

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
July 28, 2020
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **TYPE III PUBLIC HEARINGS CONT'D**
 - A. **PLANNING ACTION: #PA-T3-2019-00001**
SUBJECT PROPERTY: 1511 Hwy 99 N
OWNER/AGENTS/APPLICANT: Linda Zare/Casita Developments, LLC & Kendrick Enterprise, LLC/ Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments. COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; ZONING: Existing – County RR-5, Proposed – City R-2; ASSESSOR’S MAP: 38 1E 32; TAX LOT#’s: 1700 & 1702.

- V. **LEGISLATIVE PUBLIC HEARING**
 - A. **PLANNING ACTION: PA-L-2020-00008**
APPLICANT: City of Ashland
DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

VI. ADJOURNMENT

CITY OF
ASHLAND



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

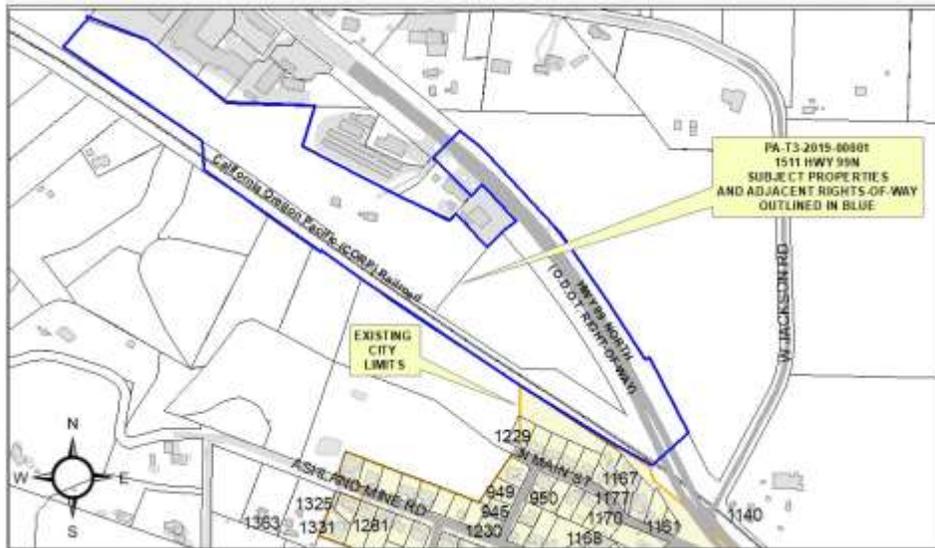
**TYPE III
PUBLIC HEARING**

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



PLANNING ACTION: PA-T3-2019-00001
SUBJECT PROPERTY: 1511 Highway 99 North and Adjacent Railroad Property and State Highway Right-of-Way
OWNER: Linda Zare
AGENTS: Casita Developments, LLC & Kendrick Enterprise, LLC
APPLICANT: Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application seeks exception from the city's street design standards to deviate from city standard parkrow and sidewalk improvements in some areas to respond to constraints of right-of-way width and existing encroachments. **COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** Existing – County RR-5, Proposed – City R-2; **ASSESSOR'S MAP:** 38 1E 32; TAX LOT#'s: 1700 & 1702.

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: *Tuesday June 23, 2020 at 7:00 PM*



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

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

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at <http://www.ashland.or.us/Agendas.asp?SectionID=0&CCBID=198> seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to PC-public-testimony@ashland.or.us with the subject line "June 23 PC Hearing Testimony" by 10:00 a.m. on Monday, June 22, 2020. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "June 23 PC Hearing Testimony" by 10:00 a.m. on Tuesday, June 23, 2020. Written testimony received by these deadlines will be available for Commissioners to review before the hearing and will be included in the meeting minutes.

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

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

ANNEXATIONS - Approval Criteria and Standards (AMC 18.5.8.050)

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

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

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

Table 18.5.8.050.G.3

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

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

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

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

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

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

Memo

DATE: July 28, 2020
TO: Ashland Planning Commission
FROM: Derek Severson, *Senior Planner*
RE: Grand Terrace Annexation

Staff have provided a summary below of the issues identified in the Commission's review of this application since last fall as they currently stand. At this stage, staff recommends that the Planning Commission forward a favorable recommendation to the Council with regard to the requested annexation application, and have attached draft findings which reflect that recommendation.

Contiguity & The Adjacent Railroad Property

As has previously been discussed, the subject properties are separated from the city by railroad property which is not considered to be right-of-way and as such the applicant's properties are not currently contiguous with the city limits.

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

On that basis, staff is recommending that both the adjacent railroad property and the ODOT right-of-way for Highway 99N be included to provide a more logical and orderly boundary. If the railroad property were to remain as a barrier, all of the property within the Urban Growth Boundary (UGB) to the north of the current city limits could not be annexed, and inclusion of the ODOT highway right-of-way enables necessary utility extensions. The most recent public notices have included these properties, and were sent to their owners. Subsequent to receiving notice, ODOT has expressed their agreement to the inclusion of their property while representatives of the railroad have indicated they do not wish to be annexed.

In looking at the state statutes relative to annexation, ORS 222.170 provides a "Triple Majority" option to allow annexation by consent - through public hearing - without referring the matter to an election when:



- More than one-half of the owners with land in the area to be annexed consent to the annexation;
- Owners of more than one-half the land in the area to be annexed consent to the annexation; and
- That land represents more than one-half of the total assessed value in the area to be annexed.

ORS 222.170 also specifically addresses how railroad property is considered, noting that the railroad shall not be considered when determining the number of owners, the area of land or the assessed valuation required under this “Triple Majority” option unless the owner of such property files a statement consenting to or opposing annexation. In this case, both the Railroad and ODOT have provided statements relative to annexation and as such must be considered in reaching the Triple Majority.

In staff’s assessment, and after discussion with the City Attorney, with the consent of the applicant and ODOT we believe that the Commission could find that the proposal to annex the applicant’s properties, adjacent state highway right-of-way and railroad property recommended by staff to achieve contiguity, satisfies the “Triple Majority” option and could be approved even without the Railroad’s consent.

Affordability

At the June 23, 2020 meeting, the Planning Commission discussed AMC 18.5.8.050.G.1 which reads, *“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.”* Based on that discussion, Commissioners determined that there is no provision to reduce the base density by excluding constrained lands (*hillsides, water resource protection zones for streams and wetlands, and lands with significant natural features*) when calculating the number of required affordable units for annexations as there is in calculating the minimum density requirement. As such, Commissioners seemed ready to recommend that the Council require that the number of affordable units included in the formal Site Design Review application be increased to account for the full base density of the subject properties. The R-2 subject properties have a based density of 13½ dwelling units per acre, which for this 16.87 acre property equates to a 227¾ dwelling unit base density and would require 56 dwelling units of affordable housing or, for units offered at 60 percent of area median income, this could be adjusted down to 37 dwelling units. *(This is 7-10 more affordable units than would be required if sloped areas and wetlands were allowed to be excluded.)*

Transportation

Traffic Impact Analysis (TIA)

The applicant’s traffic engineer, Kelly Sandow, P.E., has submitted a technical memorandum in response to ODOT’s original TIA review comments. In speaking with ODOT staff, they have indicated that at this point, ODOT has given their final sign-off to the TIA with the addition of the technical memorandum.

Access Easement

The applicant has indicated that access to the property is provided by a 30-foot wide ingress access easement and notes that there are no reservations or limits noted upon the easement. The applicant further explains that there is a 25-foot wide right of access to the highway from the easement, and that the applicant’s attorney has reviewed the easement and found no restrictions. The applicant has included a survey noting the easement area along with the easement language.



While the adjacent property owners have raised questions as to the original intent underlying the granting of the easement, at the last meeting Commissioner's made clear that their role is not to analyze the history and legitimacy of the existing easement, but rather based on the easement in place to determine if adequate transportation can be provided.

In this instance, multi-family zoned property is not required to provide dedicated public streets with development (AMC 18.4.6.040.C.1), however AMC 18.4.3.080.C.3.d requires that two driveway access points be provided if a multi-family development will generate over 250 trips per day. The intent of this standard is to provide options for the orderly flow of traffic into and out of the site. Two driveways are proposed, and the applicant's "Tech Memo" supplement to the Traffic Impact Analysis (TIA) indicates that ODOT will be permitting unrestricted turning movements at both driveways – allowing both right-in/right-out and left-in and left-out movements.

City standards in AMC 18.4.3.080.D.3 require that, *"Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner."* In addition, AMC 18.4.4.030.F.2.a requires that areas for vehicle maneuvering, parking and loading have a five-foot wide landscaped screening strip where abutting a property line. In this instance, the 30-foot easement width would accommodate a 20-foot driveway with five feet of landscaped screening strip on each side.

Pedestrian, Bicycle & Transit Facilities

Frontage Improvements

The pedestrian transportation standards for annexation in AMC 18.5.8.050.E.3 call for safe and accessible pedestrian facilities and full sidewalk improvements along the frontage, and where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be extended to connect to the existing system. The applicant has addressed required frontage improvements with a mix of standard (parkrow and sidewalk) and curbside sidewalk installations that would connect existing sidewalks from the north of the site in the county to the south within the city. The sidewalk installation proposed equates to approximately 0.63 miles.

Existing bike lanes would remain. Planning and ODOT staff have discussed the potential for incorporating a two-way multi-use path rather than sidewalks and bike lanes from the driveway north to deal with bicyclists wishing to go left out of the driveway across Highway 99N. ODOT has indicated that such a facility may be possible under their standards, and that they would be open to discussing it further, but that the key issue would be the extent of such a facility and how and where it could transition to existing facilities to the north and south when new crossings are not feasible.

A standard sidewalk and parkrow configuration is proposed along the properties' frontages, except where the installation of the bus pull-out lane and bus shelter instead necessitate an eight-foot curbside sidewalk. Beyond the applicant's frontages, where right-of-way is constrained, curbside sidewalks are proposed. Exception findings to address those areas of sidewalk that aren't designed to city street standards have been provided – although until annexation occurs, the roadway here is a state highway and subject to ODOT standards. The applicant discusses specific sidewalk sections in terms of the station numbers on the civil drawings.



- **Stations 1-16 (North of Land of Paws):** An 8-foot curbside sidewalk is proposed. The applicant explains that there is a large roadside ditch and private property belonging to Anderson Autobody which prevent parkrow installation, and this curbside sidewalk will connect to existing curbside sidewalk to the north.
- **Stations 16-23:** A 3-foot bike buffer, 6-foot bike lane, 7-½ foot parkrow, and 6-foot sidewalk are proposed along this section of the property frontage.
- **Stations 23-27:** A bus pull-out lane, bus stop and 8-foot curbside sidewalk are proposed along this section of the property frontage. Parkrow here has been replaced by the bus pull-out lane.
- **Station 27-34:** A 3-foot bike buffer, 6-foot bike lane, and 8-foot curbside sidewalk are proposed. The applicant explains that this section is physically constrained by a steep roadside embankment and by the railroad trestle.
- **Station 34 – Schofield/North Main:** A 6-foot bike lane, 7½ -foot parkrow and 6-foot sidewalk are proposed in this section.

Southbound RVTD Bus Stop

Planning Commissioners asked that the applicant work with RVTD and ODOT to provide design details for a southbound RVTD bus stop on the subject property’s frontage which would likely need to include a pull-out, shelter with lighting, sidewalk, accessible loading pad and accessible route to the site, any necessary retaining, and a merge lane for the bus to re-enter the travel lane at an appropriate speed. The applicant has met with RVTD and its Bus Stop Committee, and a new, southbound bus pull-out lane, bus stop pad and future electric conduit to provide low voltage power is proposed to be provided south of the main driveway entrance to the site. The applicant’s Exhibit C.4 illustrates the proposed bus pull-out lane, shelter and street light placement, and a proposed walkway connecting from the shelter onto the project site.

Northbound RVTD Bus Stops

There are two existing northbound RVTD “flag stops” within 1,800 to 2,00 feet of the property, with one near the intersection of North Main Street and Highway 99N and the other near Valley View and Highway 99N. The applicant has explored the potential for enhancing crossings, but indicates that ODOT has determined that new striping, rapid flash beacons (RRFB’s) or similar treatments are not appropriate given the speeds, traffic volumes, sight and stopping distances when weighed against the anticipated number of pedestrians. The applicant further indicates that ODOT does support a median refuge at the intersection of North Main and Highway 99N along with “Pedestrian Crossing” signage.

The applicant emphasizes that the subject property and its proximity to both northbound stops and the new proposed southbound stop are within Transit Supportive Areas in the RVTD 2040 Transit Master Plan as the property is within the “quarter mile walkshed” from transit stops. This consists of areas that are within a typical five-minute walk at a normal walking pace. The applicant concludes that like most areas in the community, there is not a northbound and southbound bus stop along the property frontage and this does not prevent commuters from crossing Highway 99N (or Siskiyou Boulevard or Highway 66) to access transit stops where they are not directly connected via a crosswalk or signalized intersection.

Speed reduction

The applicant has suggested that with a change in roadside culture through annexation and the introduction of higher density residential development, driving habits on the corridor may change. They suggest that after improvements are made, a formal speed study to seek a reduction in highway speeds



can be undertaken and eventually, if speeds are reduced and pedestrian volumes increase, potential marked crossings could be approved by the Oregon Department of Transportation (ODOT).

ODOT has jurisdiction on highway markings for pedestrian crossings and for highway speed limits on this state highway. A request to initiate a speed study will ultimately need to come from the City, and Planning and Engineering staff have begun preliminary discussions with ODOT staff and they are open to conducting a speed study, which has not been done for this corridor since the lane reconfiguration (“road diet”) completed a few years ago. Staff recommends that with annexation approval, that Council provide direction to staff to work with ODOT to initiate a speed study to see if a speed reduction is merited.

Street Lighting

The Planning Commissioners had requested that the applicant provide details for street-lighting to increase pedestrian safety along the highway corridor, with particular focus on the driveway locations, and planning staff suggested that the applicant consider how they might more clearly delineate the northern driveway entrance at the street for drivers in conjunction with proposed frontage improvements. The applicant’s January 28, 2020 response letter indicates that an ODOT-standard cobra style street light or City-standard pedestrian-scaled streetlight will be placed near the improved driveway apron. In addition, Exhibits C.3 and C.4 illustrate a total of five additional lights to be installed along the property frontage.

Staff Recommendation

As discussed above, ODOT has indicated that the TIA is satisfactory, that the bus lane is satisfactory with a taper adjustment, and that they support a median cut to provide a pedestrian refuge at North Main Street. ODOT has further indicated that they are satisfied with bicycle and pedestrian facilities as proposed, emphasizing the need for a six-foot sidewalk under the trestle; and that ODOT permits will be required to complete improvements. ODOT has also noted that they will need to review and approve final storm-drainage engineering at Site Review since storm drainage is to outflow into ODOT right-of-way.

At this point, with the installation of roughly 3,340 linear feet – or 0.63 miles - of sidewalk connecting from the existing terminus of sidewalk in Jackson County near El Tapatio restaurant south into the city limits to the existing sidewalk at Schofield Street; the installation of a new bus stop with pull-out and merging lane; improvements to the crossing from North Main Street across Highway 99N to the northbound RVTD flag stop to include an improved median refuge and pedestrian crossing signage; and the clear understanding that Site Design Review approval will need to be obtained before development of the site, staff believe the Planning Commission can forward a recommendation to Council that the criteria for annexation have been met. Draft findings reflecting this staff recommendation are attached.



BEFORE THE PLANNING COMMISSION
July 28, 2020

IN THE MATTER OF PA-T3-2019-00001, A REQUEST FOR ANNEXATION OF TWO)
PARCELS TOTALING 16.87 ACRES, WITH A CURRENT ZONING OF JACKSON)
COUNTY RR-5 (RURAL RESIDENTIAL) AND A PROPOSED ZONING OF CITY)
OF ASHLAND R-2 (LOW DENSITY, MULTI-FAMILY RESIDENTIAL) FOR THE)
PROPERTIES LOCATED AT 1511 HIGHWAY 99 NORTH. THE ANNEXATION)
IS TO INCLUDE ADJACENT RAILROAD PROPERTY & STATE HIGHWAY)
RIGHT-OF-WAY AT THE RECOMMENDATIONS OF THE STAFF ADVISOR.)
THE APPLICATION INCLUDES CONCEPTUAL DETAILS FOR THE FUTURE)
PHASED DEVELOPMENT OF 196 1- & 2- BEDROOM APARTMENTS RANGING) **FINDINGS,**
FROM 480-701 SQUARE FEET IN 14 2-STORY BUILDINGS. OUTLINE PLAN) **CONCLUSIONS,**
SUBDIVISION AND SITE DESIGN REVIEW DEVELOPMENT APPROVALS ARE) **ORDERS &**
NOT REQUESTED HERE, AND WOULD BE APPLIED FOR SUBSEQUENT TO) **RECOMMENDATION**
ANNEXATION. THE APPLICATION ALSO REQUESTS AN EXCEPTION TO)
STREET STANDARDS TO DEVIATE FROM CITY STANDARD PARKROW)
AND SIDEWALK IMPROVEMENTS TO RESPOND TO CONSTRAINTS OF)
RIGHT-OF-WAY WIDTH AND EXISTING ENCROACHMENTS.)

OWNER: Linda Zare)
APPLICANT: Casita Developments, LLC & Kendrick Enterprise, LLC)

RECITALS:

- 1) Tax lots #1700 and #1702 of Map 38 1E 32 are located at 1511 Highway 99 North, which is presently outside the city limits, and is zoned RR-5, Jackson County Rural Residential.

- 2) The applicants are requesting annexation of two parcels totaling 16.87 acres with a current zoning of Jackson County RR-5 (Rural Residential) and a proposed zoning of City of Ashland R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way at the recommendation of the Staff Advisor. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings. Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments. The proposal is outlined in plans on file at the Department of Community Development.

3) The approval 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 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.*

5) 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.*

6) The Planning Commission, following proper public notice, held public hearings on November 12, 2019 and June 23, 2020 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission recommended that the City Council approve the Annexation request subject to a number of conditions, and that the Council direct staff to work with the Oregon Department of Transportation to initiate a speed study to determine whether a reduction in the speed limit is possible on the adjacent state highway corridor.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, 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 meets the applicable criteria in AMC 18.5.8.050.

2.3 The Planning Commission notes 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, and that the land be currently contiguous with the present city limits. In this instance, the subject property is located within the city's Urban Growth Boundary, and the requested R-2 zoning is consistent with the site's Comprehensive Plan designation of "Multi-Family Residential." While Site Design Review approval is not currently requested for development of the site, a conceptual multi-family development plan is provided to demonstrate how the property could be developed to the required minimum density in keeping with applicable standards.

The applicant's two parcels are separated from the current city limits by the railroad property, however the Planning Commission notes that AMC 18.5.8.060 provides that "*When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City. The Staff Advisor, in a report to the Planning Commission and City Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Commission and Council to make annexations extending the City's boundaries more logical and orderly.*" The Planning Commission finds that the Staff Advisor has recommended that both the adjacent railroad property and the ODOT right-of-way for Highway 99N be included to provide a more logical and orderly boundary, noting that if the railroad property were to remain as a barrier, all of the property within the Urban Growth Boundary (UGB) to the north of the current city limits could not be annexed, and inclusion of the ODOT highway right-of-way enables necessary utility extensions.

The Commission notes that the most recent public notices have included these properties, and notices were sent to their owners. Subsequent to receiving notice, ODOT has expressed their agreement to the inclusion of their property while representatives of the railroad have indicated they do not wish to be annexed. The Commission further notes that as provided in state law (ORS 222.170), an annexation may be approved by consent through a public hearing, rather than by requiring an election, when: more than one-half of the owners with land in the area to be annexed consent to the annexation; owners of more than one-half the land in the area to be annexed consent to the annexation; and that land represents more than one-half of the total assessed value in the area to be annexed. The Planning Commission finds that with the consent of the applicant and ODOT, the proposal to annex the applicant's properties, adjacent state highway right-of-way and railroad property recommended by the Staff Advisor to achieve contiguity satisfies the requirements for annexation under state law and can be approved over the Railroad's objection.

Public Facilities

The Commission further notes that annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property. With regard to specific public facilities:

- **Water:** The Water Department has noted that the property is not currently served by a water main, and a new main will need to be installed to connect to the existing city water system. The nearest

point of connection is the intersection of North Main Street and Highway 99 North. The applicant notes that water lines to service the property are proposed to be extended, and indicates that these will be adequately sized to provide water pressure for residential service and fire suppression systems. The Water Department has indicated that with extension of a new main, there will be adequate supply of potable water available to the site subject to the following:

- The City will require the applicant to extend the existing 12-inch main line at a location uphill and south of the site, between Fox & Schofield Streets to a location north of the railroad trestle at the site's northernmost driveway.
 - As this is at the low end of the City's water system, the applicant must anticipate high water pressures at the meter (160+ psi). This will require a pressure reducing valve (PRV) at the point of connection and the applicant's design team should evaluate the need for PRV's for each building.
 - It is understood that the applicant will likely install one water meter for the southernmost building and a second "master meter" for the remainder of the site near the northernmost driveway.
 - Water meters must be placed in the public right-of-way and within the city limits. As such, the proposed annexation should extend at least to centerline of the adjacent state highway right-of-way.
 - Fire hydrants to be installed on-site will be located on private property and will require yearly testing be conducted, with the annual results reported to the City's Water Department.
 - The existing well on site will need to be abandoned, or the applicant will be required to install premises isolation measures (RPZ/double check).
 - The applicant will need to work with the Bureau of Reclamation (BOR) on any necessary modifications to proposed site improvements and associated permitting to address the "Billings Siphon" irrigation easement and associated federal requirements.
 - The City will need to review a more formal plan for on-site services with the eventual Site Design Review application to develop the site. The review here is limited to extending adequate capacity of public facilities to the subject property.
- **Sanitary Sewer & Storm Drainage:** City code requirements typically necessitate that all utilities transition to city services with annexation, however in this instance the property is well outside and downhill of the city's sanitary and storm sewer systems, and a significant extension of new services would be needed and all sewage and stormwater would need to be pumped. There is a "Cooperative Agreement/Urban Services Agreement" in place between the City of Ashland, Jackson County and the Bear Creek Valley Sanitary Authority - now Rogue Valley Sewer Service - which dates to November 8, 1995 and which provides that with annexation, the sewer district shall continue to provide an urban level of sanitary sewer and/or storm water services that it has historically provided to territory within the district's existing limits and that the City and the sewer district may agree to joint provision of service to areas within the City or its UGB by contract, mutual agreement or other method. As proposed by the applicant here, RVSS will continue to provide these services to the subject properties per the 1995 agreement. RVSS has indicated that their sanitary sewer system has adequate capacity for the proposed development, and there is an eight-inch main in the right-of-way due north of the project site. On-site storm water drains to a roadside ditch that is within the state highway right-of-way and maintained by the Oregon Department of Transportation (ODOT). The

application indicates that the future development of the property is required to be compliant with the regionally-adopted Rogue Valley Stormwater Design Manual, and further notes that the project Civil Engineers have performed preliminary stormwater generation calculations based on the maximum coverage areas in the zone and have proposed potential surface detention, and recognize that below-grade collection, detention and treatment will be necessary with the future development of the site. With the 1995 agreement, the existing sanitary and storm sewer services to the property would continue, but may need to be formalized with an intergovernmental agreement between the City, RVSS and ODOT to finalize the logistics of RVSS providing sewer and storm water service to the properties once annexed to the City.

- **Electric:** The application explains that the property is currently served by Pacific Power, but that with the development the property will be served by the City of Ashland Electric Department with the installation of new electrical infrastructure by the applicant. The application explains that there is presently low-voltage city electric service in place to power street and landscape lighting in and around the central median at the railroad trestle overpass. With the proposal, electric lines are to be provided in or adjacent to the highway right-of-way to provide adequate infrastructure to the proposed development and future development in the vicinity. The Electric Department has indicated that they have preliminarily approved the applicant's service plan which would provide the necessary capacity to serve anticipated future development of the property. They have further noted that this preliminary service plan does not consider how development would be served on site, and is limited to bringing necessary capacity to the property. The site is nearly 17-acres and is largely vacant, and the Commission has recommended that with annexation, a condition be included to make clear that all utility installations shall not disturb the wetland or its water resources protection zone.

The Planning Commission finds that the proposal is somewhat unique in that annexations, whether for commercial or residential land, have historically been associated with concurrent development proposals that provide clear trigger points for the completion of improvements and a measure of certainty with regard to the ultimate build-out. In this instance, while the applicant has provided a development plan to conceptually demonstrate how the property could be developed at minimum density in keeping with the zoning, there is no concurrent development approval requested and the proposal involves the provision of some public services by entities other than the city. The Commission finds that separating the annexation request and subsequent development into phases as proposed seems a reasonable approach given the complexity and costs associated with installing infrastructure and frontage improvements, and the additional upfront costs associated with preparing Site Design Review plan submittals. The Commission however finds that annexation approval should include a clear requirement that the properties be deed restricted to require that final civil drawings be reviewed and approved and public utility infrastructure and transportation facilities required for annexation be installed, or adequate security to insure their completion provided, prior to any development of the site.

Adequate Transportation

The Planning Commission notes 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.

For bicycle transportation, a finding that safe and accessible bicycle facilities exist, or can and will be constructed is required, and for annexation along an arterial street, bike lanes are to be provided on or adjacent to the arterial street and safe and accessible facilities to likely bicycle destinations from the project site shall be considered.

For pedestrian transportation, full sidewalk improvements are to be provided on one side for all streets adjacent to the proposed annexed area and 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, and safe and accessible facilities to likely pedestrian destinations from the project site shall be considered.

Where transit service is available or likely to be extended in the future, provisions are required to 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.

The subject properties front on Highway 99 North, sometimes referred to as the Rogue Valley Highway, which is a state highway under the jurisdiction of the Oregon Department of Transportation. Highway 99 North becomes North Main Street within the city limits. North Main Street is a boulevard or arterial as classified in the Transportation System Plan (TSP). City street standards for an arterial street generally call for 11-foot motor vehicle travel lanes, a 12-foot median/center turn lane, six-foot bike lanes on each side, eight- to nine-foot parking lanes where on-street parking is appropriate, a six-inch curb, a seven- to eight-foot parkrow planting strip with irrigated street trees, and six-foot sidewalks. As it currently exists under the recent lane reduction (aka “The Road Diet”), Highway 99N has one motor vehicle travel lane in each direction separated by a single, shared center turn lane, and variable width bicycle lanes on the shoulder. There are no curbs in place along the property frontage, and roadside ditches are present in some locations. On the opposite side of the roadway, a guardrail is in place at the outside edge of the bike lane.

Motor Vehicle Transportation

Transportation Impact Analysis (TIA)

The applicant’s traffic engineer, Kelly Sandow, P.E., has submitted a TIA and a supplementary technical memorandum which evaluates the impacts of the proposal. Key findings of the TIA include:

- The TIA shows all studied intersections (Hwy 99N at South Valley View, Highway 99N at Jackson Road, North Main Street at Jackson Road, North Main Street at Maple Street, and Hwy 99N at the

project access points) will meet the mobility standards through the Year 2034 with the addition of the traffic associated with anticipated development of the subject property.

- The addition of development traffic will not substantially increase queuing conditions over the background conditions. The TIA technical memo further explains that the recent reduction in through lanes with the road diet has resulted in increased queuing lengths when disruptions to traffic such as garbage trucks, stopped buses or cars stopping for pedestrians create back-up's. No mitigation is recommended to address these queue lengths.
- All site driveways are projected to operate safely and efficiently.
- The TIA recommends that Highway 99N be restriped to include a left-turn lane for vehicles entering the site.
- The TIA concludes that the Transportation Planning Rule (TPR) has been demonstrated to be met.

Access Easement

The Planning Commission notes that the applicant has indicated that one of the two access points to the property is to be provided via a 30-foot wide ingress access easement and notes that there are no reservations or limits noted upon the easement. The applicant further explains that there is a 25-foot wide right of access to the highway from the easement, and that the applicant's attorney has reviewed the easement and found no restrictions. The applicant has included a survey noting the easement area along with the easement language.

The Planning Commission finds that while the adjacent property owners have raised questions as to the original intent underlying the granting of the easement, it is not the Commissioners' role to analyze the history and legitimacy of the existing easement, but rather based on the easement in place to determine if adequate transportation can be provided.

The Planning Commission finds that while city standards generally seek a gridded, interconnected street system within and through the development that provides for broader connectivity, the presence of the railroad tracks along one boundary of the subject properties combined with site topography prevents connection to the adjacent street system. In this instance, multi-family zoned property is not required to provide a dedicated public street with development (AMC 18.4.6.040.C.1), however AMC 18.4.3.080.C.3.d requires that two driveway access points be provided if a multi-family development will generate over 250 trips per day. The intent of this standard is to provide options for the orderly flow of traffic into and out of the site. Two driveways are proposed, and the applicant's "Tech Memo" supplement to the Traffic Impact Analysis (TIA) indicates that ODOT will be permitting unrestricted turning movements at both driveways – allowing both right-in/right-out and left-in and left-out movements.

City standards in AMC 18.4.3.080.D.3 require that, "*Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.*" In addition, AMC 18.4.4.030.F.2.a requires that areas for vehicle maneuvering, parking and loading have a five-foot wide landscaped screening strip where abutting a property line. The Planning Commission finds that in this instance, the 30-foot easement width would accommodate a 20-foot driveway with five feet of landscaped screening strip on each side.

Bicycle & Pedestrian Transportation

Frontage Improvements

The pedestrian transportation standards for annexation in AMC 18.5.8.050.E.3 call for safe and accessible pedestrian facilities and full sidewalk improvements along the frontage, and where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be extended to connect to the existing system. The Planning Commission finds that the applicant has addressed required frontage improvements with a mix of standard (parkrow and sidewalk) and curbside sidewalk installations to connect existing sidewalks from the north of the site in the county to the south within the city. The sidewalk installation proposed equates to approximately 0.63 miles. Existing bike lanes would remain in place.

The Planning Commission finds that a standard sidewalk and parkrow configuration is proposed along the properties' frontages, except where the installation of the bus pull-out lane and bus shelter necessitate an eight-foot curbside sidewalk. Beyond the applicant's frontages, where right-of-way is constrained, curbside sidewalks are proposed. An ODOT-standard cobra-head style street light or City-standard pedestrian-scaled streetlight will be placed near the improved driveway apron, and a total of five additional street lights are proposed to be installed along the property frontage. Exception findings to address those areas of sidewalk that aren't designed to city street standards have been provided although until annexation occurs, the roadway here is a state highway and subject to ODOT standards. The applicant discusses specific sidewalk sections in terms of the station numbers on the civil drawings.

- **Stations 1-16 (North of Land of Paws):** An 8-foot curbside sidewalk is proposed. The applicant explains that there is a large roadside ditch and private property belonging to Anderson Autobody which prevent parkrow installation, and this curbside sidewalk will connect to existing curbside sidewalk to the north.
- **Stations 16-23:** A 3-foot bike buffer, 6-foot bike lane, 7-½ foot parkrow, and 6-foot sidewalk are proposed along this section of the property frontage.
- **Stations 23-27:** A bus pull-out lane, bus stop and 8-foot curbside sidewalk are proposed along this section of the property frontage. Parkrow here has been replaced by the bus pull-out lane.
- **Station 27-34:** A 3-foot bike buffer, 6-foot bike lane, and 8-foot curbside sidewalk are proposed. The applicant explains that this section is physically constrained by a steep roadside embankment and by the railroad trestle.
- **Station 34 – Schofield/North Main:** A 6-foot bike lane, 7½ -foot parkrow and 6-foot sidewalk are proposed in this section.

Transit Transportation

With regard to transit, the annexation criterion is that, *“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.”*

Southbound RVTB Bus Stop

The Planning Commission finds that the applicant has worked with RVTB, the RVTB Bus Stop Committee and ODOT to provide design details for a southbound RVTB bus stop on the subject property's frontage to include a pull-out, shelter with lighting, sidewalk, accessible loading pad and accessible route to the site, any necessary retaining, and a merge lane for the bus to re-enter the travel lane at an appropriate speed. The applicant's Exhibit C.4 illustrates the proposed bus pull-out lane, shelter and street light placement, and a proposed walkway connecting from the shelter onto the project site.

Northbound RVTB Bus Stops

The Planning Commission finds that there are two existing northbound RVTB "flag stops" within 1,800-2,000 feet of the property, with one near the intersection of North Main Street and Highway 99N and the other near Valley View and Highway 99N. The applicant has explored the potential for enhancing crossings, but indicates that ODOT has determined that new striping, rapid flash beacons (RRFB's) or similar treatments are not appropriate given the speeds, traffic volumes, sight and stopping distances when weighed against the anticipated number of pedestrians. The applicant further indicates that ODOT does support a median refuge at the intersection of North Main and Highway 99N along with "Pedestrian Crossing" signage.

The Planning Commission concludes that the subject property is within a Transit Supportive Area in the RVTB 2040 Transit Master Plan as the property is within the "quarter-mile walkshed" of transit stops, which typically equates to a five-minute walk at a normal pace, and that the applicant is providing a new southbound stop to support transit use by future residents of the property.

Speed reduction

The Planning Commission notes that the applicant has suggested that with a change in roadside culture through annexation and the introduction of higher density residential development, driving habits on the corridor may change. They further suggest that after improvements are made, a formal speed study to seek a reduction in highway speeds could be undertaken and eventually, if speeds are reduced and pedestrian volumes increase, marked crossings could potentially be approved by the Oregon Department of Transportation (ODOT).

The Planning Commission finds that ODOT has jurisdiction on this section of state highway with regard to issues including highway markings for pedestrian crossings and speed limits. A request to initiate a speed study will ultimately need to come from the City, and Planning and Engineering staff have indicated that preliminary discussions with ODOT staff have begun and they are open to conducting a speed study, which has not been done for this corridor since the lane reconfiguration ("road diet") completed a few years ago. The Planning Commission recommends that with annexation approval, that Council provide direction to staff to work with ODOT to initiate a speed study in hopes that a speed reduction can be implemented to make the corridor a more pedestrian, bicycle and transit friendly facility.

The Planning Commission notes that the Oregon Department of Transportation (ODOT), which has jurisdiction over the state highway here, has indicated that the TIA is satisfactory, that the bus lane is satisfactory with a slight adjustment to its taper, and that they support a median cut to provide a pedestrian refuge at North Main Street and pedestrian crossing signage. ODOT has further indicated that they are

satisfied with bicycle and pedestrian facilities as proposed, emphasizing the need for a six-foot sidewalk under the trestle; and that ODOT permits will be required to complete improvements. ODOT has also noted that they will need to review and approve final storm-drainage engineering at Site Review since storm drainage is to outflow into a ditch in the ODOT right-of-way.

With regard to adequate transportation, the Planning Commission finds that with the installation of roughly 3,340 linear feet – or 0.63 miles - of sidewalk connecting from the existing sidewalk terminus near El Tapatio restaurant south into the city limits to the existing sidewalk at Schofield Street; the installation of a new bus stop with pull-out and merging lane; improvements to the crossing from North Main Street across Highway 99N to the northbound RVTD flag stop to include an improved median refuge and pedestrian crossing signage; and the clear understanding that Site Design Review approval will need to be obtained before development of the site, the applicants have demonstrated that adequate transportation can and will be provided.

Minimum Density

The Planning Commission notes that for all residential annexations, a plan is required to be provided to demonstrate 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 code further provides that for purposes of computing 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. To ensure compliance with this requirement, the code also requires that the owner sign an agreement for recording with the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan.

The Planning Commission finds that after excluding undevelopable areas due to significant natural features and physical constraints posed by slopes exceeding 35 percent, the riparian drainage area, and the wetland area and its buffer zone, the developable area of the property is 13.75 acres. For the proposed R-2 zoning, the base density for 13.75 acres is 185.625 dwelling units and the minimum density is 167 dwelling units (13.75 acres x 13.5 dwelling units/acre = 185.625 dwelling units x 0.90 minimum density = 167.0625 dwelling units). The application notes that the property owner will sign an agreement with annexation that future development will occur in accord with this minimum density, and the applicant has provided a conceptual development plan including building designs, site lay-out and findings to demonstrate how this could be achieved on site.

Affordability Requirement

The Planning Commission notes that annexations are required to demonstrate that they will meet the affordability requirements set forth in AMC 18.5.8.050.G., which generally requires that the total number of units shall equal or exceed 25 percent of the base density of the subject property. The application explains that the project is proposed as rental units and that the affordable rental units will be restricted to 60 percent of the area median income (AMI) as provided in AMC 18.5.8.080.G.1. At this level, each rental unit provided counts as 1.5 units for the purposes of meeting the standard, and the applicant explains

that these type units will be provided with the future Site Design Review for multi-family development of the property. The affordable units are to be evenly dispersed through the development and will be of a comparable bedroom mix to the market rate units, and it is anticipated that 12 of the future buildings would contain two units each while two of the future buildings would contain three units each for a total of 30 affordable units. The applicant notes that they envision the future development to consist of 28 two bedroom units and 168 one bedroom units of around 500 square feet in area.

The Planning Commission further notes that AMC 18.5.8.050.G.1 requires that, *“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.”* The Planning Commission finds that while there is a provision which allows for the exclusion of constrained lands (*hillsides, water resource protection zones for streams and wetlands, and lands with significant natural features*) when calculating the minimum density of a property, there is no similar provision to exclude these lands from the base density when calculating the required number of affordable units for annexations. The Commissioners therefore conclude that the number of affordable units required with annexation of the property must be increased to account for the full base density of the subject properties. The R-2 subject properties here have a based density of 13½ dwelling units per acre, which for this 16.87 acre property equates to a 227¾ dwelling unit base density and would require 37 affordable dwelling units offered at 60 percent of area median income rather than the 30 affordable dwelling units discussed in the application.

Five-Year Supply

The Planning Commission notes that the final annexation criterion is that one or more of the standards in AMC 18.5.8.050.H. are met. Of these, the applicable standard addressed with the current proposal is a demonstration that there is less than a five-year supply of vacant and re-developable land in the proposed land use classification within the current city limits. The applicant has provided detail based on city data which notes there is a 4.8-year supply of available Multi-Family Residential land combined between the R-2 and R-3 zones. The Planning Commission finds that the area is envisioned and proposed for annexation as Multi-Family Residential, and based on city data in the Housing Element and Buildable Lands Inventory there is less than a five-year supply of available Multi-Family Residential zoned land.

2.4 The Planning Commission notes that the application submittal includes written findings responding to AMC 18.5.9.020 to address a Zoning Map Amendment for the zone change from the current County zoning of RR-5 (Rural Residential) to the City’s R-2 (Low Density, Multi-Family Residential) zoning, which is consistent with the properties’ Comprehensive Plan designation. The Planning Commission finds that annexation of the property into the city with zoning corresponding to the Comprehensive Plan designation does not necessitate a Zoning Map Amendment and is necessary for Annexation to occur.

2.5 The Planning Commission finds that while neither Outline Plan subdivision nor Site Design Review approvals for development of the property are requested here, the application includes conceptual details for the future phased development of 196 apartments (One- and Two-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings with building placement and site and building designs to address

Site Review criteria to address the requirement that the application include a plan demonstrating that with annexation, the property will develop to at least 90 percent of the base density. A deed restriction will be recorded on the property to require that it be developed to the minimum density.

The Planning Commission finds that the site plan details presented for future development here are conceptual, and that Site Review approval for development of the property is not being considered at this time. Outline Plan subdivision, Site Design Review and any other necessary land use approvals will need to be obtained before the site can be developed, subsequent to Annexation approval.

2.6 The Planning Commission finds that while the site has a generally consistent grade and is moderately sloped with an approximate ten- to 15-percent slope from southeast to northwest, the western half of Tax Lot #1700, west of the existing residence, consists of large terraces with areas of steep slopes between and a substantial amount of this lot has slopes in excess of 35 percent which, by city codes, would be considered “severe constraints” lands which are unbuildable.

The Planning Commission further finds that there is a riparian land drainage identified as a tributary of Bear Creek at the north end of Tax Lot #1700, and that two wetlands have been identified on the subject properties. One is only 60-square feet and is located at the base of a small depression northwest of the existing single family residence on Tax Lot #1700. The other is larger at approximately 4,606 square feet in area and located on Tax Lot #1702.

Conditions have been recommended below to require that the applicant provide evidence of concurrence from the Oregon Department of State Lands (DSL) with the wetland delineation prior to a development application for the site, and to include the property in the Wildfire Lands, Physical & Environmental Constraints Hillside Lands and Severe Constraints, and Water Resource Protection Zones maps and associated overlays in order to fully incorporate land-use based protection of the subject properties’ natural features with annexation and subsequent development.

SECTION 3. DECISION

3.1 The application includes a request for the annexation of two parcels totaling 16.87 acres with a current zoning of Jackson County RR-5 (Rural Residential) and a proposed zoning of City of Ashland R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way at the recommendation of the Staff Advisor. The application includes *conceptual* details for the future phased development of 196 apartments in 14 two-story buildings. Outline Plan subdivision and Site Design Review development approvals are not requested here, and are to be applied for subsequent to annexation approval. The applicant has requested an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements in response to constraints of right-of-way width and existing encroachments.

The application includes conceptual details for the future phased development of 196 apartments (One- and Two-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings. Outline Plan subdivision and Site Design Review approvals are not requested here, and would be applied for subsequent

to annexation, however the property would be deed restricted to ensure that future development would occur in keeping with the minimum density and affordability requirements associated with annexation.

The subject properties present a number of challenges to annexation and development. There are significant road cuts and significant areas of unimproved right-of-way along the property frontage providing a barrier between the state highway and the developable area of the property. There are limited improvements currently in place to provide utilities or transportation facilities to the property, and railroad right-of-way limits connectivity between the property and contiguous areas of the city. Site topography, wetlands, stream corridor and steeply sloped, forested areas pose further challenges, and the “Billings Siphon,” critical infrastructure for the valley’s irrigation system, bisects the property with a 100-foot wide easement. Established commercial uses along the highway limit access between the subject property and the roadway for a large proportion of its width. Given these challenges, Commissioners find that the two-step land use approval process being pursued by the applicant, which separates the annexation from a subsequent development application, but provides assurances with restrictive covenants on the deed of the property to guarantee the future installation of public facilities and provisions for achieving the required minimum density and affordable housing, is an appropriate approach.

The Planning Commission concludes that after the applicant team’s efforts in working with the City, Rogue Valley Sewer Services, Rogue Valley Transportation District, Oregon Department of Transportation, Talent Irrigation District and the Bureau of Reclamation to address these challenges, the proposal as detailed herein and with the conditions recommended below can be found to satisfy the standards for annexation. Therefore, based on our overall conclusions, the Planning Commission recommends that the City Council approve the requested annexation subject to each of the conditions below. In addition, the Commission recommends that the Council direct Planning and Engineering staff to work with the Oregon Department of Transportation (ODOT) to initiate a speed study for Highway 99N from Valley View south to the existing city limits with the end goal being a speed limit reduction on the corridor.

- 1) That all proposals of the applicants shall be conditions of approval unless otherwise modified herein.
- 2) That prior to any work within the right-of-way:
 - a. A final utility plan for the project shall be submitted for review and approval by the Planning, Public Works/Engineering, Electric, and Building Divisions; Oregon Department of Transportation; and Rogue Valley Sewer Services. 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 meters or fire protection vaults shall be placed outside of the pedestrian corridor and outside of water resource protection zones, and necessary public utility easements on the property shall be shown in the future Site Design Review application.

- b. The applicant shall submit a final electric plan including any necessary load calculations and locations of all primary and secondary services including transformers, cabinets, streetlights and all other necessary equipment. Electric services shall not be installed within the wetland or its buffer. 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 installation. Transformers and cabinets shall be located outside of the pedestrian corridor, and in those areas least visible from the street while considering the access needs of the Electric Department.
- c. Engineered construction drawings for the required improvements along the property's Highway 99N frontage, from the existing terminus of the sidewalk south of the site near Schofield Street to the existing terminus of the sidewalk north of the site near El Tapatio restaurant 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 any work within the street right-of-way or pedestrian corridor. The required improvements shall be as described herein and illustrated in the applicant's civil drawings, and shall generally consist of:
 - i. **Stations 1-16 (North of Land of Paws):** An 8-foot curbside sidewalk. There is a large roadside ditch and private property belonging to Anderson Autobody which prevent parkrow installation, and this curbside sidewalk will connect to existing curbside sidewalk to the north.
 - ii. **Stations 16-23:** A 3-foot bike buffer, 6-foot bike lane, 7-½ foot parkrow, and 6-foot sidewalk along this section of the property frontage.
 - iii. **Stations 23-27:** A bus pull-out lane, bus stop and 8-foot curbside sidewalk are proposed along this section of the property frontage. Parkrow here has been removed to accommodate the bus pull-out lane, and the final design shall reflect taper adjustments required by ODOT.
 - iv. **Station 27-34:** A 3-foot bike buffer, 6-foot bike lane, and 8-foot curbside sidewalk are proposed. This section is physically constrained by a steep roadside embankment and by the railroad trestle.
 - v. **Station 34 – Schofield/North Main:** A 6-foot bike lane, 7½ -foot parkrow and 6-foot sidewalk are proposed in this section. In addition, the final civil drawings shall include modifications to the existing medians to create a median refuge for pedestrians and associated pedestrian crossing signage in the vicinity of RVTD's flag stop near the intersection of Highway 99 North and North Main Street.
 - vi. Private sidewalks would also be extended into the subject properties along the driveway with ultimate development of the site.

The final engineered designs shall include details of the transition from the existing sidewalks, and any additional right-of-way necessary to accommodate these improvements shall be provided through a right-of-way dedication if deemed necessary by the Public Works/Engineering Department.

- d. The applicants shall obtain any necessary permit approvals from ODOT, ODOT Rail & CORP Rail. 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.
 - e. The applicants shall also obtain any necessary plan and permit approvals from the City of Ashland Public Works Department/Engineering Division. The applicants shall obtain all required Public Works inspection approvals for work completed within the right-of-way.
 - f. That the applicant shall obtain any necessary permits or approvals from the Bureau of Reclamation (BOR) and/or Talent Irrigation District (TID) for any work within the “Billings Siphon” irrigation easement.
- 3) That the applicants shall obtain required land use approvals including but not limited to Outline Plan subdivision and Site Design Review approvals, as applicable, as well as any necessary federal or state approvals necessary, for development of the property. The current approval is limited to the utility infrastructure and frontage improvements associated with Annexation, with site development to be addressed subsequently.
- 4) That prior to final approval and annexation of the property, the applicant shall provide:
- a. A final revised boundary description and map of the properties to be included in the annexation prepared by a registered land surveyor in accordance with ORS 308.255, to include the adjacent Highway 99N right-of-way and the adjacent railroad property. The boundary shall be surveyed and monumented as required by statute subsequent to City Council approval of the proposed annexation.
 - b. A final, signed irrevocable consent to annexation as required in AMC 18.5.8.020.A.
 - c. A final signed agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510 as required in AMC 18.5.8.020.B.
 - d. A deed restriction agreement ensuring that any future development will occur in accord with the minimum required 90 percent of the subject properties’ base density, as indicated in the development plan, as required in AMC 18.5.8.050.F.
 - e. A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G, and that future development of the site shall address these affordability requirements at Site Design Review, including but not limited to the affordability levels, number of affordable units,

and how the applicant will qualify potential renters and provide annual reporting to the city to verify compliance with these requirements. *(The number of affordable units required shall be calculated on the base density of the subject property, with no reductions in the total number of units for significant natural features, topography, access limitations, or similar physical constraints.)*

- f. A deed restriction agreement that the required utility infrastructure and street frontage improvements approved herein shall be completed, or sufficient security to insure their completion shall be provided, prior to any development of the site.
- 5) That prior to the Outline Plan subdivision or Site Design Review applications, the applicants shall obtain and provide evidence of concurrence from the Division of State Lands (DSL) for a wetland delineation.
- 6) That with annexation, the Wildfire Lands, Physical & Environmental Constraints - Hillside Lands and Severe Constraints, and Water Resource Protection Zones maps and associated overlays be revised to fully incorporate the subject properties' natural features. Any future development of the property shall be subject to regulation under these overlays.

Planning Commission Approval

July 28, 2020

Date

ATTN: LEGAL PUBLICATIONS

ELECTRONIC PUBLIC HEARING NOTICE

On **July 28, 2020**, the Ashland Planning Commission will hold an electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space requirements for multifamily and single-family residential development. The Planning Commission will review the ordinance amendments and make a recommendation to the Ashland City Council. After the Planning Commission holds a public hearing and makes a recommendation, the City Council will also hold a public hearing at a future date that is to be determined. The City Council makes the final decision on any land use ordinance amendment.

The proposed ordinance amendments are available for review online at <http://www.ashland.or.us/openspace>. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, email maria.harris@ashland.or.us or call the Ashland Planning Division at (541) 488-5305.

The Planning Commission will hold a continued public hearing regarding a request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments.

The electronic public hearing will be held at 7:00 p.m. on July 28, 2020. The meeting will be televised on local channel 9 or channels 180 and 181 for Charter Communications customers or will also be available live stream by going to rvtv.sou.edu and selecting RVTV Prime.

Written testimony will be accepted via email to PC-public-testimony@ashland.or.us with the subject line “**July 28 PC Meeting Testimony**” by 10:00 a.m. on Monday, July 27, 2020. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line “**July 28 PC Hearing Testimony**” by 10:00 a.m. on Tuesday, **July 28, 2020**. Written testimony received by the deadlines will be available to the Planning Commission before the meeting and will be included in the meeting minutes.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on Monday, **July 27, 2020**. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email “**July 28 PC Speaker Request**”, 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

By the order of Bill Molnar, Community Development Director

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

Publish: July 17, 2020

E-mailed: July 13, 2020

Purchase Order: #118250

July 10, 2020

Senior Planner Derek Severson,
51 Winburn Way
Ashland OR 97520
RE: PA-T3-2019-00001 1511 Highway North

RECEIVED
JUL 13 2020
City Of Ashland

Dear Mr. Severson,

I reside with my wife of 58 years on Frank Hill Road in north Ashland. The access to our home for the last 39 years is by way of North Main Street where it veers off from the Pacific Highway. There are several streets in the area west and southwest of that intersection including: North Main, Fox, Cedar, Patrick Lane, Mourning Dove, Wildcat Canyon Ashland Mine, Mc Kenzie Canyon and Frank Hill. A windshield survey conducted by my wife and me recorded 163 single family residences in this general area for which the only access to Pacific Highway is the intersection of North Main and Pacific Highway. If the same multiplier applies to single family residential areas as apartment complexes then the approximate trip generation from these neighborhoods would be about 900 to 1,000 or more per day.

There are several problems with traffic at this location. FIRST, let me emphasize, to my knowledge, I know of few other residential areas in Ashland where a motorist cannot utilize a controlled intersection for ingress and egress or make another choice by redirecting a few blocks. There exists no such opportunity for residents in the described neighborhoods to choose any egress except at the North Main Pacific Highway intersection. In fact, according to signs posted by the City of Ashland, all traffic during wildfire or other life threatening emergency is directed to this intersection from these neighborhoods as an evacuation route. Planning for the proposed development at 1511 Highway 99 North considers the safety of pedestrians, cyclists and, presumably, motorists. My observational experience is that despite a speed reduction from 45 miles per hour to 35 miles per hour near the proposed development it is seldom adhered to by motorists. I carefully watch my rear view mirror when south bound as I prepare to move into the turning lane to North Main. Seldom is there a driver (and probably more than I can see in the rear view mirror) who isn't tail gating me in their desire to pay a fine. In my estimation 35 mph there is disastrous. At the very least

speed limits should be adjusted to better reflect the abundance of traffic. I also would go so far as to say a photo citation control of that section would be advisable for the safety of everyone---pedestrian, cyclist and motorist!

My SECOND great concern is the amount of traffic generated by the proposed development. Apparently, each apartment unit generates six to seven vehicular trips per day. Multiply that by the potential of 196 apartments at this location as proposed (approximately 1,200 to 1400 trips per day). Again, my observation is that once the light changes to green at the intersection of Pacific Highway and Valley View Road there is a race akin to that at Talladega Superspeedway with motorists vying for position to be the first to enter the "Road Diet" traffic controlled highway. Seldom do these drivers reduce speed to the legal limit as posted. There is a controlled intersection at Maple Street from which many drivers ignore the speed limit northbound. The trick at the intersection of North Main Street and Pacific Highway is to successfully dodge traffic speeding from two directions. Note: the short merge lane for north bound traffic from North Main is an improvement! However, it is insufficient.

Which brings me to the THIRD great concern. Namely, the only real solution for that intersection is, in my opinion, a controlled flow of traffic via traffic lights. That, I am certain, is expensive. Just do it!

FINALLY, I personally am not opposed to the development in other respects. Some of my neighbors might be. Although I would be happy with the population level of Ashland when my wife and I moved here in 1964, that would be selfish and unrealistic. Wanting not to be maimed, or worse, at the intersection of North Main and Highway 99 North is in neither selfish nor unrealistic. Who will be responsible for accidents, the City of Ashland, Jackson County, the State of Oregon or insurance companies and their rate payers?

Respectfully submitted for consideration,

Claude W. Curran

Claude W. Curran
1388 Frank Hill Road
Ashland OR 97520

RECEIVED
JUL 13 2020
City Of Ashland

(541) 482-6557

Housing survey.

Ashland Mine 81

Cedar 5

Fox 14

Frank Hill 15

McKenzie Canyon 6

Mourning Dove 1

North Main 18

Patrick Lane 18

Wildcat Canyon 5

163

RECEIVED
JUL 13 2020
City Of Ashland

DON GREENE
204 WILDCAT LANE P.O.BOX 516
ASHLAND, OREGON
541-482-5904

REGARDING PLANNING ACTION: PA-T3-2019-00001

July 15, 2020

To Whom It May Concern:

Annexation – This property is not currently contiguous – It cannot use a Cherry Stem with Hwy 99 as the railroad owns to the land where the overpass is sited. 18.5.8.060 is used to make Annexation more logical and to avoid parcels being partially or wholly surrounded ... Railroad cannot be surrounded because the railroad continues on ... Furthermore, the Railroad stated they don't agree to annexation

Sidewalk – To insure pedestrian safety, a development of this scale should be required to do off-site improvements to connect to the existing sidewalks.

Speed Reduction on HWY 99 – This applicant and the city cannot cite the possibility of a speed reduction as a way of increasing the pedestrian, bike and traffic safety. Hwy 99 is under the control of ODOT.

