

Council Business Meeting

June 5, 2018

Title: South Ashland Business Park (601 Washington Street) Annexation

From: Bill Molnar Director of Community Development
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Derek Severson Senior Planner
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Summary:

The application is a request for Annexation of a 5.38-acre parcel at 601 Washington Street, and associated Zone Change to City E-1 (Employment) zoning, which is consistent with the property's Comprehensive Plan designation. The application also includes requests for Site Design Review approval for the phased development of a light industrial 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 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.).

At the May 1, 2018 meeting, the Council conducted the land use public hearing and approved first reading of the ordinance for the requested Annexation of a 5.38-acre parcel at 601 Washington Street, and associated Zone Change from the current County RR-5 (Rural Residential) zoning to the proposed City E-1 (Employment) zoning, which is consistent with the property's Comprehensive Plan designation.

Actions, Options, or Potential Motions:

The Council can choose to conduct second reading and adopt the ordinance and associated written findings, or could opt to postpone second reading to a later date. Staff recommends the first reading be conducted and findings adopted with the following motions:

- **“I move approval of the second reading by title only of “An Ordinance Annexing Property and Withdrawing an Annexed Area from Jackson County Fire District No. 5” and adoption of the ordinance; and**
- **“I move to adopt written findings for approval of Planning Action #2018-00154.”**

Staff Recommendation:

Staff recommends that the Council approve second reading and adopt the ordinance annexing the property, and adopt the written findings provided.

Resource Requirements:

Staff does not believe that approval would result in workload issues or adversely affect project prioritization.

Policies, Plans and Goals Supported:

Council Goals: Economy

Goal 19 *Ensure that commercial and industrial areas are available for development.*

Comprehensive Plan Elements: Element VII – The Economy

Goals 7.07.03 *To ensure that the local economy increases its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.*

Policy 1 *The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.*

Policy 2a) *The City shall design the Land Use Ordinance to provide for: Land division and development within employment and manufacturing districts, and continue the employment zoning district which will provide for service, retail, and light industrial uses consistent with specific performance standards relative to heavy truck traffic, noise, dust, vibration, and single-passenger vehicle trips.*

Background and Additional Information:

The application also includes requests for Site Design Review approval for the phased development of a light industrial 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 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.). The Planning Commission has reviewed and conditionally approved these elements of the application which fall under their purview and has recommended that the Council approve the annexation request.

Written findings for the decision completing the land use portion of the annexation process are presented for Council adoption. These findings incorporate the Planning Commission’s conditional approval and the applicants’ responses to the transportation-related issues raised by Craig Anderson at the May 1st hearing as attachments to the findings.

Attachments:

1. Ordinance
2. Ordinance Exhibit A (property description)
3. Ordinance Exhibit B (property map)
4. Written Findings approving Planning Action #2018-00154

ORDINANCE NO. _____

AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING AN ANNEXED AREA FROM JACKSON COUNTY FIRE DISTRICT NO.5 (South Ashland Business Park Annexation – Planning Action #2018-00154)

Recitals:

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

B. Pursuant to ORS 222.120 and ORS 222.524 a public hearing was held on May 1, 2018, on the question of annexation as well as the question of withdrawal of the property from Jackson County Fire District No. 5. The hearing was held in the Council Chambers, Civic Center, 1175 East Main Street, Ashland, Oregon.

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

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

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

SECTION 3. The land described in the attached Exhibit "A" is declared to be withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2018 and duly PASSED and ADOPTED this ____ day of _____, 2018

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2018.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

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541-772-8465

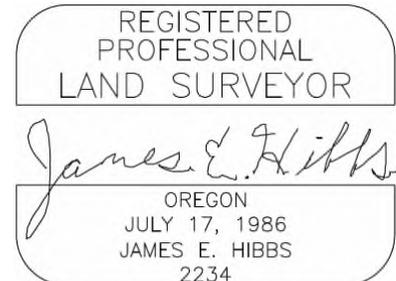
JAMES E. HIBBS, PLS

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Northeast corner of Parcel 2 per Partition Plat No. P-53-1991, according to the official plat thereof, now of record, in Volume 2, Page 53 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 12528 in the Office of the Jackson County Surveyor, said point also being on the existing City of Ashland Boundary; thence along said City Boundary, North 00°09'23" East, 70.01 feet to the North line of Washington Street as set forth in Document No. 72-00467, Official Records of Jackson County, Oregon; thence leaving said City Boundary, along said North line, South 89°50'37" East, 114.48 feet to the Westerly right of way line of Interstate No. 5 as set forth in Circuit Court Case No. 91-804-L, also being on the existing City of Ashland Boundary; thence along right of way line and along said City Boundary, the following three courses: South 43°24'07" East, 360.57 feet; thence South 26°38'49" East, 319.92 feet; thence South 26°41'00" East, 73.36 feet to the Southeast corner of that tract described in Document No. 2009-009985, said Official Records; thence along said City Boundary and along said South line, WEST, 622.96 feet to the Southwest corner of said tract; thence along the Westerly line of said tract and along said City Boundary the following four courses: North 06°50'20" East, 145.15 feet; thence North 07°40'02" East, 157.59 feet; thence North 16°14'57" East, 181.37 feet; thence North 04°04'34" West, 69.52 feet to the point of beginning. Containing 5.60 acres, more or less.

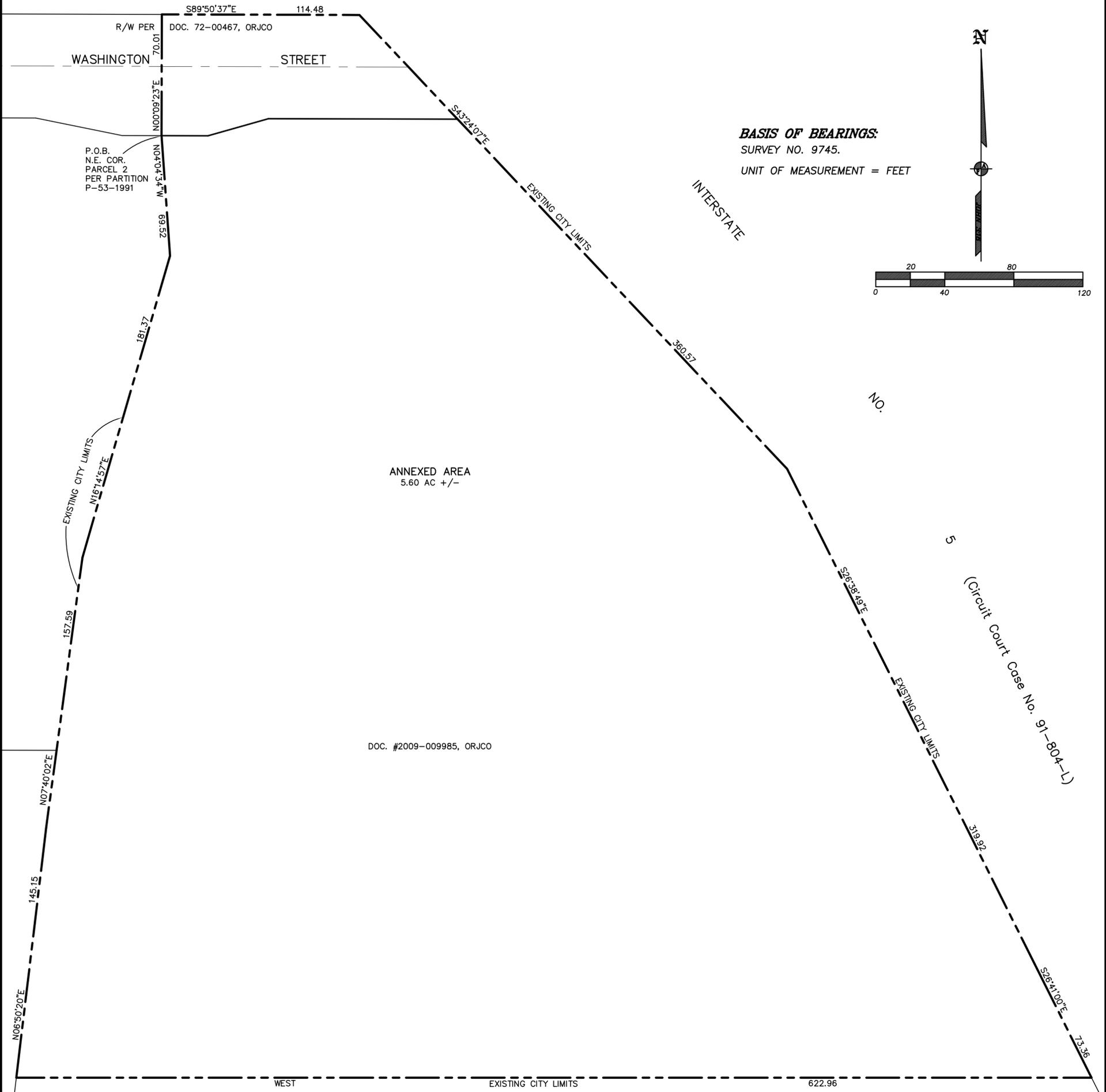
ANNEXED TRACT
391E14AB TL2800
Archerd-Breeze
16-199
December 1, 2017



RENEWAL DATE : 6-30-19

MAP OF ANNEXED TRACT

Located in the N.E. 1/4 of Sec. 14, T.39S., R.1E., W.M.
City of Ashland Jackson County, Oregon



REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-19	TITLE: ANNEXED TRACT ASSESSOR'S MAP #: 391E14AB TL2800 FOR: ARCHERD-BREEZE 100 E. MAIN ST. SUITE C MEDFORD, OR 97501	DATE: 1 DEC 2017 SCALE: 1 inch : 40 feet DRAWN BY: JEH CHK BY: ORIGIN: ROTATION: 0 JOB#: 16199FM
	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 Email: ljfriar@charter.net	Sheet 1 of 1.

**BEFORE THE ASHLAND CITY COUNCIL
June 5, 2018**

IN THE MATTER OF PLANNING ACTION #2018-00154, 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 RE-)
VIEW APPROVAL FOR THE PHASED DEVELOPMENT OF A LIGHT INDUSTRIAL)
BUSINESS PARK FOR THE PROPERTY LOCATED AT 601 WASHINGTON ST.)
THE APPLICATION INCLUDES A REQUEST FOR A CONDITIONAL USE PER-)
MIT TO ALLOW A WATCHMAN’S DWELLING; LIMITED USE/ACTIVITY PER-)
MITS WITHIN THE WATER RESOURCE PROTECTION ZONES OF KNOLL CREEK) **FINDINGS,**
AND A POSSIBLE WETLAND ON THE PROPERTY TO CONSTRUCT A STORM-) **CONCLUSIONS &**
WATER OUTFALL AND STREET IMPROVEMENTS; AN EXCEPTION TO STREET) **ORDERS**
STANDARDS FOR THE FRONTAGE IMPROVEMENTS ALONG THE PROPER-)
TY’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.))

OWNER/APPLICANT: South Ashland Business Park LLC)
)
)

RECITALS:

- 1) Tax lot #2800 of Map 39 1E 14AB is located at 601 Washington Street, which is presently outside the city limits, and is zoned RR-5, Jackson County Rural Residential.

