

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
FEBRUARY 10, 2009
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. January 13, 2009 Planning Commission Meeting
 - 2. January 24, 2009 Planning Commission Study Session
- IV. **PUBLIC FORUM**
- V. **TYPE II PUBLIC HEARING**
 - A. **PLANNING ACTION: 2009-00043**
SUBJECT PROPERTY: 380 Clay Street
APPLICANT: Housing Authority of Jackson County
DESCRIPTION: A request for modification of the previously approved Planning Action #2004-00141 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential affordable housing development for the property located at 380 Clay Street. A previously approved request for an Exception to Street Standards to allow a portion of the sidewalk on Clay Street to be installed at curbside to accommodate a cedar tree on the southwest corner of the site remains unchanged, and the application also includes a request for a tree removal permit to remove 12 trees six-inches in diameter at breast height (d.b.h.) or greater where only eight trees were previously approved for removal. (*This property is owned jointly by the City of Ashland and the Housing Authority of Jackson County. The 2004 Annexation and Performance Standards Subdivision approval for Willowbrook Subdivision was for 107 residential units. The required minimum density of the site can be met through future development of the remainder of the property.*)
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential;
ZONING: R-2; **ASSESSOR'S MAP #:** 39 1E 11C; **TAX LOT #:** 2500
 - 1. Adoption of Findings for PA #2009-00043, 380 Clay Street
- VI. **TYPE III PUBLIC HEARING**
 - A. **PLANNING ACTION: 2008-02013**
APPLICANT: City of Ashland
DESCRIPTION: Public Hearing regarding Ordinance Amendments to the Sign Regulation Chapter (18.96) of the Ashland Land Use Ordinance, relating to changes in the type, size, number and materials of signage allowed within residential and commercial zones.
- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
JANUARY 13, 2009

CALL TO ORDER

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

Commissioners Present:

Michael Dawkins, Chair
Mike Morris
Debbie Miller
Pam Marsh
Melanie Mindlin
Michael Church
Tom Dimitre
Dave Dotterrer

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Amy Anderson, Assistant Planner
Richard Appicello, City Attorney
April Lucas, Administrative Assistant

Absent Members:

None

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the public hearing on the Water Resource Protection Zones Ordinance has been rescheduled to the March 3, 2009 City Council meeting. He also noted staff would be presenting a brief update of the Croman Mill Redevelopment Plan at the February 3, 2009 Council meeting.

Commission Chair Dawkins requested the Commission save a few minutes at the end of the meeting to discuss absenteeism on the Planning Commission.

CONSENT AGENDA

- A. Approval of Minutes
 - 1. December 9, 2008 Planning Commission Meeting
- B. Approval of Findings for 232 Vista Street, PA #2008-01517

Commissioners Church/Mindlin m/s to approve the December 9, 2009 Planning Commission minutes. Voice Vote: Commissioners Dawkins, Morris, Miller, Marsh, Mindlin and Church, YES. Commissioners Dimitre and Dotterrer, ABSTAINED. Motion passed 6-0.

Declaration of Ex Parte Contact

No ex parte contact was reported by any of the commissioners in regards to 232 Vista Street.

Commissioners Marsh/Morris m/s to approve the Findings for 232 Vista Street. Roll Call Vote: Commissioners Church, Marsh, Miller, Mindlin, Morris, and Dawkins, YES. Commissioners Dimitre and Dotterrer, ABSTAINED. Motion passed 6-0.

PUBLIC FORUM

Ron Roth/6950 Old Highway 99S/Commented on the increased amount of cigarette butts discarded on City streets now that smoking is banned in restaurants and bars. Mr. Roth recommended the City provide and maintain outdoor cigarette receptacles in the downtown area and stated these could be emptied each week along with the regular trash pickup.

PUBLIC HEARINGS

A. Greater Bear Creek Valley Regional Problem Solving Agreement

PLANNING ACTION: 2008-01984

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

Mr. Molnar explained the task before the Planning Commission tonight is to determine whether the Participant's Agreement is consistent with the RPS statute, and issue a recommendation to the City Council on whether or not they should sign the Agreement. He provided a brief overview of the Regional Problem Solving process and noted five of the other communities involved have already signed the Agreement. He clarified that by signing, the City is not adopting the Regional Plan, but rather is agreeing to send the Plan through Jackson County's Comprehensive Plan amendment process. Mr. Molnar noted a recommendation from the Planning Commission is required because this is a land use decision and therefore needs to go through the City's normal process, which includes a public hearing before the Planning Commission.

Mr. Molnar provided a brief overview of the elements in the Agreement and stated it is Staff's opinion that the Agreement is consistent with the RPS statute. He noted the City did not identify any urban reserve areas and instead plans to accommodate increased population by utilizing existing lands within the Urban Growth Boundary. Mr. Molnar commented on his experience with the Ashland Planning Department over the last 20 years and noted the importance of Ashland being a participant in regional planning. He commented that Ashland's approach to planning has often been viewed as different from the rest of the valley, and noted at times there has been frustration within the community when the City's accomplishments are diluted by other actions occurring in the region. He stated this is Ashland's opportunity to not just influence change within our community, but also among the other jurisdictions in the valley. Mr. Molnar stated the Agreement represents the City's solidarity with the other participants in letting the Plan go through the County's process. He added there would be an opportunity for the City and the other participants to present comments and concerns during the County's land use process.

Mr. Molnar introduced City Councilor Kate Jackson, who is also the Chair of the RPS Policy Committee. Councilor Jackson elaborated on her involvement with regional planning and expressed her hope for the City to continue its current level of involvement. Jackson explained tonight's decision is whether the City should sign the Agreement and remain a participant with the project. She noted the Regional Plan will need to go through the County's land use adoption process, and individual cities that have identified urban reserves will need to take those changes through their own Comprehensive Plan amendment processes. Jackson clarified this Agreement would coordinate these land use changes into a standard timeframe.

The Commission opened the discussion and shared their preferences and concerns regarding the signing of the Agreement.

Miller applauded Councilor Jackson for her efforts, but expressed concern with the wording "agree to abide by a Plan" which is contained on page 3 of the Agreement. City Attorney Richard Appicello clarified the Planning Commission is charged with reviewing the Agreement for consistency with the RPS statute. He stated the Agreement does not adopt the Draft Plan, but it does agree to submit it through the County's land use process and agrees that Ashland will abide by and make consistent Comprehensive Plan amendments to what is adopted by the County. Jackson added that any group or City can testify for or against the elements of the Plan at the County's public hearings. If the adopted Regional Plan is found to be unsatisfactory to a particular City or group, they can appeal the County's decision under the standard land use law.

Council Liaison Navickas noted the comments that were submitted by the City Council in November 2007 and expressed his disappointment that they have not received a response. Councilor Jackson indicated the Council's comments were addressed and are available for review on the Rogue Valley Council of Government's website.

Dawkins questioned what would happen if Council signs the Agreement and the City ends up disagreeing with the outcome. Mr. Appicello clarified the City has not designated any urban reserves, and signing the Agreement empowers the City to have a place at the table and a say in the process. He stated if the City signs the Agreement, we will need to participate in the public hearings in order to protect our point of view. He added participation in this process is the only way the City will be able to influence what is going on in the other jurisdictions.

Dimitre noted "Section XII: Termination of Participation" on page 15 of the Agreement. He stated the City of Jacksonville decided not to sign the Agreement and asked for clarification of that decision. Councilor Jackson indicated the City of Jacksonville took the position that the Agreement did not need to be signed until after the Regional Plan is adopted. She provided a brief overview of how the Agreement was developed and stated a signed Agreement is necessary at this point to identify which groups are participating. She added it is her belief that this is the best way to submit the Plan to a public process and to make further adjustments.

Comment was made that because Ashland did not identify any reserves, they have nothing to lose. Navickas disagreed and stated if the City ever wanted to expand its Urban Growth Boundary, they could not do so without going through an amendment process.

Miller noted the Council has already expressed their support and asked if there was any legal reason why this Agreement had to be signed prior to the Plan being developed.

Trish Bowcock/705 East C Street, Jacksonville/She stated she does not oppose Regional Problem Solving or the draft version of the Plan, but opposes the process. Ms. Bowcock said the City is being asked to sign a legally binding contract and at this point nobody knows what the Final Plan will be. She stated if they do sign the Agreement and are unsatisfied with the Final Plan, the only way to avoid implementing it is to abide by Section XII, which subjects the City to strong disincentives. Ms. Bowcock claimed the statute does not suggest that this Agreement needs to be reached before the Plan is finalized, but rather is only needed prior to the adoption of the Plan by the Land Conservation and Development Commission. She added if a Participants Agreement is needed at this stage in the process, a much simpler agreement should be drafted.

Ron Roth/6950 Old Highway 99S/Expressed concern with the City signing the Agreement and questioned what they were agreeing to. He disagreed with the inevitable doubling of population and stated the Agreement before the City is too vague. Mr. Roth voiced his appreciation for Staff's optimism that Ashland's values would rub off on the rest of the County, but does not think this will happen. He stated regional planning is conceptually a good idea, but does not believe it is a good idea for Ashland to sign the Agreement.

Brent Thompson/582 Allison Street/Allocated his time to Greg Holmes.

Greg Holmes/235 NW 6th Street, Grants Pass/1,000 Friends of Oregon/Expressed concern with the process and the Agreement itself. Mr. Holmes voiced his objections to agreeing to the outcome of a process that has not been completed yet, and noted once the Agreement is signed, they would not be able to remove themselves from the process without sanctions being imposed. He noted two other RPS processes in Oregon that made it further along in the process than they are now, and neither one had an agreement in place before they started their hearings. He indicated there is nothing in the statute that states the Agreement needs to be signed at this point in the process, and stated they can go forward with the regional planning process without this Agreement in place. Mr. Holmes stated there are significant flaws in the Agreement and feels that it incorporates the Regional Plan. He stated the goal is not to try and stop RPS, but rather for the public hearings to be held before the participants agree to abide by what is ultimately decided.

Mr. Holmes clarified his belief that the statute indicates agreement needs to be reached by the participants prior to the Plan being adopted by the Land Conservation and Development Commission. He also claimed some of the cities who have already signed the Agreement did so because they would be getting things out of this Plan that they would not get from the normal process.

Councilor Jackson disagreed with Mr. Holmes assessment that the Agreement does not need to be signed until the Plan is ready for adoption by the Land Conservation and Development Commission. She clarified this Agreement sets forth the "how" and the structure for implementation, and the details of the Plan will be decided through the County's land use process. She added any City can and likely will appeal the County's decision if they do not find it satisfactory.

Commission Chair Dawkins closed the Public Hearing at 8:30 p.m.

Comment was made questioning when the Policy Committee anticipated individual cities would hold their public hearings. Mr. Appicello clarified the official process is the County's land use process, and the City could hold hearings at any time to decide what they would like to present at the County hearings.

Commissioners Dotterrer/Morris m/s to recommend the City Council approve the RPS Participants Agreement.

DISCUSSION: Dotterrer clarified the Regional Plan will only address the three problems that have been identified. Miller expressed her concern that the Agreement is too binding on the individual jurisdictions and feels the Plan should be finalized before they agree to it. Dotterrer commented that this is a two-way street, and voiced his support for the City being involved in this process. He stated he agrees with the intent of the Agreement, and noted the need to have general consensus before you enter a planning process. Marsh voiced her support for regional planning and although there is some risk, she stated Councilor Jackson's involvement with this process provides her a level of comfort. She recommended if the Council approves the Agreement, that they schedule a public hearing in order to gather input on the Plan, and that they insert into the regional process an affirmation by the participants at the end. Dawkins noted his opposition to the draft Plan in regards to the City of Central Point. Church noted that each city is giving up some level of autonomy and stated it makes sense to have this type of Agreement in place at this point in the process. He added the process needs to have some momentum going forward and thinks this process would self destruct at the end if they all waited until the Final Plan was completed before they agreed to participate. If the Agreement is signed, Morris encouraged the City to push their concepts, otherwise Ashland will be stuck with what everyone else decides. Dimitre stated he has a problem agreeing to this because it is not clear what they are agreeing to. He stated he is not against the idea and the process, but feels this Agreement is premature.

Commissioners Marsh/Dotterrer m/s to amend motion to include recommendation that the City Council hold a public hearing on the substance of Plan in order to prepare input for County's planning process, and that the Council recommend to the Regional Planning Process that they incorporate a process for explicit affirmation by the participants at the end of the process. DISCUSSION: Marsh clarified the public hearing would be for citizens to provide input on the substance of the Plan itself. **Roll Call Vote: Commissioners Dotterrer, Dawkins, Morris, Church and Marsh, YES. Commissioners Mindlin, Dimitre and Miller, NO. Motion passed 5-3.**

Roll Call Vote on Motion as Amended: Commissioners Dotterrer, Marsh, Morris and Church, YES. Commissioners Miller, Dimitre, Mindlin, and Dawkins, NO. Motion failed 4-4.

Commissioners Dimitre/Mindlin m/s to recommend the City Council not sign the RPS Participants Agreement. Roll Call Vote: Commissioners Dawkins, Dimitre, Miller, and Mindlin, YES. Commissioners Church, Dotterrer, Marsh and Morris, NO. Motion failed 4-4.

B. PLANNING ACTION: 2008-01986

SUBJECT PROPERTY: 2915 Highway 66

APPLICANT: Myles Comstock

DESCRIPTION: A request for a Modification of a previously approved Site Review (PA#2008-01315) for a Variance to exceed the maximum 20-foot height limitation in the Airport Overlay Zone. The proposed structure is 26.5 feet in height. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 13B; TAX LOT: 2005

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

Declaration of Ex Parte Contact

No ex parte contact was reported by any of the commissioners.

Staff Report

Assistant Planner Amy Anderson presented the Staff Report. She explained in September 2008, Staff administratively approved a request to construct a 3,000 sq. ft. single-story building, which was proposed to be 20-feet in height. This is a modification of that approval to allow the building to have an average height of 26.5 ft. Ms. Anderson noted all other aspects of the previous approval will stand, however there would be a few small changes to the storefront entry in regards to the doors and windows. She explained the height limitation imposed by the Airport Overlay Zone is 20 ft., however the City's Airport Master Plan and the Federal Aviation Administration (FAA) would allow for a much taller structure in this location. She noted

the City's Airport Commission has reviewed this modification and their letter of approval is included in the record. Ms. Anderson stated Staff feels the height modification would result in a positive change to the buildings design and they are recommending approval of the request.

Ms. Anderson provided a brief overview of the FAA's calculation for building heights, and clarified this is determined case by case based on the structures height, elevation and proximity to the runway. Community Development Director Bill Molnar commented briefly on the Airport Overlay Zone and explained this provision has not been revisited since the Municipal Code was codified in 1982. He noted the original intent may have been for the 20 ft. height restriction to only apply in an approach zone, but this clarification no longer exists in the Code. He added it may be beneficial to modify this section of the Code to make it more site specific and calculated closer to the way the FAA does it.

Applicant's Presentation

Steve Shapiro and Myles Comstock addressed the Commission. Mr. Shapiro explained this site is the location of Valley Equipment Rental and the modification to the buildings height would allow them to store their taller equipment in a safer environment. He noted the Staff Liaison to the Airport Commission indicated that based on the FAA calculations, they could have a 40 ft. building at this location. He stated this property is 2,000 ft. from the runway and they are nowhere near where the planes circle. Mr. Shapiro clarified the nearby towing company could have a building height of 35 feet and the building adjacent to this property has a building height of 28.5 feet.

Dawkins closed the record and the Public Hearing at 9:30 p.m.

Public Testimony

None

Deliberations and Decision

Commissioners Dotterrer/Mindlin m/s to approve Planning Action #2008-01986. Roll Call Vote: Commissioners Dawkins, Morris, Church, Mindlin, Dimitre, Miller, Dotterrer and Marsh, YES. Motion passed 8-0.

Commissioners Marsh/Morris m/s to approve the Findings for Planning Action #2008-01986. Roll Call Vote: Commissioners Church, Dawkins, Dimitre, Dotterrer, Marsh, Miller, Mindlin and Morris, YES. Motion passed 8-0.

Commissioners Dotterrer/Church m/s to continue to meeting to 10:00 p.m. Voice Vote: all AYES. Motion passed.

OTHER BUSINESS

A. Discussion of possible changes to the City's Sign Code based on the Downtown Task Force Recommendations. Commissioner Dawkins noted there are two components to the Downtown Task Force's Recommendations: 1) possible Sign Code revisions, and 2) issues with public right-of-way encroachments. He clarified the Planning Commission will not be discussing the right-of-way issues and this will be handled by the City Council. Community Development Director Bill Molnar noted tonight's discussion will include an overview of the proposed Sign Code revisions, and the Planning Commission will hold a public hearing and make a formal recommendation to the City Council at a subsequent meeting.

Mr. Molnar provided a brief summary of the charge given to the Downtown Task Force, which included addressing concerns raised by local business owners. He stated a number of recommendations came out of the Task Force meetings, however there was general consensus that the Sign Code has been a benefit to the City. He noted Ashland's downtown area is a nationally registered historic district and it is common to have regulations for signs in these districts. Mr. Molnar clarified the Planning Commission is being asked to focus on the Sign Code recommendations, and the second phase to this process which includes review of encroachments on public property will be handled by the City Council at an upcoming meeting. He noted the goal is for the Commission to have a recommendation ready for the Council by March so the Council can hear these two issues jointly.

Senior Planner Brandon Goldman provided a presentation on the recommendations that came from the Downtown Task Force. These recommendations included amending the Sign Code to permit the following:

- An additional exempt incidental sign allowance (3 sq. ft)
- Small three-dimensional (3D) signs in the Downtown area (3 cubic ft.)
- Larger 3D signs outside the Downtown area (20 cubic ft.)
- Portable sandwich boards and pedestal signs
- City installed identification signs
- Increased projection distance for signs

The Task Force also recommended the Sign Code include a definition for "public art", and allow additional business frontages.

Mr. Goldman's presentation provided examples of different sign types, as well as further clarification of exempt incidental signs, the 3D sign provision, and the portable sign provision. He also clarified how the proposed ordinance would treat signs consisting of block letters or irregular shapes and stated the square footage would be determined by measuring the entire area within the perimeter of the sign.

Dimitre requested Staff provide examples of what the maximum signage amount looks like now, and what it would look like with the proposed revisions. Mindlin questioned if there was any deviation from the Task Force recommendations to what is proposed in the draft ordinance. Mr. Goldman noted George Kramer, who was a member of the Task Force, had spoken to him earlier this evening and indicated it was his recollection that if a business wanted a 3D sign in the Downtown area (3 cubic ft.), this would be subtracted from their incidental sign allowance.

Brent Thompson/582 Allison Street/Written statement was read into the record by Commissioner Dawkins. Mr. Thompson's concerns related to additional frontages and he asked the Commission to cease the discrimination to businesses that have their main entrance on the 3rd or 4th side of a building.

John Stromberg/252 Ridge Road/Provided input from his service on the Downtown Task Force and commented on how the Commission should link the work of the Task Force to the Council, so that the City Council does not have to start over when this issue comes before them. Mr. Stromberg suggested they ask George Kramer to provide input during their discussions and also recommended they conduct a walking tour so that they can get a good picture of the issues they are dealing with. He listed some specific businesses that have signage issues and stated he has come to the conclusion that different areas of town deserve different treatment. He shared his hope that the Commission will look into these issues in detail so that they can feel confident with their recommendation to the Council.

Mr. Molnar clarified staff is attempting to keep a fairly expedited timeline and the goal is to have these amendments in place before next summer's season. Comment was made that the Sign Code can be very difficult to understand and requesting Staff provide ideas of how they would illustrate the requirements. It was stated that the City should have a user's guide, or something that makes these provisions easy for people to understand.

B. 2009 Hearings Board Assignments

Mr. Molnar clarified the Hearings Board no longer meets every month and only convenes when needed. Commissioners Dawkins, Dotterrer, Mindlin and Miller all volunteered to serve on the Hearings Board when needed.

C. Planning Commission Attendance

Commissioner Dawkins noted the attendance provision in the "Planning Commission Rules" and requested the Commission's input on how strictly they would like these requirements enforced. He noted Commissioner Church is planning a four month vacation and asked how the group would like to handle this situation. Dimitre commented on his absences in 2008 and indicated this will change. Marsh stated that she is not bothered by the occasional absence, and because there are nine Planning Commissioners, even if some are absent they still have enough members to carry on. She stated that Commissioner Church's situation is a legal issue and should be left to the Mayor to decide. City Attorney Richard Appicello suggested the Planning Commission consider amending the Ordinance to allow the Commission to excuse absences that exceed the 2/3 attendance provision. Comment was made that they may also want to further define "excused" and "unexcused" absences. Dawkins requested the commissioners submit any further thoughts on this topic to staff.

ADJOURNMENT

Meeting adjourned at 10:30 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
JANUARY 27, 2009

CALL TO ORDER

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

Planning Commissioners Present:

Michael Dawkins
Tom Dimitre
Deborah Miller
Pam Marsh
Melanie Mindlin
Mike Morris
David Dotterrer
Michael Church

Staff Present:

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

Absent Members:

None

Council Liaison:

Eric Navickas

POSSIBLE CHANGES TO THE SIGN CODE (Based on the Downtown Task Force Recommendations)

Dawkins noted the public hearing for this item is scheduled for the February Planning Commission meeting. He stated this is the time for the Commissioners to get their questions answered and to raise any issues so that staff knows what needs to be addressed before this ordinance comes back for approval.

Community Development Director Bill Molnar noted the packet includes a letter from the Public Arts Commission outlining their issues with the 3D sign provision. He added members from that Commission are here tonight to provide testimony. Mr. Molnar provided a brief explanation of the Sign Code and stated it is based on where the property is zoned, and then there is a formula for the overall amount of signage allowed. Then there is a breakdown for wall signs and ground signs, and an allotment for incidental signs.

Mr. Molnar stated the public hearing on this ordinance is scheduled for the February 10th Planning Commission meeting and noted Staff is in the process of scheduling a combined walking tour with the City Council that will likely be held on February 5th at 4:30 p.m.

Senior Planner Brandon Goldman provided a presentation to the Commission. The presentation included several depictions of what permitted signage with the current Sign Code looks like, and what it would look like with the proposed changes. He also displayed several photos of what the downtown area and Siskiyou Boulevard used to look like before the Sign Code was adopted. He stated the purpose of tonight's meeting is to gather input from the Commission and asked if they had any questions or comments on the draft ordinance.

Mr. Goldman provided a brief explanation of internal illuminated signs and indirect illuminated signs. He stated internal illuminated signs can be used outside the downtown area and the sign can have lighting within it, but the lighting mechanism itself cannot be visible. He added indirect illumination is when light is directed onto the face of the sign, but is not part of the sign itself. Mr. Molnar commented on neon signs and noted the Sign Code was amended to recognize neon represents the character of a certain period in time, and locations such as the Varsity theater and Palm Motel could maintain or bring back their neon signage.

Staff was asked to clarify in what ways the proposed ordinance differs from the Downtown Task Force recommendations. Mr. Goldman stated the provision to limit the use of vehicle signs was added by staff (vehicles parked exclusively for the purpose of displaying business signage). Another change not recommended by the Task Force but requested by the City Council was the opportunity for additional business frontages. Lastly, staff is recommending the ordinance include a distinction between real estate signs and construction signs. Mr. Goldman stated one last item that staff needs clarification on is whether the 3D sign (3-cubic feet) inside the downtown area is a separate allocation or whether it should be subtracted from the 7-sq. ft. allotment. He stated the current draft of the ordinance has this as a separate allocation.

Commissioner Morris asked for clarification on the public art provision. Mr. Goldman explained the ordinance removes public art from consideration as a sign, and it would no longer be regulated under the Land Use Code. He added public art would fall under a different process and different chapter in the Code. Morris questioned which section of the Code would apply if the Planning Commission required public art as part of a large scale development. Mr. Molnar did not have an answer, but stated he would consult with the City Attorney.

Morris questioned the 35-ft width provision on page 3 of the ordinance, under "Shopping Center or Business Complex." He also questioned the language regarding temporary construction signs on page 4, item G, and asked if there was a limit on the number of signs or just the maximum square footage. Mr. Goldman stated the intent was to limit this to one larger sign per lot. Comment was made suggesting this language be revised to allow multiple signs so long as they do not exceed the total allowable square footage. Morris suggested the language on page 5, "Strings of Lights" also be clarified. Comment was made that they may want to remove the word "incandescent."

Mr. Goldman presented some sign area calculation examples and noted the different options and formulas that could be utilized. He requested the Commission provide input on which option they prefer. He noted what they are currently doing is looking at the rectangular shape that bounds the sign, and while a circle or triangle shape could be used as well, staff is hesitant to expand much beyond this.

Dana Bussell/Public Arts Commission/Noted she was also a member of the Downtown Task Force. Ms. Bussell stated the Public Arts Commission supports the exemption of public art from the Sign Code, but they are opposed to 3D signs outside the downtown area. She expressed their concerns for 3D signs of significant size and stated it is likely that many businesses would take advantage of this change. Ms. Bussell stated the object that the Task Force hoped to bring into compliance was the Alfredo statue outside Wiley's Pasta. She questioned how the size of these objects would be configured and questioned if the Alfredo statue was too big to fit within the proposed size limit. She noted the desire of businesses located near Exit 14 to be noticed and urged the Commission to be cautious. She stated once these items are in place it will be difficult to have them removed. Ms. Bussell suggested an alternative is to recognize the item that prompted this amendment (Alfredo) is not a sign and should not be treated as such.

David Wilkerson/Public Arts Commission/Noted he is also a local architect and is familiar with the City's Sign Code. Mr. Wilkerson voiced his concerns with the unintended consequences that the Task Force recommendations would allow. He stated the City is not allowed to limit the sign content and stated the current ordinance is what has prevented the visual clutter that you see in Medford. He stated the Sign Code has helped to maintain Ashland's charming environment and encouraged them to take another path. Mr. Wilkerson suggested if these items are considered public art, they could be subjected to a separate process and thinks this is a much safer approach. He concluded by urging the Commission to consider the alternative presented by the Public Arts Commission.

Council Liaison Navickas indicated that the City Council was reluctant to the 3D allowance outside the downtown area, but wanted the Planning Commission's opinion before they moved forward.

PLANNING COMMISSION SUSTAINABILITY WORK GROUP

Commissioner Mindlin presented an update of the Sustainability Work Group. She commented on the Planning Commission's decision to make sustainability a priority this year and stated the two paths the Group wanted to look into were: 1) what is going on in the community, and 2) what are the other local governments doing. Mindlin commented on how they went about gathering this information and their decision to not take the public hearing approach. She noted the ongoing meetings that were held at the Ashland Library and noted some of the regulars who attended those meetings are also here tonight.

Mindlin reviewed the questionnaire that was used by the Work Group during their telephone interviews and clarified most of the interviews took 30-45 minutes and the individuals were anxious to share their input. Mindlin commented on the different sustainability frameworks that are utilized and commented on how her contacts were formed. She noted they ended up with 300 contacts and were able to inventory 150 of them.

Mindlin stated that Ashland has been considered a leader in sustainability for a long time, and a lot of this has to do with the City's Comprehensive Plan. She noted some of the cities who are working on sustainability plans, and clarified a lot of this reference material has come from California. Mindlin commented on Portland, Oregon and noted the recent merging of Portland's Bureau of Planning with the Office of Sustainable Development. She shared some information from the City of Portland's website and what they are doing to support sustainability.

Mindlin provided an overview of the information gathered by the Work Group, which was submitted to the Commission at the beginning of the meeting. The sustainability inventory submitted by Mindlin was separated into the following categories: 1) Nature Stewardship, 2) Built Environment, 3) Transportation, 4) Recycling & Reusing, 5) Energy, 6) Education and Culture, 7) Health & Spirituality, 8) Economics and Business, 9) Local Government, 10) Community Connections, 11) Food Resources, and 12) Youth.

Mindlin noted the work of Triple Bottom Line for the 21st Century and THRIVE. She stated Ashland has a program for certifying Green Businesses which is administered through the Conservation Department. She also commented on the efforts of the Ashland Chamber of Commerce. Mindlin noted the Work Group prioritized contacting Ashland based businesses and stated 80% of those inventoried are Ashland based.

Mindlin provided a brief overview of the work being conducted by Lomatski. She also commented on Willow Winds, the Wilderness Charter School, and stated Southern Oregon University is listed as one of the Top 20 Green Colleges by the EPA. She noted the Sentient Times, Plan-It You, Heart Circles, and Transition Town. Mindlin commented on the need for intergenerational dialogue. She stated there are a lot of young people in the community that want to make a difference in the world and stated Ashland needs to think about what it can do to keep our young people here.

Mindlin commented on how this inventory might be accessed, including a possible database housed on the Chamber of Commerce website. She commented on how the information is organized and noted a lot of things did not fit within the City's Comprehensive Plan, including food security and sustainable food resources. Mindlin commented on the huge upwelling of sustainability projects that were started in the past year and stated people are really concerned and want to find out what they can do. She stated when individuals were asked what three issues were of most concern, she received a variety of responses. However the most common responses were: 1) solar orientation, 2) rainwater catchment and infiltration, 3) food security, 4) city land for community gardens, and 5) clustering housing on farms.

Comment was made questioning what the next undertaking is for this Work Group. Mindlin stated that her sense is that the Planning Commission as a whole needs to take this issue up at a future meeting and discuss where they would like to go from here. She noted the City Council usually sets their annual goals in the spring and this might be something that comes up in that context.

CROMAN MILL SITE REDEVELOPMENT PLAN

Planning Manager Maria Harris provided a brief overview of the Croman Mill Site Redevelopment Draft Plan. The presentation outlined the elements in the Plan, including the following:

- Locations of the Office & Employment District, Compatible Industrial District, Neighborhood Center, and Open Space
- Traffic Circulation
- Street Framework
- Pedestrian & Bicycle Framework
- Transit Framework
- Parking

Harris indicated the next steps for this project includes an update to the City Council on February 17, 2009, and then the City will take the Plan through the local land use process for adoption. She noted this project is similar to the North Mountain Plan and the City will need to draft a new chapter in the Zoning Ordinance. She noted if any of the Commissioners wish to look at the full Draft Plan, it is available on the City's website.

ADJOURNMENT

Meeting adjourned at 9:25 p.m.

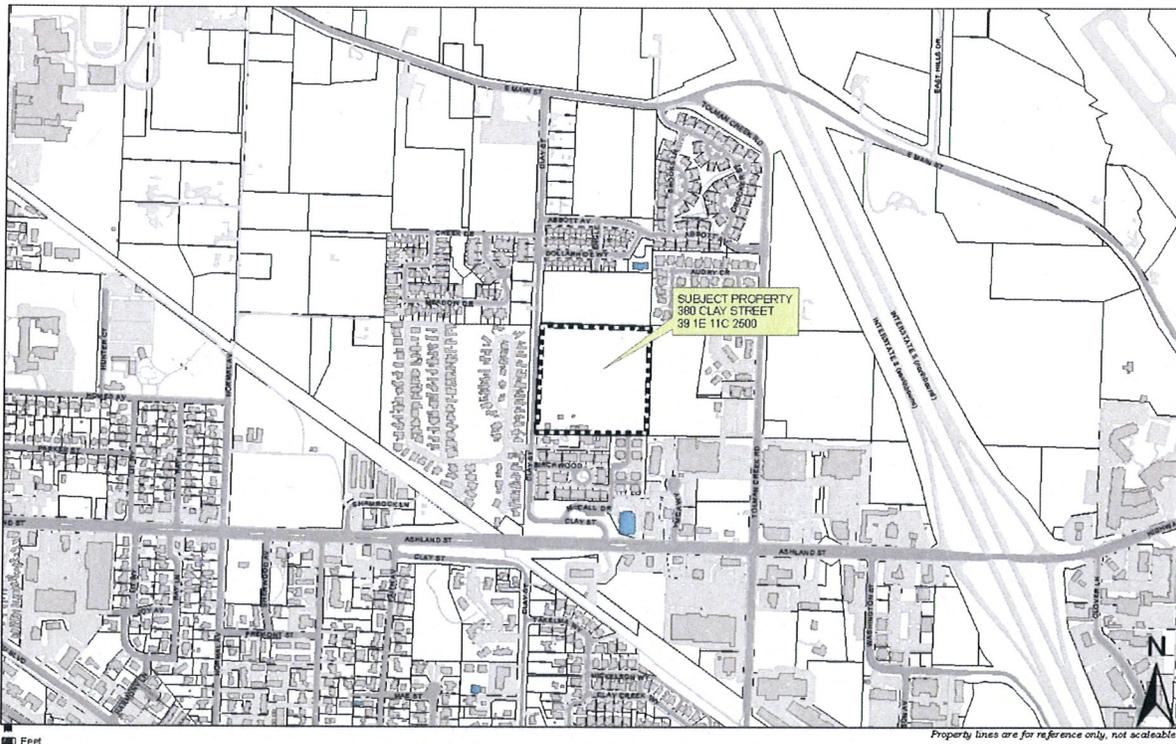
*Respectfully submitted,
April Lucas, Administrative Assistant*



PLANNING ACTION: 2009-00043
SUBJECT PROPERTY: 380 Clay Street
APPLICANTS: Housing Authority of Jackson County and The City of Ashland
DESCRIPTION: A request for modifications and change to the phasing of the previously approved Planning Actions #2004-00141 and #2007-00802 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential development for the property located at 380 Clay Street. The application includes a request for a tree removal permit to remove 12 trees six-inches in diameter at breast height (d.b.h.) or greater where only eight trees were previously approved for removal.
COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 39 1E 11C; **TAX LOT #:** 2500

NOTE: The Ashland Tree Commission will also review this Planning Action on **February 5, 2009 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: February 10, 2009, 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.

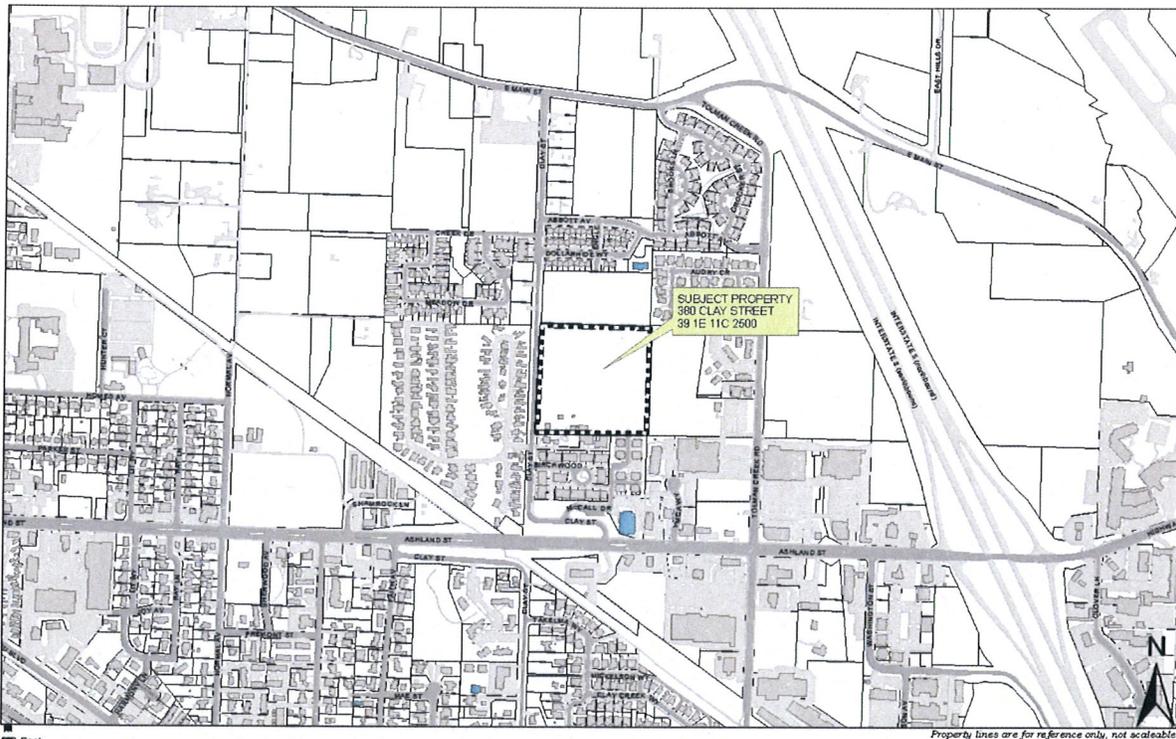
**TYPE II
PUBLIC HEARINGS**



PLANNING ACTION: 2009-00043
SUBJECT PROPERTY: 380 Clay Street
APPLICANTS: Housing Authority of Jackson County and The City of Ashland
DESCRIPTION: A request for modifications and change to the phasing of the previously approved Planning Actions #2004-00141 and #2007-00802 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential development for the property located at 380 Clay Street. The application includes a request for a tree removal permit to remove 12 trees six-inches in diameter at breast height (d.b.h.) or greater where only eight trees were previously approved for removal.
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If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Department, 541-488-5305.

MINOR LAND PARTITION CRITERIA

Section 18.76.050 Preliminary Approval

An application for a preliminary partition shall be approved when the following conditions exist:

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (ORD 2836, 1999)
- F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (ORD 2951, 2008)

SITE DESIGN AND USE STANDARDS

18.72.070 Criteria for Approval

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

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

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

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

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

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
February 10, 2009**

PLANNING ACTION: #2009-00043

APPLICANTS: Housing Authority of Jackson County
City of Ashland

LOCATION: 380 Clay Street

ZONE DESIGNATION: R-2

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential

APPLICATION DEEMED COMPLETE: February 2, 2009

120-DAY TIME LIMIT: June 2, 2009

ORDINANCE REFERENCE:

18.61	Tree Preservation and Protection
18.72	Site Design Review
18.76	Partitions
18.88.050	Street Standards

REQUEST: A request for modifications and changes to the phasing of the previously approved Planning Actions #2004-00141 and #2007-00802 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential development for the property located at 380 Clay Street. The application includes a request for a tree removal permit to remove 12 trees six-inches in diameter at breast height (d.b.h.) or greater where only eight trees were previously approved for removal.

I. Relevant Facts

A. Background - History of Application

In December of 2008, the Ashland City Council and the Housing Authority of Jackson County entered into an Intergovernmental Agreement to purchase the property located at 380 Clay Street with the existing land use approvals in place and to jointly make application to divide and develop the property as proposed in the current submittal materials.

In July of 2008, a request for a one-year extension of the Final Plan, Site Review, Tree Removal, and Exception to Street Standards approval was granted through Planning Action #2008-01060.

In November of 2007, a request for Final Plan Approval for a 53 lot, 107-unit multi-family development under the Performance Standards Options chapter was approved administratively as Planning Action #2007-00802.

In August of 2007, a request for a second one-year extension of the Outline Plan, Site Review, Tree Removal, and Exception to Street Standards approvals was granted through Planning Action #2007-01229.

In November of 2006, a request for a one-year extension of the Outline Plan, Site Review, Tree Removal, and Exception to Street Standards approvals was granted through Planning Action #2006-02009.

In June of 2006, the Annexation, Comprehensive Plan Map Amendment and Zone Change associated with the Planning Commission approval of Planning Action #2004-00141 were approved by the City Council.

In July of 2005, the Ashland Planning Commission approved the application for Outline Plan, Site Review, Exception to Street Standards, and Tree Removal Permit for a 117-unit multi-family development as Planning Action #2004-00141.

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

B. Detailed Description of the Site and Proposal

The application involves the partitioning and partial development of an approximately ten-acre parcel on the east side of Clay Street, between Ashland Street and East Main Street, located at 380 Clay Street. The subject property was annexed into the city in 2006 with an R-2 Low Density Multi-Family Residential zoning, and was subsequently granted Final Plan and Site Review approvals for the development of the 107-unit Willowbrook Subdivision. The Housing Authority of Jackson County and The City of Ashland jointly purchased the subject property with the Willowbrook Subdivision approval in place in December of 2008, and now propose some modifications to that existing approval, including changes to the project phasing, partitioning to create three lots, and Site Review approval to develop 60 multi-family residential units, with the remainder of the property able to accommodate development to the required minimum density in a later phase.

The subject property is rectangular in shape, and slopes gently (approximately 3½ -percent) down to the north. An existing single family home, barn and other accessory structures are situated on the southwest portion of the subject property near Clay Street. Approximately 30 trees six-inches in diameter at breast height (d.b.h.) or greater have been identified on the site, with the vast majority of these located near the southwest corner of the property in the vicinity of the existing residence and out buildings. The Tree Protection/Tree Removal Plan included with the application identifies 12 trees scheduled for retention or removal, four more than the eight trees approved to be removed under the Willowbrook Subdivision approval.

The City of Ashland's Wetland and Riparian Corridor Inventory and Assessment identifies the location of a narrow wetland protruding into the northerly portion of the property. The wetland is shown as part of a larger 1½-acre wetland (#W13) consisting of a "gentle topographic swale" that runs from south to north through the neighboring semi-rural properties north of the project and extends through the eastern portion of Bud's Dairy Subdivision, a housing development located further down Clay Street to the north. The

Willowbrook Subdivision was initially granted Outline Plan approval with 117 units and 1.21 acres of open space including wetlands and play areas, but subsequent wetland delineation found that the actual wetland on the site was larger than originally suspected. The Final Plan approval reduced the development 107 residential units with 1.25 acres of open space, removed 12 parking spaces that had been proposed adjacent to the wetland, and provided for the mitigation, enhancement and expansion of wetland area.

1. Land Partition to Create Three Lots

The Willowbrook Final Plan approval was to subdivide the property, creating 53 lots and allowing for the construction of 107 residential units. The current application proposes to modify this approval by opting for a Land Partition which would create only three lots. The proposed Lot #1 would be approximately 4.32-acres in size, “L-shaped”, and would retain 47-units of the approved density for development in a future phase. Lot #2 would be approximately four-acres in size, “L-shaped”, and would be developed with 60 residential units as the first phase of development of the subject property. With the proposed development, Lot #2 would be retained under the ownership of the Housing Authority of Jackson County. Lot #3 would be approximately 1.31-acres in size and would remain as open space, under City-ownership, to protect the existing wetland. The wetland would be enhanced with the first phase of the development of the subject property. As part of the proposed partition, a 20-foot wide strip extending from Clay Street to the rear of the subject property would be retained with Lot #3 to enable future connectivity between Clay Street and Tolman Creek Road along the full northern property line of the subject property.

Access to the proposed lots would be from Clay Street, which would be improved to City standards along the full frontage of the subject property as required in the Willowbrook approval. Sidewalks, curbs and gutters would also be extended northward along the east side of Clay Street to provide a continuous sidewalk connection as required through the Willowbrook application. Two new internal streets would be dedicated along the boundary between the second and third lots, and would be improved to “half-street” standards by the Housing Authority of Jackson County to provide access to accommodate their planned development of Lot #2. The applicants also propose to install the widening improvements necessary for a right-turn only lane at the intersection of Clay Street and Ashland Street with occupancy of the first phase of the development, provided that a median restricting left-turn movements at this location is not installed in the Ashland Street right-of-way before then.

The second phase of development is to address the remaining 47-units of available density as well as completing the improvements of the half-streets, providing an alley-connection to McCall Drive, and addressing the sidewalk improvements along the “elbow” on the west side of Clay Street near the Ashland Street overpass.

2. Site Review

The Housing Authority of Jackson County proposes to retain the “L-shaped” Lot #2 to develop 60 residential units as affordable housing. The proposed development would consist of 12 one-bedroom units, 12 two-bedroom units, 26 two-bedroom townhomes, and ten three-bedroom units spread over ten two-story building groups, ranging from four to six units per group. The proposed buildings would be oriented to the adjacent street frontages or to the nearby wetland, and street-fronting units are to be provided with direct connections to the adjacent sidewalks. The buildings are to be sided in standard siding with shingles at their pediment and base, with 3½ -inch window and door trim and standing seam “cool” metal roofing to minimize heat gain and water quality impacts. Each of the individual units is proposed to have its own porch or balcony; the porches are to utilize six-by-six posts with wrapped bases to provide more of a sense of permanence. The building exteriors are proposed to be painted in earth tones.

Parking is proposed to be provided in two surface lots located beside and behind the buildings, and the 105-space automobile parking requirement is proposed to be satisfied through a combination of 88 off-street spaces and 22 on-street credits. Required parking lot landscaping and screened trash enclosures are provided adjacent to the parking lots. 89 required bicycle parking spaces are to be provided in 15 six-space bicycle parking structures near each of the proposed buildings, with an additional four bicycle parking spaces to be provided at the proposed community building.

To satisfy the eight-percent recreational space requirement, the application materials submitted indicate that eight- to nine-percent of the subject property is to be provided in recreational space, including several lawn areas and a centrally located neo-Craftsman community building with a multi-purpose room, computer room, restrooms, office, covered patios, bike parking and an adjacent children’s play area.

The wetland on the City-owned Lot #3 is also proposed to be enhanced concurrently with the Housing Authority of Jackson County’s development, and while not proposed as part of the required recreational space it represents a significant additional amenity to residents. A wetland planting plan incorporating a viewing platform and pedestrian access has been provided along with preliminary engineering to enhance the wetland, and the subject property’s landscape plan incorporates bio-swale areas and plantings that integrate well with the planned enhancements to the wetland. Permits necessary to accommodate these modifications to the approved-plan for the wetlands under the Willowbrook Subdivision will be obtained through the Division of State Lands.

3. Tree Removal Permit

As previously approved, the Willowbrook Subdivision proposal included the removal of eight of the subject property’s 30 trees. One of the large poplar trees which was previously identified to be retained, previously identified as Tree #3, was removed

with a tree removal permit, when portions of its canopy split and fell endangering adjacent homes. With the modifications proposed, twelve of the site's remaining trees are proposed to be removed. Of these, the tree identified as Tree #17, a 40-inch d.b.h. poplar that is proposed for removal to accommodate the placement of the new east/west street, is by far the most significant. Ten of the 12 are proposed for removal due to their locations relative to proposed road and sidewalk construction, and the remaining two, an eight-inch d.b.h. almond (*prunus dulcis*) and a 12-inch d.b.h. black locust (*robinia pseudoacacia*) which are now dead according to the project arborist's assessment.

4. Exception to Street Standards

An Exception to Street Standards was approved with Planning Action #2004-00141 to allow a portion of the sidewalk along Clay Street to meander around a Cedar tree located in the southwest corner of the property. The applicants propose to retain this approved Exception to Street Standards unchanged under the current application.

II. Project Impact

While previously approved as a Performance Standards Subdivision under Chapter 18.88 to create 53 lots and develop 107 residential units, the application now proposes to modify the approval by partitioning the subject property into only three lots: Lot #1 which would accommodate development of the 47-units of the property's approved density in a future phase; Lot #2 which would be developed as a first phase involving the installation of street improvements and the construction of 60 affordable housing units; and Lot #3 which would contain the existing wetland to be enhanced and maintained in City-ownership. In addition to the proposed three-lot Land Partition, the current application also includes a Site Review approval request to construct the 60 multi-family residential units proposed on Lot #2, and a Tree Removal Permit to remove a total of 12 trees over six-inches in diameter at breast height (d.b.h.) where only eight trees were previously to be removed.

The City of Ashland and the Housing Authority of Jackson County propose to utilize Community Development Block Grant (CDBG) funds to complete some of the necessary infrastructure improvements associated with the proposed first phase of development. Given federal requirements and deadlines tied to the use of these CDBG funds, the final survey plat will need to be recorded and public right-of-way necessary for proposed street improvements dedicated to the City prior to construction of these improvements. The timing of standard "trigger points" within the conditions of approval - which would typically require infrastructure installation or bonding prior to the City's sign-off of the final survey plat - have been adjusted accordingly, and in staff's view the partnership between the City and the Housing Authority through an intergovernmental agreement, their shared ownership of the subject property, and the City Council's dedication of \$345,000 in CDBG funds toward public facility improvements for this 60-unit affordable housing project provides more than adequate security to merit the relatively minor adjustments to the typical timing of the conditions.

Chapter 18.108 of the Land Use Ordinance would typically allow a three-lot Land Partition and Site Review for two or more residential units on a single lot to be handled through a “Type I” procedure with administrative approval by the Staff Advisor. However, because the Staff Advisor is employed by the City of Ashland (a property owner and co-applicant) the application was scheduled for a hearing as a “Type II” procedure to provide for a decision by the Planning Commission and avoid any conflict of interest.

A. Land Partition to create three-lots

The approval criteria for a Land Partition include requirements that an application demonstrate that both the “*future use for urban purposes of the remainder of the tract*” and the “*the development of the remainder of any adjoining land or access thereto will not be impeded.*” In this instance, the proposal has reserved 47 units of the available density for development of the proposed Lot #1 while also providing required protection for an existing wetland on Lot #3. The applicants also have proposed to construct street improvements along the property’s frontage, to install half-streets to serve the proposed lots within the project, to provide an additional 330-feet of sidewalks, curbs and gutters along the full frontage of the neighboring property to the north to connect to an existing sidewalk, and to reserve a 20-foot strip along the north property line to facilitate a future street connection from Clay Street to Tolman Creek Road.

