

Council Business Meeting

December 15, 2020

| | | |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Agenda Item | Second Reading & Findings Adoption Grand Terrace Annexation | |
| From | Bill Molnar Derek Severson | Director of Community Development Senior Planner |
| Contact | Bill.molnar@ashland.or.us Derek.severson@ashland.or.us | (541) 552-2042 (541) 552-2040 |

SUMMARY

The application is a request to annex 16.87 acres located at 1511 Highway 99 North. The two parcels involved are currently zoned RR-5 (Rural Residential) in Jackson County. With annexation, they would come into the city as R-2 (Low Density, Multi-Family Residential), which is consistent with their Comprehensive Plan designation. The annexation also includes portions of the adjacent railroad property and state highway right-of-way which have been included by the Community Development Director as provided by code. The application materials include conceptual details for the future phased development of 196 apartments in 14 two-story buildings, however no development proposal is included with the annexation request, and subdivision and development approvals will need to be applied for after annexation.

The Council conducted a public hearing on November 17, 2020, approved first reading at the December 1, 2020 meeting, and directed staff to bring findings back for adoption concurrent with second reading on December 15, 2020.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan, Housing Element Goal 6.10 is, “*Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.*” 6.10.01 Policy #5 is, “*Zone sufficient land at densities to accommodate an adequate supply of housing by type and cost to meet population growth and projected housing needs.*” 6.10.01 Policy #9 is, “*Support the retention and development of rental housing.*” Housing Element Goal 6.20 is, “*Support the creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland’s workforce.*”

The 2012 Housing Needs Analysis (HNA) concludes that “*the housing types most needed, including multi-family rentals and government assisted housing are not being developed in accordance with needs*” and that, without “*an increase in land zoned for multi-family (within the city limits and UGB) the City may exhaust the supply of land available for multi-family housing by the year 2034.*”

Ashland 2020: A Strategic Plan for Ashland’s Future includes “*Support and promote, through policy, programs that make the City affordable to live in*” as “*Priority Strategic Planning Goal and Objective*” number 5.2, with, “*Adjust infill strategies in order to promote housing development along major transportation corridors*” as an identified strategy. The properties proposed for annexation here are located on a major transportation corridor served by transit and have a base density which could accommodate 227 new dwelling units, including affordable units required of annexations.

Current Council Goals include leveraging city resources to provide for items including housing needs and multi-modal transportation. The current request would bring nearly 17 acres into the city from the UGB to provide land specifically for needed multi-family housing along an arterial transit route, and would include a bus pull-out lane and new bus stop to facilitate the use of transit by future residents.

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

The key issues in the Council’s consideration at the December 1 meeting were: 1) Looking at whether constrained lands should be excluded from the initial base density calculations used in determining the number of affordable units required with annexation; 2) Determining whether an Exception to Street Standards could be approved as part of an Annexation request when considered independently from a development proposal, and whether an Exception should be approved here; and 3) Looking at the language in the Planning Commission’s recommended Condition #5 to determine whether further flexibility was needed to allow the applicant greater flexibility to explore options for financing required improvements.

In looking at the issue of how constrained lands are considered in determining the required number of affordable units, the Council ultimately determined that the affordability standards recently adopted in Ordinance No. 3195 should be applied here.

With regard to the issue of Exceptions to the Street Design Standards for Annexations, the Council determined that the Annexation criteria requiring that frontage improvements meet city street design standards were intended to consider the standards *and procedures* of the Public Facilities Chapter (AMC 18.4.6) which details the city’s street design standards in terms of the required improvements and cross-sections for each street classification, but also includes procedures which provide for Exceptions to the Street Design Standards where merited by site-specific conditions. The Council further found that an Exception was merited here to allow curbside sidewalks to be installed where necessary to accommodate transit facilities or respond to physical constraints within the available state highway right-of-way.

In terms the language of the Planning Commission’s Condition #5:

“That to address the annexation requirements that adequate transportation and city facilities be provided, at a minimum any future development of the property shall require completion of the street frontage improvements, including but not limited to sidewalks and a bus stop, and the extension of utility infrastructure as described in 2.3 above at the owner’s expense, in addition to any improvements necessary to serve the future development of the property.”

The Council found that this condition was intended to make clear that the improvements described in the application and the Planning Commission findings were not the responsibility of the city and were requirements of the annexation that applied to the future development of the property. The Council further found that the “*at the owner’s expense*” language was not intended to prevent the owner from pursuing grants or other options to finance the improvements, or from working with the city to form a reimbursement district as allowed in AMC 13.30. The Council concluded that the language as recommended by the Planning Commission provided the applicant with sufficient flexibility to explore their options.

Written findings for the decision are presented for Council adoption. These findings incorporate the Planning Commission’s recommendations and the Council direction above from the December 1 decision.

FISCAL IMPACTS

There are no direct fiscal impacts related to the proposed annexation.

STAFF RECOMMENDATION

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

ACTIONS, OPTIONS & POTENTIAL MOTIONS

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

- “I move approval of the second reading by title only of ‘An Ordinance Annexing Property and Withdrawing an Annexed Area from Jackson County Fire District No. 5 (Grand Terrace Annexation – Planning Action #PA-T3-2019-00001’ and adoption of the ordinance;”
and
- “I move to adopt written findings for approval of Planning Action #PA-T3-2019-00001.”

REFERENCES & ATTACHMENTS

Attachment 1: Ordinance No. 3194 with Exhibit A detailing the area proposed for annexation, Exhibit B the additional state highway right-of-way and railroad property, and Exhibit C draft findings.

The full record for the application is posted on-line at: <http://www.ashland.or.us/GrandTerrace> along with a list of all public meetings held to date, including links to meeting packets, minutes and videos.

ORDINANCE NO. 3194

**AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING AN ANNEXED
AREA FROM JACKSON COUNTY FIRE DISTRICT NO.5
(Grand Terrace Annexation – Planning Action #PA-T3-2019-00001)**

WHEREAS, the owners of the property described in the attached Exhibit "A" have consented to the annexation of this property to the City of Ashland.

WHEREAS, 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.*"

WHEREAS, the Staff Advisor has included both the adjacent railroad property and the adjacent Oregon Department of Transportation (ODOT) state highway right-of-way for Highway 99N in the requested annexation as illustrated in the attached Exhibit “B” to provide a more logical and orderly boundary, noting that if the railroad property were to remain outside the city limits it would effectively prevent annexation of all of the property within the Urban Growth Boundary (UGB) to the north of the current city limits, and that inclusion of the ODOT state highway right-of-way is necessary for the extension of city facilities to the subject properties.

WHEREAS, ORS 222.170 allows an annexation to be approved through a public hearing without requiring a vote by electors within the district 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.

WHEREAS, two of the three owners of the properties within the proposed Grand Terrace Annexation - the applicant and the Oregon Department of Transportation - have consented to the annexation, and their combined properties represent more than one-half of the land and more than one-half of the total assessed value in the area to be annexed.

