

DRAFT MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL

MAY 1, 2018
Council Chambers
1175 E. Main Street

I. CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:05 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Councilor Slattery, Councilor Morris, Councilor Bachman, Councilor Seffinger and Councilor Rosenthal were present.

IV. MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced that Staff requested to have item XI pulled until May 15th Business Meeting.

Councilor Morris moved to pull Item XI and move it to the May 15th Council Business Meeting. Councilor Slattery seconded. Discussion: None. All Ayes. Motion passed unanimously.

Councilor Slattery moved to place Item X. 1. Selection of Councilor Position #6 and Item XI. 1. Approval of Employment Health Benefit Plan ahead of the Public Hearing. Councilor Bachman seconded. Discussion: None. All Ayes. Motion passed unanimously.

V. APPROVAL OF MINUTES

1. Study Session of April 16, 2018
2. Business Meeting of April 17, 2018

Councilor Rosenthal moved to approve the minutes. Councilor Seffinger seconded. Discussion: None. All Ayes. Motion passed unanimously.

VI. SPECIAL PRESENTATIONS & AWARDS

1. RVCOG Annual Presentation –Representative from RVCOG was not in attendance.

VII. MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

Airport	Conservation	Forest Lands
Historic	Housing and Human Svcs.	Parks & Recreation
Planning	Public Arts	Transportation
Tree	Wildfire Mitigation	

VIII. PUBLIC FORUM Business from the audience not included on the agenda.

(Total time allowed for Public Forum is 15 minutes. The Mayor will set time limits to enable all people wishing to speak to complete their testimony.) *[15 minutes maximum]*

Huelz Gutcheon – Ashland- Spoke regarding the homeless and affordable housing. He spoke regarding building and using solar panels. He explained the City would make more money using solar panels. He spoke that the climate will be troublesome in 20-30 years and we need to work on making changes now.

IX. CONSENT AGENDA

1. Supplemental Budget Request-Fire Department Forest Division Grant

Councilor Rosenthal pulled this item. He congratulated the Fire Department on a job well done leveraging funds.

- 2. Special Procurement Contract Approval-Lomakatski Restoration Project**
- 3. Request for approval of Contract Award with FCS Group for a Cost Allocation Plan**

Councilor Slattery pulled this item. Councilor Slattery asked Administrative Services Director, Mark Welch to give a Staff report. Mr. Welch spoke that the Cost Allocation Plan will be great for each Department. He explained this will ensure equitable charges to departments for all internal services. Councilor Slattery asked if this could be done internally. Mr. Welch spoke that it would cost more to do internally.

Councilor Rosenthal asked how many hours of time the FCS group would have to spend to do the job. Mr. Welch answered approximately 150-200 hours to complete the Study. He explained that if done internally it would take longer because they would have to build the spreadsheets as well as do the study. Councilor Bachman asked if the costs will be listed on the OpenGov site. Mr. Welch answered yes.

4. Request for approval of contract addendum #2 with Northwest Code Professionals

Councilor Morris pulled this item. Councilor Morris asked if Code Professionals will be the building official. Community Development Director, Bill Molnar answered yes. Councilor Morris asked if Staff would be in compliance without a Level A on Staff. Mr. Molnar answered yes and explained that the new rule requires an individual employed by the City of Ashland that has building official certification and A level structure inspector and that there is one. He explained that the State requires that the City have an A level electrical inspector which the newest hire does have.

5. Approval of Liquor License Application for Umami LLC

Councilor Morris moved to approve the Consent Agenda. Councilor Rosenthal seconded. Discussion: None. All Ayes. Motion passed unanimously.

X. NEW AND MISCELLANEOUS BUSINESS

1. Selection for Councilor Position #6

City Recorder, Melissa Huhtala explained the ballot process. Each Councilor voted for one of the applicants.

Councilor Seffinger, Councilor Bachman and Councilor Morris voted for Stephen Jensen.

Councilor Slattery voted for George Kramer.
Councilor Rosenthal voted for Brent Thompson.

City Attorney, David Lohman suggested Council make a formal motion to appoint Jackie Bachman. She was appointed by Council unanimously by ballot on March 20th (*see attached*).

Councilor Slattery moved approval to confirm the appointment of Jackie Bachman to Councilor Position #3. Councilor Seffinger seconded. Discussion: None. All ayes. Motion passed unanimously (note: Jackie Bachman did not vote).

Councilor Seffinger moved to appoint Stephen Jensen to Councilor Position #6. Councilor Morris seconded. Councilor Seffinger spoke that she has worked with Mr. Jensen and spoke in support of him and his knowledge of the entire City not just one issue. She spoke to the work he puts in with the Forest Lands Commission. Councilor Morris spoke in appreciation of his hard work ethic. Councilor Slattery spoke that he will support Mr. Jensen as a Councilor but cannot support this motion. He explained that was not in favor to extend the process. City Attorney, David Lohman spoke that Mr. Jensen notified Council that he had previous vacation plans and will miss next Study Session and Business Meeting. Councilor Rosenthal spoke that he appreciates Councilor Slattery's comments. He spoke that he did not vote for Stephen Jensen but has respect for him. He voted for Brent Thompson but will vote in favor of this motion. Councilor Rosenthal, Councilor Seffinger, Councilor Bachman, Councilor Morris: YES. Councilor Slattery NO. Motion passed 4-1.

XI. ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of Employee Health Benefits Plan

Mr. Welch gave a Staff report. He explained that forgiveness of the loan was proposed in the budget process to pay run off cost. He explained that run off cost was to pay off all claims until June 30, 2018.

Councilor Slattery asked if Parks and Recreation money absorbed from the ending fund balance and went into the Reserve Fund. Mr. Welch answered yes.

Mayor Stromberg spoke that when the City went to Pacific Source it worked out well financially. Councilor Slattery asked how it worked out well financially. Mr. Welch explained that the City left CIS 7 years ago and went to Pacific Source on a reimbursement plan to the City's claim data with no rate increases in 5-year period. The premiums stayed low. He explained that currently claims are looking to be at 6 million a year and CIS has offered a premium at 5.2 million dollars; with that the City will be saving \$800,000 for the next year.

Councilor Seffinger moved to forgive the loan between the City's Health Benefit Fund and the Reserve Fund. Councilor Rosenthal seconded. Councilor Seffinger spoke that the City did not start out with a large enough reserve. Councilor Rosenthal spoke that it gives him no pleasure to vote for this. He spoke to the need to have more reserves for the City. He spoke that any savings for a new arrangement going forward with CIS will help hold the premiums down; but this won't be the source in increasing the Reserve Fund. He spoke there needs to be a new strategy. He spoke the money is gone and we need to forgive the loan. Councilor Slattery agreed with Councilor Rosenthal. He spoke he will support the motion reluctantly. Voice Vote: All Ayes. Motion passed unanimously.

Councilor Slattery moved to approve a Resolution titled, "A Resolution Authorizing Health Benefits Provided by City County Insurance Services and Repealing Resolution 2013-22."

Councilor Bachman seconded. Discussion: Councilor Slattery spoke that this is something that needs to happen “when in a hole start digging”. Councilor Bachman agreed with Councilor Slattery. Voice Vote: All Ayes. Motion passed unanimously.

XII. PUBLIC HEARINGS (Persons wishing to speak are to submit a “speaker request form” prior to the commencement of the public hearing. Public hearings shall conclude at 9:00 p.m. and be continued to a future date to be set by the Council, unless the Council, by a two-thirds vote of those present, extends the hearing(s) until up to 10:30 p.m. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda.)

1. Public Hearing on the South Ashland Business Park Annexation

Mayor Stromberg opened the Public Hearing at 7:50 PM.

Mayor Stromberg and City Recorder read a statement into the record (*see attached*).

Councilor Morris declared that he knew about the annexation long before a land use action. He read a statement into the record: ***“I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement or by any personal considerations; I will make this decision based solely on the public interest and the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding.”***

Staff Report

Community Development Director, Bill Molnar and Senior Planner, Derek Severson gave a Staff Report.

Mr. Severson presented a PowerPoint to Council (*see attached*).

Mr. Severson went over the South Ashland Business Park Proposal:

- Annexation of the 5.38-acre parcel which is currently zoned County RR-5 (Rural Residential) and would be annexed to City E-1 (Employment).
- Site Design Review approval for the phased development of a 72,606 square foot light industrial/flexible space business park.
- Conditional Use Permit to allow a watchman’s dwelling.
- Limited Use/Activity Permits within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property to construct a stormwater outfall and construct street improvements.
- Exception to Street Standards for the frontage improvements along the property’s Washington Street frontage.
- Tree Removal Permit to remove four trees greater than six-inches in diameter at breast height (d.b.h.).

He explained that this would be done in 3 Phases.

He explained that the applicant is imposing a trip cap on the property. He spoke that the Planning Commission decided that a trip cap was not required, however; DOT wanted to maintain the proposed trip cap. Staff received a letter this morning from Craig Anderson regarding this issue (*see attached*). Staff recommends approval of the application.

Councilor Rosenthal questioned what watchmen quarters are used for. Mr. Severson explained it is a care taker facility served as a security function.

Councilor Slattery questioned what a flexible building design is. Mr. Severson explained it is when you grow a business in an adjacent space and let it grow onsite.

Councilor Seffinger asked if it is possible to have residential units. Mr. Molnar spoke that it is possible and it would be up to the applicant.

Councilor Morris questioned what the target density will be. Mr. Molnar answered that in E-1 it will be approximately 3500 sq. ft. of business use for every 10,000 sq. ft. He explained that the downtown will be higher employee densities.

Applicant

Jay Harland with CSA Planning spoke that this is a good project and an upgrade for the City.

He spoke that flex space is a great mix for offices and warehousing.

He spoke that the Planning Commission did a thorough analysis of the project. There were constraints on transportation they figured out a way to make it work in the long term and short term.

He spoke that this project will have many transportation improvements.

He spoke that he doesn't think this would be a great place for residential. He spoke that it is a good place for offices and vertical mixed use.

He recommended approval of the project.

He handed a rebuttal letter to Council in reference to the letter received this morning from Craig Anderson (*see attached*). He explained that the original plan included a trip cap that was in compliance with Transportation Planning Rule and would agree to include the trip cap.

Councilor Seffinger spoke that turning left on Washington St. is difficult and asked if there is an option to fix this issue. Mr. Harland spoke that the projects plan is to move the left out of Washington over to Tolman Creek.

Public Input

Craig Anderson – Ashland- Spoke that since the applicant has decided to add the trip cap he is fine with the project. He spoke that he is not against the annexation. He explained that the Independent Way Project makes sense. He spoke that the issue is development in the City is not paying for its infrastructure. He spoke to the importance of transportation analysis. He spoke that Tolman Creek will be blown out and will be expensive to fix. He spoke that projects that are in TSP are not funded and development is not going to be paying for them. He spoke in concern of how the City is working on their transportation projects.

Don Morehouse – ODOT – Spoke that he worked with Staff and the applicant before the application was submitted. He spoke that when it came time for the Public Hearing ODOT was not notified. He spoke that ODOT would like the trip cap included with this development. It was confirmed that the applicant wants the trip cap.

Rebuttal

Applicant, Evan Archard spoke to the need for more spaces for small businesses to grow and to prosper. He spoke that this project recognizes what Ashland needs. He spoke that they went through an extensive process with Staff, Planning Commission and ODOT. He spoke that there are no other transportation issues other than the trip cap.

Mr. Harland spoke that their original application did have the trip cap stipulation. He spoke that it is better to not have one but they are fine with the stipulation.

Mayor Stromberg closed the public hearing at 8:55 PM

Any requests to submit final written argument? No.

Advice from legal counsel and Staff

Councilor Slattery requested a response to Mr. Anderson's concerns regarding the intersection of Tolman Creek. He questioned whether we have money available to make changes and do changes need to be made. He also questioned how this project will effect Tolman Creek. Public Works Director, Paula Brown explained that the TSP does have 2 projects related to Tolman Creek Road and both are development driven. She spoke that Staff is looking at SDC's and will be doing an update to TSP to make sure everything is consistent. She spoke that widening Tolman Creek Road and Ashland Street is something that will probably have to happen in the future.

Councilor Rosenthal moved to extend the public hearing to 10:30. Councilor Morris seconded. Discussion: None. All Ayes. Motion passed unanimously.

Councilor Rosenthal moved approval of first reading of the Ordinance and scheduling of second reading of the Ordinance for May 15, 2018. Councilor Morris Seconded. Discussion: Councilor Rosenthal spoke to the importance of due diligence with public process. He spoke that he doesn't see a reason to vote against this. He spoke that the City has an Economic Development Strategy and this project hits 3 of the objectives:

1. Diversifying the economic base of the Community. 2. Supporting creation and growth of businesses that use and provide local and region products. 3. Increasing the number of family-wage jobs in the Community. Councilor Morris agreed with Councilor Rosenthal. He spoke that there is shortage of facilities like this in Ashland. He spoke in concern with funding improvements with SDC's. He spoke to the need on finding ways to accommodate funding improvements. Councilor Seffinger spoke that she appreciates that the project increases the goals that Councilor Rosenthal mentioned. Councilor Slattery spoke in appreciation of the project. He spoke that the City does have challenges and the need to building more living wage jobs. Roll Call Vote: Councilor Rosenthal, Councilor Seffinger, Councilor Slattery, Councilor Morris and Councilor Bachman: YES. Motion passed unanimously.

Councilor Rosenthal moved to direct staff to prepare written findings for approval of the proposed Annexation, with the trip cap proposed by the applicant and to incorporate the findings for the Planning Commission's decision, for Council adoption on May 15, 2018. Morris. Roll Call Vote: Councilor Slattery, Councilor Seffinger, Councilor Rosenthal, Councilor Bachman and Councilor Morris: YES. Motion passed unanimously.

2. Public Hearing to Consider Increasing Storm Drain, Transportation, Water, and Wastewater Utility Fees

Mayor Stromberg opened the Public Hearing at 9:08 PM.

Ms. Brown gave a Staff report. She explained in order for the City to function we need the rate increases. She spoke that Staff recommends the rate increases. She spoke that the rate increases per standard household will be \$5.22.

She spoke in response to an email from Councilor Bachman questioning if Ashland rates are comparable to other cities. She explained that Ashland water rates are on the higher end and waste water rates are in the middle. This information is based on a study done in 2015 by League of Oregon Cities and the Hansford water rate cost study.

Councilor Bachman questioned if the transportation rate increase will help with ADA requirements. Ms. Brown answered yes.

Councilor Rosenthal spoke that the water fund and wastewater fund have rate studies whereas transportation fund and stormwater and drainage fund are tied to Consumer Price Index (CPI) and engineering news record (ENR). He questioned what was budgeted.

Ms. Brown explained that Staff is currently working on a stormwater master plan. She spoke that not all stormwater is strictly construction cost so the CPI index is used to determine the rates. She spoke that there has not been a completed a rate study for transportation and that the ENR is used to determine the rates. She spoke that 3% was budgeted for future growth and future construction.

Mayor Stromberg closed the public hearing at 9:19 PM

Councilor Rosenthal moved to approve a Resolution adopting a storm drainage utility fee schedule pursuant to Ashland Municipal Code Section 4.27.050 and repealing Resolution 2017-07. Councilor Morris seconded. Discussion: Councilor Rosenthal spoke that the adjustment based on the CPI is reasonable and to not make an adjustment on these types of fees would result in a much higher rate increase in subsequent years. He spoke that it is responsible and prudent to make this decision. Councilor Morris spoke that there are a lot of expenses and the rate increase is needed. Roll Call Vote: Councilor Slattery, Councilor Morris, Councilor Bachman, Councilor Seffinger and Councilor Rosenthal: YES. Motion passed unanimously.

Councilor Bachman moved to approve a Resolution adopting a transportation utility fee schedule pursuant to Ashland Municipal Code Section 4.26 and repealing Resolution 2016-06. Councilor Slattery seconded. Discussion: Councilor Bachman spoke to the importance of improving the streets and ADA standards. Councilor Slattery agreed with Councilor Bachman. Roll Call Vote: Councilor Slattery, Councilor Morris, Councilor Bachman, Councilor Seffinger and Councilor Rosenthal: YES. Motion passed unanimously.

Councilor Seffinger moved to approve a Resolution adopting a water utility fee schedule pursuant to Ashland Municipal Code Section 4.04.030 and repealing Resolution 2017-08. Councilor Rosenthal seconded. Discussion: Councilor Seffinger spoke that water is a prime concern and it is necessary to protect the resource. Councilor Rosenthal spoke that the water utility fee rate increase is a result of extensive analysis of what our community's needs are. He spoke that this increase is consistent with projections and rate studies. He explained that costs for the City do not remain the same. He spoke to the importance of analysis to make sure increases are responsible and tied to specific expenses. Councilor Seffinger spoke to the importance of making smaller and incremental increases as opposed to putting it off and having to make large increases in the future. Roll Call Vote: Councilor Bachman, Councilor Slattery, Councilor Morris, Councilor Seffinger and

Councilor Rosenthal: YES. Motion passed unanimously.

Councilor Slattery moved to approve Resolution adopting a wastewater (sewer) utility fee schedule pursuant to Ashland Municipal Code Section 4.08.035 and repealing Resolution 2017-09. Councilor Bachman seconded. Discussion: Councilor Slattery agreed with Rosenthal's comments in previous motion. He spoke that it is important to keep looking at these rate increases incrementally. He spoke that he is not happy to raise rates but it is necessary. Councilor Bachman agreed with Councilor Slattery. Roll Call Vote: Councilor Seffinger, Councilor Slattery, Councilor Morris, Councilor Bachman, and Councilor Rosenthal: YES. Motion passed unanimously.

3. Public Hearing to Consider Increasing Electric Rate and Repeal Resolution 2017-11

Interim Director of Electric Utility, Thomas Mc Bartlett gave a Staff Report.

Councilor Slattery questioned what would happen if the rates were not raised. Mr. Mc Bartlett answered that Staff would have to look at capital budget for 2019.

Mayor Stromberg opened the Public Hearing at 9:39 PM

Public Input

None.

Mayor Stromberg closed the Public Hearing at 9:39 PM

Councilor Slattery moved approval of a Resolution titled, A Resolution revising rates for electric service pursuant to Ashland Municipal Code Section 14.16.030 and repealing Resolution 2017-11. Councilor Rosenthal seconded. Discussion: Councilor Slattery spoke that it is hard to have to raise rates but it is important to continue to pay attention to maintenance. He spoke that he normally votes against increases but this is important to continue the quality of service in Ashland. Councilor Rosenthal agreed with Councilor Slattery and pointed out that because the City of Ashland provides electric utility instead of Pacific Power customers are paying \$15/month less. Councilor Seffinger spoke that there are many assistance programs for residents that the City provides. Councilor Morris spoke that electric utility is not great at advertising the improvements. Roll Call Vote: Councilor Seffinger, Councilor Morris, Councilor Slattery, Councilor Bachman and Councilor Rosenthal: YES. Motion passed unanimously.

Mayor Stromberg thanked Councilor for their decisions on all tonight.

XIII. UNFINISHED BUSINESS

1. Land Use Decision amending the Comprehensive Plan Map designation and zoning for 475 East Nevada Street (Note: With concurrence of Council during Mayor's Announcements, this item may be continued to the May 15, 2018 Council meeting).

This item was moved to the May 15th Business Meeting.

XIV. ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Transportation Network Companies-Amendment to AMC 6.28

Assistant City Attorney, Katrina Brown gave a Staff report.

