

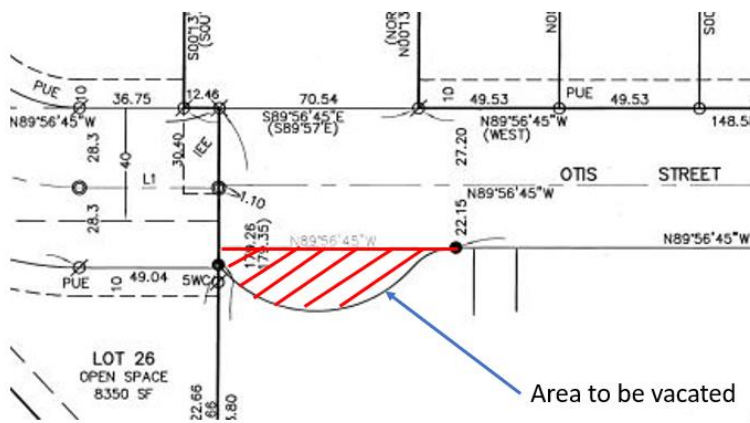
Council Business Meeting

May 3, 2022

Agenda Item	Vacation of a Public Right of Way-A Portion of Otis Street	
From	Scott Fleury P.E.	Public Works Director
Contact	Scott.fleury@ashland.or.us	541-552-2412

SUMMARY

Before the Council is a request to vacate a portion of public right of way. The right of way in question is a 1236 square foot section located at adjacent to 388 Otis Street and was originally dedicated on Minor Land Partition #7603.



POLICIES, PLANS & GOALS SUPPORTED

City Council:

- Evaluate real property and facility assets to strategically support city mission and goals.

PREVIOUS COUNCIL ACTION

No previous action on this item, but Council has taken numerous actions in the past regarding vacating public right of way. The last action occurred in in 2018 with the vacation of a portion of Terrace Street ([Staff Report](#)).

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland was approached by the property owner at 388 Otis Street about vacating a portion of the right of way adjacent to the property within the Otis Street right of way. Staff informed the property owner of requirements for vacating city right of way which includes the appropriate petition and subsequent public hearings at the Planning Commission and City Council. The requirements for right of way vacations are detailed in Ashland Municipal Code (AMC) Chapter 4.18 and Oregon Revised Statute (ORS) 271.080 thru 271.230.

Public Works performed an initial assessment to determine if a right of way vacation would be in the public interest. The right of way does not significantly provide a public benefit with respect to the street corridor and developing to a preferred street standard in the future and is not needed for vehicular turnarounds as the road now connects through. West Village subdivision adjacent to the location has been plated (attachment #6) and the new roadway installed. Future improvements to the Otis Street right of way would match and tie into the established right connection to Coffee Lane.

To be consistent with the adjacent development and future improvements, Public Works has recommended inclusion of a 10' Public Utility & Pedestrian Easement (PUE) along the frontage of the property on the final map of survey, if needed based the right of way location in conjunction with existing facilities and their associated connection.

Right of Way Vacation Requirements:

In order to appropriately process a right of way vacation certain state and local codes must be addressed. The Oregon Revised Statutes (ORS) and City of Ashland Municipal Code detail the requirements to vacate City property:

4.18.010 Purpose

The purpose of this Chapter is to establish the procedure for processing requests for the vacation of public rights-of-way and places, and to require petitioners for vacation to deposit with the City Recorder a fee sufficient to cover the cost of publication, posting and other anticipated expenses as authorized by ORS 271.080, et seq.

4.18.020 Application

Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established by resolution of the City Council. (Ord. 2654, 1991; Ord. 2742, 1994)

➤ **Property owner submitted application fee and petition to City recorder. Condition is satisfied.**

4.18.030 Review by Planning Commission

Upon receipt of the petition, the same shall be referred to the City Engineer for a determination of whether it contains the requested number of sworn signatures. The City Engineer shall return any petition not meeting the requirements of ORS 271.080, together with the filing fee to the petitioner. If the City Engineer determines that the petition is sufficient, it shall be referred to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall submit its report to the City Council within sixty (60) days of receipt. Upon receipt of the report by the Commission, or if no report is received from the Commission upon the expiration of sixty (60) days, the City Administrator shall set the matter for public hearing as set forth in ORS 271.100, et seq.

➤ Engineering reviewed submitted petition and verified signatures and boundary of petition limits appropriate for right of way vacation to proceed. **Condition is satisfied.**

➤ The Planning Commission held a hearing on the matter at the December 14, 2021 meeting. **Condition is satisfied.**

4.18.040 Public Hearings

Public hearings shall be held as set forth in ORS 271.120, at which time the petitioner and all affected parties shall be afforded an opportunity to present their views either orally or in writing. The report of the Planning Commission, if any, shall be made a part of the record.

➤ The City recorder as required has advertised the public hearing. **Condition is satisfied.**

➤ The Planning Commission meeting minutes are attached. **Condition is satisfied.**

4.18.050 Action By Council

The City Council, after due consideration of testimony by affected parties, and the report of the Planning Commission may approve, reject, or modify the area proposed for vacation which in its sole judgment is deemed in the public interest. (Ord. 2164 §1, 1982)

If approved by Council, the property owner will be required to finalize the map of survey showing the public utility easement if needed; have new property deeds created that describe new property boundary for the tax lot and have all documents recorded at the County. The City Recorder will have the ordinance approving the Right of Way Vacation recorder at the County. If not approved by Council, there is no further action by staff or property owner and the right of way will remain in place.

FISCAL IMPACTS

The only resource requirements were/are associated with staff time to bring the vacation forward through the Planning Commission and City Council. The applicant is required to submit a vacation petition fee to the City Recorder as reimbursement for associated staff time. The applicant is responsible for the recording of all applicable documents. If the property is vacated, it will become private and assessable for property taxes as part of the individual tax lot.

STAFF RECOMMENDATION

Staff recommends approval of the right of way vacation ordinance.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the Right of Way Vacation of Otis Street as defined in Ordinance 3208

I move to not approve an ordinance vacating a portion of Otis Street.

REFERENCES & ATTACHMENTS

Attachment #1: Otis Street Vacation Ordinance #3208

Attachment #2: Proposed Right of Way Vacation Map of Survey

Attachment #3: Planning Commission Meeting Staff Report and Minutes December 14, 2021

1 Partitions" in Jackson County, Oregon, the following courses: thence 17.23 feet along the
2 arc of a 20.00 foot radius curve to the left, having a delta angle of 49°21 '19" (Chord
3 bearing South 65°34'38" West, 16.70 feet); thence 78.22 feet (Plat Record 78.825') along
4 the arc of a 45.00 foot radius curve to the right, having a delta angle of 99°35'34" (Chord
5 bearing North 89°18'15" West, 68.74 feet) to the easterly line of that tract described in
6 Volume 56, Page 274, said Deed Records; thence North 00°12'37' East, along said
7 easterly line, 6.12 feet to the Point of Beginning.

8 And containing 1,236 square feet, more or less.

9 Be, and the same hereby is, vacated.

10 **SECTION 2.** The City Recorder is hereby directed to deliver a certified copy of this Ordinance
11 No. 3208 to the County Clerk, County Assessor, and County Surveyor of Jackson County,
12 Oregon.

