

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
June 8, 2021
AGENDA**

I. **CALL TO ORDER:** 7:00 PM

II. **ANNOUNCEMENTS**

III. **CONSENT AGENDA**

A. **Approval of Minutes**

1. May 11, 2021 Regular Meeting
2. May 25, 2021 Special Meeting

IV. **PUBLIC FORUM**

V. **TYPE III PUBLIC HEARINGS**

A. **PLANNING ACTION: PA-T2-2021-00031**

SUBJECT PROPERTY: 375 & 475 East Nevada Street

APPLICANT: Rogue Planning & Development Services, LLC for

OWNERS: Peter & Laura Schultz (owners, 375 E. Nevada St.-Tax Lot 1000), David Young (owner, 475 E. Nevada St.-Tax Lots 1100,1200 & 1300)

DESCRIPTION: A request for a Minor Comprehensive Plan Map Correction to clarify the City of Ashland's Urban Growth Boundary for four properties located at 375 & 475 East Nevada Street. The application asserts that there are differences in the UGB's location between the official paper maps and the current GIS maps in use by both the County and the City, and that the original maps' scales were such that the line width could significantly alter the boundary location. The application asks to make clear that the portions of the four properties in question are within the City of Ashland's Urban Growth Boundary as Residential Reserve (1.37 acres of Tax Lot 1000) and North Mountain Neighborhood Plan (2.08 acres of Tax Lots 1100, 1200 & 1300). PLEASE NOTE: *The "1982 Ashland/Jackson County Urban Growth Boundary Agreement" also requires review and approval of applications to correct errors in the Comprehensive Plan Map by both the Ashland City Council and Jackson County Board of Commissioners.* COMPREHENSIVE PLAN DESIGNATION: Single Family Residential Reserve & North Mountain; ZONING: RR-.5 & NM-MF; MAP: 39 1E 04A; TAX LOT #: 1000, 1100, 1200 & 1300.

VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES - Draft
May 11, 2021

I. CALL TO ORDER:

Chair Haywood Norton called the meeting to order at 7:00 p.m.

Commissioners Present:

Michael Dawkins
Alan Harper
Haywood Norton
Kerry KenCairn
Roger Pearce
Lynn Thompson
Lisa Verner

Staff Present:

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

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced the LUBA opinion expected April 30, 2021 on the 1511 Highway 99 annexation had not posted yet. The Ashland School District was getting closer to a resolution regarding the Walker Elementary School project. Staff would present the duplex code amendments and the Housing Capacity Analysis to the City Council at their study session May 17, 2021. Community Development Department and Fire Department staff would propose the final piece of the fire adapted model. It would require all new construction to use noncombustible or fire-resistant materials. This would apply to Ashland within city limits.

III. PUBLIC FORUM - None

IV. CONSENT AGENDA

A. Approval of Minutes

1. April 13, 2021 Regular Meeting
2. April 27, 2021 Special Meeting

Commissioner Thompson/Dawkins m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed.

V. PUBLIC FORUM - None

VI. CONT'D TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-T1-2021-00141

SUBJECT PROPERTY: 599 East Main Street

APPLICANT/OWNER: Rogue Planning & Development Services, LLC for Livni Family Trust (Gil Livni, Trustee)

DESCRIPTION: A request for Site Design Review approval to modify the existing building at 599 East Main Street including converting the former church to use as office/assembly space and adding a new entry. The application also includes requests for a Conditional Use Permit as it involves the alteration

of an existing non-conforming development where no off-street parking is available, and Street Tree Removal Permits to remove and replace two Callery Pear street trees (10.2-inch & 12.7-inch DBH) in the park row planting strip along East Main Street. **COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; MAP: 39 1E 09AC; TAX LOT #: 7600**

Chair Norton read aloud the rules for electronic public hearings.

Ex Parte Contact

Commissioner Dawkins explained he had lived across the street from the project site for nineteen years. There had always been an abundance of parking in the area. Commissioners Pearce, Thompson, and KenCairn declared no ex parte contact and no site visit. Commissioner Harper, Verner, and Norton had no site visits, but each had discussed the project with staff.

Staff Report

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

- Additional Items Received
- Technical Memo – Parking
- Technical Memo – Trip Generation
- Neighbor’s Comments
- Parking Spaces off the Alley behind Fellowship Hall
- Parking Spaces off the Alley
- Parking Spaces off the
- Staff Recommendation

Based on the technical memo provided, staff thought a finding could be made that the proposal satisfied the applicable criteria for a conditional use permit (CUP) and merited approval.

Questions of Staff

Commissioner Pearce asked for the rationale of having the parking stay with the church property. Mr. Severson explained the parking was available through the nonconforming development that consisted of both lots. Having them separate and potentially have the spaces vacant while the other lot was generating demand on the neighborhood seemed questionable. The applicant continuing to contribute what little parking they had control of was beneficial.

Applicant’s Presentation

Amy Gunter/Rogue Planning and Development Services/Medford, Or/ Gil Livni/Magnolia Fine Homes

LLC/Ashland/Ms. Gunter provided a presentation:

- Historic Renovation 599 E Main Street
- Graphics of the general area of the property
- Subject Property
- Site Plan
- Existing Structure
- North Elevation
- East Elevation
- West Elevation
- South Elevation
- Impact Area
- Conclusion
- Proposed Conditions 10 and 11

Their concern was setting up a negative impact on an adjacent use by dedicating the parking. Mr. Livni explained that giving the parking to the church property made the other property useless. There was also the potential of losing one of the three spaces if they converted it to an ADA parking space.

Questions of the Applicant

Commissioner Pearce asked what the current use of the fellowship hall was. Mr. Livni explained it was being used to cook meals and other activities for the homeless community.

Commissioner Dawkins asked if Mr. Livni would be willing to stripe the three parking spaces so people would stop parallel parking there. Mr. Livni responded he would and added he wanted to improve the landscaping there as well.

Commissioner Harper was struggling with the no greater adverse material effect on the livability of the impact area criteria. He wanted to get to an approval that allowed all on-street parking, no on-site parking with no greater adverse material effect on the livability of the impact area than having the required on-site parking. He was not sure how to say it had zero impact.

Ms. Gunter explained that was why it was compared to the existing use of the site as a church. There was not a good analysis in the code for the project. There was no comparison to a 4,600 square foot building with no on-site parking. This was a rare instance. City code would not let them tear down a historic building that was economically viable nor would the code let them look at what the current uses of the property were. The only alternative was demolishing the building and rebuilding at a reduced size to incorporate a parking lot. Mr. Livni thought they were doing less impact with the proposal. If they kept it as a church, it would be a greater impact. Ms. Gunter added the code did say livability of the impact area and this was a commercial zone. Of the twenty-one properties in the impact area, more than half were commercially zoned. They were trying to compare it to the use they were forced to use.

Commissioner Verner thought the proposal from staff was to ask the applicant to allow the uses of the parking area now but then they would be jointly used by both properties if the second property developed. Mr. Livni explained he would be unable to develop the property or sell it if he had to keep the three parking spaces on the property.

Ms. Gunter explained there was a condition of approval for the church when they built the fellowship hall to put in adequate parking. The applicants at that time did not do that and had not met the building permit requirements. Ms. Gunter and Mr. Livni were aware of the parking concerns at 48 5th Street. The use of that 1,500 sq. ft. building was going to require three or four parking spaces for its use. If they remove a portion of the building it would require a separate site review and would be analyzed at that time. They wanted to retain the parking spaces because they would be necessary when it was used as an office.

Commissioner Pearce asked about the permit history of the fellowship hall. Mr. Severson explained in the applicant's submittals it was approved in 1993. A building was demolished, and the fellowship hall was built. It was accessory to the church use but was not part of the sanctuary. There was a statement the parking spaces were not required in the planning approval for the fellowship hall but were shown on the building permit just not striped. They had volunteered more parking than what was required.

Public Testimony - None

Applicant's Rebuttal - None

Chair Norton closed the hearing and the record at 7:54 p.m.

Deliberation and Decision

Commissioner Thompson offered a line of argument to Commissioner Harper's earlier concern. She thought it might be possible to argue that in utilizing the exception to site design development and land provision there was a unique or unusual aspect of the structure in that it was a historic nonconforming building onsite. It was nonconforming because it did not satisfy the parking requirements. The CUP target use comparison to the retail use would incorporate the exception standard, the recognition that it was a nonconforming structure without parking then look at whether granting the CUP would substantially negatively impact the adjacent properties. It might not because the impact of having an office versus retail would not increase the parking demand beyond the status quo. Commissioner Harper thought it could be argued. Because it was a pre-existing development, it would be compared to something with an exception to retain the structure. Commissioner Pearce thought it was a good way to think

about it. His concern regarding the parking was alleviated when he found out the spaces were not required. The traffic analysis showed eleven office trips in the p.m. peak hour where retail would have 27 trips.

Chair Norton noted conditions 10 and 11. One condition required parking be shared and the other required it to be recorded. He thought the conditions should be addressed in the motion.

Commissioner Pearce/Harper m/s to approve PA-T1-2021-00141 for 599 E Main to change the use of the building of church to office use and delete Conditions 10 and 11 from the proposed Findings and that the Findings include there was an exception or the parcel was already built and committed to a historic structure and was part of the analysis that considered the livability in the neighborhood.

DISCUSSION: Commissioner Harper thought the findings should include they found an exception, or that the parcel was already built and committed to a historic structure and was part of the analysis that considered the livability in the neighborhood. Commissioner Pearce accepted the amendment. **Roll Call Vote: Commissioner Verner, Dawkins, Thompson, Harper, KenCairn, Pearce, and Norton, YES. Motion passed.**

VII. UNFINISHED BUSINESS

A. Approval of Findings for PA-T1-2021-00141, 599 East Main Street.

Item was moved to the next Planning Commission Meeting.

VIII. LEGISLATIVE PUBLIC HEARINGS

A. PLANNING ACTION: PA-L-2021-00010

APPLICANT: City of Ashland

DESCRIPTION: A public hearing on a legislative amendment to the Ashland Municipal Code Title 18 Land Use to update the allowances and standards for duplexes and accessory residential units as required by House Bill 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session. The proposed amendment includes a series of changes to the following chapters of the Ashland Land Use Ordinance including 18.1.4, 18.2.2, 18.2.3, 18.2.5, 18.3.4, 18.3.5, 18.3.9, 18.3.10, 18.3.12, 18.4.2, 18.4.3, 18.5.2, 18.5.7 and 18.6.1.

Staff Report

Planning Manager Maria Harris provided a presentation (see attached):

- New Items
 - Conversion of nonconforming structures
 - Building separation in multifamily zones
 - Existing lots over 35% slope
 - Duplex parking

Questions of Staff

Commissioner Harper wanted to know if there were reductions for System Development Charges (SDCs) and water meters for duplexes and accessory dwelling units (ADUs). Ms. Harris explained SDCs were reduced for units under 500 square feet (sq. ft.). Senior Planner Brandon Goldman further explained that transportation SDCs were reduced 50% for units under 500 sq. ft. and 25% for units that were 500 to 800 sq. ft. There was a 25% reduction of parks, water, and sewer for units under 500 sq. ft. SDCs were based on unit size and not a designation of accessory residential units, duplexes, or apartments. Ms. Harris explained meter sizes and other costs were based on single-family or multi-family and technical factors like water line size. She noted earlier comments made by Mark Knox that ARUs were being charged a higher multi-family base rate for utilities. Staff had contacted the Utility Billing Division and was looking into it. Mr. Goldman clarified water and electrical meters were driven by building code, not land use code. Separate dwelling units could be occupied independently and required a separate meter. That was federal law. Mr. Molnar provided history on an earlier discussion during a City Council study session a couple years before to waive more fees for ARUs.

Commissioner Thompson asked about allowing multiple structures on a lot with a severe slope. Allowing ARUs and duplexes would congest development on a steep slope. Ms. Harris agreed and explained there were parameters in the hillside standards that would be applied if someone proposed a separate structure. The Commission discussed building ARUs or duplexes on a severe slope and how the hillside standards applied.

Public Testimony – None

Chair Norton closed the public hearing at 8:37 p.m.

Deliberation and Decision

Commissioner Pearce thought Ms. Harris had done a good job incorporating the new changes. It met the state requirements.

Commissioner Pearce/Verner m/s to recommend adoption of PA-L-2021-0010 Duplex and ARU code amendments to the City Council. Voice Votes: ALL AYES. Motion passed.

Ms. Harris explained the item would go before the City Council at their study session on May 17, 2021. The public hearing and first reading would happen at their meeting on June 1, 2021. Second reading and adoption would occur at the City Council's meeting on June 15, 2021.

IX. ADJOURNMENT

Meeting adjourned at 8:42 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

New Items



- **Conversion of nonconforming structures**
- **Building separation in multifamily zones**
- **Existing lots over 35% slope**
- **Duplex parking**

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES - Draft
May 25, 2021

I. CALL TO ORDER:

Chair Haywood Norton called the meeting to order at 7:00 p.m.

Commissioners Present:

Michael Dawkins
Alan Harper
Haywood Norton
Kerry KenCairn
Roger Pearce
Lynn Thompson
Lisa Verner

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

A. LUBA decision for PA-T3-2019-00001, 1511 Hwy 99 North (Attached)

Item was added to the agenda under **DISCUSSION ITEM**.

Community Development Director Bill Molnar explained the Housing Capacity Analysis and code revisions for duplexes and accessory residential units went before City Council at their study session on May 17, 2021. First reading of the Wildfire Mitigation Construction Standards went before the City Council meeting on May 18, 2021. Second reading would occur June 1, 2021.

III. PUBLIC FORUM - None

IV. UNFINISHED BUSINESS

A. Approval of Findings for PA-T1-2021-00141, 599 East Main Street.

Ex Parte Contact

The Commission had no ex parte contact on the matter.

The following changes were made to the Findings:

- Page 6, first full paragraph, added to last sentence, **“The Planning Commission concludes that this criterion is satisfied.”**
- Page 8, after bulleted items and second full paragraph, add, **“The Planning Commission finds that the proposed office use requires ten off-street parking spaces, based on the ratio of one off-street parking space per 500 square feet of general office use found in AMC Table 18.4.3.040 (4,630 square feet/one space per 500 square feet = 9.36 spaces). The Commission finds that the application does not meet the parking requirements because it is a nonconforming development with regard to parking. Nonconforming developments can be altered or expanded pursuant to AMC 18.1.4.040.B**

where the Conditional Use Permit criteria are met. The Conditional Use Permit criteria are discussed in section 2.4 below.

The Planning Commission further finds that the proposed office use requires one bicycle parking space for every five required automobile spaces and that fifty percent of these spaces must be sheltered as provided in AMC 18.4.3070. In this case, ten automobile spaces are required (4,630 square feet/one space per 500 square feet = 9.36 spaces) and two bicycle parking spaces are required (10 spaces/one bicycle space per five automobile spaces = 2 spaces). While the site currently has no bicycle parking in place, the applicant has proposed to provide three U-racks for bicycle parking which more than satisfies the requirements. Conditions have been included below to require that bicycle parking be included in the permit submittals and that it be provided on site prior to occupancy.”

- Now page 11, first paragraph, change wording at the end of the sentence to read, “The Planning Commission notes that the application includes a Technical Memo from Sandow Engineering which assesses the trip generation for the previous church use, proposed office use and target retail use using the ITE Trip Generation Manuals, 10th Edition, as illustrated in the table below, and concludes that the proposed office use has less of a trip generation impact to the neighborhood than the target retail use of the zone.”
- Now Page 12, third full paragraph, add wording to read, “The Commission finds that the benefits of preserving and renovating the historic building may be weighed against the generation of traffic and its effect on the surrounding streets that result from the continuing parking non-conformity. With all of things considered, the Commission concludes that the effect of parking and trip generation on the surrounding streets for the proposed office use has a lower impact than the target use as evidenced in Sandow’s Technical Memo, particularly when weighed alongside the benefit of preserving and renovating the historic building.”

Commissioner Thompson/Pearce m/s to approve the Findings for PA-T1-2021-00141, as amended during this meeting. Voice Vote: all AYES. Motion passed.

B. Approval of Findings for PA-L-2021-00010, Duplex and Accessory Residential Units code amendments.

Commissioner Pearce/Harper m/s to adopt proposed Findings for PA-L-2021-00010, Duplex and Accessory Residential Units code amendments and forward them to City Council with the Planning Commission’s recommendation. Voice Vote: all AYES. Motion passed.

V. DISCUSSION ITEM

A. LUBA decision for PA-T3-2019-00001, 1511 Hwy 99 North (Attached)

Mr. Molnar had read through the decision and highlighted points made by LUBA. LUBA reversed the City’s opinion. There were three assignment’s error. The first one was the critical one where LUBA reversed the decision. He was not sure if the other two would have caused a reversal. He provided a presentation (see attached) on the assignments of error in LUBA No. 2021-009 Final Opinion and Order:

- **“Grand Terrace” Annexation – proposed annexation area**
- **1st Assignment of Error – Improperly approved an Exception**
 - 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:

- Public Facilities Chapter 18.4.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review, where public facility improvements are required.

The application, as part of annexation, required compliance with city street standards. The applicant proposed having a significant portion of the sidewalk construction at curbside and not separated from the curb by a park row. It was proposed to deal with some constrictive right of way issues. During the planning commission discussion at that time, it was deemed more appropriate to be taken up at the time development was proposed. During the City Council decision, an exception to the design standards to allow curbside sidewalk was available through the annexation process. LUBA focused on these areas of the annexation standard. With annexation, there was not really an allowance to deviate. It needed to meet the requirement, or the city needed to condition the annexation approval, so the proposal met them. LUBA noted the Public Facilities Chapter 18.4.6 where the criteria for exception to street standards was contained and it stated the public facilities chapter applied to all new development including projects subject to land division approval and developments subject to site design review. Since this was an annexation, there was no development or land division, and no site review that would allow an exception. LUBA did not provide guidance or make a decision if a development was proposed concurrently with an annexation whether an exception procedure could be used.

- **2nd Assignment of Error – Contiguity Issue** (LUBA did not rule on this issue)
 - Boundaries...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.

Portions of the ODOT property and the railroad were included for the purposes of providing contiguity and an orderly city boundary. The Findings spoke to the purpose of making the boundary extension more logical and was absent in terms of addressing the second part that avoided parcels of land which were not incorporated but were partially or wholly surrounded by the city. LUBA was also concerned about the City's use of parcels and lot in the annexation standards. Under Oregon state law a parcel is a property created by a land partition and a lot was a property created through a subdivision. It showed inconsistency in the code. The City code definition of lot included a piece of land that could be created through partition or parcels or lots could be used similarly.

- **3rd Assignment of Error – Not supported by substantial evidence** (LUBA did not rule on this issue)
 - Pedestrian and bicycle destinations from the project shall be determined and the safe and accessible pedestrian and bicycle facilities serving those destinations shall be indicated.
 - "Speed study not a condition nor does it ensure a reduction in speed." -Appellant

The City's findings that transportation was adequate was not supported by substantial evidence. Mr. Molnar was not sure how LUBA would have ruled on that. The appellants arguments were reasonable. They did point out there were a couple parts of the city's standards that could be discretionary and potentially difficult to provide direction to an applicant. LUBA noted the speed study was not a condition nor would it necessarily ensure a reduction in speed.

Mr. Molnar recommended adding an item to a future City Council agenda to get direction from Council. There were inconsistencies in the code that would affect future annexations. The applicant still wanted to move forward with the annexation. The Commission discussed the need to review the annexation code and the transportation section and was interested in updating the code.

VI. ADJOURNMENT

Meeting adjourned at 8:01 p.m.

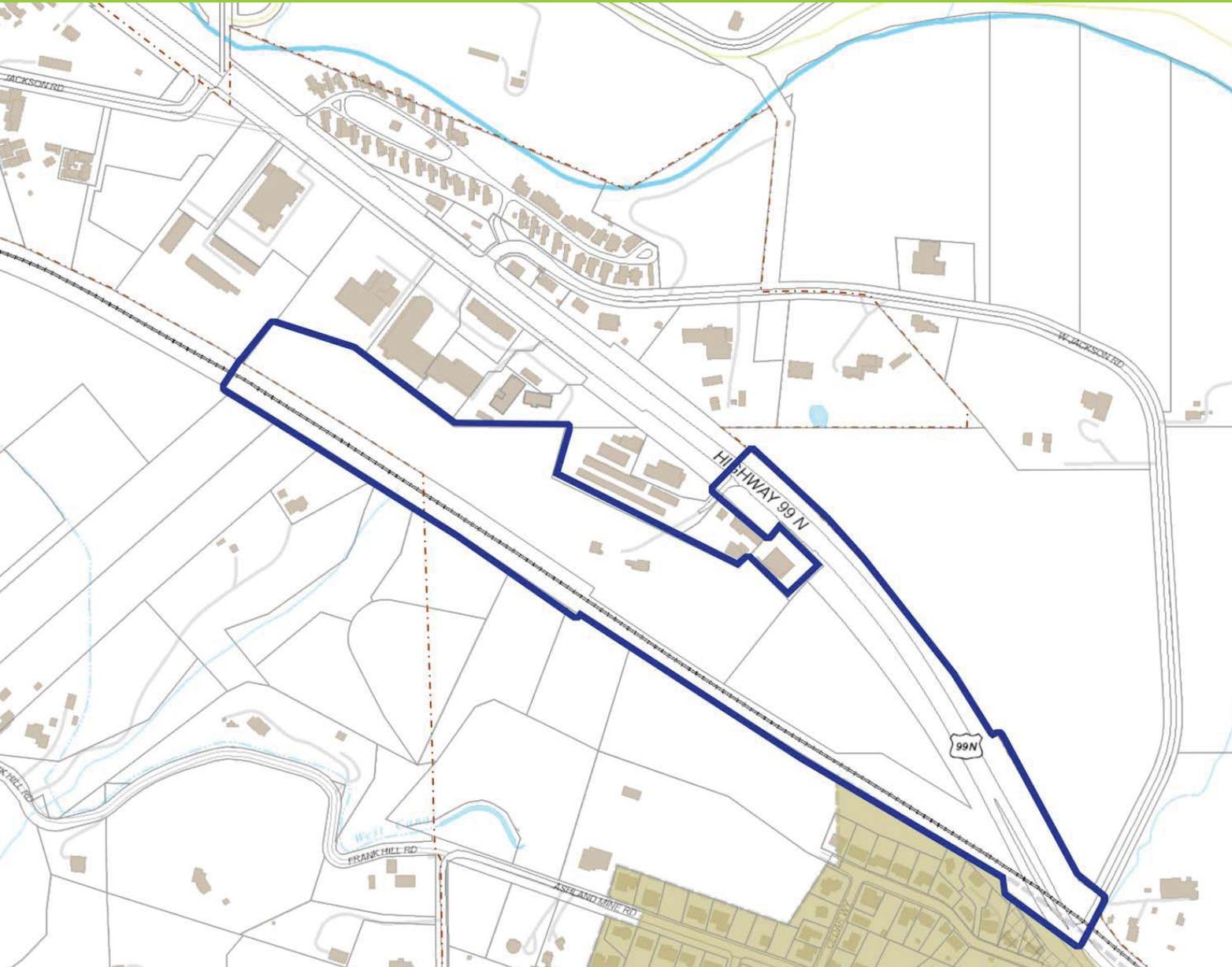
*Submitted by,
Dana Smith, Executive Assistant*

1511 Highway 99N “Grand Terrace” Annexation

LUBA No. 2021-009 FINAL
OPINION AND ORDER



1511 Highway 99N “Grand Terrace” Annexation



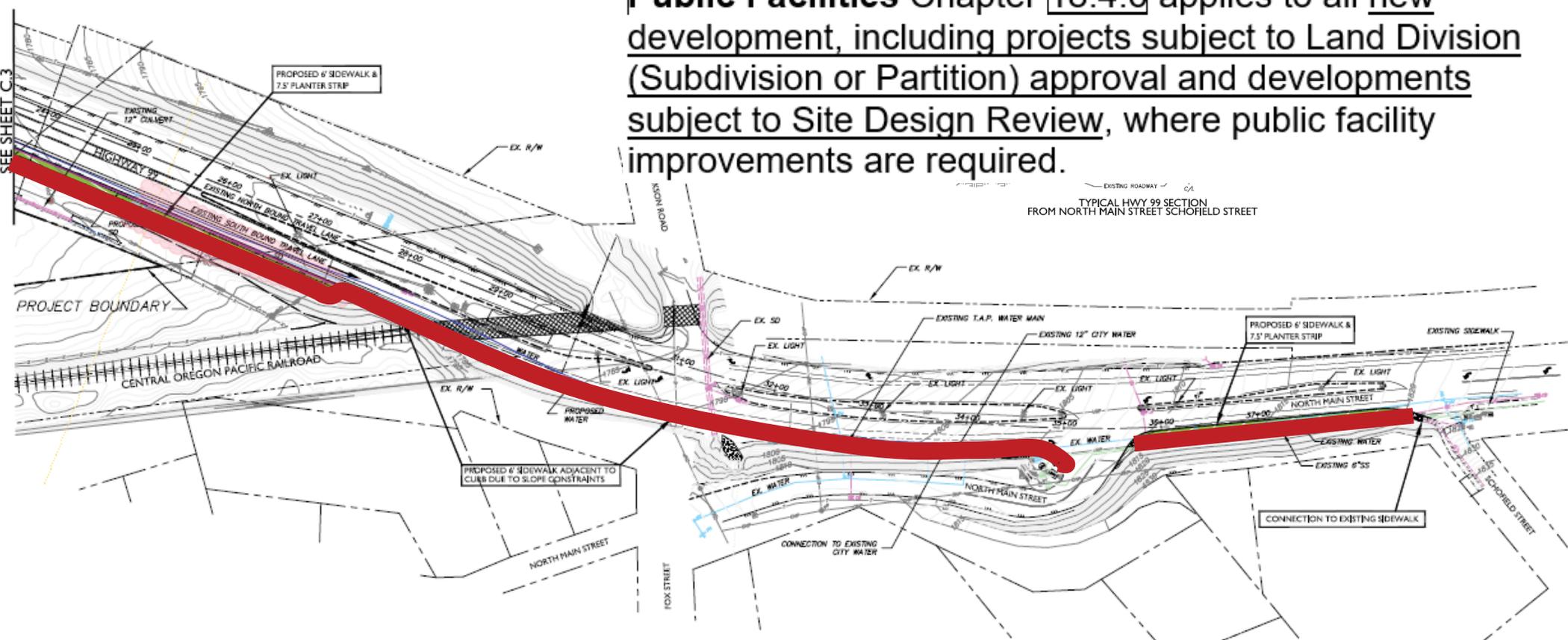
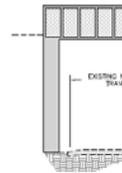
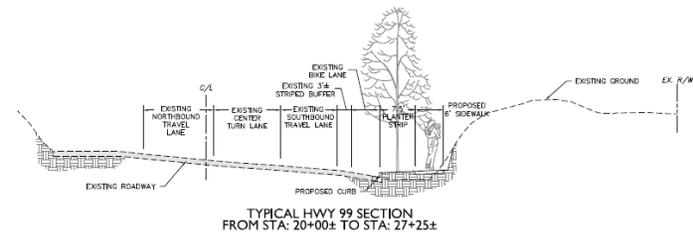
Proposed
Annexation
Area

1511 Highway 99N

1st Assignment of Error - Improperly approved an Exception

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:

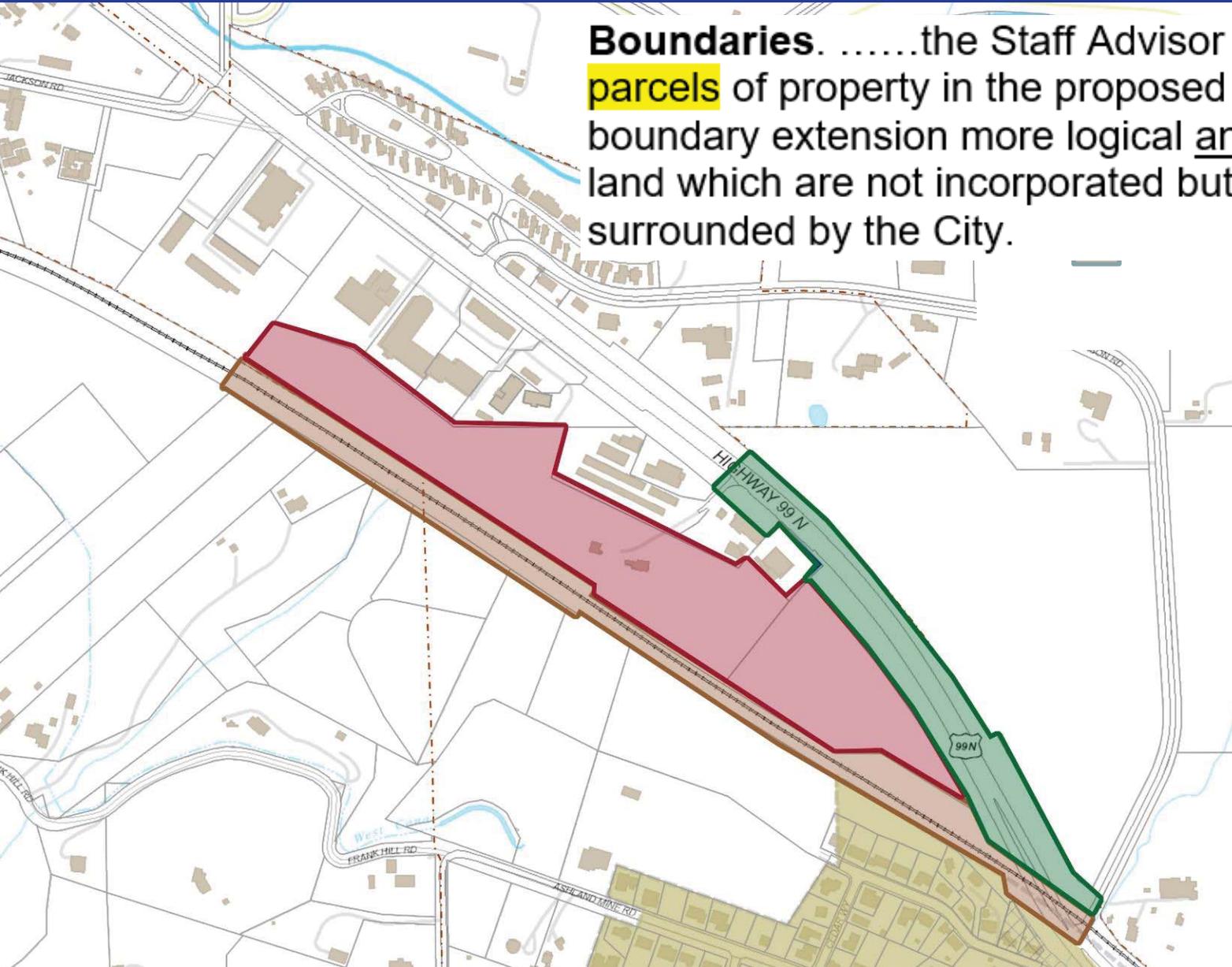
Public Facilities Chapter 18.4.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review, where public facility improvements are required.



