Summary

Faced with the threat of big box retail entering the city, Ashland passed an ordinance that limited square footage to 45,000 square feet in 1992. This ordinance has prevented large retail from building inside Ashland. However, a number of large retail stores have opened up seven miles away in the local community of Talent.

The square footage requirements have remained an issue for the city as questions continue to arise regarding which buildings fall under the jurisdiction of the code and whether the size limit is for the building footprint or for the gross square footage. Much can be learned from Ashland’s stance on large retail over the past twelve years.

The city of Ashland has continued to maintain its local character even as questions arise about specific aspects of the square footage limit. In addition to the limits, the city has a comprehensive set of design standards promoting elements deemed important by the local residents. The result is that the city of Ashland is often highlighted as a top city to visit or live in. While the rest of Oregon is being heavily hit by the current recession, Ashland is remaining healthy and prosperous. The reason Ashland is a successful city is because the square footage limits and the design standards work in tandem to maintain and promote Ashland’s charm.

Community Background

Location: Southern Oregon
Size: 20,000, (16,000 in 1992)
Economic Base: Tourism, Higher Education, Manufacturing, Wood Products
Governing/Planning Structure: Mayor, City Council, Commissions
New town or existing: Existing town

Ashland is a lively town in Southern Oregon. Travel and tourism magazines often highlight it as a great destination. According to the local Chamber of Commerce people are drawn to Ashland because of its beautiful natural surroundings and its small town feel. Ashland is home to numerous art galleries, shops, restaurants, historic buildings and Lithia Park, a 100-acre city park with walking trails, ponds and a small creek. Today Ashland is one of the most unique cities in Oregon and continues to be one of the greatest tourist destinations in the state (Ashland Chamber of Commerce 2003).

Located thirteen miles north of Ashland is the town of Medford. Medford hosts the majority of the retail space for the county, with over five large shopping centers. In
between Medford and Ashland is a small community named Talent. Talent has the closest large retail to Ashland and is home to a few large retail stores including Wal-Mart and Costco. Ashland does not have any large shopping centers inside the city limits. Instead, its downtown is composed of small locally owned retail stores located in an active pedestrian-oriented atmosphere.

According to the US Department of Housing and Urban Development (HUD) 2002 report on US Housing Market Conditions, the economy of the Medford-Ashland area grew rapidly from 1990 to 2000. Non-manufacturing growth grew more than 41% during this period and was primarily the result of an increase in retail trade. The manufacturing sector, which is predominantly lumber and wood products, had a 28% decline during the same period.

Ashland’s economy is maintained mainly by tourism. The Oregon Shakespeare Festival is a nine-month long festival that brings 100,000 people annually to the city of Ashland. The four theaters and nearly constant run of Shakespearian performances are a constant draw for outsiders and have helped define the city of Ashland for the past 50 years.

Southern Oregon University, which support 6,000 students, faculty and staff also strengthens Ashland’s economy and is responsible for reducing the average age of Ashland residents to a median of 37 years old. 25% of Ashland’s residents are 19 years of age and under, 23% are 20-34, 29% are 35-54 and 23% are over 55.

According to the HUD study, Ashland has seen a strong increase in the retirement population due to having been nominated by several publications as a top place to retire. This has resulted in Ashland hosting one of Oregon’s strongest housing markets. Ashland has seen a dramatic increase in housing prices over the past 10 years. In 2001 the average sale price for a 3 bedroom 2 bath single-family house inside the city of Ashland was $269,000. The average sale price for rural residential of the same size in Jackson County was $249,000. Affordable housing has recently become one of Ashland’s major concerns.

“Many homeowners are cashing out of lucrative California real estate marketplaces and are looking for a better quality
of lifestyle and sense of community...they discover Ashland” said Chris Hale, a local real estate agent. The increase in population around Ashland is primarily due to the attractiveness of Ashland’s Victorian charm. Ironically the increase in purchasing power that has arrived with the new residents has attracted large retail, which many believe threatens the local character of their city.

Ashland is a larger community than Homer, and has a larger tourist population that visits the city almost year around. Both cities have small universities; however Southern Oregon University is much larger, with 6000 students. Currently neither city has large retail, although both cities have large retail nearby. Ashland is a good case study to look at how design guidelines can be used to preserve the local character of a small town. However, since Homer has a smaller population base and a less diverse economy than Ashland, the economic effects of large retail moving into Homer will be more apparent than that of Ashland.

