

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  
JUNE 10, 2008  
AGENDA**

I. **CALL TO ORDER:** 7:00 PM, Civic Center, 1175 E. Main Street

II. **ANNOUNCEMENTS**

III. **APPROVAL OF AGENDA**

IV. **CONSENT AGENDA**

A. Approval of Minutes

1. May 13, 2008 Planning Commission Minutes
2. May 13, 2008 Hearings Board Minutes

IV. **PUBLIC FORUM**

V. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION: 2008-00359**

**SUBJECT PROPERTY: 265 North Main Street**

**APPLICANT: Lithia Arts Guild**

**DESCRIPTION: Request for a Conditional Use Permit to allow a portion of the former Briscoe Elementary School building and the surrounding grounds to be used for individual artists' workspaces and community events. The application requests permanent approval for a yearly event that was previously approved on a temporary basis. The applicant is requesting to host 11 additional events per year in addition to the previously approved event. The application also includes a Type II Variance to parking to allow the parking for events to be off-site in the adjacent neighborhood.**

**COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;**

**ZONING: R-2; ASSESSOR'S MAP #: 39 1E 05 DD; TAX LOT: 2500**

B. **PLANNING ACTION: #2008-00766**

**SUBJECT PROPERTY: 165 Lithia Way & 123 North First Street**

**APPLICANT: Rogue Valley Growers & Crafters Market**

**DESCRIPTION: Request for a Conditional Use Permit to allow the operation of an outdoor farmers market on Saturdays from 9:00 a.m. to 1:00 p.m. during the months of May through November. The proposed market would be held in a portion of the existing**

**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).

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.

*parking lot for the property located at the Northwest corner of First St. and Lithia Way, and would be limited to 25 vendor booths.*

**COMPREHENSIVE PLAN DESIGNATION: *Commercial*; ZONING: *C-1*; ASSESSOR'S MAP #: *39 1E 09 BA*; TAX LOTS: *90000, 90001, 90002, 90003, 10100, 11601 & 11701***

**C. Water Resources Ordinance – Public Hearing Continued**

**VI. UNFINISHED BUSINESS**

**A. Adoption of Findings – PA 2008-00353, 215 Fourth Street, Ashley Jensen**  
(from May 13, 2008 Hearings Board)

**VII. OTHER**

**A. Election of Officers**

**B. Historic Commission Policy Recommendation**

**VII. ADJOURNMENT**

**CITY OF  
ASHLAND**



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**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
May 13, 2008

**CALL TO ORDER**

Chair John Stromberg called the meeting to order at 7:04 p.m. at the Ashland Civic Center, 1175 E. Main Street, Ashland, OR.

**Commissioners Present:**

John Stromberg, Chair  
Michael Dawkins  
Mike Morris  
Debbie Miller  
Michael Church  
Pam Marsh  
Melanie Mindlin  
Tom Dimitre

**Council Liaison:**

Cate Hartzell, Council Liaison

**Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
Carolyn Schwendener, Account Clerk

**Absent Members:** Dave Dotterer, excused

**ANNOUNCEMENTS**

Molnar announced there will be a May 27, 2008 Study Session. The topic of discussion will be Land Use Incentives and Regulatory Barriers to Affordable Housing.

Stromberg introduced new members Debbie Miller and Mick Church.

**APPROVAL OF MINUTES**

**April 8, 2008 Hearings Board Minutes:** Mindlin/Stromberg m/s to approve. Voice Vote: The minutes were approved.

**April 8, 2008 Planning Commission Minutes:** Dimitre/Marsh m/s to approve. Voice Vote: The minutes were approved.

**April 22, 2008 Water Resources Study Session/Workshop Minutes:** Dimitre/Marsh m/s to approve. Voice Vote: The minutes were approved.

**PUBLIC FORUM**

No one came forth to speak

**SPECIAL PRESENTATION**

**Southern Oregon University Intern Project** – Special report on photo inventory of riparian areas.

Pat Acklin is an Associate Professor of Geography at SOU and teaches in the Environmental Studies and Social Science Policy and Culture Departments. Ms. Acklin introduced her students that are in a course called Planning Issues. The students are from Geology, Geography, and a number of Environmental Studies Options including a Social Policy Option. Many of the students have a minor in Land Use Planning. The students then gave their presentation.

**JARAH JOHNSON** gave a brief explanation of their methodology. She reported that the class was divided up into four different groups each with three or four members. Each team was assigned individual creeks to survey. They then took all of the data back to the Geography Computer Lab at SOU and compiled the data into GIS format. Ms. Johnson said for the inventory of the streams the teams used GIS units. They also used field maps that were produced for them. They surveyed a number of categories while in the field; upstream and downstream photographs, general landscape description, described the canopy cover, discussed the types of riparian vegetation, assessed the stream and bank conditions and assessed the channel widths and riparian widths.

**TROY THOMAS** gave his report and video presentation on the Meadowbrook Park open space on lower Clay Creek. Mr. Thomas said the area was heavily landscaped with a very low canopy cover. There has been significant erosion which has caused an entrenchment of the channel in the area. Mr. Thomas said that areas with better erosion patterns that are more native landscaped is noted on an excel spread sheet. Church inquired how much of Clay Creek they sampled. Mr. Thomas confirmed they sampled everything south of Siskiyou, Upper Clay Creek and parts of middle Clay Creek though they are not finished yet. The plan is to eventually sample all of Clay Creek at hundred foot intervals. Molnar gave the background about this development. He stated it was annexed into the City in 1988 and the prior property owner had done quite a bit of altering the natural environment. As part of the plan for this development they had to redefine the channel.

MARY LYNN HONLOSER reported on Beach Creek from the watershed area above Siskiyou Blvd down to North Mountain Park. Ms. Honloser showed how the area was heavily covered with blackberries and estimated the channel width to be about four feet. It's in a wide V shape valley with no canopy cover. Downstream is only about one foot wide, some grasses both native and nonnative along with Hemlock, Willow and Alder trees.

SHAWN STAFFORD reported on Cemetery Creek which runs adjacent to Clay Street Park under Ashland Street into the cemetery. It has erosion in the upper section near the Park. The City recently planted Nine Bark, Red Twig and Hawthorne along the stream banks. Mr. Stafford said the canopy cover is very minimal with a little more down by the railroad tracks by the private property.

TRACY DOLASAR-JENSEN'S group inventoried Roca Creek from Roca Street behind SOU down to Millpond Road. Ms. Dolasar-Jensen said it was a V shaped canyon with steep banks and the area was heavily eroded. An erosion control measure had been used that was doing little to nothing to minimize the erosion in that area. The stream itself was fifteen inches to two feet wide however the riparian area from top of bank to top of bank was between fifteen and twenty feet wide. There was light to medium canopy cover and the vegetation consisted of crab grasses, snowberry, English ivy and blackberry bushes. Some areas had blackberries so heavy you couldn't even see the creek, stated Ms. Dolasar-Jensen.

Ms. Acklin reported that by the time they finish this project they will have added Ashland Creek and Bear Creek, where it is in the City limits. This year's class only took on lands that were publicly owned or open space that came with a development. Ms. Acklin said that perhaps a student intern might finish this up but the private lands will be done by next year's class. Marsh inquired how to get access to the various hues that the students described in terms of their findings. Ms. Acklin said that at the close of the quarter a student is taking all the data and putting it into a map of riparian areas. Ultimately the date will be given to the City.

The Commissioners acknowledged what a terrific presentation this was.

### TYPE III PUBLIC HEARINGS

PLANNING ACTION: 2007-01313

APPLICANT: City of Ashland

DESCRIPTION: A proposed Chapter 18.63, Water Resource Protection Zones added to the Ashland Land Use Ordinance addressing wetland and riparian area protection, and revisions to Chapter 18.62 Physical and Environmental Constraints regarding Riparian Preservation Lands.

Stromberg announced this is a continuation of the Public Hearing from the April 22, 2008 meeting. Stromberg asked Harris to review the key issues one at a time then the Commission will ask questions followed by audience comments. After Harris' presentation if there are further audience comments Stromberg said they will be given an opportunity at that time.

### STAFF REPORT

Harris gave a recap of the April 22, 2008 Public Workshop. Harris reported eighteen hundred written notices were mailed to property owners with water resources on their property or within fifty feet of their property. State law requires noticing the public when a proposed Land Use regulation may affect the use of the property. Harris said there were about forty people at the workshop with about thirteen testifying. Staff also received a number of written comments. Harris took the summary of the comments from the workshop as well as all the written comments and identified key issues and common themes. Harris noted that all of the comments received so far pertain to streams. The main concern is about how the proposed Stream Bank Protective Zones will affect their properties.

Five Key Issues:

**1) Local Native Plant Species Requirement** – Harris said the way the draft ordinance is written now it requires native plants to be planted in newly disturbed or newly planted areas in Stream Bank Protection zones. Harris said the concerns raised at the meetings were that people should have the right on their private property to use that protection zone and landscape it the way they see fit. Staff suggested as an option to look at allowing a percentage of non-native vegetation.

### **Commissioners Discussion and Questions**

Dawkins questioned when he saw the slide of Cemetery Creek and that the City actually planted non-native plants, how does that fit in? Harris confirmed that all properties are treated the same whether they are private property or City owned. If non-native plants are in place when the Ordinance goes into effect they can remain.

Mindlin asked staff to take a moment and explain why it's important to have native plants. Molnar explained that first and foremost as you get closer to the creek native plantings evolve into creek environments so they have an ability through their root structure to withstand

flooding events and they are able to essentially deal with how a creek evolves over time. Molnar said there is a contribution of natives to habitat type of leaf fall and how it provides a certain nutrient to the aquatic life ,erosion control, water quality and habitat.

Dawkins suggested it might be a good idea to make up a list of native plants similar to the Street Tree list.

Stromberg asked how you would determine the percentage that can be used for non-native plants. Harris said their idea was to take the total square footage of the protection zone on their property and then assign a percentage that could be in non-native landscape. Church inquired how would you enforce and police this. Molnar answered that as with other ordinances they often look through voluntary compliance and public education. Often enforcements come because of a complaint.

#### **Public Testimony**

**RICK LANDT**, 468 Helman, shared his concerns about Ashland Creek. Mr. Landt said most of what he has done is consistent with the proposed ordinance. He is concerned if we only keep the trees that are six inch in diameter breast height, in a riparian area you will never have sustainability and if you didn't allow the saplings to grow you would eventually end up with nothing. Mr. Landt gave an example of a non-native Black Walnut tree down by Ashland pond that made it through the 1974 and 1997 floods that's currently holding the bank but the way the ordinance is written it could come down.

**ROYCE DUNCAN**, 1065 Paradise Lane, said native plants are very useful but non-native plants can be also. Mr. Duncan believes that as long as you have a vegetative cover on the channel you are doing the right thing whether they are native or non native plants.

**RICK LANDT** said there are three layers in the riparian zone; tree canopy, woody material and perennials. Mr. Landt believes the perennial material is a problem that needs to be looked at. He has tried to grow riparian plants and has not been able to establish them. Mr. Landt has now taken some non-native plants that are tougher and he is at least getting vegetation to grow. He said next to the creek it would be acceptable to have native plants though he is not in favor of lawn because it is problematic. Molnar explained that it's not so much about trying to protect native plants but the primary purpose is to protect the functions that those plants provide. If there are non-natives that provide similar functions as natives that is something that might be appropriate.

Mindlin said that because of the climate change what is growing here currently successfully might not continue to grow here successfully and they may want to take that into consideration when talking about what the approved plants should be.

**2) Landscape Maintenance in Water Resource Protection Zones** - Harris reported that there was concern about the definitions used in the Ordinance regarding non-power assisted equipment and power assisted equipment. Basically the way the ordinance is written now you can go into a Stream Bank Protection Zone with non-power assisted equipment to remove invasive or noxious vegetation. Harris said you do need a permit if you use power assisted equipment. The intent behind that is to control activity with machinery that could damage the protection zone. Harris said staff agrees this definition could use some fine tuning. They are suggesting instead of the non-power, power assisted, they are thinking the use of hand held equipment as an exempt activity. Another concern expressed was that if you do allow hand held equipment that would include weed eaters which can get into the riparian areas and cut everything off. One way to address that is to prohibit the use of weed eaters from the area from the stream to the top of bank.

#### **Public Testimony**

**RICK LUCAS** said using a weed eater is almost like having gun rights. Mr. Lucas said it's a huge assumption being made that someone might just mow down everything and put the stream at risk. He uses a weed eater as a selective tool in order to encourage some of the other woody shrubs that have either been planted naturally or ones they have introduced to give them a chance to get a head start against the invasive grasses. Mr. Lucas believes it would be a good thing to educate everybody about these riparian areas because some people don't know what's good and what's bad. He suggested that guidelines might be better than an ordinance. One idea would be to send out flyers listing the things we can do to help the streams to be healthy, stated Mr. Lucas.

**ROYCE DUNCAN** stated that he has an area with a canopy that he mulches and keeps the blackberry plants down by using a weed eater and a self propelled wheeled mower. It's very successful.

**ZACH BROMBACHER**, 1370 Tolman Creek Road, shared that he is basically against this ordinance change for many reasons. He has thirteen acres on Tolman Creek Road that he has owned since 1967 near Hamilton Creek. Through the years he has developed a few things but still has about six acres that is undeveloped. Mr. Brombacher said he has people on a weekly basis maintain the property by picking up garbage from Bi-Mart, weed eating around things to keep it clean and they use a mower. He also has seven and a half acres on upper Tolman. Though the years Mr. Brombacher has gotten rid of lots of blackberries and recently by hand redid all the rock in the creek way on his property. Mr. Brombacher acknowledged he is starting to get resentful because they are talking about something that is changing what he has had for a long time as well as possibly devaluating his property. Where TID is located on both of his properties Mr. Brombacher

said he goes in and weed eats, uses an excavator, and just generally cleans things up in order to provide access. He anticipates being in trouble all the time.

Molnar said with larger pieces of property they could allow the use of weed eaters or lawn mowers. Another option is to provide education materials in those instances and try to get the people to recognize plants and work around them. Molnar questions the success of that option. Stromberg explained that what they are raising here is the possibility of different things being appropriate in different circumstances. Molnar replied that he has seen a few communities address larger areas coming in on the front end with a larger area management plan where you work with the property owner identifying where you're going to introduce native plantings. That remains on file and is understood there is a maintenance plan for going in and using equipment and managing it as long as you stay away from certain areas.

**DUNCAN ROYCE** believes it will take a lot of management and maintenance to keep the evasive species from taking over. Mr. Royce asked if we should coordinate with the fire department regarding their policies to cut down grasses for fire safety. Harris said there is a provision in the Draft Ordinance that fire prevention control in accordance with an approved fire management plan is exempt.

Mindlin was concerned if they limit access to work with tools what extent might that encourage herbicides?

**3) Nonconforming structures and activities** - Harris explained these are structures and activities that are placed in the Stream Bank Protection Zone that are existing before the ordinance goes into effect. Currently the way the draft is written it would require a Planning Approval for the replacement of an existing structure in a Water Resource Protection Zone. Harris said outside of the downtown the most common intrusion is not usually residences or commercial buildings but small outbuildings, decks, retaining walls, patios, etc. Sometimes those are not legally established from the beginning. The buildings downtown on the Plaza are clearly in the Flood Plain and probably need to be exempt. Harris suggested one option the Commissioners might look at in place of a Planning Action would be to exempt legally established nonconforming structures. The property owner would have to show it was legally established, which can sometimes be difficult to show. Another approach would be to exempt main primary buildings on a property but still leave the Planning Approval in for accessory buildings, outbuildings, decks, retaining walls, etc.

Staff showed photos of nonconforming structures.

Mindlin asked if someone had to go through a planning action what would the criteria be for that planning action? Molnar responded saying one question you would ask is there areas on the property outside the protection zone where the use or structure could be suitably located. Church commented one of the primary benefits is actually to make the situation better over time with the ability to remove these nonconforming uses.

**ROYCE DUNCAN** acknowledged the biggest issue he has with the ordinance is the buffer zones. As we impose larger buffer zones on existing fabric all we're going to do is trigger hundreds of properties that fall into the existing nonconforming use. For a citizen to put together an application costs thousands of dollars and he believes this is throwing a tremendous burden on the home owner.

**GRAHAM SHELDON**, 70 Water St., owns a piece of property entirely in this protection zone. Mr. Sheldon is encouraged by the inclusion in the draft ordinance for some protection for nonconforming uses because his property, the Ashland Creek Inn, is a classic definition of a nonconforming use. Mr. Sheldon would like the Commissioners to draw a distinction between a legally permitted deck versus something that had not been put through that process. Mr. Sheldon said for those who have gone through the appropriate process and done it right it seems almost a penalty to make them go through the process again. He is lobbying for the option that if it's a legally done and permitted structure and you can demonstrate that, then you don't have to go through the whole process again.

Molnar acknowledged Mr. Sheldon had legitimate concerns. Molnar said they have gone through a similar format under the Flood Plain Ordinance and have treated commercial properties with a little bit more flexibility because of other public benefits recognized.

Hartzell said with this process where is the room for adaptation? If it was engineered to a hundred year flood we've learned something if a flood comes through and took it out making the argument it could be made to go ahead and put it through with a modified process. Molnar gave the example that Lloyd Hanes built the Shasta Building downtown. The creek side had a deck that went right down to the water and he wanted to build to that original footprint. Molnar said the feeling was they should try and bring back some of the setback to 10 or 12 feet.

**ZACH BROMBACHER** said in the forty years he has been developing the property across from Bi-Mart things have changed immensely. He has done everything according to the rules at the time. When this ordinance is decided upon he would like written assurance that the City will not change anything else on him in the future. Over the years he has had to adjust because of the different regulations that came into place.

**DONNA ANDREWS** just today received approval to construct a building in the Falcon Heights Subdivision. Not knowing when this ordinance will go into effect she wanted to know what her security is as far as the approval in moving forward. Molnar explained that her approval is valid for one year and is subject to the requirements on the books when she applied.

**RICHARD APPICELLO**, City Attorney, explained that nonconformities are just a way for existing situations to continue and not take things away. The importance of nonconformities has to do with the primary use of the property. It's really about saving the primary use of the property from the effect of the new regulation. We don't necessarily want nonconformities because it preserves something under the old rules. Mr. Appicello said "Don't take away from the legislative bodies' ability to enact new regulations." If you adopt a regulation you want it to be effective.

The Commission took a five minute recess.

**4) Nonconforming Driveways and Building Envelopes-** Harris reported there are lots that have been created throughout town that are next to one of these streams that has identified a building envelope that meets the current regulations for flood plain or riparian setbacks. Under the existing ordinance there are no provisions to exempt those. In terms of options staff suggested they could put exemptions in for those vacant lots so they would be exempt of construction of new driveways if the location specifically was approved prior to the adoption of the ordinance. Another option is to exempt construction of new structures on vacant lots in previously approved building envelopes.

**5) Top of Bank Definition-** The current ordinance defines the top of bank as the elevation at which the water overflows the natural banks and inundates the upland areas. If it's not clear where the top of bank is there are two options you can look at; the two year interval flood elevation or the line of aquatic vegetation whichever is greater. Harris said the concerns raised was the top of bank definition is too subjective. It was suggested that they just use the flood plain rather than a new area to regulate and perhaps use the center line because it's a lot easier to find and measure.

Harris showed the different points you can pick in which to measure a protection zone. The staff explained how they find the centerline of the creeks. Harris said it's currently written in the ordinance that an application involving a single family residence on existing lots would have an option to use on site verification by planning staff. Harris acknowledged one of the reasons they are reviewing this ordinance is to meet the Oregon State Planning Goal number five in terms of protection of Riparian Areas. As part of that administrative rule there is something called a Safe Harbor Approach. Harris said the Safe Harbor is a prescribed path in terms of protecting the significant resources which in our case are the Riparian Corridor fifty foot setback class.

