

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
SPECIAL MEETING
NOVEMBER 25, 2014
AGENDA**

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

 - II. **ANNOUNCEMENTS**

 - III. **AD-HOC COMMITTEE UPDATES**

 - IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. November 12, 2014 Regular Meeting.

 - V. **PUBLIC FORUM**

 - VI. **TYPE II PUBLIC HEARING**
 - A. **PLANNING ACTION: #2014-01837**
 - SUBJECT PROPERTY: 95 Winburn Way (Ice Rink parking lot)**
 - OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation**
 - DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 09; TAX LOTS: Part of Tax Lot #100 (Lithia Park lot).**

 - 1. Adoption of Findings, PA-2014-01837, 95 Winburn Way
-
- 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
November 12, 2014

CALL TO ORDER

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

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin
Tracy Peddicord
Lynn Thompson

Staff Present:

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

Absent Members:

None

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the December Study Session has been cancelled and the regular meeting on December 9 will include a public hearing for phase two of the First Place project and a discussion on Council's strategic goals.

AD-HOC COMMITTEE UPDATES

Normal Neighborhood Plan Working Group: Commissioner Kaplan provided a brief update on the Normal Plan Working Group. He stated at the group's next meeting on November 20 they will finalize their vision statement and recommendations to the City Council, which address: land use, housing densities, open space, design issues, and transportation. Kaplan added the vision statement and group's recommendation will be presented to the City Council on December 2.

Downtown Parking and Multi-Modal Committee: Commissioner Dawkins noted the group has been working with students from the University of Oregon and stated the key issues being reviewed are: 1) assessing the needs of all downtown users, 2) addressing the negative perception of conflicting users, 3) ensuring maximum utilization of existing facilities, and 4) incorporating bike and pedestrian infrastructure improvements in the downtown area. Dawkins stated it appears Ashland does not have a supply problem, but rather a utilization problem, and commented briefly on some of the strategies being discussed.

CONSENT AGENDA

A. Approval of Minutes

1. October 28, 2014 Special Meeting.

Commissioners Miller/Brown m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed.
[Commissioner Kaplan abstained]

PUBLIC FORUM

No one came forward to speak.

TYPE II PUBLIC HEARING

A. PLANNING ACTION: #2014-01837

SUBJECT PROPERTY: 95 Winburn Way (Ice Rink parking lot)

OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation

DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (II-C-1-a and IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 09; TAX LOTS: Part of Tax Lot #100 (Lithia Park lot)

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

Ex Parte Contact

Commissioners Mindlin, Miller, Dawkins, Brown, Kaplan, Thompson and Peddicord declared site visits; no ex parte contact was reported.

Staff Report

Associate Planner Derek Severson presented the staff report. He explained this application involves a portion of the Lithia Park parcel, which is 75.21 acres in size and includes city hall, the Chautauqua walk, Oregon Shakespeare Festival, Ashland Creek, both duck ponds, Winburn Way and Pioneer Street. Mr. Severson stated the portion involved in this application is the parking lot at the corner of Winburn Way and Nutley that serves as the location for the Ashland Rotary Centennial Ice Rink during the winter months. He stated the application is seeking site review approval to place a canopy over the ice rink, as well as an exception to the Site Design and Use Standards' Historic District Development Standards and a variance to allow the canopy structure to be placed within the required ten-foot setback along Winburn Way.

Mr. Severson reviewed the specific approval criteria and stated the primary issues raised by neighboring property owners are the increase in size from the previously used canopy and the glare from the white cover material. He explained the new canopy has increased 20 feet in length, 10 feet in width, and approximately 6 feet in height. Mr. Severson commented on the streetscape along Winburn Way and noted it is not a typical historical residential streetscape and displayed photos of the city buildings, private parking lots, café, and park buildings along this stretch of road. He also recited the recommendation from the Historic Commission to approve the application but limit the ice rinks reason to November through March 15 and provide a perimeter of screening on the lot and/or the neighboring lots to mitigate the concerns regarding glare.

Mr. Severson concluded his presentation and stated staff believes the applicant has provided sufficient information to justify approval of the request provided that the proposed mitigation is installed. He clarified one of the neighbors has submitted a continuation request and recommended the Commission leave the record open and continue this matter to the November 25 Special Meeting.

Questions of Staff

Staff was asked whether the Historic Commission made any specific recommendations on the type of screening vegetation. Mr. Severson stated the Commission discussed various screening options, not just vegetative, but did not make a specific recommendation. He added the applicant is aware that the Planning Commission may request a landscape plan prior to making a decision.

Staff was asked to comment on their position that a conditional use permit is not required. Mr. Severson stated parks and recreational facilities (as well as accessory uses to permitted public parks and recreational uses) are outright permitted in this zone and staff does not believe this action requires a separate conditional use permit.

Applicant's Presentation

Michael Black/Ashland Parks & Recreation Director/Stated he has met with the neighbor who opposes the canopy and have reached a solution to address her issues, and added that he will be meeting with the property owners at 98 and 102 Granite soon. Mr. Black read aloud his proposed mitigation agreement (Exhibit P-16) which recommends 10-12 trees be installed between the park land and 94 Granite and to set a window of use for the canopy of November 1 to March 31. Mr.

Black commented on their application and stated that it is difficult to compare this to something else, which is generally what the Site Design & Use Standards do. He asked that the Commission approve their request with the proposed mitigation agreement and stated they could add a condition for the Parks & Recreation Department to work out the vegetative screening with the other two property owners.

Stefani Seffinger/Parks & Recreation Commission Chair/Explained the ice rink cover is very important and the wider width allows spectators and parents to be under the cover while watching their children. Ms. Seffinger stated if the rink is not covered branches and leaves blow into the ice and could cause injury. Additionally, the new cover provides better visual clearance across the rink. She stated if the rink is not covered there is a great deal of time during the season that it is unusable.

Questions of the Applicant

The applicant was asked why the height of the canopy increased. Mr. Black explained the cover came pre-engineered and that height was necessary to withstand the loads. In regards to the canopy materials, he acknowledged that there may be glare issue and stated they are more than willing to take care of this, and believes the proposed mitigation measures will resolve this. Mr. Black was asked if a shade cloth could be placed over the top and he responded that this would impact the warranty of the structure and would look worse. He added snow load is another issue.

The applicant was asked how much land at the top of the slope is owned by the City. Mr. Black clarified this area has been surveyed and there is plenty of room to plant the trees. He stated it varies, but the City owns 6-10 ft at the top of the slope. Mr. Black commented that they would be able to provide a detailed landscape plan before the next meeting.

Public Input

Lynn Spillman/98 Granite/Stated she is supportive of the ice rink, but the concerns and rights of the neighbors need to be respected. Ms. Spillman voiced her concern that they were not provided the opportunity to comment when the new cover went up last season. She thanked the Parks & Recreation Director for trying to provide some screening, but stated she does not believe that the canopy needs to be wider. She stated her preference would be for the canopy to not go up and for a more suitable one to be used instead. However, if approved, she asked that landscaping be provided (not just screening) and shared her concerns about erosion.

Ruth Kennedy/94 Granite/Expressed her concerns with the process and stated a mistake was made when the Parks & Recreation Dept. failed to go through a process last year to allow the new canopy to go up. Ms. Kennedy stated the canopy's footprint is 75% larger than the old cover and when she expressed her concerns she was told that it was the same size. She stated the Planning Division informed the applicant in May that they would need to go through this hearing, however they waited to submit their application until the season was upon them. She stated the burden should not be on the neighbors to force the proper process and to flush out the intent of the applicant. Ms. Kennedy recommended the application be denied.

Brandon Nelson/627 Oak/Stated he plays recreational ice hockey and serves as a hockey instructor at the rink. Mr. Nelson stated the canopy greatly improves the condition of the ice and there were no closures last season unlike the previous years. He stated they need to keep the canopy up so the kids who enjoy their winter programs can count on the facility being open and usable.

John Joynt/1949 Crestview/Shared his experience with the ice rink and stated the canopy has been very helpful in preserving the ice. He added the extra width allows him to enjoy watching his children skate even when it is raining out.

JW Lyon/128 S Pioneer/Stated the ice rink is directly across the park from his home, and while they are used to hearing the noises in the park, and canopy is inconsistent with the park's visual integrity. Mr. Lyon stated the park is beautiful to look at while the skating tent is huge, bright and ugly, and does not fit. He stated it has no historical reference even though it is located in a designated historic district. He asked the Commission to deny this application or require that they install a tent that is the same size as the one previously used. He also asked that the season be limited to mid-November to February.

Richard Hobbins/553 Suncrest, Talent/Stated he is the president of the Southern Oregon Adult Hockey Association and commented on the importance of this facility to the community. He stated there are a limited number of ice skating facilities in the valley and the use of this rink is very important to his organization. Mr. Hobbins stated without the canopy, the ice can be dangerous and added it was very difficult to keep the ice usable with the old cover. He stated the new canopy also allows them to keep their skating gear dry and warm.

Edward Zobel/29 Granite/Stated his home is one block away from the ice rink and has skated at the rink under all the various conditions. Mr. Zobel stated a functional ice rink is a terrific asset to the community and the Commission should do whatever they can to appease the neighbor's complaints. He explained rain ruins the condition of the ice and without a canopy leaves and branches fall on the ice and make for really bad skating. He stated the new cover is substantially better and protects the ice at the far end of the rink that is exposed to the sun. Mr. Zobel stated last year the condition of the ice was the best he has ever seen and without the cover the rink was unusable 25% of the season.

Doug Smith/60 Granite/Agrees with the objections raised regarding the process and stated the neighborhood concerns should be considered. Mr. Smith voiced his support for the application and stated this is not a commercial activity, but rather a park-like activity and is appropriate at this location. He stated the reason for the larger cover is because the sun's angle in the winter comes in from the side and melts the ice at certain times of the day, and because of those angles questioned the complaints about the glare. He added the length of the season should not be extended.

Questions of Staff

Mr. Molnar stated if there is any information the Commission would like provided before the continued hearing this is the time to request it. Commissioner Kaplan requested a landscaping plan be provided and information on whether it is supported by the neighbors; and Commissioner Brown requested a sun chart projection to ascertain whether glare is a valid issue.

Commissioner Kaplan announced that the record will remain open and the public hearing on this matter will be continued to the November 25, 2014 Planning Commission Special Meeting.

UNFINISHED BUSINESS

A. Review of Report on Master Planning Approach.

Community Development Director Bill Molnar provided a short review of the Planning Commission's Report on the City's master planning approach, and noted that this item will likely be presented to the City Council when the Commission provides their annual presentation in December.

Commissioner Mindlin stated staff did a good job capturing their discussion and comments, but noted one small typographical error on page three; the last sentence of the bullet list should read "*If densities are proposed that are different...*" She also recommended that a sentence on page two be reworded to make it easier to understand.

Commissioner Thompson questioned the section titles in the report and Mr. Molnar clarified the format was taken from the City Council's standard council communication document. He added staff could create a separate cover memo and attach the report to resolve this issue. Commissioner Thompson also asked that "*explained*" be replaced with "*examined*" in the last sentence on page one.

ADJOURNMENT

Meeting adjourned at 8:30 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*



PLANNING ACTION: #2014-01837

SUBJECT PROPERTY: 95 Winburn Way (Ice Rink Parking Lot)

OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation

DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. *(The hearing previously advertised on this matter for December 9, 2014 will be held on November 25, 2014 instead.)* **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 09; **TAX LOTS:** Part of Tax Lot #100 (Lithia Park lot).

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, November 25, 2014 at 7:00 PM*
Ashland Civic Center, 1175 East Main St



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

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

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

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

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

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

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.

EXCEPTION TO THE SITE DESIGN AND USE STANDARDS

18.72.090

An exception to the requirements of this chapter may be granted with respect to the requirements of the Site Design Standards adopted under section 18.72.080 if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or
- B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.
(Ord 3054, amended 12/16/2011)

VARIANCE

18.100.020 Application

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

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

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT – ADDENDUM 1**

November 25, 2014

PLANNING ACTION: 2014-01837

APPLICANT: Parks & Recreation

OWNERS: City of Ashland, Parks & Recreation

LOCATION: 95 Winburn Way (Ice Rink/Parking Lot)
Part of 39 1E 09 Tax Lot 100, the larger Lithia Park parcel

ZONE DESIGNATION: R-1-7.5

COMP. PLAN DESIGNATION: Single Family Residential

ORDINANCE REFERENCE:

13.16	Street Trees
18.20	R-1 Single Family Residential District
18.61	Tree Preservation and Protection
18.70	Solar Access
18.72	Site Design Review
18.88	Performance Standards Options
18.92	Parking, Access and Circulation
18.100	Variances
18.108	Procedures
SDUS	Site Design and Use Standards

**APPLICATION DEEMED
COMPLETE ON:**

November 4, 2014

REQUEST: A request for Site Review approval to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way.

I. Relevant Facts

1) Background - History of Application

At the November 12, 2014 Planning Commission meeting, the public hearing on this matter was opened, testimony was received and exhibits were presented. Included in the materials submitted for Planning Commission consideration at the hearing was a request from neighbor Ruth Kennedy who asked that the record for the matter be held open for at

least seven days to submit additional testimony, written argument and evidence. Ms. Kennedy also noted that pursuant to AMC 18.108.050.B.2., applications are to be heard at the “*next regularly scheduled Commission meeting at least 30 days after the submission of the completed application.*” Ms. Kennedy explained that the application should not have been heard until at least 30 days after the October 21st submission, and requested that the public hearing be continued to ensure that the hearing process complied with applicable procedural requirements. To address Ms. Kennedy’s requests and the procedural issue raised, the Commission continued the public hearing until the next regularly scheduling meeting on November 25, 2014.

2 Detailed Description of Items Submitted During November 12th Hearing

Letter from Chris Hearn for Ruth Kennedy and Jed & Celia Meese: A letter from Chris Hearn of Davis, Hearn, Anderson & Turner, Attorneys at Law was provided to Commissioners at the November 12th hearing on behalf of his clients Ruth Kennedy (94 Granite Street) and Jed & Celia Meese (99 Granite Street). This letter expresses concern with the dramatic increase in the size, height, bulk and scale of the proposed canopy, suggesting that the original smaller canopy adequately served its purpose and that the new canopy represents a 72 percent increase in area and up to a 30 percent increase in height, is dissonant with the natural surroundings of Lithia Park and does not comply with the Historic District Design Standards. This letter also suggests that whether considered a public structure, temporary use or recreational facility, the canopy should be subject to the Conditional Use Permit process to allow consideration of the scale, bulk and coverage; architectural compatibility; and concerns associated with light and glare, and to provide for mitigation of negative impacts.

Other items: Penelope Dews, Shoshanah Dubiner, Carolyn Brooks, Katie Ali, Olivia Norris, Leela Da Costa, Michelle Quinn, Gina Myers, Jaylee Nash, Rod & Susan Reid, Joanie Nissenberg, Patricia Sempowich and David Brennan submitted letters or e-mails asking that the application be approved.

Proposed Mitigation Agreement: During the November 12, 2014 hearing, the applicant presented a “Proposed Mitigation Agreement” which was in the works with Ms. Kennedy, who resides above the subject property, at 94 Granite Street. While Ms. Kennedy continues to oppose the request, the following measures were proposed to mitigate impacts to her property in the event that the proposal should ultimately be approved.

1. Ashland Parks and Recreation will install a quantity of 10-12 English Yew trees on the Lithia Park property between 94 Granite Street and Lithia Park. Each tree will be at least 12 feet tall, unless not available within the region of the Willamette Valley to Southern Oregon, then the same trees at no less than 10 feet in height will be used. Installation shall be as soon as possible, and in any event shall be complete this calendar year.
 - a. Trees will be installed, irrigated and maintained by the Parks Department.
2. Ashland Parks and Recreation agrees to a window of use for the canopy of Nov. 1st to March 31st perpetually by season.

3. Ashland Parks and Recreation will work with the individual owners of 98 and 102 Granite Street to provide vegetative screening to mitigate the light and glare impacts imposed by the ice rink canopy.

Additional Information Requested by Commissioners

In their questions of staff and the applicant at the initial hearing on November 12, 2014 the Planning Commission indicated that they would like to see a landscape plan detailing the proposed mitigation plantings which would provide perimeter screening of the site.

Commissioner Brown also indicated that it would be helpful if a sun chart were provided so that Commissioners could assess available solar access to the site during winter months to determine the degree to which glare is an issue.

II. Project Impact

Hearn Letter

With regard to the concerns that the proposed canopy represents a significant increase in the size, height, bulk and scale over the original smaller canopy which adequately served the same purpose, that the new canopy is dissonant with the natural surroundings of Lithia Park and does not comply with the Historic District Design Standards, staff would note that the application includes a request for Exceptions to the Site Design and Use Standards' Historic District Design Standards and provides the Commission the opportunity to consider whether allowing the increase in size, height, bulk and scale, and the dissonance with the National Register-listed Lithia Park and surrounding Skidmore Academy Historic District are merited by evidence in the record. The applicants and public testimony have suggested that the additional length and width of the canopy are necessary to provide full coverage for the now long-established rink use to protect spectators and skaters from the weather, to prevent debris from negatively affecting the quality and safety of the ice for those skating, and to limit weather-related closures, and that the additional height is necessary to accommodate anticipated snow loads based on an engineered design to prevent a recurrence of the destruction of the smaller cover which failed under a fallen tree during heavy snows in a winter storm.

Hearn's letter also argues that as a short-term, seasonal or intermittent use, the canopy is by definition in AMC 18.08.800 a temporary use and subject to a Conditional Use Permit. It emphasizes this point by noting that both the rink and the canopy are temporary structures which are removed seasonally, and that the canopy is incidental to the ice rink use; that within the R-1 zone, public structures and uses are subject to a Conditional Use Permit (18.20.030.D); that recreational uses and facilities including country clubs, golf courses, swimming and tennis clubs are conditional uses (18.20.030.E); and that all temporary uses are also conditional uses (18.20.030.M). The letter goes on to argue that while staff has suggested that the use is outright permitted under AMC 18.20.020.E which allows "public schools, parks and recreational facilities" and that these uses by their very nature include seasonal elements, "... most people wouldn't consider parks or schools to be seasonal or temporary...." Staff continues to believe that public schools, parks and recreational facilities may include seasonal elements; a public school has an academic year which typically involves closure during several months each year, as well as athletic seasons for inter- and intra-mural sports which may involve the installation of different,

sport-specific facilities and differing impacts to the surrounding neighborhood. And a public park may typically be expected to accommodate similar athletic seasons for baseball, softball, soccer or, in this instance, ice skating, and it may also accommodate other seasonal activities such as community gardens. In staff's assessment, parks and recreational facilities in 18.20.020.E are considered separately from other public and public utility buildings, structures and uses in 18.20.030.D, and as such they cannot be put in that category of use simply by virtue of public ownership but must instead be considered for the full nature of their use. Similarly, the code implies a distinction between the *public* parks and recreational facilities, which are outright permitted, and other private or commercial recreational facilities and uses such as country clubs, golf courses, swimming clubs and tennis clubs which are conditional. For staff, AMC 18.20.020 provides that public schools, parks and recreational facilities and their accessory uses are clearly permitted outright, and both the rink and its cover, while they may be used seasonal, nonetheless fall under the umbrella of public parks and recreational facilities rather than as merely public structures, as private recreational facilities or as simply temporary uses.

Staff would note that while Hearn's letter suggests that the canopy should be subject to the Conditional Use Permit process in order to allow consideration of the scale, bulk and coverage; architectural compatibility; and concerns associated with light and glare, and to provide for mitigation of negative impacts, we believe that the current Site Review, Exception and Variance allow for similar consideration of the proposal in the context of its surroundings and for mitigation of the identified negative impacts associated with light and glare.

Hearn's letter concludes that should the Commission approve the request despite his arguments, that appropriate limitations should be imposed through conditions limiting the installation of the canopy to a period no longer than November 1 through May 1 and that appropriate mitigation measures to address glare be proposed. The proposed mitigation agreement, detailed further below, was prepared by the applicant through meetings with Hearn's client Ruth Kennedy, and staff believes that it addresses the limitations requested.

Proposed Mitigation Agreement

During the November 12, 2014 hearing, the applicant presented a proposed mitigation agreement which was in the works with Ms. Kennedy, who resides at 94 Granite Street, directly above the subject property. While Ms. Kennedy continues to oppose the request, measures including the immediate planting, irrigation and perpetual maintenance of 10-12 English Yew trees; limitations on the period when the ice rink cover can be in place each season; and additional screening plantings to mitigate impacts to 98 and 102 Granite Street were proposed by the applicant to mitigate adverse impacts in the event that the proposal should ultimately be approved.

As stipulations of the applicant, these proposed mitigation measures have been incorporated into the conditions recommended by staff below. In addition, the generic condition previously included to make the Historic Commission's recommendations conditions of approval has been removed as their recommendations to mitigate the light and glare impacts and limit the season during which the cover would be in place are both addressed with the proposed mitigation agreement.

Additional Information Requested by Commissioners

In their questions of staff and the applicant at the initial hearing on November 12, 2014 the Planning Commission indicated that they would like to see a landscape plan detailing the proposed mitigation plantings which would provide perimeter screening of the site. The applicant has indicated that this plan will be presented at the November 25th hearing.

Commissioner Brown also indicated that it would be helpful if a sun chart were provided so that Commissioners could assess available solar access to the site during winter months to determine the degree to which glare might be an issue. In discussing preparation of a sun chart with Larry Giardina, the Conservation Analyst and Inspector who prepares sun charts for solar energy installations seeking incentives through the Conservation Division, he noted that preparation of a sun chart would require obtaining a bucket truck from the Electric Department to generate the necessary data from the proposed 31-foot height, but that having done analyses of buildings on Winburn Way in the recent past he believed that any structure that was 31 feet tall would have significant solar exposure even with the typical tree cover in the area and would result in the sort of glare suggested by the opponents on sunny winter days.

III. Procedural - Required Burden of Proof

The criteria for Site Review approval from the Site Design Review Chapter are detailed 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 requirements for an Exception to the Site Design and Use Standards are detailed in AMC 18.72.090 as follows:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or
- B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.

The requirements for a Variance are detailed in AMC 18.100.020 as follows:

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

typically apply elsewhere.

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

IV. Conclusions and Recommendations

In staff's assessment, the applicant has demonstrated that the proposal can be found to satisfy the applicable Site Review approval criteria, other than those for which the Exception and Variance are requested.

With regard to the Exception, staff believes there is demonstrable difficulty in meeting the standards due to unique and unusual aspects of the use of the site as an outdoor ice skating rink. The site was previously determined to be appropriate for the ice rink use as a seasonal recreational facility in Lithia Park largely because the existing parking lot accommodated the rink in already disturbed areas, without additional disruption of the natural areas of the park which are so important to its character, and to provide this wintertime amenity near the downtown. Once established, it became clear that weather could impact the viability of the use for skaters and spectators and that a cover was needed. The purpose of the rink requires a cover design much different than that of a residential building within the typical R-1-7.5 zoned historic neighborhood streetscape envisioned in the standards. The applicants and public testimony have suggested that the additional length and width of the canopy are necessary to provide full coverage for the now long-established rink use to protect spectators and skaters from the weather, to prevent debris from negatively affecting the quality and safety of the ice for those skating, and to limit weather-related closures, and that the additional height is necessary to accommodate anticipated snow loads based on an engineered design to prevent a recurrence of the destruction of the smaller cover which failed under the combined load of snow and a fallen tree during a winter storm. In staff's view, a finding can be made that the design of the new rink cover was driven by these unique aspects of the ice rink use, and we believe the Land Use Ordinance makes provisions for Exceptions precisely for such circumstances, where the general standards adopted could not have envisioned every unique proposal within the Historic Districts. The design of a seasonal recreational facility, while out of context with a typical historic residential streetscape, may nonetheless merit an Exception as an amenity to provide for greater seasonal enjoyment within the broader context of a 75-acre park parcel on a residentially-zoned block that lacks any residences but includes a mix of parking lots, public buildings, a long-established café, a heavily treed riparian corridor and a steep hillside which separates it from the residences nearby. The primary negative impact noted for the proposal has been a concern that the white covering material may reflect sunlight, and the applicant has proposed to mitigate this potential negative impact with perimeter vegetative screening.

For staff, approval of the Exception is consistent with the stated purpose of the Site Design and Use Standards, which is to, *“regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout the City.”* The rink provides a seasonal recreational facility to enhance wintertime use of Lithia Park, with the hope that spectators and visitors will also patronize nearby downtown businesses during an otherwise slow season, and the

cover proposed will further enhance the functionality of the rink while potential impacts are to be mitigated with screening. In staff's view, the design of the cover is driven by the nature and context of the ice rink use as a seasonal recreational facility within Lithia Park, and the Exception to the Historic Design Standards requested to cover the rink during its five-month season is the minimum necessary to provide for this now long-established use.

Staff similarly believes that a finding can be made that the requested setback Variance is necessitated by unique or unusual circumstances of the site which do not typically apply elsewhere. The site is located within an historic district and is part of the National Register of Historic Places-listed Lithia Park, and is between a steeply sloped hillside, a city street, and a fish-bearing riparian stream corridor and floodplain. In addition, it contains a parking lot in close proximity to the park and the nearby downtown which is in high demand during the peak season, but which sees significantly less demand during the late fall and winter. These constraints limit options for the use of the site, but lead to its selection for the rink use because the existing parking lot was adequately sized for the ice rink, was near the park and downtown, could accommodate the rink without imposing additional site disturbance in so sensitive an area, and retained the highly-valued public parking when it was needed while providing a recreational amenity to also benefit nearby businesses during the slower time of the year when those downtown to skate also stopped to dine and shop.

While compliance with the setback could be achieved by shifting the rink cover further from the sidewalk to satisfy the setback requirement, this would shift disturbance onto the sensitive hillside above for a seasonal use. Simply reducing the area covered would also accommodate the setback requirement, however, because the rink itself is now permanently installed beneath the surface of the parking lot and does not need to comply with setbacks, placement of a cover to comply with the setback requirement would result in a loss of a significant measure of the protection that the canopy is intended to provide. Staff believes that the rink use can be found to be enhanced with the addition of the canopy, enabling it to remain open and draw more skaters during the season due to protection from the weather for skaters and spectators, less potential for debris on the ice to reduce its quality and safety, and to reduction in closures due to the weather. The proposal provide benefits to Lithia Park, the nearby downtown and the broader community in providing a seasonal recreational amenity that is sensitive to the park's character, helps to lessen the impacts of a slower time of year for surrounding business, and which can be removed to provide much-needed parking during the remainder of the year. Staff believes that these are benefits which outweigh the potential negative impacts of the cover reflecting sunlight, and that the applicant will work to mitigate the glare with the proposed vegetative screening at the perimeter of the site.

In staff's view, the Variance requested can be found not to be willfully self-imposed, but instead a response to the unique combination of site constraints detailed above which, while they make the site well-suited to the rink use, limit the ability to shift the placement of the proposed canopy to comply with setbacks while still providing the desired coverage and limiting disturbance to already developed areas of the site.

As before, staff remains supportive of the request. Should the Planning Commission concur, staff recommends that the following conditions be attached to that approval:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise specifically modified herein, including:
 - a) That the applicants shall install perimeter landscaping to serve as a vegetative screen at the property line above the rink and/or other appropriate screening measures to reduce the visual impacts and minimize glare from the ice rink canopy cover. As proposed by the applicants after working with the owner of 94 Granite Street, this screening shall include the installation, irrigation and perpetual maintenance by the Parks Department of a quantity of 10-12 English Yew trees on the Lithia Park property between 94 Granite Street and Lithia Park. Each tree will be at least 12 feet tall, unless not available within the region of the Willamette Valley to Southern Oregon, then the same trees at no less than 10 feet in height will be used. This installation shall be completed during the current (2014) calendar year.
 - b) That the Ashland Parks and Recreation Department will work with the property owners at 98 Granite Street and 102 Granite Street to provide vegetative screening to mitigate the light and glare impacts imposed by the ice rink canopy to these properties as well.
 - c) That the annual period of use for the canopy shall be perpetually limited to Nov. 1st through March 31st. The canopy shall be removed from the site for the remainder of each year.
- 2) That the applicant shall provide a plan for the review and approval of the Staff Advisor detailing the design, material and placement of any proposed temporary signage associated with operation of the ice rink and demonstrating compliance with the requirements of AMC Chapter 18.96.

FINDINGS

**PA-2014-01837
95 Winburn Way
(Ice Rink Parking Lot)**

BEFORE THE PLANNING COMMISSION
November 25, 2014

IN THE MATTER OF PLANNING ACTION #2014-01837, A REQUEST FOR)
SITE REVIEW APPROVAL TO PLACE A CANOPY OVER THE ASHLAND)
ROTARY CENTENNIAL ICE RINK, A RECREATIONAL FACILITY WITHIN)
LITHIA PARK, LOCATED AT 95 WINBURN WAY. THE APPLICATION)
ALSO INCLUDES REQUESTS FOR AN EXCEPTION TO THE SITE DESIGN) **FINDINGS,**
AND USE STANDARDS' HISTORIC DISTRICT DEVELOPMENT STANDARDS) **CONCLUSIONS**
IN SECTION IV-C AND FOR A VARIANCE TO ALLOW THE ICE RINK) **AND ORDERS**
CANOPY STRUCTURE TO BE PLACED WITHIN THE REQUIRED TEN-)
FOOT SIDE YARD SETBACK ALONG WINBURN WAY.)
)
)
OWNER/APPLICANT: City of Ashland/Ashland Parks & Recreation Department)
-----)

RECITALS:

- 1) The project site is a portion of Tax Lot #100 of Map 39 1E 09, and is located at 95 Winburn Way, just north of the intersection of Winburn Way and Nutley Street. The Tax Lot's zoning is split between C-1-D (Downtown Retail Commercial), R-1-7.5 (Single-Family Residential) and RR-.5 (Rural Residential), and the project site is located on the R-1-7.5 zoned portion of the larger Tax Lot.
- 2) The proposal involves a request for Site Review approval to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. The site plan and building elevations are on file at the Department of Community Development.
- 3) 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.*

- 4) The criteria for Exception to the Site Design and Use Standards are described in AMC 18.72.090 as follows:
- A. *There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or*
 - B. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.*
- 5) The criteria for a Variance are described in AMC 18.100.020 as follows:
- A. *That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*
 - B. *That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
 - C. *That the circumstances or conditions have not been willfully or purposely self-imposed.*
- 6) The Planning Commission, following proper public notice, held a Public Hearing on November 12, 2014 at which time testimony was received and exhibits were presented. Included in the materials submitted for Planning Commission consideration at the hearing was a request from an opponent asking that the record for the matter be held open for at least seven days to submit additional testimony, written argument and evidence. The opponent also noted that pursuant to AMC 18.108.050.B.2., applications are to be heard at the “*next regularly scheduled Commission meeting at least 30 days after the submission of the completed application.*” She indicated that the application should not have been heard until at least 30 days after the October 21st submission, and requested that the matter be continued to comply with this procedural requirement.

To address these requests, the Commission continued the public hearing until its next regularly scheduling meeting on November 25, 2014 at which time additional testimony was received and exhibits were presented. Following the close of the hearing, the Planning Commission deliberated and approved the requested Site Review permit to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility located within Lithia Park at 95 Winburn Way; Exception to the Site Design and Use Standards’ Historic District Development Standards (IV-C); and Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that because the proposal involves non-residential development in the form of a public building (*i.e. a recreational facility in a public park*), AMC 18.72.080.C.2 requires that the request be considered in light of the "Basic Site Review Standards for Commercial, Employment, and Industrial Development" detailed in Section II-C of the Site Design and Use Standards, and because the property is located within the local Skidmore Academy historic district, the application must also be considered in light of the Historic District Development standards found in Section IV of the Site Design and Use Standards.

The Planning Commission further finds that the proposal for a Site Review permit to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility located within Lithia Park at 95 Winburn Way; Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C); and Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way, meets all applicable criteria for Site Review approval described in Chapter 18.72.070, for Exception to the Site Design and Use Standards described in Chapter 18.72.090 and for Variance described in Chapter 18.100.020.

2.3 The Planning Commission finds that the existing outdoor ice skating rink use dates to 1996 following a grassroots community effort to develop an outdoor skating rink in Ashland. The ice rink initially began operations with a rink structure placed on top of the existing parking lot and a trailer placed on site annually to house on-site operations. In early 1999, a canopy structure was installed to cover the rink to ensure the quality of the ice and prevent closures due

to rain. The Planning Commission finds that at this time, the Land Use Ordinance did not include clear requirements that Site Review approval was necessary to construct a recreational facility, an outright permitted use within the R-1-7.5 residential zone, and that the original canopy cover was approved with the issuance of Building Permit #9902006.

The Commission further finds that the ice rink operated annually with the cover until 2007, when an oak tree fell during heavy snow and destroyed the structure. The rink continued to operate without a cover, and in 2008, was upgraded from using chilling equipment placed on top of the asphalt parking lot to installing permanent chilling apparatus beneath a new concrete surface for the parking lot.

The Planning Commission finds that in 2013, the Parks Department proposed to construct a new cover for the ice rink and was advised by Planning staff that if the rink cover was to be essentially what was in place before it could continue as previously approved without the need for a land use application. Building Permit #2013-01217 was issued and the rink cover was installed for the 2013 season. The Commission further finds that subsequent to installation, a neighbor above the rink who had acquired their property in 2011, after the original cover was destroyed and removed but before the new cover was put in place to replace it, expressed concerns with the new cover's installation without first obtaining land use approval.

The Planning Commission finds that with code changes implemented in 2008, AMC 18.108.040.A.1.d.ii. now clearly requires that within residential zones, "*All new structures or additions less than 10,000 square feet of gross floor area, other than single-family homes or accessory uses on individual lots*" require Site Design Review, and that review of the current proposal through a land use action is therefore necessary.

2.4 The Planning Commission finds that the subject property is a 75.21-acre parcel which is part of the larger (90+ acre) Lithia Park, and was acquired by the city as parks and open space consistent with the adopted Parks & Open Space Plan. The portion of the parent parcel involved in the request contains a public parking lot which is used during the spring and summer months and which, since 1996, has been converted to use as a community ice skating rink during the winter months.

The ice rink is near the north end of Lithia Park and is housed within an existing public parking lot. The parking lot has a level concrete slab parking surface, with masonry retaining walls of varying heights up to four feet along the west and south sides. Access to the parking lot is from a single driveway entrance from Winburn Way near the northeast corner. The parking lot measures approximately 12,800 square feet and the ice rink portion is approximately 7,600 square feet. In late 2013, a number of column foundations were placed immediately behind the retaining wall, and within the adjacent landscaped areas and parking lot, to provide adequate structural anchoring of the new ice rink cover. The anchors within the parking lot are flush-mounted with the parking surface so as not to impede the use of the lot of the lot for parking during the spring and summer.

Winburn Way, a Neighborhood Collector Street, is paved along the subject property's full eastern frontage with curbs, gutters, curbside sidewalks and a parkrow/parking lot landscape buffer strip in place between the sidewalk and parking lot. Irrigated street trees in planters are in place during the parking lot's use, but are removed when the ice rink and cover are in place. Nutley Street, a Neighborhood Street, is paved along the subject property's full southern frontage with curbs, gutters and curbside sidewalks in place.

Ashland Creek, a fish-bearing riparian stream, and the National Register of Historic Places-listed Lithia Park are located to the east across Winburn Way. Neither the floodplain or water resources protection zone for Ashland Creek extends onto the ice rink/parking lot site.

Although the Lithia Park parcel is split-zoned, the ice rink/parking lot and surrounding properties are zoned R-1-7.5 (Single Family Residential). The rink site is also located within the historic Skidmore Academy District which extends uphill to the west into the Granite Street residential neighborhood. Topographically, there is a significant ridge separating the subject property from the homes on Granite Street, resulting in an elevation gain of approximately 24 feet between the ground level of the subject property and the backyards immediately above.

2.5 The Planning Commission finds that 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 applicant asserts that to their knowledge, all city regulations are or will be complied with by the request except for those items for which Exceptions to the Site Design and Use Standards or Variances have been requested.

The Planning Commission finds that while independent temporary or seasonal uses such as the Rogue Valley Growers and Crafters Market or the Lithia Artisans Market are considered conditional uses, parks and recreational facilities and their accessory uses are outright permitted uses within the R-1 districts, as detailed in AMC 18.20.020.E. The Commission further finds that public schools, parks and recreational facilities may include elements that are not necessarily in continuous use year round. A public school has an academic year which typically involves closure during several months each year, as well as athletic seasons for inter- and intra-mural sports which may involve the installation of different, sport-specific facilities with differing impacts to the surrounding neighborhood. A public park may typically be expected to accommodate athletic seasons for baseball, softball, soccer or, in this instance, ice skating, and it may also accommodate other activities such as community gardens, which while they are seasonal are still part of the broader parks use rather than becoming an independent temporary use simply by their seasonal nature. The Commission also finds that public parks and recreational facilities in AMC 18.20.020.E are considered separately from other public buildings, structures and uses in AMC 18.20.030.D, and as such they cannot be put in that category of use simply by virtue of public ownership. Similarly, the code implies a clear distinction between the *public* parks and recreational facilities, which are outright permitted, and other private or commercial recreational facilities and uses such as country clubs, golf courses, swimming clubs and tennis clubs which are conditional in AMC 18.20.030.E. The Planning Commission finds that AMC 18.20.020 provides that public schools, parks and recreational facilities and their accessory uses are clearly

permitted outright, and that both the existing rink and the proposed cover, while they may not be in constant, year-round use, nonetheless fall under the broader umbrella of public parks and recreational facilities uses and cannot be considered with other public structures, private recreational facilities or independent temporary uses.

While opponents have argued that the canopy should be subject to the Conditional Use Permit process in order to allow consideration of the scale, bulk and coverage; architectural compatibility; and concerns associated with light and glare, and to provide for mitigation of negative impacts, the Planning Commission finds that the current Site Review, Exception and Variance review allows for similar consideration of the proposal in the context of its surroundings and for mitigation of the identified negative impacts associated with light and glare.

The Planning Commission further finds that within the historic district, building height is limited to 30 feet. For pitched roof structures such as the canopy proposed here, building height is measured as the average height of the highest gable to the ground level at the mid-point of each of the four sides of the structure. The Commission finds that while the peak of the canopy is at approximately 31 feet, 1 inch above the parking lot surface, the average height of the canopy's four sides as measured by ordinance is 20 feet, 5 inches and thus complies with the district's maximum height limitation.

The Planning Commission further finds the proposal complies with Ashland's Solar Access Ordinance, AMC 18.70, which provides that a property can shade the property to its north no more than would a six-foot fence constructed on the north property line. While the north property line for the purposes of solar access calculations is determined based on the northernmost point of the property, which for the parent Lithia Park property is actually at the front property line along East Main Street at City Hall, the building permit review nonetheless considered the shadow cast by the proposed rink canopy on the café property immediately to the north at 85 Winburn Way and found that based on a 22.3 foot height to natural grade (based on the approximate elevation of Nutley Street in the immediate vicinity) for the shadow producing point and a 2½ percent average slope to the north, the required solar setback was 33.96 feet where a 40-foot setback was being provided.

The Commission finds that the second criterion for Site Review approval is that, "*All requirements of the Site Review Chapter have been met or will be met.*" The applicant notes that all requirements of the Site Review Chapter have been or will be complied with as part of the proposal.

The Commission finds that the requirements of AMC 18.72 include that the site provide landscaping with irrigation consistent with the applicable standards, and that the existing landscaping, irrigation and outdoor storage comply with landscaping standards, and that no healthy trees, shrubs or other plant materials are to be damaged or removed with placement of the ice rink canopy structure.

The Commission finds that commercial developments having a solid waste receptacle are to provide comparable recycling facilities for materials collected by the local solid waste franchisee, and that both facilities are to be screened to limit visibility from adjacent properties or public rights-of-way. The Commission finds that in this instance, the ice rink/parking lot does not have a receptacle for collection by the local solid waste franchisee, but that the public waste receptacles are consistent with those used elsewhere in Lithia Park and around the downtown and are emptied by the applicant into a screened solid waste receptacle elsewhere on city property.

The Commission finds that the Site Review Chapter requires that there be no direct illumination of adjacent residential properties from the lighting associated with the project. The Commission finds that the ice rink/parking lot has permanent pedestrian scale lighting consistent with City of Ashland street lighting standards for historic areas along the street corridor and parking lot perimeter, and any other lighting will be placed so as not to directly illuminate adjacent residential properties.

The Commission finds that the third criterion for approval of a Site Review permit is that, *“The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.”* The applicant contends that all of the standards noted within the Site Design Standards are or will be complied with, other than those for which Exceptions have been requested.

In considering the Basic Site Review standards dealing with **“Orientation and Scale”**, the application notes that the building is accessible by pedestrians and is oriented toward Winburn Way, which is considered to be a side yard. The application emphasizes that the structure is designed to provide functionality for pedestrians, and its entrance is clearly visible from the street, with existing sidewalks in place to provide direct pedestrian access.

In terms of the **“Streetscape”** standards, the application explains that street trees are established on Winburn Way as part of the overall site planning of Lithia Park. The application further explains that the trees on the ice rink’s immediate frontage have been placed in large, mobile planters which are removed each year with installation of the canopy and replaced with its removal. The Planning Commission finds that the Tree Commission discussed the use of large mobile planters as an appropriate means to accommodate street trees in more urbanized areas in and around downtown at their June 5, 2014 meeting, and that these planters were noted as a specific example during that discussion. The Planning Commission finds that this street tree treatment is appropriate for the streetscape in this location.

Relative to the **“Landscaping”** standards, the application indicates that the landscaping for Lithia Park has been established over a century of planning, implementation and maintenance, and that the area surrounding the site is a park with landscaping typical of the National Register of Historic Places-listed Lithia Park, which was recently also designated by the American Planning Association as one of its “Great Places in America 2014.” The Planning Commission finds that the landscaping, irrigation and outdoor storage on the ice rink/parking lot and throughout the park comply with these standards, and that no healthy trees, shrubs or other plant materials will be damaged or removed as a direct result of the placement of the ice rink canopy structure.

In considering the “**Parking**” standards, the application explains that parking for the ice rink is available along Winburn Way within Lithia Park, and that well-established large deciduous and coniferous trees provide adequate buffering and screening.

With regard to the “**Designated Creek Protection**” standards, the application notes that the proposed canopy to cover the ice rink is not within a designated creek protection area. The Commission finds that neither the floodplain nor the riparian water resources protection zone for Ashland Creek, which is located across Winburn Way from the ice rink/parking lot, extend onto the site, and further finds that the ice rink canopy does not alter the existing paved condition of the parking lot or of the adjacent street corridor.

The application explains that a glare issue may occur at times on sunny days due to the size of the white fabric surface of the canopy cover, and suggests that the “**Noise and Glare**” standards are to be met with proposed mitigation measures detailed in an agreement reached with the neighbor at 94 Granite Street. This neighbor has expressed concern that at times the reflection from the canopy produces undesirable glare. The application recognizes that given the large area covered in a bright white material, reflected glare could at times be an issue on sunny days, and indicates that the applicant will install perimeter landscaping at the property line to mitigate the potential for glare. The agreement proposed would place 10-12 English Yew trees as screening plantings between the rink cover and the neighbor’s back property line, and would have the applicant work to reach similar agreements with two other neighboring property owners. The Planning Commission finds that the glare standard referenced in AMC 18.72.140 and reiterated in II-C-1f of the Site Design and Use Standards is intended to limit the direct illumination of adjacent residential properties by lighting installed in conjunction with development projects. The ice rink/parking lot has permanent pedestrian scale lighting consistent with City of Ashland street lighting standards for historic areas along the street corridor and parking lot perimeter, and any other lighting would be within the canopy cover or otherwise directed so as not to directly illuminate adjacent residential properties. The Commission finds that the applicant’s proposed mitigation of the impacts of light reflected from the canopy’s roof goes beyond the intent of the standard, but further finds that the proposed screening is an appropriate means to address the potential negative impacts associated with the canopy and any resulting reflected light.

With regard to the Historic District Development Standards, the applicant indicates that the structure is not intended for permanent placement. The application goes on to note that the structure has been placed with height, scale, massing, setbacks, and relationship to surrounding structures, vegetation and topography in mind. The application explains that the structure remains open on four sides to provide shelter from the elements to shield skaters, spectators and the rink from falling snow, rain and debris, and that the design is intended to be low impact and to accommodate easy assembly and disassembly each year. The applicant requests Exception from the Historic District Development standards noting that the canopy proposed is a replacement for one which has been in place since 1999, and that the replacement structure is of the same design and color, only slightly larger (12 feet wider and three feet taller) but about 40 feet longer than the previous cover. The applicant further suggests that the proposed canopy structure and the use it supports are unique in the Historic District and that this makes the application of general development standards difficult.

The Commission finds that after review of the proposal by the Historic Commission, they recommended that approval be granted subject to conditions requiring that: 1) the skating season where the cover would be in place be limited to no more than five months from November through March; and 2) mitigation of the visual, light and glare impacts associated with the proposed cover should be provided by the applicants on city property or on the adjacent neighbors' properties to screen the structure and any glare generated. Subsequent to the Historic Commission's recommendation, the applicant has stipulated that they would limit the canopy placement to the recommended five month period of use each year and has begun working with the neighbors on a proposed mitigation agreement to develop a plan for appropriate vegetative screening.

