



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 13, 2006



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 008-02

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 26, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Amy Anderson, City of Ashland

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FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

JUL 07 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Ashland

Local File No.:

2002ANB
(If no number, use none)

Date of Adoption: Sept. 16, 2003
(Must be filled in)

Date Mailed:

July 5, 2006
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Oct. 28, 2002

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached=

Proposed clarification of existing maximum square footage
in Detail Site Review Zone

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.= If you did not give notice for the proposed amendment, write AN/A.=

Same

Plan Map Changed from: NA to _____

Zone Map Changed from: NA to _____

Location: NA

Acres Involved: NA

Specify Density: Previous: NA

New: _____

Applicable Statewide Planning Goals: 1, 2, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 008-02(12464)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

N/A

Local Contact: Amy Anderson Area Code + Phone Number: (541) 552-2044

Address: 20 E. Main St. City: Ashland

Zip Code+4: 97520 Email Address: andersona@ashland.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

[/ City Recorder / Documents / Ordinances / 2900 Big Box](#)

2900 Big Box

ORDINANCE NO. 2900

AN ORDINANCE AMENDING CHAPTER 18.72 OF THE ASHLAND MUNICIPAL CODE - LAND USE ORDINANCE, AMENDING THE DETAIL SITE REVIEW ZONE STANDARDS FOR LARGE BUILDINGS, AND AMENDING SECTION II-C-3a)2) OF THE SITE DESIGN AND USE STANDARDS .

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

SECTION 1. Section 18.72.050.C. of the Ashland Land Use Ordinance is replaced in its entirety as follows:

18.72.050.C.

1. Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform with the following standards:

a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.

b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception:

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

d. Buildings shall not exceed a combined contiguous building length of 300 feet.

2. Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft., including roof top parking, with the following exception:

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

SECTION 2. Section II-C-3a)2) of the Site Design and Use Standards is replaced in its entirety as follows:

Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform with the following standards:

a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.

b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

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Automobile parking areas located within the building footprint and in the basement shall not count toward the

total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

d. Buildings shall not exceed a combined contiguous building length of 300 feet.

Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft., including roof top parking, with the following exception:

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

SECTION 3. Section II-C-1a) of the Site Design and Use Standards is amended to read as follows:

1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Public sidewalks shall be provided adjacent to a public street along the street frontage. Buildings shall be located as close to the intersection corner as practicable.

2) Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings. Automobile circulation or parking shall not be allowed between the building and the right-of-way. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.

3) These requirements may be modified if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.

SECTION 4. Section II-C-2b)2 of the Site Design and Use Standards is amended to read as follows:

2) A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65% of the aggregate building frontage shall be within 20 feet of the sidewalk.

The foregoing ordinance was first read on the 2 day of September, 2003, and duly PASSED and ADOPTED this 16 day of September, 2003.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 23 day of September, 2003.

Alan W. DeBoer, Mayor

Reviewed as to form:

Paul Nolte, City Attorney

End of Document - [Back to Top](#)

Council Communication

TITLE: Study Session – Discussion of Big Box Ordinance Amendments
DEPT: Department of Community Development
Planning Division
DATE: May 7, 2003
SUBMITTED BY: John McLaughlin, Director of Community Development
APPROVED BY: Gino Grimaldi, City Administrator



Synopsis:

In 1992, the City adopted new Commercial Development Standards including specific limitations on the size of the buildings in the Detail Site Review zone. A limitation of 45,000 sq. ft. was imposed. These standards were developed through an intense and highly publicized public process.

In 2000, the City Council approved an application by the Oregon Shakespeare Festival that ended up interpreting the 45,000 sq. ft. limit of the ordinance as applying only to the footprint of a structure, and not to the gross floor area square footage.

After that decision, the City Council directed staff to modify the ordinance language to clearly reflect their interpretation.

A hearing was held in front of the Planning Commission on August 14, 2001 at which time revised language was presented regarding the 45,000 sq. ft. footprint, that the measurements were made inside the exterior walls, and that the size limitations did not apply to the Downtown Design Standards overlay zone. The Planning Commission recommended adoption of the changes, based on the direction from the City Council.

On September 4, 2001, a hearing was held in front of the City Council where the proposed changes as recommended by the Planning Commission were presented. The Council, after taking public testimony, determined that additional review and public comment was necessary.

After difficulty in finding a suitable date for a study session, one was finally scheduled for June 25, 2002. At that meeting, the Council directed staff to prepare ordinance amendments addressing the following items:

1. Clarification as to how to measure the 45,000 sq. ft. limit referenced by the ordinance.
2. How to clarify the definition of a contiguous building.
3. How the ordinance amendments would be applied and impact the downtown commercial area.



Another study session was held with Planning Commission on **August 27, 2002** at which time proposed ordinance amendments were presented. An option for larger buildings if affordable housing was provided was also included. These amendments were generally well received, with recommendations to clarify some of the language.

A final study session was held on **September 24, 2002** to bring back the final versions of the ordinance based on the input from the August meeting.

A public hearing was scheduled with the Planning Commission for review of the ordinance amendments on **January 14, 2003**. However, due to a full agenda, the item was continued to the **February 11, 2003** meeting.

At the February meeting, the Planning Commission took testimony on the proposed amendments and ended up recommending that no amendments to the ordinance be adopted. Further, they recommended that the Council change their interpretation regarding the 45,000 sq. ft. limit from applying to footprint. Rather, they recommended that the Council re-interpret the ordinance such that the 45,000 sq. ft. applies to the gross floor area of the entire structure. (Minutes of 2/11 meeting attached)

Discussion:

The Planning Commission's recommendation provides direction for how the 45,000 sq. ft. limit should be applied. However, it fails to address the other issues requested by the Council. Specifically, issues related to contiguous buildings remains unclear, and how the size limits relate to downtown. Further, other issues related to site design associated with the detail site review zone also came up during this process and were not addressed as well.

Staff is looking for direction from the City Council as to how best to address the initial issues raised by the Council, while also bringing forward the recommendation of the Planning Commission regarding the 45,000 sq. ft. limit.

Recommendation:

While Staff is looking for direction, we believe that from the past meetings and discussions, we can provide some recommendations:

The ordinance still needs to be modified to clarify existing language. Merely interpreting the ordinance as requested by the Planning Commission is only part of the answer.

It appears that the proposal for buildings larger than 45,000 sq. ft. if affordable housing was provided was not necessarily well received by the public or the commission. Therefore, we recommend that the conditional use process proposed to allow buildings up to 75,000 sq. ft. be scrapped.

However, without changes to the ordinance, confusion regarding application of the ordinance is still likely. Given that the Commission recommended that the limit be 45,000 sq. ft of gross floor area, we believe the ordinance should be specifically modified to clarify that limit.

We would recommend the following language addressing contiguous buildings, and the downtown design standards overlay zone:



18.72.050.C. (proposed replacement for existing section)

1. Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform with the following standards:

- a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
- b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls.
- c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space and outdoor retail and storage areas, with the following exception:

Automobile parking areas located within the building footprint, such as rooftop parking and under-structure parking, shall not count toward the total gross floor area.

- d. Buildings shall not exceed a combined contiguous building length of 300 feet.
- e. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. The building footprint area, gross floor area, or combined contiguous building length as set forth in this section shall not be subject to any variance authorized in the Land Use Ordinance.

2. Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft., with the following exceptions:

- a. Gross floor area associated with non-ground level residential uses shall not count toward the total gross floor area.
- b. Automobile parking areas located within the building footprint, such as rooftop parking and under-structure parking, shall not count toward the total gross floor area.

These changes address the specific concerns raised by the Council, plus also address the issues raised by the Planning Commission regarding setting the maximum building size at 45,000 sq. ft. of gross floor area.

In addition, the following site design standards regarding Orientation and Scale are recommended as well:

Section II-C-1a) Orientation and Scale

1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. **Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.** Public sidewalks shall be provided adjacent to a public street along the street frontage. **Buildings shall be located as close to the intersection corner as practicable.**

2) **Building entrances shall be located within 10 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings.** ~~Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior.~~ This entrance shall be designed to be **clearly visible**, attractive and functional, and shall be open to the public during all business hours.