1511 Highway 99N

2nd Assignment of Error - Contiguity Issue

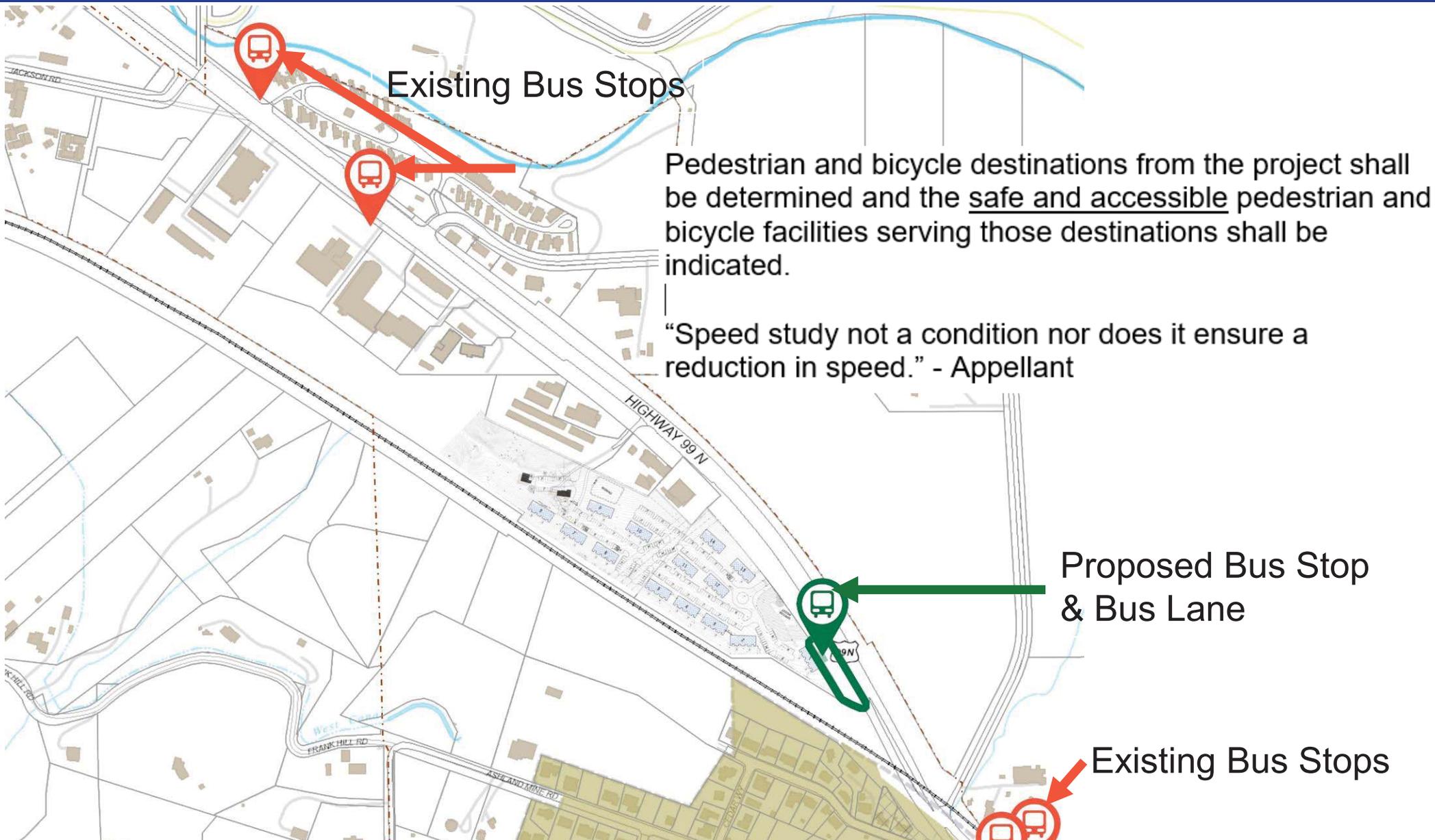
Boundaries.the Staff Advisor may include other **parcels** of property in the proposed annexation to make a boundary extension more logical and to avoid **parcels** of land which are not incorporated but are partially or wholly surrounded by the City.



1511 Highway 99N

Adequate Transportation

3rd Assignment of Error – Not supported by substantial evidence



**TYPE III
PUBLIC HEARING**

**PA-T2-2021-00031
375 & 475
East Nevada Street**



NOTICE OF ELECTRONIC PUBLIC HEARING

PLANNING ACTION: PA-T2-2021-00031

SUBJECT PROPERTY: 375 & 475 East Nevada Street

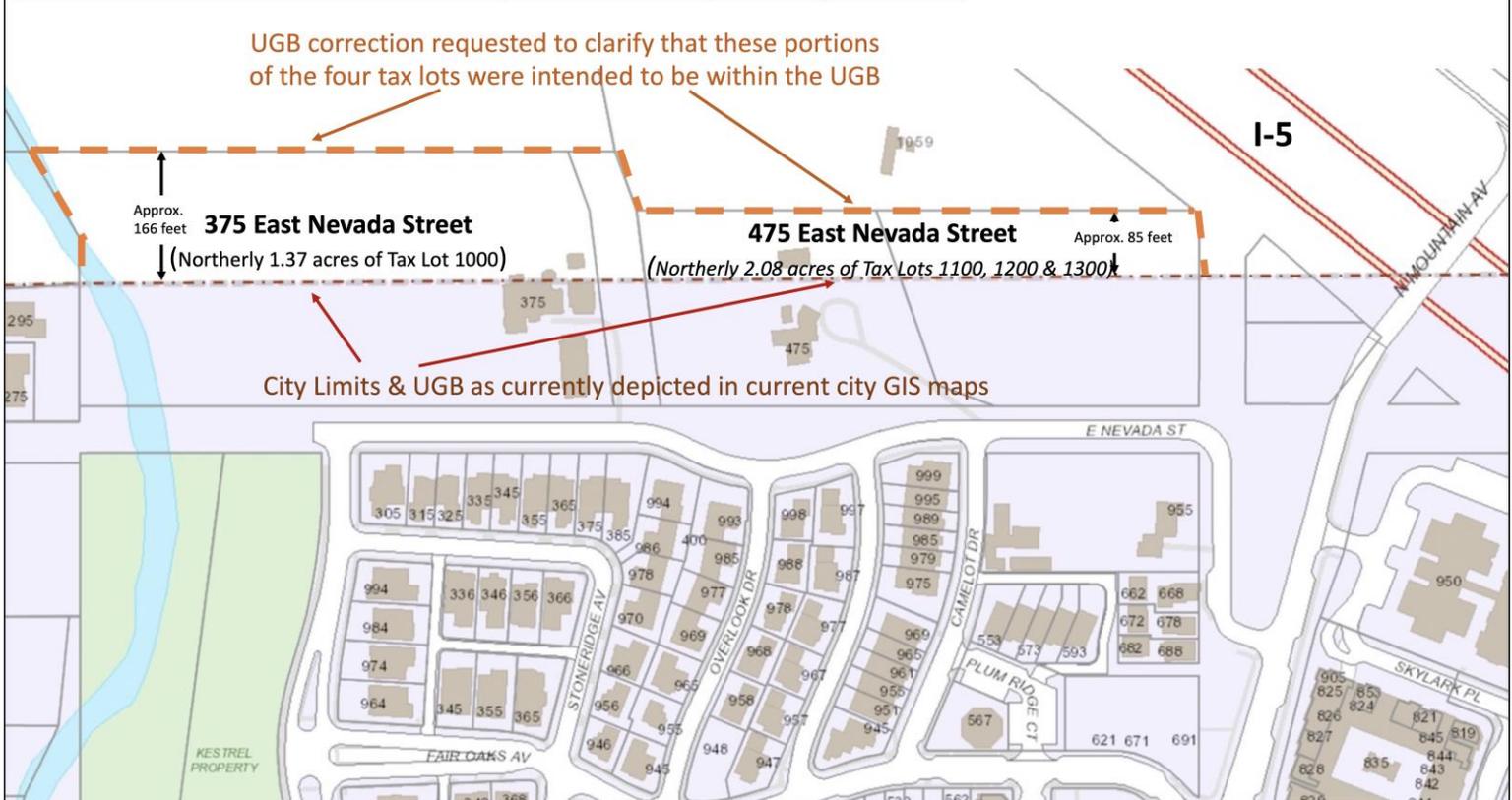
APPLICANT: Rogue Planning & Development Services, LLC for

OWNERS: Peter & Laura Schultz (owners, 375 E. Nevada St.-Tax Lot 1000), David Young (owner, 475 E. Nevada St.-Tax Lots 1100, 1200 & 1300)

DESCRIPTION: A request for a Minor Comprehensive Plan Map Correction to clarify the City of Ashland's Urban Growth Boundary for four properties located at 375 & 475 East Nevada Street. The application asserts that there are differences in the UGB's location between the official paper maps and the current GIS maps in use by both the County and the City, and that the original maps' scales were such that the line width could significantly alter the boundary location. The application asks to make clear that the portions of the four properties in question are within the City of Ashland's Urban Growth Boundary as Residential Reserve (1.37 acres of Tax Lot 1000) and North Mountain Neighborhood Plan (2.08 acres of Tax Lots 1100, 1200 & 1300). **PLEASE NOTE:** The "1982 Ashland/Jackson County Urban Growth Boundary Agreement" also requires review and approval of applications to correct errors in the Comprehensive Plan Map by both the Ashland City Council and Jackson County Board of Commissioners. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential Reserve & North Mountain; **ZONING:** RR-.5 & NM-MF; **MAP:** 39 1E 04A; **TAX LOT #:** 1000, 1100, 1200 & 1300.

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: Tuesday, June 8th, 2021 at 7:00 PM

PA-T2-2021-00031 STAFF EXHIBIT S-1. Proposed Minor Comp Plan Map Correction



Notice is hereby given that the Ashland Planning Commission will hold an electronic public hearing on the above described planning action on the meeting date and time shown above. You can watch the meeting on local channel 9, on Charter Communications channels 180 & 181, or you can stream the meeting via the internet by going to rvtv.sou.edu and selecting 'RVTV Prime.'

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

Because of the COVID-19 pandemic, application materials are provided online and written comments will be accepted by email. Alternative arrangements for reviewing the application or submitting comments can be made by contacting (541) 488-5305 or planning@ashland.or.us.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at www.ashland.or.us/PCpackets seven days prior to the hearing. Copies of application materials will be provided at reasonable cost, if requested. Under extenuating circumstances, application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

Anyone wishing to submit comments can do so by sending an e-mail to PC-public-testimony@ashland.or.us with the subject line "June 8 PC Hearing Testimony" by 10:00 a.m. on Monday, June 7, 2021. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "June 8 PC Hearing Testimony" by 10:00 a.m. on Tuesday, June 8, 2021. Written testimony received by these deadlines will be available for Planning Commissioners to review before the hearing and will be included in the meeting minutes.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on Monday, June 7, 2021. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "June 8 Speaker Request", 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I). If you have questions or comments concerning this request, please feel free to contact Senior Planner Derek Severson, the staff planner assigned to this application, at 541-488-5305 or e-mail: derek.severson@ashland.or.us

Minor Map Amendments or Corrections (Type II). [AMC 18.5.9.020.A.]

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

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

ASHLAND PLANNING DIVISION

STAFF REPORT

June 8, 2021

PLANNING ACTION: PA-T2-2021-00031

APPLICANT: Rogue Planning & Development Services, LLC

OWNERS: Peter & Laura Schultz (375 E. Nevada St.)
David Young (475 E. Nevada St)

SUBJECT PROPERTIES: 375 East Nevada Street
(39 1E Map 04A, Tax Lot 1000)

475 East Nevada Street
(39 1E Map 04A, Tax Lot 1100-1200-1300)

ORDINANCE REFERENCES: See <https://ashland.municipal.codes/LandUse>

AMC 18.1	Introduction and General Provisions
AMC 18.1.2	Title, Purpose & General Administration
AMC 18.2	Zoning Regulations
AMC 18.2.1.030	Determination of Zoning Boundaries
AMC 18.5	Application Review Procedures and Approval Criteria
AMC 18.5.1	General Review Procedures
AMC 18.5.9	Comprehensive Plan, Zoning, and Land Use Ordinance Amendments
AMC 18.5.9.020.A	Minor Map Amendments or Corrections
AMC 18.6	Definitions
▪	Ashland Comprehensive Plan (see http://www.ashland.or.us/Files/Comprehensive_Plan_updated_6.2019.pdf)
▪	1982 Urban Growth Boundary Agreement (UGBA) between City of Ashland & Jackson County (See https://jacksoncountyor.org/ds/DesktopModules/Bring2mind/DMX/API/Entries/Download?Command=Core_Download&EntryId=34685&language=en-US&PortalId=16&TabId=1460)

120-DAY TIMELINE: Not Applicable (see ORS 227.188)

REQUEST: The application is a request for a Minor Comprehensive Plan Map Correction to clarify the City of Ashland’s urban growth boundary for four properties located at 375 & 475 East Nevada Street. The application asserts that there are differences in the UGB’s location between the official paper maps and the current GIS maps in use by both the County and the City, and that the original maps’ scales were such that the line width could significantly alter the boundary location. The application asks to make clear that the portions of the four properties in question are within the City of Ashland’s urban growth boundary as Residential Reserve (**1.37 acres of Tax Lot 1000**) and North Mountain Neighborhood Plan (**2.08 acres of Tax Lots 1100, 1200 & 1300**) as illustrated on the attached Staff Exhibit S-1.

AMC 18.5.9.020.A provides that a “Type II” quasi-judicial procedure may be used for minor map amendments or corrections. However, in this instance the “1982 Ashland/Jackson County Urban Growth Boundary Agreement” requires review and approval of applications to correct errors in the Comprehensive Plan Map by both the Ashland City Council and Jackson County Board of Commissioners. As such, the application is being treated as a “Type III” procedure because it requires a Council decision. If the City Council approves the current request, the applicant would then need to make a similar application to Jackson County for consideration by the Board of Commissioners before either body adopted an ordinance correcting the boundary line.

I. Discussion

The application requests approval of a Minor Comprehensive Plan Map Amendment in the form of a map correction to clarify the urban growth boundary. The application materials assert that the record of the exact location of the urban growth boundary line has been inconsistent, and recording a plat to further urbanize the subject properties within the city limits would leave Jackson County RR-5 zoned remnant properties outside the Urban Growth Boundary with less than the minimum required lot area under their county zoning.

Goal 14 of Oregon’s statewide land use-planning goals deals with “Urbanization.” In the Oregon Administrative Rules (OAR), OAR 660-004-0040 discusses the “Application of Goal 14 to Rural Residential Areas.” The subject properties here are within the counties Rural Residential zone (RR-5). With regard to rural lands planned for residential uses such as the properties here, Goal 14 prohibits the urban use of these rural lands, and to that end prevents the creation of new lots or parcels smaller than the minimum size (which is generally no smaller than two acres in Goal 14, and specifically five acres here under the County’s RR-5 zoning) without an exception to Goal 14. Recording a plat to partition or divide the portions of the properties within the city limits would create new discrete parcels out of the remnant pieces of the properties that lie outside the city limits and urban growth boundary, triggering the exception. This would be a costly action with the County and in a pre-application with County staff, they have indicated to the applicant that approval of such an exception appears extremely unlikely.

There are portions of four tax lots included in the request for clarification of the urban growth boundary. These properties are located at 475 East Nevada Street (**39 1E 04A Tax Lots: 1100, 1200 & 1300**) and at 375 East Nevada Street (**39 1E 04A Tax Lot 1000**). In 2017, the Planning Commission approved a Comprehensive Plan Amendment from Single Family Residential Reserve to North Mountain Neighborhood Overlay Zoning; a Zone Change from Jackson County Rural Residential, ½-acre minimum (RR-5) to North Mountain Multi-Family (NM-MF) Zoning Overlay; Outline Plan and Site Design Review approvals for a 20-lot/23-unit Performance

Standards Options Subdivision (“The Katherine Mae Subdivision”) for the property at 475 East Nevada Street.

The application materials explain that following the City’s approval of the subdivision, the applicant met with Jackson County staff regarding the split-zoning of the property and the need, with subdivision of the property, to create discrete lots for the remnant properties outside the urban growth boundary. The application suggests that at this point, it became apparent that there were discrepancies between the City’s adopted maps from July 2008 and the maps the County used in implementing their development regulations.

The application concludes that the request is that the portions of tax lots 1100, 1200 & 1300 totaling 2.08 acres at 475 East Nevada Street, and the approximately 1.37 acre area of tax lot 1000 at 375 East Nevada Street which are depicted on the current city maps as being outside the urban growth boundary instead be included within the City of Ashland’s urban growth boundary as it was drawn in the official 1989 map, explaining that while the present Geographical Information System (GIS) maps show the properties divided by the City of Ashland urban growth boundary roughly mid-way between the north and south property lines with the urban growth boundary following the city limits boundary, the 1989 map is of such a scale that “*the pen stroke is larger than the specific location of the UGB on the subject property per the GIS maps.*” The application materials emphasize that the issue at hand must be addressed before further action can be taken to complete the approval and development of the Katherine Mae Subdivision.

II. Analysis

The expansion of the urban growth boundary other than through the correction of a mapping error would trigger a minor amendment to the Greater Bear Creek Valley Regional Plan. When the Regional Plan was completed in 2012, the City of Ashland was the only participating city in the region that chose not to identify urban reserve areas for the future expansion of its urban growth boundary. Ashland instead committed to accommodating a doubling of the regional population over the next 50-60 years through more efficient land use within the existing city limits and urban growth boundary. Should the city now seek to expand its urban growth boundary *by not more than 50 acres*, it would require a minor amendment to the Regional Plan be processed by Jackson County with the City of Ashland as the applicant.

In discussing the application with Department of Land Conservation and Development (DLCD) staff, they have confirmed that if the application is “truly a clarification of the UGB boundary based on the interpretation of historic documents, it does not constitute a UGB amendment and can be treated as a correction...”

The request here is to determine whether the current maps reflect the originally intended placement of the urban growth boundary, or if the urban growth boundary was incorrectly placed in the transition from the original paper maps to the currently adopted electronic maps and thus merits correction.

Minor Map Amendments or Corrections

As detailed in AMC 18.5.9.020.A, minor map amendments or correction may be approved “... *if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following:*”

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

Determination of Zoning Boundaries

AMC 18.2.1.030 also speaks to the “Determination of Zoning Boundaries” and provides that:

Unless otherwise specified, zoning boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended. Where due to the scale, lack of scale, lack of detail or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zoning boundary, the Staff Advisor or, upon referral, the Planning Commission or City Council, shall determine the boundary as follows:

- A. **Rights-of-way.** *Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zones.*
- B. **Parcel, lot, tract.** *Where a zoning boundary splits a lot into two zones and the minimum width or depth of a divided area is 20 feet or less, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zoning boundary. Where a zoning boundary splits a lot into two zones and the minimum width and depth of both divided areas is greater than 20 feet, the lot shall have split zoning with lot area designated proportionately to each zone.*
- C. **Jurisdiction boundary.** *Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.*

- D. **Natural features.** Boundaries indicated as approximately following the centerlines of a river or stream, a topographic contour, or similar feature not corresponding to any feature listed in section 18.2.1.030, above, shall be construed as following such feature.

Ashland/Jackson County Urban Growth Boundary Agreement (UGBA)

In addition to the Ashland Municipal Code (AMC), there is an “Ashland/Jackson County Urban Growth Boundary Agreement (UGBA)” which was adopted in 1982. The UGBA “sets forth the mutually adopted urbanization program between the City and Jackson County.... (and) establishes an Urban Growth Boundary, an Area of Future Urbanization, Areas of Mutual Planning Concern, joint policies governing the urbanization of lands, and revision and administrative procedures.” The UGBA requires review and approval of applications to correct errors in the Comprehensive Plan Map by both the Ashland City Council and Jackson County Board of Commissioners as follows:

Correction of Errors. *If the City Council or the County Board of Commissioners become aware of an error in either the map or the text of the mutually adopted urbanization program, both bodies may cause an immediate amendment to occur to correct the error, after mutual agreement is reached. Such a correction shall be in the form of a public hearing and an ordinance, conducted separately or jointly by both bodies, which may take effect on an emergency basis. Public hearings before the Planning Commissions shall not be required where an amendment is intended specifically to correct an error.*

Generally, an error is a cartographic mistake or text misprint, omission or duplication. Such errors are not derived from new data or suggested errors made in interpretations of the attitudes of the public, the governing bodies or data; the latter error types are considered under the amendment provisions cited herein.

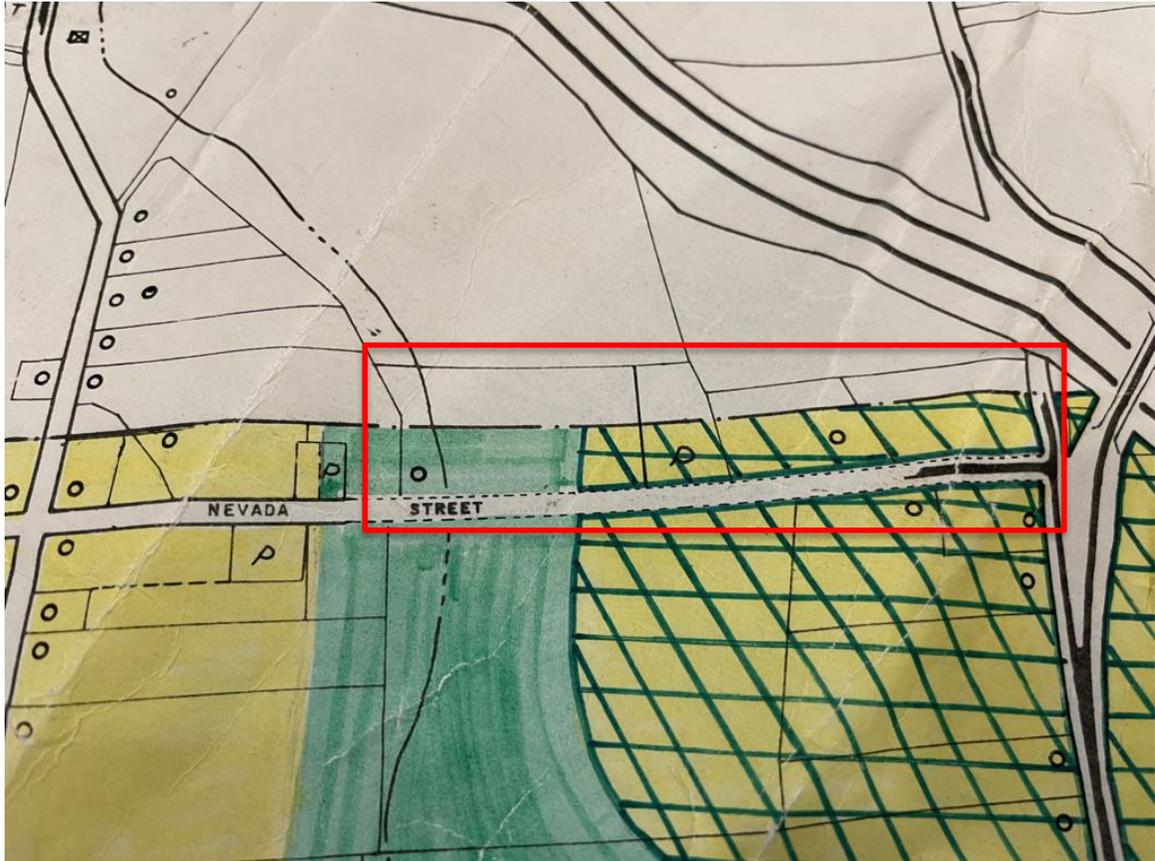
In discussions with Jackson County staff, they have confirmed that if the city determines an error has been made and the map requires correction, they would forward the issue to the Board of Commissioners for a decision, as detailed in the 1982 Urban Growth Boundary Agreement.

For staff, the most applicable criterion in considering a minor map correction is AMC 18.5.9.020.A.2, that “A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.”

It’s clear that the transition from the original paper maps to a computer-based Geographic Information System (GIS) enabled mapping by the city and county to become much more precise and represented a substantial change, and the key question is whether the more precise mapping resulted in the incorrect identification of the intended urban growth boundary. The original paper maps often did not show tax lot boundaries or clearly illustrate how the city limits or urban growth boundary lines related to one another or to individual properties. As the applicant notes, in some of the adopted paper maps, the UGB line was drawn with a width which equates to more than 200 feet on the ground, while the current request deals with tax lots that are in some instances only 250 feet in depth. While staff believes that boundary lines including the UGB should follow property lines wherever possible, as provided in AMC 18.2.1.030, in reviewing the maps provided by the applicant and other maps in city records, staff are unable to identify any clear error in the placement of the urban growth boundary lines.

The Tarp – The city’s original working map used in developing the current zoning and Comprehensive Plan maps is often referred to as “The Tarp” as it was created from a large canvas tarp. This is not an officially adopted map, but has been used as a reference tool for staff when boundary questions arise. Staff estimates that The Tarp dates to the early- to mid-1980’s, as it was in use as a reference tool when the current Community Development Director was hired in the late 1980’s. A photo of The Tarp as it illustrates the subject properties is shown below - with a red rectangle added by staff to identify the subject properties:

Figure 1 – “The Tarp”

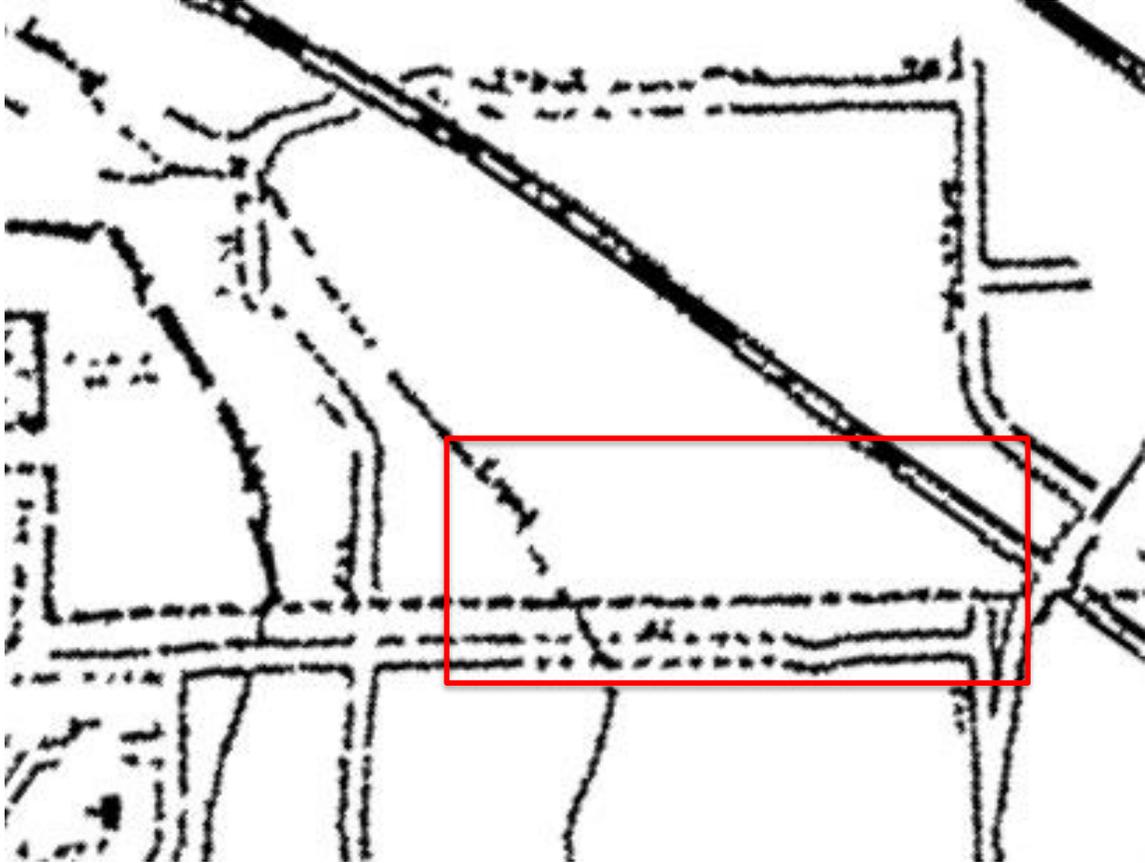


While The Tarp does not illustrate a clear distinction between the city limits and urban growth boundary here, it does clearly show the subject tax lots and does not identify Comprehensive Plan map designations for the portions north of the city limits line shown, suggesting that even from this early date, boundary lines were located so that they left the portions of the subject properties in question here outside the city’s boundaries. Based on the scale, the boundary line is shown at just over 150 feet from the north boundary of the Nevada Street right-of-way.

