

Council Communication

September 20, 2016, Business Meeting

First reading of an ordinance amending the City of Ashland Comprehensive Plan and Zoning Map Designations for 150 North Pioneer Street from Low-Density Multi-Family Residential (R-2) to Commercial (C-1).

FROM:

Bill Molnar, Director of Community Development, bill.molnar@ashland.or.us

SUMMARY

The ordinance being presented to the City Council for first reading would amend the City of Ashland Comprehensive Plan and Zoning Map Designations for 150 North Pioneer Street from Low-Density Multi-Family Residential (R-2) to Commercial (C-1).

In February of 2016, the City Council considered a request by the Mayor on behalf of the property owner that the Council initiate a zone change from R-2 (low-density multi-family) to C-1 (commercial). The property owner detailed the difficulties encountered having a residentially-zoned property next to a large public parking lot in the face of increasing commercial intensity in the immediate vicinity. At that time, it was noted that the Mayor had spoken with the property owner about the city having built a public parking lot next to his R-2 zoned property in the late 1980's. The Council voted unanimously to approve Council-initiation of a Type III planning action for Comprehensive Plan and Zoning map amendments, and directed staff to complete, file and process the land use application.

BACKGROUND AND POLICY IMPLICATIONS

In the late 1980's, the City acquired the property at the northeast corner of Lithia Way and Pioneer Street, immediately adjacent to 150 North Pioneer Street, and shortly thereafter constructed a 64-space public parking lot. The property acquisition and public parking lot construction were identified in the 1988 Ashland Downtown Plan – Phase 2 Action Plan as a key element to addressing downtown parking need.

In December of 1992, a similar request from the current property owner to change the zoning from R-2 (Low-Density Multi-Family Residential) to C-1 Commercial was denied by the Planning Commission and the City Council. At that time, it was noted that traffic increases since the parking lot was built were insufficient to merit a change and that the property's R-2 zoning provided an important buffer between the downtown and the historic Railroad District while retaining adequate options for some commercial use for the property owner.

Public parking lots in and around Ashland's downtown are areas of intense activity, and this intensity continues to increase with adaptive re-use of existing, older structures and redevelopment in the vicinity. The parking lot at Lithia and Pioneer includes 64 public parking spaces and an access easement from the adjacent private lot which will ultimately serve 56 surface and 33 garage spaces.



Unlike other properties adjacent to public parking in Ashland, the property under consideration here is separated only by a six-foot residential side yard rather than a public right-of-way (alley or street) or a larger rear yard. Recent parking surveys indicate 100 percent occupancy in the public parking lot at Lithia and Pioneer in the afternoon and later into the evening.

The R-2 zone is designed for urban living at densities of 13 residential units and greater and intended to meet the city's need for rental and purchase housing. A variety of mixed-uses are allowed in the R-2 zone including limited retail and office, as well as travelers' accommodations when these commercial uses are shown to be appropriate and to enhance the neighborhood character. For several years, the property owner of 150 North Pioneer Street has described in writing impacts to his property associated with its proximity to the city's public parking lot and the continued intensification of surrounding commercial uses. In addition, the owner has expressed concern over the appropriateness of residential uses on the property given the proximity to the public parking lot and its impacts. Impacts brought about by the operations of the public parking lot and adaptive re-use of existing, older structures as well as redevelopment in the vicinity presents challenges to residential living on the property. In staff's judgement, changes in the immediate area over the past two decades support an assessment of the property's zoning designation.

The current proposal, initiated by the City Council at the property owner's request, would amend the existing Low Density Multi-Family Residential Comprehensive Plan and R-2 Zoning Map designations, changing the Comprehensive Plan Map designation to Commercial and the Zoning Map designation to C-1. A C-1 designation would allow but not require residential uses and the proposed change in the zoning would allow greater flexibility for the use of the property when considering the context of the surrounding area. No changes to existing buildings or the site as well as current land uses are proposed, and the existing land uses would be allowed to remain in place until the property owner obtains Site Design Review approval to establish commercial uses on the site.

The Historic Commission considered the proposed amendments to the Comprehensive Plan and Zoning Map designations at their regular meeting on August 3, 2016. The existing home on the property, the James W. Losher House, is considered to be a Historic Contributing resource in the historic Railroad District, and the property line separating the subject property from the parking lot is also the boundary between two of Ashland's nationally recognized historic districts, the Downtown District and Railroad District. Historic Commissioners unanimously recommended against the proposed amendments as they felt the proposal represented a step in the gradual encroachment of commercial zoning into the historic residential neighborhood, which could result in additional pressure to re-develop the property and which might ultimately result in significant changes to the structure and/or its possible demolition. The Historic Commission suggested that the concerns raised by the property owner would be better addressed with efforts to mitigate the impacts of the parking lot, and that changing the underlying zoning from R-2 to C-1 would do little to improve this situation

The Planning Commission considered the proposed amendments to the Comprehensive Plan and Zoning Map designations at their regular meeting on August 9, 2016. Planning Commissioners unanimously recommended against the proposed amendments as they felt the need for improved access to serve commercial uses of the site could lead to pressures to widen the driveway and necessitate the removal of parts of the existing historic home; could adversely impact the character of the surrounding neighborhood; and that the property was better suited to limited commercial use



through the Conditional Use Permit process under the current R-2 zoning which would provide a greater measure of control while allowing for careful consideration of the neighborhood context.

Planning Commissioners further noted that while there has been an informal policy that commercial uses allowed through the Conditional Use Permit process in residential zones maintain a residential presence on the property for compatibility with the surrounding neighborhood, the arguments made here in favor of a zone change may support allowing limited commercial use through the Conditional Use Permit process without requiring a residential component be maintained on site.

COUNCIL GOALS SUPPORTED

N/A

FISCAL IMPLICATIONS

N/A

RECOMMENDATION AND REQUESTED ACTION

In considering a similar request in 1992, the Planning Commission and City Council determined that the current R-2 zoning allowed for a sufficient variety of limited commercial uses through the Conditional Use Permit process, which ensured appropriate oversight of this transitional area between the Downtown and the Railroad historic district. The decision before the Council is to determine whether conditions brought about by changes in the area over the last 24 years have impacted the subject property to a degree that allowance of a greater variety of land uses, excluding residential, is justified and supports a change from the existing Low Density Multi-Family Residential (R-2) to Commercial (C-1) zoning.

Both the Historic and Planning Commissions were unanimously opposed to the request, indicating that a change in zoning would do little to alleviate the impacts created by proximity to the parking lot, while allowing more intense use of the site potentially to the detriment of the neighborhood. Additionally, a change in zoning could create pressure to renovate or make significant alterations to the existing home, a historic contributing resource. Given the level of concerns raised by both advisory commissions, staff believes the potential benefits to the property realized through a zone change at this time do not outweigh the concerns raised by the Historic and Planning Commissions.

SUGGESTED MOTION

Move to deny first reading by title only of the ordinance titled, “An Ordinance Amending the City of Ashland Comprehensive Plan and Zoning Map Designations for 150 North Pioneer Street from Low-Density Multi-Family Residential (R-2) to Commercial (C-1);”

or

Move to approve first reading by title only of the ordinance titled, “An Ordinance Amending the City of Ashland Comprehensive Plan and Zoning Map Designations for 150 North Pioneer Street from Low-Density Multi-Family Residential (R-2) to Commercial (C-1),” and move it on to second reading.



ATTACHMENTS

1. Proposed Ordinance
2. Exhibit A: Amended Comprehensive Plan Map
3. Exhibit B: Amended Zoning Map
4. Record of the Historic Commission Hearing (Recommendations and Minutes)
5. Record of the Planning Commission Hearing (Recommendations, Minutes, Hearing Submittals and Planning Commission Packet)



ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF ASHLAND
COMPHRENSIVE PLAN AND ZONING MAP DESIGNATIONS FOR 150
NORTH PIONEER STREET FROM LOW-DENSITY MULTI-FAMILY
RESIDENTIAL (R-2) TO COMMERCIAL (C-1)**

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland's 1988 Ashland Downtown Plan provided a vision for the downtown which suggested a list of specific downtown improvements including developing additional parking supply among the list of needed improvements. The Plan identified several locations where construction of public parking facilities should be evaluated and the property at Pioneer Street and Lithia Way was considered a key candidate. The City eventually acquired this property, designed and constructed what is now a 64 space public parking lot. It would become one of the largest downtown public parking lots, second in overall size only to the Hargadine Street parking structure which has 145 spaces; and

WHEREAS, the City of Ashland has received written descriptions of the impacts of having a large public parking lot in close proximity to the residential property at 150 North Pioneer Street which question the appropriateness of having residential uses on the property given that the property's historic home, a historic contributing resource in the National Register-listed Ashland Railroad Addition Historic District, is separated from the large public parking lot by only a six-foot side yard setback; and

WHEREAS, the City of Ashland City Council considered a request from the property owner to initiate a zone change from R-2 (Low-Density Multi-Family) to C-1 (Commercial) for the property located at 150 Pioneer Street in February of 2016 and voted unanimously to approve Council-initiation of a Type III planning action for Zoning and Comprehensive Plan Map Amendments, and directed staff to complete, file and process a land use application.

WHEREAS, the City of Ashland Historic Commission considered the above-referenced amendments to the Comprehensive Plan Map designation and Zoning Map at their regular meeting on August 3, 2016; and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced amendments to the Comprehensive Plan Map designation and Zoning Map at a duly advertised public hearing on August 9, 2016; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments to the Comprehensive Plan and Zoning Maps on September 20, 2016, and following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Comprehensive Plan and Zoning Maps in the manner proposed, that an adequate factual basis exists for these amendments, the amendments are consistent with the Comprehensive Plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The officially adopted City of Ashland Comprehensive Plan Map, adopted and incorporated by Ordinance No. 2951, is hereby amended to change the Comprehensive Plan Map designation for the property located at 150 North Pioneer Street within the City limits from Low-Density Multi-Family Residential to Commercial, said Comprehensive Plan Map designation amendment is reflected on the revised Comprehensive Plan Map, attached hereto as Exhibit A, and made a part hereof by this reference.

SECTION 3. The officially adopted City of Ashland Zoning Map, adopted and incorporated by Ashland Municipal Code Section 18.1.2.070, is hereby amended to change the zoning designation for the properties located at 150 North Pioneer Street within the City limits from R-2 to C-1, said zoning amendment is reflected on the revised Zoning Map, attached hereto as Exhibit B, and made a part hereof by this reference.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word “ordinance” may be changed to “code”, “article”, “section”,

or another word, and the sections of this Ordinance may be renumbered, or re-lettered, and amendments – including map amendments, combined, provided however that any Whereas clauses and boilerplate provisions and text descriptions of the map amendments (i.e. Sections 1, 2-8, 9-10) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2016, and duly PASSED and ADOPTED this ____ day of _____, 2016.

Barbara M. Christensen, City Recorder

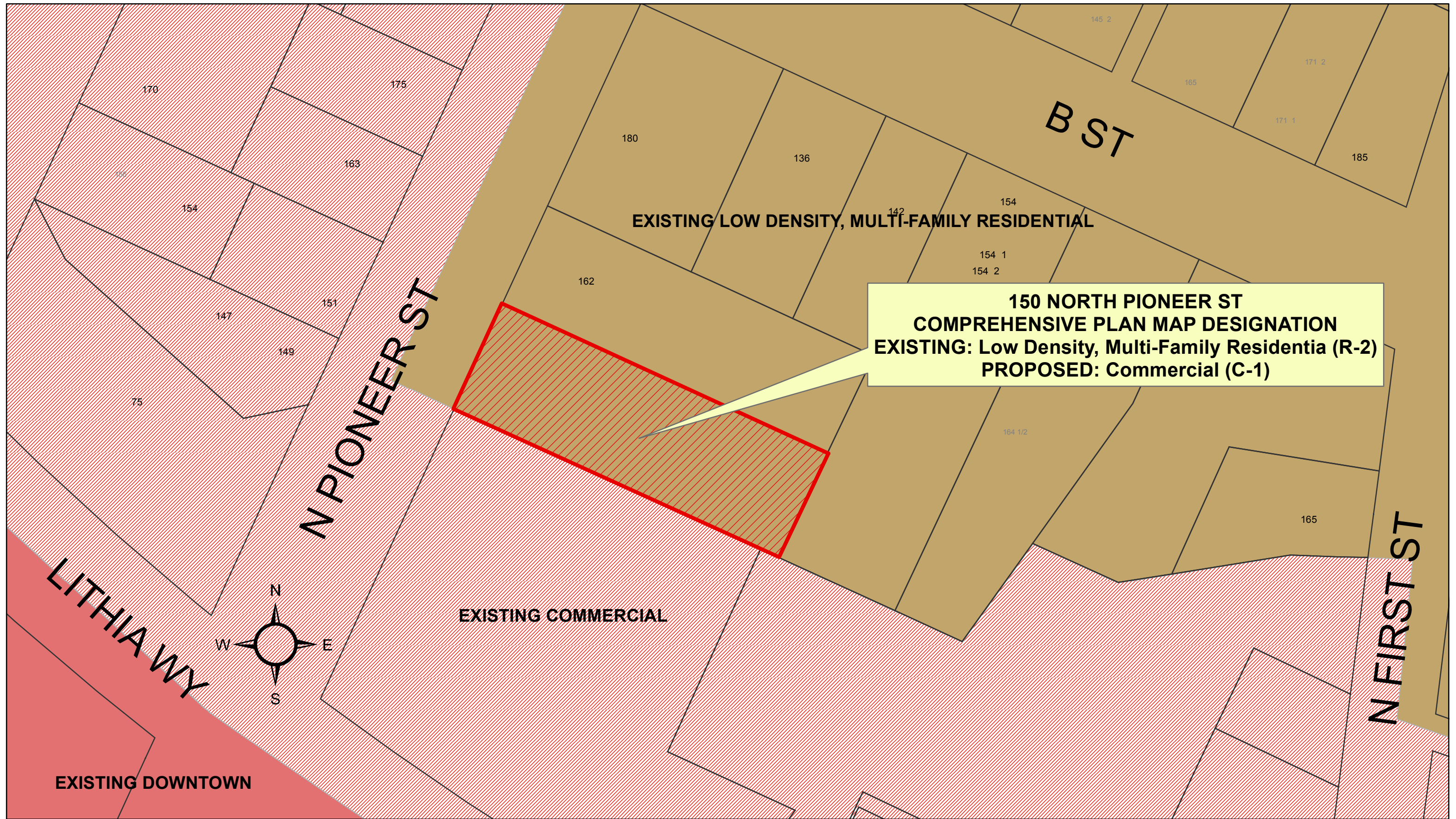
SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

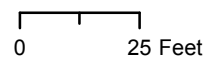
Reviewed as to form:

David Lohman, City Attorney

Exhibit A. Proposed Change to Comprehensive Plan Map (detail)



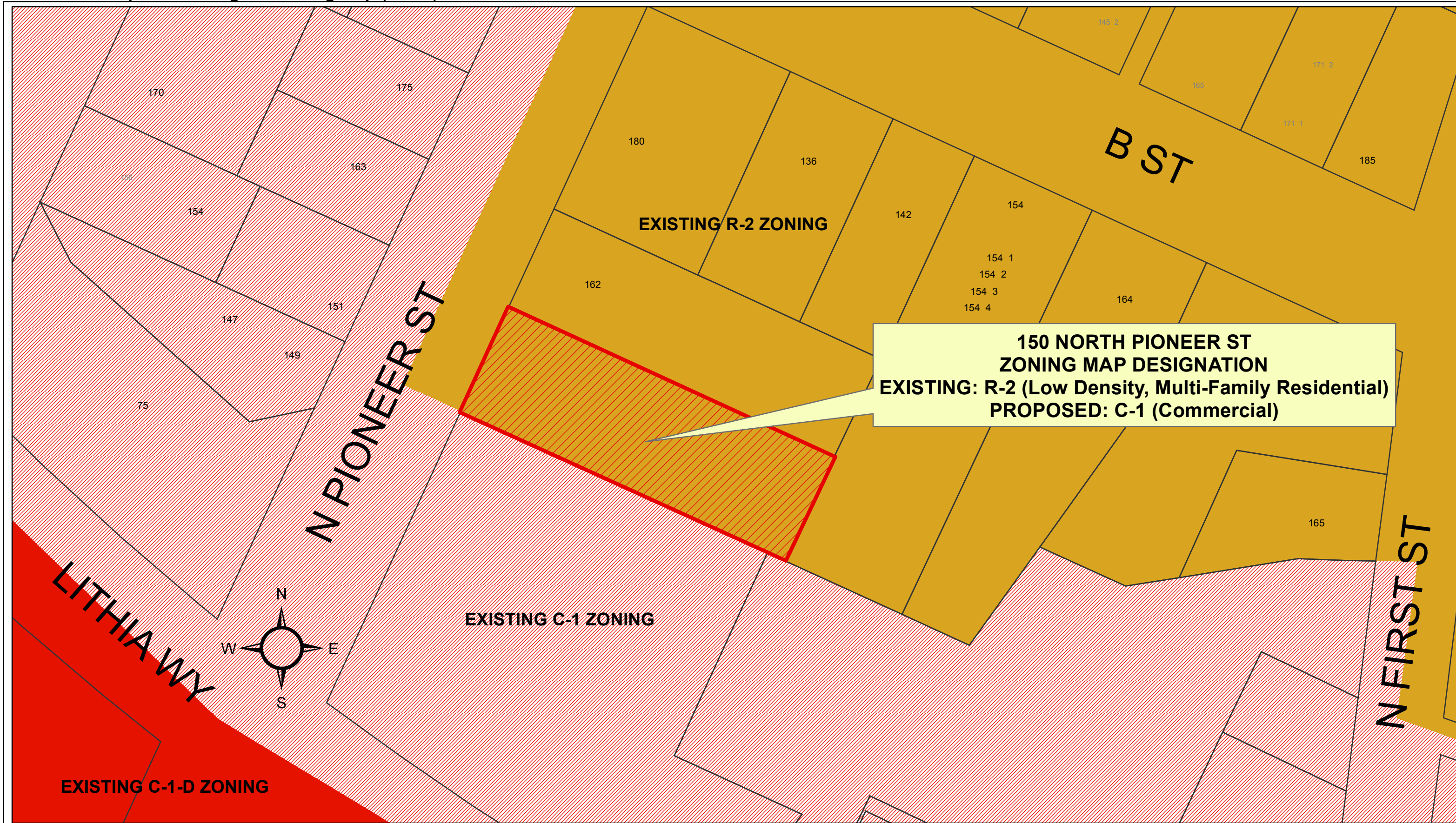
1:480
1 inch = 40 feet



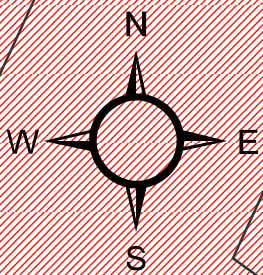
**CITY OF
ASHLAND**

Mapping is schematic only and bears no warranty of accuracy.
All features, structures, facilities, easement or roadway locations
should be independently field verified for existence and/or location.