WHEREAS, pursuant to ORS 222.120 and ORS 222.524 a public hearing was held on

1 November 17, 2020, on the questions of annexation and withdrawal of the property from Jackson
2 County Fire District No. 5. The hearing was held electronically via Zoom video conferencing,
3 and was also broadcast live on local television channel 9 and on Charter Communications
4 channels 180 & 181, and was live-streamed over the internet on RVTV Prime at
5 <http://www.rvtv.sou.edu>. Those interested in participating in the hearing were able to view the
6 meeting as it occurred, and had options to provide written testimony via e-mail in advance of the
7 hearing or to make advanced arrangements to provide oral testimony via Zoom video
8 conferencing in keeping with the Governor’s Executive Order 20-16 and subsequent House Bill
9 4212 which authorize governing bodies in Oregon to conduct all public meetings using telephone
10 or video conferencing technology or through other electronic or virtual means.

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

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

14 **SECTION 2.** The land described in the attached Exhibit “A” and the adjacent railroad property
15 and state highway right-of-way illustrated in the attached Exhibit “B” are declared to be annexed
16 to the City of Ashland.

17 **SECTION 3.** The land described in the attached Exhibit “A” and the adjacent railroad property
18 and state highway right-of-way illustrated in the attached Exhibit “B” are declared to be
19 withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

20 The foregoing ordinance was first read by title only in accordance with Article X, Section
21 2(C) of the City Charter on the ____ day of _____, 2020, and duly PASSED and
22 ADOPTED this ____ day of _____, 2020.

23 ATTEST:

24 _____
25
26 Melissa Huhtala, City Recorder

27 SIGNED and APPROVED this ____ day of _____, 2020.

28 _____
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30 John Stromberg, Mayor

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Reviewed as to form:

David H. Lohman, City Attorney

POLARIS LAND SURVEYING, LLC

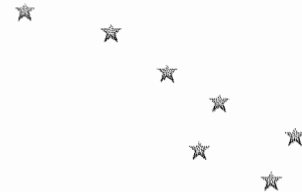
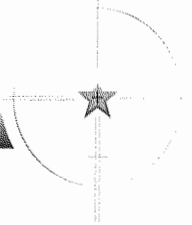


EXHIBIT "A"

LEGAL DESCRIPTION – KENDRICK ANNEXATION TRACT
CITY OF ASHLAND NORTH MAIN STREET ANNEXATION
ASSESSOR'S MAP NO. 38 1E 32, TAX LOTS 1700 & 1702

Those tracts of land described within Instrument No. 2013-035734 of the Official Records in Jackson County, Oregon, lying situate within the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32 in Township 38 South, Range 1 East, and the Northwest Quarter of Section 5 in Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

PARCEL 1, TRACT "A"

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South 46°27'46" West, 834.96 feet [Deed Record South 46° 28' 51" West, 835.06 feet] to a 1/2 inch iron pipe at the True Point of Beginning; thence South 38°40'29" West [South 38° 38' 29" West], 351.73 feet to a 1/2 inch iron pipe situated on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence along said northeasterly line the following courses: 264.06 feet along the arc of a 6855.55 foot radius curve to the right, having a central angle of 02° 12' 25" (long chord bearing North 57° 16' 51" West, 264.05 feet), to a 5/8 inch iron pin at a point of tangency; thence North 56° 10' 38" West, 270.00 feet to a 5/8 inch iron pin; thence North 33° 49' 22" East, at right angles to said northeasterly line, 30.00 feet to a 5/8 inch iron pin; thence North 56° 10' 38" West, 410.82 feet to a 5/8 inch iron pin at a point of curvature; thence 206.66 feet along the arc of a 6925.55 foot radius curve to the left, having a central angle of 01° 42' 35" (long chord bearing North 57° 01' 56" West, 206.65 feet) to a 5/8 inch iron pin at the point of tangency; thence North 57° 53' 13" West, 365.53 feet to the south line of said Donation Land Claim No. 48; thence South 89° 54'00" East, along said south line, 727.94 feet [Deed Record 727.81 feet] to a 1/2 inch iron pipe; thence South 15°09'14" West [Deed Record South 15° 08' 35" West], leaving said south line, 175.395 feet to a 1/2 inch iron pipe; thence South 64°23'16" East [Deed Record South 64° 23' 25" East] 690.07 feet to a 5/8 inch iron pin; thence North 41°48'34" East [North 41° 36' 44" East] 42.81 feet to a 1/2 inch iron pipe; thence South 44°49'51" East, 149.94 feet [Deed Record South 45° 18' 43" East, 149.99 feet] to a 1/2 inch iron pipe; thence South 43° 23' 17" East, 50.02 feet [Deed Record 49.99 feet] to the Point of Beginning.

Containing 9.23 acres, more or less.

PARCEL 1, TRACT "B"

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence North 89°54'00" West, along the south line of said Claim, 1638.78 feet [Deed Record North 89° 54' 37" West, 1638.78 feet]; thence North 37° 19' 04"

Ordinance #3194, Ex. A1 - Legal Description

East, 349.22 feet [Deed Record 349.46 feet] to the southwesterly line of relocated Highway No. 99; thence North 52° 40' 56" West, along said southwesterly line, 449.82 feet to the most easterly corner of that tract described in Document No. 77-10338, Official Records of said County; thence South 37° 20' 46" West, 399.73 feet [Deed Record 400.00 feet] to the most southerly corner of said tract for the True Point of Beginning; thence South 52°40'25" East, 383.59 feet [Deed Record South 52° 40' 56" East, 383.50 feet] to a 5/8 inch iron pin on the south line of said Claim No. 48; thence North 89°54 00" West, along said south line, 356.95 feet [Deed Record North 89° 54' 37" West, 345 feet, more or less] to a 5/8 inch iron pin on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence North 57°53'13" West, along said northeasterly line, 180.35 feet to a 5/8 inch iron pin; thence 220.88 feet along the arc of a 7286.49 foot radius curve to the left, having a central angle of 01°44'13" (long chord bearing North 58°45'19" West, 220.87 feet) to a point which bears South 37°21'19" West [Deed Record South 37° 20' 46" West] from a 5/8 inch iron pin at the most northerly corner of that tract of land described in Document No. 89-01177 of said Official Records, from which a 3/4 inch crimped top iron pipe bears North 37°21'19" East, 0.55 feet; thence North 37°21'19" East, along the northwesterly line of said described tract, 162.68 feet [Deed Record North 37° 20' 46" East, 162.0 feet, more or less], to a 5/8 inch iron pin which bears South 37°21'19" West, 93.04 feet [Deed Record South 37° 20' 46" West, 93.00 feet] from said most northerly corner; thence South 72°19'16" East, leaving said northwesterly line, 276.73 feet [Deed Record South 72° 19' 01" East, 276.77 feet] to a 5/8 inch iron pin situated on the northeasterly line of said described tract; thence South 52°40'25" East, along said northeasterly line, 39.16 feet [Deed record South 52°40'56" East, 39.37 feet] to the Point of Beginning.

Containing 2.58 acres, more or less.