The Commission finds that the final Site Review approval criterion 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."* The Commission finds that that all key facilities are available and have been extended to serve the site previously, that the application does not contemplate any new extension of services beyond those already in place, and that the Public Works, Engineering and Electrical Departments have reviewed the previous site plans and building permit submittals, and seen the canopy in place, and found that the utilities provided were of adequate capacity to serve the site and its proposed uses.

The Commission finds that the applicant has demonstrated that the proposal satisfies the applicable Site Review approval criteria except for those items where Exceptions to the Site Design and Use Standards or Variances, discussed below, are requested.

2.6 The Planning Commission finds that the proposal includes a request for Exception to the Site Design and Use Standards' Historic District Development Standards found in Section IV-C. These standards are applicable to construction within the Historic Districts, and address building height, scale, massing, setbacks, roof forms, rhythm of openings, bases or platforms, building form, entrances, imitation of historic features, additions, and the placement of garages. The Commission finds that these standards generally seek development which fits into established historic development patterns in the context of the surrounding residential streetscape, buildings and land use patterns, and are described in narrative form with brief explanations for each in conjunction with simple illustrations, all of which consider the placement of permanent structures within their residential neighborhood streetscape context. The Commission further finds that AMC 18.72.0090, the Site Review Chapter specifically provides for exceptions to these standards when either of the following criteria is satisfied:

"There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty;"

Or that

“There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.”

The applicant emphasizes that while the structure is not a year-round recreational facility and not intended to be placed permanently, it was placed with consideration of its height, scale, massing and setbacks and the relationship to surrounding structures, vegetation and topography. The structure is noted as a canopy that is open on four sides while providing shelter from the elements by shielding the rink and its skaters and spectators from rain or snow. The structure itself is a steel frame with a white fabric cover, and the intent of the design is to be both low impact and easily assembled or disassembled. In requesting the Exception, the applicant notes that the proposed canopy is a replacement of a structure that has been in use on the site since 1998, and that is of similar design and color, and only slightly wider and taller although it is approximately 40 feet longer to provide full coverage of the rink for skaters and spectators.

The applicant further suggests that the proposed canopy structure and the recreational use it supports are unique in the district and that this makes the application of generalized development standards intended to achieve design compatibility for permanent, primarily residential buildings difficult. The applicant emphasizes that the rink itself is 65 feet by 121 feet, and that providing a smaller structure would not satisfy the purpose of covering the rink to provide full protection from the elements. The applicant further notes that while the previous structure was smaller, there were problems with the lack of shelter it provided over the full rink surface. The proposed new cover addresses these problems. The applicant points out that the rink surface is approximately 30 feet below the elevation where homes sit along Granite Street on the hill above. The applicant notes that there has been some concern expressed by a neighbor with reflection from the canopy cover material, and they propose to mitigate this concern with the placement of landscape materials detailed in a proposed mitigation agreement to provide screening at the property line. They also emphasize that the elevation difference between properties provides some additional measure of buffering to supplement the proposed vegetative screening.

The Commission finds that there is a demonstrable difficulty meeting the historic standards due to unique or unusual aspects of the existing ice rink and its continued use. The site was previously determined to be appropriate for the rink use as a recreational facility within the National Register-listed Lithia Park largely for the ability of the existing parking lot to accommodate the rink in already disturbed areas, without necessitating the disturbance of the natural areas of the park which are so important to its character, and to provide this wintertime amenity near the downtown. Once established, it became clear that weather could impact the viability of the use for both skaters and spectators and that a cover was needed to provide protection from the elements while allowing for continued use of the existing parking lot when the rink was not in place.

The Commission further finds that the design of the rink cover has been driven by these unique aspects of the ice rink, and that the Land Use Ordinance makes provisions for Exceptions precisely for circumstances like this where generalized standards adopted cannot have envisioned each unique proposal. The Commission finds that the design of this recreational facility, which might be out of context within a typical historical residential neighborhood streetscape, merits an Exception as an amenity to provide for greater enjoyment of the park along a street which is not a typical residential neighborhood streetscape. The Commission finds that the primary negative impact identified for the proposed cover is a concern for the potential that the white cover material may reflect sunlight on sunny winter days, and the applicant has proposed to mitigate this potential negative impact with perimeter vegetative screening selected in cooperation with neighboring property owners.

The Commission finds that the Exception requested is consistent with the stated purpose of the Site Design and Use Standards, which is to, “*regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout the City.*” The rink provides a recreational facility to enhance wintertime use of Lithia Park, with the hope that spectators and visitors will also patronize nearby downtown businesses during what is for them an otherwise slow season, and the cover proposed will further enhance the functionality of this facility while the limited potential negative impacts are to be mitigated with the proposed vegetative screening. The Commission finds that the design of the proposed cover is driven by the nature and context of the long-established ice rink use as a recreational amenity within Lithia Park, and the Exception to the Historic Design Standards requested is the minimum necessary to support that use.

The Commission further finds that after review of the proposal by the Historic Commission, they recommended that approval be granted subject to conditions requiring that: 1) the annual period of use where the cover would be in place be limited to no more than five months from November through March as the minimum window of use necessary to support the established ice rink’s historical annual period of use; and 2) mitigation of the visual, light and glare impacts associated with the proposed cover should be provided by the applicants on city property or on the adjacent neighbors’ properties to screen the structure and any glare generated. Subsequent to the Historic Commission’s recommendation, the applicant has stipulated that they would limit the canopy to the recommended five month window and has begun working with the neighbors to arrive at an agreement and develop a detailed plan to provide the recommended vegetative screening.

2.7 The Planning Commission finds that the ice rink/parking lot is part of an irregularly-shaped, 75.21 acre parcel which includes City Hall, Chautauqua Walkway, portions of the Oregon Shakespeare Festival campus, and much of Lithia Park, and which is traversed by Ashland Creek as well as Winburn Way and Pioneer Street. The bulk of the property, including the ice rink/parking lot portion involved in the current request is zoned R-1-7.5 (Single Family Residential) although there is a portion at the north which includes City Hall that is within the C-

1-D (Downtown Commercial) district and a small portion along the easternmost boundaries which is zoned RR-.5 (Rural Residential).

The Commission further finds that, as defined by the Ashland Municipal Code, a lot has only one street fronting property line which is considered to be its front lot line (AMC 18.08.420). The line opposite and most distant from the front lot line (AMC 18.08.430) is considered the rear lot line. All other lot lines not considered a front or rear lot line are side lot lines (AMC 18.08.440). While the parent parcel's sheer size, shape and the street rights-of-way traversing it make a typical lot line determination less straightforward than usual, the narrowest street-fronting lot line is at the northernmost area of the site, along East Main Street, and the southernmost lot line opposite and most distant would be the rear property line, rendering all other lot lines of the property side lot lines. Within the R-1-7.5 zoning district, side lot lines adjacent to a public street require a minimum ten-foot side yard be provided as detailed in AMC 18.20.040.D. The current request involves placement of the anchors for the ice rink's covering canopy at approximately four feet behind the existing sidewalk, which represents an approximate 60 percent reduction in the side yard setback and necessitates a Variance.

The first criterion for approval of a Variance is, *"That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere."* The application explains that the site is located within the National Register of Historic Places-listed Lithia Park, and that the pre-existing parking lot was previously determined to be the most appropriate location for the ice rink through a grassroots effort to bring an outdoor ice rink to Ashland's downtown core. The application emphasizes that this placement accommodates the rink in an area already developed with a parking lot, in an area of adequate size, and did not necessitate altering natural areas of the park. The parking lot was already paved and developed, and the rink use thus minimized disturbance while taking advantage of the reduced winter parking demand. The application emphasizes that the character of the park and the availability of an already developed area to accommodate the ice rink use, during a period of reduced parking demand, without disruption of the natural areas which largely define that character were unique or unusual circumstances which made the parking lot the most logical location for the rink, and that the location of the rink is the determining factor in the location of the cover.

The application also points out that the portion of the park property containing the parking lot is itself unique or unusual in that the flat area of the property used for parking is surrounded on one side by a steep embankment and on the other by Winburn Way and Ashland Creek, a fish-bearing riparian corridor. Placement of the proposed cover in a manner which complied with the standard residential yard requirements would have entailed pushing the structure up the embankment, resulting in permanent impacts to the more sensitive sloped areas of the site which were to have been protected by limiting development to the existing parking lot, or reducing the area of the canopy to such a degree that it would provide less protection than needed to shelter the rink and its users.

The second Variance approval criterion is, *"That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and*

intent of this ordinance and the Comprehensive Plan of the City.” The application explains that the Ashland Rotary Centennial Ice Rink was established through a grassroots community effort to provide an outdoor skating rink in Ashland. At the time, it was hoped that the location could be in or near the downtown to provide easy access for patrons. The application also points out that the proximity of the rink to the downtown draws visitors to the downtown area at a slower time of year, with the hope that these visitors will shop and dine at nearby downtown businesses. The only negative impact identified is the potential for occasional reflection from the cover’s surface on sunny winter days, and the applicants have proposed to mitigate this with perimeter landscaping to provide vegetative screening.

The application emphasizes that the rink provides a regional benefit as the only outdoor skating rink in the Rogue Valley, with the closest alternative located in Klamath Falls, and that this benefit translates locally to drawing nearly 15,000 visitors each year during what is otherwise a relatively slow time for surrounding businesses. The application explains that these visitors provide activity in the downtown and additional liveliness to Lithia Park in the winter months, and that the rink accommodates skating and hockey programs which have community and social benefits in providing children and adults with outdoor recreation opportunities to improve their physical and mental wellbeing.

The final approval criterion for a Variance is, *“That the circumstances or conditions have not been willfully or purposely self-imposed.”* The application asserts that due to the unique nature of the site and the ice rink use detailed above, Ashland Parks and Recreation do not believe that the need for the Variance has been willfully or purposefully self-imposed.

The Commission finds that there are has unique and unusual circumstances which do not typically apply elsewhere. The site is located within an historic district and is part of the National Register of Historic Places-listed Lithia Park, and is between a steeply sloped hillside, a city street, and a fish-bearing riparian stream corridor and floodplain. In addition, it contains a parking lot in close proximity to the park and the nearby downtown which is in high demand during the peak season, but which sees significantly less demand in fall and winter. The Commission finds that while these constraints limit options for the use of the site, they made it well-suited for the initial site selection of the rink use because the existing parking lot was adequately sized for the ice rink, was near the park and downtown, could accommodate the rink without additional disturbance in so sensitive an area, and retained the highly-valued public parking when it was needed while providing a recreational amenity that was hoped to also benefit nearby businesses during the slower time of the year when those downtown to skate also stopped to dine and shop.

The Commission finds that compliance with the setback could be achieved by shifting the rink cover further back from the sidewalk to satisfy the setback requirement, but that this would necessitate disturbance of a sensitive hillside that was to have been protected by limiting the use of the site to the existing parking area, or by simply reducing the area covered to accommodate the setback requirement. However, because the rink itself is now permanently installed beneath the surface of the parking lot and does not need to comply with setbacks, placement of a cover to

comply with the setback requirement would result in a loss of a measure of the protection that the canopy is intended to provide. The Commission finds that the rink use is enhanced with the addition of the canopy, enabling it to remain open and draw more skaters without needing frequent closures due to the weather. The Commission further finds that the proposal provides benefits to Lithia Park, the nearby downtown and the broader community in providing a recreational amenity that is sensitive to the park's character, helps to lessen the impacts of a slower time of year for surrounding business, and which can be removed to provide much-needed parking during the remainder of the year. The Commission finds that these are benefits which outweigh the potential negative impacts of the cover reflecting sunlight, which are to be mitigated with the proposed vegetative screening.

The Commission finds that the Variance requested can be found to be a response to the unique combination of site constraints detailed above which, while they make the site well-suited to the rink use, limit the ability to shift the placement of the proposed canopy to comply with setbacks, and the Variance request is therefore not willfully self-imposed.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the application for Site Review approval to place a canopy over the Ashland Rotary Centennial Ice Rink, Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C), and Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way has satisfied all relative substantive standards and criteria and is supported by evidence in the record.

The Commission finds that the application has satisfied the applicable Site Review approval criteria, except for those items for which the Exception and Variance have been requested. With regard to the Exception request, the Commission finds that there is a demonstrable difficulty in meeting the standards due to unique and unusual aspects the existing ice rink use. The site was previously determined to be appropriate for the ice rink use as a recreational facility in Lithia Park largely because the existing parking lot accommodated the rink in already disturbed areas, without additional disruption of the natural areas of the park which are so important to its character, and because it provided for this wintertime amenity so near the downtown. Once established, it became clear that weather could impact the viability of the use for skaters and spectators and that a cover was needed to provide protection from the elements. However, the cover would need to be constructed to protect skaters and spectators while allowing for continued use of the existing parking lot when the cover was removed each year, and to do so in the context of a recreational facility within Lithia Park. The Commission finds that the design of the new rink cover responds to these unique aspects of the ice rink, and further finds that the Land Use Ordinance makes provisions for Exceptions precisely for such circumstances, where the generalized standards adopted could not have envisioned every unique proposal within the Historic Districts and where the design of a recreational facility, while out of context with the typical historic residential neighborhood streetscape envisioned in the standards, may nonetheless merit an Exception to provide an amenity for greater public enjoyment within the broader context of a 75-acre park

parcel on a residentially-zoned block that lacks any residences but includes a mix of parking lots, public buildings, a long-established café, and a heavily treed riparian corridor, and that is partly buffered from the nearest residences by a 20-30 foot ridge.

The Commission finds that the primary negative impact identified with the proposal has been a concern for the potential for the white covering material to reflect sunlight, and the applicant has proposed to mitigate this potential negative impact with perimeter vegetative screening as detailed in the proposed mitigation agreement.

The Commission further finds that approval of the Exception is consistent with the stated purpose of the Site Design and Use Standards, which is to, “*regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout the City.*” The rink provides a recreational facility to enhance wintertime use of Lithia Park, with the hope that spectators and visitors will also patronize nearby downtown businesses during an otherwise slow season, and the cover proposed will further enhance the functionality of this facility while potential impacts are to be mitigated with proposed vegetative screening. The Commission finds that the design of the cover is driven by the nature and context of the long-established ice rink use as a recreational amenity within Lithia Park, and the exception to the Historic Design Standards requested is the minimum necessary to provide for this now long-established use.

The Commission further finds that after recommendation by the Historic Commission that approval be granted subject to conditions requiring that: 1) the window where the cover would be in place be limited to no more than five months from November through March as the minimum window of use to accommodate the established rink’s historic period of use; and 2) mitigation of the visual, light and glare impacts associated with the proposed cover should be provided by the applicants on city property or on the adjacent neighbors’ properties to screen the structure and any glare generated, the applicant has stipulated that they would limit the canopy to the recommended five month window and has begun working with the neighbors to arrive at acceptable vegetative screening for the impacted properties.

The Commission further finds that, like the Exception, the requested setback Variance is necessitated by unique and unusual circumstances of the site which do not apply elsewhere. The site is located within an historic district and is part of the National Register of Historic Places-listed Lithia Park, and is between a steeply sloped hillside, a city street, and a fish-bearing riparian stream corridor and floodplain. In addition, it contains a parking lot in close proximity to the park and the nearby downtown which is in high demand during the peak season, but which sees significantly less demand during the late fall and winter. These constraints limit options for the use of the site, but were considered ideal for the initial site selection of the rink use because the existing parking lot was adequately sized for the ice rink, was near the park and downtown, could accommodate the rink without imposing additional site disturbance in so sensitive an area, and retained the highly-valued public parking when it was needed while providing a recreational

amenity to also benefit nearby businesses during the slower time of the year when those downtown to skate also stopped to dine and shop.

The Commission finds that compliance with the setback could be achieved by shifting the rink cover further back from the sidewalk to satisfy the setback requirement, which would necessitate disturbance of a sensitive hillside, or by simply reducing the area covered to accommodate the setback requirement. However, because the rink itself is now permanently installed beneath the surface of the parking lot and does not need to comply with setbacks, placement of a cover to comply with the setback requirement would result in a loss of a measure of the protection that the canopy is intended to provide. The Commission finds that the rink use is enhanced with the addition of the canopy, enabling it to remain open and draw more skaters without needing frequent closures due to the weather. The Commission further finds that the proposal provides benefits to Lithia Park, the nearby downtown and the broader community in providing a recreational amenity that is sensitive to the park's character, helps to lessen the impacts of a slower time of year for surrounding business, and which can be removed to provide much-needed parking during the remainder of the year. The Commission finds that these are benefits which outweigh the potential negative impacts of the cover reflecting sunlight, which are to be mitigated with vegetative screening.

The Commission finds that the Variance requested is not willfully self-imposed, but is instead a response to the unique combination of site constraints detailed above which, while they make the site well-suited to the rink use, limit the ability to shift the placement of the proposed canopy to comply with setbacks while still providing the desired coverage and limiting disturbance to already developed areas of the site.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action # 2014-01837. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2014-01837 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise specifically modified herein, including:
 - a) That the applicants shall install perimeter landscaping to serve as a vegetative screen at the property line above the rink and/or other appropriate screening measures to reduce the visual impacts and minimize glare from the ice rink canopy cover. As proposed by the applicants after working with the owner of 94 Granite Street, this screening shall include the installation, irrigation and perpetual maintenance by the Parks Department of a quantity of 10-12 English Yew trees on the Lithia Park property between 94 Granite Street and Lithia Park. Each tree will be at least 12 feet tall, unless not available within the region of the Willamette Valley to Southern Oregon, then the same trees at no less than 10 feet in height will be used. This installation shall be completed during the current (2014) calendar year.

- b) That the Ashland Parks and Recreation Department will work with the property owners at 98 Granite Street and 102 Granite Street to provide vegetative screening to mitigate the light and glare impacts imposed by the ice rink canopy to these properties as well.
 - c) That the period of use for the canopy shall be perpetually limited to Nov. 1st through March 31st. The canopy shall be removed from the site for the remainder of each year.
- 2) That the applicant shall provide a plan for the review and approval of the Staff Advisor detailing the design, material and placement of any proposed temporary signage associated with operation of the ice rink and demonstrating compliance with the requirements of AMC Chapter 18.96.

Planning Commission Approval

November 25, 2014

Date

November 12, 2014

**TYPE II
PUBLIC HEARING**

**PA-2014-01837
95 Winburn Way
(Ice Rink Parking Lot)**



PLANNING ACTION: #2014-01837

SUBJECT PROPERTY: 95 Winburn Way (Ice Rink Parking Lot)

OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation

DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (II-C-1-a and IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 09; TAX LOTS: Part of Tax Lot #100 (Lithia Park lot).

NOTE: The Ashland Historic Commission will also review this Planning Action on Wednesday, November 5, 2014 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING: *Wednesday, November 12, 2014 at 7:00 PM*
*Ashland Civic Center, 1175 East Main St***



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

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

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

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

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

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

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.

EXCEPTION TO THE SITE DESIGN AND USE STANDARDS

18.72.090

An exception to the requirements of this chapter may be granted with respect to the requirements of the Site Design Standards adopted under section 18.72.080 if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or
- B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.
(Ord 3054, amended 12/16/2011)

VARIANCE

18.100.020 Application

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

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

ASHLAND PLANNING DEPARTMENT STAFF REPORT

November 12, 2014

PLANNING ACTION: 2014-01837

APPLICANT: Parks & Recreation

OWNERS: City of Ashland, Parks & Recreation

LOCATION: 95 Winburn Way (Ice Rink/Parking Lot)
Part of 39 1E 09 Tax Lot 100, the larger Lithia Park parcel

ZONE DESIGNATION: R-1-7.5

COMP. PLAN DESIGNATION: Single Family Residential

ORDINANCE REFERENCE:

13.16	Street Trees
18.20	R-1 Single Family Residential District
18.61	Tree Preservation and Protection
18.70	Solar Access
18.72	Site Design Review
18.88	Performance Standards Options
18.92	Parking, Access and Circulation
18.100	Variances
18.108	Procedures
SDUS	Site Design and Use Standards

APPLICATION DEEMED

COMPLETE ON: November 4, 2014

REQUEST: A request for Site Review approval to place a canopy over the Ashland Rotary Centennial Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way.

I. Relevant Facts

1) **Background - History of Application**

In July of 2003, Planning Action #2003-00068, a request for a Conditional Use Permit to operate the seasonal Tuesday Farmers Market from the Ice Rink Parking Lot, was denied by the Planning Commission. In denying the request the Commission found that the outdoor market would have a significant negative impact on public parking both in the lot

and on the surrounding streets during the peak season. The proposal did not provide any on-site parking, and by proposing to use a public parking lot, removed 26 spaces from the current inventory while also proposing to take up an additional 20 on-street parking spaces on Winburn Way. The loss of these 46 public parking spaces for the market operation and vendor parking was noted as representing one third of the spaces in the Lithia Park area (consisting of Winburn Way and this parking lot), and it was noted that these figures did not include the potential additional impact to public parking by customers of the market or the displacement of non-market bound cars which would normally be parked in this location.

In 1996, following a grassroots community effort to raise funds and develop an outdoor skating rink in Ashland, the existing ice rink began operations with a rink structure that was placed on top of the existing parking lot each year and a trailer placed on site each season to house on-site operations of the rink. In early 1999, a structure was installed to cover the rink to ensure the quality of the ice and prevent closures due to rain. At this time, the Land Use Ordinance did not include clear requirements that Site Review approval was necessary to construct a seasonal recreational facility, an outright permitted use within the R-1-7.5 residential zone, and the original canopy cover was approved with the issuance Building Permit #9902006 was issued for the canopy structure. The ice rink operated seasonally with the cover from 1999 until 2007, when an oak tree fell during heavy snows and destroyed the structure. The ice rink continued to operate seasonally without a cover. In 2008, the ice rink was upgraded from using temporary chilling equipment placed on top of the asphalt parking lot to installing permanent chilling equipment beneath a new concrete surface in the parking lot.

In November of 2010, the Planning Commission and Council considered Planning Action #2010-01239, a request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), a Physical & Environmental Constraints Review Permit, a Tree Removal Permit to remove five trees, a Site Review approval to construct a new 10,632 square foot café/restaurant on 85 Winburn Way, and a Development Agreement for the four properties from 59-95 Winburn Way. This application was ultimately withdrawn by the applicants before a final decision was reached.

In 2013, the Parks Department proposed to construct a new cover for the ice rink. At that time, Planning staff advised that if the ice rink cover was to be essentially what was in place before, was going to be a seasonal installation which would not prevent use of the lot for parking during the busy season, did not involve development disturbance of the hillside above the lot, and did not otherwise alter the way the rink and its original cover had related to applicable standards, it could continue as previously approved without the need for a new land use application. Building Permit #2013-01217 was issued and the rink cover was installed for the 2013 season.

In late 2013, a neighbor living above the ice rink lot who had acquired their property in 2011, after the original cover was destroyed and removed, expressed concerns with the new cover's installation without first obtaining a new land use approval. In reviewing procedural requirements, Planning and Legal staff noted that with code changes implemented in 2008, AMC 18.108.040.A.1.d.ii. now makes it explicit that within

residential zones, “All new structures or additions less than 10,000 square feet of gross floor area, other than single-family homes or accessory uses on individual lots” are subject to Site Design Review. Planning staff advised the Parks Department that land use approval was required, and the current application was prepared and submitted.

In October 2014, Planning Staff approved an Emergency Tree Removal Permit as Planning Action #2014-01783 pursuant to AMC 18.61.042. This approval was based on a report from arborists with Bartlett Tree Service which indicated that six trees greater than 18-inches in diameter at breast height were in a “very precarious situation” growing on a cut-bank with unstable granite soil and leaning either towards the public parking lot below or towards residences. A tree on the neighboring property at 85 Winburn Way had fallen in late August, narrowly missing the Community Center and raising concerns about the health and stability of trees on the nearby sections of the hillside. The arborist noted that the bank has been altered a number of times during the history of the site, undermining the sensitive root structure of the trees, and leaving them unable to structurally support their own canopies’ size and weight. This structural instability posed even greater concern given the anticipated return of fall weather and the associated rain and wind, and the proximity to homes, vehicles and pedestrians, and the request was accordingly processed under the emergency provisions of the Tree Ordinance. *(Due to the steep slopes of the hillside, the stumps were required to be retained in place so that the existing root structures could continue to provide a measure of stabilization for the embankment.)*

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

2) Detailed Description of the Site & Proposal

Site

The subject property is a 75.21-acre parcel which is part of the larger (90+ acre) Lithia Park, and was acquired by the city as parks and open space consistent with the adopted Parks & Open Space Plan. The portion of the parent parcel involved in the request contains a public parking lot which is used during the spring and summer months. Since 1996, the lot has been converted to use as a community ice skating rink during the winter months.

The ice rink is at the northern end of Lithia Park and is housed within an existing public parking lot. The parking lot has a level concrete slab parking surface, with masonry retaining walls of varying heights up to four feet along the west and south sides. Access to the parking lot is from a single driveway entrance from Winburn Way near the northeast corner. The parking lot measures approximately 12,800 square feet and the ice rink portion is approximately 7,600 square feet. A number of column foundations were placed immediately behind the retaining wall, and within the adjacent landscaped areas and parking lot, in late 2013 to provide adequate structural anchoring of the new ice rink cover. The anchors within the parking lot are flush-mounted with the parking surface and do not impede the use of the lot for parking.

Winburn Way, a Neighborhood Collector Street, is paved along the subject property’s full eastern frontage with curbs, gutters, curbside sidewalks and a parkrow/parking lot

landscape buffer strip in place between the sidewalk and parking lot. Irrigated street trees in planters are in place during the parking lot's use, but are removed when the ice rink and cover are in place. Nutley Street, a Neighborhood Street, is paved along the subject property's full southern frontage with curbs, gutters and curbside sidewalks in place.

Ashland Creek, a fish-bearing riparian stream, and the National Register of Historic Places-listed Lithia Park are located to the east, just across Winburn Way. Neither the floodplain or water resources protection zone for Ashland Creek extends onto the ice rink/parking lot site.

The historic Skidmore Academy District residential neighborhood is located along Granite Street to the west. Topographically, there is a significant ridge separating the subject property from the homes on Granite Street, resulting in an elevation gain of approximately 24 feet between the ground level of the subject property and the backyards above.

The subject property is split-zoned, with the portion involved in the current request zoned R-1-7.5 (Single Family Residential). The property was acquired by the City as Parks and Open Space as identified in the adopted Open Space Plan.

Proposal

The ice rink has been in place in Lithia Park since 1996, and was originally developed as the result of a grassroots community fundraising effort. The rink was sheltered by a canopy structure that stood for nine years. This structure was destroyed in 2007 when a large oak tree fell during heavy snows. The ice rink operated without a canopy between 2007 and 2013 when a new canopy was installed, but as discussed above subsequent to the installation it was determined that Site Design Review, which had not been required for the original canopy, was necessary based on code changes that had occurred in 2008.

The current application accordingly involves a request for Site Review approval to place an 80-foot by 120-foot canopy over the ice rink, a seasonal recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards' Historic District Development Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way.

II. Project Impact

As required in AMC 18.108.040.A.1.d.ii, within residential zones "*All new structures or additions less than 10,000 square feet of gross floor area, other than single-family homes or accessory uses on individual lots*" are subject to Site Design Review as a Type I procedure, which allows for an administrative decision. However, because the Variance requested involves a reduction in the required side yard setback along Winburn Way of more than 50 percent, AMC 18.108.040.A.4 and 18.108.050.A.2 require that the application be considered through a public hearing before the Planning Commission.

Because the proposal involves non-residential development in the form of a public building (i.e. a

seasonal recreational facility in a public park), AMC 18.72.080.C.2 requires that it be considered in light of the Basic Site Review standards for Commercial, Employment, and Industrial Development detailed in Section II-C of the Site Design and Use Standards. In addition, because the property is located within the local Skidmore Academy historic district, the application must also be considered in light of the Historic District Development standards found in Section IV of the Site Design and Use Standards.

Site Review

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 applicant asserts that to their knowledge, all city regulations are or will be complied with by the request except for those items where Exceptions to the Site Design and Use Standards or Variances, which are fully discussed later in this document, are proposed.

Here, Planning staff would note that while temporary or seasonal uses such as the Rogue Valley Growers and Crafters Market or the Lithia Artisans Market are considered conditional uses, parks and recreational facilities which are by their very nature often seasonal, are considered to be outright permitted uses within the R-1 districts, as detailed in AMC 18.20.020.E. As detailed above, the 75.21 acre site more than satisfies the minimum 7,500 square foot lot area, dimensional and coverage requirements. Within the Historic District, building height is limited to 30 feet and for pitched roof structures such as the canopy proposed here, height is measured as the average height of the highest gable (i.e. the mid-point between the roof peak and the eave) to the ground level at the mid-point of each of the four sides. In this instance, while the peak of the canopy is at approximately 31 feet, 4 inches above the parking lot surface, the average height of the canopy’s four sides as measured by ordinance is 20 feet, 5 inches and thus complies with the district’s maximum height limitation.

The structure is also subject to Ashland’s Solar Access Ordinance, AMC 18.70, which provides that the property can shade the property to its north no more than would a six-foot fence constructed on the north property line. While the north property line for the purposes of solar access calculations is determined based on the northernmost point of the property, which for the parent Lithia Park property is actually at the front property line along East Main Street at City Hall, in reviewing the building permit solar calculations were nonetheless considered to assess the shadow cast by the proposed rink canopy on the café property immediately to the north at 85 Winburn Way.

Solar calculations are determined based on the height of the shadow producing point measured to natural grade, which given the historic excavation of the site was determined to be roughly consistent with the ground level along Nutley Street to the south. Staff determined that the existing parking lot surface was roughly 8.8 feet below the natural grade at Nutley Street, yielding a height from natural grade of 22.3 feet ($31.1 - 8.8 = 22.3$) and that the approximate north slope of the site was +0.025. The solar calculations for the canopy were thus:

$$\begin{aligned} \text{Required Solar Setback (SSB)} &= [(\text{Height} - 6)/(\text{0.455} + \text{Slope})] \\ &= [(22.3 - 6)/(\text{0.455} + \text{0.025})] \\ &= [16.3/\text{0.48}] \\ &= 33.96 \text{ feet} \end{aligned}$$

The solar setback provided is nearer to 40 feet, and the structure as proposed thus complies with the solar access standards.

The second criterion for Site Review approval is that, "*All requirements of the Site Review Chapter have been met or will be met.*" The applicant notes that all requirements of the Site Review Chapter have been or will be complied with as part of the proposal.

The requirements of AMC 18.72, the Site Review Chapter, include that the site provide landscaping with irrigation consistent with the applicable standards. As noted by the applicant, the site is a park with landscaping typical of the National Register of Historic Places-listed Lithia Park. The application emphasizes that the landscaping, irrigation and outdoor storage on the ice rink/parking lot and throughout the park comply with landscaping standards, and that no healthy trees, shrubs or other plant materials are to be damaged or removed with placement of the ice rink canopy structure.

Chapter 18.72 also requires that commercial developments having a solid waste receptacle are also to provide a site of equal or greater size to accommodate recycling of materials collected by the local solid waste franchisee, and that both facilities are to be screened to limit visibility from adjacent properties or public rights-of-way. In this instance, the ice rink/parking lot does not have a receptacle for collection by the local solid waste franchisee; there are instead waste receptacles consistent with those used elsewhere in Lithia Park and around the downtown; these receptacles are used by the public and emptied by the applicant into a screened solid waste receptacle elsewhere on city property.

The Site Review Chapter also requires that there be no direct illumination of adjacent residential properties from the lighting associated with the project. The ice rink/parking lot has permanent pedestrian scale lighting consistent with City of Ashland street lighting standards for historic areas along the street corridor and parking lot perimeter. Any other lighting would be within the canopy cover and not placed so as to directly illuminate adjacent residential properties.

The third criterion for approval of a Site Review permit is that, "*The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*" The applicant contends that all of the standards noted within the Site Design Standards are or will be complied with, other than those for which Exceptions have been requested.

In considering the Basic Site Review standards dealing with "**Orientation and Scale**", the application notes that the building is accessible by pedestrians and is oriented toward Winburn Way, which is considered to be a side yard. The application emphasizes that the building is designed to provide functionality for pedestrians, and its entrance is clearly visible from the street, with existing sidewalks in place to provide direct pedestrian access.

In terms of the "**Streetscape**" standards, the application explains that street trees are established on Winburn Way as part of the overall site planning of Lithia Park. The application further explains that the trees on the ice rink's immediate frontage have been placed in large, mobile planters which are removed seasonally with installation of the canopy and replaced with its removal at the end of each season. The Tree Commission discussed the use of large mobile planters as an appropriate means to accommodate street trees in more urbanized areas in and around downtown at their June 5, 2014 meeting, and these planters were noted as a specific example during that discussion. In staff's view, this street tree treatment is appropriate for the streetscape in this location.

Relative to the “**Landscaping**” standards, the application indicates that the landscaping for Lithia Park has been established over a century of planning, implementation and maintenance, and that the area surrounding the site is a park with landscaping typical of the National Register of Historic Places-listed Lithia Park, which was recently also designed by the American Planning Association as one of the “Great Places in America 2014.” The application emphasizes that the landscaping, irrigation and outdoor storage on the ice rink/parking lot and throughout the park comply with these standards, and that no healthy trees, shrubs or other plant materials will be damaged or removed as a direct result of the placement of the ice rink canopy structure.

In considering the “**Parking**” standards, which seek on-site parking to be placed to the side or rear of buildings and adequately shaded, the application explains that parking for the ice rink is available along Winburn Way within Lithia Park, and that well-established large deciduous and coniferous trees provide adequate shading, buffering and screening.

With regard to the “**Designated Creek Protection**” standards, the application notes that the proposed canopy to cover the ice rink is not within a designated creek protection area. Here staff would note that neither the floodplain nor the riparian water resources protection zone for Ashland Creek, which is located across Winburn Way from the ice rink/parking lot, extend onto the site and the ice rink canopy does not alter the existing paved condition of the parking lot or adjacent street corridor.

In considering the “**Noise and Glare**” standards, the application suggests that they can be met with proposed mitigation measures, explaining that the applicant has been made aware that a glare issue may occur at times on sunny days due to the size of the white fabric surface of the canopy cover. At least one adjacent neighbor living on Granite Street above the site has expressed concern that, at times, the reflection from the canopy has produced undesirable glare. The application recognizes that given the large area covered in a bright white material, glare could at times be an issue on sunny days, and indicates that the applicant is willing to install perimeter landscaping at the property line to mitigate the potential for glare. Planning staff would note here that the glare standard referenced in AMC 18.72.140 and reiterated in II-C-1f of the Site Design and Use Standards is specifically intended to limit the direct illumination of adjacent residential properties by lighting installed in conjunction with development projects. The ice rink/parking lot has permanent pedestrian scale lighting consistent with City of Ashland street lighting standards for historic areas along the street corridor and parking lot perimeter, and any other lighting would be within the canopy cover and not directed to directly illuminate adjacent residential properties. The applicant’s proposed mitigation of the impacts of light reflected from the canopy’s roof goes beyond the intent of this standard, although staff believes it is an appropriate and necessary mitigation measure and has included it in the recommended conditions below.

With regard to the Historic District Development standards, the applicant indicates that the structure is seasonal and not intended for permanent placement. However, the application goes on to note that the structure has been placed with height, scale, massing, setbacks, and relationship to surrounding structures, vegetation and topography in mind. The application explains that the structure remains open on four sides to provide shelter from the elements to shield skaters and the rink from falling snow or rain, and that the design is intended to be low impact and to accommodate easy assembly and disassembly each season.

The applicant requests Exception from the Historic District Development standards noting that the canopy proposed is a replacement for one which has been in place since 1999, and that the replacement

structure is of the same design and color, and only slightly larger (12 feet wider and three feet taller) but about 40 feet longer than the previous cover. The applicant further suggests that the proposed canopy structure and the use it supports are unique in the Historic District and that this makes the application of general development standards difficult.

The final approval criterion 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.”* The application emphasizes that all key facilities are available and have been extended to serve the site previously. The application does not contemplate any new extension of services beyond what has already been provided to the site, and the applicant notes that the Public Works, Engineering and Electrical Departments have reviewed the previous site plans and building permit submittals, and seen the canopy in place for a full season, and found that the utilities provided were of adequate capacity to serve the site and its proposed uses.

In staff’s assessment, the applicant has demonstrated that the proposal can be found to satisfy the applicable Site Review approval criteria except for those items where Exceptions to the Site Design and Use Standards or Variances, which are fully discussed later in this document, are proposed.

Exception to the Site Design & Use Standards’ Historic District Development Standards (IV-C)

The proposal requests Exception to the Site Design and Use Standards’ Historic District Development Standards found in Section IV-C. These Historic District Design Standards are applicable to construction within the Historic Districts, and address building height, scale, massing, setbacks, roof forms, rhythm of openings, bases or platforms, building form, entrances, imitation of historic features, additions, and the placement of garages. These standards generally seek development which fits into established historic development patterns in the context of the surrounding streetscape, buildings and land use patterns. These standards are described in narrative form with brief explanations for each in conjunction with simple illustrations, all of which consider the placement of permanent structures within a neighborhood streetscape context. In AMC 18.72.0090, the Site Review Chapter specifically provides for exceptions to these standards when either of the following criteria is satisfied:

“There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty;”

Or that

“There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.”

The applicant indicates that the structure is seasonal and not intended for permanent placement. However, the application goes on to note that the structure has been placed with height, scale, massing, setbacks, and relationship to surrounding structures, vegetation and topography in mind. The

application explains that the structure remains open on four sides to provide shelter from the elements to shield skaters and the rink from falling snow or rain, and that the design is intended to be low impact and to accommodate easy assembly and disassembly each season. The applicant requests Exception from the Historic District Design Standards noting that the canopy proposed is a replacement for one which has been in place since 1999, and that the replacement structure is of the same design and color, and only slightly larger (12 feet wider and three feet taller) but about 40 feet longer than the previous cover.

The applicant further suggests that the proposed canopy structure and the season recreational use it supports are unique in the Historic District and that this makes the application of general development standards intended to achieve compatible designs of more permanent buildings within historic streetscapes difficult. The applicant emphasizes that the rink itself is 65 feet by 121 feet, and that providing a smaller structure would not satisfy the purpose of covering the rink to provide protection from the elements. The applicant further notes that while the previous structure was smaller, there were problems with the lack of shelter it provided over the full rink surface and that the proposed new cover addresses these problems. The applicant points out that the rink surface is approximately 30 to 33 feet below the elevation where homes sit along Granite Street on the hill above. The applicant notes that there has been some concern expressed by a neighbor with reflection from the canopy cover material, and they propose to mitigate this concern with the placement of landscape materials to provide a screen at the property line, however they emphasize that given the elevation difference between properties there should be less of a need for screening than if the properties were at the same level.

Unique or Unusual Aspect of an Existing Structure or Proposed Use of Site

In considering the requested Exceptions in light of the approval criteria, staff believes there is a demonstrable difficulty in meeting the standards due to unique or unusual aspects of the existing ice rink and its continued use. The site was previously determined to be appropriate for the ice rink use as a seasonal recreational facility within the National Register-listed Lithia Park largely for the ability of the existing parking lot to accommodate the rink in already disturbed areas, without necessitating the disturbance of the natural areas of the park which are so important to its character, and to provide this wintertime amenity near the downtown. Once established, it became clear that weather could impact the viability of the use for both skaters and spectators and that a cover was needed to provide protection from the elements. The purpose of the ice rink requires a cover design much different than that of a residential building within the typical R-1-7.5 zoned historic neighborhood streetscape envisioned in the standards. The cover would need to be seasonal like the use itself, and constructed in such a manner to protect skaters and spectators while also allowing for continued use of the existing parking lot when the cover was removed seasonally, and doing so in the context of a recreational facility within Lithia Park. In staff's view, a finding can be made that the design of the rink cover was driven by these unique aspects of the ice rink use, and we would further argue that the Land Use Ordinance makes provisions for Exceptions precisely for circumstances like this where the general standards adopted could not have envisioned every unique proposal within the Historic Districts and where the design of a seasonal recreational facility, while out of context with a typical residential neighborhood streetscape, may nonetheless be appropriate as an amenity to provide for greater seasonal enjoyment of a park.

Exception Will Not Substantially Negatively Impact Adjacent Properties

The primary impact noted for the proposal has been a concern for the potential for the white covering material to reflect sunlight on sunny winter days, and the applicant has proposed to

mitigate this potential negative impact with perimeter vegetative screening.

Consistency With the Purpose of the Site Design and Use Standards

For staff, approval of the exception is consistent with the stated purpose of the Site Design and Use Standards, which is to, “*regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout the City.*” The rink provides a seasonal recreational facility to enhance wintertime use of Lithia Park, with the hope that spectators and visitors will also patronize nearby downtown businesses during an otherwise slow season, and the cover proposed will further enhance the functionality of this facility while potential impacts are to be mitigated with vegetative screening.

Minimum to Alleviate the Difficulty

In staff’s view, the design of the cover is driven by the nature and context of the long-established ice rink use as a seasonal recreational amenity within Lithia Park, and the exception to the Historic Design Standards requested is the minimum necessary to allow the cover supporting and enhancing the rink use.

Variance

The ice rink/parking lot is part of an irregularly-shaped, 75.21 acre parcel which includes City Hall, Chautauqua Walkway, portions of the Oregon Shakespeare Festival campus, and much of Lithia Park, and which is traversed by Ashland Creek as well as Winburn Way and Pioneer Street. The bulk of the property, including the ice rink/parking lot portion is zoned R-1-7.5 (Single Family Residential) although there is a portion at the north which includes City Hall that is within the C-1-D (Downtown Commercial) district and a small portion along the easternmost boundaries which is zoned RR-.5 (Rural Residential).

As defined by the Ashland Municipal Code, a lot has only one street fronting property line which is considered to be its front lot line. Typically this is the narrower street frontage, unless the Staff Advisor determines that topographic or access problems make such a designation impractical (AMC 18.08.420). The line opposite and most distant from the front lot line, or in the case of an irregularly shaped lot a line ten feet in length within the lot parallel to and at a maximum distance from the front line is considered the rear property line (AMC 18.08.430). All other lot lines not considered a front or rear lot line are side lot lines (AMC 18.08.440).

While in this case, the parent parcel’s sheer size, irregular shape and the street rights-of-way traversing it make a typical lot line determination less straightforward than usual, the narrowest street-fronting lot line is at the northernmost area of the site, along East Main Street, and the southernmost lot line opposite and most distant would be the rear property line, rendering all other lot lines of the property side lot lines. Within the R-1-7.5 zoning district, side lot lines adjacent to a public street require a minimum ten-foot side yard be provided as detailed in AMC 18.20.040.D. The current request involves placement of the anchors for the ice rink’s covering canopy at approximately four feet behind the existing sidewalk, which represents an approximate 60 percent reduction in the side yard setback and necessitates a Variance.

The first criterion for approval of a Variance is, *“That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.”* The application explains that the site is located within the National Register of Historic Places-listed Lithia Park, and that the pre-existing parking lot was previously determined to be the most appropriate locations for the ice rink through a grassroots effort to bring an outdoor ice rink to Ashland’s downtown core. The application emphasizes that this placement accommodates the rink in an area already developed with a parking lot, in an area of adequate size, and did not necessitate altering natural areas of the park. The parking lot was already paved and developed, and the rink use thus minimized disturbance while taking advantage of the reduced winter parking demand. The application emphasizes that the character of the park and the availability of an already developed area to accommodate the ice rink use, during a period of reduced parking demand, without disruption of the natural areas which largely define that character were unique or unusual circumstances which made the parking lot the most logical location for the rink.

The application also points out that the portion of the park property containing the parking lot is itself unique or unusual in that the flat area of the property used for parking is surrounded on one side by a steep embankment and on the other by Winburn Way and Ashland Creek, a fish-bearing riparian corridor. Placement of the proposed cover in a manner which complied with the standard residential yard requirements would have entailed pushing the structure up the embankment, resulting in permanent impacts to the more sensitive sloped areas of the site for what is a seasonal use, or reducing the area of the canopy to a degree that it provided less of the protection than needed to the rink and its users.

The second Variance approval criterion is, *“That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.”* The application explains that the Ashland Rotary Centennial Ice Rink was established through a grassroots community effort to provide a seasonal outdoor skating rink in Ashland. At the time, it was hoped that the location could be in or near the downtown to provide easy access for patrons. The application also points out that the proximity of the rink to the downtown draws visitors to the downtown area at a slower time of year, with the hope that these visitors will shop and dine at nearby downtown businesses. The only negative impact identified is the potential for occasional reflection from the cover’s surface on sunny winter days, and the applicants have proposed to mitigate this with perimeter landscaping to provide vegetative screening.

