Street for the past 30 years.

We initially renovated the building in 1989. There are two homes on this R-2 property. My office is located downstairs (rear entry) in the front home. Two years ago we also converted to travelers' accommodations use while concurrently having my office there.

I owned the property before the City of Ashland parking lot was built next door. There was previously a home next to us (photographs attached) instead of the parking lot. This unquestionably has had a very major negative impact. Instead of a home next door, there is now an intensive commercial use and a regular daily impact involving generalized lawlessness.

- **Problem issues regularly include the following: heavy alcohol use with empty bottles of vodka, empty 6-packs; people drinking and loudly cursing while looking directly into our backyards; people coming over the fence and actually drinking alcohol in the middle of the night in our backyard; publicly urinating on the fence and defecating with used toilet paper left in the "buffer" area immediately adjacent to our property; used hygiene products along the fence line; attempted actual forced entry so that renters have actually moved out in fear; barking dogs left in cars for hours at a time several feet away; car alarms going off for long periods of time randomly at varied hours; music being played in cars so loudly that the windows actually vibrate in our house; syringes (major safety issue) coming through from the parking lot into our backyard; empty alcohol containers tossed into our backyard; people being arrested and screaming loudly, and other flavors of general mayhem.**

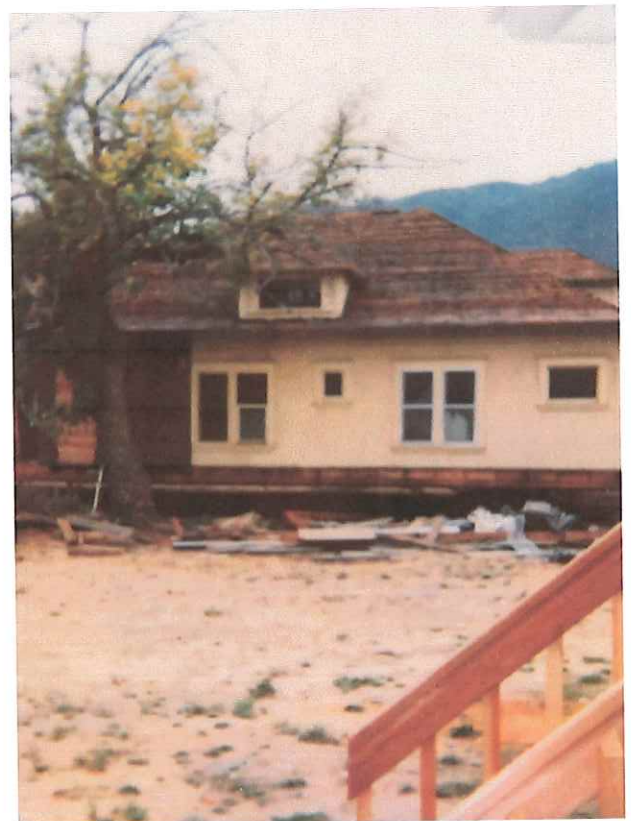
I know that all the city council members are busy. In case any are not familiar with the property, I would invite any council member to contact me at your convenience (stanvrc@mind.net) if you would like to drop by and see matters first hand.

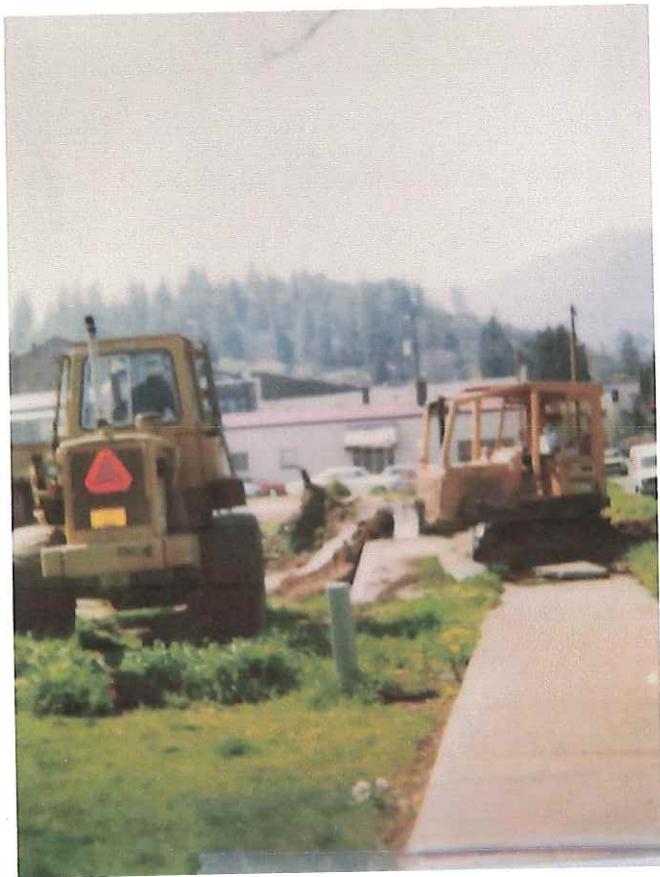
I am a strong believer in “a picture is worth a thousand words.” I will provide very specific feedback regarding my request involving construction of the wall later in this letter. However, before I address that, would you please first review the attached photographs which depict what is involved with having the City of Ashland parking lot next door.

### **Impact of Parking Lot Next Door and Commercial Changes**

#### **Before and After Pictures**

**In 1989, there was a large lot with a home next door. The home was removed and next door use therefore transitioned from a single family home to a large commercial parking lot.**

