

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
SEPTEMBER 15, 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. July 28, 2009 Study Session Minutes
2. August 11, 2009 Planning Commission Minutes
3. August 25, 2009 Study Session Minutes
- IV. **PUBLIC FORUM**
- V. **TYPE III PUBLIC HEARINGS**
A. **PLANNING ACTIONS: 2009-00784**
SUBJECT PROPERTY: 615 Washington Street
APPLICANT: Ron Rezek
DESCRIPTION: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for the Site Review Approval for the 17,650 square foot warehouse building and associated parking areas and landscape installation. A Tree Removal Permit is requested to remove twelve trees greater than six inches diameter at breast height or greater. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **PROPOSED ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 14 AC; **TAX LOT:** 200.
- VI. **NEW BUSINESS**
A. **Tolling and Extension Ordinance Initiation**
- 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
STUDY SESSION
MINUTES
JULY 28, 2009

CALL TO ORDER

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

Planning Commissioners Present:

Larry Blake
Michael Dawkins
Tom Dimitre
David Dotterer
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
April Lucas, Administrative Assistant

Absent Members:

None

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Commissioner Marsh announced John Rinaldi, Jr. was appointed to the Planning Commission and welcomed him to his first meeting.

Planning Manager Maria Harris provided a brief update on the status of the SOU Campus Master Plan. She stated following the public hearing held at the last meeting, the University has decided to postpone this action in order to conduct further outreach with the community. Commissioner Blake noted two neighborhood meetings have been scheduled for October and the Master Plan Update will likely return to the Planning Commission later this fall.

Ms. Harris announced due to the changes in the City Council's meeting schedule, the Planning Commission will meet on September 15 and September 29.

PRESENTATIONS

A. 2007 Commuter Rail Study and Update on Upcoming North-South Travel Demand Study

Ms. Harris introduced Vicki Guarino with the Rogue Valley Council of Governments (RVCOG). She briefly commented on the location reserved in the Croman Master Plan for a commuter rail platform and explained RVCOG completed a rail study in 2007. She stated Ms. Guarino is here to provide information on that study and to provide follow up on what has occurred since then.

Ms. Guarino provided a presentation to the Commission that addressed the Rogue Valley Metropolitan Planning Organization (RVMPO), the 2007 RVMPO Commuter Rail Study, and the RVMPO North-South Travel Study.

- 1) Rogue Valley Metropolitan Planning Organization (RVMPO). Ms. Guarino provided some background on the RVMPO as explained they are responsible for regional transportation planning as directed by Congress. She reviewed how the RVMPO was established and the jurisdictions that are included. She clarified federal legislation and regulation define the RVMPO's role, and they are responsible for maintaining certain documents, including the Unified Planning Work Program, the Regional Transportation Plan, and the Transportation Improvement Program.

- 2) Regional Transportation Plan (RTP). Ms. Guarino stated the RTP was recently updated and forecasts to the year 2034. She stated the RTP identifies \$305 million in transportation funds and identifies the projects to be completed. She indicated that based on the information they have about transportation projects and forecasts for population and employment growth, the RTP also forecasts system performance and demonstrates conformity with the air quality regulations.
- 3) Transportation Improvement Program (TIP). Ms. Guarino stated the TIP is the short range catalogue of projects that are happening now. She stated the TIP identifies the funding for these projects and outlines the completion schedules. She noted this document is updated by the RVMPO every 4 years and the projects listed in this document must be fully funded.
- 4) RVMPO Organization. Ms. Guarino explained each jurisdiction is represented on the RVMPO's Policy Committee and the City of Ashland's representative is Councilor Chapman. She noted staff members from each jurisdiction are also represented on the RVMPO Technical Advisory Committee. She commented on how projects get into the RVMPO arena and explained it all starts with communities identifying local needs in their Transportation System Plans (TSPs). Regional projects identified in the TSPs are then forwarded to the RVMPO and once funding is received and the project is approved, it moves forward.
- 5) Rogue Valley Commuter Rail Project. Ms. Guarino stated this study was published in 2007 and evaluates the possibility of a commuter rail system from Ashland to Central Point (16 miles) and possibly extending to Grants Pass. She stated the study analyzed two different scenarios; 60 minute service intervals and 30 minute service intervals. It was determined a 30 minute interval would need to be the minimum, and would require 4 sets of trains with 180 seats per train. Ms. Guarino stated the costs would run approximately \$10 million per rail car; however, there is a wide discrepancy to these costs. She noted track upgrades would be needed, plus the additional costs for parking, platforms, and maintenance. She stated the study identified a total capital cost of approximately \$26 million, and annual operating costs of \$3 million. Ms. Guarino commented on the potential benefits of a commuter rail system, and stated the next steps include researching alternative rail cars that might be less costly, tracking the changes in rail ownership, identifying and exploring alternatives, and quantifying future demand.
- 6) North-South Travel Demand Study. Ms. Guarino explained a key piece in determining the feasibility of a commuter rail is identifying future demand. She stated a North-South Travel Demand Study is being developed and is scheduled for completion this fiscal year. She stated the study will include the Croman property south of Ashland and will extend to the Seven Oaks interchange to the north. Ms. Guarino stated the study will evaluate future growth (residential dwelling units and employment opportunities) within ¼ mile of the railroad track and Hwy 99, and explained the purpose of the study is as follows:
 - To develop a long-term multimodal concept plan for the Hwy 99 corridor area as an alternative to I-5 north-south travel.
 - The study will focus on the role land use and multimodal transportation can play to improve peak-hour travel.
 - The plan will include strategies that reduce vehicular traffic congestions, greenhouse gases, and support economic development along the north-south corridor and beyond the study area.
 - A major focus of the study will be to determine the appropriate population density and land use patterns necessary to support transit alternatives such as enhanced commuter transit, bus rapid transit, and commuter rail.
 - The study will identify transportation options and strategies to reduce vehicle trips and improvements needed to improve bicycle and pedestrian connectivity.
 - The project will use and build on preliminary work by the RVMPO on the feasibility of commuter rail on existing rail paralleling Hwy 99 through the study area.

Ms. Guarino concluded her presentation and explained while the commuter rail system is a hugely popular concept with people, currently the region falls short in terms of density. She stated if communities want to see this happen in the future, they will need to meet certain density and employee numbers within that ¼ mile radius of the rail line and Hwy 99. She

noted the RVMPO is currently working on identifying what the various comprehensive plans outline for developing these corridors, but until the region meets the necessary figures, they can only talk about this concept.

The commissioners shared their input and questions regarding the commuter rail concept and the North-South Travel Demand study.

Commissioner Dawkins noted he worked on a Transportation Committee in Colorado and suggested the RVMPO research other communities who have tried to do a commuter rail.

Commissioner Miller questioned where the money to pay the operating expenses would come from and asked how much public outreach has been done. Ms. Guarino noted the neighborhood meetings and open house sessions that were held, but had no answer as to where the operational funds would come from. She noted with the new Obama administration, there may be new funding opportunities that become available.

Ms. Guarino clarified it is possible for a commuter rail system and a freight line to utilize the same tracks. She also clarified the rail cars they looked at would be able to move either forward or reverse and no turn-a-rounds would not be needed (however the study did identify several locations where bypasses would be needed).

When asked whether the RVMPO is coordinating with other MPO's in the state, Ms. Guarino answered No, since our valley is mostly self contained. She added the MPO's in the northern part of the state are working hard to become a high speed rail corridor and are working with other jurisdictions to the north.

Ms. Guarino clarified Planning Manager Maria Harris is a member of RVMPO and will receive up to date information as this study moves through the process. She also noted information will be posted on their website at www.rvmopo.org. Commissioner Marsh noted the City's commitment to multimodal transportation and asked that the Planning Commission be kept informed by staff and our Council representative.

B. City Council Goals, Values and Vision

Commissioner Marsh briefly reviewed the four goals the Planning Commission had provided to the Council and stated she is interested to see if and how these were incorporated. Marsh summarized the four goals provided to the Council: 1) Strategic vision and visioning, and the Commission's offer to be involved in the City Council's process; 2) Transportation planning, incorporating a planning vision, and active participation in the transportation planning process; 3) Continue with the Croman planning process and incorporate such issues as solar orientation and water infiltration design standards; 4) Look at sustainability and research what other public entities have done.

Council Liaison Eric Navickas presented the Council Goals, Values, and Vision presentation. He noted feedback sheets were included in the commissioner's meeting packets and asked that they complete these and return to staff by the deadline indicated.

Councilor Navickas noted the primary theme of the goals is sustainability and stated the goals are separated into six categories: Economy, Environment, Social Equity, Municipal Organization, Public Facilities, and Partnerships. The goals presented to the Commission are as follows:

Economy Goals:

- 1) Develop and implement a comprehensive economic development strategy.
- 2) Complete the Croman Mill Master Plan and develop an implementation strategy for funding and infrastructure.
- 3) Increase the clarity, responsiveness, and certainty of the development process.

Environment Goals:

- 1) Develop an integrated land use and transportation plan to increase the viability of transit, bicycles, walking, and other alternative modes of transportation.
- 2) Adopt an integrated Water Master Plan that addresses long-term water supply.

- 3) Implement specific capital projects and operation programs to ensure City facilities and operations are a model of efficient use of water, energy, land, and other key resources.
- 4) Adopt land use codes, building codes, and fee structures that create strong incentives for new development that is energy, water, and land efficient, and supports a multimodal transportation system.
- 5) Develop a strategy to use conservation and local renewable sources to meet Tier 2 power demands.

Social Equity Goals:

- 1) Complete the development of affordable housing on the Clay Street property.
- 2) Conduct a comprehensive study of Ashland's homeless.

Organization Goals:

- 1) Develop a plan for fiscal stability, manage costs, prioritize services, and insure key revenue streams for the City Parks & Recreation.
- 2) Address the issues regarding the stability of the organization.

Public Facilities Goals:

- 1) Develop a plan to replace Fire Station #2.
- 2) Refine a long term strategy for the Ashland Fiber Network that improves its financial viability, provides high quality services to residents, and promotes healthy economic development.

Partnership Goals:

- 1) Foster strong collaboration of the local community, City, State, and Federal leaders in efforts to improve the health of the Ashland watershed through reducing fire hazards and restoring forest health.
- 2) Restore rail service to and through Ashland.

Councilor Navickas next addressed the proposed Council Values. The key elements of the values were identified as the following: 1) good government, 2) natural environment, 3) responsible land use, 4) free expression, 5) diversity, 6) economy, 7) independence, 8) personal well being, and 9) sense of community. Navickas asked the commissioners to respond on their feedback sheets as to which values should be added or changed. He also welcomed their feedback on any portion of the presentation given so far.

Commissioner Blake noted the Economy Goal that states "Increase the clarity, responsiveness, and certainty of the development process" and questioned how property development fits into this. Navickas stated his interest is in doing more outreach to the development community to ensure they are educated on what our code requirements are; however there may be conflicting opinions on how to address this goal from the rest of the Council.

Commissioner Marsh questioned what happens after the Council adopts these goals. Navickas clarified in the past, the Council has held Study Sessions and undertaken further discussions in order to reach an agreement on how to actually implement the goals.

Commissioner Blake commented on the goal that states "Adopt land use codes, building codes, and fee structures that create strong incentives for new development that is energy, water, and land efficient, and supports a multimodal transportation system" and asked what kind of incentives the Council has envisioned. Navickas stated his personal opinion is to be more conservative when it comes to giving incentives that loosen regulations, but he does support density bonus incentives in certain situations.

Commissioner Mindlin stated she was looking for the sustainability element in the values statement and found it hard to find. She commented that there should be a way for the Council to articulate their sustainability values and define what it really means to conserve resources for future generations. Mindlin voiced disappointment that rainwater infiltration was not listed as a goal and requested the City adopt a prescriptive path for rainwater infiltration so anyone can do this. She also commented on incentives versus requirements and asked if the City could require people to do the things they find valuable. Planning Manager Maria Harris provided some clarification and stated there are potential legal problems with requiring people to go above and beyond what is required by the State Building Code.

In regards to the Economy Goals, Miller recommended the Council work with SOU to determine who the underemployed in the community really are.

Commissioner Dimitre voiced disappointment with the level of sustainability in the goals and stated he does not feel sustainability has been adequately addressed. He added the legislature may be a road block now, but it might not be a year or two from now and suggested they could solicit their local representatives serving in the legislature.

Commissioner Morris questioned why there is no Economy Goal about keeping families in Ashland and drawing back kids who leave for college. Marsh added there should also be a value that addresses the role of children and families in our community.

Councilor Navickas resumed his presentation and read aloud the Draft Vision statement. He asked if the commissioners had any final comments regarding the information presented. Marsh commented on the "lack of people" from the vision statement and stated there is nothing that says Ashland addresses the needs of vulnerable residents, families, children, and senior citizens. Dawkins commented on the loss of community, voiced his frustrations with the Croman plan, and stated the draft plan takes energy and focus away from the downtown core. Mindlin stated the vision statement is very pretty and safe and recommended the Council get serious about what the future is really going to look like and what they need to do to prepare.

Commissioner Marsh requested Councilor Navickas keep them up to date as this item moves forward.

DISCUSSION ITEMS

A. Croman Mill Site Redevelopment Plan

Senior Planner Brandon Goldman and Planning Manager Maria Harris addressed the Commission. Ms. Harris presented an update on the first Croman Advisory Committee meeting and explained staff presented the latest refinements to the Croman plan and received input from the group. She stated questions came up about the parking garage and suggestions were made to keep the location flexible, as well as possibly put the structure partially below grade. She stated the area between Mistletoe Rd. and Hamilton Creek also came up and whether this area could be open space. Councilor Navickas shared his perspective of the meeting and noted that Alan DeBoer, who attended as the Airport Commission representative, had advocated for larger parcels with minimal oversight. It was noted that Commissioner Blake also attended the meeting and he commented on the interest expressed regarding extending the industrial area along the rail way.

Staff presented a brief presentation that reviewed the timeline, draft AMC 18.53 Croman Mill zoning district, and proposed land use table. Senior Planner Brandon Goldman commented on the maps that were included in the packet materials and noted the differences from the previous draft. He explained on the Land Use Designations map, the light industrial area is now on both sides of the main boulevard, and the roads were shifted slightly to create even block lengths. Mr. Goldman reviewed the Pedestrian and Bicycle Framework map and the Transit Framework map as well. He noted the rail connectivity through the site and the inclusion of a placeholder for a future rail spur. He also noted the potential bus stops on the maps, and the proposed location for a rapid transit system should it ever manifest. Ms. Harris briefly reviewed the outline of the Development and Performance Standards and asked if they had any questions or comments on what has been presented.

Commissioner Marsh asked if the Commission wanted to make changes to the land use map, when would that happen. Ms. Harris answered if the change is significant, staff would likely have to take it back to the City Council and get direction. Marsh questioned if extending the industrial area to the north would be considered a major change. Ms. Harris explained the property owners have been clear that they have an entity interested in a specific location on the Croman site and this type of change would impact that. She added this entity (Plexis) would prefer similar buildings and uses surrounding the location they have chosen. Ms. Harris noted Mike Montero, who is the representative for the Croman property owners, is here tonight and he may want to speak to this.

Mike Montero came forward and stated the Croman property owners are his clients. He explained the Plexis group has expressed interested in four parcels at the northwest end of the property. He stated their concern is that they want assurance that what will be constructed adjacent to them will be compatible. Mr. Montero stated his clients support this conceptual master plan and they are sensitive to the Commission's concerns about preserving the character of the community while

providing for new and sustainable employment. He stated they are quite pleased with what the City has come up with to this point and believes this plan will provide opportunities for local firms to grow and expand.

Commissioner Dimitre left the meeting at 9:30 p.m.

Commissioner Rinaldi asked about the residential component and asked where these workers will live. Staff noted the mixed use and neighborhood commercial areas identified on the land use map. The Clay Street housing project was also noted and Senior Planner Brandon Goldman commented on the remaining undeveloped housing areas within the Urban Growth Boundary and stated there is a significant supply of single family land available.

Mr. Montero was asked how the property owners feel about giving up developable lands for the park and parking structure. Mr. Montero stated for property developers, one of the ways they recognize their value is the rate at which the property absorbs. He stated constructing urban amenities into employment complexes helps this to occur and accelerates the absorption of the project.

Mr. Montero was asked how Plexis would feel about changing the two office employment blocks to the south of the park to industrial land. He stated he cannot answer for Plexis, but through the discussions they have had he believes Plexis' concern is not as much of a specific use being adjacent, but rather visual continuation and compatible design standards. He indicated even if the adjacent uses are similar, Plexis would want to ensure the architectural standards are compatible as well. He added he would be happy to forward this question to Plexis. Commission Dotterrer noted this type of change could be made later through the major amendment process. Ms. Harris agreed, but noted this type of change deviates from the guiding principles of the plan in regards to splitting the acreage evenly between the two types of uses.

Commissioner Mindlin commented briefly on the meeting she and Commissioner Marsh had with Mr. Molnar in regards to how sustainability could be incorporated into the Croman Master Plan. She noted City staff is looking at the LEED Neighborhood Program and possibly incorporating these elements into the Croman plan. She stated would like to see a more detailed explanation of what the LEED Neighborhood Program is and how we are working with it. In particular, she is interested in incorporating solar orientation and green streets standards.