There has been discussion of the future possibilities presented by City-ownership of Lot #1 to provide additional park land associated with the adjacent YMCA fields and/or to develop an east-west street connection from Clay Street to Tolman Creek Road, either as an extension of the new street proposed by the Housing Authority on the southern portion of the subject property or along the northern boundary of the site. While neither of these is included as part of the current proposal, both the lot configuration proposed and the 20-foot strip reserved along the subject property’s north boundary provide for future street connectivity and keep these options open.

Staff believes that the proposal not only does not impede but in fact assists in the future development of the proposed Lot #1 and of adjoining properties by providing access and frontage improvements. In considering the future impacts of the proposed development, it should also be noted here that the Willowbrook project, with the modifications proposed, is specifically identified for its anticipated positive impacts on enrollment numbers in the Ashland School District’s recent “*Population and Enrollment Forecasts: 2009-2010 to 2018-2019*” prepared by the Portland State University Population Research Center.

The subject property has not been partitioned in the last 12 months, and the proposed partitioning here is not in conflict with any applicable laws, ordinances or resolutions.

Other than a narrow portion of upper Clay Street (at the sharp turn), Clay Street’s existing paved width in this vicinity is at least 20 feet as required for partition approval. The applicants note that at the time of completion of the project’s street work, this section will be paved under necessary permits to ensure it satisfies the required minimum 20-foot width.

The application includes proposed street improvements to bring Clay Street to City standards along the subject property's full frontage, as well as providing frontage improvements for the neighboring property to the north in order to provide a continuous connection to the existing sidewalk system, as required in the Willowbrook approval. In addition, the applicants propose to provide half-street improvements for the two street sections interior to the development, with the remaining interior street improvements to be fully completed concurrently with the development of Lot #1 in a future phase.

The application materials submitted include a "*Conceptual Plan: Water, Sewer and Utility*" and a "*Conceptual Plan: Draining, Grading and Sections*" prepared by Construction Engineering Consultants, the firm that previously prepared the utility plans associated with the Willowbrook Subdivision approval. Water, sewer, electric and storm drain utilities are available in the Clay Street and McCall Drive rights-of-way to serve the project, and the existing facilities along with proposed extension of services to serve the proposal have been identified in conceptual utility and drainage plans provided with the application submittal. In discussions with Engineering Division staff, they have indicated that adequate capacity can and will be provided through the subject property utilizing existing facilities within the rights-of-way and those additional facilities to be provided with the development.

B. Site Review

Applicable Ordinances

The first criterion for Site Review approval is that, "*All applicable City ordinances have been met or will be met by the proposed development.*" The proposed multi-family residential units are a permitted use within the R-2 Low Density Multi Family Residential District. Within this district, the base density is 13.5 dwelling units per acre. The Willowbrook Subdivision approval and associated annexation were based on 8.8 net buildable acres, after unbuildable areas such as the wetlands were excluded from the density calculations, and the base density was 118.8 residential units (8.8 acres x 13.5 residential units per acre). The Subdivision was initially proposed at 117 units, but this was reduced in the Final Plan approval to 107 units to provide a more marketable mix of units while accommodating the delineated wetland which turned out to be larger than had originally been expected. Annexation requirements call for annexed properties to ultimately be developed to 90 percent of their base density, and the 107 residential units approved with the Willowbrook Subdivision Final Plan represented development to 90 percent of the base density that had been considered in the annexation. The current application proposes to develop Lot #2 with 60 residential units, while reserving the remaining 47 units necessary to satisfy the 90 percent minimum density required in the original annexation for the development of Lot #1 in a later phase. Development of the subject property with 107 residential units is consistent both with the allowed density of the zoning district, and with the minimum density required of the annexation approval.

Standard yard requirements within the R-2 zoning district call for front yards to be a minimum of 15 feet excluding garages, however unenclosed porches are permitted with a minimum setback of ten feet from the front property line. Side yards are required to be six feet, except that side yards of a corner lot abutting a public street are required to have a ten foot setback, and rear yards are required to provide a setback of at least ten feet per story. As

proposed, the application complies with all standard setback requirements, and calculations have been provided demonstrating that the proposed buildings near the north property line (buildings “G” and “H”) comply with required “Standard A” solar setbacks as well.

The maximum allowed lot coverage within the zoning district is 65 percent and the application as proposed requests to cover 63 percent of the site. The maximum building height is limited to 35 feet or 2 ½ stories, and the buildings here are proposed at 21 feet and two-stories to comply with this requirement.

Site Review Chapter Requirements

The second Site Review criterion is that, “*All requirements of the Site Review Chapter have been met or will be met.*” The applicants have proposed to provide a four common refuse and recycling containers to provide convenient access for residents of each building, and the plans provided include details of the required screening. Conditions have been recommended below to require that they be installed prior to occupancy, and that compliance with restrictions on the direct illumination of surrounding properties be demonstrated by providing specifications for proposed exterior lighting fixtures with the building permit submittals.

The application proposes to limit motor vehicle access to the proposed Lot #2 to two consolidated driveway access points from the proposed new streets. The project complies with controlled access standards which require that driveways on residential streets be a minimum of 35 feet from intersections and a minimum of 50 feet from the nearest driveway.

As proposed, the new driveway on the east/west street is approximately 190 feet east of Clay Street, and the new driveway on the north/south street is more than 300 feet from the intersection to the south.

Site Design & Use Standards

The third approval criterion is that, “*The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*” The Site Design Standards address building orientation, streetscape, open space, natural climate control and building materials. In terms of orientation, buildings are to have their primary orientation to the street, are to comply with required setbacks, and are to be accessed from the street and sidewalk. The streetscape is to include street trees and appropriate front yard landscaping, and landscaping is to include a variety of locally-adapted trees, shrubs and flowering plants with as many of the existing, healthy trees to be preserved as possible. Trees are to be selected to provide natural climate control for the site, and parking areas are to be located behind or beside buildings and shaded by large canopied trees and buffered from adjacent uses. All landscaping is to be irrigated. Building materials and colors are to be compatible with the surroundings and very bright or neon colors are not to be used. The proposed site and building designs respond directly to these requirements, and integrate the site’s design, drainage facilities, and landscaping elements with the adjacent wetlands on Lot #3 to a degree that is advantageous to the wetlands, the development, and the neighborhood at large.

An area equal to at least eight percent of the subject property’s total lot area is required to be dedicated to open space for recreational use by the tenants of the development; to satisfy the requirement, an area is required to be treated in a surface suitable to human recreational use

and may not be covered with shrubs, bark mulch, etc. The submittal materials indicate that eight percent of the subject property, or 12,245 square feet is to be provided as recreation space, including a community building, a play area, and several lawn areas located around the development. The application further notes that additional open space areas not included in these calculations are spread throughout the property, including bio-swale areas, areas between the buildings, and individual porches and balconies. In staff's view, the relatively large recreation areas spread around the site, combined with the community building, play area, porches and balconies, and the proximity to the wetlands on Lot #3 will greatly enhance the livability of the proposed development.

Adequate Capacity

The final criterion for Site Review approval is, *“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.”* Water, sewer, electric and storm drain utilities are available in the Clay Street and McCall Drive rights-of-way to serve the project, and the existing facilities along with proposed extension of services have been identified in conceptual utility and drainage plans provided with the application submittal. In discussions with Engineering Division staff, they have indicated that adequate capacity can and will be provided through the subject property utilizing existing facilities within the rights-of-way and those additional facilities to be provided with the development.

Engineering Staff have noted that the conceptual plans will need to be modified in preparing engineered civil drawings: utility easements will need to be clearly identified, another fire hydrant (in addition to the three hydrants already identified in the plans) will need to be installed near the driveway entrance nearest to Clay Street, electric plans will need to address service stub-outs for future development of adjacent parcels and conduit installation under the sidewalks, street light placement to current standards noted, meter sizes and placement verified, storm drainage within the proposed street addressed and necessary catch basins provided. It was also noted that the sewer line at the project's northern boundary will need to be slightly relocated so that its location is beneath the future street rather than the future sidewalk. In addition, Engineering staff have indicated that the applicant's drainage plans will need to include calculations necessary to demonstrate that proposed on-site detention of stormwater restricts post-development peak stormwater flows to levels less than or equal to pre-development levels while providing adequate flows to preserve the hydrology of the wetland on the neighboring property to the north. The applicant has been made aware of these issues, and conditions have been proposed below to require that detailed preliminary civil engineering drawings addressing street improvements, utilities and drainage plans be provided for review with the submittal of the final survey plat, with plans to be finalized and approved prior to the building permit issuance.

Clay Street, a collector street under Jackson County's jurisdiction in this vicinity, provides paved access to the site. The subject property's Clay Street frontage is paved, but lacks sidewalks, park row planting strips, street trees, street lights, curbs and gutters. Under the existing Willowbrook Subdivision approval, a number of street improvements were required with development of the subject property in order to provide for adequate transportation:

Frontage Improvements

Clay Street was to be improved to comply with City of Ashland Local Street Standards along the entire frontage of the subject property. These improvements were to include 28 feet of pavement overlay to include two travel lanes and an approximately six-foot bike lane, curb, gutter, storm drains, 7-½ foot planting strip and a six-foot wide public sidewalk. The applicants propose to provide these required improvements as part of the first phase of development of the property as well. The conditions of approval proposed below include modifications to allow for submittal of the final engineered drawings for review and approval with the building permits, and completion prior to the issuance of an occupancy permit.

Connection to Existing Sidewalk System to the North

Half-street improvements including curbs, gutters, storm drain facilities, planting strip and public sidewalk were required to be installed along the full street frontage of the property immediately to the north (39 1E 11CB Lot #1100) of the subject property. These improvements were to be consistent with Ashland's Local Street Standards and allow for a smooth transition to the adjoining sidewalk network. The applicants propose to provide these improvements as part of the first phase of development of the property as well. The conditions of approval proposed below include modifications to allow for submittal of the final engineered drawings for review and approval with the building permits, and completion prior to the issuance of an occupancy permit.

Right-Turn Only Lane at Ashland Street Intersection

A right-turn only lane on southbound Clay Street at Ashland Street was required to be engineered and installed. The design was to include widening of the pavement width at the intersection; the installation of curb, gutter and storm drainage facilities if applicable; and sidewalks from the Clay Street/Ashland Street intersection to and through the bend (i.e. elbow) in Clay Street to the existing curb and sidewalk on the west side. As part of the proposed modifications to the project phasing, the applicants have proposed some revisions to these required improvements.

With the recent development approval for 2200 Ashland Street, the Oregon Department of Transportation (ODOT) has indicated that a median is necessary within the Ashland Street right-of-way to limit left turn movements both from the 2200 Ashland Street site and from southbound Clay Street in order to address sight-distance concerns. While the Planning Commission did not require median installation as a condition of the 2200 Ashland Street approval, the Ashland Street right-of-way is an ODOT facility, and the Planning Commission decision recognized that a median might be required through the ODOT permitting process. Because the need for a right-turn only lane would be eliminated by the installation of a median restricting left-turns at this location, the applicants propose to delay installation of the widening improvements for a right-turn only lane until the first certificate of occupancy for the development of Lot #2, with the remaining improvements including curb, gutter, storm drainage, and sidewalks to be deferred until the development of Lot #1, with the understanding that the improvements for the right-

turn only lane would not be required if a median were installed prior to this time. The application explains that these requirements were imposed based on a traffic impact analysis of the potential build-out of the site to its maximum allowable density of approximately 130 units. As proposed, the current application is to build only 60 units with a remaining 47 units (for a total of 107) to be built-out with completion of a second phase. The application explains that the 660-feet of new sidewalk, planting strip, curbs, and gutters along the subject property's frontage and 330 additional feet of improvements along the neighboring property to the north's frontage, a continuous sidewalk system on Clay Street will be provided from Dollarhide Way to Ashland Street. The submittal concludes that the current development represents only 56 percent of the approved density and only 46 percent of that originally considered in the traffic impact analysis, and as such argues that the proposal to defer installation of the remaining approximately 350-feet of improvements until the later phase is more than equitable. Staff concurs with this assessment.

Internal Street Improvements

All new public streets within the development were required to be improved to Ashland's Local Street Standards, with a minimum street width of 22 feet at intersections and a minimum width of 26-28 feet when accommodating on-street parking on both sides of the street. The application proposes to comply with these standards through the installation of half-street improvements within a proposed 52-foot right-of-way width during the first phase, with the remainder of the improvements to be completed with development of Lot #1.

A connection to McCall Drive was proposed in the Willowbrook application, and while it was not a specifically conditioned requirement of the approval a connection has been identified over Lot #1 to show how this routing could be integrated into the internal street network of the subject property with the development of Lot #1.

While not a requirement of the Willowbrook approval or a proposal within the current application, recent applications have recognized the need for an east-west street connection from Clay Street to Tolman Creek Road. As such, the application proposes to preserve a 20-foot wide strip of land along the subject property's northernmost boundary in City-ownership to partially accommodate a street connection if that were the route chosen and built-out with future development. City ownership of Lot #1 also preserves the future option to provide an east-west street connection by extending the east-west street segment proposed to be installed by the Housing Authority.

C. Tree Removal Permit

As noted above, the Willowbrook Subdivision proposal included removal of eight of the subject property's 30 trees. One of the large poplar trees which was previously to have been retained, identified as Tree #3 in the Willowbrook submittals, was removed with a tree removal permit after portions of its canopy split and fell endangering adjacent homes.

With the modifications proposed herein, twelve of the site's remaining trees are proposed for removal. Two of the 12 trees, an eight-inch d.b.h. almond (*prunus dulcis*) identified as #24

and a 12-inch d.b.h. black locust (*robinia pseudoacacia*) identified as #18 are now dead according to the project arborist's assessment. The other ten are proposed for removal due to their locations relative to proposed road and sidewalk construction. Of these, the tree identified as Tree #17, a 40-inch d.b.h. poplar that is proposed for removal to accommodate the placement of the new east/west street, is by far the most significant. An even larger 70-inch poplar identified as #15 and located approximately 50-feet south is to be preserved and protected.

The application materials provided note that alternative site designs were considered, but that the current proposal was ultimately reached due to the configuration of the property, access management standards, and required minimum density. It goes on to explain that while no tree removals are requested on a hazard basis, that it should be noted that poplars are very prone to limb breakage which is a concern here given their size and the significant limb breakage encountered with the tree removed in 2006. Staff would also note that poplars are generally prohibited as City street trees for these reasons. The submittal concludes that based on the project's arborist's assessment, the proposed removals will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks, and adds that more than 12 trees are to be planted to mitigate the impacts of the proposed removals.

D. Exception to Street Standards

The original staff report for the Willowbrook Subdivision explained that this was a relatively minor exception to the City Street Standards in order to permit the installation of a small segment of curbside sidewalk along Clay Street to retain an existing, 18-inch diameter at breast height (d.b.h.) cedar tree. At that time, staff expressed support for the requested Exception, noting that the location, size and health of the tree presented a clear difficulty to complying with City street standards and that the proposed Exception would not compromise the use of the public sidewalk given the relatively small adjustment in sidewalk configuration. The Exception was ultimately approved by the Planning Commission, and both the request and the circumstances underlying the previous approval remain unchanged in the current application.

III. Procedural - Required Burden of Proof

The criteria for preliminary approval of a Land Partition are described in AMC 18.76.050 as follows:

- A. *The future use for urban purposes of the remainder of the tract will not be impeded.*
- B. *The development of the remainder of any adjoining land or access thereto will not be impeded.*
- C. *The tract of land has not been partitioned for 12 months.*
- D. *The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.*

- E. *The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options.*
- F. *When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.*
- G. *When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.*
 - 1. *The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:*
 - a. *The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.*
 - b. *The centerline grade on any portion of the unpaved street does not exceed ten percent.*
 - 2. *Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.*
- H. *Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.*

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

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

The criteria for Tree Removal Permits are described in AMC 18.61.080 as follows:

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 - 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 - 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 - 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 - 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

Overall, staff believe that the proposed modifications and changes to the phasing of the previously approved Planning Actions #2004-00141 and #2007-00802 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential development, and tree removal permit to remove 12 trees are consistent with the applicable approval criteria and with the original requirements attached to the Willowbrook approval.

From staff's perspective, the Housing Authority and their design team merit recognition not only for their willingness to partner with the City to bring this project forward, but also for their willingness to incorporate Ashland's site design standards into the project and to integrate the adjacent wetlands with the open space and landscaping of the project to greatly benefit the livability of the Snowberry Brook development. The partnership with the Housing Authority and the proposed modifications to the Willowbrook Subdivision's approval represent a true win-win situation for the City in addressing the transportation infrastructure needs and minimum density requirements of the annexation while enhancing and protecting a locally-significant wetland and providing 60-units of much needed affordable housing where only 17 units were previously to have been provided. With this in mind, staff would strongly 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.
- 2) That prior to any disturbance occurring on the site or the issuance of a building, excavation or demolition permit, a Tree Verification Permit shall be obtained. Required tree protection measures detailed in AMC 18.61.200 shall be installed, inspected and approved by the Staff Advisor prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, or storage of materials, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation. An agreement shall be recorded requiring the remaining poplar situated at the southwest corner of the site to be protected and preserved in accordance with the approved Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1.0). Any modifications or amendments to the plan would be processed through a Tree Removal Permit procedure. The southwest corner of the property as delineated on the Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1) would not be covered by Exempt Tree Removal Activities, Section 18.61.040.C as described in the Land Use Ordinance.
- 3) That the Housing Authority of Jackson County shall obtain a Demolition/Relocation Review Permit if deemed necessary by the Building Official prior to the removal of any structures necessary to complete the proposed road construction as required in Section 3d of the Clay Street Intergovernmental Agreement.
- 4) That prior to signature of the final survey plat:
 - a) A preliminary utility plan for the project be reviewed by the Engineering,

Electric, Building and Planning Divisions prior to signature of the final survey plat. The final utility plan for the project shall be reviewed and approved by the Engineering Division and Building Division at the time of building permit submittals. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins.

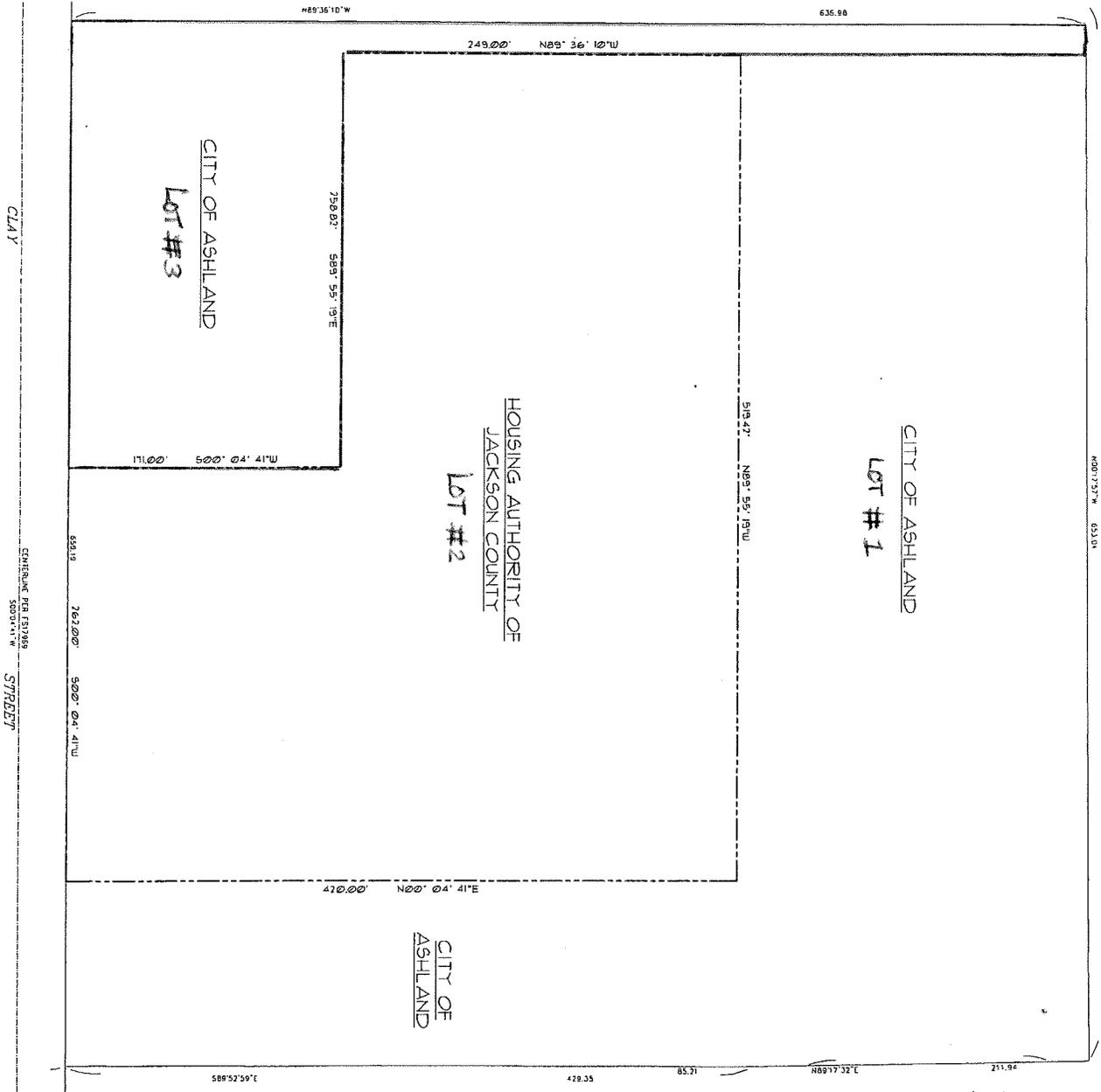
- b) The identification, relocation and piping of existing irrigation facilities shall be addressed at the time of final plat submittal, and shall be finalized with the building permit submittals. The design, relocation and installation of irrigation system shall be reviewed and approved by the Talent Irrigation District prior to the City of Ashland approval of the final engineering construction documents. The irrigation facilities shall be installed as part of the overall public infrastructure requirements.
 - c) The engineering design of all on-site storm water detention systems (i.e. wetland/detention system) shall be reviewed prior to signature of the final plat and approved by the Public Works Department, Building Official and Staff Advisor at the time of Building Permit submittals, the commencement of public infrastructure installation or the issuance of an excavation permit. The design of the wetland/detention shall incorporate required pollution control systems (if applicable), while the discharge shall be designed so as not to significantly increase the volume of runoff beyond pre-development amounts on the property to the north. The permanent maintenance of on-site storm water detention systems must be addressed in a manner approved by the Public Works Department and Building Division, and a preliminary operations and maintenance plan provided for review with the final survey plat.
 - d) The requirements of the Ashland Fire Department, including approved addressing and directional signage; fire fighter access; fire apparatus access including improvements, turn-around, angle of approach, necessary easements and signage; fire flow; and hydrant installation shall be clearly addressed in the preliminary utility plans. Final engineered construction drawings shall be reviewed and approved by the Ashland Fire Department at the time of building permit submittal.
- 5) That building permit submittals shall include:
- a) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to building permit submittal. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
 - b) That the engineering construction drawings for Clay Street comply with City of Ashland Local Street Standards. Clay Street shall be improved along the entire frontage of the property. Improvements to Clay Street shall consistent approximately with the following standards: 28 feet of pavement overlay width (includes two travel lanes and an approximately six-foot bike lane),

curb and gutter, storm drains, 7½-foot planting strip and a six-foot wide public sidewalk. The civil plans shall include profiles and cross sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.

- c) Engineered designs for a right-turn only lane on southbound Clay Street at Ashland Street shall be provided at the time of building permit submittals. These engineered designs shall include the widening of pavement width at the intersection; installation of curb and gutter, storm drain facilities (if applicable) and sidewalks from the Clay Street/Ashland Street intersection to and through the bend (i.e. elbow) in Clay street to the existing curb and sidewalk on the west installed as part of the overall public infrastructure requirements for the subdivision. Widening improvements for the right-turn only lane may be deferred until issuance of a Certificate of Occupancy Permit with all other improvements noted herein to be deferred until Lot #1 is developed. Widening improvements for the right-turn lane shall not be required to be completed if a median on Ashland Street is installed prohibiting east bound (left) turning movements from Clay Street onto Ashland Street (Highway 66) prior to the issuance of the first Certificate of Occupancy.
- d) The recommendations of the Ashland Tree Commission noted at their February 5, 2009 meeting, where consistent with Ashland's Site Design and Use Standards and Tree Preservation Ordinance and with final approval by the Staff Advisor, shall be incorporated into a revised Landscaping Plan (if applicable) prior to building permit submittal. The recommendations shall be included on a revised landscaping plan and final irrigation plan at the time of submission of building permit.
- e) That refuse and recycling facilities shall be identified in conjunction with the design of each building and in accordance with the standards described in Section 18.72.115 of the Ashland Land Use Ordinance prior to issuance of a building permit, and shall be installed according to approved plans, inspected and approved by the Staff Advisor prior to the issuance of a Certificate of Occupancy.
- f) That the color, texture, dimensions, shape and building materials for all exterior components of the project be included at the time of submission of building permit. The information shall be consistent with the colors, texture, dimensions and shape of materials and building materials proposed and approved as part of the land use application.
- g) That required bicycle parking shall be identified on plans submitted at the time of building permit review. The bicycle parking shall be designed and installed consistent with the standards described in 18.92.040 and shall be inspected and approved by the Staff Advisor prior to the issuance of a Certificate of Occupancy.
- h) That specifications for all exterior lighting fixtures shall be included at the time of submission of the building permit. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent proprietaries.

- 6) That prior to the issuance of a building permit:
 - a) That the engineered construction drawings for all new public streets within the project shall comply with City of Ashland Local Street Standards. The minimum street width shall be no less than 22 feet in width at intersections (unless permitted by the Ashland Fire Department), and a minimum width of 26 to 28 feet when accommodating on-street parking on both sides of the street. Plans to include profiles and cross-sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.
 - b) The applicants shall submit a wetland delineation and wetland mitigation/enhancement plan that has been reviewed and approved by the Oregon Division of State Lands and the Engineering, Building and Planning Divisions. Such plans shall include civil engineering specifications for any water detention, water treatment and water distribution.
 - c) That prior to issuance of a Building Permit, the Housing Authority of Jackson County shall record deed restrictions in accordance with the City of Ashland's Affordable Housing Standards.
- 7) That prior to the issuance of a certificate of occupancy, a "half-street" improvement including curb and gutter, storm drain facilities, planting strip and public sidewalk shall be installed along the street frontage of the neighboring property to the north (39 1E 11CB, #1100). The design of these improvements shall be consistent with Ashland's Local Street Standards, allow for a smooth transition to the adjoining sidewalk network and be provided prior to issuance of a Certificate of Occupancy Permit. Such improvements shall be installed as part of the overall public infrastructure requirements for the project.
- 8) At the time that Lot #1 is developed, engineered construction drawings for the project addressing the design and installation of public multi-use pathways, fence and gates from the subject property to the City of Ashland Parks/Ashland Family YMCA Soccer Fields shall be provided. The design of any multi-use pathways shall be in accord with City Local Street Standards, reviewed by the Director of the Ashland Parks Department, and approved by the Staff Advisor prior the installation of improvements associated with the development of Lot #1. That the development and surfacing (i.e. all weather surface) of the multi-use pathway at the south boundary of the project be extended through the existing easement on the adjoining parcel to the south (tax lots #200 and 201). A design for the pathway shall be submitted at the time of any Building Permit approval for Lot #1 and installed as part of the lot's public infrastructure.
- 9) That the owner of Lot #1 shall remain responsible for the pruning and continual monitoring of the remaining poplar tree. The owner of Lot #2 shall be responsible for the maintenance of their storm water detention facilities, including for bio-swales to be installed in the Clay Street park row planting strip.

Proposed Site Layout for 380 Clay Street



CLAY STREET

CENTRAL RAILROAD SOUTH W. W. STREET

1"=30'

SITE LAYOUT FOR 380 CLAY ST

DATE: 12 NOVEMBER 2008

1 OF 1

DANIEL M. HORTON - ARCHITECT 2008
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JACKSON COUNTY

Roads

Roads Engineering

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Construction Manager

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January 27, 2009

Ashland Planning Department
City Hall
51 Winburn Way
Ashland, OR 97520

RE: Development off Clay Street – a county-maintained road.
Planning File: 2009-00043

Dear Planner:

Thank you for the opportunity to comment on the request for modifications and change to the phasing of the previously approved Planning Actions #2004-00141 and 2007-00802 for the Willowbrook Subdivision to allow a Land Partition creating three lots and Site Review to construct a 60-unit multi-family residential development for the property located at 380 Clay Street. Jackson County Roads has the following comments:

1. The applicant needs to submit construction plans to Jackson County Roads, so we may determine if county permits will be required. Road approaches from Clay Street shall be completed under permits from Jackson County Roads. Additionally, any work within the county's 60-foot right-of-way shall be under a permit from this department.
2. The development of the property will require access from Clay Street. We recommend that half street road frontage improvements be required (road widening, curb, gutter, sidewalk, and bike lane) as a condition for the development.
3. If additional right-of-way is required for the improvements, dedication should be required. City of Ashland standards may be utilized for road improvement if the City agrees, in writing, to future maintenance of the urban improvements.
4. If county storm drainage facilities are utilized, Jackson County Roads would like a copy of the City approved hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was completed per plan and a copy of the certification shall be sent to Jackson County Roads.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Russ Logue
Construction Manager

RECEIVED

FEB - 2 2009

**CITY OF ASHLAND
PLANNING APPLICATION**

**SNOWBERRY BROOK RESIDENTIAL HOUSING
An affordable housing development for the
Housing Authority of Jackson County for
380 Clay Street**

PROPOSAL: This planning application proposal is for five land use entitlements for the 9.63-acre parcel off Clay Street formally known as the Willowbrook Subdivision:

- a 3-lot Land Partition (modified from a 53 lot subdivision);
- a Site Review Permit modification of Planning Action #2004-141 to construct 60 multi-family units (modified from 117 units);
- Amendment to certain Conditions of Planning Action #2004-141; and
- a Tree Removal Permit modification of Planning Action #2004-141 to remove 12 trees greater than 6" d.b.h. (modified from eight trees)
- an exception to the City Street Standards to allow a portion of the sidewalk along Clay Street to meander around a Cedar tree located in the southwest corner of the property (unchanged from Planning Action #2004-141).

PROJECT INFORMATION:

APPLICANTS:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501

OWNER:

City of Ashland
20 E. Main Street
Ashland, OR 97520

LAND USE PLANNING:

Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520
Tel: 541-482-3334

OWNER:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501

LANDSCAPE ARCHITECT:

Laurie Sager & Associates, Inc.
700 Mistletoe Road, Suite 201
Ashland, OR 97520
Tel: 541-488-1446

DRAFTING & DESIGN

Daniel R. Horton
169 W. Main Street
Eagle Point, OR 97524
Tel: 541-830-1014

CIVIL ENGINEERING:

Construction Engineering Consultants
P.O. Box 1724
Medford, Oregon 97501
Tel: 541-779-5268

ARBORIST:

Laurie Sager & Associates, Inc.
700 Mistletoe Road, Suite 201
Ashland, OR 97520
Tel: 541-488-1446

SURVEYOR:

L.J. Friar & Associates
816 W. 8th Street
Medford, Oregon 97501
Tel: 541-482-5009

WETLAND BIOLOGIST:

Agate Engineering
1175 East Main Street
Medford, OR 97501
Tel: 541-282-7930

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ADDRESS & TAX LOT:

380 Clay Street
Assessor’s Map 391E 11C, Tax Lot 2500

ZONING & COMPREHENSIVE PLAN DESIGNATION:

R-2; Multi-Residential

HISTORY:

In June and July of 2005, the Ashland Planning Commission unanimously approved and issued their Findings of Fact for the Subdivision’s Outline Plan, Site Review Permit, a Tree Removal Permit and Exception to Street Standards. At that time, the Planning Commission also forwarded to the Ashland City Council their recommendation for Annexation, Comprehensive Plan and Zone Map amendments (PA-2004-141).

In March and June of 2006, the Ashland City Council approved and issued their Findings of Fact on the Annexation, Comprehensive and Zone Map amendments (PA-2004-141).

In October 2006, a request for a one year extension was granted for the subdivision’s Outline Plan, Site Review Permit, Tree Removal Permit and Exception to Street Standards (PA-2006-02009).

In July 2007, a request for a one year extension was granted for the subdivision’s Outline Plan, Site Review Permit, Tree Removal Permit and Exception to Street Standards (PA-2007-01229).

In July 2008, a request for a one year extension was granted for the subdivision’s Final Plan, Site Review Permit, Tree Removal Permit and Exception to Street Standards (PA-2008-01060).

In November 2008, the Ashland City Council and the Housing Authority of Jackson County agreed to acquire the property for the purpose of affordable housing and park land.

INTRODUCTION:

The subject property is located at 380 Clay Street, immediately adjacent to the YMCA soccer fields – between Ashland Street and East Main Streets. The property was recently annexed into the City and concurrently received approval for a 53-lot subdivision, 117 (reduced to 107 units with Final Plan application) single and multi-family units, a tree removal permit and an exception to the street standards for a meandering sidewalk adjacent to a tree (Planning Action 2004-141). Of the original 107 units, 17 units were to be affordable and the remaining market rate. The developer had finalized his financing, completed all of the Home Owner’s Association documents, generated all of the civil engineering documents and was preparing to start construction. In November of 2008, the City of Ashland and the Housing Authority of Jackson County agreed to purchase the property in order to develop portions of the property for affordable housing, additional park land or both.

As noted, the applicants are proposing five land use entitlements and modifications to the original approval which include:

- a 3-lot Land Partition (modified from a 53 lot subdivision);

- a Site Review Permit modification of Planning Action #2004-141 to construct 60 multi-family units (modified from 117 units);
- Amendment to certain Conditions of Planning Action #2004-141; and
- a Tree Removal Permit modification of Planning Action #2004-141 to remove 12 trees greater than 6” d.b.h. (modified from eight trees)
- an exception to the City’s Street Standards to allow a portion of the sidewalk along Clay Street to meander around a Cedar tree located in the southwest corner of the property (unchanged from Planning Action #2004-141).

PARTITION:

Lot #1: Lot #1 is 5.63 acres in area with an average slope of approximately 3%. The parcel includes the property’s .83 acres of wetlands, a future road right-of-way along the northern property line, a large portion of land adjacent to the YMCA soccer fields, the existing farm house and accessory buildings and virtually all of the sites trees. The parcel is oddly shaped and will be a remainder parcel (undeveloped) until the property is developed into public park lands, additional housing or a combination thereof.

Lot #2: Lot #2 is 4.00 acres in area with an average slope of approximately 3%. The parcel is “L” shaped and incorporates the proposed housing area, off-street parking area, common spaces, play areas and new streets. Lot #2 will be owned and maintained by the Housing Authority of Jackson County.

SITE REVIEW PERMIT:

Density: The property is zoned R-2 with a base density of 13.5 units an acre. The subject parcel is 4 acres in size allowing up to 54 units with an additional 6 units being added via density bonus provisions. In this case, all of the 60 units are to be affordable rental units allowing for an additional density of 25% (18.106.030 G.). As such, 67.5 units are allowed because of the density bonus, but only 60 units are proposed with this application. Note: Due to the annexation provisions of Chapter 18.88.030 F. the 5.63 acre remainder lot (Lot #1), minus areas of natural constraint, parks or right-of-way, will need to provide 90% of the zones base density when developed.

Units: The proposal includes 60 affordable rental units to be owned, maintained and managed by the Housing Authority of Jackson County. The housing sizes and types vary as follows:

- 12 – one-bedroom 665 square foot flats
- 26 – two-bedroom 948 square foot townhomes
- 12 – two-bedroom 888 square foot flats
- 10 – three-bedroom 1182 square foot flats
- 60 units total with 918 square feet of average living area per unit*

Vehicle Parking:

The parking requirements and obligations per 18.92.020 and 18.88.060 are as follows:

- Studio units or 1-bedroom units less than 500 sq. ft.--1 space/unit.*
- 1-bedroom units 500 sq. ft. or larger--1.50 spaces/unit.*
- 2-bedroom units--1.75 spaces/unit.*
- 3-bedroom or greater units--2.00 spaces/unit.*
- + 1 on-street space per unit*

<u>Proposed Unit Types:</u>	<u># of Units</u>	<u>Vehicle parking spaces required</u>
One-bedroom	12	18
Two-bedroom (TH)	26	45.5
Two-bedroom	12	21
Three-bedroom	10	20
Total Required Parking:		104.5 (105)
Total Provided Parking:		110

Bike Parking:

The bike parking requirements and obligations per 18.92.040 are as follows:

One sheltered space per studio and 1-bedroom unit

1.5 sheltered spaces per 2-bedroom unit

2.0 sheltered spaces per 3-bedroom unit

<u>Proposed Unit Types:</u>	<u># of Units</u>	<u>Bike parking spaces required</u>
One-bedroom	12	12
Two-bedroom (TH)	26	39
Two-bedroom	12	18
Three-bedroom	10	20
Total Required Bike Parking:		89
Total Provided Bike Parking:		92 (sheltered)

Architectural Design: The proposed buildings are well articulated and have a variety of building accents, fluctuations and material changes typically not found in traditional multi-family developments. The incorporation of these elements provides a visual opportunity for not only improved aesthetics, but also individualism. Each group of buildings has multiple roof lines, staggered volumes (porches, wall faces, etc.) and heights to help break-up building mass. Each unit has their own porch or balcony depending on the type of unit.

The elevations show a variety of materials being used with shingle siding in the pediments and base, standard siding on the walls, standing seam roofing, and 3½ trim around the windows and doors. Furthermore, the unit’s porch posts are to 6” X 6” with a wrapped base and when combined with the shingled base, give the units a sense of permanence. All of the units will be painted in earth tone exterior colors.

Building Orientation: The plans show ten sets of building groups ranging from four to six units per group. All of the buildings orient towards the street or the site’s wetlands. All parking, other than parallel on-street parking, is to the rear or sides of the building in an attempt to minimize its appearance. Each individual unit has its own sidewalk leading directly to the porch and front door helping to not delineate each unit, but also improving their sense of entry.

Common Building and Recreation Area: The proposal includes a neo-craftsman “community” building and recreational “play area” within the center of the project. The community building is attractively designed with multiple fronts creating an inviting feel. Each front has a large covered patio with three of the fronts having glass entry doors and windows allowing for a “natural” security by the residents. The project’s play area or “tot-lot” includes a play structure commonly found at the elementary schools. Both the

community building and play area are delineated by sidewalk or short walls. The overall area of the recreational space and play area is 9% of the project. The project's wetlands are not included in the calculations although they clearly are a visual amenity and include a viewing platform and sidewalks on three sides.

Conservation Measures: Although not required by code, the proposed development will comply with either the "Enterprise Green Communities Compliance Path" or the "Earth Advantage Certification Path," but most likely the latter. The specific elements of this project will include at minimum the following:

- Energy Star lighting throughout
- Upgraded attic insulation to R49
- Upgraded window U value to U.35 or better
- Energy Star appliances including: refrigerator, dishwasher, & clothes washer
- Energy efficiency / low SEER PTHP and forced air units
- Water efficient toilets using 1.6 gals. per flush or less
- Low flow shower heads and faucet aerators
- Use of engineered wood products where possible
- Use of recycled contents in finish flooring
- Native trees and plants appropriate to the site and climate to be specified.
- Interior paints, adhesives, and sealants to be specified as low or no VOC.
- Retention of wetlands.
- Metal roofs for "clean" storm water runoff routed directly into adjacent wetlands.
- Street, parking and sidewalk storm water run off to be retained and treated biologically via on-site bio-swales.

In addition, besides the new sidewalk to be added along the project's Clay Street frontage (units, wetlands and City property), the applicants will be constructing a "*significant*" amount of off-site sidewalk and street improvements in order to improve the areas limited pedestrian facilities. This includes approximately 330' of sidewalk and curbing along the adjacent County property to the north and an additional 100' of sidewalk and curbing to the south connecting the existing sidewalk leading to Ashland Street. These improvements help facilitate pedestrian movement and keep vehicular trips to a minimum. Considering this property is located within ¼ mile (5 minute walk) of retail facilities, professional offices, grocery stores and other services, the reduction in vehicular trips should be realized. No other off-site improvements are proposed other than standard utility and storm water improvements as noted herein.

Street Designs: All of the project's streets, as well as Clay Street, will be improved to current City Street Standards. The interior streets are to have a 52' right-of-way and a ¾ street improvement with two 10' travel lanes, a 7' parking lane, 8' planting strip and 5'-6" sidewalk. The remaining ¼ street improvement (along the edges of Lot #1) will occur when that portion of the property is developed. Along the property's Clay Street frontage the plans show additional paving allowing for two travel lanes and a bike path, 6' sidewalk and a 7'-6" planting strip for street trees. However, the plan also shows the planting strip as a "bio-swale" in an attempt to retain heavy metal particulates from the street's storm runoff prior to release into Bear Creek (see Sheet 6, Agate Engineering plans for details). Although this type of improvement isn't common in Ashland, it's very common in Portland and Eugene in an attempt to biologically reduce pollutants prior to entering major stream corridors. The best

local example of this type of bio-swale improvement is within the parking lot of North Mountain Park.

Transportation: The original Traffic Impact Analysis for this site was for 130 single family and multi-family residential units. In that analysis, the findings concluded that three of the four intersections impacted by the project will continue to meet applicable mobility standards but for one – Clay and Ashland Street. In that analysis, it concluded the intersection would meet mobility standards if a dedicated right-hand turn lane was added at the intersection. In this scenario, there would be one in-bound lane, one out-bound left lane and one out-bound right lane.

This application continues to agree with the analysis. However, considering the recent discussions involving this intersection and the Coming Attractions Theatres project at 2200 Ashland Street (PA02008-01318, Approved December 13th, 2008) and the Oregon Department of Transportation's position on that application's turning movements onto Ashland Street (a State Highway), there is likely to be a raised median at this intersection which would nullify the need for the additional lane. As such, the applicants are proposing to install the lane's pavement without curbing, but would request the improvement be deferred until the proposed units are initially occupied and not complete the lane's paving if the median is installed prior to occupancy. Under this scenario, a significant amount of asphalt, effort and cost could be avoided as there would be no purpose for an "additional" turn lane if the median was installed first.

Wetlands: The subject property has .83 acres (36,499 sq. ft.) of wetlands located within the northwest corner of the property along Clay Street. As with the previous application, the wetlands are to be retained, slightly modified and expanded in order to improve its functionality and aesthetics. In addition, the wetlands will have a "public" viewing platform from the Clay Street sidewalk as illustrated on the project's landscaping plans and wetland plans. In addition, various types of wetland plants will be added in order to increase its ecological and biological benefits. When complete, the wetlands will have a total area of .93 acres (40,490 sq. ft.) – not including the bio-swale areas noted below which will likely increase the appearance of the wetland by an additional 10% to 15%. As noted previously, the application doesn't include the wetland area as part of the project's recreational space even though there is a viewing platform and pedestrian sidewalks on two sides.

The wetland boundaries have been officially delineated and accepted by the Division of State Lands (DSL) and were approved as part of the original application along with the proposed wetland plan approved by both DSL and the Corp. of Engineers. The proposed improvement plans have also been review by DSL and the Corp. of Engineers and final approval will occur once all of the applicable engineering documents are complete. All communication to this point with both DSL and the Corp. has been very favorable.

Bio-Swales: As noted, the application also includes a number of bio-swales throughout the site in order to biologically improve storm water quality by removing suspended solids to settle out and retain storm water during peak storm events – minimizing downstream capacity issues and erosion problems. The plantings within the bio-swales help filter particulates and their associated pollutants as runoff passes slowly and evenly through the channel. The pollutants are then incorporated into the soil where they may be immobilized and/or decomposed by plants and microbes.

Landscape Strategies: The planting plan was completed by a local Landscape Architect, Laurie Sager & Associates, familiar with the area's climate. The Landscaping Plans illustrate the various types of trees, plants, and groundcover proposed for the project based on their relationship from the sun, least active areas and most active areas. In addition, the Landscaping Plans show a heavy emphasis on plants and shrubs, rather than a water consumptive lawn.

The parking areas provide shade trees in an attempt to minimize surface heat gain, shade vehicles and sidewalks. There are a number of extended landscape islands within the parking area to help soften the area and break up the linear alignment of parking spaces. Street trees are to be planted 30' on center and planted in accordance with the specified standards noted on the landscape plans. The trees have been chosen from the adopted Street Tree list based upon their setting and amount of hydrology.

Utilities: Within the development and along Clay Street the electrical, television and telephone service will be underground within a 10' wide public utility easement. The sanitary sewer and water lines will connect to the existing service lines within the Clay Street right-of-way. Storm water runoff will drain to the existing system along Clay Street and to the planned bio-swales. In addition, an equal portion of storm water that currently drains onto the 5 acre property to the north (Cooper property) has been engineered to continue to drain in order to retain the historic level of hydrology that feeds that property's wetlands.

AMENDMENT TO CONDITIONS (PA-2004-141):

The proposal is partition the lot into two parcels and developed in two phases. As such, the conditions of approval applied to the original Site Review Permit and Outline Plan Subdivision (PA-2004-141) either no longer apply or more aptly should apply with the correct phase – regardless if the next phase is developed as a park, additional housing or both.

The following conditions of approval are include “suggestive” amendments (~~deleted~~ / **added**) followed by the applicant's explanation.

- 1) *That all proposals of the applicant are conditions of approval unless otherwise modified here.*
- 2) *That a consent to annexation form be completed, which is non-revocable for a period of one year from its date.*

A consent to annexation agreement has been submitted.

- 3) *That a boundary description and map be prepared in accordance with ORS 308.225. A registered land surveyor shall prepare the description and map. The boundaries shall be surveyed and monuments established as required by statute subsequent to Council approval of the proposed annexation.*

A boundary description and map, prepared in accordance with ORS 308.225 by a registered land surveyor (Jim Hibbs, L.J. Friar & Associates) has previously been submitted.

- 4) *That the applicant submit an electric distribution plan including loan calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department ~~prior to Final Plan~~ **at the time of Building Permit submittals.** Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. In this case, all civil drawings and documents submittals will be provided at the time the building plans are submitted and delivered to the Electric Department at that time for their review and approval.

- 5) *That a **preliminary utility plan for the project be reviewed by the Engineering Division and Building Division prior to final plat.** The final utility plan for the project shall be reviewed and approved by the Engineering Division and Building Division at the time of ~~Final Plan~~ **Building Permit submittals.** The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. In this case, all civil drawings and documents submittals will be provided at the time the building plans are submitted and delivered to the Engineering and Building Departments at that time for their review and approval.

- 6) *That the identification, relocation and piping of existing irrigation facilities be addressed at the time of ~~Final Plan~~ **final plat and finalized with Building Permit submittals.** The design, relocation and installation of irrigation system shall be reviewed and approved by the Talent Irrigation District prior to the City of Ashland approval of the final engineering construction documents. The irrigation facilities shall be installed as part of the overall public infrastructure requirements.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. In this case, all civil drawings and documents submittals will be provided at the time the building plans are submitted and delivered to the Talent Irrigation District at that time for their review and approval.

- 7) *That the engineering design of all on-site storm water detention systems (i.e. wetland/detention system) shall be reviewed **prior to final plat** and approved by the Public Works Department, Building Official and Staff Advisor ~~prior to Final Plan approval~~ **at the time of Building Permit submittals** and the commencement of public infrastructure installation and the issuance of an excavation permit. The design of the wetland/detention shall incorporate required pollution control systems (if applicable), while the discharge shall be designed so as not to significantly increase the volume of runoff beyond pre-development amounts on the property to the north. The permanent maintenance of on-site storm water detention systems must be addressed ~~through the project's CC&Rs~~ and approved by the Public Works Department and Building Division.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. In this case, all civil drawings and documents submittals will be provided at the time the building plans are submitted and delivered to the Engineering, Building and Planning Department at that time for their review and approval. Considering there no longer will be multiple lot owners, but instead one owner (the City of Ashland), there are no CC&Rs.

Nevertheless, it should be clearly understood the project's Civil Engineer completed the engineering documents for the subject storm water detention systems for the previous application which were reviewed and approved by the Ashland Public Works Department as they relate to this condition and specifically the property to the north.

- 8) *That the engineering construction drawings for Clay Street comply with City of Ashland Local Street Standards. Clay Street shall be improved along the entire frontage of the property. Improvements to Clay Street shall consistent approximately with the following standards: 28 feet of pavement overlay width (includes two travel lanes and an approximately six-foot bike lane), curb and gutter, storm drains, 7.5' planting strip and a six-foot wide public sidewalk. The ~~Final Plan~~ **civil plans** shall include profiles and cross sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. In this case, all civil drawings and documents submittals will be provided at the time the building plans are submitted and delivered to the Engineering and Planning Department at that time for their review and approval.