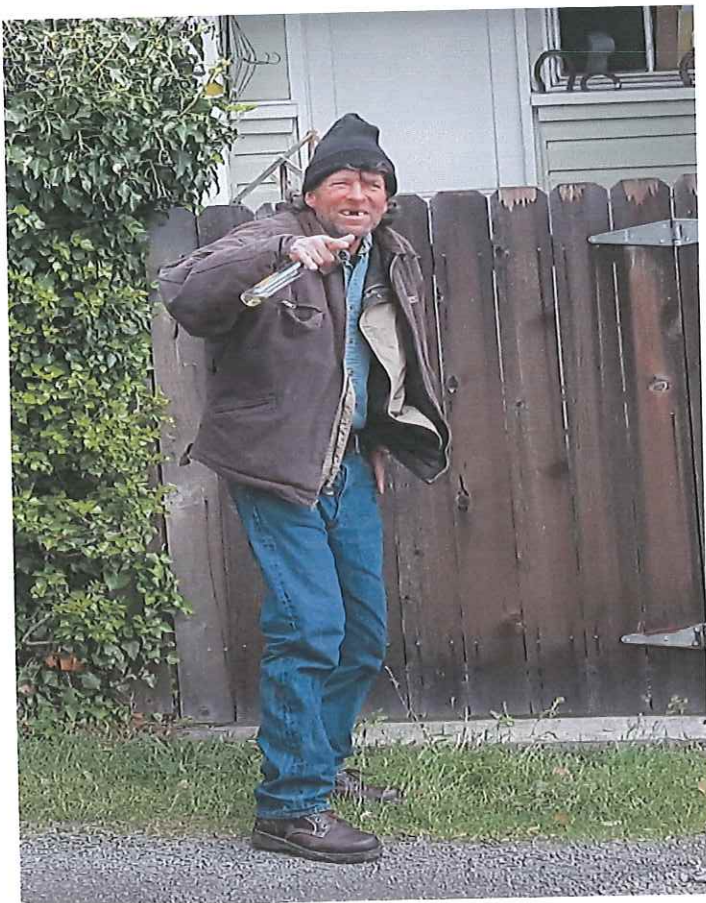




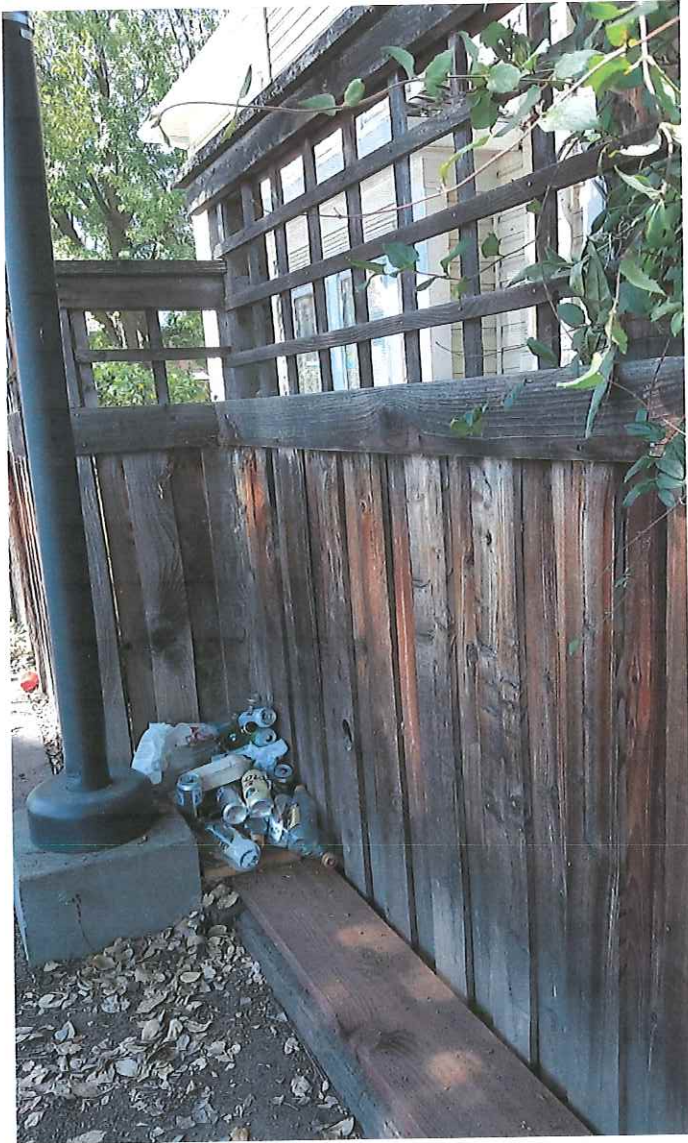
**1989: Ground work for new parking lot and our front house**



**Current photo of front house**



**Now instead: immediately adjacent.... arrests, alcohol use, loud cursing and screaming, etc. People wander into our backyard at times even bringing their alcohol with them.**



**This is the “buffer zone.” Major issues with public drinking 6’ from our house.**



**Ongoing problem issues in the parking lot include people sitting in handicap parking spaces and in middle of the parking lot as well as in the “buffer zone.” There are barking dogs, piles of garbage are often left, etc.**



**Major health/safety issues: syringe in our backyard at base of parking lot fence (our side of fence). General mayhem: people destroy signs and street lights.**





**Public urination and even defecation (bottom picture right by our front porch with no effective fence there, again in "buffer zone."**