The application emphasizes that the rink provides a regional benefit as the only seasonal, outdoor skating rink in the Rogue Valley, with the closest alternative located in Klamath Falls, and that this benefit translates locally to drawing approximately 15,000 visitors each season during what it otherwise a relatively slow time for the surrounding businesses. The application explains that these visitors provide activity in the downtown and additional liveliness to Lithia Park in the winter months, and that the rink accommodates skating and hockey programs which have community and social benefits in providing children and adults with outdoor recreation opportunities to improve their physical and mental wellbeing.

The final approval criterion for a Variance is, *“That the circumstances or conditions have not been willfully or purposely self-imposed.”* The application asserts that due to the unique nature of the site and the ice rink use detailed above, Ashland Parks and Recreation do not believe that the need for the Variance has been willfully or purposefully self-imposed.

Staff concur with the applicant that the site can be found to have unique or unusual circumstances which do not typically apply elsewhere. The site is located within an historic district and is part of the National Register of Historic Places-listed Lithia Park, and is between a steeply sloped hillside, a city street, and a fish-bearing riparian stream corridor and floodplain. In addition, it contains a parking lot in close proximity to the park and the nearby downtown which is in high demand during the peak season, but which sees significantly less demand during the late fall and winter. These constraints limit options for the use of the site, but were considered ideal for the initial site selection of the rink use because the existing parking lot was adequately sized for the ice rink, was near the park and downtown, could accommodate the rink without imposing additional site disturbance in so sensitive an area, and retained the highly-valued public parking when it was needed while providing a recreational amenity that was hoped to also benefit nearby businesses during the slower time of the year when those downtown to skate also stopped to dine and shop.

Compliance with the setback could be achieved by shifting the rink cover further back from the sidewalk to satisfy the setback requirement, which would necessitate disturbance of a sensitive hillside for a seasonal use, or by simply reducing the area covered to accommodate the setback requirement. However, because the rink itself is now permanently installed beneath the surface of the parking lot and does not need to comply with setbacks, placement of a cover to comply with the setback requirement would result in a loss of a measure of the protection that the canopy is intended to provide. Staff believes that the rink use can be found to be enhanced with the addition of the canopy, enabling it to remain open and draw more skaters during the season without needing frequent closures due to the weather. The proposal provide benefits to Lithia Park, the nearby downtown and the broader community in providing a seasonal recreational amenity that is sensitive to the park's character, helps to lessen the impacts of a slower time of year for surrounding business, and which can be removed to provide much-needed parking during the remainder of the year. Staff believes that these are benefits which outweigh the potential negative impacts of the cover reflecting sunlight, which is to be mitigated with the proposed vegetative screening.

In staff's view, the Variance requested can be found not willfully self-imposed, but instead a response to the unique combination of site constraints detailed above which, while they make the site well-suited to the rink use, limit the ability to shift the placement of the proposed canopy to comply with setbacks while still providing the desired coverage and limiting disturbance to already developed areas of the site.

III. Procedural - Required Burden of Proof

The criteria for Site Review approval from the Site Design Review Chapter are detailed 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 requirements for an Exception to the Site Design and Use Standards are detailed in AMC 18.72.090 as follows:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or
- B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.

The requirements for a Variance are detailed in AMC 18.100.020 as follows:

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

IV. Conclusions and Recommendations

In staff's assessment, the applicant has demonstrated that the proposal can be found to satisfy the applicable Site Review approval criteria, except for the Exception and Variance requested.

In considering the requested Exceptions in light of the approval criteria, staff believes there is a demonstrable difficulty in meeting the standards due to unique and unusual aspects of the proposed use of the site as an outdoor ice skating rink. The site was previously determined to be appropriate for the ice rink use as a seasonal recreational facility in Lithia Park largely because the existing parking lot accommodated the rink in already disturbed areas, without the disturbance of the natural areas of the park which are so important to its character, and to provide this wintertime amenity near the downtown. Once established, it became clear that weather could impact the viability of the use for skaters and spectators and that a cover was needed to provide protection from the elements. The purpose of the ice rink requires a cover design much different than that of a residential building within the typical R-1-7.5 zoned historic neighborhood streetscape envisioned in the standards. The cover would need to be seasonal like the use itself, and constructed to protect skaters and spectators while allowing for continued use of the existing parking lot when the cover was removed seasonally, and doing so in the context of a recreational facility within Lithia Park. In staff's view, a finding can be made that the design of the new rink cover was driven by these unique aspects of the ice rink use, and we believe the Land Use Ordinance makes provisions for Exceptions precisely for such circumstances, where the general standards adopted could not have envisioned every unique proposal within the Historic Districts and where the design of a seasonal recreational facility, while out of context with a typical historic residential neighborhood streetscape, may nonetheless be appropriate as an amenity to provide for greater seasonal enjoyment within the broader context of a 75-acre park parcel on a residentially-

zoned block that lacks any residences but includes a mix of parking lots, public buildings, a long-established café, a steep hillside and a heavily treed riparian corridor.

The primary negative impact noted for the proposal has been a concern for the potential for the white covering material to reflect sunlight, and the applicant has proposed to mitigate this potential negative impact with perimeter vegetative screening. For staff, approval of the Exception is consistent with the stated purpose of the Site Design and Use Standards, which is to, *“regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout the City.”* The rink provides a seasonal recreational facility to enhance wintertime use of Lithia Park, with the hope that spectators and visitors will also patronize nearby downtown businesses during an otherwise slow season, and the cover proposed will further enhance the functionality of this facility while potential impacts are to be mitigated with proposed vegetative screening. In staff’s view, the design of the cover is driven by the nature and context of the long-established ice rink use as a seasonal recreational amenity within Lithia Park, and the exception to the Historic Design Standards requested is the minimum necessary to provide for this now long-established use.

Like the Exception, staff believes that the requested setback Variance is necessitated by unique or unusual circumstances of the site which do not typically apply elsewhere. The site is located within an historic district and is part of the National Register of Historic Places-listed Lithia Park, and is between a steeply sloped hillside, a city street, and a fish-bearing riparian stream corridor and floodplain. In addition, it contains a parking lot in close proximity to the park and the nearby downtown which is in high demand during the peak season, but which sees significantly less demand during the late fall and winter. These constraints limit options for the use of the site, but were considered ideal for the initial site selection of the rink use because the existing parking lot was adequately sized for the ice rink, was near the park and downtown, could accommodate the rink without imposing additional site disturbance in so sensitive an area, and retained the highly-valued public parking when it was needed while providing a recreational amenity to also benefit nearby businesses during the slower time of the year when those downtown to skate also stopped to dine and shop.

Compliance with the setback could be achieved by shifting the rink cover further from the sidewalk to satisfy the setback requirement, which would necessitate disturbance of a sensitive hillside for a seasonal use, or by simply reducing the area covered to accommodate the setback requirement. However, because the rink itself is now permanently installed beneath the surface of the parking lot and does not need to comply with setbacks, placement of a cover to comply with the setback requirement would result in a loss of a measure of the protection that the canopy is intended to provide. Staff believes that the rink use can be found to be enhanced with the addition of the canopy, enabling it to remain open and draw more skaters during the season without needing frequent closures due to the weather. The proposal provide benefits to Lithia Park, the nearby downtown and the broader community in providing a seasonal recreational amenity that is sensitive to the park’s character, helps to lessen the impacts of a slower time of year for surrounding business, and which can be removed to provide much-needed parking during the remainder of the year. Staff believes that these are benefits which outweigh the potential negative impacts of the cover reflecting sunlight, which is to be mitigated with the proposed vegetative

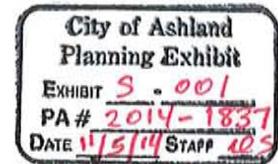
screening.

In staff's view, the Variance requested can be found not to be willfully self-imposed, but instead a response to the unique combination of site constraints detailed above which, while they make the site well-suited to the rink use, limit the ability to shift the placement of the proposed canopy to comply with setbacks while still providing the desired coverage and limiting disturbance to already developed areas of the site.

As such, staff is supportive of the request for Site Review approval with an Exception to the Site Design and Use Standards' Historic District Design Standards (Section IV-C) and a Variance to allow a reduced side-yard setback along Winburn Way and would recommend approval of the application. Should the Planning Commission concur and choose to approve the request, staff recommends that the following conditions be attached to that approval:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise specifically modified herein, including that the applicants install perimeter landscaping to serve as a vegetative screen at the property line above the rink and/or other appropriate screening measures to reduce the visual impacts and minimize glare from the ice rink canopy cover.
- 2) That the recommendations of the Historic Commission, where consistent with the applicable standards and with final approval of the Staff Advisor, shall be conditions of approval.
- 3) That the applicant shall provide a plan for the review and approval of the Staff Advisor detailing the design, material and placement of any proposed temporary signage associated with operation of the ice rink and demonstrating compliance with the requirements of AMC Chapter 18.96.

**CITY OF
ASHLAND
TREE COMMISSION MINUTES
June 5, 2014**



CALL TO ORDER – Ashland Tree Commission meeting was called to order at 6:00 p.m. on June 5, 2014 in the Siskiyou Room in the Community Development and Engineering Services Building located at 51 Winburn Way, Ashland, Oregon.

Commissioners Present	Council Liaison
Ken Schmidt	Carol Voisin
Gregg Trunnell	Staff
Russ Neff	Derek Severson, <i>Planning liaison</i>
Casey Roland	Anne Thayer, <i>Parks liaison - ABSENT</i>

APPROVAL OF MINUTES

Schmidt motioned, and Neff seconded the motion, to approve the April 3, 2014 regular meeting minutes and the motion carried unanimously.

There were no minutes for May, as the May meeting could not be convened due to lack of a quorum.

WELCOME GUESTS & PUBLIC FORUM

Cici Brown expressed concern about the Transportation Commission proposal to remove trees along North Main Street near the downtown plaza. She noted that the city has applied for “Tree City USA” designation and questioned how the Arbor Day Foundation would feel about the proposed removal of trees for the benefit of delivery trucks.

Councilor Carol Voisin explained that the recently adopted Transportation System Plan called for looking at parking and related issues in the downtown, and that the Transportation Commission and the Downtown Parking Committee were looking at the possibility of removing street trees to install a loading zone and move the bus stop. Voisin stated that she hoped such a proposal would also come before the Tree Commission.

Mark Knox suggested that this discussion should be brought to Council attention for further discussion, and Voisin indicated that she would be taking it to Council.

Trunnell motioned, and Schmidt seconded the motion, to request of Council that the Tree Commission review and input be considered in making this decision, and the motion carried unanimously.

Isabeau Vollhardt expressed similar concerns with the removal of these trees, noting the ecological and health issues. She explained that trees help reduce the heat island effect, and further noted that likely replacement trees would be male hybrids which she suggested tend to increase the incidence of allergies and asthma in the population. She also noted that removal of these trees would impact businesses on the plaza with increased cooling costs in the summer.



She stated that she would oppose removal of these trees without a very good reason given all of the benefits they provide.

PLANNING ACTION REVIEW

PLANNING ACTION: 2014-00734
SUBJECT PROPERTY: 1163 Iowa Street
APPLICANT: Ayala Properties, LLC
DESCRIPTION: A request for Site Review and Outline Plan approval under the Performance Standards Options Chapter 18.88 for a four unit, five lot multi-family developments for the property located at 1163 Iowa Street. A Tree Removal Permit is requested to remove three trees greater than six-inches in diameter at breast height on the site. The existing single family residence on the site will be incorporated into the development as Lot #1.
COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP #:** 39 1E 10 CB; **TAX LOT:** 5500.

Schmidt, Trunnell and Neff all noted having made site visits to the property. Severson presented a brief staff report, explaining that the project included the removal of three trees greater than six-inches in diameter at breast height from the property.

Schmidt motioned, and Neff seconded the motion, to approve the application as presented, with the condition that mitigation trees be provided and identified in the final landscape and irrigation plan. Commissioners noted that the mitigation trees shown seemed appropriate. The motion carried unanimously.

PLANNING ACTION: PA-2014-729
SUBJECT PROPERTY: 182 Scenic Drive
APPLICANT: Jon Bauer
DESCRIPTION: A request for a Land Partition to create two lots for the property located at 182 Scenic Drive. Also included are requests for a Physical & Environmental Constraints Review Permit because the property being partitioned involves hillside lands with slopes of 25 percent or greater, and a Conditional Use Permit to allow the existing home on Parcel 1 to exceed the Maximum Permitted Floor Area (MPFA) allowed within the Historic District by approximately 4.4 percent. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 08AA; **TAX LOTS:** 6800 & 6801.

Severson gave a brief staff report, noting that a letter to the Commission had been submitted by neighbor Michael McRae with concerns that a Redwood he had previously planted on the applicant's property could be impacted with development of the site. Severson noted that the current request was a land partition, and did not involve further development of the site and that with the construction of a home, a Physical and Environmental Constraints Review Permit would be required to go through the land use process and consider development impacts to the property.

Applicant Jon Bauer explained that the tree in question was less than six-inches in diameter at breast height, and thus not required to be identified on the plans. He further explained that the tree was 57 feet from the proposed driveway, 4.6 feet from the rear property line, and that he had no current plans to remove the tree.

Roland questioned why the tree could not be moved, and the applicant indicated that it had been established in place for 12 years and would likely be difficult to move successfully at this point.



Neff motioned, and Trunnell seconded the motion, to defer a Tree Commission recommendation on the application until development of the property was to be considered through a Physical & Environmental Constraints Review Permit.

PLANNING ACTION: PA-2014-00193
SUBJECT PROPERTY: 460 Schofield Street
APPLICANT: Kerry Kencairn
OWNER: Denise Gall
DESCRIPTION: A request for a Minor Land Partition approval to divide the property located at 460 Schofield Street into two parcels. The new parcel will be accessed via Monte Vista Street. The Community Development Director has determined the proposed development is not subject to the Development Standards for Hillside Lands because the slope of the property, based on the natural grade is less than 25 percent. The applicant has submitted a slope analysis establishing the natural grade of the property is less than 25 percent. The request also includes a Tree Removal Permit request to remove five trees. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 05BD **TAX LOTS:** 301

Severson gave a brief staff report. Neff questioned whether the Ponderosa Pine being preserved could survive given their tolerance for construction disturbance; Roland indicated that at this size, Ponderosa Pines can be very resilient. There was further discussion of whether retaining wall construction would negatively impact Ponderosa Pines, and it was recommended that the wall construction be carefully monitored by a landscape professional/arborist to avoid damaging roots during excavation. Commissioners also recommended spray sticks rather than drip irrigation bubblers to irrigate trees, and suggested that heavy mulch and deep, infrequent watering were essential to tree survival. After discussion, Commissioners unanimously recommended approval of the application as submitted.

PLANNING ACTION: PA-2014-00458
SUBJECT PROPERTY: 233 Granite Street
APPLICANT: Richard Wagner
OWNERS: Kris and Heidi Jacobson
DESCRIPTION: A request for a Solar Variance for the property located at 233 Granite Street. The property to the north at 227 Granite Street has agreed to the proposed shading. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP:** 39 1E 08DA; **TAX LOT:** 1300;

Severson gave a brief staff report, explaining that while the request was a Solar Variance its basis was in trying to avoid pushing the home to be constructed further south and adversely affecting a more heavily treed portion of the property, thus necessitating the Variance request. Commissioners indicated that they were supportive of the Variance if it would avoid greater impacts to the site's trees.

PLANNING ACTION: PA-2014-793
SUBJECT PROPERTY: 56 Third Street
APPLICANTS: Murray & Yoko Huggins
OWNER: Barbara Allen



DESCRIPTION: A request for a Conditional Use Permit to operate a two-unit hotel/motel for the property located at 56 Third Street. *(A similar request was previously approved as PA #99-063 but has since expired.)*

COMPREHENSIVE PLAN DESIGNATION: Commercial; **ZONING:** C-1; **ASSESSOR'S MAP:** 39 1E 09 BD ; **TAX LOT:** 1200

Severson noted that the proposal was for a hotel/motel use of the property, and that the property had previously had a similar use in place and had established landscaping based on the previously approved plan. Severson explained that he brought the matter to the Commission after visiting the site and noting that large roots were breaking up the pavement in the rear parking area. Severson provided a photo illustrating the condition of the parking area. The Commission noted that a large tree had previously been removed from the property, and emphasized that the root heaving of the paved parking area should not be considered a basis to justify removal of these large trees, and that alternative treatments to the parking area to accommodate the roots should instead be considered if necessary to preserve the trees.

DISCUSSION ITEMS

Arbor Day Debriefing – Those who attended the Arbor Day event commended Anne Thayer for bringing coffee and donuts. They also expressed their appreciation for Willie for providing the trucks and equipment to help with the plantings.

Earth Day Debriefing – Trunnell and Schmidt indicated that they both had enjoying working in the Tree Commission's booth and felt that this was a worthwhile event.

Reschedule Next Tree Commission Meeting or meet July 3rd? – Severson explained that in the past, Commissions have considered rescheduling meetings if they fall on a holiday or the night before. In this case, the regular meeting would be the night of Thursday, July 3rd which was right before the Friday July 4th holiday weekend. Commissioners noted conflicts in their schedules with the regular meeting time and date and after discussion, it was agreed that the next meeting would be held on Wednesday, July 2nd at 6:00 p.m. Severson noted that because this was the same date and time as the regularly scheduled Historic Commission, the meeting would need to be held in the Lithia Room instead of the Siskiyou Room.

ITEMS FROM COMMISSIONERS

Roland questioned whether "temporary street trees" in grow bags inside a planter box could be placed in the "X" spaces between parallel parking spaces in the downtown. He explained that trees in limited space within the sidewalk corridor were doomed, and that a more temporary arrangement would allow the tree to be transplanted elsewhere once it had grown to the limits of its confined root space. He stated that the trees could also be placed in above ground planter boxes on the sidewalk incorporating seating on one side. It was noted that this was being done in Napa, California. Severson noted that the "X" spaces were typically an area identified as necessary to allow parallel parking movements, but he noted that the Commission might be able to do an assessment of the downtown to identify locations where this might be possible. He noted that a similar approach had been taken with trees in planters now in place along the Ice Rink parking lot on Winburn Way, as the Ice Rink cover had prevented standard street trees in this location, and that the Planning Commission had also considered trees in movable planters, along with movable seating, as a possible design treatment on the plaza.

Roland discussed that there was a fungus killing White Birches in Ashland. He suggested that this was likely happening in combination with bronze birch borers which weaken the trees allowing the onset of the fungus. He indicated that this could lead to the extinction of these trees in this area, and noted that Heritage River Birches did not appear to be susceptible and were not affected. He also noted that there were noteworthy Black-Leafed Birches near Tolman Creek Road and the Greenmeadows area.

Tree Commissioners questioned when this year's Tree of the Year plaque would be ordered and installed. Severson indicated that he would follow up with staff liaison Michael Pina upon his upcoming return.

Liaison Reports

- Anne Thayer, *Parks Liaison* – Severson noted that Thayer was out for an urban forestry conference in Portland, as discussed last month.
- Carol Voisin, *City Council Liaison* – Nothing to report.
- Derek Severson, *Planning Liaison* – Severson noted that Christopher John's appointment to the Commission was moving forward and that he would likely be attending the next meeting as a regular member.

Meeting adjourned at 7:30 p.m.

Respectively submitted by Associate Planner Derek Severson



Applicant's Submittal



News Release

Ashland Parks & Recreation Department
340 S Pioneer St, Ashland, OR 97520
www.AshlandParksandRec.org

Contact: Michael A. Black
email: michael.black@ashland.or.us
Phone: 541.488.5340

October 28, 2014

Ashland Parks and Recreation is working with the City of Ashland Planning Department to resolve concerns related to the permitting of the ice rink cover, originally constructed in November, 2013.

Planning process requires a site plan review and public meeting with the Planning Commission so that the neighborhood has time to comment on the project. The ice rink cover cannot be erected until after these matters are addressed. The Planning Commission meeting is scheduled for Wednesday, November 12, 7 p.m. in Council Chambers. Citizens are encouraged to attend. The land use appeal period is approximately ten working days after that date.

Correcting this error is in the best interest of the Ashland Parks and Recreation Department and the community. Parks staff will be moving forward on setting up the ice rink for its scheduled opening of **November 17 – without a cover**. Once Parks has completed the planning process, options include:

1. Closing the ice rink for up to two weeks sometime between December 1 and December 18 to erect the cover in time for the holiday skating season.
2. If time does not allow putting up the cover (due to potential land use appeals), the ice rink cover **would not go up this season**.

All will be dependent on the decision of the Planning Commission and the outcome of the land use process.

Ashland Parks and Recreation appreciates all the community support it has received and will keep you informed as the process moves forward.

Please call the Ashland Parks and Recreation office at 541.488.5340 with any questions.

//end

**PROJECT DESCRIPTION FOR A SITE REVIEW
PERMIT AND EXCEPTION TO THE SITE DESIGN AND
USE STANDARDS FOR AN ICE RINK COVER OVER
THE EXISTING LITHIA PARK ICE RINK**



Submitted to:

**CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OR**

Submitted by:

**ASHLAND PARKS AND RECREATION
340 SOUTH PIONEER STREET
ASHLAND, OR 97520**

COPY

October 20, 2014

RECEIVED

OCT 23 2014

City of Ashland

Project Information

Planning Action Requested: Ashland Parks and Recreation seeks a site plan approval for a seasonal ice rink cover over the existing Ashland Rotary Centennial Ice Rink (the "*Ice Rink*"). The Ice Rink has been established at the location for since November, 1996 and has operated seasonally since 1998. The Ice Rink Canopy (the "*Canopy*") is a replacement structure for one of similar size, shape, design, color and placement that was destroyed in January of 2007 by a falling tree. While it is not in use as the Ice Rink the site functions as a parking lot serving Lithia Park. The Ice Rink season is generally late fall through winter each year.

Ashland Parks and Recreation sought a permit from the planning department in the Fall of 2013 and was informed at that time that the correct process would be obtain a building permit which included a cursory review by planning (for zoning, bulk and massing, etc) and an in-depth review by the building department with inspections. APR followed that process, as instructed by planning, and obtained a building permit prior to the Canopy being erected.

Following the erection of the Canopy, a neighbor – who was not familiar with the previous canopy since she purchased her home after the original structure was destroyed by a falling tree – approached the planning department and questioned the validity of the process that was used to permit the Canopy. After a thorough review, the community development director and the city attorney determined that APR was indeed informed incorrectly and that the process of the building permit was only part of the process that was required to permit the Canopy. APR was informed in September of 2014 that the process that would be required is to seek Site Plan Review for a Permitted Use in the R-1-7.5 zone.

Although APR feels that due diligence was given to the process of permitting in 2013 and that every attempt was made by APR to seek the proper approvals, we find ourselves in the position of re-applying for the same structure that was in place for the entire 2013 season. Regardless of the hardship that it causes the Ice Rink operations and revenue this year, APR truly believes that this initial information was an honest mistake and we are more than happy to follow the development process to receive the appropriate permit to place the Canopy according the Ashland Municipal Code.

The Planning Action requests one entitlement, one exception and one variance: 1.) the Site Plan Review approval; 2.) an Exception from the Historic District Design Standards; and, 3.) a Variance for a side yard setback to accommodate the Canopy's anchors and structural supports.

COPY

Property Information

Property Address: Lithia Park – 340 South Pioneer Street, Ashland, OR 97520

Legal Description: 391E09 Tax Lot 100

Applicant & Owner:
Ashland Parks and Recreation
340 S. Pioneer St.
Ashland, OR 97520

Marquess & Associates, Inc.
1120 East Jackson
PO Box 490
Medford, OR 97501

Architect:
Steve Ennis Architect

Application Prepared by:
Michael A. Black, Director
Ashland Parks and Recreation
340 S. Pioneer St.
Ashland, OR 97520

Civil Engineer:

Comp. Plan Designation:
Single Family Residential

Zoning Designation:

R-1-7.5

Recreational Facilities – Permitted Uses: AMC 18.20.020 E. (“public schools, parks, and recreational facilities”)

Total Lot Area:

75.21 acres (Lithia Park Acreage)

Adjacent Zoning/Use:

North: C-1-D – Commercial (N. Main Street, E. Main Street)

East: RR-.5 – Rural Residential, Single Family Residential (Terrace Street)

R-1-7.5 – Single Family Residential (S. Pioneer Street)

C-1-D – Commercial (S. Pioneer Street)

South: R-1-7.5 – Park Expansion

West: R-1-7.5 – Single Family Residential (Granite Street)

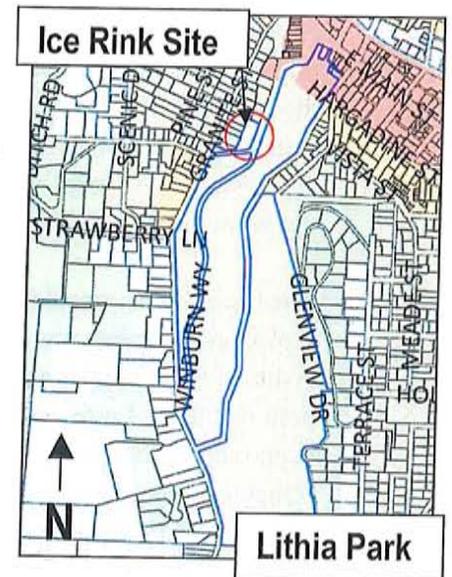
R-2 – Single Family Residential (Granite Street)

C-1-D – Commercial (City of Ashland, Community Dev. Office)

R-1-10 – Single Family Residential (Granite Street)

Property Description:

The lot's total acreage is over 75 acres, and Lithia Park's total acreage is more than 90 acres. The site is on the northern end of the park and is housed fully within a parking lot. The parking lot surface has been modified to provide a level and refrigerated surface for the Ice Rink. The site is a level concrete slab with an existing masonry retaining wall of varying heights up to four feet along the west and south sides of the



parking lot. There is an existing steep slope (over 30%) to the west of the parking lot which rises to developed residential lots fronting on Granite Street. This slope is thickly vegetated at this time. Access to the parking lot is along Winburn Way at the extreme northern side of the parking lot.

The parking lot measures approximately 80'x160' or 12,800 square feet. The Ice Rink portion of the parking lot is 120'x65' or 7,800 square feet.

A series of column foundations were placed behind the existing masonry wall in late 2013 to accommodate the Ice Rink cover. Additional column foundations have been placed within the parking lot adjacent to Winburn Way and in the flat landscape areas around the parking lot to adequately cover the structural requirements of the tent.

Project Proposal:

The Ice Rink has been in place at Lithia Park since 1996. The Ice Rink was originally sheltered by a tent that stood for nine years. That tent structure was damaged in 2007 when a falling tree landed on it. The structure was beyond repair after the tree had fallen and the decision was made to replace the housing in order to ensure the Ice Rink was to operate into the future. The Ice Rink was without a canopy for 5.5 years between the years of 2007 and 2013.

The Canopy was erected in 2013. The replacement project was presented to the Ashland Planning Department by the project architect Steve Ennis. At the time of the proposal, full copies of site plans and structural details were provided to the project review staff in planning. In turn, the planning staff informed Ashland Parks and Recreation and the project architect that the proper land use procedure would be to obtain a building permit. As a result a building permit was sought and issued.

The current proposal is to re-apply to the planning department for a land use permit. This time, the procedure that has been identified for the Canopy is the Site Design Review (AMC 18.108.040(A)(1)).

Ashland Parks and Recreation seeks to gain site plan approval for a Seasonal Ice Rink Cover. The Ice Rink Cover measures 80'x120' and is about 30' tall at its highest point.



Findings of Fact

The following information has been provided by the applicant 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 criteria as outlined in the Ashland Municipal Code.

Criteria for a Site Review Permit AMC Chapter 18.72.070

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

To the applicant's knowledge, all City regulations are or will be complied with unless otherwise noted herein.

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

To the applicant's knowledge all City regulations are or will be complied with by this application. All requirements listed in the Site Review Chapter (18.72) have or will be complied with.

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

As outlined below, all requirements listed in the Site Design Standards have or will be met with this application.

D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

All utilities offered by the City of Ashland are available and have been extended to site previously. This application does not contemplate any new extension of services beyond what has already been provided to the site. Ashland Engineering, Public Works and Electrical Departments have reviewed previous site plans and building permits to ensure compliance with City standards.

Site Design Standards

II-C-1a) Orientation and Scale

- 1. Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner lot, the entrance shall be oriented toward the**

higher order street or to the lot corner at the intersection of the streets. Public sidewalks shall be Ashland Site Design & Use standards 18 provided adjacent to a public street along the street frontage. Buildings shall be located as close to the intersection corner as practicable. (Amended September 23, 2003 Ordinance #2900)

2. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings. Automobile circulation or parking shall not be allowed between the building and the right-of-way. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. (Amended September 23, 2003 Ordinance #2900)
3. These requirements may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations. (Amended September 23, 2003 Ordinance #2900)

Response: Standard Met. The building is accessible by pedestrians and is oriented toward Winburn Way which is a side yard. The building is designed to provide functionality for pedestrians and its entrance is clearly visible from the street. Sidewalks provide direct pedestrian access to the entrance.

II-C-1b) Streetscape

One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street.

Response: Standard met. Street trees have been established on Winburn Way and are consistent with the overall site planning of Lithia Park. Street trees adjacent to the site are seasonal – they are contained in large mobile planters – and will be removed at the time of the installation of the tent. Those trees will be replaced at the site upon the conclusion of the Ice Rink Season.

II-C-1c) Landscaping

1. Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.
2. Landscaping design shall utilize a variety of low water use and deciduous and evergreen trees and shrubs and flowering plant species.
3. Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District and Detail Site Review Zone. Outdoor storage areas shall be screened from view from adjacent public rights-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.
4. Irrigation systems shall be installed to assure landscaping success.
5. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.

Response: Standard Met. Landscaping for Lithia Park has been established over a century of planning, implementation and maintenance. The area surrounding the site, and especially the area to the south of the site (the front yard), is a park and landscaping is typical of Lithia Park. Types of landscaping, irrigation and outdoor storage all comply with this section of the design standards.

No healthy trees, shrubs or other plant material will be damaged or removed as a direct result of the placement of the Ice Rink structure.

II-C-1d) Parking

- 1. Parking areas shall be located behind buildings or on one or both sides.**
- 2. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.**

Response: Standard met. Parking for the Ice Rink is provided at Lithia Park along Winburn Way. Winburn Way and associated parking is landscaped by large deciduous and coniferous trees that are part of the overall landscaping of Lithia Park.

II-C-1e) Designated Creek Protection

- 1. Designated creek protection areas shall be considered positive design elements and incorporated in the overall design of a given project.**
- 2. Native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.**

Response: Not applicable. The Canopy is not within a designated creek protection area.

II-C-1f) Noise and Glare

Special attention to glare (AMC 18.72.110) and noise (AMC 9.08.170(c) & AMC 9.08.175) shall be considered in the project design to insure compliance with these standards.

Response: Met with proposed mitigation. Ashland Parks and Recreation has been made aware that a glare issue may present itself at times during sunny days due to the sheer size of the white fabric surface. At least one adjacent neighbors have expressed concern that, at times, the reflection from the canopy has produced undesirable glare in their homes.

Due to the fact that the fabric on the Canopy covers such a large area and that it is white, there is reason to believe that this could be an issue at certain times of the day. APR is willing to install perimeter landscaping on the property line of the property owners immediately west of the site to mitigate the potential for glare.

II-C-1g) Expansions of Existing Sites and Buildings

For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if a building area is expanded by 25%, then 25% of the site must be brought up to the standards required by this document.

Response: Not applicable.

Historic District Design Standards

The Ice Rink site is located within the Skidmore Academy District Historic District.

The Canopy is a seasonal structure and is not intended to be placed permanently. With that in mind, the Canopy has been placed with consideration to its height, scale, massing and setbacks and their relationships to the surrounding structures, vegetation and topography.

The structure is open on four sides and provides shelter from the elements by shielding the Ice Rink and the skaters from falling snow and rain. The structure is steel and white fabric (see pictures). The design intent of the structures is intended to be low impact and easily assembled/dissembled.

Ashland Parks and Recreation seeks an exception from the Historic District Design Standards for the following reason:

1. The Canopy is simply a replacement of a structure with a long history at the site (since 1998).
 - a. The Canopy is only slightly larger than the previous structure and is the same design and color (the replacement is about 12 feet wider and only 3 feet taller).



New Canopy in Place at the Ice Rink in 2013



Old Canopy in Place at the Ice Rink in 2007

Criteria for a Variance
AMC Chapter 18.100

Ashland Parks and Recreation is requesting a variance to the ten foot side yard setback. The Ice Rink Canopy and its associated structural components are currently eleven feet from the curb face of Winburn Way and about four feet from the back of the sidewalk.

We respectfully request a variance to the side yard setback with and offer the following as evidence that unique, or peculiar, circumstances are present and that those circumstances provide an inability to meet the site yard setback standards:

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

The site is located within historic Lithia Park. The fact that the site is located within this park provides very unique circumstances to the placement of structures. The identified parking lot was determined to be the most appropriate location for the Ice Rink for the reasons listed below. Some other considerations were that the location provided for placement of the Ice Rink without damaging or eliminating developed park areas within Lithia Park. The parking lot was already paved and developed and therefore was not considered a “park” area, but rather an ancillary use customary to providing the services of the park. During the winter, however, parking demand decreases in the park and allows for some of that parking to be taken on a seasonal basis without harming the ability to provide adequate parking for the rest of the park.

These two factors – a site that was already paved, and its relative availability for a secondary use – made the location the most logical if the Ice Rink was to be located in Lithia Park.

The major limiting site factor was the narrow nature of the lot as it was hemmed in on the west by a steep slope and on east by Winburn Way. To prevent the need for a variance, another development option was explored during the process of location analysis– excavating the hillside – but it was eventually abandoned due to the impracticality of the proposal and the excessive permanent impact to the landscape for a seasonal use.

B. That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. (Ord.2425 S1, 1987).

The Ashland Rotary Centennial Ice Rink was established through a community effort to provide a seasonal skating rink within the Ashland area. The location for the Ice Rink was wished to be as close as possible, or within, the downtown to provide for ease of access to patrons. In addition, the proximity of the Ice Rink to the downtown could be considered a positive draw for winter visitors to the downtown. Availability of adequate space could be considered the other factor for the location analysis of the Ice Rink. With all of these things considered, and few more not listed here, the decision to locate the Ice Rink at the Nutley and Winburn Way parking lot was made.

The Ice Rink provides a regional benefit to Southern Oregon since it is the only outdoor seasonal skating rink within the Rogue Valley (the closest outdoor alternative is in Klamath Falls). In addition to the regional benefit, there is also a local benefit that is evident in the activity created by the Ice Rink. The seasonal Ice Rink draws 15,000 people each year. Those people provide activity to the downtown and additional life to Lithia Park in the winter months. Additionally, the social and individual impact of ice

skating programs on the community is immense. Outdoor recreation programs provide children and adults with the opportunity to recreate in the outdoors which leads to better physical and mental health.

C. That the circumstances or conditions have not been willfully or purposely self-imposed.(Ord. 2775, 1996)

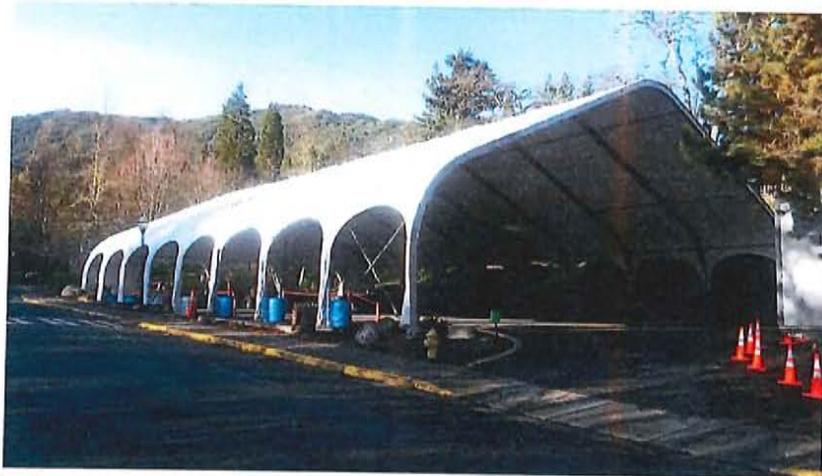
Due to the unique, or peculiar, nature of the circumstances detailed above, Ashland Parks and Recreation believes that the conditions have not been willfully or purposefully self-imposed.

Ashland Rotary Centennial Ice Rink Canopies Timeline



Pictured Above is the original Ashland Rotary Centennial Ice Rink Canopy. The timeline for the first canopy is as follows:

1. 1996 – the Ice Rink opened.
2. 1998 – a structure (pictured above) was placed to cover the Ice Rink to ensure the quality of the ice and to prevent rain day Ice Rink closures.
3. 2007 – a mature Oak Tree fell on the original canopy and destroyed the structure.



The picture above is of the replacement Ice Rink Canopy. The picture was taken in 2013 and the history of that structure is as follows:

1. 2013 – a decision was made to replace the old canopy to again ensure quality of ice and to prevent rain closures.
2. 2013 – a permit was sought, and granted, from the planning and building department for the erection of the structure.
3. Fall 2014 – APR was informed that an amended process would be required. This would include a public hearing at the planning commission.
4. Fall 2014 – an application for a Site Review, Exception and a Variance was applied for by APR

ASHLAND PARKS AND RECREATION COMMISSION

340 S. PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Rick Landt
Jim Lewis
Stefani Sellinger
Vanston Shaw



Michael Black
Director

TEL: 541.488.5340
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parksinfo@ashland.or.us

November 3, 2014

Derek Severson, Associate Planner
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520

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Re: Ashland Rotary Centennial Ice Rink Canopy Design Criteria Exception

Dear Derek,

Ashland Parks and Recreation ("APR") recently applied for a Site Design Exception for the Ashland Rotary Centennial Ice Rink Canopy (the "Canopy"). In that application, information was provided that outlined the reasons why we felt we met the exception criteria. I would like to offer the following information to augment the application with regard to our request for an exception.

The criteria for granting a Site Design Exception are found at AMC 18.72.090. I have listed the criteria below:

A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design and Use Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Design and Use Standards; and the exception requested is the minimum which would alleviate the difficulty; or

B. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Design and Use Standards.

APR believes there is demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to the following circumstances:

- A. The proposed site and structure are unique in the historic district. This shouldn't be interpreted to mean that no structures like the canopy should be erected in the district; it should simply mean that there is no identifiable standard for comparison. The Canopy is 80 feet wide and 31 feet tall. Its intended purpose is to provide shelter from the elements for the Ashland Rotary Centennial Ice Rink

(the "Ice Rink"), which is a seasonal recreational use. There are no other buildings that perform this function in the district and APR finds it a distinct hardship to be required to follow a unidentifiable standard for recreation structures.

- B. The Canopy is in place to cover a recreational ice rink. The Ice Rink measures 65'x121' and providing a smaller structure would not truly satisfy the purpose of the Canopy. The former canopy was smaller; however, there were problems with the lack of shelter over the Ice Rink surface. The new Canopy provides the adequate coverage for the rink, and, therefore, is slightly wider and taller, but about 40 feet longer.
- C. We believe that covering an ice rink is peculiar necessity that is not repeated anywhere else in the Historic District. Covering an ice rink is not a typical matter and for that matter we find it hard to find a standard in the historic district that compares.
- D. Lithia Park has a history with this structure and other similar canopies/tents in the past. As mentioned previously, the Canopy is a replacement; the original canopy was very similar in design and was located at the same site from 1998 to 2007. That structure was destroyed and the one being considered in this application is its replacement. Although the replacement is larger in size, due to the necessity for Ice Rink protection and spectator comfort/protection from the elements, it is essentially the same type of structure in design and appearance.

Additionally, in June 2011 the beam at the Bowmer Theater broke and forced OSF to find a temporary location for their productions. They were able to find a temporary structure – an enclosed white event tent. That tent was then located in Lithia Park below OSF. The tent was in place within the park for 5 months and was similar in size to the current ice rink canopy.

- E. Screening. The surface of the Ice Rink is approximately 1,912 feet above sea level. The homes above the, and directly adjacent, to the Ice Rink are approximately 1,945 feet above sea level. The difference in elevation between where the homes sit on the lots above the Ice Rink is 30-33 feet. Since the Canopy is just over 30 feet in height, there is limited visual impact to the most immediate residential neighbors.

Considering the disparity in elevation between the Ice Rink and the residential properties, the Planning Commission should find that there is very little need for screening. However, it has come to APR's attention that there could potentially be some issues with glare considering the color of the canopy and its surface area.

Acknowledging that APR had not witnessed any glare issues with the previous structure, it is possible that the slight increase in the height of the new Canopy and its increase in surface area could create a glare issue at limited times on sunny days. APR is willing to provide vegetative screening to the adjacent neighbors to mitigate any potential glare. We will work with the property owners and will provide the planting either on their property or on City property to mitigate this potential issue.

- F. The purpose of the Site Design and Use Standards is to be a "guide for use by home builders, developers, and community representatives in pursuit of quality development practices." Lithia Park is zoned R-1-7.5 and the use of the park is to provide variable forms of recreation for residents and visitors of Ashland. The specific purpose of the Ice Rink is to provide winter-time recreational

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opportunities to people of all ages and abilities. To provide this community service at the best possible level, Ashland Parks and Recreation finds it necessary to cover the Ice Rink with a Canopy. The Canopy allows for a higher quality skating experience and prevents rink closure due to poor weather conditions.

APR believes that the ability to provide the community service described above and the Site Design and Use Standards may be contrary to one another based on a strict interpretation of the standards. And although APR has attempted to meet those criteria to the best of its ability in this matter, we find that there are still some areas where we will not be able to satisfy both the Site Design Standards and the intended recreational use. For this reason, we find it necessary to request a Site Design Exception from the Planning Commission

Ashland Parks and Recreation, again, respectfully requests that the Planning Commission consider the intent of the Site Design and Review as a handbook of guidelines and compare that with the intent of the recreational use planned for the site and that it grants a Site Design Exception for the Ice Rink Canopy. We feel that, due the circumstances that have been identified, APR has demonstrated the qualifications necessary to receive the exception.

With best regards,



Michael A. Black, Director
Ashland Parks and Recreation

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ADDENDUM

Project: Ashland Ice Rink Cover

Project No.: 000305.999

Addendum No.: 01

Project Address: 95 Winburn Way, Ashland, OR 97520

Date: August 15, 2013

Owner: City of Ashland
Ashland Parks and Recreation

From (Architect): Steve Ennis Architect

Instructions to Prospective Bidders:

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents and/or prior Addenda as noted below. All conditions, requirements, materials and workmanship are to be as described in the Contract Documents unless specifically stated otherwise. This Addendum consists of one page, plus the attached Geotechnical Report (8 pages), revised Drawing S-3 and revised Drawing S-4; for a total of 11 pages.

1. Changes to prior Addenda: (none)
2. Changes to Part I – Bid & Contract Documents:
 - a. Special Provisions. Section 00140 – Scope of Work, 00140.00 Purpose of Contract. Add the following to item 6 (on page 75):
 - e. Minor grading, tree trimming and tree removal at SW corner of site as required to construct new roof structure.
 - b. Special Provisions. Section 00140 – Scope of Work, 00140.00 Purpose of Contract. Add the following (on page 75):
 8. Add the Geotechnical Report, dated 8/15/13 and attached to Addendum 01 to the bid documents.
3. Changes to Part II – Technical Specifications: (none)
4. Changes to Part III – Project Drawings:
 - a. Drawing SD-2, Enlarged Site Plan. In the Enlarged Site Plan, change the approximate elevation of the SW column footing from +8'-0" to +6'-0".
 - b. Drawing S-3, Foundation Plan. Replace Drawing S-3 dated 08/7/13 with the attached Drawing S-3, dated 8/15/13. Pier depths have been changed in response to the attached Geotechnical Report.
 - c. Drawing S-4, Structural Details. Replace Drawing S-4 dated 08/7/13 with the attached Drawing S-4, dated 8/15/13. Pier depths at details have been replaced with a note to see the foundation plan in response to the attached Geotechnical Report.

End of Addendum



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EMAIL: info@marquess.com WEB: www.marquess.com

August 15, 2013

Rachel Dials, Recreation Superintendent
Ashland Parks and Recreation
340 South Pioneer Street
Ashland, Oregon

**RE: GEOTECHNICAL INVESTIGATION REPORT
ASHLAND ICE RINK COVER
ASHLAND, OREGON
MAI JOB NO. 13-1114**

Dear Ms. Dials:

Introduction

We are pleased to present our geotechnical investigation report for the proposed new Ice Rink Cover in Lithia Park in Ashland, Oregon. The purpose of this investigation was to evaluate the prevailing soil and foundation conditions at the site and develop recommendations for the foundation engineering aspects of the project.

Our office has prepared the structural drawings (Sheets S-1 through S-4, dated August 7, 2013) for the construction of the project. The structural design was performed prior to the preparation of this geotechnical investigation report and may require modification in view of the lateral load resistance values presented herein.

The cover will be a fabric-covered overhead structure with three walls supported by a light steel frame. The cover will be supported on 18 metal posts and drilled pier foundations constructed several feet outside of the existing concrete ice rink. The dominant loads on the pier foundations will be lateral loads.