13 **SECTION 3. Codification.** In preparing this ordinance for publication and distribution, the
14 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
15 such limitations, may:

- 16 (a) Renumber sections and parts of sections of the ordinance;
- 17 (b) Rearrange sections;
- 18 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 19 (d) Delete references to repealed sections;
- 20 (e) Substitute the proper subsection, section, or chapter numbers;
- 21 (f) Change capitalization and spelling for the purpose of uniformity;
- 22 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 23 (h) Correct manifest clerical, grammatical, or typographical errors.

24 **SECTION 4. Severability.** Each section of this ordinance, and any part thereof, is severable,
25 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
26 remainder of this ordinance shall remain in full force and effect.

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PASSED by the City Council this _____ day of _____, 2022.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2022.

Julie Akins, Mayor

Reviewed as to form:

Katrina L. Brown, City Attorney

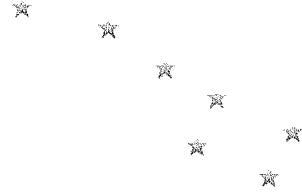


EXHIBIT "A"

**LEGAL DESCRIPTION – STOUT OTIS STREET VACATION
356 & 388 OTIS STREET, ASHLAND, OREGON
ASSESSOR'S MAP NO. 39 1E 05 AD, TAX LOTS 502 & 509**

A Public Street Vacation of that portion of Otis Street adjacent to those tracts of lands described within Document No.'s 2021-041901 and 2020-040732 of the Official Records in Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

Commencing at a 1 inch iron pipe at the Northwest corner of Donation Land Claim No. 40, lying situate within the Northwest Quarter of Section 5, Township 39 South, Range 1 East of the Willamette Meridian in the City of Ashland, Jackson County, Oregon; thence South 40°07'21" East, 493.58 feet (Deed Record South 40°50' East, 493.75 feet) to a point on the easterly line of that tract described in Volume 56, Page 274 of the Deed Records of Jackson County, Oregon, said point also being the southwest corner of that tract described in Document No. 78-26735 of the Official Records of Jackson County, Oregon, and the POINT OF BEGINNING; thence South 89°57'42" East (Deed Record South 89°56'38" East), along the south line of said described tract, 83.92 feet to a 5/8 inch iron pin; thence leaving said described south line and along the southerly line of that street dedication recorded on January 23, 1979 in Volume 2, Page 72, of "Minor Land Partitions" in Jackson County, Oregon, the following courses: thence 17.23 feet along the arc of a 20.00 foot radius curve to the left, having a delta angle of 49°21'19" (Chord bearing South 65°34'38" West, 16.70 feet); thence 78.22 feet (Plat Record 78.825') along the arc of a 45.00 foot radius curve to the right, having a delta angle of 99°35'34" (Chord bearing North 89°18'15" West, 68.74 feet) to the easterly line of that tract described in Volume 56, Page 274, said Deed Records; thence North 00°12'37" East, along said easterly line, 6.12 feet to the Point of Beginning.

Containing 1,236 square feet, more or less.

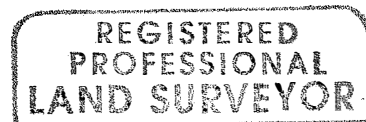
Prepared by:

Shawn Kampmann
Professional Land Surveyor

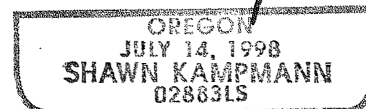
Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: December 7, 2021

s:\surveys\1388-21\Stout RW Vacation Exhibit A Legal.docx



Shawn Kampmann



RENEWAL DATE: 6/30/23

EXHIBIT "B"

**356 OTIS STREET
VACATION MAP**

LYING SITUATE WITHIN

NORTHEAST QUARTER OF SECTION 5
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
CITY OF ASHLAND, OREGON

O T I S S T R E E T

(VARIABLE WIDTH RIGHT-OF-WAY PER O.R. 78-26735)

EXISTING CURB

28.3'

**C O F F E E
L A N E**

FOR

Trina Stout

356 Otis Street
Ashland, Oregon 97520

28.3'

STREET VACATION
6.0 SQ. FT.

S 89°57'42" E - 89.71'

83.92'

74.89'

6.12'

7.22'

7.22'

SIDEWALK

EXISTING CURB

STREET VACATION
1236 SQ. FT.

R = 45.00'

L = 78.22'

R = 20.00'

L = 7.86'

R = 20.0'

L = 9.37'

14.82'

EXISTING CURB

PREVIOUS
RIGHT-OF-WAY
LINE

TAX LOT 211A

TAX LOT 502

TAX LOT 510

TAX LOT 509

TAX LOT 505

N 00°12'37" E - 102.70'

102.70'

74.79'

S 89°58'22" E

100.56'

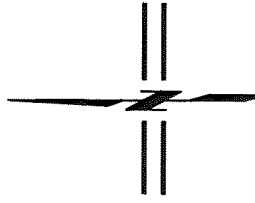
N 00°15'52" E - 102.68'

S 00°15'52" W - 95.96'

R = 60.78'

L = 25.14'

1



SCALE: 1" = 30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2023

SURVEYED BY:

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

DATE: DECEMBER 7, 2021
PROJECT NO. 1388-21

O.R. 2021-041901
7685 S.F. (ADJUSTED)
6449 S.F. (PREVIOUS)

O.R. 2020-040732
10,193 S.F. (ADJUSTED)
10,199 S.F. (PREVIOUS)

PUBLIC HEARING

**Right-of-Way Vacation
388 Otis Street**



SUBJECT PROPERTY: Public Right-of-Way adjacent to 39 1E 05AD Tax Lot #502

APPLICANT/OWNER: City of Ashland Public Works Department

DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Otis Street right-of-way north of Map 39 1E 05AD Tax Lot #502 near 388 Otis Street and make a recommendation to the City Council.

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; **ZONING:** R-1-5-P; **ASSESSOR'S MAP/TAX LOT:** 39 1E 05AD; Tax Lot: #502.

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: *Tuesday, December 14, 2021 at 7:00 PM*



Notice is hereby given that the Ashland Planning Commission will hold an electronic public hearing on the above described planning action on the meeting date and time shown above. You can watch the meeting on local channel 9, on Charter Communications channels 180 & 181, or you can stream the meeting via the internet by going to rvtv.sou.edu and selecting 'RVTV Prime.'

The ordinance criteria applicable to this planning action are attached to this notice. Oregon law states that failure to raise an objection concerning this application, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

Because of the COVID-19 pandemic, application materials are provided online and written comments will be accepted by email. Alternative arrangements for reviewing the application or submitting comments can be made by contacting (541) 488-5305 or planning@ashland.or.us.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report will be available on-line at www.ashland.or.us/PCpackets seven days prior to the hearing. Copies of application materials will be provided at reasonable cost, if requested. Under extenuating circumstances, application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

Anyone wishing to submit comments can do so by sending an e-mail to PC-public-testimony@ashland.or.us with the subject line "**December 14 PC Hearing Testimony**" by 10:00 a.m. on Monday, December 13, 2021. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "**December 14 Hearing Testimony**" by 10:00 a.m. on Tuesday, December 14, 2021. Written testimony received by these deadlines will be available for Planning Commissioners to review before the hearing and will be included in the meeting minutes.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on Tuesday, December 14, 2021. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "**December 14 Speaker Request**", 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact Derek Severson at #541-552-2040 / Derek.Severson@ashland.or.us.

Chapter 4.18: VACATION OF PUBLIC PROPERTY

4.18.010 Purpose

The purpose of this Chapter is to establish the procedure for processing requests for the vacation of public rights-of-way and places, and to require petitioners for vacation to deposit with the City Recorder a fee sufficient to cover the cost of publication, posting and other anticipated expenses as authorized by ORS 271.080, et seq.

