

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
AUGUST 9, 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. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. July 12, 2016 Regular Meeting.

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Adoption of Findings for PA-2016-01029, 1365 Tolman Creek Rd.**

- VII. **TYPE III PUBLIC HEARING**
 - A. **PLANNING ACTION #: PA-2016-00309**
 - SUBJECT PROPERTY: 150 N. Pioneer St.**
 - PROPERTY OWNERS: Stan Potocki**
 - APPLICANT: City of Ashland**
 - DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1.**
 - COMPREHENSIVE PLAN DESIGNATION: Existing: Low Density Multi-Family Residential, Proposed: Commercial; ZONING: Existing: R-2, Proposed: C-1; ASSESSOR'S MAP: 39 1E 09BA; TAX LOT: 11800.**

- VIII. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

CITY OF ASHLAND

ASHLAND PLANNING COMMISSION REGULAR MEETING MINUTES JULY 12, 2016

CALL TO ORDER

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

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Debbie Miller
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

Melanie Mindlin

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the second reading of the Verde Village development agreement ordinance is schedule for next Tuesday, July 19. He also commented on the city hall feasibility study that is looking a different alternatives, including remodeling city hall, adding a second story to the Community Development building at 51 Winburn Way, or building a new city hall on the corner of Pioneer and Lithia.

AD-HOC COMMITTEE UPDATES

Commissioner Dawkins provided a brief update on the Downtown Parking Management and Circulation Committee. He noted he is the new interim chair of the committee and commented on their request to use Fregonese Associates to help guide the group through the remainder of the process.

CONSENT AGENDA

A. Approval of Minutes.

1. June 14, 2016 Regular Meeting.
2. June 28, 2016 Special Meeting.

Commissioners Dawkins/Thompson m/s to approve the minutes of June 14, 2016. Voice Vote: all AYES.
Motion passed 6-0.

Commissioners Dawkins/Thompson m/s to approve the minutes of June 28, 2016. Voice Vote: all AYES.
Motion passed 5-0. Commissioner Miller abstained.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

A. Adoption of Findings for PA-2016-00617, 601 Fair Oaks.
No ex parte contact was reported.

Commissioners Thompson/Brown m/s to approve the Findings for PA-2016-00617. Voice Vote: all AYES. Motion passed 6-0.

B. Adoption of Findings for PA-2016-00847, 252 B Street.
No ex parte contact was reported.

Commissioners Brown/Miller m/s to approve the Findings for PA-2016-00847. Voice Vote: all AYES. Motion passed 6-0.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION #: PA-2016-01029

SUBJECT PROPERTY: 1365 Tolman Creek Road

OWNER/APPLICANT: Ronald Rezek/Clason Company LLC

DESCRIPTION: A request for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision for the property located at 1365 Tolman Creek Road.

Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of a small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 23BA; TAX LOT #: 201.

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

Ex Parte Contact

Commissioners Brown, Norton, Pearce, Dawkins, and Miller declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson presented the project details and approval criteria. He reviewed the applications four component requests and commented on why using the performance standards options is appropriate and results in a better project. Mr. Severson stated the minimum number of homes that can be placed on the site is three, which is what the applicant's propose; although they could have requested as many as 5. He explained all three homes will take access from the existing driveway, which will be improved to the city's flagdrive standards. He stated the man-made pond on the site will be removed, but the wetland area will be preserved and enhanced. Of the 55 trees on the property five will be removed, however the removals are not subject to a tree removal permit and the applicants will mitigate those removals with new plantings. Mr. Severson noted the Tree Commission reviewed the application and issued two recommended conditions: 1) that tree protection fencing be provided for tree #15, and 2) that trees #39 and #40 be skirted (or limbed-up) to a height of 13 ft. from the base of the tree. Mr. Severson said the final element of the proposal is the exception to the street standards. He explained instead of piecemeal sidewalk improvements that would be difficult to transition at either end, it is appropriate and would result in a better pedestrian facility to grant the exception and require the applicants to sign in favor of a future local improvement district.

Applicant's Presentation

Amy Gunter/Rogue Planning Development Services and John Clason/Clason Company LLC. Ms. Gunter stated the site is accessed via a meandering drive that is currently 12 ft. wide and will be widened to meet the flagdrive standards. She stated there is a concrete pipe that feeds the wetland and pond, and the pond is estimated to have been built between 1950-1980. Ms. Gunter stated a wetland delineation was performed and the removal of the pond will require a fill removal permit and a limited activity use permit, and noted the pond is not a wetland protected by local land use law. She commented on the Migratory Bird Act, which prohibits vegetation removal between May 1 and July 31, and clarified they will not be doing any work during this time and will still be working through the land use process. Ms. Gunter explained the property has a potential density of 5.7 units and they initially

considered building 4, but this would have required the removal of the tree grove and a new road installation which would have changed the character of the neighborhood. She stated the proposal complies with the performance standards options, is below density, meets the parking standards, and they are requesting the commission's approval.

Questions of the Applicant

Commissioner Pearce stated the pond seems to meet the city's criteria for a wetland and asked the applicant to respond to this. Ms. Gunter stated the pond has those characteristics because of the settlement of the water and stated according to the wetland biologist the wetland is a true wetland, but the pond only has those characteristics because it is fed by the wetland. She clarified there is no standing water in the wetland and it is not a creek. She added during high water events the soil will get sloppy and wet, but there will not be water flowing across the property.

Public Testimony

Zach Brombacher/1370 Tolman Creek/Stated he lives across the street from the property and voiced his opposition to the city's position on infill. Mr. Brombacher stated the roads are inadequate and could pose an issue during an emergency and voiced his concerns with the city's water resources protection ordinance. He questioned how the city could allow the applicant to remove the pond when he is prohibited from doing work on his property because of the limitations in the ordinance. He stated the pond does overflow and he will be impacted. He requested the city not allow the applicant to direct water onto his property and stated the city needs to figure out a way to keep it from flooding.

Applicant's Rebuttal

Amy Gunter/Stated she sympathizes with Mr. Brombacher but the proposal complies with the city's stormwater master plan and limits post develop flows to predevelopment levels. She added their engineer has designed their system accordingly and has been working with the city's Public Works Department to ensure it meets the standards.

Public Testimony

Peck Yee/Stated there are two large trees on the site (#22 and #48) that appear to be encroached on by the proposed building envelopes. She requested the trees have adequate protection during construction.

Applicant's Rebuttal

Amy Gunter/Stated unlike the depiction on the plan submittal, the tree canopies are not a perfect circle. She stated the building footprint encroaches a minimal amount into the dripline however the trees will not be harmed. She added each type of tree has a different tolerance to construction and they are fine with having a certified arborist on site during excavation.

Questions of Staff

Staff was asked what would trigger improvements to Tolman Creek for storm drainage and sidewalks. Mr. Molnar explained unless it is a public safety issue, sidewalk improvements would typically be triggered by the neighborhood coming forward and requesting enhancements. In terms of storm drainage, the city evaluates plans to ensure the system mimics predevelopment levels and can withstand a 25 year storm event.

Commissioner Pearce closed the hearing and the record at 8:10 p.m.

Deliberations and Decision

Commissioners Dawkins/Brown m/s to approve PA-2016-01029. DISCUSSION: Dawkins stated he sympathizes with Mr. Brombacher but when looking at the development potential for the property the applicants are doing the minimum possible. He stated the removal of the pond will help the hydrology for the area and stated this is a straight forward proposal that meets the criteria. Brown expressed support for the applicant's proposal and stated it maintains the residential country feel. He stated it is a good solution and keeps with the city's ordinances and goals. Thompson

stated she is prepared to support the motion and stated she has trust that the professionals will design the swale and stormwater detention facility appropriately. Miller voiced support for the design and that the applicants are not proposing maximum density, but stated she is very concerned about the drainage issues. She stated she will vote in favor of the motion but would like this to be monitored. Pearce disagreed that the pond is not a wetland but acknowledged that its removal is permissible. He agreed that stormwater is a concern, but stated the newly constructed system will work better than what is there now. **Roll Call Vote: Commissioners Thompson, Norton, Miller, Dawkins, Brown, and Pearce, YES. Motion passed 6-0.**

LEGISLATIVE AMENDMENT PUBLIC HEARING

A. PLANNING ACTION #: PL-2016-00682

APPLICANT: City of Ashland

DESCRIPTION: A legislative amendment is proposed to amend the City of Ashland Comprehensive Plan's Introduction and Definitions Chapter (Chapter II), and Citizen Involvement Element Chapter (Chapter III), to designate the Planning Commission as the City's Committee for Citizen Involvement, and to replace references to the Citizen's Planning Advisory Committee with references to the Committee for Citizen Involvement.

Senior Planner Brandon Goldman noted the commission has previously reviewed this amendment and tonight is for the public to provide input and the commission to make a recommendation to the City Council. He explained the ordinance amends the comprehensive plan to reflect how the city conducts public involvement and addresses the recent ordinance amendments that were approved by the City Council that designate the Planning Commission as the committee for citizen involvement. Mr. Goldman stated the change is consistent with the statewide planning goals and staff is recommending the commission forward a recommendation of approval.

Deliberations & Decision

Commissioner Miller commented that the CPAC was broader based than the Planning Commission and if they are now acting in this role, questioned how to involve citizens and the other commissions early on and ensure their voices are heard. Mr. Goldman stated at onset of any proposal, prior to initiating any ordinance amendment, staff will outline a public involvement plan and bring that forward for review and approval before the process begins. He noted this is the current process and the ordinance amendment will codify current practices. Mr. Molnar noted the Mayor's encouragement of ad hoc committees to greater support the citizen involvement process and stated the city will continue to seek out groups and people that should be engaged in decisions. Commissioner Norton stated it is appropriate for a city of Ashland's size to have the Planning Commission take on this role and stated if they need assistance they have the ability to ask for it. Pearce agreed; he approved of how the ordinance is written and stated their duty is to assist the City Council with the program, not do it all alone.

