



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

05/17/2011

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 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Tuesday, May 31, 2011

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 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  
Ed Moore, DLCD Regional Representative

Thomas Hogue, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

<paa> YA



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

DATE  
**MAY 11 2011**

STAMP  
LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Ashland**

Local file number: **PA #2010-01570**

Date of Adoption: **5/3/2011**

Date Mailed: **May 10, 2011**

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

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; Comp. Plan Map Amendmen; Zone Change; Site Review for a 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for production of brewing products; Lot Consolidation; and Tree Removal Permit to remove 17 trees for the property located at 590 Clover Lane. The proposal involves annexation of three parcels totaling 3.72 acres in area which currently have a County zoning designation of RR-5 (and adj. r-o-w) to be annexed as Employment lands.

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

Plan Map Changed from: **Single Family Residential** to: **Employment**

Zone Map Changed from: **County RR-5** to: **City E-1**

Location: **590 Clover Lane, Ashland, OR 97520**

Acres Involved: **3**

Specify Density: Previous: **2.4-4.5 du/acre**

New: **Commercial (N/A)**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 003-10 (18622) [16644]

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DLCD file No. \_\_\_\_\_

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

Oregon Department of Transportation.

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Local Contact: **Bill Molnar, Planning Director**

Phone: (541) 552-2042 Extension:

Address: **City of Ashland, 20 E. Main**

Fax Number: 541-552-2050

City: **Ashland, OR**

Zip: 97520

E-mail Address: **bill.molnar@ashland.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 3048

**AN ORDINANCE ANNEXING PROPERTY AND WITHDRAWING AN ANNEXED AREA FROM JACKSON COUNTY FIRE DISTRICT NO.5 (Caldera Brewing Co. Annexation - # 2010-01570)**

**Recitals:**

A. The owners of the property described in the attached Exhibit "A" have 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 March 15, 2011, 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.

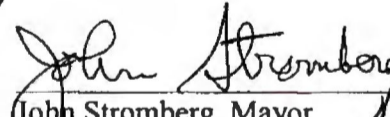
**SECTION 2.** The land described in the attached Exhibit "A" is declared to be annexed to the City of Ashland.

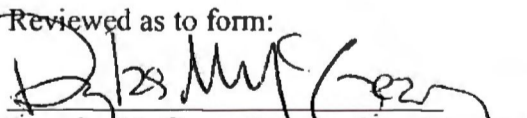
**SECTION 3.** The land described in the attached Exhibit "A" is declared to be withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 19 day of April, 2011 and duly PASSED and ADOPTED this 3 day of May, 2011

  
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 4 day of May, 2011.

  
John Stromberg, Mayor

Reviewed as to form:  
  
Douglas McGeary, Interim City Attorney

# CITY OF ASHLAND

April 8, 2011

Caldera Brewing Company  
540 Clover Lane  
Ashland, OR 97520

RE: Planning Action #2010-01570

## Notice of Decision

At its meeting of April 5, 2011, based on the record of the public meetings and hearings on this matter, the Ashland City Council approved your request for a Comprehensive Plan and Zoning Map Amendments; Site Review Approval; Tree Removal; Administrative Variance and Modification of PA-2003-112 for the property located at 590 Clover Lane, Assessor's Map # 39 1E 14 AA & 14 AD, tax lot 14AA 6900 & 7000 and 14AD 7000 & 7100.

The Ashland City Council adopted and signed the Findings, Conclusions and Orders document on April 5, 2011.

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://www.oregon.gov/LUBA/FAQ.shtml> or 503-373-1265. They are located at 550 Capitol Street N.E., Suite 235, Salem, Oregon 97301-2552.