She spoke regarding public safety measures. She went over the background check options.

She explained that Lyft did not provide any written comments for Council but she spoke to a representative which spoke in opposition to individual driver permits. Uber is also opposed.

She spoke that a change in the Ordinance was to include a requirement to assist people with disabilities. The Transportation Commission was in support of this change.

Councilor Rosenthal spoke in appreciation of the work done. He questioned why the Transportation Commission did not vote on the Ordinance. Ms. Brown explained that she prepared a memo and asked that the Transportation Commission to provide a recommendation. Due to time constraints there was not a formal vote.

Public Input

Mark Thomas- Ashland- Mr. Thomas spoke that he attended the transportation meeting. He explained that he is a consumer that travels a lot. He spoke that TNC's are brilliant in cities where you have demand and density. He spoke that he drives a Taxi for Crater Lake Taxi 3-4 times a week. He spoke that he works from 5 am – 5 pm and on a typical day he has 7 calls. He spoke that there is no demand for TNC's. He spoke that people without smartphones would not be served as well as people in need of wheelchair service.

Nancy Buffington-Ashland –Spoke that she works for Cascade Shuttle. She explained that she is accountable with insurance and background checks. She spoke that there are Uber drivers with no insurance. She spoke that she has operated under the standards of the City for 10 years. She spoke against bringing TNC's into Ashland.

Joseph Forika- Ashland- Manager of Crater Lake Taxi. Mr. Ferika explained the pros and cons of each option. Pros for TNC's: cheaper fares, convenience of auto payment, smart phone apps, more numbers of drivers and that tourists will use the popular TNC. Pros for the local Taxi drivers: provide proven commercial insurance, experienced drivers, wheel chair service, hospital rides, 24-hour service 365 days a year, no cancellation charges, all road condition services, police background checks and finger printing, and can get a cab without a smart phone. He spoke that there are more reasons to keep transportation services local.

Mike Spargur-Ashland - Spoke against TNC's coming to Ashland. He spoke to the importance of supporting small businesses in Ashland.

Evan Lasley – Spoke to consider amending proposed Ordinance. He read a statement into the record (*see attached*). He spoke to reasons why to not move forward with the proposed Ordinance.

Letter submitted to the record from Jon Isaacs (*see attached*).

Councilor Rosenthal spoke to the importance of the Transportation Commission providing a vote on this issue.

Councilor Rosenthal moved to refer this matter to the Transportation Commissions May 17th Regular Meeting for a recommendation to Council and bring this item back to Council on June 5th. Councilor Slattery seconded. Discussion: Councilor Slattery agreed to the importance of having the Transportation Commission having a vote on this issue. Councilor Bachman spoke that she has received many emails and comments regarding this issue asking why the City does not have Lyft and Uber. She suggested for citizens to attend Transportation Commission and Council Meetings to

speak up. Voice Vote: All Ayes. Motion passed unanimously.

XV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XVI. ADJOURNMENT OF BUSINESS MEETING

The Business Meeting was adjourned at 10:30 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

Mayor Stromberg

In compliance with the Americans 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).

CITY COUNCIL VACANCY APPOINTMENT FOR SEAT #3 TALLY SHEET

	Councilor Slattery	Councilor Morris	Councilor Seffinger	Councilor Rosenthal	Total
Jackie Bachman	✓	✓	✓	✓	4
Tonya Graham					
George Kramer					

PROCEDURE FOR PUBLIC HEARING FOR LAND USE HEARING: 601 WASHINGTON

READ ALOUD ALL IN BLUE

FOLLOW THE STEPS AND ASK EACH QUESTION IN FULL

1. CALL TO ORDER

The Public Hearing is now open. This public hearing concerns several subjects, including legislative and quasi-judicial matters; because of the combined nature of the hearing, we will observe quasi-judicial safeguards. The subject of this public hearing is a request for Annexation of a 5.38-acre parcel, Zone Change from County RR-5 Rural Residential) to City E-1 (Employment), and Site Design Review approval for the phased development of a light industrial business park for the property located at 601 Washington Street. The application includes a request for a Conditional Use Permit to allow a watchman's dwelling; Limited Use/Activity Permits within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property to construct a stormwater outfall and street improvements; an Exception to Street Standards for the frontage improvements along the property's Washington Street frontage; and a Tree Removal Permit to remove four trees greater than six-inches in diameter at breast height (d.b.h.). Tonight's proceedings include the land use public hearing and first reading of an Ordinance modifying the Comprehensive Plan and Zoning map designations for the properties.

The Council will take a few moments to cover some preliminary matters and required statements. Rules for the conduct of the hearing are in the Public Hearing Format for Land Use Hearings – A Guide for Participants and Citizens and are available on the wall in the back of this room.

Generally, the following procedure will be used in this hearing:

1. Preliminary Matters and Required Statements
2. Staff Report
3. Applicant's Presentation
4. Those wishing to provide testimony: in favor...in opposition
5. Rebuttal by the Applicant
6. Requests for Continuances or to Leave the Record Open
7. Close Public Hearing
8. Requests to submit final written argument
9. Advice from Legal Counsel and staff, and
10. Council Deliberation and Decision.

If you wish to participate in this hearing, including challenges for bias, prejudice or conflict of interest, you must complete the yellow speaker request form located at the back of the room and deliver them to the City Recorder. Please do so immediately.

Challenges will be addressed after the reading of the required statements.

Presentations are generally limited to 15 minutes and testimony to five minutes, however these may be adjusted if necessary to accommodate the number of those wishing to testify. When recognized by the presiding officer, please come forward to the podium, give your name, address and make your statement. If presenting documents at the time of your statement, these will be considered exhibits. Please submit these to the City Recorder as part of the record when you have completed your statement. Councilors may ask questions of staff and participants without affecting time limits.

2. ABSTENTIONS, CONFLICTS, EX PARTE CONTACTS

Do any members of the council wish to abstain, declare a conflict of interest or report any ex parte contact on this matter?

If contacts are reported, consider the following:

- a. *Ex-parte communications:* If a member has had ex parte communication the substance of the contact must be disclosed. The presiding officer and other members must listen to the disclosures to ensure the member places the substance of the ex parte communication on the record. The presiding officer should question the member if the disclosure of the written or oral communication is not complete. If the presiding officer fails to do so, a member may request a more full disclosure (point of order). Legal counsel will also monitor the disclosure.

After disclosure of an ex parte contact, (or potential conflict of interest or after a challenge for bias (see below) the member should make the following affirmative statement of impartiality:

“I have not prejudged this application and I am not prejudged or biased by my prior contacts or involvement or by any personal considerations; I will make this decision based solely on the public interest and the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding.”

After ex parte disclosure the following **must be announced** by the presiding officer:

Any person has the right to rebut the substance of the evidence or information disclosed. Please present your rebuttal evidence on the substance of any ex parte contacts during the normal time allowed for testimony which has been established for this proceeding. Please reduce any bias, conflict of interest and prejudgment challenges to writing with supporting evidence and provide these to the City Recorder

- b. *Conflict of Interest:* If a member has an actual or potential Conflict of Interest, the member must both announce the conflict and explain the nature of the conflict. If the Conflict is only a potential conflict the member may participate and vote. If the Conflict is an actual conflict, the member must also announce that the member will not be participating or voting. The member should leave the room to avoid accusations of non-verbal communication. (The only exception to not voting [for the City Council] is for necessity). After disclosure of potential conflict of interest the member should make an affirmative statement of impartiality.
- c. *Actual personal bias, prejudgment:* If a member is actually personally biased, that is, the member cannot make the decision based upon applying the relevant Code standards to the evidence and argument presented, the member must announce the nature of the bias and also announce that they will not be participating or voting. The member should leave the room to avoid accusations of non-verbal communication. (see also Challenges below) Remember, if a member refuses to disqualify him or herself, the Council, for the hearings before the Council, shall have the power to remove such member for that proceeding.

2. READ THE FOLLOWING STATEMENT (pursuant to the City Land Use Code and ORS 197.763(5). (City Recorder will read the following)

(1) The following is a list of the Ashland Municipal Code applicable substantive criteria for this decision:

- **The criteria for Annexation of the property into the City with E-1 Zoning are described in AMC 18.5.8.050.**
- **The criteria for Plan Amendments and Zone Changes are described in AMC 18.5.9.020**
- **The criteria for Site Design Review approval are described in AMC 18.5.2.050**
- **The criteria for a Conditional Use Permit are described in AMC 8.5.4.050.A.**
- **The criteria for a Limited Activities and Uses Permit are described in AMC 18.3.11.060.D.**
- **The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B**
- **The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1**
- **The requirements for a City Ordinance are described in Article 10 of the City Charter**

The applicable criteria are more fully set forth in the guide handout at the back of this hearings room.

- (2) All testimony, arguments and evidence must be directed toward the applicable substantive criteria previously listed, or such other criteria in the Plan or Land Use regulations which the person believes applies to the decision.
- (3) Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA, the Land Use Board of Appeals, on that issue.
- (4) Failure of the applicant to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes any action for damages in Circuit Court.
- (5) Prior to the end of this hearing, any person who participated may request a continuance to provide additional testimony, argument or evidence or request that the record be left open to submit additional written testimony, argument or evidence.

3. CHALLENGES

City Recorder, do we have any written challenges to members of this hearing body for bias, prejudice or conflict of interest?

If a challenge is made, the challenge needs to be entered into the record and summarized by the presiding officer or legal counsel. The presiding officer, the challenged member and if necessary, the hearing body, will make a determination as how to proceed, including the power to override a member's own decision and remove a member.

There is no opportunity for individuals to disrupt proceedings by making out of order oral presentations or interrogating members under the guise of conflict of interest, prejudice and bias.

If a member is challenged for bias, the following statement should be made:

“I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement or by any personal considerations; I will make this decision based solely on the public interest and the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding.”

4. STAFF REPORT

At this time, I call for the staff to present the proposal.

5. APPLICANT'S PRESENTATION

Would the applicant please come to the podium, state your name, address and make any comments you may have for the council regarding the application?

****Applicant is given 15 minutes to present proposal, at 14 minutes they will be asked to conclude their remarks.**

6. THOSE WISHING TO PROVIDE TESTIMONY – IN FAVOR AND OPPOSED

“I will now call forward those who have filed testimony request forms. Each person will have 5 minutes. Please come to the podium, state your name, address and make any comments you may have for the council regarding the application. If you have any documents to be submitted into the record, please deliver these to the City Recorder.”

7. REBUTTAL BY THE APPLICANT

Does the applicant have any rebuttal?

****Applicant will be given 5 minutes of rebuttal time, after which the public hearing portion will be closed**

8. CLOSE PUBLIC HEARING

At this time, I will close the public hearing as we have had no requests for continuance. The record is now closed.

9. REQUESTS TO SUBMIT FINAL WRITTEN ARGUMENT

Does the applicant wish to submit any final written argument?

10. ADVICE FROM LEGAL COUNSEL AND STAFF

Does the council have any questions of staff or does the staff have any matter they wish to respond to?

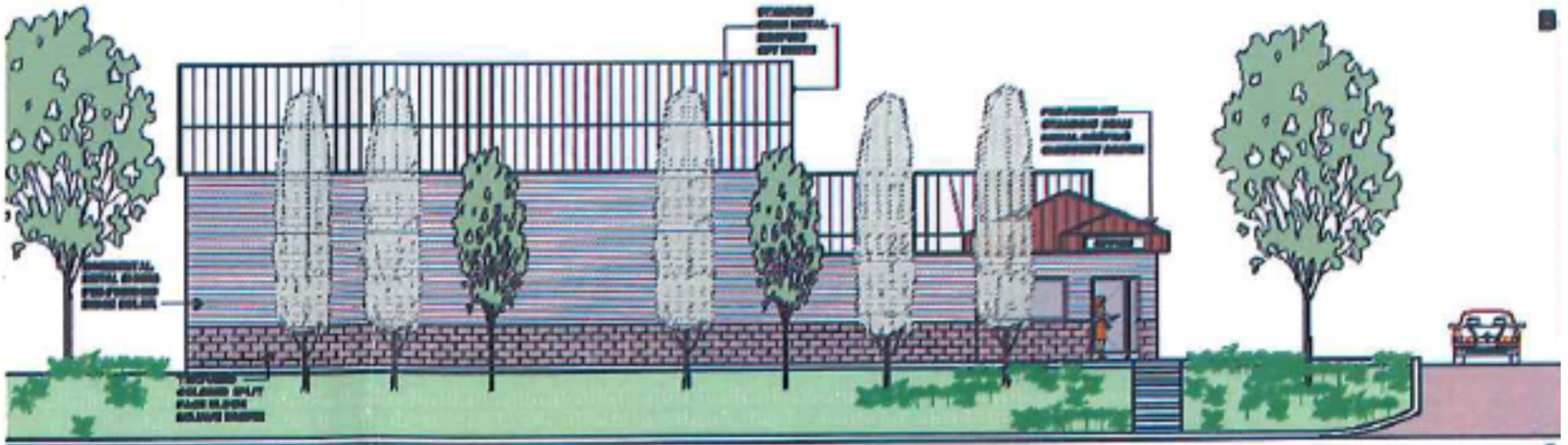
11. COUNCIL DELIBERATION AND DECISION

“What is the pleasure of the council?”

601 Washington Street South Ashland Business Park

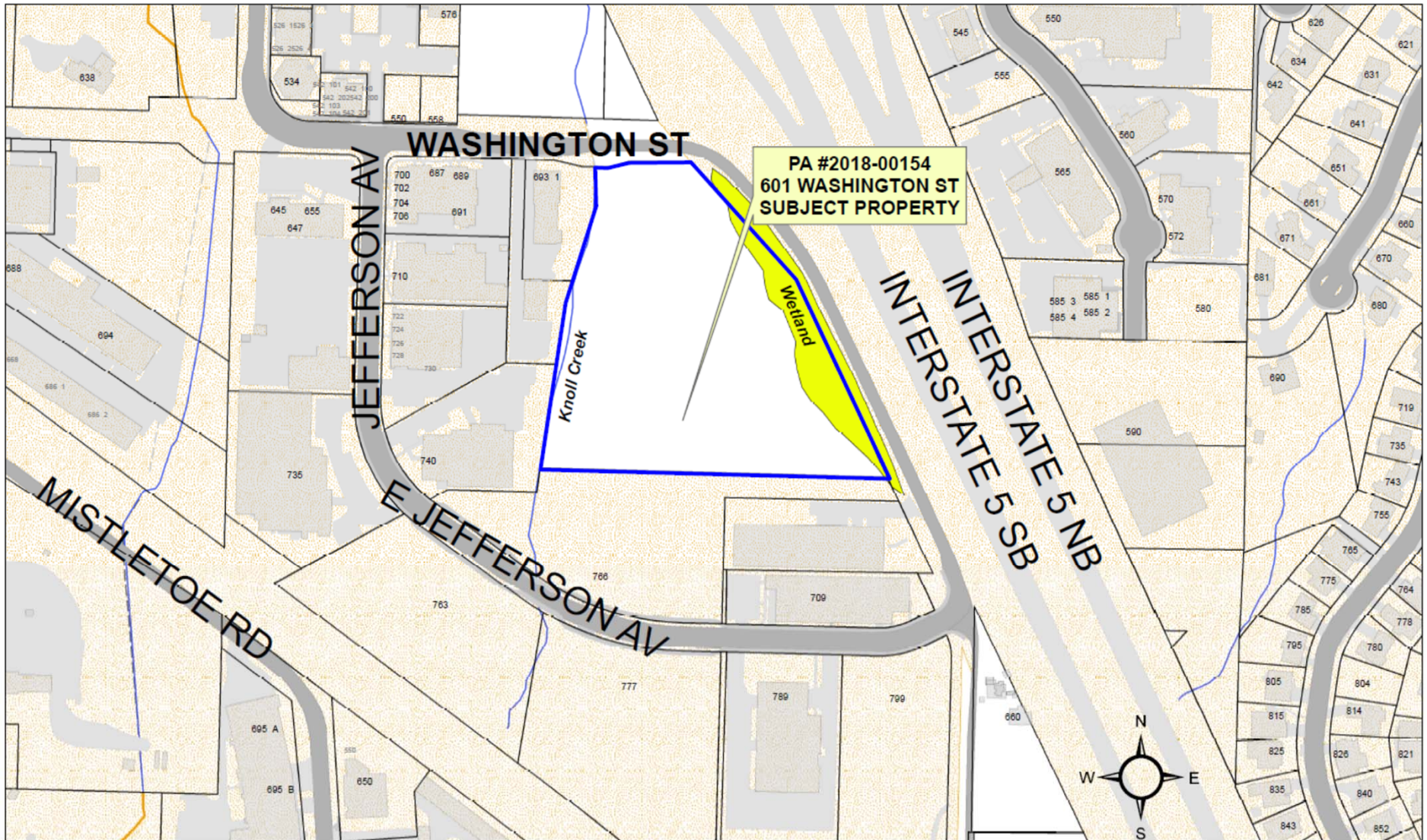
CITY OF
ASHLAND

City Council
Public Hearing
May 1, 2018



601 Washington Street Subject Property

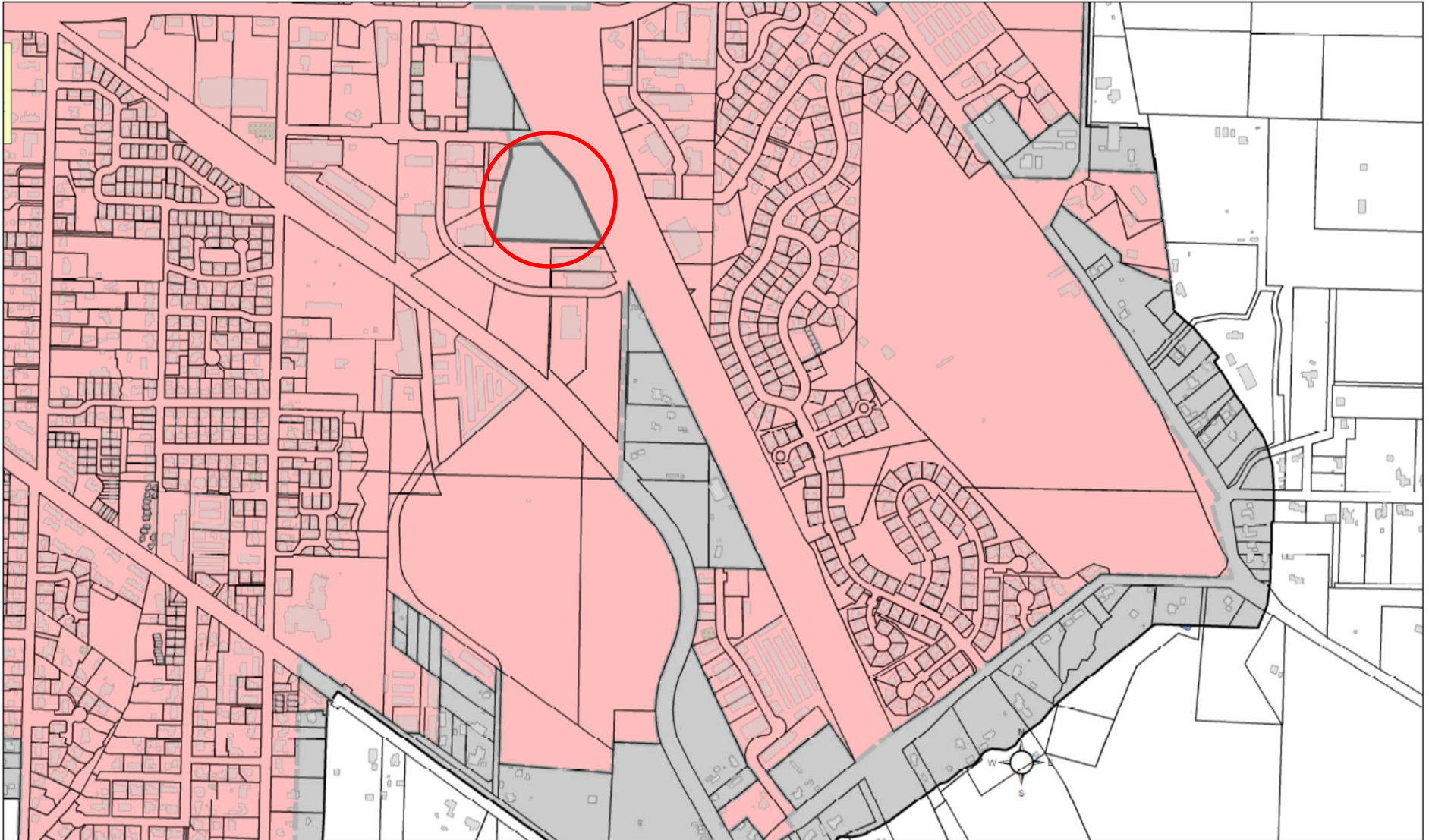
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601 Washington Street

CITY OF
ASHLAND

City Limits (pink) and U.G.B. (grey)



601 Washington Street

CITY OF
ASHLAND

2010 Oak Knoll Fire (post-fire aerial)



601 Washington Street

South Ashland Business Park Proposal



- Annexation of the 5.38-acre parcel which is currently zoned County RR-5 (Rural Residential) and would be annexed to City E-1 (Employment).
- Site Design Review approval for the phased development of a 72,606 square foot light industrial/flexible space business park.
- Conditional Use Permit to allow a watchman's dwelling.
- Limited Use/Activity Permits within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property to construct a stormwater outfall and construct street improvements.
- Exception to Street Standards for the frontage improvements along the property's Washington Street frontage.
- Tree Removal Permit to remove four trees greater than six-inches in diameter at breast height (d.b.h.).