- 9) *That a half street improvement including curb and gutter, storm drain facilities, planting strip and public sidewalk be installed along the street frontage of the neighboring property to the north (39 1E 11CV, #1100). The design of these improvements shall be consistent with Ashland's Local Street Standards, allow for a smooth transition to the adjoining sidewalk network and be provided ~~at the time of Final Plan~~ **prior to issuance of a Certificate of Occupancy Permit**. Such improvements shall be installed as part of the overall public infrastructure requirements for the ~~subdivision~~ **project**.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. Regardless, a half street improvement including curb and gutter, storm drain facilities, planting strip and public sidewalk will be installed along the street frontage of the neighboring property to the north (39 1E 11CV, #1100). The design of these improvements will be consistent with Ashland's Local Street Standards and will allow for a smooth transition to the adjoining sidewalk network.

- 10) *That an engineering design for a right turn only lane on southbound Clay Street at Ashland Street shall be provided at the time of ~~Final Plan~~ **Building Permit submittals**. The engineered design shall include the widening of pavement width at the intersection; installation of curb and gutter, storm drain facilities (if applicable) and sidewalks from the Clay Street/Ashland Street intersection to and through the*

bend (i.e. elbow) in Clay street to the existing curb and sidewalk on the west installed as part of the overall public infrastructure requirements for the subdivision. Widening improvements for the right turn only lane may be deferred until issuance of a Certificate of Occupancy Permit with all other improvements noted herein be deferred until Lot #1 is developed. Widening improvements for the right turn lane shall not be completed if a median on Ashland Street is installed prohibiting east bound (left) turning movements from Clay Street onto Ashland Street (Highway 66).

As noted above, the original Traffic Impact Analysis for this site was for 130 single family and multi-family residential units. In that analysis, the findings concluded that three of the four intersections impacted by the project will continue to meet applicable mobility standards but for one – Clay and Ashland Street. In that analysis, it concluded the intersection would meet mobility standards if a dedicated right-hand turn lane was added at the intersection. In this scenario, there would be one in-bound lane, one out-bound left lane and one out-bound right lane.

This application continues to agree with the analysis. However, considering the recent discussions involving this intersection and the Coming Attractions Theatres project at 2200 Ashland Street (PA02008-01318, Approved December 13th, 2008) and the Oregon Department of Transportation's formidable position on that application's turning movements onto Ashland Street (a State Highway), there is likely to be a raised median at this intersection which would nullify the need for the additional lane. As such, the applicants are proposing to install the lane's pavement without curbing, but would request the improvement be deferred until the proposed units are initially occupied and not complete the lane's paving if the median is installed prior to occupancy. Under this scenario, a significant amount of asphalt, effort and cost could be avoided as there would be no purpose for an "additional" turn lane if the median was installed first.

Finally, the applicants propose to defer installation of sidewalks, curbs, gutters, and storm drain facilities (if applicable) from the Ashland Street intersection through the bend (i.e. elbow) on the south side of Clay Street *until Lot #1 is developed* either as a park or housing development. The improvements to be installed with this development (Lot #2), will include not only 660' of new sidewalk, planting strip, curbs, gutters, etc., along the property's entire Clay Street frontage (including the frontage of Lot #1), but also 330' of the neighboring property to the north (County, Tax Lot 391E11CB 1100). With these improvements, a continuous sidewalk system from Dollarhide Way to Ashland Street will be realized.

Considering the original approval was for 107 units and now only 60 units are proposed (44% reduction), the ratio of public street improvements (approximately 1,000') in comparison to the proposed units is significant as it's equitably reasonable to defer the remaining sidewalk improvement, approximately 350', until Lot #1 is developed either as a park or housing development. As such, the existing and proposed sidewalk improvements along Clay Street clearly meet the applicable transportation criteria found in AMC 18.72.070 D. and 18.106.030 E. and that the proposal is consistent with the original approval (PA-2004-141).

- 11) *That the engineered construction drawings for all new public streets within the project shall comply with City of Ashland Local Street Standards. The minimum street width shall be no less than 22 feet in width at intersections (unless permitted by the Ashland Fire Department), and a minimum width of 26 to 28 feet when accommodating on-street parking on both sides of the street. Plans to include profiles and cross-sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.*

Application will comply.

- 12) ~~*That a street plug, one foot in width, be dedicated adjacent to public streets and alleys that adjoin the north property boundary. In addition, a street plug shall be dedicated along the eastern boundary of the project, between the public alley and east property line.*~~

This condition is no longer applicable as the entire north side of the property has been incorporated into the whole of Lot #1, owned by the City of Ashland.

- 13) ***At the time Lot #1 is developed, either as a park, housing development or both,** That the engineered construction drawings for the project address the design and installation of public multi-use pathways and fence gates from the project to the City of Ashland Parks/Ashland Family YMCA Soccer Fields. The design of the multi-use pathway shall be in accord with City Local Street Standards, reviewed by the Director of the Ashland Parks Department, and approved by the Staff Advisor prior to ~~signature of the final survey plat or the~~ installation of improvements associated with **Lot 1** ~~the subdivision~~. That the development and surfacing (i.e. all weather surface) of the multi-use pathway at the south boundary of the project be extended through the existing easement on the adjoining parcel to the south (tax lots #200 and 201). A design for the pathway shall be submitted at the time of **any Building Permit Final Plan** approval **for Lot #1** and installed as part of the ~~subdivision's~~ lot's public infrastructure.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots. Considering Lot #1 abuts the properties to the north, east and south, Condition #13 will be addressed when that lot is developed.

- 14) ~~*That public easements shall be identified on the final survey plat for all multi-use pathways. The project CC&Rs shall note that the pathways are for public use and shall not be obstructed or through access to the east restricted unless authorized by the City of Ashland and Ashland Parks Department.*~~

The previous subdivision approval incorporated pedestrian connections to the south and east of the property. However, the application has changed and the connections are no longer applicable to Lot #2, but most likely will be when Lot #1 is developed. As that time, public pedestrian easements will be designed into that lot's site plan and recorded.

- 15) *That the requirements of the Ashland Fire Department, including but not limited to hydrant placement and flow and apparatus access, shall be clearly identified on the preliminary utility plan prior to final plat. Final engineered construction drawings shall be reviewed and approved by the Ashland Fire Department at the time of Building Permit submittal. Final Plan and approved prior to signature of the final survey plat or the installation of improvements associated with the subdivision.*

The subject property is no longer being subdivided into multiple lots, but instead partitioned into two lots.

- 16) *That all recommendations of the Ashland Tree Commission noted at their February 3 and June 9, 2006 meeting and consistent with Ashland's Site Design and Use Standards and Tree Preservation Ordinance, shall be incorporated into a revised Landscaping Plan (if applicable) prior to Final Plan Building Permit approval. The recommendations shall be included on a revised landscaping plan and final irrigation plan at the time of submission of building permit.*

The application includes a proposal to modify the Tree Removal and Protection Plan and will have met again with the Tree Commission prior to Planning Commission review of this project.

- 17) *That prior to any disturbance occurring on the site or the issuance of a building permit, a Tree Verification Permit shall be applied for. Required Tree Protection Measure (18.61.200) shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.*

Application will comply.

- 18) *That the owner of Lot #1 shall remain responsible That a final copy of the CC&Rs for the Homeowner's Association shall be provided at the time of Final Plan and approved prior to signature of the final survey plat. CC&Rs to describe responsibility for the pruning and continual monitoring of the three poplar trees. maintenance of common area landscaping, private driveways, multi-use pathways and on-site storm water detention facilities. The Homeowner's Association is responsible for contracting with a utility maintenance company for the* **The owner of Lot #2 shall be responsible for the maintenance of the storm water wetland/detention facility. All parameters for maintenance of the facility, including time lines and enforcement, shall be reviewed and approved by the City Public Works Department and described in the CC&Rs.**

Because the subject property is no longer being subdivided into multiple lots, there will be no Homeowner's Association or CC&Rs. However, if Lot #1 is further subdivided and developed, this condition appears to be appropriate at that time. Nevertheless, the property owner of Lot # 1 is the City of Ashland and will be the responsible entity for maintaining the Polar Trees.

- 19) *That the project complies with the Affordable Housing Standards as described in 18.106.030G. Each affordable unit shall be identified and the required term of affordability agreements (i.e. in perpetuity) signed prior to signature of the final survey plat, with proof of recording submitted to the City of Ashland Housing Program Coordinator prior to issuance of a certificate of occupancy.*

Application will comply.

- 20) ~~*That the CC&Rs identify which units are subject to the City's Affordable Housing requirements terms of affordability.*~~

All of the units identified will meet the City's Affordable Housing requirements.

- 21) *That a Demolition/Move permit be issued for all applicable structures on the property prior to signature of the survey plat.*

Application will comply.

- 22) *That opportunity-to-recycle facilities shall be identified in conjunction with the design of each building and in accordance with the standards described in Section 18.72.115 of the Ashland Land Use Ordinance prior to issuance of a building permit.*

Application will comply.

- 23) *That the color, texture, dimensions, shape and building materials for all exterior components of the project be included at the time of submission of building permit. The information shall be consistent with the colors, texture, dimensions and shape of materials and building materials proposed and approved as part of the land use application.*

Application will comply.

- 24) *That required bicycle parking shall be identified on plans submitted at the time of building permit review. The parking shall be designed and installed consistent with the standards described in 18.92.040.*

Application will comply.

- 25) ~~*That the applicant agrees to construct the project in accordance with the approved plan and City ordinances and waives the right to file a claim under Oregon Statewide Measure 37. The signed waiver shall be submitted to the City of Ashland Legal Department for review and approval prior to signature of the survey plat or adoption of a resolution or ordinance formally annexing the property.*~~

This condition no longer applies as it has changed ownership.

- 26) *That prior to **Building Permit approval** ~~Final Plan~~ submittal, the applicants shall submit a wetland delineation and wetland mitigation/enhancement plan that has been reviewed and approved by the Oregon Division of State Lands and Staff Advisor.*

Such plans shall include civil engineering specifications for any water detention, water treatment and water distribution.

Application will comply.

- 27) ~~That 50% of the affordable units shall be completed and occupied by qualified households, at or below 60% area median income, prior to issuance of a certificate of occupancy for the last of the first 50% of the market rate units. Prior to issuance of a building permit for the final market rate unit, the final 50% of the affordable units shall have been issued building permits. All affordable units must be occupied, or a rental agreement or purchase agreement shall be executed with qualified low income households, prior to the issuance of a certificate of occupancy for the final market rate unit. Purchasers or renters of the designated affordable units shall be income qualified by the City of Ashland and the City shall be presented with copies of all rental or sales agreements associated with the designated affordable units. That prior to issuance of a Building Permit, the Housing Authority of Jackson County shall record deed restrictions in accordance with the City of Ashland's Affordable Housing Standards.~~

Considering all of the units are to be affordable, the majority of this provision no longer applies.

- 28) ~~That an agreement be recorded requiring the poplar tree grove situated at the southwest corner of the site to be protected and preserved in accordance with the approved Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1.0). Any modifications or amendments to the plan would be processed through a Tree Removal Permit procedure. The southwest corner of the property as delineated on the Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1) would not be covered by Exempt Tree Removal Activities, **Section 18.61.040 C.** as described in the Land Use Ordinance. Further, the agreement would stipulate that further development of the southwest corner that includes an increase in the number of residential units shall include a percentage of residential units for purchase or rent to households consistent with the requirements for annexation and commensurate with City of Ashland resolution adopting a range of qualifying incomes.~~

First, a Tree Removal Permit was obtained for the Poplar Tree that fell in October of 2006. Second, the submitted Tree Protection/Tree Removal Plan has a new exhibit label. Third, the tree exemption noted (18.61.040 B.) pertains to multi-family zoned properties with a single family house which allows trees to be removed without permits. In this case, the remaining parcel (Lot #1), would fall under this exception without this specific language. Finally, the current proposal exceeds both parcels affordable housing obligations as noted under Chapter 18.106.030 G.

TREE REMOVAL PERMIT:

Twelve of the sites 30 trees are to be removed with this application in order to provide the project's necessary transportation facilities such as its roads and sidewalks. Generally, the trees proposed to be removed are consistent with the trees approved for removal as part of the original application, but for the few trees within or adjacent to the proposed east/west street right-of-way. Most notably, a 40" d.b.h Poplar tree is to be removed as it sits directly in-line

with the new street. According to the project's Arborist, this tree is healthy, but its tolerance to construction is poor as well as its susceptibility to limbs falling. Regardless, this is the only significant tree on the property proposed to be removed. Note: In October of 2006, a large 40" d.b.h. Poplar was removed due to a major limb break causing a hazardous condition. At that time this information was forwarded to the City and Tree Commission. Also during this time, the remaining Poplar Trees were pruned in accordance with the original tree preservation plans. The revised Tree Removal and Protection plans have been updated to recognize any changes since the original approvals.

All tree protection measures have been designed by a licensed Arborist and Landscape Architect. The Tree Protection Plan notes that all tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. In addition, during construction the site will be monitored by the project arborist.

STREET STANDARDS EXCEPTION:

The request for a Street Exception's request remains unchanged since the original approval (PA-2004-141) as the new sidewalk along Clay Street needs to meander towards the curb and run parallel in order to connect to the existing sidewalk to the south. In doing so, the sidewalk avoids a 24" Cedar tree.

Findings of Fact

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Partition standards as outlined in Chapter 18.76 in the Ashland Municipal Code (AMC), Site Design & Use Standards as outlined in the AMC, Section 18.72.070, Site Design & Use Standards (Design Standards Booklet, adopted August 4th, 1992), the criteria for a Tree Removal and Tree Protection as outlined in the AMC, Section 18.61 and the criteria for a Tree Removal Permit as outline in the AMC, Section 18.61.

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's approval criteria noted in **BOLD** font and the applicant's response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

CHAPTER 18.76 PARTITIONS:

A. The future use for urban purposes of the remainder of the tract will not be impeded.

The future use of the remaining parcel (Lot #1) has not been impeded as the remaining parcel will have direct frontage and access from the public streets to be installed as part of this application.

B. The development of the remainder of any adjoining land or access thereto will not be impeded.

The future development of the remainder land (Lot #1) will not be impeded by the proposed development as the remaining parcel will have direct frontage and access from the public streets to be installed as part of this application.

C. The tract of land has not been partitioned for 12 months.

The parcel has not been partitioned in the previous 12 months.

D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.

The partition appears to meet all laws, ordinances, and resolutions for the proposed partition.

E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options.

The proposed partition is in accordance with the design and street standard contained in Chapter 18.88, Performance Standards. Clay Street as well as the proposed streets will be improved to $\frac{3}{4}$ street standards (City Standards) with the remaining $\frac{1}{4}$ street improvement occurring by the other side of the street's adjacent property owner.

F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.

All public facilities serving this parcel are adequate and located within the Clay Street right-of-way. According to the multiple communications with department representatives, all of the services such as water, sewer, storm, and electricity are available and are not at capacity and can accommodate the proposal.

G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

Other than a narrow section of upper Clay Street (sharp turn), Clay Street's paved width is at least 20'. At the time the project's street improvements are being completed, the applicants will also pave the upper portion of Clay Street in order to ensure its required 20' minimum width is met with all of the work being done under permit from the Ashland Public Works Department.

H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.

No alleys exist on or adjacent to the subject property

CHAPTER 18.72.070 SITE DESIGN & USE STANDARDS:

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

It has been the intention of the applicants to meet all City Ordinances without requesting any Variances or Exceptions to the Site Design Standards. To the applicant's knowledge, all applicable City ordinances have been met and will be met unless otherwise noted herein. At the time of the building permit submittal, the application will be substantially consistent with the proposed application and will meet all conditions of approval imposed by the regulating authority.

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

All of the requirements listed in the Site Review Chapter, Section 18.72, have been met without Variances or Exceptions. The Site Review Chapter was designed to ensure that high quality development is maintained throughout the City of Ashland. The proposed application was designed and redesigned in order to best meet this purpose and produce a quality living environment.

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

The development complies with the City of Ashland's Site Design Standards, adopted August 4th, 1992. A thorough response as to the project's compliance with the Site Design Standards, Section II-B, Approval Standards and Policies for Multi-Family Residential Developments; Section II-D, Parking Lot Landscaping and Screening Standards; and Section II-E, Street Tree Standards, has been provided below.

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.

All utilities serving the project are within either the Clay Street right-of-way or from McCall Drive which will be extended via easements. None of the utilities are at capacity to service the development. A pre-application was completed on November 5th, 2008, with City Departments reviewing the application and assessing availability of services. All utility work, including driveway turning standards as required by the Planning and Fire Departments, have been incorporated into the site plans.

Three new fire hydrants are to be installed and all of the units are accessible from either the adjacent rights-of-way or the private driveway designed to meet width, height and weight requirements for fire-truck ingress and egress.

SITE DESIGN APPROVAL STANDARDS:

Multi-family residential development shall conform to the following design standards:

II-B-1) Orientation

II-B-1a) Residential buildings shall have their primary orientation toward the street when they are within 20 to 30 feet of the street.

The proposed application meets the Site Design Standards, Section II-B-1a. The buildings that are within 20 to 30 feet of the street (right-of-way) and include porches oriented towards the street. The front facades have been designed to have an attractive and pedestrian friendly streetscape environment as each street fronting unit has a 6' deep front porch and a sidewalk extending from the adjacent right-of-way to the porch.

II-B-1b) Buildings shall be set back from the street according to ordinance requirements, which is usually 20 feet.

The proposed application meets the Site Design Standards, Section II-B-1b. as well as the setback requirements of Chapter 18.24.040. D. which allow porches to be as close as 10' and houses to be 15' from the front property line.

II-B-1c) Building shall be accessed from the street and the sidewalk. Parking areas shall not be located between buildings and the street.

The proposed application meets the Site Design Standards, Section II-B-1c. Parking is within the center of the project in open parking stalls. All of the parking is generally hidden from the street's view other than a few spaces at the entrances. The units are accessed via a sidewalk from the streets and/or from the parking area.

II-B-2) Streetscape

II-B-2a) One street tree for every 30 feet of frontage, chosen from the street tree list, shall be placed on that portion of the development paralleling the street. Where the size of the project dictates an interior circulation street pattern, a similar streetscape with street trees is required.

The proposed application meets the Site Design Standards, Section II-B-2a. New street trees, every 30' of frontage, will be planted in accordance with the City's adopted street tree standards. The new trees have been chosen from the City Street Tree List.

II-B-2b) Front yard landscaping shall be similar to those found in residential neighborhoods, with appropriate changes to decrease water use.

The proposed application meets the Site Design Standards, Section II-B-2b. The applicant's landscape plan has been designed keeping in mind the project is for a multi-family residential building complex and that water usage should be limited. The proposed planting species are similar to what would be found in other multi-family neighborhoods around the community.

Other than the lawn area near the play area, only small amounts of turf are proposed in order to decrease water use.

II-B-3) Landscaping

II-B-3a) Landscaping shall be designed so that 50% coverage occurs within one year of installation and 90% landscaping coverage occurs within 5 years.

The proposed application meets the Site Design Standards, Section II-B-3a. The landscape plan has been designed to meet a 50% “spreading” coverage after the first year and 90% “spreading” coverage prior to the development’s 5th year. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for the Southern Oregon climate.

II-B-3b) Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

The proposed application meets the Site Design Standards, Section II-B-3b. The landscaping plan incorporates a variety of deciduous shrubs, flowering plant species and drought tolerant ground cover for Southern Oregon. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for this area.

II-B-3c) As many existing healthy trees on the site shall be saved as is reasonably feasible.

Please see the attached Tree Protection Plan. As many of the site’s existing trees are being saved and protected where reasonably feasible. All tree protection measures have been designed by a licensed Arborist and Landscape Architect with the intent to retain as many existing healthy trees as reasonably feasible and still meet the various other site design and zoning requirements (multi-family housing). The Tree Protection Plan notes that all tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. In addition, during construction the site will be monitored by the project arborist.

II-B-3d) Buildings adjacent to streets shall be buffered by landscaped areas of at least 10 feet in width.

The proposed application meets the Site Design Standards, Section II-B-3d. The buildings will sit proudly along Clay and the new streets with porches and landscaping between the buildings and the public sidewalk as illustrated on the landscaping plan.

II-B-3e) Parking areas shall be shaded by large canopied deciduous trees and shall be adequately screened and buffered from adjacent uses.

The project's landscaping plan identifies a number of shade trees in order to reduce excessive heat gain. All of the parking is either screened or adequately mitigated from the rights-of-way.

- II-B-3f) Irrigation systems shall be installed to assure landscaping successes. Refer to Parking Lot Landscaping and Screening Standards for more detail.**

The proposed application will meet the Site Design Standards, Section II-B-3f as an irrigation system will be installed at the time the landscaping is installed. The landscaping and the irrigation system will be installed by a professional landscape company.

- II-B-4) Open Space**

- II-B-4a) An area equal to at least 8% of the lot area shall be dedicated to open space for recreation for use by the tenants of the development.**

The proposed application meets the Site Design Standards, Section II-B-4a. The applicant proposes 12,245 square feet (8%) of recreational space to be used by the tenants. In addition, more open space is spread throughout the property including the bio-swale areas, areas between buildings, porches and balconies that have not been considered in this calculation.

- II-B-4b) Areas covered by shrubs, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.**

The above standard is intended to preclude areas that typically do not promote space for outdoor activities or social gatherings. Such activities typically include parking lot landscaping, architectural landscaping or landscaping along pedestrian and vehicular access corridors. As such, the project's Landscape Architect has designed the recreational space so that shrubs, bark and similar ground covers are not included in the calculation. Nevertheless, areas not included in the number that should be appreciated as recreational space include the project's porches, balconies and wetland viewing platform as each provide an opportunity for outdoor recreation and human interaction.

- II-B-4c) Decks, patios, and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units that are designed to include families.**

The proposed application meets the Site Design Standards, Section II-B-4c. and includes a play area, lawn area and a community building.

- II-B-5) Natural Climate Control: Utilize deciduous trees with early leaf drop and low bare branch densities on the south sides of buildings which are occupied and have glazing for summer shade and warmth.**

The proposed application meets the Site Design Standards, Section II-B-5. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for this area. New plantings include deciduous trees that provide for early leaf drop for full winter solar access and summer shading.

II-B-6) Building Materials: Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors which attract attention to the building or use are unacceptable.

No bright or neon-type paint colors will be used on the building. The proposed material and colors will be earth tone colors consistent with building materials and colors often found on residential buildings.

18.61.080 CRITERIA FOR ISSUANCE OF TREE REMOVAL - STAFF PERMIT:

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

As noted, the proposal is to remove 12 trees of the site's 30 trees. All tree protection measures have been designed by a licensed Arborist and Landscape Architect. The Tree Protection Plan notes that all tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. In addition, during construction the site will be monitored by the project arborist.

The criteria are as follows:

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

None of the trees within the proposed project to be removed are being removed because they are hazardous. Instead, they are being removed in order to develop the property in accordance with the project's transportation needs and the City's Site Design Standards. Nevertheless, it should be noted the Polar trees are very prone to limb breaks and considering their size a concern as the Poplar limb that fell in 2006 nearly landed on the adjacent neighbor to the south's house, but miraculously only causing minor damage.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

All of the trees to be removed are due to their location within a planned street or sidewalk system which is required by the Land Use Ordinance or Site Design and Use Standards.

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

Removal of the trees will not have a significant impact on erosion as the trees to be removed are on minimal sloping lands. According to the project Arborist, the removal of the trees will not have a negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. Again, all of the subject trees have been assessed by the project's arborist who has also chosen the replacement trees.

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

No exceptions are proposed with this application other than the street exception to meander a sidewalk away from a 24" d.b.h. Cedar tree. The applicants have explored alternative designs, but due to the configuration of the property, access management standards, and the minimum density standards required in the zone, the proposed plan was chosen.

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

The applicants are aware of this provision and will comply.

18.61.084 Tree Mitigation Required

An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:

A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.

The applicants will mitigate the loss of the 12 trees by planting at least 12 new trees within the project's boundaries. In fact, the landscape plans show significantly more trees than the required minimum.

B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

18.61.200 TREE PROTECTION

Tree Protection as required by this section is applicable to any planning action or building permit.

A Tree Protection Plan has been submitted as part of the application in order to protect the trees planned to be preserved as well as the site's neighboring trees. All tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. No development activities, including, but not limited to clearing, grading, excavation or demolition work will occur without the protection measures in place. Protection measures will only be removed after completion of all construction activity, including landscaping and irrigation installation.

EXCEPTION TO STREET STANDARDS:

18.88.050.F - Exception to Street Standards - An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

There is a demonstrable difficulty in meeting the aforementioned parkway and sidewalk standard in the far southwest corner of the property as it would require the removal of an 18" Cedar tree.

B. The variance will result in equal or superior transportation facilities and connectivity;

The request will result in the preservation of a mature Cedar tree and be at least equal in value as the standard pedestrian transportation facility.

C. The variance is the minimum necessary to alleviate the difficulty; and

The request is the minimum necessary to alleviate the difficulty.

D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.

The stated Purpose and Intent of the Performance Standards Options Chapter are found in Chapter 18.88.010 of the Ashland Municipal Code and is as follows:

18.88.010 Purpose and Intent - The purpose and intent of this Chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity and innovation, use the natural features of the landscape to their greatest advantage, provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes, be aesthetically pleasing, provide for more efficient land use, and reduce the impact of development on the natural environment and neighborhood.

The request is consistent with the stated purpose and intent of the Performance Standards Options Chapter found in Chapter 18.88.010 as the applicant is proposing to retain a mature Cedar tree that would otherwise be removed.

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SNOWBERRY BROOK RESIDENTIAL HOUSING
An affordable housing development for the
Housing Authority of Jackson County for
380 Clay Street

City of Jackson
Community Development

TREE REMOVAL PERMIT ADDENDUM

18.61.080 CRITERIA FOR ISSUANCE OF TREE REMOVAL - STAFF PERMIT:

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

As noted, the proposal is to remove 12 trees of the site's 30 trees. All tree protection measures have been designed by a licensed Arborist and Landscape Architect. The Tree Protection Plan notes that all tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. In addition, during construction the site will be monitored by the project arborist.

It should be noted the site's trees, specifically the large Poplar Trees, were evaluated previously by two certified Arborists, John Galbraith and Tom Myers. Each had differing opinions as to their ability to survive a development. However, it should be clear each evaluated the trees under different plan configurations with one having housing directly adjacent to the trees and the other no development near the trees (adopted plan). The current plan is somewhat of a hybrid of the previous two plans with only one Poplar Tree being removed. This plan has been evaluated and guided under the direction of a third Arborist, Laurie Sager & Associates.

The criteria for a Tree Removal Permit are as follows:

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

None of the trees within the proposed project to be removed are being removed because they are falling down, leaning or breaking and none appear to be obviously hazardous even though since the original two Arborist reports were completed in 2005, two of the trees have died and one of the large Poplar Trees' limbs broke off in 2006 and nearly crushed the adjacent house to the south at 400 Clay Street (see attached photos). The rest of the tree was removed by Tom Myers, Upper-Limb-It Tree Service under an Emergency Tree Removal Permit. An attached letter from Mr. Meyers, states that evidence revealed the tree was rotting within. Obviously, during the initial two Arborists' investigations, no exterior evidence was found which is obviously a major consideration, especially when combined with the fact Poplar Tree species are highly "intolerant", subject to wind-throw and trunk failure. In summary, considering the size of Tree #17, it's species limited tolerance level, it's age and the recent collapse of a sister tree, the applicants contend the tree is very likely to be a hazardous tree in the near future.

Regardless, all of the trees proposed to be removed, including the Tree #17, are being removed in order to develop the property in accordance with the project's transportation needs, the City's Site Design Standards and the City's minimum density standards as permitted under AMC 18.61.080 B, below.

Again, two of the trees proposed to be removed are dead (Trees #18 and #24) and a majority of the trees to be removed are within the Clay Street right-of-way where sidewalks and parkrows are proposed. And, none of these trees are appropriate street trees.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

All of the trees to be removed are due to their location within a planned street or sidewalk system that is required by the Land Use Ordinance or Site Design and Use Standards. Alternative design configurations were considered in an attempt to minimize tree loss, but the alternatives proved to be inconsistent with applicable land use codes and standards. One of the alternatives showed the road extending through the center of the multi-family portion of the property (Lot #2) with tenant housing "under the tree". This was determined to be not only dangerous but also physically impossible as large limbs (36") would be required to be removed causing trauma and likely killing the tree. Another scenario had the site's open space and common area near the tree, but again the common area's structure and play area would have been directly under the tree causing not only the tree's limb to be removed, but creating a hazardous situation for the tenants (children) under the tree. This scenario also caused the project's required open space to be less than the required 8% and on two parcels. Finally, the alternative design showed an eventual need for additional streets and caused access management issues that are in direct conflict with the City's Transportation standards and policies.

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

Removal of the trees will not have a significant impact on erosion as the trees to be removed are on minimal sloping lands. According to the project Arborist, the removal of the trees will not have a negative impact on erosion, soil stability and flow of surface waters. However, the removal of Tree #17 may have an impact on the remaining Poplar tree as it appears to provide some level of wind protection. The project Arborist contends this may be minimal due to the tree's open canopy structure, but recommends professional pruning at the time of disturbance in order to mitigate impact.

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

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Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. Again, all of the subject trees have been assessed by the project's arborist who has also chosen the replacement trees.

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

In regards to the Street Exception request, no exceptions are proposed with this application other than the street exception to meander a sidewalk away from a 24" d.b.h. Cedar tree. Further, the applicants have explored alternative designs, but due to the physical constraints of the property, configuration of the property, access management standards, and the minimum density standards required in the zone, the proposed plan was chosen.

Again, all of the trees to be removed are due to their location within a planned street or sidewalk system required by the City's Land Use Ordinance or Site Design and Use Standards. Alternative design configurations were considered in an attempt to minimize tree loss, but the alternatives proved to be inconsistent with applicable land use codes and standards. One of the alternatives showed the road extending through the center of the multi-family portion of the property (Lot #2) with tenant housing "under the tree". This was determined to be not only dangerous but also physically impossible as large 36" diameter limbs 5' from the ground would be required to be removed causing trauma and most likely kill the tree. Another scenario had the site's open space and common area near the tree, but again the common area's structure and play area would have been directly under the tree causing not only the tree's limb to be removed, but creating a hazardous situation for the tenants (children) under the tree. This scenario also caused the project's required open space to be less than the required 8% and on two parcels. Finally, the alternative design showed an eventual need for additional streets and caused access management issues that are in direct conflict with the City's Transportation standards and policies.

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

The applicants are aware of this provision and are proposing mitigation.

18.61.084 Tree Mitigation Required

An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the

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following:

A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.

The applicants will mitigate the loss of the 12 trees by planting at least 12 new trees within the project's boundaries. In fact, the landscape plans show significantly more trees than the required minimum.

B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

The applicants are aware of this standard and if determined to be necessary, the applicants will comply.

18.61.200 TREE PROTECTION

Tree Protection as required by this section is applicable to any planning action or building permit.

A Tree Protection Plan has been submitted as part of the application in order to protect the trees planned to be preserved as well as the site's neighboring trees. All tree protection measures will be installed prior to any construction and a Tree Verification Permit obtained in accordance with Chapter 18.61.042. No development activities, including, but not limited to clearing, grading, excavation or demolition work will occur without the protection measures in place. Protection measures will only be removed after completion of all construction activity, including landscaping and irrigation installation.

Furthermore, the project Arborist suggests the remaining Poplar tree be pruned prior to site disturbance and have secure protection fencing (chain-link) around it's perimeter in order to prevent a dangerous situation from occurring. The fencing should remain in perpetuity until the tree is removed or some other form of fencing occurs.

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**380 Clay Street
2006 Collapse of Poplar Tree (40" D.B.H.)
(photos)**



Looking east (house at 380 Clay Street): The driveway has been engulfed by a "single" limb of the Poplar Tree that has since been removed (photo 10/12/06).

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Looking northeast: The photo shows an approximate 36" branch extending approximately 40' from tree's trunk.



Looking west towards Clay Street

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Looking south towards 440 Clay Street

NOTE: The pictures herein do not demonstrate the miraculous circumstance that "saved" the house at 440 Clay Street. In reality, there was a secondary limb (not shown) that held-up the limb and kept it from crushing the house.

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Community Development



Upper Limb-it Tree Service

PO Box 881
Ashland, OR 97520
Phone: 541-482-3667

Attn: Mark Knox
Urban Development Services
320 E. Main Su.202
Ashland, OR 97520

October 13, 2006

Tree Report for 380 Clay St.

The 40-inch DBH Black Cottonwood tree at the entry of 380 clay street (tree #3 in the tree inventory) is in hazardous condition and is presenting a hazard to the public. A major scaffold limb broke and fell on the neighboring property. The damage done to the trunk by the breakage has rendered the trunk structurally unsound. The break of the scaffold limb revealed a rotten point in the trunk where the limb was attached. The resulting wound to the trunk combined with the rot make it certain that the top will break causing further damage to surrounding property unless the tree is removed immediately. There are no remedial measures that can be taken to save this tree. It should be removed immediately. . If you have any questions regarding this report please call me at 482-3667.

Tom Myers, Certified Arborist

DBA Upper Limb-it



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City of Ashland
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LOT 1 - 5.63AC
CITY OF ASHLAND

PROPOSED NORTH/SOUTH STREET
S 18' SW

LOT 1
CITY OF ASHLAND

SITE TABULATIONS
ZONING: R-2
AREA OF SITE:
GROSS: 114,344, 4.00AC
DEDICATION: 23,522, 0.54AC
NET: 90,822, 3.46AC

DENSITY:
13.5 UNITS / AC BASE ALLOWABLE
BONUS FOR AFFORDABLE HOUSING 25%
16.87 UNITS / AC ALLOWABLE WITH BONUS
5.0 UNITS / AC PROPOSED X 4AC = 60 UNITS

SITE COVERAGE:
BUILDING & COV. BICYCLE FOOTPRINT: 37,135' / 50,263' = 74%
PAVED PARKING/DRIVEWAYS: 30,771' / 50,263' = 61%
SIDEWALKS: 27,320' / 50,263' = 54%
LANDSCAPING AND REC. AREA: 55,613' / 50,263' = 111%
TOTAL 100%

REC. AREA: 12,245' / 50,263' = 24% OF LOT
PARKING LANDSCAPING: 5,145' / 30,771' = 17% OF PARKING AREA

PARKING:
12 ONE BEDROOM UNITS X 15 = 18 SPACES
38 TWO BEDROOM UNITS X 1.5 = 57 SPACES
10 THREE BEDROOM UNITS X 2.0 = 20 SPACES
COMMUNITY BUILDING = 3 SPACES
107 SPACES REQ. & 110 SPACES PROVIDED

BICYCLE PARKING:
LOCATED AT COVERED BIKE SHELTERS
12 ONE BEDROOM X 1.0 = 12
38 TWO BEDROOM X 1.5 = 57
10 THREE BEDROOM X 2.0 = 20
99 TOTAL REQ. & PROVIDED

COMMUNITY BUILDING: 3
UNITS:
26 2BR TOWNHOUSES = 540' = 24,640'
12 1BR FLATS = 660' = 7,920'
12 2BR FLATS = 880' = 10,560'
10 3BR FLATS = 1,120' = 13,440'
60 UNITS TOTAL = 55,560'
COMMUNITY BUILDING = 1,024'

ALL RESIDENTIAL BUILDINGS ARE TWO STORY WITH BUILDING HEIGHT OF 28 FT.
COMMUNITY BUILDING IS ONE STORY WITH BUILDING HEIGHT OF 10 FT.

SOLAR SETBACK STANDARD 'A':
80' = 11'-6" + 24.3'-6" + 18.5' = 46'-10"
@ 44.5' @ 44.5' @ 20.5' @ 20.5'

BUILDING TYPES:
BLDG 'A' - FOURPLEX TOWNHOUSES
BLDG 'B' - FOURPLEX TOWNHOUSES
BLDG 'C' - FOURPLEX TOWNHOUSES
BLDG 'D' - FOURPLEX TOWNHOUSES
BLDG 'E' - FOURPLEX TOWNHOUSES
BLDG 'F' - FOURPLEX TOWNHOUSES
BLDG 'G' - EIGHTPLEX TWO STORY FLATS
BLDG 'H' - TENPLEX TWO STORY FLATS
BLDG 'I' - EIGHTPLEX TWO STORY FLATS
BLDG 'J' - EIGHTPLEX TWO STORY FLATS
COMM. BLDG ONE STORY

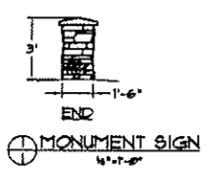
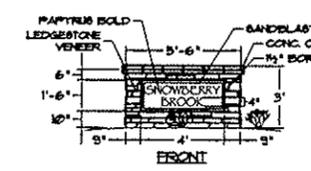
- LEGEND**
- ☒ BIKE SHELTER
 - TRANSFORMER VAULT
 - ⊕ STREET LIGHT
 - ⊕ 10' POLE LIGHT
 - ⊕ FIRE HYDRANT

SNOWBERRY BROOK

380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF

JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR
PROJECT NO: 08-142

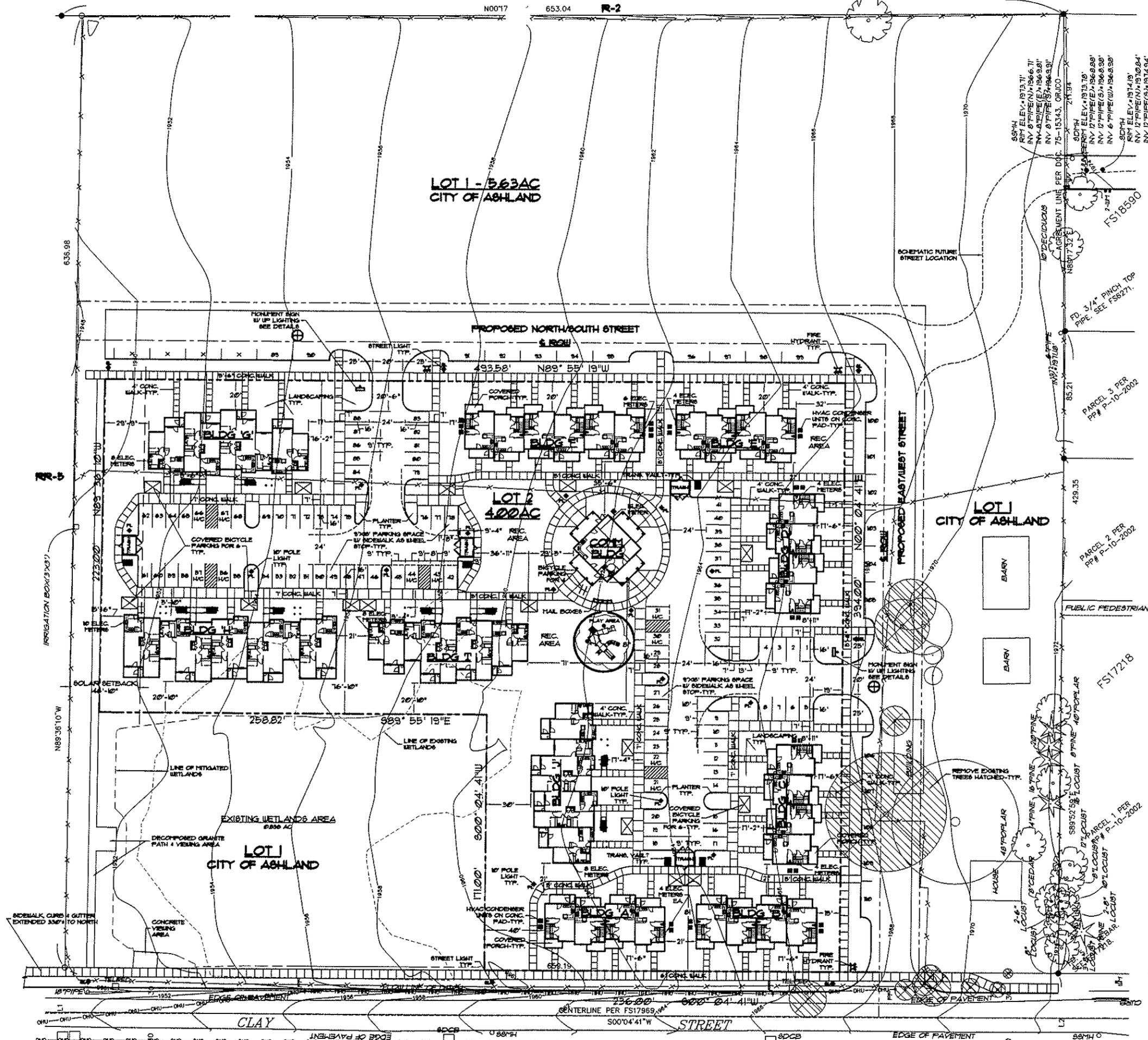


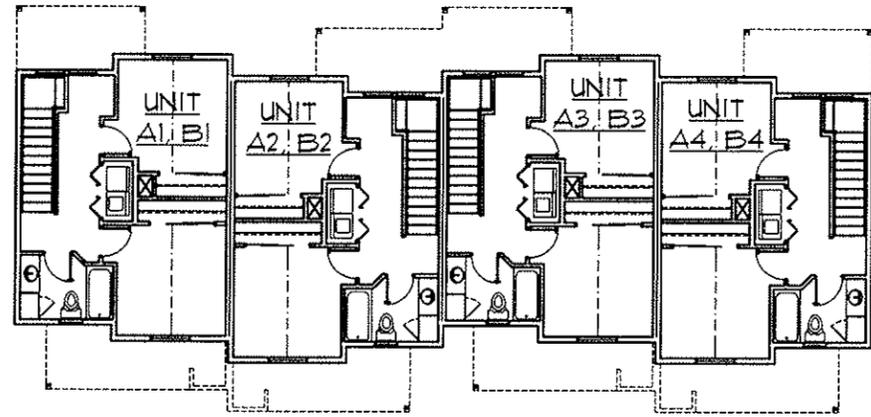
SITE PLAN 1"=30'
NORTH
MAP 4 33 IE IC TAX LOT 2500

DRH
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169 W. MAIN, P.O. BOX 682
EAGLE POINT, OR 97824
PHONE/FAX 541-830-1014
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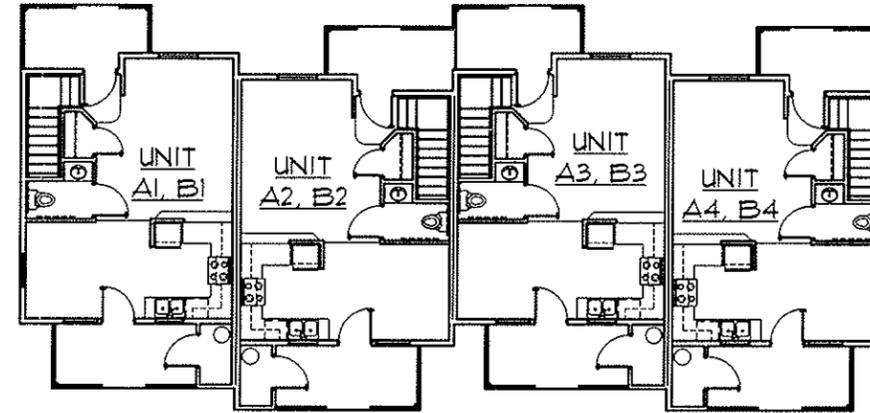
DATE:
8 JANUARY 2009

DRAWING NUMBER:
A1 OF 11

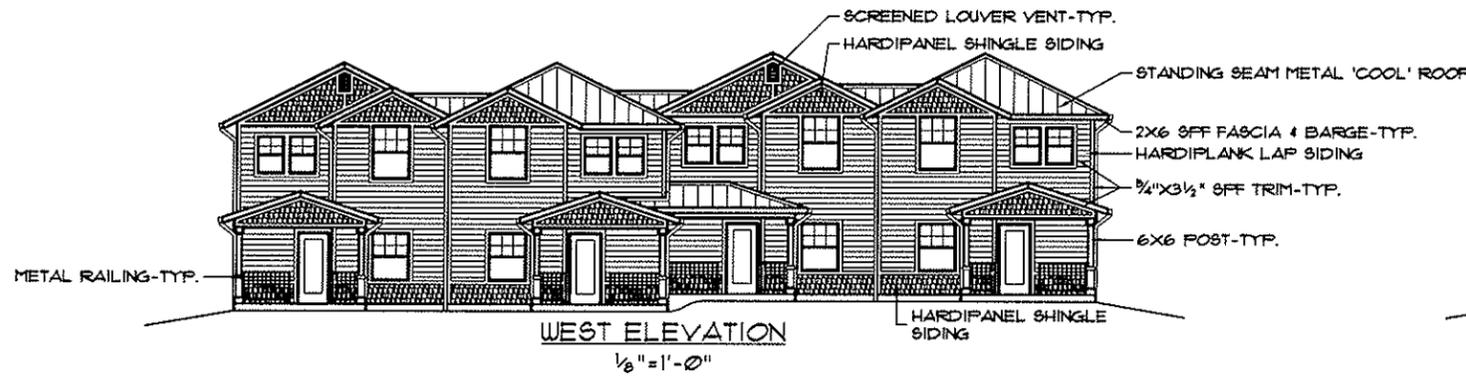




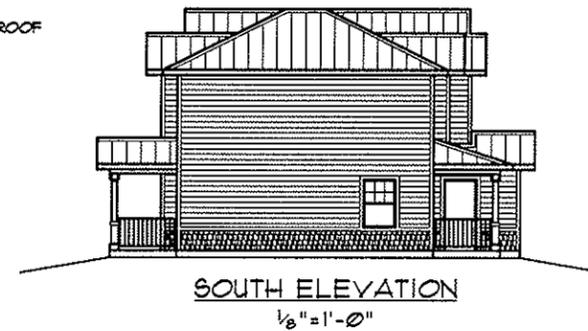
UPPER FLOOR PLAN-4 PLEX
1/8"=1'-0"



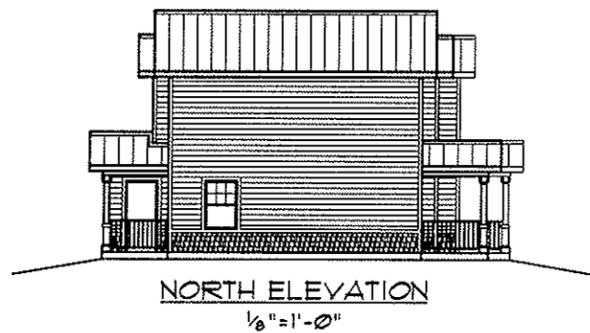
LOWER FLOOR PLAN-4 PLEX
1/8"=1'-0"



WEST ELEVATION
1/8"=1'-0"



SOUTH ELEVATION
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"

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City of Ashland
Community Development

BUILDINGS 'A' & 'B'
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

PROJECT NO. 08-142

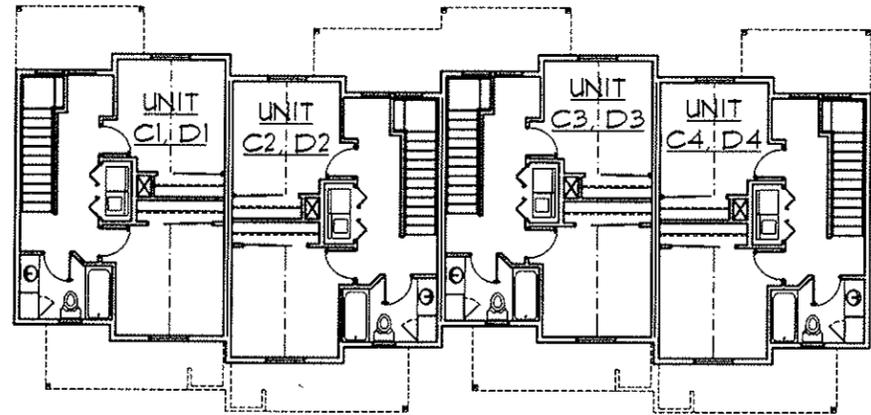


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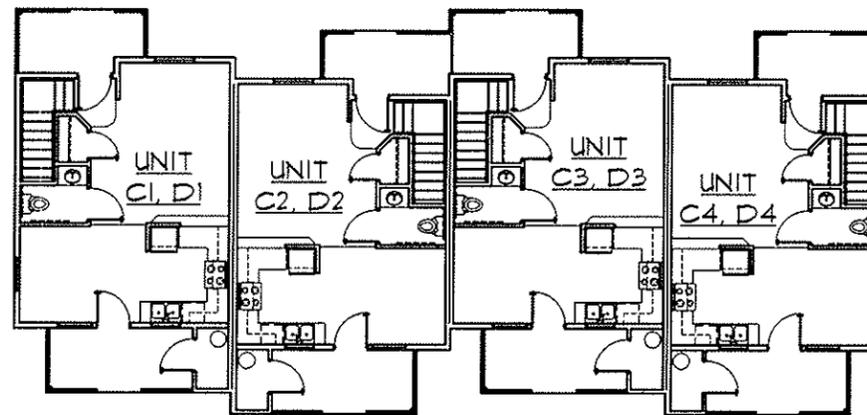
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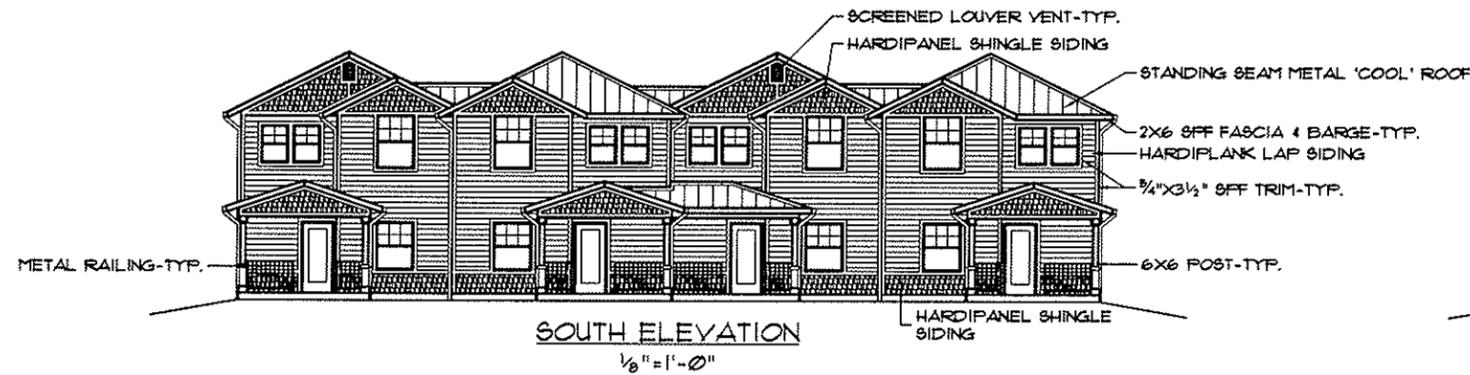
DRAWING NUMBER
A2 OF 11



