



Oregon

Theodore R. Kulongoski, 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

January 12, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 26, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Amy Anderson, City Of Ashland

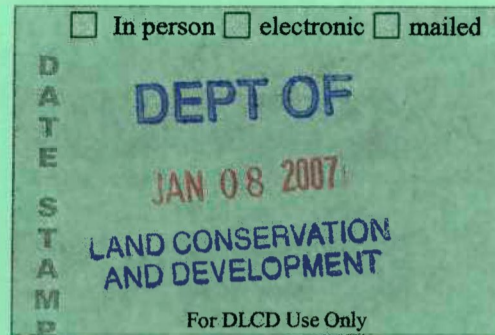
<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Ashland**

Local file number: **PA 2004-00141**

Date of Adoption: **8/2/2006**

Date Mailed: **1/3/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No**Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

APPROVAL OF ANNEXATION, COMPREHENSIVE PLAN AND ZONE MAP CHANGE FOR A 117-UNIT DEVELOPMENT

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

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

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

to: **Low Density Residential R-2**

Location: **380 Clay St. (39 1e 11c Tax Lot# 2500)**

Acres Involved: **10**

Specify Density: Previous: **1 unit per ac.**

New: **13.5 units per ac.**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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 # 001-06 (14984)

DLCD file No. _____

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

Local Contact: **Amy Anderson**

Phone: **(541) 552-2044** Extension:

Address: **20 East Main St.**

Fax Number: **541-552-2050**

City: **Ashland**

Zip: **97520-**

E-mail Address: **andersona@ashland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) 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**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

Jackson County Official Records 2006-046899
R-OR
Cnt=1 Stn=3 MORGANS 08/15/2006 11:20:07 AM
\$15.00 \$5.00 \$11.00 Total:\$31.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

ORDINANCE NO. 2928

AN ORDINANCE WITHDRAWING AN ANNEXED AREA FROM
JACKSON COUNTY FIRE DISTRICT NO. 5 (Cochran ANNEXATION, 380
CLAY STREET)

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 222.524 a public hearing was held on March 21, 2006, at 7 p.m., in the Council Chambers, Civic Center, 1175 East Main Street, Ashland, Oregon, on the question of annexation and withdrawal of this property from Jackson County Fire District No. 5.

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


SECTION 1. The land described in the attached Exhibit "A" is declared to be annexed to the City of Ashland.

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

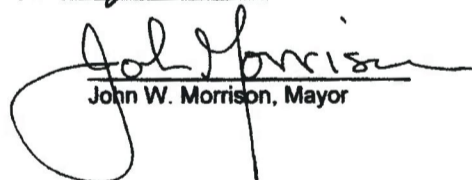
The foregoing ordinance was first read in accordance with Article X, Section

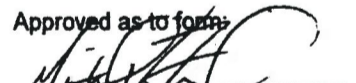
2a of the City Charter on the 18 day of June, 2006, and duly PASSED and

ADOPTED this 1 day of August, 2006.


Barbara Christensen, City Recorder

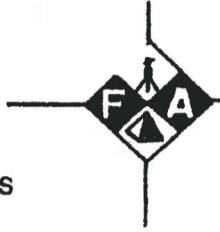
SIGNED and APPROVED this 2 day of August, 2006.


John W. Morrison, Mayor

Approved as to form:

Michael W. Fanell, City Attorney

TELEPHONE
541-772-2782

JAMES E HIBBS, PLS



L. J. FRIAR AND ASSOCIATES, P. C.
CONSULTING LAND SURVEYORS

816 WEST 8TH STREET
MEDFORD, OREGON 97501

EXHIBIT "A"

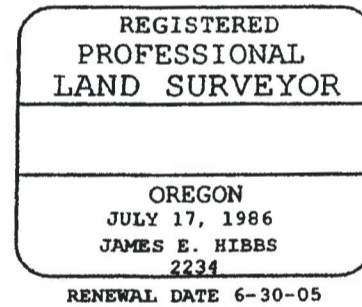
FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Northwest corner of Parcel 1 per Partition Plat No. P-10-2002, according to the official plat thereof, now of record, in Volume 13, Page 10 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 17218 in the Office of the Jackson County Surveyor; thence along the North line thereof, South 89°52'59" East, 429.35 feet to the Northeast corner of Parcel 3 of said Partition Plat; thence along that certain Boundary Agreement Line recorded as Document No. 75-15343, Official Records of Jackson County, Oregon, North 89°17'32" East, 211.94 feet to the Northeast corner of said Agreement line; thence along that certain Boundary Agreement Line recorded as Document No. 86-19955, said Official Records, North 00°17'57" West, 653.04 feet; thence North 89°36'10" West, 636.98 feet to the East line of Clay Street; thence continue North 89°36'10" West, 60.00 feet to the West line of said Clay Street; thence along said West line, South 00°04'41" West, 659.48 feet; thence South 89°52'59" East, 60.00 feet to the point of beginning. Containing 10.55 acres, more or less.