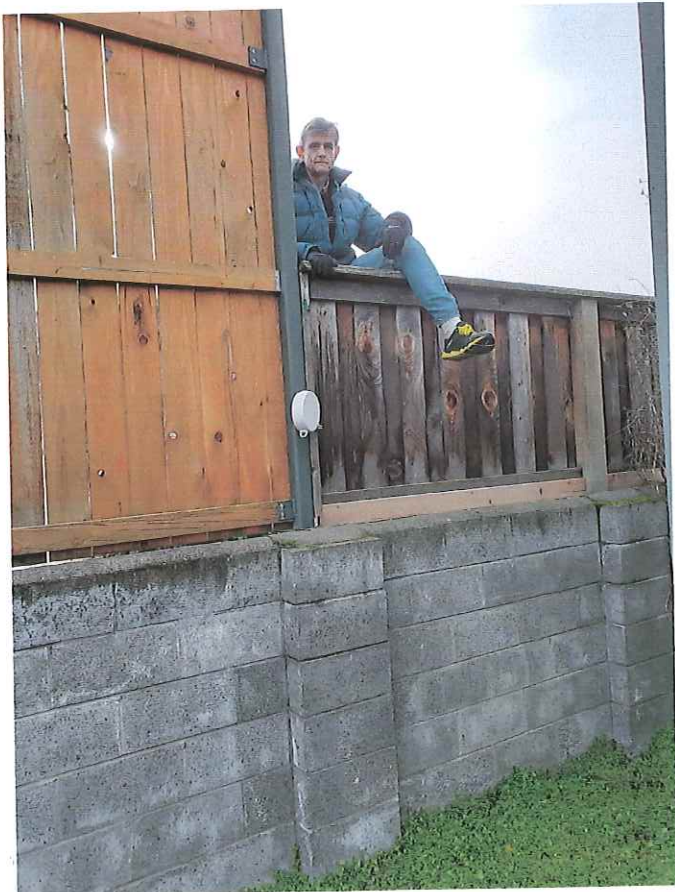
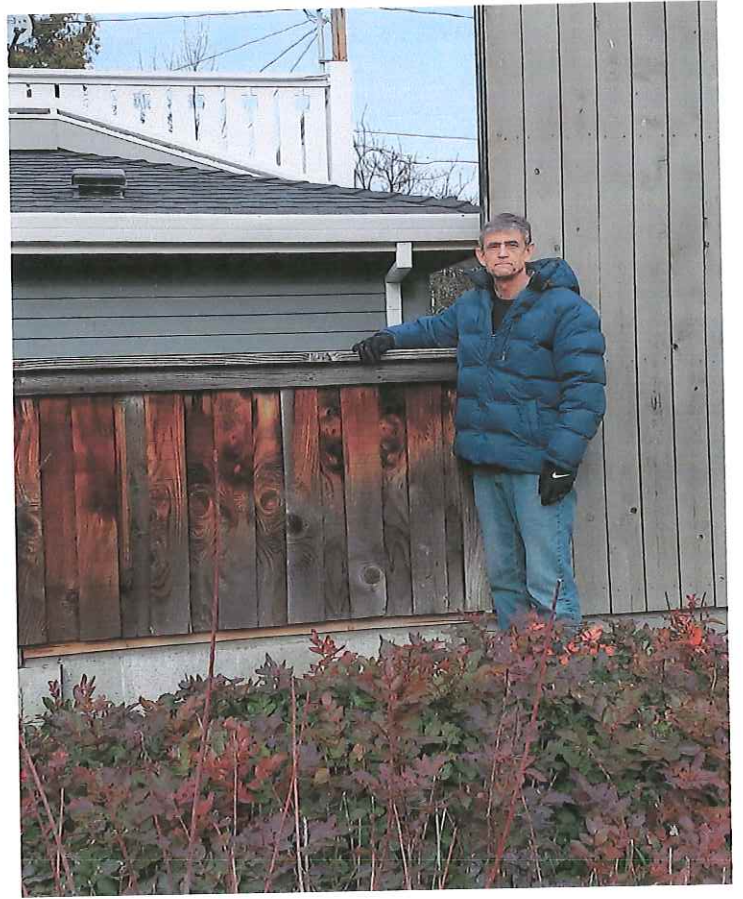




**Illegal camping examples: bottom photo was just three weeks ago, end of January: two transients sleeping with dogs and all kinds of gear at corner of our backyard (note: fence height there is extremely low. Anyone can simply hop right over into our backyard).**



**Same problem with front yard, Pioneer Street. Planning department's idea is to keep that section low which provides for zero mitigation in front. Anyone can simply step right over fence and walk into our front yard from the parking lot. As per the bottom photo, THEY DO! (please see prior defecation photo as that's just right there on other side of that wide open fence line).**



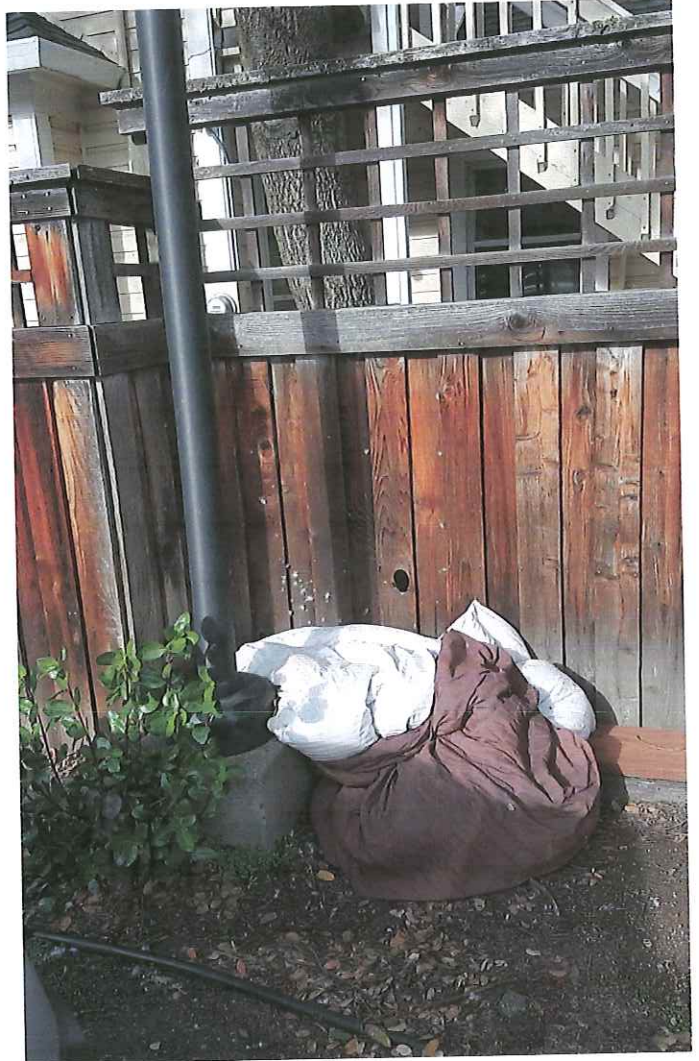
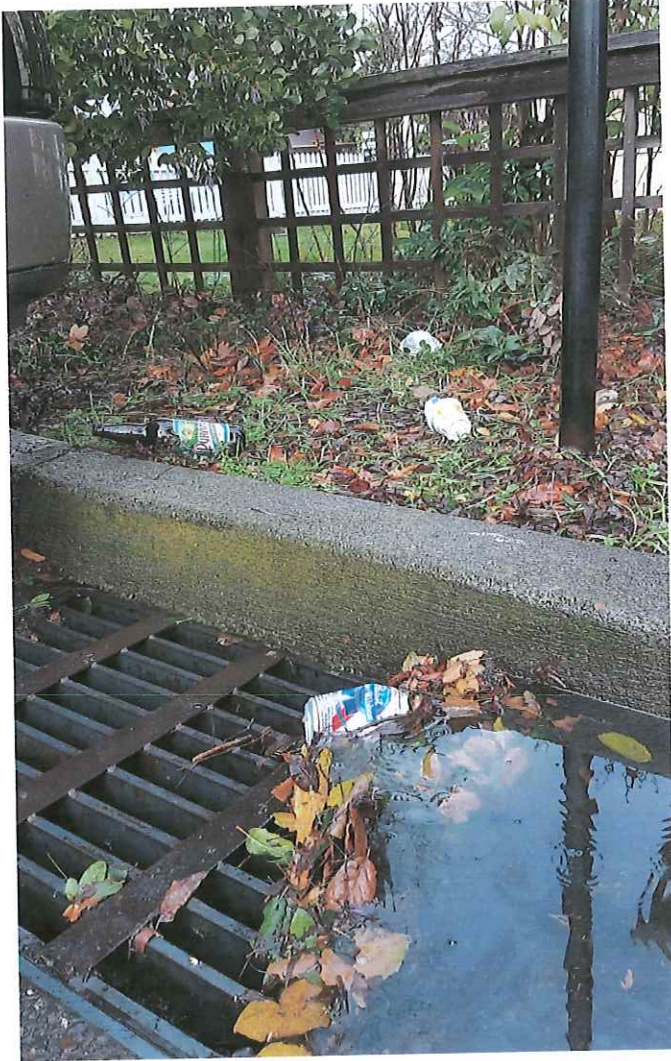
**Photos of problem height at back corner of property: First picture is view from our backyard. Anyone can step right over. Bottles of alcohol are very commonly left right there at corner.**



