

Part 2

CITY OF ASHLAND

RECORD FOR PLANNING ACTION #PA-T3-2019-00001

PLANNING ACTION: PA-T3-2019-00001

SUBJECT PROPERTIES: 1511 Highway 99 North and Adjacent Railroad Property and State Highway Right-of-Way

APPLICANT: Rogue Planning & Development Services, LLC

DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application seeks exception from the city's street design standards to deviate from city standard parkrow and sidewalk improvements in some areas to respond to constraints of right-of-way width and existing encroachments. **COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** Existing – County RR-5, Proposed – City R-2; **ASSESSOR'S MAP:** 38 1E 32; **TAX LOT#s:** 1700 & 1702.

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**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
June 23, 2020

I. CALL TO ORDER:

Chair Haywood Norton called the meeting to order at 7:06 p.m.

Commissioners Present:

Michael Dawkins
Alan Harper
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Kerry KenCairn

Council Liaison:

Stef Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced that Interim Public Works Director Scott Fleury would form a committee to evaluate updates to the water and storm drain system charges. Commissioner Pearce volunteered to serve on the committee. The first reading of the Open Space ordinance amendments was postponed due to concerns expressed by KDA Homes. Staff would review the concerns and bring the item back to the Commission at the Study Session in July.

III. PUBLIC FORUM - None

IV. TYPE II PUBLIC HEARINGS CONT'D

A. PLANNING ACTION: #PA-T2-2020-00019

SUBJECT PROPERTY: Vacant Tax Lots #10104 & #10105 on First Street (North of Lithia Way, Across from the Post Office)

OWNER/APPLICANT: Randy Jones for First Place Partners, LLC

DESCRIPTION: A request to consolidate two vacant lots and construct a new 10,547 square foot, three-story mixed use building as the third and final phase of the First Place subdivision. The building's ground floor will be primarily commercial space, while the second floor will include three one-bedroom residential units and the third floor will have one two-bedroom residential unit. The proposal includes modifications to the common area landscaping and parking configuration to provide more efficient access from the accessible parking to the entrances, and two requests for Exceptions to the Site Development & Design Standards' "Downtown Design Standards" to allow for a staggered street setback and to allow vertical windows installed together in groups of three that are more horizontal than vertical. **COMPREHENSIVE PLAN**

DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 09BA; TAX LOTS: #10104 & #10105

Chair Norton read the rules of the electronic public hearing. This item was on the agenda for the meeting on June 9, 2020. An issue occurred with RVTV and the livestream was interrupted. The public hearing was continued to this meeting.

Ex Parte Contact

Commissioners Dawkins, Harper, and Pearce had no ex parte on the matter but drove past the site frequently. Commissioner Thompson declared no ex parte but had accessed the north parking lot to observe traffic during peak times.

Chair Norton had no ex parte and no site visit since June 9, 2020.

Questions of Staff

Senior Planner Brandon Goldman gave a report on the applicant's response to questions asked at the meeting on June 9, 2020. Jerome White, the architect submitted additional testimony that addressed concerns the Commission raised regarding a deck encroaching into a common area and the request for two on-street parking spaces within 200-feet of a C-I-D zone.

The applicant consulted their attorney regarding the deck. The Covenants, Conditions and Restrictions could create an allowance for the easements to run with the land. It would give the applicant the ability to build an encroachment into the common area and maintain it over time.

The two on-street parking spaces were on First Street and outside the 200-foot buffer. The applicants were requesting two on-street parking spaces for potential change of use in the future. The parking spaces were included in the original subdivision from 2012. If this application was approved, there would be no further development on the site.

Applicant's Submittal (See attached)

Written Testimony - None

Rebuttal by Applicant - None

Deliberations & Decision

Commissioner Thompson/Pearce m/s to approve PA-T2-2020-00019, with the exception of the two on-street parking places. DISCUSSION: Commissioner Thompson noted aspects she liked about the project. The code allowed on-street parking credits to reduce the number of required off-street parking. In this case the applicant did not need an on-street parking credit because they had enough parking off street. Commissioner Pearce agreed with Commissioner Thompson adding it did not prohibit them from requesting then if the use changed. He thought the findings should link the exceptions to the purpose of the site design review in 18.5.2.010. **Roll Call Vote: Commissioner Harper, Pearce, Dawkins, Thompson and Norton, YES. Motion passed.**

V. TYPE III PUBLIC HEARINGS CONT'D

A. PLANNING ACTION: #PA-T3-2019-00001

SUBJECT PROPERTY: 1511 Hwy 99 N

**OWNER/AGENTS/APPLICANT: Linda Zare/Casita Developments, LLC & Kendrick Enterprise, LLC/
Rogue Planning & Development Services, LLC**

DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments. COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; ZONING: Existing – County RR-5, Proposed – City R-2; ASSESSOR'S MAP: 38 1E 32; TAX LOT#'s: 1700 & 1702.

Staff Report / Questions of Staff

Senior Planner Derek Severson provided a presentation (see attached):

- Grand Terrace Annexation
- Contiguity & the Railroad Property
- Grand Terrace Annexation – AMC 18.5.8.060 Boundaries
- Oregon Revised Statutes (ORS) 222.170 “Triple Majority”
- Oregon Revised Statutes (ORS) 222.170 2017 ORS 222.170
- Oregon Revised Statutes (ORS) 222.170; Subject Properties; ODOT Right of Way

The Commission could find the proposal to annex the applicant’s properties, the adjacent ODOT right of way and the railroad to achieve contiguity and satisfy the **ORS 222.170 Triple Majority** option. It would not need consent from the Railroad.

Commissioner Thompson explained this was the first she was hearing of this option. It would be difficult to reach a determination. Commissioner Dawkins agreed and wanted to know how ODOT and the Railroad would determine a valuation of their properties. Commissioner Pearce explained there was no assessed value on either property. It was the assessed value of the private properties. It was half the owners who owned more than half the land in the annexation area that was worth more than half the assessed value. He clarified it would be contiguous by including the additional property in the annexation.

Commissioner Thompson confirmed the Triple Majority option would annex the Railroad without their consent. She thought the code section was about avoiding an election to annex property without people’s consent. Chair Pearce clarified it was one of three statutes that talked about annexation by consent before a public hearing. An order or election was not required if there was a Triple Majority.

Mr. Molnar further clarified this was an update on key issues and the contiguity was evolving. ORS 222.170 was preliminarily discussed but needed more information. A draft report would come before the Commission for consideration prior to it going to the City Council.

Commission Harper asked if the owners of the properties circled by the annexation wanted to be included. Staff explained the neighbors were noticed and some had sent written comments. Staff would reach out and let them know the proposed boundaries. Key considerations were services they currently had and what the obligation would be if they came into the city.

Staff clarified the ODOT right of way would remain a state highway that was in city limits until it met areas where the city had jurisdictional limits. It would be subject to ODOT standards. The City would have no control over signals or crosswalks.

- Transportation and Circulation – Access
- Frontage Improvements (North)
- Frontage Improvements (South)
- Transit Improvements

Commissioner Thompson asked about a two-way bike lane to avoid left turns across traffic. Staff noted the Transportation Commission had raised the same question. Interim Public Works Director Scott Fleury thought they could have a two-way bike lane within the existing right of way pending ODOT approval.

- Affordability Calculations & Constrained Lands

The applicant proposed to reduce the affordability requirement by removing the unbuildable areas and wetland buffers and base their density calculations on 13.7.5 acres of the site. It would result in 7-10 fewer affordable units. In the Code, the minimum residential density for annexation called for 90% of the base density of the zone to be provided with annexation unless reductions in the total number of units were necessary to that minimum density to accommodate significant natural features, topography, access limitations or physical constraints. The section requiring affordable housing stated a percentage of the base density did not provide for any reduction to accommodate significant natural

features or physical constraints. The applicant was contending the number of required affordable units should be reduced based on the total land area after the unbuildable lands were removed from the calculation. Presently, the code did not provide for any such reduction. Staff was currently proposing code revisions that would remove unbuildable lands from consideration in the calculations. The Commission could choose to add in their recommendation to the City Council the applicant made a reasonable argument in support of this approach; that staff had drafted code language reflecting the change and the legislative nature of an annexation would allow the City Council to take that approach.

The Commission did not support revising the ordinance for this specific project. They were open to potential changes in the future. The Commission needed to approve the application based on the current code. The applicant could ask the City Council for a legislative fix during that public hearing.

- Next Steps
 - Commissioners to weigh-in on issues identified and indicate any additional information they believe is needed from the applicant or staff to arrive at a formal recommendation to Council.
 - Motion to continue the action to a date certain – July 14, 2020 or later.
 - Based on discussion tonight, staff will prepare a formal recommendation with draft findings for consideration and adoption at the continued meeting.

The Commission wanted more detailed analysis on contiguity in the recommendation to the City Council. The Commission also agreed the number of affordable housing units did not meet the requirement.

Transportation concerns included traffic volume and speed, entering and exiting the site and bicycle safety. Both left turns seemed problematic. Some were not persuaded the north entrance should be limited to emergency traffic only. Other comments supported a two-way bike lane but thought it should be separated. The Commission could recommend the City talk to ODOT about reducing the speed.

If the annexation was approved, the number of units could be increased or reduced. It would depend on the conditions the City Council put on the annexation. The City Council could adopt the annexation by ordinance and conduct a public hearing and vote on whether to annex or not. The application would be conditioned upon first going through the site design review process before approving the annexation.

Commissioner Pearce commented the issues the applicant and property owners were having regarding the easement were outside of the Commission's purview. He also wanted to know if the applicant had abandoned their request for street design standards. The code applied to new developments and not annexations. He suggested including that it was irrelevant in the recommendation to the City Council. Mr. Molnar clarified the exception would be determined during site review. Annexation criteria were very specific to pedestrian improvements along the frontage. It was something the applicant would have to do. Commissioner Pearce added they did not meet the city's standards because it was in ODOT's right of way.

The Commission continued the meeting to July 28, 2020 at 7:00 p.m. The item would not be re-noticed. Anyone who had submitted comments would be notified.

Commissioner Dawkins/Pearce m/s to continue the public hearing to July 28, 2020 at 7:00 p.m. Voice Vote: All AYES. Motion passed unanimously.

VI. ADJOURNMENT

Meeting adjourned 8:43 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
June 23, 2020
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **TYPE II PUBLIC HEARINGS CONT'D**
 - A. **PLANNING ACTION: #PA-T2-2020-00019**
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- V. **TYPE III PUBLIC HEARINGS CONT'D**
 - A. **PLANNING ACTION: #PA-T3-2019-00001**
SUBJECT PROPERTY: 1511 Hwy 99 N
OWNER/AGENTS/APPLICANT: Linda Zare/Casita Developments, LLC & Kendrick Enterprise, LLC/ Rogue Planning & Development Services, LLC
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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

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VI. ADJOURNMENT



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**APPLICANT'S REBUTTAL
FROM THE
JUNE 23, 2020
MEETING**

**PA-T3-2019-00001
1511 HWY 99 N**

Robert J Kendrick
Casita Development LLC
PL 2019-0001_T3

June 22, 2020

City of Ashland Commission
Attn: Derek Severson
20 E Main Street
Ashland Or 97520

RE: PL 2019-0001_T3
Annexation and Zone Change
1511 Hwy 99N
Grand Terrace Agrihood

Dear Planning Commission
& Planning Division Staff

Re: Traditional City of Ashland Railroad Annexations Methodology to obtain and maintain Contiguity of the City of Ashland's city limits.

The records of the City of Ashland show that annexations are made possible by reaching over Railroad land to the City Limit Boundary when contiguity is needed for Annexation. The City of Ashland routinely reach's over Railroad land to obtain contiguity. The City also annexed Railroad land to bring it into the City Boundary for the future purpose of annexing other lands that need contiguity.

Fact: When the Railroad is adjacent to land that is to be annexed and needs contiguity the Railroad is annexed.

Fact: If a piece of land annexed that does not need contiguity because it has it by other means but is adjacent to a Railroad, the City will annex the Railroad.

Fact: The Railroad is not noticed either before the action to annex or after the annexation was approved.

Current Application:

In the first submission for the Grand Terrace Annexation request on October 8, 2019 before the City of Ashland Planning Commission the Staff Report noted the following:

October 8, 2019 Staff stated "that the land is currently contiguous to the present city limits;" pg,4.

The October 8, 2019 meeting was postponed until November 12, 2019.

November 12, 2019 before the City of Ashland Planning Commission the Staff Report noted the following:

"the subject property is located within the Urban Growth Boundary and is contiguous with the existing city limits boundary to the south." Pg,5.

At the November 12, 2019 meeting the Ashland Planning Commissions Chairman of the Planning Commission stated the land was not adjacent to the City Limits because the Rail Road was between the land to be annexed and the City Boundary. Also, the Railroad was Private Property, not a public right away and could not be annexed without approval, or notification to the Railroad.

In the past the Common Procedure for the Annexation of Railroad land had similar City of Ashland rational, "a railroad should be annexed if adjacent to a city limit line in order to bring contiguity to the application parcel in need of contiguity". Standard set by the City is "If a Railroad stood between the land requesting annexation and a City Limit Line there will be contiguity, by annexation of the Railroad". Also, where a parcel of land was within the City Limit and adjacent to a Railroad that was not adjacent to a City Limit Boundary the City of Ashland annexed the Railroad.

ANNEXATION NO 1

In the following request for annexation the land location was in an UGB and no other properties around it were located near a City Boundary, there was no contiguity. The land was adjacent to the Railroad to the North. The City Limits boundary line laid to the south side of the Railroad. The following are the Staff Reports and City Commission findings.

Planning Commission January 12, 1999
Staff Report

Planning Action 99-006 (attached Exhibit "A").
Contiguity

"Molnar explained that if the legal boundary for the city limits is on the southerly extent of the railroad right of way that portion of railroad right of way would need to be brought in

with this annexation "to create contiguity with the city limits".pg,4

City Planning Commission Resolution:

Planning Commission Resolution No 99-50 August 17, 1999
ORS 222-125 permits the city to annex the property described in the attached Exhibit "B"
SECTION 1. The land described in the attached Exhibit "A" is contiguous to the city of Ashland.. (Exhibit "B")

City Council

Ashland City Council February 2, 1999 FINDINGS
RECITALS:

2.2

C. The land is currently contiguous with the present City Limits.

The property, with the inclusion of the railroad right of way, is contiguous to the existing City Limits that runs along the railroad tracks.

As the records show both the Planning Commission and the City Council approved an Annexation when they swept the Railroad into the Annexation to fulfill the requirement of Contiguity to the City Limits.

The City Council notes the rationale in the findings, "with the inclusion of the railroad right of way, is contiguous to the existing City Limits".

ANNEXATION NO 2 Exhibit (C)

Planning Action 2006-00366
City Council Meeting May 16, 2006

This was a request for annexation, the property was in an UGB, the adjacent surrounding properties were within the City Boundary and the Southern boundary of the property was adjacent to the Railroad. The Southern portion of the Railroad property line was adjacent to the City Limits.

The Council declared the applicant land and the Railroad property Annexed, Pursuant to ORS 222.120 and ORS 222.524 Section 2.

The land described in the attached Exhibit is declared to be annexed to the City of Ashland. See "C"
There were no mail outs to the Railroad or any communication and or request as to whether or not they objected.

As shown in the Exhibit the Railroad was drawn into the annexed lot description and made part of the City.

The above annexations are only but a few and I'm sure there are many others since the City is built around the entire Railroad line.

The two examples of Annexation above show the City annex's Railroad property in order to obtain contiguity. It also shows both the Department of Planning, the Planning Commission and City Council all agree contiguity is obtained by annexing the Railroad property when the City Limit Boundary is the only way to obtain contiguity. The example above also shows that when an application for annexation is made and its property line is attached to the Railroad, and contiguity is not needed, the City will automatically annex the Railroad into the City. No notices are made to the Railroad in either case.

Conclusion

The City has a history and common use of Annexations of Railroad lands and in the case for the Annexation of the land under PL 2019-0001_T3, Annexation and Zone Change 1511 Hwy 99N the same criteria should apply and no notice to the Railroad needs to be made and no approval from the Railroad is needed. If these are the requirements the Railroad should be notified of all annexations made over Railroad land.

Thank you

Robert Kendrick
Casita Development LLc
Grand Terrace Agrihood

Other findings:

Besides the two examples noted above, the State of Oregon Statues under "Definitions for Contiguous" (see below ORS 321.700)

ORS 321.700
Definitions

(2) "Contiguous" means having a common boundary that is greater than a single point.

(3) "Contiguous parcels":

(a)Includes parcels separated by public or county roads, state highways, nonnavigable streams or nonnavigable rivers.

(b)Does not include parcels that are separated by an interstate highway, a navigable stream or a navigable river, unless there is an underpass, a bridge or another direct access between the separated parcels.

(2) Contiguous- "a common boundary that is greater than a single point".
The parcel requesting annexation is within a community of similar housing types and uses, under a jurisdiction of land use rules and laws binding everyone together. They use the same means of commerce and think of themselves as a unit and not separate, they are a community and that is the boundary. A commonality in living standards, with the same rules and regulations sharing the same infrastructure, roads and utilities and treat each civil unit. The Railroad "a single point" is not greater than the boundary of the resident's set themselves in, which is their common values, use of land, or the area they use together. The railroad is "a single point" that does not separate this community boundary.