PARCEL 2

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South 46°27'46" West, 834.96 feet [Deed Record South 46° 28' 51" West, 835.06 feet] to a 1/2 inch iron pipe at the True Ppoint of Beginning; thence North 41°35'25" East, 89.24 feet [Deed Record North 41° 34' 29" East, 89.28 feet] to a 1/2 inch iron pipe situated on the southwesterly line of relocated Pacific Highway No. 99; thence following said southwesterly line of said Highway the following courses: 901.97 feet [Deed Record 901.77 feet] southeasterly along the arc of a 3718.63 foot radius curve to the right, having a central angle of 13°53'51" [Deed Record 13° 53' 40") to a 5/8 inch iron pin at the point of tangency; thence South 29°02'55" East, 29.16 feet [Deed Record South 28°49'42" East, 29.39 feet], more or less, to a 5/8 inch iron pin on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence leaving said southeasterly line of Highway 99 and along the northeasterly line of said railroad the following courses: North 58°23'04" West, 347.93 feet [Deed Record North 58° 23' 04" West, 348.09 feet] to a 5/8 inch iron pin on the south line of Section 32, in said Township 38 South, Range 1 East; thence South 89°39'37" West [Deed Record South 89°39'27" West], along said south line, 151.14 feet to a 5/8 inch iron pin, being 20.00 feet northeasterly from and at right angles to the centerline of said railroad; thence North 58°23'04" West, 439.50 feet to a 1/2 inch iron pipe at a point of curvature; thence North 38°40'29" East [Deed Record North 38°38'29" East], leaving said northeasterly line of railroad, 351.73 feet to the Point of Beginning.

Containing 5.06 acres, more or less.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 5, 2020

s:\surveys\855-14\Kendrick Annexation Legal.docx



Shawn Kampmann



RENEWAL DATE: 6/30/21

ALTA / ACSM LAND TITLE SURVEY

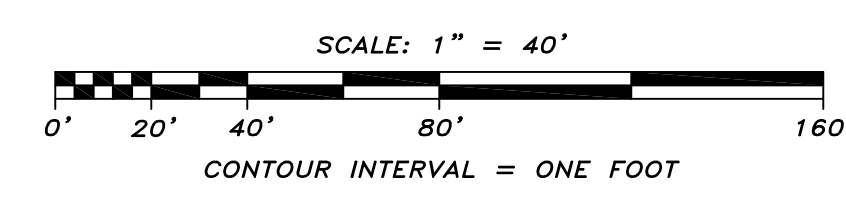
TOPOGRAPHIC SITE SURVEY MAP

LOCATED AT
1511 North Highway 99
Ashland, Oregon

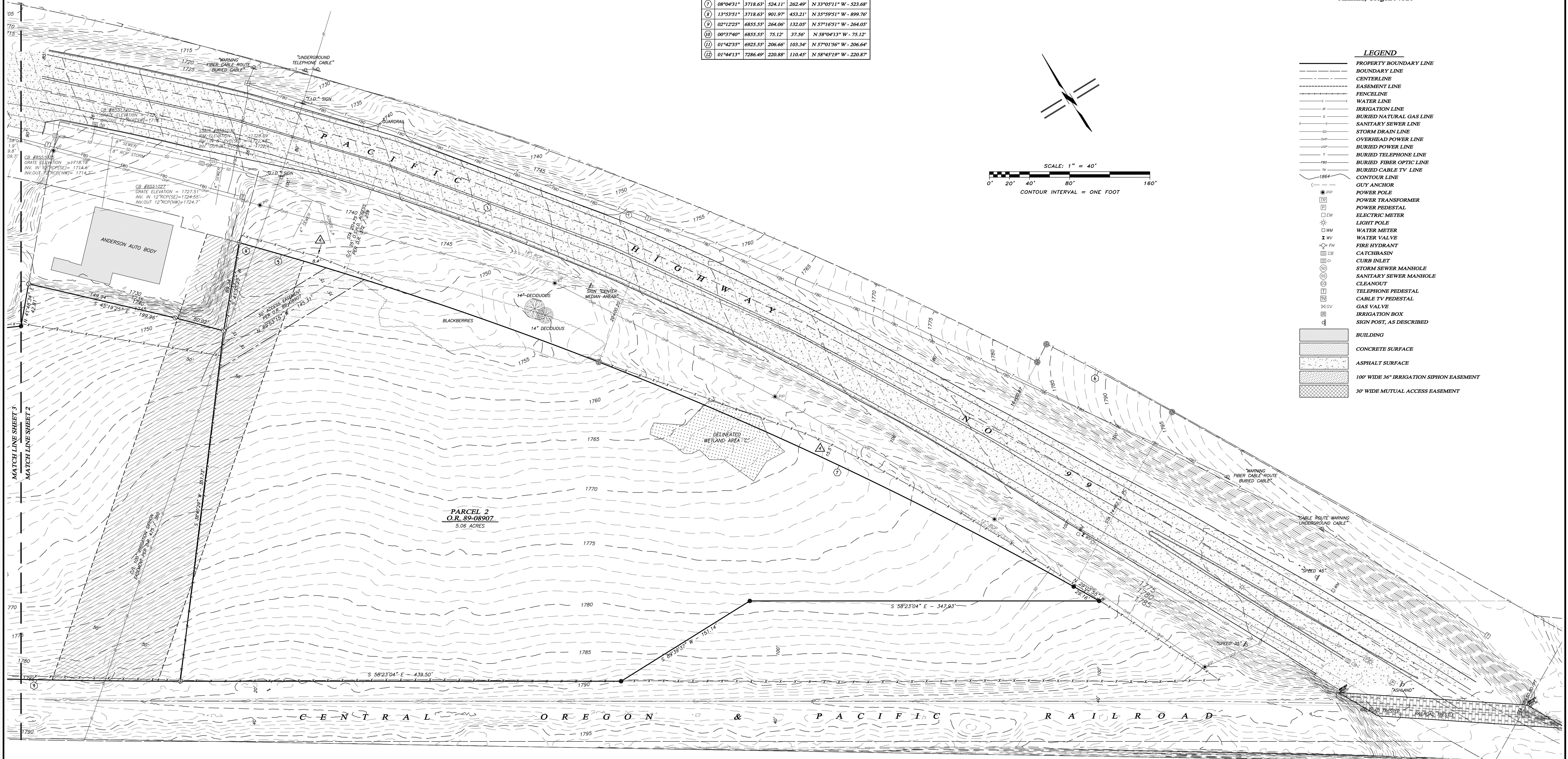
LYING SITUATE WITHIN
 SOUTHEAST 1/4 OF SECTION 31 & SOUTHWEST 1/4 OF SECTION 32
 TOWNSHIP 38 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 & THE NORTHWEST QUARTER OF SECTION 5
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 JACKSON COUNTY, OREGON

FOR
Cassita Developments LLC
 153 Will Dodge Way
 Ashland, Oregon 97520

| FLAG | Δ | R | A | T | CHORD |
|------|-----------|----------|----------|---------|--------------------------|
| ① | 23°37'22" | 3818.63' | 1574.40' | 798.54' | N 40°51'36" W - 1563.27' |
| ② | 03°06'07" | 3728.63' | 201.87' | 100.96' | N 51°07'13" W - 201.85' |
| ③ | 00°26'37" | 3728.63' | 28.88' | 14.44' | N 49°20'50" W - 28.88' |
| ④ | 00°15'48" | 3718.63' | 17.08' | 8.54' | N 42°48'52" W - 17.08' |
| ⑤ | 00°46'17" | 3718.63' | 50.06' | 25.03' | N 42°17'50" W - 50.06' |
| ⑥ | 02°04'38" | 3918.63' | 142.06' | 71.04' | N 30°05'14" W - 142.06' |
| ⑦ | 08°04'21" | 3718.63' | 524.11' | 262.49' | N 33°05'11" W - 523.68' |
| ⑧ | 13°53'51" | 3718.63' | 901.97' | 453.21' | N 35°59'51" W - 899.76' |
| ⑨ | 02°12'25" | 6855.55' | 264.06' | 132.03' | N 57°16'51" W - 264.03' |
| ⑩ | 00°37'40" | 6855.55' | 75.12' | 37.56' | N 58°04'13" W - 75.12' |
| ⑪ | 01°42'35" | 6925.55' | 206.66' | 103.34' | N 57°01'56" W - 206.64' |
| ⑫ | 01°44'13" | 7286.49' | 220.88' | 110.45' | N 58°45'19" W - 220.87' |