Second Entrance/Exit This development is required by ordinance to have two access points. These two streets will have to accommodate 1800 or more ADT. Using a narrow driveway, shared by several other businesses, puts pedestrians, bikes and all the auto traffic on a 20' private drive with no sidewalks or bike paths is not only dangerous but also does not meet the intent of Ashland's Zone Ordinances. This planning action uses 18.4.3.080.D.3 stating that parking areas of more than seven spaces can be served by 20' private drive with 5' planting strip on both sides with due regard for pedestrian /vehicle safety, thereby allowing the use of a 30' easement for the second access to Hwy 99. Whenever a planning action is considered, it must be measured against all the current laws that might apply. When a planning action has provisions that do not follow the prescriptive paths

of the zoning code, as this one does, then the purpose and intent of the ordinance being used for approval must be considered.

If the north entrance is going to be approved using the provisions in 18.4.3, then 18.4.3.010, the purpose of Parking, Access and Circulation, is also relevant. This section contains requirements for auto, bike, pedestrian access, circulation and connectivity and states that it ALL BE SAFE. Transportation improvement requirements are also spelled out in 18.4.6. A planning action cannot cherry pick one part of the ordinances, while ignoring all the other provisions. If the north entrance is considered a driveway that serves the parking instead of being a street, you must consider that it serves *all* the parking in the development which is more than 300 spaces, as this private drive is connected directly to all the units parking.

Therefore, I contend that the standards in 18.4.3.080.B-4 must also be applied to the driveway, as shown in this section. Figure 18.4.3.080.B.4 shows the requirements for a driveway, which includes a 5' sidewalk, separated by a planter strip. This cannot be met within the 30' easement, even if the sidewalk is moved next to the curb, as 18.4.4.030.F.2 still must be met, requiring 5' landscape strips on both sides. A 20' road, added to two 5' planting strips and a 5' walkway cannot be accommodated in 30'. This doesn't even address bicycle safety, which a development of this size should have, in order to interface with the bike lane on Hwy 99.

18.4.3.080.C ... Vehicular Access and Circulation states that its intent is to manage access and on-site circulation and maintain transportation system safety. This section also must be considered if the north access is approved as a driveway serving on-site parking.

18.4.3.080.C.2 ... Site Circulation requires that all on site circulation shall incorporate street-like features as described in 18.4.3.080.B.4 (see above notation for illustration). Street-like features, for the purpose of this section, means raised sidewalk of at least 5', with 6" curb and accessible ramps, street trees in planters and pedestrian lighting. Again, this cannot be met with this current design for the north entrance/exit.

Further, it requires pedestrian connections through the site and connections

between adjacent sidewalks must conform to 18.4.3.090.B.1 extending walkway system throughout and connect to off site adjacent sidewalks, which are on Hwy 99.. 18.4.3.090.B.4 refers you to 18.4.6 for transportation requirements and design.

It is clear that this private access must incorporate street-like features. The specifications for these features a outlined in this section must be met for this approval.

18.4.3.090.B.4.9 Vehicle/Walkway Separation requires a walkway that abuts a driveway be raised and curbed or be separated with alternative methods.

18.4.6.040.2 Street Design states that the street design standards are intended for designing the streets of Ashland. Period! These standards are for all streets which this north entrance/exit is, even if it is a private drive because 18.4.3 requires it to be "street-like".

Table 18.4.6.040.F shows that a private drive must have less that 100 ADT and a shared street, which is proposed here, must have less the 1500 ADT. This proposal is for a hybrid private drive and shared street, but this proposal generates 1800 ADT or more. So, neither of the proposed street types meet the intent of the design standards. In fact, the north entrance should be constructed to a neighborhood street standard, as this is the only design that meets the intent as stated in 18.4.6.040.2. even if it is private.

I have been a planning commissioner for 30 years...7 on Ashland's Planning commission and 23 on Jackson County. In that time, I have helped write and then apply numerous zoning ordinances. I have seen applications such as this one, that are far out of norm in its attempt to meet the ordinances. This is why every ordinance has a Purpose and Intent section. It is there to guide planning commissioners in their fiduciary duty to measure an application against the law.

It is my belief that this application's attempt to meet the requirement of two points of access to Hwy 99 does not measure up to Ashland's Planning Laws. I have given you a written explanation of how this falls short, as it uses one section of the ordinance governing Parking Access and Circulation while ignoring all the other Provisions, as well

as the Intent and Purpose. This application also does not consider the Intent and Purpose of the Parking Access, Connectivity and Pedestrian Safety portion of Ashland zoning code which the City must use to approve. Using a 20' private driveway which shares auto, pedestrian and bike access to 190 or more housing units is not only unsafe but, I believe is not legal due to the other provisions in your code regarding access to more than 300 parking spaces.

Therefore, the current layout of this proposal cannot be approved and the annexation should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don Greene', with a long horizontal flourish extending to the right.

Don Greene

**PACKET MATERIALS
FROM THE
JUNE 23, 2020
MEETING**

APPLICANT'S REBUTTAL

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

Robert J Kendrick
Casita Development LLC
PL 2019-0001_T3

June 22, 2020

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

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

Dear Planning Commission
& Planning Division Staff

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

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

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

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

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

Current Application:

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

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

Received 6/22/2020

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

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

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

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

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

ANNEXATION NO 1

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

Planning Commission January 12, 1999

Staff Report

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

Contiguity

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

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

City Planning Commission Resolution:

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

City Council

Ashland City Council February 2, 1999 FINDINGS
RECITALS:

2.2

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

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

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

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

ANNEXATION NO 2 Exhibit (C)

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

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

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

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

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

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

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

Conclusion

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

Thank you

Robert Kendrick
Casita Development LLc
Grand Terrace Agrihood

Other findings:

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

ORS 321.700
Definitions

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

(3) "Contiguous parcels":

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

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

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

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

Thank you,

Robert Kendrick

PL 99-006

Exhibit A

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

Site Visits and Ex Parte Contacts

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

STAFF REPORT

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING

DOUG NEUMAN, 4240 Clayton Road

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

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

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

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

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

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

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

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

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

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

Exhibit
13

RESOLUTION NO. 99-50

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

RECITALS:

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

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

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

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

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

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

sent
8/19/99

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

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

Barbara Christensen
Barbara Christensen, City Recorder

SIGNED and APPROVED this 17 day of August, 1999.

Don Laws
Don Laws, Council Chairperson

Reviewed as to form:

Paul Nolte
Paul Nolte, City Attorney

(p:ord\annx-neu.re1)

Received 6/22/2020

ANNEXATION TO CITY OF ASHLAND

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

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

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

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

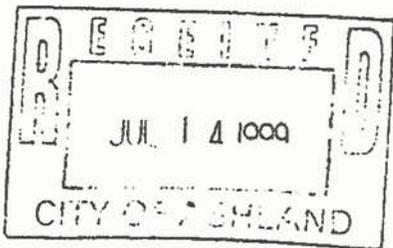
THENCE CONTINUING ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 1°49'14", A RADIUS OF 2764.93 FEET, THE LONG CHORD OF WHICH BEARS N 44°39'35" W, 87.85 FEET;

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

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

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

SAID PARCEL CONTAINING 10.63 ACRES.



COPY

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

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

)
) FINDINGS,
) CONCLUSIONS
) AND ORDERS
)
)
)

APPLICANT: DOUG NEUMAN

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

" C "

2006-00366

ORDINANCE NO. _____

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

Recitals:

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

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

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

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

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

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

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

Barbara Christensen, City Recorder

SIGNED and APPROVED the ___ day of _____, 2007.

John W. Morrison, Mayor

Approved as to form:

Richard Appicello, Interim City Attorney

LAND SURVEYING, LLC

EXHIBIT "A"

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

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

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

Prepared by:

Shawn Kampmann
Professional Land Surveyor

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

Date: June 18, 2007

S:\surveys\355-06\BRAMMO Annexation Legal.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1988
SHAWN KAMPMANN
02880LS

Renewal Date: 6/30/09

CITY OF ASHLAND
ENGINEERING DIVISION

IRREVOCABLE CONSENT TO ANNEXATION

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

See attached Exhibit "A"

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

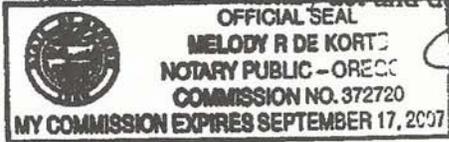
Whenever a proposal to annex the property is initiated by the City of Ashland or otherwise, Owner shall consent and does consent to the annexation of the property to the City of Ashland. Owner agrees this consent to annexation is irrevocable.

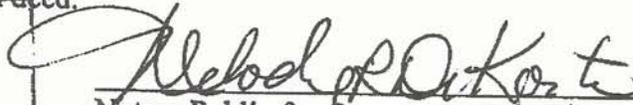
Dated this 2 day of May, 2006.

Signature: , Owner

State of Oregon)
) ss:
County of Jackson)

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




Notary Public for Oregon
My Commission expires: 9/17/07

(c:\engineer\doc)

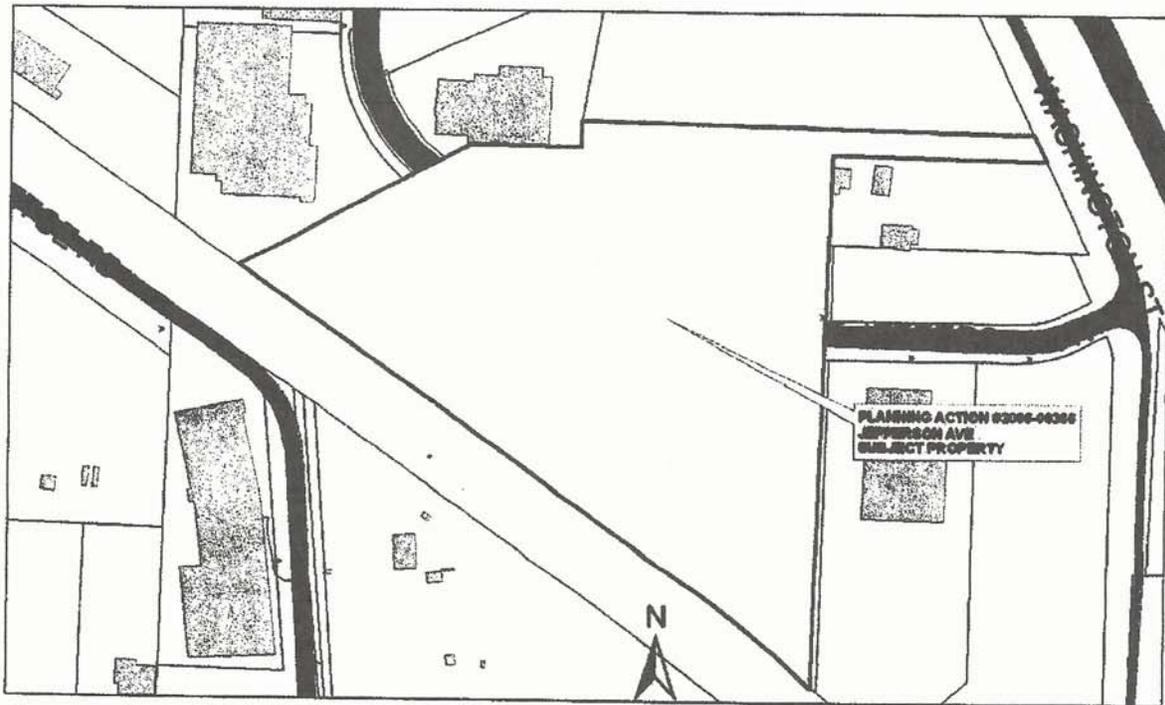
RECEIVED
MAY 3 2006
City of Ashland

Received 6/22/2020



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

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



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

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

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

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

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

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

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

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

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

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

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

Councilor Hartzell arrived at 7:55 p.m.

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

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

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

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

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

Public Hearing Closed: 8:05 p.m.

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

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

Abstentions, Conflicts of Interest, Ex Parte Contact

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

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

Council Deliberation

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

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

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

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

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

Minutes of 5/16/06 Council

Received 6/22/2020

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

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

Public Hearing Open: 8:40 p.m.

Abstentions, Conflicts of Interest, Ex Parte Contact

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

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

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

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

Staff Report

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

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

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

Applicant

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

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

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

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

Those Wishing to Provide Testimony

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

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

Staff Response

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

Minutes of 5/14/06 Council

Received 6/22/2020

Applicant's Rebuttal

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

Public Hearing Closed: 9:10 p.m.

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

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

PUBLIC FORUM

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

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

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

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

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

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

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

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

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

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

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

2.

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

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

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

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

ORDINANCES, RESOLUTIONS AND CONTRACTS

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

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

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

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

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

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

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

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

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

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

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

NEW AND MISCELLANEOUS BUSINESS (Cont.)

2. ALUO 18.68.050 Interpretation.

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

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

ADJOURNMENT

Meeting was adjourned at 10:30 p.m.

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

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

CITY OF ASHLAND

July 24, 2006

Craig Bramscher
7118 Highway 66
Ashland, OR 97520

RE: Planning Action #2006-00366

Dear Mr. Bramscher:

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

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

Please note the following circled items:

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

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

Sincerely,

Bill Molnar
Interim Planning Director

Enclosure

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

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

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



Received 6/22/2020

BEFORE THE ASHLAND CITY COUNCIL
Jackson County, Oregon

May 16, 2006

FINDINGS,
CONCLUSIONS
AND ORDERS

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

APPLICANT: Craig Bramscher

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

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

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

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

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

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

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

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

SECTION 3. DECISION

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

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

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

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

John Morrison, Mayor

Dated: _____

**PACKET MATERIALS
FROM THE
JUNE 9, 2020
MEETING**

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

**APPLICANT'S
REBUTTAL**

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

Robert Kendrick
Casita Developments LLC
Grand Terrace

June 9, 2020

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

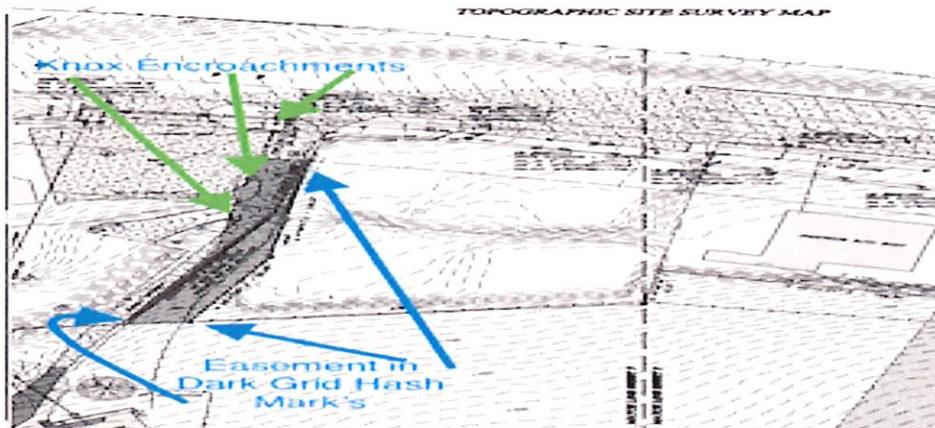
Re: Grand Terrace Development PA-T3-2019-001

Dear Commissioners

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

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

Please see attached copy of Survey and imprinted one below



Thank you
Robert Kendrick
Casita Development LLC



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

RESPONSE TO THE TRANSPORTATION COMMISSION

Objectives for Goal #1: GREEN TEMPLATE

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

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

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

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

From the URBAN LAND INSTITUTE

AGRIFOODS CULTIVATING BEST PRACTICES

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

Benefits of Agrihood Development

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

Agrihoods present a competitive edge.

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

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

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



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

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

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

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

GOAL #2 Travel Safety

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

GOAL #3

Developing the AGRIBOOD will meet this goal as explained above.

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

3C. Noted

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

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

GOAL #4

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

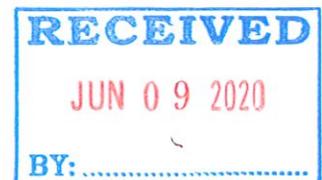
4C. Pedestrian facilities will be ADA compliant.

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

GENERAL

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

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



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

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

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

Ingress/Egress:

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

Pedestrian connectivity:

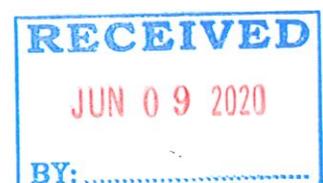
This is fully designed into the development. Physical barriers have been requested from ODOT but they feel it isn't safe and disapproved the displays and designs we provided for such items because they felt it was unsafe for bicyclist. We can talk to them again, but all the sidewalks are under the design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

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

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

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

Thank you
Robert Kendrick



Robert Kendrick
Casita Developments LLC
Project response June 9,2020

ASHLANDS GRAND TERRACE AGRIHOOD

The Existing Farmhouse and Barn



Valley Views from the Site



Redeveloped Barn and Produce Area



Redeveloped House & Activity Area



Open area's around Farm House



Proposed walking trails in Forest

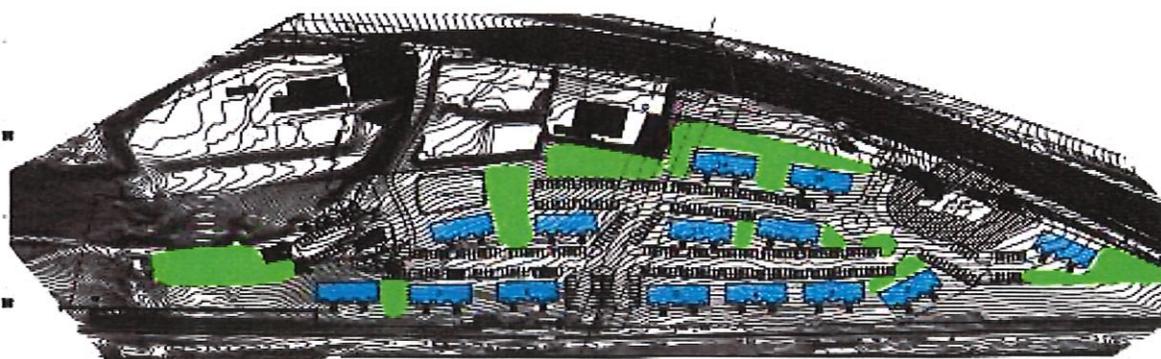


RECEIVED
JUN 09 2020
BY:

OLD HOME SITE WITH BARN AND BUILDINGS



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



RECEIVED
JUN 09 2020
BY:

HISTORIC PICTURE OF FARMS ORCHARDS AND FORESTED AREA



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

RECEIVED
JUN 09 2020
BY:

WRITTEN TESTIMONY

PA-T3-2019-00001
1511 HWY 99 N

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

[EXTERNAL SENDER]

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

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

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

Thank you,

Tamara Foley
971.255.2462

Sent from my Boost Mobile Phone



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

[EXTERNAL SENDER]

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

Thank you.

Kindly ~

Alaya Ketani

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

Alaya Ketani, CHT CFT CPC

541~292~2945

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

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

Host "Empower Your Life" Radio

Host "Tune Into Your Life" Podcast

Senior-Level Conflict Resolution Mediator

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

www.empoweringhypnotherapy.com

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

www.keepingashlandwomensafe.com



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

June 5, 2060

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

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

Dear Commissioners:

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

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

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

Respectfully ,

Scott Knox D.V.M.



Transportation Commission Comments

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

Memo

CITY OF
ASHLAND

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

Background:

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

TSP Goals:

Goal #1:

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

Objectives for Goal 1:

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

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

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

1G. Implement environmentally responsible or green design standards.

Goal #2:

Make safety a priority for all modes of travel.

Objectives for Goal 2:

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

Goal #3:

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

Objectives for Goal 3:

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

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

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

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

Goal #4:

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

Objectives for Goal 4:

4C. Upgrade pedestrian facilities to ADA compliant standards.

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

Transportation Commission Comments:

General:

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

Speed:

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

(see comment regarding speed associated with bicycle connectivity below)

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

Ingress/Egress:

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

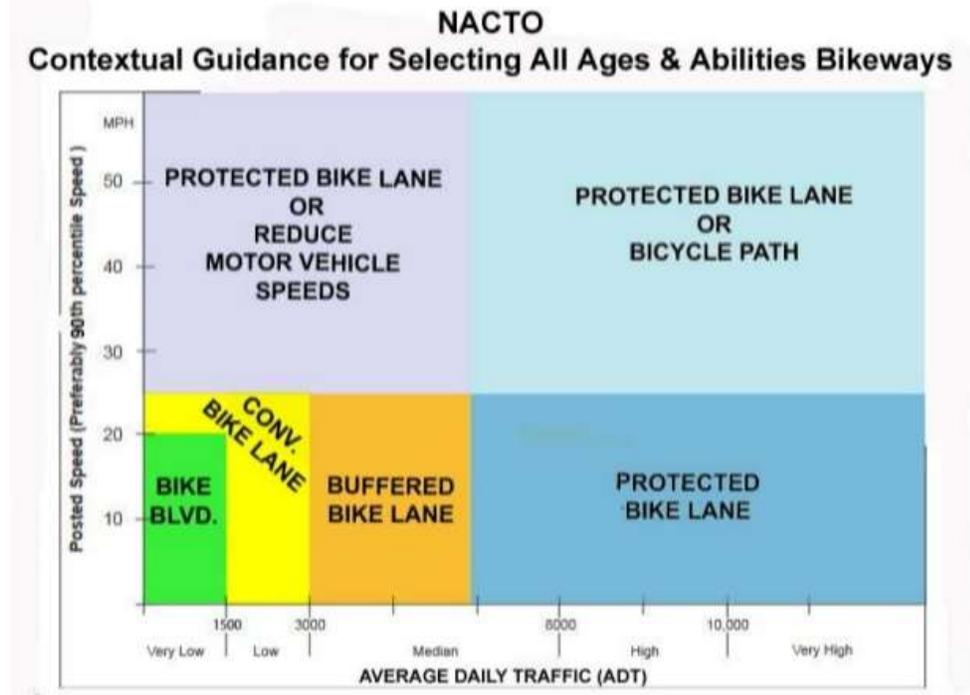
Pedestrian connectivity:

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

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

Bicycle connectivity:

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



Transit connectivity:

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

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

**PACKET
MATERIALS**

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



PLANNING ACTION: PA-T3-2019-00001

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

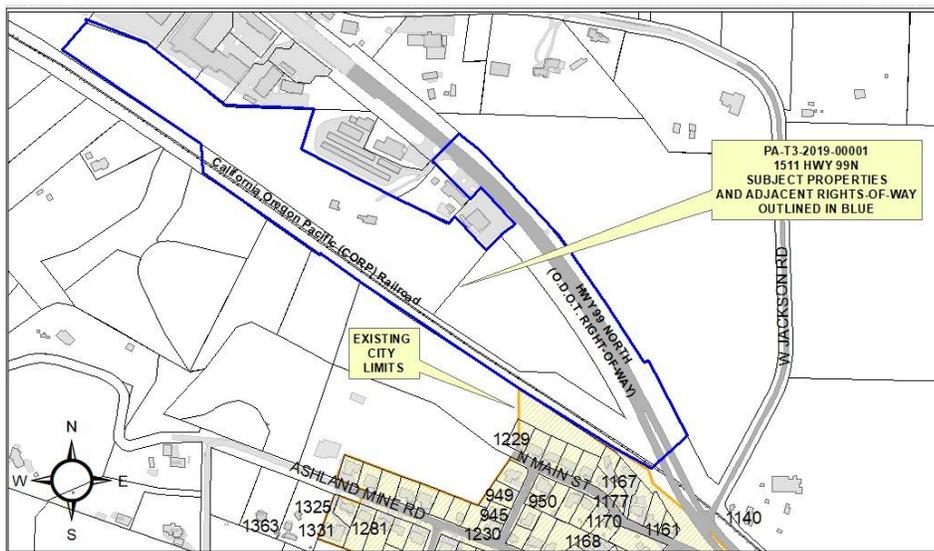
OWNER: Linda Zare

AGENTS: Casita Developments, LLC & Kendrick Enterprise, LLC

APPLICANT: Rogue Planning & Development Services, LLC

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

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



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

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

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

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

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

ANNEXATIONS - Approval Criteria and Standards (AMC 18.5.8.050)

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

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

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

Table 18.5.8.050.G.3

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

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

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

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

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

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

RE: GRAND TERRACE DEVELOPMENT. ANNEXATION REQUEST

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

Thu 2020-05-28 04:17 PM

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

RR445_1.pdf; RR160.pdf;

[EXTERNAL SENDER]

Hi Bob,

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

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

Best regards,
Micah

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

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

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

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

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

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

> Subject: GRAND TERRACE DEVELOPMENT. ANNEXATION REQUEST

>

> TO; Micha Horowitz ODOT

> Re; GRAND TERRACE

> FROM; Bob Kendrick

> Owner developer Hwy 99

> Casita Development Ilc

>

> As you may know we are before the planning commission for the annexation of the Grand Terrace Development project which is in the UGB of Ashland and immediately adjacent to and on Hwy 99.

>

> A notice of annexation was mailed out last month which included the properties of "the project", and the Rail Road. In order for the Project to get contiguity to the City, the City needs to redraw the boundaries of the City around the RR in order to make my project and the UGB contiguous to the City. The RR returned a negative response.

>

> It just recently came to the city's attention that the RR was not within the City boundary. The entire UGB of the City is in jeopardy due to this lack of contiguity. Without my land and the ODOT portion adjacent to me the entire northern section of the city will not be able to grow north, and therefore putting the City's UGB in jeopardy.

>

> By deliberations with the city I've been asked to reach out to ODOT to request an annexation of the ODOT highway adjacent to the Project site. In prior discussions it was mentioned that an annexation of the Highway in this area was acceptable.

>

> If you could help with this request i would appreciate it. Please contact me at this email or phone below.

>

> Best regards,

> Bob Kendrick

> Kendrick Enterprise Ilc

> 541-944-0131

June 9th Planning Commission Meeting Testimony

Suzanne Zapf <suzannezapf@hotmail.com>

Wed 2020-05-27 11:36 AM

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

[EXTERNAL SENDER]

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

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

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

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

Suzanne Zapf
541-492-4443

Re: June 9th Planning Commission Meeting Testimony

Diane Knox <dynorth@gmail.com>

Wed 2020-05-27 11:56 AM

To: Suzanne Zapf <suzannezapf@hotmail.com>

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

[EXTERNAL SENDER]

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

All the best,

Diane and Scott

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

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

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

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

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

Suzanne Zapf

541-492-4443

**PACKET MATERIALS
FROM THE
MAY 12, 2020
MEETING**

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

PA-T3-2019-00001
1511 HWY 99

Applicant's Submittals
& Presentations
(Received 5/8/20)



May 8, 2020

RE: 2019-0001_T3

Annexation and Zone Change for the Property at 1511 Hwy. 99 N
Grand Terrace

Dear Planning Commissioners and Planning Division Staff,

This letter is intended to provide additional information for the record addressing the information that has been received by the City of Ashland and is provided for the Planning Commission May 12 Hearing in lieu of a 15 minute applicant presentation.

Contiguous Property:

The contiguity issue is not resolved at this point. The applicant and the City of Ashland have been in communication with the representatives of Genessee-Wyoming, the track owners, and Central Oregon and Pacific Railroad (CORP).

Contiguity and the railroad is of major concern for the applicant and it should be a major concern for the City of Ashland as the Railroad's position could prevent Ashland's Long-Range Planning and Comprehensive Planning Efforts since the 1980s from ever being realized. If the Railroad refuses annexation, it appears that the Comprehensive Plan, the Housing Needs Analysis, Economic Development Plans, Regional Problem Solving efforts, Normal Avenue Neighborhood among others would need to be revised to alter Ashland's growth areas to not include out-of-city Railroad Properties.

The representative of the Railroad have requested detailed information as to what impacts there are to the railroad when their property is annexed. The attached map was shared with Genessee-Wyoming Real estate Division Manager in January 2020. This issue is still being worked through and should not impact the Planning Commission Recommendations since the City Council is the approval authority.

Access Easement and Driveway Construction:

One of the accesses to the property is provided by a 30-foot wide ingress access easement. This is the secondary access with the primary access directly from the highway.

Adequate transportation can be provided to the nearest public street (Hwy 99 N) via the use of the easement. The proposal does not include the creation of any new public rights-of-way, public or private streets, nor the creation of a private driveway. As per the code 18.5.8.050.E.1. the improvement of the public street (Hwy. 99 N) to city standards is requested.



The proposal seeks to improve the driveway within the easement area above and beyond the minimum improvement standards of a 20-foot paved width as required when driveways are greater than 50-feet in length and access more than seven parking spaces (AMC 18.4.3.080.D.3.) through the development of a driveway with street like features as required in AMC 18.4.3.080.4., which is most similar to a Shared Street standards. References to Shared Street are for illustrative purposes only because as stated in the application materials, no public streets or private streets are proposed nor is the dedication of public right-of-way, public streets or private streets or driveways required.

The driveway on the north end of the development (accessed via the existing driveway) would be widened within the easement area to accommodate the proposed improvements. The driveway is not proposed as the primary access as presented in the letter from Mr. Knox's attorney. The northern driveway is intended to be a secondary access. The Ashland Municipal Code 18.4.3.080. Access Regulations for Multi-Family Developments, C. 3.d. requires that all multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. There are more than 250 vehicle trips per day thus two driveways are required. In the event that it would be allowed, the applicant would be willing to reduce access to the north driveway to emergency vehicle or emergency vacation of the property by the tenants. Further, the municipal code requires driveways be shared (AMC 18.4.3.080.C.4) for developments where access to arterials is limited and for multi-family developments.

Joe Kellerman, Hornecker Cowling LLP provided the attached assessment of the easement. The issues raised by Mr. Knox and his Attorney appear to be moot points as the Knox property is the servient easement holder and the encroachments into the easement that at present restrict the width are created and maintained by Mr. Knox.

The "intent" of the easement expressed in the letter from the Van Dijk's is not founded in the actual easement language. Additionally, in 1989, the subject property was within the City of Ashland Urban Growth Boundary Area as a future City of Ashland, Low-Density, Multi-Family Residential Comprehensive Plan area.

Traffic Impact Analysis:

ODOT has provided a preliminary review of the Transportation Impact Analysis (TIA) and has provided formal review comments to the project team and to the City of Ashland. There are some minor suggestions and considerations to be made, for example the barrier and five-foot sidewalk under the trestle will be six-foot sidewalk with no barrier and the bus pull out taper needs to be increased. Both of these items will be addressed on the Civil Engineering documents that get submitted with the Site Design Review of the apartment complex development.

Both driveways will be permitted as full movement driveways. This means Right in and Right out / Left in and Left out turning movements are allowed and no restrictions will be imposed.



Frontage Improvements:

The proposal makes every attempt to provide sidewalk and landscape park row to the city of Ashland and ODOT standards from the connection at Schofield to and through the property that demonstrates compliance.

Public sidewalk, landscape park row, bicycle lane and other physical improvements to the Hwy. 99 right-of-way have been reviewed by the Oregon Department of Transportation (ODOT), and the Public Works Department. Where the Ashland standards need exception is to not provide landscape parkrow for the entirety of the sidewalk improvements, ODOT standards require an eight-foot curbside sidewalk, which is proposed.

An email was received by Mr. Brian LeBlanc of Anderson Autobody regarding the frontage improvements along his street frontage and questioning their location on his property. Based on a review by the project surveyor (Polaris Land Surveying, surveyed subject property, Anderson Autobody property and Mr. Knox's property) there is no encroachment of the proposed sidewalks and right-of-way improvements encroaching upon Anderson Autobody property.

Conclusion:

The project team finds that the continuity issue needs to be further explored and seeks legal advice from the city on the validity of the comprehensive plan maps when there is no connection to the city limits due to the presence of the railroad.

The proposal demonstrates compliance with the standards for annexation of the last, large acre multi-family residentially zoned land provided on in the city's urban growth boundary. The proposed conceptual plans are generally consistent with applicable standards, and other than minor considerations with respect to the street standards, it can be found that with the requested exception to the street design standards as addressed in the application Findings of Fact and the Staff Report. The project team believes that it can be found that adequate vehicle, pedestrian, bicycle and transit facilities can be provided to service the annexed area.

Many of the annexation criteria require concurrence of the Public Works Director, additionally, there has been verbal agreements regarding the extension of services and how to address the overlapping service district for the disposal of sanitary sewer and stormwater sewer. It is the property owners desire to have staff from Public Works present at the hearing to address any concerns regarding the proposed public infrastructure.

Thank you,

Amy

Amy Gunter



Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com

ATTACHMENTS:

EXHIBIT A: Powerpoint presentation

EXHIBIT B: Joe Kellerman, Attorney with Hornecker Cowling LLP letter regarding easement (attached as Exhibit D to letter)

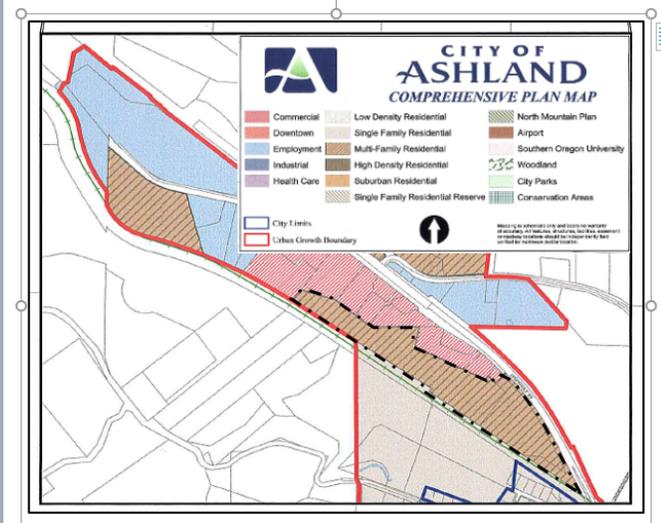
EXHIBIT C: ODOT TIA Review, Dated May 7, 2020

GRAND TERRACE

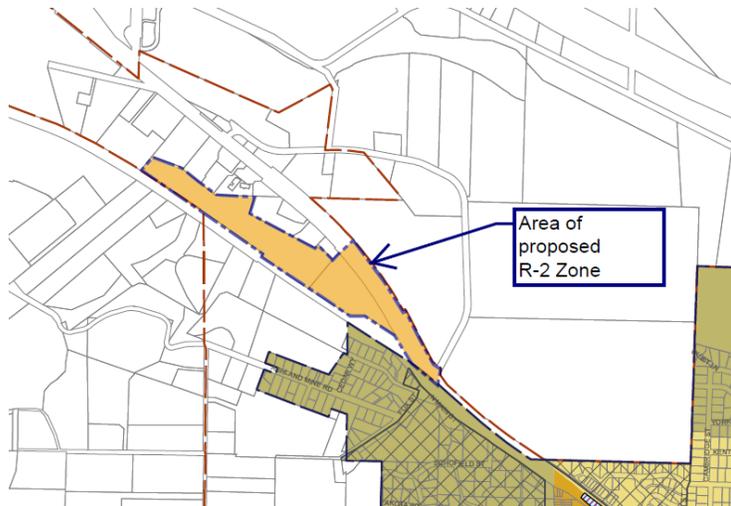
ANNEXATION AND SITE DESIGN REVIEW
FOR THE PROPERTY AT 1511 HWY. 99 N



ZONING AND COMPREHENSIVE PLAN



PROPOSED ZONING MAP



DENSITY

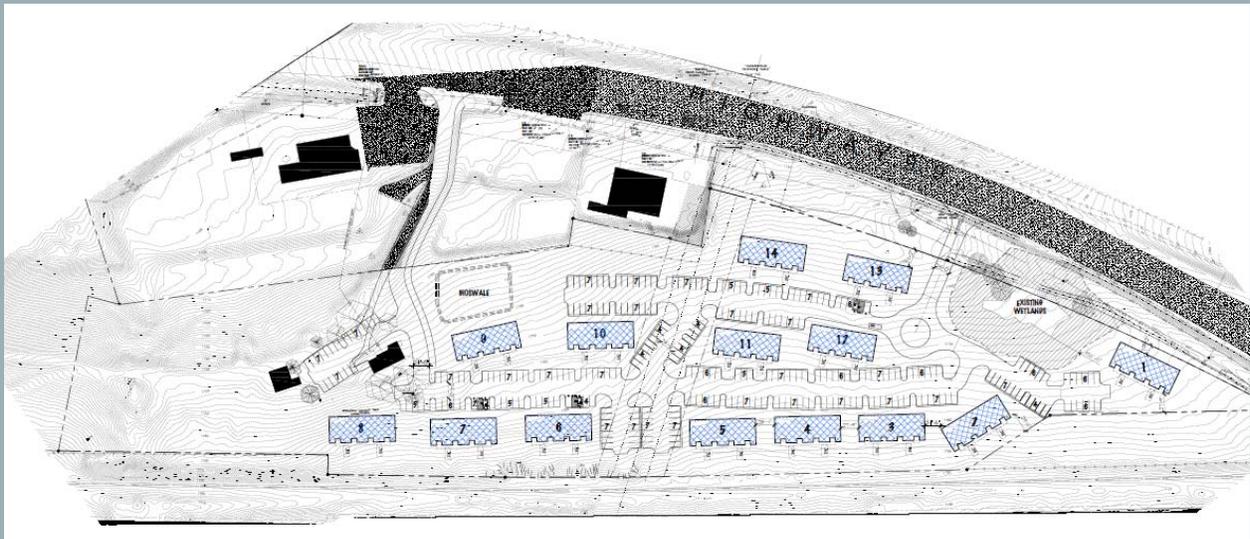
- 18.5.8.050 F. requires that all residential annexations provide a plan demonstrating that development occur at a minimum density that is 90 percent of the base density in the zone **unless a reduction in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar constraints.**
- 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.

The following section discusses the number of affordable housing units based on the base density. This section noted above though, provides that a reduction in the number of units is allowed due to physical constraints, and access limitations. Both of these apply to this property. The applicant argues that the density as described in 18.5.8.050.F determines the number of affordable units as described in the following section.

- I. 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.

The project team contends that it was not intended that the number of affordable housing units be determined based on a density standard that is not achievable due to physical and access constraints that restrict the actual number of dwelling units able to be constructed.

CONCEPTUAL DEVELOPMENT PLAN

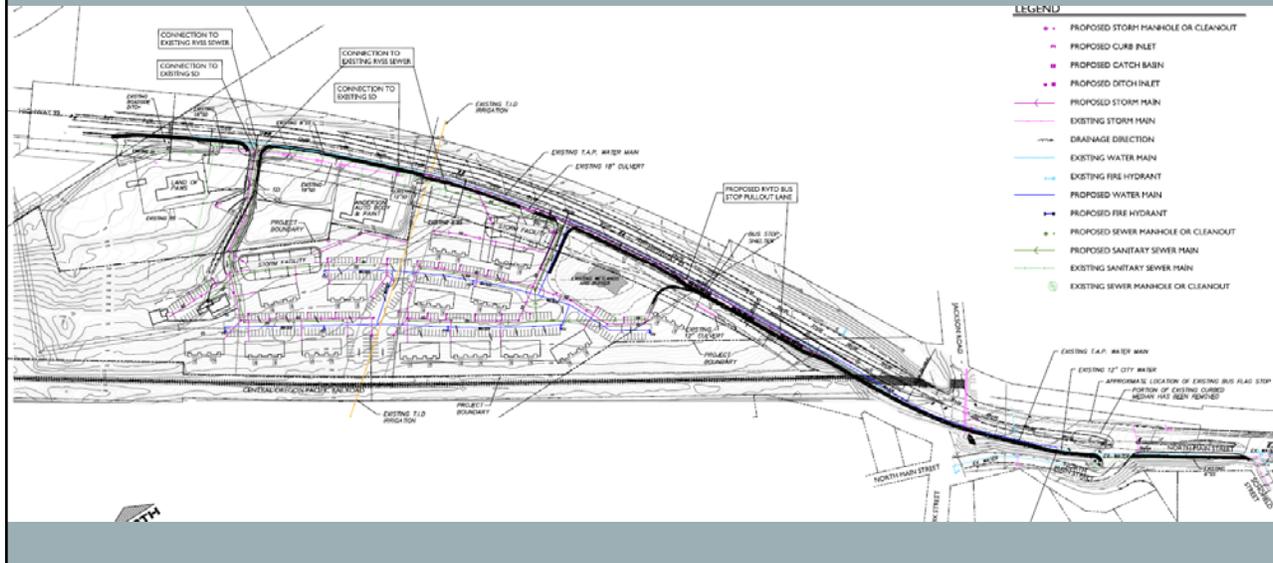


ADDITIONAL HOUSING IS NEEDED





PUBLIC INFRASTRUCTURE



TRANSPORTATION IMPACT ANALYSIS

Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the impacts of the proposal.

Key findings of the TIA include – these are addressed in the Technical Memorandum and the TIA Review Response Letter from ODOT dated May 7, 2020:

- The TIA shows all studied intersections (Hwy 99N at South Valley View, Highway 99N at Jackson Road, North Main Street at Jackson Road, North Main Street at Maple Street, and Hwy 99N at the project access points) will meet the mobility standards through the Year 2034 with the addition of the traffic associated with anticipated development of the subject property.
- The addition of development traffic will not substantially increase queuing conditions over the background conditions.
- All site driveways are projected to operate safely and efficiently.
- The TIA recommends that Highway 99N be restriped to include a left-turn lane for vehicles entering the site.
- The TIA review by ODOT concludes that the Transportation Planning Rule (TPR) has been met.

OREGON DEPARTMENT OF TRANSPORTATION

Oregon
 Department of Transportation
 Eugene Planning and Programming
 100 Assembly Drive
 Salem, OR 97331
 Phone: (541) 774-6299

March 7, 2020

Mr. Derek Severson
 City of Ashland - Community Development
 51 Watson Way
 Ashland, OR 97529

RE: PA-TS-2019-00001, 1511 Highway 99 North

Dear Mr. Severson,

Thank you for providing the Oregon Department of Transportation (the "Department" or "ODOT") with the opportunity to provide comments associated with the zone change and rezoning of approximately 16.87 acres at 1511 Highway 99 North ("Subject Property"). ODOT has worked with the City and the applicant to try to find solutions which work for all parties. Please find our comments below regarding this proposal.

1. ODOT has reviewed the Traffic Impact Analysis ("TIA") prepared by the Sandow Engineering and believe that it satisfies the requirements of the Transportation Planning Rule (OAR 600-012).
2. The proposed combined two pullout has satisfactory width, striping, and exit taper. The entrance taper requires an 8:1 taper rate and should be extended slightly from the 65' on sheet C-4 to approximately 80'.
3. ODOT is amenable to the proposed median cut north of the intersection of N Main St. and Highway 99. A striped crosswalk would not be appropriate at this location given traffic speed and sight visibility.
4. ODOT will require a hydraulic report demonstrating the proposal will not adversely affect State facilities. We understand this will be conducted during the final engineering phase of the project, after Planning Commission. As such, approval of PA-TS-2019-00001 should be conditioned on written approval from ODOT of a satisfactory hydraulics report.
5. ODOT is satisfied with the proposed sidewalk and bike facilities with the exception of the sidewalk under the bridge which should be at least 6' in width.
6. Approval should be conditioned on the applicant obtaining a reservation indenture, access permit and site utility permits from ODOT. The applicant may begin these processes by contacting Julie Straggs at Julie.Straggs@odot.oregon.gov.

Please feel free to contact me at Michal.Horowitz@odot.oregon.gov or 541-774-6331 should you have any questions or concerns.

Sincerely,
Michal Horowitz
 Michal Horowitz, ACP
 Senior Transportation Planner

Oregon Department of Transportation
RIGHT OF WAY PROPERTY MANAGEMENT

APPLICATION TO USE OR PURCHASE REAL PROPERTY

Name: Robert J Kendrick
 Company Name: Casilla Developments LLC
 Address: 152 West Dodge Way
 Division Phone: 5418461311 E-mail Phone: 607th
 E-mail Address: rjk@rcout.com

Reasons for applying: Please indicate what you intend to do with the property. Use additional pages and attach to the application if you need more space.

The subject property is elevated approximately 2-5 feet above the adjacent highway and in the areas we intend to install sidewalks and parkways alongside the highway. A driveway will be built that enters a new residential apartment community that is planned. The subject property is landlocked between the apartment community and the sidewalks. The subject property is less than 50 to 10 feet in width in these areas. We would like to reduce the height and landscape the area so it beautifies the highway & apartment community.

Please indicate your interest:

Lease
 Buy or permit to beautify the area and landscape and maintain it.
 Short term rental
 Permit (limited uses, landscaping, grazing, access etc.)

With this application, please attach a tax map, assessment information, and a copy of the last zoning deed. You may obtain this at any local title company or the county assessor's office. Highlight the boundaries of the property you are interested in. Also include deeds, other maps or any documentation that may assist us in determining the property you are seeking to use or buy.

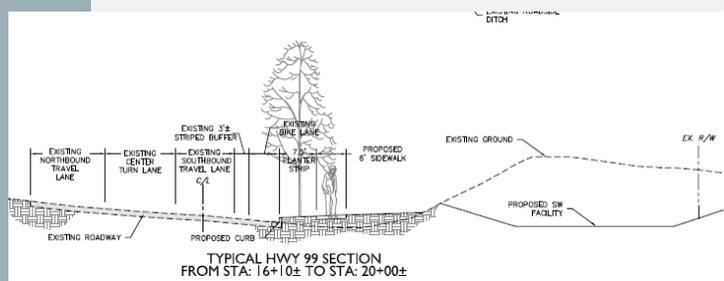
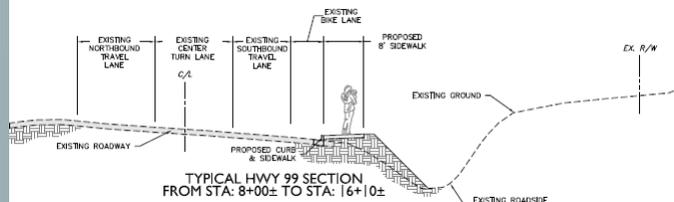
Signature: _____ Date: _____

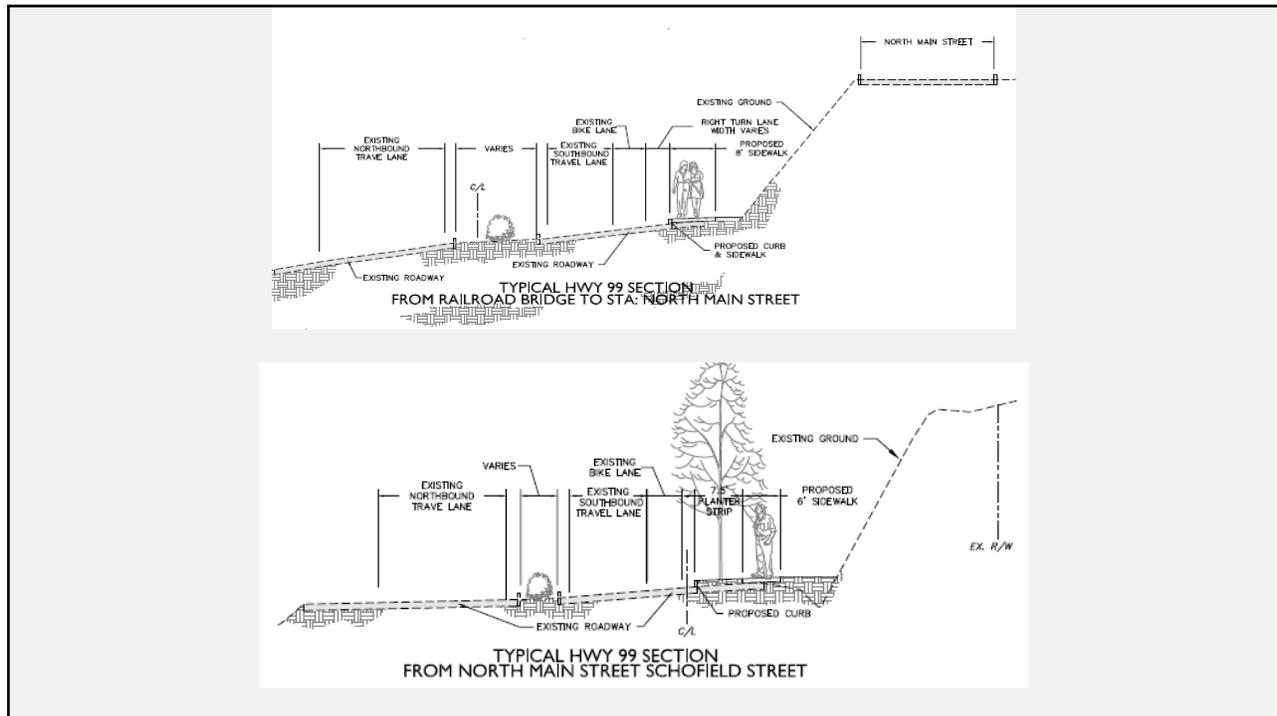
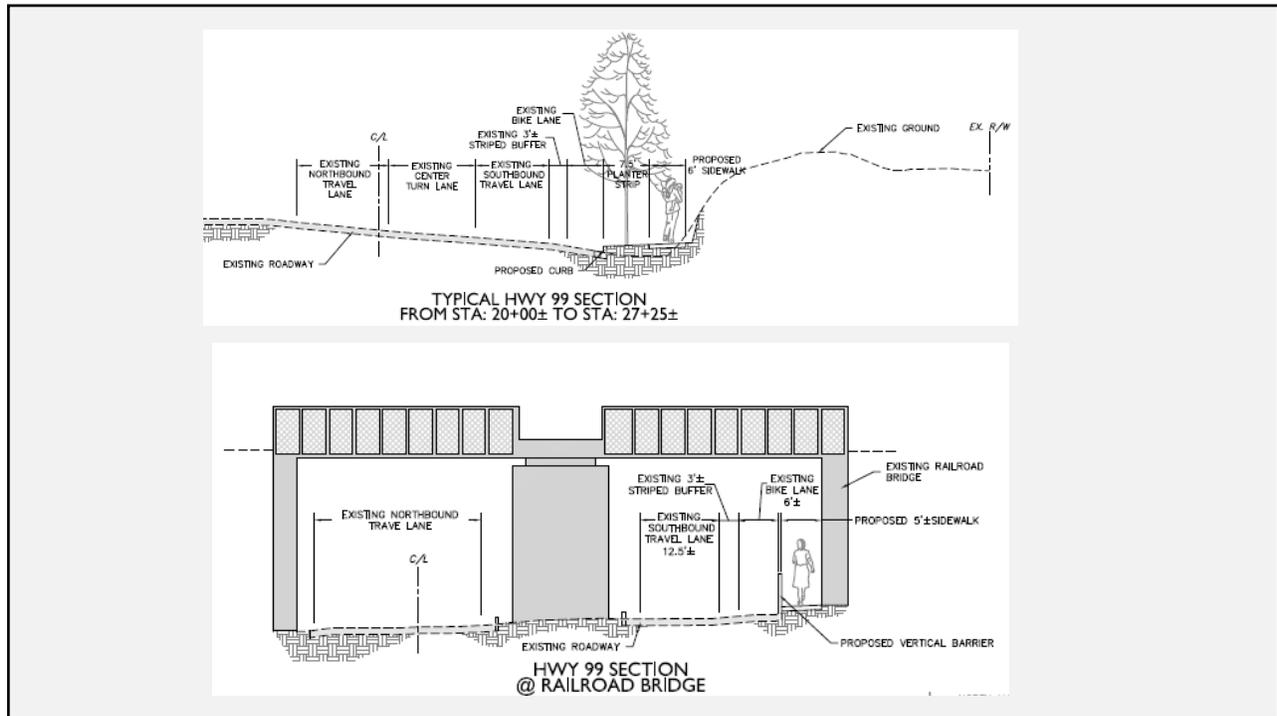
RETURN THIS SIGNED APPLICATION WITH ATTACHMENTS TO:
 ODOT Technical Leadership Center
 Alts Property Management Unit
 6040 Fairview Industrial Dr SE MS#2
 Salem, OR 97302

SIDEWALK, PARK ROW, BIKE LANE IMPROVEMENTS

There are numerous variations in the topography, roadside improvements, uses of the frontage, etc. along the frontage of the property and within the public right-of-way for the highway frontage

The proposal seeks to come as close to the City of Ashland Street Standards and comply with ODOT standards when considering the topography and adjacent improvements. The proposed improvements will provide additional measures of traffic calming and provide a safer pedestrian environment than presently found in the area.



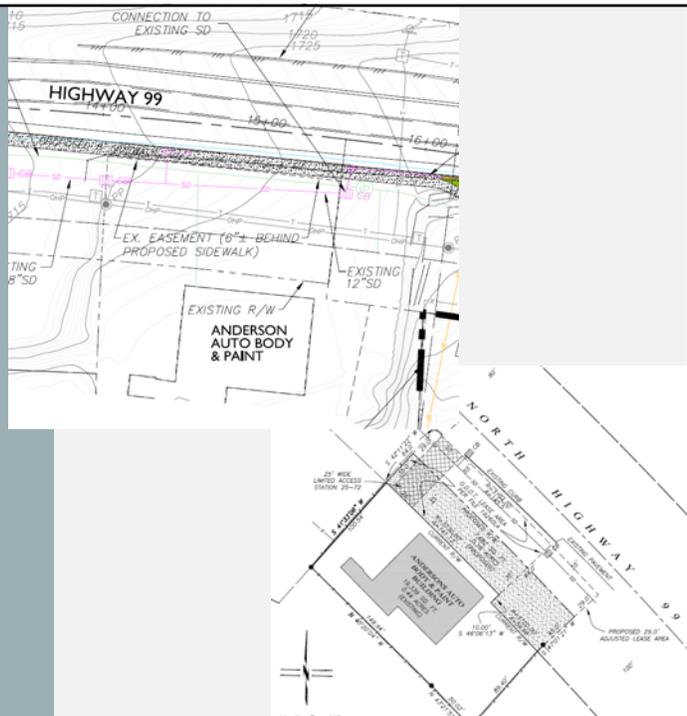


ANDERSON AUTOBODY FRONTAGE

Concern that the improvements were encroaching onto Anderson Autobody property were raised.

All sidewalk improvements are outside of the private property area and are approximately six-inches outside of the easement that extends from Anderson Autobody into the ODOT ROW.

