

# Council Business Meeting

November 15, 2022

<b>Agenda Item</b>	Grand Terrace Annexation – Public Hearing & First Reading	
<b>From</b>	Brandon Goldman Derek Severson	Interim Director of Community Development Senior Planner
<b>Contact</b>	<a href="mailto:Brandon.goldman@ashland.or.us">Brandon.goldman@ashland.or.us</a>	(541) 552-2076 <a href="mailto:Derek.severson@ashland.or.us">Derek.severson@ashland.or.us</a> (541) 552-2040

## **SUMMARY**

The application is a request for the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. The property is currently located in Jackson County’s jurisdiction and is zoned Rural Residential (RR-5); with Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2), which is consistent with the zoning envisioned in the Comprehensive Plan.

Concurrent with the Annexation request, the application also includes requests for Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 deed-restricted affordable units; an Exception to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. The Planning Commission has approved these land use components of the application subject to the Council’s approval of the Annexation, and has further recommended that the Council approve the Annexation request.

## **POLICIES, PLANS & GOALS SUPPORTED**

Comprehensive Plan, Housing Element  
Housing Needs Analysis (HNA)  
Housing Capacity Analysis (HCA)  
Ashland 2020: A Strategic Plan for Ashland’s Future  
City Council Goals (2019)

## **PREVIOUS COUNCIL ACTION**

The City Council approved a similar Annexation request (PA-T3-2019-00001) from the same applicant in 2020. That annexation was subsequently appealed to the state’s Land Use Board of Appeals (LUBA), and the city’s approval was ultimately reversed. That application did not include a development proposal, and LUBA determined that the city’s Annexation ordinance at the time made did not allow for Exceptions to the Street Design Standards in conjunction with Annexations. The primary differences between the current request and the previous application are that the current application includes a specific, detailed development proposal to construct 230 apartments where the previous application included only a conceptual site plan, and that the Ashland Municipal Code has since been modified to make explicitly clear that Exceptions to the Street Design Standards may be granted for applications involving annexation.

## **BACKGROUND AND ADDITIONAL INFORMATION**

Annexations are a legislative decision. Annexation applications are first considered by the Planning Commission, which makes a recommendation to City Council, and the Council then conducts a public hearing and makes the final decision on the annexation through the enactment of an ordinance. Annexation

applications must demonstrate compliance with specific approval criteria from the Land Use Ordinance. The Council may require improvements to public facilities, such as utilities and streets, as a condition to annexation approval, and may grant exceptions and variances to the approval criteria.

Except for City-initiated annexations, annexation applications require an accompanying planning application for the development of the entirety of the annexed area, in accordance with applicable procedures and approval criteria, concurrently with the annexation application. The current annexation also includes requests for Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 deed-restricted affordable units; an Exception to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. The Planning Commission has approved these quasi-judicial land use components of the application subject to the Council’s approval of the annexation, and has further recommended that the Council approve the annexation.

The application materials provided explain the request in terms of the applicable approval criteria (see [https://www.ashland.or.us/SIB/files/Final\\_Annexation\\_Findings\\_REPLACEMENT\\_SET.pdf](https://www.ashland.or.us/SIB/files/Final_Annexation_Findings_REPLACEMENT_SET.pdf)). The staff report presented to the Planning Commission also includes discussion of the application as it relates to the applicable approval criteria (see [https://www.ashland.or.us/SIB/files/Hwy99N\\_1511\\_PA-T3-2022-00004\\_T3\\_Staff\\_Report.pdf](https://www.ashland.or.us/SIB/files/Hwy99N_1511_PA-T3-2022-00004_T3_Staff_Report.pdf)). The Planning Commission’s findings, which formally adopt their decision and include a recommendation supporting annexation, detail their conclusions in terms of the application meeting the approval criteria (see Attachment 4).

**FISCAL IMPACTS**

There are no direct fiscal impacts related to the proposed annexation.