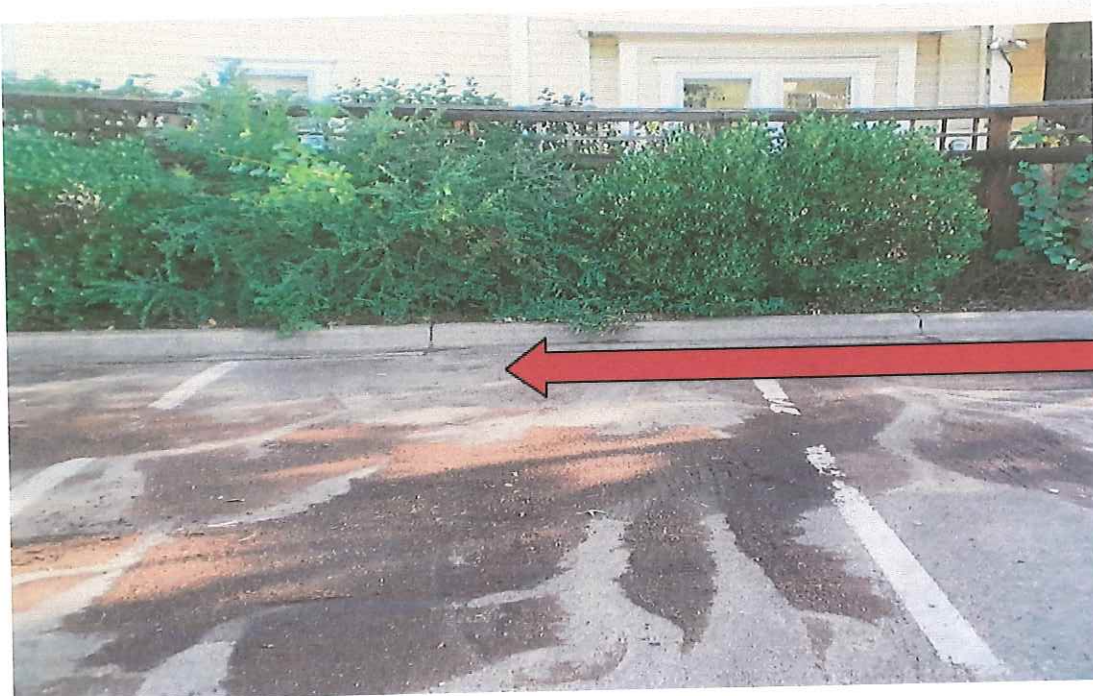
**Top photo is middle section of fence which has a 7' height (with lattice and top solid board cap along good stretch of middle section). Please note: the wall height then jumps to 10 ½' for the back 10' of our property and continues at that height behind Plaza West.**



**On other side of Plaza West development on First Street (across from post office), please note that there is a continuous concrete wall which buffers the side yard of that property with a 9'6" barrier buffering the side yard of that house all the way to the front sidewalk. Then, the concrete wall continues, often at 10' to 11' height, allowed by City of Ashland (and certainly not anything remotely close to proposed 6 1/2').**



**During heavy storm (which I will address in my letter) this drain (where you commonly find empty alcohol bottles) was completely plugged up causing major flooding damage to my property. The other photo is of camping gear right next to our house.**



**Spillpoint  
of lake:**



**Pictures of aftermath of the flood. The drain did not drain. It is at a low point in the parking lot so water cannot go uphill into Pioneer Street. Instead, parking lot curb by side of my house/office became a spill point of the large lake in the parking lot causing major flooding damage.**





**Parking lot is in major disrepair throughout.**

Approximately two years ago, the city council directed staff to develop a plan to replace the failed fence and to mitigate the impact of the parking lot. The City of Ashland, in its request for proposals, confirmed that the fence has **“failed to function as designed, thereby subjecting the adjacent property owner to hazardous and objectionable conditions, including nuisance behaviors, flooding, and treefall damages to the property”..... and that the existing fence “offers nominal visual or audible shielding...nor does it effectively discourage trespassing or littering on private property.”**

I will address the common sense approach involving teamwork and my interactions with city staff including two prior city administrators. I worked through that process completely in good faith. There had been agreement involving some very basic key features with prior city administrators (e.g., 8' height, downcast lighting, etc.).

However, there have been multiple changes involving the designated person leading the project. This has resulted in an unravelling of agreements. The current version of a plan which has ultimately emerged has become so watered down and changed that some key features would actually have a counterproductive effect.

This has been difficult for me to comprehend. All that I have asked the city to do is to mitigate what seemed to me to be basic common sense elements. Create a better barrier by raising the height of the wall somewhat (please note, current height is 7' for a good portion of the wall length). Put in some good downcast lighting that illuminates the base of the fence. Revise the “buffer” strip area and have adequate drainage so that my property is not flooded again. Two prior city administrators and other city lead personnel have advised me on many occasions that this is one hundred percent reasonable.

