

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 13, 2009  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **CONSENT AGENDA**
- A. **Approval of Minutes**
1. December 9, 2008 Planning Commission Meeting
- B. **Approval of Findings for 232 Vista Street, PA #2008-01517**
- IV. **PUBLIC FORUM**
- V. **PUBLIC HEARINGS**
- A. **Greater Bear Creek Valley Regional Problem Solving Agreement**  
**PLANNING ACTION: 2008-01984**  
**DESCRIPTION:** Consideration of the City of Ashland entering into an Intergovernmental Agreement, the "Greater Bear Creek Valley Regional Problem Solving Agreement" (the "Agreement"), for the Bear Creek Valley Regional Problem Solving (RPS) Program, which provides for the participants to implement the Bear Creek Valley Regional Plan.
- B. **PLANNING ACTION: 2008-01986**  
**SUBJECT PROPERTY: 2915 Highway 66**  
**APPLICANT: Myles Comstock**  
**DESCRIPTION:** A request for a Modification of a previously approved Site Review (PA#2008-01315) for a Variance to exceed the maximum 20-foot height limitation in the Airport Overlay Zone. The proposed structure is 26.5 feet in height.  
**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 13B; **TAX LOT:** 2005
- VI. **OTHER BUSINESS**
- A. **Discussion of possible changes to the City Sign Code based on the Downtown Task Force Recommendations.**
- B. **2009 Hearings Board Assignments**
- VII. **ADJOURNMENT**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 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 1).

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
DECEMBER 9, 2008

**CALL TO ORDER**

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

**Commissioners Present:**

Michael Dawkins  
Mike Morris  
Debbie Miller  
Pam Marsh  
Melanie Mindlin  
Michael Church

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
Angela Barry, Assistant Planner  
Richard Appicello, City Attorney  
April Lucas, Administrative Assistant

**Absent Members:**

John Stromberg  
Tom Dimitre  
Dave Dotterer

**Council Liaison:**

Cate Hartzell, absent

**CONSENT AGENDA**

- A. Approval of Minutes
  - 1. November 6, 2008 Planning Commission Meeting
  - 2. November 12, 2008 Planning Commission Meeting
- B. Adoption of Findings for 2200 Ashland Street, PA #2008-00911

Mindlin requested the November 6, 2008 minutes be amended on Page 2, last paragraph, to include the statement "herbicides may be applied for initial eradication, but should not be used as an ongoing maintenance plan."

**Commissioners Marsh/Church m/s to approve the November 6, 2008 Planning Commission minutes as amended. Voice Vote: all AYES. Motion passed.**

**Commissioners Marsh/Mindlin m/s to approve the November 12, 2008 Planning Commission minutes. Voice Vote: all AYES. Motion passed.**

Associate Planner Derek Severson clarified revised findings for 2200 Ashland Street were distributed to the Commission at the beginning of the meeting. He noted the following changes have been made:

- 1) Condition 5d was changed to read "All hardscaping, including driveways, sidewalks, walkways, and required automobile and bicycle parking; landscaping; and irrigation system, shall be installed according to the approved plans, inspected and approved by the Staff Advisor."
- 2) Condition 6 now includes the clarification that "this provision only applies to grading and surfacing of the driveway, and nothing in this condition requires the applicant to relocate existing utilities."
- 3) Condition 7 now reads "that the Applicant shall provide a future connectivity route to what is now the informal pathway connecting to the Central Ashland Bikepath through or adjacent to the subject property..."

Community Development Director Bill Molnar clarified the change made to Condition 7 would provide the Applicant with some flexibility. Marsh commented that she is not opposed to providing flexibility, but felt the proposed language was awkward. Mindlin suggested the minutes reflect that this connection is still the Applicant's responsibility.

#### Declaration of Ex Parte Contact

Miller indicated a gentleman commented to her that he had seen the meeting on TV and that the Planning Commission had made a good decision. Both Dawkins and Church indicated they had passed through the site. Mindlin stated she had a conversation on a different subject with someone who testified at the hearing.

**Commissioners Church/Morris to approve the Findings for 2200 Ashland Street. Roll Call Vote: Commissioners Morris, Church, Mindlin, Marsh, Dawkins and Miller, YES. Motion passed.**

#### PUBLIC FORUM

No one came forward to speak.

#### TYPE II PUBLIC HEARINGS

Dawkins read aloud the public hearing procedures for land use hearings.

##### **A. PLANNING ACTION: 2008-00911**

**SUBJECT PROPERTY: 2300 Siskiyou Blvd.**

**APPLICANT: Steve Asher**

**DESCRIPTION: A request for Site Review approval to construct thirteen condominium units for the property located at 2300 Siskiyou Boulevard. Also included are requests for a Physical & Environmental Constraints Review Permit to allow tree removal and parking space installation on Flood Plain Corridor/Riparian Preservation Lands adjacent to a culverted section of Clay Creek; Tree Removal Permits to remove 36 of the site's 78 trees; and an Exception to Street Standards to not install sidewalks and curbs along Siskiyou Boulevard frontage. (The approval of this application would replace the previous Performance Standards Options subdivision approval from PA #96-131).**

**COMPREHENSIVE PLAN DESIGNATION: Low Density Multi Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 14 CA; TAX LOTS: 7700, 7800, 7801, 7802, 7803, 7804, 7805, 7806, 7807 and 7808.**

#### Declaration of Ex Parte Contact

No ex parte contact was reported by any of the Commissioners. Both Dawkins and Marsh indicated they had passed by the site since the last meeting.

#### Staff Report

Associate Planner Derek Severson noted this hearing is a continuation from the November 12 meeting and reviewed some of the key points that were not previously discussed. He noted the site consists of nine tax lots and there is a previous subdivision approval in place that would allow for the build out of the property. That approval included the installation of a driveway off Bellview to serve the units on the northeast portion of the property, and an easement for shared driveway access to serve two units on the southwest portion of the site. Mr. Severson stated the current proposal modifies the existing configuration of the site by: 1) removing the house that sits on the property, 2) removing the paving of the existing driveway off Siskiyou, and 3) installing a new driveway system off Bellview that would circulate through the property. He noted there would be 13 condominium units constructed on the site, all of which would be accessed from Bellview, with two of the units accessed through the easement that was recorded as part of the 1996 subdivision approval.

Mr. Severson commented on the Physical & Environmental Constraints portion of the application and clarified the components that trigger this are the three parking spaces in the Riparian Corridor and the removal of four trees. He clarified the Riparian Corridor map does not take into account that the creek channel in this area feeds into a detention pond on the Parks Department property, and from there it is piped underground beneath the Ashlander Apartments. He stated while this is an identified riparian corridor, it has no hydrology and there is very little likelihood of it being daylighted at any point. Regardless of this, he noted the Applicant is conforming to the 20 ft. setback requirement.

In reviewing the application, Staff had two primary issues with the proposal: 1) the functionality of the smaller (private) open space areas, and 2) the Applicant's request for an exception to the City Street Standards. Mr. Severson clarified Staff was able to work with the Applicant on the open space issue and noted the proposed condition that would require a landscape plan to be submitted prior to building permits that would modify the landscaping to demonstrate a 10 ft. yard area for the private yards. He added the larger and more shared open space areas identified in the plan more than satisfy the 8% open space requirement. Regarding the Street Standards, Mr. Severson clarified Staff is recommending denial of this exception. He stated the Street Standards require the Applicant to install curbs, gutters, parkrow, and street trees, and displayed several photos of other projects along Siskiyou that were required to conform with these standards. He noted with no curbs, cars can turn from Siskiyou onto Bellview without much reduction in traveling speed, and the lack of a curb puts pedestrians on a path that has no distinction from the street. Mr. Severson clarified the new sidewalk could be placed in the same location as the existing path.

### Applicant's Presentation

**Mark Knox/485 W Nevada/Applicant's Representative, Laurie Sager/700 Mistletoe/Landscape Architect/, and Steve Asher/1060 Elkader/Applicant** addressed the Commission. Mr. Knox noted they have been working on this project for over two years and stated there are a lot of constraints due to the shape of the site, the trees, and the Physical & Environmental Constraints issues. He commented on the request for an exception to the Street Standards and clarified they are not seeking to avoid the improvements. He noted the original 1996 subdivision application talked about this issue being deferred until a Local Improvement District could be designed that would address the uniqueness of this section of Siskiyou Boulevard. Mr. Knox commented on the need for "boulevard street standards" and stated the current Street Standards seem more appropriate for residential areas. He added if the Commission denies their request for an exception, they have included plans in the record that comply with the Street Standards criteria. Mr. Knox commented on the Physical & Environmental Constraints permit. He referenced the site plan, and clarified where the creek line, sediment pond, and underground pipe are located. He clarified their proposal actually reduces the riparian encroachment that is there now, and clarified there is no vegetation or water in this area. Mr. Knox commented on the access to the proposed units, and stated ODOT and Staff have both indicated the driveway off Siskiyou should be removed. He noted the 1996 approval had no restrictions on the size of the units that could use the private drive; however they are proposing to put the smaller units in this location out of consideration for the neighbors.

### Questions of the Applicant

Mr. Knox stated the current path is functioning very well and clarified they would like to fix the turning radius and improve pedestrian movement; what they are trying to minimize is the bleach white sidewalk and delineated curb edge. He elaborated on the idea of doing a comprehensive design for this section of Siskiyou Blvd. He stated they have the room to do some really neat things, but noted the domino effect and stated once the standard Street Design pattern starts, it is hard to stop. Mr. Asher added that this application would set precedence for the whole south side of Siskiyou. He added that more people use the meandering path on the south side than the traditional sidewalk on the north side. He voiced his support for a more comprehensive plan to address this and questioned if applying the Street Standards for this area was the appropriate thing to do.

Dawkins restated the four components of this application and asked the speakers to limit their testimony to the criteria.

### Public Testimony

**Woo Gardenswartz/917 Bellview, #1/**Shared his concern that the proposed development is too dense compared to the previous approval for this area. He commented on the parking situation along Bellview and stated having two driveways off this street will be problematic. Mr. Gardenswartz displayed photos of cars parking along Bellview and stated this project would increase density and is worried the parking will become even worse. He commented on the walkway along Siskiyou and stated it is not safe and a new sidewalk would fit in with the improvements across the street. He also expressed concern that if the Commission decides to postpone the installation of sidewalk improvements, the homeowners will end up paying for it through a Local Improvement District.

Mr. Dawkins clarified that the proposed development does meet the density requirements.

**Anne Ainsworth/933 Bellview/**Noted her house is the first one beyond the proposed development and clarified Bellview is used as an access to the entire Greenmeadows neighborhood. Ms. Ainsworth clarified she is not opposed to the number of proposed units, but feels the development should be accessed from Siskiyou. She commented on the number of parked cars along Bellview and noted there are already 4 apartments and 8 condominiums that use the same access road off Bellview and thinks adding 13 more units is not logical.

**Mike Tillinghast/919 Bellview, #1/**Submitted a letter on behalf of the Bellview Homeowners Association. Mr. Tillinghast expressed concern with the impact this development will have on the neighborhood and felt the number of proposed units is excessive. He also expressed concern with the Applicant's request to waive the constraints imposed by the Water Resource Protection Zones ordinance. He stated all the other property owners along Clay Creek have had to conform to the rules regarding riparian buffer zones and does not believe the Applicant's reasons for an exception are compelling enough. Mr. Tillinghast also commented on the sidewalk and curb improvements and acknowledged the Applicant's rationale for this waiver does make a certain amount of sense. He concluded by urging the Commission to not grant the waiver to the riparian zone ordinance and to consider a requirement to scale back the development.

Dawkins read a letter into the record submitted by **Marlyn McClaskey/915 Bellview, #2/**The letter expressed Ms. McClaskey's concerns regarding the removal of trees that line up along the fence of her property. It also expressed her concern with the plans for ingress and egress to and from the property and parking issues. It stated any plans for a new development should be accessed from Siskiyou, not Bellview.

Dawkins read a letter into the record submitted by **Larry & Rosalie Meyer/917 Bellview, #2/**The letter made the following points: 1) They are opposed to the sidewalk variance and sidewalks should be installed by the developer to assure that this development blends in with the neighborhood, 2) They oppose access to the parking garages through their small driveway, since they already have problems with congestion and unwanted parking, and 3) They hope the trees will be retained, as they are very important for erosion control.

#### **Rebuttal by the Applicant**

**Mark Knox/**Commented on the following issues raised by the neighbors:

- 1) The proposal is too dense: Mr. Knox clarified this proposal is at 80% of the density allowed.
- 2) Concerns about driveway access: Mr. Knox clarified the perpetual easement could allow a lot more trips than they are proposing, and their design mitigates these issues.
- 3) Riparian Area/P&E Encroachment Permit: Mr. Knox stated there is already an existing asphalt driveway in this area. He stated there is no riparian area that they are encroaching on and stated this proposal actually reduces the amount of asphalt in that area.
- 4) Compliance with the Water Resource Protection Zones Ordinance. Mr. Knox stated the original 1996 approval had a setback of 20 ft. from the creek channel; at the closest point, this development has a 60 ft. setback.
- 5) Sidewalks: Mr. Knox clarified they would like to see a more comprehensive design for this area, but they have submitted an alternate set of plans that complies with the Street Standards and they are willing to comply with whatever the Commission decides.

Mr. Knox concluded by stating they feel they have met all of the required criteria.

Dawkins closed the public hearing and the record at 8:20 p.m. Mr. Knox agreed to waive final written argument.

#### **Advice from Legal Counsel and Staff**

City Attorney Richard Appicello informed the Commission of a recent City planning action approval that went before the Land Use Board of Appeals (LUBA). The planning action included an exception to the Street Standards, and the LUBA judge ruled the City had to follow the Street Standards unless there was a demonstrable difficulty in meeting this requirement. He stated this case applies to this action, and asked the Commission to take this into consideration.

#### **Deliberations and Decision**

**Commissioners Marsh/Church m/s to approve, noting that the project satisfies the criteria for Site Review Approval, the criteria for Tree Removal Permit, and the criteria for Physical & Environmental Constraints Review Permit, and noting that it does not meet the criteria for exception to Street Standards. DISCUSSION:** Marsh commented on some of

the concerns raised by the neighbors. She clarified that not only does the project meet the density of the zone, it is required to have as many units as proposed. Regarding access off Bellview, she stated accessing the project off Siskiyou would be far more treacherous for pedestrians and bicyclists, and having the primary access off a side street is a much better option. Regarding the sidewalk issue, Marsh stated there is no significant difficulty in meeting the requirements of the Street Standards, and they let go of the idea of doing a master plan for this area a long time ago, and have been imposing these improvements all along Siskiyou. Mr. Severson clarified where the bikelane, curb, parkrow and sidewalk would be located and clarified there would still be a separation between the pedestrians and the street. Church shared his reservations about applying the Street Standards, and empathized with the Applicant regarding the suburban nature of the standard. Several Commissioners echoed Church's reservations, but it was noted that since the Applicant cannot show demonstrable difficulty, the Commission cannot grant the exception. **Roll Call Vote: Commissioners Marsh, Mindlin, Church, Morris, Miller, and Dawkins, YES. Motion passed 6-0.**

**Commissioners Marsh/Morris m/s to approve the Findings. Roll Call Vote: Commissioners Miller, Mindlin, Church, Dawkins, Marsh, and Morris, YES. Motion passed 6-0.**

**B. PLANNING ACTION: 2008-01517**

**SUBJECT PROPERTY: 232 Vista Street**

**APPLICANT: Kerry KenCairn**

**DESCRIPTION: A request for a Minor Land Partition, a Type II to Variance to the requirement that the new lot have a paved 20-foot wide access or an unpaved 20-foot wide access with less than 10 percent slope, and a Physical and Environmental Constraints Permit for development and tree removal on Hillside Lands.**

**COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP #: 39 1E 09BC; TAX LOT: 7500**

**Declaration of Ex Parte Contact**

Dawkins noted he is familiar with the property. Marsh, Mindlin, Morris, Miller, and Church all reported site visits. Church noted he saw a real estate sign and was intrigued that the property was for sale before the Application had been approved. Staff clarified there is a separate adjacent lot that is for sale. All of the Commissioners agreed that they had not seen anything during their site visits that is not already characterized in the Staff Report.

**Staff Report**

Assistant Planner Angela Barry provided an overview of the Staff Report. She noted the property is located between Vista Street and Glenview Drive, and is zoned R-1-7.5. She displayed the Site Plan for the Commission and clarified if the lot partition is approved, both lots would be just over 9,000 sq. ft. Ms. Barry stated the new lot would be accessed from Glenview Drive, and noted there is no structure proposed for the lot at this time. She commented briefly on the Hillside Lands Overlay and noted the slopes on this property range from 15% to 35%. She stated the Applicant has submitted a Geotechnical Report addressing the hillside issues and any future home would be located in the area with the least amount of slope. Ms. Barry noted the application includes the removal of three trees, as well as a variance to create a lot that does not meet the requirements for access off an unpaved street. She elaborated that Glenview Dr. is narrower than the required 20 ft. and steeper than the maximum 10% grade, and noted the Project Engineer has indicated that widening the road would not be feasible. Ms. Barry clarified staff is recommending the Applicant improve the intersection of Glenview and Hillcrest by paving the first 70 ft. of Glenview, including curb and gutter along one side. She noted the Applicant has requested to install those improvements in the summer months, rather than during the winter, and clarified the Applicant would be required to provide a financial guarantee of this.

Mr. Molnar provided a brief overview of the Hillside Lands Ordinance. He stated the Ordinance triggers the project's geotech to evaluate the new lot and provide a recommendation on where the best location for a future home would be. In this application, the proposal is to locate the building envelope on the flattest portion of the lot, and they will be using an existing graded access for the driveway. Mr. Molnar added if a home is developed on that lot in the future, there will be additional Hillside standards that apply. He clarified the application currently before the Commission is just to create the lot.

Mr. Molnar provided some background on the surrounding area, and stated most of these lots were platted prior to the City's minimum standards for street width. He explained when applicants come in for a building permit, the City can impose the

Hillside Standards on the construction of the home, but cannot require them to bring the street up to current standards. He noted the City does require applicants to sign an agreement to participate in a Local Improvement District, should one be formed in the future.

### Applicant's Presentation

**Kerry KenCairn/147 Central** and **Karen DeBoer/234 Vista** addressed the Commission. Ms. KenCairn stated the proposed lot meets all of the ordinance requirements for lot creation and the only exception is the variance for the road. She explained the reason for this lot split is not to create a new house, but to release the home that is there now. She added they want to leave this area as open space, which is why they are proposing to create a new lot without a home. Ms. KenCairn explained in order to do this, they have to prove that the new lot could accommodate a home. She commented on the problems with Glenview, and stated there is enough right of way on the downhill side to widen the road, but due to the slope it would create more impacts to widen it, then to leave it the way it is. Ms. KenCairn stated there is a huge hardship involved with making the road wider, mostly from an environmental standpoint, and noted the report from the geotech states it is not feasible to widen the road.

### Public Testimony

Dawkins read an email into the record submitted by **Colin Swales/461 Allison**. The email requested the Commission consider how this proposal would affect the emergency evacuation of the residential neighborhood above Lithia Park in the event of a wildfire, as well as how it would affect emergency vehicle access. The email also questioned whether the "pinch points" mentioned on Glenview were due to the considerable, un-permitted encroachment by the same property owner and whether this narrowing was self-imposed.

Ms. Barry clarified there are encroachment permits on file for the two parking spaces, fence, and landscaping that are located in the right of way. She added the terms of those permits gives the City the right to have those encroachments removed at no cost to the City, should the road ever be widened.

### Rebuttal by the Applicant

**Kerry KenCairn**/Stated the email read into the record implies that they are not meeting the Hillside Ordinance, and this is untrue. She noted the City's Fire Marshall reviewed the plans and had no issues with this project. She also mentioned the "pinch points" and restated Ms. Barry's assertion that these permitted items would be removed if a future widening of the street occurred.

Dawkins closed the public hearing and the record at 9:35 p.m. Ms. KenCairn agreed to waive final written argument.

### Deliberations and Decision

**Commissioners Morris/Marsh m/s to approve PA 2008-01517 with the revised conditions. DISCUSSION:** Ms. Barry clarified the revised conditions are 8a, 8e, and 8f.

**Commissioners Miller/Marsh m/s to extend meeting to 10 p.m. Voice Vote: all AYES. Motion passed.**

**DISCUSSION (Continued):** Miller asked if the emergency vehicle access was a concern for anyone. Dawkins stated he would be much more concerned with widening or paving the street. Church expressed his concerns with the creation of another lot. He stated given the nature of this area, he is unsure about increasing the capacity for development. Mindlin agreed, and expressed her concerns with creating another lot. Marsh noted the criteria for the lot creation, and stated the Applicant meets this, the only issue is the road. She stated this parcel fits a pattern that has already been established on the street and stated this approval seems appropriate to her. Morris noted the lot meets the requirements of the Hillside Ordinance and there is a demonstrable difficulty in altering the access road. **Roll Call Vote: Commissioners Marsh, Mindlin, Morris, Miller, and Dawkins, YES. Commissioner Church, NO. Motion passed 5-1.**

**OTHER BUSINESS**

**A. Select Planning Commission Representative for the Interchange 14 Bridge Design Review Committee.**

Mr. Molnar provided a brief explanation of the Bridge Design Review Committee and asked for a representative from the Commission to sit on this committee. The Commission agreed Dave Dotterer would be offered the position, and if he was unable, Michael Dawkins would serve as the Planning Commission representative.

**ADJOURNMENT**

Meeting adjourned at 9:55 p.m.

*Respectfully submitted,  
April Lucas, Administrative Assistant*

**BEFORE THE PLANNING COMMISSION**  
**December 9, 2008**

IN THE MATTER OF PLANNING ACTION #2008-01517, REQUEST FOR A )  
MINOR LAND PARTITION, A TYPE II VARIANCE TO PERMIT A NEW ) FINDINGS,  
LOT THAT DOES NOT HAVE ACCESS ONTO A PAVED STREET AND ) CONCLUSIONS,  
DOES NOT MEET THE CRITERIA FOR ACCESS OFF OF AN UNPAVED ) AND ORDERS  
STREET, AND A PHYSICAL AND ENVIRONMENTAL CONSTRAINTS )  
PERMIT FOR DEVELOPMENT AND TREE REMOVAL ON HILLSIDE )  
LANDS. )

**APPLICANT:** KERRY KENCAIRN

**RECITALS:**

- 1) Tax lot 7500 of 39 1E 09BC is located at 232 Vista Street and is zoned R-1-7.5, Single-Family Residential. The applicant is requesting a Minor Land Partition, a Type II Variance to permit a new lot that does not have access onto a paved street and does not meet the criteria for access off of an unpaved street, and a Physical and Environmental Constraints Permit for development and tree removal on Hillside Lands.
- 2) The criteria for a Minor Land Partition are described in 18.76 as follows:
  - A. The future use for urban purposes of the remainder of the tract will not be impeded.
  - B. The development of the remainder of any adjoining land or access thereto will not be impeded.
  - C. The tract of land has not been partitioned for 12 months.
  - D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
  - E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (Ord 2836 S8, 1999)
  - F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
  - G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
    1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
      - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
      - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.

2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the under grounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (amended Ord. 2757, 1995).
- 3) The criteria for Physical & Environmental Constraints approval are described in 18.62.040, as follows:
    1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
    2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
    3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance. (Ord 2834 S1, 1998) (Ord. 2834, Amended, 11/03/1998, Section 18.62.040 J "deleted"; Ord 2808, Added, 12/02/1997)
  - 4) The criteria for a Variance are described in AMC Chapter 18.72.090, as follows:
    - A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
    - B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
    - C. That the circumstances or conditions have not been willfully or purposely self-imposed.
  - 5) The Planning Commission, following proper public notice, held a Public Hearing on December 9, 2008 at which time testimony was received and exhibits were presented. The Planning Commission approved the application, subject to conditions pertaining to the appropriate development of the site.

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 decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that both lots meet the minimum size and the dimensional requirements of the R-1-7.5 Zoning District. The existing home and the proposed building footprint will both conform to setback, lot coverage, and maximum permitted floor area requirements. The Planning Commission finds that with this partition, the lot would be fully developed in conformance with the R-1 zoning standards, thus the partition does not impede the future use of the parcel. The tract has not been partitioned within the previous 12 months.

2.3 The Planning Commission finds that adequate public utility facilities, including water, sewer, storm drainage, and electric service, exist in the Vista Street right of way to serve the proposed parcels, and these services will be extended to serve each of the newly created parcels. The proposal includes a utility easement from the new lot to Vista. A storm water pipe is shown running from a stormwater manhole to be installed on the north side of the property to the 12-inch storm drain line in Vista Street. The new lot is to be served by a new water meter connecting to a 6-inch water line in Vista Street. Sanitary Sewer is to be piped from the new lot to a 6-inch sewer line in Vista Street. The existing home at 232 Vista Street is currently connected to water, sewer, and storm drain facilities in Vista Street, and these connections are to remain in place. Electric service is available in Vista Street and new lines will be installed underground to serve the existing lot and the newly created parcel.

2.4 The Planning Commission finds that the application meets the approval criteria for a Physical and Environmental Constraints Permit, and that the proposal minimizes the impact on the Hillside Lands by utilizing the existing graded driveway and locating the building envelope in the area of lease slope. Additionally, the proposal minimizes tree removal by locating the building envelope where it will impact the fewest trees.

2.5 The Planning Commission finds that the request for a Variance to create a lot that does not have access onto a paved street and does not meet the criteria for access off an unpaved street is supported by the evidence in the record. The Planning Commission finds that the creation of a new lot with access off Glenview is a unique circumstance, since the road has only six homes and two existing vacant lots that currently access off the street and limited potential for new development. While two other lots on the north side of Glenview have adequate square footage to divide, these lots are already developed with homes that would have to be removed prior to any lot division. Additionally, any new lots created on this side of the street would be likely to access off Vista or Fork, and not from Glenview. There is one lot to the south that could possibly be divided into two lots and these lots. Currently, this lot accesses off Terrace Street, to the south, and any new lot would be likely to access off Terrace due to the extremely steep slopes down to Glenview Street. Thus, the road is access to a limited number of homes, rural in feel, and otherwise serves as an access to the park and forestlands to the south. Additionally, a portion of the road right-of-way was vacated on the south side of the road at the intersection of Glenview Drive and Vista, narrowing the existing right of way to about 35 feet in that location. On the opposite side of

street, there is a fence, built with an encroachment permit, which further narrows the right of way near the intersection. Further down Glenview street, there is also a transformer located within the right of way.

The Planning Commission finds that the widening the road creates more negative impacts than benefits. On the downhill side of the street, in addition to the slope, there are utility pedestals and an existing driveway for 234 Vista. On the uphill side of the road, the cut slope is very steep and close to the right of way. Additional cutting would increase slope instability, creating a situation where soil from the hillside could slide onto the street. Widening the road would have a negative impact on slope stability. The Planning Commission finds that the addition of one lot on the road in its existing condition would have less negative impact than improving the road to meet the standards. Additionally, the applicants will improve the first 70 feet of the existing right-of-way through paving, without widening the street, as this portion of the road is in very poor condition, with potholes and gravel spilling out onto the intersection. This is also the steepest portion of the road. Improving this portion of the road will not negatively impact the slopes on either side of the street, and will help offset the impact of the additional traffic on the narrow, unpaved street.

### **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the applications for a Minor Land Partition, a Type II Variance to permit a new lot that does not have access onto a paved street and does not meet the criteria for access off of an unpaved street, and a Physical and Environmental Constraints Permit for development and tree removal on Hillside Lands for a property located at 232 Vista Street have satisfied all relative substantive standards and criteria and are supported by evidence in the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2008-01517. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2008-01517 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That a final survey plat shall be submitted to the City within 18 months of this approval. All easements for public and private utilities, public pedestrian access, and reciprocal utility, maintenance, and access easements shall be indicated on the final survey plat as required by the Ashland Engineering Division
- 3) That the first approximately 70-ft of Glenview Street, to the first existing decorative black fence post on the north-side of the street, be paved, including curb and gutter where feasible as determined by the City of Ashland Engineering Division.
- 4) That all recommendations of the Subsurface Investigation and Geotechnical Engineering Report, dated September 9, 2008, by Amrhein & Associates shall be instituted in the development of the property, and that the erosion control measures shall be installed as identified in the Amrhein & Associates Report prior to any site work, storage of materials, issuance of an excavation permit, or issuance of a building permit.
- 5) That the recommendations of the Ashland Tree Commission, with final approval by the Staff Advisor, shall be incorporated into the Tree Protection Plan.

- 6) Tree protection measures shall be installed according to the approved plan, inspected, and approved by the Staff Advisor. No site work including tree removal or any storage of materials shall occur on any of the newly created parcels prior to completion of a Tree Protection Verification Permit inspection.
- 7) Applicant shall obtain an excavation permit for installation of utilities to the new lot and installation of driveway improvements. Required permits from the Ashland Public Works Department shall be obtained for any portion of the driveway improvements encroaching into the Glenview Drive right-of-way.
- 8) That prior to the signature of the final survey plat:
  - a) That an engineered street improvement and storm drainage plan for Glenview Drive improvements shall be submitted for review and approval of the Ashland Engineering Division, and that these improvements shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan or shall be guaranteed through a means acceptable to the City of Ashland prior to signature of the final survey plat. In no case shall the construction improvements be installed later than July of 2009.
  - b) That the property owner shall sign in favor of local improvement districts for the future street improvements, including but not limited to sidewalks, parkrow, curb, gutter and storm drainage, for Glenview Drive prior to signature of the final survey plat. The agreement shall be signed and recorded concurrently with the final survey plat.
  - c) A final utility plan for the parcels shall be submitted for review and approval by the Engineering Division and Building Divisions. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants, sanitary sewer lines, storm drain lines and electric services.
  - d) A storm drainage plan that shows compliance with 18.62.080.C and is designed by a geotechnical expert shall be submitted.
  - e) Electric service shall be installed underground to service both newly created parcels as required by the Ashland Electric Department shall be guaranteed through a means acceptable to the City of Ashland prior to signature of the final survey plat. In no case shall the construction improvements be installed later than July of 2009. An electric service plan shall be reviewed and approved by the Ashland Electric Department prior to installation.
  - f) Sanitary sewer laterals and water services including connection with meters at the street shall be installed for both parcels shall be guaranteed through a means acceptable to the City of Ashland prior to signature of the final survey plat. In no case shall the construction improvements be installed later than July of 2009.
  - g) Reciprocal utility, maintenance, and access agreements shall be granted for the shared use of the common driveway, and any necessary easements indicated on the final survey plat.
- 9) That prior to issuance of a building permit for construction on the newly created parcel:
  - a) That construction of the new home on Parcel 2 will require a separate Physical and Environmental Constraints permit addressing compliance of the house and associated grading and fill with AMC 18.62.

- b) Building Permit submittals shall include solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula  $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- c) Building Permit submittals shall include Verification that the new home on Parcel 2 complies with the Maximum Permitted Floor Area requirements of AMC 18.24.040.I.
- d) Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed, that fire apparatus access be provided, and that a fuel break is required.
- e) A written verification from the project geotechnical expert addressing the consistency of the building permit submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit.

\_\_\_\_\_  
Planning Commission Approval      Date

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT**

**December 18, 2008**

**ACTION REQUESTED:** Adoption of Regional Problem Solving (RPS) Agreement

**PLANNING APPLICATION FILE:** 2008-01984

**BY:** Bill Molnar, Community Development Director

**REQUEST:** Consideration of the City of Ashland entering into an Intergovernmental Agreement, the "Greater Bear Creek Valley Regional Problem Solving Agreement" (the "Agreement"), for the Bear Creek Valley Regional Problem Solving (RPS) Program, which provides a process for the participants to implement the Bear Creek Valley Regional Plan.

**I. RELEVANT FACTS**

**A. Background**

The City of Ashland entered into a "Collaborative Regional Problem Solving" process along with other cities in the valley in 2000. Termed "Bear Creek Valley Regional Problem Solving" (RPS), it is a "planning process directed toward resolution of land use problems in a region" (ORS 197.654(1)). In the case of this region, the identified problems were (1) lack of a mechanism for coordinated regional growth planning; (2) loss of valuable farm and forest land caused by urban expansion; and (3) loss of community identity due to urban sprawl. The solution offered in the RPS Plan is directed, rational growth areas to accommodate a doubling of the population. When the growth areas are adopted by Jackson County and the respective city, they will become "urban reserves," into which future urban growth boundary expansion may occur.

The Bear Creek Valley Regional Problem Solving (RPS) Plan directs future urbanization through the establishment of urban reserve areas (URAs), which are the priority areas for expansion of a city's urban growth boundary (UGB) when expansion becomes necessary. In order for participating cities to proceed with the creation of URAs, the City intends to enter into an agreement with the other participants in the process. Such an agreement is a prerequisite of Plan participation established in ORS 197.656(2), the RPS statute.

The suggested action is for the Planning Commission to recommend that the Mayor, upon agreement by the Council, sign the Participants' Agreement.

**B. Brief History of Local Events**

## **Ashland's Initial Position in RPS – December 2003**

In December of 2003, after a series of five public study sessions with the Planning Commission, Housing Commission and City Council, the Council determined that it would not propose new growth areas. Instead, the City decided to address future growth through the promotion of more efficient land use strategies on existing lands within its Urban Growth Boundary (UBG).

## **Ashland's Comments on Draft Plan – November 15, 2007**

The Council had a special meeting in October 2007 devoted to a discussion on the draft Regional Problem Solving Plan. A letter was sent from Mayor Morrison to the Regional Problem Solving Policy Committee, dated November 15, 2007, that described several areas where Ashland would like to see the draft Plan change prior to final adoption or enactment of a participant's agreement. Elements of the draft Plan that were of particular interest to Ashland included: Efficient Use of Existing Lands, Transportation Planning and Implementation, Loss of High Value Agricultural Lands.

## **Regional Problem Solving (RPS) Update – August 4, 2008 Council Study Session**

On August 4, 2008, the Council was provided with a general overview of the Participant's Agreement and its key components. John Renz, DLCD's Southern Oregon Representative and Michael Cavallaro, Executive Director at RVCOC were in attendance to provide background about the project and answer questions. City Attorney Richard Appicello clarified that signing the Participants' Agreement is not adopting the regional plan, rather only agreeing to run it through the appropriate Land Use process. Additionally, the adoption of the Participants' Agreement is a land use decision and would be subject to public hearings before the Planning Commission and Council prior to making a decision on whether to sign the agreement or not. Staff explained that the next step would be for the Council to approve a resolution that would indicate the City's support for regional problem solving and commit to sending the Participants' Agreement through the local land use process.

## **Adoption of Resolution in Support of RPS – September 16, 2008**

In anticipation of the Land Conservation and Development Commission (LCDC) review of the draft Regional Plan and Participants' Agreement at October 2008 meeting, the Ashland City Council was asked to approve a resolution supporting Regional Problem Solving (RPS) in the Greater Bear Creek Valley as well as the general sequencing of the RPS approval process. The Council adopted a resolution, which conveyed Ashland's general support for regional planning, including the general sequence of steps proposed for the RPS approval process.

## **II. APPLICABLE CRITERIA**

Section 18.108.060 and 18.108.170 normally applies to Comprehensive Plan Map and Text amendments. However, the proposed action does not amend any Comprehensive Plan component; instead, it sets into motion a series of planning activities that in the future may result in amendments to the Comprehensive Plan. Therefore, the criteria for Type III Planning Actions,

Comprehensive Plan Map amendments, Legislative Amendments do not apply.

The Land Conservation and Development Commission (LCDC) recently gave tentative approval to the Participants' Agreement (10/28/2008), finding it contains the *components* required by ORS 197.656(2)(b) (see **Exhibit A**). Staff determines, after considering the advice of DLCD that the City should make the same finding if it chooses to participate in the agreement. In addition, the City Council will need to find that "the agreement reached by regional problem-solving process participants conform, on the whole, with the purposes of the statewide planning goals" (197.656(2)(c)). A summary of Goals 1–14 are attached as **Exhibit B**; Goals 15–19 are not applicable.

**Please note** that the current action is only to consider the agreement. The City of Ashland has chosen to not establish urban reserve areas (URA) at this time. Future Consideration of whether or not the urban reserve areas and corresponding plan amendments proposed by other participating Rogue Valley communities conform to statewide planning goals will occur at the time those plans and regulations are up for adoption by their respective community.

### **III. STAFF FINDINGS**

According to ORS 197.656(2)(b), the Land Conservation and Development Commission is authorized to approve future Comprehensive Plan amendments related to RPS upon a determination that:

**The regional problem-solving process has included agreement among the participants on:**

- (A) Regional goals for resolution of each regional problem that is the subject of the process;
- (B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;
- (C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;
- (D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;
- (E) A system for monitoring progress toward achievement of the goals; and
- (F) A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals.

The Participants' Agreement is attached as **Exhibit C**. It contains the above components in Sections IV through X, which detail the methods for achieving the regional goals, encouraging and measuring achievement, and making corrections when necessary. Consequently, Staff finds and concludes the Agreement contains the required components listed in ORS 197.656(2)(b).