Dawkins/Dimitre m/s to extend the meeting until 10:00 pm. Voice Vote: Approved

Someone had suggested "Why not Use the Flood Plain for the Stream Bank Protection Zone." Harris showed a slide of Creeks to show it has a lot narrower area then the flood plain. If you extended those regulations into the flood plain you would be looking at regulating a lot bigger area. The map also showed that it's not making a lot more properties nonconforming and affecting the divisibility of lots.

#### **Public testimony**

**CYNDI DION**, 897 Hillview Drive, spoke representing the Ashland Watershed Partnership. As a group that has long supported the City of Ashland in creating a carefully thought out Riparian Ordinance Ms. Dion said they would like to make recommendations. Those recommendations were given to the Planning Commissioners in written form and Ms. Dion read them.

**JOHN WARD**, 1525 Baldy Creek Road, with the Bear Creek Watershed Council congratulated the Commission for their patience and dedication to grapple with things that are not necessarily easy. The Watershed Council believes that the kind of work you are trying to do by establishing these wetland and Stream Corridor protections is probably the most important thing you can do, stated Mr. Ward. He commented that the situation in Ashland is unusual because you are living at the base of a mile of drainage area. The Watershed Council would like the opportunity to work with both the City and TID to benefit the streams and continue to meet irrigation requirements. Their web address is: [www.bearcreek-watershed.org](http://www.bearcreek-watershed.org).

Dawkins/Mindlin m/s to extend the meeting until 10:30 p.m. Voice Vote: Approved.

Mindlin said a number of people made comments in the written information they received about concerns with pesticides, herbicides and chemical fertilizers. Mindlin said chemical problems can be a threat to the things they are trying to protect and suggested that they be included in this ordinance.

Morris asked if this is a protection ordinance instead of a bring it back to natural state Ordinance. Having a lot of creeks that are TID creeks with pumps, little drainages, ditches going across, gate valves, etc. what is being address about what you can do to a creek that you are

actually pulling irrigation out of inquired Morris. Molnar said maintenance of existing irrigation lines and pumps is exempt. Molnar confirmed this is a protection ordinance and said it is the responsibility of all property owners regardless if they're going to do land development or divisions to maintain the resource to a certain level.

**RICK LANDT** commended the Commission for their work on the ordinance but believes for many reasons why it's not time for the Planning Commission to make a decision. Mr. Landt sees inconsistencies and believes changes need to occur. He would like to see this go back to a smaller group for recommendations.

Church read the letter dated May 11, 2008 from Dave Dotterrer who was absent due to work.

#### **COMMISSIONERS' DELIBERATIONS AND DECISION**

Marsh/Morris m/s to continue the meeting to the June 10, 2008 meeting.

Roll Call: The motion carried unanimously.

#### **UNFINISHED BUSINESS**

##### **A. Planning Commission Rules**

The Commissioners discussed the Planning Commission Rules.

**Mindlin/Dimitre m/s to approve the rules as presented with the exception that rather than notifying the Planning Commission Chair in an absence they would notify the Planning Director. The 5:00 p.m. deadline for notification will also be removed.**

**Roll Call: The motion carried with Dimitre, Marsh, Mindlin, Miller, Dawkins, Church and Stromberg voting "yes" and Morris voting "no."**

- B. Appointment of third member of Hearings Board for June through August  
The Commissioners will work this out through email.

#### **OTHER**

- A. Planning Commission Powers and Duties (AMC 2.12) Did not have time to address  
B. Planning Commission Annual Retreat-look at new powers and duties. The meeting will be held on Saturday May 31, 2008 at the Community Development and Engineering Building at 51 Winburn Way.

**ADJOURNMENT** - The meeting was adjourned at 10:30 P.M.

*Respectfully submitted by,  
Carolyn Schwendener, Account Clerk*

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
HEARINGS BOARD  
MINUTES  
May 13, 2008

**CALL TO ORDER** – The meeting was called to order at 1:35 p.m. by Chair John Stromberg at the Ashland Civic Center, 1175 E. Main Street, Ashland, OR.

**Commissioners Present:**

John Stromberg  
Mick Church

**Absent Members:**

Tom Dimitre

**Council Liaison:**

Cate Hartzell, absent

**Staff Present:**

Derek Severson, Associate Planner  
Adam Hanks, Permit Center Manager  
Angela Barry, Assistant Planner  
Carolyn Schwendener, Account Clerk

**APPROVAL OF MINUTES**

Hearings Board Minutes of April 8, 2008 to be approved at the Planning Commission meeting this evening..

**TYPE I PLANNING ACTIONS**

**PLANNING ACTION: PA2008-00599**

**SUBJECT PROPERTY: Jefferson Ave**

**APPLICANT: Brammo Motorsports, LLC**

**DESCRIPTION: Request for a Minor Land Partition for a property located on Jefferson Ave. COMPREHENSIVE PLAN DESIGNATION: Industrial & Employment; ZONING: M-1 & E-1; ASSESSOR'S MAP #: 39 1E 14A; TAX LOT: 1104.**

This action stands approved.

**PLANNING ACTION: 2008-00597**

**SUBJECT PROPERTY: 1338 Seena Lane**

**APPLICANT: Melanie Mindlin**

**DESCRIPTION: Request for a Lot Line Adjustment and a Conditional Use Permit to allow the structural alteration and intensification of use of an existing non-conforming structure for the properties located at 1338 Seena Lane. An existing shed is located approximately three feet from the east property line of Tax Lot 400. With the proposed Lot Line Adjustment the shed and an attached studio are to be converted to the primary residence on Tax Lot 408, and as part of a primary residence the shed's existing three foot setback becomes non-conforming. The required side yard setback for a primary residence is six feet. The shed portion of the building is to remain as unheated space, and is not proposed to be remodeled. An 80-square foot bathroom and kitchen addition will be made to the existing 528-square foot studio; the existing studio and the proposed addition comply with required setbacks.**

This action stands approved.

**PLANNING ACTION: 2008-00598**

**SUBJECT PROPERTY: 489 Russell Street**

**OWNER/APPLICANT: Donna L. Andrews**

**DESCRIPTION: Request for Site Review approval for a two-story, mixed use building located at 489 Russell St., comprised of office space on the ground floor and two residential units on the second floor. The proposed building is approximately 5,579 square feet in size. The property is located in the Detail Site Review Zone.**

This action stands approved.

**TYPE II PUBLIC HEARINGS**

**PLANNING ACTION: PA2008-00353**

**SUBJECT PROPERTY: 215 Fourth Street**

**APPLICANT: Ashley Jensen**

**DESCRIPTION: Request for a Conditional Use Permit to operate a private dance school and for a Variance to the required number of parking spaces and a Variance to the required proximity for offsite parking for a property located at 215 Fourth Street.**

**Ex Parte Contact/Bias/Conflict of Interest/Site Visit** - No one took part in any exparte contacts. Both Stromberg and Church have driven by the property though neither did a specific site visit.

## **STAFF REPORT**

Barry stated that the Board needs to establish if the requested variance is a unique or unusual circumstance as well as establish that the negative impacts would not be more then the positive. Key question is: Are the benefits of the Dance Studio in proportion to the impact of having the variance for the parking be farther then 200 feet away? Barry acknowledged that staff believes it is a reasonable walking distance to assume that people would actually use the parking lot.

Church asked with the conversion from Residential Use to Commercial Use "What's the applicant's reason to replace the units," he assumed that the residential is less profitable. Church inquired from Barry if they had done other variances in this area for distance. Barry confirmed there had been a number of parking variances in the area and because it's in the Historic District up to a fifty percent variance on the required parking could be processed administratively.

Stromberg confirmed that the applicants are ten short of the required thirteen parking spaces. Barry explained that they are legal nonconforming because they already had a Commercial Use on that site prior to the City's Land Use requirements. Barry said because they are intensifying the use of the building it triggered a variance. The daytime use is not changing and for the parking in the evening they are providing a separate parking lot. (Dance Studio)

Because the parking contract is revocable Stromberg asked what would happen if they are in case of revocation? Barry stated that their Conditional Use Permit would no longer be valid and the contract states that they have to notify the City. This is a legal agreement which will be recorded with the property deed.

Stromberg questioned whether customers would be content walking from the parking lot in rainy or inclement weather. Barry commented that it is the applicant's burden of proof to show that it's a reasonable distance away.

The Historic Commission had a suggestion. Barry said they would like it if the use would be able to revert back to apartments at a later date without going back through a Planning Action. Barry believes that procedurally this might not be realistic.

## **APPLICANT'S TESTIMONY**

Kerry KenCairn, 147 Central, explained that currently in the building with the six apartments upstairs and Commercial Uses downstairs 16 spaces would technically be required. The proposal for daytime use will actually reduce the number of parking spaces used during the day because the intensification is strictly for the night time use. This building has been operating at actually intensified daytime use for years and they will not have an impact on that in any negative way said Ms. Ken Cairn. They do not feel there is a lack of parking on Fourth Street during the day.

Ashley Jensen, 153 Fork Street, stated that currently she is holding classes at the Community Center across from Lithia Park. At the time they use the Center it is high volume at the park and they are not having a problem with people attending even though there appears to be very little parking. Ms. Jensen said many of her customers walk to the class.

## **PUBLIC HEARING**

**SUSAN SPRINGER**, 19 Gresham St, shared her support for the building and feels like it is a vast improvement to the building in the area. Ms. Springer does not see a parking issue and believes this is a great addition to the neighborhood.

**SHANKARA GLASSFORD**, 537 C Street had lived in the building for a long time and is glad to see it getting repaired. Mr. Glassford acknowledged when he lived there he didn't have a hard time parking. Mr. Glassford stated he did not have a difficult time finding a new rental and pays only twenty-five dollars more a month in rent at his current residence.

Severson had a request from Bill Molnar, City Community Development Director, asking for a planning condition that standard tree grates be added.

## **Rebuttal**

Ms. Jensen and Ms. KenCairn agree that the existing tree grates are not safe and they are ok with replacing them.

## **COMMISSIONERS' DISCUSSION AND MOTION**

Stromberg said his main concern is that the whole area needs to have the parking concept rethought in the Historic District. The Historic Districts parking does not fit our parking requirements though it seems to function very well and could possibly function even better commented Stromberg. Stromberg said perhaps next month when the Planning Commission is figuring out what to work on next year this might be something to address.

**Church/Stromberg m/s to approve the two Variances and the CUP with the additional condition, number nine: Prior to Certificate of Occupancy standard tree grates meeting engineering specifications be installed, inspected and approved by the Staff Advisor.**

**Roll Call: The motion carried with Church and Stromberg voting yes.**

Findings for 214 Fourth Street will be ready to sign at next months meeting.

**ADJOURNMENT** – The meeting was adjourned at 2:35 p.m.

*Respectfully submitted by,  
Carolyn Schwendener, Account Clerk*



**PLANNING ACTION:** #2008-00359

**SUBJECT PROPERTY:** 265 North Main

**OWNER/APPLICANT:** Lithia Arts Guild

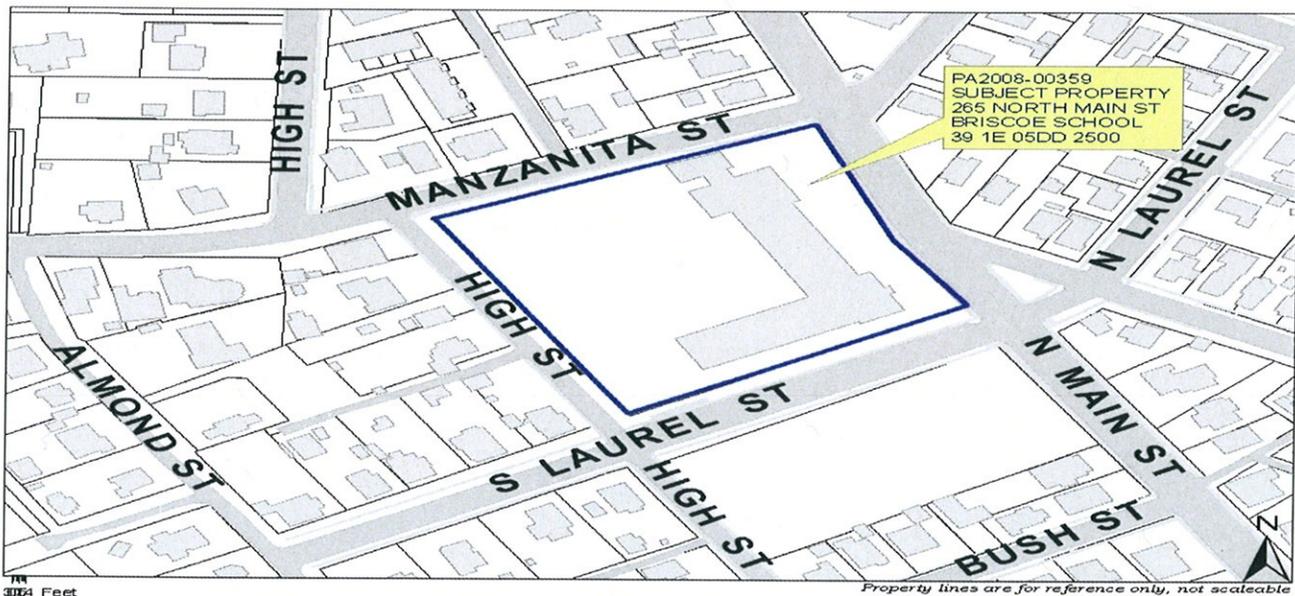
**DESCRIPTION:** Request for a Conditional Use Permit to allow a portion of the former Briscoe Elementary School building and the surrounding grounds to be used for individual artists' workspaces and community events. The application requests permanent approval for a yearly event that was previously approved on a temporary basis. The applicant is requesting to host 11 additional events per year in addition to the previously approved event. The application also includes a Type II Variance to parking to allow the parking for events to be off-site in the adjacent neighborhood.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 39 1E 05 DD; **TAX LOT:** 2500

**NOTE:** The Ashland Historic Commission will also review this Planning Action on **June 4, 2008 at 7:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **June 5, 2008 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way

**ASHLAND PLANNING COMMISSION MEETING:** *June 10, 2008, 7:00 PM, Ashland Civic Center*



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

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

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

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

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

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

## **CONDITIONAL USE PERMITS**

### **18.104.050 Approval Criteria**

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. 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.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.
  7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

## **VARIANCE**

### **18.100.020 Application**

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

- A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
- B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
- C. That the circumstances or conditions have not been willfully or purposely self-imposed.(Ord. 2775, 1996)

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT  
June 10, 2008**

**PLANNING ACTION:** 2008-00359

**APPLICANT:** Lithia Arts Guild

**LOCATION:** 265 North Main

**ZONE DESIGNATION:** R-2

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential

**APPLICATION DEEMED COMPLETE:** June 2, 2008

**120-DAY TIME LIMIT:** September 30, 2008

**ORDINANCE REFERENCE:** 18.24 R-2 Low Density Multi-Family Residential District  
Protection 18.61 Tree Preservation and  
18.92 Off-Street Parking  
18.100 Variances  
18.104 Conditional Use Permits

**REQUEST:** Request for a Conditional Use Permit to allow a portion of the former Briscoe Elementary School building and the surrounding grounds to be used for individual artists' workspaces and community events. The application requests permanent approval for a yearly event that was previously approved on a temporary basis. The applicant is requesting to host 3 additional outdoor events per year in addition to the previously approved event. The application also includes a Type II Variance to parking to allow the parking for events to be off-site in the adjacent neighborhood.

**I. Relevant Facts**

**A. Background - History of Application**

In August of 2004, the Planning Commission approved a request for a Conditional Use Permit to permit a portion of the former Briscoe School building and the surrounding grounds to be used for individual artist workspace and community events. (PA2004-077)

In 2003, the Ashland School District closed the subject school as a public elementary school, but re-opened a portion of the school for the Oregon Child Development Coalition (OCDC) operated by Jackson County Health and Family Services. The OCDC operates a migrant Headstart program for children 6 weeks to 5 years old.

In 1996, the Planning Commission approved a Site Review Permit and Variance for the construction of a Music Hall on the northwest side of the property.

There are no previous planning actions for this site. The school was constructed in 1949.

## **B. Detailed Description of the Site and Proposal**

Site: The site is located at 265 North Main Street, between Laurel and Manzanita Streets. The site accommodates the former Briscoe Elementary School that closed in 2003. The site is approximately 3.5 acres and extends from North Main Street to High Street. The site has been terraced to accommodate the school's development, but generally slopes downhill to the east at approximately 9%, with a drop of 36 feet from High Street to North Main Street. Landscaping consist of turf completely around the site with a mixture of mature shrubs and trees along the frontages. There are two buildings on the property; one is the former elementary school building constructed in 1949 (29,860 sq. ft.) and the other a music building constructed in 1997 (2,100 sq. ft.). Behind the buildings is a small parking/unloading area and playgrounds (grass, sand and hard surface).

The site and surrounding area is zoned R-2 (Low Density Multi-Family Residential) with a base density of 13.5 dwelling units to the acre. The uses in the area include North Main Street to the east, the Methodist Church to the south, single family housing to the west, multi-family and Traveler's accommodations to the north. Sidewalks about all sides of the property except along High Street. Parallel parking is available along Manzanita Street and head-in parking is available along Laurel Street.

Previous Approval: The site was previously approved for six artists' spaces available for artists to rent and a common hallway used to display art, which would be open to the public during the First Friday Art Walk. The applicants also were approved to have one to five small events per month, with a maximum of 60 people, for classes such as figure drawing, painting, doll making, etc., and including the Art Walk. The applicant's were also approved for one annual large event called Midsummer's Dream Festival. The event was to be from 10 a.m. to 7 p.m. on Saturday and Sunday, with a dance called "the Fairy's Ball" to occur on that Saturday from 7 p.m. to 10 p.m. In addition, the applicants were approved for 75 booths to sell goods on site during this event. The approval required that the applicant's submit for an additional Conditional Use Permit for the Midsummer's Dream Festival after the first year, for evaluation of the event and to determine if additional mitigation measures would be needed. The applicants were approved for several small (less than 30 people) indoor events per month and 2 larger indoor events per year (30-60 people).

Proposal: The applicant had requested a number of additional events in addition to the one yearly event. In response to some neighborhood concerns about noise and parking, the application has been modified, and the applicant is currently requesting four outdoor events per year. In addition to Midsummer's Dream Festival, they would like to host an event in September called "First Nations Day" and two additional unspecified events. Amplified sound would only be allowed at Midsummer's Dream and First Nations Day.

The applicants are also proposing an increase in the number of large indoor events over what was approved with the original proposal.

Signs: The applicant has proposed a number of mural and banner signs with the application that cannot be included as part of this approval as the Land Use Code does not allow them. The Code specifically limits the signs allowed for a Conditional Use Permit in Residential Zone to one ground sign of not more than 15 square feet in area. The proposed ground sign could be approved for the Art Wing Use, but additional murals cannot be approved as part of this application. A condition has been added to the recommended conditions addressing this issue.

## **1. Conditional Use Permit**

The applicants are requesting a Conditional Use Permit to allow a portion of the former Briscoe Elementary School building and the surrounding grounds to be used for individual artists' workspaces and community events. The proposed use is described by the applicant as a school and community art center use. The site was previously approved for this type of use, and the applicants are now proposing to expand the use by 3 more outdoor events per year and are requesting that the original approval be a permanent approval.