- LEGEND**
- PROPERTY BOUNDARY LINE
 - - - BOUNDARY LINE
 - CENTERLINE
 - - - EASEMENT LINE
 - - - FENCELINE
 - WATER LINE
 - IRRIGATION LINE
 - BURIED NATURAL GAS LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - OVERHEAD POWER LINE
 - BURIED POWER LINE
 - BURIED TELEPHONE LINE
 - BURIED FIBER OPTIC LINE
 - BURIED CABLE TV LINE
 - CONTOUR LINE
 - GUY ANCHOR
 - PP POWER POLE
 - PT POWER TRANSFORMER
 - PE POWER PEDESTAL
 - EM ELECTRIC METER
 - LP LIGHT POLE
 - WM WATER METER
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - CB CATCHBASIN
 - CI CURB INLET
 - SM STORM SEWER MANHOLE
 - SS SANITARY SEWER MANHOLE
 - CN CLEANOUT
 - TP TELEPHONE PEDESTAL
 - CTV CABLE TV PEDESTAL
 - GV GAS VALVE
 - IB IRRIGATION BOX
 - SP SIGN POST, AS DESCRIBED
 - BUILDING
 - CONCRETE SURFACE
 - ASPHALT SURFACE
 - 100' WIDE 36" IRRIGATION SIPHON EASEMENT
 - 30' WIDE MUTUAL ACCESS EASEMENT



REGISTERED PROFESSIONAL LAND SURVEYOR
 ELECTRONIC COPY
 OREGON
 MAY 14, 1998
 SHAWN KALPMANN
 2003-14
 RENEWAL DATE: 6/30/2019

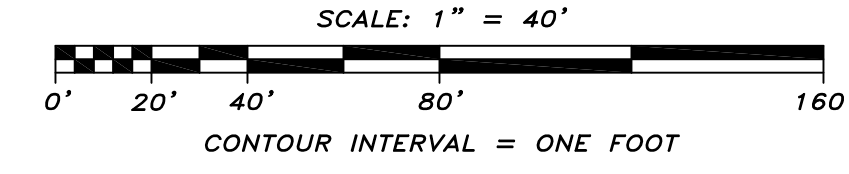
SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: MARCH 26, 2018
 PROJECT NO. 855-14

ALTA / ACSM LAND TITLE SURVEY

LOCATED AT
1511 North Highway 99
 Ashland, Oregon
 LYING SITUATE WITHIN
 SOUTHEAST 1/4 OF SECTION 31 & SOUTHWEST 1/4 OF SECTION 32
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
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FOR
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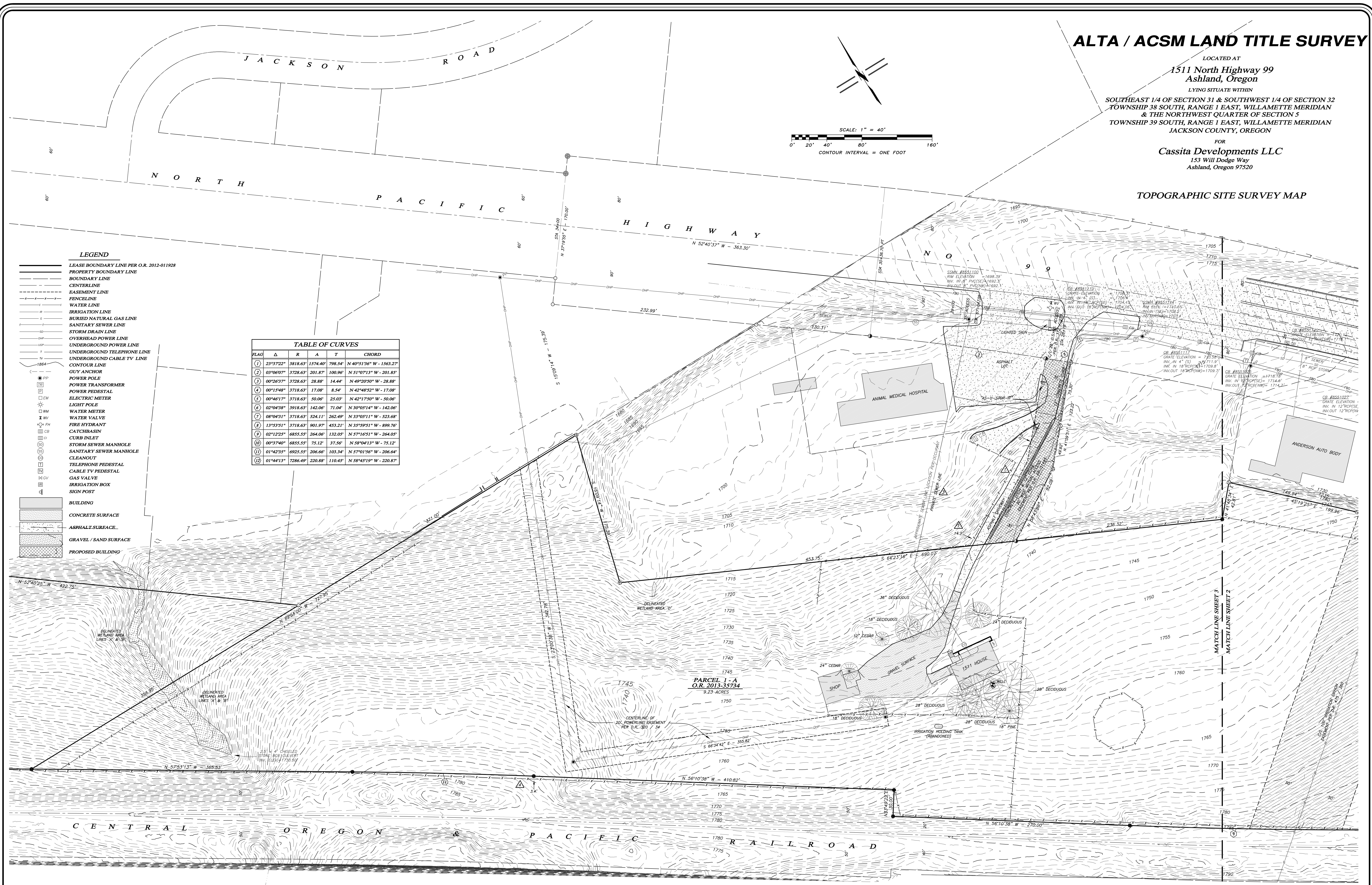
TOPOGRAPHIC SITE SURVEY MAP