4.18.020 Application

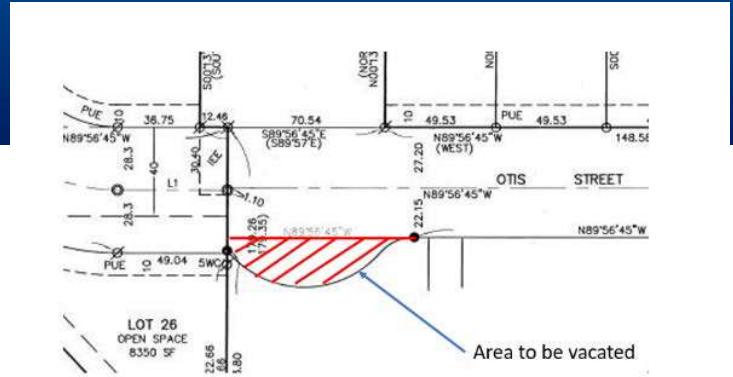
Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established by resolution of the City Council. (Ord. 2742, amended, 1994; Ord. 2654, amended, 1991)

4.18.030 Review by Planning Commission

Upon receipt of the petition, the same shall be referred to the City Engineer for a determination of whether it contains the requested number of sworn signatures. The City Engineer shall return any petition not meeting the requirements of ORS 271.080, together with the filing fee to the petitioner. If the City Engineer determines that the petition is sufficient, it shall be referred to the City Planning Commission for their review and recommendation to the City Council. The Planning Commission shall submit its report to the City Council within sixty (60) days of receipt. Upon receipt of the report by the Commission, or if no report is received from the Commission upon the expiration of sixty (60) days, the City Administrator shall set the matter for public hearing as set forth in ORS 271.100, et seq.

Otis Street R-o-W Vacation Staff Report

A request for the Planning Commission to review and make a recommendation on the vacation of a portion of the public right-of-way for Otis Street near 388 Otis Street.



Proposal Details

Site Description/History

The area of right-of-way proposed for vacation here was dedicated to the city as part of a Minor Land Partition (**MLP #392**) in 1978 for the creation of a *cul-de-sac* where Otis Street dead-ended. With the recent completion of infrastructure for the West Village Subdivision, Otis Street now continues into Coffee Lane and no longer dead-ends, and there is now no need for a *cul-de-sac*/turn-around in this location.

Proposal

Approval of the current request would vacate the semi-circular area of right-of-way on the south side of Otis Street, shown in red in the figures above, in front of Tax Lot #502.

Key Issues

Street Connectivity

This vacation eliminates a no longer needed turn-around area, and poses no street connectivity issues.

Pedestrian Connectivity

In staff's view, the applicant should install a new continuous curb, adequate right-of-way or a public pedestrian access easement to support future curbside sidewalk installation should be retained, and the applicant should sign-in favor of a Local Improvement District (LID) for future street improvements.

Utility Easements

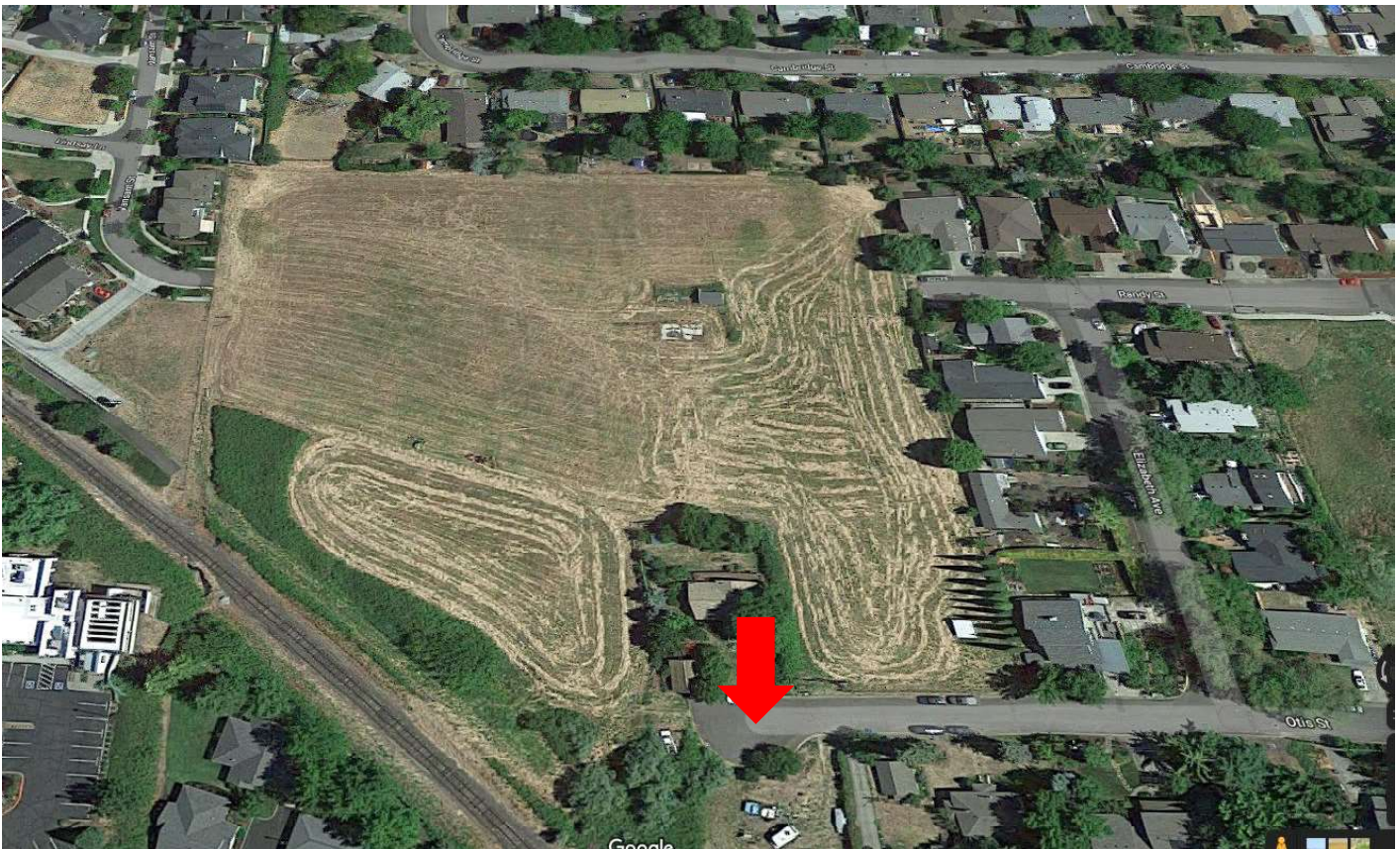
Staff would recommend that a ten-foot wide utility easement be retained within the vacated area to preserve the ability to extend public infrastructure between the West Village Subdivision and the neighborhood to the east.

Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council and ask that a continuous curb be installed and that public utility and public pedestrian access easements be retained in the vacated section, and that the applicant sign-in favor of a future LID for frontage improvements.

Otis Street R-o-W Vacation Staff Report

A request for the Planning Commission to review and make a recommendation on the vacation of a portion of the public right-of-way for Otis Street near 388 Otis Street.