(b) Contiguous there is an underpass, between the separated parcels.
Together they use the Railroad underpass to conduct their daily lives and this is their contiguity.

Thank you,

Robert Kendrick

**PLANNING ACTION 99-006
REQUEST FOR ANNEXATION AND COMPREHENSIVE PLAN AMENDMENT FOR THE PROPERTY EAST OF THE END OF JEFFERSON AVENUE WITH FRONTAGE ALONG WASHINGTON STREET AND BACKING UP TO THE SOUTHERN PACIFIC RAILROAD TRACK. THE APPLICATION ALSO INCLUDES A LAND PARTITION TO DIVIDE THE PROPERTY INTO THREE LOTS AND SITE REVIEW TO CONSTRUCT AN APPROXIMATELY 20,000 SQUARE FOOT BUILDING TO HOUSE OAK STREET TANK AND STEEL, A MANUFACTURER OF STEEL TANKS ON PARCEL 1.
APPLICANT: DOUG NEUMAN**

Site Visits and Ex Parte Contacts

Site visits were made by all.
Morris and Hearn have a conflict of interest and will step down and abstain from this hearing.

STAFF REPORT

The notice and criteria were sent to the affected property owners.

The application involves a seven acre parcel located off Washington Avenue. There are not significant trees on the property. The request is to annex the property into the City with a three lot partition. As part of the partition a new street would be dedicated through the northern half of the property. Zoning designations would be M-1 and E-1. M-1 zoning would correspond to the lot line on Parcel 1 and a small area of Parcel 3. Parcel 2 and 3 would be zoned E-1. The applicants would prefer the lot lines follow the zoning. Another aspect of the application involves the construction of an approximately 20,000 square foot steel tank manufacturing business on the front half of Parcel 1.

The Commissioners will be reviewing the application for annexation, then forwarding a recommendation to the City Council. The Commissioners will be the final decision makers on the request for the partition request, site review request to construct the building, and modification of the zoning.

The property is within the Urban Growth Boundary. It is contiguous with the current city limits and is adjacent to the railroad right-of-way. The right-of-way would be annexed into the city as well. The use proposed is in accordance with the zoning designations of the property.

Currently, sewer and water mains are located towards the bend in Washington Street. The applicant proposes to extend those mains as well as electric service down through Washington Street to the property, through the new street and terminating at the west boundary. Eventually there will be a loop from Washington to Jefferson. Storm drains will be installed as part of the street construction and as it gets to the intersection of Washington, the minimum requirement is that an engineered drainage ditch parallel Washington to where it dumps into a small creek approximately 1200 feet north of the project.

Molnar explained the various street improvements are that are required (see Staff Exhibit S-1).

Staff feels it is important to keep Oak Street Tank and Steel within the city. It has freeway access and is adjacent to existing city property that is currently zoned M-1. With the Conditions outlined in the Staff Report, services can be brought to the property and streets improved to a level that will accommodate at the least the first phase of the development with Conditions set aside to ensure for the orderly continuation of the improvement of Washington Street as Parcel 3 develops. Staff has recommended approval of all four elements of the application with 15 suggested Conditions.

Howe wondered why there would be no access for Parcel 1 to the railroad. Molnar understood Oak Street Tank and Steel did not feel they needed access to the railroad.

Howe wondered if the Commission could ask for a paved path that would allow bikes to be off the road. Molnar said, generally, if the road does not include an approved bike facility (bike lane), the relative criteria is that there are safe provisions for bike access. Molnar assumes, given the overall level of traffic, he is not certain a separate path would be needed. Perhaps a wider lane size could be considered and bikes could share the facilities with the amount of traffic being generated.

Briggs expressed a concern about the railroad right-of-way. Molnar explained that if the legal boundary for the city limits is on the southerly extent of the railroad right-of-way, that portion of railroad right-of-way would need to be brought in with this annexation to create contiguity with the city limits.

PUBLIC HEARING

DOUG NEUMAN, 4240 Clayton Road

DAVE RICHARDSON, Architectural Design Works, 1105 Siskiyou Boulevard, said they would like to discuss Condition 3 concerning paving of Washington Street.

Neuman thought the road seemed sturdy. He would like the Commission to consider letting them keep it in the condition it is in now, stating they would make sure it is 20 feet in width. Possibly add a Condition that the full street improvement be done at the time Parcel 2 or Parcel 3 develop.

Molnar said a 20 foot wide road is the city standard and Washington should be overlaid to a smooth city street standard. It might be acceptable to defer the improvement, however, Public Works has said it is a rough county road narrower than the city standard. What is meant in Condition 3 is that the requirement is to go from the frontage of this property all the way out to Highway 66 and meet the city standard. McLaughlin said Engineering is concerned that future development of Parcels 2 and 3 may not happen for several years and in the meantime the last 1000 feet of Washington will continue to degrade.

Neuman suggested when the next parcel develops, to go ahead with the road improvement at that time.

Neuman said with regard to the triangular piece on Parcel 3, that Oak Street Tank and Steel may want that to have railroad access after all.

Howe wondered if Neuman would consider installing a turnaround or back-up area at the end of street until it will finally go through. Neuman feels a 36 foot wide street will allow for enough turnaround.

Howe asked Neuman about paving the pedestrian path. Neuman said, at this point, with only one proposed business moving in, he is not certain a paved path is justified. Bikes could use the road.

ED BEMIS, P. O. Box 1018, Ashland, favors the proposal.

PAT LEROY, 450 Timberlake Drive, owns the property at 770 Washington. LeRoy noted the Staff Report was late (one day). It did not extensively hinder his time to do research but it did not help. He contacted three law offices and they all had conflict of interest.

There is no existing ditch. The actual road bed drops about 15 feet to private property along Washington Street. Flooding occurs at the bend where the pavement changes to the more porous county standard. During irrigation season, the water would drop down through the lower property and across Washington

Exhibit
13

RESOLUTION NO. 99-50

A RESOLUTION OF THE CITY OF ASHLAND ANNEXING A CONTIGUOUS AREA TO THE CITY OF ASHLAND, OREGON, AND PROVIDING FOR AN EFFECTIVE DATE. (WASHINGTON STREET ANNEXATION BY NEUMAN)

RECITALS:

A. ORS 222.125 permits the city to annex the property described in the attached Exhibit A without an election and without a public hearing when all of the owners of the property to be annexed and not less than 50% of the electors, if any, residing on the property consent in writing to the annexation.

B. All of the owners of this property have consented in writing to the annexation and there are no electors residing on the property.

C. The land use application for annexation has been heard and was approved with findings and the order for annexation adopted by the city council on March 3, 1999.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. The land described in the attached Exhibit "A" is contiguous to the City of Ashland and is located in Jackson County, Oregon, and is proclaimed to be annexed to the City of Ashland as provided in ORS 222.125 and Section 2 of this Resolution.

SECTION 2. Upon the effective date of this resolution, the City Recorder, in accordance with ORS 222.177, shall transmit to the Secretary of the State of Oregon, a copy of this resolution, a copy of the Statement of Consent from the owners of the property annexed and shall submit a copy of this resolution to the County Assessor and County Surveyor of Jackson County, Oregon.

sent
8/19/99

This resolution was read by title only in accordance with Ashland Municipal Code

§2.04.090 duly PASSED and ADOPTED this 17 day of August, 1999.

Barbara Christensen
Barbara Christensen, City Recorder

SIGNED and APPROVED this 17 day of August, 1999.

Don Laws
Don Laws, Council Chairperson

Reviewed as to form:

Paul Nolte
Paul Nolte, City Attorney

(p:ord\annx-neu.re1)

ANNEXATION TO CITY OF ASHLAND

A PARCEL OF LAND TO BE ANNEXED TO THE CITY OF ASHLAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT BEARS S 00°03'23" W, 251.77 FEET FROM THE NE 1/16 CORNER OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, IN JACKSON COUNTY, OREGON; SAID POINT OF BEGINNING LYING ON THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 5 HIGHWAY, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF WASHINGTON STREET;

THENCE S 00°02'16" W, 1180.83 FEET FOLLOWING THE 1/16 SECTION LINE TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY OF THE EXISTING CITY LIMITS OF THE CITY OF ASHLAND;

THENCE ALONG THE EXISTING CITY LIMITS AND THE SOUTHERLY RIGHT-OF-WAY OF THE RAILROAD, N 42°49'48" W, 463.65 FEET TO THE BEGINNING OF A 2°06'37" SPIRAL CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N 43°09'31" W, 88.35 FEET;

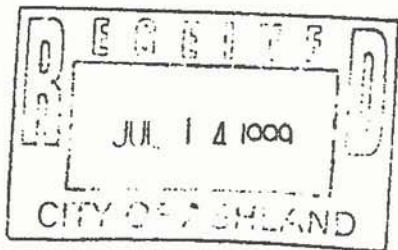
THENCE CONTINUING ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 1°49'14", A RADIUS OF 2764.93 FEET, THE LONG CHORD OF WHICH BEARS N 44°39'35" W, 87.85 FEET;

THENCE LEAVING THE EXISTING CITY LIMITS AND THE SOUTHERLY RIGHT-OF-WAY OF THE RAILROAD AND RUNNING N 00°01'08" W, 833.76 FEET;

THENCE N 89°45'14" E, 377.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 AND WASHINGTON STREET;

THENCE ALONG SAID RIGHT-OF-WAY, S 26°39'48" E, 135.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 10.63 ACRES.



COPY

BEFORE THE ASHLAND CITY COUNCIL
JACKSON COUNTY, OREGON
February 2, 1999

IN THE MATTER OF PLANNING ACTION #99-006, A REQUEST FOR)
ANNEXATION OF THE PROPERTY LOCATED EAST OF JEFFERSON) FINDINGS,
AVENUE AND NORTH OF THE RAILROAD TRACKS, WITH FRONTAGE) CONCLUSIONS
ALONG WASHINGTON STREET. THE PROPERTY CONSISTS OF) AND ORDERS
APPROXIMATELY SEVEN ACRES.)
)
)
)
APPLICANT: DOUG NEUMAN)

RECITALS:

- 1) Tax lot 2400 of 391E 14A is located east of Jefferson Avenue and north of the railroad tracks, with frontage along Washington Street at and is proposed to be zoned M-1 (Industrial) and E-1 (Employment).
- 2) The proposal involves a request for Annexation of an approximately seven acre parcel. The tentative plat, site improvements and building elevations associated with the Planning Commission's approval of a Site Review and Partition request are on file at the Department of Community Development.
- 3) **The criteria for approval for Annexation are described in section 18.106 as follows:**

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
 1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial

2.1 The Council finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 Ashland Municipal Code Title 18, Chapter 18.106.30 provides the approval criteria for Annexation. The City Council makes the following findings with respect to the following approval criteria:

A. The land is within the City's Urban Growth Boundary.

The property proposed for annexation is currently located within Ashland's Urban Growth Boundary as designated on the Ashland Comprehensive Plan.

B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

The proposed zoning for the property, E-1 and M-1, is consistent with the designations indicated on the Ashland Comprehensive Plan, while the proposed manufacturing business is an allowable use within both districts.

~~C.~~ C. The land is currently contiguous with the present City limits.

The property, with the inclusion of the railroad right-of-way, is contiguous to the existing City Limits that runs along the railroad tracks.

D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.

Sewer, water and electric service will be extended to and through the project. These main lines are located approximately 1000 feet to the north, adjacent to Washington Street. The developer is required to extend the City mains up to the site and to the end of the new public street. City storm drain facilities are required to be installed in the new public street. Run-off from the new street will be directed into the drainage ditch along Washington Street, where it eventually dumps into a small creek approximately 1200 feet north of the project. The open ditch is required to be engineered and constructed in accordance with the standards of the Public Works Department.

E. Adequate transportation can and will be provided to and through the subject property

Street improvements are required upon annexation, with the degree of improvement (i.e. paving, curb and gutter, full improvement, etc.) based upon the street's location relative to the annexed area.

ANNEXATION SURVEY

LOCATED WITHIN THE SW 1/4 OF THE NE 1/4 OF SECTION 14,
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF ASHLAND, JACKSON COUNTY, OREGON.

SURVEY FOR
MOUNTAIN PARK DEVELOPMENT, LLC
1240 CLAYTON ROAD
ASHLAND, OR. 97120

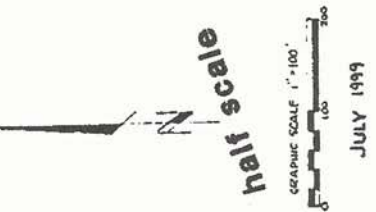
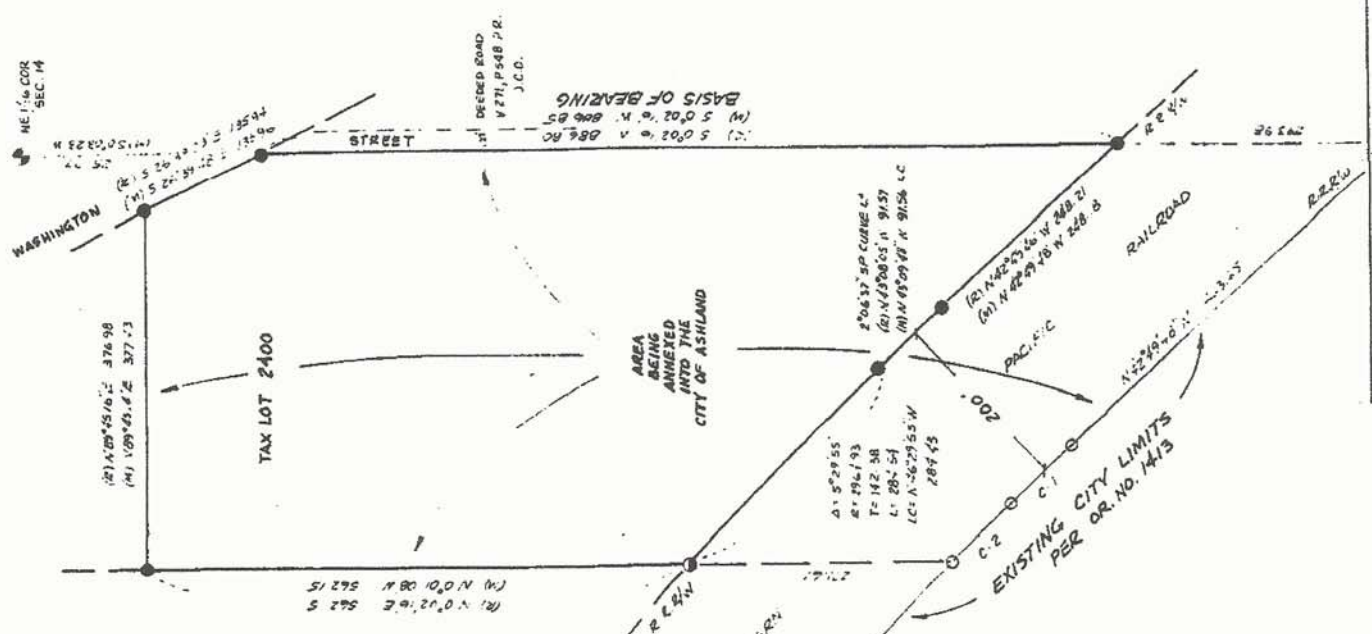
PREPARED BY
3RD SURVEYS, LTD.
17225 MOUNTAIN DRIVE
BROOKHILLS, OR. 97115
PHONE (503) 469-5655



BASIS OF BEARING
T.P. 111A TRUE MERIDIAN AT THE NORTH-SOUTH END
ON SECTION 14, BEARING REFERENCE LINE
TAKEN FROM FILED SURVEY NUMBER 12759
ALONG WASHINGTON STREET AS DEPICTED
J.V. RIGHT.

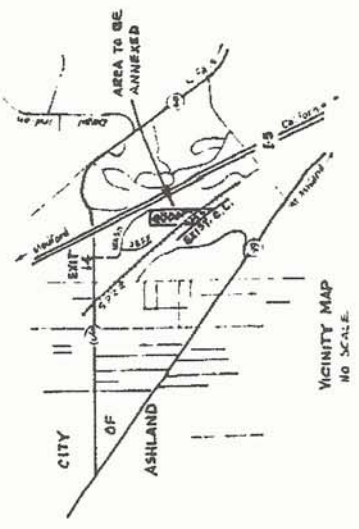
CURVE TABLE

Curve	Delta	P	R	T	L	LC
C-1	15° 29' 55"	276.433	112.309	3.11	109.31	112.309
C-2	182° 38'	276.433	112.309	3.11	109.31	112.309



LEGEND

- INDICATES A 5/8" REBAR, WITH YELLOW PLASTIC CAP MARKED "ANDEXAS LS 1626" PER SURVEY 12759, FOUND AS NOTED, OR FLUSH WITH SURFACE.
- INDICATES A 3/8" REBAR, WITH YELLOW PLASTIC CAP MARKED "SHARMS LS 159" PER SURVEY 9688, FOUND AS NOTED, OR FLUSH WITH SURFACE.
- (R) INDICATES REBAR INFORMATION PER SURVEY NO. 12759.
- (M) INDICATES MEASURED DATA THIS SURVEY.
- ⊕ INDICATES A FOUND 1 1/2" ALUM. CAP STAMPED "NE 1/4, SEC 14, RLS 159, A13" 2.5 DEEP PER SURVEY NO. 12759.



