



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/5/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 17, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bill Molnar, City of Ashland
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

FEB 26 2010

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Ashland**

Local file number: **PA #2009-00784**

Date of Adoption: **February 16, 2010**

Date Mailed: **February 24, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **7/27/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annexation of an approximately 1.02 acre parcel into the City of Ashland, and rezoning the parcel from Jackson County "RR-5" Rural Residential zoning to City of Ashland "E-1" Employment zoning in keeping with the City of Ashland's Comprehensive Plan Map designation. The application includes a request for Site Review approval to build a warehouse/light-manufacturing building (i.e. development of the site with a permitted use) as required by ordinance.

Does the Adoption differ from proposal?

No.

Plan Map Changed from: **Rural Residential**

to: **Employment**

Zone Map Changed from: **RR-5**

to: **E-1**

Location: **615 Washington Street, Ashland, OR 97520**

Acres Involved: **1.02**

Specify Density: Previous: **Vacant**

New: **Commercial Use**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-09 (17731) [16016]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Department of State Lands (DSL) was notified of a mapped wetland on the adjacent property (not on the subject property). DSL File #WN2009-0171 Project #50438 found no removal-fill permit was required as, based on the submittal materials, impacts to regulated wetlands and waters are avoided.

Jackson County Fire District #5

Talent Irrigation District

Local Contact: Bill Molnar

Phone: (541) 552-2042 Extension: n/a

Address: 20 E. Main St.

Fax Number: 541-552-2050

City: Ashland

Zip: 97520

E-mail Address: molnarb@ashland.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp. (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 3004

**AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING AN ANNEXED AREA
FROM JACKSON COUNTY FIRE DISTRICT NO.5**

(Modern Fan Annexation - # 2009-00784)

Recitals:

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

B. Pursuant to ORS 222.120 and ORS 222.524 a public hearing was held on January 5, 2010, on the question of annexation as well as the question of withdrawal of the property from Jackson County Fire District No. 5. The hearing was held in the Council Chambers, Civic Center, 1175 East Main Street, Ashland, Oregon,

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

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

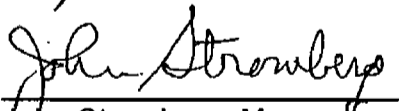
SECTION 2. The land described in the attached Exhibit "A" is declared to be annexed to the City of Ashland.

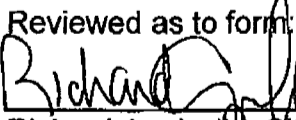
SECTION 3. The land described in the attached Exhibit "A" is declared to be withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 2nd day of February, 2010 and duly PASSED and ADOPTED this 16 day of February, 2010


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 17 day of February, 2010.


John Stromberg, Mayor

Reviewed as to form:

Richard Appicella, City Attorney

LAND SURVEYING, LLC

EXHIBIT "A"

LEGAL DESCRIPTION
RON REZEK ANNEXATION TRACT
ASSESSOR'S MAP NO. 39 1E 14 AC, Tax Lot 200

That tract of land described within Instrument No. 2008-008136 of the Official Records of Jackson County, Oregon, lying situate within the Northeast Quarter of Section 14, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, more particularly described and bounded as follows, to wit;

Commencing at an aluminum capped iron pin at the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 39 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon, as denoted on Survey No. 9668, on file in the office of the Jackson County Surveyor; thence South 89°44'33" West, along the northerly line of that tract of land described within Volume 309, Page 375 and Volume 335, Page 321 of the Deed Records of said County, a distance of 126.28 feet (Deed Record West) to a 5/8 inch iron pin along the southwesterly right of way of Interstate Highway No. 5, described within Volume 509, Page 383 of said Deed Records, the POINT OF BEGINNING; thence continuing South 89°44'33" West, along said northerly line, 311.74 feet to a 5/8 inch iron pin at the northwest corner thereof; thence South 00°02'07" West, along the west line of said described tract, a distance of 130.00 feet (Deed Record South 00°17' West, 130.0 feet) to the southwest corner thereof, from which a 5/8 inch iron pin bears South 89°44'33" West, 0.58 feet; thence North 89°44'33" East, along the southerly line of said described tract, a distance of 349.04 feet (Deed Record East) to a 5/8 inch iron pin along said southwesterly right of way of Interstate Highway No. 5; thence North 26°39'55" East, along said southeasterly line, a distance of 145.14 feet, to the POINT OF BEGINNING.

Containing 1.03 acres, more or less.

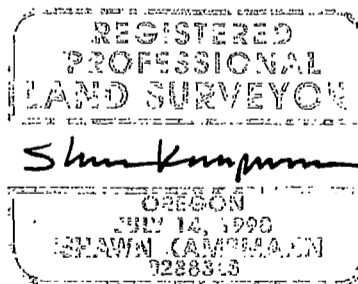
Prepared by:

Shawn Kampmann
Professional Land Surveyor

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

Date: November 10, 2009

S:\surveys\560-09\Rezek Annexation Legal.doc



Renewal Date: 6/30/11

70537

MAP OF SURVEY

LIVING RELATIVE WITHIN
NORTHEAST QUARTER OF SECTION 14
TOWNSHIP 39 SOUTH RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
RON REZEK
615 Washington Street
Ashland, Oregon 97520

LEGEND

- 1 1/2" ALUMINUM CAP STAMPED "ALL 799" FOR MONUMENT DETAIL PER SN 1488 (RECORDED)
- 2 1/2" BRASS CAP IN MONUMENT WILL MARKED "NEED" FOR 1 1/2" PER SN 1488 (RECORDED)
- 3" BRONZE PIN WITH YELLOW PLASTIC CAP MARKED "MAIN" FOR SN 1488 (RECORDED)
- 3" BRONZE PIN WITH RED PLASTIC CAP MARKED "SUB" FOR SN 1488 (RECORDED)
- 3" BRONZE PIN WITH ORANGE PLASTIC CAP MARKED "CAMP" FOR SN 1488 (RECORDED)
- 3" BRONZE PIN WITH GREEN PLASTIC CAP MARKED "SAMP" FOR SN 1488 (RECORDED)
- PROPERTY LINE
- BOUNDARY LINE
- CENTRELINE
- PRINCIPLE
- O.A. OFFICIAL RECORDS, JACKSON COUNTY CLERK
- D.R. DEED RECORD, VOLUME & PAGE, JACKSON COUNTY CLERK
- S.N. SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- () DEED RECORD DATA PER O.R. 2008-000136
- () SURVEY RECORD DATA PER SN 1488 & 1902 "TRAIL"
- () SURVEY RECORD DATA PER SN 1279 "ANDREWS"
- () SURVEY RECORD DATA PER SN 1407 "TRIMM"

SURVEY NARRATIVE

TO COMPLY WITH O.R.S. 209.250

PURPOSE: TO SURVEY AND MONUMENT TRACTS OF LAND DESCRIBED IN THE NARRATIVE AND TO ANNEXATION INTO THE CITY OF ASHLAND.

PROCEDURE: THIS SURVEY WAS CONDUCTED UTILIZING A LEICA TOPCON 3D ROBOTIC TOTAL STATION AND RANGING PRISM IN CONJUNCTION WITH SURVEY CONTROL POINTS ESTABLISHED IN THE NEIGHBORHOOD OF THE SURVEY ALONG THE WESTERN LINE OF WASHINGTON STREET, IDENTIFIED ON SURVEY NO. 12799 PREPARED BY JAMES ANDREWS. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT AND RULES AND REGULATIONS AND STANDARDS AND PRACTICES AT THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY HAD BEEN DISTURBED BY CONSTRUCTION ACTIVITIES AND WERE RE-ESTABLISHED BY THIS SURVEY PER THE DEED RECORD.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Shawn Longman
OREGON
STATE BOARD
SURVEYING
NO. 12799

RETRIAL DATE: 6/21/2011

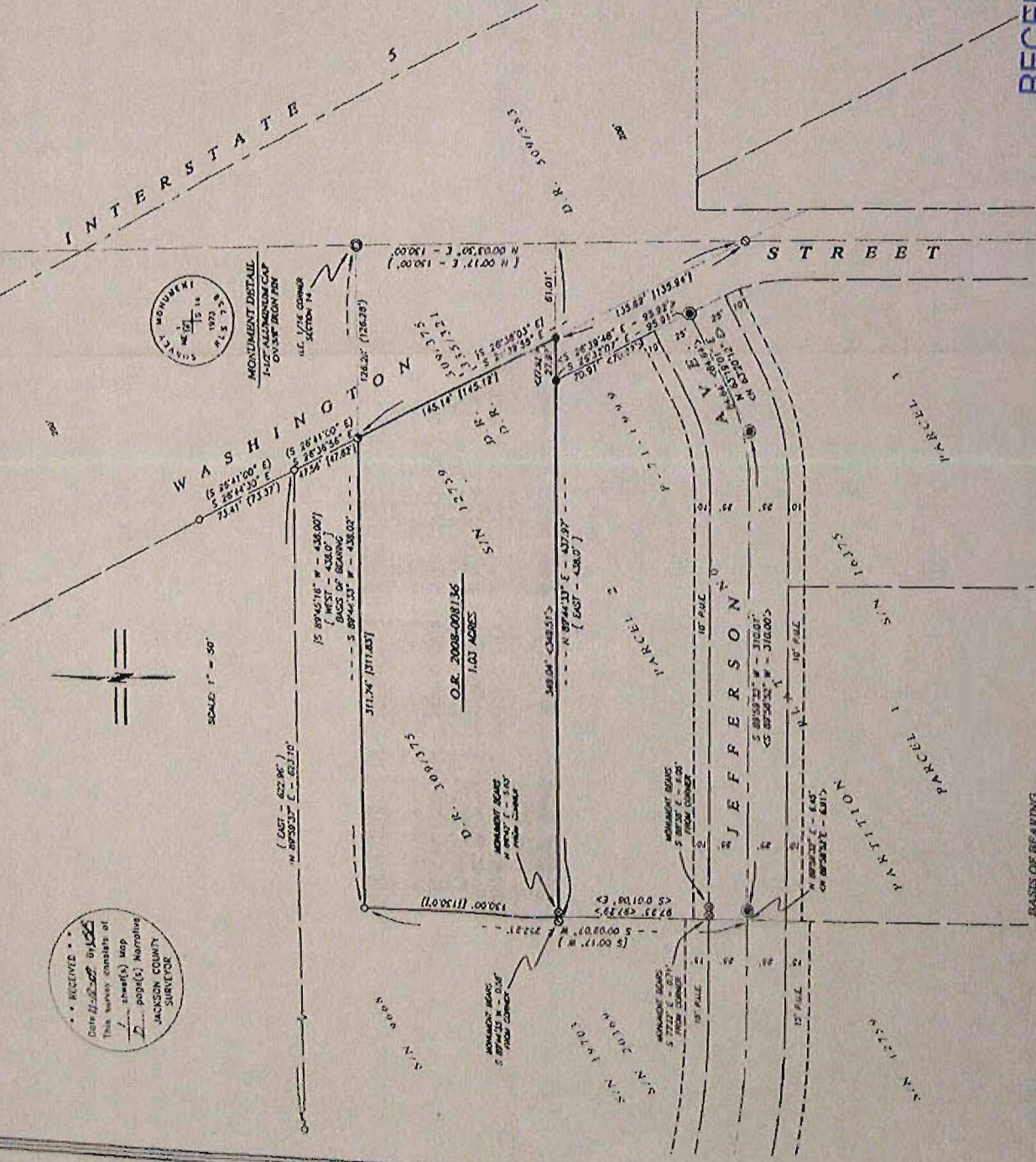
SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: NOVEMBER 4, 2009
PROJECT NO. 560-09

RECEIVED

DEC 01 2010
City of Ashland
Filed _____ County _____

POLARIS LAND SURVEYING



RECEIVED
Date 11-10-09 by JRS
This survey consists of
1 sheet(s) map
1 page(s) narrative
JACKSON COUNTY
SURVEYOR

BASIS OF BEARING
THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 SOUTH RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, HAVING A RECORD OF BEARING AND DISTANCE OF S 89°42'23" W - 438.02' OR S 89°42'23" W - 438.02' ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

Surveyor's Map No. 38 1E 14 NE, 7th Ed. 200

70537

CITY OF
ASHLAND

February 11, 2010

Ron Rezek
709 Washington Street
Ashland, OR 97520

RE: Planning Action #2009-00784

Notice of Decision

At its meeting of February 2, 2010, based on the record of the public meetings and hearings on this matter, the Ashland City Council approved your request for an Annexation and Zoning Map Change for the property located at 615 Washington Street, Assessor's Map # 391E 14 AC, tax lot 200.

The Ashland City Council adopted and signed the Findings, Conclusions and Orders document on February 3, 2010.

Copies of the Findings, Conclusions and Orders document, the application and all associated documents and evidence submitted and applicable criteria and standards are available for review at the Ashland Community Development Department, located at 51 Winburn Way.

Please note that all of the conditions imposed by the Ashland City Council must be fully met and that the Ashland City Council approval is valid for a period of one year only, after which time a new application would have to be submitted.