**STAFF RECOMMENDATION**

Staff concurs with the Planning Commission and recommends that the Council approve the Annexation request.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

The Council can choose to conduct the first reading and to approve the requested Annexation as recommended by the Planning Commission or with additional conditions and move the ordinance to second reading, or choose not to annex the property.

The Council will also need to adopt written findings formalizing tonight’s decision, and if approving the request should incorporate the Planning Commission’s decision into those findings for adoption concurrently with second reading.

- I move approval of first reading of the ordinance and scheduling of second reading of the ordinance for December 6, 2022; and
- I move to direct staff to prepare written findings for approval of the proposed Annexation, incorporating the Planning Commission’s decision and the staff recommendations, for Council adoption on December 6, 2022.

**REFERENCES & ATTACHMENTS**

Attachment 1: Draft Ordinance No. 3215

Attachment 2: Exhibit A – Area Proposed for Annexation

Attachment 3: Exhibit B – Additional State Highway Right-of-Way and Railroad Property

Attachment 4: Planning Commission Findings, Conclusions & Orders (Pending review and approval by the PC on November 8)

The full record for the application is posted on-line at: <http://www.ashland.or.us/GrandTerrace> along with a list of all public meetings held to date, including links to meeting packets, minutes and videos.

- [Zoning Permit Application](#)
- [Consent to Annexation](#)
- [Final Annexation Findings](#)
- [Grand Terrace Land Use Set - Civil Plans](#)
- [Grand Terrace Preliminary Electric Plan](#)
- [Grand Terrace Architectural Plans](#)
- [Rogue Valley Sewer Services Letter](#)
- [Grand Terrace Fire Access & Water Supply Comments](#)
- [Grand Terrace Landscape Site Plans](#)
- [Grand Terrace Access Safety Evaluation](#)
- [Grand Terrace Traffic Impact Analysis & Response](#)
- [Memo to Transportation Commission](#)
- [Grand Terrace Wetland Report](#)
- [Preliminary Subdivision Map](#)
- [Solar Access Exhibit](#)

Attachment 5: Public Comments submitted following the Planning Commission Public Hearing

- Rogue Advocates letter received November 1, 2022



1 **WHEREAS**, pursuant to ORS 222.120 and ORS 222.524 a public hearing was held on  
2 November 15, 2022, on the questions of annexation and withdrawal of the property from Jackson  
3 County Fire District No. 5. The hearing was held in person and was also accessible electronically  
4 via Zoom video conferencing. Those interested in participating in the hearing were able to  
5 provide oral or written testimony in person or via Zoom as required under Oregon House Bill  
6 2560 which requires that the public be able to access and attend public meetings, and to submit  
7 oral and written testimony, by virtual means.

8  
9 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

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

12  
13 **SECTION 2.** The land described in the attached Exhibit “A” and the adjacent railroad property  
14 and state highway right-of-way illustrated in the attached Exhibit “B” are declared to be annexed  
15 to the City of Ashland.

16 **SECTION 3.** The land described in the attached Exhibit “A” and the adjacent railroad property  
17 and state highway right-of-way illustrated in the attached Exhibit “B” are declared to be  
18 withdrawn from Jackson County Fire District No 5, pursuant to the provisions of ORS 222.111.

19 The foregoing ordinance was first read by title only in accordance with Article X, Section  
20 2(C) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2022, and duly PASSED and  
21 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

22  
23 ATTEST:

24  
25  
26  
27 \_\_\_\_\_  
28 Melissa Huhtala, City Recorder

29 SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.  
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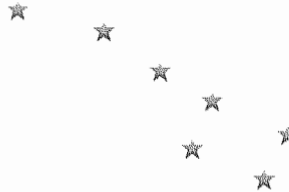
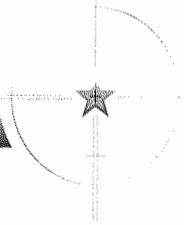
Julie Akins, Mayor

Reviewed as to form:

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Douglas M. McGeary, Acting City Attorney

# POLARIS LAND SURVEYING, LLC



## EXHIBIT "A"

### LEGAL DESCRIPTION – KENDRICK ANNEXATION TRACT CITY OF ASHLAND NORTH MAIN STREET ANNEXATION ASSESSOR'S MAP NO. 38 1E 32, TAX LOTS 1700 & 1702