" C "

2006-00366

ORDINANCE NO. _____

AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING AN ANNEXED AREA FROM JACKSON COUNTY FIRE DISTRICT NO.5 (Jefferson St. Annexation - # 2006-00366)

Recitals:

A. The owner of the property described in the attached Exhibit "A" has consented to the annexation of this property to the City of Ashland. There are no electors residing in the tract to be annexed.

B. Pursuant to ORS 222.120 and ORS 222.524 a public hearing was held on May 16, 2006, on the question of annexation as well as the question of withdrawal of the property from Jackson County Fire District No. 5. The hearing was held in the Council Chambers, Civic Center, 1175 East Main Street, Ashland, Oregon,

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

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

SECTION 2. The land described in the attached Exhibit "A" is declared to be annexed to the City of Ashland.

SECTION 2. The land described in the attached Exhibit "A" is declared to be withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ___ day of ___, 2007, and PASSED and ADOPTED the ___ day of ___, 2007.

Barbara Christensen, City Recorder

SIGNED and APPROVED the ___ day of ___, 2007.

John W. Morrison, Mayor

Approved as to form:

Richard Appicello, Interim City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
 BRAMMO MOTORSPORTS ANNEXATION TRACT
 ASSESSOR'S MAP NO. 39 1E 14 A, Tax Lot 1104

That tract of land described within Instrument No. 2005-032764 of the Official Records of Jackson County, Oregon, along with that portion of the Central Oregon & Pacific Railroad right of way (formerly Southern Pacific Company) as shown on Survey No. 19703, on file in the office of the Jackson County Surveyor, said tract lying situate within the Northeast Quarter of Section 14, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, more particularly described and bounded as follows, to wit;

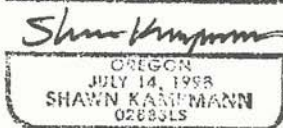
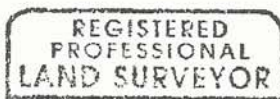
Commencing at the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 39 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon; thence South 89°44'33" West (Deed Record South 89°45'16" West), along the northerly boundary of those parcels set forth in Volume 309, Page 375, and Volume 335, Page 321 of the Deed Records of said County, 126.28 feet to a 5/8 inch iron pin along the southwesterly right of way of Interstate Highway No. 5, for the True Point of Beginning; thence continuing South 89°44'33" West, along said described parcel, 311.74 feet (Deed Record South 89°45'16" West, 311.72 feet) to a 5/8 inch iron pin at the northwest corner thereof; thence South 00°02'07" West, along the west line of said parcels, 692.15 feet (Deed Record South 00°02'16" West, 692.15 feet), to a 5/8 inch iron pin; thence continuing South 00°02'07" West, 66.41 feet to a 5/8 inch iron pin on the northeasterly line of the 100 foot wide deeded right of way of the Central Oregon and Pacific Railroad (formerly Southern Pacific Railroad), as described within Volume 16, Page 205 of the Deed Records in said County; thence continuing South 00°02'07" West, 135.63 feet to the southwesterly deed record right of way of said Railroad; thence following said southwesterly right of way the following courses: 380.24 feet along the arc of a 2814.93 foot radius curve to the left, having a delta angle of 07°44'22" (Chord bearing North 50°24'48" West, 379.95 feet) to a point of spiral curvature; thence along the arc of a spiral curve to the left (Chord bearing North 54°50'53" West, 90.38 feet), to a point of tangency; thence North 55°11'53" West, 643.09 feet to the north-south centerline of said Section 14; thence North 00°02'32" East, leaving said southwesterly right of way and along said Section centerline, 182.58 feet to the southwesterly line of Ashland Business Park Subdivision; thence South 55°11'53" East, along said southwesterly line, being parallel with and 100.00 feet at right angles to said Railroad centerline, 169.90 feet to a 5/8 inch iron pin at the most southerly corner thereof; thence along the southeasterly lines of said Subdivision the following courses: North 60°02'16" East, 298.88 feet to a 5/8 inch iron pin (Deed Record North 60°02'33" East, 298.64 feet); thence North 89°58'49" East, 159.15 feet to a 5/8 inch iron pin (Deed Record East, 159.24 feet); thence North 06°41'00" East, 42.30 feet to a 5/8 inch iron pin (Deed Record North 06°50'20" East, 42.30 feet); thence North 89°59'37" East, leaving said southeasterly subdivision line, 623.10 feet to a 5/8 inch iron pin on the southwesterly line of Interstate 5 (Deed Record North 89°59'51" East, 622.96 feet); thence South 26°36'56" East, 47.56 feet (Deed Record South 26°41'00" East, 47.61 feet) to the Point of Beginning.

Prepared by:

Shawn Kampmann
 Professional Land Surveyor

Polaris Land Surveying LLC
 P.O. Box 459
 Ashland, Oregon 97520
 (541) 482-5009

Date: June 18, 2007
 S:\surveys\355-06\BRAMMO Annexation Legal.doc



Renewal Date: 6/30/09

CITY OF ASHLAND
ENGINEERING DIVISION

IRREVOCABLE CONSENT TO ANNEXATION

The undersigned, referred to in this document as "Owner" whether singular or plural, owns or is the purchaser under a recorded land sale contract of real property in Jackson County, Oregon, described below and referred to in this document as "the property":

See attached Exhibit "A"

In consideration of the application for annexation and subsequent connections from the property to City of Ashland services, Owner declares and agrees that the property shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions which shall constitute covenants running with the land and shall be binding on all parties, their heirs, successors and assigns, having any right, title, or interest in the property or any part thereof:

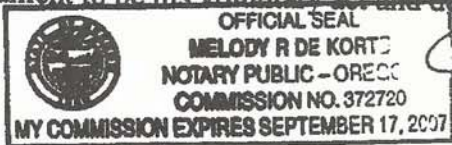
Whenever a proposal to annex the property is initiated by the City of Ashland or otherwise, Owner shall consent and does consent to the annexation of the property to the City of Ashland. Owner agrees this consent to annexation is irrevocable.

Dated this 2 day of May, 2006.

Signature: [Signature], Owner

State of Oregon)
) ss:
County of Jackson)

Personally appeared the above named CRAIG BRAMSCHEK and acknowledged the foregoing instrument to be his voluntary act and deed.



Melody R. De Korte
Notary Public for Oregon
My Commission expires: 9/17/07

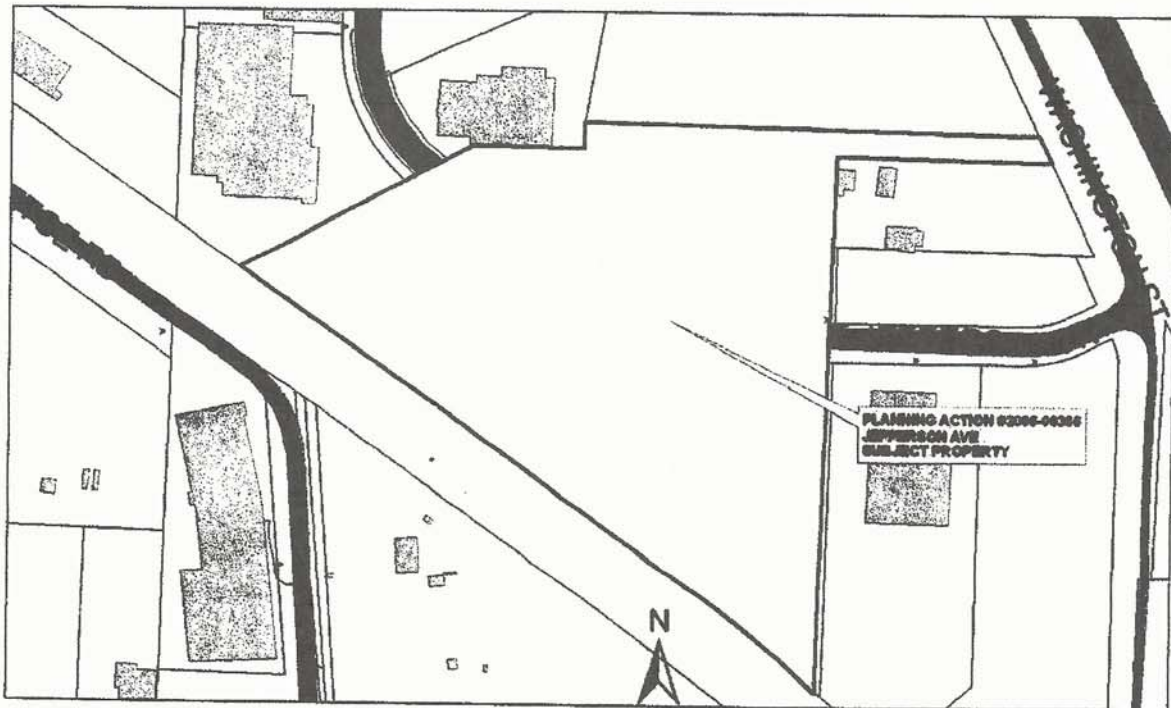
(c:\engineer\doc)

RECEIVED
MAY 3 2006
City of Ashland



PLANNING ACTION: #2006-00366
SUBJECT PROPERTY: Jefferson Street
OWNER/APPLICANT: Craig Bramscher
DESCRIPTION: Request for Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel located on Jefferson Ave. The application is to develop a specialty automobile design, research, fabrication, and assembly campus in phases. The completion of Jefferson Avenue is required to serve the site. **COMPREHENSIVE PLAN DESIGNATION:** Industrial and Employment; **PROPOSED ZONING:** M-1, E-1; **ASSESSOR'S MAP #:** 39 1E 14 A; **TAX LOT:** 1104.

ASHLAND CITY COUNCIL MEETING: May 16, 2006, 7:00 PM, Ashland Civic Center



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

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

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

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

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

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

13

environment. She stated the main issue with the dirt road is the dust, however the residents have been able to deal with this on their own and there are alternatives to paving that would solve the problem in a more thrifty and sustainable way. She stated that paving heats the environment and the fiscal impact of this LID would be a real burden to some of the property owners.

Jared Cruce/1030 Park Street/ Stated this project contradicts the Historic Preservation Proclamation presented tonight and noted the majority of the residents do not support this LID. He asked that the LID evaluation be completed and commented on the division this has caused in the neighborhood. Mr. Cruce stated the improvements would not be financially beneficial to his property and explained that he purchased his property because of the quaint feel. He stated the dust affects a small minority of the property owners however this issue could be solved in other ways and requested the Council not accept this proposal.

Peter Dragula & Patricia Aguinaga/1024 Park Street/ Mayor Morrison read aloud the letter submitted to the Council, which voiced objections to the LID.

***Written testimony was submitted into the public record.**

Mayor Morrison noted that written testimony was also received from: **Michael & Margaret Gerrard/1060 Park Street/** ***Written testimony was submitted into the public record.**

Councilor Hartzell arrived at 7:55 p.m.

Peter Berney/1070 Plaza/ Stated the alley creates an enormous amount of dust and noted the issue of mud in the wintertime. Mr. Berney voiced his support for the LID and asked the Council to proceed with this project.

Art Bullock/791 Glendower/ Submitted written materials to the Council and explained that he had surveyed the neighborhood and the information submitted shows the results of that survey. He stated he was able to contact all of the property owners and 11 of the 16 object to the LID. He explained this constitutes an official remonstrance and prevents the Council from taking a vote. He stated the owners would like the dust problem solved, but do not feel this LID is the best way to solve this issue.

***Written materials were submitted into the public record.**

Thomas Knudsen/1044 Park Street/ Mayor Morrison read aloud the letter submitted to the Council, which voiced objections to the LID.

***Written testimony was submitted into the public record.**

Public Hearing Closed: 8:05 p.m.

City Attorney Mike Franell asked to examine the documents submitted by Mr. Bullock.

Mr. Olson clarified the maximum cost per unit is capped at \$4,911. In regards to Mr. Eadie's concern, he clarified the design would match the driveway to the paved street and they would excavate if necessary.

Abstentions, Conflicts of Interest, Ex Parte Contact

Councilor Silbiger, Amarotico, Jackson and Chapman declared site visits.

Councilor Hartzell questioned if coming in late would disallow her participation in this decision. Mr. Franell stated it might not be necessary to make that determination and requested time to review Mr. Bullock's documents.

Council Deliberation

Mr. Olson clarified the storm drain systems of the surrounding area for Council. He also commented on the estimated assessment and clarified that staff estimated high in order to compensate for increasing construction costs and stated it is impossible to make a precise estimate without a final design.

It was questioned if concrete could be used instead of asphalt. Mr. Olson stated that this has never been done before and explained concrete would be expensive and difficult to maintain.

Mr. Olson clarified in the event the project costs exceed the estimate, the property owners could not be assessed an additional 10% because of the cap.

Mr. Franell completed his review of the submitted materials and explained that more than 2/3 of the property owners have objected to the LID and this constitutes a legal remonstrance. He said pursuant to the Ashland Municipal Code the Council cannot move forward with this LID for at least six months. Mr. Franell provided an explanation of how he determined this to be an effective remonstrance and suggested the Council move on to the next agenda item. He also clarified that Ashland Municipal Code 13.20.050(c) allows for a property owner to remonstrate against the LID, even if they had previously signed an agreement waiving their right to remonstrate against improvements.

2. **Public Hearing Regarding Planning Action 2006-00366 - Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1**

Minutes of 5/16/06 Council

(Employment for an approximately 8.43 acre parcel located at the southern terminus of Jefferson Avenue, immediately north of the railroad tracks and west of Interstate 5.

Mayor Morrison read aloud the public hearing procedure for land use hearings.

Public Hearing Open: 8:40 p.m.

Abstentions, Conflicts of Interest, Ex Parte Contact

Councilor Jackson declared a site visit and stated she was present at the Planning Commission meeting when this planning action was reviewed.

Councilor Hartzell noted several months ago she had a conversation with former City Administrator Gino Grimaldi regarding a possible OECD grant.

It was clarified the Council previously voted to support the City's application on Mr. Bramscher's behalf to receive grant funds from OECD.

Mayor Morrison stated he had visited the current location of Brammo Motor Sports and talked with Mr. Bramscher, however this visit would not affect his ability to remain unbiased.

Staff Report

Interim Community Development Director Bill Molnar explained this is a request for an annexation and zone change for an approximately 8-acre parcel located off Jefferson Avenue. The property is located within the City's Urban Growth Boundary and abuts city limits on three sides. Mr. Molnar noted that the Comprehensive Plan identifies the future zoning of the property as a mix of Industrial (M-1) and Employment (E-1) districts. In April, the Planning Commission reviewed and granted the Site Review and Physical Constraints Permit for the creek on the property.

Mr. Molnar explained all city facilities are available, are a logical extension along Jefferson Avenue, and stated Jefferson would be improved to City street standards. He noted the street width would be reduced where it crosses the creek and riparian area, and rather than culverting the creek, a bottomless crossing design would be used. Mr. Molnar stated the Planning Commission found by an 8-to-1 vote that the application met the land use approval criteria for annexation and staff recommends the Council approve the request for annexation. Mr. Molnar submitted four additional conditions from staff and recommended they be included if the Council chooses to approve this request.

Mr. Molnar clarified the Applicant considered the proposed changes to the Riparian Ordinance in their design and are proposing a 20 ft. buffer from the creek bank and a bottomless design for the crossing in order to maintain the natural creek bed. Mr. Molnar stated the crossing design would withstand a 100-year flood and noted the Applicant has identified approximately 30 trees to add to the riparian area.

Applicant

Craig Bramscher/7118 Highway 66/Explained his business is growing rapidly and stated he would like to keep this business and jobs in Ashland. He stated his business provides a high range of jobs and explained he is working with Rogue Community College and has utilized State funds in order to train local residents. He explained his business sales are primarily done over the internet; however they do have customers who come and visit Ashland. Mr. Bramscher requested Council's approval and stated if he cannot get this approved, he will be forced to move his business out of Ashland and does not want to do this.

Gary Caperna/Batzer Design/Explained that he is part of the design team for this project and stated the design would alleviate the circulation problems on Jefferson Avenue. He added this project seems like an obvious addition to the City.

Mr. Bramscher noted he supports the four additional conditions proposed by staff.

Councilor Jackson/Amarotico m/s to extend public hearing to 9:30 p.m.

Those Wishing to Provide Testimony

Aaron Benjamin/740 Emigrant Creek Road/Stated this is a wonderful opportunity for the City to add new jobs to Ashland and strengthen the City's economic base, but urged the Council to consider the impact this annexation will have on the City's work force housing inventory.

Paul Kay/1234 Strawberry Lane/Voiced his support for this request and stated the technical intelligence of the community will be benefited from this project. He stated this would be a wonderful asset to the community and commented on the work habits and work environment of this company. Mr. Kay voiced his support for the Brammo proposal and stated he sees no reason not to approve it.