601 Washington Street

South Ashland Business Park Proposed Phasing

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601 Washington Street Watchman's Quarters Elevations

CITY OF
ASHLAND



WATCHMAN QUARTERS & 2 INDUSTRIAL UNITS - PHASE 1

SOUTH ELEVATION

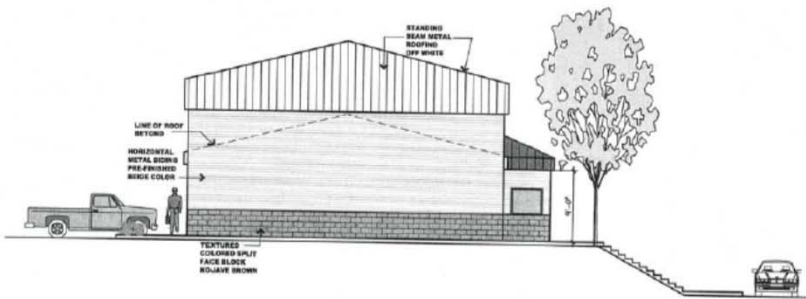
1/8" = 1'-0"



WATCHMAN QUARTERS & 2 INDUSTRIAL UNITS - PHASE 1

WEST ELEVATION

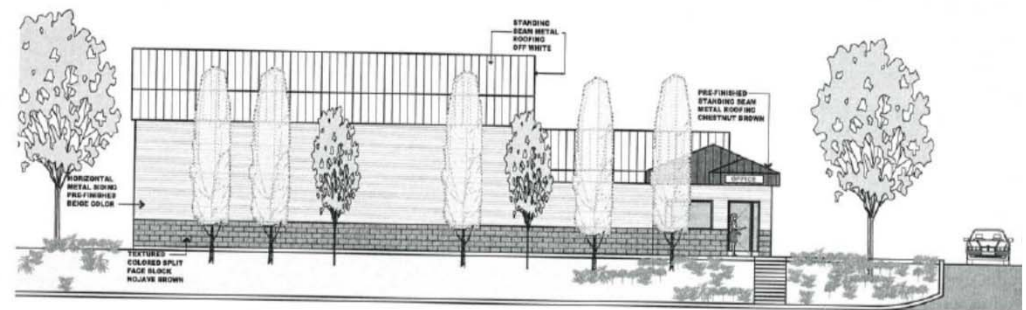
1/8" = 1'-0"



WATCHMAN QUARTERS. & 2 INDUSTRIAL UNITS - PHASE 1

EAST ELEVATION

1/8" = 1'-0"



WATCHMAN QUARTERS & 2 INDUSTRIAL UNITS - PHASE 1

NORTH ELEVATION

601 Washington Street

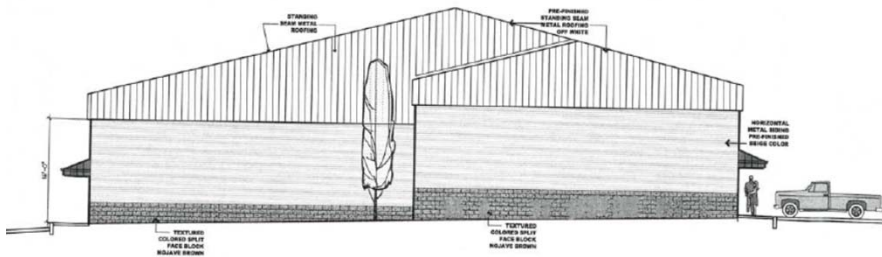
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Building Group 1/Phase 1 Elevations



BUILDING GROUP 1 - PHASE 1

SOUTH ELEVATION



BUILDING GROUP 1 - PHASE 1

WEST ELEVATION



BUILDING GROUP 1 - PHASE 1

EAST ELEVATION



BUILDING GROUP 1 - PHASE 1

NORTH ELEVATION

601 Washington Street Tree Protection Plan

Tree Commission recommended approval as presented.

REQUIREMENTS FOR TREE PROTECTION:
 Staff Permits shall be reviewed and approved by the City of Ashland Staff Advisor pursuant to AISC 16.57 610 (Application Submission Requirements) and 16.57 640 (Approval Criteria).

Notification/Notice to Proceed:
 Except as otherwise determined by the Staff Advisor, all required tree protection measures on lot or adjacent Municipal Code 15.4.5 shall be installed prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be maintained after completion of all construction activity including landscape and irrigation installation.
 Construction activity shall not proceed, except maintenance of erosion control measures, until the City has inspected and approved the installation of the tree protection measures.

Signage/Fencing:
 Approved signs shall be attached to the chain link fence starting that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Staff Advisor for the project. Trees being removed shall be tagged with pink ribbon. Trees being retained shall be tagged with green ribbon.

Tree Protection Fencing:
 Prior to installation and remaining throughout construction, the Contractor shall construct a 4' temporary chain link fence with 2" dia. steel post @ 10' o.c. max. at the edge of the tree protection zone or dike, whichever is greater, and at the boundary of any open space, yard, open area, or construction easements that shall the parcel being developed, and all areas as shown by the Landscape Architect on this plan. Fencing shall be fast with the metal endanchoring caps. Steel posts shall not be any permanent concrete footings when installed.

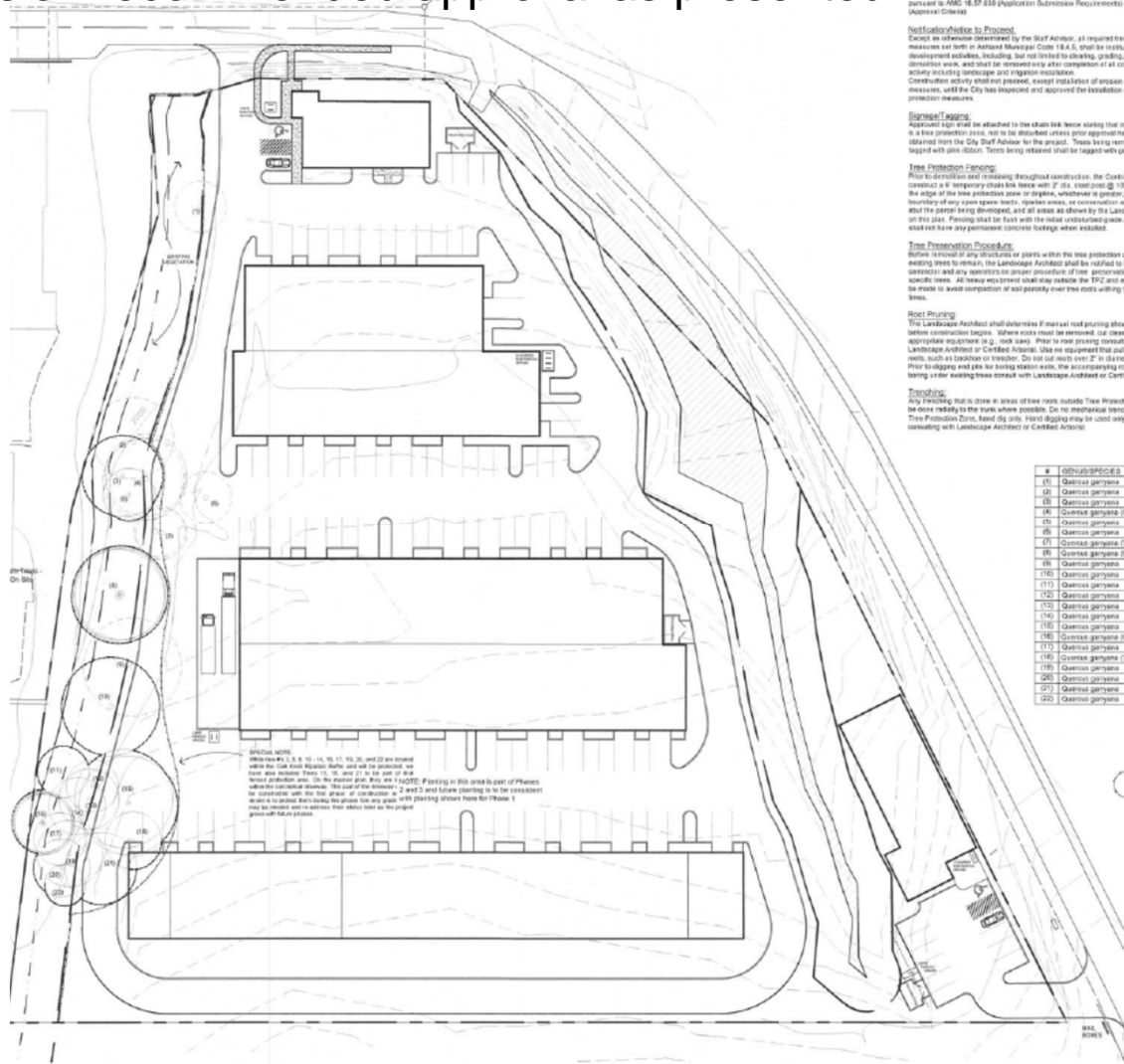
Tree Preservation Procedures:
 Before removal of any structures or parts within the tree protection zone (TPZ) of existing trees to remain, the Landscape Architect shall be notified to evaluate the condition and any aspects of unique characteristics of the particular species, specific trees. All heavy equipment shall stay outside the TPZ and every effort shall be made to avoid compaction of soil directly over the roots within the TPZ at all times.

Root Pruning:
 The Landscape Architect shall determine if manual root pruning should be done before construction begins. Where roots must be removed, cut cleanly with appropriate equipment (e.g. root saw). Prior to root pruning consult with Landscape Architect or Certified Arborist. Use no equipment that pulls and shatters roots, such as backhoes or trenchers. Do not cut roots over 2" in diameter. Prior to digging and pile for boring station work, the accompanying root pruning, and boring or other boring trees consult with Landscape Architect or Certified Arborist.

Trenching:
 Any trenching that is done in areas of tree roots outside Tree Protection zone should be done relative to the trees where possible. Do no mechanical trenching within the Tree Protection Zone, hand dig only. Hand digging may be used only after consulting with Landscape Architect or Certified Arborist.

#	OFFICIAL SPECIES	
01	Quercus garryana	○
02	Quercus garryana	○
03	Quercus garryana	○
04	Quercus garryana (Multi-trunk)	○
05	Quercus garryana	○
06	Quercus garryana	○
07	Quercus garryana (Two Trees)	○
08	Quercus garryana (Multi-trunk)	○
09	Quercus garryana	○
10	Quercus garryana	○
11	Quercus garryana	○
12	Quercus garryana	○
13	Quercus garryana	○
14	Quercus garryana	○
15	Quercus garryana	○
16	Quercus garryana (Multi-trunk)	○
17	Quercus garryana	○
18	Quercus garryana (Two Trees)	○
19	Quercus garryana	○
20	Quercus garryana	○
21	Quercus garryana	○
22	Quercus garryana	○

TREE PRI



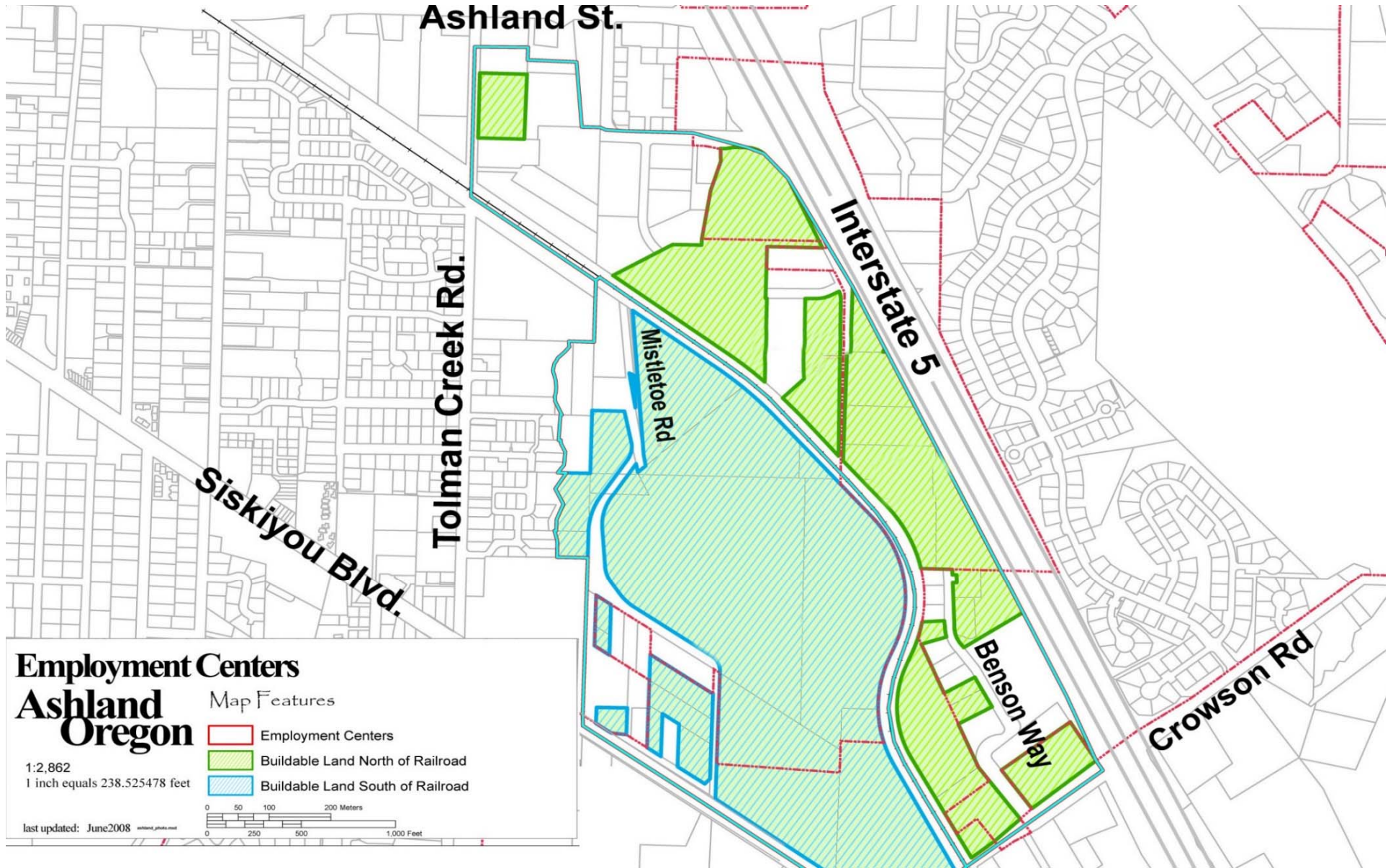
SPECIAL NOTE:
 All trees 4" to 24" dbh, 10' to 14', 16', 18', 20', and 22" dbh located within the site shall remain healthy and all the protection measures shall include: 1) 2' x 4' x 6' stakes, 2) 2' x 4' x 6' stakes, 3) 2' x 4' x 6' stakes, 4) 2' x 4' x 6' stakes, 5) 2' x 4' x 6' stakes, 6) 2' x 4' x 6' stakes, 7) 2' x 4' x 6' stakes, 8) 2' x 4' x 6' stakes, 9) 2' x 4' x 6' stakes, 10) 2' x 4' x 6' stakes, 11) 2' x 4' x 6' stakes, 12) 2' x 4' x 6' stakes, 13) 2' x 4' x 6' stakes, 14) 2' x 4' x 6' stakes, 15) 2' x 4' x 6' stakes, 16) 2' x 4' x 6' stakes, 17) 2' x 4' x 6' stakes, 18) 2' x 4' x 6' stakes, 19) 2' x 4' x 6' stakes, 20) 2' x 4' x 6' stakes, 21) 2' x 4' x 6' stakes, 22) 2' x 4' x 6' stakes.