The second required finding is conformance, on the whole, with the purposes of the Statewide Planning Goals. The Agreement does not need to meet this requirement on its own; it is when the Agreement is enacted in conjunction with the process of implementing the Plan that conformance is determined. However, staff offers findings below as to how the Agreement conforms to each

relevant Goal:

1. **Citizen Involvement.** The public has been involved since the beginning of the RPS project. As per City of Ashland procedures, citizen input will take place at all subsequent planning stages.
2. **Land Use Planning.** The development of the RPS Plan and the Participants' Agreement establishes a policy and process framework to guide decision making. It is based on extensive studies and conclusions, and requires further studies as participants implement the Plan.
3. **Agricultural Lands.** On balance with Goals 9, 10, and 14, the Plan and Agreement preserves agricultural lands by delimiting the extent of urbanization in the valley for the next 50 years, more or less.
4. **Forest Lands.** The same finding as for Goal 3 applies for this Goal.
5. **Natural Resources, Scenic and Historic Areas, and Open Spaces.** The Agreement offers the option of using critical open space preservation strategies. The "future growth area" choices made during the process avoided sensitive resources to the extent feasible.
6. **Air, Water, and Land Resources Quality.** The Participants' Agreement does not exempt participants from State and Federal regulations, nor does it weaken participants' existing regulations concerning environmental quality.
7. **Areas Subject to Natural Hazards.** The finding for Goal 6 generally applies for this Goal.
8. **Recreational Needs.** As with the above Goals, this is a matter of Plan implementation rather than adoption of the Agreement. The Agreement identifies three regional problems and points to the mechanisms that will be used to address them. Yet, implicit throughout Sections IV through X are the *growth areas* that will be reserved to satisfy land-use needs in the coming decades, including recreational needs.
9. **Economic Development.** As with housing, the various participants may argue for distributions and allocations of employment lands that achieve the Goal without strictly conforming to the rules (197.656(2)). This means the City can structure its land supply to coincide with economic opportunities as described in the Comprehensive Plan and supporting policy documents.
10. **Housing.** As the Plan is implemented the City of Ashland will have more flexibility to define its character through the types of housing it plans for.
11. **Public Facilities and Services.** This is another instance where Plan implementation will address these needs.
12. **Transportation.** Federal law requires coordinated transportation planning. The Agreement enhances this by requiring a more unified, systemic approach.
13. **Energy Conservation.** Plan implementation will determine compliance.
14. **Urbanization.** The Agreement and the Plan look further ahead than the 20-year horizon and utilize the "urban reserve" tools available in ORS 195.137.

As noted above, it is, by definition, an impossible task to find that the Agreement conforms to the Goals on its own (see 656(2)(c)), just as it is not possible to measure conformity to the Goals when measuring each Goal in isolation. Conformity is determined in the balance. Nevertheless, staff believes that Council is able to find that the Agreement conforms, on the whole, to the relevant Statewide Planning Goals.

Even in the absence of RPS, if the City wanted to establish urban reserves, an agreement between the County and the City is required by ORS 195.143(2) "that identifies the land to be designated by the district in the district's regional framework plan as urban reserves." With RPS, the City has the advantage of an Agreement and a Plan that has the commitment and support of the County. The Board of Commissioners is pleased with the current Participants' Agreement and a public hearing in November agreed to sign the Agreement.

#### **IV. Recommendation**

In summary, signing of the Participants' Agreement is not adopting the regional plan, rather only agreeing to run it through the appropriate Land Use process. The current request only involves consideration of whether or not the City, as a participant, should sign the agreement based upon its consistency with applicable Oregon Revised Statutes for Collaborative Regional Problem Solving (Exhibit B). The City of Ashland has chosen to not establish urban reserve areas (URA) at this time. Future Consideration of whether or not the urban reserve areas and corresponding plan amendments proposed by other participating Rogue Valley communities conform to statewide planning goals will occur at the time those plans and regulations are up for adoption by their respective community.

Based upon the findings above, staff advises that the Planning Commission recommend that the Mayor, upon agreement by the Council, sign the Participants' Agreement.

#### **Attachments**

**Note:** In addition to the attachments below, the entire Greater Bear Creek Valley Regional Plan and supporting appendices can be viewed at the website of the Rogue Valley Council of Governments at: [www.rvcog.org](http://www.rvcog.org)

**Exhibit A** – Collaborative Regional Problem Solving  
(ORS 197.652-658)

**Exhibit B** – A Summary of Oregon's Statewide Planning Goals

**Exhibit C** – Regional Problem Solving Agreement

**Exhibit D** – Executive Summary – Greater Bear Creek Valley Regional Plan

**COLLABORATIVE REGIONAL PROBLEM SOLVING**  
(ORS 197.652-658)

**197.652 Establishing regional problem-solving programs.** Programs of the collaborative regional problem-solving process described in ORS 197.654 and 197.656 shall be established in counties or regions geographically distributed throughout the state. [1996 c.6 §3; 1997 c.365 §1]

**197.654 Regional problem solving; coordination.** (1) Local governments and those special districts that provide urban services may enter into a collaborative regional problem-solving process. A collaborative regional problem-solving process is a planning process directed toward resolution of land use problems in a region. The process must offer an opportunity to participate with appropriate state agencies and all local governments within the region affected by the problems that are the subject of the problem-solving process. The process must include:

(a) An opportunity for involvement by other stakeholders with an interest in the problem; and

(b) Efforts among the collaborators to agree on goals, objectives and measures of success for steps undertaken to implement the process as set forth in ORS 197.656.

(2) As used in ORS 197.652 to 197.658, “region” means an area of one or more counties, together with the cities within the county, counties, or affected portion of the county. [1996 c.6 §4]

**197.656 Commission acknowledgment of comprehensive plans not in compliance with goals; participation by state agencies; commission review of implementing regulations and plan amendments; use of resource lands.** (1) Upon invitation by the local governments in a region, the Land Conservation and Development Commission and other state agencies may participate with the local governments in a collaborative regional problem-solving process.

(2) Following the procedures set forth in this subsection, the commission may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement the statewide planning goals, without taking an exception, upon a determination that:

(a) The amendments or new provisions are based upon agreements reached by all local participants, the commission and other participating state agencies, in the collaborative regional problem-solving process;

(b) The regional problem-solving process has included agreement among the participants on:

(A) Regional goals for resolution of each regional problem that is the subject of the process;

(B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;

- (C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;
  - (D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;
  - (E) A system for monitoring progress toward achievement of the goals; and
  - (F) A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals; and
- (c) The agreement reached by regional problem-solving process participants and the implementing plan amendments and land use regulations conform, on the whole, with the purposes of the statewide planning goals.
- (3) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation in order to implement an agreement reached in a regional problem-solving process shall submit the amendment or new regulation to the commission in the manner set forth in ORS 197.628 to 197.650 for periodic review or set forth in ORS 197.251 for acknowledgment.
- (4) The commission shall have exclusive jurisdiction for review of amendments or new regulations described in subsection (3) of this section. A participant or stakeholder in the collaborative regional problem-solving process shall not raise an issue before the commission on review that was not raised at the local level.
- (5) If the commission denies an amendment or new regulation submitted pursuant to subsection (3) of this section, the commission shall issue a written statement describing the reasons for the denial and suggesting alternative methods for accomplishing the goals on a timely basis.
- (6) If, in order to resolve regional land use problems, the participants in a collaborative regional problem-solving process decide to devote agricultural land or forestland, as defined in the statewide planning goals, to uses not authorized by those goals, the participants shall choose land that is not part of the region's commercial agricultural or forestland base, or take an exception to those goals pursuant to ORS 197.732. To identify land that is not part of the region's commercial agricultural or forestland base, the participants shall consider the recommendation of a committee of persons appointed by the affected county, with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists and representatives of the State Department of Agriculture, the State Department of Forestry and the Department of Land Conservation and Development.
- (7) The Governor shall require all appropriate state agencies to participate in the collaborative regional problem-solving process. [1996 c.6 §5; 2001 c.672 §11]

**197.658 Modifying local work plan.** In addition to the provisions of ORS 197.644, the Land Conservation and Development Commission may modify an approved work program when a local government has agreed to participate in a collaborative regional problem-solving process pursuant to ORS 197.654 and 197.656. [1996 c.6 §6]

## A Summary of Oregon's Statewide Planning Goals

1. **CITIZEN INVOLVEMENT** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.
2. **LAND USE PLANNING** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.
3. **AGRICULTURAL LANDS** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
4. **FOREST LANDS** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."
5. **OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.
6. **AIR, WATER AND LAND RESOURCES QUALITY** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.
7. **AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.
8. **RECREATION NEEDS** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed

standards for expedited siting of destination resorts.

9. **ECONOMY OF THE STATE** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.
10. **HOUSING** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.
11. **PUBLIC FACILITIES AND SERVICES** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.
12. **TRANSPORTATION** The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."
13. **ENERGY** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."
14. **URBANIZATION** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.
15. **WILLAMETTE GREENWAY** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.
16. **ESTUARINE RESOURCES** This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."
17. **COASTAL SHORELANDS** The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101 ) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.
18. **BEACHES AND DUNES** Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other

types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

19. ***OCEAN RESOURCES*** Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the

nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

GREATER BEAR CREEK VALLEY  
REGIONAL PROBLEM SOLVING AGREEMENT

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3           This REGIONAL PROBLEM SOLVING AGREEMENT (the “Agreement”) is entered  
into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between Jackson County, the duly  
6 incorporated Oregon municipalities of Medford, Phoenix, Central Point, Jacksonville, Talent,  
Eagle Point, and Ashland, the Land Conservation and Development Commission (LCDC), the  
Department of Land Conservation and Development (DLCD), the Oregon Department of  
9 Transportation (ODOT), the Oregon Department of Housing and Community Services  
(ODHCS), the Oregon Economic and Community Development Department (OECD), the  
Oregon Department of Environmental Quality (DEQ), the Oregon Department of Agriculture  
12 (ODA), the Rogue Valley Metropolitan Planning Organization (RVMPO), and Rogue Valley  
Sewer Services (RVS).

**RECITALS**

15           WHEREAS Jackson County and the cities of Phoenix, Medford, Central Point, Ea-  
gle Point, Jacksonville, Ashland, and Talent (each a “Local Jurisdiction” and collectively, the  
“Region”) are part of the Greater Bear Creek Valley, described more particularly in the draft  
Plan, attached hereto as Exhibit A, and incorporated by this reference, that expects to see a  
18 doubling of the population over the long-term future; and

          WHEREAS the increasing population in the Region will create an ongoing de-  
mand for additional lands available for urban levels of development; and

21           WHEREAS that demand for urbanizable land will have to be balanced with the  
Region’s need to maintain its high-quality farm and forest lands, as well as to protect its  
natural environment; and

24           WHEREAS the Local Jurisdictions recognize that long-term planning for which  
lands in the Region are most appropriate for inclusion in each municipality’s urban reserve  
areas (URAs) in light of the Region’s social, economic, and environmental needs is best de-  
27 termined on a regional basis; and

          WHEREAS the draft Plan is the RPS Policy Committee’s recommended means of  
elaborating the regional solutions to the identified regional problems; and

30           WHEREAS the State’s Regional Problem Solving (RPS) statute provides a special  
process for addressing regional land use issues that allows the Local Jurisdictions, upon the  
33 satisfaction of certain conditions, to implement regional strategies through the adoption of  
post-acknowledgement comprehensive plan amendments that do not fully comply with the  
otherwise applicable regulations (the “Regulations”) of the Land Conservation and Devel-  
opment Commission (LCDC) to implement the Statewide Planning Goals (the “Goals”); and

36           WHEREAS one of the conditions the Local Jurisdictions must satisfy in order to  
deviate from the Regulations is that all the participants in the RPS process enter into an  
agreement that identifies: the problem faced by the Region; the goals that will address the

problem; the mechanisms for achieving those goals; and the system for monitoring the implementation and effectiveness of those goals; and

3           WHEREAS various entities were identified as potential stakeholders within the  
regional planning process, and invitations were extended to every incorporated jurisdiction  
6 (Jackson County, Eagle Point, Medford, Jacksonville, Central Point, Phoenix, Talent, and Ash-  
land), school district (Ashland School District No. 5, Central Point School District No. 6, Jack-  
9 son County School District No. 9, Medford School District 549C, and Phoenix-Talent School  
District No. 4), and irrigation district (Eagle Point, Medford, Rogue River, and Talent Irriga-  
12 tion Districts) in the Region, plus the Medford Water Commission, the Rogue Valley Metro-  
politan Planning Organization, Rogue Valley Sewer Services, Rogue Valley Transportation  
District, and the appropriate state agencies (DLCD, ODOT, ODA, ODHCS, OECD, and DEQ);  
and

15           WHEREAS the stakeholders mentioned above chose to exercise different levels  
of participation and responsibility within the planning process, the “participants” (as the  
term is employed in ORS 197.656(2)(b)), are those jurisdictions and agencies that elect, by  
signing this Agreement, to implement the regional solutions to the regional problems identi-  
fied hereinafter; and

18           WHEREAS signatory participants (Signatories) have chosen to exercise different  
levels of activity and responsibility within the implementation phase of the adopted Plan,  
21 Implementing Signatories are those participants which will amend their comprehensive  
plans per Section VI (3) of this Agreement to implement the adopted Plan, and Supporting  
Signatories are those participants which will otherwise support the implementation of the  
adopted Plan; and

24           WHEREAS the Implementing Signatories are Jackson County and the cities of  
Eagle Point, Medford, Central Point, Phoenix, Talent, Jacksonville, and Ashland; and Sup-  
27 porting Signatories are the Rogue Valley Sewer Services (RVS), the Rogue Valley Metro-  
politan Planning Organization (RVMPO), the Land Conservation and Development Commission  
(LCDC), and signatory state agencies; and

30           WHEREAS this Agreement is intended to serve as the basis for amendments to  
the comprehensive plans and land use regulations of the Implementing Signatories in com-  
pliance with ORS 197.656.

## **AGREEMENT**

33           NOW, THEREFORE, the parties to this Agreement agree to propose comprehen-  
sive plan and land use regulation amendment processes based on the attached draft Plan  
36 (Exhibit A). With this agreement, participants acknowledge that, notwithstanding the fact  
that the draft Plan is the result of eight years of collaborative and jurisdiction-specific plan-  
ning, it may become necessary to make adjustments to the draft Plan as a result of the com-  
prehensive plan amendment process.

**I. Recitals**

3 The recitals set forth above are true and correct and are incorporated herein by this reference.

**II. General Agreement**

6 Signatories to this Agreement agree to abide by a Plan developed under Re-  
gional Problem Solving, as adopted by Implementing Signatories into their comprehensive  
plans, and acknowledged by the State of Oregon. Implementing Signatories agree to main-  
9 tain internal consistency with the adopted Plan on an ongoing basis, and when necessary  
and appropriate, either to amend their comprehensive plans and related policies, codes, and  
regulations to be consistent with the adopted Plan, or to pursue amendments to the adopted  
Plan. The Land Conservation and Development Commission (LCDC) agrees to review the  
12 Implementing Signatories’ comprehensive plan and land use regulation amendments under  
ORS 197.656(2), and agrees that this Agreement contains the elements required by ORS  
197.656(2)(b). Notwithstanding the generality of the foregoing provision and any other  
15 provision of this Agreement, however, LCDC retains its full discretion and authority with  
respect to its review of the adopted Plan, or any amendments to the adopted Plan, and with  
respect to its review of the amendments to comprehensive plans and land use regulations  
18 that the Implementing Signatory Jurisdictions adopt to implement the adopted Plan. The  
adopted Plan shall be what is adopted as a result of Jackson County’s comprehensive plan  
amendment process.

21 The process for amending the comprehensive plans of Jackson County and Implementing  
Signatories is described in the attached work program (Exhibit B), which details the tasks  
and timing necessary to coordinate the initial comprehensive plan amendments necessary  
24 to adopt the Plan.

Per ORS 197.656, all amendments to the adopted Plan will be subject to review by LCDC in  
the manner of periodic review or as set forth in ORS 197.251.

27 **III. Statement of Problems to be Addressed** [ORS 197.656]

The parties to the Greater Bear Creek Valley RPS process (the “Project”) identi-  
fied three problems to be addressed by the Project:

30 **Problem No. 1**

*Lack of a Mechanism for Coordinated Regional Growth Planning*

33 The Region will continue to be subjected in the future to growth pres-  
sures that will require the active collaboration of jurisdictions within the  
Greater Bear Creek Valley. A mechanism is needed that accomplishes this with-  
out infringing on individual jurisdictional authority and/or autonomy. This  
36 Problem No. 1 shall be referred to hereinafter as “Coordinated Growth Manage-  
ment.”

**Problem No. 2**

*Loss of Valuable Farm and Forest Land Caused by Urban Expansion*

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6  
9

As our communities have expanded incrementally, there has been a tendency to convert important farm and forest lands to urban uses while bypassing lands with significantly less value as resource lands. This has been exacerbated by the Region’s special characteristics and historic settlement patterns, which can cause some state regulations governing urban growth to have unintended consequences, some of them contrary to the intent of Oregon’s Statewide Planning Goals. This Problem No. 2 shall be referred to hereinafter as the “Preservation of Valuable Resource Lands.”

**Problem No. 3**

*Loss of Community Identity*

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15

Urban growth boundary expansions have contributed to a decreasing separation between some of the communities in the Region, which jeopardizes important aspects of these jurisdictions’ sense of community and identity. This Problem No. 3 shall be referred to hereinafter as the “Preservation of Community Identity.”

18

**IV. Project Goals**

[ORS 197.656(2)(A)]

The parties to this Agreement have adopted the following Goals with respect to the Problems:

21

**Goal No. 1**

*Manage future regional growth for the greater public good.*

24

**Goal No. 2**

*Conserve resource and open space lands for their important economic, cultural, and livability benefits.*

27

**Goal No. 3**

*Recognize and emphasize the individual identity, unique features, and relative comparative advantages and disadvantages of each community within the Region.*

**V. Optional Techniques for Implementation**<sup>1</sup> [ORS 197.656(2)(B)]

3 These optional techniques for implementation are those identified as appropriate for implementation of the draft Plan. As stated in the Recitals, it may become necessary to make adjustments to the draft Plan, and potentially these optional techniques for implementation, as a result of the public comprehensive plan amendment process.

6 **A. Problem No. 1** *Lack of a Mechanism for Coordinated Regional Growth Planning*

**Goal No. 1** *Manage future regional growth for the greater public good.*

9 Optional Implementation Techniques

(1) **Coordinated Periodic Review**

12 Implementing Signatories may engage in a coordinated schedule of regular Periodic Reviews following the adoption of the Plan. This regionally coordinated Periodic Review will begin in 2012, will take place every 10 years, and will coincide with the ten-year regular review of the adopted Plan. This coordinated Periodic Review will provide an opportunity to take advantage of an economy of scale in generating technical information, and to incorporate a regional perspective in the Periodic Review process, but it does not mandate a simultaneous or linked process among jurisdictions.

(2) **Ten-year RPS Review**

21 Implementing Signatories will abide by the review process described in Section VI of this Agreement. The review process complies with the monitoring requirement in the RPS statute, and affords participating jurisdictions flexibility in responding to changing regional and local circumstances by establishing a process and venue for amending the adopted Plan.

27 (3) **Coordinated Population Allocation**

30 Jackson County’s allocation of future population growth, a state-mandated responsibility of the County, will reflect the Implementing Signatories’ proportional allocation of future population within the adopted Plan and its future amendments consistent with statute.

(4) **Greater Coordination with the RVMPO**

33 As a proven mechanism of regional collaborative planning in the study area, the RVMPO, as the federally designated transportation planning entity, will plan and coordinate the regionally significant transportation strategies critical to the success of the adopted Plan. Of special focus will

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<sup>1</sup> Where “optional techniques for implementation” refers to strategies and mechanisms to implement regional solutions that are in compliance with the statewide goals and statutes, but which may not strictly adhere to Oregon Administrative Rules.

be the development of mechanisms to preserve rights-of-way for major transportation infrastructure, and a means of creating supplemental funding for regionally significant transportation projects.

**B. Problem No. 2** *Loss of Valuable Farm and Forest Land Caused by Urban Expansion*

**Goal No. 2** *Conserve resource and open space lands for their important economic, cultural, and livability benefits.*

Optional Implementation Techniques

**(1) Long-Range Urban Reserves**

The establishment of Urban Reserves sufficient to serve a doubling of the Region’s urban population will allow long-term production decisions to be made on agricultural land not included in urban reserves.

**(2) Regional Agricultural Buffering Standards**

Implementing Signatories will apply the adopted Plan’s set of agricultural buffering standards as a means of mitigating negative impacts arising from the rural/urban interface.

**(3) Critical Open Space Area (COSA) Preservation**

The COSA strategies outlined in Appendix IX of the draft Plan are available as an option to Signatory jurisdictions interested in further accentuating or more permanently preserving areas of separation between communities (community buffers). These COSA strategies are not mandatory for any jurisdiction, and may be refined or expanded as individual jurisdictions see fit.

**C. Problem No. 3** *Loss of Community Identity*

**Goal No. 3** *Recognize and emphasize the individual identity, unique features, and relative comparative advantages and disadvantages of each community within the Region.*

Optional Implementation Techniques

**(1) Community Buffers**

The establishment of Urban Reserves outside of recommended areas of critical open space provides for a basic level of preservation for the Region’s important areas of community separation.

**(2) Allocating to Comparative Advantages**

The Region agrees to a distribution of the calculated need of residential and employment lands among Implementing Signatories necessary to support a regional doubling of the population. This distribution, which depends on a number of factors that relate to the comparative strengths

and weaknesses of Implementing Signatories, will allow each community to develop its own balance of viability and individuality within the larger regional matrix.

(3) **Critical Open Space Area (COSA) Preservation**

The COSA strategies outlined in Appendix IX of the draft Plan are available as an option to Signatory jurisdictions interested in further accentuating or more permanently preserving areas of separation between communities (community buffers). These COSA strategies are not mandatory for any jurisdiction, and may be refined or expanded as individual jurisdictions see fit.

**VI. Measurable Performance Indicators** [ORS 197.656(2)(C)]

These measurable performance indicators are those identified as appropriate for monitoring purposes of the adopted Plan. As stated in prior sections, it may become necessary to make adjustments to the draft Plan, and potentially these measurable performance indicators, as a result of the comprehensive plan amendment process.

The following are measurable performance indicators:

- 1) On a regular basis, every 10 years starting in 2012, the Implementing Signatories may participate in a process of coordinated Periodic Review.
- 2) On a regular basis, every 10 years starting in 2012, Implementing Signatories to this Agreement will be subject to the regular RPS review process. Jackson County shall initiate the RPS review process by providing notice of the RPS review to Signatories to this Agreement and requiring that each Implementing Signatory submit a self-evaluation monitoring report addressing compliance with the performance indicators set out in this Section to the County within 60 days after the date of the notice. Jackson County will distribute these monitoring reports to all Signatories.
- 3) Implementing Signatory cities will incorporate the portions of the RPS adopted Plan that are applicable to each individual Implementing Signatory city into that city’s comprehensive plan and implementing ordinances, and will reference the larger regional Plan as an adopted element of Jackson County’s comprehensive plan. To incorporate applicable portions of the RPS adopted Plan into their comprehensive plans and implementing ordinances, Implementing Signatory cities will adopt at least the following:
  - a) RPS Plan policies adopted to comply with Section X(2) of this Agreement;
  - b) 10-year mandated review period;
  - c) urban reserve areas (if appropriate);

- d) target residential densities (for the urban reserve areas);
- e) agricultural buffering standards (for the urban reserve areas);
- f) implementing ordinances (for the urban reserve areas).

3

4) Implementing Signatories will comply with the general conditions as listed in Section X of this Agreement, and, as appropriate, the specific conditions of approval for selected urban reserves, as described in the adopted Plan.

6

5) Implementing Signatory jurisdictions serving or projected to serve a designated urban reserve will adopt an Urban Reserve Management Agreement (URMA) jointly with Jackson County.

9

6) Urban reserves identified in the adopted Plan are the *first-priority* lands used for UGB expansions by Implementing Signatories.

12

7) Implementing Signatory cities, when applying urban designations and zones to urban reserve land included in UGB expansions, will achieve, on average over a 20-year planning horizon, at least the “higher land need” residential densities in the adopted RPS Plan for buildable land as defined by OAR 660-008-0005(2). The density offset strategy outlined in the draft Plan is an acceptable mechanism to assist in meeting density targets.

15

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8) Implementing Signatory cities, when applying urban designations and zones to urban reserve land included in a UGB expansion, will be guided by the general distribution of land uses proposed in the adopted RPS Plan, especially where a specific set of land uses were part of a compelling urban-based rationale for designating RLRC land as part of a city’s set of urban reserves.

21

24

9) Conceptual plans for urban reserves will be developed in sufficient detail to allow the Region to determine the sizing and location of regionally significant transportation infrastructure. This information should be determined early enough in the planning and development cycle that the identified regionally significant transportation corridors can be protected as cost-effectively as possible by available strategies and funding. Conceptual plans for an urban reserve in the RPS Plan are not required to be completed at the time of adoption of a comprehensive plan amendment incorporating urban reserves into a city or county comprehensive plan.

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10) The county’s population element is updated per statute to be consistent with the gradual implementation of the adopted Plan.

36

## VII. Incentives and Disincentives to Achieving Goals

[ORS 197.656(2)(D)]

3            These incentives and disincentives are those identified as appropriate to the  
 draft Plan. As stated in prior sections, it may become necessary to make adjustments to the  
 draft Plan, and potentially these incentives and disincentives, as a result of the public com-  
 6            prehensive plan amendment process.

### Incentives

- 9            1)        Continued regional cooperation through the 10-year review process and  
 coordinated Periodic Review may improve the Region's ability to re-  
 spond to challenges and opportunities more effectively than it does  
 presently.
- 12          2)        Adherence to the adopted Plan may provide the Region with a competi-  
 tive advantage, increase the attractiveness of the Region to long-term in-  
 vestment, and improve southern Oregon's profile in the state.
- 15          3)        Adherence to the adopted Plan may produce significant reductions in  
 transportation infrastructure costs by minimizing future right-of-way  
 18          acquisition costs and by improving the overall long-range coordination  
 of transportation and land use planning.
- 21          4)        Adherence to the adopted Plan will provide Signatory jurisdictions with  
 population allocations that are predictable, transparent, and based on  
 the relative strengths of the different participating jurisdictions.
- 24          5)        The adopted Plan will offer compelling regional justifications and state  
 agency support for Tolo and the South Valley Employment Center that  
 may not have been available to an individual city's proposal.
- 27          6)        Adherence to the adopted Plan will permit Implementing Signatories to  
 implement the flexibility provided by the concept of the "Regional Com-  
 munity", in which cities, in the role of "regional neighborhoods", enjoy a  
 wide latitude in their particular mix, concentration, and intensity of land  
 30          uses, as long as the sum of the regional parts contributes to a viable bal-  
 ance of land uses that is functional and attractive to residents and em-  
 ployers and in compliance with statewide goals.

### Disincentives

- 33          1)        Implementing Signatories that choose to expand their UGBs into land not  
 designated as urban reserve will be required to go through the RPS Plan  
 36          minor or major amendment process prior to or concurrent with any  
 other process.

- 3           2)       The Region’s failure to adhere to the adopted Plan may damage its competitive advantage, the attractiveness of the Region to long-term investment, and southern Oregon’s profile in the state.
- 6           3)       Adherence to the RPS adopted Plan may be a rating factor for RVMPO Transportation Funding. Transportation projects of Implementing Signatories not adhering to the adopted Plan may be assigned a lower priority by the RVMPO when considered for funding.
- 9           4)       Jackson County may reconsider the population allocations of Implementing Signatories that do not adhere to the adopted Plan.
- 12          5)       Implementing Signatories not adhering to the adopted Plan may face issues over failing to observe their comprehensive plans, or may find it difficult to make modifications to their comprehensive plans that deviate from the adopted Plan.
- 15          6)       The Region’s failure to adhere to the adopted Plan will compromise its ability to implement the concept of the “Regional Community”, and will not provide the Implementing Signatory cities with as wide a latitude in their desired individual mix, concentration, and intensity of land uses.

18       **VIII.     Progress Monitoring System & Amendment Process**

[ORS 197.656(2)(E) and (F)]

21       This progress monitoring system and amendment process is that which is identified as appropriate to the draft Plan. As stated in prior sections, it may become necessary to make adjustments to the draft Plan, and potentially this progress and monitoring system and amendment process, as a result of the public comprehensive plan amendment process.

24       Monitoring

27       Monitoring to ensure compliance with the adopted Plan will be a shared responsibility. Each Implementing Signatory city will be responsible for monitoring its adherence to the portion of the adopted Plan that is incorporated into its comprehensive plan. Jackson County, which will have the full adopted Plan incorporated into its comprehensive plan, will be responsible for overall monitoring.

30       Adherence to the RPS Plan

33       The adopted RPS Plan is directly applicable to comprehensive plan amendments, land use regulation amendments, and the adoption of new land use regulations that affect land in urban reserve areas and/or URA designation changes. The adopted RPS Plan shall not be directly applicable to other land use decisions by Implementing Signatories. Adherence to relevant RPS Plan provisions adopted by Implementing Signatories as part of their comprehensive plan or implementing ordinances will be addressed by the existing state and local mechanisms for ensuring jurisdictional compliance with acknowledged comprehensive plans and implementing ordinances.

**RPS Plan Amendments**

Processing amendments to the adopted Plan will be the responsibility of Jackson County, and can only be proposed by the governing authority of an Implementing Signatory jurisdiction. In acknowledgement of the collaborative process by which the adopted Plan was created, Jackson County will have available the assistance of the signatories to this Agreement through a Technical Advisory Committee and Policy Committee. Both committees serve on an as-needed basis, and both serve in an advisory capacity to Jackson County.

(a) Technical Advisory Committee

The TAC will comprise planners and senior-level staff from signatory jurisdictions and agencies, and each signatory will have one vote, irrespective of the number of participating representatives. Recommendations to the Policy Committee or directly to Jackson County will be made by at least a supermajority vote (simple majority plus one) of attending signatory jurisdictions and agencies.

(b) Policy Committee

The Policy Committee will comprise elected officials or executive staff from signatory jurisdictions and agencies. Each Implementing Signatory jurisdiction will designate a voting and alternate voting member, and each Implementing Signatory jurisdiction will have one vote. Recommendations to Jackson County will be made by at least a supermajority vote (simple majority plus one) of attending Implementing Signatories. Attending jurisdictions must constitute a quorum of Implementing Signatories. Supporting Signatories (State agencies, the RVMPO, LCDC, and Rogue Valley Sewer Services), while Signatories, will not be voting members of the Policy Committee.

When an amendment to the adopted RPS Plan is proposed, Jackson County will make a preliminary determination regarding whether the proposed amendment is a Minor Amendment or Major Amendment, as defined below, and will notify signatory jurisdictions of the County’s preliminary determination. Based on its preliminary determination, Jackson County will review the proposed amendment according to the procedures for Minor Amendments or Major Amendments set out below.

Per ORS 197.656, all amendments to the adopted Plan will be subject to review by LCDC in the manner of periodic review or as set forth in ORS 197.251.

Proposed amendments to the adopted Plan will adhere to the following provisions:

1) Minor Amendment

A minor amendment is defined as any request for an amendment to the adopted Plan that:

- a) does not conflict with the general conditions listed in Section X of this Agreement or specific conditions of approval described in the adopted RPS Plan; and

3

b) does not propose an addition of more than 50 acres to a city’s urban reserves established for a city in the adopted RPS Plan or more than a 50-acre expansion of the UGB into non-urban reserve rural land.

6

In the case of Ashland, which did not establish urban reserves during the development of the Plan process, a proposal to establish an urban reserve or expand its UGB of not more than 50 acres will be considered a minor amendment.

9

Should a city exceed its limit of 50 acres for adding to its urban reserves during the term of the Agreement, it may not use the minor amendment process for further alterations to its urban reserves. Should a city exceed its limit of 50 acres for expanding its UGB into non-urban reserve rural land during the planning horizon, it may not use the minor amendment process for further expansions of its UGB into non-urban reserve land.

12

15

Any Implementing Signatory may initiate a minor amendment to the adopted Plan. The Implementing Signatory must clearly identify the nature of the minor amendment, and specify whether the minor amendment would require any other Implementing Signatory to amend its comprehensive plan. Should any Implementing Signatory other than the proposing jurisdiction and Jackson County be required to amend their comprehensive plans as a result of the proposed minor amendment, the affected Implementing Signatory will be a party to the minor amendment proceeding.

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Jackson County’s process for a minor amendment to the Plan will be equivalent to the state and local required processes for a comprehensive plan amendment.

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Signatory jurisdictions and agencies shall be provided with notice of the County’s final decision on each minor amendment request within five working days of the adoption of the final decision.

2) Major Amendment

30

A major amendment is defined as any requested amendment to the adopted Plan that does not meet the definition of a Minor Amendment.

33

a) If multiple signatory jurisdictions are involved in a single request for a major amendment, a lead jurisdiction will be selected by the affected jurisdictions;

36

b) notice containing a detailed description of the proposed change will be forwarded by Jackson County to all signatory jurisdictions and agencies;

39

c) staff from signatory jurisdictions and agencies will be noticed, and will meet as a Technical Advisory Committee and generate a recommendation to the Policy Committee by vote of at least a supermajority of those present (simple majority plus one);

3 d) decision-makers from signatory jurisdictions and agencies will be  
 noticed, and will meet as a Policy Committee and consider the pro-  
 6 posal and the Technical Advisory Committee recommendation. At-  
 tending jurisdictions will constitute a quorum; and

6 e) the Policy Committee will generate a recommendation to Jackson  
 County by vote of at least a supermajority of those present (simple  
 majority plus one).

9 Jackson County’s process for a major amendment to the Plan will be  
 equivalent to the state and local required process for a comprehensive  
 plan amendment in addition to the above provisions. Noticing will be in  
 compliance with State statutes.

12 All parties to this agreement and any additional affected agencies shall  
 be provided with notice of the County’s final decision on each major  
 amendment request within five working days of the adoption of the final  
 15 decision.

**IX. Newly Incorporated City**

18 Should White City or some other area of Jackson County within the area of the  
 adopted Plan incorporate while the adopted Plan is in effect, and should the newly incorpo-  
 rated city desire to become a signatory to the Agreement, increased population will be  
 21 added to the regional target population adequate to accommodate the projected population  
 growth of the newly incorporated city for the remainder of the adopted Plan’s planning ho-  
 rizon. The addition of a newly incorporated city to the adopted Plan, the establishment of  
 24 urban reserves, and other such actions shall be accomplished through the major amend-  
 ment process.

**X. Conditions to Agreement**

General Conditions

27 The Signatories agree that the adopted Plan shall comply with the general condi-  
 tions listed below, which apply to all Implementing Signatories. These general  
 30 conditions are those which have been identified as appropriate to the adopted  
 Plan. As stated in prior sections, it may become necessary to make adjustments  
 to the draft Plan, and potentially these general conditions, as a result of the pub-  
 lic comprehensive plan amendment process.

33 1) Agricultural Buffering

36 Where appropriate, Implementing Signatories shall apply the agricul-  
 tural buffering guidelines developed through the Regional Problem Solv-  
 ing process.

2) Transportation

The adopted Plan shall include policies to:

- 3 a) Identify a general network of locally owned regionally significant north-south and east-west arterials and associated projects to provide mobility throughout the Region.
- 6 b) Designate and protect corridors for locally owned regionally significant arterials and associated projects within the RVMPO to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs.
- 9 c) Establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

12 These policies shall be implemented by ordinance upon the adoption of the latest update of the Rogue Valley Metropolitan Planning Organization’s Regional Transportation Plan and the local adoption of the RPS Plan through individual city and county Comprehensive Plan amendments. Implementing Signatory cities will incorporate the portions of the RPS Plan relative to transportation that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will reference the larger regional plan as an adopted element of Jackson County’s comprehensive plan.

Conditions of Approval

21 Specific conditions of approval apply to selected urban reserve areas, and are described in the adopted Plan. The Implementing Signatories agree to abide by these conditions. As stated in prior sections, it may become necessary to make adjustments to the draft Plan, and potentially the conditions of approval, as a result of the public comprehensive plan amendment process.

**XI. Amendments to the Agreement**

27 For the purpose of maintaining consistency with the RPS Statue (ORS 197.656) amendments to the Agreement can be made at any time by consensus (all parties in agreement) of the Signatories to the Agreement.

33 Under this section, “signatories” refers to all signatories to the Agreement except the Land Conservation and Development Commission (LCDC). In addition, nothing in this section, or this Agreement, is intended to affect the authority of LCDC to review an amendment to this Agreement as required under ORS 197.656.

**XII. Termination of Participation**

3 A signatory to the Agreement may petition Jackson County for termination of its  
participation in the Agreement. Jackson County will convene a meeting of the Policy Com-  
mittee to consider such a petition. A signatory’s petition may be granted by a supermajority  
6 (simple majority plus one) of the Signatories to the Agreement. A signatory that has termi-  
nated its participation with the consent of a supermajority of the signatories to the Agree-  
ment shall not be considered to have failed to adhere to the adopted Plan.

9 Should an Implementing Signatory terminate its participation in the Agreement without  
approval of the supermajority of signatories to the Agreement, it will be considered to have  
failed to adhere to the adopted Plan, and may be subject to the Disincentives in Section VII  
12 and applicable legal and legislative repercussions. For remaining signatories, the validity of  
this Agreement will not be adversely impacted by an Implementing Signatory’s termination  
of participation, by supermajority decision or otherwise.