Please note that I did not initiate a request to bring this parking lot redesign proposal before the city council. However, I am glad that it is before you for your review. That is because I have major concerns regarding the effectiveness of the watered down version which has emerged. Please do not **lower** the current visual barrier along much of the current fence line. That would be counterproductive and contrary to mitigation.

Now, I should say that in all fairness there have been three city administrators, different public works directors, different designated lead personnel, etc. But the outcome has simply been unravelling. Some department later independently trumps someone else's decision. Then the lead person is replaced and someone else trumps the replacement person's decision involving key issues.

I will address prior discussions with city staff, clarify verbal and email agreements which were later changed unilaterally by various departments, and address specific issues regarding mitigation.

For those who are not familiar with the history, I will briefly address that as I believe it is

essential to have that context. I will compress 30 years of history into a couple of pages and then address current issues.

**First, I will concretely outline my request involving mitigation to the city council.** As referenced, there is currently a 7' visual barrier along a significant stretch of the fence line. The city has specifically written that the existing fence offers nominal visual or audible shielding. However, what has evolved is that the design which the City of Ashland has come up with would actually lower the fence height along much of the fence line. Please do not lower that 7' height as that would simply make matters worse than they already are.

Key elements of redesign:

- Timing: I have met with city staff and I fully agree with their recommendation that work not take place during the tourist season. I agree that it would be disadvantageous for the city to lose parking spaces when they are needed. The city's report suggested construction between November 1 and the end of March. I would simply ask that construction take place between November 1 and be completed by the end of January (3 months) to lessen the construction impact to my property.
- Request for 8 foot concrete wall as per prior verbal and written (email attached) contacts with the city. **Ironically, you will find a 10 to 11 foot wall height directly next door along the span of the fence line behind the Park Place property from my property to First Street by the post office.** While I would also prefer a 10 foot height, in interacting with the city, I related that I would be in agreement to 8 feet. Please also keep the height of the wall at the same height near the front of Pioneer Street so that people do not walk right into our front yard from the parking lot (please reference photos).
- Downcast lighting which brightly illuminates all along the bottom of the fence line (again, as per prior verbal and written confirmation from the City of Ashland). Somehow, the design has eliminated this unilaterally. However, a prior city administrator wrote regarding the need to "replace the pedestrian lights with overheads. We would have to screen those from your property so they illuminate only the parking lot."
- It would be ideal to eliminate the several foot "buffer" area. Lead designated staff from the city have related that is reasonable (that was not incorporated in the final plan). **Ironically, the "buffer" area is completely the opposite and is instead a complete attractant to general mayhem.**
- Please mitigate water drainage: city parking lot has absolutely flooded my property causing significant financial damage. The city has blamed Mother Nature. However,

public works superintendent has written regarding backed up water in the parking lot noting "for the past few years, it's not working right" (email attached).

- Please mitigate by taking out trees along fence line which the city planted 30 years ago. One very large tree which the city planted fell over onto the roof of my house causing further damage. The city's feedback was "Mother Nature."
- Pending construction, request for very minor temporary mitigation at present. There is a 90 degree jog in the middle of the fence line. For whatever reason, this is a major attractant to drinking and general lawlessness. Could you please simply tack up a board to block out that short 90 degree jog which I would not imagine would take more than a couple of hours and a few boards. Secondly, regarding temporary mitigation, would you please just put in a string of lights (or use existing poles or whatever is simple) in order to brightly illuminate the base of the fence line now for the upcoming busy season while final construction is pending. That would help.

Brief history to the present and additional details:

- Thirty years ago, the City of Ashland Planning Director, John Fregonese, approached me. He related that the city's plan was to purchase, develop the property next door where there was a home (please see photos), and convert it to a parking lot.

To paraphrase our meeting, it went like this: "Stan, I'm hoping you will work with us and not appeal the city's plans. There is a real need for parking downtown and we have this opportunity. I realize, of course, the impact of a parking lot next door to you but we will always make things right and take care of things on our end. We are going to be rezoning the downtown area here in the next few years and will factor rezoning involving your property too. Would you please work with us on this?"

I am pretty much essentially an old-school, handshake, verbal agreement type of person. Decision to essentially be a good neighbor to the City of Ashland's request and take the city's word. I didn't oppose or appeal. The city parking lot was built in 1989 or 1990.

- Years went by, I checked back with the Planning Department periodically. Feedback was always "We are going to get around to rezoning the whole downtown area and come up with a new master plan as it's been half a century." That never actually came to pass.
- Fast forward in time: there became more and more major problem issues involved with what takes place in the city parking lot. Important, I would appreciate it if you would please try to personalize to fully understand issues involving proximity of only

six feet.

- Property damage from the City of Ashland to our property: summer of 2015, heavy rain mid-summer. The parking lot drain did not work. There was actually a huge lake. The spillpoint of the dam was the parking lot curb right by the middle of my house (please see photos). This absolutely flooded our property causing damages to both homes.

The parking lot drain is at a low point which doesn't allow it to drain onto the street. I had to pay to replace soaked and ruined heating/air conditioning ducts under the house. There was wood floor cupping and other repairs and damage. Damage receipts/quotes are attached.

Where there had previously been dirt and a home next door, this one acre impervious surface next door flooded our property. This was not groundwater permeating over a broad area. This was all from one spillpoint. If the parking lot had not been developed and covered entirely with an impervious surface, the flood damage to my house would not have happened.

The city's feedback to me was, "highly unusual rain event, storm drains really were working just fine, just overloaded because of rain volume that day."

However, please see attached 9/9/15 email from the public works superintendent noting "It's possible the storm drains down near B Street are not taking water **and the first place the backup shows is at that parking lot** ..... the parking lot seems to have worked for several years but for the past few years **it's not working right.**"

- There never was a comprehensive downtown rezoning. I spoke with the mayor and I sincerely appreciate Mayor Stromberg bringing up the issue of potential rezoning in 2016. It went to the Planning Commission first. The chairperson during the meeting noted that the impact of the parking lot upon our property was a "travesty." Bottom line outcome though was that Planning Commission (with city council majority later agreeing) was that better to pursue a conditional use permit rather than actual rezoning.
- When city council made that decision, feedback from council was for the city to move forward with mitigating the impact of the parking lot and replacing the wood fence built 30 years ago.
- I will move to quite recent developments. The City Planning Department noted "impacts brought about by construction of the parking lot and adaptive reuse and redevelopment in the vicinity **presents challenges to residential living on the property especially given the close proximity of the structure to the adjoining**

parking lot.” The planning report added that this “property is the only residential property adjacent to a public parking lot that is separated by a 6’ residential side yard .... The parking lot is one of the largest and heavily used public parking lots in the city.”