Enclosure

cc: Urban Development Service, James Mills and Parties of record



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

**April 5, 2011**

IN THE MATTER OF PLANNING ACTION #2010-01570, A REQUEST FOR )  
ANNEXATION & ZONING MAP CHANGE FROM JACKSON COUNTY RR-5 )  
(RURAL RESIDENTIAL) TO CITY OF ASHLAND E-1 (EMPLOYMENT) FOR ) **FINDINGS,**  
AN APPROXIMATELY 3.72 ACRE PROPERTY LOCATED AT 590 CLOVER ) **CONCLUSIONS**  
LANE. ADJACENT PORTIONS OF THE FREEWAY RIGHT-OF-WAY FROM ) **AND ORDERS**  
THE EXISTING CITY LIMITS BOUNDARY NEAR EXIT 14 SOUTH TO THE )  
EXISTING CITY LIMITS BOUNDARY NEAR CROWSON ROAD AND A )  
CONTIGUOUS TAX LOT (39 1E 14AD #7100) ARE TO BE INCLUDED IN THE )  
ANNEXATION PURSUANT TO AMC 18.106.040 TO MAKE THE EXTENSION )  
OF CITY BOUNDARIES MORE LOGICAL AND ORDERLY )  
)  
**APPLICANTS:** Caldera Brewing Company )

**RECITALS:**

- 1) Tax lots #6900 and #7000 of Map 39 1E 14 AA, and Tax Lots #7000 and #7100 of Map 39 1E 14AD are located at 590 Clover Lane, and are currently zoned Jackson County Rural Residential (RR-5).
- 2) The applicants are 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 3.72-acre parcel located at 590 Clover Lane. On February 8<sup>th</sup>, 2011 the Planning Commission granted Site Review approval for the subsequent development of a 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products. With that decision, the Planning Commission also granted approval of a Comprehensive Plan and Zoning Map amendment changing the Comprehensive Plan designation of two of the three subject properties from their previous "Single Family" to "Employment" and allowed the removal of a 100 vehicle trips per lot per day cap on the two adjacent properties immediately to the north of the subject properties at 580-585 Clover Lane.
- 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

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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 Comprehensive Plan and Zoning Map Amendment 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 March 15<sup>th</sup>, 2011 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 3.72-acre parcel meets the approval criteria for an Annexation as described in 18.106 and a Zoning Map change as described in 18.108.

The City Council finds that the subject properties are located within the Urban Growth Boundary, immediately south of and contiguous to the existing City limits. The Comprehensive Plan designation

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for one of the three lots is Employment, and the Planning Commission recently approved a Comprehensive Plan and Zoning Map amendment to change the designation of the remaining two lots which had been designated for Single Family Residential development. With the proposed annexation, all of the properties are to come into the city as Employment lands. The Council further finds that the proposed tasting room is an outright permitted use (restaurant/store), the brewing facility is a special permitted use (i.e. bottling plant), and the associated manufacturing, warehousing, storage and administrative office uses described in the application are also permitted uses within the E-1 district. The Council further finds that the application includes a request for Site Review approval, which was approved by the Planning Commission, for the construction of a building to house these proposed permitted and special permitted uses concurrently with the requested Annexation.

2.3 The City Council finds that adequate public facilities can and will be provided to and through the subject property. With the exception of storm drainage facilities, all utilities are in place within the Clover Lane right-of-way and are adequately sized to accommodate the proposal. Public Works staff have confirmed that eight-inch water and sewer mains are in place and adequate to serve the proposal, and the Electric Department has noted that an existing electrical transformer sits on the vacant lot immediately to the north and that the electrical facilities in place in the area were sized with full development of the subject parcels in mind. Fire hydrants will be located on both the front and back ends of the property, and fire apparatus access and turn-arounds are to be provided to address fire protection needs.