In the event that public utilities within the easements along the frontage of the property are impacted, they will be restored to pre-construction condition.



EASEMENT

With respect to the Mutual Access Easement and [the letter](#) submitted by Mr. Knox from Mr. Van Dijk.

"The easement at issue here is an express easement for ingress and egress."

It is unambiguous and without any expression of any limitation on the extent of use to be afforded the realty benefitted by the easement.

Van Dijk executed recorded documents specifically reserving and benefitting the applicant's property with the rights under the easement and made no mention of any limitation on any contemplated or proposed use of the created easement.

If the words of an easement, viewed in the context of the entire document, clearly express the purpose of the easement, then a court will look no further for its intended use. See *Watson v. Banducci*, 158 Or App 223, 230, 973 P2d 395 (1999).

Here the easement is clear-- ingress and egress which is exactly what applicant proposes.

Any statement to the contrary by Van Dijk, Knox or anyone else for that matter is inadmissible parol evidence and may not be considered. See generally "If the terms conveying an easement are unambiguous, the terms control the uses thereafter permissible, and parol evidence will not be considered. *Gorman v. Jones*, 232 Or 416, 375 P2d 821 (1962)".

Knox may use his land burdened by the easement so long as it "is consistent with, and does not unreasonably interfere with, the rights of the easement owner. See *State, By & Through Dep't of Fish & Wildlife v. Kortege*, 84 Or App 153, 158, 733 P2d 466, rev den, 303 Or 534 (1987)."

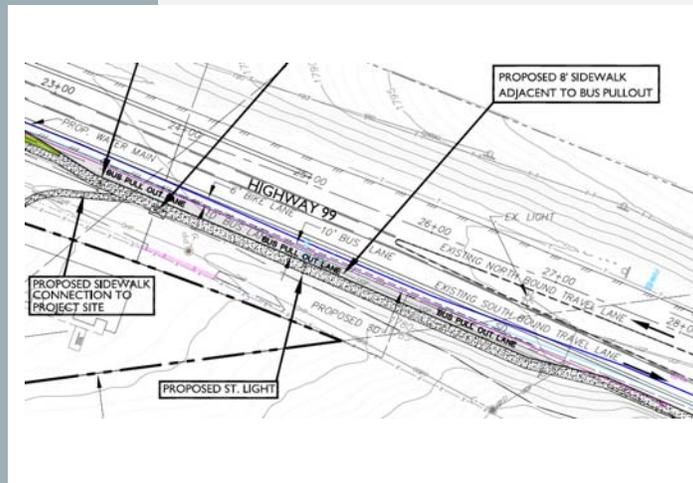
But he may not unreasonably interfere with the rights afforded applicant's realty for ingress and egress purposes. His interest in using his land encumbered by the easement must give way if there is a conflict between Knox's desired use of realty and the easement holder.

That is why the easement holder/applicant's realty is deemed the dominate estate and Knox's realty is deemed the servient tenement/estate.

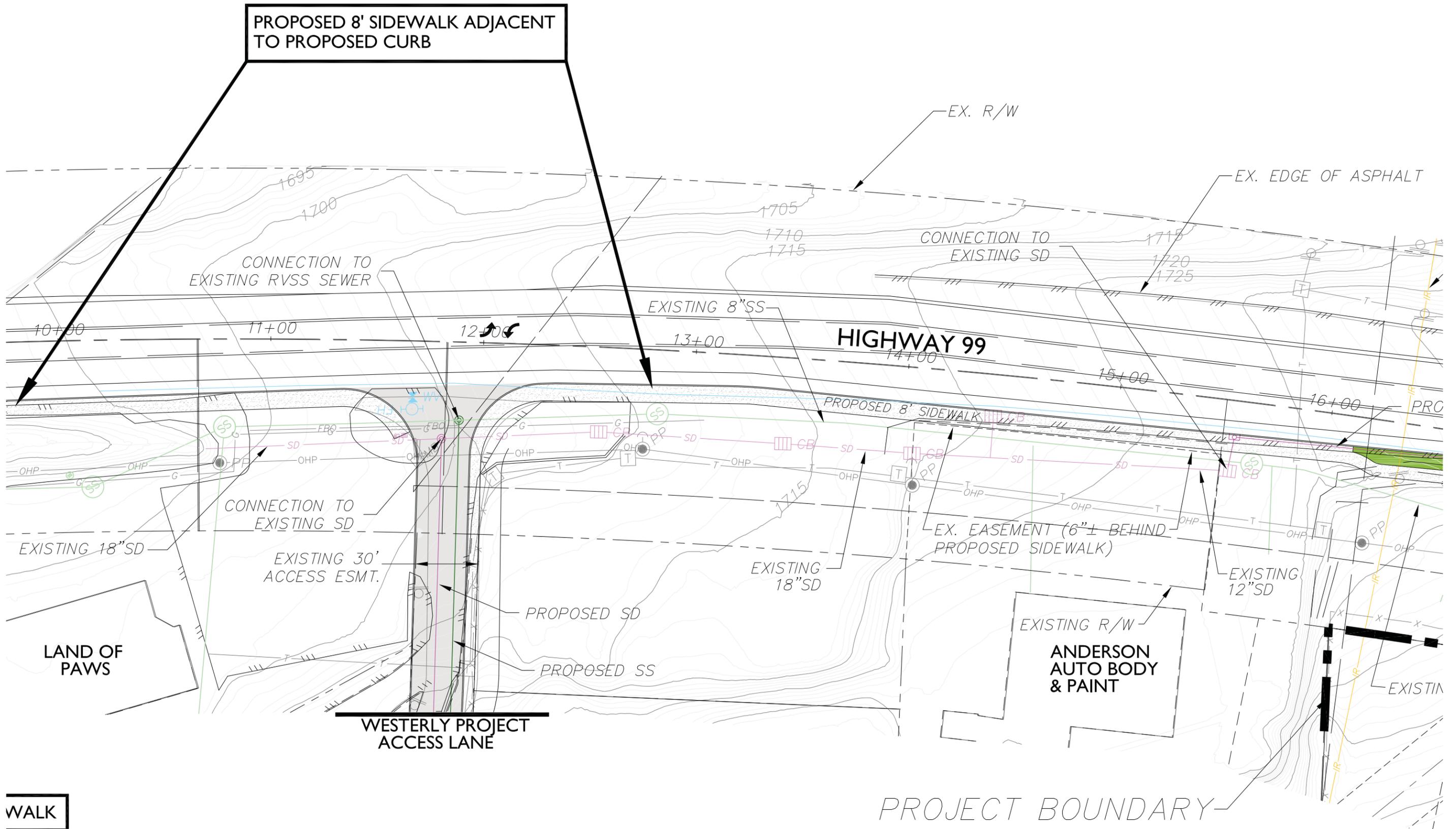
- The use of the existing easement by the proposed development is prohibited by the written word nor by the "intent" as expressed by the van Dijk's. When the easement was granted the area was within the Comprehensive Planned Urban Growth Boundary and designated as multi-family. If the intent was to restrict the access to the single-family residence, that should have been recorded.
- Additionally, according to the property owner's attorney, the Knox Property is not the owner of the easement and is the servient user.
- Staged photos should not be included in the record as evidence of the impacts of the proposed multi-family residential development of the subject property.

ROGUE VALLEY
TRANSIT DISTRICT

The proposed south bound bus pull out area, the transit stop and the improvements were reviewed by RVTd and ODOT. The standards differ slightly between the two organizations and a minor modification is necessary, but overall, RVTd supports the proposal.



PROPOSED 8' SIDEWALK ADJACENT TO PROPOSED CURB



WALK

PROJECT BOUNDARY

PROPOSED LAND SALE

LYING SITUATE IN
 SOUTHWEST QUARTER SECTION 32
 TOWNSHIP 38 SOUTH, RANGE 1 EAST
 WILLAMETTE MERIDIAN
 JACKSON COUNTY, OREGON

FOR
Dave Anderson
 1383 North Highway 99
 Ashland, Oregon

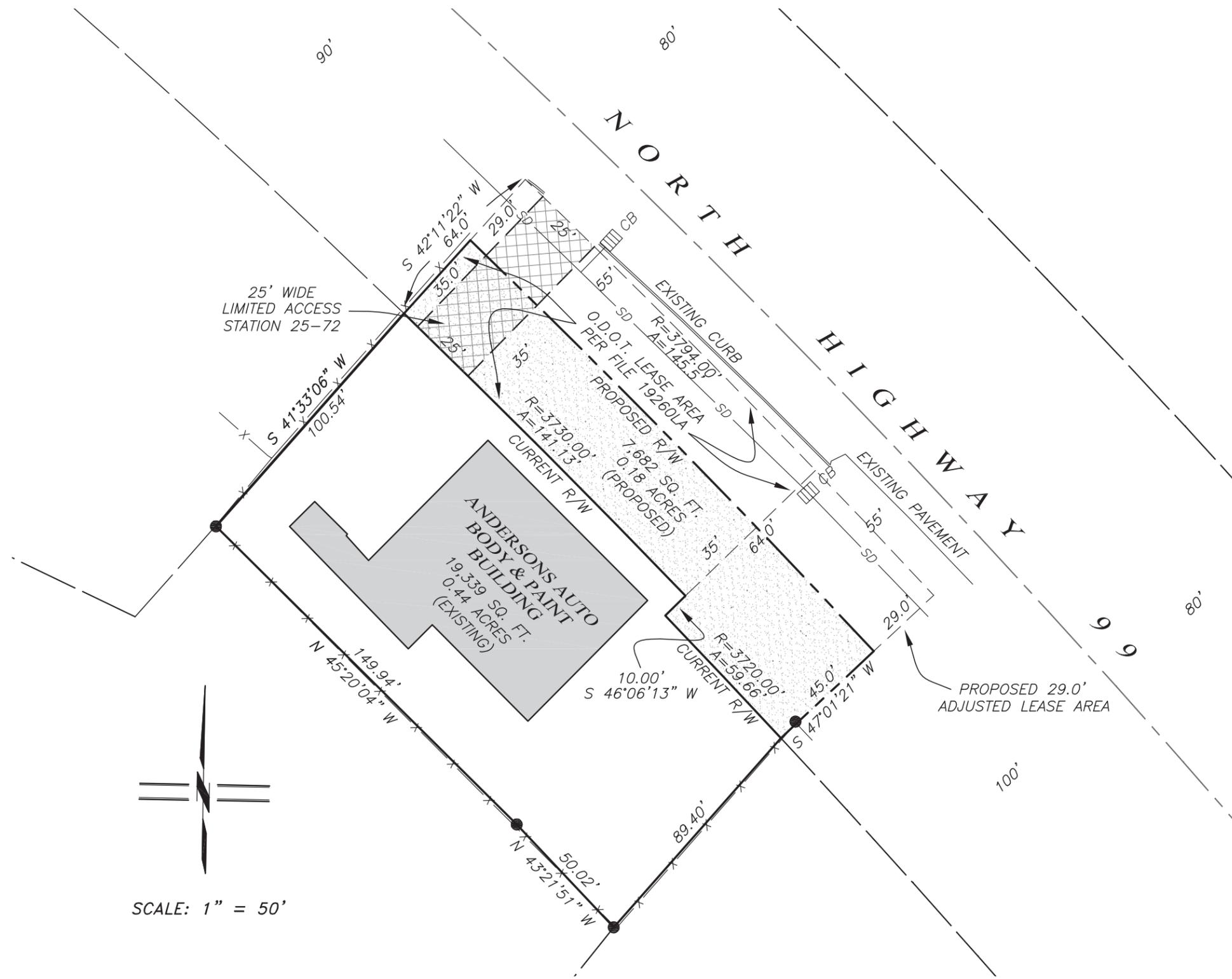
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1998
 SHAWN KAMPMANN
 02883 LS

RENEWAL DATE: 6/30/2017

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009

DATE: NOVEMBER 20, 2015
 PROJECT NO. 226-04



SCALE: 1" = 50'

Assessors Map No. 38 1E 32, Tax Lot 1900

POLARIS LAND SURVEYING



Oregon

Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

March 7, 2020

Mr. Derek Severson
City of Ashland – Community Development
51 Winburn Way
Ashland, OR 97529

RE: PA-T3-2019-00001, 1511 Highway 99 North

Dear Mr. Severson,

Thank you for providing the Oregon Department of Transportation (the “Department” or “ODOT”) with the opportunity to provide comments associated with the zone change and annexation of approximately 16.87 acres at 1511 Highway 99 North (“Subject Property”). ODOT has worked with the City and the applicant to try to find solutions which work for all parties. Please find our comments below regarding this proposal.

- i. ODOT has reviewed the Traffic Impact Analysis (“TIA”) prepared by the Sandow Engineering and believe that it satisfies the requirements of the Transportation Planning Rule (OAR 660-012).
- ii. The proposed southbound bus pullout has satisfactory width, striping, and exit taper. The entrance taper requires an 8:1 taper rate and should be extended slightly from the 65’ on sheet C.4 to approximately 80’.
- iii. ODOT is amenable to the proposed median cut north of the intersection of N Main St. and Highway 99. A striped crosswalk would not be appropriate at this location given traffic speed and sight visibility.
- iv. ODOT will require a hydraulic report demonstrating the proposal will not adversely affect State facilities. We understand this will be conducted during the final engineering phase of the project, after Planning Commission. As such, approval of PA-T3-2019-00001 should be conditioned on written approval from ODOT of a satisfactory hydraulics report.
- v. ODOT is satisfied with the proposed sidewalk and bike facilities with the exception of the sidewalk under the trestle which should be at least 6’ in width.
- vi. Approval should be conditioned on the applicant obtaining a reservation indenture, access permits and misc./utility permits from ODOT. The applicant may begin these processes by contacting Julee Scruggs at Julee.Y.Scruggs@odot.state.or.us.

Please feel free to contact me at Micah.HOROWITZ@odot.state.or.us or 541-774-6331 should you have any questions or concerns.

Sincerely,

Micah Horowitz, AICP
Senior Transportation Planner

PUBLIC COMMENTS

PA-T3-2019-00001
1511 Hwy 99

5/8/20

To: Ashland Planning department
Planning Action: PA-T3-2019-0001

My Name is LeAnn Ahlbrecht, DVM. I own Animal Medical Hospital located at 1525 Hwy 99 N. I am writing in response to the apartment complex that is being proposed. I have significant concerns related to this project.

My first and main concern is the amount of traffic flow this new complex is going to create. If I am understanding correctly, there will be a sidewalk brought down all the way from town to connect to the existing sidewalk in front of the car dealerships. This means there will be curb cuts and all that traffic will now funnel through a single space. The new complex at a minimum will add over 800 trips per day in addition to As You Store It traffic and my business traffic. It is already quite difficult to exit the parking lot at peak times of the day. I have many elderly clients, clients who accidentally let their dogs off leash and children in my parking lot at any given time. Most likely 60% of the residents of the new complex will be working in Medford, which means they will cut across my parking lot.

Secondly, it is a blind corner coming down hwy99 from Ashland to Talent. People are often driving past the speed limit. We have seen many accidents over the years. I myself was hit on my motorcycle by someone making a left hand turn across the traffic in 2018. Looking at their diagram of where they are planning to exit and enter the complex, it is going to be of great concern. With the increase in traffic flow, there will be accidents due to the blind corner.

Lastly, the proposed amount of parking doesn't appear adequate for the most likely number of renters. This means that I will most likely get overflow parking in my lot. We already have issues with the number of spaces available for my own clientele. Getting delivery trucks in and out, having enough staff parking and ebb and flow of client vehicles will greatly be impacted by this development.

I strongly urge you to reassess the safety of the proposed ingress and egress. I have worked here for over 30 years. I have seen too many accidents. I know they will be greatly increased with the numbers of vehicles that will be using the same space.

Sincerely,
LeAnn Ahlbrecht
Animal Medical Hospital
541-482-2786



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



May 8, 2020

planning@ashland.or.us

City of Ashland

Attn: Planning Dept.

RE: Written Objections and Comments

Grand Terrace Development PA-T3-2019-00001

Dear Commissioners:

I am the owner of Knox veterinary Properties LLC, 1525 Hwy 99 N. and Knox Storage LLC 1515 Hwy 99N. located adjacent to the subject property. I owned and operated Animal Medical Hospital at this location from 1988 until just recently and retained ownership of the veterinary Hospital building. I lease the hospital building to Dr.Ahlbrecht who now operates the practice and employs over 10 people. I also lease space to Land of Paws, a pet grooming business. In addition, I operate As U Stor It, a mini storage facility on my property. All three of these businesses are long standing, successful, growing enterprises.

I am not opposed to development in my area whether it be housing, homes or other businesses. I do however, believe development must be smart, well thought out and not cause an undue burden on surrounding businesses especially as it relates to their clients and patrons ability to safely and conveniently access these businesses.

I was not involved or consulted with the design of this project, nor was I initially notified of this proposed development. I have significant concerns with the ability of current and future clientele to safely access my properties, as well as those businesses who lease from me, my neighboring businesses and the potential apartment residents

I know that most or all of you visited the site a few months ago. I would encourage you to visit again with focus on how current business traffic of approximately 250 trips per day plus the proposed 1400 to 1800 trips (depending upon number of units built) can safely ingress and egress from Hwy 99N. Current traffic already slows down two to three times per day due to queuing at Maple St intersection and other issues. I understand that I, my clients, or the employees are not traffic engineers bur we all have experienced daily difficulties getting safely onto or off the highway in a safe and timely manner. This is of course without the additional 700 plus trips that will likely come through my business property. In addition, all three of these business experience much of their traffic during peak hours.

I understand that the entrance and egress through my property is represented to be a secondary access point but since the TIA indicates 60% of the traffic going north towards Medford, it is likely that a large percentage of the traffic in and out of the projects will prefer and use this North access. The apartment residents will of course use the access they choose no matter what the initial planning suggested. Due to this, I have personally suggested to the developer and planning staff that the entrance on my end be strictly used as an emergency access only.

There have been numerous serious accidents on Hwy 99 in front of my properties as clients have tried to ingress or egress. These have usually been rear ending type accidents with extensive auto damage and injuries. I personally was hit from behind attempting to turn into the veterinary clinic. I sustained injuries and my truck

was totaled. These accidents in front of the veterinary clinic are not indicated in the TIA as apparently only intersection accidents are noted. With the level of projected development and traffic from this housing project, there will be extensive queuing in the turn lanes out in front of my property as well as my neighboring businesses to the south as clients attempt to turn off the highway. This will lead to more of the same type of accidents as the turn lane backs up and autos are coming downhill entering that lane.

With the queuing in the turn lanes on the highway, clients of the Animal Medical Hospital, Land of Paws, As U Stor It, and the apartment residents attempting to egress onto Hwy99 will que up on the business properties, jamming the Animal Medical Hospital Parking area and blocking access to AS U STor It and Land of Paws entrance. These factors will cause significant difficulties for patrons. This will no doubt result in loss of future business as clients do not feel safe or wish to wait in lines on an uncontrolled highway or in the chaos of a jammed parking or entrance area. This was not addressed in the TIA as this was not a part of the scope of their study. Those of us who work there and live with these challenges on a daily basis understand what this will mean as a daily burden and the impact on traffic safety and consequently loss of business.

Unfortunately, the recently submitted rendering of proposed sidewalks is very incomplete and does not reflect the reality of existing curb cuts there. The only curb cut shown is the entrance to the development. No other entrances and curb cuts are noted. The Animal Medical entrance, Paradise Supply, and Anderson Auto Body entrances are not indicated. This grossly oversimplifies the problems for vehicle, bicycle and pedestrian traffic. I understand that ODOT has indicated there is not enough pedestrian traffic to warrant a flashing crosswalk or signal. Having also lived on North Main Street for 20 plus years and attempted to cross the highway anywhere from TC Chevrolet into town on foot is quite a daunting and dangerous endeavor. Again, I understand that I am not a traffic engineer, but from years of experience in that area of Hwy 99, I have little to no doubt there will be significant serious pedestrian involved accidents without some type of controlled or lit crosswalk. I believe painted crosswalk lines on the pavement will not suffice for pedestrian safety.

The applicant has noted on several occasions that traffic will naturally calm with development. While this may be usually true, I do not believe it will happen in this area without significant intervention such as a traffic light. As autos travel north under the railroad bridge on Hwy 99 they will still have the impression they are leaving town due to expanse of hills and the farmland to the northeast and the topography of the highway with high berms to the south. The development will not be visible from the northbound traffic on highway 99 until vehicles are approaching Anderson Auto Body and the North entrance to the development. At this time with the nature of the steep downhill and the rural feel, speeds will naturally increase as they do now. As speeds naturally increase some vehicles will be slowing quickly to access the turn lanes that are frequently queuing up. Rear end type accident that could push the struck auto out into the southbound traffic are very likely to happen. This type of accident has happened in front of the Animal Medical Hospital previously and is quite violent. I understand, am not a traffic engineer but I have travelled this road daily or more for over 34 years and have experienced the current level of difficulty. Add 1400 to 1800 more trips daily plus additional pedestrians and cyclists and there inevitably will be serious accidents and injuries.

In conclusion, I am not opposed to development, but believe it must be well thought out, be safe and not cause undue burden on the existing businesses. I believe that common sense should prevail and decisions should not be made solely based on studies or models. The development as proposed, will cause a significant and undue burden on the existing business, nor does it provide for safe, sensible and adequate traffic, bicycle and pedestrian facilities. Therefore, I request that you not recommend the annexation and zone change. Respectfully,

Scott G. Knox D.V.M.



ATTORNEYS AT LAW

□

MEDFORD OFFICE

823 Alder Creek Drive
Medford, OR 97504-8900
541-772-1977
Fax 541-772-3443

ASHLAND OFFICE

320 East Main Street
Suite 209
Ashland, OR 97520-6801
541-482-8491
Fax 541-772-3443

office@medfordlaw.net
www.medfordlaw.net

□

Partners

Darrel R. Jarvis
Sydnee B. Dreyer
Erik J. Glatte*
Erik C. Larsen

Associates

Jacquelyn Bunick
Garrett West

*Also admitted in Idaho

Writer's Direct E-mail:
sbd@medfordlaw.net

Writer's Assistant:
Juleianna Schilter

May 11, 2020

SENT VIA E-MAIL

City of Ashland
Attn: Planning Department
planning@ashland.or.us

**RE: SUPPLEMENTAL WRITTEN OBJECTIONS AND COMMENTS
GRAND TERRACE DEVELOPMENT PA-T3-2019-00001**

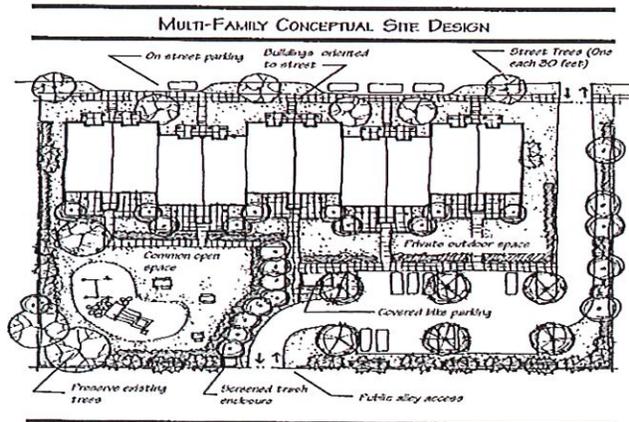
Dear Commissioners:

Our office represents Knox Veterinary Properties, LLC, and Knox Storage, LLC, the owners of properties located at 1515 and 1525 Highway 99N, adjacent to the subject property. My clients' properties are home to the following long-standing Ashland businesses: As-U-Stor-It Mini Storage; Animal Medical Hospital; and Land of Paws. The purpose of this letter is to provide supplemental written testimony for the Commission's consideration at its May 12 meeting.

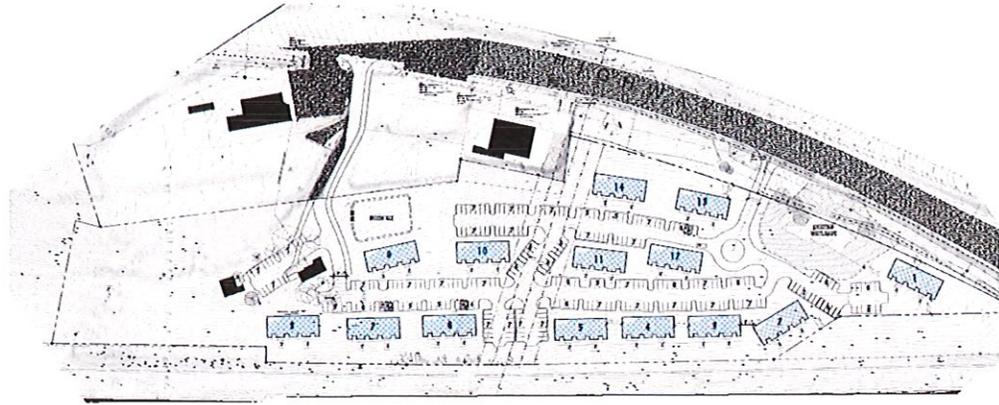
1. Access.

With respect to access, both staff and the applicant find that public streets are not required to access the subject property; a private 20-foot driveway is sufficient. As argued below, a 20-foot driveway is not the appropriate standard for the north access.

ALUO 18.4.3.080.C.3.d. provides that multi-family developments which generate greater than "250 vehicle trips per day shall provide **at least two driveway access points**" (emphasis added). An example of such access is depicted in Figure 18.4.2.030 Multi-Family Conceptual Site Design. As depicted, those "driveways" serve a project which abuts a public street or alley.



In contrast, the subject property does not abut a public street at its northern terminus; it takes access from the highway through intervening properties.



There are multiple factors which necessitate that the northerly access meet street standards. First, the code provides that a multi-family project should provide “at least two” driveway approaches for a project which will generate more than 250 trips. In this case, the application presents only two driveways for a project that will generate between 1448 – 1857 trips, well above the minimum standard of 250 trips. This project faces additional challenges in that the northerly access is lengthy (more than 165 feet), bisects existing commercial developments, is steep, and directs traffic to uncontrolled accesses onto a state highway through a busy commercial parking lot. Based on the nature and location of this project, a narrow private driveway is not consistent with the intent of the City’s access standards which is “to provide safe and effective access and circulation for pedestrians, bicyclists, and vehicles.” ALUO 18.4.3.010.

Similarly, ALUO 18.4.3.D.3 provides that access to parking areas of “**seven parking spaces**” shall be 20 feet in width and constructed to “facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety...”. These are minimum standards for projects with as few as 7 parking spaces. The subject application will serve up to 1857 vehicle trips per day and provides parking for at least 196 units. It is difficult to understand how such a long narrow driveway, along steep terrain, through an existing busy parking lot for commercial businesses can adequately facilitate the flow of traffic “with due regard to pedestrian and vehicle safety.”

Lastly, allowing a northerly “driveway” is inconsistent with the City’s street standards and leads to an absurd result in that it allows a project generating up to 1857 trips to provide less adequate access than projects that generate far fewer trips. For example, a private drive, which is also 20-feet in width and has a maximum slope of 15%, can serve no more than 100 average daily trips, or 3 units

(Table 18.4.6.040.F fn4) but the north “driveway” can have up to 20% slopes, and can serve up between 196 - 251 units.

Allowing a north driveway is also inconsistent with standards for streets otherwise required in multi-family zones which, for example, would require a street with parking on both sides, and right-of-way width between 50-57 feet, with curb to curb paving width between 25-28 feet. ALUO 18.4.6.040.G.4. But here, the application proposes access along a 20-foot driveway, without requirements for parking or sidewalks. Such an interpretation is not consistent with the City’s access requirements, nor designed to ensure safe access for vehicles and pedestrians.

Reviewing these provisions in the context of the Figure 18.4.2.030 Multi-Family Conceptual Site Design above, a driveway approach was not likely contemplated in circumstances such as these where the project does not abut the public street at the northerly access. Allowing a “driveway” at the north access creates an absurd result in which smaller projects with better access to a street must comply with more stringent city street standards, but a large development with no northerly street frontage, can accommodate up to 1857 trips via a narrow private driveway. (See Johnson v. Star Machinery Co., 270 Or 694, 705 (1974) (“When, however, a literal application of the language [of a statute] produces an absurd or unreasonable result, it is the duty of the court to construe the act, if possible, so that it is a reasonable and workable law and not inconsistent with the general policy of the legislature.”))

Based on the foregoing the Planning Commission should find that given the topography, location and size of this project, a driveway would not provide adequate transportation to/from the subject property at the north access.

2. Easement.

For the record, the applicant argues that the intent of the grantor of the easement is irrelevant in part because the easement was granted in 1989, at which time the subject property was within the City of Ashland UGB as a future area for Low-Density, Multi-Family Residential land. In fact, the easement was originally granted in 1966, and recorded in the official records of Jackson County on January 1, 1966 as Document No. 66-01495.

Sincerely,

JARVIS, DREYER, GLATTE & LARSEN, LLP

s/ Sydnee B. Dreyer
SYDNEE B. DREYER

SBD:jas

**APPLICANT'S
REBUTTAL**

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

Robert Kendrick,
Developer Casita Development LLC
May 12, 2020
Grand Terrace Development Hwy 99

Rebuttal to Knox Properties and Sydnee B. Dreyer, attorney for Knox

Part 1: Rebuttal to Knox Properties

Knox Properties LLC argues the project wasn't thought out or planned well and there will be a higher level of traffic, incur extensive queuing, and envisions greater traffic than reported in the Traffic Impact Analysis. Mr. Knox is unaware of the nature of high density "transit oriented" housing developments and the concerns Mr. Knox and his colleagues argued are fear based and unrealistic.

Through conscientious and deliberate planning, the Grand Terrace community is a 196-unit development enhanced with walking trails, pedestrian trails, bike paths, open space and parks, including a Heritage Center recognizing the historical nature of the past by incorporating a renewed Farm House and Barn on the property. Grand Terrace has 16.7 acres including some organic farmland, forested land, community gardens, open space allowing for biking and walking as a primary mode of transportation while underpinning a pastoral feel of the neighborhood along with beautiful open valley views.

In recognizing the past and rebuilding the existing Farm House and Barn we will be embracing the natural relationship between the environment and sustainable, healthy living. As a high density Transit Oriented Development RVTD is overjoyed with the opportunity to install a Bus Stop at the main entrance for South Bound travel, while two North Bound Bus Stops are easy walks away, one with traffic control lights. As a high density development Grand Terrace will have access to safe and convenient Rapid Transit that will rank this development with a high level of users, as one of the most accessible within the City.

" transit-oriented housing will probably reduce total vehicle travel at the regional level, compared to the counterfactual where that housing was not built or was built in a more sprawling location. Granting reductions in trip generation for the transit-oriented nature of that housing is certainly a step in the right direction, but fundamentally it is misleading to think that such transit-oriented housing generates any trips at all at a regional scale. A more reasonable starting point is to consider that new development is just as likely to reduce traffic, air pollution, and greenhouse gas emissions as it is to increase them."

Adam Millard-Ball from the University of Santa Cruz

Mr. Knox also argues that it will be unsafe getting on and off the highway, and that the traffic will enter on and off his property, use his exit area, cause more accidents, cause him a loss of business and create difficulties for his clients.

Mr. Knox is mostly accurate as to the existing danger, and the cause is from the non-conforming 50 foot paved entrance under his use. Grand Terrace and Mr. Knox's legal access entrance is blocked with landscaping and signage and is now too narrow for use coming off the highway. The favored entrance is the larger accessible non-conforming paved entry. The combination of U-Turns and regular traffic coming onto the Knox properties through the non conforming driveway makes this a very dangerous condition and encourages motorist to use the area for making U-Turns both from the North and the South.

With the installation and widening of the legal access point the dangerous situation that exist now will be removed and the newer development will make the access safer for all users, including those driving on the Highway.



Mr. Knox also mentioned the speed along the highway and how unsafe the highway will be by adding more cars exiting on and off the development. We asked ODOT if it was possible to reduce the speed limits but they said the traffic will slow down just by what they call Traffic Culture. From their experience with the installation of sidewalks, bike paths and people walking down the highway creates a culture of safety and that drivers will slow down when they see sidewalks and pedestrians.

Mr. Knox also argues the access easement is too steep and refers to the easement as his land but when splitting his lot and developing storage units he designed the entrance off the access easement driveway rather than designing a newer entry from his existing lot. He opted to maximize the remainder lot but sacrificed a steeper and narrower driveway instead. Concurrent with that development Mr. Knox encroached into the easement several feet with block walls. The entrance off the Highway was further narrowed by his installation of a Sign and a large Landscape mound, this came to our attention through our ALTA survey and our surveyor Polaris Survey notification.

The combinations of intentional encroachments and narrowing our access driveway and entrance, deliberately locating the Storage Complex access point within the easement rather than choosing a separate area then encouraging the use of a dangerous non conforming 50 foot driveway all runs contrary to his argument that "common sense should prevail" in lieu of studies and models in engineering the traffic on our development.

If we were to adopt the common sense approach Mr. Knox uses in developing, then his judging us as negligent would be appropriately called for.

The Grand Terrace development integrates work force housing on a transit route for Downtown Ashland to the South and Medford to the North where city jobs are an easy ride, walk, bike ride away making this Transit Oriented community an asset to our community and our environment.

Critical to creating transit-oriented communities is that ridership is highest among low to moderate income households, this promotes transit ridership, and creates a more vibrant, transit oriented community

It should be further noted that typical households in auto-dependent neighborhoods spend about 25 percent of their income on transportation costs, but this number drops to 9 percent in neighborhoods with a variety of mobility options. Although the TIA indicates volumes of traffic, this development will greatly reduce traffic within the Transit District.

This is a Workforce Housing development and the savings from rent and traffic modes plus cost efficient housing designs allows these families to save, spend more money in the local economy, and spend on essential services such as healthcare. These benefits are not just individual, but societal as well, as they place less strain on social services and resources.

Mr. Knox has many fears but in all reality the benefits from this development will most likely rotate toward Mr. Knox and in the end he will become a happy beneficiary of the byproducts of this development and make him a real advocate for housing, even if it is in his neighborhood.

"Truth is stranger than fiction, but it is because fiction is obliged to stick to possibilities, Truth isn't." Mark Twain

Part II: Rebuttal to: Sydnee Dreyer

1. Ms. Dreyer argues that the driveway takes access from the intervening properties is incorrect and not a matter of fact. The driveway doesn't take access from other intervening properties but is a continuous route that is unrestricted and non exclusive and it takes access from the Highway which is a Public Right of Way.



The commercial properties belong to Knox LLC and the subject property all enjoy the rights to use a mutual access easement.

2. The argument that the northerly access should meet street standards because there are greater amount of car trips than written in the code which calls for projects that have greater than 250 trips be required "two" points of egress. The code doesn't add additional access points above two if the trips exceed the 250 mark, this is only a baseline for safety of ingress and egress. Is Ms. Dreyer arguing that for each 250 car trips a driveway should be added. It's a superfluous argument.

AMC 18.4.3.080.C.3.d. requires all multi-family developments which have a trip generation of 250 vehicles (~30 units) provide two driveway access points. The proposal complies. The code does not require a driveway access point for every 250 vehicle trips.

3. Ms. Dreyer argues the northerly driveway should meet Street Standards because it is more than 165 feet and too long. This access is a Shared Driveway as noted in Municipal Code Section 18.6.1.030 Definitions. A shared driveway is a driveway used to access two or more lots or parcels. The code requires driveways that are greater than 50-feet in length to be improved to flag driveway standards. The proposed improvements provide for street like features as required by AMC 18.4.3.080.B.4.

4. Ms. Dreyer argues that the driveway bisects existing commercial developments but that is not true, the driveway is an egress and ingress access point for the commercial developments vehicular traffic.

5. The argument the driveway is steep isn't relevant at this point since the developer will grade the driveway to the required code standards at development time. Additionally, the existing driveway grades are between 13 to 15 percent which is less than the maximum driveway grade allowed by code. The grade of the driveway will be altered some with the proposed construction and will demonstrate compliance with the grading standards at that time.

6. The suggestion that 1857 cars will be lined up on a tiny long driveway is a nothing but fiction and will never happen. If there are only 200 + parking spaces with cars where did the other 1600 cars come from?

7. AMC 18.4.6. speaks to the Public Facilities. Within this section of code, when and where the dedication of public streets are required is addressed. In this case, the public street is Hwy. 99. The proposed improvements are consistent with the public facility standards excepting the locations where street improvement exceptions are sought for the sidewalks along the Hwy.

AMC 18.4.6.040.D. speaks to connectivity standards for developments when there are no physical constraints, barriers to the development of connected streets. Due to the lack of adjacent public streets to connect too, topographical constraints and the railroad, public street dedication is not required within the development. Consistent with AMC 18.4.6.040. E.2. if public street dedication was required, they would not be connected to other public streets due to physical constraints and the adjacent developments.

8. Ms. Dreyer is arguing the Northern access should be "street" and not a driveway but a public street dedication is only required under AMC 18.4.6.040.C.1, Dedicated Public Streets Required. All streets serving four units or greater, and which are in an R-1, RR and WR zone, must be dedicated to the public and shall be developed to the Street Standards of this section.

Also: The parking area and the driveway accesses proposed are consistent with the standards of AMC 18.4.2.030 for the development of multi-family housing that is subject to the Site Design Review standards. The number of parking spaces proposed is based on the number of bedrooms. The parking lot and the driveway are designed in accordance with 18.4.3.080. AMC 18.4.3.080. B.4 The shared driveway that is a



legal point of driveway access via the easement and the driveway is proposed with street-like features but it is not a public street nor is it required to be a public street.

9. Easement: Ms. Dreyer argues the intent written by Mr. Van Dijk is relevant.

Review by Applicant Attorney:

Casita Developments llc
153 Will Dodge Way
Ashland Oregon 97520

Re: PA-T3-2019-00001, 1511 Highway 99 North
Grand Terrace Development
Mutual Access Easement

Dear Bob

With respect to the Mutual Access Easement and the letter submitted by Mr. Knox from Mr. Van Dijk.

“The easement at issue here is an express easement for ingress and egress.”

It is unambiguous and without any expression of any limitation on the extent of use to be afforded the realty benefitted by the easement.

Van Dijk executed recorded documents specifically reserving and benefitting the applicant’s property with the rights under the easement and made no mention of any limitation on any contemplated or proposed use of the created easement.

If the words of an easement, viewed in the context of the entire document, clearly express the purpose of the easement, then a court will look no further for its intended use. See *Watson v. Banducci*, 158 Or App 223, 230, 973 P2d 395 (1999).

Here the easement is clear-- ingress and egress which is exactly what applicant proposes.

Any statement to the contrary by Van Jijk, Knox or anyone else for that matter is inadmissible parol evidence and may not be considered. See generally “If the terms conveying an easement are unambiguous, the terms control the uses thereafter permissible, and parol evidence will not be considered. *Gorman v. Jones*, 232 Or 416, 375 P2d 821 (1962)”.

Knox may use his land burdened by the easement so long as it “is consistent with, and does not unreasonably interfere with, the rights of the easement owner. See *State, By & Through Dep’t of Fish & Wildlife v. Kortge*, 84 Or App 153, 158, 733 P2d 466, rev den, 303 Or 534 (1987).”

But he may not unreasonably interfere with the rights afforded applicant’s realty for ingress and egress purposes. His interest in using his land encumbered by the easement must give way if there is a conflict between Knox’s desired use of realty and the easement holder.

That is why the easement holder/applicant’s realty is deemed the dominate estate and Knox’s realty is deemed the servient tenement/estate.

Joseph E. Kellerman
Hornecker Cowling LLP
14 North Central, Ste 104
Medford, OR 97501

Respectfully submitted by:
Robert Kendrick
Casita Development LLC
Grand Terrace Development
May 12, 2020



**STAFF REPORT
APPLICATION**

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

Memo

DATE: May 12, 2020
TO: Ashland Planning Commission
FROM: Derek Severson, *Senior Planner*
RE: Grand Terrace Annexation

During the Planning Commission's initial public hearing for the Grand Terrace annexation proposal back in November, a number of issues were identified by the Planning Commission as needing to be further addressed by the applicant. The Planning Commission continued the matter, and asked that the applicant work with the Oregon Department of Transportation (ODOT) and Rogue Valley Transportation District (RVTD) to address some outstanding transportation items and then take the proposal back to the Transportation Commission for a recommendation before returning to the Planning Commission.

The item was scheduled to be heard by the Transportation Commission in March, however with the COVID-19 pandemic and associated emergency declarations by the city and state, the March Transportation Commission meeting was canceled and subsequent advisory commission meetings have been suspended indefinitely. Staff believed it was prudent at this point to bring the matter back to the Planning Commission for an evidentiary hearing to consider how each of the identified issues has been addressed, and identify where Commissioners believe more attention is still needed. It is not staff's intent that a decision be made at the meeting tonight, but rather that Commissioners have a chance to refamiliarize themselves with the proposal and the issues as they currently stand after six months, to provide any feedback, and to schedule the matter for a later meeting if Commissioners believe it is appropriate to do so at this stage.

The issues identified by the Planning Commission are summarized below, along with a summary of the applicant's response for each to date and any staff comments:

- **CONTIGUITY & THE RAILROAD PROPERTY**

During the initial public hearing it was noted that the property was separated from the city by railroad property which is not considered to be right-of-way and as such the property cannot be found to be "*currently contiguous*" to the city as required in AMC 18.5.8.050.C. There was some discussion of the possibility of extending a "cherry stem" of Highway 99 right-of-way from the existing city limits to connect the property to the city limits.



Applicant Response

In a January 28, 2020 letter responding to the outstanding issues, the applicant notes that railroads have historically been a quasi-public entity and that railroad right-of-way intersecting streets or highway has never prevented annexations as the railroad was built for public use similar to highway right-of-way, rather than as private land for development purposes. This letter and its associated exhibits also speak to the history of donation land claims in the vicinity. The applicant has also indicated that they are attempting to communicate with the railroad to obtain consent to annexation.

Staff Comments

The surveying unit from the Oregon Department of Transportation (ODOT) has provided deed records indicating that the Highway 99 corridor under the railroad overpass crosses the railroad property via easement and as such, ODOT granting a "cherry stem" connection of their right-of-way along the property frontage is not an option to resolve the issue.

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

Staff would further note that ORS 222.170 discusses ***"Annexation by consent before public hearing or order for election"*** in subsection 4, noting that ***"Real property... or railroad... shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section."***

Based on the above, the current hearing was re-noticed as including both the state highway right-of-way and the railroad property abutting the property. This notice was sent to representatives of the railroad. Subsequent to mailing of the hearing notice, representatives of the railroad contacted staff via e-mail (see attached April 29, 2020 e-mail from CORP Railroad representative Chad Mullarkey) to indicate that, *"Without having more information to go off of the railroad does not intend to allow its property to be annexed and does not approve of any developments that include railroad property at this time."* Staff have e-mailed and left voicemail with an explanation of the situation seeking further discussion and are awaiting a response. At this point, this issue has not been resolved.

- **AFFORDABILITY**

Several of the Planning Commissioners noted that the affordability requirement for annexations in AMC 18.5.8.050.G does not provide for the exclusion of unbuildable areas from the base density used in calculating the required number of affordable units. Commissioners asked that the applicant address the affordability requirements based on the language in the Land Use Ordinance.



Applicant Response

The applicant asserts that while the Municipal Code requires that the number of affordable housing units be determined by the base density of the property, where substantial areas of the property are undevelopable it should exclude those areas. The applicant further emphasizes that the Oregon Revised Statutes in ORS 660-008-005 defines buildable land to mean “*residentially designed land within the urban growth boundary, including both vacant and developed land likely to be redeveloped that is suitable, available and necessary for residential uses.... Land is generally considered suitable and available unless it: a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7; b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5,6,15,16,17 or 18; c) Has slopes of 25 percent or greater; d) Is within the 100-year flood plan; or e) Cannot be provided with public facilities.*” The applicant emphasizes that buildable land is considered in preparing the city’s Buildable Lands Inventory (BLI), that the Housing Element of the Comprehensive Plan notes that density should decrease with an increase in slope to avoid excessive erosion and hillside cuts (Policy 17), and minimum density standards in AMC 18.2.5.080.B and 18.5.8.050.F provide for reductions in minimum densities for significant natural features. The applicant argues that physically constrained areas are not considered to be buildable lands and as such should not be considered as part of the area for development for purposes of calculating density. Here, a substantial area of the property has slopes of more than 35 percent, riparian drainages and wetlands that will prevent the extension of infrastructure and construction of dwellings and should be excluded from density calculations.

Staff Comments

In staff’s assessment, the issue for the Commission in November was not whether unbuildable lands were to be excluded from base density and minimum density calculations. AMC 18.5.8.050.F is clear in requiring a demonstration that development, “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 issue raised by Commissioners back in November was that AMC 18.5.8.050.G.1 reads, “*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.*” There is no clear provision for a reduction in the base density when calculating the number of required affordable units for annexations as there is in calculating the minimum density requirement. Staff would note that City regulations require that constrained lands (hillsides, water resource protection zones for streams and wetlands, and lands with significant natural features) be excluded from development and historically these lands have been excluded from the affordability calculations as well as from the minimum density.

TRANSPORTATION ISSUES

- **Existing Easement**

Planning Commissioners asked that the applicant provide evidence that the existing 30-foot wide mutual access easement in place near the veterinary hospital will support the eventual access proposed in the conceptual development plan in terms of its width, location, any restrictions in easement language and ability to accommodate accessible improvements.



Applicant Response

The applicant has indicated that access to the property is provided by a 30-foot wide ingress access easement and notes that there are no reservations or limits noted upon the easement. The applicant further explains that there is a 25-foot wide right of access to the highway from the easement, and that the applicant's attorney has reviewed the easement and found no restrictions. The applicant has included a survey noting the easement area along with the easement language.

Staff Comments

Multi-family zoned property is not required to provide dedicated public streets with development. City standards in AMC 18.4.3.080.D.3 require that, *"Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner."* In addition, AMC 18.4.4.030.F.2.a requires that areas for vehicle maneuvering, parking and loading have a five-foot wide landscaped screening strip where abutting a property line. A 30-foot width would accommodate a 20-foot driveway with five feet of landscaping on each side.

- **Street Lighting**

The Planning Commissioners requested that the application include details for street-lighting to increase pedestrian safety along the corridor, with particular focus on the driveway locations. Planning staff have also suggested that the applicant consider how they might more clearly delineate the northern driveway entrance at the street for drivers in conjunction with proposed frontage improvements.

Applicant's Response

The applicant's January 28, 2020 response letter indicates that an ODOT-standard cobra style street light or City-standard pedestrian-scaled streetlight will be placed near the improved driveway apron. In addition, Exhibits C.3 and C.4 illustrate a total of five additional lights to be installed along the property frontage.

Staff Comments

The applicant has provided details of lighting placement along the frontage.

- **Southbound RVTB Bus Stop**

Planning Commissioners asked that the applicant work with RVTB and ODOT to provide design details for a southbound RVTB bus stop on the subject property's frontage which would likely need to include a pull-out, shelter with lighting, sidewalk, accessible loading pad and accessible route to the site, any necessary retaining, and a merge lane for the bus to re-enter the travel lane at an appropriate speed.

Applicant

The applicant notes that the project team has met with RVTB and its Bus Stop Committee, and a new, southbound bus pull-out lane, bus stop pad and future electric conduit to provide low voltage power is proposed to be provided south of the main driveway entrance to the site.



Staff Comments

The applicant's Exhibit C.4 illustrates the proposed bus pull-out lane, shelter and street light placement, and a proposed walkway connecting from the shelter onto the project site. It appears that this issue has been addressed.

- **Bicycle & Pedestrian Connectivity to Northbound RVTD Stop/s**

The Planning Commissioners asked that the applicant address safe bicycle and pedestrian connectivity to the existing northbound RVTD "flag stop" located south of the railroad bridge likely to include an *enhanced crossing* from the flag stop across Highway 99N, and also asked that the applicant address ODOT's previous recommendation for an extra-wide shared use path generally from the *enhanced crossing* to the southern driveway on site. (The approval criteria for annexation include that, "*Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated (AMC 18.5.8.050.E.3).*")

Applicant Response

In the January 28, 2020 letter, the applicant notes that there are two northbound RVTD stops within 1,800 to 2,00 feet of the property. The first is near the intersection of North Main Street and Highway 99N, and the applicant emphasizes that it is a legal pedestrian crossing. The applicant indicates that in conversation with ODOT traffic engineers, while they support that the intersection is a pedestrian crossing, it cannot be marked with new striping, rapid flash beacons (RRFB's) or similar because the number of pedestrian crossings of the highway, volume of pedestrians, volume of vehicle traffic and vehicle speeds to rise to the threshold for allowing a marked crossing. The applicant further indicates that ODOT does support a median refuge at the intersection of North Main and Highway 99N along with "Pedestrian Crossing" signage, and notes that the median in this area that would have provided a pedestrian refuge was recently removed to better enable vehicles crossing at this intersection. A smaller median is in place south of the intersection, but improvements would be necessary to create an adequate pedestrian refuge.

The other northbound stop is near the intersection of Valley View Road and Highway 99N. This is a signaled intersection with a painted crosswalk in place on three of the four legs of the crossing.

The applicant emphasizes that the subject property and its proximity to both northbound stops and the new proposed southbound stop are within Transit Supportive Areas in the RVTD 2040 Transit Master Plan as the property is within the "quartermile walkshed" from transit stops. This consists of areas that are within a typical five-minute walk at a normal walking pace. The applicant concludes that like most areas in the community, there is not a northbound and southbound bus stop along the property frontage and this does not prevent commuters from crossing Highway 99N (or Siskiyou Boulevard or Highway 66) to access transit stops where they are not directly connected via a crosswalk or signalized intersection.

Staff Comments

In conversations with ODOT staff, they have indicated that they do not believe any new pedestrian crossings of Highway 99 are appropriate given the speeds, traffic volumes, sight and stopping distances when weighed against the anticipated number of pedestrians.

Staff have not seen designs drawings for any potential improvements to the existing median at the intersection of North Main Street and Highway 99N to provide pedestrian refuge and signage.



- **Exception to Street Standards/Curbside Sidewalks**

At least one Planning Commissioner has questioned whether Exceptions to the Street Design Standards are merited, and others have inquired whether a curbside sidewalk is appropriate adjacent to a 45 MPH travel lane. Staff have recommended that the applicant more clearly articulate the basis for the requested Exceptions to not provide standard parkrow in terms of the on-site conditions in specific sections of the roadway (*i.e. based on available right-of-way, topography, existing constraints, etc.*).

Applicant Response

In the January 28, 2020 response letter, the applicant speaks to frontage improvements, explaining that along the entire frontage of the subject property a standard sidewalk and parkrow configuration is proposed except where the installation of the bus pull-out lane and bus shelter instead necessitate an eight-foot curbside sidewalk. The applicant discusses specific sidewalk sections in terms of the station numbers on the civil drawings.

- **Stations 1-16 (North of Land of Paws):** An 8-foot curbside sidewalk is proposed. The applicant explains that there is a large roadside ditch and private property belonging to Anderson Autobody which prevent parkrow installation, and this curbside sidewalk will connect to existing curbside sidewalk to the north.
- **Stations 16-23:** A 3-foot bike buffer, 6-foot bike lane, 7-½ foot parkrow, and 6-foot sidewalk are proposed along this section of the property frontage.
- **Stations 23-27:** A bus pull-out lane, bus stop and 8-foot curbside sidewalk are proposed along this section of the property frontage. Parkrow here has been replaced by the bus pull-out lane.
- **Station 27-34:** A 3-foot bike buffer, 6-foot bike lane, and 8-foot curbside sidewalk are proposed. The applicant explains that this section is physically constrained by a steep roadside embankment and by the railroad trestle.
- **Station 34 – Schofield/North Main:** A 6-foot bike lane, 7½ -foot parkrow and 6-foot sidewalk are proposed in this section.

Staff Comments

The applicant here has explained the improvements proposed and where/why exceptions to city standards are needed.

- **Speed reduction**

Based on the Planning Commission discussion, staff have also suggested that it may be in the applicant's interest to discuss the possibility of a speed reduction on the Highway 99 North corridor from Valley View Road south into Ashland as one means of addressing pedestrian safety and the ability of the RVTB buses to merge back into traffic from a stop.

Applicant

The applicant notes that ODOT is the authority on highway markings for pedestrian crossings and for highway speed limits, and at this time there is not enough justification for speeds to be lower. The applicant indicates that with a change in roadside culture through annexation and development, driving habits can change. They suggest that after improvements are made, a formal speed study to seek a reduction in highway speeds can be undertaken and eventually, if speeds are reduced and pedestrian volumes increase, potential marked crossings could be approved by ODOT.



Staff Comments

Speed reduction would ultimately require an application to ODOT after which they would conduct a zonal analysis and a decision would ultimately come from the state traffic engineer.

- **Traffic Impact Analysis (TIA)**

ODOT had previously provided comment (October 25, 2019) on the Grand Terrace TIA, noting among other things that they had observed queuing significantly greater than that noted in the TIA for both the OR99 & Valley View and the Main & Maple intersections.

Applicant Response

The applicant's traffic engineer, Kelly Sandow, P.E., has submitted a technical memorandum in response to ODOT's original review comments. In the January 28, 2020 letter from the applicant responding to outstanding issues, the applicant notes that ODOT has provided preliminary review comments on the technical memorandum to the applicant team with minor suggestions, but that generally there were no major issues or concerns to require additional TIA data or off-site intersection improvements. The applicant has provided a February 24, 2020 e-mail from Wei (Michael) Wang, P.E. & M.S., the Region 3 Interim Access Management Engineer with ODOT which indicates that ODOT had reviewed the technical memorandum and had no further review comments at this time.

Staff Comments

In speaking with ODOT staff, they have indicated that at this point, ODOT has given their final sign-off to the TIA with the addition of the technical memorandum. Formal written comments to this effect from ODOT have not been provided, however ODOT has been notified of the upcoming electronic meeting on May 12th, and may provide additional written comments prior to May 12th.

Next Steps

Staff believes that at this stage, it would be helpful for the Planning Commissioners to weigh in on the above issues. From there, the Commission might either continue discussions and deliberation to a date certain, or identify the outstanding areas where they believe further information from the applicant is needed.