TRACT TO BE ANNEXED
391E11C TL2500 & CLAY STREET R/W
Andy Cochrane
04-206
October 5, 2004



RECEIVED
MAY 16 2005
City of Ashland

RECEIVED

SURVEY FOR:
THE CITY OF ASTORIA, OREGON
CITY OF ASTORIA
COMMUNITY DEVELOPMENT
PROJECT: 2004-2005

FEB 16 2006

City of Astoria
Community Development

MAP OF SURVEY
OF PROPERTY TO BE ANNEXED
Located in the S.W. 1/4 of Section 22, T.30N., R.12E., W.1N.
Astoria, Clatsop County, Oregon
(P.L.M. 2004-140)

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BASES OF MEASUREMENTS

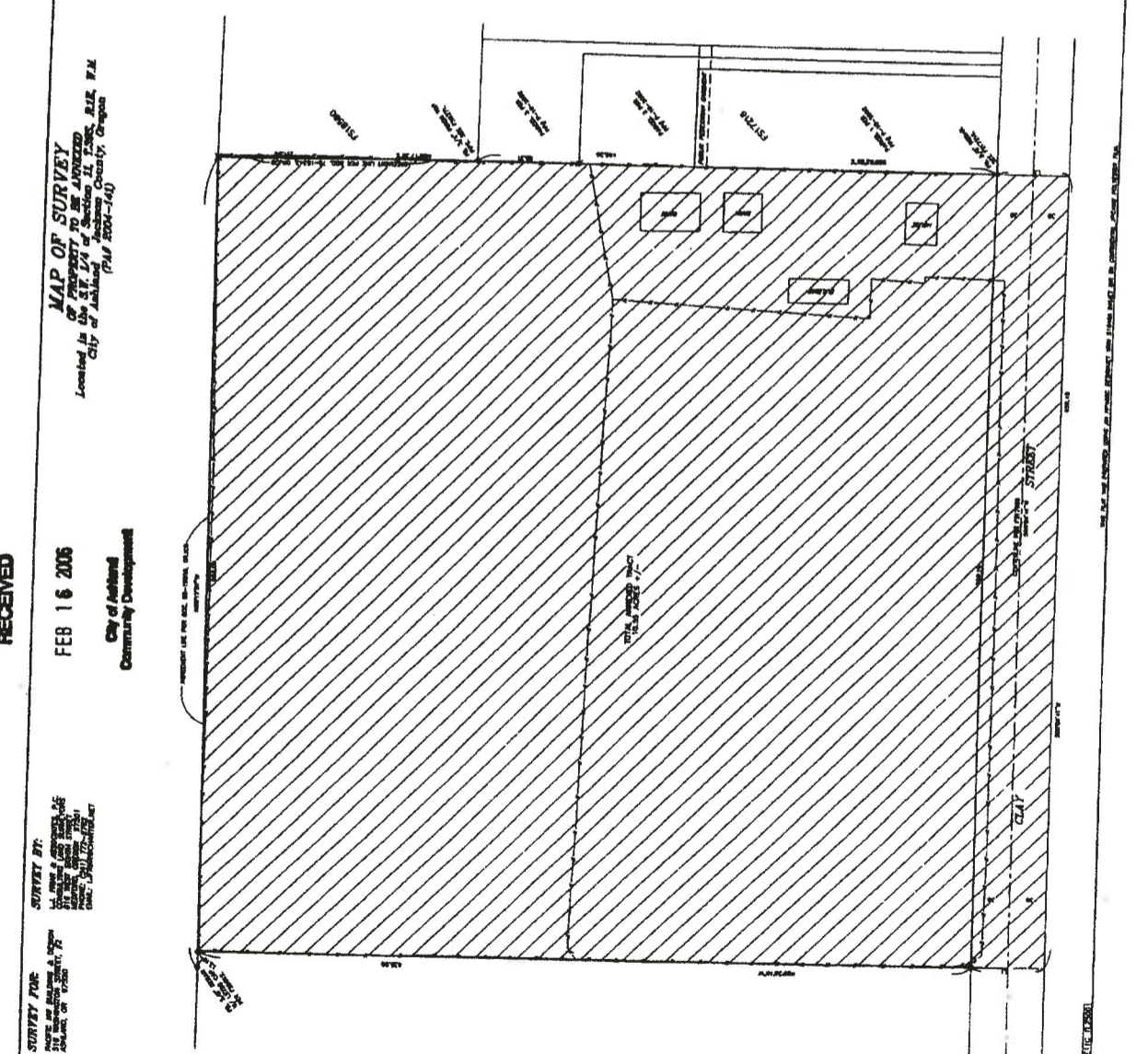
THE MEASUREMENTS AT THE POINTS OF BEGINNING OF EACH LOT AS SHOWN ON THIS MAP ARE BASED ON THE ORIGINAL SURVEY OF THE CITY OF ASTORIA, OREGON, MADE BY JAMES W. BROWN, SURVEYOR, IN 1852. THE MEASUREMENTS AT THE POINTS OF BEGINNING OF EACH LOT AS SHOWN ON THIS MAP ARE BASED ON THE ORIGINAL SURVEY OF THE CITY OF ASTORIA, OREGON, MADE BY JAMES W. BROWN, SURVEYOR, IN 1852.