15 Under this section, “signatories” refers to all signatories to the Agreement except the Land  
Conservation and Development Commission (LCDC).

**XIII. Termination of the Agreement**

This agreement may be terminated when one or more of the following occur(s):

- 18 1) A supermajority (simple majority plus one) of Signatories agree that the  
Agreement is terminated;
- 2) LCDC denies acknowledgment of the Plan;
- 21 3) The doubled regional population is reached;
- 4) 50 years have passed since the Agreement was signed.

24 No signatory will be penalized under the conditions of this Agreement due to a supermajor-  
ity decision to terminate.

Under this section, “signatories” refers to all signatories to the Agreement except the Land  
Conservation and Development Commission (LCDC).

**XIV. Applicability**

27 Implementing Signatories to this agreement agree that necessary amendments  
to their comprehensive plans will occur as required by the Plan, and that the Plan is in effect  
30 for each jurisdiction at the time that its and Jackson County’s implementing comprehensive  
plan amendments and land use regulations are adopted and acknowledged.

33 Once the RPS plan is implemented by the appropriate comprehensive plan amendments and  
land use regulations, an Implementing Signatory’s failure to adhere to the Plan as adopted

or subsequently amended will expose that jurisdiction to the usual legal and legislative repercussions from non-compliance with acknowledged comprehensive plans.

3 Signatories to this agreement acknowledge that statutory authority over land use regulation ultimately resides with the Oregon legislature. Additionally, signatories to this agreement recognize that the provisions of the Plan may be determined in the future to be in conflict with existing or yet to be adopted statutes or administrative rules.

6 Signatories to this agreement expressly recognize that land use regulations and actions must otherwise comport with the statutes and other applicable regulations of the State of Oregon other than those LCDC regulations for which the adopted RPS Plan authorizes less than full compliance.

9 Therefore, Signatories agree that, when conflicts between statute and other applicable regulations of the State of Oregon (other than those LCDC regulations for which the adopted Plan authorizes less than full compliance) and the Plan arise, Oregon statute shall prevail.

**XV. Severability**

15 Any provision or part of the Agreement held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties. The Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**XVI. Entire Agreement**

21 This Agreement contains the entire agreement between the parties and supercedes all prior negotiations, discussions, obligations, and rights of the parties regarding the subject matter of this agreement. There is no other written or oral understanding between the parties. No modification, amendment or alteration of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

**XVII. Counterparts**

27 This Agreement may be signed in counterpart by the parties, each of which shall be deemed original, but all of which together shall constitute one and the same instrument, binding on all parties hereto.

**XVIII. Authority to Execute Agreement**

30 Each person signing of behalf of a governmental entity hereby declares that he or she, or it has the authority to sign on behalf of his or her or its respective entity and agrees to hold the other party or parties hereto harmless if he or she or it does not have such authority.

### Implementing Signatories

\_\_\_\_\_  
Chairman,  
Jackson County Board of Commissioners

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Mayor, City of Ashland

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Mayor, City of Talent

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Mayor, City of Phoenix

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Mayor, City of Medford

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Mayor, City of Jacksonville

\_\_\_\_\_  
Mayor, City of Central Point

\_\_\_\_\_  
Mayor, City of Eagle Point

### Supporting Signatories

\_\_\_\_\_  
Director, Oregon Department of Land  
Conservation and Development

\_\_\_\_\_  
Director, Oregon Department of  
Transportation

\_\_\_\_\_  
Director, Oregon Department of  
Environmental Quality

\_\_\_\_\_  
Director, Oregon Economic and  
Community Development Department

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Director, Oregon Department of  
Agriculture

\_\_\_\_\_  
Director, Oregon Housing and Community  
Development Department

\_\_\_\_\_  
Chair, Rogue Valley Metropolitan  
Planning Organization

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Chair, Rogue Valley Sewer Services

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Chair, Land Conservation and  
Development Commission

# Executive Summary

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## **PROJECT BACKGROUND**

During the past few decades, Jackson County's growth rates have rivaled those seen during the gold rush of the 1880s. Although the most recent trends have shown some slowdown in that growth, the region's population is still expected to double over the next half-century. As has occurred over more than 100 years, the majority of the county's new population will settle in the Greater Bear Creek Valley, which has a number of unique physical and social characteristics that have served to amplify the impacts of its recent growth:

- The geography of the region compresses the majority of the county's population into a narrow ribbon of land bracketing the Bear Creek Valley. Some of the Valley's communities are actually contiguous (Central Point—Medford), or very nearly so (Eagle Point—White City—Medford—Phoenix). As the population grows, rural and urban uses compete for land in an increasingly tighter box.
- The presence of I-5 has further accentuated the concentration of population along the valley floor. Along the 15-mile stretch of highway from Ashland to Central Point there are five incorporated cities that are bisected by or border the interstate.
- Historic settlement patterns created population centers in the midst of the Bear Creek Valley's best agricultural lands. As these population centers expanded over the last century, productive resource land was steadily converted to urban uses.
- Numerous exception lands (residential areas in rural areas) exist throughout the Valley's agricultural areas, many of them close to, and sometimes contiguous with, cities. Their presence has had the effect of pulling growth out onto productive farmland.
- The region has become a destination of choice for retirees, primarily from western states, and especially from California. This is a demographic group that makes economic choices free of the constraints experienced by working families, leading to distortions of the local economy, especially in the demand for large single-family homes on larger lots, and considerable growth in lower-paying service sector jobs.

- There is a dramatic difference in the value of urban land in the region as compared to the value of resource land. The resulting speculation around urban areas has created development pressures which may or may not fit community plans for the future.

While the county and individual cities in the Greater Bear Creek Valley have been able to meet the challenges of the last several decades and successfully accommodate growth within their own boundaries, they also acknowledge that the cumulative regional effects of that growth have created issues that are better dealt with through cooperation, collaboration, and a degree of shared process. The mechanism of Regional Problem Solving, established by the Oregon Legislature to address difficult regional land use issues through creative means, provided the region with an opportunity to do just that. It was an attractive mechanism to the region because it provided the opportunity to establish a high level of structured cooperation on regional planning with state agencies, it offered the potential for flexibility from certain Oregon Administrative Rules which were seen to be ill-fitted to the local circumstances for very region-specific reasons, and it provided funding for the planning process.

Early in 2000 the region was awarded a grant under Regional Problem Solving on the strength of three main factors:

- The jurisdictions of the greater Bear Creek Valley had shown an ability to cooperate amongst themselves on issues of regional importance, especially in transportation and air and water quality;
- The region had shown significant progress on its own with several early efforts at aspects of regional planning (OurRegion and the Multijurisdictional Committee on Urban Reserves); and
- The problems identified for resolution through RPS were important and compelling:
  - Lack of a Mechanism for Coordinated Regional Growth Planning – The region proposed that it would continue to be subjected in the future to land use issues that would require the active collaboration of jurisdictions, and that a process needed to be established that would facilitate that collaboration.
  - Loss of Valuable Farm and Forest Land Caused by Urban Expansion – The region identified the loss of farmland as a significant issue in the recent past, and a threat to the quality of life and economy in the future if it could not be mitigated.
  - Loss of Community Identity – The region identified the decreasing rural land separation between some of the communities as jeopardizing important aspects of these jurisdictions' sense of community and identity.

Once the region was awarded Regional Problem Solving status, the problem statements above were addressed with a set of three corresponding goals:

Manage Future Regional Growth for the Greater Public Good – including policies calling for the use of intergovernmental agreements and amendments to comprehensive

plans to implement the Regional Plan, increased residential densities across the region, the identification of major infrastructure corridors, a more efficient network of public streets, and a balance of jobs and housing on the local and regional levels;

Conserve Resource and Open Space Lands for their Important Economic, Cultural, and Livability Benefits – including policies calling for a shared vision of maintaining a commercially viable agricultural land base, uniform standards of agricultural buffering, and the long-term preservation of regionally significant open space; and

Recognize and Emphasize the Individual Identity, Unique Features, and Relative Competitive Advantages and Disadvantages of each Community within the Region – including policies calling for mechanisms to enhance individual community identity, increase flexibility in the extent of future boundary expansions, permit an unequal distribution of certain land uses among jurisdictions, and the development of individual definitions of each community based on its unique identity and vision of future urban form.

## **PROJECT PROCESS**

The RPS project was structured around the work of four committees: the Policy Committee, composed primarily of elected officials from the participating jurisdictions, was the final decision-maker; the Technical Advisory Committee (TAC), populated by high level staff from both jurisdictions and agencies, provided technical recommendations; the Resource Lands Review Committee (RLRC), made up of agricultural and forestry experts, provided recommendations on the value of resource lands being considered for urban use; and the Citizen Involvement Committee (pCIC), a geographically representative group of interested citizens, provided guidance on open space and growth issues.

The process of arriving at a set of urban reserves for the region's cities was designed to be an iterative process as well as a balancing act between the need to conserve the region's agricultural capability, open space, and individual community identity, and the responsibility of planning to meet the demands for growth. The major factors used by participants in deciding where future growth would be placed, and where it would be avoided, were as follows:

### **The pCIC's Recommended Community Buffers**

The major responsibility of the pCIC was the recommendation of areas between communities that would best serve to preserve the individuality of neighboring communities by remaining in rural uses. Of the pCIC's community buffering recommendations for rural buffers, only one has proven impossible to implement as was originally conceived (the area between Medford and Phoenix). Every other community buffer was successfully incorporated into the cities' long range growth plans by avoiding the inclusion of any significant areas of urban reserve lands within them.

### **The RLRC's Commercial Agricultural Base Recommendations**

The major focus of the RLRC was on the RPS statute's requirement of expert advice on potential conversions of resource land to urban uses. This process was divided into two phases; an initial phase, which was used to provide early guidance to cities from a larger perspective; and a second phase, which provided an in-depth analysis of every proposed urban reserve that included agricultural land. Ultimately, between 50% and 60% of the areas originally recommended by the RLRC as part of the commercial agricultural base were reconsidered and eventually eliminated by cities from their proposals as a result of their recommended agricultural status. Of the remaining 22 urban reserves with full or partial RLRC recommendations attached at the time of major deliberations in 2007, state agencies ultimately disapproved of seven of them, in full or in part, as urban reserves, making the case that they were more important to the region remaining as agricultural land than converting to urban uses. Ultimately, the final set of proposed urban reserves had a lower percentage of resource land than did the non-urban lands as a whole within the study area—74% resource and 26% non-resource land in urban reserves, versus 84% resource and 16% non-resource land in the larger rural portion of the study area.

### **The Community's Strategic Vision and Definition of Self**

The latitude for cities to be “different” from each other, as long as there is a regional balance permitting the Rogue Valley to function as well or better than traditional planning would allow, was a powerful draw for cities when initially considering their participation in regional problem solving. It led to the concept of participating cities as “regional neighborhoods” making up the larger “regional community”, as well as a set of “critical elements of community identity” drafted by each jurisdiction. This influenced not only the set of proposed land uses within the urban reserves, but also the selection of the urban reserves themselves. Some major examples are the establishment of two regional centers of job creation, the variety of density targets and growth percentages across cities, and the decision to use future transportation funding to facilitate the targeted distribution of land uses across the region.

### **Citizen Input on Future Growth**

Participants were in agreement from the beginning of the process that public involvement was critical to its long-term success. In the first years of the process, formal public input was provided by the two citizen committees, the pCIC and the RLRC. Once the foundational contributions of these two committees were made, jurisdictions began work on fashioning proposals for urban reserve areas. At this point, jurisdictions began independently involving citizens in planning activities. All of the local jurisdictions developed local citizen involvement strategies to ensure significant opportunities to provide feedback and contribute to the decision making process, using a series of public meetings, surveys, presentations, and mailers. The public meetings were interspersed with formal planning commission or city council meetings to consider the input. Outreach activities were also developed to actively solicit citizen input and include it for consideration. Finally, in addition to the efforts conducted by the cities individually, the RPS

Policy Committee and Technical Advisory Committee members held a series of public meetings and hearings to provide a detailed update on the process and encourage additional citizen involvement. As the culmination of these efforts of cooperative public input, the process held two major public hearings on the plan, one in White City, and the other in Talent. Both hearings were extensively noticed as public hearings, and both written and oral testimony was taken and eventually responded to in written form.

Although no two cities provided exactly the same opportunities for public involvement at exactly the same time and in exactly the same format, the public's role across the region was extensive and influential. In addition to the larger public's influence in the development of cities' strategic vision and in the cities' review of proposed urban reserves, individuals were also influential in recommending specific parcels to cities for consideration or for rejection.

### **Regional Population Allocation**

An early decision made by the process was in determining its planning horizon. Although there was solid consensus within the region that its population is very likely to double within the next 45 to 55 years, participants were uncomfortable with any projection over that long a time period being reliable enough to be useful for any but the most general purposes. Because the valley's leaders saw the ability to do long range planning as one of the key features of the RPS process, the project moved away from the earliest idea of planning for a set period of 50 years to adopt the concept of planning for a doubling of the existing population. The participants reasoned that, with this strategy, no matter when the population eventually doubles, the region would be prepared.

With this doubling of the population as its base, a collaborative, regional allocation of future population was completed several years into the RPS process. The doubled regional population was distributed throughout the region based on the results of the cities' extensive analysis of the lands around their boundaries, citizen input, state agency input, and each city's progress on defining its future role in the valley. The resulting proportional distribution of population was approved by the Policy Committee for use during the remainder of the process, and was instrumental in Jackson County's 2007 comprehensive plan update of its population element.

### **Proposed Land Uses**

Cities estimated allocations of general land use designations to each proposed urban reserve area: Residential, Industrial, Commercial, Open Space/Parks, and Institutional. These allocations demonstrate the cities' current best guess of how these areas could serve a local and regional need - they, and their later refinements, will be important during subsequent long-range planning to anticipate the type of infrastructure and services that will be required to support the different uses. A final determination of uses for urban reserves will be made at the time of UGB expansion.

### **State Agency Feedback**

State agency input, primarily on the Policy and Technical Committees, was a constant from the beginning of the project. Although not voting members on the Policy Committee, regional representatives of the departments of Land Conservation and Development, Transportation, Environmental Quality, Agriculture, Economic and Community Development, and Housing and Community Services were all active in the process. The extent and frequency of agency involvement in the process was decided by the individual agency; no restrictions were imposed by local participants.

### **Regional Economic, Housing, and Transportation Analyses**

The RPS process was built upon an intuitive understanding of the impact that regional economic, housing, and transportation issues would have on determining the valley's future, as well as an appreciation of the effect different future growth scenarios could have on those regional issues. The generation of data and information on these issues during the process is embodied in the *Regional Economic Opportunities Analysis*, the *Regional Housing Needs Analysis*, and the transportation modeling and analysis performed by the Department of Transportation.

Housing - The information in the housing needs assessment was critical to the development of the residential land needs portion of the *RPS Land Needs Simulator*, which incorporated regionally agreed-upon targets for such factors as density, infill, and housing mix to determine a range of potential housing need. Final output on housing needs from the simulator points to a deficit range of between 275 and 1,766 acres (a median deficit of 1,020 acres) in the residential land portion of the proposed urban reserves. This indicates that the RPS proposal of 4,224 residential acres of urban reserve is a relatively conservative one as an estimate of the need over the planning horizon.

It is also interesting to note that even if full residential buildout of the remaining capacity in the city limits and UGBs is assumed, the region still proposes to increase its urban population (212,368 at buildout) by over 37% (79,608) with less than a 14% increase in residential land (31,018 acres in cities and UGBs, 4,224 acres of residential land in urban reserves). In addition, the 9,082 acres of proposed urban reserves represent less than 7% of the region's non-city acreage of 137,053 acres.

Employment - The economic opportunities analysis was not only the primary source of information for the construction of the employment portion of the *RPS Land Needs Simulator*, but it was also the driving force behind the economic justification of two regional employment centers: one in the area of the Seven Oaks interchange, and another east of I-5 between Medford and Phoenix.

As in the housing portion of the simulator, employment need for participating jurisdictions was determined using consensus on a set of factors such as employment mix, percent of employment using no new land, employees per acre, and employment net to gross factor. Taking employment

as an overall category (retail, services, and industrial), the simulator shows a range of the region's future ability to meet need from a surplus of 884 acres to a deficit of 423 acres. With the median at a surplus of only 461 acres, the amount of land presently identified for employment is well within a reasonable margin of error, although there do appear to be significant imbalances between industrial land and land for retail and services. Industrial land shows a surplus of between 1,688 and 2,476 acres, while land for retail and services employment shows deficits between 1,592 and 2,111 acres. Nonetheless, the region has chosen to address the issue of the imbalance—specifically the surplus of industrial lands—when the urban reserves begin to be expanded into, as the region presently considers it important to establish a wide range of site characteristics suitable for light industrial and professional employment.

Transportation – Transportation's role in, and impact on, growth in the Rogue Valley has become more significant in recent years. The planning done under the RPS process has allowed the region to focus on several major potential benefits RPS offers to the region's transportation system, including the ability to designate and protect future major transportation corridors in advance of their need, and forging a greater practical link between transportation and land use planning.

Fortunately for this RPS process, the Oregon Department of Transportation's LUSDR transportation and land use model became available at the time the process could best utilize the information it provided, and a total of 15 combinations of land use and transportation scenarios were modeled. Not only did the modeling show that the proposed urban reserves have no fatal transportation flaws, but it also highlighted the impact that different land use strategies had on the ability of the present and future transportation infrastructure to manage the demands of future population.

The results show that the more transit-friendly, mixed-use development scenario is clearly the most effective development pattern to mitigate transportation impacts from growth. In fact, the model shows that future widespread use of nodal development, even when paired with just the base transportation network currently in the Regional Transportation Plan (which does not factor in the future development of the urban reserves) is more effective at reducing transportation impacts than the other two land use scenarios that were modeled, even when they are paired with more robust transportation networks. The benefits of the transit-friendly, mixed-use scenario are further compounded when they are combined with a high capacity public transit system.

Upon the conclusion of the last stage of RPS modeling in the fall of 2007, ODOT advised the region that further modeling, predicated on a process of developing conceptual plans for the eventual urbanization of the urban reserves, represented a significant opportunity to effectively blend transportation and land use planning in a way never before possible in the region. While the third stage modeling results were compelling in demonstrating the mitigating effect of nodal development on a doubling of the current population, they also showed considerable

improvements could be obtained by a significant investment in infrastructure capacity improvements, as well as by a much more robust transit system. The challenge to the region in the future will be to determine, by further planning and modeling around the acknowledged urban reserves, where nodal development should become a preferred land use pattern; how much, and where, capacity improvement will be necessary; and at what point a significantly improved transit system becomes a full partner in the region's transportation network.

### **The Base Case Scenario**

In early 2006, using an analysis of the lowest and highest priority lands for urbanization according to the existing state system, a Base Case was created with a GIS model incorporating the Urban Reserve Rule's criteria to rank every unincorporated parcel in the study area. Although the Base Case was not used as formative input in the delineation of urban reserves, it was useful in formulating the findings and alternatives analyses, and in determining where RPS appeared to be deviating from the standard urban reserve priority criteria.

### **Regional Selection Criteria**

In the final phase of the process, the Technical and Policy Committees developed a set of evaluative criteria to screen, modify, and make a final selection of the proposed urban reserves. These criteria, essentially an expanded version of Oregon's State Land Use Goal 14's locational factors, were made available to participants to assist in the process of evaluating proposed urban reserves, although their heaviest use was probably in assisting cities in preparing and communicating their rationale behind specific proposed urban reserves.

### **Deliberations**

In early 2007, the RPS project moved into a series of deliberations among members of the RPS Policy Committee, state agencies (DEQ, OECD, ODOT, DLCD, OHCS, and ODA) and local entities (Medford Water Commission, Rogue Valley Sewer Services, and Rogue Valley Transit District). Before Policy Committee deliberations began, state agencies evaluated each proposed urban reserve area as "recommended," "not recommended" or "recommended with conditions." With this state agency input, along with recommendations from 1,000 Friends of Oregon and local entities, and findings from the cities, the Policy Committee entered into deliberations. After each of the five rounds, the RPS Policy Committee reviewed the cumulative acreage of residential, commercial and industrial lands, as well as proposed adjustments and conditions for approval. The Policy Committee also used this process to respond to state concerns about commercial agricultural land within some of the proposed urban reserve areas. Final questions about several specific proposed urban reserves remained until early summer 2008, at which time the local members of the Policy Committee and state agencies reached consensus on the final set of urban reserves proposed by the region.

### **PROJECT OUTCOMES**

The following outcomes will result from the successful completion of the RPS process:

**Urban Reserves**

The Regional Plan proposes a total of 9,082 acres for eventual urbanization (not including 1,877 acres of Medford-owned park land now situated outside of the city’s Urban Growth Boundary, and Phoenix’s PH-3—consisting of 266 acres of developed unincorporated community—considered for the purposes of RPS to have no buildout potential). Of that total, 4,438 acres is proposed for residential use; 1,500 acres for industrial use; 1,033 for service and retail use; 1,279 acres for parks and open space; and 832 acres for institutional uses (see Exhibit ES-1). The city summaries are as follows:

City	# of Urban Reserves	Total Acres	Residential	Indus.	Service / Retail	Parks	Inst.
Eagle Point	4	1,285	536	153	212	170	214
Central Point	8	1,839	899	578	85	219	58
Medford	11	4,493	2,312	497	662	666	356
Jacksonville	6	575	365	31	8	139	32
Phoenix	5	599	137	209	57	75	121
Talent	5	291	189	32	9	10	51
Ashland	chose not to select urban reserves during the process						
<b>TOTALS</b>	<b>39</b>	<b>9,082</b>	<b>4,438</b>	<b>1,500</b>	<b>1,033</b>	<b>1,279</b>	<b>832</b>

**Community Buffers**

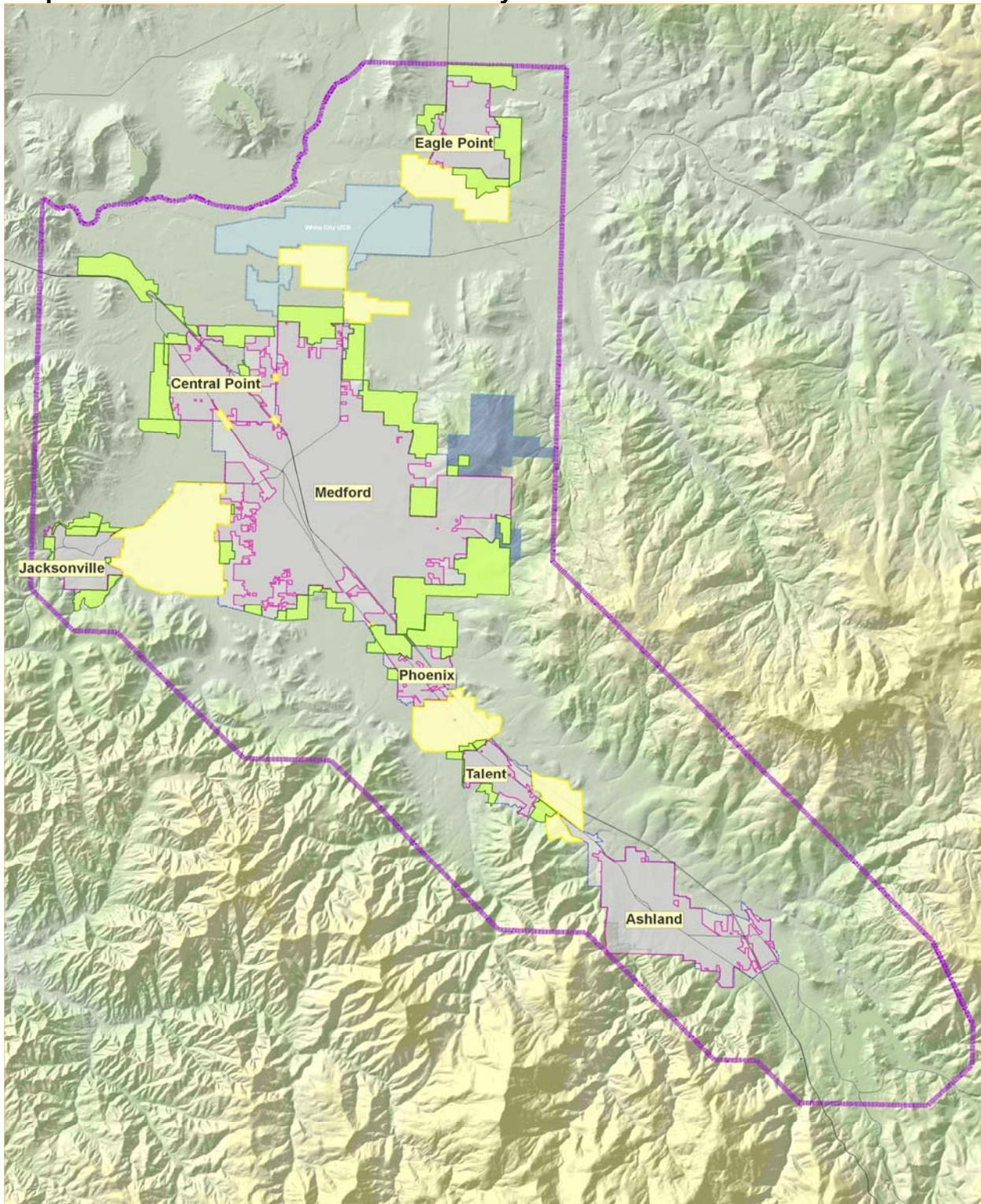
As mapped in yellow on Exhibit ES-1, the final recommended rural buffers include a total of almost 8,200 acres, distributed as follows:

- Between Eagle Point and White City – 1,414 acres
- Between White City and Medford – 1,305 acres
- Between Jacksonville and Medford – 3,400 acres
- Between Phoenix and Talent – 1,376 acres
- Between Talent and Ashland – 698 acres

Although these community buffers are clearly delineated as such on project maps, their preservation as rural lands buffering communities is accomplished through no other means than a lack of urban reserves being located within them. The Regional Plan does not impose any downzoning or increased regulation on these lands, although an optional mechanism for the permanent preservation of important rural open space was developed within the RPS process—the Critical Open Space Areas (COSA) strategy—through which land owners could voluntarily sell conservation easements to the owners of land within the urban reserves. This COSA mechanism is available to cities which care to employ it. Even without the use of the COSA mechanism, however, the cities’ simple avoidance of the designated community buffers when

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**Exhibit ES-1  
Proposed Urban Reserves and Community Buffers**



establishing their urban reserves gives the region significant long-term assurance that these areas will continue to provide rural areas of separation between communities.

**Agricultural Buffering**

Stemming from the fact that trespass, vandalism, and complaints about farm operations from city residents on the urban fringe were identified during the RPS process as the single most important reason that agricultural operations in proximity to urban areas lose viability, the process developed improved standards for buffering farmland from urban development. These standards are intended to be adopted by all participating jurisdictions.

**Increased Densities**

Cities will apply at least the minimum (higher land need) densities identified in the adopted Regional Plan to their urban reserves upon their urbanization. These minimum densities represent, across the region, an increase over current average densities of approximately 12%, a level satisfying the project’s guiding policy stating that the “... region’s overall housing density shall be increased to provide for more efficient land utilization”. As a means of transitioning into these higher densities, and in recognition of the possibility that not every urban reserve will be suitable for these densities, the Plan allows cities, at their discretion, to exercise a balanced density strategy that permits somewhat lower densities on the urban periphery (the developing urban reserves) in exchange for a density increase in the city core.

<b>Gross Density Scenarios</b>			
	Existing <u>Density</u>	Higher Land <u>Need</u>	Lower Land <u>Need</u>
Eagle Point	5.50	6.40	7.74
Medford	5.50	6.50	7.87
Central Point	5.50	6.00	7.26
Jacksonville	2.72	4.00	4.84
Phoenix	6.00	6.20	7.50
Talent	5.65	6.20	7.50
Ashland	5.28	N/A	N/A

**Urban Reserve Management Agreements (URMAs)**

As a means of establishing the roles and responsibilities of Jackson County and the appropriate city in their urban reserves, URMAs will be created at the time of adoption of urban reserves.

**Coordinated Population Allocations**

Jackson County’s future allocations of population growth will reflect the proportional allocation of population in the Regional Plan. A first step in this coordination was undertaken in late 2006, at which time Jackson County used the RPS allocation of future population to update its population element.

<b>RPS Allocations of Future Population</b>			
	Base <u>Pop.</u>	New <u>Pop.</u>	% <u>Inc.</u>
Eagle Point	8,072	20,353	234
Medford	78,780	91,817	117
Central Point	17,652	22,898	117
Jacksonville	2,635	1,748	66
Phoenix	5,339	4,950	93
Talent	6,561	5,229	80
Ashland	22,117	3,195	15
Jackson Cnty	27,180	18,776	69
TOTALS	168,966	168,966	100

**Ten-Year Review Process**

Participating jurisdictions will participate in a review of progress under the Regional Plan every ten years.

**Regional Plan Amendment Process**

Participating jurisdictions will have the ability to amend the adopted Regional Plan through the process described in the Participants' Agreement. A "minor amendment" requires minimal regional consultation, whereas a "major amendment" requires consultation sufficient to generate a regional recommendation.

**Conceptual Plans for Urban Reserves**

Participating jurisdictions will coordinate with the Metropolitan Planning Organization (MPO) to develop conceptual land use plans for urban reserve areas in sufficient detail to allow the region to size, locate, and protect regionally significant transportation corridors.

-Presentation to LCDC, December 5, 2008, Tillamook, Oregon  
Regarding Draft Proposed Regional Land Use Plan.

Everyone, these are my notes as I remember saying them to LCDC. If there are inaccuracies, they are my fault. If there are omissions, I was speaking a shorter version of what I had prepared. It would not be fair to write in what I did not mention in person. John Renz and Michael Cavallaro preceded me. John Adam made some comments following mine. We had a detailed and useful discussion with LCDC after Greg Holmes of 1,000 Friends gave his power point presentation. I'll be looking for the minutes that are written by DLCD staff for this discussion. In all, we spent 3 hours in conversation with LCDC.

Thanks for letting me represent you. Kate Jackson

LCDC members present: Van Landingham, Derby, Pellett, Josi, Jenkins.

It's a pleasure to have this opportunity to discuss the Regional Plan with you once again. I want to thank you for taking the time for the telephone conference call about the PA. I can assure you that the cities are proceeding to sign the agreement as we speak: Medford already has, Central Point met last night, two more next week (Jacksonville and Eagle Point), then Phoenix, with Ashland and Talent signing the first week of January and the BOC shortly after that.

John Renz went over the staff report with you (this took 35 minutes and covered inclusion of RLRC land in urban reserves, transportation planning and establishing need from the perspective of DLCD staff interpretation). In addition, you have in your materials two letters from the RPS Policy Committee, a letter from the Rogue Valley MPO, a new map for Jacksonville with reduced urban reserve acreage, and a page with tables on both sides. One side lists the acreage in proposed urban reserves and calls out where acreage is also considered part of the commercial agricultural base. The other side of the paper shows the residential land need simulator results, in which the acreage deficit or surplus is calculated. We can review these documents in detail if you wish later.

The next step is beginning a standard comprehensive plan amendment process at the County, with public hearings through the County Planning Commission and the Board of Commissioners, with expectations that cities will match the County Planning Commission meetings with Plan Amendment proceedings of their own. We have advertised for a consultant to help us prepare the findings for the amendment process.

Michael Cavallaro already set the Plan in context as a platform for future action, based on a successful collaborative local process, unseen ever before in our Region. I'd like to set the context further by comparing our Region to other parts of the state. Unlike the Willamette River Valley, we have a population of less than 200,000 people in one county with a federally mandated MPO. We are definitely a rural area, with significant urbanized area.

Medford is a city of about 75,000 people, similar to Bend in population. But unlike Bend, Medford is associated with 6 other incorporated cities within close proximity. We have large open spaces, agricultural lands and vistas surrounding our cities. Yet the furthest distance between one end and the other, from Ashland to Eagle Point, is just 25 miles and no more than a 45 minute drive. Many people commute this route. We are not crowded. We do not have congestion, or traffic delays of any significance. Still we are sobered by the high cost of infrastructure and believe that we will have better results if we work together toward the long term future of our Region. This is the opportunity offered by the RPS statute.

We can identify four ways our collaboration differs from typical city/county land use planning. We are planning for an extremely long term, twice the population which we verified fits within the state specified maximum time period of 50 years. Second, we worked with Jackson County to distribute population growth among the cities based on each one's typical growth rate, and the County incorporated that non-standard population allocation into its updated Population Element. Third, we have identified two new job centers, that would not be possible without RPS, one at the north end, Tolo, would be a transportation hub. The other, the South Valley Employment Center, provides a location for a business park; acreage which is simply not available anywhere else in the Region at this scale. The south valley center would reduce commute distances for the population residing in the area. And fourth, we cannot officially coordinate transportation planning with our land use plan unless a regional map such as ours is adopted. Only upon adoption can the map be used to obtain federal and state dollars for transportation projects under the jurisdiction of the MPO.

The Urban Reserves we have identified satisfy the goals we set for ourselves. Agricultural land is preserved. Open space and buffer lands are preserved between cities. The cities will remain geographically distinct. Sizing infrastructure for the long term will save money for both the public and private sectors. One key goal has been identifying transportation corridors to serve the region. Conceptual planning will master plan for the future build out of the entire region. Public water, sewer, and storm systems can also be sized most effectively with this kind of master planning. Even private utilities will benefit: Pacific Power, and Avista Natural Gas to name the obvious providers.

We have heard concerns, and you are also hearing the same concerns, that we are taking too much land, and that we are taking too much agricultural land. Page 4-8 is a map illustrating that EFU zoned land surrounds many of our cities. Page 4-9 however, illustrates that the relative proportion of resource land in the proposed urban reserves is less than the proportion in the region as a whole.

We believe that we have made a reasonable estimate of land needs. The same firm that is participating on the UGB Amendment Subcommittee of LCDC, ECO Northwest, compared our population estimate to the statutory time frame, prepared a Regional Economic Opportunities Analysis (EOA) and ran the state's housing model for the Region. Neither of these analyses is suitable for individual city UGB amendments, and we never expected

them to be. We do believe however, that they are adequate to show we have made a reasonable selection of lands for residential and for job purposes for the very long term. The results are summarized in Chapter 3 of the Draft Plan.

Using the analytical results to supply the data, ECO Northwest produced for us a residential land need simulator. The simulator provided us with a range of acreage needs from high land need (and lower overall average density) to low land need (corresponding to higher average density at build out). Both the high and low land need estimates show we are short of acreage for housing. As such, we feel secure that we are not over-estimating the acreage required. Further, we have not used a reduction factor for unbuildable areas within the urban reserves, another reason we think we have made a conservative estimate of land need.

Regarding land for jobs, we combine commercial and industrial lands for the long term forecast. We want to have multiple choices of large lots for new employers, per the Governor's desire for industry-ready sites. We want to have choices of location in order to not restrict potential employers. And finally, in addition to the large new locations, each city has its own smaller acreage needs for local start-up businesses. The simulator informs us that while we may have an excess of industrial land, we are short a similar amount of commercial land. With the uncertainties of the long term forecasts, we feel confident that we have a reasonable total amount of land identified for jobs.

For the places where RLRC land remains within proposed Urban Reserves, the individual cities, the RLRC, the Policy Committee and the state staff have reviewed the specifics at least three times. The latest round occurred over the past year. Director Richard Whitman has been part of the discussions throughout the year. The most recent state DLCD letter is dated Dec 7, 2007. In response to that letter, Eagle Point, Jacksonville and Medford removed RLRC land from their URs. The areas in Talent, Phoenix and Hillcrest Orchards were accepted by DLCD staff. For the one remaining area in south Medford, the Policy Committee reconsidered the reasons for urbanization and the basis for RLRC designation. On balance, the committee decided that the urban needs outweighed the agricultural value of the land. Each of these decisions consisted of very site specific, detailed evaluations.

Another set of concerns we hear is that we are not doing enough with the Regional Land Use Plan. "We are not increasing housing density enough." "We are not doing enough infill." "There is not enough commitment to affordable housing." "We are not addressing climate change." This plan cannot do everything. What it does do is create a platform for long term planning.

We believe all these and other issues will be and can be addressed through the state land use program. Just yesterday, you were discussing new density criteria for UGB amendments. We know the Governor's initiative on climate change will add new considerations. In the region, we already have a land use and transportation model (developed for us by TPAU of ODOT) to assist us with this kind of planning. You heard

Michael Cavallaro earlier refer to the model conceptual plan underway for one of Central Point's urban reserves.

After the comp plan amendment process, conceptual plans must be developed for the urban reserves, for purposes of transportation modeling and infrastructure planning. Before an urban reserve comes into the urban growth boundary, the city will be required, under existing and future land use requirements, to demonstrate need and to meet whatever programs are in place, whether it is density, or climate change and energy conservation.

In conclusion, the cities and county of Jackson County have prepared a regionally unique, collaborative process and Regional Plan to serve as the platform for linking land use and transportation. The Plan will also allow us to adapt our practices to manage population growth and related issues we know we must address for the short and long term livability of our region. We are confident the Region has produced a reasonable estimate of land need for the long term. The Plan identifies a set of urban reserves to serve as the basis for long term coordinated land use and transportation planning. Ironically, this will actually help us address climate change as well.