Those tracts of land described within Instrument No. 2013-035734 of the Official Records in Jackson County, Oregon, lying situate within the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32 in Township 38 South, Range 1 East, and the Northwest Quarter of Section 5 in Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

#### PARCEL 1, TRACT "A"

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South  $46^{\circ}27'46''$  West, 834.96 feet [Deed Record South  $46^{\circ}28'51''$  West, 835.06 feet] to a 1/2 inch iron pipe at the True Point of Beginning; thence South  $38^{\circ}40'29''$  West [South  $38^{\circ}38'29''$  West], 351.73 feet to a 1/2 inch iron pipe situated on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence along said northeasterly line the following courses: 264.06 feet along the arc of a 6855.55 foot radius curve to the right, having a central angle of  $02^{\circ}12'25''$  (long chord bearing North  $57^{\circ}16'51''$  West, 264.05 feet), to a 5/8 inch iron pin at a point of tangency; thence North  $56^{\circ}10'38''$  West, 270.00 feet to a 5/8 inch iron pin; thence North  $33^{\circ}49'22''$  East, at right angles to said northeasterly line, 30.00 feet to a 5/8 inch iron pin; thence North  $56^{\circ}10'38''$  West, 410.82 feet to a 5/8 inch iron pin at a point of curvature; thence 206.66 feet along the arc of a 6925.55 foot radius curve to the left, having a central angle of  $01^{\circ}42'35''$  (long chord bearing North  $57^{\circ}01'56''$  West, 206.65 feet) to a 5/8 inch iron pin at the point of tangency; thence North  $57^{\circ}53'13''$  West, 365.53 feet to the south line of said Donation Land Claim No. 48; thence South  $89^{\circ}54'00''$  East, along said south line, 727.94 feet [Deed Record 727.81 feet] to a 1/2 inch iron pipe; thence South  $15^{\circ}09'14''$  West [Deed Record South  $15^{\circ}08'35''$  West], leaving said south line, 175.395 feet to a 1/2 inch iron pipe; thence South  $64^{\circ}23'16''$  East [Deed Record South  $64^{\circ}23'25''$  East] 690.07 feet to a 5/8 inch iron pin; thence North  $41^{\circ}48'34''$  East [North  $41^{\circ}36'44''$  East] 42.81 feet to a 1/2 inch iron pipe; thence South  $44^{\circ}49'51''$  East, 149.94 feet [Deed Record South  $45^{\circ}18'43''$  East, 149.99 feet] to a 1/2 inch iron pipe; thence South  $43^{\circ}23'17''$  East, 50.02 feet [Deed Record 49.99 feet] to the Point of Beginning.

Containing 9.23 acres, more or less.

#### PARCEL 1, TRACT "B"

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence North  $89^{\circ}54'00''$  West, along the south line of said Claim, 1638.78 feet [Deed Record North  $89^{\circ}54'37''$  West, 1638.78 feet]; thence North  $37^{\circ}19'04''$