BASES OF MEASUREMENTS

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SURVEY NARRATIVE TO COMPLY WITH OREGON RULES

THE SURVEY WAS MADE BY JAMES W. BROWN, SURVEYOR, IN 1852. THE MEASUREMENTS AT THE POINTS OF BEGINNING OF EACH LOT AS SHOWN ON THIS MAP ARE BASED ON THE ORIGINAL SURVEY OF THE CITY OF ASTORIA, OREGON, MADE BY JAMES W. BROWN, SURVEYOR, IN 1852.



THE CITY OF ASTORIA, OREGON, HAS ADOPTED THIS MAP AS A BASIS FOR THE ANNEXATION OF THE PROPERTY SHOWN THEREON TO THE CITY OF ASTORIA, OREGON.

CITY OF
ASHLAND

June 29, 2006

D & A Investments
Andy Cochrane
1970 Ashland Street #2
Ashland, OR 97520

RE: Planning Action #2004-141

Dear Mr. Cochrane:

At its meeting of March 21, 2006, the Ashland City Council approved your request for an Annexation and Zone Change for the property located at 380 Clay Street, Assessor's Map # 39 1E 11 C, tax lot 2500.

The Findings, Conclusions and Orders document, adopted by the Council on June 21, 2006 is enclosed*.

Please note the following circled items:

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

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

Sincerely,



Bill Molnar
Interim Planning Director

Enclosure

cc: Tom Giordano 2635 Takelma Way Ashland, OR 97520
Doug Irvine 495 Emigrant Creek Road Ashland, OR 97520
Robert Kortt 3350 Green Acres Drive Central Point, OR 97502
Alex Forrester 545 A Street Ashland, OR 97520
Alan Harper & Cowling Hornecker 717 Murphy Road Medford, OR 97504
Signers of Petition, Exhibit #002-2006, Dated 3/21/06 (*Copy of Findings available from the Planning Department or online at www.380Clay-AnnexationFindings)



**BEFORE THE CITY COUNCIL
CITY OF ASHLAND, OREGON**

IN THE MATTER OF PLANNING ACTION #2004-141,)	FINDINGS,
A REQUEST FOR APPROVAL OF ANNEXATION,)	CONCLUSIONS,
COMPREHENSIVE PLAN AND ZONE MAP CHANGE;)	AND ORDERS
FOLLOWING APPROVAL BY PLANNING COMMISSION)	
OF AN OUTLINE PLAN AND SITE REVIEW FOR A)	
117-UNIT DEVELOPMENT UNDER THE PERFORMANCE)	
STANDARDS OPTION, AN EXCEPTION TO STREET)	
STANDARDS AND A TREE REMOVAL PERMIT)	
)	
PROPERTY LOCATION: 380 CLAY STREET)	
COUNTY ASSESSOR'S MAP: 39-1E-11C, TAX LOT 2500)	
)	
APPLICANT: D and A Enterprise)	
)	

FINDINGS OF FACT

1. The real property which is the subject of this land use and/or limited land use decision is located in Jackson County, Oregon, and is described by County Assessor's map designation as: *39-1E -11C, Tax lot 2500* (the "Property"). The address of the Property is: *380 Clay Street, Ashland, Oregon 97520*.
2. The Property is currently located in the unincorporated area of Jackson County and is zoned RR-5. The Property is located within the urban growth boundary of the City of Ashland ("City"). City's Comprehensive Plan designates the Property for annexation into City for "Multi-Residential" use, with a proposed City zoning of designation of "R-2" upon annexation.
3. On or about November 30, 2004, Applicant duly submitted a land use and/or limited land use application to City for approval of an Outline Plan under the performance standards option, site review, a tree removal permit, and an exception to City of Ashland's local street standards, subject to reasonable conditions pertaining to the appropriate development of the site under the relevant criteria (the "Application").
4. On February 8, 2004 and June 14, 2005, City's Planning Commission, after proper public notice, duly held public hearings on the Application. At the public hearings, testimony was received and exhibits were presented to the Planning

Commission. The public hearing process was then closed. The Planning Commission deliberated, and unanimously approved the Application subject to certain conditions. Additionally, the Planning Commission forwarded to the Ashland City Council ("Council") a recommendation that the Property be approved for annexation into the City under AMC 18.106, with appropriate changes being made to City's Comprehensive Plan and Zoning Map to implement the annexation.

5. On July 26, 2005, City's Planning Commission duly issued its Findings, Conclusions and Orders approving the Application with conditions. A true copy of the Planning Commission's Findings, Conclusions and Orders is attached hereto as Exhibit "A", and incorporated herein by reference as though fully set forth.
6. The Planning Commission's Findings, Conclusions, and Orders granting approval of the Application, subject to certain conditions set forth therein, was not appealed. The Planning Commission's Findings, Conclusions, and Orders, attached as Exhibit "A", thereafter became a final land use and/or limited land use decision.
7. In compliance with the Ashland Municipal Code, the Application was thereafter forwarded to Council in the form of a request for annexation, with the appropriate concurrent Comprehensive Plan and Zoning Map change from the current Jackson County zoning ("RR-5") to City of Ashland zoning ("R-2" -- Low Density Multi-Family Residential).
8. On March 21, 2006, Council, a quorum being present, and after proper public notice, held a public hearing on Applicant's request for annexation, along with the requested concurrent Comprehensive Plan and Zoning Map changes. During the Council's public hearing, testimony and exhibits were offered and received. The public hearing was then closed, and Council deliberated and considered the relevant criteria. Council then voted to approve Applicant's request for annexation, and Comprehensive Plan and Zoning Map changes, subject to conditions, as more fully set forth below.
9. The procedure, application requirements, and approval standards for annexations to be applied by Council in reviewing the Application are set forth in AMC 18.106.010; 18.106.020; and 18.106.030. Council's findings for approval address these criteria below.
10. **18.106.010 Procedure**
All annexations shall be processed under the Type III procedure. (ORD 2791,