If you have any questions regarding this decision, please contact the Ashland Community Development Department between the hours of 8:00 am and 4:30 pm, Monday through Friday at (541) 488-5305.

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) in accordance with Oregon State Law. Please contact LUBA for specific appeal information, <http://luba.state.or.us/> or 503-373-1265. They are located at 550 Capitol Street N.E., Suite 235, Salem, Oregon 97301-2552.

Enclosure

cc: Ron Rezek, Bruce Abeloe, Cate Hartzell



**BEFORE THE ASHLAND CITY COUNCIL
Jackson County, Oregon**

February 2, 2010

IN THE MATTER OF PLANNING ACTION #2009-00784, A REQUEST FOR)
ANNEXATION AND ZONING MAP CHANGE FROM JACKSON COUNTY RR-5)
(RURAL RESIDENTIAL) TO CITY OF ASHLAND E-1 (EMPLOYMENT) FOR) **FINDINGS,**
AN APPROXIMATELY 1.02 ACRE PROPERTY LOCATED AT 615) **CONCLUSIONS**
WASHINGTON STREET.) **AND ORDERS**
)

APPLICANTS: Ron Rezek

RECITALS:

- 1) Tax lot #200 of Map 39 1E 14 AC is located at 615 Washington Street and is zoned Jackson County Rural Residential (RR-5).
- 2) The applicant is requesting an Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. On September 29, 2009 the Planning Commission granted Site Review approval for the subsequent development of the property with a 17,650 square foot warehouse/light manufacturing building and its associated parking area and landscaping. The new warehouse/light manufacturing facility will serve the adjacent Modern Fan business at 709 Washington Street.
- 3) An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria described in 18.106.030 – Approval Standards:
 - A. The land is within the City's Urban Growth Boundary.
 - B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
 - C. The land is currently contiguous with the present City limits.
 - D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.

- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

And

- H. One or more of the following standards are met:
1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during

the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or

2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.

4) A Zoning Map Change may be approved if the proposed request conforms with the following approval criteria described in 18.108.060.B – Standards for Type III Planning Actions:

B. Standards for Type III Planning Actions.

1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G); or
 - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G).

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

5) The Ashland City Council, following proper public notice, held a public hearing on January 5th, 2010 at which time testimony was received and exhibits were presented. The City Council approved the application for Annexation and Zoning Map Change from Jackson County Rural Residential (RR-5) zoning to City of Ashland Employment (E-1) zoning subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The City Council finds that the proposed Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel meets the approval criteria for an Annexation and Zoning Map change as described in 18.108.

The property is located within the Urban Growth Boundary, immediately north of and contiguous to the existing City limits. The Comprehensive Plan designation for the site is Employment. The proposed E-1 zoning is consistent with that designation, and the proposed warehouse use is allowed within the E-1 zoning district.

2.3 The City Council finds that adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the

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waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property.

Specifically, the application proposes to utilize existing services within the right-of-way which already serve the existing Modern Fan building to the south. With two recent annexations in the immediate vicinity, for Oak Street Tank and Steel and Brammo Motorsports, utilities in this area have had recent upgrades and there are now eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way which the Public Works Department has determined are adequate to serve the proposed building. The applicant will coordinate with the Ashland Electric Department to develop a final electric service plan to transition the site's electrical service from current provider Pacific Power to Ashland's municipal electric utility.

The applicant's site plan details placement of a stormwater detention pipe near the front and side of the building and identifies surface drainage detention areas within the parking lot similar to the drainage facilities provided on the adjacent Modern Fan site to the south. Final engineered calculations demonstrating that post development peak flows will not exceed pre-development levels and an identification of any necessary water quality mitigation measures will be provided prior to development of the site. There is a mapped wetland located to the north, off of the subject property. While this wetland ends before reaching the subject property, it is fed by stormwater from the drainage along the subject property's Washington Street frontage. The Division of State Lands (DSL) has reviewed the proposal and determined that it appears to avoid impacts to state regulated wetlands and waters, however they have indicated that stormwater flows feeding the wetland must be maintained even if the existing roadside drainage is to be piped on the subject property's frontage.

The City Council finds that Washington Street is a commercial collector street, and that the City of Ashland Street Standards Handbook ultimately calls for ten-foot travel lanes, six-foot bike lanes, seven-foot parkrows, six-inch curbs and eight-foot sidewalks on both sides of the street, requiring a total minimum right-of-way width of 63 feet. The Council further finds that based on the submitted survey, it appears that there is currently only approximately 54 feet of right-of-way from the existing guard rail on the opposite side of Washington Street to the subject parcel's front property line. Beyond the guard rail topography drops steeply toward Interstate 5 and will not accommodate further street improvements. The Council finds that in order to accommodate the necessary "half-street" improvements to City street standards for a commercial collector street, approximately nine-feet of additional right-of-way needs to be dedicated. The Council finds that because the proposed building is set back approximately 40-feet from the front property line along Washington Street at its closest point, there is ample space available to accommodate the necessary right-of-way dedication without impacting the proposed site design.

The City Council finds that to satisfy annexation requirements, the applicant must provide for necessary transportation facilities to and through the subject property; transportation facilities must address vehicular, bicycle, pedestrian and transit transportation with at least a "half-street"

PA #2009-00784

February 2, 2010

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improvement consisting of a minimum of twenty feet of paving for motor vehicle travel lanes, with a six-foot bike lane, gutter, six-inch curb, seven-foot parkrow planting strip and eight foot sidewalk on the subject property's side of the street. Because the existing sidewalk installation to the south is installed at the curbside, sidewalk installation will also need to provide for a transition to allow the standard parkrow planting strip installation. The City Council further finds that based on the plan submittals provided with the application and the exhibits presented by staff during the hearing, that adequate transportation facilities can be provided to and through the subject property to meet City of Ashland street standards. However, the Council further finds that given the presence of an identified roadside emergent wetland on the adjacent property to the north and its connection to the drainage across the subject property's frontage, the proximity to the Oregon Department of Transportation's I-5 freeway right-of-way, and a significant drop-off between the existing Washington Street improvements and the freeway below, it is more appropriate that the street improvements in this vicinity be deferred in order to allow that they be comprehensively planned. The applicant will provide an estimate of the cost of the required half-street improvements along the property frontage post a cash deposit or similar approved security instrument to guarantee the street improvements will be installed once a comprehensive planning process for the area street system has been completed.

2.4 The City Council finds that the proposed lot will be zoned E-1 under the Comprehensive Plan, and that the applicant has obtained Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request. At its meeting of September 29, 2009, the Planning Commission granted of Site Review and Tree Removal permits for the construction of a 17,650 square foot warehouse/light manufacturing building and its associated parking area and landscaping. The new warehouse/light manufacturing facility will serve the adjacent Modern Fan business at 709 Washington Street. Site improvements are outlined in plans on file at the Department of Community Development.

2.5 The City Council finds that the proposed Annexation and Zoning Map Change implements a public need in providing sufficient lands for commercial and industrial uses to provide for the employment needs of the community, supported by Comprehensive Plan Policy VII-1 which states that, "*The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.*"

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the City Council concludes that the proposal for an Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2009-00784 with respect to the request for an Annexation and

Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2009-00784 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.96.
- 4) That the future conversion of any portion of the proposed warehouse space to office use shall require that the building entrance be brought to within 20 feet of the right-of-way in order to comply with Basic Site Review Standards (II-C-1a.2), or that an Administrative Variance to this standard be obtained.
- 5) That prior to the submittal of a building permit:
 - a) That a stormwater drainage plan, including details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside ditch to the north will be retained at their current levels to ensure the continuing recharge of the wetland on the property to the north.
 - b) A written estimate for the costs of installation of required commercial collector "half-street" improvements along the full Washington Street frontage of the subject property shall be provided for the review and approval of the City of Ashland's Planning and Engineering Departments prior to building permit submittal. Required improvements shall include a minimum of 20 feet of pavement to accommodate motor vehicle travel lanes, six-foot bicycle lane, six-inch curb, an irrigated seven-foot parkrow planting strip with street trees, eight foot sidewalks, and city standard streetlights on the west side of the right-of-way. However, final street improvement design and installation shall be deferred in order to comprehensively plan the street system taking into account the adjacent wetland and the proximity to the I-5 right-of-way. The applicant shall post a cash deposit with the City of Ashland or provide a similar approved security instrument to secure installation of street improvements along the property frontage. Additional land to accommodate the full 63 feet necessary to improve the right-of-way to city street

standards for a Commercial Collector Street shall be provided through a right-of-way dedication.

- c) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
 - d) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City's municipal electric utility and the necessary services to make this transition will need to be installed at the applicant's expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.
- 6) That prior to the issuance of a building permit:
- a) The applicant shall provide a Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist. This plan shall incorporate the recommendations of the Tree Commission's September 4th, 2009 meeting as conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, shall retain and incorporate the two Siberian Elms near the Washington Street right-of-way into the landscaping plan subject to the arborist's recommendation, and shall specifically address the condition of all existing trees including the Siberian Elm previously identified for removal, their ability to tolerate the proposed development, and any measures in addition to standard protection fencing which may be necessary to preserve and protect those trees which are to remain on the site.
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the eight trees to be removed from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit.

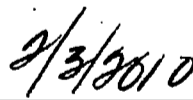
- c) The applicant shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within Oregon Department of Transportation right-of-way.
- d) That the property owner shall sign in favor of a local improvement district for future improvements to the intersection of Washington Street and Highway 66 including a traffic signal prior to issuance of a building permit.
- e) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised Landscape Plan shall include landscape detail for the ditch/swale area along the property's Washington Street frontage, shall include a walkway from the building entrance to the street, and shall identify the relocated trash enclosure on the north side of the building, near the west end of the parking area. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the ten trees to be removed, or alternatively may propose replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.
- f) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
- g) At the time of building plan submittal, the bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with 18.92.040.I.
- h) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
- i) That the buildings shall meet Solar Setback B in accordance with 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B.
- j) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that engineering be provided to ensure that the proposed footings for the "Modern Fan 2" building will not undermine the existing retaining wall for "Modern Fan 1", that necessary protection be provided for exterior wall openings, and that grade and turning radius requirements for forklift access between buildings be addressed.
- k) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that fire apparatus access be provided and necessary fire apparatus easements identified and recorded; that adequate

fire flow be provided and maintained; that fire sprinklers, hydrants, a Knox box, and/or an FDC be installed; and that an approved walkway to accommodate fire fighter access around and between both buildings be maintained, including an approved gate of at least three-feet in width if any fencing is installed between the two properties.

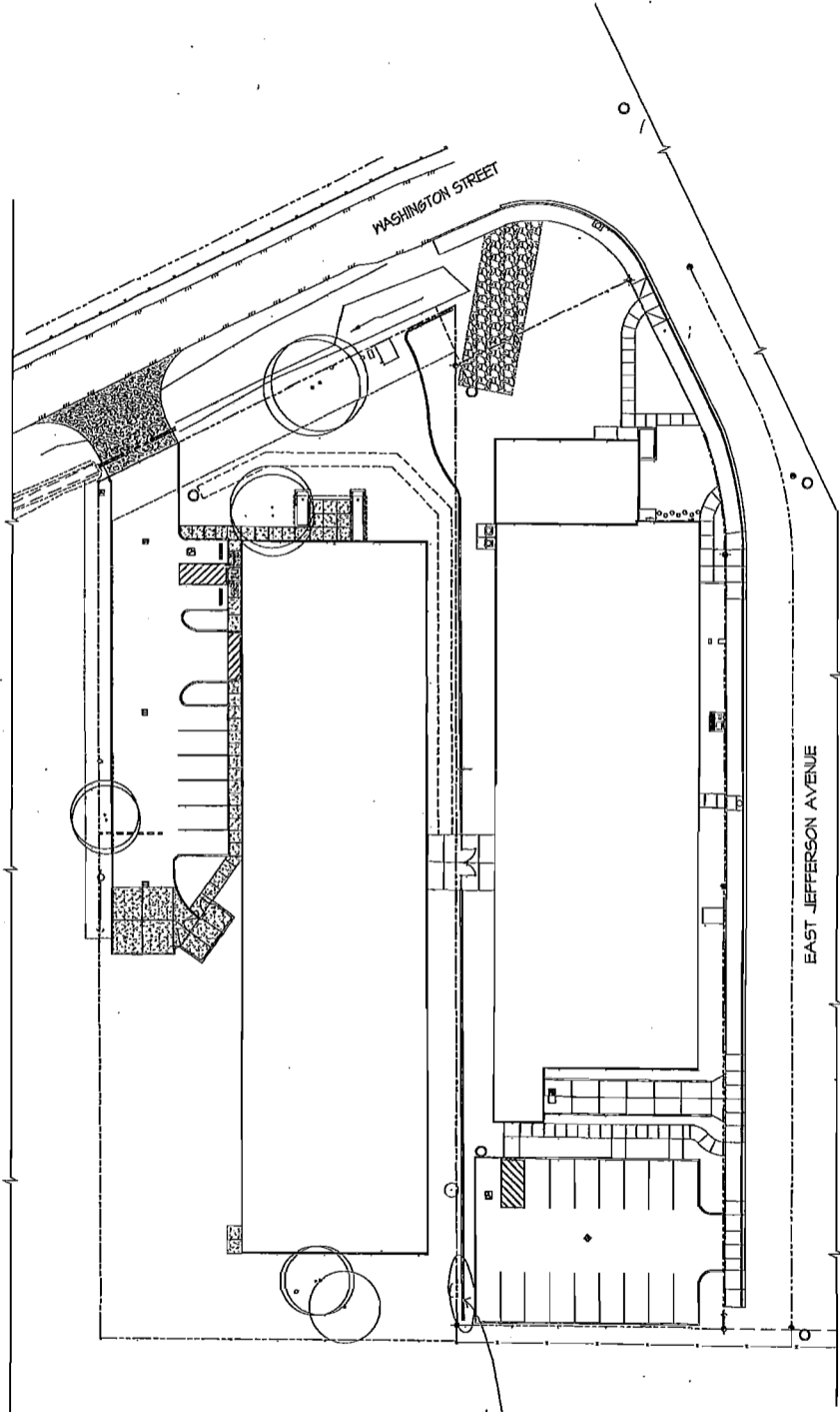
- l) A revised site plan detailing a phased parking installation shall be provided for the review and approval of the Staff Advisor. In the initial phase, parking to be installed for occupancy of the building would be limited to the six to eight spaces nearest Washington Street. The remaining 10-12 parking spaces in the northwestern portion of the site are to be reserved in landscaped area pending future installation in a second phase should the parking demand or the nature of the use change to necessitate their installation.
- 7) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards.
 - b) All required parking areas shall be paved and striped.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy. That at the time of planting and prior to the issuance of a final certificate of occupancy, not less than two inches of mulch shall be added in all non-turf landscaped areas in the developed area after the installation of living plant materials.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
 - e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.