This report has been prepared for the specific use of Ashland Parks and Recreation and their consultants in accordance with generally accepted soil and foundation engineering principles and practices. No other warranty, either expressed or implied, is made. In the event that any substantial changes in the nature, design, or location of the structure is planned, the conclusions and recommendations of this report shall not be considered valid unless such changes are reviewed and the conclusions of this report modified or verified in writing.

It should be recognized that changes in the site conditions may occur with the passage of time due to environmental processes or man-made changes. Furthermore, building code or state of the practice changes may require modifications in the recommendations presented herein. Accordingly, the

recommendations of this report should not be relied on beyond a period of three years without being reviewed by a geotechnical engineer.

Method of Investigation

Four 14-inch diameter exploratory borings were drilled on August 9, 2013, with a boom-mounted auger drilling truck by Gage-It Construction. The borings were located approximately at the four diagonal corners of the proposed cover as shown on the attached Site Plan, Drawing 1. A key describing the soil classification system and soil consistency terms used in this report is presented on Drawing 2. Logs of the exploratory pits are presented on Drawing 3.

Site Conditions

A. Surface

The ice rink consists of a refrigerated, level concrete slab within the interior of an asphalt paved parking lot. There is an existing masonry retaining wall varying up to about 4 feet in height along the west and south sides of the parking lot and the retaining walls support elevated grades outside of the parking lot. There is an existing very steep to near-vertical cutslope behind the masonry wall on the west side of the parking lot and the northerly portion of the cutslope exposes natural decomposed granodiorite bedrock. The middle and southern portions of the slope are smooth and thickly vegetated and appear to consist of slopewash soil or old fill.

Ten column foundations will be constructed behind the existing masonry walls (all foundations on the west side and three on the south side). The remaining eight column foundations will be constructed within either existing pavement areas or flat-lying landscaping areas.

B. Subsurface

Boring 1 encountered decomposed granodiorite bedrock. Borings 2 – 4 encountered two layers of earth materials: surficial loose sand over a layer of mixed sand and rocky materials (cobbles and boulders).

The decomposed granodiorite (dg) bedrock at Boring 1 was relatively soft. It was drillable with the boom-mounted auger using a 14" diameter soil-type auger bit. No caving of the drillhole was observed during and shortly after drilling. We believe that dg will be encountered in the proposed foundation at the northwest corner of the cover and also in the three adjacent pier foundations.

Borings 2, 3, and 4 encountered surficial loose silty sand to depths of 5', 2.5', and 3.0', respectively. These soils were followed underneath by light brown, loose to medium dense silty sand and rocky materials. The rocky materials consisted of cobbles (defined as 3" to 6" sized rock materials) and boulders (defined as rock materials greater than 6" in size). It is believed that the rocky materials comprise the majority of the earth materials in this layer and the silty sand soils comprise the matrix. We could not observe if the rocky materials were interlocked or in solid contact with each other; however, we believe the rocky materials are interlocked.

We encountered drilling refusal in the rocky materials in Borings 2, 3, and 4 at depths of 7.3', 2.75', and 4.5' deep, respectively. Concrete was observed in Boring 3 at the same depth as a boulder and contributed to drilling refusal.

It was not possible to fully evaluate the quantity, distribution, or size variation of the rocky materials. It is believed the rocky materials can be as large as 3' in diameter.

The attached logs and related information depict subsurface conditions only at the specific locations shown on Drawing 1 and on the date drilled. Subsurface conditions at other locations may differ from conditions occurring at these locations. Also, the passage of time may result in a change of soil conditions at these locations due to environmental changes.

C. Groundwater

Groundwater was observed in Boring 2 at a depth of 5.0 feet during drilling and the inflow was relatively small – the groundwater source may have been a trapped pocket of water. No free groundwater was encountered in the other borings during drilling. Fluctuations in the groundwater level at the site may occur, however, because of variations in rainfall, temperature, runoff, irrigation, and other factors not evident at the time our observations were made and reported herein.

Conclusions and Recommendations

From a soil and foundation engineering standpoint, it is our opinion that the proposed structure can be constructed as proposed provided the recommendations contained in this report are incorporated into the design and construction of the project.

Summary of Soil Conditions. Dg bedrock materials will likely be encountered in four of the proposed pier hole excavations on the north end of the west side of the cover. The dg is expected to be drillable with minimal difficulty and the holes will likely stand well. If groundwater is encountered in these holes, it is not expected to require more than simple dewatering by pumping or placing concrete via tremie method upon completion of drilling.

All other pier holes will encounter variable soils consisting of loose to medium dense sands and rock materials. In some spots, the sands will be present in layers. In others, the sand is expected to be a matrix material within cobble and boulder-sized rock materials. The boulders may vary up to 3' in diameter. All rock materials are expected to be hard with unconfined compressive strengths of 15,000 to 20,000 psi (concrete is 3,000 to 4,000 psi in comparison). The boulders will likely be interlocked, while smaller rocks such as gravels or cobbles may occur either within the boulders or locally as "floating" in the sand. Groundwater should be anticipated at a depth of 5' or so. All earth materials likely to be encountered in these holes are expected to be cohesionless and potentially unstable when wet. These holes will be difficult to drill due to extremely variable hard-and-soft drilling conditions. These holes will likely require temporary casing or slurry methods to stabilize the holes particularly below the water table.

The recommendations presented in the remainder of the report are contingent on our observation of the foundation installation phase of construction.

A. **Drilled Pier Foundations**

1. The cover may be supported on drilled, straight shaft, reinforced concrete piers.
2. The northerly four piers on the west side of the cover are expected to be wholly within decomposed granite bedrock materials. These drilled piers may be designed for an allowable friction of 500 psf to resist compression down loads and an allowable lateral passive pressure equal to an equivalent fluid pressure of 800 pcf to resist lateral loading. The lateral earth pressure should be limited to 8000 psf at depth. The allowable friction and earth pressure values should be neglected within one foot of finished grade.
3. All other drilled piers are expected to be in alluvial soils consisting of sand and rocky materials. These piers should be designed for an allowable friction of 300 psf to resist compression down loads and an allowable lateral passive pressure equal to an equivalent fluid pressure of 300 pcf to resist lateral loading. The lateral earth pressure should be limited to 3000 psf at depth. The allowable friction and earth pressure values should be neglected within one foot of finished grade.
4. Pier holes should be cleaned of loose material prior to pouring concrete. Casing or slurry methods will likely be required to protect the hole from fall-in or sloughing in the alluvial soils. Groundwater is likely to be encountered below a depth of 5 feet within the alluvial soils. The poured concrete in the upper five feet of the pier should be vibrated to ensure densification.
5. Foundation settlements and lateral movements are expected to be within tolerable limits for the proposed construction. Total post-construction movements of the foundations are expected to be less than one inch.

B. **Construction Observation**

1. We should be retained to provide monitoring services during the foundation installation phase of the project. This will provide the opportunity for correlation of the soil conditions found in our investigation with those actually encountered in the field, and thus permit any necessary modifications in our recommendations resulting from changes in anticipated conditions.

Rachel Dials
August 15, 2013
Page 5 of 5

Please contact this office if you have any questions regarding this report.



Very truly yours,

MARQUESS & ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Rick Swanson".

Rick Swanson, P.E., G.E.
Civil Engineer 16885

RS/ler

Copies:

Addressee (1)
Steve Ennis Architect (1)

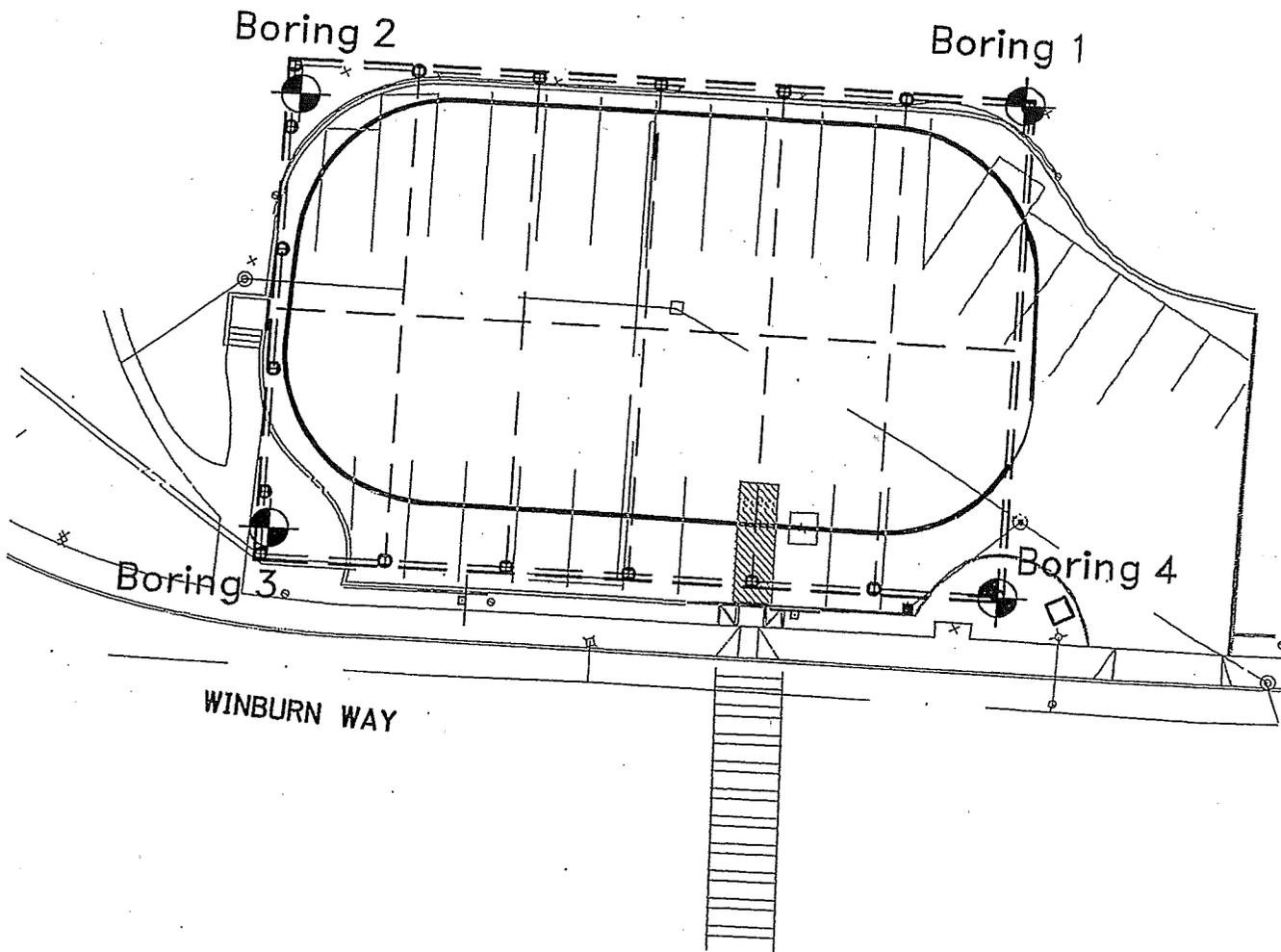
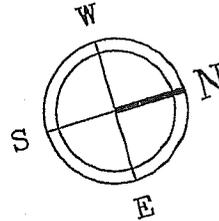
Attachments:

Site Plan, Drawing 1
Key to Boring and Pit Logs, Drawing 2
Logs of Borings 1 - 4, Drawing 3

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Marquess & Associates, Inc. and is not to be used, in part for any other project without the written authorization of Marquess & Associates, Inc.



SCALE: 1" = 30'



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STRUCTURAL | MECHANICAL | ELECTRICAL
 CIVIL | GEOTECHNICAL | EXCAVATION | CONSTRUCTION TESTING

Site Plan	
Ashland Ice Rink Cover	
Winburn Way at Nutley Street	
Ashland Oregon	
MAI JOB NO.	13-1114
ISSUE DATE	Aug 2013
DRAWN	RS
CHECKED	RS

DRAWING

1

OF 3 DWGS

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN No. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN No. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels, or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN No. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN No. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
			OL	Organic silts and organic silty clays of low plasticity.
			MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of medium to high plasticity, organic silts.
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils.

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D-2487)

SILTS AND CLAYS	U.S. STANDARD SERIES SIEVE			CLEAR SQUARE SIEVE OPENINGS			COBBLES	BOULDFRS
	200	40	10	4	3/4"	3"		
	SAND			GRAVEL				
	FINE	MEDIUM	COARSE	FINE	COARSE			

GRAIN SIZES

SANDS & GRAVELS	BLOWS/FOOT [†]
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

SILTS & CLAYS	STRENGTH [‡]	BLOWS/FOOT [†]
VERY SOFT	0 - 1/4	0 - 2
SOFT	1/4 - 1/2	2 - 4
FIRM	1/2 - 1	4 - 8
STIFF	1 - 2	8 - 16
VERY STIFF	2 - 4	16 - 32
HARD	OVER 4	OVER 32

RELATIVE DENSITY

CONSISTENCY

[†] Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch I.D.) split spoon (ASTM D-1586).

[‡] Unconfined compressive strength in tons/sq. ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvane, or visual observation.

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STRUCTURAL MECHANICAL ELECTRICAL
 CIVIL PIPING CHEMICAL INDUSTRIAL CONSTRUCTION PLUMBING

KEY TO BORING AND PIT LOGS
Ashland Ice Rink Cover
 Winburn Way at Nutley Street
 Ashland Oregon

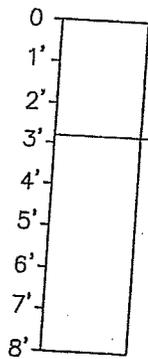
MAI JOB NO.	13-1114	DRAWN	RS
ISSUE DATE	Aug 2013	CHECKED	RS

DRAWING

2

OF 3 DWGS

TEST PIT 1

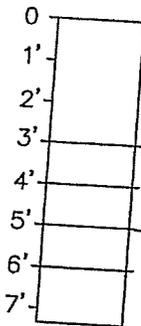


(top of test pit corresponds to top of adjacent existing masonry wall)
 Decomposed GRANODIORITE, soft, very deeply weathered, drilled with 14" diameter soil-toothed auger on boom-mounted drill truck

approximate AC finish grade at test pit
 (masonry retaining wall is 33" high above AC pavement finish grade)

Bottom of test pit = 8'

TEST PIT 2



(top of test pit corresponds to top of adjacent existing masonry wall)
 SILTY SAND (SM), brown, loose, dry, with roots

(masonry retaining wall is 48" high above AC pavement finish grade)

SILTY SAND (SM), gray-brown, loose to medium dense, moist

CLAYEY SAND (SC), gray, medium dense, very moist

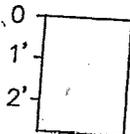
SILTY SAND (SM), light brown, medium dense, wet

SILTY SAND (SM) and COBBLES/BOULDERS, light brown, medium dense, wet

@5': Groundwater seepage during excavation
 Drilling refusal on granite boulders at 7.3' deep

Bottom of test pit = 7.3'

TEST PIT 3



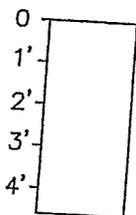
(top of test pit is 2" above top of adjacent existing masonry wall)
 SILTY SAND (SM), dark brown, loose, dry, with roots

(masonry retaining wall is 32" high above AC pavement finish grade)

Drilling refusal on concrete and granite boulder at 2.75' deep

Bottom of test pit = 2.75'

TEST PIT 4



(top of test pit is about 1' below Rink Slab finish grade)
 SILTY SAND (SM), gray-brown, loose, dry to moist, with roots

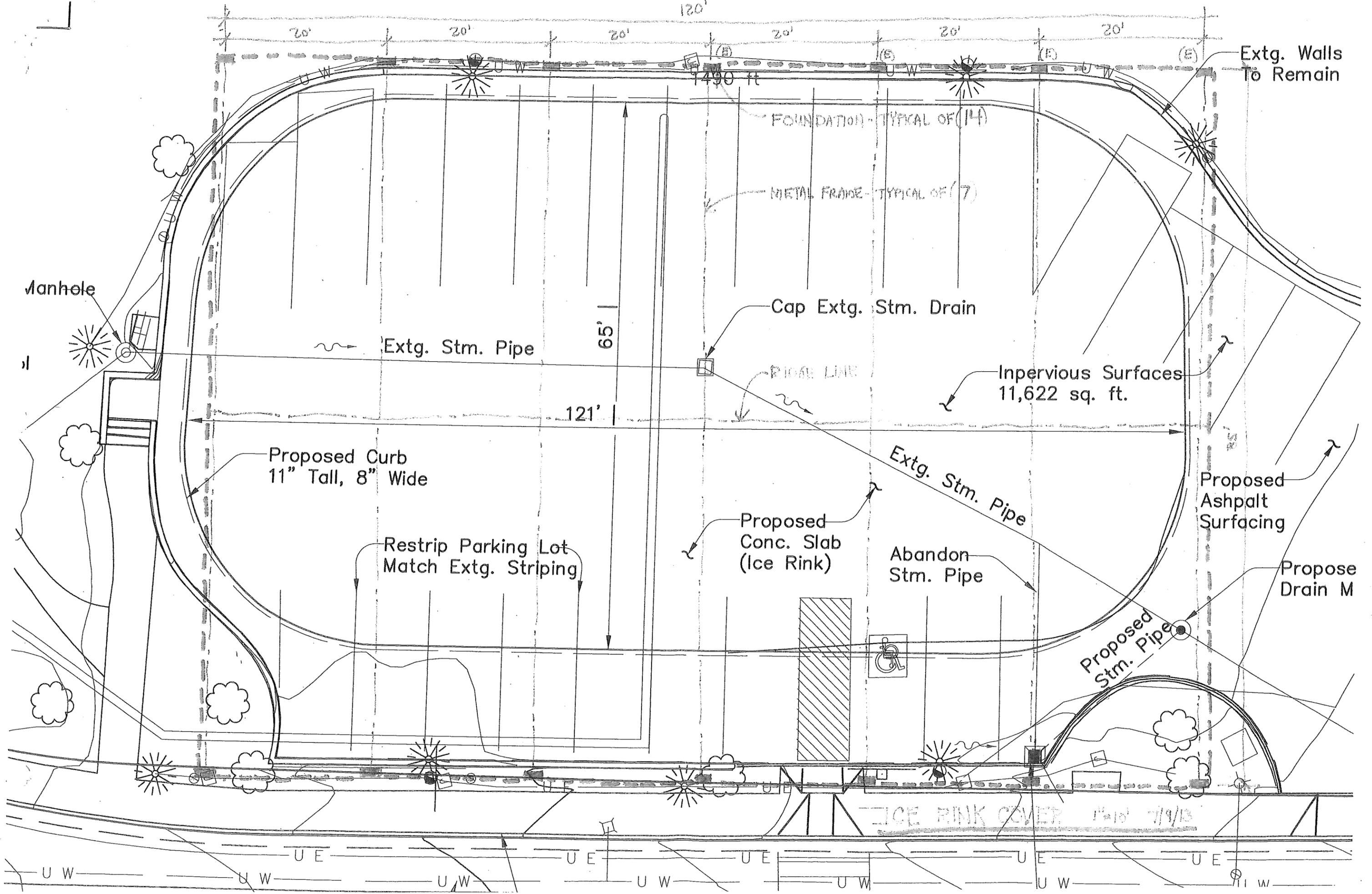
@3': with cobbles and boulders, harder drill

Drilling refusal on granite boulder at 4.5' deep
 Bottom of test pit = 4.5'

LOG OF PITS 1 - 4			
Ashland Ice Rink Cover			
Winburn Way at Nutley Street			
Ashland		Oregon	
MAI JOB NO.	13-1114	DRAWN	RS
ISSUE DATE	Aug 2013	CHECKED	RS

DRAWING

3



COPY

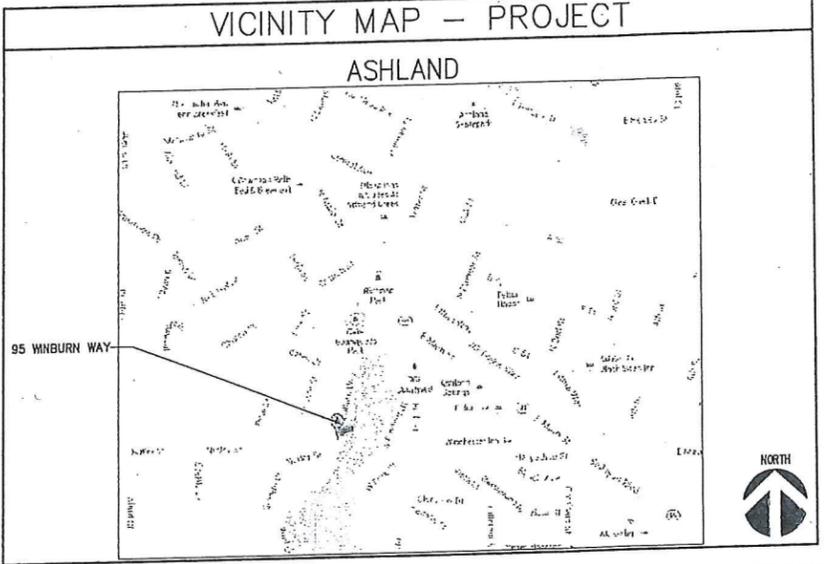
ASHLAND ICE RINK COVER

MARK	DATE	REVISION

ARCHITECT & PROJECT MANAGER	OWNER'S REPRESENTATIVE	STRUCTURAL ENGINEER	GEOTECHNICAL ENGINEER
STEVE ENNIS, ARCHITECT CONTACT PERSON: STEVE ENNIS P.O. BOX 4051 2870 NANSEN DRIVE MEDFORD, OREGON 97501 (541) 618-9155 (541) 618-9156 FAX	CITY OF ASHLAND ASHLAND PARKS AND RECREATION CONTACT PERSON: RACHEL DIALS, RECREATION SUPERINTENDENT 340 SOUTH PIONEER STREET ASHLAND, OREGON 97520 (541) 488-5340 (541) 488-5314	MARQUESS & ASSOCIATES, INC. CONTACT PERSON: RANDY CLEVELAND, S.E. 1120 EAST JACKSON STREET MEDFORD, OREGON 97504 (541) 772-7115 (541) 779-4079 FAX	MARQUESS & ASSOCIATES, INC. CONTACT PERSON: RICK SWANSON, P.E., S.E. 1120 EAST JACKSON STREET MEDFORD, OREGON 97504 (541) 772-7115 (541) 779-4079 FAX

STEVE ENNIS
ARCHITECT
 P.O. BOX 4051
 2870 NANSEN DRIVE
 MEDFORD, OREGON 97501

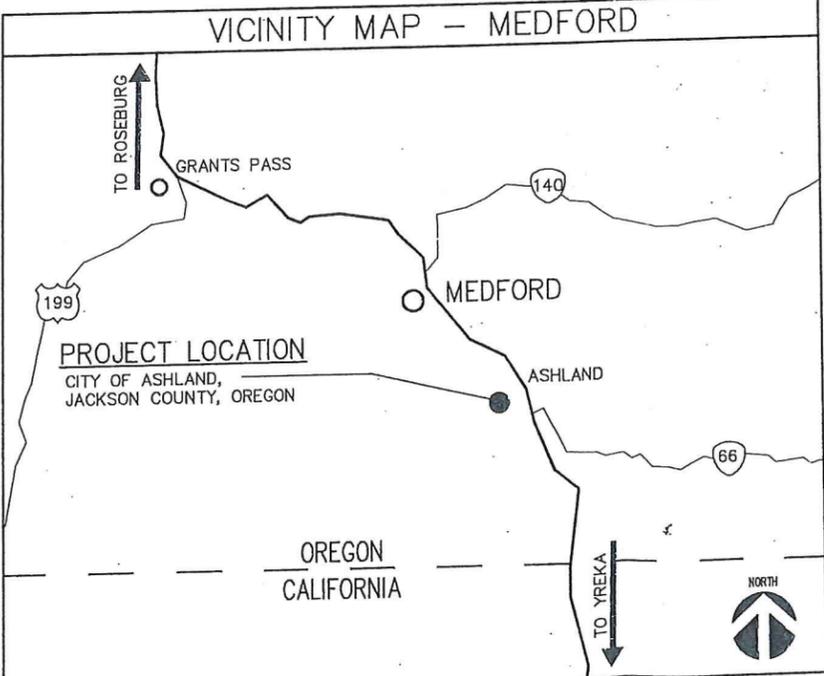
- ### GENERAL NOTES
- DO NOT SCALE DRAWINGS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING SITE DIMENSIONS. IF DISCREPANCIES ARE FOUND, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATION.
 - UNLESS SHOWN OTHERWISE, ALL DAMAGE CAUSED BY NEW WORK TO EXISTING AREAS OF THE SITE, CONSTRUCTION, FINISH CONSTRUCTION, ELECTRICAL OR MECHANICAL SYSTEMS SHALL BE REPAIRED TO MATCH EXISTING CONDITIONS OR AS FOUND PRIOR TO ANY DAMAGE.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE FIRE AND LIFE SAFETY CODES, AND CURRENT SEISMIC BRACING CODE REQUIREMENTS.
 - THE CONTRACTOR SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH THE SCOPE OF THE WORK AND SITE ACCESSIBILITY. THE CONTRACTOR IS REMINDED THAT THE PROJECT DRAWINGS INDICATE THE CONDITIONS AT THE SITE AS IT EXISTED. DEVIATIONS ENCOUNTERED DURING THE WORK SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AT THE WORK AREA FROM WEATHER AND OTHER INCLEMENT CONDITIONS. ANY DAMAGE INCURRED DUE TO THE FAILURE BY THE CONTRACTOR TO PROPERLY PROTECT SUCH WORK SHALL BE REPAIRED AT CONTRACTOR EXPENSE.
 - THE CONTRACTOR SHALL DISPOSE OF ALL REMOVED AND /OR DEMOLISHED MATERIAL, WASTE & DEBRIS CAUSED BY THE NEW WORK. THIS MATERIAL SHALL BE REMOVED FROM THE PROPERTY AND TAKEN TO A LEGALLY-OPERATED DISPOSAL SITE.
 - ALL CONSTRUCTION TECHNIQUES, MATERIALS, AND FINISHES SHALL BE AS REQUIRED BY THE APPROPRIATE CODE AUTHORITIES. INSTALLATION SHALL FOLLOW THE MANUFACTURERS PUBLISHED SPECIFICATIONS AND/OR TRADE STANDARDS IN ADDITION TO MEETING OR EXCEEDING THE DESIGN STANDARDS.
 - ALL WEATHER EXPOSED SURFACES SHALL HAVE A WEATHER RESISTIVE BARRIER TO PROTECT THE INTERIOR WALL COVERING AND THE EXTERIOR OPENINGS SHALL BE FLASHED IN SUCH A MANNER AS TO MAKE THEM WATERPROOF.



DRAWING INDEX

GENERAL	
G-1	INDEX SHEET
SITE DEVELOPMENT	
SD-1	SITE PLAN
SD-2	ENLARGED SITE PLAN
ARCHITECTURAL	
A-1	SECTION & ELEVATION
STRUCTURAL	
S-1	STRUCTURAL GENERAL NOTES
S-2	STRUCTURAL ABBREVIATIONS AND DETAILS
S-3	FOUNDATION PLAN
S-4	STRUCTURAL DETAILS

- ### GOVERNING CODES
- THE DESIGN OF THIS PROJECT IS BASED ON THE FOLLOWING CODES:
- 2010 OREGON STRUCTURAL SPECIALTY CODE
 - ARCHITECTURAL BARRIERS ACT ACCESSIBILITY GUIDELINES, 07-23-04
 - U.S. COURTS DESIGN GUIDE 2007
 - OREGON STATE FIRE CODE
 - OREGON ELECTRICAL SPECIALTY CODE
 - OREGON MECHANICAL SPECIALTY CODE
 - OREGON PLUMBING SPECIALTY CODE
 - NFPA 13
 - NFPA 72
 - NFPA 101



STANDARD SYMBOLS LEGEND

DETAIL		DETAIL LETTER
		SHEET NUMBER
SECTION		SECTION LETTER
		SHEET NUMBER
SHEET REFERENCE		TITLE
ROOM NUMBER		ROOM NAME
		ROOM NUMBER
		ENLARGED PLAN
DOOR DESIGNATION		
KEYED NOTE		
ELEVATION (VIEW)		ELEVATION LETTER
		SHEET NUMBER
ELEVATION (DATUM)		



PROJECT FOR
ASHLAND PARKS AND RECREATION

PROJECT NAME
ASHLAND ICE RINK COVER

PROJECT ADDRESS
 95 WINBURN WAY
 ASHLAND, OR 97520

SHEET TITLE
 INDEX SHEET

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FILE NAME K1221 ICE CD	SHEET NO. G-1
PROJECT # 1221	
DATE 08/07/2013	

MARK	DATE	REVISION

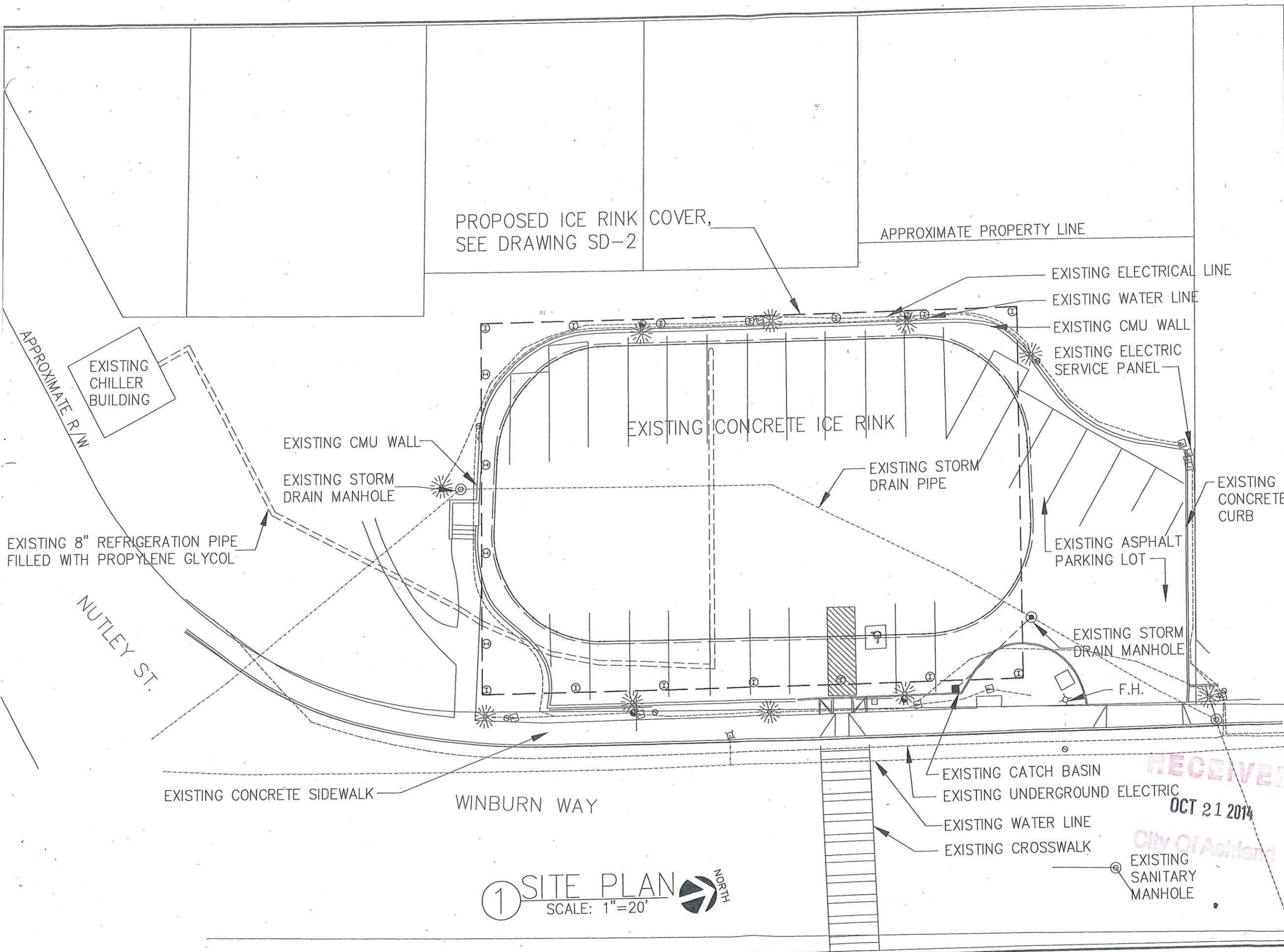
STEVE ENNIS ARCHITECT
P.O. BOX 4051
2870 NANSEN DRIVE
MEDFORD, OREGON 97501



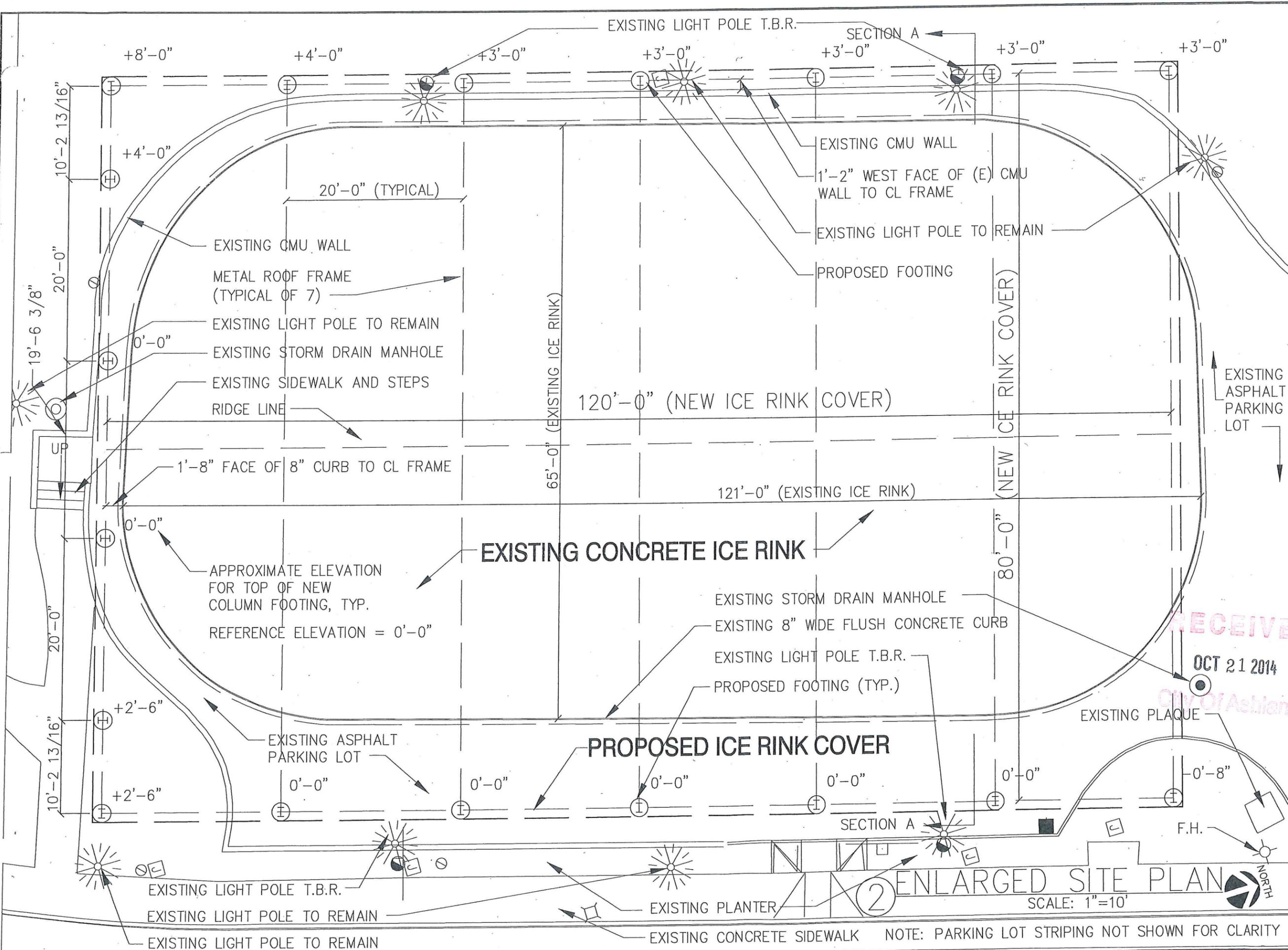
PROJECT FOR
ASHLAND PARKS AND RECREATION
PROJECT NAME
ASHLAND ICE RINK COVER
PROJECT ADDRESS
95 WINBURN WAY
ASHLAND, OR 97520

SHEET TITLE
SITE PLAN

FILE NAME 1221 ICE SP	SHEET NO. SD-1
PROJECT NUMBER 1221	
DATE 08/07/2013	



1 SITE PLAN
SCALE: 1"=20'



MARK	DATE	REVISION

STEVE ENNIS ARCHITECT
 P.O. BOX 4051
 2870 NANSEN DRIVE
 MEDFORD, OREGON 97501



PROJECT FOR
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 PROJECT NAME
ASHLAND ICE RINK COVER

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PROJECT ADDRESS
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 ASHLAND, OR 97520

SHEET TITLE
ENLARGED SITE PLAN

FILE NAME 1221 ICE SP	SHEET NO. SD-2
PROJECT NUMBER 1221	
DATE 08/07/2013	

ENLARGED SITE PLAN
 SCALE: 1"=10'

NOTE: PARKING LOT STRIPING NOT SHOWN FOR CLARITY

MARK	DATE	REVISION

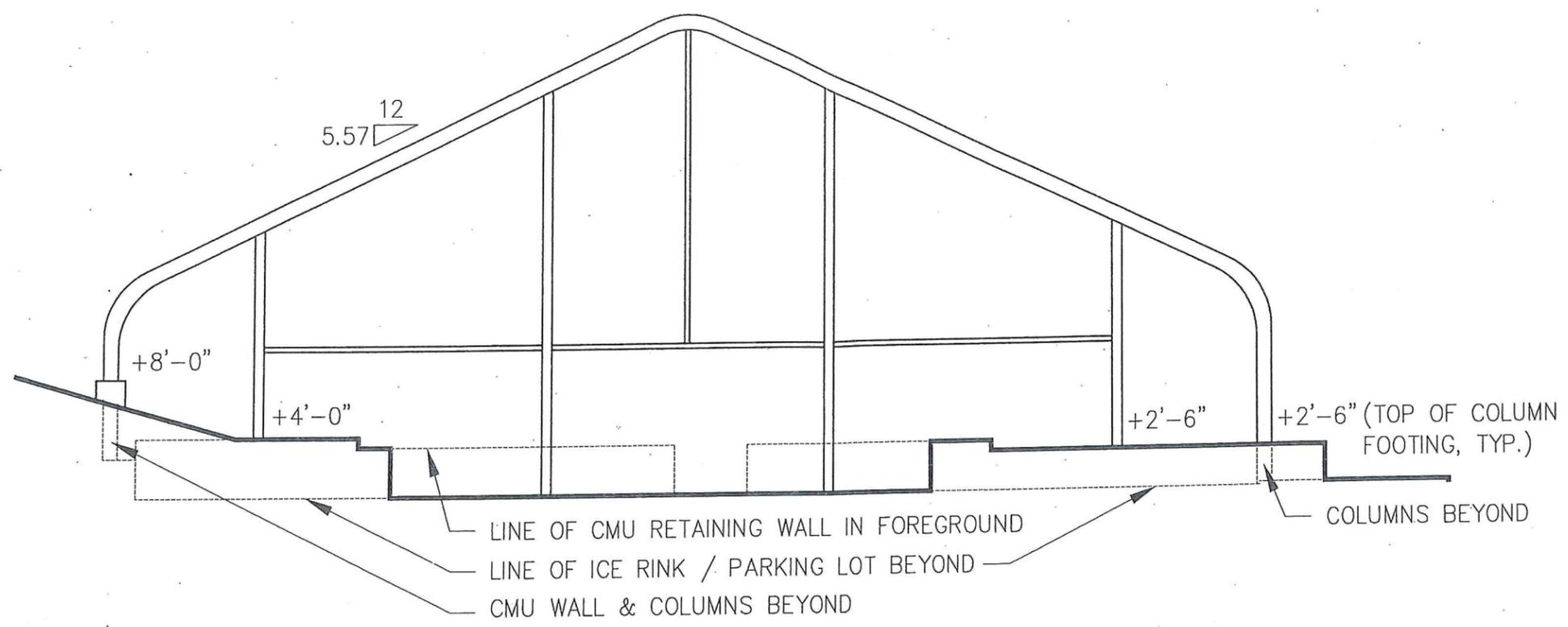
STEVE ENNIS
ARCHITECT
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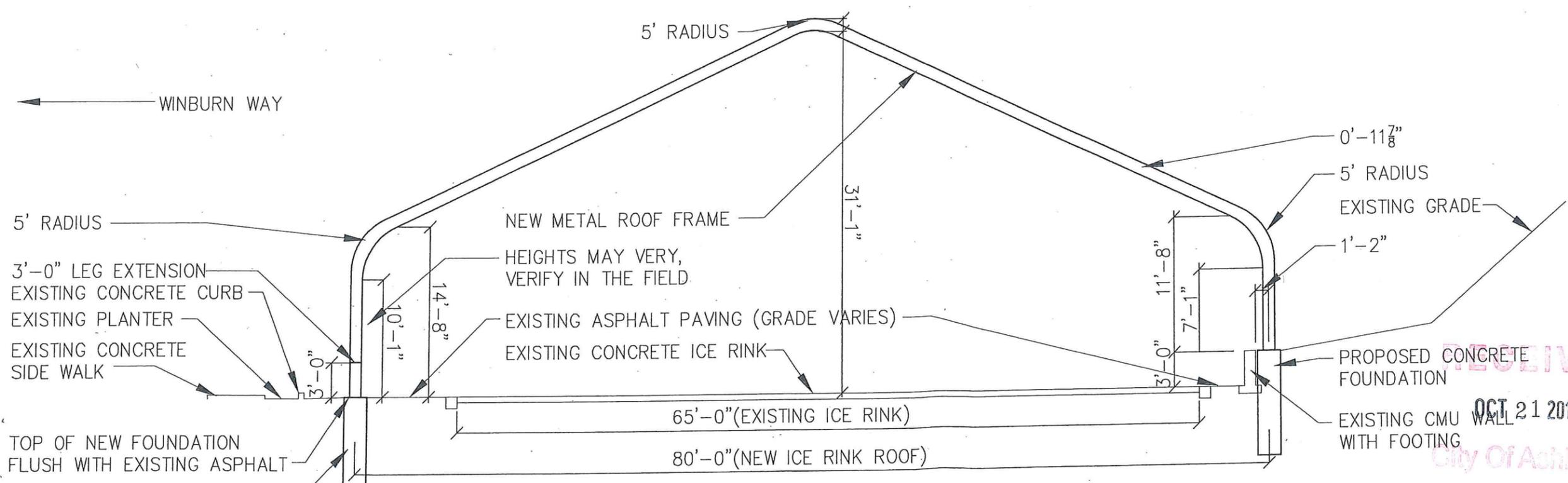
PROJECT FOR
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ASHLAND
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PROJECT ADDRESS
95 WINBURN WAY
ASHLAND, OR 97520

SHEET TITLE
SECTION &
ELEVATION

FILE NAME 1221 ICE SP	SHEET NO. A-1
PROJECT NUMBER 1221	
DATE 08/07/2013	



(B) SOUTH ELEVATION
SCALE: 1"=10'



(A) ROOF SECTION
SCALE: 1"=10'

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GENERAL NOTES

1. CODES AND STANDARDS

- A. Conform to the 2010 State of Oregon Edition Structural Specialty Code (OSSC) based on the 2009 Edition International Building Code (IBC). All reference to other codes such as ACI, ASTM, etc. shall be the edition adopted by the OSSC.

2. DESIGN LOADS

- A. Roof Loads
 Dead Load = (Per Building MFR)
 Live Load (Snow) = 20 psf
 Collateral Load = 1 psf

B. RIGID FRAME LOADS

See Building Manufacturer's plans for foundation reactions.

- C. Wind Load Basic Wind Speed = 95 mph (3-sec gust)
 Exposure = "B"

D. Seismic Load = Site Class "C"

E. NEW DRILLED PIER DESIGN LOADS:

1. Piers shall be capable of resisting the following Design Loads (These loads shall be verified with Pre-engineered Fabric Structure Manufacturer's column base reactions, non-factored)

Vertical Down Load (DL+SL) = 20,400 lbs
 Vertical Uplift Load (UL only) = -16,500 lbs
 Lateral Outward Load = 17,000 lbs
 Lateral Inward Load = 5,000 lbs
 Lateral Out-of-Plane Load = 8,000 lbs

3. GENERAL REQUIREMENTS

- A. Contractor shall be responsible for all construction methods, techniques, sequencing, and safety required to complete construction.
 B. Contractor shall verify all dimensions and details prior to proceeding with construction.
 C. All workmanship, materials, finishes, trim, and accessories shall be of uniformly high quality. Include all labor and materials required for a complete and proper installation.