Commissioner Marsh requested staff continue this discussion to the next reasonable agenda.

ADJOURNMENT

Meeting adjourned at 9:55 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
AUGUST 11, 2009

CALL TO ORDER

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

Commissioners Present:

Larry Blake
Michael Dawkins
Dave Dotterer
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

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

Absent Members:

Tom Dimitre

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Commissioner Marsh stated she would like the Commission to discuss their annual retreat following the public hearing. Community Development Director Bill Molnar requested they also add the selection of Hearings Board members to the agenda.

CONSENT AGENDA

- A. Approval of Minutes
1. July 14, 2009 Hearings Board Minutes
 2. July 14, 2009 Planning Commission Minutes

Commissioners Mindlin/Blake m/s to approve the July 14, 2009 Hearings Board minutes. Voice Vote: Commissioners Blake, Dawkins and Mindlin, YES. Motion passed 3-0.

Commissioners Dotterer/Miller m/s to approve the July 14, 2009 Planning Commission minutes. Voice Vote: All AYES [Commissioner Rinaldi abstained]. Motion passed 7-0.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

- A. Approval of Findings for 155-157 Sixth Street, PA #2009-00662.

Commissioners Blake/Mindlin m/s to approve the Findings for Planning Action #2009-00662. Voice Vote: Commissioners Blake, Dawkins and Mindlin, YES. Motion passed 3-0.

- B. Approval of Findings for 426 A Street, PA #2009-00551.

Commissioners Dotterer/Miller m/s to approve the Findings for Planning Action #2009-00551. Voice Vote: All AYES [Commissioner Rinaldi abstained]. Motion passed 7-0.

TYPE III PUBLIC HEARINGS

A. PLANNING ACTION: #2009-00817

APPLICANT: Southern Oregon University

DESCRIPTION: A request for adoption of the Southern Oregon University Campus Master Plan 2010-2020 as part of the City's Comprehensive Plan. COMPREHENSIVE PLAN DESIGNATION: Southern Oregon University; ZONING: S-O.

It was noted the Applicant has requested this hearing be postponed to a future date.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #2009-00873

SUBJECT PROPERTY: 1860 Ashland Street

APPLICANT: PSE Architects, Agents for the City of Ashland

DESCRIPTION: A request for Site Review approval to construct a 10,076 square foot two-story fire station building to replace the existing Fire Station #2 located at 1860 Ashland Street. Also included are requests for a Variance to the front yard setback along Ashland Street, an Exception to Street Standards, and a Tree Removal Permit to remove one tree, a 12-inch diameter blue spruce. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 15 AA; TAX LOT: 6200

Commissioner Marsh read aloud the public hearing procedures for land use hearings.

Declaration of Ex Parte Contact

All of the commissioners declared site visits; no ex parte contact was reported.

Staff Report

Associate Planner Derek Severson presented the staff report on the planning application. He explained this application involves site review approval, a conditional use permit to modify the existing non-conforming use, a variance request to the front yard setback along Ashland Street, an exception to the Street Standards, and a tree removal permit to remove a Blue Spruce that is 12-inches in diameter.

Mr. Severson reviewed the site and surrounding neighborhood, including the adjacent Sherwood Park. He stated with the proposed application the current Fire Station building will be demolished and replaced with a 2-story, 10,076 sq. ft. building. He noted the existing 4.5 ft. sidewalks will be replaced with 7-8 ft. parkrows, 6 ft. sidewalks, and an additional hardscape courtyard area that will include a placeholder for public art installation. Mr. Severson noted the application includes a single driveway for the Fire Station that will access all three emergency vehicle parking bays. He briefly reviewed the planting plan and clarified the single Blue Spruce is proposed for removal due to vision clearance concerns and for sidewalk installation. He reviewed the existing Fire Station building and noted while the building itself has a 2,800 sq. ft. footprint, the entire the lot is being utilized by the Fire Department, including training apparatus on the lawn area and a large canopy next to the building that accommodates vehicles.

Mr. Severson explained this action requires a conditional use permit because while the purpose and intent of the R-2 zoning district is to accommodate residential uses and pertinent community services, public buildings are not listed as a permitted or conditional use. He stated even though the Fire Station use has been in place since 1965 and it is a legal non-conforming use, because the structure is being expanded it needs to meet the requirements of a conditional use permit. Mr. Severson stated although the building is proposed to be changed, the number of firefighters is not changing, the number of vehicles is not changing, and the area dedicated to fire use is roughly the same.

Mr. Severson stated the variance component of the application is a setback variance for the front yard setback along Ashland Street. He stated in a typical R-2 zone (outside a Historic District) there is a 15 ft. front yard setback, but because this building is located on an arterial street, the setback requirement is 65 ft. from the centerline of the Ashland Street right of way. This measurement would come to 25 ft. back from the property line. As proposed, the front of the building is approximately 15 ft. from the property line. The justification for this in the application is that there is currently a very distinct separation between the park and the Fire Station use, including well established trees on the park side, and in order to not disturb the park and the trees the Applicant is requesting the building be moved a little closer to the street.

Mr. Severson stated this is an ideal location for a Fire Station and the location insures adequate response time to locations within the City. He stated staff is recommending approval of the application and believe this will be a significant improvement from the existing building and will also provide a significant improvement to the streetscape.

Questions of Staff

Mr. Severson clarified adjusting the location of the sidewalk would not save the Bruce Spruce because there is also a vision clearance issue.

Mr. Molnar commented on the reasoning behind the 65 ft. setback for Ashland Street. He explained this standard was established with the anticipation of possibly adding a third lane in the future. He stated the traffic volumes on Ashland Street may never justify adding the third lane. Additionally, the thinking has changed since then and there could be some justification for looking at a "road diet" for Ashland St.

Mr. Molnar commented briefly on 90 degree parking. He explained this is not prohibited and is evaluated on a case by case basis.

Applicant's Presentation

Michael Fisk, PSE Architects, Hans Ettlin, PSE Architects and Ashland Fire Chief John Karns addressed the Commission. Mr. Fisk thanked Mr. Severson for his thorough presentation and commented on the styling of the building. He stated it is a civic style building similar to the style of the other fire station and noted the incorporation of public spaces and their desire to create an environment that encourages people to use the space. He stated public art can be placed in the plaza area at the corner of Sherwood and Ashland and there is a lot of opportunity for seating and plants.

Mr. Fisk clarified the building will be LEED Certified Gold, and they will either be reusing the materials from the existing building or taking them to an appropriate recycling facility.

Commissioner Marsh asked if any of the head-in parking would be signed for Fire Station use, or if it will be made available for the public to use. Fire Chief Karns explained the Fire Station will need a certain number of spaces for the staff that is on duty (typically 2-4 workers per shift). Mr. Severson clarified there are 13 total spaces proposed which can accommodate the Fire Station employees and the general public. Mr. Fisk noted bicycle parking will also be provided.

Public Testimony

Letter from **Philip Lang/758 B Street** was read into the record by Commissioner Marsh. Mr. Lang's letter voiced his opposition to the Fire Station proposal. He stated the citizens of Ashland previously voted down a proposal to spend money on the replacement of this station, and any stimulus money the City might receive should go towards other projects, such as affordable housing.

Rebuttal by the Applicant

Mr. Ettlin stated the existing Fire Station is not seismically sound, does not meet current codes, and does not have enough space to adequately house the apparatus and equipment for the firefighters. He stated the replacement station will adequately house all of the apparatus on site that is currently stored in tents and will provide a safe environment for the firefighters. He stated it is essential for the City to have services that will be there when an emergency strikes and this Fire Station will provide that.

Commissioner Dawkins requested clarification on the Tree Commission's recommendation for smaller stature trees along the Ashland Street frontage. Mr. Karns stated the Tree Commission's recommendation was based on their desire to provide adequate vision clearance for the emergency vehicles. He added he does not share the Commission's concern. Dawkins disagreed with the recommendation and stated smaller stature trees can often create more of a sight hazard and might not be the best choice in terms of scale for Ashland Street. Mr. Severson noted the Tree Commission also had concerns with the overhead power lines.

The project's landscape architect **Laurie Sager** came forward and explained she had spoken with the Parks Department when selecting the particular Oaks that the application proposes for Ashland Street. She stated they talked at length about vision clearance and the overhead power lines and decided on the Oaks because they can be pruned around the power lines or to

provide vision clearance and their stature is more in scale with a large boulevard. Mr. Severson noted Ms. Sager was not present at the Tree Commission meeting to let them know she had this discussion with the Parks staff.

Commissioner Marsh closed the record and the public hearing at 7:50 p.m.

Deliberations & Decision

Commissioners Dawkins/Dotterrer m/s to approve Planning Action #2009-00873 with the disregard of Tree Commission Recommendation #2 regarding installation of smaller stature street trees along the Ashland Street frontage. DISCUSSION: Blake questioned the long term vision for Ashland Street and asked if it is a more urbanized appearance with zero lot lines. Dawkins commented on the need to revisit the setback issue on Ashland Street and stated he see Ashland Street as being different from North Main. Dotterrer agreed, but stated that is not part of this application. Mindlin disagreed and stated it is part of the application since they are being asked to approve a variance. She stated she understands the restraints with this particular application, but it does not set a good example when the City does not follow its own regulations. Marsh agreed that the setback along Ashland Street should be added to their long list of items that need to be looked at and stated they need to take a wide look at what they want to accomplish with Ashland Street. **Roll Call Vote: Commissioners Morris, Marsh, Dotterrer, Rinaldi, Dawkins, Miller and Blake, YES. Commissioner Mindlin, NO. Motion passed 7-1.**

Adoption of Findings for 1860 Ashland Street, PA #2009-00873

Commissioners Dotterrer/Rinaldi m/s to adopt the Findings presented by staff with the modification of Condition #4 to remove Tree Commission Recommendation #2. Roll Call Vote: Commissioners Miller, Rinaldi, Blake, Morris, Marsh, Dotterrer, Dawkins and Mindlin, YES. Motion passed 8-0.

OTHER BUSINESS

A. Hearings Board Assignments

A sign-up sheet was passed around the group. Commissioner Marsh explained she would like to eliminate the possibility that people may think Hearings Board members are picked arbitrarily. She stated the Hearings Board is intended to have rolling representation and having the members sign up in advance will protect them from any wrong perceptions.

It was determined members would sign up for a 4-month period ending in December and the Commission would select the 2010 Hearings Board members in January. Commissioner Dawkins, Blake, and Miller signed up to serve through the remainder of 2009.

B. Annual Retreat

Commissioner Marsh requested they discuss possible dates for their annual retreat and also hear suggestions for agenda items. Mr. Molnar stated any one of the last three weekends in October would work for staff and asked that they check their calendars.

The Commission briefly discussed their schedules and Saturday, October 31st was tentatively selected. Staff was asked to email the members for confirmation of their availability of this date.

In regards to possible agenda items, Dawkins suggested they discuss parking in the Railroad District and the Ashland St. setback issue. Dotterrer suggested staff go back and look at previous decisions that were difficult for the group to make and revisit those structures to see how they turned out. Staff stated they would do some brainstorming on this, but if the commissioners have specific examples that come to mind to email those to staff. Dawkins suggested they visit the Montessori School. Mindlin stated she would like to discuss how the Council responded to their goals and talk further about their sustainability goal. Councilor Navickas suggested the Planning Commission and City Council may want to hold a joint meeting on how the two groups can work better together on meeting these goals. The Commission invited Councilor Navickas to attend the retreat.

ADJOURNMENT

Meeting adjourned at 8:15 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
AUGUST 25, 2009

CALL TO ORDER

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

Planning Commissioners Present:

Larry Blake
Michael Dawkins
David Dotterer
Pam Marsh
Debbie Miller
Mike Morris
John Rinaldi, Jr.

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
April Lucas, Administrative Assistant

Absent Members:

Tom Dimitre
Melanie Mindlin

Council Liaison:

Eric Navickas

JOINT DISCUSSION WITH ASHLAND TRANSPORTATION COMMISSION

A. Commissioner Roles related to the Transportation System Plan.

Transportation Commissioners Present:

Thomas Burnham
Julia Sommer
Colin Swales
Matt Warshawsky

Public Works Staff Present:

Mike Faught, Public Works Director

Absent Members:

John Gaffey
Eric Heesacker
Brent Thompson
David Young

Council Liaison:

David Chapman

Following brief introductions by the Planning and Transportation commissioners, Marsh explained the two commissions would be working together on the upcoming Transportation System Plan (TSP) update and the purpose of this joint meeting is to receive input on where they are at in the process and to talk about how the two commissions will work together.

Public Works Director Mike Faught provided an update on the TSP process. He explained the City has been awarded a \$150,000 grant (which is less than the \$350,000 applied for) to update the City's Transportation System Plan. He stated the next step is for the City to finalize the Request for Proposals (RFP) with the State, and then the State will issue the RFP and provide the City with a list of consultants to choose from. He stated this is a TGM or Transportation Growth Management grant and the project will span the next two years. Mr. Faught stated the Transportation Commission will be the primary commission to process the TSP update; however, staff has proposed 8 joint meetings with the Transportation Commission, the Planning Commission and the project consultant. Mr. Faught clarified that while the City only received a portion of the grant amount requested, this project is a priority for the City and was funded 100% in the current year's budget. He stated the remaining \$200,000 needed to complete the project will be paid for through the City's Transportation SDCs.

Mr. Faught reviewed the following elements of the draft RFP and received input from the commissioners:

- **Pedestrian Node Alternatives Analysis**

Mr. Faught noted this element was originally prepared as a separate TGM grant proposal by the Planning Staff and was later incorporated into the current grant request. Planning Manager Maria Harris stated the three nodes identified for analysis are: 1) Bridge St. and Siskiyou Blvd., 2) Walker Ave. and Ashland St., and 3) East Main and North Mountain Ave. She explained that in Ashland, the historic sections of the streets tend to be more multimodal and pedestrian oriented, and these three intersections represent where these "complete streets" meet the more auto-oriented streets. She stated the idea is to look at these locations and determine how to make them more pedestrian oriented as a way to set the tone for the rest of the development in the area. She added all three of these intersections were identified because of the large amount of redevelopment potential in the surrounding areas.

Commissioner Marsh requested the Tolman Creek/Ashland Ave. intersection also be addressed in terms of pedestrian access and movement.

- **Access Management and Spacing**

Mr. Faught explained the focus on access management will apply primarily to the arterials and arterial collectors, but they will also evaluate the entire City. When asked whether this item would just address the access management of vehicles, Mr. Faught commented that driveways on collector streets create issues for all modes of transportation. He cited the issues on North Main St. and stated the numerous driveways create hazards for vehicles, pedestrians, and bicyclists; and stated he would like to minimize the number of these access points.

Commissioner Sommer noted the intersection of N. Main/Hersey/Wimer is one of the City's worst intersections for accidents.

Councilor Chapman arrived at 7:30 p.m.

- **Parking Plan**

Mr. Faught stated this element will focus primarily on the downtown area and the results will be incorporated into the larger parking plan, which is a separate project.

Commissioner Sommer suggested this element be done towards the end of the update process so that it can incorporate any transportation ideas that come up (mass transit, street cars, etc). She added if the other elements move forward, parking may become less of an issue.

Commissioner Dotterrer noted the issues the Planning Commission has had with parking in the Railroad District and asked that this area be included in the analysis.

Commissioner Swales questioned why the Park and Ride is not mentioned in the draft RFP. He also cited previous studies that addressed downtown parking that were never adopted by the City. Mr. Faught clarified these documents are referenced in the RFP and the consultants will be required to pull that information together.

- **Passenger Rail System**

Mr. Faught stated the City has a rail line that is not currently in use and the idea is to evaluate whether a passenger rail system is a possibility.

Commissioner Burnham asked the consultant to determine whether this is a viable option for a community of our size. He added he does not support the consultant spending time on this item if it is not viable. Sommer stated this element, as well as the freight element, are regional issues and it would be a waste of the consultant's time to look into this if the scope is limited to Ashland. Mr. Faught clarified the City's TSP will have to fit in with the regional plan, and if the City truly wants to be multimodal they need to evaluate all modes of transportation. Swales commented that researching these items provides the possibility for them in the future, and urged the commissioners to not foreclose on these options now.

Dotterer agreed and stated even if the consultant determines these are not viable, the study will tell them what needs to happen for them to become viable. He added this is good information to have. Community Development Director Bill Molnar commented that as land use planners, they have the opportunity to create placeholders for these types of systems, even if they don't occur until well into the future.

- **Bike Routes/Boulevards**

Mr. Faught stated they want the consultant to look system wide and would like to see a comprehensive bike system for Ashland.

Commissioner Burnham noted the need to provide bicycle access to important places within the City.

Commissioner Sommer questioned if this plan would include ODOT territory (North Main Street and Siskiyou). Mr. Faught clarified that it would, and stated the City will need to partner with ODOT and share the input that is gathered.