Commissioners Brown/Thompson m/s to recommend approval to the City Council of an ordinance amending comprehensive plan as presented. Voice Vote: all AYES. Motion passed 6-0.

ADJOURNMENT

Meeting adjourned at 8:35 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

FINDINGS

PA-2016-01029
1365 Tolman Creek Rd.

BEFORE THE PLANNING COMMISSION
August 9, 2016

IN THE MATTER OF PLANNING ACTION #2016-01029, A REQUEST FOR)
OUTLINE AND FINAL PLAN APPROVAL UNDER THE PERFORMANCE)
STANDARDS OPTIONS CHAPTER (18.3.9) FOR A THREE-LOT SUBDIVISION.)
ALSO INCLUDED ARE REQUESTS FOR A PHYSICAL & ENVIRONMENTAL)
CONSTRAINTS REVIEW PERMIT FOR FLOODPLAIN DEVELOPMENT TO)
ALLOW WIDENING OF THE EXISTING DRIVEWAY ENTRANCE BY TWO TO)
FIVE FEET AND THE INSTALLATION OF UTILITIES INCLUDING STORM-) **FINDINGS,**
WATER DRAINAGE FACILITIES WITHIN THE HAMILTON CREEK FLOOD-) **CONCLUSIONS &**
PLAIN; A LIMITED USE PERMIT TO ALLOW GRADING FOR UTILITY) **ORDERS**
INSTALLATION AND RESTORATION OF THE BUFFER AREA OF A SMALL)
WETLAND ON THE PROPERTY; AND AN EXCEPTION TO CITY STREET)
STANDARDS TO NOT INSTALL STANDARD STREET IMPROVEMENTS)
ALONG THE PROPERTY'S TOLMAN CREEK ROAD STREET FRONTAGE.)
)
APPLICANT/OWNER: CLASON COMPANY LLC/RONALD REZEK)

RECITALS:

- 1) Tax lot #201 of Map 39 1E 23 BA is located at 1365 Tolman Creek Road and is zoned R-1-7.5 (Single Family Residential).

- 2) The applicants are requesting Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision of the property located at 1365 Tolman Creek Road. Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the Hamilton Creek floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of a small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage. Site improvements are outlined on the plans on file at the Department of Community Development.

- 3) The criteria for Outline Plan subdivision approval are described in AMC 18.3.9.040.A.3 as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*
 - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
 - c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*

- d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *The proposed density meets the base and bonus density standards established under this chapter.*
- g. *The development complies with the Street Standards.*

4) The approval criteria for Final Plan subdivision approval are described in AMC 18.3.9.040.B.5 as follows:

- a. *The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.*
- b. *The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
- c. *The open spaces vary no more than ten percent of that provided on the outline plan.*
- d. *The building size does not exceed the building size shown on the outline plan by more than ten percent.*
- e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.*
- f. *That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.*
- g. *The development complies with the Street Standards.*
- h. *Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.*

5) The approval criteria for a Physical & Environmental Constraints Review Permit for the Development of Floodplain Corridor Lands are described in AMC 18.3.10.050 as follows:

- A. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

6) The approval criteria for Limited Activities and Uses within a Water Resource Protection Zone are described in AMC 18.3.11.060.D as follows:

1. *All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
2. *The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
3. *On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
4. *Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
5. *Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
6. *Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

7) The approval criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
- c. *The exception is the minimum necessary to alleviate the difficulty.*
- d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

8) The Planning Commission, following proper public notice, held a public hearing on July 12, 2016 at which time testimony was received and exhibits were 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, 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 Outline and Final Plan approvals, Physical and Environmental Constraints Review Permit for Floodplain Development, Limited Use Permit; and an Exception to Street Standards meets all applicable criteria for Outline Plan Approval as described in AMC 18.3.9.040.A.3; for Final Plan approval described in AMC 18.3.9.040.B.5; for Physical and Environmental Constraints Review Permit for Floodplain Development described in AMC 18.3.10.050; for a Limited Use Permit described in AMC 18.3.11.060.D; and for Exception to Street Standards as described in AMC 18.4.6.020.B.1 with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

2.3 The Planning Commission finds that the minimum number of dwelling units for a Performance Standards Subdivision within a residential zoning district is three as provided in AMC 18.3.9.030.B. and that the current request involves three dwelling units. The Commission further finds that development under this chapter is necessary to protect the environment including the property's established trees and wetland area, and the broader neighborhood from degradation which might otherwise occur from development to the maximum density allowed under subdivision standards.

The Planning Commission finds that the project meets all applicable ordinance requirements of the City of Ashland, or can be made to do so through the imposition of conditions, other than city standard street improvements along the property frontage. An Exception to Street Standards has been requested concurrently with the application. These items are further discussed in the applicable sections below.

The Commission further finds that city facilities and services are currently available to serve the project from the adjacent Tolman Creek Road right-of-way. The property is currently served by:

- An eight-inch sanitary sewer main located in the Tolman Creek Road right-of-way.
- An eight-inch water main located in the Tolman Creek Road right-of-way.
- Storm drainage is conveyed in open roadside ditches along both sides of Tolman Creek Road in this vicinity.
- Electrical service to the existing house is undergrounded from a transformer near the north property line, and electrical facilities are available to be extended from Tolman Creek Road.

The Commission finds that the application includes a Conceptual Grading and Drainage Plan (Sheet C-1.0) and a Conceptual Utility Plan (Sheet C-2.0) prepared by Construction Engineering Consultants. The Utility Plan identifies the installation of new water meters near the mouth of the driveway, with proposed water and sanitary sewer services routed under the driveway to serve Lots #1 and #2. A new gas line will be extended from the gas main in Tolman Creek Road to serve the new lots, and the existing electric and phone lines are to be relocated to serve the existing home and new lots. Conditions of approval are attached below to require that these plans be revised to incorporate the requirements of the land use approval, reviewed and approved by the Planning, Building, Public Works, Engineering and Electric Departments prior to the issuance of a building or excavation permit. A condition has also been attached requiring that the applicants receive any required permits or approvals from Jackson County for any work to be completed within Tolman Creek Road's right of way, which falls under County jurisdiction, and provide evidence of such approval to the city.

The Commission further finds that the Drainage Plan identifies new sections of storm water mains and a proposed detention area with a berm, storm water control structure and new 12-inch culvert to control the release of storm water from the site into the roadside ditch along Tolman Creek Road. The City's Engineering Department will need to review and approve final, engineered storm drainage plans and determine that the post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation is adequately addressed through the final design. A condition to this effect has been included below.

The Planning Commission finds that the Performance Standards Options chapter requires that natural features such as wetlands, floodplain corridors, ponds, large trees and rock outcroppings throughout the subject parcel be identified and incorporated in open space, common areas or other unbuildable areas. In this instance, the applicants have enlisted the services of Schott & Associates, Ecologists and Wetlands Specialists who have determined that there is a small wetland on the property along with an adjacent man-made pond. The state has concurred with the Schott & Associates' findings, and the applicants have proposed to preserve the wetland while removing the pond as a man-made feature in conjunction with restoring the drainage swale associated with the wetland. The portion of the required wetland buffer disturbed with the removal of the pond is noted as approximately 545 square feet, and the application explains that this area is to be restored, and the wetland and its buffer are to be preserved and protected in a conservation easement as part of Lot #2. There has been previous discussion at the Planning Commission as to whether natural features need to be included as part of a discreet parcel reserved as common area to insure adequate protection and to benefit the livability of all residents. The Planning Commission finds that the creation of a common area lot on a subdivision of this scale poses complication for the applicants, and that the use of a conservation easement is an appropriate mechanism to provide the protection of the wetland sought under the Performance Standards. A condition requiring that such an

easement in favor of the City, Lots #1 and #3 be provided on the final plat is included below, along with a condition to require that any fencing installed around the wetland be limited to no more than four feet in height so that views of the wetland by all residents of the development are not obscured.

The Planning Commission finds that the removal of the pond is a key consideration of the application. The application notes that while the pond has wetland features, it is noted as man-made and likely constructed sometime after 1952. For the Commission, with the presence of hydrology, soils and vegetation typical of a wetland and a delineation recognized by the state, the pond can rightly be considered along with the wetland as a natural feature of the site. The Commission finds that the Water Resources Ordinance provides for limited “building, paving and grading activities” in AMC 18.3.11.060.A.3.c which allows that the permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized for the installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands. The Commission further finds that the pond’s removal in conjunction with enhancing the existing wetland, re-establishing a drainage swale with new storm water detention area nearer to Tolman Creek Road and installing a storm water control structure to meter flows leaving the property is in keeping with the Performance Standards Options Chapter and permissible as a limited activity under the Water Resource Protection Zones Chapter, particularly when considered in combination with the applicants’ efforts to preserve the site’s trees by limiting the number of lots proposed and carefully placing the building envelopes.

The Commission finds that the proposed development will not prevent adjacent land from being developed. The application materials provided note that potential future development of areas to the north will not be impacted, while properties to the south and west are already largely developed and development to the east would be limited by the floodplain.