John Stromberg, Mayor



Date



NEED TO DEVELOP
STREET FRONT PORCHES
(EMERGENCY ACCESS)

DATE: OCT 22 2009
DRAWN BY: ASHARD
CHECKED BY: GILIC
SCALE: 1/8" = 1'-0"



October 1, 2009

Ronald Rezak
709 Washington St
Ashland, OR 97520

RE: RE: Planning Action #2009-00784

Notice of Decision

At its meeting of September 15, 2009, based on the record of the public meetings and hearings on this matter, the Ashland Planning Commission recommended approval for your request for an annexation and zoning map change, and approved your site review and tree removal permit for the property located at 615 Washington Street -- Assessor's Map # 39 1E 14 AC; Tax Lot 200.

The Ashland Planning Commission approved and signed the Findings, Conclusions and Orders document, on September 29, 2009.

Approval is valid for a period of one year. Please review the attached findings and conditions of approval. The conditions of approval shall be met prior to project completion.

Copies of the Findings, Conclusions and Orders document, the application and all associated documents and evidence submitted, applicable criteria and standards are available for review at the Ashland Community Development Department, located at 51 Winburn Way.

This decision may be appealed to the Ashland City Council if a Notice of Appeal is filed within 13 days of the date this notice was mailed and with the required fee (\$304), in accordance with Chapter 18.108.110 (A) of the Ashland Municipal Code. The appeal may not be made directly to the Land Use Board of Appeals. The appeal shall be limited to the criteria listed in Chapter 18.108.110 of the Ashland Municipal Code, which is also attached.

If you have any questions regarding this decision, please contact the Community Development Department between the hours of 8:00 am and 4:30 pm, Monday through Friday at (541) 488-5305.



SECTION 18.108.110 Appeal to Council.

A. Appeals of Type II decisions - shall be initiated by a notice of appeal filed with the City Administrator. The standard Appeal Fee shall be required as part of the notice. All the appeal requirements of Section 18.108.110, including the appeal fee, must be fully met or the appeal will be considered by the city as jurisdictionally defective and will not be heard or considered.

1. The appeal shall be filed prior to the effective date of the decision of the Commission.
2. The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.
3. The notice of appeal, together with notice of the date, time and place to consider the appeal by the Council shall be mailed to the parties at least 20 days prior to the meeting.
4.
 - A. Except upon the election to re-open the record as set forth in subparagraph 4.B. below, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Planning Commission. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open; recorded testimony; (including DVDs when available), the executed decision of the Planning Commission, including the findings and conclusions. In addition, for purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.
 - B. The Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator together with the filing of the notice of appeal and the City Administrator determines prior to the City Council appeal hearing that the requesting party has demonstrated:
 - a. That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that reopening the record before the Council is the only means of correcting the error; or
 - b. That a factual error occurred before the Planning Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision; or
 - c. That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.



Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the City Council.

- C. Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten (10) minutes for the applicant, ten (10) for the appellant, if different, and three (3) minutes for any other Party who participated below. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be submitted no less than ten (10) days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the Notice of Appeal; similarly, oral argument shall be confined to the substance of the written argument.
- D. Upon review, and except when limited reopening of the record is allowed, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Commission and the parties to respond.
- E. The Council may affirm, reverse, modify or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal. Upon recommendation of the Administrator, the Council may elect to summarily remand the matter to the Planning Commission. If the City Council elects to remand a decision to the Planning Commission, either summarily or otherwise, the Planning Commission decision shall be the final decision of the City, unless the Council calls the matter up pursuant to Section 18.108.070.B.5 .
- F. Appeals may only be filed by parties to the planning action. "Parties" shall be defined as the following:
 - 1. The applicant.
 - 2. Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.
 - 3. Persons who were entitled to receive notice of the action but did not receive notice due to error.



BEFORE THE PLANNING COMMISSION
September 29th, 2009

IN THE MATTER OF PLANNING ACTION #2009-00784, A REQUEST FOR)
SITE REVIEW APPROVAL TO CONSTRUCT A 17,650 SQUARE FOOT)
WAREHOUSE/LIGHT MANUFACTURING BUILDING AND THE ASSOCIATED) **FINDINGS,**
LANDSCAPING AND PARKING AREAS FOR AN APPROXIMATELY 1.02) **CONCLUSIONS**
ACRE PROPERTY LOCATED AT 615 WASHINGTON STREET. A TREE) **AND ORDERS**
REMOVAL PERMIT IS ALSO REQUESTED TO REMOVE TEN TREES GREATER)
THAN SIX-INCHES IN DIAMETER-AT-BREAST-HEIGHT.)
)

APPLICANTS: Ron Rezek

RECITALS:

- 1) Tax lot #200 of Map 39 1E 14 AC is located at 615 Washington Street and is zoned Jackson County Rural Residential (RR-5).
- 2) The applicant is requesting Site Review approval to construct a 17,650 square foot warehouse/light manufacturing building and the associated parking areas and landscape installation for an approximately 1.02 acre parcel located at 615 Washington Street. The new warehouse/light manufacturing facility will serve the adjacent Modern Fan business at 709 Washington Street. A Tree Removal Permit is also requested to remove ten trees greater than six inches diameter at breast height or greater. Site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for Site Review approval are described in Chapter 18.72.070 as follows:
 - A. *All applicable City ordinances have been met or will be met by the proposed development.*
 - B. *All requirements of the Site Review Chapter have been met or will be met.*
 - C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
 - D. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord. 2836 S6, 1999)*
- 4) The criteria for a Tree Removal Permit are described in 18.61.080 as follows:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a

permit.

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

- 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
- 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

- 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
- 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
- 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.
The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.*
- 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

5) The Planning Commission, following proper public notice, held a public hearing on September 15th, 2009 at which time testimony was received and exhibits were presented. The Planning Commission approved the application for Site Review and Tree Removal to remove eight trees subject to conditions pertaining to the appropriate development of the site. In addition, the Planning Commission forwarded a recommendation to the Ashland City Council for approval of a requested Annexation and Zoning Map Change from Jackson County Rural Residential (RR-5) zoning to City of Ashland Employment (E-1) zoning.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Review approval to construct a 17,650 square foot warehouse/light manufacturing building and associated landscaping and parking, and a Tree Removal Permit to remove eight trees greater than six-inches in diameter-at-breast-height meets all applicable criteria for Site Review approval as described in Chapter 18.72 and for Tree Removal described in Chapter 18.61. The Planning Commission further finds that the proposed removal of the two Siberian Elms to accommodate street improvements along the Washington Street frontage is unnecessary with the deferral of street frontage improvements, and a condition has been added to require that they be retained subject to a favorable assessment by an arborist.

2.3 The Planning Commission finds that the proposal satisfies the approval requirements for Basic Site Review. All of the building square footage is proposed as warehouse/light manufacturing, which are permitted uses in the E-1 zone. The E-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district.

The proposed building height is approximately 24 feet, which is under the maximum building height of 40 feet in the E-1 zoning district. The proposal will result in 30 percent of the site being landscaped, which significantly exceeds the 15 percent minimum landscaping requirement for the E-1 zoning district.

The Commission further finds that the proposed building design provides a primary orientation to Washington Street, with a covered entry and walkway to the sidewalk. Parking is proposed to be located to the side of the building, and sidewalks, parking row planting strips and street trees are to be installed. A landscape plan has been provided; the existing trees that are to be preserved have been incorporated, and ample parking lot landscaping and a landscape area between the building and the street are identified.

The Planning Commission finds that Basic Site Review Standards II.C.1a.2) calls for building entrances to be located within 20 feet of the public right-of-way to which they are oriented; however the Site Design and Use Standards provide that this requirement may be waived if the building is not to be accessed by pedestrians, such as warehouses or industrial buildings without attached office space. The Commission finds that the building's entrance is proposed to be placed approximately 57 feet from the right-of-way (after necessary right-of-way dedication) however the building is proposed to be limited to warehouse/light industrial use and the requirement may therefore be waived. With this waiver, the proposed building and site design comply with the applicable Basic Site Review Standards. However, the Commission finds that future conversion of any portion of the proposed warehouse space to office use, as the application suggests may ultimately occur, would require either that the building entrance be brought to within 20 feet of the right-of-way with an addition to comply with the standard, or that an Administrative Variance to this standard be obtained. A condition to this effect has been included below.

The Planning Commission finds that while the application indicates that 18 parking spaces are required to serve 17,650 square feet of warehouse use based on a warehouse standard parking requirement of one parking space per 1,000 square feet and has identified 18 parking spaces to be provided on site, the nature of the proposed use is to provide additional light manufacturing space to supplement the existing Modern Fan business on the adjacent property. The Commission finds that no commensurate increase in the number of employees is proposed, and that there is no on-site retail component to the business. The Commission therefore finds that calculating the parking requirements based on an industrial standard, which requires one space per two employees on the largest shift, plus one space per company vehicle, is a more appropriate basis for determining required parking for the proposal. Based on this calculation and the ten to twelve employees of the business, no more than six to eight parking spaces would be required. The Commission further finds that this level of parking demand has been confirmed through on-site observations of the existing Modern Fan business by Commissioners and staff and confirmed by the applicant.

The Commission further finds that the Off-Street Parking Chapter (AMC 18.92) limits parking provided to no more than ten percent above what is required for the use. This limitation avoids an auto-centric focus in development, while reducing the overall amount of paving installed, thus reducing the heat-island effect of summer sunlight reflecting off of asphalt while also allowing precipitation to be absorbed directly into the ground rather than creating excessive run-off and the associated water quality impacts. The Commission finds that parking proposed is significantly more than necessary for the assembly and distribution use proposed, and should be reduced to include only eight spaces nearest Washington Street. A condition to this effect has been included to require a revised site plan reflecting a phased installation of the site's parking, with the remaining parking area currently identified to be instead reserved in landscaped area to allow future installation of the additional spaces should the demand or the nature of the use in place change.

The Planning Commission finds that there have been two recent annexations in the immediate vicinity, for Oak Street Tank and Steel and Brammo Motorsports, and that as a result utilities in this area have had recent upgrades. The Commission finds that there are eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way which the Public Works Department has determined are adequate to serve the proposed building. The Commission further finds that with annexation, the property will need to be served by Ashland's municipal electric utility, and a condition of approval has been added below to require that the applicant coordinate this service transition with the Ashland Electric Department and develop an electric service plan.

The Commission finds that the site plan provided details placement of a stormwater detention pipe near the front and side of the building and identifies preliminary surface drainage detention areas within the parking lot, however engineered calculations demonstrating that post development peak flows will not exceed pre-development levels, and water quality mitigation measures have not been provided. The Commission further finds that there is a mapped wetland located to the north, off of the subject property. While this wetland appears to end before it reaches the subject property, it is fed by stormwater drainage from the ditch along the subject property's Washington Street frontage. Based on review by the Division of State Lands (DSL), it has been determined that the proposal appears to avoid impacts to state regulated wetlands and waters, however DSL has indicated that stormwater flows feeding this wetland need to be maintained even if the existing roadside ditch were to be piped on the subject property. A condition of approval has been included below to require a final storm drainage plan incorporating the necessary water quality, retention, and wetland flow maintenance requirements for the approval of the City and the Oregon Department of Transportation prior to building permit submittals.