Commissioner Dawkins questioned whether skateboards are allowed on bikepaths. Warshawsky stated skateboarders are allowed on the bikepaths if they are wearing helmets, but they do not have to wear helmets if they are on the sidewalk. Councilor Chapman stated the bigger problem is downtown because skateboarders are not allowed anywhere. Warshawsky added they are also not allowed on streets with speed limits over 25 mph. Dawkins stated it is counterproductive for the City to have laws that discourage skateboarders from using the bikepaths. Mr. Faught stated the City will ask the consultant to read through the Municipal Code and look for these types of conflicts.

- **Multi-Use Trails**

Mr. Faught clarified this item will evaluate multi-use trails for the entire City, not just Parks property. He added he believes this plan should include the Parks Trail Master Plan. Mr. Molnar voiced his support for incorporating the Parks Trail Master Plan. Councilor Chapman noted they may need to address equestrian if they incorporate the Parks Trail plan because it allows for this.

Commissioner Marsh noted the importance of having connections through developments to the existing paths for pedestrians and bicyclists.

- **Green Street Standard Specifications**

Mr. Faught stated this is an important component of the TSP and explained this is a storm water design that treats the water through the use of bioswales. Mr. Molnar noted the housing project on Clay Street that incorporates a bioswale and voiced his support for the City to have a standard that can be applied to developments.

- **Freight**

Commissioner Burnham questioned how involved they want to get into freight rail if there is no benefit to the City. Warshawsky commented that Ashland has an obligation to their neighbors to not block this off. Council Chapman added the freight study will not just evaluate trains.

- **Safe Routes to Schools**

Commissioner Burnham suggested the consultant meet with RVTD on this element, since they are already working on this. Sommer commented that if they accomplish some of the other elements already mentioned this will create safer routes to schools.

- **Capital Improvement Project List**

Mr. Faught clarified the final product will include a capital improvement project list with all the costs identified and separated out.

- **Shared Roads**

Commissioner Swales shared his experience with shared roads in the UK. He stated this concept has been proven to reduce the amount of conflicts and accidents and stated there are parts of Ashland where he thinks this could be very

useful, including the downtown core and some of the more rural streets. He encouraged any of the commissioners to contact him if they are interested in obtaining more information. Dawkins voiced his support for this concept.

Tom Burnham left the meeting at 8:10 p.m.

- **Road Diet**

Mr. Faught clarified this concept involves reducing the number of lanes. Marsh questioned if this concept is broad enough to include general arterial design. Sommer questioned if street landscaping comes into play in this element. Mr. Faught clarified ultimately the street design will include a landscaping element.

- **Off-Set Intersection Realignment Plan**

Mr. Faught stated there are several of these intersections in town and the goal is to come up with a plan so when development proposals come forward these areas can be fixed. He cited Hersey/Laurel, Hersey/Wimer, and Orange/Laurel as examples of off-set intersection. He stated the final plan will identify the realignment issues and protect the right of ways.

Mr. Faught concluded his presentation and asked if the commissioners had any final questions or comments.

Commissioner Dotterrer stated he did not see land use coordination listed in the RFP and urged them to select a consultant team that has this experience.

Commissioner Marsh commented on how the two commissions will work together throughout this process and suggested each commission select a formal liaison in order to keep each group aware of what the other is doing. She suggested the liaisons receive the other Commission's agendas and minutes, and attend meetings as needed.

Councilor Navickas voiced concern that the draft RFP does not have enough integration with planning, and stated he would like to see one of the main points listed in the document focused on land use planning.

Mr. Faught thanked the group for their comments and stated if they have further input to email it to him within the next few days so it can be incorporated into the RFP narrative.

OTHER BUSINESS

Commissioner Marsh stated she would like to add the following items to the meeting agenda: 1) Selection of Transportation Commission liaison, and 2) Update on the Mayor's Brown Bag Meetings with Commission Chairs.

A. Selection of Transportation Commission Liaison

It was noted that Commissioner Blake has been attending the Transportation Commission meetings as an ex officio member for Southern Oregon University. The Planning Commission voiced approval for Blake to serve as the Planning Commission Liaison to the Transportation Commission.

DISCUSSION ITEMS

A. Croman Mill Site Redevelopment Plan

Commissioner Marsh noted this item was presented at the last meeting, but the group did not have time for discussion. She noted the September 29th Study Session will be devoted to discussing the Croman Mill Site Redevelopment Plan and asked the commissioners to share what items they want discussed at that meeting.

Mr. Molnar provided a brief overview of the draft AMC 18.53 language that was included in the meeting packet. He commented on how the Croman Master Plan would be added to the City's Site Design and Use Standards, and explained the AMC language would be more succinct, while the Site Design and Use Standards would be a more user-friendly guide with graphics, maps, etc.

Planning Manager Maria Harris commented on the draft Land Uses matrix and explained this was developed from the draft Plan prepared by Crandall and Arambula. She stated there were some uses identified in the consultant's draft that staff did not

include in the matrix, including: theaters, nightclubs and bars, and hotels and motels. Mr. Harris stated staff did not believe these uses were appropriate for this end of town, and noted the concerns raised previously by Dawkins about uses that compete with the downtown core. Ms. Harris continued that crematoriums, public utility yards, churches, and broadcasting and radio stations were also left off the permitted uses list. Dotterer questioned the reasoning behind leaving radio stations off and stated a production studio could be compatible in an area like this. Ms. Harris added the manufacture of food products in the office zone was not included, since this is allowed in the industrial zone. She stated building material sale yards were also not included, and recycling centers/sorting yards were also omitted. Senior Planner Brandon Goldman explained that he had conducted some research into sorting yards and contacted six other recycling centers throughout the state to determine approximate job densities. He stated there was a mix of both indoor and outdoor facilities and explained the average number of employees per acre was 4, and the majority of the facilities had outdoor storage of materials which is avoided in the current plan. Ms. Harris added because of the low employment densities, this use is not included in the Plan at this point. She noted the target in the Plan is 25 jobs per acre for the industrial area. Marsh requested staff provide a brief review of available industrial lands within the City at the September meeting.

Commissioner Marsh asked the commissioners to share the issues they would like discussed at the September Study Session.

Commissioner Rinaldi stated the Plan will need to be flexible, adaptable, and seem friendly to developers and potential buyers in terms of conveying some certainty. He asked that the issue of how the amendment procedure is laid out be added to their list of discussion items.

Commissioner Miller voiced her concerns with the road layout where the new road meets Tolman Creek Rd. She stated this is not a smooth flow and in order to continue on Tolman Creek you will have to turn in and then turn back out. She added the current layout seems to isolate the subdivisions and asked that this be added to their discussion list.

Commissioner Marsh requested the issue of street orientation for solar, and the balance of uses be discussed. Miller questioned if the existing trailer park could be maintained as rural and not annexed. Rinaldi commented on possibly including uses that would utilize this area in the evenings, but not detract from the downtown. Marsh asked the commissioners to email staff if any other issues come up that they would like discussed at the Study Session.

OTHER BUSINESS (Cont.)

B. Update on Mayor's Brown Bag Meetings with Commission Chairs

Commissioner Marsh explained Mayor Stromberg has been holding monthly brown bag meetings with the various commission chairs. She stated this is an opportunity for the chairs to get together and hear what the other commissions are working on. Marsh noted some of the information shared at the last meeting, including the Airport Commission's concerns with the Croman Master Plan and the FAA approvals of development on that site, and that the Conservation Commission is looking at green buildings. Marsh noted they may want to talk during their retreat about possibly having formal liaisons to some of these commissions since there is a lot of overlap on what the groups are working on. She stated if the Commission has any issues they want shared during these meeting to let her know, and added if she is not able to attend one of these meetings she may call on one of them to serve in her absence.

In response to a concern expressed by Councilor Navickas, Mr. Molnar commented briefly on the purpose of the Croman Advisory Committee. He stated the idea is to keep the other advisory commissions apprised of what is happening, to be open to their input, and to provide a mechanism for those who were interested in the beginning to stay involved. Overall, he hopes this will lead to a better plan. Ms. Harris noted the first meeting of the Croman Advisory Committee was more of a briefing. She stated the group is scheduled to meet again before the Planning Commission's September Study Session, so the Commission will be able to hear their input when they discuss this issue next.

ADJOURNMENT

Meeting adjourned at 9:10 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*



PLANNING ACTION: 2009-00784

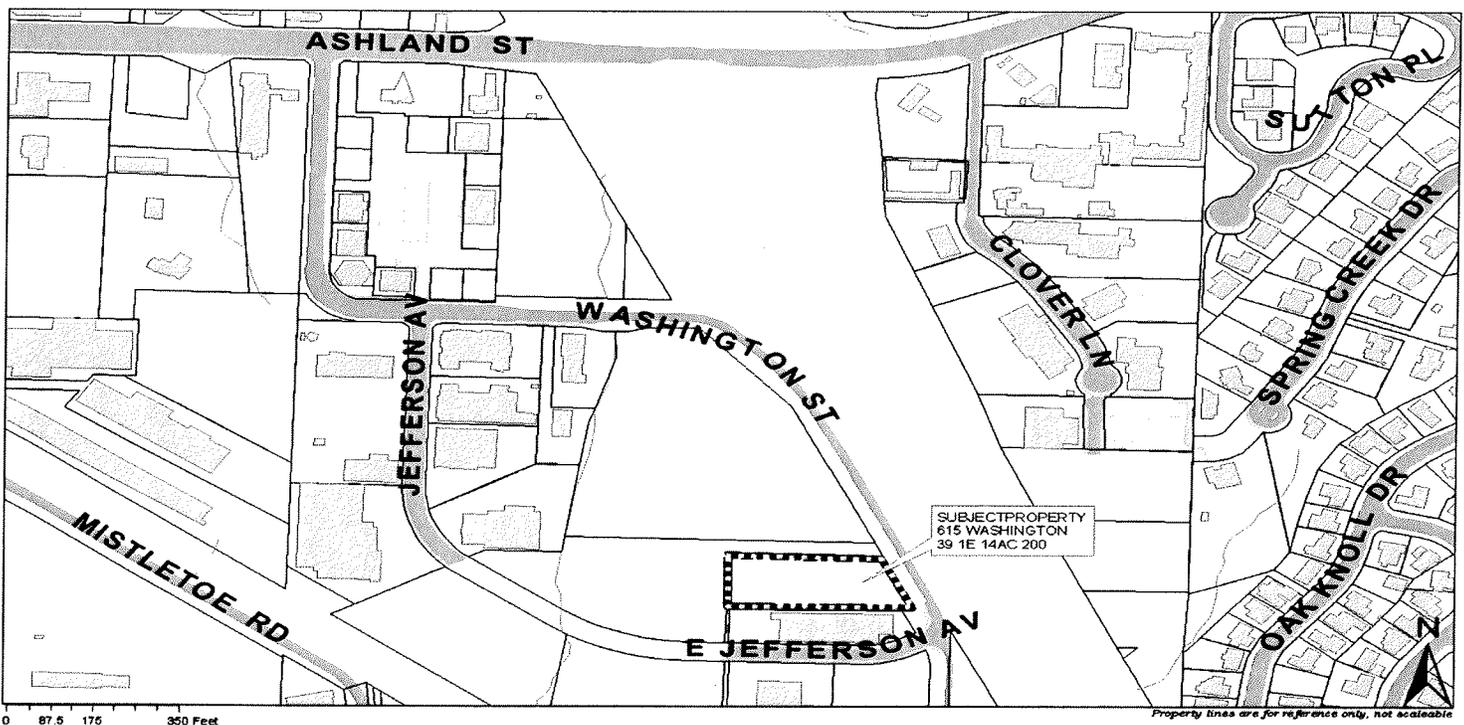
SUBJECT PROPERTY: 615 Washington

OWNER/APPLICANT: Ron Rezek

DESCRIPTION: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for the Site Review Approval for the 17,650 square foot warehouse building and associated parking areas and landscape installation. A Tree Removal Permit is requested to remove twelve trees greater than six inches diameter at breast height or greater. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **PROPOSED ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 14 AC; **TAX LOT:** 200.

NOTE: The Ashland Tree Commission will also review this Planning Action on **September 3, 2009 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: September 15, 2009 at 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 Division, 541-488-5305.

ANNEXATIONS – APPROVAL STANDARDS

18.106.030 Approval standards

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
 1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.
- F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands floodplain corridor lands, or slopes greater than 35%, shall not be included.
- G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.
- H. One or more of the following standards are met:
 1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or
 2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
 3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or

4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.
(ORD 2792, 1997; ORD 2895, 2003)

ZONING CHANGE - TYPE III PROCEDURE

18.108.060.A & B Approval Criteria

- A. The following planning actions shall be subject to the Type III Procedure:
 1. Zone Changes or Amendments to the Zoning Map or other official maps, except for legislative amendments.
 2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.
 3. Annexations.
 4. Urban Growth Boundary Amendments
- B. Standards for Type III Planning Actions.
 1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project; or
 - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay) will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for dedication. Ownership of the land and/or air space shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.

Sections D and E do not apply to council initiated actions.

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)

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
(ORD 2951, 2008; ORD 2883, 2002)

**ASHLAND PLANNING DIVISION
STAFF REPORT
September 15, 2009**

PLANNING ACTION: PA-2009-00784

APPLICANT: Ron Rezek

LOCATION: 615 Washington Street

COMPREHENSIVE PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: September 8, 2009

120-DAY TIME LIMIT: January 6, 2010

ORDINANCE REFERENCE:	18.40	E-1 Employment District
	18.61	Tree Preservation and Protection
	18.72	Site Design and Use Standards
	18.92	Off-Street Parking
	18.106	Annexations
	18.108.060	Type III Procedures

REQUEST: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse/light manufacturing facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for Site Review approval to construct a 17,650 square foot warehouse/light manufacturing building and the associated parking areas and landscape installation. A Tree Removal Permit is requested to remove ten trees greater than six inches diameter at breast height or greater.

I. Relevant Facts

A. Background - History of Application

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

B. Detailed Description of the Site and Proposal

The subject property site is 1.02 acres and is located at 615 Washington Street in southeast Ashland, near the intersection of Washington Street and East Jefferson Avenue. The property is vacant and is immediately to the north of the existing Modern Fan building located at 709 Washington Street. Washington Street is paved along the subject property's frontage with a narrow gravel shoulder and an overgrown roadside ditch to convey stormwater. The subject property's frontage lacks curbs, gutters, sidewalks and parkrows.

There are curbs, gutters, and curbside sidewalks in place along the frontages of the Modern Fan site located immediately to the south, at the corner of Washington Street and East Jefferson Avenue. The Interstate 5 corridor is located to the east of the property, on the other side of Washington Street. To the west of the property are the parcels which were approved for annexation into the City in 2006 for the Brammo Motorsports facility, to the south is the property which was annexed into the City in 1999 for Oak Street Tank and Steel, and to the north is a 5.38 acre parcel located in the County and zoned Rural Residential RR-5 and containing an agricultural building and a single-wide manufactured home.

The subject property is currently vacant, and is generally flat with the exception of the open ditch along its Washington Street frontage. There is an approximate six-foot drop from the existing Modern Fan building site down to the subject property, and a block retaining wall is in place between the two properties. Natural features on the site are limited to native grasses and trees. The application materials provided identify 17 deciduous trees six-inches in diameter at breast height (d.b.h.) or greater spread around the site. The property immediately to the north contains a wetland, identified as "W11" in the recently adopted wetlands inventory. This is a roadside emergent wetland dominated by meadow foxtail, with lesser amounts of blue wildrye, birdsfoot-trefoil and catchweed bedstraw. While not deemed to be locally significant in the inventory, this wetland is connected to the Knoll Creek drainage by the roadside drainage ditch at its downstream end.

1. Annexation and Rezoning

The applicant is proposing to annex the subject property into the City. The property would need to be rezoned from its current County zoning of Rural Residential (RR-5) to City Employment (E-1) zoning. This is consistent with the Comprehensive Plan's designation of the property for Employment zoning.

2. Site Review

The proposal includes the construction of a 17,650 square foot warehouse/light manufacture building to serve the existing Modern Fan business at 709 Washington. The proposed building is similar in design to the Modern Fan facility. The building is oriented toward Washington Street and is approximately 24 feet tall on the street facing elevation. Clerestory windows run the length of the north and south sides of the building. A loading ramp and door is proposed to connect the new building with the existing building on the south side. 18 automobile parking spaces are proposed to be provided along the north side of the building, and bicycle parking is to be provided with three spaces at the covered entry and two additional spaces in the interior of the building.

The exterior building materials include metal siding, a split face concrete block base, metal roofing and aluminum doors and windows. The colors of the exterior building materials are grays, light green and oxide red window frames and gutters, similar to the existing Modern Fan building.

3. Tree Removal

Ten of the subject property's 17 trees are proposed to be removed as part of the application. Two existing trees, identified as eight-inch d.b.h. deciduous species will be retained at the front of the building near Washington Street, two trees identified as nine-inch d.b.h. deciduous species will be retained along the north property line, and three 12-15 inch d.b.h. Oaks at the rear of the property, near the back of the proposed building, will also be retained.

Seven new trees are identified for planting on the landscape plans provided, in addition to the required parkrow trees. These include four Chinese Pistache, two Armstrong Maples, and one Sunset Maple.