601 Washington Street Frontage Constraints

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Croman Area Buildable Lands



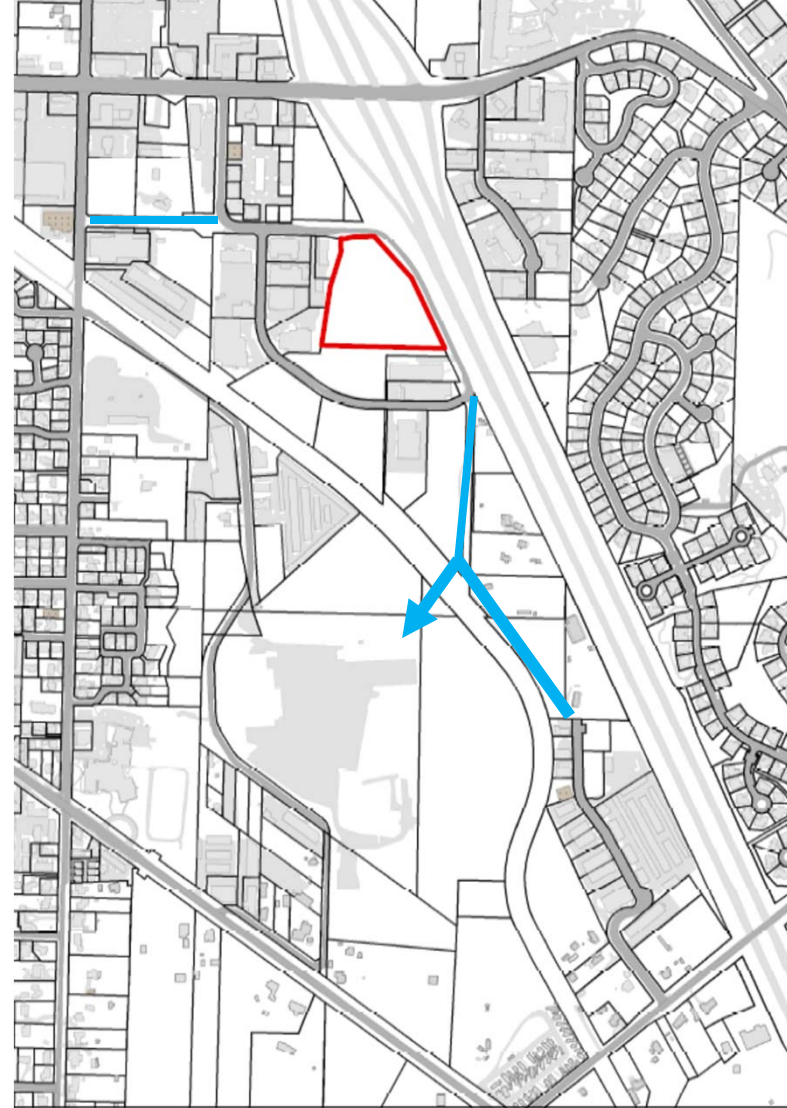
Net Buildable Land Availability*

	Railroad Area	Croman Area	Washington, Jefferson, Benson Areas	Totals
Net* Buildable Acreage	27.25	59.6	30.4	117.25 acres
Gross Vacant or Partially Vacant Acreage	40.1	80.7	46.4	167.17

* Acreage includes estimated reductions for future roads, public facilities natural features & existing development

601 Washington Street TSP Future Connectivity

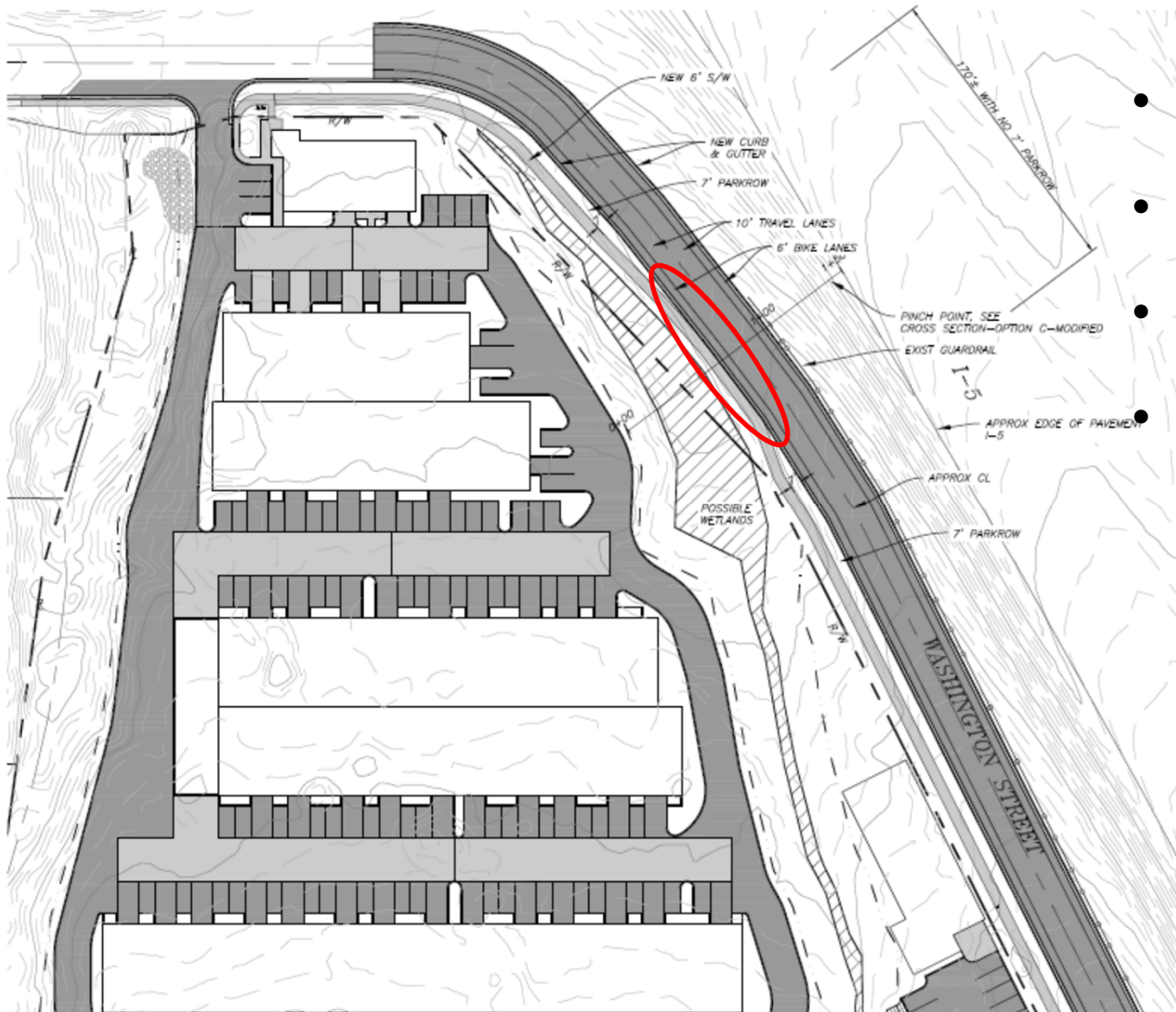
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601 Washington Street

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Frontage Improvements – “Option E”

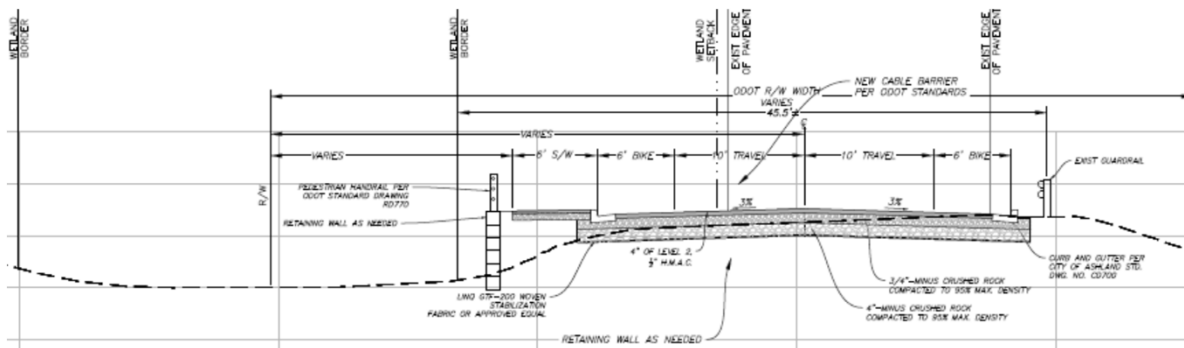


- No sidewalks/parkrow on freeway side.
- Car & bike lanes in both directions.
- No relocation of freeway guard rail.
- 7-foot landscaped parkrow and 6-foot sidewalk on full frontage **except 140 feet adjacent to wetland**, with a few larger stature trees to be placed at the wetland edge in those areas.

601 Washington Street

CITY OF
ASHLAND

Frontage Improvements – “Option E”



- No sidewalks/parkrow on freeway side.
- Car & bike lanes in both directions.
- No relocation of freeway guard rail.
- 7-foot landscaped parkrow and 6-foot sidewalk on full frontage **except 140 feet adjacent to wetland**, with a few larger stature trees to be placed at the wetland edge in those areas.

601 Washington Street

SABP – TPR/Trip Cap Issue

- Applicants proposed a trip cap for the development which would limit the uses of the site to those that would generate no more than 910 average daily trips (i.e. *what is proposed for South Ashland Business Park now*).
- Planning Commission found that the trip cap was not required under the Transportation Planning Rule (TPR) because the E-1 zoning is consistent with the Comp Plan zoning and was considered in the 2012 Transportation System Plan (TSP) as provided in the TPR. (*Zone change is only from County RR-.5 to City E-1, which has been the Comprehensive Plan's designation for the property since the 1980's.*)
- Oregon Department of Transportation (ODOT) has indicated that they believe the Trip Cap is still necessary due to the TSP's methodology.
- The applicants have indicated they are willing to retain the proposed trip cap.

601 Washington Street

SABP – TPR/Trip Cap Issue

OAR 660-012-0060 Plan & Land Use Regulation Amendments

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing Comprehensive Plan Map designation and the amendment does not change the Comprehensive Plan Map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

601 Washington Street

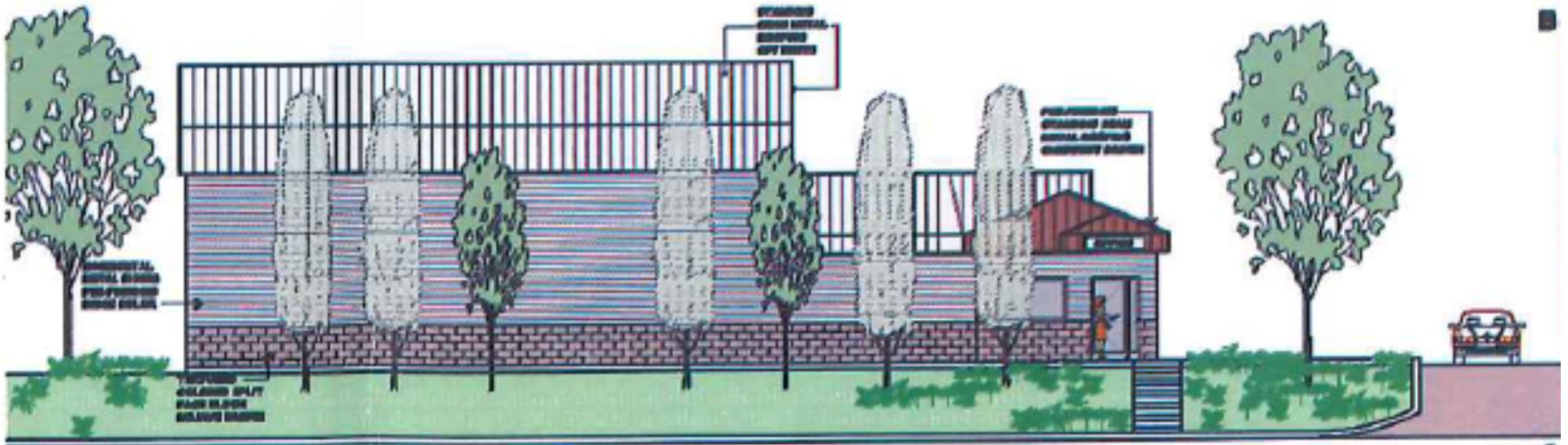
Today's Letter

- A letter raising concerns with traffic impacts was received from Craig Anderson today, and the applicants will be providing a written response.
- Staff continue to believe that a finding can be made that the amendment to the zoning map does not significantly affect an existing or planned facility because the zoning proposed is consistent with the Comprehensive Plan and the amendment does not change the Comprehensive Plan Map and the zoning is consistent with that considered in the acknowledged Transportation System Plan.
- The applicants have indicated that they are willing to retain the proposed trip cap to address ODOT's concerns; this would limit the potential traffic impacts of the property proposed for annexation.

601 Washington Street South Ashland Business Park

CITY OF
ASHLAND

City Council
Public Hearing
May 1, 2018



May 1, 2018

RE: Planning Action #2018-00154 – South Ashland Business Park Annexation and Ordinance 3154 Adoption Findings

Dear Members of the City Council,

Ordinance 3154 (“Ordinance”) findings addressing adequacy of transportation facility related criteria (i.e., AMC 18.5.8.050.E, AMC 18.5.2.050.D, and OAR Division 12) rely on a technical and, in this case, inapplicable interpretation of the Transportation Planning Rule (TPR) in order to conclude that *“the proposed zoning map amendment does not significantly affect existing or planned transportation facilities.”*

Under AMC 18.5.8.050.E.1, “adequate transportation” (i.e., vehicular transportation) refers to the provision of paved streets along the frontage of, as well as areas adjacent to, the annexed property. This criteria does not appear to concern system-wide, capacity-related impacts of the proposed annexation. However, when addressing “adequate transportation” criteria under the AMC, the Ordinance (e.g., pages 16- 18) contains findings which include OAR 660 Division 12 criteria. The OAR 660-012-0060 criteria included in the Ordinance primarily concerns capacity-related issues associated with the proposed zone change. Although staff has not identified any statewide planning goals or OARs as applicable criteria, the applicant did (see Planning Commission file, Application Volume 1, page 9 of 72) and the Ordinance includes them.

The above facts establish that OAR 660 Division 12 is applicable approval criteria for this planning action. Additionally, LUBA has found that annexation decisions are governed by comprehensive plan annexation criteria or, if no such comprehensive plan criteria have been adopted, by the statewide planning goals. *Morsman v. City of Madras*, 45 Or LUBA 16 (2003). The City’s Comprehensive Plan appears to lack any annexation criteria, therefore the statewide planning goals, and OAR 660 Division 12 in particular, apply to this decision.

OAR 660-012-0060 requires that:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and...

On the face of it, OAR 660-012-0060(9) provides a loophole to approve a zone change and annexation that:

1. Assumes that Independent Way - a project the City is currently seeking to fund through a federal grant and for which accurate cost estimates have not yet been completed - is already built; and
2. Will substantially increase turning volumes at Washington Street @ Ashland Street, a highly sub-standard intersection that is approximately $\frac{1}{4}$ the minimum recommended distance from the southbound I-5 ramp terminal (350 feet as compared to 1320 feet) a situation that "can increase the potential risk of collisions," and that creates "potential vehicular conflicts and delay that may impact safety and traffic operations at the interchange," according to the June 2010 Draft Interchange Area Management Plan (IAMP)¹; and
3. Relies on a transportation study that recommends that a trip cap be placed as a condition of approval on the proposed zone change while also assuming a level of development in the area that appears to be **approximately six times below** the level of development included in the City's Comprehensive Plan; and
4. Along with other contemplated (or pre-approved?) development in the area, has the potential to create the need for a very expensive intersection expansion at Tolman Creek Road @ Ashland Street and possibly a new I-5 interchange at Exit 14.²

In this case, the City cannot rely on the provisions within OAR 660-012-0060(9) for TPR compliance because their TSP is not TPR compliant. This conclusion stems from a technical argument in response to an equally technical conclusion that "the proposed zoning map amendment does not significantly affect existing or planned transportation facilities." That is, by reading the Ordinance, the fact that adequate transportation facilities don't exist doesn't seem to matter. It doesn't seem to matter that ODOT has concluded that, "we have... determined that this proposal will adversely impact the state's transportation facility." Bizarrely, ODOT wasn't even noticed for the Planning Commission hearing - for a decision on a road that they own! The City has the Draft Exit 14 IAMP on their website and uses some of its recommendations as

¹ The June 2010 DRAFT I-5 Interchange 14 (Green Springs) IAMP is on the City's website at: <https://www.ashland.or.us/Files/Exit%2014%20Managment%20Plan%20Complete.pdf>

² Refer to attached Independent Way site plan and "Letter of Intent for Sale of Real Property" in Exhibit "A."

justification for several projects within its TSP, including the “Washington Street Extension”/Independent Way project (incredulously, a project that is “not development driven”). But that document doesn’t seem to matter either, as evidenced by the City’s unwillingness to adopt it. Apparently, the City has a predilection to pick and choose the information that suits it. In this case, what seems to matter is that the City is able to find a technical loophole in the TPR in order to make a claim that is, based on evidence in the record and elementary logic, false.

For example, some of the problems with the January 5, 2018 TPR Analysis include:

1. ODOT’s April 12, 2018 letter to the City states that, “*comments were sent to Sandow Engineering on February 14, 2018 regarding several concerns within the TIA. A final response from Sandow Engineering regarding the ODOT comments was never sent to ODOT.*” The City did not respond to this comment while the applicant’s representative said that ODOT “*did not have any issues*” with the TIA. It is reasonable to presume that ODOT suggested modifications to the methodology used in the analysis and that such modifications could have resulted in showing a greater level of impacts than were indicated in the January 5th document.
2. ODOT’s April 12, 2018 letter to the City states that “*the City of Ashland Transportation System Plan (TSP) was not developed using a transportation model which accounted for an increase in traffic generation from Tax Lot 2800 that would potentially occur under the proposed E-1 zoning.*” This comment probably reflects the fact that the population and employment assumptions included in the RVMPO model (and used by Sandow and the TSP) are inconsistent with population and employment projections included in the City’s comprehensive plan and the City’s Economic Opportunities Analysis, as acknowledged on page 60-61 and figures 5-1 and 5-2 of the City’s TSP. The Ordinance states that, “*the applicants note that existing average daily trips (ADT) for motor vehicles are at 345 and the applicants Transportation Impact Analysis (TIA) only anticipates them to grow to about 1,350 ADT by 2034.*” The Ordinance goes on to say that, “*staff further discussed that during the most recent Buildable Lands Inventory Update, the Washington, Jefferson, Benson and Crowman areas comprised 90 acres of the city’s 117.25 acres of buildable employment lands or roughly 76 percent. Staff suggested that the Washington/Jefferson/Benson employment area, much of which is outside the current city limits but within the Urban Growth Boundary (UGB), will see significant local job and housing growth in the near future. This area consists of approximately 45 acres, including the commercial/employment area along Ashland Street and Tolman Creek Road, and is the city’s second largest employment center after the downtown. These 45 acres developed to an approximate Floor Area Ratio of 0.35 and an employment density of 20 employees per acre will equate to approximately 686,070 square feet of building floor area and 900 employees ultimately being served in this vicinity.*” These two statements in the Ordinance are highly contradictory and should be a cause for concern by the City that the applicants have not used defensible assumptions in their analysis. Using the applicant’s trip generation assumptions and applying those proportionally to the City’s future employment forecasts as indicated in the above Ordinance language, the year 2034 ADT should not be 1,350 as stated by the applicant, but a figure over six times that amount ($910 \text{ ADT} / 72,606 \text{ sf} = \text{approx. } 8,600 \text{ ADT} / 686,070 \text{ sf}$).
3. The City has used ODOT’s recommendation in the Exit 14 IAMP that left-turn movements in/out of Washington Street @ Ashland Street be restricted via an extended median as justification for funding of the Independent Way project. No such recommendations have been acknowledged or assumed in the TPR Analysis. Changing assumptions to include left-turn restrictions in/out of Washington Street will show greater impacts at the Tolman Creek @ Ashland Street intersection.

