

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  
JUNE 28, 2016  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street.
  
- II. **ANNOUNCEMENTS**
  
- III. **AD-HOC COMMITTEE UPDATES**
  
- IV. **PUBLIC FORUM**
  
- V. **UNFINISHED BUSINESS**
  - A. Adoption of Findings for PA-2016-00684, Union Pacific Railroad Property.
  
- VI. **DISCUSSION ITEMS**
  - A. Comprehensive Plan Amendment – Citizen Involvement and Participation Chapter.
  
  - B. Council Initiation of Zone Change – North Pioneer Street.
  
- 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).

**BEFORE THE PLANNING COMMISSION**  
**June 28, 2016**

IN THE MATTER OF PLANNING ACTION #2016-00684, A REQUEST FOR A )  
MAJOR MODIFICATION TO AMEND A CONDITION OF APPROVAL OF THE )  
LAND PARTITION AND LOT LINE ADJUSTMENT PA 99-048 THAT )  
REQUIRED THE CLEANUP TO A RESIDENTIAL STANDARD ) **FINDINGS,**  
OF THE FORMER RAIL YARD LOCATED ON AN APPROXIMATELY 20-ACRE ) **CONCLUSIONS,**  
PARCEL OWEND BY UNION PACIFIC RAIL ROAD (UPRR). ) **& ORDERS**  
)  
**APPLICANTS:** City of Ashland )  
----- )

**RECITALS:**

- 1) Tax lot #6700 of Map 39 1E 09 AB and tax lot #6200 of Map 39 1E 09 AA are located north of the railroad tracks and south of Hersey St. and zoned E-1, Employment.
- 2) The hearing before the Planning Commission involves a request for a Major Modification to amend a condition of approval of the land partition and lot line adjustment of PA 99-048. The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to be cleaned up to Oregon Department of Environmental Quality (DEQ) residential standards before further land divisions or development occurs and that written confirmation from DEQ of the cleanup to residential standards is submitted to the City of Ashland. The proposed modification amends the deed restriction to require two levels of clean up. First, the initial cleanup of the 20-acre site would be to the residential standard for a single residential property. Subsequent development or subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots. The proposal is outlined in the plans on file in the Department of Community Development.
- 3) The criteria for a Major Modification are described in **Ashland Municipal Code (AMC) 18.5.6.030.C** as follows:
  - C. Major Modification Approval Criteria.* A Major Modification shall be approved only upon the approval authority finding that all of the following criteria are met.
    1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.
    2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
    3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

4) The criteria for a Preliminary Partition Plat are described in **AMC 18.5.3.050** as follows:

*The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.*

- A. The future use for urban purposes of the remainder of the tract will not be impeded.*
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.*
- C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.*
- D. The tract of land has not been partitioned for 12 months.*
- E. Proposed lots conform to the requirements of the underlying zone, per part [18.2](#), any applicable overlay zone requirements, per part [18.3](#), and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).*
- F. Accesses to individual lots conform to the standards in section [18.4.3.080](#) Vehicle Area Design. See also, [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria.*
- G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part [18.4](#), and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.*
- H. Unpaved Streets.*
  - 1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.*
  - 2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.*
    - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter [18.4.6](#) prior to the signature of the final partition plat by the City.*
    - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.*
    - c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.*
    - d. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs*

*thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.*

- I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.*
- J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*
- K. A partition plat containing one or more flag lots shall additionally meet the criteria in section [18.5.3.060](#).*

5) The Planning Commission, following proper public notice, held a public hearing on June 14, 2016 at which time testimony was heard and evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and 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 the proposal for a Major Modification meets all applicable criteria described in AMC 18.5.6.030.C and AMC 18.5.3.050.

2.3 The Planning Commission finds that the application involves a request for a Major Modification to amend a condition of approval of the land partition and lot line adjustment of PA 99-048. The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to

be cleaned up to Oregon Department of Environmental Quality (DEQ) residential standards before further land divisions or development occurs and that written confirmation from DEQ of the cleanup to residential standards is submitted to the City of Ashland. The proposed modification amends the deed restriction to require two levels of clean up. First, the initial cleanup of the 20-acre site would be to the residential standard for a single residential property. Subsequent development or subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots.

2.4 The Planning Commission finds that a modification of an approved application or condition of approval that could have a detrimental effect on adjoining properties requires Major Modification under chapter 18.5.6. The review procedure (i.e., Type I administrative approval or Type II public hearing) for a modification is the same as the procedure used for the original application. In this case, a Type II public hearing process is required because the original land partition and lot line adjustment was processed as a Type II (AMC 18.5.6.030.A.7).

Major Modifications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request (AMC 18.5.6.030.C). As a result, the application review is limited to the deed restriction modification request and the applicable approval criteria are those for a Preliminary Partition Plat.

2.5 The Planning Commission finds that the subject property is a large inactive rail yard that is centrally located in Ashland. The UPRR property is approximately 20 acres in size and located north of the railroad tracks, south of Hersey St., and between the two dead-end portions of Clear Creek Dr. The west side of Clear Creek Dr. intersects with Oak St. and the east side intersects with N. Mountain Ave. Rouge Place is a third dead-end street that abuts the property in the northeast portion of the site. Clear Creek Dr. and Rogue Place are planned to continue through the UPRR property at the time the site is developed.

The property is zoned Employment (E-1) and located in the Residential and Detail Site Review overlays. The Residential overlay allows 15 dwelling units per acre as a special use in conjunction with permitted commercial and employment uses. A building can have up to 35 percent in residential uses on the ground floor (e.g., ground floor commercial or employment with upper story residential units) or up to half of a lot used for residential purposes if there a multiple building on a site.

The area to the north, south, and west of the property is zoned E-1. The area to the northeast and east is zoned residential and includes Multi-Family Residential (R-2), Suburban Residential (R-1-3.5), and Single Family Residential (R-1) properties.

The general topography of the site slopes to the north toward Hersey St. The property's most significant natural features include Mountain Creek that flows south to north on the eastern boundary of the property. A trail connection is shown in the Mountain Creek area on the City's adopted 2002 Open Space Plan. The water resources map also identifies three possible wetlands on the site.

The subject property was used for a rail yard for locomotive maintenance, service, and rail car repair between 1887 and 1986. Various structures including a hotel/passenger station, a freight station, a car

repair shed, a turntable, a roundhouse, and miscellaneous work and storage buildings were once present. The Ashland rail yard peaked in the early 1900's. Subsequently, the site was used for light locomotive maintenance and car repair functions until the early 1970's by the Southern Pacific Transportation Company (SPTCo). UPRR acquired SPTCo and many of its assets, including the Ashland site, in 1997. UPRR has not operated or performed any railroad related activities at the site since the acquisition in 1997.

The only structures remaining on the site are foundations of several of the buildings. There is a fenced area on the eastern portion of the site that includes an oil/water separator and two manmade retention ponds (see sheet EC-1). A mainline track and rail spur operated by Central Oregon and Pacific Railroad, Inc. (CORP) are located along the site's southern Boundary.

2.6 The Planning Commission finds that a Major Modification of an approved application or condition of approval may be granted if the approval authority finds that the application meets all applicable criteria, except that the scope of the review is limited to the modification request.

The Planning Commission based the original 1999 condition of approval on the land partition criteria that requires "*the future use for urban purposes of the remainder of the tract will not be impeded.*" Specifically, the staff report included the following discussion.

"The application notes that the deed restriction will be placed on the remaining approximately 25 acres due to subsurface contamination resulting from the past railroad operations. The E-1 zoning and residential overlay (R-Overlay) allows for a variety of commercial and residential uses. The City's Comprehensive Plan encourages mixed-use development, and existing City ordinances and neighborhood planning efforts provide a variety of incentives in the hope of achieving this goal. Consequently, it is important that the contaminants on the remaining 20+ acres be removed or reduced to levels which would allow for commercial, as well as residential uses. Staff has attached a condition requiring that the final cleanup achieve this goal and verification be provided from the Department of Environmental Quality (DEQ)."

The intent of the original condition is somewhat ambiguous because the extent of the required cleanup to residential standards was unclear. In 1999, UPRR and DEQ were not directly involved in the application. Instead, a local real estate agent, representing UPRR and a second property owner, was the applicant. In addition, the focus of the 1999 application was separating the far western end of the UPRR property (now the west end of Clear Creek Dr.) for further development. While the cleanup of the far western end of the property was required by DEQ before the area was developed, the level and extent of contaminants was comparatively minor. As a result, the 1999 land partition application and the subsequent Planning Commission public hearing discussion and decision did not involve extensive information regarding UPRR's plans for the remaining UPRR property (the subject property) or about DEQ's remediation process and cleanup standards. The Planning Commission and staff were aware that cleanup of the remaining UPRR property was necessary and would be an issue in the future, but detailed information regarding the remediation process and standards was not presented or evaluated.

The Planning Commission finds that the modification of the original 1999 condition and deed restriction will

not impeded the future use of the subject property for urban purposes. The UPRR property represents approximately one fourth of the Ashland's inventory of Employment and Industrial zoned land and therefore is a significant portion of the City's 20-year land supply for employment purposes. The statewide planning program and implementing state laws require all cities to designate sufficient land to accommodate the project land need for employment and job creation for a 20-year planning period. The City's adopted 2010 Economic Opportunity Analysis (EOA) comparison of land supply and need in Ashland indicated an adequate supply of employment land until 2027 and a deficit in the 2028-2057 planning period.

The bulk of Ashland's buildable employment lands is divided between the UPRR property, the Washington Ave./Jefferson Ave./Benson Way area (Washington Ave. area), and the Croman Mill district on Mistletoe Rd. The three areas require significant infrastructure improvements (utilities and streets) before development is possible and both the UPRR property and the Croman Mill district are required to be cleaned up prior to further development. In contrast to the Washington Ave. area and Croman Mill district, the UPRR property is entirely located in the Residential overlay.

The central location of the site makes the UPRR property a logical candidate for future development. The E-1 zoning and inclusion in the Residential and Detail Site Review overlays provide a flexible approach for future development that allows a mix of commercial, employment, and residential uses. This type of mixed-use development is consistent with the following Ashland Comprehensive Plan policies that speak to providing a mix of uses, especially as a buffer between employment areas and residential neighborhoods, and encouraging a mix of uses in close proximity so that people that work and live in the area have the option of making trips by walking or bicycling.

*Chapter VII, The Economy, Policy 2, E. The City shall design the Land Use Ordinance to provide for e) Commercial or employment zones where business and residential uses are mixed. This is especially appropriate as buffers between residential and employment or commercial areas and in the Downtown.*

*Chapter X, Transportation Element, Goal III, Policy 2, Promote a mixed land use pattern, where appropriate, and pedestrian environment design that supports walking and bicycling trips.*

The UPRR property has been effectively unavailable for the past 20 years because of the need to clean up the site prior to further development. The City Council has been working with UPRR and DEQ to review the cleanup options and solidify a comprehensive approach that would address the initial cleanup of the 20-acre site, minimize truck traffic in Ashland by using railcars to remove contaminated soil, and ensure that future development would be subject to further cleanup consistent with the proposed use of individual lots. Making the UPRR property a viable piece of the City's 20-year land supply for employment purposes is consistent with the City's adopted 2011 Economic Development Strategy which includes identifying barriers to development for key industrial lands and working to make them "shovel ready" for re-sale for business development. The EDS includes the following strategy and action.

*Strategy 6. Provide appropriate land supplies for needed business growth/expansion with quality infrastructure to all commercial and employment lands.*

*Action 6.6 Determine feasibility and cost/benefit for public purchase of key industrial lands to make “shovel ready” for re-sale for business development.*

The EDS discusses identifying lands that have been neglected and determining the existing barriers of development such as lack of services, access limitations, and environmental abatement needs. In addition, the EDS discuss evaluating “... whether direct public financial involvement may be the more appropriate tool to address those barriers and make lands more financially attractive and operationally functional for private development (i.e., the railroad property).”

Additionally, the proposed modification of the condition and deed restriction is consistent with the mix of uses and potential configurations that are allowed on the UPRR property under the current zoning. The location in the E-1 zone and the Residential overlay allows residential dwelling units as a special use. However, as a special use dwelling units are only allowed in conjunction with a permitted commercial or employment use. In addition, the applicant decides whether to included dwelling units in a future development proposal. As a result, a variety of uses and building and site configurations are possible on the subject property. The amended condition would allow each development to be evaluated independently and cleaned up to the DEQ standard that matches the type and configuration of the uses.

The proposed change in the deed restriction was developed cooperatively between the City, DEQ, and UPRR and crafted to meet DEQ’s standards. UPRR has indicated that the change to the deed restriction will facilitate the cleanup of the property in the near future. The Planning Commission finds that it is in the public interest to get the subject property in a state that can be developed and to become a viable piece of the City’s 20-year land supply for employment purposes.

2.7 The Planning Commission finds that many of the criteria for a Preliminary Plat approval were satisfied when the subject parcel was created and are not affected by the proposal to modify the deed restriction regarding the cleanup of the subject property. As discussed above, the Commission finds that the modification of the original 1999 condition and deed restriction will not impeded the future use of the subject property for urban purposes. In contrast, the need to cleanup property has prevented development over the past two decades and UPRR has indicated that the change to the deed restriction will facilitate the cleanup of the property in the near future.

Similarly, the development of adjacent land and access is not impacted by a change in the deed restriction on the subject property. In the future, Clear Creek Dr. and Rogue Place will be extended through the property along with public utilities to serve the employment area located between the railroad tracks and Hersey St. The continuation of the network of streets and public services will eventually allow the development of the site and general area.