II. Project Impact

The application includes a request for Annexation of 1.02 acres. The project requires Site Review approval since it involves the construction of a new building in the E-1 zoning district. A Tree Removal Permit is required to remove ten trees greater than six-inches diameter-at-breast-height. Annexation procedures require a public hearing before the Planning Commission, as well as the City Council. The Planning Commission has the authority to make the final decision with respect to the Site Review approval and the Tree Removal permits, and a separate motion will be needed with respect to forwarding a recommendation to the City Council to address the Annexation request.

A. Annexation and Rezoning

The approval standards for an Annexation require that the subject property be located within the City's Urban Growth Boundary, that the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation, that the proposal be for an allowed use within the proposed zoning district, and that the land be currently contiguous with the present City limits. In this instance, the subject property is located within the Urban Growth Boundary, immediately north of and contiguous to the existing City limits. The Comprehensive Plan designation for the site is Employment. The proposed E-1 zoning is consistent with that designation, and the proposed warehouse use is allowed within the district.

Annexation standards also require that for lots which are to be zoned E-1 under the Comprehensive Plan, the applicant must obtain Site Review approval for an outright permitted or special permitted use concurrently with the annexation request. The application includes a request for Site Review approval to construct a warehouse/light manufacture building for the assembly and distribution of fans which satisfies this requirement.

Adequacy of Public Facilities

Annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property. As submitted, the application submittals do not

specifically address the adequacy of existing or proposed utilities other than to note that the applicant proposes to utilize existing services within the right-of-way which already serve the existing Modern Fan building to the south. In reviewing the proposal, staff noted that there have been two recent annexations in the immediate vicinity, for Oak Street Tank and Steel and Brammo Motorsports, and as a result utilities in this area have had recent upgrades. There are now eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way which the Public Works Department has determined are adequate to serve the proposed building. The applicant will need to coordinate with the Ashland Electric Department to develop an electric service plan, as the submitted plans show the lot continuing to be served by Pacific Power when it will need to be served by Ashland's municipal electric utility when annexed into the City. A condition to this effect is recommended below.

The applicant will also need to submit a final storm drainage plan showing that water quality and retention requirements of the City and the Oregon Department of Transportation will be met by the proposed development. As submitted, the site plan details placement of a stormwater detention pipe near the front and side of the building and identifies preliminary surface drainage detention areas within the parking lot, however engineered calculations demonstrating that post development peak flows will not exceed pre-development levels, and water quality mitigation measures need to be provided. As noted above, there is a mapped wetland located to the north, off of the subject property. While this wetland appears to end before it reaches the subject property, it is fed by stormwater drainage from the ditch along Washington Street. Based on review by the Division of State Lands (DSL), it has been determined that the proposal appears to avoid impacts to state regulated wetlands and waters, however DSL has indicated that stormwater flows feeding this wetland need to be maintained even if the existing roadside ditch is to be piped on the subject property. A condition of approval has been recommended below to require a storm drainage plan incorporating the necessary water quality, retention, and wetland flow maintenance requirements prior to building permit submittals.

Adequacy of Transportation Facilities

Annexations must also provide necessary transportation facilities to and through the subject property; transportation facilities must address vehicular, bicycle, pedestrian and transit transportation. To satisfy this requirement, at least a "half-street" improvement must be installed, consisting of a minimum of twenty feet of paving for motor vehicle travel lanes, with a six-foot bike lane, gutter, six-inch curb, seven-foot parkrow planting strip and eight foot sidewalk on the subject property's side of the street. Because the existing sidewalk installation to the south is installed at the curbside, the sidewalk installation will also need to provide for a transition to allow the standard parkrow planting strip installation.

Washington Street is a commercial collector street. The City of Ashland Street Standards handbook ultimately calls for ten-foot travel lanes, six-foot bike lanes, seven-foot parkrows, six-inch curbs and eight-foot sidewalks on both sides of the street, requiring a total minimum right-of-way width of 63 feet. Based on the submitted survey, it appears that there is currently only approximately 54 feet of right-of-way from the guard rail on the opposite side of Washington Street to the subject parcel's front property line; beyond the guard rail

topography drops steeply toward Interstate 5 and will not accommodate further street improvements. In order to accommodate the necessary “half-street” improvements to City street standards for a commercial collector street, approximately nine-feet of additional right-of-way needs to be dedicated. The proposed building is set back approximately 40-feet from the front property line along Washington Street at its closest point, so there appears to be ample space available to accommodate the necessary right-of-way dedication without impacting the proposed site design.

B. Site Review

Requirements of the Employment Zoning District

All of the building square footage is proposed as warehouse/light manufacturing, which are permitted uses in the E-1 zone. The E-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district. In this case, because the property abuts residentially zoned land within the County to the north, a ten foot side yard setback along the north property line is required. As proposed, the building design satisfies this requirement. The proposed building height is approximately 24 feet, which is under the maximum building height of 40 feet in the E-1 zoning district. The proposal will result in 30 percent of the site being landscaped, which significantly exceeds the 15 percent minimum landscaping requirement for the E-1 zoning district.

Site Design and Use Standards

The subject property is located within the Basic Site Review Zone. The proposed building design provides a primary orientation to Washington Street, with a covered entry and walkway to the sidewalk. Parking is proposed to be located to the side of the building, and sidewalks, parking row planting strips and street trees are to be installed. A landscape plan has been provided; the existing trees that are to be preserved have been incorporated, and ample parking lot landscaping and a landscape area between the building and the street are identified.

Basic Site Review Standards (II.C.1a.2) call for building entrances to be located within 20 feet of the public right-of-way to which they are oriented; however the Site Design and Use Standards provide that this requirement may be waived if the building is not to be accessed by pedestrians, such as warehouses or industrial buildings without attached office space. In this instance, the building’s entrance is proposed to be placed approximately 57 feet from the right-of-way (after the necessary right-of-way dedication) however the building is proposed to be limited to warehouse/light industrial use and the requirement may therefore be waived. With this waiver, the proposed building and site design comply with the applicable Basic Site Review Standards. The future conversion of any portion of the proposed warehouse space to office use, as the application suggests may ultimately occur, would however require either that the building entrance be brought to within 20 feet of the right-of-way with an addition to comply with the standard, or that an Administrative Variance to this standard be obtained.

Parking

The materials submitted note that based on 17,650 square feet of warehouse use, 18 parking spaces are required at the warehouse standard of one parking space per 1,000 square feet, and 18 parking spaces have been identified on the site plan provided. In visiting the site on a number of occasions and recently discussing parking on site with the applicant, staff have noted and the applicant has confirmed that the 18 parking spaces serving the existing Modern Fan building are significantly underutilized with typically no more than four spaces in use at any time. Given the nature of the proposed use and the fact that the new building area is to provide additional warehouse/light manufacturing space to supplement an existing business without a commensurate increase in the number of employees and no on-site retail component, staff believe that calculating the parking requirements based on an industrial standard may be more appropriate. This would determine the required parking based on one space per two employees on the largest shift, plus one space per company vehicle and would require no more than six to eight parking spaces to serve the building's ten to twelve employees.

As noted in the Site Design and Use Standards, “[b]ecause parking areas are usually large in size to accommodate cars and trucks they are insensitive to the human scale. Additionally, noise, light, heat, and exhaust odors are commonly associated with parking areas. The ill effects associated with parking areas can be mitigated through good design and well placed landscaping.” These concerns are the underlying basis for Ashland’s parking lot landscaping and screening requirements, and at least part of the reason for the Off-Street Parking Chapter (AMC 18.92) limitations which cap parking provided at no more than ten percent above what is required for the use. This limitation avoids an auto-centric focus in development, while reducing the overall amount of paving installed, thus reducing the heat-island effect of summer sunlight reflecting off of asphalt while also allowing precipitation to be absorbed directly into the ground rather than creating excessive run-off and the associated water quality impacts. In staff’s view, the parking proposed is significantly more than necessary for the assembly and distribution use proposed, and should be reduced to include only the six to eight spaces nearest Washington Street. The remaining parking area currently identified could be reserved in landscaped area to allow a phased future installation of the additional spaces should the demand or the nature of the use in place change. A condition requiring a revised site plan reflecting this phased installation for the site’s parking is recommended below.

C. Tree Removal

Ten of the 17 trees greater than six-inches in diameter identified on the subject property have been proposed for removal with the application. The remaining seven trees are proposed to be preserved and protected during construction, and have been incorporated into the landscape plan submitted. All ten of the trees proposed for removal are within the proposed building’s footprint or would be impacted by street improvements on Washington Street, and in staff’s view the finding can be made that these removals are proposed in order to permit the application to be consistent with applicable Land Use Ordinance requirements and Site Design and Use Standards and will not adversely impact erosion, soil stability, flow of

surface waters, protection of adjacent trees, existing windbreaks, tree density, canopy or species diversity in the vicinity.

Seven new trees are identified for planting on the landscape plans provided, in addition to the required parkrow trees. These include four Chinese Pistache, two Armstrong Maples, and one Sunset Maple. Because the Tree Preservation and Protection Ordinance (AMC 18.61) requires a one for one mitigation of the trees removed, a condition has been recommended below to require that at least three additional mitigation trees be identified in a revised landscaping plan, or that the applicant provide for replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.

In considering the application, staff noted that the three Oaks to be retained at the rear of the proposed building are very close to the proposed construction, and the application merely notes that they will be considered during excavation. Given their proximity to the proposed construction and the fact that no recommendations from an arborist have been provided, staff have recommended that an arborist's recommendations be obtained and incorporated into a revised Tree Preservation and Protection Plan to include any additional necessary protective measures which would ensure these trees' ongoing viability.

In their review of the application on September 4th, the Tree Commission recommended that all staking for newly planted trees be removed within a year of planting (which they noted had not been done on the existing Modern Fan site). While not reflected in their recommendation, the Tree Commission also discussed the type and condition of the existing trees on site at some length, noting that some of the trees may be in poor condition or species with little tolerance for construction disturbance. The Tree Commission discussion concluded in support of staff's proposed condition that an arborist report was needed to assess the trees' species, condition, and suitability for retention in proximity to construction.

III. Procedural - Required Burden of Proof

The criteria for Annexation approval for a property to be zoned E-1 are described in 18.106.030 as follows:

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public

Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.

- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

and

- H. One or more of the following standards are met:

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more

intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or

2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.

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 Tree Removal Permit are described in AMC Chapter 18.61.080, as follows:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage

alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

The application includes a request for Annexation of 1.02 acres, and requires Site Review approval since it involves the construction of a new building in the E-1 zoning district. A Tree Removal Permit is required to remove ten trees greater than six-inches diameter-at-breast-height. Annexation procedures require a public hearing before the Planning Commission, as well as the City Council. The Planning Commission has the authority to make the final decision with respect to the Site Review approval and the Tree Removal permits, and a separate motion will be needed with respect to forwarding a recommendation to the City Council with regard to the Annexation request.

Staff believe the proposed building design is appropriate for the area's employment and light manufacturing designation, will complement the existing Modern Fan building, and is consistent with the City's Basic Site Review Standards. The materials proposed reflect a utilitarian design comprised of metal roofing and siding and split-faced concrete masonry unit blocks appropriate to the zoning district, however the proposal effectively executes these materials to create an attractive building which relates well to its surroundings, as evidenced by the recently constructed, and similarly designed, Modern Fan building. The generous number of clerestory windows provided will supply natural light to the interior spaces, while adding variation to the exterior.

Staff are supportive of the application to annex the property and expand the existing Modern Fan business with the construction of the new 17,650 square foot warehouse/light manufacturing building. The requested annexation complies with the applicable approval standards, and the annexation/rezoning is consistent with the Comprehensive Plan designation of the property and with the Economy Goal of the Comprehensive Plan which strives for a healthy economy, diverse in the number, size and types of businesses – Modern Fan is a locally-owned internationally-known business that currently employs ten people and projects an annual growth of ten percent.

Staff has raised a few issues in the body of this report, including the need to provide a final utility and drainage plan which address on-site detention and water quality requirements while preserving flows to the wetland on the property to the north, to dedicate additional right of way to accommodate required street frontage improvements, and to reduce the amount of parking initially provided through a phased parking installation. Overall, however, we believe that the application merits approval and that these issues can be satisfactorily addressed through conditions of approval. We accordingly recommend 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 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 this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.96.
- 4) That the future conversion of any portion of the proposed warehouse space to office use shall require that the building entrance be brought to within 20 feet of the right-of-way in order to comply with Basic Site Review Standards (II-C-1a.2), or that an Administrative Variance to this standard be obtained.

- 5) That prior to the submittal of a building permit:
- a) That a stormwater drainage plan, including details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside ditch to the north will be retained at their current levels to ensure the continuing recharge of the wetland on the property to the north.
 - b) Engineered construction drawings for the required “half-street” improvements along the full Washington Street frontage of the subject property shall be provided for the review and approval of the Oregon Department of Transportation and the City of Ashland’s Planning and Engineering Departments prior to building permit submittal and prior to any work within the street right-of-way or pedestrian corridor. Required improvements shall include a minimum of 20 feet of pavement to accommodate motor vehicle travel lanes and six-foot bicycle lane, six-inch curb, seven-foot parkrow planting strip with irrigated street trees, eight foot sidewalks, and city standard streetlights on the west side of the right-of-way. The final engineered designs shall include details of the transition from the existing curbside sidewalk south of the property to a standard parkrow planting strip installation between the curb and sidewalk along the subject property’s frontage. Additional land to accommodate the full 63 feet necessary to improve the right-of-way to city street standards for a Commercial Collector Street shall be provided through a right-of-way dedication.
 - c) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
 - d) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City’s municipal electric utility and the necessary services to make this transition will need to be installed at the applicant’s expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.

- 6) That prior to the issuance of a building permit:
- a) The applicant shall provide a Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist. This plan shall incorporate the recommendations of the Tree Commission's September 4th, 2009 meeting as conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, and shall specifically address the condition of all existing trees, their ability to tolerate the proposed development, and any measures in addition to standard protection fencing which may be necessary to preserve and protect those trees which are to remain on the site.
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the ten trees to be removed from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit.
 - c) The applicant shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within Oregon Department of Transportation right-of-way.
 - d) That the property owner shall sign in favor of a local improvement district for future improvements to Washington Street and for future improvements to the intersection of Washington Street and Highway 66 including a traffic signal prior to issuance of a building permit.
 - e) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the ten trees to be removed, or alternatively may propose replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.
 - f) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
 - g) At the time of building plan submittal, the bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with 18.92.040.I.

- h) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
 - i) That the buildings shall meet Solar Setback B in accordance with 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B.
 - j) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that engineering be provided to ensure that the proposed footings for the “Modern Fan 2” building will not undermine the existing retaining wall for “Modern Fan 1”, that necessary protection be provided for exterior wall openings, and that grade and turning radius requirements for forklift access between buildings be addressed.
 - k) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that fire apparatus access be provided and necessary fire apparatus easements identified and recorded; that adequate fire flow be provided and maintained; that fire sprinklers, hydrants, a Knox box, and/or an FDC be installed; and that an approved walkway to accommodate fire fighter access around and between both buildings be maintained, including an approved gate of at least three-feet in width if any fencing is installed between the two properties.
 - l) A revised site plan detailing a phased parking installation shall be provided for the review and approval of the Staff Advisor. In the initial phase, parking to be installed for occupancy of the building would be limited to the six to eight spaces nearest Washington Street. The remaining 10-12 parking spaces in the northwestern portion of the site are to be reserved in landscaped area pending future installation in a second phase should the parking demand or the nature of the use change to necessitate their installation.
- 7) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards.
 - b) All required parking areas shall be paved and striped.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy. That at the time of planting and prior to the issuance of a final certificate of occupancy, not less than two inches of mulch shall be added in all non-turf landscaped areas in the developed area after the installation of living plant materials.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All

street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.

- e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW
September 3, 2009

PLANNING ACTIONS: 2009-00784

SUBJECT PROPERTY: 615 Washington Street

APPLICANT: Ron Rezek

DESCRIPTION: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for the Site Review Approval for the 17,650 square foot warehouse building and associated parking areas and landscape installation. A Tree Removal Permit is requested to remove twelve trees greater than six inches diameter at breast height or greater. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **PROPOSED ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 14 AC; **TAX LOT:** 200.

Recommendation:

- 1) That all tree staking for the newly planted trees shall be removed within one year of tree planting.