The Planning Commission finds that to satisfy annexation requirements, the applicant must provide for necessary transportation facilities to and through the subject property; transportation facilities must address vehicular, bicycle, pedestrian and transit transportation with at least a "half-street" improvement consisting of a minimum of twenty feet of paving for motor vehicle

travel lanes, with a six-foot bike lane, gutter, six-inch curb, seven-foot parkrow planting strip and eight foot sidewalk on the subject property's side of the street. Because the existing sidewalk installation to the south is installed at the curbside, sidewalk installation will also need to provide for a transition to allow the standard parkrow planting strip installation.

The Planning Commission finds that Washington Street is a commercial collector street, and that the City of Ashland Street Standards Handbook ultimately calls for ten-foot travel lanes, six-foot bike lanes, seven-foot parkrows, six-inch curbs and eight-foot sidewalks on both sides of the street, requiring a total minimum right-of-way width of 63 feet. The Commission further finds that based on the submitted survey, it appears that there is currently only approximately 54 feet of right-of-way from the guard rail on the opposite side of Washington Street to the subject parcel's front property line. Beyond the guard rail topography drops steeply toward Interstate 5 and will not accommodate further street improvements. The Commission finds that in order to accommodate the necessary "half-street" improvements to City street standards for a commercial collector street, approximately nine-feet of additional right-of-way needs to be dedicated. The Commission finds that because the proposed building is set back approximately 40-feet from the front property line along Washington Street at its closest point, there is ample space available to accommodate the necessary right-of-way dedication without impacting the proposed site design, and a condition requiring the necessary right-of-way dedication has been included below.

The Planning Commission finds that based on the plan submittals provided with the application and the exhibits presented by staff during the hearing, that adequate transportation facilities can be provided to and through the subject property to meet City of Ashland street standards. However, the Commission further finds that given the presence of an identified roadside emergent wetland on the adjacent property to the north and its connection to the drainage ditch across the subject property's frontage, the proximity to the Oregon Department of Transportation's I-5 freeway right-of-way, and a significant drop-off between the existing Washington Street improvements and the freeway below, it is more appropriate that the street improvements in this vicinity be deferred in order to allow that they be comprehensively planned. As such, a condition has been added to require that the applicant provide an estimate of the cost of the required street improvements along the property frontage and that a cash deposit or similar approved security instrument be provided to guarantee their installation will occur once a comprehensive planning process for the area street system has been completed.

2.4 The Planning Commission finds that a total of 17 trees which are six-inches in diameter-at-breast-height (d.b.h.) or greater have been identified on or near the subject property. Of these 17 trees, ten trees located either within or immediately adjacent to the proposed building envelope or in locations that would be impacted by street improvements have been proposed for removal. The remaining seven trees are proposed to be preserved and protected during construction, and have been incorporated into the landscape plan submitted.

The Planning Commission finds that the two Siberian Elms identified for removal along the frontage to accommodate street improvements are a natural feature of the drainage which feeds

the wetland on the adjacent property to the north, and that these trees no longer need to be removed with the deferral of the street improvements. A condition has been included that these two trees be retained and incorporated into the landscape plan, subject to a favorable assessment of their condition by an arborist.

The Planning Commission finds that the remaining eight tree removals are proposed in order to permit the application to be consistent with applicable Land Use Ordinance requirements and Site Design and Use Standards and will not adversely impact erosion, soil stability, flow of surface waters, protection of adjacent trees, existing windbreaks, tree density, canopy or species diversity in the vicinity.

The Planning Commission further finds that the three Oaks to be retained at the rear of the proposed building are very close to the proposed construction, and the application merely notes that they will be considered during excavation. Given their proximity to the proposed construction and the fact that no recommendations from an arborist have been provided, a condition has been added to require that an arborist's recommendations be obtained and incorporated into a revised Tree Preservation and Protection Plan to include any additional necessary protective measures which would ensure these trees' on-going viability.

The Planning Commission finds that only seven new trees are identified for planting on the landscape plans provided, in addition to the required parkrow trees. These include four Chinese Pistache, two Armstrong Maples, and one Sunset Maple. Because the Tree Preservation and Protection Ordinance (AMC 18.61) requires a one for one mitigation of the trees removed, a condition has been included to require that all required mitigation trees be identified in a revised landscaping plan, or that the applicant provide for replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Review approval to construct a 17,650 square foot warehouse/light manufacturing building and associated parking areas and landscape installation, and a Tree Removal Permit to remove eight trees six-inches in diameter-at-breast-height or greater is supported by evidence contained within the whole record. The Commission further concludes that the proposed removal of two Siberian Elm trees to accommodate street improvements along the subject property's Washington Street frontage is no longer necessary with the deferral of these improvements.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2009-00784. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2009-00784 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.

- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.96.
- 4) That the future conversion of any portion of the proposed warehouse space to office use shall require that the building entrance be brought to within 20 feet of the right-of-way in order to comply with Basic Site Review Standards (II-C-1a.2), or that an Administrative Variance to this standard be obtained.
- 5) That prior to the submittal of a building permit:
 - a) That a stormwater drainage plan, including details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside ditch to the north will be retained at their current levels to ensure the continuing recharge of the wetland on the property to the north.
 - b) A written estimate for the costs of installation of required commercial collector "half-street" improvements along the full Washington Street frontage of the subject property shall be provided for the review and approval of the City of Ashland's Planning and Engineering Departments prior to building permit submittal. Required improvements shall include a minimum of 20 feet of pavement to accommodate motor vehicle travel lanes, six-foot bicycle lane, six-inch curb, an irrigated seven-foot parkrow planting strip with street trees, eight foot sidewalks, and city standard streetlights on the west side of the right-of-way. However, final street improvement design and installation shall be deferred in order to comprehensively plan the street system taking into account the adjacent wetland and the proximity to the I-5 right-of-way. The applicant shall post a cash deposit with the City of Ashland or provide a similar approved security instrument to secure installation of street improvements along the property frontage. Additional land to accommodate the full 63 feet necessary to improve the right-of-way to city street standards for a Commercial Collector Street shall be provided through a right-of-way dedication.
 - c) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the

pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.

- d) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City's municipal electric utility and the necessary services to make this transition will need to be installed at the applicant's expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.

- 6) That prior to the issuance of a building permit:

- a) The applicant shall provide a Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist. This plan shall incorporate the recommendations of the Tree Commission's September 4th, 2009 meeting as conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, shall retain and incorporate the two Siberian Elms near the Washington Street right-of-way into the landscaping plan subject to the arborist's recommendation, and shall specifically address the condition of all existing trees including the Siberian Elm previously identified for removal, their ability to tolerate the proposed development, and any measures in addition to standard protection fencing which may be necessary to preserve and protect those trees which are to remain on the site.
- b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the eight trees to be removed from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit.
- c) The applicant shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within Oregon Department of Transportation right-of-way.
- d) That the property owner shall sign in favor of a local improvement district for future improvements to the intersection of Washington Street and Highway 66 including a traffic signal prior to issuance of a building permit.

- e) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised Landscape Plan shall include landscape detail for the ditch/swale area along the property's Washington Street frontage, shall include a walkway from the building entrance to the street, and shall identify the relocated trash enclosure on the north side of the building, near the west end of the parking area. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the ten trees to be removed, or alternatively may propose replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.
- f) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
- g) At the time of building plan submittal, the bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with 18.92.040.I.
- h) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
- i) That the buildings shall meet Solar Setback B in accordance with 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B.
- j) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that engineering be provided to ensure that the proposed footings for the "Modern Fan 2" building will not undermine the existing retaining wall for "Modern Fan 1", that necessary protection be provided for exterior wall openings, and that grade and turning radius requirements for forklift access between buildings be addressed.
- k) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that fire apparatus access be provided and necessary fire apparatus easements identified and recorded; that adequate fire flow be provided and maintained; that fire sprinklers, hydrants, a Knox box, and/or an FDC be installed; and that an approved walkway to accommodate fire fighter access around and between both buildings be maintained, including an approved gate of at least three-feet in width if any fencing is installed between the two properties.

- l) A revised site plan detailing a phased parking installation shall be provided for the review and approval of the Staff Advisor. In the initial phase, parking to be installed for occupancy of the building would be limited to the six to eight spaces nearest Washington Street. The remaining 10-12 parking spaces in the northwestern portion of the site are to be reserved in landscaped area pending future installation in a second phase should the parking demand or the nature of the use change to necessitate their installation.
- 7) That prior to the issuance of a certificate of occupancy:
 - a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards.
 - b) All required parking areas shall be paved and striped.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy. That at the time of planting and prior to the issuance of a final certificate of occupancy, not less than two inches of mulch shall be added in all non-turf landscaped areas in the developed area after the installation of living plant materials.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
 - e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.

Pam Maush

Planning Commission Approval

9.29.09

Date

**ASHLAND PLANNING DIVISION
STAFF REPORT
September 15, 2009**

PLANNING ACTION: PA-2009-00784

APPLICANT: Ron Rezek

LOCATION: 615 Washington Street

COMPREHENSIVE PLAN DESIGNATION: Employment

APPLICATION DEEMED COMPLETE: September 8, 2009

120-DAY TIME LIMIT: January 6, 2010

ORDINANCE REFERENCE:	18.40	E-1 Employment District
	18.61	Tree Preservation and Protection
	18.72	Site Design and Use Standards
	18.92	Off-Street Parking
	18.106	Annexations
	18.108.060	Type III Procedures

REQUEST: A request for Annexation and Zoning Map change from Jackson County zoning RR-5 (Rural Residential) to City of Ashland zoning E-1 (Employment) for an approximately 1.02-acre parcel located at 615 Washington Street. The application is for a warehouse/light manufacturing facility to serve the adjacent Modern Fan business at 709 Washington Street. The application includes a request for Site Review approval to construct a 17,650 square foot warehouse/light manufacturing building and the associated parking areas and landscape installation. A Tree Removal Permit is requested to remove ten trees greater than six inches diameter at breast height or greater.

I. Relevant Facts

A. Background - History of Application

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

The subject property site is 1.02 acres and is located at 615 Washington Street in southeast Ashland, near the intersection of Washington Street and East Jefferson Avenue. The property is vacant and is immediately to the north of the existing Modern Fan building located at 709 Washington Street. Washington Street is paved along the subject property's frontage with a narrow gravel shoulder and an overgrown roadside ditch to convey stormwater. The subject property's frontage lacks curbs, gutters, sidewalks and parkrows.

There are curbs, gutters, and curbside sidewalks in place along the frontages of the Modern Fan site located immediately to the south, at the corner of Washington Street and East Jefferson Avenue. The Interstate 5 corridor is located to the east of the property, on the other side of Washington Street. To the west of the property are the parcels which were approved for annexation into the City in 2006 for the Brammo Motorsports facility, to the south is the property which was annexed into the City in 1999 for Oak Street Tank and Steel, and to the north is a 5.38 acre parcel located in the County and zoned Rural Residential RR-5 and containing an agricultural building and a single-wide manufactured home.

The subject property is currently vacant, and is generally flat with the exception of the open ditch along its Washington Street frontage. There is an approximate six-foot drop from the existing Modern Fan building site down to the subject property, and a block retaining wall is in place between the two properties. Natural features on the site are limited to native grasses and trees. The application materials provided identify 17 deciduous trees six-inches in diameter at breast height (d.b.h.) or greater spread around the site. The property immediately to the north contains a wetland, identified as "W11" in the recently adopted wetlands inventory. This is a roadside emergent wetland dominated by meadow foxtail, with lesser amounts of blue wildrye, birdsfoot-trefoil and catchweed bedstraw. While not deemed to be locally significant in the inventory, this wetland is connected to the Knoll Creek drainage by the roadside drainage ditch at its downstream end.

1. Annexation and Rezoning

The applicant is proposing to annex the subject property into the City. The property would need to be rezoned from its current County zoning of Rural Residential (RR-5) to City Employment (E-1) zoning. This is consistent with the Comprehensive Plan's designation of the property for Employment zoning.

2. Site Review

The proposal includes the construction of a 17,650 square foot warehouse/light manufacture building to serve the existing Modern Fan business at 709 Washington. The proposed building is similar in design to the Modern Fan facility. The building is oriented toward Washington Street and is approximately 24 feet tall on the street facing elevation. Clerestory windows run the length of the north and south sides of the building. A loading ramp and door is proposed to connect the new building with the existing building on the south side. 18 automobile parking spaces are proposed to be provided along the north side of the building, and bicycle parking is to be provided with three spaces at the covered entry and two additional spaces in the interior of the building.

The exterior building materials include metal siding, a split face concrete block base, metal roofing and aluminum doors and windows. The colors of the exterior building materials are grays, light green and oxide red window frames and gutters, similar to the existing Modern Fan building.