Supporting Information:

- **Packet Materials Provided for May 12 Meeting**
 - 2020-0504 E-mail from Amy Gunter re: ODOT TIA comments
 - 2020-0504 Written Submittal from Sydnee Dryer for neighbor Scott Knox
 - 2020-0429 E-Mail and Attachment from CORP Railroad Representative Chad Mullarkey
 - 2020-0428 E-Mail from Anderson Autobody
 - 2020-0228 Severson e-mail re: ODOT update
 - 2020-0203 Applicant's TIA Response Technical Memo
 - 2020-0128 Applicant's Letter Responding to PC Issues
 - 2020-0107 ODOT Survey Unit Materials re: Railroad Right-of-Way
 - 2020-0106 E-mail from Barbara Allen
 - 2019-1112 Exhibits Submitted during November PC Hearing



- **Link to the October 2019 Planning Commission Packet:** http://www.ashland.or.us/files/2019-10-08_PC_Packet-web.pdf
NOTE: This hearing was postponed to November at the applicant's request but packet material was distributed via the link above.
- **Link to the November 2019 Planning Commission Packet:** http://www.ashland.or.us/files/2019-11-12_PC_Packet_web.pdf
- **Link to the November 2019 Planning Commission Video:**
https://videoplayer.telvue.com/player/w9sPsSE7vna3XTN_39bs1rEXjVWF0kfP/media/525050?fullscreen=false&showtabssearch=true&autostart=true&jwsource=cl
- **Link to the March 2020 Transportation Commission Packet:**
https://www.ashland.or.us/files/TC_Packet_3.19.20.pdf
NOTE: This hearing was canceled to the COVID-19 emergency declaration, but packet material was distributed via the link above. The packet includes new transportation-related Information provided by the applicant since the initial Planning Commission hearing including:



Fwd: Grand Terrace - Revised Civil Plans

Amy Gunter <amygunter.planning@gmail.com>

Mon 2020-05-04 12:08 PM

To: Robert Kendrick <bobk213@icloud.com>

Cc: Derek Severson <derek.severson@ashland.or.us>

[EXTERNAL SENDER]

Derek,

I believe this has been shared previously. I've asked for a formal TIA response a number of times but do not have new information as of yet.

Amy Gunter

Rogue Planning & Development Services

541-951-4020

www.rogueplanning.com

This communication, including any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments from your system.

----- Forwarded message -----

From: **WANG Wei * Michael** <Wei.WANG@odot.state.or.us>

Date: Mon, Feb 24, 2020 at 4:45 PM

Subject: RE: Grand Terrace - Revised Civil Plans

To: kellysandow@sandowengineering.com <kellysandow@sandowengineering.com>, ODOT Region 3 Development Review <R3DevRev@odot.state.or.us>, Amy Gunter <amygunter.planning@gmail.com>

Cc: FITZGERALD William <William.FITZGERALD@odot.state.or.us>, HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>

Kelly,

ODOT staff have reviewed the attached Grand Terrace TIA response to ODOT comments 2/3/2020.

We have no further comments at this time.

Wei (Michael) Wang P.E. & M.S. | Region 3 Interim Access Management Engineer

ODOT Region 3 / District 8 | 100 Antelope Rd. | White City, OR 97503

Phone: (541) 774.6316 | Fax: (541) 774.6349 | Email: Wei.Wang@odot.state.or.us

From: kellysandow@sandowengineering.com <kellysandow@sandowengineering.com>
Sent: Wednesday, February 12, 2020 3:14 PM
To: ODOT Region 3 Development Review <R3DevRev@odot.state.or.us>; 'Amy Gunter' <amygunter.planning@gmail.com>
Cc: WANG Wei * Michael <Wei.WANG@odot.state.or.us>; FITZGERALD William <William.FITZGERALD@odot.state.or.us>
Subject: RE: Grand Terrace - Revised Civil Plans

Hi Micah, that's is my fault. I had other emails from that day get returned undeliverable (two days later) but since I didn't hear back on this one I assumed it went through. Attached is the response.

-kelly

KELLY SANDOW PE

SANDOWENGINEERING

Cell: 541.513.3376

Email: kellysandow@sandowengineering.com

Office: 160 Madison St. Suite A Eugene, Oregon 97402

Web: sandowengineering.com

Oregon DBE/WBE/ESB Certified: #8760

From: HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us> **On Behalf Of** ODOT Region 3 Development Review
Sent: Wednesday, February 12, 2020 3:11 PM
To: 'Amy Gunter' <amygunter.planning@gmail.com>
Cc: WANG Wei * Michael <Wei.WANG@odot.state.or.us>; FITZGERALD William <William.FITZGERALD@odot.state.or.us>; Kelly Sandow <kellysandow@sandowengineering.com>
Subject: RE: Grand Terrace - Revised Civil Plans

Hi Amy – wanted to quickly touch base with you. Michael is still waiting for a revised version of the TIA which addresses the queuing discrepancy, and we just want to make sure you are aware we haven't received this.

Best regards,
Micah

From: Amy Gunter <amygunter.planning@gmail.com>
Sent: Monday, January 27, 2020 4:49 PM
To: HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>
Cc: WANG Wei * Michael <Wei.WANG@odot.state.or.us>; FITZGERALD William <William.FITZGERALD@odot.state.or.us>; Kelly Sandow <kellysandow@sandowengineering.com>
Subject: Re: Grand Terrace - Revised Civil Plans

Thank you for the update.

Amy

Amy Gunter

Rogue Planning & Development Services

541-951-4020

www.rogueplanning.com

This communication, including any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments from your system.

On Mon, Jan 27, 2020 at 4:48 PM HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us> wrote:

Hi Amy, I believe Michael Wang and Kelly are still working through some items related to the syncho files. We will be glad to provide an/letter once the TIA review has been completed.

Best regards,

Micah

From: Amy Gunter <amygunter.planning@gmail.com>
Sent: Monday, January 27, 2020 4:18 PM
To: HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>
Cc: MORRIS Michael L <Michael.L.MORRIS@odot.state.or.us>; FITZGERALD William <William.FITZGERALD@odot.state.or.us>; Kelly Sandow <kellysandow@sandowengineering.com>
Subject: Re: Grand Terrace - Revised Civil Plans

Hello Micah,

Has ODOT completed the review of the TIA?

Is there a written response that can be provided to the property owner?

Thank you,

Amy

Amy Gunter

Rogue Planning & Development Services

541-951-4020

www.rogueplanning.com

This communication, including any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments from your system.

On Mon, Jan 20, 2020 at 11:03 PM Amy Gunter <amygunter.planning@gmail.com> wrote:

Hello Micah,

Thank you very much for meeting with us regarding the Grand Terrace annexation proposal. I have attached the revised Civil drawings that accommodate the bus pull out and sidewalk modifications.

Could you send provide a summary at your earliest convenience of ODOTs opinion regarding pedestrian improvements in the form of RFB/HAWK/striping to get bus riders to N bound stops? I've informed staff that vehicle volumes and speeds are too high and pedestrian volumes to low to warrant making those improvements but think that an official opinion is more appropriate than my own.

They did tell me the median was removed to provide a vehicle safety lane typical of a three-lane road configuration.

Also, checking the status of the TIA review.

Thank you,

Amy Gunter

**JARVIS,
DREYER,
GLATTE &
LARSEN, LLP**

ATTORNEYS AT LAW

MEDFORD OFFICE

823 Alder Creek Drive
Medford, OR 97504-8900
541-772-1977
Fax 541-772-3443

ASHLAND OFFICE

320 East Main Street
Suite 209
Ashland, OR 97520-6801
541-482-8491
Fax 541-772-3443

office@medfordlaw.net
www.medfordlaw.net

Partners

Darrel R. Jarvis
Sydnee B. Dreyer
Erik J. Glatte*
Erik C. Larsen

Associates

Jacquelyn Bunick
Garrett West

*Also admitted in Idaho

Writer's Direct E-mail:
sbd@medfordlaw.net

Writer's Assistant:
Juleianna Schilter

May 4, 2020

Via Email Only planning@ashland.or.us

City of Ashland
Planning Commission
Attn: Planning Department

**RE: Written Objections
PA-T3-2019-00001**

1511 Highway 99 North – Linda Zare/Casita Developments, LLC

Dear Commissioners:

Our office represents Knox Veterinary Properties, LLC, and Knox Storage, LLC, the owners of properties located at 1515 and 1525 Highway 99N, adjacent to the subject property. My clients' properties are home to the following long-standing Ashland businesses: As-U-Stor-It Mini Storage; Animal Medical Hospital; and Land of Paws.

While my clients do not oppose increased density and affordable housing within the City, any such development must comply with City code and ensure that the burdens upon traffic and safety to existing development is well-planned and adequately provided for. My clients have significant concerns regarding the proposed annexation, specifically, lack of contiguity; inadequate transportation facilities; scope of access easement; and safety.

Lack of Contiguity

To approve an annexation, the City must find that the land sought to be annexed is "currently contiguous with the present city limits." AMC 18.5.8.050.C. Although the LUO does not define contiguous, a review of historic property records indicates that the subject property is not contiguous to City limits.

The City's comprehensive Plan Map clearly shows that the City limits terminate on the south side of the railroad tracks; they do not abut the applicant's property. The railroad property is owned by a private railroad corporation, CORPS. See Oregon Rail Study 2010. It is not public right-of-way. In fact, per that agreement dated April 6, 1955 between the railroad and the State, the railroad granted the State an easement of construction of Highway 99 "across Railroad's property." *Exhibit A*. Said agreement was signed and accepted by a representative of the State of Oregon and indicates that when Highway 99 was constructed, the state was granted an easement for the highway, across private property, but public right-of-way was not dedicated to the State.

As noted, the LUO does not define contiguous. However, we look to state law from which a City's authority to annex derives, for further definition:

When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city **and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water**. Such territory may lie either wholly or partially within or without the same county in which the city lies. ORS 222.111 (Emphasis added).

The applicant contends that the railroad tracks should be deemed quasi-public property and as such could be considered public right of way for purposes of contiguity. There is no legal authority provided by the applicant for converting such private property rights to public right-of-way and such an interpretation is inconsistent with **basic rules of statutory construction**.

In this first level of analysis, the text of the statutory provision itself is the starting point for interpretation and is the best evidence of the legislature's intent. State v. Person, supra, 316 Or at 590; State ex rel Juv. Dept. v. Ashley, 312 Or 169, 174, 818 P2d 1270 (1991). In trying to ascertain the meaning of a statutory provision, and thereby to inform the court's inquiry into legislative intent, the court considers rules of construction of the statutory text that bear directly on how to read the text. Some of those rules are mandated by statute, including, for example, the statutory enjoiner "not to insert what has been omitted, or to omit what has been inserted." ORS 174.010. Others are found in the case law, including, for example, the rule that words of common usage typically should be given their plain, natural, and ordinary meaning. See State v. Langley, 314 Or. 247, 256, 839 P2d 692 (1992) (illustrating rule); Perez v. State Farm Mutual Ins. Co., 289 Or. 295, 299, 613 P2d 32 (1980) (same).

Also, at the first level of analysis, the court considers the context of the statutory provision at issue, which includes other provisions of the same statute and other related statutes. Southern Pacific Trans. Co. v. Dept. of Rev., supra, 316 Or at 498; Sanders v. Oregon Pacific States Ins. Co., 314 Or. 521, 527, 840 P2d 87 (1992). ... PGE v. BOLI, 317 Or 606, 610-11 (1993).

The Land Use Ordinance requires that land sought to be annexed be “currently contiguous” to City limits. “Contiguous” is generally defined as “to touch on all sides . . . touching along boundaries . . . next or adjoining with nothing similar intervening...” Contiguous, Webster’s Third New International Dictionary (unabridged), 492 (2002).

Per the rules of statutory construction, the City must not “insert what has been omitted, or to omit what has been inserted.” ORS 174.010. In interpreting a statute, the City must consider the “context of the statutory provision at issue, which includes other provisions of the same statute and other related statutes.” *Id.* ORS 222.111 provides that property is contiguous to City limits if it is separated by public right-of-way. Had the legislature intended contiguity to extend across private railroad tracks, it could have expressly included such a provision as many other states have done. (E.g. Georgia Code § 36-36-20 deems property contiguous if separated by “[a]ny right of way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed”). It did not do so.

Based on the foregoing, the applicant’s property is not contiguous to City limits as the private railroad property has not been annexed into the City and therefore this application does not comply with the code requirement that the property be “currently contiguous.” As such, this application should be denied.

Inadequate Access

The applicant’s project proposes only two accesses for a maximum of 251 residential units¹. The northerly access is proposed along a 30-foot wide private access easement across land owned by Knox Storage, LLC and is constrained by existing development. Usage of this private easement as a primary access to the subject property will cause significant issues with traffic, queuing, interference with existing business traffic, and cannot be shown to comply with City street standards, as discussed in further detail below.

A. Application Cannot Meet City Road Standards.

The applicant must establish that “[a]dequate transportation can and will be provided to and through the subject property.” ALUO 18.5.8.050.E. For purposes of that section, the applicant must establish that for “vehicular transportation a 20-foot wide driving surface” will be provided to the “nearest

¹ The applicant’s Traffic Impact Analysis (TIA) relies upon 251 dwelling units as that is the maximum number of units permitted for this property. As the application does not include applications for Outline Plan and Site Design Review, for purposes of discussion the maximum density is presumed.

fully improved collector or arterial street.” *Id.* at E.1. Further all streets must be “fully improved to City standards.” *Id.*

Although the applicant has not filed concurrent applications for Outline Plan and Site Design Review at this time, there is insufficient evidence in the record that the applicant can comply with City road standards as to the north access. Given that the applicant does not own the land over which subject easement runs, the applicant does not have legal authority to dedicate this land to the City for road purposes. ORS 105.170 provides that an easement is a nonpossessory interest in the land that entitles the easement holder to use another’s land. However, the grant of reasonable use of an easement does not give the use “dominion over the land upon which the easement lies” which remains with the “servient landowner”. Clark v. Kuhn, 171 OrApp 29, 33 (2000). With respect to dedications of land, Oregon Courts have held that a landowner must consent before their land can be dedicated to the public for a right of way as a dedication of land for public right of way is ‘an appropriation of land by the owner for a public use.’ (emphasis added) Mid-Valley Res., Inc. v. Foxglove Properties, LLP, 280 Or. App. 784, 789, 381 P.3d 910, 914 (2016), quoting Dayton v. Jordan, 279 Or.App. 737, 746, 381 P.3d 1031, 2016 WL 4013747 (2016) (quoting Security & Invest. Co. v. Oregon City, 161 Or. 421, 432, 90 P.2d 467 (1939)).

Because the applicant does not have legal authority to dedicate this land to the City for public right-of-way, the only road that the applicant could legally propose would be a private drive. A private road is “a street in private ownership, not dedicated to the public, which serves 3 or less units” and serves 100 or fewer ADT. ALUO Table 18.4.6.040.F. fn. 4; ALUO 18.4.6.040.G.5. As noted above, ADT is projected to be 1857, which far exceeds the maximum capacity of a private street. As such, the applicant cannot provide adequate transportation facilities.

Even if, for the sake of argument, the City were to condition annexation upon the applicant’s ability to provide a compliant public street, (to which my client has no intention of agreeing to) there is insufficient evidence in the record that the project can comply with any of the City’s public street standards for the north access. For example, a neighborhood street is only permitted in multi-family zones if parking is provided on both sides of the street, which requires significantly more right-of-way than is contained in the easement, and/or available due to existing development. *Id.* at G.4. Such a street would require right-of-way width between 50-57 feet, with curb to curb paving width between 25-28 feet.

While a shared street requires 25-feet of right of way without sidewalks, the applicant proposes a sidewalk, which must be between 5-6 feet in width. As noted, given topography, the access will likely require retaining walls and it

does not appear there is enough width to accommodate a shared street with retaining walls and sidewalk. Additionally, a shared street provides only 12-feet of paved travel lanes. The current easement in its existing condition is paved in widths varying from 11-14'.

As the photos in Exhibit B provide, such a narrow street would cause significant back-up/queuing as a result of the mini-storage driveway. Further, the ALUO states that shared streets are “designed to encourage socializing with neighbors, outdoor play for children, and creating comfortable spaces for walking and biking” and that sidewalks are not required as “[p]edestrians can share the travel lane and easily negotiate these low use areas. Refuge areas are to be provided within the right of way to allow pedestrians to step out of the travel lane when necessary.” Again, given the ADT proposed for this project this would be a high use area. Further, the access road intersects with a busy driveway approach, as well as the mini-storage driveway, and its terminus is along an existing parking lot for a busy veterinary practice that sees approximately 70 incoming vehicles every day. Based on the foregoing, the City cannot find that this street would provide safe passage to pedestrians given its “low use”. Rather, a shared street in this location would likely result in unsafe conditions for pedestrians, emergency vehicles attempting to respond to an emergency, and access.

Again, as the applicant does not own the subject property, the record contains insufficient evidence that adequate transportation can be provided. As such, this criterion for annexation has not be met.

B. Queuing Issues.

As noted, the easement is fairly steep with slopes ranging up to approximately 15%, with steep slopes on either side of the paved access which will likely require retaining walls, and is bisected by the driveway for the mini-storage facility, and existing business parking for the veterinary clinic. *See Exhibit C Aerial Map.* The private easement has uncontrolled access onto the state highway, with vehicles proposed to turn left into, and out of, the subject property. Attached at *Exhibit B* are photos of vehicles queuing along the easement to take access to Highway 99, which has been provided for illustrative purposes.

According to the TIA, 251 dwelling units will generate 1857 average daily trips (ADT). *TIA*, p. 5. (Even if the future application is reduced to 196 units, ADT would equate to approximately 1448). Per the TIA, the AM peak hour is 114 trips; the PM peak hour is 134. *Id.* at 14.

The TIA provides that queuing of vehicles at the north access would consist of 1-2 vehicles during PM peak hours. *TIA*, p. 24. However, as acknowledged by

the applicant's agent, that analysis is under "ideal" modeling conditions, and does not take into account fairly routine "bumps" resulting in traffic queuing due to buses, pedestrians, garbage trucks, deer, etc. *Letter from Amy Gunter to Planning Commission*, dated 1-28-2020, p. 2.

In fact, ODOT notes in its comments that there is significantly more queuing at studied intersections than recognized in the TIA. ODOT's Access Management Engineer finds that: "ODOT staff observed existing queuing issue at OR 99 & Valley View Intersection at least 700 feet and the queuing issue at the Main and Maple Intersection over 3500 feet. The TIA only show[s] 95th Percentile queuing of 250 feet at the OR 99 & Valley View and 350 feet at the Main & Maple". *Technical Memorandum from Wei Wang, P.E. & M.S., ODOT*, p. 1. Again, this is because the models are based on "ideal" traffic movement and do not account for real-world traffic delays on Highway 99, particularly during AM/PM peak hours in which 20 vehicles from the north access are anticipated to turn left out of the property, with an additional 5 vehicles turning left into the north access (*See TIA*, Table 7). Further, existing businesses generate on average 243 incoming vehicles per day at the north access as follows: Animal Medical Hospital 126; Land of Paws 68; and As-U-Stor-It 49 (vehicles and trailers). As a result, wait times to turn left out of, or into, this property will often exceed the ideals calculated in the model.

Additionally, there are likely conflicts with the storage facility driveway which is short and narrow and provides regular access to vehicles and RVs via a locked gate which only allows access to one vehicle at a time. At times when multiple vehicles are coming and going to/from the facility, it causes queuing into the easement area, which would create safety concerns and delays. Photos of such access in and out of the storage facility are attached at *Exhibit B* for illustrative purposes. Even if the paved width of the travel lanes is widened, those persons accessing the storage facility are likely to routinely block one lane of traffic on the access easement given the design of that driveway and the nature of the business traffic.

C. Historic Use of Easement.

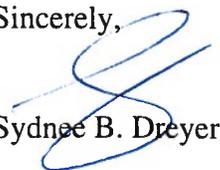
Though the applicant proposes to use this narrow/steep access easement up to 251 new residential units, when the easement was originally granted it was intended to provide access to a few farm residences at most. Attached hereto as *Exhibit C* is a letter from Dr. Leo J. van Dijk, the prior owner of the subject property who granted this access easement who states that the grant of easement was intended to provide access to one residence and never contemplated expanded use for 196 apartment units. The proposed use far exceeds any reasonable use that was contemplated at the time the easement was granted, or the physical location was designed for, and given topography and surrounding

development, problems are likely to develop with significant traffic along what should essentially be a private driveway.

Conclusion

In summary, the subject annexation/zone change application should be denied as the applicant has failed to establish that the property is currently contiguous to City limits as required by the ALUO. Further, there is not substantial evidence in the record to find that adequate transportation facilities can and will be provided given the ownership of the north access, requirements of the ALUO, as well as its location, topography, and existing development constraints.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sydnee B. Dreyer". The signature is stylized with a large, looping initial "S".

Sydnee B. Dreyer

RAILROAD COMPANIES
FILE NO. 445

THIS AGREEMENT, made this 6th day of April, 1955, by and between SOUTHERN PACIFIC COMPANY, a corporation of the State of Delaware, herein called "Railroad," and STATE OF OREGON, acting by and through its State Highway Commission, herein called "State";

RECITALS:

By indenture of even date herewith Railroad granted to State an easement for the construction, reconstruction, maintenance and use of a highway by means of an underpass, hereinafter called "structure," across Railroad's property near Ashland, in Jackson County, Oregon, in the location shown within red lines on the attached print of Railroad's Shasta Division Drawing SH-74 Sheet No.A, dated October 29, 1954, hereto attached and made a part hereof.

The parties hereto desire to set forth in this instrument their understandings and agreements relating to the construction and maintenance of said structure and the changes made necessary during the construction thereof.

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. State shall secure any necessary permission and authority for the construction, reconstruction, maintenance and use of said structure from the Public Utilities Commissioner of Oregon.
2. State, at its expense, shall furnish, or cause to be furnished, all labor, materials, tools and implements and perform all work of constructing said structure, except as herein otherwise provided. Said structure shall be constructed in a manner so as to accommodate Railroad's tracks in accordance with plans and specifications which shall be subject to the approval of the parties hereto.
3. State, at its own expense, shall construct a trestle, including substructure and stringers with necessary bracing over said highway and perform the necessary grading for a shoofly track in the locations shown by red lines on the print of Railroad's Shasta Division Drawing 9257, Sheet 2 C, Revised November 2, 1954, hereto attached and made a part hereof.

Railroad, at its expense, shall perform the following work in connection with said shoofly track and said structure:

- (a) Furnish, lay and later remove necessary track material, including ties and deck for trestle for the temporary shoofly track in the location shown by red line on the attached print of said drawing No.9257;
- (b) install and later remove temporary track connections between Railroad's main line and said shoofly track;
- (c) remove and later replace Railroad's main line track at said location;
- (d) place the deck on the extended highway underpass;
- (e) provide necessary changes and protection for Railroad's signal line; and
- (f) furnish such representatives, watchmen, flagmen and engineer-inspectors as Railroad deems necessary to protect and safeguard property, engines, trains and cars at said location during the period of construction of said structure.

State agrees to reimburse Railroad for all cost and expense incurred by Railroad in connection with the construction of said structure, including, but not limited to Items (a) to (f), inclusive, as set forth herein.

All work to be done hereunder by Railroad shall be done only by its employees working under railroad labor agreements and shall be done on a force account basis, the cost thereof to be paid to Railroad by State in the manner hereinafter set forth.

All expenses incurred by Railroad for which State is obligated to reimburse Railroad hereunder, including all work incidental to such work but not specifically mentioned herein, shall be subject to the provisions of General Administrative Memorandum No. 299 of the Bureau of Public Roads, Department of Commerce, and any amendments of or supplements to said order.

The parties hereto agree that no benefits will accrue to Railroad pursuant to the provisions of the Federal Aid to Highways Act of 1944 and General Administrative Memorandum No. 325 of the Bureau of Public Roads, Department of Commerce, due to the construction

or use of said structure inasmuch as no existing important grade crossing is closed.

4. The estimated cost of the work to be performed by Railroad, at the expense of State, is herein set forth and summarized as follows:

(1)	Place deck on 155' structure	\$ 6,250
(2)	Construct shoofly	5,100
(3)	Signal work	1,350
(4)	Place deck on extended highway underpass	4,000
(5)	Restore main track	1,340
(6)	Remove deck from shoofly structure	1,500
(7)	Engineer-inspector	7,400
(8)	Flagging	300
(9)	Vacation allowance	480
(10)	Railroad retirement & Unemployment Tax	1,000
(11)	Public Liability & Property Damage Insurance	650
(12)	Material handling	250
(13)	Accounting (billing)	1,480
	Total	<u>\$31,100</u>
(14)	Less Salvage	3,660
	Net Total	<u>\$27,440</u>

Railroad shall submit all bills to State for payment of work performed by Railroad on the basis of items set forth in the above estimate and shall submit its final bill on the same basis to cover the actual cost of items of work performed by Railroad; provided, however, that the cost of flagmen, watchmen and representatives to protect railroad property and trains due to the operations of State's contractor shall be segregated in Railroad's billing to State from all other costs billed to State under this agreement. Subject to the next succeeding paragraph of this section, State agrees to pay Railroad the cost of such work within thirty (30) days of receipt of such bills from Railroad.

In the event the total amount of the estimate is exceeded, State shall not be obligated to reimburse Railroad for such excess unless and until such excess expenditure shall have been approved by State in writing. Railroad shall not be obligated to incur any expenditures in excess of the above estimate until the receipt of

such written approval of State.

5. All work contemplated in this agreement shall be performed in a good and workmanlike manner to the satisfaction of the parties hereto and each portion shall be promptly commenced by the party hereto obligated to do the same and thereafter diligently prosecuted to conclusion in its logical order and sequence.

The books, papers, records and accounts of the parties hereto, so far as they relate to the items of expense for labor and materials or are in any way connected with the work herein contemplated, shall at all reasonable times be open to inspection and audit by the agents and authorized representatives of the parties hereto.

6. After the completion of the work herein contemplated the cost of maintenance of the grade separation shall be borne as follows: (1) Railroad shall bear the cost of maintenance of the structure, which includes the girders, deck, and track structure, and the abutments thereto; (2) State shall bear the cost of the maintenance of the highway roadbed, slopes, pavement, surfacing, shoulders and drainage.

7. In the event any of the work herein contemplated to be done upon or adjacent to the right of way and property of Railroad should be let to contractors by State, such contractors shall be satisfactory to Railroad as to their responsibility and ability to perform the work under and across the property and tracks of Railroad and no such work shall be begun until such contractors shall have first entered into a written agreement with Railroad, substantially in the form of draft hereto attached and marked "Exhibit A."

State shall furnish, or require its contractor to furnish, to Railroad the original of each policy covering Protective Public Liability Insurance and Protective Property Damage Liability Insurance in the amount specified in said "Exhibit A," and conforming to the requirements of Works Program General Memorandum No. 32, which

contractor is required to furnish for and in behalf of Railroad.

State shall also furnish, or require its contractors to furnish, to Railroad a certified copy of each of the policies of insurance, showing that its contractor has provided for Contractor's Public Liability and Property Damage Liability Insurance, as provided for in Works Program General Memorandum No. 32, which insurance shall provide for the same limits as specified for Protective Public Liability and Property Damage Liability Insurance to be furnished for and in behalf of Railroad.

8. This agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and upon the assigns of State.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate by their officers thereunto duly authorized and their respective seals to be hereunto affixed, as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By *J. W. ...*
also President

Attest: *J. T. ...*
Assistant Secretary

STATE OF OREGON, acting by and through its State Highway Commission,

By _____
Chairman

By *Charles ...*
Commissioner

By *M. M. ...*
Commissioner

APPROVED: *[Signature]*
Asst. State Highway Engineer

APPROVED AS TO FORM: *[Signature]*
Chief Counsel

[Signature]
Assistant Counsel

ATTEST: *[Signature]*
Secretary

Form Approved:

Contract Attorney

2-18-53

EXHIBIT "A"

THIS AGREEMENT, made this _____ day of _____, 195____,
 between SOUTHERN PACIFIC COMPANY, a corporation, hereinafter called
 "Railroad," and _____
 _____,
 hereinafter called "Contractor";

WITNESSETH:

WHEREAS, Railroad and State of Oregon, acting by and through
 its State Highway Commission, hereinafter called "State," have en-
 tered into or will enter into an agreement providing that State shall
 undertake the construction of an ^{underpass} ~~overhead~~ highway crossing structure
^{beneath} ~~over~~ and across the tracks and property of Railroad at Ashland ,

Jackson County, Oregon, said agreement pro-
 viding that State shall cause its contractor to enter into an agree-
 ment with Railroad substantially in the form of an exhibit attached
 thereto; and

WHEREAS, on the _____ day of _____, 195____,
 State entered into a contract with Contractor covering the construct-
 ion of said overhead structure, which contract provides that Con-
 tractor shall enter into an agreement with Railroad.

NOW, THEREFORE, it is understood and agreed as follows:

Contractor, in advance of performing any work under said
 contract between State and Contractor, shall furnish evidence to
 State that, with respect to the operations Contractor or any of
 Contractor's subcontractors perform, Contractor has provided for and
 in behalf of Railroad regular Protective Public Liability Insurance
 providing for a limit of not less than \$200,000 for all damages
 arising out of bodily injuries to or death of one person, and, sub-
 ject to that limit for each person, a total limit of \$400,000 for all
 damages arising out of bodily injuries to or deaths of two or more
 persons in any one occurrence caused or arising out of the operations
 of the Contractor or Contractor's subcontractor or subcontractors

2-16-53

on the project, and regular Protective Property Damage Liability Insurance providing for a limit of not less than \$50,000 for all damages arising out of injury to or destruction of property in any one occurrence caused or arising out of the operations of the Contractor or Contractor's subcontractor or subcontractors on the project, and, subject to that limit per occurrence, a total (or aggregate) limit of \$100,000 for all damages arising out of injury to or destruction of property during the policy period. The policy evidencing the Public Liability Insurance above provided shall not contain any exclusion of or otherwise limit the coverage of said policy with respect to Railroad's liability for deaths of or injuries to its own employees as a result of any act or omission of the State, its contractors or subcontractors in connection with work performed under said contract between State and Contractor. The policy evidencing the Property Damage Insurance shall not contain any exclusion or otherwise limit the coverage of Railroad's liability for loss of or destruction of property in its care, custody or control as a result of any act or omission of State, its contractors or subcontractors in connection with work performed under said contract between State and Contractor.

Contractor shall furnish to Railroad the original policies of insurance, for and in behalf of Railroad, providing, with respect to operations Contractor or any of Contractor's subcontractors perform, insurance in the amounts as aforesaid, and certified copies of policies of insurance showing that Contractor has, with respect to operations Contractor or any of Contractor's subcontractors perform, provided for Contractors' Public Liability and Property Damage Liability Insurance, which insurance shall provide for the same limits as specified for Protective Public Liability and Property Damage Insurance to be furnished for and in behalf of Railroad, as hereinabove provided for; which Policies shall be subject to the approval of Railroad.

2-16-53

The insurance hereinabove specified shall be carried by Contractor until all work required to be performed upon or adjacent to the right of way and property of Railroad, under the terms of said contract between the State and Contractor, is satisfactorily completed, as evidenced by the formal acceptance by State. Such insurance shall be non-cancellable and non-alterable for any cause whatsoever (including failure to pay premiums), either by the Contractor or by the insurance company, without 30 days' written notice to State and to Railroad as to the cancellation and without prior written approval of the Railroad as to alteration. In the event the said insurance is cancelled as herein provided, the Contractor shall provide other insurance of the same class and for the same purposes and subject to the same conditions as provided herein. Said other insurance shall become effective not later than the time of cancellation of the prior insurance and shall cover the unexpired period of the term herein required.

Contractor shall comply with the rules and regulations of Railroad or the instructions of its representatives in relation to the proper manner of protecting the tracks and property of Railroad and the traffic moving on such tracks, as well as the wires, signals and other property of Railroad, its tenants or licensees at and in the vicinity of the work during the period of construction, including the removal of tools, implements, equipment and other materials as herein provided. Contractor, subject to the supervision and control of Railroad's Chief Engineer, or other designated officer, shall perform Contractor's work in such manner and at such times as that said work shall not endanger or interfere with the safe operation of the tracks and property of Railroad and the traffic moving on such tracks, as well as wires, signals and other property of Railroad, its tenants or licensees at or in the vicinity of the work.

Contractor further agrees that upon completion of the work

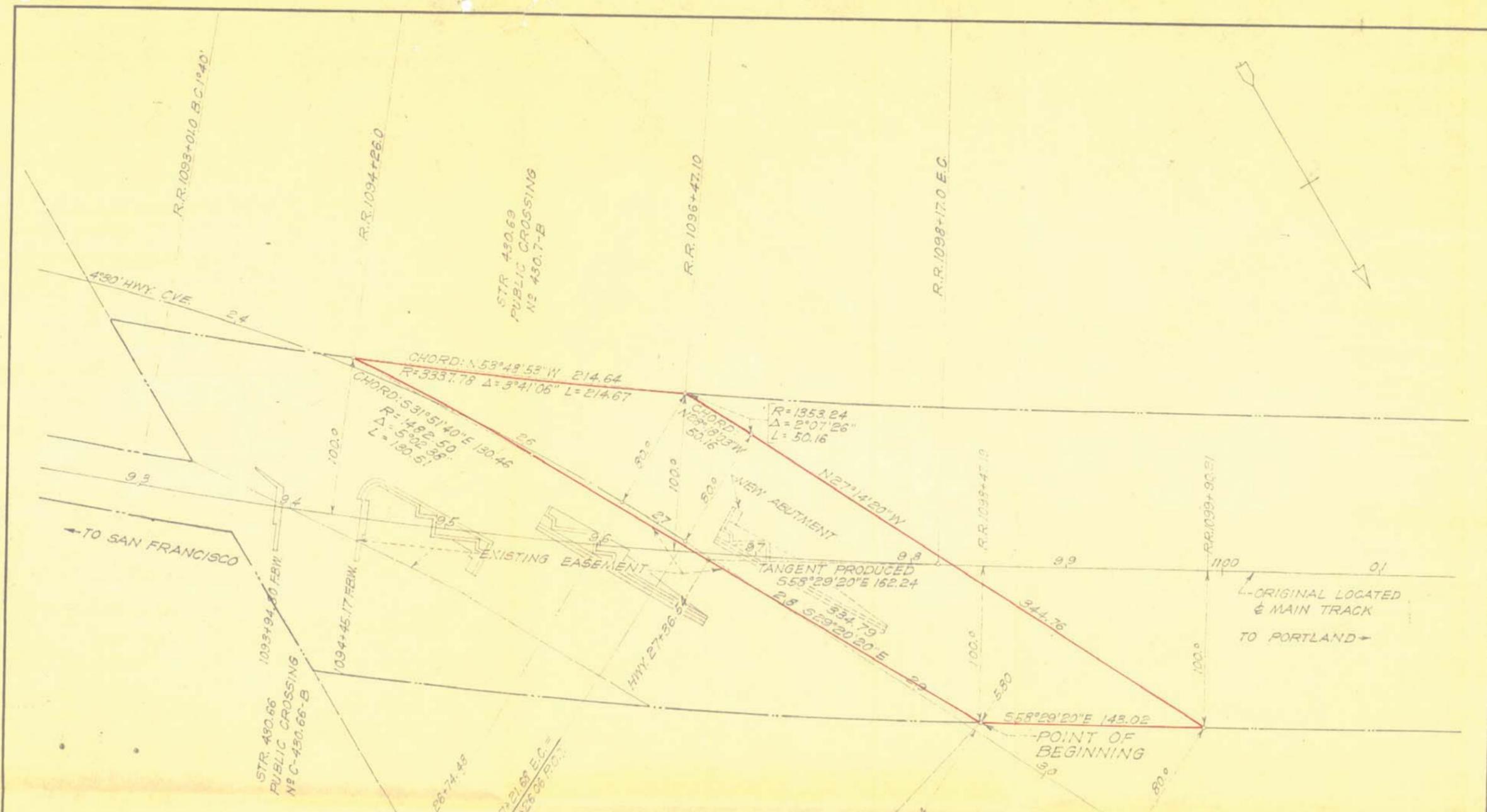
2-16-53

covered by said contract between said State and said Contractor, Contractor will promptly remove from the premises of said Railroad all of Contractor's tools, implements, equipment and other materials, whether brought upon said premises by Contractor, or any subcontractor, employee or agent of Contractor or any subcontractor, and cause said premises to be left in a clean and presentable condition.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By _____



NOTE:
 EXISTING EASEMENT COVERED BY
 AGREEMENT DATED APRIL 20, 1934
 DOC. AUD. NO. 36219 (ALSO ASSIGNED
 DEED AUD. NO. 20196)
 BEARINGS GIVEN THEREIN AS S29°03'E
 & S31°40'20"E ARE IDENTICAL TO BEARINGS
 SHOWN HERE AS S29°20'20"E & S31°51'40"E

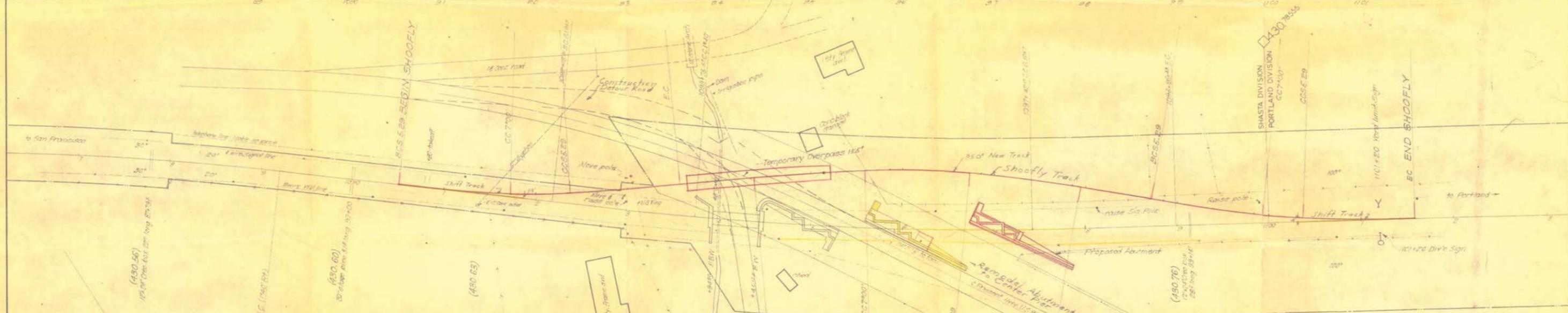
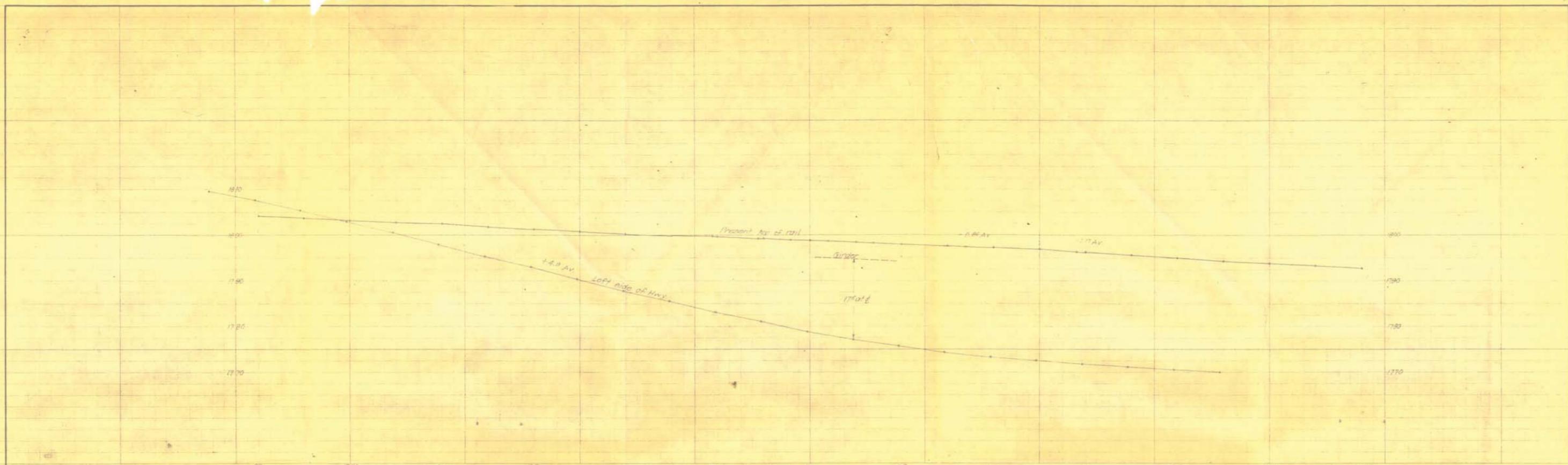
LEGEND
 --- SOUTHERN PACIFIC CO. RIGHT OF WAY LINES
 --- RED: LIMITS OF EASEMENT: AREA 0.770 A. ±

SOUTHERN PACIFIC COMPANY
 PACIFIC LINES
 ASHLAND
 JACKSON COUNTY, OREGON
 EASEMENT TO OREGON STATE HIGHWAY
 COMMISSION

SCALE: 1"=50' OCT. 29, 1954

SHASTA DIVN.
 DRAWING SH-74
 SHEET NO. A

DRAWER



LEGEND
 — RAILROAD RIGHT OF WAY LINES
 — RED: NEW WORK
 — YELLOW: TO BE MOVED OR REMOVED

Proposed Speed on Shoofly: 30/20
 Superelevation: $2\frac{3}{4}$ " - 7" C/c.
 Length Spirals: 121'
 Minimum Reversing Tangent: 80'

SOUTHERN PACIFIC COMPANY
 PACIFIC LINES
ASHLAND
 Shoofly for Construction of Additional
 Subway Span - Highway US 99
 LINE "C"
 (From C.E. Drg. 30927, Sh. 1, Rev. 9-1-54)
 Scale 1" = 50' June 25, 1954
 Rev. 11-2-54

SHASTA DIV'N
DRYNG 3257
SHEET 2 C

(430.56)
 105' 0" Over Arch 20' Long 87' 7 1/2"

(430.60)
 20' Bridge over 18" long 30' x 30'

(430.65)

(430.66)
 50' Through Plate Girder
 Over about Underpass
 Built 1918
 Public Crossing W.C. 48756-B
 (County Road)

(430.69)
 65' Through plate Girder
 Over about Underpass
 Built 1915
 Public Crossing (48827-B)

(430.76)
 12' x 33' Over Pass
 285' long 59' 1/2"





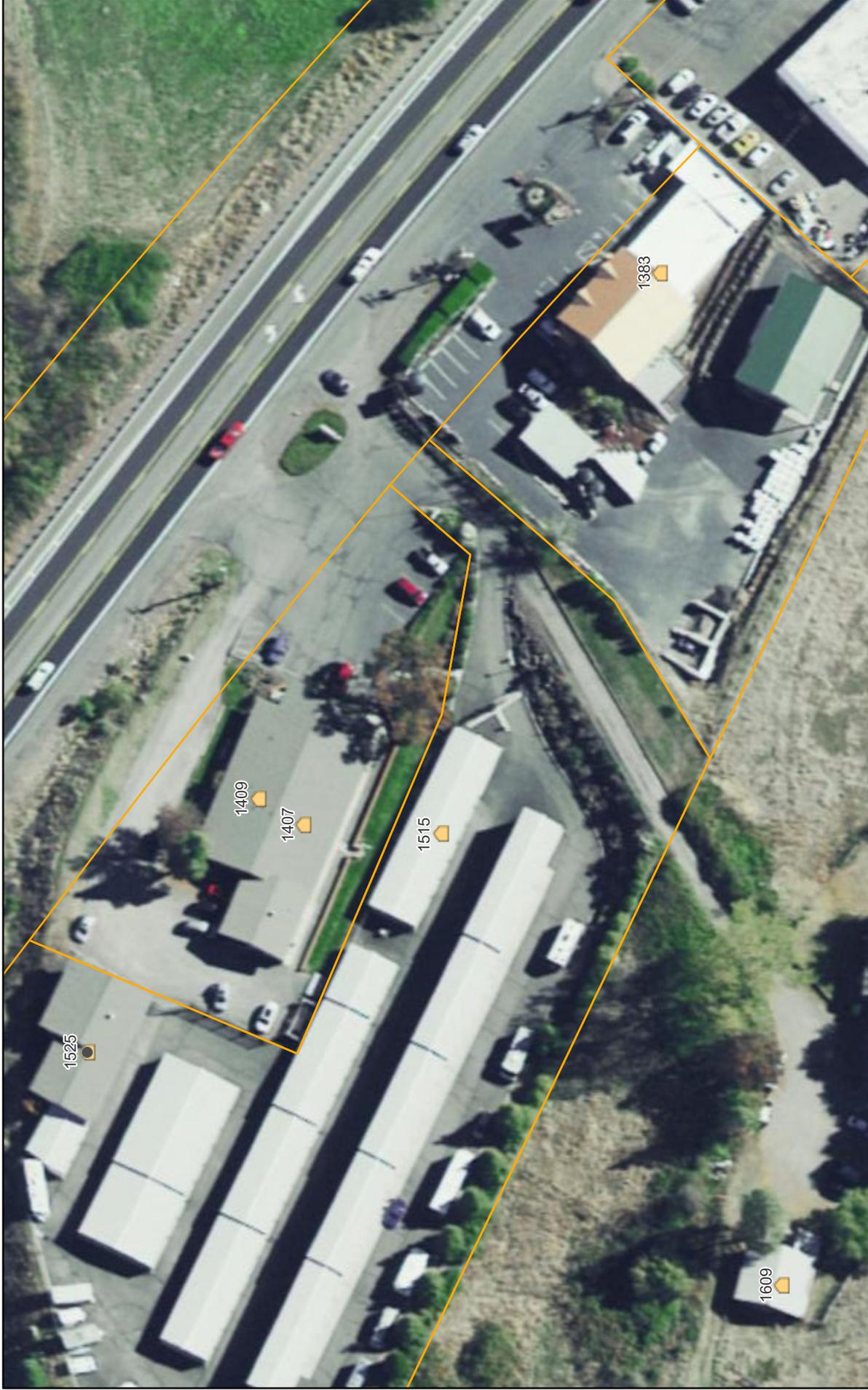








ArcGIS Web Map

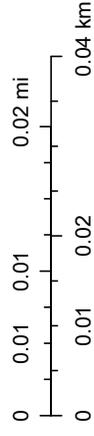


4/21/2020, 3:14:47 PM

 Tax Lots

 Site Address Point

1:1,128



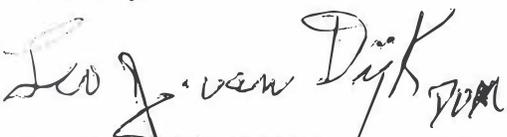
Leo J. van Dijk D.V.M.
78041 Allegro Ct.
Palm Desert, CA. 92211
11/21/2019

Scott Knox D.V.M.
Owner: Knox Veterinary Properties
3700 Fieldbrook Ave
Medford, OR 97504

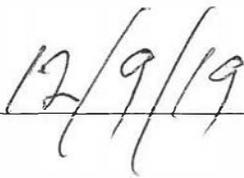
Dear Scott Knox D.V.M.:

This letter is in response to your inquiries concerning my intent for use of the easement that transects your property (tax lot 1704) to the property I sold to Ben and Linda Zare' (tax lot 1700). I understand that this property is now under consideration by the Ashland Planning Commission for incorporation into the City of Ashland for an apartment development. The intention of this easement was for access to the house above. I also raised cattle on the property and wished to have access to the "Zare" property for the cattle. I did not envision that it would be used for 196 apartments. I did not intend its use for that level of traffic or density, nor did I intend to burden your current property with high levels of traffic through that easement from an apartment complex.

Sincerely,


Leo J. van Dijk D.V.M.

Date: _____



Fw: City of Ashland Notice - Planning Action PA-T3-2019-00001

Derek Severson <derek.severson@ashland.or.us>

Wed 2020-04-29 09:55 AM

To: Bill Molnar <bill.molnar@ashland.or.us>; Maria Harris <maria.harris@ashland.or.us>

 1 attachments (326 KB)

20200429124304304.pdf;

FYI... Word from the Railroad that they don't consent to being annexed...

- **Derek**

Derek Severson, *Senior Planner*
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520
PH: (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900
E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.

From: Chad Mullarkey <chad.mullarkey@gwrr.com>
Sent: Wednesday, April 29, 2020 09:52 AM
To: Derek Severson <derek.severson@ashland.or.us>; Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Cc: John Bullion <john.bullion@gwrr.com>; Amy Slay <Amy.Slay@gwrr.com>
Subject: City of Ashland Notice - Planning Action PA-T3-2019-00001

[EXTERNAL SENDER]

Hello Derek – I am writing in response to the attached notice that we received from the City of Ashland. After reviewing it, there is language included within that states “annexation is to include adjacent railroad property.”

In this specific scenario, what does annexation mean exactly and how does the railroad’s property fit into this plan. Without having more information to go off of, the railroad does not intend to allow its property to be annexed and does not approve of any developments that include railroad property at this time.

We will need detailed information about how this impacts railroad property and railroad operations so that we can further review the proposed plans.

Please get back with us as in the very near future.

Thanks,

Chad Mullarkey
Senior Manager - Real Estate
Genesee & Wyoming Railroad Services, Inc.
13901 Sutton Park Drive South, Suite 270

Jacksonville, FL 32224

(904) 900-6257

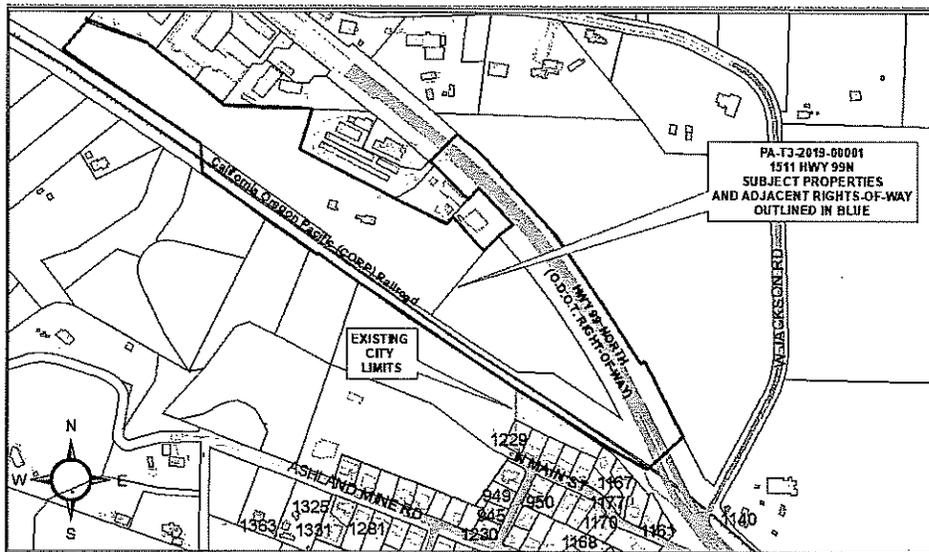
chad.mullarkey@gwrr.com





PLANNING ACTION: PA-T3-2019-00001
SUBJECT PROPERTY: 1511 Highway 99 North and Adjacent Railroad Property and State Highway Right-of-Way
OWNER: Linda Zare
AGENTS: Casita Developments, LLC & Kendrick Enterprise, LLC
APPLICANT: Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments.
COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; **ZONING:** Existing – County RR-5, Proposed – City R-2; **ASSESSOR’S MAP:** 38 1E 32; TAX LOT#’s: 1700 & 1702.

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: Tuesday May 12, 2020 at 7:00 PM



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

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

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at <http://www.ashland.or.us/Page.asp?NavID=17902> seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to PC-public-testimony@ashland.or.us with the subject line “May 12 PC Hearing Testimony” by 3:30 p.m. on Monday, May 11, 2020. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting minutes. This meeting will be conducted as an evidentiary hearing to update the Planning Commission on new information regarding issues identified during their initial consideration of the application in November of 2019. The Planning Commission will not make a decision at this evidentiary hearing.

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

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

ANNEXATIONS - Approval Criteria and Standards (AMC 18.5.8.050)

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

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

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

Table 18.5.8.050.G.3

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

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

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

ZONING CHANGE - TYPE III PROCEDURE (AMC 18.108.060.A & B)

A. 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 for legislative amendments.
2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.
3. Annexations.
4. Urban Growth Boundary Amendments

B. Standards for Type III Planning Actions.

1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. 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; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in Section 18.106.030(G); or
 - e. 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 of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in Section 18.106.030(G).

The total number of affordable units described in sections D or E 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. Sections D and E do not apply to council initiated actions.

SITE DESIGN AND USE STANDARDS (AMC 18.5.2.050)

The following criteria shall be used to approve or deny an application:

- 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.

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

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

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

low income housing project

Brian LeBlanc <brian@andersonautobody.com>

Tue 2020-04-28 03:49 PM

To: planning <planning@ashland.or.us>

[EXTERNAL SENDER]

Hello,

We'd like to alert the commission to the commercial output of our business and its effect on the new housing development. We're an OSHA and DEQ compliant company located in Jackson county, right on the edge of Ashland but situated just below the housing development. Our concern is a possible sidewalk being planned to go through our parking lot which we won't allow without payment as well as future complaints due to the operation of our business. If these concerns are warranted for the meeting, please let us know and we'll speak on it at that point.

[Thank you, Brian](#)

541-488-3635

Anderson Auto Body and Paint
1383 HWY 99 N.
Ashland, OR 97520



Virus-free. www.avg.com



Grand Terrace Annexation ODOT update

Derek Severson <derek.severson@ashland.or.us>

Fri 2020-02-28 10:20 AM

To: Scott Fleury <scott.fleury@ashland.or.us>; Paula Brown <paula.brown@ashland.or.us>; Bill Molnar <bill.molnar@ashland.or.us>

Cc: Derek Severson <derek.severson@ashland.or.us>

 1 attachments (257 KB)

Grand Terrace TIA Response to ODOT Comments 2.3.20 sgn.pdf;

Bill, Paula and Scott,

I spoke with Micah from ODOT about Kendrick's "Grand Terrace" annexation on Wednesday afternoon. The conversation didn't yield much, but the high points were:

- Generally, Micah indicated that after discussing with the applicant team that ODOT does not believe that any new crossings are appropriate given the speeds, traffic volumes, and sight and stopping distances when weighed against the anticipated number of pedestrians.
- The applicants provided a technical memo in response to issues ODOT had raised with the TIA. I'm attaching the memo here. Micah said that at this point, ODOT has given their final sign-off on the TIA with the addition of this memo.
- Micah said that site drainage and hydrology are still outstanding issues that have not been addressed to ODOT's satisfaction - given that storm water will be handled in their right-of-way - and Kendrick's team is requesting that they be allowed to defer these to the creation of civil drawings in conjunction with the development of the site. If that winds up being the case, ODOT is requesting to be kept in the loop when civil drawings are provided.
- The applicant has also been pushing to place the water quality/detention swales for the development in the ODOT right-of-way. ODOT says they are holding firm that these facilities need to be placed on the private property. (*We didn't discuss the potential for Kendrick to simply buy the area of right-of-way he needs from ODOT, but I believe those discussions are happening.*)

I let Micah know that we were planning on this coming back to the Transportation Commission in March and to the Planning Commission in April and told him I'd send him my staff memo for the Transportation Commission meeting when it was ready. He is going to provide us with written comments from ODOT for inclusion in the Transportation Commission packet.