- 2) The applicants are requesting 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.). The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Annexation are described in AMC 18.5.8.050 as follows:

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

- A. *The land is within the City's Urban Growth Boundary.*
- B. *The proposed zoning for the annexed area is in conformance with the designation indicated*

on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

- C. The land is currently contiguous with the present city limits.*
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.*
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.*
 - 1. For vehicular transportation a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.*
 - 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.*
 - 3. For pedestrian transportation safe and accessible pedestrian facilities exist or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.*
 - 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public*

transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

- F.** *For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35 percent, shall not be included.*
- G.** *Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.*
- 1. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.*
 - a. Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.*
 - b. Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.*
 - c. Ownership units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.*
 - d. Ownership or rental units restricted to households earning at or below 60 percent the area median income shall have an equivalency value of 1.5 unit.*
 - 2. As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.*
 - a. The land to be transferred shall be located within the project meeting the standards set forth in 18.5.8.050.G, subsections 4 - 6.*

- b. *All needed public facilities shall be extended to the area or areas proposed for transfer.*
 - c. *Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.*
 - d. *The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.*
3. *The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.*
- a. *The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 18.5.8.050.G.3.*

Table 18.5.8.050.G.3

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

- b. *The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.*
4. *A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.*

- a. *That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.*
 - b. *Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.*
5. *That affordable housing units shall be distributed throughout the project*
6. *That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.*
 - a. *The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units*
 - b. *Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.*
7. *Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.*
 - a. *That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.*
 - b. *That an alternative mix of housing types not meeting the requirements of subsection 18.5.8.050.G.3.b would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.*
 - c. *That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.*
 - d. *That the distribution of affordable units within the development not meeting subsection 18.5.8.050.G.5 is necessary for development of an affordable housing project that provides onsite staff with supportive services.*

- e. *That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of subsection 18.5.8.050.G.5.*
 - f. *That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.6, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.*
8. *The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.*

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

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

4) The criteria for a Zoning Map Amendment are described in AMC 18.5.9.020 as follows:

A. **Type II.** *The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*

1. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
2. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
3. *Circumstances relating to the general public welfare exist that require such an action.*
4. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*

B. **Type III.** *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*

1. *Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*

2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*
3. *Land Use Ordinance amendments.*
4. *Urban Growth Boundary amendments.*

5) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. ***Exception to the Site Development and Design Standards.*** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*
or
 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

6) The criteria for a Conditional Use Permit are described in AMC 18.5.4.050.A as follows:

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan*

- policies that are not implemented by any City, State, or Federal law or program.*
2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
 3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. *Generation of noise, light, and glare.*
 - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
 4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
 5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
 - a. **WR and RR.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. **R-1.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. **R-2 and R-3.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. **C-1.** *The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. **C-1-D.** *The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. **E-1.** *The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50*

floor to area ratio, complying with all ordinance requirements.

- g. **M-1.** *The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
- h. **CM-C1.** *The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
- i. **CM-OE and CM-MU.** *The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
- k. **CM-NC.** *The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. **HC, NM, and SOU.** *The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

7) The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B as follows:

- 1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

- 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The*

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City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The criteria for a Limited Activities and Uses Permit are described in AMC Section 18.3.11.060.D as follows:

All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

- 1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
- 2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
- 3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
- 4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
- 5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
- 6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

- 9) The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:
- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
 - b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
 - c. *The exception is the minimum necessary to alleviate the difficulty.*
 - d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

10) The Planning Commission, following proper public notice, held a public hearing on March 13, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the requests for Site Design Review approval for the phased development of a light industrial business park, 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.), contingent upon the City Council's ultimate approval of the requested Annexation, and subject to conditions pertaining to the appropriate development of the site.

11) The City Council, following proper public notice, held a public hearing on May 1, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the City Council approved the Annexation application, subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. FINDINGS & CONCLUSIONS

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

2.2 The City Council finds that the proposal for Annexation and Zoning Map Amendment meets the applicable criteria in AMC 18.5.8.050 and AMC 18.5.9.020. The City Council further finds that the proposal for Site Design Review, Conditional Use Permit, Limited Activity/Use Permit, Tree Removal Permit and Exception to Street Standards approvals has been reviewed by the Planning Commission and found to meet all applicable criteria for Site Design Review approval described in AMC 18.5.2.050; for a Conditional Use Permit described in AMC 18.5.4.050.A; for a Limited Use/Activity Permit described in AMC 18.3.11.060.D; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for Exception to Street Standards as described in AMC 18.4.6.020.B.1. The Planning Commission Findings, Conclusions, Orders and Recommendations dated April 10, 2018 are hereby adopted by reference in their entirety and attached as Exhibit A to these findings.

2.3 The City Council finds that the approval standards for an Annexation require that the subject property be located within the City's Urban Growth Boundary, that the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation, that the applicant obtain Site Design Review approval for an outright permitted or special permitted use concurrently with annexation, and that the land be currently contiguous with the present City limits. In this instance, the subject property is located within the Urban Growth Boundary and is contiguous with the existing city limits boundary on three sides. The requested zoning is consistent with the site's Comprehensive Plan designation of "Employment" and Site Design Review has been requested for buildings which would contain outright permitted uses.

The Council finds that the requested annexation complies with the applicable approval standards, and the proposed zoning is consistent with the Comprehensive Plan designation of the property and is in keeping with the Economy Goal 7.07.030 of the Comprehensive Plan which strives "*to ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities and the retention of a high quality environment.*" The Council finds that the approximately 72,000 square foot flexible space light industrial development described will have similar benefits to the economy as have the developments along Hersey Street which provide options for a variety of businesses to establish themselves and grow in Ashland.

The Council further finds that annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property. With three recent annexations in the immediate vicinity, for Oak Street Tank and Steel, Brammo Motorsports and Modern Fan, utilities in the area have had recent upgrades and there are eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way. The application explains that the applicants have engaged Thornton Engineering, Inc. to evaluate

public facilities and prepare preliminary utility plans for the project which have been provided as the applicants' "Exhibit 7" and on Page 3.3 of the applicants' atlas. Thornton's materials indicate that based on research and analyses completed, the stormwater management facilities, sanitary sewer facilities, and water service facilities are adequate in condition, capacity and location to serve the proposed development on the subject property. Individual utilities are discussed in the application as follows:

- **Water:** The application notes that there is an existing eight-inch water main within the Washington Street right-of-way. The applicants propose to connect to the existing main and stub individual services to the proposed buildings, and each building is to have its own meter. Industrial buildings are to be served from the north while the office building will connect at the southeast corner of the site.
- **Sanitary Sewer:** The application notes that there are existing mains within the Washington Street right-of-way. One of the mains runs along the eastern project boundary; the office building is proposed to connect to this line. The other main is on the project's north boundary. The applicants propose to run a new eight-inch private sewer line along the western circulation driveway to the north and tie into the public sanitary sewer in this location.
- **Storm Drainage:** The application notes that, with the exception of the office building proposed at the southeast corner of the site, all new impervious surfaces are proposed to drain to Knoll Creek at the northwest corner of the project. Thornton Engineering's designs propose a Contech Stormwater Quality Manhole or similar structure to detain water prior to releasing it onto an engineered outflow structure designed to minimize velocities and prevent erosion and scour where the storm drainage converges with the main channel of Knoll Creek. The office building is relatively small and the applicants propose to discharge its low volume storm water into the existing ditch that feeds the possible wetland along Washington Street.
- **Electric:** The application explains that there is existing electric at the property line where Washington Street turns to the south. The applicants plan to replace the vault at this location with a new vault and create a public utility easement along the project's easterly circulation drive to extend power from the north to the south. The power will tie back in at the existing vault on Washington Street in the southeastern corner of the site.

The Council finds that the applicants' civil engineer has provided preliminary drawings addressing the siting of utilities for the project, and conditions have been included below to require that final electric, utility and storm drainage plans be provided for the review and approval of the Public Works, Electric, Planning and Building Departments prior to submittal of building permit plans.

The City Council finds that annexations are required to provide necessary transportation facilities to and through the subject property, and transportation facilities must address all modes including motor vehicle, bicycle, pedestrian and transit. To satisfy transportation facility requirements for motor vehicles, annexation standards require that, at a minimum, a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street and that all streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. Annexation standards further provide that the city may, after assessing the impact of the development, require full improvement of streets adjacent to the annexed area while all streets located within the annexed areas are to be fully improved to City standards.

The Council finds that Washington Street is considered to be a commercial collector street or avenue under the adopted Transportation System Plan (TSP). The City of Ashland Street Standards call for ten-foot travel lanes, six-foot bike lanes, a six-inch curb, five-foot commercial hardscape park rows with street trees in tree grates, and eight-foot sidewalks. The application explains that the city's standard avenue frontage improvements, even without a parkrow planting strip and sidewalk on the freeway side, will simply not fit between the water resource protection zone of the possible wetland on the property and the freeway guardrail.

Exceptions to Street Standards require a demonstration that the facilities and resultant connectivity proposed are equal or superior to those required under the standards; that the exceptions requested are the minimum necessary to alleviate the difficulty, and that the exceptions are consistent with the purpose and intent of the Street Standards. The Planning Commission found, and the Council concurs, that over the long term a ten-foot multi-use path mixing pedestrians with two-way bicycle traffic immediately adjacent to an avenue as illustrated in the applicants' Option A, or placing pedestrians on a curbside sidewalk immediately adjacent to an avenue as illustrated in their Option B, both without the benefit of a park row and street trees to provide a buffer from anticipated truck traffic at avenue speeds, cannot be found to be equal or superior when users of all modes are considered. The Commission further found, and the Planning Commission concurs, that park row planting strips with street trees between the sidewalk and roadway provide benefits not merely as "*right-of-way greenspace*" but serve "*to buffer pedestrians and adjacent land uses from traffic, enhance street image and neighborhood character, calm motor vehicle traffic speeds, and enhance neighborhood identity or sense of place* (AMC 18.4.6.040.D.17)."

The Council finds that during the March 13th Planning Commission hearing, Planning staff explained that under the city's street standards, "*avenues are intended to provide concentrated pedestrian, bicycle, transit, and motor vehicle access from neighborhoods to neighborhood activity centers and boulevards. Avenues are similar to boulevards, but are designed on a smaller scale. Design should provide an environment where walking, bicycling, using transit, and driving are equally convenient and facilitates the avenue's use as a public space. A two-lane or three-lane configuration can be used depending on the number of trips generated by surrounding existing and future land uses.*" Staff further detailed the future connectivity envisioned in the Transportation System Plan which include project #R25, the extension of Independent Way to provide an east-west connection between Tolman Creek Road and Washington Street; project #R29, the extension of Washington Street to the south to connect with the Crowson and Benson area; and project #X2 which envisions a new railroad crossing from Washington's current terminus into the Croman Masterplan area. Staff further discussed that during the most recent Buildable Lands Inventory Update, the Washington, Jefferson, Benson and Croman 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.

The Council finds that an Exception, as approved by the Planning Commission, is appropriate to not require sidewalks or parkrow planting strips on the freeway side of Washington Street, but that with annexation automobile travel lanes and bicycle lanes are needed in both directions, and should be placed so that no relocation of the guardrail will be required. In addition, the Council concurs with the Planning Commission and finds that seven-foot landscaped parkrow and six-foot sidewalk are needed on the full frontage, completed with the second phase, with the exception that the park row planting strip could be removed in those areas where necessary to avoid wetland impact, with larger stature trees to be placed at the wetland edge in those areas to offset the canopy that standard street tree placement would provide. In response to these parameters, the applicants presented a proposed “Option E” during the Planning Commission’s March 13th hearing which provided two bicycle lanes, two travel lanes, and a sidewalk with parkrow for all but 140 feet of the frontage where the parkrow would be removed to avoid impacts to the wetland.

The project proposes two driveway access points to Washington Street. The main project access will be located at the northwest corner of the site. This driveway will serve the industrial flex-space buildings in the project, which constitute the majority of the development. The small office building proposed for the southeast corner of the site in a later phase will have its own access to Washington Street because it is separated from the rest of the site by the possible wetland. There is an unimproved flag pole for the neighboring tax lot to the south (Tax Lot #100) that separates the subject property from the Modern Fan II development (Tax Lot #200). There is a retaining wall on the north boundary of Tax Lot #200 which makes it impractical to utilize a single consolidated driveway for all three properties, however the applicants note that they would accept a condition of approval that the final design for the driveway access for the office building project in Phase #4 be configured to allow for cross access to the flag driveway for Tax Lot #100. A condition to this effect has been included below.