Exhibit B. Proposed Change to Zoning Map (detail)



**150 NORTH PIONEER ST
ZONING MAP DESIGNATION
EXISTING: R-2 (Low Density, Multi-Family Residential)
PROPOSED: C-1 (Commercial)**



1:480
1 inch = 40 feet
0 25 Feet



Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.

ASHLAND HISTORIC COMMISSION

Planning Application Review

August 3, 2016

PLANNING ACTION #: 2016-00309
SUBJECT PROPERTY: 150 N. Pioneer St.
PROPERTY OWNERS: Stan Potocki
APPLICANT: City of Ashland
DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1.
COMPREHENSIVE PLAN DESIGNATION: Existing: Low Density Multi-Family Residential, **Proposed:** Commercial; **ZONING: Existing:** R-2, **Proposed:** C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800

Recommendation:

By a unanimous vote, the Historic Commission recommends that the City Council not change the zoning designation for the property. The Commission noted the following concerns as the basis for their recommendation:

- The request represents a step toward a gradual encroachment of the “commercial” zoning district into the Historic Railroad District;
- This gradual encroachment will negatively impact the livability of the historic residential district to the north, as well as the residential properties in the immediate vicinity;
- The change from Multi-Family Residential to Commercial zoning will increase the value of the property (150 N. Pioneer), which will result in putting pressure to redevelop the property;
- Redevelopment of the property will likely result in changes to the existing historic, “contributing” residential building, and/or may lead to a future proposal to remove or demolish the structure; and
- Concerns over impacts related to 150 N. Pioneer’s proximity to the city public parking lot could best be addressed through mitigation, such as better fencing and landscaping, rather than a change in zoning. A change in the zoning designation will not resolve the impacts noted by the property owner.



ASHLAND HISTORIC COMMISSION

Meeting Minutes

August 3, 2016

Community Development/Engineering Services Building – 51 Winburn Way – Siskiyou Room

CALL TO ORDER:

Commission Chair, Shostrom called the meeting to order at 6:03 pm in the Siskiyou Room at the Community Development and Engineering Offices located at 51 Winburn Way, Ashland OR 97520.

Commissioners Present:	Council Liaison:
Shostrom	Carol Voisin
Skibby	
Leonard	Staff Present:
Ladygo	Mark Schexnayder; Staff Liaison
Emery	Regan Trapp; Secretary
Swink	
Giordano	
Whitford	
Commissioners Absent:	

APPROVAL OF MINUTES:

Giordano motioned to approve minutes from July 6, 2016. Swink seconded. No one opposed. Whitford abstained.

- Shostrom stated that in the past, minutes were much more detailed. Molnar remarked that staff is trying to make minutes brief and capturing just the most important details, such as recommendations and motions. Molnar, went on to say that when actions are controversial, we do try to capture key comments related to the standards.

PUBLIC FORUM:

There was no one in the audience wishing to speak.

COUNCIL LIAISON REPORT:

Voisin gave the Council Liaison report. Items discussed were:

- Study session:
 - Council received the downtown parking proposal and there will be opportunities for public input soon. The ad-hoc committee for downtown parking will end soon and a new committee will be formed related to urban design. Cycling safety will be of the utmost concern.
 - There is a plan being reviewed to allow Martoli's to place tables and chairs in front of City Hall. They will put a rail up to separate the area from pedestrian traffic.
 - There will be an open house on September 15th at 7PM in the Community Room to review and discuss plans for City Hall. Public input is encouraged.
- Council regular meeting:
 - Parks purchases: Parks purchased a dump truck and the Hitt Road property above Lithia Park.
 - Grandview guardrail was discussed.
 - Fair housing ordinance was passed.
 - Food & beverage tax will be going on the ballot for consideration. The public will be able to vote on how they want the money to be used.

PLANNING ACTION REVIEW:

PLANNING ACTION: PA-2016-01385

SUBJECT PROPERTY: 50 East Main St.

OWNER/APPLICANT: Ted DeLong/Oregon Shakespeare Festival

DESCRIPTION: A request for Site Design Review approval for exterior changes to a contributing property in the Downtown Historic District. The proposal is to construct a 150 square foot addition to the existing deck located at the rear of the building located at 50 East Main Street. **COMPREHENSIVE PLAN DESIGNATION:** Commercial - Downtown; **ZONING:** C-1-D; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOT:** 40000.

There was no ex parte contact or conflict of interest indicated by the Commission.

Schexnayder gave the staff report for PA-2016-01385.

Shostrom opened the public hearing to the applicants.

David Wilkerson of ORW Architecture, and Ted DeLong, General Manager of Oregon Shakespeare Festival addressed the Commission regarding their application. Mr. Wilkerson stated that it's a fairly straightforward application and was first applied for to prevent water intrusion into Harvey's Place. Mr. Wilkerson went on to say, that since the first application, this has morphed into something a little bigger as they take into consideration size of the deck and the water intrusion issue. They will keep the existing deck, making only small repairs in certain places where the deck needs some reinforcements and new framing. He pointed out that the goal of the expansion is to match the existing deck built in the 1990's.

Shostrom closed the public hearing and opened to the Commission for comments.

Giordano motioned to approve PA-2016-01385 as presented. Whitford seconded. No one opposed.

PLANNING ACTION #: 2016-00309

SUBJECT PROPERTY: 150 N. Pioneer St.

PROPERTY OWNERS: Stan Potocki

APPLICANT: City of Ashland

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. **COMPREHENSIVE PLAN DESIGNATION: Existing:** Low Density Multi-Family Residential, **Proposed:** Commercial; **ZONING: Existing:** R-2, **Proposed:** C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800 & 11900

Skibby indicated that he spoke with the owner while he was taking pictures of the property and the owner gave him a tour of the house. He declared that it would not affect his decision making on this application.

Mr. Molnar, Community Development Director, gave the staff report for PA-2016-00309.

Mr. Molnar, discussed the background and process of this application and stated that zone changes do not come about often. He went on to say that the City's land use ordinance allows the City Council to initiate the zone change by a majority vote. Mr. Molnar said that the Mayor had requested the City Council take a look at this application. At that point, the City Council directed staff to process the application for the zone change. This is not applicant initiated, it has been initiated by the City Of Ashland and will still have to go through the full approval process. Mr. Molnar explained that the Historic Commission would make a recommendation tonight and then it would go to the Planning Commission for their recommendation, ultimately to be decided by the City Council. Mr. Molnar gave a history on the property and said that this isn't the first time this property has been up for re-zoning. He discussed that the basis for doing a zone change often comes down to one of two issues. One, that it needs to be re-zoned to conform to the City's

comprehensive plan to accommodate residential growth or two, over time certain circumstances change in an area that might warrant re-zoning. Mr. Molnar described the neighborhood around the properties in detail and went on to speak about the congestion of the area. He pointed out that one of the biggest implications of re-zoning this property is that Commercial zoning designation allows for residential use in conjunction with a commercial use, but it doesn't mandate that you have to have the residential use on the property. With commercial zoning, comes flexibility to choose what kind of use you want. Mr. Molnar directed attention to the fact that the neighbor to the north of this property owns an antique shop and they share a mutual access easement of the driveway. This neighbor has shown interest and may be agreeable to this application.

Skibby wanted clarification if both, 150 and 162 N. Pioneer were the properties in question for the re-zoning. Mr. Molnar stated that, yes, both properties would be looked at for re-zoning since they are connected and that the Commission could visit the idea of re-zoning both addresses. Mr. Molnar explained that both properties were properly noticed and procedures were taken to notify everyone in the neighborhood.

Mr. Molnar impressed upon the fact that if the properties were to be re-zoned that they would be held to a higher standard because they are commercial and historic contributing. If they made exterior changes that require a building permit they would go through a full Commercial Site Review.

Emery asked about solar and Mr. Molnar stated that C-1 zones have to maintain a 16 foot height requirement. C-1-D zones are exempt from solar altogether.

Shostrom asked if the point of this re-zoning was the de-valuation of the owner's property and Mr. Molnar emphasized that staff does not look at re-zoning a property due to de-valuation or to provide greater economic value. They have to look at it from a land – use perspective. They discussed examples of some properties in the past that had been up for re-zoning.

Shostrom opened the public hearing for comments from the audience.

Marilyn Stewart, property owner at 142 B Street, Ashland, OR addressed the commission regarding this planning action. Ms. Stewart's property abuts 162 N. Pioneer and stated that this potential zone change is a huge deal to her. She directed attention to the fact that a zone is there for a reason and if we go changing them, then where does that stop? The zone line is where it is for a reason and if the line moves then it will be abutting residences. Ms. Stewart doesn't see why the need for a zone change and thinks if approved, will open the door for more of these instances. Ms. Stewart remarked that problems with homeless in parking lot, noise with Gil's and Ruby's, and parking lot construction were all factors when the owner bought the property at 150 N. Pioneer. With this zone change, she feels the Railroad district is vulnerable to change, too quickly and feels the livability of the street scape will suffer.

Shostrom closed the public hearing and opened to the Commission for comments.

There was much discussion by the Commission in regards to what would happen long term on this property if it does go through a zone change and the repercussions felt on the neighborhood. Leonard brought up an option of building a substantial fence which would help mitigate outlying problems.

Giordano motioned to deny PA-2016-00309 as proposed. Whitford seconded. No one opposed.

Giordano requested that Voisin report back to the Commission the City Council's decision on this application.

By a unanimous vote, the Historic Commission recommended that the City Council not change the zoning designation for the property. The Commission noted the following concerns as the basis for their recommendation:

- The request represents a step toward a gradual encroachment of the “commercial” zoning district into the Historic Railroad District;
- This gradual encroachment will negatively impact the livability of the historic residential district to the north, as well as the residential properties in the immediate vicinity;
- The change from Multi-Family Residential to Commercial zoning will increase the value of the property (150 N. Pioneer), which will result in putting pressure to redevelop the property;
- Redevelopment of the property will likely result in changes to the existing historic, “contributing” residential building, and/or may lead to a future proposal to remove or demolish the structure; and
- Concerns over impacts related to 150 N. Pioneer’s proximity to the city public parking lot could best be addressed through mitigation, such as better fencing and landscaping, rather than a change in zoning. A change in the zoning designation will not resolve the impacts noted by the property owner.

NEW ITEMS:

- Review board schedule
- Project assignments for planning actions

OLD BUSINESS:

Whitford asked about the status of 135 Nutley and Mr. Molnar stated that they had to center a window and fix the stairs to the property. He went on to say that the owner added a belly band and a flower box and the project looks to be moving forward and progressing. Swink stated that the owner had said (in a review board meeting) that he was going to remove the footings under the stairs to narrow and change the orientation (of the stairs) and has not done that as of yet. Schexnayder stated that the actions of the owner at 135 Nutley were egregious and in the future will keep a better watch out for actions like this. Swink suggested a listing of recommendations be given to commissioners when they review building plans. Schexnayder stated that it’s unknown why the owner at 135 Nutley did not have come back to submit a modification with the Historic Commission. Schexnayder suggested having the Commission obtain the files at Review board so they can see the entire history as well as recommendations and findings for the action. Shostrom impressed upon the fact that sometimes the recommendations aren’t accurate and that they should have the chance to review them before they go to the Planning Commission. Shostrom suggested that Schexnayder email the recommendations to the entire Commission after he writes them, so that they can do any edits if necessary. Shostrom said that the recommendations that are given to the applicant should be clearly written on the plans and plans should be to scale. Schexnayder commented that he compares the Commission’s recommendation with what is submitted on the revised plans. Schexnayder stated that he will speak with Mr. Molnar about these suggestions. Shostrom would like to look at the entire review process of the Commission to see if there could be a way to catch these things before they get too far in the process.

DISCUSSION ITEMS:

There were no items to discuss.

COMMISSION ITEMS NOT ON AGENDA:

Voisin discussed the way minutes are taken with Shostrom. Voisin stated the she heard Shostrom say that “minutes were too brief”. Shostrom remarked that yes, in the past they were much more detailed. Voisin stated that minutes are a record and are very important. Skibby agreed that yes, they are important and sometimes things get misconstrued if not enough detail is given. Schexnayder responded that staff’s direction has been for “action minutes” with more emphasis on motions and recommendation without all the discussion unless controversial.

Review Board Schedule

August 11 th	Terry, Bill
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August 18 th	Terry, Tom, Andrew
August 25 th	Terry, Taylor, Sam
September 1 st	Terry, Taylor, Dale
September 8 th	Terry, Keith, Bill

Project Assignments for Planning Actions

PA-2014-01956	Lithia & First	All
PA-2014-00710/711	143/135 Nutley	Swink & Whitford
PA-2014-01283	172 Skidmore	Shostrom
PA-2014-02206	485 A Street	Ladygo
PA-2015-00178	156 Van Ness Ave	Shostrom
PA -2015-00374	160 Lithia Way	Emery
PA-2015-00878	35 S. Pioneer	Ladygo
PA-2015-01496	35 S. Second-Winchester Inn	Shostrom
PA-2015-01695	399 Beach	Skibby
PA-2015-01769	860 C	Ladygo
PA-2015-01517	209 Oak	Shostrom
PA-2015-02203	868 A Street	Whitford
PA-2016-00073	151 Pioneer	Swink
PA-2016-00275	574 Allison	Emery
PA-2016-00387	95 N. Main	Shostrom
PA-2016-00763	5 N. Main	Swink
PA-2016-00209	25 N. Main	Ladygo
PA-2016-00818	175 Pioneer	Shostrom & Skibby
PA-2016-00847	252 B Street	Whitford
PA-2016-00587	872 Siskiyou Blvd	Skibby
PA-2016-01027	276 B Street	Shostrom & Leonard
PA-2016-01385	50 E. Main	Giordano

ANNOUNCEMENTS & INFORMATIONAL ITEMS:

Next meeting is scheduled September 7, 2016 at 6:00 pm.

There being no other items to discuss, the meeting adjourned at 8:50 pm

Respectfully submitted by Regan Trapp

BEFORE THE PLANNING COMMISSION
September 13, 2016

IN THE MATTER OF PLANNING ACTION #2016-00309, A REQUEST FOR A)
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE FOR)
THE PROPERTY LOCATED AT 150 NORTH PIONEER STREET. THE CURRENT)
COMPREHENSIVE PLAN MAP DESIGNATION IS LOW DENSITY MULTI-)
FAMILY RESIDENTIAL AND THE ZONING IS R-2. WITH THE CURRENT) **FINDINGS,**
PROPOSAL, THE COMPREHENSIVE PLAN MAP DESIGNATION WOULD BE) **CONCLUSIONS, &**
CHANGED TO COMMERCIAL AND THE ZONING TO C-1. NO CHANGES TO) **RECOMMENDATIONS**
TO THE EXISTING SITE IMPROVEMENTS OR THEIR APPROVED USES ARE)
PROPOSED.)

OWNER/APPLICANT: Stan Potocki/City of Ashland)

RECITALS:

- 1) Tax lot #11800 of Map 39 1E 09BA is located at 150 North Pioneer Street and is zoned R-2 (Low Density Multi-Family Residential).
- 2) The applicants are requesting a Comprehensive Plan Map Amendment and Zone Change for the property located at 150 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. *No changes to the existing site improvements or their approved uses are proposed.*
- 3) Amendments of the Comprehensive Plan and Zoning Maps are addressed in AMC 18.5.9.020 "Applicability and Review Procedure" as follows:
 - B. **Type III.** *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*
 1. *Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*

2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*
3. *Land Use Ordinance amendments.*
4. *Urban Growth Boundary amendments.*

A change in the zoning designation for a property that also entails changing the property's underlying Comprehensive Plan designation, as proposed here, is considered a legislative amendment through the Type III procedure discussed in AMC 18.5.9.020.B above. A Type III procedure requires a hearing before the Planning Commission to yield a recommendation to Council and final approval through a hearing before the Council with adoption by ordinance. The Land Use Ordinance generally permits zone changes when it is found to be necessary in order to conform to the Comprehensive Plan or to meet other changes in circumstances or conditions, however Type III procedures are legislative decisions dealing with broader policy issues at Council discretion. While a change to the Comprehensive Plan Map is a legislative matter, the proposal here involves changes to the zoning of a single property and as such notice was nonetheless provided to surrounding property owners in keeping with the requirements of a quasi-judicial land use hearing.

4) The Planning Commission, following proper public notice, held a public hearing on August 9, 2016 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission ultimately recommended that that the City Council deny the application.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a recommendation based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for a Comprehensive Plan Map Amendment and Zone Change fails to meet the criteria of necessity in AMC 18.5.9.020.B. and further finds that there is no public need or public benefit as described in the Ashland Comprehensive Plan that would be addressed in approving the request.