- LEGEND**
- LEASE BOUNDARY LINE PER O.R. 2012-011928
 - PROPERTY BOUNDARY LINE
 - BOUNDARY LINE
 - CENTERLINE
 - - - EASEMENT LINE
 - - - FENCELINE
 - - - WATER LINE
 - - - IRRIGATION LINE
 - - - BURIED NATURAL GAS LINE
 - - - SANITARY SEWER LINE
 - - - STORM DRAIN LINE
 - - - OVERHEAD POWER LINE
 - - - UNDERGROUND POWER LINE
 - - - UNDERGROUND TELEPHONE LINE
 - - - UNDERGROUND CABLE TV LINE
 - - - CONTOUR LINE
 - GUY ANCHOR
 - POWER POLE
 - POWER TRANSFORMER
 - ELECTRIC METER
 - LIGHT POLE
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT
 - CATCHBASIN
 - CURB INLET
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - CLEANOUT
 - TELEPHONE PEDESTAL
 - CABLE TV PEDESTAL
 - GAS VALVE
 - IRRIGATION BOX
 - SIGN POST
 - BUILDING
 - CONCRETE SURFACE
 - ASPHALT SURFACE
 - GRAVEL / SAND SURFACE
 - PROPOSED BUILDING

TABLE OF CURVES

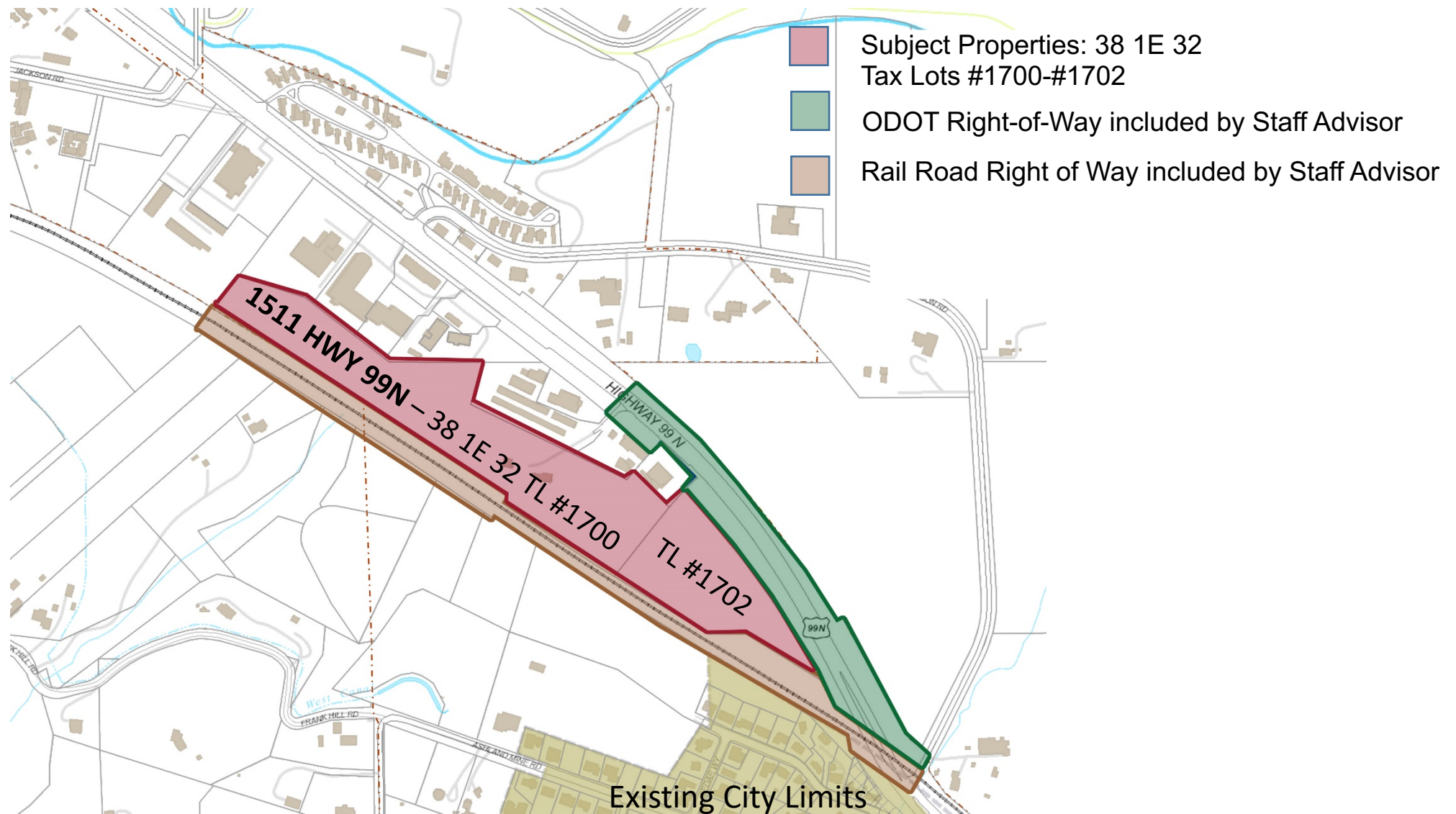
| FLAG | Δ | R | A | T | CHORD |
|------|-----------|---------|---------|--------|-------------------------|
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REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 SHAWN KAMPMANN
 2015 LS
 RENEWAL DATE: 6/30/2019

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: MARCH 26, 2018
 PROJECT NO. 855-14

Ordinance #3194, Ex. B - Property to be Annexed



**BEFORE THE CITY COUNCIL
December 15, 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)
 INCLUDES ADJACENT RAILROAD PROPERTY & STATE HIGHWAY)
 RIGHT-OF-WAY ADDED BY STAFF FOR A MORE LOGICAL BOUNDARY.) **FINDINGS,**
 THE APPLICATION INCLUDES CONCEPTUAL DETAILS FOR THE FUTURE) **CONCLUSIONS,**
 PHASED DEVELOPMENT OF 196 1- & 2- BEDROOM APARTMENTS RANGING) **ORDERS &**
 FROM 480-701 SQUARE FEET IN 14 2-STORY BUILDINGS. OUTLINE PLAN) **RECOMMENDATION**
 SUBDIVISION AND SITE DESIGN REVIEW DEVELOPMENT APPROVALS ARE)
 NOT REQUESTED HERE, AND WOULD BE APPLIED FOR SUBSEQUENT TO)
 ANNEXATION.)

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, are presently outside the city limits, and are zoned RR-5, Jackson County Rural Residential.

2) The application requests 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. Adjacent railroad property and state highway right-of-way have been included in the annexation by the Staff Advisor for a more logical and orderly boundary as provided in AMC 18.5.8.060. 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, however Outline Plan subdivision and Site Design Review development approvals are not requested here, and will be applied for subsequent to annexation. The application also requests for 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 approval criteria for an Exception to the Street Design Standards are described in AMC 18.4.6.020.B as follows:

Exceptions and Variances. *Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from section 18.4.6.040 Street Design Standards are subject to 18.4.6.020.B.1 Exceptions to the Street Design Standards, below.*

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.*

5) The Planning Commission, following proper public notice, held a public hearing on November 12, 2019 and electronic hearings on June 23, 2020 and July 28, 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 and advocate for a reduction in the speed limit on the adjacent state highway corridor.