WETLAND LAND USE NOTIFICATION FORM

(this form is to be completed only by planning department staff for regulated wetlands/waterways)

RECEIVED

DEPARTMENT OF STATE LANDS WETLANDS PROGRAM

West side of Cascades, send to: 775 Summer Street NE, Suite 100; Salem, OR 97301-1279; (503) 378-3805

East side of Cascades, send to: 1645 NE Forbes Rd., Suite 112 Bend, OR 97701; (541) 388-6112

DEPARTMENT OF STATE LANDS

17 2009

1. County: Jackson Local Case File #: PA2009-00784
City: Ashland DSL File #: WN 2009-0171 (completed by DSL Staff)
Responsible Jurisdiction: [X] City [] County DSL Project #: 50438 (completed by DSL Staff)

2. APPLICANT: Ron Rezek LANDOWNER: Ron Rezek
name name
709 Washington Street 709 Washington Street
mailing address mailing address
Ashland, OR 97520 Ashland, OR 97520
city, state zip city, state zip
(541) 944-9748 (541) 944-9748
phone phone

3. LOCATION
T 39S R 1E S 14 1/4 AC Tax Lot(s) 200
Address (street/city) 615 Washington Street
NWI quad map name Ashland

4. ATTACHMENTS
Attach all the following (with site marked): • LWI / NWI Map (if no LWI map) • Parcel Map • Site Plan (if any)
If applicable attach: [] Other

5. SITE INFORMATION
LWI/NWI Wetland Classification Codes(s)
Adjacent Waterway (if any) none Zoning RR-5, Rural Residential, Jackson
County zoning. (City zoning will be E-1, Employment)

6. PROPOSED ACTIVITY
[X] site plan approval [] subdivision [X] Other Annexation
[X] grading permit [] planned unit development
[] conditional use permit [X] building permit (new structures)
Project Description Annexation of a lot into the City and construction of a new commercial building

Completed by/Contact Angela Barry Date 7/14/2009 E-Mail barrya@ashland.or.us
Address 20 East Main St., Ashland, OR 97520 Phone: (541) 552-2052

DSL RESPONSE

- [] A removal-fill permit is required from the Department of State Lands
[] A removal-fill permit will be required when the development project proceeds
[] A removal-fill permit may be required
[] A permit may be required by the Corps of Engineers (503-808-4373)
[] Information needed includes:
[] A wetland determination/delineation report

JUL 31 2009

[] State Permit # [] was issued [] has been applied for
[X] No removal-fill permit is required for the described project if (because) based on submitted site plan and conversation with Angela Barry, it appears that the proposed "Modern Fan II" building envelope, avoid impacts to state regulated wetlands and waters.
Comments: and waters.

[] On-Site Visit By: Date:
Response completed by: Caroline Stinson Date: 07-27-09

* If the project is changed to involve fill or removal from the wetlands area, a state removal-fill permit will be required.

Zone/Change and Annexation - Findings

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6/15/09

City of Ashland, Oregon

Project: Modern Fan Company Expansion
Owner: Ron Rezek
709 Washington St.
Ashland, Oregon 97520
541 482 8545

Site address: 615 Washington St, Lot 2500, Tax Parcel 1-011702-5
Comprehensive Plan Designation: Employment

To whom it may concern:

I am requesting that the City of Ashland approve annexation for the development of a distribution warehouse and associated offices on lot #2500. The lot in question is located at the south end of Ashland adjacent to the I-5 freeway in an Economic Employment District.

Existing building built 2006 - new building to match in design and materials



This parcel is currently county RR-55. The parcel is bordered by Washington Street & Interstate Five right-of-way on the East & property in the City of Ashland at the North, West and South. The land is contiguous with the present city limits. The property will change from county RR-5 to E-1 zoning (Ashland). The land is within the Urban Growth Boundary.

1. Adequate transportation

1.1 Washington Street is designated a collector. The only access available to the site is from Washington Street. When the project secures a building permit, Washington St., adjacent to the parcel's frontage, will be improved to collector standards (see site review drawings, sheet AS101). This project is designed for auto and delivery truck traffic. Large trucks would be unloaded using the existing Modern Fan I's loading dock. This project will have a minimum traffic impact.

The new Washington Street improvements include a bicycle lane, the site has a bicycle parking. Transit service is currently not available to the pedestrian link at the entry to the Washington St. sidewalk.

2. Adequate City Services

2.1 Water, sanitary sewer, storm drains and power are adequate at at the property frontage. We will use the same public utilities as for the existing project, Modern Fan I.

3. In a E-1 zone the applicant will obtain site review approval with the annexation request. The site review documents are attached.

Usage:

I am the majority owner of The Modern Fan Company, an Oregon corporation located in Ashland for twelve years. The company currently occupies 709 Washington St, a building we built on the lot that abuts 615 Washington St. The company is growing and projects the need for additional warehouse space within 24-36 months. When we build, I plan on holding title as an individual and leasing the building to the company.

The Modern Fan Company is a design and marketing company. I design the contemporary ceiling fans and the company distributes them worldwide from our Ashland location. The fans are produced by a large manufacturer in Taiwan/China. The company imports them to our warehouse where we inspect them, add accessories and forward them to our customers. We are a wholesale company with no show-room or on-site sales activities.

The company did \$7,000,000 in sales in 2008 and we expect to grow about 10% per year. In addition to myself, the company employs a manager, four office personnel and four warehouse people. There are a total of ten full time employees.

The current traffic load consists of a UPS and Federal Express truck every day and a few miscellaneous deliveries throughout the week. We generally ship out about 200 boxes a day. All containers will be unloaded at our existing dock at 709 Washington.

Because of the long lead-time required to produce and import the products we require a fairly large inventory. The inventory consists of all metal ceiling fans packed in cardboard boxes. There will be no machinery other than a forklift and a few hand tools.

JUN 17 2009

Building:

After annexation, I would like to apply for approval to construct a building covering 18,000 square feet of open warehouse. Our plan is to replicate the building we now have with less office space. We would use the same builder and architect and incorporate the distinctive rolled roof line and clearstory windows we have in our current building

The company will require two shipping doors and a inventory transfer door adjacent to the existing building.

Topography:

The lot in question is fairly flat, drainage would be directed to the east or street side in the development. There is an existing unimproved drainage ditch at the front of the lot. The land has been tested by a soils engineer and has been found to be free of ground water or other impediments to building.

There is an approximately six foot elevation change between the two lots, as shown below

Landscape:

There is currently no landscaping and only some junk trees on the property. The plan proposes a low-water consumption landscape covering 27.6% of the finished project. The parking and loading areas will comprise 34.4% of the coverage. There is room for a water retention plan within this landscape area.

Trees will be planned to shield and shade the side parking lot. An automatic watering system will be incorporated in the landscape plan.

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City of San Diego
Community Development

BRUCE H. ABELOE, ARCHITECT, A.I.A.

ARCHITECTURE

PLANNING

SUSTAINABLE DESIGN

SITE REVIEW – FINDINGS OF FACT

A. All applicable City ordinances have been met or will be met by the proposed development.

Finding: The development has met all applicable land use ordinances (setbacks, etc.), building code requirements, fire code requirements and public works requirements.

B. All requirements of the Site Review Chapter 18.72, have been met or will be met.

Findings:

1. 18.72 – Meets E-1 zoning district permitted uses.
18.40.020.E. Lighting manufacturing.
2. 18.72 – 18.92.020 Parking Required.
See sheet G001 – Project Information.
3. 18.92.040 Bicycle Parking – See sheet G001 – Project Information.
4. All yard setbacks have been met.
5. 18.72.115 Recycling Requirements – Facility provided adjacent to the building.
6. Vehicle Traffic – Only automobiles and small to medium trucks are allowed on this site. Large trucks will access Modern Fan I only.
7. The project has 10'-0" wide frontage landscape area per ordinance – Section II-C-1b of the Site Design and Use Standards.
8. Building ground coverage requirement has been met – See sheet G001 – Project Information.

C. The development complies with the Site Design Standards adopted by the City Council for implementation of this chapter.

Findings:

- 1) Section II, A – Ordinance Landscaping Requirements (page 13) E-1 requirement is 15%, the development exceeds this requirement. See sheet G001 – Project Information.
- 2) Section II, C – Commercial Employment and Industrial Development, “Basic Site Review Standards”, pages 17-19

II-C-1a Orientation and Scale. The building has its

1. Primary Orientation to Washington Street. The building entrance is facing Washington Street and is connected to the public sidewalk.
3. These requirements may be waived if the building is not accessed by pedestrians, such as warehousing and industrial buildings without attached offices and automotive service stations. This development supports Modern Fan I with additional warehousing space. This development does not have offices and is not open to the public.

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ARCHITECTURE

PLANNING

SUSTAINABLE DESIGN

II-C-1b) Streetscape. We have one street tree for each 30 feet of frontage (see sheet L101, Landscape Plan). The street tree species was determined at the Modern Fan I project.

II-C-1c) Landscaping

1. The landscape plan is designed to meet this coverage requirement.
2. This requirement is met.
3. This requirement is met.
4. This development will have an automatic irrigation system.
5. Yes. See Tree Removal Plan

II-C-1d) Parking

1. This development's parking is located at the side of the building.
2. The parking area is screened from adjacent uses and shaded by deciduous trees.

II-C-1e) Not Applicable.

II-C-1f) Noise and Glare.

Since this is a warehouse / distribution building. Noise is not an issue. The exterior lighting is located at the building.

II-C-1g) Not Applicable.

3) Parking Lot Landscaping and Screening Standards.

1. II-D-1 Screening at Required Yards.

We have a hedge at front yard screening, the start of the parking area.

II-D-2 Screening Abutting Property Lines.

We have incorporated a five foot wide landscape strip (screening) at the parking area. See the Site Plan and Landscape Plan.

II-D-3 Landscape Standards.

1. 7% of parking area requirement has been met. See sheet G001 – Project Information. We have one tree per seven parking spaces.
- 2., 3, 4 and 5. These requirements have been met. See Landscape Plan.

II-D-4 Not Applicable

II-D-5 Hedge Screening – Has been met.

II-D-6

Refuse area is screened. See Site Plan.

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4) E. Street Tree Standards – Have been met.

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ARCHITECTURE

PLANNING

SUSTAINABLE DESIGN

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.

Findings: This parcel is part of an economic light industrial subdivision. The utilities were developed as part of developing the subdivision. Just as there are adequate services for Modern Fan I, - there are adequate services for Modern Fan II, we plan to have on-site detention for the development storm drainage.

Washington Street is a commercial neighborhood collector. Currently Washington Street is part of the Federal Highway right of way. David Plyes, ODOT, met with the design team and communicated with the City of Ashland Public Works Department.

The existing sixty foot right of way is more than adequate for the required collector standard requirements without requiring additional right of way.

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SUSTAINABLE DESIGN

ANNEXATION – FINDINGS OF FACT.

CRITERIA IN 18.106.030

A. The land is within the City's Urban Growth Boundary.

Finding: This development is within Ashland's Urban Growth Boundaries.

B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map and the project, if proposed concurrently with the annexation, is an allowed use with the proposed zoning.

Finding: The properties surrounding this parcel are already annexed. Their zoning is E-1. This parcel will be E-1 as designated at the Comprehensive Plan Map. The proposed development meets the permitted use requirements.

C. The land is currently contiguous with the present city limits.

Finding: Yes.

D. Adequate city facilities for provision of water to the site. As determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the city has declared a moratorium based upon a shortage of water, sewer, or electricity it is recognized that adequate capacity exists system-wide for these facilities.

Finding: There isn't a moratorium in effect. Modern Fan II has access to the same services as Modern Fan I.

E. Adequate transportation can and will be provided to and through the subject property.

1. Vehicular Transportation – Findings. This project will be required to improve Washington Street to a half street standard at its frontage.

2. Bicycle transportation – Findings. This project will develop a bike lane on Washington Street at the frontage. As a quasi-industrial area with only partially developed public streets – bicycle facilities will have to develop in the future.

3. Pedestrian Transportation – Findings. This project will install a seven foot wide public sidewalk at the project frontage. The frontage sidewalk will connect to the Modern Fan I existing public sidewalk. To the north the nearest public sidewalk is over a half mile away.

4. Transit Transportation – Findings.

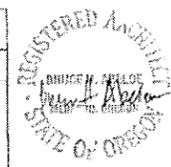
Transit service is currently not provided and not likely to be extended to this site in the near future.

F. Residential Applications – Not Applicable.

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MODERN FAN II



INDEX OF DRAWINGS	
SHEET	DESCRIPTION
G001	INDEX OF DRAWINGS / AREA SITE MAP / PROJECT DATA
5000	EXISTING MAP
5001	EXISTING SITE PLAN / TOPOGRAPHIC MAP
5002	SITE PLAN
5003	EXTERIOR ELEVATIONS / ROOF PLAN
5004	LANDSCAPE PLAN

PROJECT DATA	
PARCEL AREA:	45,302 SF
BUILDING FOOTPRINT AREA:	15,480 SF
IMPERVIOUS PAVEMENT / SEWERAL AREA:	15,120 SF
LANDSCAPE AREA:	12,502 SF
249 & (E-1) 1981	
PARKING:	
• RECYCLED PARKING	
• WAREHOUSE, 1500 SQ. FT. X 1000 SQ. FT.	15 SPACES TO SPACES
• PARKING PROVIDED:	TOTAL
• ON SITE	15 SPACES TO SPACES
TOTAL	
INCLUDE PARKING:	
• 1 BIKE SPACE PROVIDED PER 5 PARKING SPACES REQUIRED	3 SPACES
• 50% OF BIKE SPACES TO BE COVERED	
• (2) COVERED BIKE SPACES AT THE BUILDING INTERIOR	
• (3) COVERED BIKE SPACES AT COVERED ENTRY	
WASH - RECYCLE CENTER - SEE SITE PLAN	
MECHANICAL AND TYPE OF ENERGY:	
• GAS HEAT	
• OFFICES ARE FUTURE ONLY	
• WATERHEATER - 404 PER MONTH	
• AREA: 1101 / MONTH	
• ELECTRIC FOR AC UNITS, LIGHTS AND OUTLETS	
THIS DESIGNER HAS EXTENSIVE NATURAL LIGHT FROM THE CLEAR-STORY WINDOWS TO REDUCE THE NEED FOR ARTIFICIAL LIGHTING. LIGHTING ADJUSTED TO THE NATURAL LIGHT SOURCES WILL OPERATE WITH PHOTO-SENSORS TO TURN THESE LIGHTS OFF WHEN NATURAL LIGHT IS ADEQUATE. THE ELECTRICAL DESIGN WILL EXCEED THE CURRENT OREGON ENERGY CODE BY 10% MINIMUM.	
THE FLOOR FINISHES:	
• JEFFERSON STREET FLOOR TEST DROUS - 4025 60PH	
• FLOOR FINISH	
• INTERIORS HAZARDOUS (GROUP I) JOB	
• (B) (4) EXCEPTED - UP TO 50% REDUCTION DUE TO AN AUTOMATED FIRE SPRINKLER SYSTEM.	
TABLE 605.1, TYPE V-2	
• FIRE FLOOR - 1,500 60PH (GROUP 1) 60PH	
• FIRE FLOOR - 1,500 60PH (GROUP 1) 60PH	
LANDSCAPE AREA AT PARKING:	
• PARKING AREA - 12,000 SQ. FT.	
• (2) (2) SQ. FT. X 100 X 100 SQ. FT.	
• PARKING AREA LANDSCAPE AREA PROVIDED - 10,500 SQ. FT.	

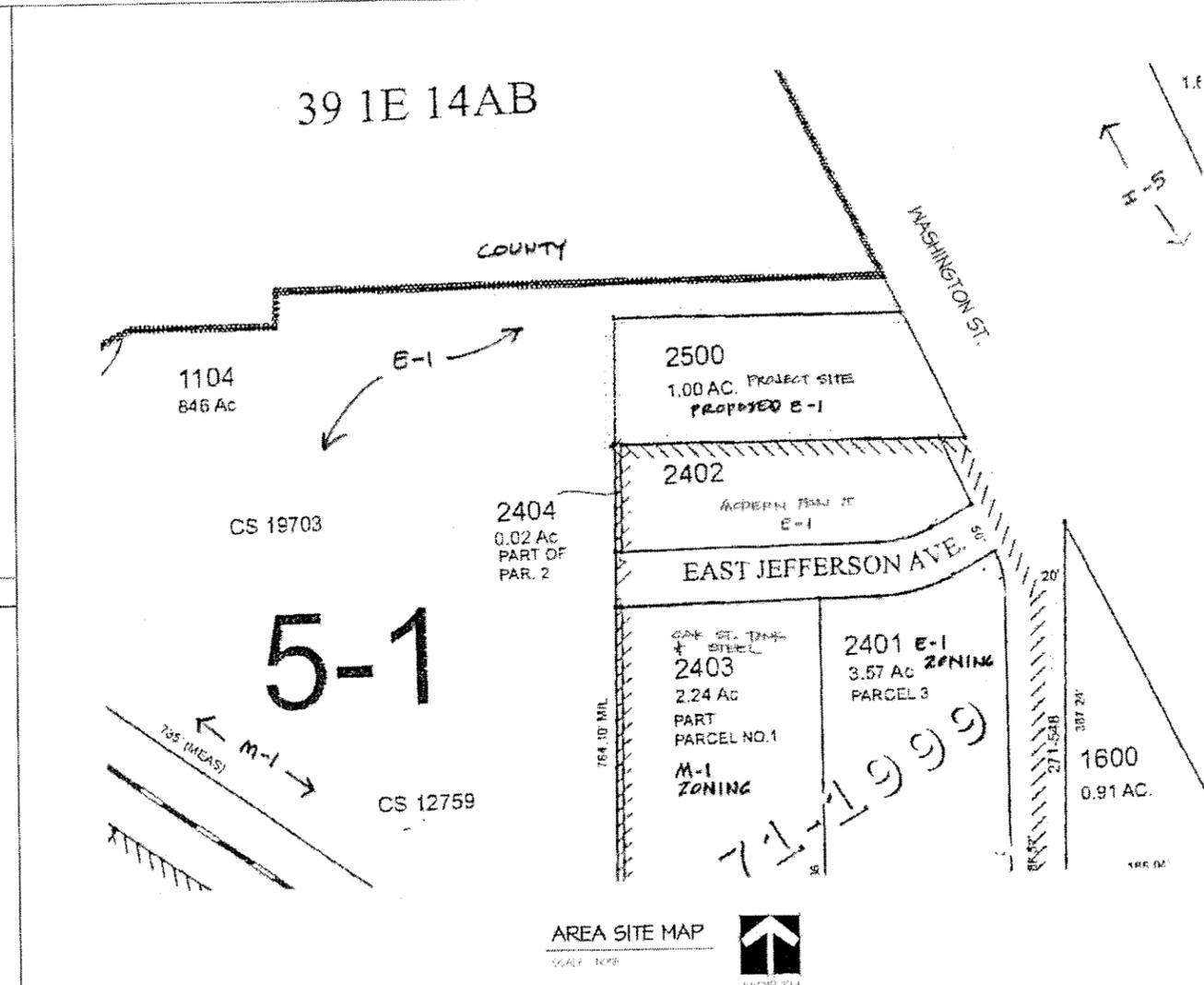
BRUCE H. ABELOE
ARCHITECT A.I.A.
ARCHITECTURE
GREEN DESIGN
PLANNING
INTERIOR DESIGN
827 ALDER CREEK DRIVE
SUITE A
MEDFORD, OREGON 97504
EMAIL: bruce_abeloe@abeloe.com
(541) 734-3553
(541) 734-3553 FAX