II-C-2b) Streetscape

2) A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. **This standard shall apply to both street frontages on corner lots.** If more than one structure is proposed for a site, at least ~~25%~~ **65%** of the aggregate building frontage shall be within 20 feet of the sidewalk.



These modifications are intended to ensure that new buildings on corner lots are oriented towards the street on both frontages, and that an entrance is oriented to the major street or to the intersection..

Conclusion: The proposed amendments specifically addresses the maximum size of buildings (45,000 sq. ft. of gross floor area), addresses the provision of housing in the downtown, and underground or rooftop parking. Specifically, if the 45,000 sq. ft. standard is applied without consideration of housing, there will be no opportunity for an additional level of housing on the existing parking structure downtown. This should be carefully considered by the Council.

Some discussion has been raised about reducing the maximum size (45,000 sq. ft.), especially in the downtown. Given the existing development patterns, currently adopted design standards, we believe that the downtown is adequately covered by regulations. Further, no variances are allowed for any structures larger than 45,000 sq. ft. If a smaller size is considered, there will likely be instances where a larger building is warranted. The most recent example outside of the downtown was the YMCA expansion.

Staff looks forward to the Council's comments.



**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 11, 2003
MINUTES

CALL TO ORDER

The meeting was called to order by Chair Russ Chapman at 7:05 p.m. Other Commissioners present were Mike Morris, Marilyn Briggs, Ray Kistler, Kerry KenCairn, John Fields, Colin Swales, and newly appointed Commissioner Cameron Hanson. Dave Dotterrer was absent. Staff present were John McLaughlin, Bill Molnar, Maria Harris, Brandon Goldman, and Sue Yates.

APPROVAL OF MINUTES AND FINDINGS

Swales moved to approve the Planning Commission minutes of the January 14, 2003 meeting. Briggs seconded the motion and the minutes were approved.

Planning Action 2002-062 Findings - 631 Clay Street - Kistler moved to approve, the motion was seconded and the Findings were approved.

Planning Action 2002-153 Findings - 648 North Main Street - KenCairn moved to approve, the motion was seconded and the Findings were approved.

PUBLIC FORUM - Non one came forth to speak.

TYPE III PLANNING ACTIONS

PLANNING ACTION 2002-134

REQUEST FOR AN ORDINANCE AMENDMENT CHAPTER 18.72 OF THE ASHLAND MUNICIPAL CODE (LAND USE ORDINANCE) AND THE CITY OF ASHLAND SITE DESIGN AND USE STANDARDS RELATING TO MAXIMUM BUILDING FOOTPRINT, MAXIMUM GROSS FLOOR AREA AND BUILDING ORIENTATION AND SCALE REQUIREMENTS.
APPLICANT: CITY OF ASHLAND

STAFF REPORT

McLaughlin said this ordinance (big box ordinance) was originally developed in 1992. It began with citizens' concerns that new developments could occur in Ashland that would not be in scale with the community. Specifically, Wal-Mart and factory outlet stores were looking at expanding into the Rogue Valley. Prior to 1992, there were no maximum building size limits. The Mayor appointed a committee that did an extensive amount of work and came up with a balanced approach allowing for larger buildings but not excessively large buildings in the community.

The ordinance has worked well since 1992. However, the City Council directed Staff to prepare amendments to the ordinance after their decision on the new Shakespeare theater. The Council asked Staff to clarify how to measure 45,000 square feet and clear up any ambiguity. Secondly, clarify the meaning of contiguous buildings, and thirdly, clarify how the ordinance would apply in the downtown.

The Council's current interpretation for the maximum area is to apply it to the footprint of the building, not the total floor area. The language does not say interior floor space. In the case of the Shakespeare space, the 45,000 square foot limit only applied to the footprint. With that interpretation, someone could build a 45,000 square foot building on the first floor and also build a second story.

Contained within the Site Design and Use Standards are Large Scale Development Standards. Large scale development is anything with a gross floor area in excess of 10,000 square feet, building frontage in excess of 100 feet in length and developed within the Detailed Site Review Zone. McLaughlin showed several slides showing examples of various building sizes. He noted, for example, that the Plaza block consists of contiguous groups of buildings, each structurally separate. The ground floor area of the Plaza block is 37,000 square feet and the total floor area is 70,000 square feet. Do we want to separate buildings in the downtown when the historic pattern is a connected type of look? The new Shakespeare theater is over 12,000 square feet on the ground floor and the parking structure next door is 15,000 square feet separated by a walkway. The Council found these are two separate buildings.

The proposed amendments addressing contiguous buildings outside the downtown would read: Buildings sharing a common wall or having walls touching, at or above grade, shall be considered as one building. With regard to size limits, the language would read that the footprint won't exceed 45,000 square feet. All interior floor space and outdoor retail and storage areas that are linked to the use of the building shall not exceed 45,000 square feet. Non-ground level residential does not count so apartments above would be allowed. Auto parking, either rooftop or underneath the footprint of the building would not count toward total square footage.

Staff is trying to look at innovative ways that may address affordable housing and a provision has been made in the proposed amendment. Another 30,000 square feet could be added, but for each 1500 square feet beyond the base 45,000 square feet, an affordable housing unit would have to be provided on-site. The maximum footprint size still applies. If someone wanted to build a 75,000 square foot building, they would have to provide 20 affordable housing units on-site.

An additional amendment concerns orientation of the entrance on a corner lot. The entrance would be toward the higher order street or to the corner. Entrances shall be located close to the street. Buildings shall orient close to both streets (frame the street with the structure). Multiple building sites shall have the majority of the building frontage up on the street.

McLaughlin said the Commission can recommend approval of the amendments, modify the amendments, recommend denial of the amendments, or modify the process to allow a wider scope.

PUBLIC TESTIMONY

MORT SMITH, 129 Fifth Street, wondered if the Commission has figured out how to keep affordable housing affordable. He believes the affordable housing should be kept separate from large scale development. What advantage is it to Ashland to have 45,000 square foot buildings? He is concerned the larger buildings would change the character of the community. He is concerned about "contiguous" buildings. It sounds like you could have a very large building and as long as there is a walkway between it, there could end up being a 90,000 square foot building.

McLaughlin clarified that outside the downtown, buildings have to be separated based on the height of the structure.

FRED CARUSO, 102 Garfield, #15, believes quality is more important than quantity. He does not see a need for a 45,000 square foot building, however, in a particular situation if it is necessary and important for the health of the community, perhaps it is something we should have. He favors affordable housing. However, would the proposed housing option mean that we are going to start putting housing in between taverns? He believes each neighborhood should be looked at individually.

SUSAN MARSDEN, 1617 Parker Street, said there is another Ashland--out Ashland Street with the mall, the cinema and Albertson's. To shift this so buildings as big as 75,000 square feet can be built out there, we are creating "the burbs". The buildings now are built in the context of neighborhood housing and buildings of smaller scale. She doesn't want to ruin the balance. She believes that 45,000 square feet should be the limit. She appreciates that creative ways being looked at for affordable housing, but sees this as a separate issue. It is dangerous to use affordable housing as a wedge issue to create buildings as large as 75,000 square feet.

BRYAN HOLLEY, 324 Liberty Street, said he recommended thinking outside the box and taking this to a wider group through outreach and education.

MARY-KAY MICHELSEN, 2810 Diane Street, believes 45,000 square feet is excessive and out of scale with the community. She likes the clarification of Section I B. She is assuming Section I C 2 is consistent with the rest of the City. In Section I C 3, the 75,000 square feet is much too large for a small town. Low cost housing is unrelated to this ordinance. She said removing Section I C 3 would negate the necessity for Section I C 4.

ERIC NAVICKAS, 711 Faith Avenue, asked how far Staff is taking this away from the initial request from the Council. If Shakespeare were to go forward with another project, it could still be appealed under this ordinance. The proposed amendment is not addressing the issues that began these changes. This exemption makes the ordinance completely ambiguous. It states under the first exemption that gross floor area associated with on-ground level residential uses do not count toward the total gross floor area. We are already saying a building can be 75,000 square but residential above the ground floor doesn't count towards that anyway so that could be extended indefinitely with no limit. The second exemption relating to automobile parking means a parking garage could become indefinitely large. The affordable housing exemption seems to be an after-thought. The changes are completely unnecessary. The ordinance originally was perfectly clear, strictly limiting a gross

square footage of 45,000 square feet. He believes the 45,000 square foot limit should be reduced in the downtown. If anything, we need to send the Council a decision that the original ordinance is well-written.