1997.) **Finding: City duly processed the Application in conformity with the Type III procedures established in the AMC. This criterion is met.**

11. **18.106.020 Application**

Except for annexations initiated by the council or commission pursuant to section 18.106.025, application for annexation shall include the following information:

A. Consent to annexation which is non-revocable for a period of one year from its date. **Finding: Applicant provided the necessary consent to annexation, which was non-revocable for one year. This criterion is met.**

B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510. **Finding: Said agreement was duly provided by Applicant to City, and is in the custody of the City Recorder. This Criterion is met.**

C. Boundary description and map prepared in accordance with ORS 308.225. Such description and map shall be prepared by a registered land surveyor. The boundaries shall be surveyed and monumented as required by statute subsequent to Council approval of the proposed annexation. **Finding: Applicant provided a description and map prepared by registered land surveyor, subsequent to Council approval, in connection with final plat. This criterion is met.**

D. Written findings addressing the criteria in 18.106.030. **Finding: this criterion is met by the findings set forth below, and incorporated by reference here. This criterion is met.**

E. Written request by the property owner for a zone change. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47). (ORD 2792, 1997).

Finding: In connection with Applicant's request for annexation into City, Applicant requested that the zoning designation be concurrently changed from its current County designation (RR-5), to the proposed City zoning as reflected in City's Comprehensive Plan (R-2). This annexation request was not made pursuant to Oregon Ballot Measure No. 47 or Section 11g of Article XI of the Oregon Constitution. Rather, this application for annexation was initiated by Applicant, and only involved a request for

annexation of real property owned by Applicant. The portions of City's Municipal Code ("AMC") relating to land use have been duly acknowledged by the State of Oregon's Land Conservation and Development Commission ("LCDC"), including those portions of the AMC relating to annexation of land within City's Urban Growth Boundary ("UGB"). This criterion is met.

12. 18.106.030 Approval standards

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. **Finding: The land which is the subject of the Application is completely within the City of Ashland's UGB. This criterion is met.**

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. **Finding: The Property is designated in City's Comprehensive Plan for eventual annexation into City with a zoning designation of "R-2". The project proposed by Applicant is an allowed use within the "R-2" zone. This criteria is met.**

C. The land is currently contiguous with the present City limits. **Findings: The land which is the subject of this application is currently contiguous with the present City limits. In fact, Applicant's land and the adjoining 5 acre parcel to the North are surrounded on all sides by land already within the City. The Applicant's Property and the parcel immediately adjacent to the North form an "island" of County land, otherwise completely surrounded by land within the City. This fact makes the City's findings herein compelling. If the subject parcel was proposed to be developed as two parcels under the current County RR-5 zoning, then such development would be contrary to City's current policies, given the City's Comprehensive Plan designation and the physical attributes of this property. This criterion is met.**

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.

Finding: City's Public Works Department has determined that these services are either currently adequate, or will be adequate to accommodate Applicant's proposed development when Applicant complies with the conditions of approval set forth below. This criterion is met.

E. Adequate transportation can and will be provided to and through the subject property. **Finding: The Application, with the required conditions of approval set forth below, meets the criteria, as set forth below.**

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.

Finding: This criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval. This criterion is met.

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. **Finding: this criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval. This criterion is met.**

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. **Finding: this criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval. This criterion is met.**

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. **Finding: this criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval. This criterion is met.**

F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included. **Finding: this criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval.**

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

1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent. **Finding: this criterion was fully addressed during the public hearing and substantial evidence in light of the record satisfies this criterion. See: Applicant's site plan and supporting documents, along with the conditions of approval. More specifically, Applicant agreed to meet above sub-criterion #4. This criterion is met.**

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

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five- year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or
2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive

Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or

3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or

4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or

5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or

6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits. (ORD 2792, 1997; ORD 2895, 2003.)

Finding: Both Applicant and City conducted independent inventories of vacant and re-developable land within the City's limits. Applicant's Application was, in fact, delayed in order that City could undertake and complete said inventory, as required under sub-criterion #1 above. The analysis by City's Staff, Applicant, and testimony and evidence presented in the record and at the public hearing were duly considered by Council. In light of the record as a whole, Council specifically finds that Applicant meets sub-criterion #1 above, and that there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. This criterion is met.