MODERN FAN II
NEW FACILITY FOR
THE MODERN FAN COMPANY.
ASHLAND, OREGON
615 WASHINGTON STREET

SUBMITTAL DATE: 5/1/2009
OWNER / AGENCY:
DATE: 5/1/2009
PROJECT NO:
REVISION DATE: 5/1/2009

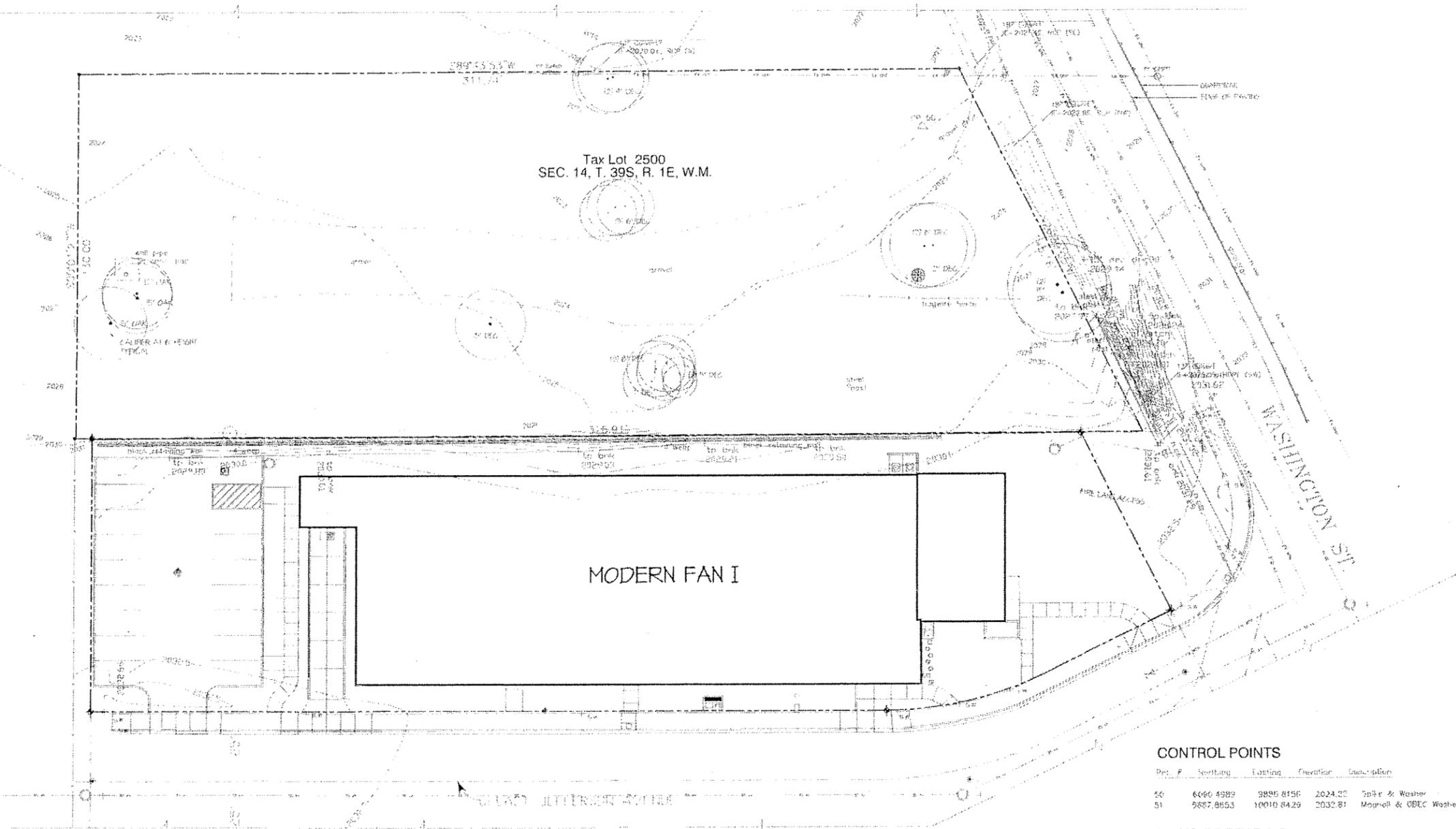
INDEX OF DRAWINGS
AREA SITE MAP
PROJECT DATA
VICINITY MAP
DRAWING STATUS
SITE REVIEW APPLICATION
SHEET NUMBER

G001



ABBREVIATIONS

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
AD	ADJUSTED	AD	ADJUSTED
AL	ALUMINUM	AL	ALUMINUM
AN	ANNEALING	AN	ANNEALING
AP	APPROXIMATE	AP	APPROXIMATE
AR	ARCHITECTURAL	AR	ARCHITECTURAL
AS	ASBESTOS	AS	ASBESTOS
AT	ATMOSPHERIC	AT	ATMOSPHERIC
AV	AUTOMATIC	AV	AUTOMATIC
AW	AIRWAY	AW	AIRWAY
AX	AXIS	AX	AXIS
AY	AXIS	AY	AXIS
B	BUILDING	B	BUILDING
BA	BALANCE	BA	BALANCE
BB	BALANCE	BB	BALANCE
BC	BALANCE	BC	BALANCE
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BV	BALANCE	BV	BALANCE
BW	BALANCE	BW	BALANCE
BX	BALANCE	BX	BALANCE
BY	BALANCE	BY	BALANCE
BZ	BALANCE	BZ	BALANCE
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CA	CANONICAL	CA	CANONICAL
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GW	GRADE	GW	GRADE
GX	GRADE	GX	GRADE
GY	GRADE	GY	GRADE
GZ	GRADE	GZ	GRADE
H	HATCH	H	HATCH
HA	HATCH	HA	HATCH
HB	HATCH	HB	HATCH
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HX	HATCH	HX	HATCH
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HZ	HATCH	HZ	HATCH
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IV	IDENTIFICATION	IV	IDENTIFICATION
IW	IDENTIFICATION	IW	IDENTIFICATION
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IY	IDENTIFICATION	IY	IDENTIFICATION
IZ	IDENTIFICATION	IZ	IDENTIFICATION
J	JUNCTION	J	JUNCTION
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JB	JUNCTION	JB	JUNCTION
JC	JUNCTION	JC	JUNCTION
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JE	JUNCTION	JE	JUNCTION
JF	JUNCTION	JF	JUNCTION
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JI	JUNCTION	JI	JUNCTION
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JL	JUNCTION	JL	JUNCTION
JM	JUNCTION	JM	JUNCTION
JN	JUNCTION	JN	JUNCTION
JO	JUNCTION	JO	JUNCTION
JP	JUNCTION	JP	JUNCTION
JQ	JUNCTION	JQ	JUNCTION
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JV	JUNCTION	JV	JUNCTION
JW	JUNCTION	JW	JUNCTION
JX	JUNCTION	JX	JUNCTION
JY	JUNCTION	JY	JUNCTION
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KF	KEY	KF	KEY
KG	KEY	KG	KEY
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KI	KEY	KI	KEY
KJ	KEY	KJ	KEY
KK	KEY	KK	KEY
KL	KEY	KL	KEY
KM	KEY	KM	KEY
KN	KEY	KN	KEY



Tax Lot 2500
SEC. 14, T. 39S, R. 1E, W.M.

MODERN FAN I



EXISTING SITE PLAN / TOPOGRAPHIC MAP

SCALE: 1" = 20'-0"

SURVEY BY HARDEY ENGINEERING, INC.

CONTROL POINTS

Point #	Northing	Easting	Elevation	Description
20	6060.4982	9895.8156	2024.00	Spire & Washer
51	9887.8653	10010.8429	2032.61	Magnall & OBEC Washer

BASIS OF BEARING

AS PER FIELD SURVEY NO. 19/03

VERTICAL DATUM

City of Ashland
Base: center of SL 50-51 above

REMARKS: None of record

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INTERIOR DESIGN

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MODERN FAN II
NEW FACILITY FOR
THE MODERN FAN COMPANY

ASHLAND, OREGON

615 WASHINGTON STREET

SUBMITTAL DATE: 8/17/09
OWNER / AGENCY:

REV	DATE	DESCRIPTION

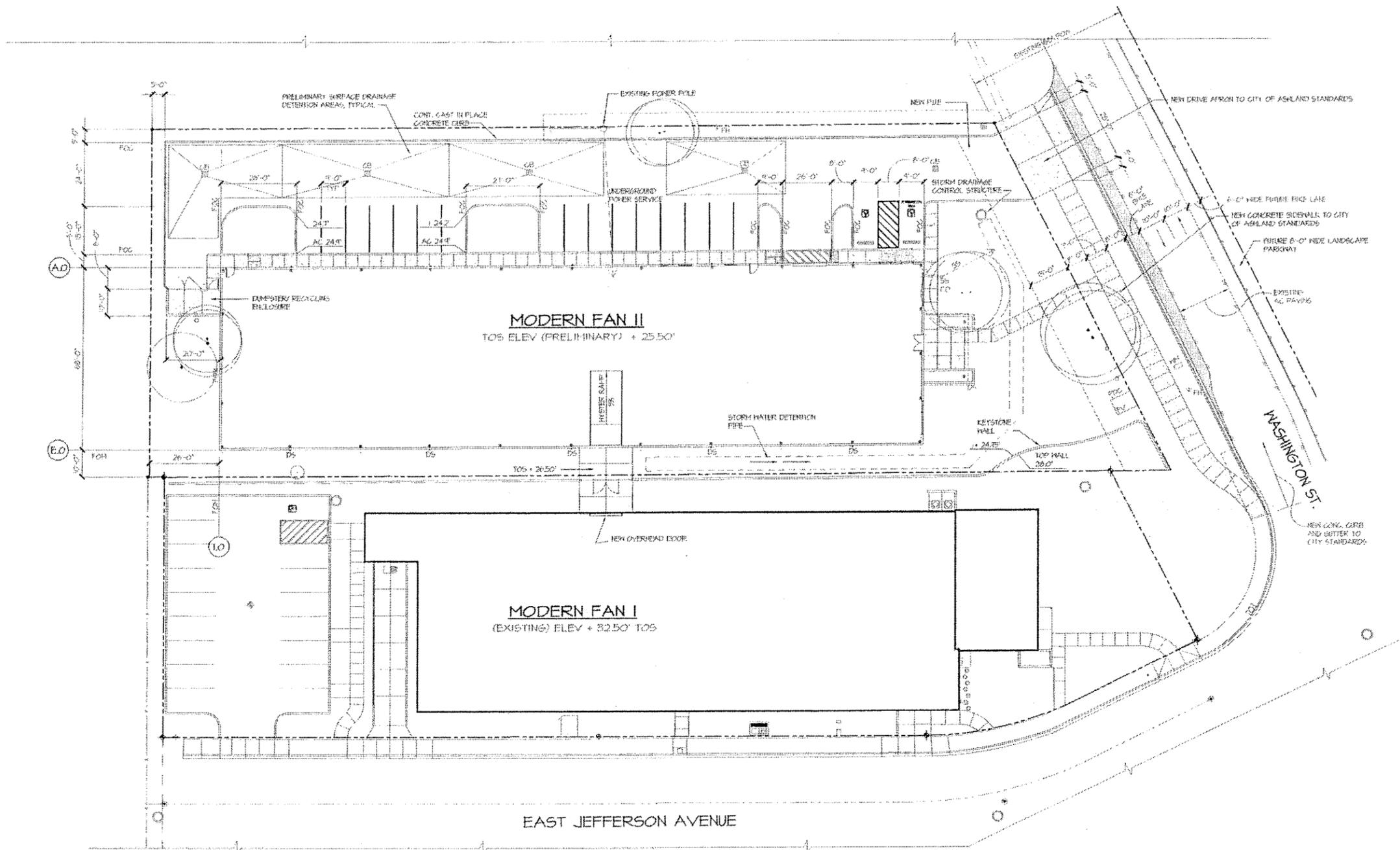
EXISTING SITE PLAN
TOPOGRAPHIC MAP

DRAWING STATUS
SITE REVIEW
APPLICATION

SHEET NUMBER
G002

OR

AUG 17 2009



SITE PLAN
SCALE: 1" = 20'-0"
NORTH

SYMBOL LEGEND - SITE PLAN

⊙ FH	NEW FIRE HYDRANT
⊙ CB	CATCH BASIN
⊙ WM	NEW WATER METER
⊙ ED	FIRE DEPARTMENT CONNECTION
⊙ SV	FIRE SPRINKLER SYSTEM VAULT



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615 WASHINGTON STREET ASHLAND, OREGON

SUBMITTAL DATE: 8/17/09
OWNER / AGENCY

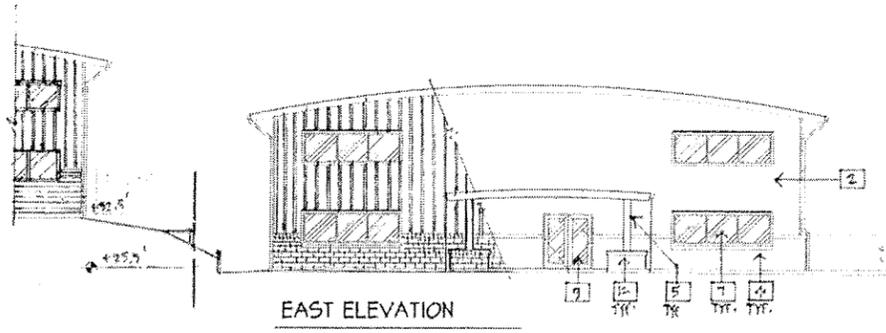
DATE	PROJECT NO.
8/17/2009	092-0100
REVISION	DATE