4. The trip distribution figures used by Sandow Engineering appear to minimize potential impacts at the Tolman Creek Road @ Ashland Street intersection. On page 17 of the TPR Analysis it is stated that, *"the development trips were distributed through the study area network using the existing observed travel patterns as a base with modifications as per reasonable origins and destinations."* Figure 5 shows 2019 pm peak hour westbound background traffic volumes at intersection #7 (Tolman Creek Road @ Independent Way) split roughly 30% southbound and 70% northbound on Tolman Creek. Figure 7 shows 2019 "build-out" (development-related) traffic at the same location split 40% southbound and 60% northbound. There is no explanation for the discrepancy, however, even a 30% southbound distribution at this location is not reasonable. The existing trip distribution in this area is heavily skewed by traffic generators such as the Ashland Tennis and Fitness Club and other businesses and employers that attract a relatively local clientele. Whereas, it is far more likely that a majority of the traffic to and from the proposed employment location will have an origin and destination that utilizes I-5/Exit 14 southbound (to) and northbound (from). A reasonable trip distribution assumption would be that PM peak hour traffic from the proposed development that does not make a right turn from Washington Street onto Ashland Street (and then onto I-5) will primarily be destined westbound on Ashland Street and will use the Tolman Creek Road @ Ashland Street intersection via the newly-built Independent Way. It makes no sense that PM peak hour traffic leaving the proposed employment site would have a destination using southbound Tolman Creek Road. Merely changing the trip distribution at this one intersection to reflect a more "real-world" analysis could have far more detrimental impacts on the Tolman Creek Road @ Ashland Street intersection than have been divulged. When this issue is considered in the context of the other *"approved but not completed IPCO development that was included as pipeline trips in the background"* conditions (see Exhibit "A"), concerns about the impacts on Tolman Creek Road @ Ashland Street are compounded.

So, in response to the City's technical claim that *"the proposed zoning map amendment does not significantly affect existing or planned transportation facilities,"* I offer the following technical argument:

OAR 660-012-0016 requires that:

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

(a) Make a finding that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or

(b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or update and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. A plan amendment is "initiated" for purposes of this subsection where the affected local government

files a post-acknowledgement plan amendment notice with the department as provided in OAR chapter 660, division 18.

(3) Adoption or amendment of a regional transportation plan relates to compliance with this division for purposes of section (2) if it does one or more of the following:

(b) Adds or deletes a project from the list of planned transportation facilities, services or improvements or from the financially-constrained project list required by federal law...

The Rogue Valley MPO has adopted or amended the Regional Transportation Plan (RTP) twice since the City's adoption of their 2012 TSP. In each of these RTP revisions (2013 and 2017) the \$4.6 million Clear Creek Drive Extension project is included on the financially-constrained project list. However, the City's TSP *does not* include this project within their financially-constrained project list (Table 14-3 in the TSP). Rather, the Clear Creek Drive Extension project is included in the "Preferred Plan" section of the TSP (project #R24, Table 10-3) which includes projects that *are not financially-constrained*.³ Therefore, per OAR 660-012-0016(3), the City's TSP is not in compliance with the TPR and the City cannot rely on OAR 660-012-0060(9) for findings of transportation facility adequacy.

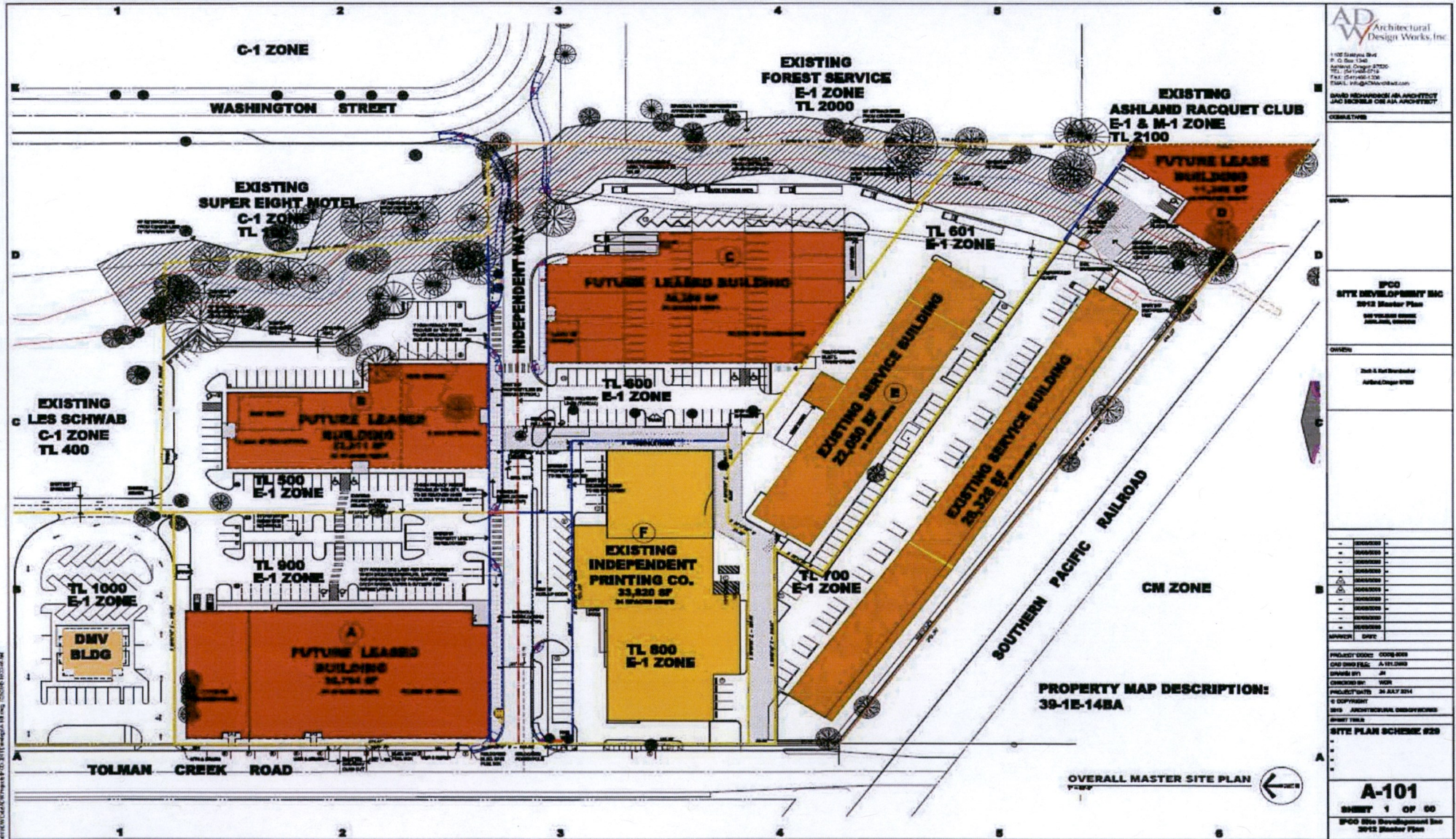
In order to have standing to appeal under ORS 197.830(3), a person must be "adversely affected" by the appealed decision. The foregoing arguments establish that, through the approval of Ordinance 3154, the City of Ashland is knowingly allowing the degradation of its transportation facilities to levels identified as of public safety concern by the Oregon Department of Transportation. Further, through the approval of this annexation and others that could use an identical rationale under OAR 660-012-0060(9), the City is making a de-facto commitment to subsidize new development through the construction of street, intersection and/or I-5 interchange projects, an endeavor that will consume all of the City's transportation revenue for many years to come. Such a decision is a violation of public trust and runs contrary to stated goals in the City's adopted plans, including the TSP.

Sincerely,

Craig Anderson
575 Elizabeth Ave.
Ashland, OR 97520

³ See Exhibit "B"

Independent Way



Project #: R25		Washington Street Extension to Tolman Creek Road		
Description: Extend Washington Street to Tolman Creek Road consistent with the IAMP Exit 14 Access Management on Ashland Street (OR 66). This is a City funded project; not development driven. Right-of-way costs are not included in the cost estimate.				
Category: Roadway	Functional Classification: Neighborhood Collector	Time Frame: 0-5 years	Engineering and Construction Cost: \$1,055,000	
Project Goals Met:				
Create a Green Template <input type="checkbox"/>	Improve Safety <input type="checkbox"/>	Facilitate Economic Growth and Maintain Small Town Character <input checked="" type="checkbox"/>		Balance Mobility and Access <input checked="" type="checkbox"/>
Project Location:				
<p>Sources: USGS, ESRI, TANA, AND</p>				
Project Image:				
<p>Neighborhood Collector, Commercial - ROW 63' - 67' (Parallel Parking on Both Sides)</p>				

**LETTER OF INTENT FOR SALE
OF REAL PROPERTY**

December 13, 2012

IPCO Development
640 Tolman Creek Road
Ashland, OR 97520

Re: Purchase of Property for Right of Way between Washington Street & Tolman Creek Road

Dear Messrs:

By this letter, City of Ashland ("Buyer"), presents the manner in which it and IPCO Development ("Seller") agree Buyer may acquire certain real property from Seller as described herein. The parties recognize that the transaction will require further documentation and approvals, including the preparation and approval of a formal agreement setting forth the terms and conditions of the proposed purchase (the "Purchase Agreement"); nevertheless, they execute this letter to evidence their intention to proceed in mutual good faith to complete work required to negotiate terms of a Purchase Agreement that are consistent with this letter.

The proposed terms and conditions include, but are not limited to, the following:

1. **Property.** Buyer will purchase from Seller all interests and rights, owned or used by Seller in connection with an approximate 55 feet wide strip of private property between Washington Street & Tolman Creek Road as further described in Exhibit A, (the "Property"). The Seller acknowledges that the Buyer intends to establish this property as a dedicated right-of-way ("ROW") through the current IPCO Development property. This new ROW would parallel and offset approximately 10 feet to the north of the centerline of the existing Washington Street ROW.
2. **Consideration.** The consideration (the "Purchase Price") will be established pursuant to appraisal by an appraiser selected and paid by the Buyer and subject to reasonable negotiations with Seller. Buyer will not assume any other liabilities or obligations of Seller over other property adjacent to or previously part of parcel or lot through which the Property, as a right-of-way, runs, and Seller will indemnify and hold harmless Buyer against all such other liabilities and obligations.
3. **Purchase Agreement.** The transaction will be subject to the negotiation and execution of a definitive Purchase Agreement with terms satisfactory to Seller and Buyer. The Purchase Agreement will contain representations, warranties and covenants, conditions that are reflected in the IPCO Development conceptual site plan scheme #14 (11-13-13) Exhibit A (attached) and will include without limitation the following:
 - (a) The Buyer proposes, subject to planning approval, to build, own, and maintain this approximately 700 feet long, 28 feet wide paved road with curb, "park row", and 8 feet wide sidewalks on the north side of street. Buyer agrees, subject to Planning approval, to allow seller to credit park row landscape for sellers required landscape associated to any future

development on said property. In addition, buyer will install irrigation system and pay water bill in public park row.

- (b) The Buyer will construct and maintain a stream crossing structure over Hamilton Creek, to support the new roadway and sidewalk. The crossing structure will be designed to meet or exceed the most current storm water quality mitigation requirements and standards. Riparian restoration of the creek bed and banks will be included to the maximum extent practicable.
- (c) The Buyer will relocate existing utilities as required, without diminishing utility services quality to the development, including water pressure, electric power, and sewer service line to property line at a location designated by the property owner with proper access to all locations. This shall not be charged back to seller.
- (d) The Buyer will assist the development to adjust the location of the existing conservation easement across private property to the match the new FEMA flood map and Ashland Water Resources Protection Ordinance boundaries. If allowed by FEMA, the Buyer will allow building E as shown with parking at the southeast corner with utility and road access over that area.
- (e) The Buyer, subject to Planning approval, will allow the development to use any land recovered and to use the area over the existing pipe culvert, as deemed appropriate by FEMA, and allow the development to clean out and maintain blackberry and weed infested areas and use these areas for landscape credits.
- (f) Assist the development in preparing a master plan that will include parking and driveways in specified locations to be formally submitted for planning review through the City's planning process. The associated City planning costs will be paid by the Buyer. The Buyer anticipates that the process will include the following steps:
 - a. Submit pre-application for Preliminary Site Layout.
 - b. Draft conservation easement boundary adjustment & delineate "water protection zone."
 - c. Draft right-of-way dedication survey documentation.
 - d. Obtain property owner concurrence RE: ROW dedication & easements.
 - e. Obtain Planning approval for variances.
 - f. Obtain City Council approval RE: ROW dedication & easements.
 - g. Engineering Design & Permitting.
 - h. Planning Approval for Environmental Constraints.
 - i. Site Plan approvals.
- (g) The Buyer agrees to work with the Seller during engineering phase of project to ensure final grades will accommodate ingress and egress on the Seller's driveways in order to minimize impacts of steep grades as much as possible.
- (h) The Seller can continue to drain storm water into Hamilton Creek as long as current state, federal and local storm drain regulations are met.

4. **Access.** To permit Buyer to conduct its due diligence investigation, as long as this letter remains in effect, Seller will permit Buyer and its agents to have reasonable access to the Property for purposes of surveying and planning for the use and design of the Property.
5. **Conditions to Closing.** The closing of the transaction will be subject to certain conditions, including without limitation the following:
 - (a) Funds for the purchase of said land are subject to the buyer successfully securing a grant to purchase the Property.
 - (b) All required approvals, consents, and authorizations of state and federal regulatory authorities shall have been received.
 - (c) All required consents of third parties shall have been received.
 - (d) Buyer shall have completed a due diligence review of the property and its title of Seller satisfactory to Buyer in its sole discretion.

The Buyer, as the City, may be required to make land use and/or building code decisions affecting development of the subject Right-of-Way and related property according to local and state laws. The Parties therefore acknowledge that the Buyer cannot and does not promise or guarantee any particular planning or building code decision or result as part of or as a condition of achieving the purposes of this letter of intent.

6. **Negotiations with Others.** Until January 1, 2018, the date on which the parties anticipate that a Purchase Agreement will be executed, Seller will not offer its stock or assets to, entertain offers for them from, negotiate for their sale to, or make information about them available (for purposes of sale) to, any third party.
7. **Conduct of Business; Interim Operations.** As long as this letter remains in effect, Seller will use its best efforts to conduct its business in a reasonable and prudent manner in accordance with past practices, to preserve its existing business organizations and relationships with its employees, customers, suppliers, and others with whom it has a business relationship, to preserve and protect its properties, avoid any and all liens, and to conduct its business in compliance with all applicable laws and regulations.
8. **Closing Date.** The closing date under the Purchase Agreement will be the date agreed upon by the parties.
9. **Effect of This Letter.** This letter sets forth the intent of the parties only, is not binding on the parties, and may not be relied on as the basis for a contract by estoppel or be the basis for a claim based on detrimental reliance or any other theory; provided that paragraphs 6 and 7, and this paragraph 9 will be enforceable in accordance with their terms. With the exceptions of paragraphs 4, 6, 7, and this paragraph 9, the parties understand that no party shall be bound until the Purchase Agreement has been negotiated, executed, delivered, and approved by the partners or shareholders of Buyer and Seller, as the case may be.

10. Termination of Negotiations. This letter may be terminated at any time by either party giving written notice to the other. After notice is given, the parties shall be bound only by paragraphs 6, 7, and 9.

If this letter sets forth your intent to proceed in good faith substantially in the manner outlined in this letter, please sign a copy of this letter and return it to Buyer. This letter of intent shall be of no further force and effect if it is not signed by Seller and returned to Buyer by the close of business on 12/13, 2012.

Very truly yours,

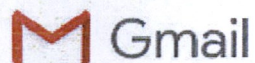
By: 

Buyer

Accepted and agreed to:

By: 

Seller



Craig Anderson <craig.ashland@gmail.com>

2012 TSP Amendments

Scott Fleury <scott.fleury@ashland.or.us>
To: Craig Anderson <craig.ashland@gmail.com>

Mon, Apr 30, 2018 at 7:20 AM

Craig,

I think you are referencing project R24 in table 10-3, which in 2013 has a project cost of \$2,505,000. To my knowledge the TSP was never amended to move R24 from the preferred plan to the fiscally constrained plan.

Let me know if you have any other questions.

Thanks,

Scott A. Fleury, Deputy Public Works Director
City of Ashland, Public Works
20 East Main Street, Ashland OR 97520
(541) 552-2412, TTY 800-735-2900
Fax: (541) 488-6006

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2412. Thank you.



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

May 1, 2018

City of Ashland Mayor and Council
Attn: Derek Severson, Senior Planner
51 Winburn Way
Ashland, OR 97520

RE: ***Rebuttal to Anderson Letter Dated May 1, 2018; Planning Action 2018-154***

Dear Mayor and Council:

The City received a letter this morning from Craig Anderson raising certain objections under the Transportation Planning Rule (TPR). The relevant rule is Oregon Administrative Rule 660-012-0060. This letter constitutes Applicant's written rebuttal to the opposition letter submitted by Mr. Anderson, as follows:

PREFACE:

TPR has alternative regulatory paths in which transportation planning is balanced with land use planning. These regulatory paths are set forth in the rule. The objection primarily focuses on one such path at OAR 660-012-0060(9). The objection characterizes this rule as a "loophole". Oregon Administrative Rules are not loopholes. The particular rule at issue is one which is "permissive" because it is one which cities may apply but need not. In the subject application, the original application submittal took a different regulatory path to TPR compliance by providing a traffic study that demonstrated compliance with subsections (1), (2) and (3). The evidence in the record demonstrates that this regulatory path can be satisfied through the imposition of a trip cap, as allowed by these rules.

At the Planning Commission meeting, the Planning Staff suggested the City need not impose the trip cap and could instead determine TPR compliance under Subsection (9). ODOT provided comments on April 12 disagreeing with the Planning Staff's analysis and the findings in this regard adopted by the Planning Commission.

Regardless of the correct legal position, Applicant's position on the OAR 660-012-0060(9) matter is as follows:

1. The original application included a stipulation to a trip cap that demonstrates compliance with the TPR without the necessity of resolving the Subsection (9) issue. The City can impose the stipulated trip cap and this issue is moot.
2. As a technical matter the Applicant is inclined to agree with the application of Subsection (9) suggested by the Planning Staff at the Planning Commission. However, the Applicant has no interest in being the test case for this legal issue. Applicant would prefer that the trip cap be imposed and TPR compliance be determined under prior Subsections of that rule.
3. Ultimately, we believe more job opportunities in Ashland will be better for the region's transportation system.

REBUTTAL OF SPECIFIC ISSUES RAISED:

Opponent's Statewide Planning Goal Objection: Opponent states that the Statewide Planning Goals are directly applicable to annexation and zone change because the City of Ashland does not have annexation criteria within its Comprehensive Plan.

Rebuttal: The City of Ashland has adopted and acknowledged annexation criteria within its Land Development Ordinance which implements the Comprehensive Plan and requires certain specific compliance with the Comprehensive Plan. As such, Applicant does not concede that the Statewide Planning Goals are directly applicable to the subject quasi-judicial annexation and zone change that does not propose any comprehensive plan amendments.

Opponent's "Planned Improvements" Objection #2: Based upon point #1 on page 2 of the letter and a later point at the end of page 3 and top of page 4, it appears that opponent is arguing that the traffic analysis cannot assume construction of Independent Way in its traffic analysis for purposes of demonstrating compliance with TPR under subsections (1) through (3) of the TPR. There also appears to be a corollary argument that the proposed annexation and zone change is effectively an update to the Regional Transportation Plan.