## **2. Variance**

The Off Street Parking Chapter AMC 18.92 does not provide specific parking calculations for this type of use. However, based on estimates for similar assembly-type uses, the required parking is likely to be close to one space per four people. With a maximum number of 650 participant's for the Midsummer's Dream Festival, this would event would require approximately 160 parking spaces. There are 40 on-street parking spaces available on Laurel and Manzanita Streets, which would provide 36 parking credits under the Land Use Ordinance. The applicants are also proposing to use up to 65 spaces at the Methodist Church, but do not have any type of legal agreement with the church to use the parking, as would be required by the Ordinance. The applicants are proposing that parking be in the adjacent neighborhoods and are requesting a Variance to the parking requirements for their events. The area of proposed parking in the neighborhood extends from Briscoe to Scenic Drive on the east, Hersey Street on the west, Church Street on the South, and almost to Wimer Street on the north. Notices of this application have been sent to residents in this entire area. The applicants are also proposing that vendor parking be located at Helman School, with a shuttle provided to get the artisans to Briscoe.

## **II. Project Impact**

### **A. Conditional Use Permit**

The Conditional Use criteria state that the project must be found to have no greater adverse material effect on the livability of the impact area than the target use of the zone. The base density for the site is 46 multi-family units based upon 13.5 dwelling units on 3.45 acres. No changes are proposed to the exterior of the building. Potential impacts from the use would be noise, traffic, and any other factors found to be relevant by the Planning Commission. Staff has identified the following potential impact to be addressed.

#### **1. Noise**

Staff was concerned about the effects of noise from a large number of additional events with the potential for loud music and many people in a residential neighborhood, and in fact we received some letters of complaint expressing similar concerns. In response to these letters, the applicant submitted an addendum that significantly reduced the number of events being proposed and limits the amount of amplified music being proposed. While the proposal is still a significant increase over the previously approved of a single yearly event, the addendum does set limits on the application that the previous request lacked. The new proposal is that the only events with amplified sound will be Midsummer's Dream, where the amplification will end by 6 p.m. and First Nations Day, which will have amplification only from a single speaker and will not be audible more than 250 feet from the stage. This event also will end by 6 p.m. The other issue that has been brought to staff's attention in regards to noise is the impact of the drumming at the First Nation's Day event. The addendum states that the "drumming will be done softly, to honor guests and speakers" and that it "will not go on throughout the day", but it is not clear what the specific limitation of the drumming activity associated with the event will be.

In order to mitigate some of the sound impacts, Staff has included a condition requiring the stage to be oriented toward the school building and away from the surrounding residences. Additionally, the current approval allows the Midsummer's Dream Festival to go until 10 p.m. The Commission may want to consider an earlier stopping time for this event to minimize impacts on the neighborhood in light of the significant increase in the number and scope of events included in the application.

#### **2. Traffic and Parking Availability**

Parking has the potential to significantly impact the neighborhood with the proposed expansion in events being requested. Not only are the outdoor events increasing in number, but the indoor events are greater in number and scope than proposed in the original application. The original approval was for the following:

- 0-5 small events per month (1-15 people)
- 0-2 medium events per month (15-30 people)
- 0-1 large event per 6 months (30-60 people)
- 1 weekend event per year on surrounding grounds (Midsummer's Dream)

The current list of proposed events includes

- First Friday Art Walk each month
- Holiday Market each weekend in December
- 1 event prior to Valentines Day
- Regular community classes

With the Art Walk, Holiday Market, and Valentines Day events, it appears that the scope of events significantly exceeds the two 60-person events that were originally approved with the application, and this should be considered in conjunction with the increase in outdoor events when considering the parking impacts on the surrounding neighborhood. Staff understands that the ArtWing is already holding many of the events being proposed and that the parking impacts on the neighborhood are noticeable. Staff is including in the conditions that the number of larger indoor events (over 60 people) not exceed those specifically listed in the application. The Planning Commission will want to consider whether this limitation is adequate to address the concerns raised.

The applicant has not secured a formal parking agreement with the Methodist Church, as required by the original parking agreement, so it is very possible that this parking may not be available during times it would be needed for Art Wing events. Staff is recommending that the agreement be a condition of approval.

### **3. Availability of the Park and Playground for Public Use**

Another concern that staff had was that the playground and the park remain available to the public for use. These facilities are called out in the Comprehensive Plan as park facilities and appear to be well used by the community. The revised schedule of four outdoor events per year appears reasonable in this regard, but additional large outdoor events would, in staff's opinion, interfere with neighborhood use of these facilities.

### **B. Variance**

The applicants list the existence of Briscoe School as the unique circumstance that justifies the Variance, and, in fact, the reuse of Historic Buildings with limited parking available is called out in the Land Use Ordinance as a unique circumstance and has been previously used to meet the criteria for this type of Variance.

The applicant is also required to show that the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses. This issue was addressed, in part under the previous section relating to the traffic impacts criteria for the Conditional Use Permit. Another consideration in relation to the Variance is the possible safety impacts of the pedestrians who must cross North Main to reach the event, since a significant amount of the proposed on-street parking is on the other side of this major street. The applicant has proposed to mitigate some of the safety issues by installing orange plastic fencing along the frontage of the property during the large outdoor events in order to encourage pedestrians to cross at the intersections. The applicant mentions having volunteers aid with traffic control, but it is not clear exactly when and how this would be implemented.

Staff is recommending that a condition be included in the approval requiring an agreement with the Methodist Church for parking, since this is a significant number of parking spaces that the application states will be available for Art Wing Events. If there are some hours or situation that would make the parking unavailable to the Art Wing, then the agreement could specify these, but without any kind of agreement it is unclear whether these spaces should be considered as reducing the parking impact for large events. A condition has been included, as in the previous approval, requiring this agreement.

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

**The criteria for a Conditional Use Permit are described in AMC Chapter 18.104.050, as follows:**

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. 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.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
  1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.

5. Generation of noise, light, and glare.
6. The development of adjacent properties as envisioned in the Comprehensive Plan.
7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

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

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

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

Staff has identified a list of issues related to the approval criteria applicable to the project. The issues raised in the body of this report are summarized in the list below.

- **Amplified Music and Drumming** – Outdoor amplified music or drumming could be considered to be inconsistent with the residential character of the neighborhood, and if approved, the limitations should be specific.
- **Timing and Frequency of Events** – The effects impacts on the neighbors in terms of noise and parking are greatly increased as the events become more frequent in number.
- **Number of Indoor Events** – This is not well addressed in the application but is a significant increase over the previous approval. Is the increased scope of indoor events reasonable or does it create excessive parking impacts for the surrounding neighbors?
- **Access and Pedestrian Safety** – The impact of pedestrians crossing North Main to reach the event should be considered, as well as the impact of additional traffic around the site in conjunction with heavy pedestrian traffic.

The Planning Commission must decide if the applicant's proposal for an increased number of events and the attached conditions adequately address the criteria for Conditional Use Permit and for a parking Variance, based on the above listed issues. If the Commission believes that adequate information and facts are provided to approve the project, Staff recommends the following conditions:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here. The operational details of the ArtWing (including the

number of events, hours of operation; number of vendors; or sound amplification details) shall be in substantial conformance with those in the submitted amendment dated May 30, 2008 approved as part of this application. Indoor events with more than 60 people shall not exceed those specifically listed in the application. If the Briscoe ArtWing operations are to be intensified, an application to modify this Conditional Use Permit shall be submitted and approved prior to any intensification.

- 2) That the Conditional Use Permit and Variance are subject to periodic review as follows:
  - a) That the Conditional Use Permit and Variance are subject to review by the Planning Commission within one year of approval. Notice shall be provided and conditions of approval can be modified, added, or rescinded based on the findings of the Planning Commission.
- 3) That the applicants shall submit to the Staff Advisor a copy of the parking agreement between the applicants and the Methodist Church. The agreement shall identify the days and hours that the parking is available for use.
- 4) That the temporary fencing proposed by the applicants as a pedestrian safety measure be in place for all four outdoor events and that it shall be installed not more than 24 hours prior to the event and be removed within 24 hours of the end of the event.
- 5) That, if the City determines it is needed, the applicant may be required to provide additional traffic control assistance, subject to City of Ashland standards for traffic control.
- 6) That the main stage be oriented away from the neighborhood and toward the school building to reduce the noise impact on the surrounding residences.
- 7) That the applicants shall notify all neighbors within the shown parking impact area of scheduled events at least one month in advance.
- 8) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.96, shall be no larger than 15 square feet and shall not exceed 5 feet in height, shall be at least 10 feet from property lines, and shall meet the requirements of 18.72.120.C if located in a vision clearance area.
- 9) That the murals and banners proposed in the application cannot be approved as part of this Conditional Use Permit.
- 10) That off-site signage is not permitted.
- 11) That Fire Department special event permits be obtained for all outdoor events.

- 12) That the recommendations of the Tree Commission, where consistent with the applicable approval standards and with final approval by the Staff Advisor, shall be conditions of approval
- 13) That the recommendations of the Historic Commission, where consistent with the applicable approval standards and with final approval by the Staff Advisor, shall be conditions of approval.

# *Lithia Arts Guild of Oregon*

light epiphany culture  
ArtWing@mind.net  
265 North Main Street ~ Suite B  
Ashland OR 97520

RECEIVED

MAY 30 2008

City of Ashland  
Community Development

## **Permanent Conditional Use Permit *Briscoe ArtWing* Amendment to CUP Based on Neighborhood Feedback**

The following amendment has been drafted with the help of Allen Drescher and Melissa Mitchell-Hooge, residents of the Briscoe School neighborhood.

### **Outside Events**

#### ***MidSummer's Dream Art & Music Festival ~ June event***

1. Main and Cypress Stages will be amplified on Saturday between 10 am and 6 pm, and on Sunday between 11 am and 5 pm. Sound amplification on Main Stage after 6 pm will no longer be allowed.

#### ***First Nations Day ~ September event***

1. The only sound amplification will be for a single speaker, and the amplified sound will be directed inward toward the stage so that the sound will not be able to be heard beyond 250 feet from the stage. The drumming will not be amplified.
2. Drumming will be done softly, to honor guests and speakers. It will not go on throughout the day.
3. The event will occur between 10:00 am and 6:00 pm on Saturday and between 11:00 am and 5:00 pm on Sunday.

#### ***Two Events to be Announced***

1. We are no longer requesting 10 outside events to be announced at a later date, this number has been changed to 2.
2. Amplified sound systems will not be allowed.
3. These events will be limited to 350 people, and will end by 6 pm.
4. There will be no drumming.

# *Lithia Arts Guild of Oregon*

*light epiphany culture*

*ArtWing@mind.net*

*265 North Main Street ~ Suite B*

*Ashland OR 97520*

RECEIVED

MAY 22 2008

City of Ashland  
Community Development

## **Permanent Conditional Use Permit *Briscoe ArtWing* Variance Request for ArtWing Events**

The unique and unusual circumstance which applies to this site, which does not typically apply to sites zoned R2, is that the Briscoe ArtWing is a School and Community Art Center. Although the building and grounds does not serve the 275 to 300 people\*, 5 days a week, it once did as Briscoe Elementary School; its function as a school and community art center are very much intact. We host classes from the Ashland School District throughout the school year, sponsor summer youth programs, and provide art and music classes for the entire community on a daily basis. As with any school, or community center, we host Ashland Community Events and fundraisers for the Ashland School District and the Briscoe ArtWing. Our events are admittedly different than those hosted by the Briscoe Elementary School, but they are no more numerous and rarely exceed the daily totals of staff and students at the former elementary school. The one exception to this is the *MidSummer's Dream Art & Music Festival*.

Events are scheduled when OCDC (Suite A of the Briscoe School) is not present, which opens all of our parking for the event. We also have open lines of communication with the Methodist Church and work to schedule events when their parking lot is not being used for their own purposes. We have also made arrangements with the Church to aid traffic control and public safety, by stationing volunteers to direct traffic in orange reflector vests if the need arises.

Briscoe School is listed as a Park under *City of Ashland Park and Open Space Acreage, Section VIII - 2* of the *City of Ashland Comprehensive Plan*. The grounds are maintained by Ashland Parks Staff and we consult with staff before each event to locate irrigation lines and plan for trash removal. Parks has also been generous enough to loan us orange cones that we use to designate off-loading areas. City Parks throughout Ashland provide open space for events and are a direct benefit to the cultural climate of Ashland and the overall health of the community. This reality has not been willfully or purposely self-imposed, rather it reflects the policies set down in the City's Comprehensive Plan.

The heart of our Conditional Use Proposal is a request to have one weekend event in June, the *MidSummer's Dream Art & Music Festival*, that requires extensive parking in the surrounding neighborhood; everything else falls within the parameters of the daily use patterns established by the former Briscoe Elementary School.

\*numbers provided by Carl Hesse former Briscoe Elementary Principal

*Lithia Arts Guild of Oregon*  
*light epiphany culture*  
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Ashland OR 97520

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MAY 8 2008

COMMUNITY DEVELOPMENT

**Permanent Conditional Use Permit**  
***Briscoe ArtWing***  
**Question & Response to Incompleteness Determination**

**Question**

**1. Parking and Circulation Plan** – The application includes an estimate of parking needs and available parking but does not show the location of proposed parking. *Application shall include a detailed parking plan and show pedestrian circulation in relation to off-site parking.* Parking plan should show proposed vendor parking for events, so staff can verify if parking requirements are met.

**2. Verification of Parking Agreement** – The previous approval required a signed parking agreement with the Methodist Church for the use of that parking lot to provide overflow parking. Additionally, the land use code requires that off-site parking is established through written legal agreement. This agreement is not currently part of the land use file. Please submit a copy with the application.

**3. Number of People Anticipated on Site** – The number of people anticipated on-site and inside the building should be included for each event so that conformance with Conditional Use Criteria and building occupancy requirements can be verified.

**4. Sign** – If signage is being proposed as part of this application, details must be submitted with the application for review.

*In reviewing the application for completeness, the following inconsistencies with the applicable standards and approval were identified.*

**1. Murals** – It does not appear that the proposed temporary murals would comply with current sign code requirements.

**2. Impacts for Large Events Unclear** – The application proposes a large increase in the number of events and in the proposed hours from the original application. Application should include details on whether proposed music events are to be amplified and what time of day they are to occur. Also, it appears from the application that the First Nations Day Event is proposed to take place during the night. Does this include overnight lodging on the site?

RECEIVED

MAY 8 2008

City of Ashland  
Community Development

## Response

### 1. Parking and Circulation Plan –

The parking and circulation issues addressed below deal primarily with the *MidSummer's Dream Art & Music Festival* held annually in June. It is our largest fundraiser of the year with 4% of gross sales going directly to the Ashland School District; with a large portion of donations, collected during the Festival, used to by art supplies for the District Student and Community Classes which are ongoing throughout the year. Parking for most of our other events can be handled by our own parking (at Briscoe) with minimal impact on the neighborhood.

#### **Parking**

*Maps* ~ Please see the maps I have included to supplement the following narrative of our proposed parking plan.

*Vendor Parking* ~ The Ashland School District has given us permission to use the parking lot at Helman School for vendor parking. Vendors will be shuttled to and from the Helman School parking lot.

*Vendor Setup* ~ Vendors are expected to set up on Friday before the Festival. Late arrivals must be setup and parked (at Helman School) by 9:30 am on Saturday morning, one-half-hour before the festival opens. Please see map for off loading areas.

*Methodist Church & Briscoe Parking* ~ Parking at Briscoe will be completely open and available to the public. Please see: 2. *Verification of Parking Agreement* to clarify our agreement with the Methodist Church.

*Parking in the Neighborhood* ~ On the map we have highlighted the extent of our needs for parking in the neighborhood.

*Use the Crosswalk* ~ To encourage the public to use the crosswalk at Laurel and Main during *MidSummer's Dream*, we will install a 3' tall orange plastic fence along the sidewalk, on the Briscoe side of Main Street, between Manzanita and Laurel. We will also attach signs along the fence directing people to the crosswalk at Laurel and Main. This plan is put into use on a weekly basis at the Eugene Saturday Market to stop the public from jaywalking across Oak Street.

*Holiday Market* ~ Weekends in December, inside the ArtWing, the Holiday Market features 35 to 40 artisans. Artisans are encouraged to park in the neighborhood reserving Briscoe parking for the public.

#### **Circulation**

*Toilets* ~ Although the ArtWing does not have handicap access to rest rooms at this time, thanks to a grant from the City and handicap dedicated funding from the Ashland School District, we expect to have handicap access in the near future. We provide a handicap accessible porta-potty and a porta-sink near the rear doors of the ArtWing (see map). There are 5 urinals and 3 commodes in the Boy's Room, and 5 commodes in the Girl's Room. Both restrooms have Bradleys for hand washing. Restrooms are open for use, and serviced throughout the day during events.

*Fire Extinguishers* ~ The Guild is requiring all artisans to have a 2A 10B C fire extinguisher in their booth.

*Security* ~ A private security guard is hired to watch over the festival on Saturday night. This allows most artisans to leave their stock onsite, thus minimizing Sunday morning traffic.

*Basic Needs* ~ Once a person is at the festival, their basic needs of food, water, and clean restrooms are supplied onsite. This minimizes the need to come and go throughout the day.

*Inside the ArtWing* ~ The ArtWing is open during the Midsummer's Dream Festival. We try to show both student and professional work on the walls of the hallway. It is primarily a pass through viewing, and numbers do not exceed 75 people.

## **2. Verification of Parking Agreement –**

The ArtWing has a good working relationship with the Methodist Church. We have open channels of communication; and strive to keep our events from simultaneous scheduling, in order to maximize parking availability. The one wild card in this deck is the funeral. If a member of the Methodist Congregation dies, the funeral is typically scheduled on Saturday. Graham Lewis, business manager of the church, assures me that he would encourage the bereaved family to schedule a morning service for their deceased. This consideration would empty their parking lot for our use, during the afternoon, when event attendance is at its height. On Sunday, services end at noon, parishioners begin leaving the parking lot, and the "church parking only" signs come down. Included is a copy of the letter that the Methodist Church originally submitted with our Temporary Conditional Use Permit. This letter reflects the reality of our relationship.

## **3. Number of People Anticipated on Site –**

*Building Capacity* ~ The Ashland Fire Department estimates the capacity of the ArtWing at 250 people. We have never had more than 150 people in the building at one time. I see no problem in abiding by this limit.

*MidSummer's Dream ~ Art & Music Festival* ~ Estimating the number of people on site is complicated by the fact that there is no gate through which the public must pass. The numbers provided have been estimated by counting people in photographs, taken at the time of peak attendance during the festival. Festival attendance steadily builds throughout the day, reaching its peak between 3 pm and 4:30 pm, and then dropping steadily as people leave for the evening. In 2007 peak attendance is estimated to have been between 450 and 650 people. These numbers include artisans and musicians, in a word, "everyone" on site. If it is determined that peak attendance, in the future, is exceeding numbers the City finds appropriate; we will fence the event and limit numbers at the gate.

*Holiday Market* ~ This festival, held inside the ArtWing on weekends in December, hosts 35 to 40 artisans spread throughout the ArtWing. The Ashland Fire Department has sanctioned art displayed in the hallway as long as a 6' passage is kept clear. We abide by this sanction. Peak attendance, by the public, has never exceeded 125 people.

*First Nations Day* ~ Although the Guild hosts an exhibit of Native American Art inside the ArtWing, the majority of activities are held on the soccer field. There can be 10 to 20 vendors, but the focus of *First Nations Day* is educational and spiritual. Music is acoustic. We do not expect this September gathering to exceed 350 people.

*Community Gatherings & Cultural Events* ~ Lithia Arts Guild has requested that the City allow us to host additional events on the grounds surrounding Briscoe School. During the summer of 2007 we were approached by the Ashland Food Coop as a possible location for their Annual Membership Picnic. There has been interest expressed regarding a costumed chess game, featuring teams and actors. In short, the community is interested in

MAY 8 2008

Department

using the space for Community Gatherings and Cultural Events. Gatherings and events would be limited to no more than 350 people and music (if requested) would be low key. We would schedule, in consultation with the Methodist Church, to insure that we would not be competing for available parking. These would be Saturday events starting at 10 am and concluding by 6 pm. The inclusion of Sunday would be considered on a limited basis, with hours from 11 am to 5 pm.