2.4 The City Council finds that Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the transportation impacts of the proposal, and her transportation impact analysis (TIA) is provided as the applicants’ “Exhibit 5.” Key findings of the TIA include:

- All of the intersections studied meet mobility standards through the year 2023 with the development of the proposed 72,606 square foot business park;
- The proposed E-1 zoning will generate more traffic than the existing Rural Residential zoning, triggering the need for Transportation Planning Rule analysis.
- The intersections of Ashland Street at the I-5 northbound ramps, Ashland Street at the I-5 southbound ramps, and Ashland Street at Normal Avenue do not meet the applicable mobility standards for the year 2034 background conditions.
- The “worst case” development potential under the proposed E-1 zoning will worsen the year 2034 intersection performance to not meet standards. In lieu of mitigation, the applicants note that a trip cap could be imposed to limit daily trips to the level of traffic generated by the proposed development scenario, i.e. no more than the 910 ADT anticipated to be generated by the proposed watchman quarters and 72,606 square feet of light industrial space. Under such a trip cap, all intersections projected to operate within the applicable mobility standards will continue to meet applicable standards and all intersections projected to exceed applicable mobility standards will operate no worse than the 2034 background conditions, with no further mitigation needed.

In considering this proposed trip cap, the Planning Commission found that the Transportation Planning Rule in OAR 660-012-0060 “*Plan & Land Use Regulation Amendments*” provides that 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.*

The Planning Commission found that in this case, the proposed E-1 zoning is consistent with the Comprehensive Plan Map “Employment” designation and the proposed amendment does not result in a change to the Comprehensive Plan Map. The Planning Commission further found that the City has a Transportation System Plan (TSP) which was adopted and acknowledged in 2012 and that the proposed E-1 zoning is consistent with that considered for the subject property in the TSP, and that the area subject to the zoning map amendment was not exempted from this rule at the time of a previous Urban Growth Boundary (UGB) amendment. As such, the Planning Commission found that the proposed zoning map amendment did not significantly affect existing or planned transportation facilities, and they determined that no trip cap was necessary.

Subsequent to the Planning Commission decision, the Oregon Department of Transportation (ODOT) submitted a letter dated April 12, 2018 noting that they were not notified on the initial Planning Commission hearing, but after communicating with the applicants’ traffic engineering consultant regarding the applicants’ traffic impact analysis and reviewing the Planning Commission’s decision provided by planning staff, they believe that the proposal will adversely impact the state’s transportation facility. They explain that the city’s 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. ODOT indicates that in order to avoid violating the Transportation Planning Rule, a trip cap as proposed by the applicants is still needed.

In addition to ODOT’s April 12, 2018 letter, a letter was received from citizen Craig Anderson on May 1, 2018 which asserted that OAR 660 Division 12 was applicable for this action and which raised a number of related issues with the city’s TSP and the Regional Transportation Plan (RTP). In response, the applicants submitted a “Rebuttal to Anderson Letter Dated May 1, 2018; Planning Action #2018-154”. The applicants’ rebuttal to Anderson is hereby adopted as Exhibit B to these findings.

In response to the concerns raised over the trip cap issue, the applicants noted that while they concurred with planning staff and the Planning Commission in believing that a defensible finding can be made that no trip cap is necessary under the Transportation Planning Rule, they nonetheless preferred to avoid an unnecessary appeal over this issue and accordingly indicated that they remained willing to be subject to

their originally proposed trip cap. The Council accordingly finds that, on this basis, a trip cap is appropriate and a condition to this effect has been included below.

2.5 The Planning Commission found that, as detailed in AMC 18.5.9.020, Zone Changes may be processed as a Type II procedure when they are consistent with the Comprehensive Plan. In this instance, the requested zone change is consistent with the property's "Employment" Comprehensive Plan designation. The approval criteria for a Type II Zone Change, where the Zone Change is consistent with the existing Plan designation, require that one or more of the following be demonstrated:

- 1) The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan;
- 2) A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances;
- 3) Circumstances relating to the general public welfare exist that require such an action;
- 4) Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G;
- 5) Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G; and
- 6) The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions. In terms of these criteria, in staff's view #4 dealing with the provision of affordable housing seems the most relevant.

The Planning Commission found, and the Council concurs, that the requested zone change and associated development of the property implements a public need for industrial development as defined in "The Economy" element of the Comprehensive Plan, and is consistent with the Comprehensive Plan's "Employment" designation of the property and with Goal 7.07.03 of the Comprehensive Plan which strives *"To ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses,"* and the associated Policy #1 that the *"City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents."* The Council further finds that the 72,000 square foot flexible space light industrial development described will be beneficial for Ashland's economy, as have similar developments along Hersey Street which provide an option for a variety of businesses to establish themselves and grow in Ashland.

2.6 The City Council finds that the City's adopted Comprehensive Plan has previously been acknowledged as being consistent with Oregon's Statewide Planning Goals & Guidelines, and that the current request is consistent with the property's existing Comprehensive Plan designation.

The City Council approves the requested Annexation and Zone Change from County RR-5 to City E-1. The Council further adopts the Planning Commission's Findings, Conclusions, Orders and Recommendations dated April 10, 2018 approving the Site Design Review, Conditional Use Permit, Limited Use/Activity Permits, Exception to Street Standards and Tree Removal Permit component requests of Planning Action #2008-00154 in their entirety as Exhibit A of these findings.

SECTION 3. DECISION

3.1 The application includes a request for the Annexation of a 5.38-acre parcel with city E-1 (Employment) zoning, and Site Design Review approval for the phased development of a light industrial business park consisting of approximately 72,000 square feet of light industrial, manufacturing and fabrication space for the property located at 601 Washington Street. The application also includes a request for a Conditional Use Permit to allow a watchman's dwelling; Limited Use/Activity Permits to construct a stormwater outfall and street improvements within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property; 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.).

The City Council finds that the requested annexation complies with the applicable approval standards, and is consistent with the Comprehensive Plan designation of the property and with the Economy Goal of the Comprehensive Plan which strives for a healthy economy, diverse in the number, size and types of businesses. The Council believes that the 72,000 square foot flexible space light industrial development described will be beneficial for Ashland's economy, as have similar developments along Hersey Street which provide an option for a variety of businesses to establish themselves and grow in Ashland. Overall, the Council finds that application merits approval.

Based on the record of the Public Hearing on this matter, the City Council concludes that the proposal for Annexation, Zoning Map Amendment, Site Design Review approval, Exception to Street Standards, Conditional Use Permit, Limited Use/Activity Permit, and Tree Removal Permit is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the City Council approves the requested Annexation and Zone Change, and further adopts the Planning Commission's Findings, Conclusions, Orders and Recommendations dated April 10, 2018 approving the Site Design Review, Exception to Street Standards, Conditional Use Permit, Limited Use/Activity Permit and Tree Removal components of Planning Action #2018-00154 in their entirety as Exhibit A of these findings. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00154 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicants shall be conditions of approval unless otherwise modified herein, including but not limited to the applicants' proposed a trip cap which will limit average daily trips (ADT) to the level of traffic generated by the currently proposed development scenario, i.e. to no more than the 910 ADT anticipated to be generated by the proposed watchman quarters and the proposed 72,606 square feet of light industrial space.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in

substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.

- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.4.7.
- 4) That prior to any work within the Oregon Department of Transportation (ODOT) right-of-way, the applicants shall obtain any necessary permit approvals from ODOT. The applicants shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within ODOT right-of-way prior to the commencement of work.
- 5) That prior to work in the City of Ashland right-of-way, the applicants shall obtain any necessary permit approvals from the City of Ashland Public Works Department. The applicants shall obtain all required inspection approvals for work completed within the City right-of-way.
- 6) That all recommendations of the Tree Commission from their March 8, 2018 regular meeting shall be conditions of approval where consistent with the applicable regulations and standards, and with final approval by the Staff Advisor.
- 7) That the applicants shall obtain required land use approvals, as well as any necessary federal or state approvals, for the remaining phases of the development including but not limited to Site Design Review approvals for Phase 2, 3 and 4 buildings; Limited Use/Activity Permits for frontage improvements within the wetland water resource protections zone for W11; and Tree Removal Permits for Trees #15, #18 and #21 in Phase 3. The current approval is limited to the improvements specifically associated with Phase 1 and the conceptual approval of the site master plan, with the recognition that limited grading and utility installations will occur with Phase 1 to lay the groundwork for later phases.
- 8) That prior to the submittal of a building permit:
 - a) Building permit submittals shall include identification of all easements, including public and private utility easements, fire apparatus access easements, and a conservation easement or other similar recorded development restriction to perpetually protect the portion of the Knoll Creek stream bank water resources protection zone and the wetland water resource protection zone on the property according to the requirements of AMC Section 18.3.11.110.C.8.
 - b) A final stormwater drainage plan, including any details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside wetland will be retained at their current levels to ensure the continuing recharge of the wetland.
 - c) Engineered construction drawings for the required improvements along the property's Phase 1 Washington Street frontage, from the existing terminus of the sidewalk at the northwest corner of the site to the eastern extent of the proposed watchman quarters

building shall be provided for review and approval by the Oregon Department of Transportation and the City of Ashland's Planning and Engineering Departments prior to the issuance of the Phase 1 building permit or any work within the street right-of-way or pedestrian corridor. Engineered construction drawings for the remaining frontage, from the watchman quarters building to the southeast corner of the site, shall be provided for review and approval with the Phase 2 Site Design Review application. The required improvements shall be consistent with the applicants Option E including paved ten-foot motor vehicle travel lanes, six-foot bike lanes, six-inch curb, gutter, a seven-foot landscaped parkrow with irrigated street trees, a six-foot sidewalk and city standard streetlights for the property's Washington Street frontage with the exception of an approximately 140-foot length where the sidewalk shall be installed curbside to avoid impacts to the possible wetland on site. The final engineered designs shall include details of the transition from the existing curbside sidewalk at the northwest of the property. Any additional right-of-way necessary to accommodate these city standard avenue improvements shall be provided through a right-of-way dedication if deemed necessary by the Public Works/Engineering Department. The applicants shall obtain necessary approvals from the Oregon Department of Transportation (ODOT) for improvements within the ODOT right-of-way and necessary federal, state and local permits for work in the wetland water resource protection zone based on a formal wetland delineation prior to installation of those improvements.

- d) A final utility plan for the project shall be submitted for review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
- e) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City's municipal electric utility and the necessary services to make this transition will need to be installed at the applicant's expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.
- f) The building permit plan submittals shall include lot coverage calculations including all building footprints, driveways, parking, and circulation areas. These plans shall demonstrate that at least 15 percent of the site is surfaced in landscaping, and that at least

seven percent of the parking lot area is provided in required parking lot landscaping, as required in the Site Design & Use Standards.

- g) The building permit plan submittals shall include and sample exterior building colors and materials for review and approval of the Staff Advisor. The exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials.
- 9) That prior to the issuance of a building permit:
- a) The applicant shall provide a final Tree Preservation and Protection Plan consistent with the requirements of AMC 18.4.5.030 incorporating any recommendations of the Tree Commission from their March 8, 2018 meeting, where consistent with applicable standards and with final approval by the Staff Advisor.
 - b) That a Verification Permit in accordance with 18.4.5.050 shall be applied for and approved by the Ashland Planning Division prior to removal of any trees from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the on-site identification of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit. In conjunction with the Tree Verification, silt fencing or other measures to delineate and protect the Water Resource Protection Zones on site shall be installed, inspected and approved as well.
 - c) The applicant shall provide a revised Landscape/Irrigation Plan which addresses the recommendations of the Tree Commission from their March 8, 2018 meeting where consistent with applicable standards and with final approval of the Staff Advisor, and also addresses the Water Conserving Landscaping Guidelines AMC 18.4.4.030.I, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the trees being removed.
 - d) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
 - e) At the time of building plan submittal, final bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with AMC Section 18.4.3.070.