1982 Urban Growth Boundary Agreement (UGBA) Map

The city and county adopted an Urban Growth Boundary Agreement in 1982 which included an Urban Growth Boundary Map as "Exhibit A." A portion of that map depicting the subject properties is copied below, with a red rectangle added by staff in the general area of the subject properties:

Figure 2 – 1982 UGBA Map

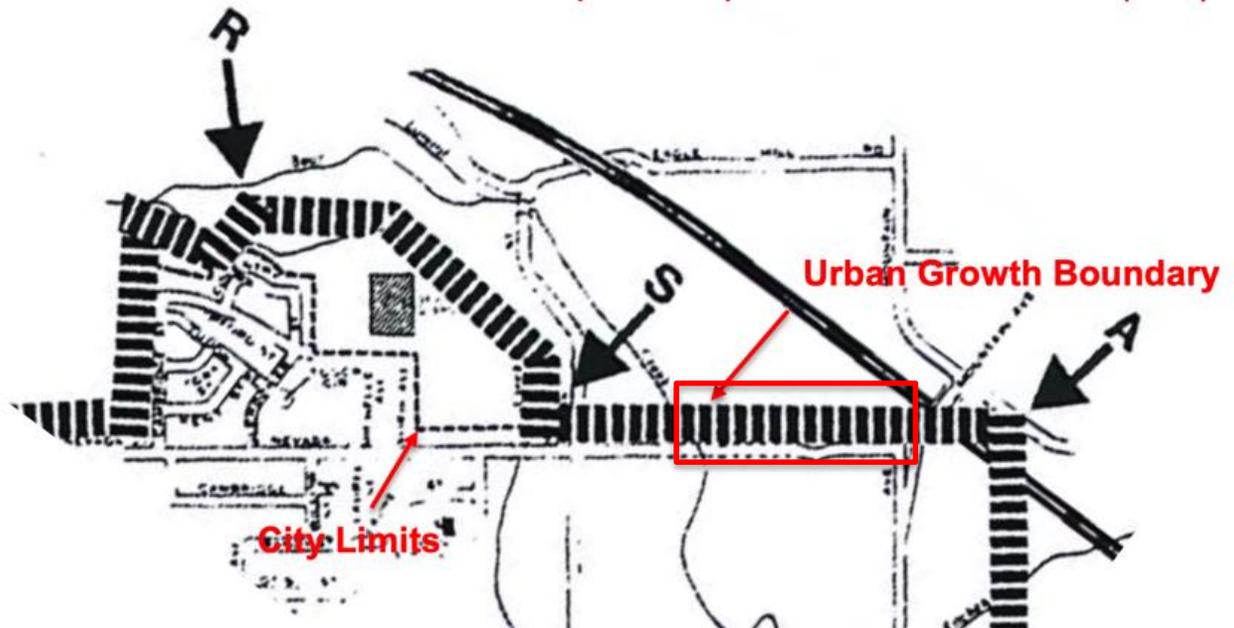


This UGBA exhibit map does not identify individual tax lots and is generally lacking in clear detail. The scale on the map is difficult to read and imprecise, but the city limits and urban growth boundary lines appear to scale to less than 200 feet north of the north boundary of the Nevada Street right-of-way. *(The current GIS map has this boundary at between 153 feet and 167 feet north of the right-of-way. If adjusted as the applicant requests, the boundary would be between 250 and 329 feet north of the Nevada Street right-of-way.)*

1982 Comprehensive Plan Map from Urbanization Element (Adopted by Ord. 2227)

A new Comprehensive Plan and Comprehensive Plan map were adopted in 1982 as Ordinance #2227. The “Urbanization” element of the Comprehensive Plan included a map illustrating the urban growth boundary; the portion of this map depicting the subject properties is copied below, with the general location of the properties, the urban growth boundary and city limits identified in red:

Figure 3 – 1982 Urbanization Element Map

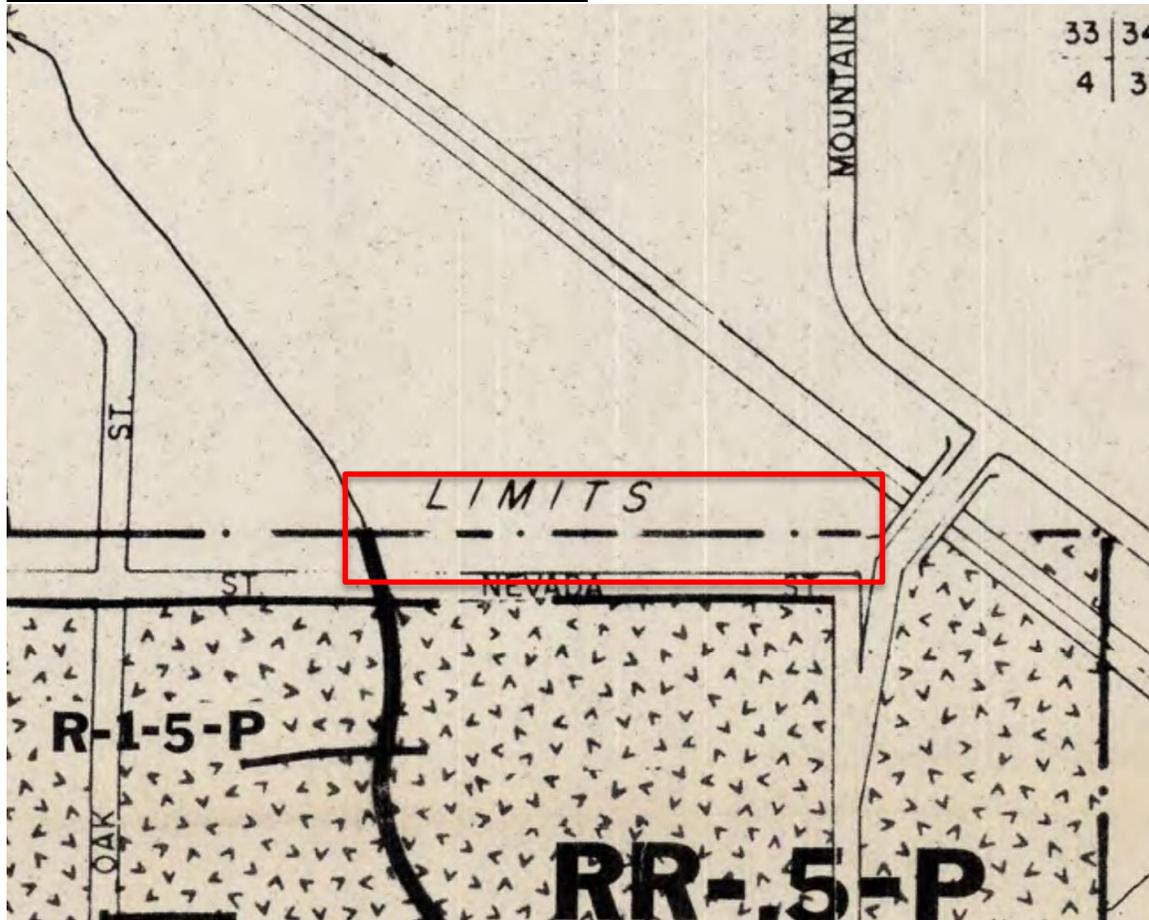


This 1982 Comprehensive Plan map does not identify individual tax lots and is generally lacking in clear detail. The scale on the map is difficult to read and imprecise, and identifying the exact intended location of the urban growth boundary is complicated by the fact that the width of the boundary line itself scales to slightly more than 200 feet and obscures the north boundary of the Nevada Street right-of-way and the city limits line beneath it. The associated “Urbanization” element of the Comprehensive Plan does include a narrative description of the urban growth boundary based on lettered points called out on the map noting, “The urban growth boundary returns to the city limits at point Q. The only other departure of the urban growth boundary (line from the city limits line) is from point R to point S, where it includes the City’s sewage treatment plant and a portion of the Bear Creek Greenway.” The subject properties are between point S and the starting point A, suggesting that in this vicinity the city limits line and urban growth boundary line were one and the same in 1982.

1982 Adopted Zoning Map

Staff have obtained a digital copy of the original zoning map sent to the state for acknowledgement in 1982. The portion relevant to the subject properties is illustrated below, with the general location of the properties in a red rectangle:

Figure 4 – Officially-Adopted Zoning Map (1982)

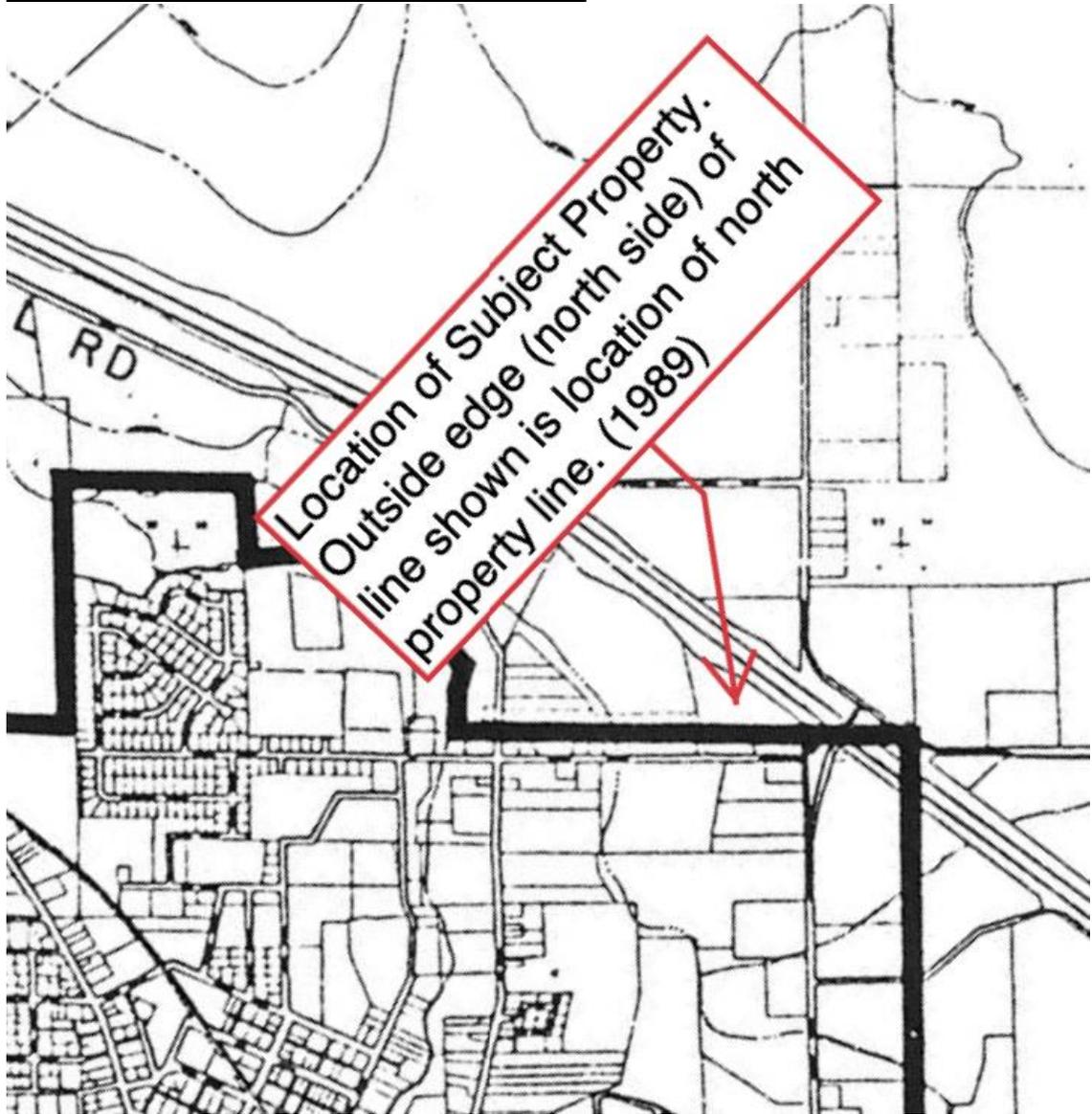


The city limits and urban growth boundary line are one and the same here. Individual tax lots are not identified, however the boundary line scales as approximately 120 feet north of the north boundary of the Nevada Street right-of-way.

1989 Urban Growth Boundary Agreement Map

The application materials provided include a map described as being part of a 1989 Urban Growth Boundary Agreement. The relevant portion of this map, with the applicant's notes in the red box, is included below.

Figure 5 – Applicant's UGBA Map (1989). Official?

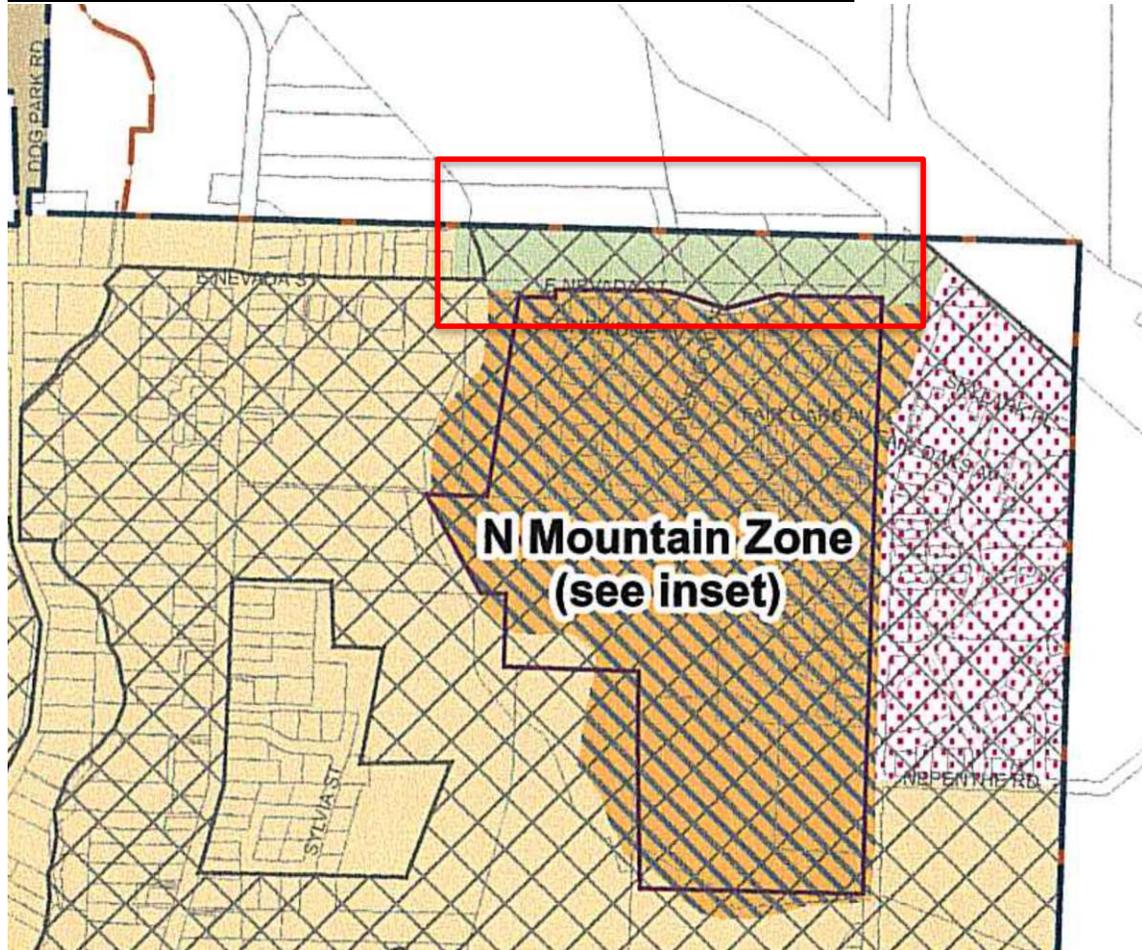


Staff cannot locate an adopted 1989 Urban Growth Boundary Agreement, and as such cannot confirm that this is an official map. There was an Urban Growth Boundary Agreement update process initiated in 2001, but it never came to fruition, and both the city and the county are still currently working under the adopted 1982 Urban Growth Boundary Agreement discussed above, and are unaware of an adopted 1989 update. While the map provided includes individual tax lots, the tax lot lines are unclear with regard to the subject properties here, and the map provided does not include a scale.

2008 Officially Adopted Comprehensive Plan Map

In 2008, the city adopted new zoning and associated overlay maps in digital format with Ordinance #2951. These are the current official maps. A portion of the official Comprehensive Plan map depicting the subject properties is shown below, with a red rectangle added by staff around the subject properties.

Figure 6 – Current Officially-Adopted Comprehensive Plan Map (2008)



In the current officially-adopted maps, the city limits and urban growth boundary lines are one and the same in this vicinity, similar to the way they were depicted on “The Tarp” and described in the narrative description in the 1982 “Urbanization Element” of the Comprehensive Plan. This currently adopted official GIS map has the boundary lines at between 153 feet and 167 feet north of the north boundary of the Nevada Street right-of-way, which splits the subject properties between city and county, leaving remnant portions outside the city and urban growth boundary under the county’s jurisdiction.

III. Procedural

AMC 18.5.9.020.A Minor Map Amendments or Corrections

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

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

Ashland/Jackson Urban Growth Boundary Agreement (UGBA)

Section 11.D of the 1982 UGBA between Ashland & Jackson County addresses “Correction of Errors” as follows:

Correction of Errors. *If the City Council or the County Board of Commissioners become aware of an error in either the map or the text of the mutually adopted urbanization program, both bodies may cause an immediate amendment to occur to correct the error, after mutual agreement is reached. Such a correction shall be in the form of a public hearing and an ordinance, conducted separately or jointly by both bodies, which may take effect on an emergency basis. Public hearings before the Planning Commissions shall not be required where an amendment is intended specifically to correct an error.*

Generally, an error is a cartographic mistake or text misprint, omission or duplication. Such errors are not derived from new data or suggested errors made in interpretations of the attitudes of the public, the governing bodies or data; the latter error types are considered under the amendment provisions cited herein.

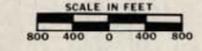
IV. Conclusions and Recommendations

Staff believes that the boundary lines would have been much better placed to follow property lines, and staff is equally frustrated that the size of resulting remnant properties in the county prevents further urbanization of these properties, however in reviewing the application materials and associated maps, staff have been unable to identify any clear error in the urban growth boundary line's current placement that suggests it was placed differently than was originally intended and needs to be corrected. While each of the various maps pose some challenges in terms of clarity, scale and the identification of individual tax lot lines relative to the boundary line locations, all of them are generally consistent in depicting a straight urban growth boundary line in the same location as the city limits line – as was described in the Comprehensive Plan narrative in 1982 when the boundary was established - rather than having the boundary follow property lines. As such, staff are unable to say that a correction is merited here.

CITY OF ASHLAND

ZONING MAP

RR-5	LOW DENSITY RESIDENTIAL	C-1	COMMERCIAL
R-1-10	SINGLE FAMILY RESIDENTIAL 10,000 SQ. FT.	C-1-D	DOWNTOWN COMMERCIAL
R-1-7.5	SINGLE FAMILY RESIDENTIAL 7500 SQ. FT.	E-1	EMPLOYMENT
R-1-5	SINGLE FAMILY RESIDENTIAL 5000 SQ. FT.	M-1	INDUSTRIAL
R-1-3.5	SUBURBAN RESIDENTIAL	WR	WOODLAND RESIDENTIAL
R-2	MULTI-FAMILY RESIDENTIAL	- - -	CITY LIMITS
P-OVERLAY	P-OVERLAY	- - - - -	URBAN GROWTH BOUNDARY
FREEWAY SIGN ZONE	FREEWAY SIGN ZONE	- - - - -	AIRPORT OVERLAY ZONES; A-1, A-2, A-3
R-3	MULTI-FAMILY RESIDENTIAL - HIGH DENSITY		



STREET INDEX

FIRST ST.	E-5
SECOND ST.	E-5
THIRD ST.	E-5
FOURTH ST.	F-6
FIFTH ST.	F-6
SIXTH ST.	F-6
SEVENTH ST.	F-6
EIGHTH ST.	F-6

ALDEN LANE	E-3
A STREET	F-5
ACORN CIR	M-6
ALASKA ST	H-7
ALICIA AVE	E-3
ALIDA ST	F-7
ALLISON ST	G-6
ALMOND ST	D-5
ALNUT ST	G-5
ALYAMON ST	F-7
ASHLAND ST	F-8
ASHLAND WINE RD	F-8
ATLANTIC LOOP RD	F-8
AUBURN ST	C-7
AVERY ST	H-7
ALTA AVE	C-4
ANN ST	F-4
APPLE WAY	K-11
ALMEDA DR	E-2
APPALACHIAN CIR	F-4
B STREET	F-5
BARRABA ST	K-9
BAXAM ST	D-5
BEAL AVE	E-6
BEACH ST	S-7
BEALVIEW AVE	K-10
BESWICK WAY	I-5
BLACK OAK WAY	H-10
BROOK PLACE	H-9

BLAINE ST	F-6
BRIDGE ST	H-7
BRISTOL ST	I-10
BUSH ST	D-5
CATSKILL DR	F-3,4
C STREET	F-6
CALIFORNIA ST	H-6
CAROL ST	F-4
CATALINA ST	C-4
CENTRAL AVE	D-5
CHEVY LANE	C-3
CHESTNUT ST	C-4
CHURCH ST	D-5
CLARENCE LN	F-8
CLOVER LANE	L-8
CLARKE ST	I-8
CLAY ST	J-8
CAMBRIDGE ST	D-3
CEDAR WAY	B-2
CLINTON ST	F-4
COOLIDGE ST	C-4
COVENTRY PL	C-2
COURTNEY ST	E-7
CROSTOWN DR	I-10
CROWSON RD	H-10
CYPRESS CIRCLE	E-3

DEWEY ST	F-6
DIANE ST	K-9
DOVER ST	I-10
DRAGER ST	D-4
EAGLE MILL RD	D-1
EAST MAIN ST	F-6
ELKADER ST	G-8
ELMS ST	H-8
ELIZABETH AVE	D-3
EMERICK ST	G-6
EMMA ST	G-9
EUGLIO AVE	F-7
EUREKA ST	G-6
FAIRVIEW ST	E-6
FAITH AVE	J-8
FERN ST	G-8
FIELDER ST	H-9
FORK ST	E-6
FORDYCE ST	H-5
FOREST ST	F-8
FOX ST	B-2
FRANCES LANE	H-8
FREMONT ST	I-9
FRIENDSHIP ST	E-7
FERWOOD DR	B-4
FAIRWAY DR	M-6

SANFIELD ST	G-7
GARDEN WAY	I-9
GLENDALE AVE	J-9
GLENN ST	D-4
GLENDOWER ST	D-3
GLENWOOD DR	G-8
GLENVIEW DR	D-6
GRANDVIEW DR	C-4
GRANITE ST	D-6
GRANT ST	C-3
GREENBRIAR PL	C-3
GRESHAM ST	E-6
GUTHRIE ST	E-7
GROVER ST	C-3
GREENMEADOWS	K-11
HARGADINE ST	E-6
HARMONY LN	I-8
HARMON CIRCLE	I-8
HARRISON ST	F-7
HELMAN ST	E-4
HENLEY WAY	E-8
HENRY ST	G-7
HERBERT ST	E-7
HERSEY ST	E-4
HIAMATHA PL	H-9

HILLCREST ST	E-7
HILLVIEW DR	I-9
HIGH ST	D-5
HOLLY ST	F-7
HOMES AVE	I-7
HOPE ST	J-10
HITT RD	C-7
HEATHER ST	E-7
IDAHU ST	F-7
INDIANA ST	H-6
IOWA ST	F-7
IVY LANE	G-9
LIAC CIRCLE	H-9
JACQUELYN ST	K-9
JENNIFER ST	E-7
JOY AVE	I-8

LIBERTY ST	F-7
LINCOLN ST	G-6
LINDA AVE	J-9
LITHIA WAY	E-5
LITWAY	I-7
LYNN ST	F-4
LONG WAY	E-8
LUNA VISTA	C-4
LORI LAKE	D-4
MADRONE ST	C-8
MAE ST	J-8
MANZANITA ST	D-4
MAPLE ST	C-3
MARLE WAY	C-3
MARY JANE AVE	J-9
MERIDE ST	E-7
MERRILL ST	E-7
MICHELLE AVE	D-2
MORRIS ST	H-8
MORSE AVE	F-6
MORTON ST	F-7
MORADA LN	K-10
MOHAWK ST	J-10
MOUNTAIN AVE	G-6
MISTLETOE RD	L-9
MONTVIEW ST	D-6
MOSUMMER ST	K-9

NEVADA ST	G-6
NEZLA ST	J-10
NEUB HILL ST	D-5
NORMA AVE	I-8
NORTH MAIN ST	D-4
NORTON ST	B-2
NORSEY ST	D-4
NUTLEY ST	D-6
OAK KNOLL DR	H-8
OAK ST	E-4
OAK LAWN	E-4
ORANGE AVE	D-4
OREGON ST	H-8
ORCHARD ST	D-5
OTIS ST	D-3
OXFORD ST	D-2
ONIDA PL	H-9
OSWEGO DR	C-4
PALM AVE	E-7
PARK ST	J-8
PARKER ST	F-7
PATTERSON ST	I-4
PEARL ST	E-7
PENNSYLVANIA AVE	H-6
PENNY DRIVE	H-9

PINECREST TER	H-9
PONDEROSA DR	H-9
PHELPS ST	F-4
PINE ST	D-6
PIONEER ST	E-5
PLAZA AVE	J-10
PLEASANT WAY	G-8
PALMER RD	H-9
PEACHEY RD	F-7
PHACRT ST	F-7
PRIM ST	B-4
PROSPECT ST	G-8
PARADISE LN	I-10
QUINCY ST	H-6
RANCH RD	D-3
RANDY ST	D-3
RAY LANE	I-7
RIDGE ROAD	E-7
ROGA ST	G-8
ROCK ST	D-4
ROSS LANE	I-9

SAM EVANS PL	J-11
SHAMROCK LN	J-7
SLEEPY HOLLOW DR	E-4
SPRING CRK DR	L-8
SUSAN LANE	D-4

SCENIC DRIVE	D-5
SCOTFIELD ST	B-3
SHERIDAN ST	C-3
SHERMAN ST	F-6
SHERWOOD AVE	I-8
SHILOH BLVD	B-7
SKIDMORE ST	D-4
STARLUM PL	H-9
STRANBERRY LN	D-6
STURGEON ST	D-2
TIMBERLINE TER	H-9
THORNTON WAY	B-4
UNION ST	F-6

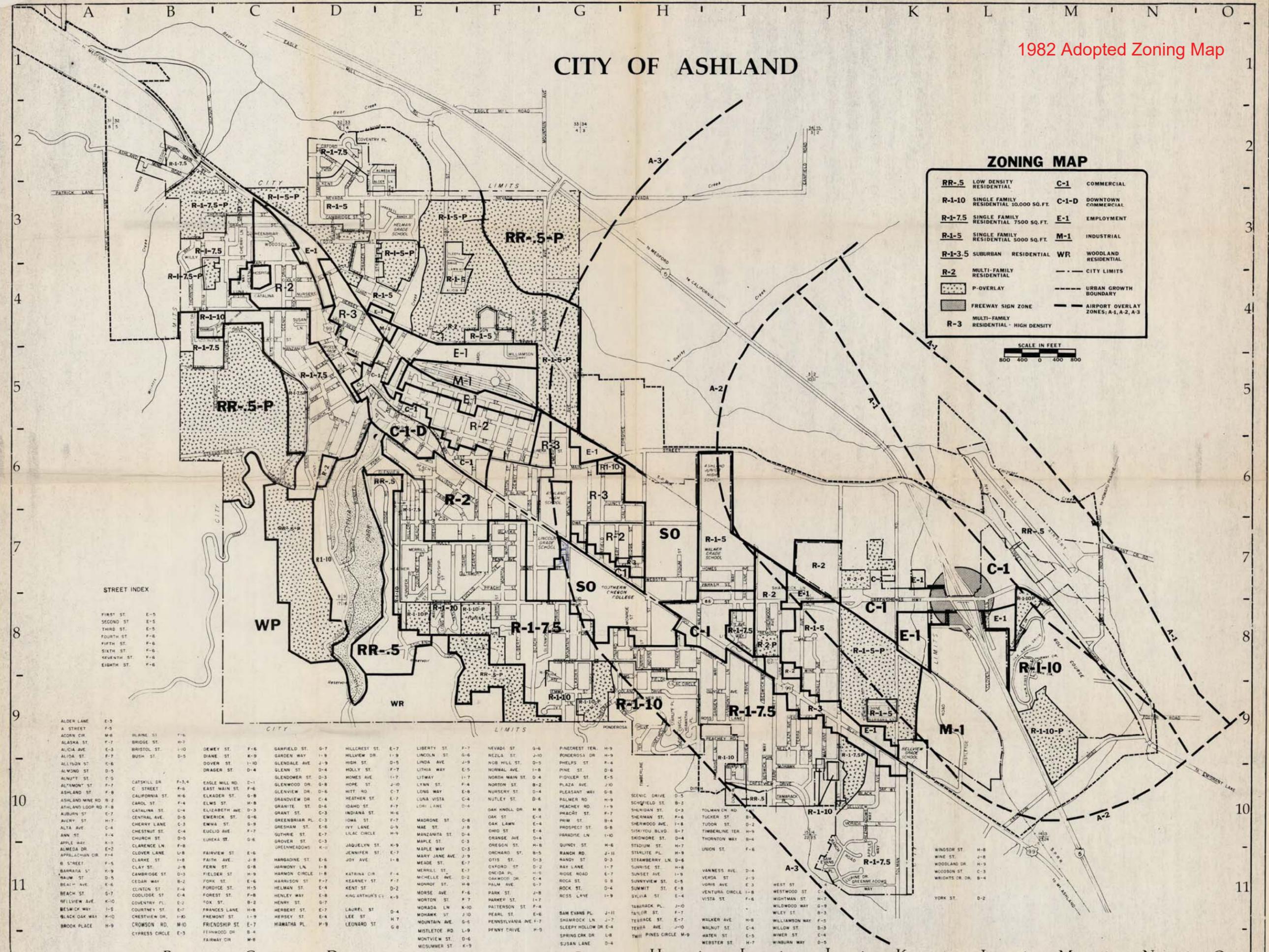
TOLMAN CH RD	B-2
TUCKER ST	B-2
TUDOR ST	D-2
TIMBERLINE TER	H-9
THORNTON WAY	B-4
UNION ST	F-6

VANNESS AVE	D-4
VERDA ST	J-9
VORIS AVE	E-3
VENTURA CIRCLE	I-8
VISTA ST	F-6

WEST ST	C-4
WESTWOOD ST	C-4
WILLOW WAY	G-9
WILLY ST	B-3
WILLIAMSON WAY	F-5
WILLOW ST	D-3
WIMER ST	C-4
WINBURN WAY	D-5

WINDSOR ST	H-8
WINE ST	J-8
WOODLAND DR	H-9
WOODSON ST	C-3
WRIGHTS CR DR	B-4

YORK ST	D-2
---------	-----





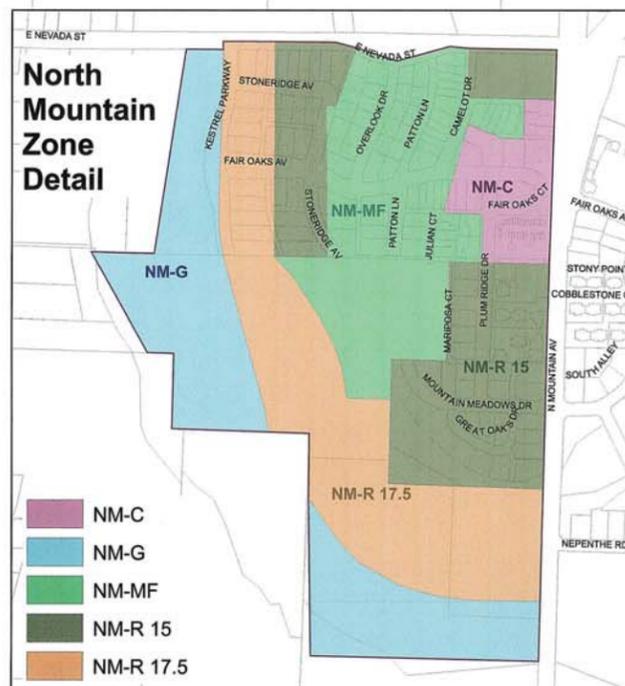
Zoning Map

City Limits	C-1	R-1-3.5
Urban Growth Boundary	C-1-D	R-1-5
P-overlay	E-1	R-1-7.5
Airport Overlay	HC	R-2
Freeway Overlay	M-1	R-3
Residential Overlay	NM	RR-5
Taxlots	R-1-10	RR-1
		SO
		WR
		WR-20

Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



2008 Adopted Zoning Map



This is to certify that this is the Official Zoning Map referred to in Section 18.12.030 of Title 18.12 of the Ashland Municipal Code, Adopted as Ordinance No. 2551

Signed: *[Signature]* Date: July 1, 2008
 City Recorder: *[Signature]* Date: July 1, 2008



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # _____

DESCRIPTION OF PROJECT Comprehensive Plan Map Amendment

DESCRIPTION OF PROPERTY Pursuing LEED® Certification? YES NO

Street Address 375 E Nevada Street

Assessor's Map No. 39 1E 04A Tax Lot(s) 1000

Zoning RR-5 Comp Plan Designation Rural Residential

APPLICANT

Name Rogue Planning & Development Services, LLC Phone 541-951-4020 E-Mail amygunter.planning@gmail.com

Address 1314-B Center Dr., PMB #457 City Medford Zip 97501

PROPERTY OWNER

Name Peter and Laura Schultz Phone _____ E-Mail _____

Address 375 E Nevada Street City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Amy Gunter 2.25.2021
Applicant's Signature Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Peter Schultz Feb 26, 2021
Property Owner's Signature (required) Date

[To be completed by City Staff]

Date Received _____ Zoning Permit Type _____ Filing Fee \$ _____

OVER ►►

ZONING PERMIT SUBMITTAL REQUIREMENTS

- ☑ APPLICATION FORM must be completed and signed by both applicant and property owner.
- ☑ FINDINGS OF FACT – Respond to the appropriate zoning requirements in the form of factual statements or findings of fact and supported by evidence. List the findings criteria and the evidence that supports it. Include information necessary to address all issues detailed in the Pre-Application Comment document.
- ☑ 2 SETS OF SCALED PLANS no larger than 11"x17". Include site plan, building elevations, parking and landscape details. (Optional – 1 additional large set of plans, 2'x3', to use in meetings)
- ☑ FEE (Check, Charge or Cash)
- LEED® CERTIFICATION (*optional*) – Applicant's wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps:
 - Hiring and retaining a LEED® Accredited Professional as part of the project team throughout design and construction of the project; and
 - The LEED® checklist indicating the credits that will be pursued.