- Derek

Derek Severson, *Senior Planner*

City of Ashland, Department of Community Development

51 Winburn Way, Ashland, OR 97520

PH: (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900

E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.



January 28, 2020

RE: 2019-0001_T3

Annexation and Zone Change for the Property at 1511 Hwy. 99 N
Grand Terrace

Dear Planning Commissioners and Planning Division Staff,

This letter is intended to provide additional information for the record addressing the Planning Commissioners questions and concerns raised at the November 12, 2019 Planning Commission Public Hearing.

Contiguous Property:

The property owner and the applicant has relied on adopted city of Ashland adopted maps and comprehensive plans to create the proposal for annexation. The urban growth boundary in the area was created by and adopted by the city of Ashland. The comprehensive plan and maps were adopted by the state of Oregon showing the urban growth boundary extending across railroad property. The property owner and the applicant used the city's maps to meet the burden of proof that the property is contiguous with the city limits due to the historical precedent that annexations across railroad property is allowed. This issue lies with the City's Comprehensive Plans and adopted maps which include a substantial area of the city's future growth where contiguity cannot be demonstrated.

The railroad has historically throughout the state of Oregon been considered a quasi-public entity and never in the history of Ashland or other Oregon jurisdictions has the railroad intersecting existing streets and / or the highway prevented annexations. The railroad was built for the benefit for the public use similar to the roadway and not as private land for development purposes.

The subject property and all adjacent properties are part of Donation Land Claims (DLC) prior to December 1, 1850. The property and adjacent properties all existed prior to the development of the railroad. The railroad obtained bargain and sale deeds granted by property owners along the proposed line of the railroad in 1883. The attached map and property schedule provide the details of the acquisition. The area of the property and contiguous area in question is highlighted on Exhibits A. Based on the attached map of DCL 1855, certified in 1929, the "Road to Yreka" appears in generally the same location as the highway today. The Oregon Highway Department obtained right-of-way through license agreement for the "relocated" centerline of OR Hwy99 in 1934.



The Oregon Revised Statutes 222.111 (1) allows for the boundaries of the city to be extended through the annexation of territory that is not within a city, and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water.

A map demonstrating the extension of the city limits along the north side of the ODOT right-of-way and the subject property rezoned as R-2 is attached (Exhibit B).

Representatives for Oregon Department of Transportation supported annexation of the entirety of the highway right-of-way where the property abuts the highway frontage.

Access Easement:

Access to the property is provided by a 30-foot wide ingress access easement. The easement area is noted on an attached survey of the adjacent property through which the easement is provided. There are no reservations or limits noted upon the legal access easement. There is a 25-foot wide right of access to the highway from the easement. The property owner's attorney has reviewed the easement and found no restrictions. Attached Exhibit D.

Traffic Impact Analysis:

ODOT has provided a preliminary review of the Transportation Impact Analysis (TIA) and has provided comments to the project team. There are some minor suggestions and considerations to be made, but generally, there were no major issues or concerns that require additional TIA data or off-site intersection improvements.

Based on site visits, preliminary review of speeds, a full access driveway on the southside of the property will be permitted. The driveway on the north end of the development (accessed via the existing driveway) would be widened with the easement area to accommodate improvements, is already a full movement driveway. This driveway is shared with the adjacent business. There is a 25-foot wide right of access to the highway at this location. The right of access driveway apron will be improved to ODOT Standards. A standard cobra style streetlamp and/or a 14-foot tall, pedestrian scaled streetlight will be provided placed near the intersection of the improved driveway apron and the highway right-of-way. The exact location of the streetlight will be determined based on the final driveway approach layout and required improvements.

In discussions with the Traffic Engineer, Kelly Sandow PE, owner and principal engineer at Sandow and Associates, the Traffic Impact Analysis uses Syncro to model the traffic. The models are based on "ideal" traffic conditions and assesses the movement of the vehicles through the intersections. The model does not account for traffic impacts from "bumps" that are caused by a bus, pedestrian traffic, garbage trucks, deer crossings, etc. These somewhat random slowdowns in the daily traffic flow, at times causes traffic congestion. Random events such as a bus or the garbage truck cannot be modeled. There is some



accounting for “random events” and their impact on the highway traffic timing that was factored into the TIA. These included increasing the number of pedestrians crossing at the intersections to increase the highway wait time at the lights. Also, the duration of the green light time was decreased on the highway to slow the model.

The TIA calculated vehicle trips based on a potential unit count of up to 251. This is less than the density of the total property area calculated before the removal of the unbuildable areas of the property, and would not impact the traffic modeling.

As noted, the final analysis of the Traffic Impact Analysis (TIA) has not been completed, ideally this information will be provided before the public hearing and can confirm that no off-site intersections improvements will be necessary. The property and the area of the current urban growth boundary which includes the subject property with R-2 zoning were included in the city’s Transportation System Plan and the future traffic impacts were accounted for.

Oregon Department of Transportation is the authority on the highway intersection markings for pedestrian crossings and highway speeds. At this time, there is not enough justification for speeds to be lower, or for the existing pedestrian crossings to be modified.

With a change in roadside culture through the annexation and development of the property, driving habits change. After the improvements are made, a formal speed study to seek a reduction of the highway speeds can be undertaken. Eventually, if the speeds are reduced and ideally pedestrian volumes increased, support potential for marked crossings can be approved from ODOT.

Frontage Improvements:

The proposal makes every attempt to provide sidewalk and landscape park row to the city of Ashland and ODOT standards from the connection at Schofield to and through the property that demonstrates compliance. There are substantial roadside factors that prevent complete compliance. As addressed in the findings addressing the exception to street standards, when considering the exception to street standards criteria, and the steep embankment adjacent to the highway surface and adjacent, off site highway improvements, the exception to street standards is warranted. Along the entire frontage of the subject property where abutting the ODOT right-of-way, standard parkrow, sidewalk is proposed excepting in the locations of the bus pull out lane and bus shelter area where an eight-foot curbside is proposed.

The revised Civil Engineering Plans are provided (Exhibit C (C.1-C.4)). The plans detail the public improvements. Beginning at Station #1 to Station #16, north of Land of Paws, an eight-foot wide curbside sidewalk is proposed. This complies with ODOT standards for curbside sidewalk and exceeds city of Ashland standards for curbside sidewalks. There is a large roadside ditch and private property (Anderson Autobody) that prevent installation of a sidewalk and parkrow. Additionally, this curbside sidewalk



connects to the existing curbside sidewalks that extend north to the intersection of Valley View Road and HWY 99N. Station #16 to Station #23, a six foot wide sidewalk and seven and one half foot parkrow, six-foot bike lane with three-foot bike lane buffer from the vehicle travel lane is proposed. At Station #23, the extended RVTB bus stop pull out lane for a southbound bus stop is proposed. This extends to Station #27+. Within the bus stop pull out, an eight-foot wide curbside sidewalk is proposed. From Station #27+ to approximately Station #34, an eight-foot wide curbside sidewalk, six-foot bike lane and where present, three-foot bike land buffer is proposed. This portion of the property frontage is physically constrained with a steep roadside embankment, railroad property, constraints of the width of the railroad trestle. From Station #34 to the intersection of Schofield Street and North Main Street a six-foot sidewalk and seven- and one-half foot planting strip and six-foot bike lane is proposed.

In the areas where the standard city sidewalks and parkrows cannot be installed due to the presence of steep roadside embankments and/or lack of public right-of-way or other private property encroachments by the adjacent properties not under the ownership of the property proposed for annexation, an eight-foot wide curbside sidewalk is proposed. This is a larger standard than required by Ashland codes, and complies with the standard from ODOT.

Public sidewalk, landscape park row, bicycle lane and other physical improvements to the Hwy. 99 right-of-way have been reviewed by the Oregon Department of Transportation (ODOT), and the Public Works Department. Where the Ashland standards need exception is to not provide landscape parkrow for the entirety of the sidewalk improvements, ODOT standards require an eight-foot curbside sidewalk, which is proposed.

Public Transit:

The project team has met with representatives from Rogue Valley Transit District (RVTB) and has met with the RVTB Bus Stop Committee. A new, southbound bus pull out lane, bus stop pad and future electric conduit to provide low voltage power is provided to the south of the proposed main driveway entrance to the site.

There are two North bound stops present within approximately 1,800 – 2,000 feet from the property. The first north bound stop that is nearest is on the east side of the highway, near the intersection of North Main Street and the highway. This is a legal, pedestrian crossing.

According to ODOT Traffic Engineers, they support that the intersection is a pedestrian crossing, but it cannot be marked with striping, Rapid Flashing Beacon (RRFB) or similar. This is because the pedestrian crossing of the highway, volume of pedestrians, volume of vehicle traffic and vehicle speeds does not rise to the thresholds for allowing marked crossing. ODOT does support a median refuge at the intersection of North Main and the highway and “pedestrian crossing” signage. The median that was recently removed would have provided pedestrian refuge. There is a smaller median south of the intersection, improvements would be necessary to create a adequate pedestrian refuge.



The other north bound stop is nearer the intersection of Valley View Road and the highway. This crossing is a signaled intersection with painted cross walk.

The subject property and the proximity to both north bound stops and the new south bound stop are within the Transit Supportive Areas in the RVTD 2040 Transit Master Plan. The property is within the “Quartermile Walkshed” from transit stops. The quarter-mile walkshed consists of areas that are within a typically five-minute walk at a normal walking space. Like most of the community, there is not a south bound and a north bound bus stop along the frontage of the property. This does not prevent commuters from crossing HWY 99N, Siskiyou Boulevard, HWY 66, from accessing transit stops where not directly connected via a crosswalk or signaled intersection.

See attached map for the Transit Supported area from the RVTD 2040 Transit Master Plan (EXHIBIT E).

Residential Density:

The project team finds that the municipal code requires that the number of housing units is determined by the base density of the property, but should in cases where substantial areas are undevelopable exclude the property area that is considered undevelopable or unbuildable areas.

We believe it can be found that the proposed density of the property is based on the Oregon Revised Statutes for what is defined as “Buildable Land” and what is defined as buildable land in the Buildable Lands Inventory of the City of Ashland.

Oregon Revised Statutes (ORS 660-008-005):

Buildable Land means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered suitable and available unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;*
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;*
- (c) Has slopes of 25 percent or greater;*
- (d) Is within the 100-year flood plain; or*
- (e) Cannot be provided with public facilities.*

The 2011 Buildable Lands Inventory provides an analysis of the “net buildable acres” that excludes restricted hazard areas and restricted resource protection areas. The city’s own buildable lands analysis excludes hazard areas, before determining the availability of buildable land for the purposes for determining whether an adequate supply of buildable land is available for housing and business development. That would appear to be based on the element of base density.



Furthermore, according to the Housing Element of the Comprehensive Plan, Policy 17: Development standards shall be used to fit development to topography, generally following the concept that density should decrease with an increase in slope to avoid excessive erosion and hillside cuts.

The density standards found in AMC 18.2.5.80.B. state that...the density in the R-2 and R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public and subject to the exceptions below. The exceptions are to the minimum density standards which provide for the protections of floodplains, streams, land drainages, wetlands, and/or steep slopes.

The municipal code in section 18.5.8.050 F. requires that all residential annexations provide a plan demonstrating that development occur at a minimum density that is 90 percent of the base density in the zone unless a reduction in the total number of units is necessary to accommodate significant natural features.

The guiding documents of the city including the Comprehensive Plan, and the Buildable Lands Inventory speak to protections of natural areas when computing density.

There are exceptions provided that allow for minimum densities to be reduced when there are physical constraints, such as those listed in the ORS which do not allow for development and should not be considered part of the area of development for the purposes of calculating density.

A substantial area of the property having more than 35 percent slopes, riparian drainages, and wetlands, that prevent construction of dwelling units and infrastructure and other site developments necessary for residential development. In reviewing the municipal code, the 2011 Buildable Lands Inventory, and the Oregon Revised Statutes definition of what is buildable, it would be prudent that these unbuildable areas should to be excluded from the base density calculations. In the event they are not, there are physical constraints on the property that allow for exceptions to the minimum density standard.

The proposed layout demonstrates how with limited height (not allowing multi-family residential along a transit corridor to be more than two and one-half story or 35-feet whichever is less) and limited physical area of development due to the areas of severe constraints provides a substantial area of new, much needed multi-family residential dwellings that complies can be developed.

Lastly, we find that in previous annexation and / or zone change requests that involved land that was physically constrained, the area of constraint was excluded from the base density calculations. Attached is a portion of the 2004 Planning Commission decision, affirmed by the City Council decision that a wetland area reduced the lot area for the purposes of calculating density. The resulting number of affordable housing units was based upon the reduced density, not the total project area. This property has developed as an affordable housing complex by the Jackson County Housing Authority, ultimately



modifying the original approval. In addition, the density of a recently approved rezoning of RR-5 property at 475 E Nevada Street was reduced base density. In the approval findings, it is recognized that the density is reduced based on excluding areas that are unbuildable. These are two examples of recent decisions that appear to clearly permit the density of the property and the resulting required affordable housing units to be based on the areas excluding the constrained land. The proposal is consistent with similar approvals with respect to density calculations.

At this time, the number of proposed units and achieving the minimum density of the property based on excluding the areas that are unbuildable is met with the current layout of 182 dwelling units per unit count for density standards purposes with 196 actual residential units. There are solutions to this issue that include revising the lot area through a property line adjustment or an increase in the number of units and the number of parking spaces. The solution will need to be determined based upon further discussion with the Planning Commission.

Conclusion:

The project team finds that the continuity issue needs to be further explored and seeks legal advise from the city on the validity of the comprehensive plan maps when there is no connection to the city limits due to the presence of the railroad.

The proposal demonstrates compliance with the standards for annexation of the last, large acre multi-family residentially zoned land provided on in the city's urban growth boundary. The proposed conceptual plans are generally consistent with applicable standards, and other than minor considerations with respect to the street standards, it can be found that with the requested exception to the street design standards as addressed in the application Findings of Fact and the Staff Report. The project team believes that it can be found that adequate vehicle, pedestrian, bicycle and transit facilities can be provided to service the annexed area.

Many of the annexation criteria require concurrence of the Public Works Director, additionally, there has been verbal agreements regarding the extension of services and how to address the overlapping service district for the disposal of sanitary sewer and stormwater sewer. It is the property owners desire to have staff from Public Works present at the hearing to address any concerns regarding the proposed public infrastructure.

Thank you,

Amy

Amy Gunter
Rogue Planning & Development Services, LLC
Amygunter.planning@gmail.com



ATTACHMENTS:

EXHIBIT A: Railroad Property Schedule and Map; DLC map

EXHIBIT B: Easement and Survey of easement

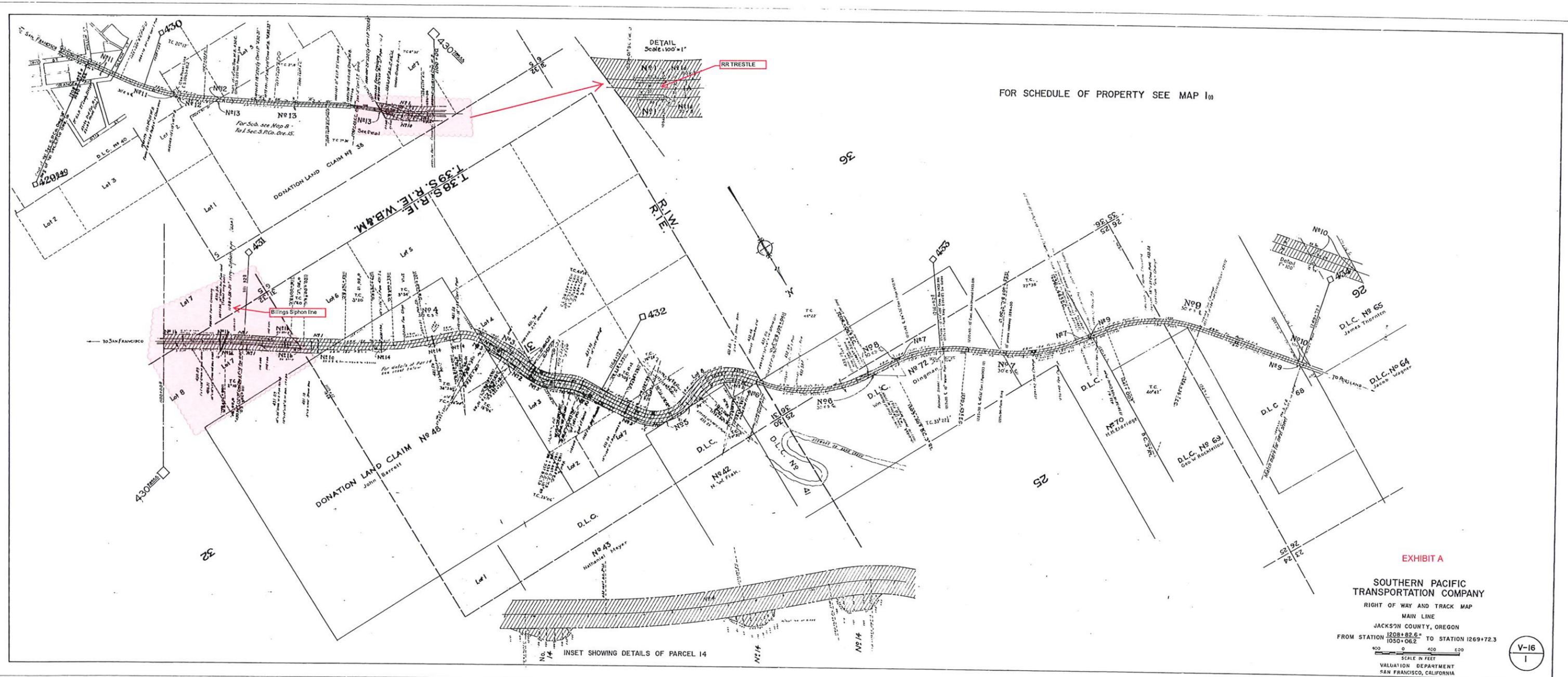
EXHIBIT C: Civil Engineering Plans (C.1 – C.4)

EXHIBIT D: Draft Zoning Map

EXHIBIT E: RVTD Transit Master Plan Transit Supportive Areas - 2042

EXHIBIT F: ODOT Email re. RRFB Beacon and intersection crossing

EXHIBIT G: Findings for 380 Clay Street (PA2004-141)



FOR SCHEDULE OF PROPERTY SEE MAP I₀₀

EXHIBIT A
**SOUTHERN PACIFIC
 TRANSPORTATION COMPANY**
 RIGHT OF WAY AND TRACK MAP
 MAIN LINE
 JACKSON COUNTY, OREGON
 FROM STATION 1208+82.6 TO STATION 1269+72.3
 SCALE IN FEET
 VALUATION DEPARTMENT
 SAN FRANCISCO, CALIFORNIA

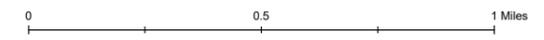
V-16
 1



Zoning Map

- City Limits
- Urban Growth Boundary
- P-overlay
- Airport Overlay
- Freeway Overlay
- Residential Overlay
- Taxlots
- C-1
- C-1-D
- E-1
- HC
- M-1
- NM
- R-1-10
- CM
- R-1-3.5
- R-1-5
- R-1-7.5
- R-2
- R-3
- RR-5
- RR-1
- SO
- WR
- WR-20

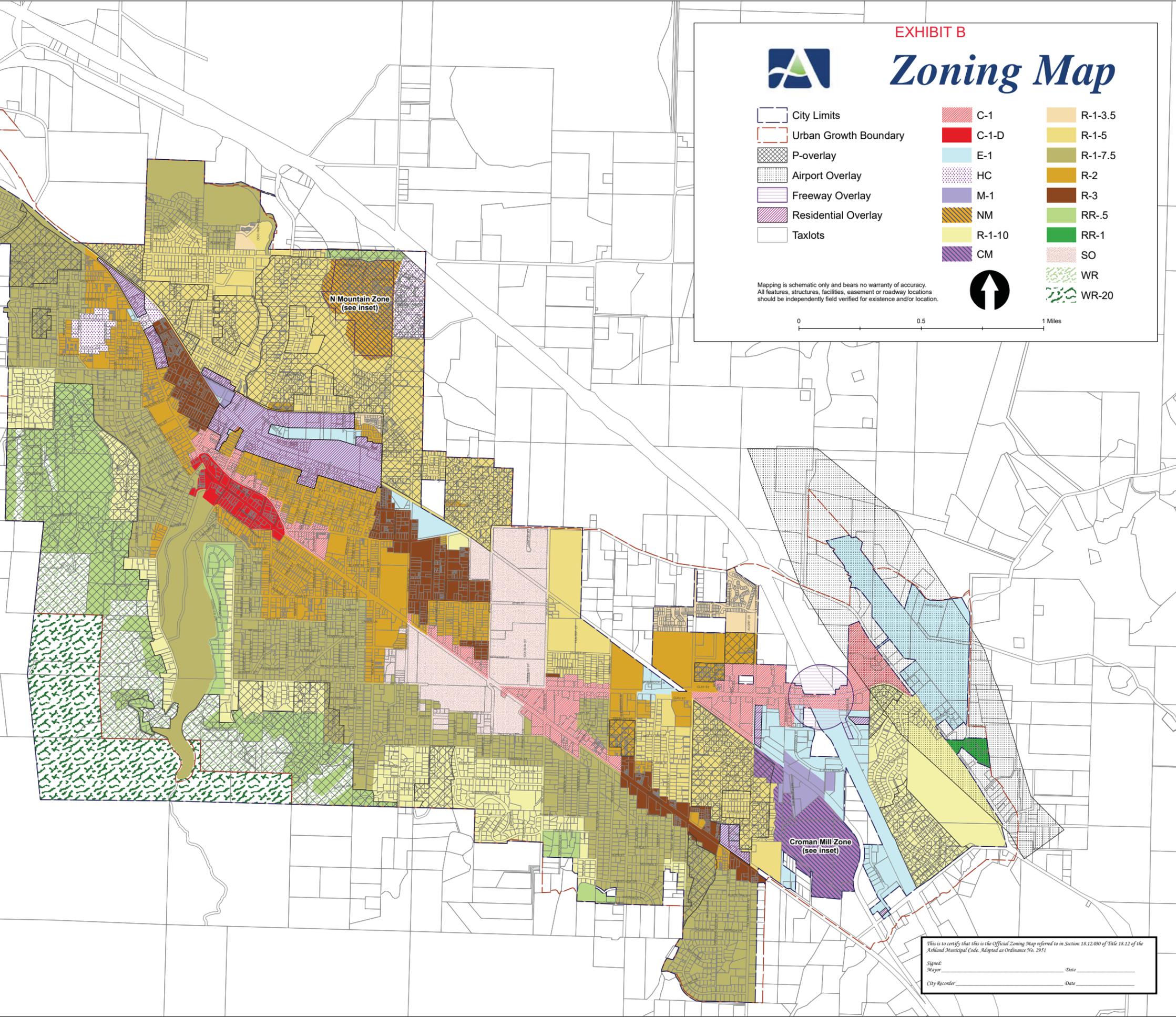
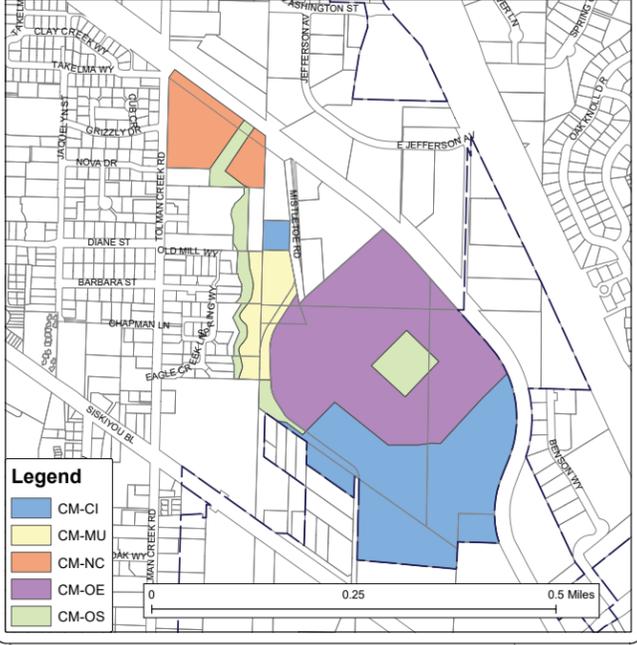
Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



North Mountain Zoning Overlay Detail



Croman Mill Zoning Overlay Detail



This is to certify that this is the Official Zoning Map referred to in Section 18.12.030 of Title 18.12 of the Ashland Municipal Code, Adopted as Ordinance No. 2951

Mayor: _____ Date: _____

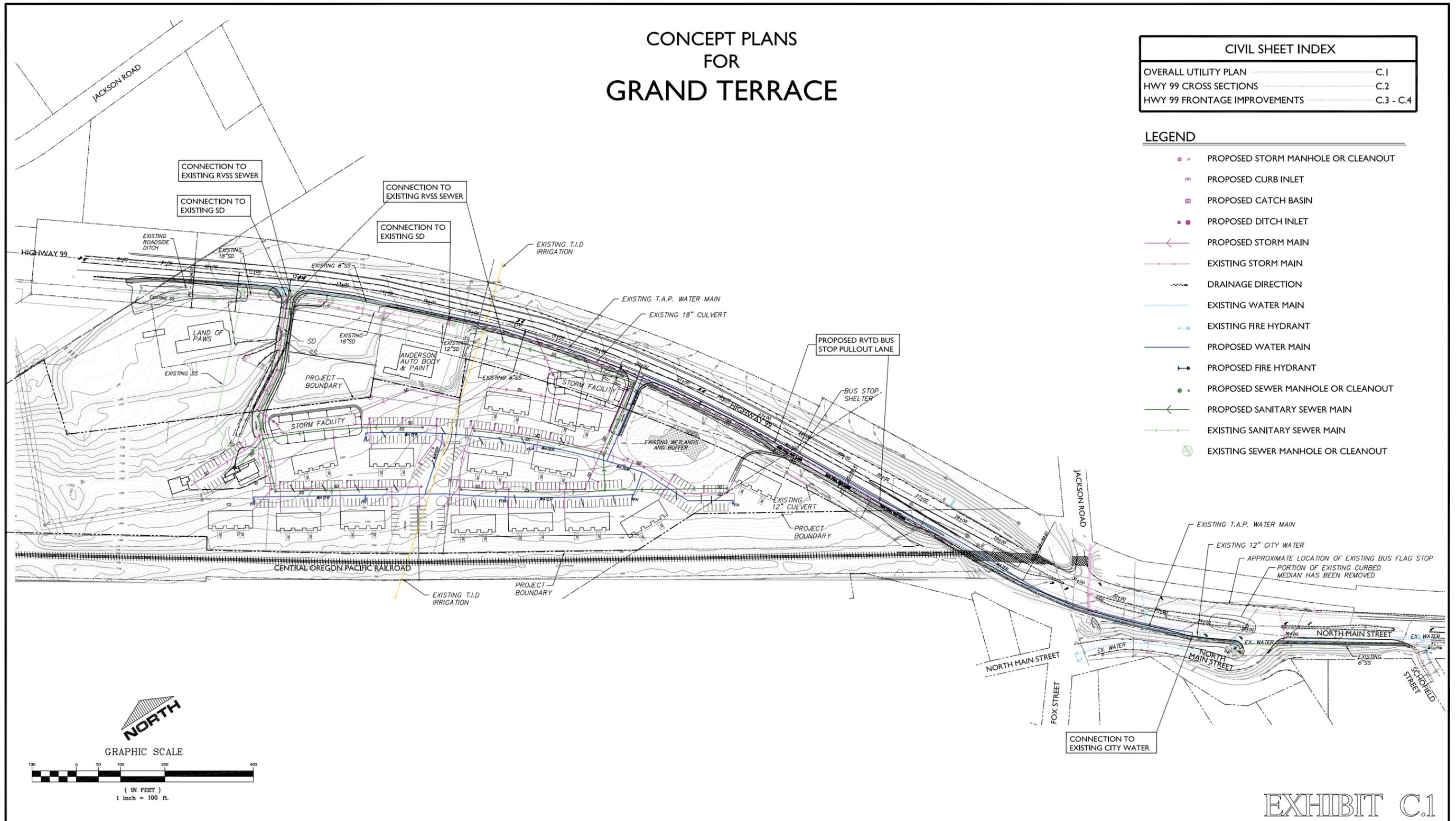
City Recorder: _____ Date: _____

CONCEPT PLANS FOR GRAND TERRACE

CIVIL SHEET INDEX	
OVERALL UTILITY PLAN	C.1
HWY 99 CROSS SECTIONS	C.2
HWY 99 FRONTAGE IMPROVEMENTS	C.3 - C.4

LEGEND

- PROPOSED STORM MANHOLE OR CLEANOUT
- PROPOSED CURB INLET
- PROPOSED CATCH BASIN
- PROPOSED DITCH INLET
- PROPOSED STORM MAIN
- EXISTING STORM MAIN
- DRAINAGE DIRECTION
- EXISTING WATER MAIN
- EXISTING FIRE HYDRANT
- PROPOSED WATER MAIN
- PROPOSED FIRE HYDRANT
- PROPOSED SEWER MANHOLE OR CLEANOUT
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- EXISTING SEWER MANHOLE OR CLEANOUT



GRAPHIC SCALE

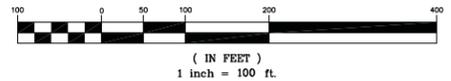
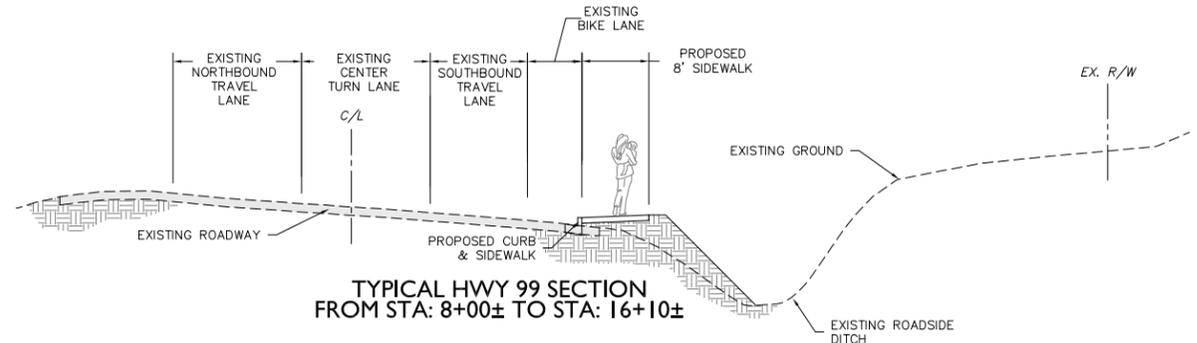
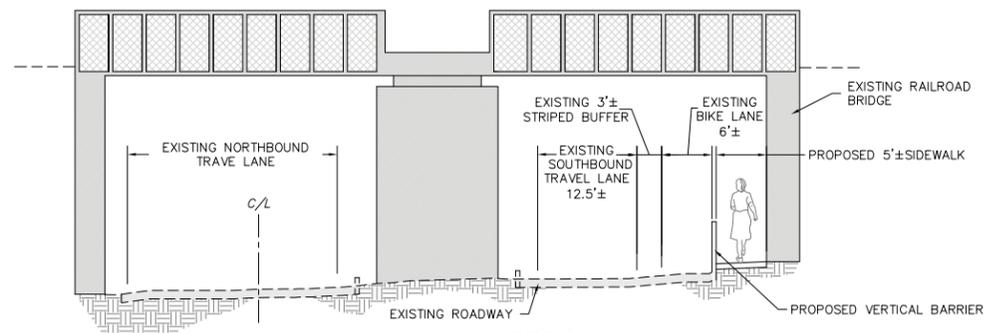


EXHIBIT C.1

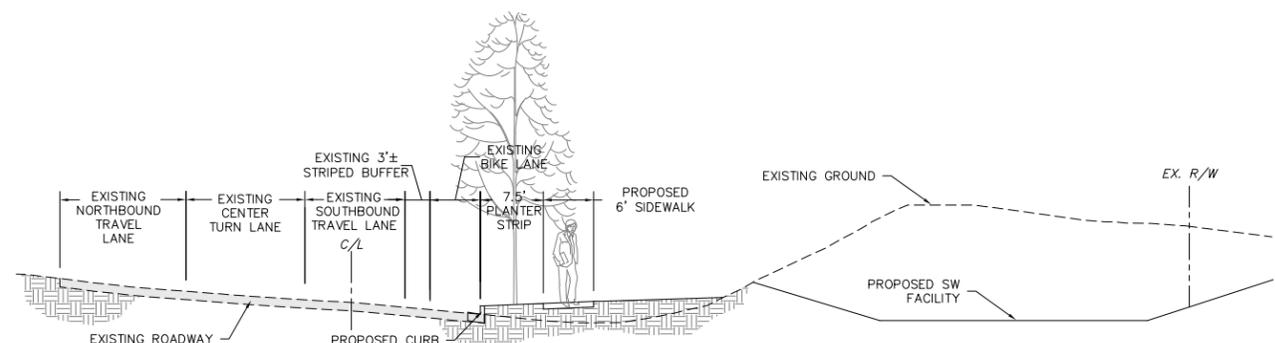
	<p style="font-size: small;">P.O. BOX 1724 - MEDFORD, OREGON 97501 PH. (541) 779-5268</p>	DRAWN BY: NBK	DATE: 09/19	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 10%;">REVISION</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISION	DATE	BY																		<p style="font-weight: bold;">CITY OF ASHLAND</p> <p style="font-weight: bold;">GRAND TERRACE CONCEPTUAL OVERALL UTILITY PLAN</p>	PROJECT NO.
		NO.	REVISION		DATE	BY																					
CHECKED BY: AMB, MWK	DATE: 09/19	DATE:	DATE:	DATE:	DATE:	DRAWING NO.																					



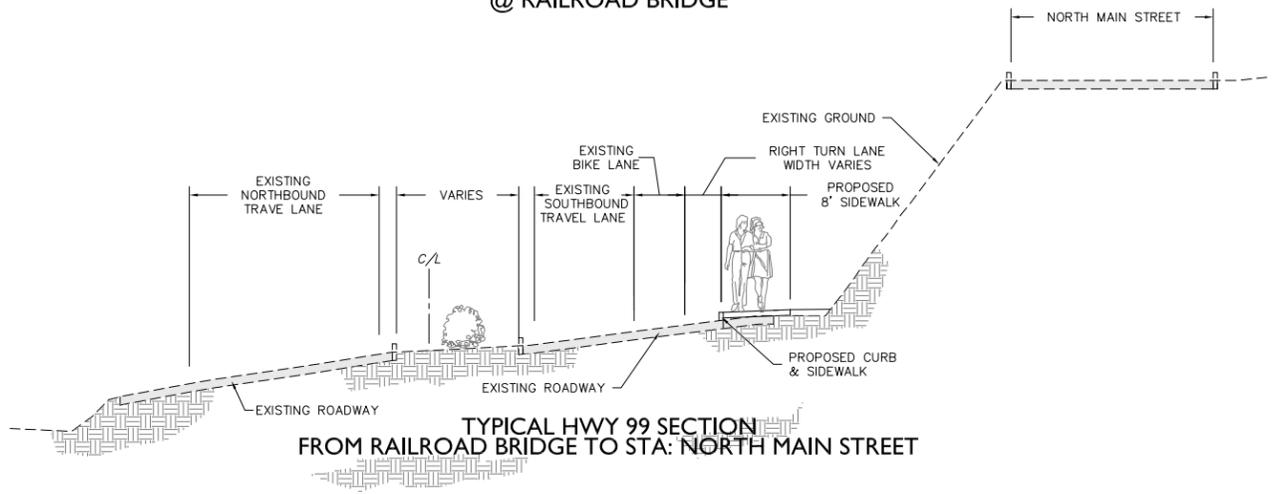
TYPICAL HWY 99 SECTION
FROM STA: 8+00± TO STA: 16+10±



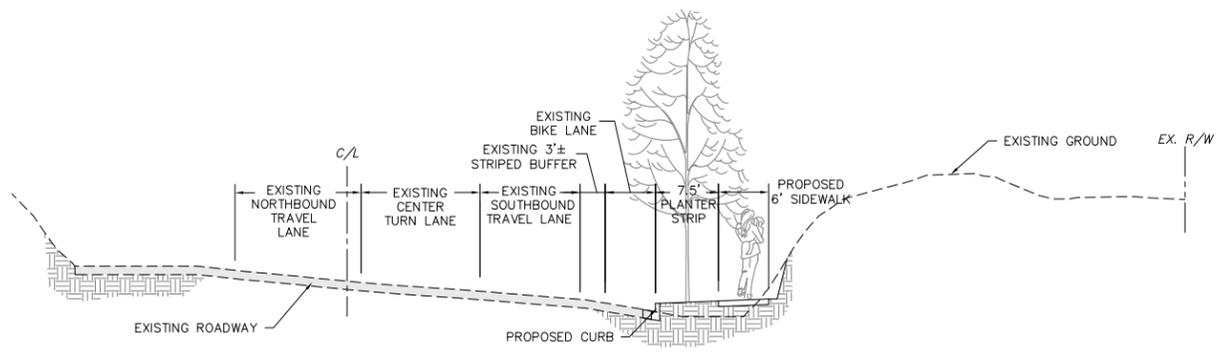
HWY 99 SECTION
@ RAILROAD BRIDGE



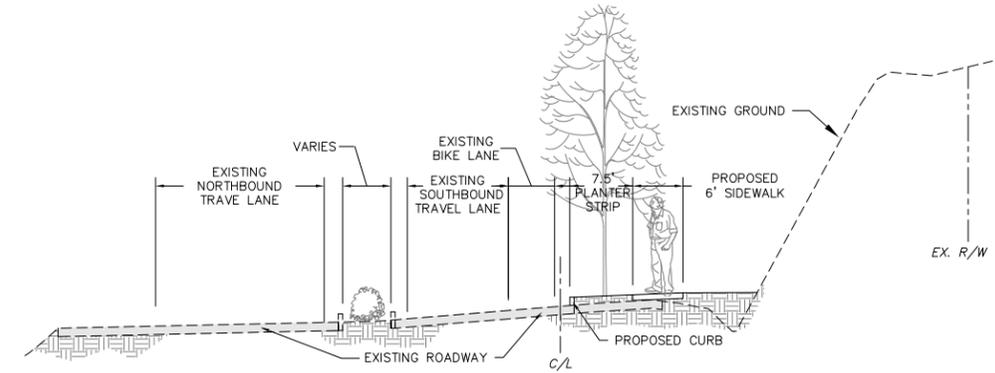
TYPICAL HWY 99 SECTION
FROM STA: 16+10± TO STA: 20+00±



TYPICAL HWY 99 SECTION
FROM RAILROAD BRIDGE TO STA: NORTH MAIN STREET



TYPICAL HWY 99 SECTION
FROM STA: 20+00± TO STA: 27+25±



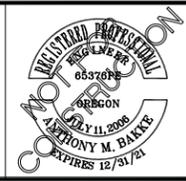
TYPICAL HWY 99 SECTION
FROM NORTH MAIN STREET SCHOFIELD STREET

EXHIBIT C.2



DRAWN BY: NEK	DATE: 09/12
CHECKED BY: AMB, MWK	DATE: 09/12
	DATE:
	DATE:
	DATE:
	DATE:

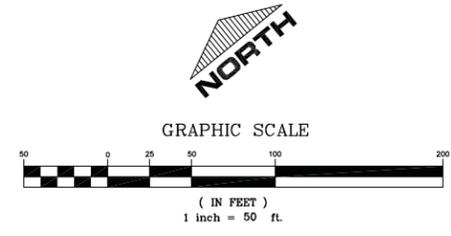
NO.	REVISION	DATE	BY



CITY OF ASHLAND

GRAND TERRACE
CONCEPTUAL
HIGHWAY 99
FRONTAGE CROSS SECTIONS

PROJECT NO.
DRAWING NO.



- LEGEND**
- PROPOSED SIDEWALK
 - PROPOSED PARK STRIP
 - PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - PROPOSED STORM MAIN
 - EXISTING STORM MAIN
 - DRAINAGE DIRECTION
 - EXISTING WATER MAIN
 - PROPOSED WATER MAIN
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE OR CLEANOUT
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SANITARY SEWER MAIN
 - EXISTING SEWER MANHOLE OR CLEANOUT

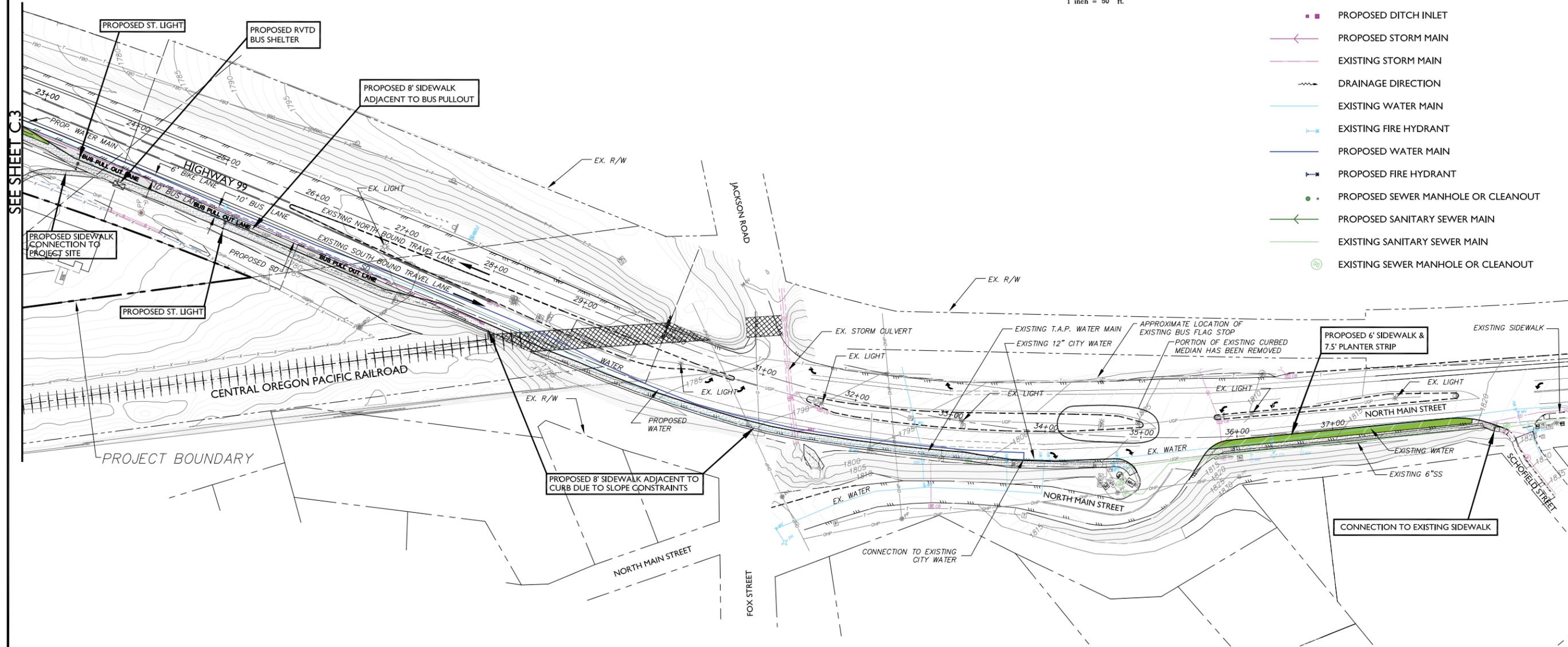
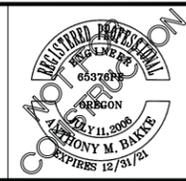


EXHIBIT C.4



BY: NBK	DATE: 09/19
BY: AMB, MWK	DATE: 09/19
	DATE:
	DATE:
	DATE:

NO.	REVISION	DATE	BY



CITY OF ASHLAND

**GRAND TERRACE
HIGHWAY 99
CONCEPTUAL
FRONTAGE IMPROVEMENTS**

PROJECT NO.	
DRAWING NO.	

89-08907

10⁰⁰
10³⁰

WARRANTY DEED
Tenants by Entirety

KNOW ALL MEN BY THESE PRESENTS, that LEO J. vanDIJK and MARIANNE O. vanDIJK, husband and wife, as Grantors, convey and warrant to LEO J. vanDIJK and MARIANNE O. vanDIJK, husband and wife, as Grantees, the following described real property free of encumbrances except as specifically set forth herein:

See Attached Exhibit "A"

There is no consideration given for this conveyance as the conveyance is being made for the purpose of documenting a minor land partition by Grantors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 19th day of January 1989.

Leo J. van Dijk

LEO J. vanDIJK
Marianne O. van Dijk

MARIANNE O. vanDIJK

STATE OF OREGON)
) ss.
County of Jackson)

The foregoing instrument was acknowledged before me this 18 day of January, 1989, by LEO J. vanDIJK and MARIANNE O. vanDIJK.

Penny Henry

PENNY HENRY
NOTARY PUBLIC - OREGON
My Commission Expires 11/1/90

Notary Public for Oregon
My Commission Expires: _____

After Recording Return To:
Ben Lombard, Jr.
P.O. Box 1090
Ashland, OR 97520

Mail Tax Statements To:
Leo J. vanDijk
Marianne O. vanDijk
1609 Jackson Road
Ashland, OR 97520

EXHIBIT D

BEN LOMBARD, JR.
ATTORNEY AT LAW
P.O. BOX 1090
ASHLAND, OR 97520
(503) 482-9481

89-08907

A tract or parcel of land situated in the Southwest quarter of Section 32, Township 38 South, Range 1 East and the Northwest quarter of Section 5, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon and being more fully described as follows: Commencing at the Southeast corner of Donation Land Claim No. 48, Township 38 South, Range 1 East of the W.B. & M; thence South 46°28'51" West, 835.06 feet to a found 1/2 inch iron pipe 2 inches below ground surface, for the TRUE POINT OF BEGINNING; thence North 41°34'29" East, 89.285 feet to a 1/2 x 24 inch galvanized iron pipe situated in the Southwesterly right of way line of the relocated Pacific Highway; thence Southeasterly along the arc of a 3,718.629 (State Highway Record= 3,719.719 feet) foot radius curve to the right, the radial bearings 'in and out' are South 47°03'01.0" West and South 60°56'40.6" East (the central angle is 13 degrees 53 minutes and 39.6 seconds) 901.775 feet to a point of tangency; thence South 28°49'42" East along said Highway right of way line, 29.39 feet, more or less, to a point in the Northeasterly right of way line of the Southern Pacific Railroad; thence leaving said State Highway right of way line, North 58°23'04" West along said railroad right of way line (deed record North 58°23' West, 461.26 feet to a point on the Southerly line of Section 32) 348.09 feet to a point in that boundary line common to Section 32, Township 38 South, Range 1 East and Section 5, Township 39 South, Range 1 East, said Base, Meridian, County and State; thence South 89°39'27" West (deed record West, 173.0 feet) along said common section line, 151.14 feet to a point 20.0 feet from the centerline of the existing railroad tracks, when measured Northeasterly of and normal therefrom (deed record 20.0 feet from the railroad centerline, measured at right angles from said centerline); thence North 58°23'04" West (deed record North 56°53' West) 439.50 feet to a 1/2 x 24 inch galvanized iron pipe situated at a point of curvature; thence leaving said railroad right of way line, North 38°38'29" East, 351.73 feet to the point of beginning. Containing 5.06 Acres, more or less.

RESERVING THEREFROM, an easement for the purpose of ingress and egress over and across a strip of land situated 15.0 feet on each side of, when measured normal therefrom, the following described centerline; Commencing at a found 1/2 inch iron pipe, 2 inches below ground surface, which bears South 46°28'51" West, 835.06 feet from the Southeast corner of Donation Land Claim No. 48, Township 38 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon; thence South 38°38'29" West, 19.17 feet to the TRUE POINT OF BEGINNING; thence South 89°52'29" East along said ingress and egress centerline, 145.38 feet to a point in the Southwesterly right of way line of the relocated Pacific Highway and there terminating.

FURTHER RESERVING THEREFROM, such additional amount of land for easement purposes on the southerly side of the foregoing described easement as may be required by law for ingress and egress to the property served by the foregoing described easement in the event said property is further subdivided or partitioned by the owners thereof.

Subject to any and/or easements and/or rights of way of record and those apparent on the land.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

11:25 MAY 2 1989 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

[Signature] Deputy

EXHIBIT D

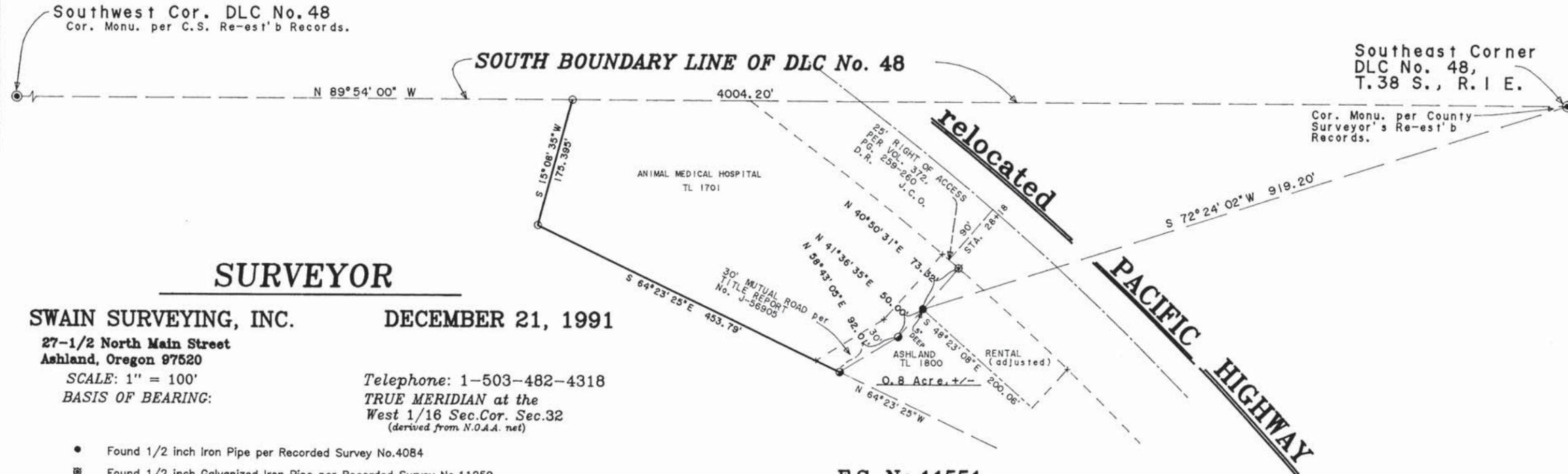
EXHIBIT No. "A"

MAP of SURVEY

located in
Southwest Quarter of Section 32, T.38 S., R. 1 E.,
Willamette Base and Meridian,
JACKSON COUNTY OREGON

Leo and Marianne van Dijk

1609 Jackson Road
Ashland, Oregon 97520



SURVEYOR

SWAIN SURVEYING, INC.

27-1/2 North Main Street
Ashland, Oregon 97520

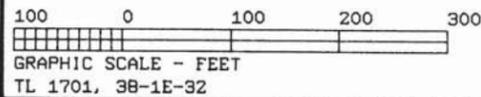
SCALE: 1" = 100'
BASIS OF BEARING:

DECEMBER 21, 1991

Telephone: 1-503-482-4318
TRUE MERIDIAN at the
West 1/16 Sec. Cor. Sec. 32
(derived from N.O.A.A. net)

- Found 1/2 inch Iron Pipe per Recorded Survey No.4084
- Found 1/2 inch Galvanized Iron Pipe per Recorded Survey No.11259
- Found 3/4 inch Iron Pipe with tack in plug marked: SWAIN LS 759 per Recorded Survey No.11551
- Set 1/2 x 24 inch Galvanized Iron Pipe with yellow plastic plug marked: SWAIN LS 759.