Chapman noted that outside the downtown there are parking requirements and height requirements.

Swales said the only areas we are discussing are the areas of high visibility.

McLaughlin said there are some areas that are excluded.

Chapman read a letter from Stan Druben, 125 Brooks Lane.

BILL STREET, 180 Mead Street, said the Council made the interpretation that would allow a 45,000 square foot footprint plus a second floor of 45,000 square feet, plus a third floor of 45,000 square feet in the downtown. That would be a total of 135,000 square feet in the downtown. Everyone here tonight agrees that is too big. Street said it confuses the matter when the Plaza is talked about as one building. People are not drawn to that area thinking it is one building. They see lots of little buildings with very short fronts. That is much different than the 300 foot limit.

Street referred to the Addendum I Staff Report, page 1, stating 300 feet is the length limit. That is 100 yards. How could that be a limit? It sounds more like an invitation to a builder. He asked the Commissioners to reconsider that limit. With reference to page 3, #4 (no building should exceed 75,000 square feet), most people feel that is too big. Outside the downtown, you can have a 75,000 square foot building consisting of commercial space and then you could add up to four stories with a 45,000 square foot footprint with residential units. This would be 180,000 square feet.

Street believes we need to modify this process and open it up wider. The numbers are incredibly large for this town. There is some urgency. By the Council's interpretation, we are allowing 135,000 square feet. What does the Commission want this town to look like in 20 to 40 years? He proposed 150 foot length for downtown and a total maximum gross floor area of 30,000 square feet and a 10,000 square foot footprint. The Elks building has a 7,000 square foot footprint.

Chapman read an e-mail from WENDY EPPINGER

CHUCK LAURENSEN, 607 Forest Street, thought we needed to spend more time talking about the way we think about our community values. A key value he hears people talking about is aesthetic value.

COMMISSIONERS' DISCUSSION AND MOTION

Swales said following closely on the heels of this proposed amendment is the proposed changes to the floor-area-ratio (FAR). The floor area of the building cannot be more than half the square footage it sits on. The proposal would be to eliminate that. He feels the FAR ratio should be part of the discussion, not separate. Swales is also concerned that the public was involved in two charrettes, the downtown design charrette and the railroad property charrette. We've had the draft plans but they have never been discussed. Both of these plans included large pieces of property that could potentially be developed. It seems all of these issues need to be brought in when discussing the "big box".

Fields said he was involved in the original push to get the first ordinance passed. It took many hours of committee meetings with the committee taking a lot of input and a lot of discussion and then ending up with 45,000 square feet. He sees how this is a much larger scale than there is today. He sees the parking structure and the theater as two separate structures. The actual size of the tax lot and its coverage determines the pattern. He noted that at one time, the block from First to Second Streets was all interconnected. It used to be a mall. We try to create an ordinance that captures all our concerns and the community may want something that won't fit and it has to be denied because the ordinance won't allow it or a loophole is found and something is built that no one likes. Fields said the thought is that maybe we can use commercial and large scale development to leverage us into affordability. It is an urban affordability. He has been to places with a very dynamic commercial area and there are open space and parks within multiple buildings. He would like to try and craft this ordinance in a bigger way. He doesn't see it as fixing a mistake we made before. It was a reasonable interpretation and the political will was there regarding Shakespeare.

KenCairn said there is a discontinuity in the draft Railroad Plan and the FAR. Under the current planning ordinances, buildings can't be built in the Railroad District that were conceptualized. There aren't any lots in the downtown that would allow for 45,000 square feet ground floor. Can we come up with a different number for the downtown? With regard to affordable housing, it seems like 45,000 limit on the ground floor and commercial should be set and if anything is over 45,000,

it needs to be residential with a certain percentage affordable.

Kistler agrees that he does not want to see "big box" stores coming into Ashland. However, he is not as fearful of what might happen as he is of what we might lose. He uses the YMCA a few times a week. It seems the community uses the larger projects the most. He sees his neighbors and friends at Bi-Mart and Shop 'N Kart. What is the harm to the community with these projects?

Morris probably disagrees with the affordable housing piece. He would like to see affordable housing, but doubts from an economic standpoint that it would be built. With regard to square footage, 75,000 seems excessive. Forty-five thousand does not sound like that much. Three hundred feet is a long distance, but he believes the Design Standards would require breaking up of that length.

Hanson did not see any reason to change the ordinance in the first place. He said "footprint" was thrown in to get the project approved. Seventy-five thousand square feet of building is atrocious. He believes the proposed ordinance is a waste of time. He does not see anything in the range of 45,000 square feet happening in the downtown. There are places on Ashland Street and in that area where larger buildings can be placed. He doesn't see having to regulate a 45,000 square foot footprint downtown or in anyplace in the Site Review Zone. He believes it should be what the original ordinance said--45,000 square feet gross.

Briggs liked what Swales said about tying it into the FAR. She never agreed that gross square footage meant footprint. She is willing to stay with that. As much as she wants affordable housing, she would not want to see anything get any bigger than 45,000 square feet. She can see where parking doesn't necessarily have to count if it is underground. If it is on the roof there would have to be parapet walls, etc. and that could change it a lot.

Hanson asked McLaughlin why we are put in the position of having to change the ordinance. Is it because those on the Council (Hanson included) made that definition of square footage? McLaughlin said the only reason it is before the Commission is because the Council has said they want the ordinance clarified explicitly so there wouldn't just be an interpretation.

Fields said there are times when we want buildings more than 45,000 square feet. How do you create a conditional use permit based on who you like and what you need? You can't hold the YMCA or Shakespeare to a different standard than Wal-Mart. There may be a time when 30,000 square feet of affordable housing would work. Hanson agreed there is a place for it.

KenCairn believes that in some cases the larger buildings with affordable housing are appropriate in the Detailed Site Review Zone. You want that density of housing to be among those uses. Allowing it to be outside does set up the suburbia issue.

Chapman said he does not believe there is an emergency to this issue. Our ordinance has done a good job of protecting us from the danger to locally owned businesses. He would like to get the opinion of those in commercial/retail businesses. He is leaning towards going to the Council and say we need to focus this discussion on what we want to do with the downtown and what we want to do with the Detailed Site Review Zone. Form a focus group for each area, meet again with the Council and Planning Commission, and have more discussion before making a decision.

Swales suggested making a motion for Council to interpret the ordinance to say that gross square footage means gross floor area, not footprint. At least that gives us a placeholder until we can hash out the details.

McLaughlin said he would check with the City Attorney and he will forward the recommendation.

Swales moved that the Planning Commission recommend that the Council interpret the existing "big box" ordinance with the 45,000 square foot gross square footage to mean gross floor area of all spaces. KenCairn seconded the motion and it carried unanimously.

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

ADDENDUM I
January 14, 2003

PLANNING ACTION: 2001-069

APPLICANT: City of Ashland

ORDINANCE REFERENCE: 18.108.170 Legislative Amendments

REQUEST: Amendment of Chapter 18.72.050.C. of the Ashland Land Use Ordinance and Section II-C-3a)2) of the Site Design and Use Standards regarding standards for large buildings.

I. Relevant Facts

1) Background - History of Application:

In 1992, the City adopted new Commercial Development Standards including specific limitations on the size of buildings in the Detail Site Review Zone. A limitation of 45,000 sq. ft. was imposed.

In 2000, the City approved an application by the Oregon Shakespeare Festival that involved a new theater and parking structure in downtown Ashland. Questions arose about the application of the building size standards adopted in 1992. Specifically, questions arose as to the application of the 45,000 sq. ft. standard and how it is measured, and is it appropriate to apply the standards downtown since so many buildings are contiguous and possibly exceeding the standards already.

The Council ultimately interpreted the 45,000 sq. ft. requirement as applying to the building footprint, making the following finding:

Conclusions of Law: The City Council concludes as follows:

§ Regarding #2 above and based upon Drawing Sheet A1.0 at Record p. 192, the proposed building has a gross floor area square footage less than 45,000 and a contiguous length of less than 300 feet. During the proceeding some opponents argued that the parking structure is 46,800 square feet in gross floor area and thus violates ALUO 18.72.050(C) and Ashland Site Design and Use Standards (ASDUS) II-C-3-a-2 which both provide in pertinent part:

No new buildings or contiguous groups of buildings shall exceed a gross square footage of 45,000 square feet or a combined contiguous building length of 300 feet.