NOTE:

- Applications are accepted on a first come, first served basis.
- Applications will not be accepted without a complete application form signed by the applicant(s) AND property owner(s), all required materials and full payment.
- All applications received are reviewed for completeness by staff within 30 days from application date in accordance with ORS 227.178.
- The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting. (Planning Commission meetings include the Hearings Board, which meets at 1:30 pm, or the full Planning Commission, which meets at 7:00 pm on the second Tuesday of each month. Meetings are held at the City Council Chambers at 1175 East Main St).
- A notice of the project request will be sent to neighboring properties for their comments or concerns.
- If applicable, the application will also be reviewed by the Tree and/or Historic Commissions.

Zoning Permit Application_Schultz

Final Audit Report

2021-02-26

Created:	2021-02-26
By:	Amy Gunter (amygunter.planning@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXJkfdUSe2uSdlxUybb6zBprrhvwDXFte

"Zoning Permit Application_Schultz" History

-  Document created by Amy Gunter (amygunter.planning@gmail.com)
2021-02-26 - 7:50:46 PM GMT- IP address: 96.39.164.6
-  Document emailed to Peter Schultz (peter@cashflowheaven.com) for signature
2021-02-26 - 7:51:28 PM GMT
-  Email viewed by Peter Schultz (peter@cashflowheaven.com)
2021-02-26 - 9:35:53 PM GMT- IP address: 66.249.84.79
-  Document e-signed by Peter Schultz (peter@cashflowheaven.com)
Signature Date: 2021-02-26 - 9:46:10 PM GMT - Time Source: server- IP address: 66.241.75.77
-  Agreement completed.
2021-02-26 - 9:46:10 PM GMT



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # PA-T2-2021-00031

DESCRIPTION OF PROJECT Comprehensive Plan Map Amendment

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? YES NO

Street Address 475 East Nevada Street

Assessor's Map No. 39 1E 04A

Tax Lot(s) 1200

Zoning NM-MF

Comp Plan Designation NM

APPLICANT

Name Rogue Planning & Development Services, LLC Phone 541-951-4020 E-Mail amygunter.planning@gmail.com

Address 1314-B Center Dr., PMB #457 City Medford Zip 97501

PROPERTY OWNER

Name David Young Phone _____ E-Mail Dyoung@usbnc.org

Address 348 South Modoc Avenue City Medford Zip 97501

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Attorney Name Brent Hall Phone 541-215-0404 E-Mail brrrav@

Address 718 SW 1st Street City Pendleton Zip 97801

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Amy Gunter 2.10.21
Applicant's Signature Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

[Signature] 3/3/21
Property Owner's Signature (required) Date

[To be completed by City Staff]

Date Received 3.5.2021 (Pd on ?) Zoning Permit Type Type 2 Filing Fee \$ 2190.75

Received 3.15.2021

OVER ►►

ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

Minor Comprehensive Plan Map Amendment

375 East Nevada Street
475 East Nevada Street



ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

Received 3.15.2021

Comprehensive Plan Map Amendment

Subject Property

Property Address: 475 EAST NEVADA STREET
Map & Tax Lots: 39 1E 04A Tax Lots: 1100, 1200; 1300
Property Owner: Young Family Trust
348 South Modoc Street
Medford, OR 97504

Property Address: 375 EAST NEVADA STREET
Map & Tax Lot: 39 1E 04A Tax Lot: 1000
Property Owner: Peter and Laura Schultz
375 E Nevada Street
Ashland, OR 97520

Surveyor: Hoffbuhr & Associates
880 Golf View Drive; Suite 201
Medford, OR 97540

Planning Consultant: Rogue Planning & Development Services, LLC
Amy Gunter
1314-B Center Dr., PMB#457
Medford, OR 97501

Comprehensive Plan Designation: Single Family Residential Reserve
Zoning: SPLIT: City of Ashland RR-.5
Jackson County Rural Residential (RR-5)

Adjacent Zones: NM-R-1.5; NM-MF; Rural Residential (RR-.5); Jackson County RR-5; and Jackson County Exclusive Farm Use (EFU)

Request:

The application requests approval for a City of Ashland Comprehensive Plan Amendment from Jackson County Rural Residential to Ashland Residential Reserve/North Mountain Neighborhood Plan.

It can be found that the record of the exact location of the Urban Growth Boundary line has been inconsistent and leaves Jackson County RR-5 zoned remnant parcels of land that necessitate Goal 14 exceptions due to the limited lot area of the legal parcels of record of the areas north of and outside of the city of Ashland Urban Growth Boundary.

There are portions of four parcels of record included in the request for clarification of the Urban Growth Boundary. The properties are 475 East Nevada Street (39 1E 04A Tax Lots: 1100, 1200; 1300) and 375 East Nevada Street (39 1E 04A Tax Lot: 1000).

In 2017, the Katherine Mae Subdivision obtained Comprehensive Plan Amendment from Single Family Residential Reserve to North Mountain Neighborhood Overlay Zoning, a Zone Change from Jackson County Rural Residential, ½ Acre minimum (RR-.5-P), to North Mountain Multi-Family (NM-MF) Zoning Overlay; Outline Plan and Site Design Review approval for a Performance Standards Subdivision to allow for the future development of a phased subdivision in 2017.

At the time of the subdivision request, it was believed that the property was divided by the city of Ashland Urban Growth Boundary (UGB) that is shown on the 2008 adopted maps from the city of Ashland as roughly half-way between the north and south property lines. Following discussions and meetings with Jackson County regarding the “split zoning” of the property and the need to create separate and discrete parcels of record north of the UGB that are separate from the property on the south side of the UGB.

Following inquiries at the County, it became apparent that there is question to the adopted maps on file with the city of Ashland and dated July 2008 and the maps that Jackson County uses in the implementation of their development regulations. In the research of this issue, the ability to readily manipulate the boundary lines presently when mapped by the Geographic Information Services (GIS) mapping software versus the lines drawn on the adopted Comprehensive Plan Maps became more apparent.

The property owner and the project team find that there is an important issue at hand that must be addressed before further action can be taken concerning the Final Planning of the adjacent Katherine Mae Subdivision.

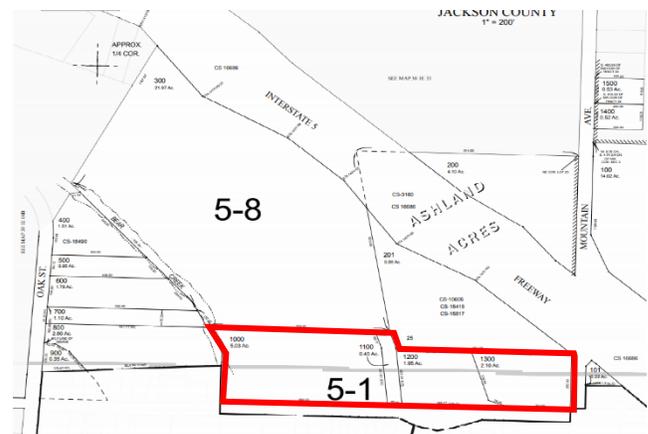
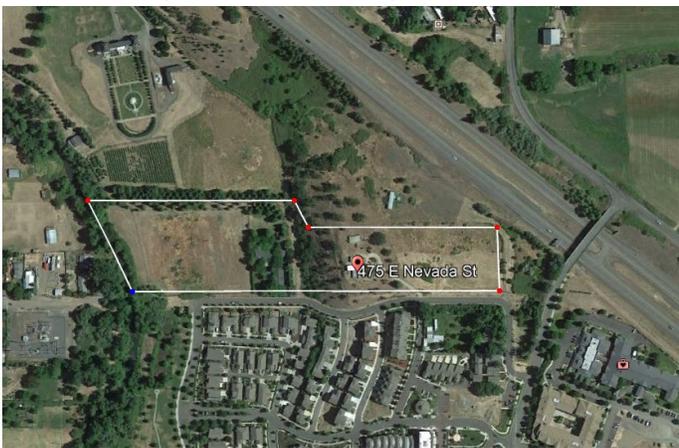
According to the present Geographical Information Systems (GIS) drawn maps, the properties are divided by the City of Ashland Urban Growth Boundary (UGB) roughly mid-way between the north and south property lines. The UGB is shown following the city limits boundary. The official map is dated 1989

and is of such a scale that the pen stroke is larger than the specific location of the UGB on the subject property per the GIS maps.

The request is for the 2.08-acre portions of 1100, 1200 & portions of 1300, and an approximately 1.37-acre area of 375 East Nevada Street that is on the north side of the GIS drawn line to be included into the City of Ashland Urban Growth Boundary as drawn upon the 1989 official maps.

Property Descriptions:

The properties proposed for proposal consists of four properties, tax lots #1000, 1100, 1200, and 1300. The properties are on the north side of East Nevada Street west of the intersection of East Nevada Street, and an unimproved, remnant portion of the North Mountain Avenue right-of-way.



The subject properties are Comprehensive Plan designated as Single-Family Residential Reserve. Tax lots 1100, 1200, and 1300 have been rezoned to North Mountain Multi-Family Residential.

Tax lot 1000 is a city of Ashland RR-.5 and Jackson County RR-5 zoning.

The properties are all within the Performance Standards Overlay. North of the Urban Growth Boundary (UGB) and the City limits boundaries, the properties are Jackson County Rural Residential, Five Acre Minimum (RR-5).



Tax lot #1200 is occupied by a 1,785-square foot single-story, single-family residence that was constructed in 1954. There is a detached garage on the county side of the property. Another outbuilding exists behind the residence. Tax lots #1100 and 1300 are vacant.

The properties to the east and west are also split by UGB and split zoned by Ashland RR-.5 and Jackson County RR-5. The property to the east is too small and constrained to be considered.

The property to the west at 375 East Nevada (39S 1E is included in the proposal at the recommendation of the City of Ashland. This property is occupied by a single-family residence and associated outbuildings.

The property to the north at 1059 North Mountain Avenue (39S 1E 04A; 201) is zoned Jackson County RR-5. This lot is occupied by a vacant mobile home. This lot is zoned Rural Residential, five-acre minimum, and is more than five acres in area.

The property at 1260 Oak Street (39S 1E 04A; 300) is to the north of 375 East Nevada Street. This property is zoned Exclusive Farm Use and is 21.97 acres.

Across the North Mountain Avenue overpass to the southeast, the properties are zoned Healthcare (HC). These properties are part of the Skylark Assisted Living Facility and Mountain Meadows Retirement community.

The properties to the south, across East Nevada Street, are within the North Mountain Neighborhood Plan Overlay. There are North Mountain Single Family (NM-R-1-5); North Mountain Commercial (NM-C); and North Mountain Multi-Family (NM-MF) zones within the North Mountain Neighborhood Plan Overlay.

The four parcels included in the request are bound by East Nevada Street along the south property lines. According to the street classification in the Transportation System Plan (TSP), East Nevada Street is an Avenue or Major Collector. East Nevada would be considered a two-lane avenue. Avenues have a right-of-way width of between 59 – 86 feet. There is generally, 60-feet of ROW along the frontage of the properties. In the area of steep, rocky slopes between the subject property and the driving surface of East Nevada Street, there is more than 120-feet of ROW. East Nevada Street is not improved to Avenue Standards. Due to the topographical constraints within the ROW, East Nevada Street is narrow, constrained by the development to the south, and by the rock outcropping on the north side. East Nevada has a varying width of improvements.

Along the frontage of the properties, East Nevada Street is improved with pavement, curb, and gutter. There is a 22-foot paved travel lane, curb, and gutter. On the south side of East Nevada Street, there are various street improvements within the varying width ROW. Across from 475 East Nevada, there is curb and gutter, no sidewalk. This property is “under-developed”, and street improvements will be required with future site development. West of the intersection of Camelot Drive and East Nevada Street, the street improvements include 22- feet of driving surface, with curb, gutter, varying width park row, and sidewalk. These improvements continue down the hill to the intersection of Camelot and Kestrel Parkway. None of East Nevada Street has dedicated bicycle lanes.

The right-of-way that forms the east boundary of the property is North Mountain Avenue because it falls within a remnant of the North Mountain Avenue right-of-way, but the actual surface street North

Mountain is above the property and transitions from surface street to bridge over the Interstate. The “street” is not improved more than the narrow gravel driveway that serves the five-acre parcel to the north of the subject properties. This new street is approved to be named Franklin Street.

Details of the Request:

The request is to acknowledge the adopted 1989 Urban Growth Boundary Map and that the north side of the pen stroke (the north property lines of the properties at 375 E Nevada Street and 475 E Nevada Street) is the location of the UGB.

Discussions regarding the property boundaries of the Katherine Mae subdivision began in earnest with Jackson County and the City of Ashland in early 2016. At the time of the Subdivision application to the City, Jackson County had indicated that the Urban Growth Boundary Line was a defacto property line due to jurisdictional overlap.

The County found they could not approve a partition of the “non-conforming” parcels that are north of the presently mapped GIS database for a few reasons.

1) All of the subject parcels that are divided by the GIS version of the UGB are zoned Jackson County Rural Residential (RR-5) lots. To revise the legal description of the properties north of the UGB, a partition application in Jackson County is required. The resulting lot areas of the separate parcels to the north of the UGB are substantially less than the minimum lot size in the RR-5 zone.

2) Rural Residential lands that are outside of the UGB and are less than the minimum lot area of two acres, requires a Goal 14 Exception. The property is unique from what appears to be assumed with Goal 14 review, that future division of existing parcels to create lots that are less than the minimum lot area cannot be approved. This property consists of three, discreet parcels that exist with the UGB creating the boundary division.

Allowing the land to be urbanizeable to the standards of the City of Ashland prevents the application of Goal 14 to the rural residential land.

Oregon Administrative Rules: 660-004-0040

Application of Goal 14 to Rural Residential Areas

(1) The purpose of this rule is to specify how Goal 14 “Urbanization” applies to rural lands in acknowledged exception areas planned for residential uses.

(2) For purposes of this rule, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR 660-004-0005 shall apply. Also, the following definitions shall apply:

(f) “Rural residential areas” means lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which

an exception to Goal 3 “Agricultural Lands”, Goal 4 “Forest Lands”, or both has been taken.

5) The rural residential areas described in subsection (2)(f) of this rule are “rural lands”. Division and development of such lands are subject to Goal 14, which prohibits urban use of rural lands.

(6)

(a) A rural residential zone in effect on October 4, 2000, shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as required by section (8) of this rule.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land-use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(7) After October 4, 2000, a local government's requirements for the minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division.

(8)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that the creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

To facilitate orderly development as envisioned in the adopted Comprehensive Plan and to retain consistency with the adopted Comprehensive Plan adopted maps and plans, recognizing the adopted UGB “line” extends to the north property boundary of the parcels in question eliminates the dividing line that created Goal 14 exception land outside of the UGB.

The benefits of acknowledging the north property line as the UGB provides many benefits to the City of Ashland. The additional 3.45 acres has the potential base density of 41 dwelling units. The property is

directly adjacent to the city limits and the area has had various mapping that leads one to believe the boundary is not officially mapped and clarification is sought.

This request does not include site design review of any of the future residences on the properties as they would be developed at a later date, following the annexation of the area in question.

On the following pages, findings of fact addressing the criteria from the Ashland Municipal Code are provided. For clarity, the criteria are in Times New Roman font and the applicant's responses are in Calibri font.

Findings of Fact

Comprehensive Plan Map Amendment and Zone Change:

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

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

Applicant's Finding:

According to the 1982-024 Jackson County and Ashland Urban Growth Boundary Agreement, Minor Boundary Line Agreements, are minor adjustments to the UGB that are defined as focusing on individual properties and not having a significant impact beyond the immediate area of the change. In 2004, the Jackson County Land Development Ordinance adopted a process for correcting minor mapping errors.

The Jackson County criteria regarding minor amendments are similar to the Ashland Municipal Code requirements and an application for amendment is necessary at the county level following the decision at the City of Ashland.

1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.

Applicant's Finding:

The change implements the public need for the additional land area adjacent to the existing developable land area that allows for diverse housing stock.

The requested change is consistent with the State of Oregon Legislative goals and is in line with a recent effort by the Department of Land Conservation and Development pilot program for minor UGB amendments though a state-assisted process, Ashland was not part of the project area but qualified if it had sought the program.

The proposal implements Statewide Planning Goal 14: Urbanization, to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. If undersized, substantially smaller than minimum five-acre portions of RR-5 zoned land remaining, it is an inefficient use of level, buildable, connected land that is best suited for urbanization instead of remnant rural residential lands.

The addition of connected, owned in common properties to the Urban Growth Boundary furthers Comprehensive Plan Goal 6.10. Which seeks to 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. The development standards of the North Mountain Overlay (anticipated with future rezoning and development of these portions of the properties) ensure the character and appearance of the city are maintained. The North Mountain Overlay allows for single-family attached and detached, clustered, and multi-family style development patterns. This is consistent with the character and appearance of the city.

The proposal is consistent with Comprehensive Plan Policy 6.11 as it relates to growth form, City policy should encourage the development of vacant available lots within the urban area while providing sufficient new land to avoid an undue increase in land prices. This shall be accomplished with specific annexation policies. Allowing portions of existing parcels that are in the same immediate vicinity, served by the same public streets, adjacent to the same freeway, restricted to the same solar orientation standards, lot coverage, stormwater drainage, parking, open space requirements, heights, orientation, scale, etc. as the properties to the east as part of the Mountain Meadows development including Skylark Place, and the other developments within the North Mountain Neighborhood to the south, and southwest is an inefficient use of land that allows for additional housing area to meet Ashland's housing needs.

The proposal furthers the Energy, Air, and Water Conservation goals and policies of the Comprehensive Plan Goals, Chapter 11. The proposal adds land that is physically connected to the city limits. The land has access to city electricity, sanitary sewer, stormwater drainage, and water. The site has excellent solar orientation and solar electric generating systems would be possible. 1059 N Mountain Avenue (39 1E 04; 200) though outside of the city limits and UGB has city water service.

The city shall strive, in every appropriate way, to reduce energy consumption within the community. The Council's goals include leveraging the city resources to provide additional lands for housing development. Allowing for a small area of land to be included within the UGB to allow for future urbanization demonstrates the city's efforts to increase the developable area to increase housing stock.

The proposal furthers the goals outlined in Chapter 12, Urbanization which seeks to maintain a compact urban form and include an adequate supply of vacant land to not hinder natural market forces and ensure orderly and sequential development of the land in the city limits.

2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.

Applicant's Finding:

The state regulations imposing Goal 14 exceptions when a parcel area of Rural Residential land is smaller than the minimum lot area was adopted in 2000.

The city limits were adopted pre-1900. The urban growth boundary was adopted in the early 1980s, the North Mountain Neighborhood Plan was adopted in 1997. The subject properties were

part of the large area of underdeveloped land on the north side of Bear Creek, accessed only by a gravel-surfaced, North Mountain Avenue. Between 1997 and today, major public and private expenditures were made to bring paved streets, sewer, and water to this area.

The current property owners understand the great value in working with the City and providing additional developable land consistent with the adjacent property zones and development patterns allowing for furthering the Comprehensive Plan concerning urbanization.

The various Comprehensive Plan Maps lead one to speculate that there is a discrepancy between the paper maps adopted in the 1970s and 1980s and the 2000s changes to the state laws regarding Goal 14 exceptions for RR-5 zoned land that is smaller than minimum lot areas, is a substantial change that necessitates the requested modified Urban Growth Boundary to create remnant parcels that cannot be developed or are area deficient and requires an exception to state regulations of rural residential lands.

3. Circumstances relating to the general public welfare exist that require such an action.

Applicant's Finding:

N/A

4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.

Applicant's Finding:

The area of the 475 E Nevada Street parcels is 2.08 acres. Of this, approximately 11,300 square feet (.259 acres) of tax lot 1200 has slopes of 35 percent or greater. The remaining 1.82 acres has a base density of 21.85 dwelling units. When these properties are annexed, five ($21.85 \times .25 = 5.46$) affordable housing units would be provided when the portion of the property in question is annexed and developed.

The area of 375 E Nevada Street that is north of the city limits line is 2.34 acres. Of these 2.34 acres, 5,200 square feet is the floodway of Bear Creek and 25,860 square feet is FEMA's 100-year, special flood hazard area. The area of the property outside of the floodplain and floodway is 1.63 acres and the base density is 19.66. When this property is annexed, four ($1.63 \times .25 = 4.91$) affordable housing units would be provided when the portion of the property in question is annexed and developed.

Adequate numbers of affordable housing units that comply with the standards of subsection ALUO 18.5.8.050.G. will be provided when the subject properties are annexed into the city.

5. Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards outlined in subsection 18.5.8.050.G.

Applicant's Finding:

N/A

6. The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.

Applicant's Finding:

The total number of affordable housing units varies depending upon the future uses and the level of AMI restriction. The future development of the subject properties will demonstrate compliance at the time with the required number of affordable housing units as required per ALUO 18.5.9.202.A.

The property owner and the applicant find that to facilitate orderly development as envisioned in the adopted Comprehensive Plan and to retain consistency with the adopted Comprehensive Plan adopted maps and plans, recognizing the adopted UGB "line" extends to the north property boundary of the parcels in question eliminates the dividing line that created Goal 14 exception land outside of the UGB.

The benefits of acknowledging the north property line as the UGB provides many benefits to the City of Ashland. The additional 3.45 acres has the potential base density of 41 dwelling units. The property is directly adjacent to the city limits and the area has had various mapping that leads one to believe the boundary is not officially mapped and clarification is sought.

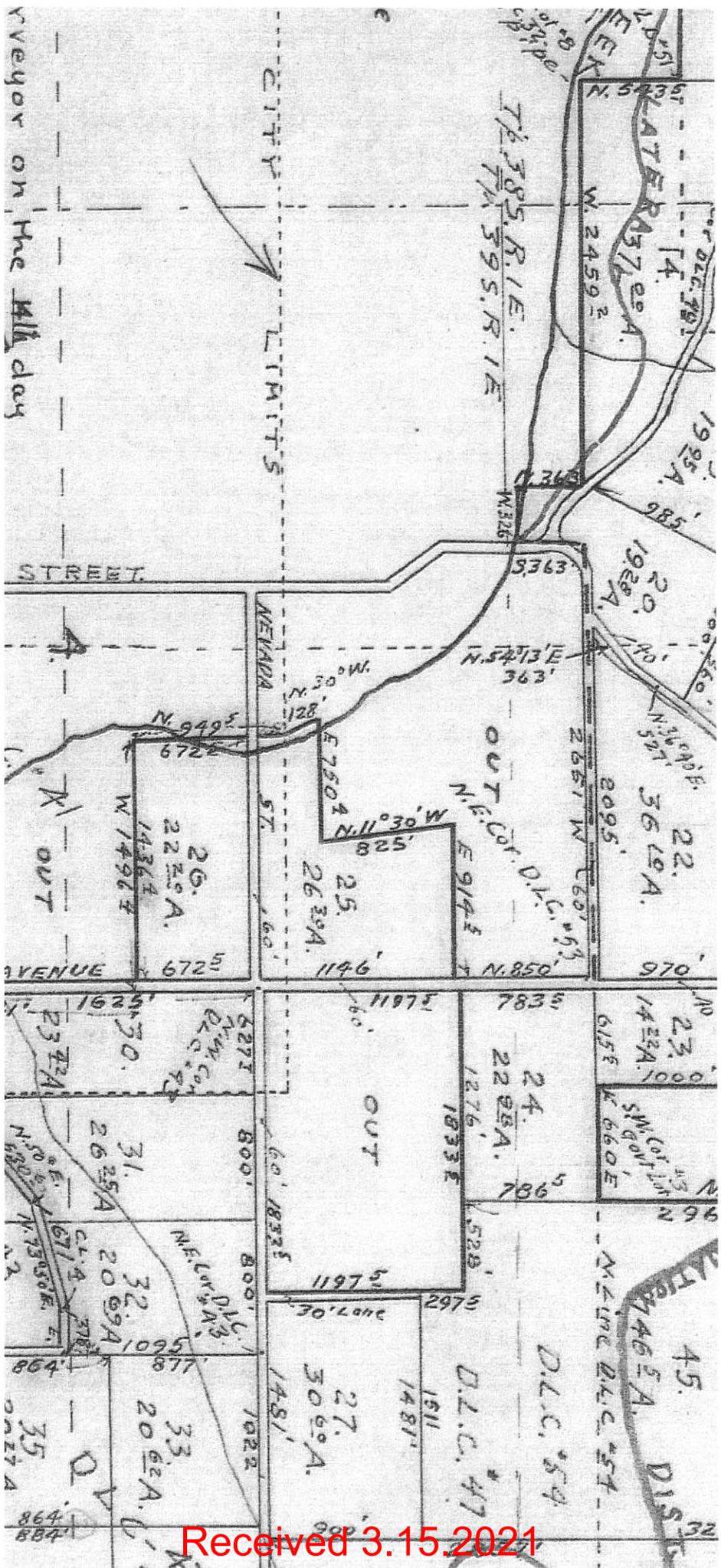
This request does not include site design review of any of the future residences on the properties as they would be developed at a later date, following the annexation of the area in question.

*Respectfully submitted,
Amy Gunter*

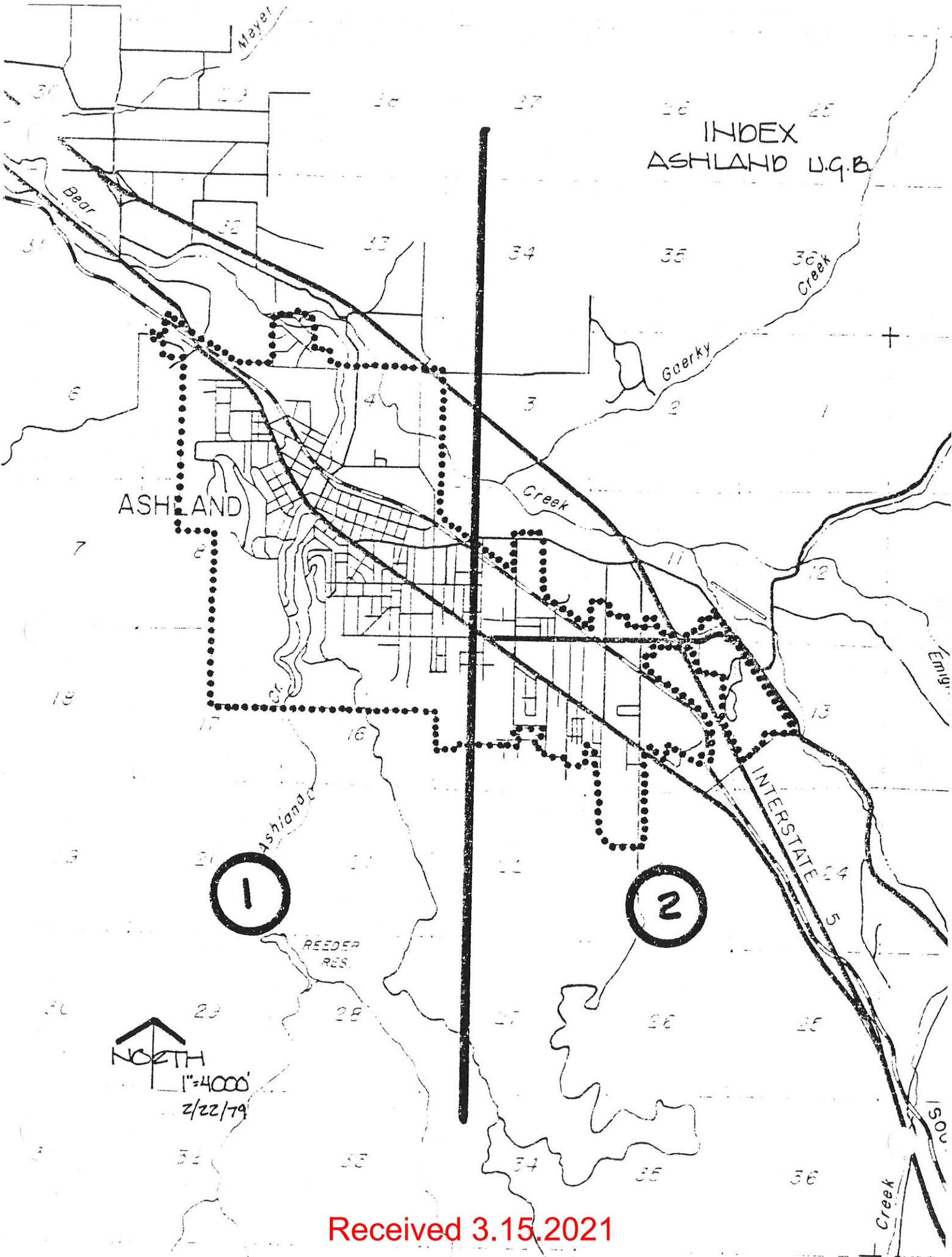
Attachments:

Snip of Ashland Acres Subdivision Plat Map (1923)
Draft UGB map (1" = 4000' dated 2/22/1979)

Draft UGB map (1" = 2000' dated 2/22/1979)
Adopted UGB map (dated 11/2/1982)
UGB Map from 1989 UGB Agreement (dated 7/1989)
Official Map of City of Ashland (dated 2004)
Jackson County Development Services map of the property
(dated 12/14/2018 and 1/23/2019)
Jackson County Pre-application Conference Summary
Letter from Attorney Brett Hall (dated June 7, 2020)



INDEX
ASHLAND U.G.B.