13. **EXHIBITS**

Council finds that, 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"

14. The Council finds that it has received all information necessary to make a decision, based on: A. review of the 313- page record received by Council prior

to the March 21, 2006 public hearing (along with any additional later submittals to the record prior to the commencement of the public hearing); B. the site visits disclosed by Council members at the commencement of the public hearing; C. the Staff Report and Staff presentation at the public hearing, and during the public hearing itself; D. the public testimony offered and received by Applicant's agents, proponents, opponents, and other members of the public during the public hearing; and, E. the exhibits and documents received into the record both before and during the public hearing.

15. The Council finds the Application, based on diligent review and careful consideration of all of testimony, documentary evidence and argument identified above, and subject to the conditions set forth below, meets all applicable review criteria pertaining to Applicant's request (including AMC 18.106), based on substantial evidence in light of the record as a whole.
16. The Council finds that it is appropriate, both as a matter of policy and under the applicable review criteria, to annex Applicant's property into the City, and to make the appropriate amendments to City's Comprehensive Plan and Zoning Map to effectively consummate said annexation of land into City, with a City zoning designation of "R-2".
17. The Council accepts and adopts the Findings, Conclusions and Orders of the Planning Commission, attached hereto as Exhibit "A" (also set forth at pp. 16 through 24 of the Record before the Council) subject to the two additional conditions set forth below (Condition # 27 and Condition #28). Condition # 27 and Condition # 28 are added by Council as additional conditions of approval for Applicant's annexation request. Condition #1 through Condition #26 below are the same conditions as those previously required by the Planning Commission in connection with its approval of Applicant's request for outline plan and site review, from exception to City's street standards, and a request for tree removal permit (*Record: pp. 16-24*).
18. The Council finds that it is appropriate to annex the Property into City's fire department, so that the Property will be served by Ashland Fire and Rescue upon its annexation.

CONCLUSIONS AND ORDERS

- A. Council incorporates by reference its Findings set forth above.

B. Based on the record of the Public Hearing in this matter, Council concludes that the Applicant's request for annexation of the Property (39-1E-11C, Tax Lot 2500) into the City, along with the requested Comprehensive Plan and Zoning Map change for the purpose of constructing a 117-unit development (Planning Action #2004-141), is supported by substantial evidence in the whole record, and meets all applicable approval criteria.

C. Council approves Applicant's request for annexation, Comprehensive Plan and Zoning Map change; and also approves Applicant's request for inclusion of the Property into City's fire district upon annexation; all subject to the following conditions of approval.

CONDITIONS OF APPROVAL

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That a consent to annexation form be completed, which is non-revocable for a period of one year from its date.
- 3) That a boundary description and map be prepared in accordance with ORS 308.225. A registered land surveyor shall prepare the description and map. The boundaries shall be surveyed and monuments established as required by statute subsequent to Council approval of the proposed annexation.
- 4) That the applicant submit an electric distribution plan including loan calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to final Plan approval. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
- 5) That a final utility plan for the project shall be reviewed and approved by the Engineering Division and Building Division at the time of Final Plan. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage

pipes and catch basins.

- 6) That the identification, relocation and piping of existing irrigation facilities be addressed at the time of Final Plan. The design, relocation and installation of irrigation system shall be reviewed and approved by the Talent Irrigation District prior to the City of Ashland approval of the final engineering construction documents. The irrigation facilities shall be installed as part of the overall public infrastructure requirements.
- 7) That the engineering design of all on-site storm water detention systems (i.e. wetland/detention system) shall be reviewed and approved by the Public Works Department, Building Official and Staff Advisor prior to Final Plan approval and the commencement of public infrastructure installation and the issuance of an excavation permit. The design of the wetland/detention shall incorporate required pollution control systems (if applicable), while the discharge shall be designed so as not to significantly increase the volume of runoff beyond pre-development amounts on the property to the north. The permanent maintenance of on-site storm water detention systems must be addressed through the project's CC&Rs and approved by the Public Works Department and Building Division.
- 8) That the engineering construction drawings for Clay Street comply with City of Ashland Local Street Standards. Clay Street shall be improved along the entire frontage of the property. Improvements to Clay Street shall consistent approximately with the following standards: 28 feet of pavement overlay width (includes two travel lanes and an approximately six-foot bike lane), curb and gutter, storm drains, 7.5' planting strip and a six-foot wide public sidewalk. The Final Plan shall include profiles and cross sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.
- 9) That a half street improvement including curb and gutter, storm drain facilities, planting strip and public sidewalk be installed along the street frontage of the neighboring property to the north (39 1E 11CV, #1100). The design of these improvements shall be consistent with Ashland's Local Street Standards, allow for a smooth transition to the adjoining sidewalk network and be provided at the time of Final Plan. Such improvements shall be installed as part of the overall public infrastructure requirements for the subdivision.
- 10) That an engineering design for a right turn only lane on southbound Clay Street at Ashland Street shall be provided at the time of Final Plan approval. The

engineered design shall include the widening of payment width at the intersection; installation of curb and gutter, storm drain facilities (if applicable) and sidewalks from the Clay Street/Ashland Street intersection to and through the bend (i.e. elbow) in Clay street to the existing curb and sidewalk on the west installed as part of the overall public infrastructure requirements for the subdivision.