- f) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
 - g) That the buildings shall meet Solar Setback B in accordance with AMC Section 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B and shall include solar calculations with shadow producing point(s) and height to natural grade clearly illustrated and labeled.
 - h) The requirements of the Building Division shall be satisfactorily addressed.
 - i) The requirements of the Ashland Fire Department shall be satisfied including: approved addressing; fire apparatus approach, access, turn-around and associated easements; fire flow; fire department connection; fire sprinklers and fire hydrants where applicable; key box installation; hydrant clearances; high-piled storage requirements; and that any gates, fences, or other impediments to required fire apparatus access width approved by Ashland Fire and Rescue shall be addressed in the permit submittals and implemented on site prior to the issuance of an occupancy permit. Final determinations of fire hydrant distance, fire flow, and fire apparatus access requirements are to be based upon plans submitted for building permit review.
 - j) A revised site plan detailing the proposed phased installation of buildings, parking, and driveways detailing the extent of improvements proposed to be installed with each phase, including street frontage improvements, shall be provided for the review and approval of the Staff Advisor.
 - k) A revised site plan addressing the pedestrian access and circulation requirements of AMC 18.4.3.090. At a minimum, this would include a materially-distinct pedestrian walkway within the proposed driveway system to support pedestrian circulation from the office, along the driveway connecting to each of the buildings.
 - l) That the applicants shall provide a final management plan, including any easements, providing for the long-term conservation, management and maintenance of the Knoll Creek Water Resource Protection Zone as detailed in AMC 18.3.11.110.C prior to the issuance of a building permit.
 - m) That a final size- and species-specific mitigation plan consistent with the requirements of AMC 18.3.11.110.B.1. including irrigation details and details of the selection and placement of landscape materials to mitigate the area impacted by the storm water outfall installation shall be provided for the review and approval of the Staff Advisor. All mitigation plantings shall be installed according to the approved plan, inspected, and approved by the Staff Advisor, and the management plan and any necessary easement modifications recorded prior to final approval of the certificates of occupancy for Phase 1.
- 10) That prior to the issuance of a certificate of occupancy:

- a) That the screening for the recycling and refuse disposal areas shall be installed in accordance with the requirements of AMC 18.4.4.040, inspected and approved by the Staff Advisor.
 - b) All required parking areas shall be paved and striped according to the approved plan.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
 - e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.
- 11) That the application for Phase 2 shall include a revised Site Plan that better incorporates the creek into the site design through means such as pedestrian access points, unpaved trail installation and a small patio/seating area.
 - 12) That in conjunction with the application for Phase 2, the applicants shall provide engineered design drawings for the required frontage improvements along Washington Street consistent with Option E; prepare and submit a formal wetland delineation to the Division of State Lands; obtain any necessary city, state and federal permits for the frontage improvements in the wetland water resource protection zone based on the delineation; and complete appropriate mitigation within the Knoll Creek corridor on the subject property.
 - 13) That the final design for the Phase 4 office building at the southeast corner of the property shall be configured to allow for cross access to the flag driveway for Tax Lot #100 to the south. Cross easements providing for use of this access shall be provided prior to the issuance of a certificate of occupancy for this building.

City Council Approval
John Stromberg, Mayor

June 5, 2018

Date

BEFORE THE PLANNING COMMISSION
April 10, 2018

IN THE MATTER OF PLANNING ACTION #2018-00154, 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 RE-)
VIEW APPROVAL FOR THE PHASED DEVELOPMENT OF A LIGHT INDUSTRIAL)
BUSINESS PARK FOR THE PROPERTY LOCATED AT 601 WASHINGTON ST.)
THE APPLICATION INCLUDES A REQUEST FOR A CONDITIONAL USE PER-)
MIT TO ALLOW A WATCHMAN’S DWELLING; LIMITED USE/ACTIVITY PER-)
MITS WITHIN THE WATER RESOURCE PROTECTION ZONES OF KNOLL CREEK) **FINDINGS,**
AND A POSSIBLE WETLAND ON THE PROPERTY TO CONSTRUCT A STORM-) **CONCLUSIONS,**
WATER OUTFALL AND STREET IMPROVEMENTS; AN EXCEPTION TO STREET) **ORDERS &**
STANDARDS FOR THE FRONTAGE IMPROVEMENTS ALONG THE PROPER-) **RECOMMENDATIONS**
TY’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.))
))
OWNER/APPLICANT: South Ashland Business Park LLC)
))

RECITALS:

1) Tax lot #2800 of Map 39 1E 14AB is located at 601 Washington Street, which is presently outside the city limits, and is zoned RR-5, Jackson County Rural Residential.

2) The applicants are requesting 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.). The proposal is outlined in plans on file at the Department of Community Development.

3) The criteria for Annexation are described in AMC 18.5.8.050 as follows:

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

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

B. *The proposed zoning for the annexed area is in conformance with the designation indicated*

on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

- C. The land is currently contiguous with the present city limits.*
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.*
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.*
 - 1. For vehicular transportation a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.*
 - 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.*
 - 3. For pedestrian transportation safe and accessible pedestrian facilities exist or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.*
 - 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public*

transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

- F.** *For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35 percent, shall not be included.*
- G.** *Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.*
- 1. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.*
 - a. Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.*
 - b. Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.*
 - c. Ownership units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.*
 - d. Ownership or rental units restricted to households earning at or below 60 percent the area median income shall have an equivalency value of 1.5 unit.*
 - 2. As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.*
 - a. The land to be transferred shall be located within the project meeting the standards set forth in 18.5.8.050.G, subsections 4 - 6.*

- b. *All needed public facilities shall be extended to the area or areas proposed for transfer.*
 - c. *Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.*
 - d. *The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.*
3. *The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.*
- a. *The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 18.5.8.050.G.3.*

Table 18.5.8.050.G.3

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

- b. *The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.*
4. *A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.*

- a. *That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.*
 - b. *Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.*
5. *That affordable housing units shall be distributed throughout the project*
 6. *That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.*
 - a. *The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units*
 - b. *Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.*
7. *Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.*
 - a. *That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.*
 - b. *That an alternative mix of housing types not meeting the requirements of subsection 18.5.8.050.G.3.b would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.*
 - c. *That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.*
 - d. *That the distribution of affordable units within the development not meeting subsection 18.5.8.050.G.5 is necessary for development of an affordable housing project that provides onsite staff with supportive services.*

- e. *That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of subsection 18.5.8.050.G.5.*
 - f. *That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.6, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.*
8. *The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.*

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

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

4) The criteria for a Zoning Map Amendment are described in AMC 18.5.9.020 as follows:

- A. **Type II.** *The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.*
1. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.*
 2. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.*
 3. *Circumstances relating to the general public welfare exist that require such an action.*
 4. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
 5. *Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.*
 6. *The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.*
- B. **Type III.** *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*
1. *Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*

2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*
3. *Land Use Ordinance amendments.*
4. *Urban Growth Boundary amendments.*

5) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
- C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. ***Exception to the Site Development and Design Standards.*** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*
or
 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

6) The criteria for a Conditional Use Permit are described in AMC 18.5.4.050.A as follows:

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

- I. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan*

- policies that are not implemented by any City, State, or Federal law or program.*
2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
 3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
 - a. *Similarity in scale, bulk, and coverage.*
 - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - c. *Architectural compatibility with the impact area.*
 - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
 - e. *Generation of noise, light, and glare.*
 - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
 - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
 4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
 5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
 - a. **WR and RR.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - b. **R-1.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - c. **R-2 and R-3.** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
 - d. **C-1.** *The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
 - e. **C-1-D.** *The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
 - f. **E-1.** *The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50*

- floor to area ratio, complying with all ordinance requirements.*
- g. *M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
- h. *CM-CI. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*
- i. *CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
- k. *CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. *HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

7) The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B as follows:

1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The*

City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The criteria for a Limited Activities and Uses Permit are described in AMC Section 18.3.11.060.D as follows:

All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

- 1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
- 2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
- 3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
- 4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
- 5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
- 6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

9) The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

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

10) The Planning Commission, following proper public notice, held a public hearing on March 13, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application, contingent upon the City Council's ultimate approval of the requested Annexation, subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes, orders and recommends as follows:

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. FINDINGS & CONCLUSIONS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the staff report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Annexation, Zoning Map Amendment, Site Design Review, Conditional Use Permit, Limited Activity/Use Permit, Tree Removal Permit and Exception

to Street Standards approvals meets all applicable criteria for Site Design Review approval described in AMC 18.5.2.050; for a Conditional Use Permit described in AMC 18.5.4.050.A; for a Limited Use/Activity Permit described in AMC 18.3.11.060.D; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for Exception to Street Standards as described in AMC 18.4.6.020.B.1. The Planning Commission further finds that the requested Annexation and Zoning Map Amendment meet the applicable criteria in AMC 18.5.8.050 and AMC 18.5.9.020.

2.3 The Planning Commission finds that the approval standards for an Annexation require that the subject property be located within the City's Urban Growth Boundary, that the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation, that the applicant obtain Site Design Review approval for an outright permitted or special permitted use concurrently with annexation, and that the land be currently contiguous with the present City limits. In this instance, the subject property is located within the Urban Growth Boundary and is contiguous with the existing city limits boundary on three sides. The requested zoning is consistent with the site's Comprehensive Plan designation of "Employment" and Site Design Review is requested for buildings which would contain outright permitted uses.

The Commission finds that the requested annexation complies with the applicable approval standards, and the re-zoning is consistent with the Comprehensive Plan designation of the property and is in keeping with the Economy Goal 7.07.030 of the Comprehensive Plan which strives "*to ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities and the retention of a high quality environment.*" The Commission finds that the approximately 72,000 square foot flexible space light industrial development described will have similar benefits to the economy as have the developments along Hersey Street which provide options for a variety of businesses to establish themselves and grow in Ashland.

The Commission further finds that annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property. With three recent annexations in the immediate vicinity, for Oak Street Tank and Steel, Brammo Motorsports and Modern Fan, utilities in the area have had recent upgrades and there are eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way. The application explains that the applicants have engaged Thornton Engineering, Inc. to evaluate public facilities and prepare preliminary utility plans for the project which have been provided as the applicants' "Exhibit 7" and on Page 3.3 of the applicants' atlas. Thornton's materials indicate that based on research and analyses completed, the stormwater management facilities, sanitary sewer facilities, and water service facilities are adequate in condition, capacity and location to serve the proposed development on the subject property. Individual utilities are discussed in the application as follows:

- **Water:** The application notes that there is an existing eight-inch water main within the Washington Street right-of-way. The applicants propose to connect to the existing main and stub individual services to the proposed buildings, and each building is to have its own meter. Industrial buildings are to be served from the north while the office building will connect at the southeast corner of the site.
- **Sanitary Sewer:** The application notes that there are existing mains within the Washington Street right-of-way. One of the mains runs along the eastern project boundary; the office building is

proposed to connect to this line. The other main is on the project's north boundary. The applicants propose to run a new eight-inch private sewer line along the western circulation driveway to the north and tie into the public sanitary sewer in this location.

- **Storm Drainage:** The application notes that, with the exception of the office building proposed at the southeast corner of the site, all new impervious surfaces are proposed to drain to Knoll Creek at the northwest corner of the project. Thornton Engineering's designs propose a Contech Stormwater Quality Manhole or similar structure to detain water prior to releasing it onto an engineered outflow structure designed to minimize velocities and prevent erosion and scour where the storm drainage converges with the main channel of Knoll Creek. The office building is relatively small and the applicants propose to discharge its low volume storm water into the existing ditch that feeds the possible wetland along Washington Street.
- **Electric:** The application explains that there is existing electric at the property line where Washington Street turns to the south. The applicants plan to replace the vault at this location with a new vault and create a public utility easement along the project's easterly circulation drive to extend power from the north to the south. The power will tie back in at the existing vault on Washington Street in the southeastern corner of the site.

The Commission finds that the applicants civil engineer has provided preliminary drawings addressing the siting of utilities for the project, and conditions have been recommended below to require that final electric, utility and storm drainage plans be provided for the review and approval of the Public Works, Electric, Planning and Building Departments prior to submittal of building permit plans.