NORTH
1"=4000'
2/22/79

Received 3.15.2021

1

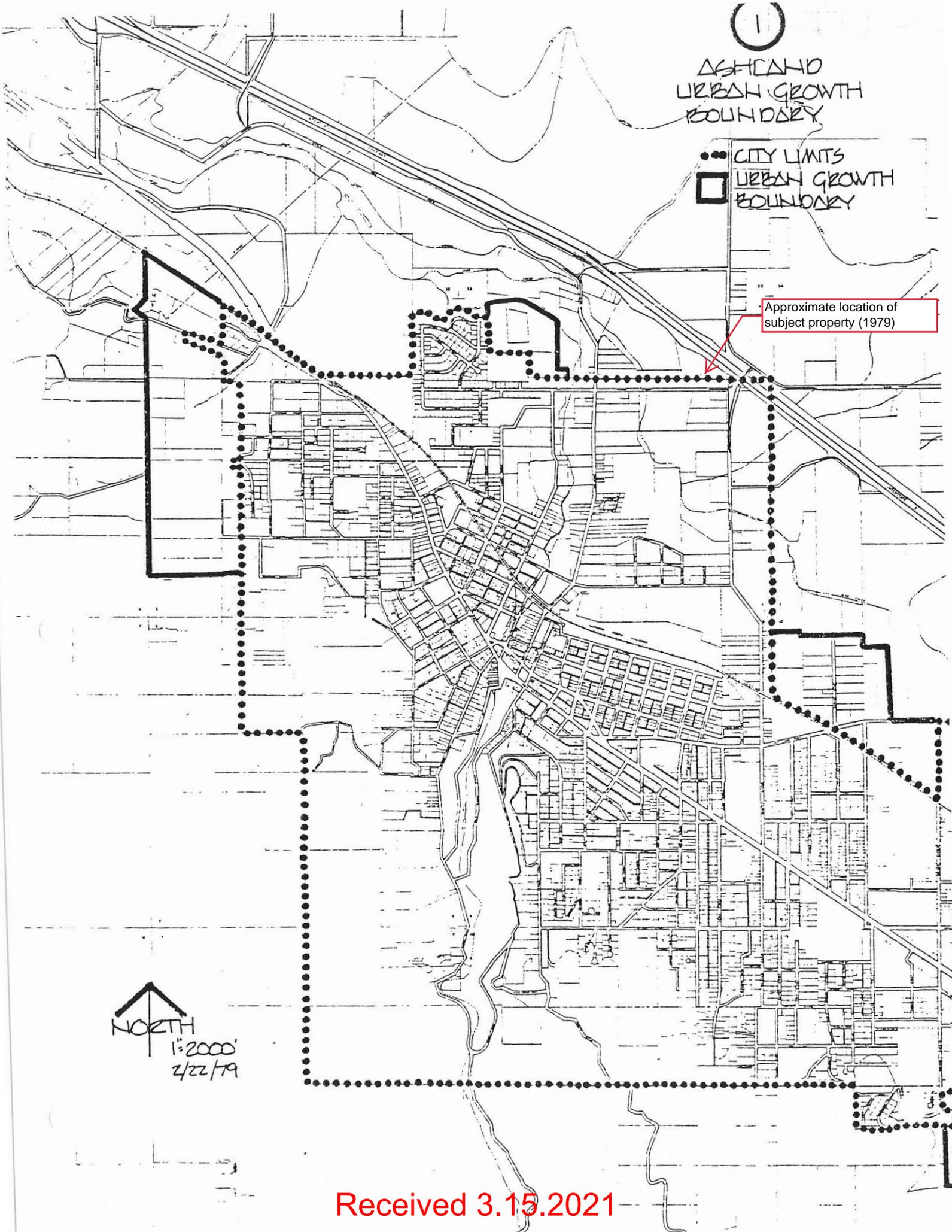
ASHLAND
URBAN GROWTH
BOUNDARY

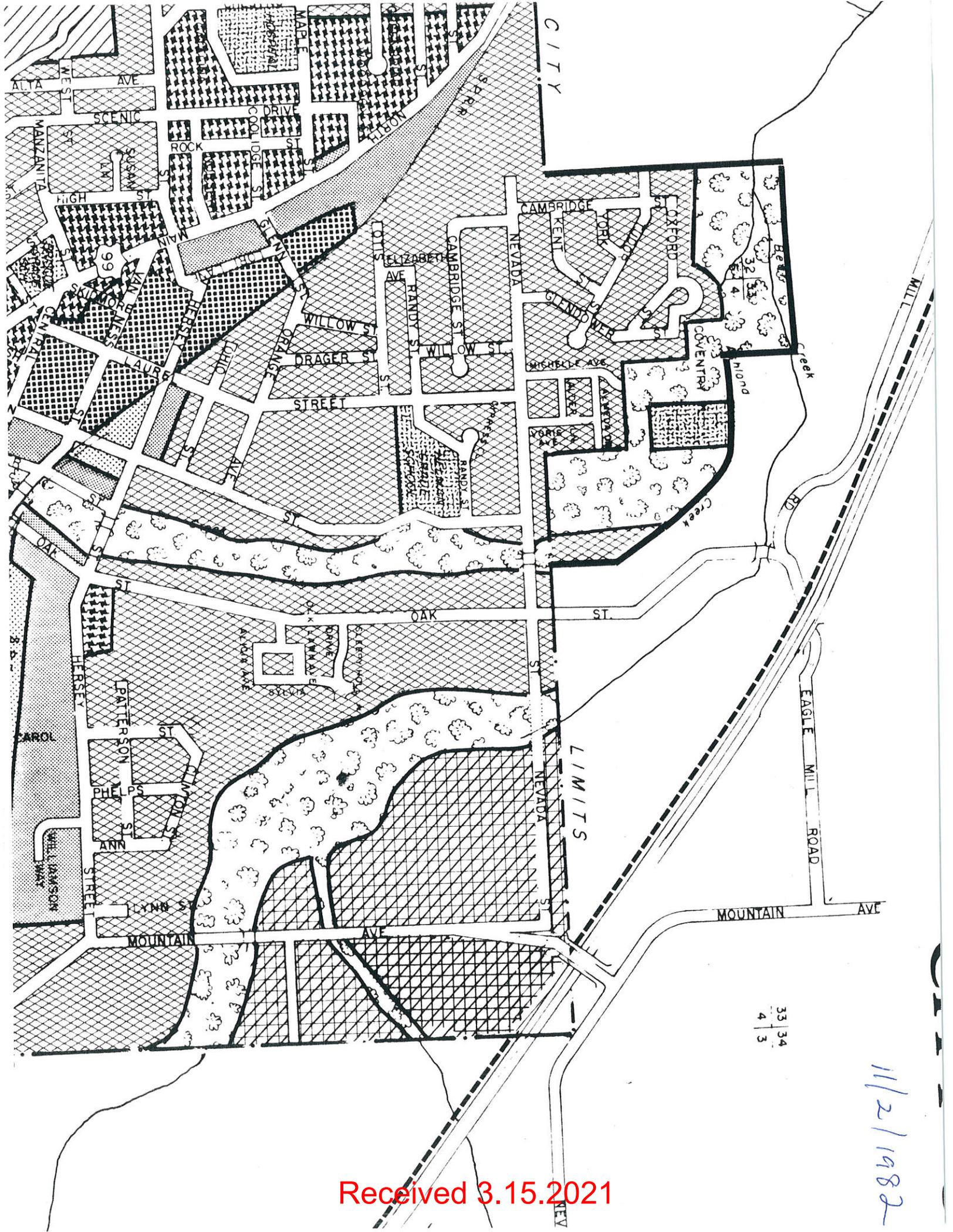
●●● CITY LIMITS
□ URBAN GROWTH
BOUNDARY

Approximate location of
subject property (1979)

NORTH
1"=2000'
2/22/19

Received 3.15.2021

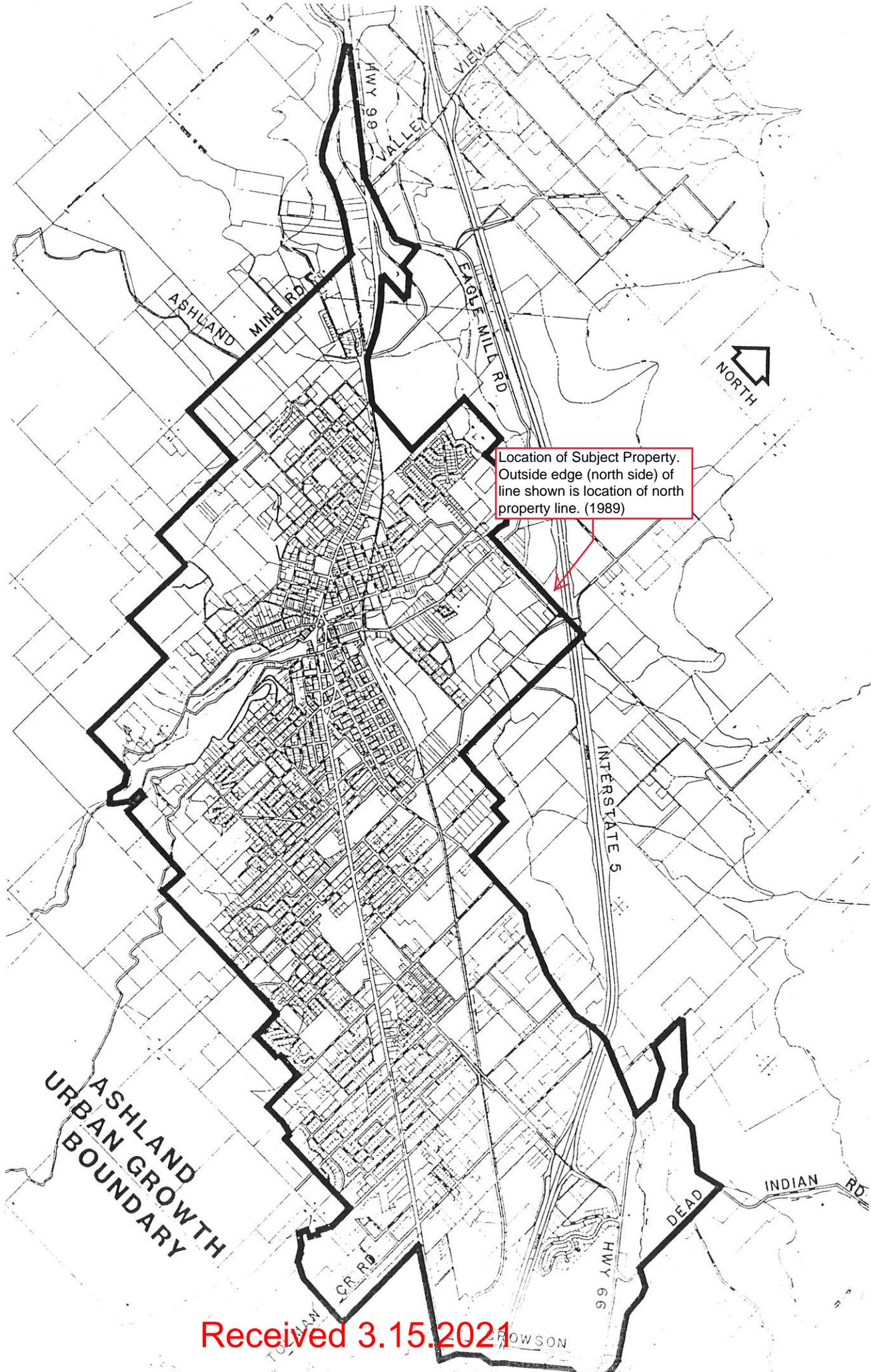




33	34
4	3

11/2/1982

Received 3.15.2021

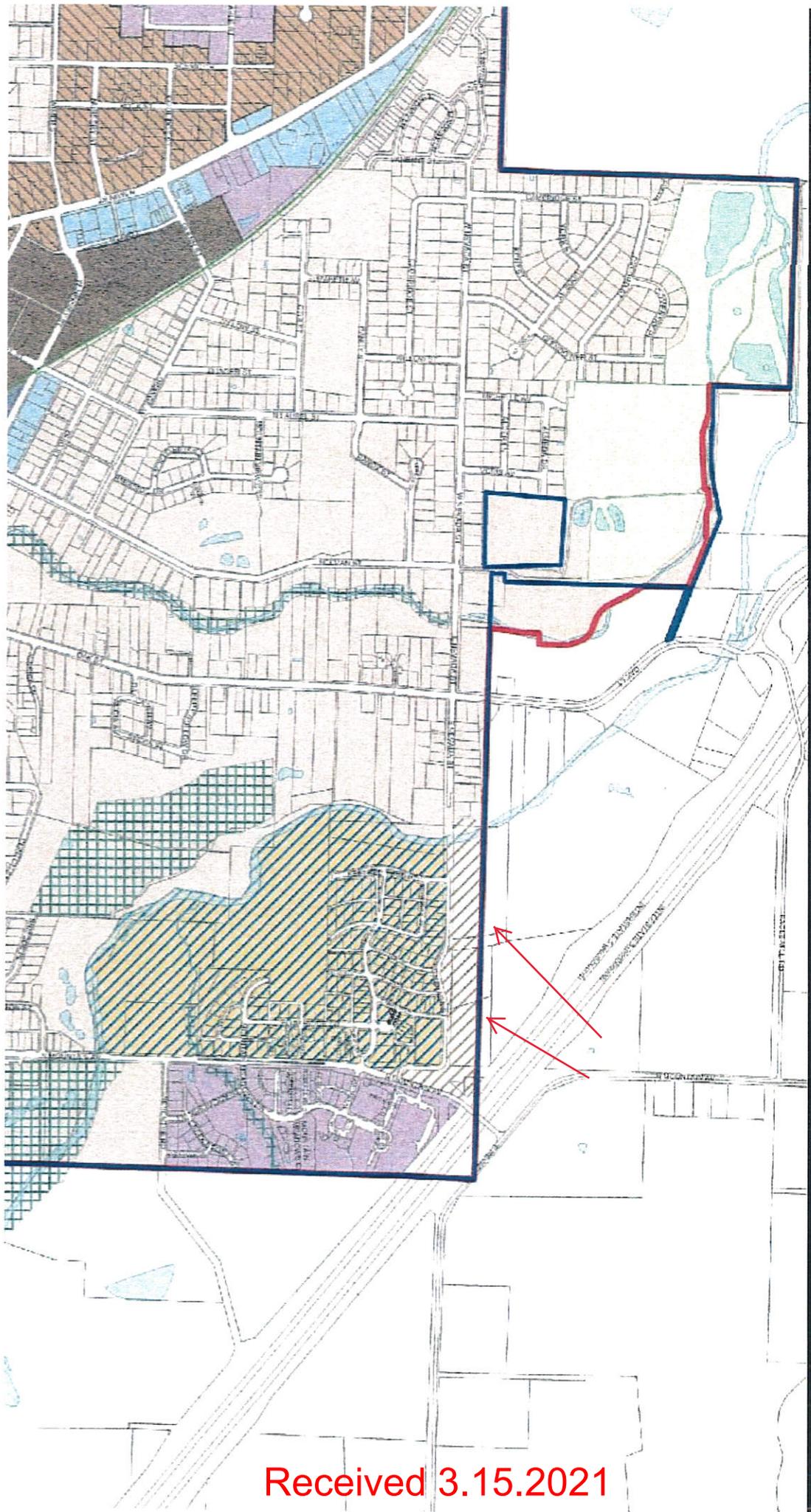


Location of Subject Property.
Outside edge (north side) of
line shown is location of north
property line. (1989)

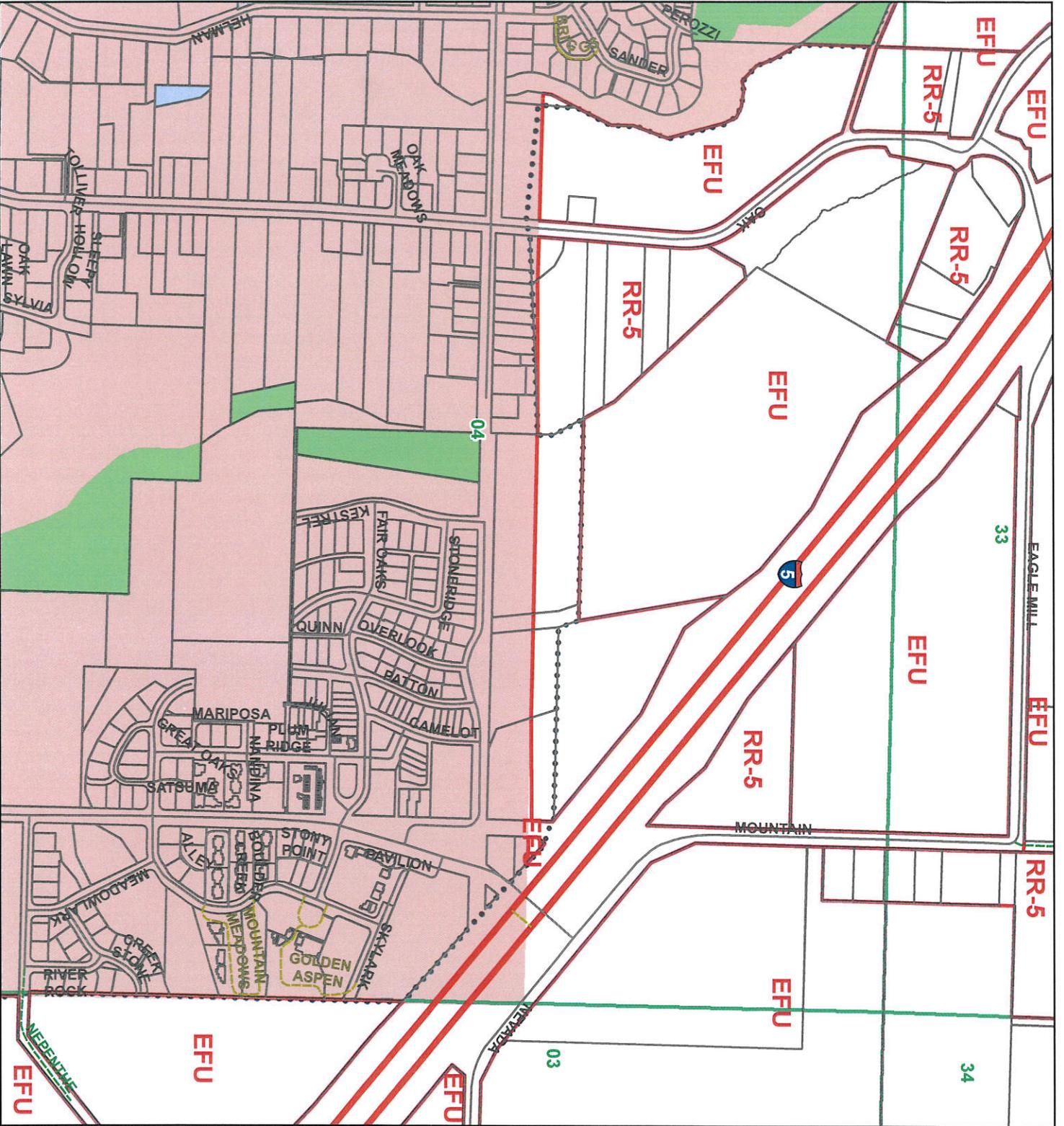
AS OF JULY 1989

ASHLAND GROWTH
URBAN BOUNDARY

Received 3.15.2021



Received 3.15.2021

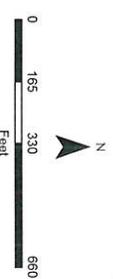


Development Services

Young
 39-1E-04a-1100, 1200 & 1300
 439-18-00012-PRE

Streets by Type

- Freeway
- Collector: Other
- Local Access
- Private
- Taxlots
- County Zoning Outline
- Park
- Riparian
- School Field
- Sections
- County Line
- Urban Growth Boundary
- Ashland



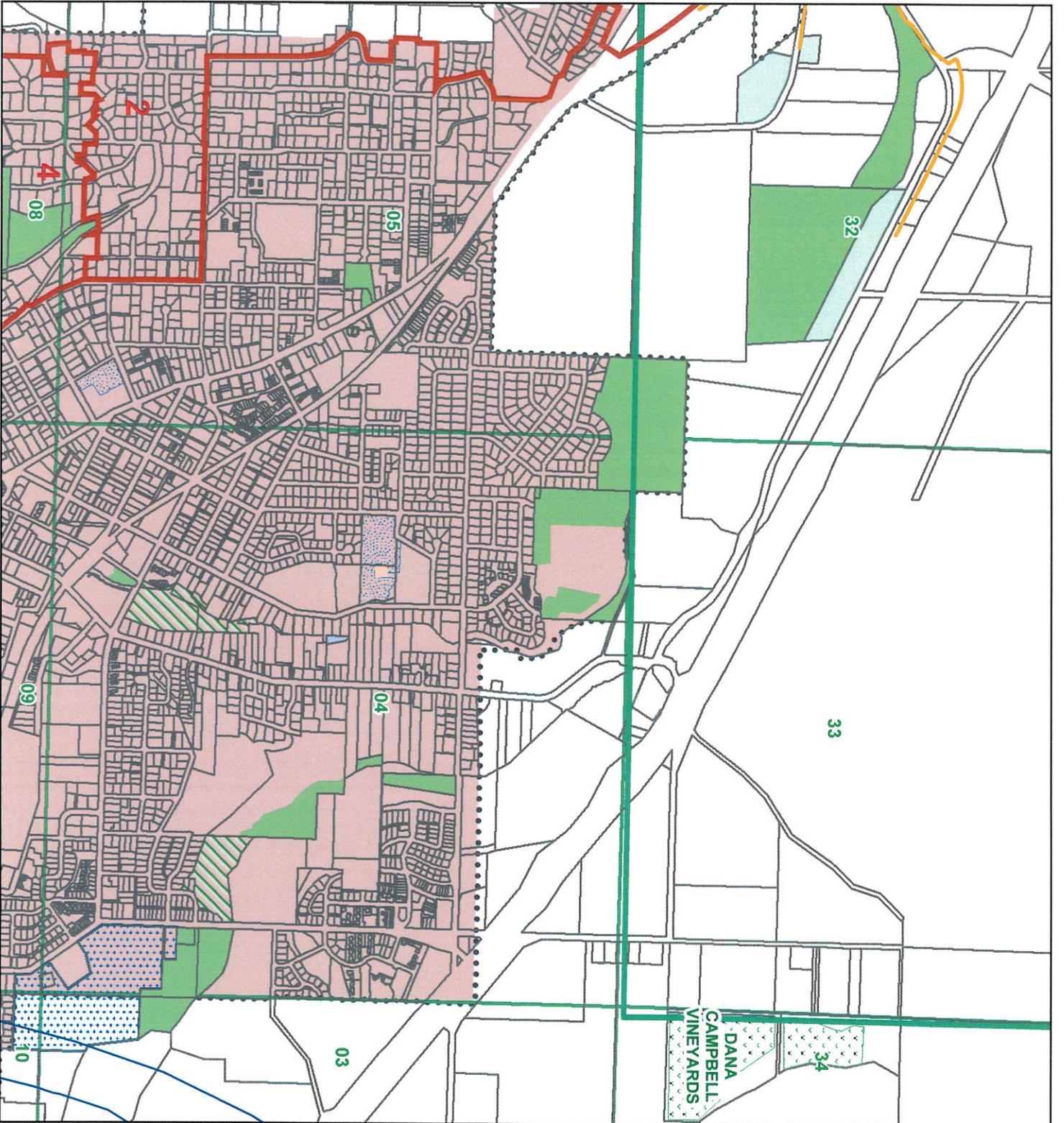
This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Received 3.15.2021



Development Services

Young
39-1e-04a-1100,
1200 & 1300
439-18-00012-PRE



- Central Surface 2011
- Senate Bill 360 Classification Boundary
- RATING**
- Extreme
- Rogue Valley Sewer Service Lines
- Rogue Valley Sewer Service
- Vineyards
- Tractos
- Athletic Field
- Park
- Riparian
- School Field
- Tennis Courts
- Undeveloped Parkland
- Stations
- County Line
- Urban Growth Boundary
- ASC_NAME**
- 2003-1 Goal 11 Exception Area
- Ashland



This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

File date: 07/23/2018, Planning Map, Version 1

Received 3.15.2021



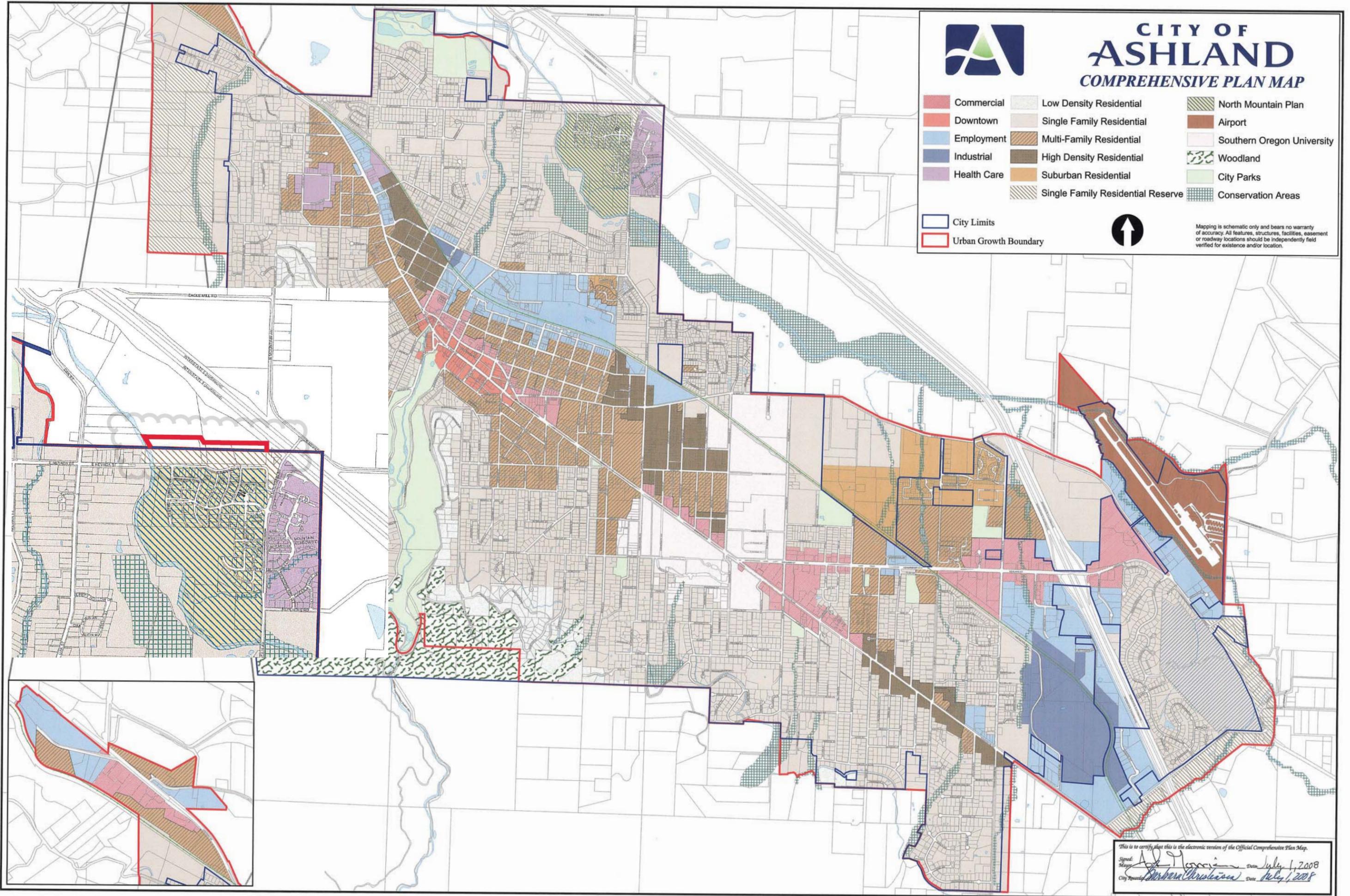
CITY OF ASHLAND

COMPREHENSIVE PLAN MAP

- | | | |
|-----------------------|-----------------------------------|----------------------------|
| Commercial | Low Density Residential | North Mountain Plan |
| Downtown | Single Family Residential | Airport |
| Employment | Multi-Family Residential | Southern Oregon University |
| Industrial | High Density Residential | Woodland |
| Health Care | Suburban Residential | City Parks |
| City Limits | Single Family Residential Reserve | Conservation Areas |
| Urban Growth Boundary | | |



Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



This is to certify that this is the electronic version of the Official Comprehensive Plan Map.
 Signed: *[Signature]* Date: July 1, 2008
 Mayor: *[Signature]* Date: July 1, 2008
 City Council: *[Signature]* Date: July 1, 2008



**Pre-Application Conference
Summary Report
File: 439-18-00012-PRE (PA-NON)**

[This is not a Land Use Decision and is for Informational Purposes Only.]

1) GENERAL INFORMATION:

- Legal Description:** Township 39, Range 1E, Section 04A, Tax Lot 1100 & 1200 & 1300
- Location:** The property is located at 475 East Nevada Street.
- Property Owner:** Young Family Trust
- Meeting Time:** A meeting was held on Friday, December 21, 2018, at 2:00 PM.
- Agent:** Amy Gunter, Rogue Planning & Development Services LLC
- Staff:** Charles Bennett & Craig Anderson
- Proposal:** The property owner wants clarification on location of the Urban Growth Boundary.
- Acreage:** 2.08 acres
- Zoning:** The property is partially within the City of Ashland and partially in the County zoned Rural Residential-5 (RR-5).

- 2) DISCUSSION:** Staff and the applicants discussed the location of the Urban Growth Boundary based on review of current mapping (GIS) and historic maps. GIS maps are not official maps. The official map is dated 1989 and is of such a scale that the pen stroke is larger than the specific location of the UGB on the subject property. Most of the historic maps indicate that the UGB is a straight line that corresponds with Ashland City limits. The UGB also appears to be consistently approximately 1320' from the Section line to the north in this area. A previous version of the GIS mapping had the UGB following the subject tax lots just north of the Ashland City limits which appears to be the least consistent with official historic maps. GIS mapping currently indicates the UGB to be a straight line along the city limits.