The City Council does not interpret "gross square footage of 45,000 square feet" to mean gross floor area square footage. This quoted phrase is to be interpreted as meaning 45,000 square foot footprint. It is to be distinguished from those provisions of the land use ordinance that specifically refer to gross floor area such as in section II-C-3 of the Site Design and Use Standards ("Developments (1) involving a gross floor area in excess of 10,000 square feet . . ." Emphasis added.) The City Council finds that the parking structure does not exceed a footprint of 45,000 square feet. Even if the limitation were to be interpreted to mean "gross floor area" the parking structure does not exceed the maximum allowed. During the City Council public hearing, Ashland Planning Director John McLaughlin testified that his staff had carefully computed the gross floor area square footage of the building and found it to be less than 45,000 gross floor area square feet. Mr. McLaughlin attributed the deviation to measurements taken by opponents from the exterior limits of the building rather than the interior limits. He further testified that the City always computes building gross floor area square footage based upon the interior size of a building and emphasized that even without subtracting the planter areas along Hargadine Street, that the building floors were less than 45,000 square feet. The City Council accepts and adopts the findings of its Planning Director and concludes that the parking structure does not violate the provisions of either ALUO 18.72.050(C) or ASDUS II-C-3-a-2. As to whether the proposed buildings exceed a length of 300 feet in violation of the same provisions, the City Council concludes that conditions it has placed on these approvals require the buildings to be separated and for the parking structure to have a "fire wall" sufficient to meeting building codes for the wall of the parking structure that faces the theatre. The City Council concludes that the condition ensures that the buildings will not be connected and will not, therefore, violate provisions of ALUO 18.72.050(C) or ASDUS II-C-3-a-2 that prohibit building or contiguous groups of buildings from exceeding 300 feet in length. The City Council also concludes that the subject buildings are not a contiguous groups of buildings because they are not contiguous. During the proceeding, there was some recognized ambiguity regarding the meaning of the term contiguous and the City Council construes contiguous to mean touching. If the parking structure and theatre do not touch, they are not contiguous and do not violate ALUO 18.72.050(C) or ASDUS II-C-3-a-2 and the City Council concludes that they do not. Moreover, based upon conditions the Council has attached to this approval, the theatre building and parking structure cannot touch one another.

After the OSF application, the Council directed the Staff to prepare amendments to the ordinance that would reflect their interpretation of the ordinance, and to address the issue of the application of the size standards within the downtown area.

Staff prepared those changes, but concerns were raised that more discussion with the community was necessary to ensure that the changes proposed were in the best interest of future development and community values. A study session was held with the Planning Commission and City Council on June 25, 2002. That meeting provided the parameters for the ordinance amendments. The issues to be addressed were:

1. Clarification as to how to measure the 45,000 sq. ft. referenced by the ordinance.
2. How to clarify the definition of a contiguous building.
3. How the ordinance amendments would be applied and impact the downtown commercial area.

Proposed ordinance amendments were prepared and presented to the Planning Commission at a study session on August 27, which included an option for larger buildings if affordable housing was included. The proposed changes were generally well received, with recommendations for clarifying some of the language.

Another study session was held on September 24, 2002 to bring back the final versions based on the recommendations from the previous study session. The proposed ordinance amendments presented in this report are based upon these previous meetings.

2) Detailed Description of the Site and Proposal:

The existing ordinance reads as follows:

Section 18.72.050.C. of the Ashland Land Use Ordinance:

No new buildings or contiguous groups of buildings in the Detail Site Review Zone shall exceed a gross square footage of 45,000 square feet or a combined contiguous building length of 300 feet. Any building or contiguous group of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. Neither the gross square footage or combined contiguous building length as set forth in this section shall be subject to any variance authorized in the Land Use Ordinance.

18.72.050.C. (proposed replacement for existing section)

1. Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform with the following standards:

- a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
- b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls.
- c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space and outdoor retail and storage areas, with the following exceptions:
 - 1) Gross floor area associated with non-ground level residential uses shall not count toward the total gross floor area.
 - 2) Automobile parking areas located within the building footprint, such as rooftop parking and under-structure parking, shall not count toward the total gross floor area.
 - 3) Buildings larger than 45,000 sq. ft. but not exceeding 75,000 sq. ft. may be approved through the Conditional Use Permit process, provided that in addition to complying with the criteria for approval of a CUP, for each 1,500 sq. ft. of additional gross floor area beyond 45,000, a residential unit is provided on-site for affordable housing at 80% median income in compliance with the City's affordable housing requirements.
 - 4) No building shall exceed 75,000 sq. ft. of gross floor area, excluding non-ground level residential square footage.
- d. Buildings shall not exceed a combined contiguous building length of 300 feet.
- e. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. The building footprint area, gross floor area, or combined contiguous building length as set forth in this section

shall not be subject to any variance authorized in the Land Use Ordinance.

2. Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft.

Section 1 is set up to provide for specific standards for maximum building sizes outside of the Downtown Design Standards zone, explicitly defines what constitutes contiguous buildings, defines that measurements for 45,000 sq. ft. footprint are from outside the exterior walls, sets the maximum gross floor area of 45,000 sq. ft. with the exceptions for residential and parking areas. A Conditional Use Process is provided for larger buildings up to 75,000 sq. ft., but still with only a 45,000 sq. ft. footprint, but only if affordable housing is provided on site.

The affordable housing provision is included here as an option for developers. It is not mandatory, but is provided under the reasoning that should someone want to construct a larger building than normally allowed within Ashland, affordable housing should be provided for the additional employees/workers that will be generated by the use.

Section 2 applies only to the Downtown Design Standards Zone, and limits buildings to 45,000 sq. ft., but does not require that the buildings be separated. They may continue to follow the pattern established of common wall/touching wall buildings throughout downtown.

Section II-C-3a)2) of the Site Design and Use Standards currently reads:

No new buildings or contiguous groups shall exceed a gross square footage of 45,000 square feet or a combined contiguous building length of 300 feet. Any building or contiguous group of buildings which exceed these limitations, and which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length.

The proposed changes to this standard is as follows:

Section II-C-3a)2) of the Site Design and Use Standards is proposed to be replaced as follows:

Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform with the following standards:

- a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
- b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls.
- c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space and outdoor retail and storage areas, with the following exceptions:
 - 1) Gross floor area associated with non-ground level residential uses shall not count toward the total gross floor area.
 - 2) Automobile parking areas located within the building footprint, such as rooftop parking and under-structure parking, shall not count toward the total gross floor area.
 - 3) Buildings larger than 45,000 sq. ft. but not exceeding 75,000 sq. ft may be approved through the Conditional Use Permit process, provided that in addition to complying with the

criteria for approval of a CUP, for each 1,500 sq. ft. of additional gross floor area beyond 45,000, a residential unit is provided on-site for affordable housing at 80% median income in compliance with the City's affordable housing requirements.

4) No building shall exceed 75,000 sq. ft. of gross floor area, excluding non-ground level residential square footage.

d. Buildings shall not exceed a combined contiguous building length of 300 feet.

e. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. The building footprint area, gross floor area, or combined contiguous building length as set forth in this section shall not be subject to any variance authorized in the Land Use Ordinance.

Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft.

The language proposed for the Site Design and Use Standards is essentially the same as proposed in the new ordinance to ensure consistency.

And additional change to the Site Design and Use Standards is proposed regarding the location of buildings on corner lots.

Section II-C-1a) Orientation and Scale

1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. **Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.** Public sidewalks shall be provided adjacent to a public street along the street frontage.

2) **Building entrances shall be located within 10 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings.** ~~Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior.~~ This entrance shall be designed to be clearly visible, attractive and functional, and shall be open to the public during all business hours.

II-C-2b) Streetscape

2) A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. **This standard shall apply to both street frontages on corner lots.** If more than one structure is proposed for a site, at least 25% 65% of the aggregate building frontage shall be within 20 feet of the sidewalk.

These modifications are intended to ensure that new buildings on corner lots are oriented towards the street on both frontages, and that an entrance is oriented to the major street or to the intersection..