The Planning Commission finds that annexations are required to provide necessary transportation facilities to and through the subject property, and transportation facilities must address all modes including motor vehicle, bicycle, pedestrian and transit. To satisfy transportation facility requirements for motor vehicles, annexation standards require that, at a minimum, a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street and that all streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. Annexation standards further provide that the city may, after assessing the impact of the development, require full improvement of streets adjacent to the annexed area while all streets located within the annexed areas are to be fully improved to City standards.

The Commission finds that Washington Street is considered to be a commercial collector street or avenue under the adopted Transportation System Plan (TSP). The City of Ashland Street Standards call for ten-foot travel lanes, six-foot bike lanes, a six-inch curb, five-foot commercial hardscape park rows with street trees in tree grates, and eight-foot sidewalks. The application explains that the city's standard avenue frontage improvements, even without a parkrow planting strip and sidewalk on the freeway side, will simply not fit between the water resource protection zone of the possible wetland on the property and the freeway guardrail.

The applicants proposed improvements for the property's Washington Street frontage are detailed in their "Exhibit 6." The applicants assert that the city's complete avenue street cross-section cannot be completed without large scale filling of the wetland and/or further encroachment toward the freeway, noting that at the narrowest point there is only approximately 45½ feet between the freeway guardrail and the wetland

itself, and only 25½ feet between the guardrail and the wetland buffer. While the applicants recognize that Washington Street's classification as an Avenue is reasonable and Washington Street is the logical street to provide north-south connectivity in the area, they assert that the numerous connections that contribute to this functionality are likely to occur many years in the future and that from a traffic use and activity standpoint, Washington Street is much more like a local street in that it lacks transit service and currently has some of the lowest travel demand for bicycles and pedestrians in the city. In terms of vehicle trips, 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 applicants attribute the low travel demand for all modes to isolated employment areas that are primarily industrial in nature with a limited amount of office and commercial uses.

The applicants suggest that travel volumes now and in the near future do not necessitate separate, dedicated bicycle lanes. They suggest that the TSP does not identify a project that would create bicycle lanes on the existing portion of Washington Street, so it could be 20 years before bicycle lanes would create a connected system. They further suggest that there is no need for a planting strip and sidewalk on the freeway (east) side since it is adjacent to the freeway where there will be no connectivity or driveways possible along that side. The applicants further emphasize that the segment of Washington Street that fronts on the property has a parallel route for pedestrians and bicyclists along Jefferson Street, which has sidewalks on both sides.

The applicants' Exhibit 6 presents four options for frontage improvements on Washington Street, noting that their Transportation Engineer finds that any of the three options will provide safe and adequate transportation facilities for the roadway users in current and future traffic scenarios. The options proposed include:

- **Applicants Option A** – The applicants Option A would provide pedestrian and bicycle facilities on the west side of Washington Street in the form of a ten-foot wide multi-use path directly behind the curb. This would extend approximately 12-feet into the wetland buffer area and maintains the remainder with an approximate 3:1 slope which is similar to existing slopes. The applicants suggest that this is the only option that would provide a “complete street” to accommodate two-way bicycle and pedestrian traffic and would not require any environmental permitting and only minimal review by ODOT because it stays entirely within the existing guardrail. The applicants suggest that the design does not preclude future widening for bicycle lanes because the 12 additional feet could be added in the future without a massive retaining wall on the freeway side, although some retaining wall and guardrail relocation would be necessary. The applicants suggest that this future widening would not be expected to be cost-prohibitive in the future.
- **Applicants' Option B** – The applicants' Option B is the City's standard cross-section with the parkrow planting strip removed and the centerline located to avoid wetland filling. The applicants would construct all improvements west of the guard rail including two travel lanes, the southbound bicycle lane, and the west sidewalk. The applicants note that this option does not encroach into the wetland itself, but that the buffer would need to be graded at an approximately 1 to 1.5 slope to avoid wetland filling. They suggest that until the northbound bicycle lane is added, the street would be incomplete, but would be adequate to serve local needs in the interim and that future widening for a bicycle lane on the east side of the street would not be expected to be cost-prohibitive.

- **Applicants' Option C** – The applicants' Option C is the City's standard cross-section, which they note would require substantial wetland filling. The applicants suggest that this option may have a difficult time demonstrating compliance with State and Federal regulatory requirements. The applicants suggest that this option would be dependent upon the City performing design work, obtaining required environmental permits to fill the wetland, and installing any required wetland mitigation. The applicants indicate they would agree to construct the cross-section shown by Thornton Engineering as Option C including both travel lanes, and the requisite improvements west of the travel lanes.
- **Applicants' Option D** – This option is not proposed and is provided for illustration purposes only to show the extent of grade problems with the standard cross-section sited to minimize any wetland impacts. The applicants note that this option would result in an eight- to ten-foot retaining wall adjacent to and directly above the freeway on-ramp and would still place part of the sidewalk within the wetland buffer.

The applicants note that their Options A and B relocate the right-of-way green space behind the sidewalk for this road segment to retain as much wetland protection zone as possible, while Option C shifts the improvements seven feet further into the wetland buffer to accommodate a planter strip. Exceptions to Street Standards require a demonstration that the facilities and resultant connectivity proposed are equal or superior to those required under the standards; that the exceptions requested are the minimum necessary to alleviate the difficulty, and that the exceptions are consistent with the purpose and intent of the Street Standards. The Commission finds that over the long term a ten-foot multi-use path mixing pedestrians with two-way bicycle traffic immediately adjacent to an avenue as illustrated in Option A, or placing pedestrians on a curbside sidewalk immediately adjacent to an avenue as illustrated in Option B, both without the benefit of a park row and street trees to provide a buffer from anticipated truck traffic at avenue speeds, cannot be found to be equal or superior when users of all modes are considered. The Commission further finds that park row planting strips with street trees between the sidewalk and roadway provide benefits not merely as "*right-of-way greenspace*" but serve "*to buffer pedestrians and adjacent land uses from traffic, enhance street image and neighborhood character, calm motor vehicle traffic speeds, and enhance neighborhood identity or sense of place (AMC 18.4.6.040.D.17).*"

During the March 13th hearing, Planning staff explained that under the city's street standards, "avenues are intended to provide concentrated pedestrian, bicycle, transit, and motor vehicle access from neighborhoods to neighborhood activity centers and boulevards. Avenues are similar to boulevards, but are designed on a smaller scale. *Design should provide an environment where walking, bicycling, using transit, and driving are equally convenient and facilitates the avenue's use as a public space.* A two-lane or three-lane configuration can be used depending on the number of trips generated by surrounding existing and future land uses." Staff further detailed the future connectivity envisioned in the Transportation System Plan which include project #R25, the extension of Independent Way to provide an east-west connection between Tolman Creek Road and Washington Street; project #R29, the extension of Washington Street to the south to connect with the Crowson and Benson area; and project #X2 which envisions a new railroad crossing from Washington's current terminus into the Croman Masterplan area. Staff further discussed that during the most recent Buildable Lands Inventory Update, the Washington, Jefferson, Benson and Croman 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.

The Commission finds that an Exception is appropriate to not have sidewalks or parkrow planting strips on the freeway side of Washington Street, but that automobile travel lanes and bicycle lanes are needed in both directions, and should be placed so that no relocation of the guardrail will be required. In addition, the Commission finds that seven-foot landscaped parkrow and six-foot sidewalk are needed on the full frontage, completed with the second phase, with the exception that the park row planting strip could be removed in those areas where necessary to avoid wetland impact, with larger stature trees to be placed at the wetland edge in those areas to offset the canopy that standard street tree placement would provide. In response to these parameters, the applicants presented an "**Option E**" during the hearing which provided bicycle lanes, travel lanes, and a sidewalk with parkrow for all but 140 feet of the frontage where the parkrow would be removed to avoid impacts to the wetland.

The project proposes two driveway access points to Washington Street. The main project access will be located at the northwest corner of the site. This driveway will serve the industrial flex-space buildings in the project, which constitute the majority of the development. The small office building proposed for the southeast corner of the site in a later phase will have its own access to Washington Street because it is separated from the rest of the site by the possible wetland. There is an unimproved flag pole for the neighboring tax lot to the south (Tax Lot #100) that separates the subject property from the Modern Fan II development (Tax Lot #200). There is a retaining wall on the north boundary of Tax Lot #200 which makes it impractical to utilize a single consolidated driveway for all three properties, however the applicants note that they would accept a condition of approval that the final design for the driveway access for the office building project in Phase ## be configured to allow for cross access to the flag driveway for Tax Lot #100. A condition to this effect has been included below.

The Commission further finds that Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the transportation impacts of the proposal, and her transportation impact analysis (TIA) is provided as the applicants' "Exhibit 5." Key findings of the TIA include:

- All of the intersections studied meet mobility standards through the year 2023 with the development of the proposed 72,606 square foot business park;
- The proposed E-1 zoning will generate more traffic than the existing Rural Residential zoning, triggering the need for Transportation Planning Rule analysis.
- The intersections of Ashland Street at the I-5 northbound ramps, Ashland Street at the I-5 southbound ramps, and Ashland Street at Normal Avenue do not meet the applicable mobility standards for the year 2034 background conditions.
- The "worst case" development potential under the proposed E-1 zoning will worsen the year

2034 intersection performance to not meet standards. In lieu of mitigation, the applicants note that a trip cap could be imposed to limit daily trips to the level of traffic generated by the proposed development scenario, i.e. no more than the 910 ADT anticipated to be generated by the proposed watchman quarters and 72,606 square feet of light industrial space. Under such a trip cap, all intersections projected to operate within the applicable mobility standards will continue to meet applicable standards and all intersections projected to exceed applicable mobility standards will operate no worse than the 2034 background conditions, with no further mitigation needed.

In considering the proposed trip cap, the Planning Commission finds that the Transportation Planning Rule in OAR 660-012-0060 “*Plan & Land Use Regulation Amendments*” provides that 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.*

The Planning Commission finds that in the case, the proposed E-1 zoning is consistent with the Comprehensive Plan Map “Employment” designation and the proposed amendment does not result in a change to the Comprehensive Plan Map. The Commission further finds that the City has a Transportation System Plan (TSP) which was adopted and acknowledged in 2012 and that the proposed E-1 zoning is consistent with that considered for the subject property in the TSP, and that the area subject to the zoning map amendment was not exempted from this rule at the time of a previous Urban Growth Boundary (UGB) amendment. As such, the Commission finds that the proposed zoning map amendment does not significantly affect existing or planned transportation facilities, and no trip cap is necessary.

2.4 The Planning Commission finds that, as detailed in AMC 18.5.9.020, Zone Changes may be processed as a Type II procedure when they are consistent with the Comprehensive Plan. In this instance, the requested zone change is consistent with the property’s “Employment” Comprehensive Plan designation. The approval criteria for a Type II Zone Change, where the Zone Change is consistent with the existing Plan designation, require that one or more of the following be demonstrated:

- 1) The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan;
- 2) A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances;
- 3) Circumstances relating to the general public welfare exist that require such an action;

- 4) Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G;
- 5) Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G; and
- 6) The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions. In terms of these criteria, in staff's view #4 dealing with the provision of affordable housing seems the most relevant.

The Planning Commission finds that the requested zone change and associated development of the property implements a public need for industrial development as defined in "The Economy" element of the Comprehensive Plan, and is consistent with the Comprehensive Plan's "Employment" designation of the property and with Goal 7.07.03 of the Comprehensive Plan which strives "*To ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses,*" and the associated Policy #1 that the "*City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents.*" The Commission further finds that the 72,000 square foot flexible space light industrial development described will be beneficial for Ashland's economy, as have similar developments along Hersey Street which provide an option for a variety of businesses to establish themselves and grow in Ashland.