UPPER FLOOR PLAN-4 PLEX
 $\frac{1}{8}'' = 1'-0''$



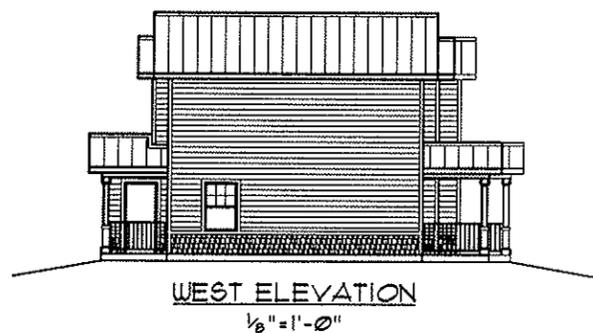
LOWER FLOOR PLAN-4 PLEX
 $\frac{1}{8}'' = 1'-0''$



SOUTH ELEVATION
 $\frac{1}{8}'' = 1'-0''$



EAST ELEVATION
 $\frac{1}{8}'' = 1'-0''$



WEST ELEVATION
 $\frac{1}{8}'' = 1'-0''$



NORTH ELEVATION
 $\frac{1}{8}'' = 1'-0''$

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City of Ashland
 Community Development

BUILDINGS 'C', & 'D'
 SNOWBERRY BROOK
 380 CLAY STREET
 ASHLAND, OR

AN AFFORDABLE
 HOUSING DEVELOPMENT FOR
 HOUSING AUTHORITY OF
 JACKSON COUNTY
 2251 TABLEROCK RD.
 MEDFORD, OR

PROJECT NO: 08-142

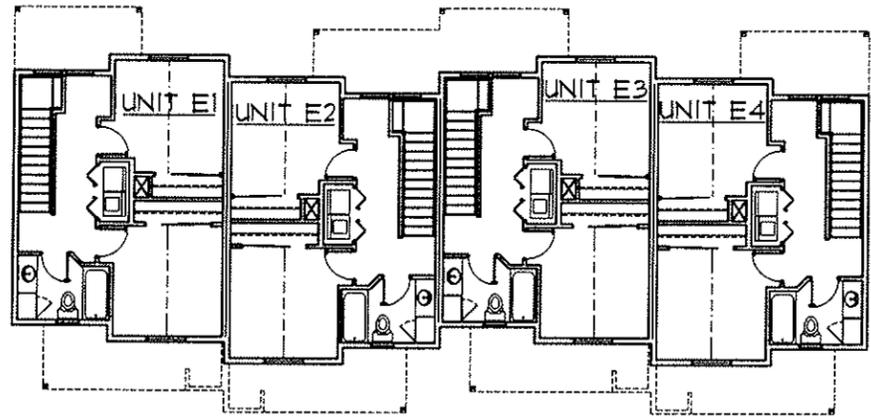


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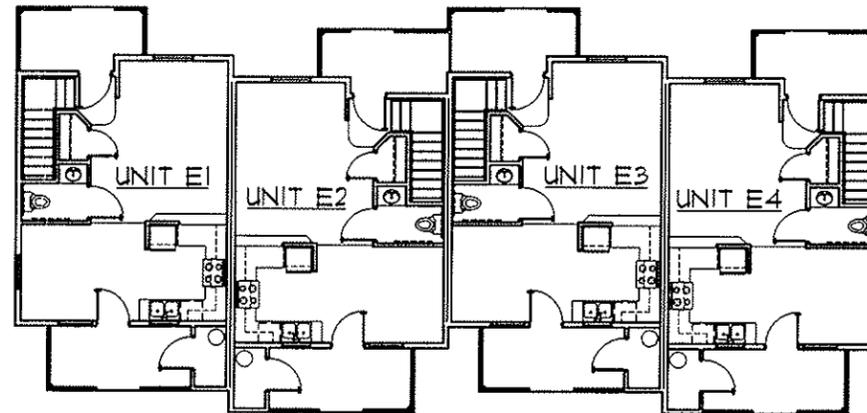
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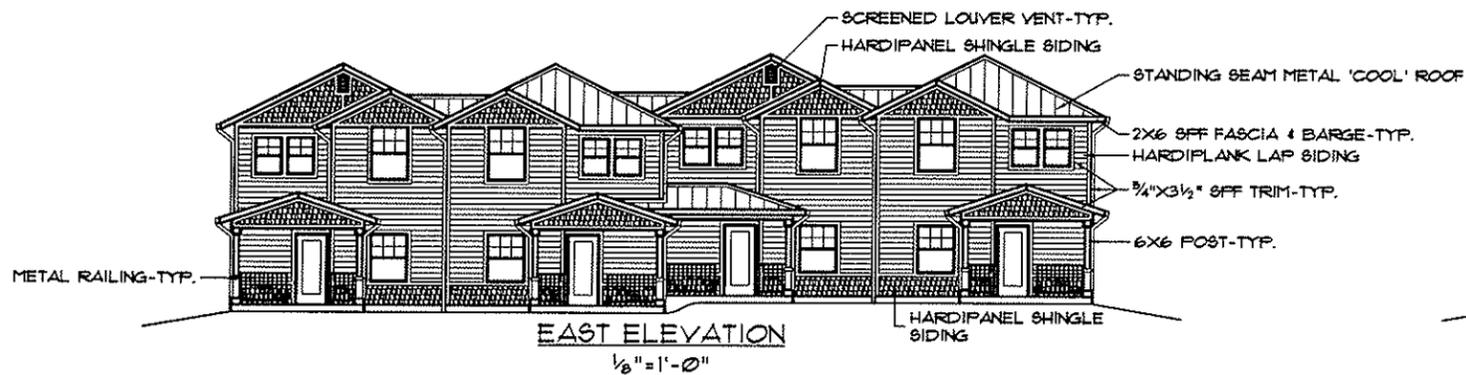
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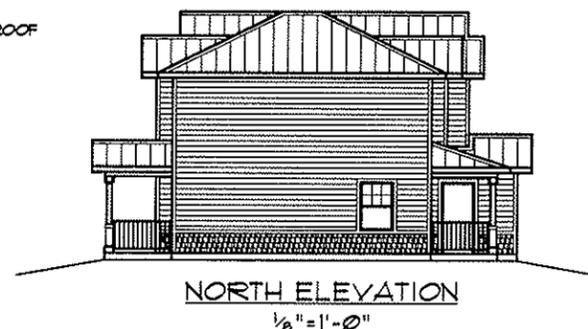
UPPER FLOOR PLAN-4 FLEX
1/8"=1'-0"



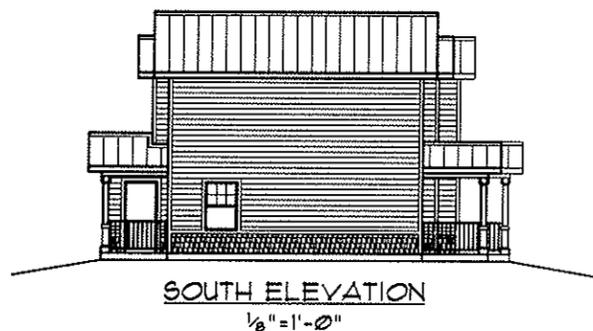
LOWER FLOOR PLAN-4 FLEX
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



SOUTH ELEVATION
1/8"=1'-0"



WEST ELEVATION
1/8"=1'-0"

PROJECT ID

DATE

PROJECT NAME
Community Development

BUILDING 'E'
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

PROJECT NO: 08-142

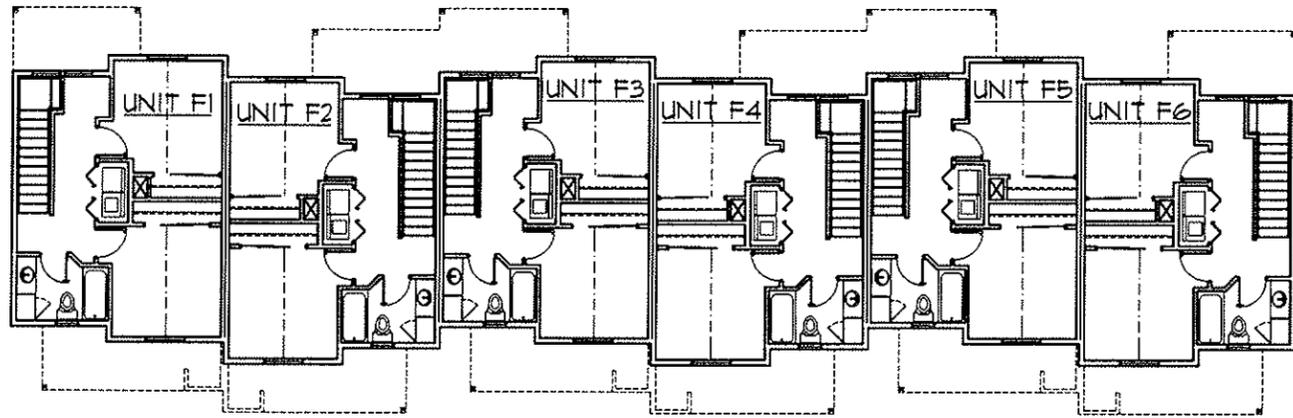


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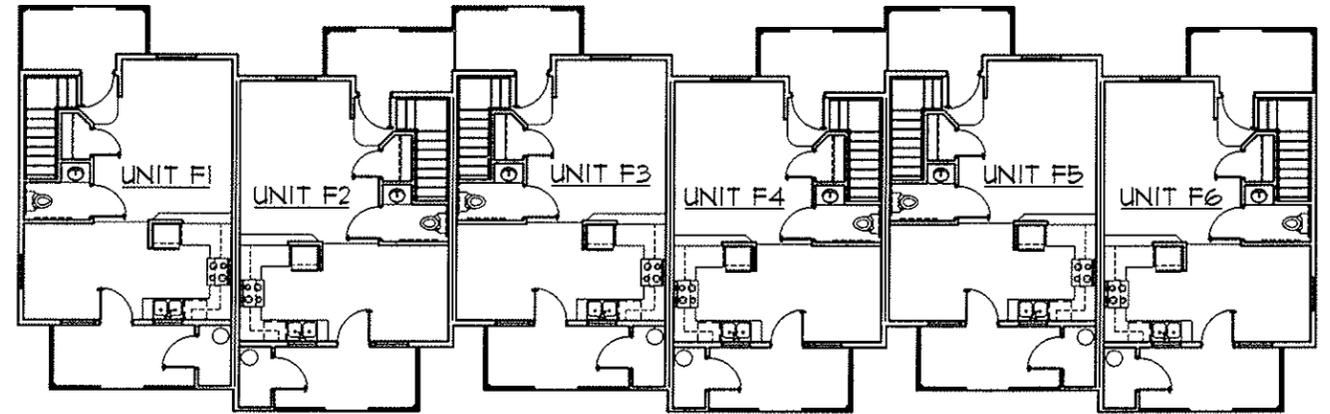
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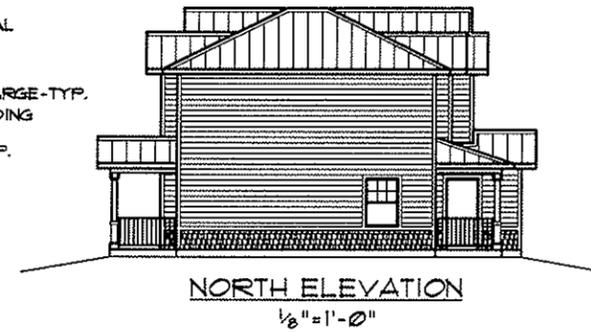
UPPER FLOOR PLAN-4 PLEX
1/8" = 1'-0"



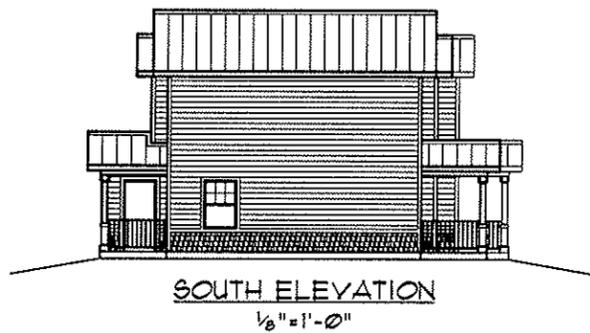
LOWER FLOOR PLAN-6 PLEX
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

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JAN 14 2009

City of Ashland
Community Development

BUILDING 'F'
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

PROJECT NO: 08-142

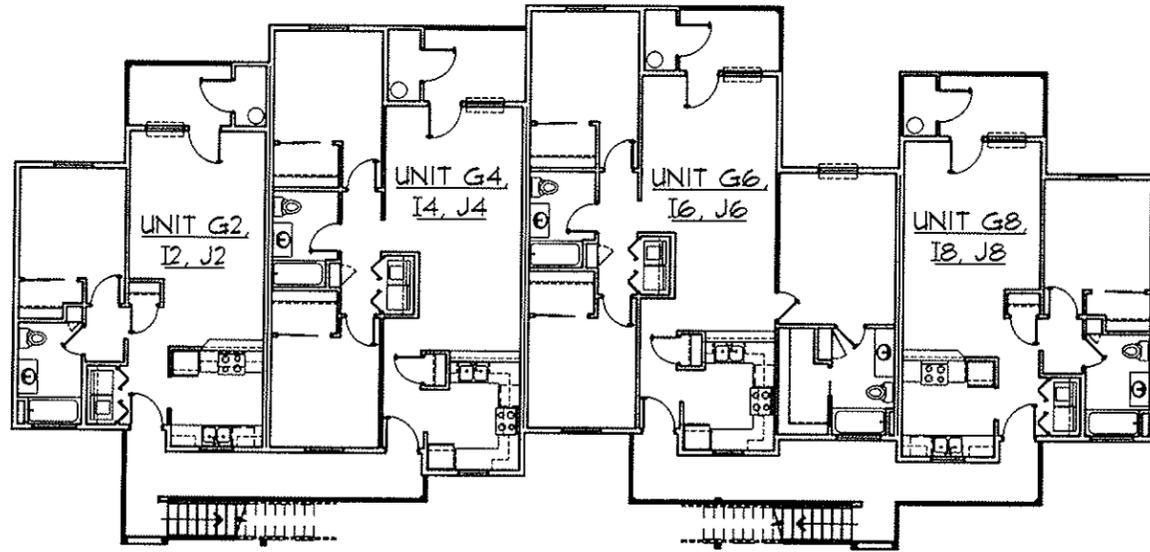


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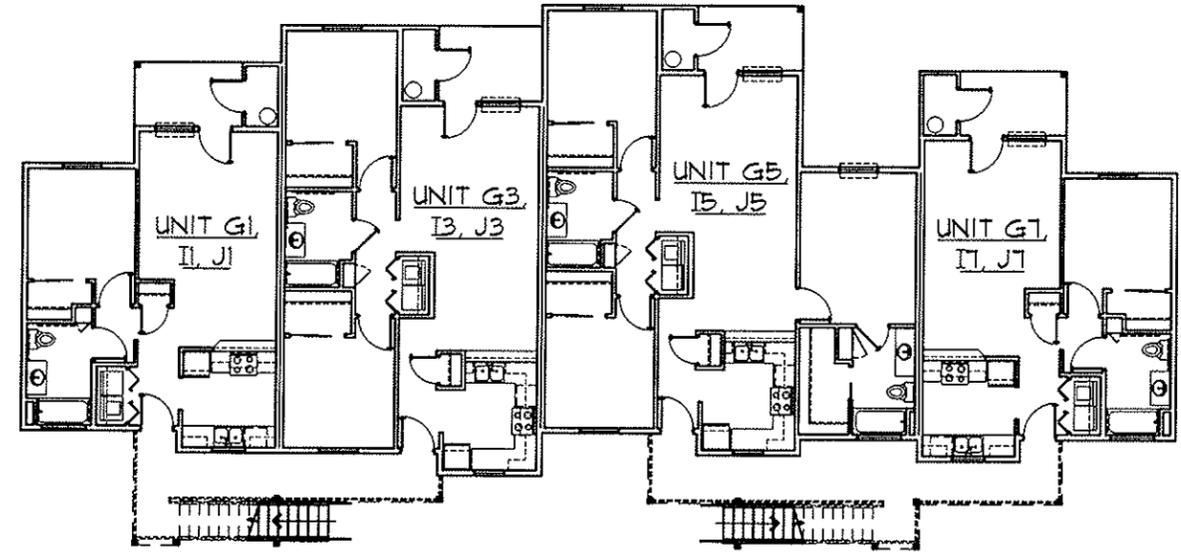
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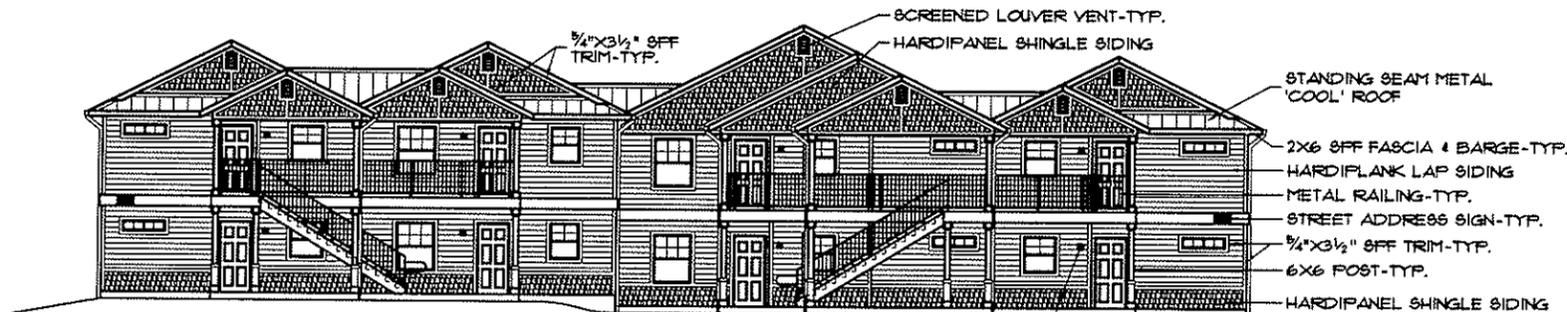
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A5 OF 11



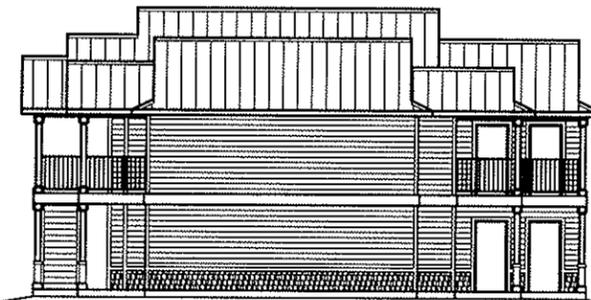
UPPER FLOOR PLAN-BLDGS 'G', 'I' & 'J'
 1/8"=1'-0" - 8 FLEX



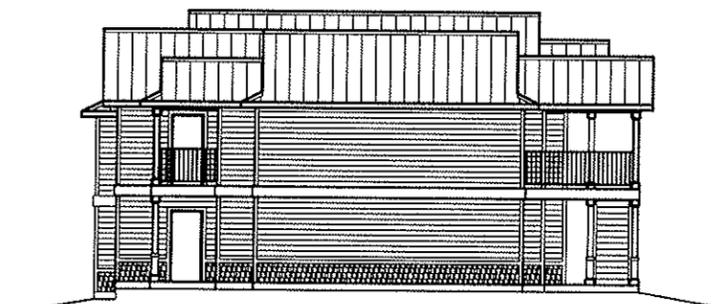
LOWER FLOOR PLAN-BLDGS 'G', 'I' & 'J'
 1/8"=1'-0" - 8 FLEX



WEST ELEVATION-BLDG 'G'
 EAST ELEVATION-BLDG 'I'
 SOUTH ELEVATION-BLDG 'J'
 1/8"=1'-0"



SOUTH ELEVATION-BLDG 'G'
 NORTH ELEVATION-BLDG 'I'
 EAST ELEVATION-BLDG 'J'
 1/8"=1'-0"



NORTH ELEVATION-BLDG 'G'
 SOUTH ELEVATION-BLDG 'I'
 WEST ELEVATION-BLDG 'J'
 1/8"=1'-0"



EAST ELEVATION-BLDG 'G'
 WEST ELEVATION-BLDG 'I'
 NORTH ELEVATION-BLDG 'J'
 1/8"=1'-0"

REVISION

JAN 8 2009

City of Medford
 Community Development

BUILDINGS 'G', 'I', & 'J'
 SNOWBERRY BROOK
 380 CLAY STREET
 ASHLAND, OR

AN AFFORDABLE
 HOUSING DEVELOPMENT FOR
 HOUSING AUTHORITY OF
 JACKSON COUNTY
 2251 TABLE ROCK RD.
 MEDFORD, OR

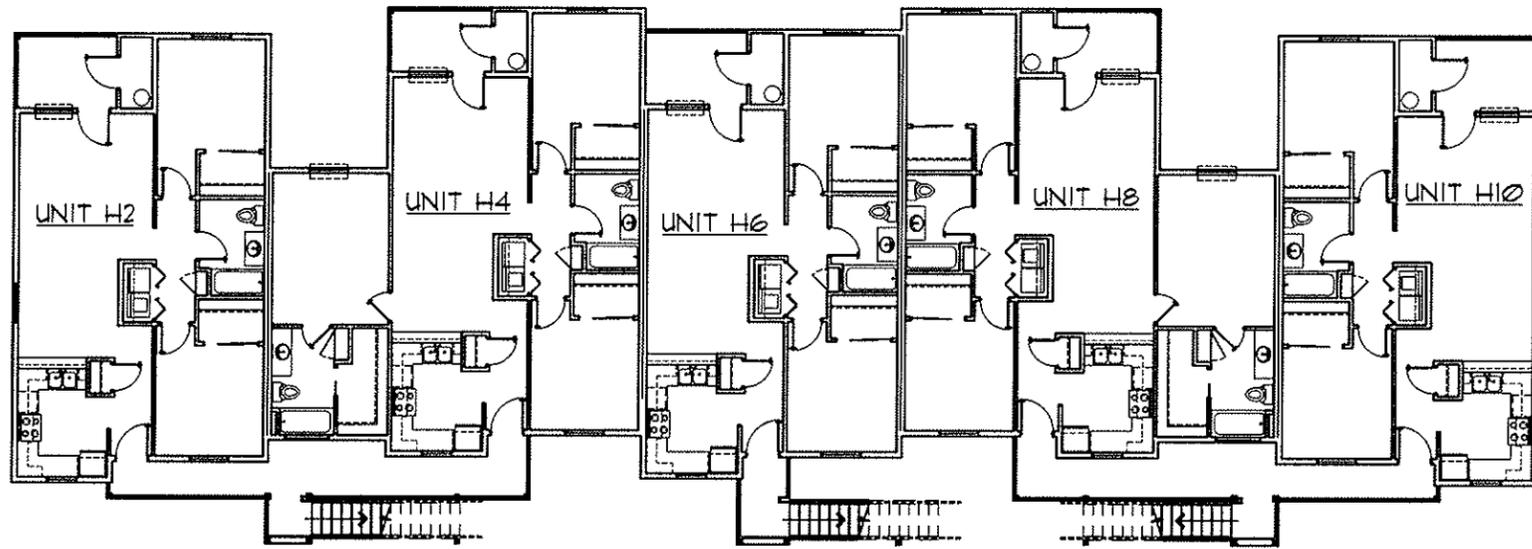
PROJECT NO: 08-142



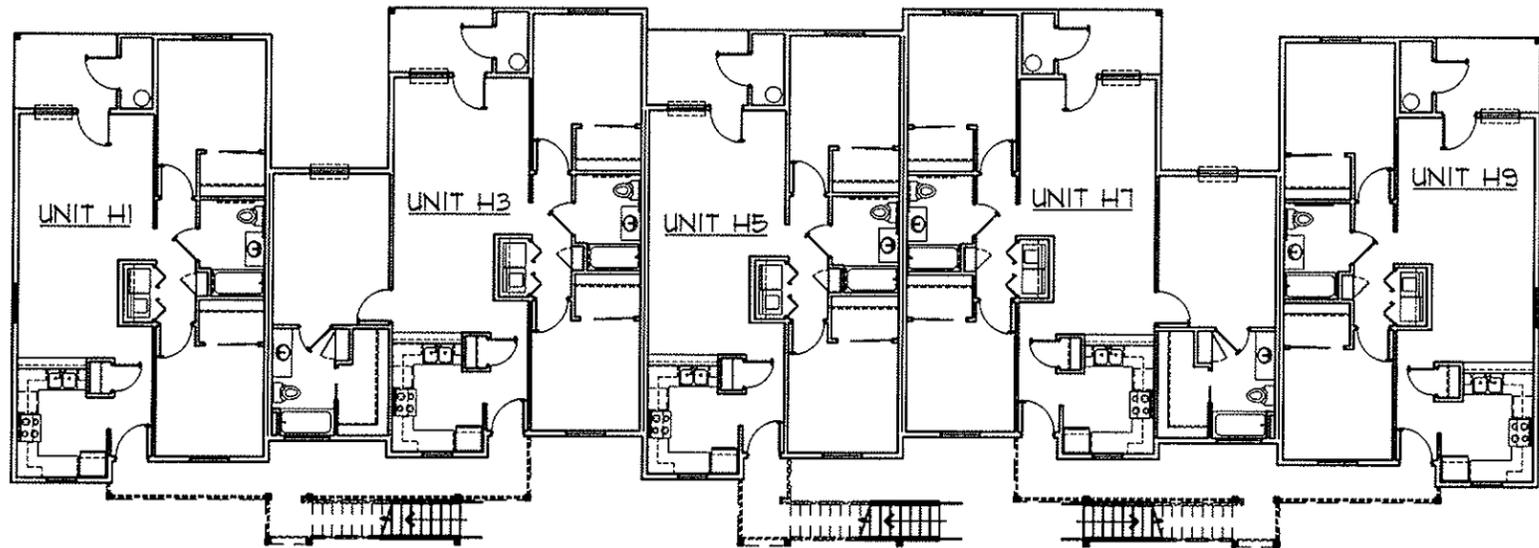
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 A6 OF 11



UPPER FLOOR PLAN-BLDG 'H'
 1/8"=1'-0" - 10 PLEX



LOWER FLOOR PLAN-BLDG 'H'
 1/8"=1'-0" - 10 PLEX

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City of Medford
 Community Development

BUILDING 'H'
SNOWBERRY BROOK
 380 CLAY STREET
 ASHLAND, OR

AN AFFORDABLE
 HOUSING DEVELOPMENT FOR
 HOUSING AUTHORITY OF
 JACKSON COUNTY
 2251 TABLEROCK RD.
 MEDFORD, OR

PROJECT NO: 08-142

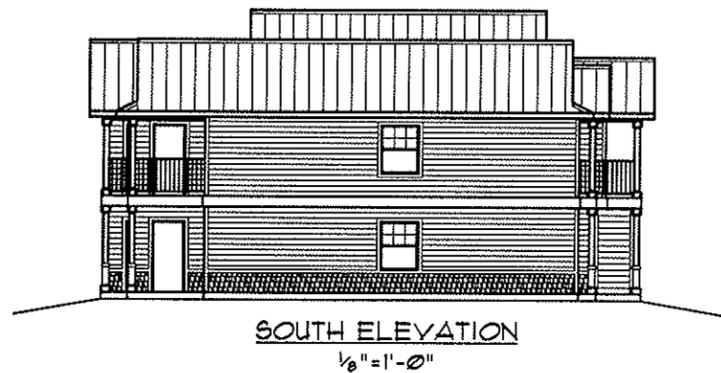
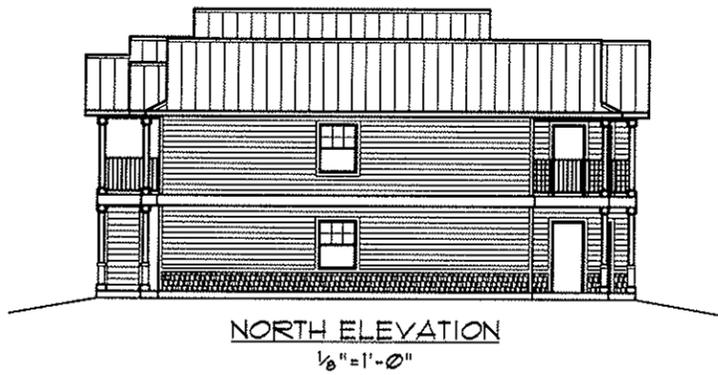
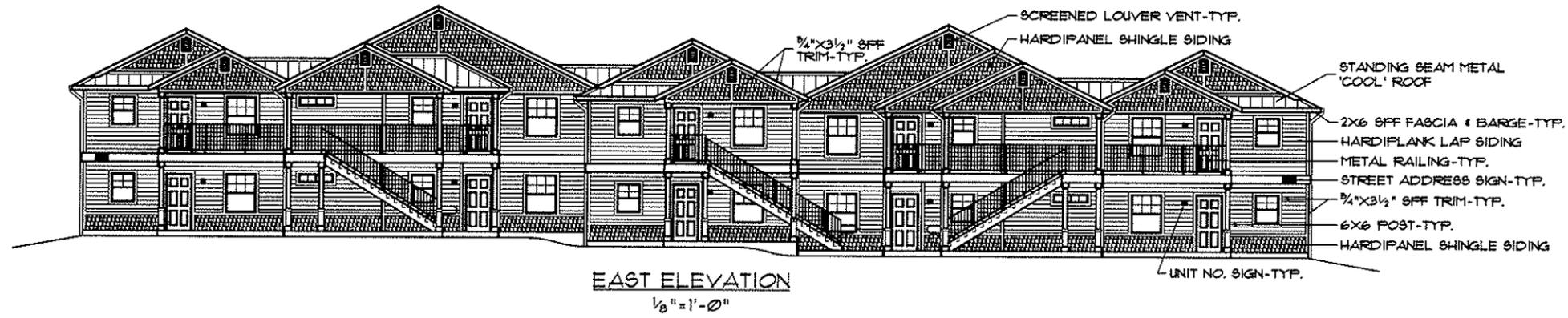


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City of Ashland
Community Development

BUILDING 'H'
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

PROJECT NO: 08-142

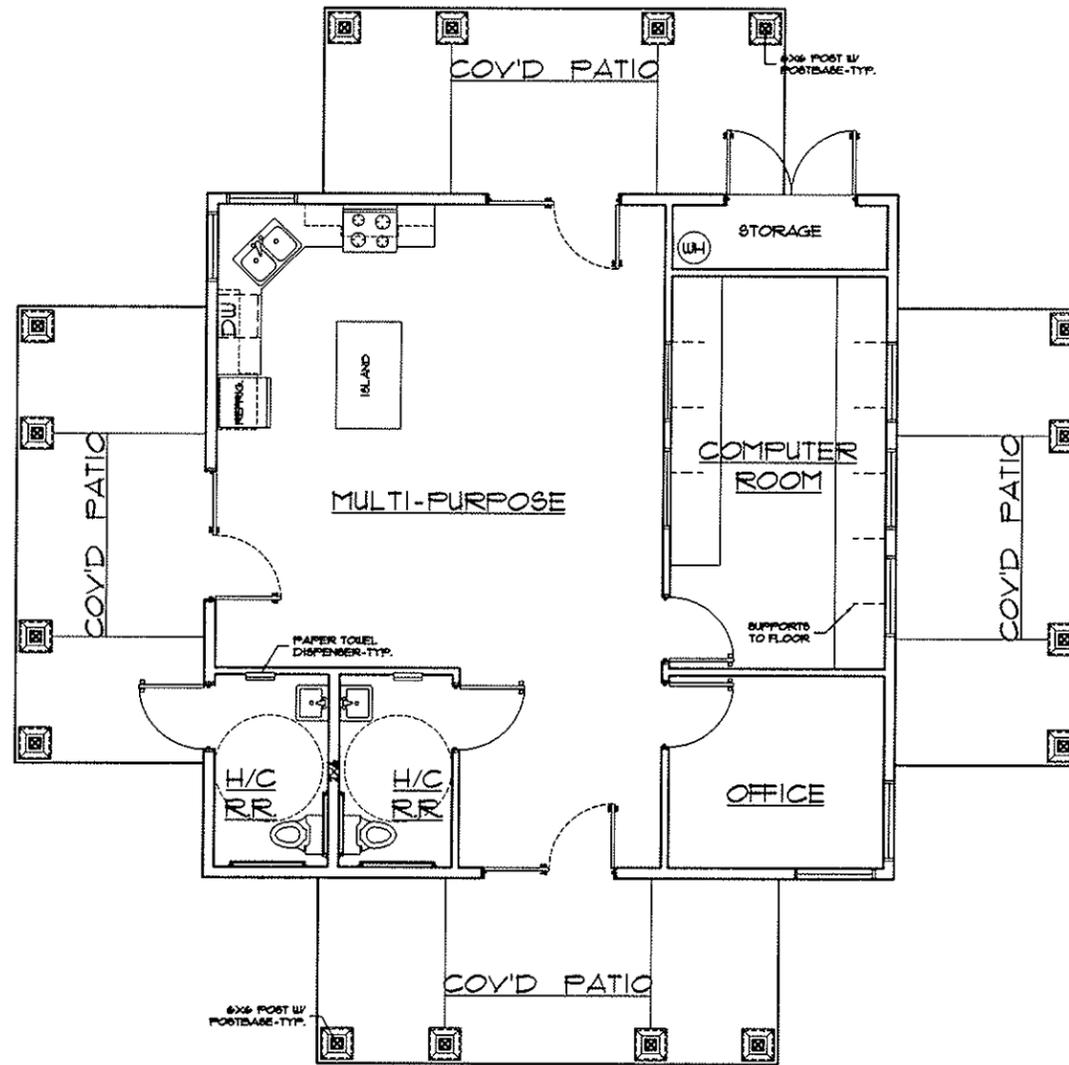
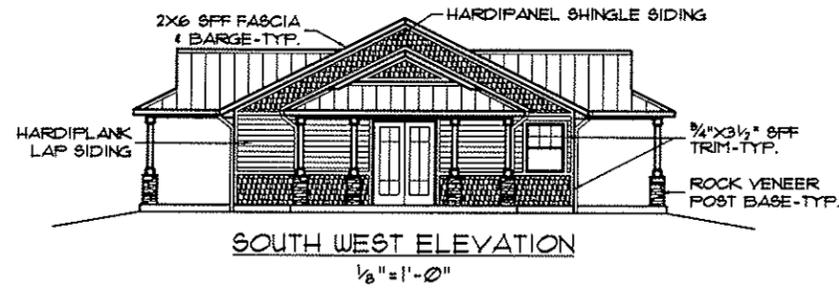


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FLOOR PLAN-COMMUNITY BUILDING
LIVING: 1,024# 1/4"=1'-0"

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JAN 8 2009
City of Medford
Community Development

COMMUNITY BUILDING
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

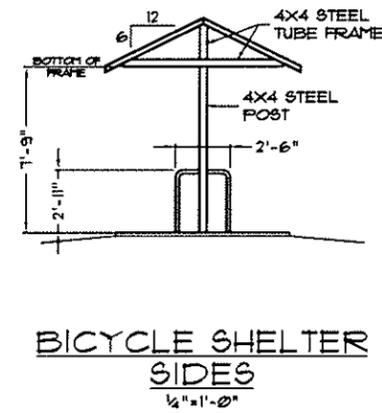
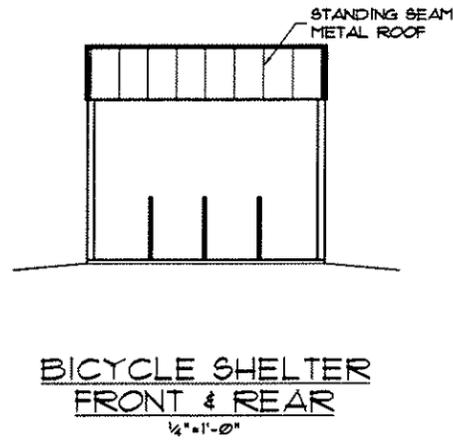
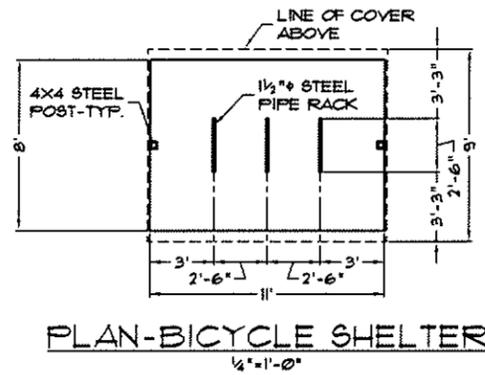
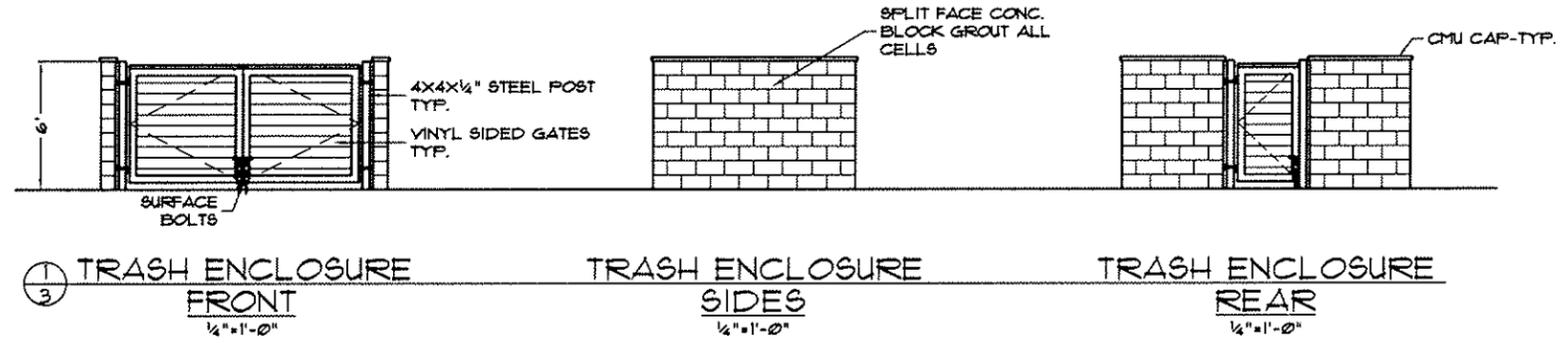
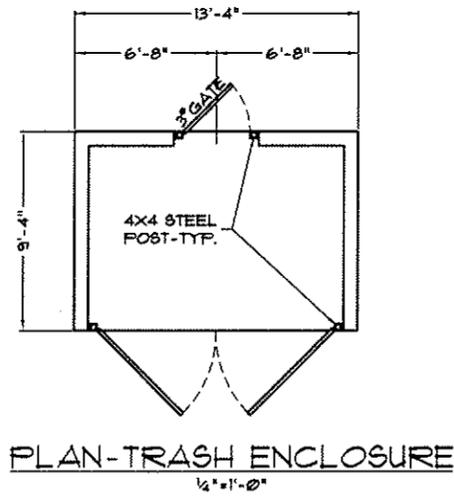
PROJECT NO: 08-142

DRH
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169 W. MAIN, P.O. BOX 682
EAGLE POINT, OR 97524
PHONE/FAX 541-830-1014

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DATE:
8 JANUARY 2009

DRAWING NUMBER:
A9 OF 11



TRASH ENCLOSURE &
BICYCLE COVER
SNOWBERRY BROOK
380 CLAY STREET
ASHLAND, OR

AN AFFORDABLE
HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
2251 TABLEROCK RD.
MEDFORD, OR

PROJECT NO: 08-142

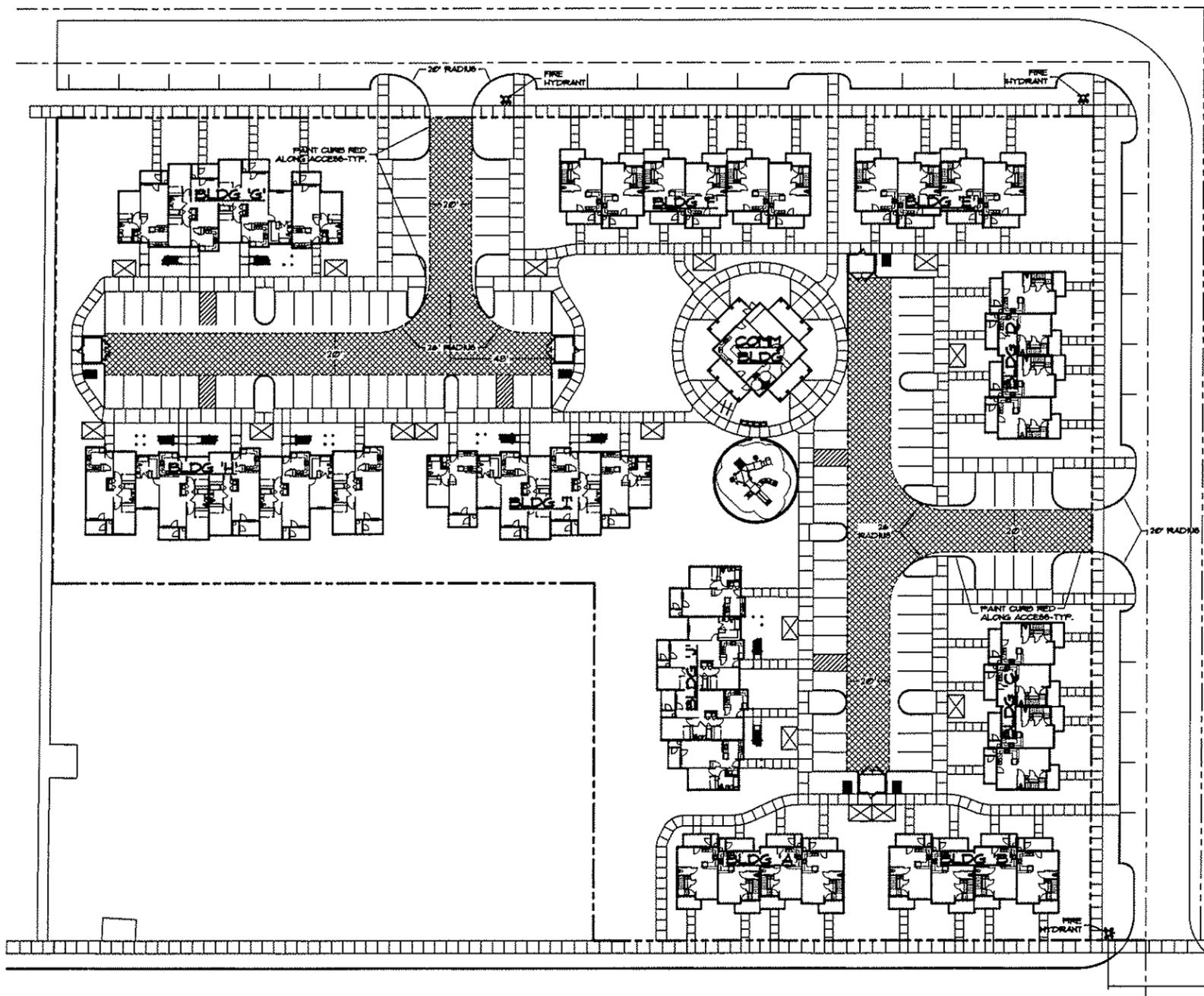


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DATE
8 JANUARY 2009

DRAWING NUMBER
A10 OF 11



FIRE AREA TABULATIONS

BLDG 'A'	- FOURPLEX TOWNHOMES: 4,571#
BLDG 'B'	- FOURPLEX TOWNHOMES: 4,571#
BLDG 'C'	- FOURPLEX TOWNHOMES: 4,571#
BLDG 'D'	- FOURPLEX TOWNHOMES: 4,571#
BLDG 'E'	- FOURPLEX TOWNHOMES: 4,571#
BLDG 'F'	- SIXPLEX TOWNHOMES: 6,858#
BLDG 'G'	- EIGHTPLEX TWO STORY FLATS: 7,340#
BLDG 'H'	- TENPLEX TWO STORY FLATS: 11,431#
BLDG 'I'	- EIGHTPLEX TWO STORY FLATS: 7,340#
BLDG 'J'	- EIGHTPLEX TWO STORY FLATS: 7,340#
CONFL BLDG ONE STORY:	1,664#

LEGEND
 APPARATUS ACCESS AREA

SNOWBERRY BROOK
 380 CLAY STREET
 ASHLAND, OR

AN AFFORDABLE
 HOUSING DEVELOPMENT FOR
HOUSING AUTHORITY OF
JACKSON COUNTY
 2251 TABLE ROCK RD.
 MEDFORD, OR
 PROJECT NO: 08-142

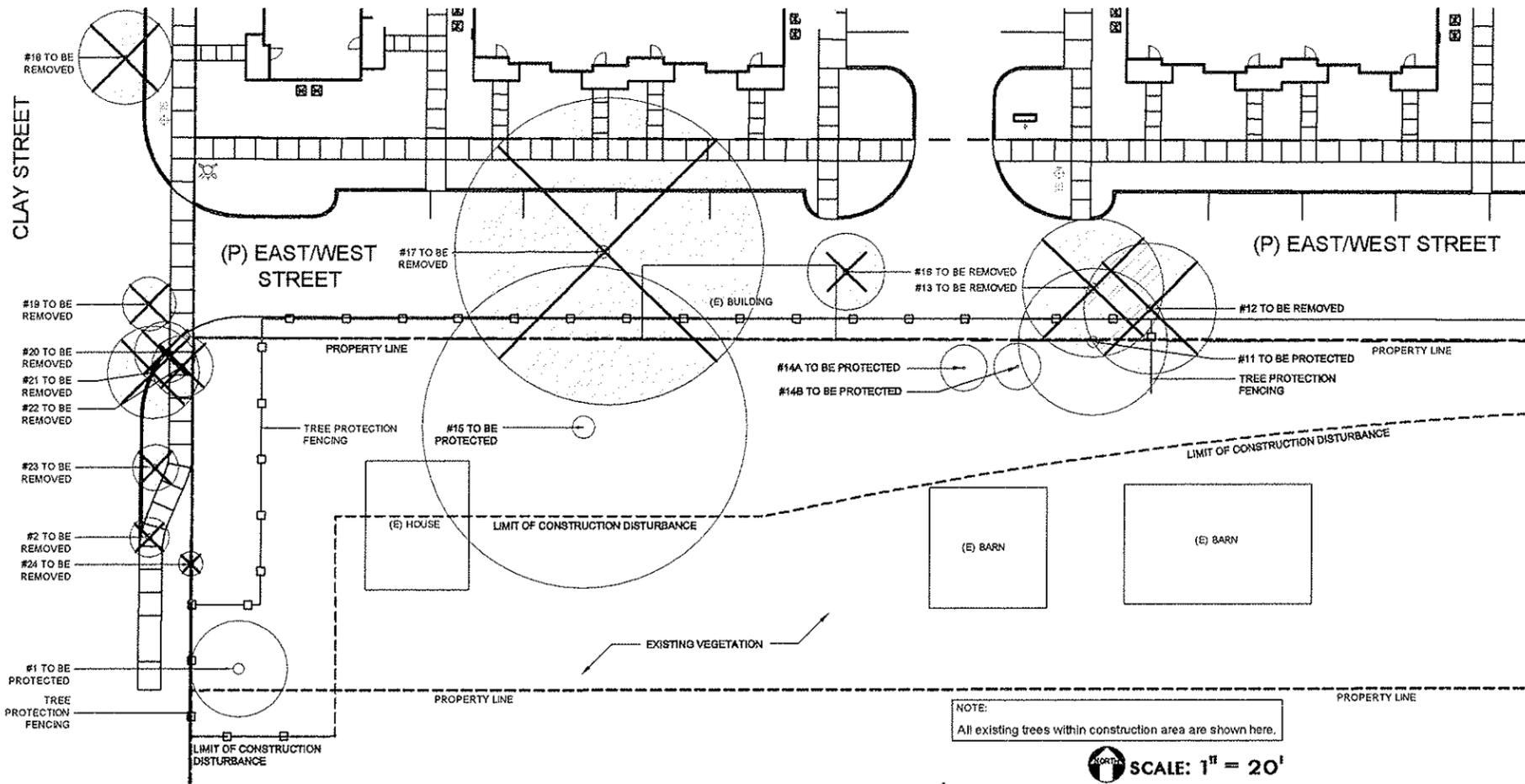
FIRE APPARATUS ACCESS PLAN 1"=30'
 NORTH
 MAP 4 33 IE IIC TAX LOT 2800



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DATE:
 8 JANUARY 2008
 DRAWING NUMBER:
 ALL OF 11



SHEET INDEX

- L-1.0 TITLE AND TREE REMOVAL/PROTECTION PLAN
- L-2.0 WETLAND PLANTING PLAN
- L-2.1 WETLAND PLANTING PLAN
- L-3.0 PLANTING PLAN DIRECTORY AND LEGEND
- L-3.1 PLANTING PLAN
- L-3.2 PLANTING PLAN
- L-3.3 PLANTING PLAN
- L-3.4 PLANTING PLAN
- L-3.5 PLANTING PLAN

NOTE:
All existing trees within construction area are shown here.