II. Project Impact

The impact of these changes is to amend the ordinance to be consistent with the direction given to staff through the study sessions on this topic.

We believe that these changes will clarify the issues involved with the implementation of the large scale development standards with new large buildings. It also clarifies the role of the ordinances in addressing development in the downtown, ensuring that new structures are compatible with the existing development pattern.

Further, we have provided an option for larger buildings as a conditional use, if affordable housing is provided concurrently with the development of the commercial building. As stated in the ordinance, for each 1500 sq. ft. of floor area in excess of 45,000 sq. ft., an affordable housing unit on-site would be required.

Should the Commission determine that no buildings should be allowed within Ashland's Detail Site Review Zone larger than 45,000 sq. ft., this portion of the code can be easily modified.

III. Procedural - Required Burden of Proof

Chapter 18.108.140 of the Procedures Chapter regarding Legislative Amendments states the following:

It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

The City Council has directed the staff to provide amendments to the ordinance to clarify the specific issues related to big box development.

IV. Conclusions and Recommendations

Staff recommends approval of the ordinance amendments as presented.

Memo

DATE: September 24, 2002
TO: Planning Commissioners
FROM: John McLaughlin, Director of Community Development
RE: Proposed Ordinance Amendments – Big Box Ordinance

Based upon discussions at the August 27 study session, we have prepared amendments to the proposed changes in the Big Box ordinance:

18.72.050.C. (proposed replacement for existing section)

1. ~~Outside the Downtown Design Standards Zone~~, new buildings or expansions of existing buildings in the Detail Site Review Zone, ~~excepting the Downtown Design Standards Zone~~, shall conform with the following standards:

- a. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
- b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside inside the exterior walls.
- c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space and outdoor retail and storage areas, with the following exceptions:
 - 1) Gross floor area associated with non-ground level residential uses shall not count toward the total gross floor area.
 - 2) Automobile parking areas located within the building footprint, such as rooftop parking and under-structure parking, shall not count toward the total gross floor area.
 - 3) Buildings larger than 45,000 sq. ft. but not exceeding 75,000 sq. ft may be approved through the Conditional Use Permit process, provided that in addition to complying with the criteria for approval of a CUP, for each 1,500 sq. ft. of additional gross floor area beyond 45,000, a residential unit is provided on-site for affordable housing at 80% median income in compliance with the City's affordable housing requirements.
 - 4) No building shall exceed 75,000 sq. ft. of gross floor area, excluding non-ground level residential square footage.
- d. Buildings shall not exceed a combined contiguous building length of 300 feet.
- e. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. The building footprint area, gross floor area, or combined contiguous building length as set forth in this section shall not be subject to any variance authorized in the Land Use Ordinance.

2. ~~Inside the Downtown Design Standards Zone~~, new buildings or expansions of existing buildings in the ~~Downtown Design Standards Zone~~ shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor



Section II-C-1a) Orientation and Scale

1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. **Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.** Public sidewalks shall be provided adjacent to a public street along the street frontage.

2) Building entrances shall be located within 10 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings. ~~Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior.~~ This entrance shall be designed to be clearly visible, attractive and functional, and shall be open to the public during all business hours.


Conclusion:

It is Staff's opinion that the proposed modifications to the ordinance address the issues that have been raised previously regarding the big box ordinance.

- It maintains a maximum footprint of 45,000 sq. ft.
- "Contiguous" has been replaced by common wall or walls that touch
- The Downtown, the "A" Street area, and other areas in the future that will have specific design standards have been excluded from the separation between buildings requirement, to ensure compatibility of new structures with the historic patterns.
- An option for affordable housing has been provided.



Memo

DATE: August 27, 2002
TO: Planning Commissioners
FROM: John McLaughlin, Director of Community Development 
RE: Proposed Ordinance Amendments – Big Box Ordinance

Based upon comments from the initial meeting regarding this topic on June 25, Staff has prepared some proposed ordinance amendments for the Commission to consider. While we believe that these address the concerns raised, they are presented here in the hopes of generating discussion as well as solutions to the concerns of the community.

1. **How to measure the size of a building subject to Large Scale Development standards?**

18.72.050.C. (proposed replacement for existing section)

1. New buildings or expansions of existing buildings in the Detail Site Review Zone, excepting the Downtown Design Standards Zone, shall conform with the following standards:
 - a. Buildings sharing a common wall shall be considered as one building.
 - b. Buildings shall not exceed a building footprint area of 45,000 square feet as measured inside the exterior walls.
 - c. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space and outdoor retail and storage areas, with the following exceptions:
 - 1) Gross floor area associated with non-ground level residential uses shall not count toward the total gross floor area.
 - 2) Buildings larger than 45,000 sq. ft. but not exceeding 75,000 sq. ft may be approved through the Conditional Use Permit process, provided that in addition to complying with the criteria for approval of a CUP, for each 1,500 sq. ft. of additional gross floor area beyond 45,000, a residential unit is provided on-site for affordable housing at 80% median income in compliance with the City's affordable housing requirements.
 - 3) No building shall exceed 75,000 sq. ft. of gross floor area, excluding non-ground level residential square footage.
 - d. Buildings shall not exceed a combined contiguous building length of 300 feet.
 - e. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. The building footprint area, gross floor area, or combined contiguous building length as set forth in this section shall not be subject to any variance authorized in the Land Use Ordinance.
2. New buildings or expansions of existing buildings in the Downtown Design Standards Zone shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft.



As shown, we are proposing a two-step approach in addressing this issue. We believe that there needs to be a footprint standard that sets the maximum size of a single story building, and a gross floor area standard that sets the maximum size of a multi-story building, but with a couple of twists. While the standard limit on gross floor area would be 45,000 sq. ft., it could be increased, up to 75,000 sq. ft. if affordable housing is also provided. This would be done through a conditional use permit process.

As a maximum example, if an applicant proposed a 45,000 sq. ft. footprint building, but wanted to add 30,000 sq. ft. of second floor area, they would have to provide 20 affordable units on site (1 unit/1500 sq. ft. added beyond 45,000). Assuming that the residential units averaged 750 sq. ft., an additional 15,000 sq. ft. of area could be added to the building. This could end up being a 90,000 sq. ft. building, or a two-story 45,000 sq. ft. building. Of course, the applicant could provide the affordable housing in a separate building on the property, limiting the total size of the larger structure.

Section II-C-3a)2) of the Site Design and Use Standards would be modified to be consistent with the ordinance amendment proposed.

2. Contiguous buildings.

We've attempted to remove the ambiguity associated with "contiguous buildings" by explicitly saying that buildings connected by a common wall shall be considered as one building. Therefore, any common wall buildings shall be weighed against all the standards as if they were one building. Further, the standard requiring that buildings be separated by the height of the tallest building or 60 feet is recommended to not apply in the Downtown.

Section II-C-3a)3) of the Site Design and Use Standards:

For the purposes of this standard, buildings connected by a common wall shall be considered one building. Buildings not connected by a common wall shall be separated by a distance equal to the height of the tallest building. If buildings are more than 240 feet in length, the separation shall be 60 feet. This standard shall not apply to new or existing structures in the Downtown Design Standards Zone.

3. Additional Changes

Staff has recommended that the standard regarding orientation be modified to clarify the standard if the development is occurring on a corner lot. The intent of this standard was to get new buildings to have their entrances toward the street. In staff's opinion, when there is a corner lot, the entrance should be oriented toward the higher order street (arterial or collector) rather than a lower order side street, or that the entrance be oriented toward the corner of the lot at the intersection.



Section II-C-1a) Orientation and Scale

- 1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. **Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.** Public sidewalks shall be provided adjacent to a public street along the street frontage.
- 2) **Building entrances shall be located within 10 feet of the public right of way. Exceptions may be granted for topographic constraints or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings.** ~~Buildings that are within 30 feet of the street shall have an entrance for pedestrians directly from the street to the building interior.~~ This entrance shall be designed to be attractive and functional, and shall be open to the public during all business hours.