2.5 The Planning Commission finds that the proposal requests Site Design Review approval for the phased development of a light industrial/flexible space business park which when completed will consist of approximately 72,606 square feet of "flexible space" light industrial development accommodating small manufacturing and fabrication activities. The applicants are requesting approval for the first phase here, which includes the watchman quarters and two industrial units in a 3,156 square foot building fronting on Washington Street on the northern portion of the site and Building Group 1, a 15,944 square foot flexible space building. The applicants will also complete rough grading and underground utility installation for the rest of the site in keeping with the proposed master plan with Phase 1. Future building designs for the later phases will require Site Design Review approvals of their own, but the plan here establishes the preliminarily planned orientations, footprints, and site circulation.

The first criterion for Site Design Review approval is that, "*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*" The Planning Commission finds that the property is more than 100 feet from a residential zone, and as such has no minimum setbacks, and further finds that the buildings will be no more than 40 feet in height as allowed in the E-1 zone. The proposed light industrial, manufacturing, fabrication and office uses described in the application are outright

permitted uses within the E-1 zoning district.

The second criterion for Site Design Review approval is that, "*The proposal complies with applicable overlay zone requirements (part 18.3).*" In this instance, the Commission finds that the subject property includes some areas that are within the Water Resources Protection Zones overlays. These areas are addressed in the discussion of Limited Uses and Activities below. The Commission further finds that the property is not proposed for inclusion in other overlay zones.

The third approval criterion is that, "*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*" The Commission finds that the subject property will be located within the Basic Site Review Zone and is subject to the Basic Site Review Standards in AMC 18.4.2.

The application explains that the project contains five multi-tenant buildings, of which only two abut Washington Street: the Phase 1 office with watchman quarters and the Phase 4 office building. The Commission finds that each of these is oriented to the street and has no parking located between the buildings or the street; parking is behind and to the side of the buildings. The other three buildings are separated from the street by the wetland. Building Group 1 has the entrances for the end unit oriented to the street although no access is possible due to the wetland, while the other tenant entries face the driveways.

AMC 18.4.2.040.B calls for a building façade or multiple facades to occupy a large majority of a project's street frontage, and to avoid designs which incorporate gaps between building frontages. In this case, the Planning Commission finds that roughly 55 percent of the site's frontage is encumbered by water resource protection zones for creeks and wetlands, with the remaining frontage split in two between an area at the north frontage and another on the east frontage. The proposed plan places buildings at the street in each of these locations, where driveways have also been located. All of the area between the proposed buildings is taken up with wetland and related landscaping.

The Commission finds that both buildings with street frontage have entrances oriented to the street, located within 20 feet of the street, with stairs leading from the sidewalk directly to the entries. The remaining units are interior to the site and cannot be located adjacent to the right-of-way due to the wetland. The applicants further suggest that with the exception of the Phase 4 office building, the remaining buildings are intended for industrial use and would have little need for public pedestrian access.

The Commission finds that projects adjacent to a designated creek protection area are to incorporate the creek into the design while maintaining required setbacks and buffering and complying with applicable water quality protection standards. Developers are to plant native riparian plants in and adjacent to creek protection zones. The applicants explain that the plan minimizes impacts to the drainage and includes riparian plantings in any area impacted by construction and complies with water quality protection standards. The Commission finds that the standard seeks to have creeks more incorporated into site planning as a project amenity for tenants which enables tenants to engage the creek corridor, and a condition has been included below to require that the application for Phase 2 include a revised site plan which better incorporates the creek into the site design through means such as pedestrian access points,

an unpaved trail and a small patio/seating area.

The application includes parking calculations identifying a parking demand of 73 spaces for the development as proposed, and 84 parking spaces are proposed including seven accessible parking spaces of which two are to be van accessible. The Commission finds that the limited additional parking proposed provides a measure of flexibility to respond to the variety of potential uses which might occur over the life of the development. With 73 automobile spaces required, 15 bicycle parking spaces are required and one-half of these must be covered. The Commission finds that the applicants have proposed to provide 18 bicycle spaces distributed around the site, and 11 of these are to be covered satisfying the requirements of the ordinance.

The Pedestrian Access and Circulation standards in AMC 18.4.3.090 call for a continuous walkway system within the development which provides safe, direct and convenient connections providing for pedestrian connectivity within the development. The applicants suggest that because the project is made up of several multi-tenant building and does not have primary building entrances, but rather separate entrances to each tenant space, and typically relies only on automobile and truck access regular pedestrian access is not anticipated to be needed as pedestrian movements are expected to be only from related parking spaces to the individual tenant space and as such no internal pedestrian circulation is proposed. The applicants emphasize that roll-up doors will be used for deliveries to each space, and it is not practical to provide walkways that we interrupted every 20 feet with door. They conclude that this configuration is typical and appropriate for a light industrial park and as such meets the standard. The Commission finds that the standard is intended to enable someone to easily walk to a workplace or to circulate on site from a space at the southeast corner to the office at the northwest corner, and requires that pedestrian facilities be provided. The Commission has accordingly included a condition below to require a revised site plan which addresses these standards. The Commission finds that, at minimum, this could be addressed by providing a materially-distinct pedestrian walkway within the proposed driveway system to support pedestrian circulation from the office and along the driveway connecting to each of the buildings.

The Planning Commission finds that the application includes a grading plan with calculations illustrating that at least 50 percent of the parking and circulation area is surfaced in concrete or shaded with new tree canopy to address the standards of AMC 18.4.3.080.B.5.00

The fourth Site Design Review criterion is that, “The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.” These items have been addressed completely in the Annexation section above.

2.6 The Planning Commission finds that AMC Table 18.2.2.030 “Uses Allowed by Zone” provides that a dwelling for a caretaker or watchman requires a Conditional Use Permit (CUP) in the E-1 zone. The application materials provided explain that the applicants have not made a final decision whether to build a caretaker or watchman’s quarters, but are requesting a CUP be approved so they can construct watchman’s quarters if the ownership ultimately decides it is desirable for the project.

The applicants emphasize that the watchman quarters will have no effect on the scale, bulk or coverage of the project as the space, if not utilized this way would be used as additional office space. As such, the applicants assert the watchman's quarters will likely reduce vehicle trips because an on-site staff person would not need to travel to and from the workplace. The application further suggests that the watchman quarters would have no appreciable impact on air quality, noise, light or glare, or upon the development of adjacent properties, versus either development of the property as flex space as proposed or office space as envisioned in the target use of the zone.

The Planning Commission finds that prior to the most recent Unified Land Use Ordinance update, watchman quarters were not addressed in the Ashland Municipal Code and were generally considered as a reasonable accessory use to certain primary industrial uses (*e.g. Caldera Brewing was approved with upstairs quarters for the brewmaster to live on-site in order to allow after hours monitoring of the brewing process*). The Commission further finds that on-site watchman quarters will have no greater adverse material impact on the livability of the impact area than would the implementation of the primary use by itself and could have the added benefit of providing "eyes on the street" in an area without much human presence afterhours.

2.7 The Planning Commission finds that there are two Water Resource Protection Zones on the subject property.

The Planning Commission finds that the property's western boundary is traversed by Knoll Creek, an intermittent or ephemeral stream with a Water Resource Protection Zone consisting of the stream itself and a buffer extending 30 feet upland from the centerline of the stream on both sides. Knoll Creek does not have an associated floodplain. The applicants indicate that their surveyor James Hibbs has determined the extent of the protection zone on the site, and that through most of this reach of the stream there are no encroachments in the protection zone. However, at the north end of the property, the applicants propose to construct a stormwater outfall structure as the only "Limited Use/Activity" within the stream's protection zone.

The Planning Commission further finds that AMC 18.3.11.060.B classifies the construction of a storm water outfall discharging treated storm water from an adjacent developed area as a limited activity and use, provided that the discharge meets local, state, and federal water quality regulations. AMC 18.3.11.060. D requires that limited activities: be located as far away from the stream as practicable, designed to minimize intrusion into the protection zone, and disturb as little surface area as practicable. Limited activities are to be designed, located and constructed to minimize excavation, grading, impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on the stream. Excavation, grading, installation of impervious surfaces, and removal of native vegetation is to be avoided on stream beds, banks within bank full stage, wetlands and areas of slopes over 25 percent except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability. This section also specifically requires that storm drain systems be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges into the stream.

The application materials explain that the outfall will disturb approximately 0.02 acres and is necessary in this location as the only logical place to drain stormwater from the site. The outfall has been engineered

so that stormwater will pass through a treatment manhole prior to entering the protection zone outfall structure.

The Commission finds that the limited use and activity criteria require that the stream channel and riparian habitat be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in AMC section 18.3.11.110 "*Mitigation Requirements*," and that long-term conservation, management and maintenance of the protection zone be ensured through the preparation and recording of a management plan as described in AMC subsection 18.3.11.110.C. The applicants are proposing to mitigate the protection zone impacts through the prescriptive option in AMC section 18.3.11.110, and a plan detailing the proposed mitigation has been prepared by the project landscape architect John Galbraith. Conditions requiring final mitigation and management plans be provided for the review and approval of the Staff Advisor prior to the issuance of a building permit have been included below.

The Planning Commission further finds that Ashland's adopted "Water Resources" map identifies a Possible Wetland (PW) along the property's east property line at the edge of the Washington Street right-of-way. This possible wetland is identified as "W11". Possible wetland is a designation for wetlands not classified as locally significant on Ashland's Local Wetland Inventory (LWI). For possible wetlands, the water resource protection zone consists of all lands identified to have wetland presence on a wetland delineation plus all lands within 20 feet of the wetland's upland edge.

Possible wetland W11 is described in the LWI as a roadside emergent wetland dominated by meadow foxtail, with lesser amounts of blue wild rye, birdsfoot-trefoil and catchweed bedstraw. While not deemed to be locally significant in the inventory, this wetland is connected to the Knoll Creek drainage by the roadside drainage ditch at its downstream end. The LWI notes that the wetland boundary is defined by the change to upland grasses on the property. The applicants' "Exhibit 9" provided with the application is a draft Wetland Delineation map prepared by Schott & Associates, Inc.

AMC Section 18.3.11.060 provides for "*The location and construction of public streets... and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This ordinance, the Comprehensive Plan, Transportation System Plan, adopted utility master plans, and other adopted documents shall guide this determination.*" Public street and utility installation is considered a limited activity and use. The Planning Commission finds that in this instance, Washington Street is classified as an avenue in the adopted Transportation System Plan and the Street Design Standards in AMC 18.4.6.040 set forth the specific improvements determined necessary to support the functions of an avenue within the street system. The application includes several options for frontage improvements in seeking to address necessary street improvements to the degree possible while minimizing impacts to both the wetland and its buffer, and requests an Exception to Street Standards in order to reduce the extent of the street improvements and thereby limit impacts to the wetland. The Planning Commission finds that the applicants' "Option E" presented at the hearing, which generally provides for motor vehicle and bicycle lanes in each direction, and sidewalks and park rows on the property side of the street with only a short section of curbside sidewalk proposed to avoid wetland impacts provides the best balance of improvements support the functionality of an avenue and encourage users of all modes. This will necessitate disturbance into the

wetland water resource protection zone, which the Commission finds could be appropriately mitigated within the stream bank water resource protection zone of Knoll Creek elsewhere on the property.

The Commission finds that the requirements of land use approval are clear that for annexation approval, the applicants must demonstrate that they can and will provide adequate transportation to city standards to and through the subject property, and where transportation improvements require other permitting the burden is on the applicants to obtain the necessary approvals of a wetland delineation and any resulting permits. Conditions of approval are included recommended below requiring that prior to the second phase of the development, the applicants provide engineered design drawings for the required frontage improvements consistent with the proposed Option E, prepare and submit a formal wetland delineation and obtain any required city, state and federal permits should any required work impact the delineated wetland, and complete appropriate mitigation within the Knoll Creek corridor on the subject property.

In applications for the Modern Fan II property to the south, the Division of State Lands (DSL) indicated that stormwater flows feeding this wetland needed to be maintained with development, and conditions of approval were included to require that the storm drainage plan incorporate necessary water quality, retention, and wetland flow maintenance requirements prior to building permit submittals. A similar condition has been included below.