Staff Response

Mr. Molnar clarified the zoning allows for a housing overlay, however neither the Applicant nor staff are proposing an overlay at this time.

Minutes of 5/14/06 Council

Applicant's Rebuttal

Mr. Bramscher stated that the housing issue is a concern for him as well and noted he has employees who want to move to Ashland. He noted he had considered addressing this on the E1 portion of the parcel, however did not want to cause delays in the application process by requesting a residential overlay. Mr. Bramscher stated this is something he would consider and stated there are other pieces of land he has considered acquiring for employee housing. He explained the philosophy of the business and noted they are exploring an electric version of their vehicle. He stated this business could bring notoriety to Ashland and noted that GM had recently visited their manufacturing plant.

Public Hearing Closed: 9:10 p.m.

Councilor Chapman requested a formal way to evaluate the cost/benefit analysis for annexations; however stated in this case it is clear this is a benefit to the City.

Councilor Hartzell/Chapman m/s to approve the request for Annexation, Zone Change and withdrawal from Jackson County Rural Fire District 5 of an approximately 8.43-acre parcel located at the southern terminus of Jefferson Avenue, immediately north of the railroad tracks and west of Interstate 5; with the additional conditions proposed by the staff. Roll Call Vote: Councilor Hardesty, Amarotico, Hartzell, Jackson, Silbiger and Chapman, YES. Motion Passed.

PUBLIC FORUM

Ambuja Rosen/Commented on a possible tethering ordinance and asked that the City adopt an ordinance of their own. She provided a recap of what she discussed at the previous Council meetings and shared an experience she had with a chained animal at Emigrant Lake. She stated that chained dogs are a blight on Ashland's landscape and explained why she is campaigning for this ordinance.

Bill Emerson/90 Fifth Street/Requested he be given time on a future agenda to discuss the Downtown Plaza Area Plan and items that were not completed. He stated that only a portion of the design was implemented and many problems the City now faces regarding the Plaza area are a result of this not being completed.

Mayor Morrison suggested that Mr. Emerson contact him to discuss his request.

Tracy Harding/334 Bridge Street/Commented on the success of the Bike Swap and noted the money raised would be used for bicycle education. She suggested the Ashland Police Department consider having more officers on bicycles and commented on the Walking Wednesday program at Walker Elementary.

NEW AND MISCELLANEOUS BUSINESS**1. Interim Police Chief Contract.**

Councilor Hardesty stated he would have preferred to have been provided with more information.

Mayor Morrison commented on the process and explained that a selection committee, which included two councilors, was formed and interviewed the three candidates for interim police chief. He stated the City needs to have an interim chief in place while the search for the permanent replacement is conducted. Mayor Morrison explained why Mr. Goodpastor was selected and commented on his experience as a successful chief and the community-policing program he established in Tigard.

Councilor Hartzell voiced her concern with the lack of clear direction from the Council on where the Police Department needs to be headed. She requested strong communication on behalf of the Mayor regarding a plan and a timeline for how to move forward with hiring a permanent police chief and expressed her interest in participating in this process. She also requested that the Mayor not accept Mr. Goodpastor's offer to assist in selecting the permanent replacement.

Mayor Morrison clarified that both Councilor Hartzell and Silbiger were part of the selection committee, and stated this process was done openly. He explained why Mr. Goodpastor was the best fit of the three and requested Council's approval of this appointment. He added the City would have an open process involving the community for selecting the permanent replacement.

Councilor Jackson/Silbiger m/s to accept the recommendation of the Selection Committee to appoint Ronald Goodpastor as Interim Police Chief. DISCUSSION: Councilor Hartzell briefly commented on her request for open communication as this issue moves forward. Mayor Morrison clarified that candidate resumes are confidential, but are always available for viewing by the Council through the Personnel Department. **Roll Call Vote: Councilor Hardesty, Amarotico, Jackson, Silbiger and Chapman, YES. Councilor Hartzell, NO. Motion Passed 5-1.**

Mr. Tuneberg commented on the items remaining on the agenda and the amount of time left in the meeting.

2.

Adoption of Findings for Planning Action 2006-00069 - Rear Yard Variance for the Property Located at 758 B Street. Interim Community Development Director Bill Molnar explained this is the adoption of the findings for the Council's denial of a rear yard variance for the property located at 758 B Street, applicant Philip Lang. He noted the Public Hearing was held on April 18, 2006 and additional deliberations on May 2, 2006 where the Council found the application did not meet the approval criteria for the variance. Staff recommends the Council adopt the findings are presented.

Councilor Amarotico requested he be allowed to abstain from voting on the Findings, since he did not vote on the planning action.

Councilor Jackson/Silbiger m/s to allow Councilor Amarotico to abstain from the vote. Voice Vote: Councilor Jackson, Silbiger and Chapman, YES. Councilor Hardesty, NO. Councilor Hartzell was out of the room. Motion Passed 3-1.

Councilor Jackson/Chapman m/s to adopt the Findings for Planning Action 2006-00069. Roll Call Vote: Councilor Hartzell, Jackson, Silbiger and Chapman, YES. Councilor Hardesty, NO. Councilor Amarotico, Abstained. Motion Passed 4-1.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Reading by title only of, "An Ordinance Amending the Ashland Municipal Code Relating to Business Licenses Amending Chapter 6.04 Sections 6.04.080, 6.04.090, 6.04.120 and 6.04.130".

Administrative Services Director Lee Tuneberg explained this is an update to the ordinance for business licenses. He requested Council's approval and stated this amendment would provide sufficient funds to cover the work that is being done and would also provide continuing information on employment statistics.

Mr. Tuneberg clarified the City uses an honor system regarding the employee counts listed by businesses. He stated the City does not have enough staff to go out and perform audits, however they are considering utilizing the audit firm to do samplings. He clarified the amendment would help to cover the City's costs of administering the program and stated the inherent purpose of the program is to regulate business within the community.

Councilor Hartzell/Amarotico m/s to approve first reading and move to second reading of ordinance. Roll Call Vote: Councilor Hardesty, Amarotico, Hartzell, Chapman, Silbiger, YES. Councilor Jackson was out of the room. Motion Passed 5-0.

2. Reading by title only of, "A Resolution Authorizing the Amendment of the Fire Protection Plans Review and Inspection Fee Schedule Adopted by Resolution 05-30".

City Attorney Mike Franell explained that in reviewing the codes, staff recognized the current ALUO has the partition section in a separate section from subdivisions, and staff has brought forward this resolution to add the review of partition plats as something that a fire review fee can be administered on. Mr. Franell noted a correction that needed to be made to the proposed resolution, and stated it is missing Section 2, which would read "This resolution shall be effective upon signing by the Mayor." Staffs recommendation is to adopt the resolution as amended.

Councilor Hartzell/Jackson m/s to adopt Resolution #2006-09 as amended. Roll Call Vote: Councilor Hardesty, Amarotico, Hartzell, Jackson, Silbiger and Chapman, YES. Motion Passed 6-0.

3. Authorization to Dispose of Surplus Property in Excess of \$10,000.

Administrative Services Director Lee Tuneberg noted this item was postponed at the last Council Meeting due to time constraints. He explained the requirement that states if the property has a residual value greater than \$10,000, the City Council's authorization is required. Mr. Tuneberg noted the total value of this surplus property is just under that amount and requested Council's approval to dispose of the surplus property.

Mr. Tuneberg clarified the items listed as "miscellaneous computer equipment" do not have much value and would require repairs to get them in working order. Several suggestions were made regarding the disposal of the computer equipment, including donating it to the Senior Program or hurricane stricken areas, or giving it to a recycling firm in Phoenix.

Councilor Jackson/Hartzell m/s to approve the disposal of surplus property. Voice Vote: all AYES. Motion Passed.

NEW AND MISCELLANEOUS BUSINESS (Cont.)

2. ALUO 18.68.050 Interpretation.

City Attorney Mike Franell explained this issue arose when a proposed project in the downtown area took advantage of a peculiarity in the code regarding setbacks. He explained 18.68.050 provides for a special setback along arterials and divides the arterials into two categories. For the two named arterials (East Main Street between City limits and Lithia Way, and Ashland Street between City limits and Siskiyou Boulevard), there is a setback that is provided from the centerline of the road in which a person cannot build. All the other arterials fall under a second category and the code states front yards for properties abutting all arterial streets shall be no less than 20 ft. with the exception of C-1-D district.

Mr. Franell commented on the definition of "front yard" and stated 18.08.420 provides that in the case of an interior lot, the lot line separating the lot from the street other than an alley is the front yard. A corner lot shall have one street line considered the front lot line and the narrower street frontage shall be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical. Mr. Franell explained there is the provision for the Staff Advisor to make an exception if they determine topographical or access problems exist, however the code does not indicate whether the "access problem" is vehicular or pedestrian. He noted the Transportation System Plan indicates that vehicular access should be on the lesser traveled road where possible.

Mr. Franell clarified for Council they are not making an interpretation specifically to the parcel mentioned above; the interpretation would be applicable to all properties that fall under this section of the code. He commented that LUBA would likely determine there

was an intent for using the term "front yard" when talking about the non-named arterials as this term is not used in the named arterials. Mr. Franell stated if the current language does not accomplish the intent of the Council, they should direct staff to prepare an ordinance amendment that would accomplish the intent.

Comment was made that the yard facing the arterial should be considered the front yard. Mr. Franell stated this could be, although the natural reading of the ordinance does not lend itself to this conclusion. Mr. Franell noted if an application came in before changes are made, they would have to interpret what the ordinance currently means. He also clarified for Council that Option 3 listed under potential motions in the Council Communication would address the issue; however Council would need to clarify whether the interpretation refers to commercial properties, residential properties, or all properties.

Councilor Jackson/Hartzell m/s to extend meeting to 10:30 p.m.

Colin Swales/461 Allison Street/Shared his concern of an application coming through before this issue is resolved. He commented on the varying sidewalk widths along Lithia Way and how this area is substandard. Mr. Swales noted the recommendations contained in the Siegel Report regarding Lithia Way and stated it would be fair to future development projects if this were made clear.

Ron Roth/6950 Old 99 S/Stated the real question is what should happen on the north side of Lithia Way. Mr. Roth questioned why this language does not apply to old buildings (such as the Post Office) and why the new Fire Station does not have a 20 ft. setback. He offered his suggestion that Lithia Way should not have a setback.

John Fields/845 Oak Street/Commented on the difficulty in answering this issue and stated that piece meal decisions can create conflict and further complicate the issue. He stated the language is better being unclear and stated this was an irresolvable decision. He stated the Council could make the language consistent, but does not believe this would satisfy the 1988 Downtown Plan.

Council discussed their options and comment was made voicing support for making an interpretation so this problem does not arise in the downtown area again. Comment was made noting that modifying the ordinance would take longer than making an interpretation. Statement was made that following Option 3 would reinforce the intent of the language until an ordinance change could be made.

Councilor Hartzell/Amarotico m/s that the Council interpret ALUO 18.08.420 is referring to pedestrian access for all properties when the property is on a corner lot with one street being an arterial and that consistent with downtown designs standards all corner lots in the downtown overlay area which sit adjacent to an arterial street shall have the front lot line along the arterial street. **DISCUSSION:** Councilor Hartzell noted that "and" is included in the motion and feels this effectively separates the two statements. **Roll Call Vote: Councilor Hardesty, Amarotico, Hartzell, and Silbiger, YES. Councilor Jackson and Chapman, NO. Motion Passed 4-2.**

Councilor Hartzell/Hardesty m/s to continue this meeting to Thursday, May 18, 2006 at 6:00 p.m. to discuss the Downtown Plan Update and the Request from Councilor Hartzell to discuss the Proposal for Park Maintenance of School District Playgrounds. **DISCUSSION:** Councilor Hartzell noted both items are budget related and would like to address them prior to the Budget Committee meeting. **Roll Call Vote: Councilor Hardesty, Amarotico, Hartzell, Jackson, Silbiger and Chapman, YES. Motion Passed.**

- 3. Downtown Plan - Phase 1 Council Update.**
Continued to May 18, 2006 Council Meeting.

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

- 1. Request from Councilor Hartzell to discuss proposal for Park maintenance of School District Playgrounds.**
Continued to May 18, 2006 Council Meeting.

ADJOURNMENT

Meeting was adjourned at 10:30 p.m.

*April Lucas, Assistant to City Recorder
John W. Morrison, Mayor*

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

CITY OF ASHLAND

July 24, 2006

Craig Bramscher
7118 Highway 66
Ashland, OR 97520

RE: Planning Action #2006-00366

Dear Mr. Bramscher:


At its meeting of May 16, 2006, the Ashland City Council approved your request for an Annexation, Comprehensive Plan and Zoning Map change, for the property located on Jefferson Avenue, Assessor's Map # 39 1E 14 A, Tax Lot 1104.

The Findings, Conclusions and Orders document, adopted by the Council on July 19, 2006, is enclosed.

Please note the following circled items:

1. A final map prepared by a registered surveyor must be submitted within one year of the date of preliminary approval; otherwise, approval becomes invalid.
2. A final plan must be submitted within 18 months of the date of preliminary approval; otherwise, approval becomes invalid.
3. All of the conditions imposed by the Ashland City Council must be fully met.
4. Ashland City Council approval is valid for a period of one year only, after which time a new application would have to be submitted.

Please feel free to call me at 488-5305 if you have any questions.

Sincerely,

Bill Molnar
Interim Planning Director

Enclosure

cc: Gary Caperna, Batzer Construction, 190 N. Ross Lane, Medford, OR 97501
Aaron Benjamin, 740 Emigrant Creek Road, Ashland, OR 97520
Paul Kay, 1234 Strawberry Lane, Ashland, OR 97520

DEPT. OF COMMUNITY DEVELOPMENT
20 E. Main Street
Ashland, Oregon 97520
www.ashland.or.us

Tel: 541-488-5305
Fax: 541-552-2059
TTY: 800-735-2900



BEFORE THE ASHLAND CITY COUNCIL
Jackson County, Oregon

May 16, 2006

FINDINGS,
CONCLUSIONS
AND ORDERS

IN THE MATTER OF PLANNING ACTION #2006-00366, Request for Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel located on **Jefferson Ave.** The application is to develop a specialty automobile design, research and fabrication and assembly campus in phases.

APPLICANT: Craig Bramscher

RECITALS:

- 1) Tax lot 1104 of 391E 14A is located at the southern terminus of Jefferson Avenue, immediately north or and adjacent to the railroad tracks and west of Interstate 5.
- 2) The applicant is requesting Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel. The application is to develop a specialty automobile design, research and fabrication and assembly campus in phases.
- 3) **An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria described in 18.106.030 – Approval Standards.**
 - A. The land is within the City's Urban Growth Boundary.
 - B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
 - C. The land is currently contiguous with the present City limits.
 - D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
 - E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this

section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:

1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.

2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.

3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.

4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included.

G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):

1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or

2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.

H. One or more of the following standards are met:

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or
2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits. (ORD 2792, 1997; ORD 2895, 2003)

4) The Ashland City Council, following proper public notice, held a Public Hearing on May 16, 2006, at which time testimony was received and exhibits were presented. The Council approved the application for Annexation subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The City Council finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The City Council finds that the proposed Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel meets the approval criteria for an Annexation as described 18.108.

The property is contiguous to Ashland's city limits as the site is bounded by Ashland's city limits on its west, east and south sides. The proposed zoning is consistent with the adopted Comprehensive Plan Designations. Specifically, the portion of the property north of the railroad tracks and south of the Jefferson Avenue street extension will be included within the M-1, Industrial Zoning District, while the portion of the property north of Jefferson Avenue will be included within the E-1, Employment Zoning District.

2.3 The City Council finds that adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property.

Specifically, the preliminary utility plan identifies finds that provisions have been made to adequately serve the project by public facilities. Such public facilities and utilities have been identified on a site plan and discussed in the application's written findings of fact. Specifically, water, sewer, electric and storm drain utilities are currently available in Jefferson Avenue and will be extended in conjunction with the improvements to Jefferson Avenue. Jefferson Avenue will be extended through the property and constructed to City Street Standards, ultimately linking the two existing, improved City Street sections abutting the east and west boundaries of the project site. Full street improvements are proposed, including two travel lanes, on-street parking, curb and gutter, storm drains and public sidewalks. Additionally, a bridge or box culvert will be constructed to span the seasonal creek that bisects to property.

The final segment of Jefferson Avenue will be constructed to City street standards and extended through the property. This represents the logical routing and completion of the street, ultimately providing a continuous link between its intersections with Washington Street both north and east of the project. The

The Council finds that the preliminary bridge or box culvert crossing design will handle flows resulting from a 100-year flood event. Further, the crossing and roadway design will reduce disturbance to the creek and adjacent riparian areas through minimizing the need for large fill slopes normally associated with a standard culvert crossing. The road width at the crossing has been narrowed in order to minimize the overall area of disturbance to the riparian area. The proposed width will comprise two travel lanes and public sidewalks, but curbside, on-street parking will be omitted from this segment of street.