2.3 The Planning Commission finds that in considering a similar request in 1992, the Council ultimately determined that the existing R-2 zoning provided an important buffer between the more intense C-1 uses to the south and the National Register of Historic Places-listed Railroad Addition Historic District residential neighborhood a short distance to the north, and that the Conditional Use Permit process provided adequate options for some measure of commercial use for the R-2 zoned commercial property. In addition, the Council determined that traffic increases from 1988 to 1992 were insufficient to warrant the zone change and that any change to the zoning should be looked at more comprehensively.

2.4 The Planning Commission finds that the City of Ashland Historic Commission considered the proposed amendments to the Comprehensive Plan Map designation and Zoning Map at their regular meeting on August 3, 2016 and following their deliberations, unanimously recommended that the City Council deny the proposal. The Historic Commission's recommendation indicated that the proposal represented a step in the gradual encroachment of commercial zoning into the historic residential neighborhood which could result in additional pressure to re-develop the property. Historic Commissioners suggested that such redevelopment pressure could ultimately result in significant changes to and/or the possible demolition of this historic contributing resource, the 'James W. Loshier House.' The Historic Commission suggested that the concerns raised by the property owner would be better addressed with efforts targeted to mitigate the impacts of the parking lot, and that changing the underlying zoning from R-2 to C-1 would do little to alleviate the problems.

2.5 The Planning Commission finds that neighbors raised concerns that a change to commercial zoning would exacerbate existing traffic and parking issues, increase noise, and chip away at the residential character of the historic neighborhood by moving commercial uses closer to existing residences. Neighbors emphasized that re-zoning was not the solution, and suggested that a taller, more dense, sound-proof fence adjacent to the parking lot would help.

2.6 In considering the comments from the Historic Commission recommendation and the testimony from neighbors, the Planning Commission finds that the proposed amendments of to the Comprehensive Plan and Zoning Map designations could lead to the need for improved access to serve newly allowed commercial use of the site, and that this could result in pressure to widen the driveway to accommodate parking and circulation requirements and necessitate the removal of parts of the existing historic home. The Commission further finds that the amendments would adversely impact the character of the surrounding neighborhood by allowing commercial uses with greater intensity, larger structures, increased lot coverage, and removing a continuing residential presence from the property. The Commission finds that the property would be better suited to limited commercial uses permitted under the existing R-2 zoning through the Conditional Use Permit process which provides a greater measure of control while allowing for careful consideration of the neighborhood context.

The Commission further finds that while there has been an informal policy for some time that limited commercial uses allowed through the Conditional Use Permit process in residential neighborhoods should maintain a primary residential presence for compatibility with the character of their surrounding residential neighborhoods, the arguments made here in favor of a zone change would be better considered as arguments in favor of a Conditional Use without the requirement that a residential component be maintained on site. The Commission finds that this site would be uniquely suited to considering an appropriate commercial use through the Conditional Use Permit process without a required residential component.

SECTION 3. RECOMMENDATION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission recommends that the City Council deny Planning Action #2016-00309, the proposed Comprehensive Plan Map Amendment and Zone Change for the property located at 150 North Pioneer Street.



Planning Commission Recommendation

September 13, 2016

Date

CITY OF ASHLAND

ASHLAND PLANNING COMMISSION REGULAR MEETING MINUTES AUGUST 9, 2016

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Debbie Miller
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced a housing forum sponsored by the Ashland Housing & Human Services Commission and the Interfaith Community will take place August 10 at 6 p.m. He also noted the space needs study being conducted by the city to evaluate potential opportunities to reconstruct or relocate city hall. He stated an open house will be scheduled for September and the findings will be presented to the city council in October.

Commissioner Mindlin announced she will be absent from the September 13 regular meeting.

CONSENT AGENDA

A. Approval of Minutes.

1. July 12, 2016 Regular Meeting.

Commissioners Brown/Thompson m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 6-0. Commissioner Mindlin abstained.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Adoption of Findings for PA-2016-01029, 1365 Tolman Creek Rd.

No ex parte contact was reported.

Commissioners Miller/Pearce m/s to approve the Findings for PA-2016-01029. Voice Vote: all AYES. Motion passed 6-0. Commissioner Mindlin abstained.

TYPE III PUBLIC HEARINGS

A. PLANNING ACTION #: PA-2016-00309

SUBJECT PROPERTY: 150 N. Pioneer St.

PROPERTY OWNERS: Stan Potocki

APPLICANT: City of Ashland

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. COMPREHENSIVE PLAN DESIGNATION: Existing: Low Density Multi-Family Residential, Proposed: Commercial; ZONING: Existing: R-2, Proposed: C-1; ASSESSOR'S MAP: 39 1E 09BA; TAX LOT: 11800.

Staff Report

Community Development Director Bill Molnar provided some background information on the request. He explained in 1988 the city adopted a downtown plan that identified options for additional parking supply. The Pioneer/Lithia property was one of the options and the city acquired it and began construction on the parking lot in 1989. The neighboring property owner, Stan Potocki, has been in discussion with the city since that time and has been documenting the impacts of the parking lot. Mr. Potocki presented his data to the mayor and city council and they directed staff to initiate an evaluation of the zone change and prepare the Type III land use application. Mr. Molnar stated the commission is directed to forward a recommendation and the city council will make the final decision. He noted the Historic Commission has already reviewed the request and recommended denial of the zone change.

Mr. Molnar explained the main difference between the C-1 and R-2 zones are the uses that are permitted outright, which includes office, retail, restaurants, and hotels. This property is also on the edge of Ashland's Downtown Historic District and the Railroad Historic District. Mr. Molnar stated the question of adequate supply does not apply in this case as the city is meeting its 20 year requirement for both employment and residential lands; the main question is whether the zone change is necessary to meet the changes that have happened to the area. Mr. Molnar stated the city parking lot will ultimately connect to the parking for the Plaza West buildings and noted all of the other city parking lots are either adjacent to commercial property or separated from residential properties by a right of way. He commented that there has been a lot of development in the area and the most recent traffic generation counts show a 50% increase from 1992.

Mr. Molnar explained the current use of Mr. Potoki's property is office use on the ground floor with an apartment above and a separate residence at the back of the lot. He suggested the commission consider the adjacent property in their deliberations since the two lots share a driveway. He explained the R-2 zone does allow for a 100% commercial use with a conditional use permit (CUP), however this has never been approved in the past. He stated a commercial zoning designation would provide some flexibility from having a residential use on the property.

Associate Planner Derek Severson displayed several slides of the site and surrounding area. He pointed out the Lithia/Pioneer parking lot has 64 spaces however when the Plaza West development is built out it will add an additional 89 spaces bringing the total to 153. He also displayed images of the shared driveway that straddles the property line and stated the commission may want to consider whether any change in zoning should expand to the property at 162 Pioneer as well.

Questions of Staff

Staff was asked why the Historic Commission was unresponsive. Mr. Molnar explained the commission was concerned about the impacts described by Mr. Potoki but did not see how changing the zone would alleviate those problems. They felt the city should be doing a better job to mitigate the impacts and were concerned a commercial zoning designation would intensify the use and result in potential changes to the historic structure.

Commissioner Pearce commented that changing the zone would require a comprehensive plan amendment and questioned how the city would address the applicable statewide planning goals, specifically Goal 2, and justify that there is a public need for this change.

Commissioner Thompson stated there are a lot of similar areas in town where two zones butt up next to each other and asked if the parking lot was the compelling feature in this case. She voiced concern with the impacts described by the property owner but stated those impacts will continue even with a rezone. Mr. Molnar commented that when Mr. Potoki purchased the property he expected some type of commercial development, but did not anticipate one of the city's largest parking lots being placed there. He has asserted that a residential use is undesirable at this location.

Mr. Molnar commented on resident concerns of changing neighborhood character by removing residential uses through the CUP process and stated as part of the city's discretionary review on neighborhood impacts and evaluating the target use of the zone, they have not approved a 100% commercial use in the R-2 zone. He added there were a few that tried, but they were all denied and the city has only approved commercial uses in the R-2 zone in conjunction with a residential use.

Public Testimony

Joseph Lusa/135 B Street/Voiced support for the Historic Commission's recommendation. Mr. Lusa stated changing the zone will exacerbate the existing parking, noise, and traffic problems and requested the city not change the zone.

Dorothy Brooks/136 B Street/Stated the historic character of the neighborhood is important and voiced concern with commercial creep changing the character of the historic area. Ms. Brooks cited a petition they circulated and received 40 signatures opposing the change. She stated Ruby's and Gil's have radically increased the traffic and noise in the area and urged them to vote no on this zone change.

Stan Potoki/150 N Pioneer/Stated he has operated a business at this location since 1989 and stated the two prior planning directors informed him that his property would be rezoned but moved on to other positions before following through. Mr. Potoki stated no one in their right mind would want to live on this property. He stated Pioneer Street is a commercial corridor and there is drug and alcohol use in the parking lot, as well as profanity and public urination. He stated people sleep in the lot and there are barking dogs, car alarms, and loud music being played. Additionally, the driveway is continually blocked due to the restaurant across the street and it is not safe to park or pull out. Mr. Potoki stated you do not want kids or families living here and it would be a better use of the property if it were not residential.

Joe Collouge/111 B Street/Stated he does not understand how changing the zone on a map will have an impact on what's happening in the area. Mr. Collouge stated he is concerned a zone change will increase the number of vehicles parked on B and Pioneer Streets and questioned the property owner's motivation for this request.

Jerry Brooks/136 N Street/Cited a petition they circulated and stated none of the people they approached were in favor of the rezone. Mr. Brooks stated rezoning the property is not a solution to the problem and voiced concern with chipping away at the character of the neighborhood. He stated he does not want a commercial use behind his house and stated this is not the only place in the city that is impacted by the types of people coming here.

Marilyn Stewart/142 B Street/Voiced her support for the Historic Commission's recommendation and stated the zone should not be changed. Ms. Stewart stated zone changes should be based on need and there is no basis for this change. She stated there is enough commercially zoned property to meet Ashland's needs and the change would take away from the neighborhood feel. Ms. Stewart stated changing the zone could be devastating to their property values and she would not have purchased her house if she knew this was a possibility. She stated the homeless go to commercial properties at night because no one is there and making this change would just move those people further into the neighborhood.

Questions of Staff

Commissioner Thompson asked staff if the unusual circumstances of this site would be justification for a conditional use permit that allows an exclusive commercial use on this property. Mr. Molnar responded that he believes there are grounds for this and Thompson commented that this would be a remedy that does not require amending the comprehensive plan.

Deliberations and Decision

Commissioner Norton commented on the driveway easement and stated if the property is zoned commercial they might have to modify the house in order to install a wide enough driveway. Commissioner Miller sympathized with Mr. Potoki but stated a zone change will not address the issues. She voiced support for the residential character of the neighborhood and stated commercial encroachment into the historic district is a concern. Commissioner Pearce agreed with Norton and Miller. He stated under the land use goals you need to have a public need to justify a zone change. He added if this property is rezoned to commercial at some point there will be pressure to redevelop the lot and intensify the use. Commissioner Thompson stated she can see how the impacts might be more tolerable to a commercially zoned property, but has a problem with the public need versus private need. She stated changing the comprehensive plan on a property by property basis is not something she is comfortable with and stated there is a workable solution through the CUP process. Mindlin agreed with the other commissioners and stated she is not seeing the public need in this situation. She stated it is very unfortunate that Mr. Potoki is having to deal with this situation but it has nothing to do with the zoning. She added there is a good background established for a 100% commercial use approved through the CUP process. Commissioner Brown agreed and stated there are other options to get this done. He stated the problems won't be solved by a zone change and this would just kick the can down the road. He stated the city has been a terrible property manager and recommended the city step up its efforts to address the problems occurring at this location.

Commissioners Dawkins/Brown m/s to recommend denial of PA-2016-00309. Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.

ADJOURNMENT

Meeting adjourned at 8:45 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

City of Ashland
Public Works/Engineering Department
Traffic Study Report

Pioneer St : -
B : &
Lithia :

Site: Eng - 08-2016
Thursday, 07/28/16 8:30 AM -
Wednesday, 08/03/16 4:00 PM

Volume Grand Totals

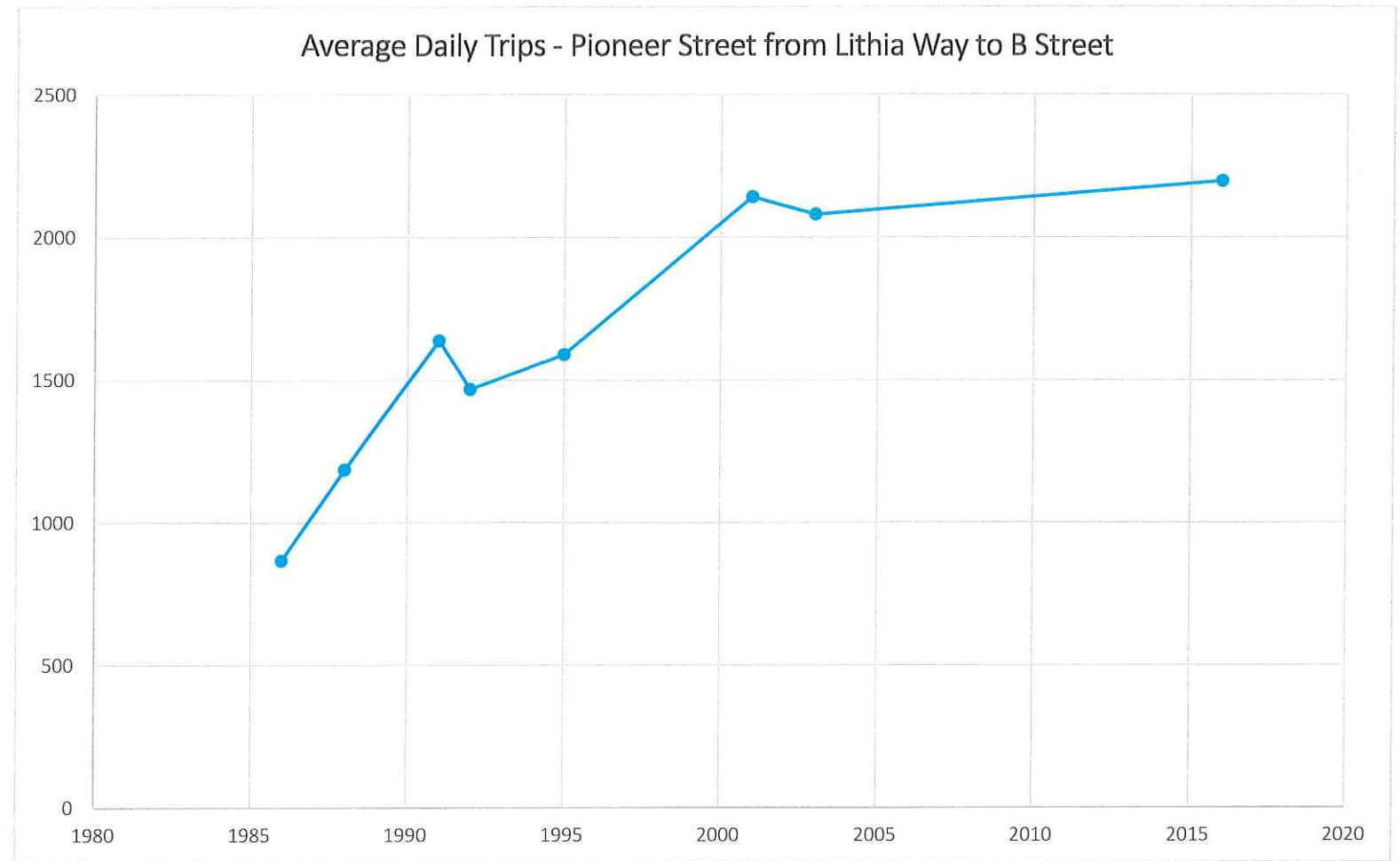
Average Hourly Volumes

	north-bound	south-bound	Combined
12:00 AM	4.3	2.8	7.2
1:00 AM	3.5	2.2	5.7
2:00 AM	3.5	0.7	4.2
3:00 AM	1.2	0.8	2.0
4:00 AM	4.8	1.0	5.8
5:00 AM	2.8	4.2	7.0
6:00 AM	8.5	6.2	14.7
7:00 AM	32.5	30.8	63.3
8:00 AM	46.8	52.3	99.2
9:00 AM	66.7	69.0	135.7
10:00 AM	80.6	87.0	167.6
11:00 AM	85.7	97.9	183.6
12:00 PM	96.0	93.1	189.1
1:00 PM	101.7	89.4	191.1
2:00 PM	80.4	83.4	163.9
3:00 PM	71.1	83.9	155.0
4:00 PM	77.0	92.2	169.2
5:00 PM	65.0	90.2	155.2
6:00 PM	82.0	70.3	152.3
7:00 PM	77.5	55.5	133.0
8:00 PM	41.7	46.0	87.7
9:00 PM	18.5	25.8	44.3
10:00 PM	19.8	17.5	37.3
11:00 PM	13.5	9.2	22.7
Average Daily Traffic (ADT)	1085.3	1111.4	2196.7

Volume Totals

	north-bound	south-bound	Combined
	7129	7307	14436
	49.4 %	50.6 %	

YEAR	ADT	STREET_NAME	LOCATION
1986	867	PIONEER STREET	LITHIA TO B ST
1988	1186	PIONEER STREET	LITHIA TO B ST
1991	1638	PIONEER STREET	LITHIA TO B ST
1992	1468	PIONEER STREET	LITHIA TO B ST
1995	1589	PIONEER STREET	LITHIA TO B ST
2001	2141	PIONEER STREET	LITHIA TO B ST
2003	2080	PIONEER STREET	LITHIA TO B ST
2016	2196.7	PIONEER STREET	LITHIA TO B ST



August 8, 2016

Dear Planning Commissioners,

RE: PA-2016-00309

Thank you for your time and consideration on this very important matter before you.

My name is Marilyn Stewart and I am a property owner adjacent to 150 and 162 Pioneer Street. My home is at 142 B Street, directly adjacent to 162 Pioneer Street. I am completely opposed to the proposed zoning and comprehensive plan map change from Residential zoning to Commercial zoning.