The Council further finds that the City's Public Works Department has identified a deficiency in stormwater capacity at the intersection of Highway 66 and Clover Lane due to an under-sized culvert. The applicants have thus proposed an on-site detention and metering system to hold stormwater during large storm events and slowly release it into the city system at an acceptable rate. Instead of directing stormwater to the undersized facilities at the Highway 66 intersection, stormwater is to be directed down to Spring Creek Drive, after first holding it on site in multiple systems including a bio-swale to address both detention and water quality requirements. An underground storm water detention facility has also been identified in the plans provided on the east side of the property to accommodate overflows and then slowly meter them to the Spring Creek Drive system. Conditions have been included to require that final electric, utility and storm drain plans be provided for the review and approval of the Public Works, Electric, Planning and Building Departments prior to submittal of building permit plans.

The Council finds that necessary transportation facilities addressing motor vehicle, bicycle, pedestrian and transit will be provided with the proposal. Clover Lane is a commercial collector street, and terminates in a cul-de-sac just north of the subject properties. Paving, curbs, gutters, and curbside sidewalks are in place on both sides of the street. Because the existing street already exceeds the 500-foot length allowed in city street standards for a dead-end street and the property is at the terminus of the city limits, with no anticipated future need to further extend the street, a private driveway is to be extended from the terminus of the existing public facility to serve the proposal without further extending city street improvements. The applicants have proposed to provide a scored concrete pedestrian path through the existing driveway and parking areas to provide a pedestrian connection from the existing sidewalk on the west side of Clover Lane to the building entrance, and in their Site Review approval the Planning Commission found that there needed to be an additional similarly-surfaced pedestrian

connection from the sidewalk on the east side of Clover Lane to the building's entrance, as well as signage placed at the end of the public street's existing turn-around clearly indicating that there is no outlet for through traffic. These requirements were included as conditions in the Planning Commission's decision, and have been attached hereto by the Council.

The Council further finds that with the improvements detailed in the applicant's traffic impact analysis in place, and the applicant's agreement to participate in future median installation to limit left turns from Clover Lane onto Ashland Street, traffic impacts to the affected intersections are adequately mitigated over the planning horizon. The applicants have provided a traffic impact analysis prepared by Southern Oregon Transportation Engineering, LLC which concludes that the proposed Employment designation and E-1 zoning can be accommodated through the existing transportation system without creating adverse impacts. This analysis looked at traffic impacts of the development on five study area intersections as scoped by the Oregon Department of Transportation: Tolman Creek Road and Ashland Street, Washington Street and Ashland Street, I-5 southbound ramps and Ashland Street, I-5 northbound ramps and Ashland Street, and Clover Lane and Ashland Street, focusing on the study year 2010, the build year 2011, and future year 2030 conditions during the peak p.m. hour.

With the proposed Employment designation for all three of the subject lots, they are expected to generate approximately 557 average daily trips. The analysis notes that the presently stop-controlled I-5 northbound intersection with Ashland Street is shown to operate at a v/c ratio greater than 2.0 under future year 2030 no-build and build conditions, and 95<sup>th</sup> percentile queue lengths are shown to exceed link distances and create potential safety concerns on Ashland Street between the I-5 ramp intersections and the off ramps themselves under existing year 2010, design year 2011 and future year 2030 conditions. Mitigation measures detailed in the analysis to address these impacts include the ODOT I-5 Exit 14 interchange redesign project which includes traffic signals at both ramp intersections, widening of Ashland Street, and extended right turn lanes on both I-5 off-ramps. This redesign project is currently underway, with completion tentatively slated for April of 2012.

With these improvements in place, the traffic impact analysis concludes that adverse impacts are adequately mitigated for the study period. The Oregon Department of Transportation (ODOT) has also raised concerns with left turning movements from Clover Lane onto Ashland Street being negatively impacted by queuing likely to result from the signal installation associated with the interchange redesign that is currently underway. ODOT has recommended that the City consider placing a median or other similar measure to restrict left turning movements as part of the current Transportation System Plan (TSP) update which is now underway. The Council finds that this TSP update is currently well underway and will consider this issue along with ways to accommodate vehicles safely and efficiently returning to their original direction of travel. A condition of approval has been attached to this approval to require that the applicants sign in favor of, and agree to a proportional participation in the cost of, the future improvements associated with restricting left turn movements from Clover Lane onto Ashland Street.