2.4 The City Council finds that a the proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant has obtained Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request. At its meeting of April 11, 2006, the Planning Commission granted approval of a Site Review, Physical Constraints Review Permit, Tree Removal Permit and an Administrative Variance to the Site Design and Use Standards for the construction of the first phase of the project, which includes construction of an industrial building approximately 41,000 square feet in size, parking areas and landscape installation

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the City Council concludes that the application for Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel is supported by evidence contained within the record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the City Council approves Planning Action #2006-00366 with respect to the request for Annexation, Comprehensive Plan and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning M-1 (Industrial) and E-1 (Employment) for an approximately 8.43-acre parcel. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2006-00366 is denied. The following are the conditions and they are attached to the approval:

1. That all Planning Commission conditions of approval (PA2006-00366) for Site Review, Physical Constraints Review Permit, Tree Removal Permit and an Administrative Variance to the Site Design and Use Standards for the construction of the first phase of the project apply to this decision unless otherwise modified below.

2. That Talent Irrigation District (TID) facilities be identified on the final civil engineering documents and any changes shall be reviewed by the Talent Irrigation District and approved by the Staff Advisor prior to issuance of a Building Permit..
3. That the engineered construction drawings for Jefferson Avenue shall comply with City of Ashland Street Standards including street lights, pavement width and the installation of public sidewalks. Engineered construction drawings for the Jefferson Avenue improvements shall be submitted for review and approval by Ashland Planning and Public Works Departments prior to issuance of a building permit. The costs associated with the design and installation of street improvements shall be guaranteed through a bond or other means acceptable to the City of Ashland Legal Department. The proposed bridge or box culvert creek crossing shall be engineered and designed to accommodate a 100-year flood flow. All street improvements shall be installed prior to issuance of the certificate of occupancy for a building on the property. That all required street improvements and public utility extensions shall be guaranteed through a bond or other means acceptable to the City of Ashland Legal Department prior to adoption of an ordinance annexing the property.
4. A boundary survey and a written description of the property boundaries shall be submitted for review and approval prior to completion of the annexation.
5. That the applicant agrees to construct the project in accordance with the approved plan and City ordinances and waives the right to file a claim under Oregon Statewide Measure 37. The signed waiver shall be submitted to the City of Ashland Legal Department for review and approval prior to adoption of a ordinance formally annexing the property.

John Morrison, Mayor

Dated: _____

1511 Highway 99N

“Grand Terrace” Annexation

CITY OF
ASHLAND

Planning Commission
Public Hearing
June 23, 2020



1511 Highway 99N

“Grand Terrace” Annexation

CITY OF
ASHLAND

Annexation Request: 16.87-acres in two parcels

Zone Change Request from County RR-5 (Rural Residential) to City R-2 (Low Density, Multi-Family Residential)

Exception to Street Standards to allow flexibility relative to city standard parkrow and sidewalk improvements to respond to right-of-way constraints including width, grade and existing encroachments.

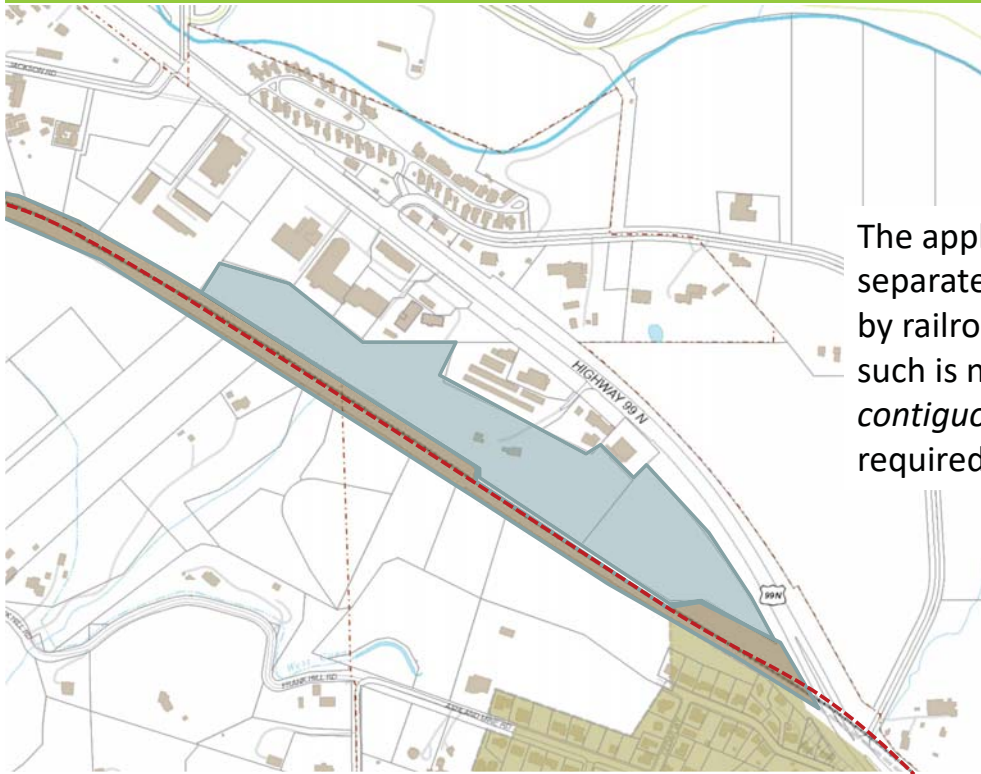
Conceptual future phased development of 196 apartments.

Outline Plan subdivision and Site Design Review approvals are not requested here, and would be applied for subsequent to Annexation.

1511 Highway 99N

Contiguity & The Railroad Property

CITY OF
ASHLAND

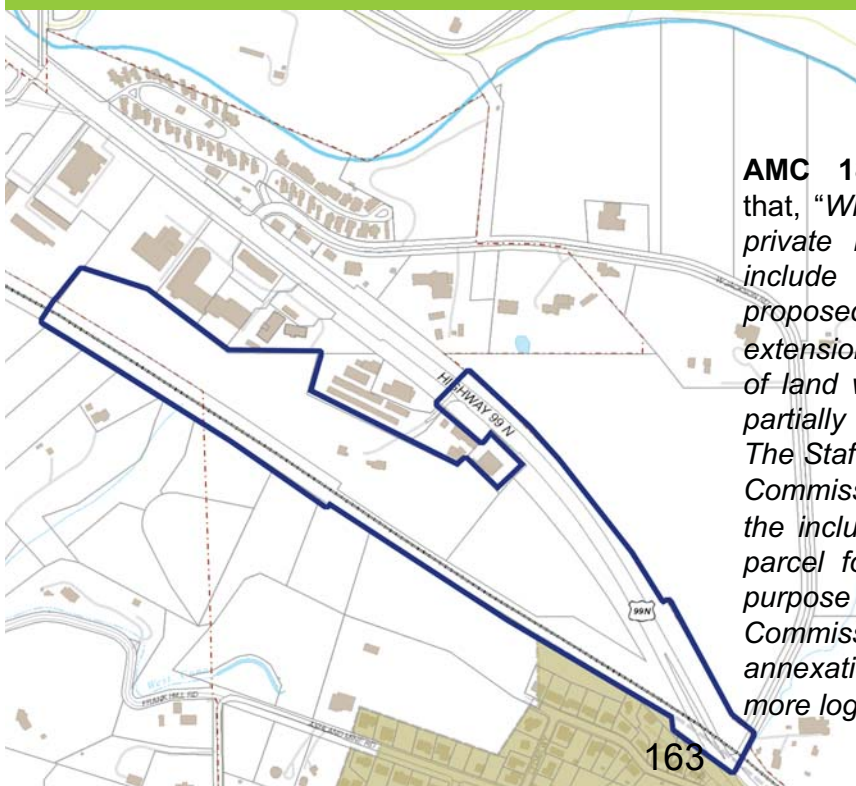



The applicant's property is separated from the city by railroad property, and as such is not "currently contiguous" to the city as required in AMC 18.5.8.050.C.

1511 Highway 99N

"Grand Terrace" Annexation

CITY OF
ASHLAND



 Proposed Annexation Area

AMC 18.5.8.060 "Boundaries" provides that, "When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City. The Staff Advisor, in a report to the Planning Commission and City Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Commission and Council to make annexations extending the City's boundaries more logical and orderly."

1511 Highway 99N

Oregon Revised Statutes (ORS) 222.170 “Triple Majority”

2017 ORS 222.170. Annexation by consent before public hearing or order for election

- (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed **if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body** on or before the day:
 - (a) The public hearing is held under ORS [222.120 \(Procedure for annexation without election\)](#), if the city legislative body dispenses with submitting the question to the electors of the city; or
 - (b) The city legislative body orders the annexation election in the city under ORS [222.111 \(Authority and procedure for annexation\)](#), if the city legislative body submits the question to the electors of the city.

1511 Highway 99N

Oregon Revised Statutes (ORS) 222.170

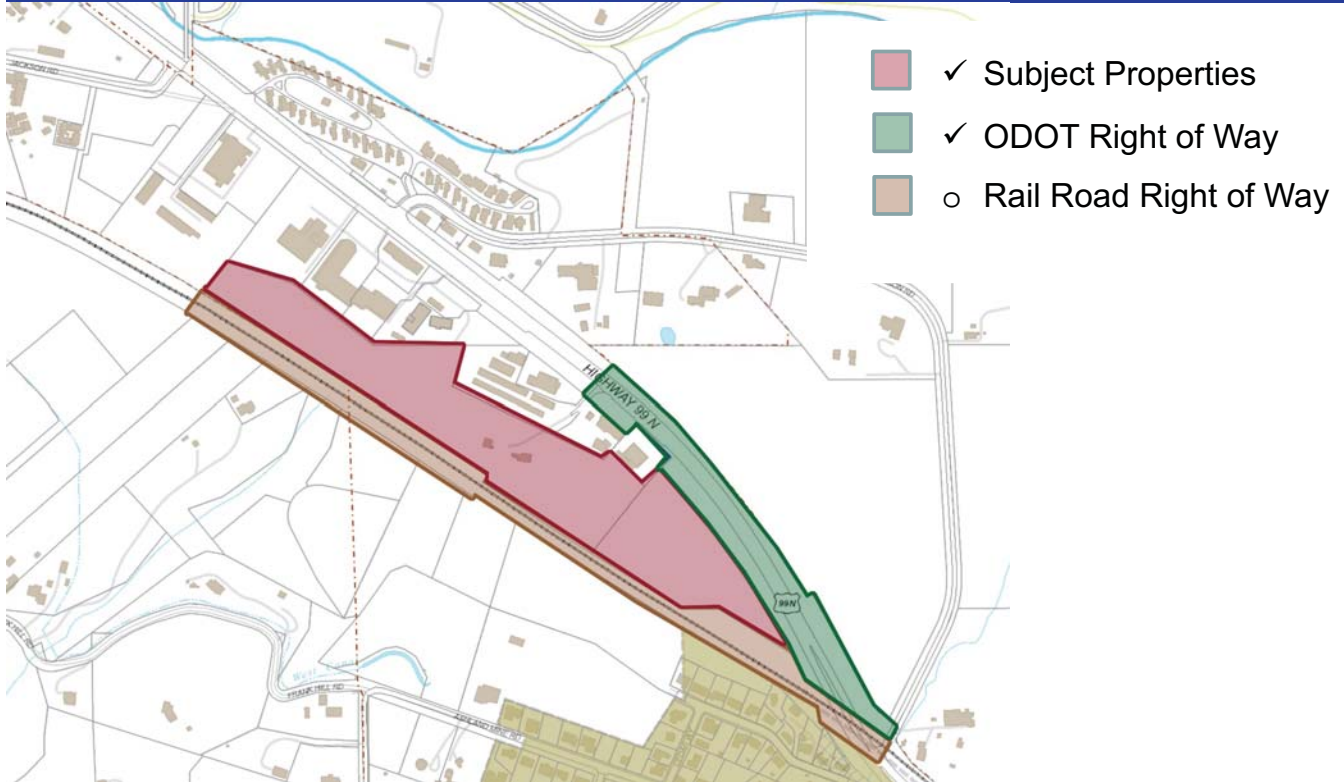
2017 ORS 222.170. Annexation by consent before public hearing or order for election

- (3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS [222.120 \(Procedure for annexation without election\)](#), the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.
- (4) **Real property that is publicly owned**, is the right of way for a public utility, telecommunications carrier as defined in ORS [133.721 \(Definitions for ORS 41.910 and 133.721 to 133.739\)](#) **or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city** on or before a day described in subsection (1) of this section.