Most of the issues that are raised as justification for the zone change appear to be issues that could be mitigated for through alternative methods. Changing the zoning designation would not eliminate the issues raised by Mr. Potoki but would have some very negative effects on the adjacent residential zoned properties.

Many of his complaints appear to be regarding the management of the City's parking lot property and the change in zoning will not change the management of the property. Additionally, the heavy usage of the parking lot will not go down unless the City decides to do something about the downtown parking situation. The change to a commercial zone could increase the amount of parking in the city lot.

The current designation of the property as R-2 allows for business uses through a conditional use permit. The benefit of this is that it allows for the impacts of the proposed uses to be evaluated against the intended use of the zone as residential units. The zoning within the Railroad Historic District also provides for retail in a limited scope. Again, the impacts of the uses are evaluated against the intended use of the residential zone.

With a change to commercial zoning, the potential allowed uses are greatly increased. Some of the allowed uses are not compatible with residential uses immediately adjacent but the impacts to the residential uses would not be evaluated. Uses such as bakery or restaurant uses would alter the noises, odors, light pollution and hours of operation that all can have negative impacts on the adjacent residences.

In addition to intensification in the allowed uses, the amount of lot coverage is allowed to be increased. The required setbacks for structures is reduced. The height allowed for structures is increased. These permitted increases in footprint put additional pressures on the adjacent properties and reduce the residential character of the neighborhood.

With the increases in the types of uses, the amount of traffic generated can be greatly increased without concern to the potential negative impacts on the adjacent residential neighbors. With the proposed zone change, every remaining residential lot will be directly adjacent to commercially zoned properties.

As existing, both of the properties in question have considerable existing "business" footprint. It is unclear what benefits have been shown to changing the zoning that show the decrease in available residential housing stock is warranted. As a Realtor, I am very aware that Ashland has a lack of

residential housing. Is there a true need for additional commercial property? It does not appear that a change in circumstances or that a public need to change the zone has really been identified, the removal of two properties that have additional residential density potential is a serious issue that needs to be addressed by the applicant.

Over the years, through the use of the conditional use permit, residences along B Street have been increasingly allowed business uses. This increases the traffic through the neighborhood. With the addition of more commercial uses, more vehicular impacts will be felt on the adjacent streets.

The B Street, Pioneer and First Street blocks have a lot of pressures from the commercial downtown upon them. From the traffic on B Street, to the on-street parking for downtown employees and business', increased commercial presence on Pioneer Streets by successful business in the commercial zone, all of the residential properties in the neighborhood feel the pressure. Allowing the zone change will further the increase pressure and increase the commercial creep into the historically residential zones. In addition to the impacts created by increased commercial uses, the physical alterations to the site (fire connections, railings, altered entrances, etc.) are incompatible with the development standards in the Railroad Historic District and mar the historic street view. Less residents reduces the pride in ownership and the neighborhood feel.

With these above listed concerns, I do believe that the need for the zone has not been demonstrated by the application.

There are mitigations that can be implemented to relieve some of the issues raised by Mr. Potoki. These include, creation of a storm water swale between the city property and Mr. Potoki's property. Increasing the fence height and fencing material between the property and the parking lot. Increasing surveillance of the city's parking lot. Increase patrolling of parking violations, repainting yellow and installing signs are also options to Mr. Potoki's driveway issues. These and other alternatives should be reviewed before the very permanent zone change is allowed.

Thank you for your consideration to the concerns that are very real for those of us in the residential zone adjacent to the commercial zones. When we purchased our properties, the adjacent zones and the allowed uses were known. With the request, what was known and understood as to the potential impacts from our neighbors is now unknown and there are less protections provided to the rest of the block, than presently exist.

Sincerely,



Marilyn Stewart
142 B Street

Submission to Planning Commission

To: Ashland Planning Commission

From: Concerned Railroad District Property Owners

Regarding: Zoning Change Request for 150 and 162 Pioneer Streets

Having recently learned of the request to alter the zoning for the 2 properties on Pioneer Street, a small group of residents of the area took the following actions:

1. Canvassed a limited section of the neighborhood to test feelings about the zone change. Only one individual expressed a neutral view, no one expressed a favorable reaction, and the rest were opposed. See the attached 4 pages of individuals in opposition.
2. Communicated with the owners of the adjoining piece of property to 162 and even though one is currently in the hospital in San Diego and the other is away, they submitted a strong email in opposition to the change.
3. Attached also is a letter submitted by a concerned resident of B Street in opposition who took the time to write.
4. Several of us agreed to be here tonight to respond to your questions

We do want to be clear. We concur fully with the recommendations of the Ashland Historic Commission urging denial of the request for zoning changes and encouraging the City to work with the petitioners to resolve their grievances.

We are concerned about the issue of trust, one of the most important values a people can hold. When we purchased our properties each researched and determined its zone. Based on our findings, and trusting the area was stable, we agreed to the purchase. The change in zoning for these two properties has the very strong potential to lead to more such requests and could lead to a radical change in the composition of a very sensitive area in the RR District.

We strongly request that you vote to maintain the current zoning.

Thank you. Submitted by Marilyn Stewart, Gerald Brooks, Dorothy Brooks, Joe Lusa, Bonnie Lusa

RECEIVED

AUG 08 2016

City of Ashland

Informal Ashland Citizen Generated Petition
Request to maintain the residential character of the Railroad District

As residents of the Historic Railroad District we urge the Ashland Planning Commission and the Ashland City Council to support the Ashland Historic Commission and also vote against the request to change the Zoning of the residences located at 150 and 162 Pioneer Street from Residential (R2) to Commercial (C1).

- | Signature | Date mm/dd/yr | Print Name | Address |
|---------------------------|---------------|------------------|---------------------------|
| 1. <u>Brittney Bass</u> | 8/7/16 | Brittney Bass | 240 N 1st Ashland |
| 2. <u>Paul McDonald</u> | 8/7/16 | Paul McDonald | 269 N 2ND ST
ASHLAND |
| 3. <u>Eric Finney</u> | 8/7/16 | ERIC FINNEY | 159 N 2ND ASHLAN
OR |
| 4. <u>Kevin Windows</u> | 8/7/16 | KEVIN WINDOWS | 1015 B Street
Ashland |
| 5. <u>Necia Zuck</u> | 8/7/16 | Necia Zuck | 266 N 2nd St
Ashland |
| 6. <u>Clare Huggins</u> | 8/7/16 | | 340 Ast. Ashland OR 9750 |
| 7. <u>Charles Douglas</u> | 8/7/16 | CHARLES DOUGLASS | 44 Dewey St
Ashland OR |
| 8. <u>Kimberly Hoy</u> | 8/7/16 | Kimberly Hoy | 119 3rd St. |
| 9. <u>Dorcas Olson</u> | 8/7/16 | | 111 THIRD ST. |
| 10. <u>Ann Strauss</u> | 8/7/16 | Ann Strauss | |

Marilyn McStewart Marilyn McStewart 650 Holly
 Ashland

Circulator's Signature

Circulator's Name Printed

Date

8/7/16

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Signature	Date mm/dd/yr	Print Name	Address
1. <u>Anne Beaufort</u>	8/7/16	Anne Beaufort	129 E Hersey
2. <u>Joanna Wheeler-Niemann</u>	8/7/16	Joanna Wheeler-Niemann	31 W. Hersey
3. <u>Michael Niemann</u>	8/7/16	Michael Niemann	31 W. Hersey
4. <u>Shari Craddock</u>	8-7-16	Shari Craddock	541 Cards
5. <u>Cathe Foster</u>	8/7/16	CATHE FOSTER	983 OAK ST.
6. <u>Brian Lee</u>	8/7/16	BRIAN LEE	350 B. ST
7. <u>Mari Tardiff</u>	8-7-16	MARI TARDIFF	386 B. ST.
8. <u>Peter Tardiff</u>	8-7-16	PETER TARDIFF	386 B ST.
9. _____			
10. _____			

<u>Dorothy C. Brooks</u>	DOROTHY C BROOKS	8/7/16
Circulator's Signature	Circulator's Name Printed	Date

Informal Ashland Citizen Generated Petition
Request to maintain the residential character of the Railroad District

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Signature Date mm/dd/yr Print Name Address

1. Rebecca Martin 08/07/16 Rebecca L Martin 32 Morton St Ashland
2. Jane S. Martin 8/7/16 Jane S. Martin 52 Morton St.
3. Wayne Kelly 8/7/16 Wayne Kelly 145 B St.
4. Blair Johnson 8/7/16 Blair Johnson 145 B St #2
5. Thomas Johnson 8/7/16 Thomas Johnson 185 B St
6. Gene K. Chester 8/7/16 Gene K. Chester 249 B St.
7. Lisa S. Cooper 8/7/16 Lisa S. Cooper 259 B St.
8. John H. Limb 8/7/16 John H. Limb 343 B Street Ashland OR
9. Janice H. Limb 8/7/16 Janice H. Limb 343 B Street
10. Kathy Hoxmeier 8/7/16 Kathy Hoxmeier 435 B St.

Gerald L. Brooks
 Circulator's Signature

Gerald L. Brooks
 Circulator's Name Printed

8/07/16
 Date

Informal Ashland Citizen Generated Petition
Request to maintain the residential character of the Railroad District

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Signature	Date mm/dd/yr	Print Name	Address
1. <i>Jonathan Williams</i>	8/7/16	Jonathan Williams	78 N. 3 rd St. Ashland
2. <i>Chad Eer</i>	8/7/16	Chad Eer	94 N 35 "
3. <i>Dion</i>	8/7/16	Derek Azevedo	130 N 3 rd Ashland
4. <i>Justin Huntley</i>	8/7/16	Justin Huntley	" "
5. <i>Suphasiri Muttanara</i>	8/7/16	Suphasiri Muttanara	142 1/2 B street
6. <i>Michael Baudoin</i>	8/7/16	Michael Baudoin	165 B St
7. _____			
8. _____			
9. _____			
10. _____			

Marilyn Stewart Marilyn Stewart 8/7/16
 Circulator's Signature Circulator's Name Printed Date

Thoughts on the Proposed Pioneer St Zoning Changes

1 message

Stacy Shelley <stacy.shelley@gmail.com>

Fri, Aug 5, 2016 at 3:41 PM

To: dartbrooks@gmail.com

To Whom it My Concern,

My name is Stacy Shelley and I am the owner of 123 B St. I am unable to attend the meeting in person to discuss the current proposal on the table so I am writing my concerns instead.

First off, the document sent out about the proposed change in zoning on Pioneer was a bit misleading. While the diagram highlighted the 150 Pioneer lot, it did not highlight the 162 Pioneer lot that is included in written description of the proposal. I had to look up the addresses to see it is actually two lots that are up for discussion in this proposal.

As you are aware, there have been some major changes on Pioneer over the past couple of several years. Ruby's and Gil's, which were previously residential/small business when I moved here in 2002, are both successful restaurants that have brought increased traffic and noise to the neighborhood. There is also the new restaurant and wine bar going in where the Dry Cleaning business use to be. While there is a parking lot available for many of the patrons of these businesses, there is a constant demand for parking on our block of B Street, not only from these businesses but Coop patrons, as well.

Unfortunately, our street is not marked for specific parking spaces and none of our driveways curbs are marked with the regulatory yellow 4 foot 'No Parking' zones. As a result, it is not uncommon to find cars parked into driveways up and down our block of B Street. Also, B Street residents without off street parking are constantly dealing with the challenges of finding parking close to home.

One of my concerns of this proposal is the likely hood that additional commercial business will bring yet more traffic and noise into the neighborhood, negatively affecting the quality of living we all have moved here and purchased homes in this location for.

The current zoning for these properties has allowed owners to provide a service to the community while still keeping the charm of the Historical Rail Road District. Opening up these homes to 100% commercial development is bringing downtown into the district, with none of the infrastructure and regulation enforcement with it.

The Historical Society is not in favor of this change and our community isn't either.

Thank you,

Stacy Shelley

Steve Strickland <steve@bmse.net>
To: Jerry Brooks <jarbro3@gmail.com>

Fri, Aug 5, 2016 at 3:51 PM

Hi Jerry,

Megan here - thank you VERY VERY much for letting us know about this - we don't actually receive any mail on island and I mostly use my gmail account fairygriffin@gmail.com

Here's my first thought of what you should put in under my name - let me know what you think.... you can also reach me on my mobile at 561-308-0319 as I'm in San Diego recovering from surgery.

"As the resident of 180 N Pioneer since 1992 and owner since 2004, an 1884 Victorian deemed as "Highly Significant" when the entire Rail Road District was placed on the National Historic Register - I want to speak in the strongest possible terms AGAINST the rezoning of the 2 properties in question. Although recovering from surgery at the moment and unable to attend the meeting in person, this strikes me as the worst possible insult to the historic integrity of the neighborhood since the demolition of the Ashland Mineral Springs Natatorium (built in 1908) later known as Twin Plunges hot springs attraction was shut down in 1977 (in roughly the location of the current Umpqua Bank building) and the city lost a vibrant mineral springs in the center of town.

I am shocked and appalled that AFTER the careful study given to the entire character of the neighborhood in creating the Design Guidelines and after applying for National Historic Register status in 1999 for the entire neighborhood with a guiding principle of the document requiring owner occupancy of any R-2 use "to maintain the residential neighborhood character of the community" that such a clearly incompatible zoning request would be considered at all much less be brought forward for a public hearing!

With the utmost desire to stop the destruction of a place I hold as sacred - I request that the Planning Commission and the City Council immediately and permanently DENY this requested change in zoning."

- Megan Mitchell, owner and 24 year resident of 180 N Pioneer (also Principle Agent of MJD Jamestown - the owner of record of the property)

I'm not at all sensitive to being edited so let me know any changes you and Dorothy might suggest. I also will probably be in Ashland later next week.

Best,
Megan

Steve Strickland
541-944-6836
steve@bmse.net
[Quoted text hidden]

Re: PA #2016-00309

KATHERINE ABBETT <kaabbett@hotmail.com>

Tue 8/9/2016 9:49 AM

Inbox

To: KATHERINE ABBETT <kaabbett@hotmail.com>; planning <planning@ashland.or.us>; Greg Lemhouse <greg@council.ashland.or.us>; hmiller@jeffnet.com <hmiller@jeffnet.com>; sasetta@mind.net <sasetta@mind.net>; fhnorton527@gmail.com <fhnorton527@gmail.com>; pearcer22@gmail.com <pearcer22@gmail.com>; lkthompson@hotmail.com <lkthompson@hotmail.com>; mstewart@windermere.com <mstewart@windermere.com>; bill.molner@ashland.or.us <bill.molner@ashland.or.us>; April Lucas <april.lucas@ashland.or.us>;

From: KATHERINE ABBETT <kaabbett@hotmail.com>
Sent: Monday, August 8, 2016 4:29 PM
To: greg@council.ashland; mstewart@windermere.com
Subject: PA #2016-00309

Planning Commissioners of the City of Ashland:

I am the owner of 164 and 164 1/2 B Street, Ashland, Or. since 1977. I will be adversely affected by a proposed zoning change on subject properties on Pioneer St. The subject properties are in view and back to properties on B Street residential living. Pioneer St. and the second block of B St. are the interface to the railroad residential houses. The same proposal was initiated 30 years ago and rejected for the same reasons it should be rejected at this time.

C-1 zoning is inclusive of many types of businesses which conduct noise and lighting, garbage and disturbance to the quiet, peaceful enjoyment entitled to residential occupancy. The historic neighborhood residents seek livability and must be respected for a the quality lifestyle they deserve when they purchased a historic home near town. C-1 zoning would include business options that create more traffic, noise, and an extension of the hours of doing business that are incompatible with livability for residents. The applicant has expressed the same objection as everyone on B St will endure with a zoning change when the City of Ashland created a parking lot next to 150 Pioneer property. There was an application for a change denied at that time for the same problems an approval of this proposal would create at this time.

C-1 zoning would change the ordinances required by R-2 regarding building restrictions. Set backs for construction and height of buildings have different requirements as I am experiencing with the construction of the condos at 175 Lithia Way. With the approved third story balconies, there is no privacy in our backyard and balcony views into our bedroom windows. Parking cars, car alarms and slamming doors and lights were expected objections but not clear views into our backyard and bedroom were expected. In addition, there would be no required reviews for permits that are now required by the conditional use permit for limited commercial use.

Due to the extreme shortage of R-2 zoning and the need for affordable living in the City of Ashland, many planning members have contemplated and denied changes in previous planning actions. This presidents should be reviewed and analyzed for feasibility before considering a commercial need in the interface of residential housing.

I object to approving planning action 2016-00309 based on comprehensive planning, livability in the residential interface and the lack of need for more commercial use on Pioneer St. The commercial activity on the north side of Pioneer is conducted under C-1 zoning that was approved and mapped approximately 60 years ago or more.

Thank you for considering my concerns in this important change, it is more than a USE change but the WRONG change for many long time residents of Ashland. Preserve the Railroad District and keep it a place to live and walk and sleep, please.