3. Tree Removal

Ten of the subject property's 17 trees are proposed to be removed as part of the application. Two existing trees, identified as eight-inch d.b.h. deciduous species will be retained at the front of the building near Washington Street, two trees identified as nine-inch d.b.h. deciduous species will be retained along the north property line, and three 12-15 inch d.b.h. Oaks at the rear of the property, near the back of the proposed building, will also be retained.

Seven new trees are identified for planting on the landscape plans provided, in addition to the required parkrow trees. These include four Chinese Pistache, two Armstrong Maples, and one Sunset Maple.

II. Project Impact

The application includes a request for Annexation of 1.02 acres. The project requires Site Review approval since it involves the construction of a new building in the E-1 zoning district. A Tree Removal Permit is required to remove ten trees greater than six-inches diameter-at-breast-height. Annexation procedures require a public hearing before the Planning Commission, as well as the City Council. The Planning Commission has the authority to make the final decision with respect to the Site Review approval and the Tree Removal permits, and a separate motion will be needed with respect to forwarding a recommendation to the City Council to address the Annexation request.

A. Annexation and Rezoning

The approval standards for an Annexation require that the subject property be located within the City's Urban Growth Boundary, that the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation, that the proposal be for an allowed use within the proposed zoning district, and that the land be currently contiguous with the present City limits. In this instance, the subject property is located within the Urban Growth Boundary, immediately north of and contiguous to the existing City limits. The Comprehensive Plan designation for the site is Employment. The proposed E-1 zoning is consistent with that designation, and the proposed warehouse use is allowed within the district.

Annexation standards also require that for lots which are to be zoned E-1 under the Comprehensive Plan, the applicant must obtain Site Review approval for an outright permitted or special permitted use concurrently with the annexation request. The application includes a request for Site Review approval to construct a warehouse/light manufacture building for the assembly and distribution of fans which satisfies this requirement.

Adequacy of Public Facilities

Annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property. As submitted, the application submittals do not

specifically address the adequacy of existing or proposed utilities other than to note that the applicant proposes to utilize existing services within the right-of-way which already serve the existing Modern Fan building to the south. In reviewing the proposal, staff noted that there have been two recent annexations in the immediate vicinity, for Oak Street Tank and Steel and Brammo Motorsports, and as a result utilities in this area have had recent upgrades. There are now eight-inch water and sanitary sewer lines in place within the Washington Street right-of-way which the Public Works Department has determined are adequate to serve the proposed building. The applicant will need to coordinate with the Ashland Electric Department to develop an electric service plan, as the submitted plans show the lot continuing to be served by Pacific Power when it will need to be served by Ashland's municipal electric utility when annexed into the City. A condition to this effect is recommended below.

The applicant will also need to submit a final storm drainage plan showing that water quality and retention requirements of the City and the Oregon Department of Transportation will be met by the proposed development. As submitted, the site plan details placement of a stormwater detention pipe near the front and side of the building and identifies preliminary surface drainage detention areas within the parking lot, however engineered calculations demonstrating that post development peak flows will not exceed pre-development levels, and water quality mitigation measures need to be provided. As noted above, there is a mapped wetland located to the north, off of the subject property. While this wetland appears to end before it reaches the subject property, it is fed by stormwater drainage from the ditch along Washington Street. Based on review by the Division of State Lands (DSL), it has been determined that the proposal appears to avoid impacts to state regulated wetlands and waters, however DSL has indicated that stormwater flows feeding this wetland need to be maintained even if the existing roadside ditch is to be piped on the subject property. A condition of approval has been recommended below to require a storm drainage plan incorporating the necessary water quality, retention, and wetland flow maintenance requirements prior to building permit submittals.

Adequacy of Transportation Facilities

Annexations must also provide necessary transportation facilities to and through the subject property; transportation facilities must address vehicular, bicycle, pedestrian and transit transportation. To satisfy this requirement, at least a "half-street" improvement must be installed, consisting of a minimum of twenty feet of paving for motor vehicle travel lanes, with a six-foot bike lane, gutter, six-inch curb, seven-foot parkrow planting strip and eight foot sidewalk on the subject property's side of the street. Because the existing sidewalk installation to the south is installed at the curbside, the sidewalk installation will also need to provide for a transition to allow the standard parkrow planting strip installation.

Washington Street is a commercial collector street. The City of Ashland Street Standards handbook ultimately calls for ten-foot travel lanes, six-foot bike lanes, seven-foot parkrows, six-inch curbs and eight-foot sidewalks on both sides of the street, requiring a total minimum right-of-way width of 63 feet. Based on the submitted survey, it appears that there is currently only approximately 54 feet of right-of-way from the guard rail on the opposite side of Washington Street to the subject parcel's front property line; beyond the guard rail

topography drops steeply toward Interstate 5 and will not accommodate further street improvements. In order to accommodate the necessary “half-street” improvements to City street standards for a commercial collector street, approximately nine-feet of additional right-of-way needs to be dedicated. The proposed building is set back approximately 40-feet from the front property line along Washington Street at its closest point, so there appears to be ample space available to accommodate the necessary right-of-way dedication without impacting the proposed site design.

B. Site Review

Requirements of the Employment Zoning District

All of the building square footage is proposed as warehouse/light manufacturing, which are permitted uses in the E-1 zone. The E-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district. In this case, because the property abuts residentially zoned land within the County to the north, a ten foot side yard setback along the north property line is required. As proposed, the building design satisfies this requirement. The proposed building height is approximately 24 feet, which is under the maximum building height of 40 feet in the E-1 zoning district. The proposal will result in 30 percent of the site being landscaped, which significantly exceeds the 15 percent minimum landscaping requirement for the E-1 zoning district.

Site Design and Use Standards

The subject property is located within the Basic Site Review Zone. The proposed building design provides a primary orientation to Washington Street, with a covered entry and walkway to the sidewalk. Parking is proposed to be located to the side of the building, and sidewalks, parking row planting strips and street trees are to be installed. A landscape plan has been provided; the existing trees that are to be preserved have been incorporated, and ample parking lot landscaping and a landscape area between the building and the street are identified.

Basic Site Review Standards (II.C.1a.2) call for building entrances to be located within 20 feet of the public right-of-way to which they are oriented; however the Site Design and Use Standards provide that this requirement may be waived if the building is not to be accessed by pedestrians, such as warehouses or industrial buildings without attached office space. In this instance, the building’s entrance is proposed to be placed approximately 57 feet from the right-of-way (after the necessary right-of-way dedication) however the building is proposed to be limited to warehouse/light industrial use and the requirement may therefore be waived. With this waiver, the proposed building and site design comply with the applicable Basic Site Review Standards. The future conversion of any portion of the proposed warehouse space to office use, as the application suggests may ultimately occur, would however require either that the building entrance be brought to within 20 feet of the right-of-way with an addition to comply with the standard, or that an Administrative Variance to this standard be obtained.

Parking

The materials submitted note that based on 17,650 square feet of warehouse use, 18 parking spaces are required at the warehouse standard of one parking space per 1,000 square feet, and 18 parking spaces have been identified on the site plan provided. In visiting the site on a number of occasions and recently discussing parking on site with the applicant, staff have noted and the applicant has confirmed that the 18 parking spaces serving the existing Modern Fan building are significantly underutilized with typically no more than four spaces in use at any time. Given the nature of the proposed use and the fact that the new building area is to provide additional warehouse/light manufacturing space to supplement an existing business without a commensurate increase in the number of employees and no on-site retail component, staff believe that calculating the parking requirements based on an industrial standard may be more appropriate. This would determine the required parking based on one space per two employees on the largest shift, plus one space per company vehicle and would require no more than six to eight parking spaces to serve the building's ten to twelve employees.

As noted in the Site Design and Use Standards, “[b]ecause parking areas are usually large in size to accommodate cars and trucks they are insensitive to the human scale. Additionally, noise, light, heat, and exhaust odors are commonly associated with parking areas. The ill effects associated with parking areas can be mitigated through good design and well placed landscaping.” These concerns are the underlying basis for Ashland’s parking lot landscaping and screening requirements, and at least part of the reason for the Off-Street Parking Chapter (AMC 18.92) limitations which cap parking provided at no more than ten percent above what is required for the use. This limitation avoids an auto-centric focus in development, while reducing the overall amount of paving installed, thus reducing the heat-island effect of summer sunlight reflecting off of asphalt while also allowing precipitation to be absorbed directly into the ground rather than creating excessive run-off and the associated water quality impacts. In staff’s view, the parking proposed is significantly more than necessary for the assembly and distribution use proposed, and should be reduced to include only the six to eight spaces nearest Washington Street. The remaining parking area currently identified could be reserved in landscaped area to allow a phased future installation of the additional spaces should the demand or the nature of the use in place change. A condition requiring a revised site plan reflecting this phased installation for the site’s parking is recommended below.

C. Tree Removal

Ten of the 17 trees greater than six-inches in diameter identified on the subject property have been proposed for removal with the application. The remaining seven trees are proposed to be preserved and protected during construction, and have been incorporated into the landscape plan submitted. All ten of the trees proposed for removal are within the proposed building’s footprint or would be impacted by street improvements on Washington Street, and in staff’s view the finding can be made that these removals are proposed in order to permit the application to be consistent with applicable Land Use Ordinance requirements and Site Design and Use Standards and will not adversely impact erosion, soil stability, flow of

surface waters, protection of adjacent trees, existing windbreaks, tree density, canopy or species diversity in the vicinity.

Seven new trees are identified for planting on the landscape plans provided, in addition to the required parkrow trees. These include four Chinese Pistache, two Armstrong Maples, and one Sunset Maple. Because the Tree Preservation and Protection Ordinance (AMC 18.61) requires a one for one mitigation of the trees removed, a condition has been recommended below to require that at least three additional mitigation trees be identified in a revised landscaping plan, or that the applicant provide for replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.

In considering the application, staff noted that the three Oaks to be retained at the rear of the proposed building are very close to the proposed construction, and the application merely notes that they will be considered during excavation. Given their proximity to the proposed construction and the fact that no recommendations from an arborist have been provided, staff have recommended that an arborist's recommendations be obtained and incorporated into a revised Tree Preservation and Protection Plan to include any additional necessary protective measures which would ensure these trees' ongoing viability.

In their review of the application on September 4th, the Tree Commission recommended that all staking for newly planted trees be removed within a year of planting (which they noted had not been done on the existing Modern Fan site). While not reflected in their recommendation, the Tree Commission also discussed the type and condition of the existing trees on site at some length, noting that some of the trees may be in poor condition or species with little tolerance for construction disturbance. The Tree Commission discussion concluded in support of staff's proposed condition that an arborist report was needed to assess the trees' species, condition, and suitability for retention in proximity to construction.

III. Procedural - Required Burden of Proof

The criteria for Annexation approval for a property to be zoned E-1 are described in 18.106.030 as follows:

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

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public

Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.

- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

and

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

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more

intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or

2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.

The criteria for Site Review approval are described in 18.72.070 as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080, as follows:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage

alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

The application includes a request for Annexation of 1.02 acres, and requires Site Review approval since it involves the construction of a new building in the E-1 zoning district. A Tree Removal Permit is required to remove ten trees greater than six-inches diameter-at-breast-height. Annexation procedures require a public hearing before the Planning Commission, as well as the City Council. The Planning Commission has the authority to make the final decision with respect to the Site Review approval and the Tree Removal permits, and a separate motion will be needed with respect to forwarding a recommendation to the City Council with regard to the Annexation request.

Staff believe the proposed building design is appropriate for the area's employment and light manufacturing designation, will complement the existing Modern Fan building, and is consistent with the City's Basic Site Review Standards. The materials proposed reflect a utilitarian design comprised of metal roofing and siding and split-faced concrete masonry unit blocks appropriate to the zoning district, however the proposal effectively executes these materials to create an attractive building which relates well to its surroundings, as evidenced by the recently constructed, and similarly designed, Modern Fan building. The generous number of clerestory windows provided will supply natural light to the interior spaces, while adding variation to the exterior.

Staff are supportive of the application to annex the property and expand the existing Modern Fan business with the construction of the new 17,650 square foot warehouse/light manufacturing building. The requested annexation complies with the applicable approval standards, and the annexation/rezoning is consistent with the Comprehensive Plan designation of the property and with the Economy Goal of the Comprehensive Plan which strives for a healthy economy, diverse in the number, size and types of businesses – Modern Fan is a locally-owned internationally-known business that currently employs ten people and projects an annual growth of ten percent.

Staff has raised a few issues in the body of this report, including the need to provide a final utility and drainage plan which address on-site detention and water quality requirements while preserving flows to the wetland on the property to the north, to dedicate additional right of way to accommodate required street frontage improvements, and to reduce the amount of parking initially provided through a phased parking installation. Overall, however, we believe that the application merits approval and that these issues can be satisfactorily addressed through conditions of approval. We accordingly recommend approval of the application with the following conditions attached:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. Signage shall meet the requirements of Chapter 18.96.
- 4) That the future conversion of any portion of the proposed warehouse space to office use shall require that the building entrance be brought to within 20 feet of the right-of-way in order to comply with Basic Site Review Standards (II-C-1a.2), or that an Administrative Variance to this standard be obtained.