6) The City Council, following proper public notice, conducted first reading of an ordinance annexing the property and withdrawing it from Fire District #5 and held an electronic public hearing on November 17, 2020 at which time testimony was received and exhibits were presented. This hearing was closed, and the Council's deliberations were continued to an electronic meeting on December 1, 2020 at which time the City Council approved the Annexation request subject to a number of conditions, directed staff to work with the Oregon Department of Transportation to initiate a speed study and advocate for a reduction in the speed limit on the adjacent state highway corridor, and conducted second reading of the annexing ordinance.

Now, therefore, the 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, Miscellaneous Exhibits lettered with an "M"

SECTION 2. FINDINGS & CONCLUSIONS

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

2.2 The City Council finds that the proposal meets the applicable criteria for Annexation in AMC 18.5.8.050, and for an Exception to the Street Design Standards in AMC 18.4.6.020.B.

2.3 The City Council 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 Council finds that the subject property is located within the city's Urban Growth Boundary, and that the requested R-2 zoning is consistent with the site's Comprehensive Plan designation of "Multi-Family Residential." The Council further finds that 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 City Council finds that the two subject parcels are separated from the current city limits by the railroad property, however 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 Staff Advisor has accordingly included both the adjacent railroad property and the Oregon Department of Transportation (ODOT) right-of-way for Highway 99N as allowed in AMC 18.5.8.060 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 the inclusion of the ODOT highway right-of-way enables the necessary extension of urban services.

The City Council notes that the public notices postings for the Planning Commission and Council hearings have included these properties, and written notices were sent to their owners. Subsequent to receiving notice, representatives of ODOT has expressed agreement with the inclusion of their property while representatives of the railroad have indicated they do not wish to be annexed. The City Council finds that as provided in state law (ORS 222.170), an annexation may be approved by consent through a public hearing, without 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 City Council finds that with the consent of the applicant and ODOT, the proposal to annex the subject properties, the adjacent state highway right-of-way and the railroad property included by the Staff Advisor to achieve contiguity satisfies the requirements for annexation under state law and can be completed without the railroad's agreement. Two of the three owners with land in the area to be annexed have consented to the annexation, these owners own more than half of the land in the area to be annexed, and their land represents more than one-half of the assessed value in the area to be annexed. The Council concludes that the annexation can be approved through the city's public hearing process.

Public Facilities

The City Council 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 application notes that water lines to service the property are proposed to be extended, and indicates that these will be adequately sized to provided 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:
 - Extension of 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.
 - Given high water pressures (160+ psi) at the low-end of the city system, a pressure reducing valve (PRV) will be necessary at the point of connection. PRV's may be necessary for individual buildings with subsequent development as well.

- Water meter placement must be within the public right-of-way and within the city limits, and as such the proposed annexation needs to include the adjacent ODOT right-of-way.
 - 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 Water Department comments are limited to determining that adequate capacity can and will be extended to the subject properties to enable annexation, with on-site utilities to be considered with subsequent Site Review.
- **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 existing 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 uphill. 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 (RVSS) - 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, RVSS will continue to provide these services to the subject properties per the 1995 agreement. Public Works has indicated that RVSS continuing to serve the property as allowed under the 1995 agreement is the most appropriate option and is acceptable here, and RVSS has confirmed that their sanitary sewer system has adequate capacity for the proposed development, and that 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 within the state highway right-of-way which is 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 they are 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 City Council finds that with the extension of city water and electrical infrastructure and utilization of Rogue Valley Sewer Services for storm water and sanitary sewer, adequate capacity of these public facilities can and will be provided, with the understanding that the necessary infrastructure to serve future development of the property will need to be considered with future Site Design Review and/or subdivision applications.

Adequate Transportation

The City Council notes that the annexation criteria include that, "*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.*"

Vehicular Transportation

For vehicular transportation, the criterion requires that "*...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.*"

The subject properties here 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 south of the site. North Main Street is a boulevard or arterial as classified in the Transportation System Plan (TSP). City street standards for a boulevard or 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, sometimes referred to as "The Road Diet", Highway 99N has one motor vehicle travel lane in each direction separated by a single, shared center turn lane, and bicycle lanes on the shoulders. There are currently no curbs, park rows or sidewalks 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.

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 transportation impacts of the proposal. The Council notes that the 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, however no mitigation is recommended to address these background 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. After review of the TIA and the subsequent supplementary technical memo, the Oregon Department of Transportation (ODOT), which has jurisdiction over the roadway which will continue after Annexation, has accepted the TIA.

Access Easement

The City Council notes that the one of the two access points to the property is to be provided via a 30-foot wide access easement and notes that there are no reservations or limitations noted upon this easement. The application further explains that there is a 25-foot wide right of access to the highway from the easement, and includes a survey noting the easement area along with the easement language. The Council 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 Council's role to analyze this historical intent but rather to determine if a legitimate easement is now in place to support a finding that adequate transportation can and will be provided.

The City Council 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) and no dedications are identified through the subject properties on the currently adopted Street Dedication Map, however AMC 18.4.3.080.C.3.d does require that two driveway access points be provided if a multi-family development will generate over 250 trips per day as is the case here. The City Council finds that the intent of this standard is to provide options for the orderly flow of traffic into and out of the site, and here, two driveways are proposed, and the supplementary technical memo 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/left-out movements. The City Council further finds that with the ultimate development of the site, a future application will need to respond to the approval criteria and associated standards dealing with parking, access and circulation including vehicle area design and pedestrian access and circulation standards.

The City Council finds that Highway 99N is the only street within or adjacent to the proposed annexation. The annexation criteria require that “*All streets located within annexed areas shall be fully improved to City standards,*” the Highway 99N improvements described in the application do not fully comply with City street standards. Along the property’s immediate frontage, the application proposes city standard improvements except where the sidewalk must be pushed to curbside to accommodate the installation of a bus pull-out lane associated with a new southbound bus stop, and while the application proposes approximately 0.63 miles of new sidewalks to connect to existing sidewalks to the north and south, due to physical constraints in the form of roadside ditches and limited right-of-way standard parkrow planting strips with street trees cannot be installed with those connections. The application includes findings in support of an Exception to the Street Standards to allow curbside sidewalks where available right-of-way is limited or physically constrained to prevent the installation of standard park row planting strips between the curb and sidewalk. The City Council notes that during the Planning Commission’s review of the application, the Commission found that while an Exception may be merited, they could not consider such a request independent of a Site Design Review proposal as the annexation criteria language does not explicitly provide for exceptions. In making its recommendations, the Planning Commission noted that the Council could nonetheless choose to accept the improvements as proposed, as the Council has a measure of discretion in interpreting its own ordinances that the Planning Commission does not.