#### **4. Sign –**

*Permanent Sign* ~ A permanent sign was approved as part of our original temporary conditional use permit and remains a part of the process. A rough draft of the permanent sign is attached to this document.

*Temporary Signs* ~ We wish to post 2 temporary banners on the front lawn of Briscoe, 3 days before the *MidSummer's Dream Art & Music Festival*. They will be removed Sunday evening, at the conclusion of the festival. The banners would be 3' x 8' and 3' x 15'.

### *Inconsistencies*

#### **1. Murals -**

This proposal is contingent on a change in the current sign code, or some other arrangement with the City allowing us to display temporary murals.

#### **2. Impacts for Large Events Unclear –**

This inquiry is answered in large part under Response, #3, *Community Gatherings & Cultural Events*.

*First Nations Day* ~ There was a ceremonial fire that was kept alive throughout the weekend. This fire was contained within a cooper pit and permitted by the Ashland Fire Department. Security was left onsite overnight to keep the fire going and safe. No one is allowed to spend the night unless they are authorized security personnel.

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City of Ashland  
Community Development



Address **265 N Main St**  
**Ashland, OR 97520**

To see all the details that are visible on the screen, use the "Print" link next to the map.



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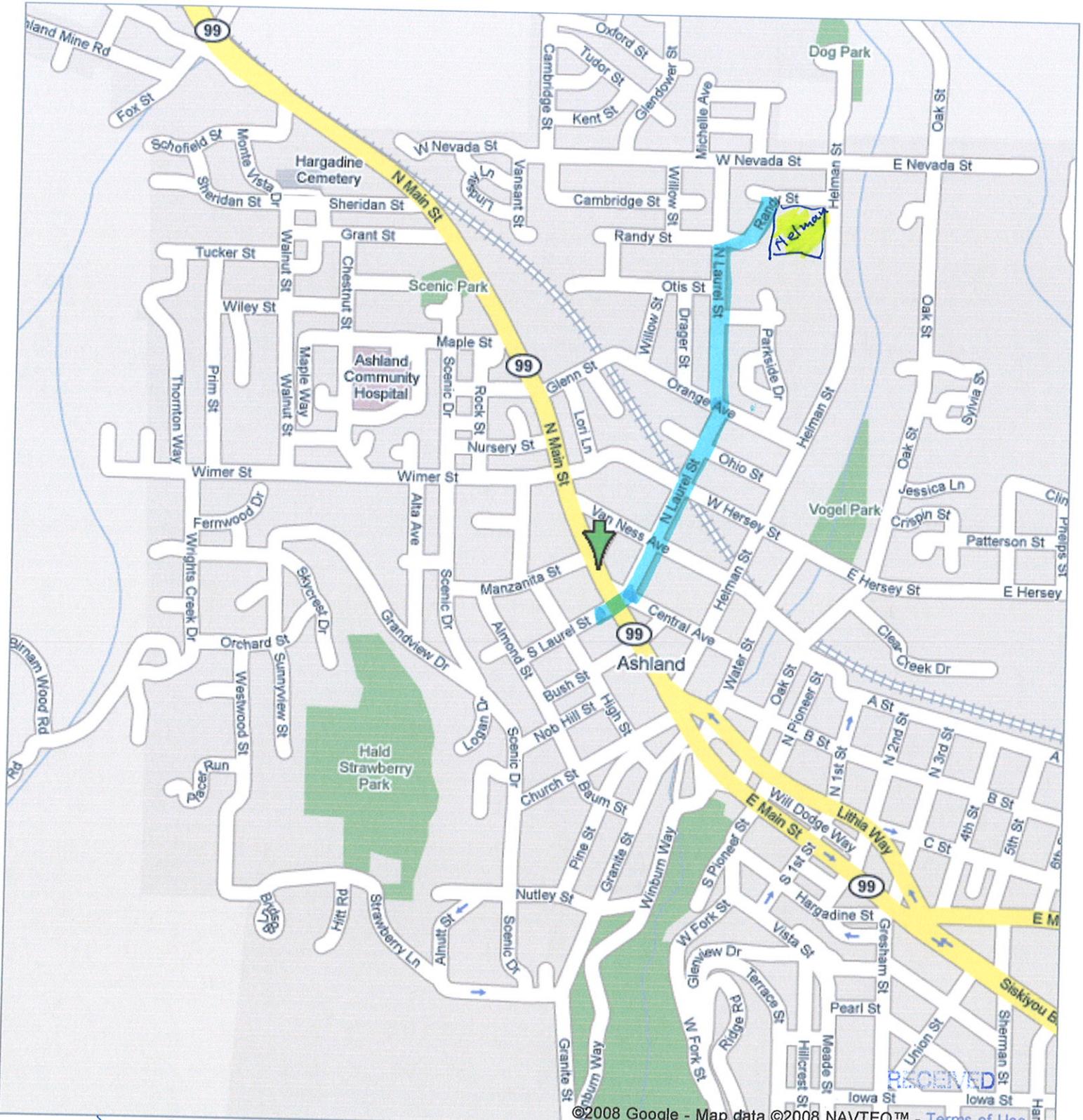
Parking 

3 foot plastic fence 



Address **265 N Main St**  
**Ashland, OR 97520**

To see all the details that are visible on the screen, use the "Print" link next to the map.



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Vendor Parking - Helman School

MAY 8 2008

<http://maps.google.com/maps?client=safari&rls=en&q=map%20of%20Ashland&ie=UTF-8&oe=UTF-8&um=1&sa=N&tab=il>

Shuttle Route

City of Ashland  
Community Development

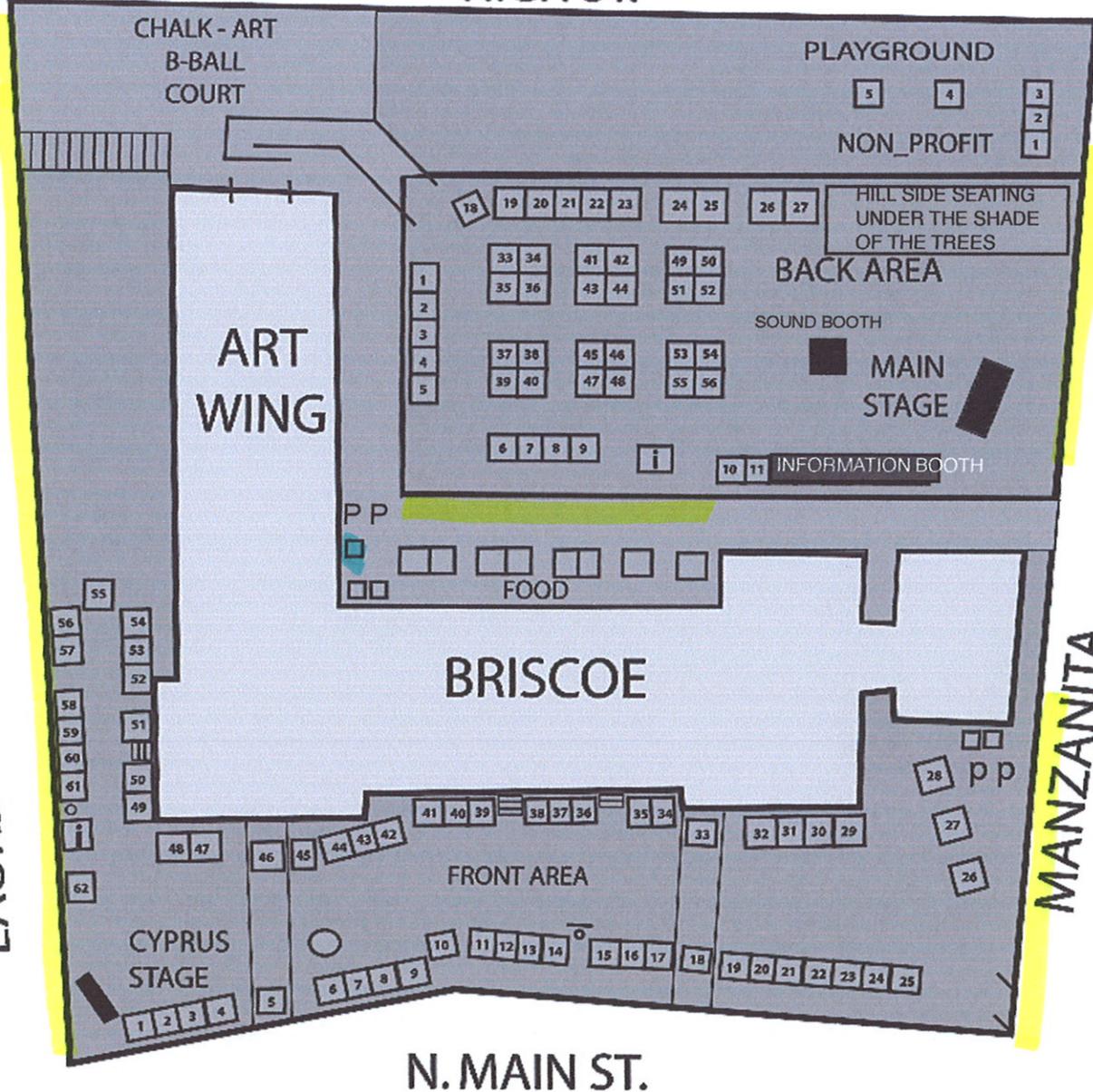


# MIDSUMMERS DREAM ART & MUSIC FESTIVAL LAYOUT

- 100 ART & CRAFT BOOTHS / UP TO 7 FOOD BOOTHS / 5 OR A COUPLE MORE NON-PROFIT AND HANDS ON ART BOOTHS.



HIGH ST.



N. MAIN ST.

Vendor off load  
Porta Potty

KEY

PP INDICATES PORTA POTTIES

■ WITH NUMBER INDICATES BOOTH SPACES 10' X 10'

i indicates small information booth

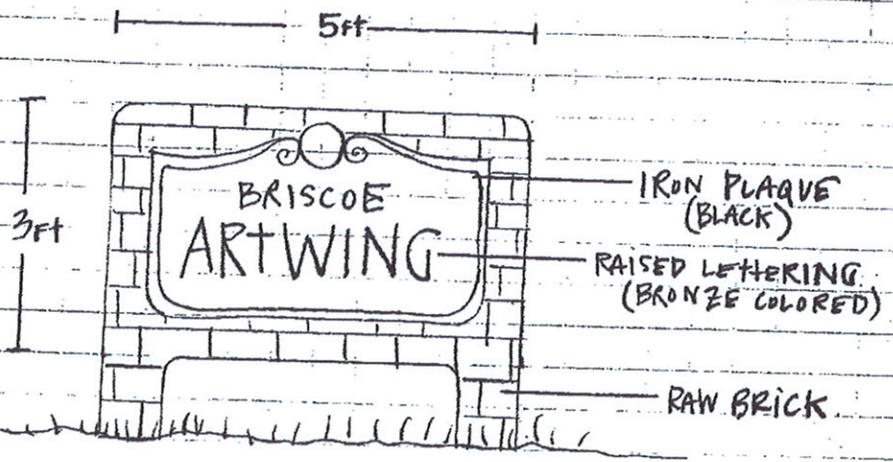
ANY QUESTIONS?  
CALL MARCUS  
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EMAIL SOULCREATIONS @ CHARTER.NET

MAY 8 2008

City of Oakland  
Community Development

# THE BRISCOE ARTWING SIGN DESIGN



1BLK = 1/2 FT

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City of Ashland  
Community Development

# *Lithia Arts Guild of Oregon*

*light epiphany culture*

ArtWing@mind.net

265 North Main Street ~ Suite B

Ashland OR 97520

## **Permanent Conditional Use Permit**

### ***Briscoe ArtWing***

#### **Attached** (in this order)

- Midsummer's Dream layout
- Letter to the neighborhood
- Community support

#### **General Information**

The Lithia Arts Guild of Oregon, a 501(c)(3) non-profit corporation, requests a Permanent Conditional Use Permit for the Briscoe ArtWing and surrounding grounds. The ArtWing is located in the wing of the former Briscoe Elementary School, that extends along Laurel Street (265 N. Main Suite B). Our vision is to create a Sustainable Community Art Center that shelters and inspires learning, culture, community and creativity.

#### **History of the Lithia Arts Guild of Oregon**

Founded in 1993 at the request of Ashland Parks & Recreation and becoming a 501(c)(3) non-profit organization in 1996, Lithia Arts Guild has been serving the Ashland community and surrounding region for over fifteen years. The Guild has made a significant contribution to culture, education, community, commerce and tourism in the city of Ashland through the following programs:

- **Lithia Artisans Market of Ashland (LAMA)** *Lithia Arts Guild of Oregon* holds the contract with Ashland Parks, and founded our sister corporation, the *Lithia Artisans Market of Ashland*, to execute the terms of that contract. The

Lithia Artisans Market, on Calle Guanajuato, hosts regional artisans offering their handmade goods every weekend from May thru October. This market has been a cultural asset to the Ashland community and a major source of income for local artisans. The success of these small business people has, in part, supported the Guild through the monthly payment of .5% of gross sales by LAMA to the Guild. The market has become a huge attraction for tourists and a significant contributor to the artistic ambiance of Ashland.

- **Calle Guanajuato Restoration Project**

- *Master Plan ~ phase I: Restoring the Winburn Way Bridge and establishing flood abatements along Ashland Creek ~* Lithia Arts Guild was one of many organizations that formed a partnership of response to the devastating 1997 flood. Involved in the restoration from the design phase through construction, the Guild submitted numerous papers clarifying the position of the arts community at various stages in the development of the Master Plan. The project has done much to enhance the artistic character of Ashland, and to rebuild and protect a commercial venue essential to artists, local merchants and restaurants along Ashland Creek.
- *Master Plan ~ phase II: West Bank Sculpture Garden, Gathering Area and Connecting Stairway ~* The Guild began working toward the completion of Phase II on its own. We did this by first raising \$15,000 with a Rug Auction Benefit. We next offered a plan to the Parks Commission that: 1) Provided a basic layout for the Granite St./Calle Guanajuato connecting stairway. 2) Included the placement of three sculptures, celebrating *water*, along the stairway. 3) Proposed the use of natural cut stone in a *gathering area* at the base of the stairway. This plan was accompanied by a \$13,000 donation to ensure the inclusion of the *gathering area* in the final draft plan. We later donated \$1,000 toward the completion of the mosaic at the top of the stair.

- **Sister City, Guanajuato** Through networking with the Ashland Amigo Club the Lithia Arts Guild has worked to establish relationships and cultural exchange with our Sister City in Mexico.
- **Ashland School District** ~ *Teaching the Creative Process, a Path to Innovation* ~ The Guild, through the residents of the Briscoe ArtWing, has developed a mutually beneficial and dynamic partnership with the Ashland School District. Last year residents at the ArtWing spent 373 hours of teaching time, both in the schools and at the ArtWing, 103 hours beyond the requirements of our contract. ArtWing residents work with students from all grade levels, teaching the basics of the creative process through various projects and activities. We have also improved the building since our arrival at Briscoe. First with the construction of a firewall to separate ourselves from OCDC, and then with the installation of gallery lighting in the hallway. Our continued presence at Briscoe has inspired the completion of the Earth Time Walk, a project that began when Briscoe was still an elementary school. And finally, last year the District's share of Art & Music Festival gross earnings was over \$5,000.

*Sustainable Community Art* ~ For over fifteen years, the Guild has remained self-funding and solvent while contributing money and volunteer labor to build community, enhance the arts and support regional commerce.

### **Project Description**

The Briscoe ArtWing is an Art, Music and Educational Center located in a beautiful park like setting near downtown Ashland. There are six rooms in the Laurel St. wing and we rent these rooms as studio space to artists, artisans, musicians, and educators. Most of the rooms are shared with an emphasis on harmony among roommates. Collaboration between residents is expected during student classroom visits, community celebrations,

Art & Music Festivals, and the general maintenance of the building. We refer to ourselves as a cooperative.

### **Project Details**

*Hallway* ~ Thanks to a generous grant from the City of Ashland, the ArtWing hallway now has gallery lighting! At 1980 square feet (12' x 165') the ArtWing Hallway Gallery is truly spacious. This has allowed us to host the Holiday Market during the month of December and Heart Fest the weekend before Valentines Day. Both of these Art & Music Festivals are done in conjunction with our sister corporation the Lithia Artisans Market.

Through our Partnership with the Ashland School District and classes organized for the greater community, students are encouraged to participate in all phases of the art exhibition. Programs cover preparing work for exhibition, preparing the space for exhibition (lighting, and arrangement of artwork to be shown), promotion, and facilitating the event itself. The scale of the space allows us to host large bodies of work from singular artists, or to explore invitational themes with contributions from students and professionals alike. The Día de los Muertos (Day of the Dead) altar installations, created in 2007, is a perfect example of mixing professional work with students from Ashland High School and Talent Elementary. This diversity provides inspiration to us all. First Fridays are open to the entire community with special activities for students and children always present. All exhibits will comply with standards set by the Ashland School District.

Sale of artwork is permitted, however there are no regular hours of operation for this space, no regular sales staff, and no cash register. Patrons interested in purchasing art will be encouraged to attend events when artists are present or contact the artist independently from the Briscoe Project. A percentage of all sales will be collected as a donation to the Lithia Arts Guild and the Ashland School District. All regular events are concluded by 10 pm.

This format is in keeping with prior and present use of School space within the District. The former Briscoe Elementary School events included: 1) Fall Community Dinner Night (a fund raiser) 2) A Winter Craft Fair 3) Tree House Book Fair (lasting 3 days) 4) a Spellathon that included a pledge drive 5) Theater and Music events and 6) the occasional Yard Sale.

*Education* ~ Beyond our educational partnership with the Ashland School District, the Briscoe School of Music (Rm. 3) has a regular schedule of classes and lessons for all ages throughout the week. Other residents offer community classes in painting, sewing, weaving and more from time to time.

*Workspace* ~ Each of the 6 workspaces (24 x 40 ft) is rented from the Lithia Arts Guild by 1 or more persons. Potential residents are interviewed by the Guild to ensure their medium and work habits comply with the standards set by the Ashland School District. As hours for inspiration differ for each individual, residents are given 24-hour access to their workspace. Residents are advised to work on projects that generate low noise from the hours of 10 pm to 8 am. Noise coming from within the ArtWing has never been the subject of complaints. The Guild has a dynamic resident makeup within the six workspaces. Studio use by ArtWing residents includes fine art painting, book restoration, book making, photography, hat making, permaculture design, music lessons, rehearsal space, dress making, upholstery, and mixed media design.

*Surrounding Grounds* ~ We are aware that the Briscoe grounds function as a community park and our activities are designed to enhance the shared abundance of the property. Much like the former elementary school, the grounds are used for learning, culture, art, and community activities. We work to keep the grounds clear of rubbish and miscellaneous objects abandoned or forgotten. The ArtWing partners with OCDC and the surrounding Briscoe neighborhood to maintain harmony within this beautiful city park.

## **Events**

It is important that we understand, from the beginning, that all events must be approved by the Ashland School District before they are allowed to proceed.

The ArtWing currently hosts two yearly events that occupy the Briscoe School Park and Playground: *A MidSummer's Dream Art & Music Festival* in June and the *First Nations Day Celebration* in September. These events have received an overwhelmingly favorable response from the community and we plan to continue to host them in the years to come. As the awareness of the Briscoe Park and Playground has matured within the community, individuals and groups have come forward to solicit the Guild about the possibility of additional use. Enquiries have included hosting the Ashland Food Coop annual picnic, a community yard sale, an Art Swap, and a live Chess Game featuring costumed characters on a life size chessboard, to name a few. Based on these enquiries the Board has decided to include the request that 10 additional yearly events be approved for the Briscoe School Park & Playground. We will encourage organizers to limit their activities to Saturdays, thus avoiding parking conflicts with the Methodist Church and OCDC. If an organization feels the need to include Sunday in its event, we will insist on a late start to give parishioners time to secure parking, close to the church, before the event. New events that include very loud music will not be considered. It is expected that some of these events will require parking in the neighborhood.