Respectfully,

ss//

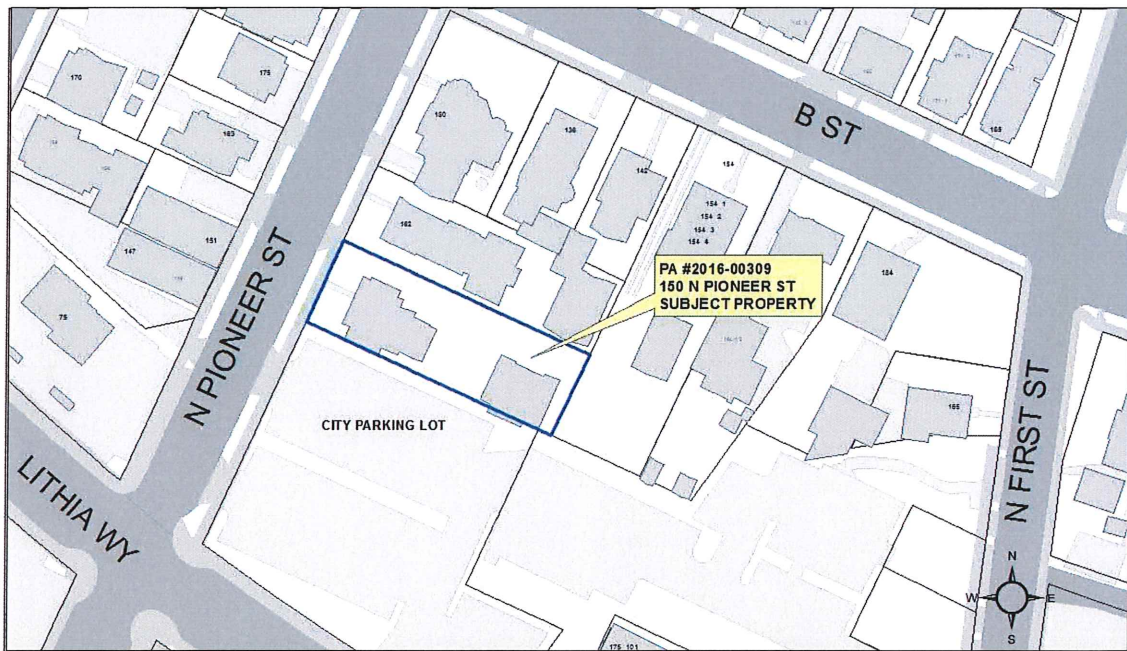
Katherine A. Abbett/Spierings
164 B Street
Ashland, Or. 97520
541-951-1588



PLANNING ACTION: PA-2016-00309
SUBJECT PROPERTY: 150 N. Pioneer St.
PROPERTY OWNER: Stan Potocki
APPLICANT: City of Ashland
DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. **COMPREHENSIVE PLAN DESIGNATION:** Existing: Low Density Multi-Family Residential, Proposed: Commercial; **ZONING:** Existing: R-2, Proposed: C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday August 3, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *August 9, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

LEGISLATIVE AMENDMENTS, PLAN AMENDMENTS, & ZONE CHANGES

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

- A. Type II.** The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.
1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.
 2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.
 3. Circumstances relating to the general public welfare exist that require such an action.
 4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
 5. Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
 6. The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.
- B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.
1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
 3. Land Use Ordinance amendments.
 4. Urban Growth Boundary amendments.

ASHLAND PLANNING DIVISION STAFF REPORT

August 9, 2016

PLANNING ACTION: PA-2016-00309

OWNER/APPLICANT: Stan Potocki/City of Ashland

LOCATION: 150 North Pioneer Street
Map 39 1E 09BA, Tax Lot #11800

COMPREHENSIVE PLAN DESIGNATION: **Existing** – Low Density Multi-Family Residential
Proposed - Commercial

ZONING DESIGNATION: **Existing** – R-2
Proposed – C-1

APPLICATION DEEMED COMPLETE: August 2, 2016

120-DAY TIME LIMIT: Not Applicable

ORDINANCE REFERENCE: 18.2 Zoning Regulations
18.5.9 Comprehensive Plan, Zoning & Land Use
Ordinance Amendments

REQUEST: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. *No changes to the existing site improvements or their approved uses are proposed in conjunction with the current request.*

I. Relevant Facts

A. Background - History of Application

150 North Pioneer Street

In February of 2016, the City Council considered a request to initiate a zone change from R-2 (low-density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street. At that time, it was noted that the Mayor had spoken with the property owner about the city having built a parking lot next to his R-2 zoned property in the late 1980's. The Council ultimately voted unanimously to approve Council-initiation of a Type III planning action for a zone change and comprehensive plan map amendment, and directed staff to complete, file and process the land use application.

In April of 2005, a request for Site Review and Conditional Use Permits to construct a new residential unit with a proposed total floor area in excess of the Maximum Permitted Floor Area at the rear of the parcel, and to modify the existing Conditional Use Permit for the existing office use, was approved by the Planning Commission as PA #2005-00039. The approval included a Variance to the required driveway width for the existing shared driveway serving 150 and 162 North Pioneer Street.

In December of 1992, Planning Action #92-121, a request to change the zoning from R-2 Multi-Family Residential to C-1 Commercial, was denied by the Planning Commission and the City Council (see Staff Exhibit S.1).

In June of 1989, Planning Action #89-070 was approved granting a Conditional Use Permit to allow Vocational Resource Consultants to use the main floor of the house at 150 North Pioneer Street as office space, with the second floor to be used as an apartment.

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

Site

The property is located at 150 North Pioneer Street, within the Railroad Addition Historic District, on the east side of Pioneer between Lithia Way and B Street. The zoning for the subject parcel is R-2, or Low Density Multi-Family Residential.

This current zoning permits residential developments at a base density of 13.5 units per acre, and also allows a variety of other land uses through a conditional use and/or site design review applications. This would include but not be limited to short term traveler accommodations, professional services, office spaces and retail establishments limited in size. Site development is restricted to a maximum building height of 35-feet and 2 ½ stories, with a maximum lot coverage of 35 percent.

The lot is 8,363 square feet in size. It is 52 feet in width, and the lot depth is 160 feet. The property slopes slightly down to the northeast, with slopes of four to six percent. There are five existing mature trees on the site, as well as two street trees.

There are two buildings located on the property with a historic home located at the front of the property and a second detached residential structure located at the rear of the property. The property is accessed by a shared driveway located between 150 and 162 North Pioneer Street.

The existing 2,305 square foot home, the 'James W. Losher House', is considered to be a Historic Contributing resource in the Railroad Addition Historic District. The first floor of the house consists of 1,390 square feet of office space, which includes an approximately 175 square foot enclosed porch. The second floor of the historic house is a residential unit. A second two-story structure is located at the rear of the

parcel. The rear structure is approximately 1,170 square feet in size and is a residential unit.

The city public parking lot sits adjacent to 150 North Pioneer Street, immediately to the south, and is under the C-1 (Commercial) zoning designation. The properties across Pioneer Street are also zoned C-1, accommodating a handful of businesses including a 76 service station and auto repair business, Ruby's restaurant, Gil's restaurant and pub, and the De Launay House, a hotel/motel.

Proposal

For several years, the property owner of 150 North Pioneer Street, Stan Potocki, has described in writing impacts to his property associated with its proximity to the city's public parking lot and more intense surrounding commercial uses. In addition, the owner has expressed concern over the appropriateness of residential uses on the property given the proximity to the public parking lot.

The current proposal, initiated by the City Council, would amend the existing Low Density Multi-Family Residential Comprehensive Plan Map designation and R-2 Zoning designation, changing the Comprehensive Plan Map designation to Commercial and the zoning to C-1. No changes to the existing site improvements or their approved uses are proposed in conjunction with the current request. Existing uses would be allowed to remain in place until the property owner obtains Site Design Review approval to establish commercial uses on the site.

II. Project Impact

Chapter 18 of Ashland's Municipal Code, "Land Use", describes the process by which the City Council may initiate a land use application or planning action by motion in AMC 18.5.1.100 "*City Council or Planning Commission May Initiate Procedures.*" This section provides that, "*The City Council or Planning Commission may initiate any Ministerial, Type I, Type II, or Type III planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.*"

A change in the zoning designation for a property that also entails changing the property's underlying Comprehensive Plan designation is considered a legislative amendment through a Type III procedure (see AMC 18.5.9.020.B) which requires a hearing before the Planning Commission to yield a recommendation to Council and final approval through a hearing before the Council with adoption by ordinance. The Land Use Ordinance generally permits zone changes when it is found to be necessary in order to conform to the Comprehensive Plan or to meet other changes in circumstances or conditions, although Type III procedures are legislative decisions dealing with broader policy issues and may be decided at the discretion of the Council.

The property owner argues that the construction of the public parking lot changed the status and situation surrounding his property at 150 N. Pioneer Street, and the new

conditions resulting from the public parking lot justify a change in zoning designation from Low-Density Multi-Family Residential (R-2) to Commercial (C-1).

A. Zone Change Request

As initially described in the February 16, 2016 council communication, the 1988 Ashland Downtown Plan provided a vision for the downtown and suggested a list of specific downtown improvements. Developing additional parking supply was included among the list of needed improvements. The Plan identified several locations where construction of public parking facilities should be evaluated and the property at Pioneer Street and Lithia Way was considered a key candidate. The City eventually acquired the property, designed and constructed what is now a 64 space public parking lot. It would become one of the largest downtown public parking lots, second in overall size only to the Hargadine Street parking structure which has 145 spaces.

The parcel immediately adjacent to the public parking lot is owned by Stan Potocki and zoned R-2 (Low Density Multi-Family Residential). In written correspondence from Mr. Potocki to city staff and members of the Council, he described a variety of adverse impacts over the past two decades that, in his opinion, have resulted from the close proximity of his property to the public parking lot, including noise, garbage, drug paraphernalia and human waste.

At its February 2016 meeting, Council unanimously approved the initiation of a Comprehensive Plan Map amendment and zone change for the property. In reviewing the meeting minutes under Council discussion, the Mayor and a couple members of the Council indicated that the property's zoning should have been evaluated in conjunction with the acquisition and development of the public parking lot in the early 1990's. The Planning Commission and Council considered a zone change for the property in 1992 and ultimately denied that proposal (see Staff Exhibit S.1).

In staff's assessment, there have been several changes in circumstances or conditions since that time which should be considered in evaluating a change to the Comprehensive Plan Map and Zoning designations.

- **Public Parking Lot Construction & Intensification of Use**

In the late 1980's, the City of Ashland acquired the property immediately adjacent to 150 North Pioneer Street, at the northeast corner of Lithia Way and Pioneer Street. Shortly thereafter, the City constructed a 64-space public parking lot. Property acquisition and the construction of a public parking lot at this location were identified in the 1988 Ashland Downtown Plan – Phase 2 Action Plan as a key element to addressing downtown parking need.

The use of this parking lot has intensified substantially since its construction. In the "Downtown Ashland Parking Study" conducted by Rick Williams Consulting in 2015, this lot was designated as Lot #26 and was looked at on a Friday afternoon and a Saturday evening in late August. In that study, parking utilization was consistently

at 100 percent (i.e. no empty spaces). During four other surveyed times, parking utilization was at 96.9 percent meaning that only the two electric vehicle charging stations were unused (see Staff Exhibit S.2).

As it currently exists, staff believes the subject property is the only residential property adjacent to a public parking lot that is separated by a six-foot residential side yard. And, as noted, the parking lot in question is one of the largest and most heavily-used public parking lots in the city.

- **Surrounding Zoning, Adaptive Re-Use & Re-Development**

- *South, North, East & West*

The attached City zoning map (Staff Exhibit S.3) identifies existing zoning designations for the area, largely consisting of C-1-D, C-1 and Multi-family residential. The parcel immediately south of the subject property accommodates the public parking lot and is zoned C-1 (Commercial). Properties immediately to the north are zoned R-2 (Low-Density, Multi-Family Residential). This designation extends up to and across B Street. The west side of Pioneer Street is zoned for Commercial and Employment uses down to A Street.

- *Adaptive Re-Use Across the Street to the West*

While zoned C-1 for some time, the two small buildings directly across the street at 163 and 175 North Pioneer Street had previously been in long-established residential use. These two small residences were recently converted to eating and drinking establishments (Ruby's Restaurant and Gil's Pub & Restaurant) with heavily used outdoor seating consistent with the allowed uses in the C-1 zone. Adaptive reuse of these two residences was achieved through a reduction in the required off-street parking made possible through the flexibility prescribed in Chapter 18.4.3 – Parking, Access and Circulation – of the Land Use Ordinance. In addition, the former drycleaner located at 151 North Pioneer Street was recently remodeled and converted into an art gallery. The property owner's original letter asking Council to consider initiating a re-zoning of the property is included in the Planning Commission packets and details some of the impacts associated with the intensification of use of these properties.

- **Re-Development Along Lithia Way**

The heavily-utilized 64-space public parking lot directly adjacent to the subject property is connected to a private parking lot on the adjacent property to the southeast via easement. The private lot includes 56 surface parking spaces and 33 garage spaces. This property previously had a mix of uses including an outdoor lumberyard and small complex of office and personal services spaces, but has begun to re-develop in recent years with a mixed-use development that includes the recently completed Plaza West building with ten residential units over ground floor commercial space and recently approved and soon to be constructed Plaza Central/East and Plaza North which include an additional 19 residential units over ground floor commercial space.

The opposite side of Lithia Way between Pioneer and First streets has also seen significant redevelopment in the recent past. The two-story mixed use building located at 140 Lithia Way was constructed in 2001 (Yogurt Hut). The three-story mixed use building located at 150 Lithia Way (Chloe Salon) was approved in 2005 and includes retail commercial space on the ground floor and two residential units. The three-story building located at 180 Lithia Way was approved in 2004 and includes commercial retail and office space on the ground floor as well as parking in garages at the rear of the building.

- **Changes in Traffic Generation & Circulation**

Anecdotally, it certainly seems that traffic and parking demand have increased in the vicinity as surrounding sites intensify their use. The Engineering Division has placed traffic counters on this block of North Pioneer Street and will have an up to date report on observed traffic levels in the immediate vicinity for discussion at the August 9, 2016 Planning Commission hearing. *(Staff delayed placing these counters previously because of a building being reconstructed at 151 North Pioneer Street, just across the street, to avoid any skewing of results by the construction project.)*

- **Commercial Land inventory (2007 Economic Opportunities Analysis (EOA))**

In a 2007 Economic Opportunities Analysis (EOA) conducted for the city by EcoNorthwest, a slight deficit of approximately six acres in available commercial and employment land was identified over the typical 20-year EOA horizon. One of the key deficit areas identified was lots of less than one-acre in size. Given that the City recently entered into a Regional Problem Solving (RPS) agreement which indicated that existing city boundaries would be retained for a 50-60 year time frame, the addition of any C-1 zoned land – while not resolving the deficit - could certainly be found to be consistent with the identified land needs.

Historic Commission Recommendation

As noted above, the subject property is located within the Ashland Railroad Addition historic district, and the existing home, the ‘James W. Losher House’, is considered to be a Historic Contributing resource in the district. The Historic Commission has not yet considered the proposal as this is being written. Their recommendation will be distributed at the August 9, 2016 Planning Commission hearing.

Staff Evaluation and Recommendation

Public parking lots in Ashland’s downtown are areas of intense activity, and the level of activity has and continues to intensify over time in conjunction with in-fill, adaptive re-use and redevelopment around the downtown. The parking lot adjacent to 150 North Pioneer Street includes 64 public parking spaces and easement access from an adjacent private parking lot which is ultimately intended to serve 56 surface spaces and 33 garage spaces. The combined 153 spaces are larger than the 145 space Hargadine Street parking structure, Ashland’s largest public parking facility. Unlike other properties adjacent to public parking in Ashland, the property under consideration here is separated by a six-foot residential side yard rather than the more typical buffer of a public right-of-way (alley or street) or a larger rear yard.

In previously considering a zone change back in 1992, the Council ultimately determined that the existing R-2 zoning provided an important buffer between the more intense C-1 uses to the south and the historic Railroad Addition District residential neighborhood a short distance to the north, and that the Conditional Use Permit process provided adequate options for some measure of commercial use for the R-2 zoned commercial property. In addition, the Council determined that traffic increases from 1988 to 1992 were insufficient to warrant a zone change and that zoning should be looked at more comprehensively. In staff's view, this decision merits reconsideration at this time given the intensification of surround uses which has occurred in the interim. The existing six-foot residential side yard setback provides at best a minimal buffer between the intensity of the parking demand created upon the public lot by nearby C-1 and C-1-D uses and the existing historic contributing resource on the subject property. In staff's view, the adjustment of the C-1 boundary a short distance to the north is likely to have minimal impact on the B Street corridor while providing considerable relief for the subject property.

For staff, the neighboring property at 162 North Pioneer Street should also be looked at in conjunction with the current request. While also zoned R-2, the property has had a small retail component on the ground floor consistent with the allowances of AMC 18.2.3.210 and in 2014 approval was granted to allow a single Traveler's Accommodation unit to be operated out of the upstairs space, with the property owner/manager to reside in the remaining downstairs space. The subject property and this neighboring property share a common driveway which straddles the property line between them, and in staff's view, particularly given the presence of established commercial uses and a shared driveway, it seems appropriate that any zone change should consider the inclusion of this property as well. In preliminary conversations with the property owner's family, they have suggested that they would be interested in being included in the zone change.

III. Procedural - Required Burden of Proof

The approval criteria for Plan Amendments and Zone Changes are addressed in AMC 18.5.9.020 "Applicability and Review Procedure" as follows:

- A. *Type II.*** *The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*
- 1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
 - 2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
 - 3. Circumstances relating to the general public welfare exist that require such an action.*
 - 4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as*

affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.

5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*

B. Type III. *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*

1. *Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*
2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*
3. *Land Use Ordinance amendments.*
4. *Urban Growth Boundary amendments.*

IV. Conclusions and Recommendations

The R-2 zone is designed for urban living at densities of 13 residential units and greater and intended to meet the city's need for rental and purchase housing. A variety of mixed-uses are allowed in the R-2 zone including limited retail and office, as well as travelers' accommodations when these commercial uses are shown to be appropriate and to enhance the neighborhood character. However in staff's judgement, changes and circumstances have occurred over the past two decades that require residential use of the property to be re-evaluated. Impacts brought about by construction of the public parking lot and adaptive re-use and redevelopment in the vicinity have presented challenges to residential living on the property. The C-1 designation allows for residential uses but does not require residential units. A change in the zoning of the subject properties will allow greater flexibility for the use of the property when considering the context of the surrounding area.