1511 Highway 99N

Oregon Revised Statutes (ORS) 222.170

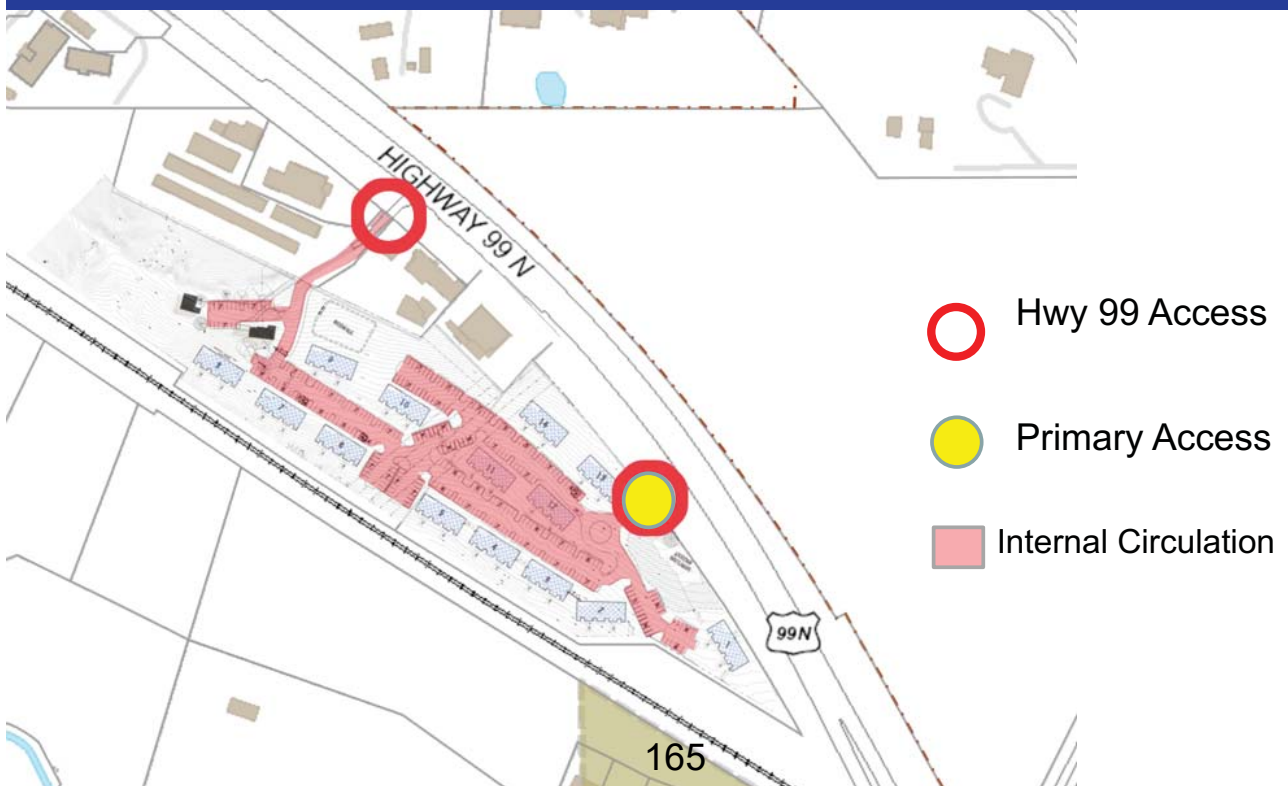
CITY OF
ASHLAND



1511 Highway 99N

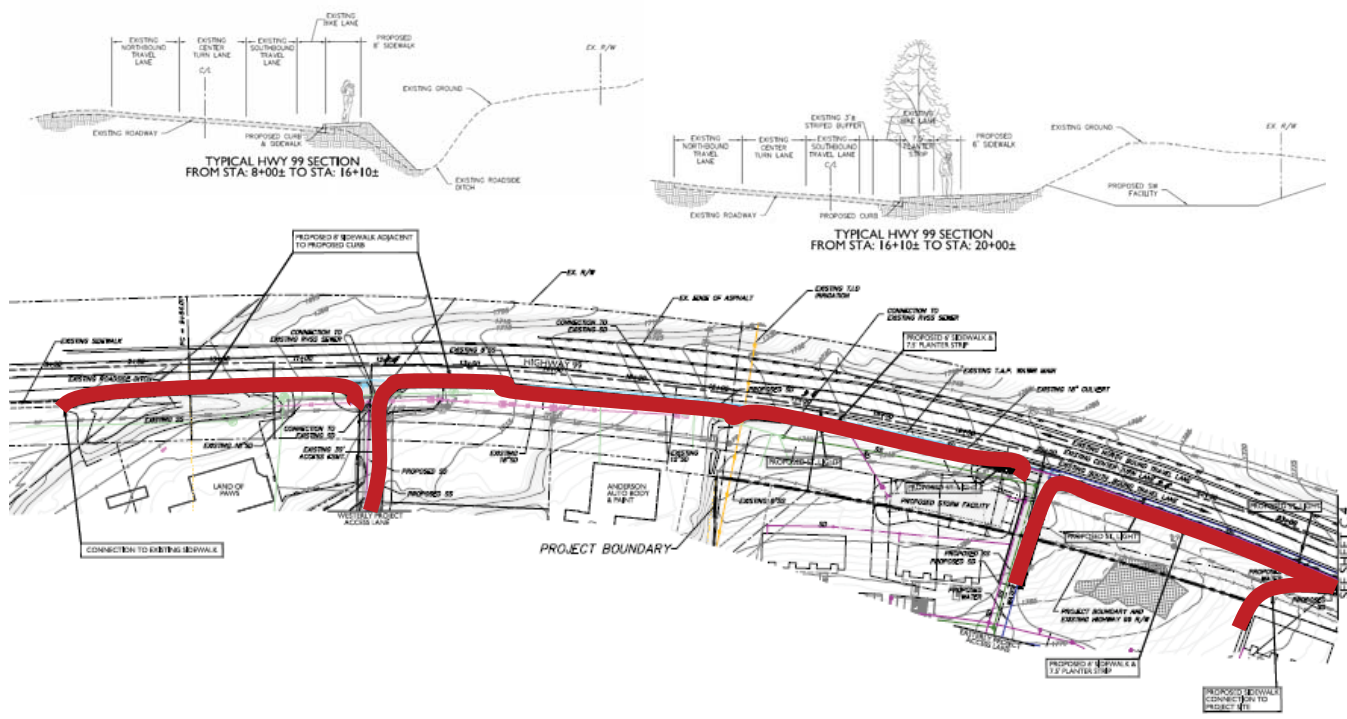
Transportation and Circulation - Access

CITY OF
ASHLAND



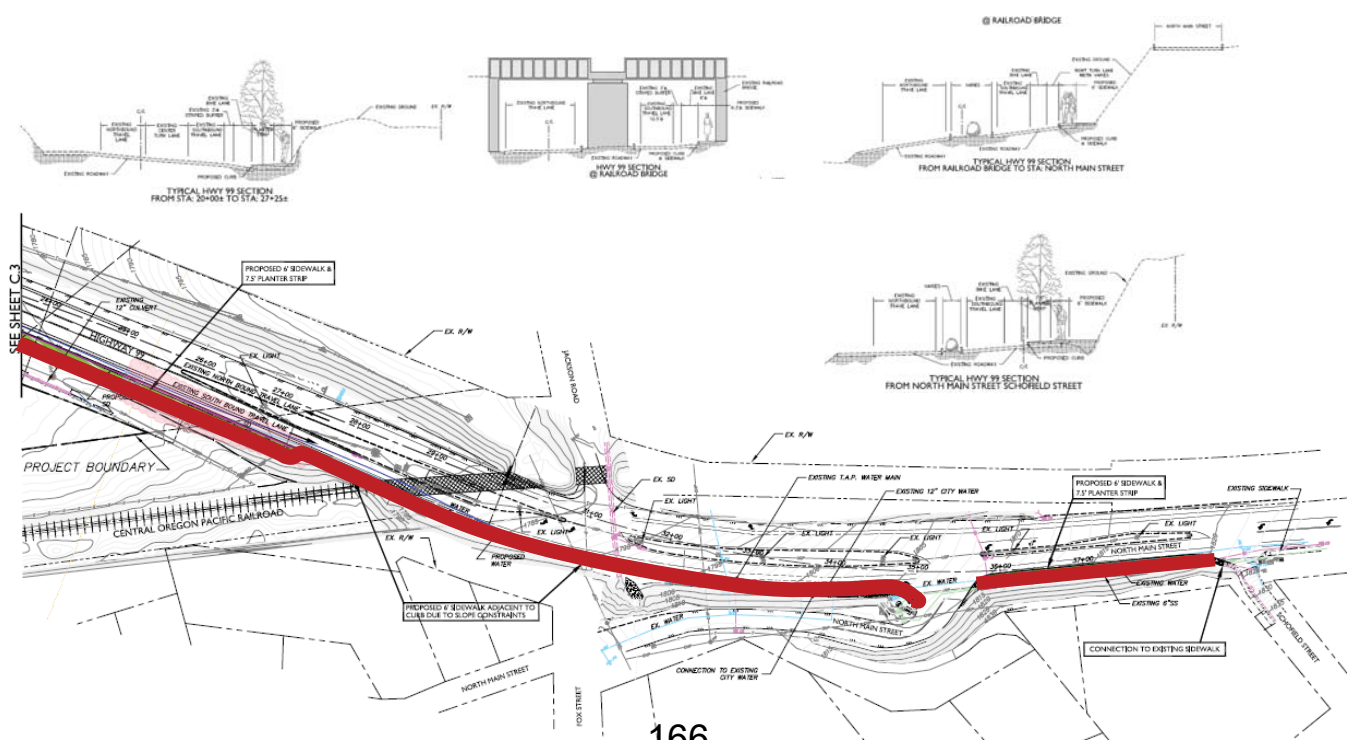
1511 Highway 99N

Frontage Improvements (North)



1511 Highway 99N

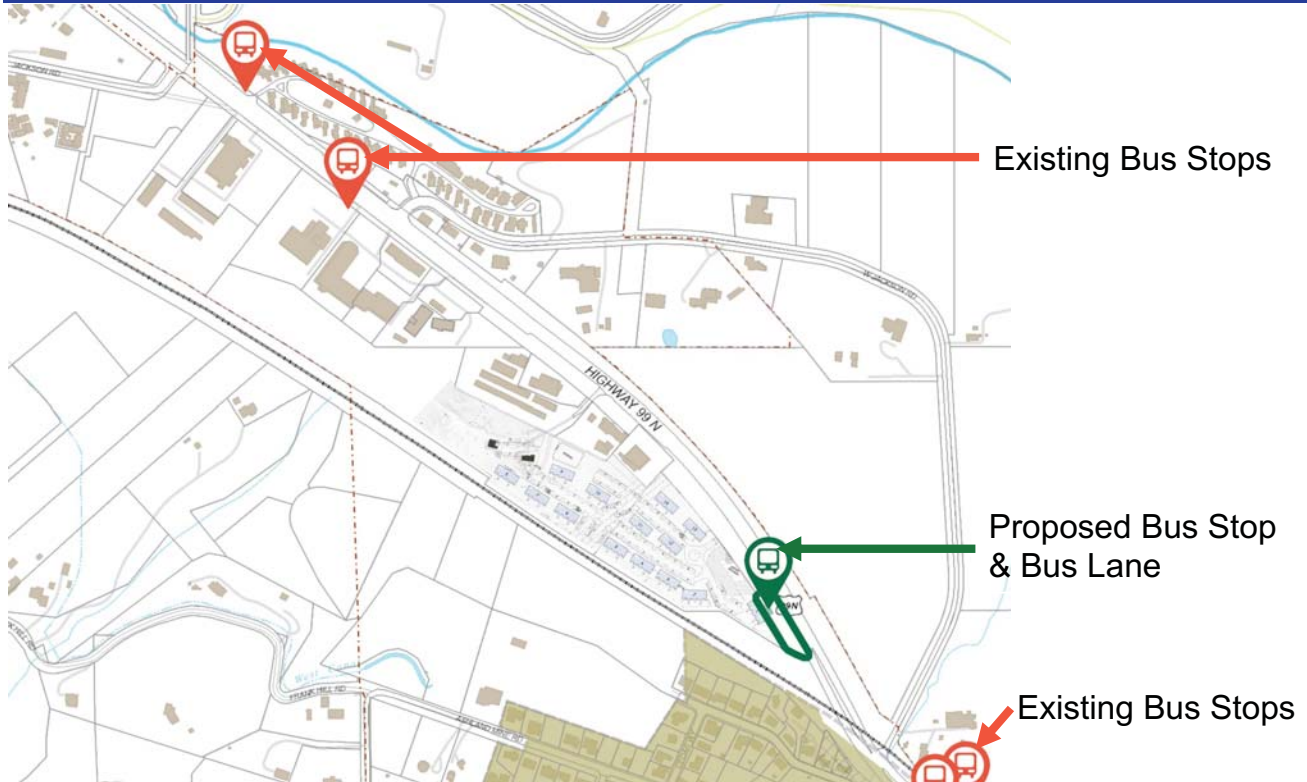
Frontage Improvements (South)



1511 Highway 99N

Transit Improvements

CITY OF
ASHLAND



1511 Highway 99N

Transit Improvements

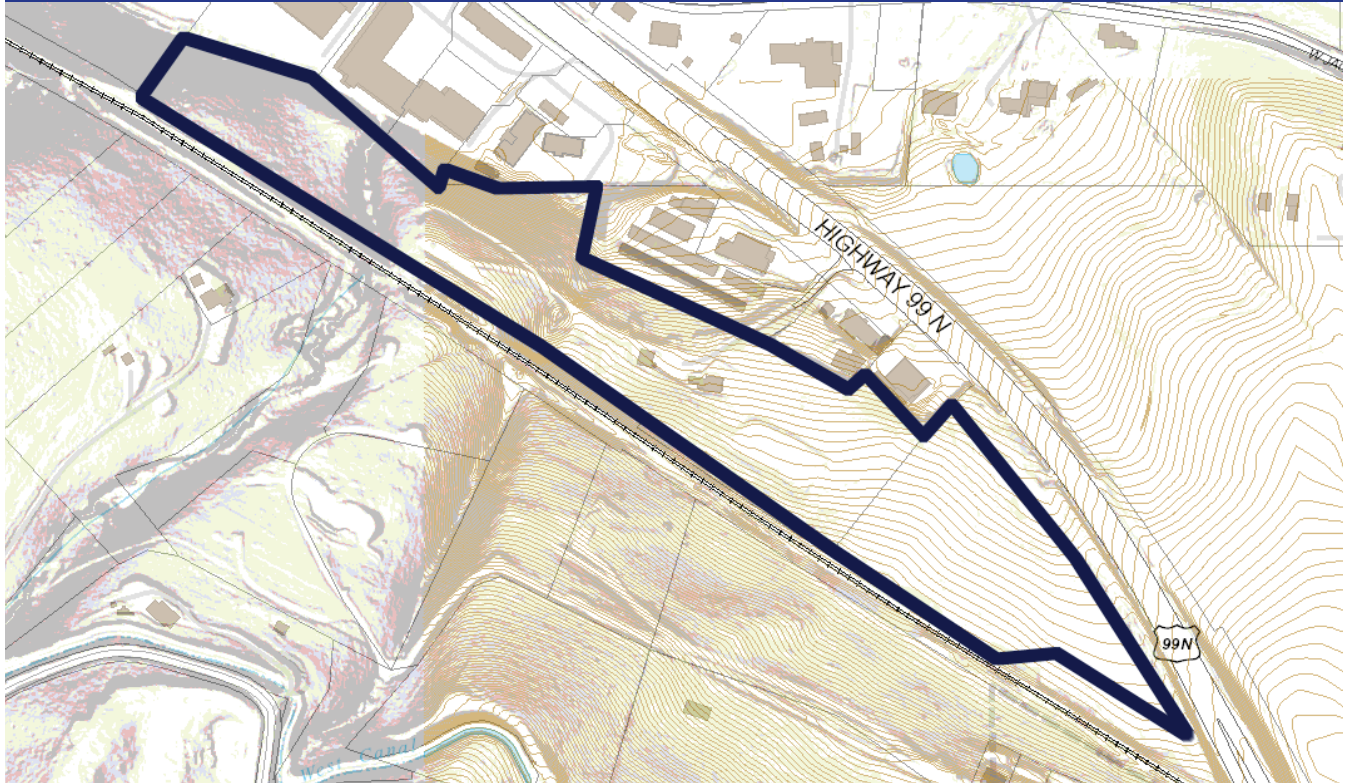
CITY OF
ASHLAND



1511 Highway 99N

CITY OF
ASHLAND

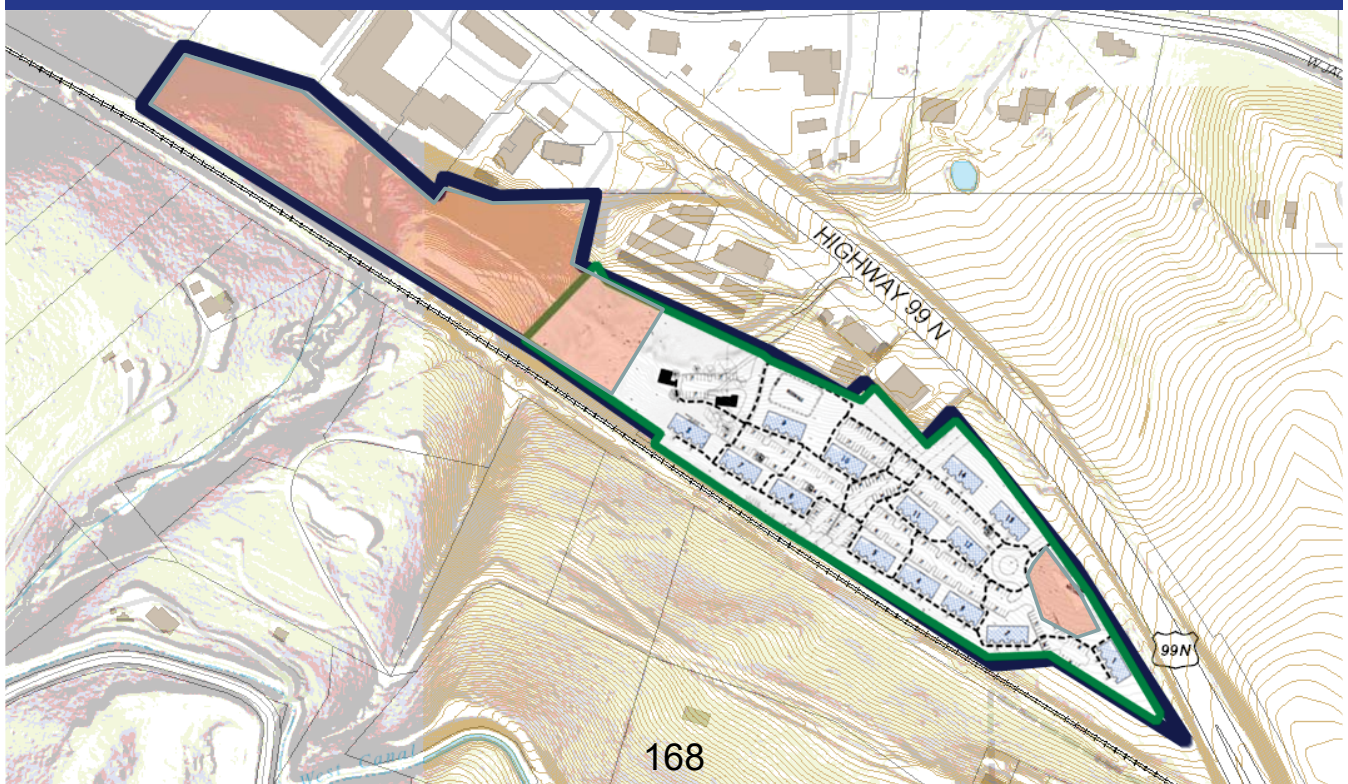
Affordability Calculations & Constrained Lands



1511 Highway 99N

CITY OF
ASHLAND

Affordability, Base Density and Undevelopable Lands



1511 Highway 99N

Next Steps

- Commissioners to weigh-in on issues identified and indicate any additional information they believe is needed from the applicant or staff to arrive at a formal recommendation to Council.
- Motion to continue the action to a date certain – July 14, 2020 or later
- Based on discussion tonight, staff will prepare a formal recommendation with draft findings for consideration and adoption at the continued meeting.



June 9, 2020
Public Hearing
Packet Materials

**APPLICANT'S
REBUTTAL FROM
THE JUNE 9, 2020
MEETING**

**PA-T3-2019-00001
1511 HWY 99 N**

Robert Kendrick
Casita Developments LLC
Grand Terrace

June 9, 2020

Letter of Rebuttal to Scott Knox Letter Dated June 5, 2020 and reference clarification and correction of fact in Robert Kendrick's letter of May 12, 2020

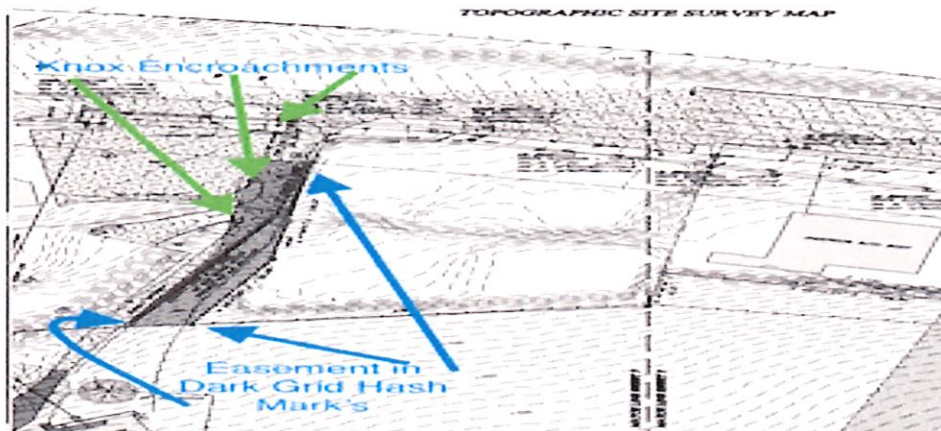
Re: Grand Terrace Development PA-T3-2019-001

Dear Commissioners

1. Mr. Knox denies encroachment into the easement. Below is the ALTA Survey section where the easement is Legally located. The easement was narrowed 5 to 6 feet by Mr. Knox's development of the Storage Facility with the installation of block walls and other structural materials. At the driveway access point to Hwy 99 landscaped mounds and signs further narrow the easement. This is documented by Polaris Survey. Mr. Knox stated he set the driveway a significant way back from the easement, this is not correct. I'm sure this wasn't done on purpose, but they will have to be removed.