2.4 The City Council finds that the proposed lot will be zoned E-1 under the Comprehensive Plan, and that the applicants have obtained Site Review approval for an outright permitted or special permitted use concurrent with the annexation request. At its regular meeting of February 8<sup>th</sup>, 2011 the Planning Commission granted Site Review approval for the subsequent development of a 28,000 square foot manufacturing, warehouse, storage, tasting room/restaurant and administrative office building for the

production of brewing products. With that decision, the Planning Commission also granted approval of a Comprehensive Plan and Zoning Map amendment changing the Comprehensive Plan designation of two of the three subject properties from their previous "Single Family" to "Employment." 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.*" The Council further finds that the retention of a successful local business and the job growth associated with the proposal represent significant benefits to the community.

2.6 The City Council further finds that in addition to the annexation requested by the applicants, the Staff Advisor is recommending that nearby Interstate 5 freeway right-of-way from the current city limits boundary near Exit 14 south to the city limits boundary near Crowson Road be included in the annexation along with a small triangular tax lot (39 1E 14 AD #7100) located between the southernmost of the three subject properties and the freeway right-of-way. This tax lot is approximately 400 square feet in size and was originally described in the applicants' submittals as an odd remnant parcel dating to the freeway's installation. The applicant previously indicated that the title would be cleared and the area incorporated back into the subject properties with a lot consolidation in conjunction with the annexation. Subsequent to Planning Commission approval, more detailed surveying determined that this lot was actually a separate parcel under separate ownership, and could not simply be absorbed.

The applicants are pursuing the purchase of the parcel, and after working with its owners have provided a copy of an agreement consenting to its annexation along with the applicants' parcels. AMC 18.106.040 dealing with city boundaries states that, "*When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Ashland. The Staff Advisor, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Planning Commission and Council to make annexations extending the City's boundaries more logical and orderly.*" The Council finds that the current freeway right-of-way is outside of the city limits but within the urban growth boundary, with the exception of the area where it intersects with the Ashland Street/Highway 66 right-of-way at Exit 14.

The City Council finds that the present boundary configuration effectively cuts off the easternmost portion of the city from the remainder located west of the freeway, and this section of freeway is now largely surrounded by city lands. The Council also finds that the small triangular Tax Lot #7100 is entirely surrounded by the subject properties and the adjacent freeway right-of-way, and that it would be left as an island unto itself within the County if not included in the annexation as recommended by the Staff Advisor. The Council finds that both Tax Lot #7100 and the section of the freeway right-of-way should be included within the current annexation request to make this annexation extending the City's boundaries "*more logical and orderly*" as allowed in AMC 18.106.040.

### 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 3.72-acre parcel located at 590 Clover Lane 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 #2010-01570 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 3.72-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 #2010-01570 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 herein. The proposals of the applicants in their February 21<sup>st</sup>, 2011 "Letter of Understanding" with neighboring property owners and the associated plans provided with that letter shall be conditions of approval as well, with the understanding that Item #6 dealing with the "Compressor/Cooler Relocation" was clarified during the hearing to mean that the compressors which are the noise-producing component of the compressor and cooler combination will be relocated by piping under the building slab, however the coolers themselves are to remain in their original locations.
- 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 the existing billboard sign shall be removed from the property, as proposed by the applicants, and a sign permit shall be obtained prior to installation of any new signage. All signage shall meet the requirements of Chapter 18.96, and signage installation shall be limited to the north and east frontages which have public entrances accessible from the sidewalk.
- 4) That the applicants shall obtain a demolition permit prior to demolishing the existing structures on site. With the demolition of existing structures on the site, any existing city or Pacific Power and Light electrical facilities serving these structures will need to be removed by the applicants, and their removal inspected and approval by the Building and Electrical Departments.
- 5) That prior to the submittal of a building permit:
  - a) Building permit submittals shall include identification of all easements, including public and private utility easements, fire apparatus access easements, and a conservation easement or other similar recorded development restriction to perpetually protect the portion of the Spring Creek stream bank water resources protection zone on the property according to the requirements of AMC 18.63.