Memo

CITY OF
ASHLAND

Date: December 2, 2021
From: Scott A. Fleury - Public Works Director
To: Planning Commission
RE: Right of Way Vacation- 388 Otis Street

BACKGROUND:

The City of Ashland was approached by the property owner at 388 Otis Street about vacating a portion of the right of way adjacent to the property within the Otis Street right of way. Staff informed the property owner of requirements for vacating city right of way which includes the appropriate petition and subsequent public hearings at the Planning Commission and City Council. The requirements for right of way vacations are detailed in Ashland Municipal Code (AMC) Chapter 4.18 and Oregon Revised Statute (ORS) 271.080 thru 271.230 A copy of the AMC is attached for reference.

The property owner has obtained the necessary petition signatures and paid the appropriate fee to the City Recorder. Public Works has worked with Planning staff to schedule the public hearing before the Commission and developed background information appropriate for a discussion regarding the request to vacate right of way.

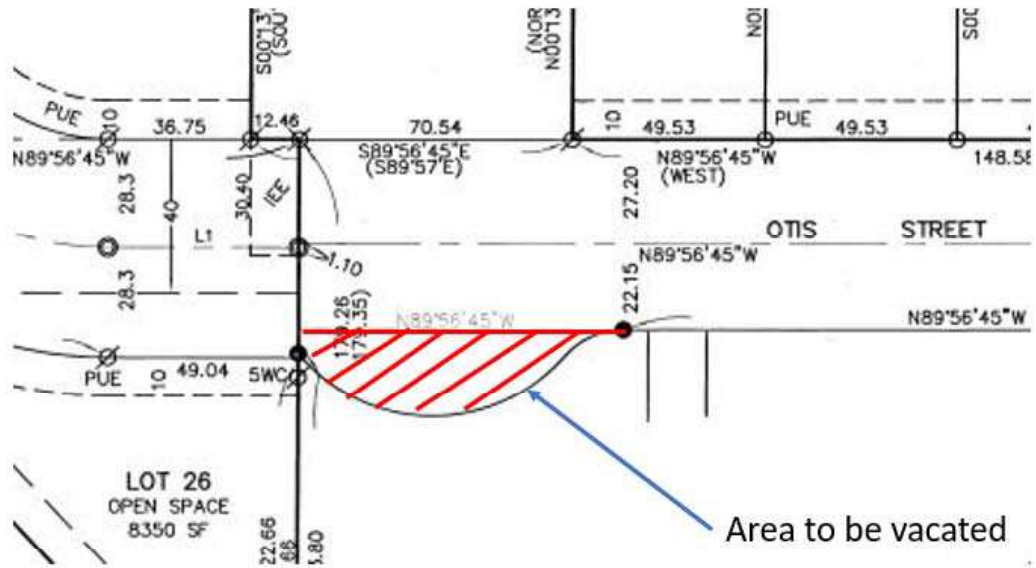
After the public hearing at the Planning Commission a public hearing will be scheduled before the City Council. In order to finalize a right of way vacation the City Council must approve an ordinance vacating the right of way thru a first and second reading ordinance process. The last right of way vacation that was processed occurred in 2018. The Planning Commission public hearing was held on May 8, 2018 ([PC Packet](#)) and the City Council meetings were held on November 5th and November 20th, 2018 ([November 20, 2021 Council Report](#))

The right of way was originally dedicated on Minor Land Partition #7603 (attachment #1). The dedication of this area of right of way was most likely defined to support vehicular turnarounds at the dead-end location.

Public Works performed an initial assessment to determine if a right of way vacation would be in the public interest. The right of way does not significantly provide a public benefit with respect to the street corridor and is not needed for vehicular turnarounds as the road now connects through. There are not utility conflicts associated with vacating the right of way as the utilities are within the existing roadway or tied to a dedicated Public Utility Easement. The West Village subdivision adjacent to the location has been plated (attachment #2) and the new roadway installed. Future improvements to the Otis Street right of way would match the established right of way and connect to Coffee Lane.

To be consistent with the adjacent development and future improvements, Public Works recommends inclusion of a 10' Public Utility Easement (PUE) along the frontage of the property if the right of way vacation is approved.

Figure 1: Proposed vacation area



Public Works recommends the Planning Commission provide a motion to the City Council that they approve vacating the public right of way as proposed on the map of survey provided.

If the right of way vacation ordinance is approved by the City Council a final map of survey will be developed along with new property deeds and these new documents will be recorded by the petitioner.

APPROVAL

12/21/78
Date
Ashland Planning Commission
M78-392

MINOR LAND PARTITION

LOCATED IN
D.L.C. NO. 40 IN NE 1/4 OF SEC. 5, TWP. 39S., R. 1 E.W.M.
JACKSON COUNTY OREGON

RUSSELL E. DALE
585 ALLISON, NO. 1
ASHLAND, OREGON 97520

1979
filed for record this the 23 day of January
at 10:07 o'clock A.M. and recorded in Volume 2 page 7E
of "Minor Land Partitions" in Jackson County, Oregon
William Jerry County Clerk
Michele Baker Deputy

WE COPY D.L.C. No. 40
Fd. 1 1/2" Pipe
Re: R.S. No. 4837

East boundary of
Irwin's property
per McCall's survey.

376.865'

5.00'00"22"W.

317.90'

S. 89°49'34"E.

NORTH BOUNDARY OF D.L.C. NO. 40

493.75'

(d.r. N. 40°05'W.

WEST BOUNDARY OF
D.L.C. NO. 40

Railroad right of way
per deed record

Centerline of
existing tracks

SOUTHERN PACIFIC RAILROAD

124.08'

(d.r. South 130.0')

N. 00°00'22"E.

96.66'

(d.r. 189°52'W) S. 89°56'38"E. 220.03' (221.10)

129.675'

(d.r. North 199.98')

S. 00°00'22"W.

100.00'

N. 89°56'38" W. 160.55'

(d.r. S. 89°57'E. 160.55')

3.3'

100.00'

N. 00°00'22"E.

60.55'

N. 00°00'22"E.

100.00'

N. 89°56'38" W. 160.55'

(d.r. S. 89°57'E. 160.55')

3.3'

100.00'

N. 00°00'22"E.

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100.00'

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(d.r. S. 89°57'E. 160.55')

3.3'

100.00'

N. 00°00'22"E.

60.55'

N. 00°00'22"E.

100.00'

N. 89°56'38" W. 160.55'

(d.r. S. 89°57'E. 160.55')

3.3'

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WEST VILLAGE, PHASES 1 & 2

A Subdivision
Located in the N.E. 1/4 of Section 5,
T.39S., R.1E., W.M. City of Ashland
Jackson County, Oregon
(PA-TI-2020-00132)

APPROVALS * * * * *
5/19/2021 DATE

ASHLAND PLANNING DEPARTMENT
(PA-TI-2020-00132) SUBDIVISION

EXAMINED AND APPROVED as required by ORS 92.100 as of May 4, 2021
Heather Simpson
Deputy
County Clerk

EXAMINED AND APPROVED this 19th day of MAY, 2021
Heather Simpson
Deputy
County Clerk

EXAMINED AND APPROVED as required by ORS 92.100 (d) and Oregon Laws 2015 Chapter 96
as of May 25th, 2021
Heather Simpson
Deputy
County Clerk

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES as required by ORS 92.085 have
been paid as of May 25th, 2021
Heather Simpson
Deputy
County Clerk

* * * * * DECLARATION * * * * *
Know all men by these presents that CMK DEVELOPMENT, LLC, an Oregon limited liability company, is the
owner in fee of the lands shown on Sheets 2 and 3, more particularly described in the Surveyor's
Certificate and have subdivided the same into the Lots and streets as shown on Sheets 2 and 3 and
(1) do hereby dedicate to the public for public use under the jurisdiction of the City of Ashland, the
Street Right of Way together with the Public Utility Easements (PUE), Multi Purpose Path Easement (MPE)
and Temporary Multi Purpose Path Easement (TMPE) which shall automatically be vacated upon the
utilization of the MPE and (2) do hereby make and establish the Private Storm Drainage Easements for
the benefit of the Lots as noted (PSE #), the Private Alley and the Joint Private Sanitary Sewer and
Storm Drainage Easement (PSSSE) for the benefit of the lots and property as noted and (3) do hereby
designate said Subdivision as WEST VILLAGE, PHASES 1 & 2 which shall be subject to a Declaration of
Covenants, Conditions and Restrictions (CC&R's) and Declaration of Maintenance to be recorded
simultaneously with this plat.