East, 349.22 feet [Deed Record 349.46 feet] to the southwesterly line of relocated Highway No. 99; thence North 52° 40' 56" West, along said southwesterly line, 449.82 feet to the most easterly corner of that tract described in Document No. 77-10338, Official Records of said County; thence South 37° 20' 46" West, 399.73 feet [Deed Record 400.00 feet] to the most southerly corner of said tract for the True Point of Beginning; thence South 52°40'25" East, 383.59 feet [Deed Record South 52° 40' 56" East, 383.50 feet] to a 5/8 inch iron pin on the south line of said Claim No. 48; thence North 89°54 00" West, along said south line, 356.95 feet [Deed Record North 89° 54' 37" West, 345 feet, more or less] to a 5/8 inch iron pin on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence North 57°53'13" West, along said northeasterly line, 180.35 feet to a 5/8 inch iron pin; thence 220.88 feet along the arc of a 7286.49 foot radius curve to the left, having a central angle of 01°44'13" (long chord bearing North 58°45'19" West, 220.87 feet) to a point which bears South 37°21'19" West [Deed Record South 37° 20' 46" West] from a 5/8 inch iron pin at the most northerly corner of that tract of land described in Document No. 89-01177 of said Official Records, from which a 3/4 inch crimped top iron pipe bears North 37°21'19" East, 0.55 feet; thence North 37°21'19" East, along the northwesterly line of said described tract, 162.68 feet [Deed Record North 37° 20' 46" East, 162.0 feet, more or less], to a 5/8 inch iron pin which bears South 37°21'19" West, 93.04 feet [Deed Record South 37° 20' 46" West, 93.00 feet] from said most northerly corner; thence South 72°19'16" East, leaving said northwesterly line, 276.73 feet [Deed Record South 72° 19' 01" East, 276.77 feet] to a 5/8 inch iron pin situated on the northeasterly line of said described tract; thence South 52°40'25" East, along said northeasterly line, 39.16 feet [Deed record South 52°40'56" East, 39.37 feet] to the Point of Beginning.

Containing 2.58 acres, more or less.

## PARCEL 2

Commencing at the Southeast corner of Donation Land Claim No. 48 in Township 38 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South 46°27'46" West, 834.96 feet [Deed Record South 46° 28' 51" West, 835.06 feet] to a 1/2 inch iron pipe at the True Ppoint of Beginning; thence North 41°35'25" East, 89.24 feet [Deed Record North 41° 34' 29" East, 89.28 feet] to a 1/2 inch iron pipe situated on the southwesterly line of relocated Pacific Highway No. 99; thence following said southwesterly line of said Highway the following courses: 901.97 feet [Deed Record 901.77 feet] southeasterly along the arc of a 3718.63 foot radius curve to the right, having a central angle of 13°53'51" [Deed Record 13° 53' 40") to a 5/8 inch iron pin at the point of tangency; thence South 29°02'55" East, 29.16 feet [Deed Record South 28°49'42" East, 29.39 feet], more or less, to a 5/8 inch iron pin on the northeasterly line of the Central Oregon & Pacific Railroad (formerly Southern Pacific Railroad); thence leaving said southeasterly line of Highway 99 and along the northeasterly line of said railroad the following courses: North 58°23'04" West, 347.93 feet [Deed Record North 58° 23' 04" West, 348.09 feet] to a 5/8 inch iron pin on the south line of Section 32, in said Township 38 South, Range 1 East; thence South 89°39'37" West [Deed Record South 89°39'27" West], along said south line, 151.14 feet to a 5/8 inch iron pin, being 20.00 feet northeasterly from and at right angles to the centerline of said railroad; thence North 58°23'04" West, 439.50 feet to a 1/2 inch iron pipe at a point of curvature; thence North 38°40'29" East [Deed Record North 38°38'29" East], leaving said northeasterly line of railroad, 351.73 feet to the Point of Beginning.

Containing 5.06 acres, more or less.

Prepared by:

Shawn Kampmann  
Professional Land Surveyor

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520

Date: October 5, 2020

s:\surveys\855-14\Kendrick Annexation Legal.docx



*Shawn Kampmann*



RENEWAL DATE: 6/30/21



# MAP OF SURVEY

LYING SITUATE WITHIN

THE NORTHWEST QUARTER OF SECTION 5  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
& SOUTHWEST 1/4 OF SECTION 31 & SOUTHWEST 1/4 OF SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
JACKSON COUNTY, OREGON