- b) A stormwater drainage plan, including final 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. Post development peak flows shall be demonstrated to be less than or equal to pre-development levels.
- 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 removal of Pacific Power services and installation of city services to make this transition will need to be installed at the applicant's expense. The electric distribution plan shall be reviewed and approved by the Planning, Engineering, Building 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.
- e) The building permit plan submittals shall include solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula  $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- f) The building permit plan submittals shall include lot coverage calculations including all building footprints, driveways, parking, and circulation areas. These plans shall demonstrate that at least 15 percent of the site is surfaced in landscaping, and that at least seven percent of the parking lot area is provided in required parking lot landscaping, as required in the Site Design & Use Standards.
- g) The building permit plan submittals shall include and sample exterior building colors and materials for review and approval of the Staff Advisor. The exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials.
- h) The Commission recommends that the applicants attempt to better respond to the sense of entry and orientation standards, which could include providing further variations in color, material, base, entrance, and/or fenestration to better engage the Clover Lane streetscape and create a stronger sense of entry for the building.
- i) A revised Site Plan shall be provided. This Site Plan shall include: 1) a pedestrian connection from the sidewalk on the east side of Clover Lane to the building's entrance along the east side of the drive to accommodate pedestrian traffic from the Spring Creek neighborhood. Both pedestrian connections shall be delineated from the surrounding

driveway through the use of scored concrete or similar material distinction; 2) a reduction in paved surface area to the greatest extent possible, including a reduction of the driveway width to no more than the 26 feet necessary to accommodate aerial fire truck access, and the reduction of other paved areas where possible.

- 6) That prior to the issuance of a building permit:
- a) The applicant shall provide a revised Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist which reflects the removal of the nine cedars on the northwestern edge of the property. The plan shall also incorporate silt fencing or similar approved means to protect the stream bank water resources protection zone during construction.
  - 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 17 trees to be removed from the site, and prior to any site work including demolition, 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 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, including the mixture of larger stature trees to replace the cedars being removed along the freeway on the northwestern portion of the site, and shall include revisions to the landscape buffer to provide the required sight-obscuring screen where the parking lot abuts residential areas to the east. Landscaping adjacent to the freeway right-of-way to the north and south of the retaining wall area shall be enhanced to provide additional screening, including in the area at the southwest corner of paving where the buffer landscaping will reduce paved area without impacting building placement or circulation.
  - d) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent properties. 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.
  - e) At the time of building plan submittal, bike rack 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.
  - f) Mechanical equipment shall be screened from view from adjacent rights of way and residential properties to the greatest degree possible. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
  - g) The requirements of the Building Division shall be satisfactorily addressed, including but

- not limited to: 1) egress, exiting, separation wall, and bathroom requirements for the tasting room area based on occupant type and occupant load determination at building permit; 2) providing necessary engineering studies to demonstrate that the fill on site is suitable for construction; 3) that the plans are to be drawn by an Oregon Licensed Design Professional; 4) that evidence of completed lot consolidation be provided; and 5) that code requirements for the use of an existing well to provide irrigation for the proposed landscaping shall be met, including but not limited to the installation of R.P. assemblies.
- h) The requirements of the Ashland Fire Department relating to: approved addressing; fire apparatus approach, access and turn-around; fire flow; fire department connection, fire sprinkler, fire hydrant and key box installation; hydrant clearance; high-piled storage requirements; and that any gates, fences, or other impediments to required fire apparatus access width approved by Ashland Fire and Rescue shall be addressed in the permit submittals and implemented on site prior to the issuance of an occupancy permit. Final determinations of fire hydrant distance, fire flow, and fire apparatus access requirements are to be based upon plans submitted for building permit review.
  - i) That the property owner shall sign in favor of a local improvement district (LID) for the future street improvements at the intersection of Clover Lane and Ashland Street, including the installation of a median or similar measures to restrict left hand turning movements from Clover Lane onto Ashland Street prior to the issuance of a building permit. The agreement shall be signed, notarized, and recorded on the deed of the subject property, and a recorded copy provided to the city prior to permit issuance.
- 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. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.72.115.A.
  - b) All required parking areas shall be paved and striped according to the approved plan.
  - c) All landscaping, hardscaping 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.
  - d) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan and in accordance with design and rack standards in 18.92.040.I and J, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy. Inverted u-racks shall be used for the bicycle parking.
  - e) The applicants shall provide a sign at the end of the existing turn-around clearly indicating that the driveway beyond is private with no outlet for through traffic. The final sign design and placement shall be approved by the Public Works and Street Departments.