Dated this 3rd day of May, 2021
Melissa Mantzi
Melissa Mantzi
Notary Public - Oregon
Commission No. 1005388
My Commission Expires Oct 22, 2024

APPROVED FOR RECORDING:
Heather Simpson
COUNTY COMMISSIONER/ADMINISTRATOR

APPROVED FOR RECORDING:
Heather Simpson
COUNTY COMMISSIONER/ADMINISTRATOR

* * * AFFIDAVIT OF CONSENT * * *
FROM EVERGREEN FEDERAL BANK RECORDED AS DOC. 2021-023116, OR/CO.

* * * * * RECORDERS CERTIFICATE * * * * *
Filed for record this 27th day of MAY, 2021 at
0:50 o'clock A.M., and recorded in Volume 477
of Plats
at Page 11 of the records of Jackson County, Oregon and recorded as

Document No. 2021-023120, Official Records of Jackson County, Oregon.
Christine D Walker
County Clerk
Heather Simpson
Deputy

Declaration of C.C. & R.'s recorded as Doc. No. 2021-023119, OR/CO.
Declaration of Maintenance recorded as Doc. No. 2021-023118, OR/CO.

* * * * * SURVEYOR'S CERTIFICATE * * * * *
I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY
THAT I HAVE CORRECTLY SURVEYED AND MARKED, WITH PROPER MONUMENTS AS PROVIDED BY LAW,
THE TRACT OF LAND SHOWN HEREON, SAID PLAT BEING AN ACCURATE REPRESENTATION OF THE SAME,
AND THAT THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE EXTERIOR BOUNDARY LINES:

Beginning at the most Southerly corner of BILLINGS RANCH SUBDIVISION, according to the official
plat thereof, of the 30th day of May, 2021, the North 1/4 of Section 5, T.39S., R.1E., W.M.,
then along the East line thereof and the West line of those tracts
and the North 1/4 of Section 5, T.39S., R.1E., W.M., Official Records of Jackson County, Oregon, North
0704'28" East, 352.14 feet (record North 00703' East, 351.05 feet) to the Northwest corner of
said tracts; thence along the North line of said tracts, South 89°50'36" East, 542.30 feet (record
EAST, 542.60 feet) to the Northeast corner thereof; thence along the East line of said tracts the
following three courses: South 00°12'48" West, 160.42 feet (record SOUTH, 160.5 feet) to an angle
point; thence North 89°49'31" West (record WEST), 4.73 feet to an angle point; thence South
07°01'06" East, 327.01 feet (record SOUTH, 328.0 feet) to the East-Southeast corner thereof;
thence along the South line thereof, North 89°56'45" West (record WEST), 148.58 feet to the
Southeast corner of that tract set forth in Document No. 97-29136, said Official Records; thence
North 07°13'19" East (record NORTH) 25.28 feet to the Northeast corner of said tract; thence
North 89°56'45" West (record WEST), 83.0 feet to the Northwest corner of said tract;
thence South 07°13'19" East (record SOUTH) 125.28 feet to the Southeast corner thereof; thence
South 89°56'45" East (record South 89°57' East), 12.46 feet to the East line of those tracts set
forth in Document No. 2019-022188, said Official Records; thence along said East line, South
00°13'19" East, 179.26 feet (record SOUTH, 179.35 feet) to the Northerly right of way line of the
Central Oregon & Pacific Railroad; thence along said right of way line, along the arc of a 3467.87
foot radius non-tangent curve to the left having a central angle of 07°24'23", a distance of
448.28 feet (the long chord of which bears North 45°10'21" West, 447.97 feet) to the initial point
of beginning.

REGISTERED PROFESSIONAL
LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1988
JAMES E. HIBBS
2024
RENEWAL DATE: 6-30-21

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250
PURPOSE: TO SURVEY AND MONUMENT THE LOTS AND STREET CREATED THROUGH WEST VILLAGE, PHASES 1 & 2 AS
REQUESTED BY THE CLIENT. THE PARENT PROPERTY IS SET FORTH IN DOC. 2019-022188, OR/CO. SEE ASHLAND PA#
TI-2020-00132.
PROCEDURE: USING TRIMBLE R10 GPS RECEIVERS AND TRIMBLE S6 ROBOTIC TOTAL STATION, COMPUTED THE LOT AND STREET
RECORD AS SHOWN ON SHEETS 2 & 3 TO CONTROL THE EXTERIOR OF THE SUBJECT TRACT. CONTROL THE LOT AND STREET
RIGHT OF WAY CORNER LOCATIONS PER THE APPROVED TENTATIVE PLAT AND SET MONUMENTS AS SHOWN ON SHEETS 2 & 3.

FILED
Date 5/27/21 By PH
This Survey Consists Of:
0 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

SHEET 1 OF 3
23343
17R/13

SURVEY FOR:
CMK DEVELOPMENT, LLC
1679 JACKSON RD.,
ASHLAND, OR 97520

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OREGON 97535
PH: (541) 772-2782
ljfriarandassociates@charter.net

WEST VILLAGE, PHASES 1 & 2

A Subdivision
Located in the N.E. 1/4 of Section 5,
T.39S, R.1E, W.M. City of Ashland
Jackson County, Oregon
(PA-T1-2020-00132)