FOR

## Cassita Developments LLC

153 Will Dodge Way  
Ashland, Oregon 97520

### LEGEND

- SUBJECT PROPERTY LINE
- - - BOUNDARY LINE
- - - CENTERLINE
- - - PREVIOUS DEED LINE
- ⊕ 2 1/2" BRASS CAPPED IRON PIPE SECTION CORNER PER SURVEY NO. 11551 AND JACKSON COUNTY SURVEYOR RE-ESTAB. NOTES (RECOVERED)
- ⊕ 2 1/2" BRASS CAPPED IRON PIPE QUARTER SECTION CORNER PER SURVEY NO. 11551 & JACKSON COUNTY SURVEYOR RE-ESTAB. NOTES (RECOVERED)
- ⊕ 2 1/2" BRASS CAPPED IRON PIPE DONATION LAND CLAIM CORNER PER SURVEY NO. 11551 & JACKSON COUNTY SURVEYOR RE-ESTAB. NOTES (RECOVERED)
- ⊕ 5/8" IRON PIN - NO OTHER MARKINGS - PER O.S.H.D. 1952 RIGHT-OF-WAY SURVEY & S/N 7020, 11551 & 18445 (RECOVERED)
- ⊕ 5/8" IRON PIN w/ 2" ALUMINUM CAP STAMPED "SWAIN LS 759 1990" PER S/N 12047 (RECOVERED)
- ⊕ 1/2" IRON PIPE w/ YELLOW PLASTIC PLUG STAMPED "SWAIN LS 759" PER S/N 11259, 11551, 12814 (RECOVERED)
- ⊕ 5/8" IRON PIN w/ RED PLASTIC CAP STAMPED "D. HUCK LS 2023" PER S/N 17105 & 20250 (RECOVERED)
- ⊕ 5/8" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "R. ROBERTS LS 1656" PER S/N 13704 (RECOVERED)
- ⊕ 5/8" IRON PIN w/ RED PLASTIC CAP STAMPED "RPLS-2339" PER S/N 12439 (RECOVERED)
- ⊕ 1/2" IRON PIPE - NO OTHER MARKINGS - PER BURRELL S/N 4084 (RECOVERED)
- ⊕ 5/8" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" PER S/N 16579 & 18445 (RECOVERED)
- ⊕ 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- O.R. OFFICIAL RECORDS, JACKSON COUNTY CLERK
- D.R. DEED RECORD VOLUME / PAGE, JACKSON COUNTY CLERK
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- D.L.C. DONATION LAND CLAIM, AS DESCRIBED
- O.S.H.D. OREGON STATE HIGHWAY DEPARTMENT (O.D.O.T.)
- STA. OREGON DEPT. OF TRANSPORTATION HIGHWAY STATION
- [ ] DEED RECORD DATA PER 2013-035734
- ( ) SURVEY RECORD DATA PER S/N 11551, 12047, 12814 (SWAIN)
- < > SURVEY RECORD DATA PER S/N 12439 & 13704 (EDWARDS)
- { } SURVEY RECORD DATA PER OREGON STATE HIGHWAY DEPT.

**BASIS OF BEARING**  
THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF DONATION LAND CLAIM NO. 48, HAVING A PLAT RECORD BEARING OF NORTH 89°54'00" WEST, AS REFERENCED ON SURVEY NO. 11551, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

