



Advocating for a liveable and sustainable  
Rogue Valley through responsible land use.

March 20, 2021

TO: Ashland Planning Commission  
RE: MARCH 23 AGENDA - TYPE II PUBLIC HEARING – PA-T2-2020-00025 – IPCO Development

Sent via email

Dear Commissioners:

This Type II application was denied by the Planning Commission on February 23<sup>rd</sup>. Your reconsideration of this denial is allowed by code under 18.5.1.060(H) as follows:

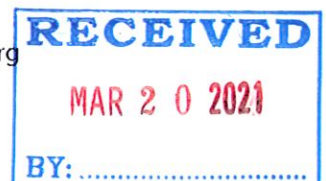
***H. Reconsideration.** Reconsideration requests are limited to errors identified below and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision. The Staff Advisor may reconsider a Type II decision as set forth below.*

1. *The Staff Advisor on his/her own motion, or any party entitled to notice of the planning action may request reconsideration of the action after the Planning Commission final decision has been made by providing evidence to the Staff Advisor addressing one or more of the following.*
  - a. *New evidence material to the decision exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open.*
  - b. *A factual error occurred through no fault of the requesting party which is relevant to an approval criterion and material to the decision.*
  - c. *A procedural error occurred, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and remanding the matter will correct the error.*
2. *Reconsideration requests shall be received within seven days of mailing the notice of decision. The Staff Advisor shall promptly decide whether to reconsider the matter.*
3. *If the Staff Advisor is satisfied that an error occurred as identified above and is crucial to the decision, the Staff Advisor shall schedule reconsideration with notice to parties before the Planning Commission. Reconsideration shall be scheduled before the Commission at the next regularly scheduled meeting. Reconsideration shall be limited to the portion of the decision affected by the alleged errors identified in subsection 18.5.1.060.H.1, above.*

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Reconsideration requests are limited to errors identified under (H)(1)(a-c) above. No such errors have been identified by Staff. There are no factual or procedural errors in the February 23<sup>rd</sup> decision as outlined under (H)(1)(b-c). And the new evidence submitted by the Applicant here was unavailable for your February 23<sup>rd</sup> decision only because the Applicant did not want to provide it, preferring instead to ask for an unwarranted exception.

Staff has not presented evidence that a reconsideration request was received within seven days of mailing the notice of decision as required under (H)(2). A notice of decision has not even been mailed. This item has been scheduled for a special meeting of the Planning Commission, not a regularly scheduled one, as required under (H)(3). And (H)(3)'s requirement that *"reconsideration shall be limited to the portion of the decision affected by the alleged errors"* has also not been met as you are being asked to effectively consider a new application with a re-opened public hearing - with approval findings by Staff already prepared!

Applicant ran their exception up the flagpole without any legitimate basis for doing so and you rightfully denied it. Now they're back with a 'just kidding, we didn't really mean it' and our publicly financed developer-lapdogs, aka "Staff" – while ignoring the code - presumptuously pass you the rubber stamp? After the Grand Terrace Annexation debacle, does Ashland really need another embarrassing example of incompetence and deceit wrapped up in the euphemism of "planning?"

The public has done quite enough for IPCO Development. We built their road for them, at tremendous expense. Pushed from behind the scenes by the intrepid Dave Lohman and his trusty sidekick Scott Fleury, this road was funded by a federal grant intended to address a serious public safety issue. It was supposed to be an alternative route when left in/out movements were prohibited at the Washington/Hwy 66 intersection as a condition of the reconstruction of Exit 14. But instead of doing the safety improvements, the City took the money and used it to subsidize IPCO and other developers.

It's not enough that all manner of obfuscation and back-room dealing has been exerted to build a fraudulent multi-million dollar street for IPCO. It's not enough that serious safety issues – the basis for the federal funding used to build this street – are being completely ignored. Now we're supposed to give IPCO an illegal do-over on their development application?

You denied this application. None of the criteria required to be met prior to your reconsideration have been addressed. Your reconsideration of this application as outlined by Staff is illegal. Please do the correct and legal thing and direct Staff to prepare findings supporting your denial of this application as required by our code. Applicant's "reconsideration" requires either an appeal to the City Council or a new submittal.

Sincerely,



Craig Anderson  
Land Use Program Manager  
Rogue Advocates

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