- 11) That the engineered construction drawings for all new public streets within the project shall comply with City of Ashland Local Street Standards. The minimum street width shall be no less than 22 feet in width at intersections (unless permitted by the Ashland Fire Department), and a minimum width of 26 to 28 feet when accommodating on-street parking on both sides of the street. Plans to include profiles and cross-sections, with erosion control and slope stability methodologies installed consistent with the standards contained in AMC 18.62.080B.
- 12) That a street plug, one foot in width, be dedicated adjacent to public streets and alleys that adjoin the north property boundary. In addition, a street plug shall be dedicated along the eastern boundary of the project, between the public alley and east property line.
- 13) That the engineered construction drawings for the project address the design and installation of public multi-use pathways and fence gates from the project to the City of Ashland Parks/Ashland Family YMCA Soccer Fields. The design of the multi-use pathway shall be in accord with City Local Street Standards, reviewed by the Director of the Ashland Parks Department, and approved by the Staff Advisor prior to signature of the final survey plat or the installation of improvements associated with the subdivision. That the development and surfacing (i.e. all weather surface) of the multi-use pathway at the south boundary of the project be extended through the existing easement on the adjoining parcel to the south (tax lots #200 and 201). A design for the pathway shall be submitted at the time of Final Plan approval and installed as part of the subdivision's public infrastructure.
- 14) That public easements shall be identified on the final survey plat for all multi-use pathways. The project CC&Rs shall note that the pathways are for public use and shall not be obstructed or through access to the east restricted unless authorized by the City of Ashland and Ashland Parks Department.
- 15) That the requirements of the Ashland Fire Department, including but not limited

to hydrant placement and flow and apparatus access, shall be clearly identified on the engineered construction drawings and reviewed by the Ashland Fire Department at the time of Final Plan and approved prior to signature of the final survey plat or the installation of improvements associated with the subdivision.

- 16) That all recommendations of the Ashland Tree Commission noted at their February 3 and June 9, 2006 meetings, and consistent with Ashland's Site Design and Use Standards and Tree Preservation Ordinance, shall be incorporated into a revised Landscaping Plan (if applicable) prior to Final Plan approval. The recommendations shall be included on a revised landscaping plan and final irrigation plan at the time of submission of building permit.
- 17) That prior to any disturbance occurring on the site or the issuance of a building permit, a Tree Verification Permit shall be applied for. Required Tree Protection Measure (18.61.200) shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.
- 18) That a final copy of the CC&Rs for the Homeowner's Association shall be provided at the time of Final Plan and approved prior to signature of the final survey plat. CC&Rs to describe responsibility for the pruning and continual monitoring of the three poplar trees, maintenance of common area landscaping, private driveways, multi-use pathways and on-site storm water detention facilities. The Homeowner's Association is responsible for contracting with a utility maintenance company for the maintenance of the storm water wetland/detention facility. All parameters for maintenance of the facility, including time lines and enforcement, shall be reviewed and approved by the City Public Works Department and described in the CC&Rs.
- 19) That the project complies with the Affordable Housing Standards as described in 18.106.030G. Each affordable unit shall be identified and the required term of affordability agreements (i.e. in perpetuity) signed prior to signature of the final survey plat, with proof of recording submitted to the City of Ashland Housing Program Coordinator prior to issuance of a certificate of occupancy.
- 20) That the CC&Rs identify which units are subject to the City's Affordable Housing requirements terms of affordability.

- 21) That a Demolition/Move permit be issued for all applicable structures on the property prior to signature of the survey plat.
- 22) That opportunity-to-recycle facilities shall be identified in conjunction with the design of each building and in accordance with the standards described in Section 18.72.115 of the Ashland Land Use Ordinance prior to issuance of a building permit.
- 23) That the color, texture, dimensions, shape and building materials for all exterior components of the project be included at the time of submission of building permit. The information shall be consistent with the colors, texture, dimensions and shape of materials and building materials proposed and approved as part of the land use application.
- 24) That required bicycle parking shall be identified on plans submitted at the time of building permit review. The parking shall be designed and installed consistent with the standards described in 18.92.040.
- 25) That the applicant agrees to construct the project in accordance with the approved plan and City ordinances and waives the right to file a claim under Oregon Statewide Measure 37. The signed waiver shall be submitted to the City of Ashland Legal Department for review and approval prior to signature of the survey plat or adoption of a resolution or ordinance formally annexing the property.
- 26) That prior to Final Plan submittal, the applicants shall submit a wetland delineation and wetland mitigation/enhancement plan that has been reviewed and approved by the Oregon Division of State Lands and Staff Advisor. Such plans shall include civil engineering specifications for any water detention, water treatment and water distribution.
- 27) That 50% of the affordable units shall be completed and occupied by qualified households, at or below 60% area median income, prior to issuance of a certificate of occupancy for the last of the first 50% of the market rate units. Prior to issuance of a building permit for the final market rate unit, the final 50% of the affordable units shall have been issued building permits. All affordable units must be occupied, or a rental agreement or purchase agreement shall be executed with qualified low-income households, prior to the issuance of a certificate of occupancy for the final market rate unit. Purchasers or renters of the designated affordable units shall be income qualified by the City of Ashland

and the City shall be presented with copies of all rental or sales agreements associated with the designated affordable units.