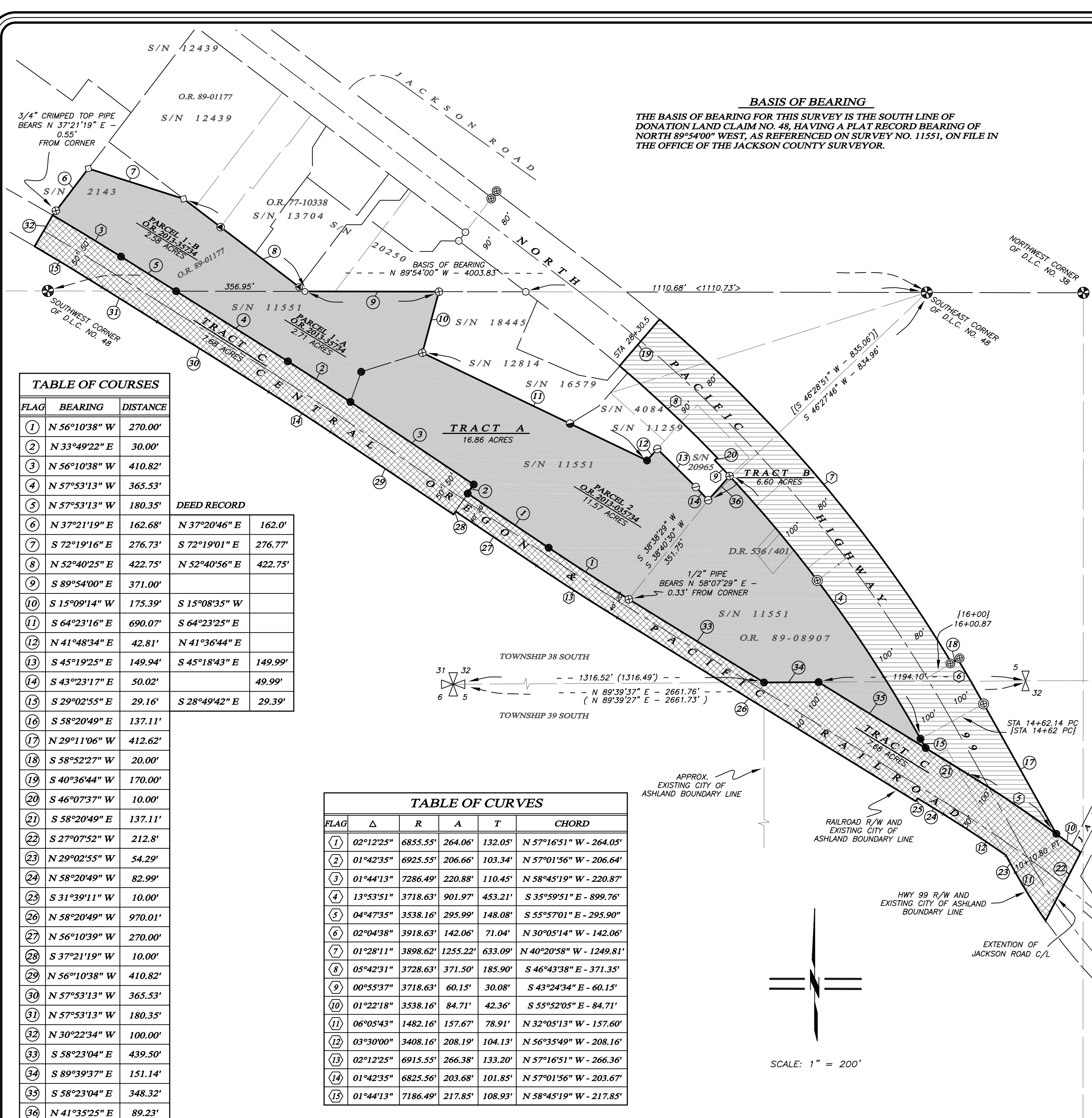


TABLE OF COURSES

FLAG	BEARING	DISTANCE	
1	N 56°10'38" W	270.00'	
2	N 33°49'22" E	30.00'	
3	N 56°10'38" W	410.82'	
4	N 57°53'13" W	365.53'	
5	N 57°53'13" W	180.35'	DEED RECORD
6	N 37°21'19" E	162.68'	N 37°20'46" E 162.0'
7	S 72°19'16" E	276.73'	S 72°19'01" E 276.77'
8	N 52°40'25" E	422.75'	N 52°40'56" E 422.75'
9	S 89°54'00" E	371.00'	
10	S 15°09'14" W	175.39'	S 15°08'35" W
11	S 64°23'16" E	690.07'	S 64°23'25" E
12	N 41°48'34" E	42.81'	N 41°36'44" E
13	S 45°19'25" E	149.94'	S 45°18'43" E 149.99'
14	S 43°23'17" E	50.02'	S 43°23'17" E 49.99'
15	S 29°02'55" E	29.16'	S 28°49'42" E 29.39'
16	S 58°20'49" E	137.11'	
17	N 29°11'06" W	412.62'	
18	S 58°52'27" W	20.00'	
19	S 40°36'44" W	170.00'	
20	S 46°07'37" W	10.00'	
21	S 58°20'49" E	137.11'	
22	S 27°07'52" W	212.8'	
23	N 29°02'55" W	54.29'	
24	N 58°20'49" W	82.99'	
25	S 31°39'11" W	10.00'	
26	N 58°20'49" W	970.01'	
27	N 56°10'39" W	270.00'	
28	S 37°21'19" W	10.00'	
29	N 56°10'38" W	410.82'	
30	N 57°53'13" W	365.53'	
31	N 57°53'13" W	180.35'	
32	N 30°22'34" W	100.00'	
33	S 58°23'04" E	439.50'	
34	S 89°39'37" E	151.14'	
35	S 58°23'04" E	348.32'	
36	N 41°35'25" E	89.23'	