F.S. No.11551



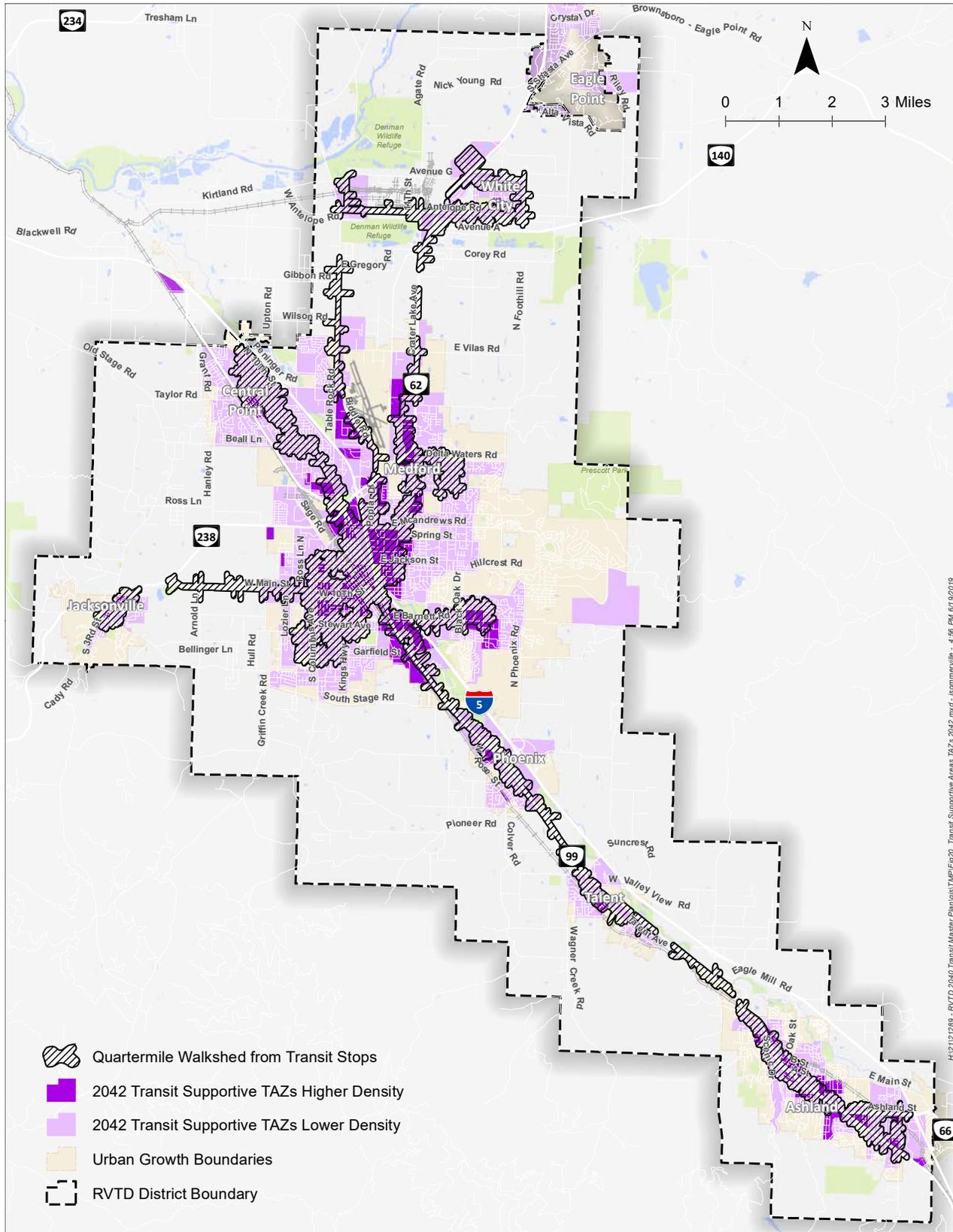
•• RECEIVED ••
Date 12-29-91 By [Signature]
This survey consists of:
- sheets: Map
- panels: Narrative
JACKSON COUNTY SURVEYOR



EXHIBIT D

Job: LD 1230T
File: LD 1230T1

Figure 20: Transit Supportive Areas – 2042





Amy Gunter <amygunter.planning@gmail.com>

Grand Terrace - Revised Civil Plans

HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us> Fri, Jan 24, 2020 at 8:48 AM
To: Amy Gunter <amygunter.planning@gmail.com>
Cc: "West, Paige" <pwest@rvtd.org>, Sean Eisma <seisma@rvtd.org>, MARMON Jenna <Jenna.MARMON@odot.state.or.us>, BOARDMAN Jennifer <Jennifer.BOARDMAN@odot.state.or.us>, MORRIS Michael L <Michael.L.MORRIS@odot.state.or.us>, FITZGERALD William <William.FITZGERALD@odot.state.or.us>

Hi Amy – per ODOT Traffic:

RRFB cannot be used with the minimal pedestrian volume. We can support a unmarked pedestrian crossing with a median refuge and signing as an alternative.

Best regards,

Micah

Micah Horowitz, AICP

ODOT Region 3 | Senior Transportation Planner

100 Antelope Road, White City, OR 97503

p: 541.774.6331 | e: micah.horowitz@odot.state.or.us

[Quoted text hidden]

EXHIBIT F

BEFORE THE PLANNING COMMISSION
June 14, 2005

IN THE MATTER OF PLANNING ACTION #2004-141, REQUEST FOR OUTLINE) FINDINGS,
PLAN AND SITE REVIEW FOR A 117-UNIT DEVELOPMENT UNDER THE) CONCLUSIONS
PERFORMANCE STANDARDS OPTION FOR THE PROPERTY LOCATED 380) AND ORDERS
CLAY STREET. AN EXCEPTION TO CITY OF ASHLAND STREET)
STANDARDS IS REQUESTED TO MEANDER A PROPOSED SIDEWALK)
ALONG CLAY STREET AROUND A CEDAR TREE LOCATED AT THE)
SOUTHWEST CORNER OF THE PROPERTY. A TREE REMOVAL PERMIT IS)
REQUESTED TO REMOVE FOUR TREES ON THE SITE.)
)
APPLICANT: D and A Enterprise)

RECITALS:

- 1) Tax lot 2500 of 391E 11C is located at 380 Clay Street. The Comprehensive Plan designation is Multi-Family Residential with a proposed zoning of R-2.
- 2) The applicant is requesting Outline Plan and Site Review approval for a 117-unit development under the Performance Standards Options. The application includes an exception to City of Ashland Local Street Standards to meander a short section of sidewalk proposed for installation along Clay Street, as well as a Tree Removal Permit to remove approximately four trees.
- 3) **The criteria for Outline Plan approval are described in section 18.88.040 A. 4 of the Ashland Land Use Ordinance as follows:**

The Planning Commission shall approve the outline plan when it finds the following criteria have been met:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards. (Ord 2836, S2 1999).

The criteria for Site Plan approval are described in section 18.72.070 of the Ashland Land Use Ordinance as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

The criteria for a Tree Removal Permit are described in section 18.61.080 of the Ashland Land Use Ordinance as follows:

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 - 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 - 2. 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; and

3. 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. Nothing in this section shall require that the residential density 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 or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

An exception to the Street Standards is not subject to the Variance requirements of section 18.100 and may be granted with respect to the Street Standards in 18.88.050 if all of the following circumstances are found to exist:

- A. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- B. The variance will result in equal or superior transportation facilities and connectivity;
- C. The variance is the minimum necessary to alleviate the difficulty; and
- D. The variance is consistent with the stated Purpose and Intent of the Performance Standards Options Chapter.(Ord 2836, Amended, 02/02/1999)

4) The Planning Commission, following proper public notice, held a Public Hearing on February 8, 2005 and June 14, 2005, at which time testimony was received and exhibits were presented. The Planning Commission approved the application for Outline Plan, Site Review, Tree Removal and an Exception to City of Ashland Local Street Standards subject to conditions pertaining to the appropriate development of the site. In addition, the Planning Commission forwarded a recommendation for approval of the Annexation to the Ashland City Council.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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 application complies with the applicable approval criteria described in 18.88.030 A 4. for Outline Plan approval and 18.72 for Site Review approval. Clay Street will be upgraded, new streets will be installed and public utilities will be extended to serve the project. The application identifies the construction of a half street improvement along the frontage of the property. This includes a pavement overlay, installation of storm drains, curb and gutter, bicycle lane, planting strips, street trees and a public sidewalk. In addition, other sections of Clay Street will be improved, both north and south of the property, in order to provide safe vehicular, pedestrian and bicycle access to and from the site, as well as to East Main Street and Ashland Street.

Public water, sewer and storm sewer lines are located in Clay Street and available, or can be extended, to serve the project. Run-off from the site will be directed into storm water facilities constructed within the new streets and distributed to Clay Street and an on-site wetland /detention system located along the northwesterly portion of the development. Multi-use pathways are proposed for installation throughout the project in order to provide convenient, direct routes to and through neighboring properties.

2.3 The Planning Commission finds that the existing and natural features of the land; such as wetlands and large trees have been identified in the plan of the development and included in the open space and common areas. While the project design slightly encroaches upon the preliminarily delineated boundary of the wetland, the revised plan addresses disturbance to the wetland by providing a mitigation area that is substantially larger than the impacted area. The applicant's consultant notes that the wetland mitigation area and the creation of wetlands for storm water detention and treatment will provide better overall water quality in the Bear Creek Basin, as well as providing wildlife habitat, recreation and aesthetic beauty for the site.

The project's neighborhood street design has been substantially modified in order to account for not only the location of wetland, but also the large cottonwood trees at the southwest corner of the site, as well as the existing farmhouse. Although the Poplar species is thought to be undesirable within developing residential neighborhoods due to the potential for the breaking and dropping of limbs, the applicant has chosen to retain these large majestic trees within an open space area. Specifically, the wetland, wetland mitigation area and all three large poplar trees have been incorporated within a large common areas throughout the project.

2.4 The Commission finds that the application complies with the base density requirements of the underlying zoning (i.e. R-2 zoning district) and will not prevent adjacent land from being developed for uses shown in the Comprehensive Plan. The application proposes to construct approximately 117 housing units on an approximately 10-acre parcel. The housing mix will include the existing single-family home, 36 duplexes (72 units) and 11 fourplexes (44 units). The project density conforms to permitted density requirements of the R-2 Zoning District, allowing for a base density of 13.5 units/acre or approximately 127 units (.6 acres of wetland subtracted from calculations as per 18.106.030 F.). This does not take into account the possible additional density bonus permitted due to the provision of affordable housing.

A system of new public streets and multi-use pathways will be constructed to serve and provide circulation throughout the entire project. The adjoining 5-acre parcel to the north is located within Ashland's Urban Growth Boundary and has a Plan designation that accommodates future residential uses. The new neighborhood street system integrates two public streets that will terminate at the north property line, but would eventually extend into the adjoining undeveloped property. In addition, a new east-west oriented street will straddle a portion of the project's northerly boundary. This street provides a second access to the project from Clay Street, as well as providing future access to the abutting property to the north. The public alley system has been designed throughout the project and allows rear as well as side access to individual garages and surface-parking areas, including connections to existing and planned alley connections north and south of the development.

2.5 The Commission finds that the proposed development plan with attached conditions of approval ensures that existing and proposed public streets are designed and installed consistent with the City of Ashland's Local Street Standards. New streets are designed with planting strips and public sidewalks at widths that, in most cases, will provided for additional on-street parking. In order to retain an existing, 18-inch in diameter cedar tree, a relatively minor exception to City Street Standards is requested to permit the installation of a small segment of curbside sidewalk along Clay Street. The Commission finds that the location, size and health of the tree present a clear difficulty to complying with City street standards. The design and use of the public sidewalk will not be compromised, given the relatively small adjustment in sidewalk configuration. Accordingly, the Commission supports this deviation and believes it complies with the approval criteria for an exception.

2.6 The Commission finds that the site plan and residential unit design complies with the requirements of Ashland's Site Design and Use chapter, as well as with applicable multi-family design standards. The project's neighborhood street design has been substantially modified in order to account for the location of wetlands, the large cottonwood trees at the southwest corner of the site, as well as the existing farmhouse.

Each residential structure is oriented toward the public street, with required parking located to the rear or side of the structure. Public alleys provide access to individual garages and surface parking areas, thereby leaving the vast majority of newly constructed streets free of driveway aprons and available for resident and guest parking.

Five percent of the total project area is required to be included within commonly owned open space. About 10% of the total project area is included within common areas and open spaces. This includes a picnic area adjacent to the YMCA soccer fields, a children's active play area and the passive wetland area. It should be noted that the total lot coverage for the entire project is approximately 50%. This is considerably lower than the 65% lot coverage standard permitted within the R-2 Zoning District. Also, street trees will be installed along all street frontages, while individual yard spaces will be planted with lawn, ground covers and a variety of shrubs and trees. Consequently, the Commission finds that the landscaping plan is consistent with the requirements and standards for Site Review approval.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan and Site Review approval for a 117-unit development, with a Tree Removal Permit and exception to Ashland's Local Street Standards is supported by evidence in the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2004-141. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action # 2004-141 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That a consent to annexation form be completed, which is non-revocable for a period of one year from its date.
- 3) That a boundary description and map be prepared in accordance with ORS 308.225. A registered land surveyor shall prepare the description and map. The boundaries shall be surveyed and monuments established as required by statute subsequent to Council approval of the proposed annexation.
- 4) That the applicant submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to Final Plan approval. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
- 5) That a final utility plan for the project shall be reviewed and approved by the Engineering Division and Building Divisions at the time of Final Plan. 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.

TECH MEMO

TO: Michael Wang PE
Oregon Departments of Transportation

FROM: Kelly Sandow P.E.
Sandow Engineering

DATE: February 3, 2020

RE: Grand Terrace Residential Development TIA-Response to ODOT Comments



The following provides a response to the October 25, 2019 ODOT comments provided as part of the review of the Grand Terrace TIA.

Comment #1: ODOT private approach permit and access reservation indenture applications will be required for the proposed easterly access. Please contact ODOT permit specialist for these applications.

Response to Comment #1: The applicant will provide applications for the approach permits as required by ODOT once the development proposal has been approved.

Comment #2: ODOT reviewed the sight distance in the field and measured a distance of 307 feet. Therefore, the recommendation was a restricted access to right in, right out, left-in movements.

Response to Comment #2: ODOT revised the sight distance measurement based on a more accurate location of the site access onto Highway 99. With the revision then found that the sight distance is met and that the access can be a full movement.

Comment #3: ODOT staff observed existing queuing issue at OR 99 & Valley View intersection at least 700 feet and the queuing issue at the Main & Maple intersection of over 3500 feet. The TIA only shows 95th percentile queuing of 250 feet at the OR 99 & Valley View and 350 feet at the Main & Maple.

Response to Comment #3:

The Synchro and Simtraffic models were built according to ODOT standards as per the Analysis Procedures Manual. The input variables are as follows:

- 1) Saturation Flow Rate: 1750 as per ODOT standards for this area
- 2) Peak Hour Factor: Taken from the traffic counts

Tech Memo

From: Kelly Sandow PE Sandow Engineering

RE: Response to Comments

Date: 2.3.2020

Page 2

- 3) Traffic Counts: taken by Southern Oregon Transportation Engineering as part of the road diet project and the additional as needed for this project. The counts were performed to standard methodologies
- 4) Signal timing parameters: According to the Analysis Procedures Manual.

The Synchro model was completed following all standards and methodology typically required for this type of project. As Sandow Engineering understands it, the road diet has created an unstable traffic flow. What this means is that the traffic flow can be moving as normal and something within the system will cause a delay in travel that will cause backups for the remainder of the peak travel time. This delay is commonly caused by buses stopping to pick up/drop off riders, garbage trucks stopping, vehicles stopping for pedestrians not crossing at signalized intersections, and other factors within the roadway. Unfortunately, this type of instability within the system is not able to be modeled within Synchro. Synchro does not model a bus or garbage truck stopping within the roadway midblock. The only way to model the levels of queuing that ODOT is referencing is to make modifications to the input parameters at the intersections. The modifications made were:

- 1) Increase pedestrian calls to provide more delay on the main line
- 2) Reduce the peak hour factor to 0.50 for all movements at all intersections
- 3) Reduce the signal cycle length
- 4) Reduce the green time to the major movements at the traffic signals
- 5) Reduced the saturation flow rate from 1750 to 1600.

The queueing results from the modifications to the Synchro model are illustrated in Table 1. The outputs are included as an attachment.

TABLE 1: INTERSECTION QUEUING: PM PEAK HOUR

Movement	Available Storage	2021 No-Build		2021 Build		2034 No-Build		2034 Build	
		Avg	95th Percentile	Avg	95th Percentile	Avg	95th Percentile	Avg	95th Percentile
S. Valley View at Rogue Valley Highway (S Jackson/Valley View & 99)									
SEB Left-Highway	225	25	75	25	50	25	50	75	225
SEB Thru	>500	100	200	100	200	100	200	250	600
SEB Thru- Right	>500	50	125	50	150	50	150	200	550
NWB Left-Highway	475	25	50	25	50	25	50	25	50
NWB-Thru	>500	75	100	75	125	75	125	75	125
NWB-Thru	>500	75	125	75	125	75	150	100	175
NWB-Right	100	75	125	50	125	50	125	75	150
NB-Left-Thru-	75	25	50	25	50	25	50	25	75
NB-Right	100	25	50	25	50	25	50	25	50
SB-LTR-Valley View	>500	600	1000	925	1475	700	1425	1100	2325
Jackson Road at Rogue Valley Highway (99 & Jackson)									
SEB Left	100	25	50	25	75	25	50	25	100
NWB Left	100	25	25	25	25	25	25	25	25
NEB Left-Thru-Right	100	50	150	75	175	75	225	150	300
SWB Left-Thru-	200	100	225	125	275	150	300	175	350
Jackson Road at Main Street									
SW Left- Right	175	25	25	25	25	25	25	25	100
SB Left	50	25	25	25	25	25	25	25	50
Maple Street at Main Street									
EB Left-Thru-Right	400	75	150	75	150	75	175	150	300
WB Left-Thru-Right	175	25	50	25	50	25	50	25	50
NB Left	150	225	600	250	600	250	600	275	625
NB Thru	>500	1000	1300	100	1275	1050	1275	1025	1300
NB Right	160	50	200	50	200	25	150	50	200
SB Left	75	25	100	25	125	50	125	25	100
SB Thru	>500	1150	2750	1475	3250	1775	3550	2075	4275
SB Right	195	150	400	175	400	225	425	175	400

As illustrated, the queuing is shown to be more in line with what ODOT observed in the field. The queuing lengths along Highway 99 are a result of the recent reduction in through lanes as part of the City of Ashland’s road diet. There is no recommended mitigation for reducing the queue lengths.

Please feel free to contact me if you have any questions or need any additional information
 541.513.3376

Intersection: 3: Main Street & Jackson Road, Interval #1

Movement	SB	SW
Directions Served	L	LR
Maximum Queue (ft)	16	11
Average Queue (ft)	4	2
95th Queue (ft)	20	12
Link Distance (ft)		303
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Main Street & Jackson Road, Interval #2

Movement	SB	SW
Directions Served	L	LR
Maximum Queue (ft)	23	24
Average Queue (ft)	1	4
95th Queue (ft)	10	20
Link Distance (ft)		303
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Main Street & Jackson Road, All Intervals

Movement	SB	SW
Directions Served	L	LR
Maximum Queue (ft)	28	29
Average Queue (ft)	2	3
95th Queue (ft)	13	19
Link Distance (ft)		303
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: 99 & Jackson Rd., Interval #1

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	27	11	56	44
Average Queue (ft)	8	2	24	17
95th Queue (ft)	31	15	60	43
Link Distance (ft)			219	234
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., Interval #2

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	29	74	86
Average Queue (ft)	9	4	24	37
95th Queue (ft)	31	19	57	80
Link Distance (ft)			219	234
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., All Intervals

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	38	30	78	86
Average Queue (ft)	9	4	24	32
95th Queue (ft)	31	19	58	74
Link Distance (ft)			219	234
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 7: S Jackson/Valley View & 99, Interval #1

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	24	29	339	43	108	27	35	90	96	98
Average Queue (ft)	7	11	207	16	57	8	10	57	55	42
95th Queue (ft)	27	33	372	44	112	27	34	96	99	98
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)									1	0
Queuing Penalty (veh)									6	0

Intersection: 7: S Jackson/Valley View & 99, Interval #2

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	47	29	696	61	150	72	42	103	144	119
Average Queue (ft)	12	12	366	17	75	15	11	57	59	45
95th Queue (ft)	40	35	719	48	129	49	32	100	113	98
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0								0	1
Queuing Penalty (veh)	0								3	1

Intersection: 7: S Jackson/Valley View & 99, All Intervals

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	47	29	696	61	154	72	51	103	144	122
Average Queue (ft)	10	12	328	17	71	13	10	57	58	45
95th Queue (ft)	37	35	665	47	126	44	32	99	110	98
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0								1	0
Queuing Penalty (veh)	0								3	1

Intersection: 9: Main St/Main Street & Maple St, Interval #1

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	71	22	289	560	115	50	266	89
Average Queue (ft)	39	9	59	304	17	12	150	23
95th Queue (ft)	75	27	256	652	117	54	267	102
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				18			19	
Queuing Penalty (veh)				8			11	

Intersection: 9: Main St/Main Street & Maple St, Interval #2

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	114	32	450	1039	260	123	494	295
Average Queue (ft)	52	8	235	700	29	16	246	78
95th Queue (ft)	99	27	588	1120	156	83	503	267
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				0				
Queuing Penalty (veh)				3				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				41			29	
Queuing Penalty (veh)				27			26	

Intersection: 9: Main St/Main Street & Maple St, All Intervals

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	114	32	450	1039	260	123	494	295
Average Queue (ft)	49	8	192	605	26	15	222	65
95th Queue (ft)	94	27	538	1096	148	77	464	238
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				0				
Queuing Penalty (veh)				3				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				35			27	
Queuing Penalty (veh)				22			22	

Intersection: 3: Main Street & Jackson Road, Interval #1

Movement	SB	SW
Directions Served	L	LR
Maximum Queue (ft)	17	24
Average Queue (ft)	3	6
95th Queue (ft)	17	25
Link Distance (ft)		303
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Main Street & Jackson Road, Interval #2

Movement	SB	SB	SW
Directions Served	L	T	LR
Maximum Queue (ft)	28	14	24
Average Queue (ft)	2	1	4
95th Queue (ft)	16	12	21
Link Distance (ft)		336	303
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	50		
Storage Blk Time (%)		0	
Queuing Penalty (veh)		0	

Intersection: 3: Main Street & Jackson Road, All Intervals

Movement	SB	SB	SW
Directions Served	L	T	LR
Maximum Queue (ft)	29	14	30
Average Queue (ft)	3	0	5
95th Queue (ft)	16	10	22
Link Distance (ft)		336	303
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	50		
Storage Blk Time (%)		0	
Queuing Penalty (veh)		0	

Intersection: 4: 99 & Jackson Rd., Interval #1

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	29	32	154	243
Average Queue (ft)	12	9	94	146
95th Queue (ft)	35	33	174	262
Link Distance (ft)			219	234
Upstream Blk Time (%)			0	15
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., Interval #2

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	28	156	240
Average Queue (ft)	9	3	33	56
95th Queue (ft)	31	17	102	170
Link Distance (ft)			219	234
Upstream Blk Time (%)				5
Queuing Penalty (veh)				0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., All Intervals

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	33	166	249
Average Queue (ft)	10	4	48	78
95th Queue (ft)	32	22	131	208
Link Distance (ft)			219	234
Upstream Blk Time (%)			0	7
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 7: S Jackson/Valley View & 99, Interval #1

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	50	37	684	64	233	206	41	110	152	114
Average Queue (ft)	19	22	447	36	157	90	16	62	78	64
95th Queue (ft)	53	46	799	65	251	216	45	106	154	120
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0	0			1				2	1
Queuing Penalty (veh)	0	0			1				24	5

Intersection: 7: S Jackson/Valley View & 99, Interval #2

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	47	29	862	52	126	43	37	103	118	116
Average Queue (ft)	9	9	628	16	55	7	14	57	52	46
95th Queue (ft)	33	31	1007	43	107	28	34	95	95	97
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0	0							0	0
Queuing Penalty (veh)	0								2	0

Intersection: 7: S Jackson/Valley View & 99, All Intervals

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	55	38	862	67	233	206	46	112	162	117
Average Queue (ft)	12	12	584	21	80	27	14	59	58	50
95th Queue (ft)	39	36	978	52	176	114	37	98	114	104
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0	0			0				1	0
Queuing Penalty (veh)	0	0			0				7	2

Queuing and Blocking Report
2021 PM background

02/05/2020

Intersection: 9: Main St/Main Street & Maple St, Interval #1

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	199	33	449	1093	162	92	2410	295
Average Queue (ft)	122	12	247	1059	34	24	1113	191
95th Queue (ft)	219	35	610	1213	168	106	2353	412
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				11				
Queuing Penalty (veh)				221				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				54			52	
Queuing Penalty (veh)				75			97	

Intersection: 9: Main St/Main Street & Maple St, Interval #2

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	134	36	449	1097	260	123	2889	295
Average Queue (ft)	41	8	216	926	39	18	1134	132
95th Queue (ft)	93	28	567	1268	189	90	2856	359
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				3				
Queuing Penalty (veh)				21				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				40		0	35	
Queuing Penalty (veh)				18		0	22	

Intersection: 9: Main St/Main Street & Maple St, All Intervals

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	212	42	450	1098	260	123	2889	295
Average Queue (ft)	61	9	224	958	38	20	1129	146
95th Queue (ft)	148	30	578	1279	184	94	2748	375
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				5				
Queuing Penalty (veh)				71				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				43		0	39	
Queuing Penalty (veh)				32		0	40	

Queuing and Blocking Report
2034 PM background

02/05/2020

Intersection: 3: Main Street & Jackson Road, Interval #1

Movement	SB	SB	SW
Directions Served	L	T	LR
Maximum Queue (ft)	18	36	24
Average Queue (ft)	4	0	5
95th Queue (ft)	19	0	22
Link Distance (ft)		336	303
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	50		
Storage Blk Time (%)		1	
Queuing Penalty (veh)		0	

Intersection: 3: Main Street & Jackson Road, Interval #2

Movement	SB	SB	B1	SW
Directions Served	L	T	T	LR
Maximum Queue (ft)	29	106	42	29
Average Queue (ft)	2	15	4	4
95th Queue (ft)	13	128	49	20
Link Distance (ft)		336	464	303
Upstream Blk Time (%)		1		
Queuing Penalty (veh)		7		
Storage Bay Dist (ft)	50			
Storage Blk Time (%)	0	3		
Queuing Penalty (veh)	0	0		

Intersection: 3: Main Street & Jackson Road, All Intervals

Movement	SB	SB	B1	SW
Directions Served	L	T	T	LR
Maximum Queue (ft)	30	106	42	29
Average Queue (ft)	2	12	3	4
95th Queue (ft)	15	110	42	20
Link Distance (ft)		336	464	303
Upstream Blk Time (%)		1		
Queuing Penalty (veh)		5		
Storage Bay Dist (ft)	50			
Storage Blk Time (%)	0	3		
Queuing Penalty (veh)	0	0		

Queuing and Blocking Report
2034 PM background

02/05/2020

Intersection: 4: 99 & Jackson Rd., Interval #1

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	50	33	188	249
Average Queue (ft)	26	5	114	172
95th Queue (ft)	57	25	208	309
Link Distance (ft)			219	234
Upstream Blk Time (%)			1	44
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., Interval #2

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	54	30	180	249
Average Queue (ft)	23	5	36	77
95th Queue (ft)	50	21	122	219
Link Distance (ft)			219	234
Upstream Blk Time (%)			1	15
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., All Intervals

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	55	33	195	249
Average Queue (ft)	24	5	55	100
95th Queue (ft)	52	22	159	256
Link Distance (ft)			219	234
Upstream Blk Time (%)			1	23
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 7: S Jackson/Valley View & 99, Interval #1

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	38	29	934	58	241	216	36	117	128	118
Average Queue (ft)	20	18	602	33	163	110	14	75	74	69
95th Queue (ft)	47	41	1000	60	270	244	38	131	150	131
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0				2				2	2
Queuing Penalty (veh)	0				1				26	9

Intersection: 7: S Jackson/Valley View & 99, Interval #2

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	34	29	1224	50	129	53	45	111	109	113
Average Queue (ft)	9	9	995	13	59	10	15	52	50	41
95th Queue (ft)	31	31	1494	37	112	38	38	90	95	94
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0								0	0
Queuing Penalty (veh)	0								1	1

Intersection: 7: S Jackson/Valley View & 99, All Intervals

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	43	29	1224	58	241	216	50	124	145	123
Average Queue (ft)	11	11	900	18	84	34	15	57	56	48
95th Queue (ft)	36	34	1452	47	185	134	38	103	113	106
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0				1				1	1
Queuing Penalty (veh)	0				0				8	3

Intersection: 9: Main St/Main Street & Maple St, Interval #1

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	170	36	449	1092	162	100	2564	295
Average Queue (ft)	103	16	263	1065	40	21	1163	178
95th Queue (ft)	170	39	617	1200	188	98	2627	400
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				12				
Queuing Penalty (veh)				238				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				54			51	
Queuing Penalty (veh)				75			99	

Intersection: 9: Main St/Main Street & Maple St, Interval #2

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	109	24	450	1095	260	127	3038	295
Average Queue (ft)	44	8	236	961	35	25	1556	169
95th Queue (ft)	91	25	588	1260	177	107	3393	396
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				4			0	
Queuing Penalty (veh)				28			0	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				43			41	
Queuing Penalty (veh)				20			27	

Intersection: 9: Main St/Main Street & Maple St, All Intervals

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	171	36	450	1095	260	127	3038	295
Average Queue (ft)	58	10	242	986	36	24	1461	171
95th Queue (ft)	125	29	595	1265	180	105	3237	397
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				6			0	
Queuing Penalty (veh)				81			0	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				45			44	
Queuing Penalty (veh)				33			45	

Intersection: 3: Main Street & Jackson Road, Interval #1

Movement	SB	SB	B1	SW
Directions Served	L	T	T	LR
Maximum Queue (ft)	17	100	84	28
Average Queue (ft)	4	11	2	7
95th Queue (ft)	20	122	19	29
Link Distance (ft)		336	464	303
Upstream Blk Time (%)		3		
Queuing Penalty (veh)		53		
Storage Bay Dist (ft)	50			
Storage Blk Time (%)		4		
Queuing Penalty (veh)		0		

Intersection: 3: Main Street & Jackson Road, Interval #2

Movement	SB	SB	B1	B26	B2	SW
Directions Served	L	T	T	T	T	LR
Maximum Queue (ft)	42	350	227	143	27	30
Average Queue (ft)	3	67	47	23	3	4
95th Queue (ft)	22	300	282	205	30	20
Link Distance (ft)		336	464	551	1437	303
Upstream Blk Time (%)		8	5	2		
Queuing Penalty (veh)		55	33	13		
Storage Bay Dist (ft)	50					
Storage Blk Time (%)		11				
Queuing Penalty (veh)		0				

Intersection: 3: Main Street & Jackson Road, All Intervals

Movement	SB	SB	B1	B26	B2	SW
Directions Served	L	T	T	T	T	LR
Maximum Queue (ft)	43	350	227	143	27	34
Average Queue (ft)	3	53	36	17	2	5
95th Queue (ft)	22	267	244	177	26	22
Link Distance (ft)		336	464	551	1437	303
Upstream Blk Time (%)		7	4	1		
Queuing Penalty (veh)		55	25	10		
Storage Bay Dist (ft)	50					
Storage Blk Time (%)		9				
Queuing Penalty (veh)		0				

Queuing and Blocking Report
2034 PM background

02/05/2020

Intersection: 4: 99 & Jackson Rd., Interval #1

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	29	22	213	249
Average Queue (ft)	13	7	120	196
95th Queue (ft)	35	27	232	314
Link Distance (ft)			219	234
Upstream Blk Time (%)			13	57
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., Interval #2

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	23	211	249
Average Queue (ft)	11	4	55	111
95th Queue (ft)	33	20	179	276
Link Distance (ft)			219	234
Upstream Blk Time (%)			9	28
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., All Intervals

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	23	218	249
Average Queue (ft)	11	5	71	131
95th Queue (ft)	34	22	201	298
Link Distance (ft)			219	234
Upstream Blk Time (%)			10	35
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 7: S Jackson/Valley View & 99, Interval #1

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	56	46	824	59	254	227	31	120	130	103
Average Queue (ft)	19	22	545	27	178	100	16	68	69	54
95th Queue (ft)	54	52	914	60	256	227	37	118	151	110
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	1	0			2				1	1
Queuing Penalty (veh)	0	0			1				22	4

Intersection: 7: S Jackson/Valley View & 99, Interval #2

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	38	34	1082	46	168	104	50	104	156	123
Average Queue (ft)	9	7	738	15	62	13	15	59	59	46
95th Queue (ft)	33	28	1517	40	118	55	40	99	116	109
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0	0			0				1	1
Queuing Penalty (veh)	0	0			0				3	1

Intersection: 7: S Jackson/Valley View & 99, All Intervals

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	56	50	1089	60	254	227	50	127	179	124
Average Queue (ft)	11	11	691	18	90	34	15	62	61	48
95th Queue (ft)	39	37	1407	47	193	129	39	104	126	110
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	0	0			0				1	1
Queuing Penalty (veh)	0	0			0				8	2

Intersection: 9: Main St/Main Street & Maple St, Interval #1

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	230	41	449	1093	214	149	2945	295
Average Queue (ft)	137	18	324	1085	40	38	1445	186
95th Queue (ft)	237	42	650	1096	188	139	3073	406
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				12			0	
Queuing Penalty (veh)				291			1	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				55			53	
Queuing Penalty (veh)				89			116	

Intersection: 9: Main St/Main Street & Maple St, Interval #2

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	132	32	450	1094	168	123	3258	295
Average Queue (ft)	44	7	215	1027	15	24	1853	204
95th Queue (ft)	94	26	567	1273	104	103	3654	419
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				4			0	
Queuing Penalty (veh)				34			1	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				41			41	
Queuing Penalty (veh)				22			30	

Intersection: 9: Main St/Main Street & Maple St, All Intervals

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	232	41	450	1095	260	150	3258	295
Average Queue (ft)	66	10	241	1041	21	27	1754	200
95th Queue (ft)	159	31	596	1259	129	113	3539	416
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				6			0	
Queuing Penalty (veh)				98			1	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				44			44	
Queuing Penalty (veh)				39			52	

Intersection: 3: Main Street & Jackson Road, Interval #1

Movement	SB	SW
Directions Served	L	LR
Maximum Queue (ft)	16	18
Average Queue (ft)	3	4
95th Queue (ft)	17	20
Link Distance (ft)		303
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	50	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Main Street & Jackson Road, Interval #2

Movement	SB	SB	B1	B26	B2	SW
Directions Served	L	T	T	T	T	LR
Maximum Queue (ft)	72	436	551	640	1438	72
Average Queue (ft)	9	239	286	299	586	26
95th Queue (ft)	53	563	716	796	1701	103
Link Distance (ft)		336	464	551	1437	303
Upstream Blk Time (%)		55	50	45	3	
Queuing Penalty (veh)		1196	1093	988	56	
Storage Bay Dist (ft)	50					
Storage Blk Time (%)	0	56				
Queuing Penalty (veh)	0	6				

Intersection: 3: Main Street & Jackson Road, All Intervals

Movement	SB	SB	B1	B26	B2	SW
Directions Served	L	T	T	T	T	LR
Maximum Queue (ft)	72	436	551	640	1438	72
Average Queue (ft)	8	182	217	227	445	21
95th Queue (ft)	47	511	642	709	1500	90
Link Distance (ft)		336	464	551	1437	303
Upstream Blk Time (%)		41	37	34	2	
Queuing Penalty (veh)		897	820	741	42	
Storage Bay Dist (ft)	50					
Storage Blk Time (%)	0	42				
Queuing Penalty (veh)	0	4				

Intersection: 4: 99 & Jackson Rd., Interval #1

Movement	SE	NW	NE	SW
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	28	11	48	47
Average Queue (ft)	7	3	23	26
95th Queue (ft)	27	17	55	54
Link Distance (ft)			219	234
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	100	100		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: 99 & Jackson Rd., Interval #2

Movement	SE	SE	B8	B8	NW	NE	SW
Directions Served	L	TR	T		L	LTR	LTR
Maximum Queue (ft)	124	430	736	730	28	234	249
Average Queue (ft)	28	139	216	152	5	170	214
95th Queue (ft)	97	456	751	626	22	287	319
Link Distance (ft)		347	696	696		219	234
Upstream Blk Time (%)		30	10	2		52	78
Queuing Penalty (veh)		661	106	23		0	0
Storage Bay Dist (ft)	100				100		
Storage Blk Time (%)			32				
Queuing Penalty (veh)			11				

Intersection: 4: 99 & Jackson Rd., All Intervals

Movement	SE	SE	B8	B8	NW	NE	SW
Directions Served	L	TR	T		L	LTR	LTR
Maximum Queue (ft)	124	430	736	730	28	234	249
Average Queue (ft)	23	105	164	115	5	135	169
95th Queue (ft)	86	398	654	542	21	281	331
Link Distance (ft)		347	696	696		219	234
Upstream Blk Time (%)		23	7	2		39	58
Queuing Penalty (veh)		496	79	18		0	0
Storage Bay Dist (ft)	100				100		
Storage Blk Time (%)			24				
Queuing Penalty (veh)			9				

Intersection: 7: S Jackson/Valley View & 99, Interval #1

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	17	29	414	35	117	50	24	93	112	114
Average Queue (ft)	4	11	280	13	65	17	10	58	55	48
95th Queue (ft)	21	34	475	39	117	52	28	100	117	115
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)									1	0
Queuing Penalty (veh)									7	0

Intersection: 7: S Jackson/Valley View & 99, Interval #2

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	65	54	2198	434	779	758	54	144	216	125
Average Queue (ft)	25	21	1339	62	295	254	19	78	86	68
95th Queue (ft)	59	49	2459	249	654	604	46	127	165	134
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)			20		3	1				
Queuing Penalty (veh)			427		0	0				
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	1	0			27				3	1
Queuing Penalty (veh)	0	0			19				40	6

Intersection: 7: S Jackson/Valley View & 99, All Intervals

Movement	NB	NB	SB	SE	SE	SE	NW	NW	NW	NW
Directions Served	LT	R	LTR	L	T	TR	L	T	T	R
Maximum Queue (ft)	65	54	2198	434	779	758	54	145	216	125
Average Queue (ft)	20	19	1083	50	240	197	17	73	78	63
95th Queue (ft)	55	46	2316	217	593	545	43	123	157	131
Link Distance (ft)	228		2142		895	895		696	696	
Upstream Blk Time (%)			15		2	1				
Queuing Penalty (veh)			320		0	0				
Storage Bay Dist (ft)		65		225			475			100
Storage Blk Time (%)	1	0			20				2	1
Queuing Penalty (veh)	0	0			14				32	4

Intersection: 9: Main St/Main Street & Maple St, Interval #1

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	93	24	449	1048	211	42	437	192
Average Queue (ft)	46	8	227	766	40	10	268	66
95th Queue (ft)	89	26	582	1081	189	51	550	239
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				1				
Queuing Penalty (veh)				6				
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				45			33	
Queuing Penalty (veh)				24			25	

Intersection: 9: Main St/Main Street & Maple St, Interval #2

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	343	49	450	1097	260	127	3264	295
Average Queue (ft)	157	19	277	1075	38	23	2631	205
95th Queue (ft)	305	44	631	1180	182	106	4283	416
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				14			1	
Queuing Penalty (veh)				342			25	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				57			56	
Queuing Penalty (veh)				92			125	

Intersection: 9: Main St/Main Street & Maple St, All Intervals

Movement	EB	WB	NB	NB	NB	SB	SB	SB
Directions Served	LTR	LTR	L	T	R	L	T	R
Maximum Queue (ft)	343	49	450	1097	260	127	3264	295
Average Queue (ft)	130	16	265	1001	38	20	2061	171
95th Queue (ft)	282	41	621	1283	184	95	4268	396
Link Distance (ft)	1363	235		1080			3264	
Upstream Blk Time (%)				11			1	
Queuing Penalty (veh)				258			19	
Storage Bay Dist (ft)			150		160	70		195
Storage Blk Time (%)				54			50	
Queuing Penalty (veh)				75			100	

Original File No. 22984

RR 445^B

File closed _____

Map: 7B-22-2

Grantors Southern Pacific Co.

Documents Indenture dated 4-6-55

acres

sq. ft. plus _____, on the Ashland

Undercrossing Section of the Pacific Hwy.,

in Jackson Co., in the NE 1/4 NW 1/4

of Section 5, Twp. 39S R. 1E

385720

Vol. 410 Page 42

THIS INDENTURE, made this 6th day of April, 1955, by and between SOUTHERN PACIFIC COMPANY, a corporation of the State of Delaware, herein called "Railroad," and STATE OF OREGON, acting by and through its State Highway Commission, herein called "State";

WITNESSETH:

1. Railroad hereby grants to State (subject to the reservations, covenants and conditions herein contained) the right to construct, reconstruct, maintain and use a highway beneath the track and across the property of Railroad by means of an underpass crossing, upon that certain piece or parcel of land situate, lying and being in the northeast quarter of the northwest quarter of Section 5, Township 39 South, Range 1 East, Willamette Meridian, County of Jackson, State of Oregon, and being a portion of Southern Pacific Company's land (200 feet wide), more particularly described as follows:

BEGINNING at the most northerly corner of the parcel of land described in that certain agreement dated April 20, 1934, between Southern Pacific Company and State of Oregon, in the northeasterly line of said Company's land, distant South $73^{\circ} 23'$ West 846.9 feet from the north quarter corner of said Section 5, being also distant northeasterly 100.00 feet, measured at right angles, from the original located center line of said Company's main track (Ashland to Medford) at or near Engineer Station 1098+47.19 (shown as Engineer Station 1098+49.2 in said agreement), said point of beginning being also distant southwesterly 5.80 feet measured at right angles, from Oregon State Highway's survey line "L_s" at Engineer Station "L_s" 29+48.54; thence South $29^{\circ} 20' 20''$ East (shown as South $29^{\circ} 09'$ East in said agreement) along the southwesterly line of the parcel of land described in said agreement, 334.79 feet; thence southeasterly, continuing along said southwesterly line, on a curve to the left, having a radius of 1482.50 feet, through a central angle of $5^{\circ} 02' 38''$ (chord bears South $31^{\circ} 51' 40''$ East, shown as South $31^{\circ} 40' 20''$ East in said agreement, 130.46 feet), an arc distance of 130.51 feet to a point in the southwesterly line of said Company's land, distant southwesterly 100 feet, measured radially, from said original located center line of main track, at or near Engineer Station 1094+26.0; thence northwesterly, along last said southwesterly line, on a curve to the left, having a radius of 3337.78 feet, through a central angle of $3^{\circ} 41' 05''$ (chord bears North $53^{\circ} 48' 53''$ West 214.64 feet) an arc distance of 214.67 feet to a point distant southwesterly 100.00 feet, measured radially from said original located center line of main track, at or near Engineer Station 1096+47.10, last said

Recorded
Aug. 5, 1955
G.E. H.

checked

385720

Vol. 410 Page 43

point also being in a line concentric with and distant southwesterly 80.00 feet, measured radially, from said Oregon State Highway's survey line at Engineer Station "L₃" 26+74.48; thence northwesterly along said concentric line, on a curve to the right, having a radius of 1353.24 feet, through a central angle of 2° 07' 26" (chord bears North 28° 18' 03" West 50.16 feet) an arc distance of 50.16 feet to a point distant southwesterly 80.00 feet, measured at right angles, from said Oregon State Highway's survey line at Engineer Station "L₃" 27+21.68 E.C. = "L₃" 27+26.06 P.O.T.; thence North 27° 14' 20" West parallel with and distant southwesterly 80.00 feet, measured at right angles, from said Oregon State Highway's survey line, 344.76 feet to a point in the northeasterly line of said Company's land, distant northeasterly 100.00 feet, measured at right angles, from said original located center line of main track at or near Engineer Station 1099+90.21; thence South 58° 29' 20" East along said northeasterly line, 143.02 feet to the point of beginning, containing an area of 0.770 of an acre, more or less.

2. This grant is subject and subordinate to the prior and continuing right and obligation of Railroad, its successors and assigns, to use and maintain the entire parcel of land described above as a railroad right of way in performance of its public duty as a common carrier, and for that purpose, Railroad, its successors and assigns, expressly reserve the right to construct, reconstruct, maintain and operate existing and any additional railroad tracks, facilities and appurtenances thereto, upon, along and across the land described herein in such manner as may be consistent with the enjoyment of the easement for the purposes herein granted to State.

3. This grant is also subject to all valid and existing contracts, leases, liens, encumbrances or claims of title which may affect the said property herein described, and to the valid orders and regulations of any governmental body or bodies having jurisdiction thereover.

4. This grant is made upon the express condition that the rights and privileges herein given State shall lapse and become void if the construction of said highway underpass upon the land described herein is not commenced within one (1) year from the date first herein written.

5. This indenture shall not be construed as conveying or

385720

Vol. 410 Page 44

otherwise vesting in State the right or power to authorize the location or installation, or to issue permits, licenses or franchises for the location or installation, of any structures, fixtures or other facilities of any telegraph, telephone or electric power lines or of any ditches, pipes, drains, sewer or underground structures, under, along and over the land herein described, subject, however, to any applicable legislative enactments concerning the same.

6. Should State or its assigns at any time abandon the use of the land herein described or any part thereof, or fail at any time to use the same for highway purposes for a continuous period of one (1) year, the right hereby given shall cease to the extent of the use so abandoned or discontinued, and Railroad shall at once have the right, in addition to but not in qualification of the rights hereinabove reserved, to resume exclusive possession of the land, or the part thereof, the use of which is so discontinued or abandoned, and/or remove, at the expense of State, all highway structures, the use of which is so discontinued or abandoned.

7. State shall record this indenture in the office of the Recorder of Jackson County, Oregon.

8. This grant of easement is made subject and subordinate to that certain agreement of even date herewith between Railroad and State covering the construction and maintenance of said highway underpass.

9. This indenture shall inure to the benefit of and be binding upon the successors and assigns of Railroad, and upon the assigns of State.

IN WITNESS WHEREOF, the parties hereto have caused these

385720

Vol. 410 Page 45

presents to be executed in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By J. W. Corbett
Vice President

Attest: T. F. Ryan
Assistant Secretary



APPROVED: [Signature]
Asst. State Highway Engineer

APPROVED AS TO FORM: [Signature]
Chief Counsel

[Signature]
Assistant Counsel

ATTEST: [Signature]
Secretary

STATE OF OREGON, acting by and through its State Highway Commission,
By _____ Chairman

By [Signature]
Commissioner

By [Signature]
Commissioner



Form Approved:

Contract Attorney

385720

STATE OF CALIFORNIA, } ss.
City and County of San Francisco

On this 25th day of April in the year One Thousand Nine Hundred and Fifty Five
before me, NORMAN T. STONE, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

J. W. Corbett + T. F. Ryan
known to me to be the Vice Pres. + Asst Secretary

of the corporation described in and that executed the within instrument, and also known to me to be the person who executed it on behalf of the corporation therein named and he acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

Norman T. Stone
Corporation Notary Public in and for the City and County of San Francisco, State of California.



STATE OF OREGON)
 Marion)
County of Multnomah) ss.

On this 6th day of April, 1955, before me, a Notary Public, appeared ~~BEN R. CHANDLER~~, CHAS. H. REYNOLDS and M. K. McIVER, to me personally known, who, each being duly sworn, did say that he, the said ~~Ben R. Chandler, is Chairman of the State Highway Commission of the State of Oregon, and that he, the said~~ Chas. H. Reynolds, and he, the said M. K. McIver, is State Highway Commissioner of the State of Oregon; that the seal affixed to said instrument is the seal of the State Highway Commission, and that the said instrument is signed and sealed in behalf of said State by said Commission, and that the said ~~Chairman and the said~~ Commissioners acknowledge the said instrument to be the free act and deed of said State, by said State Highway Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Fred A. Quinn
Notary Public for Oregon

My Commission expires: *April 19, 1957*



State of Oregon)
County of Jackson) ss.

I hereby certify that the within instrument of writing was received and filed at *12:30* o'clock *P.* M. the *13* day of *May*, 1955 and is recorded in

Book _____ Records for Jackson County Oregon
Bertha P. Hopkins County Clerk By *John Carter* Deputy

THIS AGREEMENT, made this 6th day of April, 1955, by and between SOUTHERN PACIFIC COMPANY, a corporation of the State of Delaware, herein called "Railroad," and STATE OF OREGON, acting by and through its State Highway Commission, herein called "State";

RECITALS:

By indenture of even date herewith Railroad granted to State an easement for the construction, reconstruction, maintenance and use of a highway by means of an underpass, hereinafter called "structure," across Railroad's property near Ashland, in Jackson County, Oregon, in the location shown within red lines on the attached print of Railroad's Shasta Division Drawing SH-74 Sheet No.A, dated October 29, 1954, hereto attached and made a part hereof.

The parties hereto desire to set forth in this instrument their understandings and agreements relating to the construction and maintenance of said structure and the changes made necessary during the construction thereof.

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. State shall secure any necessary permission and authority for the construction, reconstruction, maintenance and use of said structure from the Public Utilities Commissioner of Oregon.
2. State, at its expense, shall furnish, or cause to be furnished, all labor, materials, tools and implements and perform all work of constructing said structure, except as herein otherwise provided. Said structure shall be constructed in a manner so as to accommodate Railroad's tracks in accordance with plans and specifications which shall be subject to the approval of the parties hereto.
3. State, at its own expense, shall construct a trestle, including substructure and stringers with necessary bracing over said highway and perform the necessary grading for a shoofly track in the locations shown by red lines on the print of Railroad's Shasta Division Drawing 9257, Sheet 2 C, Revised November 2, 1954, hereto attached and made a part hereof.

Railroad, at its expense, shall perform the following work in connection with said shoofly track and said structure:

- (a) Furnish, lay and later remove necessary track material, including ties and deck for trestle for the temporary shoofly track in the location shown by red line on the attached print of said drawing No.9257;
- (b) install and later remove temporary track connections between Railroad's main line and said shoofly track;
- (c) remove and later replace Railroad's main line track at said location;
- (d) place the deck on the extended highway underpass;
- (e) provide necessary changes and protection for Railroad's signal line; and
- (f) furnish such representatives, watchmen, flagmen and engineer-inspectors as Railroad deems necessary to protect and safeguard property, engines, trains and cars at said location during the period of construction of said structure.

State agrees to reimburse Railroad for all cost and expense incurred by Railroad in connection with the construction of said structure, including, but not limited to Items (a) to (f), inclusive, as set forth herein.

All work to be done hereunder by Railroad shall be done only by its employees working under railroad labor agreements and shall be done on a force account basis, the cost thereof to be paid to Railroad by State in the manner hereinafter set forth.

All expenses incurred by Railroad for which State is obligated to reimburse Railroad hereunder, including all work incidental to such work but not specifically mentioned herein, shall be subject to the provisions of General Administrative Memorandum No. 299 of the Bureau of Public Roads, Department of Commerce, and any amendments of or supplements to said order.

The parties hereto agree that no benefits will accrue to Railroad pursuant to the provisions of the Federal Aid to Highways Act of 1944 and General Administrative Memorandum No. 325 of the Bureau of Public Roads, Department of Commerce, due to the construction

or use of said structure inasmuch as no existing important grade crossing is closed.

4. The estimated cost of the work to be performed by Railroad, at the expense of State, is herein set forth and summarized as follows:

(1)	Place deck on 155' structure	\$ 6,250
(2)	Construct shoofly	5,100
(3)	Signal work	1,350
(4)	Place deck on extended highway underpass	4,000
(5)	Restore main track	1,340
(6)	Remove deck from shoofly structure	1,500
(7)	Engineer-inspector	7,400
(8)	Flagging	300
(9)	Vacation allowance	480
(10)	Railroad retirement & Unemployment Tax	1,000
(11)	Public Liability & Property Damage Insurance	650
(12)	Material handling	250
(13)	Accounting (billing)	1,480
	Total	<hr/> \$31,100
(14)	Less Salvage	3,660
	Net Total	<hr/> \$27,440

Railroad shall submit all bills to State for payment of work performed by Railroad on the basis of items set forth in the above estimate and shall submit its final bill on the same basis to cover the actual cost of items of work performed by Railroad; provided, however, that the cost of flagmen, watchmen and representatives to protect railroad property and trains due to the operations of State's contractor shall be segregated in Railroad's billing to State from all other costs billed to State under this agreement. Subject to the next succeeding paragraph of this section, State agrees to pay Railroad the cost of such work within thirty (30) days of receipt of such bills from Railroad.

In the event the total amount of the estimate is exceeded, State shall not be obligated to reimburse Railroad for such excess unless and until such excess expenditure shall have been approved by State in writing. Railroad shall not be obligated to incur any expenditures in excess of the above estimate until the receipt of

such written approval of State.

5. All work contemplated in this agreement shall be performed in a good and workmanlike manner to the satisfaction of the parties hereto and each portion shall be promptly commenced by the party hereto obligated to do the same and thereafter diligently prosecuted to conclusion in its logical order and sequence.

The books, papers, records and accounts of the parties hereto, so far as they relate to the items of expense for labor and materials or are in any way connected with the work herein contemplated, shall at all reasonable times be open to inspection and audit by the agents and authorized representatives of the parties hereto.

6. After the completion of the work herein contemplated the cost of maintenance of the grade separation shall be borne as follows: (1) Railroad shall bear the cost of maintenance of the structure, which includes the girders, deck, and track structure, and the abutments thereto; (2) State shall bear the cost of the maintenance of the highway roadbed, slopes, pavement, surfacing, shoulders and drainage.

7. In the event any of the work herein contemplated to be done upon or adjacent to the right of way and property of Railroad should be let to contractors by State, such contractors shall be satisfactory to Railroad as to their responsibility and ability to perform the work under and across the property and tracks of Railroad and no such work shall be begun until such contractors shall have first entered into a written agreement with Railroad, substantially in the form of draft hereto attached and marked "Exhibit A."

State shall furnish, or require its contractor to furnish, to Railroad the original of each policy covering Protective Public Liability Insurance and Protective Property Damage Liability Insurance in the amount specified in said "Exhibit A," and conforming to the requirements of Works Program General Memorandum No. 32, which

contractor is required to furnish for and in behalf of Railroad.

State shall also furnish, or require its contractors to furnish, to Railroad a certified copy of each of the policies of insurance, showing that its contractor has provided for Contractor's Public Liability and Property Damage Liability Insurance, as provided for in Works Program General Memorandum No. 32, which insurance shall provide for the same limits as specified for Protective Public Liability and Property Damage Liability Insurance to be furnished for and in behalf of Railroad.