Rebuttal: The objection letter does not reference the relevant rule, as follows:

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
- (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
- (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- (C) Interstate interchange area means:
- (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Subsection 4 of the rule, makes clear that within determinations under subsections 1 through 3, applicants can rely on planned transportation facilities in (4)(b)(A-C) above regardless of whether you are in an interchange area or not. One potential argument being made by opponent is that a project must be on (4)(b)(A) and (4)(b)(B) and (4)(b)(C). This is absurd. In the first instance, MPO plans only apply in MPO areas so numerous planned facilities outside an MPO could not be relied upon all around the state. Under Subsection (B), facility improvement plans may be developed as part of the amendment process and the City and the Applicant could reach a funding agreement as part of the process. Under such a scenario, the improvement may not be in the MPO plan or any other adopted capital facility plan. For these reasons and other possible reasons as well, TPR allows traffic analyses that rely on (A) or (B) or (C). The Independent Way extension project is listed as project 162 in the RTP's financially constrained project list and the applicant is entitled to rely on it, per OAR 660-012-0060(4)(b)(C).

In response to the corollary objection, the Applicant rebuts as follows:

- The "planned projects" are not mutually exclusive to require listing on (4)(b) (A) and (B) and (C), as such nothing about the project is amending the regional transportation plan.
- OAR 660-012-0016 requirements are relevant to **LEGISLATIVE** obligations on the City of Ashland for transportation planning, but that does not preclude the reliance on planned projects under OAR 660-012-0060(4)(b)(C) for a **QUASI-JUDICIAL** annexation and zone change. If the opponent believes this a critical issue for Ashland's transportation system planning obligations there are other more appropriate remedies that do not have effect of rendering land that is identified as short-term employment land supply unavailable and upending the City's entire plan to comply with statewide planning Goal 9. The opponent could have, at any time, appeared at a regular Planning Commission or City Council meeting and requested the City take action under OAR 660-12-0016. If the opponent had taken such action, a simple finding of consistency under OAR 660-12-0060(0016) is all that is required.

- In the context of the subject application, the City's TSP includes Independent Way as a planned project and the RTP plans the project in its financially constrained list. The Applicant herewith testifies that they were directed by the City and ODOT to analyze the transportation impacts in this way. Approval of the zone change functions as a finding that the RTP is consistent with the Local TSP within the scope of this application.
- No argument has been presented that would cause one to conclude that the Independent Way extension project is inherently inconsistent with the RTP financially constrained list. All that is presented is an argument of plan consistency and timing. Moreover, Independent Way project went through its own land use entitlement process that was duly noticed and was approved to implement the City's TSP for this area and is a final land use decision. Construction of that project is consistent with City land use regulations.

Opponent's Transportation Demand Objection: Based upon point #3 on page 2 and point #2 on page 3 of the letter, it is difficult to know exactly what the objection is. Either the trip cap is too low or the City's development assumptions for the area are too high- or both? Ultimately, the objection alleges an internal inconsistency in the City's findings because the TIA estimates future traffic volumes of approximately 1,350 ADT when the opponent alleges they should be 8,600.

Rebuttal: The objection letter is geographically challenged. The 1,350 future year ADT from the Transportation Impact Analysis is specific to the section of Washington Street from Jefferson to Jefferson. The 45 acres of land development identified in the BLI is a wide area of land. See attached map.

Much of this potential land for development would not be expected to utilize the section of Washington Street between the Jefferson Street intersections very often. For example, the 7.5 acres in the North Washington area would be expected to use north Washington, Ashland and Tolman much more often. Perhaps fewer than 10 percent of their trips would utilize this section of Washington Street. The 7.7 acres on Jefferson Street would almost never use it, because it is completely out of the way. The 10.5 acres down by Benson would use it some but there are a lot of other choices from Crowson or Siskiyou. Perhaps 50% of those trips would use this section of Washington. That only leaves the middle 13.7 acres that would again, use Crowson and Siskiyou some and Washington some, perhaps 80% north and 20% south.

This all assumes that the rail crossing improvement is not constructed which would further distribute traffic.

Once the likely routing is considered, the actual acreage of development that will utilize the section of Washington Street between Jefferson Street Intersections is more like about 16 acres (approximately). Using this acreage with the 20 employees per acre figure in the PC findings yields about 321 employees. The ITE rate for office park is 3.5 trips per employee so that would be about 1124 trips additional plus the 325 that are currently on this street segment. This makes the Sandow Engineering estimate look pretty good.

Ultimately, this is why there are regional transportation models and traffic engineers. Transportation trip generation and distribution gets complicated quickly. The very brief analysis here is not intended to take the place of the analysis in the Sandow Engineering report. It merely points up that the assumptions in it a reasonable and the assertion that they are off by a factor of 6 is unreasonable because the analysis did not consider the origin and destinations and likely routing of future development in the area.



TRAFFIC ENGINEERING RELATED OBJECTIONS:

In addition to the planning related objections addressed herein, the Applicant's traffic engineer Kelly Sandow provided responses to those issues. Those responses are also submitted under cover of this letter.

CONCLUSIONS:

There is substantial evidence in the record on transportation facility adequacy. The application can be approved under multiple regulatory paths under the TPR. If the Council is most comfortable imposing the trip cap, as originally stipulated, Applicant has no objection and we believe our traffic analysis provides adequate evidence to conclude the proposed zone change complies with TPR and any other applicable transportation regulations.

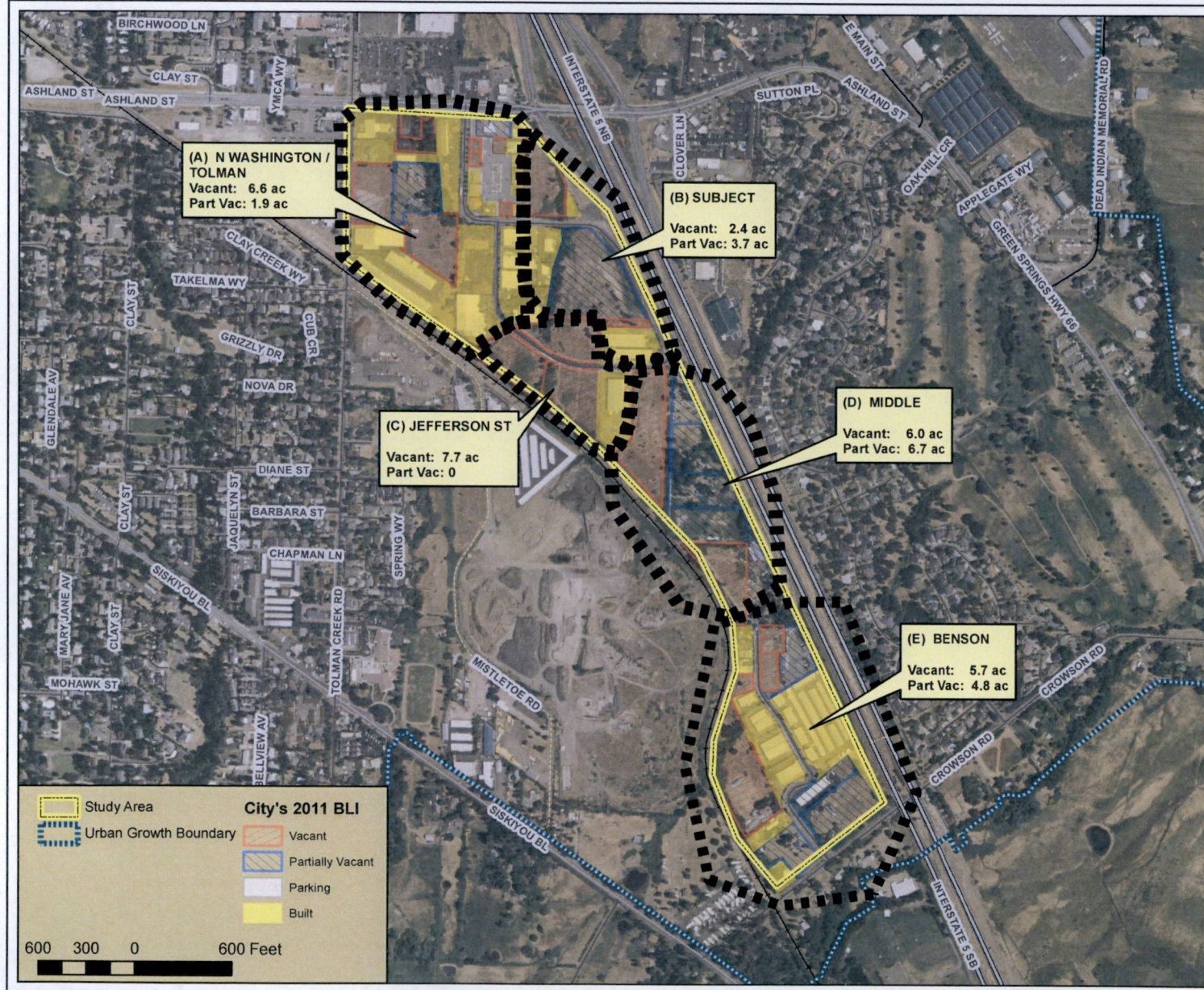
Very Truly Yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over the typed name.

Jay Harland
Principal

cc. File



**SOUTH ASHLAND BUSINESS PARK
 ANNEXATION, ZONE CHANGE & SITE REVIEW**

BUILDABLE LANDS ANALYSIS MAP



May 2018



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

Technical Memorandum

To: Jay Harland

Date: May 1, 2018

Subject: BLI Analysis

The attached map titled, "Buildable Lands Analysis Map" was derived using the following methodologies.

Step 1. Identify the Study Area which is reflected by the yellow hatch on the attached map.

Step 2. Crop and Georeference the City's 2011 Adopted BLI Map obtained from the City of Ashland's Website at the following locations, into our GIS:

- http://www.ashland.or.us/Files/2011_BLI_approved.pdf
- http://www.ashland.or.us/Files/bli_2011_map.pdf

Step 3. Apply the City's BLI categories of Vacant, Partially Vacant, and Parking to Tax Lots in our GIS that correspond to the same values in the City's BLI map. All lands not attributed in one of the above categories was categorized as Built.

Step 4. Overlay the above on a 2016 georeferenced aerial photograph from USDA.

Step 5. Identify five distinct subareas within the study area based on their proximity to the local transportation network. The five categories include; (A) N Washington; (B) Subject; (C) Jefferson St; (D) Middle; and (E) Benson.

Step 6. Use GIS to remove duplicate records in Tax Lots so that each polygon corresponds with each tax lot. Calculate the acres of each category for the entire study area, with the following results.

- Total Tax Lot Acres: 88.1; Built & Parking: 34.5; Vacant: 28.45; Gross Partially Vacant: 25.1.
- Total of Vacant and Partially Vacant: 53.55

Step 7. Based on the calculations in the City's 2011 BLI for the area, there are 45 vacant and partially vacant acres of land available. The City's BLI assumed portions of the Partially Vacant lands are not and would not be available thus there is a difference between gross partially vacant acres and net partially vacant acres. For the purposes of this analysis I assumed the entirety of vacant lands is available and the difference between 53.55 acres and 45 acres was attributed to the partially vacant lands at the factor of 84%. ($45 / 53.55 = 84\%$) Thus, for the buildable / available area for each lot identified as partially vacant I assumed a factor of 84% (For example, a 1 acre partially vacant tax lot was shown to have .84 acres available.

Step 8. Summarize each subarea by Vacant and Partially Vacant lands and illustrate the results on the map.

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read "Michael Savage".

Michael Savage
Associate

cc. File

Table 8.3.1 Project List by Jurisdiction

PROJECT NUMBER	LOCATION	DESCRIPTION	TIMING	COST	Cost by Range	Funds Available	Federal Funds Needed	Conformity Status	Within PM10/CO Maintenance Areas
Ashland									
120	Laurel St. RR Crossing	R/R X-ing improvements, surface improvements (175-ft, 0.03 Miles)	short	\$ 813,552				Exempt - Table 2 - Safety	PM10
160	Hersey St: N. Main to Oak St Sidewalk	Sidewalk Construction (1,760-ft, 0.33 Miles)	short	\$ 829,000				Exempt - Table 2 - Air Quality	PM10
161	E. Nevada Street Extension	Extend street over Bear Creek to link roadway at Kestrel; sidewalks, bicycle lanes (675-ft, 0.13 Miles)	short	\$ 5,055,500				Non-Exempt	PM10
162	Independent Way	Extend street from Washington St to Tolman Creek Rd; sidewalks, bicycle lanes (715-ft, 0.13 Miles)	short	\$ 1,055,000				Non-Exempt	PM10
166	Chip Seal	project entails grading, prepping and installing a double chip seal on approximately 44,903 square yards of existing dirt roads within the Ashland City limits. (approx. 5.3 miles)	short	\$ 561,648				Exempt - Table 2 - Safety	PM10
Short Range (2017-2021) Total					\$ 8,314,700	\$ 8,706,000			
163	Intersection Improvements: Ashland-Oak Knoll-E. Main	Realign intersection, install speed-reduction treatments (950-ft, 0.18 Miles)	medium	\$ 1,184,195				Exempt - Table 3	PM10
Medium Range (2022-2030) Total					\$ 1,184,195	\$ 6,499,000	\$ -		
164	Normal Avenue Extension	Extend roadway to East Main; sidewalks, bicycle lanes (2,250-ft, 0.43 Miles)	long	\$ 5,916,032				Non-Exempt	PM10
165	Clear Creek Drive Extension	Extend road to connect with N. Mountain Ave. (2,000-ft, 0.38 Miles)	long	\$ 4,601,359				Non-Exempt	PM10
Long Range (2031-2042) Total					\$ 10,517,391	\$ 12,754,000	\$ -		
PROJECT NUMBER	LOCATION	DESCRIPTION	TIMING	COST	Cost by Range	Funds Available	Federal Funds Needed	Conformity Status	Within PM10/CO Maintenance Areas
Central Point									
232	Twin Creeks Rail Crossing	Add new at grade crossing and signal, sidewalks at OR99 and Twin Creeks Crossing (1,080 ft)	short	\$ 3,900,000				Non-Exempt	PM10
233	E. Pine Street Downtown Improvement Projects	New Sidewalks, street lights, and new signals at 2nd and 4th Streets. New Pedestrian Crossing at 6th Street (1,600 ft, 0.3 miles)	short	\$ 5,000,000				Exempt-Table 3 - Signalization	PM10
234	W. Pine Street Reconstruction: Glenn Way to Brandon Ave	Widen W. Pine St between Glenn Way and Brandon Ave; add sidewalks, curb and gutter, & bike lanes; 2 paved travel lanes and 1 continuous left turn lane. Drainage will also be installed/upgraded (2,200 ft, 0.42 miles)	short	\$ 4,549,000				Exempt - Table 2 - Safety	PM10
Short Range (2017-2021) Total					\$ 13,449,000	\$ 14,143,000			
215	OR 99: Traffic Calming Unit 3	Traffic Calming (300 ft)	medium	\$ 259,043				Exempt-Table 2 - Safety	PM10
227	W. Pine St., Hanley St. to Haskell St.	Widen to add center turn lane, bike lanes, sidewalks (no new travel lanes) (2,150 ft)	medium	\$ 3,286,685				Exempt-Table 2 - Safety	PM10
Medium Range (2022-2030) Total					\$ 3,545,727	\$ 18,276,000	\$ -		
214	Scenic Ave., Mary's Way to Scenic Middle School	Widen to add bike lanes and sidewalks (urban upgrade - no new travel lanes) (700 ft)	long	\$ 865,078				Exempt-Table 2 - Safety	PM10
219	Table Rock Rd. & Vilas Rd Intersection	Widen to add turn lanes	long	\$ 1,751,803				Exempt-Table 3 - Channelization	PM10
224	Scenic Ave, 10th St. to Scenic Middle School	Widen to add continuous turn lane with bike lanes and sidewalks (no new travel lanes) (700 ft)	long	\$ 1,117,473				Exempt-Table 2 - Safety	PM10
Long Range (2031-2042) Total					\$ 3,734,354	\$ 9,001,000	\$ -		

SANDOWENGINEERING

160 MADISON STREET SUITE A • EUGENE OREGON 97402 • 541.513.3376

May 1, 2018

Ashland City Council
City Council Chambers
1175 E Main Street
Ashland, Oregon 97520



RENEWAL 06 / 30 / 18

RE: South Ashland Business Park-Response to Comments from Craig Anderson

Dear City Council Members,

Sandow Engineering would like to provide a response to comments received by Craig Anderson on May 1, 2018 regarding the South Ashland Business Park Annexation and Ordinance 3154 Adoption Findings.

Comment #2 Page 2: *"Will Substantially increase turning volumes at Washington Street @ Ashland Street, a highly sub-standards intersection that is approximately ¼ the minimum recommended distance from the Southbound I-5 terminal (350 feet as compared to 1320 feet) a situation that "can increase the potential risk of collisions," and that creates "potential vehicular conflicts and delay that may impact safety and traffic operations at the interchange," according to the June 2010 Draft Interchange Area Management Plan (IAMP)"*

First off, it is worth noting that the statements quoted above of *"can increase the potential risk of collisions"*, and *"potential vehicular potential vehicular conflicts and delay that may impact safety and traffic operations at the interchange"* are being taken out of context and misappropriated.

This first statement *"can increase the potential risk of collisions"*, appears twice in the IAMP; page 4-25 under *2030 Land use Intensification Scenario #1* and page 4-27 under *2030 Land use Intensification Scenario #2*. Attachment A contains the pages from the IAMP in which the statement is provided. The sections are a discussion of conditions related to the theoretical maximum development beyond what the RVMPO model includes (Scenario #1), and the significant employment and residential growth in the area of Crowman Mill Site beyond what the RVMPO model includes (Scenario #2). The statement in the IAMP was made in relation to a discussion of conditions, under these scenarios, in which Ashland Street has a significant enough increase in traffic volumes by year 2030 that the infrequency of gaps in traffic increases the v/c ratio on Washington Street to above 2.0. When the v/c ratio reached these levels, it *could* result in conditions where drivers become impatient resulting in an increase in the potential of collisions.

The sections state that, at the high levels of development that the IAMP analysis assumed, there is the potential for an increased risk of collisions. Mr Anderson misappropriated the statement by applying it to this development proposal when it was intended for the level of traffic that would increase the v/c ratio to greater than 2.0.

Further, the Traffic Impact Analysis and subsequent analysis revisions, shows that the v/c ratio for Washington Street is 0.57 for the year 2034 with the zone change. The v/c ratio is significantly better than the conditions discussed in the IAMP in which that statement was made.

The second statement "*potential vehicular conflicts and delay that may impact safety and traffic operations at the interchange,*" according to the June 2010 Draft Interchange Area Management Plan (IAMP)", is found under the Problem Statement of the Executive Summary. See Attachment B for the section from the IAMP. The statement is a very generalized statement that there are numerous public and private approaches within ¼ mile of the interchange and that the approaches create potential vehicular conflicts with the interchange. The statement is not specific to a singular approach and does not speak to specifically to the operations of Washington Street approach

The TIA and subsequent analysis revisions also provided information on crash rates and queuing ta Washington Street. All levels are within the acceptable range.

Therefore, there is no substantial evidence to validate the statement that the intersection is currently highly sub-standard and that any significant safety concerns are currently present or will be present after the approval of the zone change.

Comment #4 Page 2: *"Along with other contemplated (or pre-approved?) developments in the area, has the potential to create the need for a very expensive intersection expansion at Tolman Creek Road @ Ashland Street and possibly a new I-5 interchange at Exit 14.*

The analysis provided in the TIA, took into consideration growth rate levels in the area consistent with the Ashland TSP and recently approved (but not yet built) developments. The rates are typical for TIA's of this type and they were reviewed by the City and ODOT and found to be appropriate. The intersection of Tolman Creek Road @ Ashland Street is projected to meet mobility standards at the year 2034 with the approval of the proposed zone change, even with the project traffic and the additional 105 trips assumed to occur due to background traffic growth through this intersection.