TABLE OF CURVES

FLAG	Δ	R	A	T	CHORD
1	02°12'25"	6855.55'	264.06'	132.05'	N 57°16'51" W - 264.05'
2	01°42'35"	6925.55'	206.66'	103.34'	N 57°01'56" W - 206.64'
3	01°44'13"	7286.49'	220.88'	110.45'	N 58°45'19" W - 220.87'
4	13°53'51"	3718.63'	901.97'	453.21'	S 35°59'51" E - 899.76'
5	04°47'35"	3538.16'	295.99'	148.08'	S 55°57'01" E - 295.90'
6	02°04'38"	3918.63'	142.06'	71.04'	N 30°05'14" W - 142.06'
7	01°28'11"	3898.62'	1255.22'	633.09'	N 40°20'58" W - 1249.81'
8	05°42'31"	3728.63'	371.50'	185.90'	S 46°43'38" E - 371.35'
9	00°55'37"	3718.63'	60.15'	30.08'	S 43°24'34" E - 60.15'
10	01°22'18"	3538.16'	84.71'	42.36'	S 55°52'05" E - 84.71'
11	06°05'43"	1482.16'	157.67'	78.91'	N 32°05'13" W - 157.60'
12	03°30'00"	3408.16'	208.19'	104.13'	N 56°35'49" W - 208.16'
13	02°12'25"	6915.55'	266.38'	133.20'	N 57°01'56" W - 266.36'
14	01°42'35"	6825.56'	203.68'	101.85'	N 57°01'56" W - 203.67'
15	01°44'13"	7186.49'	217.85'	108.93'	N 58°45'19" W - 217.85'

Assessor's Map No. 38 1E 32, Tax Lots 1700 & 1702

**POLARIS LAND SURVEYING**

REGISTERED PROFESSIONAL LAND SURVEYOR  
PRELIMINARY COPY  
OREGON JULY 14, 1998  
SHAWN KAMPMANN  
2883 LS  
RENEWAL DATE: 6/30/2021

SURVEYED BY:  
**POLARIS LAND SURVEYING LLC**  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5009  
DATE: JUNE 8, 2021  
PROJECT NO. 855-14

SCALE: 1" = 200'



*Advocating for a liveable and sustainable  
Rogue Valley through responsible land use.*

November 1, 2022

Dear Members of the City Council,

Rogue Advocates has several comments on an item for tonight's agenda, entitled "First Reading of Ordinance 3214 regarding System Development Charges and amending Ashland Municipal Code section 4.20," as explained below.

In May of 2021, Rogue Advocates successfully appealed the Grand Terrace Annexation to Oregon's Land Use Board of Appeals (LUBA). Rogue Advocates' brief to LUBA identified numerous provisions within AMC 18.5.8 that were violated through the City's approval. As a result of LUBA's reversal, the City was forced to undertake significant code amendments so that, in a second time around, the annexation proposal might be lawfully approved. Such amendments included altering code language that provides for the safety of pedestrians, cyclists and transit riders.

Bob Kendrick, the Applicant for Grand Terrace, proposed an illegal annexation that has required the City to amend its laws - including laws enacted to protect public safety - in order to be approved. However, prior to considering Kendrick's first annexation proposal, and at Mr. Kendrick's request, the City Council also amended its affordable housing requirements, resulting in an approximately 20% reduction in required affordable units for Grand Terrace. During Planning Commission hearings, Mr. Kendrick made it clear that he wanted to minimize the number of required affordable units in order to make his development more profitable. And despite all the rhetoric we've heard about the desire to build more affordable housing in Ashland, the City Council obliged this request as well.