With that, I am eager to hear your comments and questions regarding the Draft Regional Land Use Plan. Thank you.

December 12, 2008

From: Kate Jackson, City liaison to Regional Problem Solving Project  
To: Ashland Planning Commission  
Regarding: Public Hearing to Consider City Agreement to Sign Participants' Agreement

I am providing this memo to supplement what staff provides in the way of official documents, draft ordinance, staff communication, maps, and references to materials posted at the RVCOG website. I am doing so at the request of the Mayor-Elect, and current Chair of the Planning Commission, John Stromberg. Normally a City Councilor would not have such detailed involvement in a project like this. The City of Ashland has not provided technical staff to support the Project at the regional level. As a result, I have the most exposure to, and familiarity with, this complex land use project. I was on the pCIC for Ashland during an early phase of the Project, with Pat Acklin and Barbara Bean. Mayors DeBoer and Morrison each appointed me to the RPS Policy Committee for my entire 6 years on Council.

Please contact me at [kate@council.ashland.or.us](mailto:kate@council.ashland.or.us) or call me at 482-2612 with your questions about this project. I am happy to help you understand the project in advance of your consideration of the Participants' Agreement (PA) at your next meeting. I refer you to staff for questions about the procedure for the decision you are asked to make.

The Regional Problem Solving Project is a collaborative effort among the valley's seven cities and the county to coordinate land use planning for the long term future, estimated as taking up to 50 years and accommodating a possible doubling of the population. The proposed Draft Regional Plan has had public involvement at the Cities and at the regional level to get to this point. The Draft Plan also requires state agency agreement, and we have presented to LCDC five times.

The Plan will proceed to another public involvement phase next year, with the consideration of a Comprehensive Plan Amendment (CPA) to add a Regional Plan Element to the Jackson County Comp Plan. The County Comp Plan Amendment process will involve both the County Planning Commission with public hearings and the County Board of Commissioners, with their public hearings. The Cities that have identified Urban Reserves are expected to coordinate the timing of their own Comp Plan Amendments with the County's actions. (Otherwise, we could get disparate results and have to redo some of the amendments.)

What is before the Ashland Planning Commission now is a Participants' Agreement (PA) agreeing to participate in the County's process of amending its (the county's) comprehensive plan to incorporate a Regional Planning Element ( eg. chapter) based on the proposed Plan. You are not agreeing to the Draft Plan itself. That document is what will go through the CPA process at the County.

The Agreement has been determined to be a necessary step to comply with state land use program statute and rules. The Agreement has been prepared and reviewed by the city attorneys, a consulting attorney to the County (Corinne Sheraton), and by the state DLCD and LCDC. LCDC agreed to sign it when all the participating agencies also sign it. Participating agencies include the seven cities, Jackson County, several regional entities and many state agencies. By signing the PA, everyone is agreeing in concept to establish a regional land use decision making process which will be administered by the County.

Fifteen reasons why Ashland supports this Project:

Ability to vary somewhat from state land use rules by:  
Redistribution of population growth rates among the cities according to preferences and past experience and  
Setting growth boundaries for the very long term;  
Directly links land use planning to transportation planning,  
Establish regional, non-highway 'road' connectivity. (Quotes around 'road' indicate corridors for multiple forms of transportation, not just cars.),  
Adopting such a plan and map gives us leverage for federal and state dollars at MPO,  
Locating and Sizing future infrastructure more cost-effectively,  
Cost savings to taxpayers by preparing in advance for capital purchases,  
Preserve agricultural lands in and out of urban reserves, especially outside,  
Establish buffer areas between cities,  
Retain open space across the valley,  
Respect city individuality while coordinating jobs, housing, and transportation needs,  
Most successful collaborative, voluntary, multi-party agreement in the Rogue Valley,  
Ashland should be at the table to have influence at the regional level  
The ability to model the regional transportation system for land use and climate change impacts.

The Participants' Agreement keeps Ashland's "place at the table" despite the City choosing not to establish urban reserves (UR). Urban reserves are lands set aside for future urbanization. Reserves cannot be 'urbanized', ie, brought inside the Urban Growth Boundary (UGB) without specific documentation of the immediate (20-year) need for specific land types (commercial, industrial, or residential). Establishing urban reserves requires a comprehensive plan amendment process. Moving a UGB into a UR requires another, more detailed comprehensive plan amendment process. Thus there are two big steps in decision-making for a city to move in to its Urban Reserves. Under a Regional Plan, the region can coordinate, plan ahead and manage population growth more efficiently and effectively than without a Regional Plan.

I have provided staff with my testimony to the most recent LCDC meeting on December 5, 2008 for your information. I leave it to them whether and how to include it with your materials.

Thanks very much for your interest in this project. I welcome phone calls and emails with questions.



**PLANNING ACTION:** 2008-01986

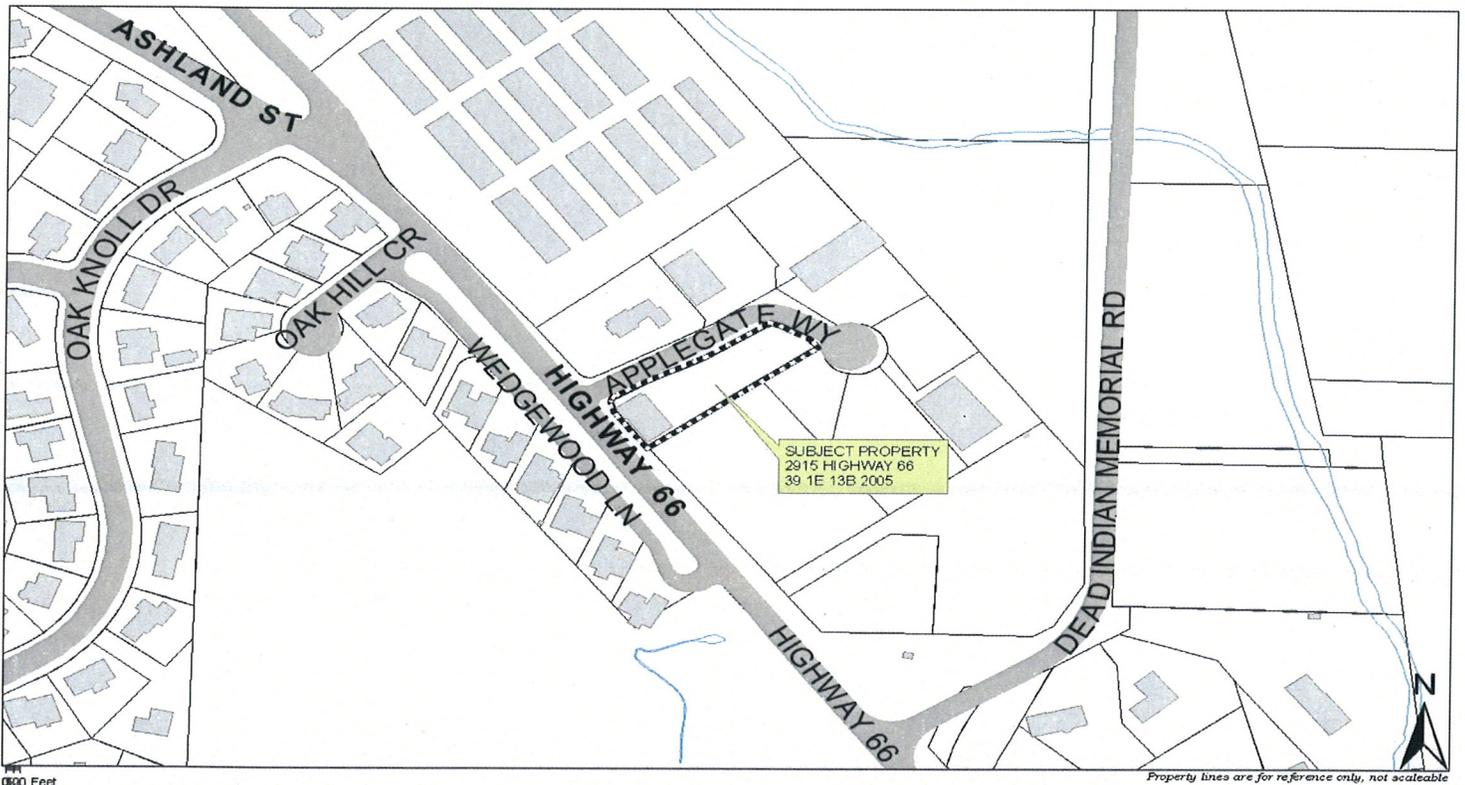
**SUBJECT PROPERTY:** 2915 Highway 66

**APPLICANT:** Myles Comstock

**DESCRIPTION:** A request for a Modification of a previously approved Site Review (PA#2008-01315) for a Variance to exceed the maximum 20-foot height limitation in the Airport Overlay Zone. The proposed structure is 26.5 feet in height.

**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 13B; **TAX LOT #:** 2005

**ASHLAND PLANNING COMMISSION MEETING:** *January 13, 7:00 PM, Ashland Civic Center*



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 Department, 541-488-5305.

## **SITE DESIGN AND USE STANDARDS**

### 18.72.070 Criteria for Approval

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

(ORD 2655, 1991; ORD 2836, 1999)

## **VARIANCE**

### 18.100.020 Application

The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development. Also to be included with such application shall be a statement and evidence showing that all of the following circumstances exist:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

(ORD 2425, 1987).

- C. That the circumstances or conditions have not been willfully or purposely self-imposed.

(ORD 2775, 1996)

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT  
January 13, 2009**

PLANNING ACTION: 2008-01986

APPLICANT: Myles Comstock

LOCATION: 2915 Highway 66

ZONE DESIGNATION: E-1

COMPREHENSIVE PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: January 6, 2009

120-DAY TIME LIMIT: May 6, 2009

ORDINANCE REFERENCE:

18.40	Employment Zone
18.60	Airport Overlay Zone
18.72	Site Review
18.100	Variances

REQUEST: A request for a Modification of a previously approved Site Review (PA#2008-01315) for a Variance to exceed the maximum 20-foot height limitation in the Airport Overlay Zone. The proposed structure is 26.5 feet in height.

**I. Relevant Facts**

**A. Background - History of Application**

In September 2008, an application for a Site Review to construct a 3,000 square foot light industrial building and a request for an Exception to Street Standards to continue the existing curbside sidewalk along the frontage of the subject parcel was approved (PA 2008-01315).

In October 1994, an application for a Site Review to construct 2,560 square foot commercial service building, the current location of Valley Equipment Rental was approved (PA 94-124).

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

## B. Detailed Description of the Site and Proposal

The parcel is approximately 23,100 square feet in size and is located at the intersection of Highway 66 and Applegate Way, on the south side of Applegate Way. Applegate Way is an improved Neighborhood Street, curbside sidewalks are in place across the street from the subject property, along Applegate Way and around the cul-de-sac, the sidewalk improvements stop at the subject property. Electric service, water and sanitary sewer facilities are located in the Applegate Way right-of-way. The site slopes gradually from southwest to northeast. There is a 2,560 square foot, single story structure on the south side of the property at the corner of the lot which was approved in 1994. The subject property is the current location of Valley Equipment Rental. There is a four space parking lot and an outdoor storage area for equipment and materials associated with the business located at the site on the remainder of the property.

The properties to the north and east are also zoned E-1. The property to the south is outside of the City limits. The properties across Highway 66 are zoned Single Family Residential R-1-10. The adjacent property uses are a landscaping supply center, auto storage, manufacturing and residential uses across Highway 66. The site is near the City of Ashland airport.

### 1. Modification of Site Review Approval

The existing approval is to construct a new 3,000 square foot single-story building which was proposed to be 20-feet in height. The applicant owns Valley Equipment Rental and has a number of large equipment pieces associated with that business. The application documents indicate that repair of that equipment in inclement weather is dangerous and Occupational Safety and Health Administration (OSHA) regulations dictate the amount of clearance required during maintenance of that type of equipment, necessitating a taller structure than the maximum 20 feet allowed in the Airport Overlay Zone. The proposed structure will be located on an existing paved portion of the site which is currently used to store the equipment that will be moved to the interior of the building. The Staff Report for the existing approval as well as the previously approved elevations are included for reference at the end of the packet.

The proposed building entry way will have double, storefront style doors flanked with double wide windows which extend to the floor. The building will also have a red brick base which wraps around the sides of the structure. The proposed building is tan metal siding with a green metal roof on the east and west sides of the structure there are large roll-up garage doors.

The proposal is to modify building height resulting in an increase from the previous 20 feet in height to 26 ½ feet (average height) and 28 feet, 4 inches at the highest point of the structure. The square footage of the building will remain at 3,000 square feet. The architectural features of the building are similar to the

original design except for the addition of a row of clerestory windows to the upper portion of the roof line.

A new 4-foot walkway connecting the sidewalk in the public right-of-way to the front of the building and landscape buffers are also proposed. Five off-street motor vehicle parking spaces will be added to the existing parking area between the two buildings accessed from a single driveway. Additionally, the applicant has proposed to add two bicycle parking spaces under the front awning of the building. An Administrative Variance to continue the existing sidewalk along the curb was also approved as part of the existing Site Review approval. No changes are proposed to the site layout, public improvements or landscaping plan as part of this application.

## **2. Variance –**

The proposal is a request for a Variance to the maximum height allowed in the Airport Overlay zone. The maximum allowed height for any airspace obstruction, such as, structures and trees in the Airport Overlay zone is 20 feet. The proposed building height is 26 ½ feet (average height) and 28 feet, 4 inches at the peak.

## **II. Project Impact**

### **A. Modification of existing approved Site Review**

The project requires a Modification of the existing Site Review approval since it involves the construction of a new building in the E-1 zoning district, which will have a change in height from the previous approval. A Variance is required to exceed the maximum height requirement of 20-feet in the Airport Overlay Zone the Variance request is a 20% variance. As a result, Chapter 18.108 requires the application to be processed as a “Type II” with a public hearing.

The proposed change to the building height will have a negligible impact to the previously approved Site Review. The additional height proposed will allow for the addition of clerestory windows below the ridge line of the roof.

### **B. Variance**

The request is to increase the height of the previously approved building from the maximum 20 feet allowed in the Airport Overlay Zone to, at the peak, 28 feet, 4 inches. The applicant identifies the unusual circumstance as the elevation change of the site in comparison to the conical surface map for aerial transportation as regulated by the Federal Aviation Administration (FAA).

The City of Ashland Airport Overlay Zone has a general 20 foot height maximum, where the draft Airport Master Plan has a conical surface map which prescribes a maximum

building height to elevation change ratio of based on the lot and structure proximity to the airport approach zone (see attached map)

The application includes a letter from Scott Fleury, the City of Ashland Staff Liaison for the Airport Commission indicating that based on the above mentioned conical surface map the proposed building height of 26 ½ feet, there is 98.5 feet of clear elevation between the building height and the airspace encroachment elevation. The City of Ashland Airport Commission has reviewed and approved the proposal, a copy of the minutes from their November 4, 2008 meeting are included with the applicant's findings.

The application identifies the positive benefit of the proposal as the benefit of cleaning up the site and moving equipment to the interior of the building as a positive benefit to the neighbors. Additionally, the applicant's findings state that without the variance to height approval he would be forced to relocate his building outside of the City limits which are immediately adjacent. In Staff's opinion, the change in building height results in an improved building design, with more interest and roof line variation,. The variation in the roofline and clear story windows provides visual interest and relief, creates a more symmetrical building design and will add interest with the larger roof line variation especially to Applegate Way street frontage.

The proximity of the site to the airport and the elevation of the site is not a self-imposed situation that the applicant has control over.

### **III. Procedural - Required Burden of Proof**

The criteria for Site Review approval are described in 18.72.070 as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

The criteria for a Variance are described in 18.100.020 as follows:

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.

- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.

#### **IV. Conclusions and Recommendations**

The site provides an opportunity to enhance an existing business site along the Highway 66 and Applegate Way frontages. Staff believes the project could be found to meet all of the applicable approval criteria for a Variance request to the maximum height allowed in the Airport Overlay Zone. The site location in proximity to the runway and the topographical difference between the airport approach zone and the site allow for a significantly taller structure when reviewed against the FFA regulations and the draft Airport Master Plan than permitted under the broad sweeping 20 foot height limit set in the Land Use Ordinance. These situations are not self imposed. Additionally, the applicant being able to perform maintenance on his equipment, allowing him to retain his business within the city limits and the removal of some of the outdoor storage of equipment inside of the new building will have positive visual impacts to the Highway 66 and Applegate Way corridors.

All conditions of the previous approval are included below. Staff recommends approval of the application with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the new building shall be addressed off of Applegate Way. The new address shall be applied for and approved through the Public Works and Engineering Department.
- 3) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 4) That building permit submittals shall include:
  - a) All lighting shall be shown on the building permit submittals. All lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land from lighting to be located upon the subject property and shall meet all requirements of the Ashland Airport Master Plan.
  - b) That roofing material shall be non-reflective and non-glare. Roofing detail shall be submitted with the building permit submittals.
  - c) That the location and final engineering for all storm drainage improvements associated with the project be included as part of Building Permit submission for review and approval by the Planning and Public Works Departments.

- d) That the elevations of the building heights shall be included with the building permit submittals. A professional land surveyor shall verify the height of the building in order to verify that the height of the building does not encroach into the Airport Approach Surface Height Limitation.
  - e) That the recommendations of the Tree Commission, with final approval of the Staff Advisor, shall be incorporated into the final landscaping and irrigation system plans and submitted to the Planning Department prior to issuance of the building permit.
  - f) That at the time of building plan submittal, material, design and screening information on the trash and recycling facility shall be submitted to the staff advisor for review and approval. All facilities shall comply with the standards adopted under AMC 9.22.030.
  - g) That the bicycle parking u-rack shall be shown on the building permit submittals including adequate clearance areas around proposed bicycle parking.
- 5) That prior to the issuance of a building permit:
- a) That the property owner shall sign an airport operations hold harmless agreement prior to issuance of the building permit.
  - b) That the Tree Protection fencing shall be installed in accordance with the approved plans and in accordance with the Ashland Municipal Code 18.61.200 prior to any site work including grading, clearing or the storage of materials and prior to the issuance of the building permit. The Tree Protection fencing shall be inspected prior to issuance of a building permit.
- 6) That prior to the issuance of a certificate of occupancy:
- a) Landscaping and the irrigation system shall be installed in accordance with the approved plans prior to issuance of certificate of occupancy.
  - b) That the refuse area shall include an opportunity-to-recycle site in accordance with 18.72.115.A.
  - c) That all required parking areas shall be paved and striped prior to the issuance of a certificate of occupancy.
  - d) That a sign permit shall be obtained prior to installation of new signage.

## VALLEY EQUIPMENT RENTAL

The property is located at 2915 Highway 66 in Ashland. The property is ½ acre in size and zoned E-1, and is within the airport overlay zone. The adjacent property is zoned E-1 on one side, country industrial on the other side, and across highway 66 is R-1-10. The applicant is requesting a site review permit to construct a 3,000 square foot building to shelter and maintain the operating equipment for his business.

Because of the property's zoning and closeness to the Ashland airport the maximum allowable building height is 20 feet. The applicant needs to request a 20% variance to increase the maximum building height from 20 feet to 26 ½ feet to accommodate tall cranes and lifts.

Presently the equipment is exposed to severe climate conditions degrading their normal life span. The lack of shelter also limits the ability to maintain the equipment during inclement weather, not just because it is uncomfortable for the individuals, but because it can be dangerous. It is very unsafe to repair and maintain these tall pieces of equipment out in the elements. In addition to the obvious advantages of being indoors, the building will have safety apparatuses built in.

**The zoning regulations for this property fall under chapter 18.60.020, the Ashland airport's "A-1 Overlay Zone" which will have the following restrictions:**

A Permitted uses shall not include residential uses unless approved under the procedure outline for conditional uses.

*The property has been used as an equipment rental yard by Valley Equipment Rental since 1996. Rental yards are a permitted use within an E-1 zone. No residential use is proposed for this site.*

B. Maximum height of structures, trees, or other airspace obstructions shall be a maximum of 20 feet.

*The applicant is requesting a 20% variance to exceed the zone's 20 foot maximum building height for an additional 6 ½ feet. The applicant needs to request a variance to increase the maximum building height from 20 feet to 26 ½ feet.*

C. All planning actions will require as a condition of approval that the applicant sign an agreement with the City that he acknowledges that airport noise is likely to increase in the future and that they waive all rights to complain about airport noise.

*To the best of applicant's knowledge when the existing building was constructed in 1996, the property owner did sign an agreement with the City agreeing to waive all rights to complain about airport noise.*

**The criteria for a variance are found in Chapter 18.100 and are as follows:**

**18.100.20 Application**

A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.

This E-1 property exists in the airport overlay zone, and because of this there is a more restrictive height than might be for an E-1 property outside of the overlay zone. As supported by the attached letter from public works and the airport commission, because of the elevation and location of the subject lot, there is no danger to planes taking off, landing, or turning if we build a building 26 feet high. In fact, they said we could go over 40 feet without causing any danger.

Secondly, the airports closest runway, (runway 30) is over 2,000 feet away. (See attached letter from Scott Fleury, City of Ashland, Engineering Technician II) Taking into consideration the Airport's Master Plan requirement of a 7:1 approach zone slope and the relationship of the building and runway 30, a building could exceed 150 feet in height.

Finally, the applicant desires to retain his business within the city of Ashland, but will likely have to find an alternative site. Because the county has no restrictions, other than the approach zone restriction noted above, the applicant could relocate the property on the corner of highway 66 and Dead Indian Memorial Road which is a couple of hundred feet to the east from his site. This would be unfortunate as there does not appear to be any rational basis for the limitation, especially when one side of a jurisdictional line doesn't allow the proposed height, but the other side does. (irrespective of the airport overlay, the county ordinance allows a building height of 35 feet.) Compounding the unusual circumstances is the fact that the Airport's Master Plan (presumably adopted by the FAA) easily allows the proposed height.

B That the proposals benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

*The proposal to enclose the equipment within a covered building rather than leaving the equipment exposed and visible to the neighbors is a far superior benefit to not just the neighbors, but the rest of the community. With all of the exposed equipment, abandoned automobiles and storage of peoples "stuff", this area has become an eyesore. By permitting the building, it allows a business to*

*continue and remain and allows residents to have access within the city limits. It will also eliminate a significant amount of the sites hap-hazard appearance.*

C That the circumstances or conditions have not been willfully or purposely self-imposed.

*The circumstances or conditions have not been willfully or purposely self-imposed do to the fact that some of the equipment is taller than 20 feet, and require an upright position when being repaired or maintained. The applicant is not requesting an excessive variance and is only requesting the minimal height that will permit safe maintenance.*

# Valley Equipment Rental

2915 Hwy 66

Ashland Oregon 97520

Phone 541 488 0716

Fax 541 488 5422

As can be seen by these photos all of these machines have a large part of there components under the boom. Some are behind panels which these photos show. In order to access these areas the booms must be elevated the height to get clear access with safety devises to secure the boom while personnel are under these booms is at least 23'. This does not allow for lighting. (Required by OSHA)

Myles Comstock



**WARNING**  
PINCH POINT  
Keep all body  
parts away

**WARNING**  
PINCH POINT  
Keep all body  
parts away

ER TO PLATFORM



Sky Trak

56632









November 6, 2008  
Steve Shapiro  
7122 Highway 66  
Ashland, Oregon 97520

Steve:

RE: Ashland Rental Building Construction

The City of Ashland Airport Commission has no issues with the construction of a 26'-6" building at 2955 Highway 66 T.L. 2005. Construction of the building does not encroach into the airport overlay airspace requirements as shown in FAR 77; see attached map showing overlay zone and FAR 77 requirements.

**Calculation:**

Runway 30 base elevation is 1885'.

Tax Lot 2005 base elevation at proposed building location from Philp Engineering Site Plan sheet C1 is 1910'. (Elevation checked vs. City of Ashland topographic maps to verify)

Building location is within approach slope zone of 7:1 with a maximum elevation increase of 150'.

Building location is approximately 2000' from start of runway 30.

$$\frac{2000'}{7} = 285' \text{ Maximum allowable height increase is } 150' \text{ from FAR 77}$$

$$1885' + 150' = 2035' \text{ (Maximum ground elevation at building location)}$$

$$2035' - 1910' = 125' \text{ (Difference between maximum allowable elevation and ground elevation at building location)}$$

$$125' - 26' - 6" = 98.5' \text{ (Clear elevation between building height and airspace encroachment elevation)}$$

If you have any questions feel free to contact our office at 541-488-5347

Thanks,



Scott A. Fleury  
Engineering Technician II  
City of Ashland Public Works

H:\Projects\Airport\Ashland Rental Building Approval.doc ( 11.10.08)



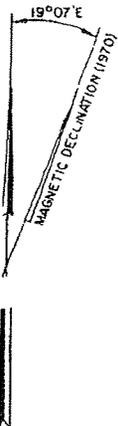
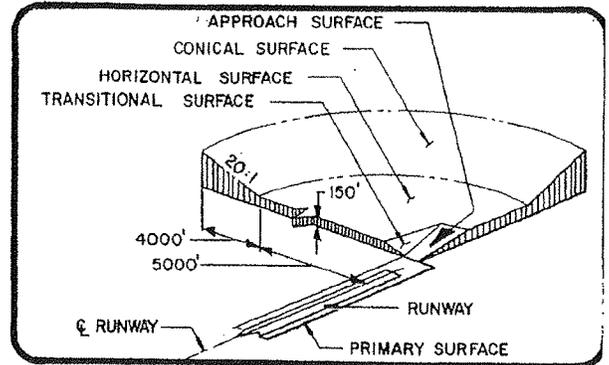


# AIRPORT APPROACH ENCROACHMENT ZONE DIAGRAMM

## SUMMARY OF APPROACH CRITERIA

R/W 12-30	EXISTING	FUTURE
R/W LENGTH:	3400'	4300'
APPROACH SURFACE:		
LENGTH	5000'	5000'
SLOPE	20:1	20:1
TYPE	VISUAL	VISUAL
CLEAR ZONE:		
INNER WIDTH	250'	250'
OUTER WIDTH	450'	480'
LENGTH	1000'	1000'

## ISOMETRIC VIEW



## NOTES:

- THE EXISTING 3400' RUNWAY IS BASIC UTILITY I. EXPANSION TO BASIC UTILITY II IS BY A 300' SOUTHEAST EXTENSION TO GENERAL UTILITY BY AN ADDITIONAL EXTENSION OF 600' NORTHWEST. THIS PLAN PRESERVES AND PROTECTS FOR UTILITY STANDARDS.
- PENETRATIONS OF THE HORIZONTAL, CONICAL AND APPROACH SURFACES ARE AS ILLUSTRATED AND TABULATED. P REPRESENT A COMPOSITE OF HIGHEST TERRAIN IN THE APPROACH ZONE. ALL ROAD ELEVATIONS INCLUDE 15' FOR CLEARANCE REQUIREMENTS. ALL TREE ELEVATIONS EXCLUDE ADDITIONAL GROWTH.
- THE CONTROLLING OBSTRUCTION IN THE APPROACH TO RUNWAY 30 IS DEAD INDIAN ROAD. THE REQUIRED CLEARANCE IS 15', AND THE AVAILABLE CLEARANCE IS 10'. THRESHOLD RELOCATION ANALYSIS INDICATES NO DISPLACEMENT IS REQUIRED FOR FUTURE CONDITIONS.
- THE CONTROLLING OBSTRUCTION IN THE APPROACH TO RUNWAY 12 IS A 35' FLAG POLE AT THE CEMETERY. RELOCATION TO LOWER TERRAIN OR A THRESHOLD DISPLACEMENT OF 200' IS NECESSARY.
- HEIGHT RESTRICTION ZONING IS CURRENTLY IN EFFECT. SEE THE LAND USE PLAN FOR LAND USE RECOMMENDATIONS.
- DATA SOURCE: CURRENT USGS BASE MAPS, CITY OF ASHLAND FIELD SURVEY OF MAY 24, 1976, AND PREVIOUS AIRPORT LAYOUT PLAN.
- FUTURE AIRPORT ELEVATION IS ESTIMATED 1887' MSL. AIRPORT REFERENCE POINT COORDINATES ARE AS FOLLOWS

	EXISTING	FUTURE
LATITUDE	42°11'30"N	42°11'31"N
LONGITUDE	122°39'30"W	122°39'31"W





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**Tuesday, November 04, 2008**

**ASHLAND AIRPORT COMMISSION  
November 4, 2008**

**MINUTES**

**MEMBERS PRESENT: LINCOLN ZEVE, TREGG SCOTT, DAVID WOLSKE, ALAN DEBOER, RUSS SILBIGER, BRITTANY WISE  
STAFF: SCOTT FLEURY**

**MEMBERS ABSENT: BOB SKINNER, GOA LOBAUGH**

Visitors:

**CALL TO ORDER: 9:30 AM**

**APPROVAL OF MINUTES: September 2008, Motion by Skillman for approval, second by DeBoer, unanimous vote, minutes approved as written.**

**A. Additional Items: Ashland Rental Building Construction Approval**

**Public Forum: No public comments.**

**OLD BUSINESS:**

- A. Potomac SuperAwos: No new information regarding FAA Status of SuperAwos. Commission would like update from Skinner via email when possible. Fleury to ask Skinner to update Commission at earliest possible convience. Fleury to work on scheduling internet training for Mike Cook to become FAA certified service technician on system. Commission also would like Noise Sensitive Area Map placed in a more obvious location within FBO so more people become aware of it. Also Commission would like Skinner to place map within every hangar bill so all occupants obtain one.**
- B. Rental Rate Approval: Rate Resolution to be written by Mike Faught and brought before Council for approval in November or December depending on work load.**
- C. DC-3 hangar construction: No new updates on Hangar construction.**
- D. QT-Technologies Fueling Terminal Service Agreement: The Platinum Service has been paid for and Airport Commission to review and discuss renewal options next year when service expires.**
- E. Avigation Easement: Commission is interested in the planning process within the Airport Overlay Zone and would like to know how certain issues with building heights and the Avigation/hold harmless easements are dealt with. Fleury to research information for next meeting. DeBoer mentions it would be a good idea to change the zoning for taxlots within the overlay zone to include the designation -0A to indicate taxlot was within the**

Airport Horizontal Surface and certain conditions may apply to construction.  
Fleury to talk with planning regarding zoning change.

**NEW BUSINESS:**

- A. **Hangar Inspections:** Fleury states that he has scheduled the Hangar inspections for 11-18-08 and Skinner has posted notice regarding inspections at FBO office. Fleury to make sure that keys are available to all hangars and if there are locks with no keys they will be removed to enter.
- B. **Hangar Electrical Audit.** Fleury shows hangar map and power provider breakdown to Commission. Commission would like to see all power switched over to City of Ashland Power. Fleury to research and get back to Commission on the change over.
- C. **Crowman Mill Site:** Silbiger states he has a conflict of interest with any discussion relating to the Crowman Mill Site Development and leaves room during discussion. Fleury stated that Jim Olson was going to contact the FAA to determine how buildings are constructed on land that encroaches into the Airport overlay zone. Fleury to share this information with planning so the proper procedures are followed when it comes to construction within the overlay zone.
- D. **Oregon Aviation Plan:** Commission had no comments regarding Aviation plan. The main item of interest is the change from a category 4 airport to a category 3 airport, which will allow for a broader range of funding for AIP projects in the future.
- E. **Ashland Rental:** Commission reviews site plan for 26'6" building to be built at Ashland Rental, 2915 Highway 66. Building maximum height meets guidelines set forth in FAR 77 and DeBoer motions for approval of Height exception to current planning standards, second by Hendrickson. Vote passes unanimously. Fleury to write letter to Steve Shapiro stating approval from the Airport Commission and height calculations with regards to FAR 77.

**AIRPORT MANAGER REPORT/FBO REPORT/AIRPORT ASSOCIATION:**

- A. Status of Airport, Financial Report, Review of Safety Reports: Skinner absent from meeting. Fleury states only issue was brought up by FAA inspector regarding Vasi Light calibration being done. Fleury states calibration is done on a bi-annual basis and logged in a book kept at the Public Works building.
- B. Maintenance Updates – Hangar inspection scheduled for 11/18/08 and Peters to install hangar numbers as time allows. Commission interested to know how numbering changes affect BB, Sky and Skinner hangars who use old number.

**OTHER:**

The meeting of the JC airport commission is the third Monday of the month at 12:00 PM.