The Planning Commission further finds that Performance Standards subdivisions with a density of ten units or greater are required to provide a minimum of five percent of the total project area in open space. As the applicants have proposed to develop only three lots, no common open space area is required and none has been identified as part of the current proposal.

The Commission finds that the three proposed lots are to be served by the existing driveway. Driveways greater than 50 feet in length are considered flag drives and must comply with the development standards thereof, as described in AMC 18.5.3.060. Drives serving two or more lots must provide a 15-foot paved driving surface within a 20-foot clear width. Three parking spaces will be provided on each of the lots, and in addition parking bays to serve as visitor parking will be provided off of the driveway. The application indicates that the existing driveway will be widened to meet these standards prior to the issuance of a certificate of occupancy for a home on either new lot, and a condition to this effect has been attached below.

The Performance Standards chapter requires that on lots which are to contain detached single-family dwellings, building envelopes be identified which show the area and maximum height of improvements, including solar access. The Commission finds that in the current application, the applicants have identified

both building envelopes and shown that each will accommodate a 21-foot high structure while complying with Solar Access “Standard A.” Conceptual home elevations have also been provided.

The Commission finds that under the Performance Standards Options, the property’s single-family residential (R-1-7.5) zoning designation allows for a density of 3.6 units per acre. The site’s 1.59 acres yield a base density of 5.72 units. The proposed density of three units is well below the density allowed, but the application notes that efforts have been made in planning the project to preserve and enhance the small wetland, protect the site’s large mature trees, protect the existing home and its associated accessory structures, and to allow for lot areas similar to those found in the nearby neighborhoods along Tolman Creek Road. In addition, the application notes that if more than three lots were proposed, a new public street would be required and they felt that a new public street would change the neighborhood dramatically with the associated impacts to the site’s trees, significant alterations to topography, greater disturbance within the floodplain and generally greater impacts to the character of the neighborhood.

2.4 The Planning Commission finds that Tolman Creek Road is classified as an Avenue or Major Collector in the vicinity of the subject property, and standard street improvements along the frontage of the parcel would include curb, gutter, paving, parking, storm drains, park row planting strips, sidewalks, and bike lanes. The application materials provided note that Tolman Creek Road has significant grade changes along both sides of the right-of-way, with slopes of 40-50 percent as the property transitions to the roadside drainage ditch along the full street frontage, and falls within the FEMA floodplain. They note that while it is the property owner’s desire to eventually see Tolman Creek Road improved to city standards since it provides a direct connection to essential city services and facilities, the existing conditions pose a difficulty which would be better addressed when the entire corridor can be evaluated comprehensively to create a cohesive, functional street design. They suggest that given these conditions, the street corridor needs to be comprehensively designed, constructed and financed through either a Local Improvement District (LID) or Capital Improvement Project funding rather than being completed on a piecemeal basis as individual properties develop.

The Planning Commission finds that given the complexity of the improvement required and the need for any improvements to be completed within the context of a larger neighborhood design process, the presence of the flood plain, and the fact that this street section is within Jackson County jurisdiction, the most prudent option with regard to Tolman Creek Road improvements is for the applicants to sign in favor of the future improvements to Tolman Creek Road, and agree to pay the proportional cost of the necessary improvements and not to remonstrate against the formation of a Local Improvement District (LID). The applicants have requested an Exception and proposed to sign in favor of an LID and a condition to this effect is included below.

2.5 The Planning Commission finds that the Hamilton Creek floodplain corridor extends westward from the waterway on the east side of Tolman Creek Road and includes an approximately ten-foot wide portion of the subject property’s frontage. Because the proposal involves driveway improvements and

utility installation in the floodplain, a Physical & Environmental Constraints Review Permit for the Development of Floodplain Corridor Lands is required.

The Planning Commission further finds that the applicants have taken all reasonable steps to minimize the potential impacts to adjacent properties. The application explains that Hamilton Creek is across Tolman Creek Road and below the street grade, and that the area of floodplain across the property's frontage is within the roadside ditch which has a depression putting the floodplain below the surface of the road on both sides of Tolman Creek Road. The applicants emphasize that they have hired a professional Engineer, a Landscape Architect, a Surveyor and an Ecologist/Wetland Specialist to address any potential impacts associated with the subdivision. They emphasize that the widening of the existing driveway by two to five feet and the installation of underground utilities will not require any fill and will not have any adverse impacts; that the use of the single, existing shared driveway for access, in lieu of installing a new driveway and culvert, will minimize the impacts to the floodplain; that the installation of new storm water detention facilities will slow the rate of infiltration of stormwater into the storm drain system and Hamilton Creek to reduce any potential hazards; and that silt fencing will be installed to prevent any erosion during construction. They further explain that the floodplain falls entirely within the required front yard setback area for Lot #1 and that the building envelope proposed for Lot #1 will accommodate a new home and garage entirely outside of any floodplain lands.

The Planning Commission finds that the impacts to floodplain lands are minimal and are limited to widening of the driveway and utility installation in an area where street and driveway improvements are already in place and long-established. The floodplain has already been dramatically altered by existing Tolman Creek Road street improvement and associated utility installations. The application materials provided note that the applicants have taken all reasonable steps to reduce adverse impacts on the environment by hiring professional civil engineers, landscape architects, surveyors, ecologists, wetland specialists and land use planners to comprehensively plan the proposal to mitigate adverse impacts.

2.6 The Planning Commission finds that the application includes the removal of the man-made pond adjacent to the small wetland on the property. The application explains that the request is to remove the pond and restore the wetland's drainage swale through a culvert under the driveway access to Lot #1 and to allow the drainage to continue across the property into a constructed storm water detention area and then out to the 18-inch line that is perpendicular to Tolman Creek Road, near the driveway. In order to remove the pond and restore the drainage swale, approximately 545 square feet of the wetlands' buffer area will be disturbed. The application further notes that the removal of the man-made pond will enable the construction of the private storm water treatment facility which will include a vegetated swale/detention pond, and that the ordinance provides for the installation of private storm water treatment facilities such as "detention ponds or sediment traps, vegetated swales, and constructed wetlands" under the Limited Activities and Uses within Water Resource Protection Zones provisions of AMC

18.3.11.060.A.3.c. They add that the portion of the buffer area disturbed with removal of the pond will be replanted with native species and maintained in accordance with AMC 18.3.11.030.

The Planning Commission finds that the application materials detail that the proposed pond's removal is occurring as far from the wetland as possible and will disturb as little of the surface area of the wetland as is practicable. The applicants suggest that the pond's removal should be seen as an enhancement to the wetland as more natural drainage will be restored and the area where the pond is will be replaced with native vegetation. They emphasize that the pond removal will restore the function of the wetland and will remove surface water that is conducive to mosquito breeding and replace it with native wetland vegetation. No impervious surfaces, loss of native vegetation or other impacts to the wetland itself are proposed. A dead Red Maple (Tree #35) is proposed for removal from the wetland to eliminate the possibility of future trunk failure and alleviate any hazard to persons or property. Proposed utilities are as far as practicable from the wetland, and the storm drainage facilities are to be built outside of the delineated wetland.

The Commission further finds that the applicants explain that the restoration of the disturbed buffer zone will be accomplished in a manner consistent with the standards in AMC 18.3.11.110 "Mitigation Requirements," but that no management plan is proposed for the long-term conservation, management and maintenance of the WRPZ as the wetland is proposed to be retained on a residentially-zoned lot occupied only by a single-family dwelling and associated accessory structures. A conservation easement will be provided to ensure the continued protection of the wetland and buffer area. The application explains that the wetland itself is only 718 square feet and that the buffer will encompass 4,845 square feet and will be protected in perpetuity with the easement, but that the applicants would prefer to avoid creating a complicated homeowners association that would be needed to create and manage common space for such a small subdivision.

A condition has been attached below to require that a revised Mitigation Plan addressing the Vegetation Preservation and Construction Staging requirements in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC 18.3.11.110.B be provided for the review and approval of the Staff Advisor prior to the commencement of any pond removal work. The Commission further finds that the restoration and enhancement must address the disturbed wetland buffer at the 1.5:1 ratio required, so the disturbance of 545 square feet of the buffer area will require the restoration and enhancement of 818 square feet.

2.7 The Planning Commission finds that a tree inventory and tree preservation plan have been provided identifying 55 trees on or adjacent to the subject property. The application explains that the largest concentrations of trees are west of the existing residence and between the driveway and the north property line. The trees are described as a mix of deciduous and coniferous, and of the 55 trees on the property five are proposed for removal with the proposed subdivision. These include:

- **Tree #12:** A nine-inch diameter at breast height (d.b.h.) Liquidambar tree in the widened parking area near the north property line. During the hearing, the applicants indicated that this tree had been proposed for removal to provide overflow parking, and that after site observation it would be retained.

- **Tree #38:** A 16-inch d.b.h. Silver Maple tree in line with the proposed driveway to serve Lot #1.
- **Tree #43:** A 16-inch d.b.h. White Oak tree.
- **Tree #46:** A nine-inch d.b.h. Ash tree.
- **Tree #35:** A dead Red Maple within the wetland water resource protection zone. (*Dead trees are exempt from Tree Removal Permit requirements per AMC 18.5.7.020.C.7*)

The Planning Commission finds that, as noted in AMC 18.5.7.020.B.3, the removal of significant trees (*i.e. those trees greater than 18-inches in diameter at breast height*) on vacant R-1 zoned lands requires a Tree Removal Permit. As none of the trees proposed to be removed here are considered by definition to be significant, the tree removals proposed are not subject to Tree Removal Permit review, although the applicants have provided written findings addressing the Tree Removal approval criteria and have proposed to mitigate the four living trees being removed by planting four new trees. The Planning Commission further finds that site trees remain a consideration both in terms of the preservation of significant natural features required in the Performance Standards Options chapter and for any impacts removals might have within Water Resource Protection Zones or Floodplain Corridor Lands, and these are further discussed in the applicable sections above.