Commission Discussion Points:

I. Maximum Building Size:

- A. Staff is proposing 45,000 sq. ft. footprint. Is this appropriate?
- B. Staff is proposing 45,000 sq. ft. of gross floor area, with the possibility to expand to 75,000 sq. ft. if affordable housing is provided. Is this the appropriate approach? The Commission may wish to consider the concept of expanding gross floor area with an incentive for affordable housing further.
- C. Maintaining the 300 foot length limit for the face of a building. Is this still considered an appropriate limit?
- D. The Downtown area is specifically separated in the standards, with limits on building footprint (45,000 sq. ft.) and gross floor area (45,000 sq. ft.). It is exempt from the requirements for separation of buildings, encouraging a pattern similar to what has been established historically. The proposed ordinance for the Downtown doesn't allow for the buildings larger than 45,000 sq. ft. of gross floor area, even with residential incentives. Is this an appropriate approach?

II. Contiguous Buildings

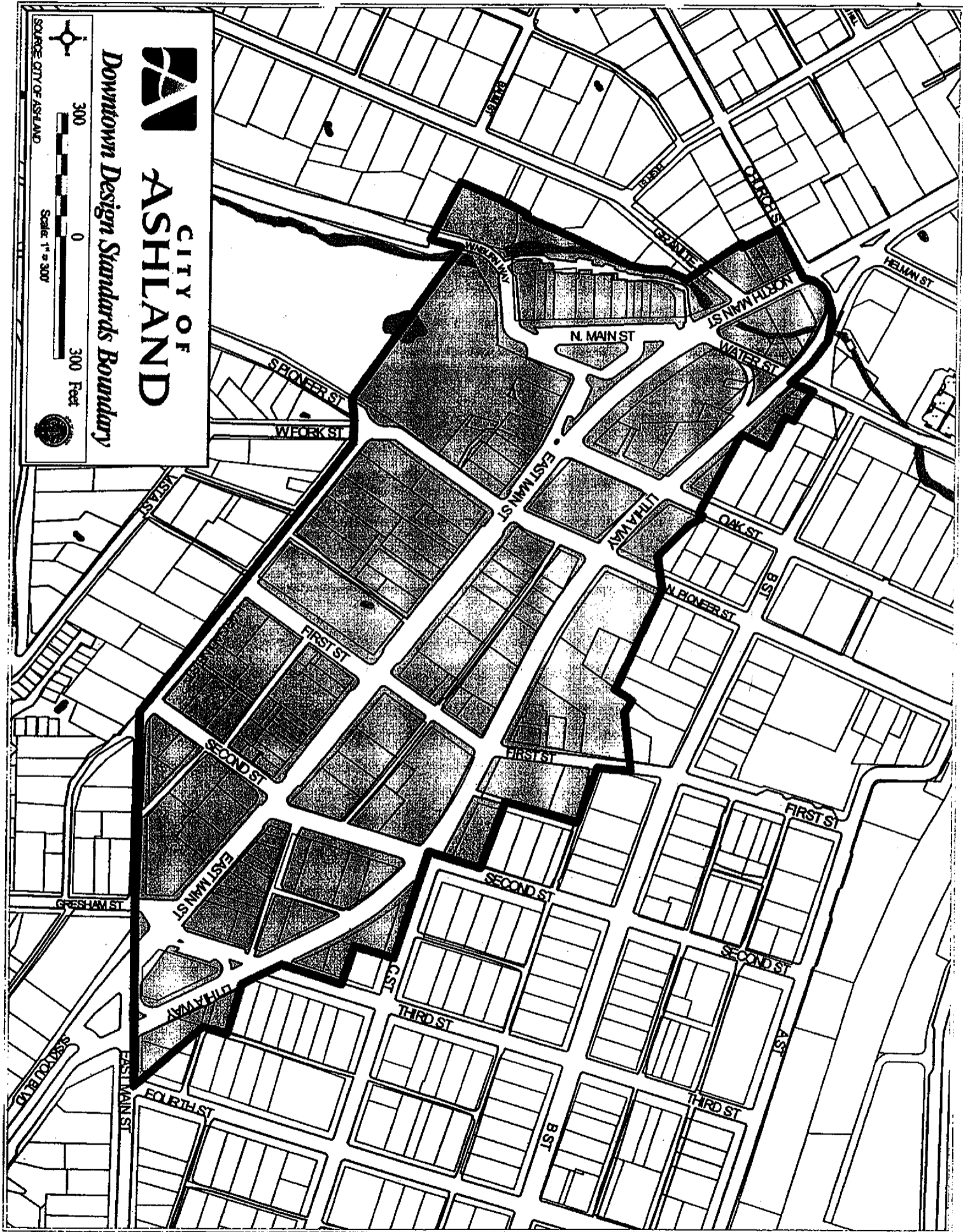
- A. We have explicitly stated that buildings connected by a common wall will be considered as one building, except in the Downtown. Is this appropriate?

III. Orientation

- A. Staff is proposing to clarify issues related to building orientation based upon ambiguities discovered in past applications. We are recommending that if the development is occurring on a corner lot, that the entrance be located on the higher order street. Further, we're proposing that the ordinance explicitly state that entrances be located within 10' of the right of way, unless there are substantial reasons to the contrary. Is this appropriate?



STAFF EXHIBIT S-4



Memo

DATE: June 25, 2002
TO: Honorable Mayor, City Council members, and Planning Commissioners
FROM: John McLaughlin, Director of Community Development
RE: Initial Meeting - Big Box Ordinance Amendment Process

Enclosed you will find a packet of information on the City's current ordinances regulating commercial development, and more specifically large scale development (commonly known as the "big box" ordinance). The joint study session scheduled for June 25 is the kickoff meeting for the revision of this ordinance based on concerns raised during the OSF New Theater/Parking Structure application.

BACKGROUND:

In 1992, the City adopted revised commercial development standards for all levels of commercial development, from small light industrial buildings to large retail commercial outlets. Part of the impetus for this process was concern over informal proposals for a new Wal-Mart and a factory outlet shopping center. As part of that process, specific standards were developed for large scale development. Large scale development is defined as development greater than 10,000 sq. ft. in size or is longer than 100' in length or width, and located in the Detail Site Review Zone. Further, the ordinance provided the following maximum limits:

"No new buildings or contiguous groups of buildings in the Detail Site Review Zone shall exceed a gross square footage of 45,000 square feet or a combined contiguous building length of 300 feet. Any building or contiguous groups of buildings which exceed these limitations, which were in existence in 1992, may expand up to 15% in area or length beyond their 1992 area or length. Neither the gross square footage or combined contiguous building length as set forth in this section shall be subject to any variance authorized in the Land Use Ordinance."

Several issues arose during the OSF application regarding the application of the ordinance.

Item 1. How is the 45,000 sq. ft. maximum measured?

The current ordinance refers to "gross square footage" but does not define the term. The City Council interpreted that language to mean "footprint" and not gross floor area of a structure as part of the OSF approval. That interpretation has been questioned by community members and by newer members of the Council that were not part of that decision.



Item 2. What does “contiguous groups of buildings” mean?

The word “contiguous” was discussed during the OSF application, and there was some confusion over the word. The City Council ultimately interpreted it to mean “touching”, which is a common definition. The first definition for **contiguous** in Webster's New Riverside University is: 1. Sharing a boundary or edge: touching. This is the definition that Staff has used since adoption of the ordinance.

Item 3. Does the ordinance apply in the Downtown Overlay district?

The standards were applied to the OSF application, since the ordinance didn't exclude the Downtown area. However, it was Staff's opinion that the original ordinance intended to exclude the downtown, since it is made up of large “contiguous groups of buildings” that sometimes exceed the current standards (the contiguous Plaza buildings exceed 300' in length, for example) and could therefore be determined to be non-conforming. Further, it was Staff's opinion that the specific Downtown Design Standards, which are applied in addition to the basic and detail site design standards provide specific requirements for new development that will ensure appropriate scale and style of development.

After the OSF application approval, the City Council members in office at the time directed Staff to bring back ordinance amendments which clarified that the 45,000 sq. ft. limit applied to a building footprint, and that the large scale development standards didn't apply in the Downtown Design Standards zone. The Planning Commission held a public hearing and recommended approval of the changes at their August 14, 2001 meeting. The Council started the hearing process in September, 2001, but delayed to consider other testimony. That has lead to the current process.

Staff Recommendation: At the joint study session on June 25, 2002, Staff will have a presentation on the current Site Design and Use Standards and how they are and have been applied to projects within Ashland. Also, we will explain the aspects related to large scale development.