*A MidSummer's Dream Art & Music Festival* ~ This Festival, coming into its fourth year, is our largest undertaking of the season. MidSummer's Dream features approximately 100 artisans, and numerous local musicians on two amplified stages. At times, during this two day event, the music coming from Main Stage could be described as "very loud". Admission is free, and its popularity has grown with the people of Ashland and beyond. Commencing near the middle of June, hours are 10 am to 10 pm on Saturday and 11 am to 6 pm on Sunday. MidSummer's Dream was part of our original use permit request and nothing of significance has changed.

*First Nations Day* ~ First Nations Day has become the annual Fall Festival of *Red Earth Descendants*, a regional Native American group. A three-day event in late September,

Friday is devoted primarily to setup and classes for Ashland District students. Saturday and Sunday feature speakers from the Native American Community and Regional Environmentalists. There are also Native dancers, drummers and traditional songs. A small stage and about 200 chairs are set under a large tent (the Sky Lodge), and surrounded by pavilions with information, food and handcrafts. A ceremonial fire is kept burning throughout the event in an elevated copper fire pit, inside the Sky Lodge, tended day and night during the gathering. The Ashland Fire Department is alerted, and proper permits are obtained. There have been no complaints about parking or noise.

*Holiday Market* ~ Recently celebrating its third anniversary, the Holiday Market occupies the ArtWing every weekend in December leading up to Christmas. We are able to accommodate 30 to 40 artisans and a musician's stage, between the hallway and five rooms in the ArtWing. There have been no complaints about parking or noise.

*Heartfest* ~ On the weekend before Valentines Day, this relatively quiet festival inside the ArtWing, gives Artisans a chance to get together and earn a little money during the depth of winter. There have been no complaints about parking or noise.

*First Friday Art Walk* ~ Lithia Arts Guild and the ArtWing have become Associate Members of the Ashland Gallery Association and participate in the First Friday Art Walk. We have specialized in creating an environment that is friendly to the whole family by providing activities for students and children. Neither OCDC nor the Methodist Church have regular events on Friday evenings, so there has never been a problem with parking.

*Temporary Murals* ~ There has been much discussion between artists, teachers and students about temporary murals or banner art. There is both funding and interest for this project. There is an excellent location along the railing on the basketball court side of the *Earth Time Walk* for a Temporary Mural. Temporary Murals would be painted on canvas by students, and displayed for a set period of time in association with events. In the case of the Earth Time Walk students would be instructed to select plants and animals from the Earth Time Epochs for inclusion in the murals. The painting of the temporary murals

would be guided by ArtWing residents. We also wish to display temporary murals on the exterior walls of the building itself near the entrance of the ArtWing. Display of these temporary murals would also be time restricted and event related.

*Signs* ~ A permanent sign, complete with drawing, was approved with the temporary use permit. Our intention to construct this sign remains high on our list of priorities.

### **Collaborations**

The Lithia Arts Guild, through its Briscoe ArtWing project, values its time spent networking within the Ashland Community. Organizations and institutions that have collaborated with the Guild, and ArtWing residents, thus far include: Ashland Arts Commission, Lithia Artisans Market of Ashland, Ashland School District, Ashland Parks and Recreation, Red Earth Descendants, and the Ashland Gallery Association. We look forward to strengthening our creative community through continued networking.

### **Exposure**

The Lithia Arts Guild of Oregon has informed the surrounding Briscoe neighborhood of the Briscoe Project by inviting them to an informational meeting held within the school on Tuesday, March 11<sup>th</sup>, 2008. Included on this flier is both an email and phone contact for Project questions and concerns. Attached is the *neighborhood flier* that was distributed door to door in a 3-block radius from the Briscoe School.

### **Criteria**

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State or Federal law or program. The Briscoe Project adheres to the target use of the zone of the former Briscoe Elementary as an R-2 zoning district. Through the Lithia Arts Guild's partnership with the Ashland School District and by functioning in similar regards to the former Briscoe School, the arts collective will be in conformance with all standards within the zoning district.

B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage and adequate transportation can and will be provided to and through the subject property. The Briscoe project has adequate capacity of City facilities. The former Briscoe Elementary School held about 50 persons per classroom. Therefore, 50 persons for 6 rooms equal a 300 person total capacity for the wing. The Lithia Arts Guild will stay within this boundary, therefore meeting the capacity standards of the former school. On a regular bases, with the exception of special events, we expect about 20 individuals within the wing at one time. This number falls well below our needs for water, sewer, paved access to and through the development, electricity, urban storm drainage and adequate transportation through the property. There are 24 parking spaces allocated to Briscoe, 11 parking spaces along Laurel Street between the Methodist Church and Briscoe, and another 11 spaces (5 were for former bus parking) on the Briscoe side of Manzanita Street for a total of 46 parking spaces. Circumventing the school there are also 16 spaces along High Street bordering 6 homes, which all have driveways, and 20 spaces along Manzanita Street bordering two homes, which both have driveways, one 3-room rental and one bed and breakfast with its own parking lot. Estimating each household has two cars and choose to park only one car in the driveway, this equals to a usage of 6 spaces on Manzanita Street with an excess of 10 spaces and a usage of 6 spaces (one for each home, three for the rental and one for the B&B) on Manzanita Street with an excess of 6 spaces. This equals a total excess of 16 parking spaces for the two streets. That estimates a grand total of 62 parking spaces on a daily basis that can be used between OCDC, the Lithia Arts Guild and park users. OCDC estimates a need of 35 spaces from July through December, Monday through Friday, from 6 am to 4 pm, and the Lithia Arts Guild estimates a need of 20 spaces at varied times through the day (artists will have different work schedules) for a total of 55 spaces between the two projects. If all art collective participants were present, this still leaves 7 parking spaces for park users. Therefore, the parking needs of the Lithia Arts Guild, OCDC and park users are fulfilled. At times when the need increases (special events), the First United

Methodist Church of Ashland, having 65 parking spaces and located across Laurel Street, is willing to work with us on extra parking. Their parking lot has much availability, with the exception of the hours of Sunday worship services from 8 am to 12:30 pm. We will work hand in hand with this neighbor to coordinate event dates so parking will be advantageous to both parties. Alternative forms of transportation will be strongly encouraged by our project. Adjacent to the art collective's main entrance (see *project layout*) is a large bicycle parking rack.

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone.

1. Similarity in scale, bulk and coverage: No change in scale, bulk or coverage is planned at this time.
2. Generation of traffic and effects on surrounding streets: For the land layout and R-2 zoning, about 46 multi-family units can fit on the 3 1/2 acres of the Briscoe property, generating about 280 vehicle trips per day. This project intends to stay well within these standards, approximating about 30 vehicle trips per day. By using North Main Street, patrons will have easy access to and from our project. Most individuals will choose this travel route rather than through the surrounding Briscoe neighborhood that contains numerous stop signs and has a lesser speed limit. For this reason we expect visitors to be mostly contained within this south-eastern corner of the property between the Methodist Church and the Briscoe Project, unless they have a focused affair within the neighborhood. To make sure our patrons are diverted from the neighborhood streets, we will ask them directly to use North Main as their transportation route. The Project also lies between two bus stops. One is situated on the corner of Manzanita and North Main for persons traveling north, and the other is located in front of

the First United Methodist Church of Ashland on North Main, just south of Laurel, for persons going south. We will encourage our patrons to utilize alternative forms of transportation.

3. Architectural compatibility with the impact area: No outer architectural changes are planned at this time.
4. Air quality, including the generation of dust, odors or other environmental pollutants: The Lithia Arts Guild will be aware of harmful agents used by renters through our renter interviews and through our constant attention to the Project. Depending on the type of pollutant, the Guild will decide whether the item in question will not be allowed or if the renter must take on special procedures to make it work. Artists who use solvents unsafe to piping will be required to dispose of it safely away from the premises. Renters will also be required to open their workspace windows if using products that require additional ventilation. Items proving to be too disagreeable to our community or neighborhood will not be allowed. These procedures will also be included in the Guild's workspace contract to be signed off on by renters.
5. Generation of noise, light and glare: Because of the modest nature of the Briscoe project, we expect no noise, light or glare difficulties. We have planned our events to conclude at a time that will maintain comfort within the neighborhood and we will always keep the avenues of communication open between the Guild and the surrounding neighbors to insure harmony. On the south side, across Laurel Street, stands the First United Methodist Church of Ashland, which has already acclimated the Briscoe neighborhood to numerous activities, many of

these occurring during the evening hours. Because the Church functions in a similar way to the Briscoe project, (classes, events, etc.) we expect no difficulties with sound and light between us two or the surrounding neighborhood. To the west, located directly beside the Laurel Street wing, is a 10 ft high retaining wall, which serves as a sound and light barrier between our neighbors across High Street (150 ft away and 20 ft greater in elevation) and across Manzanita Street (320 ft away). To the east we have four lanes of North Main traffic noise and the lamps that correspond to it, which expels much light during the evening. On top of these aspects, we also have the rest of the bulk of the school building serving as another light and sound buffer.

6. The development of adjacent properties as envisioned in the Comprehensive Plan: No adjacent properties are planned at this time.

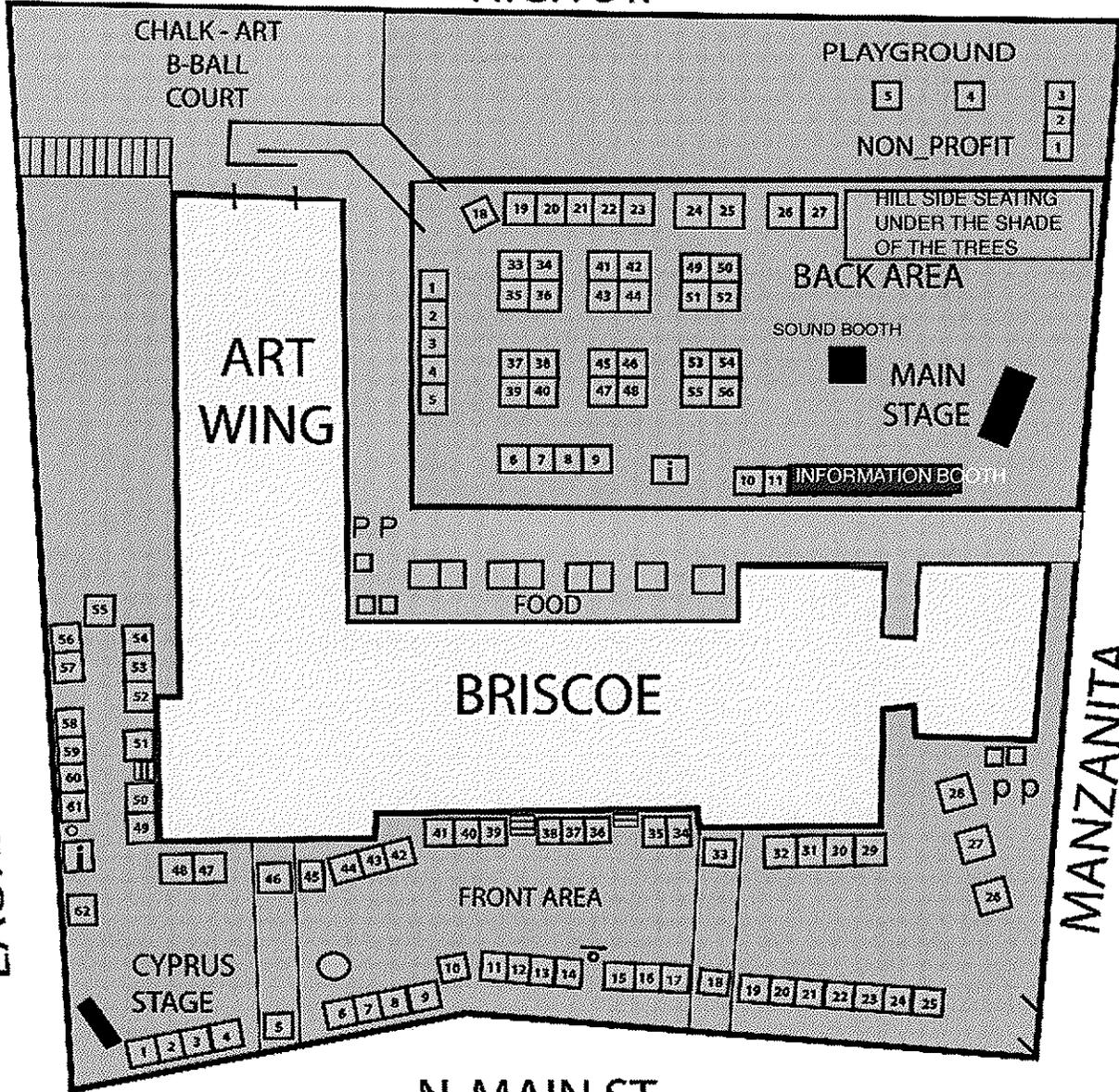


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### KEY

PP INDICATES PORTA POTTIES

■ WITH NUMBER INDICATES BOOTH SPACES 10' X 10'

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# *Lithia Arts Guild of Oregon*

*light epiphany culture*  
www.LithiaArtsGuild.org

PO Box 3194 Ashland OR 97520

contact: Carol or Peter Hoyt [carolhoyt@charter.net](mailto:carolhoyt@charter.net) 535-7412

## **Permanent Conditional Use Permit**

### ***Briscoe ArtWing***

*265 North Main Street ~ Suite B*

Dear Neighbor,

In our fourth year at the Briscoe ArtWing we are beginning to feel settled in, and ready to apply for our Permanent Conditional Use Permit. During this time of application, we encourage you to come forward with your support, comments, and suggestions. A neighborhood meeting has been set for ~ Wednesday = March 12<sup>th</sup> = 7 pm = in Room 3. This is your opportunity to meet ArtWing Residents and have your questions answered. If you cannot make the meeting, you are invited to drop in at the ArtWing during the day, and have your questions addressed by the residents present at the time of your visit. Copies of the Use Permit are available in room 4 of the ArtWing.

We will be hosting an all Ashland School District event on First Friday, March 7<sup>th</sup>. The Hallway will be filled with student art, and the 25 piece Middle School Jazz Ensemble will be playing in the Music Room. You are invited to attend.

Most of our events are so small they have little impact on the neighborhood, these events include: 1) *Holiday Market* on weekends in December inside the ArtWing 2) *Heartfest* on the weekend before Valentines Day inside the ArtWing 3) *First Nations Day* hosted on the soccer field toward the end of September, and 4) *First Friday Art Walk*. The exception to this is our most popular festival, scheduled in the middle of June, *A MidSummer's Dream Art & Music Festival*. For two days the neighborhood is steeped in celebration. The festival is free and everyone is heartily encouraged to attend. It is our largest fundraiser of the year, supporting many of our educational activities. If you are a fan of *MidSummer's Dream* we would appreciate your letter of support.

Producing such a large event does not come without difficulties. If these difficulties are a problem for the neighborhood, please let us know. We are most willing to address any grievance.

With your input, we will create a Sustainable Community Art Center. You are welcome to visit at anytime.

Sincerely,

  
James Royce Young LAGO board chair

# Lithia Arts Guild of Oregon

light epiphany culture

www.LithiaArtsGuild.org

PO Box 3194 Ashland OR 97520

We, the undersigned, support the *Lithia Arts Guild* and the *Briscoe ArtWing* in their efforts to create a Sustainable Community Arts Center, and encourage Ashland City Planners to adopt their Permanent Conditional Use Permit.....March 2008.....

Name

Address

Larry + Barbara Stubblefield

111 So Laurel St.

Ricky Havill

941 Spring Way, Ash.

NOEL King

265 Hwy 99, Ashland

Zoe King

2165 Highway 99 N, Ashland

Jerm Hayes

PO Box 1027 Ashland

Chad Meyer

900 Glendale Ave, Ashland

NOEL CHATROUX 

75 Nursery St, Ashland

Tom

285 Ransy St Ashland

Angela Cera

Briscoe ArtWing member

ARIEL ELEANARIEL

693 CLAY ST. ASHLAND

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# ASHLAND PUBLIC SCHOOLS

## BOARD OF DIRECTORS

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KEITH MASSIE  
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AMY PATTON



*Inspiring Learning for Life*

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Superintendent

PAMELA LUCAS  
Business Manager

SAMUEL BOGDANOVE  
Director of Student Services

MICHELE ZUNDEL  
Curriculum Director

May 8, 2008

City of Ashland  
Planning Staff

To Whom It May Concern:

This letter is to support the response to your inquiries in regard to the application for a permanent conditional use permit for the Lithia Arts Guild. As you know, the Guild rents a wing at Briscoe School for its Briscoe Art Wing program. The district has reviewed the application and the response to your inquiries and is in full support of granting the CUP.

Please feel free to contact me if you should have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Juli Di Chiro".

Juli Di Chiro, Superintendent

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MAY 08 2008

Community Development

BEFORE THE PLANNING COMMISSION OF THE CITY OF ASHLAND, OREGON

In the Matter of the Application of            )     PA    2008-00359  
Lithia Arts Guild for a Conditional        )     OBJECTION TO APPLICATION  
Use Permit and Type II Variance         )

The undersigned, Allen Drescher and Karen DeSantis, object to the application of the Lithia Arts Guild for a Conditional Use Permit and Type II Variance to allow a portion of the former Briscoe Elementary School grounds to be used for community events that include sound amplification, the beating of drums, or events that continue past 6pm. This objection is supported by the following memorandum.



Allen Drescher  
115 Nob Hill Street  
Ashland, OR 97520



Karen DeSantis  
115 Nob Hill Street  
Ashland, OR 97520

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MEMORANDUM IN SUPPORT OF OBJECTION

**Background**

City of Ashland  
Community Development

The applicants seek a Conditional Use Permit and Type II Variance to allow a portion of the former Briscoe Elementary School grounds to be use for twelve (12) "community events" per year.

One of the events is a music and art festival that includes sound amplification and that goes until 10:00 pm. The other is an American Indian festival that will include beating on drums and that will go all night.

Briscoe School is in a neighborhood of older homes and, for the most part, older residents. Most of us had children who attended Briscoe School many years ago, and we supported using Briscoe for an arts and education center.

Never did we anticipate that the Arts Guild would attempt to use the playground for amplified music concerts and drum beating that would go into the evening and night, and potentially throughout the night.

As stated in the applicant's May 8, 2008, Response to Incompleteness Determination, Response #3, "Number of People Anticipated on Site" attendance at the Art & Music Festival in 2007 peaked "between 3pm and 4:30 pm" and then dropped steadily. The food and craft booths were more or less finished with business by 6pm, but then came the

amplified music concert for the party-goers who stayed well beyond 10:00 pm, with amplified music reverberating throughout the neighborhood and penetrating into our yards and homes. Although the applicant's Response states that, "These would be Saturday events starting at 10:00 am and concluding by 6pm" this was not honored in the past. The noise generated by amplified music and sound in no way contributed to the appreciation of art or to the sale of crafts or art or food. It was just a loud, annoying party that disturbed the usual tranquility of our neighborhood.

The applicant also seeks approval for a "First Nations Day" celebration that will include drummers and that will go throughout the night. Drumming in a residential neighborhood is a violation of the Ashland Municipal Code, which prohibits Unnecessary Noise. There are other venues available for drumming—the Lithia Springs campground and the Emigrant Lake campground have been used in the past for Native American drumming festivals. There is no need to bring drumming to Briscoe in order to annoy and disturb the neighbors.