In reviewing the proposal with regard to tree protection and removal, the Tree Commission recommended that the application be approved with the addition of two requirements: 1) that tree protection fencing be provided to protect Tree #15 as well; and 2) that Trees #39 and #40 be skirted (*i.e. limbed-up*) to a height of at least 13 feet above the ground. A condition of approval incorporating these recommendations has been included below.

2.8 The Planning Commission finds that subject parcel is significantly oversized within the R-1-7.5 zoning district and has the potential under current zoning to accommodate additional density, with a base density of 5.72 units. The Commission further finds that the proposal currently under consideration seems to be a fair compromise between the desire for more efficient land use to accommodate additional density anticipated in the city's long term growth plans and considerations of the Performance Standards Options Chapter which call for balancing the impacts of development with the preservation and protection of natural features and neighborhood character. The applicants' lot lay-out and envelope placement seem thoughtfully arranged to minimize impacts to the established trees on the property while remaining in keeping with the general development pattern of the surrounding neighborhood, and the yard areas which have been proposed provide substantially more space to buffer the development from adjacent properties than is required under the code. While the proposal involves the removal of a man-made pond from the property, a small adjacent wetland is to be enhanced, and the pond is to be replaced with a drainage swale and storm water detention area with control structure established to address drainage issues on the property. When viewed in conjunction with the tree preservation proposed, the Commission finds that the proposal represents an appropriate use of the Performance Standards Options chapter.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision, a Physical and Environmental Constraints Review Permit for Floodplain Development, a Limited Use Permit and an Exception to Street Standards for the property located at 1365 Tolman Creek Road 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 #2016-01029. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-01029 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) That the recommendations of the Ashland Tree Commission from their July 7, 2016 meeting that tree protection fencing be provided to protect Tree #15; and 2) that Trees #39 and #40 be skirted (i.e. limbed-up) to a height of at least 13 feet above the ground, shall be conditions of approval where consistent with applicable criteria and standards and with final approval of the Staff Advisor.
- 3) That prior to the issuance of an excavation permit or the commencement of infrastructure installation:
 - a) Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the civil plans.
 - b) That the location and final engineering for all storm drainage improvements associated with the project shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
 - c) That a Verification Permit in accordance shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the five trees to be removed and the installation of tree protection fencing for trees to be preserved. The tree protection for the trees to be preserved shall be installed according to the approved Tree

Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with the requirements of the Tree Preservation and Protection Ordinance (AMC 18.4.5).

- d) Any work within the Tolman Creek Road right-of-way, including but not limited to driveway widening or utility installation, shall be subject to review and approval by Jackson County and the City of Ashland, with permits to be issued by Jackson County and evidence of permit approval and issuance provided to the City of Ashland.
- e) That a Mitigation Plan addressing the Vegetation Preservation and Construction Staging standards in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC 18.3.11.110.B shall be provided for the review and approval of the Staff Advisor prior to the commencement of any pond removal work. Restoration and enhancement shall address the disturbed wetland buffer at the 1.5:1 ratio required (i.e. disturbance of 545 square feet of the buffer area requires restoration and enhancement of 818 square feet).
- f) The applicant shall obtain required federal and state permits to fill the pond and provide evidence of these approvals to the City of Ashland.

4)..... That prior to the signature of the final survey plat:

- a) That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.
- b) That the subdivision name shall be approved by the City of Ashland Engineering Division.
- c) All easements for public and private utilities, shared parking, drainage, conservation, irrigation, fire apparatus access, and the reciprocal access easements for shared use of the existing driveway shall be indicated on the final survey plat as required by the Ashland Engineering Division.
- d) The applicant shall provide a conservation easement for the wetland on Lot #2 and its protection zone in favor of the City, Lots #1 and #3 on the final survey plat. The conservation easement shall describe the long-term obligations for maintenance of the wetland and buffer, and shall note that any fencing installed around the wetland or its buffer shall be limited to no more than four feet in height so that views of the wetland by all residents of the development are not obscured.
- e) Subdivision infrastructure improvements including but not limited to utility installations shall be completed according to approved plans prior to signature of the final survey plat.
- f) Electric services shall be installed underground to serve all lots. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all three lots, inspected and approved.
- h) The applicants shall sign an agreement to participate proportionally in the future cost of full street improvements for Tolman Creek Road, including but not limited to park row planting strips, sidewalks, streetlights, curbs, gutters, paving with bike lanes, and storm drains, to be recorded on the deeds of the newly created lots concurrently with the final plat., and shall agree not to remonstrate against the formation of a Local Improvement District.

- 5) That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the 45 percent lot coverage allowed in the underlying zoning districts. Building footprints, walkways, driveways, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
 - b) That all proposed lots shall be subject to Solar Access Standard A. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
 - c) That the requirements of the Ashland Fire Department relating to fire hydrant distance; fire flow; fire apparatus access, approach, turn-around, and work area; firefighter access pathway; approved addressing; and limits on fencing and gates which would impair access shall be satisfactorily addressed in the building permit plan submittals and complied with prior to issuance of the building permit or the use of combustible materials, whichever is applicable. Fire Department requirements shall be included on the engineered construction documents for public facilities.
 - d) Building permit submittals for lots to be served via a flag drive shall be required to provide three off-street parking spaces. Required parking shall be identified on the site plan. Parking spaces on flag drives shall be placed to allow vehicles to turn and exit to the street in a forward manner.
- 6) That prior to the issuance of a certificate of occupancy:
- a) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
 - b) The private driveway shall be subject to all development requirements for flag drives including that it shall be constructed to flag drive standards which call for a 15-foot paved drive centered in a 20-foot clear width where serving two lots and a 12-foot paved drive centered in a 15-foot clear width be maintained where serving one lot. That the driveway shall be widened and paved to comply with these standards prior to the issuance of a certificate of occupancy for a home on either new lot.

Planning Commission Approval

August 9, 2016
Date

**TYPE III
PUBLIC HEARING**

**PA-2016-00309
150 N Pioneer**



PLANNING ACTION: PA-2016-00309

SUBJECT PROPERTY: 150 N. Pioneer St.

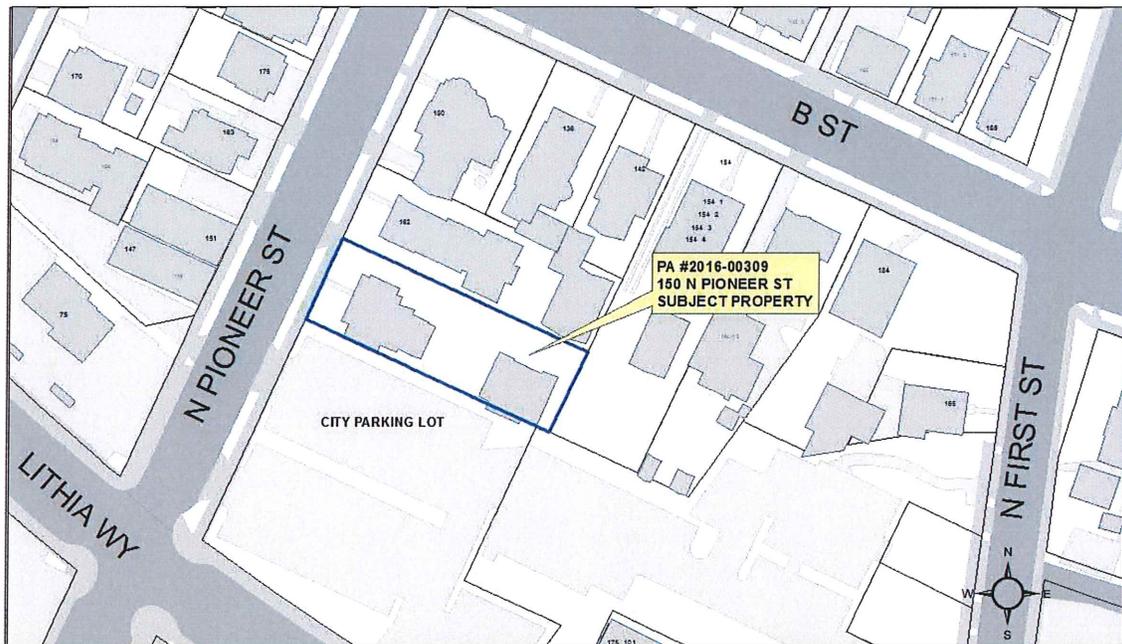
PROPERTY OWNER: Stan Potocki

APPLICANT: City of Ashland

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. **COMPREHENSIVE PLAN DESIGNATION:** Existing: Low Density Multi-Family Residential, Proposed: Commercial; **ZONING:** Existing: R-2, Proposed: C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800.

NOTE: The Ashland Historic Commission will also review this Planning Action on **Wednesday August 3, 2016 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *August 9, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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

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

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

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

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

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

LEGISLATIVE AMENDMENTS, PLAN AMENDMENTS, & ZONE CHANGES

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

- A. Type II.** The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.
1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.
 2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.
 3. Circumstances relating to the general public welfare exist that require such an action.
 4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
 5. Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
 6. The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.
- B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.
1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
 3. Land Use Ordinance amendments.
 4. Urban Growth Boundary amendments.