The interchange ramp signals are shown to exceed the mobility standard in the background conditions. With the proposed trip cap, the approval of the zone change will not have a significant effect on the intersections.

Therefore, this project has demonstrated that the proposed zone change will not significantly affect the adjacent transportation system and is not responsible for providing intersection improvements.

Comment #1 Page 3: *“ODOT’s April 12, 2018 letter to the City states that, “comments were sent to Sandow Engineering on February 14, 2018 regarding several concerns within the TIA. A final response from Sandow Engineering regarding the ODOT comments was never sent to ODOT.” The City did not respond to this comment while the applicant’s representative said that ODOT “did not have any issues” with the TIA. It is reasonable to presume that ODOT suggested modifications to the methodology used in the analysis and that such modifications could have resulted in showing a greater level of impacts than were indicated in the January 5th document.”*

Sandow Engineering has addressed the comments to date with supplemental analyses that were transmitted via email to ODOT traffic engineers on April 9, 2018 and April 25, 2018. These technical revisions did not have any meaningful impacts to the results indicated that the proposed zone change does not have a significant effect on intersection operations and the conclusions of the January 5th TIA remain valid.

Comment #3 Page 3: *“The City has used ODOT’s recommendation in the Exit 14 IAMP that left-turn movements in/out of Washington Street @ Ashland Street be restricted via an extended median as justification for funding of the Independent Way project. No such recommendations have been acknowledged or assumed in the TPR Analysis. Changing assumptions to include left-turn restrictions in/out of Washington Street will show greater impacts at the Tolman Creek @ Ashland Street intersection.”*

The evaluation considered existing infrastructure and improvements that are on the Regional Transportation System Plan Short Term List. The RTP has Independent Way listed as project #162 described as “Extend street from Washington St to Tolman Creek Rd: sidewalks, bicycle lanes (715-ft, 0.13 miles). The RTP does not have the median listed as an improvement. Additionally, during the scoping process the median was not requested to be considered by ODOT or by the City of Ashland. Therefore, it was not included as an infrastructure improvement in the TPR evaluation.

Comment #4 page 4 : *The trip distribution figures used by Sandow Engineering appear to minimize potential impacts at the Tolman Creek Road @ Ashland Street intersection. On page 17 of the TPR Analysis it is stated that, “the development trips were distributed through the study area network using the existing observed travel patterns as a base with modifications as per reasonable origins and destinations.” Figure 5 shows 2019 pm peak hour westbound background traffic volumes at intersection #7 (Tolman Creek Road @ Independent Way) split roughly 30% southbound and 70% northbound on Tolman Creek. Figure 7 shows 2019 “build-out” (development-related) traffic at the same location split 40% southbound and 60% northbound. There is no explanation for the discrepancy, however, even a 30% southbound distribution at this location is not reasonable. The existing trip distribution in this area is heavily skewed by traffic generators such as the Ashland Tennis and Fitness Club and other businesses and employers that attract a relatively local clientele. Whereas, it is far more likely that a majority of the traffic to and from the proposed employment*

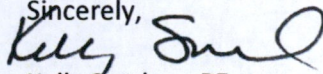
location will have an origin and destination that utilizes I-5/Exit 14 southbound (to) and northbound (from). A reasonable trip distribution assumption would be that PM peak hour traffic from the proposed development that does not make a right turn from Washington Street onto Ashland Street (and then onto I-5) will primarily be destined westbound on Ashland Street and will use the Tolman Creek Road @ Ashland Street intersection via the newly-built Independent Way. It makes no sense that PM peak hour traffic leaving the proposed employment site would have a destination using southbound Tolman Creek Road. Merely changing the trip distribution at this one intersection to reflect a more "real-world" analysis could have far more detrimental impacts on the Tolman Creek Road @ Ashland Street intersection than have been divulged. When this issue is considered in the context of the other "approved but not completed IPCO development that was included as pipeline trips in the background" conditions (see Exhibit "A"), concerns about the impacts on Tolman Creek Road @ Ashland Street are compounded"

The trip distribution values were based on the following assumptions:

- 1) The development is primarily employment. Trips in the PM peak hour will be leaving and heading toward local residential and commercial areas, as the trips will be primarily work to home trips.
 - i. There is a very large residential area south of Ashland Street that will be accessed by Tolman Creek to/from the south (see Exhibit 1)
 - ii. Commercial and residential are accessed by Ashland Street to the west via Tolman Creek to/from the north
 - iii. Use of I-5 for areas outside the City.
- 2) Traffic volumes on Tolman Creek Road are nearly a 50% split meaning that 50% traffic is traveling south and 50% is traveling north. Based on a traffic count taken on Tolman Creek near Independent Way connection.
- 3) Total traffic volumes entering and leaving the study area on the adjacent street network.

This information was the basis for determining the trip distribution pattern. Sandow Engineering assumed that 20% of all development trips be to/from Tolman Creek south of Independent Way based on traffic patterns and the proximity to existing and future households. Sandow Engineering believes it is unreasonable to assume that a majority of traffic will use I-5 and that no traffic will use Tolman Creek to the south as stated in the comment above.

Thank you for allowing me the opportunity to respond to the comments.

Sincerely,

Kelly Sandow, PE

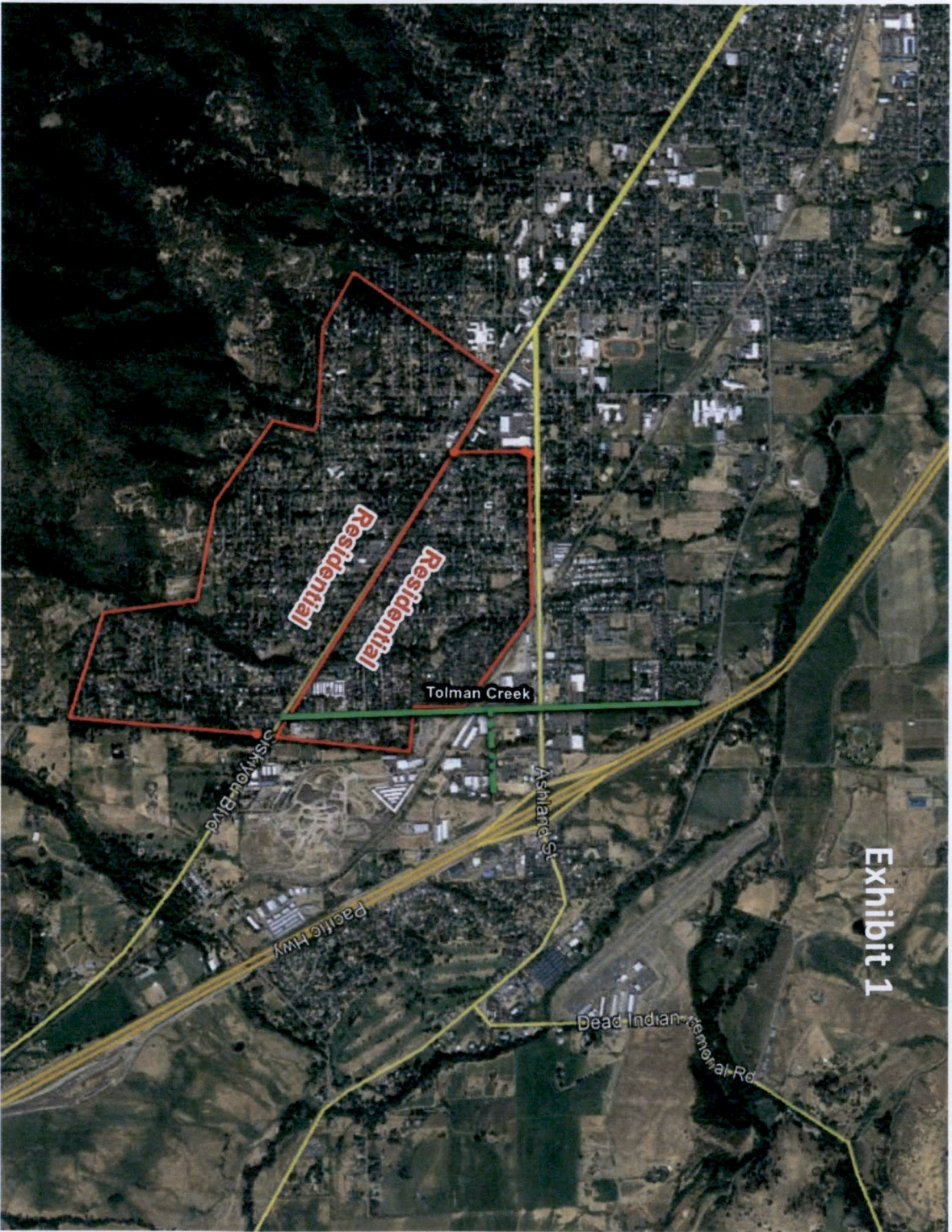


Exhibit 1

Attachment A

would provide improved intersection operations because it would allow conventional phasing rather than the split phasing that would be necessary with a three-lane bridge configuration.

Analysis indicates that a five-lane bridge provides no operational benefit at either ramp terminal intersection compared to a four-lane bridge. The lane configuration at the northbound ramp terminal would be identical to the four-lane configuration. At the southbound ramp terminal, a five-lane bridge would allow for a westbound left-turn lane. However, analysis indicates that a left-turn lane would not provide any improvement in overall intersection v/c ratio due to the low westbound left-turning volume. Furthermore, the projected turning volumes are not sufficient to warrant a left turn signal.

Each of the interchange alternatives would provide acceptable traffic operations at both ramp terminal intersections. The calculated v/c ratio at the southbound ramp terminal is the same for all of the conventional diamond interchange configurations at 0.46. The calculated v/c ratio for the central SPU intersection is 0.57, and the calculated v/c ratios for the DDI are 0.51 and 0.40 for the southbound and northbound ramp terminals, respectively.

The intersection of Ashland Street with Washington Street is expected to operate at a calculated v/c in excess of 1.50 for the critical northbound left-turn movement under all interchange alternatives. All of the remaining intersections within the study area are expected to operate with acceptable v/c ratios and queuing under 2030 baseline conditions. Like Washington Street, the intersection of Ashland Street with Clover Lane is unsignalized and located in close proximity to the interchange. However, analysis shows that the intersection will operate acceptably under future baseline conditions. This is primarily due to the significantly lower traffic volumes on Ashland Street to the east of the interchange compared with those to the west. If land on the east side of the interchange develops to a greater intensity than what is predicted in the RVMPO model (e.g., Land Use Scenario #1), then future operations at this intersection may fail to meet the applicable operational standards and mitigation such as turn restrictions may be necessary.

2030 Land Use Intensification Scenario #1

Table 4-8 and Table 4-9 show the operations and queuing results for Land Use Intensification Scenario #1. This scenario consists of a theoretical maximum development of parcels in the IAMP management area in excess of what is predicted in the RVMPO model. The analysis shows that the existing interchange is not adequate to accommodate the increased traffic volumes associated with this land use scenario, with calculated v/c ratios at both ramp terminals in excess of 2.00. In contrast, the calculated v/c ratios at each ramp terminal were well below 1.00 for each interchange design. However, the calculated v/c ratios at the southbound ramp terminal would marginally exceed the HDM mobility standard of 0.75 for each of the conventional interchange designs. The calculated v/c ratio at the northbound ramp terminal marginally exceeds the HDM mobility standard under the three-lane bridge design. Operational differences between the various interchange types are consistent with those described for the 2030 baseline scenario in the previous section.

Table 4-8. Intersection Traffic Operations (in feet) – 2030 Land Use Scenario #1 Conditions

Intersection	Interchange Alternative ¹							Mobility Standard V/C Ratio ²		
	No-Build	3-Lane Bridge	3-Lane w/Loop	4-Lane Bridge	5-Lane Bridge	SPUI	DDI	OHP ³	HDM ⁴	City ⁵
	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)			
Tolman Creek Rd & Ashland St (OR 66)	0.76 (F)	0.76 (D)	0.76 (D)	0.76 (D)	0.76 (D)	0.78 (D)	0.75 (D)	0.90	0.85	0.85
Washington St & Ashland St (OR 66)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	0.90	0.85	0.85
I-5 SB Ramps & Ashland St (OR 66)	>2.00 (F)	0.77 (B)	0.77 (B)	0.77 (B)	0.77 (B)	0.69 (C)	0.53 (A)	0.85	0.75	-
I-5 NB Ramps & Ashland St (OR 66)	>2.00 (F)	0.80 (C)	0.27 (A)	0.69 (B)	0.54 (B)		0.53 (B)	0.85	0.75	-
Clover Ln & Ashland St (OR 66)	0.74 (B)	0.74 (F)	0.74 (D)	0.74 (D)	0.74 (D)	0.74 (F)	0.74 (D)	0.90	0.85	0.85
E. Main St/Oak Knoll & Ashland St (OR 66)	0.62 (D)	0.62 (D)	0.62 (D)	0.62 (C)	0.62 (C)	0.63 (D)	0.63 (C)	0.90	0.85	0.85

Notes:

1. For unsignalized intersections, the v/c and LOS are for the critical movement, which is typically a stopped side street movement. For signalized intersections the v/c and LOS are for the overall intersection.
2. Intersections with v/c ratios that do not meet the applicable mobility standard are shaded in black.
3. 1999 Oregon Highway Plan Mobility Standards (Table 6); applies to No-Build only.
4. 2003 ODOT Highway Design Manual Mobility Standards (Table 10-1): applies to build alternatives.
5. Ashland Municipal Code requires that traffic operations on City facilities do not exceed capacity (v/c < 1.00) and defers to ODOT mobility standards (HDM shown) for intersections with State highways within the City.

The calculated v/c for the unsignalized Washington Street approach is greater than 2.00 under this land use scenario. The projected traffic volumes on Ashland Street would provide very few acceptable gaps for northbound traffic exiting from Washington Street, resulting in excessive delays for this movement. A potential result of v/c ratios far in excess of capacity is reduced safety because some drivers grow impatient and tend to accept smaller gaps in the traffic stream. This can increase the potential risk of collisions. If land develops to the extent projected by Land Use Scenario #1, some mitigation at Washington Street may be necessary. A possible mitigation could include turn restrictions through installation of a non-traversable median along Ashland Street. Ultimately, the Washington Street approach to Ashland Street should be closed and traffic routed to Tolman Creek Road.³

All other study area intersections are expected to operate with acceptable v/c ratios under this land use scenario. Long queuing on the northbound approach at the Tolman Creek intersection indicates the potential future need for intersection improvements, such as an additional northbound approach lane, if the pace of development significantly surpasses what is projected in the RVMPO model.

³ Signalization would reduce delays for vehicles on Washington Street. However, projected intersection traffic volumes do not meet volume-based signal warrants. Furthermore, a signal at Washington Street would not comply with ODOT access management and signal spacing standards. Therefore, signalization does not appear to be a viable mitigation measure.

Table 4-9. 95th Percentile Queues (in feet) – 2030 Land Use Scenario #1 Conditions

Intersection	Movement	No-Build	3-Lane Bridge	3-Lane w/Loop	4-Lane Bridge	5-Lane Bridge	SPUI	DDI
Tolman Creek Rd & Ashland St (OR 66)	EBL	200	175	175	175	175	175	175
	EBT/R	2450 ²	350	325	400	350	475	400
	WBL	125	200	175	175	175	175	200
	WBT/R	150	325	325	350	350	525	450
	NBL	150	125	125	125	125	125	125
	NBT/R	825	800	900	875	875	700	525
	SBL	125	125	125	125	125	125	125
	SBT/R	1575	350	350	375	300	250	300
Washington St & Ashland St (OR 66)	NBL	100	125	125	125	125	125	125
	WBL	50	75	75	75	75	50	75
I-5 SB Ramps & Ashland St (OR 66)	SBL	650	175	175	175	175	200	175
	SBR	750	225	275	225	200	0	150
	WBL	100	450	350	250	50	75	125
	WBT					150	250	125
	EBT		255	275	200	300	175	175
	EBT/R		275	250	275	275	25	100
I-5 NB Ramps & Ashland St (OR 66)	NBL	800	75	75	100	75	75	50
	NBR		50	50	50	50	25	50
	EBL	3550 ²	400		225	225	225	200
	EBT		475		350	75	175	150
	WBT		325		200	225	250	100
	WBR		225		150	200	125	50
Clover Ln & Ashland St (OR 66)	NBL/R	125	350	200	200	250	125	200
	WBL	25	25	25	25	25	25	25
E. Main/Oak Knoll & Ashland St (OR 66)	NBL/T/R	75	75	75	75	75	75	75
	SBL	100	100	100	100	125	125	100
	SBT/R	175	175	175	125	125	150	125
	WBL/T/R	25	25	25	25	25	25	25
	EBL/T/R	150	150	150	150	150	175	175

Notes:

1. Shaded cells indicate either free or nonexistent movements where queues are not generated.
2. Queue spills into downstream intersection.

The potential improvements associated with this land use scenario do not constitute recommendations, but merely potential future needs. The potential needs are based on the projections of a speculative land use scenario and neither on the RVMPO model nor any proposed development. Future analysis will be required to determine appropriate mitigation as land use changes occur and as new development are proposed.

2030 Land Use Intensification Scenario #2

This land use scenario concentrates significant employment, commercial and residential development at the former Croman Mill site, which lies in the southwest quadrant of the interchange. The growth associated with this land use scenario is compounded with the growth projected in the RVMPO model. The calculated v/c ratios at the interchange ramp terminals and at all study area intersections east of the intersection are generally lower than those for Land Use Scenario #1 as displayed in Table 4-10, and the operational differences between interchange types remain consistent with those described for the baseline land use scenario. This land use scenario causes the calculated v/c ratio at the northbound ramp terminal to marginally exceed the HDM mobility standard of 0.75 under the three-lane bridge design.

Table 4-10. Intersection Traffic Operations – Land Use Scenario #2 Conditions

Intersection	Interchange Alternative ¹							Mobility Standard V/C Ratio ²		
	No-Build	3-Lane Bridge	3-Lane w/Loop	4-Lane Bridge	5-Lane Bridge	SPUI	DDI	OHP ³	HDM ⁴	City ⁵
	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)	V/C (LOS)			
Tolman Creek Rd & Ashland St (OR 66)	0.85 (F)	0.85 (F)	0.85 (E)	0.85 (E)	0.85 (D)	0.87 (E)	0.86 (E)	0.90	0.85	0.85
Washington St & Ashland St (OR 66)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	>2.00 (F)	0.90	0.85	0.85
I-5 SB Ramps & Ashland St (OR 66)	>2.00 (F)	0.68 (B)	0.68 (B)	0.68 (B)	0.68 (B)	0.70 (B)	0.51 (A)	0.85	0.75	-
I-5 NB Ramps & Ashland St (OR 66)	>2.00 (F)	0.76 (B)	0.14 (B)	0.58 (B)	0.58 (B)		0.39 (B)	0.85	0.75	-
Clover Ln & Ashland St (OR 66)	0.47 (B)	0.48 (D)	0.48 (C)	0.49 (C)	0.49 (C)	0.48 (C)	0.48 (B)	0.90	0.85	0.85
E. Main St/Oak Knoll & Ashland St (OR 66)	0.25 (B)	0.29 (C)	0.29 (B)	0.29 (B)	0.29 (B)	0.30 (B)	0.30 (B)	0.90	0.85	0.85

Notes:

1. For unsignalized intersections, the v/c and LOS are for the critical movement, which is typically a stopped side street movement. For signalized intersections the v/c and LOS are for the overall intersection.
2. Intersections with v/c ratios that do not meet the applicable mobility standard are shaded in black.
3. 1999 Oregon Highway Plan Mobility Standards (Table 6); applies to No-Build only.
4. 2003 ODOT Highway Design Manual Mobility Standards (Table 10-1); applies to build alternatives.
5. Ashland Municipal Code requires that traffic operations on City facilities do not exceed capacity (v/c < 1.00) and defers to ODOT mobility standards (HDM shown) for intersections with State highways within the City.