Finally, the proposed change in the deed restriction was developed cooperatively between the City, DEQ and UPRR and has been crafted to meet DEQ’s standards. As a result, the proposal will allow the owner to obtain the required State and Federal permits for the cleanup of the property.

### SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the request for a Major Modification to amend a condition of approval of the land partition and lot line adjustment of PA 99-048 is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2016-00684. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-00684 is denied. The following are the conditions and they are attached to the approval.

- 1) All conditions of the PA 99-048 shall remain conditions of approval unless otherwise specifically modified herein.
- 2) That the deed restriction required in condition 9 of PA 99-048 shall be revised to read as follows.

*Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

- 3) That evidence shall be submitted demonstrating that the deed restriction has been revised in accordance with condition 2 above and recorded prior to issuance of City excavation permit or any site work.

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Planning Commission Approval

June 28, 2016

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Date

# Memo

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DATE: 6/28/2016  
TO: Planning Commission  
FROM: Brandon Goldman, Senior Planner  
RE: Comprehensive Plan Amendment  
Citizen Involvement and Participation Chapter

## Background

On April 19, 2016 the Council unanimously passed second reading of an ordinance amending the Ashland Municipal Code Chapter 2, Administration (Ord#3124 attached). This recently approved ordinance repealed Chapter 2.27 of the Ashland Municipal Code and amended Chapter 2.12 of the Ashland Municipal Code for the purpose of designating the Planning Commission as the City's Committee for Citizen Involvement.

State law (Senate Bill 100, adopted in 1973 and now codified in ORS 197) requires every city in Oregon to have a citizen involvement program for preparing, adopting and amending comprehensive plans and land use regulations. The law requires that the program include a citizen advisory committee or committees "broadly representative of geographic areas and interests." Oregon Land Use Planning Goal 1, Citizen Involvement, requires that local governments have a Committee for Citizen Involvement (CCI) that is charged with enhancing citizen involvement in land use planning and evaluating the process being used for citizen involvement. A local governing body may assume that responsibility itself. Many communities designate the local planning commission as the CCI, an action specifically permitted by Goal 1.

In response to this legal requirement, Ashland initially created four ad hoc committees to help draft its first comprehensive plan. After the first draft was finished (adopted in 1982), the City created a 16-member Citizen Planning Advisory Committee (CPAC) to foster city-wide involvement in the continued development and updating of the plan.

In 1991, recognizing that its main function in helping to update the comprehensive plan was completed, and further recognizing that its secondary function of providing input to the Planning Commission on land use and planning issues had been supplanted by the many standing and ad hoc committees the City had created for that purpose, the CPAC approached the City Council with a recommendation to reconfigure and redirect the committee. The Council took up this recommendation in 1992 and adopted Resolution 92-25 (attached). However, former Planning Director John Fregonese left the City's employ at about that time and according to former City Administrator Brian Almquist, the matter simply fell through the cracks.



The City's records with regard to CPAC end at this point. The CPAC stopped meeting and the Mayor stopped appointing new members. Basically, upon adoption of Resolution 92-25 the City let the CPAC die. However, the City had not repealed AMC 2.27; the code provision that provides for the powers and duties of the CPAC. In 2003, the City Council adopted a Council goal to "Adopt a process to meet LCDC Goal 1 participation goal requirement." Former Community Development Director John McLaughlin drafted a memo that laid out a plan for addressing this Council goal. However, as with his predecessor, McLaughlin left the City's employ before anything was done with this and again, the matter simply fell through the cracks.

## Next Steps

Ordinance #3124 recently approved by the City Council formally does away with the CPAC by repealing AMC 2.27 and designating the Planning Commission as the Committee for Citizen Involvement. Therefore, in order to reflect the recent amendments to Chapter 2.12, and to remain compliant with State Law, the Citizen Participation and Involvement chapter of the Comprehensive Plan needs to be amended to provide consistency between the plan and the municipal code. It is the amendment to the Chapter III of the Ashland Comprehensive Plan [Citizen Participation and Involvement] that clarifies that the Planning Commission is the designated Committee for Citizen Involvement that is the subject of this evenings study session.

The City will need to notify the Land Conservation and Development Commission of this change and amend the comprehensive plan to reflect the Planning Commission's new duties. Amendments to the Comprehensive Plan are to be presented at a public hearing before the Planning Commission for review and recommendation. Following the Planning Commission's formal hearing, the City Council will hold a public hearing and first reading of the draft ordinance to consider the proposed amendments.

## Attached:

- Draft Amendments to Chapter III of the Ashland Comprehensive Plan [Citizen Participation and Involvement]
- Ordinance #3124 adopted April 19, 2016
- Resolution 92-25



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITIZEN PARTICIPATION AND INVOLVEMENT  
CHAPTER OF THE ASHLAND COMPREHENSIVE PLAN TO ESTABLISH THE  
ASHLAND PLANNING COMMISSION AS THE COMMITTEE FOR CITIZEN  
INVOLVEMENT

Annotated to show ~~deletions~~ and **additions** to the code sections being modified.  
Deletions are **bold lined through** and additions are in **bold underline**.

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

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

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

**WHEREAS**, the Ashland Comprehensive Plan contains policies regarding the citizen participation and involvement to ensure the opportunity for citizens to be involved in all phases of the planning process, and

**WHEREAS**, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

**WHEREAS**, the Citizen Planning Advisory Committee (CPAC) has been inactive since 1992; and

**WHEREAS**, in 1992, the City Council of the City of Ashland passed Resolution 92-25 which directed the Planning Director to prepare amendments to the Comprehensive plan to reorganize the Citizen Planning Advisory Committee to function more effectively; and

**WHEREAS**, in 2016, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of Ordinance #3124 repealing Chapter 2.27 and amending Chapter 2.12 of the Ashland Municipal Code to designate the Ashland Planning Commission as the Committee for Citizen Involvement in accordance with Article 10 of the Ashland City Charter; and

**WHEREAS**, the City of Ashland Planning Commission considered the recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on \_\_\_\_\_ and following deliberations, recommended approval of the amendments by a vote of \_\_\_-\_\_\_; and

**WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on \_\_\_\_\_; and

**WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter.

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

**SECTION 1.** The above recitations are true and correct and are incorporated herein by this reference.

**SECTION 2.** The City of Ashland Comprehensive Plan, Chapter III, [CITIZEN PARTICIPATION AND INVOLVEMENT] is hereby amended to read as follows:

**CHAPTER III  
CITIZEN PARTICIPATION AND INVOLVEMENT**

Initial Plan Formulation

The City has made every attempt to involve as many people as possible in the planning process. During the initial drafting of this Plan document, four citizen advisory committees were established, each with a different area of concern.

- 1) Environmental Resources Committee: Areas of interest include subjects related to the environment (air, water pollution) and park, open space and recreation programs.
- 2) Economic and Manpower Resource Committee: Areas of interest include economic development, commercial and industrial land, and manpower programs.
- 3) Public Facilities Committee: Areas of interest include water, sewer, police, fire and transportation.
- 4) Housing and Social Services Committee: Areas of interest include housing, aging programs, health, and other social services.

The committee memberships were established by selecting certain individuals with relevant skills, including SOU faculty members, and by advertising in the newspaper for volunteers. An attempt was made to give each committee a balanced membership with regard to income, age, sex and geographic area of residence. All meetings were advertised and open to the public and all attending were encouraged to take part in the discussion and policy formulations.

The committees met frequently, both separately and jointly, with an average attendance of 9 and 40 respectively. This represented approximately 1250 citizen hours of participation as of December 15, 1975.

There was also a neighborhood involvement element in the Ashland Plan procedure. The City was divided into eight neighborhoods according to areas with similar problems. There were two neighborhood meetings to review the planning process and the Land Use Map. Attendance averaged about 30 for each meeting.

#### Citizen's Planning Advisory Committee on Citizen Involvement

After the initial Plan draft, a permanent committee was formed to provide continuing citizen involvement. ~~The Citizens' Planning Advisory Committee is appointed by the Mayor. It consists of 16 persons who meet monthly~~ On April 19, 2016, the City Council designated the Ashland Planning Commission as the Committee for Citizen Involvement. ~~to review planning issues which involve LCDC and Comprehensive Plan Goal items. They also~~ This committee provides direction and expertise in development of new ordinances and policies, and This committee assists the City Council with promoting and enhancing citizen involvement in land use planning, the implementation of the citizen involvement program, and evaluation of the process for citizen involvement ~~shoulder the bulk of the ongoing citizens' involvement~~ in the planning process. All major changes in Plan direction or implementation will be reviewed by the committee, and the committee will be responsible to assist in increasing communication between the City and the government decision-makers.

#### GOAL:

TO MAINTAIN A CITIZEN INVOLVEMENT PROGRAM THAT ENSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

#### POLICIES:

- 1) Continue ~~existing Ashland Citizens' Planning Advisory Committee to assist the~~ Committee for Citizen Involvement Ashland Planning Commission to assist the ~~and~~ Ashland City Council on significant planning issues, implementing ordinances, and all LCDC and Comprehensive Plan goals.
- 2) Ensure, as much as possible, that the ~~16-7~~ member ~~Citizens' Planning Advisory Committee~~ Ashland Planning Commission, as the Committee for Citizen Involvement, represents a geographic, occupational and ideological cross-section of the citizenship of Ashland. All future selections to the ~~Committee~~ Ashland Planning Commission should be with the ideal of representing a cross-section of Ashland's

- population.
- 3) Ensure in the future that all citizens are given the opportunity to contribute their views to planning issues through the public hearing process.
  - 4) The City shall sponsor informal workshops during the development of significant elements of the Plan implementing ordinances, so that complex issues may be better understood by the public.
  - 5) The City should develop education materials such as guidelines, handouts, etc. to increase understanding of the City codes by the general public. When necessary, the City should sponsor seminars and classes to better inform the public.

**SECTION 3.** The City of Ashland Comprehensive Plan, Chapter II, [INTRODUCTIONS AND DEFINITIONS], SECTION 2.04.16, is hereby amended to read as follows:

Plan Review 2.04.16

This plan will be reviewed for adequacy of its policies and timeliness of the supporting data every two years from the date of plan adoption. Revisions of the plan text or plan map shall be subject to the complete citizen involvement process including public workshops, **CPAC Committee for Citizen Involvement (CCI)** participation, Agency coordination, Planning Commission hearings and recommendations, and Council action by ordinance.

**SECTION 4.** The City of Ashland Comprehensive Plan, Chapter VIII, [PARKS, OPENSPACE & AESTHETICS], SECTION 8.03, is hereby amended to read as follows:

8.03 Ashland and Other Cities

In 1989 ~~Rick Landt of the Citizen's Advisory Planning Committee (CPAC)~~ **the committee for citizen involvement** conducted a survey of 23 other cities in Oregon to determine how Ashland ranked in available park land relative to these other cities.

**SECTION 5. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David Lohman, City Attorney

ORDINANCE NO. 3124

**AN ORDINANCE REPEALING AMC CHAPTER 2.27 IN ITS ENTIRETY  
AND AMENDING CHAPTER 2.12 TO DESIGNATE THE PLANNING  
COMMISSION AS THE COMMITTEE FOR CITIZEN INVOLVEMENT**

Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.

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

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

**WHEREAS**, the Ashland Municipal Code, Chapter 2.27, creates and assigns certain citizen involvement duties to the Citizen Planning Advisory Committee (CPAC); and

**WHEREAS**, the CPAC has been inactive since 1992; and

**WHEREAS**, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

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

**SECTION 1.** Chapter 2.27, Citizen Involvement in Planning, is repealed in its entirety.

**SECTION 2.** Chapter 2.12, City Planning Commission, is hereby amended as follows:

**2.12.010 Established Membership**

There is established a City Planning commission consisting of seven ~~(7)~~ members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than one ~~(1)~~ of whom may reside within three ~~(3)~~ miles outside the City limits. Appointments shall conform to the legal constraints of ORS 227.030.

**2.12.060 Powers and Duties - Generally**

A. The Planning Commission is the appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council regarding the overall direction of land use planning. The Commission reviews and makes recommendations regarding comprehensive land use planning and fosters mutual communication on land use issues. The

Commission is responsible to the City Council for making recommendations on land use plans and policies that are coordinated with other City plans, policies, and functions.

B. The Planning Commission shall have the powers and duties to:

1. Periodically review the Comprehensive Plan and make recommendations to the City Council on public processes, studies, and potential revisions to the Plan. Work in conjunction with other City citizen advisory commissions, boards, and committees to ensure coordination of various elements of the Comprehensive Plan.
2. Render quasi-judicial decisions on land use applications and appeals of administrative land use decisions as prescribed by the Ashland Code and Oregon state law.
3. Conduct public hearings and make recommendations to the City Council on planning issues and legislative changes to land use regulations and ordinances.
4. When needed to implement City goals and policies, meet with other planning bodies in the region on issues that affect City land use planning. Make recommendations to the City Council on regional land use issues in general.
5. Foster public awareness and involvement in all aspects of land use planning in the community.

C. Except as otherwise set forth by the City Council, the Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090 et. seq., as well as such additional powers and duties as are set forth herein.