3) **REQUIRED APPLICATIONS:** The Ashland/Jackson County Urban Growth Boundary Agreement and the 2004 Land Development Ordinance (LDO) provide for the process to correct minor mapping errors. The applicants first need to obtain Ashland City Council acknowledgement of the error and then file for a Type IV Zone Map Amendment (\$7,078) addressing the map error procedure and criteria which then would go to the Board of Commissioners for final review (skipping the Planning Commission per procedure). The applicants could also apply for a Type II or Type III partition along the UGB line (Section 10.2.3). The applicants may also apply for a Type IV application for a Goal 14 Exception to expand the UGB to include the entire subject tax lots, but approval appears extremely unlikely.

4) **CONCLUSION / DISCLAIMER:**

Notice: There was no public notification of this PRE-APPLICATION proposal (This is not an application. It is a pre-application.)

Information: This report is for informational purposes only and represents the Planning Departments best understanding of the applicant's request at this time. No guarantees have been given in this pre-application as to whether or not the application will be approved or denied. The burden of proof rests solely with the applicant to provide the necessary information to approve such a request based upon the applicable standards and criteria of the County Land Development Ordinance.

If you have any questions feel free to give me a call at 774-6115.

Sincerely,

Charles Bennett
Planner III

Date: 1/25/19

Attachments: Copies of Maps, UGBA, Section 5.1.4 of LDO

June 7, 2020

Planning Division, City of Ashland
20 East Main Street
51 Winburn Way
Ashland, OR 97520

Dear City of Ashland:

I represent the Young Family Trust. The Young Family Trust owns Tax Lots 1100, 1200 & 1300 in Township 39 Range 1E, Section 04A; the street address is 475 East Nevada Street. There is currently an approved Planning Action 2017-02129 in place for development of this property into a 20 lot, 23-unit subdivision, with associated proposed Comprehensive Plan designation changes. The planned development is consistent with the goals of the City of Ashland and Oregon land use law, and will benefit the City of Ashland. It will provide additional housing for the City's residents, and will include low income housing. The purpose of this letter is to request a formal interpretation pursuant to Ashland Municipal Code § 18.1.5.020 et seq., of the Urban Growth Boundary (UGB) line along these three tax lots.

There is currently a question as to the location of the UGB along the north side of these three tax lots. The City has previously taken the position that the UGB follows the City limits boundary, which is approximately 100 feet south of the northern most property line of each lot. This position appears to be based on a visual interpretation of a thick marker line on the latest Comprehensive Plan map, and a GIS map adopted by City Council. It is our understanding that this position is also inconsistent with previous maps and agreements as jointly adopted and agreed to by Jackson County and the City, such as the Ashland/Jackson County Urban Growth Boundary Agreement dated May 20, 1982. *See Attachment 1, Ashland/Jackson County Urban Growth Boundary Agreement. See also, Attachment 2, Excerpt from 1982 Comprehensive Plan; Chapter 12: Urbanization (Comprehensive Plan Map Pg. 9), adopted November 2, 1982, ORD 2227.* It is also inconsistent with the Jackson County Planning Office's interpretation in December 2018. *See Attachment 3, Pre-application Conference Request, Katherine Mae Subdivision at p. 2. See also Attachment 4, 1982 map received from Jackson County.* And finally, maps based on GIS mapping and not physical surveys, such as the one adopted by the City of Ashland, are necessarily imprecise by virtue of the imprecise method in which they are created, as opposed to maps from actual surveys which can and did serve as the legal basis of the 1982 agreement between Jackson County and Ashland. For these reasons the exact location of the UGB with respect to these properties is unclear.

In addition, the City's position would result in that land being subject to County jurisdiction, and we understand a Goal 14 Exception is not feasible. (ORS-660-004-040 Application of Goal 14 to Rural Residential Areas). If, on the other hand, that land is within the UGB then the property could be annexed, brought into the development and provide additional housing for the City of Ashland and its citizens.

Accordingly, pursuant to Ashland Municipal Code § 18.1.5.020 et seq., we request a formal interpretation of the exact location of the City of Ashland Urban Growth Boundary [Comprehensive Plan, Chapter 12; Urbanization: Adopted November 2, 1982. ORD 2227] along Tax Lots 1100, 1200 & 1300 in Township 39 Range 1E, Section 04A, and to determine whether the adopted line from the aforementioned map has a width of along the adopted city limits boundary, which would be the south edge of mapped line, or along the north property line boundary of the subject property, which would be the north edge of mapped line.

Again, we believe the map from with the 1982 boundary agreement with the County is the accurate map and is not based on GIS interpretation which is generally not a precise form of map. Please contact me if you have any questions. In the meantime, we look forward to the City's formal interpretation.

Best regards,

Brent H. Hall

Attachments:

Attachment 1: Ashland/Jackson County Urban Growth Boundary Agreement.

Attachment 2: 1982 Comprehensive Plan Chapter 12: Urbanization (Comprehensive Plan Map p. 9). Adopted November 2, 1982. ORD 2227

Attachment 3: Pre-Application Conference Request, Katherine Mae Subdivision

Attachment 4: 1982 Map received from Jackson County

cc: Oregon Department of Land Conservation and Development
Amy Gunter, Rogue Planning and Development Services
Client

Brent H. Hall
Attorney at Law
718 SW 1st Street
Pendleton, OR 97801
(541) 215-0404

June 7, 2020

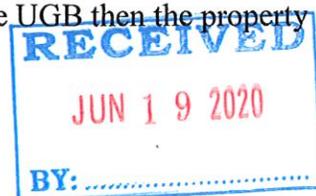
Planning Division, City of Ashland
20 East Main Street
51 Winburn Way
Ashland, OR 97520

Dear City of Ashland:

I represent the Young Family Trust. The Young Family Trust owns Tax Lots 1100, 1200 & 1300 in Township 39 Range 1E, Section 04A; the street address is 475 East Nevada Street. There is currently an approved Planning Action 2017-02129 in place for development of this property into a 20 lot, 23-unit subdivision, with associated proposed Comprehensive Plan designation changes. The planned development is consistent with the goals of the City of Ashland and Oregon land use law, and will benefit the City of Ashland. It will provide additional housing for the City's residents, and will include low income housing. The purpose of this letter is to request a formal interpretation pursuant to Ashland Municipal Code § 18.1.5.020 et seq., of the Urban Growth Boundary (UGB) line along these three tax lots.

There is currently a question as to the location of the UGB along the north side of these three tax lots. The City has previously taken the position that the UGB follows the City limits boundary, which is approximately 100 feet south of the northern most property line of each lot. This position appears to be based on a visual interpretation of a thick marker line on the latest Comprehensive Plan map, and a GIS map adopted by City Council. It is our understanding that this position is also inconsistent with previous maps and agreements as jointly adopted and agreed to by Jackson County and the City, such as the Ashland/Jackson County Urban Growth Boundary Agreement dated May 20, 1982. *See* Attachment 1, Ashland/Jackson County Urban Growth Boundary Agreement. *See also*, Attachment 2, Excerpt from 1982 Comprehensive Plan; Chapter 12: Urbanization (Comprehensive Plan Map Pg. 9), adopted November 2, 1982, ORD 2227. It is also inconsistent with the Jackson County Planning Office's interpretation in December 2018. *See* Attachment 3, Pre-application Conference Request, Katherine Mae Subdivision at p. 2. *See also* Attachment 4, 1982 map received from Jackson County. And finally, maps based on GIS mapping and not physical surveys, such as the one adopted by the City of Ashland, are necessarily imprecise by virtue of the imprecise method in which they are created, as opposed to maps from actual surveys which can and did serve as the legal basis of the 1982 agreement between Jackson County and Ashland. For these reasons the exact location of the UGB with respect to these properties is unclear.

In addition, the City's position would result in that land being subject to County jurisdiction, and we understand a Goal 14 Exception is not feasible. (ORS-660-004-040 Application of Goal 14 to Rural Residential Areas). If, on the other hand, that land is within the UGB then the property



could be annexed, brought into the development and provide additional housing for the City of Ashland and its citizens.

Accordingly, pursuant to Ashland Municipal Code § 18.1.5.020 et seq., we request a formal interpretation of the exact location of the City of Ashland Urban Growth Boundary [Comprehensive Plan, Chapter 12; Urbanization: Adopted November 2, 1982. ORD 2227] along Tax Lots 1100, 1200 & 1300 in Township 39 Range 1E, Section 04A, and to determine whether the adopted line from the aforementioned map has a width of along the adopted city limits boundary, which would be the south edge of mapped line, or along the north property line boundary of the subject property, which would be the north edge of mapped line.

Again, we believe the map from with the 1982 boundary agreement with the County is the accurate map and is not based on GIS interpretation which is generally not a precise form of map. Please contact me if you have any questions. In the meantime, we look forward to the City's formal interpretation.

Best regards,



Brent H. Hall

Attachments:

Attachment 1: Ashland/Jackson County Urban Growth Boundary Agreement.

Attachment 2: 1982 Comprehensive Plan Chapter 12: Urbanization (Comprehensive Plan Map p. 9). Adopted November 2, 1982. ORD 2227

Attachment 3: Pre-Application Conference Request, Katherine Mae Subdivision

Attachment 4: 1982 Map received from Jackson County

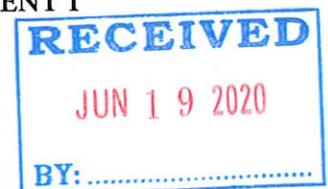
cc: Oregon Department of Land Conservation and Development
Amy Gunter, Rogue Planning and Development Services
Client



ASHLAND/JACKSON COUNTY URBAN GROWTH BOUNDARY AGREEMENT

BETWEEN
JACKSON COUNTY AND THE CITY OF ASHLAND
MAY 20, 1982

ATTACHMENT 1



ASHLAND/JACKSON COUNTY URBAN GROWTH BOUNDARY AGREEMENT

Preamble

Statewide Planning Goal 14, Urbanization, requires the identification of urban, urbanizable and rural land within Oregon counties and the establishment of urban growth boundaries. This section sets forth the mutually adopted urbanization program between the City and Jackson County. The program establishes an urban growth boundary, an area of future urbanization, areas of mutual planning concern, joint policies governing the urbanization of lands, and revision and administrative procedures.

The Ashland Urbanization Program, contained in the following document, and the maps, referred to as Exhibit A, shall be implemented by ordinances and comprehensive plans adopted by both bodies upon signature of the following agreement.

1. Definitions.

A) Ashland Urbanizable Area. The Ashland urbanizable area includes lands currently within the City and encompasses selected lands surrounding the City that are committed to and/or are planned for future City growth. They are more specifically shown in Exhibit A as lands enclosed by the urban growth boundary line.

B) Area of Mutual Concern. This is an area within which Ashland and Jackson County have mutual concern over land use planning decisions that occur. These areas are significant in terms of their agricultural, scenic and open space characteristics. The area also provides an important buffer between Ashland and other urban areas.



The intent of this area is not for further expansion of Ashland's Urban Growth Boundary. The area of mutual planning concern is not subject to annexation. This area shall be delineated on the County's official plan and zoning map(s).

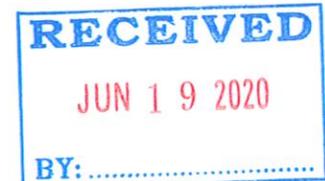
C) Area of Future Urbanization. This is an area in which Ashland may expand its urban growth boundary in future years. This is an area of mutual planning concern, except that these areas may be thought of in the long-term as for the potential of future development of part of the City of Ashland. This area is not subject to annexation until it is brought into the urban growth boundary. Urban growth boundary expansions will usually occur in the City's area of future urbanization. However, the area may be amended by mutual consent of the parties to this agreement.

D) Contract Annexation. A process where the City, County, and other involved parties enter into a contract that permits:

1) The parties to administer urban land use regulations on the development of property while the property remains under County jurisdiction, and

2) The City to annex property developed to City densities and uses, with the improvement to appear on the County tax rolls prior to the effective date of annexation.

3) If annexation does not appear imminently feasible, upon agreement of all parties concerned, development may proceed with



the annexation data indefinite. In such case, the City shall have the right to exercise annexation at its option.

E) Develop. To bring growth about or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; or to create or terminate rights of access.

F) Development. The act, process or result of developing.

G) Development Proposal. Applications submitted to the county for processing, including only land partitions and subdivisions, conditional use permits, variances, zone changes and comprehensive plan amendments.

H) Infill. To develop an urban use as allowed by Jackson County Zoning Ordinance on vacant lands when such lands are generally surrounded by and committed to urban use.

I) Provide. Prepare, plan for, and supply what is needed.

J) Rural Land. Residential areas generally comprised of parcels five (5) acres or larger in area, or commercial or industrial areas serving only the needs of rural populations in the County or the essential needs of the traveling public, which are outside any urban growth boundary, are limited in scale, and which have supporting rural facilities and services.

K) Subdivide-Partition Lands. Is as set forth in Oregon Revised Statutes 92.010.



L) Urban Area. A specially designated area generally committed to urban use where infill urban development may occur.

M) Urban/Public Facilities and Services. Basic facilities that are primarily planned for by local government, but which also may be provided by private enterprise, and are essential to the support of development in accordance with the City's Comprehensive Plan. Urban/public facilities and services include police protection, fire protection, sanitary facilities, public water facilities, storm drainage facilities, planning, zoning and subdivision control, health services, recreation facilities and services, energy and communication services, and community governmental services including schools and transportation.

N) Urban Growth Boundary (UGB). An urban growth boundary is a site-specific line imposed on the Official Plan and Zoning Map of Jackson County and of the City of Ashland which identifies and encompasses urban and urbanizable lands within Jackson County, according to the following definitions:

1) Urban Land. Residential areas generally comprised of parcels less than one (1) acre in size, or highly developed commercial and industrial areas in the County which are contained within incorporated cities or which contain concentrations of persons who generally reside or work in the areas, including land adjacent to and outside of incorporated cities, and which have supporting urban/public facilities and services.



2) Urbanizable Land. Areas within an officially adopted urban growth boundary which are needed for expansion of an urban area, and which have been determined to be necessary and suitable for development as future urban land and which can be served with supporting urban/public facilities and services.

2. Procedures for Annexation.

A) The urban growth boundary adopted herein for the area establishes the limits of urban growth until the year 2000.

B) City annexations shall occur only within the officially adopted urban growth boundary.

C) The City shall provide for an opportunity for the County to respond to any request for annexations.

3. Procedures for Contract Annexation.

A) Only lands within the urban growth boundary are eligible for contract annexation.

B) Lands subject to contract annexation shall meet the same burden of proof requirements as for City annexation procedures (see Chapter XII, Ashland Comprehensive Plan).

C) If all the usual urban/public facilities and services cannot be made available, but a need exists for the property to be developed to urban densities prior to all City services being made available,



contract annexation may be delayed indefinitely upon agreement by the City, County and the party to which the annexation would occur. In such a case, annexation shall occur at the City's option.

D) Infill in unincorporated urban areas as defined shall be exempt from the burden of proof required in (B) above.

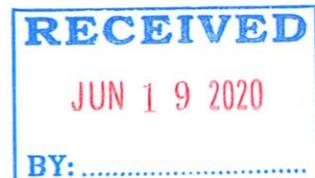
4. Policies Governing Urbanizable Areas.

A) A change in the use of urbanizable lands from land uses designated on the Jackson County Comprehensive Plan to uses shown on the City's Comprehensive Plan shall only occur upon annexation to the City or a contracted annexation between the City, County and other involved parties.

B) Development of land for uses designated on the City's Comprehensive Plan will be encouraged to occur on undeveloped land encompassed by the existing city limits prior to conversion of other lands within the boundary.

C) The City, County and affected agencies shall coordinate the planning, expansion and development of all urban/public facilities and services within the urbanizable area. Existing or new urban/public facilities and services must be adequate in condition and capacity to accommodate the additional level of growth as designated by the City's Comprehensive Plan prior to or concurrent with the land use changes.

D) Jackson County shall retain final jurisdiction over land use decisions within the unincorporated urbanizable area, and such decisions shall conform to these adopted policies.



1) Recognizing that unincorporated areas within the urban growth boundary could ultimately become part of Ashland, the City's recommendations will be given standing. The County shall administer a mutually acknowledged City/County land use policy in the urbanizable area until such time as the area is annexed.

2) The City shall be requested to respond to pending applications for land use changes in the unincorporated urbanizable area and within the area of mutual planning concern, and will be given standing for its recommendations.

3) It is mutually agreed that the County Comprehensive Plan shall only provide for rural lands as defined herein within the urbanizable area. Exceptions shall be made for designated urban areas as provided herein within the urbanizable area.

4) The City shall request the County to respond to and will give the County standing for pending applications for land use changes within the incorporated area which could affect lands under County jurisdiction.

5. Policy Regarding Area of Future Urbanization.

A) Use of land in the area of future urbanization as defined on Exhibit B map, shall conform to the Jackson County Comprehensive Plan, to all LCDC Goals and Guidelines, and specifically to the findings by the Land Use Board of Appeals in LUBA 80-124: City of Ashland vs. Jackson County.



B) Jackson County comprehensive planning shall incorporate the fact that this area may be used by Ashland for future urbanization. It shall provide for rural land uses accordingly.

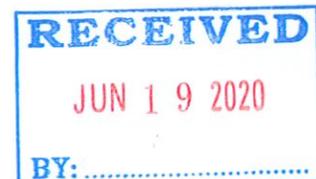
6. Policies Regarding Areas of Mutual Concern. The following areas are defined as areas of mutual concern:

A) The Ashland Airport approach area.

B) Grizzly Peak and the surrounding mountains which form the view for Ashland (see Exhibit Map B).

C) The Ashland Creek Watershed. Lands within the area of mutual concern shall remain in rural use. The County shall request a City response to all pending development proposals within the area of mutual concern. The County shall consider the City's valid interest in the land use matters before it in the areas of mutual concern.

7. Policy Regarding Lands Zoned for Exclusive Farm Use. The City and County acknowledge the importance of permanently protecting agricultural lands zoned Exclusive Farm Use (EFU) or lands containing predominantly class I - IV soils, other than those within the urban growth boundary, and that both jurisdictions maintain and will continue to maintain policies regarding the buffering of said agricultural lands. Development will be allowed to occur on land adjacent to lands zoned EFU or lands containing predominantly class I - IV soils when the controlling jurisdiction determines that such development has been mitigated and will be compatible with adjacent farm uses. Buffering shall occur on the urbanizable land



adjacent to the urban growth boundary, not on the agricultural land.

Buffering options may include:

- A) Special setbacks for new urban construction adjacent to the urban growth boundary.
- B) Acquisition by public agency.
- C) Locations of roads, golf courses, or other public spaces adjacent to the agricultural land.
- D) Use of vegetative screening, earth berms, and fences of sufficient height and substance to help reduce trespass of people, animals and vehicles.

In addition, a deed declaration recognizing common, customary, and accepted farming practices shall be required for all development occurring within 300 feet of agricultural lands. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to agricultural lands.

8. Policy Regarding Provision of Urban Facilities Services.

The main provider for urban facilities and services in the urban growth boundary shall be the City of Ashland, except for those areas which are within the Bear Creek Valley Sanitary Authority (BCVSA). Within this district the main provider of sewer services shall be BCVSA unless the property owners and the City agree to a withdrawal from the BCVSA



service boundary, and agree to service by the City. Such withdrawal action shall follow the procedures for withdrawal from a special district as provided by state law.

9. Provisions for Public Services Within the Urban Growth Boundary and the Area of Future Urban Expansion.

A) Provisions of public services within the urban growth boundary and the area of future urban expansion shall be according to policies contained in the Public Facilities Element of the Jackson County Comprehensive Plan in effect at the time such facilities are installed.

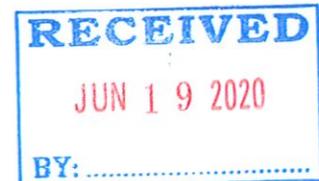
B) All County road construction and reconstruction in the urbanizable area will be coordinated between the City and County Public Works and Planning Department. Such road construction and reconstruction shall take into account future urbanization of the area.

C) All subdivision activity occurring solely through County administrative processes within the unincorporated urbanizable areas shall be platted and constructed to urban standards in compliance with the Jackson County Land Division Ordinance.

10. Policies Regarding Unincorporated Urban Lands

A) The areas to which these policies refer are identified on the map noted as Exhibit A as Urban Areas.

B) Within an urban area, infill development shall occur only upon annexation to the City or a contracted annexation between the city and the County and other involved parties.



C) Development in urban areas shall be to the City of Ashland's requirements and according to the uses prescribed in the City's Comprehensive Plan provided said urban development also conforms to the Jackson County Comprehensive Plan and ordinances if said development occurs prior to annexation.

D) Burden of Proof: For infill development within an urban area, there is no burden of proof required for annexation or contract annexation. The burden of proof required for a zone change to accommodate an urban use shall be the same as that required in Chapter 277 of the Jackson County Zoning Ordinance.

E) County standards for urban/public facilities shall apply to unincorporated urban areas development. However, the developers will be required to sign in favor of a future City assessment district to provide urban/public facilities. Additionally, within the jurisdiction of the Bear Creek Sanitary Authority, their construction standards shall apply for sewerage projects.

11. Amendment Procedures for the Urban Growth Boundaries and Urbanization Policies.

A) Major Revisions

Major revisions in boundary or policies will be considered amendments to both the City and County Comprehensive Plans, and, as such, are subject to a legislative review process.

A major revision shall include any boundary change that would necessitate revisions to the intent of City or County Plan goals,



policies, text and/or that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource or public facility impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use; or spatial changes that affect large areas or many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the City and County at five-year intervals from the date of adoption of the urban growth boundary and urbanization policies. If the City and County governing bodies find that circumstances prevail which have a significant effect on the public health, safety or general welfare of the community, a major revision may be considered at intervals of less than five years.

A request for a major revision can be initiated by an individual or group, citizen advisory committees, affected agencies, and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the City and County governing bodies. The final legislative action on major revision requests shall be based on the following factors:

- 1) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- 2) The orderly and economic provisions of key urban/public facilities and services.



3) Maximum efficiency of land uses within the current urbanizable area.

4) Environmental, energy, economic and social consequences.

5) Compatibility of the proposed change with other elements of the City and County Comprehensive Plans.

6) The other Statewide Planning Goals.

Major revision proposals shall be subject to a mutual City and County review and an agreement process involving affected agencies, citizen advisory committees, and the general public. If the City and County cannot agree on a major revision, and until an acceptable revision is mutually reached and adopted, both jurisdictions will continue to administer existing urban growth and area of mutual planning concern boundaries and urbanization policies.

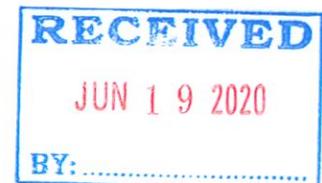
B) Minor Boundary Line Adjustments

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impact beyond the immediate area of the change.



Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments may be filed in the office of the Jackson County Department of Planning and Development on forms prescribed by the County. The standards for processing an application are as follows:

- 1) Final action on minor boundary line adjustments shall be based on the same six factors required for major revision requests as listed in the preceding discussion titled "Major Revisions".
- 2) Applications will be reviewed by the affected City and County Planning Advisory Committees annually.
- 3) The applications will be reviewed at a joint City and County Planning Commission meeting held annually for the express purpose of considering minor boundary line adjustments.
- 4) The Planning Commissions are required to forward a recommendation and findings on each application to the City and County governing bodies for final consideration.
- 5) Amendments cannot be made to the urban growth boundary line unless mutually agreed to by each governing body. The County governing body shall be responsible for the preparation of the actual legal instrument which officially amends the boundary line.



C) Determination of Major and Minor Amendments

The Planning Directors for the County and City are responsible for determining whether an amendment is to be considered through a major or a minor amendment process. In the event that the Planning Directors cannot agree, the proposal will be forwarded to the City and County Planning Commissions, and, if necessary, the governing bodies or other appropriate body, until mutual agreement is reached.

The determination of the Planning Directors may be reversed by a mutual action of both the City and County Planning Commissions or governing bodies.

D) Correction of Errors

If the City Council or the County Board of Commissioners become aware of an error in either the map or the text of the mutually adopted urbanization program, both bodies may cause an immediate amendment to occur to correct the error, after mutual agreement is reached. Such a correction shall be in the form of a public hearing and an ordinance, conducted separately or jointly by both bodies, which may take effect on an emergency basis. Public hearings before the Planning Commissions shall not be required where an amendment is intended specifically to correct an error.

Generally, an error is a cartographic mistake or text misprint, omission or duplication. Such errors are not derived from new data or suggested errors made in interpretations of the attitudes of the



public, the governing bodies or data; the latter error types are considered under the amendment provisions cited herein.

12. This Agreement shall be effective upon signature by the authorized representatives of both the County and the City of Ashland. In addition, the City and County commit themselves by signature of this Agreement to implementation of the above policies by adoption of Comprehensive Plans, policies, and implementing ordinances. Exhibits A and B are considered to be part of this agreement and shall be referenced and made part of adopting ordinances.

AGREEMENT accepted by the Ashland City Council this 1st day of June, 1982.

L. Gordon Medaris
Mayor

Attest: Paul E. Franklin

AGREEMENT accepted by the Board of County Commissioners this 25th day of May, 1982.

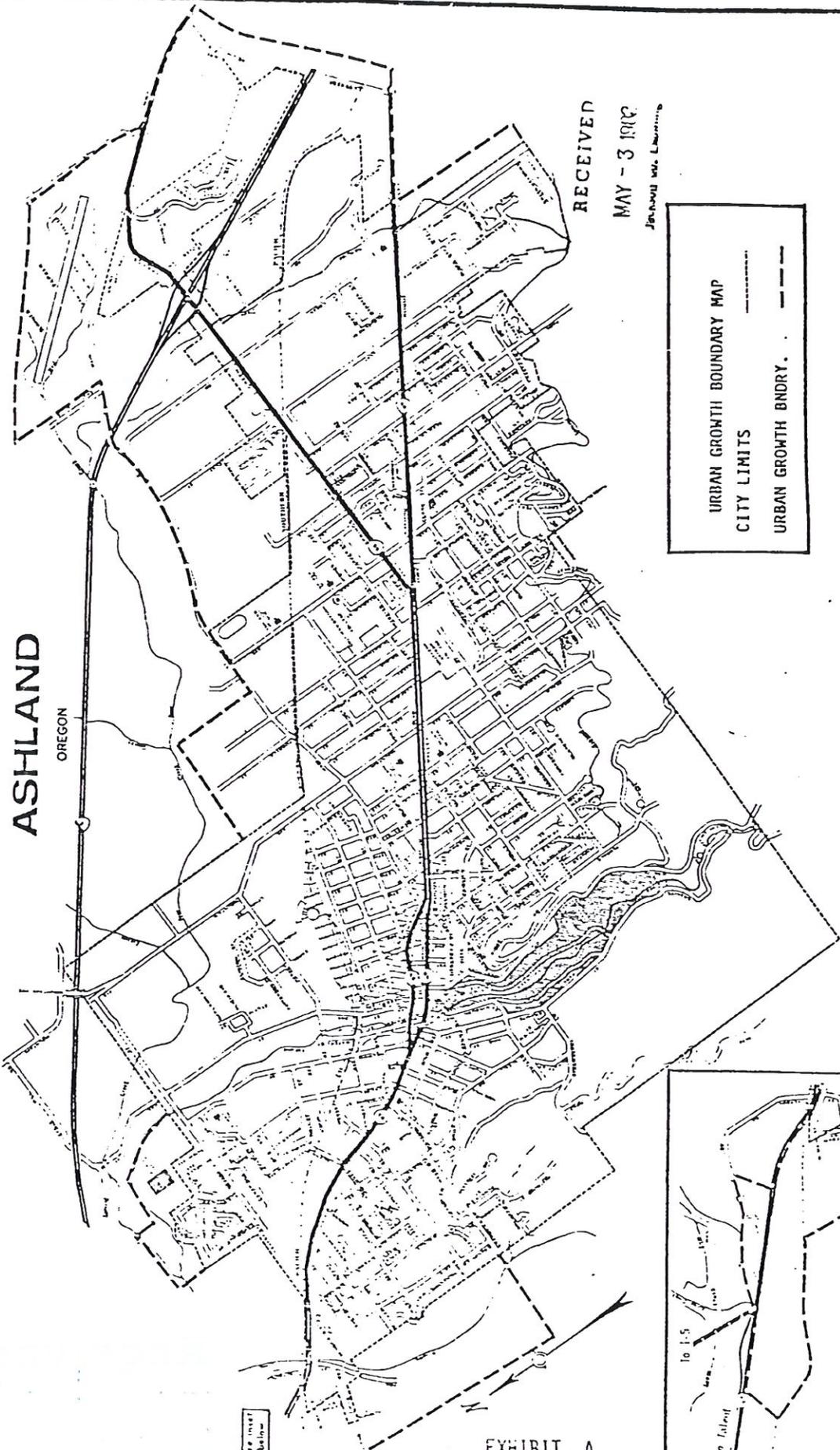
John Page
Chairman

Attest: Steven M. Pinkson



ASHLAND

OREGON



RECEIVED
MAY - 3 1962
JENNIFER W. LAWRENCE

URBAN GROWTH BOUNDARY MAP
CITY LIMITS
URBAN GROWTH BNDRY.