- 5) That prior to the submittal of a building permit:
- a) That a stormwater drainage plan, including details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. The drainage plan shall also demonstrate that stormwater flows into the existing roadside ditch to the north will be retained at their current levels to ensure the continuing recharge of the wetland on the property to the north.
 - b) Engineered construction drawings for the required “half-street” improvements along the full Washington Street frontage of the subject property shall be provided for the review and approval of the Oregon Department of Transportation and the City of Ashland’s Planning and Engineering Departments prior to building permit submittal and prior to any work within the street right-of-way or pedestrian corridor. Required improvements shall include a minimum of 20 feet of pavement to accommodate motor vehicle travel lanes and six-foot bicycle lane, six-inch curb, seven-foot parkrow planting strip with irrigated street trees, eight foot sidewalks, and city standard streetlights on the west side of the right-of-way. The final engineered designs shall include details of the transition from the existing curbside sidewalk south of the property to a standard parkrow planting strip installation between the curb and sidewalk along the subject property’s frontage. Additional land to accommodate the full 63 feet necessary to improve the right-of-way to city street standards for a Commercial Collector Street shall be provided through a right-of-way dedication.
 - c) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
 - d) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the City’s municipal electric utility and the necessary services to make this transition will need to be installed at the applicant’s expense. This plan shall be reviewed and approved by the Planning, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.

- 6) That prior to the issuance of a building permit:
- a) The applicant shall provide a Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist. This plan shall incorporate the recommendations of the Tree Commission's September 4th, 2009 meeting as conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, and shall specifically address the condition of all existing trees, their ability to tolerate the proposed development, and any measures in addition to standard protection fencing which may be necessary to preserve and protect those trees which are to remain on the site.
 - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the ten trees to be removed from the site, and prior to site work, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit.
 - c) The applicant shall provide evidence of permit approval, including copies of all approved plans, for all work to be done within Oregon Department of Transportation right-of-way.
 - d) That the property owner shall sign in favor of a local improvement district for future improvements to Washington Street and for future improvements to the intersection of Washington Street and Highway 66 including a traffic signal prior to issuance of a building permit.
 - e) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the ten trees to be removed, or alternatively may propose replanting off-site or payment in lieu of planting as provided in AMC 18.61.084.
 - f) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
 - g) At the time of building plan submittal, the bike rack details and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with 18.92.040.I.

- h) Mechanical equipment shall be screened from view from Washington Street. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
 - i) That the buildings shall meet Solar Setback B in accordance with 18.70.040.B. The building permit submittals shall demonstrate compliance with Solar Setback B.
 - j) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that engineering be provided to ensure that the proposed footings for the “Modern Fan 2” building will not undermine the existing retaining wall for “Modern Fan 1”, that necessary protection be provided for exterior wall openings, and that grade and turning radius requirements for forklift access between buildings be addressed.
 - k) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that fire apparatus access be provided and necessary fire apparatus easements identified and recorded; that adequate fire flow be provided and maintained; that fire sprinklers, hydrants, a Knox box, and/or an FDC be installed; and that an approved walkway to accommodate fire fighter access around and between both buildings be maintained, including an approved gate of at least three-feet in width if any fencing is installed between the two properties.
 - l) A revised site plan detailing a phased parking installation shall be provided for the review and approval of the Staff Advisor. In the initial phase, parking to be installed for occupancy of the building would be limited to the six to eight spaces nearest Washington Street. The remaining 10-12 parking spaces in the northwestern portion of the site are to be reserved in landscaped area pending future installation in a second phase should the parking demand or the nature of the use change to necessitate their installation.
- 7) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards.
 - b) All required parking areas shall be paved and striped.
 - c) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy. That at the time of planting and prior to the issuance of a final certificate of occupancy, not less than two inches of mulch shall be added in all non-turf landscaped areas in the developed area after the installation of living plant materials.
 - d) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All

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

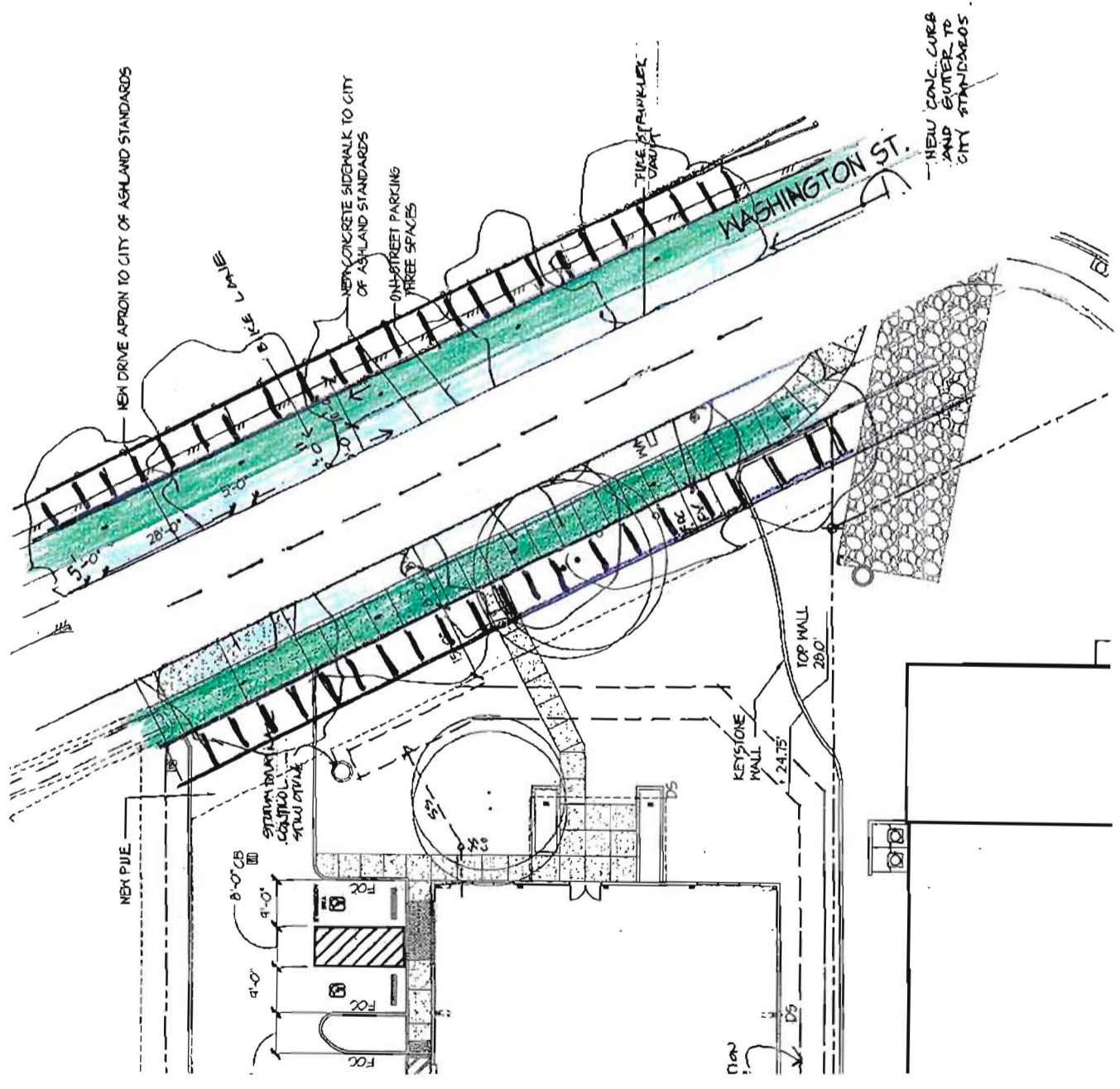
- e) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy.

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 EMA
 (541)
 (541)

MODERN FAN II

NEW FIRE MOUNTAIN
 CATCH BASIN
 NEW WATER MOUNTAIN

FM
 CB
 DM



**TALENT IRRIGATION DISTRICT
LAND USE AGENCY RESPONSE FORM**

104 Valley View Avenue
P.O. Box 467
Talent OR 97540

Phone: 541-535-1529
Fax: 541-535-4108
Email: tid@talentid.org

NAME OF ENTITY REQUESTING RESPONSE: CITY OF ASHLAND PLANNING DEPARTMENT
ENTITY REFERENCE NUMBER: 2009-00784
MEETING REVIEW DATE: SEPTEMBER 15, 2009
MAP DESCRIPTION: 39-1E-14AC TL 200
PROPERTY ADDRESS: 615 WASHINGTON ST. ASHLAND, OR 97520

NO COMMENT ON LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

A. WATER RIGHT ISSUES

- 1. Water rights need to be sold to someone or transferred back to Talent Irrigation District. Number of Irrigated Acres: _____
Comments: _____
- 2. Must have District approval for water rights to remain in place on subject property.
Comments: _____

B. EASEMENTS

DISTRICT EASEMENTS

- 1. Easement needs to remain clear. No permanent structures or deep rooted plants will be allowed within the easement limits.
Comments: _____
- 2. If facility is to be relocated or modified, specifications must meet the District's standards and be agreeable to the District. A new written and recorded easement must be conveyed to the District.
Comments: _____
- 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.
Comments: _____

PRIVATE EASEMENTS

- 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.
Comments: _____

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS

- 1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.
Comments: _____

WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS

- 1. If the water right on this property is a transferred water right that currently has a water meter requirement, then each of the properties split off of the original parcel all need to have water meters installed prior to the use of irrigation water on the newly formed parcels.
Comments: _____

C. FACILITIES (including but not limited to pipelines, ditches, canals, control checks or boxes)

- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.
Comments: _____


D. DRAINAGE / STORM WATER

- The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run off water and take appropriate action to protect the development from upslope water.)
Comments: _____

GENERAL COMMENTS:

- 1. No interruptions to irrigation water deliveries will be allowed.
- 2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
- 3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form from the District before approval of the final plat.



 Jim Pendleton
 Manager
 Talent Irrigation District

Date Signed: September 11, 2009

WETLAND LAND USE NOTIFICATION FORM

(this form is to be completed only by planning department staff for mapped wetlands/waterways)

RECEIVED

DEPARTMENT OF STATE LANDS WETLANDS PROGRAM

West side of Cascades, send to: 775 Summer Street NE, Suite 100; Salem, OR 97301-1279; (503) 378-3805

East side of Cascades, send to: 1645 NE Forbes Rd., Suite 112 Bend, OR 97701; (541) 388-6112

DEPARTMENT OF STATE LANDS

1. County: Jackson Local Case File #: PA2009-00784
City: Ashland DSL File #: WN 2009-0171 (completed by DSL Staff)
Responsible Jurisdiction: [X] City [] County DSL Project #: 50438 (completed by DSL Staff)

2. APPLICANT: Ron Rezek LANDOWNER: Ron Rezek
name name
709 Washington Street 709 Washington Street
mailing address mailing address
Ashland, OR 97520 Ashland, OR 97520
city, state zip city, state zip
(541) 944-9748 (541) 944-9748
phone phone

3. LOCATION
T 39S R 1E S 14 1/4 AC Tax Lot(s) 200
Address (street/city) 615 Washington Street
NWI quad map name Ashland

4. ATTACHMENTS
Attach all the following (with site marked): • LWI / NWI Map (if no LWI map) • Parcel Map • Site Plan (if any)
If applicable attach: [] Other

5. SITE INFORMATION
LWI/NWI Wetland Classification Codes(s)
Adjacent Waterway (if any) none Zoning RR-5, Rural Residential, Jackson
County zoning, (City zoning will be E-1, Employment)

6. PROPOSED ACTIVITY
[X] site plan approval [] subdivision [X] Other Annexation
[X] grading permit [] planned unit development
[] conditional use permit [X] building permit (new structures)
Project Description Annexation of a lot into the City and construction of a new commercial building

Completed by/Contact Angela Barry Date 7/14/2009 E-Mail barrya@ashland.or.us
Address 20 East Main St., Ashland, OR 97520 Phone: (541) 552-2052