#### **2.12.070 Planning Commission as Committee on Citizen Involvement**

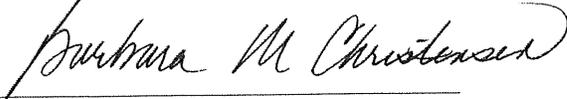
**A. The Planning Commission is designated as the Committee for Citizen Involvement (CCI). The CCI shall monitor and evaluate City responsibility regarding Goal 1 of Oregon's Statewide Planning Goals and Guidelines: Citizen Involvement. The CCI shall be directly responsible to the City Council and shall have the following powers and duties: Responsibility for assisting the City Council with the development of a program that promotes and enhances citizen involvement in land use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.**

**SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 4. Savings.** Notwithstanding any amendment/peal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

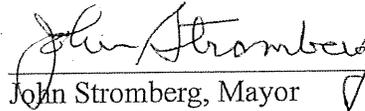
**SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 5 day of April, 2016, and duly PASSED and ADOPTED this 19 day of April, 2016.

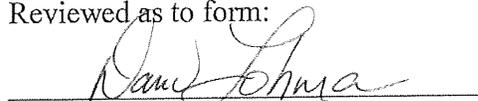


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 20 day of April, 2016.

  
John Stromberg, Mayor

Reviewed as to form:

  
David H. Lohman, City Attorney

RESOLUTION NO. 92-25

A RESOLUTION OF THE CITY OF ASHLAND CALLING FOR LAND USE HEARINGS ON A REVISION TO THE CITIZENS PLANNING ADVISORY COMMITTEE'S ORGANIZATION.

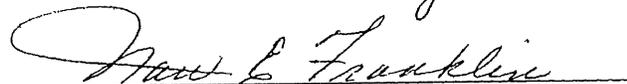
RECITALS:

- A. The State of Oregon requires a Citizen Involvement Program for effective citizen input into all phases of the planning process.
- B. The City Council has determined that the CPAC program would function more effectively if reorganized.
- C. Reorganization of the CPAC process will require amendments to the Comprehensive Plan and Zoning Ordinance.

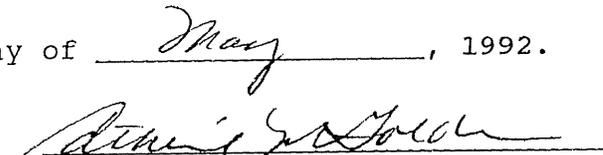
THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. The Planning Director is directed to prepare the necessary changes to the Comprehensive Plan and implementing ordinances, and to schedule the necessary land use hearings to adopt the changes reflected in the recitals.

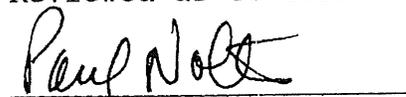
The foregoing resolution was READ and DULY ADOPTED at a regular meeting of the City Council of the City of Ashland on the 19<sup>th</sup> day of May, 1992.

  
Nan E. Franklin  
City Recorder

SIGNED and APPROVED this 30<sup>th</sup> day of May, 1992.

  
Catherine M. Golden  
Mayor

Reviewed as to form:

  
Paul Nolte  
City Attorney

# Memo

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DATE: 6/23/2016

TO: Ashland Planning Commission

FROM: Bill Molnar, Community Development Director

RE: Discussion Item - Council Initiation of Zone Change – North Pioneer Street

At its February 16, 2016 regular business meeting, the City Council voted to initiate a planning action, zone change, for a property located along North Pioneer, adjacent to the City public parking lot. Staff anticipates scheduling a public hearing before the Planning Commission in either August or September 2016. At the public hearing, the Planning Commission will be asked to forward a recommendation to Council, which will make the final decision. Staff wanted to take some time to familiarize the Commission with background related to the property, as well as solicit questions and additional information that may be useful at the future public hearing. No formal action is requested at this time.

**Attachments:**

Council 2.16.16 - Meeting Minutes  
Council 2.16.16 - Packet Materials



## MINUTES FOR THE REGULAR MEETING

### ASHLAND CITY COUNCIL

February 16, 2016

Council Chambers

1175 E. Main Street

#### **2. Council initiation of a zone change from R-2 (low-density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street**

Mayor Stromberg had talked with Mr. Potocki who had a City parking lot built next to his R-2 zone property. The Planning Director at that time said the City would rezone his property as C-1. Twenty years had passed and nothing had happened. If Council approved this change, it would go to the Planning Commission for their recommendation.

Community Development Director Bill Molnar explained there was always a chance of issues rezoning a property but did not think there were any negative ramifications regarding 150 Pioneer Street. He recommended C-1 zoning because that was the adjacent commercial zoning and thought the property would be conforming. Councilor Rosenthal asked if this was an appropriate time to consider changing the zoning for Pioneer Hall and the Community Center. Mr. Molnar responded staff could evaluate the properties.

Councilor Voisin raised a point of order and questioned why Council was discussing two properties not on the agenda. Mayor Stromberg explained Councilor Rosenthal was considering making an amendment to add the Winburn Way properties to the proposal since they all pertained to zone changes to C-1.

#### **Councilor Voisin/Morris m/s to approve the initiation of a Type III planning action, zone change, for the property located at 150 Pioneer Street and direct Community Development staff to complete, file and process the land use application.**

**DISCUSSION:** Councilor Voisin thanked the Mayor for bringing the issue forward. The request was a win-win for the City and Mr. Potocki. Councilor Morris also thought it was a good idea that should have occurred years before. Staff should evaluate the Winburn properties separately. Councilor Marsh supported the motion. **Roll Call Vote: Councilor Morris, Rosenthal, Marsh, Lemhouse, Seffinger, and Voisin, YES. Motion passed.**

# Council Communication

## February 16, 2016, Business Meeting

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### Council Initiation of a Zone Change from R-2 (low density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street

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**FROM:**

John Stromberg, Mayor, [john@council.or.us](mailto:john@council.or.us)

**SUMMARY**

The Mayor is requesting Council initiation of a zone change for the property located at 150 North Pioneer, located immediately adjacent to the city public parking lot. The proposal would consider amending the property's current zoning designation of R-2, multi family, to C-1, commercial. If initiated by Council, Community Development staff would prepare the land use application, an analysis of the request and recommendation. The Planning Commission would review the zone change request at a public hearing and forward a recommendation to Council for a final decision.

**BACKGROUND AND POLICY IMPLICATIONS:**

The 1988 Ashland Downtown Plan provided a vision for the downtown and suggested a list of specific downtown improvements. Developing additional parking supply was included among the list of needed improvements. The Plan identified several locations where construction of public parking facilities should be evaluated and the property at Pioneer Street and Lithia Way was considered a key candidate. The City eventually acquired the property, designed and constructed a 75 space public parking lot. It would become one of the largest downtown public parking lots, second in overall size to the Hargadine Street parking structure that accommodates 145 spaces. The parcel immediately adjacent to the public parking lot is owned by Stan Potocki and zoned R-2, low density multi-family. In written correspondence from Mr. Potocki to city staff and members of the Council, he describes a variety of impacts over the past two decades that, in his opinion, have resulted from the close proximity of his property to the public parking lot, including noise, garbage, drug paraphernalia and human waste.

**Area Zoning**

The parcel located at 150 Pioneer Street is zoned R-2; low density multi-family. This current zoning designation permits residential developments at a base density of 13.5 units per acre. The R-2 designation also allows a variety of other land uses through a conditional use and/or site design review applications. This would include but not be limited to short term traveler accommodations, professional services, office spaces and retail establishments of limited size. Site development is restricted to a maximum building height of 35-feet and 2 ½ stories, with a maximum lot coverage of 65 percent.

The city public parking lot sits adjacent to 150 N. Pioneer, immediate to the south, and is under the C-1 (Commercial) zoning designation. The C-1 designation allows a wide range of land uses at varied intensity, 85 percent lot coverage and maximum building height of 40 feet. The properties across



Pioneer Street are also zoned C-1, accommodating a handful of businesses including the Union 76 service station and auto repair, Ruby's restaurant, Gil's micro-tap brews and food, and the Delauney House, a visitor lodging establishment.

### **Previous Land Use Approvals – 150 N. Pioneer Street**

For several years, the property owner of 150 Pioneer, Stan Potocki, has expressed concern about the tangible impacts to his property associated with its proximity to the city's public parking lot and more intense surrounding commercial uses. Mr. Potocki's property is zoned R-2, multi-family residential. Multiple buildings are situated on the property. A two-story structure at the front of the parcel houses the professional offices for Vocational Resources, while a separate apartment is situated on the second floor. Additionally, a second detached residence is sited at the back of the property. Following is a list of land use decisions for 150 North Pioneer Street:

- In 1989, the City approved a conditional use permit and site design review (PA89-070) to convert the existing building from a single family residence to a "mixed-use" building, comprising ground floor, commercial office space and an upstairs apartment (Applicant: Vocational Resources Consultants).
- In 1992, the City Council denied a request (PA92-121) to rezone the property from R-2; multi-family residential, to C-1, commercial (Applicant: Stan Potocki and Bruce McLean).
- In 2005, the City approved a conditional use permit (PA2005-00039) to construct a new detached residence at the rear of the property in excess of the maximum permitted floor area (MPFA) allocation. A variance was also approved for a mutual, shared driveway width less than that required by ordinance (Applicant: Stan Potocki and Bruce McLean)

### **Application Procedure**

Chapter 18 of Ashland's Municipal Code, Land Use, describes the process by which Council may initiate a land use application or planning action by motion.

#### **18.5.1.100 City Council or Planning Commission May Initiate Procedures.**

The City Council or Planning Commission may initiate any Ministerial, Type I, Type II, or Type III planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.

A change in zoning designation that also entails changing the property's underlying Comprehensive Plan designation is considered a legislative amendment, subject to final approval by Council. The Land Use Ordinance permits such zone changes when it is found to be necessary in order to conform to the Comprehensive Plan or to meet other changes in circumstances or conditions. Mr. Potocki argues that with the construction of the public parking lot the situation surrounding his property at 150 N. Pioneer Street changed considerably, and the impacts associated and resulting from the operation of a public parking lot justify a change in zoning designation from multi-family (R-2) to commercial (C-1).

### **COUNCIL GOALS SUPPORTED:**

N/A

### **FISCAL IMPLICATIONS:**

Community Development staff resources will be directed to prepare, analyze and process the land use application. A land use application fee will not be assessed to the property owner.



**RECOMMENDATION AND REQUESTED ACTION:**

The Mayor recommends that Council initiate a zone change for 150 North Pioneer from R-2, multi-family residential, to C-1, commercial, and directs the Community Development Department to complete and file the land use application.

**SUGGESTED MOTION:**

I move to approve the initiation of a Type III planning action, zone change, for the property located at 150 Pioneer Street and direct Community Development staff to complete, file and process the land use application.

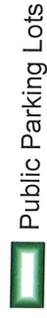
**ATTACHMENTS:**

- Map of downtown and surrounding area zoning designations
- Letter from Stan Potocki – 150 North Pioneer Street
- Council Denial Findings – PA92-121
- Council Minutes – PA92-121



# CITY OF ASHLAND

## Staff Exhibit

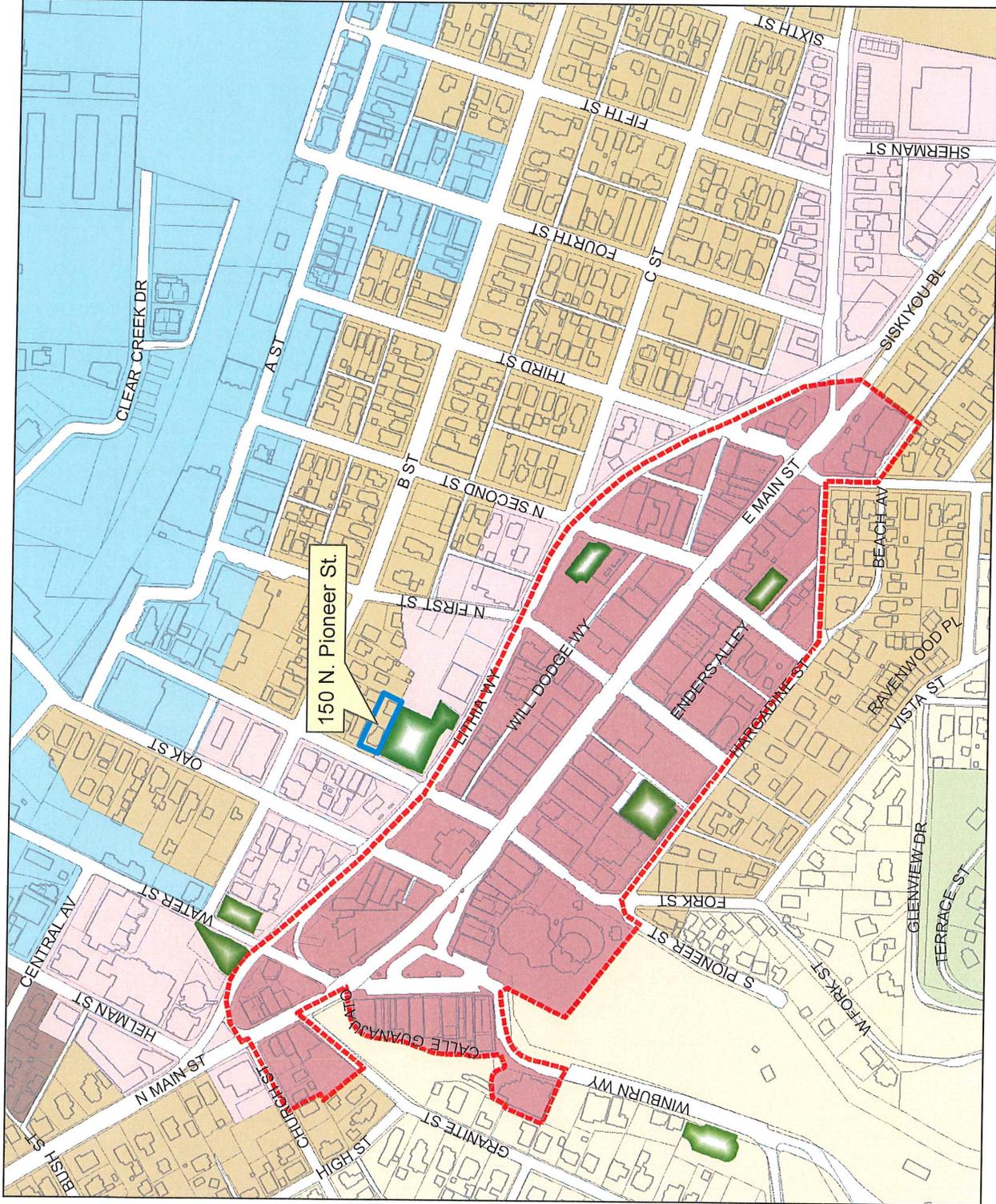


### ZONING

- C-1
- C-1-D
- E-1
- M-1
- R-1
- R-2
- R-3
- RR-.5



2/08/2016



City of Ashland  
Attn: Dave Kanner, [dave.kanner@ashland.or.us](mailto:dave.kanner@ashland.or.us)  
51 Winburn Way  
Ashland, OR 97520

Re: Mitigating economic losses, expenses, and impact of having city of Ashland as my next door neighbor

Greetings,

A brief word of introduction: I am a small business owner, employer, and property owner. I have lived in Ashland for almost 40 years. I have operated a business, Vocational Resource Consultants, for over 25 years.