- 28) That an agreement be recorded requiring the poplar tree grove situated at the southwest corner of the site to be protected and preserved in accordance with the approved Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1). Any modifications or amendments to the plan would be processed through a Tree Removal Permit procedure. The southwest corner of the property as delineated on the Tree Protection/Tree Removal Plan (Applicant's Exhibit L-1) would not be covered by Exempt Tree Removal Activities described in the Land Use Ordinance. Further, the agreement would stipulate that further development of the southwest corner that includes an increase in the number of residential units shall include a percentage of residential units for purchase or rent to households consistent with the requirements for annexation and commensurate with City of Ashland resolution adopting a range of qualifying incomes.

The Ashland City Council hereby issues the above Findings, Conclusions, and Orders.

_____ Dated: _____
Ashland City Council Approval

Notice: This is a land use and/or limited land use decision. Any appeal of this decision to the Land Use Board of Appeals must be filed within 21 days of the date of this decision, and must comply with the requirements of ORS Chapter 197; and OAR Chapter 660, Division 33 .

380 CLAY STREET ANNEXATION

DOLLARHIDE WY

AUDRY CR

MEADOW DR

AUDRY CR

CLAY ST

Jackson County Rural Residential (RR-5)
to City of Ashland Zoning Low Density Residential (R-2)

Legend

- Taxlots
- City_zones
- ZONING
 - C-1
 - C-1-D
 - E-1
 - HC
 - M-1
 - NM
 - R-1-10
 - R-1-3.5
 - R-1-5
 - R-1-7.5
 - R-2
 - R-3
 - RR-5
 - RR-1
 - SO
 - WR
 - WR-20
 - city_bnc

0 35 70 140 Feet 1 inch equals 126.419753 feet

Property lines provided for information only, not scaleabl

Vicinity/ Zone Map



Project Information:

Project Name: Willowbrook Residential Development
Location: Street, Ashland, Oregon
Project No.: 18-12-13-130
Lot/Block: 146 S. Taylor Street, Ashland, OR 97130
Owner: Enterprise
Architect: Gordon & Associates, 146 S. Taylor Street, Ashland, OR 97130
Engineer: Construction Engineering Consultants, 208 Green Acres Drive, Medford, OR 97504
Surveyor: J.J. Fisher & Associates, Inc., 1816 W. 8th Street, Medford, OR 97504
Transportation Engineer: Robert Koert, 2008 Green Acres Drive, Medford, OR 97504

BUILDING DATA:

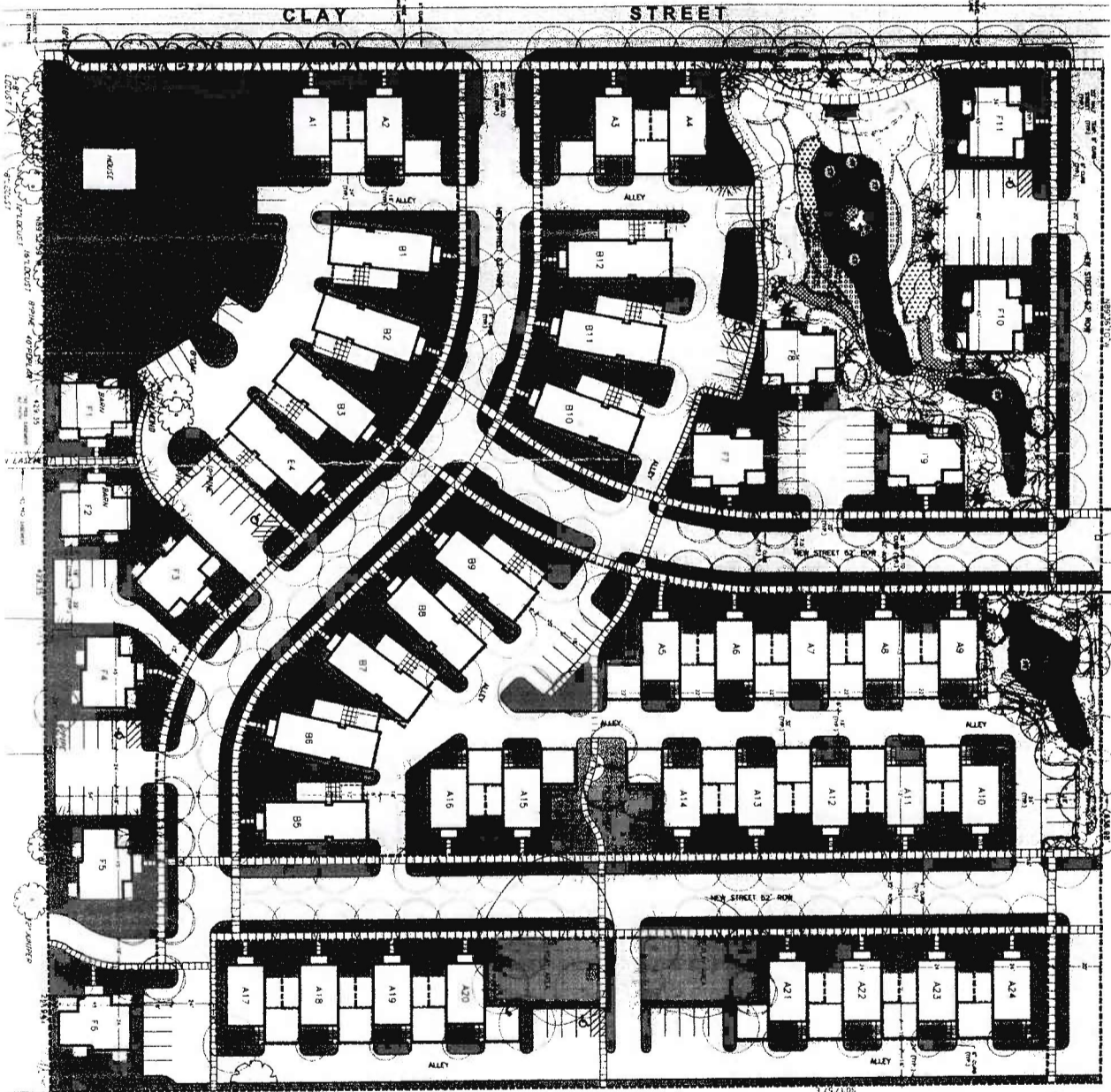
AREA OF PROPERTY: 423,806 S.F. (9.6 ACRES)
AREA OF LOT: 2,800 S.F. (0.064 ACRES)
TOTAL AREA: 2,800 S.F. (0.064 ACRES)
ALLOWED DENSITY (WOLF WILLOW & TREE AREA): 118.4 UNITS (13,548 S.F.)