- City council 1/9/17 study session: noted city previously discussed means by which to mitigate impact to include consideration of “replace wooden fence along northern boundary line with 8’ foot concrete or block wall. Replace the pedestrian lights along the northern boundary with high intensity LED Cobra head lamps.”
- I followed up with city staff including prior City Administrator Dave Kanner. The city encouraged input. I interacted directly with the city administrator. I thought we had resolution. **Please note that there is actually currently a 10’6” fence height along the last 10’ of the property boundary between my property and the City of Ashland parking lot.** I had asked for that height to be continued. The city’s feedback was, “How about if we do an 8’ concrete wall and put in downcast lighting of course so it won’t create a floodlight effect on your property.” I would have preferred 10’ but said okay.
- There was discussion regarding best way of improving the drainage. I had asked the city to please eliminate the “buffer” zone as that would be of huge benefit involving mitigation. People drinking alcohol there late at night is an absolute ongoing problem. In this context, “buffer” becomes a new oxymoron like jumbo shrimp **because the buffer does exactly the opposite of what it is supposed to do.** I asked could the city please move the wall 5’ closer to the parking lot so there was not space for people to loiter. I asked if the city would not do that, would the city then please instead move the wall actually 5’ closer to my property so that cars could park there instead of people loitering and drinking alcohol, etc.
- 11/21/16 email from City Administrator Dave Kanner (attached, over two years now). He noted “Engineering Division is working up estimates for new **8’ concrete wall and I’m waiting on an estimate to replace the pedestrian lights with overheads. We would have to screen those from your property, so they illuminate only the parking lot.**”
- After Mr. Kanner left the city, I followed up with the designated lead person from the Engineering Department who volunteered that there would even be a better downcast lighting system than Cobra heads and I said great. Again, seemed really pretty straightforward. I thought we were essentially done.
- New City Administrator, John Karns, was very helpful and supportive. He related conceptual agreement with 8’ concrete wall, downcast lighting. He checked back with city departments in order to attempt to expedite matters.

- Additional time passed and the city then related that they would put project out for bid. There was then a City of Ashland Request for Proposals (Project #2017-03). The request for a proposal first addressed problem issues. The project goals noted “consult with City of Ashland Planning to determine the feasibility of eliminating the buffer strip ..... and moving the parking stalls closer to the wall/fence or by moving the new wall/fence closer to the parking stalls.” The RFP noted that the design must hinder people from tossing garbage and debris over onto private property.
- Time basically continued to drag. I did not hear much from the city so I periodically checked in. Here is what then evolved. The city then internally and unilaterally made key changes that massively watered down essential concepts of mitigation.

The city (some person I believe in the Electrical Department) unilaterally decided to not do downcast lighting but to instead floodlight the area including my backyard. No communication regarding that unilateral decision until well after.

The city also said it would not eliminate the “buffer” area. **Why** in the world not simply eliminate a main source of the problem?

- Next: wall height. The height of the fence in front toward Pioneer Street needs to be higher. People can easily just step over the wall and walk into our front yard and they do! (please see attached photos). The wall height by the rear house on our property also has the same problem issue. You can very easily just hop that fence as well with no effort right into our backyard.
- **However, the city’s plan is to LOWER THE VISUAL HEIGHT OF THE WALL ALONG A SIGNIFICANT LENGTH OF THE BOUNDARY. It is now a cap height of 7’ for a good portion of the fence line. There is landscaping cloth on the top lattice section which acts as a visual buffer. The city’s plan is to lower to 6 ½’. Therefore, along a good portion of the fence line, that therefore will not visually mitigate. With a lower fence line, it will be easier to throw trash over the fence line, not harder. My understanding is that the Planning Department is saying that would be more in scale and that there are code issues limiting that. Surely, something else can be done. **Because:****
- It’s very important to point out here that **this is entirely inconsistent with the neighborhood and what is directly, directly adjacent involving walls behind the Plaza West development right next to my property. There is even an actual 10’ tall fence between my property and the City of Ashland parking lot along the rear section of the fence line.**
- So, just from a basic common sense approach of what is right next door, here is what I

will share with you. Please see the attached photos. **There is a 10' fence height already there along the rear fence line. After that 10' section** (i.e., at the very corner of the property line which becomes the Plaza West property), **all along the Plaza West fence immediately adjacent to the same City of Ashland parking lot (indeed on the very same visual fence line) the fence continues at a height of almost 11'!!!**

Then, when you follow the **same fence line behind Plaza West** (I measured it) it drops down to **10'6"**. Then as you continue going toward the post office (please see attached photos) the **concrete wall** goes to 8'7" behind the wheelchair sign along the back wall. Then, at the end of the wall when you get to First Street, **the actual wall height at the sidewalk at the front corner of the house on 165 First Street is 9'6"**. **That is again a concrete wall - all the way to the sidewalk.**

Common sense factor is that there is **no problem along that fence line referenced. There is a huge problem along my fence line so can we simply replicate those wall heights right next door. The city has completely allowed 10' to 11' walls there. Clearly, the reason for that wall height is to buffer those neighbors.**

- The city's plan provides **no audible buffer, less of a visual buffer along much of the fence line**, and makes it actually easier along a good stretch of the fence line for people to drop beer bottles, syringes, etc. over the fence into my yard. It provides no mitigation from flooding nor for downcast lighting.
- City staff's recommendation is to replace the wooden fence with a wooden fence. While there is certainly a need to raise the height (and put in a concrete wall), There is no benefit in lowering the effective visual height of the middle section, removing wooden boards, and replacing those with wooden boards.
- Next: landscaping in the "buffer" area **which is absolutely not a buffer.** Therefore, common sense factor is to just eliminate it.

If there is a buffer area, I just don't know about landscaping. I am told that dense vegetation will discourage loitering. What I can tell you with absolute certainty (30 years of direct experience) is that people want to come and hide behind bushes, urinate behind bushes, drink where they can't be seen, etc.

Please see the attached photograph from just three weeks ago.... two people with dogs and all kinds of gear sleeping and hiding in the bushes right at the corner of our property.