ASHLAND PLANNING DIVISION STAFF REPORT

August 9, 2016

PLANNING ACTION: PA-2016-00309

OWNER/APPLICANT: Stan Potocki/City of Ashland

LOCATION: 150 North Pioneer Street
Map 39 1E 09BA, Tax Lot #11800

COMPREHENSIVE PLAN DESIGNATION: **Existing** – Low Density Multi-Family Residential
Proposed - Commercial

ZONING DESIGNATION: **Existing** – R-2
Proposed – C-1

APPLICATION DEEMED COMPLETE: August 2, 2016

120-DAY TIME LIMIT: Not Applicable

ORDINANCE REFERENCE: 18.2 Zoning Regulations
18.5.9 Comprehensive Plan, Zoning & Land Use
Ordinance Amendments

REQUEST: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1. *No changes to the existing site improvements or their approved uses are proposed in conjunction with the current request.*

I. Relevant Facts

A. Background - History of Application

150 North Pioneer Street

In February of 2016, the City Council considered a request to initiate a zone change from R-2 (low-density multi-family) to C-1 (commercial) for the property located at 150 Pioneer Street. At that time, it was noted that the Mayor had spoken with the property owner about the city having built a parking lot next to his R-2 zoned property in the late 1980's. The Council ultimately voted unanimously to approve Council-initiation of a Type III planning action for a zone change and comprehensive plan map amendment, and directed staff to complete, file and process the land use application.

In April of 2005, a request for Site Review and Conditional Use Permits to construct a new residential unit with a proposed total floor area in excess of the Maximum Permitted Floor Area at the rear of the parcel, and to modify the existing Conditional Use Permit for the existing office use, was approved by the Planning Commission as PA #2005-00039. The approval included a Variance to the required driveway width for the existing shared driveway serving 150 and 162 North Pioneer Street.

In December of 1992, Planning Action #92-121, a request to change the zoning from R-2 Multi-Family Residential to C-1 Commercial, was denied by the Planning Commission and the City Council (see Staff Exhibit S.1).

In June of 1989, Planning Action #89-070 was approved granting a Conditional Use Permit to allow Vocational Resource Consultants to use the main floor of the house at 150 North Pioneer Street as office space, with the second floor to be used as an apartment.

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

B. Detailed Description of the Site and Proposal

Site

The property is located at 150 North Pioneer Street, within the Railroad Addition Historic District, on the east side of Pioneer between Lithia Way and B Street. The zoning for the subject parcel is R-2, or Low Density Multi-Family Residential.

This current zoning permits residential developments at a base density of 13.5 units per acre, and 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 limited in size. Site development is restricted to a maximum building height of 35-feet and 2 ½ stories, with a maximum lot coverage of 35 percent.

The lot is 8,363 square feet in size. It is 52 feet in width, and the lot depth is 160 feet. The property slopes slightly down to the northeast, with slopes of four to six percent. There are five existing mature trees on the site, as well as two street trees.

There are two buildings located on the property with a historic home located at the front of the property and a second detached residential structure located at the rear of the property. The property is accessed by a shared driveway located between 150 and 162 North Pioneer Street.

The existing 2,305 square foot home, the 'James W. Losher House', is considered to be a Historic Contributing resource in the Railroad Addition Historic District. The first floor of the house consists of 1,390 square feet of office space, which includes an approximately 175 square foot enclosed porch. The second floor of the historic house is a residential unit. A second two-story structure is located at the rear of the

parcel. The rear structure is approximately 1,170 square feet in size and is a residential unit.

The city public parking lot sits adjacent to 150 North Pioneer Street, immediately to the south, and is under the C-1 (Commercial) zoning designation. The properties across Pioneer Street are also zoned C-1, accommodating a handful of businesses including a 76 service station and auto repair business, Ruby's restaurant, Gil's restaurant and pub, and the De Launay House, a hotel/motel.

Proposal

For several years, the property owner of 150 North Pioneer Street, Stan Potocki, has described in writing impacts to his property associated with its proximity to the city's public parking lot and more intense surrounding commercial uses. In addition, the owner has expressed concern over the appropriateness of residential uses on the property given the proximity to the public parking lot.

The current proposal, initiated by the City Council, would amend the existing Low Density Multi-Family Residential Comprehensive Plan Map designation and R-2 Zoning designation, changing the Comprehensive Plan Map designation to Commercial and the zoning to C-1. No changes to the existing site improvements or their approved uses are proposed in conjunction with the current request. Existing uses would be allowed to remain in place until the property owner obtains Site Design Review approval to establish commercial uses on the site.

II. Project Impact

Chapter 18 of Ashland's Municipal Code, "Land Use", describes the process by which the City Council may initiate a land use application or planning action by motion in AMC 18.5.1.100 "*City Council or Planning Commission May Initiate Procedures.*" This section provides that, "*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 the zoning designation for a property that also entails changing the property's underlying Comprehensive Plan designation is considered a legislative amendment through a Type III procedure (see AMC 18.5.9.020.B) which requires a hearing before the Planning Commission to yield a recommendation to Council and final approval through a hearing before the Council with adoption by ordinance. The Land Use Ordinance generally permits 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, although Type III procedures are legislative decisions dealing with broader policy issues and may be decided at the discretion of the Council.

The property owner argues that the construction of the public parking lot changed the status and situation surrounding his property at 150 N. Pioneer Street, and the new

conditions resulting from the public parking lot justify a change in zoning designation from Low-Density Multi-Family Residential (R-2) to Commercial (C-1).

A. Zone Change Request

As initially described in the February 16, 2016 council communication, 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 what is now a 64 space public parking lot. It would become one of the largest downtown public parking lots, second in overall size only to the Hargadine Street parking structure which has 145 spaces.

The parcel immediately adjacent to the public parking lot is owned by Stan Potocki and zoned R-2 (Low Density Multi-Family Residential). In written correspondence from Mr. Potocki to city staff and members of the Council, he described a variety of adverse 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.

At its February 2016 meeting, Council unanimously approved the initiation of a Comprehensive Plan Map amendment and zone change for the property. In reviewing the meeting minutes under Council discussion, the Mayor and a couple members of the Council indicated that the property's zoning should have been evaluated in conjunction with the acquisition and development of the public parking lot in the early 1990's. The Planning Commission and Council considered a zone change for the property in 1992 and ultimately denied that proposal (see Staff Exhibit S.1).

In staff's assessment, there have been several changes in circumstances or conditions since that time which should be considered in evaluating a change to the Comprehensive Plan Map and Zoning designations.

- **Public Parking Lot Construction & Intensification of Use**

In the late 1980's, the City of Ashland acquired the property immediately adjacent to 150 North Pioneer Street, at the northeast corner of Lithia Way and Pioneer Street. Shortly thereafter, the City constructed a 64-space public parking lot. Property acquisition and the construction of a public parking lot at this location were identified in the 1988 Ashland Downtown Plan – Phase 2 Action Plan as a key element to addressing downtown parking need.

The use of this parking lot has intensified substantially since its construction. In the "Downtown Ashland Parking Study" conducted by Rick Williams Consulting in 2015, this lot was designated as Lot #26 and was looked at on a Friday afternoon and a Saturday evening in late August. In that study, parking utilization was consistently

at 100 percent (i.e. no empty spaces). During four other surveyed times, parking utilization was at 96.9 percent meaning that only the two electric vehicle charging stations were unused (see Staff Exhibit S.2).

As it currently exists, staff believes the subject property is the only residential property adjacent to a public parking lot that is separated by a six-foot residential side yard. And, as noted, the parking lot in question is one of the largest and most heavily-used public parking lots in the city.

- **Surrounding Zoning, Adaptive Re-Use & Re-Development**

- *South, North, East & West*

The attached City zoning map (Staff Exhibit S.3) identifies existing zoning designations for the area, largely consisting of C-1-D, C-1 and Multi-family residential. The parcel immediately south of the subject property accommodates the public parking lot and is zoned C-1 (Commercial). Properties immediately to the north are zoned R-2 (Low-Density, Multi-Family Residential). This designation extends up to and across B Street. The west side of Pioneer Street is zoned for Commercial and Employment uses down to A Street.

- *Adaptive Re-Use Across the Street to the West*

While zoned C-1 for some time, the two small buildings directly across the street at 163 and 175 North Pioneer Street had previously been in long-established residential use. These two small residences were recently converted to eating and drinking establishments (Ruby's Restaurant and Gil's Pub & Restaurant) with heavily used outdoor seating consistent with the allowed uses in the C-1 zone. Adaptive reuse of these two residences was achieved through a reduction in the required off-street parking made possible through the flexibility prescribed in Chapter 18.4.3 – Parking, Access and Circulation – of the Land Use Ordinance. In addition, the former drycleaner located at 151 North Pioneer Street was recently remodeled and converted into an art gallery. The property owner's original letter asking Council to consider initiating a re-zoning of the property is included in the Planning Commission packets and details some of the impacts associated with the intensification of use of these properties.

- **Re-Development Along Lithia Way**

The heavily-utilized 64-space public parking lot directly adjacent to the subject property is connected to a private parking lot on the adjacent property to the southeast via easement. The private lot includes 56 surface parking spaces and 33 garage spaces. This property previously had a mix of uses including an outdoor lumberyard and small complex of office and personal services spaces, but has begun to re-develop in recent years with a mixed-use development that includes the recently completed Plaza West building with ten residential units over ground floor commercial space and recently approved and soon to be constructed Plaza Central/East and Plaza North which include an additional 19 residential units over ground floor commercial space.