Position and Actions on Large-store Retail

The enactment of the 45,000 square foot building cap was reactionary according to Brandon Goldman of the Ashland City Planners Office (Goldman 2003). In 1992 the citizens of Ashland felt threatened by the prospect of large retail moving into the area and constructing buildings out of scale with the current conditions. According to a February 2003 Planning Commission meeting (Planning Commission 2003) the Mayor felt obligated to respond to the citizens and he appointed a committee to research recommendations regarding large retail. The ‘Big box ordinance’, limiting square footage to 45,000 feet, was adopted in 1992 following recommendations by this committee.

The size limits are covered in Chapter 18.72 of the Ashland Municipal Code (Municipal Code 18.72). Since 1992, questions regarding whether the square footage limit pertains to the building footprint or the gross square footage have required amendments to be written that clarify the situation. In addition, confusion over how to define a continuous building, and what areas within the city the ordinance applies, has created a new discussion among the City Council and the Planning Commission. For a detailed account of the current discussion please see the meeting minutes from the February Planning Commission meeting that is attached to this document.

As mentioned earlier, the square footage limit is only partially responsible for Ashland successfully maintaining its small town feel. Specific site design standards also play a very important role. The city of Ashland has created a document called Site Design and Use Standards (SDUS 1992) which outlines design standards that are required by the City and is a supporting document to the City’s Comprehensive Plan (CP 1982).

There is a basic site review standard that every building needs to follow to qualify for permitting. These standards include orientation and scale, street parking, landscaping and noise and glare. In addition to the basic site review standards there are more stringent standards called the detailed site review which applies to certain commercial and employment centers. Within the detailed site review zones, additional standards apply to any building that exceeds 10,000 square feet. These are the large-scale development standards. There are areas within the city limits of Ashland where a
building exceeding 45,000 square feet can be built because the restrictions only apply to areas within the regulated large-scale development zones.

In addition to the site design standards there are four historic districts with additional design guidelines directed towards preserving the historic character of Ashland. Development inside the four districts is subject to review by the Ashland Historic Commission. The commission can recommend withholding permits for projects that do not meet the standards outlined in the Site Design and Use Standards.

The current confusion regarding chapter 18.72 of the Municipal Code is regarding zone overlap between the historic districts and those controlled by the detailed site review. There is a conflict between design standards for historic districts and those of the square footage ordinance. In the downtown district there are many buildings without gaps between them and according to the square footage ordinance this constitutes as one building, making some of the downtown buildings exceed the limit of 45,000. The square footage limit would require new development to be broken up which is not in keeping with the historic character of the downtown district and goes against recommendations made by the Ashland Historic Commission.

Outcomes

Since the square footage limits went into effect in 1992, no large retailer has approached the city with interest in developing a store. The Wal-Mart in Talent opened in 1993 only seven miles north on Interstate 5. According to the Ashland Chamber of Commerce the commercial district of Ashland was not adversely affected by Talent allowing large retail.
In fact, the Wal-Mart and Costco located in Talent are members of both the Medford-Jackson County Chamber of Commerce and the Ashland Chamber of Commerce. Staff at the Ashland Chamber of Commerce were pleased with both large retail stores' contribution to the Chamber and had no complaints about either store.

The success in maintaining Ashland’s charm, with large retail in close proximity, can be attributed to a few factors. The first being the fact that the majority of business owners in Ashland are small locally owned specialty shops attracted to Ashland by its charming character. They do not compete directly with Wal-Mart. According to the Chamber of Commerce these stores cater to both locals and the tourists, supplying a combination of services and specialty items. These types of stores were in place prior to 1993, making the effect of large retail less noticeable.

Another factor that enhanced Ashland’s small town feel is the design standards. The design standards discouraged large retail from moving in to close proximity to Ashland’s downtown. This separation between the typical large retail ‘box’ and the quaint historic downtown of Ashland is enough to preserve the downtown feel while still allowing for the added shopping convenience large retail brings to the community.

Both the square footage limits and the detailed design standards ensured the local character of Ashland would be maintained. Interestingly, a number of residents welcome large retail into the city of Ashland. They feel that the design standards and square footage limits will protect Ashland’s aesthetic beauty while still allowing for large retail to move in to the city.

The Historic Commission has also made it difficult for franchise stores to build in the historic districts because franchises often shy away from altering their brand identifying architecture. There are a few franchises that have modified their design and have successfully integrated with the rest of the neighborhood. According to Chris Hale, the integrity of the historic district has not been compromised by franchise architecture.

Ashland’s historic districts have been very influential in creating, and maintaining, a unified downtown. Reduced setbacks, required placement of parking in the rear of buildings, proper massing and limiting materials are all described in the Site Design and Use Standards document as being required in the historic districts.