DATE:
APRIL 20, 2021

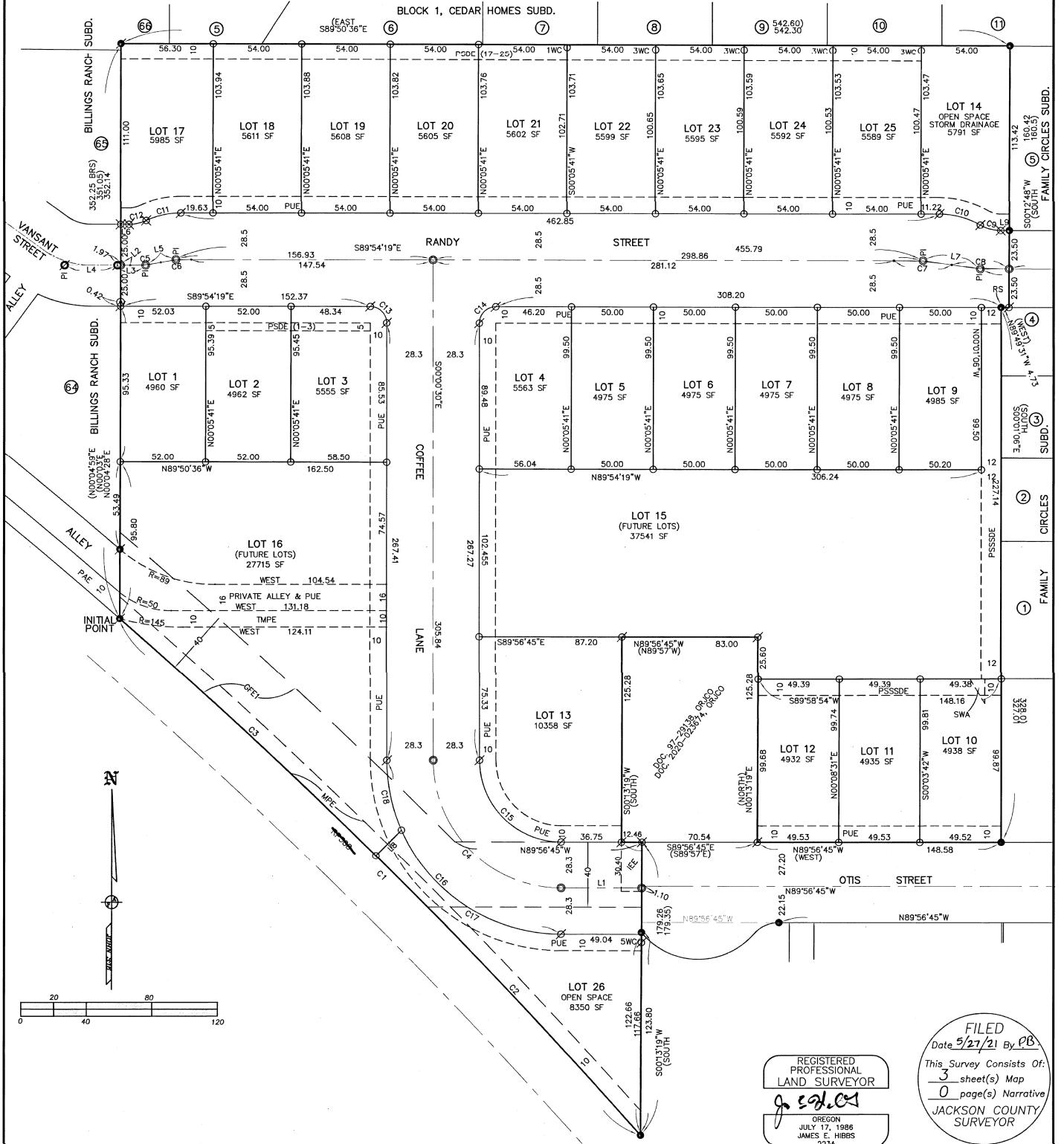
BASIS OF BEARINGS:

TRUE NORTH BASED ON G.P.S. MEASUREMENTS APPLIED TO THE
MONUMENTED CENTERLINE OF RANDY STREET AS SHOWN ON SHEET 2.
UNIT OF MEASUREMENT = FEET SCALE: 1" = 40'

EASEMENTS PER PUBLIC RECORDS REPORT

6. PIPELINE EASEMENT PER VOL. 544, PG. 337, JCDR. SHOWN.
7. INGRESS-EGRESS EASEMENT PER DOC. 81-15663, ORJCO. SHOWN
8. SOLAR ACCESS WAIVER AGREEMENT PER DOC. 84-06645, ORJCO. SHOWN.
8. DEED OF TRUST PER DOC. 2019-022189, ORJCO. BLANKET.

SEE SHEET 3 FOR LEGEND & COURSE DATA TABLES



REGISTERED PROFESSIONAL LAND SURVEYOR
J. Friar
 OREGON
 JULY 17, 1988
 JAMES E. HIBBS
 2234
 RENEWAL DATE: 6-30-21

FILED
 Date 5/27/21 By PB
 This Survey Consists Of:
 3 sheet(s) Map
 0 page(s) Narrative
 JACKSON COUNTY SURVEYOR

23343
17R/13

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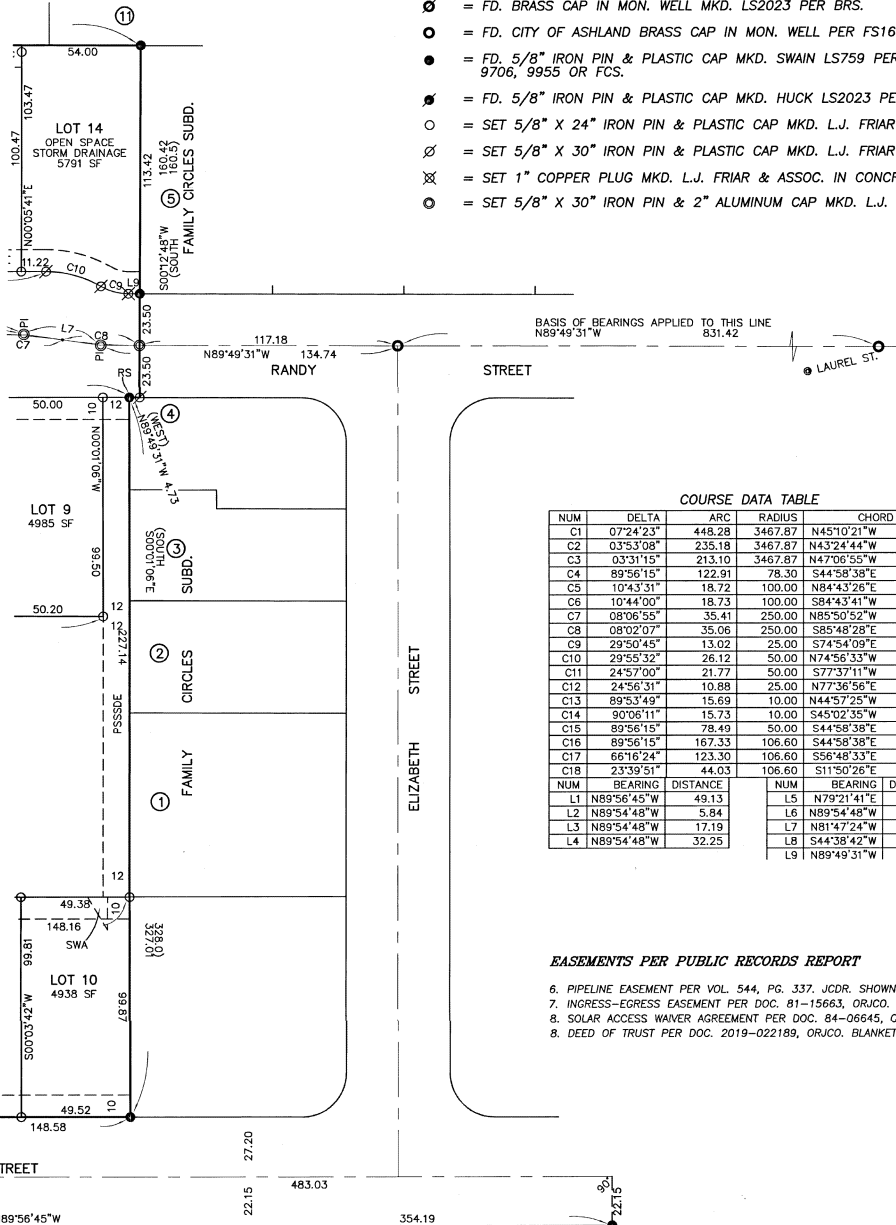
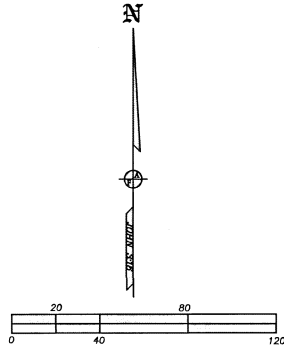
WEST VILLAGE, PHASES 1 & 2