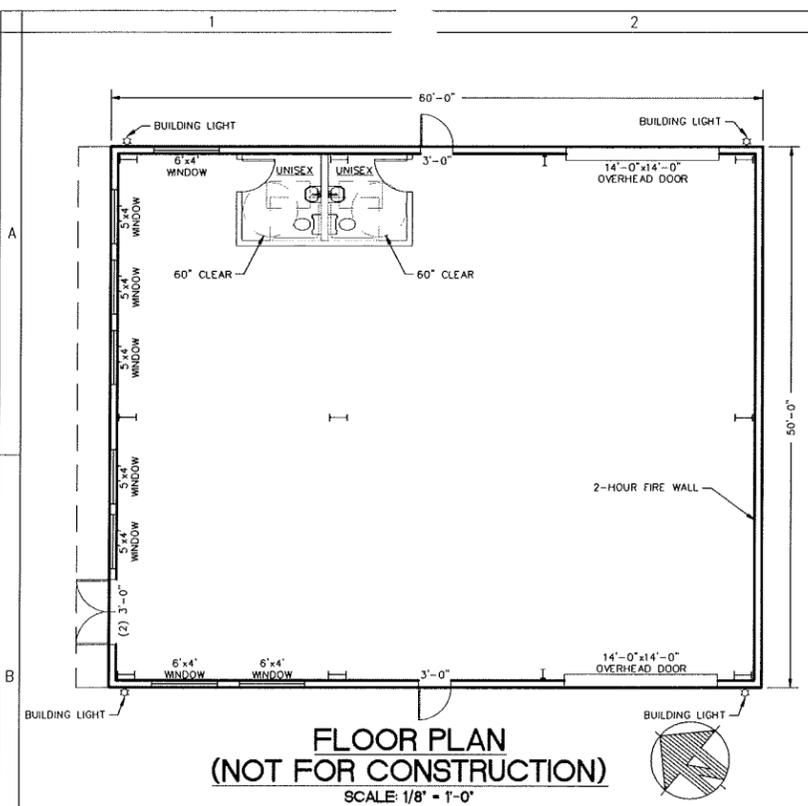
**NEXT MEETING DATE: December 2, 2008, 9:30 AM**

**ADJOURN: Meeting adjourned at 10:49 AM**

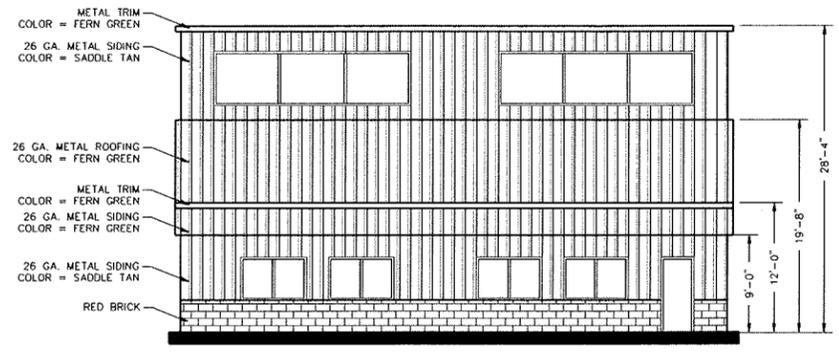
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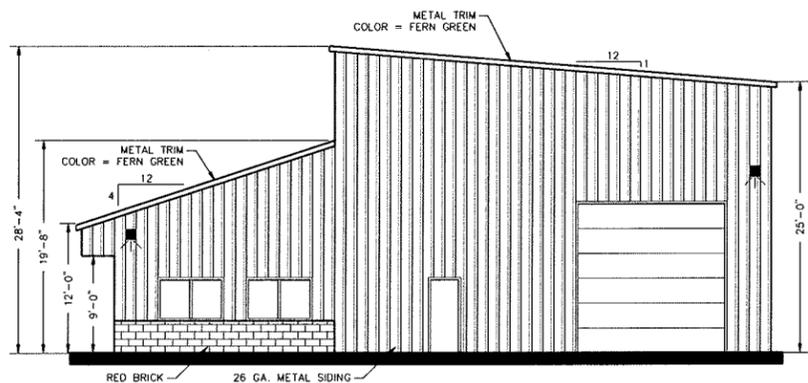




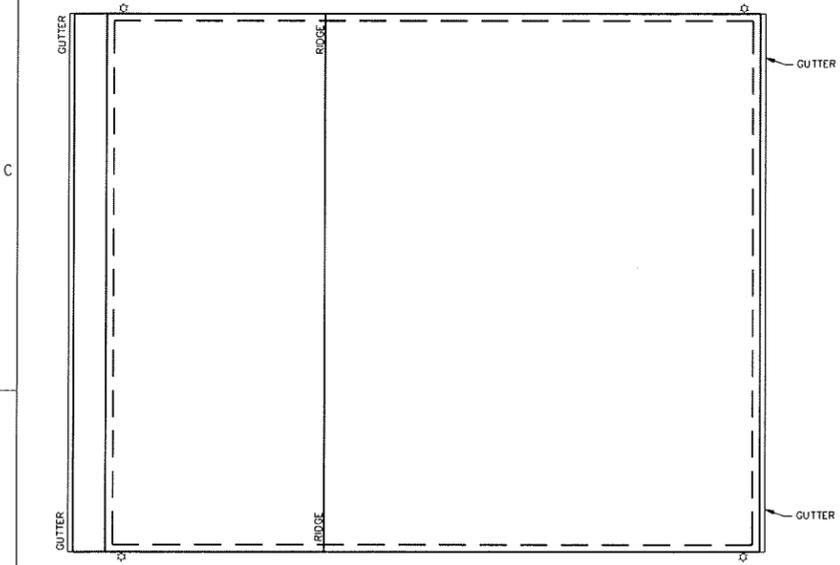
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(NOT FOR CONSTRUCTION)  
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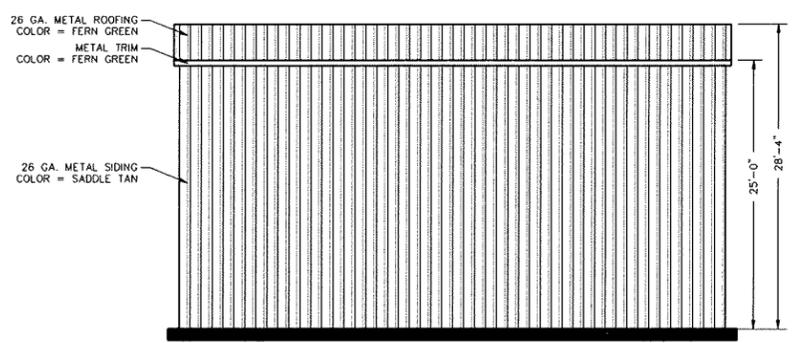
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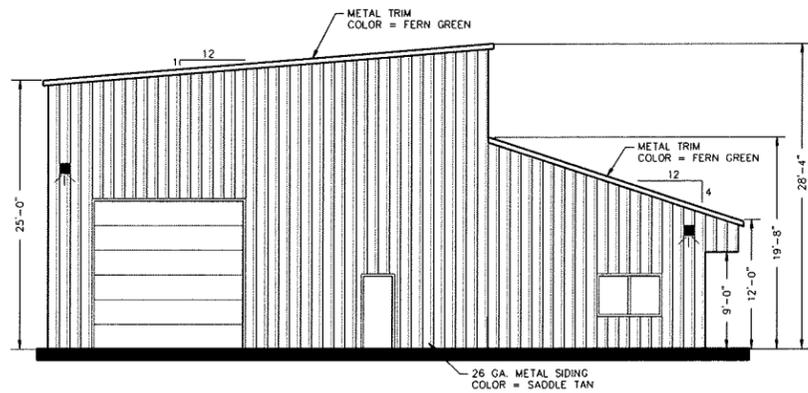
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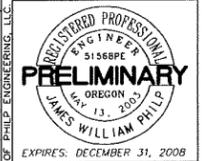


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**EAST ELEVATION**  
(NOT FOR CONSTRUCTION)  
SCALE: 1/8" = 1'-0"

EXHIBIT "C - Architectural Elevations"



**MYLES COMSTOCK BUILDING**  
T39 R1E S13B TL2005  
**FLOOR PLAN, ROOF PLAN, AND ELEVATIONS**  
ASHLAND, OREGON

**PHILIP ENGINEERING, LLC.**  
P.O. BOX 8069  
MEDFORD, OREGON 97504  
PHONE: (541) 951-3957  
FAX: (541) 772-8196  
E-MAIL: philip@mind.net

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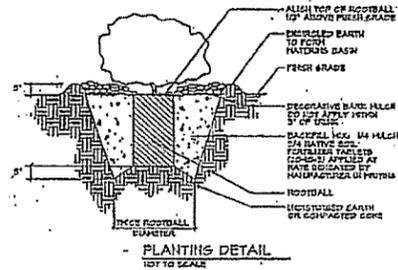
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DRAWN BY: JWP  
CHECKED BY: JWP  
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FILE: 080108 ARCH REVIEW

DATE: 06/03/08

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City of Ashland  
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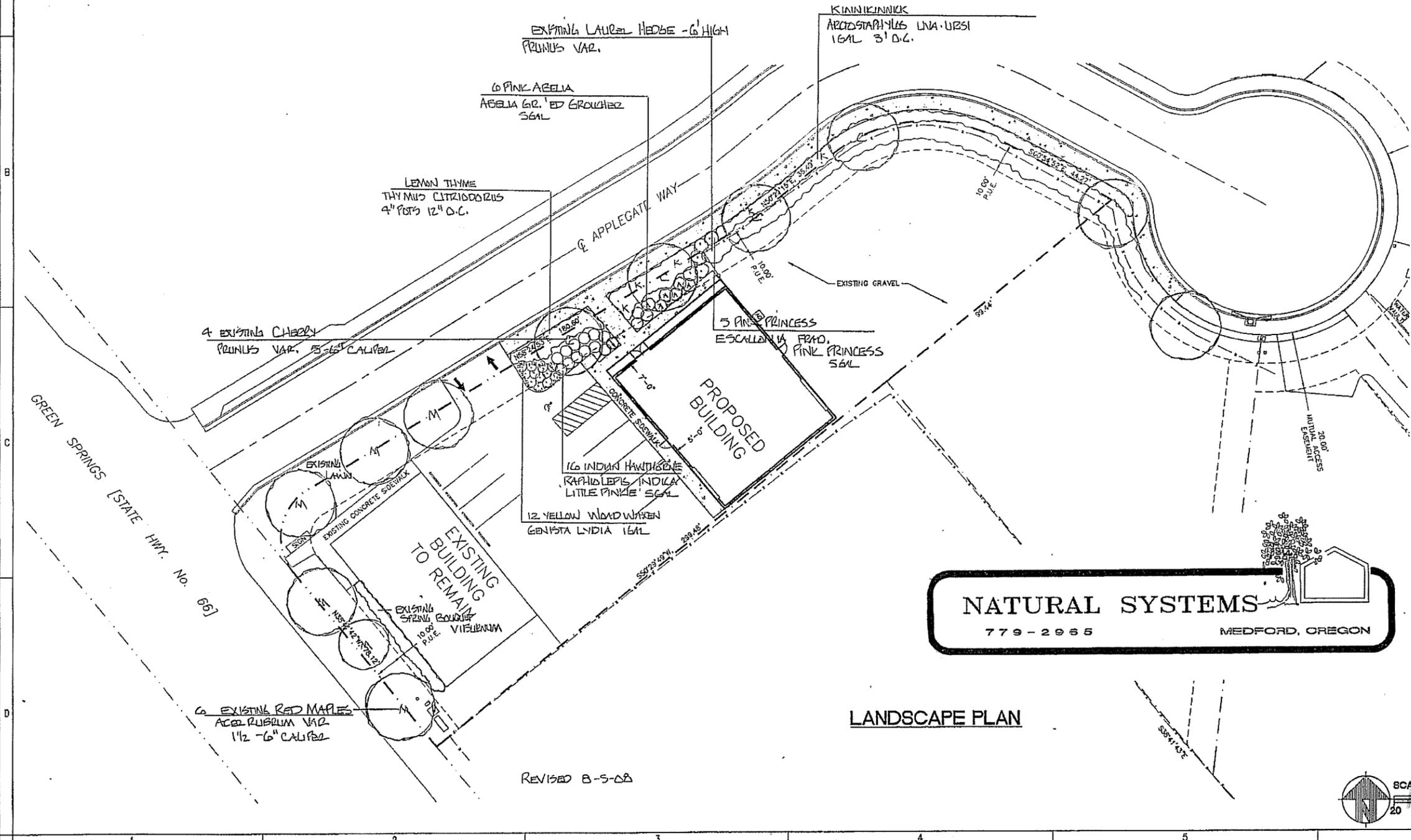
# EXHIBIT "C - LANDSCAPE PLAN"



**Automatic Underground Irrigation**  
 All plantings to be automatically irrigated. Drip all parking lot & bldg. planters not irrigated with spray zones. 1-1gph emitter per shrub 2-1 gph emitters per tree. Drip zone "rainbird xcz-075 drip zone" with medium flow regulator & filter.

**Work By Others**  
 Provide subgrade free of shale, concrete, asphalt, building rubble, etc. Provide H2O to double check 20 gpm @ 65 psi minimum supply required. Provide 110 v. to controller-hard wire in. Provide sleeves under hard surfaces 12-18" deep, cap or tape ends. Expose ends of all sleeves for landscape contractor. 2" sleeves for lot & bldg. 6" sleeves for main & sub mains.

**Lawn Sprays**  
 Lateral line size shall be such that velocities shall not exceed 5 F.P.S. at any time.



**NATURAL SYSTEMS**  
 779-2955 MEDFORD, OREGON

LANDSCAPE PLAN

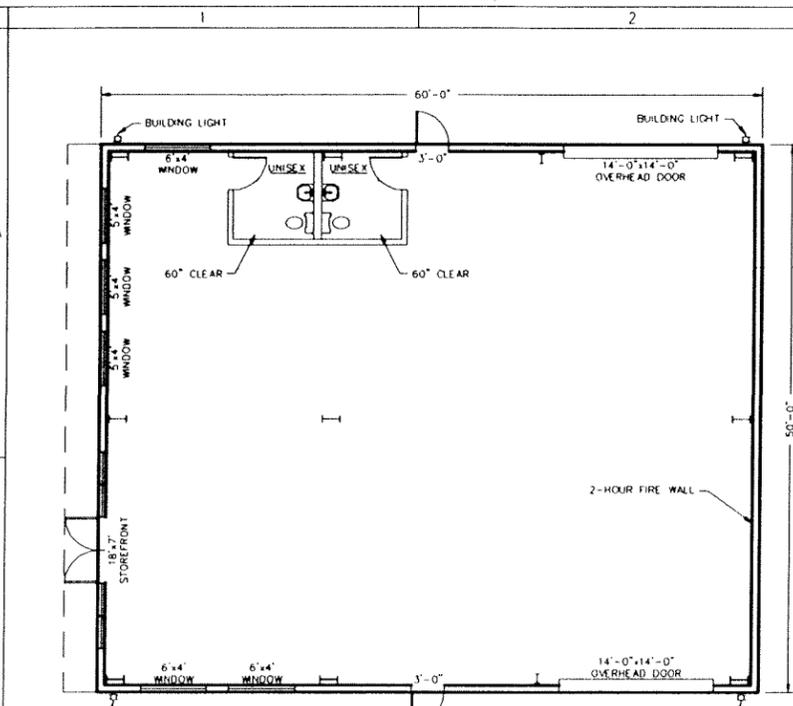
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 City of Astoria  
 Office

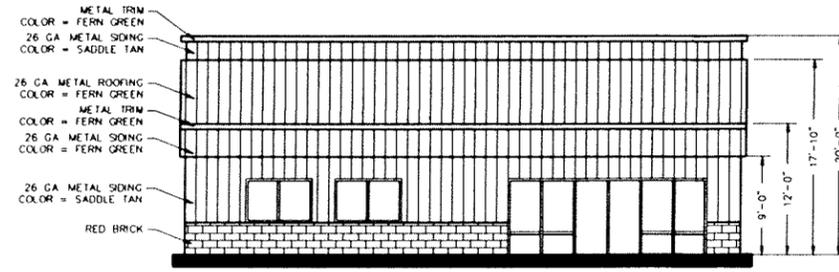
MYLES COMSTOCK BUILDING  
 T39 R1E S13B TL2005  
 LANDSCAPE PLAN  
 ASHLAND, OREGON

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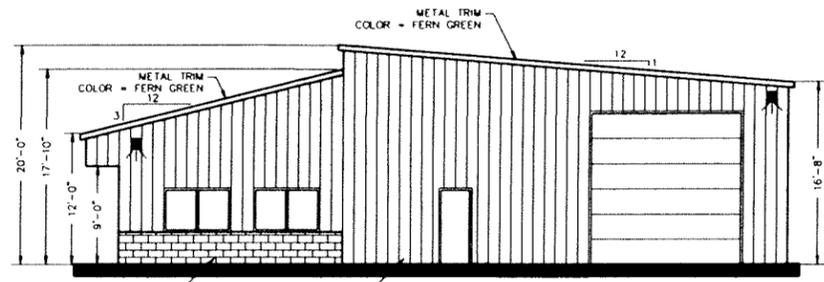
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ELEVATIONS & STAFF REPORT  
PA #2008-01315**



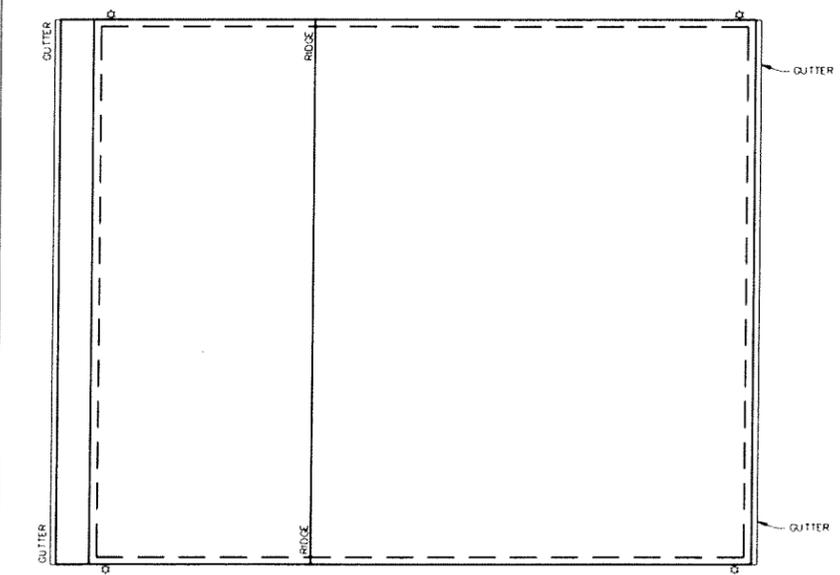
**FLOOR PLAN**  
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SCALE: 1/16" = 1'-0"



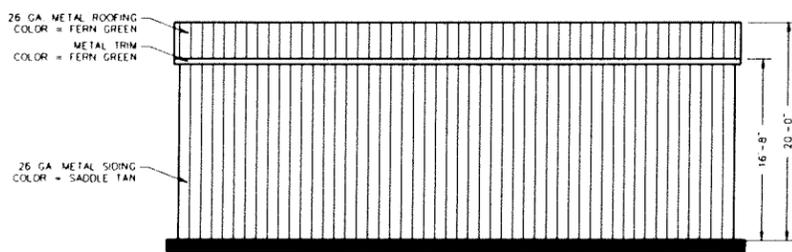
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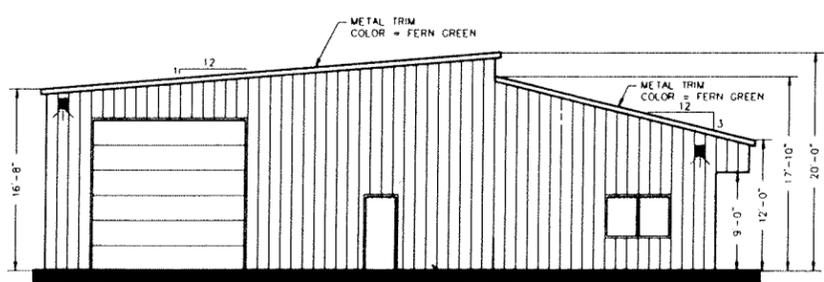
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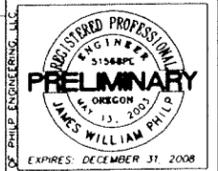
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**SOUTH ELEVATION**  
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SCALE: 1/16" = 1'-0"



**EAST ELEVATION**  
(NOT FOR CONSTRUCTION)  
SCALE: 1/16" = 1'-0"



**MYLES COMSTOCK BUILDING**  
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**FLOOR PLAN, ROOF PLAN, AND ELEVATIONS**

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P.O. BOX 8069  
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E-MAIL: philip@mind.net

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DATE: 09/10/08

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PROJECT: 080108

Created by: [Signature]

**ASHLAND PLANNING COMMISSION**

**FINDINGS & ORDERS**

**PLANNING ACTION:** 2008-01315

**SUBJECT PROPERTY:** 2915 Highway 66

**APPLICANT:** Myles Comstock

**DESCRIPTION:** Request for a Site Review approval to construct a 3,000 square foot light industrial building for the property located at 2915 Highway 66. The application also includes a request for an Exception to Street Standards to continue the existing curbside sidewalk along the frontage of the subject parcel. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1;

**ASSESSOR'S MAP #:** 39 1E 13B; **TAX LOT:** 2005

<b>SUBMITTAL DATE:</b>	August 8, 2008
<b>DEEMED COMPLETE DATE:</b>	August 20, 2008
<b>STAFF APPROVAL DATE:</b>	September 16, 2008
<b>DEADLINE TO REQUEST RECONSIDERATION:</b>	September 22, 2008
<b>DEADLINE TO REQUEST A HEARING DATE:</b>	September 28, 2008
<b>FINAL DECISION DATE:</b>	September 29, 2008
<b>APPROVAL EXPIRATION DATE:</b>	September 29, 2009

**DECISION:**

The parcel is approximately 23,100 square feet in size and is located at the intersection of Highway 66 and Applegate Way, on the south side of Applegate Way. The site slopes gradually from southwest to northeast. There is a 2,560 square foot, single story structure on the south side of the property at the corner of the lot which was approved in 1994. There is a four space parking lot and an outdoor storage area for equipment and materials associated with the business located at the site on the remainder of the property. The proposal is to construct a new 3,000 square foot single-story building. At this point the space is a shell without any uses proposed. The outdoor storage areas associated with the business housed in the existing building will be reduced in size to make room for the new structure.

The City's Comprehensive and Zoning Maps indicate that the property is zoned Employment, E-1. The properties to the north, south and east are also zoned E-1. The properties across Highway 66 are zoned Single Family Residential R-1-10. The site is near the City of Ashland airport. As a result, the property is in the Airport Overlay Zone, which limits the height of buildings, materials used for the roofing and lighting. The proposed height will be 20 feet, which complies with the maximum height of 20 feet in the Airport Overlay Zone.

Access to the site is provided by way of Applegate Way. Applegate Way is an improved Neighborhood Street, curbside sidewalks are in place across the street from the subject property, along Applegate Way and around the cul-de-sac, the sidewalk improvements stop at the subject property. The applicant is proposing to finish the sidewalk improvements from its connection to the existing to the driveway on the subject parcel. An exception to Street Standards has been requested to continue the existing curbside sidewalk. Electric, water and sanitary sewer facilities are located in the Applegate Way right-of-way and are available to serve the proposed building.

The proposal includes an onsite, 4-foot sidewalk connecting the sidewalk in the public right-of-way to the front of the building. Five off-street motor vehicle parking spaces will be added to the existing parking area between the two buildings accessed from a single driveway, which meets the requirements for the proposed use. Additionally, the applicant has proposed to add two bicycle parking spaces under the front awning of the building.

New landscaping will be provided in a 10-foot landscape buffer between the building and the street. Most of the lot will be covered with impervious or gravel surface (84%). However, the proposal does comply with the minimum landscape requirement of 15% for the E-1 zone with 16% landscaping. There is an existing laurel hedge surrounding the site that was required as the screening for the outdoor storage, in some areas the hedge has dieback and the applicant has proposed to replant. Additionally, there are existing cherry street trees which were planted when Applegate Way was first installed. The Tree Commission reviewed the application and expressed concerns for the existing street trees and the amount of disturbance that will happen within their critical root zones to install the sidewalk and to remove the portion of the laurel hedge that is adjacent to the location of the proposed building and the landscape buffer. The recommendations of the Tree Commission have been attached as conditions of approval.

The new building will be constructed with similar materials to the other structures on the Applegate Way cul-de-sac. The proposed entry way has double storefront style doors flanked with double wide windows which extend to the floor. The front of the building will also have a red brick base which wraps around the side of the structure towards the parking area. The proposed building is tan metal siding with a green metal roof on the east and west sides of the structure there are large roll-up garage doors.

**The criteria for Site Review Approval are described in AMC Chapter 18.72.070, as follows:**

- A. All applicable City ordinances have been met or will be met by the proposed development.*
- B. All requirements of the Site Review Chapter have been met or will be met.*
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.*

The application with the attached conditions complies with all applicable City ordinances.

Planning Action 2008-01315 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action 2008-01315 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the new building shall be addressed off of Applegate Way. The new address shall be applied for and approved through the Public Works and Engineering Department.
- 3) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Site Review approval shall be submitted and approved prior to issuance of a building permit.

3) That building permit submittals shall include:

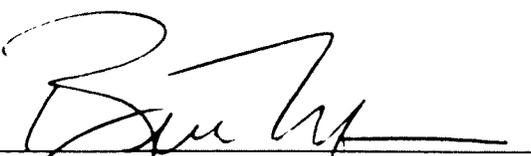
- a) All lighting shall be shown on the building permit submittals. All lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land from lighting to be located upon the subject property and shall meet all requirements of the Ashland Airport Master Plan.
- b) That roofing material shall be non-reflective and non-glare. Roofing detail shall be submitted with the building permit submittals.
- c) That the location and final engineering for all storm drainage improvements associated with the project be included as part of Building Permit submission for review and approval by the Planning and Public Works Departments.
- d) That the elevations of the building heights shall be included with the building permit submittals. A professional land surveyor shall verify the height of the building in order to verify that the height of the building does not encroach into the Airport Approach Surface Height Limitation.
- e) That the recommendations of the Tree Commission, with final approval of the Staff Advisor, shall be incorporated into the final landscaping and irrigation system plans and submitted to the Planning Department prior to issuance of the building permit.
- f) That at the time of building plan submittal, material, design and screening information on the trash and recycling facility shall be submitted to the staff advisor for review and approval. All facilities shall comply with the standards adopted under AMC 9.22.030.
- g) That the bicycle parking u-rack shall be shown on the building permit submittals including adequate clearance areas around proposed bicycle parking.

3) That prior to the issuance of a building permit:

- a) That the property owner shall sign an airport operations hold harmless agreement prior to issuance of the building permit.
- b) That the Tree Protection fencing shall be installed in accordance with the approved plans and in accordance with the Ashland Municipal Code 18.61.200 prior to any site work including grading, clearing or the storage of materials and prior to the issuance of the building permit. The Tree Protection fencing shall be inspected prior to issuance of a building permit.

4) That prior to the issuance of a certificate of occupancy:

- a) Landscaping and the irrigation system shall be installed in accordance with the approved plans prior to issuance of certificate of occupancy.
- b) That the refuse area shall include an opportunity-to-recycle site in accordance with 18.72.115.A.
- c) That all required parking areas shall be paved and striped prior to the issuance of a certificate of occupancy.
- d) That a sign permit shall be obtained prior to installation of new signage.

  
\_\_\_\_\_  
Bill Molnar, Director  
Department of Community Development

9.16.2008  
\_\_\_\_\_  
Date

# Planning Commission Communication

---

**Date:** December 18<sup>th</sup>, 2008  
**Re:** Sign Code Amendments Study Session,  
**Submitted By:** Bill Molnar, Community Development Director  
Brandon Goldman, Senior Planner  
Adam Hanks, Permit Center Manager

## Summary

The city sign code is an extremely successful tool that has had a tremendous influence upon the transformation of Ashland's downtown into a community focal point, revered throughout the State and beyond. The existing sign code is a classic product fashioned by a community well-known for its dedicated and farsighted citizenry. The changes currently proposed aim to provide new opportunities for adequate signage for business identification, non-commercial speech, and dissemination of public information while preventing visual clutter, protecting scenic views, and preserving Ashland's unique character.

The Planning Commission is being presented with draft ordinance amendments to the Sign Code at this study session for discussion and comment. A public hearing to address final amendments proposed will subsequently be scheduled, at which time the Planning Commission will make formal recommendations to the City Council for consideration.

## Background

In July of 2008 the Mayor appointed members to an ad-hoc Downtown Task Force to evaluate concerns relating to signage limitations and enforcement, downtown employee parking, and the use of public right-of-way for commercial use. Members of the Task Force included representative downtown merchants, members of the Planning and Public Arts Commission, Chamber of Commerce representatives, as well as citizens at large to review and make recommendations directed to address several concerns affecting downtown merchants. The Task force met throughout July and August to evaluate options for various remedies and ordinance changes to address the items identified. Public testimony was taken at each meeting to provide the Task Force with input from merchants who were specifically impacted by current compliance activities being conducted by the Community Development Department.

Issues relating to downtown employee parking have already been addressed by the City Council through elimination of the downtown employee parking ban. The issues relating to the use of public property, such as commercial use of sidewalks along a business frontage, will be addressed outside of the Ashland Land Use Ordinance through modifications to other chapters of the Ashland Municipal code including Chapter 6, Business Licenses and Regulations, and Chapter 13, regulating the use of the Public Rights of Way.

The potential changes to the Sign Code, as attached, have been largely based on the discussion by the Task Force, consideration of enforcement, and an effort to add clarification to the existing code.



The following issues outline the areas of modification to the Sign Code currently presented:

- Modifies the ordinance to refine or add various definitions to add clarity to the applicability of the ordinance
- Modifies the existing limitation on exempt signs (no permit required) in the downtown from 2 signs of two square feet, to up to 3 signs with an aggregate area of not more than 7 sq.ft. Essentially this modification provides for an additional 3 sq.ft. exempt sign.
- Modifies the ordinance to allow a downtown business to install one three dimensional sign not to exceed 3 cu.ft.
- Modifies the ordinance to allow a business outside of the downtown to install one three dimensional sign not to exceed 20 cu.ft.
- Modifies the ordinance to include material limitations for three-dimensional signs.
- Modifies the ordinance to define and increase the size allowable for temporary construction signs to better correlate to standardized sizes for such signs.
- Modifies the ordinance to enable the installation of collective identification and informational signs on public right-of-ways, or City owned property, to better direct pedestrians to civic, business, recreation, and historic interest areas when installed by the City under the exempt sign category.
- Modifies the ordinance to prohibit vehicle signs used as static displays when parked for an extended duration.
- Modifies the ordinance to allow additional business frontages to be counted when fronting on more than two separate streets. This provision would then allow additional area of signage to increase from 60sq.ft maximum for one or two frontages, to a 90sq.ft. maximum for properties with three or four frontages when the businesses have a prominent entry open to pedestrians on those additional frontages.
- Modifies the ordinance to establish allowances for sandwich boards, 'A' frame and pedestal signs when located on private property and when within the square footage limit permissible for incidental exempt signs.

**Full copies of the proposed  
Sign Ordinance Changes are attached**

Deletions are indicated with a ~~strikethrough~~  
Additions are in **bold and underlined**



CITY OF  
**ASHLAND**  
LAND USE CODE

CHAPTER 18.96  
SIGN REGULATIONS

SECTIONS:

18.96.010	Purpose.
18.96.020	Definitions Relating to Signs.
18.96.030	Exempted Signs.
18.96.040	Prohibited Signs.
18.96.050	Sign Permits.
18.96.060	General Sign Regulations.
18.96.070	Residential and North Mountain Sign Regulations.
18.96.080	Commercial-Downtown Overlay District (C-1-D).
18.96.090	Commercial, Industrial and Employment Districts.
18.96.100	Freeway Sign Zone.
18.96.110	Abatement of Nuisance Signs.
18.96.120	Construction and Maintenance Standards.
18.96.130	Nonconforming Signs.
18.96.140	Enforcement.
18.96.150	Governmental Signs.
18.96.160	Historic Signs.

**SECTION 18.96.010 Purpose.**

This Chapter shall hereafter be known and designated as the "Sign Ordinance of the City of Ashland", and is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City of Ashland through regulation of such factors as size, number, location, illumination, construction, and maintenance of signs; and thereby safeguard public health, safety and general welfare.

**SECTION 18.96.020 Definitions Relating to Signs.**

1. Alteration  
Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
2. Area  
~~The area included within the outer dimensions of a sign.~~ **The entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.** In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back.
3. Awning  
A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
4. Building Face of Wall  
All window and wall area of a building in one plane or elevation.

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5. Bulletin Board or Reader Board  
A sign of a permanent nature, but which accommodates changeable copy.
6. Business  
A commercial or industrial enterprise.
7. Business Frontage  
A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an pedestrian entrance/exit open to the general public during all business hours .
8. Business Premises  
A parcel of property or that portion thereof occupied by one tenant.
9. Canopy  
A non-movable roof-like structure attached to a building.
- 10. Construction sign**  
**A temporary sign erected on the premises where construction is taking place during the period of construction, indicating the names individuals or firms having a role or interest with respect to the structure or project.**
40. 11. Direct Illumination  
A source of illumination on the surface of a sign or from within a sign.
41. 12. Election  
The time designated by law for voter to cast ballots for candidates and measures.
42. 13. Flashing Sign  
A sign incorporating intermittent electrical impulses to a source of illumination or revolving or moving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination. This definition is to include electronic time, date and temperature signs.
43. Frontage  
~~A single wall surface of a building facing a given direction.~~
14. Ground Sign  
A sign erected on a free-standing frame, mast or pole and not attached to any building. Also known as a "free-standing sign".
15. Indirect Illumination  
A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
16. Illegal Sign  
A sign which is erected in violation of the Ashland Sign Code (18.96).
17. Marquee Sign  
A sign which is painted on, attached to, or supported by a marquee, awning or canopy.
18. Marquee  
A non-movable roof-like structure which is self-draining.
19. Non-conforming Sign  
An existing sign, lawful at the time of enactment of this Ordinance, which does not conform to the requirements of this Code.
20. Projecting Signs  
Signs other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face.
- 21. Portable Sign**  
**A permitted sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and 'A' Frame signs.**
- 22. Public Art**

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**All forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public. Public Art approved and installed in accordance with section 2.17 of the Ashland Municipal Code shall not be regulated as a sign per the provisions of this Chapter.**

24. **23. Roof Sign**

Any sign erected upon, against, or directly above a roof or top of or above the parapet of a building.

22. **24. Shopping Center or Business Complex**

Any business or group of businesses which are in a building or group of buildings, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than 35 feet in width, which are constructed and/or managed as a single entity, and share ownership and/or function.

23. **25. Sign**

Any identification, description, illustration, symbol or device which is placed or affixed directly or indirectly upon a building, structure, or land, Interior illuminated panels, fascia strips, bands, columns, or other interior illuminated decorative features located on or off a structure, visible from the public right-of-way, and with or without lettering or graphics shall also be considered a sign and included in the overall sign area of the site. **Public Art shall not be considered a sign.**

24. **26. Sign, Public**

A sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist informational signs and warning lights.

25. **27. Street Frontage**

The lineal dimension in feet that the property upon which a structure is built abuts a public street or streets.

**28. Real Estate Sign**

**A sign pertaining to the sale or lease of the premises, or portion of the premises, on which the sign is located**

**29. Replacement Sign**

**A change in the size or materials of a sign in a location where a permitted sign had previously existed prior to the proposed installation**

26. **30. Temporary Sign**

A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not including flags of national, state or city governments), searchlights, ~~sandwich boards, sidewalk signs, curb signs, balloons or other air or gas-filled balloons.~~

**31. Three-Dimensional Sign**

**A sign which has a depth or relief on its surface greater than six inches exclusive of the supporting sign structure and not to include projecting wall signs.**

**32. Vehicle Sign**

**A sign mounted on a vehicle, bicycle, trailer or boat, or fixed or attached to a device for the purpose of transporting from site-to-site.**

27. **33. Wall Graphics**

Including but not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence.

28. **34. Wall Sign**

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A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

~~29-~~ **35. Wind Sign or Device**

Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze.

**SECTION 18.96.030 Exempted Signs.**

The following signs and devices shall not be subject to the provisions of this chapter except for **18.96.040 and** 18.96.140

- A. Informational signs placed by the City of Ashland, or by the State or Oregon in the publicly owned right-of-way. **Collective identification or directory signs placed by the City of Ashland showing the types and locations of various civic, business, recreation, historic interest areas, or other similar uses, when such signs are located on publically owned right-of-way or on City of Ashland property.**

*Comment: The modifications to 18.96.030(A) above are proposed to address the Downtown Task Force recommendation (Issue #4) to more explicitly enable the City to install various off-premises directory signs on City property (including public right of way as well as city property) to assist in directing people to interest areas that are otherwise not readily visible from the street.*

*The recommendation also expresses an interest in developing separate policies to address issues of size, materials, color, font, materials, and location.*

- B. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.
- C. Flags of national, state or local governments.
- D. Signs within a building provided they are not visible to persons outside the building.
- E. Temporary signs not exceeding four square feet, provided the signs are erected no more than 45 days prior to and removed within seven days following an election. (Ord 2844; S1 1999)
- F. Temporary, non-illuminated real estate ~~(not more than one per tax lot) or construction~~ signs not exceeding six square feet in residential areas or twelve square feet in commercial and industrial areas, provided said signs are removed within fifteen days from the sale, lease or rental of the property ~~or within seven days of completion of the project. Such signs shall be limited to one sign per lot. Freestanding temporary real estate signs shall be no greater than five feet above grade.~~
- G. **Temporary non-illuminated construction signs not exceeding sixteen (16) square feet in residential areas or thirty-two (32) square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to one sign per lot. Freestanding temporary construction signs shall be no greater than five feet above grade.**
- G- **H.** Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel or two per **street business** frontage, whichever is greater. **Within the Downtown Design Standards Zone, three incidental signs with a total area of seven square feet, provided no single incidental sign exceeds three square feet in area, are allowable per business frontage.**

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*Comment: The modifications to 18.96.030(H) above are proposed to address the Downtown Task Force recommendation (Issue #1) to increase the number of exempt signs from two to three in the downtown area. It was recommended that the allowable area for the additional proposed sign be increased to 3 square feet for increased flexibility, and specifically in consideration of restaurant needs for "menu" signs.*

- H. I. Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than twenty percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of the Ashland Sign Code (18.96).
- I. J. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street or alley.
- J. K. Strings of Lights. Strings of incandescent lights in non-residential zones where the lights do not exceed 5 watts per bulb, the bulbs are placed no closer than 6" apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.  
(Ord. 2660, 1991)
- K. L. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event. No more than two such events may be advertised in this manner per lot per year.  
(Ord. 2323, 1984)

All of the foregoing exempted signs shall be subject to the other regulations contained in this Chapter 18.96 relative to the size, lighting or spacing of such sign.  
(Ord. 2221, 1982)

**SECTION 18.96.040 Prohibited Signs.**

- A. No sign, unless exempted or allowed pursuant to this Chapter, shall be permitted except as may be provided in Section 18.96.030.  
(Ord. 2221, 1982)
- B. No movable sign, temporary sign or bench sign shall be permitted except as may be provided in Section 18.96.030.
- C. No wind sign, device, or captive balloon shall be permitted except as may be provided in Section 18.96.030.  
(Ord. 2221, 1982; Ord. 2440, 1988)
- D. No flashing signs shall be permitted.
- E. No sign shall have or consist of any moving, rotating, or otherwise animated part.
- F. No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure **except as may be provided in Sections 18.96.080(B)5, and 18.96.090(B)4**
- G. No public address system or sound devices shall be used in conjunction with any sign or advertising device.
- H. No roof signs or signs which project above the roof shall be permitted.
- I. No exposed sources of illumination shall be permitted on any sign, or for the decoration of any building, including, but not limited to, neon or fluorescent tubing and flashing incandescent bulbs, except when the source of illumination is within a building, and at least ten (10) feet from a window which allows visibility from the public right-of-way, or when a sign is internally illuminated or the source of light is fully shielded from the public view.

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- J. No signs which use plastic as part of the exterior visual effects or are internally illuminated in the Historic District, as identified in the Ashland Comprehensive Plan, or in any residential districts shall be permitted.
- K. No bulletin boards or signs with changeable copy shall be permitted, except as allowed in Section 18.96.060(D).
- ~~L. No wall graphics shall be permitted.~~
- M. L. No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal shall be permitted.
- M. Vehicle signs used as static displays such that the primary purpose of the vehicle is the display of the sign, placed or parked where visible from off-premises or the public right-of-way for a continuous period of 2 days or more. Vehicles and equipment regularly used in the conduct of the business such as delivery vehicles, construction vehicles, fleet vehicles, or similar uses, shall not be subjected to this prohibition.**

*Comment: Section 18.96.040(M) above is proposed by Staff independent of the Downtown Task Force recommended changes to the Ordinance. The subject of Vehicle signs was not discussed by the Task Force but has been an enforcement concern regarding vehicles parked for extended periods on public streets solely for advertising purposes of adjacent businesses. This section would not prohibit vehicle signs affixed to vehicles that are used in the daily operation of a business such as delivery vehicles.*

**SECTION 18.96.050 Sign Permits.**

- A. Sign Permit Required. A sign permit is required in each of the following instances:
  - 1. Upon the erection of any new sign except exempted signs.
  - 2. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
  - 3. To alter an existing non-conforming sign, subject to Section 18.96.150.
  - 4. To erect a temporary sign for a new business subject to Section 18.96.050(D).
- B. Required Information for a Sign Permit. For the purposes of review by the Staff Advisor and Building Official, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, relation and attachment to building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or property.
- C. Temporary Signs for New Businesses. The Staff Advisor or his/her designate can issue a permit for a temporary sign for new businesses for a period not to exceed seven days. A permit is required for these signs but the permit fee is waived.
- D. Unsafe or Illegal Signs.
  - 1. If the Staff Advisor or Building Official shall find that any sign is unsafe or insecure, or any sign erected or established under a sign permit has been carried out in violation of said permit or this chapter, he/she shall give written notice to the permittee or owner thereof to remove or alter such sign within seven days.
  - 2. The Staff Advisor or Building Official may cause any sign which is an immediate peril to persons or property, or sign erected without a permit, to be removed immediately, and said sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said signs as directed shall subject the permittee or owner to the penalties prescribed in this Title.