In considering the proposed frontage improvements in light of the adequate transportation criterion, the City Council finds that the criteria calling for streets within the annexation to be ‘*fully improved to City standards*’ (AMC 18.5.8.050.E.1) and for full sidewalks to be provided ‘*as required by ordinance*’ (AMC 18.5.8.050.E.3) are intended to insure that at Annexation, streets are improved in keeping with the standards and procedures of the city’s Public Facilities chapter (AMC 18.4.6) which details the city’s street standards not only in terms of the required cross-sections which illustrate the specific improvements required for each street type, but which also includes criteria in AMC 18.4.6.020.B for considering Exceptions to the Street Design Standards where merited by site-specific circumstances. In making this determination, the Council notes that Table AMC 18.4.1.020, which details the applicability of design standards to specific planning approval types, explicitly provides that Annexations are subject to the Public Facilities Chapter (AMC 18.4.6) rather than limiting Annexation only to the Street Design Standards found in section 18.4.6.040. In addition, AMC 18.4.1.030 makes clear that the individual chapters identify the standards which are subject to the Exception process, and Chapter 18.4.6 provides that deviations from the Street Design Standards are allowed subject to Exceptions to the Street Design Standards in AMC 18.4.6.020.B.1.

Bicycle Transportation

For bicycle transportation, the approval criterion is that, “...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.” The Planning Commission finds that Highway 99N is classified as a boulevard or arterial street in the Transportation System Plan, and that there are existing bike lanes in place which are to be retained with the proposal.

Pedestrian Transportation

The pedestrian transportation criterion is that, “... 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.”

Frontage Improvements

The Planning Commission notes that the application details frontage improvements which mix city-standard treatments with a parkrow planting strip between the curb and sidewalk, and curbside sidewalk installations to connect the 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. A city standard sidewalk and parkrow configuration is proposed along the subject properties’ frontage, except where the installation of a proposed bus pull-out lane and bus shelter necessitate an eight-foot curbside sidewalk. Beyond the frontages, curbside sidewalks are proposed where the right-of-way is constrained by right-of-way width, slopes, or existing improvements. The application proposes to place either an ODOT-standard cobra-head style street light or a City-standard pedestrian-scaled streetlight near the improved driveway apron, and a total of five additional street lights are proposed to be installed along the property frontage.

The Council notes that the application includes Exception findings to address those areas of sidewalk that aren’t designed to city street standards. The application details 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 application explains that there is a large roadside ditch and private property belonging to Anderson Autobody which prevent standard parkrow installation, and further notes that this curbside sidewalk will connect to the curbside sidewalk to the north of the subject properties.
- **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 turn-out lane, bus stop and 8-foot curbside sidewalk are proposed along this section of the property frontage. The parkrow here has been displaced by the proposed bus turn-out lane.
- **Station 27-34:** A 3-foot bike buffer, 6-foot bike lane, and curbside sidewalk are proposed. The application explains that this section is physically constrained by a steep roadside embankment and by the existing railroad trestle, and submittal materials have shown the sidewalk at varying widths in this area, however ODOT has indicated that for a state facility, a 6-foot sidewalk is the minimum acceptable width under 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.

The City Council finds that an Exception to the Street Design Standards is merited here. The Council finds that there are demonstrable difficulties in providing continuous standard park row planting strips over the roughly 0.63 mile distance where new sidewalks are proposed. These difficulties are unique site-specific constraints which include a large roadside ditch, an area where private property extends to very near the existing highway improvements in front of Anderson Autobody limiting additional right-of-way available for improvements, steep embankments near the edge of the right-of-way which prevent the installation of both a parkrow and the required transit improvements on the frontage, the presence of the existing railroad trestle constraining the area available width for new improvements, and the presence of steep embankments at the existing highway edge beyond the trestle. The Council further finds that the curbside sidewalk without a standard parkrow will result in equal facilities and connectivity, particular given that the existing sidewalks being connected to both south of the subject properties, within the city limits near Schofield Street, and north of the subject properties, in the county near El Tapatio, are both installed curbside. The Council finds that the exception here is the minimum necessary to alleviate the difficulties posed by site constraints, and that a standard parkrow is proposed in those areas not constrained. The Council further finds that the Exception is consistent with the Purpose and Intent of the Street Standards which seeks to provide multiple transportation options, but which also recognizes that “*Variations can be made from these basic types to fit the particular site and situation.*”

Transit Transportation

For transit transportation, the specific approval 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 City Council finds that the applicant has worked with Rogue Valley Transportation District (RVTB), the RVTB Bus Stop Committee and the Oregon Department of Transportation (ODOT) to provide design details for a new southbound RVTB bus stop on the subject property’s frontage to include a bus turn-out lane, bus 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. Exhibit

C.4 of the application illustrates the proposed bus turn-out lane, shelter and street light placement, and a proposed walkway connecting from the shelter onto the project site.

Northbound RVTB Bus Stops

The City Council finds that there are already 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 application indicates that the potential for enhancing crossings in these locations has been explored, but notes that ODOT has determined that new striping, rectangular rapid flash beacons (RRFB’s) or similar treatments are not appropriate given the observed traffic speeds, traffic volumes, sight and stopping distances when weighed against the anticipated number of pedestrians. However, the application indicates that ODOT does support the creation of a median refuge at the intersection of North Main and Highway 99N along with “Pedestrian Crossing” signage.

The Council finds 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 a new southbound stop along the property’s frontage will be provided to support transit use by future residents of the property. The Council concludes that adequate transit transportation can and will be provided.

Speed reduction

The Council notes that both the Planning and Transportation Commissions had broader discussions about whether the available facilities for pedestrians, bicyclists and those wishing to use transit were safe and accessible, particularly for those intending to cross Highway 99N to access the northbound bus route or the Bear Creek Greenway. ODOT, which has and will retain jurisdiction for the roadway, has indicated that marked or signalized crossings are not appropriate for the roadway with the current combination of traffic speeds, sight distances and the volumes of vehicle and pedestrian traffic, although they have suggested that some modifications could be made to the median area at North Main Street to support pedestrian crossings to and from the northbound bus stop there. After lengthy discussion, the Planning Commission was supportive of the application with the caveat that with annexation approval, the Council should direct staff to work with ODOT to initiate a speed study as the first step in seeking a reduction in the posted speed limit and that the city should strongly advocate for a speed reduction to make the corridor from Valley View Road to the existing city limits a more pedestrian-, bicycle- and transit-friendly facility. Discussions between city Planning and Engineering and ODOT staff have already begun, and ODOT has indicated that they are open to conducting a speed study.

Transportation Conclusions

The Council notes that ODOT, which has and will retain jurisdiction of the roadway 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 at least 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. The Council also recognizes that ODOT has jurisdiction on this state highway with regard to issues including highway markings for pedestrian crossings and speed limits, and that a request to initiate a speed study will ultimately need to be made by the City to ODOT.

The proposal includes the installation of 3,340 linear feet – or roughly 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; and 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. In considering the adequacy of the proposed transportation facilities, the Council notes that both the Transportation Commission and Planning Commission had expressed concerns with pedestrians headed to the northbound bus route and cyclists turning north on the highway without additional crossing improvements or a speed reduction. In reaching its recommendation, the Planning Commission ultimately determined that the application illustrated what can currently be done to provide adequate transportation within the existing physical and jurisdictional constraints of the state highway. ODOT has indicated that they are open to a speed study to determine whether a reduction in the posted speed limit is feasible, and for Council it is key that such a study be initiated by the city with annexation in conjunction with strong advocacy for a speed reduction from Valley View to the existing city limits to create an environment where people will feel comfortable using the roadway via all modes and the maximum number of people will walk, bicycle and use transit.