Public parking lots in and around Ashland's downtown are areas of intense activity, and this intensity continues to increase with in-fill, adaptive re-use and redevelopment in the vicinity. The parking lot at Lithia and Pioneer includes 64 public parking spaces and easement access from an adjacent private lot which will ultimately serve 56 surface and 33 garage spaces. The combined 153 spaces is larger than the 145 space Hargadine Street parking structure, Ashland's largest public parking facility. Unlike other properties adjacent to public parking in Ashland, the property under consideration here is separated by a six-foot residential side yard rather than a public right-of-way (alley or street) or a larger rear yard. Recent parking surveys indicate 100 percent occupancy in the public parking lot at Lithia and Pioneer in the afternoon as well as in the later evening.

When a similar zone change was considered in 1992, the Council felt that traffic increases since the parking lot was built were insufficient to merit a change and that the R-2 zoning provided an important buffer between the downtown and the historic Railroad District while retaining adequate options for some commercial use for the property owner. In staff's view, this decision merits reconsideration at this time given the intensification of surrounding uses which has occurred in the interim. The existing six-foot residential side yard setback provides at best a minimal buffer between the intensity of the parking demand created upon the public lot by nearby C-1 and C-1-D uses and the existing historic contributing resource on the subject property. In staff's view, the adjustment of the C-1 boundary a short distance to the north is likely to have minimal impact on the B Street corridor while providing considerable relief for the subject property.

Staff believes that the neighboring property at 162 North Pioneer Street should also be looked with the current request. While zoned R-2, the property has had a small retail component on the ground floor consistent with the allowances of AMC 18.2.3.210 and in 2014 was approved for a single Traveler's Accommodation unit to be operated out of the upstairs space, with the property owner/manager to reside in the remaining downstairs space. The subject property and this neighboring property share a common driveway which straddles the property line between them, and in staff's view, given the presence of the shared driveway and the nature of the uses already in place, it seems appropriate that any zone change should consider the inclusion of this property as well. In preliminary conversations with the property owner's family, they have suggested that they would be interested in being included as part of the proposed zone change.

Should the Planning Commission concur with staff, we would recommend that the Commission forward a favorable recommendation to the Council with regard to changing the zoning not only of 150 North Pioneer Street but also 162 North Pioneer Street from the current R-2 (Low-Density, Multi-Family Residential) to C-1 Commercial.

Approved 12-1-92

BEFORE THE ASHLAND CITY COUNCIL
December 1,, 1992

IN THE MATTER OF PLANNING ACTION #92-121, REQUEST FOR A)	
ZONE CHANGE AND COMPREHENSIVE PLAN MAP CHANGE FROM R-2)	
(MULTI-FAMILY) TO C-1 (COMMERCIAL) FOR THE PROPERTY)	FINDINGS,
LOCATED AT 150 N. PIONEER STREET.)	CONCLUSIONS
)	AND ORDERS
APPLICANT: STAN POTOCKI AND BRUCE E. McLEAN)	
-----)	

RECITALS:

- 1) Tax lot 11800 of 391E 9BA is located at 150 N. Pioneer and is zoned R-2; Multi-Family Residential.
- 2) The applicant is requesting a Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property. A site plan in on file at the Department of Community Development.
- 3) The criteria of approval for a Type III amendment are as follows:
 - Type III amendments are applicable whenever there exists:*
 - a public need;*
 - the need to correct mistakes;*
 - the need to adjust to new conditions;*
 - or where compelling circumstances relating to the general public welfare requires such an amendment.*
- 4) The Planning Commission, following proper public notice, held a Public Hearing on October 13, 1992, at which time testimony was received and exhibits were presented. The Planning Commission recommended that the City Council deny the application.
- 5) The City Council, following proper public notice, held a Public Hearing on December 1, 1992, at which time additional testimony was received and exhibits were presented. The City Council denied the application.

Now, therefore, The Ashland City Council finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The City Council finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The City Council finds that the proposed Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property located at 150 N. Pioneer is not justified under the criteria of approval for a Type III amendment outlined in chapter 18.108.060 B.

2.3 The City Council finds that the existing R-2 zoning of the property provides a buffer between the concentration of commercial uses found to the south and the historic residential neighborhood to the north. The R-2 zone allows for a transitional area to develop along the zoning district boundary, by allowing a variety of businesses as conditional uses. The Council believes that the conditional uses of the zone provide the property owner with several commercial options for the property, while protecting the residential neighborhood from excessive commercial encroachment.


2.4 The Council believes it is necessary to perform a comprehensive examination of the immediate area, and assess the need for additional commercial property, rather than proceeding on a lot by lot basis. An accurate prediction of the impacts to adjacent properties is difficult without a concurrent development proposal for the site.

2.5 The City Council does not believe that the increase in traffic from 1988 to 1992 was so significant that there exists the need to adjust to new conditions. The information provided by the Engineering Division showed that the surveys were compiled at the beginning and middle of the tourist season. This appears to be reflected in the percent increase in the number of daily trips over that period. Further, traffic flows along other residential streets in the area have increased at a comparable rate, indicating that the increase is not unique to Pioneer Street.

SECTION 3. DECISION

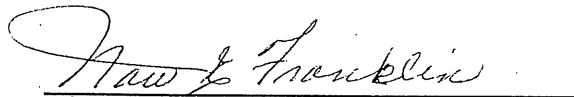
3.1 Based on the record of the Public Hearings on this matter, the Ashland City Council concludes that the proposed Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property located at 150 N. Pioneer is not supported by information in the record.

Therefore, based on our overall conclusions, we deny Planning Action #92-121.



Mayor

12-12-92
Date



City Recorder


12-10-92
Date

**CITY OF ASHLAND – DOWNTOWN PARKING MANAGEMENT PLAN
OFF-STREET UTILIZATION RAW DATA SUMMARY**


Figure A
Surveyed Lots with Stall Totals



Downtown Ashland Parking Study
Ashland, Oregon

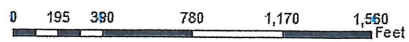
 Study area boundary

2015

 Ashland Off-Street Lots

XX - Lot Number

(xx) - Parking Stall Total



				11:00 PM – 12:00 AM	
23	Best Western (Garage)	10	Friday, August 21	100.0% 10:00 – 11:00 AM	0
			Saturday, August 22	100.0% 3:00 – 4:00 PM 6:00 – 8:00 PM 11:00 PM – 12:00 AM	0
24	City of Ashland Public Parking ³	26	Friday, August 21	100.0% 5:00 – 8:00 PM 9:00 – 10:00 PM	0
			Saturday, August 22	100.0% 10:00 AM – 4:00 PM 5:00 – 10:00 PM	0
25	City of Ashland Public Parking ⁴	21	Friday, August 21	100.0% 10:00 – 11:00 AM	0
			Saturday, August 22	100.0% 2:00 – 4:00 PM 6:00 – 10:00 PM	0
26	City of Ashland Public Parking (4 hour parking) ⁵	64	Friday, August 21	100.0% 1:00 – 2:00 PM	0
			Saturday, August 22	100.0% 8:00 – 9:00 PM	0
27	Plaza West at First Place (Private parking)	26	Friday, August 21	23.1% 1:00 – 4:00 PM	20
			Saturday, August 22	23.1% 2:00 – 5:00 PM	20
28	US Post Office	35	Friday, August 21	80.0% 7:00 – 8:00 PM	7
			Saturday, August 22	74.3% 9:00 – 10:00 PM	9
29	Ashland Physical Therapy	6	Friday, August 21	100.0% 4:00 – 5:00 PM	0
			Saturday, August 22	50.0% 3:00 – 4:00 PM	3
30	Christian Church of Ashland	24	Friday, August 21	75.0% 12:00 – 1:00 PM	6
			Saturday, August 22	91.2% 3:00 – 4:00 PM	2
31	Ashland Professional Center (Mixed Office)	19	Friday, August 21	42.1% 10:00 AM – 1:00 PM 2:00 – 3:00 PM 4:00 – 5:00 PM	11
			Saturday, August 22	15.8% 1:00 – 4:00 PM	16
32	Fire Department/ Customer Parking	16	Friday, August 21	81.3%	3

³ On Friday, seven of the other hours surveyed, occupancy was at 96.2%, which means only one stall was unoccupied. This unoccupied stall is handicapped parking only. On Saturday, it occurs on one hour but with the same handicapped stall.

⁴ On Friday, nine of the other hours surveyed, occupancy was at 95.2%, which means only one stall was unoccupied. This unoccupied stall is handicapped parking only. On Saturday, it occurs over six other hours with the same handicapped stall.

⁵ On Friday, four of the other hours surveyed, occupancy was at 96.9%, which means only two stalls were unoccupied. These two stalls are Electronic Vehicle parking stations.

Table 1
Inventory of Surveyed Lots

Lot	Facility	Stalls	Address
1	Ashland Christian Fellowship	105	50 W Hersey St
2	Ashland Investment Services/ Well Spring Centre	43	108 E Hersey St
3	KSC Sanctuary	40	109 Clear Creek Dr
4	Delgado Medical Building	18	148 E Hersey St
5	Clear Creek Healing Arts/ Raymond James Financial Services	19	153 Clear Creek Dr
6	Mederi Centre For Natural Healing	34	180 Clear Creek Dr
7	Darex Corporation	75	210 E Hersey St
8	Darex Corporation (Gravel Lot)	60	210 E Hersey St (South of Paved Lot)
9	Hersey Street Business Park	165	300 E Hersey St
10	Fifth Street Dental Office	7	277 5th St
11	Ashland Yoga Center	13	485 4th St
12	Grange Co-op: Ashland	25	421 A St
13	La Baguette/ Hardware Café/ Rare Earth Store	39	340 A St
14	ACE Hardware	35	325 A St
15	A Street Prints and Parcel	10	258 A St
16	Ashland General Hardware	8	249 A St
17	Plexis Healthcare	44	340 Oak St
18	UMPQUA Bank	57	250 N Pioneer St
19	Snap Fitness/ Tot Restaurant/ Pet Pause	43	250 Oak St
20	Historic Ashland Armory Annex	23	208 Oak St
21	Plaza Inn and Suites at Ashland Creek	65	98 Central Ave
22	Best Western (Bard's Inn)	28	132 N Main St
23	Best Western (Garage)	10	Lithia Way and Helman St
24	City of Ashland Public Parking	26	31 Water St (West)
25	City of Ashland Public Parking	21	31 Water St (East)
26	City of Ashland Public Parking (4 hours)	64	150 N Pioneer St
27	Plaza West at First Place (Private)	26	175 Lithia Way
28	US Post Office	35	120 N 1st St









CITY OF ASHLAND

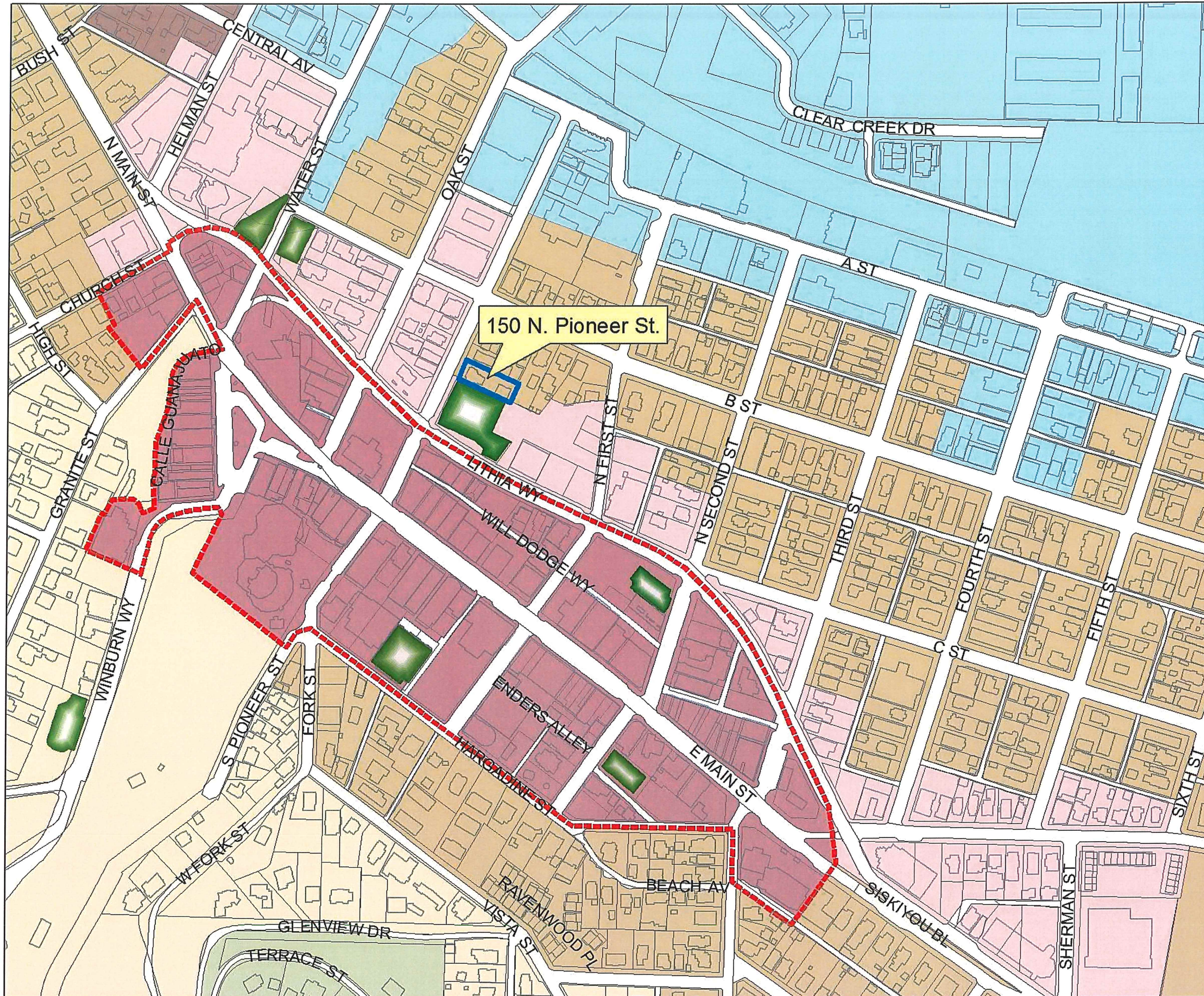
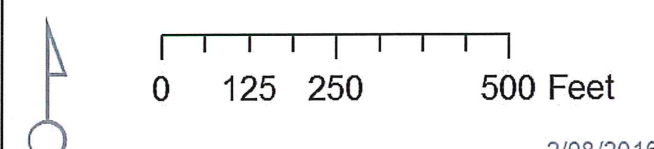
Staff Exhibit

 Public Parking Lots

 C-1-D

ZONING

-  C-1
-  C-1-D
-  E-1
-  M-1
-  R-1
-  R-2
-  R-3
-  RR-5



MINUTES FOR THE REGULAR MEETING

ASHLAND CITY COUNCIL

February 16, 2016

Council Chambers

1175 E. Main Street

2. Council initiation of a zone change from R-2 (low-density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street

Mayor Stromberg had talked with Mr. Potocki who had a City parking lot built next to his R-2 zone property. The Planning Director at that time said the City would rezone his property as C-1. Twenty years had passed and nothing had happened. If Council approved this change, it would go to the Planning Commission for their recommendation.

Community Development Director Bill Molnar explained there was always a chance of issues rezoning a property but did not think there were any negative ramifications regarding 150 Pioneer Street. He recommended C-1 zoning because that was the adjacent commercial zoning and thought the property would be conforming. Councilor Rosenthal asked if this was an appropriate time to consider changing the zoning for Pioneer Hall and the Community Center. Mr. Molnar responded staff could evaluate the properties.

Councilor Voisin raised a point of order and questioned why Council was discussing two properties not on the agenda. Mayor Stromberg explained Councilor Rosenthal was considering making an amendment to add the Winburn Way properties to the proposal since they all pertained to zone changes to C-1.

Councilor Voisin/Morris m/s to approve the initiation of a Type III planning action, zone change, for the property located at 150 Pioneer Street and direct Community Development staff to complete, file and process the land use application.

DISCUSSION: Councilor Voisin thanked the Mayor for bringing the issue forward. The request was a win-win for the City and Mr. Potocki. Councilor Morris also thought it was a good idea that should have occurred years before. Staff should evaluate the Winburn properties separately. Councilor Marsh supported the motion. **Roll Call Vote: Councilor Morris, Rosenthal, Marsh, Lemhouse, Seffinger, and Voisin, YES. Motion passed.**

Council Communication

February 16, 2016 – Business Meeting

Council Initiation of a Zone Change from R-2 (low density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street

FROM:

John Stromberg, Mayor, john@council.or.us

SUMMARY

The Mayor has requested Council initiation of a zone change for the property located at 150 North Pioneer, immediately adjacent to the city public parking lot. If initiated by Council, Community Development staff would prepare the land use application and an analysis of the request. A public hearing would be scheduled before the Planning Commission with their recommendation forwarded to Council at a public hearing for a final decision.

BACKGROUND AND POLICY IMPLICATIONS:

The 1988 Ashland Downtown Plan provided a vision for the downtown and suggested a list of specific downtown improvements. Developing additional parking supply was included among the list of needed improvements. The Plan identified several locations where construction of public parking facilities should be evaluated and the property at Pioneer Street and Lithia Way was considered a key candidate. The City eventually acquired the property, designed and constructed a 75 space public parking lot. It would become one of the largest downtown public parking lots, second in overall size to the Hargadine Street parking structure at approximately 145 spaces. The property immediately adjacent to the public parking lot is owned by Stan Potocki and zoned R-2, low density multi-family. In written correspondence from Mr. Potocki to city staff and members of the Council, he describes a variety of impacts that, in his opinion, result from the close proximity of his property to the parking lot, including noise, garbage, drug paraphernalia and human waste.

Area Zoning

The property located at 150 Pioneer Street is zoned R-2; low density multi-family. This current zoning designation permits residential developments at a base density of 13.5 units per acre. The R-2 designation also allows a variety of other land uses through a conditional use and/or site design review applications. This would include but not be limited to short term traveler accommodations, professional services, office spaces and retail establishments limited in size. Site development is restricted to a maximum building height of 35-feet and 2 ½ stories, with a maximum lot coverage of 35 percent.