Ashland’s retail strength is directly attributed to the pedestrian-oriented small town feel that fosters a unique relationship between shoppers and the small businesses that they patronize (Chamber of Commerce 2003). In 1992 the citizens of Ashland were concerned about the local economy and the threat to Ashland’s sense of place (Goldman 2003). Creating the building size limits and the historic district with the Historic Commission to oversee building projects allowed Ashland to maintain the characteristics of the city that they felt were important. This in turn strengthened the local retail economy by developing Ashland into an attractive community that has become known for its beauty and small town feel. According to Chris Hale, Ashland’s local charm is one of the main driving forces keeping the city’s real estate market strong. If the city had not enacted restrictions Ashland’s local character risked becoming lost. Ashland’s economy is booming as tourists and new buyers are moving into Ashland to be a part of the community that Ashland residents have created.
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Appendices

Appendix A: Detail Site Review Zone

Appendix B: Planning Commission meeting minutes February 11, 2003

Appendix C: Housing Market Conditions: US Department of Housing and Urban
Development.

Appendix D: Site Design and Use Standards. Basic, Detailed and Large-Scale Site
Review Standards only
Appendix A: Detail Site Review Zone

18.72.050 Detail Site Review Zone

A. The Detail Site Review Zone is that area defined in the Site Design Standards adopted pursuant to Section 18.72.080.
B. Any development in the Detail Site Review Zone as defined in the Site Review Standards adopted pursuant to this chapter, which exceeds 10,000 square feet or is longer than 100 feet in length or width, shall be reviewed according to the Type 2 procedure.
C. 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.
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.
The Medford-Ashland metropolitan area in southern Oregon along the California border is the State's major retirement area as well as the regional center for trade and medical services in southern Oregon. The city of Ashland is home to Southern Oregon University, which has a current enrollment of more than 5,500 students. The city is also the home of the world-renowned Oregon Shakespearean Festival.

The economy of the Medford-Ashland metropolitan area grew rapidly from 1990 to 2000. Nonagricultural employment growth during the period averaged 3 percent annually. Nonmanufacturing employment grew 41 percent as a result of increases in retail trade and health services. Currently, 1 in 10 nonfarm jobs in the area are in health services. The traditional backbone of the Medford-Ashland area’s manufacturing sector, lumber and wood products, recorded a 28-percent decline in employment during the decade, and the rate of growth in nonagricultural employment in the Medford-Ashland area slowed to 1 percent in 2001. Job increases continued to be concentrated in retail trade and health services. Downsizing by high technology electronics firms and the continued contraction in lumber and wood products industry resulted in the loss of more than 1,000 manufacturing jobs in 2001. The unemployment rate rose from an average of 5.4 percent in 2000 to 5.9 percent as of the end of December 2001.

The steady growth in job opportunities during the prior decade and the area's popularity as a retirement destination spurred a population increase in the metropolitan area. The 2000 census reported that the population increased in the decade, to 181,269 persons as of April 2000. This represents an average increase of 2.2 percent per year. Nearly 90 percent of the increase was the result of in-migration. Approximately 60 percent of the population growth occurred in the cities of Medford and Ashland.

Housing sales market conditions in the Medford-Ashland area were generally strong in 2001. New and existing sales totaled 2,357 homes in 2001, up 6 percent from 2000, according to data from the local multiple listing service as compiled by Roy Wright Appraisal Services. The average sales price also rose 6 percent to $171,850 in 2001. Single-family building activity increased, spurred by a steady stream of buyers. Single-family permit activity for 2001 totaled 1,289 units, up 12 percent compared with 2000.

Ashland has been one of Oregon's hottest housing markets. The city has become increasingly popular, having been nominated as one of the Nation's most attractive communities by several publications and recently ranked by the American Association of Retired Persons as the second-best small town in America for retirees. This growing popularity, combined with a very limited supply of land for residential development, has contributed to double-digit increases in sales prices over the past 2 years. Prices increased 20 percent in 2000; for 2001, the average price of a home was $273,100.
However, this dramatic rise in prices appears to have tapped out the market. Sales in 2001 came in 22 percent below 2000, and the inventory of homes for sale rose 59 percent.

Strong population growth during the previous decade contributed to a significant 24-percent increase in renter households in the Medford-Ashland area. According to the 2000 census, just under 24,000 renter households were in the metropolitan area in 2000. With growth has come tighter market conditions. The Southern Oregon Rental Owners Association’s December 2001 survey reported the apartment vacancy rate was 3.9 percent at year’s end. As of the survey date, two-bedroom apartments in the area typically rented for between $525 and $575. Multifamily building permit activity in the metropolitan area totaled 307 units in 2001, an increase of 24 percent compared with 2000 and 12 percent higher than the 5-year annual average.
Appendix D: Site Design and Land Use Standards. Basic, Detailed and Large-Scale Site Review Standards only

Basic Site Review Conceptual Site Plan

II-C-1. Basic Site Review Standards

APPROVAL STANDARD: Development in all commercial and employment zones shall conform to the following development standards:

II-C-1a) Orientation and Scale

1) Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Public sidewalks shall be provided adjacent to a public street along the street frontage.