4. CONTRACTOR RESPONSIBILITIES

The General Contractor (GC) is responsible for carrying out the requirements of these documents through the use of their own effort or that of sub-contractors. The GC is responsible for all construction methods, techniques, sequencing, and safety required to complete construction. All instructions contained in these documents are interpreted to be instruction to the GC. Verify existing conditions prior to proceeding with construction. Immediately bring discrepancies to the attention of the Engineer of Record. Facilitate required inspections, special inspections and tests specified by contract documents, Building Code. Install items manufactured or supplied by others per the manufacturers specifications. Any conflict or discrepancy shall be brought to the attention of the Engineer of Record (ENGINEER) for clarification and resolution.

A. The Contractor shall warrant that;

- I. The Contractor and all subcontractors he intends to use have carefully and thoroughly reviewed the drawings and structural notes and have found them complete and free from ambiguities and sufficient for the purpose intended; further that,
- II. The Contractor has carefully examined the site of the work and that from his own investigations, he has satisfied himself as to the nature and location of the work, as to the character, quality, quantities of material and difficulties to be encountered, as to the extent of equipment and other facilities needed for the performance of the work and as to the general and local conditions, and other items which may in any way affect the work or its performance; further that,
- III. The Contractor and all workmen he intends to use are skilled and experienced in the type of construction represented by the drawings and documents; further that,
- IV. Neither the Contractor nor any of his employees, agents, intended suppliers, or subcontractors have relied upon any verbal representations allegedly authorized or unauthorized from the owner or his employees or agents, including the engineer.

5. INSPECTION AND TESTING

- a. Special Inspections and/or structural observations do not replace Building Code Section 108 inspections by the building inspector
- b. All items noted as requiring special inspection in accordance with Building Chapter 17 shall be performed by a qualified person who can demonstrate competence for the particular type of construction being inspected
- c. Special Inspection required for the following items, and/or as noted by design drawings, shall be performed as required by Building Code Section 1701:
 1. Concrete
 2. Embeds installed in concrete
 3. Concrete Reinforcing Steel

6. FOUNDATIONS

- A. Equivalent Fluid Pressure
 West Side EFP = 1000 psf/ft up to 10,000 psf
 East Side EFP = 400 psf/ft up to 4,000 psf

7. CONCRETE

- A. All concrete shall develop a unit compressive strength of 4000 psi at the end of 28 days.
- B. Submit copy of concrete mix design to the Engineer prior to delivery to jobsite.
- C. Unless approved otherwise, all slabs shall be placed directly from concrete truck. Field verify by independent slump testing.
- D. Take a minimum of 4 concrete test cylinders as required by the Special Inspection Program. Break one one cylinder after 7 days and two cylinders after 28 days. Take additional cylinders as required by the Special Inspection Program. Hold additional cylinders to be broken if problems arise with test strength at 28 days.
- E. Do not place electrical, mechanical, plumbing or similar conduits in footings.
- F. Hard troweled top of all drilled pier footings and water cure for a minimum of seven days using wet cure burlap bags.

Location	Minimum Strength (psi)	Maximum [1] W/C Ratio Max. Water 210#/CY	Maximum Slump [2]	Largest Aggregate Size Req'd	Air Entrainment
Footings	4000	0.50	5"	3/4"	6%

Notes:
 1. Water cementitious materials ratio (W/C) includes all cement, fly-ash and other cementitious products used. Maximum fly-ash replacement is 15%
 2. Slump is the maximum allowed prior to the addition of water reducing or superplasticizing agents. Water reducing admixture shall not be used in mix for slabs.

8. REINFORCING STEEL

- A. All reinforcing steel shall be rail steel deformed bars conforming to ASTM A706, Grade 60.
- B. Fabrication and placement of reinforcing steel shall be in accordance with CRSI MSP-1-90 "Manual of Std Practice" and Chapter 5 of ACI 301-89 "Specifications for Structural Concrete for Buildings".
- C. Contractor shall cast in all necessary inserts, and embeds.
- D. Do not weld reinforcing steel unless specified by design or without authorization of the Engineer.
- E. Support reinforcement with approved chairs, spacers, or ties. All reinforcement and embeds shall be securely tied in-place and shall be capable of supporting the weight of any worker without dislodging.
- F. All structural embeds shall be secured in place and inspected prior to delivery of concrete. Insertion of embedded items into wet concrete (wet setting) is prohibited unless approved prior to construction.

9. REINFORCING PROTECTION

- A. Concrete deposited against earth: 3 inches.

10. Placement and Curing

- A. Concrete conveying, depositing and consolidation shall be performed in accordance with ACI-301. Mechanical vibration shall be mandatory for all elements 12" and deeper.
- B. The GC retains responsibility for properly curing concrete and agrees to repair or replace improperly cured concrete at the engineer or architect's discretion.
- C. Concrete shall be maintained above 50 degrees F for at least the first 7 days after placement.
- D. Contractor shall protect curing concrete against hot or cold weather effects.

11. Bolts

- A. Anchor bolts shall be ASTM A588 (Fy = 50 ksi) or F1554 Grade 55.

12. Headed Studs shall be TRM Nelson Type S3L or H4L with Fluxed ends or approved equal (ANS D.1 Table 7.1 Type B) Provide appropriate ferrules and required accessories to accomplish the required automatic weld. Specified length is the nominal after welded length (ANL). Studs shall be welded with automatically timed stud welding equipment per AWS D1.1 Section 7.5.

- A. Stud qualification shall conform to AWS D1.1 Section 7.6.
- B. Stud production control testing shall conform to AWS D1.1 Section 7.7.

13. DRILLED PIER FOUNDATIONS

- A. Contractor shall use heavy duty pier drilling equipment capable of drilling lightly weathered granite bedrock and hard granite boulders.
- B. Pier holes to be cased as necessary to prevent loss of ground or fall-in during placement of concrete. All loose soil or fall-in shall be removed. All casing to be removed.
- C. Groundwater in pier holes shall be removed or controlled to prevent weakening of ground formation and weakening of concrete.
- D. Reinforcement shall be hung plumb and evenly separated from soil with sufficient wheel spacers.
- E. Concrete shall be deposited in a manner that prevents segregation. Top 5 feet of pier concrete shall be vibrated.

14. PREFABRICATED FABRIC BUILDING SYSTEM

- A. Submit two sets of building engineering computations and shop drawings, including column reactions, stamped by Oregon Registered Engineer for approval prior to fabrication to Marquess & Associates, Inc. and governing Building Department. Clearly notate all deviations from contract documents and obtain approval for each deviation.
- B. Materials shall be designed to support the specified loads.
- C. Supplier shall provide all necessary accessories to carry the specified loads such as, but not limited to, bearing, bracing, blocking, fastening and attaching devices (exception: anchor bolts and concrete embeds).
- D. Erection and installation shall be in accordance with the specifications set forth by the manufacturer.
- E. Secondary framing shall be provided for field bolting to the frames.
- F. Provide foundation bolting layout, sizes, and dimensions to correspond with requirements of Fabric Building Manufacturer prior to proceeding with work.
- G. Fabric Building Manufacturer shall design the lateral force resistant system. They shall provide all bracing, portals, and connection accessories necessary to transfer all lateral loads to the foundation.

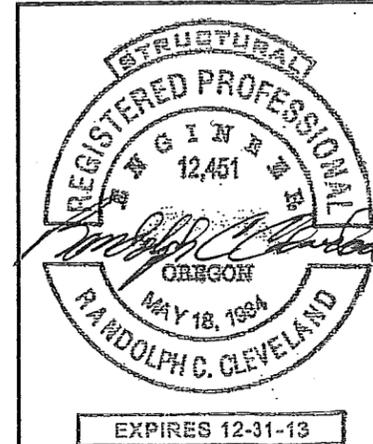
SPECIAL INSPECTION PROGRAM

(As required by IBC 1704)

1. Per ACI 301

- | | |
|---|---|
| 1. Concrete (1) | 3. Reinforcing steel |
| <input checked="" type="checkbox"/> Periodic placement inspection | <input checked="" type="checkbox"/> Placement inspection |
| <input type="checkbox"/> Exceptions: After 1st Pour | <input type="checkbox"/> Stressing and grouting of tendons |
| <input checked="" type="checkbox"/> 4 Cylinders per 100 CY | <input type="checkbox"/> Mechanical Couplers |
| Test: 1 @ 7, 2 @ 28, 0 Hold | 4. Special grading, excavation, and filling (3) |
| 2. Bolts installed in concrete | <input checked="" type="checkbox"/> Periodic inspection |
| <input checked="" type="checkbox"/> All bolts | <input type="checkbox"/> Subgrade tests |
| <input type="checkbox"/> Location: _____ | <input checked="" type="checkbox"/> Compaction tests on Structural Fill |
| | <input checked="" type="checkbox"/> Verify bearing strata |
| | 5. Structural Welding (2) |
| | Periodic Visual Inspection: |
| | <input checked="" type="checkbox"/> Welded studs |

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STEVE ENNIS
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P 541-772-7115
 F 541-779-4079
 1120 EAST JACKSON
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 YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957
 MARQUESS & ASSOCIATES, INC.
 CIVIL, MECHANICAL, ELECTRICAL, PLUMBING, PILING

PROJECT FOR
 ASHLAND PARKS
 AND
 RECREATION
 PROJECT NAME
 ASHLAND
 ICE RINK
 COVER
 PROJECT ADDRESS
 95 WINBURN WAY
 ASHLAND, OR 97520

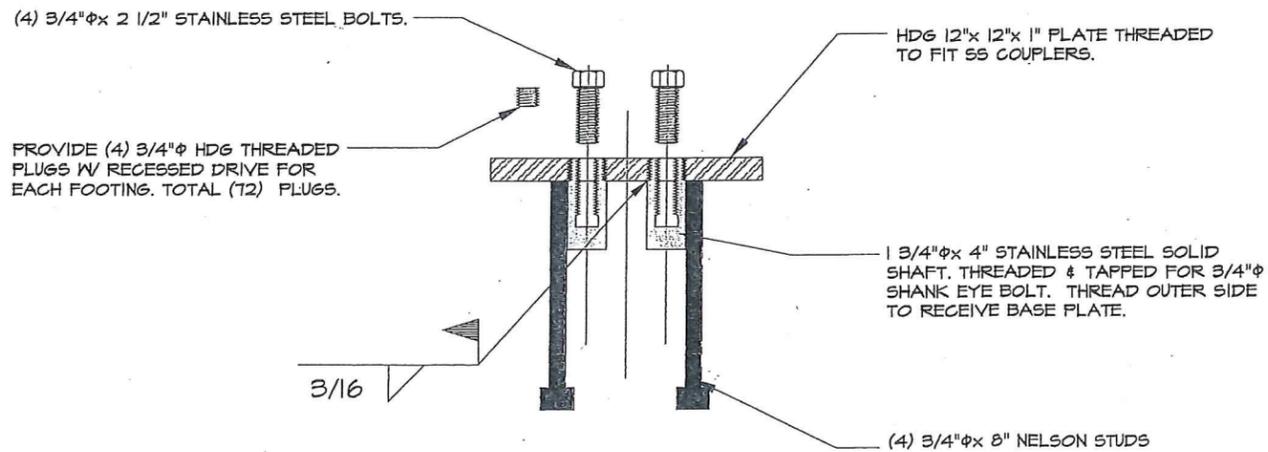
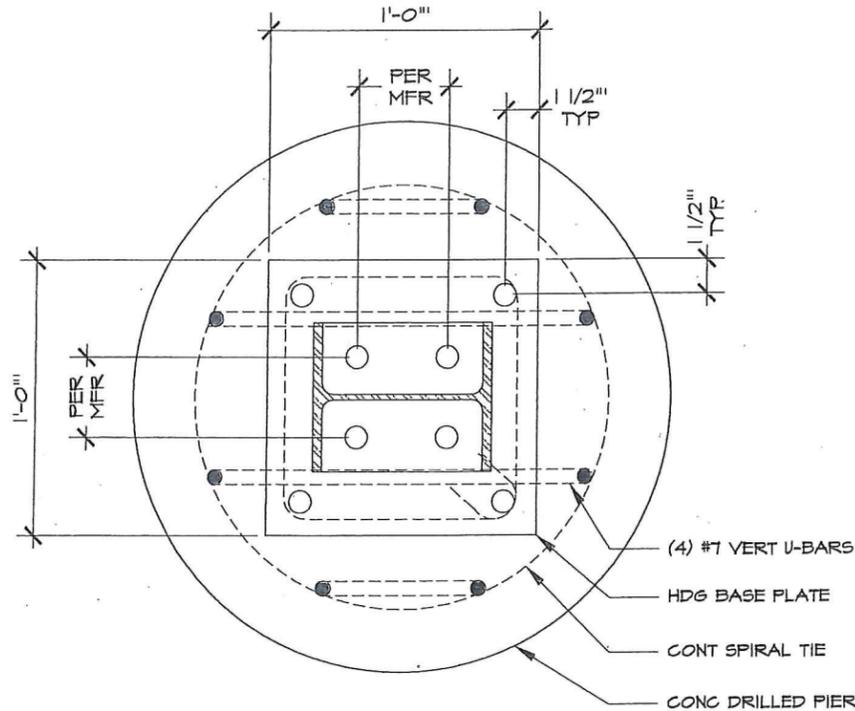
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 STRUCTURAL
 GENERAL
 NOTES

FILE NAME
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 SHEET NO.
 S-1
 MAI PROJECT #
 13-1114
 DATE
 08/07/2013

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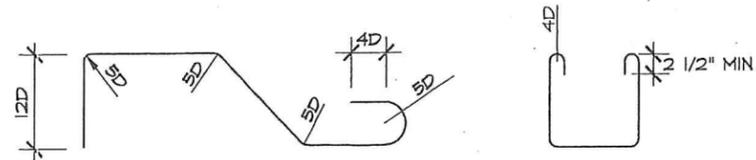
ABBREVIATIONS

alternate	ALT
anchor bolt	AB
architectural	ARCH'L
base plate	BASE PL
bearing	BRG
both sides	BS
bottom	BTTM or BC
bottom of footing	BOF
bottom of steel	BOS
building	BLD'G
cast in place	CIP
centerline	CL or C
clear/clearance	CLR/CLRC
column	COL
concrete	CONC
construction/control joint	CJ
continuous	CONT
dead load	DL or D
detail	DTL
diagonal	DIAG
diameter	DIA or ϕ
dimension	DIM
double	DBL
drawing	DWG
each	EA
each face	EF
each side	ES
each way	EW
equal	EQ
expansion	EXP
exterior	EXT
far side	FS
finish	FIN
flange	FLG
foot/feet	FT
footing	FTG
foundation	FND or FNC
face of concrete	FOC
height	HT
horizontal	HORIZ or H
include	INCL
inside diameter	ID
inside face	IF
interior	INT
kip(s)	K
kips per square inch	KSI
location, locate	LOC
machine bolt (A307 quality UNO)	MB
material	MAT'L
maximum	MAX
metal	MTL
minimum	MIN
miscellaneous	MISC
near side	NS
north	N
not to scale	NTS
number	#
not in contract	NIC
on center	OC
opening	OPN'G
opposite	OPP
outside diameter	OD
outside face	OF
places	PLCS
plate	PL or PL
pounds per square foot	PSF
pounds per square inch	PSI
quantity	QTY
reference	REF
reinforce(ed, ing)	REINF
required	REQ'D
revise/revision	REV
schedule	SCHED
section	SECT
sheet	SHT
similar	SIM
snow load	SL
south	S
spacing	SFC'G
specification	SPEC
square	SQ
staggered	STAG
standard	STD
steel	STL
stirrup	STIR
structural/structure	STRUC'L
top and bottom	T&B
top of concrete	TOC
top of footing	TOF
top of steel	TOS
typical	TYP
unless noted otherwise	UNO
vertical	VERT or V
with	W
without	W/O



1 ENLARGED - COLUMN BASE PLATE
SCALE: 1/2"=1'-0"

* = 32D @ CONCRETE & 40D @ MASONRY MINIMUM UNLESS OTHERWISE NOTED
D = BAR DIAMETER

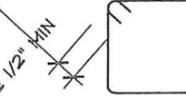


BENDS SHOWN FOR GRADE 40 ONLY.
GRADE 60 BEND RADIUS:
6D FOR #3 THRU #6 BARS
8D FOR #1 THRU #11 BARS

BEAM STIRRUPS

HOOKS & BENDS

ALL BARS SHALL BE TIED TOGETHER



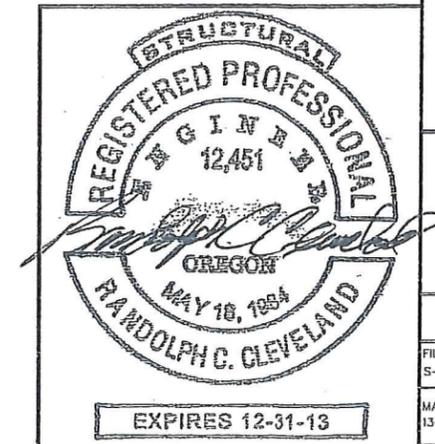
SPLICES FOR SUCCESSIVE TIES TO BE PLACED AT ALTERNATE CORNERS OF COLUMNS

COLUMN TIES

NOTE: ALL REINFORCEMENT SHALL BE BENT COLD

2 REINFORCING DETAILS
SCALE: NTS

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MARQUESS & ASSOCIATES
YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957
REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
EPBA # 10837-0015-0001

PROJECT FOR
ASHLAND PARKS AND RECREATION
PROJECT NAME
ASHLAND ICE RINK COVER

PROJECT ADDRESS
95 WINBURN WAY
ASHLAND, OR 97520

SHEET TITLE
STRUCTURAL ABBREVIATIONS AND DETAILS

FILE NAME S-GEN.dwg	SHEET NO. S-2
MAI PROJECT # 13-1114	DATE 08/07/2013

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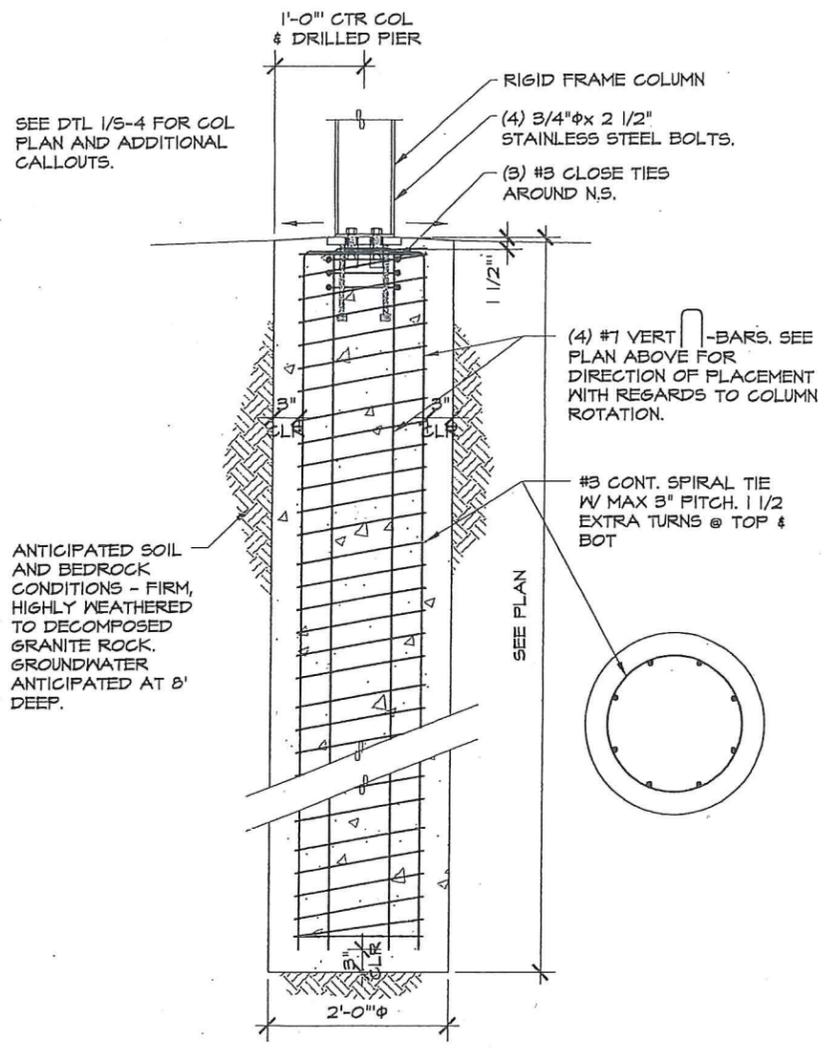
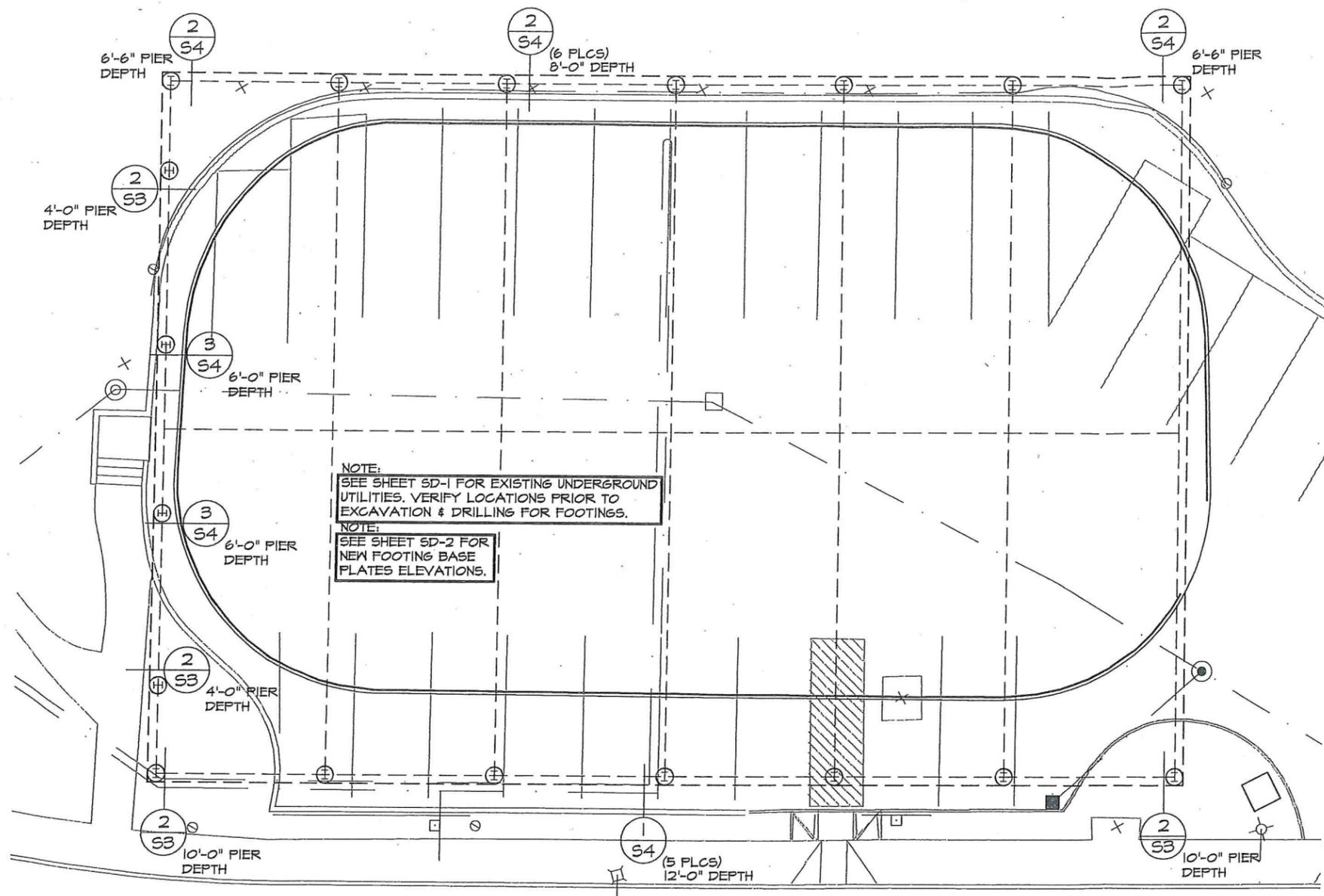
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SHEET TITLE
FOUNDATION PLAN

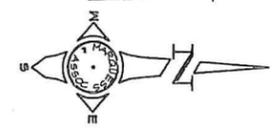
FILE NAME S-PFND.dwg	SHEET NO. S-3
MAI PROJECT # 13-1114	DATE 08/07/2013



2 SOUTH & EAST - RIGID FRAME FOOTINGS @ LANDSCAPE
SCALE: 1/2" = 1'-0"

WINBURN WAY

1 FOUNDATION PLAN
SCALE: 1/16" = 1'-0"



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EXPIRES 12-31-13

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MARK	DATE	REVISION

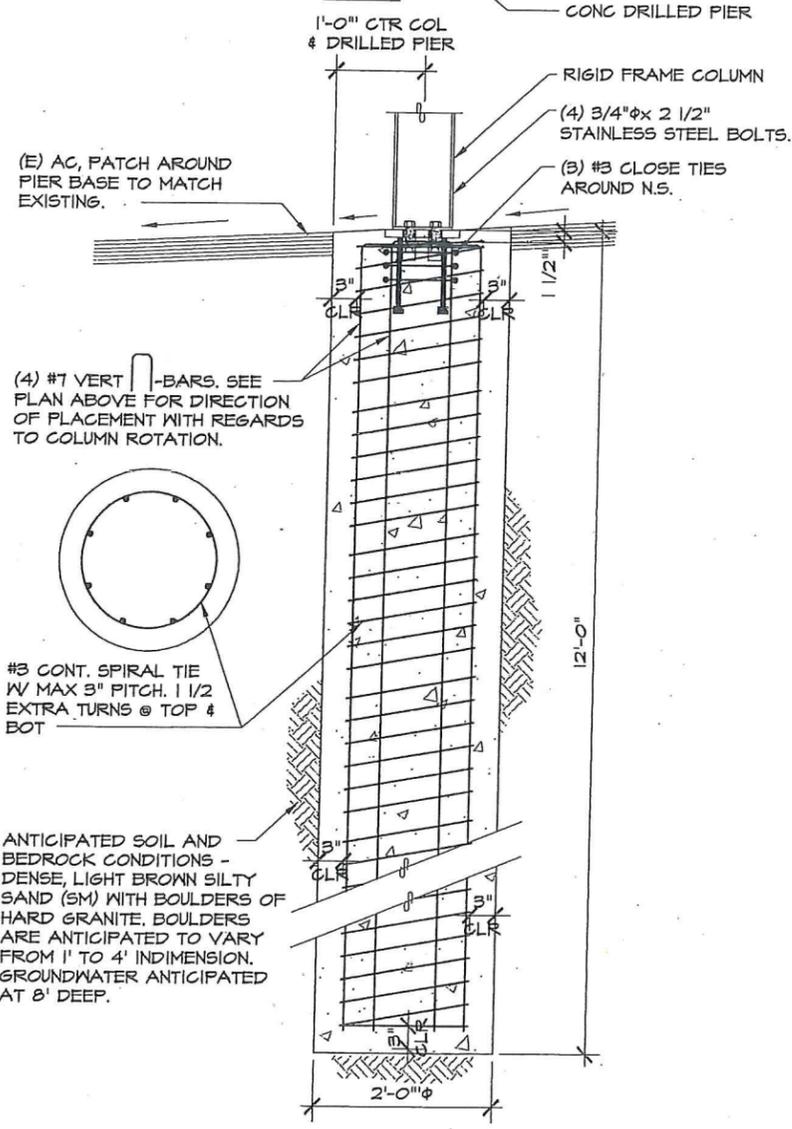
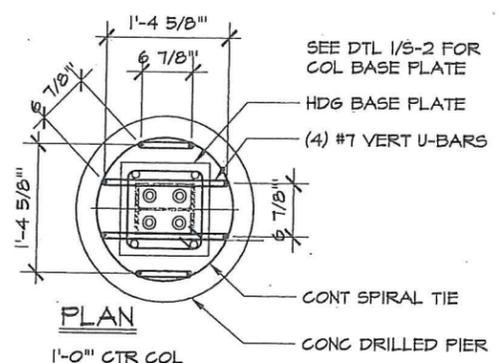
STEVE ENNIS ARCHITECT
P.O. BOX 4051
2870 NANSEN DRIVE
MEDFORD, OREGON 97501

P 541-772-7115
F 541-779-4079
1120 EAST JACKSON
P.O. BOX 490
MEDFORD, OR 97501
YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

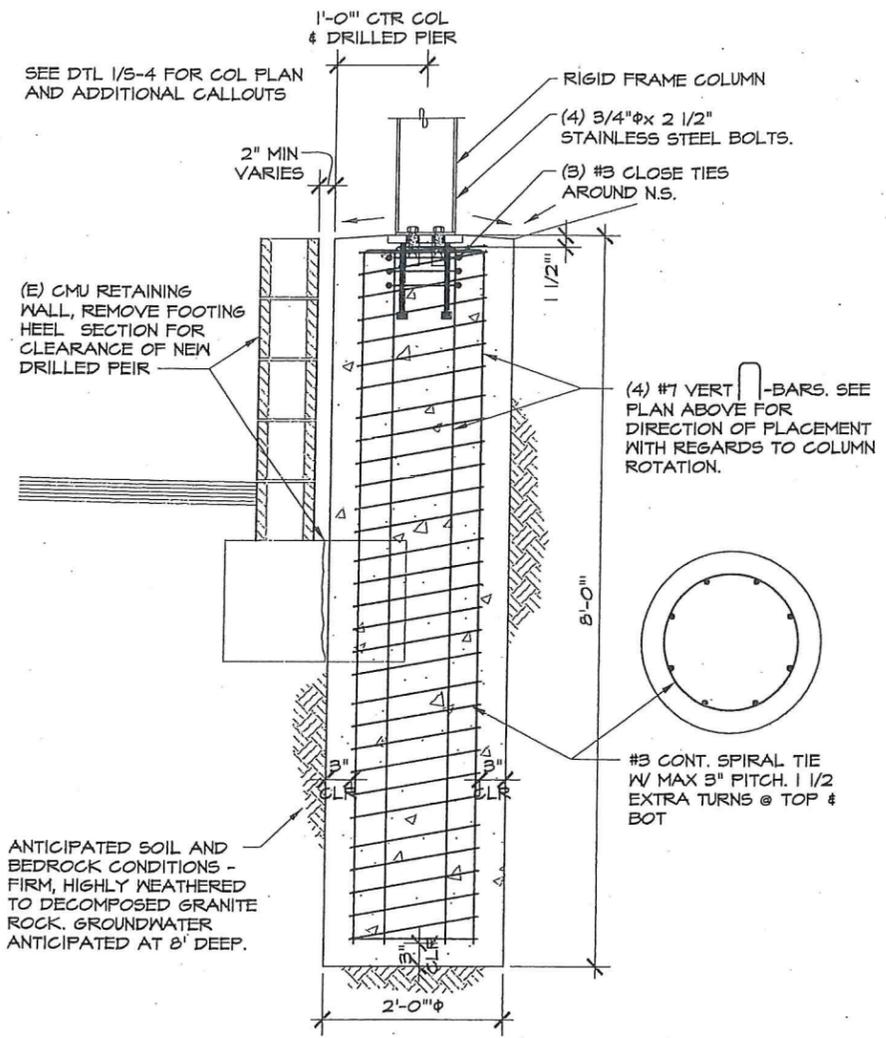


PROJECT FOR
ASHLAND PARKS AND RECREATION
AND
RECREATION
PROJECT NAME
ASHLAND ICE RINK COVER
PROJECT ADDRESS
95 WINBURN WAY
ASHLAND, OR 97520

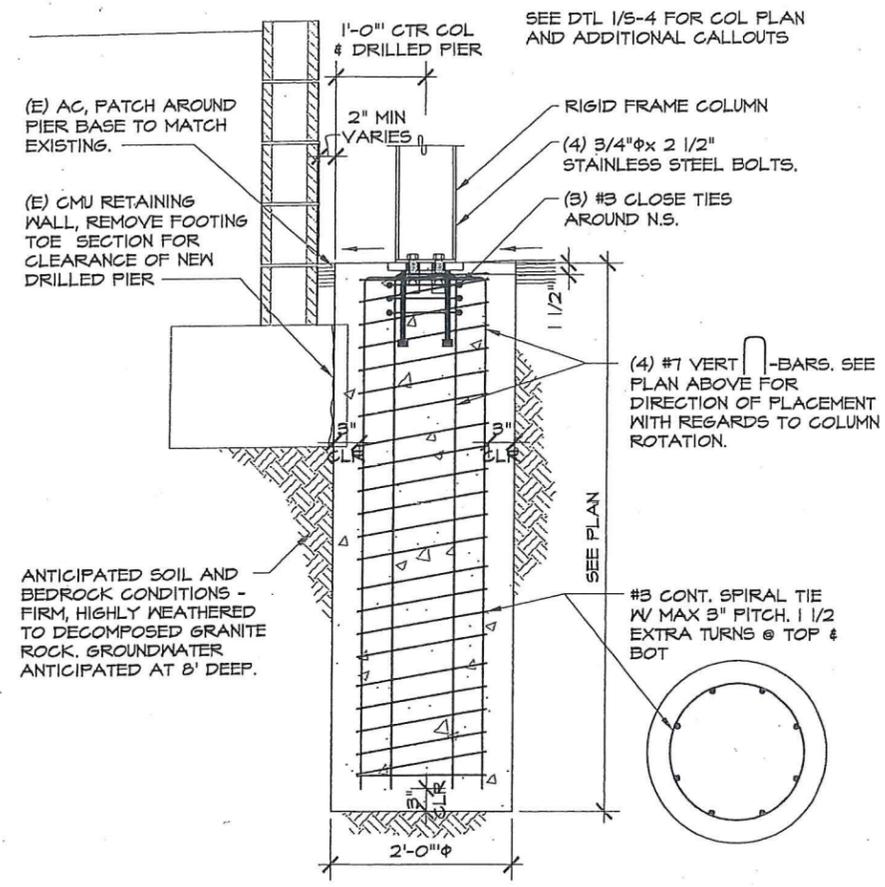
SHEET TITLE STRUCTURAL DETAILS	
FILE NAME S-GEN.dwg	SHEET NO. S-4
DATE 08/07/2013	MAI PROJECT # 13-1114



1 EAST - RIGID FRAME FOOTINGS
SCALE: 1/2" = 1'-0"



2 WEST - RIGID FRAME FOOTINGS
SCALE: 1/2" = 1'-0"



3 SOUTH - RIGID FRAME FOOTINGS
SCALE: 1/2" = 1'-0"

RECEIVED

OCT 21 2014

CITY OF ASHLAND

EXPIRES 12-31-13

CLAS-DILLS.dwg, 8/6/2013 12:04:18 PM

S-13-1114

Public Input

PHOTOS SUBMITTED

BY NEIGHBORING PROPERTY OWNER

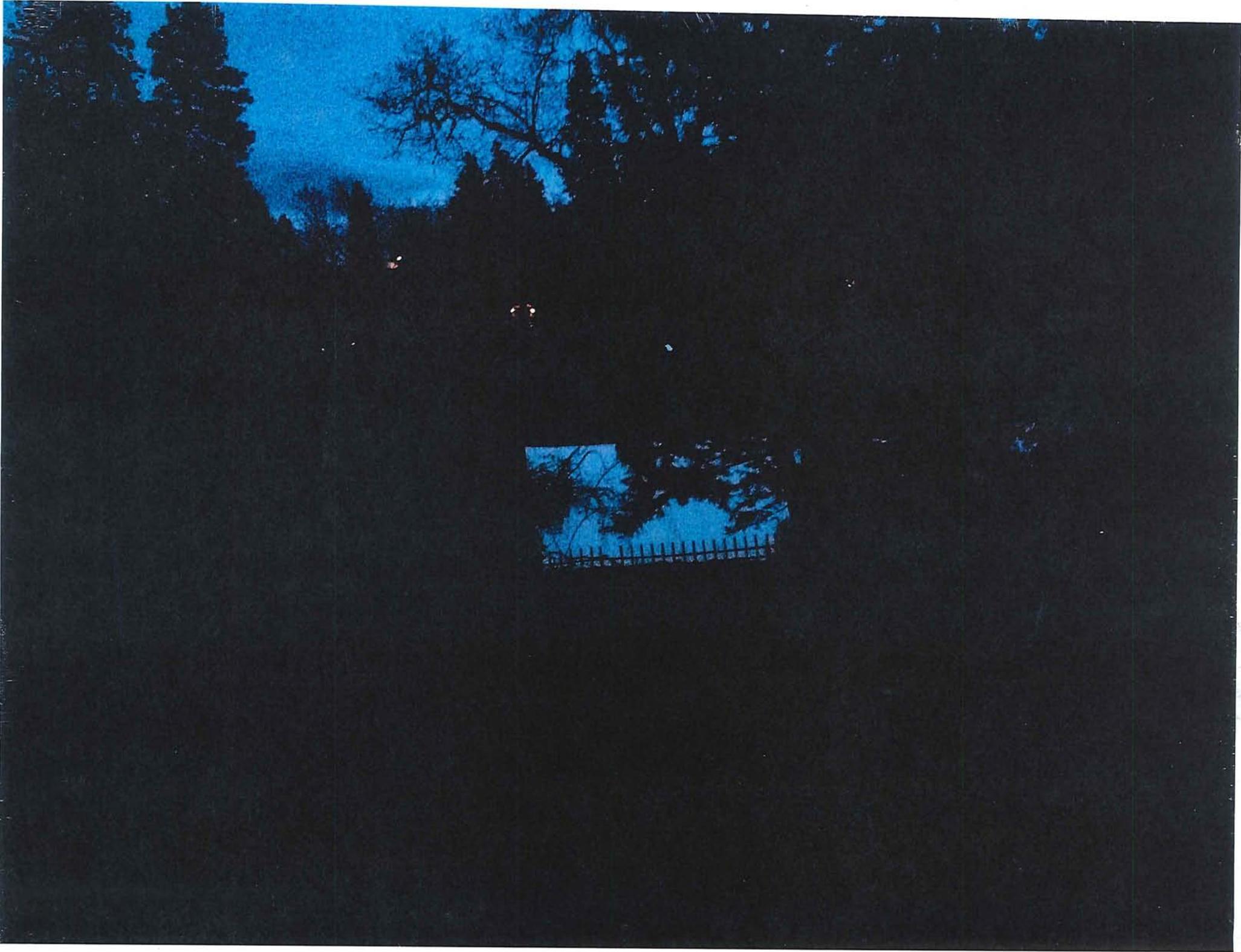
AT 94 GRANITE STREET











RECEIVED

NOV 05 2014

Ruth A. Kennedy
94 Granite Street
Ashland, Oregon 97520

City of Ashland Planning Commission
51 Winburn Way
Ashland, Oregon 97520

November 5, 2014

Re: Planning Action #2014-01837

Dear Commissioners:

I own and reside at 94 Granite Street in Ashland and submit this letter in opposition to the Application of Ashland Parks and Recreation ("APR") for permission to erect the ice rink tent, Planning Action #2014-01837. In opposition, please consider the following.

I. **Facts Matter!** Applicant presents this tent as "simply a replacement for one of similar size...", "simply a replacement", "only slightly larger". 12 feet wider and only 3 feet taller". (*Application, pages 2 and 8*) The current proposal is for a structure 120'X80', with an elevation somewhere between 31'1" (*Plans submitted with Application*) and 33' (*various drawings part of 2013 building permit*). The prior tent, erected in 1998 and felled in 2007, was 70'X80' and 25'4 inches tall. (*See attached drawing from 1998 Building Permit*) **The square footage of the tent has increased 72%, from 5600 to 9600 square feet, the length has increased by 50% and the height of this massive structure increased from 22-30% with a height increase of between 4'9" and 6'10"**. The pictures on the Application are actually helpful. At first glance they look similar, but one can easily identify four 20 foot bays (80 feet long) on the old tent and eight 15 foot bays on the proposed tent (120 feet). This is not a replacement in any sense of the word.

Applicant also presents itself as a victim of a Planning Department error. Applicant relies on being told by Planning that nothing more than a building permit would be required. In fact Planning staff told APR that "provided that the ice rink cover is going to be essentially what was in place before, and going to be a temporary/seasonal installation as before".... then nothing more than a building permit was required. (*Memo from Derek Severson to APR Director dated July 7, 2013*). Even if that advice was erroneous, the new tent is not even close to "what was in place before". See also Section IV below, for the time lapse in knowing land use approval was required and actually applying for it. Representing the new tent as a replacement is what has caused the difficulty. This is in fact a situation that APR has created.

II. **Nature of the Application.** This Application cannot meet the criteria for site design review because it is not otherwise consistent with the local code. See *AMC 18.72.070A*. Applicant states in its narrative that this use is intended to be temporary and seasonal – and which by clear definition under is *always* a conditional use which needs to meet the specific criteria of a Conditional Use Permit.

In fact, the direction by the Director of Planning, after consultation with the City Attorney, to APR was that it either needed a full site review *if the structure was to be up all year or a*

Conditional Use Permit if it was temporary. (*Memo from APR Director to APR Commission dated June 12, 2014*). What we have is an Application designed for permanent structures, with vague assurances that the use is intended to be seasonal, notwithstanding the direction to APR Staff by the APR Commission to get a full year permit. (*APR Commission Minutes, June 16, 2014*).

Under either standard, the Application should be denied.

III. Conditional Use Permit. Clearly, this Application does not meet the standards of a Conditional Use Permit.

A. Scale, Bulk, and Coverage. (*AMC 18.104.050 (C)(1)*). In my view, the design, composition and size of the tent are inconsistent with the surrounding areas. It is three story (31' 1") metal and shiny white industrial structure abutting a beautiful park and back yards of beautiful homes on Granite Street. It both detracts from the beauty of Lithia Park itself and is an overwhelming eye sore to the homes on Granite Street that it abuts. According to the Application, the tent is three stories high, and measures 120' by 80', for a total area of 9600 square footage. This is more than 3 times the square footage of my house (counting all stories!) and $\frac{3}{4}$ the size of my entire property.

B. Architectural Compatibility. (*AMC 18.104.050 (C)(3)*). No argument has been made, nor could one be made, that the tent is compatible with the area. It simply is not. By requesting a blanket exception to the Site Design Review Standards, the Applicant acknowledges the same.

C. Light and Glare. (*AMC 18.104.050 (C)(5)*). The reflective nature of the tent material causes significant reflection and glare. The tent reflects sunlight, moon light, my porch and gazebo lights and the lights in my kitchen/eating/family room and master bedroom. On a sunny afternoon, I need to draw all the blinds at the back of my home to be able to work at the kitchen sink, sit at the kitchen or dining room tables. I was not able to use my porch or gazebo lights for the entire time the tent was up last year.

D. Effect on Home Value. This structure has significantly devalued my home.

(i) My realtor, Sandy Royce, who agreed to be quoted on this matter, completed a market analysis of my home and concluded that without the tent it is a Million Dollar property. She also noted that because the tent is not on my property, I did not need to disclose the existence of the tent to a potential buyer. Her advice was *to sell in the spring*, or if the Commission's prior instruction to staff to apply for a year round permit seemed likely to sell my house *now*. Her comments are telling.

(ii) My appraiser, Roy Wright, who also agreed to be quoted on this matter, stated to me that he could not appraise my house with the tent up because there are no comparables. He informed me that you just can't find a beautiful home on a storied street next to a famous and beautiful park, with a 3 story tent abutting it. "No one does this!"

E. Effect on My Enjoyment of My Home. I purchased this fixer-upper property with the intention of spending the rest of my life here. I paid a premium of course because of its location, and the beautiful park next door. The back of half of my house – kitchen, eating area, dining room, family room and master bedroom and bath - as well as the back porches and

Gazebo are overwhelmed by this massive industrial structure. Rather than open blinds to bring light inside, I close these off to the outside just to avoid the eyesore, the obscured view and the glare from any and all light. *AMC 18.108.050(a)(2)*.

F. Attempts to Ameliorate. Applicant has made no offers to ameliorate. When asked, the APR Director told me there really had no ideas, and would hopefully get some ideas from neighbor meetings. While the Application states that APR will provide perimeter landscaping of owners on Granite Street, no specifics have been proposed, and the APR Director told me directly that they would/could not provide landscaping of sufficient height to shield the tent. Shrubbery at the perimeter would need to be more than 12 feet tall, and shrubbery well inside my yard would need to be 8-10 feet tall to block the tent from my ground floor and porches. There is no irrigation at the perimeter, and irrigating inside my property line will require removal of existing foliage, tearing up the lawn to add on to the existing irrigation system and the . Presumably it will also not pay to irrigate the perimeter, or other required matters if any effective screening is to be had. In any event nothing will screen this from my upstairs master bedroom/bath.

Under the applicable Conditional Use Approval criteria, Applicant has not and cannot demonstrate that the tent will have "no greater adverse material effect on the livability of the impact area". AMC 18.104.050C.

IV. Site Review, Variance, and Exception Requests. Even if the Application appropriately requests a site review, a variance and an exception, the standards have not been met.