A condition has been included to require that to address the annexation requirements that adequate transportation and city facilities be provided, at a minimum any future development of the property shall require completion of the street frontage improvements, including but not limited to the sidewalks, bus stop, and the extension of utility infrastructure as described in 2.3 above at the owner’s expense, in addition to any improvements necessary to serve the future development of the property. The Council notes here that this condition language is intended to make clear that these improvements are requirements of annexation, will be required to be completed with any future development of the property, and are not the city’s responsibility. It is the Council's intention that this language not be interpreted as a limit on the means that the applicant is allowed to pursue to finance and complete the required improvements.

The Council concludes that with the improvements described, adequate transportation can and will be provided, but that with the annexation of the property it will be essential for the city to work with ODOT in seeking to reduce the speed on the corridor.

Minimum Density

The City Council 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 Council finds that after excluding those areas that are considered undevelopable due to significant natural features and physical constraints posed by slopes exceeding 35 percent, riparian drainage areas, and the wetland area and its associated buffer zone, the developable area of the subject properties 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 includes a conceptual development plan with building designs, site lay-out and findings to demonstrate how this may be achieved on site.

Affordability Requirement

The City Council 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 materials indicate that all affordability requirements will be complied with when the site develops, and the applicant proposes to provide 30 rental units at 60 percent of the area median income (AMI).

The City Council notes that the current application excludes lands constrained by hillside slopes, water resource protection zones for streams or wetlands, and lands with significant natural features from the initial base density calculation used to determine the required number of affordable units with Annexation, arguing that both state and city regulations do not consider these to be buildable lands, and that similar exclusions have been allowed in past applications. The Planning Commission found that while there is a provision which allows for the exclusion of these 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, the ordinance in place during Planning Commission consideration had no similar provision to exclude these lands from the base density when calculating the required number of affordable units for annexation, and to comply the applicant would have needed to revised their calculations to consider the full area of the subject properties unless superseding legislation were enacted by the Council prior to Annexation.

The City Council has just approved legislation (Ordinance #3195 adopted December 1, 2020) which amends the Ashland Municipal Code with regard to affordability, including the methodology for calculating the required number of affordable units for Annexation. AMC 18.5.8.070.G.1 as amended with the adoption of Ordinance #3195, provides that *“The base density of the property for the purposes of this (affordability) calculation shall exclude any portions of the property such as wetlands, floodplain corridor lands, water resource areas, slopes greater than 35 percent, or land designated as a public park.”* These affordability amendments were reviewed extensively by the City of Ashland’s Housing and Human Services Commission, Planning Commission and the City Council, and both advisory commissions unanimously supported the amendments in their recommendations to the Council. In adopting Ordinance #3195, the Council determined that the amendments contained therein were the preferred means to address affordability, and the Council now finds that the provisions of Ordinance #3195 shall apply to the current application.

The City Council concludes that the application complies with the affordability requirements set forth in AMC 18.5.8.050.G as amended by Ordinance #3195, and a condition has been included to require that the applicant provide a final signed original deed restriction agreement for recording with annexation which guarantees that the development of the property shall comply with the affordability requirements of AMC 18.5.8.050.G as amended by Ordinance #3195, 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.

Five-Year Supply

The City Council notes that the final annexation criterion is that one or more of the standards in AMC 18.5.8.050.H. is 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 application provides 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 Council finds that the area is envisioned and proposed for annexation as Multi-Family Residential, and based on city data in the current Housing Element and Buildable Lands Inventory there is less than a five-year supply of available Multi-Family Residential zoned land, and this standard is therefore satisfied.

2.4 The City Council 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 Council 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 of the property to occur.

2.5 The City Council 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 Council finds that the site plan and associated drawings 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 subsequent to Annexation approval before the site can be developed.

2.6 The City Council 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 Council 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 in the draft wetland delineation. provided. 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.

The Council has included conditions below to require that evidence of the Oregon Department of State Lands concurrence with the applicant’s wetland delineation be provided prior to a development application for the site, and that the properties be included 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 added by the Staff Advisor for a more orderly and logical boundary. 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 at this time, but would be applied for subsequent to annexation approval. The application also includes a request for 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 subject properties pose a number of challenges to development: there are significant road cuts, large areas of unimproved right-of-way along the frontage, and established commercial uses between the highway and the subject properties, all of which pose barriers for access and improvements; there are limited utility or transportation facilities currently in place; and railroad right-of-way restricts connectivity between the property and contiguous areas of the city. Site topography, wetlands, a 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. However, for the Council, the key challenge here is in safely accommodating the multi-modal transportation needs of future residents along a state highway where the posted speeds, traffic and pedestrian volumes, and limited sight distances complicate multi-modal improvements such as marked or signalized crossings, particularly for those users of the roadway who need to cross the highway by bicycle heading north toward the Bear Creek Greenway or on foot to access the northbound RVTD bus route.

The City Council concludes that after the applicant’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 in extending utilities and installing

0.63 miles of new sidewalks and a new bus stop with pull-out lane to provide much needed rental housing along a transit route, the proposal merits approval, however with Annexation the Council also strongly believes that with multi-family residential development north of the railroad trestle, speeds should be reduced on Highway 99N to create a more hospitable environment for bicyclists, pedestrians and transit users. The Council accordingly directs city staff to work with the Oregon Department of Transportation to conduct a speed study and advocate for a reduction in speeds on Highway 99N from the Valley View interchange south the existing city limits.

Therefore, based on our overall conclusions, the City Council approves the requested annexation subject to each of the conditions below.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein, with the understanding that the conceptual development proposal is conceptual only and not approved here. The current approval is limited to the Annexation request and the associated Exception to the Street Design Standards, with 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 to be obtained subsequently.
- 2) 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.
 - b. A final signed original irrevocable consent to annexation for recording, as required in AMC 18.5.8.020.A.
 - c. A final signed original 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 for recording.
 - d. A final signed original deed restriction agreement for recording with annexation which ensures that any future development of the properties will occur in accord with the minimum required 90 percent of the subject properties' base density as required in AMC 18.5.8.050.F.
 - e. A final signed original deed restriction agreement for recording with annexation guaranteeing that the development of the property shall comply with the affordability requirements of AMC 185.8.050.G as amended by Ordinance #3195, 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.

- 3) That prior to the submittal of the Outline Plan subdivision or Site Design Review applications, the applicant shall obtain and provide evidence of concurrence from the Division of State Lands (DSL) for a wetland delineation.
- 4) That with annexation, the property shall be included in the Wildfire Lands, Physical & Environmental Constraints - Hillside Lands and Severe Constraints, and Water Resource Protection Zones maps and the associated overlays shall be revised to fully incorporate the subject properties' natural features. Any future development of the property shall be subject to regulation under these overlays.
- 5) That to address the annexation approval criteria and standards that adequate transportation and city facilities be provided, at a minimum any future development of the property shall require completion of the street frontage improvements, including but not limited to sidewalks and a bus stop, and the extension of utility infrastructure as described in 2.3 above at the owner's expense, in addition to any improvements necessary to serve the future development of the property.

City Council Approval

December 15, 2020
Date