A new Grand Terrace annexation application, addressing the revised code provisions, is currently pending recommendation at the Planning Commission and is scheduled to come to the City Council in the near future.

Tonight we are confronted with yet another example of how the City of Ashland intends to bend over backwards in order to accommodate Mr. Kendrick. In fact, the City went so far as to include Mr. Kendrick on the committee to come up with the recommendations before you tonight - recommendations that will affect the profitability of his development and add costs to City taxpayers. And these recommendations also come from people with direct ties to political candidates aligned with Mr. Kendrick, people who have pledged to deal with "excessive system development charges" without identifying how infrastructure will otherwise be paid for.

Rogue Advocates is highly supportive of the development of affordable housing in Ashland and is generally supportive of the City's efforts to treat such developments differently with respect to SDCs. Yet, there is no evidence that providing favorable SDC terms for market-rate developers, such as those you are considering tonight, will result in any benefits for Ashland residents. In fact, the exact opposite is true.

In a Study Session on May 17, 2021, Beth Goodman of ECONorthwest told the City Council that her investigations have shown that reducing SDCs for market rate development simply improves profits for developers, it does not result in lowered housing prices. If that is the case, why is the Council pursuing this course of action?

On October 18, 2022, the State of Oregon published "Oregon System Development Charges Study - Public Review Draft" as required through House Bill 3040. Among the findings published in that document include:

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Jimmy MacLeod Steve Rouse Maud Powell Pepper Trail Melissa Matthewson Mike Walker

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Advocating for a liveable and sustainable  
Rogue Valley through responsible land use.

- *"SDCs are increasing faster than inflation due to lack of alternative funding and increasing infrastructure costs."*
- *"On average, SDCs and water and sewer utility rates have increased faster than construction costs over the past 10-15 years, yet many jurisdictions report falling behind in their ability to pay for infrastructure, especially in the last few years."*
- *"While jurisdictions that have implemented deferrals reported few issues, many others expressed concerns about their ability to collect fees after permits are issued, administrative cost and complexity, and, in some cases, delaying revenue collection."*
- *"Oregon property tax limitations imposed in the 1990s slowed the growth of property tax revenue and sharply reduced localities' abilities to use property taxes to finance infrastructure improvements. At the same time, higher environmental and safety standards have increased the cost of infrastructure investments and maintenance, while construction costs and personnel costs (including pensions) have also risen."*
- *"There are few viable alternatives to SDCs for local investments in capital infrastructure, particularly in fast growing communities. SDCs also provide an important leveraging tool for state and federal infrastructure grants, particularly for parks and transportation."*
- *"Most service providers prefer to collect SDCs at issuance of the building permit as this offers the greatest certainty of payment with the least administrative effort, and many expressed concern about challenges with collecting payment at certificate of occupancy, and even more so at time of sale."*
- *"Oregon Revised Statutes 223.208 also authorizes (but does not compel) local governments to provide financing of SDCs under the provisions of the Bancroft Bonding Act. These provisions allow local governments to provide loan-like financing of SDCs. Provider financing programs vary in terms of the type of development eligible, maximum financing term, interest rates charged, and program application fees and other requirements."*
- *"The SDC methodology must also be made available for review 60 days prior to the first public hearing. ORS 223.304(7)."*

Rogue Advocates is concerned that the City Council is amending their SDC provisions inconsistent with ORS 223.304(7) as we are not aware of the proposed methodology before you being publicly presented 60 days in advance of this hearing. We are also concerned that the terms of ORS 223.208 (Bancroft Bonding) are inconsistent with what the City is proposing in these amendments. We ask that this first reading be postponed until such a time as these two issues can be appropriately addressed.

Sincerely,

Craig Anderson  
Member Rogue Advocates

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