The city public parking lot sits adjacent to 150 N. Pioneer, immediate to the south, and is under the C-1 (Commercial) zoning designation. The properties across Pioneer Street are also zoned C-1, accommodating a handful of businesses including 76 service station and auto repair, Ruby's restaurant, Gil's micro-taps brews and food, and the Delauney House.

Previous Land Use Approvals – 150 N. Pioneer Street

For several years, the property owner of 150 Pioneer, Stan Potocki, has expressed concern and described in writing impacts to his property associated with its proximity to the city's public parking lot and more intense surrounding commercial uses.

Procedure

Chapter 18 of Ashland's Municipal Code, Land Use, describes the process by which Council may initiate a land use application or planning action by motion.

18.5.1.100 City Council or Planning Commission May Initiate Procedures

The City Council or Planning Commission may initiate any Ministerial, Type I, Type II, or Type III planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.

A change in the zoning designation for a property that also entails changing the property's underlying Comprehensive Plan designation is considered a legislative amendment, subject to final approval by Council. The Land Use Ordinance permits such zone changes when it is found to be necessary in order to conform to the Comprehensive Plan or to meet other changes in circumstances or conditions. Mr. Potocki argues that with the construction of the public parking lot the status as well as situation surrounding his property at 150 N. Pioneer Street has changed considerably, and the new conditions resulting from the public parking lot justify a change in zoning designation from multi-family (R-2) to commercial (C-1).

COUNCIL GOALS SUPPORTED:

N/A

FISCAL IMPLICATIONS:

Community Development staff resources will be directed to prepare, analyze and process the land use application. A land use application fee will not be assessed to the property owner.

RECOMMENDATION AND REQUESTED ACTION:

I move to approve the initiation of a Type III planning action, zone change, for the property located at 150 Pioneer Street and direct Community Development staff to complete, file and process the land use application.



SUGGESTED MOTION:

[Write out the motion we propose to have the Council make. This should be written so a Councilor can make his/her motion by simply reading this section aloud. If the item is for discussion only, write "N/A." If there is no staff recommendation, you can provide multiple suggested motions.]

ATTACHMENTS:

- Map of downtown and surround area zoning designations
- Map of existing public parking facilities
- Letter from Stan Potocki – 150 North Pioneer Street



City of Ashland
Attn: Dave Kanner, dave.kanner@ashland.or.us
51 Winburn Way
Ashland, OR 97520

Re: Mitigating economic losses, expenses, and impact of having city of Ashland as my next door neighbor

Greetings,

A brief word of introduction: I am a small business owner, employer, and property owner. I have lived in Ashland for almost 40 years. I have operated a business, Vocational Resource Consultants, for over 25 years.

My business is located at 150 N. Pioneer Street. This is directly adjacent to the largest city of Ashland parking lot downtown. I am writing as it has been increasingly burdensome and costly to have the city of Ashland as my next door neighbor.

I am hopeful that some action can be taken to mitigate the impact of having the city of Ashland as my neighbor. I will address specifics in this letter involving problem issues along with my requests for resolution.

I will very briefly summarize some historical issues as you understandably would not be aware of those.

On a personal note, is that I am a very reasonable person. I have an excellent relationship with all of my neighbors both here where my office is located and at my home. In contrast, having the city of Ashland as a neighbor is an entirely different matter.

The past 12 months have been even more problematic and costly than the norm and that is what has prompted this letter. I will address problem issues during the past 12 months and then itemize overall problem solving issues which I would like to request your assistance in having resolved.

Past 12 months, property damage and expenses:

1. Large tree falling from city of Ashland parking lot directly onto roof of home on my property. Outcome: City of Ashland advising me that they have no accountability for that and that all incurred losses which I sustained are my problem.
2. Faulty irrigation system at parking lot resulting in absolute jet of water on a home on my property. I made multiple calls to ask the city to simply confirm that they would turn off the irrigation system until it could be repaired. Took three days to get a return phone call.

3. Further major property loss to the two buildings on my property from the heavy rain in July. The parking lot is perhaps an acre of impervious surface. It is not engineered to have proper drainage. It became a one acre man made lake, debris accumulated, and a huge amount of water overflowed the banks of the parking lot at the lowest part of the lake/parking curb which is immediately adjacent to my property (please see attached photos).

This resulted in significant understructure damage to both of the buildings on my property. The water washed out screened off areas from the understructure from the front house which allowed debris to flood in under the front house.

Water pooled up under the rear home on my property as well which resulted in significant damage to the wood floor in that house. Visually, the large parking lot was truly a large lake which did not drain. The spill over point of the dam of the lake was in the middle of my property.

By the time I arrived at the Pioneer Street office the next morning, the city crews were cleaning the drain system which did not do what it is supposed to do. As a result, heating and air conditioning ducts were soaked and damaged under the front house which had to be replaced.

I first had to hire a contractor to clean out the debris and repair the screened off areas where the huge volume of water had flowed under the front house. The initial expense was \$275.95 (receipt attached).

This also resulted in an ongoing absolute stench for a couple of weeks which impacted business operations. Doors and windows had to be left open to attempt to mitigate the stench which resulted from flooding.

I then sustained loss of income in order to deal with all of these issues as I perform consulting work and work on a billable hour basis. I contacted a number of heating and air conditioning companies to request quotes to repair the soaked ducts. I then paid Glacier Heating and Air \$627.00 (receipt attached) to repair the damage.

As noted, the back home on my property also sustained damage due to flooding from the parking lot. Water pooled under the rear house which caused significant damage to the wood floors. The wood floors have cupped and need to be repaired. I obtained a quote from Gallery Floors (copy attached) in the amount of \$1,370.00 to repair the floor.

I contacted the city of Ashland and met with the acting city administrator and loss control manager. I then followed up and filed a claim which was denied by City-County Insurance Services (letter attached). The letter notes that "the drain was clear, unblocked, and functioning properly. The drain was simply overwhelmed by the volume of localized rain that fell."

That is not true (please refer to attached photos). The drains did not function properly and great deal of debris backed up. A subsequent email from the city of Ashland confirmed that the parking lot drains have not been working properly for the past several years. In addition, clearly (again, please refer to photos) the one acre impervious surface was not engineered to drain properly. I am in the process of assessing my response to the attached letter of denial.

The issues referenced are simply those which have transpired during the past 12 months. I will address my requests for resolution:

Parking lot drainage:

Request: Would you please re-engineer the drainage system for the parking lot as it clearly not sufficient so that I do not incur further property damage loss directly from flooding from the parking lot.

Parking lot irrigation and tree maintenance:

Request: Would you please monitor the soundness of trees and trim trees as needed in the parking lot so that they do not fall on homes on my property and cause further property damage.

Next Issue: Being a responsible neighbor and monitoring what transpires in the parking lot:

Explanation: We have had multiple, multiple ongoing problems which have included people coming over or through the fence into my backyard, vandalism, attempted forced entry (resulting in a tenant moving), drug use in our backyard from people hopping the fence, drug paraphernalia being left behind on multiple, multiple occasions (please see attached photos), etc., etc.

Also, on an ongoing basis, barking dogs are left in cars for hours, car alarms go off for lengthy periods of time, transients urinate and sleep in the bushes on the property line which is only 6 feet away, etc.

Request: Would you please monitor the parking lot to attempt to mitigate those very significant problem issues.

Next Issue: Access to the use of our driveway:

Explanation: Our driveway on Pioneer Street is regularly blocked on a daily basis. This is because of the busy commercial area where we are. Many individuals decide that the most logical thing to do is to park in front of our driveway and block the driveway when picking up an order from Ruby's across the street.

Clarification and please understand the following: I have no problem with Ruby's and support their business. They're good folks and it's not their fault, just a percentage of thoughtless patrons.

Having our driveway blocked is a daily event. Please quickly understand that parking enforcement, painting the curbs yellow, installing tow away signs, etc., doesn't work.

For further information, please refer to attached 7/28/14 letter to the Planning department. In that letter I note my support for Ruby's as a good neighbor and I asked the city of Ashland to mitigate the driveway obstruction issue.

Please note that this is not an irritation or an annoyance, it is instead truly a safety hazard. There have been countless occasions when there have been near misses when drivers exiting our driveway almost collide with vehicles traveling down Pioneer Street. That is simply because it is not possible to see oncoming traffic because cars block the driveway. It is therefore sometimes only possible to nose out extremely slowly, essentially a blind exit, due to obstruction.

To further add some degree of irony to the overall situation, city of Ashland employees are included in the group of thoughtless people who block our driveway and park their vehicles to grab a breakfast burrito (please see attached photos). Et tu Brute?

There is, indeed, irony. Although curbs have been painted, tow away signs have been posted, and even though tall physical barricades are placed in front of the driveway (see attached photos), it doesn't seem to deter some city of Ashland employees who are in need of a 911 breakfast burrito.

Please note that I have zero interest in seeing any city employee reprimanded. That is precisely why the photos simply depict the vehicles and not the employee. I just simply would ask that the city of Ashland vehicles don't block our driveway to get their breakfast burritos or burgers.

Request: Please ask your city employees to not block our driveway. Note: enforcement by ticketing vehicles doesn't work. There is no point in calling the police as the response time doesn't work. We have a continuous stream of five to ten minute parkers who block the driveway. Please problem solve what needs to take place so that our driveway is not blocked.

Next Issue: Zoning:

Explanation: In 1989, there was a home located next to my property (where the city of Ashland parking lot is now located). Downtown has evolved to where Pioneer Street is entirely commercial.

My property, 150 N. Pioneer Street, is ironically zoned R-2. In 1989, I met with John Fregonese, the planning director at that time. The obvious impact of the proposed parking lot going in next door was discussed. John advised me that he clearly understood the impact that he would rezone our property within a couple of years to commercial for obvious reasons.

You who are reading this letter do not know me. I would simply say that I work on what you could call an "old school" basis. If I shake your hand, look you in the eye, and tell you I'm going to do something, I will do it.

Rezoning had not taken place by the time John Fregonese left employment with the city. John McLoughlin, the subsequent planning director, then advised me that he clearly recognized the need for rezoning downtown and for my property specifically.

He related that the planning department was directed on so many other projects by the city council that they just could not ever get around to addressing that matter directly. John noted that the most effective means of resolving matters would be for us to simply apply for rezoning, pay the fees for that, and that the Planning department would support that entirely.

This is going back about 15 years or so. We hired Rick Vezie, a designer. He followed up very closely with city of Ashland planning staff in order to assist in the application process and to design a proposed structure for the rear of the property. Rick is very experienced and he worked closely with city staff. He confirmed their ongoing support and agreement involving all of the proposed changes involving the design of a building and rezoning.

We incurred thousands of dollars of expenses involving that. Then, at the very last minute, during a planning commission meeting, the planning department related that they had decided that they were more ambivalent and it was then not formally approved.

In recent years, the mantra from the planning department has been that they fully recognize the need to revisit zoning downtown but that they have been directed in many other directions by the city council and just never have the time to revise needed downtown zoning adjustments.

I don't know exactly but I would guesstimate that downtown zoning has not been addressed (i.e., zero action) by the city for perhaps a half century. Our property is clearly no longer residential. The city has commissioned countless studies over the years, some of which are extremely extensive and provide highly detailed recommendations. I still have copies of very comprehensive studies which were commissioned by the city.

However, absolutely nothing has actually ever been done. It is time for the city to actually act on rezoning downtown.

Request: Would you please revisit and address needed revisions to downtown involving zoning including the zoning of my property to commercial.

Next Issue: Fence and wall between parking lot and my property:

It's come to my attention from a surveyor that the city of Ashland parking lot wall/fence has actually been built partially on my property.

Request: Please retain the same design and please move the city of Ashland wall/fence so that it is not on my property and is instead where it should be, on the city of Ashland's property.

I appreciate your timely response to issues outlined.

Sincerely,

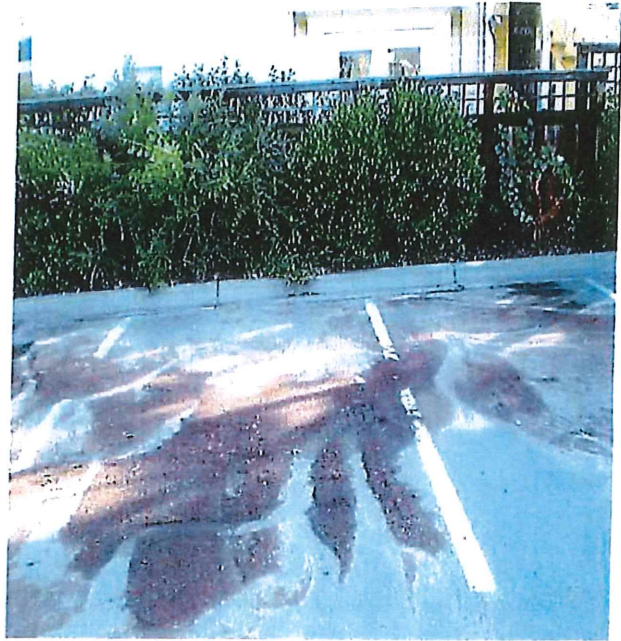


Stan Potocki
(541-482-8888 or 541-890-4339)

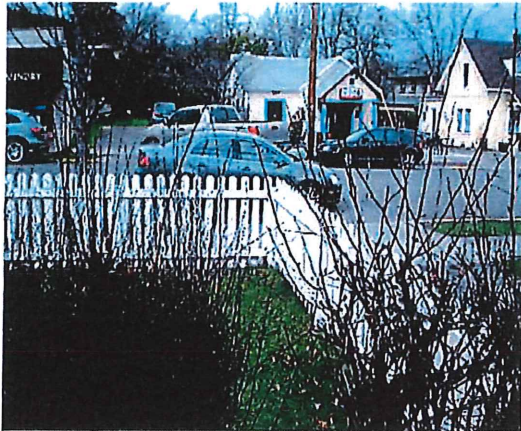
Encl: 7/23/15 email to city administrator
Photos
7/28/14 letter to planning department
Claim denial letter from City County Insurance Services
Receipts

cc: Ashland City Council, Greg Lemhouse, greg@council.ashland.or.us; Pam Marsh, pam@council.ashland.or.us; Michael Morris, mike@council.ashland.or.us; Rich Rosenthal, rich@council.ashland.or.us; Carol Voisin, carol@council.ashland.or.us; Stefani Seffinger, stefani@council.ashland.or.us
City of Ashland Mayor: John Stromberg, john@council.ashland.or.us;

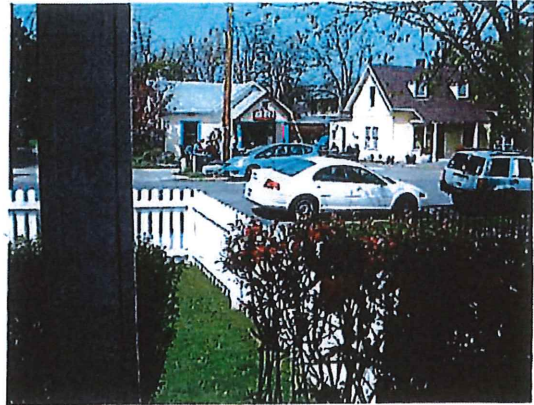
sp\$city of Ashland 090815













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		
<input type="checkbox"/> C.O.D.	<input type="checkbox"/> CHARGE	<input type="checkbox"/> NO CHARGE
MAKE	MAKE	
MODEL	MODEL	
SERIAL NUMBER	SERIAL NUMBER	

NAME STAN POTOCKI	
STREET 150 N. PIONEER ST	DATE
CITY ASHLAND OR 97520	PROMISED
PHONE 541-482-8888	CALL BEFORE <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
TECHNICIAN	AUTHORIZED BY

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 \$			

WORK TO BE PERFORMED
 INSTALL NEW DUCT WORK

P.O.#

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 CHAWL SPACE THAT WERE WATER DAMAGED FROM RECENT FLOODING.

TOTAL \$ 627.00

Pd ck # 1091
8/11/15

Kay Lewis

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.

CUSTOMER SIGNATURE: *Stan Potocki* DATE: 8/11/15

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	\$ 627.00	

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	
Total			\$275.95	
Payments/Credits			\$0.00	
Balance Due			\$275.95	



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

Subtotal 1,370.00
 Total 1,370.00
 Amount Paid 0.00
 Estimate \$1,370.00



citycounty insurance services
www.cisoregon.org

July 27, 2015

Mr. Stan Potocki
PO BOX 217
150 North Pioneer Street
Ashland, OR 97520

NAME OF INSURED: City of Ashland
CLAIMANT: Potocki
FILE NUMBER: GLASH2015067133
DATE OF ACCIDENT: 7/7/15

Dear Mr. Potocki:

We have completed our investigation of the cause of the storm water flooding to your property and the City of Ashland's storm water management and maintenance practices. A maintenance crew inspected the storm drain located in the parking lot adjacent to your property. The crew noted that the drain was clear, unblocked, and functioning properly. The drain was simply overwhelmed by the volume of localized rain that fell in on the above captioned date.

We do not feel that the City of Ashland's storm water management practices were a factor in your loss as our review indicates that there were no maintenance issues with this drain. This evidence leads us to believe that our insured is not liable for your damages. Under the circumstances, we must respectfully deny your claim.

If you have any questions about our decision, please feel free to contact me using the information at the bottom of this letter.

Sincerely,

Eric Ramm, MBA, CPCU, AINS, LPCS
Senior Property Claims Consultant

CC: City of Ashland

Stan Potocki

From: Stan Potocki <stanvrc@mind.net>
Sent: Thursday, July 23, 2015 10:20 AM
To: 'Sharlene Stephens'
Cc: 'dave.kanner@ashland.or.us'
Subject: FW: Inadequate drainage, city of Ashland parking lot, property damage 150 N. Pioneer St.
Attachments: P7090488.JPG; P7090489.JPG; P7090490.JPG; P7090491.JPG; P7090492.JPG; P7090493.JPG; P7090494.JPG

Hi Sharlene,

I am writing in order to follow regarding property damage. You and Lee were able to view that firsthand when we met. I would like to go ahead and file a claim.