2) 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.
3) These requirements may be waived if the building is not accessed by pedestrian, such as warehouses and industrial buildings without attached offices, and automotive service uses such as service stations and tire stores.

II-C-1b) Streetscape

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

II-C-1c) Landscaping

1) Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.

2) Landscaping design use a variety of low water use deciduous and evergreen trees and shrubs and flowering plant species.

3) Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District. Outdoor storage areas shall be screened from view from adjacent public right-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.

4) Irrigation systems shall be installed to assure landscaping success.

5) Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.

II-C-1d) Parking

1) Parking areas shall be located behind buildings or on one or both sides.

2) Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

II-C-1e) Designated Creek Protection

1) Designated creek protection areas shall be considered positive design elements and incorporated in the overall design of a given project.

2) Native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.

II-C-1f) Noise and Glare

Special attention to glare (AMC 18.72.110) and noise (AMC 9.08.1 70(c) & AMC 9.08.175) shall be considered in the project design to insure compliance with these standards.

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

1) For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if building area is expanded by 25%, then 25% of the site must be brought up to the standards required by this document.
II-C-2. Detail Site Review

Developments that are within the Detail Site Review Zone shall, in addition to complying with the standards for Basic Site Review, conform to the following standards:

II-C-2a) Orientation and Scale

1) Developments shall have a minimum Floor Area Ratio of .35 and shall not exceed a maximum Floor Area Ratio of .5 for all areas outside the Historic District. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum floor area ratio.

2) Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building facade.

3) Any wall which is within 30 feet of the street, plaza or other public open space shall contain at least 20% of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Blank walls within 30 feet of the street are prohibited. Up to 40% of the length of the building perimeter can be exempted from this standard if oriented toward loading or service areas.

4) Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.

5) Infill of buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.

6) Buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.

II-C-2b) Streetscape

1) Hardscaping (paving materials) shall be utilized to designate "people" areas. Sample materials could be unit masonry, scored and colored concrete, graecocrete, or combinations of the above.

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. If more than one structure is proposed for a site, at least 25% of the aggregate building frontage shall be within 20 feet of the sidewalk.

II-C-2c) Parking & On-site Circulation

1) Protected, raised walkways shall be installed through parking areas of 50 or more spaces or more than 100 feet in average width or depth.

2) Parking lots with 50 spaces or more shall be divided into separate areas and divided by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings.
Detail Site Review Zone
North Main, Historic District, and Oak Street
II-C-2c) (continued)

3) Developments of one acre or more must provide a pedestrian and bicycle circulation plan for the site. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents and customers. Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building.

II-C-2d) Buffering and Screening

1) Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist of either plant material or building materials and must be compatible with proposed buildings.

2) Parking lots shall be buffered from the main street, cross streets and screened from residentially zoned land.
II-C-2e) Lighting

1) Lighting shall include adequate lights that are scaled for pedestrians by including light standards or placements of no greater than 14 feet in height along pedestrian pathways.

II-C-2f) Building Materials

1) Buildings shall include changes in relief such as cornices, bases, fenestration, fluted masonry, for at least 15% of the exterior wall area.

2) Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glaze as a majority of the building skin.

II-C-3. Additional Standards for Large Scale Projects

Development (1) involving a gross floor area in excess of 10,000 square feet or a building frontage in excess of 100 feet in length, (2) located within the Detail Site Review Zone, shall, in addition to complying to the standards for Basic and Detail Site review, shall conform to the following standards:

II-C-3a) Orientation and Scale

1) Development shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.

2) 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. 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.

3) 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.

4) All on-site circulation systems shall incorporate a streetscape which includes curbs, sidewalks, pedestrian scale light standards, and street trees.
II-C-3b) Public Spaces

1) One square foot of plaza or public space shall be required for every 10 square feet of gross floor area.

2) A plaza or public spaces shall incorporate at least 4 of the 6 following elements:
   a) Sitting Space - at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.
   b) A mixture of areas that provide both Sunlight & Shade
   c) Protection from wind by screens and buildings.
   d) Trees - provided in proportion to the space at a minimum of 1 tree per 800 square feet, at least 2 inches in diameter at breast height.
   e) Water features or public art
   f) Outdoor Eating Areas or Food Vendors.

II-C-3c) Transit Amenities

Transit amenities, bus shelters, pullouts and designated bike lanes shall be required in accordance with the City's Transportation Plan and guidelines established by the Rogue Valley Transportation District.

II-C-3d) Recycling

1) Recycling areas shall be provided at all developments.