SCALE: 1" = 20'

SPECIFICATIONS FOR DEMOLITION AND SITE CLEARING

A. The demolition contractor is required to meet with the owner's representative at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.

B. A qualified arborist shall be hired to prune all trees to remain, as necessary.

C. Trees to be removed shall be felled so as to fall away from tree protection zones and to avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant reserves the right to sever the major woody root mass before extracting the trees. This may be accomplished by cutting through the roots by hand, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.

D. Structures and underground features to be removed within the tree protection zone shall use the smallest equipment possible and operate from outside the tree protection zone.

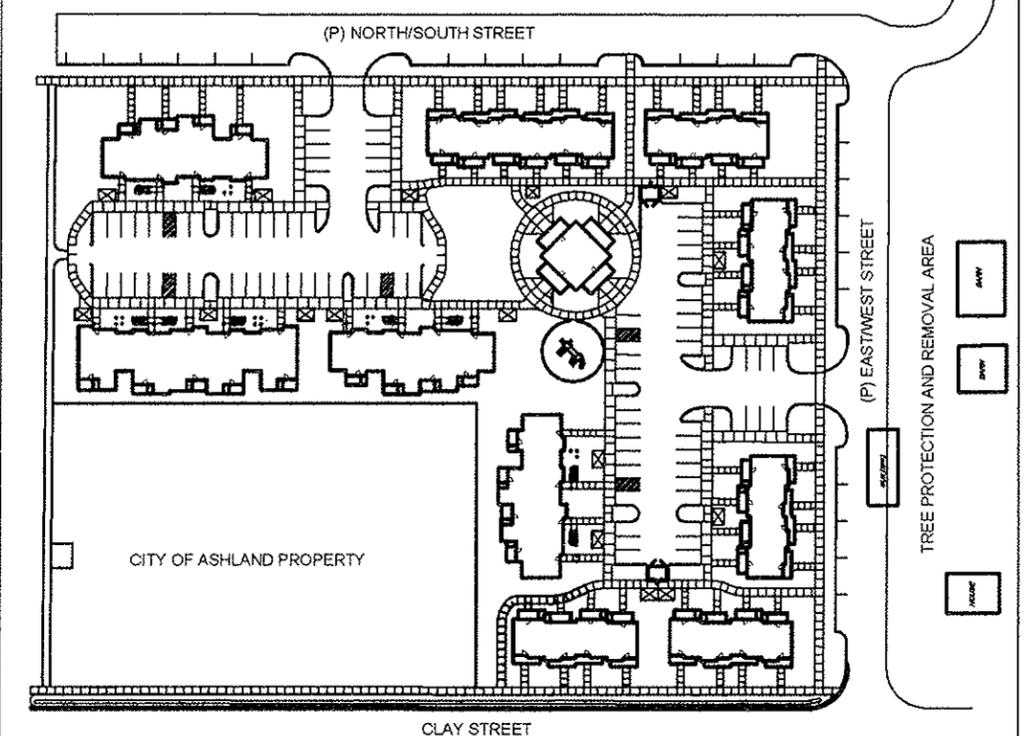
E. Any damage to trees due to demolition activities shall be reported to the consulting arborist within six hours so that remedial action can be taken. Timeliness is critical to tree health.

F. If temporary haul or access roads must pass over the root area of trees to be retained, a roadbed of 6 inches of mulch shall be created to protect the soil. The roadbed material shall be replenished as necessary to maintain a 6-inch depth.

TREE INVENTORY per Upper Limb-it Tree Service May 2005

Tree #	Species	DBH in inches	Height in feet	Crown radius in feet	Condition	Species tolerance to construction	Tree protection zone radius in feet	Notes
1	Calocedrus decurrens	24	45	13	good	moderate	17	To remain.
2	Calocedrus decurrens	8	24	5	good	moderate	remove	To be removed for proposed sidewalk construction.
11	Cedrus atlantica	21	32	18	good	good	16	To remain.
12	Cedrus atlantica	13	17	18	fair	good	remove	To be removed for proposed road construction.
13	Cedrus atlantica	14	17	20	good	good	remove	To be removed for proposed road construction.
14A	Prunus dulcis	7	17	8	fair	moderate	none	To remain.
14B	Prunus dulcis	7	17	8	fair	moderate	none	To remain.
15	Populus trichocarpa	70	58	42	good	poor	88	To remain. Prune deadwood; mature poplars are prone to trunk failure.
16	Quercus kelloggii	8	28	10	good	moderate	remove	To be removed for proposed road construction.
17	Populus trichocarpa	40	55	40	good	poor	remove	To be removed for proposed road construction.
18	Robinia pseudoacacia	12	30	12	dead	good	remove	To be removed; dead tree.
19	Robinia pseudoacacia	8	38	7	good	good	remove	To be removed for proposed road construction.
20	Robinia pseudoacacia	8	38	8	good	good	remove	To be removed for proposed road construction.
21	Juglans regia	8	17	12	fair	poor	remove	To be removed for proposed road construction.
22	Robinia pseudoacacia	10	30	8	good	good	remove	To be removed for proposed road construction.
23	Quercus kelloggii	8	20	6	good	moderate	remove	To be removed for proposed sidewalk construction.
24	Prunus dulcis	8	15	15	dead	remove	remove	To be removed; dead tree.

SNOWBERRY BROOK HOUSING PROJECT OVERVIEW



TREE PROTECTION NOTES

A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved which are those identified on this plan.

B. Trees that are shown to remain shall be protected with fencing as shown in Detail. Fencing shall be 6' tall temporary chain link panels installed with metal connections so that all panels are integrated, these fences shall be installed so that they do not allow passage of pedestrians and/or vehicles through it.

C. Exceptions to the tree protection specifications may only be granted with written approval from owner's representative.

D. Work within dripline of trees to remain may require disturbance of tree protection fences. Contractor shall obtain authorization from owner's representative prior to moving fence. Contractor shall remove the fence temporarily to complete work, and replace at the end of each work day. No storage of equipment or materials shall occur within dripline of trees. After the proposed work within dripline is completed, fencing shall be reinstated. Note: Where protection fencing overlaps proposed construction, the following measures shall be followed:
1) Hand dig to required depth of final work.
2) Roots under 2" in diameter may be hand cut at a 90° angle.
3) Where roots greater than 2" in diameter are encountered, contractor shall notify Landscape Architect or arborist for direction.

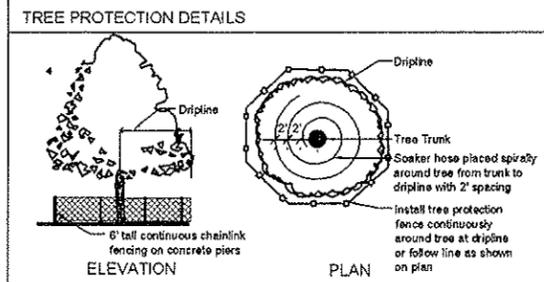
E. Do not raise the soil level within the drip lines of existing trees.

F. Trees to be preserved shall be deep watered throughout construction period as necessary.

TREE INVENTORY CLARIFICATION

NOTE: Tree removal inventory per approved Willowbrook Residential Development differs from the tree inventory noted above based on current status and health of trees on the site as well as relocation of proposed streets and sidewalks. Discrepancies are as follows:

Tree # (*)	Species	Notes
1 (n/a)	Calocedrus decurrens	Tree is not shown on approved plan; we propose to retain and protect it.
2 (n/a)	Calocedrus decurrens	Tree is not shown on approved plan; we propose to remove it.
11 (n/a)	Cedrus atlantica	Tree is not shown on approved plan; we propose to retain and protect it.
12 (27)	Cedrus atlantica	Tree was proposed to be retained and protected; due to proposed road construction we propose to remove it.
13 (28)	Cedrus atlantica	Tree was proposed to be retained and protected; due to proposed road construction we propose to remove it.
18 (24)	Quercus kelloggii	Tree was proposed to be retained and protected; due to proposed road construction we propose to remove it.
23 (n/a)	Quercus kelloggii	Tree was not shown on approved plan; due to proposed road construction we propose to remove it.
24 (4)	Prunus dulcis	Tree was proposed to be retained and protected; due to current health of the tree we propose to remove it.



LEGEND

- Existing tree to remain.
- Existing tree to be removed.
- Tree protection fencing
- Total # of trees to be removed.
- Total # of trees to be protected.

SCALE: 1" = 60'

TITLE SHEET AND TREE REMOVAL/PROTECTION PLAN

LAURIE SAGER
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:
 Drawn by:
 Scale: Varied

SNOWBERRY BROOK HOUSING PROJECT
 380 CLAY STREET
 ASHLAND, OREGON

January 9, 2009

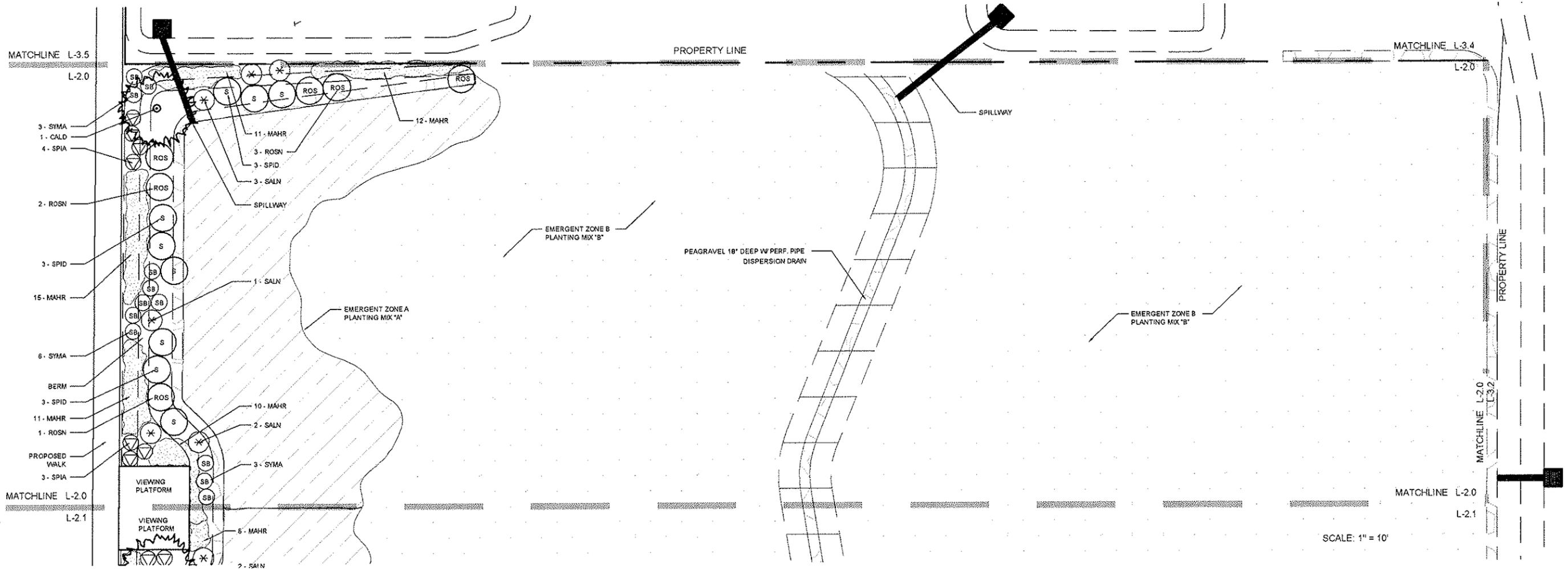
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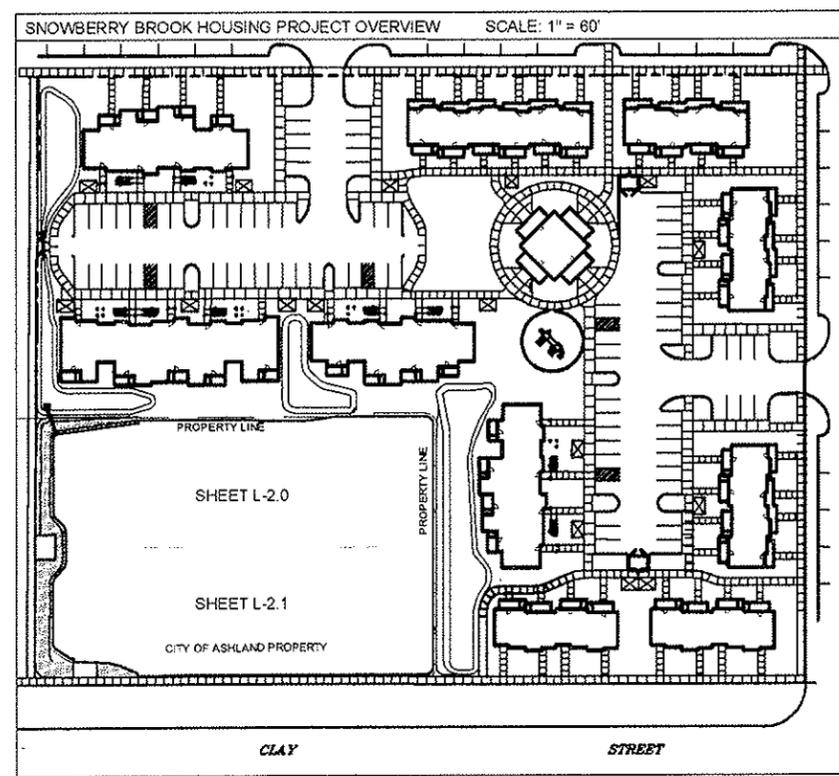
Revision Date:
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 TS
 Scale: Varies

HALF SCALE

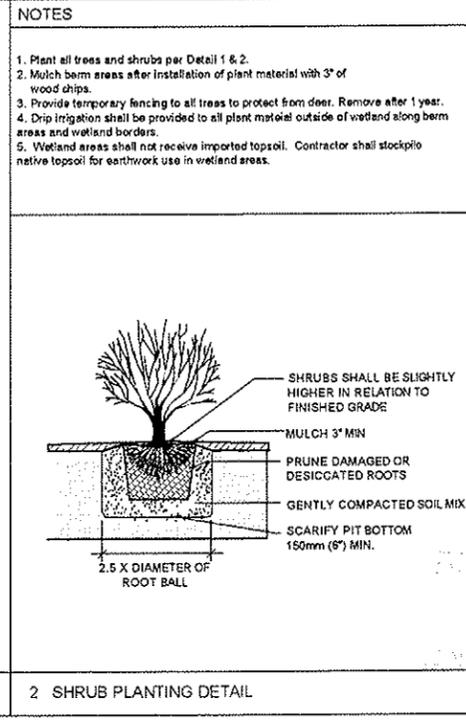
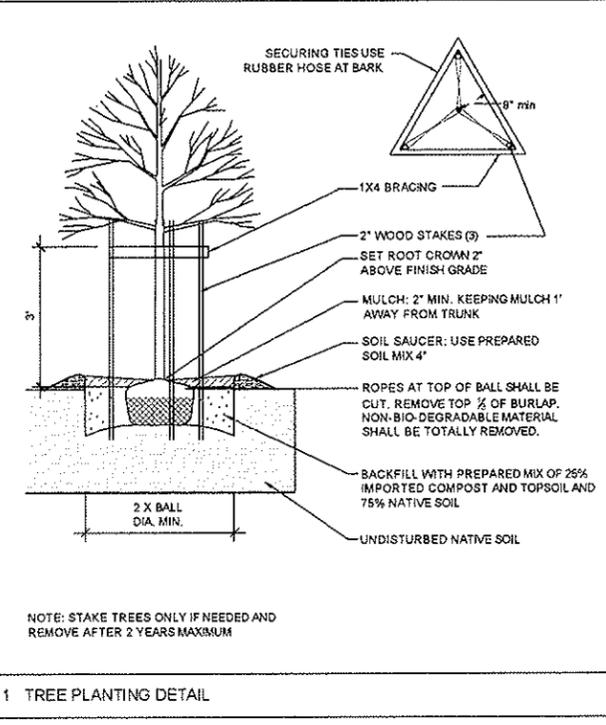
January 9, 2009



SCALE: 1" = 10'



PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES				
	CALD	<i>Calocedrus decurrens</i>	Incense Cedar	8' Height
	CELO	<i>Celtis occidentalis</i>	Hackberry	1 1/2' cal
SHRUBS, PERENNIALS AND GRASSES				
	AMEA	<i>Amelanchier alnifolia</i>	Serviceberry	15 gal
	SALN	<i>Salix p. 'Nana'</i>	Dwarf Blue Arctic Willow	1 gal
	SPIA	<i>Spiraea j. 'Anthony Waterer'</i>	Anthony Waterer Spiraea	1 gal
	SPID	<i>Spiraea douglasii</i>	Douglas Spiraea	1 gal
	SYMA	<i>Symphoricarpos albus</i>	Snowberry	1 gal
MIXES/ GROUNDCOVER				
EMERGENT ZONE A				
	MIX A	<i>Carex obovata</i>	Slough Sedge	3" plugs @ 2' o.c.
		<i>Juncus effusus</i>	Soft Rush	3" plugs @ 2' o.c.
		<i>Scirpus microcarpus</i>	Panicled Bulrush	3" plugs @ 2' o.c.
EMERGENT ZONE B				
	MIX B	<i>Elaecharis palustris</i>	Spike Rush	3" plugs @ 3' o.c.
		<i>Juncus effusus</i>	Soft Rush	3" plugs @ 3' o.c.
		<i>Scirpus microcarpus</i>	Panicled Bulrush	3" plugs @ 3' o.c.
	MAHR	<i>Mahonia repens</i>	Creeping Mahonia	1 gal





Revision Date: _____
HALF SCALE

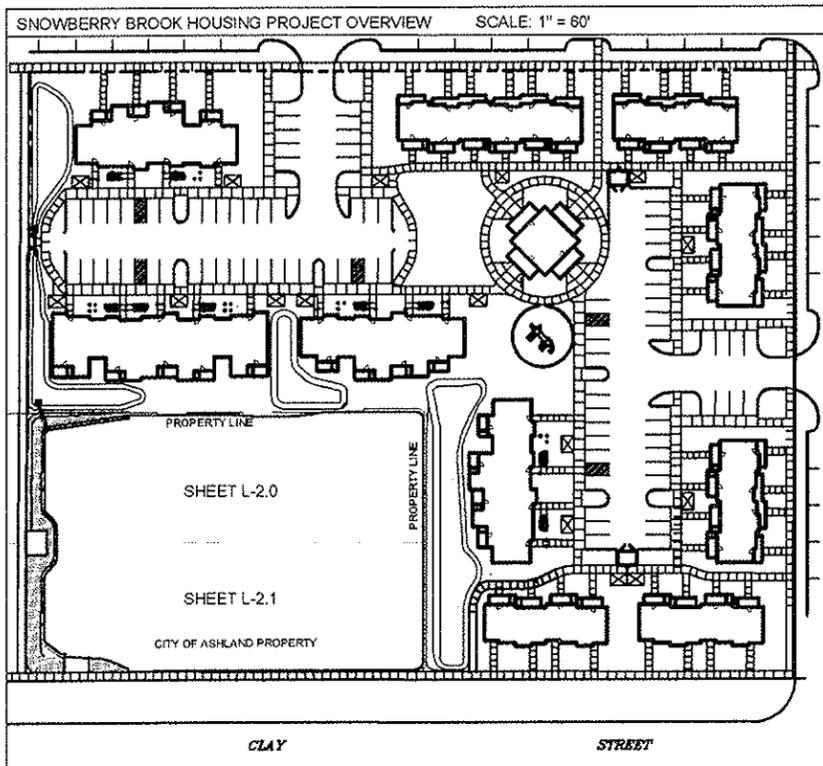
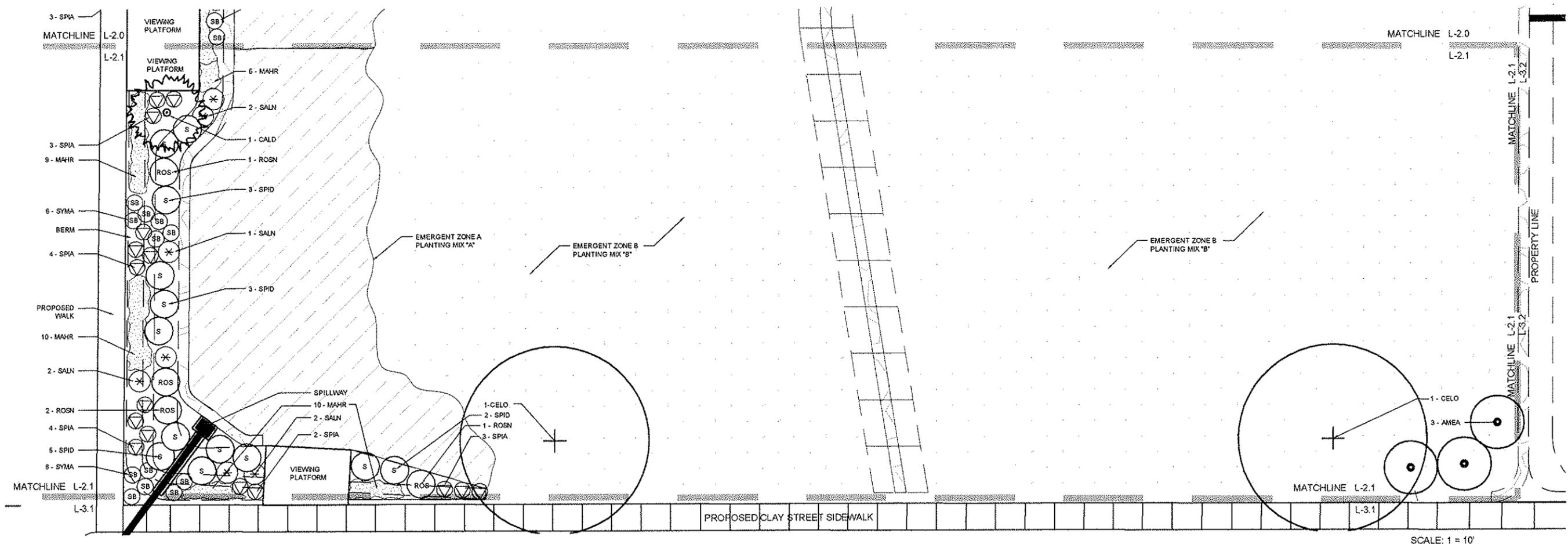
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Scale: Varies

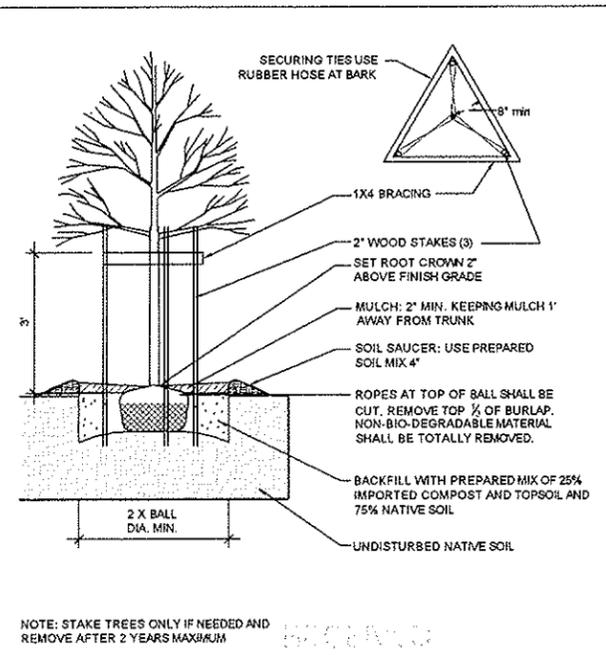
SNOWBERRY BROOK HOUSING PROJECT
 380 CLAY STREET
 ASHLAND, OREGON

January 9, 2009

L-2.1

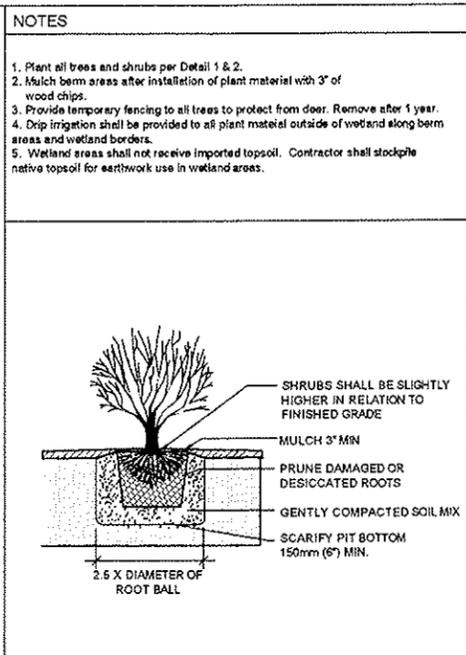


PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	CALD	<i>Calocedrus decurrens</i>	Incense Cedar	8' Height
	CELO	<i>Calix occidentalis</i>	Hackberry	1/2" cal
SHRUBS, PERENNIALS AND GRASSES	AMEA	<i>Amelanchier alnifolia</i>	Servicberry	15 gal
	SALN	<i>Salix p. 'Nana'</i>	Dwarf Blue Arctic Willow	1 gal
	SPIA	<i>Spiraea j. 'Anthony Waterer'</i>	Anthony Waterer Spiraea	1 gal
	SPID	<i>Spiraea douglasii</i>	Douglas Spiraea	1 gal
	SYMA	<i>Symphoricarpos albus</i>	Snowberry	1 gal
MIXES/ GROUND COVER	EMERGENT ZONE A	MIX A	<i>Carex obovata</i> <i>Juncus effusus</i> <i>Scirpus microcarpus</i>	Slough Sedge Soft Rush Panicled Bulrush 3" plugs @ 2' o.c. 3" plugs @ 2' o.c. 3" plugs @ 2' o.c.
		MIX B	<i>Eleocharis palustris</i> <i>Juncus effusus</i> <i>Scirpus microcarpus</i>	Spike Rush Soft Rush Panicled Bulrush 3" plugs @ 3' o.c. 3" plugs @ 3' o.c. 3" plugs @ 3' o.c.
	EMERGENT ZONE B	MAHR	<i>Mahonia repens</i>	Creeping Mahonia 1 gal



NOTE: STAKE TREES ONLY IF NEEDED AND REMOVE AFTER 2 YEARS MAXIMUM

1 TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL

- NOTES
- Plant all trees and shrubs per Detail 1 & 2.
 - Mulch berm areas after installation of plant material with 3" of wood chips.
 - Provide temporary fencing to all trees to protect from deer. Remove after 1 year.
 - Drip irrigation shall be provided to all plant material outside of wetland along berm areas and wetland borders.
 - Wetland areas shall not receive imported topsoil. Contractor shall stockpile native topsoil for earthwork use in wetland areas.

- SHRUBS SHALL BE SLIGHTLY HIGHER IN RELATION TO FINISHED GRADE
- MULCH 3" MIN
- PRUNE DAMAGED OR DESICCATED ROOTS
- GENTLY COMPACTED SOIL MIX
- SCARIFY PIT BOTTOM 150mm (6") MIN.

SHEET L-3.5

SHEET L-3.4

SHEET L-3.3

FS1718

SHEET L-3.1 (A)

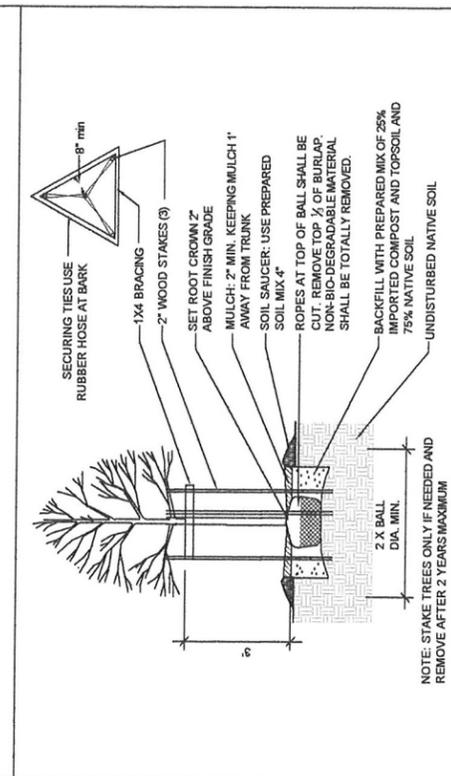
SHEET L-3.1 (B)

SHEET L-3.1 (C)

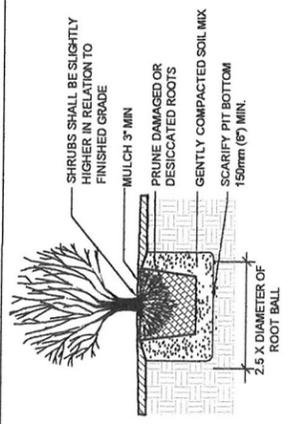
SHEET L-3.1 (D)

PLANT LEGEND

CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	ACEB	Acer p. 'Bloodgood'	Bloodgood Maple	1 3/4" cal
	ACEC	Acer circinatum	Vine Maple	6" tall multi
	ACEG	Acer glabrum	Paperbark Maple	1 3/4" cal
	ACES	Acer g. 'Schmidt'	Rocky Mountain Glow Maple	1 3/4" cal
	AESB	Asclepias x. carnea 'Brioti'	Brioti Red Horsechestnut	1 3/4" cal
	CALD	Calocedrus decurrens	Incense Cedar	8" tall
	CELO	Celtis occidentalis	Hackberry	2" cal
	CORC	Corylus c. californica	California Hazelnut	15 gal
	CLAK	Cladostis tenukeia	American Yellowwood	2" cal
	CRAP	Crataegus phaenopyrum	Washington Hawthorn	1 3/4" cal
	FICB	Ficus c. 'Brown Turkey'	Brown Turkey Fig	15 gal
	FICP	Ficus c. 'Peter's Honey'	Peter's Honey Fig	15 gal
	FRAO	Fraxinus a. 'Oxycarpa'	Flame Ash	1 3/4" cal
	HAMD	Hammamelis x. t. 'Diane'	Diane Witch Hazel	4" tall multi
	MALS	Malus 'Snowdrift'	Snowdrift Crabapple	1 3/4" cal
	PICB	Picea p. 'Baker'	Baker Blue Spruce	8" tall
	PYRA	Pyrus c. 'Aristocrat'	Aristocrat Pear	1 3/4" cal
	QUEM	Quercus macrocarpa	Burr Oak	2" cal
	QUER	Quercus rubra	Red Oak	2" cal
	SORM	Sorbus a. 'Michred'	Cardinal Royal Mountain Ash	1 3/4" cal
	ZELG	Zelkova s. 'Green Vase'	Green Vase Zelkova	1 3/4" cal
	ZELV	Zelkova s. 'Village Green'	Village Green Zelkova	1 3/4" cal
SHRUBS	AMEA	Amelanchier x. g. 'Autumn Brilliance'	Autumn Brilliance Serviceberry	5 gal
PERENNIALS	ANEJ	Anemone japonica	Japanese Anemone	4" pots
AND GRASSES	ARBC	Arbutus u. 'Compacta'	Dwarf Strawberry Tree	5 gal
	ARCH	Arctostaphylos d. 'Howard McMinn'	Howard McMinn Manzanita	5 gal
	BACT	Baccharis p. 'Twin Peaks'	Coyote Brush	1 gal
	BERP	Berberis t. 'Crimson Pygmy'	Japanese Barberry	3 gal
	BERP	Berberis t. 'Gentry'	Royal Burgundy Barberry	3 gal
	CALK	Calamagrostis a. 'Karl Foerster'	Foerster's Feather Reed Grass	1 gal
	CARB	Carex bucharanil	Leather Leaf Sedge	1 gal
	CEAD	Ceanothus 'Dark Star'	Dark Star Ceanothus	5 gal
	CEAV	Ceanothus 'Victoria'	Victoria Ceanothus	5 gal
	CISL	Cistus ladanifer maculatus	Brown-Eyed Rock Rose	3 gal
	CISS	Cistus 'Sunset'	Sunset Rock Rose	3 gal
	COTS	Cotoneaster d. 'Streib's Findling'	Cotoneaster	5 gal
	DAPO	Daphne odora 'Aureo-marginata'	Variegated Winter Daphne	5 gal
	ERIV	Erica 'Velvet Night'	Velvet Night Heath	4" pots
	ERIV	Erica 'White Glow'	White Glow Heath	4" pots
	ESCF	Escallonia x. e. 'Fradesii'	Pink Princess Escallonia	5 gal
	FORS	Forsythia x. i. 'Spring Glory'	Spring Glory Forsythia	5 gal
	HEL5	Helictotrichon sempervirens	Blue Oat Grass	1 gal
	ILEC	Ilex glabra 'Compacta'	Inkberry	3 gal
	KERJ	Kerria japonica 'Pleniflora'	Double Kerria	5 gal
	MAHA	Mahonia aquifolium	Oregon Grape	1 gal
	NANP	Nandina d. 'Plum Passion'	Plum Passion Heavenly Bamboo	3 gal
	PENH	Pennisetum a. 'Hameln'	Hameln Fountain Grass	1 gal
	PENM	Pennisetum a. 'Moudry'	Moudry Fountain Grass	5 gal
	PINP	Pinus mugo pumilo	Dwarf Mugo Pine	1 gal
	POTA	Potentilla 'Abbotswood'	Abbotswood Potentilla	1 gal
	RIBS	Ribes sanguineum	Flowering Red Currant	1 gal
	RHOC	Rhododendron c. 'Album'	White Catawba Rhododendron	5 gal
	RHON	Rhododendron 'Nova Zembla'	Nova Zembla Rhododendron	5 gal
	RHOP	Rhododendron 'Purple Splendor'	Purple Splendor Rhododendron	5 gal
	ROSN	Rosa nutkana	Nootka Rose	3 gal
	ROST	Rosmarinus 'Tuscan Blue'	Tuscan Blue Rosemary	1 gal
	SALN	Salix p. 'Nana'	Dwarf Purpleosier Willow	1 gal
	SPIA	Spiraea j. 'Anthony Waterer'	Anthony Waterer Spiraea	1 gal
	SPID	Spiraea douglasii	Western Spiraea	1 gal
	SPIJ	Spiraea j. 'Alphita'	Alphita Spiraea	1 gal
	SPI5	Spiraea n. 'Snowbound'	Snowbound Nippon Spiraea	1 gal
	SYMA	Symphoricarpos albus	Snowberry	1 gal
	VIBD	Viburnum davidii	David Viburnum	5 gal
	VIB5	Viburnum 'Shasta'	Shasta Viburnum	5 gal



1 TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL

LAWN	3 Way Rye Blend	Sod
SEED MIX	ProTime 705 PDX by Hobbs & Hopkins	1.5 lbs. per 1000

- Seed prior to rainy season in late April or late October.
- Place 12" compost/topsoil blend in all tree and shrub planting areas.
 - Place 6" compost/topsoil blend in all sod areas.
 - Compost/topsoil blend from Crater Sand and Gravel.
 - Install soil in 3" lifts and till thoroughly to blend w/ existing soil.
 - Plant all trees and shrubs per Detail 1 & 2.
 - Mulch planting areas after installation of plant material with 3" of dark mulchbark, or equal.
 - Provide temporary fencing to all trees outside of fence to protect from deer. Remove after 1 year.

PLANTING DIRECTORY AND LEGEND



L-3.0

January 9, 2009

SNOWBERRY BROOK HOUSING PROJECT
380 CLAY STREET
ASHLAND, OREGON

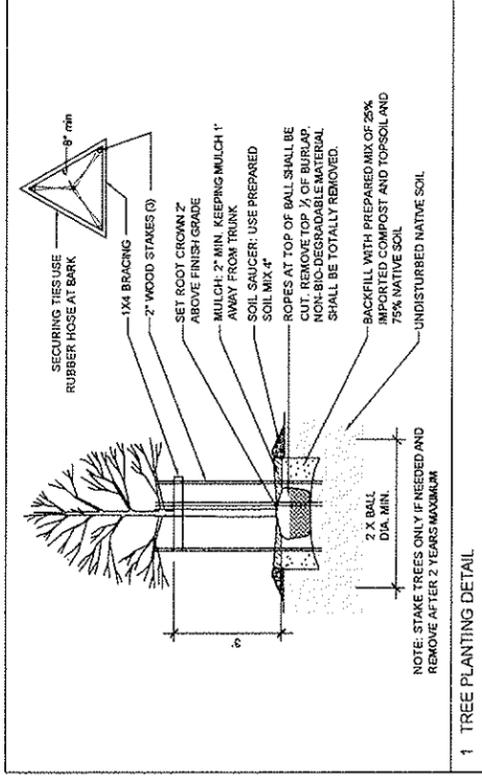
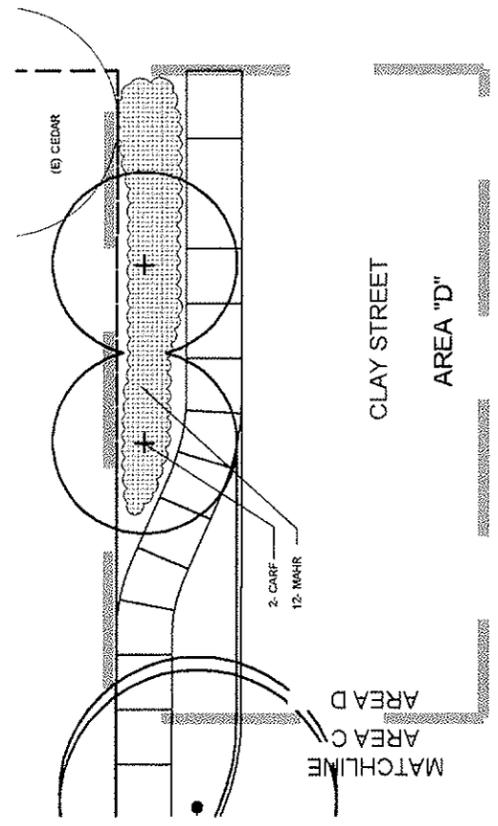
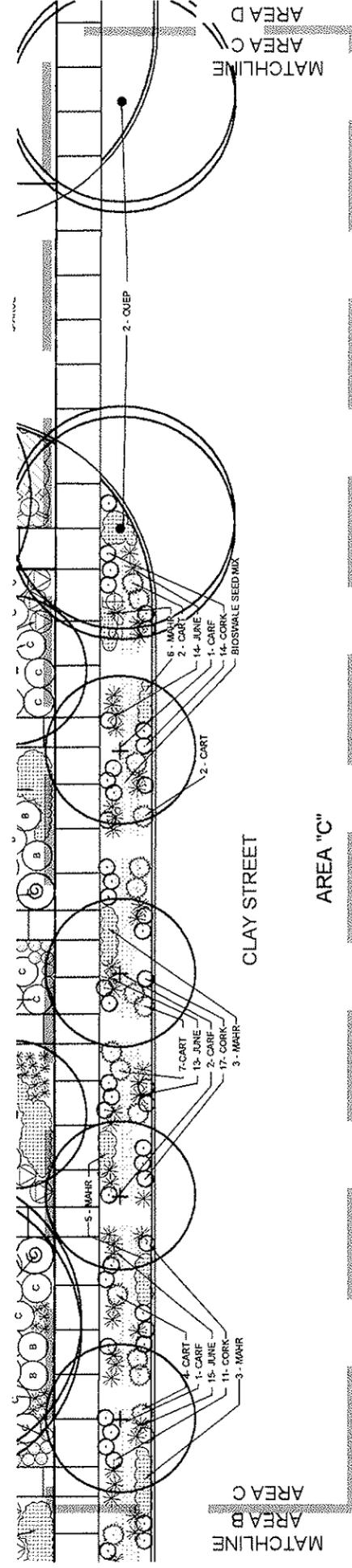
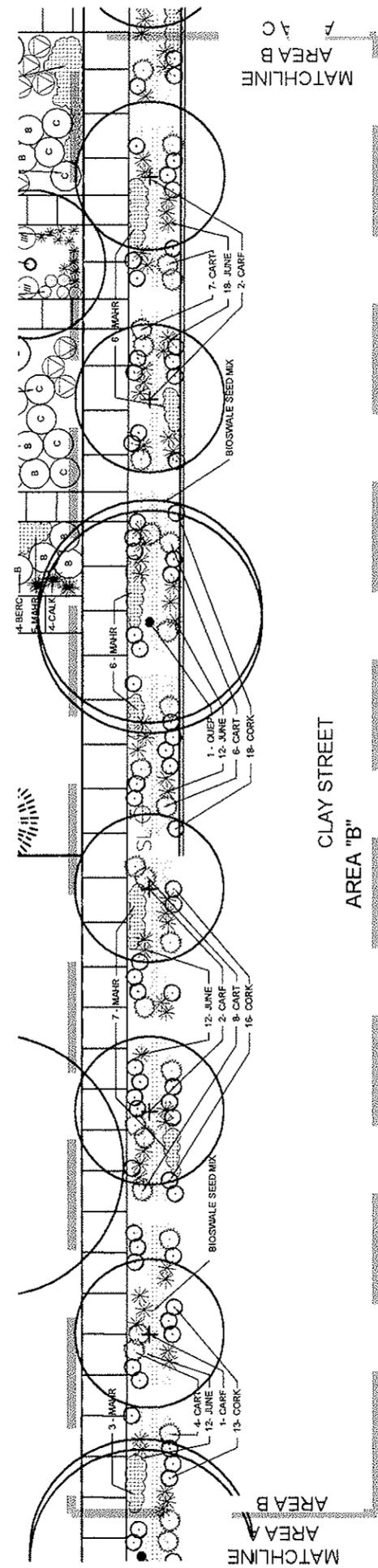
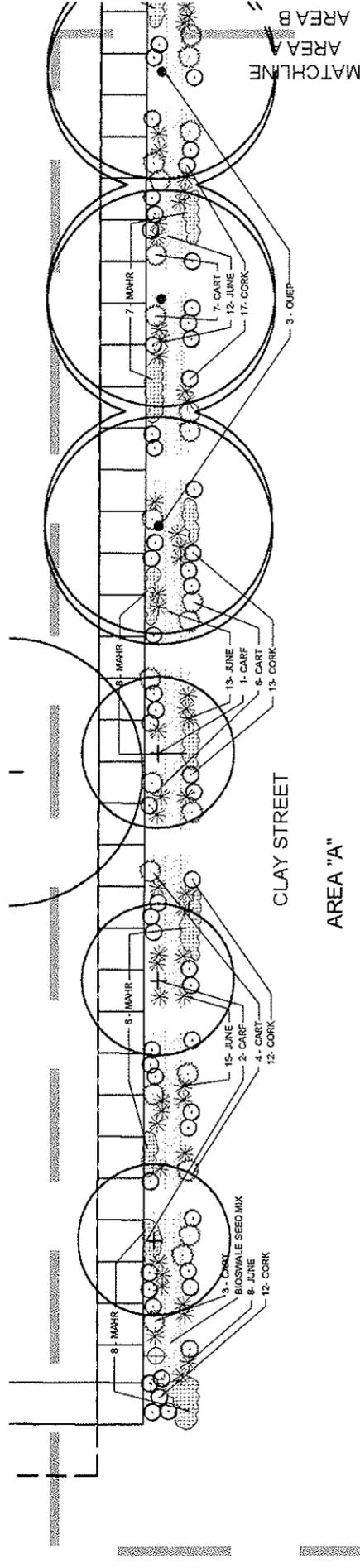
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KAG
Scale 1" = 40'-0"



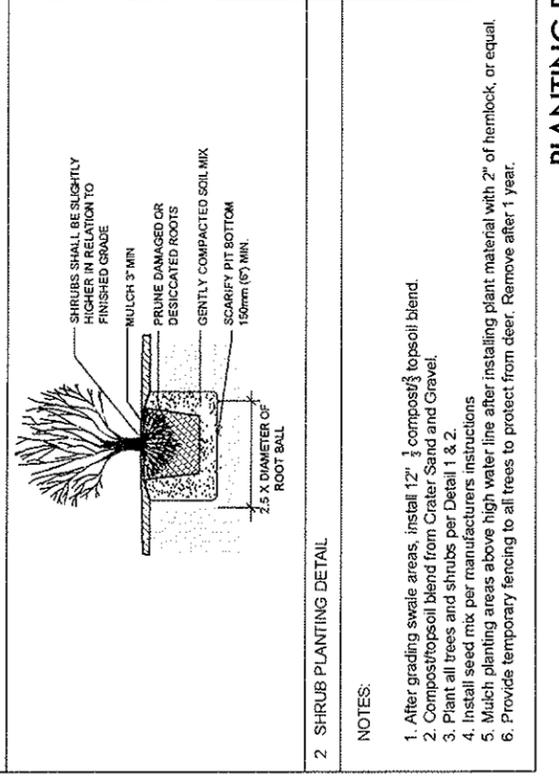
HALF SCALE

RECEIVED
JAN 9 2009

Laurie Sager
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520



PLANT LEGEND	CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	CARP	Carpinus b. 'Fastigiata'	Columnar Hornbeam	1 1/2" cal	
	QUEP	Quercus phellos	Willow Oak	1 1/2" cal	
	CART	Carex testacea	Orange Sedge	4" pots	
SHRUBS, PERENNIALS AND GRASSES	CORK	Cornus s. 'Kelsey'	Keiseyii Dogwood	1 gallon	
	JUNE	Juncus effusus	Soft Rush	4" pots	
	MAHR	Mahonia repens	Creeping Oregon Grape	1 gallon	
				4" pots	
SEED MIXES		BIOSWALE SEED MIX			'Protime 705 PDX' MIX Available from Hobbs & Hopkins Ltd. #603/239-7518 Install at rate of 1.5 pounds per 1000 SF. Seed prior to rainy season in late April or late October. Follow manufacturers specifications.