A. Site Review. As noted above, this Application cannot meet the criteria for site review because it is not otherwise consistent with the local code. See *AMC 18.72.070A* and Section II above. This should properly have been an application for a Conditional Use Permit.

B. Variance. Additionally, as to the request for Variance, Applicant has not provided any evidence at all that "the proposal's benefits will be greater than any negative impact on the development of the adjacent uses". *AMC 18-100.020B*. Of course the specific variance requested is to accommodate the increased width of the proposed tent, which is what presumably also necessitates the increase in height. In fact, the Applicant has not specified any benefit, but implies that the tent and the rink go together, which of course is incorrect. The APR makes much of the history of skating in Ashland. All of its remarks are based on the history of the ice rink and the prior cover, not on the proposed cover. The choice of location, the tradition of skating in the Park – these are all arguments made for the rink itself. I agree! The ice rink is a wonderful feature and I appreciate its beauty, and personally enjoy watching the children skate. However, whether the rink itself or the prior cover was properly permitted is not at issue. The history of ice skating in Ashland or the fact that there was a significantly smaller prior tent some years ago are not relevant to this Application.

APR has not made a showing that this structure significantly and positively affects Lithia Park, or the City or the public. While no doubt some skaters prefer covered skating, others will prefer open air and there are no doubt mixed views in the aesthetic effect on Lithia Park itself. These are subjective and reasonable people can disagree. However, where hard facts are available, the picture is mixed at best.

For example, in 2013-2014, the year the new tent was erected, there were “several” closures due to weather. (*APR Commission Minutes*, March 24, 2014.) Yet in 2012-2013, the last season with no tent, there were only 3 closures due to weather. (*APR Commission Minutes*, March 18, 2013). Likewise, while revenue increased somewhere from \$16,400 (*Ashland Daily Tidings*, Feb. 28, 2014 quoting Lonny Flora) to “\$20,000” (*APR Commission Minutes*, March 24, 2014), or somewhere between 22% and 27%, revenue rose \$11,000 (*APR Commission Minutes*, March 18, 2013) or 18% the year before. Just the additional expense of take down, clean up and storage of \$7000 (*APR Commission Minutes*, March 24, 2014) means that increase in net revenue was not more than 9,400 or 13,000 – the range of the prior years’ revenue growth. This does not even include set up costs, which are not set forth in APR Commission Minutes. In short, there is no basis at all to attribute revenue growth or increase in visitors to the tent or as simply part of a trend – the data is too scarce. Indeed, the first year of operation after the destruction of the prior tent, the rink operating without a cover produced revenue within the seasonal average. (*APR Director, Mail Tribune*, March 19, 2008, and *Parks Commission Minutes*, March 17, 2008).

C. Exception. The request for an exception to the Site Design and Use Standards for a Historic District is sweeping- the entire Section (IV-C) applicable to Historic District – *every criteria* - is asked to be excepted, including, scale, massing, setback, roof materials, etc. Again, Applicant has made no showing as required by *AMC 18.72.090* that the proposal will “not substantially negatively impact adjacent properties” (*See also discussion in Section III above*), or that it is “consistent with the purpose of the Site Design and Use Standards”. (*See also AMC 18.04.020* - “The purpose of this Title is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate open space for light and air; to conserve and stabilize the value of property). Lastly, Applicant has made no showing that this proposal is “the minimum which would alleviate the difficulty.” *AMC 18.72.090*. Even if it were accepted that the tent is somehow necessary, or that there really is some “difficulty” (other than the fact it has already been purchased), this tent is intentionally larger than the last one and “its span would include the spectator section and it would be higher, providing plenty of headroom for skaters and spectators”. *APR Director, Parks Commission Minutes*, August 19, 2013.

The instruction to APR Staff by the APR Commission was to apply for a year round permit (*APR Commission Minutes*, June 19, 2014). But the design site review process – which would result in a year round permit – is buffeted by a vague narrative that they intend it to be seasonal. I don’t even know what that means – presumably, either APR did not think it could meet the CUP requirements or really does want the flexibility to leave it up all year. Based on the direction given to Staff in June, 2014 to get a year round permit, the latter is most likely.

I realize that a significant amount of our funds have already been spent with no consideration of the legal or design criteria and no consultation with or consideration of neighbors was required. Several city personnel I have spoken to say “the money is already spent,” or “it’s a done deal”, or “the cover will go up”. The fact that money was spent simply does not add to the merits of the Application. If it did, who would bother applying for a permit? “Begging forgiveness” instead of “asking permission” is a bad precedent, and particularly when a public body is the Applicant. I do not believe the Planning Commission would permit me to do to my neighbors what the skate tent has done to my home and neighborhood.

V. Objection to Notice Period, Request for Continuance and Objections to the Process. Under the AMC, a Type II Hearing is defined as “any other planning action not designated as a

Type I or Type III.” *AMC 18.108.050(a)(2)*. Whether this may have originally been a Type I matter is not relevant, as it has been referred to the Planning Commission and is thus now a Type II. The Planning Department acknowledges this by its own categorization. See *“Current Development Proposals” on website*. Accordingly, this matter should have been heard at the “next regularly scheduled Commission meeting at least 30 days *after* submission of the completed application.” *AMC 18.108.050(B)(2)*. This application was submitted on October 21 2014, and should properly have been heard at the Commission’s regular December meeting.

I originally questioned the legality of the tent on November 6, 2013 immediately after the white sheeting was strung over the metal frame. I was told that my email had been forward to all the APR Commissioners. I was also told by the APR Director that no permit besides a building permit was needed as it was only “temporary”, and was the same tent that used to be there – if I had only lived here longer I would know. He referred me to the City Attorney, who referred me back to APR. A City Council person referred me to the Chair of the APR Commission and to the Director of Development. I routinely followed up with Mr. Molnar, hoping for an early determination. (*See email chain between Ruth Kennedy and Bill Molnar*). APR was notified verbally in early May of 2014 (*See email chain between Ruth Kennedy and Bill Molnar*) and later in writing that the Director of Planning, in consultation with City Attorney, had determined that a land use application needed to be made before putting up the ice rink tent again. The APR Commission was advised that a CUP was needed to put it up temporarily, and that a site review was required to leave it up permanently. (*Memo from APR Director to APR Commission dated June 12, 2014*). At the APR Commission Study Session on June 16, 2014 staff was directed to hire a land consultant, apply for a year round permit and to “fast track the process”.

More than four months later, with skate season nearly upon us, this Application was finally submitted for a site review and variance/exception from several requirements, most notably the design standards. The proposition that APR “was informed in September of 2014 that the process that would be required is to seek Site Plan Review for a Permitted Use in the R-1-7.5 zone” is disingenuous.

The week of October 6, 2014 the APR Director stopped by my home as a courtesy to let me know that they would be removing trees on the hillside behind my house the week of October 13th. I of course asked about the tent application. He told me it would be submitted around October 20. On Tuesday, October 21, 2014 at his request, he visited again to tell me that APR was going to erect the tent the week of October 27th even though the Planning Commission hearing would not as yet have been held. He told me he felt bad that they had decided not to tell me this on their prior visit. *There are simply no good implications that can be drawn from this*. I objected strongly to Mr. Black at our meeting and in writing to Mr. Molnar. That decision was apparently reversed, and APR decided to wait for the process it so long delayed to complete. Even then, the process has been improperly abbreviated as noted above.

The reason these facts are important is not just the failure to follow the rules initially. APR wants approval based on the facts that they already bought the tent, that the mistake in not seeking approval last year was with the Planning Department and that this is about the same size – just a replacement. The timing, the scheme to erect the tent no matter where the process stood and the chronic misrepresentation of the structure is all disturbing and should I believe give the Planning Commission and the rest of us pause.

Request for Continuance. Accordingly I request that this matter be continued to the Planning Commission's regularly scheduled meeting in December of 2014.

Request to Leave the Record Open. I request that the record remain open for at least 7 days as set forth in the Notice of Public hearing for this Planning Action.

I request that the Application be denied.

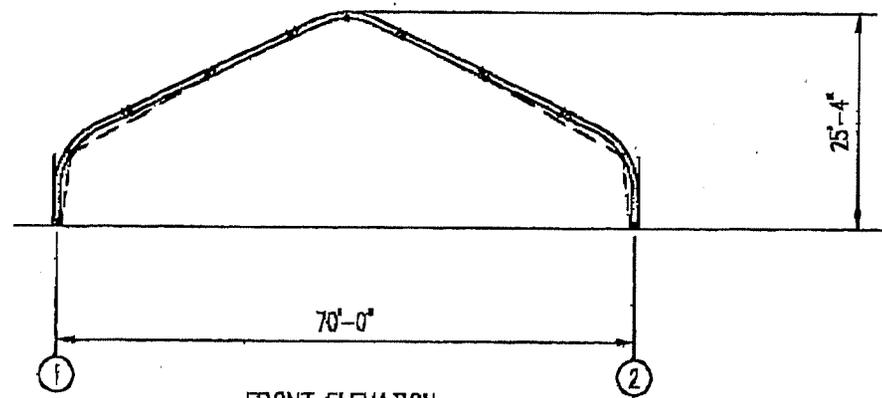
Respectfully submitted,



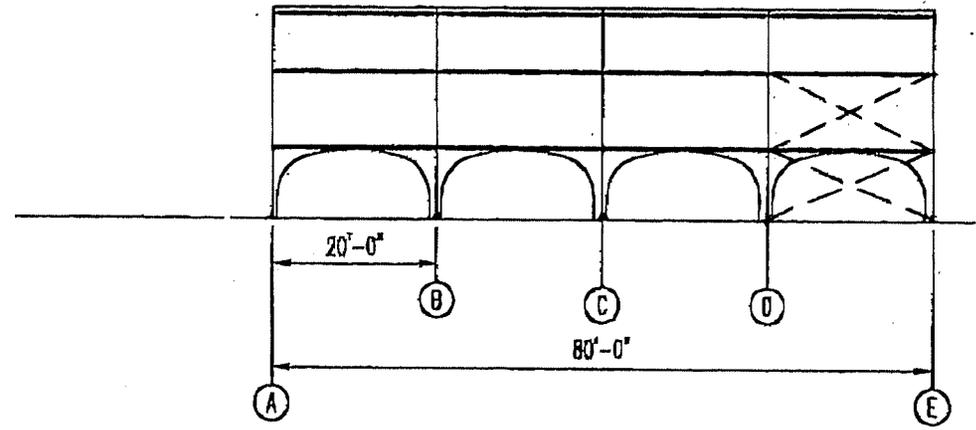
Ruth A. Kennedy

Attachments: Attached please find photos of my back (both with and without the tent), copies of the drawings from the building permits of the prior tent and the proposed tent showing dimensions, as well as materials cited other than AMC provisions, APR Commission minutes, and various documents in the Planning Department files for this location.

1998 Tent



FRONT ELEVATION



SIDE ELEVATION

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S & S STRUCTURES LOS ANGELES, CA. (916) 432-1000 - FAX (916) 432-1006		CUSTOM		FINISH _____	PER DESCRIPTION ELEV
COMPANY RS	DESIGNER J.H.	QUICK-SPAN / 0-62 / CUSTOM 70'W X 80'L X 20'BAY ELEVATIONS		SCALE _____	DATE 09-23-98
ORDER NO. _____		PROJECT NO. _____		8-0-62-CNBT-103	

Planning Division Approval by _____ Date _____

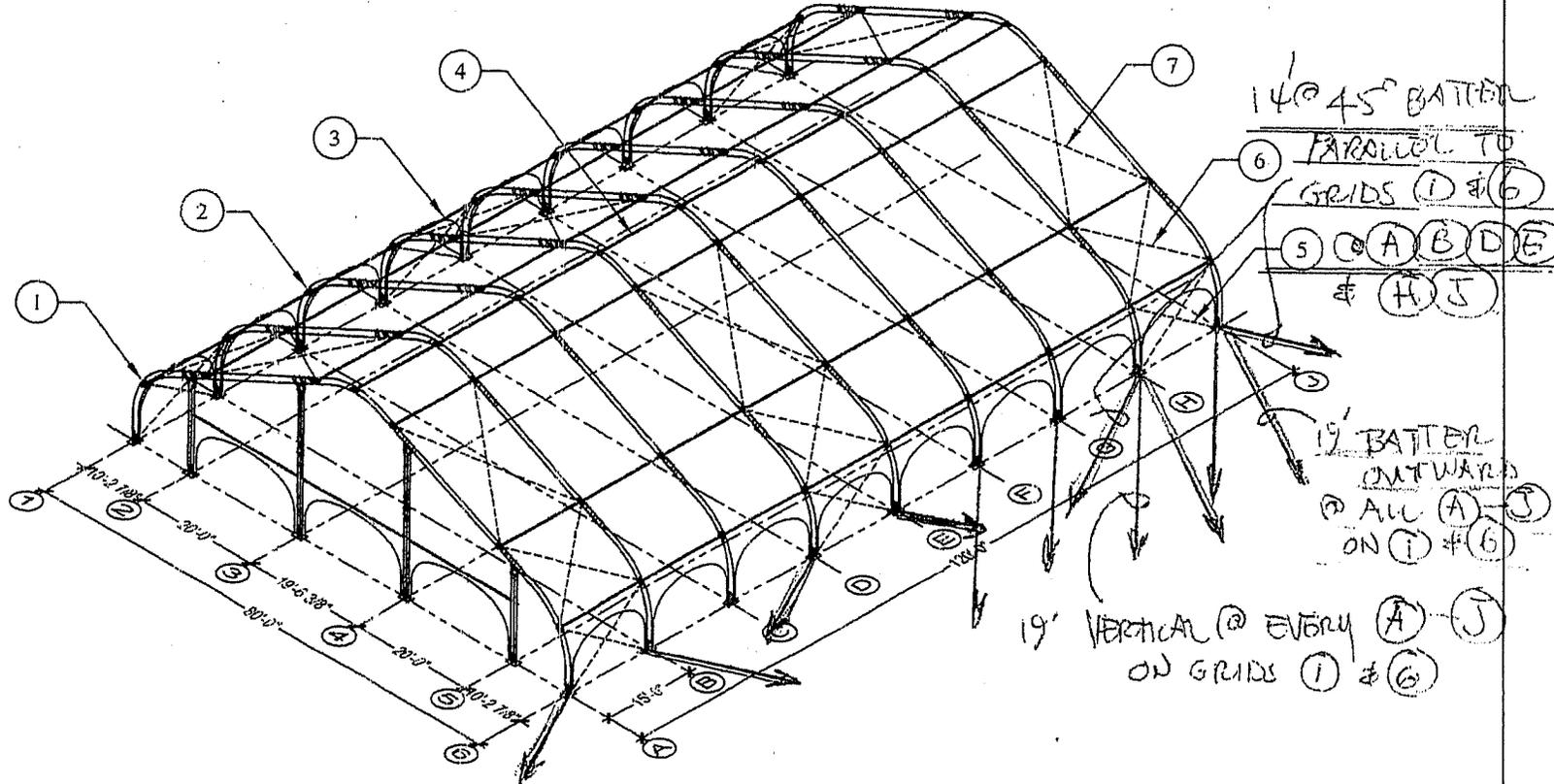
BILL OF MATERIALS

ITEM	QTY	ITEM No.	ITEM DESCRIPTION
1	1	QS-080X12E-G	80' WIDE, 12' EAVE - GABLE END BEAM
2	8	QS-080X12E-C	80' WIDE, 12' EAVE - CENTER BEAM
3	16	QSAPT-T3	ARTICULATING TRACKED PURLIN - 15'-0" BAY (T-3)
4	40	M15PH-P3	ARTICULATING HINGED PURLIN - 15'-0" BAY (P-3)
5	12	CE17-1811	3/8" LOWER CROSS BRACE <RED> - 16'-11"
6	12	CE17-1902	3/8" MIDDLE CROSS BRACE <YELLOW> - 19'-2"
7	12	CE17-2509	3/8" UPPER CROSS BRACE <BLUE> - 25'-8"

Current Tent

MICROPILE LAYOUT @ ICE RINK

TOTAL (48) LOCATIONS
 (2) EACH @ ALL (1) A-J & (6) A-J
 ADDL @ CROSS BRACING LOC.



FRAME



Order Number:
13-0138
 Date: **09/23/13**
 Drawn By: **MDP**
 Approved: **-**

CREATIVE TENT INTERNATIONAL
 (888) 484-8368 - www.creativetent.us Design By Robert Stafford
O-100 QUIK-SPAN™
CONTRACT DRAWINGS
80' x 120' x 12' EAVE, 15' BAYS

PROPRIETARY INFORMATION
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 Drawing Name
CD-130138-A

ASHLAND PARKS AND RECREATION COMMISSION

340 SO. PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Rick Landt
Jim Lewis
Stefani Seffinger
Vanston Shaw



Don Robertson
Director

TEL: (541) 488-5340
FAX: (541) 488-5314

MEMORANDUM

TO : Ashland Parks and Recreation Commission

FROM : Don Robertson, Director

DATE : June 12, 2014

SUBJECT : Study Session Overview

A study session is scheduled for June 16 at 7:00 p.m. in the Parks and Recreation office. Items for discussion include:

- ***Dogs at North Mountain Park***

Many of the neighboring residents on the south end of North Mountain Park would like to be able to use the upper bluff neighborhood park as a dog friendly area. Other neighbors are of the opinion that this area should remain closed to dogs. Staff will be asking for commission direction in the form of:

- Placing this item on a future regular meeting agenda - or
- Not moving this item forward to a regular meeting

I suspect several interested citizens will attend the study session.

- ***Wastewater Outfall Relocation Project Restart***

City staff and its consultant CH2M Hill would like to provide a brief overview of the project in terms of established project goals of meeting regulatory requirements for the City's wastewater effluent outfall relocation project. The wastewater master plan defined relocating the current effluent outfall from Ashland Creek to Bear Creek as a priority project in order to meet temperature requirements for our new permit. The previous consultant and City staff earlier discussed use of Parks land and Ashland Pond in order to meet temperature requirements. Public Works is now moving forward with engineering design and analysis of the outfall relocation project and is engaging stakeholders throughout the process.

- ***Director Search Update***

Staff will provide a brief update on the search for a new Parks Director. June 16 represents the approximate mid-point in the recruitment process. Staff has inquired with the recruitment specialist about any contact from prospective applicants. Staff will be reporting on the status of the applications to date.

- ***Drought Update***

Staff will be updating the commission on current drought conditions and how the department is responding.

- ***Ice Rink Cover Update***

Planning Director Bill Molnar has informed us that we will need to go through a CUP for the ice rink cover installation this year. He expects opposition to the cover CUP. Questions for the commission are: Do you want to apply for a temporary annual installation? Or do you want to apply for a permanent installation?

- ***Signs, Plaques & Memorials Subcommittee Updates:***

- ***Logo***

The commission has discussed changing the Parks logo and removing the swans for approximately nine years. Staff recently experimented with several different concepts. The Signs, Plaques & Memorials Subcommittee met on May 21 and reviewed a draft logo concept. Staff will be sharing the logo with the commission and requesting input.

- ***Calle Commemorative Plaque Proposal***

Commissioner Seffinger fielded a request by Mayor Stromberg for a commemorative plaque to be mounted on the existing Calle plaque. Commissioner Lewis agreed with the need to discuss this at the June 16 study session. Proposed plaque wording is:

*“Commemorating the Sister City Relationship
Between Ashland, Oregon, and Guanajuato, Mexico.”*

Costs could be divided between City Administration, the Amigos Club, and Parks. A local vendor is working on a quote for a brushed aluminum plaque, approximately 3 x 4.

- ***Staff and Commissioner Comments***

- Calle dedication ceremony
- Ashland Creek Park construction bids / barn sale update
- Land Acquisition Subcommittee update
- Daniel Meyer Pool seasonal opening

From: Bill Molnar <molnarb@ashland.or.us>
To: Ruth Kennedy <ruthakennedy@aol.com>
Cc: Derek Severson <seversod@ashland.or.us>
Subject: Re: Ice Skating Rink Cover
Date: Mon, Oct 27, 2014 10:38 am

Ms. Kennedy

It is my understanding that the Parks Department has made application for Site Design Review approval for the canopy. A decision on the application has been scheduled at a public hearing before the Ashland Planning Commission on Wednesday, November 12, 2014. The application is available for review at the Community Development Department at 51 Winburn Way. If you have any additional questions about the application, please feel free to contact me at 552.2042 or the project planner Derek Severson at 552-2040

Sincerely,

From: "Ruth Kennedy" <ruthakennedy@aol.com>
To: molnarb@ashland.or.us
Cc: RuthAKennedy@aol.com
Sent: Tuesday, October 21, 2014 1:10:09 PM
Subject: Re: Ice Skating Rink Cover

Mr. Molnar,

Mike Black visited me again today and informed me that:

1. The application for the ice rink tent would be submitted today or tomorrow;
2. That the Planning Department had already determined to support the application;
3. That they really don't know how to deal with the glare, will not include ameliorating steps in the application, but will have a neighbors meeting to see if we have ideas; and
4. *The tent is going up anyway next week, even before neighbors have a chance to respond and before the initial hearing before the Planning Commission, based on advice from you and Legal that it's fine to do so.*

Can you help me make sense of this? The message of course is that this process is pro forma and meaningless, and that the input of adjoining property owners isn't even important enough to complete the process before putting up the tent. Timing was completely in control of Parks, but they waited until the second half of October, and now need to put the tent up even earlier than last year? Implicit in the notice you assured me I would receive below is the acknowledgement of the right to be meaningfully heard.

If there is some legal technicality that permits this, I'm unaware of it. In any event I am appalled that this seems acceptable process to anyone. I would appreciate your explanation.

Ruth Kennedy

-----Original Message-----

From: Bill Molnar <molnarb@ashland.or.us>
To: Ruth Kennedy <ruthakennedy@aol.com>
Sent: Mon, Jul 28, 2014 11:12 am
Subject: Re: Ice Skating Rink Cover

Ms. Kennedy:

The Parks Department has retained a private land use consultant to prepare their land use application. As of this date, he has been compiling information in order to determine the extent of the land use application. An application has not yet been filed. As an adjacent property owner, you will receive notice of the land use request.

Please let me know if you have any other questions.

From: "Ruth Kennedy" <ruthakennedy@aol.com>
To: molnarb@ashland.or.us
Cc: RuthAKennedy@aol.com
Sent: Saturday, July 26, 2014 9:36:07 AM
Subject: Re: Ice Skating Rink Cover

Hi Bill,

Would you let me know here this stands. At the June 23 regular Meeting of the Parks Commission, the minutes show that an update on the skate rink cover CUP would be held at the July 28 meeting. Some of us had planned to attend to hear the status of this matter. However, the just published agenda for that meeting does not include any reference to the cover or the CUP update - just a new sponsorship proposal.

Thanks,
Ruth Kennedy

-----Original Message-----

From: Bill Molnar <molnarb@ashland.or.us>
To: Ruth Kennedy <ruthakennedy@aol.com>
Sent: Wed, May 28, 2014 8:20 am
Subject: Re: Ice Skating Rink Cover

Ms. Kennedy

Thanks for your inquiry. Last week, I verbally informed Rachel Dials, Ashland Parks and Recreation, a determination has been made that requires land use approval for the skating rink cover. I will be meeting with them in the next few weeks to scope a time line for the process, as they are anxious to have resolution before the start of next season. I will let you know as soon as the process is initiated or any other action of significance.

Bill

Bill Molnar, Director
Community Development Department
20 East Main Street, Ashland OR 97520
(541) 552-2042, TTY: 1-800-735-2900
FAX: (541) 552-2050

molnarb@ashland.or.us

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541)552-2042. Thank you.

----- Original Message -----

From: Ruth Kennedy <ruthakennedy@aol.com>
To: molnarb@ashland.or.us
Cc: RuthAKennedy@aol.com
Sent: Tue, 27 May 2014 21:07:13 -0700 (PDT)
Subject: Re: Ice Skating Rink Cover

Hi Bill,

I don't want to be a pest. But it is important to me that whatever process is employed has time to play out fully before skating season returns.

Would you let me know where you are in your thinking about the land use application?

Thanks,
Ruth Kennedy

-----Original Message-----

From: Ruth Kennedy <ruthakennedy@aol.com>
To: molnarb <molnarb@ashland.or.us>
Sent: Thu, May 15, 2014 8:01 pm
Subject: Fwd: Ice Skating Rink Cover

Any update on how you think this needs to go forward?

Ruth Kennedy

-----Original Message-----

From: Ruth Kennedy <ruthakennedy@aol.com>
To: molnarb <molnarb@ashland.or.us>
Cc: RuthAKennedy <RuthAKennedy@aol.com>
Sent: Fri, May 2, 2014 10:23 am
Subject: Re: Ice Skating Rink Cover

Thanks for the note. I genuinely hope that the the application process allows for a full and robust consideration of everyone's interests. I'll wait to hear from you next week.

Thanks again for taking the time to sort through this.

Ruth

-----Original Message-----

From: Bill Molnar <molnarb@ashland.or.us>
To: Ruth Kennedy <ruthakennedy@aol.com>
Cc: Bill Molnar <molnarb@ashland.or.us>
Sent: Fri, May 2, 2014 9:10 am
Subject: Ice Skating Rink Cover

Ms. Kennedy

Sorry for getting back to you later than I originally thought, but Dave Lohman and I were both away from the office. Dave and I spoke and have come to a preliminary determination that a land use application should be filed for continued use of the covering. We will be meeting again next week to determine the nature of the application and I will provide an update to you after that meeting.

Sincerely

Bill Molnar, Director
Community Development Department
20 East Main Street, Ashland OR 97520
(541) 552-2042, TTY: 1-800-735-2900
FAX: (541) 552-2050
molnarb@ashland.or.us

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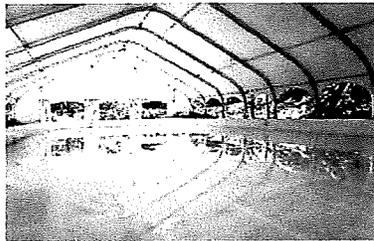
SEASON'S END Ice rink a hit

The first season with its new cover saw a 23% bump in users

The Ashland Rotary Centennial Ice Rink's new protective cover pushed attendance up by 23 percent this winter, according to Ashland Parks and Recreation Department staff who operate the rink.



Recommend 0



Zoom Bob Pennell

The Ashland Rotary Centennial Ice Rink saw increased attendance this winter, thanks to a new cover that protected the ice. The season closed Sunday. Bob Pennell / Daily Tidings

By Vickie Aldous
Posted Feb. 28, 2014 @ 2:00 am

The Ashland Rotary Centennial Ice Rink's new protective cover pushed attendance up by 23 percent this winter, according to Ashland Parks and Recreation Department staff who operate the rink.

"It was a tremendous season. The feedback we got from the public was that the ice was great," said Parks Recreation Coordinator Lonny Flora.

Attendance hit 12,970 visits for recreational open skate periods, up from 10,510 visits last winter,

Flora said.

The rink hosts a range of other events, including figure skating, hockey, lessons, school outings and birthday parties.

The rink opened in late November and closed on Sunday.

Workers set up the seasonal rink each year in a parking lot on Winburn Way across from the Lithia Park children's playground.

Flora estimated revenue for the winter at \$88,500, up from \$72,100 last winter. Final revenue figures will be tabulated by March 24.

The ice rink had been without a cover since 2007, when its previous cover was crushed by a tree and heavy snow.

The Ashland Parks and Recreation Department paid \$251,200 in fall 2013 for the new cover.

On Sunday, Jennifer Alexander was enjoying the day with her 8- and 12-year-old daughters.

With the new roof, Alexander said she doesn't have to call the rink in advance to make sure the ice hasn't been damaged by rain or sun.

"It's nice having consistent skating all the time," she said.

Alexander said she does miss skating under the open sky, though.

The 2014 Winter Olympics in Sochi, Russia, may also have helped increase interest in the rink this winter, Flora said.

The Olympics ran from Feb. 7 and wrapped up with a closing ceremony on Sunday night.

On Sunday, 8-year-old Universe Mehringer was skating with new friends she had made at the rink. She said skating in the Olympics would be fun.

"I would like to be in the Olympics figure skating when I grow up," Mehringer said.

Hello, ruth kennedy (Not you?)

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Ashland parks officials discuss replacement ice-rink possibilities

Where to put it and how to raise the money top the discussion list

ASHLAND — Building a regulation-size, \$1 million ice rink on Southern Oregon University land was one of the options banded about during a parks commission meeting Monday to decide what to do about the ailing Darex Family Ice Rink in Lithia Park.



Recommend 0

By **VICKIE ALDOUS**
Posted Mar. 19, 2008 @ 12:01 am

ASHLAND — Building a regulation-size, \$1 million ice rink on Southern Oregon University land was one of the options banded about during a parks commission meeting Monday to decide what to do about the ailing Darex Family Ice Rink in Lithia Park.

Another option was to expand the Darex rink to regulation size at a cost of \$650,000.

Built in 1996, the rink was dealt a blow last winter when its canopy collapsed under a fallen oak tree and heavy snow. No one was hurt in the overnight accident. Parks workers already had been struggling with aging ice-making coils that have to be rolled out each year for the seasonal rink.

Options include replacing the coils for \$50,000, embedding the coils in concrete and adding a rest room and skate shack for \$300,000, enlarging the rink to regulation size for about \$650,000, building a new rink on SOU land near ScienceWorks for more than \$1 million or eliminating ice skating in Ashland.

Parks commissioners will make a decision about which option to pursue at a 7 p.m. meeting March 24 in the Ashland Civic Center Council Chambers, 1175 E. Main St. They must identify an option so that parks staff members can prepare an application for a state grant.

Parks Director Don Robertson said he talked to Craig Morris, SOU's interim vice president for finance and administration, on Monday and also received an e-mail from him.

In the e-mail, Morris said SOU would prefer that the ice rink not be on university land, but officials are willing to consider including a proposal for the rink when they undertake a six-month-long master planning process for the campus that begins in September.

SOU will not agree to the project unless there are adequate funds to build and maintain the rink. Also, the parks department or another credible organization such as the Ashland Family YNCA would have to assume responsibility for the long-term management, maintenance and operation of the rink, Morris said in the e-mail.

The parks department plans to apply for a state grant to help with ice rink costs.

But the lengthy timeline for SOU's campus master planning process would put Ashland at a serious disadvantage for a grant if the parks commission voted to pursue a rink on SOU land, Robertson said.

The state has only \$5 million to distribute for park needs all across Oregon, so the grant selection process will be very competitive, Robertson said.

Mark Hoeglein, president of the nonprofit group Ashland Ice and a supporter of a regulation-size rink, said SOU's requirements for a rink on campus land are reasonable and could be met. But he said momentum seems to be building for the option to enlarge the ice rink at the site next to Lithia Park.

Creating a rink that is 185 feet by 85 feet would mean area high school teams could play games there, he said.

Hoeglein said Ashland Ice could support an expanded rink near the park and likely could win fundraising pledges of \$100,000 for the effort.

The parks department has budgeted \$50,000 for the ice rink and also received an insurance payment of \$44,000 for the collapsed canopy. None of the cost estimates include replacing the canopy, which would add another \$70,000, Robertson said.

The ice rink operated without a canopy this winter and brought in \$45,607 — within the average of \$40,000 to \$50,000 for the season, Robertson said.

John Rojar, coach in chief for the Rogue Valley Youth Hockey Association that includes high school teams, said he would prefer to see a larger rink, but would like it to remain next to Lithia Park and close to Ashland's downtown.

"I think the community's going to support it staying in the park," he said.

Vickie Aldous is a reporter for the Ashland Daily Tidings. She can be reached at 482-3456 or valdous@dailytidings.com.

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Current Development Proposals

The following is a list of current development proposals that have been submitted to the Ashland Planning Division. If you would like more information on a particular action, please contact the Planning Division at (541) 488-5305.

TYPE I ACTIONS

Decisions on Type I actions are made by the Community Development Director and are subject to appeal to the Planning Commission.

Permit Number	Permit Address	Notice of Application	Notice of Decision	Appeal Deadline
PA-2014-01558	350 Fernwood	PDF file	PDF file	11/3/14
PA-2014-01566	1027 Park	PDF file	PDF file	11/5/14
PA-2014-01695	488 N Main	PDF file		
PA-2014-01701	1661 Siskiyou	PDF file	PDF file	11/3/14
PA-2014-01726	201 Gresham	PDF file		
PA-2014-01735	157 Garfield	PDF file	PDF file	11/3/14
PA-2014-01751	175-185 Brooks	PDF file		

TYPE II ACTIONS

Decisions on Type II actions are made through a Planning Commission public hearing and are subject to appeal to the City Council.

Permit Number	Permit Address	Public Hearing Notice	Meeting Date	Notice of Decision	Appeal Deadline
PA-2014-01354 & 01355	1016 Clear Creek	PDF file	9/9/14		
PA-2014-01837	95 Winburn Way	PDF file	11/12/14		

TYPE III ACTIONS

Decisions on Type III actions are made through public hearings by the Planning Commission and/or





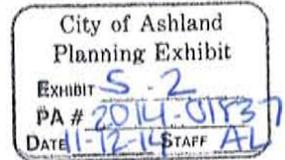








**EXHIBITS SUBMITTED INTO THE RECORD
NOVEMBER 12, 2014 – PLANNING COMMISSION HEARING**



SECTION IV Historic District Development

A. Development in Ashland's Historic District

Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland, including the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down, and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other, or to the original design. Wrought iron columns, asbestos shingles and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

Restoration, Rehabilitation and Remodeling

Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between "restoring", "rehabilitating", and "remodeling" may seem academic, but each results in a major difference in the way the job or project may turn out.

To "restore" is to return a building to its original condition as if it were a precious museum piece. This technique is typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s. Restoration is also defined in Ashland Municipal Code Section 18.08



Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriate only for buildings which are not historic and have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a non-historic structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression "remodel" can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To "rehabilitate" is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that inadequate electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today's modern appliances. When rehabilitating a building, it is essential to protect those portions or features which convey its historical, cultural and architectural character. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced when absolutely necessary, and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way. Rehabilitation is also defined in Ashland Municipal Code Section 18.108.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

The City of Ashland has adopted ordinances to assure that all development, including development in the Historic District, remains compatible with the existing integrity of the district. In new construction of a single-family residence, the Historic Commission will use these standards to make recommendations to the applicant.

If an applicant requires a Staff Permit, Site Review, or a Conditional Use Permit which involves new construction, a remodel, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

B. Rehabilitation Standards for Existing Buildings and Additions

The purpose of the following standards is to prevent incompatible treatment of buildings in historic districts and to ensure that new additions and materials maintain the historic and architectural character of the district. These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within historic districts.

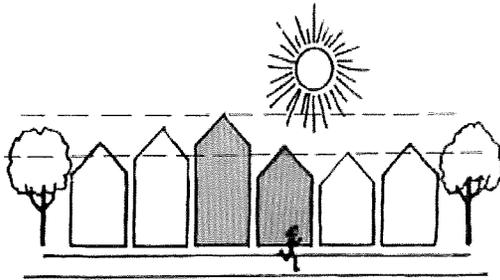
- IV-B-1 Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.
- IV-B-2 Original architectural features shall be restored as much as possible, when those features can be documented.
- IV-B-3 Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.
- IV-B-4 Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.
- IV-B-5 Exterior wall colors on new additions shall match those of the historic building.
- IV-B-6 Imitative materials including but not limited to asphalt siding, wood textured aluminum siding and artificial stone shall be avoided.
- IV-B-7 Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.
- IV-B-8 Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.
- IV-B-9 Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile and metal roofs shall be avoided.
- IV-B-10 New porches or entries shall be compatible with, but not replicate, the historic character of the building.
- IV-B-11 New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.
- IV-B-12 The latest version of the Secretary of the Interior's *Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings* shall be used in clarifying and determining whether the above standards are met.

C. Historic District Design Standards

In addition to the standards found in Section II "Approval Standards and Policies", the following additional standards will be used by the Planning and Historic Commissions for new construction, restoration and rehabilitation of existing buildings within the Historic District. For projects located at the boundary between zoning districts or overlays, appropriate adjustments to building form, massing, height, scale, placement or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.

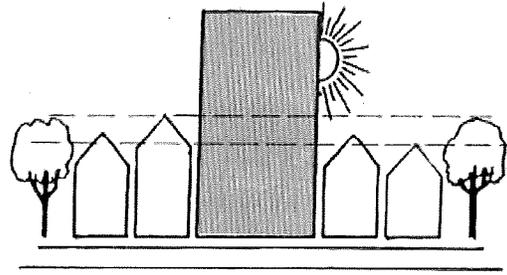
IV-C-1 Height

RECOMMENDED



Construct new buildings to a height within the range of historic building heights on and across the street.

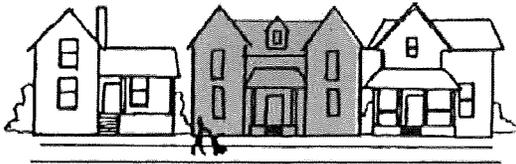
AVOID



New construction that varies in height (too high or too low) from historic buildings in the vicinity.

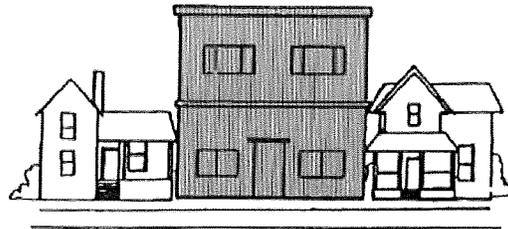
IV-C-2 Scale

RECOMMENDED



Height, width and massing of new buildings conform with historic buildings in the immediate vicinity.

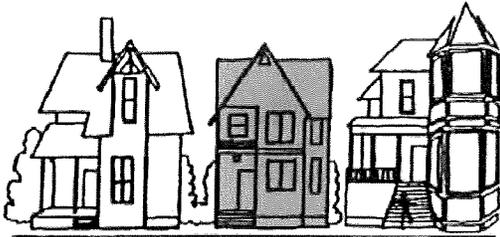
AVOID



Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

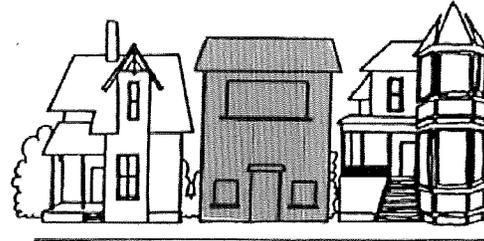
IV-C-3 Massing

RECOMMENDED



Small, varied masses consistent with historic buildings in the immediate vicinity.

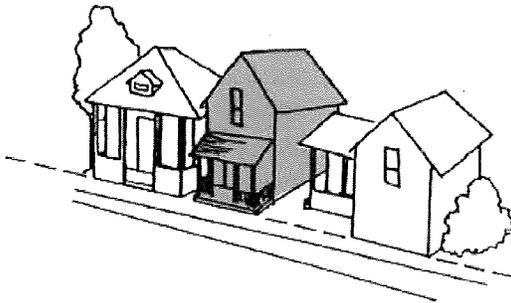
AVOID



Single, monolithic forms that are not relieved by variations in massing.

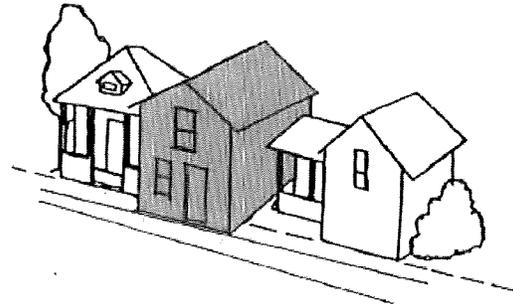
IV-C-4 Setback

RECOMMENDED



Front walls of new buildings are in the same plane as the facades of adjacent historic buildings.

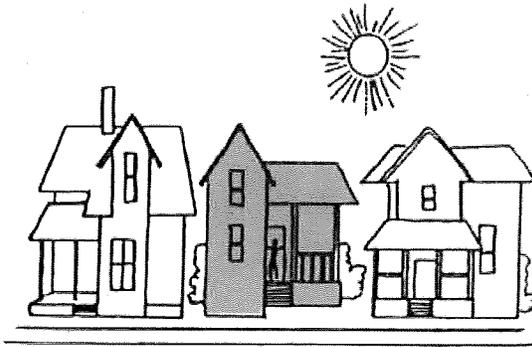
AVOID



Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

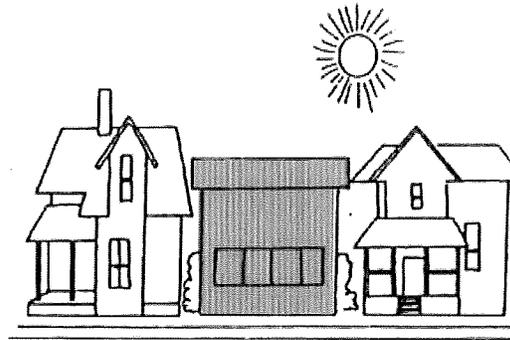
IV-C-5 Roof

RECOMMENDED



Roof shape, pitches and materials consistent with historic buildings in the immediate vicinity.

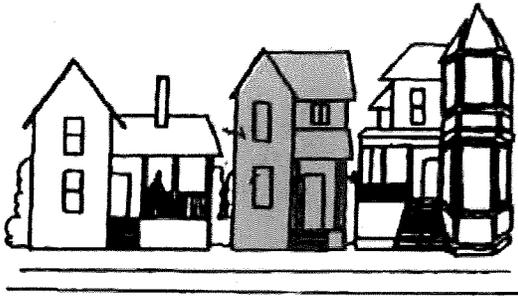
AVOID



Roof shapes, pitches, or materials not historically used in the immediate vicinity.

IV-C-6 Rhythm of Openings

RECOMMENDED



Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

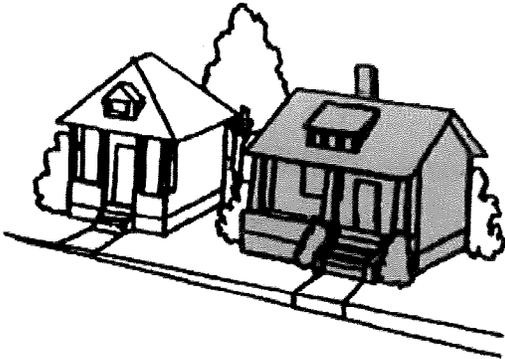
AVOID



A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

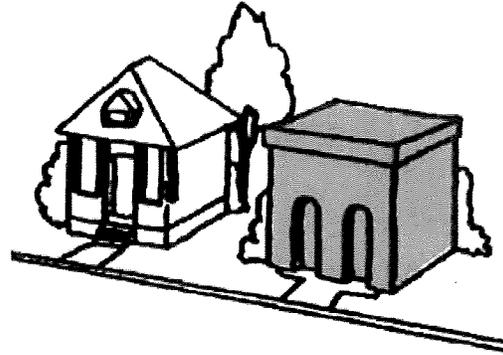
IV-C-7 Base or Platform

RECOMMENDED



A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

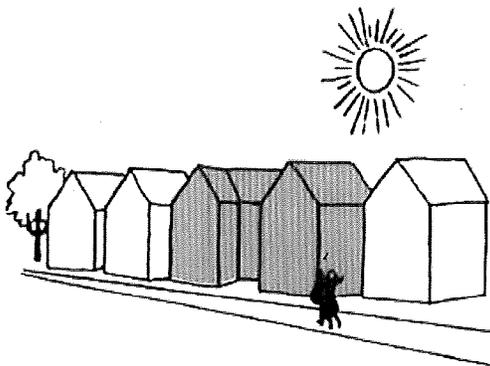
AVOID



Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.

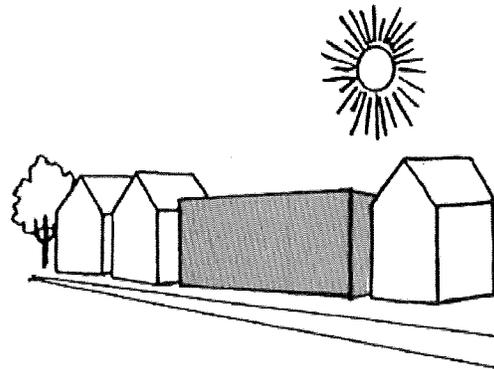
IV-C-8 Form

RECOMMENDED



Form (vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.

AVOID



Form that varies from that of existing adjacent historic buildings.

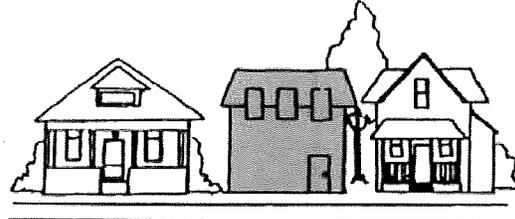
IV-C-9 Entrances

RECOMMENDED



Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

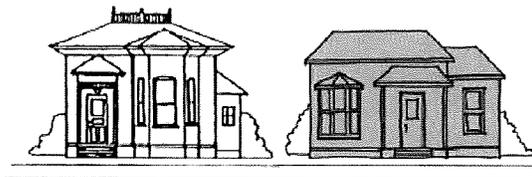
AVOID



Façades with minimally defined primary entrances.