Please see email below to Dave Kanner which summarizes initial issues. I had a contractor fix the washed out understructure access entry points and get debris out from under the house which was swept there by overflow from the water from the parking lot.

He relates that some of the heating and air conditioning duct work is wet and needs to be replaced. I called a heating and air conditioning company and they will be coming out to further assess extent of damage and provide an estimate. Also, the rear house on my property was damaged by excess water flowing under. The wood floors are cupping up in a large area on the main floor due to that. I am waiting for a wood floor contractor to come out and further assess and provide an estimate. There is still a stench in the building even now and we have to open doors and windows to try and air that out. The contractor said that is probably due to the wet ducts.

In the meantime, I would like to initiate the process to file a claim. Sharlene, in case you or anyone needs to reach me, I will be in my office today (541-482-8888, cell: 541-890-4339). I will be leaving town tomorrow and will not be checking emails from 7/24-8/1/15. Thanks.

From: Stan Potocki [mailto:stanvrc@mind.net]
Sent: Tuesday, July 14, 2015 10:24 AM
To: 'dave.kanner@ashland.or.us'
Subject: Inadequate drainage, city of Ashland parking lot

Dear Dave,

I left a message for you by phone and I understand you are out of the office. When you return, I am writing in order to request your assistance involving resolving drainage issues at the city of Ashland parking lot next to our property at 150 N. Pioneer Street.

I would like to ask that the city resolve improper drainage issues at the parking lot as the lack of proper drainage has caused damage to my property. The storm drain is not sufficient to drain water during heavy rains.

The city of Ashland parking lot, which is adjacent to my property, is perhaps an acre of impervious surface. During the recent heavy rain, the parking lot became a large lake and it was not engineered sufficiently to drain the excess water.

Therefore, at the low point, the lake of water overflowed the curb within the parking lot and a great deal of excess water poured over from the lake in the parking lot to my property. I have attached photographs for you. The lake of water washed out screened off areas from the understructure of my property and that allowed debris to flood in under our property.

A great deal of water came in and this also resulted in a strong stench for days after before the understructure of my property could dry sufficiently. There is even still a stench now after many days as so much water flowed under my property which has not dried yet.

We have had to open multiple doors and windows at my business and leave them open in order to mitigate the stench. I hired a contractor to repair the damage and to remove debris that was swept and carried under the foundation of my property.

There is absolutely no question regarding how the damage occurred. This is very evident on the attached photographs. In your absence, I contacted Lee and Sharlene and they came over and viewed the damage. Prior to the parking lot, there was a home next door and not an acre of impervious surface. I am writing in order to request that the city resolve improper drainage issues immediately.

Dave, having the city of Ashland parking lot as a next door neighbor is inherently problematic in and of itself. During this past year, as you recall, we have already had a large tree fall over from the parking lot which landed on the rear house on my property causing damage. The city took no responsibility for that.

We already have to contend with issues including the following: people hopping over the fence from the parking lot into my property, drug paraphernalia and empty beer cans left behind as part of the aftermath which occurs on an ongoing basis; people sleeping in the bushes; trash regularly thrown over the fence by patrons of the parking lot; car alarms going off for extended periods of time six feet from my office window at times; barking dogs left in cars; blocked driveways, vandalism, etc. Ironically, we are also still zoned residential as the city has not revisited downtown zoning adjustments literally for decades.

I would greatly appreciate it if the city could put further efforts into mitigating those issues previously referenced. I would also ask that the city check and maintain trees which are immediately adjacent in the parking lot due to the significant damage caused by a tree falling this past year. I look forward to your response and appreciate your assistance in resolving issues outlined. Thank you.

Detailed History for Police Event #J141460093 As of 6/04/2014 14:08:27

Output for: A36205

Priority:3 Type:DRUG - Drug Laws
 Location:150 N PIONEER ST, AS btwn LITHIA WAY and B ST
 Info:BEH THE BUILDING
 Map:5627B

Created:	05/26/2014 08:11:40	CAD13	EC1216
Entered:	05/26/2014 08:13:01	CAD13	EC1216
Dispatch:	05/26/2014 08:13:23	CAD02	EC1223
Enroute:	05/26/2014 08:32:20	AM5	A40148
Onscene:	05/26/2014 08:43:50	AM5	A40148
Closed:	05/26/2014 08:59:33	AM5	A40148

ICUnit: PrimeUnit:515 Dispo:NR Type:DRUG - Drug Laws
 Agency:APD Group:APD Beat:APD RD:A50001 Detail

08:11:40 CREATE Location:150 N PIONEER ST, AS Type:DRUG Info:BEH THE BUILDING
 Name:POTOCKI,STAN Phone:541/890-4339 Group:APD Area:A50001 TypeDesc:Drug Laws
 LocDesc:btwn LITHIA WAY and B ST Priority:3 Agency:APD Map:5627B LocType:S
 ReqCont:YES ContType:AT LOCATION

08:13:01 ENTRY Response:None-->APIPAT Comment:ONGOING PROBLEM WITH DRUG USE BEH THE
 BLDG. AND DRUG PARAPHANELIA LEFT BEH

08:13:01 -PREMIS Comment:PPR

08:13:04 NOMORE

08:13:14 SELECT

08:13:14 -SGGEST Unit:515

08:13:23 DISP 515 Operator:A40148 OperNames:GRAY, PHIL

08:13:23 -PRIU 515

08:15:35 PRMPT 515

08:15:35 -HOLD 515

08:32:01 DISP 515 Operator:A40148 OperNames:GRAY, PHIL

08:32:01 -PRIU 515

08:32:20 *MISCN 515 Comment:515, RESPONDING FROM ----> 357 GARFIELD ST, AS

08:32:20 *ENRTE 515

08:43:50 *ONSCN 515

08:59:27 *MISC 515 Comment:COMPLAINT OF DRUG USE DURING THE EVENING HOURS BEHIND
 THE BUSINESS. BUSINESS ABUTS CITY PARKING LOT AND IT IS THEORIZED THAT
 BAR GOERS WHO FREQUENT THE NIGHT CLUBS USE COMPLAINANT'S PROPERTY
 FOR ILLICIT DRUG USE DURING THE EVENING.

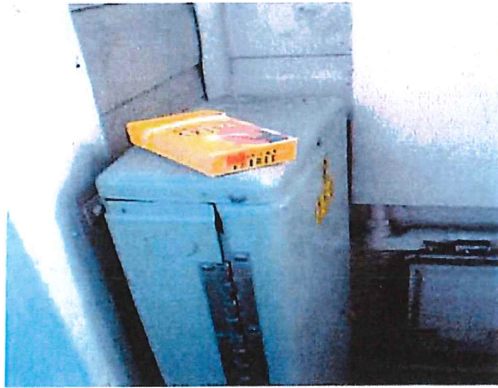
08:59:33 *CLEAR 515 Dispo:NR

08:59:33 -CLEAR

08:59:33 *CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP-Dob	ReqCont	ContType	AltPhone
POTOCKI,STAN	541/890-4339			YES	AT LOCATION	





VOCATIONAL RESOURCE CONSULTANTS
P.O. Box 217, Ashland, Oregon 97520 (541) 482-8888

July 28, 2014

City of Ashland
Planning Department
planning@ashland.or.us
51 Winburn Way
Ashland, OR 97520

RE: (1) Primary issue: Planning action # 2014-01075; recommend approval with conditions

(2) Secondary issue: Would the city of Ashland, finally, address the issue of downtown zoning adjustments? (This is the proverbial elephant in the room that everyone has walked around now for decades).

Greetings,

I am writing this letter and forwarding copies to ask that the city of Ashland assist in resolving an ongoing problem involving parking involving cars and trucks blocking our driveway access on 150 N. Pioneer Street every day. That driveway provides access to two separate properties.

Please note that this is not occasional, but is chronic and occurs every day, multiple times per day. My sole agenda involving this particular planning action is simply that we have free access to the use of our driveway.

First, however, I would like to very clearly go on record by saying that I support Ruby's Restaurant, the expansion of Ruby's to the second location next door, etc. They are nice folks and we wish them well. I also support Joanie's use of the property to maximize the benefit of her property.

Therefore, I am hopeful that some effective teamwork (which I will address) can resolve the chronic driveway obstruction issues which have developed.

I am writing to multiple parties as I very much would like the city of Ashland to act now to resolve the problem. It has dragged out now for a long time. In this letter, I will address the problem and then I will clearly outline specific solutions.

Here is the key issue. Our driveway is located directly across the street from the Towne and Country dry cleaning business and Ruby's. Cars and trucks, every day, multiple times per day, block the access to our driveway.

It is actually sometimes amazing in that people will park a vehicle which not only partially blocks the driveway, but entirely blocks the driveway so that we have no access. People even park in our driveway. If it had not gotten to the point of being absolutely ridiculous, I would not be writing this letter.

The outcome is that there is an absolute traffic safety hazard to exit the driveway to the street. Please refer to the attached photographs. Ironically, the first vehicle you will see is a city of Ashland truck blocking our driveway.

We have also actually even had city of Ashland paramedic trucks literally block the entire access to our driveway so that it is impossible to enter and exit. The emergency for the paramedic vehicle?.... A breakfast burrito at Ruby's. Seriously.

Please really take a look at that first picture of the city of Ashland pickup truck. If you are attempting to drive down our driveway and turn left onto Pioneer Street, you have absolutely no vision involving traffic traveling down Pioneer Street from above. It is literally impossible to exit safely. There are multiple users of our driveway each day. All you can do is nose out in inches and hope that, if a vehicle is traveling down the street, that they stop for you.

I thereby absolutely want to emphasize that this is more than an inconvenience and annoyance, it is an absolute traffic safety hazard and an accident waiting to happen.

Now in this case (photo #1), the thoughtless city of Ashland driver simply falls within the collective crowd of what I call the "ten percenters." Having dealt with this issue daily and after having asked countless people to move their vehicles, I clearly understand the mindset.

It's not complicated, it's simply selfish. It basically goes like this..... "There's no convenient spot,..... so I'll just park here. I'll just be 10 minutes or so. I need to get MY burrito."

No sooner than one thoughtless "ten percenter" has blocked the driveway (peak times: 7:30 a.m. to 9:30 a.m. and 11:30 a.m. to 2:30 p.m.), then the next "ten percenter" replaces the former one several minutes later. That process repeats itself countless times per day.

Therefore, because of repeated consistent parking by many thoughtless people, the outcome is that we can only nose out by inches, lean forward, and hope that no vehicle is coming that will crash into our vehicles when we are attempting to exit the driveway.

The absolute canned habitual response when we tell people to move their vehicles is that "Oh, I was just running in to get my dry cleaning..... Oh, I was just running in to pick up a sandwich. There was a line and I had to wait, sorry about that."

Objectively, approximately 90 percent of the time, this involves people blocking the driveway to go into Ruby's. The other 10 percent of the time involves people going to drop off or pick up dry cleaning.

Now, in no way at all do I blame Ruby's or the dry cleaning business for the absolute thoughtlessness of 10% of their customers. I really mean that. Objectively, if Ruby's and the dry cleaning business were not there, we would not have anything like the problem that we have. However, again, it's not the fault of those businesses.

Ruby's has done well and I think that's great. Obviously, the downside with an expansion, is that the way things currently are, it's only going to make a really bad situation only worse. There is no question about that. However, I very genuinely want to be a good neighbor and to make that situation work.

I hope that Ruby's flourishes and does very well. There just needs to be a workable resolution so that I, personally, do not need to tell countless people to move their vehicles.

It's unbelievably rude on the part of those "ten percenters." I may need to leave my office for a business meeting, pick up a child after school, etc. It's absolutely ridiculous to not be able to leave your driveway.

We have even had to go into Ruby's to ask whose vehicle is blocking the driveway, tell them to move it, and then have people respond that they will, after they finish getting their order.... "Uhh no, go move your car now!"

I will now address what has transpired to date and what hasn't worked. Carl Johnson with the engineering department has been helpful and has visited multiple times. The curbs have been painted yellow. Parking spaces have been changed and marked. We regularly are in contact with Diamond Parking as well. They have attempted to be helpful. However, none of that has worked at all. Please note, not at all.

If you would like to verify any of the information I have written, please just give Heather a call at Diamond Parking or Carl Johnson in the engineering department. They've stood with me on multiple occasions on our front porch watching the flow of the "ten percenters."

Please note that our office and my work involves consulting. We work on a billable hour basis in incremental time periods. Therefore, the countless times I've had to deal with this situation also results in direct loss of income.

While well intended, nothing that works has been done by the city of Ashland to correct this problem. Enforcement doesn't work. Marking the curbs doesn't work. Thoughtless people ultimately remain..... thoughtless people and disregard that. There is a need for both much better markings, actual street barriers, and much better enforcement. I will come to those specifics.

Diamond Parking's office is only open, I believe, four hours per day, four days per week. If we call, there is often no one there, just an answering machine. There is no true effective benefit in calling Diamond Parking, although they have really tried to help, because by the time you make a call, the person who just blocked the driveway for 10 or 15 minutes is gone.

On a separate note, we are already heavily impacted by the city of Ashland, by our location, as we already have to deal with the city parking lot immediately next door to our property. We have had many problems involving vandalism, transients sleeping in the bushes, drunk people from the parking lot trying to force entry into the apartment upstairs, drug users hopping the fence and actually doing drugs in our backyard.

Please see a copy of the attached police report. Our elderly neighbor, Sarah, just had a meth user break into her house next door during this past month.

I recognize that it is difficult for the city of control all of that. Our property is right next door to the parking lot and is currently still zoned residential which is truly mind boggling (as it ceased to be residential a great many years ago).

The city of Ashland has advised me on countless occasions that they would revisit the zoning of Pioneer Street after putting in the parking lot next door and after all the commercial changes. We graciously accommodated the city, without protest, of having the parking lot be built right next to our property approximately 25 years ago.

I personally spoke with the planning director at that time, John Fregonese. He advised me that the city of Ashland recognized the impact and would revisit Pioneer Street and downtown rezoning within a couple of years. I have heard that multiple times since.

However, the last time I checked my watch, the city of Ashland began to relate that 25 years ago and has never yet done so. It's time.

Okay, back to the immediate issue at hand. I have made a number of suggestions to the engineering department. On a positive note, they have attempted to improve matters. However, the downside is that it takes an unbelievable amount of time for any potential change to be implemented.

I will now address specifics of what I would request to resolve matters. I ask that the city do the following: (1) stripe the street very clearly, the width of a car, from the beginning of the yellow curb lines, across our driveway to the edge of the yellow curb line on the other side of the driveway, to be clearly striped and marked as no parking; (2) place signs on each side of the driveway noting "Do not block driveway, no parking, no idling, tow away zone"; (3) change the current configuration of where the yellow curbs are currently marked. I would like the yellow curb marks to actually be several feet closer to our driveway on both sides. Where they are currently marked allows for essentially a half spot where the "ten percenters" (please see photograph #1) attempt to park. Too much temptation. (4) repaint curbs and striped parking areas twice yearly; (5) assign either Diamond Parking or a community service officer to patrol every few minutes during peak problem hours from 7:30 a.m. to 9:30 a.m. and 11:30 a.m. to 2:30 p.m.

I have had a very positive conversation with the owner of Ruby's and I believe we can all make it work. I would ask that Ruby's do the following: (1) mark their driveway as 5 minute parking for pick up orders; (2) place two portable barricades in the street in front of our driveway to block off the marked no parking areas on each side of the driveway from 7:00 a.m. to 5:30 p.m.

I'm certain that the last item is one of the key elements for attempting resolution. Without a physical small barricade, the thoughtless "ten percenters" will simply park and idle their cars in the middle of the driveway while waiting for their passenger to pick up their food or they'll park in the driveway. I am certain of that. History only repeats.

How should signs and painting be funded? That's easy. I live in the private sector world. Have the "ten percenters" fund it. A city of Ashland community service officer and/or Diamond Parking is more than welcome to sit on our covered front porch, use our restroom, and even have a cup of coffee. You can easily write probably somewhere in the range of 20 to 30 parking tickets per day if you do that.

I am serious. Just sit on my front porch from around 7:30 a.m. till around 9:30 a.m. or 10:00 a.m. and again from around 11:30 a.m. to 2:30 p.m.

We have been dealing with this issue for an extended period of time. This week, again, after multiple people partially and fully blocked driveway access, I had to go out and stand in the street and direct traffic. Why? So that my wife could safely navigate around a vehicle blocking access from our driveway to get out to the street.

In conclusion, while the absolute norm for virtually all people blocking our driveway is to go to the dry cleaners or the restaurant across the street, I do not see those businesses as being at fault at all. It is the 10% of thoughtless customers who are the problem.

Please don't form a study group or write interdepartmental memos. As we had made multiple attempts which have resulted in no resolution, I would ask the city of Ashland to quickly resolve this matter. Thank you.

Sincerely,



Stan Potocki

Cc: City of Ashland, Engineering Department, Fax: 541-488-6006
Bill Molnar, planning director, molnarb@ashland.or.us
Chief of police, Terry Holderness, holdernet@ashland.or.us
Ashland City Council, Greg Lemhouse, greg@city.council.ashland.or.us; Pam Marsh, pam@city.council.ashland.or.us; Michael Morris, mike@city.council.ashland.or.us; Rich Rosenthal, rich@city.council.ashland.or.us; Dennis Slattery, dennis@city.council.ashland.or.us; John Stromberg, john@city.council.ashland.or.us; Carol Voisin, carol@city.council.ashland.or.us
City of Ashland, Dave Kanner, dave.kanner@ashland.or.us
Diamond Parking, Linda Fait, linda.fait@diamondparking.com

Encl: Photos