SCALE 1" = 1/2 MILE

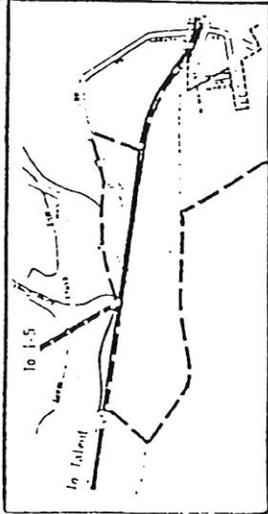
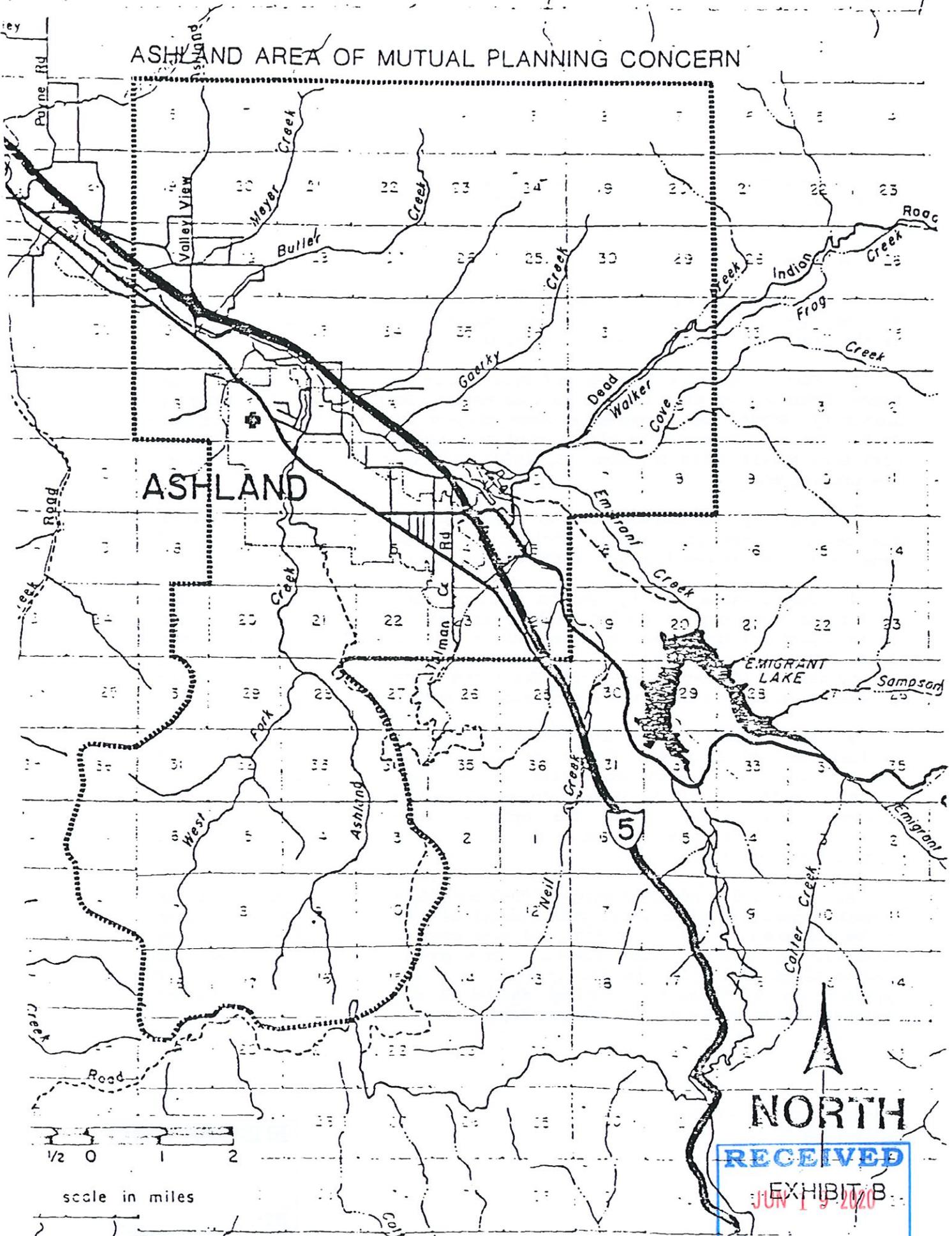


EXHIBIT A

RECEIVED
JUN 19 2020
BY:

ASHLAND AREA OF MUTUAL PLANNING CONCERN



ASHLAND

NORTH

RECEIVED

EXHIBIT B
JUN 19 2020

BY:

1/2 0 1 2

scale in miles

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM sets forth the agreement between the City of Ashland, "City" herein and Jackson County, "County" herein.

RECITALS:

1. City and County have each adopted an amendment to the Urban Growth Boundary Agreement which sets forth an expanded urban growth boundary north of the limits of City in Jackson County, Oregon.

2. Within the expanded Ashland Urbanizable Area and the Area of the Future Urbanization described in said agreement, Bear Creek Valley Sanitary Authority (BCVSA) has proposed a sewer project designated as Project No. 79-3. The area encompassed within said Project 79-3 was fixed by BCVSA by ordinance #80-14 dated December 23, 1980, and is hereafter referred to as the project area.

3. The City and County have in the past objected to construction of the sewage system proposed in Project 79-3, and issues raised by said objections are now pending before the Oregon Court of Appeals.

4. The Jackson County Health Officer has determined there are conditions dangerous to public health, as defined in ORS 431.705(5), in certain portions of the project area and in some tracts outside the project area. The Planning Commission has confirmed such determination, but the County has not adopted a resolution described in ORS 431.715 as part of the process to alleviate conditions dangerous to public health.

5. The Jackson County Comprehensive Plan establishes a policy for installation of a sewage system as part of a regional system inside established urban growth boundaries or outside urban growth boundaries where a health hazard is deemed to exist and connection to a regional system is determined to be the only reasonable solution after all alternatives have been evaluated for their economic, environmental and social acceptability.

6. The portion of BCVSA project 79-3 outside the revised Ashland Urban Growth Boundary contains areas with conditions deemed by the Health Officer to be dangerous to public health, and such conditions may be alleviated by construction of underground sewers. Such portions are so located that provision of sewers within the project area as part of a larger sewer project may be the most economical method of alleviating such conditions with the least environmental adverse impact.

1-MEMORANDUM OF AGREEMENT
File UGBA-7
Option 1



Therefore, the parties agree:

1. All or any portion of BCVSA Project No. 79-3 as adopted by BCVSA Ordinance No. 80-14 on December 23, 1980, or any other sewer project within the same project boundaries, may be constructed without objections by City or County, subject to the following:

a. Such sewer facilities as constructed will provide service to those onsite system failures and problems noted in the County staff report on limited health survey presented December 7, 1981.

b. Construction of such sewers will in no way affect, hinder or alter the right and responsibility of County to rezone county lands pursuant to statewide planning goals and the requirements set forth in Ashland v. Jackson County, 2 Or LUBA 378 (1981).

c. Any new development within any BCVSA project boundaries shall comply with the Jackson County Comprehensive Plan and the policies contained in the Urban Growth Boundary Agreement between the City of Ashland and Jackson County.

2. Either BCVSA Project No. 79-3 may be amended or any other project may be proposed to include Tax Lots 3500, 3700 and 3800, Map No. 381E30, as shown on Jackson County's Assessor's records, without objection by City or County subject to the conditions set forth in Paragraph 1 above.

3. Nothing herein stated shall affect any legal issue now pending before the Court of Appeals.

DATED this _____ day of _____, 1982.

CITY OF ASHLAND, By

L. Gordon Medaris
6-1-82

JACKSON COUNTY, By

2-MEMORANDUM OF AGREEMENT
File UGBA-7



F I N D I N G S
FOR A MAJOR REVISION
TO THE ASHLAND URBAN GROWTH BOUNDARY

May 20, 1982

NEED FOR A MAJOR REVISION

The Ashland/Jackson County Urban Growth Boundary Agreement states that major revisions will be considered by the City and the County at five-year intervals. The Ashland/Jackson County Urban Growth Boundary was adopted in 1978, making this time a little bit less than five years. However, if the City and County governing bodies find that circumstances prevail which have a significant effect on the public health, safety, or general welfare in the community, a major revision may be considered at intervals of less than five years. The following circumstances prevail which make a major revision necessary at this time:

- 1) A hazard to public health has been found in the general vicinity of the North Ashland Interchange.
- 2) Several of the major problems occur in a pocket of urbanization at and near the intersection of Valley View Road and Highway 99.
- 3) The LCDC rejected Ashland's Comprehensive Plan, including the section of the Plan dealing with the Urban Growth Boundary. Therefore, the Urban Growth Boundary Agreement and the Urban Growth Boundary itself have to be revised at this point.
- 4) Revision of the Ashland Comprehensive Plan is now underway in response to the LCDC rejection of the Plan, and an amendment to the Urban Growth Boundary is considered necessary to comply with the newly revised Plan.

DESCRIPTION OF THE AREAS TO BE INCLUDED IN THE ASHLAND URBAN GROWTH BOUNDARY

Two areas are to be included in the Ashland Urban Growth Boundary. One is generally described as the North Ashland area. It is 133 acres in size, consisting of 52.9 acres of developed and urbanized land, 56.9 acres of undeveloped land, and approximately 20.5 acres of State and County rights-of-way. Of the developed land, approximately 25 acres are in residential uses, and the remainder are in commercial/retail uses.

The area contains 24 mobile home units at Jackson Hot Springs, 25 mobile home units at Nauvoo Mobile Home Park, and two other residential uses located on Jackson Road, as well as one located on Highway 99 behind the Ashland Animal Medical Hospital. It contains many commercial uses, with a total reported employment of 169 full-time and six part-time or seasonal employees. Eighty-six of these employees are reported as residing in Ashland. The total estimated annual gross revenue is \$22,900,000; the total estimated monthly payroll is \$176,000.

UGB Findings



The area acts as a regional shopping center for furniture, cars and other durable goods.

FINDINGS FOR A MAJOR REVISION

The following findings are required for a major revision to the Urban Growth Boundary.

- 1) Demonstrate a need for the change to accommodate unpredicted population trends to satisfy urban housing needs or to ensure adequate employment opportunities.

The current proposal will add 56.9 acres of developable land to Ashland's inventory. Ashland's current Comprehensive Plan is proposing that, of these 56.9 acres, 34.4 acres be placed in the Multi-Family category for development as residential use, 5.1 acres be put in the Commercial-Retail category for commercial-retail use, and 17.4 acres be placed in the Employment zone category for general commercial and light industrial development. The current Comprehensive Plan shows the need for an additional 54 acres of Multi-Family Residential land by the year 2000, 98 additional acres for Commercial land needs by the year 2000, and 104 additional acres for Industrial land needs by the year 2000. Table 1 below shows the addition of the land in the Urban Growth Boundary, a system providing for Ashland's needed urban development, and shows that a public need exists for the additional vacant land to be available for Ashland for urban development within the year 2000.

TABLE 1

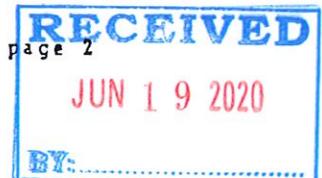
<u>LAND TYPE</u>	<u>MFR</u>	<u>C & I</u>
Land Needs	64	202
Buildable in city	13	83
Needed in UGB	51	119
In current UGB	42	97
Difference	-9	-22
Available w/ amndmt	34	22.5
Difference	+25	+0.5

- 2) The orderly, economic provisions of key urban public facilities and services (can be provided).

While Ashland has difficulty serving this area with sewer, this area can best be served by BCVSA's system. However, Ashland can serve the area before the year 2000 with water and is a logical provider of urban services, such as police and fire protection. There is no other urban area nearby, and the level of development requires that an urban level of service is eventually provided.

- 3) Maximum efficiency of land uses within the current urbanizable area.

By urbanizing the remainder of the land in this Urban Growth Boundary extension, Ashland will be providing for infill for vacant lands which exist between and surrounded by other urban uses, thereby maximizing the efficiency of land uses within existing urbanized areas.



4) Environmental, energy, economic, and social consequences.

This area is considered to be a part of the City of Ashland by most people. Only by political boundaries is it excluded from Ashland. However, functionally it exists and operates as a part of Ashland. It could not exist without the proximity of Ashland, and Ashland benefits from the employment and economic transactions which take place in this area. Therefore, it should be included in the Urban Growth Boundary and recognized as being functionally part of the City of Ashland.

5) Compatibility of the proposed change with other elements of the City and County Comprehensive Plans.

The proposed change is compatible with both the City and County Comprehensive Plans, as this is an existing urbanized area, and does not involve urbanization of previously undeveloped land.

6) Compatibility with other Statewide Planning Goals.

All of the Statewide Planning Goals which apply are compatible with this inclusion, specifically :

- o Goal 1 - Citizen Involvement. This goal is satisfied through the process which included extensive interaction with the property owners and residents of the area in drawing the boundaries and deciding the land uses that would be applied.
- o Goal 2 - Land Use Planning. This goal is satisfied by the coordination which is taking place with the Urban Growth Boundary document itself.
- o Goal 3 - Agricultural Lands. There are no existing agricultural uses within the area to be incorporated. It is an urban area functionally and is simply being defined as an urban area by this inclusion in the Urban Growth Boundary.
- o Goal 4 - Forest Lands. There are no forest lands in the area.
- o Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. Inclusion in the Urban Growth Boundary will preserve the existing open spaces, scenic and historic areas, considering the urban setting of the area. There is one historic structure in the area--the Jackson House Restaurant--which is already in a commercial use. This will probably be enhanced by inclusion in the Urban Growth Boundary as the commercial uses in the area may now be expanded.
- o Goal 6 - Air, Water, and Land Resource Quality. Inclusion in the Urban Growth Boundary will relieve the pressure on the environment by providing for eventual urban-level facilities. This should improve the air, water, and land resources quality by providing for adequate sewer, water, and road service in the area.



- o Goal 7 - Area Subject to Natural Disasters and Hazards. Some of the area is within the flood plain of Bear Creek. However, both the City and County provide for adequate protection of the flood plains in their existing codes.
- o Goal 8 - Recreational Needs. Inclusion of this area will assist in the implementation of the Bear Creek Greenway. As the City of Ashland requires dedications to the Bear Creek Greenway when development occurs. This will further the implementation of the Greenway in this area.
- o Goal 9 - Economy of the State. Inclusion in the Ashland Urban Growth Boundary will provide for additional land for economic development as mentioned above under finding 1.
- o Goal 10 - Housing. This land will provide for additional moderate cost housing in the Ashland Urban Growth Boundary by the acreage designated as Multi-Family.
- o Goal 11 - Public Facilities and Services. Public facilities and services are already needed in this area. Inclusion in the Urban Growth Boundary will facilitate the extension of Ashland services where feasible and the extension of the Bear Creek Valley Sanitary Authority's sewer service, which is sorely needed in the area.
- o Goal 12 - Transportation. The existing transportation that works in this area will be improved upon development. This is required by the existing Ashland City Code.
- o Goal 13 - Energy Conservation. This area is sitting on a very significant geothermal resource. Inclusion in the Urban Growth Boundary will provide for the urban level of development necessary to use this geothermal resource. Test wells are now being drilled to see how much of this resource can be exploited. However, there has been a warm spring with 115° water flowing at Jackson Hot Springs for all of recorded history in the area. This development will provide both for energy-efficient development in this area, and also provide an example which may be useful for the rest of Jackson County for development of the resource
- o Goal 14 - Urbanization. The urbanization goal is met by the findings required in the major boundary line adjustment procedure in the Ashland/Jackson County Urban Growth Boundary Agreement.

The second area which is to be added is a relatively minor area around the north side of the City limits. One parcel of land of 22.5 acres is owned by the City of Ashland and is part of the Bear Creek Greenway project. This land is desired to be included in the Urban Growth Boundary so that it can be annexed and brought under the protection of police and fire services. The second property is the Studebaker property owned by a private individual which contains about 5.5 acres. It does, however, contain a portion of Ashland Creek and, upon development, would dedicate that portion of the Ashland Creek Floodway to the City of Ashland's Greenway project. This would be necessary to complete the Ashland Creek Greenway connection with the Bear Creek Greenway. The 5.5 acres would be designated for an urban level of development, as the number of units which could be placed on that property--



approximately 15--is relatively insignificant. There are no service modifications required.

The findings for this amendment are as follows:

- 1) The demonstrated need to change the accommodated, unpredicted population trends to satisfy urban housing needs, or to ensure adequate employment opportunity.

This demonstrated need basically only relates to the Bear Creek Greenway and its implementation. There are no major considerations for urban housing, population trends, or adequate employment opportunities.

- 2) The orderly and economic provision of key urban public facilities and services.

This would assist in the provision of the Ashland and Bear Creek Greenway projects.

- 3) Maximum efficiency of land uses within the current urbanizable area.

This land will increase the efficiency of land use by providing for the Bear Creek and Ashland Creek Greenways.

- 4) Environmental, energy, economic, and social consequences.

The environment of the area will be enhanced by the provision of the Greenway.

- 5) Compatibility of the proposed change with other elements of the City and County Comprehensive Plans.

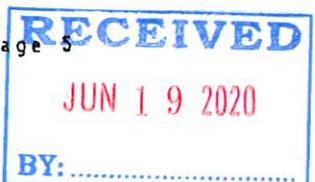
The Bear Creek Greenway and the Ashland Creek Greenway are supported by both the City and County Comprehensive Plans.

- 6) Compatability with the other Statewide Planning Goals.

This project is compatible with all the Statewide Planning Goals. The only goal which really applies is:

- o Air and Water and Land Resource Quality. This project will increase the water, air and land quality by improving the Ashland and Bear Creek Greenways and making them available to the public for recreation.
- o Areas subject to natural disasters and hazards. This project will further this goal by removing a flood plain area from potential development by the private sector.
- o Recreational needs. The obvious recreational benefits of the Ashland and Bear Creek Greenways need hardly be mentioned.

The above findings are therefore sufficient to justify the inclusion of the noted extensions of the Ashland Urban Growth Boundary, noted as Exhibit A, and is hereby approved by the Jackson County Board of Commissioners and the Ashland City Council pursuant to the Ashland/Jackson County Urban Growth Boundary Agreement.



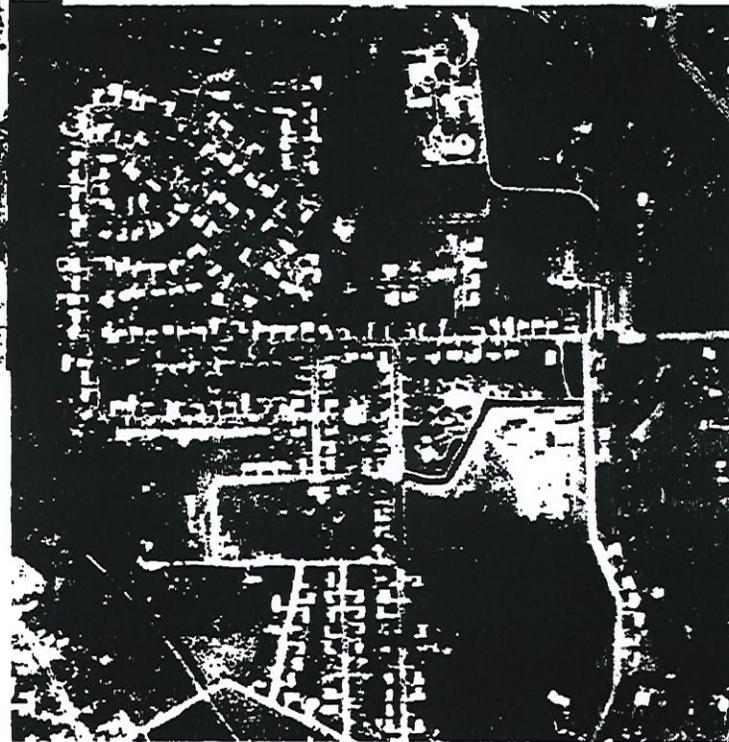
CHAPTER XII

URBANIZATION

1962



1979



Quiet Village 1962 & 1979

RECEIVED
JUN 19 2020
BY:

CHAPTER XIIURBANIZATION

The purpose of the Urbanization Element of the Comprehensive Plan is to ensure an orderly transition of land from rural to urban uses. The main tools of urbanization control in Oregon are the urban growth boundary and annexation policies. This element spells out the method and logic used in drawing the urban growth boundary and the policies the City will use when considering annexation of land within that urban growth boundary. The criteria which are used to determine the location of the urban growth boundary must include LCDC Goal 14 and the seven findings which it requires.

The area within the urban growth boundary but outside the City limits, and, in some cases, areas outside the urban growth boundary are also subject to a joint management agreement between the City and the County where both jurisdictions will be able to comment on the effect of land use decisions, while the County retains a final authority. The urban growth boundary may also determine the area in which urban facilities can be planned, such as sewer and water facilities, etc. Because of this, it forms an essential element to the Capital Improvements Program of the City.

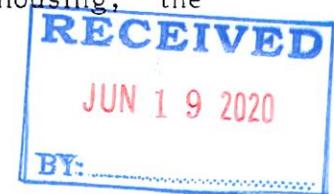
Drawing the Urban Growth Boundary

As mentioned before, one of the basic criteria for drawing an urban growth boundary is the

seven findings required by Goal 14 - Urbanization. The findings are as follows:

- 1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- 2) Need for housing, employment opportunities, and livability;
- 3) Orderly and economic provision for public facilities and services;
- 4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- 5) Environmental, energy, economic, and social consequences;
- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- 7) Compatibility of the proposed urban uses with nearby agricultural activities.

The general methodology used to determine the amount of land needed during the planning period has been carried out in the other elements of the Plan, most importantly the Housing and Economic Elements. The method used based land need projections on the City's population projections. Then assumptions were made regarding such factors as the projected income of future residents, the types of housing they would need, the level of economic activity in the City, estimates of the density of housing, the



number of persons per dwelling unit, and the number of employees per acre. Combining these numbers yielded an estimate of the number of acres needed for housing and economic growth in the City between the present and the year 2000.

It is important to note that, because of the number of assumptions made, the level of accuracy of these projections is not great. Small changes in each of those assumptions would result in large differences in the amount of acres projected to be used by the City. Therefore, the figures are not written in stone, but are simply extrapolations of existing and past trends. Since they are only estimates, the urban growth boundary cannot be located solely to implement the estimates made in this Plan.

Once the number of acres needed for urbanization has been determined, the lands in the City limits which are suitable for development must be determined. These lands, according to State law and City policy, are to be used first. If lands are not available in the City limits, then additional acreage must be supplied by lands presently in the County. This will help determine the eventual amount of land in the urban growth boundary. Lands which are in the County but are presently supplied with City services and are committed to urbanization should also be included in the urban growth boundary. From all of the above criteria, a boundary line is then drawn showing the extent of urbanization for the City.

Land Needs

Table XII-1 shows the land needs which have been estimated from prior elements of the Comprehensive Plan. For the specific methodology of estimating the land needs, refer to the appropriate section.

Buildable Lands Inventory

Table XII-2 shows the buildable lands presently available in the City limits. In assessing the buildable lands in Ashland, the City used relatively conservative criteria. There are large numbers of small parcels of land which, while technically divisible under the minimum lot size criteria of the prevailing zoning in the area, probably will not be divided and not be available for buildable lands. Also, there are lands which are too steep or are in a 100-year flood plain and will probably not be fully utilized. These lands cannot be counted as buildable lands.

Therefore, the following criteria was used for establishing buildable land:

- 1) All lots in areas designated single-family residential of less than one acre in size were discounted if they contained at least one single-family home.
- 2) All land which was over 40% average slope was discounted as being not buildable.
- 3) All lands within the 100-year flood plain were also discounted as being nonbuildable.



TABLE XII-1 - Estimated Land Needs

<u>Housing Needs</u>	<u>Acres</u>
Low-Density Residential	127
Single-Family Residential	388
Townhouse Residential	83
Multi-Family Residential	54
<u>Economic Activity Needs</u>	
Commercial	98
Industrial	104

TABLE XII-2 - Buildable Lands in City Limits

<u>Residential Land</u>					
Zoning	RR-.5	R-1-10	R-1-7.5	R-1-5	R-2
Acres	179	102	85	155	13

Commercial & Industrial Land

Commercial Zones	Employment Zones	Industrial Zones
8.3	52.4	3

TABLE XII-3 - Land Needed and Available in UGB

	LDR	SFR	SR	MFR	C	E*	I
Land Needs	127	388	83	54	98	202	104
Buildable in City	256	342	0	13	8	52	3
Needed in UGB	0	46	83	41	*	139	*
Available in UGB	0	160	89	49	5	138	27
Difference	0	+114	+6	+8	*	+1	*

*Zoned "employment"; may be used for either commercial or industrial uses. Represents total demand for both commercial and industrial needs



- 4) In addition, a large amount of land on the north side of Bear Creek presently accessed by Mountain Avenue was discounted in the buildable lands inventory. While this land is in the City limits and has been since the early 1900s, it presently contains very limited utility services and is accessed by a single unpaved road. Due to its distance from the existing urbanization in Ashland, we have not considered that this area will develop over the next 20 years unless major public expenditures are made to bring paved streets, sewer and water to this area. Therefore, in this particular instance, land was also rated as not buildable.

Methodology

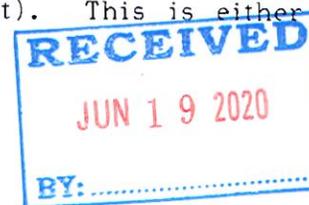
To determine the amount of buildable land, all parcels in the City were inventoried and identified by the type of land use present on the parcel. This map was finalized in January, 1980, and was used as the basis for determining acreage of buildable land. The final totals shown on Table XII-2 are the City's best estimates of the lands which are vacant and available for building sites in the City limits. Table XII-3 also shows the buildable lands minus the needs of the City which have been identified in the Comprehensive Plan. When more land is needed than can be supplied by buildable land in the City, these needs must be met by land presently not in the City limits or, in other words, land in the urban growth boundary.

Special Cases

Table XII-3 shows that Ashland has a great deal more land designated Low-Density Residential in the City limits than it is projected to use (about 129 acres), and more land in the urban growth boundary zoned Single-Family Residential than it is projected to use (about 114 acres). Both these special cases deserve some explanation.

The City annexed a great deal of land in the early 1900s. The City limits were drawn in a large rectangle, following section and township lines rather than any specific property lines. The northwest and southwest corners of this old annexation are still visible in the present City boundaries. The northwest sector was addressed in the buildable lands inventory. The southwest sector, however, has services available to it and is largely vacant. It has very severe terrain, with slopes generally over 30%, and locally up to 100%. The hills are covered with a pine-madrone vegetation which has a great wild-fire hazard. While these problems do not in all cases prevent development from occurring, they do limit density to less than two dwelling units per acre. Because of the amount of land in the City limits of this type, the land available for low-density development exceeds the projected demand. However, this does not conflict with Goal 14 (Urbanization) as they are not resource lands.

Three areas have been included in the urban growth boundary as Single-Family Reserve. Two outside the City limits, (Wright's Creek area, and Crowson Road area), and one inside (North Mountain Street). This is either



because the land may or will be within the service boundary of the sewer or water supply because of topographic reasons, or is already committed to development due to small parcel sizes. The North Mountain and Crowson Road areas are for the most part already served by City sewer and water. The areas are not needed for the projected housing demand.

With the exception of these special areas, all of the land within the urban growth boundary is projected to be needed for urban uses.

Drawing the Urban Growth Boundary

The urban growth boundary must include all land which will be urbanized by the year 2000. Table XII-3 shows the amount of land needed in the urban growth boundary produced by the above methodology and shows the amount of land actually available in the urban growth boundary. There is a fairly close match in all of the categories except in the single-family residential areas, where there are 124 acres more than are needed, using the strict mathematical methodologies described above. However, as mentioned above, there are reasons other than the strict application of our assumptions for including land within the urban growth boundary, especially for areas which have been partially urbanized and are served by City services but are not presently in the City limits.

Description of the Urban Growth Boundary

The Ashland Urban Growth Boundary is relatively compact for a city of its size, even for the moderate growth description of each segment of the urban growth boundary uses

the points of reference in Map XII-1.

Beginning at point A, which is on the north side of I-5, the urban growth boundary follows the City limits down to point B. This area is North Mountain Street, an area that is presently in a semi-rural state. While it has been in the City limits for some time, it remains sparsely developed. It is included in the urban growth boundary because of the availability of City water, sewer and electrical utilities, and its status as land committed to urban development. From point B the line leaves the City limits to enclose the area around Fordyce Street to point C. This is an area which is highly parcelized and contains City water service. There are several houses in a rural environment in this area, and it is included as single-family residential land.

The urban growth boundary then follows East Main Street, including areas which are designated for future expansion by Southern Oregon State College, single-family residential, townhouse residential, and multi-family residential areas. Across the freeway, the urban growth boundary continues along East Main until it comes to the City's Municipal Airport and two areas reserved for expansion of the Municipal Airport. However, there are no plans for any residential development in this area. The urban growth boundary continues across the northern boundary of the Airport to point E, where it intersects Dead Indian Road. The urban growth boundary continues down Dead Indian Road to Highway 66 at point F and includes homes across from the present City limits which have water and sewer service from



the City. The urban growth boundary then crosses the freeway at point G.

From this point, the urban growth boundary parallels Crowson Road, including additional homes serviced by City water, to Siskiyou Boulevard, again reaching the City limits near Tolman Creek Road at point H. The area enclosed by this boundary includes land needed for economic development uses. The urban growth boundary then follows closely the City limits line, including two small areas of County land between point J and K and points L and M. The next point of departure for the urban growth boundary line is including a small area on the east side of Thornton Way starting from point N to point O. This area is included since a portion of the area has been divided in an old 1910 subdivision and contains future rights-of-way. Also, this small area can be served by existing urban facilities on Thornton Way, while expansion of the Thornton Way area will require a sewer to be placed through the middle of this area, along Wrights Creek. The urban growth boundary then includes an area which is partially urbanized on Ashland Mine Road. From here, the urban growth boundary encloses the north Ashland area, an urbanized area in the County which grew up around the intersection of Highway 99 and Valley View Road, with its access to the I-5 freeway. The urban growth boundary returns to the City limits at point Q.

The only other departure of the urban growth boundary is point R to point S, where it includes the City's sewage treatment plant and a portion of the Bear Creek Greenway.

GOAL: IT IS THE CITY OF ASHLAND'S GOAL TO MAINTAIN A COMPACT URBAN

FORM AND TO INCLUDE AN ADE- QUATE SUPPLY OF VACANT LAND IN THE CITY SO AS NOT TO HIN- DER NATURAL MARKET FORCES WITHIN THE CITY, AND TO ENSURE AN ORDERLY AND SEQUENTIAL DEVELOPMENT OF LAND IN THE CITY LIMITS.