2.8 The Planning Commission finds that the application includes a Tree Protection and Removal Plan and associated narrative prepared by Certified Arborist and Landscape Architect John Galbraith of Galbraith & Associates, Inc. as the applicants "Exhibit 10." Exhibit 10 identifies 22 trees on the subject property which are six-inches in diameter at breast height (d.b.h.) or greater. All of these are Oregon white oaks (*quercus garryanna*) located along the Knoll Creek corridor, and of these 22 trees, six are proposed for removal while the remaining 16 are to be preserved and protected with development of the property.

The application requests permits to remove Trees #4, #6, #7 and #9, and proposes to mitigate their removals with Oregon white oaks planted along the driveway near the Knoll Creek corridor. The arborist asserts that all of these trees would be hazardous if the development were constructed around them, as most have severe dieback as the result of fire damage. The application emphasizes that large limbs have died, large areas of the cambium layers have been destroyed and one tree (#9) has erosion under the root flare. Photos are included with the application documenting these conditions.

The application explains that because the site's oaks are in generally poor to fair health and are relatively mature, the size of the trees' protection zones has been calculated by measuring the trees' diameters at 4½-feet above the ground and multiplying the diameter in inches by 1½ to arrive at a protection zone radius in feet. So, a ten-inch diameter oak tree would have a 15-foot radius for its protection zone. A Tree Protection Plan illustrating the required protection zones for the trees to be preserved has been provided as Sheet L1 in Exhibit 10.

The Planning Commission finds that the Ashland Tree Commission reviewed the application's Tree Protection and Landscaping Plans at its March 8, 2018 regular meeting and recommended that the application be approved as presented. The Planning Commission further finds that the fire which

impacted the property in 2010 severely damaged or killed trees on the property, and that Trees #1 and #2 are dead and will be removed. The Commission further finds that Trees #4, #6, #7 and #9 are in poor condition and are located in the area proposed for development, and that their removals are merited. The Commission also finds that three of the trees identified to be preserved and protected (#15, #18 and #21) are located within the driveway area of the third phase of the development, and that the applicants have proposed to preserve and protect them here and to revisit them with the application for the third phase.

2.9 The Planning Commission finds that the City's adopted Comprehensive Plan has previously been acknowledged as being consistent with Oregon's Statewide Planning Goals & Guidelines, and that the current request is consistent with the property's existing Comprehensive Plan designation.

The Commission recommends the Council approve the requested Annexation and Zone Change from County RR-5 to City E-1, and conditionally approves the Site Design Review approval for the phased development of a light industrial 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 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 d.b.h. for Planning Action #2008-00154, subject to City Council approval of the requested Annexation and Zone Change. The Council may wish to formally adopt the Planning Commission's conditional approvals prior to acknowledgment of the Annexation by the Oregon Department of Land Conservation and Development (DLCD) by adopting these findings as well, or could alternatively send the conditional approvals back to the Planning Commission for final approval following acknowledgment.

SECTION 3. DECISION

3.1 The application includes a request for the 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 consisting of approximately 72,000 square feet of light industrial, manufacturing and fabrication space for the property located at 601 Washington Street. The application also includes a request for a Conditional Use Permit to allow a watchman's dwelling; Limited Use/Activity Permits to construct a stormwater outfall and street improvements within the Water Resource Protection Zones of Knoll Creek and a Possible Wetland on the property; 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.).

The Commission finds that the proposed building designs are appropriate for the area's employment and light manufacturing designation and are consistent with the city's Basic Site Review standards. The materials proposed reflect a utilitarian design comprised of off-white standing seam metal roofing, beige horizontal metal siding and a textured brown split face block base. The Commission finds the project overall to be well-thought out and to address a need for incubator spaces within the community. The application is generally a straightforward one with the primary issue being determining the appropriate frontage improvements which balance the street's role as an avenue with a right-of-way constrained by a roadside wetland and proximity to the freeway. In the Commission's assessment, the street's role as a major collector serving the Washington/Jefferson/Benson employment area, with avenue-level truck traffic and travel speeds, ultimately necessitates full sidewalk and parkrow improvements with street trees, and bike lanes, to provide a street which will accommodate and encourage users of all travel modes as

the area fully develops. For the Commission, the applicants' "Cross-Section E" addresses these needs well while managing to minimize the impacts to the wetland by meandering the sidewalk to curbside for a short, approximately 140 linear foot section, and the applicants' efforts in designing the street are much appreciated.

The requested annexation complies with the applicable approval standards, and is consistent with the Comprehensive Plan designation of the property and with the Economy Goal of the Comprehensive Plan which strives for a healthy economy, diverse in the number, size and types of businesses. The Commission supports the annexation request and believes that the 72,000 square foot flexible space light industrial development described will be beneficial for Ashland's economy, as have similar developments along Hersey Street which provide an option for a variety of businesses to establish themselves and grow in Ashland. Overall, the Commission finds that application merits approval, and further recommends that the City Council approve the Annexation request.

Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Annexation, Zoning Map Amendment, Site Design Review approval, Exception to Street Standards, Conditional Use Permit, Limited Use/Activity Permit, and Tree Removal Permit is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the Planning Commission recommends in favor of the Council's approval of the requested Annexation, and we further approve the Zoning Map Amendment, Site Design Review, Exception to Street Standards, Conditional Use Permit, Limited Use/Activity Permit and Tree Removal components of Planning Action #2018-00154 subject to the Council approval of the Annexation. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00154 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicants shall be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.4.7.
- 4) That prior to any work within the Oregon Department of Transportation (ODOT) right-of-way, the applicants shall obtain any necessary permit approvals from ODOT. The applicants shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within ODOT right-of-way prior to the commencement of work.

- 5) That prior to work in the City of Ashland right-of-way, the applicants shall obtain any necessary permit approvals from the City of Ashland Public Works Department. The applicants shall obtain all required inspection approvals for work completed within the City right-of-way.
- 6) That all recommendations of the Tree Commission from their March 8, 2018 regular meeting shall be conditions of approval where consistent with the applicable regulations and standards, and with final approval by the Staff Advisor.
- 7) That the applicants shall obtain required land use approvals, as well as any necessary federal or state approvals, for the remaining phases of the development including but not limited to Site Design Review approvals for Phase 2, 3 and 4 buildings; Limited Use/Activity Permits for frontage improvements within the wetland water resource protections zone for W11; and Tree Removal Permits for Trees #15, #18 and #21 in Phase 3. The current approval is limited to the improvements specifically associated with Phase 1 and the conceptual approval of the site master plan, with the recognition that limited grading and utility installations will occur with Phase 1 to lay the groundwork for later phases.
- 8) That prior to the submittal of a building permit:
 - a) Building permit submittals shall include identification of all easements, including public and private utility easements, fire apparatus access easements, and a conservation easement or other similar recorded development restriction to perpetually protect the portion of the Knoll Creek stream bank water resources protection zone and the wetland water resource protection zone on the property according to the requirements of AMC Section 18.3.11.110.C.8.
 - b) A final stormwater drainage plan, including any details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside wetland will be retained at their current levels to ensure the continuing recharge of the wetland.
 - c) Engineered construction drawings for the required improvements along the property's Phase 1 Washington Street frontage, from the existing terminus of the sidewalk at the northwest corner of the site to the eastern extent of the proposed watchman quarters building shall be provided for review and approval by the Oregon Department of Transportation and the City of Ashland's Planning and Engineering Departments prior to the issuance of the Phase 1 building permit or any work within the street right-of-way or pedestrian corridor. Engineered construction drawings for the remaining frontage, from the watchman quarters building to the southeast corner of the site, shall be provided for review and approval with the Phase 2 Site Design Review application. The required improvements shall be consistent with the applicants Option E including paved ten-foot motor vehicle travel lanes, six-foot bike lanes, six-inch curb, gutter, a seven-foot landscaped parkrow with irrigated street trees, a six-foot sidewalk and city standard streetlights for the property's Washington Street frontage with the exception of an approximately 140-foot length where the sidewalk shall be installed curbside to avoid

impacts to the possible wetland on site. The final engineered designs shall include details of the transition from the existing curbside sidewalk at the northwest of the property. Any additional right-of-way necessary to accommodate these city standard avenue improvements shall be provided through a right-of-way dedication if deemed necessary by the Public Works/Engineering Department. The applicants shall obtain necessary approvals from the Oregon Department of Transportation (ODOT) for improvements within the ODOT right-of-way and necessary federal, state and local permits for work in the wetland water resource protection zone based on a formal wetland delineation prior to installation of those improvements.

- d) A final utility plan for the project shall be submitted for review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
 - e) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City's municipal electric utility and the necessary services to make this transition will need to be installed at the applicant's expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.
 - f) The building permit plan submittals shall include lot coverage calculations including all building footprints, driveways, parking, and circulation areas. These plans shall demonstrate that at least 15 percent of the site is surfaced in landscaping, and that at least seven percent of the parking lot area is provided in required parking lot landscaping, as required in the Site Design & Use Standards.
 - g) The building permit plan submittals shall include and sample exterior building colors and materials for review and approval of the Staff Advisor. The exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials.
- 9) That prior to the issuance of a building permit:
- a) The applicant shall provide a final Tree Preservation and Protection Plan consistent with the requirements of AMC 18.4.5.030 incorporating any recommendations of the Tree

Commission from their March 8, 2018 meeting, where consistent with applicable standards and with final approval by the Staff Advisor.

- b) That a Verification Permit in accordance with 18.4.5.050 shall be applied for and approved by the Ashland Planning Division prior to removal of any trees from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the on-site identification of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit. In conjunction with the Tree Verification, silt fencing or other measures to delineate and protect the Water Resource Protection Zones on site shall be installed, inspected and approved as well.
- c) The applicant shall provide a revised Landscape/Irrigation Plan which addresses the recommendations of the Tree Commission from their March 8, 2018 meeting where consistent with applicable standards and with final approval of the Staff Advisor, and also addresses the Water Conserving Landscaping Guidelines AMC 18.4.4.030.1, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the trees being removed.
- d) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
- e) At the time of building plan submittal, final bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with AMC Section 18.4.3.070.
- f) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
- g) That the buildings shall meet Solar Setback B in accordance with AMC Section 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B and shall include solar calculations with shadow producing point(s) and height to natural grade clearly illustrated and labeled.
- h) The requirements of the Building Division shall be satisfactorily addressed.
- i) The requirements of the Ashland Fire Department shall be satisfied including: approved addressing; fire apparatus approach, access, turn-around and associated easements; fire

flow; fire department connection; fire sprinklers and fire hydrants where applicable; key box installation; hydrant clearances; high-piled storage requirements; and that any gates, fences, or other impediments to required fire apparatus access width approved by Ashland Fire and Rescue shall be addressed in the permit submittals and implemented on site prior to the issuance of an occupancy permit. Final determinations of fire hydrant distance, fire flow, and fire apparatus access requirements are to be based upon plans submitted for building permit review.

- j) A revised site plan detailing the proposed phased installation of buildings, parking, and driveways detailing the extent of improvements proposed to be installed with each phase, including street frontage improvements, shall be provided for the review and approval of the Staff Advisor.
 - k) A revised site plan addressing the pedestrian access and circulation requirements of AMC 18.4.3.090. At a minimum, this would include a materially-distinct pedestrian walkway within the proposed driveway system to support pedestrian circulation from the office, along the driveway connecting to each of the buildings.
 - l) That the applicants shall provide a final management plan, including any easements, providing for the long-term conservation, management and maintenance of the Knoll Creek Water Resource Protection Zone as detailed in AMC 18.3.11.110.C prior to the issuance of a building permit.
 - m) That a final size- and species-specific mitigation plan consistent with the requirements of AMC 18.3.11.110.B.1. including irrigation details and details of the selection and placement of landscape materials to mitigate the area impacted by the storm water outfall installation shall be provided for the review and approval of the Staff Advisor. All mitigation plantings shall be installed according to the approved plan, inspected, and approved by the Staff Advisor, and the management plan and any necessary easement modifications recorded prior to final approval of the certificates of occupancy for Phase 1.
- 10) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the recycling and refuse disposal areas shall be installed in accordance with the requirements of AMC 18.4.4.040, inspected and approved by the Staff Advisor.
 - b) All required parking areas shall be paved and striped according to the approved plan.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to

issuance of the certificate of occupancy. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.