My business is located at 150 N. Pioneer Street. This is directly adjacent to the largest city of Ashland parking lot downtown. I am writing as it has been increasingly burdensome and costly to have the city of Ashland as my next door neighbor.

I am hopeful that some action can be taken to mitigate the impact of having the city of Ashland as my neighbor. I will address specifics in this letter involving problem issues along with my requests for resolution.

I will very briefly summarize some historical issues as you understandably would not be aware of those.

On a personal note, is that I am a very reasonable person. I have an excellent relationship with all of my neighbors both here where my office is located and at my home. In contrast, having the city of Ashland as a neighbor is an entirely different matter.

The past 12 months have been even more problematic and costly than the norm and that is what has prompted this letter. I will address problem issues during the past 12 months and then itemize overall problem solving issues which I would like to request your assistance in having resolved.

**Past 12 months, property damage and expenses:**

1. Large tree falling from city of Ashland parking lot directly onto roof of home on my property. Outcome: City of Ashland advising me that they have no accountability for that and that all incurred losses which I sustained are my problem.
2. Faulty irrigation system at parking lot resulting in absolute jet of water on a home on my property. I made multiple calls to ask the city to simply confirm that they would turn off the irrigation system until it could be repaired. Took three days to get a return phone call.

3. Further major property loss to the two buildings on my property from the heavy rain in July. The parking lot is perhaps an acre of impervious surface. It is not engineered to have proper drainage. It became a one acre man made lake, debris accumulated, and a huge amount of water overflowed the banks of the parking lot at the lowest part of the lake/parking curb which is immediately adjacent to my property (please see attached photos).

This resulted in significant understructure damage to both of the buildings on my property. The water washed out screened off areas from the understructure from the front house which allowed debris to flood in under the front house.

Water pooled up under the rear home on my property as well which resulted in significant damage to the wood floor in that house. Visually, the large parking lot was truly a large lake which did not drain. The spill over point of the dam of the lake was in the middle of my property.

By the time I arrived at the Pioneer Street office the next morning, the city crews were cleaning the drain system which did not do what it is supposed to do. As a result, heating and air conditioning ducts were soaked and damaged under the front house which had to be replaced.

I first had to hire a contractor to clean out the debris and repair the screened off areas where the huge volume of water had flowed under the front house. The initial expense was \$275.95 (receipt attached).

This also resulted in an ongoing absolute stench for a couple of weeks which impacted business operations. Doors and windows had to be left open to attempt to mitigate the stench which resulted from flooding.

I then sustained loss of income in order to deal with all of these issues as I perform consulting work and work on a billable hour basis. I contacted a number of heating and air conditioning companies to request quotes to repair the soaked ducts. I then paid Glacier Heating and Air \$627.00 (receipt attached) to repair the damage.

As noted, the back home on my property also sustained damage due to flooding from the parking lot. Water pooled under the rear house which caused significant damage to the wood floors. The wood floors have cupped and need to be repaired. I obtained a quote from Gallery Floors (copy attached) in the amount of \$1,370.00 to repair the floor.

I contacted the city of Ashland and met with the acting city administrator and loss control manager. I then followed up and filed a claim which was denied by City-County Insurance Services (letter attached). The letter notes that "the drain was clear, unblocked, and functioning properly. The drain was simply overwhelmed by the volume of localized rain that fell."

That is not true (please refer to attached photos). The drains did not function properly and great deal of debris backed up. A subsequent email from the city of Ashland confirmed that the parking lot drains have not been working properly for the past several years. In addition, clearly (again, please refer to photos) the one acre impervious surface was not engineered to drain properly. I am in the process of assessing my response to the attached letter of denial.

The issues referenced are simply those which have transpired during the past 12 months. I will address my requests for resolution:

**Parking lot drainage:**

**Request: Would you please re-engineer the drainage system for the parking lot as it clearly not sufficient so that I do not incur further property damage loss directly from flooding from the parking lot.**

**Parking lot irrigation and tree maintenance:**

**Request: Would you please monitor the soundness of trees and trim trees as needed in the parking lot so that they do not fall on homes on my property and cause further property damage.**

**Next Issue: Being a responsible neighbor and monitoring what transpires in the parking lot:**

Explanation: We have had multiple, multiple ongoing problems which have included people coming over or through the fence into my backyard, vandalism, attempted forced entry (resulting in a tenant moving), drug use in our backyard from people hopping the fence, drug paraphernalia being left behind on multiple, multiple occasions (please see attached photos), etc., etc.

Also, on an ongoing basis, barking dogs are left in cars for hours, car alarms go off for lengthy periods of time, transients urinate and sleep in the bushes on the property line which is only 6 feet away, etc.

**Request: Would you please monitor the parking lot to attempt to mitigate those very significant problem issues.**

**Next Issue: Access to the use of our driveway:**

Explanation: Our driveway on Pioneer Street is regularly blocked on a daily basis. This is because of the busy commercial area where we are. Many individuals decide that the most logical thing to do is to park in front of our driveway and block the driveway when picking up an order from Ruby's across the street.

Clarification and please understand the following: I have no problem with Ruby's and support their business. They're good folks and it's not their fault, just a percentage of thoughtless patrons.

Having our driveway blocked is a daily event. Please quickly understand that parking enforcement, painting the curbs yellow, installing tow away signs, etc., doesn't work.

For further information, please refer to attached 7/28/14 letter to the Planning department. In that letter I note my support for Ruby's as a good neighbor and I asked the city of Ashland to mitigate the driveway obstruction issue.

Please note that this is not an irritation or an annoyance, it is instead truly a safety hazard. There have been countless occasions when there have been near misses when drivers exiting our driveway almost collide with vehicles traveling down Pioneer Street. That is simply because it is not possible to see oncoming traffic because cars block the driveway. It is therefore sometimes only possible to nose out extremely slowly, essentially a blind exit, due to obstruction.

To further add some degree of irony to the overall situation, city of Ashland employees are included in the group of thoughtless people who block our driveway and park their vehicles to grab a breakfast burrito (please see attached photos). Et tu Brute?

There is, indeed, irony. Although curbs have been painted, tow away signs have been posted, and even though tall physical barricades are placed in front of the driveway (see attached photos), it doesn't seem to deter some city of Ashland employees who are in need of a 911 breakfast burrito.

Please note that I have zero interest in seeing any city employee reprimanded. That is precisely why the photos simply depict the vehicles and not the employee. I just simply would ask that the city of Ashland vehicles don't block our driveway to get their breakfast burritos or burgers.

**Request: Please ask your city employees to not block our driveway. Note: enforcement by ticketing vehicles doesn't work. There is no point in calling the police as the response time doesn't work. We have a continuous stream of five to ten minute parkers who block the driveway. Please problem solve what needs to take place so that our driveway is not blocked.**

**Next Issue: Zoning:**

Explanation: In 1989, there was a home located next to my property (where the city of Ashland parking lot is now located). Downtown has evolved to where Pioneer Street is entirely commercial.

My property, 150 N. Pioneer Street, is ironically zoned R-2. In 1989, I met with John Fregonese, the planning director at that time. The obvious impact of the proposed parking lot going in next door was discussed. John advised me that he clearly understood the impact that he would rezone our property within a couple of years to commercial for obvious reasons.

You who are reading this letter do not know me. I would simply say that I work on what you could call an "old school" basis. If I shake your hand, look you in the eye, and tell you I'm going to do something, I will do it.

Rezoning had not taken place by the time John Fregonese left employment with the city. John McLoughlin, the subsequent planning director, then advised me that he clearly recognized the need for rezoning downtown and for my property specifically.

He related that the planning department was directed on so many other projects by the city council that they just could not ever get around to addressing that matter directly. John noted that the most effective means of resolving matters would be for us to simply apply for rezoning, pay the fees for that, and that the Planning department would support that entirely.

This is going back about 15 years or so. We hired Rick Vezie, a designer. He followed up very closely with city of Ashland planning staff in order to assist in the application process and to design a proposed structure for the rear of the property. Rick is very experienced and he worked closely with city staff. He confirmed their ongoing support and agreement involving all of the proposed changes involving the design of a building and rezoning.

We incurred thousands of dollars of expenses involving that. Then, at the very last minute, during a planning commission meeting, the planning department related that they had decided that they were more ambivalent and it was then not formally approved.

In recent years, the mantra from the planning department has been that they fully recognize the need to revisit zoning downtown but that they have been directed in many other directions by the city council and just never have the time to revise needed downtown zoning adjustments.

I don't know exactly but I would guesstimate that downtown zoning has not been addressed (i.e., zero action) by the city for perhaps a half century. Our property is clearly no longer residential. The city has commissioned countless studies over the years, some of which are extremely extensive and provide highly detailed recommendations. I still have copies of very comprehensive studies which were commissioned by the city.

However, absolutely nothing has actually ever been done. It is time for the city to actually act on rezoning downtown.

**Request: Would you please revisit and address needed revisions to downtown involving zoning including the zoning of my property to commercial.**

**Next Issue: Fence and wall between parking lot and my property:**

It's come to my attention from a surveyor that the city of Ashland parking lot wall/fence has actually been built partially on my property.

**Request: Please retain the same design and please move the city of Ashland wall/fence so that it is not on my property and is instead where it should be, on the city of Ashland's property.**

I appreciate your timely response to issues outlined.

Sincerely,



Stan Potocki  
(541-482-8888 or 541-890-4339)

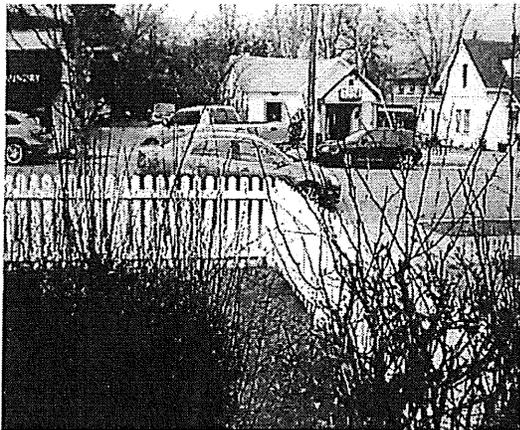
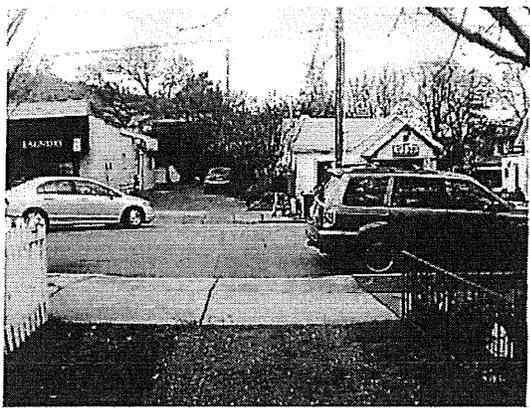
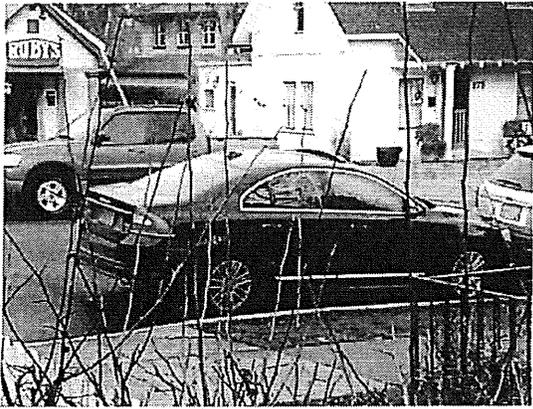
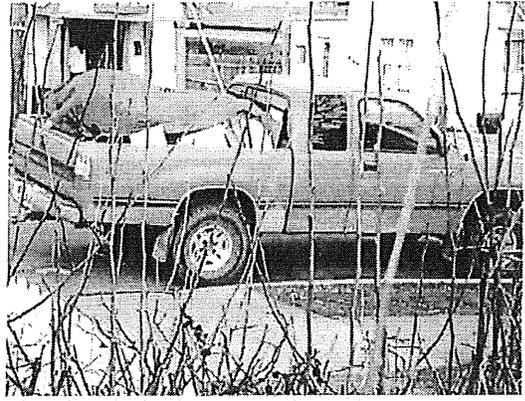
Encl: 7/23/15 email to city administrator  
Photos  
7/28/14 letter to planning department  
Claim denial letter from City County Insurance Services  
Receipts