I greatly appreciate the police department and they do an absolutely wonderful job downtown! The police department tells someone to move on but if there are hiding places, that will simply be an ongoing never ending battle. There just shouldn't be any



hiding places.

Please note that there have been ongoing issues with trash sometimes not getting picked up daily at the parking lot which results in large piles of refuse and empty bottles of alcohol. The police call it a "broken window" factor. If you just leave a broken window, you are inviting more of the same.

If empty bottles are not picked up along the fence line (which is sometimes the case), I am left with a dilemma. Leave them there and essentially lay out a welcome mat for more to follow. Or, pick them up myself. I cannot tell you the number of times that I have picked up empty bottles of alcohol and trash along the fence line in the parking lot.

Thank you very much for taking the time to review this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Potocki". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Stan Potocki

Encl: photographs  
emails, reports

**From:** Dave Kanner [mailto:dave.kanner@ashland.or.us]

**Sent:** Monday, November 21, 2016 3:43 PM

**To:** Stan Potocki <stanvrc@mind.net>

**Subject:** RE: Downtown smoking ban area extension, proposed ordinances regarding city parking lot use -

Stan -

I just asked about this recently. The Engineering Division is working up estimates for a new 8' concrete wall and I'm waiting on an estimate to replace the pedestrian lights with cobra heads. (We would have to screen those from your property so they illuminate only the parking lot.)



Dave

## Stan Potocki

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**From:** Stan Potocki <stanvrc@mind.net>  
**Sent:** Wednesday, September 09, 2015 8:37 AM  
**To:** 'Mike Morrison Jr'  
**Subject:** RE: parking lot

Hi Mike,

I wasn't there on Friday night. I'm usually here at my office in daytime. On the big one that caused a lot of damage and expense for repairs, it just became an absolute lake.

The low point of the lake where it just overflows, like water over a dam, is right outside my office window, approximately 30 or 40 feet from the sidewalk on Pioneer St.

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**From:** Mike Morrison Jr [mailto:morrism@ashland.or.us]  
**Sent:** Wednesday, September 09, 2015 5:59 AM  
**To:** 'Stan Potocki' <stanvrc@mind.net>  
**Subject:** FW: parking lot

Good Morning Stan,

Friday evening when the rain started, I drove over to the parking lot as quickly as I could but by the time I got there, the rain was letting up. By the time I got there, I didn't see anything backing up or ponding but I may have missed it. Did you happen to be there at that time? That was a pretty quick shower but a significant amount of rain fell.

I was just curious if you saw anything that could point us in the direction of a problem.

Thanks, Mike

Mike Morrison, Public Works Superintendent  
City of Ashland  
Public Works  
90 N. Mountain Ave, Ashland, OR 97520

Phone (541) 552-2325 , TTY (800) 735-2900 Fax (541) 552-2304

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention.

If you have received this message in error, please contact me at (541) 552-2355 . Thank you

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**From:** Mike Morrison Jr [mailto:morrism@ashland.or.us]  
**Sent:** Friday, August 28, 2015 12:39 PM  
**To:** 'Stan Potocki'  
**Subject:** RE: parking lot

Hi Stan,

I think what we need to do is start watching how the rain is affecting the area. Our crews inspected the storm drains at the parking lot and downstream a ways but it's possible something somewhere else is causing this issue. If you start

noticing water backing up into the parking lot, let us know right away so we can get out there. It's possible the storm drains down near B St. are not taking water and the first place the backup shows up is at that parking lot. It will be very difficult to determine what needs to be done until we can investigate during a rain event. While the water is backed up we can follow the storm drain lines and open manholes to see if water is flowing or if it's backing up. If it's flowing we know the system is functioning but if it's not moving we'll know we're closer to finding a problem.

If you see the parking lot backing up it may also be worth looking around the neighborhood to see if it looks like any other storm drain inlets are backed up. At this point we really need more information than we have to determine where the problem exists. The parking lot seems to have worked for several years but for the past few years it's not working right. The system at the parking lot appears to be in working order so now we need to look at other potential causes of this problem. I know you're frustrated with this issue and I understand, we want to help we just need some additional information so we can determine what can be done to help your situation.

My cell number is 541 951-0355, I carry it with me most of the time. If you start seeing a problem developing, please feel free to call me and I'll get someone out there as quickly as we can. If I don't answer, leave a message. I'll try to answer but depending on where I am, I may not be able to answer right away.

As always, if you want to meet out there, please let me know.

Thanks, Mike

Mike Morrison, Public Works Superintendent  
City of Ashland  
Public Works  
90 N. Mountain Ave, Ashland, OR 97520

Phone (541) 552-2325 , TTY (800) 735-2900 Fax (541) 552-2304

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**From:** Stan Potocki [<mailto:stanvrc@mind.net>]  
**Sent:** Wednesday, August 26, 2015 4:03 PM  
**To:** 'Mike Morrison Jr'  
**Subject:** RE: parking lot

Hi Mike,

I do have a quick follow up. Because there was significant financial loss to my property (had to hire a contractor, hire a heating and air conditioning company and replace soaked ducts, there is also wood floor cupping, etc.) because of flooding directly overflowing from the parking lot, I would like the city to problem solve. The parking lot is a huge impervious surface and the storm did deliver more water than the storm drains can handle. What do you think is most effective way of asking the city to resolve? Thanks.

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**From:** Mike Morrison Jr [<mailto:morrism@ashland.or.us>]  
**Sent:** Wednesday, August 26, 2015 3:10 PM  
**To:** 'Stan Potocki' <[stanvrc@mind.net](mailto:stanvrc@mind.net)>  
**Subject:** RE: parking lot

Hi Stan,

Our waste water crew and a member of our engineering division had a chance to check out the drainage in the parking lot earlier in the week. They said everything is functioning properly and they saw no signs of anything that should be restricting the water. The storm in July was unusual and delivered more water than our storm drains could handle. That being said though, you said that has happened at other times. We need to figure out why during a normal storm the water is backing up. At this time the underground system appears to be functioning as designed. What our crew was suspicious of is the debris that may build on top of the grate. It wouldn't take a lot of debris to severely restrict the inlet. We had that problem at many locations in July, the wind blew first depositing debris everywhere, then when the rains started all that debris washed directly onto the grates. We'll do what we can to keep the grate clear but those grates can plug quickly. We need to see what's happening when we start getting rain.