A Subdivision
 Located in the N.E. 1/4 of Section 5,
 T.39S., R.1E., W.M. City of Ashland
 Jackson County, Oregon
 (PA-T1-2020-00132)

DATE
 APRIL 20, 2021

LEGEND:

- ⊙ = FD. COUNTY SURVEYOR BRASS CAP PER 2016 RE-ESTAB'S.
- ⊗ = FD. BRASS CAP IN MON. WELL MKD. LS2023 PER BRS.
- = FD. CITY OF ASHLAND BRASS CAP IN MON. WELL PER FS16744.
- = FD. 5/8" IRON PIN & PLASTIC CAP MKD. SWAIN LS759 PER FS7603, 9706, 9955 OR FCS.
- = FD. 5/8" IRON PIN & PLASTIC CAP MKD. HUCK LS2023 PER BRS.
- = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ∅ = SET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊗ = SET 1" COPPER PLUG MKD. L.J. FRIAR & ASSOC. IN CONCRETE.
- ⊙ = SET 5/8" X 30" IRON PIN & 2" ALUMINUM CAP MKD. L.J. FRIAR & ASSOC.



COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	CHORD	
C1	07°24'23"	448.28	3467.87	N45°10'21"W 447.97	
C2	03°53'08"	235.18	3467.87	N43°24'44"W 235.14	
C3	03°31'15"	213.10	3467.87	N47°06'55"W 213.07	
C4	89°56'15"	122.91	78.30	S44°58'38"E 110.67	
C5	10°43'31"	18.72	100.00	N84°43'26"E 18.69	
C6	10°44'00"	18.73	100.00	S84°43'41"W 18.71	
C7	08°06'55"	35.41	250.00	N85°50'52"W 35.38	
C8	08°02'07"	35.06	250.00	S85°48'28"E 35.03	
C9	29°50'45"	13.02	25.00	S74°54'09"E 12.88	
C10	29°55'32"	26.12	50.00	N74°56'33"W 25.82	
C11	24°57'00"	21.77	50.00	S77°37'11"W 21.60	
C12	24°56'31"	10.88	25.00	N77°36'56"E 10.80	
C13	89°53'49"	15.69	10.00	N44°57'25"W 14.13	
C14	90°06'11"	15.73	10.00	S45°02'35"W 14.15	
C15	89°56'15"	78.49	50.00	S44°58'38"E 70.67	
C16	89°56'15"	167.33	106.60	S44°58'38"E 150.67	
C17	66°16'24"	123.30	106.60	S56°48'33"E 116.54	
C18	23°39'51"	44.03	106.60	S11°50'26"E 43.72	
NUM	BEARING	DISTANCE	NUM	BEARING	DISTANCE
L1	N89°56'45"W	49.13	L5	N79°21'41"E	18.78
L2	N89°54'48"W	5.84	L6	N89°54'48"W	5.00
L3	N89°54'48"W	17.19	L7	N81°47'24"W	35.29
L4	N89°54'48"W	32.25	L8	S44°38'42"W	22.05
			L9	N89°49'31"W	5.16

EASEMENTS PER PUBLIC RECORDS REPORT

6. PIPELINE EASEMENT PER VOL. 544, PG. 337, JCDR. SHOWN.
7. INGRESS-EGRESS EASEMENT PER DOC. 81-15663, ORJCO. SHOWN
8. SOLAR ACCESS WAIVER AGREEMENT PER DOC. 84-06645, ORJCO. SHOWN.
8. DEED OF TRUST PER DOC. 2019-022189, ORJCO. BLANKET.

LEGEND:

- PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT.
- JCDR = JACKSON COUNTY DEED RECORDS.
- ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
- RECORD DATA PER DOC. 2019-022188, ORJCO OR AS NOTED.
- BRS = BILLINGS RANCH SUBDIVISION (FS18207).
- C1/L1 = SEE COURSE DATA TABLE.
- FS = FILED SURVEY #.
- GFE1 = PIPE LINE EASEMENT PER VOL. 544, PG. 337, JCDR.
- PSDE(1) = PRIVATE STORM DRAIN EASEMENT (LOTS BEFITTING).
- PSSSDE = JOINT PRIVATE SANITARY SEWER & STORM DRAINAGE EASEMENT FOR LOTS 10-12, 15 & DOC. 2020-023674, ORJCO PER THIS PLAT.
- PI = POINT OF INTERSECTION.
- IEE = INGRESS-EGRESS EASEMENT PER DOC. 81-15663, ORJCO. EXTINGUISHED BY DOC. 2021-012169, ORJCO.
- SWA = APPROX. LOCATION OF SOLAR ACCESS WAIVER PER DOC. 84-06645, ORJCO.
- MPE = PUBLIC MULTI-PURPOSE PATH EASEMENT PER THIS PLAT.
- TMPE = TEMPORARY PUBLIC MULTI-PURPOSE PATH EASEMENT PER THIS PLAT.
- FCS(S) = FAMILY CIRCLES SUBDIVISION (FS14577).
- PAB(1) = PEDESTRIAN ACCESS EASEMENT PER BRS.
- RP = RESET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC. IN PLACE OF DESTROYED MONUMENT.
- #WC = #.00 FOOT WITNESS CORNER MONUMENT.

BASIS OF BEARINGS:

TRUE NORTH BASED ON G.P.S. MEASUREMENTS APPLIED TO THE MONUMENTED CENTERLINE OF RANDY STREET AS SHOWN ON SHEET 2.

UNIT OF MEASUREMENT = FEET

SCALE: 1" = 40'

REGISTERED PROFESSIONAL LAND SURVEYOR
 J. L. Friar
 OREGON
 JULY 17, 1986
 JAMES E. HIBBS
 2234
 RENEWAL DATE: 6-30-21

FILED
 Date 3/27/21 By P.B.
 This Survey Consists Of
 3 sheet(s) Map
 0 page(s) Narrative
 JACKSON COUNTY SURVEYOR

23343
 17R/13

CITY OF ASHLAND

ASHLAND PLANNING COMMISSION REGULAR MEETING Minutes December 14, 2021

I. CALL TO ORDER: 7:01 PM via Zoom

Chair Haywood Norton called the meeting to order at 7:01 p.m.

Commissioners Present:

Michael Dawkins
Haywood Norton
Roger Pearce
Kerry KenCairn
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
Derek Severson, Senior Planner
April Lucas, Development Services Coordinator
Michael Sullivan, Administrative Assistant

Absent Members:

Lisa Verner

Council Liaison:

Paula Hyatt (Absent)

II. ANNOUNCEMENTS

Chair Norton informed the Commission that per the applicant's request, the public hearing for PA-T2-2021-00035 has been postponed until the February 8, 2022 Planning Commission meeting.

Community Development Director Bill Molnar made the following announcements:

- Mr. Molnar thanked Planning Manager Maria Harris for her years of service to the City of Ashland. She will be retiring at the beginning of January 2022.
- At the City Council Business Meeting held on December 7, 2021, the City Council unanimously approved the Planning Commission's proposed Annexation Code changes with a minor language adjustment.
- The Planning Commission will not hold a Study Session on December 28 and will reconvene in January.
- Mr. Molnar reminded the Commission that a preliminary pre-application for development of the Croman Mill Site had been received and the applicants were considering changes to the plans that would likely require a legislative amendment to move forward. The applicants plan to come before the Planning Commission and discuss the plans further and are also planning a public outreach event in January to communicate directly with the public.