John Stromberg  
John Stromberg, Mayor

04 107 12011  
Date

CITY OF ASHLAND  
ENGINEERING DIVISION

IRREVOCABLE CONSENT TO ANNEXATION

The undersigned, referred to in this document as "owner" whether singular or plural, owns or is the purchaser under a recorded land sale contract of real property in Jackson County, Oregon, described below and referred to in this document as "the property":

See Exhibit "A"

In consideration of the City of Ashland annexing the approximately 3.72 acre parcel(s) located at 590 Clover Lane (Assessor's Maps and Tax Lots 391E14AA Tax Lot #6900 & #7000 and 391E14AD Tax Lot #7000), Owner declares and agrees that the property shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions which shall constitute covenants running with the land and shall be binding on all parties, their heirs, successors and assigns, having any right, title, or interest in the property or any part thereof:

Whenever a proposal to annex the property is initiated by the City of Ashland or otherwise, Owner shall consent and does consent to the annexation of the property to the City of Ashland. Owner agrees this consent to annexation is irrevocable. Owner further agrees to deposit an amount sufficient to retire any outstanding indebtedness of special districts as defined in ORS 222.510.

Dated this 19<sup>th</sup> day of NOVEMBER, 2010

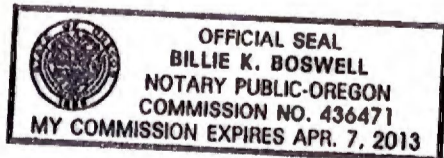
Signature: [Handwritten Signature], Owner

State of Oregon     )  
                                  )     ss:  
County of Jackson    )

Personally appeared the above named James Mills and acknowledged the foregoing instrument to be his voluntary act and deed.

[Handwritten Signature: Boswell]

Notary Public for Oregon  
My Commission expires: 4-7-2013



RECEIVED

NOV 19 2010

City of Ashland  
Field \_\_\_ Office \_\_\_ County \_\_\_

# CITY OF ASHLAND

## IRREVOCABLE CONSENT TO ANNEXATION

The undersigned, referred to in this document as "Owner" whether singular or plural, owns or is the purchaser under a recorded land sale contract of real property in Jackson County, Oregon, described below and referred to in this document as "the property":

See attached Exhibit "A"

In consideration of the application for annexation and subsequent connections from the property to City of Ashland services, Owner declares and agrees that the property shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions which shall constitute covenants running with the land and shall be binding on all parties, their heirs, successors and assigns, having any right, title, or interest in the property or any part thereof:

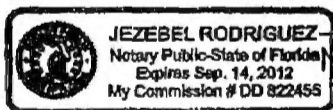
Whenever a proposal to annex the property is initiated by the City of Ashland or otherwise, Owner shall consent and does consent to the annexation of the property to the City of Ashland. Owner agrees this consent to annexation is irrevocable.

Dated this 10 day of FEBRUARY, 2011.