2. Mr. Knox also argues my he couldn't to choose a different entry point and says there are two different property owners and he couldn't do that. The owner entity names are different but both are under Mr. Knox personal name so he is the owner of both properties. I met with Mr. Knox last year and he acknowledge that he encroached into the easement, so it is very baffling why he is now denying it, even in the face of the survey.

Please see attached copy of Survey and imprinted one below



Thank you
Robert Kendrick
Casita Development LLC



Robert Kendrick
PA T3-2019-00001
June 9, 2020

RESPONSE TO THE TRANSPORTATION COMMISSION

Objectives for Goal #1: GREEN TEMPLATE

ASHLANDS GRAND TERRACE AGRIFOOD plan is to develop a working farm, Farm House and functioning Barn for use of residents. Our green template is the development of a AGRIFOOD.

By the production of food on site the average piece of produce is shipped 1,500 miles (2,400 km) before it reaches the plate. Eating seasonal foods that require less processing in combination with transporting products over shorter distances can lead to lower greenhouse gas emissions. Local foods are often produced using organic methods, which can lower emissions associated with petroleum-based fertilizers.

Compact development and open-space preservation can help protect water quality by reducing the amount of paved surface and by allowing natural lands to filter rainwater and runoff before they reach drinking-water supplies.

Below are the benefits of a AGRIFOOD which talk to and meets the standards outlined in GOAL 1, A GREEN TEMPLATE
From the URBAN LAND INSTITUTE

AGRIFOODS CULTIVATING BEST PRACTICES

Around the world, communities face pressing health challenges related to the built environment. Through the Building Healthy Places Initiative, launched in 2013, ULI is leveraging the power of ULI's global networks to shape projects and places in ways that improve the health of people and communities. Learn more and connect with Building Healthy

Benefits of Agrihood Development

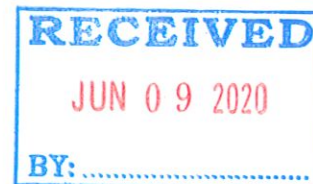
Agrihoods offer proven financial, health, and environmental benefits—to the stakeholders involved in their implementation, to surrounding communities, and to the planet.

Agrihoods present a competitive edge.

Of U.S. residents, 73 percent consider access to fresh, healthy foods to be a top or high priority when deciding where to live.

Interviews with agrihood project leaders show that including food-production spaces in residential or mixed-use developments can be less expensive to build and operate than certain other amenities, such as golf courses.

Agrihoods promote health and social interaction. A community farm can be the centerpiece of a development, and associated programming and educational opportunities can foster community social ties. Studies show that people who have satisfying relationships are happier, have fewer health issues, and live longer. Farms in communities provide residents with access to fresh produce, supporting positive health outcomes.



Agrihoods can support an attractive return on investment. Many studies find as much as a 15 to 30 percent increase in the value of properties adjacent to parks and open space, which can include working farms.

Agrihoods can provide environmental benefits. Clustering development around working farms allows developers and communities to conserve productive farmland and natural areas and to mitigate increases in impervious surfaces.

Agrihoods create jobs and support the local economy. Growing and selling food locally keeps food dollars in the community and provides jobs for farmers.

Agrihoods are growing. The number of agrihoods in North America has been expanding in recent years. As of 2018, ULI has identified projects in 27 U.S. states and Canadian provinces.

GOAL #2 Travel Safety

2E. ODOT has worked with the project team, the City, and our Transportation expert who together developed a working solution for the traffic from the development and onto the Hwy that meets the safety standards of the Oregon Transportation Department.

GOAL #3

Developing the AGRIBOOD will meet this goal as explained above.

3B. Travel options are Bus, Bicycle, on Site Electric Cars, and multiple walking and biking paths on site, and off site.

3C. Noted

3D. The installation and development of a RVTD bus stop at the entrance of the community is a significant achievement that meets high density development housing Transit Oriented Development, that will encourage the use of Public Transit and eliminating the use of vehicles.

3E. Bike paths are being developed on site and off through the development of bike lanes and 3100 lineal feet of sidewalk improvements to safely walk to the North and South.

GOAL #4

Incorporation of the RVTD terminal at the development entrance with facilities and lighting will greatly encourage the use of public transit to all parts of the City.

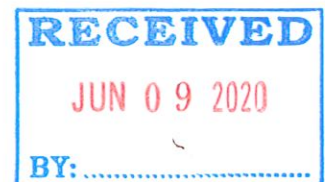
4C. Pedestrian facilities will be ADA compliant.

4G. Comprehensive development of different modes of travel will be walking, biking, bus and car. Electric cars will be provided on site for use locally for those in need.

GENERAL

The development of a AGRIBOOD will be a one of 27 such developments in the nation as well as being a Transit Oriented development.

"transit-oriented housing will probably reduce total vehicle travel at the regional level, compared to the counterfactual where that housing was not built or was built in a more sprawling location. Granting reductions in trip generation for the transit-oriented nature of that housing is certainly a step in the right direction, but fundamentally it is misleading to think that such transit-oriented housing generates any



trips at all at a regional scale. A more reasonable starting point is to consider that new development is just as likely to reduce traffic, air pollution, and greenhouse gas emissions as it is to increase them."
Adam Millard-Ball from the University of Santa Cruz

Critical to creating transit-oriented communities is that ridership is highest among low to moderate income households, this promotes transit ridership, and creates a more vibrant, transit-oriented community. It should be further noted that typical households in auto-dependent neighborhoods spend about 25 percent of their income on transportation costs, but this number drops to 9 percent in neighborhoods with a variety of mobility options. Although the TIA indicates volumes of traffic, this development will greatly reduce traffic within the Transit District.

Bike facilities, shared vehicles, electric charging infrastructure, will be installed on site, Compact development and open-space preservation can help protect water quality by reducing the amount of paved surface and by allowing natural lands to filter rainwater and runoff before they reach drinking-water supplies, permeable parking lots will be placed over top of the 100 foot wide easement which is called the Billings Syphon, bike path and trail development, solar, and storm water filtration systems are already in the civil plans. Community gardens are now elevated to AGRIFOOD for the health of the community and the earth.

Ingress/Egress:

All safety measures available from and approved by ODOT will be incorporated into all full access areas.

Pedestrian connectivity:

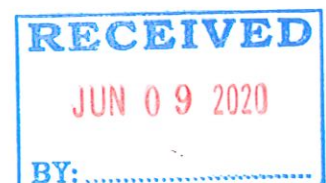
This is fully designed into the development. Physical barriers have been requested from ODOT but they feel it isn't safe and disapproved the displays and designs we provided for such items because they felt it was unsafe for bicyclist. We can talk to them again, but all the sidewalks are under the design criteria of ODOT and not the developers or the City.

Concern over pedestrian and cyclist safety: We asked ODOT if it was possible to reduce the speed limits, but they said the traffic will slow down just by what they call Traffic Culture. From their experience with the installation of sidewalks, bike paths and people walking down the highway creates a culture of safety and that drivers will slow down when they see sidewalks and pedestrians.

Bicycle connectivity: A northbound bike facility is not under the developer's power but was discussed with ODOT. They feel there isn't enough ODOT property on the opposite side of the Highway for these improvements. Of course, if we could do it we would. ODOT has stated that after the development is installed and road study will be conducted and at that time it will be determined if the speed should be reduced. Concurrently the knowledge they have of Traffic Culture under these circumstances should help with the speed and make it safer.

Transit connectivity: There will be Bus Stop at the entrance and there is no need to walk uphill to the next Bus Stop. The Northbound Bus Stop is a 9-minute walk with a safe crosswalk and traffic light. From the studies completed within the city at large this development ranks in the top 10% of most accessible in terms of the time it takes to get to both North and South bound bus stops.

Thank you
Robert Kendrick



Robert Kendrick
Casita Developments LLC
Project response June 9,2020

ASHLANDS GRAND TERRACE AGRIHOOD

The Existing Farmhouse and Barn



Valley Views from the Site



Redeveloped Barn and Produce Area



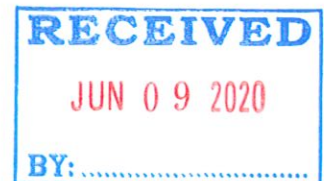
Redeveloped House & Activity Area



Open area's around Farm House



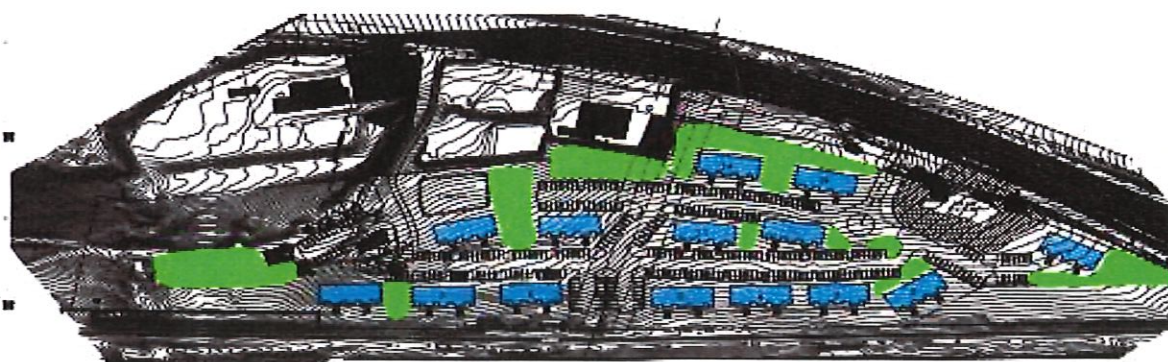
Proposed walking trails in Forest



OLD HOME SITE WITH BARN AND BUILDINGS



BUILDING SITE PLAN WITH OPEN SPACE AND GARDENS AND FARMS (more to be included)



RECEIVED
JUN 09 2020
BY:

HISTORIC PICTURE OF FARMS ORCHARDS AND FORESTED AREA



IN THIS LEFT-HAND CORNER
BETWEEN THE HIGHWAY AND RAIL ROAD
IS THE OLD FARM LAND AND FOREST?
AND THE NEW
REINCARNATED
ASHLANDS GRAND TERRACE AGRIHOOD



**WRITTEN TESTIMONY
FROM THE
JUNE 9, 2020
MEETING**

**PA-T3-2019-00001
1511 HWY 99 N**

From: [tamaragfoley](#)
To: [Planning Commission - Public Testimony](#)
Subject: Affordable/Workforce Housing - Kendrick Enterprise's Grand Terrace Apts.
Date: Thursday, June 04, 2020 10:52:23 AM

[EXTERNAL SENDER]

I became aware of a proposed multi-family affordable housing development only last night. The development is Grand Terrace Apartments / Developer=Robert Kendrick Enterprise's LLC. I'd like to support this developer's vision:

I spent 4 years with ACCESS (the Community Action Agency of Jackson County). My position there was as Housing Specialist -- i was a house-hunter for those participants in our rental assistance programs. I cannot tell you how frustrating finding affordable housing is in this county. I shopped Craigslist daily and saw prices climb out of reach every single day. The waitlists at the Housing Authority of Jackson County are years long. I even went so far as to create a mailing to non-owner-occupied property owners to try to catch their attention before their rentals went public (to give our participants a fighting chance for a housing opportunity). It is a brutal, competitive market. have been to myriads of housing forums in our county and heard other's frustration with the housing stock. All agencies can tell stories of the need for affordable housing.

I applaud Robert Kendrick's vision for Grand Terrace Apartments. I hope that you will encourage such development.

Thank you,

Tamara Foley
971.255.2462

Sent from my Boost Mobile Phone



From: Alaya M. Ketani
To: Planning Commission - Public Testimony
Subject: Ashland
Date: Thursday, June 04, 2020 7:36:05 PM

[EXTERNAL SENDER]

Ashland needs affordable housing. Please consider wisely Grand Terrace, by Robert Kendrick, Kendrick Enterprise LLC.

Thank you.

Kindly ~

Alaya Ketani

"A Woman in harmony with her Spirit is like a river flowing. She goes where she will without pretense and arrives at her destination prepared to be herself and only herself."

Alaya Ketani, CHT CFT CPC

541~292~2945

*Depth Hypnotherapist and Neuroscience Specialist,
Specialized Expertise for Highly Sensitive and Empathic Traits,
Empowerment, Peak Performance & Mind Mastery Trainer,
HeartMath Biofeedback Practitioner,
EFT, Archetypes, Multiple Advanced Certifications.*

*Founder and Executive Director of Keeping Ashland Women Safe Task Force, K.A.W.S.
Ashland, Grants Pass and Bandon Offices*

Host "Empower Your Life" Radio

Host "Tune Into Your Life" Podcast

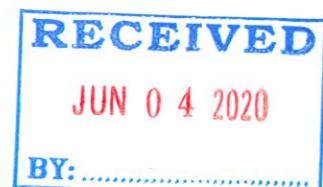
Senior-Level Conflict Resolution Mediator

Former Co-Chair Jackson County Council Against Domestic and Sexual Violence

www.empoweringhypnotherapy.com

<https://www.facebook.com/EmpoweringHypnotherapy>

www.keepingashlandwomensafe.com



Scott G. Knox D.V.M
3700 Fieldbrook Ave.
Medford, OR 97504
541-601-3331
Scottgib56@gmail.com

June 5, 2060

planning@ashland.or.us
PC-public-testimoney@ashland.or.us

RE: Clarification and corrections of fact in Robert Kendrick's letter of May 12, 2060
Grand Terrace Development PA-T3-2019-00001

Dear Commissioners:

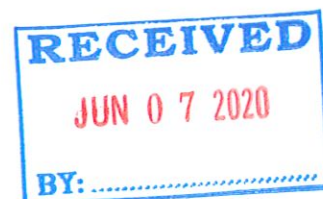
This is a brief letter is to clarify and correct some facts as indicated in Robert Kendricks letter of response submitted May 12, 2020. It is important that everyone has accurate information.

- 1) Mr Kendrick states that I encroached on and narrowed the easement in question by building walls and a "Landscape Mound" . There is no mound and those structures now present with the exception of an easily moved sign actually date back to the 1960's when Dr. van Dijk developed the property. I have in no way encroached on the easement by building any structures and subsequently narrowing the easement. The driveway and easement area is essentially unchanged for several decades. This was developed long before this property was included in the Urban Growth boundary. . I actually developed my storage units set a significant distance back from the surveyed easement as the drive going up the hill to the residence was incorrectly located NW of the easement and sits on my property outside of the easement. This again dates back to the 1960's.
- 2) Mr. Kendrick feels that I somehow should have chosen a different entry to my storage units possibly using the Veterinary Hospital property. These are two separate business with separate land ownership. It obviously would make no sense to access storage units through another businesses parking area when the storage unit property had its own access. I developed an entrance to the storage units that did not encroach on the easement and has worked quite well.

Thank you for your attention and time in this matter. Again, I felt it was important that all Parties have the full and correct information.

Respectfully ,

Scott Knox D.V.M.



**TRANSPORTATION COMMISSION
COMMENTS FROM THE
JUNE 9, 2020
MEETING**

**PA-T3-2019-00001
1511 HWY 99 N**

Memo

CITY OF
ASHLAND

Date: June 8, 2020
From: Scott Fleury PE, Interim Public Works Director
To: Planning Commission
RE: Grand Terrace Annexation-Transportation Commission Comments

Background:

Below is a series of comments generated by the Transportation Commission with respect to the Grand Terrace Development project and its associated connection to the local transportation network. In addition, numerous goals with focused objectives were established in the 2013 Transportation System Plan. These goals and objectives have been included for reference as they are important and should be wholly considered when new development enters the planning process as part of the system of approvals.

TSP Goals:

Goal #1:

Create a “green” template for other communities in the state and nation to follow.

Objectives for Goal 1:

1B. Expand active transportation infrastructure to include features that encourage non-auto travel. Potential features include bicycle boulevards, bicycle lanes, wider bicycle trails, and improved lighting for bicycles and pedestrians.

1D. Develop plans for pedestrian-oriented, mixed land-use activity centers with an active transportation focus and green infrastructure.

1E. Identify ways to reduce carbon impacts through changes to land use patterns and transportation choices to make travel by bicycle, as a pedestrian and by transit more viable.

1G. Implement environmentally responsible or green design standards.

Goal #2:

Make safety a priority for all modes of travel.