III. CONSENT AGENDA

A. Approval of Minutes

1. November 23, 2021 Study Session

Commissioners Pearce/KenCairn m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed. 5-0.

IV. PUBLIC FORUM – None

V. UNFINISHED BUSINESS

A. Approval of Findings for PA-T1-2021-00159, 329 Granite.

Ex Parte Contact:

Commissioner KenCairn noted that she is part of the design team for this project.

Commissioners Pearce/Thompson m/s to approve the Findings for PA-T1-2021-00159. Voice Vote: Commissioners Pearce, Thompson, Dawkins, and Norton, YES. Commissioner KenCairn abstained. Motion passed 4-0.

B. Approval of Findings for PA-T1-2021-00158, 351 Walker.

Ex Parte Contact:

No ex parte contact was reported.

Deliberations and Decision

Commissioner Pearce commended the Staff's findings but expressed a concern that they did not adequately address the appellants main point of contention, mainly the potential property devaluation caused by the view of the proposed cellular tower. He stated that the Staff's position that this concern was outside the scope of the Commission was not conveyed clearly in the findings and proposed the following language: "Appellant's evidence regarding adverse effects to livability were focused on concerns about the potential for adverse health effects from exposure to non-ionizing electromagnetic radiation from the proposed cellular facility. As discussed below, the consideration of those types of concerns are preempted by federal law and may not be considered by the Planning Commission."

Commissioner Thompson also suggested an edit to the Findings for clarity. On page 8 in the second paragraph, three specific points are listed but points two and three are not enumerated. Commissioner Thompson requested that these be more clearly marked.

Commissioners Pearce/Dawkins m/s to approve the Findings for PA-T1-2021-00158 with the stated amendments. Voice Vote: all AYES. Motion passed 5-0.

C. Review of Draft Findings for PA-L-2021-00012.

Commissioners Pearce/Thompson m/s to approve the Findings for PA-L-2021-00012. Voice Vote: all AYES. Motion passed 5-0.

VI. LEGISLATIVE HEARING:

A. PLANNING ACTION: #PA-L-2021-00013

APPLICANT: City of Ashland

ORDINANCE REFERENCES: AMC 18.2.3 Special Use Standards

AMC 18.2.6 Standards for Non-Residential Zones

AMC 18.3.13 Residential Overlay

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones.

Chair Norton reminded the Commission that its role is to make a recommendation to the City Council, who will then make a final decision regarding the amendment to the Ashland Municipal Code.

Ms. Harris provided a presentation for the Commission that detailed the core change in the proposed ordinance, that mixed use buildings could be 65% residential on the ground floor (up from 35%) if they meet three criteria: 1) are two or more stories, 2) are less than ten acres in size, and 3) are located outside of the Downtown Design Standards overlay. Ms. Harris explained that other proposals had been made, including temporarily allowing up 100% Residential within the E-1 zones, but found that such a change would be difficult to enforce. After consultation with the Department of Land Conservation and Development (DLCD) it was decided that this would also constitute a significant change and require an update to the Economic Opportunity Analysis.

Another proposed amendment would remove residential density limitations to encourage the construction of smaller and more affordable housing over larger and more expensive buildings (See attachment #1). Ms. Harris did suggest one change to her proposal, which was an issue brought to her attention by Commissioner Thompson. Under the current amendment the shift in the Floor Area Ratio (FAR) standards would be applied too broadly, so staff suggested removing the FAR standards from non-residential land before moving forward. With that amendment in mind, Ms. Harris recommended the Commission approve the ordinance and forward it to the City Council for review. Commissioner Thompson asked for additional clarification regarding the new proposed FAR standards and was concerned that they would apply unintended restrictions on smaller buildings. Ms. Harris assured her that smaller buildings would not be affected by the FAR changes, and that a restraint would in fact be removed.

Commissioners Pearce/Thompson m/s to recommend amendments under PA-2021-00013 to the City Council and include staff's recommendation to amend table to FAR standard. Roll Call Vote: Commissioners Dawkins, KenCairn, Pearce, Thompson, and Norton, YES. Motion passed 5-0.

VII. TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #PA-T2-2021-00035

SUBJECT PROPERTY: 233 Granite

OWNER/APPLICANT: Heidi Leverenz

DESCRIPTION: A request for a Land Partition to split a 1.08 acre property into two parcels. The application indicates that the two resultant parcels will include a 0.34 acre parcel which contains the existing residence, and a 0.73 acre parcel situated to the south and accessed by a flag drive. The request includes a variance to the number of lots accessed from the private driveway and an exception to street standards to not install sidewalks to current standards where there are existing curbside sidewalk improvements. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-10; MAP: 39 1E 08 DA; TAX LOT: 1300.

Chair Norton reiterated that PA-T2-2021-00035, 233 Granite St. would not be heard tonight and requested the Commission continue the public hearing to February 8, 2022.

Commissioners Dawkins/KenCairn m/s to continue the public hearing to February 8, 2022. Voice Vote: all AYES. Motion passed 5-0.

B. SUBJECT PROPERTY: Public Right-of-Way adjacent to 39 1E 05AD Tax Lot #502

OWNER/APPLICANT: City of Ashland Public Works Department

DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Otis Street right-of-way north of Map 39 1E 05AD Tax Lot #502 near 388 Otis Street and make a recommendation to the City Council. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-5-P; ASSESSOR'S MAP/TAX LOT: 39 1E 05AD Tax Lot #502.

Senior Planner Derek Severson provided a presentation on the request to vacate a portion of Otis St. due to the cul-de-sac existing on a now through-road. He stated staff is recommending approval with the following conditions: 1) the applicant be required to install a new continuous curb, 2) adequate right-of-way or a public pedestrian access easement to support future curbside sidewalk installation should be retained, and 3) the applicant sign-in favor of a Local Improvement District (LID) for future street improvements (See attachment #2). With these considerations Staff recommended the Commission recommend approval to the City Council.

Commissioner Thompson asked if there was a sidewalk that would connect from the opposite side of the cul-de-sac, to which Mr. Severson replied that there was not. He elaborated that the section in question was not part of the West Village subdivision and that a sidewalk would not be required at this stage unless the City Council believed it merited one. He added that there are currently trees and other obstructions that would need to be addressed before a sidewalk could be installed.

Commissioners Pearce/KenCairn m/s to recommend Council's approval of the request to vacate 388 Otis with the conditions recommended by Staff. Voice Vote: all AYES. Motion passed 5-0.

VIII. ADJOURNMENT

Chair Norton referenced the annual report given to the City Council on December 7, 2021 which described the work that the Community Development Department and the Planning Commission did throughout the past year. Also outlined in the report were future plans for the Housing Production Strategy meeting and the Croman Mill site development. Chair Norton asked that Mr. Molnar distribute the report with the Planning Commission meeting packet for January 11, 2022.

Senior Planner Brandon Goldman informed the Commission that the applicants for the proposed Croman Mill site development intend on holding a public open house prior to the January 25, 2022 Planning Commission Study Session where they will be presenting their concepts to the Planning Commission. This would be to gather feedback from neighbors and the public at large before the applicants come before the Commission with a formal application. The Commission briefly considered attending the open house but decided against it to avoid unintentionally achieving a quorum outside a Commission meeting.

Meeting adjourned at 8:04 p.m.

*Submitted by,
Michael Sullivan, Administrative Assistant*