The opposite side of Lithia Way between Pioneer and First streets has also seen significant redevelopment in the recent past. The two-story mixed use building located at 140 Lithia Way was constructed in 2001 (Yogurt Hut). The three-story mixed use building located at 150 Lithia Way (Chloe Salon) was approved in 2005 and includes retail commercial space on the ground floor and two residential units. The three-story building located at 180 Lithia Way was approved in 2004 and includes commercial retail and office space on the ground floor as well as parking in garages at the rear of the building.

- **Changes in Traffic Generation & Circulation**

Anecdotally, it certainly seems that traffic and parking demand have increased in the vicinity as surrounding sites intensify their use. The Engineering Division has placed traffic counters on this block of North Pioneer Street and will have an up to date report on observed traffic levels in the immediate vicinity for discussion at the August 9, 2016 Planning Commission hearing. *(Staff delayed placing these counters previously because of a building being reconstructed at 151 North Pioneer Street, just across the street, to avoid any skewing of results by the construction project.)*

- **Commercial Land inventory (2007 Economic Opportunities Analysis (EOA))**

In a 2007 Economic Opportunities Analysis (EOA) conducted for the city by EcoNorthwest, a slight deficit of approximately six acres in available commercial and employment land was identified over the typical 20-year EOA horizon. One of the key deficit areas identified was lots of less than one-acre in size. Given that the City recently entered into a Regional Problem Solving (RPS) agreement which indicated that existing city boundaries would be retained for a 50-60 year time frame, the addition of any C-1 zoned land – while not resolving the deficit - could certainly be found to be consistent with the identified land needs.

Historic Commission Recommendation

As noted above, the subject property is located within the Ashland Railroad Addition historic district, and the existing home, the ‘James W. Losher House’, is considered to be a Historic Contributing resource in the district. The Historic Commission has not yet considered the proposal as this is being written. Their recommendation will be distributed at the August 9, 2016 Planning Commission hearing.

Staff Evaluation and Recommendation

Public parking lots in Ashland’s downtown are areas of intense activity, and the level of activity has and continues to intensify over time in conjunction with in-fill, adaptive re-use and redevelopment around the downtown. The parking lot adjacent to 150 North Pioneer Street includes 64 public parking spaces and easement access from an adjacent private parking lot which is ultimately intended to serve 56 surface spaces and 33 garage spaces. The combined 153 spaces are larger than the 145 space Hargadine Street parking structure, Ashland’s largest public parking facility. Unlike other properties adjacent to public parking in Ashland, the property under consideration here is separated by a six-foot residential side yard rather than the more typical buffer of a public right-of-way (alley or street) or a larger rear yard.

In previously considering a zone change back in 1992, the Council ultimately determined that the existing R-2 zoning provided an important buffer between the more intense C-1 uses to the south and the historic Railroad Addition District residential neighborhood a short distance to the north, and that the Conditional Use Permit process provided adequate options for some measure of commercial use for the R-2 zoned commercial property. In addition, the Council determined that traffic increases from 1988 to 1992 were insufficient to warrant a zone change and that zoning should be looked at more comprehensively. In staff's view, this decision merits reconsideration at this time given the intensification of surround uses which has occurred in the interim. The existing six-foot residential side yard setback provides at best a minimal buffer between the intensity of the parking demand created upon the public lot by nearby C-1 and C-1-D uses and the existing historic contributing resource on the subject property. In staff's view, the adjustment of the C-1 boundary a short distance to the north is likely to have minimal impact on the B Street corridor while providing considerable relief for the subject property.

For staff, the neighboring property at 162 North Pioneer Street should also be looked at in conjunction with the current request. While also zoned R-2, the property has had a small retail component on the ground floor consistent with the allowances of AMC 18.2.3.210 and in 2014 approval was granted to allow a single Traveler's Accommodation unit to be operated out of the upstairs space, with the property owner/manager to reside in the remaining downstairs space. The subject property and this neighboring property share a common driveway which straddles the property line between them, and in staff's view, particularly given the presence of established commercial uses and a shared driveway, it seems appropriate that any zone change should consider the inclusion of this property as well. In preliminary conversations with the property owner's family, they have suggested that they would be interested in being included in the zone change.

III. Procedural - Required Burden of Proof

The approval criteria for Plan Amendments and Zone Changes are addressed in AMC 18.5.9.020 "Applicability and Review Procedure" as follows:

- A. *Type II. The Type II procedure is used for applications involving zoning map amendments consistent with the [Comprehensive Plan map](#), and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*
1. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
 2. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
 3. *Circumstances relating to the general public welfare exist that require such an action.*
 4. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as*

affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.

5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*

B. Type III. *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*

1. *Zone changes or amendments to the [Zoning Map](#) or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*
2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*
3. *Land Use Ordinance amendments.*
4. *Urban Growth Boundary amendments.*

IV. Conclusions and Recommendations

Public parking lots in and around Ashland's downtown are areas of intense activity, and this intensity continues to increase with in-fill, adaptive re-use and redevelopment in the vicinity. The parking lot at Lithia and Pioneer includes 64 public parking spaces and easement access from an adjacent private lot which will ultimately serve 56 surface and 33 garage spaces. Unlike other properties adjacent to public parking in Ashland, the property under consideration here is separated by a six-foot residential side yard rather than a public right-of-way (alley or street) or a larger rear yard. Recent parking surveys indicate 100 percent occupancy in the public parking lot at Lithia and Pioneer in the afternoon as well as in the later evening.

When a similar zone change was considered in 1992, the Council felt that traffic increases since the parking lot was built were insufficient to merit a change and that the R-2 zoning provided an important buffer between the downtown and the historic Railroad

District while retaining adequate options for some commercial use for the property owner. In staff's view, this decision merits reconsideration at this time given the intensification of surrounding uses which has occurred in the interim. The existing six-foot residential side yard setback provides a minimal buffer between the intensity of the parking demand created upon the public lot by nearby C-1 and C-1-D uses and the existing historic contributing resource on the subject property.

Staff believes it is reasonable that the zoning of the neighboring property at 162 North Pioneer Street should also be looked with the current request. While zoned R-2, the property has had a small retail component on the ground floor consistent with the allowances of AMC 18.2.3.210 and in 2014 was approved for a single Traveler's Accommodation unit to be operated out of the upstairs space, with the property owner/manager to reside in the remaining downstairs space. The subject property and this neighboring property share a common driveway which straddles the property line between them, and in staff's view, given the presence of the shared driveway and the nature of the uses already in place, it seems appropriate that any zone change should consider the inclusion of this property as well. In preliminary conversations with the property owner's family, they have suggested that they would be interested in being included as part of the proposed zone change.

The R-2 zone is designed for urban living at densities of 13 residential units and greater and intended to meet the city's need for rental and purchase housing. A variety of mixed-uses are allowed in the R-2 zone including limited retail and office, as well as travelers' accommodations when these commercial uses are shown to be appropriate and to enhance the neighborhood character. However in staff's judgement, changes in the immediate area have occurred over the past two decades that support an assessment of the property's zoning designation. As noted in this report, impacts brought about by construction of the public parking lot and adaptive re-use and redevelopment in the vicinity presents challenges to residential living on the property, especially given the close proximity of the structure to the adjoining parking lot. The C-1 designation allows for residential uses but does not require residential units. A change in the zoning of the subject properties would allow greater flexibility for the use of the property when considering the context of the surrounding area.

In contrast, Ashland's Historic Commission has raised concerns similar those identified in the 1992 decision to deny a change in zoning. The property line separating the subject property from the public parking also represents the boundary separating two of Ashland's nationally recognized historic districts, the Downtown District and Railroad District. The Historic Commission has noted that a change in zoning represents a step toward the gradual encroachment of commercial zoning into the historic residential neighborhood. This could result in additional pressure to redevelopment the property, leading to the initiation of changes to the structure and/or possible demolition. The Historic Commission believes that the concerns raised by the property owner of 150 N. Pioneer would be better addressed through mitigation, rather than a change in the underlying zoning designation from R-2 to C-1.

In 1992, the Planning Commission and City Council found that the current R-2 zoning allowed for a variety uses while ensuring appropriate oversight and transition into the

railroad district. The decision before the Planning Commission involves determining if conditions brought about by changes in the area over the past 24 years have impacted the subject property such that greater flexibility in use is justified through a change from Multi-Family to Commercial zoning.

ASHLAND HISTORIC COMMISSION

Planning Application Review

August 3, 2016

PLANNING ACTION #: 2016-00309

SUBJECT PROPERTY: 150 N. Pioneer St.

PROPERTY OWNERS: Stan Potocki

APPLICANT: City of Ashland

DESCRIPTION: A request for a Comprehensive Plan Map Amendment and Zone Change for the properties located at 150 and 162 North Pioneer Street. The current Comprehensive Plan Map designation is Low Density Multi-Family Residential and the Zoning is R-2. With the current request, the Comprehensive Plan Map designation would be changed to Commercial and the Zoning to C-1.

COMPREHENSIVE PLAN DESIGNATION: Existing: Low Density Multi-Family Residential, **Proposed:** Commercial; **ZONING: Existing:** R-2, **Proposed:** C-1; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOT #:** 11800

Recommendation:

By a unanimous vote, the Historic Commission recommends that the City Council not change the zoning designation for the property. The Commission noted the following concerns as the basis for their recommendation:

- The request represents a step toward a gradual encroachment of the “commercial” zoning district into the Historic Railroad District;
- This gradual encroachment will negatively impact the livability of the historic residential district to the north, as well as the residential properties in the immediate vicinity;
- The change from Multi-Family Residential to Commercial zoning will increase the value of the property (150 N. Pioneer), which will result in putting pressure to redevelop the property;
- Redevelopment of the property will likely result in changes to the existing historic, “contributing” residential building, and/or may lead to a future proposal to remove or demolish the structure; and
- Concerns over impacts related to 150 N. Pioneer’s proximity to the city public parking lot could best be addressed through mitigation, such as better fencing and landscaping, rather than a change in zoning. A change in the zoning designation will not resolve the impacts noted by the property owner.