We recommend that after the presentation, the Council and Planning Commission consider the following items:

1. Are the size limits of the current ordinance appropriate? Footprint vs. gross floor area?
2. Do the design standards address the relevant and important issues associated with commercial and industrial development?
3. Should the maximum size limits apply within the downtown design standards zone?
4. Are there other items that should be considered as part of this process?



Building Sizes within Ashland (all measurement approximate)

Building	Gravitation Area	NSA Area	Footage
Department Of Motor Vehicles	3,108	3,108	60
Reid/Hanna Office Building	3,996	7,500	110
Ashland Springs Hotel	9,900	43,000	120
New Theater	12,730	33,000	135
Churchill Hall (SOU)	13,660	27,320	240
Yerba Prima (Washington Street)	14,388	14,388	100
Ashland Hardware	14,504	16,736	165
Parking Structure	15,000	30,000	120
SOU Library	22,000	65,000	150
Safeway	26,000	26,000	180
Ender's Block (between 1st & 2nd Sts.)	29,000	45,000	300
Ashland Cinema & adjoining businesses	31,000	31,000	240
Market of Choice Shopping Center	32,000	32,000	350
Downtown Plaza Buildings	37,000	70,000	370
Darex	40,400	40,400	245
Albertsons	44,000	44,000	240
DJ's, Gold's Gym, Etc...	52,800	52,800	400
Bi-Mart/Shop 'n Kart	60,000	60,000	380

"BIG BOX" Ordinances from different Cities...

City	Population	Area (sq. mi.)	Area (sq. ft.)	Area (acres)	Measure	Year	Notes
Boxborough, MA	4,868	0	0	0	Gross Floor Area	Yes	
Halley, ID	6,201	0	0	0	Roof Area	Yes	
Walpole, NH	3,594	0	0	0	Gross Floor Area	?	
Skaneateles, NY	7,323	15,000	15,000	333	Gross Leasable Area	?	
Westford, MA	20,754	30,000	30,000	688	Gross Square Footage	Yes	
Rockville, MD	47,388	25,000	25,000	577	Gross Floor Area	Yes	
Easton, MD	11,708	0	0	0	Gross Floor Area +	Yes	
North Elba, NY	8,661	0	0	0	Floor Area +	?	
Cocconino County, AZ	116,320	25,000	25,000	577	Gross Floor Area	?	
Stratham, NH	6,355	0	0	0	Gross Floor Area	?	
Marwick, NY	30,764	0	0	0	Gross Floor Area	Yes	
Taos, NM	4,700	30,000	30,000	688	Gross Floor Area	Yes	
Northampton, MA	28,978	20,000	20,000	459	Square Feet	Yes	
Clermont, FL	9,333	0	0	0	Gross Floor Area	?	
Santa Fe, NM	62,203	30,000	30,000	688	Gross Floor Area	Yes	
Ft Collins, CO	118,652	25,000	25,000	577	Gross Floor Area	Yes	
Lexington, KY	260,512	50,000	50,000	1147	Gross Floor Area	Yes	

**CITY OF
ASHLAND**
JOINT STUDY SESSION
ASHLAND PLANNING COMMISSION
ASHLAND CITY COUNCIL
MINUTES
JUNE 25, 2002

CALL TO ORDER - Planning Commission Chair Mike Gardiner called the meeting to order at 7:10 p.m. Other Commissioners present were Mike Morris, Ray Kistler, Russ Chapman, Kerry KenCairn, Alex Amarotico, Marilyn Briggs, Colin Swales, and John Fields. Mayor Alan DeBoer was present along with Councilors Don Laws, Susan Reid, Chris Hearn, John Morrison, Kate Jackson and Cate Hartzell. There were no absent members. Staff present were John McLaughlin, Bill Molnar, Mark Knox, Maria Harris and Sue Yates.

PROPOSED AMENDMENTS TO THE BIG BOX ORDINANCE - McLaughlin said after reviewing the OSF application, the Council directed Staff to come back with some ordinance amendments to clarify the ordinance to match up with what the Council had as their interpretation. When it got back to the Council there were some concerns raised that needed to be looked at more in depth.

McLaughlin has outlined the process in the packet of materials sent to the Commission and Council. This is the first meeting in the process. We will be trying to identify what the issues are that everyone is concerned with. Based on tonight's discussion, Staff will take the suggestions tonight and come back in August for another study session. There will be a final joint study session in September. The hearing before the Planning Commission will be scheduled for November and the City Council in December.

McLaughlin gave a Power Point presentation showing various photos of buildings reflecting how the words in the Site Design and Use Standards apply to what gets built on the ground. He gave square footages of buildings to help the Commission and Council visualize the size of buildings.

McLaughlin said currently the ordinances that apply are primarily in the Site Design and Use Standards governing new commercial and light industrial development. There are basic Site Review standards that apply to all development. The Detailed Site Review standards apply within specific Detailed Site Review Zones. The zones are primarily along the commercial corridors and the railroad property. It is a higher level of review generally with building design and orientation and layout. The next level is Large Scale Development Standards. There is also a large section of the Site Design and Use Standards outlining specific standards to the Downtown.

The key part of the big box ordinance reads: "No new building or contiguous groups of buildings in the Detailed Site Review Zone shall exceed a gross square footage of 45,000 square feet or combined contiguous building length of 300 feet". Neither are subject to variances.

What is gross square footage? The Council has interpreted that to mean the footprint of the building. Gross floor area is the sum of the different floors of the building.

The Plaza buildings from the Parkview building to the lower end of the Plaza are contiguous; they are touching. The Council interpreted that contiguous means "touching". Those buildings have 37,000 square feet of footprint. There is about 70,000 square feet of floor area. Under today's standards, this would be allowable because it would be under 45,000 square feet. The frontage, however, is 370 feet so it is longer than allowed.

Most cities use gross floor area as a measurement. Some measure outdoor storage too. In some communities they were looking at bulk and scale. How does it relate to the urban fabric around it?

McLaughlin said the 45,000 square feet seems to be a big question: footprint or gross floor area. Is there some other limit that should apply? Are there additional standards necessary? What about the downtown? His recollection from talks several years ago is that the downtown was excluded. He believes we have adequate standards throughout the downtown to handle new development.

Jackson asked what the height limitations are. McLaughlin said 40 feet in commercial and 35 feet in the downtown. Gardiner asked how height relates to slope. McLaughlin said it's the average grade.

Swales wondered what the difference would be if a property is in the Historic District. McLaughlin said the floor area ratios are a minimum of .35 in a commercial zone and a maximum of .5 except in the Historic District because the pattern tends to be more intense in the Historic District.

McLaughlin reiterated the Council has interpreted contiguous to mean touching. The ordinance requires that contiguous buildings can be 45,000 square feet. If they are not contiguous, you have to be separated by the height of the tallest building. If the front of the building is 240 feet, it is separated by at least 60 feet. The idea is that you create buildings with a rhythm that is similar to what you see in commercial blocks.

Hartzell asked about the Staff Exhibit S-2, page 22, Staff Draft #1. McLaughlin said this was the draft of the original. Some changes were made to it. He inserted this because he wanted to show the Council that they were excepting the C-1-D standards originally. He thinks excepting C-1-D was inadvertently dropped during the revisions that took place.

Reid confirmed McLaughlin's memory. After working on this for over a year, everyone knew they weren't talking about the downtown because the downtown plan was the guiding principle for the downtown. This ordinance was for those commercial areas outside the downtown.

Jackson thought if we don't exclude the downtown from the footprint square foot limit, we won't have the flexibility downtown that we want.

KenCairn said that one of the questions they are being asked is if we are going to do this according to footprint or according to gross area. If you combine the footprints of the New Theater and the parking structure, it is less than 45,000 square feet. Why was there a requirement to put in the walkway? Was it because it was undefined whether it was footprint or gross area? Is Staff now suggesting it should be footprint? McLaughlin said it was the Council's interpretation.

Hartzell said what if, for example, there is a square block. How deep could the buildings be if there was an open space in the middle and still stay within 45,000 square feet? Amarotico said 45 feet. It could probably be three stories high.

Briggs believes the ability to expand 15 percent in area or length beyond 1992, is language that leaves it wide open. McLaughlin said that language was in because of Bi-Mart. That was our local business we all liked. We didn't want to preclude them from being able to do a little to bit in order to maintain their position in the community and their competitive spot. A building can expand 15 percent beyond their 1992 area or length. They only get that.