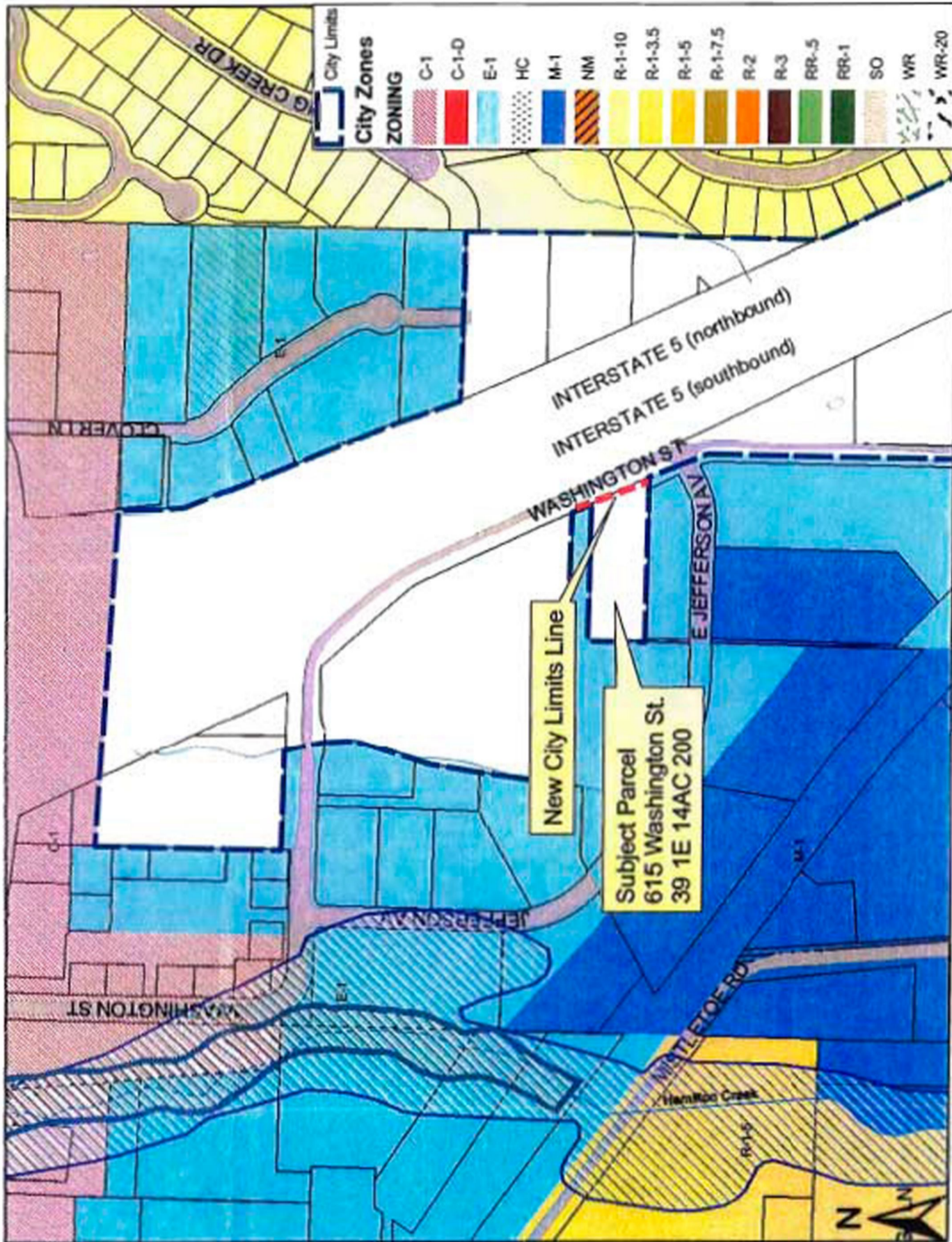
DSL RESPONSE

[] A removal-fill permit is required from the Department of State Lands
[] A removal-fill permit will be required when the development project proceeds
[] A removal-fill permit may be required
[] A permit may be required by the Corps of Engineers (503-808-4373)
[] Information needed includes:
[] A wetland determination/delineation report
[] State Permit # [] was issued [] has been applied for
[X] No removal-fill permit is required for the described project it because: based on submitted site plan and conversation with Angela Barry, it appears that the proposed "Modern Farm II" building envelope, avoid impacts to state regulated wetlands and waters.
Comments: and waters.

JUL 31 2009

[] On-Site Visit By: Date:
Response completed by: Caroline Stinson Date: 07-27-09

* If the project is changed to involve fill or removal from the wetlands area, a state removal-fill permit will be required.



Zone/Change and Annexation - Findings

6/15/09

Project: Modern Fan Company Expansion
Owner: Ron Rezek
709 Washington St.
Ashland, Oregon 97520
541 482 8545

6/15/09

JUN 17 2009

Site address: 615 Washington St, Lot 2500, Tax Parcel 1-011702-5
Comprehensive Plan Designation: Employment

To whom it may concern:

I am requesting that the City of Ashland approve annexation for the development of a distribution warehouse and associated offices on lot #2500. The lot in question is located at the south end of Ashland adjacent to the I-5 freeway in an Economic Employment District.

Existing building built 2006 - new building to match in design and materials



This parcel is currently county RR-55. The parcel is bordered by Washington Street & Interstate Five right-of-way on the East & property in the City of Ashland at the North, West and South. The land is contiguous with the present city limits. The property will change from county RR-5 to E-1 zoning (Ashland). The land is within the Urban Growth Boundary.

1. Adequate transportation

1.1 Washington Street is designated a collector. The only access available to the site is from Washington Street. When the project secures a building permit, Washington St., adjacent to the parcel's frontage, will be improved to collector standards (see site review drawings, sheet AS101). This project is designed for auto and delivery truck traffic. Large trucks would be unloaded using the existing Modern Fan I's loading dock. This project will have a minimum traffic impact.

The new Washington Street improvements include a bicycle lane, the site has a bicycle parking. Transit service is currently not available to the pedestrian link at the entry to the Washington St. sidewalk.

2. Adequate City Services

2.1 Water, sanitary sewer, storm drains and power are adequate at the property frontage. We will use the same public utilities as for the existing project, Modern Fan I.

3. In a E-1 zone the applicant will obtain site review approval with the annexation request. The site review documents are attached.

Usage:

I am the majority owner of The Modern Fan Company, an Oregon corporation located in Ashland for twelve years. The company currently occupies 709 Washington St, a building we built on the lot that abuts 615 Washington St. The company is growing and projects the need for additional warehouse space within 24-36 months. When we build, I plan on holding title as an individual and leasing the building to the company.

The Modern Fan Company is a design and marketing company. I design the contemporary ceiling fans and the company distributes them worldwide from our Ashland location. The fans are produced by a large manufacturer in Taiwan/China. The company imports them to our warehouse where we inspect them, add accessories and forward them to our customers. We are a wholesale company with no show-room or on-site sales activities.

The company did \$7,000,000 in sales in 2008 and we expect to grow about 10% per year. In addition to myself, the company employs a manager, four office personnel and four warehouse people. There are a total of ten full time employees.

The current traffic load consists of a UPS and Federal Express truck every day and a few miscellaneous deliveries throughout the week. We generally ship out about 200 boxes a day. All containers will be unloaded at our existing dock at 709 Washington.

Because of the long lead-time required to produce and import the products we require a fairly large inventory. The inventory consists of all metal ceiling fans packed in cardboard boxes. There will be no machinery other than a forklift and a few hand tools.

JUN 17 2009

Building:

After annexation, I would like to apply for approval to construct a building covering 18,000 square feet of open warehouse. Our plan is to replicate the building we now have with less office space. We would use the same builder and architect and incorporate the distinctive rolled roof line and clearstory windows we have in our current building

The company will require two shipping doors and a inventory transfer door adjacent to the existing building.

Topography:

The lot in question is fairly flat, drainage would be directed to the east or street side in the development. There is an existing unimproved drainage ditch at the front of the lot. The land has been tested by a soils engineer and has been found to be free of ground water or other impediments to building.

There is an approximately six foot elevation change between the two lots, as shown below

Landscape:

There is currently no landscaping and only some junk trees on the property. The plan proposes a low-water consumption landscape covering 27.6% of the finished project. The parking and loading areas will comprise 34.4% of the coverage. There is room for a water retention plan within this landscape area.

Trees will be planned to shield and shade the side parking lot. An automatic watering system will be incorporated in the landscape plan.

EM. 11. D

JUN 17 2009

City of ...

BRUCE H. ABELOE, ARCHITECT, A.I.A.

ARCHITECTURE

PLANNING

SUSTAINABLE DESIGN

SITE REVIEW – FINDINGS OF FACT

A. All applicable City ordinances have been met or will be met by the proposed development.

Finding: The development has met all applicable land use ordinances (setbacks, etc.), building code requirements, fire code requirements and public works requirements.

B. All requirements of the Site Review Chapter 18.72, have been met or will be met.

Findings:

1. 18.72 – Meets E-1 zoning district permitted uses.
18.40.020.E. Lighting manufacturing.
2. 18.72 – 18.92.020 Parking Required.
See sheet G001 – Project Information.
3. 18.92.040 Bicycle Parking – See sheet G001 – Project Information.
4. All yard setbacks have been met.
5. 18.72.115 Recycling Requirements – Facility provided adjacent to the building.
6. Vehicle Traffic – Only automobiles and small to medium trucks are allowed on this site. Large trucks will access Modern Fan I only.
7. The project has 10'-0" wide frontage landscape area per ordinance – Section II-C-1b of the Site Design and Use Standards.
8. Building ground coverage requirement has been met – See sheet G001 – Project Information.

C. The development complies with the Site Design Standards adopted by the City Council for implementation of this chapter.

Findings:

- 1) Section II, A – Ordinance Landscaping Requirements (page 13) E-1 requirement is 15%, the development exceeds this requirement. See sheet G001 – Project Information.
- 2) Section II, C – Commercial Employment and Industrial Development, "Basic Site Review Standards", pages 17-19

II-C-1a Orientation and Scale. The building has its

1. Primary Orientation to Washington Street. The building entrance is facing Washington Street and is connected to the public sidewalk.
3. These requirements may be waived if the building is not accessed by pedestrians, such as warehousing and industrial buildings without attached offices and automotive service stations. This development supports Modern Fan I with additional warehousing space. This development does not have offices and is not open to the public.

AUG 17 2009

BRUCE H. ABELOE, ARCHITECT, A.I.A.

ARCHITECTURE

PLANNING

SUSTAINABLE DESIGN

II-C-1b) Streetscape. We have one street tree for each 30 feet of frontage (see sheet L101, Landscape Plan). The street tree species was determined at the Modern Fan I project.

II-C-1c) Landscaping

1. The landscape plan is designed to meet this coverage requirement.
2. This requirement is met.
3. This requirement is met.
4. This development will have an automatic irrigation system.
5. Yes. See Tree Removal Plan

II-C-1d) Parking

1. This development's parking is located at the side of the building.
2. The parking area is screened from adjacent uses and shaded by deciduous trees.

II-C-1e) Not Applicable.

II-C-1f) Noise and Glare.

Since this is a warehouse / distribution building. Noise is not an issue. The exterior lighting is located at the building.

II-C-1g) Not Applicable.

3) Parking Lot Landscaping and Screening Standards.

1. II-D-1 Screening at Required Yards.

We have a hedge at front yard screening, the start of the parking area.

II-D-2 Screening Abutting Property Lines.

We have incorporated a five foot wide landscape strip (screening) at the parking area. See the Site Plan and Landscape Plan.

II-D-3 Landscape Standards.

1. 7% of parking area requirement has been met. See sheet G001 – Project Information. We have one tree per seven parking spaces.
- 2., 3, 4 and 5. These requirements have been met. See Landscape Plan.

II-D-4 Not Applicable

II-D-5 Hedge Screening – Has been met.

II-D-6

Refuse area is screened. See Site Plan.

AUG 17 2009

4) E. Street Tree Standards – Have been met.

BRUCE H. ABELOE, ARCHITECT, A.I.A.

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D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage and adequate transportation can and will be provided to and through the subject property. All improvements in the street right of way shall comply with the Street Standards in Chapter 18.88.

Findings: This parcel is part of an economic light industrial subdivision. The utilities were developed as part of developing the subdivision. Just as there are adequate services for Modern Fan I, - there are adequate services for Modern Fan II, we plan to have on-site detention for the development storm drainage.

Washington Street is a commercial neighborhood collector. Currently Washington Street is part of the Federal Highway right of way. David Plyes, ODOT, met with the design team and communicated with the City of Ashland Public Works Department.

The existing sixty foot right of way is more than adequate for the required collector standard requirements without requiring additional right of way.

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TREE REMOVAL – FINDINGS OF FACT

Findings:

1. The trees to be removed as indicated at the Tree Removal Plan, are “not a hazard”- these trees are being removed in order to permit the application to be consistent with other applicable land use ordinances requirements and standards.
2. Tree removal will not impact erosion control, protection of adjacent trees and /or existing wind breaks.
3. Tree removal will not have any impact on tree densities, sizes, canopies, and species within 200 feet of the subject property.
4. Permit is required

11/17/09

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ANNEXATION – FINDINGS OF FACT.
CRITERIA IN 18.106.030

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

Finding: This development is within Ashland's Urban Growth Boundaries.

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

Finding: The properties surrounding this parcel are already annexed. Their zoning is E-1. This parcel will be E-1 as designated at the Comprehensive Plan Map. The proposed development meets the permitted use requirements.

C. The land is currently contiguous with the present city limits.

Finding: Yes.

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

Finding: There isn't a moratorium in effect. Modern Fan II has access to the same services as Modern Fan I.