- e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.
- 11) That the application for **Phase 2** shall include a revised Site Plan that better incorporates the creek into the site design through means such as pedestrian access points, unpaved trail installation and a small patio/seating area.
- 12) That in conjunction with the application for **Phase 2**, the applicants shall provide engineered design drawings for the required frontage improvements along Washington Street consistent with Option E; prepare and submit a formal wetland delineation to the Division of State Lands; obtain any necessary city, state and federal permits for the frontage improvements in the wetland water resource protection zone based on the delineation; and complete appropriate mitigation within the Knoll Creek corridor on the subject property.
- 13) That the final design for the **Phase 4** office building at the southeast corner of the property shall be configured to allow for cross access to the flag driveway for Tax Lot #100 to the south. Cross easements providing for use of this access shall be provided prior to the issuance of a certificate of occupancy for this building.



Planning Commission Approval

April 10, 2018

Date



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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.

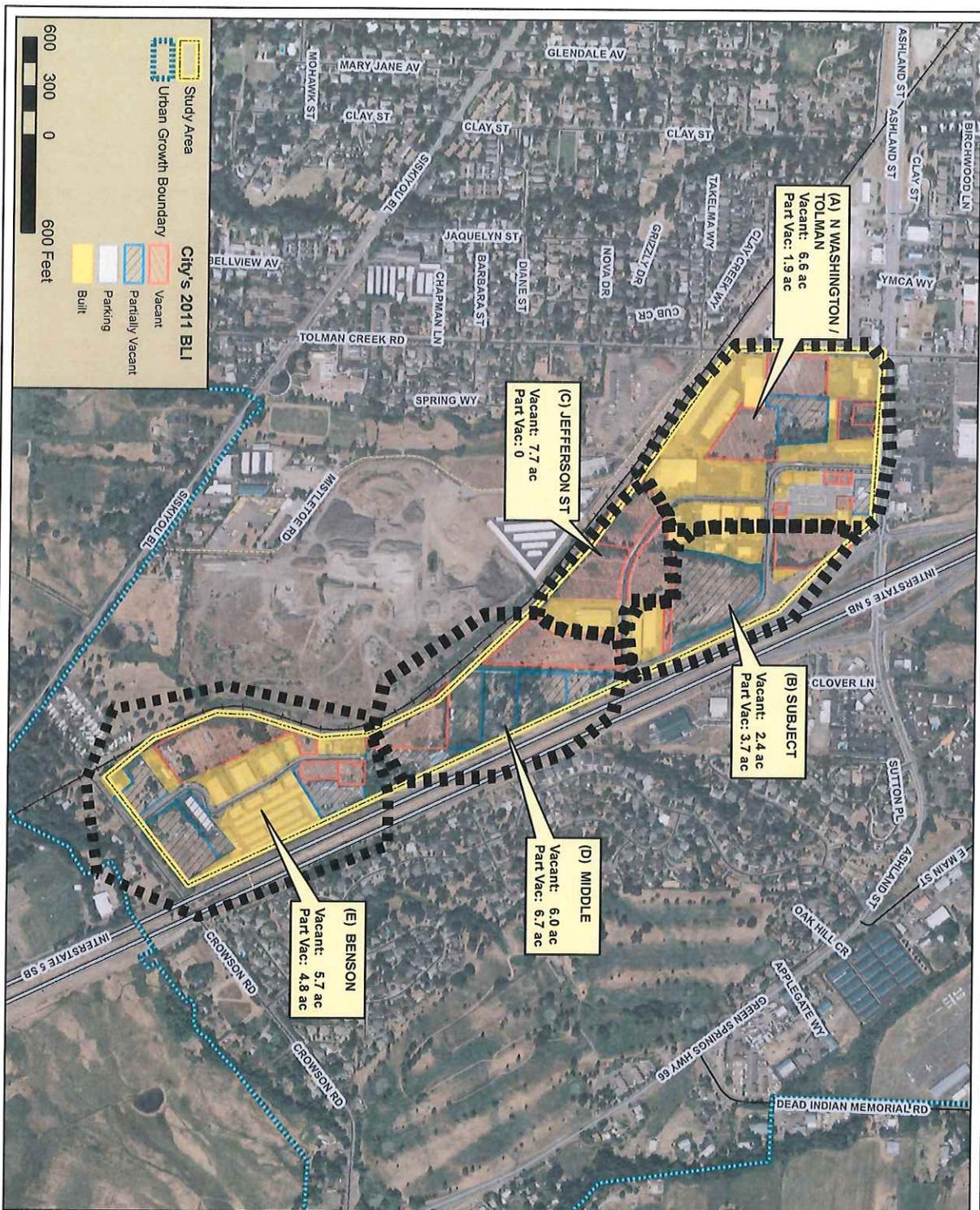
Very Truly Yours,

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





Technical Memorandum

To: Jay Harland
Date: May 1, 2018
Subject: BLI Analysis

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Mike@CSAplanning.net

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', is written over a horizontal line.

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 Kastrell, 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
165	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. 3.3 miles)	short	\$ 551,648				Exempt - Table 2 - Safety	PM10
163	Intersection Improvements: Ashland-Oak Knoll E. Main	Realign intersection, install speed-reduction treatments (950-ft, 0.18 Miles)	Medium Range (2017-2021) Total	\$ 1,184,195	\$ - 8,314,700	\$ 8,706,000		Exempt - Table 3	PM10
164	Normal Avenue Extension	Extend roadway to East Main, sidewalks, bicycle lanes (2,250-ft, 0.43 Miles)	Long Range (2022-2030) Total	\$ 5,816,892	\$ 1,184,195	\$ 6,499,600	\$ -	Non-Exempt	PM10
165	Clear Creek Drive Extension	Extend road to connect with N. Mountain Ave. (2,000-ft, 0.38 Miles)	Long Range (2031-2042) Total	\$ 4,907,359	\$ 10,517,391	\$ 12,754,000	\$ -	Non-Exempt	PM10
Central Point									
232	Twin Creeks Rail Crossing	Add new at grade crossing and signal, sidewalks at OR99 and Twin Creeks Crossing (1,050 ft)	short	\$ 3,300,000				Non-Exempt	PM10
233	E. Pine Street Downtown Improvement Project	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
215	OR 99: Traffic Calming Unit 3	Traffic Calming (300 ft)	Short Range (2017-2021) Total	\$ 259,643	\$ 11,449,000	\$ 14,143,000		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 Range (2022-2030) Total	\$ 3,286,895	\$ 3,545,727	\$ 19,276,000	\$ -	Exempt-Table 2 - Safety	PM10
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 Range (2031-2042) Total	\$ 865,079				Exempt-Table 2 - Safety	PM10
219	Table Rock Rd. & Vitas Rd Intersection	Widen to add turn lanes	Long Range (2031-2042) Total	\$ 1,751,900				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 Range (2031-2042) Total	\$ 1,117,473	\$ 3,734,354	\$ 9,101,908	\$ -	Exempt-Table 2 - Safety	PM10

SANDOW ENGINEERING

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.

Kelly Sandow PE
South Ashland Business Park-Response to Anderson Comments
May 1, 2018
Page 2

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.

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Page 3

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*

Kelly Sandow PE
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May 1, 2018
Page 4

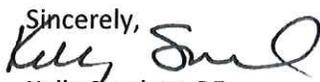
location will have an origin and destination that utilizes I-5/Exit 14 southbound (to) and northbound (from). A reasonable trip distribution assumption would be that PM peak hour traffic from the proposed development that does not make a right turn from Washington Street onto Ashland Street (and then 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"

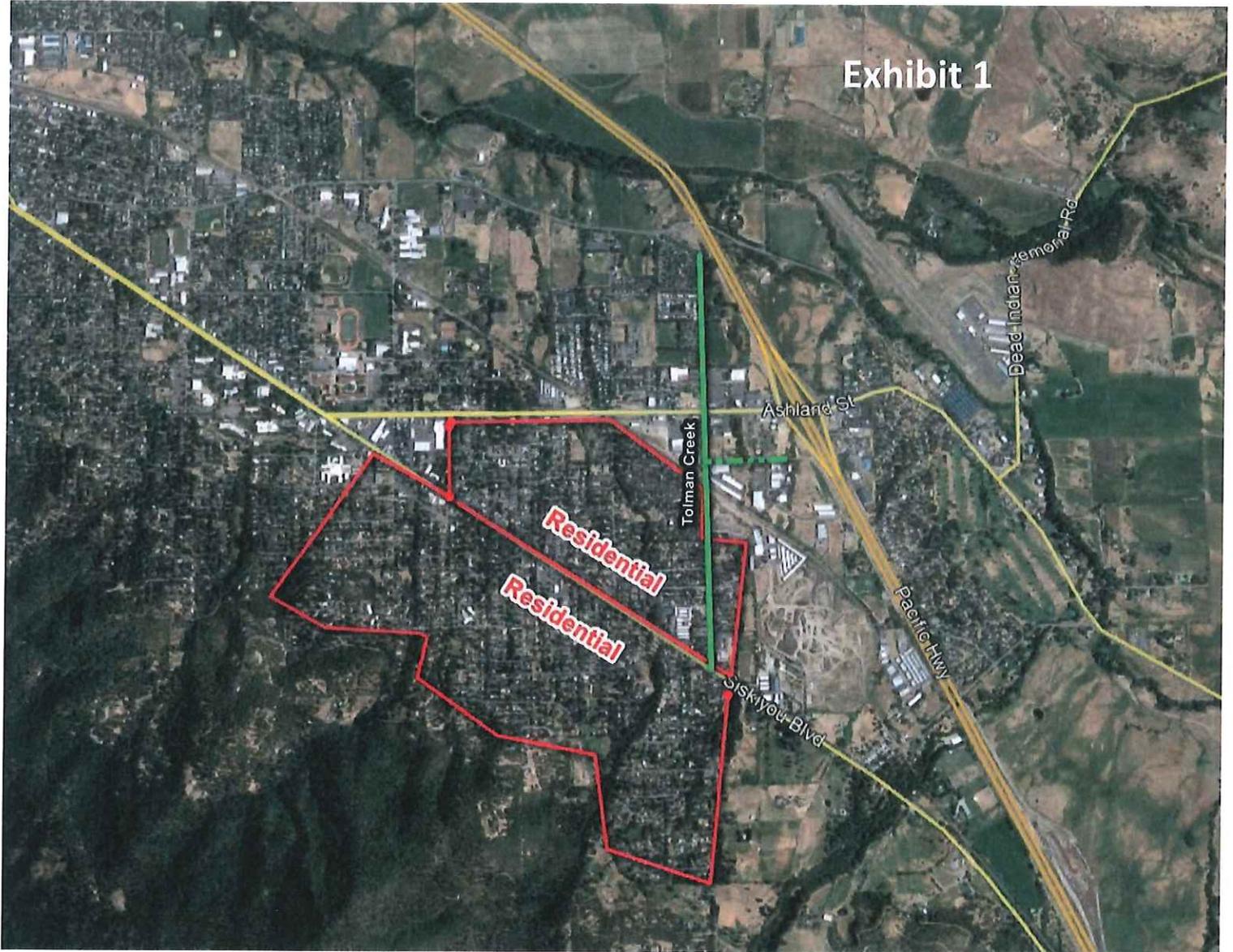
The trip distribution values were based on the following assumptions:

- 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



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 SPUI 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.

Attachment A-4

June 2010

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

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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 5B Ramps & Ashland St (OR 66)	5BL	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

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	
	5BL	75	75	75	100	75	75	75	
	5BT/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 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 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.

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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.