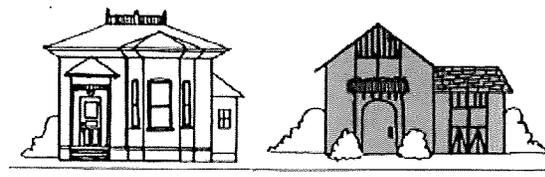
IV-C-10 Imitation of Historic Features

RECOMMENDED



Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design which enhances but does not compete visually with adjacent historic buildings.

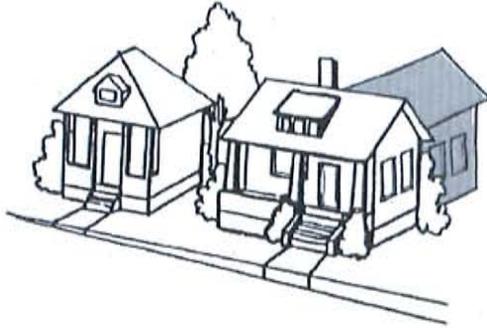
AVOID



Replicating or imitating the styles, motifs, or details of historic buildings.

IV-C-11 Additions

RECOMMENDED



Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings.

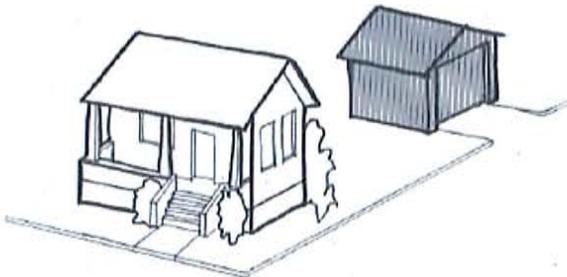
AVOID



Additions on the primary façade or any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features.

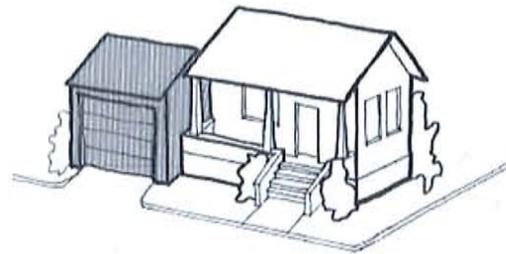
IV-C-12 Garage Placement

RECOMMENDED



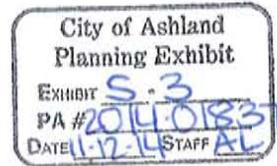
Garage placed behind the primary historic building with access from a side street or alley if available.

AVOID



Garage placed beside or in front of the primary historic building.

**HISTORIC COMMISSION
Meeting of November 5, 2014**



PLANNING APPLICATION REVIEW

PLANNING ACTION: PA-2014-01837

SUBJECT PROPERTY: 95 Winburn Way ("The Ice Rink parking lot")

OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation

DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (II-C-1-a and IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-7.5;

ASSESSOR'S MAP: 39 1E 09; **TAX LOTS:** Part of Tax Lot #100 (Lithia Park lot)

Recommendation to Planning Commission:

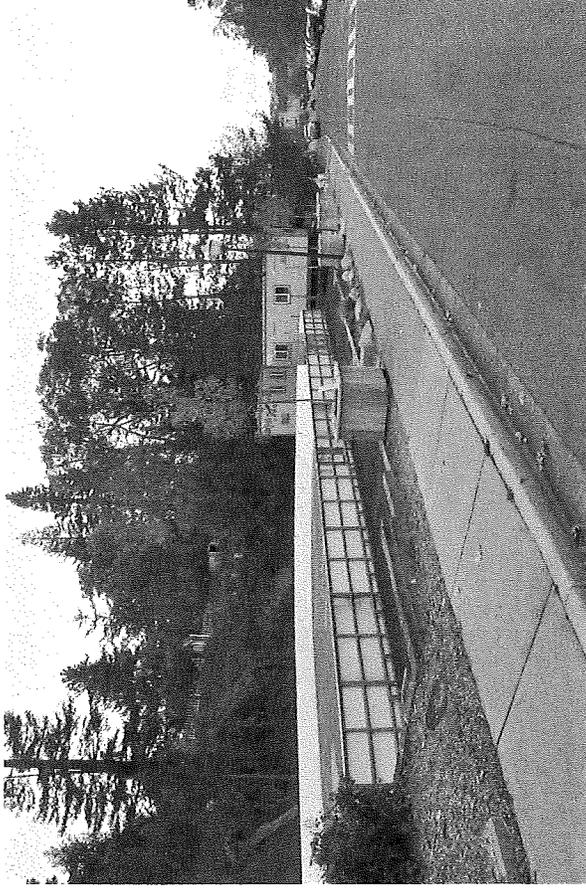
Recommend approval of the proposed plans with the following conditions:

- 1) Limit skating season to five (5) months from November 1 to March 15, or the "usual" historic season.
- 2) Mitigation should be achieved on City property and on the adjacent neighbor(s) property to screen the structure and the glare created.

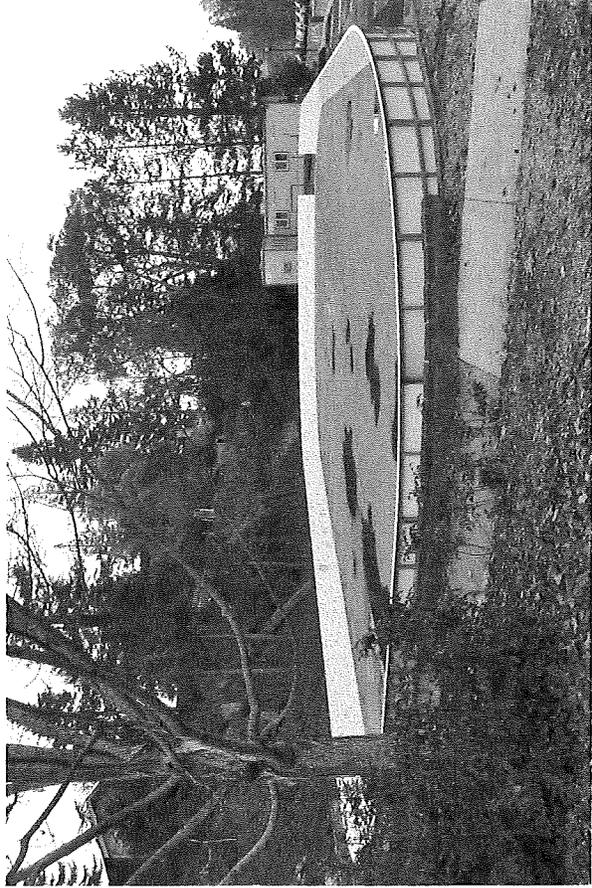




PA-2014-01837 95 Winburn Way 11/5/2014



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11/5/2014



11/5/2014

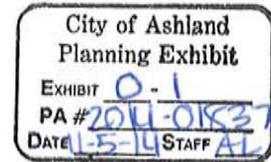


PA-2014-01837 95 Winburn Way





PA-2014-01837 95 Winburn Way



Jed & Celia Meese
88 Granite Street
Ashland, Oregon 97520

November 5, 2014

City of Ashland Planning Commission
Planning Division, Dept. of Community Development
20 East Main Street
Ashland, OR 97520

Re: Installation of temporary seasonal canopy over ice rink on Winburn Way
Planning Action 2014-01837

Dear Planning Commission:

We have long been supporters of the Ashland Rotary Centennial Ice Rink on Winburn Way.

However, as long-time community members and neighbors living adjacent to Lithia Park, we are concerned about the bulk, scale, mass, materials, and height of the new proposed ice rink canopy.

City's Parks and Recreation website aptly describes Lithia Park as, "Ashland's crown jewel;" noting that, "the Park follows Ashland Creek through undeveloped woodlands, and also includes a Japanese garden, two duck ponds, a formal rose garden, groves of sycamore trees and a number of secluded spots." The site also invites community members and visitors to "Discover the plants and trees of Lithia Park with our Lithia Park Trail Guide." Ironically, the proposed new up-sized ice rink canopy appears to reflect a paradoxical philosophy that "bigger is better" when it comes to erecting reflective man-made tent structures in the midst of the Park's natural beauty and ambiance.

First, the previous seasonal canopy adequately served the needs of our community's ice skaters for the decade between 1996 and 2007. While the previous canopy wasn't beautiful, it was of acceptable height, bulk and scale. The previous canopy was **70' x 80' (5,600 square feet)**; and stood **25', 4" high**. The height and square footage of the prior canopy reflected a reasonable balance of interests: providing an enjoyable winter-time recreational experience for our community's ice skaters on the one hand; while preserving some semblance of the Park's natural atmosphere and mitigating the negative impacts on the historic neighboring homes on the other hand.

Second, the proposed **new** ice rink tent structure is **80' x 120' (9,600 square feet)**; and, if approved, would stand **31', 1" high**. The square footage of the proposed new tent represents an **increase of 72%** from the previous canopy, with a **height increase of 22% – 30%**. The decision to "biggy-it" represents a deviation from the previous balance reflected by the previous, less intrusive canopy.

The proposed super-sized tent is in dissonance with Lithia Park's natural ambiance. Its design reflects little or no effort to mitigate its negative effects on the surrounding historic properties. Instead, to the historic neighborhood on Granite Street, it appears the circus has come to town, and it's staying in Lithia Park for months on end.

Third, the proposed new ice rink tent is proposed for construction in Ashland's Skidmore Academy Historic District, yet violates virtually all City's *Historic District Design Standards*. The *Historic District Design Standards* require all new development in the Historic District:

(1) Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity; (2) Relate the size and proportions of new structures to the scale of adjacent buildings; (3) Avoid buildings that in height, width, or massing, violate the existing scale of the area; (4) Break up uninteresting boxlike forms into smaller, varied masses which are common on most buildings from the historic period; (5) Avoid single, monolithic forms that are not relieved by variations in massing; (6) Maintain the historic façade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings; (7) Avoid violating the existing setback pattern by placing new building in front or behind the historic façade line; (8) Relate the new roof forms of the building to those found in the area; (9) Avoid introducing roof shapes, pitches, or materials not traditionally used in the area; and (10) Avoid introducing incompatible façade patterns that upset the rhythm of opening established by the surrounding structures. *Ashland Site Design & Use Standards, Historic District Design Standards, pgs. 42-46.*

None of the adopted Historic District Design Standards are addressed by the proposed ice rink canopy.

Fourth, since the new canopy is a temporary structure proposed in City's R-1 residential zone, it is required to meet the criteria applicable to conditional uses. These requirements demand addressing concerns involving the temporary structure's scale, bulk, and coverage; its architectural compatibility with the surrounding area; concerns associated with light and glare; and serious efforts to mitigate the structure's negative effects on nearby Historic District properties.

Lastly, our City has a reputation for diligently enforcing its ordinance provisions and development standards, but sets a bad example when it appears to skirt those provisions and standards in reviewing its own projects. It's ironic that Ashland enacted Oregon's first restrictive "big box ordinance", only to site a "big box" in the middle of its "crown jewel". The fact that a City department would purchase such a super-sized structure without first seeking the requisite planning approval is disturbing.

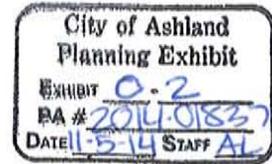
I hope you will consider denying the pending application altogether. At a minimum, I hope you will condition any approval on: (1) structural modification of the canopy to be no taller, longer, or wider than the previous canopy (which adequately served the needs of our community's ice skating enthusiasts for a decade); and (2) specify the months during which the canopy can be left in place (no longer than November through March) to avoid the eye-sore becoming a more permanent fixture.

Sincerely,

Jed & Celia

Jed & Celia Meese
88 Granite Street
Ashland, Oregon 97520

Ruth A. Kennedy
94 Granite Street
Ashland, Oregon 97520



City of Ashland Historic Commission
51 Winburn Way
Ashland, Oregon 97520

November 5, 2014

Re: Planning Action #2014-01837

Dear Commissioners:

Ashland Parks and Recreation ("APR" or "Applicant") has requested an exception to the Site Design and Use Standards for a Historic District that is sweeping - the entire Section (IV-C) applicable to Historic District - *every criteria* - is asked to be excepted, including, scale, massing, setback, roof materials, etc. Applicant has made no showing as required by *AMC 18.72.090* that the proposal will "not substantially negatively impact adjacent properties", or that it is "consistent with the purpose of the Site Design and Use Standards". (See also *AMC 18.04.020* - "The purpose of this Title is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate open space for light and air; to conserve and stabilize the value of property). Lastly, Applicant has made no showing that this proposal is "the minimum which would alleviate the difficulty." *AMC 18.72.090*.

I. Negative Impact on Adjacent Properties. The proposed tent will have a substantial and negative impact on my adjacent property.

A. Scale, Bulk and Coverage. In my view, the design, composition and size of the tent are inconsistent with the surrounding areas. It is three story metal and shiny white industrial structure abutting a beautiful park and back yards of beautiful homes on Granite Street. It both detracts from the beauty of Lithia Park itself and is an overwhelming eye sore to the homes on Granite Street that it abuts. According to the Application, the tent is three stories high, and measures 120' by 80', for a total area of 9600 square footage. This is more than 3 times the square footage of my house (counting all stories!) and $\frac{3}{4}$ the size of my entire adjoining property.

B. Architectural Compatibility. No argument has been made, nor could one be made, that the tent is compatible with the area. It simply is not. By requesting an exception to the Site Design Review Standards, the Applicant acknowledges the same.

C. Light and Glare. The reflective nature of the tent material causes significant reflection and glare. The tent reflects sunlight, moon light, my porch and gazebo lights and the lights in my kitchen/eating/family room and master bedroom. On a sunny afternoon, I need to draw all the blinds at the back of my home to be able to work at the

kitchen sink, sit at the kitchen or dining room tables. I was not able to use my porch or gazebo lights for the entire time the tent was up last year.

D. Effect on Home Value. This structure has significantly devalued my home.

(i) My realtor, Sandy Royce, who agreed to be quoted on this matter, completed a market analysis of my home. She also noted that because the tent is not on my property, I did not need to disclose the existence of the tent to a potential buyer. Her advice was *to sell in the spring*, or if the Commission's prior instruction to staff to apply for a year round permit seemed likely to sell my house *now*. Her comments are telling.

(ii) My appraiser, Roy Wright, who also agreed to be quoted on this matter, stated to me that he could not appraise my house with the tent up because there are no comparables. He informed me that you just can't find a beautiful home on a storied street next to a famous and beautiful park, with a 3 story tent abutting it. "No one does this!"

E. Effect on My Enjoyment of My Home. I purchased this fixer-upper property with the intention of spending the rest of my life here. I paid a premium of course because of its location, and the beautiful park next door. The back of half of my house – kitchen, eating area, dining room, family room and master bedroom and bath - as well as the back porches and Gazebo are overwhelmed by this massive industrial structure. Rather than open blinds to bring light inside, I close these off to the outside just to avoid the eyesore, the obscured view and the glare from any and all light.

II. "Minimum Requirement to Achieve Objective". Even if it were accepted that the tent is somehow necessary, or that there really is some "difficulty" requiring an exception to the entire set of requirements for a Historical District, this tent is intentionally and significantly larger than the last one and "its span would include the spectator section and it would be higher, providing plenty of head room for skaters and spectators". *APR Director, Parks Commission Minutes, August 19, 2013.*

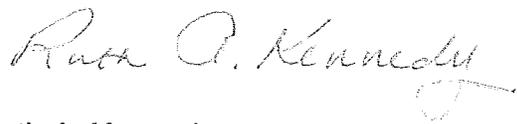
The prior tent, of which Applicant makes much and claims that the new tent is just a replacement for, was actually *significantly* smaller. That prior tent was just 70 feet X 80 feet, and 25 feet 4 inches high, while the proposed structure is 120 feet X 80 feet and at least 31 feet, 1 inch high (other drawings in file show it higher). **The square footage of the tent has increased 72%, from 5600 to 9600 square feet, the length has increased by 50%, and the height of this massive structure has increased from 22-30% with a height increase of between 4'9" and 6'10"**.

The proposed ice rink tent is out of compliance with the applicable standards, will in fact have a substantial negative impact on adjacent properties and the Application does not even address whether the proposal is the "minimum required" for the perceived need.

Of course the reality and the "difficulty" here is that the APR wants approval for this structure because it already purchased the tent without regard to any of the applicable standards which it cannot meet and has presented it as just a "replacement". That cannot be the basis for approval! What was at best a mix up in communications between two City bodies cannot constitute the merits of an Application that is incompatible with the standards, is misleading with respect to bulk and scale in its presentation and significantly negatively affects adjacent properties.

I request that the Historic Commission recommend to the Planning Commission that the Application be denied.

Respectfully submitted,

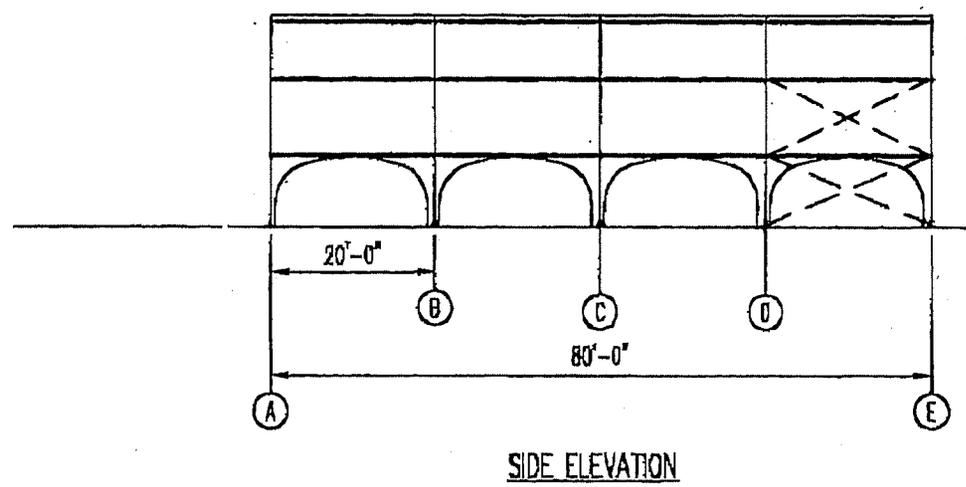
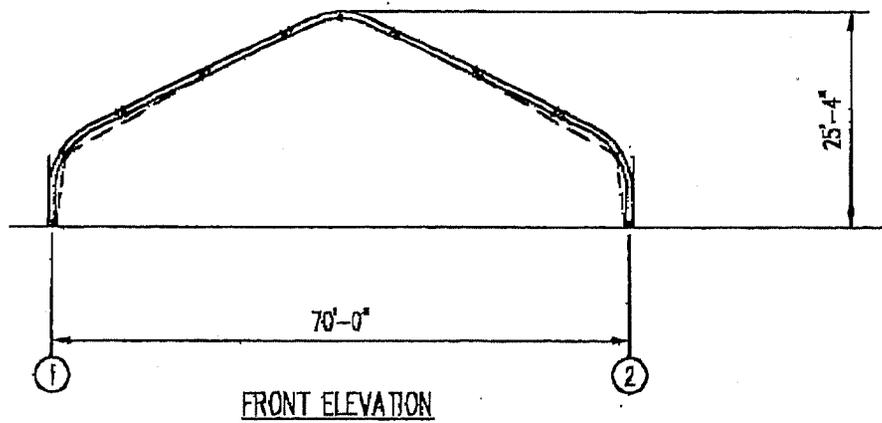
A handwritten signature in cursive script that reads "Ruth A. Kennedy". The signature is written in dark ink and is positioned above the printed name.

Ruth A. Kennedy

Attachments: Attached please find photos of my back yard, with and without the tent, as well as drawings from building permits issued for the old tent and the proposed tent.

1998 Tent

E:\82\VE\5180120 091187 1655



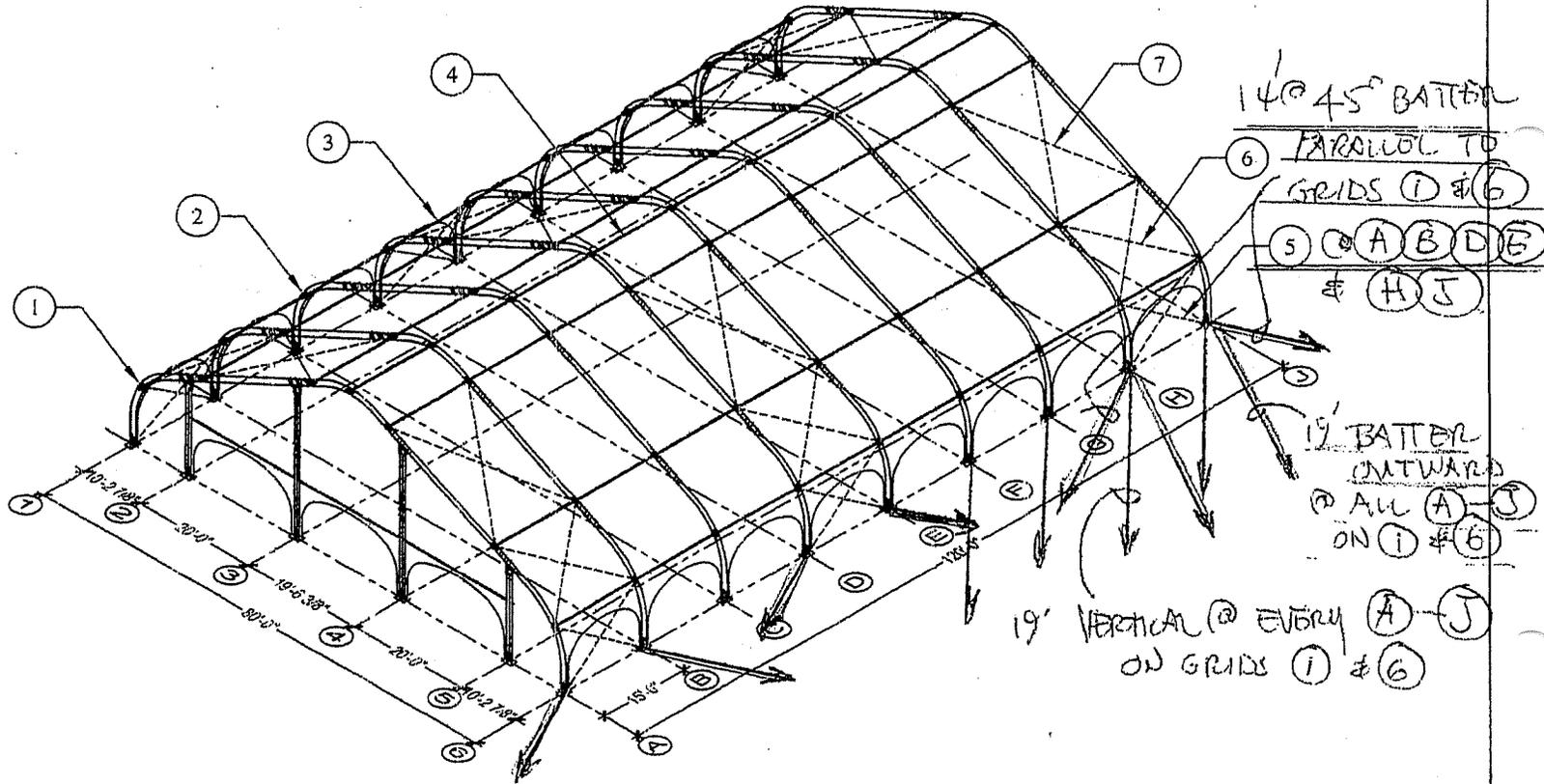
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S & S STRUCTURES LOS ANGELES, CA (310) 552-1000 - FAX (310) 552-1000		CUSTOM		PROJECT	DATE
DESIGNER	RS	DATE	JLH	8-0-62	0
DATE	09-23-98	QUICK-SPAN / 0-62 / CUSTOM 70'W X 80'L X 20'BAY ELEVATIONS		8-0-62-CNET-103	0

BILL OF MATERIALS

ITEM	QTY	ITEM No.	ITEM DESCRIPTION
1	1	QS-080X12E-G	80' WIDE, 12' EAVE - GABLE END BEAM
2	8	QS-080X12E-C	80' WIDE, 12' EAVE - CENTER BEAM
3	16	QSAPT-T3	ARTICULATING TRACKED PURLIN - 15'-0" BAY (T-3)
4	40	M15PH-P3	ARTICULATING HINGED PURLIN - 15'-0" BAY (P-3)
5	12	CE17-1611	3/8" LOWER CROSS BRACE <RED> - 18'-11"
6	12	CE17-1802	3/8" MIDDLE CROSS BRACE <YELLOW> - 18'-2"
7	12	CE17-2509	3/8" UPPER CROSS BRACE <BLUE> - 25'-8"

Current Tent



FRAME



Order Number:
13-0138

Date:
09/23/13

Drawn By:
MDP

Approved:
-

CREATIVE TENT INTERNATIONAL
(888) 484-8368 - www.creativetent.us Design By Robert Stafford

O-100 QUIK-SPAN™

CONTRACT DRAWINGS

80' x 120' x 12' EAVE, 15' BAYS

PROPRIETARY INFORMATION
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Drawing Name
CD-130138-A













JACK DAVIS
CHRISTIAN E. HEARN
EUGENE V. ANDERSON
JEFFREY K. MCCOLLUM
GARRISON F. TURNER

DAVIS HEARN
ANDERSON & TURNER
ATTORNEYS AT LAW

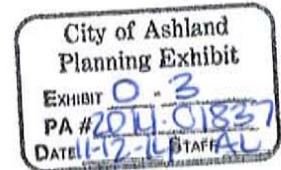
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ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

November 12, 2014

SAM B. DAVIS - Retired
SIDNEY E. AINSWORTH (1927-2003)
DONALD M. PINNOCK - Retired
DAVID V. GILSTRAP - Retired
SUSAN VOGEL SALADOFF - Retired



Transmitted by Email

City of Ashland Planning Commission
c/o Bill Molnar, Community Development Director
51 Winburn Way
Ashland, OR 97520

RE: Planning Action #2014-01837
Applicant: Ashland Parks & Recreation Department
Location: 95 Winburn Way (Ice Rink/Parking Lot)

Dear Planning Commission:

This letter is respectfully submitted on behalf of clients Jed & Celia Meese (99 Granite Street) and Ruth Kennedy (94 Granite Street), whose respective properties are within City's protected Skidmore Academy Historic District and immediately west of City's Ice Rink property at 95 Winburn Way ("Ice Rink").

Nature of Application

Applicant Parks & Recreation Department ("Applicant") seeks approval for construction of a temporary, seasonal cover or canopy to be erected over the Ice Rink.

As referenced in the Application and Staff Report, the new canopy is proposed to replace the much smaller cover installed over the Ice Rink on a seasonal basis between 1998 and its destruction by a falling oak tree in 2007. *Staff Report, pg. 4.*

During 2012, Parks & Rec. floated the concept of replacing the temporary, seasonal Ice Rink canopy with a permanent roof structure. That proposal met with immediate neighborhood opposition, in response to which the idea of constructing a permanent roof over the seasonal Ice Rink was abandoned by Applicant in favor of the more reasonable alternative: simply replacing the prior canopy (which functioned adequately for almost a decade) with one

of similar height and dimensions. *See: attached Exhibit "A" (Ltr. to Parks Commission dated 01/28/2013, with appended letters from owners of neighboring Historic District properties).*

Dramatic Increase in Size, Height, Bulk & Scale of Proposed Canopy

After January of 2013, when Applicant agreed to abandon the concept of a permanent roofing structure in the middle of Lithia Park, opposition within the neighboring historic district was largely diffused. *Ex. "A"*.

The following observations from the recent letter submitted by neighbors Jed & Celia Meese in opposition to the current application are quoted below, and reiterated here:

"City's Parks and Recreation website aptly describes Lithia Park as, "Ashland's crown jewel;" noting that, "the Park follows Ashland Creek through undeveloped woodlands, and also includes a Japanese garden, two duck ponds, a formal rose garden, groves of sycamore trees and a number of secluded spots." The site also invites community members and visitors to "Discover the plants and trees of Lithia Park with our Lithia Park Trail Guide." Ironically, the proposed new up-sized ice rink canopy appears to reflect a paradoxical philosophy that "bigger is better" when it comes to erecting reflective man-made tent structures in the midst of the Park's natural beauty and ambiance.

"First, the previous seasonal canopy adequately served the needs of our community's ice skaters for the decade between 1996 and 2007. While the previous canopy wasn't beautiful, it was of acceptable height, bulk and scale. The previous canopy was **70' x 80' (5,600 square feet)**; and stood **25', 4" high**. The height and square footage of the prior canopy reflected a reasonable balance of interests: providing an enjoyable winter-time recreational experience for our community's ice skaters on the one hand; while preserving some semblance of the Park's natural atmosphere and mitigating the negative impacts on the historic neighboring homes on the other hand.

"Second, the proposed **new ice rink tent structure is 80' x 120' (9,600 square feet)**; and, if approved, would stand **31', 1" high**. The square footage of the proposed new tent represents an **increase of 72%** from the previous canopy, with a **height increase of 22% - 30%**. The decision to "biggy-it" represents a deviation from the previous balance reflected by the previous, less intrusive canopy.

"The proposed super-sized tent is in dissonance with Lithia Park's natural ambiance. Its design reflects little or no effort to mitigate its negative effects on the surrounding historic properties. Instead, to the historic neighborhood on Granite Street, it appears the circus has come to town, and it's staying in Lithia Park for months on end.

“Third, the proposed new ice rink tent is proposed for construction in Ashland’s Skidmore Academy Historic District, yet violates virtually all City’s *Historic District Design Standards*. The *Historic District Design Standards* require all new development in the Historic District:

‘(1) Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity; (2) Relate the size and proportions of new structures to the scale of adjacent buildings; (3) Avoid buildings that in height, width, or massing, violate the existing scale of the area; (4) Break up uninteresting boxlike forms into smaller, varied masses which are common on most buildings from the historic period; (5) Avoid single, monolithic forms that are not relieved by variations in massing; (6) Maintain the historic façade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings; (7) Avoid violating the existing setback pattern by placing new building in front or behind the historic façade line; (8) Relate the new roof forms of the building to those found in the area; (9) Avoid introducing roof shapes, pitches, or materials not traditionally used in the area; and (10) Avoid introducing incompatible façade patterns that upset the rhythm of opening established by the surrounding structures.’ *Ashland Site Design & Use Standards, Historic District Design Standards, pgs. 42-46.*

“None of the adopted Historic District Design Standards are addressed by the proposed ice rink canopy.

“Fourth, since the new canopy is a temporary structure proposed in City’s R-1 residential zone, it is required to meet the criteria applicable to conditional uses. These requirements demand addressing concerns involving the temporary structure’s scale, bulk, and coverage; its architectural compatibility with the surrounding area; concerns associated with light and glare; and serious efforts to mitigate the structure’s negative effects on nearby Historic District properties.

“Lastly, our City has a reputation for diligently enforcing its ordinance provisions and development standards, but sets a bad example when it appears to skirt those provisions and standards in reviewing its own projects. It’s ironic that Ashland enacted Oregon’s first restrictive “big box ordinance”, only to site a “big box” in the middle of its “crown jewel”. The fact that a City department would purchase such a super-sized structure without first seeking the requisite planning approval is disturbing.

“I hope you will consider denying the pending application altogether. At a minimum, I hope you will condition any approval on: (1) structural modification of the canopy to be no taller, longer, or wider than the previous canopy (which adequately served the needs of our community’s ice skating enthusiasts for a decade); and (2) specify the months during which the canopy can be left in place (no longer than November through March) to avoid

the eye-sore becoming a more permanent fixture.”

Letter to Planning Commission dated 11/05/2014 from Jed & Celia Meese (88 Granite Street).

In summary, the size, height, bulk, and scale of the new Ice Rink canopy, in comparison to the cover it was intended to replace, reflects an increase of about 72% in area and over 22% in height. [12' wider, 40' longer, three feet taller. *Staff Report, pg. 8.*] This is at odds with City's Site Design & Use Standards, Sec. IV (Historic District Development). *See: attached Exhibit "B".*

Compliance with Conditional Use Permit Criteria.

The neighboring historic property owners have legitimate concerns about the canopy's compliance with the mandatory provisions of Ashland's Land Use Ordinance (AMC Title 18), especially concerning the Application's efforts to avoid meeting City's conditional use permit criteria.

AMC 18.08.800. Temporary Use.

“A short-term, seasonal, or intermittent use. Such use shall be approved by Conditional Use Permit only, with such conditions as the Commission deems reasonable in accordance with the Conditional Use standards.”

AMC 18.08.800 (emphasis added).”

AMC 18.08.020. Accessory Structure or Use.

“A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building. This definition shall also apply to mechanical equipment as defined in Section 18.08.485.”

AMC 18.08.020.

- Findings:**
1. “Ashland Parks and Recreation seeks to gain site plan approval for a Seasonal Ice Rink Cover.” *Application, pg. 4 (emphasis added).*
 2. “The canopy is a seasonal structure and is not intended to be placed permanently.” *Application, pg. 8.*

3. The canopy is an accessory structure incidental and subordinate to seasonal use of City's parking for recreational ice skating. Both the ice rink and the proposed ice rink canopy are temporary structures, removed at the end of each season. *AMC 18.08.020.*

4. Conditional Uses within the R-1 zone include:

"The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits:

"D. Public and public utility buildings, structures and uses."

AMC 18.20.030(D)
(Conditional uses)(emphasis added).

5. Conditional Uses in the R-1 zone also include:

"The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits:

"E. Recreational uses and facilities, including country clubs; but not including such intensive commercial recreational uses as a driving range, race track or amusement park."

AMC 18.20.030(E)
(Conditional uses)(emphasis added).

6. Conditional Uses in the R-1 zone also include:

"The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits:

"M. Temporary uses."

AMC 18.20.030(M)
(Conditional uses)(emphasis added).

Conclusion: The ice skating canopy is a temporary, seasonal structure accessory to the temporary, seasonal use of City's parking lot for recreational ice skating. In City's R-1 zone, such uses and structures "shall be approved by conditional use permit only."
AMC 18.08.800.

Staff's Report states that, "parks and recreational facilities which are by their very nature often seasonal, are considered to be outright permitted uses within the R-1 districts, as detailed in AMC 18.20.020(E)." *Staff Report, pg. 5.* However, the Code provision cited states: "18.20.020 Permitted Uses. The following uses and their accessory uses are permitted outright: ... (E.) Public schools, parks, and recreational facilities." However, opponents note that most people wouldn't consider the City's parks and schools to be "seasonal" or temporary; while "recreational facilities" clearly may or may not be "seasonal", depending on the specific nature of the recreational facility involved.

Conclusion: While "parks, schools, and recreational facilities" in City's R-1 zone may be considered a "permitted use" under AMC 18.20.020(E); "public structures and uses", "recreational uses and facilities", and "temporary uses" in City's R-1 zone are considered "conditional uses" under AMC 18.20.030(D), (E), and (M).

Since the proposed Ice Rink canopy is a "public structure", a "recreational facility", and a "temporary use" (all of which require conditional use permits), it should be required to meet the review criteria pertinent to conditional uses in City's R-1 zone.

City's Applicable Conditional Use Approval Criteria

AMC 18.104.050. Approval Criteria [Conditional Uses].

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

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

AMC 18.104.050 (Conditional Use Approval Criteria).

Conclusion: Applicant has the burden of proof. The Application does not address the relevant review criteria in AMC 18.104.050 (pertinent to conditional uses proposed

in an R-1 zone). The Application should be denied on that basis.

Application Fails to Comply with City's Site Design Review Standards

AMC 18.72.030(A)(1)(b) dictates that City's Site Design Standards apply to all new non-residential structures or additions (public buildings, schools, churches, etc.).

City's Site Design and Use Standards in apply to all non-residential development (including public structures). *AMC 18.72.080(C)(2)*.

City's AMC 18.72.070 provides, in relevant part:

"AMC 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."

For the reasons raised in previous submittals, the Application fails to meet either City's Site Design Review Standards, or the applicable Historic District Design Standards. See: *attached Ex. B*.

Variance Request Should be Denied as Self-Imposed.

An application for a variance must meet, among other criteria, the requirement that the circumstances or conditions requiring the requested variance "have not been willfully or purposely self-imposed." *ORS 18.100.020(C)*. In this case, the applicant proposes a super-sized replacement canopy which increases the width of the new canopy by 12 feet, thereby causing it to violate the mandatory R-1 setback provisions. The condition is self-imposed, because proposing a new canopy of the same size

as the previous canopy would decrease the width of the canopy by 12 feet, and thus alleviate or minimize the need for a variance.

If the Application is Granted, then Conditions Addressing the Months It May Remain in Place, and Mitigation of Negative Impacts on Neighboring Historic District Properties, Should be Imposed.

The application should be denied based on the above (and any other argument, evidence, or testimony submitted before the record is formally closed). However, should the Planning Commission move to approve the application, it is respectfully requested that the Commission impose additional conditions of approval limiting the months the canopy can remain in place and requiring installation and maintenance of landscaping or other remedial measures designed to mitigate the negative impacts of the seasonal canopy on the adjacent historic properties. Rough draft language is respectfully submitted below.

PROPOSED ADDITIONAL CONDITIONS OF APPROVAL

- 1) That the applicant shall erect the canopy no earlier than November 1 of each calendar year; and shall remove the canopy no later than May 1 of the following calendar year.
- 2) That the applicant shall install and maintain the following, designed to mitigate the negative impacts of the canopy on adjacent properties to the west: ... *[Include appropriate mitigation measures]*.

Sincerely,
DAVIS, HEARN, ANDERSON & TURNER, P.C.



CHRISTIAN E. HEARN, OSB #911829
chearn@davishearn.com

Enclosures: as stated (**Ex. "A" and Ex. "B"**)
cc: Ruth Kennedy
Jed & Celia Meese

EXHIBIT "A"

JACK DAVIS
CHRISTIAN E. HEARN
JENNIFER A. BRIDGES
JEFFREY K. McCOLLUM
EUGENE V. ANDERSON

**DAVIS HEARN BRIDGES
& ANDERSON**
ATTORNEYS AT LAW
A Professional Corporation

SAM B. DAVIS - Retired
SIDNEY E. AINSWORTH (1927-2003)
DONALD M. PINNOCK - Retired
DAVID V. GILSTRAP - Retired
SUSAN V. SALADOFF - Retired

Established 1953

515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 | FAX: (541) 488-4455
www.davishearn.com

January 28, 2013

Via Hand Delivery (During public forum portion of Commission's Meeting)

City of Ashland Parks & Recreation Commission
340 Pioneer Street
Ashland, OR 97520

**RE: Lithia Park Neighbors Opposing Construction of
Permanent, Year-Round Roof Structure over City's
Ice Rink in Lithia Park**

Dear Parks & Recreation Commission:

- **Community Opposition to a Permanent, Year-round Roof Over Ice Rink (See enclosed letters from neighbors):** First, I'm enclosing a number of letters from concerned community members expressing their opposition to construction a **permanent, year-round** roof structure over the City's seasonal Ashland Rotary Centennial Ice Rink in Lithia Park. *See: Enclosed letters from concerned members of the community.*

Second, many ice rink users apparently reportedly enjoy the natural ambiance of an "open sky" ice rink, with a view of Lithia Park's majestic trees during daylight hours and the stars at night. *See: Ashland Daily Tidings, "Under Cover: Parks considers roof for ice rink", by Vickie Aldous of Ashland Daily Tidings, January 7, 2013 (copy enclosed for easy reference).*

- **Temporary Seasonal Canopy Over Ice Rink:** Third, if the Commission determines that Ice Rink maintenance issues compel requisition of a cover over the Ice Rink, then a **temporary canopy** (assembled each season when the Ice Rink is assembled – and removed at the end of each season when the Ice Rink is removed) is the most reasonable and acceptable solution. *See: "Choose the Less Costly Roof: On an annual basis the 'temporary' ice rink cover makes more sense", Ashland Daily Tidings, January 12, 2013. (Copy enclosed for easy reference).*

- **A Permanent, Year-Round Roof Structure Over the Ice Rink Is Bad Public Policy:** Fourth, construction of a permanent, year-round roof structure over the seasonal Ice Rink in Lithia Park reflects bad public policy for numerous reasons, including:
 - **Cost to Taxpayers: Temporary, Seasonal Canopy Alternative.** The Commission reportedly budgeted **\$112,000** for purchase of a temporary, seasonal canopy with an estimated useful life of about **ten (10) years.**¹

 - **Cost to Taxpayers: Permanent, Year-Round Roof Alternative.** Labor and materials associated with constructing a permanent, year-round roof structure over the seasonal Ice Rink is reportedly estimated to cost roughly **\$500,000**, with an estimated useful life of about twenty **(20) years.** (4.5 times cost of seasonal canopy).²

¹ *Ashland Daily Tidings, "Under Cover: Parks considers roof for ice rink", Vickie Aldous; January 7, 2013;*
Ashland Daily Tidings, Our Opinion: "Choose the less costly roof," January 12, 2013.

² *Id.*

- **Many Fiscal Demands, Uncertain Future Funding. The Ashland Daily Tidings** recently reported:

“The Parks and Recreation Department is faced with what seems to be an almost inevitable loss of significant funding, possibly in the near future as its budget is rolled into the general fund. While parks funding has long been separate from general city operations, a statewide ballot measure passed years ago rolled all auxiliary levies into the main general funds of cities and counties. The city is considering transferring \$650,000 to \$1.8 million in parks reserve funds into the general fund, which it clearly has the authority to do.”

“Given the uncertainty of future funding and the many needs that will arise or already are showing up in the parks system, it's hard to justify a \$500,000 expenditure on an ice rink canopy. We have no problem with the smaller amount, which clearly adds a benefit to the rink, its users and the city at large, but at a much lower price.”

Ashland Daily Tidings, "Our Opinion: Choose the less costly roof", Op Ed Section, January 12, 2013.

- **Tarnishing the "Crown Jewel"**. City's website describes Lithia Park as "Ashland's crown jewel".³ The Commission's wise stewardship has long defended and enhanced the natural beauty and ambiance of Lithia Park. Lithia Park is famous throughout the West as a natural arboretum. It is respectfully submitted that the construction of large, high-profile and "permanent" manmade structures -- like a permanent, year-round roof over the Ice Rink -- should be avoided, absent clear and compelling support from the Community, coupled with a rock-solid cost/benefit analysis. The proposal for a permanent, year-round roof over the Ice Rink is neither supported by the community, nor supported by any acceptable cost/benefit analysis. In short, the permanent roof will detract from Lithia Park's natural beauty and ambiance during the nine (9) months every year when it serves no practical purpose, yet nevertheless remains as an eye-sore.

³ <http://ashland.or.us/Page.asp?NavID=14083>

Page -4-

Ashland Parks & Recreation Commission
January 28, 2013

In closing, many Lithia Park neighbors and members of the community respectfully request the Commission abandon the concept of a permanent, year-round roof structure over the City's temporary, seasonal Ice Rink.

Thank you for the long hours of service you provide to the community.

Sincerely,

Davis, Hearn, Bridges & Anderson, PC

A handwritten signature in black ink, appearing to read 'CHERN', with a long horizontal stroke extending to the right.

Christian E. Hearn, OSB # 911829
chearn@davishearn.com

Enclosures: as stated.

DAVIS, HEARN, BRIDGES
& ANDERSON
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455

P. 4

Editorials

OUR OPINION

Choose the less costly roof

On an annual basis, the 'temporary' ice rink cover makes more sense

January 12, 2013 2:00 AM

The Ashland Parks and Recreation Department is considering its options for putting a new roof over the Rotary Centennial Ice Rink. We think there are good arguments for putting up a roof, and equally good arguments for not choosing the more expensive option.

The usability of the rink, which has been without an overhead cover since a canopy was destroyed by heavy snow and a falling tree in 2007, definitely suffers without the added protection. Parks officials say about two-thirds of the user days are affected by weather.

Warm weather in the winter, especially when accompanied by rain, can turn the ice to mush, making it at best a less enjoyable experience and at worst unusable, closing the rink entirely. That can leave users up in the air about whether the rink's available and even more up in the air about whether they want to attempt to skate through slush.

The parks department has budgeted \$112,000 for a temporary roof that would last 10 years at the outside. It is also considering the idea of a "permanent" roof, which parks officials say would be good for 20 years, at an estimated cost of \$500,000.

For starters, it's hard to make that math add up. Ten years for \$112,000 or 20 years for \$500,000? If our math is correct, the shorter version comes in at \$11,200 per year, while the longer-term option pencils out at \$25,000 per year. There probably are savings associated with the longer-term option that aren't immediately evident, but it's still hard to make that pencil out.

The bigger issue for us is that in this time of scarce public resources, it's tough to justify spending a half-million dollars to cover an ice-skating rink. Yes, the rink is an asset for the city, but it is a minor piece of the overall parks and recreation operation and one that is subject to the whims of the weather, covered or not. This isn't Minnesota (thank God), so an outdoor ice skating rink is always going to be a marginal operation.