Signature: Nerine B. Leach  
Owner

Florida  
State of Oregon )  
Polk Beach ) SS:  
County of Jackson )

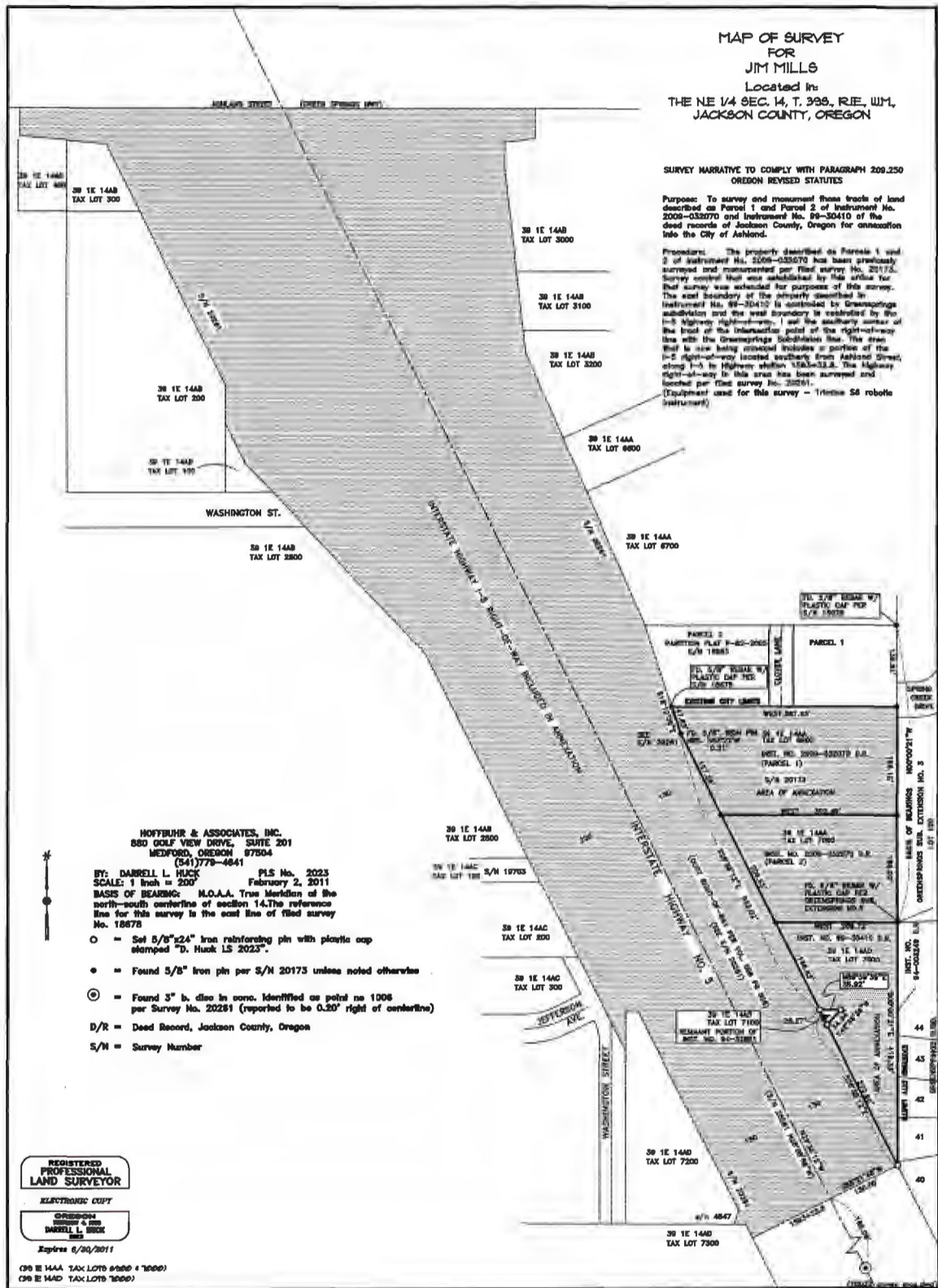
Personally appeared the above named Nerine B. Leach and acknowledged the foregoing instrument to be his voluntary act and deed.