PLANTING PLAN



Revision Date:
Drawn by:
KAG
Scale 1" = 10'0"

HALF SCALE

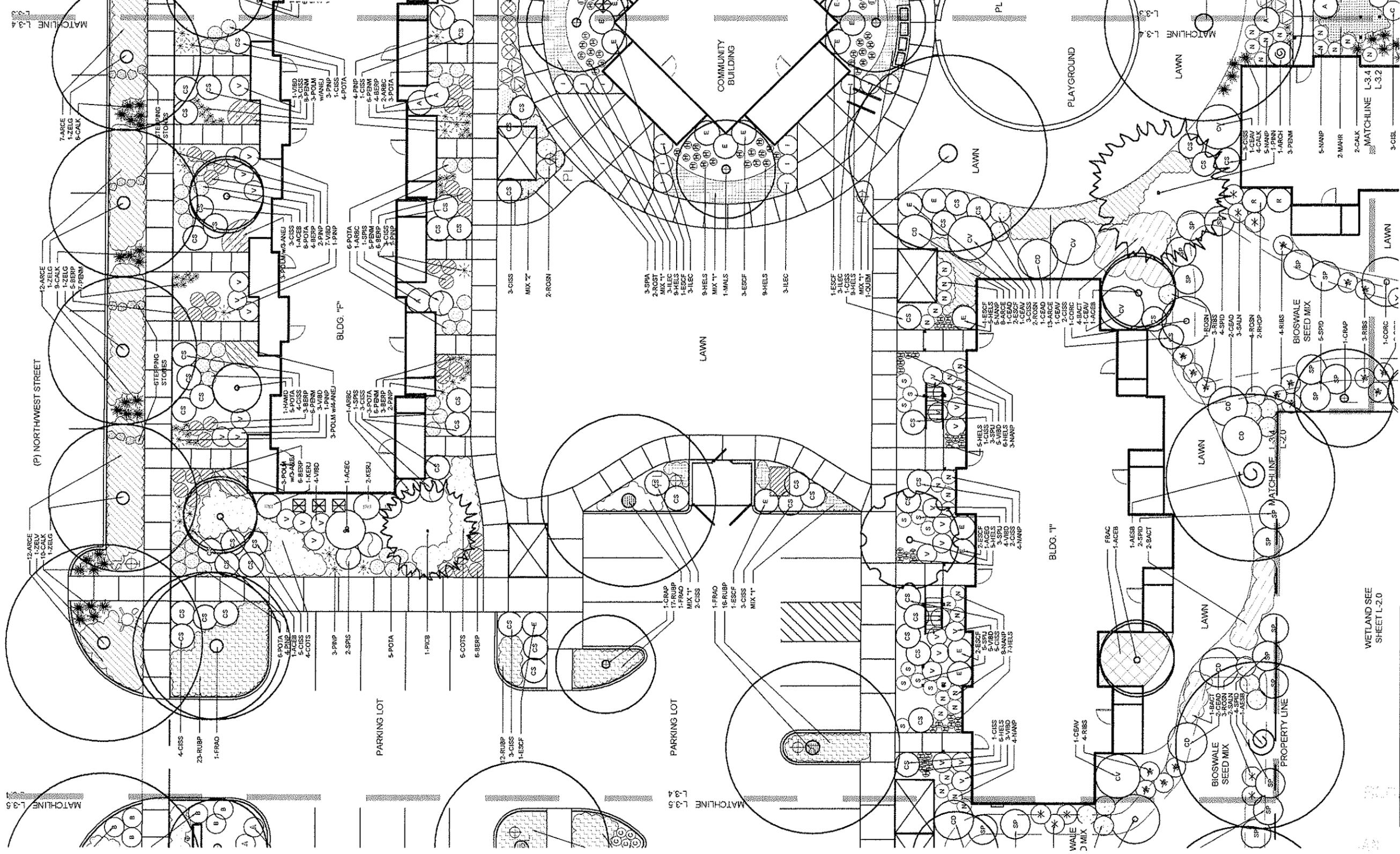
SNOWBERRY BROOK HOUSING PROJECT
380 CLAY STREET
ASHLAND, OREGON

January 9, 2009

1-3-1

Laurie Sage
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520





NOTE:
1. See sheet L-3.0 for Planting Directory and Legend.

PLANTING PLAN



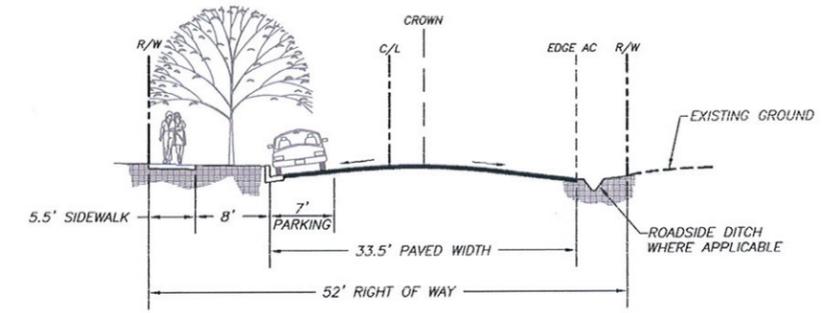
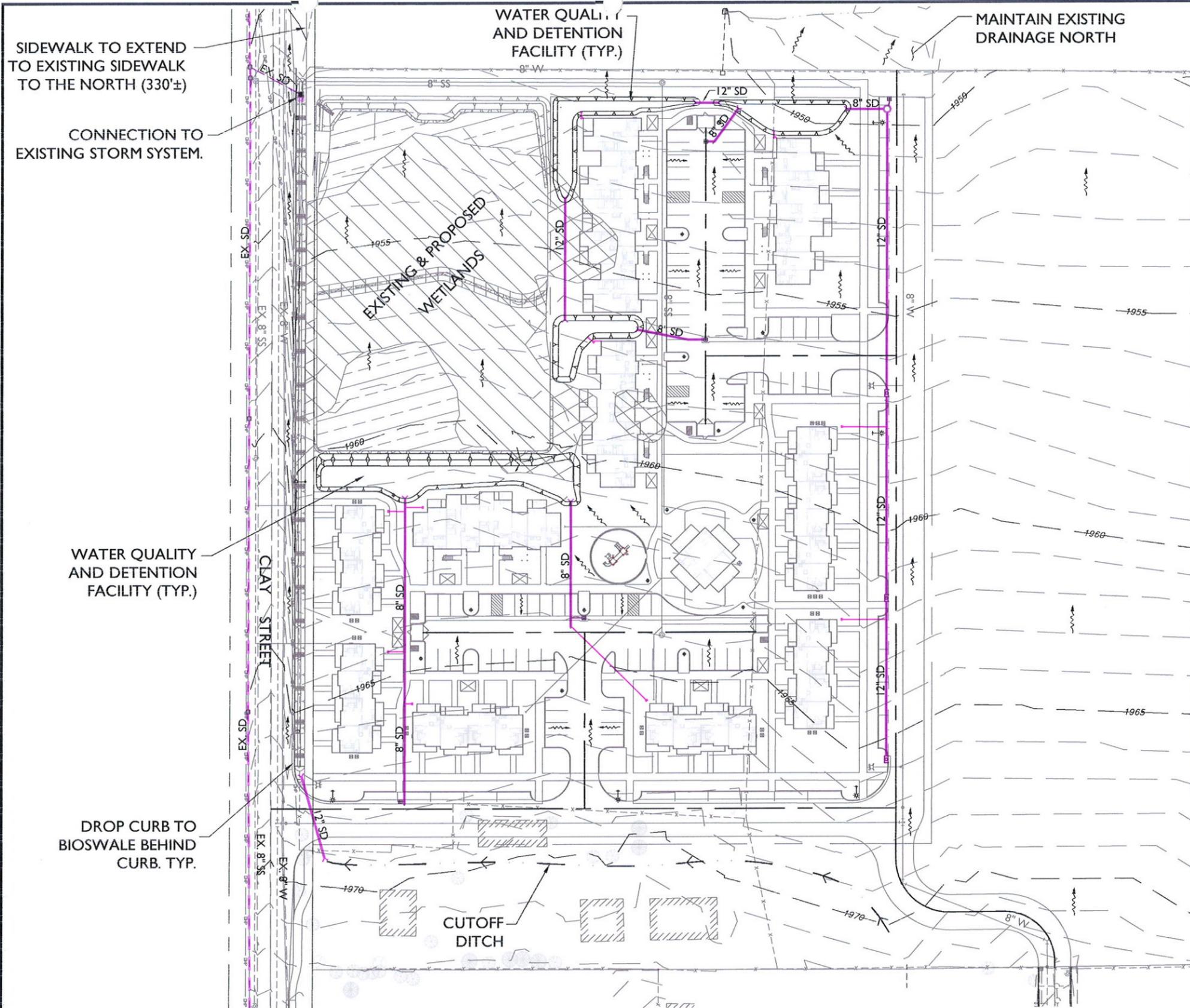
Revision Date:
HALF SCALE
Drawn By
KAG
Scale 1" = 10'0"

SNOWBERRY BROOK HOUSING PROJECT
380 CLAY STREET
ASHLAND, OREGON

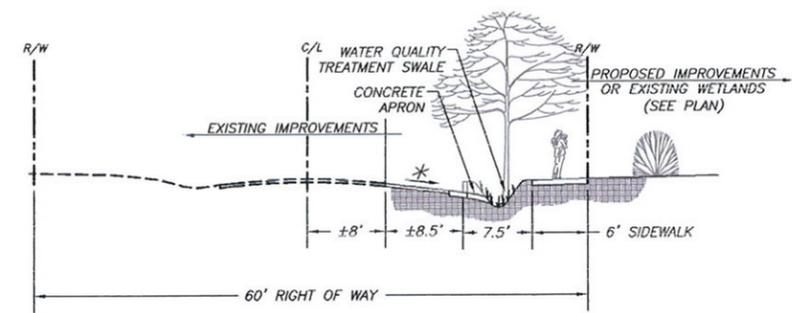
January 9, 2009

L-3.4

Laurie Sager
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520



INTERIOR PUBLIC STREETS



CLAY STREET

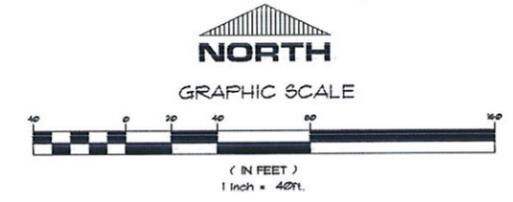
* NOTE: PROPOSED ROAD CROSS SLOPE VARIES FROM 2% TO 4%.

RECEIVED

JAN 9 2009

City of Ashland
Community Development

- LEGEND**
- DRAINAGE DIRECTION
 - PROPOSED STORM DRAIN
 - PROPOSED STORM SERVICE
 - PROPOSED AREA DRAIN
 - PROPOSED CURB INLET
 - PROPOSED SD MANHOLE
 - EXISTING STORM DRAIN
 - EXISTING SD MANHOLE
 - EXISTING CURB INLET
 - EXISTING 5' CONTOUR
 - EXISTING 1' CONTOUR



NOTE: EXISTING UTILITY LINES SHOWN ARE FROM CITY RECORDS. ACTUAL LOCATIONS SHALL BE DETERMINED WITH SITE ENGINEERING PHASE

EXHIBIT C.1



P.O. BOX 1724 MEDFORD, OREGON 97501
PH. (541) 779-5268 • FAX (541) 779-3139

DRAWN BY:	NRB	DATE:	12/08
CHECKED BY:	MJZ, MWK	DATE:	12/08
		DATE:	
		DATE:	
		DATE:	

NO.	REVISION	DATE	BY



CITY OF ASHLAND
SNOWBERRY BROOK
CONCEPTUAL PLAN
GRADING, DRAINAGE, & SECTIONS

PROJECT NO.
DRAWING NO.

RECEIVED

JAN 9 2009

City of Ashland
Community Development

CONNECTION
TO EXISTING
SEWER SYSTEM

STUB FOR FUTURE
CONNECTION.

EXISTING & PROPOSED
WETLANDS

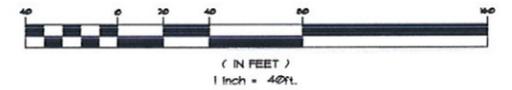
CLAY STREET

LEGEND

- EXISTING SS
- EXISTING SS MANHOLE
- EXISTING SS
- PROPOSED SS MANHOLE
- SEWER SERVICE
- EXISTING WATER
- PROPOSED WATER
- PROPOSED WATER SERVICE (1.5" METER TYP.)
- PROPOSED POWER TRANSFORMER AND/OR UTILITY STRUCTURE
- PROPOSED POWER VAULT
- PRIMARY POWER
- SECONDARY POWER
- ★ PROPOSED SITE LIGHTING

NORTH

GRAPHIC SCALE



FIRE HYDRANT
TYP.

CONNECTION TO
EXISTING WATER SYSTEM.

CONNECTION TO
EXISTING WATER SYSTEM.

PROPOSED POWER
CONNECTION

NOTE:
EXISTING UTILITY LINES SHOWN ARE FROM
CITY RECORDS. ACTUAL LOCATIONS SHALL BE
DETERMINED WITH SITE ENGINEERING PHASE

EXHIBIT C.2



P.O. BOX 1724 MEDFORD, OREGON 97501
PH. (541) 779-5268 • FAX (541) 779-3139

DRAWN BY:	NRB	DATE:	12/08
CHECKED BY:	MWK, MJZ	DATE:	12/08
		DATE:	
		DATE:	
		DATE:	

NO.	REVISION	DATE	BY

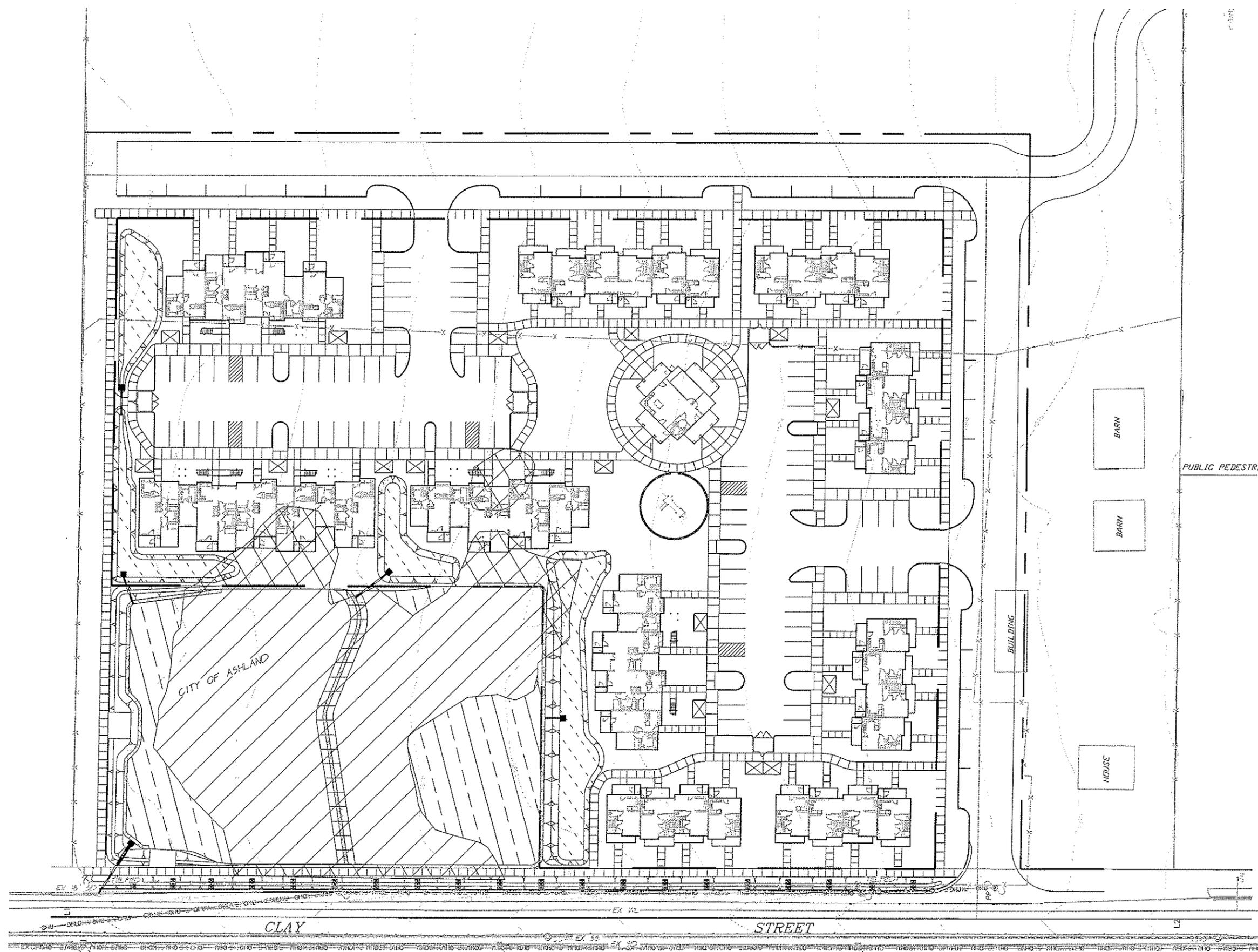


CITY OF ASHLAND

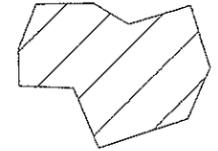
SNOWBERRY BROOK
CONCEPTUAL PLAN
WATER, SEWER, & UTILITY

PROJECT NO.

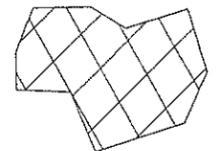
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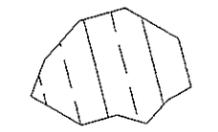
EXISTING WETLANDS 36,499 SF.



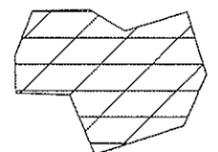
EXISTING WETLANDS TO BE FILLED 7,488 SF.



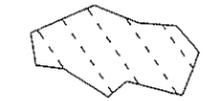
WETLANDS TO BE CREATED 11,479 SF.



PUBLIC PEDESTRIAN DISPERSION DRAIN IMPACT ON EXISTING WETLANDS 1740 SF.



BIO-SWALE/ BIO-INFILTRATION AREA



DISPERSION DRAIN



IMPERVIOUS AREA ON THE SOUTH 45,783 SF BIO-SWALE AREA 4,623

IMPERVIOUS AREA ON THE NORTH 38,078 SF BIO-SWALE AREA 4,623

CITY OF ASHLAND

BARN

BARN

HOUSE

BUILDING

STREET

CLAY

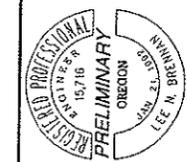
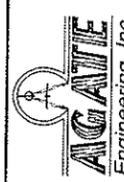


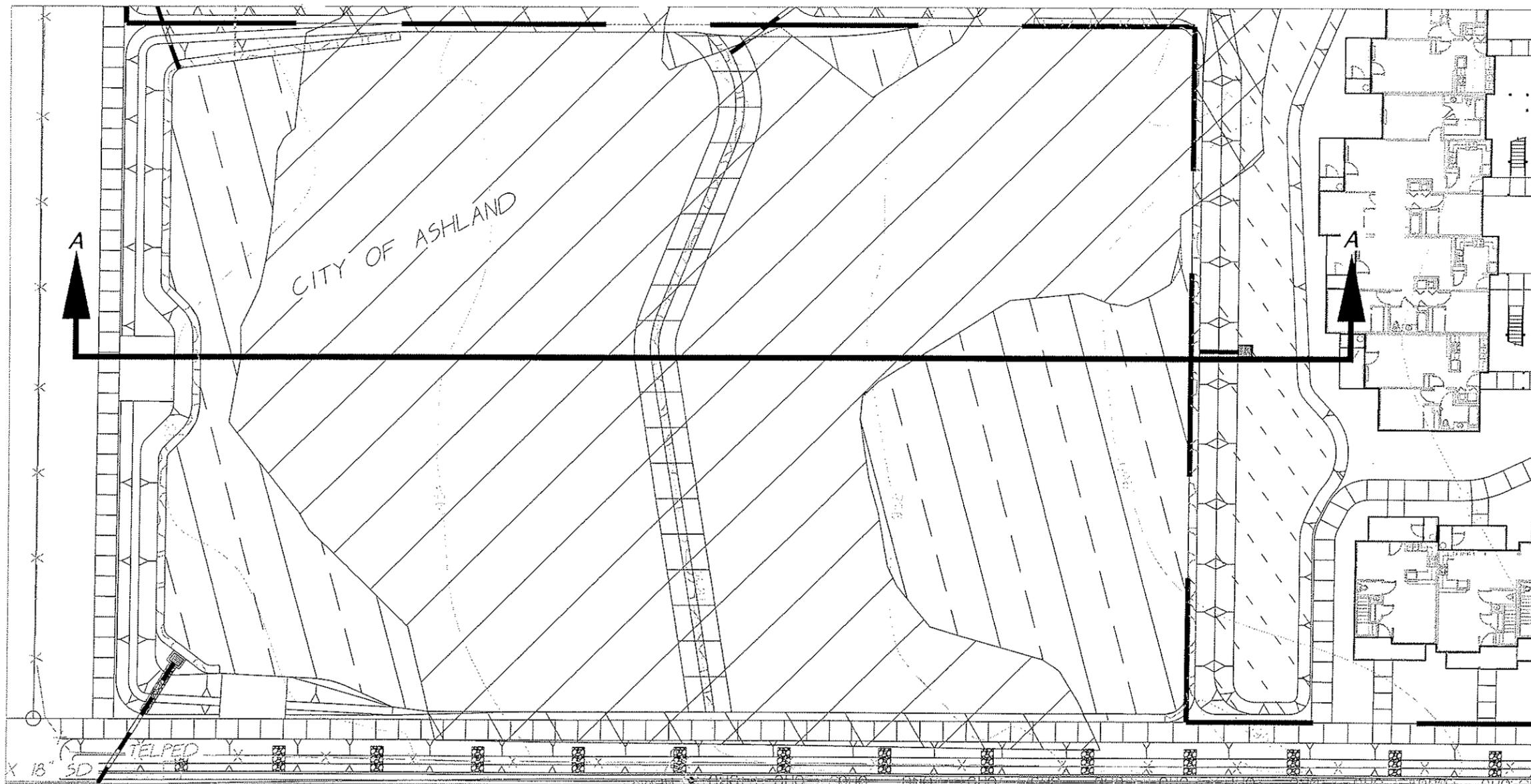
NOTE: AGATE Engineering, Inc. does not either expressly or by demarcation on these plans establish or delineate the various property, right-of-way, and easement boundaries.

NO.	REVISION	DATE BY

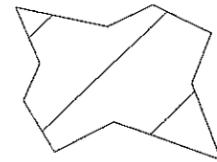
BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET ADJUST SCALES.

1175 East Main St. # 1A
Medford, OR 97504
Tel: (541)282-7930
Fax: (541)282-7923
E-mail: agate@engineer.com

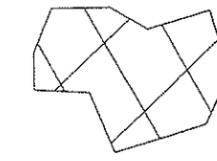




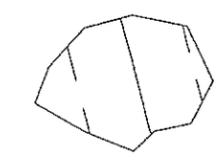
EXISTING WETLANDS 36,499 SF.



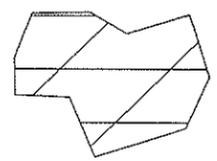
EXISTING WETLANDS TO BE FILLED 7,488 SF.



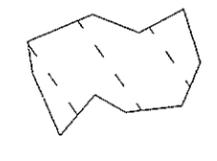
WETLANDS TO BE CREATED 11,479 SF.



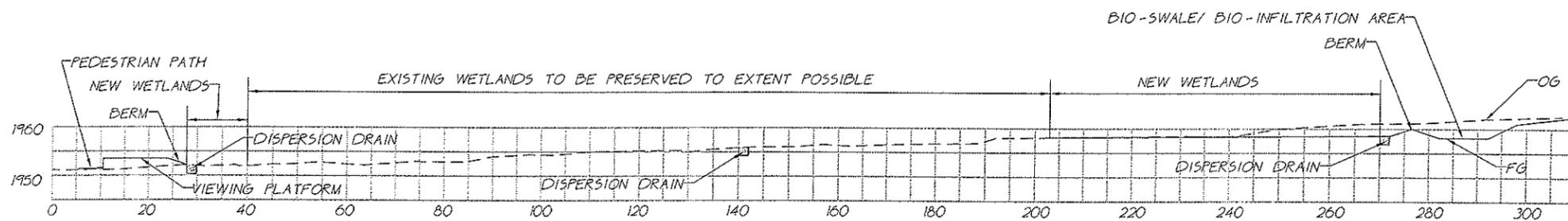
DISPERSION DRAIN IMPACT ON EXISTING WETLANDS 1740 SF.



BIO-SWALE/ BIO-INFILTRATION AREA

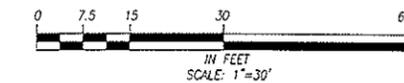


HORZ: 1"=30'
VERT: 1"=30'



SEC A-A

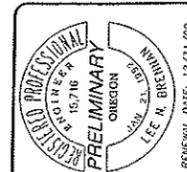
NOTE: ALL SLOPES ARE 3H:1V OR FLATTER



NOTE: AGATE Engineering, Inc. does not either expressly or by demarcation on these plans establish or delineate the various property, right-of-way, and easement boundaries.

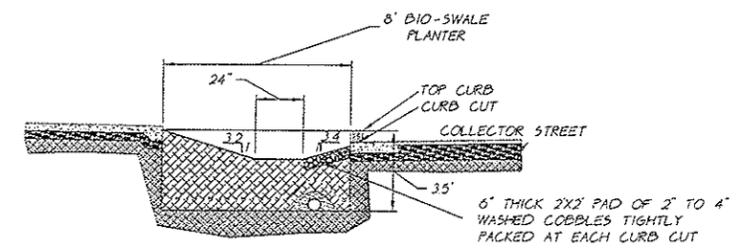
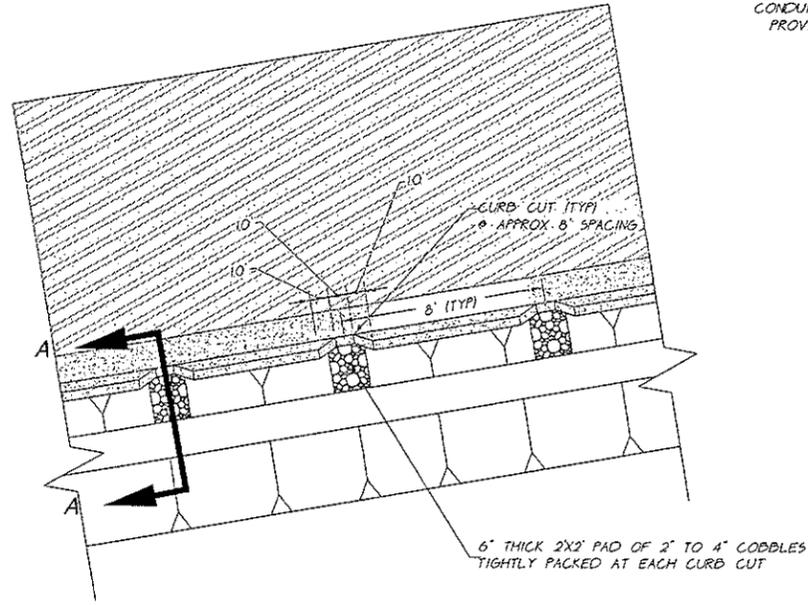
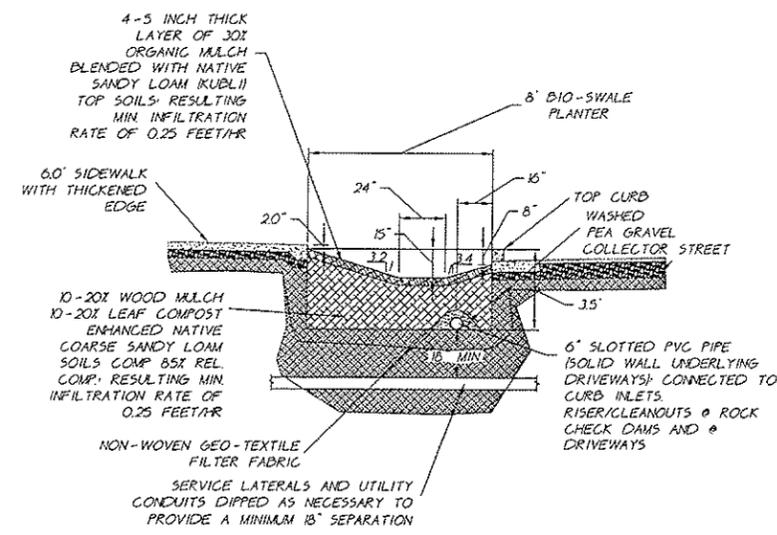
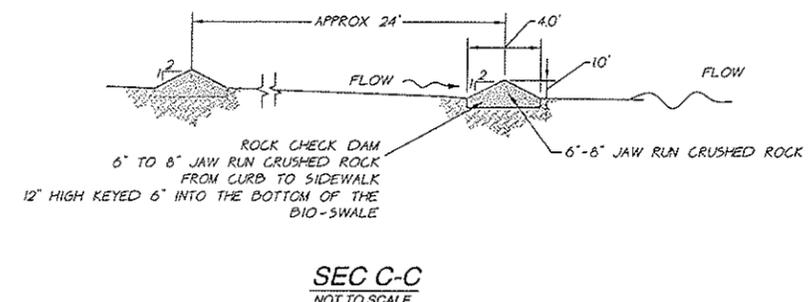
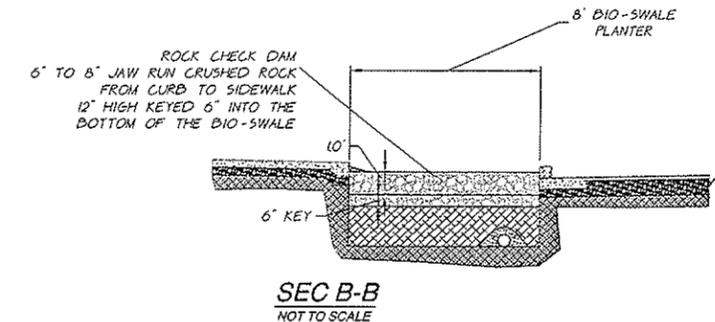
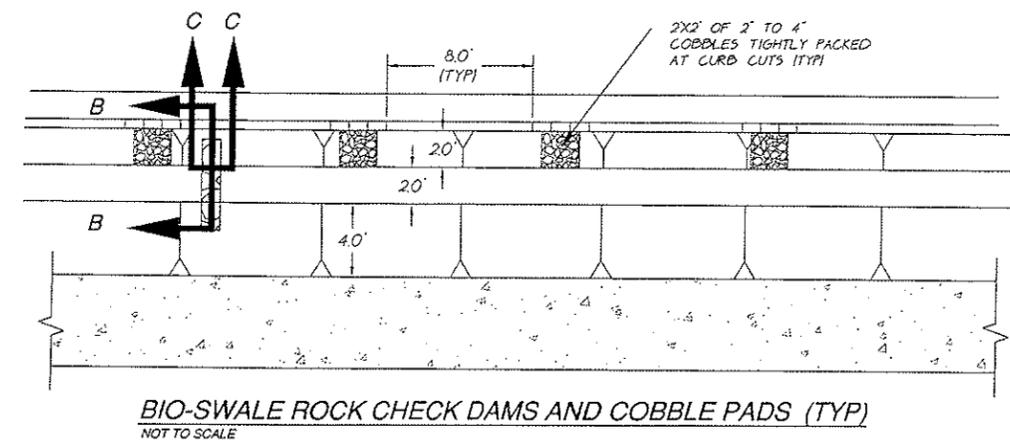
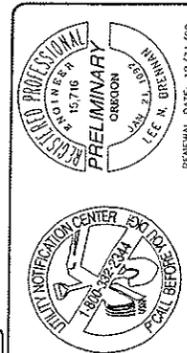
NO.	REVISION	DATE	BY

1175 East Main St. # 1A
Medford, OR 97504
Tel: (541)282-7930
Fax: (541)282-7923
E-mail: agate@engineer.com



NO.	REVISION	DATE	BY

1175 East Main St. # 14
Medford, OR 97504
Tel: (541) 282-7930
Fax: (541) 282-7923
E-mail: agate@engineer.com

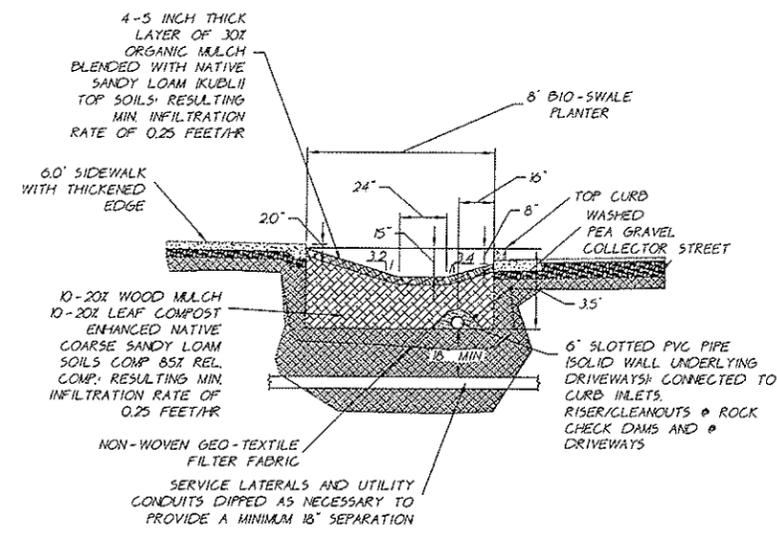
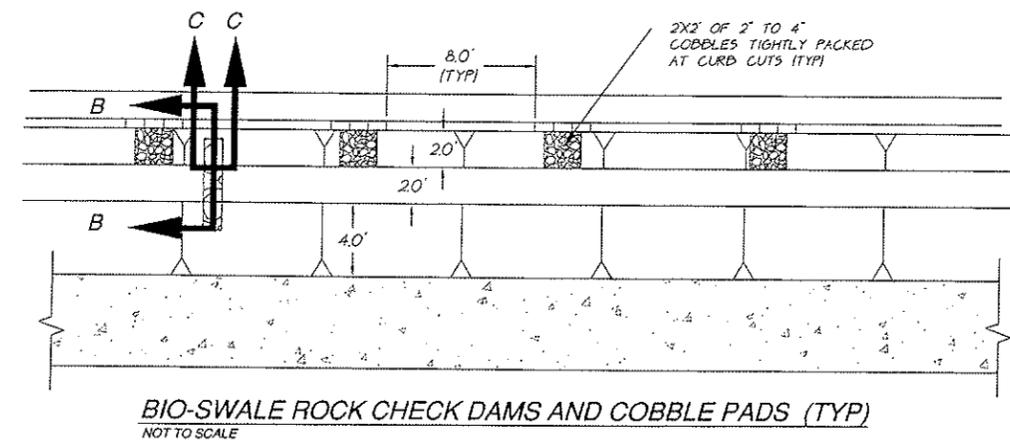
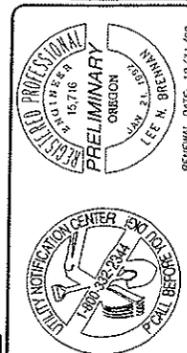


RECEIVED
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PROJECT: SNOWBERRY BROOK
DRAWN BY: [Signature]
CHECKED BY: [Signature]

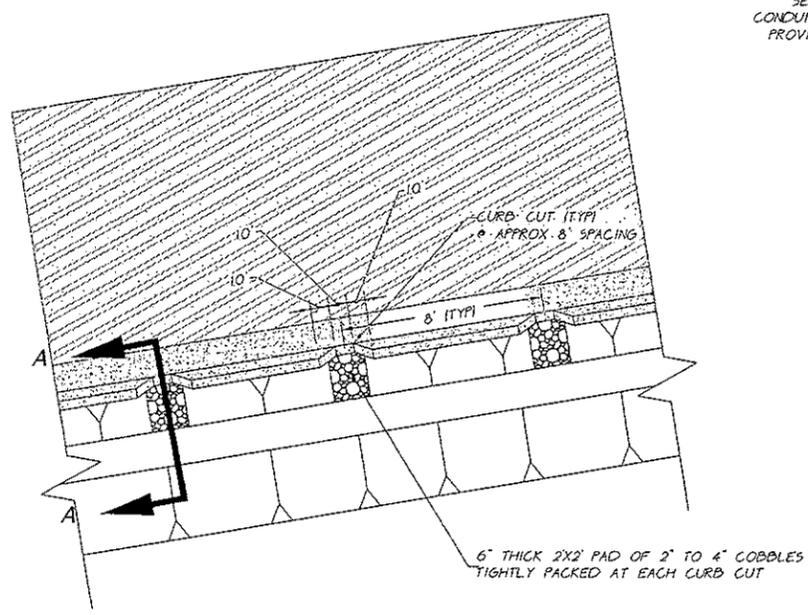
NO.	REVISION	DATE	BY

THIS IS ONE INCH ON ORIGINAL DRAWING. IF NOT SHOWN ON THIS SHEET ADJUST SCALES ACCORDINGLY.

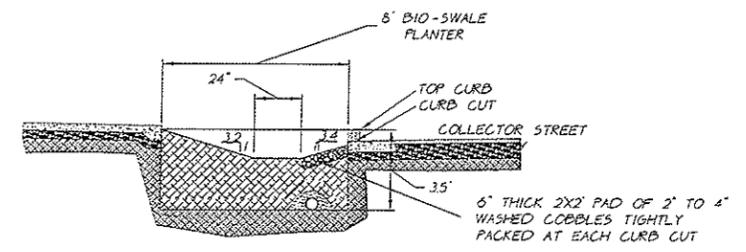
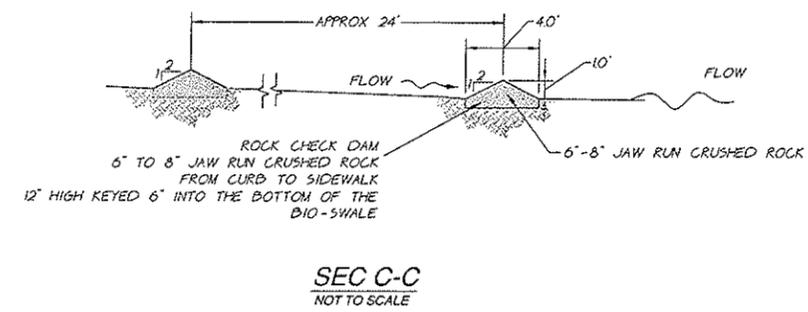
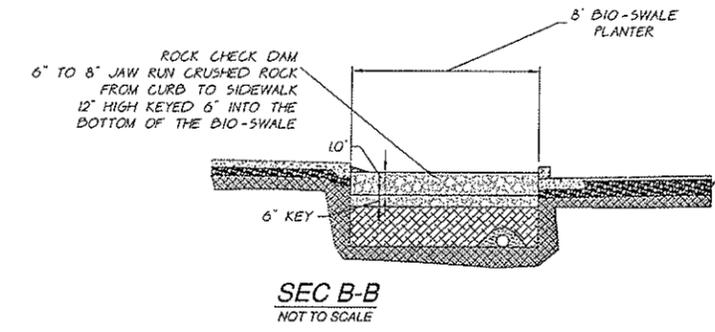
1175 East Main St. # 14
Medford, OR 97504
Tel: (541)282-7930
Fax: (541)282-7923
E-mail: agate@engineer.com



BIO-SWALE
NOT TO SCALE



BIO-SWALE CURB CUT (TYP)
NOT TO SCALE



SEC A-A
NOT TO SCALE

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
February 10, 2009**

PLANNING ACTION: 2008-02013

APPLICANT: City of Ashland

ORDINANCE REFERENCE: 18.96 Sign Regulations

REQUEST: Adoption of an Ordinance Amendments to the Sign Regulation Chapter (18.96) Ashland Land Use Ordinance (ALUO).

I. Relevant Facts

A. Background

In July of 2008 the Mayor appointed members to an ad-hoc Downtown Task Force to evaluate concerns relating to signage limitations and enforcement, downtown employee parking, and the use of public right-of-way for commercial use. Members of the Downtown Task Force included representative downtown merchants, members of the Planning, Historic, and Public Arts Commission, Chamber of Commerce representatives, as well as citizens at large, to review and make recommendations directed to address several concerns affecting downtown merchants. The Downtown Task Force met five times through July and August, 2008.

Upon hearing the Downtown Task Force Recommendations on September 2nd, 2008, the Ashland City Council initiated the Type III Planning Process directing Staff to amend the Land Use Ordinance to address the identified concerns.

The Ashland Planning Commission has held two separate Study Sessions to examine conceptual changes to the Sign Code on December 18th, 2008 and January 27th, 2009.

The Ashland Public Arts Commission reviewed the proposed changes and submitted a Memo including their recommendations dated November 2008, which is included in the record.

Planning Commission and members of the City Council also conducted a walking tour of the downtown on February 5th, 2009, to become familiar with sign issues on the ground prior to the Public Hearing scheduled for February 10, 2009.

The Ashland Historic Commission reviewed proposed changes to the Sign Code specifically as they relate to Historic Districts, at their regular meeting on February 4th, 2008. As of the date of writing this Staff Report the Historic Commission meeting has not yet occurred and thus their recommendations shall be presented at the Planning Commission Public Hearing.

B. Proposed Amendments to Chapter 18.96

A revised copy of Chapter 18.96 is attached.

The substantive modifications to Chapter 18.96 are listed below and are explained more fully in Section C.

Downtown Task Force suggested modifications

- Modifies the existing limitation on exempt signs (no permit required) in the downtown from 2 signs of two square feet, to up to 3 signs with an aggregate area of not more than 7 sq.ft. Essentially this modification provides for an additional 3 sq.ft. exempt sign.
- Modifies the ordinance to allow a downtown business to install one three dimensional sign not to exceed 3 cu.ft.
- Modifies the ordinance to allow a business outside of the downtown to install one three dimensional sign not to exceed 20 cu.ft.
- Modifies the ordinance to include material limitations for three-dimensional signs.
- Modifies the ordinance to enable the installation of collective identification and informational signs on public right-of-ways, or City owned property, to better direct pedestrians to civic, business, recreation, and historic interest areas when installed by the City under the exempt sign category.
- Modifies the ordinance to establish allowances for sandwich boards, 'A' frame and pedestal signs when located on private property and when within the square footage limit permissible for incidental exempt signs.
- Modifies the ordinance to exempt qualified Public Art (per Chapter 2.17 of the Municipal Code) from the Sign code requirements.

Planning Commission suggested modifications:

- Modifies the ordinance to eliminate the limitations upon "strings of lights" to allow for other bulb types than incandescent and to allow for closer spacing of bulbs than the 6" currently required by ordinance.

Staff suggested modifications

- Modifies the ordinance to refine or add various definitions to add clarity to the applicability of the ordinance.
- Modifies the ordinance to allow for area calculations to be considerate of the common geometric shapes of circles, triangles, and rectangles.
- Modifies the ordinance to define and increase the size allowable for temporary construction signs to better correlate to standardized sizes for such signs.
- Modifies the ordinance to prohibit vehicle signs used as static displays when parked for an extended duration.
- Modifies the ordinance to allow additional business frontages to be counted when fronting on more than two separate streets. This provision would then allow additional area on the third and fourth frontages of a building.

C. Discussion of Proposed Amendments

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

The preceding section of this report lists all the modifications proposed. This section elaborates on the more substantive changes currently being considered and the implications of various options being presented.

Section 18.96.020 Changes. Definitions Relating to Signs

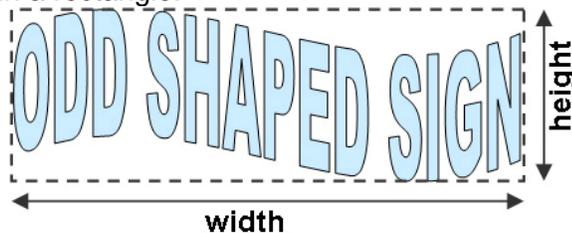
Area Definition

A commonly asked question at the counter in issuing sign permits is "How does the City calculate the area of a sign?". The current definition is:

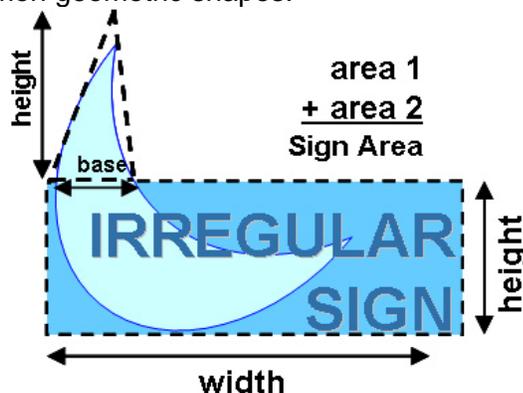
"The area included within the outer dimensions of a sign". (18.96.020).

Although relatively simple on its face, this definition has left a lot of room for interpretation and thus Staff has suggested two options for the Commission to consider in the proposed ordinance changes that would eliminate ambiguity.

Option 1 essentially formalizes the means by which staff has calculated the area of a sign as bounded within a rectangle.



Option 2 creates new opportunities to consider circles and triangles as additional geometric shapes in calculating area. Additionally this definition would enable the City to consider areas of multiple components of a sign to additively determine area as bounded by these common geometric shapes.



Staff supports option 2 as a means of enabling a greater measure of creativity and provide additional opportunities for more distinctive signage, without the disincentive of

decreased area allowance. Further the existing code language could be seen to support such a methodology although that has not been its standard application over the years.

Public Art definition

Public Art would not be considered a sign per the proposed changes to 18.96, and as such would no longer be regulated per this section.

The proposed change to 18.96 defines Public Art simply by referencing the definition already existing in Chapter 2.17 of the Municipal Code which is as follows:

“All forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.”

The approval of Public Art would therefore not be proceeded as a Land Use Proceedings but rather through the application of the set criteria and juried selection process fully outlined in Chapter 2.17.

Public Arts Commission Recommendation

The Public Arts Commission is supportive of the proposed code changes to remove Public Art from review under the Sign Code.

Three dimensional sign definition

To distinguish three dimensional signs from the typical 2-D sign this definition establishes that any sign having a relief of greater than 6” shall fall into the 3-D category and be regulated as such. The limits of this new 3-D sign type are addressed in this report under the section below on *New Sign Types*.

Section 18.96.030 Changes. Exempt Signs **City Installed Directory Signs (18.96.030(A))**

The modifications to) are proposed to address the Downtown Task Force recommendation to more explicitly enable the City to install various off-premises directory signs on City property (including public right of way as well as city property) to assist in directing people to interest areas that are otherwise not readily visible from the street. The recommendation also expresses an interest in developing separate policies to address issues of size, materials, color, font, materials, and location. The proposed code change will enable the City to create a such a program to install informational signs on City property.

Construction and Real Estate Signs (18.96.030(F&G))

In evaluating compliance issues Staff determined that the common practice of installing multiple signs during construction was frequently in violation of the existing code. In recognition of the need for contractors, architects, financial institutions and other partners in new developments to post their company contact information in the form of small signs we have proposed two options for the Commission to consider. These options are intended to provide reasonable opportunities for Construction signs, while retaining some measure retaining control over visual clutter and the proliferation of numerous small unsecured yard signs on construction sites.

Option 1

Temporary non-illuminated construction signs not exceeding sixteen (16) square feet in residential areas or thirty-two (32) square feet in commercial and industrial areas,

provided said signs are removed within seven days of completion of the project. Such signs shall be limited to one sign per lot. Freestanding temporary construction signs shall be no greater than five feet above grade.

Option 2

Temporary non-illuminated construction signs on a lot not exceeding sixteen (16) square feet in residential areas or thirty-two (32) square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to no more than four signs per lot . Freestanding temporary construction signs shall be no greater than five feet above grade.

The second option is being presented to address discussion among Planning Commissioners that occurred at the January 27th, 2009 Study Session. Should the Commission choose to allow for more than one consolidated sign in which the multiple yard signs could all be affixed and instead allow multiple individual signs, Staff recommends limiting the total number to four.

The existing limitation on Construction and real-estate signs combined is currently 6 square feet in residential zones, and 12 square feet in Commercial zones. In separating the sign types the proposed changes in Option 1 or Option 2 will allow a real estate sign to be independent of the construction signs and as such increasing the total area allowed as follows:

Sign Type	Existing Allowable Area	Proposed Area	Existing limit on number	Proposed Limit on Number (Option 1)	Proposed Limit on Number (Option 2)
Real Estate - Residential	6 sq.ft.	6 sq.ft.	1	1	1
Construction - Residential		16 sq.ft.		1	4
<i>Total</i>	<i>6 sq.ft.</i>	<i>22 sq.ft.</i>	<i>1</i>	<i>2</i>	<i>5</i>
Real Estate - Commercial	12 sq.ft.	12 sq.ft.	1	1	1
Construction - Commercial		32 sq.ft.		1	4
<i>Total</i>	<i>12 sq.ft.</i>	<i>44 sq.ft.</i>	<i>1</i>	<i>2</i>	<i>5</i>

Exempt ‘Incidental’ Signs

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

Strings of Lights

The proposed draft ordinance eliminates ‘incandescent’ and the spacing requirements for Strings of Lights (18.96.030K). Commissioners had raised the question whether such lights should be considered temporary, whereas under the current ordinance there is no such time limit established. The proposed changes throughout this code are not

intended to limit existing uses, rather to refine definitions for clarity or expand available opportunities for new signage. As such Staff is not recommending that a new time limit be established to make “strings of lights” temporary.

Section 18.96.040 Changes. Prohibited Signs

Wall Graphics

Wall graphics (such as mosaics, murals, or signs painted directly on a wall) have previously been prohibited under 18.96.040L. As such signs are similar in nature to wall signs painted on a board and affixed to a wall, and would be subject to General Sign Regulations and the limitations for wall signs, Staff recommends this prohibition be eliminated.

Vehicle Signs

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

Sections 18.96.080 and 18.96.090 - New Sign Types and increased allowances

Multiple Frontages and additional Sign Area Section 18.96.080(B)1b).

The subject of additional frontages and existing signage limitations was raised before the City Council by Brett Thompson on September 2nd, 2008. Concerns raised related to properties with business frontages on more than two streets or businesses whose sole frontage is on a third or fourth side of a building. Council directed that this issue be addressed in proposed amendments by forwarding implementing language for consideration.

Two options are presented for the Commission's consideration in 18.080B1b.

Option 1 would allow additional sign area (30sq.ft.) for the additional street frontage(s) when defined as a ‘business frontage (see definition 18.96.020(7)) while preserving existing protections limiting what would be viewable from any single business frontage (maximum of 60sq.ft.).