8. This agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and upon the assigns of State.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate by their officers thereunto duly authorized and their respective seals to be hereunto affixed, as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By *J. W. ...*
President

Attest: *J. T. ...*
Assistant Secretary

STATE OF OREGON, acting by and through its State Highway Commission,

By _____
Chairman

By *Charles ...*
Commissioner

By *M. M. ...*
Commissioner

APPROVED: *[Signature]*
Asst. State Highway Engineer

APPROVED AS TO FORM: *[Signature]*
Chief Counsel

[Signature]
Assistant Counsel

ATTEST: *[Signature]*
Secretary

Form Approved:

Contract Attorney

EXHIBIT "A"

THIS AGREEMENT, made this _____ day of _____, 195____,
 between SOUTHERN PACIFIC COMPANY, a corporation, hereinafter called
 "Railroad," and _____
 _____,
 hereinafter called "Contractor";

WITNESSETH:

WHEREAS, Railroad and State of Oregon, acting by and through
 its State Highway Commission, hereinafter called "State," have en-
 tered into or will enter into an agreement providing that State shall
 undertake the construction of an ^{underpass} ~~overhead~~ highway crossing structure
~~overhead~~ ^{beneath} and across the tracks and property of Railroad at Ashland ,

Jackson County, Oregon, said agreement pro-
 viding that State shall cause its contractor to enter into an agree-
 ment with Railroad substantially in the form of an exhibit attached
 thereto; and

WHEREAS, on the _____ day of _____, 195____,
 State entered into a contract with Contractor covering the construct-
 ion of said overhead structure, which contract provides that Con-
 tractor shall enter into an agreement with Railroad.

NOW, THEREFORE, it is understood and agreed as follows:

Contractor, in advance of performing any work under said
 contract between State and Contractor, shall furnish evidence to
 State that, with respect to the operations Contractor or any of
 Contractor's subcontractors perform, Contractor has provided for and
 in behalf of Railroad regular Protective Public Liability Insurance
 providing for a limit of not less than \$200,000 for all damages
 arising out of bodily injuries to or death of one person, and, sub-
 ject to that limit for each person, a total limit of \$400,000 for all
 damages arising out of bodily injuries to or deaths of two or more
 persons in any one occurrence caused or arising out of the operations
 of the Contractor or Contractor's subcontractor or subcontractors

on the project, and regular Protective Property Damage Liability Insurance providing for a limit of not less than \$50,000 for all damages arising out of injury to or destruction of property in any one occurrence caused or arising out of the operations of the Contractor or Contractor's subcontractor or subcontractors on the project, and, subject to that limit per occurrence, a total (or aggregate) limit of \$100,000 for all damages arising out of injury to or destruction of property during the policy period. The policy evidencing the Public Liability Insurance above provided shall not contain any exclusion of or otherwise limit the coverage of said policy with respect to Railroad's liability for deaths of or injuries to its own employees as a result of any act or omission of the State, its contractors or subcontractors in connection with work performed under said contract between State and Contractor. The policy evidencing the Property Damage Insurance shall not contain any exclusion or otherwise limit the coverage of Railroad's liability for loss of or destruction of property in its care, custody or control as a result of any act or omission of State, its contractors or subcontractors in connection with work performed under said contract between State and Contractor.

Contractor shall furnish to Railroad the original policies of insurance, for and in behalf of Railroad, providing, with respect to operations Contractor or any of Contractor's subcontractors perform, insurance in the amounts as aforesaid, and certified copies of policies of insurance showing that Contractor has, with respect to operations Contractor or any of Contractor's subcontractors perform, provided for Contractors' Public Liability and Property Damage Liability Insurance, which insurance shall provide for the same limits as specified for Protective Public Liability and Property Damage Insurance to be furnished for and in behalf of Railroad, as hereinabove provided for; which Policies shall be subject to the approval of Railroad.

The insurance hereinabove specified shall be carried by Contractor until all work required to be performed upon or adjacent to the right of way and property of Railroad, under the terms of said contract between the State and Contractor, is satisfactorily completed, as evidenced by the formal acceptance by State. Such insurance shall be non-cancellable and non-alterable for any cause whatsoever (including failure to pay premiums), either by the Contractor or by the insurance company, without 30 days' written notice to State and to Railroad as to the cancellation and without prior written approval of the Railroad as to alteration. In the event the said insurance is cancelled as herein provided, the Contractor shall provide other insurance of the same class and for the same purposes and subject to the same conditions as provided herein. Said other insurance shall become effective not later than the time of cancellation of the prior insurance and shall cover the unexpired period of the term herein required.

Contractor shall comply with the rules and regulations of Railroad or the instructions of its representatives in relation to the proper manner of protecting the tracks and property of Railroad and the traffic moving on such tracks, as well as the wires, signals and other property of Railroad, its tenants or licensees at and in the vicinity of the work during the period of construction, including the removal of tools, implements, equipment and other materials as herein provided. Contractor, subject to the supervision and control of Railroad's Chief Engineer, or other designated officer, shall perform Contractor's work in such manner and at such times as that said work shall not endanger or interfere with the safe operation of the tracks and property of Railroad and the traffic moving on such tracks, as well as wires, signals and other property of Railroad, its tenants or licensees at or in the vicinity of the work.

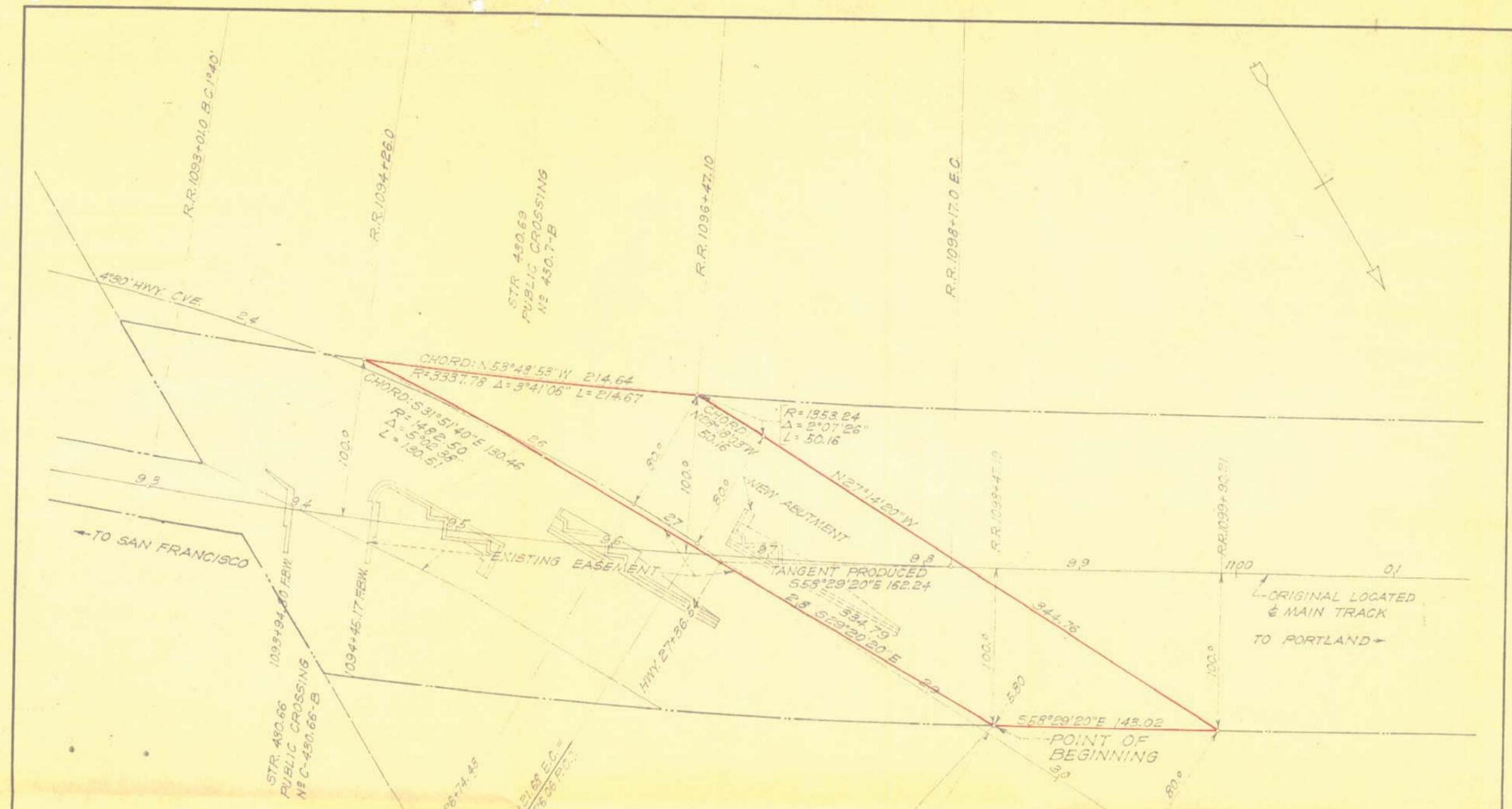
Contractor further agrees that upon completion of the work

covered by said contract between said State and said Contractor, Contractor will promptly remove from the premises of said Railroad all of Contractor's tools, implements, equipment and other materials, whether brought upon said premises by Contractor, or any subcontractor, employee or agent of Contractor or any subcontractor, and cause said premises to be left in a clean and presentable condition.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By _____



NOTE:
 EXISTING EASEMENT COVERED BY
 AGREEMENT DATED APRIL 20, 1934
 DOC. AUD. N^o 36219 (ALSO ASSIGNED
 DEED AUD. N^o 20196)
 BEARINGS GIVEN THEREIN AS S29°03'E
 & S31°40'20"E ARE IDENTICAL TO BEARINGS
 SHOWN HERE AS S29°20'20"E & S31°51'40"E

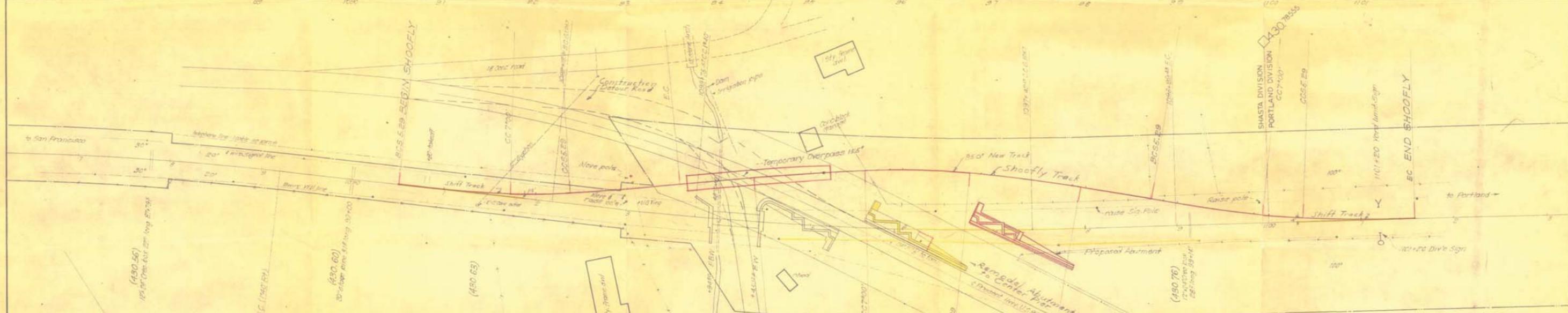
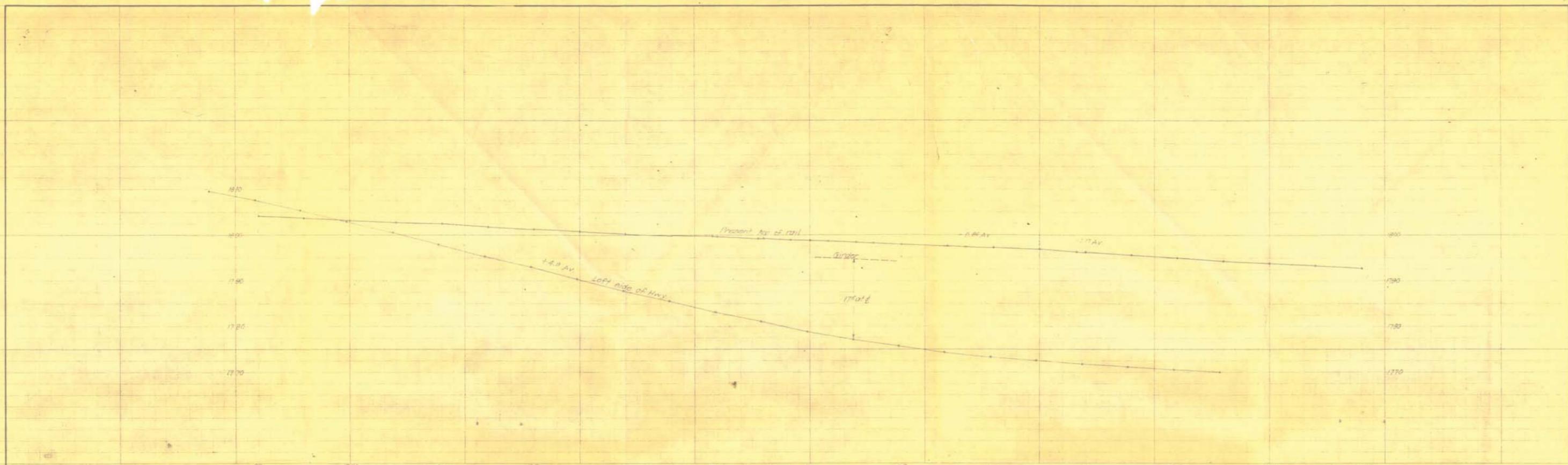
LEGEND
 --- SOUTHERN PACIFIC CO. RIGHT OF WAY LINES
 --- RED: LIMITS OF EASEMENT: AREA 0.770 A. ±

SOUTHERN PACIFIC COMPANY
 PACIFIC LINES
 ASHLAND
 JACKSON COUNTY, OREGON
 EASEMENT TO OREGON STATE HIGHWAY
 COMMISSION

SCALE: 1"=50' OCT. 29, 1954

SHASTA DIVN.
 DRAWING SH-74
 SHEET NO. A

DRAWER



LEGEND
 — RAILROAD RIGHT OF WAY LINES
 — RED: NEW WORK
 — YELLOW: TO BE MOVED OR REMOVED

Proposed Speed on Shoofly: 30/20
 Superelevation: $2\frac{3}{4}$ " - 7" C/c.
 Length Spirals: 121'
 Minimum Reversing Tangent: 80'

SOUTHERN PACIFIC COMPANY
 PACIFIC LINES
ASHLAND
 Shoofly for Construction of Additional
 Subway Span - Highway US 99
 LINE "C"
 (From C.E. Drg. 30927, Sh. 1, Rev. 9-1-54)
 Scale 1" = 50' June 25, 1954
 Rev. 11-2-54
 SHASTA DIV'N
 DRYNG 3257
 SHEET 2 C

(430 66) 50' through plate girder
 Over about Underpass
 Built 1918
 Public Crating W.C. 48785-B
 (County Road)
 B.C.S. 5-29

(430 69) 65' through plate girder
 Over about Underpass
 Built 1918
 Public Crating (48827-B)
 B.C.S. 5-29

RAILROAD COMPANIES
FILE No. _____

A G R E E M E N T

THIS AGREEMENT, made and entered into this 30th day of April, 1934, by and between SOUTHERN PACIFIC COMPANY, a corporation, first party, herein called "Railroad", and STATE OF OREGON, by and through its State Highway Commission, second party, herein called "State";

WITNESSETH THAT:

1. Railroad hereby grants to the State, subject to the conditions and limitations hereinafter contained, the right to construct, maintain, and use a highway over and across Railroad's right of way and beneath its tracks and appurtenances now or hereafter existing thereon by means of a concrete and steel subway upon that certain piece or parcel of land lying and being in the County of Jackson, State of Oregon, which said parcel of land is more particularly described as follows, to-wit:

A parcel of land lying and being in the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 5, Twp. 39 South, Range 1 East, W. M., Jackson County, Oregon, said parcel being described as follows:

Beginning at a point in the northeasterly line of the right of way of the Southern Pacific Company that bears South 75° 23' West 846.9 feet from the north quarter corner of said Section 5, said point being also 100 feet northeasterly at right angles from the center line of main track of said Southern Pacific Company at Survey Station 1098+49.2, and also 50 feet southwesterly at right angles from the newly located center line of the Oregon State Highway, Ashland to Talent, at Survey Station 13+45.6; thence South 29° 09' East parallel with said center line of highway 334.73 feet; thence southeasterly concentric with said center line of highway on a curve to the left of radius of 1482.5 feet (long chord of said curve bears South 31° 40' 20" East 130.46 feet) to a point in the southwesterly line of the right of way of the Southern Pacific Company; thence along said line of right of way on a curve to the right of radius of 3337.73 feet (long chord of said curve bears South

[Handwritten signatures and notes]

50° 44' 30" East 121.39 feet) to a point; thence South 49° 42' East along said southwesterly line of right of way 34.66 feet to a point in the West line of Donation Land Claim No. 38 distant thereon North 0° 01' West 1162.56 feet from the southwest corner of said Land Claim; thence North 0° 01' West along said west line of Land Claim 102.72 feet to a point distant 50 feet northeasterly at right angles from said located center line of highway; thence northwesterly concentric with said located center line on a curve to the right of radius of 1382.50 feet (long chord of said curve bears North 33° 00' 50" West 186.35 feet) to a point; thence parallel with said located center line North 29° 09' West 145.74 feet to a point in said northeasterly line of right of way of Southern Pacific Company; thence along said northeasterly line of right of way on a curve to the left of radius of 3537.78 feet (long chord of said curve bears North 56° 48' 45" West 183.67 feet) to a point; thence North 58° 18' West along said northeasterly line of right of way 30.22 feet to the point of beginning, containing 1.060 acres, more or less.

The location of said piece or parcel of land is shown tinted blue on the photostat hereto attached, marked Exhibit "A", and made a part hereof.

2. Said subway upon and across said right of way shall be constructed in accordance with plans and designs which shall be prepared by Railroad and shall be subject to the approval of State, the Public Utilities Commissioner of the State of Oregon, and the United States Bureau of Public Roads.

3. State shall at its own cost and expense

- (a) excavate the section of the highway across the railroad right of way and immediately adjacent thereto not heretofore excavated, which excavation shall be done to the standard highway roadbed width, grade, alignment, and excavation slopes, except as modified by the necessity for conforming to the abutments for the subway structure;
- (b) do all excavation work necessary for the abutments to the subway structure and construct the concrete abutments for the said subway structure.

The work herein provided to be done by the State shall be done either by contract or by state forces in whole or in part, as the State may elect.

4. Railroad shall furnish all labor, materials, tools, and imple-
ments, and perform, on a force account basis, the following work:

- (a) Construct and install shoofly track necessary and required for the maintenance of traffic during the period of construction of the subway and shall remove said shoofly track upon the completion of the said subway; provided, however, that the trestle for the said shoofly track shall be subject to approval by the State as to vertical clearance, length of trestle spans, and location of trestle bents, and factors and elements of public safety upon the highway shall be subject to approval by the State where the said trestle crosses the existing highway approaching to and passing under the existing undercrossing structure;
- (b) Construct the said subway, including the deck thereof and such necessary removal and replacement of the railroad main line tracks, ties, and ballast as may be required for the construction of the subway structure;
- (c) Reconstruct, relocate, and rearrange any signal, telephone, telegraph, or other pole or wire lines on Railroad's right of way required to provide necessary clearances for said subway;
- (d) Make such repairs and restoration of tracks during construction and furnish such inspectors, engineers, and superintendents as may be deemed necessary to supervise the prosecution of the work required in this agreement to be done by Railroad.

5. All expenses incurred by Railroad in connection with the construction of said subway and which are herein defined as being chargeable to the cost of the subway shall be the amounts actually and necessarily expended or incurred by Railroad in connection with labor, equipment, and materials used, furnished, or expended in the performance of said work to be done in fulfillment of its obligations hereunder, plus commercial tariff freight charges in accordance with rates published and in effect on all materials in the job from the most reasonable and economical point of securing said materials and hauled over the most economical routes, class and quality of

of materials considered. Ten (10) per centum of all labor charges incurred by Railroad for work done by its own forces shall be added to provide for compensation for supervision and overhead. It is understood and agreed, however, that all bills for expenses incurred by Railroad shall be subject to approval by the State as to accuracy and propriety and as to being in accordance with the regulations of the Bureau of Public Roads pertaining to cooperation in the construction of subway undercrossing structures of the nature covered by this agreement. It is understood and agreed that State shall apply to the United States Bureau of Public Roads for Federal cooperation under the National Industrial Recovery Act, and that the work shall be carried on by Railroad under the Bureau of Public Roads' regulations as to Federal cooperation. It is further understood and agreed that Railroad will submit detailed estimates of cost of the various items of work to be done, including supporting cost analysis data, and will submit bills supporting the expenditures on the work in such form as may be required by the State in order to secure reimbursement from the Federal Government. It is the intention that in general and in so far as the method is applicable the estimates of cost and submission of bills shall be handled upon the same basis as was followed by Railroad in the construction of the Lakeside undercrossing on the Coast Highway in Coos County during the year 1929, and it is the further intention and understanding that Railroad shall limit its expenditures on the work to items covered by the detailed estimate of cost hereinabove referred to. This agreement is predicated upon the Federal Government participating to the extent of 100% in the cost of the work herein provided to be done by Railroad under the terms of the National Industrial Recovery Act and regulations issued thereunder, and in the event that the said work and this agreement are

not approved by the Bureau of Public Roads as satisfactory for such cooperation then and in that event this agreement shall be of no force and effect.

6. At the close of each month during progress of construction work settlement shall be made between State and Railroad whereby all expenses incurred by Railroad for items (a) to (d), inclusive, set forth in Section 4 hereof shall be paid by State to Railroad, subject to the conditions and limitations of Paragraph 5; the intent being that the entire cost of constructing said subway shall be borne by the State, except the ordinary track maintenance of the shoofly track and the cost of such watchmen as may be deemed necessary by the Railroad to safeguard property and the movement of trains, which said expense shall be borne by Railroad. It is further understood that in no event whatsoever shall the total cost to be borne by State for the work herein provided to be done by Railroad exceed the sum of \$22,800.00.

7. After the completion of the work herein contemplated the cost of maintenance of the grade separation shall be borne as follows: (1) Railroad shall bear the cost of maintenance of the structure, which includes the girders, deck, and track structure, and the abutments thereto; (2) State shall bear the cost of the maintenance of the highway roadbed, slopes, pavement, surfacing, shoulders and drainage.

8. The books, papers, records, and accounts of Railroad and State, in so far as they relate to the items of expense for labor or materials, or are in any way connected with the work herein contemplated by this agreement to be paid for by the parties hereto, shall at all reasonable times be mutually open to the inspection of the agents and representatives of Railroad and State.

9. In the event that any work upon or in connection with the excavation work herein provided to be done by State shall be let to contractors by State, such contractors before beginning work shall enter into a written agreement with Railroad satisfactory to it and indemnifying Railroad from any and all claims, demands, loss, and liability growing out of the performance of the work to be done by such contractors, and such contractors shall furnish at no expense to Railroad a good and sufficient bond in the amount of \$10,000.00, of a reliable surety company, in form and conditions satisfactory to Railroad, guaranteeing the true and full performance of all the terms, conditions, and stipulations contained in said agreement to be entered into with Railroad by said contractors, as in this paragraph provided. Should State at any time abandon said highway, Railroad shall have the right to resume and retake exclusive possession of its said right of way hereinabove described, and thereafter in the event that Railroad should desire to vacate said crossing as a public highway crossing the same shall be done upon petition to and order of the Public Utilities Commissioner of the State of Oregon, or such other board or commission as may have jurisdiction thereof, and in compliance with the terms and conditions of such order or orders as may be issued.

10. Nothing herein contained shall impair or restrict the right of first party to at any time or times construct, maintain, use and operate on the present or other grade existing or additional railroad tracks and appurtenances thereto, including water and fuel pipe lines and conduits and telephones and telephone, telegraph, signal, power, and other electric lines and other facilities upon, along, or across any and all parts of said land herein described, all or any of which may be freely done at any time or times by Railroad, or its successors, without liability to State or any one else for

compensation or damage, provided, however, that in no event shall such work be done so as to obstruct or prevent the full and free flow of highway traffic upon the highway, nor shall any such work be allowed or permitted to introduce danger or hazard to the said highway traffic.

11. State shall not grant or consent to any franchise, right, privilege, or easement upon, over, or under Railroad's right of way of a private and non-public purpose. It is not the intention hereby to limit the right and privilege granted by the statutes of the State of Oregon to telegraph, telephone, and power companies to erect, operate, and maintain lines, poles, and wires along the public highways of the State of Oregon, and the said rights and privileges shall apply to the parcel of land hereinabove described, provided, however, that any such telephone, telegraph or power lines shall be constructed in accordance with the requirements of Railroad as to standards of construction and workmanship and quality of materials.

12. State or Railroad at the expense of the State shall record this agreement in the office of the Recording Officer of the County of Jackson, State of Oregon.

13. This instrument is subject to all valid and existing contracts, leases, liens, or encumbrances which may affect the said property hereinabove described, and the word "grant" as used herein shall not be construed as a covenant against the existence of any thereof.

14. This agreement shall inure to the benefit of and be binding upon the successors and assigns of the Railroad and upon the successors in interest of the State.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in triplicate by their officers thereunto duly authorized,

STATE OF CALIFORNIA,)
)
) SS.
CITY AND COUNTY OF SAN FRANCISCO.)

On this 25th day of April, 1934,
before me, Anna F. Hartley, a Notary Public in and for the
City and County of San Francisco, State of California,
personally appeared J. H. DYER - - - - - and D. P.
EWING, known to me to be the Vice President and Assistant
Secretary, respectively, of SOUTHERN PACIFIC COMPANY, the
corporation that executed the within instrument, and known
to me to be the persons who executed the within instru-
ment on behalf of Southern Pacific Company; and each of
them acknowledged to me that such corporation executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, at my office, in the said
City and County of San Francisco, State of California, on
the day and year in this certificate first above written.

Anna F. Hartley
Notary Public in and for the City
and County of San Francisco, State
of California.

STATE OF OREGON,)
) ss.
COUNTY OF MARION.)

On this 4th day of May, 1934, before me appeared L. M. Scott,
_____ and Carl J. Washburne,
to me personally known, who being each duly sworn did say:
that he, the said L. M. Scott is
Chairman of the State Highway Commission of the State of
Oregon, and that he, the said Carl J. Washburne
is State Highway Commissioner of the State of Oregon, and
~~that he, the said _____ is State~~
~~Highway Commissioner of the State of Oregon,~~ and that the
seal affixed to the within instrument is the seal of the
State Highway Commission, and that the said instrument was
signed and sealed in behalf of the State of Oregon by au-
thority of the State Highway Commission, and the said Chair-
man and the said Commissioners each acknowledged said instru-
ment to be the free act and deed of said State of Oregon
by said State Highway Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year first above
written.

J. W. De Souza
Notary Public for Oregon

My Commission Expires:
Aug 9, 1936

December 12, 1934

Mr. G. R. Carter
County Clerk
Medford, Oregon

Dear Sir:

We hand you herewith for recording an agreement dated April 20, 1934 by and between the State of Oregon and the Southern Pacific Company. When placed of record, kindly return to this office.

Enclosed you will find a photostat copy of the map attached to the agreement which you may retain for your files.

Very truly yours

R. H. BALDOCK
State Highway Engineer

By

S. H. Probert
Office Engineer

Dict. by W. C. Crews/GS

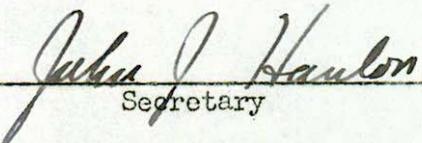
Encl.

OFFICE OF THE
PUBLIC UTILITIES COMMISSIONER OF OREGON

STATE OF OREGON)
) SS
COUNTY OF MARION)

I, JOHN J. HANLON, Secretary to the Public Utilities Commissioner of Oregon, and custodian of his seal, do hereby certify that I have carefully compared the annexed copy of ORDER with the original thereof, filed in the office of the said Public Utilities Commissioner of Oregon and that it is a full, true and correct transcript therefrom and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Public Utilities Commissioner of Oregon in his office at Salem, Oregon, this 21st day of May, 1934.


Secretary

PUBLIC UTILITIES COMMISSIONER OF OREGON



BEFORE THE PUBLIC UTILITIES COMMISSIONER OF OREGON

In the matter of the application of
the STATE OF OREGON through its STATE
HIGHWAY COMMISSION for an order permit-
ting and authorizing a crossing of the
Pacific Highway under the tracks of
Southern Pacific Company at a point
near the north city limits of the City
of Ashland.

F-1694

On October 5, 1933 Order No. 2154 was entered, authorizing the alteration and construction of the undergrade crossing herein proposed in accordance with the plans advanced by the railroad company and ordered an allocation of the costs of said improvement to be made on a basis of fifty per cent (50%) to the petitioner, the Oregon State Highway Commission, and fifty per cent (50%) to the Southern Pacific Company.

Due to the receipt of numerous protests against the plans adopted by said order and subsequent negotiations between and studies made by the Highway Commission and railroad company of revised plans of the said proposed improvement and the allocation of the costs thereof, the commission on January 2, 1934 entered Supplemental Order No. 2205, withdrawing and revoking Order No. 2154 originally entered herein, and the proceeding was reopened for further investigation and determination.

Agreement having been reached between the Oregon State Highway Commission and the Southern Pacific Company and joint motion and stipulation in accordance therewith having been made, the commissioner now makes and enters its findings and order as follows:

FINDINGS

That jurisdiction in this matter is conferred upon the commissioner by Section 62-703, Oregon Code, 1930;

That in the interest of the public necessity, safety and convenience the construction of the said undergrade crossing at the site and on the location proposed by the original petition of the Oregon State Highway Commission, as shown in this record and made a part of said Agreement (marked "Exhibit A"), is desirable and necessary;

That the design, preparation of plans, work, construction, maintenance, operation and all other details in connection with the said undergrade crossing, highway and structures appertaining thereto, also, the allocation of the costs thereof, shall be in accordance with the terms and conditions of the Agreement between the parties hereinbefore referred to, a true copy of which said Agreement being appended hereto and made a part hereof.

ORDERED, THEREFORE, that the undergrade crossing as aforesaid shall be constructed and the costs thereof be allocated as in the findings hereinbefore set out, which said findings by this reference are made a part hereof.

Dated at Salem, Oregon, this 15th day of May, 1934.

CHARLES M. THOMAS

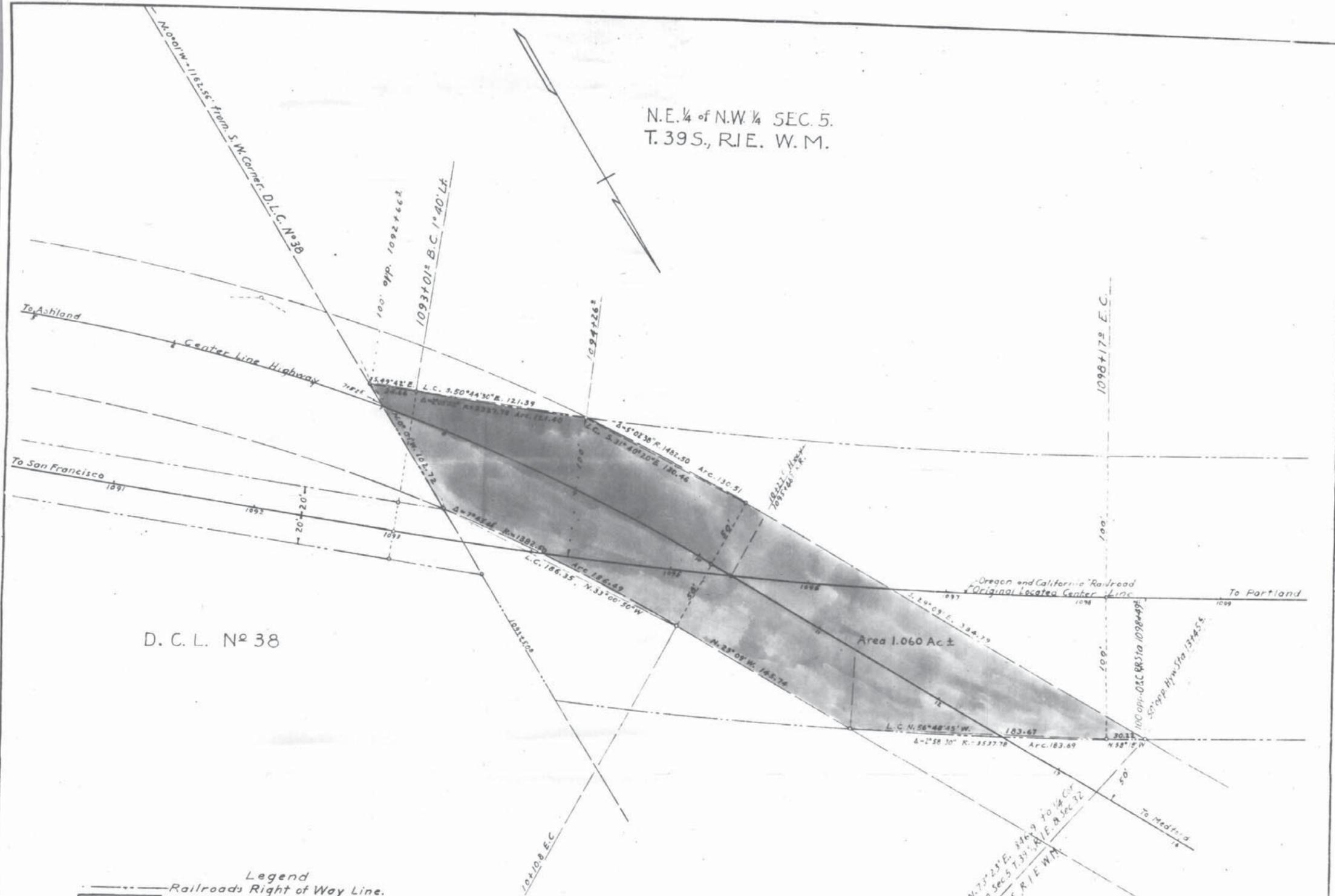
Commissioner of Public Utilities
of Oregon

ATTEST:

JOHN J. HANLON

Secretary.

N.E. 1/4 of N.W. 1/4 SEC. 5.
T. 39 S., R. 1 E. W. M.



D. C. L. N^o 38

Legend
 --- Railroads Right of Way Line.
 Tint: Proposed Easement.

EXHIBIT A
 SOUTHERN PACIFIC COMPANY
 PACIFIC LINES
ASHLAND
 Easement for Proposed Grade Separation
 for Oregon State Highway

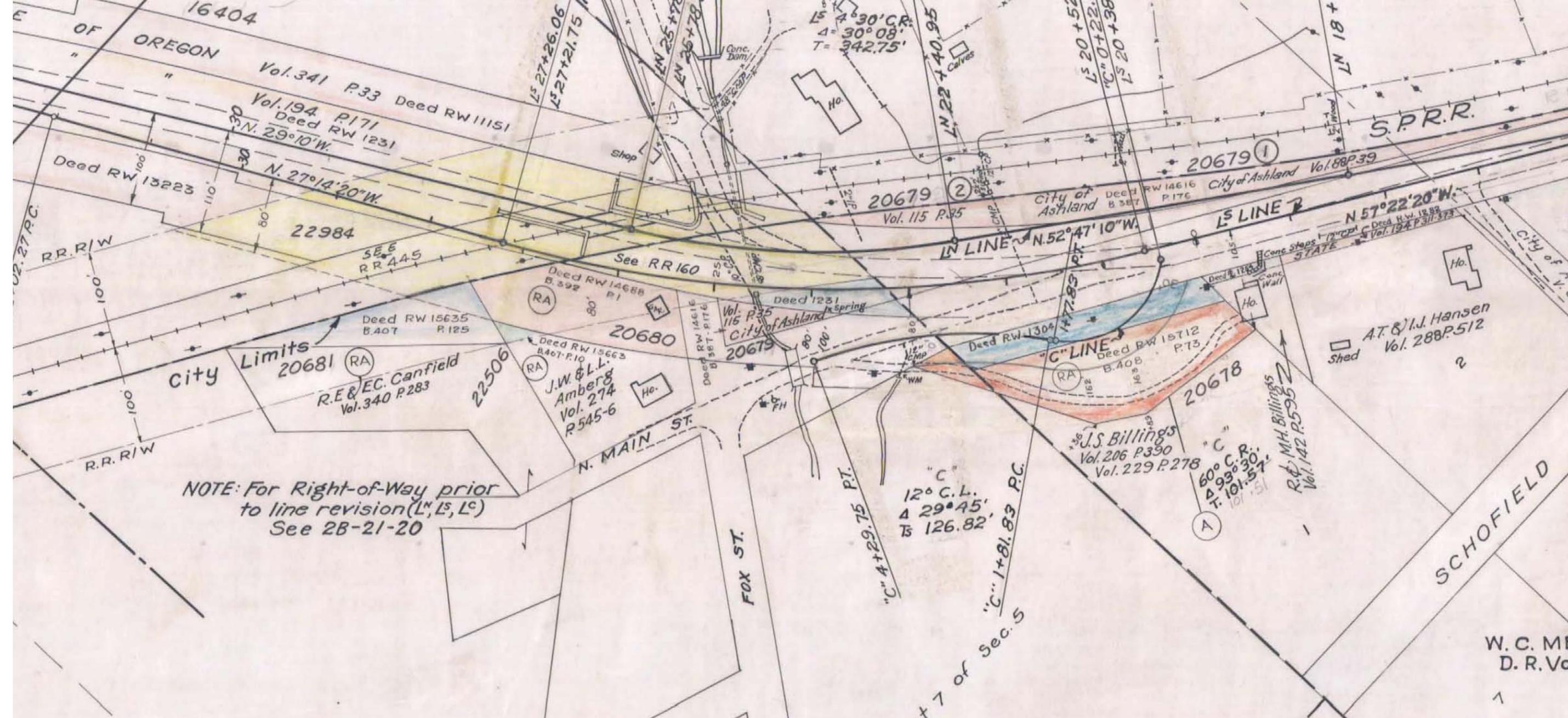
Shasta Dist.
 Sacramento Div. N.
 A. G. M.
 DRAWING E 544
 SHEET NO. E

Scale 1"=50' Jan. 1933
 Rev 1/26/33

DRAWER

See 7B-28-7

Creek EQUATION
Ditch EQUATION



NOTE: For Right-of-Way prior to line revision (L', L', L') See 2B-21-20

city Limits 20681 (RA)

R.E. & E.C. Canfield Vol. 340 P.283

J.W. & L.L. Amberg Vol. 274 P.545-6

J.S. Billings Vol. 206 P.390 Vol. 229 P.278

M.H. Billings Vol. 142 P.595

A.T. & J.J. Hansen Vol. 288 P.512

SCHOFIELD

W.C. ME
D.R. Vo

Dana Smith

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Monday, January 06, 2020 2:55 PM
To: planning
Subject: Planning Commission Contact Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA ***

Full Name: **Barbara A Allen**
Phone: **541-326-7707**
Email: **barbaraallenashland@gmail.com**
Subject: **PA T3-2019-00001**

Message: **Dear Planning Commissioners, As a long time resident, Realtor and someone who cares about affordable housing in Ashland I am writing you to ask for your complete support in the annexation of the property presented by Robert Kendrick. Smaller households and especially moderate or lower income families are priced out of the housing market. Many of our teachers cannot live in the City limits as well as many others who commute from outside Ashland. It hurts our schools, our tax base and isn't fair to the many employees of our local businesses. This is a win win for the City of Ashland and for those citizens you represent. Please approve the annexation and move it on to the City Council. Thank you!**

Barbara Allen

Attachment 1 file:
Attachment 2 file:
Attachment 3 file:

*** USER INFORMATION ***

SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
SessionID: **434855866**
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:



November 12, 2019

To: Ashland Planning Commission

Fr: Scott Knox

I own property located at 1525 Hwy 99 and 1515 Hwy 99, adjacent to the subject property. While I generally support increased density in the City of Ashland, I have some concerns about the proposal in this particular location.

NOTICE:

First, I am concerned I did not receive notice of this hearing, and only learned of it over the weekend. As a result I have not had an opportunity to fully analyze these materials.

INADEQUATE TRANSPORTATION:

Second, there are inadequate transportation facilities which can and will be provided to the site. In particular:

AMC 18.5.8.050(E) requires that adequate transportation can and will be provided to and through the subject property.

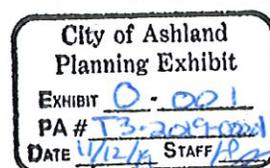
Similarly, AMC 18.5.2.050 Site Design and Use Standards, provides that the proposal shows there is adequate capacity of city facilities for paved access to and throughout the property and adequate transportation can and will be provided to the subject property.

In reviewing the subject application, it appears there are only two proposed accesses to the site, one of which is along an easement through private property. Due to last minute discovery of this hearing, I was unable to review the easement to determine whether it would allow access to a 196-unit apartment complex, but I have concerns that the easement does not legally allow such a broad expansion of its use.

Second, the physical easement access is steep and consists of only approximately 10-feet of paved travel lane width. In the event of snow and inclement weather, it is unlikely vehicles could traverse that steep access creating safety issues, and potential traffic issues that would affect my business, should vehicles be forced to park in my private parking lot. This also create a safety hazard in the event of wildfires or other emergencies in which a large number of vehicles would attempt to use this access.

EXCEPTIONS:

Additionally, it appears that the applicant seeks a number of exceptions to the site development and design standards in order to develop this property with 196 units. To approve such exceptions, the applicant must show that it will not substantially negatively impact adjacent properties (AMC

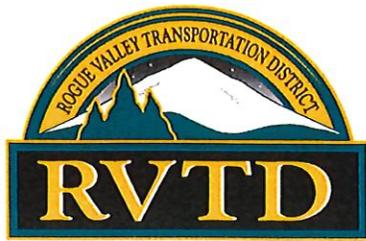


18.5.2.050E). In this case, such significant densification of the adjacent property is likely to have significant negative impacts to neighboring property in that: a) the traffic study shows a significant increase in traffic along an already busy road; b) there is a legitimate question as to traffic queuing as a result of this development. Although the TIA does not indicate significant increases in queuing, ODOT's report seems to question this finding. On page 10 of the staff report, it notes that "ODOT noted existing queuing issues at OR99 & Valley View and Main & Maple intersections which were in excess of the TIA's observations"; c) one of only two major accesses to the site would take access along an easement on private property, for which such easement was not designed; and d) the slopes in this area are steep making it likely that in inclement weather vehicles would have trouble accessing the subject property via the easement thereby causing further impact to my property.

I urge you to this postpone consideration, or deny, this application until the applicant can show that these transportation issues can be resolved, that the easement will be legally and physically sufficient to support such a high density development, and that the project will not negatively impact neighboring properties.

Sincerely,

Scott Knox



Rogue Valley Transportation District

From the Desk of Paige West, Senior Planner

3200 Crater Lake Avenue • Medford, Oregon 97504-9075

Phone (541) 608-2429 • Fax (541) 773-2877

Visit our website at: www.rvtd.org

Date: 11/12/2019
To: City of Ashland
CC: Jennifer Boardman
From: Paige West
RE: Grand Terrace

The proposed Grand Terrace development provides a unique opportunity to accommodate a bus stop with the steep hill heading south on Hwy 99. However, RVTD believes it can site a bus stop just to the north of the railroad trestle adjacent to the southbound lane if the following accommodations can be met.

There are safety considerations for how the bus will accelerate in the travel lane itself. In our internal staff report we found we can reach 20 mph in the travel lane once we reach the trestle. To site a stop at this location we believe a bus merge lane adjacent to the travel lane will be necessary for approximately 60 feet but perhaps longer to gain enough speed to safely enter the travel lane at 25 or 30 mph prior to the trestle. There are portions of the steep hill that may require removal, but, with a merging lane, a bus stop is possible and RVTD is willing to facilitate bus service to the property. RVTD would prefer to further examine this location with assistance from City and ODOT engineers to see if this is can be accommodated. The bus stop itself would be approximately 150-200 feet north of the trestle. RVTD also requests that in addition to the planned sidewalk a concrete pad for a shelter of 10 feet wide by 8 feet deep is provided.

Additional considerations are the provision of a pedestrian ramp nearby but connected to the sidewalk leading to the bus stop to meet ADA compliance and a staircase to or nearby the bus stop for ambulatory passengers to reach the transit stop.

Thank you,

Paige West
RVTD Strategic Programs and Planning Manager

City of Ashland Planning Exhibit

Exhibit # P-001
PA # PA-T3-2019-00001
Date 11/12/19
Staff JW



Good Evening Commissioners
November 11, 2019

Robert Kendrick 153 Will Dodge, Casita Developments LLC partner, and Kendrick Enterprise LLC developer.

There are people in our town tonight in fear of rising rents and having to relocate because they can't afford to live in Ashland anymore.

Starting six years ago our goal was to provide housing to these community members that are rent burdened because of escalating rents.

Now we are proposing 196 rental units that are all workforce affordable, that include Thirty 30 units which will be dedicated as affordable housing units and rent at \$554 per month. Our development offsite work consists of 3100 lineal feet of sidewalk, curb and parkway with landscaping beginning south of the animal clinic and terminating onto Schofield St which will connect the development to the city. The highway will come under the authority of the city after annexation and we would like to see the reduced speed limit sign moved north of our development. With that and our offsite improvements the traffic will calm considerably.

As far as I can determine there is no place in the city that can provide this type of development at these rental levels.

The Buildable Lands Inventory includes 312 units of R-2 to R-3 land in the city and 180 units of R-2 in the UGB, which is our land. The R-3 & R-2 land in the city would likely be developed to for sale units due to the high cost of land. The Ashland Triangle is intended to encourage hundreds of housing units but the development methodology of the Triangle is based on mixed use, and residential high density overlays with tax and building incentives. This development type will require a predominant amount of platform buildings which increase the cost 20-30%. The cost of land will likely experience a speculative increase too, and with the higher construction cost added those developments will not generate any workforce housing. To recover the investment a developer would have to look at higher rents or higher sales cost.

Our present workforce members and those rent burdened can't afford this. We have to protect these community assets who are the people who hold the history and knowledge of our town, those who provide services, teach your children, work in your offices, and stores, schools, and, the retired on fixed income.

Many live doubled up with others, some of these units are in reconstructed garages, and substandard dwellings. Many are scared of rent increases that will force them to leave town. If your supportive of retaining our community assets, then you will support this project. There are very little resources of development land that can accommodate this type of project.

Supporting the project is to support the workforce, the rent burdened and our town members. I encourage a unanimous vote for annexation that will be sent to the city council with your recommendation.

Also, if you have any remarkable ideas or questions I hope you bring them up before the meeting is closed and allow us the opportunity to comment on the ideas, and or questions. I will now defer the remainder of our time to my process representative Amy Gunter. And Kelly Sandow our traffic engineer for your questions.

Thank you
Robert Kendrick

City of Ashland Planning Exhibit

Exhibit # P-002
PA # PA-T3-2019-00001
Date 11/12/19
Staff RJK

**Planning Commission
Speaker Request Form**

- 1) Complete this form and return it to the Secretary prior to the discussion of the item you wish to speak about.
- 2) Speak to the Planning Commission from the table podium microphone.
- 3) State your name and address for the record.
- 4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
- 5) If you present written materials, please give a copy to the Secretary for the record.
- 6) You may give written comments to the Secretary for the record if you do not wish to speak.
- 7) Speakers are solely responsible for the content of their public statement.

Name	<u>Scott Knox</u>		
	(please print)		
Address (no P.O. Box)	<u>1525 Hwy 99 N</u>	<u>Ashland</u>	
Phone	<u>541-601-3331</u>	Email	<u>sqk@mind.net</u>
Tonight's Meeting Date	<u>11-12-19</u>		

Regular Meeting

Agenda item number VI OR Topic for public forum (non agenda item) _____

Land Use Public Hearing	
For: _____	Against: <u>✓</u>
Challenge for Conflict of Interest or Bias	
<p>If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.</p>	
Written Comments/Challenge: _____	

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak. The Ashland Planning Commission generally invites the public to speak on agenda items and during public forum on non-agenda items unless time constraints limit public testimony. No person has an absolute right to speak or participate in every phase of a proceeding. Please respect the order of proceedings for public hearings and strictly follow the directions of the presiding officer. Behavior or actions which are unreasonably loud or disruptive are disrespectful, and may constitute disorderly conduct. Offenders will be requested to leave the room.

Comments and statements by speakers do not represent the opinion of the City Council,
City Officers or employees or the City of Ashland.

**Planning Commission
Speaker Request Form**

- 1) Complete this form and return it to the Secretary prior to the discussion of the item you wish to speak about.
- 2) Speak to the Planning Commission from the table podium microphone.
- 3) State your name and address for the record.
- 4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
- 5) If you present written materials, please give a copy to the Secretary for the record.
- 6) You may give written comments to the Secretary for the record if you do not wish to speak.
- 7) Speakers are solely responsible for the content of their public statement.

Name	<u>LeAnn Ahlbrecht</u>		
	(please print)		
Address (no P.O. Box)	<u>1190 S 1525 Hwy 99 N Ashland</u>		
Phone	<u>541-482-2786</u>	Email	<u>info @ animal medical hospital ashland.com</u>
Tonight's Meeting Date	<u>11/12/19</u>		

Regular Meeting

Agenda item number 6 **OR** **Topic for public forum (non agenda item)** _____

Land Use Public Hearing

For: _____ **Against:** X

Challenge for Conflict of Interest or Bias

If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge: _____

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak. The Ashland Planning Commission generally invites the public to speak on agenda items and during public forum on non-agenda items unless time constraints limit public testimony. No person has an absolute right to speak or participate in every phase of a proceeding. Please respect the order of proceedings for public hearings and strictly follow the directions of the presiding officer. Behavior or actions which are unreasonably loud or disruptive are disrespectful, and may constitute disorderly conduct. Offenders will be requested to leave the room.

Comments and statements by speakers do not represent the opinion of the City Council,
City Officers or employees or the City of Ashland.

**LEGISLATIVE
PUBLIC HEARINGS**

**PA-L-2020-00008
Open Space Ordinance
Amendments**

ASHLAND PLANNING DIVISION

STAFF REPORT

Addendum 2

July 28, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.5** Standards for Residential Zones
- AMC 18.3.9** Performance Standards Option and PSO Overlay
- AMC 18.4.2** Building Placement, Orientation, and Design
- AMC 18.4.4** Landscaping, Lighting, and Screening
- AMC 18.6.1** Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions are included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

I. Ordinance Amendments

A. Project Background

The Planning Commission held public hearings at the April 28, 2020 and May 26, 2020 meetings and unanimously recommended approval of two ordinances at the May 26, 2020 meeting. The Planning Commission did not receive any oral or written testimony at the public hearings. Prior to the public hearings, the Planning Commission discussed

amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2020.

After the Planning Commission recommended approval of the amendments to the open space standards, the legislative amendment was scheduled for a public hearing at the City Council on June 16, 2020. Before the scheduled meeting, a member of the development community expressed concerns about the proposed surfacing standard and the impact of the new standard on future development proposals. There were also some more minor changes suggested that are covered in section C. Other Standards of this report, below.

The primary concern raised was with the wording in “A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts.” The issues identified were the application of the standard to new planning applications and consistency of the standard with current climate change and environmental issues. As the Planning Commission knows, the rewriting of the surfacing standard during the previous public hearings was the topic of considerable discussion and proved somewhat challenging.

Staff believes that combining the open space standards into one section to make the code more user-friendly and to maintain consistency is the best approach. However, the initial process of combining the standards resulted in open space design standards, specifically those currently in 18.4.2.030.H, newly applying to detached single-family development. Currently, the open space standards in 18.4.2.030.H do not apply to detached single-family development. Between the April 28, 2020 and May 26, 2020 meeting, the play area standard that is currently located in 18.4.2.030.H.4 was moved to the new R-2 and R-3 zones section in 18.4.4.070.C.6 for this reason.

B. Code Revisions

1. Surfacing Standard

Currently, the open space design standards including the existing surfacing standard (see below) are located in Chapter 18.4.2 Building Placement, Orientation, and Design. The open space standards in 18.4.2.030.H apply to developments of multifamily housing and attached single-family housing but do not apply to developments of detached single-family housing.

18.4.2.030 Residential Development

H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.
2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.

3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.
4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.

The proposed surfacing standard is in 18.4.4.070.C.4.a (see below) of original Ordinance 1 that was in the June 16 City Council meeting packet. Ordinance 1 is attached. As currently written, this standard applies to all common open space in multifamily, attached single-family and detached single-family developments.

- a. **Surfacing. A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.**

2. Code Revisions

There are three versions of the proposed section 18.4.4.070 Open Space attached to this report.

- **Version 1: No changes to originally proposed draft**
This is the originally drafted 18.4.4.070, as it went to the City Council for the June 16, 2020 meeting.
- **Version 2: Move surfacing standard to R-2 and R-3 zones**
Staff recommends that the proposed amendments to the open space standards are revised to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements.

Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units (see table below). As a result, the area comprised of “lawn areas and recreational areas or courts” will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

	R-2 Zone	R-3 Zone	R-1-5 Zone
Total Area Required for 10 units	.75 Ac	.50 Ac	2.3 Ac
Minimum Total Open Space	2,614 sq. ft.	1,742 sq. ft.	5,009 sq. ft.
Minimum Common Open Space	1,307 sq. ft.	871 sq. ft.	5,009 sq. ft.
Minimum Area Suitable for Human Use	653 sq. ft.	436 sq. ft.	2,505 sq. ft.

Moving the surfacing standard to the subsection for the multifamily zones, 18.4.4.070.C.6 R-2 and R-3 zones, would retain a portion of the common open space as a usable area that essentially provides a shared yard space for multifamily housing developments.

Staff recommends moving the surfacing standard to subsection 18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. As discussed below, the surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

- **Version 3: Other Recommended Changes**

Three other issues were raised with the proposed section 18.4.4.070 Open Space and are incorporated into the attached Version 3. While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

- Table 18.4.4.070.A: Concern that the second and third columns don't make it clear that the percentages are not additive. For the 18.3.9 Performance Standards Option row, the concern was that it might be interpreted to mean that 10 percent of open space was required rather than a total of 5 percent.
- 18.4.4.070.D. Private Open Space: Delete provision that doesn't allow walkway and storage space to be counted as private open space (D.1.b)

and instead increase required private open space area for ground-floor dwelling units to 60 square feet rather than 48 square feet (D.2).

- 18.4.4.070.C.4.b Fences and Walls: Suggested cross referencing in the other section of code that outline fence requirements and multi-use path requirements.

C. Current Standards and Applicability

Chapter 18.4.2 Building Placement, Orientation, and Design, including the residential development standards in 18.4.2.030 and the current open space standards in 18.4.2.030.H, do not currently apply to developments of detached single-family homes.