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3. Any person who erects, constructs, prints, paints or otherwise makes a sign for which a sign permit or approval is required under Chapter 18.96 without first having determined a permit has been obtained for such sign, has committed an infraction, and upon conviction thereof is punishable as prescribed in section 1.08.020 of the Ashland Municipal Code. It shall not be a defense to this section that such person erected, constructed, printed, painted or otherwise made the sign for another.  
(amended Ord. 2754, 1995)
- E. Sign Permit Record Required. The Planning Department shall keep a copy and permanent record of each sign permit issued.
- F. Sign Permit Fee. The fee for a sign permit shall be as set forth in Resolution No. 88-01, as adopted by the City Council. The fee for any sign which is erected without a sign permit shall be double the regular sign fee.

**SECTION 18.96.060 General Sign Regulations.**

The following general provisions shall govern all signs in addition to all other applicable provisions of this chapter.

- A. Variances. The following regulations pertaining to signs are not subject to the variance section of this Code:
  1. Section 18.96.040 - Prohibited signs.
  2. Section 18.96.110 - Abatement of nuisance signs.
  3. Section 18.96.120 - Construction and maintenance standards.
  4. The size, height and number of constraints of Sections 18.96.070, 18.96.080, 18.96.090 and 18.96.100, except as may be allowed in 18.96.130.
- B. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
- C. Bulletin Board or Reader Board. Twenty (20) percent of permitted sign area may be allowed as a bulletin board or reader board.
- D. Placement of Signs.
  1. Near residential.  
No sign shall be located in a commercial or industrial district so that it is primarily visible only from a residential district.
  2. Near street intersections.  
No signs in excess of two and one-half feet in height shall be placed in the vision clearance area. The vision clearance area is the triangle formed by a line connecting points twenty-five feet from the intersection of property lines. In the case of an intersection involving an alley and a street, the triangle is formed by a line connecting points ten feet along the alley and twenty-five feet along the street. When the angle of intersection between the street and the alley is less than 30 degrees, the distance shall be twenty-five feet. This provision shall apply to all zones.
  3. Near driveways.  
No sign or portion of thereof shall be erected within ten feet of driveways unless the same is less than two and one-half feet in height.
  4. Future street right-of-way.  
No sign or portion thereof shall be erected within future street right-of-ways, as depicted upon the Master Street Plan, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street improvements at no expense to the

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**SECTION 18.96.070 Residential and North Mountain Sign Regulations.**

Signs in the residential (R) and North Mountain (NM)\_districts shall conform to the following regulations:

**A. Special Provisions:**

1. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
2. Internally illuminated signs shall not be permitted.
3. Nothing contained herein shall be construed as permitting any type of sign in conjunction with a commercial use allowed as a home occupation, as no signs are allowed in conjunction with a home occupation. Signs in residential areas are only permitted in conjunction with a Conditional Use.

**B. Type of Signs Permitted.**

1. Neighborhood identification signs. One sign shall be permitted at each entry point to residential developments not exceeding an area of six square feet per sign with lettering not over nine inches in height, located not over three feet above grade.
2. Conditional Uses. Uses authorized in accordance with the Chapter on Conditional Use Permits may be permitted one ground sign not exceeding an overall height of five feet and an area of fifteen square feet, set back at least ten feet from property lines; or one wall sign in lieu of a ground sign. Such signs shall be approved in conjunction with the issuance of such conditional use permit. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.
3. Retail commercial uses allowed as a conditional use in the Railroad District and traveler's accommodations in residential zones shall be allowed one wall sign or one ground sign which meets the following criteria:
  - a. The total size of the sign is limited to six square feet.
  - b. The maximum height of any ground sign is to be three feet above grade.
  - c. The sign must be constructed of wood and cannot be internally illuminated.
4. North Mountain Signs. Signs for approved non-residential uses within the NM-R15, NM-C and NM Civic zones shall be permitted one ground sign not exceeding an overall height of five feet and an area of fifteen square feet, set back at least ten feet from property lines; or one wall or awning sign in lieu of a ground sign. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.

(ORD 2951, amended, 07/01/2008)

**SECTION 18.96.080 Commercial-Downtown Overlay District (C-1-D).**

Signs in the Commercial-Downtown Overlay District shall conform to the following regulations:

**A. Special Provisions.**

**1. Frontage.**

The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage. ~~and no building shall be credited with more than two business frontages.~~

**2. Aggregate number of signs.**

The aggregate number of signs for each business shall be two signs for each business frontage ~~(a frontage with an entrance/exit open to the general public).~~

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3. Material.  
No sign in the Commercial-Downtown Overlay District shall use plastic as part of the exterior visual effects of the sign.
4. Aggregate area of signs.  
The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot for each lineal foot of street frontage. Aggregate area shall not include nameplates, and real estate and construction signs.

**B. Types of Signs Permitted.**

**1. Wall Signs.**

a. Number.

Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.

b. Area.

Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet per business frontage for a property with two or less business frontages, or ninety square feet for a structure with three to four business frontages on separate public streets. The maximum sign area on any single business frontage shall not exceed sixty square feet.

*Comment: Section 18.96.080(B)1b). The subject of additional frontages and signage needs was raised before the City Council by Brett Thompson on September 2<sup>nd</sup>, 2008 relative to properties with business frontages on more than two streets or businesses whose sole frontage is on a third or fourth side of a building.. Council directed that this issue be addressed in proposed amendments by forwarding implementing language for consideration.*

*This modification would allow additional sign area (up to 30sq.ft.) for the additional street frontage(s) when defined as a 'business frontage,(see definition 18.96.020(7)) while preserving existing protections limiting what would be viewable from any single street frontage.*

c. Projection.

Signs may project a maximum of ~~eighteen inches~~ **two feet** from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet may only project four inches.

*Comment: Section 18.96.080(B)1c ) addresses a recommendation by the Downtown Task Force (Issue #3) to increase the maximum distance a sign can project from the face of a building from 18" to 2' to foster improved visibility as well as increased opportunities for such projection signs to function as architectural elements. Specifically this modification was proposed to assist businesses on smaller side streets and alleys with limited visibility from the main streets within the downtown..*

d. Extension above roof line.

Signs may not project above the roof or eave line of the building.

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**2. Ground Signs.**

- a. Number.  
One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.
- b. Area.  
Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of sixty square feet per sign.
- c. Placement.  
Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).
- d. Height.  
No ground sign shall be in excess of five feet above grade.

**3. Marquee or Awning Signs.**

- a. Number.  
A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
- b. Area. Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
- c. Projection.  
Signs may not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.
- d. Height.  
Signs shall have a maximum face height of nine inches if placed below the marquee.
- e. Clearance above grade.  
The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches above grade.
- f. Signs painted on a marquee.  
Signs can be painted on the marquee in lieu of wall signs provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

**4. Projection Signs.**

- a. Number.  
One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.
- b. Area.  
Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be 15 square feet.
- c. Projection.  
Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or three feet if located nine feet above grade or more.
- d. Height and extension above roof line.  
Signs shall not extend above the roofline, eave or parapet wall of the building to

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which they are attached, or be lower than eight feet above grade.

e. Limitation on placement.

No projecting sign shall be placed on any frontage on an arterial street as designated in the Ashland Comprehensive Plan.

**5. Three-Dimensional Signs.**

a. Number.

**One three-dimensional sign shall be permitted for each lot. This is in addition to the limitations established in this section on number of wall, ground, awning or marquee signs.**

b. Surface Area.

**Flat surfaces in excess of two square feet shall count toward the total aggregate sign area per 18.96.080(A)4.**

c. Placement.

**The three-dimensional sign shall be located so that no sign or portion thereof shall be within a public pedestrian easement or extends beyond any property line of the premises on which such sign is located into the public right-of-way unless an encroachment permit has been issued.**

d. Dimensions.

**No three-dimensional sign shall have a height, width, or depth in excess of three feet.**

e. Volume.

**The volume of the three-dimensional sign shall be calculated as the entire volume within a rectangular cube enclosing the extreme limits of all parts of the sign and shall not exceed three (3) cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one foot.**

*Comment: Section 18.96.080(B)5a-f above relates to Issue #2 as discussed by the Downtown Task Force. This potential addition to the ordinance would allow three dimensional signs (greater than 6" relief) and was intended by the Task Force to provide opportunities for unique and creative options for businesses to connect to customers and the community. The existing material restrictions within the downtown would prohibited the use of plastic (see 18.96080(A)3.) and prohibit internal illumination for such 3-D signs within this Historic interest area (see 18.96.040.J). However these existing prohibitions do not apply outside of the Downtown and Historic Districts ,nor is there an explicit imitation on electrical components, therefore they are added underthe Construction and Materials section18.96.120(8) to apply universally regarding three dimensional signs. The Downtown Task Force had recommended that such small 3-D signs be considered as part of the exempt sign category, however due to issues of potential encroachment into pedestrian circulation areas, ingress egress requirements of the fire and building codes, and building code compliance relating to the method of permanently affixing such signs to the wall or ground, Staff has proposed such signs as a permitted sign type to enable such review.*

**6 Portable Business Signs**

a. Number

**One portable business sign, limited to sandwich boards, pedestal signs, and 'A' frame signs, shall be allowed on each lot excepting that buildings**

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or businesses with permanent ground signs shall not be permitted to have portable signs.

**b. Area.**

Signs shall not exceed the permitted aggregate sign area not taken up by exempt incidental signs per 18.96.030(H). Signs shall not exceed an area of four (4) square feet per face including any border or trim, and there shall be no more than two (2) faces.

**c. Height.**

Sandwich board signs and 'A' frame signs shall not extend more than three (3) feet above the ground on which it is placed. Pedestal signs shall not extend more than four (4) feet above the ground on which it is placed.

**d. Placement.**

Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Portable signs shall not be placed on public right-of-way.

**e. Limitation on placement.**

No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress as regulated within the Ashland Municipal Code.

**g. General Limitations**

Signs shall be anchored, supported, or designed as to prevent tipping over, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be illuminated or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

*Comment: The Downtown Task Force explored the option of allowing sandwich boards and pedestal signs when discussing the desire to increase exposure for businesses not on a major street. The issue was largely resolved through the concept of enabling the City to install collective directional signs (see 18.96.030A). However the use of pedestal signs or sandwich boards on the businesses private property still may have merit provided such sign areas are calculated in consideration of the exempt sign allowance. Although typical exempt signs are not required to obtain sign permits, Staff has proposed this section under the permitted sign section to allow assessment of issues of potential encroachment into pedestrian circulation areas, ingress egress requirements of the fire and building code, and compliance with maximum height requirement through the sign permit process.*

**SECTION 18.96.090 Commercial, Industrial and Employment Districts.**

Signs in commercial, industrial and employment districts, excepting the Downtown-Commercial Overlay District and the Freeway Overlay District, shall conform to the following regulations:

**A. Special Provisions.**

**1. Frontage.**

The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage. ~~and no building shall be credited with more~~

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than two business frontages.

2. Aggregate number of signs.

The aggregate number of signs for each business shall be two signs for each business frontage.

3. Aggregate area of signs.

The aggregate area of all signs established by and located on a given street frontage, shall not exceed an area equal to one square foot of sign area for each lineal foot of street frontage. Aggregate area shall not include nameplates, and temporary real estate and construction signs.

**B. Types of Signs Permitted.**

1. **Wall Signs.**

a. Number.

Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.

b. Area.

Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet per business frontage for a property with two or less business frontages, or ninety square feet for a structure with three to four business frontages on separate public streets. The maximum sign area on any single business frontage shall not exceed sixty square feet.

c. Projection.

Except for marquee or awning signs, a projecting sign may project a maximum of eighteen inches **two feet** from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet can only project four inches.

d. Extension above roof line.

Signs may not project above the roof or eave line of the building.

2. **Ground Signs.**

a. Number.

One sign shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count both street frontages in determining the lineal feet of the street frontage but only one ground sign is permitted on corner lots. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.

b. Area.

Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of sixty square feet per sign.

c. Placement.

Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).

d. Height.

No ground sign shall be in excess of five feet above grade.

3. **Awning or Marquee Signs.**

a. Number.

Two signs shall be permitted for each business frontage in lieu of wall signs.

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- b. Area.  
Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
- c. Projection.  
Signs may not project beyond the face of the marquee if suspended, or above or below the face of the marquee if attached to and parallel to the face of the marquee.
- d. Height.  
Signs shall have a maximum face height of nine inches if attached to the marquee.
- e. Clearance above grade.  
The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches above grade.
- f. Signs painted on a marquee.  
Signs can be painted on the marquee in lieu of wall sign provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

**4. Three-Dimensional Signs.**

- a. Number.  
**One three-dimensional sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. This is in addition to the limitations established in this section on number of wall, ground, awning or marquee signs.**
- b. Surface Area.  
**Flat surfaces in excess of two square feet shall count toward the total aggregate sign area per 18.96.080(A)4.**
- c. Placement.  
**The three-dimensional sign shall be located a minimum of ten feet from a property line and no sign or portion thereof shall be located within a public pedestrian easement.**
- d. Dimensions.  
**No three-dimensional sign shall have a height, width, or depth in excess of six feet.**
- f. Volume.  
**The volume of the three-dimensional sign shall be calculated as the entire volume within a rectangular cube enclosing the extreme limits of all parts of the sign and shall not exceed 20 cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one foot.**

**5. Portable Business Signs**

- a. Number  
**One portable business sign, limited to sandwich boards, pedestal signs, and 'A' frame signs, shall be allowed on each lot excepting that buildings or businesses with permanent ground signs shall not be permitted to have portable signs.**
- b. Area.  
**Signs shall not exceed the permitted aggregate sign area not taken up by exempt incidental signs per 18.96.030(H). Signs shall not exceed an area of four (4) square feet per face including any border or trim, and there shall be no more than two (2) faces.**
- c. Height.

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Sandwich board signs and 'A' frame signs shall not extend more than three (3) feet above the ground on which it is placed. Pedestal signs shall not extend more than four (4) feet above the ground on which it is placed.

d. Placement.

Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Portable signs shall not be placed on public right-of-way.

e. Limitation on placement.

No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress as regulated within the Ashland Municipal Code.

f. General Limitations

Signs shall be anchored, supported, or designed as to prevent tipping over, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be illuminated or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

**SECTION 18.96.100 Freeway Sign Zone.**

A. **Purpose.** This special overlay zone is intended to provide for and regulate certain ground signs which identify businesses in commercial districts located at freeway interchanges.

B. **Establishment and Location of Freeway Sign Zones.** Freeway sign zones shall be depicted on the official zoning map of the City and identified as the Freeway Overlay District.

C. **Freeway Overlay Sign Regulations.** All signs in this district shall comply with Section 18.96.090, except for ground signs, which shall comply with the provisions of Section 18.96.100(D), ground sign regulations.

D. **Ground Sign Regulations.**

1. Number.

One freeway sign shall be permitted for each lot in addition to the signs allowed by 18.96.090 of this Chapter.

(Ord. 2290, 1984)

2. Area.

Signs shall not exceed an area of one hundred (100) square feet per sign.

3. Height.

Signs shall not exceed a height of 2028 feet above mean sea level.

**SECTION 18.96.110 Abatement of Nuisance Signs.**

The following signs are hereby declared a public nuisance and shall be removed or the nuisance abated:

A. Flashing sign visible from a public street or highway.

B. Temporary, or movable signs or portable signs located on the publically owned right-of-

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way.

- C. Illegal signs.
- D. Signs in obvious disrepair which are not maintained according to the standards set forth in 18.96.120(C).

**SECTION 18.96.120 Construction and Maintenance Standards.**

**A. Materials of construction.**

- 1. Single and multi-family residential districts.  
All signs and their supporting member may be constructed of any material subject to the provisions of this Chapter.
- 2. Commercial and industrial districts.  
All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the U.B.C. Standards No.32-37, unless otherwise provided in this Section.
- 3. Non-treated signs.  
All wall, ground, marquee and projecting signs of twenty square feet or less may be constructed of non-treated wood.
- 4. Real estate and construction signs.  
All signs may be constructed of compressed wood particle board or other material of similar fire resistivity.
- 5. Directly illuminated signs.  
All signs illuminated from within may be faced with plastics approved by the Building Code.
- 6. Glass.  
All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
- 7. Wood.  
Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood which has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.
- 8. **Three Dimensional Signs**  
**Signs shall be constructed of metal, wood, bronze, concrete, stone, glass, clay, or other durable material, all of which are treated to prevent corrosion or reflective glare. Three dimensional signs shall not be constructed of plastic. Three dimensional signs shall not be internally illuminated or contain any electrical component.**

**B. Construction Methods.**

- 1. All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
- 2. All letters, figure and similar message elements shall be safely and securely attached to the sign structure.
- 3. All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.

**C. Maintenance.** All signs shall be maintained at all times in a state of good repair, and no

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person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

**SECTION 18.96.130 Nonconforming Signs.**

- A. Any sign which does not conform with a provision of the Ashland Sign Code, and has been in existence for more than five years, is subject to this Section.
- B. Alteration of any existing nonconforming sign. It is unlawful to alter any existing nonconforming sign. The sign must be brought into conformance with this Title upon any physical alteration. Acts of God or vandalism which damage these nonconforming signs shall be exempt from this Section, if the cost of the repair is less than 50% of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design and a permit with a \$10.00 fee will be required prior to the repair work.
- C. Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use which requires a Site Review or Conditional Use Permit. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until this provision is complied with.
- D. Variances can be granted using the variance procedure of this Title to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstance.

(Ord. 2357, 1985)

**SECTION 18.96.140 Enforcement.**

The portions of this Chapter relating to the structural characteristics and safety of signs shall be enforced by the Building Official or his/her designate; all other portions shall be enforced by the Staff Advisory or designate.

(Ord. 2176, 1982)

**SECTION 18.96.150 Governmental Signs.**

Governmental agencies may apply for a Conditional Use to place a sign that does not conform to this Code when it is determined that, in addition to the criteria for a conditional use, the sign is necessary to further that agency's public purpose.

(ORD 2951, amended, 07/01/2008)

**SECTION 18.96.160 Historic Signs.**

- A. Historic Sign Inventory. The inventory of historically significant signs shall be established by resolution of the City Council.
- B. Criteria for designation of historic signs. All signs for which designation as a Historic Sign are requested shall be substantially in existence at the time of the application; shall be displayed in their original location; shall be in association with an important event, person, group, or business in the history of the City of Ashland; shall follow a guideline of being in existence for approximately 40 years; and shall meet one of the following criteria:
  - 1. The sign is exemplary of technology, craftsmanship or design of the period when it was

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- constructed, uses historic sign materials or means of illumination, and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic appearance.
2. The sign is integrated into the architecture of the building and is exemplary of a historically significant architectural style.
- C. The owner of any sign may request that said sign be reviewed for significance in the Historic Sign Inventory upon written application to the City Council. Application fees shall be the same as for Type I applications. Applications shall include written findings addressing the criteria for designation of historic signs, and current and historic photographs of the sign, if available.
1. The Council shall refer all requests for inclusion on the Historic Sign Inventory to the Historic Commission for review and recommendation to the Council within 30 days of the request. Notice of the Historic Commission meeting shall be mailed to all affected property owners within 100' of the subject property. If a recommendation is not made within 30 days, the request shall be forwarded to the Council without a recommendation.
  2. The Council shall, after receiving the recommendation of the Historic Commission or after 30 days, provide notice to all affected property owners within 100' of the subject property of a public hearing before the City Council.
  3. The Council shall decide, based on the criteria above and the recommendation of the Historic Commission, whether to approve the request to include the sign on the inventory.
  4. Inclusion on the Historic Sign Inventory shall be by resolution of the Council.
  5. The burden of proof shall be on the applicant.
- D. Signs on the Historic Sign Inventory in any zoning district shall be exempt from the requirements of this Section except Sections 18.96.110 and 18.96.120(D). Also, that the sign area of the historic sign is exempted from the total allowable sign area, as defined in this Section, except as modified by Council conditions in E. below.
- E. The City Council shall have the authority to impose conditions regulating area, maintenance, etc. on the signs included in the Historic Sign Inventory to further the purpose and intent of this ordinance.
- F. Removal or demolition of a Historic Sign shall be done under permit and approval of the Staff Advisor. The Historic Commission shall review the permit at their next regularly scheduled meeting and shall have the authority to delay issuance for 30 days from the date of their review meeting. Such delay shall be to allow the Commission the opportunity to discuss alternate plans for the sign with the applicant.
- G. Signs on the Historic Sign Inventory, which have been destroyed or damaged by fire or other calamity, by act of God or by public enemy to an extent greater than 50%, may be reconstructed in an historically accurate manner. Such reconstruction shall be authorized by the City Council, only after determination that the reconstruction will be an accurate duplication of the historic sign, based on review of photographic or other documentary evidence specifying the historic design. The Historic Commission shall review and make recommendations to the City Council on all such reconstructions.
- H. Maintenance and Modification of Historic Signs.
1. All parts of the historic sign, including but not limited to neon tubes, incandescent lights and shields, and sign faces, shall be maintained in a functioning condition as historically intended for the sign. Replacement of original visible components with substitutes to retain the original appearance shall be permitted provided such replacements accurately reproduce the size, shape, color and finish of the original. Failure to maintain the sign in accord with this section shall be grounds for review of the historic sign designation by

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the City Council.

2. Modifications of a historic sign may be allowed, after review by the Historic Commission and approval by the City Council, only if such modifications do not substantially change the historic style, scale, height, type of material or dimensions of the historic sign, and does not result in a sign which does not meet the criteria for designation as a historic sign.
3. Changes in the location of a historic sign may be allowed, after review by the Historic Commission and approval by the City Council, only if such locational change does not result in the sign no longer meeting the criteria for designation as a historic sign.  
(Ord. 2598, 1990)

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## **Downtown Task Force Summary Report**

August 21, 2008

At the initiation of Mayor John Morrison and in conjunction with the Ashland Chamber of Commerce, a Downtown Task Force was created and charged with reviewing and providing remedies to address the following issues affecting downtown merchants:

- The current policy on parking restrictions within the downtown area;
- A review of the City sign provisions related to the requirements for temporary signs and the use of three-dimensional representations as sign structures and education of business merchants and community with respect to city sign code requirements; and
- Permissible encroachment upon downtown public sidewalk.

At the first of what turned into five consecutive Monday afternoon meetings in July and August, Mayor Morrison explained his view on the charge of the Task Force, and encouraged the members to focus on immediate concerns that can be addressed within a “fast track” timeline.

At the request of Task Force members, City Staff presented a list of issues for discussion and potential options to consider that may resolve or at least alleviate impacts associated with each particular issue. Over the course of the five meetings, the Task Force solicited public input, received information and potential options from City staff, discussed the variety of options and ultimately voted on a recommendation for each issue.

The following summary is divided into two pieces. The first piece includes immediate fixes to some of the most visible and controversial issues. This has been presented in the format of an issue statement, Task Force recommendation and supporting reasoning. In the second piece, the summary report identifies two issues that the Task Force recommended warranted additional review by City staff. These items were believed to be outside the initial charge of the Task Force, as well as beyond the expedited time table set for addressing the three immediate issues affecting downtown merchants.

### **Suggested Immediate Solutions**

## **Issue #1**

Particularly in the Downtown area, the current limitation of two exempt signs per business, with each sign not exceeding a size of two square feet, does not seem to meet the needs of many local merchants.

Recommendation: Increase the number of exempt signs from two to three in the Downtown Area. The allowable area of the third sign would be increased to three square feet, rather than the current two square feet allowed for the other two signs

Reasoning: The additional exempt sign will permit businesses increased flexibility in how they allocate signage, providing an opportunity for a merchant to adapt when there are changes in services and/or merchandise offered. Additionally, the change would address specific concerns raised by restaurant owners regarding the need for increased flexibility with respect to posted “menu” signs.

## **Issue #2**

The Sign Code currently prohibits three dimensional statues, caricatures or representations of persons, animals or merchandise from being used as a sign or incorporated into a sign structure.

Recommendation: For properties within the Downtown or one of Ashland’s four Historic Districts, allow one of the three exempt signs to be three-dimensional. Accordingly, the 3-D sign would be limited to a maximum size or volume of 3 cubic feet.

Recommendation: Allow an additional exempt 3-D sign for properties outside the Historic Districts with a volumetric maximum (for example, 20 cubic feet). This would create an additional sign category and sign area in addition to the total sign area allotment under the current code. The three-dimensional sign would be required to be setback from the public street, and standards would be established for sign placement, size, height, surface detailing, illumination, materials and construction methods to assure any such sign would be of durable materials and quality construction consistent with Ashland’s existing sign standards.

Reasoning: The removal of the prohibition of three dimensional objects for signage provides unique and creative options for

businesses to connect with their customers and the community. Through the sign code amendment process, additional limitations could be placed upon the 3-D signs in order to ensure that the community is adequately protected from an emergence of 3-D objects that are out of scale with the building or that create too large of a visual distraction.

### **Issue #3**

Some businesses, by virtue of their physical location and entrances, such as smaller side streets and alleys, have limited signage opportunities along the main streets within the downtown area.

**Recommendation:** Increase the maximum distance that a sign can project from the building face from the current 18 inches, to 24 inches from the building face. Existing State Building Code addresses the minimum height above grade (sidewalk level) needed for any structure or sign to project over the public right of way or sidewalk.

**Reasoning:** Increasing the amount of projection may provide better angles of visibility for businesses located on side streets or public alleyways. The increased projection provides an opportunity for the sign to function as an architectural element of a building while still having a scale that is not disproportionate and overpowering to a business frontage.

### **Issue #4**

Sign Code compliance efforts have included enforcing the current prohibition on off-premise signs, generally consisting of the placement of temporary, movable signs (i.e. sandwich boards) upon the public sidewalk or other public property. Some merchants feel that due to specific characteristics associated with location of their business frontage they lack adequate exposure. Off-premise signage is one means of drawing attention to the business location.

**Recommendation:** Create a set of policies and implementing guidelines for the placement of informational/directional signs by the City in the right of way or other publicly controlled property. The guidelines should specify standards for the signage, which may include maximum size, color, font, content (name, arrow, type of business, etc), materials and location. For example, an informational sign could be installed at the entrance to an alley with the words "more shops" or

“restaurants” or “galleries”. In situations where physical site constraints limit visibility from the primary public right of way, an option for integrating a specific business name as an element of the City informational signage could be included into the guidelines.

Reasoning: This is in recognition of the fact that there exist unusual situations where, through no fault of a business owner, the location and exposure of a particular business frontage may be uniquely constrained.

#### **Issue #5**

The use of the public right of way for private commercial use is limited by the Municipal Code to Sidewalk Café's (AMC 6.44), which may not be the most equitable method for allocation of our limited public resource, downtown public sidewalks.

Recommendation: Amend the Sidewalk Café ordinance to allow any abutting property (within a commercial or employment district) the opportunity to obtain a permit for private use of a portion of the public sidewalk, as long as specific public safety and access standards have been met. The permit fee would consist of a base charge and an additional charge for each square foot of public sidewalk space being privately utilized.

Reasoning: In the absence of some compelling issue related to the public interest, there should be an equitable allowance for use of public sidewalks for private use. The broader issue is one of fairness and, specifically, whether or not restaurants should be the only business with use of public sidewalk space.

#### **Issue #6**

The business community has noted that there is inconsistency within the encroachment permit process, which does not have clear standards for what types of functional objects are encouraged, allowed or legal for placement upon a city sidewalk or within the public right of way

Recommendation: Create an ordinance or other appropriate approval process by which specific functional items (planter boxes, benches, trash cans, safety items, etc) may be established upon the City sidewalk. This would be contingent upon the items meeting city specifications, as well as retaining minimum

clearance, public safety and placement standards. Individual permits for items meeting such standards would not be required, while items that do not conform to the standards could be eligible for some sort of review and permit procedure. Additionally, the Task Force recommended that the City Council direct staff to explore an exemption to have free use of the shy zone, the area along the sidewalk within 12 to 18 inches of the building face, for placement of such amenities as flower boxes, door stops, spittoons, etc.

Reasoning: The Task Force was very intent on solving this issue in a way that encouraged the “right stuff” to be able to be placed upon public sidewalks to help beautify the streetscape, increase pedestrian comfort and also allow some individual expression within the constraints of public safety and access considerations. Creating a list of the types of “functional objects” that would be permitted, accompanied by minimum standards and specifications to assure quality, would eliminate the need for individual permit requirements that could easily result in discouraging businesses from enhancing the streetscape.

### **Issue #7**

The proliferation of newspaper and other miscellaneous publication racks within the downtown is creating a variety of problems, both functional and aesthetic.

Recommendation: Create an ordinance specific to installation of newspaper and other publication racks. Standards could be included related to rack placement, maximum size and dimensions, allowance for grouping of racks, distance between groupings, etc. The ordinance would also address aesthetic standards such as materials, maintenance and use to ensure durability and public safety, as well as to eliminate ongoing problems of litter, abandonment and use of racks for displaying materials not qualifying for placement upon the public right of way.

Reasoning: It was unanimously agreed that the proliferation of newspaper racks in the downtown area has reached a point where regulation on use and placement is critical. The current lack of regulation and oversight has led to somewhat of an “anything goes” situation, and City staff has minimal ability to address the issue.

### **Issue #8**

Downtown business owner and employees are frustrated with the seemingly inconsistent enforcement of the downtown employee parking ban and also have expressed concern over its potential overreaching effect of limiting owner and employee access to the downtown area while not at work.

Recommendation: Remove the existing seasonal ban on employee parking in the Downtown Area.

Reasoning: The conclusion of the group was that the ordinance was put in place primarily at the request and benefit of the business community. If local merchants believe the employee parking ban is cumbersome and difficult to effectively enforce, it would be reasonable to remove it and leave the matter to the business owners to self regulate through informing their employees.

### **Issue #9**

The City has several parking management items that need to be resolved to more efficiently administer the downtown parking program.

Recommendation: Create ordinance language that allows the City to tow vehicles that have either five unpaid parking tickets or a total unpaid parking ticket balance of \$250. Additionally, the City should develop a final, very visible, warning placard to be placed upon a vehicle at least 24 hours prior to the vehicle being towed. The Task Force does not recommend the use of a booting/immobilization device over the option of towing the vehicle.

Reasoning: While this aspect of the parking issues downtown wasn't specifically part of the charge of the Task Force, the recommendation for the removal of the employee parking boundary created the need to address related parking issues so the Task Force added their recommendations in these areas as well.

The Task Force believes the City needs effective tools to assist with the collection of unpaid parking fines from flagrant parking violators. The use of a boot or other immobilization technique, however, is a very noticeable means of deterring violations and may not send the appropriate type of message to members of the community as well as visitors.

Additionally, the boot/immobilization renders the parking space unusable until the operator contacts the City and pays the fine due or until it gets towed, which most likely results in a 12 to 24 hour time period.

### **Additional Suggested Considerations**

Before concluding their charge, the Task Force identified two issues where additional follow-up work would be necessary. The following items for Council consideration were believed to be outside the initial charge of the Task Force, as well as beyond the expedited time table set for addressing the three issues immediately affecting downtown merchants. Nevertheless, the Task Force recommended that the Council allocate staff resources to conduct follow-up work in these areas.

#### **Recommendation for Two-Year Review of Sign Code Amendments**

The Task Force recommended that any amendments to the sign code be reviewed and evaluated after two years. This would provide an opportunity to assess the effectiveness and implications associated with the committee's proposed changes.

#### **Recommendation to Exempt Public Art from City Sign Code**

The Task Force recommended that the City sign code should be amended to include an exemption for Public Art once an appropriate process is adopted for reviewing and approving the installation of public art. The proposed change to the sign code would be completed simultaneously with the adoption of a public art ordinance, which establishes processes and criteria for the acquisition and location of public art within the city limits.

#### **Recommendation for Sign Code Review/Education**

While the Task Force supports the intent of the existing sign code and appreciates the positive impact it has had on downtown Ashland, there was general agreement that, as currently written, is difficult for the business community to understand, leading to unintentional non-compliance as "sign creep" over time. The Task Force recommended a possible review of the code to simplify its design and, at a minimum, consider developing illustrated educational materials. Additionally, city staff would be available at a merchant's request for on-site review in order to increase awareness and reduce future violations.

**Public Arts  
Commission  
Memo**

# CITY OF ASHLAND

Planning Commission  
City of Ashland

November 2008

Dear Planning Commission:

The mission of the Public Art Commission reads in part “...to enhance the cultural and aesthetic quality of life in Ashland...”

We are passionate about preserving and enhancing the aesthetic beauty of Ashland and we believe the attractiveness of Ashland and lack of visual clutter is due in large part to the current sign code.

We support the recommendation of the Downtown Task Force to exclude public art from the sign code (specifically definition #27) but we are opposed to the recommendation to allow 3 dimensional signs – which we believe could have a negative impact on Ashland aesthetics.

The powers and duties of the Public Art Commission include the following:

**D.** *The commission shall advise the planning commission, the Ashland Parks and Recreation Commission, other city commissions and committees and city departments regarding artistic components of all municipal government projects under consideration by the city. The commission may also serve as a resource for artistic components of land use developments.*

As such, we respectfully submit the attached memo for your consideration and look forward to discussing this with you at an upcoming study session.

Sincerely,



Melissa Markell, Chair  
Public Art Commission

C: Bill Molnar, Community Development Director  
Ann Seltzer, Management Analyst and staff liaison to the Public Art Commission  
Adam Hanks  
Brandon Goldhan

## MEMO

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Date: November 2008  
To: City of Ashland Planning Commission  
From: City of Ashland Public Art Commission  
Re: 3 dimensional signs  
C: Bill Molnar, Community Development Director  
Ann Seltzer, Management Analyst and staff liaison to the Public Art Commission

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The Public Arts Commission respectfully proposes an alternative recommendation to the recommendation of the Downtown Task Force to modify the current sign code and allow 3 dimensional signs outside the downtown core of up to twenty cubic feet.

The Downtown Task Force's recommendation #2 provides for two scenarios: allowing 3 dimensional signs in the downtown and historic districts limited to three cubic feet and allowing 3 dimensional signs located outside the downtown area and historic districts up to twenty cubic feet. In both scenarios, the object must be placed on private property. We feel the allowance of 3 dimensional signs significantly increases the risk of visual clutter and the unintended consequences are greater than the potential benefit to Ashland businesses.

The Task Force admirably strove to accommodate the existing non-compliant 3 dimensional objects (lion, teddy bear, and waiter). The lion would be accommodated under recommendation #6 allowing "functional objects", the bear would be accommodated under recommendation #5 allowing the display of merchandise on public property for a rental fee and the chef/waiter accommodated under recommendation #2 allowing 3 dimensional objects up to twenty cubic feet outside the downtown core and historic districts.

All three of these existing items are objects with no blatant commercial message (words or logos). These generic objects are not associated solely with the business. However, since regulation of sign content is prohibited there could be a preponderance of 3 dimensional objects with blatant commercial messages that clutter Ashland's visual landscape as businesses seek greater exposure and visibility. If 3 dimensional signs are allowed, they likely would have strong and obvious references to the business, graphically (doughnuts, tires, pizzas, and cameras) with or without words. Or the 3 dimensional objects might only contain words ("TIRES" spelled out of large letters that appear to be made of tires). Either way, the potential for eye clutter is great. This effect would likely be exacerbated where businesses are clustered together (shopping centers). Given that the recommendation is an opportunity for an additional sign of significant size, the opportunity for businesses to take advantage of this for advertising purposes is great.

It is understandable that business owners want to draw attention to their business as a means of attracting customers. In lieu of the Task Force recommendation #2, we believe an appropriate, artistic and aesthetic way to accomplish this desire is through the placement of public art.

After adoption of the Public Art Master Plan, the City Council requested the public art selection process be codified. The revised and expanded public art ordinance will go to the Council for first reading in early December 2008.

The ordinance allows for the placement of public art on private property (through an easement) and includes guidelines for selection including: "The artwork shall not promote goods or services of adjacent or nearby business." Through the public art process, content of the piece is managed via criteria set forth in the request for proposal and via the guidelines established in the ordinance. A selection panel, separate from the public art commission and comprised of a variety of persons selects the winning design and makes the recommendation to the PAC who brings it forward to the City Council for final approval.

This method of soliciting and selecting 3 dimensional objects helps to protect the visual aesthetics of the community and provides an opportunity for businesses to call attention to their business in an attractive and noncommercial way and enables the city to retain some level of control over the appearance, message and content. While the objects would

not be advertising for a specific business, it could serve the same purpose of drawing customers: people making a point to go to view the art and then visiting existing businesses; or serving as a point of reference when providing directions to a business or location. The art might be a mural, a mosaic, a kinetic piece, a three dimensional interactive piece etc. It would serve to draw the customers rather than a collection of advertising signs.

Should the Planning Commission decide to move forward with the Task Force recommendation of 3 dimensional signs, the Public Art Commission encourages the Planning Commission to impose a one year review of the amendments versus the two year review as proposed by the Task Force. A two year review allows time for a significant number of 3 dimensional signs to be installed – and regardless of the review outcome those signs will no doubt be in place for years.