Laws' inclination is to go along with the intent of the big box ordinance that was to apply to other than the downtown. Refine it as appropriate for the areas outside the downtown. A second step we might want to do is to review the site patterns that apply for downtown only and see if there is anything in our big box ordinance that we have developed that we would want to add to the site review for downtown. We may also want to review tightening up the variance procedure.

Hearn said the kind of projects that people think of discouraging seem to require a sea of parking. The design standards that are currently in effect downtown, coupled with the necessity of the sea of parking, make it impossible to do a reprehensible project downtown.

The problem Swales has is with the new parking structure in the downtown. It was exempt from any downtown design standards and not classified as a parking lot and got away from the landscaping requirements. Parking structures can be as big as one likes. Now we want to exempt them from any size limits providing they meet the requirements of bulk and scale. It seems like a hole in the ordinance.

PUBLIC PARTICIPATION

DAVID LANE said he was very much a part of the discussions in working on the current ordinance in 1991 and 1992. At that time, there was a strong intent to maintain a harmony of development within Ashland. There was a great deal of concern Wal-Mart would come here. The term "gross square footage", to the best of his memory, did in fact refer not to the footprint but to the total of the floor areas. That would seem to be in keeping with the other communities. He said if the Commission and Council use the term "footprint", it makes it difficult to decide what is part of the building and what is not.

Lane believes with regard to measuring interior space vs. exterior space, it is easier to measure exterior space.

ERIC NAVIKAS noticed that McLaughlin consistently avoided the term "gross square footage" in his presentation and inserted the word "total". The ordinance is very clear. It states "gross square footage". This shows we are clearly trying to manipulate language to distort the ordinance to promote larger scale development in the city. He believes this ordinance allows buildings to be contiguous. The downtown is the most important in considering oversized buildings. OSF set a precedent that we will accept parking garages. Large scale parking garages and hotels can destroy the character of the downtown because they become the dominant building type. He believes this ordinance prevents that. It tries to work toward small-scale buildings.

PHILIP LANG, 758 B Street, said there has been a violation of the ordinances by the Planning Commission and City Council. The ordinance clearly states 45,000 square feet is allowed for new buildings, not footprints. When OSF was built, there was a reinterpretation of the ordinance. It is a clear ordinance and a good ordinance that needs enforcement.

QUESTIONS OR COMMENTS FROM THE COUNCIL AND COMMISSION

Reid again stated the big box ordinance was not intended to apply to the downtown. She would like to separate the downtown from the rest the ordinances; one for the downtown and one for the rest of the community.

Swales agrees with Reid. It seems that even though the big box ordinance is not the way to deal with the downtown, to exempt the downtown from 45,000 square feet seems completely insane. It seems that many of the downtown design standards and the big box ordinance apply to the downtown.

Fields wondered what this ordinance even means. He believes it has been basically overruled since it was brought before them.

KenCairn said if you calculate a footprint and calculate a gross floor area, then the problem is solved.

Knox thinks every block in the downtown now would be somewhat non-conforming. What if Ashland Camera wanted to add a second story? Do we want to preclude that? Don't forget to look at the Downtown Design Standards adopted a few years ago. Buildings designed from lot line to lot line require a lot of vertical and horizontal deviations very similar to the other buildings in the downtown.

McLaughlin said the downtown standards are almost entirely focused on creating a storefront look and designed around retail and second story spaces. What do you do when you come up with a use such as a theater? You don't make a theater look like a store. You have to have a relief valve. Some things don't fit, but is important in the mix of the downtown. Parking is an important issue in the downtown. The city has taken on the burden of providing for our downtown so we can get a good commercial environment along our streets. All the standards don't apply perfectly. As KenCairn said, do we look at gross floor area, do we look at a footprint, or look at a combination. What do you want to accomplish? Some uses will require looking at a footprint. Grocery stores are single level uses and they are important to our community. There is a balance where basic services are not excluded where we all end up driving to Medford for those services.

Laws suggested looking at all the buildings that have conformed. There are far more that have conformed than have gotten exceptions. We need to get down to the basic issues of what we want for the future of Ashland. Let's draw up changes in the standards as clear an unequivocal as possible with clear guidelines. What do we mean by contiguous buildings? Do we want contiguous buildings? Do we want them in the downtown? Do we want to stick with 45,000 square feet? Do we want to count the footprint or square footage of the whole building? Do we want to apply both to the downtown and other zones?

Swales said there has been a lot of confusion with contiguous groups of buildings with regard to downtown. All we need to sort this out is where it says "no new buildings or contiguous buildings", to make it especially clear by saying "no new buildings or new contiguous groups of buildings". That would get around the fact that the downtown buildings under separate ownership built at different times aren't contiguous buildings but separate buildings. The only other thing is to redefine gross square footage as gross floor area at 45,000 square feet. That can be done either in a smaller footprint on multi-stories or a large 45,000 footprint on one story.

McLaughlin said Staff can put something together from the comments tonight for the next meeting. He understands the variety of issues.

Fields said he thinks we need a redo of what our parking structure solutions are going to be.

ZONE CHANGE AND ANNEXATION CHANGES RELATED TO AFFORDABLE HOUSING - Molnar said the Housing Commission has, over the past several months, been looking at changes to the approval standards that currently apply to zone changes and annexations. The stimulus came from the request to rezone the Croman mill site (65 ac. industrial site). There was a zone change request that would rezone about 60 percent residential. The applicant met with the Housing Commission a number of times to discuss an interest of providing affordable housing in the project. There was a difference in opinion what Staff and the Housing Commission felt affordable housing meant for the project versus what the applicant thought it meant. It seemed there was a necessity to clarify that in the ordinance.

The housing needs analysis was recently completed. The study solidified what was felt to be an affordable housing crisis in Ashland. The Action Plan is due to be completed in September of 2002.

Tonight we are looking at a land use strategy or code provisions that encourage developers to produce affordable housing. Generally, the provisions are voluntary. The state legislature about three years ago passed a rule prohibiting inclusionary zoning.

The ordinance focuses on zone changes. The intended results of the proposed amendments would make the public need for affordable housing explicit in the zone change criteria. Currently, it is fairly subjective. If an applicant is specifically requesting a zone change based on providing affordable housing, let's define what that is. It would make it easier for an applicant to receive approval for an application for a zone change that has a positive impact on affordable housing. It sets specific affordable targets for applications. A new provision is that the affordable housing that is provided is required to be guaranteed by a deed restriction for a period of 60 years.

Where would these amendments apply? A zone change application involving an increase in residential density from one residential zoning designation to another. It would apply in certain commercial zones through the provision of a residential overlay. Molnar gave the example Tara Labs requested as part of their application to build their building on Clover Lane, a zone change for a residential overlay so they could anticipate building around six or seven units at the back of the property potentially for employees and increased security at night.

Where are the code language specifics? Twenty-five percent of the units would be available to renters or buyers at 80 percent of the median area income. It allows the development to obtain a density bonus for the provision of affordable housing but not to exceed an increase beyond 15 percent of the maximum allowable density.

Another provision for meeting the affordable housing is to build 15 percent of the units for buyers or renters with household incomes that do not exceed 60 percent of the median area income.

The Housing Commission has grappled with the third provision. A developer could dedicate an amount of land to a non-profit housing development or comparable development corporation for the purpose of complying with the amendments above.

There is code language that effects the commercial properties that are seeking to do residential development in conjunction with commercial. The provisions above would remain the same. In addition, they would have to demonstrate that the zone change would not negatively impact the city's inventory of commercial and industrial land.

The Planning Commission will review these changes at the July meeting. As Staff has thought about these changes, there could be some potential unintended consequences of the changes. Are households we are targeting too low at 60 to 80 percent? Given some of the findings from the Needs Analysis, there is a fairly large gap in the 75 to 125 percent of area median.

Could the changes discourage smaller mixed-use projects? Low-income housing is more difficult to accommodate in smaller market rate projects. Molnar referred to Tara Labs project again. Could the proposed changes be a deterrent? We already have a lot of policies in place that encourage mixed use.

The main changes to the annexation criteria is whatever affordable housing target levels we establish for zone changes would be consistent in the annexation criteria.