AUG 17 2009

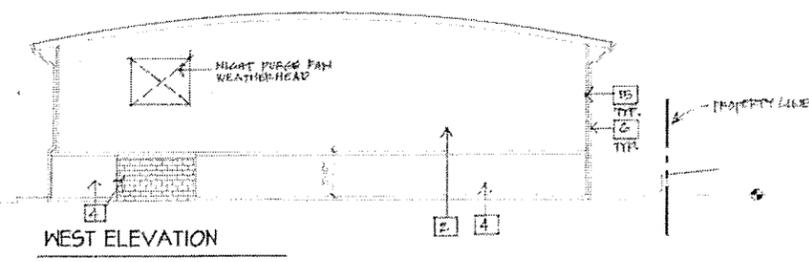
SITE PLAN

DRAWING STATUS
SITE REVIEW APPLICATION

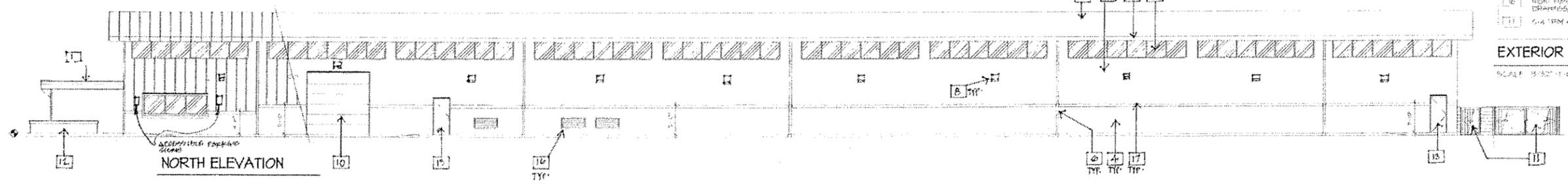
SHEET NUMBER
AS101
OF



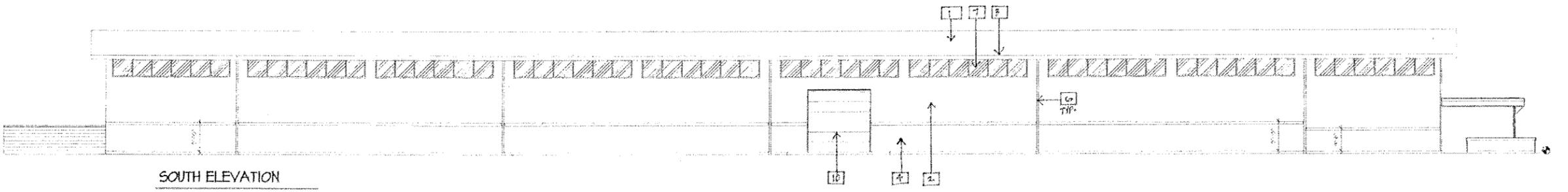
EAST ELEVATION



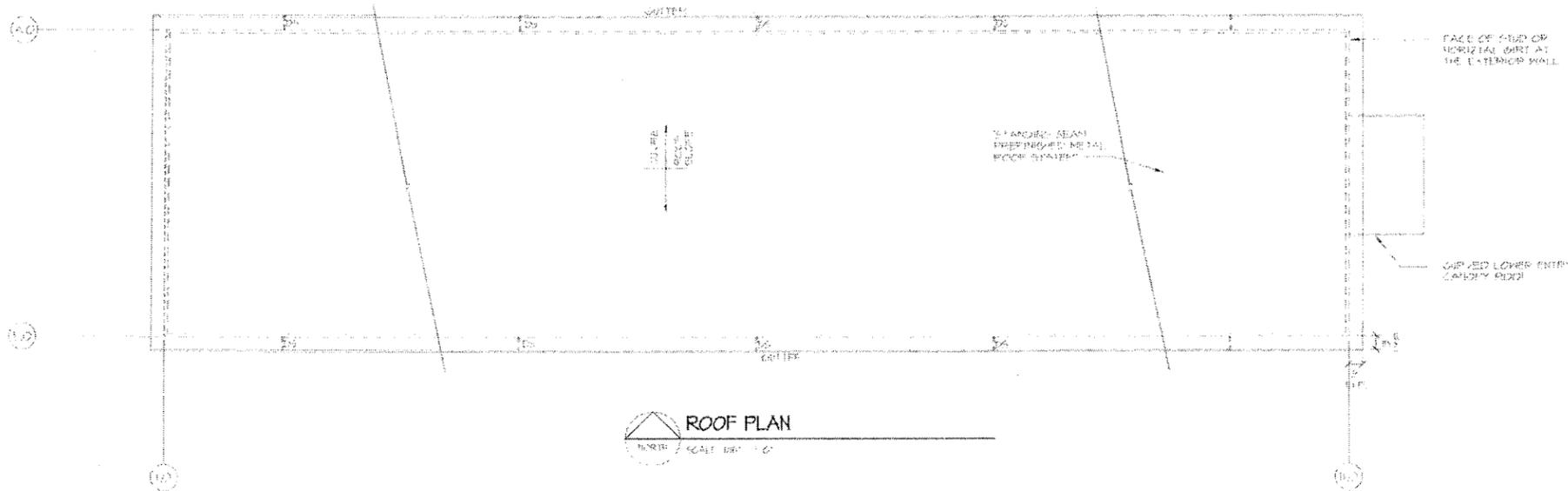
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



ROOF PLAN
SCALE: 1/8" = 1'-0"

KEYED NOTES - EXTERIOR ELEVATIONS

1. PRE-FINISHED LAMBERE OF 2X4 METAL ROOFING
2. PRE-FINISHED METAL GUTTER, BRASS/SL
3. PRE-FINISHED ALUMINUM METAL WALL FLASHING WATER AND METAL VAIL
4. SOLID METAL FACE CORNER BOLT OR DIMENSIONED FINISH LIGHT GRAY COLOR
5. METAL WALL FACE 1/2" METAL BOND - BRASS/SL LIGHT GRAY COLOR
6. METAL CORNER FINISHED
7. METAL DOWNSPOUT FINISHED
8. ALUMINUM WINDOW
9. WALL MOUNTED EXTERIOR LIGHT
10. ALUMINUM ENTRY DOOR
11. OVERHEAD SECTION DOOR - FINISHED
12. SOLID METAL CORNER BOLT TO MATCH GIRD COLOR
13. CANOPY ROOF - SEE 1/4"
14. INSULATED FLUSH HOLLOW METAL DOOR AND FRAME FINISHED
15. PRE-FINISHED METAL HEAD FINISH MATCH COLOR OF ADJACENT SIDING
16. PRE-FINISHED METAL CORNER TRIM MATCH COLOR OF ADJACENT SIDING
17. NIGHT PURGE GAS INTAKE METAL LEADERS (SEE MECHANICAL DRAWINGS) COLOR MATCH WALL FACE LIGHT
18. GUTTER AT EAVE TERMINATED AT CURB

EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"



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MODERN FAN II
NEW FACILITY FOR
THE MODERN FAN COMPANY
ASHLAND, OREGON
115 WASHINGTON STREET

SUBMITTAL DATE(S)	
OWNER / AGENCY	
DATE: 8/17/09	
PROJECT NO.	
REVISION	DATE
1	7/1/09
2	
3	
4	
5	

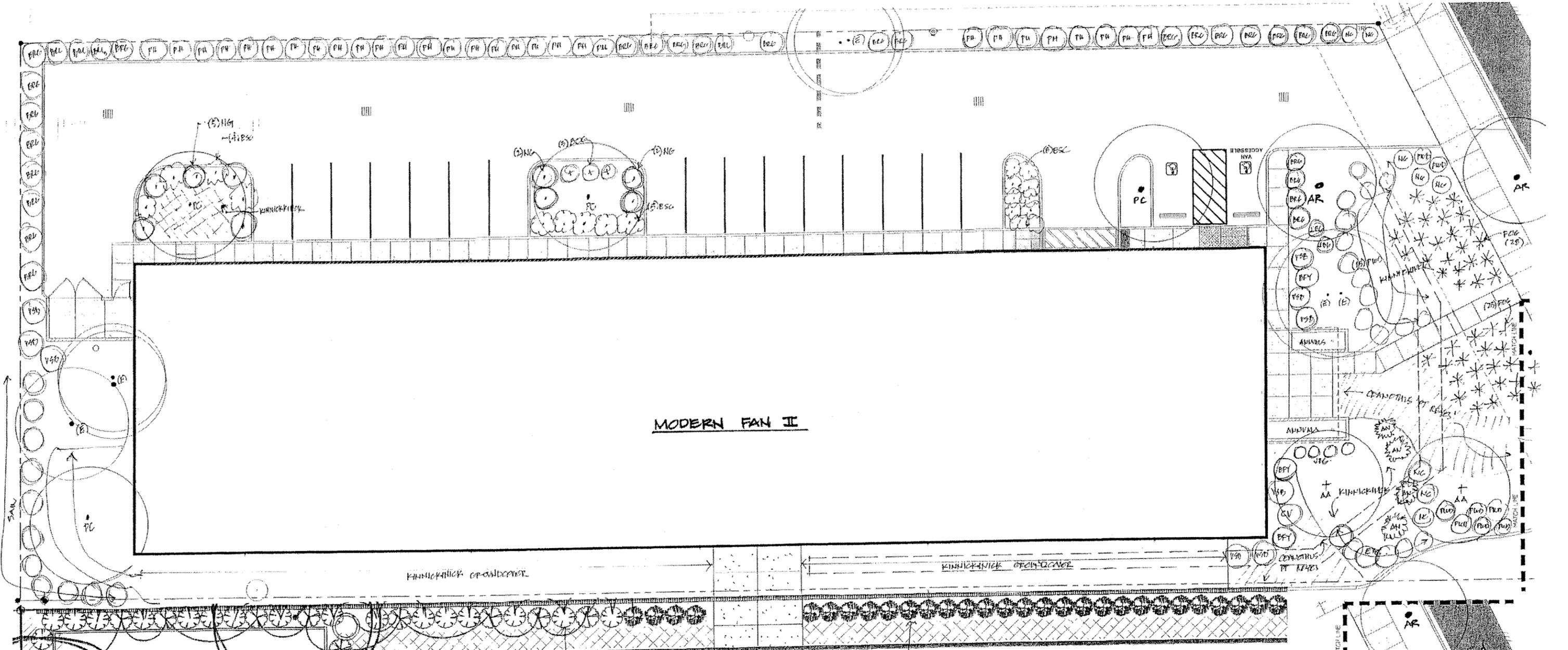
EXTERIOR COLORS

- STANDING SEAM METAL ROOFING, FLASHING, GUTTER, FIVE TOPPER AND RAIN BRUSH - GOND 970
- END HANGING MATERIAL GREY SPLIT PALE
- METAL SIDING (UNDER-ROOF) HIBERN FRAME 60000 BRASS/SL GREEN
- FLUSH METAL DOWN AND OVERHEAD DOORS - SILVER GREY
- ENTRY CANOPY ROOF - GOND 970

AUG 17 2009

ROOF PLAN
EXTERIOR ELEVATIONS

DRAWING STATUS
SITE REVIEW APPLICATION
SHEET NUMBER
AS102
OF



MODERN FAN II

MOD FAN I

PLANT KEY

SYM	BOTANICAL NAME	COMMON NAME	SIZE
AA	ACER JAPONICUM	Japanese Maple	1 1/2" CAL.
AR	AGAVE 'FOT SENEZ'	SENEZ WAXE	1 1/2" CAL.
PC	PISTACHIA CHINENSIS	CHINESE PISTACHE	1 1/2" CAL.
AR	APRESIDUE CRAB	BIRD NEST SEDGE	18"
BFY	BLENNERIA SP.	BUTTERFLY BUSH	5 GAL.
BOG	HELIOPSIS SCABRA	HELIOPSIS	1 GAL.
BRG	BETULAS 'TOSH O-GUP'	TOYO O-GON BIRCH	2 GAL.
CV	CELANOTIS 'TAK FERNISS'	CELANOTIS	2 GAL.
BSC	BESLERIA 'TAK FERNISS'	BESLERIA	2 GAL.
FOG	FESICIA Q. 'TAK FERNISS'	FESICIA	1 GAL.
BRG	BRIDGESIA 'TAK FERNISS'	BRIDGESIA	1 GAL.
NG	NIPPOPHILA 'TAK FERNISS'	NIPPOPHILA	5 GAL.
PC	PISTACHIA 'TAK FERNISS'	PISTACHIA	1 GAL.
SAW	SEROTIA 'TAK FERNISS'	SEROTIA	1 GAL.
VSD	VERONICA 'TAK FERNISS'	VERONICA	5 GAL.

PLANTING CELANOTIS 'TAK FERNISS' ON CENTER WHERE INDICATED BY HATCH
 PLANTING KINIKICKIKA 5' ON CENTER WHERE INDICATED BY HATCH

- PARKING AREA - 1 TREE PER SEVEN PARKING SPACES.
- 1 TREE EVERY 30' MAX @ FRONTAGE
- LANDSCAPE AREA REQUIREMENTS - SEE SHEET 0001

AUG 17 2009

LANDSCAPE PLAN
SCALE: 1" = 10'-0"
NORTH

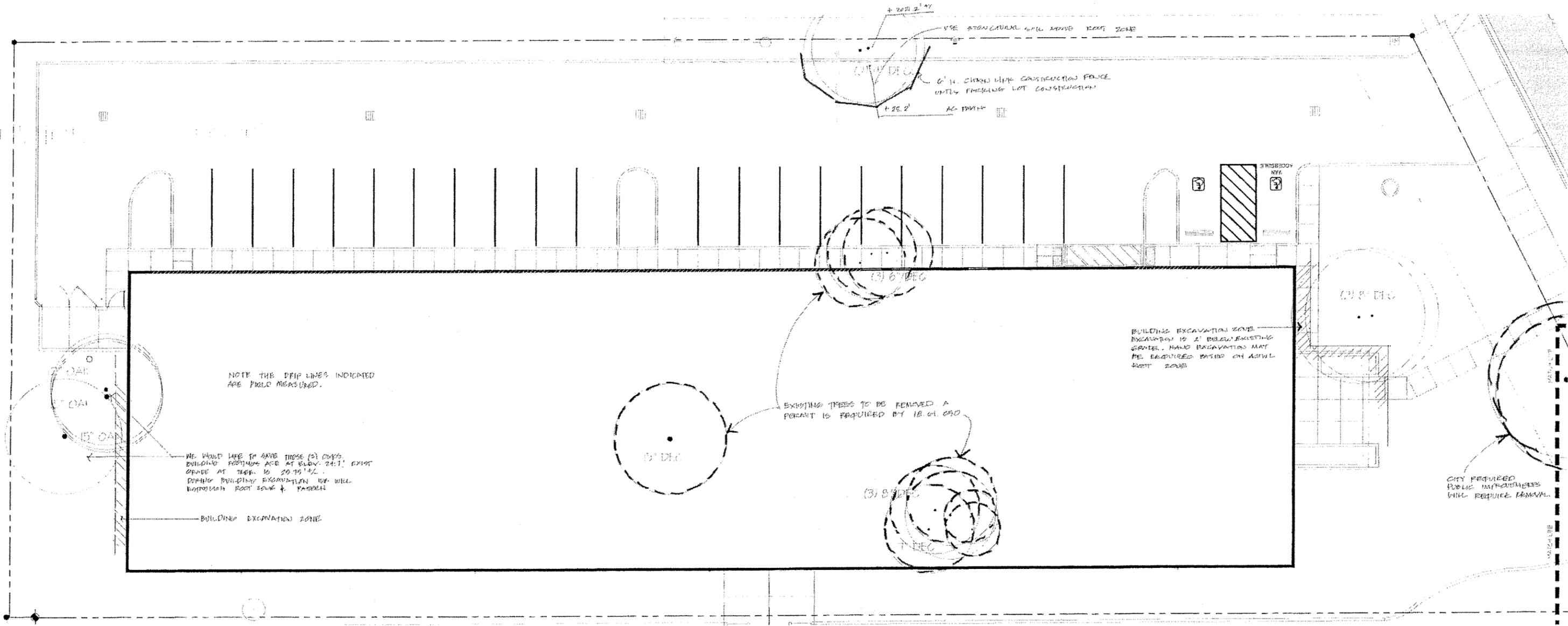
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EMAIL: bruce_abeloe@abeloe.com

SUBMITTAL DATE: (S)	DATE
OWNER / AGENCY	PROJECT NO.
	REVISION
	DATE

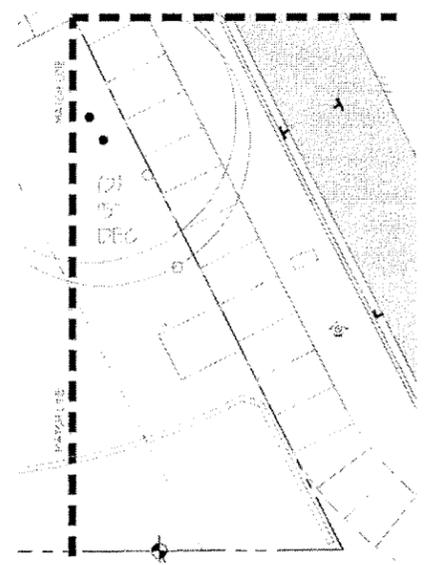
MODERN FAN II
NEW FACILITY FOR
THE MODERN FAN COMPANY
615 WASHINGTON STREET ASHLAND, OREGON

• LANDSCAPE PLAN

DRAWING STATUS	SHEET NUMBER
SITE REVIEW APPLICATION	L101
	OF



TREE PROTECTION - REMOVAL SITE PLAN
 SCALE 1" = 10'-0"
 NORTH



AUG 17 2009

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SUBMITTAL DATE(S) OWNER / AGENCY	DWG DATE PROJECT NO REVISION DATE
	8/16/09

MODERN FAN II
 NEW FACILITY FOR
 THE MODERN FAN COMPANY
 615 WASHINGTON STREET ASHLAND, OREGON

TREE PROTECTION - REMOVAL SITE
 PLAN



DRAWING STATUS
 TREE PROTECTION
 PERMIT
 APPLICATION

SHEET NUMBER
T101
 OF

Memo

DATE: September 9, 2009

TO: Ashland Planning Commission

FROM: Bill Molnar, Community Development Director

RE: Consideration of the necessity of ordinance amendments related to timetable tolling and timetable extensions for planning application approvals

At the July 21, 2009 meeting, the City's Administration Department requested Council's consideration of ordinance amendments related to the tolling and extension of timetables related to planning application approvals. Before considering the request, the Council directed City staff to refer the issue to the Planning Commission for their review and recommendation with regards to whether or not an ordinance amendment is necessary. Accordingly, staff has placed this item on the Commission's agenda, not to solicit input on the draft ordinance language presented to the Council, but merely to have a general discussion related to the possible merits or drawbacks from such a proposal.

The two issues can be summarized as follows:

Land Use Approval Timetable Extension

The global economic downturn starting in 2006 has resulted in a significant slow down in the submission of development applications and general building activity. Constrained financing for projects has resulted in applicants having to forego initial timelines for project completion, putting approved proposals in an indefinite holding pattern. In an effort to be responsive to new challenges related to obtaining project financing, the city could consider enacting legislation that automatically extends the approval period.