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

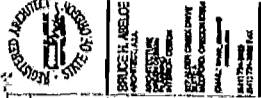
1. Vehicular Transportation – Findings. This project will be required to improve Washington Street to a half street standard at its frontage.
2. Bicycle transportation – Findings. This project will develop a bike lane on Washington Street at the frontage. As a quasi-industrial area with only partially developed public streets – bicycle facilities will have to develop in the future.
3. Pedestrian Transportation – Findings. This project will install a seven foot wide public sidewalk at the project frontage. The frontage sidewalk will connect to the Modern Fan I existing public sidewalk. To the north the nearest public sidewalk is over a half mile away.
4. Transit Transportation – Findings. Transit service is currently not provided and not likely to be extended to this site in the near future.

F. Residential Applications – Not Applicable.

RECEIVED

AUG 17 2009

JUN 11 2009



THE MODERN FAN COMPANY
NEW FACILITY FOR
MILLVILLE, MICHIGAN

DATE	11/11/08
BY	BA
CHECKED BY	BA
SCALE	AS SHOWN
PROJECT	THE MODERN FAN COMPANY
SHEET NO.	AS102

REFER NOTES - EXTERIOR ELEVATIONS

1. REFER TO ARCHITECTURAL NOTES FOR MATERIALS AND FINISHES.

2. REFER TO ARCHITECTURAL NOTES FOR WINDOW AND DOOR SCHEDULES.

3. REFER TO ARCHITECTURAL NOTES FOR ROOFING AND CLADDING.

4. REFER TO ARCHITECTURAL NOTES FOR SIGNAGE AND LETTERING.

5. REFER TO ARCHITECTURAL NOTES FOR LIGHTING FIXTURES.

6. REFER TO ARCHITECTURAL NOTES FOR PAINT SCHEDULES.

7. REFER TO ARCHITECTURAL NOTES FOR FLOORING AND WALL FINISHES.

8. REFER TO ARCHITECTURAL NOTES FOR MECHANICAL AND ELECTRICAL SYSTEMS.

9. REFER TO ARCHITECTURAL NOTES FOR LANDSCAPE ARCHITECTURE.

10. REFER TO ARCHITECTURAL NOTES FOR SPECIALTY GLASS AND PARTITIONS.

11. REFER TO ARCHITECTURAL NOTES FOR INTERIORS AND PARTITIONS.

12. REFER TO ARCHITECTURAL NOTES FOR EXTERIOR LIGHTING.

13. REFER TO ARCHITECTURAL NOTES FOR SIGNAGE AND LETTERING.

14. REFER TO ARCHITECTURAL NOTES FOR FLOORING AND WALL FINISHES.

15. REFER TO ARCHITECTURAL NOTES FOR MECHANICAL AND ELECTRICAL SYSTEMS.

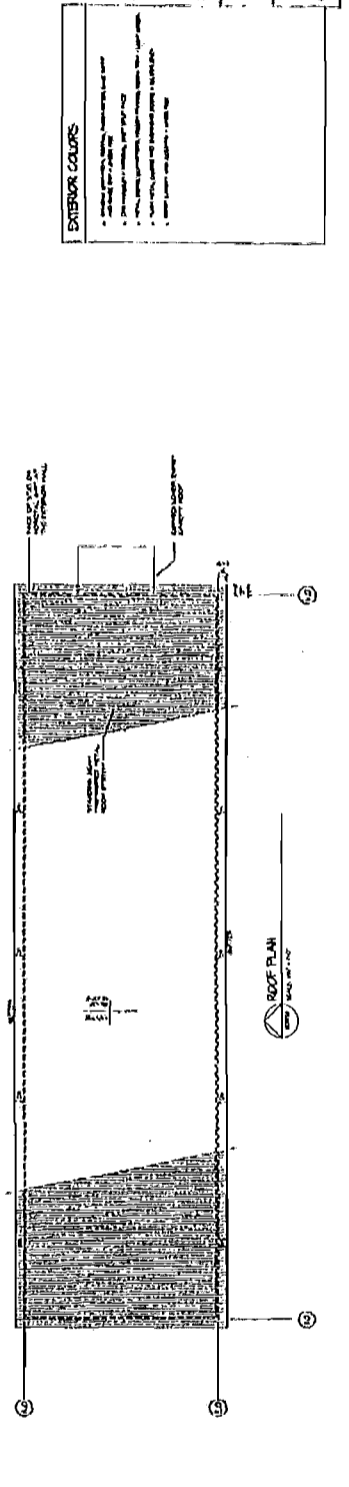
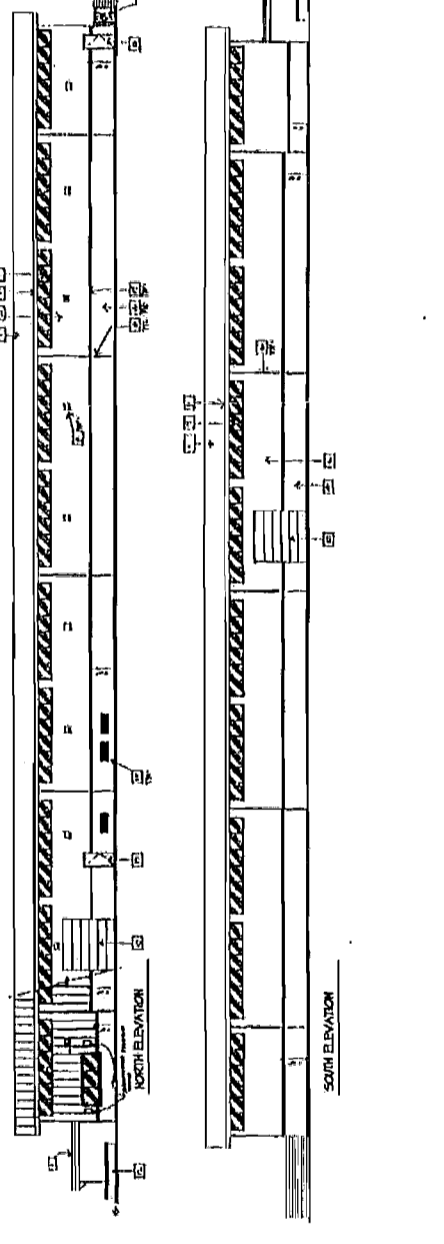
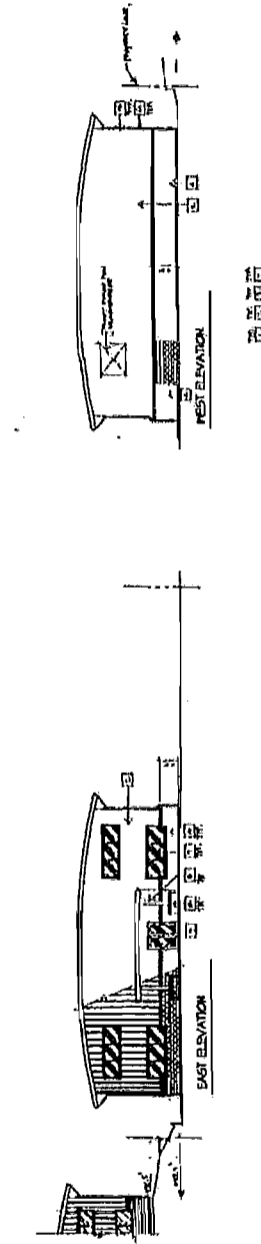
16. REFER TO ARCHITECTURAL NOTES FOR LANDSCAPE ARCHITECTURE.

17. REFER TO ARCHITECTURAL NOTES FOR SPECIALTY GLASS AND PARTITIONS.

18. REFER TO ARCHITECTURAL NOTES FOR INTERIORS AND PARTITIONS.

19. REFER TO ARCHITECTURAL NOTES FOR EXTERIOR LIGHTING.

20. REFER TO ARCHITECTURAL NOTES FOR SIGNAGE AND LETTERING.



AS102

ROOF PLAN
EXTERIOR ELEVATIONS

EXTERIOR COLORS

1. REFER TO ARCHITECTURAL NOTES FOR MATERIALS AND FINISHES.

2. REFER TO ARCHITECTURAL NOTES FOR WINDOW AND DOOR SCHEDULES.

3. REFER TO ARCHITECTURAL NOTES FOR ROOFING AND CLADDING.

4. REFER TO ARCHITECTURAL NOTES FOR SIGNAGE AND LETTERING.

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6. REFER TO ARCHITECTURAL NOTES FOR PAINT SCHEDULES.

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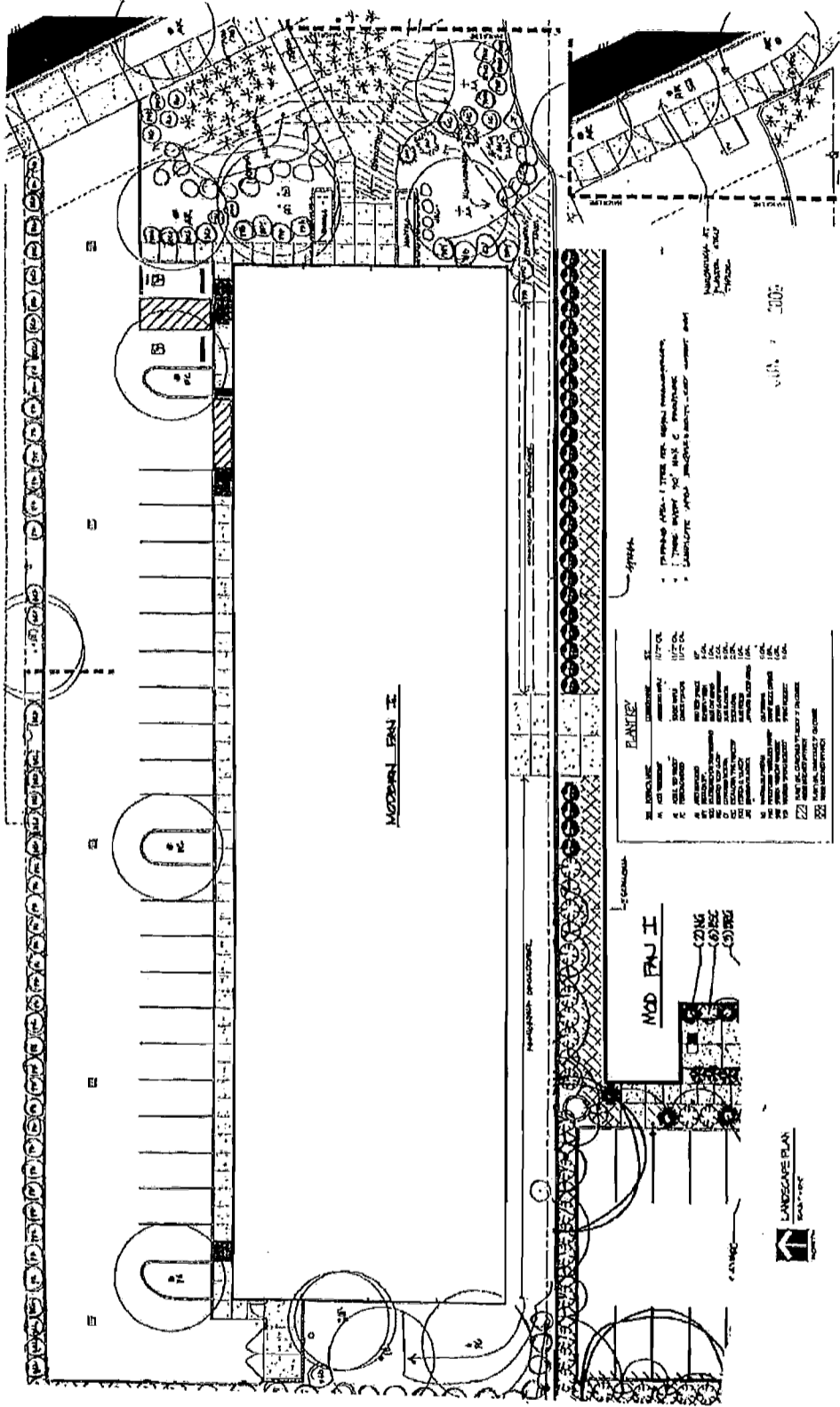
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19. REFER TO ARCHITECTURAL NOTES FOR EXTERIOR LIGHTING.

20. REFER TO ARCHITECTURAL NOTES FOR SIGNAGE AND LETTERING.



DATE: 10/1/00
 SHEET: L101

LANDSCAPE PLAN

MODERN FAN II
 NEW FACILITY FOR
 THE MODERN FAN COMPANY
 410 INDEPENDENT STREET
 ASHLAND, OHIO

DATE	10/1/00
BY	...
CHECKED BY	...
SCALE	1/4" = 1'-0"

ERUDE ARCHITECT, A.P.C.
 ARCHITECTS, DESIGNERS AND
 PLANNERS
 10000 WOODLAND AVENUE
 CLEVELAND, OHIO 44130
 (216) 771-1100

LANDSCAPE PLAN
 10/1/00

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**CITY OF
ASHLAND**
COMMUNITY DEVELOPMENT & ENGINEERING SERVICES
51 WINBURN WAY
ASHLAND, OR 97520

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SALEM, OREGON 97301-2540

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