Option 2 Correlates the allowable additional sign area on three or more frontages to be one sq.ft. for every two lineal feet of business frontage. This is ½ the area allowance permitted for the primary or secondary frontages. Further Option 2 establishes that business frontages of three or more on a single building shall comply with criteria from the City’s Site Design and Use Standards providing an attractive and functional pedestrian entrance open to the public during all business hours, oriented toward the street, and providing direct pedestrian access from a public sidewalk.

Staff recommends *Option 2* as a preferred alternative to help ensure the third or fourth frontage of a business are truly utilized by patrons and not merely presented to allow for additional signage which would have the result of drawing customers toward a non functional entrance. Further this method better relates the size of a sign to the size of the business frontage.

Projection Distance

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

Three dimensional signs- Section 18.96.080(B)5a-g and 18.96.090B4a

The proposed ordinance amendments would establish a new sign type called dimensional signs (defined as those signs having greater than a 6" relief). As proposed the volume limits for these signs would be 3 cu.ft. in the downtown, and 20 cu.ft. outside the downtown on commercially zoned property. This new provision was intended by the Downtown Task Force to provide opportunities for unique and creative options for businesses to connect to customers and the community. In addition to limitations on height, width and depth, material restrictions have also been proposed prohibiting the use of plastic and electrical components (see 18.96.080(B)5f and 18.96.090(B)4f).

The Downtown Task Force had recommended that such small 3-D signs in the downtown (up to 3 cu.ft.) be considered as part of the exempt sign category, however due to issues of potential encroachment into pedestrian circulation areas, ingress egress requirements of the fire and building codes, and building code compliance relating to the method of permanently affixing such signs to the wall or ground, Staff has proposed such signs as a permitted sign type to enable such review.

There has been discussion regarding whether the small 3-D sign in the downtown should be counted against the area allocation for exempt incidental signs, or whether it should be an additional sign allowance. Two options are presented in the draft code language that distinguishes between these alternatives. As comparing square foot area to cubic foot volume is not feasible, Staff now presents an option that resolves this concern in limiting the total number of such small signs, both incidental and 3D, within the downtown.

Option 1

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

Option 2

One three-dimensional sign shall be permitted for each lot in lieu of one three square foot incidental sign otherwise allowed per 18.96.030H.

Downtown Task Force recommendations

The Downtown Task Force recommended allowing 3cu.ft. three-dimensional signs within the downtown. The Downtown Task Force also recommended the City consider allowing larger 3-D signs outside the downtown. In large part their discussion related to an existing 3-D statue ("Alfredo" at Wiley's Restaurant) which is approximately 20 cubic feet in size. Members of the Downtown Task force addressed concerns over the proliferation of prefabricated 3-D signs at chain franchises, such as a Bob's Big Boy statue, in that the size and material limitations would limit such 3-D signs.

Public Arts Commission Recommendations

The Public Arts Commission reviewed the draft ordinance and provided a memo for the

Planning Commission's consideration (attached). Further members of the Public Arts Commission presented at the study session held January 27, 2009 which are reflected in the minutes (attached). In relation to 3-D signs the Public Arts Commission stated they are opposed to 3D signs outside the downtown area.

Historic Commission Recommendations

The Historic Commission is scheduled to review the Sign Code amendments at their meeting on February 4th, 2009. As this report has been prepared in advance of their meeting, their recommendations will be presented to the Planning Commission during the public hearing on February 10th, 2009.

Portable Signs - Sandwich Boards and Pedestal Signs(18.96.080(B)6

The Downtown Task Force explored the option of allowing sandwich boards and pedestal signs when discussing the desire to increase exposure for businesses not on a major street. The issue was largely resolved through the concept of enabling the City to install collective directional signs (as proposed in 18.96.030A).

However the use of pedestal signs or sandwich boards on the businesses private property still may have merit provided such sign areas are calculated in consideration of the exempt sign allowance. Although typical exempt signs are not required to obtain sign permits, Staff has proposed this section under the permitted sign section to allow assessment of issues of potential encroachment into pedestrian circulation areas, ingress egress requirements of the fire and building code, and compliance with maximum height requirement through the sign permit process. The size, materials, and location of such signs would also be limited by the proposed ordinance amendment.

II. Procedural

The procedure for a legislative amendment is described in 18.108.170 as follows:

- A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.
- B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.
- C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.
- D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be

given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

- E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

Pursuant to ORS 197.610, a pre-notice, including draft language that is to be considered through the public hearing process, was sent to the Department of Land Conservation and Development (DLCD) on December 22, 2008, which by statute is more than 45 days prior to the Planning Commission Public Hearing scheduled for February 10th. Pursuant to ORS 197.615, the City of Ashland will provide notice to DLCD within 5 days of the final decision by the City of Ashland.

III. Conclusions and Recommendations

The Planning Commission shall consider public testimony received, the Public Arts Commission recommendation, the Historic Commission recommendations, the Downtown Task Force Recommendations, and Staff recommendations regarding the various options presented for sign code amendments.

In consideration of testimony received, and selection of specific options for inclusion in a final ordinance, Staff recommends the Planning Commission forward a recommendation of approval to the City Council to update and revise Ashland's land use requirements regarding such factors as the size, number, type, materials, and location of signs.

Attachments

Draft Ordinance Amending the Ashland Sign Code, Chapter 18.96

City Council Meeting Minutes September 2, 2008

Planning Commission Study Session Minutes

January 27, 2009

January 13, 2009

Downtown Task Force Meeting Minutes:

August 11, 2008

August 4, 2008

July 28, 2008

July 21, 2008

July 14, 2008

Downtown Task Force Summary Report dated August 21, 2008

Public Arts Commission Memo dated November 2008.

Submitted Letters

Adam Stallsworth, Oregon Department of Transportation

Steve Cole, Sound Peace

Linda von Hanneken-Martin, WolfPacks.com

Dave Alexander

Art Bullock

Matt Frey

Brent Thompson

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CHAPTER 18.96
SIGN REGULATIONS

SECTIONS:

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

SECTION 18.96.010 Purpose.

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

SECTION 18.96.020 Definitions Relating to Signs.

1. Alteration
Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
2. Area
The area included within the outer dimensions of a sign.

Option 1

The entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back.

Option 2

The entire area within a circle, triangle and/or rectangle which encloses the extreme limits of lettering, logo, trademark, or other graphic representation, together with any

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frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back.

3. Awning
A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
4. Building Face of Wall
All window and wall area of a building in one plane or elevation.
5. Bulletin Board or Reader Board
A sign of a permanent nature, but which accommodates changeable copy.
6. Business
A commercial or industrial enterprise.
7. Business Frontage
A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an **pedestrian** entrance/exit open to the general public **during all business hours**.
8. Business Premises
A parcel of property or that portion thereof occupied by one tenant.
9. Canopy
A non-movable roof-like structure attached to a building.
- 10. Construction sign**
A temporary sign erected on the premises where construction is taking place during the period of construction, indicating the names individuals or firms having a role or interest with respect to the structure or project.
40. 11. Direct Illumination
A source of illumination on the surface of a sign or from within a sign.
41. 12. Election
The time designated by law for voter to cast ballots for candidates and measures.
42. 13. Flashing Sign
A sign incorporating intermittent electrical impulses to a source of illumination or revolving or moving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination. This definition is to include electronic time, date and temperature signs.
43. Frontage
~~A single wall surface of a building facing a given direction.~~
14. Ground Sign
A sign erected on a free-standing frame, mast or pole and not attached to any building. Also known as a "free-standing sign".
15. Indirect Illumination
A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
16. Illegal Sign
A sign which is erected in violation of the Ashland Sign Code (18.96).
17. Marquee Sign
A sign which is painted on, attached to, or supported by a marquee, awning or canopy.
18. Marquee
A non-movable roof-like structure which is self-draining.

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19. Non-conforming Sign

An existing sign, lawful at the time of enactment of this Ordinance, which does not conform to the requirements of this Code.

20. Projecting Signs

Signs other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face.

21. Portable Sign

A permitted sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and 'A' Frame signs.

22. Public Art

Public Art defined, approved, and installed in accordance with section 2.17 of the Ashland Municipal Code shall not be regulated as a sign per the provisions of this Chapter.

21. 23. Roof Sign

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

22. 24. Shopping Center or Business Complex

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

23. 25. Sign

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

24. 26. Sign, Public

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

25. 27. Street Frontage

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

28. Real Estate Sign

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

29. Replacement Sign

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

26. 30. Temporary Sign

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

31. Three-Dimensional Sign

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

32. Vehicle Sign

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

27. **33. Wall Graphics**

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

28. **34. Wall Sign**

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

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

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

SECTION 18.96.030 Exempted Signs.

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

- A. Informational signs placed by the City of Ashland, or by the State or Oregon in the publicly owned right-of-way. **Collective identification or directory signs placed by the City of Ashland showing the types and locations of various civic, business, recreation, historic interest areas, or other similar uses, when such signs are located on publically owned right-of-way or on City of Ashland property.**
- B. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.
- C. Flags of national, state or local governments.
- D. Signs within a building provided they are not visible to persons outside the building.
- E. Temporary signs not exceeding four square feet, provided the signs are erected no more than 45 days prior to and removed within seven days following an election. (Ord 2844; S1 1999)
- F. Temporary, non-illuminated real estate ~~(not more than one per tax lot) or construction~~ signs not exceeding six square feet in residential areas or twelve square feet in commercial and industrial areas, provided said signs are removed within fifteen days from the sale, lease or rental of the property ~~or within seven days of completion of the project.~~ **Such signs shall be limited to one sign per lot. Freestanding temporary real estate signs shall be no greater than five feet above grade.**

G.

Option 1

Temporary non-illuminated construction signs not exceeding sixteen (16) square feet in residential areas or thirty-two (32) square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to one sign per lot. Freestanding temporary construction signs shall be no greater than five feet above grade.

Option 2

Temporary non-illuminated construction signs on a lot not exceeding sixteen (16) square feet in residential areas or thirty-two (32) square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to no more than four signs per lot. Freestanding temporary construction signs shall be no greater than five feet above grade.

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~~G.~~ **H.** Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel or two per **street business** frontage, whichever is greater. **Within the Downtown Design Standards Zone, three incidental signs with a total area of seven square feet, provided no single incidental sign exceeds three square feet in area, are allowable per business frontage.**

~~H.~~ **I.** Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than twenty percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of the Ashland Sign Code (18.96).

~~I.~~ **J.** Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street or alley.

~~J.~~ **K.** Strings of Lights. Strings of **incandescent** lights in non-residential zones where the lights do not exceed 5 watts per bulb, ~~the bulbs are placed no closer than 6" apart~~ and do not flash or blink in any way. Strings of lights in residential zones are not regulated.
(Ord. 2660, 1991)

~~K.~~ **L.** Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event. No more than two such events may be advertised in this manner per lot per year.
(Ord. 2323, 1984)

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

SECTION 18.96.040 Prohibited Signs.

A. No sign, unless exempted or allowed pursuant to this Chapter, shall be permitted except as may be provided in Section 18.96.030.
(Ord. 2221, 1982)

B. No movable sign, temporary sign or bench sign shall be permitted except as may be provided in Section 18.96.030.

C. No wind sign, device, or captive balloon shall be permitted except as may be provided in Section 18.96.030.
(Ord. 2221, 1982; Ord. 2440, 1988)

D. No flashing signs shall be permitted.

E. No sign shall have or consist of any moving, rotating, or otherwise animated part.

F. No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure **except as may be provided in Sections 18.96.080(B)5, and 18.96.090(B)4**

G. No public address system or sound devices shall be used in conjunction with any sign or advertising device.

H. No roof signs or signs which project above the roof shall be permitted.

I. No exposed sources of illumination shall be permitted on any sign, or for the decoration of

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any building, including, but not limited to, neon or fluorescent tubing and flashing incandescent bulbs, except when the source of illumination is within a building, and at least ten (10) feet from a window which allows visibility from the public right-of-way, or when a sign is internally illuminated or the source of light is fully shielded from the public view.

- J. No signs which use plastic as part of the exterior visual effects or are internally illuminated in the Historic District, as identified in the Ashland Comprehensive Plan, or in any residential districts shall be permitted.
- K. No bulletin boards or signs with changeable copy shall be permitted, except as allowed in Section 18.96.060(D).

~~L. No wall graphics shall be permitted.~~

- ~~M. L.~~ No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal shall be permitted.

M. Vehicle signs used as static displays such that the primary purpose of the vehicle is the display of the sign, placed or parked where visible from off-premises or the public right-of-way for a continuous period of 2 days or more. Vehicles and equipment regularly used in the conduct of the business such as delivery vehicles, construction vehicles, fleet vehicles, or similar uses, shall not be subjected to this prohibition.

SECTION 18.96.050 Sign Permits.

- A. Sign Permit Required. A sign permit is required in each of the following instances:
 - 1. Upon the erection of any new sign except exempted signs.
 - 2. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
 - 3. To alter an existing non-conforming sign, subject to Section 18.96.150.
 - 4. To erect a temporary sign for a new business subject to Section 18.96.050(D).
- B. Required Information for a Sign Permit. For the purposes of review by the Staff Advisor and Building Official, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, relation and attachment to building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or property.
- C. Temporary Signs for New Businesses. The Staff Advisor or his/her designate can issue a permit for a temporary sign for new businesses for a period not to exceed seven days. A permit is required for these signs but the permit fee is waived.
- D. Unsafe or Illegal Signs.
 - 1. If the Staff Advisor or Building Official shall find that any sign is unsafe or insecure, or any sign erected or established under a sign permit has been carried out in violation of said permit or this chapter, he/she shall give written notice to the permittee or owner thereof to remove or alter such sign within seven days.
 - 2. The Staff Advisor or Building Official may cause any sign which is an immediate peril to persons or property, or sign erected without a permit, to be removed immediately, and said sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said signs as directed shall subject the permittee or owner to the penalties prescribed in this Title.
 - 3. Any person who erects, constructs, prints, paints or otherwise makes a sign for which a sign permit or approval is required under Chapter 18.96 without first having determined a permit has been obtained for such sign, has committed an infraction, and upon conviction thereof is punishable as prescribed in section 1.08.020 of the Ashland

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Municipal Code. It shall not be a defense to this section that such person erected, constructed, printed, painted or otherwise made the sign for another.
(amended Ord. 2754, 1995)

- E. Sign Permit Record Required. The Planning Department shall keep a copy and permanent record of each sign permit issued.
- F. Sign Permit Fee. The fee for a sign permit shall be as set forth in Resolution No. 88-01, as adopted by the City Council. The fee for any sign which is erected without a sign permit shall be double the regular sign fee.

SECTION 18.96.060 General Sign Regulations.

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

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

SECTION 18.96.070 Residential and North Mountain Sign Regulations.

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

A. Special Provisions:

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

B. Type of Signs Permitted.

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

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

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

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

A. **Special Provisions.**

1. Frontage.
The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage. ~~and no building shall be credited with more than two business frontages.~~
2. Aggregate number of signs.
The aggregate number of signs for each business shall be two signs for each business frontage ~~(a frontage with an entrance/exit open to the general public).~~
3. Material.
No sign in the Commercial-Downtown Overlay District shall use plastic as part of the exterior visual effects of the sign.
4. Aggregate area of signs.

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

B. Types of Signs Permitted.

1. Wall Signs.

a. Number.

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

b. Area.

Option 1

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

Option 2

~~Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet.~~

Buildings with two or less business frontages shall be permitted one square foot of sign area for each lineal foot of business frontage. Building frontages of three or more, on a single building, shall be permitted one square foot of sign area for every two lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed sixty (60) square feet.

Business frontages of three or more, on a single building, shall comply with the following criteria established within the City's Site Design and Use Standards:

i. A pedestrian entrance designed to be attractive and function, and open to the public during all business hours

ii. The pedestrian entrance shall be accessed from a walkway connected to a public sidewalk.

c. Projection.

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

d. Extension above roof line.

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

2. Ground Signs.

a. Number.

One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.

b. Area.

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

c. Placement.

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

d. Height.

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

3. Marquee or Awning Signs.

a. Number.

A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.

b. Area. Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.

c. Projection.

Signs may not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.

d. Height.

Signs shall have a maximum face height of nine inches if placed below the marquee.

e. Clearance above grade.

The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches above grade.

f. Signs painted on a marquee.

Signs can be painted on the marquee in lieu of wall signs provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

4. Projection Signs.

a. Number.

One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.

b. Area.

Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be 15 square feet.

c. Projection.

Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or three feet if located nine feet above grade or more.

d. Height and extension above roof line.

Signs shall not extend above the roofline, eave or parapet wall of the building to which they are attached, or be lower than eight feet above grade.

e. Limitation on placement.

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

5. Three-Dimensional Signs.

a. Number.

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Option 1

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

Option 2

One three-dimensional sign shall be permitted for each lot in lieu of one three square foot incidental sign otherwise allowed per 18.96.030H.

b. Surface Area.

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

c. Placement.

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

d. Dimensions.

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

e. Volume.

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

f. Materials

The three-dimensional signs shall be constructed of metal, wood, bronze, concrete, stone, glass, clay, or other durable material, all of which are treated to prevent corrosion or reflective glare. Three dimensional signs shall not be constructed of plastic. Three dimensional signs shall not be internally illuminated or contain any electrical component.

6 Portable Business Signs

a. Number

One portable business sign, limited to sandwich boards, pedestal signs, and 'A' frame signs, shall be allowed on each lot excepting that buildings or businesses with permanent ground signs shall not be permitted to have portable signs.

b. Area.

Sign area shall be deducted from the aggregate sign allowed for exempt incidental signs established in 18.96.030(H). Signs shall not exceed an area of four (4) square feet per face including any border or trim, and there shall be no more than two (2) faces.

c. Height.

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

d. Placement.

Signs shall be placed so that no sign or portion thereof shall extend beyond

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any property line of the premises on which such sign is located. Portable signs shall not be placed on public right-of-way.

e. Limitation on placement.

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

g. General Limitations

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

SECTION 18.96.090 Commercial, Industrial and Employment Districts.

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

A. Special Provisions.

1. Frontage.

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

2. Aggregate number of signs.

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

3. Aggregate area of signs.

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

B. Types of Signs Permitted.

1. Wall Signs.

a. Number.

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

b. Area.

Option 1

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

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Option 2

~~Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet.~~

Buildings with two or less business frontages shall be permitted one square foot of sign area for each lineal foot of business frontage. Building frontages of three or more, on a single building, shall be permitted one square foot of sign area for every two lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed sixty (60) square feet.

Business frontages of three or more, on a single building, shall comply with the following criteria established within the City's Site Design and Use Standards:

i. A pedestrian entrance designed to be attractive and function, and open to the public during all business hours

ii. The pedestrian entrance shall be accessed from a walkway connected to a public sidewalk.

c. Projection.

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

d. Extension above roof line.

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

2. **Ground Signs.**

a. Number.

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

b. Area.

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

c. Placement.

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

d. Height.

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

3. **Awning or Marquee Signs.**

a. Number.

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

b. Area.

Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.

c. Projection.

Signs may not project beyond the face of the marquee if suspended, or above or below the face of the marquee if attached to and parallel to the face of the marquee.

d. Height.

Signs shall have a maximum face height of nine inches if attached to the marquee.

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- e. Clearance above grade.
The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches above grade.
- f. Signs painted on a marquee.
Signs can be painted on the marquee in lieu of wall sign provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

4. Three-Dimensional Signs.

- a. Number.
One three-dimensional sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. This is in addition to the limitations established in this section on number of wall, ground, awning or marquee signs.
- b. Surface Area.
Flat surfaces in excess of two square feet shall count toward the total aggregate sign area per 18.96.080(A)4.
- c. Placement.
The three-dimensional sign shall be located a minimum of ten feet from a property line and no sign or portion thereof shall be located within a public pedestrian easement.
- d. Dimensions.
No three-dimensional sign shall have a height, width, or depth in excess of six feet.
- e. Volume.
The volume of the three-dimensional sign shall be calculated as the entire volume within a rectangular cube enclosing the extreme limits of all parts of the sign and shall not exceed 20 cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one foot.
- f. Materials
The three-dimensional signs shall be constructed of metal, wood, bronze, concrete, stone, glass, clay, or other durable material, all of which are treated to prevent corrosion or reflective glare. Three dimensional signs shall not be constructed of plastic. Three dimensional signs shall not be internally illuminated or contain any electrical component.

5. Portable Business Signs

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

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

- d. Placement.
Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Portable signs shall not be placed on public right-of-way.
- e. Limitation on placement.
No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress as regulated within the Ashland Municipal Code.
- f. General Limitations
Signs shall be anchored, supported, or designed as to prevent tipping over, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be constructed of plastic, illuminated or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

SECTION 18.96.100 Freeway Sign Zone.

- A. **Purpose.** This special overlay zone is intended to provide for and regulate certain ground signs which identify businesses in commercial districts located at freeway interchanges.
- B. **Establishment and Location of Freeway Sign Zones.** Freeway sign zones shall be depicted on the official zoning map of the City and identified as the Freeway Overlay District.
- C. **Freeway Overlay Sign Regulations.** All signs in this district shall comply with Section 18.96.090, except for ground signs, which shall comply with the provisions of Section 18.96.100(D), ground sign regulations.
- D. **Ground Sign Regulations.**
 - 1. Number.
One freeway sign shall be permitted for each lot in addition to the signs allowed by 18.96.090 of this Chapter.
(Ord. 2290, 1984)
 - 2. Area.
Signs shall not exceed an area of one hundred (100) square feet per sign.
 - 3. Height.
Signs shall not exceed a height of 2028 feet above mean sea level.

SECTION 18.96.110 Abatement of Nuisance Signs.

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

- A. Flashing sign visible from a public street or highway.
- B. Temporary, or movable signs or portable signs located on the publically owned right-of-

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way.

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

SECTION 18.96.120 Construction and Maintenance Standards.

A. Materials of construction.

1. Single and multi-family residential districts.

All signs and their supporting member may be constructed of any material subject to the provisions of this Chapter.

2. Commercial and industrial districts.

All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the U.B.C. Standards No.32-37, unless otherwise provided in this Section.

3. Non-treated signs.

All wall, ground, marquee and projecting signs of twenty square feet or less may be constructed of non-treated wood.

4. Real estate and construction signs.

All signs may be constructed of compressed wood particle board or other material of similar fire resistivity.

5. Directly illuminated signs.

All signs illuminated from within may be faced with plastics approved by the Building Code.

6. Glass.

All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.

7. Wood.

Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood which has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.

B. Construction Methods.

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

- C. **Maintenance.** All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

SECTION 18.96.130 Nonconforming Signs.

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- A. Any sign which does not conform with a provision of the Ashland Sign Code, and has been in existence for more than five years, is subject to this Section.
- B. Alteration of any existing nonconforming sign. It is unlawful to alter any existing nonconforming sign. The sign must be brought into conformance with this Title upon any physical alteration. Acts of God or vandalism which damage these nonconforming signs shall be exempt from this Section, if the cost of the repair is less than 50% of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design and a permit with a \$10.00 fee will be required prior to the repair work.
- C. Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use which requires a Site Review or Conditional Use Permit. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until this provision is complied with.
- D. Variances can be granted using the variance procedure of this Title to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstance.
(Ord. 2357, 1985)

SECTION 18.96.140 Enforcement.

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

(Ord. 2176, 1982)

SECTION 18.96.150 Governmental Signs.

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

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

SECTION 18.96.160 Historic Signs.

- A. Historic Sign Inventory. The inventory of historically significant signs shall be established by resolution of the City Council.
- B. Criteria for designation of historic signs. All signs for which designation as a Historic Sign are requested shall be substantially in existence at the time of the application; shall be displayed in their original location; shall be in association with an important event, person, group, or business in the history of the City of Ashland; shall follow a guideline of being in existence for approximately 40 years; and shall meet one of the following criteria:
 - 1. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials or means of illumination, and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic appearance.
 - 2. The sign is integrated into the architecture of the building and is exemplary of a historically significant architectural style.
- C. The owner of any sign may request that said sign be reviewed for significance in the Historic

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Sign Inventory upon written application to the City Council. Application fees shall be the same as for Type I applications. Applications shall include written findings addressing the criteria for designation of historic signs, and current and historic photographs of the sign, if available.

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

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3. Changes in the location of a historic sign may be allowed, after review by the Historic Commission and approval by the City Council, only if such locational change does not result in the sign no longer meeting the criteria for designation as a historic sign.
(Ord. 2598, 1990)

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MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL

September 2, 2008
Council Chambers
1175 E. Main Street

Excerpted Section pertaining to the Downtown Task Force Recommendations

NEW AND MISCELLANEOUS BUSINESS

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

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

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

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

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

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

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

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

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

Discussion on these issues:

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

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

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

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

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

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

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

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

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

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

Discussion on these issues:

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

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

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

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

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

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

Discussion on these issues:

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

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

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

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

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

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

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

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

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

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
JANUARY 27, 2009

CALL TO ORDER

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

Planning Commissioners Present:

Michael Dawkins
Tom Dimitre
Deborah Miller
Pam Marsh
Melanie Mindlin
Mike Morris
David Dotterrer
Michael Church

Staff Present:

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

Absent Members:

None

Council Liaison:

Eric Navickas

POSSIBLE CHANGES TO THE SIGN CODE (Based on the Downtown Task Force Recommendations)

Dawkins noted the public hearing for this item is scheduled for the February Planning Commission meeting. He stated this is the time for the Commissioners to get their questions answered and to raise any issues so that staff knows what needs to be addressed before this ordinance comes back for approval.

Community Development Director Bill Molnar noted the packet includes a letter from the Public Arts Commission outlining their issues with the 3D sign provision. He added members from that Commission are here tonight to provide testimony. Mr. Molnar provided a brief explanation of the Sign Code and stated it is based on where the property is zoned, and then there is a formula for the overall amount of signage allowed. Then there is a breakdown for wall signs and ground signs, and an allotment for incidental signs.

Mr. Molnar stated the public hearing on this ordinance is scheduled for the February 10th Planning Commission meeting and noted Staff is in the process of scheduling a combined walking tour with the City Council that will likely be held on February 5th at 4:30 p.m.

Senior Planner Brandon Goldman provided a presentation to the Commission. The presentation included several depictions of what permitted signage with the current Sign Code looks like, and what it would look like with the proposed changes. He also displayed several photos of what the downtown area and Siskiyou Boulevard used to look like before the Sign Code was adopted. He stated the purpose of tonight's meeting is to gather input from the Commission and asked if they had any questions or comments on the draft ordinance.

Mr. Goldman provided a brief explanation of internal illuminated signs and indirect illuminated signs. He stated internal illuminated signs can be used outside the downtown area and the sign can have lighting within it, but the lighting mechanism itself cannot be visible. He added indirect illumination is when light is directed onto the face of the sign, but is not part of the sign itself. Mr. Molnar commented on neon signs and noted the Sign Code was amended to recognize neon represents the character of a certain period in time, and locations such as the Varsity theater and Palm Motel could maintain or bring back their neon signage.

Staff was asked to clarify in what ways the proposed ordinance differs from the Downtown Task Force recommendations. Mr. Goldman stated the provision to limit the use of vehicle signs was added by staff (vehicles parked exclusively for the purpose of displaying business signage). Another change not recommended by the Task Force but requested by the City Council was the opportunity for additional business frontages. Lastly, staff is recommending the ordinance include a distinction between real estate signs and construction signs. Mr. Goldman stated one last item that staff needs clarification on is whether the 3D sign (3-cubic feet) inside the downtown area is a separate allocation or whether it should be subtracted from the 7-sq. ft. allotment. He stated the current draft of the ordinance has this as a separate allocation.

Commissioner Morris asked for clarification on the public art provision. Mr. Goldman explained the ordinance removes public art from consideration as a sign, and it would no longer be regulated under the Land Use Code. He added public art would fall under a difference process and different chapter in the Code. Morris questioned which section of the Code would apply if the Planning Commission required public art as part of a large scale development. Mr. Molnar did not have an answer, but stated he would consult with the City Attorney.

Morris questioned the 35-ft width provision on page 3 of the ordinance, under "Shopping Center or Business Complex." He also questioned the language regarding temporary construction signs on page 4, item G, and asked if there was a limit on the number of signs or just the maximum square footage. Mr. Goldman stated the intent was to limit this to one larger sign per lot. Comment was made suggesting this language be revised to allow multiple signs so long as they do not exceed the total allowable square footage. Morris suggested the language on page 5, "Strings of Lights" also be clarified. Comment was made that they may want to remove the word "incandescent."

Mr. Goldman presented some sign area calculation examples and noted the different options and formulas that could be utilized. He requested the Commission provide input on which option they prefer. He noted what they are currently doing is looking at the rectangular shape that bounds the sign, and while a circle or triangle shape could be used as well, staff is hesitant to expand much beyond this.

Dana Bussell/Public Arts Commission/Noted she was also a member of the Downtown Task Force. Ms. Bussell stated the Public Arts Commission supports the exemption of public art from the Sign Code, but they are opposed to 3D signs outside the downtown area. She expressed their concerns for 3D signs of significant size and stated it is likely that many businesses would take advantage of this change. Ms. Bussell stated the object that the Task Force hoped to bring into compliance was the Alfredo statue outside Wiley's Pasta. She questioned how the size of these objects would be configured and questioned if the Alfredo statue was too big to fit within the proposed size limit. She noted the desire of businesses located near Exit 14 to be noticed and urged the Commission to be cautious. She stated once these items are in place it will be difficult to have them removed. Ms. Bussell suggested an alternative is to recognize the item that prompted this amendment (Alfredo) is not a sign and should not be treated as such.

David Wilkerson/Public Arts Commission/Noted he is also a local architect and is familiar with the City's Sign Code. Mr. Wilkerson voiced his concerns with the unintended consequences that the Task Force recommendations would allow. He stated the City is not allowed to limit the sign content and stated the current ordinance is what has prevented the visual clutter that you see in Medford. He stated the Sign Code has helped to maintain Ashland's charming environment and encouraged them to take another path. Mr. Wilkerson suggested if these items are considered public art, they could be subjected to a separate process and thinks this is a much safer approach. He concluded by urging the Commission to consider the alternative presented by the Public Arts Commission.

Council Liaison Navickas indicated that the City Council was reluctant to the 3D allowance outside the downtown area, but wanted the Planning Commission's opinion before they moved forward.

PLANNING COMMISSION SUSTAINABILITY WORK GROUP

Commissioner Mindlin presented an update of the Sustainability Work Group. She commented on the Planning Commission's decision to make sustainability a priority this year and stated the two paths the Group wanted to look into were: 1) what is going on in the community, and 2) what are the other local governments doing. Mindlin commented on how they went about gathering this information and their decision to not take the public hearing approach. She noted the ongoing meetings that were held at the Ashland Library and noted some of the regulars who attended those meetings are also here tonight.

Mindlin reviewed the questionnaire that was used by the Work Group during their telephone interviews and clarified most of the interviews took 30-45 minutes and the individuals were anxious to share their input. Mindlin commented on the different sustainability frameworks that are utilized and commented on how her contacts were formed. She noted they ended up with 300 contacts and were able to inventory 150 of them.

Mindlin stated that Ashland has been considered a leader in sustainability for a long time, and a lot of this has to do with the City's Comprehensive Plan. She noted some of the cities who are working on sustainability plans, and clarified a lot of this reference material has come from California. Mindlin commented on Portland, Oregon and noted the recent merging of Portland's Bureau of Planning with the Office of Sustainable Development. She shared some information from the City of Portland's website and what they are doing to support sustainability.

Mindlin provided an overview of the information gathered by the Work Group, which was submitted to the Commission at the beginning of the meeting. The sustainability inventory submitted by Mindlin was separated into the following categories: 1) Nature Stewardship, 2) Built Environment, 3) Transportation, 4) Recycling & Reusing, 5) Energy, 6) Education and Culture, 7) Health & Spirituality, 8) Economics and Business, 9) Local Government, 10) Community Connections, 11) Food Resources, and 12) Youth.

Mindlin noted the work of Triple Bottom Line for the 21st Century and THRIVE. She stated Ashland has a program for certifying Green Businesses which is administered through the Conservation Department. She also commented on the efforts of the Ashland Chamber of Commerce. Mindlin noted the Work Group prioritized contacting Ashland based businesses and stated 80% of those inventoried are Ashland based.

Mindlin provided a brief overview of the work being conducted by Lomatski. She also commented on Willow Winds, the Wilderness Charter School, and stated Southern Oregon University is listed as one of the Top 20 Green Colleges by the EPA. She noted the Sentient Times, Plan-It You, Heart Circles, and Transition Town. Mindlin commented on the need for intergenerational dialogue. She stated there are a lot of young people in the community that want to make a difference in the world and stated Ashland needs to think about what it can do to keep our young people here.

Mindlin commented on how this inventory might be accessed, including a possible database housed on the Chamber of Commerce website. She commented on how the information is organized and noted a lot of things did not fit within the City's Comprehensive Plan, including food security and sustainable food resources. Mindlin commented on the huge upwelling of sustainability projects that were started in the past year and stated people are really concerned and want to find out what they can do. She stated when individuals were asked what three issues were of most concern, she received a variety of responses. However the most common responses were: 1) solar orientation, 2) rainwater catchment and infiltration, 3) food security, 4) city land for community gardens, and 5) clustering housing on farms.

Comment was made questioning what the next undertaking is for this Work Group. Mindlin stated that her sense is that the Planning Commission as a whole needs to take this issue up at a future meeting and discuss where they would like to go from here. She noted the City Council usually sets their annual goals in the spring and this might be something that comes up in that context.

CROMAN MILL SITE REDEVELOPMENT PLAN

Planning Manager Maria Harris provided a brief overview of the Croman Mill Site Redevelopment Draft Plan. The presentation outlined the elements in the Plan, including the following:

- Locations of the Office & Employment District, Compatible Industrial District, Neighborhood Center, and Open Space
- Traffic Circulation
- Street Framework
- Pedestrian & Bicycle Framework
- Transit Framework
- Parking

Harris indicated the next steps for this project includes an update to the City Council on February 17, 2009, and then the City will take the Plan through the local land use process for adoption. She noted this project is similar to the North Mountain Plan and the City will need to draft a new chapter in the Zoning Ordinance. She noted if any of the Commissioners wish to look at the full Draft Plan, it is available on the City's website.

ADJOURNMENT

Meeting adjourned at 9:25 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
JANUARY 13, 2009

CALL TO ORDER

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

Commissioners Present:

Michael Dawkins, Chair
Mike Morris
Debbie Miller
Pam Marsh
Melanie Mindlin
Michael Church
Tom Dimitre
Dave Dotterrer

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Amy Anderson, Assistant Planner
Richard Appicello, City Attorney
April Lucas, Administrative Assistant

Absent Members:

None

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the public hearing on the Water Resource Protection Zones Ordinance has been rescheduled to the March 3, 2009 City Council meeting. He also noted staff would be presenting a brief update of the Croman Mill Redevelopment Plan at the February 3, 2009 Council meeting.

Commission Chair Dawkins requested the Commission save a few minutes at the end of the meeting to discuss absenteeism on the Planning Commission.

CONSENT AGENDA

- A. Approval of Minutes
 - 1. December 9, 2008 Planning Commission Meeting
- B. Approval of Findings for 232 Vista Street, PA #2008-01517

Commissioners Church/Mindlin m/s to approve the December 9, 2009 Planning Commission minutes. Voice Vote: Commissioners Dawkins, Morris, Miller, Marsh, Mindlin and Church, YES. Commissioners Dimitre and Dotterrer, ABSTAINED. Motion passed 6-0.

Declaration of Ex Parte Contact

No ex parte contact was reported by any of the commissioners in regards to 232 Vista Street.

Commissioners Marsh/Morris m/s to approve the Findings for 232 Vista Street. Roll Call Vote: Commissioners Church, Marsh, Miller, Mindlin, Morris, and Dawkins, YES. Commissioners Dimitre and Dotterrer, ABSTAINED. Motion passed 6-0.

PUBLIC FORUM

Ron Roth/6950 Old Highway 99S/Commented on the increased amount of cigarette butts discarded on City streets now that smoking is banned in restaurants and bars. Mr. Roth recommended the City provide and maintain outdoor cigarette receptacles in the downtown area and stated these could be emptied each week along with the regular trash pickup.

PUBLIC HEARINGS

A. Greater Bear Creek Valley Regional Problem Solving Agreement

PLANNING ACTION: 2008-01984

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

Mr. Molnar explained the task before the Planning Commission tonight is to determine whether the Participant's Agreement is consistent with the RPS statute, and issue a recommendation to the City Council on whether or not they should sign the Agreement. He provided a brief overview of the Regional Problem Solving process and noted five of the other communities involved have already signed the Agreement. He clarified that by signing, the City is not adopting the Regional Plan, but rather is agreeing to send the Plan through Jackson County's Comprehensive Plan amendment process. Mr. Molnar noted a recommendation from the Planning Commission is required because this is a land use decision and therefore needs to go through the City's normal process, which includes a public hearing before the Planning Commission.

Mr. Molnar provided a brief overview of the elements in the Agreement and stated it is Staff's opinion that the Agreement is consistent with the RPS statute. He noted the City did not identify any urban reserve areas and instead plans to accommodate increased population by utilizing existing lands within the Urban Growth Boundary. Mr. Molnar commented on his experience with the Ashland Planning Department over the last 20 years and noted the importance of Ashland being a participant in regional planning. He commented that Ashland's approach to planning has often been viewed as different from the rest of the valley, and noted at times there has been frustration within the community when the City's accomplishments are diluted by other actions occurring in the region. He stated this is Ashland's opportunity to not just influence change within our community, but also among the other jurisdictions in the valley. Mr. Molnar stated the Agreement represents the City's solidarity with the other participants in letting the Plan go through the County's process. He added there would be an opportunity for the City and the other participants to present comments and concerns during the County's land use process.

Mr. Molnar introduced City Councilor Kate Jackson, who is also the Chair of the RPS Policy Committee. Councilor Jackson elaborated on her involvement with regional planning and expressed her hope for the City to continue its current level of involvement. Jackson explained tonight's decision is whether the City should sign the Agreement and remain a participant with the project. She noted the Regional Plan will need to go through the County's land use adoption process, and individual cities that have identified urban reserves will need to take those changes through their own Comprehensive Plan amendment processes. Jackson clarified this Agreement would coordinate these land use changes into a standard timeframe.

The Commission opened the discussion and shared their preferences and concerns regarding the signing of the Agreement.

Miller applauded Councilor Jackson for her efforts, but expressed concern with the wording "agree to abide by a Plan" which is contained on page 3 of the Agreement. City Attorney Richard Appicello clarified the Planning Commission is charged with reviewing the Agreement for consistency with the RPS statute. He stated the Agreement does not adopt the Draft Plan, but it does agree to submit it through the County's land use process and agrees that Ashland will abide by and make consistent Comprehensive Plan amendments to what is adopted by the County. Jackson added that any group or City can testify for or against the elements of the Plan at the County's public hearings. If the adopted Regional Plan is found to be unsatisfactory to a particular City or group, they can appeal the County's decision under the standard land use law.

Council Liaison Navickas noted the comments that were submitted by the City Council in November 2007 and expressed his disappointment that they have not received a response. Councilor Jackson indicated the Council's comments were addressed and are available for review on the Rogue Valley Council of Government's website.

Dawkins questioned what would happen if Council signs the Agreement and the City ends up disagreeing with the outcome. Mr. Appicello clarified the City has not designated any urban reserves, and signing the Agreement empowers the City to have a place at the table and a say in the process. He stated if the City signs the Agreement, we will need to participate in the public hearings in order to protect our point of view. He added participation in this process is the only way the City will be able to influence what is going on in the other jurisdictions.

Dimitre noted "Section XII: Termination of Participation" on page 15 of the Agreement. He stated the City of Jacksonville decided not to sign the Agreement and asked for clarification of that decision. Councilor Jackson indicated the City of Jacksonville took the position that the Agreement did not need to be signed until after the Regional Plan is adopted. She provided a brief overview of how the Agreement was developed and stated a signed Agreement is necessary at this point to identify which groups are participating. She added it is her belief that this is the best way to submit the Plan to a public process and to make further adjustments.

Comment was made that because Ashland did not identify any reserves, they have nothing to lose. Navickas disagreed and stated if the City ever wanted to expand its Urban Growth Boundary, they could not do so without going through an amendment process.

Miller noted the Council has already expressed their support and asked if there was any legal reason why this Agreement had to be signed prior to the Plan being developed.

Trish Bowcock/705 East C Street, Jacksonville/She stated she does not oppose Regional Problem Solving or the draft version of the Plan, but opposes the process. Ms. Bowcock said the City is being asked to sign a legally binding contract and at this point nobody knows what the Final Plan will be. She stated if they do sign the Agreement and are unsatisfied with the Final Plan, the only way to avoid implementing it is to abide by Section XII, which subjects the City to strong disincentives. Ms. Bowcock claimed the statute does not suggest that this Agreement needs to be reached before the Plan is finalized, but rather is only needed prior to the adoption of the Plan by the Land Conservation and Development Commission. She added if a Participants Agreement is needed at this stage in the process, a much simpler agreement should be drafted.

Ron Roth/6950 Old Highway 99S/Expressed concern with the City signing the Agreement and questioned what they were agreeing to. He disagreed with the inevitable doubling of population and stated the Agreement before the City is too vague. Mr. Roth voiced his appreciation for Staff's optimism that Ashland's values would rub off on the rest of the County, but does not think this will happen. He stated regional planning is conceptually a good idea, but does not believe it is a good idea for Ashland to sign the Agreement.

Brent Thompson/582 Allison Street/Allocated his time to Greg Holmes.

Greg Holmes/235 NW 6th Street, Grants Pass/1,000 Friends of Oregon/Expressed concern with the process and the Agreement itself. Mr. Holmes voiced his objections to agreeing to the outcome of a process that has not been completed yet, and noted once the Agreement is signed, they would not be able to remove themselves from the process without sanctions being imposed. He noted two other RPS processes in Oregon that made it further along in the process than they are now, and neither one had an agreement in place before they started their hearings. He indicated there is nothing in the statute that states the Agreement needs to be signed at this point in the process, and stated they can go forward with the regional planning process without this Agreement in place. Mr. Holmes stated there are significant flaws in the Agreement and feels that it incorporates the Regional Plan. He stated the goal is not to try and stop RPS, but rather for the public hearings to be held before the participants agree to abide by what is ultimately decided.

Mr. Holmes clarified his belief that the statute indicates agreement needs to be reached by the participants prior to the Plan being adopted by the Land Conservation and Development Commission. He also claimed some of the cities who have already signed the Agreement did so because they would be getting things out of this Plan that they would not get from the normal process.

Councilor Jackson disagreed with Mr. Holmes assessment that the Agreement does not need to be signed until the Plan is ready for adoption by the Land Conservation and Development Commission. She clarified this Agreement sets forth the "how" and the structure for implementation, and the details of the Plan will be decided through the County's land use process. She added any City can and likely will appeal the County's decision if they do not find it satisfactory.

Commission Chair Dawkins closed the Public Hearing at 8:30 p.m.

Comment was made questioning when the Policy Committee anticipated individual cities would hold their public hearings. Mr. Appicello clarified the official process is the County's land use process, and the City could hold hearings at any time to decide what they would like to present at the County hearings.

Commissioners Dotterrer/Morris m/s to recommend the City Council approve the RPS Participants Agreement.

DISCUSSION: Dotterrer clarified the Regional Plan will only address the three problems that have been identified. Miller expressed her concern that the Agreement is too binding on the individual jurisdictions and feels the Plan should be finalized before they agree to it. Dotterrer commented that this is a two-way street, and voiced his support for the City being involved in this process. He stated he agrees with the intent of the Agreement, and noted the need to have general consensus before you enter a planning process. Marsh voiced her support for regional planning and although there is some risk, she stated Councilor Jackson's involvement with this process provides her a level of comfort. She recommended if the Council approves the Agreement, that they schedule a public hearing in order to gather input on the Plan, and that they insert into the regional process an affirmation by the participants at the end. Dawkins noted his opposition to the draft Plan in regards to the City of Central Point. Church noted that each city is giving up some level of autonomy and stated it makes sense to have this type of Agreement in place at this point in the process. He added the process needs to have some momentum going forward and thinks this process would self destruct at the end if they all waited until the Final Plan was completed before they agreed to participate. If the Agreement is signed, Morris encouraged the City to push their concepts, otherwise Ashland will be stuck with what everyone else decides. Dimitre stated he has a problem agreeing to this because it is not clear what they are agreeing to. He stated he is not against the idea and the process, but feels this Agreement is premature.

Commissioners Marsh/Dotterrer m/s to amend motion to include recommendation that the City Council hold a public hearing on the substance of Plan in order to prepare input for County's planning process, and that the Council recommend to the Regional Planning Process that they incorporate a process for explicit affirmation by the participants at the end of the process. DISCUSSION: Marsh clarified the public hearing would be for citizens to provide input on the substance of the Plan itself. **Roll Call Vote: Commissioners Dotterrer, Dawkins, Morris, Church and Marsh, YES. Commissioners Mindlin, Dimitre and Miller, NO. Motion passed 5-3.**

Roll Call Vote on Motion as Amended: Commissioners Dotterrer, Marsh, Morris and Church, YES. Commissioners Miller, Dimitre, Mindlin, and Dawkins, NO. Motion failed 4-4.

Commissioners Dimitre/Mindlin m/s to recommend the City Council not sign the RPS Participants Agreement. Roll Call Vote: Commissioners Dawkins, Dimitre, Miller, and Mindlin, YES. Commissioners Church, Dotterrer, Marsh and Morris, NO. Motion failed 4-4.

B. PLANNING ACTION: 2008-01986

SUBJECT PROPERTY: 2915 Highway 66

APPLICANT: Myles Comstock

DESCRIPTION: A request for a Modification of a previously approved Site Review (PA#2008-01315) for a Variance to exceed the maximum 20-foot height limitation in the Airport Overlay Zone. The proposed structure is 26.5 feet in height. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 13B; TAX LOT: 2005

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

Declaration of Ex Parte Contact

No ex parte contact was reported by any of the commissioners.

Staff Report

Assistant Planner Amy Anderson presented the Staff Report. She explained in September 2008, Staff administratively approved a request to construct a 3,000 sq. ft. single-story building, which was proposed to be 20-feet in height. This is a modification of that approval to allow the building to have an average height of 26.5 ft. Ms. Anderson noted all other aspects of the previous approval will stand, however there would be a few small changes to the storefront entry in regards to the doors and windows. She explained the height limitation imposed by the Airport Overlay Zone is 20 ft., however the City's Airport Master Plan and the Federal Aviation Administration (FAA) would allow for a much taller structure in this location. She noted

the City's Airport Commission has reviewed this modification and their letter of approval is included in the record. Ms. Anderson stated Staff feels the height modification would result in a positive change to the buildings design and they are recommending approval of the request.

Ms. Anderson provided a brief overview of the FAA's calculation for building heights, and clarified this is determined case by case based on the structures height, elevation and proximity to the runway. Community Development Director Bill Molnar commented briefly on the Airport Overlay Zone and explained this provision has not been revisited since the Municipal Code was codified in 1982. He noted the original intent may have been for the 20 ft. height restriction to only apply in an approach zone, but this clarification no longer exists in the Code. He added it may be beneficial to modify this section of the Code to make it more site specific and calculated closer to the way the FAA does it.

Applicant's Presentation

Steve Shapiro and Myles Comstock addressed the Commission. Mr. Shapiro explained this site is the location of Valley Equipment Rental and the modification to the buildings height would allow them to store their taller equipment in a safer environment. He noted the Staff Liaison to the Airport Commission indicated that based on the FAA calculations, they could have a 40 ft. building at this location. He stated this property is 2,000 ft. from the runway and they are nowhere near where the planes circle. Mr. Shapiro clarified the nearby towing company could have a building height of 35 feet and the building adjacent to this property has a building height of 28.5 feet.

Dawkins closed the record and the Public Hearing at 9:30 p.m.

Public Testimony

None

Deliberations and Decision

Commissioners Dotterer/Mindlin m/s to approve Planning Action #2008-01986. Roll Call Vote: Commissioners Dawkins, Morris, Church, Mindlin, Dimitre, Miller, Dotterer and Marsh, YES. Motion passed 8-0.

Commissioners Marsh/Morris m/s to approve the Findings for Planning Action #2008-01986. Roll Call Vote: Commissioners Church, Dawkins, Dimitre, Dotterer, Marsh, Miller, Mindlin and Morris, YES. Motion passed 8-0.

Commissioners Dotterer/Church m/s to continue to meeting to 10:00 p.m. Voice Vote: all AYES. Motion passed.

OTHER BUSINESS

A. Discussion of possible changes to the City's Sign Code based on the Downtown Task Force Recommendations. Commissioner Dawkins noted there are two components to the Downtown Task Force's Recommendations: 1) possible Sign Code revisions, and 2) issues with public right-of-way encroachments. He clarified the Planning Commission will not be discussing the right-of-way issues and this will be handled by the City Council. Community Development Director Bill Molnar noted tonight's discussion will include an overview of the proposed Sign Code revisions, and the Planning Commission will hold a public hearing and make a formal recommendation to the City Council at a subsequent meeting.