**The Applicants Have Failed to Satisfy the Requirements  
of Section 18.104.050(C) of the Ashland Municipal Code,  
Which Requires that the Conditional Use Will Have  
No Greater Adverse Material Impact  
on the Livability of the Impact Area  
when Compared to the Development of the  
Subject Lot with the Target Use of the Zone**

The subject lot is zoned R-2, low density multi-family residential (13.5 dwelling units to the acre). The Briscoe playing field where the events are proposed to take place consists of approximately one acre. Perhaps a dozen or so condominium units or apartments (or four to six houses) could be placed on the playing field. The noise generated by these dwelling units would be nominal: cars going to and coming from each residence, the occasional delivery truck, and the normal sounds of people living in their homes.

Compare that to the noise generating by amplified music and drumming that reverberate throughout the neighborhood.

Ashland Municipal Code Section 18.104.050( C ) provides that, "When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

\* \* \* \* \*

"5. Generation of noise, light and glare."

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City of Ashland  
Community Development

The noise generated by the proposed use of the Briscoe playing fields dramatically exceeds the noise that would be generated by dwelling units on the same area. That noise would have an adverse material impact on the livability of the neighborhood far in excess of any adverse material impact that would be caused by dwelling units.

**The Applicants have Failed to Satisfy the Requirements of  
Ashland Municipal Code Section 18.100.020 (B) that the  
Applicant Provide Evidence that the Proposal's Benefits  
Will be Greater than any Negative Impacts on the Development  
of the Adjacent Uses and will Further the Intent of this Ordinance and  
the Comprehensive Plan of the City**

Amplified sound, beating on drums, and causing a nuisance past 6pm have no identifiable benefit. The applicant can use the Briscoe playing field for art and craft and food booths from 10:00 am to 6:00 pm without amplified sound, beating on drums, or loss of any business. The applicant concedes that the art and craft festival is more or less over by 4:30 pm. The booths are for the most part closed by 6pm, and the attendees have for the most part gone home. Then the party begins and goes late into the night. The loud party has no benefit, but it has a negative impact on use of the adjacent areas for residential purposes.

Amplified sound and the sound of beating drums penetrate into the homes of residents. What benefit is that? The negative impacts are clear: it is impossible to enjoy the peace and quiet of one's own home. It is difficult to read and impossible to sleep, and one's own music cannot drown out the drum beat or amplified sound of the festival.

**Conclusion**

The applicant has failed to satisfy the requirements of Ashland Municipal Code Sections **18.104.050( C)** and **18.100.020 (B)**, and the application should be denied.

Respectfully Submitted,



Allen Drescher



Karen DeSantis

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City of Ashland  
Community Development

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City of Ashland  
Community Development

May 26, 2008

Ashland Planning Commission  
Ashland Historic Commission  
Ashland Tree Commission  
c/o City of Ashland Planning Department  
51 Winburn Way  
Ashland, OR 97520

Planning Action: **No. 2008-00359: Make the Existing Conditional Use Permit Permanent and Add Eleven New Events Per Year**

Subject Property: 265 North Main Street  
Applicant: Lithia Arts Guild

Dear Commissioners:

Our property is located at: 103 S. Laurel Street (on the corner of High Street) in Ashland. We have lived here with our two daughters since August of 2003. Our property is directly across the street from Briscoe School.

We were originally and continue to be in favor of the Lithia Arts Guild occupying the Briscoe School building for use as artist studios. We have lived in New York City and the San Francisco Bay Area and have enjoyed having easy access to the arts where we have lived. We believe strongly in the need to encourage the development of low-cost artists' work and live space in every community.

Whenever this type of use is being considered within an existing residential neighborhood, it requires careful study and mitigation of the impact on surrounding neighbors. Any decisions regarding the conditional use permit must recognize that this is first and foremost a residential neighborhood with a long history that must be preserved. In the years since the Lithia Arts Guild first occupied the Briscoe School building, they have been good neighbors for the most part and we have enjoyed having them here. However, there have also been a few problems related to their public events over this period.

In light of this we want to raise some compatibility issues which we believe must be addressed before considering making the conditional use permit permanent and adding any events to their annual calendar. These issues have a large impact on the quality of life and property values for the surrounding neighborhood.

They are as follows:

- Public Performance and Retail Uses within a Residential Neighborhood: We are very concerned about increasing the permitted number of annual events to twelve. There was no description of what type and size of events are being requested or will be permitted. We believe this must be addressed in detail to avoid future conflicts around these issues.

We believe that one (1) outdoor event per month during the four summer months would be reasonable, but twelve (12) events would begin to change the historic character of this neighborhood and adversely impact the neighborhood's liveability and property values. The Lithia Arts Guild currently holds indoor events beyond the one permitted event, such as First Fridays and sale events for every holiday season which bring a high volume of traffic to the neighborhood.

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Response to Lithia Arts Guild  
Conditional Use Permit request  
#2008-00359  
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City of Ashland  
Community Development

- Noise Issues: It has been our experience that the summer festival often runs over the permitted time for playing music (as late as 10:30 PM). The music has been loud enough to make it impossible to sleep or engage in other quiet activities. We e-mailed a complaint to planning staff following the last summer festival regarding the music playing beyond the permitted time and were told it would be reviewed. We have heard nothing from planning staff since then until receiving the notice for making the conditional use permit permanent.
- Parking - We cannot park in front of our own house during most events due to the volume of traffic the event generates. We have even arrived to find our driveway blocked by cars trying to cram themselves into a non-existent space. This problem has occurred during both small and large events.
- Traffic and Safety – These events increase the traffic on the local streets substantially which has created safety issues for both pedestrians and drivers alike. Because parking is so limited during performance events, drivers will back up almost the entire length of a block at high speeds or make a quick U-turn to get a parking space on the street. Cars also double-park while drivers must maneuver around them and pedestrians are crossing the streets unseen due to the double-parked vehicles.

In light of this, we request the Planning Commission consider the following written conditions be included as part of the proposed permanent conditional use permit agreement:

1. Limit annual outdoor events to one (1) event per month for the months of June, July, August and September for a total of four (4) outdoor events per year. This is a substantial increase over the number of events currently permitted but will allow the majority of the outdoor season to be enjoyed by the local residents as we see fit without an influx of visitors.
2. Create some written guidelines or limits on the number, length, type and size of indoor events that are held year-round.
3. Events that involve performances of music, dance and/or drama need to be completely over (visitors leaving the venue) by 8:00 PM if held from Sunday through Thursday and 9:00 PM on Friday and Saturday nights to allow local residents some period of quiet in the evenings following its conclusion. *No amplified music past 6 p.m.*
4. Events where people would likely drive to the venue must include agreements with nearby privately-owned parking lots for overflow parking accommodations to avoid overwhelming the local street parking capacity. The neighboring church needs their parking lot Sunday mornings and therefore it is unavailable for festival parking at that time. All event hours should be adjusted and coordinated to reflect these limitations. Temporary street closures, shuttles from public parking facilities and other creative approaches may also dissuade people from driving to events.
5. Require the Guild to deliver a schedule each December of the next year's planned events to local neighborhood residents within a two block radius, so we are aware of the dates and times of events in advance and can make plans to be out-of-town, if desired.
6. Require the Guild to arrange for an Ashland Police traffic control officer(s) to be present to direct traffic during all hours of any large event to assure that traffic moves safely through the surrounding residential streets.

When considering the permanent approval of this conditional use permit, it is important that you, the Planning Commissioners, realize that most of the local neighborhood residents purchased their homes here prior to the original temporary conditional use permit approval. Therefore, the current use of the Briscoe School for the Lithia Arts Guild and the related concerns we have raised herein are ones that post-date this historic neighborhood and the current residents.

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Response to Lithia Arts Guild  
Conditional Use Permit request  
#2008-00359  
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May 26, 2008

MAY 28 2008

City of Ashland  
Community Development

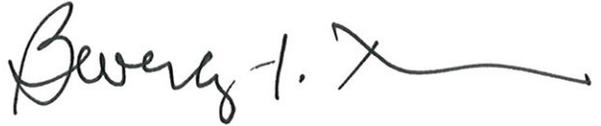
We understand and appreciate that the Lithia Art's Guild wishes to promote local artists and to produce events that draw tourists and Rogue Valley residents to Ashland. However, the Guild also needs to respect the existing historic residential fabric of our neighborhood and be sensitive to how their activities impact the people living in the surrounding community. We hope that the Lithia Arts Guild and the Planning Commission will reach an agreement that addresses these concerns so that the Guild will continue to be a welcomed part of our community.

Thank you.

Sincerely,



David M. Thruston  
103 S Laurel Street  
Ashland, OR 97520



Beverly I. Thruston  
103 S Laurel Street  
Ashland, OR 97520



**PLANNING ACTION: #2008-00766**

**SUBJECT PROPERTY: Northwest Corner of First St. and Lithia Way**

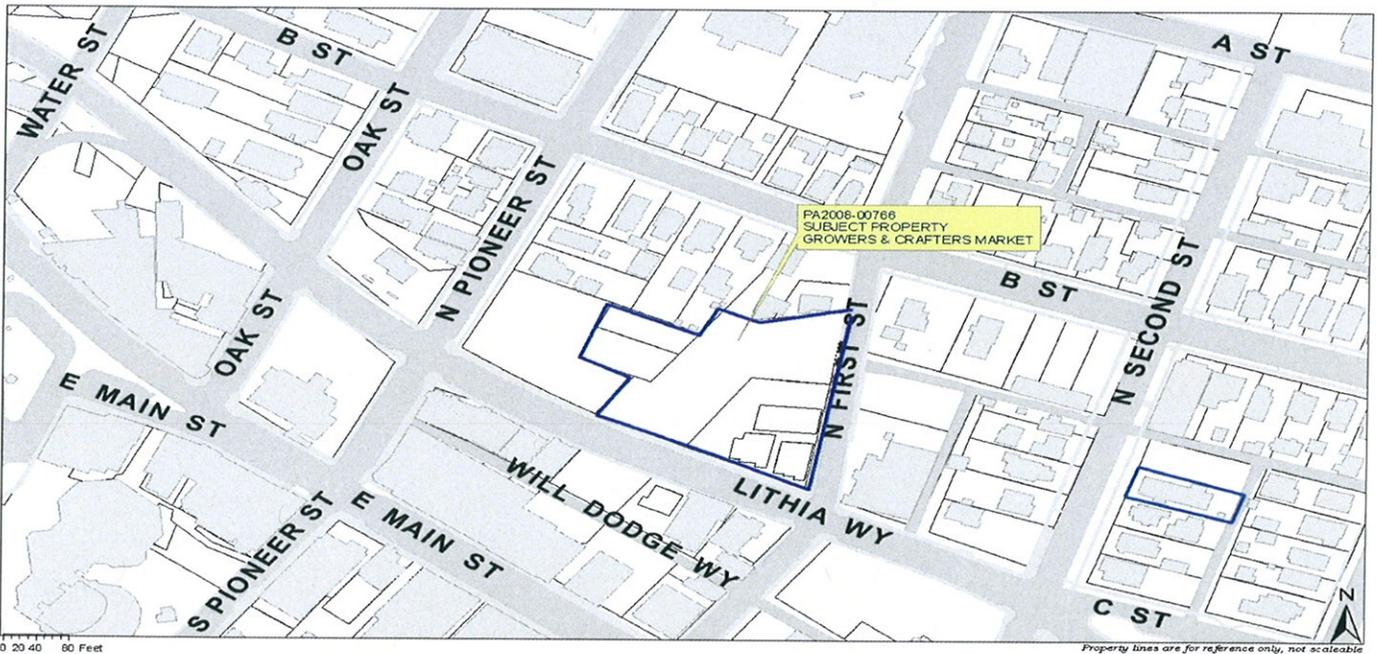
**OWNER/APPLICANT: Rogue Valley Growers & Crafters**

**DESCRIPTION: Request for a Conditional Use Permit to allow the operation of an outdoor farmers market on Saturdays from 9:00 a.m. to 1:00 p.m. during the months of May through November. The proposed market would be held in a portion of the existing parking lot for the property located at the Northwest corner of First St. and Lithia Way, and would be limited to 25 vendor booths. COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP #: 39 1E 09 BA; TAX LOTS: 90000, 90001, 90002, 90003, 10100, 11601 & 11701.**

**NOTE:** The Ashland Historic Commission will also review this Planning Action on **June 4, 2008 at 7:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **June 5, 2008 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING: June 10, 2008 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 Department, 541-488-5305.

## **CONDITIONAL USE PERMITS**

### **18.104.050 Approval Criteria**

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

B. 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.

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.
2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
3. Architectural compatibility with the impact area.
4. Air quality, including the generation of dust, odors, or other environmental pollutants.
5. Generation of noise, light, and glare.
6. The development of adjacent properties as envisioned in the Comprehensive Plan.
7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT  
June 10, 2008**

**PLANNING ACTION:** 2008-00766

**APPLICANT:** Rogue Valley Growers & Crafters Market

**LOCATION:** 165 Lithia Way & 123 North First Street (northwest corner of Lithia and First)

**ZONE DESIGNATION:** C-1

**COMPREHENSIVE PLAN DESIGNATION:** Commercial

**APPLICATION DEEMED COMPLETE:** June 2, 2008

**120-DAY TIME LIMIT:** November 5, 2008

**ORDINANCE REFERENCE:**

18.32	C-1 Retail Commercial District
18.92	Off-Street Parking
18.104	Conditional Use Permits

**REQUEST:** Request for a Conditional Use Permit to allow the operation of an outdoor farmers market on Saturdays from 9:00 a.m. to 1:00 p.m. during the months of May through November. The proposed market would be held in a portion of the existing parking lot for the property located at the northwest corner of First Street and Lithia Way, and would be limited to 25 vendor booths.

**I. Relevant Facts**

**A. Background - History of Application**

In January of 2008, the Planning Commission approved a request for Site Review approval to construct a 16,246 square foot, three-story mixed-use building on the site. The application also included requests for the modification of PA 2007-00091 to allow the consolidation of two lots, and an Administrative Variance to the Site Design and Use Standards' Downtown Design Standards VI-B-3 to allow recessed balconies on the front of the proposed building. (PA 2007-01939)

In February of 2007, the Planning Commission approved a request for an eight-lot subdivision consisting of seven lots for future development and an eighth commonly owned lot to accommodate landscaping, parking and circulation. Site Review approval was also granted for the proposed parking lot and associated perimeter landscaping. A Tree Removal Permit was approved to remove four trees six-inches in diameter at breast height and greater in size. (PA2007-00091)

In September of 2005, the Planning Commission denied a request for Site Review approval, an Administrative Variance to Ashland's Site Design and Use Standards, and a Tree Removal Permit for a mixed use commercial and residential development consisting of 14,826 square feet of retail and office space and 41 residential units in two three-story mixed-use buildings and six row houses.

In June 1991, the Planning Commission approved a request for an extension of a previously approved Site Review to allow for modifications to the existing retail lumber sales structure at 165 Lithia Way (PA91-084).

In June 1990, the Planning Commission approved a request for a Site Review to allow for modifications to the existing retail lumber sales structure at 165 Lithia Way (PA90-147).

In May 1989, the Planning Commission approved a request for Conditional Use Permit for outdoor storage for the property located at the corner of Lithia Way and North Pioneer Streets (PA89-082).

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

## **B. Detailed Description of the Site and Proposal**

### **Site Description**

The project site is located at the northwest corner of Lithia Way and First Street and encompasses approximately 1.44 acres. The subject property is irregularly shaped, with roughly 300 feet of frontage on Lithia Way and 315 feet of frontage on First Street. The property slopes approximately three percent down to the north, and has no significant natural features.

The First Place subdivision was approved for this site in 2007. A concurrent Site Review approval was granted for the landscaping, parking and infrastructure associated with this mixed use subdivision. Installation of the required subdivision improvements is nearing completion as this staff report is being prepared.

An existing City-owned public parking lot adjoins the property to the west, while the historic Railroad District residential neighborhood is situated immediately north of the site. The U.S. Post Office site is located across First Street to the east; and a variety of commercial businesses are situated to the south across Lithia Way. The site is zoned C-1, Commercial and is located within the Detailed Site Review Overlay and the Downtown Design Standards Overlay. The site is also located within the Downtown Historic District.

### **Conditional Use Permit Proposal**

The application is a request for Conditional Use Permit approval to allow the operation of an outdoor farmers market on Saturdays from 9:00 a.m. to 1:00 p.m. during the months of May through November. The proposed market would be held in a portion of the existing First Place subdivision's parking lot, and would be limited to 25 vendor booths.

A site plan detailing the areas proposed for use by the market has been provided along with narrative explaining that the site will allow for 25 ten-foot by ten-foot canopies in the northeast parking area. As proposed, a minimum of 15 of the proposed vendors are to sell fresh fruit, vegetables, flowers, bedding plants, meat and eggs; a maximum of seven will sell value-added products such as cheese, bread, pasta, dog bones, or jam; and a maximum of three vendors will sell agricultural crafts. No cooking is proposed to take place on site.

The submittal materials indicate that vendors will arrive no earlier than 8:00 a.m. to begin off-loading their vehicles, and those vehicles will be off-loaded and parked by 8:30 a.m. Booths will be set up by 9:00 a.m., and the market will operate from 9:00 a.m. until 1:00 p.m. Vendors will take down their booths and clean the site by 2:00 p.m., and the applicants will be responsible for leaving the area clean and disposing of the minimal market waste off-site.

The applicants propose to utilize two of the undeveloped building lots adjacent to the site's First Street frontage, identified as Lot 5 and Lot 6 on the applicants' site plan, for vendor off-loading and parking. The applicants indicate that these lots will accommodate approximately 18 vehicles and that arrangements have been made to utilize an additional 10 vendor parking spaces on the private Elks parking lot located approximately 350 feet to the southeast of the market area. 22 of the parking spaces within the existing parking lot on the subject property are to be provided to accommodate market customer parking.

Vehicular access to the site from First Street is proposed to be restricted during the operation of the market. Vehicles would still be able to access the site via Lithia Way or Pioneer Street through the existing public parking lot adjacent to the subject property, and pedestrian access would be available from the walkway at the northeast corner of the site, the driveway off of First Street, or from the proposed parking area on the west side of the site.

The proposed locations of temporary restroom facilities and temporary signage are identified, and the application materials note that the signs will be in place while the market is in operation, and will be kept clear of the sidewalk pedestrian corridor.

Construction of the first building in the First Place subdivision, on Lot 1, will be ongoing during the market season however no construction work is to take place during market hours. The application materials explain that the construction area is to be fenced for safety, and that construction equipment, vehicles, and materials will be kept within the fenced area on Lots 1, 2, 3 and 4 along Lithia Way. The application also notes that in the event that the building on Lot 1 is to be occupied prior to completion of the market season, the market lay-out would be modified by switching the locations of the customer parking and the vendor booths.

## **II. Project Impact**

The proposal requires Conditional Use Permit approval since it involves a temporary, seasonal use and the associated outdoor display of commodities in the C-1 zoning district. In accordance with Chapter 18.108, Conditional Use Permits for temporary uses may be approved administratively through a "Type I" procedure, however in considering the request Staff believed that given the prominent location within the downtown and the public nature

of the proposed use, a public hearing was the more appropriate route for handling the application.

The Retail Commercial Zoning District is intended to stabilize, improve and protect the characteristics of those areas providing commercial commodities and services. In keeping with that purpose, the subject property was recently approved for subdivision to allow its redevelopment. Site Review approval was also granted for common area site improvements including the sidewalks, parking lot and perimeter landscaping, and infrastructure installation. A significant portion of these improvements have been recently installed, with the remainder anticipated to be completed shortly. The proposed use of a portion of the recently improved parking lot (which will likely be underutilized until the individual building lots are developed) for a Saturday market is in keeping with the purpose of the district and will provide for a retail use, with impacts similar to the target commercial use of that portion of the subject property.