[Signature]  
Notary Public for Oregon Florida

My Commission expires: Sep 14 2012





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FEB 08 2011

City of Ashland  
 Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_

EXHIBIT A  
(ANNEXATION DESCRIPTION)

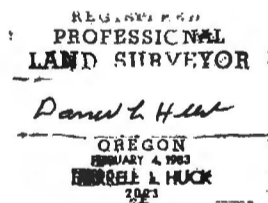
Commencing at the Northeast corner of Government Lot 1 in Section 14, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence South 00°00'21" East, along the east line of said Lot 1, 1023.69 feet to the southeast corner of land partition filed for record November 14, 2005 as Partition Plat No. P-82-2005 of the records of Partition Plats in Jackson County, Oregon and is on file in the office of the Jackson County Surveyor as No. 18963 for the POINT OF BEGINNING; thence along the southerly boundary of said land partition, WEST 387.95 feet to the easterly right-of-way line of Interstate Highway 5 (I-5); thence along said right-of-way line, South 18°12'09" East 47.83 feet; thence continue along said easterly right-of-way, South 26°38'12" East 533.02 feet to the northerly line of that tract of land described in Instrument No. 94-32851 of the Official Records of Jackson County, Oregon; thence along the northerly line of said tract, North 89°59'39" East (Record East) 35.92 feet to the northeasterly corner thereof; thence along the southeasterly line of said tract, South 42°36'39" West (Record South 42°37' West) 34.34 feet to the easterly right-of-way line of the aforesaid Interstate Highway 5; thence along said right-of-way, South 26°38'12" East 207.90 feet to the east line of Government Lot 2 in the aforesaid Section 14; thence along the east line of said Lot 2 and Lot 1, North 00°00'21" West 789.31 feet to the point of beginning.

ALSO CONSIDERED

TOGETHER WITH Tax Lot 7100 of Assessor's Map 39 1E 14AD which is being considered for annexation on the recommendation of the Staff Advisor pursuant to AMC 18.106.040, pending owner's consent to annexation; being more particularly described as follows:

Commencing at the Northeast corner of Government Lot 1 in Section 14, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence South 00°00'21" East, along the east line of said Lot 1, 1439.04 feet; thence leaving said east line, South 42°36'39" West 145.00 to the northeast corner of that tract of land described in Instrument No. 94-32851 of the Official Records of Jackson County, Oregon for the POINT OF BEGINNING; thence along the southerly line of said tract, South 42°36'39" West (record South 42°37' West) 34.34 feet to the easterly right-of-way line of Interstate Highway No. 5; thence along said right-of-way line, North 26°38'12" West 28.27 feet to the northerly line of the aforesaid Instrument No. 94-32851; thence along said northerly line, North 89°59'39" East (record East) 35.92 feet to the point of beginning.

TOGETHER WITH and including that portion of the Interstate Highway No. 5 right-of-way located southerly, along Interstate Highway No. 5, from Ashland Street, in the City of Ashland, to Highway station 1593+32.8



Darrell L. Huck  
L.S. 2023 - Oregon  
Expires 6/30/2011  
Hoffbuhr & Associates, Inc.

(10032 annex desc r3.doc)

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FEB 08 2011

City of Ashland  
Field \_\_\_ Office \_\_\_ County \_\_\_

CERTIFIED MAIL™



7009 0080 0002 0122 0920



CITY HALL  
20 EAST MAIN STREET  
ASHLAND, OR 97520

CITY OF  
**ASHLAND**

DEPT. OF LAND CONSERVATION & DEV.  
ATTN: PLAN AMENDMENT SPECIALIST  
635 CAPITOL ST., NE  
SUITE # 150  
SALEM, OR 97301-2540



DEPT OF

MAY 11 2011

LAND CONSERVAT  
& DEVELOPME.