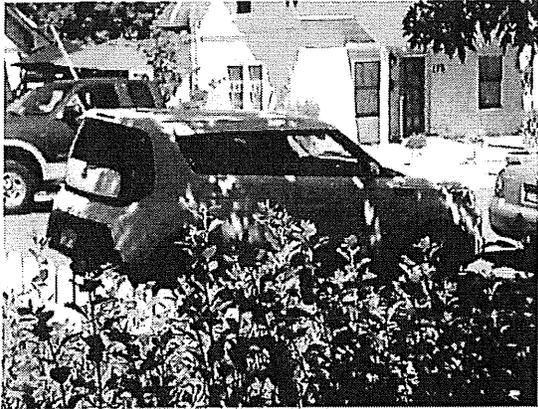
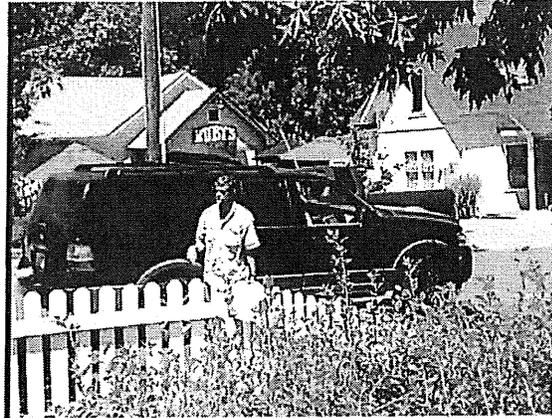
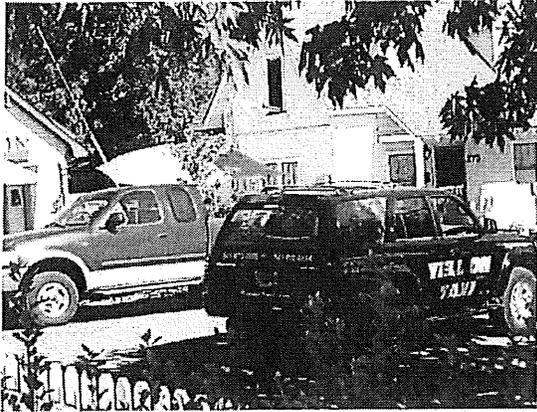
cc: Ashland City Council, Greg Lemhouse, [greg@council.ashland.or.us](mailto:greg@council.ashland.or.us); Pam Marsh, [pam@council.ashland.or.us](mailto:pam@council.ashland.or.us); Michael Morris, [mike@council.ashland.or.us](mailto:mike@council.ashland.or.us); Rich Rosenthal, [rich@council.ashland.or.us](mailto:rich@council.ashland.or.us); Carol Voisin, [carol@council.ashland.or.us](mailto:carol@council.ashland.or.us); Stefani Seffinger, [stefani@council.ashland.or.us](mailto:stefani@council.ashland.or.us)  
City of Ashland Mayor: John Stromberg, [john@council.ashland.or.us](mailto:john@council.ashland.or.us);

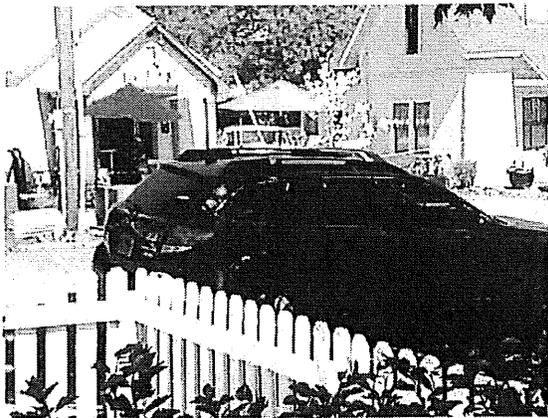
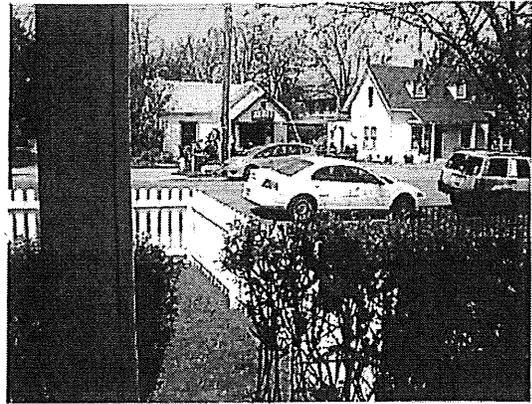
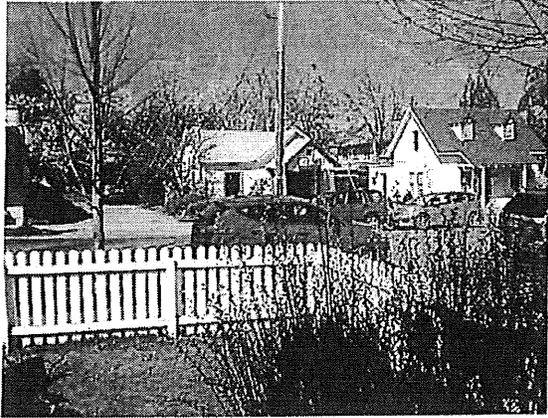
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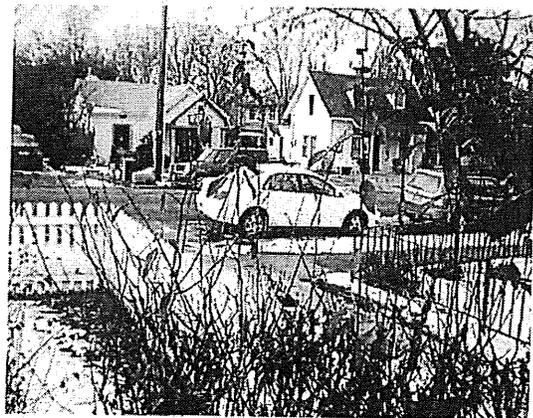
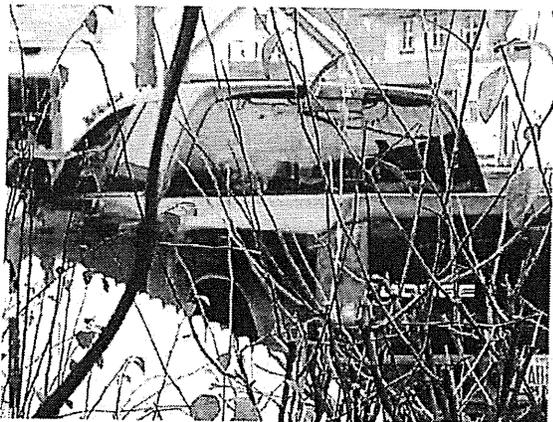
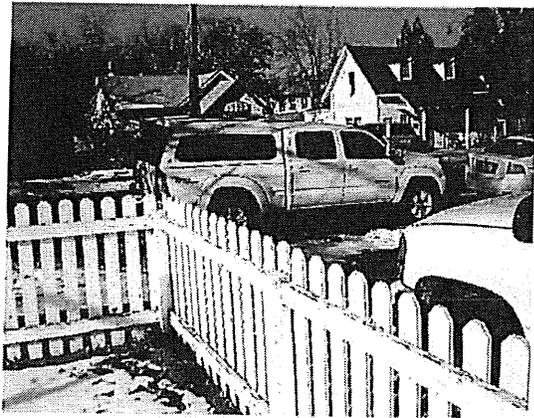
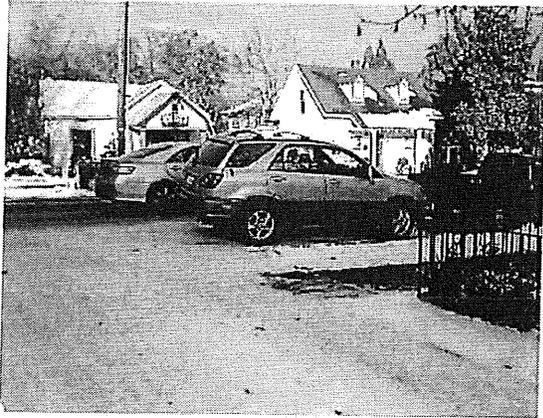
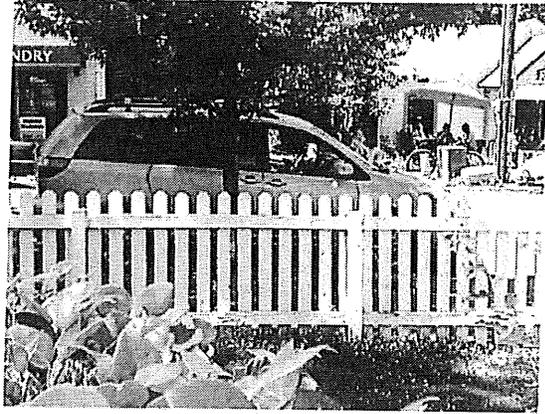
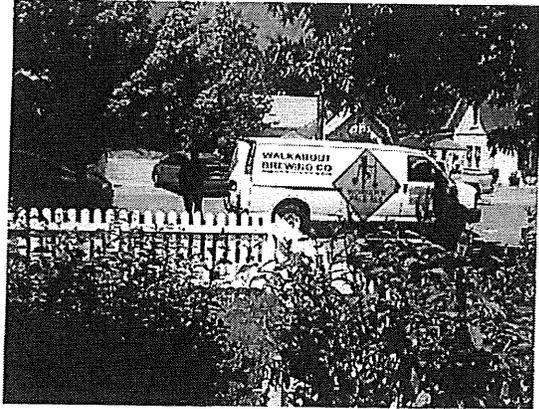












GLACIER HEATING AND AIR  
 3245 HANLEY ROAD  
 CENTRAL POINT, OR 97502-1472  
 (541) 734-4489 Fax (541) 664-7999

# HVAC SERVICE ORDER INVOICE

www.glacierheatingandair.com

10411

BILL TO  
 VOCATIONAL RESOURCE CONSULTANTS  
 P.O. BOX 217  
 ASHLAND, OR 97520

THIS WORK IS TO BE	
<input type="checkbox"/> C.O.D.	<input type="checkbox"/> CHARGE <input type="checkbox"/> NO CHARGE
MAKE	MAKE
MODEL	MODEL
SERIAL NUMBER	SERIAL NUMBER

NAME STAN POTOCKI	DATE
STREET 150 N. PIONEER ST	PROMISED
CITY ASHLAND OR 97520	CALL BEFORE <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
PHONE 541-482-8888	TECHNICIAN
TECHNICIAN	AUTHORIZED BY

ENVIRONMENTAL CHECK LIST			RECOMMENDATIONS
WORK PERFORMED	QTY.	TYPE/DISPOSITION	
<input type="checkbox"/> RECOVERED			
<input type="checkbox"/> RECYCLED			
<input type="checkbox"/> RECLAIMED			
<input type="checkbox"/> RETURNED			
<input type="checkbox"/> DISPOSAL			
<input type="checkbox"/> DISMANTLED			
<input type="checkbox"/> CHANGED OUT/REPLACED			
TOTAL \$			

WORK TO BE PERFORMED  
 INSTALL NEW DUCT WORK

QTY.	MATERIALS & SERVICES	UNIT PRICE	AMOUNT
	REFRIGERANT R- LBS.		
	FILTERS X X		
	FILTERS X X		
	BELTS		

DESCRIPTION OF WORK PERFORMED

REPLACE TWO 10" FLEX DUCT WORK IN CRAWL SPACE that were water damaged from recent flooding.

TOTAL \$ 627.00

Pd ck # 1091  
 8/11/15  
 King

TOTAL MATERIALS			
HRS.	LABOR	RATE	AMOUNT
TOTAL LABOR			

TERMS  
 BALANCE DUE ON RECEIPT. 18% ON UNPAID BALANCE.

LIMITED WARRANTY: All materials, parts and equipment are warranted by the manufacturers' or suppliers' written warranty only. All labor performed by the above named company is warranted for 30 days or as otherwise indicated in writing. The above named company makes no other warranties, express or implied, and its agents or technicians are not authorized to make any such warranties on behalf of above named company.

TOTAL SUMMARY	
TOTAL MATERIALS	
TOTAL LABOR	
TAX	
TOTAL	\$ 627.00

I have authority to order the work outlined above which has been satisfactorily completed. I agree that Seller retains title to equipment/materials furnished until final payment is made. If payment is not made as agreed, Seller can remove said equipment/materials at Seller's expense. Any damage resulting from said removal shall not be the responsibility of Seller.