The Parks and Recreation Department is faced with what seems to be an almost inevitable loss of significant funding, possibly in the near future as its budget is rolled into the general fund. While parks funding has long been separate from general city operations, a statewide ballot measure passed years ago rolled all auxiliary levies into the main general funds of cities and counties. The city is considering transferring \$650,000 to \$1.8 million in parks reserve funds into the general fund, which it clearly has the authority to do.

Given the uncertainty of future funding and the many needs that will arise or already are showing up in the parks system, it's hard to justify a \$500,000 expenditure on an ice rink canopy. We have no problem with the smaller amount, which clearly adds a benefit to the rink, its users and the city at large, but at a much lower price.

If rink users and park officials think it's necessary to go for the more permanent structure, they should be prepared to seek outside funding and perhaps launch a fundraiser. The rink is an attraction and a nice addition for the city on the days that it's usable, but the primary beneficiaries are the skaters themselves. So it makes sense that the skaters be directly involved in any major undertaking involving it.

We're glad the rink exists and believe it does add to the charm of this city. A modest investment of public dollars to protect it is a worthwhile thing to make it more useful and ensure its success. A half-million dollar expenditure, however, would put too much of a scarce resource — public dollars — into that project at the expense of other worthy efforts.

Environment

Under Cover: Parks considers roof for ice rink

Parks Department might bring back a roof for rink

By Vickie Aldous

Ashland Daily Tidings

January 07, 2013 2:00 AM

The Ashland Parks and Recreation Department is weighing costs and options for a new roof over the Ashland Rotary Centennial Ice Rink, which has been without a cover since heavy snow and a tree crushed its canopy in 2007.

The Parks Commission has budgeted \$112,000 for a possible temporary roof that could be set up each winter over the rink. It probably would last less than 10 years, Parks Director Don Robertson said.

The old temporary canopy had shown signs of wear and tear before its demise, and some parts needed replacement, Robertson said.

Many ice rink enthusiasts would like to see a permanent, year-round roof that would cost an estimated \$500,000, Robertson said.

Those roofs are made of canvas and have an estimated lifespan of 20 years, he said.

A permanent roof would stay in place even in the summer, shading the parking lot that serves as the ice rink in winter.

The parking lot and rink are on Winburn Way, across from Lithia Park. "We do want to put a cover on the ice," Robertson said.

Robertson said the rink works best on cold, clear days and nights. But when it's rainy, rink conditions — and skaters — suffer.

Sunshine softens the ice, forcing rink workers to section off some areas as unusable, or requiring a complete shut-down of the rink, parks workers said.

"Just the other day we had to close off a section because of slush," said ice rink Zamboni driver Sarah Westwood.

She said adults are sometimes banned from skating because of bad ice conditions. Only kids, who weigh less, are allowed to skate then to avoid damage to mats beneath the ice.

Westwood said ice rink workers regularly field calls from would-be skaters who want to know what the day's ice conditions are like.

Frequent skater and Ashland resident David Jimenez said the rink definitely needs a roof to protect it from rain and the sun.

"I understand that it costs a lot of money. I'm all for it. This needs a roof," Jimenez said. "Hopefully the money will come, maybe through fundraising or grants."

Visiting the rink from Eureka, Calif., Damon Brooks said he preferred having no roof because he could view surrounding trees and stars at night.

His wife, Kim Brooks, said she could see both pros and cons.

"Part of the appeal is the outdoor nature of it," she said. "But protecting it and making it available in inclement weather is a practical approach."

Troy Parker, who was visiting from Central Point, also had mixed views.

"I'm wondering what's best for the city as far as usage. If a roof gets more people out in the park, I'm all for it," he said. "It is fun to be in the open air."

Medford resident Rachel Arappagis said she and her friends were drawn to Ashland's rink because it's outdoors. Medford has a large indoor ice rink.

Also from Medford, Josh Carr said he remembers skating at Ashland's rink when it had a cover.

"It was so much nicer," he said. "The ice was better. It was not as melted."

Robertson said the Ashland rink is negatively affected by weather during about two-thirds of its operating days.

In the coming months, the Parks Commission will weigh options for a roof and how it stacks up against other pressing maintenance needs, such as \$500,000 in repairs to the historic Perozzi fountain and \$50,000 to \$60,000 worth of repairs to the Enders Shelter gazebo in Lithia Park, Robertson said.

Parks staff members are still investigating costs for other needs, including major plumbing repairs to the Daniel Meyer Pool and splash pad fixes at Garfield Park, he said.

The Parks Department doesn't have enough money to repair everything, Robertson said.

Meanwhile, city and parks officials are pondering a proposal from Mayor John Stromberg and City Administrator Dave Kanner to transfer \$650,000 to \$1.8 million from the parks reserve funds into the city's general fund.

The parks system would receive money for maintenance and repairs through the regular budgeting process this spring.

Historically, the quasi-independent Parks Department has received half of city property taxes.

The proposal from Stromberg and Kanner would make parks more like other city departments, which have to compete against each other for funding.

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

I/we are neighboring property owners opposed to the Commission's proposal to construct a permanent, year-round roof structure over the City of Ashland's Ice Rink in Lithia Park.

Construction of a permanent roof structure over the Ice Rink in Lithia Park would be an eye-sore, detracting from the natural beauty and ambiance of Lithia Park during the Spring, Summer, and Fall months.

The proposal to construct a permanent, year-round roof over the Ice Rink in Lithia Park is also unduly expensive. It is not a wise use of taxpayers' money.

Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,

JW and Nancy Lyon

Printed name(s): JW and Nancy Lyon

Address : 128 S. Pioneer
Ashland

Phone: 425-299-1850

Email: winfred98203@yahoo.com

Date: 1-15-2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

I/we are neighboring property owners **opposed** to the Commission's proposal to construct a permanent, year-round roof structure over the City of Ashland's Ice Rink in Lithia Park.

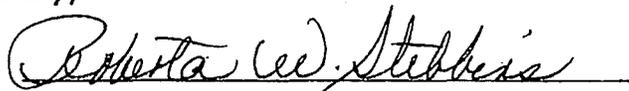
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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned updated on developments concerning this issue.

Sincerely,



Printed name(s): Roberta W. Stebbins

Address : 111 Granite St.

Ashland, OR 97520

Phone: 541-552-1094

Email: robertas@mind.net

Date: 16 January 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

I/we are neighboring property owners **opposed** to the Commission's proposal to construct a permanent, year-round roof structure over the City of Ashland's Ice Rink in Lithia Park.

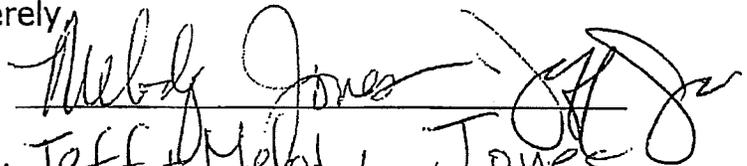
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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): Jeff + Melody Jones

Address :

79 Pine Street

Ashland, OR 97520

Phone:

488 0499

Email:

Date:

1-16-13

RECEIVED JAN 1 8P-2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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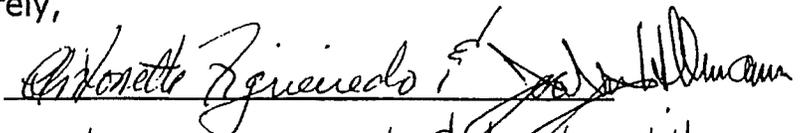
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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): Antonette Figueiredo & Jocelyn Hillmann

Address : 109 Pine St., Ashland, OR 97520

Phone: 541-488-4463

Email: JT@mind.net

Date: January 17, 2013

We only wish that such a document had been sent out to all of us concerning the cutting down of the beautiful trees at the rink. This City Council and the last one the worst we have had.

Hearn Letter to Ashland Parks & Rec. (w/ Enclosures) - 01/28/2013 - Page 12 of 23

RECEIVED JAN 18 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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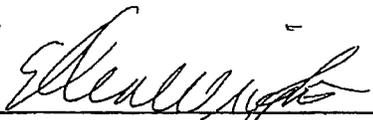
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X The proposal to construct a permanent, year-round roof over the Ice Rink in Lithia Park is also unduly expensive. It is not a wise use of taxpayers' money.

Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned updated on developments concerning this issue.

Sincerely,



Printed name(s): Robert & Ellen Wright

Address : 97 Pine St
Ashland, OR 97520

Phone: 541 941 1894

Email: ewright42@mind.net

Date: 1/17/2013

RECEIVED JAN 18 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): CLAUDIA EVERETT

Address : 140 S. Pioneer St.
also 138 S. Pioneer St.

Phone: 541-482-4706

Email: _____

Date: 16 Jan, 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,

Mark Hill

Printed name(s): Mark Hill

Address : 201 Glenview Dr.
ASHLAND, OR. 97520

Phone: 541-488-3107

Email: HILLfam2000@gmail.com

Date: 1-16-13

RECEIVED JAN 18 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,

Richard K Mastain

Printed name(s): _____

Address : 227 Gritavite St
Ashland

Phone: 488-7727

Email: RKM577@charter.net

Date: JAN. 17, 2013

JAN 24 2013

Good Neighbor Policy!

Also - The Rec. Dept should insulate around the compressor. The sound is VERY disturbing!

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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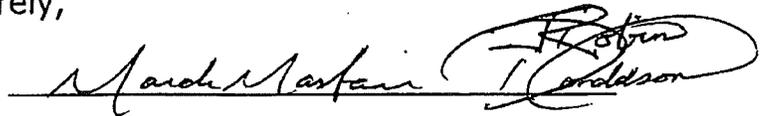
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Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): Mardi Mastain & Robin Donaldson

Address : 114 Granite St.

Ashland, OR 97520

Phone: 541-261-3000

Email: mardimastain@hotmail.com

Date: Jan 22, 2013

JAN 25 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

I/we are neighboring property owners **opposed** to the Commission's proposal to construct a permanent, year-round roof structure over the City of Ashland's Ice Rink in Lithia Park.

Construction of a permanent roof structure over the Ice Rink in Lithia Park would be an eye-sore, detracting from the natural beauty and ambiance of Lithia Park during the Spring, Summer; and Fall months.

The proposal to construct a permanent, year-round roof over the Ice Rink in Lithia Park is also unduly expensive. It is not a wise use of taxpayers' money.

Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,

Jed & Celia Meese

Printed name(s): JED & CELIA MEESE

Address : 80 & 88 Granite St

Ashland, OR 97520

Phone: 541 944 4447

Email: jed@quest5.com
Celia@quest5.com

Date: 1/19/2013

JAN 25 2013

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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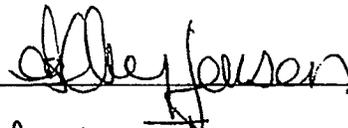
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Please abandon the proposal to construct a permanent, year-round roof over the City's Ice Rink in Lithia Park.

Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s):

Ashley Jensen

Address :

153 Fork St

Ashland OR 97520

Phone:

541-324-2620

Email:

ashley[at]mud.net

Date:

1.18.13

JAN 25 2013

P.S. Are there not atleast a million other projects that could give more value to the city of Ashland

Dear City of Ashland Parks & Recreation Commission:

RE: Proposal to Construct a Permanent, Year-Round Roof Structure over City Ice Rink in Lithia Park

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Please keep the undersigned update on developments concerning this issue.

Sincerely,

JANET LEWIS

Printed name(s):

Janet Lewis

Address :

112 Pine St.

Phone:

650-856-2558

Email:

JanetLouiseLewis@gmail.com

Date:

1-24-13

JAN 28 2013

P. 20

Dear City of Ashland Parks & Recreation Commission:

**RE: Proposal to Construct a Permanent, Year-Round
Roof Structure over City Ice Rink in Lithia Park**

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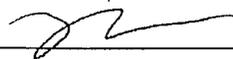
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Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): PETEY LAOHABURANAKLT

Address : 105 NUTLEY ST

ASHLAND, OR 97520

Phone: 541-531-6227

Email: peteylao@gmail.com

Date: 1/28/2013

JAN 31 2013

Dear City of Ashland Parks & Recreation Commission:

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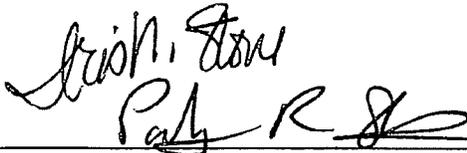
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Please keep the undersigned update on developments concerning this issue.

Sincerely,



Printed name(s): Iris N. Stone & Patrick R. Stone
Address : 94 Pine, 127 Church, 131 Church
Ashland, OR.
Phone: 925-831-8731
Email: IrisStone@aol.com
Date: 2/4/2013

FEB 07 2013

Dear City of Ashland Parks & Recreation Commission:

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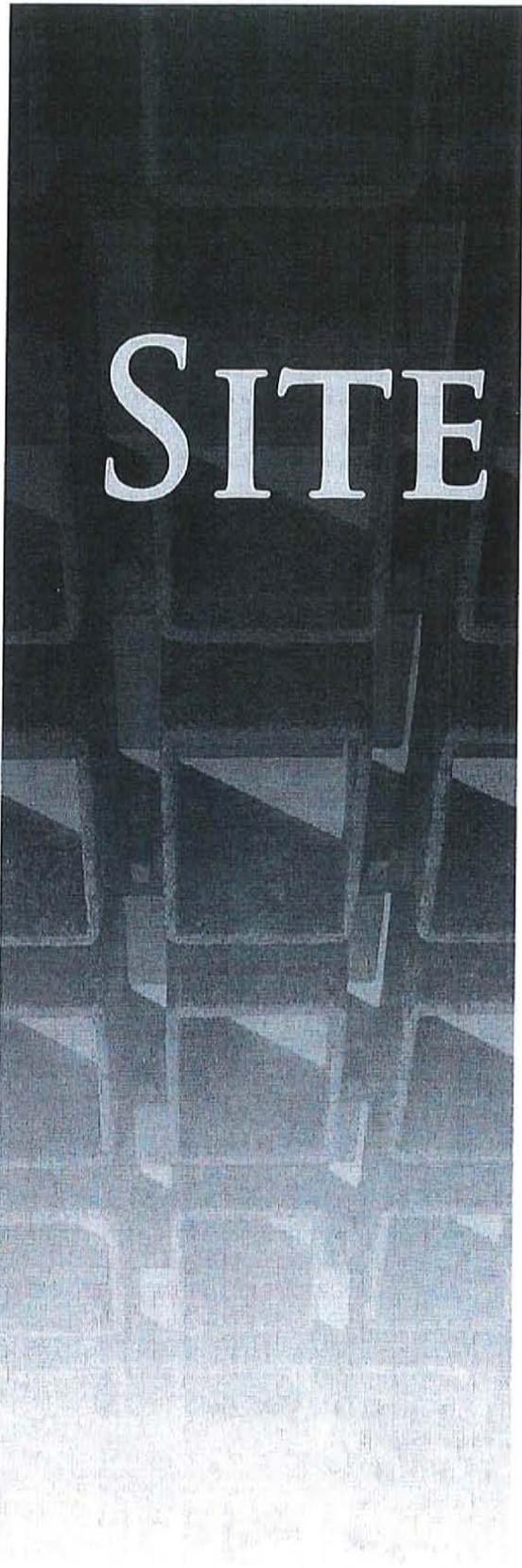
Sincerely,

*Iris N. Stone
Patrick R. Stone*

Printed name(s): Iris N. Stone & Patrick R. Stone
Address : 94 Pine, 127 Church, 131 Church
Ashland, OR.
Phone: 925-831-8731
Email: irisstone@aol.com
Date: 2/4/2013

FEB 07 2013

EXHIBIT "B"



SITE DESIGN AND USE STANDARDS



SECTION IV

Historic District Development

A. Development in Ashland's Historic District

Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland, excluding the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down, and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other, or to the original design. Wrought iron columns, asbestos shingles and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

Restoration, Rehabilitation and Remodeling

Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between “resorting”, “rehabilitating”, and “remodeling” may seem academic, but each results in a major difference in the way the job or project may turn out.

To “restore” is to return a building to its original condition as if it were a precious museum piece. This technique is typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s.

Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that

the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriately used for buildings which were constructed of inferior materials or for the buildings which have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression "remodel" can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To "rehabilitate" is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that outmoded electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today's modern appliances. When rehabilitating a building, it is essential to protect the structural and decorative characteristics which belong to the architectural style. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced absolutely necessary, and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

The City of Ashland has adopted ordinances to assure that all development, including development in the Historic District, remains compatible with the existing integrity of the district. In new construction of a single-family residence, the Historic Commission will use these standards to make recommendations to the applicant.

If an applicant requires a Staff Permit, Site Review, or a Conditional Use Permit which involves new construction, a remodel, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

B. Rehabilitation and Remodel Standards

The purpose of the following standards is to prevent incompatible structures and design and ensure the proper use of materials and details within the Historic District:

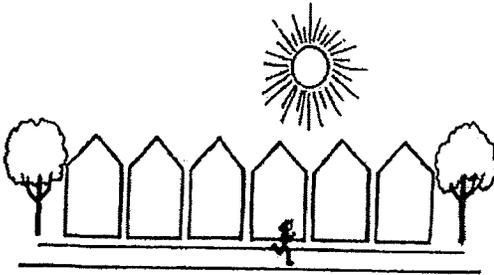
- IV-B-1** Be sure the remodeled portion has exterior wall finish that matches the existing or original material.
- IV-B-2** Design window additions are to duplicate existing or original windows.
- IV-B-3** Design the roof on additions or remodels to have the same pitch as the original pitch as the original roof. Extend the ridge lines where possible. On one-story rear additions, shed roofs are acceptable.
- IV-B-4** Match the style of any porch or entry addition to the original or existing style of the front of the structure.
- IV-B-5** Match the colors of any additions to the colors used on the existing exterior.
- IV-B-6** Try to rehabilitate and restore as many features as possible.
- IV-B-7** Sawn shingle and, for economy composition roofs are preferred. Asphalt shingles which match existing color and texture are acceptable. Shake shingles, tile and metal roofs are not compatible with most Ashland architectural styles (there are a few exceptions).
- IV-B-8** Diagonal and vertical siding are not compatible in most cases.
- IV-B-9** Imitative materials such as asphalt siding, wood textured aluminum siding or artificial stone are not compatible.
- IV-B-10** Any detached structures shall be compatible with the existing building and conform to the above standards.
- IV-B-11** Styles of other eras or locals, such as Tudor and Western styles are to be avoided.

C. Historic District Design Standards

In addition to the standards found in Section II, the following standards will be used by the Planning and Historic Commission for new development and renovation of existing structures within the Historic District:

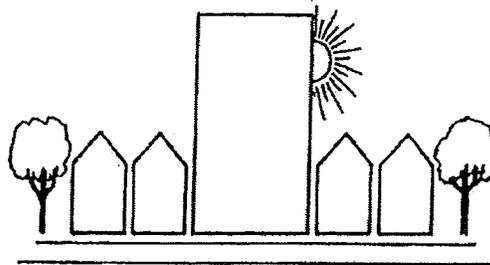
IV-C-1 Height

RECOMMENDED



Construct buildings to a height of existing buildings from the historic period on and across the street.

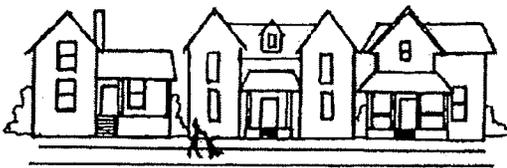
AVOID



Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

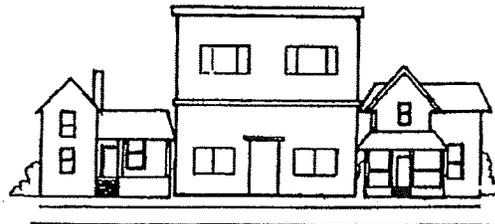
IV-C-2 Scale

RECOMMENDED



Relate the size and proportions of new structures to the scale of adjacent buildings

AVOID



Avoid buildings that in height, width, or massing, violate the existing scale of the area.

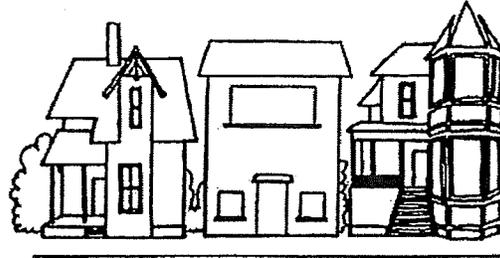
IV-C-3 Massing

RECOMMENDED



Break up uninteresting boxlike forms into smaller, varied masses which are common on most buildings from the historic period.

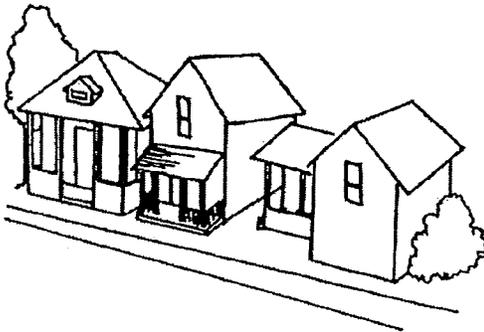
AVOID



Avoid single, monolithic forms that are not relieved by variations in massing.

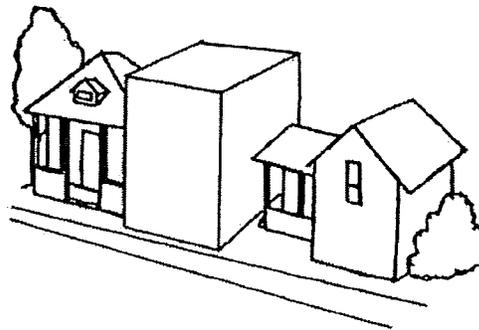
IV-C-4 Setback

RECOMMENDED



Maintain the historic façade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings.

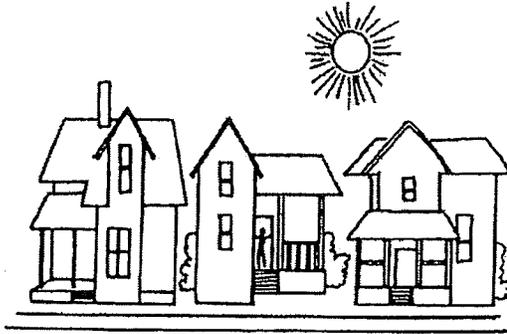
AVOID



Avoid violating the existing setback pattern by placing new building in front or behind the historic façade line.

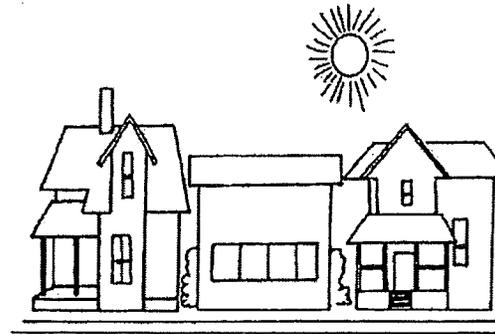
IV-C-5 Roof Shapes

RECOMMENDED



Relate the new roof forms of the building to those found in the area.

AVOID



Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

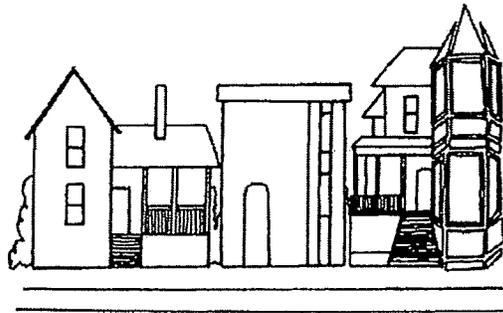
IV-C-6 Rhythm of Openings

RECOMMENDED



Respect the alternation of wall areas with door and window elements in the façade. Also consider the width-to-height ratio of bays in the façade.

AVOID



Avoid introducing incompatible façade patterns that upset the rhythm of opening established by the surrounding structures.

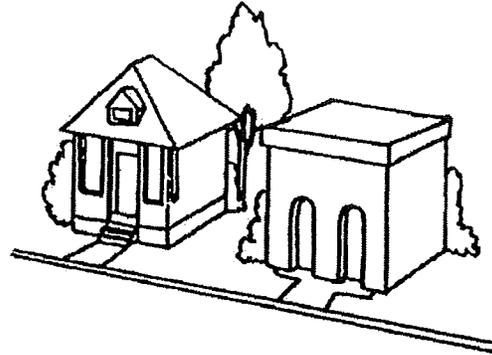
IV-C-7 Platforms

RECOMMENDED



The use of a raised platform is a traditional siting characteristic of most of the older buildings in Ashland.

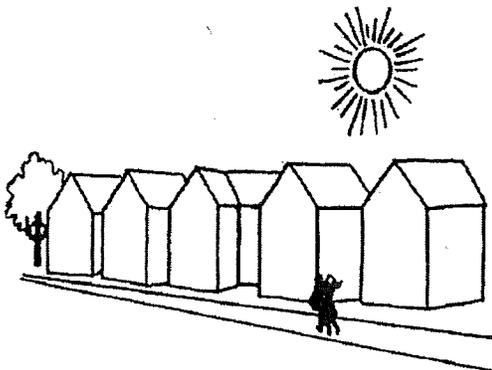
AVOID



Avoid bringing the walls of buildings straight out of the ground without a sense of platform.

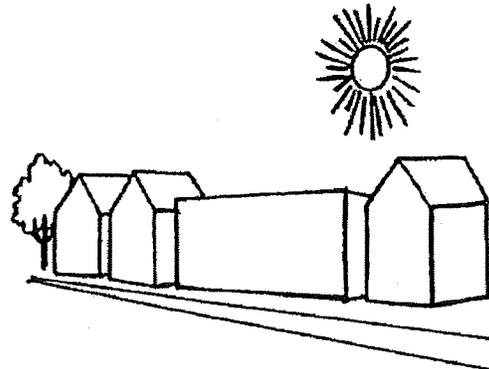
IV-C-8 Directional Expression

RECOMMENDED



Relate the vertical, horizontal or nondirectional façade character of new buildings to the predominant directional expression of nearby buildings.

AVOID



Avoid horizontal or vertical façade expressions unless they are compatible with the character of structures in the immediate area.

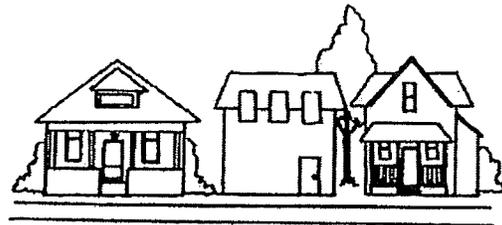
IV-C-9 Sense of Entry

RECOMMENDED



Articulate the main entrances to the building with covered porches, porticos, and other pronounced architectural forms.

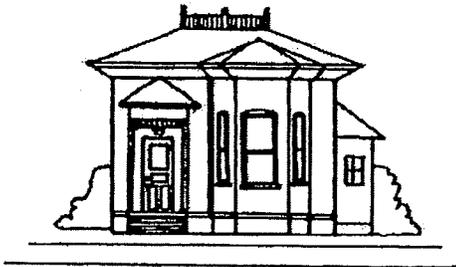
AVOID



Avoid façades with no strong sense of entry.

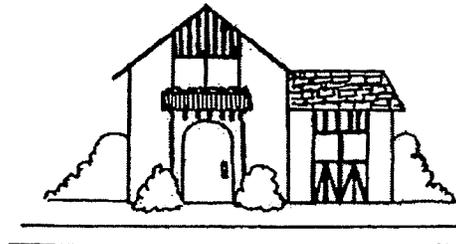
IV-C-10 Imitations

RECOMMENDED



Utilize accurate restoration of, or visually compatible additions to, existing buildings. For new construction, traditional architecture that well represents our own time, yet enhances the nature and character of the historic district should be used.

AVOID



Avoid replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if well done, present a confusing picture of the true character of the historical area.

ASHLAND PARKS AND RECREATION COMMISSION

340 S. PIONEER STREET

ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Rick Landt
Jim Lewis
Stefani Seffinger
Vanston Shaw

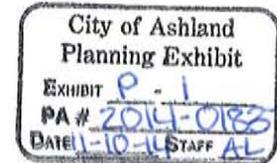


Michael Black
Director

TEL: 541.488.5340
FAX: 541.488.5314
parksinfo@ashland.or.us

November 10, 2014

Derek Severson, Associate Planner
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520



Re: Ashland Rotary Centennial Ice Rink Canopy Application

Dear Derek,

I wanted to provide some information that I think would help in resolving some concerns about the Ice Rink Canopy application. I hope that this information can be shared with the Planning Commission and also be made part of the record.

First, although the size of the old structure versus the new one is not a criterion to be evaluated for site plan approval, we wanted to provide the following information regarding sizes:

1. Rink Size: **65ft x 121ft**
2. Original Structure Size: **70' x 80' x 25.4'**
3. New Structure Size: **80' x 120' x 31.1'**

The image shows how the original structure's size relates to the new structure. I used the term "slightly larger" to describe the difference between the current and former structure and although a review of the increase in percentage appears large, the new canopy was enlarged only enough to cover the Ice Rink and spectator area without a "drip zone."



With regard to whether we are seeking a permanent structure or not, our intention in submitting the application was to seek a permit without limits on the season. The Historic Commission was clear that their recommendation of approval was contingent upon the structure being seasonal. Ashland Parks and Recreation can support a seasonal window for the use of the Ice Rink Canopy and we suggest a season of

Oct. 1st to March 31st yearly to allow adequate time for installation and removal as well as to provide for some intermediate season events under the canopy.

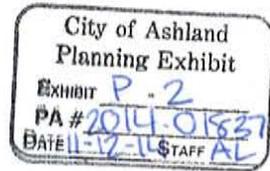
Again, the intent of this letter is to clear up some discrepancies in the application, and if I can provide any further information please let me know. Please add this letter to the record for the Ice Rink Canopy application and provide a copy to the Planning Commission.

With best regards,

A handwritten signature in black ink, appearing to read "Michael A. Black". The signature is stylized and cursive.

Michael A. Black, Director
Ashland Parks and Recreation

Name: Michelle Quinn
Email: gratefulkeiki@yahoo.com
Subject: Ice rink roof. Please use it!
Message: Please city of Ashland....



We need to use this roof as it greatly effects the safety of the children using the rink and creates an activity which is entirely beneficial for the community businesses as well as family togetherness. I'm not sure which neighbor opposes this but perhaps they could understand how much b enefit a roof has to an arena.

Perhaps a petition would help educate opposers. Would it be possible to send me info on that process ?

Thank you very much

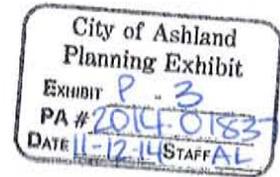
Michelle Quinn

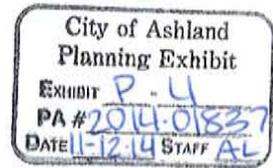
gratefulkeiki@yahoo.com

808-639-1158

Name: Leela Da Costa
Email: leela.dacosta@hotmail.com
Subject: Ice Rink Cover

Message: Just wanted to write a note that I am strongly in support of the ice rink cover. It is a great benefit to the rink, and to all of the visitors who go to skate there. Please continue to allow it to be part of the rink.



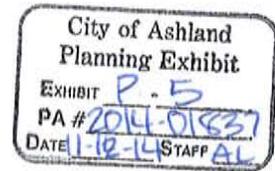


Name: Olivia Norris

Email: norrister2@gmail.com

Subject: The Rink and Roof

Message: I will not be able to make the meeting tomorrow, but wanted to voice my citizen support for the Rink and the Roof. We have used and enjoyed this lovely, old-fashioned winter destination many times. We are hoping you will continue to fund the operation and safe conditions of this truly unique outside rink.



Name: Katie Ali

Email: KT_ALI@YAHOO.COM

Subject: In support of current ice rink cover

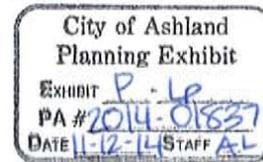
Message: Please share at the 11/12 ASHLAND PLANNING COMMISSION REGULAR MEETING:
Our family hopes to be present at city council meeting. In case we have to change our plans for this week's meeting we wanted to share our support and enthusiasm in favor of the ice rink cover.

The beautiful shiny cover glistens the city and encourages positive outdoor fun. My five year old daughter participated in lessons and open skate through the Ashland parks and recreation last season. Her name is Anika Ali and through her experience she learned a sport and gained confidence. Here is her response to the ice rink cover:

"The ice rink has to have a shelter because even on sunny days we really need it. And I love to ice skate because it makes me want to come out and skate with other people." - Anika Ali, 5 yrs old

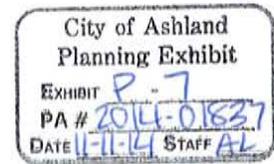
Thank you Ashland for providing us with a beautiful cover to make our family outings to the ice skating rink fun, healthy and safe. We hope the same cover that was used last year remains. I hope to find shelter this season under the glistening cover because I am pregnant and can only watch Anika ice skate this season. If residents choose to live near town they should go somewhere else to enjoy a view they will miss temporarily.

Name: Carolyn Brooks
Email: Carolynbrooks1@hotmail.com
Subject: Ice rink cover



Message: I would like to reiterate how important the cover over the ice rink is. As a figure skater, there have been many times I have been unable to skate in Ashland due to ice that has been unsuitable. As a community member, I know parents who have signed their children up for lessons at the rink, only to have the majority of them cancelled due unusable ice or inclement weather, and have not signed up again in subsequent years. The rink is an Ashland gem and a winter tradition in the Valley. Why go to the expense and trouble of setting it up, only to have it closed day after day? Please keep the cover up so that many people of all ages can enjoy it. Thank you.

From: Gina Myers [<mailto:gshatas@charter.net>]
Sent: Tuesday, November 11, 2014 8:36 PM
To: council@ashland.or.us
Subject: Council Contact Form - Gina Myers - 11/11/2014



Name: Gina Myers
Email: gshatas@charter.net
Subject: Ice Rink Roof
Message: Hi:

I am a coach at The RRRink in Medford. I am also a skater. I am writing in support of the proposed roof for the Ashland outdoor ice rink.

As a skater and a coach, I think a roof over the outdoor rink is necessary for both the enjoyment and safety of the skaters. In addition, without a roof, the ice would most likely be much more expensive to maintain, as the elements make it impossible to keep the ice surface usable and safe without VERY frequent cuts.

Please consider using the roof that was made for this beautiful location!

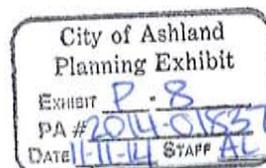
Thank you,
Gina Myers

Zimbra**seversod@ashland.or.us****Fwd: cover for skating rink****From :** RJReid@aol.com

Tue, Nov 11, 2014 04:07 PM

Subject : Fwd: cover for skating rink**To :** derek severson

<derek.severson@ashland.or.us>



Hi Derek,

I forgot to add our address to the first copy. 171 Granite St

From: RJReid@aol.com

To: derek.severson@ashland.or.us

Sent: 11/11/2014 10:44:27 A.M. Pacific Standard Time

Subject : cover for skating rink

Nov 11, 2014

Ashland Planning Commission

We write to support the roof cover for the Ashland Skating Rink. We have lived on Granite St. for 30 plus years and think the skating rink is a wonderful addition to our neighborhood. Having the rink covered allows for more use of the rink, which we think should be the goal. The variety of people who use the rink is wonderful, families, toddlers to teens and adults skating for pleasure or playing hockey. It is fun to skate or just watch.

thank you

Rod and Susan Reid

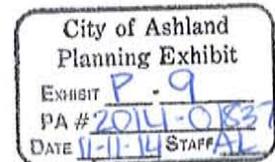
Zimbra**seversod@ashland.or.us****Ice Skating Rink cover**

From : Shoshanah Dubiner
<sdubiner@cybermuseum.com>

Tue, Nov 11, 2014 08:39 AM

Subject : Ice Skating Rink cover

To : derek severson
<derek.severson@ashland.or.us>



Dear Derek Severson,

As an Ashland resident and a person concerned with the wellbeing of our community, I strongly recommend that you continue with installation of the new Skating Rink cover for the 2014-2015 season.

It's a real pleasure to go by the Rink and see so many people using it, especially the children and teens. It's such a happy bright spot in our city. The cover will allow the Rink to be used more frequently, even on days when it's raining or very sunny (when it will prevent melting of the ice). We have the Rink and we love it; we'll love it even more when we can use it even more.

Sincerely,
Shoshanah Dubiner

[Shoshanah Dubiner](mailto:sdubiner@cybermuseum.com)
sdubiner@cybermuseum.com
541-292-4284
www.cybermuseum.com
<http://shoshanah-dubiner.artistwebsites.com/>

Zimbra

seversod@ashland.or.us

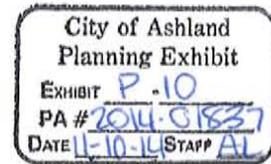
Skating ring cover

From : Jaylee Nash
<jayleenash@yahoo.com>

Mon, Nov 10, 2014 05:32 PM

Subject : Skating ring cover

To : derek severson
<derek.severson@ashland.or.us>



I urge you to please move forward with the new skating rink cover.

Respectfully,
Jaylee Nash

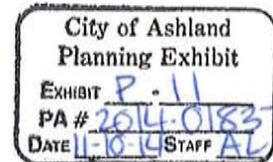
Zimbra**seversod@ashland.or.us****re:Skaking Rink Cover**

From : joanie nissenberg
<joanniss@yahoo.com>

Mon, Nov 10, 2014 04:47 PM

Subject : re:Skaking Rink Cover

To : derek severson
<derek.severson@ashland.or.us>



Reply To : joanie nissenberg
<joanniss@yahoo.com>

Dear Derek,

I want to strongly urge you to go forth with the new Skating Rink cover for all the obvious reasons: Providing protection from rain and sun on warmer days and allowing many more hours use by children, teens and adults with all the resulting joy. This goes hand in hand with the concomitant funds for the City and salaries for the workers at the Rink. I've lived on Granite St. for more than 30 years and want to see this replacement roof installed and operative for this 2014-2015 season. This is a great benefit to Ashland's attraction as a City of LIGHT for the holidays. Thank you. Joanie Nissenberg 153 Granite St., Ashland

Zimbra**seversod@ashland.or.us**

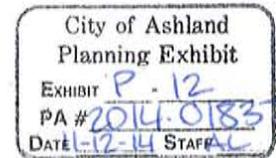
Ice Rink

From : Patricia Sempowich
<comco219@ashlandhome.net>

Wed, Nov 12, 2014 10:22 AM

Subject : Ice Rink

To : derek severson
<derek.severson@ashland.or.us>



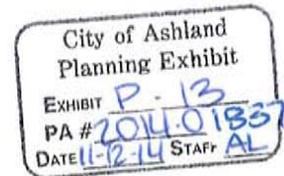
Derek,

Please add my name to the list of Ashlanders who want the new skating rink cover to go forth as earlier planned. The need to offer protection from the weather and to assure the constant use of the ice rink for the pleasure and recreation of our community is essential.

In addition, covering the rink will provide work security for those who staff the rink. I believe the installation of the cover will increase the use of the rink, creating fun and festivity as we approach the winter holidays and generating revenue for the city.

Thank you,
Patricia Sempowich
108 Nob Hill Street

City of Ashland Planning Commission
51 Winburn Way
Ashland, OR 97520



Dear Planning Commission:

My name is David Brennan. I own and reside at 495 Poplar Place in Ashland. I have been an Ashland resident for 11 years, and am an active ice skater at the Ashland Rotary Centennial Ice Rink. I am submitting this letter in support of installing the ice rink canopy roof.

The ice rink is a popular and charming feature of Lithia Park. It provides healthy and unique winter recreation for thousands of user-days each season. Small children learning to skate with their parents, teens, figure skaters practicing, youth and adult hockey players, adult skaters, and senior citizens rediscovering the joy of skating, all enjoy the wonderful experience provided by the ice rink.

I believe that the new canopy on the ice rink markedly improves Lithia Park, the city of Ashland, and the the public. During the ice skating season, Ashland is subject to variable winter weather, including periods of rain, sun, temperatures above freezing, and winds that deposit leaves and branches on the ice rink. The canopy provides for a smoother, cleaner, more consistent, safer ice skating surface throughout the season. By eliminating the effects of weather on an exposed ice rink, it greatly improves the skating experience, reduces the need for ice surface maintenance/repair, and reduces the likelihood of ice rink closures due to weather impacts.

The extended sides of the canopy provide an enlarged, covered area for skaters to put on or take off skates, or take rest breaks. It provides area for friends, family, and visitors to watch skaters. At virtually any time the rink is open, it is common to see spectators vicariously enjoying the fun and beauty of ice skating. The ice rink is a charming addition to the downtown/Lithia Park area, and a delight for winter visitors to Ashland.

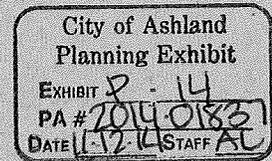
I understand that the installation of the canopy this winter may be delayed, or may not happen at all, because a nearby resident objects to the visual impacts to their property. I appreciate and respect this resident's opinions and perspectives, and encourage the Planning Commission and Parks & Recreation Department to seek mitigations that will reduce the perceived impacts from the canopy. It is critical that we also respect and consider the benefits to the community as a whole, and the needs and desires of ice skaters and spectators.

In reading the Ashland Parks and Recreation Department recently application for a site design exception requirement that would allow the canopy to be installed, I believe a strong case is made to approve the installation of continued use of the ice rink canopy. I urge the Planning Commission to approve the installation of the canopy for this season and all future seasons.

Sincerely,

/s/ David A. Brennan

City of Ashland Planning Commission
51 Winburn Way
Ashland, OR 97520



Dear Planning Commission:

My name is Vicki Chamberlain. My husband Jim Chamberlain and I own and reside at 591 Elkader Street in Ashland. We have been Ashland residents for over 20 years. Jim and I are avid skaters at the Ashland Rotary Centennial Ice Rink and have skated at the rink since the first day it opened. We have skated without a canopy over the rink, with the original canopy, and last year with the new canopy, so we understand and appreciate the improvements that have been made over the years. We skate in the early mornings with many other adults who are either retired or using the rink for their morning exercise before work. There are many of us who are early morning seasonal regulars and I believe are not part of your estimated usage totals.

Last year the new canopy was a huge topic of conversation the first few weeks of the season. I can tell you all of us commented on how much better the ice was than it had ever been before. The superior construction and coverage of the new canopy has immensely improved the quality of the ice. It was also a delight to be able to put on our skates under a dry and covered area.

Last year we were so pleased to see how the rink was utilized by so many more people. It is the only outdoor skating rink in the Rogue Valley and is a special wintertime feature of Lithia Park. The extra covered seating area allowed for spectators to join in the experience--affording an opportunity for families of all ages to enjoy the rink together. It was wonderful to see how much of an impact the improved conditions made. I do not have the numbers but am sure many more people utilized this wonderful resource than in past years. I believe the increase in usage is due to the superior skating conditions created when the new canopy was raised.

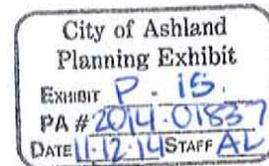
I appreciate that one person in the neighborhood has an issue with the new canopy and respect their rights to object to the structure. However, it is our belief that no other neighbors adjacent to this person, and also above the rink are objecting to the canopy. I do understand you are attempting to work with this person and appreciate you doing so.

We believe it is critical that we weigh the importance and benefits of this healthy, wholesome community amenity. This letter/statement is my husband's and my request to approve the special use permit and allow the canopy to be installed every year during the skating season.

Sincerely,

Jim and Vicki Chamberlain
541-531-8515

From: Penelope Dews [<mailto:pdews@usa.net>]
Sent: Wednesday, November 12, 2014 4:38 PM
To: council@ashland.or.us
Subject: Council Contact Form - Penelope Dews - 11/12/2014

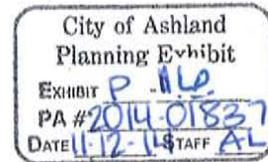


Name: Penelope Dews
Email: pdews@usa.net
Subject: Ice Rink Cover- in support to keep it
Message: As a fifth generation Ashlander, I am writing in support of the Ice Rink Cover. My family and I use the rink, and my spouse has played ice hockey there.

The roof is only up a few months of the year. It is a much better roof, was expensive to make and greatly improves the quality of the ice, and the ice skating experience.

It is a great way to recreate during the winter months when people mostly stay inside. People then also visit the Plaza and businesses there. It is part of the charm of our "small town".

Thank you, Penelope Dews



PROPOSED MITIGATION AGREEMENT

1. Ashland Parks and Recreation will install a quantity of 10-12 English Yew trees on the Lithia Park property between 94 Granite Street and Lithia Park. Each tree will be at least 12 feet tall, unless not available within the region of the Willamette Valley to Southern Oregon, then the same trees at no less than 10 feet in height will be used. **Installation shall be as soon as possible, and in any event shall be complete this calendar year.**
 - a. Trees will be installed, **irrigated** and maintained by the Parks Department.
2. Ashland Parks and Recreation agrees to a window of use for the canopy of Nov. 1st to March 31st perpetually by season.
3. Ashland Parks and Recreation will work with the individual owners of 98 and 102 Granite Street to provide vegetative screening to mitigate the light and glare impacts imposed by the ice rink canopy.