Approved 12-1-92

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)	
(MULTI-FAMILY) TO C-1 (COMMERCIAL) FOR THE PROPERTY)	FINDINGS,
LOCATED AT 150 N. PIONEER STREET.)	CONCLUSIONS
)	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

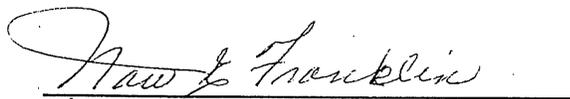
3.1 Based on the record of the Public Hearings on this matter, the Ashland City Council concludes that the proposed Zone Change and Comprehensive Plan Map change from R-2 (Multi-Family) to C-1 (Commercial) for the property located at 150 N. Pioneer is not supported by information in the record.

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



Mayor

12-12-92
Date



City Recorder

12-10-92
Date

**CITY OF ASHLAND – DOWNTOWN PARKING MANAGEMENT PLAN
OFF-STREET UTILIZATION RAW DATA SUMMARY**

Figure A
Surveyed Lots with Stall Totals



Downtown Ashland Parking Study
Ashland, Oregon

 Study area boundary

2015

 Ashland Off-Street Lots

XX - Lot Number

(xx) - Parking Stall Total

				11:00 PM – 12:00 AM	
23	Best Western (Garage)	10	Friday, August 21	100.0% 10:00 – 11:00 AM	0
			Saturday, August 22	100.0% 3:00 – 4:00 PM 6:00 – 8:00 PM 11:00 PM – 12:00 AM	0
24	City of Ashland Public Parking ³	26	Friday, August 21	100.0% 5:00 – 8:00 PM 9:00 – 10:00 PM	0
			Saturday, August 22	100.0% 10:00 AM – 4:00 PM 5:00 – 10:00 PM	0
25	City of Ashland Public Parking ⁴	21	Friday, August 21	100.0% 10:00 – 11:00 AM	0
			Saturday, August 22	100.0% 2:00 – 4:00 PM 6:00 – 10:00 PM	0
26	City of Ashland Public Parking (4 hour parking) ⁵	64	Friday, August 21	100.0% 1:00 – 2:00 PM	0
			Saturday, August 22	100.0% 8:00 – 9:00 PM	0
27	Plaza West at First Place (Private parking)	26	Friday, August 21	23.1% 1:00 – 4:00 PM	20
			Saturday, August 22	23.1% 2:00 – 5:00 PM	20
28	US Post Office	35	Friday, August 21	80.0% 7:00 – 8:00 PM	7
			Saturday, August 22	74.3% 9:00 – 10:00 PM	9
29	Ashland Physical Therapy	6	Friday, August 21	100.0% 4:00 – 5:00 PM	0
			Saturday, August 22	50.0% 3:00 – 4:00 PM	3
30	Christian Church of Ashland	24	Friday, August 21	75.0% 12:00 – 1:00 PM	6
			Saturday, August 22	91.2% 3:00 – 4:00 PM	2
31	Ashland Professional Center (Mixed Office)	19	Friday, August 21	42.1% 10:00 AM – 1:00 PM 2:00 – 3:00 PM 4:00 – 5:00 PM	11
			Saturday, August 22	15.8% 1:00 – 4:00 PM	16
32	Fire Department/ Customer Parking	16	Friday, August 21	81.3%	3

³ On Friday, seven of the other hours surveyed, occupancy was at 96.2%, which means only one stall was unoccupied. This unoccupied stall is handicapped parking only. On Saturday, it occurs on one hour but with the same handicapped stall.

⁴ On Friday, nine of the other hours surveyed, occupancy was at 95.2%, which means only one stall was unoccupied. This unoccupied stall is handicapped parking only. On Saturday, it occurs over six other hours with the same handicapped stall.

⁵ On Friday, four of the other hours surveyed, occupancy was at 96.9%, which means only two stalls were unoccupied. These two stalls are Electronic Vehicle parking stations.

Table 1
Inventory of Surveyed Lots

Lot	Facility	Stalls	Address
1	Ashland Christian Fellowship	105	50 W Hersey St
2	Ashland Investment Services/ Well Spring Centre	43	108 E Hersey St
3	KSC Sanctuary	40	109 Clear Creek Dr
4	Delgado Medical Building	18	148 E Hersey St
5	Clear Creek Healing Arts/ Raymond James Financial Services	19	153 Clear Creek Dr
6	Mederi Centre For Natural Healing	34	180 Clear Creek Dr
7	Darex Corporation	75	210 E Hersey St
8	Darex Corporation (Gravel Lot)	60	210 E Hersey St (South of Paved Lot)
9	Hersey Street Business Park	165	300 E Hersey St
10	Fifth Street Dental Office	7	277 5th St
11	Ashland Yoga Center	13	485 4th St
12	Grange Co-op: Ashland	25	421 A St
13	La Baguette/ Hardware Café/ Rare Earth Store	39	340 A St
14	ACE Hardware	35	325 A St
15	A Street Prints and Parcel	10	258 A St
16	Ashland General Hardware	8	249 A St
17	Plexis Healthcare	44	340 Oak St
18	UMPQUA Bank	57	250 N Pioneer St
19	Snap Fitness/ Tot Restaurant/ Pet Pause	43	250 Oak St
20	Historic Ashland Armory Annex	23	208 Oak St
21	Plaza Inn and Suites at Ashland Creek	65	98 Central Ave
22	Best Western (Bard's Inn)	28	132 N Main St
23	Best Western (Garage)	10	Lithia Way and Helman St
24	City of Ashland Public Parking	26	31 Water St (West)
25	City of Ashland Public Parking	21	31 Water St (East)
26	City of Ashland Public Parking (4 hours)	64	150 N Pioneer St
27	Plaza West at First Place (Private)	26	175 Lithia Way
28	US Post Office	35	120 N 1st St

CITY OF ASHLAND

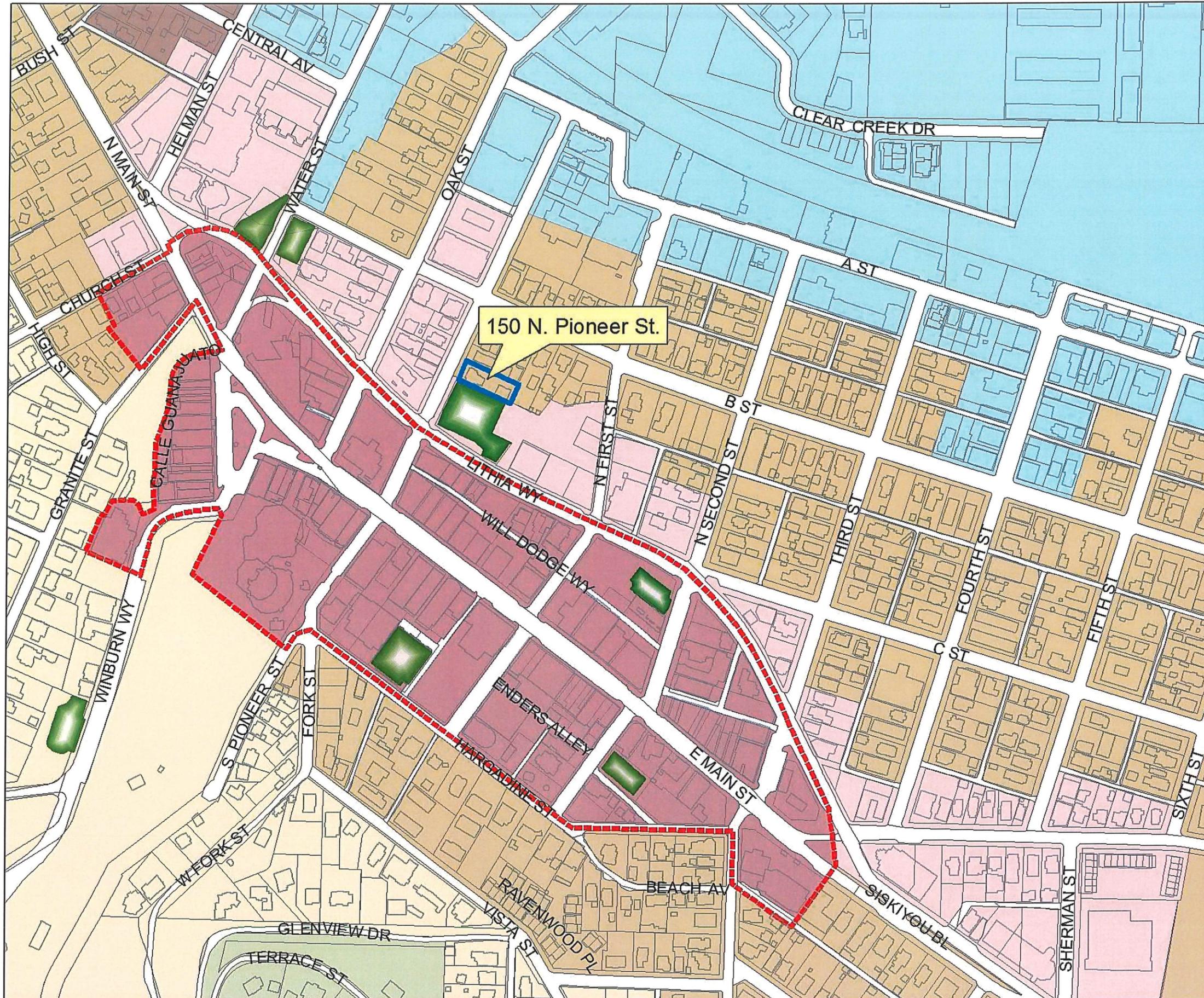
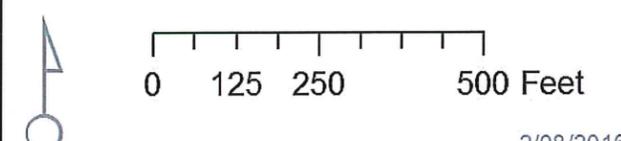
Staff Exhibit