Further, the Public Art Commission urges the Planning Commission to carefully evaluate the proposed dimensions, (the difference between a 3D ‘object’ and a “fat” 2D sign), and consider the possible unanticipated consequences (giant 3D hamburgers).

Thank you for your consideration of our position and suggestions.

# Letters



9-16-08  
Soundpeace  
199 East Main St  
Ashland, OR 97520

Dear Ashland Planning Commissioner,

I write this letter as the downtown business owner of Soundpeace and as someone who works and shops downtown.

There is before you a proposal for a revised sign ordinance. One issue that has not been addressed that relates to Soundpeace is the Tibetan Prayer Flag that we have flown in front of our store in the garden on private property for years. We have never had a single comment from a customer or passer by that this flag was in any way offensive. In fact when we were told to take the flag down we posted a petition in our store asking that the flag be allowed. Hundreds of people signed the petition in just a few days. Locals and tourists alike were shocked that Ashland had banned the prayer flag from flying. We have since submitted that petition to the committee that was formed this summer to review the sign code.

My understanding after talking with the very helpful Adam Hanks is that the flag would continue to be banned under the proposed ordinance. I am requesting that you write into the ordinance a specific exemption for Tibetan Buddhist Prayer Flags. Currently the city permits the American Flag and flags of the City and State. If you can exempt those flags then why not the Tibetan Buddhist Prayer Flag? I am assuming the city has already exempted the Tree City USA flag that flies at the Police Station and that therefore it is lawful to specify certain types of flags that are not governmental.

I am hoping that somehow the City of Ashland can find a way to permit a colorful flag in a garden whose simple prayer is that all beings may be blessed with peace, compassion, strength and wisdom.

Thanks for your consideration,

Steve Cole

**From:** "Wolf Packs, Inc." <traildog@wolfpacks.com>  
**To:** <hanksa@ashland.or.us>  
**Date:** 8/5/08 2:55 PM  
**Subject:** Chapter 18 Input

Dear Mr. Hanks,

I have been a resident of Ashland for nearly 20 years, as well as the president of a successful mail-order business. I can not attend meetings, as I live outside of town and am the mother of a young child. Still, I would like to have my opinion heard and considered in connection with Chapter 18 regarding the removal of displays outside of businesses in town.

I have traveled extensively in my lifetime and Ashland has a special feel, unlike any other place I have seen. Part of this has to do with the fun and unusual displays, both inside and outside various local businesses. Wiley's World's standing plaster mascot Alfredo has greeted countless children and parents for just about as long as that establishment has been serving their customers. My four year old daughter always stopped to have a conversation with the lion in front of Black Sheep, even before she could talk. I have seen the bear at the Chocolate Factory and the giraffe at Bug A Boo bring smiles to old and young alike. The toys displayed in front of Earth Friendly Kids always drew my eye, and I would occasionally stop to buy something because I saw it while driving by.

This new enforcement requiring the removal of so many creative displays does nothing but put Ashland into an all too common, mundane class of cities. By clipping the wings of our small business owners, the artistic feel of the town is diminished. Supporting our local businesses is certainly in the interest of the City of Ashland, as without the little guy, our town could easily become unremarkable and common.

Please count this message as three requests (from me, from my husband, and from our daughter) to allow our iconic friends to once again grace the city of Ashland.

Respectfully ~

Linda von Hanneken-Martin  
WolfPacks.com ~ Gear for Working Dogs  
Phone/FAX: 541-482-7669  
web: <http://wolfpacks.com>  
email: [traildog@wolfpacks.com](mailto:traildog@wolfpacks.com)

## Request for change to Sign Ordinance of the City of Ashland.

### Background

I moved my family to Ashland (wife and two daughters - 6yr and 2yr) about 1 yr ago. I opened Endless Massage to bring an inexpensive and effective option for improved health to the community and our visitors. We have 4 employees who value and enjoy their jobs, customers who have greatly benefited from our services, advertising vendors whom we support, an office space lease, and actively contribute to groups in the community. I respect the ambiance of the town and believe new business owners can be trusted to promote themselves so these types of signs can be permitted with newly defined parameters.

### Problem statement

Starting a business is difficult; a poor economy makes this more difficult. We are trying to gain awareness in the community. In addition to all our other advertising, we put up a sandwich board (see picture on back) and it has dramatically helped our business. The sign is within the footprint of the building, does not obstruct pedestrian traffic, and is simple and tasteful in design. When removing the sign at the direction of city officials, we saw a huge drop in revenue such that if we are not able to keep the sign outside while we develop a customer base, we will not be able to remain in business. I would be happy to provide corresponding sales reports to support this. Our location is such that this is a vital component to our advertising and exposure.

### Suggestion

The city could allow the use of sandwich board or similar signs within defined parameters:

- Limit size to 3'x2'
- Must not impede pedestrian flow
- Colors and verbiage to be approved by city
- Permits for 6 months

Thank you,

Dave Alexander

541-488-9600

dave@endlessmassage.com

# Charter Amendment For Limited Government And Protecting Freedom

*This Amendment Limits Government And Prevents Any Ordinance From Becoming An Unneeded And Unwanted Bureaucratic Restriction On Individual Freedom And Business Success*

**We The People** hereby establish that every human being has inalienable rights to life, liberty, and the pursuit of happiness. These inalienable rights are individual freedoms.

**We The People** hereby establish: That government is best that governs the least.

The corporation known as City of Ashland shall pass no law restricting the inalienable rights of the people or individual freedom without a clear showing of a compelling and overriding public interest.

To ensure transparency, every law restricting individual freedom shall state in the law the specific public interest that would be compelling enough to override individual freedom. The public interest shall be stated narrowly and unambiguously.

To ensure limited government, a government restriction on individual freedom shall be specifically and narrowly limited to that compelling and overriding public interest. The public interest and corresponding restriction shall be interpreted in their narrowest meaning.

To ensure that the government restriction is based on a compelling and overriding public interest and not an unnecessary and unwanted government intrusion into the lives of a free people, every law that restricts individual freedom shall be approved by a majority of the electorate at a regularly scheduled election.

To ensure the people have adequate time to understand, question, and discuss the proposal, any law submitted by the government to the people that restricts freedom shall be submitted in its final form, including and not limited to ballot title, summary description, and all supporting documents, at least 120 days prior to the date of the election, and shall be posted the same day to the city's internet web site with an easy-to-find link on the home page to the full text of the law and all supporting documents. Between the date of filing and the date of election, the city recorder shall provide without restriction, without forms, without questions, and without charge a paper copy of the law to any individual who requests it in person.

## Sign Ordinance

**We The People** hereby establish 2 public interests compelling enough to warrant sign restrictions.

**Public Interest 1: Overwhelming visual clutter.** **We The People** hereby establish that the quality of life and economic interests of our community are best served when Ashland's special charm and historic character are not overwhelmed by the visual clutter of business signs. **We The People** recognize that each business has the right to advertise their uniqueness, location, hours, products, and services.

To allow businesses to promote their financial interests while maintaining a community without overwhelming visual clutter of business signs, **We The People** establish the following sign limitation.

**Restriction For Public Interest 1.** Ashland businesses with frontage shall be limited to signs covering no more than \_\_\_ square feet (2/1.5/etc.) per linear foot of frontage. "Frontage" shall be defined as "any building side where the public enters and exits". To protect Ashland's historic character, businesses in an historic district shall be limited to \_\_\_ square feet (1.5/1.0/etc.) of signs for each linear foot of business frontage. Every business shall be allowed a 3-dimensional symbol that is no larger than \_\_\_x\_\_\_, so long as that sign is made of safe and durable materials [defined below], is on private property, and does not damage the public safety of pedestrians or others.

**Public Interest 2: Business window transparency.** **We The People** establish a public interest in the window transparency of businesses with a public entrance. When a business with windows is open to the public, **We The People** have 2 public interests in being able to see through that window to the interior: (2a) to increase human interactions with pedestrian friendliness and thus build community, and (2b) to allow the public to see in advance the situation into which they are entering, thus increasing public safety.

To allow businesses to post window signs while protecting the public interest for business window transparency, **We The People** establish the following sign limitation.

**Restriction For Public Interest 2.** Windows of ground-floor businesses with a public entrance shall not be visually blocked by more than \_\_\_% (30%, 25%, 35%, etc.) of the window area at eye-height, defined to be between 3' and 7' [or some other eye-height measurements that includes children and adults, including those in wheel chairs]. This blockage includes signs, shades, curtains, merchandise, or any other visual blockage.

[Add special condition for second floor businesses, alley businesses, etc.]

[Add definition of materials for 3D signs. Exclude lighted plastic, etc..]

*Draft To Show Approach, 2008Aug11*

## **Support Staff, And Solve The Problem**

I continue to read and hear attacks on Adams Hanks and Dean Walker, who are responsible for code enforcement. Adam and Dean are city employees paid to do the job they've been directed to do.

Harry Truman had a sign on his desk "The Buck Stops Here".

In Ashland, the buck stops with the mayor, who by charter is the Chief Executive Officer of the corporation known as City of Ashland, and who directs code enforcement employees.

We need to stop scapegoating staff who are not responsible for this situation, and focus our energy on solving the core problem. We need to stop dancing around the edges to make a few minor sign changes so we can "feel" involved. The law as amended by this task force would not pass a majority vote of the people because it doesn't solve the core problems.

Adam and Dean are doing their jobs.

It's time for us as Citizens of Ashland to do ours, which is to hold the mayor accountable, and work together to rewrite the entire sign code as a simple, understandable law in the public interest that would pass a majority vote of the people, as it should in a democracy.

## **Problems Of The Sign Code As Amended By The Task Force, And Task Force Decisions**

It's still not understandable, even by those who've been to 5 meetings and spent 20 hours on it.

It doesn't solve the core problems.

It doesn't identify the public interests that would warrant restricting individual freedom and increasing business costs.

It doesn't resolve issues behind most of the 55 or so noncompliance letters.

It doesn't answer the questions of businesses or taxpayers for why so much tax money is being spent on this item rather than higher priority items.

It perpetuates the overkill restrictions that go far beyond the public interests re clutter and transparency.

It perpetuates ambiguity in the current law that prevent staff and businesses from determining with specificity whether their signs do or don't satisfy the sign code. This ambiguity and resulting discretion creates 'negotiations' between businesses and staff, and results in charges of favoritism and unequal application of the law (Wiley's Waiter gets dinged, barber poles do not; some businesses are allowed neon signs, others are not; etc.).

It perpetuates multiple sign categories and expensive bureaucracy without a guiding public interest.

It continues restrictions on "exempt signs". How strange to write restrictions on signs that are exempt from the law.

It transfers liability for government property to businesses through "hold harmless" legal agreements that require Ashland businesses to bear attorney costs for acts of government, whether proper or improper.

It transfers maintenance costs for government property to businesses by requiring maintenance agreements forcing Ashland businesses to bear maintenance costs for property that the government owns.

It transfers control to resolve core issues to the Planning Commission, where the 2 mayoral candidates on the task force have more influence.

My message to the task force is the same as my message to the Charter Review Committee: You can't get there from here. The process you're using won't solve the problem because you're not building the law based on the majority will of the people. The amended law wouldn't pass a ballot.

We need to go a different direction. Let's rewrite the law as Citizens in the public interest, by identifying the public interests that warrant sign restrictions, and limit the restrictions accordingly.

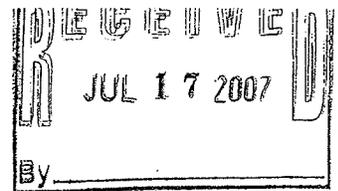
We Citizens can write a simple, understandable law that finds the balance between business freedom and limited public interests re visual clutter and window transparency without creating the current bureaucratic nightmare for code enforcement and 'negotiations'.

Art Bullock

artthepeopleeditor@gmail.com

488-3366

That's GUV-DEMOCRACY



## To Whom It May Concern

My name is Matt and I owned and operated Rare Earth on the Plaza for over 39 years until controlling interest was sold to Marcy several years ago. I am for the time being still the landlord of the Perrine's Building and Old Simpson's Hardware Building. We lease to some of the oldest/best merchants and tenants on the Plaza, regarded as friends and associates for over 25 years. I have always been more of a merchant than a landlord and it is reflective in the terms I offer my tenants considering the every rising costs in fees, taxes, insurance, utilities, employees and benefits being imposed by the City, County, State and Feds. These rising costs coupled with the dramatic loss of sales (over 60% in the last 5 years) are severely impacting many businesses ability to survive in Ashland. We did not downsize Rare Earth out of personal wishes or for fun!! We, thankfully, downsized in time to survive the lack of leadership and the obvious lack of concern for the downtown business community's needs! It is not the price of gas or the tourist's attitudes; it is not the economy or a lack of knowledge in the business community. It is the lack of leadership to provide healthy direction, convenience and accessibility to the downtown for its citizens, guests and especially our neighboring communities. We have demonstrated an intolerable arrogance and lack of cooperation towards our neighbors on many levels. It is no wonder an attitude has emerged from one of pride and almost envy to becoming laughing stock within a few short years.

Ashland is a tourist town with nobody waiting in the wings to save us from the very amenities that attracted many of you to relocate to Ashland in the first place. Why are we now condemning those amenities and gains that tourism has facilitated in our community? The result is that Ashland no longer has "value" and is not competing well in the tourist market, not because of the lack of a desire to visit by others but because of the limitations being imposed by ignoring those needs of a community based on tourism. Ashland is no longer envied or admired as an example of a balanced and thriving community. How many of you say, "Oh, I don't go downtown because of the congestion and incivility" or "I'm sick of paying the only sales tax in Oregon to bail out more city waste" or "They do not have anything I want downtown," when you haven't even looked in years? We hear this from many people throughout the valley. Oh yes, people come to town for a play, parade or other special event but because of the negative attitude of locals spurred by their leaders, no parking, excessive taxes and ticketing they do not "stay, play and shop" any longer. Why would leaders of any community tolerate this untenable and destructive situation to its business community? We are suffocating from a City that won't grasp the fact that accessible adequate parking is essential in Ashland and we are paying dearly for that neglect because of a few who have wasted the community's resources, integrity, and time on social engineering projects that have not yielded meaningful and realistic results or positively impacting our community after spending millions while forgoing the security of a solid infrastructure.

As a thought to contemplate, South Shore Lake Tahoe accommodates 12 million diversified tourists every year with their population of 32 thousand living in a pristine area successfully and environmentally. The problems of water, recreation, environment, growth, community, housing, a vision and business needs were positively impacted years ago with a little cooperation from all concerned. The acknowledgement was that no one is always right and compromise is the road to success and a benefit for all by simply stimulating the engines of a community. Meaningless arguments over conditions that can not be impacted or resolved are a waste of time and money. If individuals wish to follow a lifestyle, that is their free choice, but to condemn an entire community to the same limitations are nonsense and counterproductive. Tahoe asked each group to defend the others positions and compromised a settlement based on that position. The result produced a level of sustainability with their neighboring communities as

a reality not just lip service or political dialogs in meetings and propaganda sessions. They established that using private entrepreneurship to resolve problems does work best while acknowledging the responsibility and duty of any viable city is to provide the community with practical functioning infrastructures, educational opportunities, maintenance of public property/open spaces and public safety at a "reasonable and affordable cost." The social amenities that Ashland claims to desire, but can not afford, are being financed there by the successful enterprises and cooperation within the business community.

Certainly a city should contribute alternative ideas but in Ashland's case any attempt at success without adding convenient accessible workforce and visitor parking will remain fleeting and unattainable. No debate has or will change that reality! I have heard every cliché and excuse the City can muster over the last 25 years and the end product is always the same: More failures, more excuses, more meetings, more wasted time, and more money to avoiding the obvious! If the purpose or intent of redundant dialog over the obvious is to destroy and obstruct what once was a world-class community congratulation, they are winning! But if Ashland is to once again be "Gem of Southern Oregon," one real need of the downtown would be parking! Get a grip folks; there is no significant economic diversity on the horizon that has or can survive this leaderships meddling and anti everything referendum. That leaves what is left of tourism and like it or not the car is the only viable way for any guests, workers and citizens to enter Ashland. The car is not going away any time soon but it will be improved. There are autos that get upwards of a hundred miles to the gallon and others that do not use gas at all. It is only a matter of time as this Country sets the definitive goal with real cooperation from the very business community they condemn. Tata Motor from India has already developed a compressed air car that goes 70+ miles per hour, a range of 200 miles without gas, and a 600+ mile range at 78 miles per gallon with a hybrid gas compressed air combo. It cost about \$7500 for the basic model and set to sell overseas next spring.

If realistic solution including adequate accessible parking were forthcoming, the downtown businesses and property owners would be very willing to cooperate on any level required. It must be made very clear and understood that attempts to add non-related agendas will sever any cooperation. Stop confusing affordable housing or other social problems with downtown parking needs. These are separate issues with very different solutions. The infill myth that the City Planning Department runs is as flawed as their growth myth in the recent past. Concentrate time and money on those things that actually can be affected and cause meaningful change, like parking, will guarantee success.

There is a lot of work to be accomplished if Ashland is to do more than just survive. It needs to regain its credibility, competitive edge and desirability. To procrastinate will only hasten the continued collapse of a once thriving and desirable community that has succumbed to the fantasy of obstructionism and lying by omission as a path to success. You can be sure that it is not going to be pleasant to anyone living or owning anything in Ashland if what is occurring continues. Personally, I do not think the City has the will or desire to work with or support their business community. They certainly will not listen to those of us who are on Main Street and are trying to survive their mandates, taxes, tickets, user fees, rising costs, codes, ordinances, lack of parking and general incivility. We need to get back on tract, get realistic about the damage that has been done to our community's economy and the need for adequate accessibility workforce and visitor parking before we become just another wasteland of bad ideas and dreams of what could have been.

Following is a simple list of possibilities that might help to get Ashland back on the tracks if enacted sooner rather than later. The list is by no means meant as complete, but could help set a new tone for cooperation and consideration of our guests and citizens that wish to enjoy the amenities of Ashland.

- 1) Change the Nutley Street parking lot (ice skating lot) and Windburn Way's head in parking at Lithia Park to 2 hour near the Plaza and 4 hours from the playground to the band shell. Place both in the downtown-parking zone with limited parking between 9:00 to 5:00 from Memorial Day to Labor Day.
- 2) Change the Water Street parking lots to 2 and 4 hour. Place them in the downtown parking zone with limited parking 9:00 to 5:00 from Memorial Day to Labor Day.
- 3) Encourage and promote Park and Ride areas at the North and South Interchange when the overpasses are rebuilt by ODOT. Get a grant of finance with ODOT and the county's help. Strongly consider the feasibility of a free City shuttle and/or better bus services throughout Ashland from Memorial Day to Labor Day. It would be advisable and courteous to have added bus service during major special events and parades like Halloween, 4th of July and Festival of Lights.
- 4) Immediately consider where to put additional parking downtown and implement on a fast track. From the 1988 downtown plan Ashland is a 1000 space shy of satisfying the minimal needs in the downtown. We may never reach this goal but it is essential we try and have an official short and long term plan to add needed parking in the core downtown areas.

If two people per car rotate through a parking spot downtown for the two hour limit just 8 hours of a 24 hour day and spend an average of \$100 per person on shopping, dining and entertainment the potential revenues gained from a single parking place from June thru October is \$144,000 per year. When you consider that we are 1000 parking spaces short we are depriving our community of an enormous amount of money and higher paying job opportunities by not giving our citizens, guest and workforce what they want and need---more adequate accessible downtown parking!

- 5) Stop ticketing employees, city staff, merchants and owners when they are off work playing, shopping or dining downtown. It is just wrong to ticket them when they are not working and within the parking guidelines others must follow. Parking agents can keep tract with warning tickets that state if they are working they are not to park in the downtown zone and if an individual is obviously violating that rule with excessive warnings, ticket them. During business hours for needed stops allow employees and owners to place a note or form letter from the city on their vehicles for a 15 minute temporarily picking up or delivering courtesy, if violated ticket them.
- 6) A complaint I have heard: the City excludes themselves from the impact of the problems they help create. They should share in the demands placed on others, yet they manipulate and ignore codes, ordinances and laws they've place for their benefit and a chosen few. Everything from parking permits for themselves, to blackberry abatement, riparian codes, and business license requirements, banner/sign ordinances, encroachment permits, allowing retail sales and concerts in an R2 residential family zoning without parking requirements or review standards are approved by the City while businesses on the Plaza are threatened into submission for the smallest infractions that, more often than not, are literally meaningless and the hobgoblin of little bureaucratic minds rationalizing their jobs and flexing their power.
- 7) Another point of interest ---many Plaza businesses do not allow their employees to park downtown even in the area and times allowed. They park only on Granite Street or above when working. They are well aware of the problem for customers and are in the forefront when trying to provide for their needs.

Thank you for your time and consideration,  
Matt

*Matt 7-17-08*  
*33 N. Main (mailing only)*  
*Ashland OR 97520*

**310 Oak Street**  
c/o P.O. Box 201  
Ashland, OR 97520

2 May 2006

Ashland City Council  
20 East Main St.  
Ashland, OR 97520

Re: Sign code revision for buildings with more than  
two business frontages

Dear Council Members,

Please see the following pages regarding the sign code revision forwarded to you in the summer by the Planning Commission.

We believe we understand the principal concern of the Council, and we added language to ensure business frontages in excess of two will not be as prominently "signed" as the two primary frontages. An allowable sign area of 50% for the third business frontage and 25% for the fourth business frontage business frontages of what might be permitted for the two designated primary business frontages should enable a business to identify itself, lessen the visual impact, and deal with unintended consequences.

It seems that it is likely that trying to restrict the number of signs any given business may have to two sides of a building may be a restriction of content. Thus, since it is apparent that there are buildings that have business frontages on more than two sides, the best way to deal with undesirable impact is to reduce the size permitted.

Our tenants at 130 "A" Street do want, need and deserve signs. We hope this modification will ensure they may have them soon.

We do not believe sign applications should trigger site reviews. Other applications already do that

Thank you.

Sincerely,

*Brent Thompson*

Brent Thompson  
488-0407

Barbara Thompson .

RECEIVED  
JUL 14 2006  
City of Ashland  
Field  Office  Coun

*Please see the following sheets for  
suggested modifications to the  
sign code for buildings facing three  
or four streets or alleys.*

## SECTION 18.96.080 Commercial-Downtown Overlay District (C-1-D).

Signs in the Commercial-Downtown Overlay District shall conform to the following regulations:

### A. Special Provisions.

1. **Frontage.** The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage, and ~~no building shall be credited with more than two business frontages~~ **for buildings with multiple business frontages the sign area for business frontages exceeding two shall be 50% for the third side and 25% for the fourth side of the normal area permitted.**
2. **Aggregate number of signs.** The aggregate number of signs for each business shall be two signs for each business frontage (a frontage with an entrance/exit open to the general public).
3. **Material.** No sign in the Commercial-Downtown Overlay District shall use plastic as part of the exterior visual effects of the sign.
4. **Aggregate area of signs.** The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot for each lineal foot of street frontage. Aggregate area shall not include nameplates, and real estate and construction signs.

### B. Types of Signs Permitted.

#### 1. Wall Signs.

- a. **Number.** Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
- b. **Area.** Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet.
- c. **Projection.** Signs may project a maximum of eighteen inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet may only project four inches.
- d. **Extension above roof line.** Signs may not project above the roof or eave line of the building.

#### 2. Ground Signs.

- a. **Number.** One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.
- b. **Area.** Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of sixty square feet per sign.
- c. **Placement.** Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).
- d. **Height.** No ground sign shall be in excess of five feet above grade.

#### 3. Marquee or Awning Signs.

- a. **Number.** A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
- b. **Area.** Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.

# Meeting Minutes

**Ashland City Council:** September 2, 2008

**Downtown Task Force:** August 11, 2008

August 4, 2008

July 28, 2008

July 14, 2008

MINUTES FOR THE REGULAR MEETING  
ASHLAND CITY COUNCIL

September 2, 2008  
Council Chambers  
1175 E. Main Street

Excerpted Section pertaining to the Downtown Task Force Recommendations

NEW AND MISCELLANEOUS BUSINESS

1. Should the Council accept the recommendations of the Downtown Task Force relating to employee parking restrictions in the downtown area, proposed changes to the City's sign code and permissible use of public sidewalk area, and direct City staff to prepare ordinance language for review and adoption by the Planning Commission and City Council, as necessary?

Community Development Director Bill Molnar presented the staff report that included background information on the issues reviewed by the Downtown Task Force. These issues were related to employee parking restrictions in the downtown, sign code and permissible use of the public sidewalk area.

Pam Hammond, Chair of the Downtown Task Force, Adam Hanks, Permit Center Manager and John Stromberg, Chair of the Planning Commission presented the summary report that included the following 9 issues along with recommendations:

Issue #1: Particularly in the Downtown area, the current limitation of two exempt signs per business, with each sign not exceeding a size of two square feet, does not seem to meet the needs of many local merchants.

Recommendation: Increase the number of exempt signs from two to three; increase the third sign from two to three square feet.

Issue #2: The Sign Code currently prohibits three dimensional statues, caricatures or representations of persons, animals or merchandise from being used as a sign or incorporated into a sign structure.

Recommendation: For properties within the Downtown or one of Ashland's four Historic Districts, allow one of the three exempt signs to be three-dimensional; allow an additional exempt 3-D sign for properties outside the Historic Districts with a volumetric maximum.

Issue #3: Some businesses, by virtue of their physical location and entrances, such as smaller side streets and alleys, have limited signage opportunities along the main streets within the downtown area.

Recommendation Increase the maximum distance that a sign can project from the building face from the 18 inches to 24 inches.

Discussion on these issues:

Permit Center Manager Adam Hanks responded to an inquiry regarding issue #3 and explained the 24-inch sign could display on the front side of buildings for shops located down alleyways, etc.

City Administrator Martha Bennett explained that Council could only regulate time, place and manner of signs, not content.

Issue #4: Sign Code compliance efforts have included enforcing the current prohibition on off-premise signs, generally consisting of the placement of temporary, movable signs (i.e. sandwich boards) upon the public sidewalk or other public property. Some merchants feel that due to

specific characteristics associated with location of their business frontage they lack adequate exposure. Off-premise signage is one means of drawing attention to the business location. Recommendation: Create a set of policies and implement guidelines for the placement of information/directional signs by the City in the right of way or other publicly controlled property.

Issue #5: The use of the public right of way, for private commercial use is limited by the Municipal Code to Sidewalk Cafes (AMC 6.44), which may not be the most equitable method for allocation of our limited public resource, downtown public sidewalks.

Recommendation: Amend the ordinance to allow any abutting properties (within a commercial or employment district) the opportunity to obtain a permit for private use of a portion of the public sidewalk, as long as merchants meet specific public safety and access standards.

Issue #6: The business community has noted that there is inconsistency within the encroachment permit process, which does not have clear standards for what types of functional objects are encouraged, allowed or legal for placement upon a city sidewalk or within the public right of way.

Recommendation: Create an ordinance or an appropriate approval process by which specific functional items may be established upon the City sidewalk. It would be contingent upon the items meeting City specifications, as well as retaining minimum clearance, public safety and placement standards. Additionally, Council would direct staff to explore an exemption to have free use of the shy zone, the area along the sidewalk within the 12 to 18 inches of the building face, for placement of such amenities as flower boxes, doorstops, etc.

Issue #7: The proliferation of newspaper and other miscellaneous publication racks within the downtown is creating a variety of problems, both functional and aesthetic.

Recommendation: Create an ordinance specific to installation of newspaper and other publication racks.

Discussion on these issues:

Ms. Hammond provided examples for Issue 5 explaining merchants could display fresh flowers, t-shirts, etc.

Concerns regarding regulations for the Sidewalk Sale and café tables were noted. City Attorney Richard Appicello explained they would address permits for the sidewalk sale when they expire. Ms. Bennett explained that café tables would come to Council as a right of way issue later.

Issue #8: Downtown business owner and employees are frustrated with the seemingly inconsistent enforcement of the downtown employee parking ban and also have expressed concern over its potential overreaching effect of limiting owner and employee access to the downtown area while not at work.

Recommendation: Remove the existing seasonal ban on employee parking in the downtown area.

Issue #9 The City has several parking management items that need to be resolved to more efficiently administer the downtown-parking program.

Recommendation: Create ordinance language that allows the City to tow vehicles that have either five unpaid parking tickets or a total unpaid parking ticket balance of \$250. Develop a final, visible, warning placard to be placed upon a vehicle at least 24 hours prior to the vehicle being towed. The Task Force does not recommend the use of a booting/immobilization device over the option of towing the vehicle.

Discussion on these issues:

Mr. Appicello explained that the ordinance would allow noticing for individuals who had five violations prior to towing or booting the vehicle.

The Task Force identified additional issues for consideration that allocate staff resources to review sign code amendments every two years and exempt Public Art from the sign code, sign code review and education.

Brent Thompson/582 Allison St/Submitted a letter from Garrett Furuichi that requested a modification to the sign code. He asked Council to add an exception that would "allow signage on the side of the building that is the primary entrance or only entrance to the business." Currently signs are precluded on the third or fourth sides of a building.

Jeff Compton/770 Acorn Circle/Owner of Rocky Mountain Chocolate Factory. Stated that the Task Force was too restrictive. The City can dictate what goes outside of his business but not inside.

George Kramer/386 N Laurel/Encouraged Council to add language to the code that would allow signs where the entrance to a business was on the side of a building. He commented that the sign code was complicated but necessary and that the Task Force had attempted to make it a little better.

Councilor Hartzell asked that Staff reconcile the word "prohibited" versus "exempt" in Issue 2.

**Councilor Hartzell/Chapman m/s to accept recommendations of the Downtown Task Force and direct staff to develop a work plan and timeline for developing implementing ordinance language that addresses Task Force recommendations with the addition of what was noted by the City Administrator as well as the question raised about signs on non-dominate sides.**

DISCUSSION: Councilor Hardesty commented that the Task Force had accomplished a lot and it was worthwhile. Councilor Navickas was not sympathetic to the proposed changes, stating they seemed more a reaction to staff enforcement and Council should be very careful about creating legislation around these recommendations. Councilor Hartzell emphasized that the intention was to send the recommendations to the Planning Commission for another committee review. Councilor Silbiger appreciated the businesses that complied when informed of their sign code violation. Mayor Morrison said the purpose for forming the Task Force was to find a middle ground between the need for regulation and the need to re-examine. The Task Force did a tremendous job even though not everyone was happy. He complimented Pam Hammond and the committee on completion of this task.

**Roll Call Vote: Hartzell, Chapman, Navickas, Silbiger, Hardesty and Jackson, YES. Motion passed.**

**DOWNTOWN TASK FORCE  
MEETING MINUTES  
AUGUST 11, 2008**

**CALL TO ORDER**

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way. She announced this is the sixth and final meeting of the Downtown Task Force.

**Members Present:**

Pam Hammond, Paddington Station, Chair  
John Morrison, Mayor  
Renee Compton, Rocky Mountain Chocolate Factory  
Daniel Greenblatt, Greenleaf Restaurant  
Sandra Slattery, Chamber of Commerce  
John Stromberg, Planning Commission  
Dana Bussell, Public Arts Commission  
George Kramer, Citizen at Large  
Don Laws, Citizen at Large  
Dale Shostrom, Citizen at Large

**City Staff Present:**

Bill Molnar, Community Development Director  
Adam Hanks, Permit Center Manager  
Richard Appicello, City Attorney

**Absent Members:**

Dave Dotterer, Planning Commission

**PUBLIC COMMENT**

**Art Bullock**/Submitted written comments to the group and draft sign code language he prepared. He commented on the public interests which he feels are not represented in the sign code and explained the two primary interests are: 1) overwhelming visual clutter, and 2) business window transparency.

**Melissa Markell/Public Arts Commission**/Questioned if the Task Force would be addressing public art on private property.

Hammond noted the staff memo distributed on July 17 by City Administrator Martha Bennett and stated the memo outlined the process for how this issue would be handled. City Attorney Richard Appicello noted they were going to recognize that art accepted by the City is not subject to the code, and the sign code would be amended to make this clear. Bussell expressed concern with the lack of discussion on this issue and felt this recommendation should be further debated by the Task Force.

**Kevin Christman**/Expressed concern with the prohibitions against displaying art and stated the current sign code does not permit the display of art to any capacity.

Mr. Appicello explained this issue would be included with the public art policies and procedures that will go before the City Council in September. Stromberg stated this issue would be debated by the Planning Commission and the Council, but not this Task Force.

**Lloyd Haines**/Commented on public art and recommended any language that comes from this group include an expansive statement so that it does not get construed when it gets to the Planning Commission and City Council.

**J. Ellen Austin**/Asked if she was in violation for having art displayed outside her gallery, which is located in a residential neighborhood.

Mr. Appicello stated residential zones need to be addressed in the sign code; however he does not feel it is appropriate for the Task Force to handle this issue.

**Bussell/Stromberg m/s for the recommendations to the City Council to include a recommendation to exempt public art from the sign code and to have its own process developed at a future date.**

**DISCUSSION:** It was noted these two actions will need to be concurrently. **Voice Vote: all AYES. Motion passed.**

### **RIGHT-OF-WAY DISCUSSION**

Mr. Appicello addressed the proposed ordinance amending regulations concerning use of City sidewalks. He explained the ordinance does not distinguish between residential and commercial use and would allow individuals to pay the designated rate for use of the sidewalk. He clarified he did not include a list of what items would be acceptable and stated he only addressed “who” can lease the space, not “what” can be placed there.

Stromberg summarized the Task Force’s previous discussions on this issue and stated there were three main points:

- 1) The City would have to broaden the sidewalk café restrictions in order to allow for other uses, and the City would apply a market rate charge for use of the sidewalk.
- 2) Some of the objects placed by merchants in front of their stores were in the public interest (planter boxes, etc.), and these objects would have to be donated to the City. The City would establish criteria for this, and there would be no charge.
- 3) They would allow certain 3D objects that fit within certain size parameters that had some functional use.

Mr. Appicello stated the public arts ordinance would address the process on how to accept art and stated he did not see the need to write a regulation on how the City would regulate the placement of items. He stated there is no obligation on the part of the City to have to accept an item and stated the City can accept donations and place items where ever they feel is appropriate.

Kramer commented that the intent of this was to allow merchants to beautify their areas. He expressed concern with the proposed ordinance and stated he does not know why they are creating more rigmarole. Hammond agreed and stated the ordinance does not accurately reflect the Task Force’s desires. Mr. Appicello shared his concerns with designating “what” in the ordinance and noted a case that will be argued in front of the Supreme Court on this issue. Stromberg questioned if there was a way to apply market rates for part of the sidewalk, by low rates for the “shy zone.” Mr. Appicello stated he understands the group wants free use of the shy zone for amenities and will try to incorporate this, however he is not certain this is permissible. Stromberg suggested they make a formal motion in include this piece as part of their recommendation and ask the Council to direct staff to keep working on this.

**Laws/Stromberg m/s to recommend that the City Council direct staff to explore an exemption to have free use of the shy zone for amenities (such as flower boxes, door stops, spittoons, etc.) Voice Vote: all AYES. Motion passed.**

### **ISSUES RECAP**

Permit Center Manager Adam Hanks asked the group to clarify their preferences on a few of their previous recommendations. The group issued the following clarifications:

- 1) The additional exempt sign would be applicable to the Downtown area or within one of the four Historic Districts.
- 2) The larger 3D sign would be in addition to the existing sign numbers for wall or ground signs.
- 3) The additional 3D sign would be allowed only in commercial zones outside Historic Districts.
- 4) The 3D sign will have a specific separate size in addition to the current total square footage.

Kramer summarized within the “historic core,” merchants are allowed 3 exempt signs, one of which can be a small 3D sign. Outside the historic core, merchants are allowed 3 exempt signs, plus one larger 3D sign that meets criteria yet to be developed.

Mr. Hanks commented on a possible provision regulating the amount of flat surface permitted on 3D objects before it starts to count against the permitted signage amount. Kramer suggested a possible limit of 2 sq. ft. Stromberg recommended they forward this provision back to staff for refining.

Hammond noted the proposed ordinance still includes the booting provision and stated this is not what the Task Force wanted. Mr. Appicello clarified no changes were made to the ordinance since the group’s last meeting and affirmed that he understands what their recommendations were.

**Kramer/Stromberg m/s that despite the language of the proposed ordinance, the Downtown Task Force recommends eliminating booting in favor of towing with adequate notice before hand.**

**DISCUSSION:** Laws suggested including language that notifies the vehicle owner that additional costs will be incurred by towing and storage. Municipal Judge Pam Turner expressed concern with the provision that requires vehicles to be moved to a different block in order to avoid a citation. Mr. Hanks agreed that the City needs better signage on this. Mr. Appicello clarified his staff has met with the Judge and are working to flush out some of these practical problems. Slattery noted the importance of placing a large orange sign on the vehicles 24 hours in advance of the towing. Mr. Appicello clarified this was included in the ordinance. **Voice Vote: all AYES. Motion passed.**

*Mayor Morrison left the meeting at 3:15 p.m.*

Kramer asked if they could discuss Issue 7, Encroachment Permit Process, and stated sandwich boards on public right of ways have not been addressed. Hammond stated sandwich boards should not be permitted on public right of way, only in alcoves which are private property. Mr. Hanks clarified sandwich boards are not addressed in the sign code and therefore are not currently permitted.