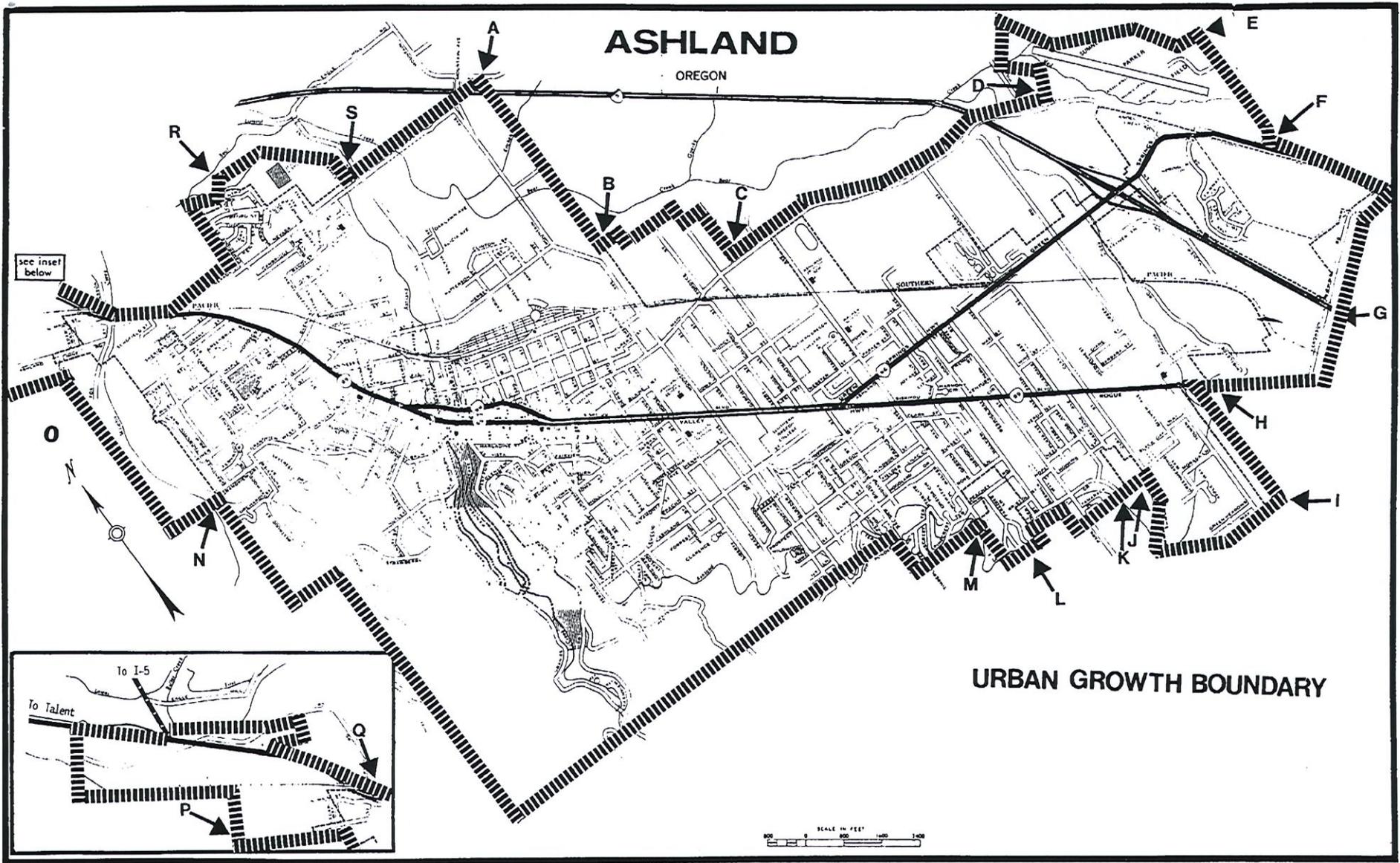
POLICIES:

- 1) The City shall strive to maintain at least a 5-year supply of land for any particu- lar need in the City limits. The 5-year supply shall be determined by the rate of consumption necessitated in the pro- jections made in this Comprehensive Plan.
- 2) The City shall incorporate vacant land only after a showing that land of similar qualities does not already exist in the City limits, or if annexation is necessary to alleviate a probable public health hazard.
- 3) The City shall enter into a cooperative agreement with Jackson County. This agreement shall designate the City's and County's joint policies for land not urban- ized. Generally speaking, land not in the City's urban growth boundary is to be maintained in a rural state. Land between the City limits and urban growth boundary is to be maintained in a rural state until annexed by the City. Urban- level development in the County, but within the urban growth boundary, is inappropriate to the needs and desires of the City of Ashland to implement its urbanization goal.
- 4) The City shall develop its Capital Im-



provement Program to accommodate all the land within the urban growth boundary with an adequate level of urban services for the needs expressed in the City's Comprehensive Plan.

RECEIVED
JUN 19 2020
BY:



RECEIVED
JUN 19 2020
BY:

Final Plan Approval for Performance Standards Subdivision Outline Plan Approval

PRE-APPLICATION CONFERENCE

Subject Property

Property Address: 475 EAST NEVADA STREET
Map & Tax Lots: 39 1E 04A Tax Lots: 1100, 1200; 1300

Property Owner: Young Family Trust
348 South Modoc Street
Medford, OR 97504

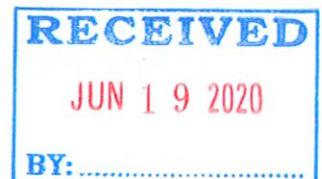
Site Planning / Conceptual Elevations: Giordano Architecture
Tom Giordano
495 Chestnut Street; #
Ashland, OR 97520

Landscape Architecture / Drafting: KenCairn Landscape Architect
James Love
545 A Street, Suite 102
Ashland, OR 97520

Engineering Services: Thornton / Daley Engineering
PO BOX 476
Jacksonville, OR 97530

Surveyor: Hoffbuhr & Associates
880 Golf View Drive; Suite 201
Medford, OR 97540

Planning Consultant: Rogue Planning & Development Services, LLC
Amy Gunter
33 N Central Avenue, Suite 213
Medford, OR 97520



**Comprehensive
Plan Designation:
Zoning:**

Single Family Residential Reserve

SPLIT: City of Ashland RR-.5

Jackson County Rural Residential (RR-5)

Adjacent Zones:

NM-R-1.5; NM-MF; Rural Residential (RR-.5); Jackson

County RR-5; and Jackson County Exclusive Farm Use (EFU)

Request:

The application requests Final Plan approval for the Katherine Mae Subdivision. The Katherine Mae Subdivision is proposed as an 19-lot subdivision with the potential for at least 18-dwelling units. As proposed for the Final Plan Application, the number of units is proposed to be retained at 18 units. Two lots at the intersection of East Nevada Street and the extension of Camelot were rotated following the previous decision to eliminate vehicular access from the public street.

The Katherine Mae Subdivision obtained Comprehensive Plan Amendment from Single Family Residential Reserve to North Mountain Neighborhood Overlay Zoning, a Zone Change from Jackson County Rural Residential, ½ Acre minimum (RR-.5-P), to North Mountain Multi Family (NM-MF) Zoning Overlay; Outline Plan and Site Design Review approval for a Performance Standards Subdivision to allow for the future development of a phased subdivision in 2017.

At the time of the request it was thought that the property was divided by the city of Ashland Urban Growth Boundary (UGB) that is shown extending roughly mid-way between the north and south property lines. Following discussions and meetings with Jackson County regarding the “split zoning” of the property and the need to create separate and discrete tax lots north of the UGB separate from the property on the south side of the UGB. The property owner and his agent met with the County Planning Department where it was determined the property could not be partitioned without a Goal 14 Exception and since the code revisions in 200.

Following inquiries at the County, it became apparent that there is question to the mapped differences, and the manipulability of the boundary lines presently mapped by the Geographic Information Services (GIS) mapping software versus the lines drawn on the adopted Comprehensive Plan Maps. In fact, in December 2018, the property boundary was shown with one UGB on City maps, another on County maps and as shown on the attached maps, a third county version was created following the pre-application conference submittal to the Jackson County Planning Department.

The issue this is causing is multi-dimensional, there also does not appear to be previous decisions of similar magnitude and sustenance from the City of Ashland, Jackson County nor in reviewing the LUBA Headnotes to guide the applicant. The property owner and the project team find that there is an important issue at hand that must be addressed before further action can be taken with respect to the Final Planning of the Katherine Mae Subdivision.

Pre-application Conference Request
Final Plan Application
Katherine Mae Subdivision



Discussions regarding this subdivision began in earnest with Jackson County and the City of Ashland in early 2016. At the time of the application to the City for subdivision approval, at the time of subdivision, Jackson County had indicated that the Urban Growth Boundary Line because a defacto property line because of how the language of the Jurisdictional Overlap is written.

The County found they could not approve a partition of the “non-conforming” parcels that are north of the presently mapped GIS database for a few reasons.

1) The three, legal parcels that are divided by the GIS version of the UGB as Jackson County Rural Residential Lots. In order for a revised legal description of the properties north of the UGB, a partition application in Jackson County. The resulting lot areas of the three separate parcels, though preexisting, the lot areas are substantially less than the minimum lot size in the RR-5 zone.

2) Rural Residential lands that are outside of the UGB, are less than the minimum lot areas in the zone, or less than two acres, require a Goal 14 Exception. The property is unique from what appears to be assumed with Goal 14 review, and that future division of existing parcels to create lots that are less than the minimum lot area cannot be approved. This property consists of three, discreet parcels that exist with the UGB creating the division.

Oregon Administrative Rules: 660-004-0040

Application of Goal 14 to Rural Residential Areas

(1) The purpose of this rule is to specify how Goal 14 “Urbanization” applies to rural lands in acknowledged exception areas planned for residential uses.

(2) For purposes of this rule, the definitions in ORS 197.015, the Statewide Planning Goals and OAR 660-004-0005 shall apply. In addition, the following definitions shall apply:

(f) “Rural residential areas” means lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 “Agricultural Lands”, Goal 4 “Forest Lands”, or both has been taken.

5) The rural residential areas described in subsection (2)(f) of this rule are “rural lands”. Division and development of such lands are subject to Goal 14, which prohibits urban use of rural lands.

(6)(a) A rural residential zone in effect on October 4, 2000 shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as required by section (8) of this rule.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception



to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(7) After October 4, 2000, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division.

(8)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

Based on the discussions with Jackson County, a Goal 14 exception could not be approved and it was the feedback from the County planners that the property owner should determine if the City will acknowledge the line at the north end of the property line vs. following the City limits line.

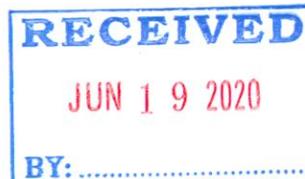
To facilitate orderly development as envisioned in the adopted Comprehensive Plan and to retain consistency with the adopted Comprehensive Plan adopted maps and plans, recognizing the adopted UGB "line" extends to the north property line of the parcels in question.

The benefits of acknowledging the north property line as the UGB provides many benefits to the City of Ashland. The additional 2.42 acres has the potential base density of 30.25 dwelling units.

The proposed subdivision had sought to dedicate a public street and alley system through the development. This request was overridden by the Public Works Director just a few days before the public hearing. The benefits of a public right-of-way is that the utilities are extended to and through the properties and an interconnected utilities for water lines is provided (with the alley as a private space, the water lines dead end at the end of Camelot and "Franklin").

The additional area as Rural Residential could be developed as a single-family residence, providing little benefit to the City.

This request does not include site design review of any of the future residences on the properties as they will be developed in future phases. The application package includes conceptual elevations depicting compliance with the North Mountain Neighborhood Design Standards. The site plan layout provides conceptual building footprints and approximate lot lines for future development purposes.



Property Details:

The total lot area of the subject properties, TL#1100, 1200 & 1300 is 4.5 acres. The parcels are divided roughly in half with the Urban Growth Boundary (UGB) / City Limits line. The proposal applies to the 2.42 acres of the properties that are within the City limits. The remainder of the property is 2.08 acres. This area is outside of the UGB and is zoned Jackson County Rural Residential, (RR-5). These lots are to retain connection with the existing and proposed rights-of-way thus retaining development potential for three, single family residences under the jurisdiction of Jackson County.

Of the 2.42 acres, a substantial portion of the property, nearly 18,000 square feet has slopes of more than 35 percent slope and is not developable. This leaves 87,415 square feet in area that is developable (2.00 acres).

The site has a level grade with approximately two percent slopes generally east to west. The western half of TL# 1200, is a rocky bluff with a steep drop off to the west. The slope in this area is 35 percent and greater. This steep, rocky slope is vegetated with blackberry bushes, scrub oak, walnut trees. Tax lot #1100 is at the base of the hill and has a moderate grade. The east property line of TL# 1100 roughly parallels the base of the rocky bluff. There is 60-feet of frontage along East Nevada Street, the west property line is bound by a wire fence. This lot extends 332.08-feet to the north. The first, roughly 142-feet, is within the City limits.

There are 27 trees six-inches in diameter at breast height and larger. The majority of the sites trees are on TL# 1100 at the base of the hill, the others are generally scattered throughout the site. The tree types include, Cedar, Ponderosa Pine, Oak, Walnut, Sequoia and Leyland Cypress. A detailed tree inventory is included in the proposal. Tax lot 1300 is vacant of structures and of most vegetation consists of grasses and blackberry. There are no creeks, floodplains, riparian areas or wetlands found on the subject properties.

The property is bound by East Nevada Street along the south property line. According to the street classification in the Transportation System Plan (TSP), East Nevada Street is an Avenue or Major Collector. East Nevada would be considered a two-lane avenue. Avenues have a right-of-way width of between 59 – 86 feet. There is generally, 60-feet of ROW along the frontage of the properties. In the area of steep, rocky slopes between the subject property and the driving surface of East Nevada Street, there is more than 120-feet of ROW. East Nevada Street is not improved to Avenue Standards. Due to the topographical constraints within the ROW, East Nevada Street is narrow, constrained by the development to the south, and by the rock outcropping on the north side. East Nevada has a varying width of improvements.

Along the frontage of the property, East Nevada Street is improved with pavement, curb and gutter. There is a 22-foot paved travel lane, curb and gutter. On the south side of East Nevada Street, there are various street improvements within the varying width ROW. The first 272-feet of East Nevada Street across from subject property, there is curb and gutter, no sidewalk. This property is “under-developed” and street improvements will be required with future site development. West of the intersection of



Camelot Drive and East Nevada Street, the street improvements include, 22- feet of driving surface, with curb, gutter, varying width parkrow and sidewalk. None of East Nevada Street has dedicated bicycle lanes.

The right-of-way that forms the east boundary of the property is North Mountain Avenue because it falls within a remnant of the North Mountain Avenue right-of-way, but the actual surface street North Mountain is above the property and transitions from surface street to bridge over the Interstate. The “street” is not improved more than the narrow gravel driveway that serves the five-acre parcel to the north of the subject properties. This street will be referred to as New Street, and Franklin Street is the requested street name.

Detailed Proposal:

The request is for Final Plan and Site Design Review approval for a Performance Standards Subdivision and a tree removal permit.

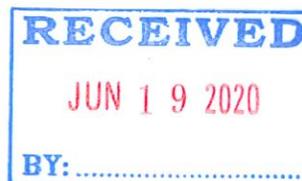
The property is due north of the North Mountain Neighborhood Zoning Overlay, a Master Planned Development that was created in 1997 by the City of Ashland through the re-zoning of Rural-Residentially Zoned properties roughly bound by Bear Creek to the south and west, North Mountain Avenue to the east and East Nevada Street to the north.

The proposal follows the layout, design, densities and general land use patterns found in the North Mountain Neighborhood. The proposed zone change would allow for additional land area to provide housing inventory of available for-purchase and for rent units within the City limits when demand far surpasses the supply. The proposal also provides some much-needed, deed restricted affordable housing units.

Based on the proposal to bring the properties into the NM-MF zone, there is the potential for 12 dwelling units per acre. The lot area within the city limits is two-acres. This is a result of the 18,000 square feet of severe constraints lands that is excluded from the density equations.

The base density for two acres is 24 units. The North Mountain Neighborhood Overlay has a minimum density standard of 75 percent of base, or 18 dwellings. The North Mountain Neighborhood Plan allows for up to 110% density for a maximum density of 26.4 units.

The proposed density is a range of between 20 to 23 units. This includes a mixture of attached townhomes, duplex units (semi-detached), and detached residences. Above the garages of the detached residences, there are three, optional “accessory residential units”. In the NM-MF zone, small “accessory units” are considered dwelling units for the purposes density calculations.



The proposal, as a Comprehensive Plan Amendment and Zone Change requires the dedication of 25 percent of the base density as affordable housing units. With the base density of 24 units, 25 percent requires six (6) units at 100 percent Area Median Incomes (AMI). The property owner has determined that the transfer of land area sufficient to develop the required number of affordable housing units is the best course of action. Initial discussions with a non-profit affordable housing developer that restricts incomes to the 60 percent Area Median Incomes (AMI) have been held. When the units are restricted at 60 percent, the required number of affordable units is four units ($6 / 1.5 = 4$).

Enough area for four (4) dwellings, the required area for nine (9) on-site / alley access parking spaces, yard areas, and setback compliance, will be transferred through title following the approval of the subdivision.

The proposal demonstrates that a mixture of attached and detached units can be accommodated on the property. The North Mountain Zoning Overlay to the south of the subject property is a mixture of single family (NM-R-1-7.5 & NM-R-1.5), and attached, multi-family (NM-MF). The proposed mixture of housing types is consistent with the allowed mixture of housing types allowed in the zone.

The subdivision is proposed as a phased development. The first phase is the Comprehensive Plan Amendment and Zone change to facilitate the Outline Plan approval of the Performance Standards Subdivision. Phase Two is Final Plan approval. Phase Three would be for the attached unit Site Reviews. Phases Two and Three may be completed concurrently. At this point the property owner will develop the required affordable housing.

The proposal provides for a unique development flexibility. The property has adequate areas, separations, and layout that townhouse development, condominium development and duplex or multi-family development. There is ample common areas and open spaces, there is ample parking proposed and there are adequate private yard areas to demonstrate compliance with the standards for Performance Standards Subdivision Development. The layout provides opportunities for different property owners to be able to develop all or part of the subdivision exclusive of the affordable units. This is similar to how the existing development within Meadowbrook Park II, to the south and within the North Mountain Plan Overlay area have developed. Homeowner's association language has not been drafted at this early juncture. The HOA and CC&Rs for the Katherine Mae Subdivision will be drafted by a Land Use Attorney familiar with these legally binding documents.

The current Housing Element, of the Comprehensive Plan, recognizes various housing types have a place, but it must be recognized that some development patterns are more compatible than others considering their neighborhood context. The proposed mixture of housing types is consistent with the context of the North Mountain Neighborhood types of housing. The neighborhood development pattern includes detached residences, semi-attached, townhouse and condominium type of structures in North Mountain



Avenue neighborhood development to the south, and in the Mountain Meadows Development to the southeast.

The proposal is consistent with the purpose of the North Mountain Plan Overlay which promotes a variety of housing types and preserves the significant natural features and provides ample open spaces.

North Mountain Neighborhood Design Criteria:

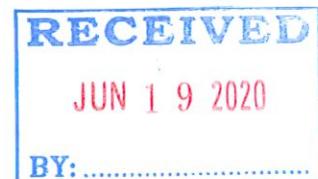
The proposed residences and future Site Design Reviews will be consistent with the requirements of the North Mountain Neighborhood Design Standards. The proposed street design, lot layout and driveways also generally conform to the standards. Some exceptions are necessary to accommodate the steep embankment along East Nevada Street that is impassable for pedestrian and vehicles and therefore affects connectivity and orientation. The units adjacent to the steep slope will be designed similar to those found near Kestrel Parkway and E Nevada Street to the west of the property where the rear of the residence has design elements reflective of a front façade (covered porches or patios, columns, gables, dormers, large eaves, etc.) to enhance the 'street presence'. The residential design will not have repetitive elevations and the attached buildings will have the façade broken into smaller elements using reveals, recesses, trim, window sizes and locations, door type, location and design.

Parking, Access, Circulation:

According to 18.3.9.060 Parking Standards, the development shall conform to the following parking standards found within the Performance Standards Option Subdivision Chapter, in addition to the requirements of chapter 18.4.3 Parking, Access, and Circulation. There are two vehicle garages proposed for the detached units (A and B units). A third guest space or parking space for the potential unit above the garage is provided on the A and B type lots. The semi-attached units have either one or two vehicle garages. The semi-attached units on Tax Lot 1100 have a third guest parking space at the end of the "flag driveway". The parking spaces for the 13, attached residences are proposed as surface parking spaces adjacent to the new alley. Streets are being improved and proposed as part of the development. There are 13 on-street parking spaces provided for. Eight spaces are proposed on East Nevada; three on "Franklin Street"; and two on Camelot Drive. There are an additional seven parking spaces adjacent to the alley that would function similar to on-street parking spaces.

Transportation:

Street improvements will be made to East Nevada Street, the extension of North Mountain / East Nevada Street, and Camelot Street which presently intersects into East Nevada Street will be extended to the north into the development.



Elements from the standards for public street design such as benches, residential standard pedestrian street lights, street trees, and concrete sidewalks are proposed on the improved streets.

East Nevada:

Street improvements proposed for East Nevada frontage of the property include, six-foot sidewalk, five to seven-foot parkrow (where on-street parking bay present, landscaping including street trees in five-foot landscape strip between sidewalk and property line). Eight, on-street parking spaces are proposed, these are within a seven-foot wide parking bay. The curb and gutter will require relocation to accommodate the frontage improvements.

In the area where the steep, rocky slope prevents additional street improvements on the north side of East Nevada Street, to the west of the new Camelot Drive and East Nevada Street intersection, an exception to street standards is requested to not extend sidewalks along the frontage of subject properties TL#1200 and #1100. This is due to the physically impenetrable rock, see the Geotechnical Report for additional information on the below grade soils and rock.

The new intersection of Camelot and East Nevada Street will have an enhanced intersection with street amenities such as street light, benches and scored concrete. Pedestrian facilities exist on Camelot to the south and along the south side of East Nevada Street. These sidewalks connect to existing and future pedestrian infrastructure that extends to the south and west into the Meadowbrook II Subdivision. The sidewalk along the south side of East Nevada Street leads to a city park.

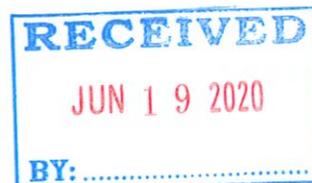
Due to the topographical constraints, the limited number of vehicle trips, and lack of similar improvements, no bicycle lanes are present or proposed on East Nevada Street.

N Mountain Avenue AKA Franklin Street:

The proposal provides the extension of North Mountain Avenue. Due to the existing street name conventions and associated addresses; split right-of-way for North Mountain Avenue; and future development patterns, the North Mountain Avenue will be re-named Franklin Street. Franklin Street has a 60-foot wide ROW. It is proposed to be constructed to city standards for a Neighborhood Street with a six-foot sidewalk, a seven to eight-foot landscaped parkrow, seven-foot on-street parking bay and 15-foot travel surface (or ½ street improvements).

Camelot Extension:

Camelot Street is proposed to be extended onto the property. Camelot is a Neighborhood Access Street. Camelot Street has a varying width ROW. It ranges between 36-feet at the south intersection with East Nevada Street (10-feet will likely be required to be dedicated with the future development of 955 North



Mountain Avenue). The right of way is 46-feet on the south side of 955 North Mountain Avenue. The proposed ROW is 47-feet (consistent with range of ROW width for Neighborhood Street found in AMC 18.4.6). This provides for a 15-foot travel surface, eight-foot planting strips and five-foot sidewalks on each side. The west side of Camelot Street is proposed to have two, seven-foot-wide parking bays. The street improvements on the extension of Camelot will generally match the existing improvements. enhanced intersection with street amenities such as street light, benches and scored concrete. Truncated domes and cross walks across East Nevada Street will be provided.

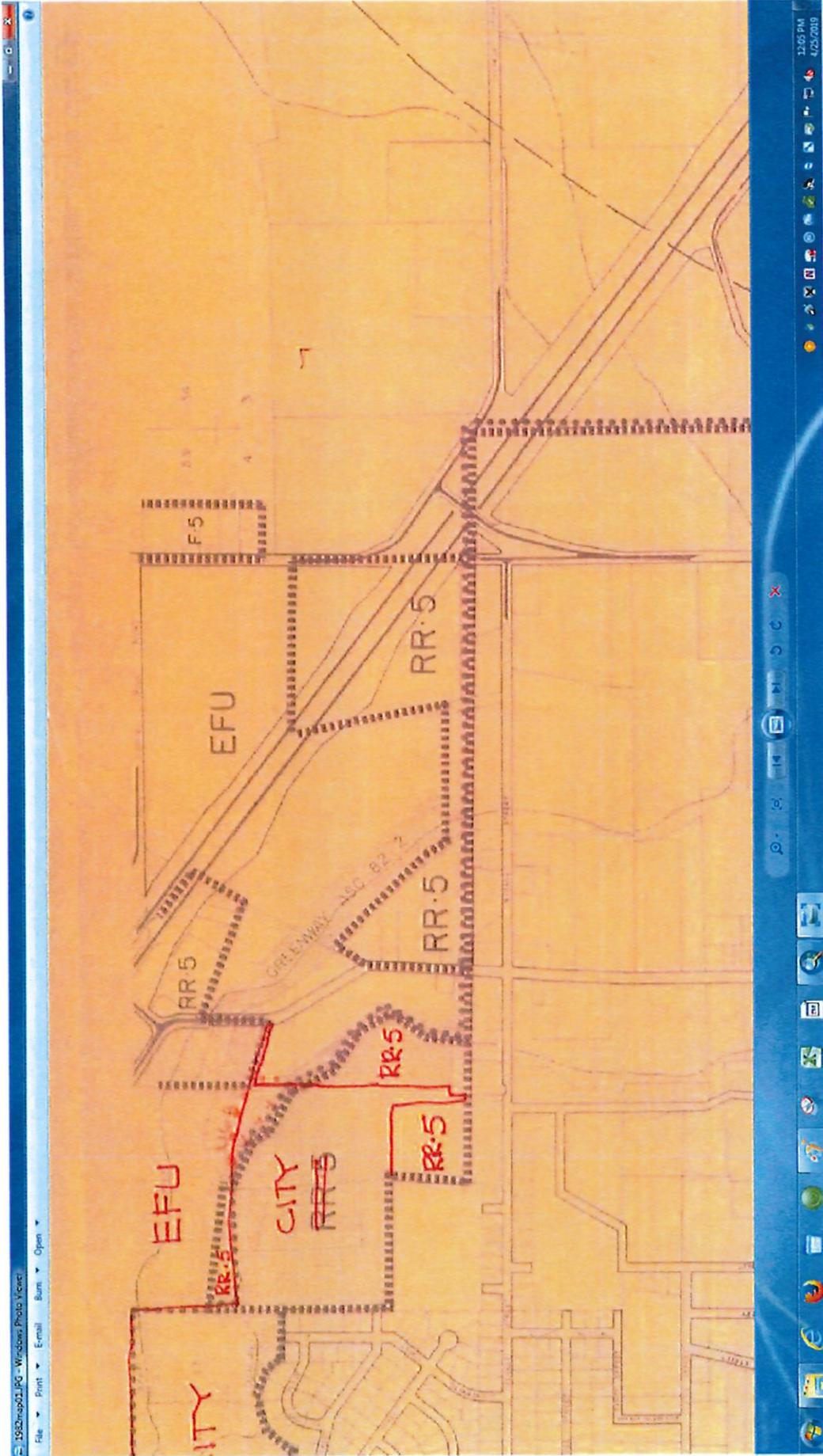
Alley:

Across the north boundary of the property, extending from “Franklin Street” to the Fire Truck turnaround on the west side of the upper level of the development, a public alley is proposed. The “alley” is proposed to have a 22-foot right-of-way. The parking for the attached and semi-attached units within the common area of development are accessed from the alley. Additionally, the 20-lot development required 20 on-street parking spaces. These spaces are found on-street and accessed via the new alley. In the event the city recognizes the entire property within the UGB, the other half of a street right-of-way could be added to the other half of the alley to create a public street.

Public Utilities:

The routing for and locations of the following existing and planned public facilities and utilities are shown on the proposed Subdivision Plans:

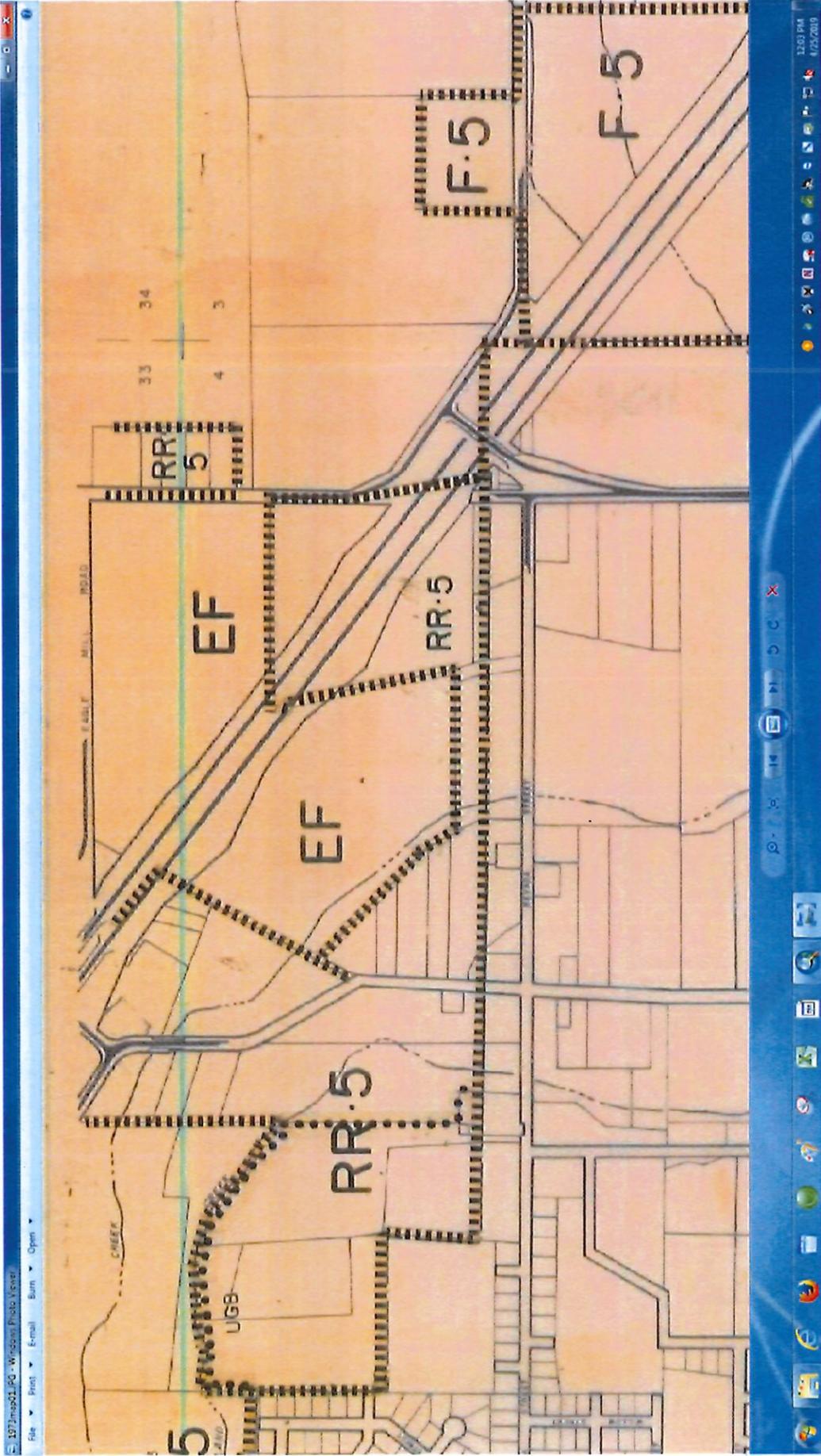




1982

RECEIVED
JUN 19 2020
BY:.....

ATTACHMENT 4



ll

1973

ll

RECEIVED
JUN 19 2020
BY: