



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 11, 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 001-07



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 24, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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>

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

In person electronic mailed

DATE STAMP

DEPT OF

JAN 05 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Ashland** Local file number: **PA-2005-008**
 Date of Adoption: **9/5/2006** Date Mailed: **1/1/2007**
 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:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
 Annexation of a 1.6 ac. parcel located at 593 Crowson Road. Includes a Comprehensive Plan and Zoning Map change from Jackson Co. Rural Residential (RR-5) to City of Ashland zoning Employment (E-1) w/ portion of parcel adjacent to Crowson Rd. included in Residential Overlay.

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

Plan Map Changed from: **Employment (E-1)** to: **E-1 w/ residential overlay**
 Zone Map Changed from: **Rural Residential RR-5** to: **Employment w/ residential overlay**
 Location: **593 Crowson Rd. (39 1e 14d #500)** Acres Involved: **1.6**

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

(NOA) 001-07

DLCD file No. _____

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

none

Local Contact: **Amy Anderson**

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

Address: **20 E. Main Street**

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 **2006-051093**
R-OR
Cnt=1 Str=4 SHAWBJ 10/09/2006 11:10:55 AM
\$10.00 \$5.00 \$11.00 Total: **\$26.00**



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. 2930

AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING
AN ANNEXED AREA FROM JACKSON COUNTY FIRE DISTRICT
NO. 5 (593 Crowson Annexation)

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.

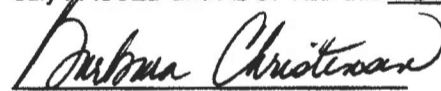
B. Pursuant to ORS 222.524 a public hearing was held on June 7, 2005, and July 19, 2005, on the question of annexation and a public hearing was held February 21, 2006, at 7 p.m., in the Council Chambers, Civic Center, 1175 East Main Street, Ashland, Oregon, on the question of withdrawal of this property from Jackson County Fire District No. 5.

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

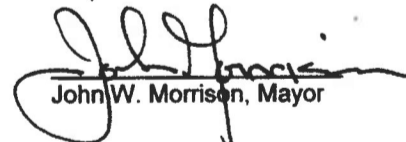
SECTION 1. The land described in the attached Exhibit "A" is declared to be annexed to the City of Ashland.

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 by title only in accordance with Article X, Section 2(C) of the City Charter on the 18 day of August, 2006, and duly PASSED and ADOPTED this 5 day of September, 2006.


Barbara Christensen, City Recorder

SIGNED and APPROVED this 7 day of September, 2006.


John W. Morrison, Mayor

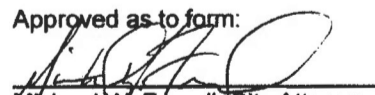
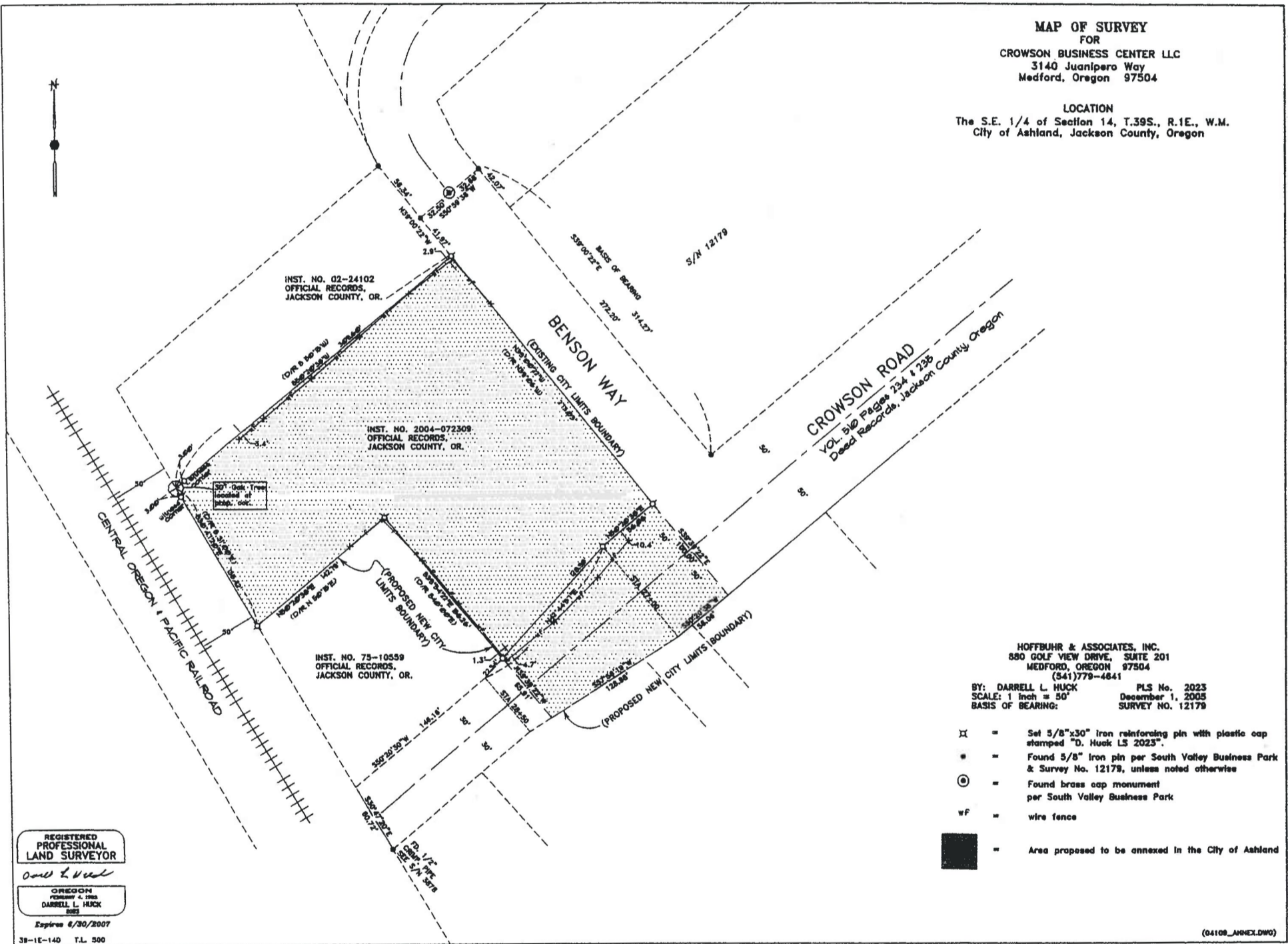
Approved as to form:

Michael W. Franell, City Attorney

EXHIBIT A

Beginning at a point on the Northeasterly right-of-way line of the Central Oregon & Pacific Railroad in Section 14, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, which point bears North 30 degrees 47'20" West (Record North 31 degree 00' West) 296.56 feet from the intersection of said right-of-way line and the northerly right-of-way of Crowson Road; thence North 50 degree 20'38" East 309.60 feet (record North 50 degree 15' East 309.41 feet) to the westerly right-of-way of Benson Way; thence along said right-of-way line South 39 degree 00'22" East 273.03 feet to intersect the northerly right-of-way line of Crowson Road, as said right-of-way is set forth in Volume 510, Pages 234-235 of Deed Records of said Jackson County; thence South 39 degree 39'22" East 100.00 feet to the southerly right-of-way line of said Crowson Road; thence along said right-of-way, South 50 degree 20'38" West 56.06 feet to an angle point; thence continue along said right-of-way, South 57 degree 56'19" West 128.98 feet; thence leaving said right-of-way, North 39 degree 39'22" West 65.91 feet to the Southeast corner of that tract of land described in Instrument No. 75-10559, official records, Jackson County, Oregon; thence along the easterly boundary of said tract, North 39 degree 54'22" West (Record North 39 degree 06' West) 156.26 feet to the northeast corner thereof; thence along the northerly boundary of said tract, South 50 degree 20'38" West (Record South 50 degree 15' West) 142.79 feet to the easterly right-of-way line of the aforesaid Central Oregon & Pacific Railroad; thence along said right-of-way, North 30 degree 47'20" West (Record North 31 degree 00' West) 135.42 feet to the point of beginning.

MAP OF SURVEY
FOR
CROWSON BUSINESS CENTER LLC
 3140 Juanipero Way
 Medford, Oregon 97504

LOCATION
 The S.E. 1/4 of Section 14, T.39S., R.1E., W.M.
 City of Ashland, Jackson County, Oregon



HOFFBUHR & ASSOCIATES, INC.
 880 GOLF VIEW DRIVE, SUITE 201
 MEDFORD, OREGON 97504
 (541)779-4841
 BY: DARRELL L. HUCK PLS No. 2023
 SCALE: 1 inch = 50' December 1, 2005
 BASIS OF BEARING: SURVEY NO. 12179

- ⊠ = Set 5/8"x30" Iron reinforcing pin with plastic cap stamped "D. Huck LS 2023".
- = Found 5/8" Iron pin per South Valley Business Park & Survey No. 12179, unless noted otherwise
- ⊙ = Found brass cap monument per South Valley Business Park
- wF = wire fence
- = Area proposed to be annexed in the City of Ashland

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 Darrell L. Huck
 OREGON
 FEBRUARY 4, 1983
 DARRELL L. HUCK
 0053
 Expires 6/30/2007
 38-1E-140 T.L. 500

- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.
- F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included.
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G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):

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

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

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

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

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

4) The City Council, following proper public notice, held a Public Hearing on June 7, 2005 and July 19, 2005, at which time testimony was received and exhibits were presented. The Council approved the application 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 Council finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

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

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

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

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

The proposed zoning for the property, E-1, is consistent with the designation indicated on the Ashland Comprehensive Plan, while the proposed office, light manufacturing and residential uses are allowable uses in the district.

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

The property is contiguous to the existing City Limits along the property line adjacent to Benson Way.

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

Sewer, water and electric service will be extended to and through the project. Water and sewer main lines are located in the Benson Way right-of-way. City water is adjacent to the property in the Benson Way right-of-way. City sewer is in place north of the site in Benson Way and the sewer line will be extended to serve the property. City storm drain facilities are existing in Benson Way and will be extended to and through the site.

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

Transportation to the property is by way of Crowson Road and Benson Way. Crowson Road will be improved to the City of Ashland standard for an Avenue along the property frontage. The Crowson Road improvement includes bringing the street up to the city standard from the center line towards the property, for the length of the parcel's frontage. In addition, the improvement includes a travel lane, bike lane, installation of curb and gutter, a planting strip with street trees, street lights and a sidewalk. Benson Way is an improved city street which is classified as a Neighborhood Commercial Collector. Parkrows and sidewalks are not in place along the property frontage, and will be installed to the Ashland Street Standards. Additionally, a sidewalk will be installed in the right-of-way to the north of the property connecting the existing sidewalk on Benson Way to the subject property. The Rogue Valley Transportation District (RVTD) has predicted bus service may be a possibility in this area, but will be a minimum of ten years in the future. As a result, a pad for a future bus stop has been located between the sidewalk and curb on the Crowson Road frontage.

- 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, flood plain corridor lands, or slopes greater than 35%, shall not be included.
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This section does not apply to Annexations involving commercial and industrial lands.

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.

The proposal includes three residential units in the building adjacent to Crowson Road, and therefore is not subject to this section. The applicant's original concept did not include a request for the Residential Overlay, nor did it include residential units. The proposal was amended to include three residential units in response to concerns regarding the transition from light industrial development on the north side of Crowson Road to the single-family existing and future development on the south side of Crowson Road. The area on the opposite (south) side of Crowson Road is in the Ashland Urban Growth Boundary and is identified as Single-Family Residential.

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

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.

The proposed parcel will be zoned E-1. At its meeting of March 8, 2005 the Planning Commission approved a Site Review application to develop a business complex for office and light manufacturing uses including the construction of four buildings and the conversion of the existing house. Additionally, the building adjacent to Crowson Road will include three residential units in the second story. The Planning Commission also approved a Tree

Removal Permit to remove six trees on the site.

SECTION 3. DECISION

Therefore, based on our overall conclusions and upon the proposal being subject to each of the following conditions, the City Council we approve Planning Action # 2005-008. 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) A boundary survey and a written description of the property boundaries including the Crowson Road right-of-way shall be submitted for review and approval prior to completion of the annexation.
- 3) 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 boundary survey, or adoption of a resolution or ordinance formally annexing the property.
- 4) That full City services, including but not limited to water, sewer and storm water mains and electric service, shall be extended to the southern boundary of the project (i.e. Crowson Road). Engineered plans for all improvements shall be submitted for review and approval of the Ashland Engineering prior to installation. That the engineered plans shall include but are not limited to: 1) the Crowson Road improvements to City of Ashland Street Standards including pavement overlay, pavement extensions, bike lane and curb and gutter, parkrow, street lights and sidewalk, 2) the Benson Way improvements to City of Ashland Street Standards including sidewalk connection between the existing sidewalk north of the site to the proposed development, and planting strip, street lights and sidewalk along the property frontage, and 3) the public utility extensions. That all required street improvements and public utility extensions shall be installed or fully bonded for in accordance with City requirements prior to adoption of a resolution annexing the property.
- 5) That the necessary area for street improvements shall be dedicated as public street right-of-way. The right-of-way dedication shall include the area necessary for retaining walls to be installed with the street improvements. That the right-of-way dedication shall be submitted for review and approval of the Ashland Planning and Engineering divisions, and the dedication shall be surveyed and recorded as necessary prior to adoption of a resolution annexing the property.
- 6) That the applicant shall comply with the agreement with the neighboring property owners, Cody and Laurel Bustamante, presented by the applicant at the July 19, 2005 Ashland City Council meeting.

CITY OF ASHLAND, OREGON


By: John Morrison, Mayor

11/16/05
Date

593 Crowson Rd. Annexation

Interstate I-5

- 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_bnd

Changed from Jackson Co. Rural Residential (RR-5) to City of Ashland zoning Employment (E-1)