Public facilities have recently been upgraded by the owners of the subject property to serve the six developable lots of the First Place subdivision. These facilities include: available three-phase electrical service; existing four-inch water mains in both Lithia Way and First Streets have been supplemented with a new eight-inch water line extended as part of the subdivision improvements to provide a connection to B Street; sewer lines in First Street were upgraded to eight-inches as part of the subdivision improvements; a new 12-inch public storm drain line was installed in First Street to convey stormwater run-off from the site to the existing storm drain line at B and First Streets as part of the subdivision improvements; and the public sidewalks along the project perimeter on both Lithia Way and First Street have been widened. These facilities were designed to serve service full commercial use of the site, and provide more than adequate capacity to serve the proposed Saturday market use of a portion of the site. The application notes that the property owner has provided water and electrical outlets for use by the market vendor booths.

Conditional Use Permits of this nature are reviewed primarily to ensure that they will have no greater adverse material effect on the livability of the impact area than would development of the subject property according to the target use of the zoning district. Given that the site has recently been improved as part of a Site Review approval and that the proposal is for a seasonal, outdoor Saturday market, the primary areas of concern are with the generation of traffic and parking impacts, air quality, noise, light and glare.

The Off Street Parking Chapter AMC 18.92 does not provide specific parking calculations for outdoor markets; however the parking requirement for general retail usage is one parking space per 350 square feet in retail use. The proposed market will include 25 ten by ten vendor booths, or approximately 2,500 square feet of retail space. If the pedestrian circulation aisles adjacent to these booths are also considered, as circulation areas within a retail building would be, the overall retail space proposed is approximately 5,000 square feet. At one parking space per 350 square feet of retail area, fifteen parking spaces would be required. The applicants propose to provide 22 customer parking spaces on site, seven more than required based on use of the area as general retail. In addition, the applicants have identified the unimproved area on Lots 5 and 6 to accommodate 18 vendor vehicles in a stacked parking configuration, and an additional ten vendor parking spaces are proposed to be provided off site in the Elks parking lot, approximately 350 feet to the southeast. Given

the available vehicular access from Lithia Way and Pioneer Streets, the proximity to public parking lots which are not typically at full capacity during the hours of market operation for a significant portion of the market's season, and the fact that approximately 50 parking spaces have been identified to address the parking demand created by market customer and vendor parking during the limited period of operations, Staff believe that the traffic and parking impacts of the market to surrounding streets, and particularly to the nearby Railroad District residential neighborhood, have been sufficiently addressed.

The application indicates that the property owner is also willing to include deed restrictions on lots within the First Place subdivision that would prioritize market use of the parking area during market operations to minimize parking impacts that might otherwise occur once the lots within the subdivision have been fully developed. Staff believe that the proposed market should be given the opportunity to operate for a full season with the understanding that the Conditional Use Permit will need to be re-evaluated after a full season's operation in order for the neighborhood, applicants, Planning Commission and Staff to fully assess any unanticipated impacts of the proposal including the impacts of the market in light of ongoing development of the site that may occur in the near term and other issues that may be observed once the market operations are established. Staff has made the applicants aware that this second review would be recommended, and the applicants have seemed agreeable and note in their application that they view the first season as a trial period to determine whether the location meets the needs of the market and its customers as well as the neighbors and community.

As proposed, the market will not require any lighting and no generators are to be allowed. There is to be no amplified music, although acoustic music is proposed during market hours. No hot food vendors will be participating in the market, so any odors would be limited to those of plants and flowers.

Neither the Tree Commission nor the Historic Commission has reviewed the application as this report is being prepared. Given the nature of the application, and the location on a site which has been improved as part of a recent Site Review approval, no significant concerns are anticipated by Staff. Conditions have been added to make appropriate recommendations from these Commissions part of the approval.

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

**The criteria for Conditional Use Permit approval are described in section 18.104.050 as follows:**

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. 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.

- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in the Comprehensive Plan.
  7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

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

Overall, Planning Staff believe that the proposed location is well suited for a Saturday market, and that the market will be beneficial to neighboring downtown businesses and their employees, residents and the community at large by providing convenient access to healthy, fresh locally grown food; by bringing a sense of vitality to what might otherwise be an underutilized space; and by generating “spill-over sales” to neighboring businesses. Project for Public Spaces, a nonprofit organization dedicated to creating and sustaining public places that build stronger communities, notes that “*public markets are an essential building block of great cities -- in the same way as parks, streets, and buildings.... public markets [are] an elemental form of public space-- a source of strength for local economies and the social life of cities.*” Staff believe that the application satisfies the criteria for approval of a Conditional Use Permit, and we 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 herein. The operational details of the market (including the hours, days and months of operation; number of vendors; number and placement of customer and vendor parking and market signage) shall be in substantial conformance with those approved as part of this application. If the market operations are to be intensified, an application to modify this Conditional Use Permit shall be submitted and approved prior to any intensification.
- 2) That all relevant conditions of the Subdivision and Site Review approvals (PA #2007-00091 & #2007-01939 ) shall remain in effect unless otherwise modified herein.

- 3) That after the first full season of operations (prior to the beginning of the 2010 season) the applicants shall apply for a Conditional Use Permit to operate a permanent Saturday market. The purpose of this application is for the re-evaluation of the market in light of any unanticipated impacts which may be observed once the market is operational on site, and to consider the impacts of the market in light of the on-going development of the site.
- 4) That signage shall be limited to the number, size, type and location specified in the application. No signage shall be placed off site, and no signage shall be placed on the sidewalks or within the street rights-of-way.
- 5) That prior to the first use of the subject property for the proposed Saturday Market:
  - a) “One Way” signage shall be installed on First Street, inspected and approved by the Engineering Division.
  - b) The applicants shall provide specifications on the barriers to be used for the review and approval of the Planning, Building, and Fire Departments.
  - c) That the applicants shall provide written evidence of an agreement allowing for ten spaces of vendor parking on the Elks parking lot as described in the application.
  - d) That the requirements of the Fire Department that fire apparatus access be maintained, that a revised site plan detailing specific vendor booth lay-out be provided, and that a Fire Department special event permits be obtained shall be addressed.
- 6) That the recommendations of the Tree Commission, where consistent with the applicable approval standards and with final approval by the Staff Advisor, shall be conditions of approval
- 7) That the recommendations of the Historic Commission, where consistent with the applicable approval standards and with final approval by the Staff Advisor, shall be conditions of approval.



PO Box 4041 • Medford, OR 97501  
541-261-5045 • 888-826-9868  
[www.rvgrowersmarket.com](http://www.rvgrowersmarket.com)

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City of Astoria  
Community Development

Rogue Valley Growers & Crafters Market CUP Application Narrative and Findings  
Submitted May 9, 2008

MAY 9 2008

## 1. **Background**

COMMUNITY DEVELOPMENT

The Rogue Valley Growers & Crafters Market (RVGCM) is a mutual benefit corporation with a 21-year history of operating a successful seasonal farmers' market in Southern Oregon. The market currently operates from 8:30am-1:30pm at the Oregon National Guard Armory Tuesdays in Ashland and Thursdays in Medford. We do our best to be good neighbors and are proud of our positive five-year history under a conditional use permit at the Armory site.

To meet additional customer demand, the market would like to find an appropriate site for an additional Saturday market in Ashland. A Saturday market will allow working families to purchase fresh local produce.

We believe that the addition of a Saturday farmers' market to Ashland's downtown will be a beautiful and community-building asset for residents, visitors, and a benefit to the commercial viability of the downtown core. Numerous studies have shown that markets have a net positive impact on adjacent businesses by bringing additional customers to the area (see economic and community development section below).

## 2. **Lithia & First Location**

RVGCM respectfully requests a Conditional Use Permit to operate an outdoor farmers market from 9am-1pm every Saturday from the time of permit approval through mid-November in a portion of the parking area of the development at Lithia and First streets. The market would like to begin operation in June of 2008. If approved for the following year, we would like to begin the market in May.

A downtown location is the favored choice of our customers and potential customers. In a survey of 335 of our customers' and potential customers' households in Ashland this year, 105 households or just over 31 percent reported that a downtown Ashland location would be the most convenient location for them. That response was closely followed by 30 percent who favored the Armory location.

We are limited in our ability to use the current Armory site on weekends due to occasional National Guard activities. Our request to use the Southern Oregon University South Mountain Ave. parking lot was denied by school administration.

We believe the downtown Ashland site is an appropriate location because of its central location and enthusiastic property owner. The proximity of adjacent residential neighborhoods will encourage customer walking and biking. The market will provide spillover customers to nearby downtown shops and restaurants during a lower-use period of office-commercial uses. Some customer parking will be provided on-site and other parking will be available in the three city-owned lots within a one-block radius.

We see this season as a trial period to determine if the location meets the needs of RVGCM and its customers as well as the site's neighbors and the community as a whole.

We will fully cooperate with any requests from the city or neighbors to modify our operations to achieve this goal. In the long term, we continue to look for a permanent location to house our Tuesday and Saturday markets where we can create site improvements and have the security of a long-term lease.

### 3. **Project Overview**

**Site Layout:** The site will allow for 25 ten-by-ten-foot pop-up canopies in the North-East parking sections of the site (see site plan for details). A minimum of 15 vendors will be selling fresh fruit, vegetables, flowers, bedding plants, meat and eggs; a maximum of seven vendors will be selling value-added products such as cheese, breads, pasta, dog bones and jam; a maximum of three vendors will be selling agricultural crafts. No cooking will take place on site.

**Hours of Operation:** Vendors will arrive no earlier than 8am to begin off-loading their vehicles. Vehicles will be off-loaded and parked by 8:30am. Vendor booth set-up will take place from 8-9am. Sales will take place from 9am to 1pm. Vendor take-down will proceed from 1pm to 2pm. The market will be responsible for leaving the area clean and disposing of minimal market waste off-site.

**Vendor Parking:** Vendors will be able to off-load and park in the undeveloped lots labeled 5 & 6 on the site plan. We estimate that this area will accommodate approximately 18 vehicles. Additional vendor parking (10 spaces) is being provided in the private Elks parking lot catty-corner to the site. A total of 28 vendor parking spaces are available which will more than accommodate our anticipated 20 vendors, volunteers and staff. (Some vendors will utilize more than one booth.)

**Customer Parking:** 22 customer parking spots will be available on-site. This consists of 14 compact, six regular and two handicapped in the West of the site and adjacent 64-space city-owned lot at the corner of Lithia and Pioneer. Two additional municipal parking lots (Lithia Way lot, Second Street lot) are located within one block of the proposed market. Bicycle parking exists in the adjacent municipal lot.

Ashland Municipal Code does not specify how many parking spaces are required for a farmers market. 18.92.020 B3 specifies that general retail commercial provide one space for 350 square feet of gross floor area. We estimate our square footage at 2500 square feet, the equivalent of just over seven (7) spaces. We do not want to exceed the maximum allowable number of automobile parking spaces allowed by code; however, because the market is a concentrated use, we believe the number of spaces we plan to provide is appropriate.

**Access:** Pedestrians will enter the site from the walkway off First Street, from the fire lane/alley off First Street and from the customer parking area to the West. Customer vehicles will be blocked from entering the market area at the edge of the parking area and the First Street entrance using cones. Vehicle access will be through the city-owned lot accessed either from Lithia Way or Pioneer Street.

**Restrooms:** One or two porta-potties will be located in a parking space at the SW corner of the customer parking area (see site plan for exact location). This location is screened by the tall landscaping between the city lot and the development.

**Signage:** Two 2x3 foot temporary sandwich boards will be placed on site and off the sidewalk during market hours: one at the NW corner of Lithia and First Streets in the construction area and the second in the landscaping at the NE corner of Lithia

**Construction Activity:** Construction of the first building of the First Place development will be ongoing during the market season; however, no work will take place during market hours. The entire construction zone as well as the pedestrian walkway and landscaping area in the SW section of the site (the entire frontage on Lithia Way) will be fenced off to prevent pedestrians from danger and to prevent damage to the building site. All construction equipment, vehicles and building materials will be stored in this area (lots 1-4 on the site plan). If the building is to be occupied before the completion of the season, we would switch the location of the customer parking and the market booths. This would increase the amount of customer parking available. The property owner is prepared to include a provision in the CCRs that would prioritize market use of the parking area during market operations.

4. **Economic and Community Impact**

Markets are microcosms of their communities. They contribute to economic development, the improvement of health issues, and the creation of community. Studies conducted by the Oregon State University Small Farms Program have shown that markets draw shoppers to the downtown commercial districts of cities across the state. A significant percentage (33-65%) of shoppers at downtown markets say they shop at neighboring businesses. Please reference the attached technical report for details.

A 2002 study conducted by the Project for Public Spaces (PPS) identified six prominent impacts of markets. PPS surveyed customers to learn the greatest benefit of markets to communities. Over 26% of people believed the greatest benefit to be that markets “bring people together.” The other responses show that customers perceive markets as places to buy healthy affordable food and as places that contribute to their communities, economically or socially. The survey results are listed below and can be found at [http://www.pps.org/markets/info/markets\\_program](http://www.pps.org/markets/info/markets_program)

1. **Renews Downtowns and Neighborhoods**

- Act as an anchor for local businesses
- Encourage spin-off development
- Enhance real estate value & tax base
- Keep dollars in the neighborhood

2. **Brings Together Diverse People**

- Create places for people to gather
- Enable mixing of diverse ethnic, cultural, & age groups
- Encourage sense of pride & volunteerism

3. **Creates Active Public Space**

- Bring new life to underused spaces
- Reduce actual crime—and perceived security— by bringing people together
- Create engaging walking environment

4. **Provide Economic Opportunity**

- Low start-up cost
- Small business incubation
- First step for new immigrants
- Opportunity for surrounding businesses

5. **Shape Growth and Minimize Sprawl**

- Support compact, walkable communities

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Department

- Help preserve open space and family farms
- 6. Promote Public Health**
- Increase access to fresh, affordable food
- Reduce isolation and depression
- Support community garden and urban agriculture projects

5. **Findings**

The proposed site is zoned C-1, Retail Employment District. Under the conditional uses in the commercial zone, we would classify our market as a “temporary activity” using pop-up canopies. No permanent structures will be erected. The Conditional Use and Site Review conditions follow:

**18.104.050 Approval Criteria**

A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

The proposed market use would result in the temporary erection of canopies for the sale of produce and fruit; and parking for market vendors and customers. The market conforms to all standards of the C-1 Retail Employment District. See previous discussion on parking.

B. 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.

Infrastructure is in place as a component of the development. The property owner has provided water spigots and electrical outlets for the market’s use. Only one vendor will need electricity for a freezer. Minimal greywater from buckets of cut flowers (approximately 10 gallons per market) will be disposed of through the stormwater drain. The market will maintain a minimum 15-foot wide fire lane from First Street to the city parking lot on Pioneer Street. In most locations the width will be 22 feet. Sewer will be provided by appropriately screened porta-potties (see previous discussion and site design for location).

C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:

1. Similarity in scale, bulk, and coverage.

The market use will be similar in scale, bulk and coverage to a high-intensity use of the parking lot.

2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

The proposed site is located between First and Pioneer Streets along Lithia Way, a major arterial. Anticipated traffic will be similar to a high-intensity use of the parking lot. We anticipate that the vast majority of the vehicles coming to park nearby will access the site from Lithia Way and Pioneer Street because of the parking configuration. Those who park to the South will approach the market on foot. The number of trips should be well within the capacity of Lithia Way.

It is our hope that the proximity of residential areas to the downtown will encourage our customers to walk or bike to the market. Unfortunately, RVTD does not run on Saturdays.

3. Architectural compatibility with the impact area.

This criterion is not applicable to the proposal as the proposed use is temporary. Canopies will only be erected for four hours once a week for the summer and early fall.

4. Air quality, including the generation of dust, odors, or other environmental pollutants.

The odors generated by the market will be those of flowers and plants. No hot food vendors will be attending this market due to space limitations.

5. Generation of noise, light, and glare.

Vendors would begin setting up at 8am and be gone by 2pm. Market rules prohibit the use of generators. Noise would be limited to human voices, light truck loading/unloading and acoustic music during market hours. No amplified sound will be allowed. No lights are needed as the market will take place during daylight.

6. The development of adjacent properties as envisioned in the Comprehensive Plan.

The market will be taking place during construction of the first building of First Place (lot 1). The construction area will be secured with fencing to protect customers as well as construction equipment, vehicles and building materials. All of this will take place in lots 2, 3 and 4. See previous discussion.

7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

Additional issues will be addressed as required.

#### **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 S6, 1999)

All Site Review Criteria have been met as a component of the approved First Place site plans for the development.

#### **18.61.200 Tree Protection**

A. Tree Protection Plan Required.

A tree protection plan has been approved as a component of the approved First Place site plans. Existing landscaping around the parking lot will be protected by the curbs. RVGCM Site Managers will emphasize with the market vendors to not damage any vegetation or trees during market. The Grants Pass market operates in a similar location and has been a good friend to the parking lot's landscaping. In addition, landscaping will be protected from customers by the vendors' canopies.

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# Oregon Small Farms Technical Report



## Research Brief: How Do Farmers' Markets Affect Neighboring Businesses?

By Larry Lev, Linda Brewer, and Garry Stephenson  
Oregon State University

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Oregon Small Farms  
Technical Report Number 16

December 2003

Oregon State University Extension Service



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City of Astoria  
Community Development

**Research Brief:  
How Do Farmers Markets Affect Neighboring Businesses?  
Larry Lev, Linda Brewer, & Garry Stephenson  
Small Farms Extension Program, Oregon State University**

**Introduction**

The overall economic impacts of farmers' markets include:

- The direct impact of market sales;
- The indirect impact of market sales
  - Increases in other farm sales generated by presence in the market
  - Multiplier effect of market sales;
- Spillover sales generated by farmers' market shoppers who also make purchases at neighboring businesses.

This fact sheet focuses on the third of these elements. Since 1998 we have collected information on this issue at a series of markets in the Northwest. Each local situation is unique so it is important not to interpret the results too broadly. Still, the sum of the results do provide some insights.

**Survey Results**

All data discussed in this fact sheet are summarized in Table 1. More complete results are provided in the individual market reports.

**QUESTION: Do farmers markets attract people downtown, or do they merely sell to people who are already there?**

When we started our research in 1998, we viewed this as an unknown and asked this question on multiple occasions in the two towns of Corvallis and Albany, Oregon. The data demonstrated that the markets themselves were the primary draw for shoppers in both Albany (88%) and Corvallis (78%). The question also included a "partial reason" category (5% and 10% respectively) so the drawing power of the markets is clearly the overwhelming reason for people being downtown. As a result, since 1998 we have not asked this question at weekend markets.

Midweek markets are a different story. We asked this question at midday, midweek markets in both Portland and Eugene Oregon. In both instances, market management was surprised by the results. In Eugene, a town of 150,000, 45% of the shoppers were downtown not because they lived or worked there but rather because of the market itself. In the larger town of Portland (more difficult to get there and to find parking) 24% of the shoppers came downtown specifically to attend the market. Both results indicate a higher than anticipated drawing power for the markets.

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**QUESTION: Once there, do farmers market shoppers also shop at neighboring businesses?**

This question was asked in 7 markets, 6 in Oregon and 1 in Idaho. The results indicate that between 33% (Beaverton, OR) and 65% (Grants Pass, OR) of those attending the market also did additional shopping at neighboring businesses on the same trip. While the presence of the market may dissuade some potential shoppers from coming downtown, these data demonstrate that farmers markets are a net draw and provide the opportunity for neighboring businesses to make additional sales. Retailers with complementary products are in the best position to profit from the influx of customers.

Hillsdale market shoppers responded to a slightly different question but provided similar results. Forty percent of the Hillsboro shoppers indicated that they had increased purchases at local shops and restaurants as a result of their shopping at the market.

**QUESTION: How much do farmers' market shoppers spend at neighboring businesses (on the same shopping trip)?**

Table 1 presents data for 7 markets. The dollar figures are based on customer estimates and are more likely to be under- rather than overestimates. The raw dollar figures are given further context for six of the markets by indicating the percent of in-market spending that the spillover spending represents. In the case of the Corvallis market in 1998, the \$11,000 spent at neighboring businesses represented 87% of the money that those same consumers spent in the market. The spending ratios range from a low of 31% to a high of 92%.