Objectives for Goal 2:

2E. Recommend appropriate means for managing state highways and major arterials to meet local and through traffic needs in terms of mobility, access, and safety.

Goal #3:

Maintain small-town character, support economic prosperity and accommodate future growth.

Objectives for Goal 3:

3B. Consider modal equity when integrating land use and transportation to provide travel options for system users.

3C. Identify opportunities, guidelines and regulations for bicycle, pedestrian and transit supportive land uses within the City of Ashland.

3D. Identify transportation projects or system adjustments that improve development potential and support increased mixed use development within the current Urban Growth Boundary.

3E. Identify adjustments to transportation and land use codes and regulations that will facilitate higher density developments in transit corridors, and shorter trip length and non-motorized modes of travel throughout the City of Ashland.

Goal #4:

Create a system-wide balance for serving and facilitating pedestrian, bicycle, rail, air, transit, and vehicular traffic in terms of mobility and access within and through the City of Ashland.

Objectives for Goal 4:

4C. Upgrade pedestrian facilities to ADA compliant standards.

4G. Create a comprehensive transportation system by better integrating active transportation modes with transit and travel by auto.

Transportation Commission Comments:

General:

The Grand Terrace project has the potential for adding vehicular traffic and creating congestion, or it could provide a sustainable development showcase that aligns with Ashland's values developed as goals and objectives in the Transportation System Plan and the Climate Energy Action Plan. It is on an established transit line. There is great potential for bike facilities, shared vehicles, electric charging infrastructure, permeable parking lots, bike path and trail development, not to mention solar and other sufficiency's, like stormwater filtration systems and community gardens. Pedestrian and bicyclist scale lighting needs to be considered along the project length in order to provide safety for these modes at night.

Speed:

Speed reduction along this part of 99 needs to be considered (to Valley View) along with the physical/environmental changes that facilitate a driver to slow down.

(see comment regarding speed associated with bicycle connectivity below)

Speed reduction needs to consider the potential queuing increased at Valley View and Highway 99 intersection.

Ingress/Egress:

There is concern about egress from the proposed driveway location, specifically a left-hand turn movement heading northbound with limited site distance along with potential right-hand ingress movements occurring into the development. Appropriate signage and striping should be considered and installed to reduce conflicts and make drivers aware.

Pedestrian connectivity:

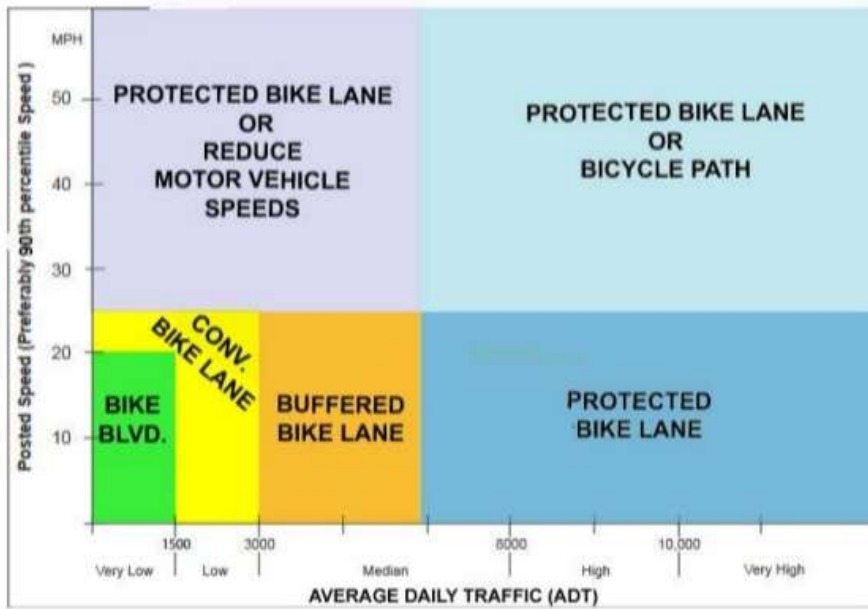
The pedestrian connection is adequate (southbound) as proposed, but safety is still a concern and speed reduction should be considered along the corridor to the intersection with Valley View. In addition, a physical barrier is needed to separate the southbound bike lane and sidewalk from the traffic lane. If width is a problem, better to slightly narrow the sidewalk/parkrow to accommodate a physical barrier. (See NACTO guidance chart below for a separated facility based on speed/volume).

Concerns regarding the increased density and its effects on pedestrian/cyclist safety, in particular crossing the highway near or in front of the project.

Bicycle connectivity:

Bicycle connectivity is minimally adequate southbound; northbound is problematic as this requires dangerous merging with auto traffic to access the left turn lane into the property. Reduction of the speed limit to 35 mph and/or crosswalk would provide safety needed. Current standards associated with the speed and volume of the roadway in the current condition call for a protected bike facility, not just a striped buffer. If left-hand turn egress for cyclists cannot be improved a contraflow bike facility should be considered northbound to the protected signal crossing.

NACTO
Contextual Guidance for Selecting All Ages & Abilities Bikeways



Transit connectivity:

Southbound would be minimally adequate with upgrading of flag stop at North Main (Ashland Mine Road) to at least signed stop. (I was walked, and it does fall – barely – within five minutes even for a senior walking uphill.) However, the proposed dedicated stop in front of property is preferred if bus merging can be accommodated. Again, this would greatly benefit from reduction of speed limit to 35 mph.

Transit connectivity northbound is very problematic. Existing stop at Valley View is too far away. Crossing safely to access flag stop at North Main (Ashland Mine Road) requires significant upgrading of the crosswalk and median refuge facility. If striping and flashing signal cannot be assured, I am not certain that signage and new median refuge would be adequate. Accordingly, public transit use with current RVTD transit model (full size buses only) would likely be limited. Significant public transit use in both directions would require new transit models, likely on flexible routes and employing smaller vehicles able to turn around at or enter into the property.

**APPLICATION
MATERIALS
FROM THE
June 9, 2020
MEETING**

**PA-T3-2019-00001
1511 HWY 99 N**



PLANNING ACTION: PA-T3-2019-00001

SUBJECT PROPERTY: 1511 Highway 99 North and Adjacent Railroad Property and State Highway Right-of-Way

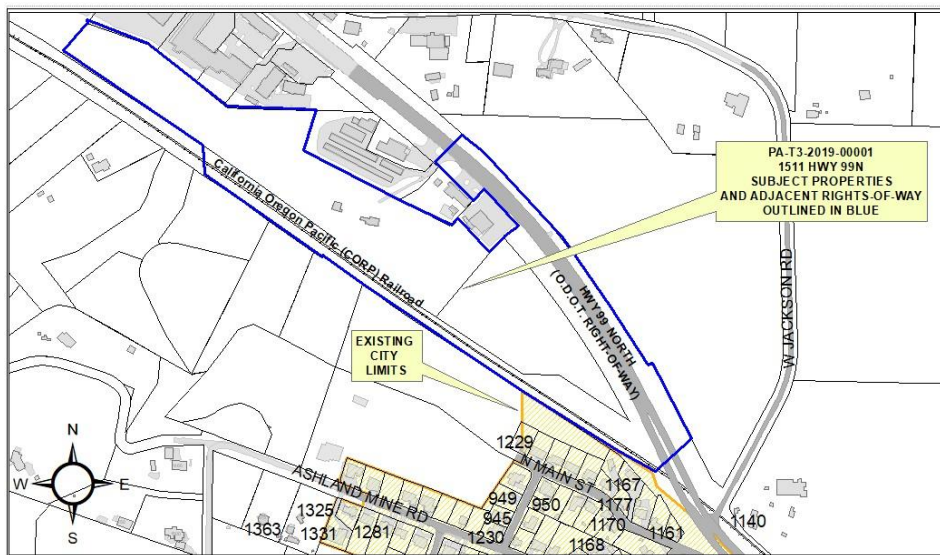
OWNER: Linda Zare

AGENTS: Casita Developments, LLC & Kendrick Enterprise, LLC

APPLICANT: Rogue Planning & Development Services, LLC

DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application seeks exception from the city's street design standards to deviate from city standard parkrow and sidewalk improvements in some areas to respond to constraints of right-of-way width and existing encroachments. **COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** Existing – County RR-5, Proposed – City R-2; **ASSESSOR'S MAP:** 38 1E 32; **TAX LOT#s:** 1700 & 1702.

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: *Tuesday June 9, 2020 at 7:00 PM*



Notice is hereby given that a PUBLIC HEARING with respect to the ASHLAND LAND USE ORDINANCE on the above described request will be conducted electronically by the ASHLAND PLANNING COMMISSION on the meeting date and time shown above. In keeping with the Governor's *Executive Order #20-16*, this meeting will be held electronically. You can watch the meeting on local channel 9, on Charter Communications channels 180 & 181, or you can stream the meeting via the internet by going to rvtv.sou.edu and selecting 'RVTV Prime'.

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

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at <http://www.ashland.or.us/Agendas.asp?SectionID=0&CCBID=198> seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to PC-public-testimony@ashland.or.us with the subject line "June 9 PC Hearing Testimony" by 10:00 a.m. on Monday, June 8, 2020. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting minutes.

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

If you have questions or comments concerning this application, please feel free to contact Senior Planner Derek Severson at 541-488-5305 or via e-mail to derek.severson@ashland.or.us.

ANNEXATIONS - Approval Criteria and Standards (AMC 18.5.8.050)

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with all of the following approval criteria.

- A.** The land is within the City's Urban Growth Boundary.
- B.** The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C.** The land is currently contiguous with the present city limits.
- D.** Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E.** Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.
 1. For vehicular transportation a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.
- F.** For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35 percent, shall not be included.
- G.** Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.
 1. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.
 - a. Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.
 - b. Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.
 - c. Ownership units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.
 - d. Ownership or rental units restricted to households earning at or below 60 percent the area median income shall have an equivalency value of 1.5 unit.
 2. As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.
 - a. The land to be transferred shall be located within the project meeting the standards set forth in 18.5.8.050.G, subsections 4 - 6.
 - b. All needed public facilities shall be extended to the area or areas proposed for transfer.
 - c. Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.
 - d. The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.
 3. The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.
 - a. The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor

area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 18.5.8.050.G.3.

Table 18.5.8.050.G.3

Unit Type	Minimum Required Unit Floor Area (Square Feet)
Studio	350
1 Bedroom	500
2 Bedroom	800
3 Bedroom	1,000
4 Bedroom	1,250

- b. The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.
4. A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.
 - a. That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.
 - b. Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.
5. That affordable housing units shall be distributed throughout the project
6. That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.
 - a. The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units
 - b. Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.
7. Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.
 - a. That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.
 - b. That an alternative mix of housing types not meeting the requirements of subsection 18.5.8.050.G.3.b would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.
 - c. That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.
 - d. That the distribution of affordable units within the development not meeting subsection 18.5.8.050.G.5 is necessary for development of an affordable housing project that provides onsite staff with supportive services.
 - e. That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of subsection 18.5.8.050.G.5.
 - f. That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.6, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.
8. The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.
- H. One or more of the following standards are met.
 1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan.
 2. The proposed lot or lots will be zoned CM, E-1, or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Design Review approval for an outright permitted use, or special permitted use concurrent with the annexation request.
 3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services.
 4. Existing development in the proposed annexation has inadequate water or sanitary sewer service, or the service will become inadequate within one year.
 5. The area proposed for annexation has existing City water or sanitary sewer service extended, connected, and in use, and a signed consent to annexation agreement has been filed and accepted by the City.

6. The lot or lots proposed for annexation are an island completely surrounded by lands within the city limits.

EXCEPTION TO STREET STANDARDS (AMC 18.4.6.020.B.1)

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

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

RE: GRAND TERRACE DEVELOPMENT. ANNEXATION REQUEST

HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>

Thu 2020-05-28 04:17 PM

To: Robert Kendrick <bobk213@icloud.com>; Derek Severson <derek.severson@ashland.or.us>**Cc:** GRIFFIN Jeremiah M <Jeremiah.M.GRIFFIN@odot.state.or.us> 2 attachments (7 MB)

RR445_1.pdf; RR160.pdf;

[EXTERNAL SENDER]

Hi Bob,

ODOT has no objection to an annexation of Highway 99 to provide contiguity between the Grand Terrace Development and the City of Ashland boundary. We would ask that the entire width of the Highway Right of Way be annexed rather than to the centerline, as this will simplify future operations and maintenance of the roadway.

I should note that that our survey team pointed out that ODOT has an easement to cross the CORP Railroad Right of Way, rather than underlying fee ownership.

Best regards,
Micah

Micah Horowitz, AICP
ODOT Region 3 | Senior Transportation Planner
100 Antelope Road, White City, OR 97503
p: 541.774.6331 | c: 541.603.8431
e: micah.horowitz@odot.state.or.us

If you agree, I will send a reply to the applicant stating ODOT does not object to an annexation (request the entire roadway be annexed rather than half-centerline), but that our internal research indicates ODOT has an easement across the rail line rather than underlying fee ownership. Please let me know if you would like to discuss in greater detail.

> -----Original Message-----

> From: Robert Kendrick <bobk213@icloud.com>

> Sent: Thursday, May 21, 2020 4:31 PM

> To: HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>; Robert J Kendrick <bobk213@icloud.com>; Derek Severson <derek.severson@ashland.or.us>

> Subject: GRAND TERRACE DEVELOPMENT. ANNEXATION REQUEST

>

> TO; Micha Horowitz ODOT

> Re; GRAND TERRACE

> FROM; Bob Kendrick

> Owner developer Hwy 99

- > Casita Development Ilc
- >
- > As you may know we are before the planning commission for the annexation of the Grand Terrace Development project which is in the UGB of Ashland and immediately adjacent to and on Hwy 99.
- >
- > A notice of annexation was mailed out last month which included the properties of "the project", and the Rail Road. In order for the Project to get contiguity to the City, the City needs to redraw the boundaries of the City around the RR in order to make my project and the UGB contiguous to the City. The RR returned a negative response.
- >
- > It just recently came to the city's attention that the RR was not within the City boundary. The entire UGB of the City is in jeopardy due to this lack of contiguity. Without my land and the ODOT portion adjacent to me the entire northern section of the city will not be able to grow north, and therefore putting the City's UGB in jeopardy.
- >
- > By deliberations with the city I've been asked to reach out to ODOT to request an annexation of the ODOT highway adjacent to the Project site. In prior discussions it was mentioned that an annexation of the Highway in this area was acceptable.
- >
- > If you could help with this request i would appreciate it. Please contact me at this email or phone below.
- >
- > Best regards,
- > Bob Kendrick
- > Kendrick Enterprise Ilc
- > 541-944-0131

June 9th Planning Commission Meeting Testimony

Suzanne Zapf <suzannezapf@hotmail.com>

Wed 2020-05-27 11:36 AM

To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

[EXTERNAL SENDER]

This email is regarding the Annexation of a 16.87-acre and conceptual details for the future phased development of 196 apartments in 14 two-story buildings (Planning Action PA-T3-2019-00001).

I am concerned about the additional automobile traffic and resulting safety issues on Rte. 99 created by the proposed 196 additional units. Specifically, I am concerned about the traffic turning onto Rte. 99 from the development, and the traffic turning off of Rte. 99 into the development. If you assume that each housing unit has 1.5 cars, this adds 294 cars to the area. If you assume that each car is used 1x per day, and each car uses the intersection on Rte 99 twice (to exit and re-enter development), this is 588 additional DAILY automobile "turning interactions" with Rte 99.

I am also concerned about pedestrians from this development crossing Rte 99; The Human Bean and Dutch Bros on the opposite side of the street may be a big draw for residents of this 196 apartment complex, and crossing Rte. 99 to purchase a beverage with the current configuration of Rte 99 would be hazardous.

Thank you for hearing my objections to this annexation and 196 unit development.

Suzanne Zapf
541-492-4443

Re: June 9th Planning Commission Meeting Testimony

Diane Knox <dynorth@gmail.com>

Wed 2020-05-27 11:56 AM

To: Suzanne Zapf <suzannezapf@hotmail.com>

Cc: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

[EXTERNAL SENDER]

Well said! Let's hope our voices will have the impact we want. Do you know any of the owners of the adjacent properties to yours? Think you might enlist them to comment as well? We have encouraged the neighboring businesses to comment as well.

All the best,

Diane and Scott

On Wed, May 27, 2020, 11:36 AM Suzanne Zapf <suzannezapf@hotmail.com> wrote:

This email is regarding the Annexation of a 16.87-acre and conceptual details for the future phased development of 196 apartments in 14 two-story buildings (Planning Action PA-T3-2019-00001).

I am concerned about the additional automobile traffic and resulting safety issues on Rte. 99 created by the proposed 196 additional units. Specifically, I am concerned about the traffic turning onto Rte. 99 from the development, and the traffic turning off of Rte. 99 into the development. If you assume that each housing unit has 1.5 cars, this adds 294 cars to the area. If you assume that each car is used 1x per day, and each car uses the intersection on Rte 99 twice (to exit and re-enter development), this is 588 additional DAILY automobile "turning interactions" with Rte 99.

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Thank you for hearing my objections to this annexation and 196 unit development.

Suzanne Zapf

541-492-4443