*Stan Potocki*  
 CUSTOMER SIGNATURE

8/11/15  
 DATE

REGULAR  WARRANTY  
 SERVICE CONTRACT

Thank You

V.KENT PETERSON CONSTRUCTION &  
 HOME REPAIR CCB#179595  
 7275 RAPP LANE  
 TALENT, OR 97540

# Invoice

Date	Invoice #
7/31/2015	6133

**Bill To**

Stan Potacki  
 2020 Crestview  
 Ashland, OR. 97520

P.O. No.	Terms	Due Date	Account #	Project
	Due on receipt	7/31/2015		
Description	Qty	Rate	Amount	
For work done at 150 Pioneer St. Ashland OR,97520		0.00	0.00	
7/21/15 Labor	1.5	45.00	67.50	
7/22/15 Labor	2	45.00	90.00	
7/22/15 Crawl house to inspect for water damage. Spread charcoal to get rid of odor.		100.00	100.00	
Materials cost		18.45	18.45	
<b>Total</b>			<b>\$275.95</b>	
<b>Payments/Credits</b>			<b>\$0.00</b>	
<b>Balance Due</b>			<b>\$275.95</b>	



View Estimate

**Print**      **PDF**

**Decline**      **Accept**

Gallery Floors  
1433 Lonnon Rd.  
Grant Pass  
CCB 161003

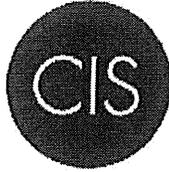
# ESTIMATE

Stan Potacki  
152 Pioneer St  
Ashland,Or

**Estimate #**      0000018  
**Estimate Date**    09/01/2015

Item	Description	Unit Price	Quantity	Amount
Service	Sand/coat wood floors,due to water damage, using three coats of oil based polyurethane	3.00	440.00	1,320.00
Service	Hang plastic in kitchen	50.00	1.00	50.00

<b>Subtotal</b>	1,370.00
<b>Total</b>	1,370.00
<b>Amount Paid</b>	0.00
<b>Estimate</b>	\$1,370.00



citycounty insurance services  
www.cisoregon.org

July 27, 2015

Mr. Stan Potocki  
PO BOX 217  
150 North Pioneer Street  
Ashland, OR 97520

NAME OF INSURED: City of Ashland  
CLAIMANT: Potocki  
FILE NUMBER: GLASH2015067133  
DATE OF ACCIDENT: 7/7/15

Dear Mr. Potocki:

We have completed our investigation of the cause of the storm water flooding to your property and the City of Ashland's storm water management and maintenance practices. A maintenance crew inspected the storm drain located in the parking lot adjacent to your property. The crew noted that the drain was clear, unblocked, and functioning properly. The drain was simply overwhelmed by the volume of localized rain that fell in on the above captioned date.

We do not feel that the City of Ashland's storm water management practices were a factor in your loss as our review indicates that there were no maintenance issues with this drain. This evidence leads us to believe that our insured is not liable for your damages. Under the circumstances, we must respectfully deny your claim.

If you have any questions about our decision, please feel free to contact me using the information at the bottom of this letter.

Sincerely,

Eric Ramm, MBA, CPCU, AINS, LPCS  
Senior Property Claims Consultant

CC: City of Ashland

## Stan Potocki

---

**From:** Stan Potocki <stanvrc@mind.net>  
**Sent:** Thursday, July 23, 2015 10:20 AM  
**To:** 'Sharlene Stephens'  
**Cc:** 'dave.kanner@ashland.or.us'  
**Subject:** FW: Inadequate drainage, city of Ashland parking lot, property damage 150 N. Pioneer St.  
**Attachments:** P7090488.JPG; P7090489.JPG; P7090490.JPG; P7090491.JPG; P7090492.JPG; P7090493.JPG; P7090494.JPG

Hi Sharlene,

I am writing in order to follow regarding property damage. You and Lee were able to view that firsthand when we met. I would like to go ahead and file a claim.

Please see email below to Dave Kanner which summarizes initial issues. I had a contractor fix the washed out understructure access entry points and get debris out from under the house which was swept there by overflow from the water from the parking lot.

He relates that some of the heating and air conditioning duct work is wet and needs to be replaced. I called a heating and air conditioning company and they will be coming out to further assess extent of damage and provide an estimate. Also, the rear house on my property was damaged by excess water flowing under. The wood floors are cupping up in a large area on the main floor due to that. I am waiting for a wood floor contractor to come out and further assess and provide an estimate. There is still a stench in the building even now and we have to open doors and windows to try and air that out. The contractor said that is probably due to the wet ducts.

In the meantime, I would like to initiate the process to file a claim. Sharlene, in case you or anyone needs to reach me, I will be in my office today (541-482-8888, cell: 541-890-4339). I will be leaving town tomorrow and will not be checking emails from 7/24-8/1/15. Thanks.

**From:** Stan Potocki [mailto:stanvrc@mind.net]  
**Sent:** Tuesday, July 14, 2015 10:24 AM  
**To:** 'dave.kanner@ashland.or.us'  
**Subject:** Inadequate drainage, city of Ashland parking lot

Dear Dave,

I left a message for you by phone and I understand you are out of the office. When you return, I am writing in order to request your assistance involving resolving drainage issues at the city of Ashland parking lot next to our property at 150 N. Pioneer Street.

I would like to ask that the city resolve improper drainage issues at the parking lot as the lack of proper drainage has caused damage to my property. The storm drain is not sufficient to drain water during heavy rains.

The city of Ashland parking lot, which is adjacent to my property, is perhaps an acre of impervious surface. During the recent heavy rain, the parking lot became a large lake and it was not engineered sufficiently to drain the excess water.

Therefore, at the low point, the lake of water overflowed the curb within the parking lot and a great deal of excess water poured over from the lake in the parking lot to my property. I have attached photographs for you. The lake of water washed out screened off areas from the understructure of my property and that allowed debris to flood in under our property.

A great deal of water came in and this also resulted in a strong stench for days after before the understructure of my property could dry sufficiently. There is even still a stench now after many days as so much water flowed under my property which has not dried yet.

We have had to open multiple doors and windows at my business and leave them open in order to mitigate the stench. I hired a contractor to repair the damage and to remove debris that was swept and carried under the foundation of my property.

There is absolutely no question regarding how the damage occurred. This is very evident on the attached photographs. In your absence, I contacted Lee and Sharlene and they came over and viewed the damage. Prior to the parking lot, there was a home next door and not an acre of impervious surface. I am writing in order to request that the city resolve improper drainage issues immediately.

Dave, having the city of Ashland parking lot as a next door neighbor is inherently problematic in and of itself. During this past year, as you recall, we have already had a large tree fall over from the parking lot which landed on the rear house on my property causing damage. The city took no responsibility for that.

We already have to contend with issues including the following: people hopping over the fence from the parking lot into my property, drug paraphernalia and empty beer cans left behind as part of the aftermath which occurs on an ongoing basis; people sleeping in the bushes; trash regularly thrown over the fence by patrons of the parking lot; car alarms going off for extended periods of time six feet from my office window at times; barking dogs left in cars; blocked driveways, vandalism, etc. Ironically, we are also still zoned residential as the city has not revisited downtown zoning adjustments literally for decades.

I would greatly appreciate it if the city could put further efforts into mitigating those issues previously referenced. I would also ask that the city check and maintain trees which are immediately adjacent in the parking lot due to the significant damage caused by a tree falling this past year. I look forward to your response and appreciate your assistance in resolving issues outlined. Thank you.

**Detailed History for Police Event #J141460093 As of 6/04/2014 14:08:27**

Output for: A36205

Priority:3 Type:DRUG - Drug Laws  
 Location:150 N PIONEER ST, AS btwn LITHIA WAY and B ST  
 Info:BEH THE BUILDING  
 Map:5627B

Created:	05/26/2014 08:11:40	CAD13	EC1216
Entered:	05/26/2014 08:13:01	CAD13	EC1216
Dispatch:	05/26/2014 08:13:23	CAD02	EC1223
Enroute:	05/26/2014 08:32:20	AM5	A40148
Onscene:	05/26/2014 08:43:50	AM5	A40148
Closed:	05/26/2014 08:59:33	AM5	A40148

ICUnit: PrimeUnit:515 Dispo:NR Type:DRUG - Drug Laws  
 Agency:APD Group:APD Beat:APD RD:A50001  Detail

08:11:40 CREATE Location:150 N PIONEER ST, AS Type:DRUG Info:BEH THE BUILDING  
 Name:POTOCKI,STAN Phone:541/890-4339 Group:APD Area:A50001 TypeDesc:Drug Laws  
 LocDesc:btwn LITHIA WAY and B ST Priority:3 Agency:APD Map:5627B LocType:S  
 ReqCont:YES ContType:AT LOCATION

08:13:01 ENTRY Response:None-->APIPAT Comment:ONGOING PROBLEM WITH DRUG USE BEH THE  
 BLDG. AND DRUG PARAPHANELIA LEFT BEH

08:13:01 -PREMIS Comment:PPR

08:13:04 NOMORE

08:13:14 SELECT

08:13:14 -SGGEST Unit:515

08:13:23 DISP 515 Operator:A40148 OperNames:GRAY, PHIL

08:13:23 -PRIU 515

08:15:35 PRMPT 515

08:15:35 -HOLD 515

08:32:01 DISP 515 Operator:A40148 OperNames:GRAY, PHIL

08:32:01 -PRIU 515

08:32:20 \*MISCN 515 Comment:515, RESPONDING FROM ----> 357 GARFIELD ST, AS

08:32:20 \*ENRTE 515

08:43:50 \*ONSCN 515

08:59:27 \*MISC 515 Comment:COMPLAINT OF DRUG USE DURING THE EVENING HOURS BEHIND  
 THE BUSINESS. BUSINESS ABUTS CITY PARKING LOT AND IT IS THEORIZED THAT  
 BAR GOERS WHO FREQUENT THE NIGHT CLUBS USE COMPLAINANT'S PROPERTY  
 FOR ILLICIT DRUG USE DURING THE EVENING.

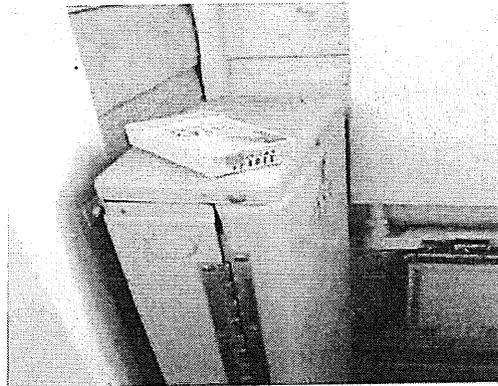
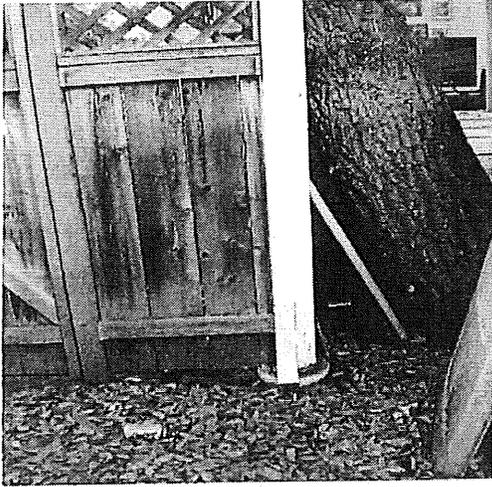
08:59:33 \*CLEAR 515 Dispo:NR

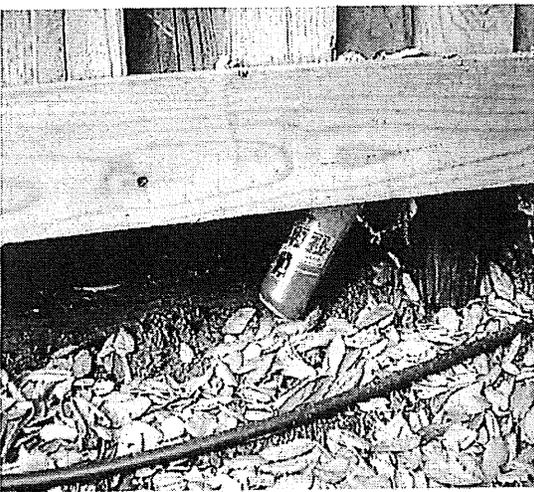
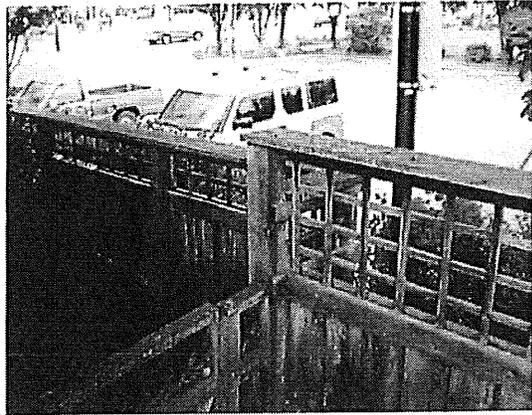
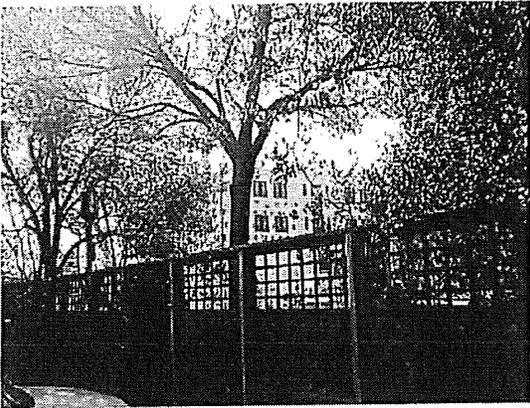
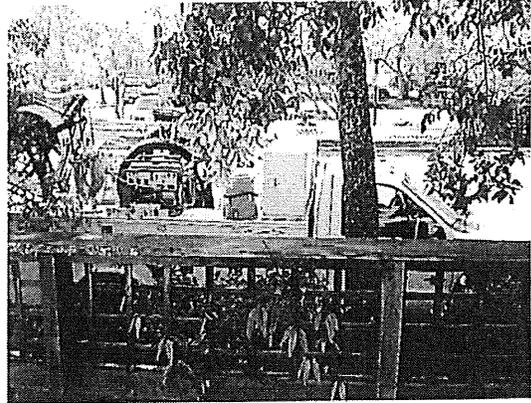
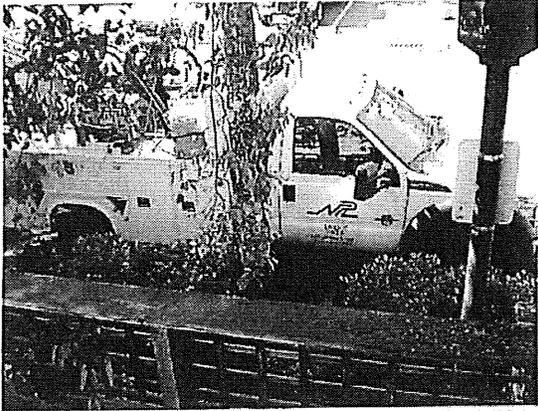
08:59:33 -CLEAR

08:59:33 \*CLOSE

**CONTACT INFO:**

Name	Phone	RPaddr	RP-Dob	ReqCont	ContType	AltPhone
POTOCKI,STAN	541/890-4339			YES	AT LOCATION	





VOCATIONAL RESOURCE CONSULTANTS  
P.O. Box 217, Ashland, Oregon 97520 (541) 482-8888

July 28, 2014

City of Ashland  
Planning Department  
planning@ashland.or.us  
51 Winburn Way  
Ashland, OR 97520

RE: (1) Primary issue: Planning action # 2014-01075; recommend approval with conditions

(2) Secondary issue: Would the city of Ashland, finally, address the issue of downtown zoning adjustments? (This is the proverbial elephant in the room that everyone has walked around now for decades).