Mr. Molnar provided a brief summary of the charge given to the Downtown Task Force, which included addressing concerns raised by local business owners. He stated a number of recommendations came out of the Task Force meetings, however there was general consensus that the Sign Code has been a benefit to the City. He noted Ashland's downtown area is a nationally registered historic district and it is common to have regulations for signs in these districts. Mr. Molnar clarified the Planning Commission is being asked to focus on the Sign Code recommendations, and the second phase to this process which includes review of encroachments on public property will be handled by the City Council at an upcoming meeting. He noted the goal is for the Commission to have a recommendation ready for the Council by March so the Council can hear these two issues jointly.

Senior Planner Brandon Goldman provided a presentation on the recommendations that came from the Downtown Task Force. These recommendations included amending the Sign Code to permit the following:

- An additional exempt incidental sign allowance (3 sq. ft)
- Small three-dimensional (3D) signs in the Downtown area (3 cubic ft.)
- Larger 3D signs outside the Downtown area (20 cubic ft.)
- Portable sandwich boards and pedestal signs
- City installed identification signs
- Increased projection distance for signs

The Task Force also recommended the Sign Code include a definition for "public art", and allow additional business frontages.

Mr. Goldman's presentation provided examples of different sign types, as well as further clarification of exempt incidental signs, the 3D sign provision, and the portable sign provision. He also clarified how the proposed ordinance would treat signs consisting of block letters or irregular shapes and stated the square footage would be determined by measuring the entire area within the perimeter of the sign.

Dimitre requested Staff provide examples of what the maximum signage amount looks like now, and what it would look like with the proposed revisions. Mindlin questioned if there was any deviation from the Task Force recommendations to what is proposed in the draft ordinance. Mr. Goldman noted George Kramer, who was a member of the Task Force, had spoken to him earlier this evening and indicated it was his recollection that if a business wanted a 3D sign in the Downtown area (3 cubic ft.), this would be subtracted from their incidental sign allowance.

Brent Thompson/582 Allison Street/Written statement was read into the record by Commissioner Dawkins. Mr. Thompson's concerns related to additional frontages and he asked the Commission to cease the discrimination to businesses that have their main entrance on the 3rd or 4th side of a building.

John Stromberg/252 Ridge Road/Provided input from his service on the Downtown Task Force and commented on how the Commission should link the work of the Task Force to the Council, so that the City Council does not have to start over when this issue comes before them. Mr. Stromberg suggested they ask George Kramer to provide input during their discussions and also recommended they conduct a walking tour so that they can get a good picture of the issues they are dealing with. He listed some specific businesses that have signage issues and stated he has come to the conclusion that different areas of town deserve different treatment. He shared his hope that the Commission will look into these issues in detail so that they can feel confident with their recommendation to the Council.

Mr. Molnar clarified staff is attempting to keep a fairly expedited timeline and the goal is to have these amendments in place before next summer's season. Comment was made that the Sign Code can be very difficult to understand and requesting Staff provide ideas of how they would illustrate the requirements. It was stated that the City should have a user's guide, or something that makes these provisions easy for people to understand.

B. 2009 Hearings Board Assignments

Mr. Molnar clarified the Hearings Board no longer meets every month and only convenes when needed. Commissioners Dawkins, Dotterrer, Mindlin and Miller all volunteered to serve on the Hearings Board when needed.

C. Planning Commission Attendance

Commissioner Dawkins noted the attendance provision in the "Planning Commission Rules" and requested the Commission's input on how strictly they would like these requirements enforced. He noted Commissioner Church is planning a four month vacation and asked how the group would like to handle this situation. Dimitre commented on his absences in 2008 and indicated this will change. Marsh stated that she is not bothered by the occasional absence, and because there are nine Planning Commissioners, even if some are absent they still have enough members to carry on. She stated that Commissioner Church's situation is a legal issue and should be left to the Mayor to decide. City Attorney Richard Appicello suggested the Planning Commission consider amending the Ordinance to allow the Commission to excuse absences that exceed the 2/3 attendance provision. Comment was made that they may also want to further define "excused" and "unexcused" absences. Dawkins requested the commissioners submit any further thoughts on this topic to staff.

ADJOURNMENT

Meeting adjourned at 10:30 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

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

CALL TO ORDER

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

Members Present:

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

City Staff Present:

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

Absent Members:

Dave Dotterer, Planning Commission

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

RIGHT-OF-WAY DISCUSSION

Mr. Appicello addressed the proposed ordinance amending regulations concerning use of City sidewalks. He explained the ordinance does not distinguish between residential and commercial use and would allow individuals to pay the designated rate for use of the sidewalk. He clarified he did not include a list of what items would be acceptable and stated he only addressed “who” can lease the space, not “what” can be placed there.

Stromberg summarized the Task Force’s previous discussions on this issue and stated there were three main points:

- 1) The City would have to broaden the sidewalk café restrictions in order to allow for other uses, and the City would apply a market rate charge for use of the sidewalk.
- 2) Some of the objects placed by merchants in front of their stores were in the public interest (planter boxes, etc.), and these objects would have to be donated to the City. The City would establish criteria for this, and there would be no charge.
- 3) They would allow certain 3D objects that fit within certain size parameters that had some functional use.

Mr. Appicello stated the public arts ordinance would address the process on how to accept art and stated he did not see the need to write a regulation on how the City would regulate the placement of items. He stated there is no obligation on the part of the City to have to accept an item and stated the City can accept donations and place items where ever they feel is appropriate.

Kramer commented that the intent of this was to allow merchants to beautify their areas. He expressed concern with the proposed ordinance and stated he does not know why they are creating more rigmarole. Hammond agreed and stated the ordinance does not accurately reflect the Task Force’s desires. Mr. Appicello shared his concerns with designating “what” in the ordinance and noted a case that will be argued in front of the Supreme Court on this issue. Stromberg questioned if there was a way to apply market rates for part of the sidewalk, by low rates for the “shy zone.” Mr. Appicello stated he understands the group wants free use of the shy zone for amenities and will try to incorporate this, however he is not certain this is permissible. Stromberg suggested they make a formal motion in include this piece as part of their recommendation and ask the Council to direct staff to keep working on this.

Laws/Stromberg m/s to recommend that the City Council direct staff to explore an exemption to have free use of the shy zone for amenities (such as flower boxes, door stops, spittoons, etc.) Voice Vote: all AYES. Motion passed.

ISSUES RECAP

Permit Center Manager Adam Hanks asked the group to clarify their preferences on a few of their previous recommendations. The group issued the following clarifications:

- 1) The additional exempt sign would be applicable to the Downtown area or within one of the four Historic Districts.
- 2) The larger 3D sign would be in addition to the existing sign numbers for wall or ground signs.
- 3) The additional 3D sign would be allowed only in commercial zones outside Historic Districts.
- 4) The 3D sign will have a specific separate size in addition to the current total square footage.

Kramer summarized within the “historic core,” merchants are allowed 3 exempt signs, one of which can be a small 3D sign. Outside the historic core, merchants are allowed 3 exempt signs, plus one larger 3D sign that meets criteria yet to be developed.

Mr. Hanks commented on a possible provision regulating the amount of flat surface permitted on 3D objects before it starts to count against the permitted signage amount. Kramer suggested a possible limit of 2 sq. ft. Stromberg recommended they forward this provision back to staff for refining.

Hammond noted the proposed ordinance still includes the booting provision and stated this is not what the Task Force wanted. Mr. Appicello clarified no changes were made to the ordinance since the group’s last meeting and affirmed that he understands what their recommendations were.

Kramer/Stromberg m/s that despite the language of the proposed ordinance, the Downtown Task Force recommends eliminating booting in favor of towing with adequate notice before hand.

DISCUSSION: Laws suggested including language that notifies the vehicle owner that additional costs will be incurred by towing and storage. Municipal Judge Pam Turner expressed concern with the provision that requires vehicles to be moved to a different block in order to avoid a citation. Mr. Hanks agreed that the City needs better signage on this. Mr. Appicello clarified his staff has met with the Judge and are working to flush out some of these practical problems. Slattery noted the importance of placing a large orange sign on the vehicles 24 hours in advance of the towing. Mr. Appicello clarified this was included in the ordinance. **Voice Vote: all AYES. Motion passed.**

Mayor Morrison left the meeting at 3:15 p.m.

Kramer asked if they could discuss Issue 7, Encroachment Permit Process, and stated sandwich boards on public right of ways have not been addressed. Hammond stated sandwich boards should not be permitted on public right of way, only in alcoves which are private property. Mr. Hanks clarified sandwich boards are not addressed in the sign code and therefore are not currently permitted.

Community Development Director Bill Molnar asked if the group had concerns about opening up the sidewalks for other uses besides sidewalk cafes. Mr. Appicello added he and Mr. Molnar have been working on trying to make a distinction to see if limiting the use of sidewalks to sidewalk dining was possible. Stromberg stated staff previously informed them they could not limit the use of sidewalks to just cafes and this is the premise they have been working under. He expressed concern that this option was not presented to the committee sooner. Kramer agreed and stated he did not know this was a possibility. He added he does not have concerns about rampant selling of merchandise on the sidewalk and stated the City could deal with that problem when and if it ever arises. Stromberg agreed and felt they should go with what they have for now. Laws disagreed and stated if they have a choice, they should only allow restaurant tables. He stated he does not think Ashland would have a desirable appearance if they start allowing these other uses. Mr. Appicello clarified the Council would likely ask about this option, and staff was merely doing their best to be prepared for the Council discussion.

Laws noted the email submitted by Brent Thompson and asked why a building can’t have signs on more than two sides. Mr. Molnar stated there are very few businesses in town that have four public streets bounding it and noted the elements that need to be considered when establishing a business frontage. He commented on the concerns behind this provision and gave the example of someone calling a loading doc a public entrance.

Compton expressed her concerns with whether this group has really solved the problems. Bussell noted they cannot solve every merchant’s problems and stated these businesses are out of compliance for different reasons. She added this group has been successful in providing additional options to these businesses. Laws stated the purpose of this committee was not to bring everyone into compliance. Slattery suggested the Task

Force include a detailed statement to the Council that describes the “whys” behind their recommendations. Hammond proposed forming a small subgroup of the Task Force to form this narrative. Greenblatt stated this statement needs to be understandable to lay people and stated the community has a misunderstanding about what these meeting are about.

Stromberg noted they have not found a solution to the Rocky Mountain Chocolate Factory bear, and stated the bear is symbolic of this whole process. Compton acknowledged that there is no way to allow the bear and not allow worse things elsewhere. She noted the bench and the bear are located in the shy zone and the only way to keep it would be to purchase an encroachment permit, which would cost \$50-\$100 a month. Mr. Appicello noted staff is attempting to create an exemption in the shy zone for public elements, which would include the bench, but not the bear. Laws stated he hopes staff will continue to look at a way to grandfather in objects that were placed after the law went into effect.

Comment was made from the audience suggesting the Task Force remove the minimum square footage provision and allow merchants free use of the shy space.

Greenblatt questioned if the sign code could be revisited at a later date. Stromberg noted this would eventually come to the Planning Commission and perhaps they could build in some kind of review process. Stromberg voiced his support reducing the minimum square footage and stated they should include this as part of the package that goes to the Council. He noted if the Council has misgivings, they can request additional information from staff and make a final determination.

Kramer/Laws m/s to revise the Sidewalk Café Ordinance to have no minimum rental provision, but rather a processing fee and a per square foot charge. Voice Vote: all AYES. Motion passed.

Bussell/Stromberg m/s for the alterations in the sign code to be reviewed after it has been in effect for 2 years. Voice Vote: Hammond, Compton, Greenblatt, Slattery, Bussell, Stromberg, Kramer, and Shostrom, YES. Laws, NO. Motion passed.

WRAP UP DISCUSSION

Slattery commented that there is a huge education element that goes along with this and they need to find a way to let people know their options. Hammond suggested a statement in the City Source newsletter that identifies someone in the City that could assist businesses with their signage questions.

Greenblatt questioned if the Task Force would be given the opportunity to tweak the final report before it goes to Council. Mr. Appicello clarified staff would send out the report to the Task Force members and they will be given the opportunity to submit comments to staff. He cited Oregon’s Public Meeting Law and stated the members must avoid back and forth dialogue through email and should not be submitting their comments to each other. Stromberg asked about forming a small subcommittee to prepare a statement to the Council that captures the reasoning behind their recommendations. It was agreed that Hammond would be able to form a subcommittee if she feels it is necessary and staff would ensure this was properly noticed.

ADJOURNMENT

Meeting adjourned at 4:30 p.m.

Respectfully submitted

April Lucas, Administrative Assistant

**DOWNTOWN TASK FORCE
MEETING MINUTES
AUGUST 4, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

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

City Staff Present:

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

Absent Members:

Dave Dotterer, Planning Commission
John Morrison, Mayor

Hammond clarified the group would be discussing Issues #1 and #2 today, which deal primarily with sign square footage and how it relates to 3D items on private property. She noted they would be addressing the right-of-way issues at their final meeting next week.

COMMITTEE DISCUSSION OF OPTIONS

Permit Center Manager Adam Hanks provided a presentation to group which reviewed current sign code allocation examples, exempt sign options, examples of 3D signs, and options for 3D objects and representations of merchandise.

City Administrator Martha Bennett clarified there are three types of signs: permanent, exempt, and temporary. Mr. Hank's clarified businesses are required to go through a permitting process for permanent signage and commented on how the allocation of signage is determined for business located on second and third stories.

Comment was made questioning if the 20% temporary signage allocation was "on the table" for possible revision. Staff indicated yes, and clarified businesses have to change their signs once a week in order for them to qualify as temporary signage. Community Development Director Bill Molnar explained the purpose of the exempt category is to provide businesses with additional flexibility. He noted they are unable to separate the display of menus from other signage and stated this starts to get into the content issue. Mr. Hanks noted most businesses can achieve their signage goals and still work within the City's sign code. He added a lot of this depends on how the business decides to divvy up their signage allotment. He clarified "dead space" does count towards the total sign square footage, and noted they would normally draw a rectangle around the wording/image and determine the square footage based on that.

Mr. Hanks asked how the group would like to proceed with exempt signs. Compton questioned if they could remove the limitations from displaying signage in windows. Laws commented that this would drastically change the sign code. Mr. Molnar clarified this is an option; however, it would create conflicts with other sections of the Ashland Municipal Code and could cause a domino effect. Stromberg commented that it

seems they are drifting away from their original assignment, which was to recommend some common sense, minor adjustments to relieve some of the businesses current issues. Shostrom stated that it is difficult to picture what is legal and what it not, and stated a before and after picture would help determine which is preferred.

Hammond suggested they come up with a blanket, square footage signage allotment, based on the size of the building, and allow businesses to use if for whatever they want. She stated removing the exempt and temporary categories would make things much simpler and easier to understand. Bussell suggested cutting the sign categories down to two: temporary and permanent. Stromberg commented that simplifying is an attractive option, but it presumes that the existing code was not created through a thoughtful process with lots of expertise. Hammond commented that what they have now is not very enforceable and causes confusion for the merchants. Stromberg recommended they make modest changes to the existing code and then recommend that the Council direct the Planning Commission to look into more extensive changes.

Hammond reviewed Issue #1 and listed the four options for the group. She noted the Task Force tentatively selected Option 4 at their last meeting, which is to allow one of the exempt signs to be three dimensional, and asked if they would like to proceed with this recommendation. Kramer clarified Option 4 would create the opportunity for one, small 3D sign to be placed on private property. Laws questioned how businesses could create a meaningful 3D sign that fits into the 1x1x2 sign limitation and voiced concern with business owners trying to protect what they have instead of thinking of the streetscape as a whole. Comment was made questioning if this option would apply to just the downtown area or the entire City. Stromberg suggested staff refine the permitted size and scale of 3D objects to allow for more flexibility. He recommended a cubic dimension with minimums and maximums. Shostrom voiced his support for Option 4 with three exempt signs. Greenblatt noted this option would leave some of the cited merchants out of compliance and questioned if this would really solve the problem.

PUBLIC COMMENT

Susan, Black Sheep/Noted the issues she has faced with signage and stated she has needed each sign that has been put up. She asked for examples of signage that is permitted and samples of what compliance looks like.

Art Bullock, Ashland Resident/Stated there are two primary public interests that the group has not addressed: 1) the public does not want so much signage that windows look cluttered, and 2) the public does not want so much signage that you cannot see into the business. He stated he does not think the Task Force can make small tweaks and be able to address these public interests and stated a more fundamental rewrite is necessary.

Garrett, Duex Chats/Asked for examples of approved signage and questioned the placement of signs on multiple entrances.

COMMITTEE DISCUSSION OF OPTIONS (Continued)

Hammond clarified this exempt sign discussion is in relation to the downtown area only. She acknowledged that Option 4 is not much more than a band-aid and agreed that they should recommend to the Council that these issues be looked at in depth. Slattery commented that she did not realize the temporary signage allocation was as flexible as it is. Hammond commented on the possible formation of a group (either through the Chamber of Commerce or the City) that helps merchants deal with their signage.

Stromberg/Kramer m/s to approve Option 4 with 3 exempt signs. DISCUSSION: Stromberg clarified this motion includes the understanding that they will recommend this be further evaluated by the Planning Commission. Laws commented on the point of this group coming together, and stated it was not to change the whole spirit of the sign code. Compton questioned if this option would provide enough relief to the

merchants. Ms. Bennett commented on the complexity of the entire issue and commented on who this specific option would address. **Voice Vote: all AYES. Motion passed unanimously.**

Kramer commented that the recommendation to the Planning Commission should be a global recommendation that comes at the end of their work.

Hammond introduced Issue #2 and the related options. Bussell provided some background on Option 3 and stated Ashland is unique in that it considers art to be a sign. She noted any type of representational structure is not allowed and wall graphics are also not permitted. Bussell explained the Public Art Master Plan recommended modifying the sign code to allow for certain types of public art. Ms. Bennett commented on the rules that govern Oregon and stated Ashland is not the first community to experience problems in this area. City Attorney Richard Appicello clarified if art is owned (donated) to the City and properly placed, it is exempt from the sign code. Ms. Bennett noted this issue still needs to go through the Public Arts Commission.

Kramer clarified Issue #2 deals with issues like Wiley's Alfredo statue. Bussell questioned if they are talking about the entire City. She stated this won't be too much a concern for downtown, since there is not much space, but noted the areas outside downtown are most likely to have national chains. Kramer felt size and material limitations would address these concerns. Staff clarified they do not consider sandwich boards 3D signs. Ms. Bennett clarified Option 4 would not work for Wiley's Pasta because Alfredo comes in every night. Stromberg suggested they deal with sandwich boards and items like the Alfredo statue separately. Staff clarified the problems with sandwich boards is more of a right of way issue, which will be addressed next week. Kramer suggested creating an additional exempt sign opportunity outside the Downtown Design Overlay Zone that includes allowable material types and size limitations. The group briefly discussed possible objects this suggestion may open the door to.

Bussell recommended they add a public art exemption for city owned facilities/city property. City Attorney Richard Appicello was asked to bring back options at the next meeting to address Bussell's concerns regarding public art.

Stromberg/Compton m/s to create a category for movable 3D signs, that 1) are not measured as part of the total sign allotment, 2) meet certain material and construction standards (to be determined by staff), 3) fit within a volumetric maximum, and 4) this category would apply to areas outside the Downtown Design Zone and the Historic Districts.

Stromberg/Compton m/s to amend motion to add a setback from the public right-of-way (for staff to determine). DISCUSSION: It was clarified this amendment would be added to the original motion.

Voice Vote on motion as amended: Hammond, Compton, Greenblatt, Slattery, Kramer, Shostrom and Laws, YES. Shostrom and Bussell, NO. Motion passed 7-2.

Staff clarified the Task Force would be dealing with Issue #4 and the remaining right-of-way issues at their final meeting next week.

ADJOURNMENT

Meeting adjourned at 4:15 p.m.

Respectfully submitted

April Lucas, Administrative Assistant

**DOWNTOWN TASK FORCE
MEETING MINUTES
JULY 28, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:05 p.m. in the Siskiyou Room, 51 Winburn Way. Hammond noted several of the members attended a tour of downtown sign issues, which was conducted prior to the meeting.

Members Present:

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

City Staff Present:

Martha Bennett, City Administrator
Richard Appicello, City Attorney
Adam Hanks, Permit Center Manager

Absent Members:

Dale Shostrom, Citizen at Large

PUBLIC COMMENT

Judy/Shakespeare and Co. Bookstore/Stated she is in a difficult situation because her business is located down an alley. She explained sales have dropped 60% since the City has prohibited her from placing the wagon at the alley's entrance and explained that she is doing her best to keep the bookstore open.

Jeff/ Rocky Mountain Chocolate Factory/Commented that the proposed changes are insufficient and felt more change was needed. He stated businesses can't stay in business if they cannot have something that lets customers know they are there. He stated customers will not visit a store if that business does anything "too tacky" and he does not understand what the task force is afraid of.

COMMITTEE DISCUSSION OF OPTIONS

Issue #3 – Downtown Businesses with Limited Signage Opportunity.

Hammond read the issue and the options aloud. She voiced her support for Option 1, which would change the sign limitation to 24" from the wall and would provide greater visibility for businesses on side streets/alleys/pedestrian access ways. Mr. Hanks used Shakespeare and Co. as an example and explained how Option 1 would allow them to place a sign at the entrance to the alley that would project out from the corner.

Greenblatt/Compton m/s to accept Option 1 for Issue #3. Voice Vote: all AYES. Motion passed.

Issue #5 – Placing Signage in the Public Right-of-Way.

Hammond read the issue and options aloud. City Administrator Martha Bennett clarified if Option 2 were selected, the City would have to establish a program and identify the parameters for a temporary sign permit process. Slattery suggested they consider City owned signs that don't include business names, but

rather indicate “lodging” or “dining” and directional arrows. She stated these could be artistically done and may encourage people to walk. Ms. Bennett commented that another option would be for the City to install signs and allow businesses to purchase a spot on that sign. She stated this option would help with the Blue Giraffe’s signage situation and noted a City sign could be placed in the Water Street parking lot. Comment was made voicing support for a combination that would allow for generic directional information signs as well as City signs that list specific business information.

Compton/Dotterrer m/s to accept Option 1 for Issue #5. Voice Vote: all AYES. Motion passed.

Laws/Kramer m/s to reject Option 2 for Issue #5. DISCUSSION: Kramer stated he is interested in looking at encroachment opportunities that pertain to all businesses and voiced opposition to creating a separate authority in this area. Laws felt it would be a mistake to allow temporary signs in addition to directional signs. Compton commented that if the City decided not to place a directional sign, Option 2 would provide the business owner an opportunity to apply for a permit. It was questioned if the City could stipulate that this option would only be available if the City does not do Option 1. Ms. Bennett voiced her hesitations with Option 2. Suggestion was made for the group to table the motion and come back to this after they have dealt with the encroachment issue. **Motion was tabled.**

Issue #7 – Encroachment Permit Process.

Hammond read the issue and the options aloud. Kramer voiced support for a list of approved items that could be placed in the City right of way. He stated this list of allowable items should be separate from the items the City would require a permit for. City Attorney Richard Appicello commented on the legality of this issue and recommended a process where items would be donated and accepted by the City; and the City would then decide where the item is placed. He stated the City would only accept items that met generic durability standards and the individual would need to sign a maintenance and hold harmless agreement. Ms. Bennett questioned if the City already owned these items and she stated it was her understanding that if someone places an item in the City right of way, they are essentially donating it to the City. Laws commented that it would be difficult to come up with a list of approved items and stated the list would have to be regularly amended. He added that he does not feel a list of approved items would solve the problem and voiced his support for Option 1. Kramer voiced concern that requiring a permit and the donation process would stop these types of objects from being placed. Hammond noted that there are also safety measures to be considered, such as the Black Sheep’s lion. Suggestion was made for a two part process that includes a list of general items that the City endorses and requiring the placement of all other items to go through a permit process.

Ms. Bennett summarized the group’s deliberation and stated they would like to allow for the placement of functional items and recognize that these will be owned by the City; they are willing to let staff evaluate whether to establish a donation process or include a general acceptance provision in the code. Ms. Bennett stated staff could also look into a 3D allowance for functional objects designed to address safety issues and noted there will need to be criteria established for how to decide on the placement of these objects.

Stromberg/Laws m/s to approve the staff direction as outlined by Ms. Bennett. DISCUSSION: It was clarified this is not a final decision and this issue would be returning to the group at their next meeting. Stromberg commented that he views this as enabling certain uses, not prohibiting everything else. Bussell noted that if someone wanted to donate art there is already an approval process for that. Mr. Appicello clarified the two processes would work together. **Voice Vote: all AYES. Motion passed.**

Issue #6 – Newspaper/Misc. Publication Racks.

Hammond read the issue and the options aloud. Comment was made questioning if the City could completely remove the racks. Mr. Appicello clarified he does not believe completely banning them is appropriate.

Kramer/Greenblatt m/s to combine Options 1 and 2 and direct staff to inventory all downtown newspaper/publication racks and prepare a recommendation. DISCUSSION: Recommendation was made for the inventory study to indicate their preferences and for it to be referred directly to the City Council. Kramer and Greenblatt agreed to include this amendment in the motion. **Voice Vote: all AYES. Motion passed.**

Issue #9 – Administering the Downtown Parking Program.

Ms. Bennett noted the draft ordinance that was submitted to the group and indicated staff needs clarity on the towing vs. booting then towing options. She clarified the City is not proposing to boot the vehicle and leave it there until the owner pays, but rather boot the vehicle and have it towed after 24 hours if payment is not received.

Support was voiced for towing and not booting vehicles. Hammond questioned the dollar amount owed before the City would take action and suggested raising it from \$250 to \$500. Ms. Bennett commented on why the \$250 amount was chosen and cautioned them about raising this too high. Greenblatt noted the provision in the ordinance that states the individual will be noticed 10 days in advance before any action is taken. Stromberg supported the towing option and stated booted vehicles could take away from the City's ambiance.

Mayor Morrison left the meeting at 4:00 p.m.

Ashland Municipal Judge Pam Turner commented on the 10 day notice period and shared a few situations where individuals might not receive the notification. Comment was made suggesting the City affix a colored placard to the vehicle prior to it being towed.

Dotterrer/Greenblatt m/s to recommend the Ordinance as drafted with the exception of removing the booting provision. DISCUSSION: Mr. Appicello suggested the notification period be changed to 14 days. Consensus was voiced for including this modification. **Voice Vote: all AYES. Motion passed.**

DISCUSS POSSIBLE AUGUST 4 MEETING

Hammond stated it will be necessary for the group to meet again and asked for the members' preference on meeting dates. She noted the group could meet next Monday, or meet two weeks from today. Mr. Appicello indicated he would likely need more than one week to prepare the draft right-of-way ordinance.

The Task Force reached consensus to meet on August 4th and August 11th.

Ms. Bennett clarified the Task Force's final report is scheduled to go before the City Council on September 2, 2008. She noted recommended changes to the Sign Code will have to go to the Planning Commission; however, the Council could enact the rest of their recommendations. She added the group will need to complete their work by August 19th in order to make the September packet deadline.

ADJOURNMENT

Meeting adjourned at 4:15 p.m.

Respectfully submitted

April Lucas, Administrative Assistant

**DOWNTOWN TASK FORCE
MEETING MINUTES
JULY 21, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

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

City Staff Present:

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

Absent Members:

Dana Bussell, Public Arts Commission

STAFF PRESENTATION OF OPTIONS

Permit Center Manager Adam Hanks briefly reviewed the nine key issues and options listed in the staff report.

PUBLIC COMMENT

Ron Roth, Geppetto's/Shared his concerns over what he felt was an overzealous Code Enforcement Officer and recommended more direct supervision of this City employee.

Graham Lewis, United Methodist Church/Noted the church is located on the corner of Laurel and N. Main, but they are only allowed signage on one of the streets. He stated signage on both frontages would be helpful.

Steve, Soundpeace/Questioned if he would be permitted to place a prayer flag in the garden in the morning and take it in at night. Regarding the parking situation, he thought this was always voluntary and not necessarily enforced.

Julie, Wiley's World/Stated she does not view her Alfredo statute as a sign, but rather a piece of art; and stated the statue needs to be able to come in at night to avoid potential theft or vandalism. She voiced her support for removing the 3D object prohibition from the Sign Code.

Melissa Markell, Chair of the Public Arts Commission/Voiced her support for Option #4 regarding the three dimensional sign issue, which would create an exemption for 2D or 3D public art.

Susan, Black Sheep/Submitted signature petitions supporting the placement of the lion statue in front of the Black Sheep's entrance. She stated if they remove the lion it would result in an unsafe doorway and stated this is a historical building and the entrance cannot be changed.

Lee, Downtown Employee/Stated she received a ticket a few years ago, without warning, after parking in the same block twice. She stated this is a silly rule and the City should at least put up a sign warning employees.

Pam Turner, Ashland Municipal Judge/Noted all parking appeals come to her and voiced her support for repealing or revising the downtown employee parking ban. She stated the ban is very difficult to enforce and felt the language was over broad.

Lance Pugh, Ashland Resident/Voiced concern with what he felt was staff running the meeting and directing the focus.

Brent Thompson, Ashland Resident/Voiced his support for the option permitting one additional exempt sign. Regarding the parking issue, he suggested diagonal parking could be used to create more spaces in certain downtown areas.

Donna, Webster's/Stated if they change the sign code, they need to make sure it can be universally applied. She commented briefly on the sidewalk issue and noted they are heavily congested in the middle of the season.

Mike Morris, Ashland Planning Commissioner/Asked how they would feel if every building had something out in front of it, and questioned where the limits are.

Ramona, B Ella/Stated if they are going to enforce the parking ban, it needs to be applied to everyone.

COMMITTEE DISCUSSION & DIRECTION TO STAFF

Downtown Employee Parking Ban

Hammond voiced support for Option #1, which would eliminate the employee parking ban from the Ashland Municipal Code. She stated the City could still send out a letter each year asking the downtown businesses to voluntarily comply with the seasonal parking limitations. The Task Force voiced unanimous consent for this option.

Unpaid Parking Tickets

City Administrator Martha Bennett explained how the City currently handles unpaid parking citations and stated the City's current enforcement tools are very weak. She stated booting or towing vehicles that have an excessive amount of unpaid parking violations is one option the group should consider.

The group discussed the option presented by staff. Stromberg voiced his concerns with booting vehicles and felt towing was a better alternative. City Attorney Richard Appicello clarified due process would occur before anyone was booted and the individual would receive proper notice before this action occurred. Ms. Bennett listed the outstanding parking citation figures for the group. Laws voiced his support for booting, and stated this type of action is needed if they have people who simply do not care. Greenblatt agreed that this needs to have some "teeth." Kramer voiced his support for the towing option. Compton agreed, but questioned what the outstanding ticket amount would have to be before this action was taken.

Hammond recommended they move onto the next issue and look at this option further at their next meeting.

Amount of Signage Permitted

Hammond listed the two options for Issue #1. She stated they could modify the Sign Code to allow for one additional exempt sign or they could choose to modify the Code to allow the existing exempt signs to be a maximum of 3 sq. ft.

The group discussed the two options. Shostrom suggested modifying the requirement to allow for two signs at 2 sq. ft. or less, and one additional sign at 3 sq. ft. or less. Kramer recommended they not limit this to the C-1-D zone, but permit the additional signage in the entire commercial district. Compton noted that being able to display menus is not only a benefit for the restaurants, but also the pedestrians. Kramer suggested they increase the total amount of signage permitted (based on the linear footage of the building's frontage) and allow businesses to allocate the space as they choose. Compton suggested they establish two different parameters; one for inside the downtown area and one for outside this area.

Mr. Hanks clarified the current provision which allows businesses to use up to 20% of their window space for changeable copy. He also provided a brief explanation of how businesses with no windows or those located on second and third stories are accommodated.

Staff was directed to return at the next meeting with information on the new options presented by Shostrom and Kramer.

3-Dimensional Signs/Representations of Merchandise

Hammond listed the options for Issue #2 outlined in the staff report. Kramer and Compton voiced their support for Option 2, which would allow 3D representations as a sign type. Laws expressed concern with permitting 3D objects, though supported the ones we currently have. He questioned if there was a way to exempt those that exist today. Slattery voiced her confidence that businesses would do everything possible to make their business attractive and is not concerned that Option 2 would result in a surge of undesirable objects.

Hammond conducted a straw vote and the majority of the group supported Option 2.

The Task Force agreed to continue with the meeting until 4:30 p.m.

Limited Signage Access due to Location

Hammond listed the options for Issue #3 outlined in the staff report. Kramer suggested businesses, such as the Blue Giraffe, with no frontage on a public street be allowed one offsite sign as part of their sign allocation; however include a provision that this sign could not be placed on public right of way. The group briefly discussed these options and agreed to come back to this issue at their next meeting.

Use of Right-of-Way for Commercial Use

Hammond listed the options in the staff report. Laws noted when the Sidewalk Café ordinance was passed, its intent was not to benefit the restaurant specifically, but to enhance the ambiance in town. He felt opening up the use of sidewalks for merchandise was unacceptable and would destroy the Ashland's appearance. City Attorney Richard Appicello briefly commented on the legal issues surrounding this matter. Slattery commented that sidewalk dining is something the public loves, and suggested they look at other communities and how they deal with this issue. Kramer noted that selling flowers, fruit or vegetables on the sidewalk could also add character.

City Administrator Martha Bennett commented on Option 2, which would allow the City to lease sidewalk space to businesses, and questioned how much merchandise that business would need to sell to make this worthwhile to them. Comment was made that this would be for the individual business to decide. Greenblatt noted Greenleaf was the first restaurant to have outdoor seating on the Calle and

voiced support for allowing the City to rent the public right of way, so long as the parameters are followed. Ms. Bennett clarified the sidewalk space would be only leased to the adjacent business.

Hammond conducted a straw vote and the majority of the group were interested in a combination of Options 2 and 3.

Ms. Bennett indicated staff would do more flushing out of the details on the input provided by the group. She noted they would pick up where they left off at the next meeting and encouraged interested citizens and business owners to submit their comments and concerns to staff.

ADJOURNMENT

Meeting adjourned at 4:30 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**DOWNTOWN TASK FORCE
MEETING MINUTES
JULY 14, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

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

City Staff Present:

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

WELCOME & INTRODUCTIONS

Pam Hammond and Mayor Morrison welcomed the group and each member introduced themselves.

PURPOSE & GOALS OF TASK FORCE

Mayor Morrison commented briefly on what prompted the creation of this task force and noted issues have been raised regarding the City's sign code, use of the public right of way, and the downtown employee parking ban. He stated the Downtown Task Force would be meeting for three weeks and encouraged them to focus on addressing the immediate concerns.

OVERVIEW OF TASK FORCE SCHEDULE

Hammond briefly reviewed the meeting agenda. She indicated their second meeting would include a staff presentation of options and committee discussion; and hopes they can have deliberations and come to a recommendation by their third meeting.

OVERVIEW OF THREE ISSUES

Community Development Director Bill Molnar presented an overview of the City's sign code, use of public right-of-way, and downtown employee parking restrictions.

Sign Code

Mr. Molnar stated the 1966 Central Area Plan called for the development of a sign program and the City's sign ordinance was officially adopted in 1968. He stated there have been several updates to this section of the code over the years and noted the 1988 Downtown Plan acknowledged the success of the sign code. Mr. Molnar provided the definitions of "signs", "exempted signs", and "prohibited signs" and listed the main compliance issues the City deals with.

Use of the Public Right of Way

Mr. Molnar noted there are many competing interests within the sidewalks and stated the City has regulations regarding the outdoor display of merchandise. He explained the Ashland Municipal Code prohibits using the street or public sidewalk for selling, storing or displaying merchandise or equipment;

and businesses within the City's commercial zones are required to obtain a conditional use permit (CUP) for the outdoor storage of merchandise on private property. Mr. Molnar noted the City has a sidewalk café ordinance and it is administered by the Public Works Department.

Downtown Employee Parking Ban

Mr. Molnar explained the ban was first adopted in 1985 at the request of the Chamber of Commerce and the seasonal restrictions were made permanent in 1986. He explained the ban restricts downtown employee parking in the downtown parking district between 8:30 a.m. to 5:30 p.m., May through September; and listed some of the issues that have been raised by the affected businesses and their employees.

PUBLIC COMMENT

Tom, Pasta Piatti & Tabu/Shared his concerns regarding the newspaper racks.

Nola, Renaissance Rose/Noted she had been cited by the City and requested clarification on the ordinance governing the outdoor display of merchandise. She noted the sale of merchandise on Guanajuato Way and asked about the City's CUP process.

Steve, Soundpeace/Asked if there was a way for current businesses to be "grandfathered in" and require anyone new to receive approval for the display of items. He agreed with the concerns expressed by the previous speaker regarding newspaper boxes and suggested there be a maintenance requirement for these. Steve noted the signage in Boulder, Colorado and suggested the Task Force review the Boulder sign code for comparison. He also commented on the employee parking ban and noted employees are being issued tickets when visiting downtown businesses on their days off.

Julie, Wiley's Pasta/Noted her business is not located downtown and stated they use their "Alfredo" statue to show customers that they are open for business.

Lenny, CD or not CD/Stated there is a small space in front of his store that he would be interested in obtaining a CUP for. He commented on the height of his sign and suggested they allow businesses to sell merchandise outdoors on weekends only. He stated it is possible to have attractive sandwich signs, newspaper boxes, and neon signs; and suggested the City form a review board to determine what is aesthetically pleasing.

Dave, Endless Massage/Noted that his is a newer business and commented on the use of sandwich boards to attract business. He stated his board did obstruct people walking and stated it made a big difference in bringing people into his business.

Susan, Pilaf/Questioned why people dressed as the Statue of Liberty or dressed in sandwich boards does not go against the sign code. She stated that parking is one of her major stressors and explained that she often has to come and go several times a day from her business.

Kate, Earth Friendly Kids/Stated being unable to put merchandise out in front of her store has made them struggle financially and believes the City is hurting the vitality of the town by making such strict rules.

Ramona, B Ella/Noted her store has no back entrance and all of their supplies have to come through the front door. She questioned the fairness of the parking situation and asked if downtown employees who work at night are being ticketing as well.

Jimmy, Blue Giraffe Spa/Noted their building is set back from Water Street, behind the parking lot and customers cannot see his sign from the street. He stated he receives a lot of complaints from clients because they cannot find his store. He suggested the City have some sort of hearings process to deal with unique situations like his own. He also questioned putting up a small sign similar to Pilaf's or Iris Inn's signs.

Don, Ashland Springs Hotel & Larks/Stated he was cited for placing the building's original sandwich board in front of the hotel and noted the challenge of educating guests on what they offer. He stated that inadequate parking in Ashland is a big issue and noted the parking garage is consistently full.

Mike Morris, Planning Commissioner/Recommended the sign ordinance be removed from the Land Use section of the Municipal Code and recommended they set criteria for a variance. He suggested different requirements be set for areas outside of downtown (at least until these areas become more populated by pedestrians) and recommended they establish maintenance requirements for newspaper boxes.

Pam Turner, Ashland Municipal Judge/Noted that she handles the City's parking violations and stated the intention of the employee downtown parking ban is not to prohibit employees from visiting businesses on their time off. She encouraged everyone to read this section of the code (AMC 11.30.020).

City Administrator Martha Bennett clarified 95% of the businesses have complied with the City's requirements and stated she would like to continue to work cooperatively with the businesses while this process is going on.

City Attorney Richard Appicello commented briefly on the concept of grandfathering. He clarified the City is required to treat everyone equally and does not believe grandfathering is an option.

Mayor Morrison clarified that public testimony will be included in this process and encouraged the businesses and members of the public to submit their information to the Task Force.

COMMITTEE DISCUSSION

City Administrator Martha Bennett indicated staff would be preparing white papers and submitting them to the group within the next few days. She recommended they inform staff if they are in need of additional information or if there are options they are leaning toward. She agreed that parking in Ashland was a valid concern, but recommended they limit their discussion to the employee parking issue.

Clarification was requested on the process of obtaining a conditional use permit to display merchandise on private property. Permit Center Manager Adam Hanks stated this is a Type I land use action and the fee is currently \$882. He stated the City has seen this type of CUP for larger scale uses, such as the hardware store, but noted the approval criteria are fairly general.

Mr. Hanks clarified the Iris Inn's sign was obtained through ODOT, not the City.

Sandra Slattery commented that these requirements were put in place for good reasons; however they need to ensure that Ashland businesses can be successful and stated it is time to look at these regulations with the current view of the community in mind.

City Attorney Richard Appicello commented on the issue of placing 3-D objects in front of businesses and clarified they can only limit the time, place, manner and size of these objects, not the content. George Kramer added they could also control the materials they are made of and can require the object to be maintained.

Ms. Bennett noted the City would be bringing forward options regarding sidewalk cafes, including options for permitting, regulating, and leasing public right of ways. She clarified the vendors along Calle Guanajuato lease this space from the City and stated the Task Force could consider creating a similar provision for individual business to display merchandise in front of their stores.

Don Laws requested the City Attorney prepare a memo that cites the court cases and laws that deal with grandfathering and the equality of treatment. He stated he would like to know what is legal and whether the City could make changes. Mr. Laws provided some history of the sign code and stated its intent was to make Ashland businesses more appealing. He commented on how the sign code has contributed to the overall success of businesses in Ashland and recommended they be careful about making changes.

Dave Dotterrer suggested the sign code differentiate between private property and public right of way. Ms. Bennett voiced her support for this suggestion. Mr. Appicello clarified the City could permit larger 3-D objects on private property than on public right of way.

Dana Bussell commented on the Public Arts Commission's master plan and noted the plan did speak to some of these issues. She clarified one of the goals of the plan was to change the sign ordinance to allow for murals. She also commented briefly on the public art jury process the commission utilizes, and clarified people affected by the object are represented on the jury.

Sandra Slattery noted that there are other communities, such as Carmel, California, that have very pleasing signage and suggested the group take a look at how other communities deal with this issue. Ms. Bennett requested the group clarify which cities' sign codes they are interested in. Staff was directed to look into the sign codes for Carmel, California and Boulder, Colorado, particularly for small, directional signs. Ms. Slattery noted she would also try to gather information and obtain samples from other communities that are attractive, high visitor destinations.

Mayor Morrison requested information on newspaper boxes, including what governs their installation, maintenance, and removal. Additional request was made for how many spaces a publication can have and whether the boxes interfere with pedestrian and vehicle safety. It was also questioned if the City could designate certain areas where the boxes would be permitted.

Ms. Bennett indicated staff would gather the information requested by the group and stated materials for the next meeting would be sent out later this week. She noted the next Downtown Task Force meeting is scheduled for next Monday, July 21 at 2 p.m.

ADJOURNMENT

Meeting adjourned at 4:05 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

Downtown Task Force Summary Report

August 21, 2008

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

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

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

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

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

Suggested Immediate Solutions

Issue #1

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

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

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

Issue #2

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

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

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

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

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

Issue #3

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

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

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

Issue #4

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

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

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

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

Issue #5

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

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

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

Issue #6

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

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

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

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

Issue #7

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

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

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

Issue #8

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

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

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

Issue #9

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

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

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

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

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

Additional Suggested Considerations

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

Recommendation for Two-Year Review of Sign Code Amendments

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

Recommendation to Exempt Public Art from City Sign Code

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

Recommendation for Sign Code Review/Education

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

CITY OF ASHLAND

Planning Commission
City of Ashland

November 2008

Dear Planning Commission:

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

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

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

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

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

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

Sincerely,



Melissa Markell, Chair
Public Art Commission

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

MEMO

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your consideration of our position and suggestions.

Letters

From: "STALLSWORTH Adam O" <Adam.O.STALLSWORTH@odot.state.or.us>
To: <goldmanb@ashland.or.us>
CC: "STEPHENS Shawn A" <Shawn.A.STEPHENS@odot.state.or.us>, "PYLES David" <D...>
Date: 1/27/2009 10:48 AM
Subject: Ashland Sign Code Amendment - ODOT Comments

At this time ODOT has no concerns with the Ashland City Sign Code Amendment proposal. The Only point of interest for ODOT would to be notified of any and all Signs and Banners that would be installed over or in the State Right of Way. ODOT has no other comments at this time.

Adam O. Stallsworth
Oregon Department of Transportation
Region 3 District 8
White City, Oregon.



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

Dear Ashland Planning Commissioner,

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

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

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

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

Thanks for your consideration,

Steve Cole

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

Dear Mr. Hanks,

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

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

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

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

Respectfully ~

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

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

Background

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

Problem statement

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

Suggestion

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

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

Thank you,

Dave Alexander

541-488-9600

dave@endlessmassage.com

Charter Amendment For Limited Government And Protecting Freedom

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

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

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

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

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

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

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

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

Sign Ordinance

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

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

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

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

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

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

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

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

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

Draft To Show Approach, 2008Aug11

Support Staff, And Solve The Problem

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

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

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

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

Adam and Dean are doing their jobs.

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

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

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

It doesn't solve the core problems.

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

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

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

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

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

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

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

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

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

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

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

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

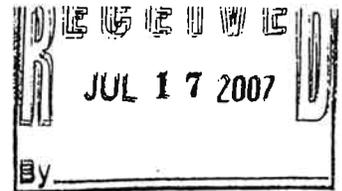
We Citizens can write a simple, understandable law that finds the balance between business freedom and limited public interests re visual clutter and window transparency without creating the current bureaucratic nightmare for code enforcement and 'negotiations'.

urt Bullock

ftthepeopleeditor@gmail.com

488-3366

hat's GUV-DEMOCRACY



To Whom It May Concern

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

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

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

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

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

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

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

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

- 1) Change the Nutley Street parking lot (ice skating lot) and Windburn Way's head in parking at Lithia Park to 2 hour near the Plaza and 4 hours from the playground to the band shell. Place both in the downtown-parking zone with limited parking between 9:00 to 5:00 from Memorial Day to Labor Day.
- 2) Change the Water Street parking lots to 2 and 4 hour. Place them in the downtown parking zone with limited parking 9:00 to 5:00 from Memorial Day to Labor Day.
- 3) Encourage and promote Park and Ride areas at the North and South Interchange when the overpasses are rebuilt by ODOT. Get a grant of finance with ODOT and the county's help. Strongly consider the feasibility of a free City shuttle and/or better bus services throughout Ashland from Memorial Day to Labor Day. It would be advisable and courteous to have added bus service during major special events and parades like Halloween, 4th of July and Festival of Lights.
- 4) Immediately consider where to put additional parking downtown and implement on a fast track. From the 1988 downtown plan Ashland is a 1000 space shy of satisfying the minimal needs in the downtown. We may never reach this goal but it is essential we try and have an official short and long term plan to add needed parking in the core downtown areas.
If two people per car rotate through a parking spot downtown for the two hour limit just 8 hours of a 24 hour day and spend an average of \$100 per person on shopping, dining and entertainment the potential revenues gained from a single parking place from June thru October is \$144,000 per year. When you consider that we are 1000 parking spaces short we are depriving our community of an enormous amount of money and higher paying job opportunities by not giving our citizens, guest and workforce what they want and need---more adequate accessible downtown parking!
- 5) Stop ticketing employees, city staff, merchants and owners when they are off work playing, shopping or dining downtown. It is just wrong to ticket them when they are not working and within the parking guidelines others must follow. Parking agents can keep tract with warning tickets that state if they are working they are not to park in the downtown zone and if an individual is obviously violating that rule with excessive warnings, ticket them. During business hours for needed stops allow employees and owners to place a note or form letter from the city on their vehicles for a 15 minute temporarily picking up or delivering courtesy, if violated ticket them.
- 6) A complaint I have heard: the City excludes themselves from the impact of the problems they help create. They should share in the demands placed on others, yet they manipulate and ignore codes, ordinances and laws they've place for their benefit and a chosen few. Everything from parking permits for themselves, to blackberry abatement, riparian codes, and business license requirements, banner/sign ordinances, encroachment permits, allowing retail sales and concerts in an R2 residential family zoning without parking requirements or review standards are approved by the City while businesses on the Plaza are threatened into submission for the smallest infractions that, more often than not, are literally meaningless and the hobgoblin of little bureaucratic minds rationalizing their jobs and flexing their power.
- 7) Another point of interest ---many Plaza businesses do not allow their employees to park downtown even in the area and times allowed. They park only on Granite Street or above when working. They are well aware of the problem for customers and are in the forefront when trying to provide for their needs.

Thank you for your time and consideration,
Matt

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

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

2 May 2006

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

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

Dear Council Members,

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

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

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

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

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

Thank you.

Sincerely,

Brent Thompson
Brent Thompson
488-0407

Barbara Thompson .

JUL 14 2006
City of Ashland
Field Office Coun

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

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

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

A. Special Provisions.

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

B. Types of Signs Permitted.

1. **Wall Signs.**
 - a. **Number.** Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
 - b. **Area.** Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet.
 - c. **Projection.** Signs may project a maximum of eighteen inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet may only project four inches.
 - d. **Extension above roof line.** Signs may not project above the roof or eave line of the building.
2. **Ground Signs.**
 - a. **Number.** One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.
 - b. **Area.** Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of sixty square feet per sign.
 - c. **Placement.** Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).
 - d. **Height.** No ground sign shall be in excess of five feet above grade.
3. **Marquee or Awning Signs.**
 - a. **Number.** A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
 - b. **Area.** Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.