Community Development Director Bill Molnar asked if the group had concerns about opening up the sidewalks for other uses besides sidewalk cafes. Mr. Appicello added he and Mr. Molnar have been working on trying to make a distinction to see if limiting the use of sidewalks to sidewalk dining was possible. Stromberg stated staff previously informed them they could not limit the use of sidewalks to just cafes and this is the premise they have been working under. He expressed concern that this option was not presented to the committee sooner. Kramer agreed and stated he did not know this was a possibility. He added he does not have concerns about rampant selling of merchandise on the sidewalk and stated the City could deal with that problem when and if it ever arises. Stromberg agreed and felt they should go with what they have for now. Laws disagreed and stated if they have a choice, they should only allow restaurant tables. He stated he does not think Ashland would have a desirable appearance if they start allowing these other uses. Mr. Appicello clarified the Council would likely ask about this option, and staff was merely doing their best to be prepared for the Council discussion.

Laws noted the email submitted by Brent Thompson and asked why a building can’t have signs on more than two sides. Mr. Molnar stated there are very few businesses in town that have four public streets bounding it and noted the elements that need to be considered when establishing a business frontage. He commented on the concerns behind this provision and gave the example of someone calling a loading doc a public entrance.

Compton expressed her concerns with whether this group has really solved the problems. Bussell noted they cannot solve every merchant’s problems and stated these businesses are out of compliance for different reasons. She added this group has been successful in providing additional options to these businesses. Laws stated the purpose of this committee was not to bring everyone into compliance. Slattery suggested the Task

Force include a detailed statement to the Council that describes the “whys” behind their recommendations. Hammond proposed forming a small subgroup of the Task Force to form this narrative. Greenblatt stated this statement needs to be understandable to lay people and stated the community has a misunderstanding about what these meeting are about.

Stromberg noted they have not found a solution to the Rocky Mountain Chocolate Factory bear, and stated the bear is symbolic of this whole process. Compton acknowledged that there is no way to allow the bear and not allow worse things elsewhere. She noted the bench and the bear are located in the shy zone and the only way to keep it would be to purchase an encroachment permit, which would cost \$50-\$100 a month. Mr. Appicello noted staff is attempting to create an exemption in the shy zone for public elements, which would include the bench, but not the bear. Laws stated he hopes staff will continue to look at a way to grandfather in objects that were placed after the law went into effect.

Comment was made from the audience suggesting the Task Force remove the minimum square footage provision and allow merchants free use of the shy space.

Greenblatt questioned if the sign code could be revisited at a later date. Stromberg noted this would eventually come to the Planning Commission and perhaps they could build in some kind of review process. Stromberg voiced his support reducing the minimum square footage and stated they should include this as part of the package that goes to the Council. He noted if the Council has misgivings, they can request additional information from staff and make a final determination.

**Kramer/Laws m/s to revise the Sidewalk Café Ordinance to have no minimum rental provision, but rather a processing fee and a per square foot charge. Voice Vote: all AYES. Motion passed.**

**Bussell/Stromberg m/s for the alterations in the sign code to be reviewed after it has been in effect for 2 years. Voice Vote: Hammond, Compton, Greenblatt, Slattery, Bussell, Stromberg, Kramer, and Shostrom, YES. Laws, NO. Motion passed.**

### **WRAP UP DISCUSSION**

Slattery commented that there is a huge education element that goes along with this and they need to find a way to let people know their options. Hammond suggested a statement in the City Source newsletter that identifies someone in the City that could assist businesses with their signage questions.

Greenblatt questioned if the Task Force would be given the opportunity to tweak the final report before it goes to Council. Mr. Appicello clarified staff would send out the report to the Task Force members and they will be given the opportunity to submit comments to staff. He cited Oregon’s Public Meeting Law and stated the members must avoid back and forth dialogue through email and should not be submitting their comments to each other. Stromberg asked about forming a small subcommittee to prepare a statement to the Council that captures the reasoning behind their recommendations. It was agreed that Hammond would be able to form a subcommittee if she feels it is necessary and staff would ensure this was properly noticed.

### **ADJOURNMENT**

Meeting adjourned at 4:30 p.m.

*Respectfully submitted*

*April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE  
MEETING MINUTES  
AUGUST 4, 2008**

**CALL TO ORDER**

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

**Members Present:**

Pam Hammond, Paddington Station, Chair  
Renee Compton, Rocky Mountain Chocolate Factory  
Daniel Greenblatt, Greenleaf Restaurant  
Sandra Slattery, Chamber of Commerce  
John Stromberg, Planning Commission  
Dana Bussell, Public Arts Commission  
George Kramer, Citizen at Large  
Don Laws, Citizen at Large  
Dale Shostrom, Citizen at Large

**City Staff Present:**

Martha Bennett, City Administrator  
Richard Appicello, City Attorney  
Bill Molnar, Community Development Director  
Adam Hanks, Permit Center Manager

**Absent Members:**

Dave Dotterrer, Planning Commission  
John Morrison, Mayor

Hammond clarified the group would be discussing Issues #1 and #2 today, which deal primarily with sign square footage and how it relates to 3D items on private property. She noted they would be addressing the right-of-way issues at their final meeting next week.

**COMMITTEE DISCUSSION OF OPTIONS**

Permit Center Manager Adam Hanks provided a presentation to group which reviewed current sign code allocation examples, exempt sign options, examples of 3D signs, and options for 3D objects and representations of merchandise.

City Administrator Martha Bennett clarified there are three types of signs: permanent, exempt, and temporary. Mr. Hank's clarified businesses are required to go through a permitting process for permanent signage and commented on how the allocation of signage is determined for business located on second and third stories.

Comment was made questioning if the 20% temporary signage allocation was "on the table" for possible revision. Staff indicated yes, and clarified businesses have to change their signs once a week in order for them to qualify as temporary signage. Community Development Director Bill Molnar explained the purpose of the exempt category is to provide businesses with additional flexibility. He noted they are unable to separate the display of menus from other signage and stated this starts to get into the content issue. Mr. Hanks noted most businesses can achieve their signage goals and still work within the City's sign code. He added a lot of this depends on how the business decides to divvy up their signage allotment. He clarified "dead space" does count towards the total sign square footage, and noted they would normally draw a rectangle around the wording/image and determine the square footage based on that.

Mr. Hanks asked how the group would like to proceed with exempt signs. Compton questioned if they could remove the limitations from displaying signage in windows. Laws commented that this would drastically change the sign code. Mr. Molnar clarified this is an option; however, it would create conflicts with other sections of the Ashland Municipal Code and could cause a domino effect. Stromberg commented that it

seems they are drifting away from their original assignment, which was to recommend some common sense, minor adjustments to relieve some of the businesses current issues. Shostrom stated that it is difficult to picture what is legal and what it not, and stated a before and after picture would help determine which is preferred.

Hammond suggested they come up with a blanket, square footage signage allotment, based on the size of the building, and allow businesses to use if for whatever they want. She stated removing the exempt and temporary categories would make things much simpler and easier to understand. Bussell suggested cutting the sign categories down to two: temporary and permanent. Stromberg commented that simplifying is an attractive option, but it presumes that the existing code was not created through a thoughtful process with lots of expertise. Hammond commented that what they have now is not very enforceable and causes confusion for the merchants. Stromberg recommended they make modest changes to the existing code and then recommend that the Council direct the Planning Commission to look into more extensive changes.

Hammond reviewed Issue #1 and listed the four options for the group. She noted the Task Force tentatively selected Option 4 at their last meeting, which is to allow one of the exempt signs to be three dimensional, and asked if they would like to proceed with this recommendation. Kramer clarified Option 4 would create the opportunity for one, small 3D sign to be placed on private property. Laws questioned how businesses could create a meaningful 3D sign that fits into the 1x1x2 sign limitation and voiced concern with business owners trying to protect what they have instead of thinking of the streetscape as a whole. Comment was made questioning if this option would apply to just the downtown area or the entire City. Stromberg suggested staff refine the permitted size and scale of 3D objects to allow for more flexibility. He recommended a cubic dimension with minimums and maximums. Shostrom voiced his support for Option 4 with three exempt signs. Greenblatt noted this option would leave some of the cited merchants out of compliance and questioned if this would really solve the problem.

#### **PUBLIC COMMENT**

**Susan, Black Sheep/**Noted the issues she has faced with signage and stated she has needed each sign that has been put up. She asked for examples of signage that is permitted and samples of what compliance looks like.

**Art Bullock, Ashland Resident/**Stated there are two primary public interests that the group has not addressed: 1) the public does not want so much signage that windows look cluttered, and 2) the public does not want so much signage that you cannot see into the business. He stated he does not think the Task Force can make small tweaks and be able to address these public interests and stated a more fundamental rewrite is necessary.

**Garrett, Duex Chats/**Asked for examples of approved signage and questioned the placement of signs on multiple entrances.

#### **COMMITTEE DISCUSSION OF OPTIONS (Continued)**

Hammond clarified this exempt sign discussion is in relation to the downtown area only. She acknowledged that Option 4 is not much more than a band-aid and agreed that they should recommend to the Council that these issues be looked at in depth. Slattery commented that she did not realize the temporary signage allocation was as flexible as it is. Hammond commented on the possible formation of a group (either through the Chamber of Commerce or the City) that helps merchants deal with their signage.

**Stromberg/Kramer m/s to approve Option 4 with 3 exempt signs. DISCUSSION:** Stromberg clarified this motion includes the understanding that they will recommend this be further evaluated by the Planning Commission. Laws commented on the point of this group coming together, and stated it was not to change the whole spirit of the sign code. Compton questioned if this option would provide enough relief to the

merchants. Ms. Bennett commented on the complexity of the entire issue and commented on who this specific option would address. **Voice Vote: all AYES. Motion passed unanimously.**

Kramer commented that the recommendation to the Planning Commission should be a global recommendation that comes at the end of their work.

Hammond introduced Issue #2 and the related options. Bussell provided some background on Option 3 and stated Ashland is unique in that it considers art to be a sign. She noted any type of representational structure is not allowed and wall graphics are also not permitted. Bussell explained the Public Art Master Plan recommended modifying the sign code to allow for certain types of public art. Ms. Bennett commented on the rules that govern Oregon and stated Ashland is not the first community to experience problems in this area. City Attorney Richard Appicello clarified if art is owned (donated) to the City and properly placed, it is exempt from the sign code. Ms. Bennett noted this issue still needs to go through the Public Arts Commission.

Kramer clarified Issue #2 deals with issues like Wiley's Alfredo statue. Bussell questioned if they are talking about the entire City. She stated this won't be too much a concern for downtown, since there is not much space, but noted the areas outside downtown are most likely to have national chains. Kramer felt size and material limitations would address these concerns. Staff clarified they do not consider sandwich boards 3D signs. Ms. Bennett clarified Option 4 would not work for Wiley's Pasta because Alfredo comes in every night. Stromberg suggested they deal with sandwich boards and items like the Alfredo statue separately. Staff clarified the problems with sandwich boards is more of a right of way issue, which will be addressed next week. Kramer suggested creating an additional exempt sign opportunity outside the Downtown Design Overlay Zone that includes allowable material types and size limitations. The group briefly discussed possible objects this suggestion may open the door to.

Bussell recommended they add a public art exemption for city owned facilities/city property. City Attorney Richard Appicello was asked to bring back options at the next meeting to address Bussell's concerns regarding public art.

**Stromberg/Compton m/s to create a category for movable 3D signs, that 1) are not measured as part of the total sign allotment, 2) meet certain material and construction standards (to be determined by staff), 3) fit within a volumetric maximum, and 4) this category would apply to areas outside the Downtown Design Zone and the Historic Districts.**

**Stromberg/Compton m/s to amend motion to add a setback from the public right-of-way (for staff to determine). DISCUSSION:** It was clarified this amendment would be added to the original motion.

**Voice Vote on motion as amended: Hammond, Compton, Greenblatt, Slattery, Kramer, Shostrom and Laws, YES. Shostrom and Bussell, NO. Motion passed 7-2.**

Staff clarified the Task Force would be dealing with Issue #4 and the remaining right-of-way issues at their final meeting next week.

#### **ADJOURNMENT**

Meeting adjourned at 4:15 p.m.

*Respectfully submitted*

*April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE  
MEETING MINUTES  
JULY 28, 2008**

**CALL TO ORDER**

Task Force Chair Pam Hammond called the meeting to order at 2:05 p.m. in the Siskiyou Room, 51 Winburn Way. Hammond noted several of the members attended a tour of downtown sign issues, which was conducted prior to the meeting.

**Members Present:**

Pam Hammond, Paddington Station, Chair  
John Morrison, Mayor  
Renee Compton, Rocky Mountain Chocolate Factory  
Daniel Greenblatt, Greenleaf Restaurant  
Sandra Slattery, Chamber of Commerce  
Dave Dotterer, Planning Commission  
John Stromberg, Planning Commission  
Dana Bussell, Public Arts Commission  
George Kramer, Citizen at Large  
Don Laws, Citizen at Large

**City Staff Present:**

Martha Bennett, City Administrator  
Richard Appicello, City Attorney  
Adam Hanks, Permit Center Manager

**Absent Members:**

Dale Shostrom, Citizen at Large

**PUBLIC COMMENT**

**Judy/Shakespeare and Co. Bookstore/**Stated she is in a difficult situation because her business is located down an alley. She explained sales have dropped 60% since the City has prohibited her from placing the wagon at the alley's entrance and explained that she is doing her best to keep the bookstore open.

**Jeff/ Rocky Mountain Chocolate Factory/**Commented that the proposed changes are insufficient and felt more change was needed. He stated businesses can't stay in business if they cannot have something that lets customers know they are there. He stated customers will not visit a store if that business does anything "too tacky" and he does not understand what the task force is afraid of.

**COMMITTEE DISCUSSION OF OPTIONS**

***Issue #3 – Downtown Businesses with Limited Signage Opportunity.***

Hammond read the issue and the options aloud. She voiced her support for Option 1, which would change the sign limitation to 24" from the wall and would provide greater visibility for businesses on side streets/alleys/pedestrian access ways. Mr. Hanks used Shakespeare and Co. as an example and explained how Option 1 would allow them to place a sign at the entrance to the alley that would project out from the corner.

**Greenblatt/Compton m/s to accept Option 1 for Issue #3. Voice Vote: all AYES. Motion passed.**

***Issue #5 – Placing Signage in the Public Right-of-Way.***

Hammond read the issue and options aloud. City Administrator Martha Bennett clarified if Option 2 were selected, the City would have to establish a program and identify the parameters for a temporary sign permit process. Slattery suggested they consider City owned signs that don't include business names, but

rather indicate “lodging” or “dining” and directional arrows. She stated these could be artistically done and may encourage people to walk. Ms. Bennett commented that another option would be for the City to install signs and allow businesses to purchase a spot on that sign. She stated this option would help with the Blue Giraffe’s signage situation and noted a City sign could be placed in the Water Street parking lot. Comment was made voicing support for a combination that would allow for generic directional information signs as well as City signs that list specific business information.

**Compton/Dotterrer m/s to accept Option 1 for Issue #5. Voice Vote: all AYES. Motion passed.**

**Laws/Kramer m/s to reject Option 2 for Issue #5. DISCUSSION:** Kramer stated he is interested in looking at encroachment opportunities that pertain to all businesses and voiced opposition to creating a separate authority in this area. Laws felt it would be a mistake to allow temporary signs in addition to directional signs. Compton commented that if the City decided not to place a directional sign, Option 2 would provide the business owner an opportunity to apply for a permit. It was questioned if the City could stipulate that this option would only be available if the City does not do Option 1. Ms. Bennett voiced her hesitations with Option 2. Suggestion was made for the group to table the motion and come back to this after they have dealt with the encroachment issue. **Motion was tabled.**

***Issue #7 – Encroachment Permit Process.***

Hammond read the issue and the options aloud. Kramer voiced support for a list of approved items that could be placed in the City right of way. He stated this list of allowable items should be separate from the items the City would require a permit for. City Attorney Richard Appicello commented on the legality of this issue and recommended a process where items would be donated and accepted by the City; and the City would then decide where the item is placed. He stated the City would only accept items that met generic durability standards and the individual would need to sign a maintenance and hold harmless agreement. Ms. Bennett questioned if the City already owned these items and she stated it was her understanding that if someone places an item in the City right of way, they are essentially donating it to the City. Laws commented that it would be difficult to come up with a list of approved items and stated the list would have to be regularly amended. He added that he does not feel a list of approved items would solve the problem and voiced his support for Option 1. Kramer voiced concern that requiring a permit and the donation process would stop these types of objects from being placed. Hammond noted that there are also safety measures to be considered, such as the Black Sheep’s lion. Suggestion was made for a two part process that includes a list of general items that the City endorses and requiring the placement of all other items to go through a permit process.

Ms. Bennett summarized the group’s deliberation and stated they would like to allow for the placement of functional items and recognize that these will be owned by the City; they are willing to let staff evaluate whether to establish a donation process or include a general acceptance provision in the code. Ms. Bennett stated staff could also look into a 3D allowance for functional objects designed to address safety issues and noted there will need to be criteria established for how to decide on the placement of these objects.

**Stromberg/Laws m/s to approve the staff direction as outlined by Ms. Bennett. DISCUSSION:** It was clarified this is not a final decision and this issue would be returning to the group at their next meeting. Stromberg commented that he views this as enabling certain uses, not prohibiting everything else. Bussell noted that if someone wanted to donate art there is already an approval process for that. Mr. Appicello clarified the two processes would work together. **Voice Vote: all AYES. Motion passed.**

***Issue #6 – Newspaper/Misc. Publication Racks.***

Hammond read the issue and the options aloud. Comment was made questioning if the City could completely remove the racks. Mr. Appicello clarified he does not believe completely banning them is appropriate.

**Kramer/Greenblatt m/s to combine Options 1 and 2 and direct staff to inventory all downtown newspaper/publication racks and prepare a recommendation. DISCUSSION:** Recommendation was made for the inventory study to indicate their preferences and for it to be referred directly to the City Council. Kramer and Greenblatt agreed to include this amendment in the motion. **Voice Vote: all AYES. Motion passed.**

***Issue #9 – Administering the Downtown Parking Program.***

Ms. Bennett noted the draft ordinance that was submitted to the group and indicated staff needs clarity on the towing vs. booting then towing options. She clarified the City is not proposing to boot the vehicle and leave it there until the owner pays, but rather boot the vehicle and have it towed after 24 hours if payment is not received.

Support was voiced for towing and not booting vehicles. Hammond questioned the dollar amount owed before the City would take action and suggested raising it from \$250 to \$500. Ms. Bennett commented on why the \$250 amount was chosen and cautioned them about raising this too high. Greenblatt noted the provision in the ordinance that states the individual will be noticed 10 days in advance before any action is taken. Stromberg supported the towing option and stated booted vehicles could take away from the City's ambience.

*Mayor Morrison left the meeting at 4:00 p.m.*

Ashland Municipal Judge Pam Turner commented on the 10 day notice period and shared a few situations where individuals might not receive the notification. Comment was made suggesting the City affix a colored placard to the vehicle prior to it being towed.

**Dotterer/Greenblatt m/s to recommend the Ordinance as drafted with the exception of removing the booting provision. DISCUSSION:** Mr. Appicello suggested the notification period be changed to 14 days. Consensus was voiced for including this modification. **Voice Vote: all AYES. Motion passed.**

**DISCUSS POSSIBLE AUGUST 4 MEETING**

Hammond stated it will be necessary for the group to meet again and asked for the members' preference on meeting dates. She noted the group could meet next Monday, or meet two weeks from today. Mr. Appicello indicated he would likely need more than one week to prepare the draft right-of-way ordinance.

The Task Force reached consensus to meet on August 4<sup>th</sup> and August 11<sup>th</sup>.

Ms. Bennett clarified the Task Force's final report is scheduled to go before the City Council on September 2, 2008. She noted recommended changes to the Sign Code will have to go to the Planning Commission; however, the Council could enact the rest of their recommendations. She added the group will need to complete their work by August 19<sup>th</sup> in order to make the September packet deadline.

**ADJOURNMENT**

Meeting adjourned at 4:15 p.m.

*Respectfully submitted*  
*April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE  
MEETING MINUTES  
JULY 21, 2008**

**CALL TO ORDER**

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

**Members Present:**

Pam Hammond, Paddington Station, Chair  
John Morrison, Mayor  
Renee Compton, Rocky Mountain Chocolate Factory  
Daniel Greenblatt, Greenleaf Restaurant  
Sandra Slattery, Chamber of Commerce  
Dave Dotterer, Planning Commission  
John Stromberg, Planning Commission  
George Kramer, Citizen at Large  
Dale Shostrom, Citizen at Large  
Don Laws, Citizen at Large

**City Staff Present:**

Martha Bennett, City Administrator  
Richard Appicello, City Attorney  
Bill Molnar, Community Development Director  
Adam Hanks, Permit Center Manager

**Absent Members:**

Dana Bussell, Public Arts Commission

**STAFF PRESENTATION OF OPTIONS**

Permit Center Manager Adam Hanks briefly reviewed the nine key issues and options listed in the staff report.

**PUBLIC COMMENT**

**Ron Roth, Geppetto's**/Shared his concerns over what he felt was an overzealous Code Enforcement Officer and recommended more direct supervision of this City employee.

**Graham Lewis, United Methodist Church**/Noted the church is located on the corner of Laurel and N. Main, but they are only allowed signage on one of the streets. He stated signage on both frontages would be helpful.

**Steve, Soundpeace**/Questioned if he would be permitted to place a prayer flag in the garden in the morning and take it in at night. Regarding the parking situation, he thought this was always voluntary and not necessarily enforced.

**Julie, Wiley's World**/Stated she does not view her Alfredo statute as a sign, but rather a piece of art; and stated the statue needs to be able to come in at night to avoid potential theft or vandalism. She voiced her support for removing the 3D object prohibition from the Sign Code.

**Melissa Markell, Chair of the Public Arts Commission**/Voiced her support for Option #4 regarding the three dimensional sign issue, which would create an exemption for 2D or 3D public art.

**Susan, Black Sheep**/Submitted signature petitions supporting the placement of the lion statue in front of the Black Sheep's entrance. She stated if they remove the lion it would result in an unsafe doorway and stated this is a historical building and the entrance cannot be changed.

**Lee, Downtown Employee/**Stated she received a ticket a few years ago, without warning, after parking in the same block twice. She stated this is a silly rule and the City should at least put up a sign warning employees.

**Pam Turner, Ashland Municipal Judge/**Noted all parking appeals come to her and voiced her support for repealing or revising the downtown employee parking ban. She stated the ban is very difficult to enforce and felt the language was over broad.

**Lance Pugh, Ashland Resident/**Voiced concern with what he felt was staff running the meeting and directing the focus.

**Brent Thompson, Ashland Resident/**Voiced his support for the option permitting one additional exempt sign. Regarding the parking issue, he suggested diagonal parking could be used to create more spaces in certain downtown areas.

**Donna, Webster's/**Stated if they change the sign code, they need to make sure it can be universally applied. She commented briefly on the sidewalk issue and noted they are heavily congested in the middle of the season.

**Mike Morris, Ashland Planning Commissioner/**Asked how they would feel if every building had something out in front of it, and questioned where the limits are.

**Ramona, B Ella/**Stated if they are going to enforce the parking ban, it needs to be applied to everyone.

#### **COMMITTEE DISCUSSION & DIRECTION TO STAFF**

##### ***Downtown Employee Parking Ban***

Hammond voiced support for Option #1, which would eliminate the employee parking ban from the Ashland Municipal Code. She stated the City could still send out a letter each year asking the downtown businesses to voluntarily comply with the seasonal parking limitations. The Task Force voiced unanimous consent for this option.

##### ***Unpaid Parking Tickets***

City Administrator Martha Bennett explained how the City currently handles unpaid parking citations and stated the City's current enforcement tools are very weak. She stated booting or towing vehicles that have an excessive amount of unpaid parking violations is one option the group should consider.

The group discussed the option presented by staff. Stromberg voiced his concerns with booting vehicles and felt towing was a better alternative. City Attorney Richard Appicello clarified due process would occur before anyone was booted and the individual would receive proper notice before this action occurred. Ms. Bennett listed the outstanding parking citation figures for the group. Laws voiced his support for booting, and stated this type of action is needed if they have people who simply do not care. Greenblatt agreed that this needs to have some "teeth." Kramer voiced his support for the towing option. Compton agreed, but questioned what the outstanding ticket amount would have to be before this action was taken.

Hammond recommended they move onto the next issue and look at this option further at their next meeting.

***Amount of Signage Permitted***

Hammond listed the two options for Issue #1. She stated they could modify the Sign Code to allow for one additional exempt sign or they could choose to modify the Code to allow the existing exempt signs to be a maximum of 3 sq. ft.

The group discussed the two options. Shostrom suggested modifying the requirement to allow for two signs at 2 sq. ft. or less, and one additional sign at 3 sq. ft. or less. Kramer recommended they not limit this to the C-1-D zone, but permit the additional signage in the entire commercial district. Compton noted that being able to display menus is not only a benefit for the restaurants, but also the pedestrians. Kramer suggested they increase the total amount of signage permitted (based on the linear footage of the building's frontage) and allow businesses to allocate the space as they choose. Compton suggested they establish two different parameters; one for inside the downtown area and one for outside this area.

Mr. Hanks clarified the current provision which allows businesses to use up to 20% of their window space for changeable copy. He also provided a brief explanation of how businesses with no windows or those located on second and third stories are accommodated.

Staff was directed to return at the next meeting with information on the new options presented by Shostrom and Kramer.

***3-Dimensional Signs/Representations of Merchandise***

Hammond listed the options for Issue #2 outlined in the staff report. Kramer and Compton voiced their support for Option 2, which would allow 3D representations as a sign type. Laws expressed concern with permitting 3D objects, though supported the ones we currently have. He questioned if there was a way to exempt those that exist today. Slattery voiced her confidence that businesses would do everything possible to make their business attractive and is not concerned that Option 2 would result in a surge of undesirable objects.

Hammond conducted a straw vote and the majority of the group supported Option 2.

The Task Force agreed to continue with the meeting until 4:30 p.m.

***Limited Signage Access due to Location***

Hammond listed the options for Issue #3 outlined in the staff report. Kramer suggested businesses, such as the Blue Giraffe, with no frontage on a public street be allowed one offsite sign as part of their sign allocation; however include a provision that this sign could not be placed on public right of way. The group briefly discussed these options and agreed to come back to this issue at their next meeting.

***Use of Right-of-Way for Commercial Use***

Hammond listed the options in the staff report. Laws noted when the Sidewalk Café ordinance was passed, its intent was not to benefit the restaurant specifically, but to enhance the ambiance in town. He felt opening up the use of sidewalks for merchandise was unacceptable and would destroy the Ashland's appearance. City Attorney Richard Appicello briefly commented on the legal issues surrounding this matter. Slattery commented that sidewalk dining is something the public loves, and suggested they look at other communities and how they deal with this issue. Kramer noted that selling flowers, fruit or vegetables on the sidewalk could also add character.

City Administrator Martha Bennett commented on Option 2, which would allow the City to lease sidewalk space to businesses, and questioned how much merchandise that business would need to sell to make this worthwhile to them. Comment was made that this would be for the individual business to decide. Greenblatt noted Greenleaf was the first restaurant to have outdoor seating on the Calle and

voiced support for allowing the City to rent the public right of way, so long as the parameters are followed. Ms. Bennett clarified the sidewalk space would be only leased to the adjacent business.

Hammond conducted a straw vote and the majority of the group were interested in a combination of Options 2 and 3.

Ms. Bennett indicated staff would do more flushing out of the details on the input provided by the group. She noted they would pick up where they left off at the next meeting and encouraged interested citizens and business owners to submit their comments and concerns to staff.

**ADJOURNMENT**

Meeting adjourned at 4:30 p.m.

*Respectfully submitted,  
April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE  
MEETING MINUTES  
JULY 14, 2008**

**CALL TO ORDER**

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

**Members Present:**

Pam Hammond, Paddington Station, Chair  
John Morrison, Mayor  
Renee Compton, Rocky Mountain Chocolate Factory  
Daniel Greenblatt, Greenleaf Restaurant  
Sandra Slattery, Chamber of Commerce  
Dana Bussell, Public Arts Commission  
Dave Dotterer, Planning Commission  
John Stromberg, Planning Commission  
George Kramer, Citizen at Large  
Dale Shostrom, Citizen at Large  
Don Laws, Citizen at Large

**City Staff Present:**

Martha Bennett, City Administrator  
Richard Appicello, City Attorney  
Bill Molnar, Community Development Director  
Adam Hanks, Permit Center Manager

**WELCOME & INTRODUCTIONS**

Pam Hammond and Mayor Morrison welcomed the group and each member introduced themselves.

**PURPOSE & GOALS OF TASK FORCE**

Mayor Morrison commented briefly on what prompted the creation of this task force and noted issues have been raised regarding the City's sign code, use of the public right of way, and the downtown employee parking ban. He stated the Downtown Task Force would be meeting for three weeks and encouraged them to focus on addressing the immediate concerns.

**OVERVIEW OF TASK FORCE SCHEDULE**

Hammond briefly reviewed the meeting agenda. She indicated their second meeting would include a staff presentation of options and committee discussion; and hopes they can have deliberations and come to a recommendation by their third meeting.

**OVERVIEW OF THREE ISSUES**

Community Development Director Bill Molnar presented an overview of the City's sign code, use of public right-of-way, and downtown employee parking restrictions.

***Sign Code***

Mr. Molnar stated the 1966 Central Area Plan called for the development of a sign program and the City's sign ordinance was officially adopted in 1968. He stated there have been several updates to this section of the code over the years and noted the 1988 Downtown Plan acknowledged the success of the sign code. Mr. Molnar provided the definitions of "signs", "exempted signs", and "prohibited signs" and listed the main compliance issues the City deals with.

***Use of the Public Right of Way***

Mr. Molnar noted there are many competing interests within the sidewalks and stated the City has regulations regarding the outdoor display of merchandise. He explained the Ashland Municipal Code prohibits using the street or public sidewalk for selling, storing or displaying merchandise or equipment;

and businesses within the City's commercial zones are required to obtain a conditional use permit (CUP) for the outdoor storage of merchandise on private property. Mr. Molnar noted the City has a sidewalk café ordinance and it is administered by the Public Works Department.

***Downtown Employee Parking Ban***

Mr. Molnar explained the ban was first adopted in 1985 at the request of the Chamber of Commerce and the seasonal restrictions were made permanent in 1986. He explained the ban restricts downtown employee parking in the downtown parking district between 8:30 a.m. to 5:30 p.m., May through September; and listed some of the issues that have been raised by the affected businesses and their employees.

**PUBLIC COMMENT**

**Tom, Pasta Piatti & Tabu**/Shared his concerns regarding the newspaper racks.

**Nola, Renaissance Rose**/Noted she had been cited by the City and requested clarification on the ordinance governing the outdoor display of merchandise. She noted the sale of merchandise on Guanajuato Way and asked about the City's CUP process.

**Steve, Soundpeace**/Asked if there was a way for current businesses to be "grandfathered in" and require anyone new to receive approval for the display of items. He agreed with the concerns expressed by the previous speaker regarding newspaper boxes and suggested there be a maintenance requirement for these. Steve noted the signage in Boulder, Colorado and suggested the Task Force review the Boulder sign code for comparison. He also commented on the employee parking ban and noted employees are being issued tickets when visiting downtown businesses on their days off.

**Julie, Wiley's Pasta**/Noted her business is not located downtown and stated they use their "Alfredo" statue to show customers that they are open for business.

**Lenny, CD or not CD**/Stated there is a small space in front of his store that he would be interested in obtaining a CUP for. He commented on the height of his sign and suggested they allow businesses to sell merchandise outdoors on weekends only. He stated it is possible to have attractive sandwich signs, newspaper boxes, and neon signs; and suggested the City form a review board to determine what is aesthetically pleasing.

**Dave, Endless Massage**/Noted that his is a newer business and commented on the use of sandwich boards to attract business. He stated his board did obstruct people walking and stated it made a big difference in bringing people into his business.

**Susan, Pilaf**/Questioned why people dressed as the Statue of Liberty or dressed in sandwich boards does not go against the sign code. She stated that parking is one of her major stressors and explained that she often has to come and go several times a day from her business.

**Kate, Earth Friendly Kids**/Stated being unable to put merchandise out in front of her store has made them struggle financially and believes the City is hurting the vitality of the town by making such strict rules.

**Ramona, B Ella**/Noted her store has no back entrance and all of their supplies have to come through the front door. She questioned the fairness of the parking situation and asked if downtown employees who work at night are being ticketing as well.

**Jimmy, Blue Giraffe Spa/**Noted their building is set back from Water Street, behind the parking lot and customers cannot see his sign from the street. He stated he receives a lot of complaints from clients because they cannot find his store. He suggested the City have some sort of hearings process to deal with unique situations like his own. He also questioned putting up a small sign similar to Pilaf's or Iris Inn's signs.

**Don, Ashland Springs Hotel & Larks/**Stated he was cited for placing the building's original sandwich board in front of the hotel and noted the challenge of educating guests on what they offer. He stated that inadequate parking in Ashland is a big issue and noted the parking garage is consistently full.

**Mike Morris, Planning Commissioner/**Recommended the sign ordinance be removed from the Land Use section of the Municipal Code and recommended they set criteria for a variance. He suggested different requirements be set for areas outside of downtown (at least until these areas become more populated by pedestrians) and recommended they establish maintenance requirements for newspaper boxes.

**Pam Turner, Ashland Municipal Judge/**Noted that she handles the City's parking violations and stated the intention of the employee downtown parking ban is not to prohibit employees from visiting businesses on their time off. She encouraged everyone to read this section of the code (AMC 11.30.020).

City Administrator Martha Bennett clarified 95% of the businesses have complied with the City's requirements and stated she would like to continue to work cooperatively with the businesses while this process is going on.

City Attorney Richard Appicello commented briefly on the concept of grandfathering. He clarified the City is required to treat everyone equally and does not believe grandfathering is an option.

Mayor Morrison clarified that public testimony will be included in this process and encouraged the businesses and members of the public to submit their information to the Task Force.

#### **COMMITTEE DISCUSSION**

City Administrator Martha Bennett indicated staff would be preparing white papers and submitting them to the group within the next few days. She recommended they inform staff if they are in need of additional information or if there are options they are leaning toward. She agreed that parking in Ashland was a valid concern, but recommended they limit their discussion to the employee parking issue.

Clarification was requested on the process of obtaining a conditional use permit to display merchandise on private property. Permit Center Manager Adam Hanks stated this is a Type I land use action and the fee is currently \$882. He stated the City has seen this type of CUP for larger scale uses, such as the hardware store, but noted the approval criteria are fairly general.

Mr. Hanks clarified the Iris Inn's sign was obtained through ODOT, not the City.

Sandra Slattery commented that these requirements were put in place for good reasons; however they need to ensure that Ashland businesses can be successful and stated it is time to look at these regulations with the current view of the community in mind.

City Attorney Richard Appicello commented on the issue of placing 3-D objects in front of businesses and clarified they can only limit the time, place, manner and size of these objects, not the content. George Kramer added they could also control the materials they are made of and can require the object to be maintained.

Ms. Bennett noted the City would be bringing forward options regarding sidewalk cafes, including options for permitting, regulating, and leasing public right of ways. She clarified the vendors along Calle Guanajuato lease this space from the City and stated the Task Force could consider creating a similar provision for individual business to display merchandise in front of their stores.

Don Laws requested the City Attorney prepare a memo that cites the court cases and laws that deal with grandfathering and the equality of treatment. He stated he would like to know what is legal and whether the City could make changes. Mr. Laws provided some history of the sign code and stated its intent was to make Ashland businesses more appealing. He commented on how the sign code has contributed to the overall success of businesses in Ashland and recommended they be careful about making changes.

Dave Dotterer suggested the sign code differentiate between private property and public right of way. Ms. Bennett voiced her support for this suggestion. Mr. Appicello clarified the City could permit larger 3-D objects on private property than on public right of way.

Dana Bussell commented on the Public Arts Commission's master plan and noted the plan did speak to some of these issues. She clarified one of the goals of the plan was to change the sign ordinance to allow for murals. She also commented briefly on the public art jury process the commission utilizes, and clarified people affected by the object are represented on the jury.

Sandra Slattery noted that there are other communities, such as Carmel, California, that have very pleasing signage and suggested the group take a look at how other communities deal with this issue. Ms. Bennett requested the group clarify which cities' sign codes they are interested in. Staff was directed to look into the sign codes for Carmel, California and Boulder, Colorado, particularly for small, directional signs. Ms. Slattery noted she would also try to gather information and obtain samples from other communities that are attractive, high visitor destinations.

Mayor Morrison requested information on newspaper boxes, including what governs their installation, maintenance, and removal. Additional request was made for how many spaces a publication can have and whether the boxes interfere with pedestrian and vehicle safety. It was also questioned if the City could designate certain areas where the boxes would be permitted.

Ms. Bennett indicated staff would gather the information requested by the group and stated materials for the next meeting would be sent out later this week. She noted the next Downtown Task Force meeting is scheduled for next Monday, July 21 at 2 p.m.

#### **ADJOURNMENT**

Meeting adjourned at 4:05 p.m.

*Respectfully submitted,  
April Lucas, Administrative Assistant*