Greetings,

I am writing this letter and forwarding copies to ask that the city of Ashland assist in resolving an ongoing problem involving parking involving cars and trucks blocking our driveway access on 150 N. Pioneer Street every day. That driveway provides access to two separate properties.

Please note that this is not occasional, but is chronic and occurs every day, multiple times per day. My sole agenda involving this particular planning action is simply that we have free access to the use of our driveway.

First, however, I would like to very clearly go on record by saying that I support Ruby's Restaurant, the expansion of Ruby's to the second location next door, etc. They are nice folks and we wish them well. I also support Joanie's use of the property to maximize the benefit of her property.

Therefore, I am hopeful that some effective teamwork (which I will address) can resolve the chronic driveway obstruction issues which have developed.

I am writing to multiple parties as I very much would like the city of Ashland to act now to resolve the problem. It has dragged out now for a long time. In this letter, I will address the problem and then I will clearly outline specific solutions.

Here is the key issue. Our driveway is located directly across the street from the Towne and Country dry cleaning business and Ruby's. Cars and trucks, every day, multiple times per day, block the access to our driveway.

It is actually sometimes amazing in that people will park a vehicle which not only partially blocks the driveway, but entirely blocks the driveway so that we have no access. People even park in our driveway. If it had not gotten to the point of being absolutely ridiculous, I would not be writing this letter.

The outcome is that there is an absolute traffic safety hazard to exit the driveway to the street. Please refer to the attached photographs. Ironically, the first vehicle you will see is a city of Ashland truck blocking our driveway.

We have also actually even had city of Ashland paramedic trucks literally block the entire access to our driveway so that it is impossible to enter and exit. The emergency for the paramedic vehicle?.... A breakfast burrito at Ruby's. Seriously.

Please really take a look at that first picture of the city of Ashland pickup truck. If you are attempting to drive down our driveway and turn left onto Pioneer Street, you have absolutely no vision involving traffic traveling down Pioneer Street from above. It is literally impossible to exit safely. There are multiple users of our driveway each day. All you can do is nose out in inches and hope that, if a vehicle is traveling down the street, that they stop for you.

I thereby absolutely want to emphasize that this is more than an inconvenience and annoyance, it is an absolute traffic safety hazard and an accident waiting to happen.

Now in this case (photo #1), the thoughtless city of Ashland driver simply falls within the collective crowd of what I call the "ten percenters." Having dealt with this issue daily and after having asked countless people to move their vehicles, I clearly understand the mindset.

It's not complicated, it's simply selfish. It basically goes like this..... "There's no convenient spot,..... so I'll just park here. I'll just be 10 minutes or so. I need to get MY burrito."

No sooner than one thoughtless "ten percenter" has blocked the driveway (peak times: 7:30 a.m. to 9:30 a.m. and 11:30 a.m. to 2:30 p.m.), then the next "ten percenter" replaces the former one several minutes later. That process repeats itself countless times per day.

Therefore, because of repeated consistent parking by many thoughtless people, the outcome is that we can only nose out by inches, lean forward, and hope that no vehicle is coming that will crash into our vehicles when we are attempting to exit the driveway.

The absolute canned habitual response when we tell people to move their vehicles is that "Oh, I was just running in to get my dry cleaning..... Oh, I was just running in to pick up a sandwich. There was a line and I had to wait, sorry about that."

Objectively, approximately 90 percent of the time, this involves people blocking the driveway to go into Ruby's. The other 10 percent of the time involves people going to drop off or pick up dry cleaning.

Now, in no way at all do I blame Ruby's or the dry cleaning business for the absolute thoughtlessness of 10% of their customers. I really mean that. Objectively, if Ruby's and the dry cleaning business were not there, we would not have anything like the problem that we have. However, again, it's not the fault of those businesses.

Ruby's has done well and I think that's great. Obviously, the downside with an expansion, is that the way things currently are, it's only going to make a really bad situation only worse. There is no question about that. However, I very genuinely want to be a good neighbor and to make that situation work.

I hope that Ruby's flourishes and does very well. There just needs to be a workable resolution so that I, personally, do not need to tell countless people to move their vehicles.

It's unbelievably rude on the part of those "ten percenters." I may need to leave my office for a business meeting, pick up a child after school, etc. It's absolutely ridiculous to not be able to leave your driveway.

We have even had to go into Ruby's to ask whose vehicle is blocking the driveway, tell them to move it, and then have people respond that they will, after they finish getting their order.... "Uhh no, go move your car now!"

I will now address what has transpired to date and what hasn't worked. Carl Johnson with the engineering department has been helpful and has visited multiple times. The curbs have been painted yellow. Parking spaces have been changed and marked. We regularly are in contact with Diamond Parking as well. They have attempted to be helpful. However, none of that has worked at all. Please note, not at all.

If you would like to verify any of the information I have written, please just give Heather a call at Diamond Parking or Carl Johnson in the engineering department. They've stood with me on multiple occasions on our front porch watching the flow of the "ten percenters."

Please note that our office and my work involves consulting. We work on a billable hour basis in incremental time periods. Therefore, the countless times I've had to deal with this situation also results in direct loss of income.

While well intended, nothing that works has been done by the city of Ashland to correct this problem. Enforcement doesn't work. Marking the curbs doesn't work. Thoughtless people ultimately remain..... thoughtless people and disregard that. There is a need for both much better markings, actual street barriers, and much better enforcement. I will come to those specifics.

Diamond Parking's office is only open, I believe, four hours per day, four days per week. If we call, there is often no one there, just an answering machine. There is no true effective benefit in calling Diamond Parking, although they have really tried to help, because by the time you make a call, the person who just blocked the driveway for 10 or 15 minutes is gone.

On a separate note, we are already heavily impacted by the city of Ashland, by our location, as we already have to deal with the city parking lot immediately next door to our property. We have had many problems involving vandalism, transients sleeping in the bushes, drunk people from the parking lot trying to force entry into the apartment upstairs, drug users hopping the fence and actually doing drugs in our backyard.

Please see a copy of the attached police report. Our elderly neighbor, Sarah, just had a meth user break into her house next door during this past month.

I recognize that it is difficult for the city of control all of that. Our property is right next door to the parking lot and is currently still zoned residential which is truly mind boggling (as it ceased to be residential a great many years ago).

The city of Ashland has advised me on countless occasions that they would revisit the zoning of Pioneer Street after putting in the parking lot next door and after all the commercial changes. We graciously accommodated the city, without protest, of having the parking lot be built right next to our property approximately 25 years ago.

I personally spoke with the planning director at that time, John Fregonese. He advised me that the city of Ashland recognized the impact and would revisit Pioneer Street and downtown rezoning within a couple of years. I have heard that multiple times since.

However, the last time I checked my watch, the city of Ashland began to relate that 25 years ago and has never yet done so. It's time.

Okay, back to the immediate issue at hand. I have made a number of suggestions to the engineering department. On a positive note, they have attempted to improve matters. However, the downside is that it takes an unbelievable amount of time for any potential change to be implemented.

I will now address specifics of what I would request to resolve matters. I ask that the city do the following: (1) stripe the street very clearly, the width of a car, from the beginning of the yellow curb lines, across our driveway to the edge of the yellow curb line on the other side of the driveway, to be clearly striped and marked as no parking; (2) place signs on each side of the driveway noting "Do not block driveway, no parking, no idling, tow away zone"; (3) change the current configuration of where the yellow curbs are currently marked. I would like the yellow curb marks to actually be several feet closer to our driveway on both sides. Where they are currently marked allows for essentially a half spot where the "ten percenters" (please see photograph #1) attempt to park. Too much temptation. (4) repaint curbs and striped parking areas twice yearly; (5) assign either Diamond Parking or a community service officer to patrol every few minutes during peak problem hours from 7:30 a.m. to 9:30 a.m. and 11:30 a.m. to 2:30 p.m.

I have had a very positive conversation with the owner of Ruby's and I believe we can all make it work. I would ask that Ruby's do the following: (1) mark their driveway as 5 minute parking for pick up orders; (2) place two portable barricades in the street in front of our driveway to block off the marked no parking areas on each side of the driveway from 7:00 a.m. to 5:30 p.m.

I'm certain that the last item is one of the key elements for attempting resolution. Without a physical small barricade, the thoughtless "ten percenters" will simply park and idle their cars in the middle of the driveway while waiting for their passenger to pick up their food or they'll park in the driveway. I am certain of that. History only repeats.

How should signs and painting be funded? That's easy. I live in the private sector world. Have the "ten percenters" fund it. A city of Ashland community service officer and/or Diamond Parking is more than welcome to sit on our covered front porch, use our restroom, and even have a cup of coffee. You can easily write probably somewhere in the range of 20 to 30 parking tickets per day if you do that.

I am serious. Just sit on my front porch from around 7:30 a.m. till around 9:30 a.m. or 10:00 a.m. and again from around 11:30 a.m. to 2:30 p.m.

We have been dealing with this issue for an extended period of time. This week, again, after multiple people partially and fully blocked driveway access, I had to go out and stand in the street and direct traffic. Why? So that my wife could safely navigate around a vehicle blocking access from our driveway to get out to the street.

In conclusion, while the absolute norm for virtually all people blocking our driveway is to go to the dry cleaners or the restaurant across the street, I do not see those businesses as being at fault at all. It is the 10% of thoughtless customers who are the problem.

Please don't form a study group or write interdepartmental memos. As we had made multiple attempts which have resulted in no resolution, I would ask the city of Ashland to quickly resolve this matter. Thank you.

Sincerely,



Stan Potocki

Cc: City of Ashland, Engineering Department, Fax: 541-488-6006  
Bill Molnar, planning director, [molnarb@ashland.or.us](mailto:molnarb@ashland.or.us)  
Chief of police, Terry Holderness, [holdernet@ashland.or.us](mailto:holdernet@ashland.or.us)  
Ashland City Council, Greg Lemhouse, [greg@city.council.ashland.or.us](mailto:greg@city.council.ashland.or.us); Pam Marsh, [pam@city.council.ashland.or.us](mailto:pam@city.council.ashland.or.us); Michael Morris, [mike@city.council.ashland.or.us](mailto:mike@city.council.ashland.or.us); Rich Rosenthal, [rich@city.council.ashland.or.us](mailto:rich@city.council.ashland.or.us); Dennis Slattery, [dennis@city.council.ashland.or.us](mailto:dennis@city.council.ashland.or.us); John Stromberg, [john@city.council.ashland.or.us](mailto:john@city.council.ashland.or.us); Carol Voisin, [carol@city.council.ashland.or.us](mailto:carol@city.council.ashland.or.us)  
City of Ashland, Dave Kanner, [dave.kanner@ashland.or.us](mailto:dave.kanner@ashland.or.us)  
Diamond Parking, Linda Fait, [linda.fait@diamondparking.com](mailto:linda.fait@diamondparking.com)

Encl: Photos

BEFORE THE ASHLAND CITY COUNCIL  
December 1,, 1992

IN THE MATTER OF PLANNING ACTION #92-121, REQUEST FOR A )  
ZONE CHANGE AND COMPREHENSIVE PLAN MAP CHANGE FROM R-2 ) FINDINGS,  
(MULTI-FAMILY) TO C-1 (COMMERCIAL) FOR THE PROPERTY ) CONCLUSIONS  
LOCATED AT 150 N. PIONEER STREET. ) AND ORDERS  
)  
APPLICANT: STAN POTOCKI AND BRUCE E. McLEAN )  
)

RECITALS:

1) Tax lot 11800 of 391E 9BA is located at 150 N. Pioneer and is zoned R-2; Multi-Family Residential.

2) The applicant is requesting a Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property. A site plan in on file at the Department of Community Development.

3) The criteria of approval for a Type III amendment are as follows:

*Type III amendments are applicable whenever there exists:*

*a public need;*

*the need to correct mistakes;*

*the need to adjust to new conditions;*

*or where compelling circumstances relating to the general public welfare requires such an amendment.*

4) The Planning Commission, following proper public notice, held a Public Hearing on October 13, 1992, at which time testimony was received and exhibits were presented. The Planning Commission recommended that the City Council deny the application.