 Public Parking Lots

 C-1-D

ZONING

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



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

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

FROM:

John Stromberg, Mayor, john@council.or.us

SUMMARY

The Mayor has requested Council initiation of a zone change for the property located at 150 North Pioneer, immediately adjacent to the city public parking lot. If initiated by Council, Community Development staff would prepare the land use application and an analysis of the request. A public hearing would be scheduled before the Planning Commission with their recommendation forwarded to Council at a public hearing 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 at approximately 145 spaces. The property 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 that, in his opinion, result from the close proximity of his property to the parking lot, including noise, garbage, drug paraphernalia and human waste.

Area Zoning

The property 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 limited in size. Site development is restricted to a maximum building height of 35-feet and 2 ½ stories, with a maximum lot coverage of 35 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 properties across Pioneer Street are also zoned C-1, accommodating a handful of businesses including 76 service station and auto repair, Ruby's restaurant, Gil's micro-taps brews and food, and the Delauney House.

Previous Land Use Approvals – 150 N. Pioneer Street

For several years, the property owner of 150 Pioneer, Stan Potocki, has expressed concern and described in writing impacts to his property associated with its proximity to the city's public parking lot and more intense surrounding commercial uses.

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 the zoning designation for a property 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 status as well as situation surrounding his property at 150 N. Pioneer Street has changed considerably, and the new conditions resulting from the 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:

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.



SUGGESTED MOTION:

[Write out the motion we propose to have the Council make. This should be written so a Councilor can make his/her motion by simply reading this section aloud. If the item is for discussion only, write "N/A." If there is no staff recommendation, you can provide multiple suggested motions.]

ATTACHMENTS:

- Map of downtown and surround area zoning designations
- Map of existing public parking facilities
- Letter from Stan Potocki – 150 North Pioneer Street



City of Ashland
Attn: Dave Kanner, 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,

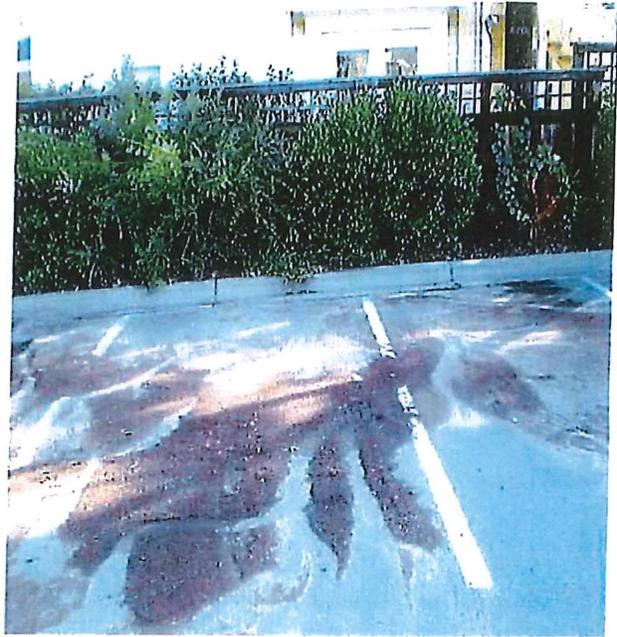


Stan Potocki
(541-482-8888 or 541-890-4339)

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; Pam Marsh, pam@council.ashland.or.us; Michael Morris, mike@council.ashland.or.us; Rich Rosenthal, rich@council.ashland.or.us; Carol Voisin, carol@council.ashland.or.us; Stefani Seffinger, stefani@council.ashland.or.us
City of Ashland Mayor: John Stromberg, john@council.ashland.or.us;

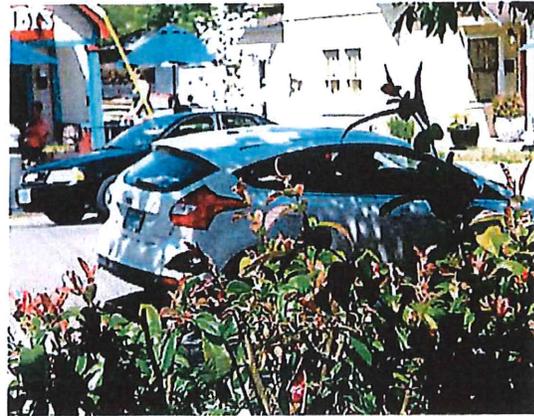
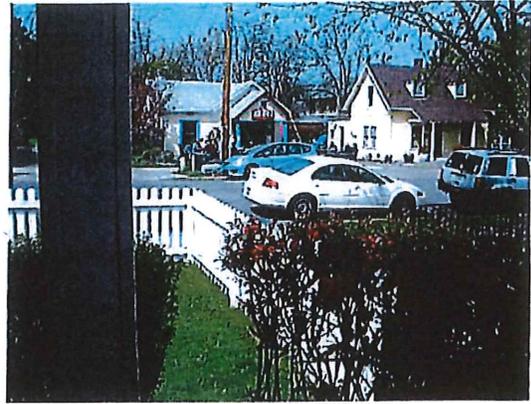
sp\$city of Ashland 090815

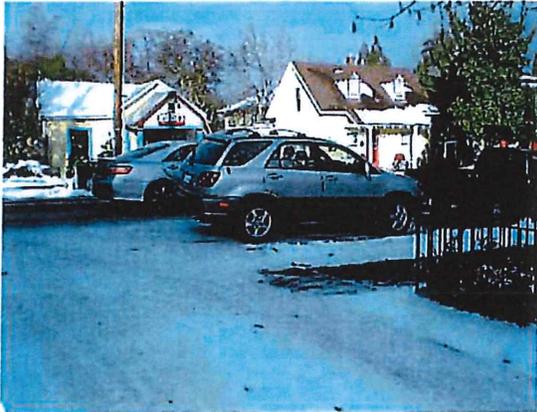












GLACIER HEATING AND AIR
 3245 HANLEY ROAD
 CENTRAL POINT, OR 97502-1472
 (541) 734-4489 Fax (541) 664-7999

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	
STREET 150 N. PIONEER ST	DATE
CITY ASHLAND OR 97520	PROMISED
PHONE 541-482-8888	CALL BEFORE <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
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		
TOTAL MATERIALS			

DESCRIPTION OF WORK PERFORMED

REPLACE TWO 10" FLEX DUCT WORK IN CHAWL SPACE THAT WERE WATER DAMAGED FROM RECENT FLOODING.

TOTAL \$ 627.00

Pd ck # 1091
 8/11/15

Ray Lewis

HRS.	LABOR	RATE	AMOUNT
TOTAL LABOR			

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

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.

CUSTOMER SIGNATURE: *Stan Potocki* DATE: 8/11/15

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	
<input type="checkbox"/> REGULAR	<input type="checkbox"/> WARRANTY	TOTAL MATERIALS	
<input type="checkbox"/> SERVICE CONTRACT		TOTAL LABOR	
Thank You		TAX	
		TOTAL	\$ 627.00

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	
Total			\$275.95	
Payments/Credits			\$0.00	
Balance Due			\$275.95	



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

Subtotal 1,370.00
 Total 1,370.00
 Amount Paid 0.00
 Estimate \$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.

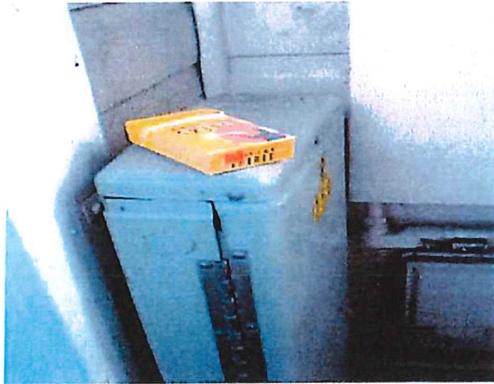
08:59:33 *CLEAR 515 Dispo:NR

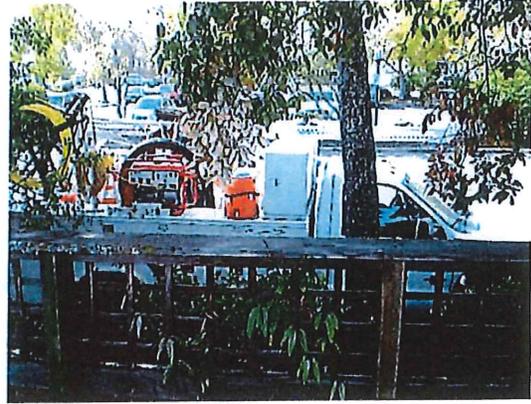
08:59:33 -CLEAR

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
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City of Ashland, Dave Kanner, dave.kanner@ashland.or.us
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Encl: Photos