Our crews will monitor that location as we start getting rain again but if you start noticing water pooling, please call us right away. We have an afterhours answering service so even if you notice it at night or on a weekend, please call us and we'll get someone out there to take a look. Seeing the problem as it's occurring may help us determine if there's something happening that we can't otherwise see. The number to call for this (541) 488-5587- that number should be answered 24 hours a day, 7 days a week.

Please let me know if you want to discuss this further or if you want to meet out there to take a look at things.

Thanks, Mike

Mike Morrison, Public Works Superintendent  
City of Ashland  
Public Works  
90 N. Mountain Ave, Ashland, OR 97520

Phone (541) 552-2325 , TTY (800) 735-2900 Fax (541) 552-2304

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If you have received this message in error, please contact me at (541) 552-2355 . Thank you

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**From:** Stan Potocki [<mailto:stanvrc@mind.net>]  
**Sent:** Friday, August 21, 2015 3:45 PM  
**To:** 'Mike Morrison Jr'  
**Subject:** RE: parking lot

Thanks Mike.

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**From:** Mike Morrison Jr [<mailto:morrism@ashland.or.us>]  
**Sent:** Friday, August 21, 2015 1:48 PM  
**To:** 'Stan Potocki' <[stanvrc@mind.net](mailto:stanvrc@mind.net)>  
**Subject:** RE: parking lot

Hi Stan,

Thanks for sending me your email. We're going to have our crews use our sewer inspection equipment on that line, most likely next week. They were unavailable this week. I'll let you know what they find after I hear from them.

Thanks, Mike

GLACIER HEATING AND AIR  
 3245 HANLEY ROAD  
 CENTRAL POINT, OR 97502-1472  
 (541) 734-4489 Fax (541) 664-7999

# HVAC SERVICE ORDER INVOICE

www.glacierheatingandair.com

10411

BILL TO VOCATIONAL RESOURCE CONSULTANTS  
 P.O. BOX 217  
 ASHLAND, OR 97520

THIS WORK IS TO BE  
 C.O.D.     CHARGE     NO CHARGE

MAKE	MAKE
MODEL	MODEL
SERIAL NUMBER	SERIAL NUMBER

NAME: STAN POTOCKI  
 STREET: 150 N. PIONEER ST  
 CITY: ASHLAND OR 97520  
 PHONE: 541-482-8888  
 TECHNICIAN: \_\_\_\_\_  
 WORK TO BE PERFORMED: **INSTALL NEW DUCT WORK**  
 P.O. # \_\_\_\_\_

ENVIRONMENTAL CHECK LIST			RECOMMENDATIONS
WORK PERFORMED	QTY.	TYPE/DISPOSITION	
<input type="checkbox"/> RECOVERED			
<input type="checkbox"/> RECYCLED			
<input type="checkbox"/> RECLAIMED			
<input type="checkbox"/> RETURNED			
<input type="checkbox"/> DISPOSAL			
<input type="checkbox"/> DISMANTLED			
<input type="checkbox"/> CHANGED OUT/REPLACED			
		TOTAL \$	

QTY.	MATERIALS & SERVICES	UNIT PRICE	AMOUNT
	REFRIGERANT R- LBS.		
	FILTERS    X    X		
	FILTERS    X    X		
	BELTS		
TOTAL MATERIALS			

DESCRIPTION OF WORK PERFORMED

**REPLACE TWO 10" FLEX DUCT WORK IN CRAWL SPACE that were water Damaged From recent Flooding.**

**TOTAL \$ 627.00**

Pd ck # 1091  
 8/11/15  
 Kay Lee

HRS.	LABOR	RATE	AMOUNT
TOTAL LABOR			

TERMS: **BALANCE DUE ON RECEIPT. 18% ON UNPAID BALANCE.**

I have authority to order the work outlined above which has been satisfactorily completed. I agree that Seller retains title to equipment/materials furnished until final payment is made. If payment is not made as agreed, Seller can remove said equipment/materials at Seller's expense. Any damage resulting from said removal shall not be the responsibility of Seller.

*Shirley Gray*    8/11/15  
 CUSTOMER SIGNATURE    DATE

LIMITED WARRANTY: All materials, parts and equipment are warranted by the manufacturers' or suppliers' written warranty only. All labor performed by the above named company is warranted for 30 days or as otherwise indicated in writing. The above named company makes no other warranties, express or implied, and its agents or technicians are not authorized to make any such warranties on behalf of above named company.

REGULAR     WARRANTY  
 SERVICE CONTRACT

Thank You

TOTAL SUMMARY	
TOTAL MATERIALS	
TOTAL LABOR	
TAX	
TOTAL	<b>\$ 627.00</b>



View Estimate

Print PDF

Decline Accept

Gallery Floors  
1433 Lonnon Rd.  
Grant Pass  
CCB 161003

# ESTIMATE

Stan Potacki  
152 Pioneer St  
Ashland,Or

**Estimate #** 0000018  
**Estimate Date** 09/01/2015

Item	Description	Unit Price	Quantity	Amount
Service	Sand/coat wood floors,due to water damage, using three coats of oil based polyurethane	3.00	440.00	1,320.00
Service	Hang plastic in kitchen	50.00	1.00	50.00
<b>Subtotal</b>				1,370.00
<b>Total</b>				1,370.00
<b>Amount Paid</b>				0.00
<b>Estimate</b>				<b>\$1,370.00</b>

V.KENT PETERSON CONSTRUCTION &  
 HOME REPAIR CCB#179595  
 7275 RAPP LANE  
 TALENT, OR 97540

# Invoice

Date	Invoice #
7/31/2015	6133

Bill To

Stan Potacki  
 2020 Crestview  
 Ashland, OR. 97520

P.O. No.	Terms	Due Date	Account #	Project
	Due on receipt	7/31/2015		
Description		Qty	Rate	Amount
For work done at 150 Pioneer St. Ashland OR.97520			0.00	0.00
7/21/15 Labor		1.5	45.00	67.50
7/22/15 Labor		2	45.00	90.00
7/22/15 Crawl house to inspect for water damage. Spread charcoal to get rid of odor.			100.00	100.00
Materials cost			18.45	18.45
<b>Total</b>				<b>\$275.95</b>
<b>Payments/Credits</b>				<b>\$0.00</b>
<b>Balance Due</b>				<b>\$275.95</b>