This land use scenario would cause excessive delay and calculated v/c ratios in excess of 2.00 for the critical northbound left-turning movement at Washington Street. The projected traffic volumes on Ashland Street would provide very few acceptable gaps for northbound traffic exiting from Washington Street, resulting in excessive delays for this movement. A potential result of v/c ratios far in excess of capacity is reduced safety because some drivers grow impatient and tend to accept smaller gaps in the traffic stream. This can increase the potential risk of collisions. If land develops to the extent projected by Land Use Scenario #2, some mitigation at Washington Street will be necessary. A possible mitigation could include turn restrictions through installation of a non-traversable median along Ashland Street. Ultimately, the Washington Street approach to Ashland Street should be closed and traffic routed to

Tolman Creek Road⁴. Hence, this measure is listed as a medium/long term action of the access management strategy and plan as described in Section 6.

At the Tolman Creek intersection the analyses of this land use scenario revealed significant queuing and calculated v/c ratios at or marginally above the mobility standard threshold (see Table 4-11). The projected westbound left-turn volumes approach levels that may warrant an additional westbound left-turn lane. Dual westbound left-turn lanes would require widening of Tolman Creek for several hundred feet to the south of Ashland Street to accommodate two southbound receiving lanes. Mitigation for long queues on the northbound approach may include widening and provision of an additional northbound approach lane. It should be noted that closing or restricting some turn movements at Washington Street could create increased vehicular demand at the Tolman Creek intersection and increase the likelihood that one or more of the above-noted improvements would be needed. Additionally, constricted roadway geometry (curb-to-curb width) will limit the ability to maneuver U-Turns at the Tolman Creek intersection to passenger cars and small trucks. Larger vehicles will need to either proceed straight through the intersection or turn onto the cross street to find a more accessible locations to reverse course.

Table 4-11. 95th Percentile Queues (in feet) – 2030 Land Use Scenario #2 Conditions

Intersection	Movement	No-Build	3-Lane Bridge	3-Lane w/Loop	4-Lane Bridge	5-Lane Bridge	SPUI	DDI
Tolman Creek Rd & Ashland St (OR 66)	EBL	200	175	175	175	175	175	175
	EBT/R	2550 ²	400	350	425	350	475	550
	WBL	150	175	175	175	175	175	175
	WBT/R	125	450	450	350	350	525	525
	NBL	150	150	150	150	125	125	125
	NBT/R	850	900	900	900	900	700	700
	SBL	125	125	125	125	125	125	125
	SBT/R	1775	300	275	250	250	250	275
Washington St & Ashland St (OR 66)	NBL	150	125	125	125	125	125	125
	WBL	25	50	50	50	50	50	50
I-5 SB Ramps & Ashland St (OR 66)	SBL	675	150	150	150	175	200	150
	SBR	925	200	200	200	200	25	175
	WBL	50	300	250	125	50	50	50
	WBT					25	225	125
	EBT		325	350	300	400	125	175
	EBT/R		350	325	350	350	0	100

⁴ Signalization of the Ashland Street/Washington Street intersection is not a viable mitigation measure. See discussion of Land Use Intensification Scenario #1 in previous section.

Table 4-11. 95th Percentile Queues (in feet) – 2030 Land Use Scenario #2 Conditions

Intersection	Movement	No-Build	3-Lane Bridge	3-Lane w/Loop	4-Lane Bridge	5-Lane Bridge	SPUI	DDI
I-5 NB Ramps & Ashland St (OR 66)	NBL	825	75	75	75	75	75	50
	NBR		50	50	50	50	25	50
	EBL	4075 ²	250		225	175	275	150
	EBT		350		25	50	125	150
	WBT		300		250	275	225	100
	WBR		225		175	175	50	25
Clover Ln & Ashland St (OR 66)	NBL/R	125	200	75	150	125	125	125
	WBL	25	25	25	25	25	25	25
E. Main/Oak Knoll & Ashland St (OR 66)	NBL/T/R	50	75	50	50	50	50	50
	SBL	75	75	75	100	75	75	75
	SBT/R	50	50	50	50	50	75	75
	WBL/T/R	25	25	25	25	25	25	50
	EBL/T/R	50	75	75	75	75	75	100

Notes:

1. Shaded cells indicate either free or non-existent movements where queues are not generated.
2. Queue spills into downstream intersection.

The potential improvements associated with this land use scenario do not constitute recommendations, but merely potential future needs. The potential needs are based on the projections of a speculative land use scenario and neither on the RVMPO model nor any proposed development. Future analysis will be required to determine appropriate mitigation as land use changes occur and new development is proposed.

Preliminary Traffic Signal Warrant Analysis

The need for traffic signals at intersections is established by evaluating existing and projected traffic conditions against traffic signal warrants contained in the *2003 Manual on Uniform Traffic Control Devices (MUTCD)*. The MUTCD provides eight signal warrants that consider different conditions under which a new signal may be warranted. The most commonly applied signal warrants are based on traffic volumes, although the MUTCD contains signal warrants based on crash experience, coordinated signal systems, and warrants for signals at pedestrian and school crossings.

The 2006 TAR reported the results of MUTCD signal warrants analysis for existing conditions. For years 2010 and 2030 conditions TPAU preliminary traffic signal warrants were evaluated. The TPAU preliminary warrants are based on MUTCD warrants, but require less data. TPAU developed these warrants for the purpose of projecting future traffic signal needs.

Meeting traffic signal warrants does not guarantee that a signal shall be installed. Before a signal can be installed a field warrant analysis is conducted by the Region. If warrants are met, the State Traffic Engineer will make the final decision on the installation of a signal.

Attachment B

EXECUTIVE SUMMARY

The existing bridge at I-5 Interchange 14 will be repaired and improved with funding provided by the OTIA III State Bridge Delivery Program. The bridge repairs will consist of a rehabilitation of the deck and bridge rails. Traffic signals will be installed at the ramp terminal intersections, and the bridge will be widened to provide three traffic lanes, bicycle lanes, and 7-1/2-foot sidewalks on both sides. The construction is scheduled to begin in mid 2010 and be completed by mid 2012.

As outlined in Oregon Administrative Rule (OAR) 734-051-0155(7), an Interchange Area Management Plan (IAMP) should be developed when there are substantial modifications to interchanges. Public investments for major interchange improvements are very costly and it is in the interest of the State, local governments, citizens of Oregon, and the traveling public to ensure that the interchange functions as it was designed for as long a time period as possible.

Development of this IAMP is the planning process intended to assess existing and potential land use and transportation conditions, opportunities and limitations, identify long-range needs, and identify recommended improvements to the Green Springs Interchange (I-5 Interchange 14). This process includes identifying necessary improvements to the local street network in the vicinity of the interchanges to ensure consistency with operational standards.

Problem Statement

The bridge structure, constructed in 1961, has been deemed structurally and geometrically deficient due to cracked cross beams, poor deck condition, narrow bridge width, substandard bridge railing, and substandard vertical clearance. Additionally, there are currently no provisions for bicycle and pedestrian traffic.

Analysis of existing and projected future traffic volumes show that the existing bridge and ramps are functionally obsolete to adequately serve the long-range transportation needs. Significant queuing and delay currently exists on several unsignalized approaches. As the area grows and traffic volumes increase, queuing and delays are expected to increase if no improvements are made to the interchange and the transportation system in the vicinity. The crash rate at the interchange is higher than the statewide average rate for comparable facilities, and the site ranks in the top ten percent of ODOT Safety Priority Index System (SPIS) sites.

There are numerous public and private approaches to Ashland Street within a quarter-mile of the interchange ramp terminals. These approaches create potential vehicular conflicts and delay that may impact safety and traffic operations at the interchange.

IAMP Goals and Objectives

The goals of this IAMP are to develop a plan for improvements that can be implemented over time to improve safety and operations of Interchange 14, identify adequate local street network improvements, and protect the investment in I-5 and its interchanges by maintaining the function of the interchange.



Tom Chamberlain, President
Barbara Byrd, Secretary-Treasurer

(503) 232 - 1195
3645 SE 32nd Ave
Portland, OR 97202
oraficio.org

TO: Mayor Stromberg
Members of the Ashland City Council

CC: Assistant City Attorney Katrina L. Brown
City Attorney David H. Lohman

FR: Evan Lasley, Oregon AFL-CIO

RE: **Amendment to Ordinance Bill No. 3152**

My name is Evan Lasley, Regional Staff of the Oregon AFL-CIO. I'm contacting you today representing the over 300,000 working people of our state and affiliate local unions.

The City of Ashland is considering code changes to regulate Transportation Network Companies (TNCs) like Uber and Lyft. The State Federation of Labor has been the long-term advocate for all workers in Oregon's economy and with this key role in mind, our organization has significant concerns about the "gig economy".

In the last 20 years, we have seen a change in the employment model where companies are frequently classifying workers as independent contractors and insulating themselves against liabilities and employment taxes. This shift to "gig" jobs has left many workers in our community without basic protections. We continue to be ready and willing to help local authorities grapple with this evolving issue.

We know that there are significant concerns from drivers and the community about fairness as it relates to every component of our transportation system, especially TNCs.

Last month Oregon AFL-CIO President Tom Chamberlain mailed you a packet to provide you with background information on the influence of TNCs such as Uber and Lyft in politics — as well as the impact that the so-called 'gig economy' is having on the lives of working people.

I have included those resources at the end of this communique should you be interested in reviewing them prior to the upcoming May 1st City Council meeting.

The Oregon AFL-CIO remains committed to being a voice for all workers, including Transportation Network Company drivers as well as traditional transportation workers.

That is why we are respectfully calling upon you to honor the Council values of participatory government and an economy that works for all through implementing a Transportation Industry Board Policy for the City of Ashland (see attached) alongside changes in regulation which would allow companies like Uber and Lyft to operate within Ashland city limits.

The Board would serve to examine conditions for drivers and riders in the transportation industry, and include representatives from populations reliant on public transportation such as senior citizens and people with disabilities; drivers from TNC and taxi services; and representatives from TNC and taxi management.

Their charge of duties would include:

- Investigating conditions and practices in the TNC industry and advising the Council on standards that ensure safe, reliable transportation by TNCs within the city, with emphasis on consumer and driver protections and establishing fair rates and driver compensation;
- Considering the effect of TNCs on the transportation system overall, including the financial and operational viability of the public transit system, and on transportation options for people of color, people with disabilities, and other people with equity concerns;
- Conducting public hearings and submitting to the Council a report, including its recommendations as to policy changes to carry out the purposes of this Act.
- Reviewing disputes between drivers and TNCs or consumers and TNCs regarding compliance with standards applicable to the industry that are brought to its attention, either through direct communications to the Board chair or at public hearing.

Drivers deserve to have a voice at the table. TNCs like Uber have shown us over and over again that they will blatantly disregard local authority to turn an enormous profit on the backs of working people. We advise you to learn from the experiences of other cities all across the world and consider alternative models for addressing historic inequities in the transportation system.

We ask that you do not move forward with this Council Bill until there is some structure in place to allow TNC drivers to have a voice in the industry here in Ashland.

If you have any questions about our work on policies related to TNCs, do not hesitate to contact me at (541) 890-7545 or evan@orafcio.org.

Further Resources

Uber State Interference: How TNCs Buy, Bully, And Bamboozle Their Way To Deregulation National Employment Law Project, January 18, 2018

- Recommendations to legislators from this comprehensive report include:
 - State legislators should reject efforts to preempt local authority with respect to TNCs, and instead delegate regulation of TNCs to local transportation authorities, just as many states have done for taxi regulation. Alternatively, they should work closely with cities to develop policies that establish a statewide floor, allowing cities flexibility to customize TNC regulations. They should reverse laws that strip drivers of their rights as employees.
 - Local legislators should require TNCs to comply with local labor standards and be alert to any attempts to define drivers' employment relationship as independent contractors in city legislation and rulemaking; require TNCs to share, with appropriate privacy safeguards, the data that communities need to ensure that TNCs are strengthening rather than undermining mobility and transportation; and learn about and support innovative ways to ensure for-hire drivers can form alternative business models, like cooperatives and nonprofit organizations.

A Drivers' Suicide Reveals the Dark Side of the Gig Economy New York Times, February 6, 2019

- Following the suicide of a taxi driver in New York City, this article examines the economic hardships of the 'gig economy.' I chose to include this article as part of this packet because it shines a light on how Transportation Network Companies' political influence leaves traditional transportation workers behind economically.

The Economics of Ride-Hailing: Driver Revenue, Expenses and Taxes MIT Center for Energy and Environmental Policy Research, February 2018

- Provides a detailed analysis of Uber and Lyft ride-hailing driver economics by pairing results from a survey of over 1100 drivers with detailed vehicle cost information. Results show that per hour worked, median profit from driving is \$3.37/hour before taxes, and 74% of drivers earn less than the minimum wage in their state.
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PROPOSED CITY OF ASHLAND TRANSPORTATION INDUSTRY BOARD POLICY

Prepared by National Employment Law Project & The Oregon AFL-CIO

DEFINITIONS

As used in this Chapter, unless the context requires otherwise:

1. **Board** means the transportation network industry board established in this chapter;
2. **Council** means the City of Ashland City Council;
3. **Mayor** means the City of Ashland Mayor;
4. **Transportation Network Company (TNC)** means any entity or organization, whether a corporation, partnership, or sole proprietor, that connects passengers with affiliated TNC drivers and TNC vehicles through an Internet-based digital or software platform/application operated by the TNC.
5. **Transportation Network Company (TNC) Driver** means any individual operating a PFHT vehicle who connects with passengers through an Internet-based digital or software platform/application operated by an affiliated TNC.

TRANSPORTATION NETWORK INDUSTRY BOARD – STAFFING AND MEMBERSHIP

There is established in the City of Ashland a transportation network industry board.

The Board shall be made up of seven members, to be appointed by the Council and Mayor. These shall be two representatives of Transportation Network Companies, three Transportation Network Company drivers or their representatives, one public member representing people with disabilities and one public member representing Ashland communities traditionally underserved by public transportation;

Board members' terms shall be staggered, so that one TNC representative, two drivers and one public representative shall expire on [date that makes a three-year term], and one TNC representative, one driver and one public member shall expire on [two-year term] The Council and Mayor must annually select one member as Chair. Vacancies shall be filled by appointment for the unexpired terms.

The members of the board shall not receive a salary or other compensation but shall be paid actual and necessary traveling expenses while engaged in the performance of their duties.

POWERS AND DUTIES OF THE BOARD.

1. The Board shall be charged with investigating conditions and practices in the TNC industry and advising the Council on standards that ensure safe, reliable transportation by TNCs within the city, with emphasis on consumer and driver protections and establishing fair rates and driver compensation. The Board will also investigate and consider the effect of TNCs on the transportation system overall, including the financial and operational viability of the public transit system, and on transportation options for people of color, people with disabilities, and other people with equity concerns;

Within 60 days of the appointment of the board, it shall a) conduct public hearings and b) submit to the Council a report, including its recommendations as to policy changes to carry out the purposes of this Act. The report and recommendations may be finalized only after a vote of all the sitting members of the Board, along with an accounting of the yea or nay votes. The report and recommendations shall be submitted to the Council Staff, who will transmit them to the City Council and Mayor.

City of Ashland staff shall draft legislative language from the recommendations, and within 60 days of receiving the report and language, the City Council shall consider proposed legislation,

PROPOSED CITY OF ASHLAND TRANSPORTATION INDUSTRY BOARD POLICY

Prepared by National Employment Law Project & The Oregon AFL-CIO

2. The Board is also empowered to resolve disputes between drivers and TNCs or consumers and TNCs regarding compliance with standards applicable to the industry that are brought to its attention, either through direct communications to the Board chair or at public hearing.

Whenever a dispute is brought to the attention of the Board,

Disputes must be resolved, through a process of binding mediation, within 8 weeks of formal presentation to the Board.

3. In carrying out its work under paragraphs 1 and 2, the Board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, and the production of all books, records, data, algorithms, and other evidence relative to any matters under inquiry. Such subpoenas shall be signed and issued by the chair of the TNC Board with the assistance of the City Attorney and shall be served and have the same effect as if issued out of the district court. The Board shall have power to cause depositions of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the district court. The Board shall not be bound by common law or statutory rules of procedure or evidence.
4. The Board shall be staffed by City Staff already assigned to TNC/PPV, convene its meetings and bring pertinent research, and industry experts before the Board.
5. After the Board has issued its initial report, it shall meet quarterly, or by call of the chair in response to disputes. The Board shall devote such time as it deems appropriate, at each quarterly meeting, to public hearing. Any member of the public may bring issues regarding driver standards before the Council and Mayor, which must resolve those issues within 12 weeks of formal presentation to the Board.

From: Jon Isaacs, Public Affairs Manager, Uber <administration@ashland.or.us>
Sent: Monday, April 30, 2018 10:29 AM
To: City Council
Subject: Council Contact Form - Jon Isaacs, Public Affairs Manager, Uber - 4/30/2018

Name: Jon Isaacs, Public Affairs Manager, Uber
Email: jisaacs@uber.com
Subject: Comments on proposed Ordinance No. 3152
Message: Ashland City Council,

My name is Jon Isaacs, and I am the Public Affairs Manager for Uber in Oregon, based out of Portland, OR. I apologize that I am unable to make these comments in person at your council meeting this evening.

I am writing to express Uber's opposition to the ordinance as proposed. As previously stated, if the ordinance is approved without changes Uber will continue to decline to include Ashland pick-up service in the Southern Oregon region. Drivers will continue to conduct drop-offs in Ashland.

Uber has transparently made our position on the draft ordinance clear to the city staff for several months. The previously provided e-mail clearly explains the changes that need to be made to make Uber's popular, on demand service available in Ashland. We remain hopeful that these changes will be made by the council.

By making the requested changes you will align Ashland's regulations with Bend, Salem, Corvallis, Eugene, and, most importantly, Medford. Rideshare service simply will not work for drivers or riders if Ashland adopts regulations that are out of alignment with the rest of the region.

Uber's app connects a statewide, national, and global network of riders with drivers who frequently conduct trips between jurisdictions. Uber's on demand service simply does not work when the regulations do not align between neighboring cities. This is why we worked so closely with, for example, Bend and Redmond, to align their local ordinances. Salem/Keizer and Corvallis/Albany are other examples of neighboring cities that took the necessary steps to modernize and align their for hire transportation regulations to bring rideshare to their

communities. It isn't clear to us why Ashland isn't taking the same successful approach.

We know that there is demand for Uber in Ashland. Drivers already complete hundreds of trips a week to Ashland. We have also received many questions as to why Uber is unavailable in Ashland. We encourage you to make the changes necessary so we can work with you to improve transportation for Ashland and the entire region.

I am available any time via phone or e-mail if you have any questions.

Sincerely,

Jon Isaacs
Public Affairs Manager, Uber
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