The comparison between Corvallis and Albany, two neighboring Oregon towns, is an interesting one. The two markets are of roughly similar size. The spillover spending is much higher in Corvallis for two reasons. First, the Albany market has earlier hours (8 AM to Noon versus 9 AM to 1 PM) and therefore more market shoppers arrive before many of the downtown businesses are open. Secondly, the Corvallis market has more retail stores in close proximity to the market. Other towns that exhibited particularly strong spillover sales were Grants Pass and Moscow, ID. Both have compact downtowns and attract shoppers from the surrounding area.

***Cautions on Interpreting the Data***

- Each market is different.
- For any given market, some retailers may experience a benefit from spillover sales while others find that their sales have been reduced.
- In collecting data in farmers' markets, some shoppers are reporting what they have done; others are reporting what they intend to do. Both can lead to inaccuracies.

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<b>Table 1: Impact of Selected Oregon Farmers' Markets on Neighboring Retailers, per Market Day in Indicated Years</b>					
	<b>% Downtown specifically for market</b>	<b>% Who also shopped outside market</b>	<b>Estimated total spent OUTSIDE market</b>	<b>Estimated total spent INSIDE market</b>	<b>Spending ratio: outside market/ inside market</b>
<b>Weekend Markets</b>					
Corvallis (1998)	78	63	\$11,000	\$12,700	0.87
Albany (1998)	88	38	\$ 4,400	\$11,400	0.39
Hollywood District, Portland (2000)	NA	47	\$16,200	\$30,687	0.53
Grants Pass (2001)	NA	65	\$22,000	\$24,000	0.92
Beaverton (2002)	NA	33	\$38,400	\$125,000	0.31
Hillsdale (2002)	Forty percent of respondents reported more frequent trade with neighborhood shops and restaurants as a result of shopping at the market.				
Moscow ID (2003)	NA	55	\$19,360	\$25,554	0.76
<b>Weekday Markets</b>					
Portland Wed (2000)	24	NA	NA	NA	NA
Eugene Tue (2000)	45	NA	NA	NA	NA
Portland Th (2003)	NA	42	\$10,545	NA	NA

Research conducted by Oregon State University Extension Small Farm Program 1998-2003 and by the University of Idaho and Rural Roots (Moscow Report). Additional information available: <http://smallfarms.oregonstate.edu/techreport.htm>.

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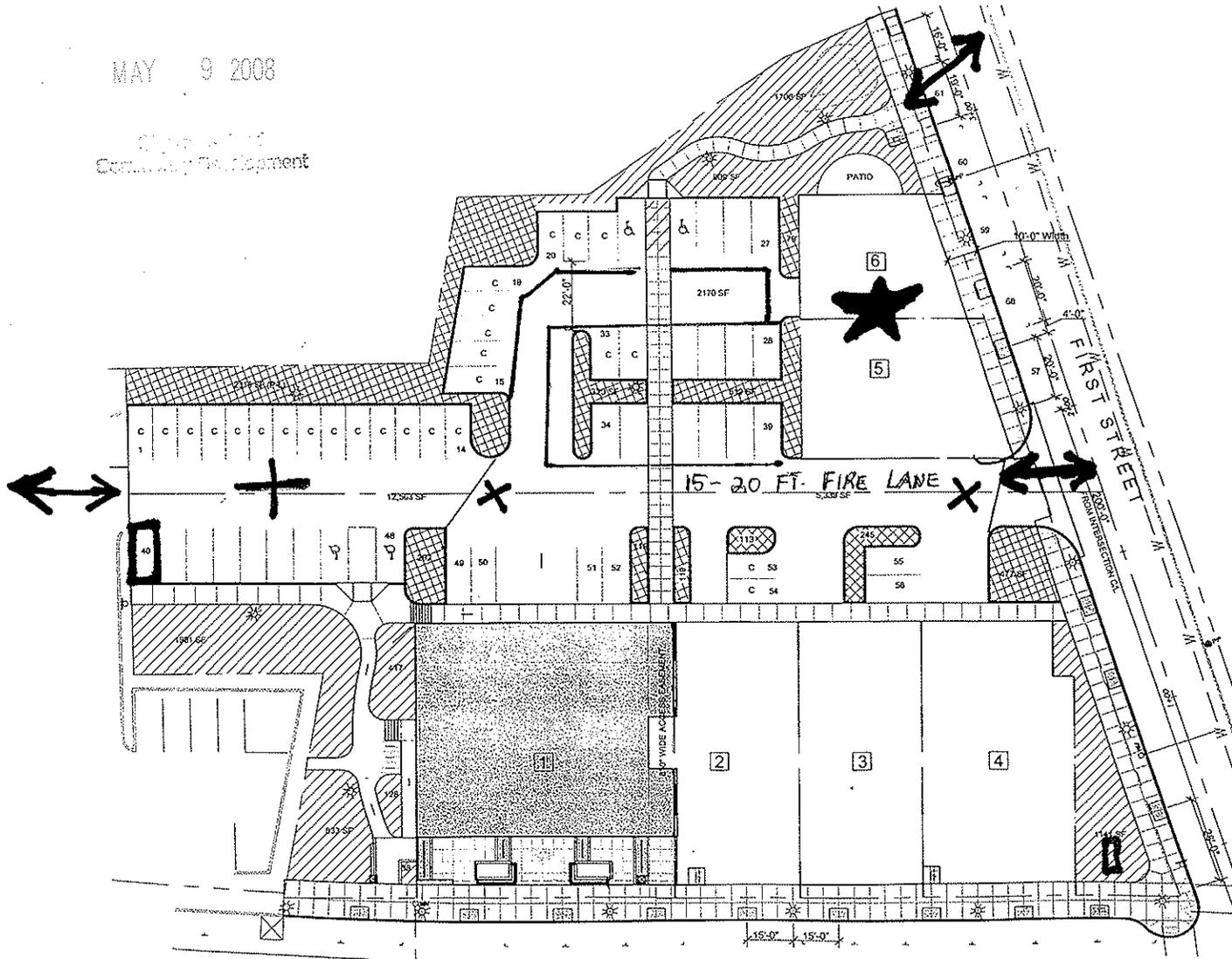
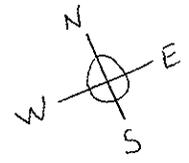
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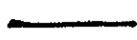
# RUGCM SITE PLAN

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-  VENDOR PARKING
-  VENDOR BOOTHS
-  PORTA POTTY
-  CUSTOMER PARKING
-  CUSTOMER ACCESS
-  VEHICLE BARRIER
-  SIGNAGE



## Maria Harris - Fwd: Comment on Proposed Ordinance...

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**From:** Maria Harris  
**To:** Maria Harris  
**Date:** 5/22/2008 12:06 PM  
**Subject:** Fwd: Comment on Proposed Ordinance...

---

>>> "James Camp" <oldmancamp@gmail.com> 05/16/08 3:25 PM >>>  
Dear Ms. Anderson and Ms. Harris,

We are writing to you because we have concerns about the proposed Water Resource Protection Zone Ordinance. We believe the proposed ordinance will negatively impact our use (including economic benefits) of our property at 475 Fordyce St. in Ashland.

Because an intermittent stream crosses our property for a length of 100 feet, the proposed Ordinance will increase the restricted use area of our property from about 2600 square feet under current law to about 4600 square feet under the proposed Ordinance by our estimations. Almost 1/3 of our property will be use restricted with the proposed Ordinance in place.

The restrictions will make most of the subject area unusable to us except as a scenic or wildlife corridor. Particularly, 1) the proposed Ordinance will make it much more difficult to divide our property into two lots (something the planners lead us to believe was "easy to do" when we bought the property in 1989), and 2) the Ordinance will make it impossible to vegetable garden on much of our property - something that might be very important if current worldwide trends toward food shortages increase.

Could the proposed Ordinance be modified to limit the area of restrictions if the percent of restricted property was greater than some constant...say 20% of the total property? Could the ordinance include provisions that would allow the raising of food crops in all or part of the otherwise restricted area? Could the Ordinance set guidelines making it easier for planners to approve lot splits on properties affected by the ordinance?

We would appreciate a reply. Thank you.

Sincerely,

Jessie and James Camp  
475 Fordyce St.  
Ashland, OR 97520  
(541) 482-4358

**From:** Rick Landt <landtifam@opendoor.com>  
**To:** Maria Harris <maria@ashland.or.us>  
**CC:** Cyndi Dion <cyndid@osfashland.org>  
**Date:** 6/1/2008 10:01 PM  
**Subject:** Riparian Comments for Planning Commission packet  
**Attachments:** Part.001; Riparian Ordinance Comments 6-08; Part.003; Part.004

Hi Maria,

Here are the comments I would like you to include in the PC packet. I attached a word document and put the same info in the text below.

Thanks,

Rick

Riparian Ordinance Comments

1 June 2008

submitted by Rick Landt

Please include in the Planning Commission packet for the upcoming Planning Commission Water Resources Study Session

Clarification of Discussion at Last Meeting:

At the last Water Resources Ordinance Study Session, concerns were raised about using "center of creek" as a measurement point since the "center of creek moves over time." It was also pointed out that the main current is not always in the center of the creek. My sense of the conclusion at the meeting based on those two assertions was that top of bank was a better measurement than center of creek since center of creek moved.

I am not going to dispute those assertions as I believe them to be true. I do believe that the conclusion needs to be examined more closely.

First, not only does center of creek move over time in a natural creek setting with a broad floodplain like Ashland Creek below Hersey Street and Bear Creek as it flows through and by the City limits, but top of bank move with it. That is why there is a remnant channel hundreds of feet from the existing channel along Ashland Creek below Hersey Street. The other assertion regarding the location of the main current not being necessarily central is basically irrelevant since one of the main objectives of this ordinance is to protect riparian vegetation and riparian vegetation relates to water table, not location of current.

Thought Related to Clarification:

Particularly for Bear Creek and Ashland Creek below Hersey Street due to the broad floodplain and the relatively undeveloped state of most of the area, I recommend that the flood plain be used for reference for some degree of protection since over time, the creek, left alone, will find different channels within the flood plain. If all we do is protect a 100-120 foot wide corridor, at some future time, what is being protected will not include the creek.

Reiteration and Clarify of Comments I Have Previously Made:

There is no reason I can deduce, why there should be two ways, center of creek and top of bank, for measuring the protected zone in the non-fish bearing streams. That is unnecessarily burdensome. Since these non-fish bearing streams are in virtually all cases only a few feet across, using center of creek would be a sufficient.

In general, I would like to see simple, easy to determine boundaries for the limits of the protected areas.

If the City is serious about protecting our water resources, the sewer lines need to be removed from the creek corridors. These lines are constantly at risk of leaking into the creeks and any leak, no matter how small, leads tree roots into the lines, in many cases necessitating tree removal. Major reconstruction of the lines will require major destruction of the riparian zone along the 20 foot sewer easement. Any forward thinking City capital improvement plan should include an alternate sewer line, avoiding our water resources. Currently, a sewer main along Ashland Creek is within just a few feet of the creek. Due to this proximity, channelization of the creek has occurred to protect the line.

What is the plan for ephemeral and intermittent streams that would allow bypassing TID canals and keeping the water in its natural course?

Tree size is not so important in riparian areas because water is not a limiting factor and therefore growth is very fast. Additionally, the trees in riparian areas tend to be short-lived due to violent flood forces and because some riparian species by their nature have short lives. Therefore, it is important to protect a variety of tree sizes to insure that a tree canopy is maintained. It should also be noted that tree planting is not necessary in a healthy riparian environment. In that situation, tree seeds will sprout and grow with no aid from humans. Thus, a healthy environment is the critical ingredient.

Emphasis on native trees is not as important as a healthy environment. In a healthy environment, native trees will thrive and if a few non-natives get planted, so what.

I don't see how the City plans to enforce this ordinance. Unfunded mandates are not a good thing. Unenforced laws lead to disrespect of the City in general.

There is a lot of non-permitted, illegal development along the creeks. A plan for removing this development should be created.

Finally, what the vision for the future? If the vision was clear, the ordinance would follow more easily.

# IPCO DEVELOPMENT CORP

Ashland, Oregon ▪ Martinez, California

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JUN 05 2008

City of Ashland

Field  Office  Court

June 2, 2008

Bill Molnar  
Planning Director

June 10 will be the next hearing for an Ordinance creating a Water Resource Protection Zone. Any landowner with a creek on their property should attend and speak out.

The goal is to designate 30 feet both sides, or 60 feet total, as non-usable. Gas powered chainsaws, weed abatement equipment for maintenance, or "non-native" plants will not be allowed in that area.

Those properties which have structures, lawn and landscaping already in these areas may leave them for now. Future plans, when the ordinance passes, will be null and void.

That will be very bad for those of us who invested in property because of versatile zoning that increased it's future value for ourselves and our heirs. The ordinance concept is for ownership to be retained, but land use will be extremely restricted along the creek.

No Person with any sense would agree to this devaluation, and it has been made clear, compensation is never going to be offered. Who would purchase land with a 60 foot wide swath of useless weeds and brush through it? All the homes in my area will have no yards when the ordinance passes.

Talent Irrigation District, Jackson County, and the City of Ashland all have, and use, maintenance right of ways along my creek property. With their help, I keep the creek safely flowing through my land, and that I will fight to continue. I believed I was performing a service and improving my neighborhood by maintaining my creek side. Soon I'll be breaking the law.

I have tried to participate in the ordinance hearings. It is very frustrating for all involved, and as yet I have not made any significant points in my opposition. In conversation with head Planner, Bill Molnar, I was reminded how futile any attempt is to oppose an ordinance the City wants to pass, especially when suggested by people in Salem. If this is a rule or excuse, I'm not sure. Bill gave me the impression an ordinance will pass eventually and that is sickening.

Because this could negatively impact so many landowners, I question the legality of this process. Hopefully others will also and speak out.

There are points I have not brought up yet, but as Planners work this out, other issues beyond property condemnation should be explored. One example is Ashland's practice of taking system development money from developers and dumping surface water into open creeks above properties who have not given consent or even been notified.

Instead of restricting those of us who have creek frontage, I would like consideration given to compensate us for using our land to drain accumulated storm water. This is much more damaging to our creeks and those with creeks are paying the price already.

There should be much further investigation and possibly other findings might be more damaging than mowing weeds and trimming dead trees beside a creek in someone's yard.

Look at the rules in place for creeks already. Must you punish a few of your citizens with such a restrictive ordinance?

Zach Brombacher

cc/ms

**BEFORE THE HEARINGS BOARD**  
**June 10, 2008**

IN THE MATTER OF PLANNING ACTION #2008-00353, REQUEST FOR A )  
CONDITIONAL USE PERMIT TO OPERATE A PRIVATE DANCE SCHOOL ) FINDINGS,  
AND FOR A VARIANCE TO THE REQUIRED NUMBER OF PARKING ) CONCLUSIONS,  
SPACES AND A VARIANCE TO THE REQUIRED PROXIMITY FOR ) AND ORDERS  
OFFSITE PARKING FOR A PROPERTY LOCATED AT 215 FOURTH )  
STREET. )  
)

**APPLICANT:** ASHLEY JENSEN

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**RECITALS:**

- 1) Tax lots 3600 & 3502 of 39 1E 09BA is located at 215 Fourth Street and is zoned E-1, Employment. The applicant is requesting a Conditional Use Permit to operate a private dance school and a Variance to the required number of parking spaces and a Variance to the required proximity for offsite parking for a property located at 215 Fourth Street.
- 2) The criteria for Conditional Use Permit are described in AMC Chapter 18.104.050, as follows:
  - A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
  - B. 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.
  - C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
    1. Similarity in scale, bulk, and coverage.
    2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
    3. Architectural compatibility with the impact area.
    4. Air quality, including the generation of dust, odors, or other environmental pollutants.
    5. Generation of noise, light, and glare.
    6. The development of adjacent properties as envisioned in the Comprehensive Plan.
    7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.
- 3) The criteria for a Variance are described in AMC Chapter 18.72.090, as follows:
  - A. That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.
  - B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).
  - C. That the circumstances or conditions have not been willfully or purposely self-imposed.

- 4) The Hearings Board, following proper public notice, held a Public Hearing on May 13, 2008 at which time testimony was received and exhibits were presented. The Hearings Board approved the application, subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Hearings Board of the City of Ashland finds, concludes, and recommends as follows:

## **SECTION 1. EXHIBITS**

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

Staff Exhibits, lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## **SECTION 2. CONCLUSORY FINDINGS**

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

2.2 The Hearings Board finds that dance school uses are a Conditional Use in the E-1 zoning district.

2.3 The Hearings Board finds that the public utilities have capacity to serve the development. Water, sewer, paved access to and through the development site, electricity, and urban storm drainage are currently in place. Sidewalks and street trees are in place. New street tree grates will be provided as a condition of the project.

2.4 The Hearings Board finds that the application for the dance school use meets the approval criteria for a Conditional Use Permit and that the conditional use will have no greater adverse material effect on the livability of the impact area than the target use of the zone.

2.5 The Hearings Board finds that the request for a Variance to the required number of parking spaces is supported by the evidence in the record. These circumstances were in place prior to the applicants' acquiring the property and as such were not willfully self-imposed. There will be no greater impact on the available parking during the day than is created by the existing non-conforming uses. The evening parking required for the dance school will be provided through an agreement with the property at 500 "A" Street.

2.6 The Hearings Board finds that the request for a Variance to the required distance for off-site, shared parking is supported by evidence in the record. The Planning Commission finds that the buildings location in the Railroad Historic District and the fact that the existing historic building takes up the majority of the site, and the lack of available off-site parking within 200-feet constitute a unique situation that is not self imposed. Additionally, the Planning Commission finds that the benefits of the proposal will be greater than the negative impacts.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Hearings Board concludes that the applications for a Conditional Use Permit to operate a private dance school and for a Variance to the required number of parking spaces and a Variance to the required proximity for offsite parking for a property located at 215 Fourth Street have satisfied all relative substantive standards and criteria and are supported by evidence in the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #22008-00353. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2008-00353 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the 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 Conditional Use Permit approval shall be submitted and approved prior to issuance of a building permit.
- 3) That all conditions of the Historic Commission, where consistent with the applicable ordinances and standards and with final approval by the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That any changes to the exterior of the building shall require a modification of this Conditional Use Permit approval.
- 5) That the applicants shall obtain a sign permit prior to the installation of any signage on the site. Signage shall be subject to the requirements of the Sign Regulations found in Chapter 18.96 of the Ashland Municipal Code, and shall be reviewed by the Historic Commission Review Board and the Staff Advisor prior to the issuance of a sign permit.
- 6) That if electric equipment such as transformers or meters are installed, an electric layout plan shall be submitted for review and approval of Ashland Electric, Building and Planning prior to installation
- 7) That all requirements of the Ashland Building Department be met prior to occupancy, including submittal of plans to Building Department due to change in occupancy.
- 8) That prior to the issuance of a certificate of occupancy, the bike rack details and shelter requirements shall be submitted for review and approval by the Staff Advisor. All bike and shelter improvements shall be installed in accordance with the design provisions in Chapter 18.92.
- 9) That prior to the issuance of a certificate of occupancy, the applicant shall install metal street tree grates that meet the City of Ashland standards for tree grates.

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Hearings Board Approval      Date

**HISTORIC COMMISSION**  
**Meeting of April 2, 2008**

**POLICY RECOMMENDATION**

**Recommendation to Planning Commission and City Council:**

The Historic Commission, as a body, wishes to articulate to the Planning Commission and the City Council that the policy allowing transient housing (Traveler's Accommodations) in the historic district's residential neighborhoods has had a deleterious effect by contributing to a shortage of rental housing, and by diminishing the sense of place by creating a disproportionate commercial presence in the residential neighborhoods.

The motion was approved by majority vote, 5 for and 3 against.