PROPOSED DENSITY (24 UNITS)

TYPE OF BUILDING	LOTS	UNITS	PROG. REQ.	PARKING PROVIDED
1-BR/NOSE	1	1	1.00	2.00
2-BR/NOSE	1	2	2.00	4.00
3-BR/NOSE	1	3	3.00	6.00
4-BR/NOSE	1	4	4.00	8.00
5-BR/NOSE	1	5	5.00	10.00
6-BR/NOSE	1	6	6.00	12.00
7-BR/NOSE	1	7	7.00	14.00
8-BR/NOSE	1	8	8.00	16.00
9-BR/NOSE	1	9	9.00	18.00
10-BR/NOSE	1	10	10.00	20.00
11-BR/NOSE	1	11	11.00	22.00
12-BR/NOSE	1	12	12.00	24.00
13-BR/NOSE	1	13	13.00	26.00
14-BR/NOSE	1	14	14.00	28.00
15-BR/NOSE	1	15	15.00	30.00
16-BR/NOSE	1	16	16.00	32.00
17-BR/NOSE	1	17	17.00	34.00
18-BR/NOSE	1	18	18.00	36.00
19-BR/NOSE	1	19	19.00	38.00
20-BR/NOSE	1	20	20.00	40.00
21-BR/NOSE	1	21	21.00	42.00
22-BR/NOSE	1	22	22.00	44.00
23-BR/NOSE	1	23	23.00	46.00
24-BR/NOSE	1	24	24.00	48.00
TOTAL		24	24.00	48.00

SITE CALCULATIONS:

AREA OF PROPERTY: 423,806 S.F. (9.6 ACRES)
AREA OF LOT: 2,800 S.F. (0.064 ACRES)
LOT COVERAGE: 0.66%
MAX. BUILDING HEIGHT: 35'-0"
MIN. LOT AREA: 2,800 S.F.
MIN. SETBACKS: 5'-0" (FRONT), 5'-0" (SIDE), 10'-0" (REAR)
MIN. DRIVEWAY WIDTH: 10'-0"
MIN. DRIVEWAY LENGTH: 20'-0"
MIN. DRIVEWAY AREA: 200 S.F.
MIN. DRIVEWAY PAVING: 14,000 S.F.
MIN. DRIVEWAY SURFACE: ASPHALT
MIN. DRIVEWAY FINISH: 1.5"
MIN. DRIVEWAY GRADE: 1.5%
MIN. DRIVEWAY SLOPE: 1.5%
MIN. DRIVEWAY CURVE RADIUS: 100'-0"
MIN. DRIVEWAY CLEARANCE: 10'-0"
MIN. DRIVEWAY OFFSET: 10'-0"
MIN. DRIVEWAY OVERLAP: 10'-0"
MIN. DRIVEWAY SPACING: 10'-0"
MIN. DRIVEWAY ALIGNMENT: 10'-0"
MIN. DRIVEWAY CURVE CENTERLINE: 10'-0"
MIN. DRIVEWAY CURVE TANGENT: 10'-0"
MIN. DRIVEWAY CURVE CHORD: 10'-0"
MIN. DRIVEWAY CURVE ANGLE: 10'-0"
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Giordano



**ARCHITECTURE
LAND PLANNING**

2635 Takoma Way,
Medford, OR 97504
(541) 482-9793
Phone and Fax

**WILLOWBROOK RESIDENTIAL DEVELOPMENT
SITE PLAN
D AND A ENTERPRISE**

SHEET A1

DATE: 8/17/04
REVISED: 10/14/04
REVISED: 12/23/04
REVISED: 12/23/04
REVISED: 2/15/08