Land Use Approval Timetable Tolling/Suspension

The Ashland Municipal Code does not expressly toll or suspend approval timetables should a project be subject to an appeal to LUBA or the Circuit Court. Often Planning Division staff receive inquiries from applicants or their legal counsel regarding whether or not the approval period for the project is automatically suspended, while under appeal at the State or Circuit Court. Appeals may take several months or more, and without a tolling provision, an approval may expire even if the applicant prevails in Court or at LUBA.



PUBLIC HEARINGS (none)**PUBLIC FORUM**

Mark DiRienzo/1500 E Main Street/Introduced himself as the Executive Director at Science Works Museum and explained that some of the money received from an economic and cultural development grant was going to fund a regional LEGO ROBOTICS competition in December. Prior to that event, NASA has agreed to come to Science Works with a touring trailer truck for an exhibition September 18-20, 2009. In addition to moon rock exhibits, there is an educational component involving LEGO ROBOTICS that would help promote the LEGO ROBOTICS Competition. Mr. DiRienzo was there to ask Council direction on diverting some of the funding for the competition to support the three-day NASA event.

Staff recommended Council provide a formal acknowledgement of reallocating monies due to the grant process.

Councilor Navickas/Voisin m/s to allow Science Works to use grant money for the alternative purposes that have been presented. DISCUSSION: Councilor Chapman noted the Budget Committee had originally approved the grant monies. City Administrator Martha Bennett clarified since the grant was an agreement between the City and the grantee, Council could authorize the reallocation of funds. **Voice Vote: all ayes. Motion passed.**

UNFINISHED BUSINESS**1. Does Council wish to direct Staff to initiate an ordinance to modify the expiration dates of land use application approvals?**

Project Manager Adam Hanks presented the staff report and explained how a tolling provision would prevent an applicant's approval to expire during the appeals process and the timetable extension would allow a one-time 18-month extension for land use applications approved January 1, 2006 through July 1, 2009.

City Administrator Martha Bennett added other jurisdictions initiated this ordinance in response to what occurred to the lending market September 2008 in an effort to avoid duplicating the application process due to only the finance market changing. Currently there were 40-50 applications where tolling or extensions could potentially apply.

Colin Swales/Voiced his surprise that the item was on the agenda since it had come from staff without initiation by the Planning Commission or the Council. Recent changes to the land use ordinance included granting an additional 6 months to the 12-month extension. Adding another 18 months seemed unnecessary, would apply to commercial projects since residential single family improvements rarely required a land use application and seemed to cater to a specific section of the community.

Council discussed concerns with tolling not having a limit, a re-approval process instead of a global extension and the possibility of the approval extension taking years with different conditions developing that require consideration and suggested the ordinance go to the Planning Commission for consideration.

Councilor Lemhouse motion to direct staff to initiate the Timetable Tolling and Timetable Extension ordinance as proposed, with the understanding that changes may be made throughout the Staff, Planning Commission and Public review. Motion failed due to lack of second.

Councilor Silbiger/Chapman m/s to take the proposal to the Planning Commission and not develop an ordinance until the Planning Commission deems one necessary. DISCUSSION: Councilor Lemhouse and Voisin agreed with the motion. Councilor Navickas thought it was a more appropriate way for staff to work with Council and the Planning Commission. Mayor Stromberg referred to an earlier conversation with Councilor Chapman and Ms. Bennett where it was decided that staff would wait for Council direction on drafting ordinances in the future. **Roll Call Vote: Councilor Lemhouse, Voisin, Chapman, Silbiger and Navickas, YES. Motion passed.**

2. Does Council approve the second reading of an ordinance titled, "An Ordinance Relating to Food and Beverage Tax, Extending the Tax to 2030, and Amending Chapter 4.34?" Does Council approve the ballot measure? Does Council approve the resolution calling for a special election for November 3, 2009?

Council Communication

Tolling and Extension Ordinance Initiation

Meeting Date:	July 21, 2009	Primary Staff Contact:	Adam Hanks
Department:	Administration	E-Mail:	adam@ashland.or.us
Secondary Dept.:	Legal	Secondary Contact:	Richard Appicello
Approval:	Martha	Estimated Time:	15 minutes

Question:

Does the Council wish to direct Staff to initiate an ordinance to modify the expiration dates of land use application approvals?

Staff Recommendation:

Staff recommends that the Council direct staff to initiate the attached ordinance. The ordinance will require a review and recommendation of the Planning Commission and public noticing will follow the requirements of ORS 197.610

Background:

Tolling or Suspending Local Land Use Approval Dates

Ashland's Land Use Ordinance does not toll or suspend local approval dates when that the approval is appealed to the Land Use Board of Appeals (LUBA) or Circuit Court. Appeals can often take years, and without a tolling provision, an applicant's approval can expire even if the applicant prevails in Court.

This is both unfair to an applicant who has followed the process and an inefficient use of resources if a new application for the identical project has to be processed.

Sections 18.108.070. D and 18.112.035 B. of the proposed ordinance modifies the effective date of decisions of the City to allow the approval date to be tolled or suspended while the appeal is being heard. The local approval date is adjusted upon completion of all appeals or remands.

Land Use Approval Timetable Extension

The current economic climate, specifically the commercial credit market, has created a difficult situation for applicants with land use approvals, but no feasible way to commence construction and keep the approvals active.

Several other jurisdictions in Oregon have adopted similar ordinances. The proposed timetable extension adds an exemption to the expiration of approvals for land use applications that were approved between January 1, 2006 and July 1, 2009. As with the tolling of approvals, Staff believes the proposed ordinance is both fair and needed to make efficient use of Staff resources.



This change provides applicants that were granted land use approvals in that date range with an automatic extension of their approval and moves the expiration date out 18 months from their previous expiration date.

The intent of the granting of the additional extension is to provide existing development approval with additional time to secure funding to construct the projects without being required to go through the land use approval process again for the identical application request. If the applicant chooses to modify the previous approval, the automatic extension does not apply and they would be directed back through the existing land use application and review process.

Related City Policies:

Comprehensive Plan Goal 7.07.03, Policy VII-4 – *The City shall take such actions as are necessary to ensure that economic development can occur in a timely and efficient manner.*

Council Options:

- 1) Direct Staff to initiate both components of the ordinances as currently proposed
- 2) Direct Staff to initiate the ordinance with suggested modifications
- 3) Direct Staff to initiate only one of the two components of the ordinances
- 4) Direct Staff not to initiate the proposed ordinance

Potential Motions:

I move to direct staff to initiate the Timetable Tolling and Timetable Extension ordinance as proposed, with the understanding that changes may be made throughout the Staff, Planning Commission and Public review.

I move to direct Staff to not move forward on either the Timetable Tolling or Timetable Extension components of the ordinances.

Attachments:

Proposed Ordinance



ORDINANCE NO. _____

**AN ORDINANCE AMENDING AMC 18.108.070 AND AMC 18.112 ,
CONCERNING TIMTETABLE TOLLING AND TIMTABLE EXTENSIONS**

Annotated to show deletions and <u>additions</u> to the code sections being modified. Deletions are lined through and additions are <u>bold underlined</u> .
--

WHEREAS, Article 9. Section 1, of the Ashland City Charter provides:

Violation of Charter, Ordinance and Laws The Council, at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to enact laws, ordinances and pass resolutions not in conflict or inconsistent with the laws of the United States, the State of Oregon, or the provisions of this Charter; and to provide for punishment of any person or persons found guilty by a competent tribunal of the violation of any such laws, ordinances, or any of the provisions of this Charter, by fine or imprisonment of such offender, until such fine and costs are paid; and

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

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

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

WHEREAS, the economic downturn occurring since early 2006 has caused a severe slow down in all aspects of land development and building activity; and

WHEREAS, while financing for new development and building activity is constrained, it is important to the continuing economic health of the community to extend the validity of existing development approvals so that such developments may more readily attain a shovel-ready status contributing to economic recovery: and

WHEREAS, the Ashland Municipal Code does not expressly toll or suspend development timetables in the event the project is subject to a LUBA or Circuit Court proceeding; and

WHEREAS, the City of Ashland, acting by and through the City Council, desires to

provide for timetable tolling during pending appeals as well as a uniform eighteen (18) month timetable extension for all development approvals due to the recent economic downturn; and

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

SECTION 1: **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: **Amendment.** AMC 18.108.070 [Effective Date of Decision and Appeals] is hereby amended to add a new subsection D:

18.108.070 Effective Date of Decision and Appeals

- A. Ministerial actions are effective on the date of the decision of the Staff Advisor and are not subject to appeal.
- B. Actions subject to appeal:
 - 1. **Expedited Land Divisions.** Unless appealed within 14 days of mailing a notice of decision, the Staff Advisor decision becomes final on the 15th day. Appeals shall be considered as set forth in ALUO 18.108.030(C) and ORS 197.375.
 - 2. **Type I Planning Actions.**
 - a. **Effective Date of Decision.** The final decision of the City for planning actions resulting from the Type I Planning Procedure shall be the Staff Advisor decision, effective on the 13th day after notice of the decision is mailed unless reconsideration of the action is approved by the Staff Advisor or appealed to the Commission as provided in section 18.108.070(B)(2)(c).
 - b. **Reconsideration.** The Staff Advisor may reconsider Type I planning actions as set forth below.
 - i. Any party entitled to notice of the planning action, or any City Agency may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the staff advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
 - ii. Reconsideration requests shall be received within five (5) days of mailing. The Staff Advisor shall decide within three (3) days whether to reconsider the matter.
 - iii. If the Planning Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten

(10) days to affirm, modify, or reverse the original decision. The Staff Advisor shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.

- iv. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

c. **Appeal.**

- i. Within twelve (12) days of the date of the mailing of the Staff Advisor's final decision, including any approved reconsideration request, the decision may be appealed to the Planning Commission by any party entitled to receive notice of the planning action. The appeal shall be submitted to the Planning Commission Secretary on a form approved by the City Administrator, be accompanied by a fee established pursuant to City Council action, and be received by the city no later than 4:30 p.m. on the 12th day after the notice of decision is mailed.

- ii. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the city and whose boundaries include the site.

- iii. The appeal shall be considered at the next regular Planning Commission or Hearings Board meeting. The appeal shall be a de novo hearing and shall be considered the initial evidentiary hearing required under ALUO 18.108.050 and ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. The Planning Commission or Hearings Board decision on appeal shall be effective 13 days after the findings adopted by the Commission or Board are signed by the Chair of the Commission or Board and mailed to the parties.

- iv. The appeal requirements of this section must be fully met or the appeal will be considered by the city as a jurisdictional defect and will not be heard or considered.

- d. **Final Decision of City.** The decision of the Commission shall be the final decision of the City on appeals heard by the Commission on Type I Planning actions, effective the day the findings adopted by the Commission are signed by the Chair and mailed to the parties.

3. **Type II Planning Actions.**

- a. **Effective Date of Decision.** The decision of the Commission is the final decision of the City resulting from the Type II Planning Procedure, effective 13 days after the findings adopted by the Commission are signed by the Chair of the Commission and mailed to the parties, unless

reconsideration of the action is authorized as provided in Section (b) below or appealed to the Council as provided in section 18.108.110.A.

b. **Reconsideration.**

- i. The Staff Advisor on his/her own motion, or any party entitled to notice of the planning action may request reconsideration of the action after the Planning Commission final decision has been made by providing evidence to the Staff Advisor addressing one or more of the following: (1) new evidence material to the decision exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open; (2) a factual error occurred through no fault of the requesting party which is relevant to an approval criterion and material to the decision; (3) a procedural error occurred, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and remanding the matter will correct the error. Reconsideration requests are limited to errors identified above and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
- ii. Reconsideration requests shall be received within seven (7) days of mailing. The Staff Advisor shall promptly decide whether to reconsider the matter.
- iii. If the Staff Advisor is satisfied that an error occurred as identified above and is crucial to the decision, the Staff Advisor shall schedule reconsideration with notice to participants of the matter before the Planning Commission. Reconsideration shall be scheduled before the Planning Commission at the next regularly scheduled meeting. Reconsideration shall be limited to the portion of the decision affected by the alleged errors identified in paragraph 3.b.i above.
- iv. The Planning Commission shall decide to affirm, modify, or reverse the original decision. The Planning Commission Secretary shall send notice of the reconsideration decision to any party entitled to notice of the planning action.

c. **Final Decision of City.** Unless the decision is remanded to the Planning Commission, the decision of the City Council shall be the final decision of the City on appeals heard by the Council, on Type II Planning actions, effective the day the findings adopted by the Council are signed by the Mayor and mailed to the parties.

4. **Type III Planning Actions.** For planning actions described in section 18.108.060.A.1 thru 4, the decision of the Council shall be the final decision of the City, effective the day the findings adopted by the Council are signed by the Mayor and mailed to the parties.

5. **Council Call Up.** The City Council may call up any planning action for a decision upon motion and majority vote, provided such vote takes place in the required appeal_period. Unless the planning action is appealed and a public hearing is required, the City Council review of the Planning Action is

limited to the record and public testimony is not allowed. The City Council may affirm, modify or reverse the decision of the Planning Commission, or may remand the decision to the Planning Commission for additional consideration if sufficient time is permitted for making a final decision of the city. The City Council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.

- C. No building or zoning permit shall be issued for any action under this Title until the decision is final, as defined in this section.
- D. **Notwithstanding any other provision of this Chapter, in the event a LUBA appeal or a Circuit Court proceeding is filed concerning a final land use decision of the City, the timetable of development is deemed tolled or suspended from the date of the final decision of the City decision maker until final resolution of all appeals or final action on remand, whichever is later. After resolution of all such appeals or remands, timetables shall be adjusted in writing by the Staff Advisor to reflect this automatic tolling, regardless of the approval authority.**

SECTION 3: **Amendment.** Section 18.112.030 [Revocation- permit expiration] is hereby amended to read as follows:

18.112.030 Revocation--permit expiration. Any zoning permit, or planning action granted in accordance with the terms of this Title shall be deemed revoked if not used within one year from date of approval, unless another time period is specified in another section of this Title. Said permit shall not be deemed used until the permittee has actually obtained a building permit, and commenced construction thereunder, or has actually commenced the permitted use of the premises. ~~The Staff Advisor may grant an extension of the approval under the following conditions:~~

- ~~1. One time extension no longer than eighteen (18) months is allowed.~~
- ~~2. The Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completed the development within the original time limitation.~~
- ~~3. Land Use Ordinance requirements applicable to the development have not changed since the original approval. An extension may be granted, however, if requirements have changed and the applicant agrees to comply with any such changes.~~

SECTION 4: **Amendment.** A new Section 18.112.035 [Timetable Extension] is hereby added to read as follows:

18.112.035 Timetable Extension

- A. The Staff Advisor shall grant a timetable extension of any zoning permit or planning action approval under demonstrated compliance with the following conditions:**

1. One time extension no longer than eighteen (18) months is allowed.

2. The Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completing the development within the original time limitation.

3. Land Use Ordinance requirements applicable to the development have not changed since the original approval. An extension may be granted, however, if requirements have changed and the applicant agrees to comply with any such changes.

B. **Notwithstanding any other provision of this Chapter, the Staff Advisor shall grant a timetable extension to any zoning permit or planning action approval which became a final City decision between July 1, 2006 and September 5, 2009 and which approval was subjected to delay associated with a LUBA appeal or a Circuit Court proceeding. Upon application, an extension shall be granted consistent with the tolling period in AMC 18.108.070, for the exact number of days the project was under appeal, calculated from the date of the final decision of the City decision maker until final resolution of the appeal or final action on remand, whichever is later.**

C. **Notwithstanding any other provision of this Chapter, any zoning permit or planning action approval, or any other land use action approval whatsoever, which was approved by a City of Ashland land use decision-maker between January 1, 2006 and July 1, 2009 (including but not limited to development approvals for Type 1, Type 2 and Type 3 Planning Actions) is hereby granted a one time eighteen (18)-month extension of time in addition to any other time extensions previously granted or which may be granted. Regardless of the approval authority, the Staff Advisor shall adjust all timetables, in writing, in accordance with this legislative timetable extension approved by the City governing body.**

SECTION 5. **Amendment.** Section 18.112.090 is hereby amended to read as follows:

18.112.090 Penalties Any person, firm or corporation, whether as principal, agent employee, or otherwise, violating or causing the violation of any of the provisions of this Title has committed **a Class A violation offense, an infraction,** and upon conviction thereof is punish-able as prescribed in Section 1.08.020 of the Ashland Municipal Code, **subject to the limitations of the Ashland City Charter.** Such person, firm, or corporation is guilty of a separate violation for each and every day during any portion of which any violation of this Title is committed or continued by such person, firm or corporation.

SECTION 6. **Amendment.** Section 18.112.100 is hereby amended to read as follows:

18.112.100 Complaints. Complaints concerning violations to this Title can be initiated only as provided in AMC Chapter 1.08. ~~by: (1) written complaint filed by an affected citizen; (2) any City departmental official responsible for the enforcement of this code; or (3) the City Administrator or City Attorney.~~

SECTION 7. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 8. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the time said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 9. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 7-9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors..

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2009 and duly PASSED and ADOPTED this ____ day of _____, 2009.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2009

John Stromberg, Mayor

Reviewed as to form:

Richard Appicello, City Attorney