18.4.2.020 Applicability

- A. Chapter 18.4.2 applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review. Note that some standards apply differently to developments located within Detailed Design Review, Downtown Design Review, and Historic Design Review overlays.

18.4.2.030 Residential Development

- B. **Applicability.** Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

The residential development that is subject to Site Design Review includes multifamily development (i.e., more than one dwelling unit on a lot) and attached single family development. Detached single-family homes and related accessory structures are exempt from Site Design Review. See the highlighted sections of the code below.

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

- A. **Commercial, Industrial, Non-Residential, and Mixed Uses.** Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.
 1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
 2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
 3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.

4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.
8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units on a lot in any zoning district, including the addition of an accessory residential unit, unless exempt from Site Design Review per subsection 18.2.3.040.A.
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a

residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review.

1. **Detached single-family dwellings and associated accessory structures and uses.**
2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.
3. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
4. The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
 - d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
 - e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
 - f. Routine maintenance and replacement of existing mechanical equipment in all zones.

D. Legislative History

The exclusion of land divisions and related single-family developments from the Site Design Standards was included in the chapter when it was originally adopted in 1982 (Ord. 2228). This original code language, see below, was in place from 1982 until 2008.

SECTION 18.72.030 Application.

Site Design and use standards shall apply to all zones of the city and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).

In 2008, the applicability standards were revised and identified specific types of residential development that were subject to Site Design Review (Ord. 2951). See the attached section of Ord. 2951.

The current open space standards in 18.4.2.030, including the existing surfacing standards, were adopted in 1992 (Ord. 2690).

E. Consistency with City Goals and Policies

One of the concerns raised with the existing and proposed surfacing standards, which tend to result in lawn or occasionally paved areas, is the consistency with adopted City policies on water conservation and climate change. The policies listed below are from adopted City of Ashland documents.

Ashland Comprehensive Plan – XI. Energy, Air and Water Conservation

- 7.c. Irrigation is a large water usage and it also can be accomplished with lower quality water. Therefore, water conservation efforts shall be directed toward an overall reduction of water usage (conservation) and substitution of lower quality water for outdoor irrigation.

Climate and Energy Action Plan (CEAP)

- BE-5-1. Encourage heat-tolerant building approaches such as cool roofs and passive cooling.
- NS-2-1. Evaluate the value and potential for incentives for practices that reduce use of potable water for non-potable purposes and recharge ground water.
- NS-2-2. Explore water-efficient technologies on irrigation systems and consider requiring them during permitting.
- NS-2-3. Expand water conservation outreach and incentive programs for residents and businesses
- PHSW-1-1. Promote the expansion of tree canopy in urban heat islands or areas that need air conditioning such as schools.
- PHSW-3-2. Identify and minimize potential urban heat impacts.

The current standard often results in the common open space developed as lawn which requires higher amount of water than other landscaping alternatives. The proposed standard requires “A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts.” Staff believes it is safe to assume that the proposed standard would also result in lawn areas and possibly paved courts. Paved areas are a concern because of the contribution to increased temperatures or heat islands. The following excerpt regarding the impacts of high temperatures is from the City of Ashland’s adopted Climate Energy and Action Plan (CEAP).

Climate change is expected to increase the number and severity of heat waves in Ashland, putting vulnerable people at greater risk of heat-related health complications and reducing the quality of life for all Ashland residents. The City can take steps to minimize the risks presented by heat waves by identifying where heat-related impacts will be most pronounced and working to encourage and/ or directly implement strategies for offsetting these impacts, such as by designating cooling centers through the city, improving cooling systems in schools and senior centers, and incentivizing cooling strategies such as cool roofs/pavements and expanded tree canopy.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

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.

III. Conclusions and Recommendations

Staff recommends revising the proposed amendments to the open space standards to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements. Moving the surfacing standard to subsection 18.4.4.070.C.6 R-2 and R-3 Zones would retain a portion of the common open space for multifamily developments as a usable area that essentially provides a shared yard space.

Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units. As a result, the area comprised of “lawn areas and recreational areas or courts” will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

Staff recommends moving the surfacing standard to subsection 18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. The surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

Staff will forward the Planning Commission’s recommendation to the City Council for a public hearing. The draft amendments to the open space standards and accompanying terminology corrections are tentatively scheduled for a public hearing and first reading at the September 22, 2020 City Council meeting.

1 **WHEREAS**, the City Council of the City of Ashland has determined that in order to protect and
2 benefit the health, safety and welfare of existing and future residents of the City, it is necessary
3 to amend the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base
4 exists for the amendments, the amendments are consistent with the Ashland Comprehensive Plan
5 and that such amendments are fully supported by the record of this proceeding.

6
7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

9
10 **SECTION 2.** Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones -
11 Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read
12 as follows:

13 18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones

14 **A. Density Standard.** Except density gained through bonus points under section 18.2.5.080 or
15 chapter 18.3.9 Performance Standards Option **and PSO Overlay**, development density in
16 the R-2 and R-3 zones shall not exceed the densities established by this section.

17 **B. Density Calculation.**

- 18 1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3
19 zones shall be computed by dividing the total number of dwelling units by the acreage of
20 the project, including land dedicated to the public, and subject to the exceptions below.
- 21 2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the
22 purposes of density calculations.
- 23 3. Accessory residential units are not required to meet the density or minimum lot area
24 requirements of this section. See section 18.2.3.040 for accessory residential unit
25 standards.

26 **C. Minimum Density.**

- 27 1. The minimum density shall be 80 percent of the calculated base density.
- 28 2. Exceptions to minimum density standards. The following lots are totally or partially
29 exempt from minimum density standards.
 - 30 a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
 - b. Lots located within any Historic District designated within the Ashland Municipal Code.
 - c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
 - d. Where a lot is occupied by a single-family residence **prior to** January 9, 2005 (Ord.

1 2914), the single-family residence may be enlarged or reconstructed without being
2 subject to the minimum base density standard.

- 3 e. In the event that a fire or natural hazard destroys a single-family residence, such
4 residence may be replaced without being subject to the minimum base density
5 standard.
- 6 f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist
7 upon the lot an exception to minimum density requirements may be obtained to
8 better meet the standards of chapter 18.3.10 Physical and Environmental
9 Constraints **Overlay**.
- 10 g. A lot that is nonconforming in minimum density may not move further out of
11 conformance with the minimum density standard. However, units may be added to
12 the lot which bring the lot closer to conformance without coming all the way into
13 conformance provided it is demonstrated that the minimum density will not be
14 precluded.

15 **D. Base Densities and Minimum Lot Dimensions.**

- 16 1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
- 17 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
18 section 18.2.3.040 for accessory residential units.
- 19 b. Minimum lot area for two units shall be 7,000 square feet.
- 20 c. Minimum lot area for three units shall be 9,000 square feet, except that the
21 residential density bonus in subsection 18.2.5.080.F, below, may be used to increase
22 density of lots greater than 8,000 square feet up to three units.
- 23 d. For more than three units, the base density shall be 13.5 dwelling units per acre. The
24 permitted base density shall be increased by the percentage gained through the
25 residential density bonus in subsection 18.2.5.080.F.
- 26 2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
- 27 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
28 section 18.2.3.040 for accessory residential units.
- 29 b. Minimum lot area for two units shall be 6,500 square feet.
- 30 c. Minimum lot area for three units shall be 8,000 square feet.
- d. For more than three units, the base density shall be 20 dwelling units per acre. The
permitted base density shall be increased by the percentage gained through the
residential density bonus in subsection 18.2.5.080.F, below.

E. Exceptions. An accessory residential unit is not required to meet density or minimum lot
area requirements per section 18.2.3.040.

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance
Standards Option **and PSO Overlay**, the permitted base density shall be increased only
pursuant to this section.

- 1 2. Maximum Density Bonus Points. The total maximum bonus permitted shall be 60
2 percent.
- 3 3. Density Bonus Point Criteria. The following bonuses shall be awarded:
- 4 a. *Conservation Housing.* The maximum bonus for conservation housing is 15 percent.
5 One hundred percent of the homes or residential units approved for development,
6 after density bonus point calculations, shall meet the minimum requirements for
7 certification as an Earth Advantage home, as approved by the Conservation Division
8 under the City' s Earth Advantage program as adopted by resolution 2006-6.
- 9 b. *Common Open Outdoor Recreation Space.* The maximum bonus for provision of
10 common open outdoor recreation space above minimum requirement
11 established by this ordinance is ten percent. A one percent bonus shall be
12 awarded for each one percent of the total project area in common open space
13 in excess of any common or private open space required by section 18.4.4.070
14 and this ordinance. The common open space shall meet the standards in
15 section 18.4.4.070. The purpose of the density bonus for outdoor recreational
16 space is to permit areas that could otherwise be developed as a recreational
17 amenity. It is not the purpose of this provision to permit density bonuses for
18 incidental open spaces that have no realistic use by project residents on a
19 day-to-day basis. One percent increased density bonus for each percent of the
20 project dedicated to outdoor recreation space beyond the minimum
21 requirement of this ordinance.
- 22 ~~c. *Major Recreational Facilities.* The maximum bonus for provision of major~~
23 ~~recreational facilities is ten percent. Density bonus points shall be awarded for~~
24 ~~the provision of major recreational facilities, such as tennis courts, swimming~~
25 ~~pools, playgrounds, or similar facilities. For each one percent of the total~~
26 ~~project cost devoted to recreational facilities, a six percent density bonus shall~~
27 ~~be awarded to a maximum of ten percent. Total project cost shall be defined as~~
28 ~~the estimated sale price or value of each residential unit times the total number~~
29 ~~of units in the project. Estimated value shall include the total market value for~~
30 ~~the structure and land. A qualified architect or engineer using current costs of~~
~~recreational facilities shall estimate the cost of the recreational facility for City~~
~~review and approval.~~
- dc. *Affordable Housing.* The maximum bonus for affordable housing is 35 percent.
Developments shall receive a density bonus of two units for each affordable housing
unit provided. Affordable housing bonus shall be for residential units that are
guaranteed affordable in accord with the standards of section 18.2.5.050.

30 **SECTION 3.** Section 18.3.9.050 [Performance Standards for Residential Developments -
Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby
amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established

1 by this section. The density shall be computed by dividing the total number of dwelling units
 2 by the acreage of the project, including land dedicated to the public. Fractional portions of
 3 the final answer, after bonus point calculations, shall not apply towards the total density.
 4 Accessory residential units are not required to meet the density requirements of this chapter
 in accordance with section 18.2.3.040.

- 5
 6 1. The base density, for purposes of determining density bonuses allowed under this
 7 section, for developments other than cottage housing, is as provided in Table
 8 18.3.9.050.

9

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
<i>Zone</i>	<i>Allowable Density (dwelling units per acre)</i>
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

- 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27 **2. Cottage Housing.** The base density for cottage housing developments, for purposes of
 28 determining density bonuses, allowed under this section is as provided in Table
 29 18.3.9.050.A.2. **Cottage housing developments are not eligible for density bonuses**
 30 **pursuant to subsection 18.3.9.050.B.**

1
2
3
4
5
6
7
8
9
10
11
12
13

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

14 3. Common Open Space Required. All developments subject to this section with a base density of ten units or greater shall be required to provide common open space pursuant to section 18.4.4.070, a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection.

18 B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through density bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

- 21 1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06.
- 25 2. Provision of Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.
- 27 a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. ~~All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2.~~ However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with use or enjoy the common open space on a day-to-day

1 basis. ~~The purpose of the density bonus for common open space is to permit~~
2 ~~areas, which could otherwise be developed or sold as individual lots, to be~~
3 ~~retained in their natural state or to be developed as a recreational amenity. It~~
4 ~~is not the purpose of this provision to permit density bonuses for incidental~~
5 ~~open spaces that have no realistic use by project residents on a day-to-day~~
6 ~~basis. Open space provided in cottage housing developments, meeting the~~
7 ~~standards of section 18.2.3.090 Cottage Housing, is not eligible for density~~
8 ~~bonus points.~~

- 9 b. *Standard.* Developments with fewer than ten units that provide more than two
10 percent of the project area for common open space, or for developments of ten units
11 or greater that provide more than five percent **common** open space, a one percent
12 bonus shall be awarded for each one percent of the total project area in common
13 open space **in excess of any common open space required by section**
14 **18.4.4.070 and this ordinance. The common open space shall meet the**
15 **standards in section 18.4.4.070.**

16 ~~**3. Provision of Major Recreational Facilities. A maximum ten percent bonus is**~~
17 ~~**allowed, pursuant to the following.**~~

18 ~~a. *Purpose.* Points may be awarded for the provision of major recreational~~
19 ~~facilities.~~

20 ~~b. *Standard.* For each percent of total project cost devoted to recreational~~
21 ~~facilities, a six percent density bonus may be awarded up to a maximum of ten~~
22 ~~percent bonus. Total project cost shall be defined as the estimated sale price~~
23 ~~or value of each residential unit times the total number of units in the project.~~
24 ~~Estimated value shall include the total market value for the structure and land.~~
25 ~~A qualified architect or engineer shall prepare the cost of the recreational~~
26 ~~facility using current costs of recreational facilities.~~

27 ~~c. *Major recreational facilities provided in cottage housing developments,*~~
28 ~~*meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible*~~
29 ~~*for density bonus points.*~~

30 **43. Affordable Housing.** A maximum bonus of 35 percent is allowed. Developments shall
31 receive a density bonus of two units for each affordable housing unit provided.
32 Affordable housing bonus shall be for residential units that are guaranteed affordable in
33 accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

34 **SECTION 4.** Section 18.4.2.030 [Residential Development – Building Placement, Orientation,
35 and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

36 18.4.2.030 Residential Development

37 **A. Purpose and Intent.** For new multi-family residential developments, careful design
38 considerations must be made to assure that the development is compatible with the
39 surrounding neighborhood. For example, the use of earth tone colors and wood siding will
40 blend a development into an area rather than causing contrast through the use of
41 overwhelming colors and concrete block walls.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

1. Crime Prevention and Defensible Space.

- a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.
- b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.
- c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.
- d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.
- e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.
- f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

- 1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

- 1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
- 2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. **Garages.** The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. **Building Materials.** Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. **Streetscape.** One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. **Landscaping and Recycle/Refuse Disposal Areas.** Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. **Open Space.** ~~Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards. Common and/or private open space are required to be provided pursuant to section 18.4.4.070.~~

~~1. **Recreation Area.** An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.~~

~~2. **Surfacing.** Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.~~

~~3. **Decks and Patios.** Decks, patios, and similar areas are eligible for open space.~~

~~4. **Play Areas.** Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

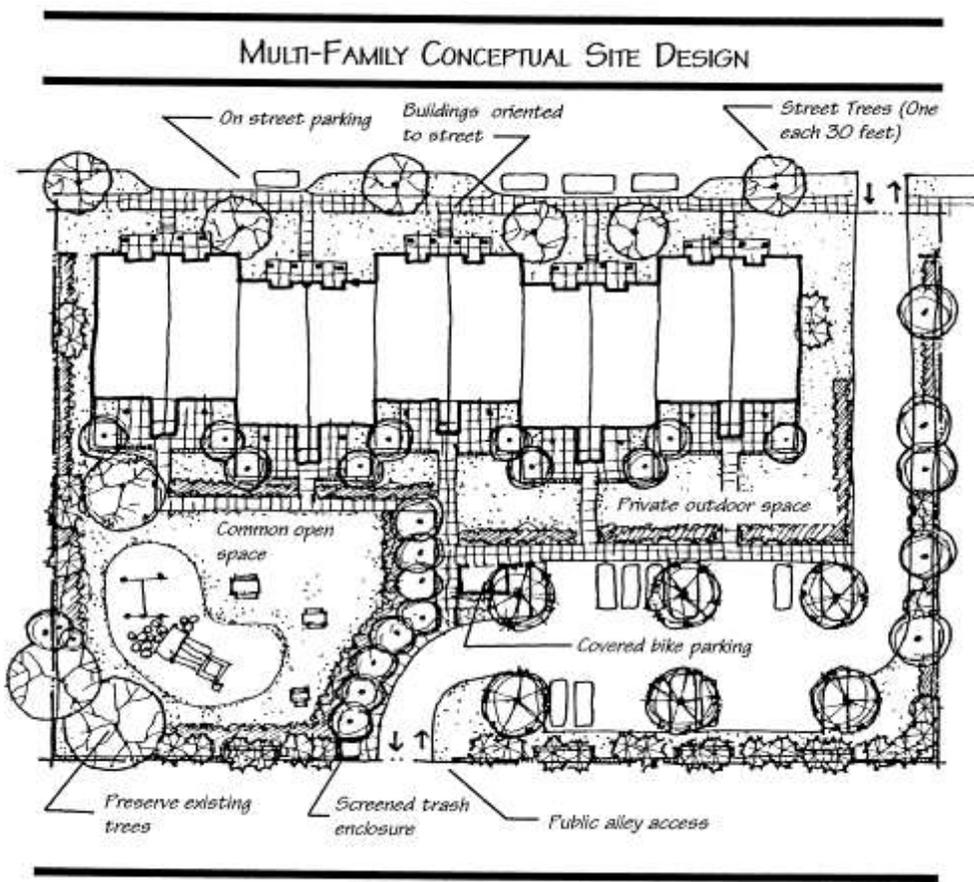


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 5. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

- A. Landscaping and Screening.** Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- B. Recycling and Refuse.** Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- C. Outdoor Lighting.** Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date]*.
- D. Fences and Walls.** Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also

applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review and/or 18.3.9 Performance Standards Option and PSO Overlay. Certain sections of this ordinance require common and/or private open space as part of review under chapter 18.5.2. Site Design Review or chapter 18.3.9 Performance Standards Option and PSO Overlay. Certain other sections allow common open space to be provided in order to obtain density bonuses. All those section reference 18.4.4.070, which establishes standards for common and private open space.

EE. Exceptions and Variances. Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 6. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
<u>Required Planning Action</u>	<u>Minimum Area Required for Open Space</u>	<u>Minimum Area Required for Common Open Space</u>	<u>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</u>	<u>Density Bonus Available for Common Open Space in Excess of Base Requirement</u>
<u>18.5.2 Site Design Review</u>	<u>8 percent of total lot area</u>	<u>4 percent of total lot area for developments with a base density of 10 units or more</u>	<u>yes</u>	<u>After 8 percent of total lot area is met</u>
<u>18.3.9 Performance Standards Option and PSO Overlay</u>	<u>5 percent of total lot area for developments with a base density of 10 units or more</u>	<u>5 percent of total lot area for developments with a base density of 10 units or more</u>	<u>no</u>	<u>After 5 percent of total lot area is met for developments with a based density of 10 units or more</u> <u>After 2 percent of total lot area for developments with</u>

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
<u>Required Planning Action</u>	<u>Minimum Area Required for Open Space</u>	<u>Minimum Area Required for Common Open Space</u>	<u>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</u>	<u>Density Bonus Available for Common Open Space in Excess of Base Requirement</u>
				<u>less than 10 units</u>
<u>18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay</u>	<u>8 percent of total lot area</u>	<u>4 percent of total lot area for developments with a base density of 10 units or more</u>	<u>yes</u>	<u>After 8 percent of total lot area is met</u>

B. General Standards.

- 1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.**
- 2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.**
- 3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.**
- 4. Timing.**
 - a. Common Open Space. Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.**
 - b. Private Open Space. Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.**

1 5. Ownership and Maintenance. Common open space shall be set aside as common
2 area for the use of residents of the development. Maintenance of common open
3 space shall be the responsibility of the property owner(s) or by an association of
4 owners (i.e., homeowners association).

5 C. Common Open Space. Common open space shall meet the following standards. See
6 definition of common open space in part 18-6.

7 1. Dimensional Standards. Common open space shall have no dimension that is less
8 than 20 feet and a minimum area of 400 square feet, except as described below.

9 a. Pedestrian Connections. Walkways and multi-use paths shall contribute
10 toward meeting the required common open space area when at least one
11 common open space is provided that meets the dimensional standards in
12 subsection 18.4.4.070.C.1, above. Pedestrian connections may be located
13 within a required buffer or perimeter yard area. Sidewalks in the public right-
14 of-way (i.e., public street) and walkways providing access to individual units
15 may not be counted towards this requirement.

16 b. Natural Features. Common open space may include areas that provide for the
17 preservation or enhancement of natural features that meet the requirements of
18 this section and the definition of common open space. See definition of
19 common open space in part 18-6. Natural features located in common open
20 space shall be counted toward meeting common open space requirements.
21 Natural features may be located within a required buffer or perimeter yard area.

22 2. Location. Common open space shall not be located within a required yard
23 abutting a street, except for pedestrian connections and natural features as
24 provided in subsection 18.4.4.070.C.1, above.

25 3. Slope. Common open space designed for active use, such as lawn and picnic
26 areas, shall be located on slopes less than five percent, except for areas regulated
27 by the Building Code (e.g., walkways). Natural areas designed for passive use,
28 such as riparian corridors and wetlands, may be located on slopes greater than
29 five percent.

30 4. Improvements. The common open space shall contain one or more of the
following: outdoor recreational area or facilities, lawn and picnic areas,
community gardens, natural area with benches, seating areas, walking paths, or
similar outdoor amenities as appropriate for the intended residents.

a. Surfacing. A minimum of 50 percent of the common open space must be
covered in suitable surfaces for human use, such as lawn areas and
recreational fields or courts. Up to 50 percent of the common open space may
be covered by shrubs, mulch, and other grounds covers that do not provide
suitable surfaces for human use if the area is usable for the intended
residents, such as community gardens or a natural area with benches and
walking paths.

b. Structures. Common open space may include structures and outdoor furniture
typically associated with outdoor recreation such as decks, gazebos, arbors,

1 benches, and tables. Structures located in common open space shall be
2 unenclosed and uninhabitable. Unenclosed for the purpose of this subsection
3 means 50 percent or more of the walls are 42 inches in height or less, but the
4 structure may be covered.

5 c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located
6 on the perimeter of common open space shall not exceed four feet in height,
7 except that fences in front yards and on the perimeter of the development shall
8 meet the fence height requirements of section 18.4.4.060. This requirement
9 shall not apply to fences located on properties adjoining but not located within
10 a proposed development. See section 18.4.4.060 Fencing and Walls for fence
11 permit and design standard requirements.

12 d. *Landscaping.* Common open space shall be landscaped in accordance with
13 section 18.4.4.030 Landscaping and Screening.

14 6. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above,
15 common open space in the R-2 and R-3 zones shall meet the following
16 requirements.

17 a. *Play Areas.* Play areas for children are required for projects of greater than 20
18 units that are designed to include families. Play areas are eligible for common
19 open space.

20 b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open
21 space may be granted when the development is located within one-eighth of a
22 mile walking distance of an existing public park. Distance from the
23 development to the park shall be measured from the lot line via a sidewalk,
24 multi-use path or pedestrian way located in a public right-of-way or public
25 pedestrian easement.

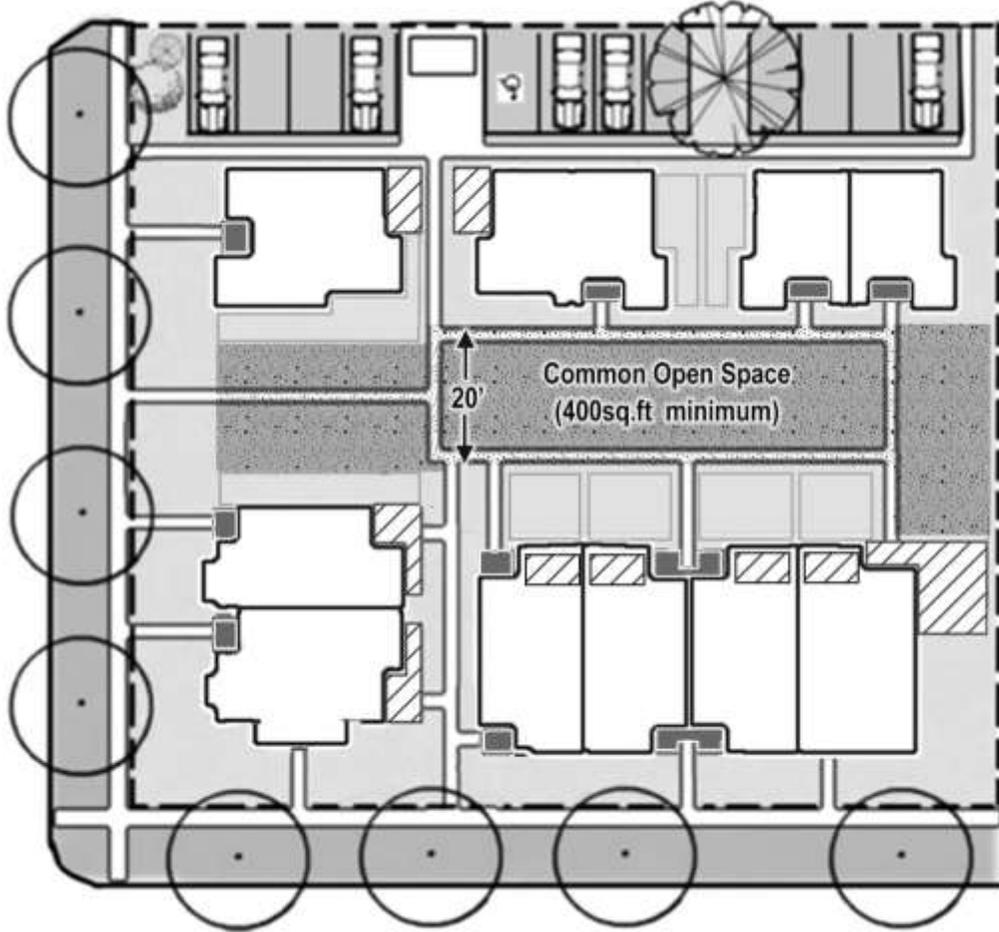


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

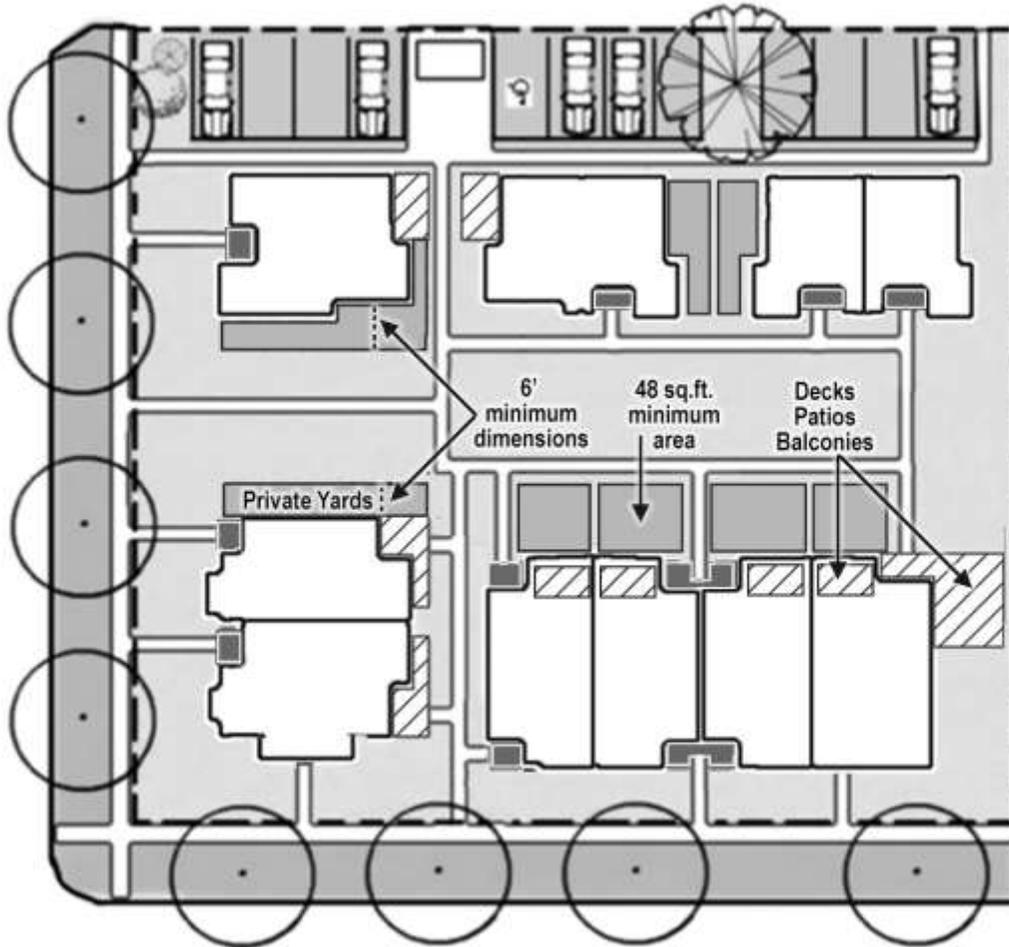
1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. Access. Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. Walkways and Storage Space. The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

1 **2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six**
2 **feet deep and measuring at least 48 square feet. Ground-floor private open space**
3 **shall not be located within 12 feet of recycling and refuse disposal areas. See**
4 **definition of ground-floor dwelling unit in part 18-6.**

5 **3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and**
6 **measuring at least 48 square feet. See definition of upper-floor dwelling unit in**



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 **Figure 18.4.4070.D**
27 **Private Open Space**

28 **SECTION 7.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance
29 is hereby amended to read as follows:

30 **Buildable Area.** That portion of an existing or proposed lot that can be built upon.

1 **Common Area.** Land jointly owned by an association of owners or permanently designated
2 for the use of all residents of a development to that includes shared site facilities and
3 amenities such as open space, landscaping, streets, driveways, parking, loading
4 areas or recreation, recycling and refuse disposal areas, and storage structures (e.g.,
5 may be managed by a homeowners' association).

6 **Ground-Floor Dwelling Unit.** A residential unit with the entrance, front or rear, that is
7 within five feet of the finished grade. The distance to finished grade is measured
8 vertically at a right angle from the doorsill to the finished grade.

9 **Open Space.** ~~A common area designated on the final plans of the development,~~
10 ~~permanently set aside for the common use of the residents of the development. Open~~
11 ~~space area is landscaped and/or left with a natural vegetation cover, and does not~~
12 ~~include thoroughfares, parking areas, or improvements other than recreational~~
13 ~~facilities. Land or water with its surface predominately open to the sky or~~
14 ~~predominantly undeveloped unless otherwise specified, that is designated or set~~
15 ~~aside to serve the purpose of providing park and recreation activities, conserving~~
16 ~~natural resources, collecting and treating storm water, providing amenity space for~~
17 ~~private developments, or creating a pattern of development. Open space does not~~
18 ~~include thoroughfares, parking areas or improvements other than recreational~~
19 ~~facilities areas such as streets, driveways, parking, loading areas, recycling and~~
20 ~~refuse disposal areas, and storage structures.~~

- 21 1. Common Open Space. An area for the use or enjoyment of all residents of a
22 development (e.g., multifamily dwelling units) or subdivision such as recreational
23 areas or facilities, lawn and picnic areas, community gardens, and natural areas
24 with benches, seating areas, or walking paths.
- 25 2. Private Open Space. An area intended for private outdoor use by residents of an
26 individual dwelling unit. Private open space includes decks, patios, porches,
27 balconies, side and rear yards, and similar areas.
- 28 3. Public Open Space or Park. An area owned or managed by a public or private
29 agency and maintained for the use and enjoyment of the general public. Examples
30 of public open space include public parks and recreation facilities, trail easements
and systems, nature preserves, public plazas, and other public outdoor meeting
areas.

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to
play outdoors.

Upper-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is more

1 **than five feet above the finished grade. The distance from finished grade is measured**
2 **vertically at a right angle from finished grade to the doorsill.**

3 ~~Unbuildable Area. All areas outside of building envelopes and within open space. That~~
4 ~~portion of an existing or proposed lot that building upon is restricted by regulations.~~
5 **Unbuildable area includes but is not limited to required yards, easements, and Flood**
6 **Plain Corridor, Hillside, and Severe Constraints Lands as classified in section**
7 **18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access,**
8 **unbuildable area does not include a required solar setback area.**

9 ~~Yard. An open space on outdoor area of~~ a lot which is unobstructed by a structure, **except as**
10 **allowed in section 18.2.4.050 Yard Requirements and General Exceptions**, and
11 measured from a lot line to the nearest point of a building. May also be an area defined by
12 required setbacks (e.g., between a building or structure and nearest property line).

- 13 4. ~~Yard, Front.~~ A yard between side lot lines and measured horizontally at right angles to
14 the front lot line from the front lot line to the nearest point of the building.
15 5. ~~Yard, Side. An open space yard~~ between the front and rear yards measured
16 horizontally and at right angles from the side lot line to the nearest point of the building.
- 17 6. ~~Yard, Rear.~~ A yard between side lot lines and measured horizontally at right angles to
18 the rear yard line from the rear yard line to the nearest point of the building.

19 **SECTION 8. Codification.** In preparing this ordinance for publication and distribution, the City
20 Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such
21 limitations, may:

- 22 (a) Renumber sections and parts of sections of the ordinance;
23 (b) Rearrange sections;
24 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
25 (d) Delete references to repealed sections;
26 (e) Substitute the proper subsection, section, or chapter numbers;
27 (f) Change capitalization and spelling for the purpose of uniformity;
28 (g) Add headings for purposes of grouping like sections together for ease of reference; and
29 (h) Correct manifest clerical, grammatical, or typographical errors.

30 **SECTION 9. Severability.** Each section of this ordinance, and any part thereof, is severable,
and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
remainder of this ordinance shall remain in full force and effect.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2020.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Version 1: No Changes to Originally Proposed Draft

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.
 - a. Common Open Space. Common open space shall be constructed and landscaped

prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in

- suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.
- b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.
 - c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.
 - d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.
5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
 - b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

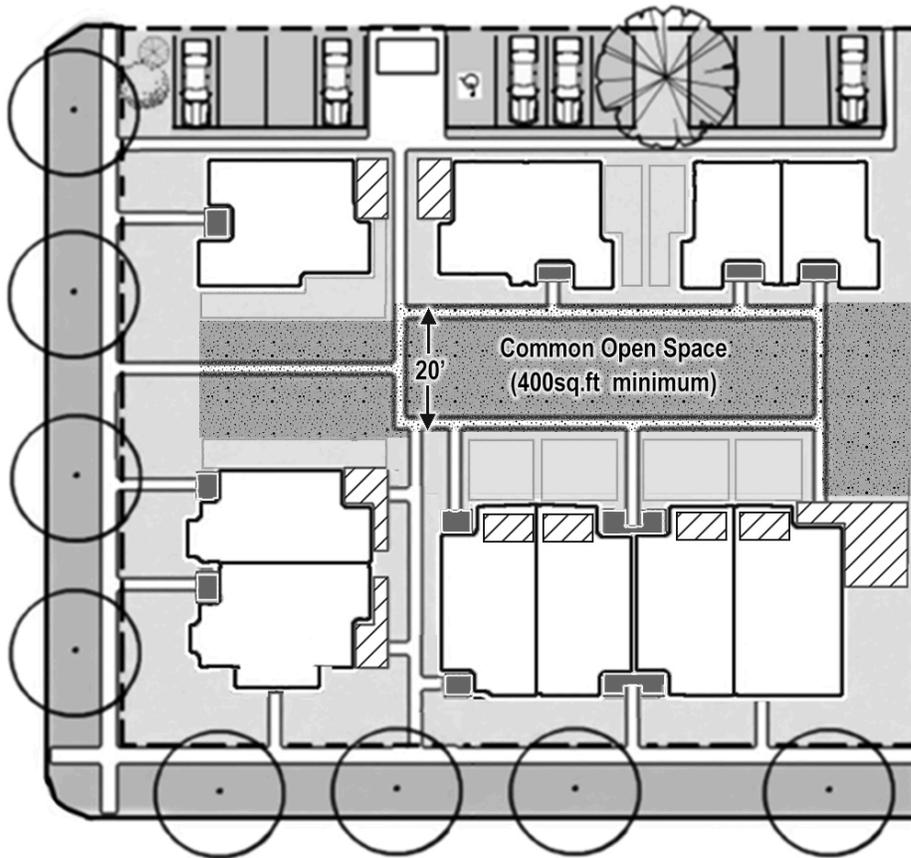


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.
 - a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.
 - b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.
2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

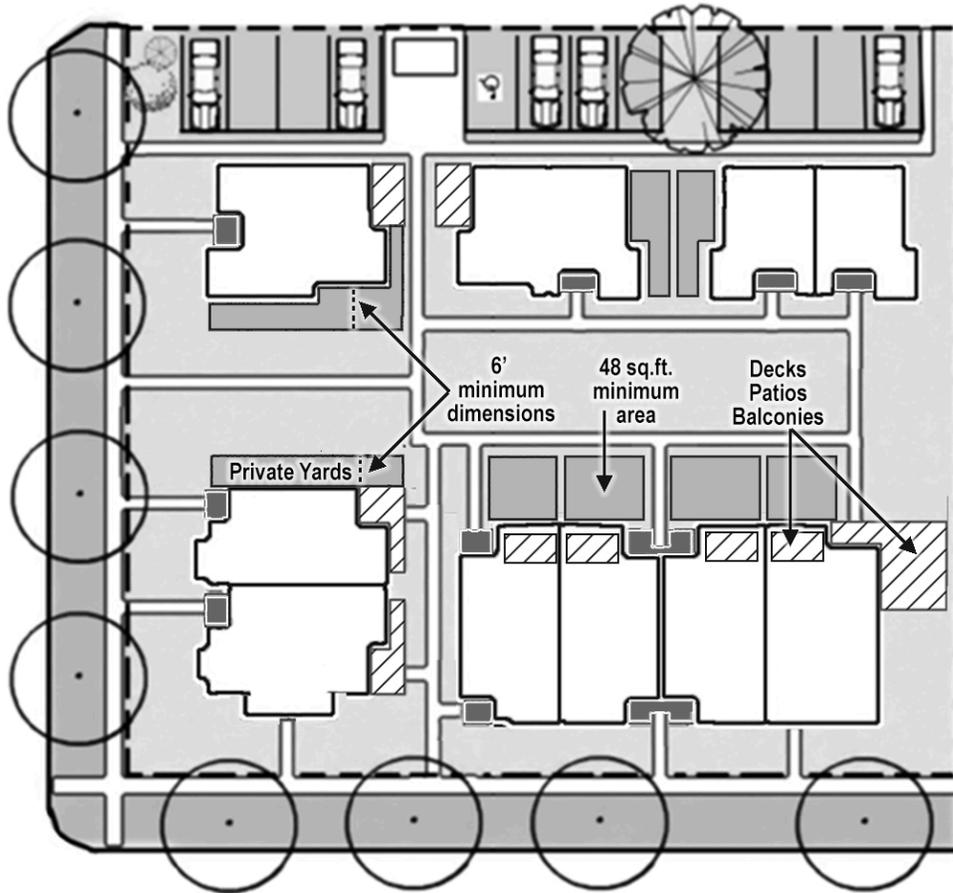


Figure 18.4.4070.D
Private Open Space

Version 2: Move surfacing standard to R-2 and R-3 zones

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

- a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.
 - b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.
5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).
- C. Common Open Space.** Common open space shall meet the following standards. See definition of common open space in part 18-6.
- 1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.
 - a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.
 - b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.
 - 2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.
 - 3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.
 - 4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

- ~~a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.~~
- ~~ab. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.~~
- ~~bc. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.~~
- ~~cd. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.~~
5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas, recreational fields, or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.
- ba. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
- cb. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

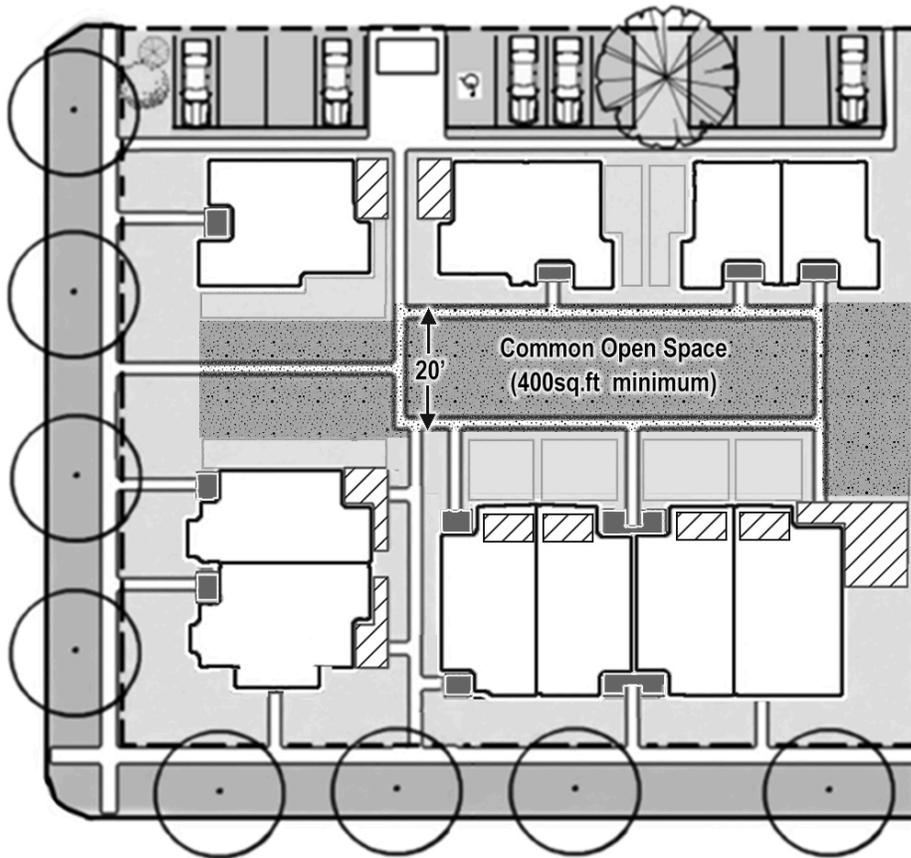


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.
 - a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.
 - b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.
2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

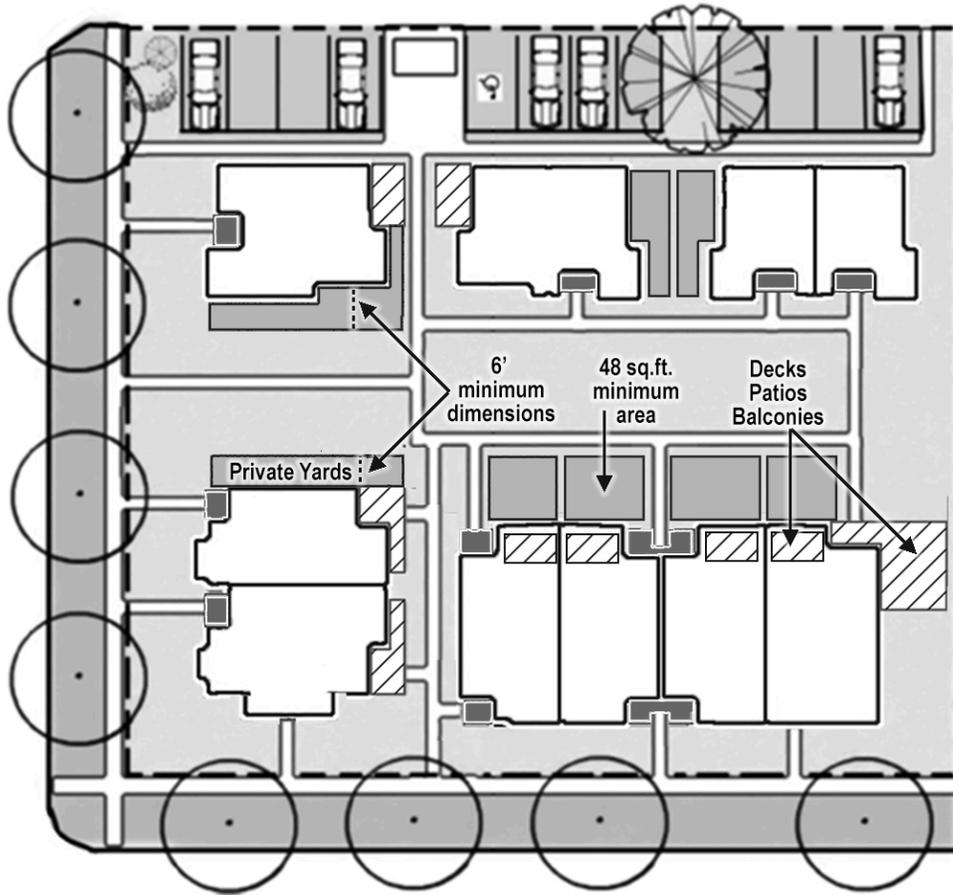


Figure 18.4.4070.D
Private Open Space

Version 3: Other Recommended Changes

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Total Area Required for Open Space	Minimum Area Required for Common Open Space	Maximum Area Allowed in Private Open Space <i>Requirement May Be Met by Combining Common and Private Open Spaces</i>	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8% of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more <i>yes</i>	After 8% of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5% of total lot area for developments with a base density of 10 units or more	5% of total lot area for developments with a base density of 10 units or more	N/A, 5% of total lot area must be common open space <i>no</i>	After 5% of total lot area is met for developments with a based density of 10 units or more After 2% of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8% of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more <i>yes</i>	After 8% of total lot area is met

Commented [MH1]: Edits to table to address public comments regarding clarity.

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

- a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.
 - b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.
5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. ~~Common open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. Common open space shall meet the following standards.~~ See definition of common open space in part 18-

- 6.
- 1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.
 - a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.
 - b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.
- 2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.
- 3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural ~~features areas~~ designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.
- 4. Improvements. ~~The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural~~

Commented [MH2]: For consistency with subsection D. Private Open Space below. Also, in review of approved subdivisions over last 20 years, common open space exceeded required 5% of total lot area. Standard should be clear that it applies to required common space and does not apply to additional common open space provided by the applicant.

area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

- a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural feature area with benches and walking paths.
 - b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.
 - c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.
 - d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening, except for natural features as provided in subsection 18.4.4.070.C.1, above.
5. *R-2 and R-3 Zones.* In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
 - b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

Commented [MH3]: Redundant – repeats definition of common open space and language in surfacing standard

Commented [MH4]: For consistent use of terminology in section and land use code.

Commented [MH5]: The Landscaping and Screening standards are intended for finished and improved areas rather than natural features such as creeks and wetlands.

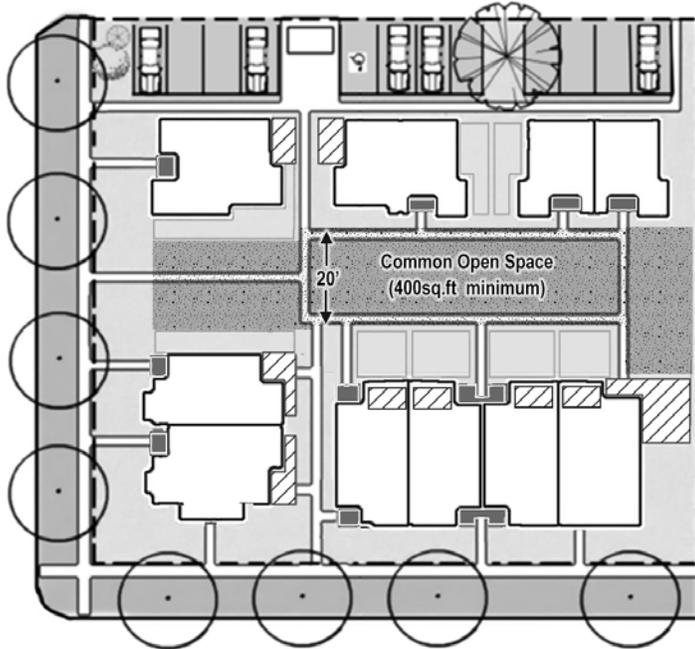


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.
 - a. Access. Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.
 - ~~b. Walkways and Storage Space. The minimum area required for private open space shall not include area for ingress and egress to a ground floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.~~
2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

Commented [MH6]: Edit to address public comment.

deep and measuring at least ~~60~~ 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

Commented [MH7]: Edit to address public comment.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

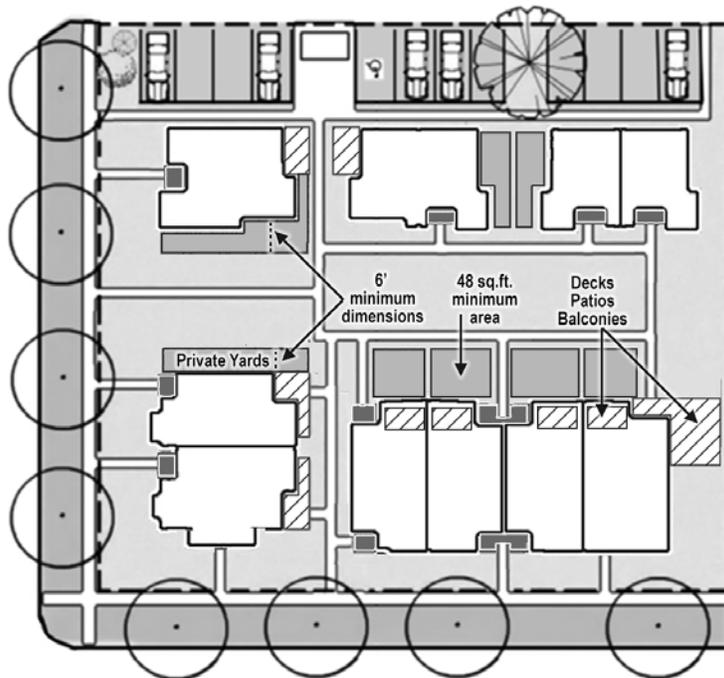


Figure 18.4.4070.D
Private Open Space

18.4.4.060 Fences and Walls

- A. **Permitting.** Permits, granted through Ministerial review, are required prior to installing any permanent fence or wall to ensure compliance with City standards. The property owner should obtain a property boundary survey where property boundaries are not otherwise identified. Where a development is subject to land use approval, the City may require installation of screening walls or fences as a condition of approval for development, as

provided by other ordinance sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

B. Design Standards. Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.
 - a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.
 - b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.
 - c. *Street-Side Yard.* In any rear or side yard abutting a public street, except alleys, not more than four feet in height where located within ten feet of said street.
 - d. *Deer Fencing.* See subsection 18.4.4.060.B.6, below.
 - e. *Open Space.* See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH8]: Edit to address public comment.

18.4.4.060.G Standards Illustrated

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and open space. See Figure 18.4.6.040.G.7. See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH9]: Edit to address public comment.

Prototypical Section: Multi-Use Path

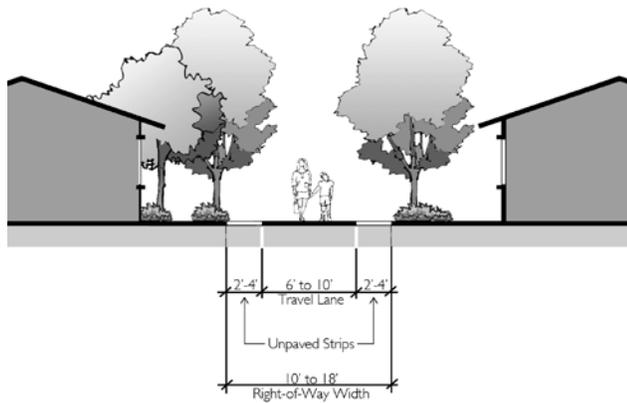


Figure 18.4.6.040.G.7
Multi-Use Path

<i>Street Function</i>	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
<i>Connectivity</i>	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
<i>Right-of-Way Width</i>	10 ft – 18 ft
<i>Improvement Width</i>	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides
<i>Curb and Gutter</i>	not required

accessory residential units, including any required planning action and/or site review.

SECTION 76, 18.68.160, General Regulations, Driveway Grades, of the Ashland Municipal Code, is amended to read as follows:

18.68.160 Driveway Grades.

Grades for new driveways in all zones shall not exceed a grade of 20% for any portion of the driveway. All driveways shall be designed in accord with ~~the criteria of the City of Ashland standards~~ **Public Works Department** and **approved installed** prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. All vision clearance standards associated with driveway entrances onto public streets shall not be subject to the Variance section of this title.

SECTION 77, 18.72, Site Design and Use Standards, of the Ashland Municipal Code, is amended to read as follows:

Chapter 18.72 SITE DESIGN REVIEW AND USE STANDARDS

SECTION 78, 18.72.030, Site Design and Use Standards, Application, of the Ashland Municipal Code, is amended to read as follows:

18.72.030 Applicability ~~tion~~

Site design ~~and use~~ standards shall apply to all zones of the city **as outlined below, and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).**

A. Applicability. The following development is subject to Site Design Review:

1. Commercial, Industrial, Non-Residential and Mixed uses:

- a. All new structures, additions or expansions in C-1, E-1, HC and M zones.
- b. All new non-residential structures or additions (e.g. public buildings, schools, churches, etc.).
- c. Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less.
- d. Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation.
- e. Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.
- f. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.

g. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places.

h. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

2. Residential uses:

a. Two or more residential units on a single lot.

b. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.

c. Residential development when off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).

d. Any exterior change to a structure which requires a building permit and is individually listed on the National Register of Historic Places.

e. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.

1. Detached single family dwellings and associated accessory structures and uses.

2. Land divisions regulated by the following chapters: Partitioning (18.76), Subdivisions (18.80), Manufactured Housing (18.84) and Performance Standards (18.88).

3. The following mechanical equipment:

a. Private, non-commercial radio and television antennas not exceeding a height of seventy (70) feet above grade or thirty (30) feet above an existing structure, whichever height is greater and provided no part of such antenna shall be within the yards required by this Title. A building permit shall be required for any antenna mast, or tower over fifty (50) feet above grade or thirty (30) feet above an existing structure when the same is constructed on the roof of the structure.

b. Not more than three (3) parabolic disc antennas, each under one (1) meter in diameter, on any one lot or dwelling unit.

c. Roof-mounted solar collection devices in all zoning districts, with the exception of Employment and Commercial zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in 18.70 and height requirements of the respective zoning district.

d. Installation of mechanical equipment not exempted by (a, b, c) above or (e) below, and which is not visible from a public right-of-way or adjacent residentially zoned property and consistent with other provisions of this Title, including solar access, noise, and setback requirements of Section 18.68.140(c).

e. Routine maintenance and replacement of existing mechanical equipment in all zones.