5) The City Council, following proper public notice, held a Public Hearing on December 1, 1992, at which time additional testimony was received and exhibits were presented. The City Council denied the application.

Now, therefore, The Ashland City Council 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 City Council 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 City Council finds that the proposed Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property located at 150 N. Pioneer is not justified under the criteria of approval for a Type III amendment outlined in chapter 18.108.060 B.

2.3 The City Council finds that the existing R-2 zoning of the property provides a buffer between the concentration of commercial uses found to the south and the historic residential neighborhood to the north. The R-2 zone allows for a transitional area to develop along the zoning district boundary, by allowing a variety of businesses as conditional uses. The Council believes that the conditional uses of the zone provide the property owner with several commercial options for the property, while protecting the residential neighborhood from excessive commercial encroachment.

2.4 The Council believes it is necessary to perform a comprehensive examination of the immediate area, and assess the need for additional commercial property, rather than proceeding on a lot by lot basis. An accurate prediction of the impacts to adjacent properties is difficult without a concurrent development proposal for the site.

2.5 The City Council does not believe that the increase in traffic from 1988 to 1992 was so significant that there exists the need to adjust to new conditions. The information provided by the Engineering Division showed that the surveys were compiled at the beginning and middle of the tourist season. This appears to be reflected in the percent increase in the number of daily trips over that period. Further, traffic flows along other residential streets in the area have increased at a comparable rate, indicating that the increase is not unique to Pioneer Street.

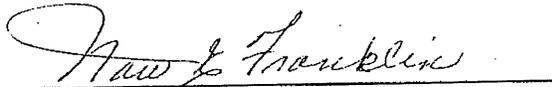
SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Ashland City Council concludes that the proposed Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property located at 150 N. Pioneer is not supported by information in the record.

Therefore, based on our overall conclusions, we deny Planning Action #92-121.

  
Mayor

12-12-92  
Date

  
City Recorder

12-10-92  
Date

MINUTES OF THE REGULAR MEETING  
ASHLAND CITY COUNCIL  
DECEMBER 1, 1992

CALL TO ORDER: Council Chair Pat Acklin called the meeting to order and led the Pledge of Allegiance at 7:30 P.M. on the above date in the Council Chambers. Laws, Williams, Winthrop and Arnold were present. Golden and Reid were absent.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of November 17, 1992 were accepted as presented.

SPECIAL PRESENTATIONS & AWARDS: A Proclamation was read declaring January 9, 1993 as **CHRISTMAS TREE RECYCLE DAY IN ASHLAND**. Laws congratulated the Ashland High School Students in their recent accomplishments in volleyball, girls/boys cross country, football and debate.

CONSENT AGENDA: City Admin. Almquist asked that a liquor license request for **BLACK SHEEP, 51 N. MAIN ST.**, be added to agenda. Phil so moved, Winthrop seconded, all AYES on voice vote. Arnold moved to adopt the Consent Agenda with the addition noted above as follows: 1) **Minutes of Boards, Commissions & Committees;** 2) **Report by Fire Chief on 1992 residential burning season;** 3) **Liquor license request by Ron Roth, Plaza Cafe,** Williams seconded, all AYES on voice vote.

PUBLIC HEARINGS: **P.A. 92-121 Zone Change Request 150 N. Pioneer.** Acklin read the statement outlining the format for land-use public hearings. Acting Planner McLaughlin said the Planning Commission denied the application. Photos submitted by the applicant were shown to Council. Receipt of a letter from Mrs. Frances Glockner Hirst, owner of property at 180 N. Pioneer, against the request was noted and entered into the record. The public hearing was opened and Stan Potocki, Applicant, said properties on all sides of this address are commercially zoned. He then reviewed pages 17-19 of the record, and said future plans for the property include the addition of 2-3 travellers accommodations units. He showed a video of properties in the area. Mayor Golden arrived at 8:00 P.M. Frank Spierings, 164 1/2 B St. is opposed to the zone change. There being no further comment from the audience, the public hearing was closed. Arnold moved to deny the application and adopt the Planning Commission Findings, Laws seconded, all YES on roll call vote.

**P.A. 92-109 Modify Off-street Parking Ordinance re: Covered Bicycle Parking.** McLaughlin said this requirement is becoming routine and Section 18.92.040 C. should be amended to require that 50% of all required bicycle parking spaces should be sheltered from the weather and located in proximity to the uses they are intended to serve. The public hearing was opened and closed with no comment from the audience. Laws said he's certain that TPAC would agree with this amendment. Laws moved to direct staff to bring back an implementing ordinance, Winthrop seconded, all YES on roll call vote.

**NEW & MISCELLANEOUS BUSINESS: Open Space Funding - Parks Commission Proposal.** Pat Adams, 580 Weller Lane, Chair of the Parks Commission, explained their proposal, which they wish to have placed on the March 23, 1993 Special Election ballot, as follows: a 1% Prepared Food & Beverage Tax, Systems Development Charges, and Private Donations and Tax Incentives. She said the Parks Tax Levy will be used to maintain and develop the acquired land so residents will also participate, and requested that only one proposal be placed on the ballot. Wes Reynolds, 1265 Munson Dr., Parks Commissioner, read excerpts from a letter received from Carol Browning, 485 Liberty, in support of the proposal. George Kramer, 386 N. Laurel, urged support of the proposal. Jean Crawford, 923 Harmony Lane, spoke in support. Mary Christine, 266 Fifth St., also supports the proposal. Betty Camner, 868 A St., spoke in support and read a letter from Richard McKinney, 117 8th St., also in support. Fred Binnewies, 1009 Oneida Circle, strongly supports the food and beverage tax proposal, and feels the Parks Commission should have authority to acquire land as well as develop it. Keith Chambers, 715 Pennsylvania, supports proposal and feels only one should be placed on ballot.

**Open Space Funding - Chamber of Commerce Proposal.** Michael Donovan, 1120 Beswick Way, representing the Chamber and food and beverage industry, explained their proposal for the March 23, 1993 ballot as follows: .12 cent increase in the property tax base per \$1,000 assessed valuation, Systems Development Charges, and \$40.00 increase in the business license fee. Steve Sacks, 693 Roca St., supports proposal. Marilyn Bailey, 2978 Barbara St., Chamber Bd. Member, recommends approval. Michael Gibbs, 536 Ashland St., spoke against Parks proposal. Joni Smith, 220 Lupine, representing League of Women Voters, urged the Council to place only one proposal on the ballot and said the voters need assurance of a consensus among the parties. Michael Bingham, 129 5th St., is against Parks proposal. Herbert Sweeten, 240 1/2 Van Ness Ave., is against a tax. Tom Reid, 918 Walker Ave., said a sales tax is difficult to collect and remit and a burden on small business owners. He supports the Chamber's proposal. Bill Robertson, 2175 Tolman Creek Rd., supports Chamber proposal. Steve Morjig, 610 Chestnut, said citizens should pay for open space, not tourists. Larry Cooper, 346 High St., agreed. Brice Farwell, 290 W. Nevada, said only one proposal should be submitted for the ballot and an educational effort is necessary. Steve Zenos, 355 Grant St., is against the Chamber proposal due to the increased property tax element. Chris Finnie, 167 Lincoln, owner of two restaurants, said business is decreasing and more administrative costs will be a burden. Leo Hill, 1235 N. Mountain, supports Chamber proposal. Russ Silbiger, 562 Ray Lane, is against the 1% tax. Ken Mickelsen, Parks Director, said their data was obtained in the 1992 Survey of Buying Power. Acklin suggested directing Attorney Nolte to draft ballot language for both proposals to be voted on by Council on December 15 when full complement of Council is present. Arnold said both proposals should be presented to the voters. Winthrop said only one proposal should be on the ballot, and he's in favor of the Parks proposal. If this is

defeated, the Chamber proposal can be submitted. Laws is concerned that if both proposals are on the ballot, they will both be defeated. Acklin does not support a 1% food and beverage tax. Williams would have no problem putting both proposals on the ballot. Acklin moved to direct the City Attorney to prepare ballot language for both proposals for the December 15th meeting, Laws seconded, all YES on roll call vote.

**Cahill Sewer Connect Request.** Wayne Cahill, owner of 375 Tolman Creek Rd., is requesting connection to city sewer system for property outside the City limits. Almquist reviewed the conditions contained in his memo, and Acklin moved approval of the request with said conditions. Williams seconded and the motion passed unanimously on roll call vote.

**Wetlands Coalition Request - Technical Committee.** Gary Schrodtt, Wetlands Coalition, requested that Council approve formation of a technical committee comprised of representatives from DEQ, Dept. of Fish & Wildlife, Water Resources Dept., TID, City of Ashland, and Wetlands Coalition, to address problems and differences of agreement concerning various aspects of Bear Creek water resources, with the Rogue Valley Council of Governments facilitating and coordinating the committee. Arnold said the three State agencies have to be willing to participate, and Laws moved to invite them to do so and if they accept, authorize the Committee to be formed. Williams seconded and the motion carried on voice vote.

**Wetlands Coalition Request re: Garbage Disposals.** Pulled from agenda at their request.

PUBLIC FORUM: No response.

ORDINANCES, RESOLUTIONS & CONTRACTS: **Railroad Dist. Park L.I.D.** Second reading by title only of an ordinance authorizing and ordering the improvement of a public park located immediately South of the Southern Pacific Railroad tracks between Sixth St. and Eighth St. in the Railroad District .... The amended sections were read concerning non-profit exemptions and payment deferrals. Williams moved adoption, Acklin seconded, all YES on roll call vote. (Ord. 2693)

**Alley Vacation.** Second reading by title only of an ordinance vacating an alley off Sunnyview Drive. Acklin moved adoption, Arnold seconded, all YES on roll call vote. (Ord. 2694)

**Rezoning Mahar Property.** Second reading by title only of an ordinance rezoning certain property from City of Ashland E-1 to R-2 and R-1-3.5P. Williams moved adoption, Acklin seconded, all YES on roll call vote. (Ord. 2695)

**Comp. Plan Map Amendment - Mahar Property.** Second reading by title only of an Ordinance adopting an amendment to the Comp. Plan Map from Employment to Low-density Multi-family residential and Suburban

Residential. Winthrop moved adoption, Williams seconded, all YES on roll call vote. (Ord. 2696)

**Sewer Rates.** Finance Director Turner said present rates are inadequate for current expenditures, the fund balance is being drawn down and this trend needs reversing prior to going to the bond market for STP improvement bonds. Laws moved to extend the meeting for 1/2 hour, Acklin seconded and the motion carried with Winthrop dissenting. On a question from Golden, Hall said both the Sewer and Water Divisions are cutting back on expenditures. Acklin said the fund balances in water and sewer are a serious concern to the auditors. A Resolution adopting a sewer rate schedule pursuant to Section 14.08.035 of the Ashland Municipal Code was read by title only. Laws moved adoption, Arnold seconded and the motion passed on roll call vote as follows: Laws, Williams, Acklin, and Arnold, YES; Winthrop, NO. (Reso. 92-55)

**Water Rates.** Arnold suggested that increasing rates in smaller increments over a longer period of time will lessen the impact. Arnold moved to extend the meeting for 1/2 hour, Laws seconded, all AYES on voice vote. Arnold moved to request Staff to prepare revised water rate increases as noted above, and submit data to show the affects of this revision. Williams seconded, all AYES on voice vote.

**Canvass of Vote.** Reading by title only of a resolution Canvassing the Vote, and Mayor's Proclamation regarding election for public officers held on November 3, 1992. Arnold moved adoption, Acklin seconded, all YES on roll call vote. (Reso. 92-56)

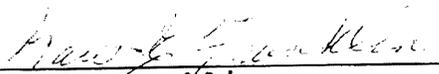
**Reimburse Capital Expenditures.** Reading by title only of a resolution of the City of Ashland, Oregon evidencing its intent to reimburse Capital expenditures. Arnold moved approval, Acklin seconded, all YES on roll call vote. (Reso. 92-57)

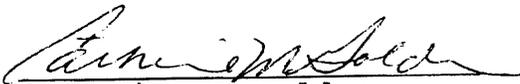
**Airport F.B.O. Lease.** The Airport Commission is recommending Robert A. Skinner as F.B.O. Hall recommended an interfund loan for three years or hangar refinancing to cover the \$9200 deficit. Arnold expressed concern about entering into a lease agreement where borrowing money will be necessary and Almquist explained that this will be capitalizing facilities and when hangars are paid off, a \$20,000 cash flow will result. Hall suggested that Almquist enter into negotiations with Skinner and prepare a financial analysis for Council review. He also noted that the total Airport budget is \$62,500 and an SOSC survey showed that the Airport brings in over \$1,000,000 annually to the area's economy. Laws moved to accept Steve's suggestion, Winthrop seconded, all AYES on voice vote.

**Taylor Foundation Indemnification Agreement.** Attorney Nolte said the Foundation donates large sums of money to the Parks Commission for various projects and wishes to be held harmless in the event of a lawsuit arising out of work done on the projects which they help to fund. Laws moved approval, Williams seconded, all AYES on voice vote.

OTHER BUSINESS FROM COUNCIL MEMBERS: None.

ADJOURNMENT: The meeting adjourned at 11:56 P.M. to Executive Session on December 8, 1992 at 7:30 P.M. in the Civic Center Conference Room, 1175 E. Main, to consider evaluations of the City Attorney and City Administrator.

  
\_\_\_\_\_  
Nan E. Franklin  
City Recorder

  
\_\_\_\_\_  
Catherine M. Golden  
Mayor

(d:\min\12-1-92)